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# LEIN Policy Manual

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**Policy Type** Access

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**Policy Topic** CHR Checks - Immigration Laws

**Policy Date** 1/1/2002

**Policy**

Access to LEIN is granted for matters involving a violation of U.S. immigration laws including both criminal matters that can lead to criminal charges and administrative action that can lead to deportation.

**Historical Notes**

LEIN Operations Manual; Note - Background checks such as those leading to eligibility for citizenship or parenting of foreign children are not considered to be within the administration of criminal justice.

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**Policy Topic** Unemployment Insurance Agency - Investigation Section

**Policy Date** 1/1/2002

**Policy**

The Unemployment Insurance Agency (UIA) - Investigation Section, is a criminal justice agency by definition and has full LEIN access. However, other offices/sections of the UIA are not permitted access.

**Historical Notes**

LEIN Operations Manual

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**Policy Topic** Michigan Department of Human Services - Office of the Inspector General

**Policy Date** 1/1/2002

**Policy**

The Michigan Department of Human Services - Office of the Inspector General is a criminal justice agency by definition and is allowed full access to LEIN.

**Historical Notes**

LEIN Operations Manual

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**Policy Topic** Michigan Department of Human Services - Child and Adult Protection Enforcement

**Policy Date** 2/1/2006

**Policy**

MCL 28.214 states that MSP shall:

(i) Ensure access to information obtained by a federal, state, or local governmental agency to administer criminal justice or enforce any law.

(ii) Ensure access to information provided by the Law Enforcement Information Network or the Automated Fingerprint Identification System by a governmental agency engaged in the enforcement of child support laws, child protection laws, or vulnerable adult protection laws. The CJIS Policy Council approved LEIN access to the DHS for this purpose, including:

- Michigan Criminal History records using purpose code 52:M/ (Michigan only; no NCIC III access).
- LEIN/SOS/CMIS records.

**Historical Notes**

LEIN Operations Manual

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**Policy Topic** Private Security Police with Powers of Arrest

**Policy Date** 1/1/2002

**Policy**

Private Security Police Agencies meeting the powers of arrest and training requirements of Sections 29, 30 and 31 of Public Act No. 330 of 1968, MCL 338.1081 as amended, and upon proper application, may be allowed access to the LEIN system, using purpose code 52:E (Michigan conviction/non-conviction only CHRs).

**Historical Notes**

LEIN Operations Manual; MCL 338.1081as amended

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**Policy Topic** Public Housing Agencies

**Policy Date** 3/28/1996

**Policy**

Public Law (Pub. L.) 104-120, the Housing Opportunity Program Extension Act of 1996, requires law enforcement agencies to "upon request, provide information to public housing agencies regarding the criminal conviction records of adult applicants for, or tenants of, public housing for the purposes of applicant screening, lease enforcement, and eviction."

LEIN/NCIC inquiries must be made using a new purpose code of H (52:H), with the ORI assigned in LEIN/NCIC for the local Public Housing Agency (PHA). If a PHA requests LEIN information and does not have an ORI assigned, deny the request and inform PHA to submit a written request for an ORI to the below address with a copy of their request to their regional HUD office: Michigan Department of State Police, Criminal Justice Information Center, LEIN Field Services, P.O. Box 30634, Lansing, MI 48909.

The PHA ORI will be assigned to a specific terminal agency. This agency will use the PHA ORI to make a QH inquiry only, using the name and personal descriptors with Purpose Code H/(52:H/), followed by the specific reason for the request. After review, the terminal agency will then inform PHA of the probable existence or nonexistence of a criminal history record in LEIN/NCIC. However, to obtain a copy of any LEIN/NCIC criminal history record(s), the PHA must submit fingerprint cards on the applicant. A state applicant fingerprint card (RI-8) must be submitted to receive a copy of a Michigan CHR and a federal fingerprint card (FD-258) is submitted for NCIC CHRs. State and federal cards must be fully completed and submitted to the below address along with the processing fees of \$30 for the state print and \$19.25 for the federal print: Michigan Department of State Police, Criminal Justice Information Center, Identification Section, P.O. Box 30634, Lansing, MI 48909.

**Historical Notes**

LEIN Operations Manual

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**Policy Topic** Schools

**Policy Date** 2/1/2006

**Policy**

MCL 28.214, Sec. 4 (1)(iv) authorizes a public or private school superintendent, principal, or assistant principal to receive vehicle registration information, of a vehicle within 1,000 feet of school property, obtained through the law enforcement information network by a law enforcement agency. This includes elementary and secondary schools only to identify non-school related people whose presence might threaten the well-being of school children.

Schools electing to utilize information obtained from the LEIN shall complete a LEIN School Use Agreement as required by LEIN Field Services and shall identify a single criminal justice agency which has agreed to perform LEIN transactions on their behalf.

**Historical Notes**

MCL 28.214

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**Policy Topic** CHR Checks - Employees of a Criminal Justice Agency

**Policy Date** 1/1/2002

**Policy**

Access to LEIN is granted for employment in criminal justice agencies and the screening of employees of other agencies over which the criminal justice agency is required to have management control. These checks must be followed up with fingerprints.

**Historical Notes**

LEIN Operations Manual

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**Policy Topic** Mobile Device ORIs

**Policy Date** 8/25/2011

**Policy**

Agencies accessing criminal history information on mobile devices must utilize a single ORI assigned to that agency. Agencies previously assigned a specific mobile device ORI (e.g. MIXXXXXM1, MIXXXXXZZ, MIXXXXB1) may continue to utilize them if the agency's information technology system requires it in order to comply with the Michigan and/or CJIS Security policies.

If an agency wishes to discontinue use of a M1, ZZ, or BB ORI, please contact the LEIN Field Services Unit to disable unnecessary ORIs.

**Historical Notes**

Approved CSO

Agencies using mobile devices to access criminal history information must utilize a single ORI on all similar mobile devices. The ORI does not have to be specific to only that type of device. For instance, an agency's main ORI may be used on a Blackberry, as long as all Blackberries in the agency use that same ORI.

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**Policy Topic** CHR Checks - Protective Service to Dignitaries

**Policy Date** 1/1/2002

**Policy**

Access to LEIN is granted for protective services pertaining to the physical protection of authorized persons (dignitaries) both foreign and domestic. This principle extends to local officials for whom protection is provided and includes record checks on personnel to be present at the site of dignitary appearances.

**Historical Notes**

LEIN Operations Manual

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**Policy Topic** CHR Checks - Security of Prisons

**Policy Date** 1/1/2002

**Policy**

Access to LEIN is granted for maintaining the security of prison facilities to include, for example, record checks necessary to screen visitors, approve mail lists, and authorize vendors' access to facilities.

**Historical Notes**

LEIN Operations Manual; Note - routine record checks on personnel and random checks of visitors at noncriminal justice facilities such as airports, shipyards, military installations, and most government buildings are not considered to be within the administration of criminal justice.

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**Policy Topic** Adoption, Custody, and/or Support of Children

**Policy Date** 10/1/1985

**Policy**

Any established criminal justice agency that has as part of its responsibilities, matters of adoption, custody and/or support of children, may access LEIN for investigative information that includes CHRs as a component of carrying out its duties. Said inquiries may not be disseminated beyond the original intent of the inquiry and shall not become part of the court file. Effective February 10, 1986, these inquiries must be made using purpose code "M". Any misuse, personal use, or dissemination would be improper use, and would subject the agency and individuals to established sanctions.

**Historical Notes**

LEIN Operations Manual; LEIN Policy Council Action

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**Policy Topic** CCW Licensing Board

**Policy Date** 7/1/2001

**Policy**

MCL 28.425b, Sec. 6 requires the sheriff to verify specified licensing requirements through LEIN and report findings to the concealed weapon licensing board. The report which the sheriff provides to the licensing board may include the reason for the requirements not being met, but the actual LEIN printout shall not be provided, per the LEIN Administrative Rules. An example would be the sheriff verifying a personal protection order on the applicant and then reporting to the licensing board that the applicant does not meet the requirements based on the order. The report may include the name of the issuing court.

**Historical Notes**

LEIN Operations Manual

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**Policy Topic** Licensing - State Government

**Policy Date** 7/30/1990

**Policy**

Pursuant to the Governor's Executive Order 1990-10, authorized persons within an administrative agency of state government who are responsible for the enforcement and compliance with state regulated occupational or professional licenses or certificates may have CHRI using purpose code of 52:M. This provides Michigan-only, conviction and nonconviction data.

**Historical Notes**

LEIN Operations Manual; This policy applies only to state licensing. Local government licensing was addressed specifically by the CJIS Policy Council.

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**Policy Topic** Parking Enforcement

**Policy Date** 1/1/2002

**Policy**

Code enforcement employees that do not work for a criminal justice agency are not entitled to LEIN access prior to a default on the parking violation. An employee of a criminal justice agency, such as a Parking Enforcement Officer working for the police department, has direct access to LEIN/SOS information. Parking ticket registration information requests by noncriminal justice agencies (such as the City Treasurer) which are a follow-up to a criminal justice action may be considered to be reasonable requests.

