



## Legislation Text

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Clerk 03/13/2018

AN ORDINANCE providing for the submission to the qualified electors of King County at a special election to be held in King County on August 7, 2018, of a proposition to support continuation of the regional automated fingerprint identification system, also known as AFIS, program by 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 3.5 cents per one thousand dollars of assessed valuation for collection beginning in 2019, with subsequent maximum levy collections being increased by the limit factor defined in chapter 84.55 RCW, as amended, for the purpose of funding the continued operation of the regional automated fingerprint identification system program and related technology and services, which maintains expanded crime scene and arrest identification capabilities, and provides for the research of new identification technologies for all local criminal justice agencies in King County.

### STATEMENT OF FACTS:

1. To expand and enhance upon the limited identification services provided by individual city and county law enforcement 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 eight hundred thousand individual's fingerprint records, over

four hundred thousand palmprint records and unidentified crime scene prints from approximately twenty-six thousand cases. The King County AFIS is a regional system with program services available to every city and unincorporated area in King County.

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

a. 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

b. To search fingerprints and palmprints collected from crime scenes to identify unknown suspects and aid in convictions.

3. 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. 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 as needed to support, expand and enhance AFIS services. The levy history for the AFIS program is:

a. Five-year renewal levy approved in November 1990. The ballot measure was authorized by Ordinance 9603;

b. Five-year renewal levy approved in November 1995. The ballot measure was authorized by Ordinance 11948;

c. Five-year renewal levy approved in September 2000. The ballot measure was authorized by Ordinance 13894. Through conservative spending, the county accumulated a fund balance, which sustained AFIS program operations through 2006 without a concurrent property tax levy;

d. Six-year renewal levy approved in September 2006. The ballot measure was authorized by Ordinance 15537. Again, by spending below budget the program accumulated a fund balance, which allowed the county to reduce levy rates in 2011 and 2012; and

e. Six-year renewal levy approved in November 2012. The ballot measure was authorized by Ordinance 17381. Continued conservative spending should result in a fund balance at the end of the current levy, which contributes to reducing the proceeds required to continue the AFIS program, and lowering the proposed rate.

4. The AFIS computer, first installed in 1988 and updated in 1999, was replaced with a new system in 2011. The new system introduced palmprint searching for the first time in King County, and has improved matching capabilities and increased storage capacity. An average of five thousand crime scene prints are identified each year and, since the new installation, over one hundred new subjects were identified in cold cases, where no other evidence existed.

5. On December 31, 2018, the 2012 AFIS levy, which was adopted at a rate of \$0.0592 per one thousand dollars of assessed valuation, will expire. This ordinance proposes a renewed AFIS levy at a rate of \$0.035 per one thousand dollars of assessed valuation with collections beginning in 2019. Without renewed revenue, funding for the program will end.

6. Large cities and metropolitan areas around the country have realized great benefit from having their own AFIS technology and supporting staff, but it is often not affordable for local independent police agencies. King County is the only county in the state of Washington with its own AFIS computer, and it is the only Washington county with a shared, regional model that provides services to all local law enforcement agencies. By centralizing services, technology, and resources, this regional approach supports crime-solving at a lower overall cost, through economy of scale. Other benefits of a regional approach include a larger, higher quality database that results in more identifications, and more information sharing between agencies.

7. In 2016, the AFIS program searched and registered almost eighty thousand electronically submitted fingerprint records and identified over four hundred individuals who had given false names when arrested. The program responded to over one thousand six hundred requests for

crime scene assistance, processed almost fourteen thousand pieces of evidence and identified well over five thousand unidentified crime scene prints. Over one thousand of the crime scene prints identified were from palmprints. The AFIS computer also searched over five thousand fingerprint records submitted by officers in the field using mobile identification devices.

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

- a. The purchase, maintenance, and staff operation of the AFIS computer which stores, searches and provides potential matches for fingerprints and palmprints;
- b. The purchase, maintenance, training and support for fifty Livescans, which are fingerprinting devices installed at thirty-two 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;
- c. The purchase, maintenance, training and support for roughly two hundred and fifty handheld mobile identification devices deployed at thirty-nine agencies, which enable officers to quickly search fingerprints in the field, which aids the officers in determining whether to detain or release an unknown subject;
- d. 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;
- e. Examiners and technicians who collect prints from crime scenes, process them chemically and photographically for better clarity, search them in AFIS and identify unknown potential

suspects or store the unidentified prints for continual search as new records are added to the system; and

f. Training on fingerprint collection and crime scene processing, and customer support for all law enforcement agencies.

9. During the last six years, the AFIS program has maintained effective operations, achieved efficiencies to reduce staffing, replaced end-of-life Livescan devices, added photographs to the electronically transmitted arrest fingerprint records, deployed mobile identification technology and is in the process of replacing the outdated and undersized processing laboratory.

