



Quick Reference Guide

Understanding BCI Reporting

Courts and clerks of courts play a significant role in the criminal background check process. Records submitted by courts, clerks of court, and law enforcement agencies largely populate the state's central repository of criminal records maintained by the Office of the Ohio Attorney General's Bureau of Criminal Investigation (BCI). BCI must receive all of the necessary information – offense, fingerprint, and disposition – to ensure complete and accurate information is available for background checks to be conducted at the state and federal levels.

Duty to Fingerprint

Law Enforcement [R.C. 109.60(A)(1)]

Fingerprints shall be captured if the offense involved a:

- Felony.
- Escalating misdemeanor.
- Misdemeanor specified in R.C. 109.572(A)(1), (A)(8), or (A)(10).
- Offense of violence committed by a juvenile or probable cause that a juvenile committed an offense of violence.

Custodial Agent [R.C. 109.57(A)(1)]

Fingerprints shall be captured if the offense involved a:

- Felony.
- Escalating misdemeanor
- Misdemeanor specified in R.C. 109.572(A)(1)(a), (A)(4)(a), or (A)(6)(a).
- Offense of violence committed by a juvenile or probable cause that a juvenile committed an offense of violence.

The Court's Role in the Fingerprinting Process

- If fingerprints are not yet secured by arraignment or initial appearance, courts must order the defendant or juvenile to be fingerprinted within 24 hours of the court's order.¹ [R.C. 109.60(A)(2)]
- The court shall inquire again at the time of sentencing, or adjudication or disposition for juveniles. If fingerprints are still missing, the court must either take the fingerprints or order the person fingerprinted by law enforcement within 24 hours. [R.C. 109.60(A)(3)]

The Clerk's Reporting Process

Clerks of court are required to report disposition information to BCI weekly for cases involving felonies, certain misdemeanors specified in R.C. 109.572, and offenses of violence committed by a juvenile.² [R.C. 109.57(A)(2)].

The report is to contain: [R.C. 109.57(A)(2)]

- Incident Tracking Number (ITN).
- Style and number of case.
- Date of arrest, offense, summons, or arraignment.³
- Date of disposition – conviction, guilty plea, adjudication (juveniles), not guilty finding, not delinquent finding (juveniles), dismissal, mistrial, not competent finding, nolle prosequi, any other final determination.
- Statement of original charge with corresponding Ohio Revised Code section violated.⁴
- The sentence, disposition (juveniles), or terms of probation imposed.
- A statement in the summary if the offense involved the disarming or an attempt to disarm a law enforcement officer.

Firearms Disqualification

Under certain circumstances, state and federal law prohibit an individual from acquiring, possessing, or using a firearm. BCI reports data to the Federal Bureau of Investigation's National Instant Criminal Background Check System (NICS) which serves as the federal criminal records repository.

Best Practices for Capturing Fingerprints

The court, the clerk of courts, and law enforcement agencies should develop a process to identify and communicate with defendants and juveniles missing fingerprints when appearing in court.

Practices to consider:

Clerks

- Confirm with law enforcement that fingerprints have been taken following arrest or taking into custody (for example, jail could send a list to the clerk).
- Develop a process for defendants and juveniles appearing via summons, for example, include language on the summons to report to law enforcement for fingerprints to be taken prior to arraignment or initial appearance.
- Compile a list of defendants appearing in court missing fingerprints for judicial officers.
- Install a digital fingerprint terminal in the courthouse where defendants can be fingerprinted before or after their court proceeding.
- Docket an entry that an order to be fingerprinted has been issued.
- Docket an entry upon notice that fingerprints were obtained.
- Docket an entry that the disposition information has been sent to BCI.

Judges

- Determine at arraignment or first appearance if fingerprints have been taken; if not add as a condition to bond to provide fingerprints to law enforcement within 24 hours. [R.C. 109.60 (A)(2)]
- Follow up about fingerprinting at hearings before sentencing, adjudication, or disposition if they are aware the fingerprint order was not followed.
- Add the fingerprinting requirement to the conditions of community control or probation.
- Establish a tracking system for defendants ordered to be fingerprinted.
- Install a digital fingerprint terminal in the courthouse where defendants can be fingerprinted before or after their court proceeding.

Questions & Technical Assistance:

BCI Reporting Assistance:

Electronic_Dispositions@OhioAGO.gov
or 740.845.2000, option 1.

Court Services Division:

OfficeofCourtService@sc.ohio.gov
or 614.387.9400.

Endnotes

- 1 See also R.C. 1901.43 [municipal courts], R.C. 1907.181 [county courts], and R.C. 2301.10 [courts of common pleas].
- 2 Dispositions for offenses for which a defendant would not be either arrested or fingerprinted, such as minor misdemeanor traffic citations, should not be reported to BCI.
- 3 If no arrest occurs, the date of arrest is the date the offender was fingerprinted in connection with the disposition submitted.
- 4 For misdemeanor offenses charged under local ordinances, such as assault, the clerk should include the comparable Ohio Revised Code section that would apply to the reported offense.