APPENDIX L to the Local Rules of the Court of Common Pleas of Columbiana, County, Ohio, General and Domestic Relations Division

Reporting to Law Enforcement and Compliance Plan Pursuant to Ohio Supreme Court Rule of Superintendence 5(F)

As used herein the following terms have the following meanings.

1. "BCI" means the Ohio Bureau of Criminal Identification and Investigation.
2. "Clerk of Courts" means the Clerk of Courts for the Court of Common Pleas of Columbiana County, Ohio, General and Civil Division.
3. "Court" means the Court of Common Pleas of Columbiana County, Ohio, General and Civil Division.
4. "ITN" means Incident Tracking Number.
5. "LEADS" means the Ohio Law Enforcement Automated Data Systems.
6. "NCIC" means the National Crime Information Center database.
7. "Plan" means the Reporting to Law Enforcement and Compliance Plan.
8. "Prosecutor" means the Prosecuting Attorney of Columbiana County, Ohio.
9. "Revised Code" or "R.C." means the Ohio Revised Code.
10. "Sheriff" means the Sheriff of Columbiana County, Ohio.

I. Obtaining Fingerprints and Reporting Requirements

A. Responsibilities of Law Enforcement

1. Obtaining Fingerprints Upon Arrest

1.1 Upon the arrest of any person upon suspicion of a felony offense or that is charged with a felony offense, or for a crime constituting a misdemeanor on the first offense and a felony for a subsequent offense, including the arrest or taking into custody any person under eighteen years of age for committing an act that would be a felony or an offense of violence if committed by an adult, the law enforcement officer or law enforcement agency responsible for the arrest or taking into custody any person under eighteen years of age shall take the person's fingerprints or cause the person's fingerprints to be taken as required by law, including R.C. § 109.57, R.C. § 109.60(A), R.C. § 109.61, R.C. § 2923.14, R.C. § 2929.44(B), R.C. § 2945.402(E)(1), R.C. § 2151.311, R.C. § 2151.313, R.C. § 2152.71(A)(2), Crim. R. 9 and/or Ohio Sup. Ct. Sup. R. 95(C).

1.2 If the law enforcement agency does not have operable digital fingerprinting equipment, the law enforcement officer or law enforcement agency responsible for the arrest shall transport the person arrested or taken into custody to the Columbiana County Jail for fingerprinting.

1.3 Once at the Columbiana County Jail the law enforcement officer or law enforcement agency or the Sheriff shall take the fingerprints of the person arrested or taken into custody or cause that person's fingerprints to be taken.

1.4 The law enforcement officer, law enforcement agency, or the Sheriff shall take the person's fingerprints, or cause the person's fingerprints to be taken, according to the fingerprint system of identification on the forms furnished by the superintendent of BCI. R.C. § 109.60(A)(1).

1.5 This Plan does not apply to a violator of a city ordinance unless the law enforcement officer or law enforcement agency has reason to believe that the violator is a past offender or the crime is one constituting a misdemeanor on the first offense and a felony on subsequent offenses, or unless it is advisable for the purpose of subsequent identification.

1.6 Except as provided in R.C. § 2151.313, this Plan does not apply to any child under eighteen years of age who was not arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult or upon probable cause to believe that a child of that age may have committed an act that would be a felony or an offense of violence if committed by an adult. R.C. § 109.60(B).

2. Obtaining Fingerprints Otherwise Than Upon Arrest

2.1 If any person is in the custody of the Sheriff, a law enforcement agency, or a detention facility, and it is discovered that a warrant has been issued or a bill of information has been filed alleging that person has committed an offense or act other than the offense or act for which that person is in custody, and the other alleged offense or act is one for which fingerprints are to be taken according to law, the Sheriff, the law enforcement agency, or the chief administrative officer of the detention facility if LEADS compliant, shall take the person's fingerprints of cause the person's fingerprints to be taken, according to the fingerprint system of identification on the forms furnished by the superintendent of BCI.
R.C. § 109.60(A)(4).

3. Incident Tracking Number

3.1 In taking or causing to be taken the fingerprints of any person according to this Plan or as required by law, the Sheriff, the law enforcement agency, the law enforcement officer, or chief administrative officer of the detention facility if LEADS compliant, shall cause BCI to generate an ITN.

4. Reporting to the Court

4.1 If the Court orders a person to appear for fingerprints and that person fails to appear, the Sheriff, law enforcement agency, law enforcement officer, or chief

administrative officer of the detention facility if LEADS compliant, shall promptly notify the Court as required by law, including R.C. § 2301.10(C).