**Historical Notes**

LEIN Operations Manual

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**Policy Topic** Tribal Housing

**Policy Date** 1/3/1996

**Policy**

Pursuant to the Native American Housing Assistance and Self-Determination Act of 1996, Public Law 104-330, tribes or tribally designated housing entities (TDHE) are permitted to obtain criminal history records of current and prospective tenants of housing assisted with grants provided to such tribe/TDHE under this Act for purposes of applicant screening, lease enforcement, and eviction. To receive access, the tribe/TDHE must apply for an ORI with the FBI by contacting the Department of the Interior, Office of Law Enforcement and Security, ATTN: Mark Wallace, 1849 C Street NW, Room 7354, Washington, DC 20240. They will determine if they qualify and then forward it for the ORI number assignment to FBI CJIS Access Integrity Unit, Module E3, 1000, Custer Hollow Rd, Clarksburg, West Virginia 26306. Once the FBI notifies the tribe of their approval, the tribe/TDHE must complete an application with LEIN Field Services Section and be approved by the Michigan State Police to receive LEIN access.

When a tribe/TDHE has obtained an ORI, the assigned law enforcement agency must use Purpose Code "H" and provide a "Yes" or "No" response to the tribe/TDHE. If the response indicates a criminal record, fingerprints must be submitted on the applicant to the Michigan Department of State Police, Criminal Records Division, for the tribe/TDHE to obtain any criminal history record from Michigan or the FBI.

**Historical Notes**

LEIN Operations Manual;Public Law 104-330

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**Policy Topic** 911 Centers with Governing Board

**Policy Date** 7/29/2009

**Policy**

The 911 Board may also appoint a Technical Advisory Committee that is to be composed of a majority of law enforcement representatives. The Technical Advisory Committee shall be the "governing body" of the \_\_\_\_\_ Dispatch for purposes of ensuring LEIN and NCIC compliance as described in R 28.5204. The Technical Advisory Committee shall be given management control over the LEIN and other information systems defined in the CJIS Administrative Rules. The 911 Board shall approve the Technical Advisory Committee's bylaws and prescribe additional duties and responsibilities to it in the 911 Board's discretion and, except for LEIN and NCIC activities, its oversight.

**Historical Notes**

CSO issued

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**Policy Topic** LEIN Access; Computer System; CSO Approval

**Policy Date** 6/30/2009

**Policy**

A computer system shall not have direct access to the LEIN without the prior approval of the CSO.

**Historical Notes**

CJIS Administrative Rules 28.5201

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**Policy Topic** Fire Departments

**Policy Date** 2/1/2006

**Policy**

Access to LEIN is allowed for an organized fire department chief or his or her designee for the purposes of:

-Pre-employment background checks only allowing for:

- a) Michigan Criminal History Record, convictions only (PURPOSE code E).
- b) Michigan driving record.

-Michigan vehicle registration information only for vehicles involved in a fire or hazardous materials incident. No further access is permitted. An agreement of access between the chief of the fire department and the head of the law enforcement agency shall be kept on file at the law enforcement agency.

**Historical Notes**

CJIS Policy Council Act of 2006

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**Policy Topic** Weighmaster Access to LEIN

**Policy Date** 4/19/2007

**Policy**

Weigh masters who are not under the direct management control of a criminal justice agency are permitted indirect access to Michigan hot files and SOS information when carrying out the mandates authorized by law. Weigh master offices electing to utilize information obtained from the LEIN shall execute a written procedure and management control agreement with the terminal agency providing its service.

**Historical Notes**

Approved CJIS Policy Council; language updated December 20, 2010 by CSO.

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**Policy Topic** Government Employment Background Checks through LEIN

**Policy Date** 4/20/2006

**Policy**

Noncriminal justice agencies that request access to criminal records information are approved as long as they use ICHAT. The Secretary of State will provide free driving record checks for government agencies through their Bureau of Driver and Vehicle Records.

**Historical Notes**

Approved CJIS Policy Council. ICHAT is provided for free for government employment background checks.

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**Policy Topic** Criminal History Inquiries on Ordinances

**Policy Date** 7/25/2002

**Policy**

Agencies cannot use LEIN for background checks required by ordinance.

**Historical Notes**

Approved CJIS Policy Council

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**Policy Topic** City Ordinance Checks

**Policy Date** 7/25/2002

**Policy**

Municipalities are advised to use ICHAT for criminal record background checks required by ordinance and are no longer permitted to use LEIN.

**Historical Notes**

CJIS Policy Council

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**Policy Topic** Michigan Department of Natural Resources - Law Enforcement Division

**Policy Date** 1/1/2002

**Policy**

The Michigan Department of Natural Resources - Law Enforcement Division is a criminal justice agency by definition and is entitled to full access to LEIN.

**Historical Notes**

LEIN Operations Manual

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**Policy Topic** Criminal Histories through In-Car Computers

**Policy Date** 6/30/2009

**Policy**

In order to access criminal history information over in-car computers, an agency must apply for a new ORI from LEIN Field Services. The use of a previously assigned ORI to obtain CHR information through an in-car computer is strictly prohibited.

**Historical Notes**

CSO issued

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**Policy Topic** DNR - State Park Officers

**Policy Date** 1/1/2002

**Policy**

State Park and Forest Officers, pursuant to Act 451, P.A. 1994 (MCL 324.1606 and MCL 324.83107), may receive LEIN access. However, CHRs and LEIN record entries must be made through the DNR District Headquarters, Law Enforcement Division.

**Historical Notes**

Act 451, P.A. 1994 (MCL 324.1606 and MCL 324.83107)

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**Policy Topic** Definition of Management Control

**Policy Date** 7/29/2009

**Policy**

Management control is defined as the authority to set and enforce (1) priorities; 2) standards for the selection, supervision and termination of personnel; and (3) policy governing the operation of computers, circuits and telecommunications workstations used to process, store, or transmit record information and guarantee the priority service needed by the criminal justice community.

Management control includes, but is not limited to, the supervision of equipment, systems design, programming and operating procedures necessary for the development and implementation of the CJIS Network.

**Historical Notes**

CSO issued

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**Policy Topic** Gaming

**Policy Date** 1/1/2002

**Policy**

Employees of a casino can only be checked using purpose code M, and only a clear/no clear response can be released.

**Historical Notes**

LEIN Operations Manual

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**Policy Topic**     Convictions Impacting Access to LEIN

**Policy Date**     3/24/2010

**Policy**

A person convicted of a felony shall not operate LEIN or any systems that interface with LEIN; shall be denied access to information obtained from the LEIN; and shall be denied unescorted access to areas where the CJIS network, terminals, and information are stored or located. Any person convicted of a misdemeanor punishable by more than 92 days shall not operate LEIN or any systems that interface with LEIN if that misdemeanor falls under the following categories: a crime against persons; a crime involving unlawful possession of a weapon; a crime involving unlawful possession of controlled substances; or a crime involving any unlawful access, use, or dissemination of information obtained from LEIN.

An agency shall retain the right to appeal denial of LEIN access to the CJIS Systems Officer (CSO) if a person is convicted of a felony or above mentioned misdemeanor. The appeal must be in writing, and shall contain any and all facts or information that the agency wishes the CSO to assess when considering an exemption.

The provisions of this policy do not apply if the conviction for a felony or an above mentioned misdemeanor occurred prior to March 1, 2001, and the person has been continuously employed with the same criminal justice agency since before that date. An exemption is not automatically transferable to a new agency. An agency should consult with the CSO regarding a continuation of exemption before hiring a person who has been convicted of a felony or an above mentioned misdemeanor prior to March 1, 2001.

As used in this Policy, "convicted" means a final conviction, the payment of a fine, a plea of guilty or nolo contendere if accepted by the court, a finding of guilt for a criminal law violation or a juvenile adjudication or disposition by the juvenile division of probate court or family division of circuit court for a violation that if committed by an adult would be a crime, and being assigned to youthful trainee status under sections 11 to 15 of chapter II of The Code of Criminal Procedure, 1927 PA 175, MCL 762.11 to MCL 762.15.

**Historical Notes**

Final paragraph added 6/28/11 to clarify types of convictions.

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**Policy Topic** Animal Control Officers

**Policy Date** 1/1/2002

**Policy**

Animal control officers have access to information from LEIN when they are under the direct jurisdiction and management control of the criminal justice agency.

**Historical Notes**

LEIN Operations Manual

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**Policy Topic** Child Watch Programs

**Policy Date** 10/18/1991

**Policy**

Community Child Watch Programs, such as McGruff House, are authorized to obtain an initial background check on persons applying to be a "safe house" for children using purpose code M (Michigan-only). Agencies are urged to follow up with fingerprints to establish identity.

