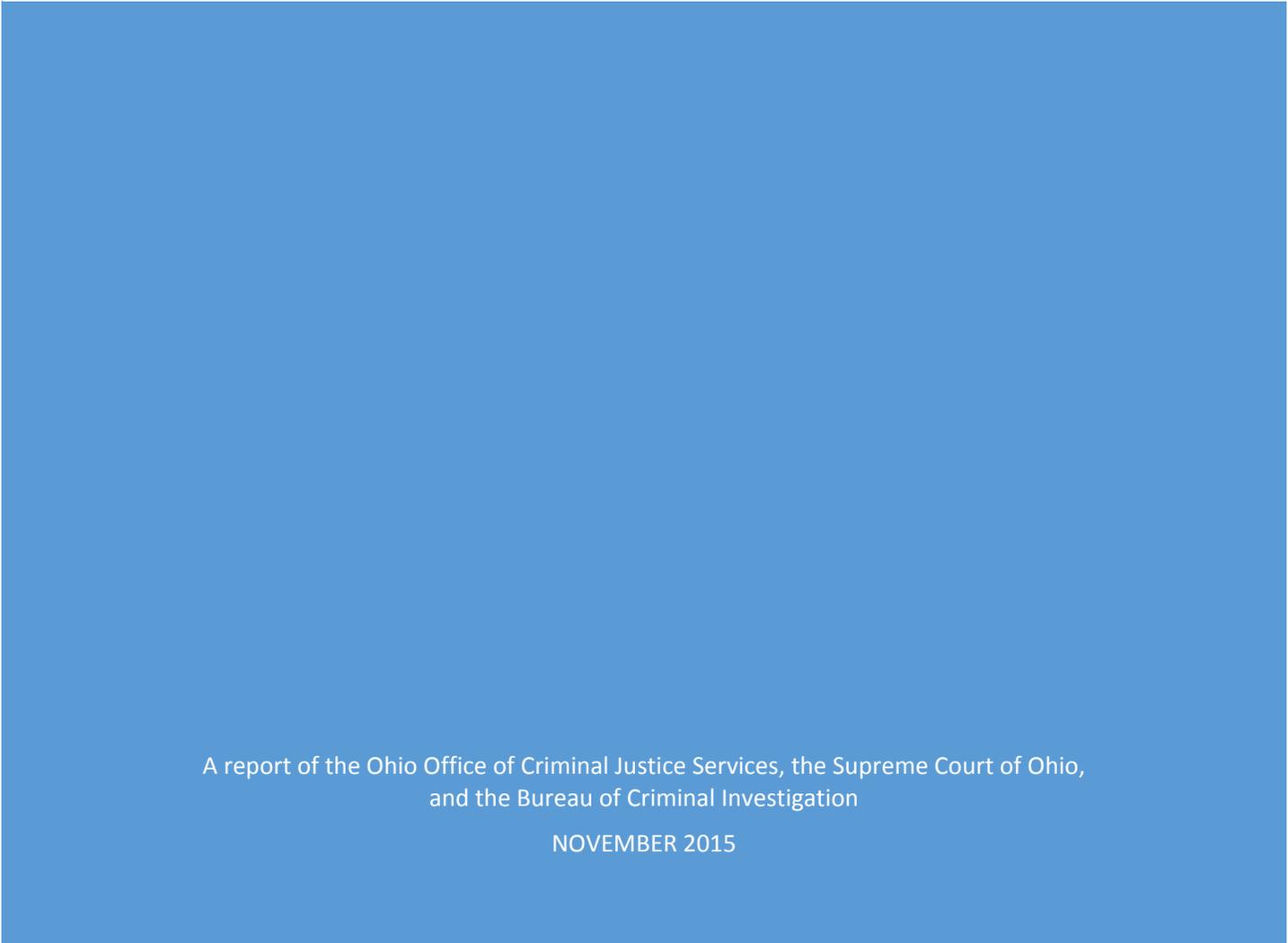




# IMPROVING THE COMPLETENESS OF FIREARM BACKGROUND CHECKS THROUGH ENHANCED STATE DATA SHARING: FINAL REPORT

A report of the Ohio Office of Criminal Justice Services, the Supreme Court of Ohio,  
and the Bureau of Criminal Investigation

NOVEMBER 2015



**Improving the Completeness of Firearm Background Checks through Enhanced Data Sharing:  
Final Report**

Contributors:

The Ohio Office of Criminal Justice Services, Ohio Department of Public Safety

The Supreme Court of Ohio

The Bureau of Criminal Investigation, Ohio Attorney General's Office

The project described in this report was funded through grant #2013-DG-BX-K007 from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice.

## Background

In 1968, President Lyndon Johnson signed The Gun Control Act in response to the assassinations of President John F. Kennedy, Malcolm X, Martin Luther King, and Robert F. Kennedy.<sup>1</sup> An amendment to The Gun Control Act, called the Brady Handgun Violence Act (Brady Act) was signed by President Bill Clinton in 1993. As a result of the Brady Act, the National Instant Criminal Background Check System (NICS) was created. NICS is a national system that checks available records of persons to determine whether they are disqualified from obtaining a firearm or explosives.

Using NICS, Federal Firearm Licensees (FFLs) are able to be supplied almost immediately with information on whether the transfer of a firearm would be in violation of Section 922 (g) or (n) of Title 18, United States Code, or state law. There are several categories of disqualifying events that would prohibit an individual from purchasing or receiving a firearm<sup>2</sup>. These federal prohibitors pertain to individuals who:

- Have been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, and of any misdemeanor punishable by imprisonment for more than two years;
- Are fugitives of justice;
- Are unlawful users and/or addicts of any controlled substances;
- Adjudicated mental defective or involuntarily committed to a mental institution or incompetent to handle their own affairs, including dispositions to criminal charges of found not guilty by reason of insanity or found incompetent to stand trial;
- Are aliens illegally or unlawfully in the United States, or are aliens, except as provided in subsection (y) (2), who have been admitted to the United States under a non-immigrant visa;
- Have renounced their United States citizenship;
- Have been dishonorably discharged from the United States Armed Forces;
- Are the subject of a protective order which restrains them from harassing, stalking, or threatening an intimate partner or child of such partner;
- Have been convicted in any court of a misdemeanor crime of domestic violence;
- Are under indictment or information for a crime punishable by imprisonment for a term exceeding one year.

