



Legislation Text

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Clerk 08/17/2006

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 7, 2006, of a proposition authorizing a property tax levy in excess of the levy limitation contained in chapter 84.55 RCW, for a six-year period, at a rate of not more than \$0.0568 per one thousand dollars of assessed valuation for collection in 2007 and as allowed by chapter 84.55 RCW for the five succeeding years, for the purpose of funding the continued operation of the automated fingerprint identification system; this proposition shall be placed on the November 7, 2006, ballot by the King County manager of records, elections and licensing services only if the automated fingerprint identification system proposition, authorized by Ordinance 15537 and submitted to the voters on September 19, 2006, is not approved by the voters; and appointing a committee to write the voters' pamphlet statement for the November 7, 2006, election.

PREAMBLE:

The automated fingerprint identification system levy is intended as supplemental funding to provide crime scene identification, positive identification and criminal history 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.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings: The council makes the following findings:

A. On November 4, 1986, the voters of King County approved an additional property tax levy of \$0.025 per one thousand dollars of assessed valuation for five years for the purchase and implementation of an automated fingerprint identification system ("AFIS"). This ballot measure was authorized by Ordinance 7747. The primary goal for the establishment of AFIS was to identify perpetrators of crimes by matching their crime scene fingerprints to known prints stored in the AFIS database. By the end of 1990, more than one thousand two hundred crime scene prints were matched to potential suspect fingerprints in the AFIS database. Very few of these identifications would have been possible without the AFIS program; therefore, AFIS significantly contributed to the ability of law enforcement in King County to identify and convict criminals.

B. With the 1986 AFIS levy expiring at the end of 1990, on November 6, 1990, the voters of King County authorized an additional property tax levy of \$0.020 per one thousand dollars of assessed valuation for five years. This ballot measure was authorized by Ordinance 9603. The funding of this levy addressed two critical limitations in AFIS operations. With the growth of the inmate population, only sixty percent of the inmates booked into the King County Jail were fingerprinted given the existing number of staff. Without these fingerprints, there was a greater likelihood that inmates with outstanding warrants would be released from jail. The second limitation was related to a shortage of staff to process crime scene fingerprints and to train law enforcement on lifting crime scene fingerprints, resulting in lower than anticipated submissions of fingerprints. With the resources provided in the 1990 levy, the AFIS program fingerprinted on average ninety-seven percent of all inmates booked into the county jail and processed these prints on average within five and three-tenths hours. In addition, the AFIS program provided five hundred twenty-four hours of training for suburban police agencies, improved processing time for crime scene fingerprints and identified three thousand four hundred crime scene fingerprints.

C. With the 1990 AFIS levy expiring at the end of 1995, on November 7, 1995, the voters of King County authorized an additional property tax levy at a rate of \$0.0665 per one thousand dollars of assessed

valuation for five years. This ballot measure was authorized by Ordinance 11948. The levy addressed several needs:

1. The funding of staff needed to capture additional fingerprints of juvenile offenders at the department of youth services, persons convicted of driving under the influence of alcohol or controlled substances at the North rehabilitation facility, and inmates booked into the new regional justice center in Kent. Ninety-nine and nine-tenths percent of all available fingerprints were obtained from persons who were booked at those sites with the resources provided in the 1995 levy;

2. Insufficient funding for adequate levels of AFIS staff to process crime scene fingerprints through the computerized system. The lack of staffing resulted in large case backlogs waiting to be processed in AFIS and insufficient field training for officers collecting crime scene fingerprint evidence. This resulted in lengthy delays in some cases, which made officers reluctant to either collect or submit important fingerprint evidence. Currently, most cases are initiated on the day they are received in the latent lab, and field training is available for officers responding to crime scenes. Officer training was limited somewhat in the early years of the levy to focus on training of newly hired latent print examiners;

3. The AFIS computer, purchased in 1987, could not be supported or maintained by the vendor after 1999. It also would not meet emerging national standards, which would allow a more efficient exchange of fingerprint information and access to fingerprint information stored on state and federal databases. By the end of 1999, the computer was replaced by AFIS 21, which was fully Year 2000 compliant. Data storage capacity increased from four hundred fifty thousand to seven hundred fifty thousand records. The system is contracted to meet national standards of data transmission; and

4. The inked fingerprinting process can be inefficient and duplicative. Live-scan, an inkless means of capturing one set of fingerprints and submitting these prints electronically, was funded through this levy and was installed by the close of this levy period ending in 2000.

