CRIMTRAC
Responsive · Innovative · Accountable

Attachment A

Submission to the Parliamentary Joint Committee on the Australian Crime Commission Inquiry into the future impact of serious and organised crime on Australian society

Introduction

The CrimTrac initiative was announced by the Prime Minister in the 1998 Federal election campaign as a key element of the Coalition's policy, a Safer and Stronger Australia. The Australian Government provided $50 million to establish CrimTrac to "allow police forces across Australia to share information to solve crimes and catch criminals". In July 2000, the CrimTrac Inter-Governmental Agreement (IGA) was signed by the Australian Minister for Justice and Customs and state and territory police ministers. CrimTrac became an executive agency of the Attorney-General's portfolio in July 2000, with the functions to:

1. implement the CrimTrac initiative comprising a new National Automated Fingerprint Identification System, a National DNA Criminal Investigation System, a National Child Sex Offender System, the provision of rapid access to national operational policing data and other emerging policing requirements across jurisdictions;
2. perform the administrative functions required to fulfil the objectives and obligations in the CrimTrac Inter-Governmental Agreement including assistance to the CrimTrac Board of Management.

As well as developing the new systems referred to above, CrimTrac took over the functions of the National Exchange of Policing Information (NEPI) which included providing the National Names Index (NNI) (a collection of operational policing information about persons of interest) for use by police in their day to day policing activities, and other legacy systems.

On establishment, CrimTrac also took over the role of providing national criminal history checks of individuals for and on behalf of Australian police services to a number of accredited third party agencies. Criminal history checks are principally undertaken to ensure that persons in positions of trust, specified fields of endeavour and/or to meet legislative requirements are adequately screened for criminal records. Pre-employment screening checks may be general in nature or targeted for particular kinds of occupations, such as national security rated positions and those working with children, young people and other vulnerable members of the community. Generally, legislation prescribes a criminal history check as a pre-requisite for employment in some or all of these fields.

CrimTrac also provides access to some of its information systems to several non-police law enforcement agencies (NPLEAs). NNI access was established under NEPI and continued as part of the transition of responsibilities from NEPI to CrimTrac in 2000. At present, the CrimTrac Board of Management has endorsed access to the NNI by 6 NPLEAs – the Independent Commission Against Corruption (NSW) (ICAC), the Australian Crime Commission (ACC), Australian Customs Service, Australian Securities and Investment Commission (ASIC), NSW Crime Commission and QLD Crime and Misconduct Commission.

The Structure and Operation of CrimTrac

CrimTrac contributes to Australian law enforcement by developing, delivering and maintaining modern high-quality electronic police information and investigative tools. The agency achieves this by nurturing a cooperative, collaborative partnership with all police services and the broader law enforcement community as stakeholders.

The agency supports policing through providing information and investigative tools to:

- provide faster suspect identification
- assist police in clearing the innocent
- shorten investigation times so more crimes can be investigated, and
- result in higher crime clearance rates.

In addition, CrimTrac provides national police record checking services to accredited agencies to assist in pre-employment probity checking. The national criminal history checking service is a key area of business for the CrimTrac agency and generator of 95% of our income, now that the initial $50million capital injection has been expended.

The CrimTrac Inter-Governmental Agreement

The Inter-Governmental Agreement requires CrimTrac to deliver four new systems (Recital D, in Attachment B) to improve information sharing for police:

- a new National Automated Fingerprint Identification System;
- a National Criminal Investigation DNA Database;
- a National Child Sex Offender System; and
- the provision of rapid access to national operational policing data.

Three of these systems are now well established, while the fourth has undergone a successful trial and is now being rolled out nationally.

Crimtrac is now directing more attention to Recital E 'to provide the means by which other emerging policing information sharing requirements across jurisdictions can be considered and met as appropriate'.

