



## Legislation Details (With Text)

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<b>File created:</b>	6/18/2012	<b>In control:</b>	Budget and Fiscal Management Committee
<b>On agenda:</b>		<b>Final action:</b>	7/23/2012
<b>Enactment date:</b>	7/24/2012	<b>Enactment #:</b>	17381
<b>Title:</b>	AN ORDINANCE providing for the submission to the qualified electors of King County at a special election to be held in King County on November 6, 2012, of a proposition to support continuation of the regional automated fingerprint identification system program by renewing and replacing authorization of an expiring property tax levy in excess of the levy limitation contained in chapter 84.55 RCW, for a consecutive six-year period, at a first year rate of not more than \$0.0592 per one thousand dollars of assessed valuation for collection beginning in 2013, with subsequent maximum levy collections being increased by the greater of one percent or the percentage increase in the consumer price index as long as that amount does not exceed three percent, for the purpose of funding the continued operation of the regional automated fingerprint identification system and related technology and services, which expand crime scene and arrest identification capabilities for all criminal justice agencies in King County.		
<b>Sponsors:</b>	Joe McDermott, Kathy Lambert, Reagan Dunn, Bob Ferguson, Jane Hague, Julia Patterson, Pete von Reichbauer		
<b>Indexes:</b>	AFIS		
<b>Code sections:</b>			
<b>Attachments:</b>	1. Ordinance 17381.pdf, 2. 2012-0210 transmittal letter.doc, 3. 2012-0210 transmittal letter to Dow Constantine.pdf, 4. 2012-0210 fiscal note.xls, 5. 2012-0210 BFM AFIS First Mtg Staff Report Pat Edits, 6. 2012-0210 Attach 5 12 2012-2016 Levy Report, 7. 2012-0210 AFIS Staff Report 7-17, 8. 2012-0210 Attach 5 AFIS Financial Plan 7-17		

Date	Ver.	Action By	Action	Result
7/23/2012	1	Metropolitan King County Council	Hearing Held	
7/23/2012	1	Metropolitan King County Council	Passed	Pass
7/17/2012	1	Budget and Fiscal Management Committee	Recommended Do Pass	Pass
7/3/2012	1	Budget and Fiscal Management Committee	Deferred	
6/18/2012	1	Metropolitan King County Council	Introduced and Referred	

Clerk 05/29/2012

AN ORDINANCE providing for the submission to the qualified electors of King County at a special election to be held in King County on November 6, 2012, of a proposition to support continuation of the regional automated fingerprint identification system program by renewing and replacing authorization of an

expiring property tax levy in excess of the levy limitation contained in chapter 84.55 RCW, for a consecutive six-year period, at a first year rate of not more than \$0.0592 per one thousand dollars of assessed valuation for collection beginning in 2013, with subsequent maximum levy collections being increased by the greater of one percent or the percentage increase in the consumer price index as long as that amount does not exceed three percent, for the purpose of funding the continued operation of the regional automated fingerprint identification system and related technology and services, which expand crime scene and arrest identification capabilities for all criminal justice agencies in King County.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

A. To expand and enhance upon the limited identification services provided by individual city agencies or at the state level, in 1986 the voters of King County approved funding for the purchase of a shared regional automated fingerprint identification system ("AFIS") computer which matches unknown fingerprints to known fingerprints. King County's AFIS database holds over seven hundred thousand fingerprint records, over three hundred thousand palmprint records and approximately thirty-six thousand unidentified crime scene fingerprints. The King County AFIS is a regional system with service available to every city and unincorporated area in King County.

B. The AFIS computer is used for two primary purposes:

1. To quickly identify arrested individuals, and prevent the wrongful release of those who use false names to evade arrest warrants or hide criminal records; and
2. To search fingerprints and palmprints collected from crime scenes to identify unknown suspects and aid in convictions.

C. The county first purchased the shared AFIS computer after the voters of King County approved a

property tax levy for that purpose in November 1986. The ballot measure was authorized by Ordinance 7747. The technology at the time did not include palmprint searching. Since 1986, the voters of King County have continued to endorse this service by approving renewal property tax levies ranging from \$0.0200 to \$0.0665 per one thousand dollars of assessed valuation to support, expand, and enhance AFIS services as needed. The levy history is as follows:

1. Five-year renewal levy approved in November 1990. The ballot measure was authorized by Ordinance 9603;
2. Five-year renewal levy approved in November 1995. The ballot measure was authorized by Ordinance 11948;
3. Five-year renewal levy approved in September 2000. The ballot measure was authorized by Ordinance 13894. Through careful fiscal management, the county accumulated a fund balance, which sustained AFIS program operations through 2006 without a concurrent property tax levy; and
4. Six-year renewal levy approved in September 2006. The ballot measure was authorized by Ordinance 15537. Again, careful fiscal management accumulated a fund balance, which this time was returned to taxpayers through reduced levy rates in 2011 and 2012.

