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FEEU Project

'Identification of Third Country Nationals through the Use of Fingerprints'

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Contents

Executive Summary

EU Member States have a well established process for exchanging conviction information on their nationals. There is, however, currently no formal process for exchanging this information for Third Country Nationals (TCNs) who are convicted of crimes in EU Member States.

The lack of exchange creates a missed opportunity for EU Member States to understand a TCNs EU offending history which can be used as bad character evidence and/or in sentencing decisions. Importantly, EU Member States agree that correctly identifying TCNs in the EU is problematic.

The Fingerprint Exchange between EU Member States (FEEU) Project, co-funded by the European Commission, set out to explore the value of fingerprints to support the exchange of conviction data relating to TCNs who have been convicted of crime(s) within an EU Member State.

This paper details the findings of research undertaken by the FEEU Project Team. It includes an analysis of existing models, the decentralised (bilateral) exchange of fingerprint data between EU Member States, and a pilot of fingerprints within a centralised model. It evaluates each scenario and makes recommendations.

Preliminary research identified a number of existing centralised and decentralised fingerprint models. These were evaluated to assess their value in a potential EU index of TCNs and their potential to provide a method by which the transnational criminal activities of TCNs can be tracked across the EU.

The research found that decentralised models require a significant number of fingerprint searches in order to identify where a TCN is known in one or more EU Member States. A centralised model has the advantage of a single search capability.

The project team concluded that a centralised model is the most effective solution. Following a successful feasibility study, it is recommended that the Interpol AFIS database be considered for use in assisting EU Member States to identify where a TCN has come to notice within the EU. The results that indicate an individual is known in another EU Member State can then be followed up with a request for previous convictions via ECRIS to the specific EU Member State.

1. Background

1.1.1. EU Member States have been exchanging criminal record information on EU citizens through a network of EU Central Authorities since 2005.

1.1.2. There is currently no routine exchange of criminal record information on TCNs between EU Member States. The lack of exchange can mean that it is difficult to obtain a TCNs EU offending history for sentencing decisions which can have subsequent effects on public protection.

1.1.3. EU Member States require a mechanism to obtain the previous convictions of TCNs who have been convicted of crimes in the EU. This FEEU project explored possible biometric solutions that would assist with this process.

1.1.4. Anecdotal evidence from various EU meetings suggests that EU Member States agree that TCNs are more difficult to identify than EU citizens because national registers are not available for checking and there is no central location that consolidates their EU convictions.

1.1.5. The FEEU Project bid to the European Commission required the Project to investigate and pilot the exchange of fingerprints for TCNs convicted within the EU. This paper is therefore fingerprint specific. The original funding bid stipulated that the project will aim at including fingerprints into an index on TCNs, which will greatly assist in correctly identifying TCNs who are committing crimes in EU Member States and the UK are keen to promote the use of fingerprints in this context.

1.1.6. The project team defined terms of reference for the TCN section of the FEEU project which are based on objectives set out in the original funding bid. These stated that the FEEU project would;

1. Explore how fingerprints could be used on an EU index of TCNs with an emphasis on how they can be used to support TCN conviction exchange.
2. Pilot exchange fingerprints with EU Member States to assess the value of fingerprints in this context
3. Produce a report analysing the findings, concluding and making any necessary recommendations

2. Methodology

2.1. Research Stage

2.1.1. The project team set out to research relevant literature on TCN conviction exchange. This included the EU Council Framework Decision 2009/315/JHA[1] on the organisation and content of the exchange of information extracted from the criminal record between Member States, the UNISYS Feasibility Study: Establishment of a European Index of Convicted TCNs and EU Directive 95/46/EC[2] regarding "The protection of individuals with regard to the processing of personal data and a free movement of such data."

2.1.2. The project team conducted desktop research into existing international fingerprint systems to better understand the principles of fingerprint exchange in this context. In some cases, the project team contacted experts from the existing systems to develop further understanding of the capabilities. The team evaluated each model and its appropriateness to assist in an EU Index of convicted TCNs. The project team assessed whether or not pilot exchanges could be conducted through these existing systems.

2.2. Decentralised Fingerprint Pilot

2.2.1. Utilising information collated from the research stage, the project team identified that a decentralised pilot exchange of fingerprints was needed with EU Member States. This would examine the value of a decentralised fingerprint process to TCN conviction exchange.

2.2.2. Specific sets of fingerprints based on offending in each EU Member States were exchanged on a bi-lateral basis. Exchange was either electronic or manual and multiple routes were used including directly to the EU Member State, via Interpol National Bureaux and directly as a part of FEEU workshops conducted with Member States.

2.2.3. Fingerprints were chosen based on the rate of offending in countries or legacy and geographical links which were specified by the respective countries taking part in the exchange.

2.2.4. All results were collected, analysed and assessed for added value to TCN conviction exchange.

2.3. Centralised Fingerprint Pilot

2.3.1. The project team specified that a pilot load of fingerprints to a central database must be done to assess its value against the results from the decentralised pilot exchange.

2.3.2. The project team identified a suitable existing database to carry out this pilot. This was the Interpol AFIS. Relevant data was loaded to the database; results

[1] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:093:0023:0032:EN:PDF

[2] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046:EN:HTML

were recorded and analysed to determine whether or not TCNs had been identified to have come to notice in other EU Member States.

2.3.3. Fingerprints were chosen based on those TCNs that had been convicted of crimes in the UK and were loaded to the database. All results were collected, analysed and assessed for added value to TCN conviction exchange.

2.4. Additional Study

2.4.1. The results from pilot exchanges led to the project team conducting a detailed feasibility study of the most pragmatic existing solution.

2.4.2. The study involved members of the project team visiting the practitioners to interview them to understand if the system could be used to support EU TCN conviction exchange. Preparatory questions were taken by the project team to assist in identifying the ability of the central database to assist in EU TCN conviction exchange. These questions can be found at Annex A. The study focused on technical, legal and practical capabilities.

3. Findings

3.1. Research Stage - Relevant Literature – Summary

3.1.1. EU Council Framework Decision 2009/315/JHA

3.1.1.1. This EU Framework Decision defines the rules for exchanging conviction information between EU Member States. The decision was analysed to understand if there were any restrictions for making requests for previous convictions for TCNs.

