ELECTRONIC TOOLS FOR CRIMINAL JUSTICE IN FINLAND AND GREECE

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Brussels, 26/03/2012

European Parliament

The use of information and communication technology is considered to be one of the most important elements for improving the administration, not only in the sector of justice. This emerging issue is streesed in various documents issued by the European Agencies fostering the area of freedom, security and justice. The rapid technical developments of the last years serve as a platform to speed up the judicial system as such and to make an efficient use of the available electronic tools in the courts' daily workload, as well as their decision making process.

For the purposes of the present case study, the European Public Law Organization (EPLO) has made its contribution with a comprehensive study that includes reports on two countries of the European Union, namely, Finland and Greece. These two divergent countries present a contrast not only in geographical terms, but also they tend to reflect the differences among the selected EU Member States in the area of information and communication technology use.

In the case of Greece, on the one hand, the use of electronic tools in the judicial system is currently under development. The use of electronic tools among the authorities involved, as well as among the civil society in relation to the public authorities, is being processed. The majority of the defined goals will be completed by the end of 2012. On the other hand, in the case of Finland, the use of electronic tools in the courts and other public agencies is a daily routine based on a longstanding experience of several decades.

ELECTRONIC TOOLS FOR CRIMINAL JUSTICE IN FINLAND

In Finland, the electronic system of e-justice is already functioning through a very well developed network of information and communication technologies. The Judicial Administration Department, of the Ministry of Justice of Finland, is the body responsible for the governance of the ICT. Proper functioning is ensured through Steering Committee meetings and results taken are submitted to the Ministry of Justice for final consideration. The Finnish Information and Communication Strategy follows the threefold system starting with the assesment of the current situation, followed by interviews with the target groups. The final stage involves the identification of the reserach outcome, to be reflected in the most proper and effective way, in order to tackle the specific needs of every day users.

However, it is worth mentioning that Finland has the most exceptionally developed technical infrastructure accross Europe. The Internet is considered to be affordable and the citizens' computer literacy is significant. 86% of Finnish citizens use the online form of communication and e-services in their everyday life.

The Ministry of Justice has as its disposal a justice network that connects the judicial authorities under its supervision. Each judicial authority claims: a personal computer available for each member of its personnel, office software, as well as internet and intranet connection with access to special databases, which make the access to information needed easier (e.g. The Popluation Register System, The Building register System, the Real Estate Information System, The Enterprise Register System). The interoperability of these systems represents the effectiveness of the work in courts and more. Each public authority with access to a particular register updates the register accordingly, e.g. the courts update the Real Estate Information System according to their decision making process, so the Bank can access this Register when considering an applicant for a loan.

The development of electronic means in the judicial sector was first ruled by the Law on Electronic Communication in Court Proceedings (1993), subsequently followed by the Law on Electronic Services and Communication in Public Sector (2003). Specifically, the first law dealt with the use of electronic means in judicial proceedings. This respective law enabled the use of the Sakari system management in the daily operability of the courts and the electronic submission of documents required. Following the Law on Electronic Communication in Court Proceedings, the Law governing the use of electronic tools in the public sector has been enacted. This proves the leadership of the judicial sector in the use of electronic tools.

(The use of electronic tools: - allows the applicant to provide the neccessary information for the application and summons electronically in the electronic system of the District Courts– Sakari system, the e-documents sent are considered to be delieevered the moment they can be printed in hard copy, the responsibility for the delivery of the documents lies with the sender, the document does not need to be signed if the document entails personal information of the applicant and there is no uncertainty about the overall integrity and origin of the document).

BEST PRACTICES IN THE USE OF E-TOOLS IN FINLAND:

The use of electronic tools can be divided into two groups:

1. The use of electronic tools among the State authorities themselves and the citizens (Santra, Tuomas, Sakari CMS);

2. The use of electronic tools by citizens;

Electronic tools used among the State authorities are divided into a) the one used in civil cases and b) the one used in criminal cases.

