



**DAVE YOST**  
OHIO ATTORNEY GENERAL

# **GRANT APPLICATION**

## **LiveScan Device**

## **Background**

Ohio law requires the Ohio Attorney General's Office (Attorney General) to maintain the state's Computerized Criminal History (CCH) repository, a task that is handled by the Identification Division of the Attorney General's Bureau of Criminal Investigation (BCI).

[Section 109.57 of the Ohio Revised Code](#) requires all clerks of court to send weekly reports to BCI of all cases involving a felony, crimes constituting a misdemeanor on the first offense and a felonies on subsequent offenses, or misdemeanors that that would appear on a criminal-record check under [ORC Section 109.572](#). This requirement applies regardless of whether the offender is an adult or a juvenile.

These weekly reports form the foundation of the state's CCH system. Records in this system are queried when an individual undergoes a background check, buys a firearm, has contact with law enforcement, or is sentenced on criminal charges. The importance of having complete, accurate and timely records in the CCH database cannot be overstated. And the linchpin of the CCH system is the fingerprint record – without a fingerprint record associated with a criminal case, the record cannot be indexed and searched in the CCH system.

Historically, fingerprint records were captured when an individual was arrested. But an increasingly large number of individuals are never arrested in connection with the felonies and misdemeanors that are required to be reported to BCI. Although many courts order defendants to appear at the local sheriff's office to be fingerprinted in connection with their cases, it can be challenging to ensure that a defendant actually appears for fingerprinting. As a result, BCI receives thousands of records annually that, because they lack fingerprints, cannot be included in the CCH system.

Several courts throughout Ohio have attempted to address this problem by conducting on-site fingerprinting of defendants when the defendants appear in connection with their cases. One court has implemented a process requiring all defendants summonsed in on felony charges to be fingerprinted immediately before arraignment. Another court mandates that defendants be fingerprinted after arraignment as part of the intake process for pretrial monitoring.

Courts that have implemented on-site fingerprinting of defendants have seen a significant improvement in the usability of the records they submit to BCI. A record without associated fingerprints is unusable, and an opportune time to get fingerprints from a defendant is when they must appear for court. To that end, the Ohio Attorney General's Office plans to use a portion of its NCHIP grant funding to purchase LiveScan fingerprint devices that local agencies can use to acquire fingerprints in connection with criminal cases.

## **Grant summary**

The Attorney General's Office will use \$1.2 million to purchase devices from vendors currently certified to acquire and electronically submit fingerprints to BCI. The Attorney General's Office will provide successful applicants with a LiveScan device, a laptop, and onsite setup/training from the vendor. All courts of record are eligible to apply, as is any local governmental agency partnering with a court of record to resolve the issue.

Agencies awarded a device will be required to execute an MOU containing grant terms and security conditions, use the device to capture and submit fingerprints in connection with offenses described under ORC Section 109.57, and pay for maintenance of the device after the first year.

Ongoing maintenance costs are estimated at less than \$3,000 per year and can be an eligible expense under the [Supreme Court Technology Grant](#).

The Attorney General anticipates awarding at least 60 LiveScan devices to local agencies that are willing to use the devices to acquire fingerprints for defendants not previously arrested in connection with their court cases. NOTE: These devices can be used to acquire and submit the fingerprints of any individual charged and/or arrested with an offense, but the primary purpose of a LiveScan award is to ensure that defendants not arrested in connection with a case are fingerprinted before the disposition is reported to BCI. Additionally, unless a grant extension is approved, the device must be delivered and set up by **Oct. 1, 2024**.

Local agencies will be selected to receive devices based on various factors, including but not limited to the:

- Population served by the court.
- Volume of felony records and qualifying misdemeanor records submitted to BCI without corresponding incident tracking numbers (ITNs)
- Viability of an applying agency's proposed solution for ensuring that individuals who appear per a summons are fingerprinted in connection with the case.
- Existence of one or more LiveScan devices already accessible to the applying agency's staff and the vendor/model information for each device.
- Number of devices requested for high-volume courts (if applicable)

## **Application review process**

Representatives selected by the Attorney General will review all applications and make recommendations to the Attorney General's Office, with the AGO administration having the final say on which agencies are selected for device placement. The review committee and/or the Attorney General's Office may make use of resources beyond the materials submitted in each application and/or request additional information or documentation from applicants. Requests for additional information from applicants will include a due date by which applicants must respond. The Ohio Attorney General's Office reserves the right to make exceptions to these requirements and consider modifications to program guidelines on a case-by-case basis.

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## **APPLICATION SUBMISSION**

Please submit the fully completed application (attached) and any other supporting information by **May 15, 2024**, to [LiveScanGrant@OhioAGO.gov](mailto:LiveScanGrant@OhioAGO.gov). **NOTE:** Email file size must be 20MB or less to ensure delivery.

## **CONTACT INFORMATION**

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# **APPLICATION FORM**

LiveScan Device

## **ORGANIZATION INFORMATION**

Name of entity: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ ZIP: \_\_\_\_\_ County: \_\_\_\_\_

Phone number: \_\_\_\_\_

## **HEAD OF ORGANIZATION**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email address: \_\_\_\_\_

## **PRIMARY CONTACT PERSON**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email address: \_\_\_\_\_

## **SUMMARY OF PROJECT**

In a narrative no longer than five pages, please provide an explanation of how the requested device(s) would be used by your agency to ensure that individuals who appear pursuant to a summons, or are not arrested in connection with their cases, will be fingerprinted in connection with their current cases in your jurisdiction. The explanation should include:

- A summary of the current processes used in your jurisdiction for ensuring individuals are fingerprinted in connection with adult and/or juvenile offenses.
- An explanation of the current challenges your agency faces, or limitations of existing processes, that impede your ability to associate fingerprint records (ITNs) with cases in which the individual appeared pursuant to a summons.
- Details explaining how the requested LiveScan device(s) would be used to address the current issues and be incorporated into your existing processes.
- An estimate of the number of individuals from whom you would expect to acquire fingerprints in a calendar year through the device(s). If precise numbers cannot be reasonably obtained, data regarding the volume of felony and escalating misdemeanors from 2022 and 2023 is also acceptable.
- The number of devices your agency is requesting and where it/they would be installed.
- An identification of the personnel, or type of personnel, who would be trained to operate the device. NOTE: This individual need not be a law enforcement officer
- Information regarding whether your agency has sufficient funds to maintain the device for at least four years after deployment, or your agency's plan for securing sufficient funding to maintain the device for at least four years after deployment. NOTE: Ongoing maintenance costs are estimated at less than \$3,000 a year.

## **ORGANIZATION AUTHORIZATION AND CERTIFICATION**

I understand that by signing this application, I grant the Ohio Attorney General's Office or its authorized agents access to any records for verification and evaluation of the information provided in the application. I understand that completion of the application does not guarantee that the applicant will receive a LiveScan device and that the Attorney General may reject, in whole or part, applications for which the Attorney General determines that such a device is not in the best interest of the applicant or the Attorney General.

The Ohio Attorney General's Office is subject to the requirements of the Ohio Public Records Act ([Ohio Revised Code Section 149.43](#)). Accordingly, applicants must understand that the application and any materials submitted with it may be subject to

disclosure as a public record. Accordingly, I understand that the submitted information should not include any confidential or trade-secret information.

I certify that the information I have provided in this application is, to the best of my knowledge, a true, accurate and complete disclosure of the requested information. I am authorized to apply for this device on behalf of my agency or have received approval on behalf of my agency to apply. I understand that I may be held civilly and criminally liable under federal and state law for knowingly making false or fraudulent statements.

Organization: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_