



**House
Legislative
Analysis
Section**

Washington Square Building, Suite 1025
Lansing Michigan 48909
Phone 517/373-6466

THE APPARENT PROBLEM:

In criminal investigations, law enforcement officials may try to get a set of fingerprints in order to narrow down the list of suspects. Sometimes the fingerprints that they get are not very clear; for example, they may only be able to get a copy of one unclear thumbprint. However, if the fingerprints are the only pertinent clue, the police may spend many staff-hours trying to match the prints with copies of other sets of fingerprints on file. This system is tedious and time-consuming.

However, an automated fingerprint identification system is available which can expedite this process. It uses latent input terminals to read latent fingerprints (fingerprints picked up at a scene of a crime but whose ownership has not yet been established) and search the police fingerprint file database to choose which prints closely match those of known criminals. The latent input terminals can then rate the possible fingerprint matches. For example, one person may have a 90 percent chance of having committed the crime based on the fingerprint match, while another may have an 80 percent chance.

In addition, a jail identification terminal can be used to distinguish clear fingerprints whose ownership is questionable, as in the case of a person using an alias. A jail identification terminal allows police to hook up to state police fingerprint files to distinguish the identification of a suspect that they are holding and determine if the person is wanted on other charges.

Legislation is necessary to make both types of terminals available to state and local police and to govern its purchase and use.

THE CONTENT OF THE BILL:

The bill would establish the Automated Fingerprint Identification System (AFIS) Policy Council Act, and create the automated fingerprint identification system policy council within the Department of State Police. The council would exercise its powers, duties, and functions independently of the director of the Department of State Police, but its budgeting, procurement, and related functions would be performed by the department.

The council would be comprised of the following members: the attorney general, the secretary of state, the directors of the Departments of State Police and Corrections, the state court administrator, the chief of the Detroit police department, three representatives of the Department of State Police, three representatives of the Michigan Association of Chiefs of Police, four representatives of the Michigan Sheriffs' Association, three representatives of the Prosecuting Attorneys Association of Michigan, one representative appointed by the governor representing private industry and security concerns in the state, and one representative appointed by the governor representing human services concerns in the state.

The council would annually elect a chairperson and meet quarterly during the months of January, April, July and October. The chairperson could call meetings at other times deemed appropriate. In addition, the council chairperson would appoint committee chairpersons. Council members

**House Bill 4378 (Substitute H-1)
First Analysis (4-29-87)**

RECEIVED

**Sponsor: Rep. John M. Maynard
Committee: State Affairs**

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would serve two-year terms and serve without compensation, but would be entitled to actual expenses incurred during attendance at a regular or special council meeting and in traveling to and from a meeting.

Duties of the council would include:

- 1) establishing policy and rules regarding the operational and audit procedures to be followed by agencies using the AFIS;
- 2) designing a proposal, in conjunction with the department, which would provide for statewide identification of individuals using an AFIS. The proposal would include the proposed data base and network configuration, the system selection criteria, and a sufficient description of the expansion of the proposed system to accommodate prevention of crime in the private sector;
- 3) establishing minimum standards for AFIS sites and installation;
- 4) reviewing proposed applications for the AFIS and approving or disapproving the applications and the sites for system installations. If an application were disapproved, the applicant would be notified in writing of the reasons for disapproval;
- 5) establishing policy and rules restricting the dissemination of identification information to individuals and agencies;
- 6) establishing policy and rules for compilation of criminal and non-criminal history records through fingerprint identification; and
- 7) establishing policy and rules for audit completeness and accuracy of history record information.

In addition, the council could remove AFIS equipment if the agency or entity controlling the system equipment failed to comply with the established policies or rules of the council.

The bill would provide that the department would fund at least 80 percent of the cost of all latent input terminals approved by the council and that all terminals would be funded at the same rate. The council would authorize the latent input terminals of the AFIS. One latent input terminal would be installed at each of the seven state police crime laboratories and would be fully funded and staffed by the department. The remaining terminals would be strategically located throughout the state at locations recommended by the department and reviewed and approved by the council.

In addition, the bill would set up a formula for the purchase of automated fingerprint jail identification terminal equipment as follows:

Population	Local Cost
0 - 24,999	\$ 500
25,000 - 49,999	\$ 1,250
50,000 - 74,999	\$ 2,000
75,000 - 99,999	\$ 2,750

and would continue in like increments of \$750 local cost for every additional 25,000 population until the local cost equaled the total cost of jail identification terminal equipment.

H.B. 4378 (4-29-87)

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the seven terminals for state police outposts would cost the state \$1.4 million. Each additional terminal would cost \$160,000 in state money and \$40,000 in local government money. However, total costs to the state can not be determined at this time because it is not known how many additional terminals will be purchased.

ARGUMENTS:

For:

Implementation of the automated fingerprint identification system would help to expedite the fingerprint matching process (by the systems outlined above) and would also enable police to narrow the pool of suspects more quickly. This would allow police to focus their investigations on specific criminals instead of having to canvass the entire community.

Against:

The bill's provision for 80 percent state funding of each latent terminal would promote competition among local communities, rather than cooperation. A sliding purchase scale would be more appropriate for the latent input terminals (see SUGGESTED AMENDMENTS). A sliding scale would put much of the burden of costs on smaller local units of government, but since the latent input terminals cost so much, emphasis should be put on placing terminals where they would be used the most.

Further, a sliding scale which would cut off funding at a population of 400,000 is even more desirable. At minimum, a terminal should be used at least 14 percent of an 8 a.m. to 5 p.m. shift in order to justify its purchase. Small communities could join together in consortiums to obtain a terminal with state funding assistance; a consortium of communities with a population of 400,000 would use the terminals often enough to warrant state funding. Some communities have already formed consortiums in anticipation of the date that they might obtain a terminal. This kind of community cooperation is desired when using a system of this magnitude; a sliding scale promotes this cooperative attitude. With the development of consortiums there is maximum utilization of hardware and personnel. In addition, a funding formula based on population makes accessibility of the system to the total population more likely, and encourages fiscal accountability.

SUGGESTED AMENDMENTS:

The AFIS Steering Council, the Department of Management and Budget and the Department of State Police have negotiated a funding formula for latent input terminals which is shown below:

Population	State Share	Local Share
1,000,000 & above	80 percent	20 percent
750,000 - 999,999	75 percent	25 percent
500,900 - 749,999	70 percent	30 percent
400,000 - 499,999	60 percent	40 percent
300,000 - 399,999	50 percent	50 percent
200,000 - 299,999	40 percent	60 percent
100,000 - 199,999	30 percent	70 percent

POSITIONS:

The Michigan Association of Chiefs of Police supports the bill. (4-20-87)

The Michigan Sheriff's Association supports the bill. (4-20-87)

The Department of State Police supports the bill. (4-15-87)

The AFIS Steering Council supports the concept of the bill and the creation of the council but continues to support the agreement with the Department of Management and Budget regarding the funding formula for the latent input terminals. (4-23-87)

The Prosecuting Attorneys Association of Michigan supports the concept of the bill and the creation of the council but continues to support the agreement negotiated between the AFIS Steering Council and the Department of Management and Budget regarding the funding formula for the latent input terminals. (4-23-87)

The Department of Management and Budget opposes the bill in its current form. (4-15-87)