
OVERVIEW

The Michigan Department of Health and Human Services (MDHHS) Children's Services Administration (CSA) has requirements for requesting, reviewing, and disseminating Criminal Justice Information (CJI) obtained from the Law Enforcement Information Network (LEIN) system.

See [SRM 701, LEIN Use, System & Security Policy](#), for additional LEIN requirements including: definitions of roles and responsibilities, appropriate use, and safeguarding the system and security of the network.

OFFICIAL USE

The Criminal Justice Information Services (CJIS) Policy Council Act, 1974 PA 163, as amended, MCL 28.211 et. seq., grants MDHHS access to the Michigan Criminal Justice Information Network (MICJIN). Accessing the Law Enforcement Information Network (LEIN) must only occur as authorized by MDHHS 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.

Additional LEIN procedural policies, authorization, and use can be found in [SRM 701, LEIN Use, System & Security Policy](#).

DEFINITIONS

Case managers must be familiar with the terms and definitions when implementing the LEIN policy.

LEIN Documents

Printed-paper, photocopy, or electronic LEIN report generated from the LEIN in response to a LEIN request.

LEIN Information

Nonpublic information obtained from the LEIN database that contains criminal justice information (CJI).

Verified Information

Information obtained from credible public sources, which corroborates information obtained from LEIN. This information may

be the same as the actual LEIN information itself. Police reports that contain information about arrests may also be included. Consultation with the prosecuting attorney or MDHHS legal representation is encouraged regarding evidential value of the information.

Public sources include:

- Public court reports.
- Internet Criminal History Access Tool (ICHAT).
- National and state sex offender online registries.
- Offender Tracking Information System (OTIS).
- Police/law enforcement public reports.
- Prosecuting attorney's office public reports.
- Michigan Secretary of State (SOS) public reports.
- Self-disclosure.
- VINELink.

AUTHORIZED LEIN ACCESS

Only authorized users can request, review and/or generate LEIN information; see [SRM 701, LEIN Use, System & Security Policy](#), for definitions of each role.

Authorized requesters include case managers or supervisors assigned or associated to cases in the following units: Adoption, Adult Protective Services (APS), Children's Protective Services (CPS), Child Welfare Licensing, Foster Care (FC), Interstate Compact on the Placement of Children (ICPC), Interstate Compact for Juveniles (ICJ), Juvenile Guardianship and Juvenile Justice (JJ).

Authorized users who review LEIN CJI with indirect access must follow the access requirements outlined in the Indirect Access section outlined in [SRM 701, LEIN Use, System & Security Policy](#).

Appointed operators, local area security officers (LASOs), and terminal agency coordinators (TACs) who directly access LEIN CJI must follow the access requirements outlined in the Direct Access section outlined in [SRM 701, LEIN Use, System & Security Policy](#).

LEIN OVERVIEW

All local child welfare offices have access to information in the LEIN through an agreement with the Michigan State Police (MSP) based

on statutory allowances. This access can include the following information, based on authorization:

- Michigan criminal history.
- Sex offender registry.
- Missing/wanted persons.
- Gun registration/permits.
- Personal Protection Orders (PPO).
- Officer cautions.
- Michigan SOS.
- National Crime Information Center - wants/warrants from all states.

Canadian and Mexican criminal history information is only available if Canada or Mexico submitted data to the National Law Enforcement Telecommunications System (Nlets). Tribal criminal history information is only available if the tribe submitted data to the Michigan criminal history repository.

STATE AND NATIONAL SEARCHES

34 USC 20961 allows MDHHS/CSA to conduct a national criminal history search only for investigated cases of child abuse, neglect, or exploitation.

State statute, policy, regulations, and approvals by the MSP LEIN field service's unit authorize access to LEIN for other investigated cases and placement. For these cases, case managers can only request Michigan-based LEIN searches.

REQUIRED LEIN REQUEST

Criminal record clearances can be useful in assessing the potential risk for abuse of a child or adult by their parent and/or other person(s) responsible for the child or adult's health and welfare. Evaluate all information received from the reporting person, client, LEIN clearance, and other collateral sources of information.

