



THE SUPREME COURT *of* OHIO OFFICE OF COURT SERVICES

Audit Compliance with Reporting Standards Webinar Audience Questions & Answers

These questions were asked by the webinar participants and subsequently answered by the presenter Jesse Carroll, Center for Audit Excellence Division of the Ohio Auditor of State's Office.

When a court submits a Form 2-71, what is acceptable in an audit to verify it was sent in to BCI?

2-71 forms are 'manual' submissions, and there is no automatic confirmation given for these. Therefore, the evidence is generally limited to: (1) Certified mail receipt (showing date and preferably with delivery confirmation), (2) Copy of cover letter sent (showing list of cases included in submission), and (3) Photocopies of completed forms (showing accuracy).

We submit a record to BCI but do not receive a confirmation until sometimes 2 days later. I would assume that is fine as long as they send a confirmation, correct?

Correct. The timeliness requirement is related to when the information was sent, not when the confirmation is received.

For clerks of courts who are reporting within 7 days, is it 7 days from the judgment or 7 days from the date it is journalized and entered in the docket?

Statutes do not specify. Therefore, reporting 7 days from the judgment or the journal entry in the docket would be appropriate, under the statutes.

If a charge is reportable at case filing but reduced to a charge that is not, is the court compliant if it does not order prints taken or should it order them taken at initial appearance before the charge is reduced to a non-reportable offense?

If the individual was arrested on a reportable charge, the fingerprint information should be reported immediately. [R.C. 109.60(A)(1)] Otherwise, noncompliance could be reported for the responsible law enforcement agency.

If fingerprints weren't taken by law enforcement at the time of arrest, the court is required to order fingerprints be taken. [R.C. 109.60(A)(2)]

If the charge was initially reportable, any reduction does not change the requirement to obtain and forward fingerprints based on R.C. 109.60(A)(3) which states "Every court with jurisdiction over a case involving a person or child with respect to whom division (A)(1) or (2) of this section requires a sheriff or chief of police to take the person's or child's fingerprints shall..."

What if a case was ultimately dismissed? Does the court need to report dismissed cases on reportable offenses if the person was not arrested?

Yes, similar to the above question, the dispositions should still be reported to the BCI (this includes if the case was adjudicated to a lesser non-reportable offense or was dismissed).

Does the Ohio Courts Network (OCN) report to BCI? The only reporting we do as a Probate Court is through OCN. Is a separate notification required to BCI?

The 2019 Ohio Compliance Supplement outlines direct reporting options via OCN for mental illness reporting under R.C. 5122.311. Generally speaking, submissions sent via OCN satisfy the compliance requirements and no separation notifications are usually; however, you should contact BCI directly to verify.

Municipal courts send many defendants for competency, do you have a form that we can use to have an agreement with mental health facilities?

It is not the practice of the Auditor of State's office to provide standard agreements or forms related to the processes it reviews. We are unaware whether other agencies or organizations have any available.

If a court orders a police department to fingerprint an offender but the department refuses to do so, what action can the court take to get the department to comply since there's no contempt process outlined by statute?

R.C. 109.60(A)(3) indicates "If the court orders the person or child to appear before the sheriff or chief of police to have the person's or child's fingerprints taken, the sheriff or chief of police shall take the person's or child's fingerprints, or cause the fingerprints to be taken."

However, if there is a clear 'refusal' from the sheriff/police chief then this is something that may need to be evaluated on a case-by-case basis. If there is no clear refusal but the defendant does not get processed, it is likely reportable noncompliance. Regardless, legal counsel and/or the Attorney General's Office should be consulted for remediation in these situations.

We receive a report from BCI weekly on Mondays. It is a spreadsheet of all the cases from the prior week, is this the compliance you are seeking? If not the confirmation you are seeking, who do we contact at BCI for the information? It would be helpful to have examples of documents that meet AOS compliance standards.

If the spreadsheet shows the timing of submissions as well as disposition details for each included case, this is the detailed confirmation necessary.

BCI contacts:

- Conchita Matson, Criminal Identification Supervisor at (740) 845-2212
- Rob Sollars, Quality Assurance Manager at (740) 845-2213 or the regional Quality Assurance Specialist

If the court does order the processing but the defendant still is not processed, will the court be dinged on an audit?

Assuming "processed" means whether the defendant was fingerprinted, this relates back to compliance with R.C. 109.60(A)(3). No evidence of compliance would exist if the individual was never processed. This would likely be cited if found in an audit. However, if the court has sufficient appropriate evidence indicating the court followed its statutory requirements, then the citation should reflect this.