**Historical Notes**

PA 127 of 1991

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**Policy Topic** Michigan Department of Community Health - Office of Substance Abuse Services

**Policy Date** 1/1/2002

**Policy**

The Office of Substance Abuse Services, Michigan Department of Community Health, may access LEIN as part of a screening and assessment process, mandated by the Michigan Drunk Driving Law (S.B. 702), ONLY if the assessment person or agency designated by the Office of Substance Abuse Services is a criminal justice agency (such as a Court Probation Office).

**Historical Notes**

LEIN Operations Manual

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**Policy Topic** Defense Attorneys - LEIN/NCIC Access

**Policy Date** 2/1/2006

**Policy**

The CJIS Policy Council Act provides that "The attorney general or his or her designee, a prosecuting attorney, or the court, in a criminal case, may disclose to the defendant or the defendant's attorney of record information pertaining to that defendant that was obtained from the law enforcement information system." Prosecuting attorneys are advised to resist court orders where the prosecuting attorney will not, for its own use, access LEIN/NCIC to obtain criminal history information about the defendant or witnesses. Prosecutors should direct the defense attorney to contact the department or NCIC for guidance on how to properly address orders for production from state or national files.

**Historical Notes**

CJIS Policy Council Act

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**Policy Topic** City and Township Attorneys

**Policy Date** 1/1/2002

**Policy**

City and township attorneys may have access to LEIN for purposes of criminal prosecution. Local units of government may contract with a private attorney to function in the role of prosecutor. The prosecutor must have an ORI. If a private attorney is utilized as a municipal prosecutor, the ORI should be assigned to the local unit of government and not to a private attorney.

**Historical Notes**

LEIN Operations Manual

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**Policy Topic** Assignment and Use of ORI

**Policy Date** 4/11/2011

**Policy**

Each agency authorized to access or view LEIN information is required to obtain an ORI from the Department. Inquiries into LEIN must be run under the ORI of the agency requesting the information. Dispatch centers may use either the requesting agency's ORI or their assigned ORI to perform hot-file inquiries on behalf of a requesting agency if the means and procedures are in place to provide an audit trail for the current specified retention period.

**Historical Notes**

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**Policy Topic** Friend of the Court Access

**Policy Date** 3/31/2011

**Policy**

The Friend of the Court (FOC) is permitted indirect access to Michigan hot files and Michigan SOS information when carrying out legal mandates associated with child support laws. The FOC is permitted access to Michigan only criminal history information (Purpose Code M) for purposes of child placement. FOC offices electing to utilize information obtained from the LEIN shall complete an application and LEIN User Agreement as required by the LEIN Field Services Section and receive approval by the CJIS Systems Officer. During application, the FOC shall identify a single criminal justice agency which has agreed to act as the FOC's terminal agency. Once approved, the FOC ORI will be duplicated to the specified agency's station for use upon request. The terminal agency shall utilize the FOC's assigned ORI for all LEIN transactions requested by the FOC.

Those FOC offices receiving information from the LEIN under the previous policy requiring deputizing by the sheriff may continue receiving information from the LEIN in this capacity until October 1, 2011, at which time the FOC office must submit an application and a LEIN User Agreement to the LEIN Field Services Section for approval by the CJIS Systems Officer, in accordance with the above policy.

**Historical Notes**

CSO approval

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**Policy Topic** Interface Service Provider Accountability

**Policy Date** 10/29/2010

**Policy**

An Interface Service Provider is responsible for ensuring that any current or proposed subscriber agency has received the proper authorization from LEIN Field Services for every connection to directly access the LEIN system. Unauthorized connections by an Interface Service Provider, which allow direct access to the LEIN system, shall be processed as a violation and subject the Interface Service Provider to the CJIS Sanctions Policy. An Interface Service Provider will have 30 days to correct the unauthorized connection, or the connection will be terminated by LEIN Field Services. An unauthorized connection may be corrected by (1) submitting required documentation and obtaining approval as required by LEIN Field Services, or (2) removing the unauthorized connection.

**Historical Notes**

CSO issued

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**Policy Topic** Reporting of LEIN Violations

**Policy Date** 1/1/2002

**Policy**

All agencies are required to report all known noncompliance issues and violations of LEIN policy to LEIN Field Services.

**Historical Notes**

Terminal Agency Coordinator (TAC) Manual

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**Policy Topic** LEIN Operator Requirements

**Policy Date** 1/1/2002

**Policy**

A LEIN operator must pass a criminal background check, including fingerprints; qualify for access under the criminal conviction policy; and pass the LEIN certification test within six months of being granted access to LEIN.

**Historical Notes**

See the Michigan and Federal CJIS Security Policies for more information.

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**Policy Topic** Administration of LEIN Certification Exam

**Policy Date** 1/1/2002

**Policy**

The LEIN Certification exam is administered by the LEIN Terminal Agency Coordinator (TAC). The certification/reaffirmation tests are provided by LEIN Field Services.

- Test administration will be at the discretion of the agency. To alleviate unnecessary burdens for the agency the TAC may administer the test in a manner which would best fit the needs of the agency.
- A seventy percent passing grade shall be attained by all operators. However, the agency may elect a more stringent pass/fail qualification for certification.
- Section I of the test pertains to inquiries and shall be administered to all operators.
- Section II of the test pertains to updates (entries, modifications, supplementals and cancellations) and shall be administered in addition to Section I to all operators.

**Historical Notes**

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**Policy Topic**     Queries on Self

**Policy Date**     2/1/2006

**Policy**

Personal use of LEIN is forbidden by statute and policy. Queries on yourself are considered to be personal use. Test records are available and published in the LEIN Operations Manual to ensure that LEIN is up and functioning.

**Historical Notes**

MCL 28.214 Sec. 4. Queries on yourself are considered to be personal use.

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**Policy Topic**     School Crossing Guards, School Lunch Room Personnel; Youth League Coaches

**Policy Date**     9/20/2010

**Policy**

A LEIN check cannot be run on persons such as school crossing guards, lunch room personnel, youth league coaches, or other persons associated with a school. If a person is employed by the school district, they must be fingerprinted under the school employment law. If a person is employed by another agency, or volunteers with the schools, he or she must be fingerprinted under the applicable laws. Crossing guards who are employed by a police department may be background checked as employees of that department.

**Historical Notes**

CSO issued

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**Policy Topic**     Hit Confirmation

**Policy Date**     1/1/2002

**Policy**

When an agency receives a positive response from the LEIN or NCIC, an immediate follow-up with the agency that originated the record is necessary to confirm that the data is accurate and still outstanding. Likewise, the originating agency has an obligation to promptly reply to the inquiring agency with confirmation and other pertinent details requested. However, records entered directly by the court are valid and do not need confirmation. The law enforcement ORI of the record must be contacted to confirm the bond and pickup information only for an in-state request. The law enforcement ORI will be contacted for confirmation by an out-of-state agency receiving a hit on a court entered record.

**Historical Notes**

LEIN Operations Manual

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**Policy Topic** Documentation of LEIN Certified Operators

**Policy Date** 1/1/2002

**Policy**

The Terminal Agency Coordinator (TAC) is required to maintain a listing of the operators that have been certified and reaffirmed in LEIN. The LEIN Operations Manual, Section 1.14 outlines the process for entering operators and reaffirming them through LEIN.

**Historical Notes**

LEIN Operations Manual

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**Policy Type** Audit

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**Policy Topic** Documentation of CHR

**Policy Date** 11/1/1998

**Policy**

Every CHR inquiry must be supported by either paper or electronic documentation. Examples of acceptable paper documentation are an officer's daily, incident report, civil infraction notice, receipts, or other normally generated paperwork. Electronic supporting documentation may exist in a data base or any means that are retrievable for an audit validation.

When an incident number is not available, it is acceptable to use the REMARKS (Scan Line 41:) to document an explanation that will lead to supporting documentation. However, use of the REMARKS is not sufficient documentation in itself, and should only be used as a resource for an inquiry when a case number is not immediately available.

**Historical Notes**

Issued by LEIN Field Services November 1998

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**Policy Topic** Michigan Locate on Wanted Person Records

**Policy Date** 1/1/2002

**Policy**

When a subject is picked up on a court-entered warrant and has posted bond the locating agency may place a locate on this record, causing a cancellation of the record in LEIN.

**Historical Notes**

LEIN Operations Manual

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**Policy Type** Best Practices

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**Policy Topic** CHR Printout Retention

**Policy Date**

**Policy**

LEIN/NCIC printouts are not to be held indefinitely. FBI CJIS Security Policy states that a criminal history record may only be accessed for an authorized purpose. Once the information has been gleaned or the case has been closed, the printouts are to be destroyed in an appropriate manner. If more information is needed, another inquiry may be made. Refer to the FBI CJIS Security Policy 5.0, Sections 4.2.2.1, 4.2.3 and 5.8.3 and the LEIN Operations Manual, Section 1.5 for additional information.

