United States General Accounting Office

GAO

Report to the Ranking Minority Member, Committee on Appropriations, U.S. Senate

January 2004

LAW ENFORCEMENT

Information on Timeliness of Criminal Fingerprint Submissions to the FBI

GAO-04-260

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GAO Accountability • Integrity • Reliability

Highlights

Highlights of GAO-04-260, a report to the Ranking Minority Member, Committee on Appropriations, U.S. Senate

Why GAO Did This Study

By positively confirming identifications and linking relevant records of arrests and prosecutions, fingerprint analysis provides a basis for making fundamental criminal justice decisions regarding detention, charging, bail, and sentencing. In 1999, the FBI implemented the Integrated Automated Fingerprint Identification System (IAFIS)—a computerized system for storing, comparing, and exchanging fingerprint data in a digital format. The FBI's goal under IAFIS is to ultimately achieve paperless processing and to provide a response within 2 hours to users who submit criminal fingerprints electronically. Maximizing the benefits of rapid responses under IAFIS depends largely on how quickly criminal fingerprints are submitted by local and state law enforcement agencies. Concerns have been raised that, after arrests are made by some local or state law enforcement agencies, periods of up to 6 months may elapse before the criminal fingerprints are submitted for entry into IAFIS.

GAO examined (1) the importance of IAFIS processing to local and state law enforcement agencies, (2) the progress these agencies have made toward the goal of paperless fingerprint processing, and (3) efforts being made to improve the timeliness of criminal fingerprint submissions.

What GAO Recommends

GAO is making no recommendations in this report.

www.gao.gov/cgi-bin/getrpt?GAO-04-260.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Laurie Ekstrand, 202-512-8777, ekstrandl@gao.gov.

What GAO Found

IAFIS processing of criminal fingerprints is important to local and state law enforcement not only for updating national databases but also for obtaining an individual's criminal history and, at times, for obtaining positive identification of arrestees. For a recent 8-month period (October 2002 through May 2003) that GAO reviewed, law enforcement agencies wanted a response from the FBI for 78 percent of the approximately 5.3 million sets of criminal fingerprints submitted to IAFIS. The extent to which these responses were used to either positively identify arrestees or obtain criminal history records is unknown. However, the FBI provided GAO with examples of how IAFIS responses prevented the premature release of individuals who had used false names at arrest and were wanted in other jurisdictions.

Law enforcement agencies have made progress toward the FBI's goal of paperless processing of criminal fingerprints, although there is room for substantial improvement. The percentage of criminal fingerprints submitted electronically by state repositories to the FBI increased from 45 percent in 1999 to 70 percent in 2003. Also, for the recent 8-month period GAO reviewed, the overall average submission time for criminal fingerprints was 40 days (an average that encompasses both paper and electronic submissions)—whereas, before IAFIS, average submission times were much higher (e.g., 118 days in 1997). Although much progress has been made, many jurisdictions lack automation and have backlogs of paper fingerprint cards to be processed, in part because of competing priorities and resource constraints.

Numerous efforts have been made to help improve the timeliness of criminal fingerprint submissions to IAFIS. To facilitate electronic processing, federal technical and financial assistance has encouraged law enforcement agencies to purchase optical scanning (Livescan) equipment for taking fingerprints and to establish automated systems compatible with FBI standards. GAO noted that the need for quick, fingerprint-based identifications—positively linking individuals to relevant criminal history records—is becoming increasingly important. Reasons for such importance are the mobility of criminals (many of whom have multistate records), the growing incidence of identity theft or identity fraud, the significance of homeland security concerns, and increasing demands stemming from background checks required for employment or other noncriminal justice purposes.

Atlanta Police Department Employee Demonstrates Use of a Livescan Machine

Source: GAO.

Contents

Abbreviations

AFIS	automated fingerprint identification system
BJS	Bureau of Justice Statistics
CJIS	Criminal Justice Information Services
FBI	Federal Bureau of Investigation
IAFIS	Integrated Automated Fingerprint Identification System
NCHIP	National Criminal History Improvement Program
SEARCH	The National Consortium for Justice Information and Statistics

GAO
Accountability * Integrity * Reliability

United States General Accounting Office
Washington, DC 20548

January 27, 2004

The Honorable Robert C. Byrd
Ranking Minority Member
Committee on Appropriations
United States Senate

Dear Senator Byrd:

An effective criminal justice system must be able to accurately identify persons who violate the law. For decades, fingerprint analysis has been the most widely used method for positively identifying arrestees and linking them with any previous criminal record. Timely analysis of criminal fingerprint records by the Federal Bureau of Investigation (FBI), as well as by local and state law enforcement agencies, plays an important role in enabling criminal justice administrators—including police officers, prosecuting attorneys, and judges—to know the extent of an arrested person's previous criminal record as a basis for making fundamental decisions about detention, charging, bail, and sentencing.

This report responds to your request that we review various issues regarding the timeliness of criminal fingerprint submissions by local and state law enforcement to the FBI for inclusion in the Integrated Automated Fingerprint Identification System (IAFIS). Implemented in July 1999, IAFIS was designed to improve the speed and accuracy of the fingerprint identification process. A full set of fingerprints is taken when a suspect is booked by the arresting law enforcement agency. Jurisdictionally, approximately 94 percent of the nation's felony and serious misdemeanor crime arrests are handled by nonfederal authorities. Copies of fingerprints taken as a result of an arrest at the local or state level are submitted to the state's central repository and, in turn, to the FBI for entry into IAFIS.

You expressed particular concerns that after arrests are made by some local or state law enforcement agencies, periods of up to 6 months may elapse before the arresting agencies submit criminal fingerprints for entry into IAFIS. As agreed with your office, this report addresses the following questions:

- Why is IAFIS processing of criminal fingerprints important to local and state law enforcement agencies?

- What progress have local and state law enforcement agencies made toward the FBI's goal of achieving electronic (paperless) fingerprint processing after an arrest has been made, and what factors have influenced this progress?

- What efforts are being made to improve the timeliness of criminal fingerprint submissions from local and state law enforcement agencies?

To address these questions, we visited the FBI's Criminal Justice Information Services Division (Clarksburg, WV), which manages IAFIS. We interviewed FBI officials and reviewed available statistics, studies, and other information about the issues. Also, we contacted the Bureau of Justice Statistics (BJS), which administers a federal grant program to help states automate criminal history records. Further, we discussed the fingerprint issues with representatives of the International Association of Chiefs of Police, the National Sheriffs' Association, the Major County Sheriffs' Association, the National District Attorneys Association, and SEARCH.[1] Also, we discussed these issues with (and analyzed statistics or other information maintained by) local and state law enforcement agencies in five states—Connecticut, Georgia, Missouri, Nevada, and New Mexico. We selected these states to reflect a range of factors or considerations—volume of fingerprint submissions, the "age" of such submissions (i.e., the average amount of time from the date of arrest to when the fingerprints were entered into IAFIS), and the level of automation in the state's criminal justice information system, as well as to encompass different geographic areas of the nation. We conducted our work from March through December 2003 in accordance with generally accepted government auditing standards. More details about the scope and methodology of our work are presented in appendix I.

Results in Brief

IAFIS processing of criminal fingerprints is important to local and state law enforcement agencies not only for updating national criminal records databases but also for obtaining an individual's complete criminal history—and, at times, for obtaining positive identification of arrestees. The importance of IAFIS to law enforcement agencies is apparent in the

[1]SEARCH (the National Consortium for Justice Information and Statistics), a nonprofit membership organization created by and for the states, is dedicated to improving the criminal justice system and the quality of justice through better information management, the effective application of information and identification technology, and responsible law and policy.

high number of requests for information from the system. For the recent 8-month period we studied (October 2002 through May 2003), law enforcement agencies wanted a response from the FBI for 78 percent of the approximately 5.3 million criminal fingerprint sets submitted. The extent to which law enforcement agencies used these IAFIS responses to either positively identify arrestees or obtain the arrestees' criminal history records is unclear. Law enforcement officials in the five states we visited told us that their agencies typically do not use IAFIS for identifying arrestees; rather, the officials noted that the primary purpose of fingerprint submissions is to update IAFIS databases. However, the FBI provided us examples of actual cases in which IAFIS responses to law enforcement agencies prevented the premature release of arrested individuals who had used false names and were wanted in other jurisdictions.

