

ECRIS Gap Analysis

Report



ESP
ECRIS SUPPORT PROGRAMME



Executive Summary

This report contains the findings of the 'Gap Analysis' work undertaken by the European Criminal Record Information System (ECRIS) Support Programme (ESP). The work concluded in March 2012 and involved asking a standard set of questions to each of the 27 EU Member States.

The objective of the work was to assess the preparedness of each Member State and identify potential areas requiring further support in order to implement ECRIS by 27th April 2012.

The ESP team deliberately approached the work with a number of key principles including approaching all Member States in a supportive manner avoiding a UK-centric approach and respectful of the varying arrangements in Central Authorities across the EU.

Visits were arranged with all EU Member States. This approach enabled the ESP team to have detailed discussions with each Member State in an environment allowing them to speak openly about their respective position regarding the implementation of ECRIS.

The findings of the work have shown that whilst a number of Member States will be ready to commence exchange with at least one other Member State by the deadline, there remain significant challenges relating to implementing new legislation, identifying suitable resources to implement and operate under ECRIS, translation, transliteration, information technology and the marketing of ECRIS. The European Commission and ESP will continue to provide support in these areas beyond 27th April 2012.

Some Member States have significant volumes of notifications received prior to ECRIS and work will need to be undertaken to enter these onto criminal registers in order that the information is available for their use and for retransmission on request from another Member State.

In order to further improve the efficiency of criminal record exchange across the EU, a number of Member States have the ambition to interconnect their criminal registers with the ECRIS Reference Implementation (RI) software provided by the European Commission. Whilst 17 Member States are expected to achieve this in 2012, some are likely to require further funding in order to interconnect and realise the benefits.

The work has been quality assured by the National Policing Improvement Agency (NPIA), who are official partners to this work. It is anticipated that this report will provide a useful reference document once ECRIS has been embedded and that the findings will be valuable to the readership. The European Commission may seek to use the findings in order to

consider including these in work programmes, whilst Member States may wish to share best practice and learn from each other's experiences to overcome common issues that have been identified in the report.

Gary Linton,

Head of ECRIS Support Programme

1.0 Introduction

In acknowledgement of the increasing significance of transnational criminality within the European Union, the European Union Council passed a number of Framework Decisions:

- 2008/675/JHA on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings
- 2009/315/JHA on the organisation and content of the exchange of information extracted from the criminal record between Member States
- 2009/316/JHA on the establishment of the European Criminal Records Information System (ECRIS)

In summary the European Council has decided that courts in one Member State should take into account the convictions that an individual has against them in all Member States and that Member States should effectively exchange convictions of their citizens with other Member States where appropriate. Central Authorities are now established in all Member States to facilitate this exchange and a definition for an electronic information system (ECRIS) was developed to be implemented in Member States. Through this, the exchange will take place. The deadline for the implementation of ECRIS is 27th April 2012 and the success criteria is held to be that a Member State is connected to one or more Member States and is exchanging both Notifications and Requests.

The Framework Decision dictates that firstly, each Member State will hold a comprehensive record of the criminal convictions of all their citizens regardless of which Member State they were convicted in. Secondly, that a court in another Member State in which an individual was subject to criminal proceedings, will have the same access to their criminal record as a court in their own Member State, and take their record into account accordingly. This represents a substantial enhancement of the success criteria set for the deadline, which would only be delivered if all Member States fully embedded ECRIS within their criminal justice system.

In 2010 the ACPO Criminal Records Office (ACRO) in the United Kingdom together with partner countries Estonia, France, Latvia and Lithuania submitted a bid to the European Commission. The bid sought funding to develop a programme of support for the implementation of the ECRIS across all Member States.

The bid was successful and in June 2011 ESP was formed.

2.0 Methodology

The original proposed activity within the bid document was to conduct a Training Needs Analysis in every member state to identify specific training needs and potential gaps for presentation to the European Commission. It became apparent during an early telephone conference with the European Commission that the actual requirement was far broader and that what in fact was required was a 'Gap Analysis'. This was based on the decision that there would be an overlap between the Training Needs Analysis and the Roadmap activities given to ESP to coordinate (a document compiled by the European Commission outlining critical deadlines for the achievement of Go-Live by 27th April 2012).