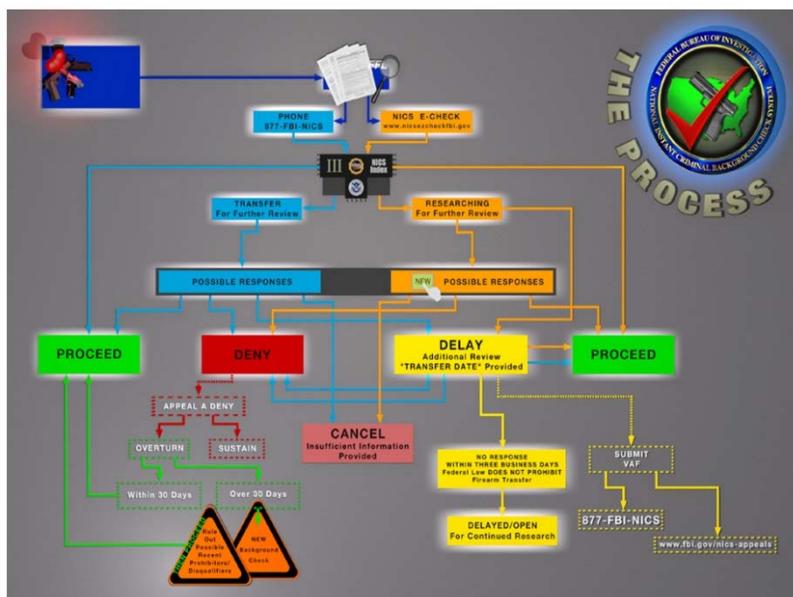
FFLs are required to perform background checks prior to proceeding with a firearm sale. FFLs contact the NICS, and the NICS examiner will provide one of three responses: 1) to PROCEED with the firearm transaction; 2) to DENY the firearm transaction; or 3) to DELAY the firearm transaction. If delayed, the NICS Examiner must provide the FFL with a final determination within three business days. If the FFL has not received a response in this time, it is up to the discretion of the FFL as to whether to continue with the transaction. See the NICS process flowchart in Figure 1.

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<sup>1</sup> Federal Bureau of Investigation. *NICS Process*. <https://www.fbi.gov/about-us/cjis/nics/nics-process-in-motion-for-the-gun-buyer-video-transcript>.

<sup>2</sup> Federal Bureau of Investigation. *Fact Sheet*. <https://www.fbi.gov/about-us/cjis/nics/general-information/fact-sheet>.

Figure 1. NICS Process Flowchart<sup>3</sup>



Since the NICS program began in 1998, more than 202 million firearm background checks have been initiated through the NICS.<sup>4</sup> In Ohio alone, the number of background checks initiated through NICS has increased 200% from 1999 to 2014, with 596,389 occurring in 2014.<sup>5</sup>

There have been over one million federal denials.<sup>6</sup> For those states whose firearm applications are checked by the FBI (such as Ohio), the denial rate in the United States in 2012 was 1.2 percent.<sup>7</sup> Based on this rate, it is estimated that there were 7,550 denials in Ohio in 2012. Nationwide, the majority of denials, 55 percent, are a result of a person being convicted of a felony crime. Mental health adjudications and commitments made up 1.6% percent of denials.

The NICS program has been a critical and highly utilized source to save lives and protect people from harm by not letting guns fall into the wrong hands. Advocating the value of making federal- and state-prohibiting records available at the national level has been a continuing goal of the NICS. But there are gaps in record availability at the national level, and recent acts of violence have focused attention on the urgent need to close these gaps. This report discusses how federal funding was used to close the gaps in Ohio.

<sup>3</sup> Federal Bureau of Investigation. *NICS Flow Chart Graphic*. <https://www.fbi.gov/about-us/cjis/nics/federal-firearms-licensees/nics-flow-chart-graphic-1>.

<sup>4</sup> Federal Bureau of Investigation. *Total NICS Background Checks*.

<sup>5</sup> Federal Bureau of Investigation. *Total NICS Firearm Background Checks by State*.

<sup>6</sup> Federal Bureau of Investigation. *Federal Denials*.

<sup>7</sup> Bureau of Justice Statistics. *Background Checks for Firearm Transfers, 2012—Statistical Tables*.

## Reporting Gaps in Ohio

### *Felony disposition records*

Due to Ohio's decentralized court system, local courts are not required to submit case disposition information to the Supreme Court of Ohio. Therefore it is difficult to determine precisely the gap in disposition reporting. A few measures were undertaken to estimate this gap. A 2011 estimate showed 45,733 cases resulting in felony convictions in Ohio.<sup>8,9</sup> In contrast, in 2011, BCI reported through the CCH repository 33,486 felony conviction disposition records to the FBI's Interstate Identification Index (III). This indicates at a minimum that roughly 27 percent of felony dispositions did not get transmitted to the CCH repository<sup>10</sup>.

Per ORC 109.57 (A)(2)<sup>11</sup>, courts are required to submit all disposition data to the CCH on a weekly basis. Historically, this has not happened for a variety of reasons. For one, disposition data may be submitted by local courts, but rejected by the CCH repository for technical reasons. Also, prior to the start of this project, fewer than half of courts currently submitted electronically, impacting the timeliness and completeness of the records submitted. Additionally, if agencies do not report dispositions to BCI, there is no enforcement in the revised code. Thus, the CCH repository is only as good as the data received from courts and law enforcement.

These facts, along with the statistics highlighting that not all dispositions are reported to the CCH repository, clearly indicate that there is a need to provide courts with a mechanism for submitting disposition data in a timely, efficient, and accurate manner.

### *Mental health adjudication and commitment records*

Federal and state statute specifies that those who are deemed mentally impaired to a degree that possession of firearms would be a danger to themselves or others, and/or who are involuntary committed to a state hospital are prohibited from obtaining a firearm. Up to now, the only way an Ohio probate court or a state hospital could submit such information on an individual to the mental incompetency database was through the use of an existing paper form. Not only is this submission format outdated, it is inefficient and prone to error. Additionally, anecdotal reports also suggested that judges and hospitals were unaware of the necessity of reporting these records. This combination of factors has historically led to low submission rates regarding prohibitions for mental impairment.

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<sup>8</sup> The Supreme Court's unit of count is cases, not charges or persons. A person could have more than one case. Each case may have more than one charge.

<sup>9</sup> Using a formula found in the BJS Publication, *Felony Defendants in Large Urban Counties 2006*, which indicated that roughly 16% of felony defendants plead down to a misdemeanor, it was estimated that of the 54,444 felony cases which pled guilty/no contest or which pled guilty to a lesser charge, 45,733 cases resulted in felony convictions.

<sup>10</sup> After 2011, a change was made to the system to require a mandatory field for reporting convictions as felonies.

<sup>11</sup> ORC 109.57 (A)(2) specifies the reporting capabilities for every clerk of court of record in the state, other than the supreme court or a court of appeal. 109.60 speaks to requirements if a person or child hasn't been arrested and first appears before a court or magistrate who should take fingerprints. 1905.033 specifies the requirements to report every conviction in the mayor's court for an offense that is a misdemeanor on a first offense and a felony on any subsequent offense.