Required Request for Adoption

The process for completing criminal clearances applies to adoption applicants and all adult household members. Only MDHHS

adoption case managers for MDHHS directly supervised adoption cases can request a LEIN clearance.

See [ADM 0520, Background Checks, Clearances, Criminal History Checks and Fingerprinting](#), for specific information on requirements and time-frames for background for adoption.

Required Request for Adult Protective Services

Adult Protective Services (APS) investigators 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 of a crime. During an investigation in which it is believed a LEIN clearance will provide pertinent information, a LEIN clearance may be requested.

At a minimum, conduct a LEIN clearance when the following is alleged or suspected:

- Sexual abuse.
- Serious physical abuse.
- Serious neglect.
- Financial exploitation.
- Suspected caretaker substance abuse.
- Domestic violence.

LEIN clearances in the situations listed above may include criminal, arrest, warrants, personal protection order/injunction (PPO), and officer cautions. APS must also conduct a LEIN clearance on other individuals involved in APS cases when there is reason to believe this information is necessary to assess client safety.

Home Help Providers

Criminal history screens occur during the Community Health Automated Medicaid Processing System (CHAMPS) enrollment process and **not** by staff at the local office. Adult services staff **must only** utilize LEIN information during an APS investigation. No other adult services program can use LEIN.

Required Request for Absent Without Legal Permission

When policy requires verification that a child who is absent without legal permission (AWOLP) is posted in LEIN, an operator must conduct a person query search on the child reported to be missing. This search is to verify that children who have been classified as missing and endangered are posted in LEIN. To conduct a person query, use the person query form in Talon.

See [FOM 722-03A, Absent Without Legal Permission \(AWOLP\)](#), for policy requirements. See [SRM 701, LEIN Use, System & Security Policy](#), for the definition of person query.

Required Request for Child Welfare Licensing

Division of Child Welfare Licensing (DCWL) staff must conduct a LEIN clearance on all adult household members that reside in or frequent the home on a reoccurring and ongoing basis of an applicant or a licensee for a foster care home or proposed adoptive home or placement. For additional information, see [Children's Foster Home Licensing Technical Assistance \(TA\) Manual](#).

Required Request for Children's Protective Services

Children's Protective Services (CPS) case managers must request a LEIN clearance as early as possible in the investigation, but no later than seven calendar days after receipt of the referral by Centralized Intake on all alleged perpetrators and all adults residing in the household of the alleged perpetrator. The case manager may also conduct a LEIN clearance during any investigation when the specialist believes a LEIN clearance will provide pertinent information.

A LEIN clearance must be requested when there are allegations of:

- Sexual abuse,
- Physical injury,
- Sex or labor trafficking,
- Domestic violence, and/or
- Substance use, sales, or production.

- On non-custodial parents or relatives and all adults residing in the respective household when considering placement with non-custodial parents and relatives; see [PSM 715-2, Court Intervention And Placement Of Children](#).

Note: Resides means to dwell permanently or continuously. It expresses an intention of a person to keep or return to a particular dwelling place as their fixed, settled, or legal abode.

LEIN clearances are not required for voluntary safety arrangements where placement is not court ordered.

When requesting a LEIN, CPS case managers or supervisors must complete a DHS-269, Criminal History Information Request, form. See *Requesting a LEIN Record*, in this item for further details.

When documenting completion of a LEIN clearance, the following corroborated public information must be indicated in the disposition question specific to criminal history (located in the *disposition* tab in electronic case record):

- Names of individuals with whom a LEIN clearance was requested.
- Source of secondary public verification (such as ICHAT, etc.).
- A description of the verified information as it relates to the investigation or child safety, if applicable.

Note: MDHHS may not request LEIN solely for staff safety purposes. Staff should consult with their supervisor and follow their county's office protocols to assure all safety precautions are taken.

