



STATE OF MICHIGAN  
DEPARTMENT OF STATE POLICE  
LANSING

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February 17, 2011

Dear Court LEIN User:

The Michigan State Police, LEIN Field Services Section (FSS), Audit and Training Unit, in collaboration with the State Court Administrator's Office, has developed the following list of commonly found Law Enforcement Information Network (LEIN) policy issues specifically related to Michigan Courts. The intention of this correspondence is to provide courts with basic information and procedures that may be useful in maintaining the integrity of the LEIN, ensuring officer safety and limiting liability.

1. **"Paperless" courts not signing and dating warrants.**

While the LEIN court-entered warrants process is referred to as "paperless", the procedures for issuing warrants, personal protections orders (PPOs) or any other order cannot truly be "paperless". Rather, the "paperless" terminology, with respect to LEIN warrant entry, refers to the lack of paper movement between the court and the law enforcement agency.

Michigan Court Rule (MCR) 6.102C (4) requires a warrant to be signed by the court in order to be valid. Michigan Court Rule 2.602 (A) (1) requires all judgments and orders to be in writing, signed and dated by the court. Since LEIN and National Crime Information Center (NCIC) policy require only valid warrants/PPOs/orders be entered in LEIN/NCIC, all courts must ensure they adhere to the above court rules. Adhering to the above policies and court rules increases the safety of law enforcement officers and protects the courts from potential liability.

LEIN Auditors are instructed to require the immediate removal from LEIN of any warrant or court order that is not in writing and adequately signed and dated by the court, as it is not a valid order.

2. **Courts issuing a warrant and a summons (notice to appear) at the same time.**

One of LEIN's primary purposes is to provide law enforcement officers with the most current and accurate information possible to maintain their safety as well as the public's.

Some courts have decided, however, not to immediately enter warrants into LEIN, or not to immediately send warrants to the associated law enforcement agency for entry into LEIN, instead issuing a summons or a notice to appear to the defendant. In terms of officer safety, this is one of the worst possible scenarios, as the defendant is aware of the warrant while any law enforcement officer that comes into contact with that defendant is not. This puts that officer's safety at tremendous risk.

Courts that insist on notifying a defendant of an existing warrant should continue with warrant entry into LEIN, consistent with LEIN policy (immediately after warrant becomes valid, not to exceed 72 hours).

It should be noted, MCR 6.103 provides that a court may issue a summons in lieu of an arrest warrant at the request of the Prosecutor.

**3. Courts accessing LEIN without MSP or LEIN Field Services approval; without a Terminal Agency Coordinator (TAC); or without training/certifying LEIN operators.**

According to the LEIN Administrative Rules, an agency wishing to gain access to the LEIN system must fill out an application and user agreement, must submit a security plan, must participate in audits and must agree to comply with all state and federal statutes, administrative rules, state and federal CJIS security policies and all procedures outlined in the LEIN Operations Manual. Additionally, user agencies are required to notify LEIN Field Services in writing before affecting any changes to their LEIN access.

A few additional requirements that all agencies directly accessing the LEIN system must follow are: 1) Each agency must designate a TAC. TACs must attend an MSP Basic LEIN TAC class followed by all subsequent LEIN TAC Update classes (or as directed by MSP); 2) All LEIN operators must be trained, tested and certified within 6 months of hire and re-certified every two years.

Because courts are often using a court management software that interfaces with LEIN (i.e. JIS, JMS, Quad-Tran, etc.), many have been confused, thinking they are not accessing LEIN, when in fact, they are.

**4. Courts not fingerprinting and background checking all court employees and/or other unescorted persons.**

State of Michigan and FBI CJIS Security Policies provide the minimum requirements for personnel screening for access to the LEIN system and to the information obtained from the LEIN system. The policies require that all personnel who directly access the system or manage the network infrastructure must be background checked and submit to a state and federal fingerprint check.

Additionally, the policies require all agency personnel with “unescorted” access to the systems and/or data be background checked and submit to a state and federal fingerprint check. Effectively, this policy requires that all employees of an agency directly accessing the LEIN system be background checked and fingerprinted.

Lastly, all non-agency personnel with “unescorted” access to the LEIN system, to information obtained from the system, or who manage the network infrastructure, must be background checked and submit to a state and federal fingerprint check.

Minimum standards for allowable convictions and access to the LEIN system and data can be found in the LEIN Operations Manual, the LEIN TAC manual and on the LEIN website ([www.michigan.gov/lein](http://www.michigan.gov/lein)).

**5. Courts not having in place appropriate management control agreements (and CJIS Security Addendums if applicable) when non-authorized entities such as county or city information technology (IT) departments manage IT infrastructure connecting to LEIN.**

These days, agencies are predominately utilizing the services of a local government information technology department (county or city IT) or possibly a private company to manage their information technology needs. When LEIN becomes part of the equation, however, a problem is presented: Criminal justice agencies are authorized to access LEIN, non-criminal justice/non-governmental information technology departments are not.

State and Federal security policy make an allowance for this type of business structure; however, require the execution of a management control agreement between the authorized LEIN agency and the non-authorized IT entity. The management control agreement requires that any services performed must be at the direction of the authorized LEIN agency.

