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## **CrimTrac submission to the Parliamentary Joint Committee on the Australian Crime Commission – Inquiry in to the *adequacy of aviation and maritime security measures to combat serious and organised crime***

1. CrimTrac welcomes the opportunity to provide a submission to the Parliamentary Joint Committee on the Australian Crime Commission – Inquiry into the *adequacy of aviation and maritime security measures to combat serious and organised crime*. This submission relates to two key areas of the terms of reference; the effectiveness of the ASIC and MSIC Scheme and the information and intelligence sharing measures to manage the risk of serious and organised criminal activity.
  - (c) *the effectiveness of the Aviation Security Identification Card (ASIC) and Maritime Security Identification Card (MSIC) Schemes; including the process of issuing ASICs and MSICs, the monitoring of cards issued and the storage of, and sharing of, ASIC and MSIC information between appropriate law enforcement agencies;*
  - (d) *the current administrative and law enforcement arrangement and information and intelligence sharing measures to manage the risk of serious and organised criminal activity and Australia's airports and ports.*

### **Introduction to CrimTrac**

2. CrimTrac was established on 1 July 2000 under an Inter-Governmental Agreement (IGA) between the Commonwealth, States and Territories. The IGA provides for the operation and governance of CrimTrac. CrimTrac's primary role is to provide national information sharing solutions to support the effective operation of police services and law enforcement agencies across borders. The *CrimTrac Strategic Plan 2007-2010* requires CrimTrac to 'take a leadership role in generating national approaches to information sharing solutions for law enforcement agencies, for a safer Australia'.
3. CrimTrac's core functions include:
  - Ensuring the secure, accurate and timely exchange of a broad range of information between law enforcement agencies in accordance with Australian law.
  - Providing national criminal record checking services for law enforcement and other accredited agencies.
  - Identifying, investigating and developing emerging information technologies, opportunities and information sharing solutions that provide benefits to law enforcement agencies.
  - Developing information sharing solutions that leverage CrimTrac's core capabilities (for example utilising the national fingerprint system as a platform to host other agencies solutions).
4. CrimTrac brokers a wide range of information including:
  - Person information (persons who have a warning; warrant; are wanted; have an offence history; firearm; order; are on bail; or are an unidentified person/body, missing person or escapee or are on a child offender register)

- Vehicle information (vehicle, registration and drivers licence information; stolen vehicle information)
  - Firearms information (licence holders; adverse firearms licence history; licensed firearms dealers; lost, stolen and wanted firearm information)
  - DNA profiles (de-identified)
  - Fingerprints
  - Photographs
5. CrimTrac also undertakes national police checking services (NPCS). This service provides a national criminal history record check that involves identifying and releasing any relevant criminal history information, subject to spent convictions/non-disclosure legislation and/or information release policies. The information release policies include a requirement that any criminal history record check must be done with the informed consent of the person being checked.

*(c) the effectiveness of the Aviation Security Identification Card (ASIC) and Maritime Security Identification Card (MSIC) Schemes; including the process of issuing ASICs and MSICs, the monitoring of cards issued and the storage of, and sharing of, ASIC and MSIC information between appropriate law enforcement agencies;*

**a. Measures to support the existing ASIC/MSIC scheme**

6. CrimTrac provides criminal history information to AusCheck as part of AusCheck's background checking process for ASIC and MSIC applications. This information enables AusCheck to identify the applicant and determine whether they meet the criteria for a security card under the *AusCheck Act 2007* (Cth)(the Act). AusCheck is an accredited agency with CrimTrac for the purposes of the National Police Checking Service (NPCS) which involves name based background checking. CrimTrac submits that the current regime for identifying applicants and obtaining the relevant background information could be further enhanced through the use of a unique biometric identifier i.e. fingerprints, as opposed to relying solely on a name provided by an applicant for a security card.
7. The current national criminal history checks that are performed by CrimTrac for AusCheck are point in time name-based checks of an individual's criminal history record. Undertaking a check involves identifying and releasing criminal history information subject to spent conviction or non-disclosure legislation and/or information release policies. The process includes CrimTrac searching against a central index containing names of persons of interest to police for a possible match. The relevant police service(s) then confirms whether there was a correct match and the information obtained is then submitted to AusCheck.
8. Name-based criminal record checks are reliant upon the veracity of the name submitted. The use of name-based searching and matching software for national criminal history checking means that the use of aliases, spelling, typing and phonetic errors, anglicisation of names, foreign versions of names, compound names, and fraudulent modification of identity data could potentially result in a person's criminal record not being detected or being wrongly attributed to an individual.