**Historical Notes**

LEIN Audit and Training Unit Recommendation

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**Policy Topic** LEIN Violation Investigation Process

**Policy Date** 4/2/2002

**Policy**

Agencies shall submit reports of LEIN violations to MSP with the names included. Staff shall review the cases and make recommendations to the CSO. The case summary reported to the CSO, which also becomes part of the official file, would have the names redacted as is currently done. Upon closure by the CSO, the agency reports shall be returned to the agency. The CSO shall maintain the case summary, agency name, violation committed, discipline given, and action taken by the CSO. This shall become part of the CSO file and shall be retained permanently.

**Historical Notes**

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**Policy Type** Definition

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**Policy Topic** Nonpublic Information

**Policy Date** 2/1/2006

**Policy**

Nonpublic information means information to which access, use, or dissemination is restricted by a law or rule of this state or the United States.

**Historical Notes**

MCL.28.211a, Section 1a(b)

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**Policy Topic** Governing Body

**Policy Date** 12/29/2009

**Policy**

A governing body may consist of an individual from a criminal justice agency or a group of individuals whose members include a majority of representatives from criminal justice agencies served by the agency, and has exclusive management control over the use of LEIN, NCIC, and other information systems defined in the CJIS Administrative Rules.

**Historical Notes**

CSO issued

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**Policy Topic** Physical Security

**Policy Date** 1/1/2002

**Policy**

A "physically secure location" is a criminal justice facility, an area, a room, a group of rooms, or a police vehicle that is/are subject to criminal justice agency management control/security addendum and which contain hardware, software, and/or firmware (e.g., information system servers, controlled interface equipment, associated peripherals or communications equipment, wire closets, patch panels, etc.) that provide access to the LEIN network.

**Historical Notes**

LEIN Operations Manual Section 1. See the Michigan and Federal CJIS Security Policies for more information on physical security.

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**Policy Type** Disclosure

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**Policy Topic** Release of Message Transactions - Noncriminal Justice Purposes

**Policy Date** 2/8/2007

**Policy**

A user agency's message transactions may be released for noncriminal justice purposes under either of the following circumstances: a) For employment related administrative hearings involving the misuse of CJIS information; b) Pursuant to a court order, in a civil proceeding where the misuse or accuracy of CJIS information is at issue; c) In either a) or b) the person requesting the information must agree to limit dissemination of CJIS information for the purposes of the hearing or civil action.

**Historical Notes**

Approved by CJIS Policy Council to clarify and replace an administrative rule dealing with release of LEIN inquiries and responses.

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**Policy Topic** Disclosure of NIC Number, SYSID Number, and/or VIN

**Policy Date** 8/2/2007

**Policy**

An agency may disseminate the NIC number obtained from NCIC, the SYSID number obtained from LEIN, and/or the VIN obtained from a record to a third party supporting law enforcement functions.

**Historical Notes**

Approved CJIS Policy Council

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**Policy Topic** Stolen Property

**Policy Date** 1/1/2002

**Policy**

An individual or business can find out if the status of serialized stolen property through LEIN and/or NCIC if they are known to the law enforcement agency and have executed a Stolen Property Agreement with the agency (available in the LEIN Operations Manual Section 10).

**Historical Notes**

LEIN Operations Manual; previous CJIS administrative rule

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**Policy Topic** Stolen Vehicle

**Policy Date** 1/1/2002

**Policy**

A person can find out the status of a stolen vehicle if they appear in person at a law enforcement agency, provide proper identification, and can explain satisfactorily the need for the information.

**Historical Notes**

LEIN Operations Manual; previous administrative rule

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**Policy Topic** Release of Message Transactions - Criminal Justice Purpose

**Policy Date** 2/8/2007

**Policy**

A user agency's message transactions may be released to another user agency under any of the following conditions: a) Upon written request from a county, state, or federal prosecuting attorney who shall specify that the information required is for a valid criminal justice purpose; b) A search warrant or subpoena authorized by a judge; c) Upon approve of the agency which initiated the messages; d) The CJIS Systems Officer may release CJIS audit information to facilitate investigations of misuse.

**Historical Notes**

CJIS Administrative Rules

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**Policy Topic** LEIN Information Over the Telephone

**Policy Date** 7/28/2005

**Policy**

LEIN information can be provided over the telephone if the requestor can meet two criteria. The agency must verify that the person on the phone is an on or off-duty criminal justice person authorized to receive data from LEIN. The agency must ascertain the purpose of the request and verify that it is not a personal use of LEIN. The agency is required to log all such requests.

**Historical Notes**

Approved CJIS Policy Council

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**Policy Topic** Warrant Status

**Policy Date** 1/1/2002

**Policy**

A person can find out if there is a warrant for their arrest by appearing in person at a law enforcement agency with proper identification.

**Historical Notes**

LEIN Operations Manual; Previous CJIS administrative rule

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**Policy Type** Dissemination

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**Policy Topic** Information Not Stored in LEIN

**Policy Date** 1/1/2002

**Policy**

LEIN may also be used to access information not stored as part of LEIN and, therefore, is considered in these cases the transport layer for accessing and using a wide range of criminal justice and noncriminal justice information.

**Historical Notes**

LEIN Operations Manual

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**Policy Topic** LEIN Data Dissemination

**Policy Date** 6/30/2009

**Policy**

Criminal history record information: user agency dissemination to private person prohibited; request from private person to review information; obtaining information by private person.

(1) A user agency shall not disseminate criminal history record information received through the LEIN to a private person.

(2) A private person may obtain public criminal history information about any person by accessing the Internet Criminal History Access Tool (ICHAT) and paying the required processing fee. ICHAT is located on the state of Michigan website at [www.michigan.gov/ICHAT](http://www.michigan.gov/ICHAT).

(3) To ensure accurate criminal history record information, a private person may appear at a user agency and request that his or her fingerprints be taken on an applicant or noncriminal fingerprint card. The user agency shall return the card to the private person who may then forward the fingerprint card and a letter of request to the Criminal Justice Information Center of the department of state police. The Criminal Justice Information Center shall search its files and shall mail the criminal history record information associated with those fingerprints to the person making the request.

**Historical Notes**

Previous CJIS administrative rule

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**Policy Topic** Cutting/Pasting Policy

**Policy Date** 11/9/2009

**Policy**

There is no limitation on the cutting/copying and pasting of information obtained from the LEIN into other documents or applications. However, LEIN dissemination policies and Freedom of Information Act rules must be followed. Agencies must not provide information obtained from the LEIN to an unauthorized agency, entity, or person. Agencies must continue to remove or redact any and all information obtained from the LEIN prior to filling FOIA requests.

**Historical Notes**

CJIS Systems Officer issued

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**Policy Topic** Medical Marijuana License Information

**Policy Date** 10/13/2009

**Policy**

Due to wording in the Medical Marijuana legislation, inquiry on a patient or caregiver name is highly restricted and can only be performed for a criminal justice purpose where the identity of the cardholder is in question. As such, interface agencies implementing this query are instructed NOT to make this transaction automated.

**Historical Notes**

LEIN Operations Manual Section 5.18

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**Policy Topic** Subpoenas or FOI Requests to Local Agencies

**Policy Date** 1/1/2002

**Policy**

When a subpoena or Freedom of Information request is presented to an agency for LEIN/NCIC information, it should be immediately forwarded to the Freedom of Information Unit of the Michigan Department of State Police, P.O. Box 30634, Lansing, MI 48909.

**Historical Notes**

LEIN Operations Manual

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**Policy Type** Entry

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**Policy Topic** Warrant Entry - Entry of Warrants into NCIC

**Policy Date** 10/23/2003

**Policy**

It is recommended that agencies ensure all warrants are entered into NCIC, even if the agency is not willing to go out of state to pickup the suspect. Agencies entering a non-extraditable warrant into NCIC should put NOEX as the first four characters of the remarks line.

**Historical Notes**

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**Policy Topic**     Packing Records in LEIN

**Policy Date**     1/1/2002

**Policy**

In order for LEIN to be an effective resource, all records entered into LEIN are required to be "packed" with as much identifying information as is available.

**Historical Notes**

LEIN Operations Manual Section 8

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**Policy Topic**     Missing Persons - Juveniles

**Policy Date**     4/7/2003

**Policy**

NCIC requires immediate entry of missing persons under the age of 21 using the appropriate category (Disability, Endangered, Involuntary, Juvenile, Disaster Victim or Other).

**Historical Notes**

LEIN Operations Manual 8; Suzanne's Law Title 42, Ch. 72, Subchapter IV, Sec. 5779(a)

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**Policy Topic** Timely Entry of Records.

**Policy Date**

**Policy**

For LEIN to be an effective tool for the criminal justice community, records must be entered and cancelled in a timely manner. All court orders must meet the criteria specified in the Michigan Court Rules to be considered valid.

The CJIS Administrative Rule, R 28.5402, states:

- (1)An agency shall immediately enter all records into LEIN, NCIC, AFIS, or other information systems after becoming aware of the need to do so, except in cases where immediate entry may jeopardize a criminal investigation.
- (2)All record entries shall be made pursuant to the procedures provided by the department.
- (3)Courts may enter records with mutual agreement of all agencies involved.