D. With the 1995 AFIS levy expiring at the end of 2000, on September 19, 2000, the voters of King

County authorized an additional AFIS property tax levy at a rate of \$0.05874 per one thousand dollars of assessed valuation for five years. This ballot measure was authorized by Ordinance 13894. This fourth levy continued the AFIS implementation of the previous levy and supported several incremental enhancements to the program:

1. Staffing additions to handle low range estimates of increased workload;
2. Completion of Live Scan implementation by purchasing and implementing an additional seven Capture Stations beyond the twenty-two funded in 2000. Ultimately, ten Capture Stations were purchased for the same cost through negotiation with the vendor; and
3. Establishment of print taking at juvenile court for juvenile offenders who were never booked into detention.

E. On December 31, 2005, the 2000 AFIS levy expired, effectively suspending AFIS program revenue. Through prudent fiscal management, the county accumulated a substantial balance in the AFIS fund over the past decade. This balance sustained appropriations in 2006 to continue AFIS program operations without a concurrent property tax levy. This required AFIS management to carefully manage and monitor AFIS fund expenditures in 2006 in order to fund 2006 expenditures without any new levy revenue. The fund balance will approach exhaustion by the end of 2006. Unless new revenue is identified, this valuable crime-fighting tool will need to cease operation in 2007.

F. The King County Regional Automated Fingerprint System, The Future of AFIS report, dated May 15, 2006 ("regional AFIS report"), reaffirms that the regional AFIS model has provided excellent and effective crime solving support to the criminal justice agencies in King County since its inception in 1988.

G. The regional AFIS report identifies the financial resources needed to continue and enhance the regional AFIS program that best supports the crime fighting efforts of all police agencies in King County for the foreseeable future. With the level of funding recommended in the regional AFIS report financial plan, AFIS program activities can continue at current levels with the following enhancements:

1. Procure, configure and support a new generation computer system, replacing the existing AFIS computer, which was installed in 1988 and upgraded for year 2000 compliance in 1999;
 2. Upgrade the current live scan capture stations to capture data at a higher resolution;
 3. Add five additional criminal live scan capture stations, supplementing the existing inventory to address remaining service gaps in the region;
 4. Implement palm searching and storage capabilities, converting current master palm card inventory to an electronic database and adding three positions to search, capture and identify palm prints left at crime scenes;
 5. Increase staffing in conjunction with increases in workload ensuring that staffing levels will be reevaluated annually in the budget cycle based on available funding;
 6. Implement a "court identification study" to consider the legal, financial and operational policies and needs of the court system to identify and collect fingerprints from defendants;
 7. Provide the technology to ensure that King County law enforcement agencies implementing wireless mobile identification can access and communicate with the regional identification system;
 8. Add two photographers to process and photographically preserve finger and palm print evidence recovered from crime scenes;
 9. Implement a three-unit court identification pilot program based on the outcome of the court identification feasibility study; and
 10. Implement a ten-unit mobile identification pilot project in order to ensure that law enforcement agencies utilizing different wireless vendor products can communicate with regional identification databases.
- H. The regional AFIS report acknowledges the need to ensure that the regional AFIS program continues to meet the emerging needs of the community and industry performance standards by recommending preparation of a comprehensive review of the program every funding period and an update of the status of the initiatives and performance measurements annually.

I. The regional AFIS report had two preferred recommendations to fund the AFIS program. The report contained as the preferred choice a permanent property tax levy. However, in the event that the permanent levy was not viable, a six-year levy was proposed for the purpose of paying for the continued operation of the AFIS program.

J. The success of the regional AFIS program would not have been possible without the close collaboration of law enforcement agencies from across the county. Similarly, the 2006 levy will require timely communication with and the continued involvement of all law enforcement agencies in the county in major policy and appropriation actions concerning levy proceeds to ensure informed implementation decisions by King County.