TOUMAS and SANTRA, CMS operating in civil cases:

The courts receive applications electronically through the SANTRA system. Also, electronic mail or fax can be used. Plaintiffs using SANTRA transfer the data on all their applications to the common "mailbox" of the courts. The SANTRA system then forwards the applications to the individual mailboxes of the courts. The courts update their own TUOMAS systems on the basis of the data in their mailboxes. The court summons the defendant. This is mostly done by post. The Finnish Post operates an electronic posting service (EPS) which the court can use, as it is not required to sign the summons, and the original document of the application does not have to be sent in most cases. The documents or files needed for summons are produced by the TUOMAS system. Sending the files to the Finnish Post is automated both in TUOMAS and in SANTRA. TUOMAS will track the deadlines given to defendants for contesting. If the deadline has passed, TUOMAS will be used to produce the decision of the court, which will be based on the data in the application and summons. In many cases the court will have to contact the plaintiff. That can be done by email or fax, if the plaintiff has informed the court that the address to which to send the message is an electronic mail address. In the later phases of the civil proceedings, in scheduling the hearing and summoning the parties to the hearing, electronic mail and calendar software can be used. In most of the contested cases, the judge makes a summing-up at the conclusion of the preliminary stage. TUOMAS stores and tracks all the documents in a case and if the document has been posted electronically, it can be used in later documents. Testimony received in the main hearing is usually audio taped. Minutes of the hearing are produced, but no longer are verbatim transcripts of every word said in the hearing. Instead, they indicate what has happened in the hearing. If one wants to know what a witness has said, he /she can listen to the tape. Naturally, the court decision is still a written document. The judge can use the texts of the application and the summing-up in writing the decision, if they were stored in the TUOMAS system. In debt collection cases, a plaintiff using SANTRA will also receive the decision back to its data-systems via SANTRA. That data can be used to apply for enforcement. The automated enforcement system of the pertinent authorities can make a direct use of that data. Also, a hard copy of that decision is posted to the plaintiff, because it is still needed for the formal filing of the request for enforcement.

The case management system in criminal cases is more complicated, as more parties and public authorities are involved, namely, the police, the prosecutor, injured parties and courts. The SAKARI

case management system covers the workflow of the prosecutors and the courts, with a link to the system used by the police. The new system has roughly the same case management features as the Tuomas system in civil cases, but more emphasis has been given to the management of the cases in the court. Since late 1999, the new Sakari system has been utilized in some 60% of all criminal cases."

SAKARI system, CMS used in Criminal Cases:

The SAKARI case management dates back to the 1990s, when the prosecutors' office and the district courts had to implement a case tracking system to provide information about basic data of the person involved in the crime, suspected crimes committed, as well as issuance of the related decisions. This case tracking system was implemented before the criminal reform which introduced the uniform penalty system. This reform established a rule according to which, all the criminal offences committed by one suspect would be considered as one single case and will be unified and further considered by one judge. The prosecutors could share all gathered information amongst each other, and based on the outcome they could decide before which court the case is to be filed. This was the case when a suspect has committed several crimes, with several separate ongoing investigations under separate jurisdictions. This procedure, of course, required sufficient technological equipment, computers, emails, etc.

The beneficiaries from the SAKARI system are the police, the prosecutors, the district courts and the prisons. The system manages documents relating to a criminal case electronically, as well as editing of documents needed for a trial.

The information flow goes from the police → the prosecutor → the court. After the decision is made, it goes the other way around – from the court to the prosecutors' office. After the investigation is completed, the information figured out is processed from the police electronically managed system into the SAKARI case management system in a standard structured document, which a prosecutor can use or edit.

The police and the prosecutors' office communicate via email and they also exchange important documents such as witness' statements electronically. In case these documents are in hard copy form only, these will not be scanned. Once the form is filled and put into the system, through the SAKARI system one can search on cases pending with the same suspect, if under any circumstances he/she has committed a crime elsewhere within the country, to unify pending proceedings to be brought before one judge. The communication between the prosecutor and the judge is held in an online form, while using the same intranet which has to fulfill certain security standards. The prosecutor can also see the court's calendar. The prosecutor releases the application for criminal summons in the Sakari system. However, all the papers are also delivered (by post or otherwise) in hard copy to the District Court. Through the Sakari system, the Prosecutor can send information to the District Court e.g. information on urgency of the case (e.g. imprisonment, travel ban, under 18 years).

