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**MEMORANDUM OF UNDERSTANDING
BETWEEN
CERTAIN METROPOLITAN WASHINGTON REGION JURISDICTIONS
AND
THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
FOR
REGIONAL AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM ("AFIS")**

THIS MEMORANDUM OF UNDERSTANDING ("MOU") FOR REGIONAL AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM ("AFIS"), made and entered into this 3rd day of April, 2019, by and between Participating Jurisdictions ("Participating Jurisdictions"/"Jurisdictions"), and the METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS ("COG"), collectively "the Parties."

WHEREAS, the Participating Jurisdictions have received federal funds from the Urban Area Security Initiative ("UASI") program to enhance regional terrorism preparedness by developing integrated systems for prevention, protection, response, and recovery, and because the critical capabilities which support such preparedness simultaneously support preparedness for other hazards, including natural disasters and other major incidents; and

WHEREAS, the National Capital Region ("NCR") Homeland Security Executive Committee ("HSEC"), which administers UASI funds for the NCR, has made the policy determination that UASI funding is not intended to operate, maintain or sustain a program capability, etc., in perpetuity, or invest in something that has an exclusively local value or to supplant a current capability; and

WHEREAS, a specific goal of this MOU, in addition to maintaining and further developing a specific public safety capability, is to coordinate and leverage knowledge in and among the Participating Jurisdictions for their mutual benefit and the overall benefit of the region; and

WHEREAS, HSEC has determined that the Automated Fingerprint Identification System ("AFIS"/"Program") should be transitioned from UASI funding to a dedicated longer-lasting, stable investment from the region through funding provided by the Participating Jurisdictions and management of the Program by a Lead Jurisdiction(s); and

WHEREAS, the COG CAOs Committee concurs with the HSEC determination and agrees to jointly support continued funding to assure implementation of this critical regional capability in FY 2020;

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Parties agree as follows:

SECTION 1. PROGRAM SCOPE

The AFIS allows for rapid search of latent fingerprints from crime scenes developed through the arrest/booking process from multiple agencies in the NCR. The combined regional sharing of AFIS data has resulted in an arrest database with many records on independent, yet connected, sites available to all approved law enforcement personnel.

The NCR AFIS provides a secure platform to rapidly search and compare latent fingerprints from crime scenes against a criminal database of more than 2 million arrest records that includes fingerprints, palm prints, mugshots, and demographic information. The data saved and retrieved from the AFIS database assists law enforcement personnel in solving crimes by matching latent

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prints with individuals who have a criminal history. The system also supports terrorism preparedness through data links with the Federal Bureau of Investigation's (FBI) Terrorist Screening Center Watch List.

Mobile AFIS, employed by officers in the field identifies whether individuals have criminal records in the NCR within moments of contact with officers. Results are returned within 5 seconds of submitting a query. The UASI program has provided the hardware and other equipment that enables data sharing, including:

- 75 LiveScan booking stations
- Four regionally shared mugshot systems, and
- 900 mobile devices that officers carry with them in the field.

The UASI program has funded AFIS equipment and its annual maintenance, but not personnel costs. Law enforcement uses AFIS an average of over 21,000 times per month to identify a suspect or document a crime.

SECTION 2. LEAD JURISDICTIONS AND OVERALL RESPONSIBILITY

- A. The Lead Jurisdictions for the AFIS program, as confirmed by HSEC, are Fairfax County, Virginia, Montgomery County, Maryland, and the District of Columbia. The Lead Jurisdictions are also included in the references to Participating Jurisdictions in this MOU.
- B. The Lead Jurisdictions will manage directly, as well as participate in the Program, in conjunction with other Participating Jurisdictions and/or through contractors, as to be further set forth in the Addendum.
- C. The Lead Jurisdictions will engage in multi-lateral jurisdictional communication with the Participating Jurisdictions and COG regarding the Program, and these communications may be facilitated through subject matter expert committees hosted by COG.

SECTION 3. RESPONSIBILITY OF COG

- A. COG, in conjunction with HSEC and the Participating Jurisdictions, has established the funding levels for the Program as set forth in Section 5.
- B. COG shall act as a pass-through entity and be the depository for the funds provided by the Participating Jurisdictions to support the Program. COG shall reimburse the Lead Jurisdictions for costs associated with the Program pursuant to the agreed to schedule in the Addendum.
- C. No later than May 31, 2019, COG shall agree with the Lead Jurisdictions on the following to be incorporated into an Addendum to this MOU if not otherwise included in this MOU:
 1. Specific Program scope and deliverables,
 2. Key Program dates,
 3. Funding level,
 4. Timing of fund transfer and schedule, and
 5. Oversight or certification of satisfactory completion of the Program by the Lead Jurisdictions and the Participating Jurisdictions.