BCI reported that in 2011, 2,529 records were received into the mental incompetency database from probate courts on adjudications of mental defect and 1,612 records were received on formal involuntary commitments to a mental hospital. While the Supreme Court does not have a way to count the number of records probate courts have on this prohibitor, the Ohio Department of Mental Health indicated that there were 5,197 civil commitments to a state hospital from probate court in 2011. Assuming broadly that all those adjudicated mentally defective were also committed to a state hospital, this suggests that at least 20 percent of mental health records were not submitted to the NICS database in 2011.

These estimates, along with the lack of awareness of the need to report mental health adjudications and commitment records, indicate the value that an electronic mental illness reporting form could provide, along with training on the mental health adjudication reporting requirements.

#### Funding to Address Reporting Gaps in Ohio

There has been one primary source of funding to improve the completeness of firearms background checks in Ohio, the Bureau of Justice Statistics' National Criminal History Improvement Program (NCHIP). NCHIP provides direct awards and technical assistance to states and localities to improve the quality, timeliness, and immediate accessibility of criminal history records and related information. In 2013, BJA released a special solicitation called Improving the Completeness of Firearm Background Checks through Enhanced Data Sharing FY 2013 (hereafter referred to as NICS), which provided an opportunity to improve and expand the data accessible to NICS at the time of a firearm background check to ensure lawful purchases.

#### *NCHIP funding*

With the use of a portion of the state's NCHIP funds, the Supreme Court of Ohio and BCI began collaborating in October 2011 to develop an infrastructure in which felony and misdemeanor case dispositions can be electronically reported from a statewide electronic information exchange system known as the Ohio Courts Network (OCN) directly to the CCH repository so that they can be accessible for criminal history inquiries. Electronic submission has the advantage of increasing the number, accuracy, and timeliness of submissions, which are critical factors for FFLs when conducting background checks. In 2012, 73 percent of all Ohio courts, representing 83 percent of the total caseload, were linked to the OCN.

#### *NICS funding*

Through the Bureau of Justice Assistance, the Ohio Office of Criminal Justice Services (OCJS) received a NICS grant award for \$949,947 in October 2013. This grant had one large goal: to improve Ohio's transmittal of complete and accurate disposition and mental health records to the FBI's databases (III, NCIC, and NICS Index) to be searched by NICS. To achieve this goal, three objectives were identified: 1) To increase knowledge about Ohio's NICS reporting gaps; 2) To increase the submission of common pleas and municipal/county courts' disposition records to the state's CCH repository, and 3) To increase the submission of mental health adjudication and commitment records to the state's mental incompetency database. Leveraging the work already begun in 2011 through the NCHIP funding, the NICS funding expanded the reach of the program to achieve these goals.

This report focuses on the accomplishments made as a result of the NICS grant.

## NICS Work Group

A NICS Work Group was created to formalize the process of improving Ohio's NICS reporting issues. Quantitative estimates supported by anecdotal reports indicate the extent and causes of the gaps in the reporting system in Ohio, particularly in the submission of felony disposition records and mental health records to the Attorney General's Bureau of Criminal Investigation (BCI). BCI houses the Computerized Criminal History (CCH) repository, which is the primary source of criminal history records maintained at the state.

The NICS Workgroup consists of several representatives from the Supreme Court of Ohio, the Attorney General's Office, the Bureau of Criminal Investigation (BCI), the Ohio Office of Criminal Justice Services, and the Ohio Department of Mental Health and Addiction Services (OMHAS). Additionally, a smaller workgroup, called the Mental Illness Adjudication Reporting user group (MIAR), was created to look at the mental health and adjudication commitments. This group consisted of representatives from the Supreme Court, BCI, Attorney General's Office, OMHAS, Delaware County Probate Court, Franklin County Probate Court, Twin Valley Behavioral Healthcare, and Trumbull County Probate Court.

The NICS Workgroup held its first formal meeting on September 30, 2013, which was the day before the start of the BJA grant. Meetings were held quarterly, generally on the third Tuesday of the month. All meetings were held at the Supreme Court, and generally lasted between one and two hours. In addition to the regularly-occurring meetings, the BJA technical assistance team conducted a site visit on February 27, 2014, and again on November 3-4, 2014. These visits took place at the Ohio Department of Public Safety. Meetings of the MIAR user group took place on an as-needed basis.

## Goal and Objectives of the NICS Firearms Project

The ultimate goal of this project was to improve Ohio's transmittal of complete and accurate disposition and mental health records to the FBI's databases (III, NCIC, and NICS Index) by closing the gaps in disposition records and mental health adjudication and commitment records submitted to the state's CCH repository.

To this end, the following objectives were identified:

### *Objective 1: To increase knowledge about Ohio's NICS reporting gaps*

As mentioned earlier, it has been difficult to precisely determine Ohio's reporting gaps due to the decentralized nature of our court system. For this reason, the NICS Workgroup was created prior to the start of the BJA grant to estimate the reporting gap and to formalize a process for closing the gap. They also helped to identify performance measures to measure success.

### *Objective 2: To increase the submission of common pleas and municipal/county courts' disposition records to the state's CCH repository*

Funding from the NICS grant allowed the Supreme Court to increase the number of local courts it was able to connect to their electronic data exchange system known as the Ohio Courts Network, or OCN. While courts had been able to submit dispositions electronically prior to the start of this grant, more than half the courts were still sending their dispositions by paper. Being linked to the OCN offers local courts an additional tool to allow felony and misdemeanor disposition data to be electronically submitted from the local courts to the CCH repository.

In order to get disposition data from the local courts to the CCH repository, courts must enter into a formal agreement with the Supreme Court allowing their data to be submitted to BCI through the OCN. Courts are encouraged to do so for a few significant reasons: 1) Once set up, the data exchange takes place automatically, with no need for human intervention, freeing up resources; 2) the data exchange takes place weekly, allowing courts to come into compliance with statute; 3) the disposition records are checked for errors and for completeness, allowing local courts to identify and correct mistakes, and to learn from consistent errors they are making.

*Objective 3: To increase the submission of mental health adjudication and commitment records to the state's mental incompetency database.*

Funding from the NICS grant permitted the Supreme Court to create an electronic reporting form as an option to replace the paper forms BCI had provided. While the paper forms were always available for use by courts, some courts were simply not aware of their existence, and those that were aware still failed to use them. The new form provides a more efficient means of submitting mental health adjudication and commitment information, and allows for information to be submitted by probate courts as well as mental health facilities throughout the state.

Funding was also used to prepare and provide a training for judges on the electronic mental illness reporting form, to increase their awareness of the need for reporting.