After the decision is taken, the prosecutor can find out the basic information in the SAKARI case management system and the ruling itself is sent to the prosecutor electronically. The prosecutor can visit the Court Decision system to obtain basic information about the sentence. An appeal against the ruling can be sent via email and the communication with the court of appeal can be implemented in an electronic way as well.

In the District Court, Sakari contains important information regarding all possible dates, phases, parties' contact details, representatives, methods of service, decisions and final judgment, notice of discontent to the judgment, secrecy.

Benefits:

A well-kept Case-tracking System database containsvirtually all the important information concerning every action, cause or matter filed in the court, including parties' particulars, the nature and quantum of the claim, the document filed and the outcome of hearings and more. Having all this data in an electronic format opens up a number of options to further enhance the efficiency of the court. Office automation functionalities have been developed to allow the user to automatically fill standard documents (e.g. notification tickets), extracting data directly from the database, (e.g. the date of the event that is notified, name and addresses of lawyers and parties). This not only reduces the workload of personnel but also the probability of making mistakes. In most cases, once generated, these documents are printed, signed and sent by mail or by other means of transmission. In Finland the documents are sent electronically to the post office in the area where the addressee lives, then printed and delivered physically.

The initial registration without double or triple filings has reduced data entry errors and helped the data support staff to proceed quickly, thanks also to the fact that prosecutors and judges were using the applications themselves to prepare their own documents thus saving the administrative staff time. The more complete is the fulfillment of the application by the police, the less work is needed by the prosecutors.

SAKARI is being updated on a regular basis by a group of professionals – representatives of the organizations that deal with the fight against crime. This group defines the priorities and future development of the SAKARI case management system for its better use.

E-tools used by citizens:

Citizens have several ways at their disposal on how to communicated with the State authorities in electronic form. Every citizen has his/her own citizen's account which makes it posible to communicate and to file online applications, as well as to receive the official documents. Online form of communication enables the citizen to follow in detail his/her case.
With regard to the criminal case management, the citizens can, in particular, ask for the compensation rates electronically or search for Legal Aid. Furthermore, the criminal record and the international criminal record in several languages can be filled in online and will be delivered in hard copy to the address of the applicant together with the bill to be paid.
A recent service available for the citizens is the possibility to report a crime in an online form. In certain categories of crimes (stolen or damaged property, stolen firearm and stolen documents issued by the police), the detailed description of the crime can be reported to the Finnish police online.

ELECTRONIC TOOLS FOR CRIMINAL JUSTICE IN GREECE: AN ELECTRONIC SYSTEM FOR JUSTICE UNDER DEVELOPMENT

Greece is currently in the phase of developing and implementing the system of electronic tools in criminal justice. In general terms, the telecommunication services are considered to be rather expensive and 44% of the Greek population, according to the reserach provided by International Telecommunication Union, use the online form of communication as a part of their daily communication.

Therefore, e-tools being presently used or planned to be used can be divided into following cathegories:

1. E-tools for Lawyers and Legal Practitioners;
2. E-tools to be put into practice by the Ministry of Justice, Transparency and Human Rights for the benefit of judicial authorities, legal practitioners and the public at large.

The E-tools for Lawyers and Legal Practitioners

ISOKRATIS is a Legal Information Bank and can be defined as an informational platform for various legal practitioners. It was originally set up in 1992 as an initiative of the Athens Bar Assosiation. Nowadays, the ISOKRATIS has all together over 47.500 members, out of which 22.000 represent legal practitioners. The daily users rate is marked around 15.000 users. ISOKRATIS provides, among others, access to an active source of legal information, applying legal acts, as well as jurisprudence, access to European and International Law, Court decisions (300.000 cases), and monitoring a complaint submitted or Courts' registers of dates of hearings. This electronic tool filfills the European and international standards.

The latest developments and foreseen activites in the field of e-justice of the Ministry of Justice, Transparency and Human Rights (Minister – Miltiadis Papaioannou, SG Nikolaos Kanellopoulos) are ruled by the recent Law no. 3979/2011 and can be summarized as follows:

1. E-tools already completed, to be launched for the use of authorized authorities in the upcoming weeks:

Electronic filing and application monitoring - Online service for lawyers, judges and citizens.

The respective e- tool aims to particularly tackle with the individual needs of citizens, while reducing the costs and increasing the efficiency of courts' management, the utilization of available human resources and the non-public administration, as well as simplifying and speeding up the administration of the judicial process.