3.1.1.2. Upon review it was found that there were no instances that prevented an EU Member State from submitting a request to another state for information on a TCN. Requests can also be made with the associated fingerprints.

3.1.2. UNISYS - *Feasibility Study: 'Establishment of a European Index of Convicted Third Country Nationals'*

3.1.2.1. This study was completed in June 2010 and involved engaging with all EU Member States to better understand their challenges in terms of TCN criminality. The project team reviewed this study to identify any similarities with the aims of the FEEU project TCN work.

3.1.2.2. The study involved interviewing member states to identify issues and does not provide practical evidence of the value of exchanging data to deal with the identity challenges when dealing with TCNs.

3.1.2.3. The study defined several scenarios for an EU index. This includes a centralised and decentralised approach with varying data sets. The data sets defined were either alphanumeric only, biometric only or a mix of both.

3.1.2.4. The study found that 71% of EU Member States would favour a database that had alphanumeric and biometric functionality rather than just alphanumeric only. This demonstrated an acceptance with the majority of Member States that identification challenges posed by TCNs were significant and that at least a partial biometric solution to improving the ability to accurately identify TCNs who are convicted within the EU was required.

3.1.2.5. It recommended that a pilot project be conducted for a central biometric only database to assess the value of biometrics to identifying TCNs in the EU and to subsequently use ECRIS to make requests for previous convictions.

3.1.3. EU Directive 95/46/EC

3.1.3.1. The directive concerns the protection of individuals with regard to the processing of personal data and on the free movement of such data.

3.1.3.2. The project team reviewed this directive to evaluate whether or not there were restrictions on sharing associated fingerprints relating to conviction data of TCNs between EU Member States.

3.1.3.3. Article 3 (2) of the directive defines the scope and stipulates that;"This Directive shall not apply to the processing of personal data: in the course of an activity which falls outside the scope of Community law, such as those provided for by Titles V and VI of the Treaty on European Union and in any case to processing operations concerning public security, defence, State security (including the economic well-being of the State when the processing operation relates to State security matters) and the activities of the State in areas of criminal law"

3.1.3.4. Therefore the directive does not limit the exchange of fingerprints of convicted TCN in any way between competent EU authorities.

3.2. Existing International Fingerprint Systems

3.2.1. Prüm – Decentralised

3.2.1.1. Prüm (fingerprints) is an EU Law enforcement system that allows EU Member States to search fingerprints against other EU Member States fingerprint databases.

3.2.1.2. It is a decentralised system where EU Member States manage their own data.

3.2.1.3. The Prüm system works on a hit/no hit basis with countries launching fingerprints (and DNA or vehicle registration data) against another Member State's relevant national records database. If the sent data "hits" against a record in the receiving Member State's database, a "hit" message is returned to the sender. The message does not specify any names or dates of birth. This information would have to be sought via an alternative method. Most EU Member States currently use Secure Information Exchange Network Application (SIENA) or Interpol processes to determine the value of hits. This can be a lengthy process.

3.2.1.4. Whilst this system could be effective where the nationality of the suspect is known or where it is believed that the offender has a record in another Member State, it has some limitations regarding identifying TCNs that have been convicted of crimes in EU Member States.

3.2.1.5. The system relies on the submitting country identifying a Member State of criminality before making the search, which is very difficult due to open borders and the free movement of persons. To gain a full picture all EU member states AFIS databases would need to be searched in a single search. This functionality is possible in Prum however it is understood that it would not be currently practical due to the volume of data that could be searched.

3.2.1.6. For the UK alone this could involve 80,000 searches of each Member State's databases (2,080,000 searches per annum). These are volumes which currently cannot be supported by the majority of Prüm member countries.

3.2.1.7. A notification of a hit does not specify any alphanumeric identity data. In order to make a request for previous convictions this would be required. Therefore, an additional process would need to be included to establish the details of a hit before making any requests for convictions.

3.2.1.8. The UK has not implemented Prüm. We therefore cannot use the Prüm process to assist with understanding the value of fingerprints to identify TCNs that have been convicted of crimes across the EU.

3.2.1.9. Prüm could be used to assist in identifying TCNs in the EU if some of the challenges were addressed to refine the processes and manage the volumes. The advantage of utilising this system is that EU Member States manage and retain their own fingerprint information, it is a working system and there is scope for development. As previously mentioned, it is not currently a viable option due to the limited volumes of transactions and the lack of personal data returned in the case of a hit so that an appropriate request for pre-cons can be made.

3.2.1.10. Table to show the advantages and disadvantages of the system;

Advantages	Disadvantages
EU Member States manage their own fingerprint data	High volumes are not currently supported
A hit/no hit response is received within 24 hours	Hits to tenprints do not stipulate personal details
Proven system that is working with a number of Member States for criminal investigation purposes	A multi-AFIS search should be conducted every time to ensure that an accurate reflection of a complete EU offending history can be achieved
Potential to search larger data sets thus improving the chance of achieving hits	
Ability to search all participating Member countries AFIS' in one search	

3.2.1.11. As an EU system, it is regulated under the Council Decision 2008/615/JHA of the 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime. Chapter 6 of this decision defines the data protection principles which provide adequate protection for the use of personal data.

3.2.2. Eurodac – Centralised

3.2.2.1. The Eurodac system enables European Union (EU) countries to help identify asylum applicants and persons who have been apprehended in connection with an irregular crossing of an external border of the European Union. By comparing fingerprints, EU countries can determine whether an asylum applicant or a foreign national found illegally present within an EU country has previously claimed asylum in another EU country or whether an asylum applicant entered the Union territory unlawfully. Doing so prevents asylum

3.2.2.2. Eurodac consists of a Central Unit within the Commission, equipped with a computerised central database for comparing fingerprints, and a system for electronic data transmission between EU countries and the database.Each EU Member State submits the fingerprints of persons who have applied for asylum to the central Eurodac database.

3.2.2.3. Eurodac is an efficient international fingerprint database. Although it works well it cannot, because of the nature of the fingerprints collected, be used to assist in an EU index of convicted TCNs. The Eurodac system relies on a higher quality threshold than criminal fingerprint databases as it is based on compliant subjects as opposed to the criminal capture systems which accept that subjects are less likely to be co-operative during the fingerprint capture process. Hence the rejection rate of fingerprint submissions to Eurodac is high compared to those submitted through criminal AFIS systems.

