



# THE SUPREME COURT of OHIO OFFICE OF COURT SERVICES

## Understanding BCI Reporting Requirements Webinar Audience Questions & Answers

### Fingerprint & ITN

**Question:** If BCI's Quality Assurance tracks down a case without an ITN and gets the fingerprint card from the arresting agency, will the local court be notified if an ITN is assigned to the individual?

**Answer:** Quality Assurance (QA) does not track down cases without an ITN number. There is no way for BCI to know what agency the arrest should have come from without an ITN number. The court would know who the arresting agency is from the paperwork and in that case reach out to the arresting agency for the fingerprint card if it is a reportable offense. The other option is to order the person to be fingerprinted at the time of the hearing/sentencing.

**Question:** If the court receives a fingerprint card on a defendant and no charges are filed, how do we report that?

**Answer:** Manually – write “no charges filed” on the disposition form where the sentence would normally go (see example below).

You can also email the information to: [CCH\\_Corrections@ohioattorneygeneral.gov](mailto:CCH_Corrections@ohioattorneygeneral.gov)

<small>BCI Form 2-71 Final Disposition Bureau of Criminal Investigation</small> <small>Each arrest cycle must include a Final Disposition. Arrests and dispositions are linked by a common Incident Tracking Number (ITN) which is unique throughout the incident. The ITN is preprinted on Arrest Tarpint Cards and a blank space is provided for the ITN on this Disposition Form. To ensure proper linkage between arrests and dispositions, please reproduce or hand copy the ITN from the Arrest Tarpint Card onto this Disposition Form. Submit to: BCI, P.O. Box 365, London, OH 43140-0365.</small> <small>(See instructions on reverse side)</small>		<input type="text"/> Leave Blank  <input type="text"/> Insert ITN Number
FBI number  Name on fingerprint card submitted Last                      First                      Middle  Furnish in all cases: Date of birth _____ Sex _____ Fingerprint classification _____  State Bureau number      Social Security No. (SOC)  Contributor of fingerprints   Arrest number      Date  Offenses charged at arrest	Final disposition and date <small>(If convicted or subject pleaded guilty to lesser charge, include this modification with disposition.)</small>  <i>No charges filed</i>  This form submitted by: (Name, Title, Agency, City and State)  Signature                      Date  Title  <input type="checkbox"/> Court ordered expungement: <small>Return arrest fingerprint card to contributing agency; certified or authenticated copy of court order attached.</small>  Right four fingers taken simultaneously	

Make sure to include:

- All demographics
- Date of arrest
- Charge
- ITN number

*These questions were asked by the webinar participants and subsequently answered by the presenter Conchita Matson, BCI Identification Section, Ohio Attorney General's Office.*

Question: If there isn't an ITN on file, but the final disposition is reported, who is responsible for obtaining the ITN?

Answer: The court. At the time of sentencing, the person should be asked whether or not they have been fingerprinted and if not, the judge should order them to be fingerprinted. Without an ITN number BCI QA is not able to ascertain what law enforcement agency to contact.

Question: If the municipal court case is bound over to the common pleas court, will this result in another ITN number?

Answer: It should not if the municipal court forwards the ITN to the common pleas court to report the final disposition (Refer to page 41 on the PowerPoint presentation).

Question: If this is the case, how does BCI report the final disposition to the original ITN?

Answer: BCI doesn't report. The court would report the disposition to the original ITN. Please refer to pages 36-38 of the PowerPoint on how to report "duplicate" ITN numbers.

Question: On the screen that showed how cases reject for various reasons, there were cases that didn't have an ITN. It was my understanding that if there isn't an ITN, the violation wouldn't transfer to BCI. Please explain.

Answer: The electronic disposition specifications allow for more than one field to search if an ITN number is not available. If submitted, it will always search by ITN first. If not, it will search the following combinations: BCI number and Date of Arrest (DOA), FBI# and DOA, SSN and DOA. When none of the searchable fields are provided, the transaction will show up on the basic report under Fatal errors with the message Required field missing (it will be beside every field).

Question: Law enforcement is using date of arrest field in variable ways (e.g., date of fingerprint, date of offense, date served, date arrested, etc.) We are not using this date the same way. OCN sends our date of offense as the arrest date through the program we use. How are you troubleshooting the potential for things not matching with the different dates of arrest if no ITN is received by the court?

