

**OFFICIAL USE**

Accessing the Law Enforcement Information Network (LEIN) must only occur as authorized by the Department of Human Services (DHS) in the performance of official duties. Any inappropriate access, use, or disclosure of LEIN information will result in disciplinary action.

County directors are responsible for authorizing appropriate staff to access LEIN and for maintaining the security, confidentiality and the appropriate use of LEIN information.

**DEFINITIONS OF  
TERMS  
APPLICABLE IN  
THE DISCLOSURE  
OF LEIN  
INFORMATION**

The following four (4) listed terms are used throughout the Adult Services Manual (ASM) to assist in clarifying the LEIN process. Adult Protective Services (APS) workers must be familiar with these terms and their definitions when implementing the LEIN policy.

**General  
Statement**

A statement which summarizes the behavior of an individual but does not use the legal terminology found on LEIN documents, e.g., "information obtained from law enforcement indicates that Mr. X has a history of illegal sexual acts that do not include minors."

**LEIN  
Documents**

The actual printed paper (or photocopy) report received from a law enforcement agency or generated from the DHS-based LEIN terminal, in response to a LEIN request.

**LEIN  
Information**

The information contained in the LEIN document, e.g., "Mr. X was convicted of second degree criminal sexual conduct (CSC)".

**Verified LEIN  
Information**

Information obtained from credible sources, such as police or court personnel, which **corroborates** information obtained from LEIN. This information may be the same as the actual LEIN information itself.

Examples include, but are not limited to:

- “The Wayne County Sheriff’s department confirmed that Mr. X was convicted of second degree criminal sexual conduct (CSC).”
- A police report that contains information about an arrest for violence in the home, etc.
- Law enforcement officers may be subpoenaed to testify, as needed in court.

**Note:** Consultation with the prosecutor or DHS legal representation is encouraged regarding evidential value of this information.

**DISCLOSURE OF  
LEIN  
INFORMATION**

The law granting DHS enhanced LEIN access, (MCL 28.214) clearly states that DHS “shall not disclose information from the LEIN to a private entity for any purpose...” The following categories of people, although **not** an exhaustive list, may not be given LEIN information, either directly or indirectly, by DHS:

- Individuals.
- Guardians/conservators.
- Licensed facilities.
- Agencies and any entities external to DHS.

**Penalty for  
Improper  
Release of LEIN  
Information**

MCL 28.214 prohibits the disclosure of LEIN information to any private entity for any reason.

- First offense - misdemeanor punishable by not more than 93 days imprisonment or a fine of not more than \$500.00, or both.
- Second offense - felony punishable by not more than four (4) years imprisonment or a fine of not more than \$2,000.00, or both.
- Staff found to have misused LEIN information will be subject to disciplinary action up to and including dismissal.

All suspected violations of LEIN policy pertaining to unauthorized access, use, or disclosure of LEIN information are to be immediately forwarded to the Office of the Inspector General (OIG).

### **LEIN Overview**

Adult protective services has access to information on the LEIN through a services agreement with the Michigan State Police. This access to Michigan LEIN information includes the following:

- State of Michigan criminal history information.
- Sex offender registry.
- Missing/wanted persons.
- Concealed weapon permit (CCW).
- Personal protection orders (PPO).
- Officer safety cautions.

LEIN also interfaces with the following agency applications:

- Michigan Secretary of State information (SOS) to provide driving and vehicle records.
- Michigan Department of Corrections (CMIS) to provide prison/parole/probation records.

### **EVALUATING/CONDUCTING LEIN REQUESTS**

Workers are to evaluate all information received from the referral source, the client or other collateral sources of information that an adult caretaker and/or alleged perpetrator has a history of violent behavior or was arrested or convicted for a crime. APS may conduct LEIN clearances during the course of any investigation when it is believed a LEIN clearance will provide additional information.

At a minimum, a LEIN check must be conducted for:

- All alleged perpetrators for all sexual abuse.
- Serious physical abuse.
- Serious neglect.
- Financial exploitation.
- Suspected caretaker substance abuse.
- Cases where domestic violence allegations may be present.

LEIN checks on these serious situations listed above may include criminal, arrest, warrants, personal protection order/injunction (PPO) and officer cautions. APS must also conduct a LEIN check on other individuals involved in APS cases when there is reason to believe this information is necessary to make a decision regarding client or worker safety.

**Note:** It is **recommended** that all LEIN clearances be completed and evaluated by the investigating worker **prior** to making contact with the client or alleged perpetrator.

### Documented Risk

In situations in which DHS has documented a risk that leads to a reasonable apprehension regarding the safety of performing a home visit, workers **must** complete a LEIN clearance prior to contact with the client or alleged perpetrator. This will enable the worker to evaluate both client safety issues as well as worker safety issues.