Local and state law enforcement agencies have made progress toward the FBI's goal of electronic (paperless) processing of criminal fingerprints in the IAFIS environment, although there is room for substantial improvement. For the recent 8-month period we studied (October 2002 through May 2003), the overall average submission time for criminal fingerprints was 40 days (an average that encompasses both manual (paper) and electronic submissions)—whereas prior to the implementation of IAFIS, average submission times were significantly higher (e.g., 118 days in 1997). Also, since the implementation of IAFIS, the number of fingerprints submitted electronically by state agencies as a percentage of total criminal fingerprints received by the FBI has increased annually. And, for a large number of criminal fingerprints, local and state law enforcement agencies have demonstrated the ability to make submissions to IAFIS the same day as the date of the arrest. However, for many jurisdictions, delays in submitting fingerprints to IAFIS have been attributable to various factors, including lack of automation, competing priorities and resource constraints, backlogs of paper fingerprint cards to be processed, and other factors. In practice, large portions of the lengthy submission times associated with paper fingerprint cards probably represent inactivity, or "holding," rather than actual "processing."

Numerous efforts have been made to help improve the timeliness of criminal fingerprint submissions from law enforcement agencies to IAFIS. In recent years, federal technical and financial assistance has focused on encouraging law enforcement agencies to purchase optical scanning (Livescan) equipment for taking fingerprints and for states to establish state-level computerized fingerprint identification systems compatible with FBI standards to facilitate electronic submission of criminal fingerprints to IAFIS. The FBI has provided states with network

connections, promoted the benefits of IAFIS to local and state law enforcement at national conferences, and provided states with other technical assistance. In each of the five states we visited, the practices or plans for extending automation capabilities appeared to be based on practical or cost-benefit considerations, such as giving priority to placing Livescan equipment with local law enforcement agencies serving the most populous areas. Also, BJS has provided federal grants to help states purchase needed equipment and computer systems that provide electronic transmission of criminal fingerprints to IAFIS. In addition, to help mitigate competing workload demands stemming from increasing volumes of fingerprints submitted for civil or noncriminal justice purposes, such as employment background checks, the National Crime Prevention and Privacy Compact Council is considering a need to broaden the authority of private companies to process such fingerprints.[2]

Background

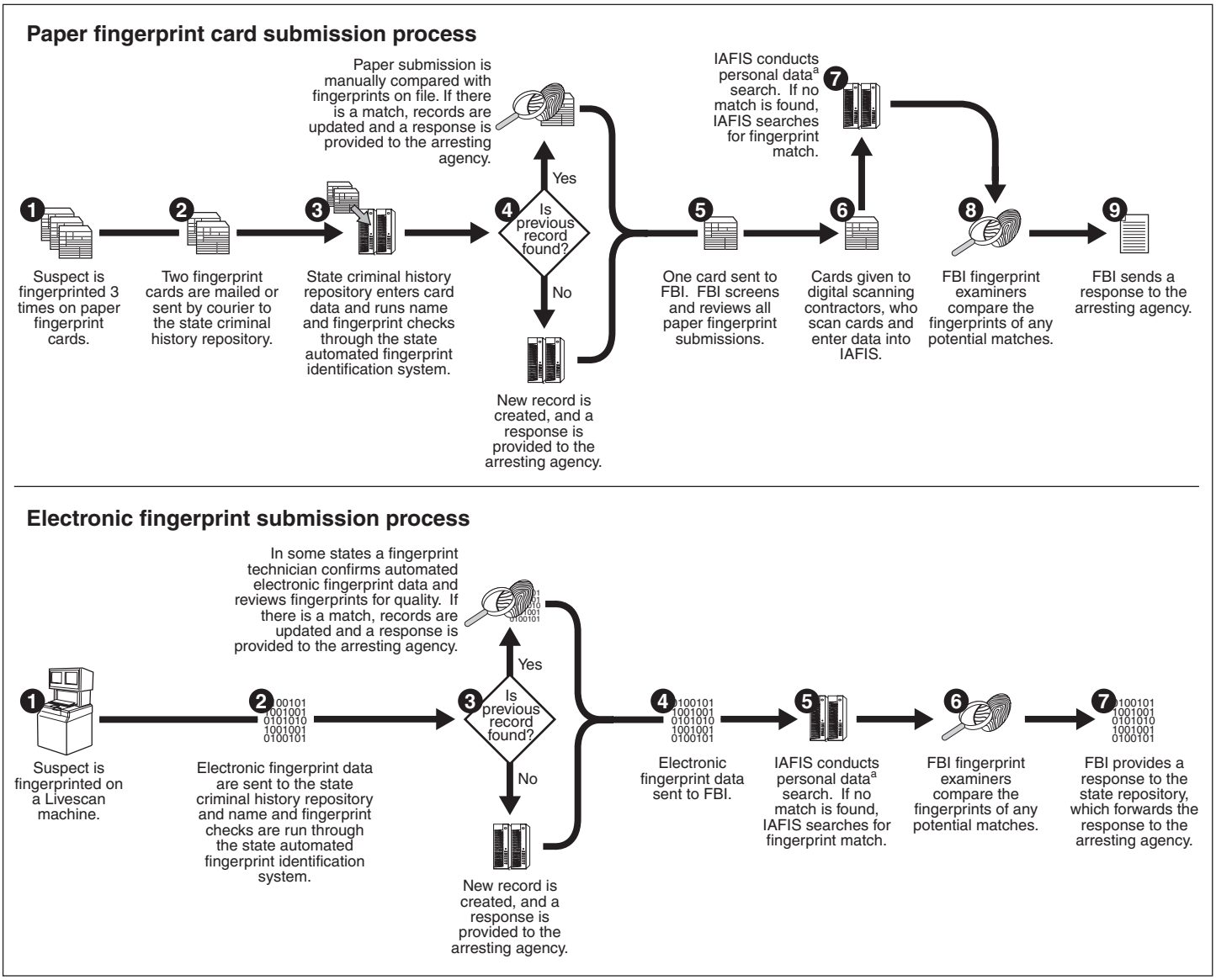
Historically, before the invention of automated fingerprint identification systems, paper fingerprint cards were used by law enforcement agencies to report arrest information to state repositories and to the FBI. The process was time-consuming, given that the local arresting agency mailed the fingerprint cards to the state repository, which mailed the information to the FBI—and, in return, the FBI's response (based on a search of national records) would be mailed back to the state repository, which would then mail the information to the local arresting agency. Automation offered the potential to reduce submission and processing times from weeks (or longer) to hours. According to the FBI, prior to IAFIS implementation, a 6-month turnaround time for responses from the national level was not unusual—whereas, under IAFIS, for criminal fingerprints submitted electronically, the system can provide a response within 2 hours.

IAFIS is a national, computerized system for storing, comparing, and exchanging fingerprint data in a digital format. As mentioned previously, most fingerprint data stem from arrests made by local and state law

[2]The Compact Council, a 15-member entity composed of federal and state officials, is responsible for promulgating rules and procedures governing use of the Interstate Identification Index for noncriminal justice purposes. The Interstate Identification Index is an "index-pointer" system maintained by the FBI to facilitate the interstate exchange of criminal history records. The Council administers the National Crime Prevention and Privacy Compact (also known as the Interstate Identification Index, or Triple I, Compact), which was established with passage of the Crime Identification and Technology Act of 1998.

enforcement agencies, which take the suspect's fingerprints manually (using ink and paper cards) or electronically (using Livescan equipment). Then, a copy of the fingerprints is forwarded (by mail or electronically) to the applicable state repository and, in turn, to the FBI for processing in IAFIS, which is the world's largest biometric database (see fig. 1). In practice, a combination of both manual and electronic methods is used in submitting fingerprints to the FBI. For example, local law enforcement agencies may take fingerprints manually on paper cards and mail them to the state repository, and the state may then convert them to an electronic format before forwarding them to the FBI. Alternatively, some local law enforcement agencies with Livescan equipment forward fingerprints electronically to state repositories, which—because they do not yet have electronic transmission capability—print out paper copies of the fingerprints and mail them to the FBI.

Figure 1: Flowchart of Manual and Electronic Submission Processes



Source: GAO.

Note: This flowchart is representative of the manual and electronic submission processes. There can be many processing nuances that cause deviations from the depicted flow.

[a]Personal data searches are based on information such as first and last name, date of birth, and Social Security numbers.