3.2.2.4. **Table to show the advantages and disadvantages of the system;**

Advantages	Disadvantages
Well established model that works well with high volume data	Cannot be used for criminal data
Working secure links with all EU Member States	Quality threshold is much higher than criminal AFISs so produces higher rejection rates
Countries can submit data direct to the database	

3.2.3. Europol – Centralised

3.2.3.1. As set out in Article 3 of the Council Decision 2009/371/JHA[3], the objective of Europol is to support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combating organised crime, terrorism and other forms of serious crime affecting two or more Member States.

3.2.3.2. Europol has the capability to store and process fingerprints as well as other information on TCNs. Article 5(1a) of the Council Decision 2009/371/JHA permits Europol to collect, store, process, analyse and exchange information and intelligence. Article 12(1a) of the same Council Decision defines that data within the Europol Information System can be stored in relation to persons convicted of offences and Article 12(2g) of this decision also stipulates that fingerprints data can be stored within the Europol Information System.

[3] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:121:0037:01:EN:HTML

3.2.3.3. Although fingerprints can be stored on the Europol Information System, it is not an AFIS. Europol have therefore initiated a pilot to put these fingerprints onto a standalone AFIS. The current capacity is rather limited at 10,000. Fingerprints are often provided via SIENA and then are manually transferred onto the AFIS.

3.2.3.4. The increase of the AFIS capacity and the automation of fingerprint processing depend on the extent to which EU Member States use the facility.

3.2.3.5. SIENA is available in every Member State at their Europol National Unit but also has the possibility of being extended to other chosen competent authorities. For the purposes of this Decision, 'competent authorities' means all public bodies existing in the Member States which are responsible under national law for preventing and combating criminal offences. The FEEU project suggests that this can include EU Central Authorities.

3.2.3.6. The capacity and access of the system cannot currently support the high volume requirement that would be needed if fingerprints of convicted TCNs were loaded to the system. It would require significant development before it could be a viable option.

3.2.3.7. It must be also noted that the objective of Europol is limited to serious crime; therefore justification on the loading of fingerprints related to TCNs who have been convicted of lesser offences would need to be sought.

3.2.3.8. The project team believes that a pilot using this database would not be advantageous due to the limited volume of data that is held on the system.

3.2.3.9. Table to show the advantages and disadvantages of the system;

Advantages	Disadvantages
EU database that can store fingerprints of TCNs	Low Capacity of 10,000
The Council Decision 2009/371/JHA can support the use of Europol by Central Authorities	Standalone database with only a manual loading capability
	The objective of Europol is only to assist with serious crime as stipulated in Article 3 of the Council Decision 2009/371/JHA.

3.2.3.10. As an EU system, it is regulated under the Council Decision 2009/371/JHA of the 6 April 2009 on Establishing a European Police Office (Europol). Articles 19-21 define the rules concerning data management and protection which provide adequate protection for the use of personal data.

3.2.4. Interpol AFIS – Centralised

3.2.4.1. The purpose of the Interpol AFIS is to assist in the detection of crime and identification of persons for all Interpol Member States.

3.2.4.2. The AFIS is a central system which is managed at the Interpol General Secretariat in Lyon, France. All Interpol Member Countries can supply fingerprints for uploading or searching against the AFIS.

3.2.4.3. The Interpol AFIS database is a centralised system with a capacity of 1 million fingerprint sets, tenprints or crime scene marks and is capable of processing 3,000 requests each 24 hours. At present the database contains 160,000 fingerprint submissions and Interpol have undertaken to expand the capacity in correlation to usage by member countries. All available personal data can be reported with the hits and upon a hit, all countries involved are informed. Interpol encourages that tenprints of non-nationals are loaded to the database as well as unsolved crime scene marks.

3.2.4.4. Interpol Member States (Inc. All EU) acknowledged a draft resolution concerning improving the population of the Interpol forensic databases at the Interpol General Assembly held in Singapore in 2009. This specifically included the request to populate the databases with data of non-national offenders (Annex B).

3.2.4.5. There is a well established process for loading fingerprints to the Interpol AFIS and is the largest international database that stores tenprints of convicted persons.

3.2.4.6. Table to show the advantages and disadvantages of the system;

Advantages	Disadvantages
Largest international database that stores fingerprints of convicted persons	Data is managed on behalf of countries and not directly by the respective member state
All EU member states have access to the database via their Interpol national central bureau	Not just an EU system.
Hits are reported within 24 hours	Third countries could match to the data.
The database is capable of high volume submissions	Not currently available to most EU Central Authorities
All member countries that more should be done to populate the database with fingerprints of non-nationals that offend overseas.	
Data can be managed in line with the requesting (loading) countries data protection legislation	
Personal data is reported with the Hits	

3.3. Decentralised Pilot Exchange

3.3.1. The project team set out to pilot exchange fingerprints of convicted TCNs between EU Member States. The project team approached Member States with a proposal to conduct a one off exchange of fingerprints to assess their value in identifying TCNs.

3.3.2. Two EU Member States were able to provide the project with fingerprints of TCNs convicted in their country to be searched against the UK AFIS (Ident1). This amounted to 32 sets of tenprints with the nationality of these being specified by the respective Member State. The low number was largely to do with the divide in data ownership in EU Member States where criminal records and fingerprints are not linked.

