

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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**House Bill 4378 (Substitute S-2 as reported)****Sponsor: Representative John M. Maynard****House Committee: State Affairs****Senate Committee: Judiciary**

Mich. State Law Library

**Date Completed: 6-15-88*****RATIONALE***

In criminal investigations, law enforcement officials often try to get a set of fingerprints in order to determine the identity of suspects. Sometimes the fingerprints that they get are not very clear; for example, investigators may only be able to obtain one unclear thumbprint. If the fingerprints are the only pertinent clue in an investigation, however, the police may spend many staff-hours attempting to match the prints with copies of other sets of fingerprints on file.

An automated fingerprint identification system which can expedite the matching process is available. It uses latent input terminals to read latent fingerprints (i.e., fingerprints picked up at a crime scene, but whose identity 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 then can rate the possible fingerprint matches. For example, one person may have a 90% chance of having left the fingerprint, while another may have an 80% 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 link up to State Police fingerprint files to distinguish the identification of a suspect and determine if the person was wanted on other charges. Some people feel that statutory authority for a council to govern the fingerprint identification system equipment's purchase and use is needed.

***CONTENT***

The bill would establish the Automated Fingerprint Identification System (AFIS) Policy Council, and create the AFIS 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 bill would take effect on October 1, 1988.

**The Automated Fingerprint Identification System Policy Council**

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 Correction, 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 annually would elect a chairperson and would have to 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 without compensation but would be entitled to actual expense incurred during attendance at a regular or special Council meeting and in traveling to and from a meeting.

Duties of the Council would include:

- Establishing policy and rules regarding the operational and audit procedures to be followed by agencies using the AFIS.
- Designing a proposal, in conjunction with the Department, which would provide for statewide identification of individuals using an AFIS. The proposal would have to 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.
- Establishing minimum standards for AFIS sites and installation.
- 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 have to be notified in writing of the reasons for disapproval.
- Establishing policy and rules restricting the dissemination of identification information to individuals and agencies.
- Establishing policy and rules for compilation of criminal and noncriminal history records through fingerprint identification.
- 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 Consortiums**

The bill would allow local units of government to form consortiums for the purpose of purchasing and using AFIS equipment. The expenditure of State funds for the purchase of local consortiums' AFIS equipment would have to be on a per capita basis as approved by the Department of State.

S.B. 4378 (6-15-88)

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Police. State funding could not be provided to more than seven consortiums selected by the Council. Funding could not exceed 75% of the cost of each unit or the amount annually appropriated for such a purpose. State funding to local consortiums would have to be on a four-year, lease-purchase basis.

If a local consortium defaulted on payments or failed to provide fingerprint identification services to all consortium members, then ownership of the AFIS equipment would revert to the Director of the Department of State Police. State funds could not be used for the operation or maintenance of a local consortium's AFIS equipment.

### **SENATE COMMITTEE ACTION**

The Senate Judiciary Committee adopted a substitute (S-2) to the bill which differs from the House-passed version of the bill in the way it addresses funding for and location of AFIS terminals. The Senate substitute would allow local units to form consortiums for the shared purchase and use of AFIS equipment, and limit the number of consortiums receiving State funding to seven. The House-passed version, on the other hand, would have required one latent input terminal to be installed at each of the State Police's seven crime laboratories, and allow others to be located throughout the State at locations recommended by the Department and reviewed by the Council.

In addition, the Senate substitute would limit State funding to a maximum of 75% of the per-unit cost and the total amount appropriated annually for that purpose. The House-passed version would have required the State to fund at least 80% of the cost of all latent input terminals approved by the Council and that all terminals be funded at the same rate. The House-passed version would have established a formula for the purchase of automated fingerprint identification terminals. The formula would have set the local cost at \$500 for local units with a population of less than 25,000. The local cost portion of the formula would increase by \$750 for each additional 25,000 in population. The Senate substitute would require a per capita funding system, but would allow the Department to establish that system.

The Senate substitute also specifies that State funding would have to be provided on a four-year, lease-purchase basis and that ownership would revert to the Department if a local consortium either defaulted on payments or failed to supply information to all members of the consortium.

### **FISCAL IMPACT**

If the State were to provide 75% 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 \$1,995,000. Section 7 subsection (2) claims that funding would be provided on a per capita basis, yet not knowing what per capita formula would be used, it is impossible to determine the fiscal impact of that section. Subsections (3) and (4), however, state that no more than seven local consortiums could be funded, and that the State's share in the cost could not exceed 75% of the cost of each unit and could not exceed the amount designated in the annual State Police appropriation Act for this purpose.

## **ARGUMENTS**

### ***Supporting Argument***

Implementation of the AFIS would help to expedite the fingerprint matching process, thereby enabling police to narrow the pool of suspects more quickly. This would allow police to focus investigations more directly, rather than having to canvass the entire community.

### ***Supporting Argument***

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.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.