Potential Unlicensed Relative Placement

When CPS is conducting a LEIN clearance on an individual for potential placement, the case manager must link the name of the evaluated person to the child's case. The case manager must create a provider inquiry and record for all potential unlicensed relative placements. The case manager **must** complete the MDHHS-5770, Relative Placement Safety Screen, and DHS-3130-A, Relative Placement Home Study, in the electronic case record. See Job Aid, JA Relative Placement Process, and [FOM 722-03B, Relative Engagement and Placement](#).

Required Request for Foster Care and Juvenile Justice

Evaluate all information from the potential parent/caregiver when assessing placement. LEIN clearances must be conducted:

- On all adult household members when a child will be having parenting time within a parent's home; see [FOM 722-06I, Maintaining Connections Through Visitation and Contact](#).
- On all adult household members, by the next business day, when the court orders placement with a relative prior to the completion of the required home study.
- On all adult household members when considering a return home; see [FOM 722-07B, Permanency Planning-Reunification](#).
- When a child is placed with an unlicensed relative, or a home study is being conducted on a relative's home.
- When a child is placed at home and new adults move into the home.

When a household member has a conviction of certain crimes, placement prohibition and/or further assessment is required before placement can be made; see [FOM 722-03, Placement Selection and Standards](#), and [FOM 722-03B, Relative Engagement and Placement](#).

Foster care and juvenile justice placement LEIN clearances must include criminal convictions, arrest/warrants, officer cautions, a concealed pistol license (CPL) registration/permit check, and a personal protection order check.

Case managers may request a new LEIN clearance on other adult household members when there is reason to believe that new information is pertinent to assess child safety.

Potential Unlicensed Relative Placement

When foster care or juvenile justice staff conduct a LEIN clearance on an individual to assess a potential placement, the case manager must link the name of the evaluated person to the child's case. The case manager must create a provider inquiry and record for all potential unlicensed relative placements. The case manager **must**

complete the MDHHS-5770, Relative Placement Safety Screen, and DHS-3130-A, Relative Placement Home Study, in the electronic case record. See [FOM 722-03B, Relative Engagement and Placement](#).

Required Request for Interstate Compact on the Placement of Children

All adult household members of a prospective placement for which MDHHS is required to conduct the home study must have a LEIN criminal history background check.

Required LEIN clearances must only be ran on open, active cases. When MDHHS receives a referral from the Interstate Compact on the Placement of Children (ICPC) to conduct a home study on a prospective placement and there is not an existing case, the case manager or supervisor must open a non-CPS intake.

See [ICM-120, Interstate Adoption Procedures](#), and [ICM-130, Interstate Foster Care Procedures](#), for additional requirements.

Required Request for Interstate Compact for Juveniles: Juvenile Referrals

All adult household members who are the subject of the Interstate Compact for Juveniles (ICJ) referral must have a LEIN criminal history background check.

Required LEIN clearances must only be ran on open, active cases/provider record. When MDHHS receives an ICJ referral for transfer of supervision, then a case manager or supervisor must open a non-CPS intake.

When new adults move into and/or reside in the home, LEIN criminal history clearances on the new adults are mandatory.

Following the initial criminal history check, completion of subsequent criminal history clearances can occur if determined necessary by the case manager.

The ICJ Form VIII, Home Evaluation Report, requires a criminal history check and must include the following:

- Full name of the subject of the check.
- Subject's date of birth.
- Subject's gender and race.
- Subject's relationship to the juvenile.
- Date of the check.

The home evaluation report must also include the date the juvenile arrived in the home.

Document subsequent clearances conducted independently of a home evaluation on the ICJ Form IX Progress Report.

See [ICM150, Interstate Probation/Parole Supervision](#), for additional information on ICJ requirements.

Required Request for Juvenile Guardianship

Before the court may appoint a guardian, the department must complete a LEIN clearance, along with other criminal history and central registry clearances, for the prospective guardian and all other adults living in the household per guardianship policy; see [GDM 600, Juvenile Guardianship](#).

Note: In some cases, the court will request a home study on a potential guardian for which MDHHS does not have jurisdiction or an open case. In these situations, do not use LEIN for criminal history clearances. Contact the county court to request they run the LEIN clearance or use public sources (such as ICHAT).