9. In most jurisdictions in Australia an individual can use a new name without any formal steps to change their previous name. A formal proof of name change is required in certain situations, such as when applying for a passport. In these circumstances the individual may record their new name by registering a change of name with the relevant Births, Deaths and Marriages Registry. In most circumstances, a name change requires the provision of proof of identity documentation, with no fingerprint or other biometric check required.
10. In some jurisdictions, the Births, Deaths and Marriages Registry does not routinely notify law enforcement of name changes. Accordingly, the potential exists for the creation of false or multiple identities which may not be easily linked to a single identity in law enforcement systems.
11. CrimTrac contends that the use of a unique identifier such as a fingerprint for an ASIC and MSIC application would minimise the potential for applicants to supply different names in order to avoid being recognised as having a criminal history and would strengthen the background checking process. It would provide greater confidence in identity and assurance that a person's identity claim is accurate. It would improve confidence in data accuracy, and CrimTrac's and AusCheck's capacity to detect identify fraud or false identity claims from those seeking ASICs and MSICs. It would also reduce the likelihood of a person being erroneously linked to a criminal record.
12. CrimTrac acknowledges that there would be a significant cost involved for any organisation to setup a biometric collection point regime for ASIC and MSIC applications. However, utilising existing collection points such as police agencies and post offices may minimise the expense.
13. In Australia, fingerprint-based criminal record checks are currently undertaken in respect of limited categories of employment, such as at a casino or racetrack, however persons seeking to work with vulnerable members of society, in high security areas or around critical infrastructure are currently subject to a name-based criminal record check without the use of a unique identifier. CrimTrac recommends the extension of finger-print based criminal record checks to ASIC and MSIC applicants to ensure greater levels of certainty of identity and accuracy of information.

**CrimTrac recommends that consideration be given to the collection of unique identifiers, such as fingerprints, in the ASIC and MSIC application process.**

#### **b. Maintaining up to date information on ASIC/MSIC holders**

14. The current criminal history checks performed by CrimTrac for AusCheck are point-in-time checks. These checks only list offences that have been recorded as at the day of issue. The commission of subsequent criminal offences will not be captured by the current national criminal history checking process in Australia. CrimTrac considers that point-in-time checks are not the optimum method of maintaining up to date information as the process relies upon the self reporting of new offences by ASIC/MSIC holders.
15. Under the current name-based checking regime, AusCheck is not automatically advised of a change to a card holders' criminal history, including for offences which may result in ineligibility for a person to hold an ASIC/MSIC.

16. In order to undertake continuous name based criminal history checking under the current regime for all ASIC and MSIC holders', names would need to be checked against the NPCS daily. Most daily checks would result in a significant number of false positives i.e. similar records that match because they contain the same or similar name and would require manual intervention. Furthermore, this process would result in a significant increase in costs.
17. A more efficient method of maintaining up to date information on ASIC/MSIC holders would be for all ASIC and MSIC holders to provide a set of fingerprints at application and for an alert/notification system to be developed which would result in a message being sent automatically to AusCheck when a particular record has been altered or viewed. This would ensure that security cards are only held by persons who continue to meet the relevant criteria under the Act.
18. Any alert/notification system would require the maintenance of a watchlist that contains the fingerprints of all valid ASIC and MSIC holders. This would require a close collaborative effort by AusCheck and CrimTrac to develop and maintain.
19. CrimTrac submits that the most efficient way to administer an alert/notification capability for MSIC and ASIC holders would be to take a biometric identifier at the time of application for a card, such as a fingerprint. A capability of this nature is more efficient and cost effective than continuous name based checking.
20. The Wheeler Review recommended the tightening of background checking in relation to ASIC and MSIC holders. Specifically it was noted that an applicant should be prepared to present strong proof of identification including providing fingerprints or another form of biometric identifier as part of the process of applying for an ASIC. The suggestion to include the taking of a biometric at the time of application for an ASIC/MSIC, is consistent with the Wheeler recommendation.

**CrimTrac recommends that consideration be given to the implementation of an alert/notification capability for the continuous checking of all ASIC and MSIC holders.**

*(d) the current administrative and law enforcement arrangement and information and intelligence sharing measures to manage the risk of serious and organised criminal activity and Australia's airports and ports.*

In addressing point (d) of the terms of reference there are a number of existing and future systems and capabilities that could be further utilised to enhance efforts at information and intelligence sharing relating to serious and organised crime.

**a. National Police Reference System (NPRS)**

21. The NPRS provides Australian police agencies instant access to comprehensive nationwide information on persons of interest, both criminal and non criminal. The data held on NPRS is highly structured and includes information relating to general identity information (including photographs), warnings, warrants, wanteds, offence history, firearms; orders (defendant/protected persons), bail information; unidentified person/body, missing persons, escapees; and a child protection register flag. NPRS holds non criminal information on persons of interest such as firearms licence holders