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SECTION 4. RESPONSIBILITY OF PARTICIPATING JURISDICTIONS

The Participating Jurisdictions commit to the AFIS Program and agree to fund the Program and cooperatively work with the Lead Jurisdictions and COG in order to facilitate the Program and implement this MOU.

SECTION 5. JURISDICTIONAL FUNDING OF PROGRAM

- A. The Participating Jurisdictions agree to fund the Program by making their respective payments for one fiscal year period from July 1, 2019 to June 30, 2020 (FY20), in the amounts set forth in Attachment 1 which has been approved by Chief Administrative Officers ("CAO"). The payments are based on a per-capita allocation for the Participating Jurisdictions.
- B. The Parties understand that a failure by a Participating Jurisdiction to provide funding as set forth above will jeopardize the viability of this regional Program. A Participating Jurisdiction which fails to provide the stated funding as scheduled will not be included in and will be removed from the Program.
- C. The Program and this funding may be extended beyond FY20 by Addendum to this MOU indicating agreement of CAOs, the Participating Jurisdictions, and COG.

SECTION 6. PAYMENT PROCESS

- A. Pursuant to the Anti-Deficiency Act, 31 U.S.C. § 1341(a)(1), nothing contained in this Agreement shall be construed as binding on the District of Columbia to expend in any one fiscal year any sum in excess of the appropriations made by Congress for the purposes of this MOU for that fiscal year, or as involving the District of Columbia in any contract or other obligation for the further expenditure of money in excess of such appropriations. Further, nothing in this Agreement shall be construed as binding on the other Participating Jurisdictions to expend in any one fiscal year, any sum in excess of the respective appropriations of their governing bodies.
- B. The Participating Jurisdictions shall remit their required funding to COG by check or direct deposit (ACH) by December 15th of each fiscal year pursuant to invoicing by COG.

SECTION 7. ADDITIONAL PARTICIPANTS

Other Jurisdictions in the NCR may choose to become a Participating Jurisdiction by executing this MOU and upon approval by the other Participating Jurisdictions. Actual commencement of participation of the joining Jurisdiction may not occur until the following Program year, depending upon the time of joinder. COG and the Lead Jurisdictions shall determine when commencement of participation can occur.

SECTION 8. TERMINATION

The Participating Jurisdictions agree to provide 60 days advance written notice to the other Participating Jurisdictions if a Jurisdiction decides to terminate its participation in this MOU for the next fiscal year. Notice should be sent to MWCOG which shall advise the other Jurisdictions:

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Managing Director, Homeland Security and Public Safety
MWCOCG
777 North Capitol St NE #300
Washington, DC 20002

Termination during a fiscal year will not result in a remitting of funds paid or otherwise affect the Program for the then fiscal year.

This MOU becomes effective once COG and all of the undersigned CAOs sign this MOU on behalf of their Participating Jurisdiction.

[See next page]

**SECOND ADDENDUM TO MEMORANDUM OF UNDERSTANDING
FOR
REGIONAL AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (“AFIS”)**

DATE: August 1, 2021

CHANGES:

Amend Memorandum of Understanding (“MOU”) to ADD a new Section 9, as follows to extend the effective date of the MOU:

SECTION 9. EXTENSION OF EFFECTIVE DATE

The effective date of this MOU shall be extended to December 31, 2022.

The parties hereto have executed this Addendum as of the day, month and year first above written. All other provisions of the MOU shall remain the same.