REQUESTING A LEIN RECORD

Required LEIN clearances must only be ran on open, active cases. Only MDHHS requesters assigned or associated to the active case may request CJJ from LEIN for purposes outlined in this policy. The person being checked must be affiliated with the case. CPS case managers must list the names of the individuals with whom the LEIN clearance is requested in the disposition question specific to criminal history (located in the disposition tab in the electronic case record), see *Required Requests for CPS*, in this item. Ensure the person's name is in the electronic case record and matches the name as written on the DHS-269, Criminal History Information

Request, form, and DHS-268, LEIN Clearance Log, or DHS-268A-Secondary Dissemination Clearance Log. These forms must include the associated case number, the investigation number, intake ID number, or provider ID.

Maintain the original DHS-269, Criminal History Request, form in the electronic case record. The DHS-269 must also be uploaded to the document section of the electronic case record. A copy of the DHS-269 must be retained with the original DHS-268, LEIN Clearance Log, and/or DHS-268A, Secondary Dissemination Clearance Log. Do not write anything associated with a LEIN result on the DHS-269, Criminal History Request, form.

After the request, the operator must complete the DHS-268, LEIN Clearance Log, and/or DHS-268A, Secondary Dissemination Clearance Log.

Requests for After-Hours Court Ordered Emergency Placements

Centralized Intake (CI) is authorized to access the LEIN after normal business hours (8a.m.-5p.m.) and on weekends and holidays at the request of foster care (FC) and Children's Protective Services (CPS) staff in the local offices to help evaluate the safety of unlicensed persons for children placed in the care and custody of MDHHS. Follow the process for submitting a request to CI:

- Call CI after hours at 1-855-444-3911 to request all necessary LEIN clearances in the unlicensed person's household under consideration for placement of children.
- Provide the following information:
 - The intake ID, investigation ID, or case ID.
 - Indicate the matter is an emergency.
 - Name and date of birth of person(s) for whom a LEIN clearance is necessary.
 - Relationship of person(s) to the children (for example, maternal grandmother).
 - A copy of either the petition or court order.
- Alternatively, send the necessary information bulleted above from a state of Michigan Outlook e-mail to CI at [MDHHS-CPS-](#)

CIGroup@michigan.gov and include in the subject line of the email: Court-ordered emergency placement-unlicensed person.

- Upload the DHS-269, Criminal History Information Request, form to the electronic case record within the next business day.

After the request, the operator must complete the DHS-268, LEIN Clearance Log.

In situations where the contracted Sault Ste. Marie Tribe of Chippewa Indians Binogii Placement Agency is requesting an after-hours LEIN clearance to determine appropriate placement, the following should occur:

- The Sault Tribe Binogii Placement Agency case manager/supervisor will contact the local MDHHS office on-call case manager/supervisor for assistance with clearances.
 - In the event the Sault Tribe Binogii Placement case manager/supervisor is unaware of the on-call case manager's/supervisor's contact information, contact can be made to Centralized Intake for inquiry.
- The Sault Tribe Binogii Placement Agency case manager/supervisor will provide the MDHHS on-call case manager/supervisor with a copy of the tribal court order placing the children under the care and supervision of MDHHS. If an order is not available, the Binogii Placement Agency case manager/supervisor will confirm the date of the tribal court judge's verbal order. The date of the tribal court judge's verbal order must be documented in a social work contact.
- The Sault Tribe Binogii Placement Agency case manager/supervisor will provide the MDHHS on-call case manager/supervisor all household members' information.
- The MDHHS on-call case manager/supervisor must create a non-CPS intake in the electronic case management system. This will generate an intake ID. The intake ID will be recorded on the DHS-269, Criminal History Request, form. ([Non-CPS intake job aid](#), Chapter 4, page 4-15.)
- Once the non-CPS intake is created, the MDHHS on-call case manager/supervisor will contact Centralized Intake and request a LEIN clearance for placement.