### Successes and Challenges in Disposition Reporting

#### *Baseline and milestones*

At the beginning of the project period, October 2013, there were 290 courts connected to the OCN. The Supreme Court identified courts that were unable to connect to the OCN due to their inability to upgrade their current case management systems because of lack of funding. Ultimately, NICS funding allowed for 14 courts to be connected to the OCN:<sup>12</sup>

- Perry County Probate Court
- Mercer County Probate Juvenile Court
- Paulding County Probate Juvenile Court
- Meigs County Probate Juvenile Court
- Fairfield County Juvenile Court
- Holmes County Probate Juvenile Court
- Homes County Common Pleas Court
- Sandusky Municipal Court
- Carroll County Probate Court
- Brown County Probate Court
- Vinton County Court
- Vinton County Probate Juvenile Court
- Preble County Juvenile Court
- Niles Municipal Court

See Appendix A for a map of all connected courts, and Appendix B for a list of remaining courts that are not connected to the OCN.

The Supreme Court's IT staff worked with each court and their case management system vendor to upgrade the system and establish connectivity to the OCN system. This was a relatively easy process, as

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<sup>12</sup> An additional 11 courts were added to the OCN during the project period that did not receive funding from the NICS grant. In all, by the end of the project period, 315 courts were connected to the OCN, representing 88.3% of the total annual caseload. The Supreme Court anticipates to be over 90% by year end.

most courts use one of two vendors (Courtview and Henschen). By March 2015, all 14 courts had completed their upgrades and were successfully connected to the OCN. Few problems were encountered. A monthly conference call with vendors also helped to avoid major complications. Most courts required little training to become familiar with the OCN, with only one county (Holmes) requiring more training due to experiencing a major overhaul of their system.

As courts were being connected to the OCN, work was being done by the Supreme Court's IT staff and BCI's IT staff to create and test an interface to send dispositions to the CCH repository from the local court information being sent to the OCN. This was a significant task, as the infrastructure was not in place initially to allow for connectivity. Internal testing of the interface began in October 2014, and external testing utilizing the MIAR user group began in early 2015.

In April 2015, pilot testing began with six courts to complete final testing of an interface to send dispositions to the CCH repository through the OCN. One court had to drop out because they were not entering adequate information into their system. Full rollout of the automation of disposition reporting began in June 2015. The Supreme Court sent notifications to courts to solicit participation. A priority list was developed by BCI for those courts expressing interest, with priority based on county size and on courts that were still submitting dispositions via mail. Initially, it took roughly three to four weeks to get the first five courts set up, with anticipation of accelerating this rate to five or more per month once all the bugs were worked out.

#### *Final status on OCN BCI disposition reporting*

Since June, the number of courts that have been accepted and are successfully reporting dispositions has grown from the five pilot courts to 28 courts. These weekly reports have resulted in over 20,000 dispositions to BCI. There are nine additional courts that are in various stages of configuration and testing, and 15 additional courts that have expressed interest in the program. All of the courts that have been accepted have been pleased with the results and have found that they are able to provide more timely dispositions with less effort. The Supreme Court will be reaching out to courts that have not yet expressed interest, and it is expected that with the successes of the early adopters, more courts will be interested in participating.

To assess the timeliness and accuracy of the dispositions being reported to the CCH, five courts were randomly selected to be evaluated. Data was gathered both pre-OCN implementation and post-OCN implementation to determine the number of days from the date of disposition by the court to the date the disposition was recorded in the CCH (i.e., timeliness). Additionally, data was gathered on the measuring number of errors/rejections by the CCH both pre- and post-OCN implementation. The findings are shown in a table in Appendix C, and discussion follows.

Timeliness. The average number of days from the disposition date to disposition recorded in the CCH decreased significantly across all five test sites from pre-OCN implementation to post-OCN implementation. Because some extreme data points (at times lasting well over a year) can impact the average, the median was also calculated across the five sites. The median number of days from disposition date to disposition recording in the CCH decreased substantially in three of the five sites. One court showed a 60% decrease (from 10 days to 4 days). Another court showed a 91.5% decrease (71 days to 6 days). A third court showed an 83% decrease (44 days to 7.5 days).

According to statute, dispositions are to be reported by the courts to BCI within seven days. Many courts have not adhered to this statute, and it was thought that using the OCN, which uploads dispositions to the CCH on a weekly basis, would allow more courts to adhere to this seven-day requirement. Three of the five courts—the same three courts that saw a substantial decrease in the median number of days from disposition date to disposition reporting in the CCH—saw an increase in the percentage of dispositions that were reported within seven days. Furthermore, the percentage of dispositions taking longer than 31 days to go from the court to the CCH decreased across all five sites from pre-OCN to post-OCN implementation.

These findings are interesting for several reasons. As anticipated, the data suggest that courts can benefit hugely by the use of the OCN as a mechanism to transfer their disposition to the CCH. However, not all courts benefitted equally. Two of the five courts did not show substantial decreases when comparing median disposition reporting times pre-OCN and post-OCN. In fact, their reporting times increased a small amount. Additionally, the same two courts also saw a slight decrease in their percentage of dispositions reported within the seven-day window. These findings highlight the fact that some courts may have had a reporting process in place that allowed them to submit dispositions in a timely manner. It is important to note, however, that the percentage of extreme cases—those which took longer than 31 days (1 month) to go from the court to the CCH decreased across all five sites from pre-OCN to post-OCN, suggesting that extreme cases of disposition reporting might be minimized across most courts with the use of the OCN. In sum, for those courts that did not have a good disposition reporting mechanism in place, the OCN was extremely beneficial in decreasing the time it takes to get dispositions from the court to the CCH. For those courts that already had a good reporting mechanism in place, the primary advantage of the OCN was in lowering the amount of time it took in getting the disposition from the court to BCI for the extreme cases.

Accuracy. A comparison of the number of records loaded successfully into the CCH and the number records rejected due to error was performed pre-OCN implementation and post-OCN implementation for a sampling of cases within the five courts.<sup>13</sup> The results showed an increase across all five courts pre-OCN to post-OCN. In other words, more errors were uncovered as courts began using the OCN to transfer their dispositions to the CCH. Admittedly, this result was initially surprising. However, review of the process of disposition transfer pre-OCN and post-OCN explains these findings. The processing of the dispositions at BCI, including error checking, has not changed. OCN files are processed and error checked in the same manner as non-OCN files. The increase in errors is a result of the automation and increased timeliness. Courts that are not participating in OCN have more control over what and when dispositions are submitted to BCI. If the disposition is incomplete, the court will not send it. Using OCN, dispositions are arriving at BCI prior to all the information being filled in, and in some cases, even prior to the arrest being received from the law enforcement agency (No Arrest on File).

