



## Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #513

### **Criminal History Database and Automated Fingerprint Identification System Upgrades (Justice)**

[LFB 2009-11 Budget Summary: Page 429, #5]

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#### **CURRENT LAW**

The computerized criminal history database contains detailed information of arrests, arrest charges, prosecutions, court findings and sentences, and state correctional system admissions and releases that are required to be submitted to the Department of Justice (DOJ). All information in the database is linked to specific fingerprint records submitted by arresting law enforcement agencies and stored in the automated fingerprint identification system (AFIS).

Criminal history search fees are permitted to be assessed on non-criminal justice related searches of the criminal history database, typically made in connection with employment or professional licensing applications. Nonprofit organizations are charged \$2 per name search and \$15 per fingerprint search, governmental agencies are charged \$5 per name search and \$15 per fingerprint search, and any other requester is charged \$13 per name or fingerprint search.

#### **GOVERNOR**

*Funding.* Provide \$1,287,000 PR in 2009-10, and \$598,000 PR in 2010-11, to fund upgrades to the state's computerized criminal history database and the associated AFIS system. Of the recommended funding: (a) \$1,050,000 would be utilized in 2009-10 to upgrade the AFIS system; (b) \$237,000 would be expended in 2009-10 to begin the upgrade to the criminal history database; and (c) \$598,000 would be expended in 2010-11 to complete the criminal history database upgrade.

*Fee Changes.* Increase from \$2 to \$7, the fee charged to nonprofit organizations to request a name search of the criminal history database. Increase from \$5 to \$7, the fee charged

to governmental agencies for a non-criminal justice related name search of the criminal history database. [Fees associated with fingerprint searches would remain unchanged.]

## **DISCUSSION POINTS**

1. The criminal history database is intended to track the history of all arrests in Wisconsin. Beginning in 1971, law enforcement agencies were first required to submit arrest fingerprint cards to DOJ. Arrests without supporting fingerprints are not included in the criminal history database.

2. The AFIS system was first installed in 1993 and was upgraded during the 2001-03 biennium. The AFIS system stores electronically the fingerprints that are required to be submitted to DOJ. The AFIS system enables law enforcement agencies to run a check either on a fingerprint collected at a crime scene or on a fingerprint collected from an arrested individual against the entire AFIS fingerprint database. Where a matching fingerprint is found in the AFIS database, the system can positively identify the individual whose fingerprint was run. The AFIS system also allows DOJ to electronically store fingerprints collected at crime scenes that cannot be matched to an individual ("latent" fingerprints). If at a later time, the individual's fingerprint is collected by law enforcement because the individual is arrested, the electronic storing of previously unmatched crime scene fingerprints permits DOJ to link the individual to another crime the person may have committed.

3. Wisconsin law enforcement agencies currently take fingerprint impressions of all ten fingers (called tenprints) when an individual is arrested. As of August, 2008, 1,220,164 tenprints were stored on AFIS. Approximately 3,409 additional tenprints are added to the system monthly. Currently, the system has a storage capacity of 1,500,000 tenprint records and 50,000 latent fingerprint records.

4. The AFIS system permits the Department to also electronically store palm prints. Palm prints provide an additional law enforcement tool to positively identify an individual. As of August, 2008, 212,976 sets of palm prints were stored on AFIS. Approximately 1,638 additional palm sets are being added to the system monthly.

5. The palm print database is being built in cooperation with the Department of Corrections. The Department of Corrections takes palm prints when new prisoners are admitted to the state correctional system.

6. As of August, 2008, there were 12,667 cases with latent fingerprint or latent palm print records stored on AFIS. There were 35,889 latent lifts associated with these cases. On average, approximately 135 cases involving 400 latent finger and palm prints are added to the AFIS system monthly.

7. The criminal history database is typically searched by name or by fingerprint. Law enforcement agencies may access the database or may have it searched by Department personnel, at no cost if the search is completed for criminal justice purposes.

8. Because Wisconsin is an "open records" state, governmental agencies, non-profit organizations and any other requester may also have the Department search the criminal history database for non-criminal justice purposes. Each year, the Crime Information Bureau receives more than 650,000 non-criminal justice search requests of the criminal history database. These types of requests are generally made in connection with an employment or professional licensing applications.

9. The Department of Justice has expressed the concern that the current AFIS system, last upgraded in 2003, cannot process fingerprint records associated with arrests and applications in a timely fashion. [The recent federal Medicare Prescription Drug Improvement and Modernization Act now requires long-term care workers to be fingerprinted.] "A recent FBI analysis found that it takes approximately 32 days from the date of arrest in Wisconsin to the receipt of the fingerprint record at the FBI (which should occur when a fingerprint record is loaded into AFIS). The national average is 11 days."

10. Only a fraction of this delay can be explained by delays in initial fingerprint submissions from local law enforcement agencies. The Department indicates that, on average, it takes local law enforcement agencies approximately three days to submit fingerprint records to DOJ.

11. The Department indicates that an upgraded AFIS system would substantially improve the current processing time for fingerprint records. In 2007, the current system required 153,427 verifications. A verification is a transaction where human intervention is required under the current system. With an upgraded AFIS, at least 65% of these transactions could now be completed without human intervention. To the extent that the current processing time is reduced, fingerprint records and the associated criminal history records will be available sooner to solve crimes and to provide more accurate information when criminal history record searches and handgun background check searches are conducted.

12. The Department has also expressed the concern that the related criminal history database must be upgraded. The current PowerBuilder system is a client server based system, which requires a large piece of software to be installed and operated from each workstation. "As it has been modified it has grown larger and more cumbersome. It has now reached the point that future modifications are very difficult and risky."