In accordance with CJIS Administrative Rule R 28.5402, all valid warrants must be entered into LEIN immediately after the warrant becomes valid, not to exceed 72 hours. Exceptions to the immediate entry of a specific warrant are limited to cases where the timing and circumstances of a planned arrest are critical to the investigation; or to cases where the immediate entry of a specific warrant would put an officer's safety at risk (a greater officer safety risk than not entering the warrant). Agencies must be able to provide justification when taking advantage of one of the above exceptions.

#### LAW ENFORCEMENT-ENTERED WARRANTS

Law enforcement agencies entering warrants must do so immediately upon receipt of the warrant from the court, not to exceed 72 hours. Exceptions to immediate warrant entry are limited to those noted above.

#### COURT-ENTERED WARRANTS

Court-entered warrants promote more timely and accurate records in LEIN by eliminating the need for manual notification to law enforcement.

Courts that enter warrants must do so immediately after the warrant becomes valid, not to exceed 72 hours. Exceptions to immediate warrant entry are limited to those noted above.

While not required to "pack" warrants, courts that enter warrants are required to enter all personal identifier information in their possession at the time of warrant entry.

In the court-entered warrant scenario, the enforcing law enforcement agency is identified in both the LEIN response and in the MIS field of the NCIC response (when applicable). The enforcing law enforcement agency is automatically notified through LEIN when a court-entered warrant is entered containing their ORI. The enforcing law enforcement agency is responsible to investigate and "pack" the court-entered warrant record with additional identifiers and other information necessary to affect an arrest. The enforcing law enforcement agency will be the conTerminal Agency Coordinator (TAC)t for other agencies who

receive a hit and will be responsible to confirm bond, pickup, court appearance information, and/or extradition (when applicable).

**Historical Notes**

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**Policy Topic** Impounded Vehicles

**Policy Date** 1/1/2002

**Policy**

A LEIN entry must be made into either the Forfeited or Impounded Vehicle File when a vehicle is removed pursuant to MCL 257.252d

**Historical Notes**

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**Policy Topic** Missing Persons

**Policy Date** 1/1/2002

**Policy**

Missing Persons shall be entered immediately into LEIN by the agency receiving the report, after conducting a preliminary investigation.

**Historical Notes**

LEIN Operations Manual Section 8; Act 204, P.A. 1985, as amended

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**Policy Type** Extradition

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**Policy Topic** Wanted Person Record Entry into NCIC; Extradition Rules

**Policy Date** 6/30/2009

**Policy**

- (1) Before entering a wanted person record into the NCIC files, the user agency shall, to the maximum extent possible, determine if extradition will be authorized by the prosecuting attorney if the wanted individual is located in another state.
- (2) If a prosecuting attorney establishes limits on extradition to within a certain distance or from certain states, the limitations shall be defined and included when the record is entered into the NCIC files.

**Historical Notes**

Previous CJIS Administrative Rule: 28.5412

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**Policy Type** ORI Assignment

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**Policy Topic** ORI Assignment and Construction for other Michigan Criminal Justice Agencies and Regional Communication Systems

**Policy Date** 6/30/2009

**Policy**

(1)ORIs shall be assigned to authorized Michigan courts, prosecuting attorneys, parole and probation agencies, correctional institutions, pretrial service agencies, and regional communications systems. These ORI's shall be constructed as follows:

- (a) The first 2 characters shall be the abbreviation for the state.
- (b) The third and fourth characters shall identify the county.
- (c) The fifth, sixth, and seventh characters shall identify a specific agency within the county.
- (d) The eighth character shall identify the governmental level of the agency, as follows:
  - (i) A local or municipal agency is 1.
  - (ii) A county agency is 3.
  - (iii) A state agency is 5.
  - (iv) A federal agency is 7.
- (e) The ninth character shall identify the type of agency, as follows:
  - (i) A prosecuting, district, or city attorney or the attorney general is A.
  - (ii) A pretrial service agency is B.
  - (iii) A correctional institution, including a jail, prison, detention or treatment center, or halfway house, is C.
  - (iv) A probation or parole agency is G.
  - (v) A court is J.
  - (vi) A medical examiner, coroner, or custodial facility in a medical or psychiatric institution is M.
  - (vii) A regional communication system is N.

**Historical Notes**

Previous CJIS Administrative Rule: 28.5110

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**Policy Topic** LEIN ORI Assignments Criteria

**Policy Date** 6/30/2009

**Policy**

- (1) To qualify for a LEIN ORI assignment, an agency shall meet both of the following criteria:
  - (a) The agency shall be a governmental agency.
  - (b) The agency shall qualify as a criminal justice agency, as defined in the Administrative Rules.
- (2) A nongovernmental agency may qualify for a LEIN ORI assignment if it meets both of the following criteria:
  - (a) The agency is statutorily vested with arrest powers.
  - (b) The agency is engaged primarily in the administration of criminal justice.

**Historical Notes**

Previous CJIS Administrative Rule: 28.5111

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**Policy Topic** NCIC ORI Assignment Criteria

**Policy Date** 6/30/2009

**Policy**

- (1) To qualify for an NCIC ORI assignment, an agency shall meet both of the following criteria:
  - (a) The agency shall be a governmental agency.
  - (b) The agency shall qualify as a criminal justice agency as defined in the administrative rules.
- (2) An agency that does not meet the qualifications of a criminal justice agency may qualify for a NCIC ORI assignment if it meets the definition of an agency under the management control of a criminal justice agency.

**Historical Notes**

Previous CJIS Administrative Rule: 28.5112

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**Policy Topic** ORI assignment; Request for Issuance

**Policy Date** 6/30/2009

**Policy**

A request for the issuance of an ORI assignment shall be made on a form provided by the department and shall be accompanied by the statute, executive order, or other documentation which establishes the agency as a criminal justice agency or an agency under the management control of a criminal justice agency. Forms are available from LEIN Field Services, Michigan State Police, 333 S. Grand Ave, P. O. Box 30634, Lansing, Michigan 48909.

**Historical Notes**

Previous CJIS Administrative Rule: 28.5114

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**Policy Topic** ORI Assignment and Maintenance; Responsibility

**Policy Date** 6/30/2009

**Policy**

The department is responsible for assigning ORI numbers to all authorized agencies and shall maintain records of all assignments, additions, deletions, or corrections to ORI numbers.

For LEIN or NCIC entries, use of an ORI is required on all records entered into the LEIN or NCIC.

**Historical Notes**

Previous CJIS Administrative Rule: 28.5115

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**Policy Topic** Cities and Townships; ORI Assignment

**Policy Date** 6/30/2009

**Policy**

A city or township that requires an elected or appointed constable to perform both statutory criminal and civil duties is eligible for an ORI assignment if the constable satisfies all of the following criteria:

- (a) Complies with the minimum employment standards as established by the law enforcement training council pursuant to section 9 of Act No. 203 of the Public Acts of 1965, as amended, being 28.609 of the Michigan Compiled Laws.
- (b) Has unrestricted arrest powers of a peace officer as defined in section 15 of Act No. 84 of the Public Acts of 1935, as amended, being 764.15 of the Michigan Compiled Laws.
- (c) Is employed by the city or township as a full-time peace officer.

**Historical Notes**

Previous CJIS Administrative Rule: 28.5117

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**Policy Topic** NCIC ORI Assignment; Unqualified Agencies

**Policy Date** 6/30/2009

**Policy**

- (1) The following agencies do not qualify for an NCIC ORI assignment:
- (a) A court that hears civil cases only.
  - (b) A correctional facility that houses only juveniles who are orphaned or declared incorrigible but who are not involved in the criminal justice process.
  - (c) Private school police.
  - (d) Railroad police.

**Historical Notes**

Previous CJIS Administrative Rule: 28.5113

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**Policy Type** Policy

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**Policy Topic** LEIN/NCIC Documentation Retention of Terminal Produced Printouts

**Policy Date** 1/1/2000

**Policy**

The LEIN/NCIC printout should be retained for as long as there remains any possibility that the defendant will challenge the arrest, search, or other law enforcement action taken because of the information contained on the printout. The printout should be retained until all possible levels of appeal are exhausted or the possibility of a civil suit is no longer anticipated.

**Historical Notes**

NCIC 2000 Manual

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**Policy Type** Record Entry

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**Policy Topic** Regional Communications Systems; Maintenance of Active Records File

**Policy Date** 6/30/2009

**Policy**

(1) A regional communications system that is authorized to enter records into the LEIN files or NCIC files, or both, for multiple member agencies shall maintain separate, active records for each agency serviced.

(2) If a member agency that participates in a regional communications system has access to the LEIN via another terminal located within its own department in addition to the terminals or terminals at the regional communications system, the member agency shall select 1 location, either the agency location or the communications center, that shall enter and maintain the records of that agency.