There are still a number of dispositions that take longer than seven days to go from the court to the CCH, despite the use of the OCN. In our grant application, we projected that “even with a conservative five percent reject rate, the CCH repository will see over 95% of the dispositions within a week for the courts participating”. Clearly this is not (yet) the case. It is quite plausible that errors, and their resulting

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<sup>13</sup> It is important to note that attempting to measure accuracy based solely on the number of errors without clarification of the type/meaning of the errors can be a bit misleading, as not all errors reported in the transmissions to BCI are the result of inaccurate data. For instance, if a disposition is sent to BCI prior to the arrest being sent to BCI, this will result in an error. Discriminating between error types was not done in these analyses.

resubmissions, results in an increased number of days that it takes to get the disposition from the court to the CCH. It is likely that as common errors are identified and rectified, fewer resubmissions will result, and this will ultimately increase the percentage of dispositions being reported within the mandated seven-day period.

### *Challenges*

A few challenges were encountered along the way. BCI experienced a slight delay in work production due to issues regarding the need to renew a developer's contract. Also, BCI encountered some unanticipated problems regarding LEADS transmissions that required them to improve the LEADS interface by using a web service. Once testing began with external users, BCI noticed that some local ordinances sent by the courts in their disposition reports were being rejected. Additionally, a number of courts have had to make procedural changes in order to participate, which takes some time.

It is important to remember that participation in the OCN is voluntary. Without mandatory participation, Ohio will still not have a centralized method for courts to submit disposition data. In essence, courts may continue to submit dispositions directly to BCI the way they have historically done so (paper or electronic through FTP), or they may submit through the OCN.

### *Next steps*

The Supreme Court plans to reach out to the courts that have not yet expressed an interest in using the OCN for their disposition reporting. The Court will provide periodic updates on the rollout to encourage interest in participation.

## Successes and Challenges in Mental Health Reporting

### *Baseline and milestones*

An initial assessment of Ohio's reporting gaps conducted by the NICS Workgroup indicated that there was a large discrepancy between the number of commitments to state hospitals and the numbers of notifications in the BCI database. The Mental Illness Adjudication Reporting (MIAR) user group was formed in October 2014 to study this issue and to discuss the need for increased reporting. Initial input from this workgroup indicated two primary needs: 1) An improved method of submitting mental health adjudication and commitment records to BCI; and 2) Increased awareness of probate judges and of state hospital administrators regarding the mental illness reporting requirements.

With funding from the NICS grant, several steps were taken to address these identified needs.

Mental Illness Adjudication Reporting. In October 2014, the MIAR user group assisted with the conversion of an existing paper-based mental health reporting form into an electronic form, and ensured that the resulting system met the needs of its users. The roles of this user group were to verify assumptions and requirements, to review and provide feedback on system design, to participate in hands-on testing of the system, and to serve as initial production users of the system.

The Supreme Court's IT department, with input from the user group, created a template of the electronic form based on the paper form, developed application screen designs, and established user roles for the form at the probate courts and hospitals. An initial demonstration of the wireframe screen designs for the

form was presented to the user group in May 2014 in order to validate the design and get feedback from the group. In June 2014, a demonstration of the electronic form was given to probate court judges at their annual conference.

Testing of the web service began in the fall of 2014, with user group testing taking place in the winter of 2015. All testing was successfully completed by March 2015. Legal departments from the Supreme Court and OMHAS drafted an MOU for hospitals to have limited access to the OCN for reporting purposes. In addition, MOUs were created for probate courts that did not already have access to the OCN. It is notable that the OCN does not collect the reporting form; rather, BCI receives the information electronically by leveraging the benefits of the OCN authentication and security.

On June 3, 2015, Mental Illness Adjudication Reporting (MIAR) was rolled out. It allows probate courts and hospitals to submit mental illness adjudication and involuntary commitment reports to BCI pursuant to ORC 5122.311. See Appendix D for a sample MIAR form. On June 29, an announcement was released on the Court News Ohio website.

The users of the MIAR system are probate courts, state hospitals, and BCI. Not all probate courts currently adjudicate mental illness. The electronic reporting system has several advantages over paper submissions, including the ability to view, modify, or expire a form and to run queries. Additionally, a conversion of existing records allows visibility into notifications recorded prior the implementation of the new system.

Education of probate court judges. The MIAR user group found great inconsistencies between counties in the volume of mental health adjudications they reported to BCI, suggesting that not all probate judges are aware of, or understand, the requirement to submit such information to BCI. Therefore, on June 16, 2014, as part of their annual conference, 79 judges and magistrates with probate jurisdiction received training on mental health weapons disqualification and on the new electronic form. Approximately 54 counties had representatives in the audience to hear from administrators from OMHAS on topics of mental health adjudications and weapons disqualifications. The two-hour session included a presentation by the Supreme Court IT staff, who demonstrated the new electronic reporting tool. In addition to this one-time training, a user guide was created and made available online. See Appendix E for the user guide. The OCN Help Desk was also made available for questions about the MIAR system.

#### *Final status on Mental Illness Adjudication Reporting*

Since its launch on June 3, the Supreme Court has had 45 users sign up for access from 18 courts and the six state mental hospitals. One thousand eighteen reports have been submitted electronically. Although this program is voluntary, the Court is contacting local courts that continue to submit on paper to ensure they are aware of the electronic option. As a result, they are continuing to sign up users, and the percentage of reporting by paper continues to decline. On average, BCI was receiving roughly 2,000 paper forms every six months. As a direct result of electronic submissions, BCI has noticed a 78% decrease in paper submissions as of October 2015.

Conversely, the number of electronic mental health adjudications available at BCI should increase as more courts and hospitals submit reports using this method. In the six-month period prior to MIAR implementation, zero electronically submitted adjudication reports were available at BCI. In the first four months post-MIAR implementation, 1,018 adjudication reports were submitted electronically to BCI.

Timeliness improved as a result of MIAR implementation. The average number of days from the date the court issued the finding of mental incompetency to the date that the record was created was 10.36 days in 2014. This lag was due to the time required to complete the form, mail the form, and submit the form into the old database. After MIAR implementation, this average number of days was reduced to 5.76—a reduction of over 44%.

Submissions of the electronic form through OCN also guarantee a more expedient entry due to the presence of required data entry fields. Quantitative evidence of improved accuracy is shown by counting the average number of days between the finding of mental incompetency and acceptance of the form by the FBI. In the past, this time took longer (almost 10 days) because some forms were rejected by the FBI or data was missing and BCI had to call or wait for the court/agency to provide the corrected information. Because the online system does not allow for a record to be submitted with missing data, the quality of the records increased. So what took nearly two weeks to correct and finalize in 2014 only took a little over three days after implementation of the MIAR system because the data was accepted without error by the FBI. Additionally, given the small amount of paper submissions BCI now receives, they have fewer manual corrections required for resubmission. The smaller number of resubmissions helps increase accuracy as well as timeliness.

