



ZACH KLEIN

COLUMBUS CITY ATTORNEY

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Contact: Angelo Thomas, 614.502.9012
Email: aathomas@columbus.gov

Columbus, Dayton Settle Lawsuit against the State of Ohio as Officials Agree on Framework to Fix State's Broken Criminal Background Check System

Cities sued the State in 2020 and have been working on sweeping changes to modernize the system to close loopholes and improve public safety

COLUMBUS, OH—In a major win for public safety, Columbus City Attorney Zach Klein, City of Dayton Law Director Barbara Doseck, and gun safety advocates today announced that the State of Ohio agreed to a settlement in a years-long lawsuit aimed at filling the gaps in the state's broken criminal background check system. The plan proposes sweeping changes to improve transparency, technology and communication to ensure agencies are able to upload criminal data more quickly and efficiently. Franklin County Common Pleas Court Judge Michael Holbrook signed off on the agreement today.

“For the first time ever, Ohio has a real plan to modernize our criminal background check system to make it work for those who use it every day—to keep deadly weapons out of the hands of violent individuals and ensure employers can access the information they need when hiring. This agreement is a historic win for Ohioans and for public safety,” said **Columbus City Attorney Zach Klein**. “Thanks to the City of Dayton, our co-counsel Everytown Law and the law firm of Perkins Coie, and the State for stepping up to work together on this commonsense gun safety measure. I urge the legislature to build on this progress and equip reporting agencies with the tools they need to fill the gaps in our system and better protect public safety.”

The state's criminal background check system, used to run checks by employers statewide, also feeds information into the federal firearms background check system. The accuracy of the information shared between background check systems is critical to public safety. For years, however, the state's system has failed to collect and maintain all required criminal records, which allowed many individuals to fall through the cracks when applying for a job or to purchase a firearm. The announced agreement is a step toward closing the gaps and ensuring confidence in the system by those who use it every day.

“This settlement is a positive step in the right direction. However, without action from the General Assembly, Ohio cities cannot pass laws that reduce access to

guns or the associated gun violence. Without cooperation, Dayton is left to endure, as we have since the Oregon District shooting, without any real ability to make impactful change in our own community,” said **Dayton Law Director Barbara Doseck**.

“We all share a responsibility to do everything we can to make sure that those prohibited from purchasing guns are unable to walk out of a gun store with a firearm,” said **Eric Tirschwell, executive director of Everytown Law**. “This settlement should serve as a model for other states to take the critical steps necessary to ensure that all criminal convictions and other prohibiting records can be accessed when someone tries to buy a gun.”

Under the terms of the settlement agreement, the state will continue to support self-service systems for agencies to submit mandatory criminal reports and resolve errors or omissions on existing records. Once the system is fully implemented, the State will create an online dashboard showing rates of compliance by reporting agencies.

Additionally, the State will look to apply for federal grants to assist in technology upgrades at reporting agencies across the state in order to optimize data sharing and close the gaps in the background check system. To assist in these efforts, the State will create a Grants Advisory Committee, which will make recommendations to the Ohio Attorney General on the distribution of funds to local agencies. The cities of Columbus and Dayton will each have a seat on the committee.

The agreement also signals the end of mailed paper reporting as the parties agreed to work together to secure funding through grants or other sources to allow agencies across Ohio to submit criminal history information electronically, which will cut down on time and resources and improve real-time accuracy of the state’s criminal background check system.

The agreement also calls on the parties to urge the legislature to pass laws aimed at improving the state’s background check system, including:

- Enforcement of mandatory reporting requirements,
- Regular audits of reporting agencies to ensure they are following state and federal reporting laws,
- Mandatory electronic reporting of fingerprints to BCI and funding to ensure agencies have the equipment to facilitate fingerprint collection and electronic reporting.

The State will also offer additional, enhanced training opportunities to reporting agencies at least four times a year. These trainings would include online videos, virtual classes, and written materials regarding state and federal reporting requirements and submission of data to BCI. The Attorney General’s Office will continue to provide individualized guidance as necessary to all reporting agencies.

Finally, the State must submit quarterly progress reports for three years to ensure compliance with the terms of the agreement. The Court will retain jurisdiction over the case over those three years in order to make sure that the agreement is implemented and followed.

The City of Columbus was represented by Columbus City Attorney Zach Klein’s office and the City of Dayton was represented by Dayton City Attorney Barbara Doseck’s office. Everytown Law, the litigation arm of Everytown for Gun Safety Support Fund, was co-counsel for both cities along with the law firm of Perkins Coie LLP.