3.3.3. All 32 were searched against Ident1 with one set producing a match. Please see the table below for these results;

EU MS SENT FROM:	EU MS SENT TO:	NUMBER OF TENPRINTS SENT:	NATIONALITY:	HIT?	RESULT
IRELAND	UK	1	MOLDOVAN	YES	NATIONALITY IN THE UK IS LITHUANIAN
IRELAND	UK	2	BANGLADESHI	NO	N/A
IRELAND	UK	4	BRAZILIAN	NO	N/A
IRELAND	UK	1	CHINESE	NO	N/A
IRELAND	UK	1	CROATIAN	NO	N/A
IRELAND	UK	3	GEORGIAN	NO	N/A
IRELAND	UK	1	KOSOVAN	NO	N/A
IRELAND	UK	3	NIGERIAN	NO	N/A
IRELAND	UK	2	PAKISTANI	NO	N/A
IRELAND	UK	1	RUSSIAN	NO	N/A
IRELAND	UK	1	SOMALI	NO	N/A
IRELAND	UK	1	SUDANESE	NO	N/A
IRELAND	UK	1	TOGOLESE	NO	N/A
IRELAND	UK	1	UKRAINIAN	NO	N/A
IRELAND	UK	1	AMERICAN	NO	N/A
IRELAND	UK	1	ZIMBABWEAN	NO	N/A
MALTA	UK	3	ALGERIAN	NO	N/A
MALTA	UK	1	CHADIAN	NO	N/A
MALTA	UK	2	LIBYAN	NO	N/A
MALTA	UK	1	TURKISH	NO	N/A

Case Study 1

Ireland sent the UK fingerprints of an individual that they believed to be of Moldovan nationality, upon checking these fingerprints against Ident1 a match occurred to an individual that the UK believe to be a Lithuanian national.

Enquiries were made with Lithuania to establish whether or not this person was in fact Lithuanian, the results from these enquiries indicated that this person was not one of their nationals. It is therefore believed that this person is in fact Moldovan.

3.3.4. Three EU Member States were able to process fingerprints of TCNs convicted of crimes in the UK against their AFIS. A total of 198 tenprint sets were sent to the EU Member States. The fingerprints were identified by the UK by the level of offending (150) and by nationalities specified by the receiving EU Member States (48). Of those sent, 175 results were received and one match was made against the criminal register. The match related to an individual who had used a false identification and had a banning order from entering Spain. It should be noted that this represents a low hit rate which is unsurprising given that the selection process for the fingerprints was largely based upon the level of offending of that nationality in the sending Member State. The table below represents the data sent to EU Member States;

EU MS SENT FROM:	EU MS SENT TO:	NUMBER OF TENPRINTS SENT:	NATIONALITY:	HIT	NO HIT	RESULTS:
UK	Spain	18	Colombian	0	9	9 results received
UK	Spain	20	Moroccan	1	5	6 results received back – 1 positive hit using different details and under the subject of an order banning entry into Spain
UK	Slovenia	10	Bosnian	0	10	N/A
UK	Ireland	30	Jamaican	0	30	N/A
UK	Ireland	30	Nigerian	0	30	N/A
UK	Ireland	20	Pakistani	0	20	N/A
UK	Ireland	20	Zimbabwean	0	20	N/A
UK	Ireland	30	Somali	0	30	N/A
UK	Ireland	20	Indian	0	20	N/A

Case Study 2:

An individual of Moroccan nationality was convicted in the UK for numerous offences including criminal damage, assault with a weapon, public disorder and offensive weapons.

The fingerprints were sent to Spanish authorities for processing and were searched against the Spanish AFIS. This search produced a match with a Moroccan national but in a different name. The record in Spain related to a banning order issued in relation to illegal residence.

3.3.5. The results of the decentralised pilot did not demonstrate the value of fingerprints in correctly identifying TCNs who have been convicted in EU Member States. There were some limitations to the pilot exchange.

3.3.6. The number of fingerprints exchanged was low in comparison to the volume of TCNs that are convicted in EU Member States. In order to gain a more accurate reflection a higher volume of data would have to be exchanged. The project was constrained by the lack of EU legislation to support the pilot exchange which led to many EU Member States being unable to take part in the pilot.

3.3.7. Another challenge in obtaining data for pilot exchange was with the internal divide of data ownership within EU Member States. Central Authorities often do not have access to fingerprint information and there is no link between the registers which are owned and managed by differing institutions.

3.3.8. The type of data exchanged was largely based on the level of offending in the sending country (79%). Anecdotal evidence suggests that EU Member States are likely to have differing groups of nationalities who are offending in each EU Member State. For instance, where there are geographical or historical links to third countries it may be likely that a Member State will endure a higher rate of offending from those TCNs. For this very reason it would be difficult to identify which country a decentralised search should be made against. A TCN may be known in two or more Member States and the only way to gain a full picture of their EU offending history would be to launch a search against all EU Member States' AFISs. This would be an onerous task.

3.4. Centralised Pilot

3.4.1. The project team set out to assess the value of a centralised fingerprint process to identify TCNs who have been convicted in the EU. Currently the most viable option was to utilise the Interpol AFIS as it currently stores this type of data for all its 190 Member Countries including all EU Member States.

3.4.2. The FEEU project used existing work processes within ACRO to identify which fingerprints to send to the Interpol AFIS. The sections dealing with EU criminal records exchange, non EU Criminal Record exchange (NEU-ECR) and International development all provided intelligence led opportunities to identify transnational offenders. In particular, the NEU-ECR identified Third Country National nationals convicted within the UK.

3.4.3. 921 tenprint sets were sent to the Interpol AFIS, of which 919 were of sufficient quality to be searched. 20 hit on the Interpol AFIS - 10 were already known to Interpol with the same alphanumeric details and 10 had provided the UK police with different identities to that known by other Interpol Member Countries. Of the latter 10, 2 were known by different nationalities and 1 was wanted on a red notice for a murder investigation. The table below details these hits by nationality.

3.4.4. Perhaps the most interesting observation from this pilot exchange is that of the 20 hits, five of them matched other EU Member States. Of these five hits, four of the individuals had been using another alphanumeric identity in another EU Member State.