- The MDHHS on-call case manager/supervisor must complete a DHS-269 and submit it to Centralized Intake.
- The MDHHS on-call case manager/supervisor must corroborate any criminal history record information (CHRI) using public sources (Internet Criminal History Access Tool (ICHAT), Sex Offender Registry, law enforcement, etc.).
- The MDHHS on-call case manager/supervisor can only report to Sault Tribe Binogii Placement Agency the public, corroborated verified information.
- The MDHHS on-call case manager/supervisor will upload the DHS-269 in the electronic case record intake file.
- The MDHHS on-call case manager/supervisor must clearly document all efforts, including verbal court orders by a tribal court judge, in social work contacts once the non-CPS intake has been linked and assigned by a supervisor.
- Once the case is accepted and linked, the assigned MDHHS case manager must link the name of the evaluated person to the child's case. The case manager must create a provider inquiry and record for all potential unlicensed relative placements.
- See [FOM 722-03B Relative Engagement and Placement, NAA 215 Placement/Replacement Priorities for Indian Child\(ren\)](#).

The Sault Ste. Marie Tribe of Chippewa Indians defines extended family and relative.

MDHHS Responsibilities for PAFC Managed Cases

In situations where a placement agency foster care (PAFC) needs a LEIN clearance to determine appropriate placement or visitation, MDHHS cannot share LEIN results; instead, the following should occur:

- The PAFC must notify the MDHHS monitoring case manager and provide all household members' information.
- The MDHHS monitoring case manager must complete a DHS-269, Criminal History Request, form within five business days upon receipt; see [FOM 914, MDHHS Responsibilities for PAFC Managed Cases](#).

- The MDHHS monitoring case manager must corroborate any criminal history record information (CHRI) using public sources; see *Verified Information*, in this item.
- The MDHHS monitoring case manager can only report to the PAFC the corroborated verified information.
- File the DHS-269, Criminal History Request, form, as outlined in this item.

Note: This outlined process is not for licensing foster care and adoption homes. Please see Division of Child Welfare Licensing (DCWL) policies.

EVALUATION OF LEIN INFORMATION

Evaluate information received from a parent, relative or others, a LEIN clearance, public sources, or other collateral sources of information of an adult caretaker's criminal history.

The existence or nonexistence of an arrest or criminal record does not necessarily indicate risk.

Only verified information should be used for decision-making with consideration of how long ago the offense occurred and whether treatment intervention was provided.

LEIN REQUEST TRACKING

LEIN operators must document all LEIN clearances by completing the DHS-268, LEIN Clearance Log, and/or DHS-268A Secondary Dissemination Clearance Log. Complete this form as part of the audit process and maintain in a secure file, physically at, or electronically within, the local office.

For record retention requirements, see *LEIN Document Disposal and Retention*, in this item.

DISSEMINATION OF LEIN INFORMATION

Disseminate LEIN information and/or documents via phone, fax, electronic mail (email), or printed only in accordance with the requirements outlined within this policy. It is the responsibility of the

local county director or appointed local agency security officer (LASO) to ensure compliance. Requesters electronically receiving and reviewing the CJI must follow the physical access requirements outlined in [SRM 701, LEIN Use, System & Security Policy](#).

The CJIS Policy Council Act, MCL 28.214(5) et seq., granting MDHHS enhanced LEIN access, states, "A person shall not disclose information governed under this act in a manner that is not authorized by law or rule." Although not an exhaustive list, MDHHS may not share LEIN information, directly or indirectly, with the following individuals or agencies:

- Private child placing agencies.
- Placement agency foster care providers.
- Contractors.
- Individuals, agencies, and entities external to MDHHS.
- Lawyer-Guardian Ad Litem.
- Guardians/conservators.
- Licensing facilities.
- Tribal representatives.
- Unauthorized MDHHS staff or authorized staff for unauthorized purposes.

The law also specifies criminal penalties for non-compliance with the confidentiality provisions of the law.

Phone Dissemination

Criminal history record information (CHRI) can only be released verbally via phone from a MDHHS authorized user to a MDHHS authorized requester associated to the open/active case and provide the operator with a two-step verification process by confirming:

1. Intake ID number.
2. Case manager ID (as associated to the open/active case).

Upon verification of authorization and case association, the operator/TAC can then share CJI via phone.