### FORM FOR REQUESTING A LEIN CLEARANCE

When requesting LEIN clearances, APS workers must utilize form DHS-269A "Criminal History Information Request". Documentation must include a reason for requesting a LEIN clearance on a specific person. A copy of the DHS-269A must remain with LEIN Operator Log and a copy must be maintained in the Legal packet of the APS case file.

## EVALUATION OF LEIN INFORMATION

### History of Violence

Where an adult caretaker has a history of violent behavior or was convicted of a violent crime, workers must evaluate any information received from:

- A parent.
- Relatives or others.
- A LEIN check.
- An I-Chat clearance.
- Any other collateral source of information.

Care and discretion must be used in evaluating the information received.

### Arrest/Criminal Record

The existence or nonexistence of an arrest or criminal record is only one factor in assessing risk. **The nonexistence of an arrest or criminal record is not necessarily an indication of low or no risk.**

The existence of an arrest or criminal record must be assessed in light of when (how long ago) the offense occurred and whether any treatment was provided and/or was effective. The information obtained is to be included in assessing risk and the decision regarding the safety of the client.

Information indicating the alleged perpetrator was involved in violent behavior, or convicted for crimes against persons or crimes against self, including substance abuse, must be given particularly close attention. This may be a clue as to the dynamics within the relationship that could place a vulnerable adult at risk from the alleged perpetrator's behavior.

### Confidentiality

**Due to confidentiality issues, LEIN information and/or documents must not be shared via phone, fax or electronic mail (email).**

**OUTSTANDING  
WARRANTS**

County offices **must** contact local law enforcement agencies when DHS becomes aware of the whereabouts of a person with any outstanding warrant. DHS must inform local law enforcement services of the location of the individual and the individual's involvement, if any, with a DHS case.

This notification to local law enforcement must be recorded in the adult services comprehensive assessment program (ASCAP) contacts section and the referral to other agencies section of the ASCAP client module noting the reason for the referral under agency referral reason.

**REBUTTAL  
PROCESS**

If a person challenges the accuracy of a criminal history check, refer the person to the nearest law enforcement agency to follow that law enforcement agency's process for challenging the criminal record. The individual must be advised that once the response to their challenge is received, that information must be provided to DHS.

**Note:** Workers cannot disclose that LEIN had been accessed to obtain criminal history information or disclose any unverified criminal history information, including the existence of a warrant, to the individual on which the LEIN check was completed or any entity external to DHS (except for the local law enforcement agency, as indicated above).

**LEIN DOCUMENT  
RELEASE/DISPOS  
AL**

**LEIN documents must not be filed in the case record. LEIN documents must be cross-cut shredded after review, verification of pertinent data (APS and safety issues) and incorporation of this information in narratives, safety plans and/or petitions. The word LEIN or Law Enforcement Information Network must not appear in any reports, narratives or documentation.**

Information which is being used as evidence of adult abuse/neglect/exploitation must be cited in petitions and case narratives and backed up by corroborating information from the

source of the LEIN, e.g., reports from the law enforcement services or entity that entered the information onto the LEIN.

### Release of LEIN Documents/Information

**LEIN documents can only be released through a court order or court issued subpoena-Do not process; forward to MSP LEIN Field Services for Processing, to avoid confusion. Upon receipt of a court order, the LEIN inquiry must again be requested.**

Information obtained from verification of LEIN information can be cited in court petitions. LEIN documents can not be attached to, or submitted, with petitions. Case narratives and court reports can include information obtained from verification of LEIN information when such information is the basis for case decision making.

Verified information is information obtained from credible sources, e.g. police or court personnel, which corroborates information obtained from LEIN. For example, police reports that contain information about arrests for violence in the home, etc. Law enforcement officers may be subpoenaed to testify, as needed, in court. Consultation with the prosecutor or DHS legal representation is encouraged regarding evidential value of this information.

When petitions or general narratives are shared with other entities external to the DHS, the fact that a LEIN check was done and the specific information obtained from LEIN must be redacted. General statements do not need to be redacted. For example, if the narrative states that information obtained from law enforcement indicates that a person has a history of violent behavior, this type of statement would not need to be redacted. The specific details obtained from LEIN must be redacted.

**LEIN information is NOT subject to Freedom of Information Act (FOIA) requests and can only be released through a court order or court issued subpoena.**

### TRACKING METHODS (AUDIT)

As a requirement of the agreement with the Michigan State Police granting DHS direct LEIN access, county offices must document all LEIN clearances by completing the DHS-269A and log all requests on a DHS-268. These forms are to be completed as part of the audit process and must be maintained on file at the local office.

APS should utilize the APS case number generated at the intake stage as a permanent tracking number for all LEIN clearances conducted in reference to that APS case.

**LEGAL BASE**

Adult protective services authority for LEIN access is cited in C.J.I.S Policy Council Act, MCL 28.214 (ii).