



Ron Smith & Associates, Inc.

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Attorney Suggested Wording for Obtaining Court Order for AFIS Searching of Latent Prints

As part of your pre-trial defense or post-conviction relief effort, you may determine that there exist identifiable latent prints in the possession of the government which have not been searched adequately through the available friction ridge databases (local and state AFIS, NGI, etc.). For most jurisdictions within the United States, the government has access to multiple friction ridge databases. Numerous agencies have their own local database of arrest records containing the fingerprints and palm prints of individuals arrested by their agency. Depending on the agency size, these may be in the possession of another local municipal or a county law enforcement agency. These same agencies quite often, but not always, have access to their state databases and can launch latent print searches from that local AFIS terminal. Keep in mind that many small agencies do not have qualified Latent Print Examiners; therefore, you shouldn't expect them to have access to an AFIS system.

The state agency database will include fingerprint images and in some states palm print images as well. All states have qualified personnel to launch AFIS searches and review candidates and have access to the primary federal AFIS system, which is called NGI and stands for Next Generation Identification. It is very important to know that the NGI system now in place at the FBI is much more accurate than the previous system (IAFIS), and numerous law enforcement agencies are relaunching previously searched latent prints with the hopes of identifying additional latent prints. Therefore, if the latent prints you are seeking to identify were searched through the FBI IAFIS prior to the spring of 2013, you should consider including in your request another search of those latent prints through the newer and much more accurate system.

If access to these fingerprint and palm print databases could be favorable to your client then the next step would be to prepare a request for these examinations to be conducted. There has to be a qualified latent print expert to conduct the automated searches to insure reliable results. Quite often, the request for automated searching of latent prints will not be contested by the local prosecutor and they will assist you in getting these latent print searches conducted by their own government latent print experts. If this is the case, it is highly recommended that your court order include facility access for your own Certified Latent Print Examiner who can observe the minutia plotting and encoding process and review the search results. This is not a sign of distrust, but rather a sign of due diligence on your part to insure that all facets of the process was conducted properly. In many instances, the government agencies will allow your examiner, perhaps an RS&A Certified Latent Print Examiner, to encode the latent print and plot the minutia

while their latent print expert becomes the observer. Either option is acceptable as long as your RS&A CLPE is present during the entire process.

With all of this being said, there will come a time to prepare your request for the court order to have the AFIS searches conducted. Of course, you would begin with the usual supporting case specific information regarding why this is an important and reasonable request. Next, the specific wording of the request could proceed as follows:

Suggested Wording for Having Previously Unidentified Latent Print(s) Searched Through Local, State and Federal Friction Ridge (Fingers and Palms) Databases:

For the purposes of identifying all previously unidentified latent finger and palm prints in the case of _____, it is requested that the previously unidentified latent prints, be searched through the friction ridge database of the _____ (Police Department or County Sheriff's Office), the State of _____ database, and the Federal Bureau of Investigation Next Generation Identification AFIS database.

It is also requested that these AFIS searches be performed by, or under the direct observation of, a Latent Print Examiner employed by Ron Smith & Associates, Inc. All of the RS&A latent print examiners have been tested by the International Association for Identification and have been awarded I.A.I. Certified Latent Print Examiner Certifications. Our designated examiner This would require physical access to the host facility and the database terminal area.

If any latent prints are identified as a result of these automated database searches, then we request that our CLPE from Ron Smith & Associates be provided, by the host government agency, high quality digital copies of the fingerprint and palm print database images of the person(s) identified. This will make possible any additional manual comparisons that would then be warranted.