10. The AFIS program has developed a six-year budget overview with associated revenue projections for 2019-2024. The proposed levy would maintain current services with a first year levy rate that is lower than both the current rate and the first year levy rate approved by voters in 2012. The proposed budget includes a reduction of eleven positions equating to approximately a \$6.9 million reduction in expenditures over six years, with no reduction in the quality or quantity of services. This reduction in funding will be achieved by implementing efficiencies, relying upon advancements in proven technology and consolidating services.

11. The proposed budget includes funding to allow the AFIS program to research new biometrics and technology that may improve case turnaround times, automate manual processes, or otherwise identify, or eliminate, suspects to help investigators solve crimes in a faster, more efficient and accurate manner. The research could result in a pilot project to explore the viability of a new biometric technology in King County. For any biometric technologies that fall outside of the traditionally fingerprint-based scope of the AFIS program, concurrence of the AFIS advisory committee will be sought and the program will assess the new biometric technologies with privacy rights experts and advocates. Levy fund expenditures on biometric technology research or pilots will not occur until the council acknowledges by motion receipt of a report on

the proposed new biometric technologies or services.

12. 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.

13. The proposed levy will be authorized for six years.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. 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. "AFIS program" 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 and other locations; assist in the conviction of criminals through these identifications; train law enforcement on crime scene evidence collection and identification methods; support accurate and complete criminal history records; conduct research aimed at improving and enhancing program services through new and existing identification technologies; and otherwise enhance public safety as consistent with this ordinance and permitted by law.

D. "Biometric" means the measurement and analysis of physical or biological characteristics as a means of determining personal identity. "Biometrics" excludes the fingerprints, palmprints and other biometric

identification methods or technologies currently supported by the program.

E. "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.

F. "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.

**SECTION 2. 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 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 2018, with collections beginning in 2019, at a rate in this first year not to exceed \$0.035 per one thousand dollars of assessed value, with levy increases in years two through six limited by the limit factor defined in chapter 84.55 RCW, as amended.

**SECTION 3. Deposit of levy proceeds.** All levy proceeds collected as authorized in this ordinance shall be deposited into a subfund in the automated fingerprint identification system fund and used only for the eligible expenditures described in section 4 of this ordinance.

**SECTION 4. 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 AFIS program, together with the necessary software and hardware operations and maintenance expenses and such sums as are necessary to provide for the costs incurred by the county that are attributable to the election. 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, rental or purchase of land or building space 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 maintain the current expanded crime scene and arrest identification technology and services on a shared regional basis, which lowers the cost of technology and staff through economy of scale and makes the benefit accessible to all agencies. The levy shall not at any time provide general criminal justice funding or fund programs or purposes not otherwise consistent with this ordinance.

**SECTION 5. Call for special election.** In accordance with RCW 29A.04.321, the King County council hereby calls for a special election to be held on August 7, 2018. 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 to provide enhanced and accessible forensic fingerprint, palmprint and other technology and services to identify criminals and aid in the administration of justice. It would authorize an additional property tax for six years beginning with a 2018 rate of \$0.035 (3.5 cents) per \$1,000 of assessed valuation for collection in 2019. The 2019 levy amount would be the base for computing limitations under Chapter 84.55 RCW for collection in years 2020 through 2024. Should this proposition be:

Approved [ ]

Rejected [ ]

**SECTION 6. AFIS advisory committee extension.** If the levy is approved by the voters in accordance with section 5 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 7. New technologies and biometrics.** A. As part of the expenditures authorized in section 4 of this ordinance, the AFIS program may research and pilot new biometrics and technology that will improve case turnaround times, automate manual processes, or otherwise identify, or eliminate, suspects to help investigators solve crimes in a faster, more efficient and accurate manner.

B. Levy proceeds shall not be expended or encumbered to research, pilot or implement any new biometric technology or services until the AFIS program transmits a report on the proposed biometric technology or services and a motion that should acknowledge receipt of the report and a motion that acknowledges receipt of the report is passed by the council. The motion shall reference the subject matter and the ordinance number in both the title and body of the motion. The report shall include, but not be limited to:

1. The purpose of the proposed new biometric technology and an explanation of how the new biometric technology could be used to complement and enhance the identification services currently offered by the AFIS program and a description of the new biometric technology's capability; and

2. A description of the process that the AFIS program used to assess the proposed new biometric technology with the AFIS advisory committee and privacy rights experts and advocates and a description of the feedback received by the program during this process.

C. The AFIS program must file the report and motion required by this section in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law and justice committee, or its successor.

**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 August 7, 2018, 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.