For both paper and electronic criminal fingerprint submissions, law enforcement agencies can indicate on the submission whether they want

the FBI to provide them with the results of searching the fingerprints against the IAFIS database. If the agency does want a response and IAFIS finds a match, the FBI provides the submitting agency with the individual's FBI identification number, which the agency can use to retrieve the related criminal history record.[3] If no match is found, then the FBI creates a new FBI identification number for the individual and adds the fingerprints to the IAFIS database.

Nationally, there is no standard requirement regarding the types or categories of criminal offenses for which fingerprints must be taken by local and state law enforcement agencies, nor is there any standard time frame requirement (after the arrest) for submitting the fingerprints to state criminal history repositories. However, according to FBI officials, virtually all states require the fingerprinting of persons arrested for serious offenses. Also, according to FBI officials, the time frame requirement for submitting the fingerprints to criminal history repositories varies among the states—generally ranging from a specific number of hours or days to a nonspecific standard such as "promptly" or "without undue delay."

Because complete information is integral to the capability of IAFIS to provide accurate identification and criminal history services, the FBI encourages all law enforcement agencies to submit criminal fingerprints to IAFIS. Except for arrests related to crimes against children, there is no federal statutory requirement for state criminal history repositories to submit criminal fingerprints to the FBI.[4] However, in accordance with FBI guidance, all states voluntarily submit fingerprints for criterion offenses—that is, any offense punishable by imprisonment for a term exceeding 1 year (generally felonies and serious misdemeanors).

[3]Agencies submitting fingerprints to IAFIS electronically can use the FBI identification number to retrieve an individual's criminal history from the Interstate Identification Index system, which includes warrant flags for the National Crime Information Center subject records. (According to the FBI, approximately 60 percent of all warrants have an FBI identification number.) If requested, the FBI can also electronically provide a copy of an individual's record of arrest and prosecution (rap sheet), which provides the individual's name, date of birth, physical description, criminal history, and a notification of whether or not the individual has any outstanding arrest warrants. For fingerprints submitted on paper cards, the FBI will mail a copy of the rap sheet to the submitting law enforcement agency, if a response is requested.

[4]Fingerprints must be submitted for individuals violating the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program, 42 U.S.C. 14071, and the National Child Protection Act of 1993, 42 U.S.C. 5119.

FBI policy calls for the submissions to be made through a designated agency (the respective state's criminal history repository) rather than directly from local agencies to the FBI. Centralized submissions from each state are intended to help ensure that the states' repositories are complete and that all agencies adhere to technical and quality standards. There are no established time frame criteria or requirements for the submission of fingerprints from the states to the FBI.

Ultimately, IAFIS was intended to eliminate the need for contributing law enforcement agencies to prepare and mail paper fingerprint cards to the FBI for processing and thereby improve the speed and accuracy of the fingerprint identification process. That is, the FBI's goal is to achieve electronic (paperless) processing of all fingerprint data—and to provide a response within 2 hours to users who submit criminal fingerprints electronically. Maximizing the benefits of rapid responses under IAFIS depends largely on how quickly criminal fingerprints are submitted by local and state law enforcement agencies after arrests are made.

IAFIS Processing of Criminal Fingerprints Is Important for Updating and Providing Complete Criminal History Information and Can Provide Positive Identification of Arrestees

IAFIS processing of criminal fingerprints is important to local and state law enforcement agencies not only for updating national criminal records databases but also for obtaining an individual's complete criminal history—and, at times, for obtaining positive identification of arrestees and for immediate warrant notification. It is not unusual for arrested persons to use someone else's name or an alias and have false identification documents. Also, many offenders are extremely mobile, committing crimes in more than one state. According to the FBI, an estimated 31 percent of criminal fingerprints processed by the Bureau involve multistate offenders—that is, offenders who have been arrested in more than one state.

The importance of IAFIS to law enforcement agencies is apparent in the high number of requests for information from the system. Overall, law enforcement agencies submitting criminal fingerprints generally want to know the results of searching the fingerprints against IAFIS databases. For the recent 8-month period we studied (October 2002 through May 2003), law enforcement agencies wanted a response from the FBI for 78 percent

of the approximately 5.3 million criminal fingerprint sets submitted.[5] With the search results, law enforcement agencies can positively identify an arrestee and obtain an arrestee's criminal history record. This information can be used by various justice system officials as a basis for making fundamental decisions about detention, charging, bail, and sentencing. For the remaining 22 percent of submissions, law enforcement agencies did not request a response from the FBI; rather, the fingerprints were submitted to update IAFIS databases.

The extent to which law enforcement agencies use IAFIS responses to either positively identify arrestees or obtain an arrestee's criminal history record is unclear. Law enforcement officials in the five states we visited told us that their agencies generally do not use IAFIS for a quick identification response because (1) local or state law enforcement agencies usually can identify the arrested individuals, most of whom are repeat offenders, and (2) all states currently have their own automated fingerprint identification systems or belong to regional automated fingerprint identification systems that can positively identify arrestees. Instead, these officials noted that submitting fingerprints is important for updating IAFIS databases so that future inquirers receive complete information.

Furthermore, law enforcement officials in the states we visited noted that in those cases where a quick identification response is needed from IAFIS but the arresting agency does not have access to Livescan equipment that can electronically submit fingerprints, the FBI allows agencies to fax fingerprints to the FBI for processing. According to the FBI, these fax requests for rapid fingerprint identification account for less than 1 percent of the total number of fingerprints received.

In any event, there are instances where quick identification responses from IAFIS are important. In designing IAFIS, the FBI estimated that the system would "prevent the release of the 10,000 to 30,000 fugitives freed each year because of the extended delays in establishing their true identities and warrant status."[6] More recently, in response to our inquiry,

[5]These data are based on all criminal fingerprint submissions entered into IAFIS from October 2002 through May 2003 for arrests made since the implementation of IAFIS on July 28, 1999. The data include criminal fingerprint submissions that arrived at the FBI in either hard copy or electronic format.

[6]Eric C. Johnson, *SEARCH Technical Bulletin* (Issue Number 2), "From the Inkpad to the Mousepad: IAFIS and Fingerprint Technology at the Dawn of the 21st Century," 1998.

FBI officials could not confirm this estimate or provide data on the extent to which IAFIS has prevented the inappropriate release of fugitives. However, as examples, the FBI provided us summary information regarding two actual cases where quick identification responses from IAFIS prevented the release of individuals who gave false names when they were arrested and were wanted fugitives from another jurisdiction (see fig. 2).

Figure 2: Examples of Arrestees Held Pending Positive Identification from IAFIS

Georgia

In Columbus, Georgia, on January 12, 2003, an individual was arrested for manufacturing, selling, and distributing drugs. As part of the booking process, the individual's fingerprints were submitted electronically to the FBI for processing in IAFIS. Within 7 minutes of receiving the submission, the FBI determined that the individual

- had used a false name at the time of the arrest in Georgia;
- was wanted by the Cleveland, Ohio, Police Department since April 1999 in connection with a homicide charge; and
- was also wanted by the FBI since February 2000 for flight to avoid confinement (with a notation advising to use caution).

The FBI notified the arresting and the wanting agencies of the identification. On March 20, 2003, the subject was extradited to Cleveland, Ohio. The subject was prosecuted for aggravated murder. He was found not guilty and released. (The subject is currently incarcerated in Ohio for an unrelated drug charge.)

Michigan

In Monroe, Michigan, on December 17, 2002, an individual was arrested for resisting arrest and obstructing an officer. As part of the booking process, the individual's fingerprints were submitted electronically to the FBI for processing in IAFIS. Within 20 minutes of receiving the fingerprint submission, the FBI determined that the individual

- had used a false name at the time of the arrest in Michigan;
- had a criminal history in Indiana, Michigan, Nebraska, and Texas that included prior arrests for aggravated rape of a child, possession of a controlled substance with intent to deliver, carrying a firearm without a permit, forgery, theft, criminal trespassing, assault, and car prowling;
- was on parole after serving time for the rape of a child; and
- was wanted in Austin, Texas, since July 2002 for a parole violation.

The FBI notified the arresting and the wanting agencies of the identification. The individual was extradited to Texas and is currently incarcerated for violating parole. He will not be eligible for parole until 2011.

Source: FBI.

As contrasting examples, the FBI also provided us summary information regarding two actual cases where the arresting agencies released individuals from custody before making fingerprint submissions or receiving the IAFIS responses, which indicated that the released persons had used false names and were wanted fugitives from another jurisdiction (see fig. 3). The frequency of such incidents—that is, cases where a local or state law enforcement agency releases an arrestee from custody and subsequently receives an IAFIS identification response showing cross-jurisdictional criminal history and outstanding warrants—is not known.