A Gap Analysis is a management tool to enable the comparison of actual performance against desired performance and thereby identify the gap between the two. The second aspect of a Gap Analysis is the identification of the potential options for closing the identified gaps and ultimately the agreement of preferred solutions.

A Gap Analysis can be conducted from one or more of the following perspectives:

1. **Strategic Direction** – Comparison of what countries need to have in place at a strategic level to achieve the desired outcome and what is presently in place. The direction of travel is also important (i.e. is the gap closing, widening or remaining unchanged?).
2. **Organisational Capability** – Comparison of the present and required organisational capability of the delivery body (i.e. Central Authorities) to deliver desired outcome (i.e. human resources, training, finance).
3. **Business processes** – Comparison of current business processes within the specific delivery body with those required to deliver the desired outcome.
4. **Information technology** – Comparison of present IT provision against that required to deliver desired outcome.

It was decided that in this project it was important that all of the perspectives were considered.

A Gap Analysis Questionnaire template was developed by staff from the ECRIS Support Programme (ESP) in order to capture sufficient information to identify the state of preparation of each member state at the time of completion. The template was subsequently quality assured by Partner Countries, The European Commission and the National Policing Improvement Agency (NPIA) who would later be asked to quality assure the Gap Analysis Report. Minor amendments were made at the suggestion of the Partner Countries, whilst a

significant number of additions were made at the request of the European Commission, primarily in respect to the section focusing on Information Technology. These additions were focused on the ECRIS RI Roadmap.

During the Gap Analysis work all Member States were visited by the ECRIS Support Programme. To help inform the visits, there were a number of early engagement visits. A summary of the situation in each Member State was subsequently provided to the European Commission.

Following finalisation of the questionnaire template (Appendix A) visits to Member States commenced in October 2011 and concluded in March 2012.

During the visits, in the main conducted by two staff from the ESP Team, the staff met with the ECRIS Lead in that Member State and various other key stakeholders including the Head of the Central Authority, IT Managers and external contractors. The visits were of one or two days duration, the first part of the visit was focused on the completion of the questionnaire and the second on the identification of potential gaps, exploration of possible solutions and identification of any specific support that was required by the Member State from the European Commission or the ESP Team. These were captured on a Gap Identification Template (Appendix B). Frequently, good practice was also identified and captured for future dissemination.

Subsequent to the visit this information was collated by ESP staff. Actions were identified, transferred to the action log and processed. Furthermore a summary report was submitted to the European Commission using a standard template.

Following completion of the Gap Analysis visits each Member State was given a colour code to denote how likely they were to achieve the success criteria by the 27th April 2012 deadline. Inclusion in each category was classified as follows:

Green (Dark Green on map)	Almost certain to meet success criteria by the deadline
Amber (Yellow on map)	May meet the deadline with initial support
Red (Red on map)	Not able to meet success criteria until a significant time after the deadline

It is important when reviewing these findings to be cognisant of the fact that they are based on a snapshot of where individual Member States were in their preparations for

implementing ECRIS by the deadline, at the time that they were visited. These visits were conducted between October 2011 and March 2012, a period of almost six months.

A map showing the current position of all Member States is available on CIRCABC.

<https://circabc.europa.eu/w/browse/9ab1e5cb-2d64-43c6-b617-9a99ca4623c3>

3.0 Findings

3.1 Legislation

Member States were required to ensure that their national legislation accommodated the exchange of criminal record data as outlined in the European Council Framework Decision 2009/315/JHA and their courts taking into account criminal convictions in another Member State as outlined in Framework Decision 2008/675/JHA.

Some Member States experienced problems with the implementation. The main difficulty encountered by Member States in adapting legislation is ensuring that sufficient time is allowed for governmental and / or ministerial approval. Some Member States have been subject to a change in government during the course of the ECRIS implementation, which has instigated further amendments and delays, some of which were unanticipated when project plans were originally drafted in Member States.

Whilst it is difficult to predict the effects of governmental changes, it can be borne in mind for future projects that deadlines set by the European Commission should allow sufficient time for Member State legislation to be adapted. Member States should also be encouraged to carefully read the Business Analysis document in order to ensure sufficient time is given to assess, propose and approve changes

Four Member States (Italy, Luxembourg, Slovakia and Sweden) clearly have issues to resolve nationally in respect to exchanging criminal conviction data. Luxembourg needs to introduce legislation that allows the necessary changes to be made to their National Criminal Register to include all mandatory information as required under Article 11 of 2008/315/JHA. Slovakia needs to pass legislation that allows Slovakian criminal conviction data to be exchanged through ECRIS. Issues in Sweden relate to the ability to store information for retransmission purposes, in accordance with the appropriate retention regime and the storage of information from other Member States that may not be considered part of the criminal record in Sweden.

