



# Duty to Fingerprint Obtaining, Verifying, & Reporting

**THIS DOCUMENT IS FOR INFORMATIONAL PURPOSES ONLY.**

Contact your county or city prosecutor, city law director, or village solicitor for legal information or advice.

The Ohio Attorney General’s Bureau of Criminal Investigation (BCI) is responsible for maintaining the state’s criminal history repository. BCI’s databases are populated by data entered by law enforcement agencies, clerks of courts, judges, and other court staff. 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 is required to obtain fingerprints upon the arrest of a person or when a juvenile is taken into custody for allegedly committing certain offenses outlined in [R.C. 109.60](#). Law enforcement or a custodial agent is also required to capture fingerprints when the defendant or juvenile is in their custody or in a detention facility<sup>1</sup> if a warrant or bill of information has been issued for an offense other than the offense for which the individual is in custody and that other offense is one in which fingerprints are required. [[R.C. 109.60\(A\)\(4\)](#)]

Law Enforcement [R.C. 109.60(A)(1)]	Custodial Agent [R.C. 109.57(A)(1)]
Fingerprints shall be captured if the offense involved a: <ul style="list-style-type: none"> <li>• Felony</li> <li>• Escalating misdemeanor</li> <li>• Misdemeanor specified in R.C. 109.572(A)(1)(a), (A)(8)(a), or (A)(10)(a)</li> <li>• Offense of violence committed by a juvenile or probable cause that a juvenile committed an offense of violence</li> </ul>	Fingerprints shall be captured if the offense involved a: <ul style="list-style-type: none"> <li>• Felony</li> <li>• Escalating misdemeanor</li> <li>• Misdemeanor specified in R.C. 109.572(A)(1)(a), (A)(4)(a), or (A)(6)(a)</li> <li>• Offense of violence committed by a juvenile or probable cause that a juvenile committed an offense of violence</li> </ul>

Once fingerprints are obtained, an Incident Tracking Number (ITN) is automatically generated by the agency’s digital fingerprint terminal. Law enforcement sends the ITN and corresponding fingerprint data to the clerk’s office and BCI. The clerk matches the ITN with the disposition ordered by the court and reports this information to BCI.<sup>2</sup> [*See below.*] If the ITN is missing, BCI cannot match the criminal disposition and is unable to provide complete and accurate criminal history information about an individual.

<sup>1</sup> As defined in R.C. 2921.01

<sup>2</sup> The clerk of courts must submit a weekly report of disposition information to BCI. [R.C. 109.57(A)(2)]

### *Court's Responsibility to Ensure Fingerprints Have Been Obtained*

There are two stages during a case at which courts are statutorily required to determine whether fingerprints have been taken.<sup>3</sup>

- 1. Initial Appearance/Arraignment:** If the person appears in response to a **summons** or at the person's **initial appearance** in court, the court shall inquire as to whether the person has not been. If fingerprints have not yet been obtained, the court shall order the person to appear before the sheriff or chief of police within 24 hours to have fingerprints taken. [[R.C. 109.60\(A\)\(2\)](#)] Courts should work with the clerk of courts to develop a process for identifying defendants with missing fingerprint data appearing in court for the first time.
- 2. Sentencing/Disposition/Adjudication:** The court shall inquire again at the time of **sentencing and if the act was committed by a juvenile, at adjudication or disposition** whether fingerprints have been obtained. If not, the court shall order the person to be fingerprinted by law enforcement within 24 hours or take them itself. [[R.C. 109.60\(A\)\(3\)](#)] Courts may offer fingerprinting in the courthouse.

*Note for common pleas courts: When an order to be fingerprinted is issued, [R.C. 2301.10\(C\)](#) requires law enforcement to provide written notification to the court if the person fails to appear to be fingerprinted.*

### *Clerk's Reporting of Fingerprint Information*

[R.C. 109.57\(A\)\(2\)](#) requires clerks of courts to report case information and dispositions to BCI weekly. The statute sets forth the contents of the report. This information assists BCI match the ITN with the court's disposition.

#### **Clerks of courts shall report weekly to BCI if a case involves:**

- A felony
- Escalating misdemeanors
- Misdemeanors in [R.C. 109.572\(A\)\(1\)\(a\)](#) and [R.C. 109.572\(A\)\(4\)\(a\)](#)
- Misdemeanors in [R.C. 109.572\(A\)\(6\)\(a\)](#)
- An offense of violence *for juveniles only* as defined in [R.C. 2901.01\(A\)\(9\)](#)

#### **Information to be furnished:**

- Incident Tracking Number (ITN) – obtained from law enforcement after fingerprints are taken
- Style and number of case
- Date of arrest, offense, summons, or arraignment
- 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
- The sentence 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

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<sup>3</sup> See also [R.C. 1901.43\(B\)](#) (municipal courts), [R.C. 1907.181\(B\)](#) (county courts), [R.C. 2301.10\(B\)](#) (common pleas courts)