5. Reporting to BCI

5.1 Once fingerprints are obtained for any person, the Sheriff, the law enforcement agency, the law enforcement officer, or the chief administrative officer of the detention facility if LEADS compliant, shall immediately forward to BCI copies of the completed BCI forms, including completed Form 2-71 containing the ITN, as well as any other description that may be required, including the history of the offense committed, and identifying information about the person arrested or taken into custody.
R.C. § 109.60(A)(1),(4),(B)

6. Reporting to the Clerk of Courts

6.1 Once fingerprints are obtained for any person, the Sheriff, the law enforcement agency, the law enforcement officer, or the chief administrative officer of the detention facility if LEADS compliant, shall immediately forward to the Clerk of Courts, copies of the completed BCI forms, including completed Form 2-71 containing the ITN, as well as any other description that may be required, including the history of the offense committed, and identifying information about the person arrested or taken into custody.
R.C. § 109.60(A)(1),(4),(B).

B. Responsibilities of the Clerk of Courts

7. BCI Form 2-71

7.1 The Clerk of Courts shall maintain a copy of completed BCI Form 2-71, including ITN, inside the paper file of each case of a person arrested or taken into custody.

8. Arraignments

8.1 The Clerk of Courts shall add a checkbox to the arraignment sheet or schedule for the use of the Clerk of Courts, its staff, the Court, its staff, the Prosecutor and its staff in order to quickly determine if the fingerprints of a person arrested or taken into custody have or have not been taken and to determine whether a copy of completed BCI Form 2-71, including ITN, is located inside the paper file of each case.

9. Reporting Dispositions to BCI

9.1 The Clerk of Courts shall timely report disposition information to BCI for cases involving felonies, certain misdemeanors according to law, including as specified in R.C. § 109.572, and offenses of violence if committed by a juvenile.

9.2 The Clerk of Courts shall report to BCI disposition information that includes identifying the type of disposition, including: conviction, guilty plea, not guilty finding,

dismissal, mistrial, not competent finding, *nolle prosequi*, transfer to another court, and any other final determination.

9.3 The Clerk of Courts shall also report to BCI disposition information that includes the ITN received from the completed BCI Form 2-71, the style or caption of a case and its number, the date of arrest, offense, summons, or arraignment, the date of disposition, a statement of original charge with corresponding Revised Code section violated, the sentence, disposition, or terms of community control (probation) imposed, and a statement in the report summary if the offense involved the disarming or an attempt to disarm a law enforcement officer.
R.C. § 109.57(A)(2),

9.4 The Clerk of Courts may also report to BCI disposition information of any other criminal offense for which a person has been fingerprinted for inclusion in that person's criminal record.

9.5 The Clerk of Courts shall not report disposition information to BCI for an offense for which a person would not be either arrested or fingerprinted, such as a minor misdemeanor traffic citation.

C. Responsibilities of the Court

10. <u>As Bond Condition</u>

10.1 For any person not in custody, the Court may include an order as a condition of bond that such person appear before the Sheriff or other law enforcement agency for the purpose of taking or causing to be taken the person's fingerprints.

10.2 For a person in custody, the Court may include an order as a condition of bond that such person, prior to being released from custody, appear before the Sheriff or other law enforcement agency for the purpose of taking or causing to be taken the person's fingerprints.

11. <u>Upon Appearance</u>

11.1 If a person appears before the Court of Common Pleas, General and Domestic Relations Division (Court), and that person has not been fingerprinted, the Court shall order that person to appear within twenty-four hours before the Sheriff or other law enforcement agency for the purpose of taking or causing to be taken the person's fingerprints.

12. <u>Upon Sentencing</u>

12.1 If at the time of sentencing a person is remanded into custody and that person has not been fingerprinted, the Court shall order the Sheriff or other law enforcement agency to take or to cause to be taken the person's fingerprints.

12.2 If at the time of sentencing a person is not remanded into custody and that person has not been fingerprinted, the Court shall order the person to appear before the Sheriff or other law enforcement agency for the purpose of taking or causing the person's fingerprints to be taken.

12.3 The Court may include as a condition of community control an order that a person appear before the Sheriff or other law enforcement agency for the purpose of taking or causing the person's fingerprints to be taken.

13. Sealing and/or Expunging of Records

13.1 Prior to ordering the sealing or expunging of the official record of a person, if such person has not been fingerprinted, the Court shall order the person to appear before the Sheriff or other law enforcement agency for the purpose of taking or causing the fingerprints to be taken.

13.2 The Sheriff or other law enforcement agency shall take the person's fingerprints of cause the person's fingerprints to be taken, according to the fingerprint system of identification on the forms furnished by the superintendent of BCI.

