

# **MICHIGAN STATE POLICE POLICY FOR LEIN ACCESS TO FIRE DEPARTMENTS**

## **I. User Agreement**

Prior to LEIN access, the head of the law enforcement agency (the Agency) providing access and the chief of the organized fire department (the Department) receiving information shall sign a Memorandum of Agreement Regarding Request and Receipt of LEIN Information, as approved by the Michigan State Police. A copy of the Agreement shall be filed with the Michigan State Police, LEIN Field Services Section, and copies shall be kept on file at the Agency and at the Department.

## **II. Department Access**

The Department may request and receive LEIN information, in the form of a printout or otherwise, through the Agency only for the following purposes:

- A. A pre-employment criminal convictions history check (**purpose code E only**).
- B. A pre-employment driving record check.
- C. Vehicle registration information for vehicles involved in a fire or a hazardous materials incident.

## **III. Wanted Persons**

If the Agency receives a LEIN/NCIC record indicating the job applicant is "wanted", the Agency shall act accordingly upon the warrant or order. However, the LEIN/NCIC warrant information shall not be given to the Department.

## **IV. Dissemination**

### **A. The Agency**

LEIN printouts generated under paragraph II may be furnished to the Department. The name of the person making the request and the Department will be included in all LEIN inquiries. Transmission of vehicle registration information is permissible via radio airwaves; however, the use of a FAX or another electronic device is prohibited. The Agency shall ensure that its LEIN operators are trained in these procedures.

### **B. The Department**

After review of the information by the Department, LEIN printouts shall be immediately cross-cut/confetti shredded, or otherwise destroyed. In no instance, shall a printout or other record of LEIN information be maintained in a case file. The Department shall be responsible for maintaining proper evidence of LEIN transactions. This includes (but is not limited to) application forms, incident reports and electronic global database entries.

**MEMORANDUM OF AGREEMENT regarding FIRE DEPARTMENT LEIN ACCESS**

This Agreement is executed between \_\_\_\_\_, a law enforcement LEIN terminal agency (the Agency), and \_\_\_\_\_, an organized fire department (the Department), pursuant to the Criminal Justice Information Systems (CJIS) Policy Council Act of 1974 (the Act, 1974 PA 163; MCL 28.211 et seq.), as amended by 2005 Act 309, and other acts.

**I. Purpose**

The purpose of this Agreement is to set forth, in writing, the terms and conditions under which the Agency will provide LEIN access to the Department with respect to certain information.

**II. Statutory Authority**

Section 4 of the Act (MCL 28.214) provides that the fire chief of an organized fire department, or his or her designee, may request and receive LEIN information through a law enforcement agency for the following purposes:

- A. A pre-employment criminal convictions history (purpose code “E” only) check.
- B. A pre-employment driving record check.
- C. Vehicle registration information for vehicles involved in a fire or a hazardous materials incident.

**III. Responsibilities**

The Agency, through LEIN, shall provide to the Department requested information to be used only for purposes permitted by law. The Department shall comply with policies and promulgated rules of the Michigan State Police, LEIN Field Services Section.

**IV. Termination**

Upon approval by the Michigan State Police, LEIN Field Services Section, this Agreement may be terminated.

**V. Signatories**

The signatories warrant that they are authorized to execute this Agreement.

**FIRE DEPARTMENT**

**LAW ENFORCEMENT AGENCY**

\_\_\_\_\_  
(Signed Fire Chief)

\_\_\_\_\_  
(Signed Agency Head)

\_\_\_\_\_  
(Printed Name/Title)

\_\_\_\_\_  
(Printed Name/Title)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Date)

This document must be kept on file at the law enforcement agency.

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