A further nine Member States have similar issues to resolve but consider them to be less problematic. An example of this is Lithuania, where a considerable number of institutions provide data for the National Criminal Register. The status of the National Criminal Register has been changed and is now a 'State Register'. In order to comply with Framework Decisions 2009/315/JHA and 2009/316/JHA, data providers are being asked to agree that

the data which they provide can be forwarded to Central Authorities in other Member States for agreed purposes.

Two Member States (Luxembourg and Italy) have yet to pass legislation that enables their courts to take in account criminal convictions relating to the defendant in another Member State and are of the view that the required legislation will not be passed until after the deadline. A further nine Member States have the necessary changes to legislation drafted and are hopeful that it would be in place by the deadline. Many Member States are taking a pragmatic approach and intend to exchange unless their national legislation explicitly forbids it.

3.2 National Criminal Registers

This section focuses on how countries have prepared their national criminal registers for the implementation of ECRIS. The section focuses in particular on the structure of national criminal registers (is it electronic or in paper format), whether all mandatory information under ECRIS is currently stored in the register, or whether alterations will have to be made to accommodate Council Decision 2009/315/JHA, how convictions from other Member States are recorded (in the national register, in a sub-register, both), how convictions of non-nationals are extracted from the register for notification purposes to other EU Member States, and how notifications are evaluated, translated, transliterated and entered into the system.

3.2.1 Structure

Only two Member States (Romania and Malta) still have predominantly paper national criminal registers, both are in receipt of funding from the European Commission to assist in moving to an electronic register. Romania anticipates completing the necessary back record conversion during 2013 whilst the situation in Malta is more problematic.

Seven other Member States have electronic registers but face particular issues, for example, Austria and Estonia are in the process of modernising their current national registers and Estonia is experiencing data quality issues in the transfer between systems. Belgium, Portugal and Ireland still have back record conversion issues. In Belgium 70% of records are in electronic format and they have taken the decision to convert the remainder on a 'come to notice' basis. Portugal have a maximum of 300,000 records that require converting and Ireland are yet to convert paper records between 1970 and 1999. The UK and Bulgaria have multiple electronic registers, the former in respect to England & Wales, Scotland and Northern Ireland and Bulgaria have a number of regional registers.

3.2.2 Mandatory Information

Nine Member States indicate that their national criminal register do not currently include all of the mandatory data, of these Bulgaria and Malta have not fully benchmarked their register against the requirement, although the latter are aware that the place of birth is not captured within its register. Bulgaria also indicate that making any changes, if required, would be problematic as their register is regionally owned. A significant proportion of the nine Member States have issues in respect to capturing nationality. However, in the main, Member States are looking to identify pragmatic, short-term solutions, such as Sweden who intend to use a sub-register in which to store information for retransmission.

3.2.3 Recording of Convictions from Other Member States

This is a problematic area for many Member States, primarily but not exclusively as a result of translation issues. One Member State (Portugal) has ceased to process 'Notifications In' as a consequence of significant funding cuts that have resulted in the loss of staff within the Central Authority. Other Member States are only processing 'Notifications In' that can be easily translated. Those that cannot be translated are either being stored as received in paper format, or scanned onto a database. The size of the problem varies between Member States, but is a significant issue for many (such as Romania) who have a backlog of 260,000 'Notifications In' that require processing. Many Member States expect the offence coding within ECRIS to help mitigate the issue going forward, but few Member States were considering back record conversion of their existing backlogs.

A number of Member States (for example Germany and Denmark) have national legislation that prohibits the details of convictions of one of their citizens convicted of a criminal offence in another Member State being entered on their national criminal register, unless it is also a criminal offence in their Member State. The Czech Republic has a similar issue and can only store details of convictions in their national criminal register where the conviction results in a sanction of a minimum of 1 year's imprisonment. Many states are overcoming this issue by storing such convictions in a separate register developed specifically for this purpose.

3.2.4 Notification of Conviction of Foreign Nationals to the Member State of Nationality

This is another problematic area for some Member States and is either due to an inability to capture or identify nationality data and thereby identify foreign nationals in the system, or a lack of resources to make the notification.