D. The 1986 AFIS computer, partially updated in 1999, was completely replaced with a new system in 2011. This new system introduced palmprint searching for the first time in King County, and has improved matching capabilities and increased storage capacity. Since its installation, nineteen identifications have been made on cold cases and from palmprints left at crime scenes.

E. On December 31, 2012, the 2006 AFIS levy, which was adopted at a rate of \$0.0568 per one thousand dollars of assessed valuation, will expire. This ordinance proposes a renewed AFIS levy at a rate of \$0.0592 per one thousand dollars of assessed valuation starting in 2013. Without renewed revenue, funding for this program will run out in June 2013, ceasing operations.

F. Large cities and metropolitan areas around the country have realized great benefit from having their

own AFIS technology. King County is one of only two counties in the state of Washington with its own AFIS computer, and it is the only county with a shared regional model that provides services to all local law enforcement agencies. King County owns the only palmprint database in the state. It is larger than the one used by Washington State Patrol, although King County AFIS staff have the ability to search that database as well. The AFIS program has made one hundred eighty palmprint 'hits' or identifications since the 2011 implementation of the new AFIS computer. In 2011, the AFIS program searched more than seventy-four thousand fingerprint records and processed almost nineteen thousand pieces of evidence. The program identified almost four thousand latent crime scene prints, and over seven hundred thirty individuals who had given false names when arrested.

G. King County's AFIS program is proven as essential to law enforcement, and is recognized for its exceptional service. The program's regional model has provided excellent and effective crime-solving support to all the criminal justice agencies in King County since its inception in 1988. The current AFIS program provides for many shared services, including:

1. The purchase, maintenance, and staff operation of the AFIS computer;
2. The purchase, maintenance, training and support for forty-eight Livescans, which are devices installed at thirty-five law enforcement agencies throughout King County for the purpose of collecting better quality prints and transmitting them electronically for a faster and more efficient response;
3. The collection of high quality fingerprints in county jail facilities, and fingerprint examiners available twenty-four hours a day and seven days a week, for the quick identification of arrested individuals;
4. Examiners who collect prints from crime scenes, process them chemically and photographically for better clarity, search them in AFIS, and make identifications of unknown potential suspects or store the unidentified prints for continual search as new records are added to the system; and
5. Training on fingerprint collection and crime scene processing, and customer support for all law enforcement agencies.

H. The AFIS program has met all goals set forth in the current levy, well below the budget projections made in 2006. Some of these goals included:

1. Procurement, implementation, and support of a new AFIS, replacing the twenty-year-old original system with a more efficient and effective model capable of both fingerprint and palmprint searching and storage;
2. Purchase of additional criminal Livescan fingerprint capture stations, and upgrade of image resolution for print clarity, at high volume sites; and
3. A pilot for remote hand-held fingerprint capture devices that allow officers to search the regional AFIS from the field, and a study on the benefits and impacts of fingerprint capture stations in the courts.

I. With the oversight of the AFIS advisory committee, the AFIS program has prepared a new six-year financial and operational plan. The recommended levy maintains current services, streamlines staffing, and replaces an aging regional laboratory, all at a rate that is less than the voters passed in 2006. It also identifies several areas of reductions and efficiencies. The financial plan includes:

1. A reduction of eleven positions and other savings equating to approximately \$6.75 million over six years, with no corresponding reduction in services. This was achieved by identifying efficiencies and refining staffing models;
2. Continued support for the remote fingerprinting initiatives started under the 2007-2012 levy; and
3. Replacement of the county's latent processing lab, which is substantially undersized to handle the volume of work it supports. The new lab will provide more space to allow different chemical processes to be performed separately and simultaneously without concerns of cross-contamination. It will also address safety concerns that are present in the current laboratory, which resides in an outdated building.

J. The AFIS program produces publicly available annual reports that provide status updates on program initiatives and accomplishments. The success of the regional AFIS program has been a result of regular collaboration with law enforcement agencies across King County.

K. Under state law, a levy lid lift is limited to a maximum term of six years if the levy provides for a specified index to be used to determine the limit factor. The proposed levy is limited to six years.

**SECTION 2. Definitions.** The definitions in this section apply throughout this ordinance unless the context clearly requires otherwise.

A. "AFIS" means automated fingerprint identification system.

B. "AFIS computer" means the automated fingerprint identification system, which is the computer system that utilizes AFIS as its foundation, and through modular design incorporates other databases of criminal identification records, and related equipment, technology, networks, and interfaces employed by trained staff for capturing, storing, and comparing criminal identification records based on friction ridge analysis, or successor technology.