CrimTrac's new vision statement, endorsed by the Australasian Police Ministers' Council in November 2006, is to take a leadership role in generating national approaches to information sharing solutions for law enforcement agencies, for a safer Australia. This is featured in the new Strategic Plan for the agency, endorsed by Ministers in November 2006, at Attachment C. This new strategic plan and vision is a significant departure from the previous statements, as the agency has now been given a mandate to move beyond being an 'IT shop' to an agency with a significant role in shaping nationally coordinated approaches to information sharing within the law enforcement domain.

CrimTrac Governance arrangements

CrimTrac is a non-statutory Commonwealth Executive Agency for administrative purposes, with strategic management provided by a Board of Management, which is smaller that the model used for national common police services, and consisting of:

(a) One voting member who shall be nominated by the Commonwealth; and

(b) Two voting members who shall be appointed from the Large Jurisdictions such that the nominees of two separate such Large Jurisdictions are appointed; and

(c) Two voting members who shall be appointed from the Small Jurisdictions such that the nominees of two separate such Small Jurisdictions are appointed; and

(d) Two non-voting members to be appointed by SOG to provide specialist advice in each of the following areas:

(i) information technology; and

(ii) finance.

The Board of Management of CrimTrac is responsible and accountable for the efficient and effective delivery of the CrimTrac initiative.

CrimTrac's financial arrangements

The original $50million capital injection from the Commonwealth has been fully expended on the Recital D deliverables. CrimTrac now relies on revenue from its Nation Criminal Record Checking (NCHRC) service for its recurrent funding and its financial sustainability. This is the funding strategy adopted by the Board in order to offset jurisdictional subscription payments, following the introduction of NCHRC in 2003.

The Board subsequently agreed on the following additional instructions, at the same time reaffirming that recurrent funding would be provided through non-core fee for service arrangements supplemented by interest appropriations:

o The agency will be funded on an equitable basis as agreed by the IGA partners;

o Fee-for-service will be charged where appropriate to do so and as approved by the Board;

o A transaction fee for core police use of CrimTrac systems is not desirable (with the current exception of TDS);

o Costing and pricing of services will be undertaken with regard to the Australian Government Cost Recovery and Competitive Neutrality Guidelines;

o The pricing and funding structure must be sustainable and must consider capital investment requirements (existing and new initiatives), and associated risk where applicable, and this will be regularly reviewed;

- o Prices and charging regimes will comply with the Trade Practices Act and ACCC guidelines;

- o All CrimTrac partners consider the funding impact of each decision made, with the funding strategy providing guidance in the decision making process;

- o Jurisdictions fund and resource the jurisdictional teams which contribute to CrimTrac fee-for-service arrangements ensuring agreed jurisdiction/CrimTrac service levels are met;

- o An impact assessment is conducted as the initial stage of the accreditation process for a new client;

- o Risk management of current revenue streams is critical noting the agency's reliance on primarily one revenue source – NCHRC.

In order to meet its Recital E obligations, CrimTrac must be financially secure and not reliant on the vagaries of police service budgets. The Board is currently considering a new model for delivery of its NCHRC service, which would entail a centrally managed process, designed to ensure greater control over this key area of activity for the agency. The move to the centrally managed model, while making good business sense, potentially has implications for CrimTrac's funding. The Board and the broader Commissioner group are very conscious of the need to ensure the financial sustainability of CrimTrac given the range of initiatives the Board is seeking CrimTrac to address under its new Strategic Plan.

The Board has approved the development of a Business Case for a centrally managed model of delivering NCHRC. Should new arrangements be endorsed ultimately by APMC, the move to a new model will take some time to achieve. It is envisaged that a trial would be established in the short term to determine optimum working arrangements, in a similar fashion to the trial of the CrimTrac Police Reference System (CPRS) Minimum Nation-wide Person Profile (MNPP).

CrimTrac's Information Systems

1. National Automated Fingerprint Identification System (NAFIS)

NAFIS comprises a database and data matching subsystem providing police services with the ability to manage fingerprint person records and resolve major and minor crime nationally.

