

Memorandum of Understanding For Transmission of Data to GCIC _____ County, Georgia

The Criminal Case Data Exchange Board (CDX) adopted Uniform Standards for the Creation and Transmission of Electronic Criminal History Data (Standards) on November 16th, 2023. The Standards allow for a memorandum of understanding to be entered between Criminal Justice Agencies to allow for duties placed on one Agency to be assumed by another (Uniform Standards 7.3.6.1). This memorandum of understanding between the undersigned prosecutor and clerk is made pursuant to such Standard.

1. Assumption of Transmission Responsibilities

The undersigned clerk agrees to assume such GCIC transmittal responsibilities of the undersigned prosecutor pursuant to Standards “7.4.2 Charge Decisions -Indictment/Accusation”, “7.4.3 Superseding Indictment/Accusation” and “7.4.5 Transmittal Obligations” as indicated by an “X” in the applicable boxes below.

The prosecutor shall remain responsible for any unchecked box reporting responsibility. The prosecutor shall also remain responsible for any actions or transmittals that may be required according to Standards 7.4.1 and 7.4.4 or any other reporting duties according to law. The prosecutor shall provide all documentation necessary for the clerk to assume each such responsibility.

(a) Applicable Courts

This memorandum of understanding shall be applicable to the court or courts marked with an “X”:

- | | | |
|------------------------------------------------|-----------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> Superior Court | <input type="checkbox"/> State Court | <input type="checkbox"/> Magistrate Court |
| <input type="checkbox"/> Juvenile Court | <input type="checkbox"/> Probate Court | <input type="checkbox"/> Municipal/Recorder’s Court |

(b) Standard 7.4.2 Charging Decision Reporting

- Update transmittal(s) to provide that all charges that the prosecutor has elected to pursue or forego are correctly reflected. (including the order, amendment of the charges, or use of pre-indictment/accusation diversion)

(c) Standard 7.4.3 Superseding Indictment/Accusation

- If an indictment/accusation has been superseded by another indictment/accusation in any case for which an OTN has been assigned, the prosecutor shall update the record with GCIC to provide the accurate indictment/accusation number is reflected in the records of GCIC and that the charges connected with that OTN are correctly identified both in terms of the actual charge being pursued and the order of the charges on the indictment or accusation.

(d) Standard 7.4.5 Transmittal Obligations

Reporting Charging Decisions to include dismissals, modifications, and amendments of charges before filing an indictment or accusation in the case:

- When a decision is made to decline prosecution on any charge for which a CTN was assigned. This decision can be to dismiss a criminal arrest warrant, or in the exercise of prosecutorial discretion, that no further action is to be taken in the case;
- When an accusation has been filed with the clerk;
- When a charge has been amended;
- When a defendant has been admitted to a pre-trial intervention program or an accountability court program in a pre-adjudication status;

2. Use by Clerk of Prosecutor ORI

The clerk is authorized to make transmissions to GCIC using the prosecutor’s assigned ORI as the agent of the prosecutor.

3. Provision of Information to Clerk

As applicable to the responsibilities undertaken by the clerk as checked above, the prosecutor shall provide such documentation and data to the clerk as necessary to allow the clerk to make appropriate and timely transmissions to GCIC. Such documentation shall include and provide to the clerk such data and information to allow the accurate indictment or accusation number is reflected in the records of GCIC and that the charges connected with that OTN are correctly identified (both in terms of the actual charge being pursued and the order of the charges on the indictment or accusation).

EFFECTIVE DATE AND TERMINATION

The effective date of this memorandum of understanding is the is the date of the last signature below.

The any of the obligations of the clerk provided for herein may be terminated by either party by giving 30 days written notice of termination to the other party.

Prosecutor

Clerk

DATED: _____

DATED: _____