

## MEMORANDUM

DATE: August 30, 1999

TO: Circuit, Family, and District Court Judges  
Court Administrators and Probation Officers

FROM: James Covault, Director Trial Court Services

SUBJECT: SCAO Administrative Memorandum 1999-10  
Protective Conditions of Probation for Named Persons - Entry into LEIN

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The Law Enforcement Information Network (LEIN) Field Services office has announced that effective August 18, 1999 a file is available for the entry of protective conditions of probation for named persons pursuant to 1998 PA 449, MCL 771.3(5), MSA 28.1133:

“(5) If an order or amended order of probation contains a condition for the protection of 1 or more named persons as provided in subsection (2)(o), the court or a law enforcement agency within the court’s jurisdiction shall enter the order or amended order into the law enforcement information network. If the court rescinds the order or amended order or the condition, the court shall remove the order or amended order or the condition from the law enforcement information network or notify that law enforcement agency and the law enforcement agency shall remove the order or amended order or the condition from the law enforcement information network.”

### **Adult Records**

In addition to probation conditions for the protection of named persons, this file will also allow the entry of other probation conditions. The following condition will appear for every probationer who is placed on probation in the District Court:

Not violate any criminal law of any unit of government.

In addition, there are 7 optional conditions which may be selected, including 2 free-form

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conditions titled “Other”, and a Remarks field. The optional conditions will appear in a pop-up window for selection as follows:

1. No contact with victim(s)/ (names)
2. Not near home/business of/ (description)
3. No assaultive or threatening or intimidating behavior.
4. No alcohol or drugs.
5. Not possess any firearms or dangerous weapons.
6. Other 1/ (free-form)
7. Other 2/ (free-form)

The entry process will require a calculation on the term of probation to enter a specific date of expiration of the order. This will result in the order self-expiring on that date. Persons discharged early should be removed from LEIN using MC-239, Removal of Entry from LEIN. Persons whose probation is extended should have the expiration date modified accordingly using MC-244, Petition and Order for Amendment of Order of Probation.

LEIN will not require validation of these records because they are self-expiring. However, any court desiring to receive a listing of all probation orders in LEIN may request a report from LEIN Field Services.

The response on a LEIN hit will identify the record as a Probation Order - Probation Conditions, and contain the following caveat: “Do not arrest or detain based solely on this response.” The response will also state “Confirm Specific Content of Order with Phn: (court’s phone number).” A telephone number must be entered for each probation record. This number should be a court or probation department number. LEIN recommends that home phone numbers of probation officers not be used. Inclusion of a facsimile number may facilitate receipt the reporting of any activity on a probation violation by law enforcement officers.

A sample LEIN response for an adult probation order is included at the end of this document. Courts may do an inquiry to view this new function by entering a test record with the following information: Name: PROBATION/TEST/RECORD, Sex: M, DOB: 07/07/1970, SYSIDNO: 10895415. Also inquiries by probation number can be made by entering QPBN MI5055500.87:12345.55:OPERATOR.56:FOR/AGENCY.

### **Juvenile Records**

The Family Division of the Kent County Circuit Court is piloting a program involving juvenile probationers. Under the current pilot 4 conditions will appear for every probationer when an entry is made for a juvenile:

1. Not violate any criminal law of any unit of government.

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2. No possession or consumption of alcohol or controlled substance
3. No assaultive, threatening or intimidating behavior
4. No purchase or possession of a firearm or dangerous weapon

Additional optional conditions for juveniles would include:

1. No contact with victim(s)/ (names)
2. No association with/ (names)
3. Not near home/business of/ (description)
4. No standing, loitering, or congregating/ (description)
5. Curfew/ (description)
6. Must attend school/ (description)
7. Other/ (free-form)

Responses on a LEIN hit on pilot inquires identify the record as a Juvenile Order - Probation Conditions, and contain the following caveat: "Do not arrest or detain based solely on this response." The response will also state: "Confirm specific content of order with Phn: (court phone number)."

**EXAMPLE RESPONSE**

**\*\*\*PROBATION ORDER - PROBATION CONDITIONS  
DO NOT ARREST OR DETAIN BASED SOLELY ON THIS RESPONSE\*\*\***

**NAM:PROBATION/ORDER// DOB:07/07/1970  
RAC:WHITE SEX:MALE SKN:DARK HGT:600 WGT:210  
HAI:BROWN EYE:BROWN OLN:P111-222-333-444 OLS:MI SOC:333-22-4444  
MNU:OA-1234 SID:497J FBI:54321A PRN:123456 CTN:90-12-345678-90  
SMT:TAT UL ARM  
ADD:123 ANYWHERE ST TOWNUSA MI 48833 POB:MI**

**ORIGINAL CONVICTION:NARCOTIC EQUIPMENT-POSSESS  
CIT:750.332 (NARCOTICS-POSSESS ILLEGAL EQUIPMENT)  
OCA:99TEST PBN: 1999-1234  
DATE OF ORDER:08/12/1999 EXPIRATION DATE:08/12/2000  
COURTORI:MI338895J-DC TEST COURT CRTDOCKETNO:12345699  
LIC:999YZZ LIS:MI LIY:(JUL)-2001 LIT:PC  
PICKUP:WILL NOT  
REMARKS:TEST RECORD  
ALIAS NAME:PROBATION/BADBOY//**

**CONDITONS:**

**NOT VIOLATE ANY CRIMINAL LAW OF ANY UNIT OF GOVERNMENT.  
NO CONTACT WITH VICTIM(S)/LINUS SCHROEDER  
NOT NEAR HOME/BUSINESS OF/SALLY BROWN  
NO ASSAULTIVE,THREATENING OR INTIMIDATING BEHAVIOR.  
NO ALCOHOL OR DRUGS.  
NOT POSSESS ANY FIREARMS OR DANGEROUS WEAPONS.  
OTHER1/MUST PARTICIPATE IN MENTAL HEALTH TREATMENT.  
OTHER2/MUST ENGAGE IN COMMUNITY SERVICE.**

**CONFIRM SPECIFIC CONTENT OF ORDER WITH PHN:517-336-6131  
FAX:517-336-6421**

**ENTERED LEIN:08/12/1999 1438 HRS  
SYSIDNO:10861126**

**END MSG**