### *Challenges*

While the electronic form was being created, Senate Bill 43 passed into law. This bill clarified Ohio's court-ordered outpatient treatment of mentally ill persons. As a result, minor language changes in wording were made to the form.

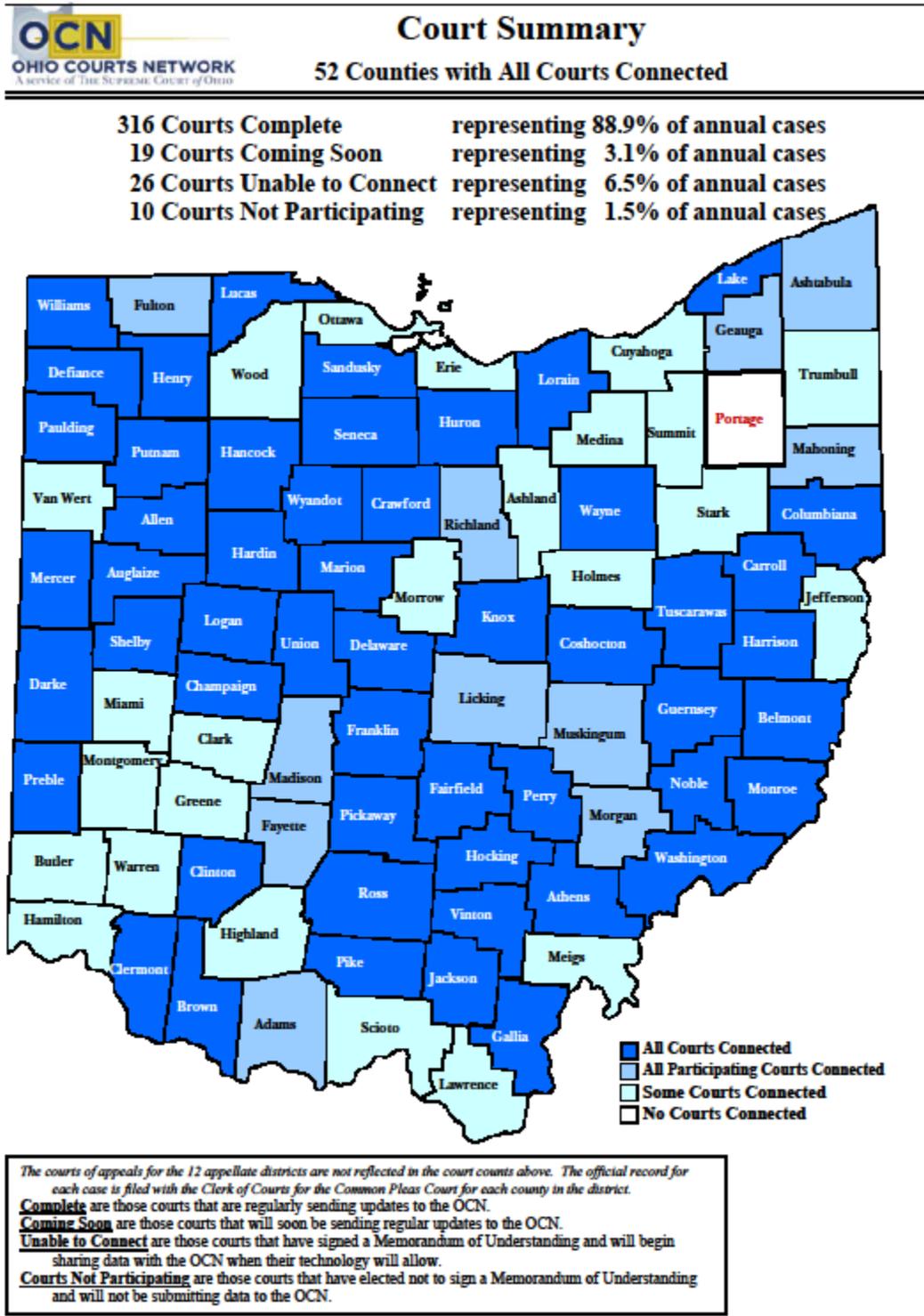
There is the potential for duplication of MIAR forms if both a judge and a hospital submit the form on the same person. While duplication will impact the count of the number of forms submitted, the consensus was that it is better to have duplicate forms on the same person than to not submit the forms at all. The only feasible way to avoid duplication is to specify through changes in the Ohio Revised Code who should take the lead in submitting the form.

### *Next steps*

The Supreme Court is monitoring the paper forms entered each month and is contacting those probate courts to ensure they are aware of the electronic reporting option.

## Appendices

Appendix A. Participating court summary.



Appendix B. List of non-participating courts.



## Courts Not Participating

**Courts Not Participating** are those courts that have elected not to sign a Memorandum of Understanding and will not be submitting data to the OCN.

County	Court	Jurisdiction
Adams	Adams County Court	County
Ashtabula	Ashtabula County Court of Common Pleas, Probate and Juvenile Divisions	Probate
Fayette	Fayette County Court of Common Pleas, Probate and Juvenile Divisions	Juvenile
Fayette	Fayette County Court of Common Pleas, Probate and Juvenile Divisions	Probate
Fulton	Fulton County Court of Common Pleas, Probate and Juvenile Divisions	Probate
Geauga	Geauga County Court of Common Pleas, Probate and Juvenile Divisions	Juvenile
Geauga	Geauga County Court of Common Pleas, Probate and Juvenile Divisions	Probate
Hamilton	Hamilton County Court of Common Pleas, Domestic Relations Division	Domestic Relations
Licking	Licking County Court of Common Pleas, Probate and Juvenile Divisions	Juvenile
Madison	Madison County Municipal Court	Municipal
Mahoning	Campbell Municipal Court	Municipal
Morgan	Morgan County Court	County
Muskingum	Muskingum County Court of Common Pleas, General Division	General
Ottawa	Ottawa County Municipal Court	Municipal
Portage	Portage County Court of Common Pleas, Probate and Juvenile Divisions	Juvenile
Richland	Richland County Court of Common Pleas, Juvenile Division	Juvenile

Appendix C. Impact of OCN implementation on the timeliness and accuracy of disposition reporting.