Answer: The Date of Arrest (or date fingerprinted) is a required field according to the Electronic disposition specifications. The program shouldn't be pulling the date of offense as the date of arrest (unless that is the same as the DOA in your court system and just called something else). It will still attach if the ITN number is provided, but will not attach if no ITN number is submitted with the disposition.

Question: On what date did the new 2-71 come out?

Answer: We received them 6/13/19.

Question: Is the form 2-71, the court correction form?

Answer: No, please refer to page 15 of the PowerPoint. There is a picture of the 2-71 form and pages 16-18 list how to fill one out.

*These questions were asked by the webinar participants and subsequently answered by the presenter Conchita Matson, BCI Identification Section, Ohio Attorney General's Office.*

## **Court Reporting Requirements**

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Question: Do juvenile courts have a duty to report misdemeanors?

Answer: Yes, if they are offenses of violence. A list of these offenses was included in the webinar's materials and can also be found under R.C. 2901.01(A)(9)(a). It is also available on the [AG's website](#).

Question: For Juveniles, are we supposed to report probation violations?

Answer: Only if you have received an ITN number on a 2-71 form from law enforcement.

Question: What BCI reporting requirement is there for probate court mental adjudications?

Answer: Not later than seven days after a person is found to be a mentally ill person subject to court order or becomes an involuntary patient other than one who is a patient for purposes of observation, the probate judge who made the adjudication or the Chief Clinical Officer of the hospital, agency, or facility in which the person is an involuntary patient must transmit this form to BCI.

Probate courts can also report via OCN portal, using the Mental Illness Adjudication Reporting (MIAR) module. The MIAR module permits courts to modify and view previously submitted commitment records. For information on using the MIAR module in OCN, contact the OCN Help Desk at [OCNHelp@sc.ohio.gov](mailto:OCNHelp@sc.ohio.gov) or 614.387.9980.

Question: Are the law enforcement agencies responsible for reporting releases without charges?

Answer: If they released the person before forwarding the 2-71 disposition form to the court, yes.

Question: If the fingerprinted defendant is a fugitive, should the "disposition" be reported under R.C. 2963.11 regardless of the charges, or should this be handled in some other way?

Answer: It should be reported under R.C. 2963.11.

Question: How do misdemeanor courts report to BCI the Not Guilty by Reason of Insanity or if the case is dismissed since defendant cannot be restored to competency?

Answer: If submitting electronically, the codes should be included in your dropdown choices by your vendor. Ex: 302 – Acquitted reason insanity, 303 – acquitted mental incompetency

If submitting manually, attach the sentencing entry to the 2-71 form or write the outcome on the form

Question: If someone is dismissed off of Community Probation, are we supposed to report the dismissal?

Answer: No

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Question: How do we submit probation violations?

Answer: The same as any other disposition if submitting electronically and also manually

Question: How do we submit a remand back to a municipal court?

Answer: Send the 2-71 form back to the municipal court and they will send in the final disposition.

Question: I have heard some courts say that their vendors will not submit the disposition if there is no ITN on the case. Not sure if this is accurate.

Answer: That is accurate. This is not according to BCI's specifications which the vendors should be following. You should be able to submit disposition information without an ITN number.

### **How to Report**

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Question: Does BCI communicate with the case management system vendors when BCI finds that the vendor's electronic reporting is sub-standard? The communication might help resolve issues for many courts.

Answer: We have had meetings with IT staff in counties where they have a "homegrown" system. I am not aware of speaking to vendors in the past. Moving forward that is our plan, and to have trainings in conjunction with the vendors at the time of installation or even afterward.

Question: Where can I get a list of what all of the error codes mean?

Answer: If you are referring to the descriptions, they are listed in the PowerPoint slides as well as the Court Reporting Procedures (one of the handouts provided at the webinar). You can also find it [here](#). If you are referring to actual number codes, contact your vendor.

Question: If the court sends information through OCN, how do we resubmit if after getting our report from BCI that we have a fatal error?

Answer: Anytime a modification is made to an entry OCN will add it to their file and submit it to BCI. If you correct the issue, OCN should pick that disposition up again and resubmit it to BCI.

Question: When I see "no corresponding arrest on file," BCI's Quality Control will follow up, and the clerk's office does not need to?

Answer: If you request a detailed report Quality Assurance staff will follow up on these.

Question: Does Quality Assurance also follow up with the "Cycle not on file" error messages?

Answer: Yes, if you have requested a detailed report.

Question: If final dispositions are reported via OCN, are the courts still required to report manually or electronically?

