

A BILL

FOR

AN ACT TO PROVIDE FOR THE DESIGN, DEVELOPMENT, INSTALLATION AND MANAGEMENT OF A ROBUST CRIME AND CRIMINAL TRACKING SYSTEM FOR THE NIGERIA POLICE TO ENHANCE NATIONAL SECURITY THROUGH AUTOMATION OF CRIMINAL RECORDS WITH BIOMETRIC IDENTIFICATION INFORMATION FOR BACKGROUND SECURITY CHECKS, CRIME INVESTIGATION, AND PROSECUTION, AND COUNTER-TERRORISM; AND FOR RELATED MATTERS

Sponsored by Hon. Simon D. Mwadkwon

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

- 1 1.-(1) There is established Police Central Criminal Registry (the
- 2 "Registry") which shall: Establishment of
- 3 (a) create and manage an official national criminal history database Police Central
- 4 crime and Criminal Tracking System (in this Bill referred to as ("the Criminal Registry
- 5 System") and;
- 6 (b) operate as a separate division within the Nigeria Police Force
- 7 and shall be the sole criminal record-keeping entity.
- 8 (2) The Registry shall, through the System, store information and
- 9 digitalize all records pertaining to:
- 10 (a) Crime and criminals;
- 11 (b) Criminal cases and their progress;
- 12 (c) The persons involved and their criminal history;
- 13 (d) Finger prints;
- 14 (e) Date of arrest;
- 15 (f) All charges regardless of disposition;
- 16 (g) Outstanding warrants and charges;

- 1 (h) Disposition of the arrest;
 2 (i) All convictions for which a pardon has not been granted; and
 3 (j) Any judicial order or other information that might be of interest to
 4 police investigation.

5 (3) The Registry shall require and store information for the issuance
 6 of clearance & character certificates for the purposes of obtaining:

- 7 (a) Vehicle licences;
 8 (b) Driver's licences;
 9 (c) Admission into the universities and other tertiary institutions;
 10 (d) Employment in the public and private sectors;
 11 (e) Military and Para-military recruitment;
 12 (f) Opening and management of bank accounts;
 13 (g) Collection of DNA samples;
 14 (h) Travel visas;
 15 (i) Registration of Alien (foreigners) permit;
 16 (j) Renting or leasing of accommodation;
 17 (k) Sales of fireworks and explosives;
 18 (l) Sales of firearms;
 19 (m) Sales of security equipment like CCTV, etc; and
 20 (n) Transportation of explosive substances..

Data Collection

21 2. While the System focuses on collecting data related to crimes
 22 reported to the police, the Registry shall be responsible for collecting, editing,
 23 and analyzing reported crime data from individuals and all law enforcement
 24 agencies nationwide.

Networking and
 Inter connectivity

25 3.-(1) The Police Force Headquarters, State Police Commands, Area
 26 Commands and all Divisional Police Stations shall be networked and
 27 interconnected.

28 (2) The Police shall appoint a consultant who shall finance, design,
 29 develop, install and manage a robust crime and criminal tracking network

1 system, on a public private partnership (PPP) basis for the Nigeria Police
2 covering:

- 3 (a) the Force Headquarters;
4 (b) Area Commands;
5 (c) State Police Commands; and
6 (d) all Divisional Police States.

7 (3) The System shall, after its installation, enhance the national
8 security through automation of criminal records with biometric
9 identification information for:

- 10 (a) background security check;
11 (b) Crime investigation and prosecution; and
12 (c) Other allied citizens services

13 4. The consultant shall provide, arrange and implement the
14 integrated secure portal for inter-security agencies connectivity and
15 connection to Embassies for visa application and security background
16 checks.

Consultant
services

17 5.-(1) The trained police officers shall be responsible for the
18 management and control of the front end of the System.

19 (2) The consultant shall be responsible for:

- 20 (a) the back end and every other necessary support services to
21 ensure the smooth operation of the System; and
22 (b) the foreign and local training of the technical ("G" Department)
23 and operational ("D" Department) staff of the Police Force.

24 6. The Registry shall be responsible for:

- 25 (a) the maintenance of records of known criminals convicted in
26 Nigeria or abroad;
27 (b) collating necessary information about crime and criminals;
28 (c) maintaining criminal index in such manner as to trace it easily
29 for reference purposes; and
30 (d) maintaining links with:

Functions of
Registry

The purpose
of the system

- 1 (i) all Police Commands;
- 2 (ii) prisons and other relevant government departments; or agencies;
- 3 (iii) supply of information on criminal records to Interpol.
- 4 7. The purpose of the System is to:
- 5 (a) provide the investigating officers with technology, tools and
- 6 information to facilitate investigation of crime and detection of criminals;
- 7 (b) improve the functioning of police force in various activities in
- 8 connection with:
- 9 (i) law and order;
- 10 (ii) traffic management;
- 11 (iii) prevention of crime; and
- 12 (iv) keeping track of the progress of cases, including the ones in
- 13 courts; and
- 14 (c) make the functioning of the police more transparent and citizen
- 15 friendly.

Establishment
of the data
exchange

16 8.-(1) The System shall establish the Data Exchange which is a

17 nationwide data warehouse developed to provide information sharing service

18 to other law enforcement agencies.

19 (2) The police in the Data Exchange shall receive, classify and file

20 criminal history record information and other records required to be reported to

21 it by other enforcement agencies.