MOU SIGNATORIES

DISTRICT OF COLUMBIA

Kevin Donahue
Acting City Administrator

Date

TOWN OF BLADENSBURG, MD

Bob McGrory
Town Administrator

Date

CITY OF GAITHERSBURG, MD

Tanisha Briley
City Manager

Date

CITY OF GREENBELT, MD

Nicole Ard
City Manager

Date

CITY OF HYATTSVILLE, MD

Tracey Douglas
City Manager

Date

CITY OF LAUREL, MD

LouAnn Crook
City Administrator

Date

MONTGOMERY COUNTY, MD

Richard Madaleno
Chief Administrative Officer

Date

PRINCE GEORGE'S COUNTY, MD

Tara Jackson
Chief Administrative Officer

Date

CITY OF ROCKVILLE, MD

Rob DiSpirito
City Manager

Date

CITY OF TAKOMA PARK, MD

Jamal Fox
City Manager

Date

CITY OF ALEXANDRIA, VA

Mark Jinks
City Manager

Date

ARLINGTON COUNTY, VA

Mark Schwartz
County Manager

Date

CITY OF FAIRFAX, VA

Robert Stalzer
City Manager

Date

FAIRFAX COUNTY, VA

Bryan Hill
County Executive

Date

CITY OF FALLS CHURCH, VA

Wyatt Shields
City Manager

Date

LOUDOUN COUNTY, VA

Tim Hemstreet
Chief Administrative Officer

Date

CITY OF MANASSAS, VA

William Pate
City Manager

Date

CITY OF MANASSAS PARK, VA

Laszlo Palko
City Manager

Date

PRINCE WILLIAM COUNTY, VA

Chris Martino
County Executive

Date

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

Chuck Bean
Executive Director

Date



AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS)

DAY-TO-DAY IMPACTS

The National Capital Region (NCR) AFIS provides a secure platform to rapidly search and compare latent fingerprints from crime scenes against a criminal database of more than two million arrest records that includes fingerprints, palm prints, mugshots, and demographic information. The data saved and retrieved from the AFIS database assists law enforcement personnel in solving crimes by matching latent prints with individuals who have a criminal history. The system also supports terrorism preparedness through data links with the Federal Bureau of Investigation's (FBI) Terrorist Screening Center Watch List.

Mobile AFIS, employed by officers in the field, identifies whether individuals have criminal records in the NCR within moments of contact with officers. Results are returned within five seconds of submitting a query. The program provides the hardware and other equipment that enables data sharing, including:

- 75 LiveScan booking stations,
- Regionally shared mugshot systems using a cloud architecture, and
- 900 mobile devices that officers carry with them in the field.

LONG-TERM RETURN ON INVESTMENT

The UASI program previously funded AFIS equipment and its annual maintenance, but not personnel costs. Law enforcement uses AFIS an average of over 21,000 times per month to identify a suspect or document a crime. The program is migrating to a cloud services model which reduces the need to purchase new on-site equipment, and provides more value and a lower cost of ownership moving forward. The cloud services model also enhances the security of the system, provides continuous improvements in system accuracy, security, and dependable availability without becoming obsolete. currently utilizes a procurement method that provides yearly flat and predictable costs until 2030.

COST

The NCR invested \$38,721,884 of UASI funds in the AFIS program between 2005 and 2016. The annual cost to maintain the AFIS capability is \$2,455,280 through Fiscal Year (FY) 2030. This covers the cost of system maintenance, equipment replacement, and training personnel. In FY 2022, the cost will be offset by \$400,000 using contingency and rollover funding from FY 2021, resulting in a total cost of \$2,256,108 for FY 2022.

PROPOSED ALLOCATION FOR JURISDICTIONAL BUDGETS

The recommended course of action, supported by the CAOs, includes a central fund managed by COG and the development of memoranda of understanding (MOU) between COG and the organizations and localities currently managing the program.

The table below reflects the proposed allocations per jurisdiction to fund this project in local FY 2022. Only those jurisdictions participating in the project are included in the allocation.

Reasonable accommodations are provided upon request, including alternative formats of meeting materials.

Visit www.mwco.org/accommodations or call (202) 962-3300 or (202) 962-3213 (TDD).

777 NORTH CAPITOL STREET NE, SUITE 300, WASHINGTON, DC 20002

MWCOG.ORG (202) 962-3200

Jurisdiction	Population ¹	Proposed Allocation ²
Alexandria, City of	162,500	\$63,404
Arlington County	242,800	\$94,736
Bladensburg, Town of	9,600	\$3,746
District of Columbia	720,700	\$281,204
Fairfax, City of	27,000	\$10,535
Fairfax County	1,185,000	\$462,365
Falls Church, City of	14,700	\$5,736
Gaithersburg, City of	71,600	\$27,937
Greenbelt, City of	23,900	\$9,325
Hyattsville, City of	21,000	\$8,194
Laurel, City of	25,700	\$10,028
Loudoun County	438,200	\$170,977
Manassas, City of	43,700	\$17,051
Manassas Park, City of	17,800	\$6,945
Montgomery County	901,600	\$351,787
Prince George's County	786,600	\$306,917
Prince William County	482,200	\$188,145
Rockville, City of	74,600	\$29,108
Takoma Park, City of	18,300	\$7,140
TOTAL	5,267,500	\$2,055,280

¹The population figures are derived from the approved COG FY 2022 Work Program and Budget document which uses data certified by each jurisdiction's chief administrative officer.

²The allocations were calculated on a per capita basis using the FY 2022 budget submitted by the AFIS project lead.



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