*These questions were asked by the webinar participants and subsequently answered by the presenter Conchita Matson, BCI Identification Section, Ohio Attorney General's Office.*

Answer: No, unless it is a type of disposition which can only be reported manually (relief from disability, vacate orders, etc.). Note: juvenile court data sent to OCN is not currently being sent to BCI.

Question: If we send a disposition without an ITN through OCN and then two weeks later receive the ITN and OCN picks it up again, does BCI receive that disposition transmission again or will it only send the disposition one time?

Answer: Anytime a modification is made in your system, OCN will pick up the transaction and send it. So, if you add an ITN number after you have submitted a disposition, OCN should pick that up and resend it.

Question: How do I report the probation violation cases manually when I report through OCN?

Answer: By filling out a 2-71 form. If you have an ITN number you can report through OCN

Question: When will BCI move to an xlm data input format instead of old-style fixed width format?

Answer: BCI has to maintain the current format to allow all counties in Ohio to submit to BCI who do not have the XLM capability.

Question: When is BCI getting their new case management software?

Answer: BCI is getting a new CCH which will contain a new electronic disposition program hopefully by March 2021.

Question: How will your new system improve the matching up of court records and fingerprints?

Answer: A queue was created where BCI personnel can look at certain dispositions that have errored out and still apply them manually to the arrest (if available) from the queue. We will also have the capability to rerun files at any time. Any possible "duplicate" arrests will also be queued for review and business rules applied so that the disposition will still attach and the other arrest will be connected to the initial one so there are no open arrests. Corrections to records (some fatal errors) will still have to be resubmitted by the court.

Question: If you join OCN program to submit fingerprints, do we still need to submit to BCI as well?

Answer: No, with the exception of juvenile courts. Juvenile court data sent to OCN is not currently being sent to BCI.

Question: Our understanding is that reporting through OCN is not an option for juvenile courts. Are juvenile courts able to report through OCN? If no, then is there a projection on timing for when juvenile courts will be able to report through OCN?

Answer: Juvenile court data sent to OCN is not currently being sent to BCI.

Question: The state auditor had an issue with the Style of the case not being submitted as part of the BCI submission, but there is no place for this in the transmission. Is BCI addressing this issue?

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Answer: The court is submitting everything listed under style except for names of plaintiffs. A criminal history cannot contain the name of the plaintiff, only the information that pertains to the person who has the record.

Question: How do we get basic or detailed reports?

Answer: If you submit electronically you should already be receiving the basic report. Respond to the email the report is sent by and request a detailed report. These reports are only provided for electronic submissions.

Question: If a person is convicted of a lesser offense, where is that reported on the 2-71 form?

Answer: Under Final Disposition. Refer to pages 15-18 in the PowerPoint. It lists all the fields and what is required.

### **Sealing & Expungement**

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Question: For a sealing of record of conviction of a General Division court, you want the court to attach the 2-71 form with the entry sealing the record?

Answer: No, you should have already submitted the disposition for that case. You can send the sealing order as long as there is reference to the date of arrest it pertains to and all demographics. BCI provides a form that you can fill out to send with the sealing order – it was one of the handouts on the webinar and can also be obtained from the [AG website](#).

Question: Do you want the actual fingerprint sent with the sealing order when taken at time of sealing or just the ITN number?

Answer: If the judge orders the person to be fingerprinted, law enforcement should send the court the 10 print fingerprint card along with the 2-71 form (both contain the ITN number). Both of these should be sent in with the sealing order.

Question: When the defendant is fingerprinted at time of arrest and then fingerprinted again at order of sealing of arrest record, would that not produce two separate ITNs? How does BCI ensure the original arrest ITN is identified and sealed?

Answer: The court should be inquiring whether a person has been fingerprinted for the offense at the time of the sealing. If so, the disposition should have already been sent in and the information should be obtainable by the court who submitted it. (You should already have an ITN number associated with the case) and only the sealing order should be sent to BCI. If they have not been fingerprinted they should be ordered to be fingerprinted. This avoids duplication.

There are some counties which fingerprint everytime a person is indicted, out on bail, held in the jail – all for the same incident. In this case the court might not be aware that there are more than one ITN numbers associated with the arrest. BCI staff uses case numbers and court dates to match up possible “duplicate arrests” and seals all of them at once.

Question: Can you please provide the Ohio Revised Code citation again for the requirement to fingerprint a defendant at the time the court orders his/her record sealed if they have not been previously fingerprinted?