Court	# of observations		Average # days since disposition		Median # days since disposition		Lowest # days since disposition (low end of range)		Highest # days since disposition (high end of range)		Percent within 7 days of disposition		Percent 32+ days		Errors	
	pre	post	pre	post	pre	post	pre	post	pre	post	pre	post	pre	post	pre	post
Chardon Muni	402	592	61.5	12.7	4.5	6	0	1	2923	88	59.7%	57.3%	12.4%	10.6%	2.1%	20.5%
Middletown Muni	1439	204	10.7	4.7	10	4	4	1	30	26	24.1%	93.6%	0.0%	0.0%	3.3%	11.7%
Gallipolis Muni	51	63	102	15.2	71	6	7	2	672	104	2.0%	36.5%	88.2%	14.3%	0.0%	53.6%
Barberton Muni	203	323	91	12.5	7	9	0	1	1414	53	56.2%	40.2%	40.9%	12.1%	0.0%	15.9%
Coshocton Muni	76	158	53.2	17.2	44	7.5	3	1	134	151	2.6%	50.0%	59.2%	15.8%	5.3%	46.4%

Appendix D. Mental Illness Adjudication Reporting (MIAR) sample form.



**Mental Illness Notification Detail**  
**Under O.R.C 5122.311**



**Date Recorded:** 08/20/2015      **ARI (BCI):** 291013      **NRI (NICS):** 1508853875

MADGE ISTRATE

of ALLEN COUNTY PROBATE COURT

located at 301 NORTH MAIN STREET, LIMA, OH, 45805

reported the following regarding a mentally ill person subject to hospitalization by court order or involuntary patient other than one who is a patient only for purposes of observation, to the best of the knowledge and information available.

<b>Court Case #:</b>	
<b>Name:</b> WILLY W TESTER	<b>Alias:</b>
<b>Gender:</b> MALE	<b>Race:</b>
<b>Social Security #:</b>	<b>MNU:</b>
<b>Date of Birth:</b> 01/01/1980	<b>Place of Birth:</b>
<b>Address (Residence):</b>	
<b>Address (Mailing):</b>	

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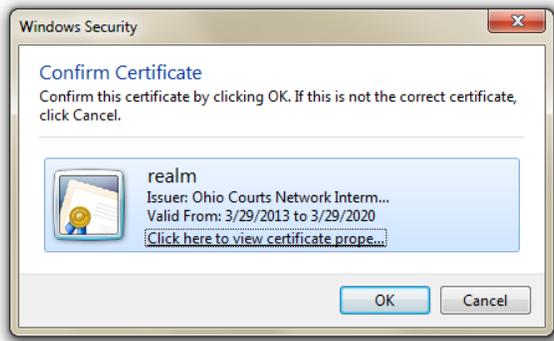
## Appendix E: Mental Illness Adjudication Reporting Instructions

### *Important Notes:*

1. In order to access the OCN portal, you must have a digital certificate installed on your computer. For more information, please contact your OCN Coordinator or the OCN help desk.
2. The OCN Portal works best in Internet Explorer, version 10 or higher. Some functions may not work correctly or be inaccessible in older versions or other browsers.

### *How to Get to the Portal*

1. In your browser's address bar, type in <https://ocn.ohiocourts.gov> – you can also bookmark the site for easier access on future visits.
2. Click **OK** to confirm the certificate – if you do not get a popup asking you to confirm the certificate, and/or if you get an error 403: Forbidden Access Denied, you need a digital certificate – contact your OCN Coordinator or the OCN Help Desk for assistance.



### *Logging In*

1. Enter your username and password in the appropriate boxes. Please note that the password is case-sensitive, the username is not. Any announcements such as planned maintenance, etc. will appear in the area below the login boxes.

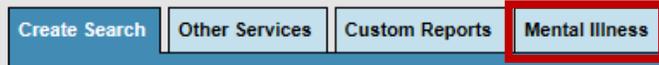


2. If you have forgotten your password or it has expired (passwords expire every 120 days whether or not you have logged in) and you have previously enrolled in

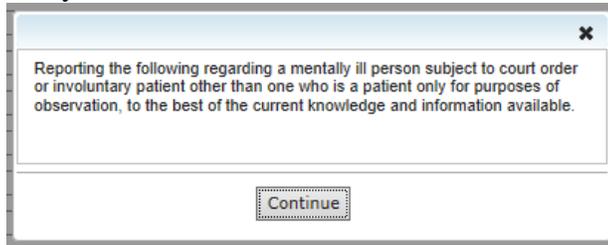
password recovery, click the **Forgot Password** link to answer your security questions and reset your password. If you have not enrolled in Password Recovery or cannot remember your security question answers, click the **Help Desk** link for assistance.

### ***Accessing the Mental Illness Form***

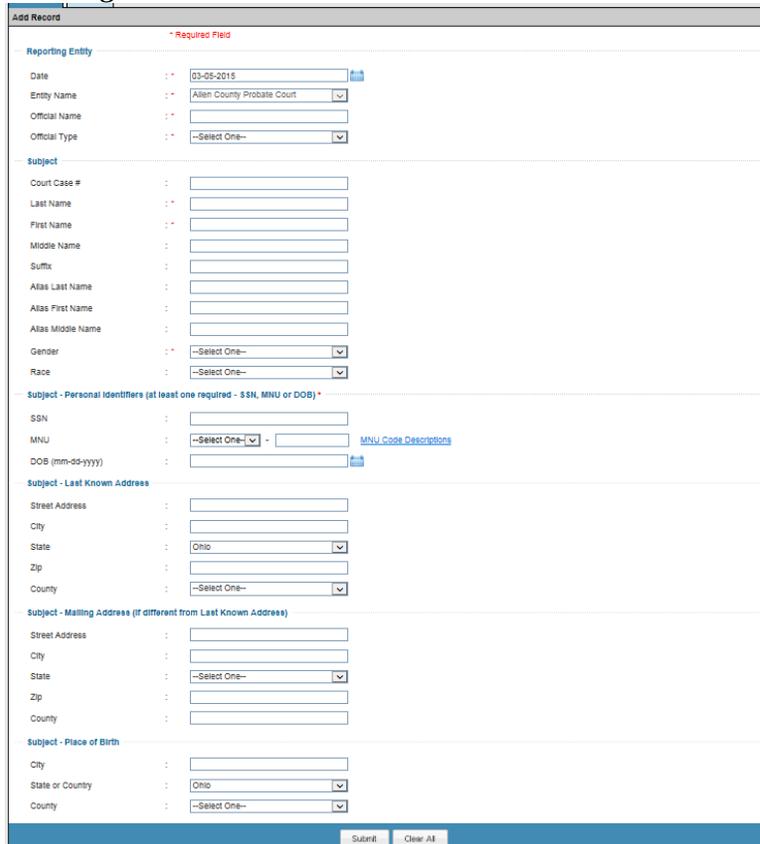
1. If you have access to other OCN searches, you will see the basic search screen by default each time you login. To access the mental illness form, click the **Mental Illness** tab:



