

EXECUTIVE DIGEST

SELECTED COURT ORDER INFORMATION WITHIN THE LAW ENFORCEMENT INFORMATION NETWORK

INTRODUCTION

This report, issued in March 2000, contains the results of our performance audit* of the Legal Incapacitation, Involuntary Hospitalization or Treatment, and Not-Guilty-by-Reason-of-Insanity Court Order Information Within the Law Enforcement Information Network (LEIN).

AUDIT PURPOSE

This performance audit was conducted as part of the constitutional responsibility of the Office of the Auditor General. Performance audits are conducted on a priority basis related to the potential for improving effectiveness* and efficiency* .

BACKGROUND

LEIN is the State criminal justice computer system that provides authorized agencies with a Statewide integrated network of information for the administration of criminal justice. LEIN includes multiple Michigan Department of State Police (MSP) databases containing sensitive criminal and law enforcement information accessible by remote terminals throughout the State. The MSP Criminal Justice Data Center is responsible for access to and management of LEIN.

The MSP Criminal Justice Information Center and the MSP Criminal Justice Data Center are responsible for the State's Criminal History Records System and the Injunctive Order* Records System within LEIN. In addition, the Criminal Justice Information Center maintains the State's Automated Pistol* Registration System, which records all pistol licenses reported by local law enforcement agencies* in the State.

The judicial branch, established under Article 6 of the State Constitution, is headed by the Michigan Supreme Court and includes the Michigan Court of Appeals and trial courts* (circuit*, probate* , district, and municipal courts). Several judicial agencies function under the Supreme Court, including the State Court Administrative Office (SCAO). The State Court Administrator is responsible for supervising the administration of the State's trial courts.

Effective April 1, 1996, Sections 700.444a, 330.1464a, and 769.16b of the *Michigan Compiled Laws* require persons with specific court orders to be reported in LEIN. The specific court orders are for persons determined to be legally incapacitated (LIP), persons required to undergo involuntary hospitalization or treatment (IC), and persons adjudged not guilty by reason of insanity (NGRI). LIP and IC court orders are primarily issued by probate courts and NGRI court orders are primarily issued by circuit courts. According to SCAO, LIP, IC, and NGRI court orders represent approximately 2% of court-generated information in the Injunctive Order Records System in LEIN. Concurrently, Sections 28.422(3)(a) and 28.426(1)(a) of the *Michigan Compiled Laws* disqualify persons subject to LIP, IC, and NGRI court orders from

obtaining a license to purchase, carry, or transport a pistol, including a concealed pistol. Local law enforcement agencies query LEIN to ensure that an applicant for a pistol license does not have an LIP, IC, or NGRI court order.

**AUDIT OBJECTIVE
AND CONCLUSION**

Audit Objective: To determine the completeness and accuracy of court order information recorded in LEIN for persons (1) determined to be legally incapacitated, (2) required to undergo involuntary hospitalization or treatment, or (3) adjudged not guilty by reason of insanity.

Conclusion: Of the court orders reviewed for persons determined to be legally incapacitated, required to undergo involuntary hospitalization or treatment, or adjudged not guilty by reason of insanity, a significant percentage either were not in LEIN or were in LEIN but the information was inaccurate. Our audit disclosed one material condition* :

- LEIN information concerning LIP, IC, and NGRI court orders is incomplete and, to some extent, inaccurate (Finding 1).

**AUDIT SCOPE AND
METHODOLOGY**

Our audit scope was to examine information in the Law Enforcement Information Network related to LIP, IC, and NGRI court orders from selected courts. LIP, IC, and NGRI court orders are recorded in the Injunctive Order Records System in LEIN. In addition, NGRI court orders are also recorded in the Criminal History Records System in LEIN, as they are the final disposition in a criminal case. Our audit was conducted in accordance with *Government Auditing Standards* issued by the Comptroller General of

the United States and, accordingly, included such tests of the records and such other auditing procedures as we considered necessary in the circumstances.

Our audit procedures included testing pertinent information in LEIN related to court records for LIP, IC, and NGRI court orders for the period April 1, 1996 through September 30, 1999.

Our methodology included interviewing personnel from MSP, SCAO, and the courts included in our site visits. Also, we reviewed applicable State statutes, policies, and procedures to gain an understanding of the process developed to record court orders in LEIN.

We visited the circuit court and probate court for each of nine counties. We selected a sample of LIP, IC, and NGRI court orders at the applicable courts, primarily on a random basis.

The number of courts visited and the number of court orders reviewed were not statistically determined and should not be projected to other courts in the State. For the LIP, IC, and NGRI court orders sampled, we examined the courts' files, determined if the court orders were in LEIN as of September 27, 1999, and compared court order information to recorded data in LEIN.

AGENCY RESPONSES

Our audit report contains one finding and corresponding recommendation. The agency preliminary response indicated that MSP and SCAO concur with the recommendation.