



**House
Legislative
Analysis
Section**

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

AUTOMATED FINGERPRINT ID SYSTEM

House Bill 4378 as enrolled
Second Analysis (11-10-88)

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

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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 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.

Local units of government could form consortiums for the purpose of purchasing AFIS equipment and facilitating the use of such equipment in the local units of government that were members of the consortium. The expenditure of funds by the department for the purchase of local consortiums' AFIS equipment would be on a per capita basis and would result in uniform accessibility and cost per capita throughout the state, as recommended by the department for approval by the Senate and House appropriations subcommittees on state police. State funding would not be provided to more than seven local consortiums selected by

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the council and would be provided on a four-year lease-purchase basis. The state share would not exceed 75 percent of the cost of each unit and would not exceed the amount designated in the annual appropriation act for this purpose. If a local consortium defaulted on payments to a vendor or failed to provide fingerprint identification services to all consortium members, ownership of the equipment would revert to the department with subsequent placement of the equipment to be determined by the council. State funds could not be used in the operation or maintenance of AFIS equipment for the local consortiums. The bill would take effect October 1, 1988.

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, if the state were to provide 75 percent of seven local consortiums' funding, based on a range of unit costs from \$100,000 to \$380,000 per unit (according to estimates provided by the Departments of Management and Budget and State Police), total state costs could range from \$525,000 to \$1.995 million. The bill specifies that funding would be provided on a per capita basis; however, since the per capita formula to be used has not been determined, it is impossible to calculate the fiscal impact of the bill. However, the bill states that no more than seven local consortiums could be funded, and the state's share in the cost could not exceed 75 percent of the cost of each unit, nor could the state share exceed the amount designated in the annual state police appropriation act for that purpose. (6-15-88)

ARGUMENTS:

For:

When police investigate crimes, the chance of finding a criminal increases when the pool of suspects is quickly narrowed. Implementation of the automated fingerprint identification system would help to expedite the fingerprint matching process, thereby enabling police to narrow a pool of suspects more quickly. When police work with a narrow pool of suspects, it allows them to focus their investigations on specific criminals instead of having to canvass an entire community.

For:

Under the bill, small communities could join together in consortiums to obtain a terminal with state funding assistance. Some communities reportedly 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. With the development of consortiums there would be maximum utilization of hardware and personnel. Use of consortiums, as well as a funding formula based on population, would make accessibility of the system to the total population more likely and encourage fiscal responsibility.

Against:

The bill's provision for not more than 75 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. 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. A consortium of communities with a population of 400,000 would use the terminals often enough to warrant state funding; however the bill does not stipulate the size of the communities that would receive terminals. The development of consortiums with large populations would encourage maximum utilization of hardware and personnel.