Note: Texting of any CJI from LEIN is prohibited, see *Mobile Devices*, in this item if using mobile devices.

Fax Dissemination

Criminal history record information (CHRI) can only be released via fax from a MDHHS authorized user to a MDHHS authorized requester who is associated to the open/active case:

- Only fax to another MDHHS office fax machine.
- The requester must stand at the fax machine and await receipt.
- The requester must send an email confirming receipt of the report to the sender.

Requester must meet the physical security requirement when reviewing CJI via fax.

Email Dissemination

Criminal justice information (CJI) can be released via email only from a MDHHS authorized user to a MDHHS authorized requester associated to the open/active case. The email must be encrypted (FIPS 140-2) end-to-end. The MDHHS Outlook meets this encryption requirement.

- Requester must connect either via VPN or directly to the state of Michigan network when reviewing CJI via email; see *Mobile Devices*, in this item if using mobile devices.
- Password protect the document being emailed.
- Only email to a MDHHS authorized user.

Requester must meet the physical access authorization requirements when reviewing CJI via email; see [SRM 701, LEIN Use, System & Security Policy](#), for documentation requirements.

Note: If the requester who is receiving CJI via phone, fax, email, or printed copy is getting the report because they are assisting another county-assigned case manager, assigned as the county of responsibility, documentation of the dissemination must be on a DHS-268A, Secondary Dissemination Log.

Do not store CJI on a network drive unless it meets CJIS security policy requirements for protection and is restricted, monitored, and tracked by a local county TAC for appropriate authorized access.

Mobile Devices

Mobile cell phone or tablet devices may be used to receive and review CJI from LEIN, only when all the following are met:

- Agency's mobile device is enrolled in a mobile device management (MDM) that is compliant with the CJIS security policy requirements, including device locating capabilities.
- Device is enrolled in Apple DEP or remote location detection software that is compliant with CJIS policy.
- Microsoft Outlook and DTMB issued Microsoft applications installed on the mobile device are used to open reports.
- Information is accessed from a physically secure location, see [SRM 701, LEIN Use, System & Security Policy](#).

Do not use web-based email or self-installed applications to send, receive, or review CJI from LEIN.

Printed Dissemination

CJI can be released via printed hard copy only from a MDHHS authorized user to a MDHHS authorized requester associated to the open/active case.

Authorized requester release signatures on the DHS-268, LEIN Clearance Log, can be handwritten or electronic.

**Secondary
Dissemination**

Secondary dissemination is distributed criminal history information obtained from LEIN that is beyond the original requesting agency.

Sharing information outside MDHHS requires the receiving agency to have an originating agency identifier (ORI). MDHHS only allows for secondary dissemination within local MDHHS county offices. When requests from other agencies are received, refer them to their law enforcement agencies.

Secondary dissemination can only occur between authorized MDHHS county offices when a case manager from one county is assisting with another county's assigned investigation. The primary case manager assigned to the case can share the CJI with the assisting case manager from the other county. Report the sharing

of this information on the DHS-268A, Secondary Dissemination Log.

Dissemination is for authorized purposes consistent with the requirements outlined in this policy. Local county offices can choose to implement or decline requests for secondary dissemination.

Secondary dissemination log documentation must include the following information:

- Date requested.
- Authorized requester name and county number.
- Receiving county ORI.
- Intake/investigation/case number associated with an active MDHHS case.
- Name of the person being LEIN evaluated.
- Case type.
- Date of dissemination.

The local county office must retain a copy of the DHS-269, Criminal History Log, along with the DHS-268A, Secondary Dissemination Log. For record retention policy; see *LEIN Document Disposal and Retention*, in this item.

Note: Do not generate CJI for an authorized requester associated to another county's ORI unless they are associated to the case for which the generating county is responsible.

Do not allow an unauthorized individual to view, hear, or otherwise access information obtained from LEIN contained in a case file.