Results from Centralised Pilot:

SENT FROM	NUMBER OF TENPRINTS SENT	NATIONALITY	NUMBER OF NO HITS	NUMBER OF HITS	COUNTRY HIT AGAINST	HIT DETAILS
UK	333 (1 too poor quality)	ALBANIAN	331	1	ALBANIA	**ALBANIA HIT**: RED NOTICE OUT FOR MURDER AND USING DIFFERENT DETAILS.
UK	1	AMERICAN	1	0	N/A	N/A
UK	87 (1 too poor quality)	ANGOLAN	86	0	N/A	N/A
UK	10	BOSNIAN	9	1	IRELAND	**IRELAND HIT**: RECORDED AS BULGARIAN NATIONALITY AND USING DIFFERENT DETAILS
UK	98	BRAZILIAN	96	2	ITALY & PORTUGAL	**ITALY HIT**: RECORDED AS ROMANIAN NATIONALITY AND USING DIFFERENT DETAILS **PORTUGAL HIT**: CONFIRM IDENTIFICATION
UK	27	COLOMBIAN	26	1	SWITZERLAND	**SWITZERLAND HIT**: USING DIFFERENT DETAILS
UK	4	GUATEMALAN	3	1	GUATEMALA	**GUATEMALA HIT**: CONFIRM IDENTIFICATION
UK	36	MEXICAN	30	6	BELGIUM, COLOMBIA & SPAIN	**BELGIUM HIT**: USING DIFFERENT DETAILS **COLOMBIA HITS**: 3 X MATCHES ALL USING DIFFERENT DETAILS **SPAIN HIT**: USING DIFFERENT DETAILS **UNKNOWN COUNTRY HIT**: USING DIFFERENT DETAILS
UK	2	MONAGASQUE	2	0	N/A	N/A
UK	20	MORROCAN	20	0	N/A	N/A
UK	4	NORWEIGIAN	4	0	N/A	N/A
UK	1	PUERTO RICAN	0	1	COLOMBIA	**COLOMBIA HIT**: CONFIRM IDENTIFICATION
UK	297	SOMALI	290	7	SOMALIA	**SOMALIA HITS**: ALL 7 CONFIRM IDENTIFICATION
UK	1	UNKNOWN	1	0	N/A	N/A

3.4.5. Utilising the Interpol AFIS has additional benefits to just identifying where a TCN has come to notice in other countries. The ability to reaffirm the identity of a TCN through matching fingerprint and alphanumeric data with non European contributors to the database has wider criminal justice benefits. The best example of this was found in the pilot exchange where an Albanian nationals fingerprints submitted by the UK hit an Albanian set of fingerprints relating to an Interpol Red Notice[4] for murder.

3.4.6. This approach presents the opportunity to generate tenprint matches against unidentified crime scene marks held on the Interpol AFIS. Whilst this has not yet occurred, the FEEU Project hold the view that if EU Member States were to all populate the Interpol AFIS in the way that the UK have during the FEEU Project, then it would inevitably generate such identifications.

3.4.7. As with the decentralised pilot exchange the results are limited due to a number of factors. The Interpol AFIS currently holds approximately 160,000 sets of tenprints with over 100,000 of these being provided by EU Member States. In terms of the size of most EU national AFISs this is small data set. Therefore, hit rates would be significantly lower than to what is achieved at national level.

3.4.8. Setting aside the volume of hits and hit rate, the reporting of the hits was very efficient and the provided the project team with a number of personal details including which country loaded the data to Interpol. This data could easily be used to make a subsequent request for previous convictions to the respective EU Member State between Central authorities.

3.4.9. As previously mentioned, four of the five hits to EU Member States were for TCNs that were known in another identity. Although a limited volume of results, this indicates that fingerprints are critical in correctly identifying TCNs who offend in the EU.

3.4.10. The project team believes that the Interpol AFIS could be a viable option to support EU TCN conviction exchange but will only be a useful tool if EU Member States provide more fingerprints of convicted TCNs to the database.

3.5. Additional Study

3.5.1. The centralised pilot exchange of fingerprints with the Interpol AFIS created a need for the project team to explore the existing solution in more detail. This was done to ensure that a recommended solution could perform as a tool to assist in EU TCN conviction exchange.

3.5.2. The project team conducted a feasibility study of the Interpol AFIS and the fingerprint department at Interpol General Secretariat in Lyon, France to consider its suitability to assist as an EU index for convicted TCNs. Raw data from this study can be found at Annex B.

3.5.3. This study found that:

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[4] To seek the arrest or provisional arrest of wanted persons with a view to extradition.

Source: http://www.interpol.int/INTERPOL-expertise/Notices (June 2012)

- All EU Member States already have the capability to send fingerprints to Interpol as they are all Interpol Member States and currently do so via their National Central Bureaux. (access is not necessarily currently available to Central Authorities)

- Interpol Member States acknowledged a draft resolution in 2009 which recognised that countries should upload fingerprints of non-nationals that have been convicted in their countries to the Interpol AFIS.

- No costs would be accrued through the procurement of a new database/index as this is an existing solution.

- The Interpol data processing rules lend control to the country that has supplied data to the database and therefore can allow data to be stored in line with their national retention guidelines/data protection legislation

- The Interpol AFIS offers the opportunity to identify Third Country Nationals who are known in two or more EU Member States, ensuring that they receive suitable intervention within the EU criminal justice systems and that they are prevented from further offending within Member States

- The preferred format to receive fingerprints is in ANSI/NIST format and in particular the 2007 Interpol Implementation[5].

- Interpol are implementing a new gateway which will allow Interpol Member States to load data directly to the AFIS. Any hits are verified within 24 hours.

[5] http://www.interpol.int/Media/Files/INTERPOL-Expertise/Fingerprints/Implementation-of-ANSI-NIST-ITL-1-2007-5.03

4. Conclusions & Recommendations

4.1.1. The research stage was a useful tool in identifying potential options for pilot exchanges and whether or not there was an existing system that would be able to perform a sufficient function in identifying TCNs that are convicted of crimes with EU Member States.

4.1.2. Much of the discussions between EU Member States on TCN conviction exchange and identification have been based on theoretical rather than practical evidence. This study has provided an initial outlook of the practical benefits of utilising fingerprints for these purposes and the results suggest that fingerprints have a role to play in this context.

4.1.3. Six out of the seven hits made to EU Member States during the decentralised and centralised pilot exchanges of fingerprints proved that a TCN was using another identity in at least two EU Member States.

4.1.4. The decentralised pilot exchange proved that it was difficult to identify which nationalities to send to an EU Member State and the only way to gain a full picture of their EU offending history would be to search all EU Member States' AFIS' which is currently not practical. It must be noted that decentralised exchange does allow for fingerprints to be searched against larger data sets and should not be discounted if it is known that a TCN has been to another EU Member State.