13.3 Upon filing of an order of expungement, the Clerk of Courts shall permanently destroy all paper and physical records of the case and shall permanently delete them from the digital records of the case management system, including all servers.

II. Protection Orders

A. Responsibilities of Law Enforcement

14. Reporting

14.1 Upon being notified of the issuance of a civil protection order or post-conviction no contact order, or upon being notified of a dismissal, modification, or termination of a civil protection order or post-conviction no contact order, the Sheriff shall forthwith report the information to and/or shall enter the information into the NCIC database, LEADS, and the National Law Enforcement Protection Order database.

14.2 The Sheriff's Office shall immediately serve the respondent with any civil protection order or post-conviction no contact order and shall forthwith enter the completion of service into LEADS.

14.3 As required by law, the Sheriff shall timely update the information reported to NCIC, LEADS, and the National Law Enforcement Protection Order Database regarding any civil protection order or post-conviction no contact order.

B. Responsibilities of the Clerk of Courts

15. Reporting

15.1 Upon being notified of the issuance of a civil protection order or post-conviction no contact order, the Clerk of Courts shall file the protection order or post-conviction no contact order in the appropriate case file and shall also notify and deliver a copy of any petition, any civil protection order, and the NCIC Form to the Sheriff or other law enforcement agency.

15.2 Upon being notified of the issuance of any civil protection order or post-conviction no contact order, or upon being notified of a dismissal, modification, or termination of any civil protection order or post-conviction no contact order, the Clerk of Courts shall notify the Sheriff and any other law enforcement agency.

15.3 Upon being notified of the issuance of any civil protection order or post-conviction no contact order, or upon being notified of a dismissal, modification, or termination of any protection order or post-conviction no contact order, the Clerk of Courts shall include such information with the disposition it reports to BCI.

C. Responsibilities of the Court

16. Reporting

16.1 Upon the issuance of any civil protection order or post-conviction no contact order, the Court shall submit to the Clerk of Courts a copy of the order and a completed Form 10-A in accordance with Supreme Court Rule of Superintendence 10.

16.2 The Court shall also report to the Clerk of Courts the dismissal, modification, or termination of any type of protection order or post-conviction no contact order.

III. Reporting Information to BMV

17. When any person is charged with a felony or misdemeanor offense that is a traffic offense or an offense that includes a possible or mandatory license suspension or points assessment, the involved law enforcement officer and/or law enforcement agency shall provide to the Prosecutor as much available information as possible regarding the person, including his/her date of birth, Social Security Number, driver's license number if any, and any other identifying information.

17.1 The Prosecutor shall provide all such information to the Clerk of Courts.

17.2 Upon completion of a case involving a conviction for traffic offense or an offense that includes a possible or mandatory license suspension or points assessment, the Clerk of Courts shall include any suspension or points assessment and other identifying information with the disposition it reports to the BMV.

17.3 Upon the filing of any order granting, modifying, or terminating any limited or other driving privileges the Clerk of Courts shall report such information to the BMV.

IV. Reporting of Mental Health Adjudications

18. The Court shall complete or cause to be completed and provide to the Clerk of Courts a completed Form 95, as provided in Sup. R. 95, in any case in which an offender is: convicted of an offense of violence and ordered to receive a mental health evaluation; convicted of an offense of violence and ordered to receive treatment for a mental illness; granted a conditional release after being found not guilty by reason of insanity; or granted a conditional release after being found not competent to stand trial with no substantial probability of being restored to competency even if provided with a course of treatment.

18.1 The completed Form 95 shall be provided to the Sheriff and the Sheriff shall enter the information into LEADS, NCIC, or other appropriate database.

V. Procedures for Maintaining Reporting Records

19. The Clerk of Courts shall enter and maintain all information required to be reported pursuant to this Plan or as required by law in the digital case management system and/or in the paper files in the office of or under the control of the Clerk of Courts.

19.1 The Clerk of Courts shall periodically verify that BCI or other appropriate entity receives the report of disposition or other information being sent and shall audit the quality of the information being reported, so that any inadequacies are identified and remediated timely. The Clerk of Courts shall review all rejected transmissions and will resend corrected transmissions as might be necessary.

19.2 The Clerk of Courts shall maintain in its software management system all records created as a result of obtaining, receiving, or reporting information, including dispositions, and fingerprints, to BCI or other appropriate entity.

19.3 The Clerk of Courts shall periodically conduct training for existing or newly hired staff regarding the requirements of this Plan and its obligations hereunder or as required by law.

19.4 In the event of any federal or state audit, the Clerk of Courts and/or the Prosecutor shall serve as the contact of the Court for the auditing agency.

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