Documenting in Reports/Files/ Narratives

Information solely from LEIN must not be included in department reports or case files (including hard copy or electronic- such as the child welfare electronic case management system, BITS, Bridges, ASCAP, etc.). Do not disclose any unverified criminal history

information to the individual on which the LEIN clearance was completed.

Case files and documents or court reports may include corroborated verified information when the information is required, or the information is the basis for case decision-making.

Case or court reports, petitions, or narratives of other reports may include the DHS-154, Investigation Report, DHS-152, Updated Services Plans, Placement Agency Foster Care providers DHS-3130-A, Children's Foster Care Initial Relative Placement Home Study, MDHHS-5770, Relative Placement Safety Screen, safety plans and/or petitions. Only verified information from LEIN should be in these reports when information is a source of evidence of child abuse/neglect. Do not attach or submit a LEIN report with a petition.

Note: When petitions, initial service plans (ISPs), updated service plans (USPs), home studies, court reports, etc., written prior to June 1, 2007, are shared with the court, private child placing agencies, treatment providers, foster parents and all other entities external to the department, information obtained from LEIN must be redacted and removed from the report. Do not attach or submit LEIN documents with petitions.

See the definition of *Verified Information*, in this item to obtain public sources to corroborate.

Court Orders, Subpoenas and FOIA request

LEIN information is not subject to Freedom of Information Act (FOIA) requests and can only be released through a court order or subpoena issued by the circuit court, including the family division. Forward all court orders and subpoenas for LEIN information to the Michigan State Police LEIN field services via email at MSPLEINFSS@michigan.gov for processing.

The law also specifies criminal penalties for noncompliance with the confidentiality provisions of the law; see [CJIS Security Policy](#).

Penalty for Improper Release of LEIN Information

CJIS Policy Council Act, MCL 28.214(6)(a) explains penalties to a person who intentionally uses or discloses nonpublic information in a manner that is not authorized by law or rule; see [SRM 701, LEIN Use, System & Security Policy](#), Violations and Breaches.

All suspected violations of LEIN policy pertaining to unauthorized access, use or disclosure are to be immediately forwarded to the central office TAC; see [SRM 701, LEIN Use, System & Security Policy](#), Incident Response.

REBUTTAL PROCESS

Sharing of CJI directly from LEIN is not allowed. Only share corroborated verified information. 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. Inform the individual to provide the response from law enforcement to MDHHS.

LEIN DOCUMENT DISPOSAL AND RETENTION

See Record Retention and Disposal Schedule, [49/BCW, Child Welfare Policy and Programs](#), for record retention policy requirements for each LEIN report and document.

Do not file LEIN documents in the case record (electronic or hard copy). This does not include the DHS-269, Criminal History Request; see *Requesting a LEIN Record*, in this item. If it is necessary to obtain a historical-based CHRI, send a request to the central office TAC. If another criminal history check is needed for individuals previously cleared, submit a new DHS-269.

When immediately disposing of LEIN CJI or at the conclusion of the record retention periods, crosscut, shred, or incinerate the documents.

VIOLATIONS AND BREACHES

LEIN use is specific to statutory authority. Any breach in the use of LEIN is a violation; see [SRM 701, LEIN Use, System & Security Policy](#), for more information and to learn how to report suspected violations or breaches.

Incident Response

Immediately report all suspected violations of LEIN policy pertaining to unauthorized access, use or disclosure to the local office TAC and the central office TAC. See [SRM 701, LEIN Use, System & Security Policy](#).

Mobile Devices Incident Response

Pursuant to CJIS security policy, enhanced incident reporting is required to address mobile device use. Immediately report to the Department of Management and Budget (DTMB) any incidents involving a mobile device, including but not limited to, the following situations:

- Loss of device control such as:
 - Device known to be locked, minimal duration of loss.
 - Device lock state unknown, minimal duration of loss.
 - Device lock state unknown, extended duration of loss.
 - Device known to be unlocked, more than momentary duration of loss.
- Total loss of device.
- Device compromised.
- Device loss or compromise outside the United States.

Note: Mobile devices are subject to use requirements. See [SRM 701, LEIN Use, System & Security Policy](#).