Figure 3: Examples of Arrestees Released before Positive Identification from IAFIS

Illinois

In Plainfield, Illinois, on October 30, 2002, an individual was arrested for resisting a peace officer. The individual's fingerprints were not submitted to the FBI for IAFIS processing until 18 days after the date of the arrest. Before submission of the fingerprints, the individual was released. Within 34 minutes of receiving the fingerprints, the FBI determined that the individual

- had used a false name at the time of the arrest in Illinois;
- had a criminal history that included previous arrests for aggravated assault, unlawful use of a weapon, possession of cocaine, possession of marijuana, possession of a controlled substance, violation of a bail bond, and failure to appear; and
- was wanted in Indianapolis, Indiana, since October 2000 for a sex offense against a child.

The FBI notified the arresting and the wanting agencies of the identification. The individual was still at large as of November 2003.

Washington

In Tacoma, Washington, on October 31, 2002, an individual was arrested for possession of stolen property. The individual's fingerprints were not submitted to the FBI for IAFIS processing until 19 days after the date of the arrest. Before submission of the fingerprints, the individual was released. Within 2 hours of receiving the fingerprints, the FBI determined that the individual

- had used a false name at the time of the arrest in Washington;
- had a criminal history that included possession of a controlled substance, possession with the intent to deliver a controlled substance, obstructing an officer, eluding a traffic officer by operating a motor vehicle, and jumping bail; and
- was wanted in Racine, Wisconsin, since June 2002 for a homicide.

The FBI notified the arresting and the wanting agencies of the identification. On May 22, 2003, the subject was spotted in Racine, Wisconsin, and was subsequently arrested. The subject was convicted and is currently incarcerated in Waupun, Wisconsin.

Source: FBI.

The capability of being able to quickly obtain positive identification of arrestees is becoming increasingly important—not only because many offenders have multistate records but also because of identity theft or identity fraud, which has been characterized by law enforcement as the fastest-growing type of crime in the United States.[7] Furthermore,

[7]U.S. General Accounting Office, *Identity Fraud: Prevalence and Cost Appear to Be Growing*, GAO-02-363 (Washington, D.C.: Mar. 1, 2002) and *Identity Theft: Greater Awareness and Use of Existing Data Are Needed*, GAO-02-766 (Washington, D.C.: June 28, 2002).

homeland security concerns add to the importance of quick positive identification capability. For example, in June 2002 congressional testimony, we noted that, in addition to using identity theft or identity fraud to enter the United States illegally and seek job opportunities, some aliens have used fraudulent identification documents in connection with serious crimes, such as narcotics trafficking and terrorism.[8] Also, during our current review, the Chairman of the International Association of Chiefs of Police's Criminal Justice Information Systems Committee told us that the electronic processing of fingerprint data is the most important component of the criminal justice information system and that the timeliness of submission and how long it takes to enter fingerprints into the automated system is an issue that could have serious consequences. Although obstacles remain, much progress has been made in electronic processing, as discussed in the following section.

Progress Has Been Made in Achieving Paperless Fingerprint Processing, with Many Factors Influencing Progress

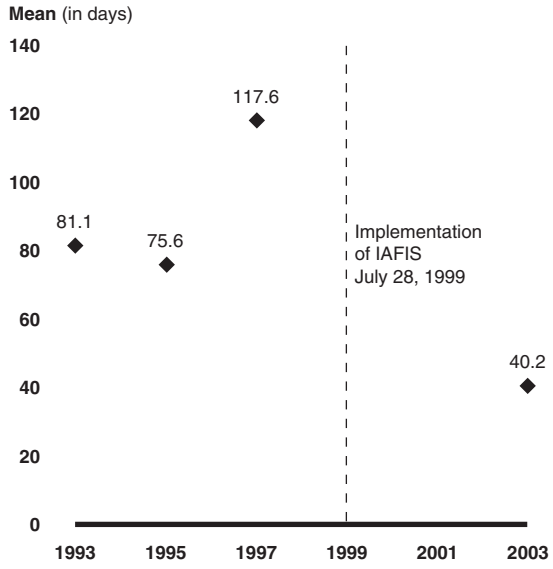
Local and state law enforcement agencies have made progress toward the FBI's goal of electronic (paperless) processing of criminal fingerprints in the IAFIS environment, although there is room for substantial improvement. For the recent 8-month period we studied (October 2002 through May 2003), the overall average submission time for criminal fingerprints was 40 days—whereas prior to the implementation of IAFIS, average submission times were significantly higher (e.g., 118 days in 1997). Also, since the implementation of IAFIS, the number of fingerprints submitted electronically by state agencies as a percentage of total criminal fingerprints received by the FBI has increased annually. And for a large number of criminal fingerprints, local and state law enforcement agencies have demonstrated the ability to make submissions to IAFIS the same day as the date of the arrest. However, for many jurisdictions, delays in submitting fingerprints to IAFIS have been attributable to various factors, including lack of automation, competing priorities and resource constraints, backlogs of paper fingerprint cards to be processed, and other factors. In practice, large portions of the lengthy submission times associated with paper fingerprint cards probably represent inactivity, or "holding," rather than actual "processing."

[8]U.S. General Accounting Office, *Identity Fraud: Prevalence and Links to Alien Illegal Activities*, GAO-02-830T (Washington, D.C.: June 25, 2002).

Nationally, the Average Time for Submitting Criminal Fingerprints Has Improved since Implementation of IAFIS

Nationally, since the implementation of IAFIS in July 1999, the overall timeliness of criminal fingerprint submissions has improved. For the approximately 5.3 million criminal fingerprints entered into IAFIS from October 2002 through May 2003—a total that encompasses both paper fingerprint card and electronic submissions—the average submission time was about 40 days after the date of arrest. In contrast, figure 4 shows that before the implementation of IAFIS, the average number of days from arrest to when the FBI received the fingerprints was about two or three times longer than 40 days.

Figure 4: Average Number of Days between the Date of Arrest and the Date That the Criminal Fingerprints Were Received by the FBI or Entered Into IAFIS (for Specific Periods in 1993, 1995, 1997, and 2003)



Source: GAO analysis of FBI data.

Notes: Each of the four data points represents a weighted average (mean) in days for specific periods of time within the respective year for criminal fingerprint submissions from the 50 states and the District of Columbia. Data from other years were not available for analysis. Also, the FBI's information systems do not have data regarding the amount of time that elapsed from the date of arrest to the date the fingerprints were received by state criminal history repositories. Thus, we could not determine what portions of the submission times were associated with processing by the arresting law enforcement agencies and the state criminal history repositories, respectively.

Data for 1993, 1995, and 1997 are based on the FBI's sampling of all criminal fingerprint submissions received by the FBI for the respective time periods. Submission times were calculated using the date of arrest and the date the fingerprint data arrived at the FBI. The 1993 mean (81.1 days) covers May 21 through June 23, 1993; the 1995 mean (75.6 days) covers January 9 through February 28, 1995; and the 1997 mean (117.6 days) covers July 14 through November 14, 1997. The FBI performed its analyses of submission times as staff were available; therefore, the analyses do not cover equivalent periods of time.

The 2003 data are based on all criminal fingerprint submissions entered into IAFIS from October 2002 through May 2003 for arrests made since the implementation of IAFIS on July 28, 1999. The data include criminal fingerprint submissions that arrived at the FBI in either hard copy or electronic format. Submission times were calculated using the date of arrest and the date the fingerprint data were entered into IAFIS. The mean submission time for the 2003 data was 40.2 days.

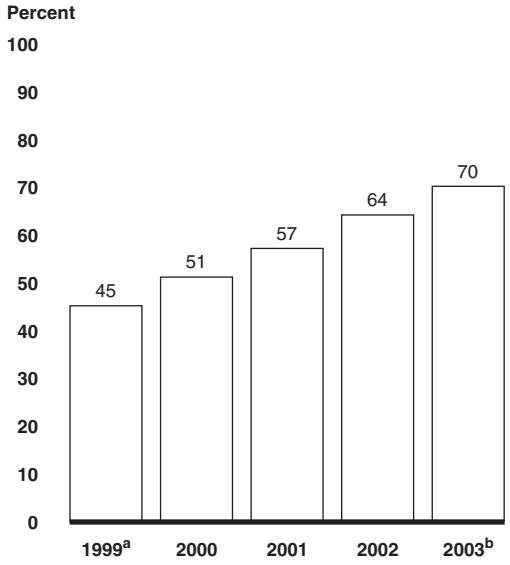
Despite improvements in average submission times since the implementation of IAFIS, some criminal fingerprint requests continued to reflect large lag times before being submitted. For example, of the approximately 5.3 million criminal fingerprint submissions entered into IAFIS from October 2002 through May 2003, about 535,000 (or 10 percent) were entered more than 90 days after the date of arrest. And, of this percentage, over one-half were entered into IAFIS more than 150 days after the date of arrest.