France and Estonia have issues in respect to the former. France has been unable to capture nationality data for legal reasons, but this issue has been resolved by a change in legislation early in 2012. The new national criminal register in Estonia does not automatically identify foreign nationals, until additional functionality is added to the system, the intention is to conduct a search of the register once or twice a month to identify foreign nationals. Similarly, Ireland is unable to identify foreign nationals within their register. They are in the process of developing a solution, but will not undertake a back record conversion exercise.

Romania has problems with the latter and has indicated that it may be difficult to conduct 'Notifications Out' until they have an electronic national criminal register and an electronic interface in 2013. Portugal and Hungary have less of an issue but are only in a position to send 'Notifications Out' on an infrequent basis, 2 to 3 times a year in the case of Portugal and 4 times a year in the case of Hungary. A recent increase in staffing levels in Hungary may alleviate the problem but resourcing will remain an issue for Portugal.

3.3 Evaluation

Only two Member States (Poland and Sweden) appear to have conducted a structured evaluation of the likely impact of ECRIS on their organisations. The majority of the remainder of Member States are anticipating an increase in the overall volume of notifications and requests. However, few Member States have submitted an application for additional resources at this time, Hungary being one exception. The other Member States have preferred to wait until they have actual rather than forecast numbers to support their application.

3.4 Translation and Transliteration

Whilst 19 Member States have provided penal codes, which are available on CIRCABC (11 are available in English), the resources available for translation vary enormously between Member States. For a few translation is not an issue, for others it is a serious inhibitor. In total nine Member States (Belgium, Bulgaria, Hungary, Ireland, Lithuania, Malta, Netherlands, Portugal and Slovenia) have no access to translators other than those which exist within their Central Authority. A further four Member States (Austria, Denmark, Romania and Slovakia) only have access to translators within their wider organisation. In Austria this is the case only in respect to 'Notifications In'.

The lack of resources in this area has a significant impact on how some Member States deal with 'Requests In' and 'Notifications In', particularly the latter. A number are merely storing the paper notification as received if they are unable to translate the content, whilst others are scanning the 'Notification In' into a basic database. A number of Member States in each

group are also highlighting the existence of the additional conviction data by means of a cross reference in their national criminal register. In many of these Member States responses received in respect to 'Requests Out' are forwarded without translation to the requesting organisation thereby passing on the translation problem. These are pragmatic responses to a challenging problem but are not without their risks and must call into question whether Framework Decision 2008/675/JHA is being complied with in practice.

Going forward a number of Member States are hoping that the offence coding within ECRIS will mitigate the problem as few Member States expect to have access to additional translation resources in the future. France are currently trialling translating the national reference tables of offences, sanctions and authorities; in some cases full translations were carried out. In the cases of the UK, only the most common offences were translated. It is too early at this stage to evaluate the effectiveness of this exercise, progress will be monitored going forward. Given this situation it is perhaps unsurprising that no Member States have indicated that they will undertake a back record conversion of previously unprocessed 'Notifications In'.

Transliteration is another area that still remains to be fully resolved. In regards to the process for notifications in, Slovenia and Bulgaria are continuing to experience problems in identifying which of their citizens were convicted in another Member State, where the name of the convicted person is forwarded in Latin rather than Cyrillic. Germany have identified there is a lack of a 'Common Solution' in this area. At the ECRIS Experts Meeting on 21st September 2011 Cyprus and Greece confirmed that they accept sending and receiving person names only using Latin English characters without diacritics and accents. Bulgaria were not present at the meeting, but were briefed on this requirement. The European Commission and iLICONN have stated that transliteration, and more generally transformations of any kind performed on the criminal record data received, are the sole responsibility of the receiving Member State. The ECRIS legal framework does not define the legal obligation to retransmit the criminal records information exactly as received. Member States may perform technical transformations on the received data so as to have the data in a format and text that is most suitable for their own criminal record register.

3.5 Non-Binding Manual for Practitioners

There was a general agreement across all the Member States that Poland had produced a useful manual, against a background of a number of Member States having failed to provide the required content by the deadline. All Member States agreed going forward that the manual needs to be in an electronic format, Poland also stressed the need for the continuance of a paper format.