Fingerprints, palm prints and basic demographic information obtained from an individual by the various police services (commonly referred to as Tenprint data). Tenprint records are maintained by jurisdictions where the data originated until a court order is issued for the removal of the data (images and demographic information).

There are two types of records held on NAFIS related to crime cases; unsolved crime images against which jurisdictions can nominate to search new or existing tenprint records against, and solved crime cases which are kept for reference and auditing purposes.

- Currently 3.7 million fingerprint records ('fingerprint cards') are stored on NAFIS.

- Approximately 270,000 person to person searches are conducted on NAFIS per annum.

- Approximately 420,000 unsolved latent images (related to crime cases) are stored on NAFIS

- On average 19,000 people to crime scene identifications are made each year.

The National Automated Fingerprint Identification System, NAFIS, has been operational nationally since April 2001.

2.   National Criminal Investigation DNA Database (NCIDD)

NCIDD contains deoxyribonucleic acid (DNA) profile information from all participating jurisdictions. The NCIDD itself does not hold DNA samples. The profile information is drawn from samples collected at crime scenes, from convicted offenders and from suspects. In some circumstances, volunteers may be compared with other profiles on the database. The database provides Australian police and forensic scientists with a powerful investigative tool which automatically crosses jurisdictional boundaries.

It enables police and forensic scientists to:

- continually and automatically compare DNA profile information from crime scenes with profile information of convicted offenders throughout Australia, immediately identifying potential suspects where matches occur;

- compare DNA profile information from convicted offenders, and where legislation allows, suspects, with profiles from unsolved crime scenes for which they may not previously have been suspects; and

- match DNA profile information from two or more unsolved crime scenes, thereby linking seemingly unrelated police investigations.

While some States and Territories already have their own DNA databases, CrimTrac's national DNA database allows the fight against crime to be taken Australia-wide.

CrimTrac's DNA database operates in accordance with relevant Commonwealth, State and Territory legislation governing the matching of DNA profiles. Profiles are added and removed from the NCIDD in accordance with jurisdictional legislative requirements.

The DNA database contains no personal information, as defined by the Australian Commonwealth Privacy Act 1988. Only State and Territory forensic laboratories supplying the DNA profiles know the identities of the profiles' providers. When a sample profile is matched to a crime scene profile on the database, the CrimTrac Agency does not have access to identity details. The police of one jurisdiction must contact the police of another jurisdiction to obtain the identity of the person who has supplied the sample, or to obtain the details of the crime scene a profile originated from.

3. The **CrimTrac Police Reference System (CPRS)** is a major development program to enhance law enforcement in Australia by implementing the 'provision of rapid access to national operational policing data'. It encompasses the following:

Minimum Nation-wide Person Profile (MNPP)

The MNPP project provides Australian police agencies with the most advanced and comprehensive information on persons of interest. When fully rolled out, it will allow every police officer to have instant access to national policing information on persons of interest. Completion of the roll out is planned for mid-2008.

The (CPRS) MNPP contains information that police have identified as necessary to share for operational police to deal with persons of interest.

- There are basically eleven (11) categories of information held on the CPRS which consists of persons of interest that have: Warnings, Warrants, Offence History, Firearms; Orders (Defendant/protected persons), Bail information; or is an unidentified person/body, a missing person, an escapee; or are on the ANCOR system.

- There is also a 'watch house' photograph of the offender where this is available.

The system will provide real-time access to detailed information on persons of interest to the ordinary police officer as well as to investigators and analysts, replacing the system of flags the National Names Index (NNI) is limited to (see below).

Australian National Child Sex Offender Register (ANCOR)

The Australian National Child Offender Register's (ANCOR) current functionality enables police to register, case-manage and share information with other jurisdictions about persons subject to child protection registration.

When ANCOR was launched it had functionality to allow a jurisdiction to undertake the registration and case management of persons subject to registration and included some basic mapping tools. Upgrades and releases since the launch are completing the application in accordance with the priority of user requirements. There have been twelve releases of functionality since the system was launched in September 2004.