**Historical Notes**

Previous CJIS Administrative Rule: 28.5408

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**Policy Topic** Warrants or Orders for Arrest of a Member of the Military Forces Charged with Desertion or Absence Without Leave; Entry into LEIN Prohibited

**Policy Date** 6/30/2009

**Policy**

A warrant or any other order which is issued by a branch of the United States military services and which directs the arrest of a member of the military forces who is charged with desertion or absence without authorized leave, AWOL, shall not be entered into the LEIN computer files. It is the responsibility of the military service concerned to enter such warrants or orders into the NCIC computer files through specific federal terminals designated for this purpose.

**Historical Notes**

Previous CJIS Administrative Rule: 28.5414

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**Policy Topic** Law Enforcement User Agency; Entry of Wanted Persons and Stolen Vehicle and Property Records; Timely Entry of Records

**Policy Date** 6/30/2009

**Policy**

- (1) An agency shall immediately enter all records into LEIN, NCIC, AFIS, or other information systems after becoming aware of the need to do so, except in cases where immediate entry may jeopardize a criminal investigation.
- (2) All record entries shall be made pursuant to the procedures provided by the department.
- (3) Courts may enter records with mutual agreement of all agencies involved.

**Historical Notes**

Previous CJIS Administrative Rule: 28.5402. All valid warrants must be entered into LEIN immediately after the warrant becomes valid, not to exceed 72 hours. Exceptions to the immediate entry of a specific warrant are limited to cases where the timing and circumstances of a planned arrest are critical to the investigation; or to cases where the immediate entry of a specific warrant would put an officer's safety at risk (a greater officer safety risk than not entering the warrant). Agencies must be able to provide justification when taking advantage of one of the above exceptions.

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**Policy Type** Record Validation

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**Policy Topic** LEIN Record Validation Programs; Records Listing; Data Comparison; Cancellation or Removal of Inaccurate or Invalid Records; Written Certification of Record's Accuracy and Validity; Retention of Current Validation Listing; Failure to Comply with Validation and Certification Requirements; Validation Time Extension.

**Policy Date** 6/30/2009

**Policy**

- (1) A LEIN user agency that enters records into the LEIN and NCIC files shall participate in the LEIN record validation programs.
- (2) LEIN Field Services shall periodically prepare a listing of each record entered into the LEIN and NCIC files and shall make available the listing to the entering agency. The entering agency shall do all of the following:
  - (a) For each record that appears in the listing, the entering agency shall compare the data in the LEIN/NCIC record with the information in its case files to verify that the data is valid and accurate.
  - (b) Determine from the complainant (if possible) or court if the record information is still current and valid.
  - (c) Take the necessary steps to immediately modify, cancel or remove a record from the LEIN/NCIC which is determined to be inaccurate or invalid. A non-terminal agency shall ensure that when a record is no longer valid it is promptly cancelled by the agency's servicing terminal.
  - (d) Certify the validation through LEIN.
  - (e) Retain the most current copy of each validation listing for one year plus the current year.
- (3) A user agency that fails to comply with the validation and certification requirements within the prescribed time period shall have its records removed from the LEIN and NCIC files.
- (4) A user agency that requires more than 45 days to validate its records shall submit a written request to the CJIS Systems Officer (CSO) for a reasonable time extension. The CSO shall grant such extensions when warranted.

**Historical Notes**

Previous CJIS Administrative Rule: 28.5409

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**Policy Type** Retention

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**Policy Topic** Out-of-state License Plate Data; Purge Procedures

**Policy Date** 6/30/2009

**Policy**

Out-of-state license plate information that is included on a LEIN wanted or missing person or vehicle record entry shall be purged in accordance with either of the following:

- (a) One year after the license plate has expired.
- (b) When requested by the state of registry, either directly or through NCIC.

**Historical Notes**

Previous CJIS Administrative Rule: 28.5411

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**Policy Topic** Retention of LEIN Use Complaint Files

**Policy Date** 1/14/2010

**Policy**

Closed LEIN Use Complaint files shall be retained for the current year plus four (4) years. If litigation is pending and LEIN Field Services Section is notified, the closed report shall be retained indefinitely. An electronic summary report shall be maintained for closed complaint files that are no longer retained for the current plus six (6) years.

**Historical Notes**

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**Policy Topic**     Records Retention Periods

**Policy Date**     6/30/2009

**Policy**

A record shall be automatically purged from the computerized files of the LEIN or NCIC, or both, when the maximum retention period, as indicated in the following, has been exceeded:

- (a) An unrecovered stolen vehicle record that does not include a vehicle identification number shall be retained for 90 days after entry.
- (b) An unrecovered felony vehicle record shall be retained for 90 days after entry.
- (c) An unrecovered stolen vehicle record that contains a vehicle identification number and a stolen vehicle part record shall be retained for the year of entry plus 4 years.
- (d) An unrecovered stolen license plate record, whether or not associated with a stolen vehicle, shall be retained for 90 days after the license plate has expired.
- (e) A non-expiring license plate record shall be retained for the year of entry plus 4 years.
- (f) An unrecovered stolen or missing gun record shall be retained indefinitely or until action is taken by the originating agency to cancel it.
- (g) A recovered gun record shall be retained for the year of entry plus 2 years.
- (h) An unrecovered stolen, embezzled, counterfeited, or missing securities record, other than a traveler's check or a money order, shall be retained for the year of entry plus 4 years.
- (i) A stolen or missing traveler's check or money order record shall be retained for the year of entry plus 2 years.
- (j) An unrecovered stolen boat record shall be retained for the year of entry plus 4 years.
- (k) An unrecovered stolen article record shall be retained for the year of entry plus 1 year.
- (l) A warrant record shall be retained indefinitely unless cancelled by the entering agency.
- (m) A felony record that is entered before the issuance of a warrant by a court shall be retained for 48 hours from the time of entry.
- (n) A missing person record, other than a juvenile missing person record, shall be retained indefinitely.
- (o) A juvenile missing person record shall be retained until the juvenile has reached the age of 17 years.

**Historical Notes**

Previous CJIS administrative rule

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**Policy Type**     Sanctions

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**Policy Topic** Sanctions Policy

**Policy Date** 1/13/1998

**Policy**

Step 1: Notice of the alleged violation is sent to the Agency Head. If the agency head is accused of the alleged violation, notice of the violation will be sent to the Executive Officer of the unit of government, unless the head is an elected official. A response to the CSO must be received A) within 45 days with the proposed resolution or status of the investigation and B) any violation must be corrected with documentation to the CSO's satisfaction within 90 days from the date the notice is sent or Step 2 will be initiated.

If an elected official does not respond within the 90-day timeline, the official will be put on notice that, if a response is not received within 30 days, the agency will move to Step 4 of the sanctions process.

Step 2: Notice of delinquency is sent to the Agency Head and the entity having budgetary authority over the unit of government. Any requests for additional LEIN access will be held in abeyance. If no compliance is documented within 30 days, Step 3 will be initiated.

Step 3: Access to LEIN will be limited; Computerized Criminal History inquiries and Administrative Messages will be denied. Notice of delinquency and the denial is sent to the Agency Head, the Executive Officer of the unit of government, the Prosecuting Attorney, and the Chief Judges of the Circuit and District Courts and serviced agencies. If no compliance is documented within 30 days, the matter will be referred to the CSO for initiation of Step 4.

Step 4: The agency shall no longer be permitted to participate in the LEIN. All LEIN access will be removed. The agency shall remain responsible for any unpaid LEIN fees due to this date.

The agency shall not be approved access and can only be reinstated after review and approval by the CJIS System Officer (CSO). The agency may institute a non-terminal user agreement with another agency, but this shall be limited to inquiry capabilities only and excludes access to the criminal history, NCIC III files, and NLETS.

NOTE: Extension to respond to the progressive sanction process may be authorized by the CSO, or its designee, if circumstances warrant such action.

**Historical Notes**

Approved: January 13, 1998

Amended: July 15, 1999

Amended: November 22, 2005

Amended: August 3, 2006, to add specific instructions when the agency head is the violator. Amended: October 3, 2008, to

reflect abolishment of CJIS Policy Council

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**Policy Type** Security

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**Policy Topic** Local Area Security Officer (LASO)

**Policy Date** 1/1/2002

**Policy**

Each computer interfaced agency shall establish an information security structure that provides for a Local Agency Security Officer (LASO). The LASO shall ensure and oversee the management of encryption between the LEIN user agency and their users, and shall be a Point of Contact (POC) in the event of an attempted security breach of the LEIN network. Refer to the Michigan CJIS Security Policy for more information on the LASO's role.

**Historical Notes**

LEIN Operations Manual Section 1

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**Policy Topic** Encryption

**Policy Date** 1/1/2002

**Policy**

All CJIS data transmitted through any public network segment or over dial-up or Internet connections (does not include radio frequency transmissions) shall be immediately protected with a minimum of 128 bit encryption. This requirement also applies to any private data circuit that is shared with non-criminal justice users and/or is not under the direct management control of a criminal justice agency.

**Historical Notes**

See the Michigan CJIS Security Policy for more information on encryption.