4.1.5. The project team recognises that the exchanges achieved a low hit rate. For the decentralised pilot, it is believed that this was largely due to the low volumes exchanged and the lack of synergy of certain groups of TCNs in the respective countries. As for the centralised process, the low number of hits occurred due to the volume of data available on the database. The only way to improve this hit rate is for Member States to increase their contribution to the Interpol AFIS. If this were to occur, all Member States would realise the benefits.

4.1.6. Evidence gained through the pilot exchanges and studies into existing international fingerprint systems suggests that the only existing EU wide fingerprint system that could assist in identifying TCNs that have come to notice in other EU Member States is the Interpol AFIS.

4.1.7. Although the Interpol AFIS does report a hit with personal details, it does not provide the requesting country with previous convictions. These would need to be obtained through another avenue. The project suggests that ECRIS be used to perform this function.

4.1.8. This essentially is the basis of the reports recommended solution to assist in EU TCN conviction exchange. There are two main phases to the solution. These are the 'convicting phase' and the 'requesting phase'.

4.1.9. ***'The Convicting Phase'***

4.1.10. It is crucial that EU Member States routinely load tenprints of convicted TCNs to the Interpol AFIS. This is known as the 'convicting phase'. Essentially this will

4.1.11. **'*The Requesting Phase*'**

4.1.12. It is recommended that if an EU Member State wishes to make a request for previous convictions from EU Member States for a TCN, they should seek to search the individual's fingerprints, of who is subject to the request, against the Interpol AFIS. If a hit is made to another EU Member State the searching EU Member State will be able to make a formal request through ECRIS. If a search results in a 'no hit', EU Member States will have to rely on the alphanumeric means of identification and will likely have to make multiple requests to other EU Member States.

4.1.13. Details of high level processes can be found at Annex C.

In order for the solution to work the following recommendations should be considered;

- **Fingerprints should be included within the EU Index of Third Country Nationals solution. (Paragraph 4.2)**
- **The Interpol AFIS, a centralised database, should be utilised to support the TCN exchange arrangements, in particular, the fingerprints of non Nationals convicted within the EU should be searched and where appropriate loaded to the Interpol AFIS for searching by other EU Member States. (Paragraph 4.9.1)**
- **Criminal record authorities in EU Member States take necessary measures to improve the synergy between criminal records and fingerprints. This will enable EU Member States to identify the appropriate fingerprints to load to the AFIS and search the AFIS. (Paragraph 3.3.7)**
- **ECRIS should be used to acquire conviction information of Third Country Nationals following fingerprint identification. (Paragraph 4.10.1)**

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Roman Warchol – Europol

Mark Branchflower – Interpol

UK Border Agency - Immigration Fingerprint Bureau

FEEU Project Board

Annex A

Category	Question	Answer
Legal	Is there an Interpol framework agreement to support the population of the Interpol AFIS by Member States? (Is everyone signed up?)	All EU Member States are member countries of Interpol. There is a standard procedure for Interpol countries to follow for data sharing. As a member country, sharing fingerprints is voluntary but not obligated. Some countries (though none in the EU) are unable to send fingerprints due to lack of capacity and the legal constraints..
Legal	Different countries have their own national data protection legislation. The EU is also governed by European data protection rules. How are data protection principles built into the Interpol AFIS? Does it completely cover all of the EU data protection rules?	There are Interpol rules on processing information. Mark Branchflower provided a copy of these to the project team. Countries are able to request how the data is used and maintained according to their own legislation. There is no point in Interpol keeping the data if the country has requested it be removed because it will no longer be valid.
Legal	Who owns the data once it is on the Interpol AFIS? Does it stay with the country that uploaded or do Interpol take ownership?	Ownership is not defined but the country that sends the data gives instructions to Interpol on what the data is to be used for. This is recorded in ICIS. There is no point in Interpol keeping the data if the country has requested it be removed because it will no longer be valid.
Legal	Are EU Member States able to put restrictions on the fingerprints and data that they may send? Eg. Prevent some countries from being able to search against their data.	Countries will be able to search against the database themselves and therefore keep information to themselves. Any restrictions by the country on fingerprints that are uploaded to the Interpol AFIS are recorded on a separate database called ICIS which countries do not have access to, and Interpol have to

		apply these restrictions. If there is a restriction regarding another country from viewing certain data and that country should hit against that data, the viewing country will receive a result back as if they had not hit against anything.
Legal	Can restrictions be put in place on what Interpol can and cannot do with the data?	ICIS holds information as to what Interpol can do with the data as governed by the country that sent it. Countries will be able to notify Interpol of instructions via I-Link.
Legal	Is there any guidance or policies to suggest what offence types to load and search? Which offences will be acceptable?	Only offences that are recorded as offences by Interpol will be uploaded. Eg. Homosexuality is illegal in some countries but not illegal for Interpol. **LL** provided an offence list for the project team. The offence is based on the offence as it is listed in that country and then is generalised to the Interpol list of offences. If there are any uncertainties regarding what is considered an offence then the Legal Affairs department is consulted. Offence information is not currently required in order to upload fingerprints - a form that is currently used to inform the country that sent in the original data and the country that sent the data that hit does not require this information. Amy Middleton has emailed a copy of this form to the project team.
Accessibility	Are all EU MS able to upload fingerprints to the Interpol AFIS?	Yes - all Interpol member countries are able to upload to the Interpol AFIS – Amy Middleton gave a list of these to the project team. All EU Member States are member countries of Interpol. All Member States are set up to send fingerprints; however sharing fingerprints is voluntary but not obligated.