4. The current 'legacy' systems

The existing systems maintained by CrimTrac are mainly mainframe based systems that will, over time, be decommissioned as new systems are introduced under the CrimTrac Police Reference System (CPRS) Development Programme. The existing PRS consists of the following systems:

National Names Index (NNI)

The NNI comprises multi-jurisdictional data on criminal histories, missing persons, warrants, domestic violence orders, adverse firearms history and other

information on persons of interest to police. The system provides vital information to police by flagging information on those persons who may not be known on local jurisdictional databases but who have a record or history in other states or territories.

National Firearms Licensing and Registration System (NFLRS)

The system holds information on past and current firearm licence holders, licensed firearm dealers, and registered, lost and stolen firearms.

National Vehicles Of Interest system (NVOI)

The NVOI system records stolen, recovered, wanted and suspect vehicle details. It is also able to access details regarding vehicle registration and driver licensing through links to national roads and transport authorities' data held on the National Exchange of Vehicle and Driver Identification System (NEVDIS) provided by AustRoads.

Telephone Directory Service (TDS)

The TDS databases have provided a cost-effective method to conduct a search on names, telephone numbers and addresses. This has enabled police to identify names and addresses allocated to particular telephone numbers, verify the address of detained suspects, and clarify the details of callers to police emergency telephone operators.

National Criminal History Record Checking (NCHRC) services

The CrimTrac Agency delivers National Criminal History Record Checking (NCHRC) services for and on behalf of Australian police services to third-party agencies (Federal/State/Territory government agencies and non-government entities) that meet accreditation criteria. CrimTrac uses the External Agency Management System (EAMS) to facilitate access to the national persons of interest (POI) database (currently NNI) to provide national criminal history check results to accredited third party agencies.

NCHRCs are increasingly sought by public sector agencies, private sector entities and volunteer organisations as a prudent pre-employment/engagement check. The fundamental accreditation criterion is that a 'community benefit' will be realised through access to NCHRC services by an agency. A community benefit is defined in terms of criminal history record checking as "contributing directly to a process that enhances the safety and security of the community at large and in particular children, the frail, the elderly and the disadvantaged".

NCHRC services are available to accredited third-party (public and private sector) agencies, individuals and volunteers. The number of checks processed by CrimTrac and police agencies has increased from 1.55m in 2004-05 to 1.91m in 2005-06 and the forecast for 2006-07 is 2.0m

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Terms of Reference (d) - The adequacy of legislative and administrative arrangements, including the adequacy of cross-jurisdictional databases, to meet future needs.

1.   Relationships with stakeholders

The CrimTrac agency exists as a collective to support the work of police, firstly, and other law enforcement agencies. The eight Australian police services are CrimTrac's primary clients, suppliers and sometimes, competitors. The police services own the information that CrimTrac shares amongst them, and CrimTrac must be able to demonstrate that it meets all existing legal requirements when handling their information. Working in a federated environment throws up constant challenges, particularly concerning different IT systems and rules for handling information.

There are also overriding concerns that the agency must be mindful of. For example, we have adopted the practice of including the requirements for a Privacy Impact Assessment in all projects run here. Quality assurance for CrimTrac projects is delivered through the Prince2 methodology and all projects must establish a project board with stakeholder involvement.

Meeting the needs of our stakeholders has become more focussed on addressing emerging needs and supporting more holistic solutions. Confidence is growing in CrimTrac's ability to lead and deliver nationally significant outcomes rather than IT systems alone. A recent example is the agency's role in facilitating the removal of the legal and policy impediments for the use of NCIDD, which had previously been seriously stalled.