C. "AFIS program" means the acquisition, implementation, maintenance and operation of the regional AFIS computer. It also means the countywide effort of trained personnel who, through fingerprints, palmprints, and other identification methods: identify detained persons; identify suspects of crimes from fingerprints and palmprints left on evidence at crime scenes; assist in the conviction of criminals through identifying this crime scene evidence; train law enforcement on crime scene evidence collection and identification methods; support accurate and complete criminal history records; conduct field research aimed at improving and enhancing program services; and otherwise enhance public safety as consistent with this ordinance and permitted by law.

D. "Levy" means the levy of regular property taxes, for the specific purpose and term provided in this ordinance and authorized by the electorate in accordance with state law.

E. "Levy proceeds" means the principal amount of funds raised by the levy, any interest earnings on the funds and the proceeds of any interim financing following authorization of the levy.

F. "Limit factor" means the greater of one percent or the percentage increase in the consumer price index as long as that amount does not exceed three percent. The consumer price index is defined as the ratio of the most recent June Consumer Price Index to the immediately previous June Consumer Price Index (final

published CPI-W Seattle-Tacoma-Bremerton, as calculated by the United States Bureau of Labor Statistics, or its successor) expressed as a multiple of one hundred percent to achieve the result of one hundred percent plus inflation.

**SECTION 3. Levy submittal to voters.** To provide necessary funds for the AFIS program, the King County council shall submit to the qualified electors of the county a proposition to renew and replace an expiring levy and authorize a regular property tax levy in excess of the levy limitation contained in chapter 84.55 RCW for six consecutive years, commencing in 2012, with collection beginning in 2013, at a rate in this first year not to exceed \$0.0592 per one thousand dollars of assessed value, with subsequent years limited by the limit factor as defined in section 2 of this ordinance.

**SECTION 4. Deposit of levy proceeds.** All levy proceeds collected as authorized in this ordinance shall be deposited into and retained in a designated AFIS fund.

**SECTION 5. Eligible expenditures.** If approved by the qualified electors of the county, all proceeds of the levy authorized in this ordinance shall be used to pay the costs of the regional AFIS program, together with the necessary software and hardware operations and maintenance expenses. Eligible expenditures include the salaries, benefits, training, office and laboratory supplies and equipment, work space, contracted goods and services, related studies and research, administration and other costs incidental to the operation and enhancement of the regional AFIS program. Work space expenditures may include the lease or rental of property, or the purchase of land and any construction or tenant improvements needed to house AFIS program technology, staff, or laboratory functions.

Eligible expenditures shall also include non-bonded debt and finance costs and the reimbursement of extraordinary expenditures incurred by the county after the effective date of this ordinance with regard to the AFIS program.

The AFIS levy is intended as supplemental funding to provide expanded crime scene and arrest identification technology and services on a regional basis. This levy shall not at any time provide general

criminal justice funding or fund programs or purposes not otherwise consistent with this ordinance.

**SECTION 6. Call for special election.** In accordance with RCW 29A.04.321, the King County council hereby calls for a special election to be held in conjunction with the general election on November 6, 2012. The King County director of elections shall cause notice to be given of this ordinance in accordance with the state constitution and general law and to submit to the qualified electors of the county, at the said special county election, the proposition hereinafter set forth. The clerk of the council shall certify that proposition to the King County director of elections in substantially the following form, with such modifications as may be required by the prosecuting attorney:

The King County council has passed Ordinance \_\_\_\_ concerning this proposition for the automated fingerprint identification system (AFIS) levy. This proposition would replace an expiring levy and fund continued operation of the regional AFIS program, which provides enhanced forensic fingerprint and palmprint technology and services to identify criminals and aid in convictions. It would authorize King County to levy an additional property tax of \$0.0592 (5.92 cents) per \$1,000 of assessed valuation in 2013 and annual increases by the percentage increase in the consumer price index or 1%, whichever is greater, with a maximum increase of 3%, for the five succeeding years. Should this proposition be:

Approved      [   ]

Rejected      [   ]

**SECTION 7. AFIS advisory committee extension.** If the levy is approved by the voters in accordance with section 6 of this ordinance, the AFIS advisory committee previously authorized by the voters shall be retained to review AFIS operations and expenditures and make recommendations concerning the AFIS program.

**SECTION 8. Ratification.** Certification of the proposition by the clerk of the King County council to the director of elections in accordance with law before the election on November 6, 2012, and any other act



consistent with the authority and before the effective date of this ordinance are hereby ratified and confirmed.

SECTION 9. **Severability.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.