Accessibility	Do all Member States currently send data to the Interpol AFIS?	Yes, although some considerably more than others. Amy Middleton emailed a spreadsheet detailing how many fingerprints each country has contributed to the Interpol AFIS
Accessibility	Are you able to give us data on this?	Amy Middleton emailed a spreadsheet detailing how many fingerprints each country has contributed to the Interpol AFIS
Accessibility	What are the procedures for loading data onto the Interpol AFIS?	Interpol can receive the data by many methods (JPEG, email, CD etc) and it is then uploaded to the database
Accessibility	What are the procedures for removing data from the Interpol AFIS?	If the country that sent the prints should request that the data be removed then it is removed
Accessibility	What is the preferred route to receive data from Member States?	New gateway - the secure I-24/7 network is the best route for sending fingerprints, especially in regard to large amounts
Accessibility	Do Member States have access 24/7? (What are the operational hours? Is there an out of hours service?)	The operational hours of the new gateway will be 7.30 – 18.30 French Legal Time, but someone will always be on call for emergencies. Member countries will be able to upload with the new gateway at any time
Accessibility	Who is able to load, view, edit and delete data from the system? (Interpol and countries in general)	Countries will be able to search the data but only Interpol are able to upload directly, edit and delete data at the country's request
Gateway	What is the method for uploading fingerprints via the new gateway?	Interpol will receive and upload the data unless otherwise directed by the country that sent the information. There are several options on what to do with the fingerprints once received. These consist of: CPS – Criminal Print to Print Search – only a search, the fingerprints are not added to the Interpol AFIS – this is a semi-automatic process: it is automatic but checked against latents by experts unless requested

		not to MPS – Mark to Print Search – a manual process ATP – Add Tenprint - CPS and then the set of tenprints is added to the AFIS
Gateway	With the new Interpol gateway will this give Member States the ability to load data directly to the Interpol AFIS? Or do Interpol receive and upload?	No, countries will be able to search the Interpol AFIS but only Interpol can upload to it directly
Gateway	Will Member States receive a non-verified result through the new gateway?	No, it will take up to an hour for two operators to verify the results between 8.00 – 17.00 French Legal Time and up to 12 hours between 17.00 – 8.00 French Legal Time. Automatic no-hit result is sent within 10 minutes
Gateway	Will Member States be able to manage their own data through the gateway? (Delete/edit/remove etc)	No, but Interpol will manage the data on the country that sent the data's request
Technical	Which formats would be acceptable to send the fingerprints in?	NISTs, JPEGs and PDFs if very good quality
Technical	What is the preferred format?	Only NIST files will be acceptable with the new gateway
Technical	Which format should the data take? (Reference number etc)	The reference number will consist of two numbers – the master AFIS Reference Number and the submission AFIS Reference Number (CRO and A/S number in UK)
Technical	What are the minimum alphanumeric requirements to load data onto the system? (Are names, DOBs and offence details necessary?)	Reference number (CRO and A/S) and a reason for uploading are required for the Interpol AFIS. Offence, place of offence, date of offence and a name is the minimum criteria to be added to ICIS also.
Technical	What are the minimum quality standards? Eg. Size, resolution	Tenprints should be at least 500 DPI on a 1 to 1 ratio. Latents should be at least 1000 DPI. 20 minutiae minimum
Technical	What is the capacity of the Interpol AFIS?	1 million tenprints and 500,000 latents

Technical	Is it possible to search the Interpol AFIS using alphanumeric data?	No, it is only possible to search by fingerprints
General	How are results reported and what is the process? (Who etc)	Results are reported back to the country that originally sent the data and the country whose data hit against it
General	What is the turnaround time for results?	The main objective of the new gateway is to send users no hit and hit replies very quickly. Depends on the number of hits – a no-hit result can take up to an hour and a hit will take up to an hour between 8.00 – 17.00 French Legal Time and up to 12 hours between 17.00 – 8.00 French Legal Time. The new gateway will also be able to deal with urgent requests. If there is no reply to an urgent request within 30 minutes then the Interpol Command Centre (ICC) can be contacted.
General	How many staff work within the fingerprint unit and what are their roles?	9: 4 on latents, 2 on tenprints, 1 monitoring the ICIS database, the head of the department and our ACRO member of staff. 2 more are due to join with the new gateway.
General	What is the maximum capacity of these staff members? How many prints would they be able to handle every week? (Tenprints to tenprints and tenprints to latents separate)	Thousands of tenprints a day with the new gateway, increasing as the system is further developed.
General	What vetting do staff receive in the fingerprint unit?	Interpol office in member country vetted.
General	What is the process for identifying hits? Is there manual verification and by whom? (Or is it automated?)	A manual verification by two separate operators unless an it is an urgent request where two operators are not available
General	When receiving a set of tenprints from a member state do you always search these against unsolved latents? (Can it be restricted to tenprint searches only? Some countries may not wish to search latents.)	They are searched against tenprints first and then latents. The country can request for them not to be searched against latents but this has never happened!

General	How many fingerprints are currently stored on the Interpol AFIS? What proportion of these are latents and tenprints?	160,000 tenprints and 6000 latents are currently stored on the Interpol AFIS.
General	How long is data retained on the Interpol AFIS?	Fingerprints are reviewed after 15 years but can be kept for longer. They are kept 10 years after the information is deleted from ICIS. ICIS information is reviewed every 5 years. After the information on ICIS is removed, the only information kept on the Interpol AFIS is the reference number and the country code
General	How many have each country uploaded to the Interpol AFIS so far? (Statistics)	Amy Middleton emailed a spreadsheet detailing how many fingerprints each country has contributed to the Interpol AFIS. Europe and South America send the most prints.
General	Is there an internal database at Interpol that stores the offence details? Is it separate to the Interpol AFIS? Does anyone else has access to this?	Yes – ICIS holds offence information and only Interpol has access to this as it also contains any restrictions that the country may have made on the data. The information is removed after 5 years.
General	What are the current hit rates? (Nationalities) - EU - EU - Non-EU – EU - EU - Non-EU - EU (Non-EU subject) – EU (Non-EU subject) (Not just EU MS) (Statistics)	It is not possible to search this information by nationality of fingerprints. There is no record of the results in this format. Have to go into the individual files to find the nationalities. However there are weekly reports published which detail some of the results.