22 (3) The Data Exchange, being a powerful automated investigative

23 tool, enables the user to search, link, analyze and share criminal justice

24 information on a nationwide basis.

Placement of
criminal history
information
online

25 9.-(1) The Registry shall place all available criminal history

26 information online.

27 (2) All criminal histories are made accessible to the public, with the

28 exception of most juvenile histories (youth that are not convicted of a crime as

29 adults).

30 (3) A criminal history may be used for many purposes, mostly for:

- 1 (a) background checks including:
2 (i) identification;
3 (ii) employment;
4 (iii) security clearance;
5 (iv) adoption;
6 (v) immigration, international travel and visa,
7 (vi) licensing;
8 (vii) assistance in developing suspects in an ongoing criminal
9 investigation; and

10 (b) enhanced sentencing in criminal prosecutions.

11 (4) The Registry may, in special cases, exclude members of the
12 public from gaining access to certain information in the public record either
13 for:

14 (a) the privacy of the criminal (especially when the crime is
15 expunged or acquitted);

16 (b) jeopardizing the safety or success of an investigation; or

17 (c) the success of an individual in getting his records sealed.

18 (5) The Registry may make its own rules regarding:

19 (a) exemptions and exclusions for certain types of criminals; and

20 (b) mode of retrieval of record or information.

21 **10.-(1)** Upon receipt of the application and payment of a prescribed Fees
22 fee, the Registry shall:

23 (a) consult various records kept to determine whether the applicant
24 has a criminal record; and

25 (b) in the absence of such criminal record, issue a certificate of
26 good character within 4 weeks of receipt of the application.

27 (2) Where the check shows that the applicant has a criminal record,
28 the Registry shall:

29 (a) decide whether the offences are relevant to his application; and

30 (b) take a decision within 8 weeks of receipt of such application.

1 (3) An enhanced criminal record certificate may contain relevant
2 information that need not relate solely to criminal matters.

Notification

3 11. Where an application is refused, the Registry shall notify the
4 applicant of its reasons for such refusal.

Right to inspect
criminal record

5 12.-(1) A person has the right to inspect his criminal record if he:

6 (a) submits a written request, endorsing a copy of his identity
7 document to the Registry; and

8 (b) pays a prescribed fee for the search.

9 (2) Where the records are incorrect or incomplete, a person may make
10 a written request to have the records amended.

11 (3) Where the application is refused, the applicant shall be informed
12 of the decision and reasons for such refusal.

13 (4) Where the applicant is not satisfied with the decision under
14 subsection (3), he may file an objection within 6 weeks at the Registry.

Fund of the
System

15 13.-(1) The System shall be privately funded by the Consultant on
16 PPP arrangement with the Nigeria Police with no expense from the
17 Government.

18 (2) The investment in the System shall be recovered from the revenue
19 generated through issuance of the character certificate and security clearance.

20 (3) The sharing formula shall be:

21 (a) consultant 90%; and

22 (b) the Nigerian Police Force 10%.

23 (4) Part of the revenue shall be reserved for the management of the
24 System for continuity.

25 14.-(1) There shall be 2 parties to the project:

26 (a) the Nigeria Police Force; and

27 (b) the Consultant.

28 (2) The Nigeria Police Force shall:

29 (a) approve the PPP agreement with the Consultant on the agreed
30 terms;

1 (b) provide necessary secured infrastructure for installation of the
2 equipment;

3 (c) provide personnel to be trained for in-house operation of the
4 System;

5 (d) promote the project to all relevant authorities, organizations
6 and end users, and, where necessary, issue a signal to that effect;

7 (e) seek a duty waiver for the importation and clearing of all
8 equipment where applicable; and

9 (f) do such other things as are necessary to aid the successful
10 implementation of the project.

11 (3) The Consultant shall:

12 (a) arrange for 100% funding of the project;

13 (b) procure and install the equipment;

14 (c) maintain the equipment so installed;

15 (d) train the personnel;

16 (e) provide a technology platform for collection of revenue on the
17 project; and

18 (f) manage the entire integrated database project for an agreed
19 term.

20 **15.** The total period of return on investment and management of the
21 project shall be 35 years but the parties may mutually renew the agreement.

22 **16.** The parties shall prepare and enter into a separate arrangement
23 to work out the details as to:

24 (a) the time line, from manufacturing of components, assemblage,
25 freight, installation and training to commissioning of the project; and

26 (b) the involvement of other technology partners, including their
27 travelling logistics.

28 **17.** In this Bill:

29 "Consultant" means Richfield Technologies Limited appointed under
30 section 3 (2) of this Bill;

Interpretation

- 1 "DNA" means Deoxyribose Nucleic Acids;
2 "project" means the Crime and Criminal Tracking System as provided under
3 this Bill;
4 "PPP" means public private partnership;
5 "Registry" means the Police Central Criminal Registry established under
6 section 1 (1) of this Bill; and
7 "System" means the Crime and Criminal Tracking System established under
8 section 1 (1)(a) of this Bill.

Short title

- 9 **18.** This Bill may be cited as the Crime and Criminal Tracking
10 System Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the design, development, installation and management of the Crime and Criminal Tracking System for the Nigeria Police to enhance national security through automation of criminal records with biometric identification information for background security checks, crime investigation and prosecution, and counter-terrorism.