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**Policy Topic** Proper Use

**Policy Date** 1/1/2002

**Policy**

A LEIN terminal agency or a computer system interfaced to LEIN shall establish adequate physical security measures to protect against any unauthorized personnel gaining access to LEIN data. To ensure that LEIN and NCIC data is properly used and/or disseminated and to facilitate audit and investigative functions, LEIN policy requires that the LEIN operator's name (55:) and the name of the requester and the identity of his/her agency (56:), be included on all LEIN and NCIC inquiries.

**Historical Notes**

LEIN Operations Manual Section 1

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**Policy Topic** Destruction of Documents and Media; Shredding

**Policy Date** 8/20/2010

**Policy**

Information obtained from LEIN and/or NCIC shall be afforded security to prevent unauthorized access to or use of that data. Hard copies containing information obtained from LEIN and/or NCIC must be cross-cut shred or incinerated. Cross-cut shredders must be of a capacity to ensure total physical destruction and non-recoverability of any LEIN and/or NCIC information contained within a document.

**Historical Notes**

Issued CJIS Systems Officer; CJIS Security Policy

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**Policy Topic** Passwords

**Policy Date** 7/28/2005

**Policy**

Passwords shall be a minimum of 8 characters on all systems by September 30, 2010. Passwords shall not be a dictionary word or a proper name. Passwords and the User ID shall not be the same. Passwords must be changed at a maximum every 90 days. All systems procured after September 30, 2005, shall prevent password re-use of the last ten (10) passwords. Passwords shall not be transmitted in the clear outside the secure domain.

**Historical Notes**

Approved CJIS Policy Council. Edited to remove "on systems procured after September 30, 2005" from the minimum character provision as the stricter requirement covers that provision.

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**Policy Topic** Point of Contact (POC)

**Policy Date** 1/1/2002

**Policy**

Non-terminal agencies must have a Point of Contact (POC) in place of having a Terminal Agency Coordinator (TAC). Like the TAC, the POC is the liaison with LEIN Field Services and is responsible for compliance with access, training and dissemination requirements. Non-terminal agencies can list their POCs and POC telephone numbers as TACs in their LEIN agency information by contacting LEIN Field Services.

**Historical Notes**

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**Policy Topic** CJIS Security Policy

**Policy Date** 1/1/2002

**Policy**

Persons accessing the LEIN or information obtained from the LEIN are required to comply with the Federal and Michigan Security Policies.

**Historical Notes**

LEIN Operations Manual Section 1

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**Policy Topic** Visitors

**Policy Date** 1/1/2002

**Policy**

All visitors to the LEIN computer center or to computer systems interfaced to LEIN shall be escorted by authorized personnel at all times.

**Historical Notes**

LEIN Operations Manual Section 1

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**Policy Topic** Computer Security

**Policy Date** 1/1/2002

**Policy**

Computers and any other equipment which is authorized access to LEIN/NCIC shall be placed in physically secure locations within the authorized agency.

**Historical Notes**

LEIN Operations Manual Section 1

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**Policy Topic** Copies of LEIN Printouts

**Policy Date** 1/1/2002

**Policy**

Copies of information received from LEIN or NCIC shall be afforded security to prevent unauthorized access to or use of that data. LEIN printouts must be disposed of in such a manner as to assure confidentiality.

**Historical Notes**

LEIN Operations Manual Section 1

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**Policy Topic** Identification

**Policy Date** 1/1/2002

**Policy**

Each person who is authorized to store, process, and/or transmit information on a Michigan CJIS system shall be uniquely identified by use of a unique identifier. LEIN user agencies shall require users to identify themselves uniquely before the user is allowed to perform any actions on the system. LEIN user agencies shall ensure that all user IDs belong to currently authorized users. Identification data shall be kept current by adding new users and disabling former users.

**Historical Notes**

LEIN Operations Manual Section 1. See the Michigan and Federal CJIS Security Policies for more information on identification.

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**Policy Topic** Fax (facsimile) Use

**Policy Date** 1/1/2002

**Policy**

The LEIN Policy Council established guidelines for the sending of LEIN obtained information via a facsimile (Fax) machine. Careless dialing or the sending of information to unstaffed receivers could result in improper dissemination of LEIN records. The guidelines are as follows:

- The receiving agency must be notified by the sender prior to transmission.
- Information should only be sent to a staffed receiver.
- A confirmation of receipt is to be returned to the sender.
- The sender is ultimately responsible for the security of the facsimiled information.

**Historical Notes**

LEIN Operations Manual Section 1

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**Policy Topic** Personnel Screening

**Policy Date** 1/1/2002

**Policy**

Personnel authorized to operate terminals or any other equipment which accesses LEIN shall be thoroughly screened and trained. Such screening shall also apply to non-criminal justice maintenance or technical personnel which have access to such equipment. For disqualifiers from employment, consult the policy "Convictions Impacting Access to LEIN."

**Historical Notes**

LEIN Operations Manual Section 1. See the Michigan and Federal CJIS Security Policies for more information.

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**Policy Type** Service Request

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**Policy Topic** Regional Communications Systems; Participation in LEIN and NCIC; Criteria

**Policy Date** 6/30/2009

**Policy**

(1) To qualify for participation in the LEIN and NCIC systems, a regional communications system shall comply with all of the following:

(a) Complete an agreement with the CSO.

(b) Insure that computers and other related equipment that is used to gain access to these systems, and all personnel either operating or having access to such equipment are under the management control of either of the following:

(i) A criminal justice agency administrator.

(ii) A governing board that is established by a statute, ordinance, resolution, or executive order. The majority of the governing board's membership shall be representatives of criminal justice agencies.

(c) Establish procedures to ensure that, upon inquiry, all records entered into either the LEIN or NCIC files can be promptly confirmed as valid. A regional communications system shall either maintain a 24-hours-a-day, 7-days-a-week operation or shall establish an alternative records verification procedure. The verification procedure shall require CSO approval before implementation.

(2) Unless specifically approved by the CSO, regional communications systems shall not be authorized to have access to computerized criminal history record information.

**Historical Notes**

Previous CJIS Administrative Rule: 28.5204

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**Policy Topic** Nongovernmental Agency; Limited Participation in LEIN; Criteria

**Policy Date** 6/30/2009

**Policy**

To qualify for limited participation in the LEIN, a nongovernmental agency shall comply with all of the following:

- (a) Be statutorily vested with the powers of arrest and have, as its primary function, the administration of criminal justice.
- (b) Complete an agreement with the department.
- (c) Ensure that computers and other related equipment that is used to gain access to LEIN files are under the management control of the user agency administrator.
- (d) Establish procedures to ensure that, upon inquiry, all records entered into the LEIN can be promptly confirmed as valid. A terminal agency shall either maintain a 24-hours-a-day, 7-days-a-week operation or shall establish an alternative records verification procedure. The verification procedure shall require CSO approval before implementation.

**Historical Notes**

Previous CJIS Administrative Rule: 28.5205

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**Policy Topic** Criminal Justice Agency Serviced through a Noncriminal Justice Computer System; Participating in LEIN; Criteria

**Policy Date** 6/30/2009

**Policy**

To qualify to participate in the LEIN, a criminal justice agency that is serviced by a noncriminal justice computer system shall comply with both of the following requirements:

- (a) Exercise management control over the operation of all hardware at the noncriminal justice computer center which is used to process, store, or forward either LEIN or NCIC data.
- (b) Complete a written agreement with the noncriminal justice agency that operates the computer center. The agreement shall give the criminal justice agency all of the following rights and powers:
  - (i) A guarantee that the criminal justice agency network shall receive the highest priority in the areas of maintenance, support, and assignment of personnel and hardware resources.
  - (ii) The right to final approval in the selection of all software used to communicate with the LEIN.
  - (iii) The right to approve all employees who will have access to hardware which connects to the LEIN.
  - (iv) The authority to make any necessary audits to ensure system security.
  - (v) The authority to review management output records to ensure that the criminal justice agency's guaranteed priority agreement is being honored.

Agencies participating in LEIN; change in status.

The CSO shall be notified in writing in advance of any proposed changes in the status of an agency participating, or approved for participation, in the LEIN. Continued participation in the LEIN is subject to review of the new status by the CSO to determine if all eligibility requirements are met. Changes in status include, but are not limited to, all of the following situations:

- (a) A single jurisdiction LEIN user planning to join a regional communications system.
- (b) A change in the management structure of a criminal justice computer system or a regional communications system.
- (c) A change in the management structure of a noncriminal justice computer system or data center which services criminal justice agencies.
- (d) A noncriminal justice computer system or data center planning to discontinue or alter service to a criminal justice agency.