The key target audience for the manual was seen by Member States to be the following:

- Central Authorities
- Judiciary
- Prosecutors
- Police
- Ministry of Justice and Interior

Looking to the future twenty Member States identify that there is a need for the manual to be updated centrally or certainly that any updates be coordinated centrally. If not, there is a concern that the manual will soon become out of date and redundant. Alternatively, seven Member States felt that then responsibility for updating should lie with individual Member States (or a group of Member States). Going forward, Member States suggest that it would be advantageous if the manual was expanded to include the following additional content or facilities:

- Identification documentation and requirements in each Member State
- Deletion and Retention Rules in each Member State
- Judicial System in each Member State
- Legal and Penal Codes in each Member State
- Structure of the Central Authority in each Member State
- Exchange for purposes other than criminal proceedings
- Chat section
- Search facility

One Member State suggested that there should be separate manuals for Central Authorities and practitioners and eight Member States state that they would prefer the manual to be arranged by Member State rather than subject.

3.6 Identification

Eighteen of the twenty seven Member States capture the mandatory identification data required under Article 11 of Framework Decision 2009/315/JHA during the course of the investigation. The remaining nine Member States do so after conviction.

With respect to optional information, eleven Member States collect details of the convicted person's parents' names (varies between mother, father or both), nine collect the reference number of the conviction, five collect details of the place of offence and six collect disqualifications arising from the conviction.

With respect to additional information, fourteen Member States collect the person's identity number or type and number of the person's identification document, seven collect fingerprints (these are Denmark, Ireland, Latvia, Malta, Romania, Sweden and the United Kingdom) and nine collect details of the person's pseudonym and/or alias.

A full breakdown of information collected by all Member States is available at Appendix C

3.7 Business Processes

3.7.1 Notifications In

In total, twenty three Member States store the convictions of their citizens in another Member State in their national criminal register. One Member State stores them in a sub-register and another three store them in a separate register. Numerous Member States only store 'Notifications In' relating to criminal convictions of their citizens abroad, administrative convictions are not stored.

Austria and Germany only store the conviction details if the conviction amounts to a recordable conviction in their Member State. Finland and the Czech Republic will only store the conviction details if the sanction was imprisonment and with respect to the latter imprisonment of at least one year in duration. Belgium only stores those convictions that they are able to translate. Romania and Slovenia do not process conviction details that they cannot easily translate and Portugal has ceased processing any 'Notifications In' due to a lack of resources.

The approach taken in respect to weeding records varies significantly between the various Member States. Belgium, Finland, France, Poland, Slovakia and Spain apply the weeding rules of the originating Member State.

Austria, Czech Republic, Denmark, Estonia, Germany, Hungary, Ireland, Italy, Luxembourg, Netherlands, Romania, Slovenia and Sweden apply their own rules unless they receive a specific request to delete the conviction record from the originating Member State.

Bulgaria, Cyprus, Greece, Lithuania, Malta and Portugal apply their own rules.

The situation in Latvia is unclear and the United Kingdom applies its own weeding rules domestically, but will apply the convicting member state's weeding rules when responding to a request (if notified of the weeding rules by the convicting Member State).

3.7.2 Notifications Out

In total, six Member States (Portugal, Bulgaria, Estonia, France, Hungary and Lithuania) indicate that they have difficulty in identifying and receiving conviction details of foreign nationals convicted in their Member State, which sometimes has an adverse impact on their communication of this data to other Member States. Romania and Ireland were not processing 'Notifications Out'.

A considerable number of Member States indicate that they have received a significant number of replies from other Member States to whom they had sent notifications that would indicate that the individual could not be identified. In the main this was for two reasons, firstly, that the individual convicted was not a citizen of their state and secondly, they may be a citizen but that there was insufficient personal details to confirm their identification.

3.7.3 Requests In

A total of twenty four Member States send both national and foreign convictions, three Member States (Portugal, Bulgaria and Lithuania) send only national convictions. Although Lithuania does not retransmit foreign convictions it does notify the requesting Member State of the existence of the foreign conviction and refers them to the Member State in which the conviction occurred.