In commenting on a draft of this report, the Department of Justice noted that while our use of the term "entered into IAFIS" accurately measures the end of local and state processing, it should not be construed to represent the point in time when the fingerprint record was physically entered into the IAFIS database. The department noted that the time intervals presented in this report—computed by the FBI's Criminal Justice Information Services (CJIS) Division—were measured at the time the fingerprint records were received electronically by IAFIS. The Department added that the type of fingerprint submission, priority, workload, and time of day would influence the actual time the records were processed and entered into the IAFIS database. According to FBI officials, the agency has a goal of processing electronic fingerprint submissions and sending a response within 2 hours of receipt. For fiscal year 2002, the FBI reported that it responded to 90.3 percent of the electronic criminal submissions within 2 hours of receipt. Thus, the end of state processing and the actual entry of the fingerprints into the system are within hours of each other in most cases.

Electronic Criminal Fingerprint Submissions from State Agencies Have Increased since the Implementation of IAFIS

Since the implementation of IAFIS in July 1999, the number of fingerprints submitted electronically by state agencies as a percentage of total criminal fingerprints received by the FBI has increased annually. As figure 5 shows, for example, 45 percent of criminal fingerprint submissions received by the FBI in 1999 from state central repositories were electronic; whereas, in the first 4 months of 2003, 70 percent of such criminal fingerprint submissions were electronic. According to FBI data as of April 2003, 42 states and the District of Columbia were routinely submitting some portion of their criminal fingerprints to the FBI electronically.

Figure 5: Percentage of the Total Criminal Fingerprint Submissions Received by the FBI That Were Submitted Electronically (1999-2003)



Source: FBI data.

Note: The percentages represent electronic submissions from state repositories to the FBI. Although totals are not readily quantifiable, state repositories received paper fingerprint cards from some local law enforcement agencies and then digitally scanned the cards for electronic transmission to the FBI.

[a]The 1999 data cover the period July 28 through December 31, 1999.

[b]The 2003 data cover the 4-month period January through April 2003.

Additional states soon may have the capability to submit criminal fingerprints electronically. For instance, two of the five states we visited in summer 2003 (Connecticut and Nevada) had not begun routinely submitting criminal fingerprints to the FBI electronically but expected to do so in the future. Specifically, officials from Nevada said that their state was developing such capability and anticipated that it would be available by the end of 2003. Similarly, officials from Connecticut said that their state was upgrading technology to provide electronic submission capability by the end of 2004.

Over One-Fourth of Criminal Fingerprints Were Entered into IAFIS the Same Day as the Date of Arrest for the Period We Analyzed

For a large number of criminal fingerprints, local and state law enforcement agencies have demonstrated the ability to make submissions to IAFIS the same day as the date of the arrest. Of the approximately 5.3 million criminal fingerprints entered into IAFIS from October 2002 through May 2003, over 1.5 million (29 percent) were entered on the same day as the date of the arrest.[9] Such same-day submissions are achievable when the entire process is electronic, with law enforcement taking fingerprints using Livescan devices that transmit the fingerprints electronically to the state criminal history repository—which, in turn, transmits the fingerprints electronically to the FBI.[10] Electronic processing allows for the fastest submission of fingerprints to IAFIS and supports the FBI's goal of paperless processing of criminal fingerprint data.[11]

The Atlanta Police Department's electronic fingerprint process illustrates how quickly fingerprint data can be submitted to IAFIS. The Atlanta Police Department takes criminal fingerprints using Livescan devices and forwards the fingerprint data electronically to the Georgia Crime Information Center. After processing the fingerprint data, the Georgia Crime Information Center transmits the fingerprint data via its computer systems directly to IAFIS. According to FBI data for the period January through May 2003, the Atlanta Police Department submitted a total of 7,895 sets of criminal fingerprints. Of this total, 46 percent were entered into IAFIS the same day as the date of the arrest. And 95 percent of the

[9]There were 1,527,205 of 5,266,393 fingerprints entered into IAFIS on the same day as the date of arrest. The FBI's data were not amenable to calculating the average number of hours from the time the fingerprints were taken to when the fingerprints were entered into IAFIS.

[10]While 70 percent of the criminal fingerprint submissions to IAFIS were made electronically during the period we reviewed, only 29 percent of the submissions were entered into IAFIS the same day as the date of arrest. Many fingerprints were likely taken on paper cards by the arresting agency and mailed to the state criminal repository, where they were then converted to an electronic format for submission to IAFIS.

[11]While characterizing the 29 percent figure as progress under IAFIS, FBI officials had no specific data for comparing pre-IAFIS periods. The officials noted that prior to IAFIS implementation, the number of criminal fingerprints received by the FBI on the same day as the date of arrest was not tracked.

total criminal fingerprint submissions for this period were entered within 1 day after the date of the arrest.[12]

Most Submission Time Lags Are Attributable to a Lack of Automation and Various Other Factors

As mentioned previously, most criminal fingerprints are not entered into IAFIS the same day as the date of arrest and may reflect time lags of 90 days or more. For many jurisdictions, time lags in submitting fingerprints are attributable to various factors, including a lack of automation, competing priorities and resource constraints, and backlogs of paper fingerprint cards to be processed. Given these circumstances, large portions of lengthy submission times associated with paper fingerprint cards probably represent inactivity, or "holding," rather than actual "processing."

The most significant factor causing delays in criminal fingerprint submissions is lack of electronic processing capability. Generally, law enforcement agencies that serve large populations have access to technology that allows electronic capture and transmission of criminal fingerprint data. For example, the most recent local law enforcement data collected by BJS (in a July 2000 survey) indicated that a majority of police departments serving populations of 50,000 or more reported they regularly used digital imaging technology for fingerprints, and a majority of sheriffs' offices serving populations of 100,000 or more reported they regularly used such technology. However, the BJS report also indicated that law enforcement agencies in less populated areas may have to use paper fingerprint cards and manual processes. As a result, the BJS report noted that, overall, only 11 percent of all police departments nationwide and 27 percent of all sheriffs' offices reported they regularly used digital imaging technology for fingerprints.[13]

[12]The remaining 5 percent of the criminal fingerprint submissions were entered into IAFIS from 2 to 98 days after the date of arrest. No information was readily available to indicate if these fingerprints were taken manually and then converted to electronic format at the state criminal history repository or were taken electronically using Livescan devices. Downtime of equipment and human error are also plausible reasons for delays in submission of some fingerprints.

[13]The data are based on a July 2000 survey of a nationally representative sample of local police departments and sheriffs' offices in the United States. See BJS, *Local Police Departments 2000* (NCJ 196002), January 2003, and BJS, *Sheriffs' Offices 2000* (NCJ 196534), January 2003.

Also, given competing priorities and resource constraints, local law enforcement agencies may not always see an urgent need to voluntarily submit paper fingerprint cards quickly, particularly if the arrestee is a repeat offender whose identity is already known. A representative of the National District Attorneys Association told us that, given the staff time and other costs involved, law enforcement agencies on a tight budget may not submit fingerprints quickly without a good reason to do so, even though submission would add to the national database. Local law enforcement agencies that use manual processes may hold fingerprint cards until a number are collected and then mail the batch to the state criminal history repository.[14] For example, according to Missouri State Highway Patrol officials, some local agencies mail batches of paper criminal fingerprints cards every other week to the state criminal history repository.

Broader perspectives on submission time frames are presented in an August 2003 BJS report. Basing its conclusions on a survey (conducted in January through July 2002) of state criminal history repository administrators, BJS reported wide variances among states regarding submission of paper fingerprint cards.[15] For example, whereas Livescan fingerprint data often were received by repositories within 1 day or less after the arrest (sometimes only hours), one state's repository reported receiving paper fingerprint cards 7 to 30 days (on average) after the date of arrest, another repository reported receiving cards up to 90 days after arrest, and another reported an average submission time of 169 days. During our review, FBI officials told us that their data systems cannot track the time from the date of arrest to when fingerprints (either paper or electronic) arrive at the state repositories for processing. Therefore, we could not determine what portion of submission times was attributable to the submitting law enforcement agency versus the state criminal history repository.

