

# **\*\*Local Compliance Protocol for Electronic Criminal History Data\*\***

## **\*\*Purpose:\*\***

This Local Compliance Protocol is established to ensure effective coordination and adherence to legal standards within the local judicial system. This protocol outlines the responsibilities of key stakeholders including the prosecutor, clerk, court, and local law enforcement agency to uphold the standards of the Criminal Justice Data Exchange Board.

## **\*\*Understandings:\*\***

- 1. \*\*Legal Compliance:\*\*** All actions undertaken by the prosecutor, clerk, court, and local law enforcement agency must comply with local, state, and federal laws, regulations, and ethical standards.
- 2. \*\*Fairness and Impartiality:\*\*** The protocol emphasizes the principles of fairness and impartiality in all proceedings. Discrimination, bias, or favoritism shall not be tolerated.
- 3. \*\*Timeliness:\*\*** Timely processing of cases is essential to ensure swift justice delivery. Delays should be minimized through efficient case management practices.
- 4. \*\*Confidentiality:\*\*** Confidentiality of case information and sensitive data must be maintained at all times, in accordance with applicable laws and regulations.
- 5. \*\*Communication:\*\*** Open and transparent communication among stakeholders is vital for effective coordination and resolution of cases. Regular updates and information sharing should occur as necessary.
- 6. \*\*Documentation:\*\*** Accurate and comprehensive documentation of all case-related activities, decisions, and communications is imperative for accountability and record-keeping purposes.

## **\*\*1. General Provisions\*\***

**\*\*1.1 Uniform Transmission and Timeliness Standard:\*\*** Criminal Justice Agencies (CJAs) in the State of Georgia must ensure the transmission of electronic criminal history data to the Georgia Crime Information Center (GCIC) within 30 days of the creation or receipt of such information, as mandated by O.C.G.A. §35-3-36.

**\*\*1.2 Exceptions:\*\*** CJAs must meet any statutory standard that requires an earlier transmission than the uniform standard outlined in 1.1.

**\*\*1.3 Disposition Transmission:\*\*** Dispositions must be transmitted to GCIC within 30 days of their creation, regardless of the agency responsible for creating the disposition. CJAs must diligently process and determine the disposition of charges made prior to the effective date of these Standards. Corrected dispositions must be transmitted within 30 days of necessary corrections being made.

**\*\*1.4 Rejection of Disposition Transmittal:\*\*** CJAs must report any rejected disposition transmission to the submitting party. The submitting party must attempt to remedy the rejection and resubmit the corrected submission within 30 days. If the rejection cannot be resolved, the submitting party must comply with provisions outlined in section 7.3.5.

## **\*\*2. Law Enforcement Agencies\*\***

**\*\*2.1 Data Transmission:\*\*** Law Enforcement Agencies (LEAs) must provide fingerprints, descriptions, photographs, and other identifying data to GCIC for specified offenses within the timeframe outlined in 1.1.

**\*\*2.2 Transmission to GCIC:\*\*** The Booking Agency must transmit executed arrest warrants or court orders for arrest electronically to GCIC within 30 days of execution.

**\*\*2.2.1 Maintenance of Singular OTN:\*\*** Arresting Agencies must not transmit data resulting in the generation of a new OTN. If inadvertently done, the OTN must be updated within 30 days of execution.

**\*\*2.2.2 Subsequent Booking Agency:\*\*** When transferring a detainee to another agency, the Booking Agency must advise the Receiving Agency of the existing OTN and enter a disposition type of "Transfer to Other Agency" within 30 days of transfer.

**\*\*2.3 Failure to Appear Warrant:\*\*** GCIC will automatically update records upon execution of a failure to appear warrant.

**\*\*2.4 Arrest on Out-of-State, Military, Tribal, or Federal Warrant:\*\*** An OTN shall be generated but automatically updated to "disposed" upon receipt by GCIC.

**\*\*2.5 Probation Violation Warrant:\*\*** Must be added to the FBI's National Crime Information Center (NCIC) System Wanted Person File.

**\*\*2.6 Parole Violation Warrant:\*\*** Must be added to the NCIC System Wanted Person File.

## **\*\*3. Courts\*\***

**\*\*3.1 OTN Creation for GCIC Reportable Offense:\*\*** Courts must ensure OTN creation for reportable offenses and refrain from disposing of charges until an OTN is assigned.

**\*\*3.2 Transmittal Obligations:\*\*** Prosecutors report dismissals, modifications, and amendments of charges before filing an indictment or accusation, while Clerks input final disposition information from the court. Prosecutor shall update the SC-10 shortly after.

**\*\*3.3 Transmission of Data:\*\*** Clerks must electronically collect all criminal data elements required and transmit them to GCIC in the required format.

**\*\*3.4 Disposition of Probation Violation:\*\*** Clerks must transmit disposition of probation violations to GCIC within 30 days.

**\*\*3.5 Rejections:\*\*** If a disposition submission is rejected and cannot be resolved, the Clerk may report the situation to the Chief Superior Court Judge and prosecutor for necessary action.

**\*\*3.6 Local Compliance Protocol:\*\*** This document shall serve as the Local Compliance Protocol that outlines timely production of criminal data based on state standards. The Chief Judge of Superior Court is responsible for its establishment and maintenance.

**\*\*3.7 Magistrate, Superior, State, Probate, Juvenile, Municipal, Recorders, and City Courts:\*\*** Must adhere to the general standards outlined in sections 3.1 to 3.6.

#### **\*\*4. Prosecutors\*\***

**\*\*4.1 OTN Creation for GCIC Reportable Offense:\*\*** Prosecutors must ensure OTN creation for reportable offenses and notify the presiding judge if not created.

**\*\*4.2 Charging Decision - Indictment/Accusation:\*\*** Prosecutors must update the OTN to reflect all charges pursued or foregone within 30 days of the Charging Decision.

**\*\*4.3 Superseding Indictment/Accusation:\*\*** Prosecutors must update records with GCIC to reflect accurate indictment/accusation numbers and charges with SC-10 within 30 days of filing.

**\*\*4.4 SC-10 Criminal Case Information Form:\*\*** Prosecutors must use the SC-10 form to transmit data indicating modifications or declinations of charges to the Clerk of Court.

**\*\*4.5 Transmittal Obligations:\*\*** Prosecutors report dismissals, modifications, and amendments of charges before filing an indictment or accusation, while Clerks input final disposition information from the court.

#### **\*\*5. Document & Data Flow:\*\***

The following is the agreed upon flow of documents and data in support of this protocol.

[INSERT]

**\*\*Conclusion:\*\***