Of those Member States who provide both, a number do so within certain restrictions:

- Denmark only provides details of those in their national criminal register system, not those in their sub-register
- Finland only provides details of those convictions where a sanction of imprisonment was imposed
- Latvia only provides active convictions

3.7.4 Requests Out

Many Central Authorities are forwarding the information as received without translation to the organisation that made the request in their own Member State. A number of Member States (including Estonia and Finland) suspect that some 'Requests out' are being routed other than through the Central Authority. Those Member States who have actively marketed the capability to conduct 'Requests Out' (e.g. Austria and Germany) have experienced a sharp increase in volume.

This could be seen as convincing evidence that if ECRIS is to be embedded as a tool in all Member States, an interface between the application and the national criminal register is crucial.

3.8 Information Technology

3.8.1 ECRIS Reference Implementation (RI) and Graphical User Interface (GUI)

A total of 19 Member States have decided to use the ECRIS RI and GUI, although a number of these did indicate a desire to substitute their own bespoke GUI at a later date. Slovenia, Cyprus, Germany and the United Kingdom have decided to build their own GUI from the outset and Luxembourg, Spain, Finland and Lithuania have decided to develop a totally bespoke application.

3.8.2 Interface

The majority of Member States (eighteen) indicated that they would have an automated interface between ECRIS and their national criminal register by the end of 2012. However, only a few Member States were certain that it would be in place by the deadline.

Denmark and the United Kingdom indicate that there is a long-term need to support the interface with staff. In each case it is the 'Notifications In' and 'Requests In' processes that require manual intervention.

Eight Member States indicate that it will not be until 2013 at the earliest that they will have an automated interface. Lack of resources to develop the required interface was identified by four Member States (Belgium, Portugal, Slovakia and Slovenia). In the cases of Ireland, Malta, Romania and Bulgaria they do not have a fully operational electronic national criminal register to interface with. For Ireland, Malta and Romania, this is because their national criminal register is still under development or being populated and for Bulgaria because it has a regional system which makes interfacing challenging.

The training provided by iLICONN in respect to the GUI highlighted the fact that without an interface, dealing with large volumes of Notifications and Requests would be extremely challenging, especially for Central Authorities operating on limited resources.

3.8.3 IT Resources

The following Member States indicate that they have insufficient IT resources to meet the success criteria by the deadline: Belgium, Bulgaria, Ireland, Latvia, Malta, Portugal and Slovenia. A further three Member States (Hungary, Romania and Slovakia) expressed concerns and three Member States (Austria, Estonia and Finland) indicated that modernising their national criminal register may take priority.

3.9 Training

The Gap Analysis Questionnaire included questions on training in EU Member States, specifically focusing on training leads and programmes that may have been set up in Member States. At the time of conducting the visits not all Member States had identified training leads, however ESP encouraged countries to identify relevant persons.

Representatives from 20 Member States attended the training sessions organised by iLICONN and the European Commission on the ECRIS RI and Graphical User Interface (GUI). The training was positively received and focused on the functionality and customisation features of the ECRIS RI.

Member States will now have to think about the customisation of the ECRIS RI in regards to folders, roles and rules. Both the ESP Team and the European Commission have offered assistance in this regard, which has so far been taken up by Ireland.

Staff from the European Commission and the ESP Team visited Ireland on 21st and 22nd March 2012. The ESP staff met with the Irish Central Authority whilst staff from the European Commission met with the Irish Technical Team in parallel.

Following a meeting with end users and the Irish ECRIS project team a strategy for the customisation of the ECRIS RI in Ireland was developed. This included drafting a customised folder and roles structure, which the country was then able to use during Verification of Conformity (VoC) Phase 2 testing. The ESP representative also spent considerable time with the Irish team to define and develop test cases for Phase 2 Verification of Conformity testing. As a result of this intervention Ireland were in a position where VoC Phase 2 testing could be carried out after the installation of the ECRIS RI and connection via sTESTA.

Positive feedback from Ireland was received: *“I would like to thank you from all of us here in Thurles for all your help over the last two days. We found the two days very beneficial and productive and we greatly appreciate you coming over to us and your help in this regard.”*

4.0 Support provided prior to deadline

As the name of the ECRIS Support Programme would suggest the remit was not merely to report on the gaps found in each Member State and the likelihood of them achieving the success criteria by the deadline. It was in conjunction with the European Commission to support Member States in meeting the deadline.

Therefore, in line with the terms of the project, a number of seminars (to which all Member States were invited) were organised in conjunction with the European Commission, these were held in:

- London on 17th November 2011
- Prague on 13th January 2012
- Copenhagen on 9th March 2012

These seminars provided an opportunity for key stakeholders in individual Member States to communicate with each other and the European Commission and ESP in person, share good practice, identify shared issues and explore the potential for the development of shared solutions.