When a private, non-governmental entity is involved, the CJIS Security Addendum is required, in

addition to the management control agreement. The intent of the CJIS Security Addendum is to ensure a level of security consistent with the state and federal CJIS Security Policies. Each employee of the private, non-governmental entity who has access to LEIN, or who manages IT infrastructure connecting to LEIN, must sign a CJIS Security Addendum.

**6. Courts not confirming validity of warrants and other orders with law enforcement agencies monthly.**

Agencies that enter records into the LEIN system are required by the LEIN Administrative Rules to validate those records on a regular basis. As a part of the monthly validation procedure, agencies must verify with the source of the record whether it is still outstanding/valid or not. With respect to court orders (i.e. warrants, PPOs, mental health orders, etc.), only the court that issued the order can verify whether the order is still outstanding/valid. Therefore, in some capacity, courts must be involved with the monthly validations of every law enforcement agency in their jurisdiction.

Courts may choose to verify the list of orders in the LEIN provided by the law enforcement agency or offer the law enforcement agency the ability to access the court's records management system to verify the validity of the orders. Court orders that cannot be verified as outstanding/valid, however, must be removed from the LEIN.

**7. Magistrates signing bench warrants.**

Magistrates derive their authority from statute and no statute authorizes magistrates to sign bench warrants. That authority is limited to judges. However, pursuant to MCL 600.8511(e), magistrates do have authority to sign arrest warrants.

LEIN Auditors are instructed to require the immediate removal from LEIN of any bench warrant that is not signed by a judge, as it is not a valid order.

**8. Courts using judges' signature stamps.**

As outlined in MCR 2.602(A)(1), all judgments and orders are required to be in writing, signed and dated by the Court. According to SCAO, signature stamps are not a legal signature of the Court and may not be used to issue court orders.

LEIN Auditors are instructed to require the immediate removal from LEIN of any court order issued using a signature stamp in lieu of an actual signature from a statutorily authorized party.

*Update: On July 21, 2011, Michigan Supreme Court General Counsel clarified that orders and judgments issued by a Judge or Magistrate using a signature stamp are legally valid.*

**9. Courts not entering all available information known at the time the warrant/PPO/order is entered into LEIN.**

While the entry of warrants into the LEIN system has traditionally been completed by law enforcement agencies, more than half of the courts in the state of Michigan are now entering warrants into LEIN. This practice has had a very positive affect on the timeliness of warrant entry because, for these courts, there is no paper exchange with the law enforcement agencies. Once the warrant is signed by the court, it can immediately be entered.

Unfortunately, the completeness of warrant entries is not as good as it could be. Many courts enter only minimum information with respect to personal identification information.

Though courts are not required to investigate and "pack" warrant entries with all available personal identification information, they are required to enter all information in their possession at the time of entry. This includes attributes like height, weight, eye color, hair color, operator's license number, FBI

number, SID number, scars, marks, tattoos, and any other personal identification information in their case file at the time of entry.

LEIN Auditors are instructed, when conducting data quality reviews at courts that enter warrants, to determine what information was contained in the file at the time of entry vs. what information was added afterward, and evaluate the court accordingly.

**10. Courts running criminal history queries (QHW/QH/QR) and using purpose code reasons that are not adequately descriptive.**

LEIN Auditors have noticed many courts not using the Purpose Code Reason field in a proper manner. Courts must be aware that there is no “one size fits all” Purpose Code Reason; each reason must be entered to fit the specific situation.

When running a criminal history query in LEIN (QHW/QH/QR), certain fields are required. The required fields are Operator, Requestor/FOR, Purpose Code, Purpose Code Reason and OCA.

- a. The Operator field must contain the name of the person who is actually performing the query. This field is required to be tied to the user’s login name and may not be modifiable.
- b. The Requestor/FOR field is a two part field consisting of “name/agency”, and must contain the name of the person requesting the information from the operator. The person listed in the Requestor/FOR field may or may not be the same as the Operator.
- c. The Purpose Code is a one letter code chosen from a short list of possibilities based on the reason for the inquiry and the databases to be searched (see LEIN TAC manual or LEIN Operations Manual). Generally, the proper Purpose Code to use for the administration of criminal justice is Purpose Code C.
- d. The Purpose Code Reason should be one or two short words that describe the purpose for which the criminal history query is being run. Some examples of acceptable Purpose Code Reasons include “OWI”, “Larceny”, “Arrestment”, “Probation”, “Discharge”, and “Sentencing”. Some examples of *unacceptable* Purpose Code Reasons include “CCH”, “Criminal”, “Investigation”, and “Judge”.
- e. The OCA field should contain the court’s case number.

The Purpose Code and Purpose Code Reason are both entered in the 52 (PUR) field and are separated by a slash (/). Some examples of properly formatted Purpose Code and Reason fields include: C/Larceny, C/Arrestment, C/OWI, and C/Sentencing.

As always, please feel free to contact the Michigan State Police, LEIN Field Services Section at 517-241-0667 or [mspleinfss@michigan.gov](mailto:mspleinfss@michigan.gov) with any questions you may have.

Sincerely,



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