Annex B

AG-2009-RES-08

RESOLUTION

Subject: Standard operating procedures to systematically compare unidentified fingerprints and DNA profiles taken from crime scenes against INTERPOL's databases

The ICPO-INTERPOL General Assembly meeting in Singapore from 11 to 15 October 2009 at its 78th session:

CONSIDERING the important role of INTERPOL's Fingerprint and DNA databases in solving crime and identify fugitives, by comparing crime scene data with fingerprints and DNA of known offenders,

BEARING IN MIND that the Fingerprint and DNA databases are only useful if populated with relevant and up-to date records,

RECOGNIZING the significant development of INTERPOL's forensic databases and the need to further extend access to these databases to all national law enforcement agencies,

ACKNOWLEDGING that sharing and storing forensic data in these databases can be a decisive factor in solving crime on international and national level,

CONVINCED that INTERPOL's Fingerprint and DNA databases, if populated will be of great use to all member countries in combating international crime,

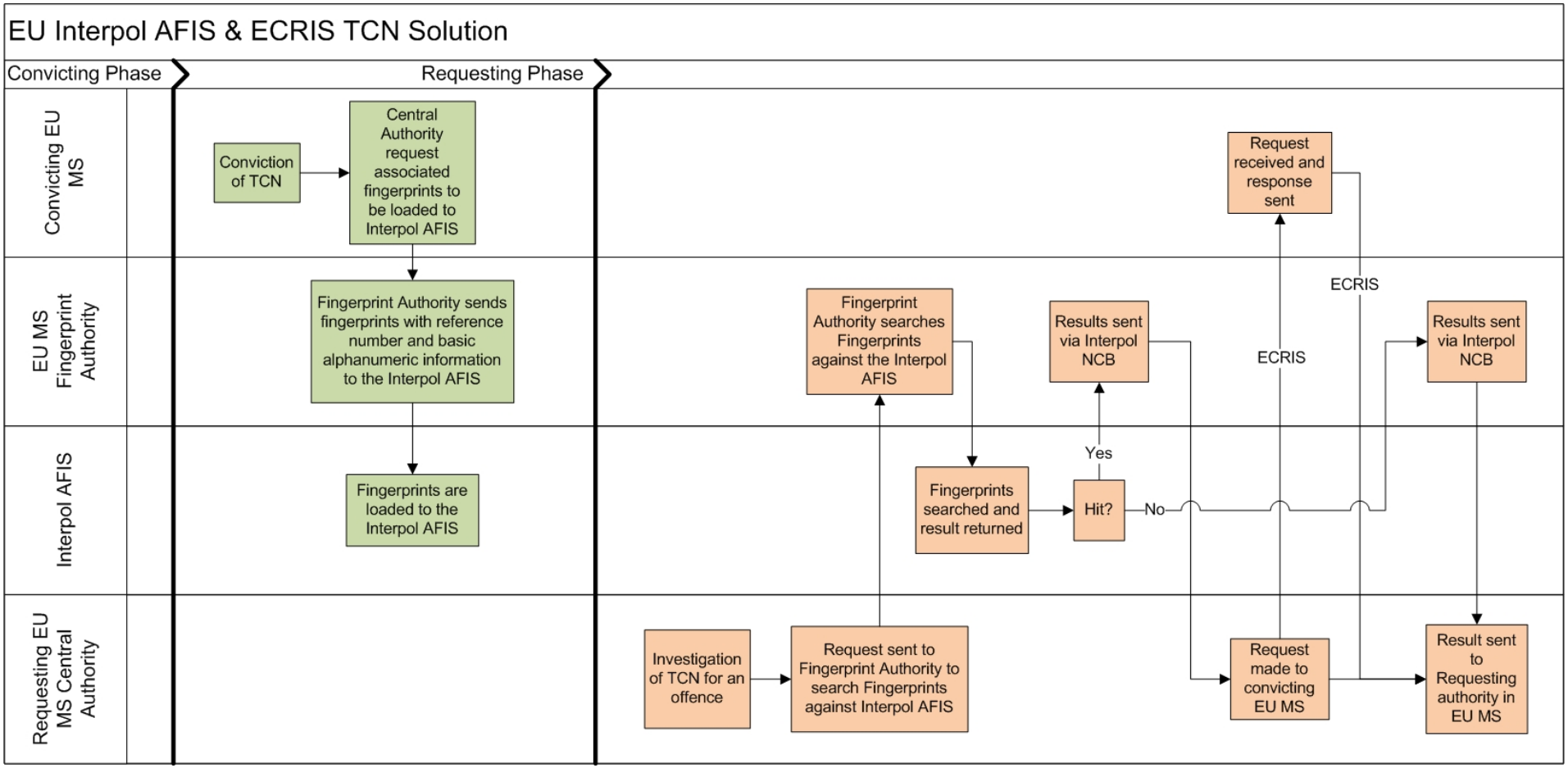
MINDFUL of the need to comply with national legislations when sharing forensic data;

URGES the National Central Bureaus to:

1. liaise with the appropriate authorities in their respective country in order to encourage the development of standard operating procedures at the national level that will ensure that law enforcement agencies in member countries systematically share and update Fingerprints and DNA profiles to be compared with existing data and stored for a future comparison. This should include all Finger marks and DNA profiles from unsolved crimes, as well as Fingerprints and DNA profiles taken from offenders which are citizens of other countries;
2. liaise with law enforcement agencies in their country in order to improve access to INTERPOL General Secretariat's databases through the DNA Gateway on the I-24/7 dashboard and for Fingerprints through the AFIS mail gateway on the E-ASF;
3. take all necessary measures to ensure compliance with technical standards recommended by INTERPOL in order to facilitate the international exchange of the Fingerprints and DNA for international police cooperation. The INTERPOL standards can be consulted on the INTERPOL web site www.interpol.int.

Adopted.

Annex C


EU Interpol AFIS & ECRIS TCN Solution
Convicting Phase
Requesting Phase
Convicting EU MS
EU MS Fingerprint Authority
Interpol AFIS
Requesting EU MS Central Authority
Conviction of TCN
Central Authority request associated fingerprints to be loaded to Interpol AFIS
Fingerprint Authority sends fingerprints with reference number and basic alphanumeric information to the Interpol AFIS
Fingerprints are loaded to the Interpol AFIS
Investigation of TCN for an offence
Request sent to Fingerprint Authority to search Fingerprints against Interpol AFIS
Fingerprint Authority searches Fingerprints against the Interpol AFIS
Fingerprints searched and result returned
Hit?
Yes
No
Results sent via Interpol NCB
Request received and response sent
ECRIS
ECRIS
Results sent via Interpol NCB
Request made to convicting EU MS
Result sent to Requesting authority in EU MS