As the deadline for the implementation of ECRIS approaches, understandably the focus on supporting Member States in meeting the success criteria increases. At the beginning of March 2012 a further questionnaire template (Appendix D) was developed and sent to all Member States.

This questionnaire focused on identifying the likelihood of the Member State meeting the success criteria by the deadline. Where this was unlikely Member States were asked to identify which specific issues would prevent this and to clarify when the Member State was likely to achieve the success criteria. Further questions were also asked with respect to when an automated interface between the ECRIS RI and the national criminal register would be put in place and about other specific gaps identified during the original Gap Analysis that were bespoke to that Member State.

Understandably, during a period of intense activity as Member States strive to meet the success criteria only 14 Member States responded. It was subsequently decided that a member of the ESP team who had conducted the visit to those Member States who had failed to respond, would contact the respective Member States by telephone, confirm the current position and complete the questionnaire on their behalf.

The information obtained from the questionnaires was collated and informs activity to both the European Commission and the ESP Team in selected Member States during March and April 2012, in order to maximise the number of Member States who will meet the success criteria by the deadline.

5.0 NPIA Quality Assurance

5.1 Introduction

In 2010, The ACPO Criminal Records Office (ACRO) submitted a funding bid to the European Commission, which focused on supporting all European Union Member States with the implementation of the European Criminal Record Information System (ECRIS). The ECRIS Support Programme (ESP) has gained the support of the Commission and formally commenced on 15 June 2011.

The NPIA International Academy Bramshill (IAB) team was asked to quality assure the work that had been undertaken by the ESP Team in respect of the Gap Analysis aspect of the work. Although there are a wealth of evaluation models available it was deemed prudent to apply a more generic peer review approach to the Gap Analysis Report. This was decided because the terms of reference were quite specific and the findings did not lend themselves to a detailed quantitative evaluation. However, a qualitative assessment was thought to be of much greater benefit both to the Commission and Member States to reaffirm the issues identified within the report and qualify the findings. The IAB were well placed to fulfill this role as they support the development of professional and accountable policing throughout the world by delivering effective learning and training assistance in the fields of operational policing and police leadership.

The IAB is a world-leading operational command, executive leadership and advisory policing institute. They provide an integrated learning, training and development service to policing and governments worldwide. The Academy is at the forefront of UK and international efforts to enhance and improve the role of policing in delivering citizen safety and security, locally and globally.

Inspector Paul Hawkaluk and Inspector Pauline Pilkington were identified as the appropriate NPIA Personnel with the appropriate requisite skills to undertake the quality assurance evaluation. Inspector Paul Hawkaluk is the National Contact Point (NCP) in the UK for the European Police College (CEPOL). There is one NCP in each of the EU Member States and Paul liaises with the other NCP's on a daily basis. Paul's role is to enable and ensure UK-based Police Officers take up training opportunities offered by the College, across the EU. He also designs, coordinates and ensures the delivery of CEPOL training events in the UK, which are taken up by UK officers in addition to Senior European Police Officers.

Inspector Pauline Pilkington is the IAB Learning Needs Advisor and is part of the Quality Assurance and Evaluation team of IAB. Her role is to QA and Evaluate training materials,

programmes and activities undertaken and delivered by the IAB and associate groups and members

5.2 Terms of Reference

The terms of reference that were provided to the IAB by the ESP Team were to ensure that the report:-

- is suitable for dissemination to EU Member States and the European Commission;
- strikes an appropriate balance of the themes arising from the questionnaire responses;
- does not inappropriately focus on the UK or official Partner Countries (Latvia, France, Lithuania, Estonia);
- draws appropriate and ethical conclusions based on the questionnaire findings;
- provides adequate commentary on the potential inhibitors to ECRIS implementation including IT, resources, legislative changes, political will, translation.
- clearly articulates the period over which the analysis was conducted and only represents a snapshot in respect of position of Member States

5.3 Project Aims Objectives

The overall objective of the Project is to ensure that maximum benefit is derived for every Member State within the EU, through the process of achieving interconnection of national criminal record IT systems.