13. The proposed criminal history records system would be browser/web based. "The only component required on the desktop would be a standard web browser, with the bulk of the processing taking place on a server, running a series of carefully defined web services each matching a specific business process. When processes change or are added, only a few key services need to be changed or written. In addition, it is very difficult to find the skills necessary to work on the old system and the skills to develop and maintain the new system are much more common and available."

14. In order to fund upgrades to these systems, the provisions of AB 75 would increase

the fee for a name search of the criminal history database from: (a) \$2 to \$7 for a nonprofit organization; and (b) \$5 to \$7 for a governmental agency for non-criminal justice related purposes. [The fee for a name search for all other requesters would remain at \$13.] Under AB 75, as introduced, it was estimated that these fee changes would generate \$1.7 million in annual revenue. Based on updated revenue estimates, it is now estimated that these fee changes would generate \$1,806,700 in annual revenue.

15. Based on discussions with the current AFIS system vendor, their knowledge of the DOJ system and the cost of similar upgrades elsewhere, AB 75 provides \$1,050,000 PR in 2009-10 to upgrade the AFIS system. Based on cost estimates developed internally at DOJ, AB 75 provides \$237,000 PR in 2009-10, and \$598,000 PR in 2010-11 to upgrade the criminal history database. Table 1 identifies the fund condition for DOJ activities funded by criminal history search fees under AB 75, as introduced.

**TABLE 1**

**2009-11 Fund Condition for DOJ Activities Funded by Criminal History Search Fees Under AB 75, as Introduced**

<u>Item</u>	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>
Opening Balance	\$1,096,800	\$343,700	\$631,400
Revenue	\$4,428,000	\$6,425,300	\$6,425,300
Base Expenditure Authority	\$5,181,100	\$4,650,500	\$4,650,500
Standard Budget Adjustments	0	142,800	142,800
IT System Upgrades	0	1,287,000	598,000
Across-the-Board 1% Reduction	<u>0</u>	<u>-46,500</u>	<u>-46,500</u>
Expenditure Total	\$5,181,100	\$6,033,800	\$5,344,800
Supplements & Reserves		\$103,800	\$191,700
Closing Balance	\$343,700	\$631,400	\$1,520,200

16. As system users would fund the upgrades to the AFIS and criminal history record systems, and as there appears to be sufficient revenues to fund the contemplated upgrades, the Committee could consider approving the recommendations under AB 75.

17. The Committee could also consider that even while incurring \$1,885,000 PR in one-time development costs over the biennium to upgrade the AFIS and criminal history record systems, under the fee changes proposed under AB 75, available fund balances would grow from \$343,700 PR at the end of 2008-09, to \$1,520,200 PR at the end of 2010-11. As a result, the Committee could consider modifying the fee increases to more closely reflect the funding that is anticipated to be needed to upgrade the systems during 2009-11. Table 2 identifies the fund condition for DOJ

activities funded by criminal history search fees if the name search fee for nonprofit organizations was reduced from \$7 under AB 75, to \$5. [Under current law, nonprofit organizations pay a \$2 name search fee.]

**TABLE 2**

**2009-11 Modified Fund Condition for DOJ Activities Funded  
by Criminal History Search Fees**

<u>Item</u>	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>
Opening Balance	\$1,096,800	\$343,700	\$104,200
Revenue	\$4,428,000	\$5,898,100	\$5,898,100
Base Expenditure Authority	\$5,181,100	\$4,650,500	\$4,650,500
Standard Budget Adjustments	0	142,800	142,800
IT System Upgrades	0	1,287,000	598,000
Across-the-Board 1% Reduction	<u>0</u>	<u>-46,500</u>	<u>-46,500</u>
Expenditure Total	\$5,181,100	\$6,033,800	\$5,344,800
Supplements & Reserves		\$103,800	\$191,700
Closing Balance	\$343,700	\$104,200	\$465,800

18. The Committee could also consider providing the expenditure authority to upgrade the AFIS and criminal history record systems as one-time funding. While there will be ongoing Department costs to maintain and modify the systems, it is unclear to what extent these costs could be addressed by current base level resources that are utilized to address these needs. Under this alternative, the Department could seek additional expenditure authority for these costs in 2011-13, based on demonstrated need at that time.

**ALTERNATIVES**

1. Approve the Governor's recommendation to provide \$1,287,000 PR in 2009-10, and \$598,000 PR in 2010-11, to fund upgrades to the state's computerized criminal history database and the associated automated fingerprint identification system (AFIS). Increase from \$2 to \$7, the fee charged to nonprofit organizations to request a name search of the criminal history database. Increase from \$5 to \$7, the fee charged to governmental agencies for a non-criminal justice related name search of the criminal history database. Increase estimated revenues from the fee change from \$1.7 million annually to \$1,806,700 annually.

<b>ALT 1</b>	<b>Change to Bill</b>	
	Revenue	
PR-REV	\$213,400	

2. Decrease the name search fee charged to nonprofit organizations under AB 75 by \$2 to \$5. Further, provide that the increased expenditure authority provided to upgrade the AFIS and criminal history databases is provided on a one-time basis only during 2009-11.

<b>ALT 2</b>	<b>Change to Bill</b>	
	Revenue	
PR-REV	-\$841,000	

3. Delete provision.

<b>ALT 3</b>	<b>Change to Bill</b>	
	Revenue	Funding
PR	-\$3,400,000	-\$1,885,000

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