In its August 2003 report, BJS also indicated that 26 states reported they had backlogs (as of year end 2001) in processing criminal fingerprint

[14]Similarly, FBI officials said that various state repositories periodically batch-mail fingerprint cards to the Bureau.

[15]BJS, *Survey of State Criminal History Information Systems, 2001* (NCJ 200343), August 2003.

cards.[16] Generally, the size and "age" of such backlogs, according to a BJS survey, largely are a function of resources available for processing the fingerprint cards. One state noted, for instance, that because of a lack of funding to pay contract staff responsible for data entry and clerical functions associated with fingerprint card processing, it had a backlog of 7,500 cards in the latter part of 2001, but the backlog was eliminated in June 2002 after state funds were reinstated. Law enforcement officials we contacted also said that their jurisdictions lacked the necessary personnel to quickly process fingerprint submissions. For example, Missouri State Highway Patrol officials said that the agency has had several fingerprint technician positions vacant over the last several years, resulting in a backlog of unprocessed fingerprint cards.

Poor-quality fingerprints, inaccurate or incomplete textual information, and other technical aspects of submissions are additional factors that can delay entry of fingerprint data into IAFIS. According to FBI officials, about 5 to 6 percent of criminal fingerprint submissions are initially rejected for these reasons. Local and state law enforcement officials we contacted told us that it generally is not possible to resubmit fingerprints that were rejected for poor quality because the individuals may no longer be in custody. However, these officials said they generally resubmit fingerprints that were rejected because of inaccurate or incomplete textual information.[17] FBI officials told us that when significant rejection patterns occur, the FBI works with the submitting law enforcement agencies to address the causes.

Finally, as discussed in the following section, the timeliness of criminal fingerprint submissions can be affected by an increasing workload associated with the processing of "civil" fingerprints—that is, fingerprint-based background checks conducted for employment or other noncriminal justice purposes.

[16]Criminal fingerprint cards are not forwarded to the FBI until the state criminal history repository has processed them. State-level processing includes such steps as identification, transmission of responses to the submitting law enforcement agencies, and update or creation of computerized criminal history records.

[17]Data were not available for us to determine what percentage of rejected fingerprints was later resubmitted to the FBI.

Various Efforts Are Under Way to Improve the Timeliness of Criminal Fingerprint Submissions to IAFIS

In recent years, to encourage law enforcement agencies to submit criminal fingerprints electronically to IAFIS, the FBI has provided states with network connections, promoted the benefits of IAFIS at national conferences, and provided states with other technical assistance. In each of the five states we visited, the practices or plans for extending automation capabilities appeared to be based on practical or cost-benefit considerations, such as giving priority to placing Livescan equipment with local law enforcement agencies serving the most populous areas. Also, BJS has provided states with federal grants to help automate criminal fingerprint submissions. According to the local and state officials we contacted, continuation of federal technical and funding assistance is essential for achieving further improvements in the timeliness of criminal fingerprint submissions. In addition, to help mitigate competing workload demands stemming from increasing volumes of fingerprints submitted for civil or noncriminal justice purposes, such as employment background checks, the National Crime Prevention and Privacy Compact Council is considering a need to broaden the authority of private companies to process such fingerprints.

FBI Initiatives and State Efforts Support the Automation of Criminal Fingerprint Submissions

Although the FBI continues to accept paper submissions, the FBI's goal is to achieve a completely paperless system, with all fingerprints being submitted electronically. In 1998, to help achieve this goal, the FBI provided IAFIS network connections to each state through the CJIS Wide Area Network. These network connections provide each state with a link to support a fully automated fingerprint submission process, including electronic access to IAFIS.

To further support the automation of criminal fingerprint submissions, the FBI has participated in various national conferences conducted by organizations such as the International Association for Identification, the National Sheriffs' Association, and the International Association of Chiefs of Police. The FBI has also hosted two national conferences on IAFIS and has provided technical assistance to various local and state law enforcement agencies through workshops and site visits.

Local and state law enforcement officials we contacted expressed a need for these initiatives to continue in the future. For example, Georgia Bureau of Investigation officials said that continued training by the FBI is essential to improve the quality of fingerprints and the timeliness of submissions. Also, Missouri State Highway Patrol officials said that previous FBI technical training has been valuable and that further training is still needed.

In the five states we visited, the plans or practices for extending automation capabilities appeared to be based on practical or cost-benefit considerations. Generally, to allocate Livescan equipment, priority placements were made to local law enforcement agencies serving the most populous areas. For example, according to Georgia Bureau of Investigation officials, 88 percent of the state's felony and serious misdemeanor offense arrests in 2002 occurred within the geographic jurisdictions of agencies that had access to Livescan machines. New Mexico Department of Public Safety officials told us that the nine Livescan machines available to law enforcement agencies in New Mexico are used to record fingerprints for about 65 percent of the criminal arrests in the state.

National Criminal History Improvement Program Has Provided Federal Funds for States to Automate Criminal Fingerprint Submissions

Under the National Criminal History Improvement Program (NCHIP)—a grant program administered by BJS and designed to ensure that accurate records are available for use in law enforcement—states can receive funds to improve their ability to electronically provide criminal fingerprints to the FBI. NCHIP funds support a broad range of activities and programs to facilitate the electronic transfer of criminal fingerprints to the FBI, such as (1) ensuring compatibility of state criminal history and arrest records systems with FBI records systems, (2) establishing records management systems to improve the quality and completeness of criminal history and arrest information maintained by the state and provided to the FBI, and (3) providing training and hosting conferences and seminars for local and state criminal justice officials on issues related to improvements in and automation of criminal history and arrest records.[18]

According to BJS data for fiscal years 1999 through 2003, 44 states and the District of Columbia received a total of $31 million in NCHIP grants to improve local law enforcement and state criminal history repository access to electronic fingerprint transmission technology and IAFIS (see app. II). For instance, Georgia Bureau of Investigation officials said that the state used NCHIP funding in 1999 to provide smaller law enforcement agencies a cost-effective approach to electronically submit fingerprints. The funds were used, for example, to purchase card-scanning equipment

[18]For the full range of programs and activities for which states can use NCHIP funds, see BJS, *National Criminal History Improvement Program – Fiscal Year 2003 Program Announcement.*

to digitally convert paper fingerprint cards for electronic transmission to the state repository.

On the other hand, local and state law enforcement officials we contacted said that fingerprints are not all submitted electronically because states still lack funding to purchase, operate, and maintain the necessary equipment. The officials said that law enforcement agencies generally do not resist the idea of converting to an electronic process but are limited financially in their capabilities to do so. For example, Missouri State Highway Patrol officials said that an obstacle to additional automation has been funding. According to these officials, while NCHIP is making funding available for purchasing Livescan machines, some local law enforcement agencies cannot afford the ongoing network and maintenance costs needed to support an automated system. In commenting on a draft of this report, the BJS Director indicated that NCHIP funds can and have frequently been used by the states for the maintenance of automated fingerprint systems. The Director added that if local agencies are not receiving funds for maintenance, it is probably because the state has not requested NCHIP funds for that purpose or has set its own priorities for which localities will receive such support.