Pivotal to achieving optimal information sharing outcomes for CrimTrac is building confidence in CrimTrac through processes that give more common ownership of and input into the stewardship of projects and use of data. For example, jurisdictions have input into and sign-off on FOI requests and provision of data to non police law enforcement agencies. We also ensure joint input through project boards on the design and implementation of new national information sharing initiatives. Our focus is on striking an appropriate balance of input and assurance to jurisdictions that enables buy-in without compromising the practical needs for state of the art information sharing.

2.   Non-police law enforcement agency (NPLEA) access to CrimTrac systems.

At present ICAC, ACC, Australian Customs Service, ASIC, NSW CC and QLD CMC have access to the NNI, managed through the CrimTrac service desk arrangements. All users are subject to the same conditions as police services. There is currently no access to the NFLRS or NVOI systems by non police law enforcement agencies.

The NFLRS holds information relating to the registration of firearms and firearm holders or dealers.

The NVOI system holds data from two main sources:

- Core data on vehicles and drivers licences from the Austroads National Exchange of Vehicle and Drivers Identification System (NEVDIS); and

- Information on stolen and recovered vehicle incidents from jurisdictional police systems.

Access to the NVOI system results in automatic access to the NEVDIS system. Under the proposed NEVDIS participation agreement that sets out the way in which CrimTrac and Austroads interact and exchange information, access to the system is provided for law enforcement purposes.

Access to the NEVDIS system can be granted under the proposed NEVDIS participation agreement with CrimTrac that states in part Schedule 2 Section 1, 1.1(a):

"the objective of the disclosure of NEVDIS Data to CrimTrac is to support Law Enforcement Purposes including, in particular, the detection, investigation and prosecution of offences. The NEVDIS Data released to CrimTrac may include person, vehicle, licence and organisation information."

The Telephone Directory Service (TDS) is a CrimTrac system that facilitates access to the proprietary electronic white pages telephone information administered by Sensis Pty Ltd. The TDS system passes on the Sensis transaction charged price to the system users which includes a small component for the recovery of system development costs.

A charging policy has already been established for NNI ($3.50 per transaction) and a transaction based charge already exists for the TDS system. A costing and pricing exercise has been carried out for NVOI and NFLRS, as well as NNI, to ensure that the historical $3.50 price continues to cover full cost.

3.   Access to other CrimTrac systems by the ACC

Late last year, CrimTrac received requests from the ACC for access to CrimTrac systems:
a.   A letter from CEO, Australian Crime Commission, Alastair Milroy, requesting that staff of the ACC be given access to the new CPRS MNPP system;
b.   A letter from Andrew Phelan, Executive Director, Infrastructure and Corporate Services, ACC, proposing that investigation be undertaken to transfer ANCOR data into the Australian Crime Commission ACID system.

These requests were considered by the Board, as they raise significant policy and technical issues, which gave in principle support, subject to clarification of various policy and legal issues.

With this Board endorsement, CrimTrac intends to discuss with the ACC the practical aspects of providing systems connectivity as well as exploring in detail issues such as data protection and integrity, privacy and legal implications, cost recovery and charging methodologies. The CEO recently invited the ACC to attend the next meeting of the Steering Committees oversighting the MNPP and ANCOR implementation programs.

4.   Future directions for CrimTrac and the ACC

The nature of the two agencies is highly complementary. In the past, we are aware that there has been consideration within government to the value of combining the two agencies, perhaps into a more overarching agency such as the AFP. These ideas have not been pursued to any significant extent.

CrimTrac would argue that there is no good reason to alter current arrangements in the short term certainly. CrimTrac is working well, as it enters its 'adolescence' as an agency. The same can be said for the ACC, now in a similar stage of its organisational life. Any cost savings in combining these two agencies, would have to be weighted against the cost of disruption.

Equally, as technology advances, it becomes easier for IT systems to interact, enabling different agencies to exchange information with each other across different platforms. This has been the message that has come out of the recent government consideration of the *Review of Information and Intelligence Sharing in the Aviation Sector* (the Ford Review) and the proposal by the Hon. Wood and Hunt MPs, and which is now being explored through the dialogue referred to above (3).