**Historical Notes**

Previous CJIS Administrative Rule: 28.5206

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**Policy Topic** LEIN Access; Application; Changes, Additions, or Corrections; Processing

**Policy Date** 6/30/2009

**Policy**

- (1) An application for access to LEIN shall be made on a form prescribed by the CSO and shall be filed with the CSO. The application shall indicate if the request is for direct access or non-direct access to LEIN.
- (2) An applicant shall answer all questions on the application truthfully and shall not misrepresent any material fact on the application.
- (3) Changes, additions, or corrections to the original application, including, but not limited to, changes in business address or officers shall be filed with the CSO within 10 days after the changes are made.

**Historical Notes**

CJIS Administrative Rules, 28.5201.

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**Policy Type** Service Requests

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**Policy Topic** Special Programming Requests from a User Agency

**Policy Date** 6/30/2009

**Policy**

A request received by CJIC from a user agency for special programming or other special work which is of benefit only to the requester shall be processed as follows:

- (a) The request shall be submitted in writing to the LEIN Field Services manager and shall include all of the following information:
  - (i) A description of the special programming or work desired.
  - (ii) The purpose or reason for the request.
  - (iii) When the special programming or other work is needed.
- (b) When a request is received, the LEIN Field Services manager shall contact the user agency acknowledging receipt thereof.
- (c) The LEIN Field Services manager shall determine if the request requires the approval of the CSO. If so, he or she shall forward the request to the CSO.
- (d) If the request is approved by the CSO, the LEIN Field Services manager shall notify the user agency in writing.
- (e) A request from a user agency for special programming or special work that does not require CSO review and approval shall be forwarded to the CSO for further processing.

**Historical Notes**

Previous CJIS Administrative Rule: 28.5120

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**Policy Type** Standards

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**Policy Topic** Live Scan Operating Standards

**Policy Date** 8/3/2006

**Policy**

An agency submitting electronic fingerprints through Live Scan must purchase equipment from a vendor that is approved by the AFIS/Live Scan Unit of the Michigan State Police.

**Historical Notes**

Approved CJIS Policy Council

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**Policy Topic** LEIN over Commercial Broadband

**Policy Date** 1/20/2005

**Policy**

Commercial broadband is approved to connect criminal justice information systems, provided the agency meets the security requirements established for LEIN connections.

**Historical Notes**

Approved CJIS Policy Council

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**Policy Topic** Appointment of a Terminal Agency Coordinator (TAC); TAC Responsibilities

**Policy Date** 1/1/2002

**Policy**

Each agency that directly accesses LEIN shall appoint a terminal agency coordinator, or TAC. The TAC is responsible for ensuring compliance with LEIN and NCIC policy and regulations including validation requirements. The TAC shall also ensure that the necessary physical, personnel, computer, and communications safeguards prescribed by the Michigan State Police are functioning properly. TAC responsibilities include:

- Serve as primary liaison with the LEIN Field Services staff.
- Ensure system integrity with regard to security, access and dissemination of LEIN/NCIC information.
- Coordinate training and operator proficiency testing to ensure compliance with NCIC standards.
- Maintain and update the LEIN and NCIC Operations and Code Manuals.
- Ensure compliance with monthly LEIN/NCIC record validation.
- Coordinate the Record Quality Analysis (audit) with LEIN Field Services Section.
- Establish communications channels with courts, prosecutors and other criminal justice agencies.
- Attend all applicable LEIN/NCIC training, i.e., Update, TAC schools, etc.

**Historical Notes**

Terminal Agency Coordinator (TAC) Manual

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**Policy Topic** Electronic Submission of Criminal History Record Information

**Policy Date** 10/21/2004

**Policy**

All data, including fingerprints, associated with creating a criminal history record must be submitted electronically after September 30, 2006.

**Historical Notes**

Approved CJIS Policy Council

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**Policy Topic** TAC Required Training

**Policy Date** 1/1/2002

**Policy**

All agency TAC's are required to complete a Basic LEIN Terminal Agency Coordinator (TAC) class and attend TAC updates as they are scheduled.

**Historical Notes**

Terminal Agency Coordinator (TAC) Manual

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**Policy Topic** Validation - Responsibilities of Agency Heads

**Policy Date** 1/1/2002

**Policy**

Agency heads shall:

1. Ensure that validation is accomplished forthwith. Validation obliges the entering agency to confirm the record is complete, accurate, and still outstanding or active. Validation is accomplished by reviewing the original entry and current support documents, and by recent consultation with any appropriate complainant, victim prosecutor, court, motor vehicle registry files or other appropriate source or individual. In the event the agency is unsuccessful in its attempts to contact the victim, complainant, etc., the entering authority must make a determination based on the best information and knowledge available whether or not to retain the original entry in the file.
2. Assign a specific supervisor or Terminal Agency Coordinator (TAC) to assume responsibility for the validation processes. Upon receiving validation lists, it is absolutely necessary that each terminal agency check thoroughly to be certain that their entries are active and current.
3. Establish good administrative check procedures within your department to insure that entries and cancellations are properly made.
4. Wherever possible, maintain warrant and vehicle files in a location easily accessible to your LEIN operator.
5. Confirm all hits with the entering jurisdiction.
6. Ensure that terminals are operated by thoroughly trained, competent personnel.
7. The completed validation reports must be retained from the most current year plus one (maximum 24 months total). These reports may be used in the LEIN audit process, and must be available to the LEIN auditor for review.

**Historical Notes**

LEIN Operations Manual; Proper validation procedures are laid out in the LEIN Operations Manual Section 1.16

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**Policy Topic** Second Party Checks

**Policy Date** 1/1/2002

**Policy**

The accuracy of a record entered into LEIN/NCIC must be verified by a second party. Agencies lacking support staff for this verification should require the case officer to check the accuracy of the record. The verification of a record should assure that all available crosschecks, e.g., VIN/LIC, were made and that the data in the LEIN/NCIC record match the data in the investigative report. The second party check shall be completed within 48 hours (excluding weekends and holidays) of the entry of the record in LEIN/NCIC.

**Historical Notes**

LEIN Operations Manual

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**Policy Topic** Change in TAC

**Policy Date** 1/1/2002

**Policy**

An agency shall notify LEIN Field Services Section upon appointment, change, or correction of a named individual to the Terminal Agency Coordinator (TAC) position.

**Historical Notes**

LEIN Operations Manual Section 1

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**Policy Type** Use

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**Policy Topic** Locate

**Policy Date** 1/1/2000

**Policy**

An agency that apprehends or locates a person who is indexed in the NCIC Wanted Person files is required to place a locate on the record after confirmation of the record is made, provided that the locating agency is within the extradition limits set by the entering agency.

**Historical Notes**

NCIC Policy

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**Policy Topic** Limited Use of Area Broadcasts

**Policy Date** 1/1/2002

**Policy**

Training Announcements - Agencies are limited to broadcasting announcements of training classes to a maximum of 6 broadcast areas (one message) per training seminar.

Death Notices - Agencies are allowed to broadcast death and funeral arrangements of members within the criminal justice community.

**Historical Notes**

LEIN Operations Manual

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**Policy Topic** Proper Administrative and Broadcast Use - Prohibited Messages

**Policy Date** 1/1/2002

**Policy**

Broadcast messages not identified elsewhere are prohibited from dissemination.

**Historical Notes**

LEIN Operations Manual Section 2

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**Policy Topic** Proper Administrative and Broadcast Use - Limited Broadcasts

**Policy Date** 1/1/2002

**Policy**

The following limited area broadcasts may be used:

- Training Announcements - Agencies are limited to broadcasting announcements of training classes to a maximum of 6 broadcast areas (one message) per training seminar. If you need this to be sent to a larger area, please send a request through MSP Operations, MI3300100. It is recommended that all training messages be sent to

MSP\_CJIS@LISTSERV.MICHIGAN.GOV for additional dissemination.

- Death Notices - Agencies are allowed to broadcast death and funeral arrangements of members within the criminal justice community.

**Historical Notes**

LEIN Operations Manual Section 2

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**Policy Topic** Proper Administrative and Broadcast Use - Optional Broadcasts

**Policy Date** 1/1/2002

**Policy**

The following may be broadcast (optional) via GBDC:

- Felonies involving an armed or believed armed fugitive(s) with adequate physical description, vehicle description, and/or license plate number with statewide implications for apprehension or safety of officers or the public.
- Escapes from custody, when considered dangerous (prisons, jails, mental institutions, officer custody, etc.).
- Out-of-state "WANTEDS" meeting the above criteria and accompanied by an open, extraditable warrant.
- Messages requesting investigative leads when unusual modus operandi incidents are experienced or when crime patterns are locally recognized which may have statewide impact.
- Messages concerning property recovered which are considered to be unusual either by description or quantity.

**Historical Notes**

LEIN Operations Manual Section 2

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**Policy Topic** Proper Administrative and Broadcast Use - Mandatory Broadcasts

**Policy Date** 1/1/2002

**Policy**

The following situations warrant mandatory GBDC:

- Shooting and aggravated assaults on police officers with subject at large (these incidents should be broadcast even with little or no identifying data, and without delay).
- Tornado watches and warnings.
- Serious flood conditions.

**Historical Notes**

LEIN Operations Manual Section 2

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