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Answer: Senate Bill 227 amending R.C. 2953.32(C) (5)

Question: Are records completely destroyed once the order to seal/expunge for juvenile cases? Specifically, if a youth goes into law enforcement, the military, or nursing, as an adult would his/her potential employer have access to the juvenile file? I have had a few youths who are now adults that thought their record was sealed, but when the employer did a background check something was found on their record.

Answer: Yes. The only way that would happen is if the FBI still had the information for some reason. We expunge files from the FBI electronically and at times there can be technical glitches where it is sealed at BCI but not at FBI. Most of the time it is because we never received the sealing order from the court. BCI has a challenge and review process where the individual can supply documentation regarding their record and a new background check is then submitted if the record is modified based on the paperwork.

Question: R.C. 2151.357(F) states no officer or employee shall knowingly release disseminate or make available for any purpose involving employment. Whoever violates is guilty of M-4. How can BCI keep information in a sealed file and then release that?

Answer: In section (E) there is a list of entities that can view a juvenile sealed record. At the end of (F) it states it can't be released to anyone who is not expressly permitted to view it by the section code listed in (E) – please see highlighted sections below. BCI does not release juvenile sealed information.

(E) Inspection of records that have been ordered sealed under section 2151.356 of the Revised Code may be made only by the following persons or for the following purposes:

(1) By the court;

(2) If the records in question pertain to an act that would be an offense of violence that would be a felony if committed by an adult, by any law enforcement officer or any prosecutor, or the assistants of a law enforcement officer or prosecutor, for any valid law enforcement or prosecutorial purpose;

(3) Upon application by the person who is the subject of the sealed records, by the person that is named in that application;

(4) If the records in question pertain to an alleged violation of division (E)(1) of section 4301.69 of the Revised Code, by any law enforcement officer or any prosecutor, or the assistants of a law enforcement officer or prosecutor, for the purpose of determining whether the person is eligible for diversion under division (E)(2) of section 4301.69 of the Revised Code;

(5) At the request of a party in a civil action that is based on a case the records for which are the subject of a sealing order issued under section 2151.356 of the Revised Code, as needed for the civil action. The party also may copy the records as needed for the civil action. The sealed records shall be used solely in the civil action and are otherwise confidential and subject to the provisions of this section;

(6) By the attorney general or an authorized employee of the attorney general or the court for purposes of determining whether a child is a public registry-qualified juvenile offender registrant, as defined in section 2950.01 of the Revised Code, for purposes of Chapter 2950. of the Revised Code.

(F) No officer or employee of the state or any of its political subdivisions shall knowingly release, disseminate, or make available for any purpose involving employment, bonding, licensing, or education to any person or to any department, agency, or other instrumentality of the state or any of its political subdivisions any information or other data concerning any arrest, taking into custody, complaint, indictment, information, trial, hearing, adjudication, or correctional supervision, the records of which have been sealed pursuant to section 2151.356 of the Revised Code and the release, dissemination, or making available of which is not expressly permitted by this section. Whoever violates this division is guilty of divulging confidential information, a misdemeanor of the fourth degree.

(G) In any application for employment, license, or other right or privilege, any appearance as a witness, or any other inquiry, a person may not be questioned with respect to any arrest or taking into custody for which the records were sealed. If an inquiry is made in violation of this division, the person may respond as if the sealed arrest or taking into custody did not occur, and the person shall not be subject to any adverse action because of the arrest or taking into custody or the response.

(H) The judgment rendered by the court under this chapter shall not impose any of the civil disabilities ordinarily imposed by conviction of a crime in that the child is not a criminal by reason of the adjudication, and no child shall be charged with or convicted of a crime in any court except as provided by this chapter. The disposition of a child under the judgment rendered or any evidence given in court shall not operate to disqualify a child in any future civil service examination, appointment, or application. Evidence of a judgment rendered and the disposition of a child under the judgment is not admissible to impeach the credibility of the child in any action or proceeding. Otherwise, the disposition of a child under the judgment rendered or any evidence given in court is admissible as evidence for or against the child in any action or proceeding in any court in accordance with the Rules of Evidence and also may be considered by any court as to the matter of sentence or to the granting of probation, and a court may consider the judgment rendered and the disposition of a child under that judgment for purposes of determining whether the child, for a future criminal conviction or guilty plea, is a repeat violent offender, as defined in section 2929.01 of the Revised Code.

Question: If a juvenile case is automatically expunged at the age of 23 years of age, does the court still need to submit that to BCI?

Answer: Yes, all sealing/expungement orders need to be submitted to BCI.

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