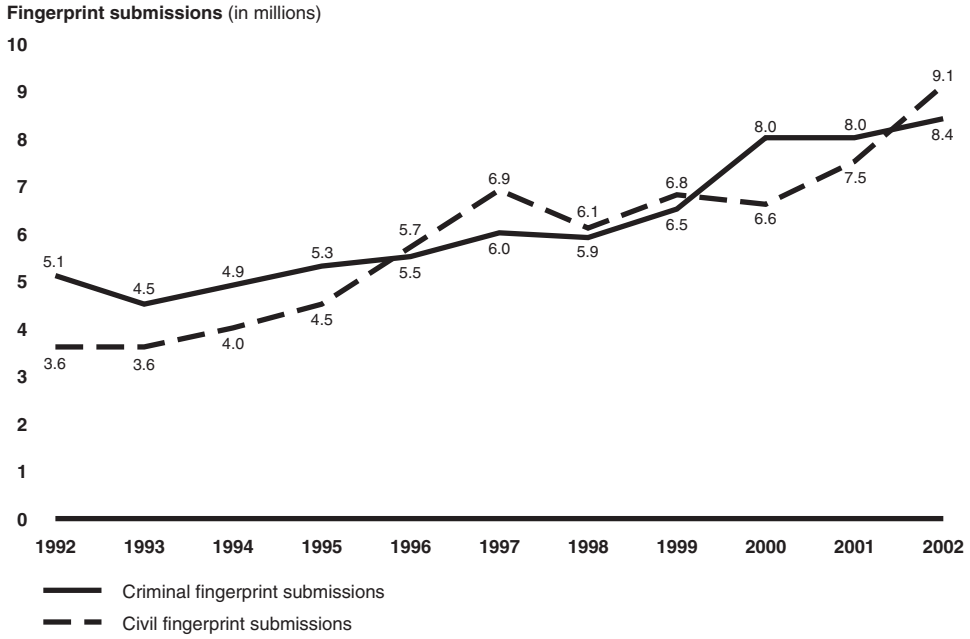
Generally, according to FBI officials, there is a continuing need for (1) additional Livescan devices; (2) the upgrade of automated fingerprint identification systems at the state level that are compatible with IAFIS; and (3) research for fingerprint imaging, Livescan, and other automated systems that will ensure interoperability of state and FBI systems. However, the FBI officials noted that given the budget problems that many states are now experiencing and the high cost of Livescan machines, investment in this technology may not be a priority for the states.

Proposed Rule to Give Broader Authority to Private Contractors for Processing Fingerprints for Noncriminal Justice Purposes

State and FBI officials told us that the timeliness of criminal fingerprint submissions can be slowed by an increasing workload associated with the processing of fingerprint submissions for civil or noncriminal justice purposes, such as employment background checks.[19] The numbers of criminal fingerprint submissions and civil fingerprint submissions to the FBI have increased annually in most years since 1992. As figure 6 shows, during 1996 to 2002, the number of criminal fingerprint submissions was exceeded by the number of civil fingerprint submissions in 5 of the 7 years. For example, in the most recent year (2002), criminal fingerprint submissions totaled 8.4 million, whereas civil fingerprint submissions totaled 9.1 million.

[19]The term "noncriminal justice purposes" refers to uses of criminal history records for purposes authorized by federal or state law other than purposes relating to criminal justice activities. For example, authorized purposes may include employment suitability, licensing determinations, and national security clearances.

Figure 6: Annual Number of Criminal and Civil Fingerprint Submissions Received by the FBI (1992-2002)



Source: FBI data.

The growth in civil fingerprint submissions is partly attributable to, among other factors, federal legislation that encouraged states to enact statutes authorizing fingerprint-based national searches of criminal history records of individuals seeking paid or volunteer positions with organizations serving children, the elderly, or the disabled.[20] More recently, another factor has been homeland security concerns. For instance, because of the relatively unfettered access that taxicabs have to city infrastructure, including the airport, the Atlanta Police Department has begun running fingerprint-based criminal history background checks on all of the city's approximately 3,500 taxicab drivers.

To help mitigate workload demands, some states have begun awarding contracts to private companies to provide civil fingerprinting services. Currently, private companies are involved in the collection of fingerprints

[20]National Child Protection Act of 1993, as amended (42 U.S.C. 5119). See U.S. General Accounting Office, *Fingerprint-Based Background Checks: Implementation of the National Child Protection Act of 1993*, GAO/GGD-97-32 (Washington, D.C.: Jan. 15, 1997).

but do not have the legal authority to access criminal history information or make fitness determinations for employment. However, since February 2003, the National Crime Prevention and Privacy Compact Council—the 15-member entity (composed of state and federal officials) that administers the use and exchange of criminal history records for noncriminal justice uses—has been working to develop a rule to provide such authority. That is, the proposed rule would enable state and federal government agencies to contract with private companies to not only collect fingerprints but also have access to criminal history information and make fitness determinations for employment. According to the FBI, the rule is anticipated to be finalized by the middle of calendar year 2004 and will incorporate appropriate guidelines and controls.

Concluding Observations

Local and state law enforcement agencies have made progress toward the FBI's goal of electronic (paperless) processing of criminal fingerprints in the IAFIS environment. For example, all states have either established or are working to establish interoperability between their state automated fingerprint identification systems and IAFIS that allows for the electronic submission of criminal fingerprints to the FBI. However, there is still room for substantial improvement. Gaps exist in law enforcement agencies' access to Livescan technology. Given budget and other resource constraints at all levels of government, it may be unrealistic to expect that 100 percent electronic processing and submission eventually will be achieved for all jurisdictions. Smaller law enforcement agencies, for example, may have difficulty justifying the cost of operating or maintaining Livescan equipment and a telecommunications linkage to the state's central repository.

For local agencies without access to Livescan equipment and for state agencies that cannot currently submit fingerprints electronically to IAFIS, the potential may exist for improving the timeliness of processing and submitting paper fingerprint cards. The "potential" rests on reducing the time that criminal fingerprints are waiting, or being held for processing, which is likely to be a resource issue. Theoretically, for example, these cards could be processed and mailed forward on a daily basis rather than held for batch processing. Additionally, the processing of noncriminal fingerprints could be handled by contractors, which could free up law enforcement personnel to process criminal fingerprints in a more timely manner. Ultimately, such decisions may involve unique circumstances and, thus, perhaps are best left to agency-by-agency determinations.

Overall, the effect of less than universal electronic processing is unclear. In many cases, for instance, a same-day or quick response from the FBI may not be needed. On the other hand, although such instances are not readily quantifiable, there are cases where a local or state law enforcement agency has released an arrestee from custody and subsequently received an IAFIS identification response showing cross-jurisdictional criminal history or outstanding warrants. In the absence of electronic processing, the number of such instances may be partly mitigated by the manual procedure whereby law enforcement can directly fax fingerprints to the FBI. However, the effectiveness of this exception-basis procedure depends largely on officers having sufficient experience to recognize a need for expedited manual processing.

Federal technical and funding assistance continues to support ongoing efforts to make additional progress in the automation of fingerprint submissions. The need for positive, fingerprint-based identifications—providing linkages to complete criminal history records—is not likely to diminish in the foreseeable future, given that significant numbers of arrestees have multistate criminal histories, the incidence of identity theft or identity fraud is growing, and homeland security concerns and noncriminal justice demands are increasing.

Agency Comments

On December 9, 2003, we provided a draft of this report for review and comment to the Department of Justice. In its written comments, dated January 7, 2004, Justice said the report was accurate and provided some technical clarifications, which we incorporated in this report where appropriate.

Also, one Justice component (BJS) commented that the draft report presented a narrow description of the role of NCHIP in upgrading the ability of states to provide fingerprints electronically to the FBI. Specifically, the BJS Director noted that the allowable uses for NCHIP funds extended far beyond the purchase of Livescan machines and covered the continuum from fingerprint capture through the transmission of the images to the FBI. We added additional information to the applicable report section to reflect this perspective.

Further, the BJS Director commented that much progress has been made in the automation of criminal fingerprint submissions under NCHIP. According to the Director, NCHIP performance measures calculated and tracked as part of the administration and oversight of the program indicate that

- The number of arresting agencies reporting arrests electronically to the state criminal history repositories has increased significantly, from 493 agencies in 1997 to 2,594 agencies in 2001.

- Arrest information is reaching state criminal history repositories faster, with submission times from the arresting agency to the state agency dropping from an average of 14 days in 1997 to 11 days in 2001.

- State repositories are processing arrest information faster, with average times to post arrest data into the criminal history record dropping from 32 days in 1995 to 13 days in 2001.

- State criminal history backlogs of unprocessed fingerprint cards dropped from an estimated 711,000 in 1997 to an estimated 354,300 in 2001.

The Director noted that these statistics are based on data collected for BJS in biennial surveys conducted by SEARCH. Because of our reporting time frames, these specific statistics were not included in the data reliability assessments described in appendix I.

As arranged with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days after the date of this report. At that time, we will send copies of this report to interested congressional committees and subcommittees. We will also make copies available to others on request. In addition, the report will be available at no charge on GAO's Web site at http://www.gao.gov.

If you or your staff have any questions about this report or wish to discuss the matter further, please contact me at (202) 512-8777 or Danny Burton at (214) 777-5600. Other key contributors to this report were Amy Bernstein, Michele Fejfar, Ann H. Finley, Jason Kelly, George Quinn, Deena Richart, and Jason Schwartz.