2. If you have access to the OCN only for mental illness adjudication reporting, you will automatically be directed to the form each time you login.
3. You must click **Continue** to agree to the terms of use each time you being using the system:



### ***Entering New Forms***

A screenshot of a web form titled 'Add Record'. It contains several sections of input fields. The 'Reporting Entity' section includes fields for Date (03-05-2015), Entity Name (Allen County Probate Court), Official Name, and Official Type. The 'Subject' section includes fields for Court Case #, Last Name, First Name, Middle Name, Suffix, Alias Last Name, Alias First Name, Alias Middle Name, Gender, and Race. The 'Subject - Personal Identifiers (at least one required - SSN, MNU or DOB)' section includes fields for SSN, MNU (with a dropdown and a link to 'MNU Code Descriptions'), and DOB (mm-dd-yyyy). The 'Subject - Last Known Address' section includes fields for Street Address, City, State (Ohio), Zip, and County. The 'Subject - Mailing Address (if different from Last Known Address)' section includes fields for Street Address, City, State, Zip, and County. The 'Subject - Place of Birth' section includes fields for City, State or Country (Ohio), and County. At the bottom are 'Submit' and 'Clear All' buttons.

1. Starred fields are required, the remaining fields are optional.
2. **Date of Finding** is the date that the Judge or Chief Clinical Officer finds or declares the individual incompetent.
3. Your **Entity Name** is associated with your account and cannot be changed. If the entity name is incorrect, contact the OCN Help Desk immediately for assistance.
4. When you have completed all intended fields, click **Submit** at the bottom of the screen.
5. You will see a message that the system is waiting for a response while your information is submitted to BCI.

The screenshot shows a confirmation window titled "Add Record Confirmation". At the top, it says "Waiting for the response.....". Below this, there are two fields: "Status" and "ARI (BCI)", both followed by a colon and a space, indicating they are waiting for data.

6. When your submission is complete, you will see a confirmation. To see the content of your submission, click **View Detail**.

The screenshot shows the "Add Record Confirmation" window with a "BCI Response: 100% Completed" indicator in the top right. The status is now "SUCCESS" and the ARI (BCI) is "290982". A "View Detail" button is visible at the bottom of the window.

7. If there was a problem with your submission, you will receive an error and the option to **Edit & Resubmit**. Clicking will return you to the form so you can correct the appropriate field(s).

The screenshot shows the "Add Record Confirmation" window with a "Status" of "FAILED". A "Note" field contains the error message: "BCI HAS FAILED TO PROCESS THE REQUEST. BCI VALIDATION ERROR(S). THE SOCIAL SECURITY # FIELD IS INVALID." An "Edit & Resubmit" button is located at the bottom.

8. Once you have successfully submitted your form and clicked **View Detail**, the details of your submission should appear as you entered them.

The screenshot shows the "Record Detail" screen. It displays the following information:

- NRI (NICS)** : ARI (BCI) : 290982 Date : 03/05/2015
- Official Name** : JUDGE GLENN H. DERRYBERRY **Official Type** : PROBATE JUDGE
- Entity Name** : ALLEN COUNTY PROBATE COURT **Entity Type** : COUNTY
- County** : ALLEN **Address** : 301 NORTH MAIN STREET, LIMA, OH, 45805

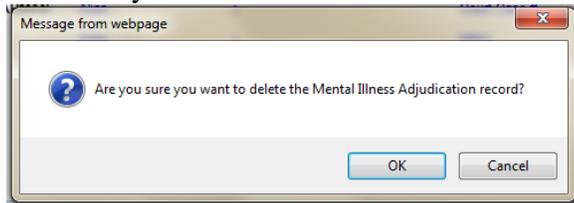
Below this is a "Subject" section with the following details:

- Name** : JAMES SNOOK **Alias** : **Court Case #** :
- DOB** : 09/17/1979 **SSN** : **MNU** :
- Gender** : MALE **Race** :
- County (Residence)** : **Address (Residence)** :
- County (Mailing)** : **Address (Mailing)** :
- County of Birth** : **Place of Birth** :

At the bottom of the screen are buttons for "Create Form", "Add New", "Modify", and "Delete".

9. To modify the information you submitted, click the **Modify** button at the bottom of the screen. This will return you to the form, where you can edit your submission. Clicking **Cancel** on the form while you are editing will return you to the submission detail screen without making changes.

- To delete your submission, click the **Delete** button at the bottom of the screen. You will be asked to confirm or cancel the deletion before the record is irrevocably deleted.



- To begin entry of a new form pre-populated with the information you entered in this submission, click the **Add New** button.
- To create a PDF version of the form to print or save to your computer, click the **Create Form** button.

### *Searching Your Submitted Forms*

- You can search for all forms that your court or hospital has submitted through the portal – you cannot search or view mental illness adjudication forms from other courts or hospitals.
- To search, click the **Search** tab.



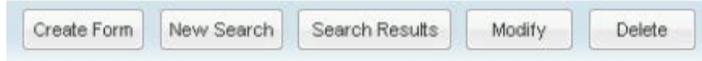
- It is not necessary to complete all fields to perform your search – you can locate your record by searching by date range, NRI, or ARI. Note: The ARI is assigned by BCI when the form is submitted. The NRI is assigned by NICS once they have accepted the record. The reporting entity cannot be changed – if the entity that appears is not correct, please contact the OCN Help Desk immediately for assistance.

- Your search results will appear in a grid. You can sort the grid by any column by clicking on the column title.

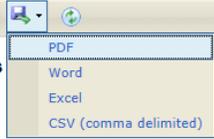
Date	Reporting Entity	First Name	Middle Name	Last Name	DOB	SSN	MNU	NRI (NICS)	ARI (BCI)
2015/03/05	ALLEN COUNTY PROBATE COURT	JAMES		SNOOK	1979/09/17				290982
2015/03/05	ALLEN COUNTY PROBATE COURT	VIOLETTA		DEVEREAUX			DL-RL55567		290983
2015/03/05	ALLEN COUNTY PROBATE COURT	ZAKARIYYA	ABDUL	RAHMAN	1950/05/11				290984

View Detail   New Search   Create Summary Report   << <   Page 1 of 1   > >>   Rows 1 to 3 of 3

- To view a record, highlight it by clicking anywhere in the row and click the **View Detail** button at the bottom of the grid.
- From the detail screen, you can create a new form, begin a new search, return to your search results, or modify or delete the selected record.



7. To create a printable report of your search results, click the **Create Summary Report** button. Your report will open in a new browser window or tab. You can export your report as a PDF, Word, Excel, or CSV file for saving or printing by clicking on the small disk icon at the top of the report.



***Questions? Call the OCN Help Desk at (614) 387-9980 or e-mail [ocnhelp@sc.ohio.gov](mailto:ocnhelp@sc.ohio.gov)***