The Project aims to make a significant contribution to this through three specific objectives:

1. To ensure that Member States are adequately prepared for the future implementation of ECRIS, through a programme of studies, consultation and translation of guidance documents involving technical and legal support. This will be achieved by working with a number of Partner Countries, providing the opportunity to identify good practice. There will be an exploration of understanding within each Member State in the field of criminal record management, capturing advice and recommendations. It is intended that information concerning each countries methodology and practices, is captured and documented through a series of interviews with focus groups within relevant Member States. The intention is to visit the Central Authorities of each Member State. Working with the key partner countries, a template will be created containing a standard programme of questions and key research areas, established as an initial phase.

2. To carry out a Training Needs Analysis on behalf of the Commission across all Member States in the area of criminal record management. This will include issues relating to the functioning of their newly updated national information system. It will also capture good practice and training methodologies already in existence, relating to systems and processes in each Member State. This project will explore and make recommendations about sustainable training programmes in this field. It will also identify opportunities to implement training programmes throughout the EU amongst those in charge of dealing at an EU level within this business area.

3. To explore the requirements to exchange information extracted from criminal records for purposes other than criminal proceedings. It will seek to identify areas amongst Member States where this need has been identified. It will capture this information and provide it in a document on behalf of the Commission, to be made available to all Member States, and if required, in their national language. It will, with the help of partner countries and on behalf of the Commission, organise discussion forums to explore this issue in detail. Based upon the findings, recommendations will be made to the Commission.

5.4 Evaluation of Draft Report

The Gap Analysis report contains a wide ranging assessment of the preparedness of EU Member States to implement ECRIS. It has been highlighted that whilst many of the Member States will be in a position to commence exchanges of information by the deadline, there are a significant number of Member States who face significant challenges.

The Gap Analysis Questionnaire Template developed by staff from the ECRIS Support Programme (ESP), provided a wide ranging and detailed analysis of where each Member State is in relation to full ECRIS Implementation. The actual visits carried out in Member States by the ESP Team focused on the completion of the questionnaire, identification of potential gaps, exploration of potential solutions and the identification of specific support required by each individual Member State. The NPIA notes that the colour coding system of likelihood of success by the deadline of the 27th April 2012, does not necessarily provide a current status assessment. Rather it provides a snapshot at the time of the visit, where each individual Member State was placed in their preparations for the implementation of ECRIS by the April 2012 deadline. However to overcome this problem, the ESP has developed a

colour coded map of the EU which provides the current position in respect of the implementation to ECRIS. This information is updated on a daily basis following interaction with Member States. For that reason, it has been made available to all Member States and the Commission on CIRCABC, the relevant link is:

<https://circabc.europa.eu/w/browse/9ab1e5cb-2d64-43c6-b617-9a99ca4623c3>.

There is considerable detail supplied in Section 3 of the Gap Analysis, based on the Gap Analysis Questionnaires. However, the NPIA notes that only 2 Member States appear to have conducted a structured evaluation of the likely impact of ECRIS on their organisations. Most Member States have preferred to wait until actual rather than evaluated numbers are available to support their application for interconnection.

The analysis notes that resources available for translation vary enormously between Member States. This factor has focused many Member States on the belief that the offence coding within ECRIS will mitigate the potential conflict brought about through translation issues.

Section 4 of the Gap Analysis alludes to the support provided to Member States prior to the April 2012 deadline. The results of the further questionnaire were collated, and analysed and combined with the ongoing liaison with Member States to inform the current position in each Member State. Whilst only 14 Member States responded, further contact was undertaken by the ESP team to those that did not respond in order to complete the questionnaires. This information has been made available on CIRCABC.

In conclusion, the IAB consider that the report is reflective of the findings recorded in the questionnaire responses obtained from each Member State visit. The work was completed between October 2011 and March 2012. It is important to note that the methodology employed would always mean that the Gap Analysis work would only represent a snapshot in time for each Member State. In recognition of this, the ESP Team maintain a dynamic colour coded map of the EU which is regularly updated on the CIRCABC website.

Importantly the report provides examples relating to numerous Member States as opposed to just the UK or one of official Partner Countries. The report provides commentary on the difficulties encountered by all members states in terms of implementing ECRIS and has specific commentary regarding the following potential obstacles; legislation, national criminal registers, evaluation, translation and transliteration, Manual for Practitioners, identification, business processes, information technology and training.

The NPIA IAB endorse the report findings to the European Commission.

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