Sincerely yours,

Laurie E. Ekstrand
Director, Homeland Security and Justice

Appendix I: Objectives, Scope, and Methodology

Objectives

At the request of the Ranking Minority Member, Senate Committee on Appropriations, we addressed the following questions regarding the submission of criminal fingerprints by local and state law enforcement agencies to the Federal Bureau of Investigation (FBI) for processing by the Integrated Automated Fingerprint Identification System (IAFIS):

- Why is IAFIS processing of criminal fingerprints important to local and state law enforcement agencies?
- What progress have local and state law enforcement agencies made toward the FBI's goal of achieving electronic (paperless) fingerprint processing after an arrest has been made, and what factors have influenced this progress?
- What efforts are being made to improve the timeliness of criminal fingerprint submissions from local and state law enforcement agencies?

Scope and Methodology

To address these questions, we visited the FBI's Criminal Justice Information Services Division (Clarksburg, WV), which manages IAFIS. We interviewed FBI officials and reviewed available statistics, studies, and other relevant information. We analyzed FBI data by state on criminal fingerprint submission volumes and times for fingerprints entered into IAFIS from October 2002 through May 2003. Our analysis focused on criminal fingerprint submissions for arrests made since the implementation of IAFIS on July 28, 1999, and covered both automated and manual (paper) submissions. We also obtained the FBI's reports of criminal fingerprint submission times in 1993, 1995, and 1997, and the total numbers of criminal and civil fingerprints submitted annually during 1992 through 2002.

Also, we obtained funding amounts from Bureau of Justice Statistics (BJS) officials regarding the amount of National Criminal History Improvement Program (NCHIP) grant funding awarded in fiscal years 1999 through 2003 to the states and the District of Columbia for use in automating fingerprint processes.

Further, we discussed the fingerprint submission issues with representatives of the International Association of Chiefs of Police, the National Sheriffs' Association, the Major County Sheriffs' Association, the National District Attorneys Association, and SEARCH (the National Consortium for Justice Information and Statistics).

Also, we discussed the fingerprint submission issues with (and analyzed any statistics or other information maintained by) state law enforcement agencies (e.g., state police department and judicial system representatives) in five states—Connecticut, Georgia, Missouri, Nevada, and New Mexico. We selected these states to reflect a range of various factors or considerations—that is, the volume of fingerprint submissions, the "age" of such submissions (i.e., the average amount of time from when the fingerprints were taken to when they were entered into IAFIS), and level of automation in the state's criminal justice information system, as well as to encompass different geographic areas of the nation.

Further, in each of the five states, we discussed the fingerprint submission issues with relevant local agencies (e.g., city police department or county sheriff's office) in at least one local jurisdiction. Generally, for travel cost reasons (among other considerations), the local jurisdictions selected were located in or near the respective state's capital.

Data Reliability

To assess the reliability of the FBI's October 2002 through May 2003 criminal fingerprint submission data, we (1) reviewed existing documentation related to the data sources, (2) electronically tested the data to identify obvious problems with completeness or accuracy, and (3) interviewed knowledgeable agency officials about the data. We determined that the data were sufficiently reliable for the purposes of this report.

To assess the reliability of (1) the FBI's reports of criminal fingerprint submission times in 1993, 1995, and 1997; (2) the total numbers of criminal and civil fingerprints submitted annually during 1992 through 2002; and (3) the percentages of electronic fingerprint submissions, we interviewed knowledgeable agency officials about the data and reviewed existing documentation related to the data sources. To assess the reliability of the results of the BJS surveys of local law enforcement, sheriff's offices, and state criminal history repository administrators, we reviewed existing documentation related to the data sources. To assess the reliability of the BJS NCHIP grant funding amounts and the FBI estimate of multistate offenders, we interviewed knowledgeable agency officials. We determined that the data were sufficiently reliable for the purposes of this report.

Appendix II: National Criminal History Improvement Program Grant Funding for AFIS/Livescan (Fiscal Years 1999-2003)

This appendix summarizes Bureau of Justice Statistics (BJS) data regarding National Criminal History Improvement Program (NCHIP) grant funding received by states and the District of Columbia for automated fingerprint identification system (AFIS) and Livescan activities in fiscal years 1999 through 2003 (see table 1). According to BJS, the dollar amounts in table 1 are based on actual amounts awarded and the proposed AFIS/Livescan activities listed in grant applications from the states and the District of Columbia. A BJS official told us that some of the 12 states that received no grant funding for AFIS/Livescan activities during this time period did receive NCHIP funding for such activities in the earlier years of the program, beginning in 1995.

Table 1: National Criminal History Improvement Program Grant Funding Received by the States for AFIS/Livescan Activities (Fiscal Years 1999 -2003)

State	1999	2000	2001	2002	2003	Total
Alabama	$401,582	$85,000	$76,875	$90,000	$107,760	**$761,217**
Alaska	0	0	0	0	0	**0**
Arizona	0	121,721	0	0	0	**121,721**
Arkansas	0	0	0	0	10,800	**10,800**
California	0	0[a]	0	0	0	**0**
Colorado	242,676	0	0	0	0	**242,676**
Connecticut	0	176,000	139,500	0	76,050	**391,550**
Delaware	0	0	224,000	0	0	**224,000**
District of Columbia	0	0	68,000	102,100	0	**170,100**
Florida	0	0	0	156,000	141,920	**297,920**
Georgia	1,583,528	301,240	94,783	0	351,634	**2,331,185**
Hawaii	0	488,640	275,000	215,675	354,000	**1,333,315**
Idaho	63,000	0	0	120,000	0	**183,000**
Illinois	305,000	456,680	1,082,000	0	63,920	**1,907,600**
Indiana	280,000	0	200,000	511,200	925,000	**1,916,200**
Iowa	89,500	0	0	0	0	**89,500**
Kansas	0	0	0	0	229,000	**229,000**
Kentucky	288,000	0	0	0	289,000	**577,000**
Louisiana	0	0	0	0	0	**0**
Maine	120,000	0	0	130,000	0	**250,000**
Maryland	0	0	181,170	0	251,111	**432,281**
Massachusetts	186,000	372,149	442,550	0	0	**1,000,699**
Michigan	34,314	0	0	0	0	**34,314**
Minnesota	275,000	0	0	0	0	**275,000**

State	1999	2000	2001	2002	2003	Total
Mississippi	0	0	0	0	0	**0**
Missouri	0	0	409,973	86,235	0	**496,208**
Montana	0	67,500	21,213	0	275,000	**363,713**
Nebraska	120,000	40,200	0	124,620	0	**284,820**
Nevada	0	0	0	0	0	**0**
New Hampshire	150,000	0	25,000	0	0	**175,000**
New Jersey	731,034	930,651	459,763	0	211,412	**2,332,860**
New Mexico	173,747	257,080	31,680	80,000	55,000[b]	**597,507**
New York	443,069	170,483	143,131	22,954	0	**779,637**
North Carolina	0	0	0	0	0	**0**
North Dakota	0	0	0	0	349,546	**349,546**
Ohio	205,000	0	0	0	54,913	**259,913**
Oklahoma	140,000	0	400,000	428,000	300,000	**1,268,000**
Oregon	0	431,400	0	0	0	**431,400**
Pennsylvania	0	0	160,000	0	0	**160,000**
Rhode Island	406,800	336,400	220,000	284,950	342,855	**1,591,005**
South Carolina	112,350	105,000	40,000	71,500	0	**328,850**
South Dakota	135,000	138,322	130,000	0	396,775	**800,097**
Tennessee	0	0	360,652	0	0	**360,652**
Texas	0	0	0	0	2,270,000	**2,270,000**
Utah	0	0	0	19,200	0	**19,200**
Vermont	82,000	0	114,415	70,557	98,863	**365,835**
Virginia	327,080	0	225,489	475,990	650,054	**1,678,613**
Washington	125,000	220,473	190,000	0	150,000	**685,473**
West Virginia	0	60,000	0	270,000	273,972	**603,972**
Wisconsin	540,060	0	251,720	597,000	145,200	**1,533,980**
Wyoming	0	168,146	105,883	137,322	77,064	**488,415**
National totals	**$7,559,740**	**$4,927,085**	**$6,072,797**	**$3,993,303**	**$8,450,849**	**$31,003,774**

Source: BJS.

[a]The data do not reflect an additional $739,302 California requested in fiscal year 2000 to install Livescan machines in courthouses.

[b]Fiscal year 2003 NCHIP funding for the state of New Mexico is to be awarded in fiscal year 2004.

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