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 program" means the acquisition, implementation, maintenance and operation of the regional AFIS system. It also means the countywide effort of trained personnel who, through fingerprint, palm prints and other identification methods: identify detained persons; identify from crime scene evidence suspects of crimes; 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; and otherwise enhance public safety as consistent with this ordinance and permitted by law. It also means studies and research aimed at improving and enhancing the AFIS system and operations.

C. "AFIS system" 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 and technology, employed by trained staff for capturing, storing and comparing criminal identification records based on friction ridge analysis, or successor technology.

D. "County" means King County.

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 3. Levy submittal to voters. To provide necessary funds for the AFIS program, the county council shall submit to the qualified electors of the county a proposition authorizing a regular property taxes levy in excess of the levy limitation in chapter 84.55 RCW, for six consecutive years commencing in 2006 with collection beginning in 2007, at a rate not to exceed \$0.0568 per one thousand dollars of assessed value. In accordance with RCW 84.55.050, this levy shall be a regular property tax levy in excess of the levy limitation, which is subject to the statutory tax rate limit of RCW 84.52.043.

SECTION 4. Deposit of levy proceeds. All levy proceeds collected as authorized in this ordinance shall be deposited into the 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, space rental, contracted goods and services, related studies and research, administration and other costs incidental to the operation and enhancement of the regional AFIS program.

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.

SECTION 6. Call for special election. Pursuant to RCW 29A.04.321, it is hereby deemed that an emergency exists requiring the submission to the qualified electors of the county at a special election to be held on November 7, 2006, of a proposition authorizing the regular property tax levy for the purposes described in

this ordinance if the AFIS proposition, authorized by Ordinance 15537 and submitted to the voters on September 19, 2006, is not approved by the voters. If the AFIS proposition submitted to the voters on September 19, 2006, is not approved by the voters, the manager of the King County records, elections and licensing services division 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 is hereby authorized and directed to certify that proposition to the manager of the King County records, elections and licensing services division in substantially the following form, with such modifications as may be required by the prosecuting attorney.

The King County Council passed Ordinance ___ concerning this proposition for the Automated Fingerprint Identification System (AFIS) levy. This proposition would fund the continued operation and enhancement of the AFIS program, which assists law enforcement agencies in identifying and convicting criminals. It would authorize King County to levy an additional regular property tax of not more than \$0.0568 (5.68 cents) per \$1,000 of assessed valuation for collection in 2007 and levy the tax each year thereafter as allowed by chapter 84.55 RCW for each of the five succeeding years. Should this proposition be:

Approved []

Rejected []

SECTION 7. RCW 29A.32.280 provides that for each measure from a jurisdiction that is included in a local voters' pamphlet, the legislative authority of that jurisdiction shall formally appoint a committee to prepare arguments advocating voter approval of the measure and a committee to prepare arguments advocating voter rejection of the measure.

SECTION 8. If the proposition set forth in section 6 is to be submitted to the voters on November 7, 2006, then pursuant to RCW 29A.32.280, the following individuals are appointed to serve on the voters' pamphlet committees, each committee to write a statement for or against the proposed automated fingerprint

identification system ballot measure:

FOR	AGAINST
1. Norm Maleng	1.
2. Sue Rahr	2.
3. Gil Kerlikowske	3.
4. Rick Keifer	4.

SECTION 9. AFIS advisory committee established. If the levy is approved by the voters in accordance with section 6 of this ordinance, an AFIS advisory committee shall be established to review AFIS operations and expenditures and make recommendations concerning the AFIS program.

SECTION 10. Ratification. Certification of the proposition by the clerk of the county council to the King County manager of records, elections and licensing services in accordance with law before the election on November 7, 2006, and any other act consistent with the authority and before the effective date of this ordinance are hereby ratified and confirmed.

SECTION 11. Contingency. This proposition shall be placed on the November 7, 2006 ballot by the King County manager of records, elections and licensing services only if the AFIS proposition, authorized by Ordinance 15537 and submitted to the voters on September 19, 2006, is not approved by the voters.

SECTION 12. 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.