- and missing persons. The Australian police services are currently considering the provision of additional datasets in order to enhance its current holdings.
22. The NPRS is currently available to over 50,000 police, making it the most widely used national law enforcement system. CrimTrac submits that MSIC and ASIC holders should be listed in the NPRS as this information is directly related to persons of interest and is important information for law enforcement purposes.
  23. The inclusion of ASIC and MSIC holders on NPRS could also provide an additional intelligence function by enabling police to associate it with other data items present on NPRS such as associations with motorcycle gangs and outstanding warrants.
  24. The Parliamentary Joint Committee on the Australian Crime Commission has previously recommended that: *CrimTrac be funded to examine the legislative, administrative and technical aspects to allow the inclusion of additional datasets to the Minimum Nationwide Person Profile [now called NPRS]; particular consideration should be given to Aviation Security Identification Cards, Maritime Security Identification Cards, explosives licences and ammonium nitrate licences (8.25).*
  25. The NPRS has the technical capacity to include additional information sets on ASIC and MSIC holders as well as explosives licence and ammonium nitrate licence holders, should the Commonwealth, as owners of ASIC and MSIC information, and jurisdictions, as owners of information relating to explosives and ammonium nitrate licences, agree to share such information. The use of the NPRS in this manner would require the approval of the CrimTrac Board of Management as owners of the system and the cooperation of the states and territories to implement.

**CrimTrac recommends that consideration be given to the inclusion of ASIC and MSIC and explosives and ammonium nitrate licence information in CrimTrac’s National Police Reference System.**

**b. Automated Number Plate Recognition (ANPR)**

26. ANPR technology uses camera and optical recognition software to capture an image of a vehicle, locate the number plate within the image and then convert the numberplate value to a text string. The text string is stored in a database and can be matched in real time to hotlists of number plates, such as those of unregistered or stolen vehicles as well general identification of vehicles of interest.
27. ANPR could be useful in the prevention and detection of offences, as well as post incident analysis, and would provide a valuable investigative and intelligence gathering tool in dealing with serious and organised crime around air and sea ports. Numberplate captures with ANPR cameras around seaports and airports could be matched against a hotlist of persons of interest relating to serious and organised crime.
28. Most Australian states and territories have introduced an ANPR capacity in different forms. An extension of the existing capacity to cover air and sea ports would enable improved security around critical national infrastructure.

**CrimTrac recommends that consideration be given to implementing an Automated Number Plate Recognition capability around all airports and seaports.**

**c. National Case Management**

29. An improved national case management capability will make a significant contribution to information and intelligence sharing measures in place to manage the risk of serious and organised criminal activity around Australia's air and sea ports. This will be done by enabling Australia's police services to more easily link crime, such as cargo theft and illicit drug offences, occurring within Australia's airports and ports. As serious and organised crime is quite often cross-jurisdictional in nature, an enhanced national case management capability will make investigations more efficient and productive which, in turn, will lead to more successful prosecutions.
30. The Parliamentary Joint Committee on the Australian Crime Commission, *Inquiry into the future impact of serious and organised crime on Australian society*, September 2007 found 'police case management systems to be lamentably fragmented in their operation, and the task of developing a single national police case management system is perhaps the most important identified by the inquiry.' The inquiry recommended that 'the Commonwealth Government provide funding for a feasibility study into the development of a single national case management system' and that 'the Ministerial Council for Police and Emergency Management – Police give consideration and support to the development of a single national case management system.'
31. In response to these recommendations, CrimTrac, with the cooperation of all Australian police services, is currently conducting a National Case Management Feasibility Study. The study will examine how to improve the management of cross-jurisdictional investigations in order to make comprehensive breakthroughs into serious and organised cross border crime and will be a vital tool in improving security around critical infrastructure such as air and sea ports.

**CrimTrac recommends continued Commonwealth, state and territory support in achieving an improved national case management capability.**

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## Conclusion

32. As serious and organised crime has become more sophisticated and responsive to changing conditions, so have the types of technology that have been developed to investigate and break the cycle of such activities. Existing and future technologies such as biometric identifiers and national case management have the potential to make significant inroads into disrupting and preventing organised crime around critical national infrastructure which may be key targets for those involved in such activities to achieve their objectives.
33. The current ASIC and MSIC scheme could be further supported through improved background checking methods of verifying an applicant's identity and, once obtained, the ability to re assess the applicant's continued suitability to hold such clearance. The use of a biometric identifier such as fingerprints would not only provide greater certainty of a person's identity but would also enable AusCheck to continuously review ASIC and MSIC card holders' eligibility for a card through an alert/notification service from CrimTrac.
34. Law enforcement efforts to share information about serious and organised crime around critical infrastructure such as airports and sea ports could be significantly enhanced through the use of existing capabilities such as the NPRS. The inclusion of information relating to holders of ASIC and MSIC's on NPRS would complement the existing police data that is currently held in the system and could be used to support an alert/notification system for AusCheck.
35. CrimTrac also submits that the development and implementation of ANPR technology for critical infrastructure and national case management capability would be highly effective tools in providing a greater level of security in and around air and sea ports by assisting in the prevention and investigation of serious and organised crime.