The main advantages of such a tool are mainly: preventing from queuing for purchasing stamps' and filling in the applications, and preventing from time-consuming procedures for public and court clerks going hand-in-hand with a heavy bureaucracy.

2. E-tools scheduled to begin within 2012:

Electronic Criminal Record– The project is part of the creation of the Integrated Information System of the National Criminal Record, where criminal records from all the Prosecutors' Offices of the Court of First Instance of the country are registered in a systematic way.

The present situation intends to expand the 7 already existing criminal records systems (Athens, Patra, Thessaloniki, Volos, Irakleio and Ministry of Justice) to the rest of the Greek territory.

The direct beneficiaries are:

1. The judicial authorities;
2. The directors of prisons or therapeutic institutions;
3. Public service in general;
4. The foreign embassies or consulates for those due to migrate;
5. The competent authorities for the appointment of judges, teachers at all levels, the security forces and candidates for military and security forces academies;
6. Police stations responsible for issuing gun licenses, explosives, etc.

E – tools for detention centers – This electronic tool foresees the creation and establishment of an electronic database across all prison institutions. These will be connected with the Ministry of Justice, Transparency and Human Rights and subsequently, the data regarding the prisoner will be provided to authorized persons – lawyer and family member.

The project is of paramount importance as it aims to tackle problems and significantly improve the effectiveness and credibility of the Greek prison system, covering a wide range of needs, including:

♣ The interconnection of regional detention facilities with the central office of the Ministry of Justice, Transparency and Human Rights, will result in providing better services to citizens.

♣ Strengthening the social status of detainees and the effective exercise of their rights.

♣ The development of an information system of the Central Service of the Ministry of Justice, Transparency and Human Rights for the secure and confidential access to information networks of the prison.

The digital services will be provided through the implementation of the project related to:
- Online application and issuance of certificates of detention;
- Online application and issuance of certificates of ethical/disciplinary control;
- Online application and issuance of medical certificates;
- Electronic programme of legal visits;
- Electronic programme of visits from relatives;
- Electronic transfer of information to the wider public sector;
- Online marketing applications/documents for the shortest process claims of detention in the Central Office and stakeholders;
- Electronic availability of selected information/electronic files for certified prisoner representatives;

- Notice of an emergency;

-Services to inform the general public concerned (prisoners, relatives, lawyers, embassies, consulates, etc.) / Post information and communication.

Given these estimates, potential users and beneficiaries of the planned eservices will be: the prisoners (12,000), their immediate relatives (40,000), the potential or practicing lawyers (10,000), social services and associations such as "Return", ex-prisoners' associations, companies protect minors and other bodies such as embassies, consulates, immigrant associations, local authorities and NGOs. The number of potential users including the prisoners released will be about 200,000 in total.

Electronic update of the Court of Audits

The project aims to upgrade the already existing Management Information System of Auditors and the creation of new electronic services for citizens (including citizens with disabilities) in order to create a technological framework that ensures faster processing procedures of the Court and fully serves all citizens of the country.

The main project objectives are:

• The upgrade of existing electronic services of the Court that includes:

 1. electronic filing service remedies;
 2. electronic filing and tracking service requests;
 3. e-service case management;
 4. monitor progress of requests and cases (via portal, mail, phone)

• Ongoing anonymization documents may be made electronically through the Bank's Legal Software Content;

• The creation of digital service and many-position Height Control salaries of civil servants;

• Creating on-line help guides for users of service for the step-by-step data entry and monitoring procedures;

• The creation of civil service system that includes all available communication channels;

• The interoperability of the Court with controlled entities for the purposes of preventive and repressive control.

Online Services in connection with the Released society – tender closed in June 2011, now in the phase of implementation.

The project involves the provision of electronic services offered by the return released detainees and the country, in order to create a technological framework that will ensure faster processing of the return process and will better serve all operators for the smooth reintegration into society and the labor market itself. The capstone of the project is to create an website and to provide modern services with a high added value to the people concerned.

The digital services that will be developed and offered through the Portal are:

 1. Service careers - job search;
 2. Service creation / editing CV standards-based and can (automatically) for sending the jobs that appear in the electronic bulletin board;
 3. Online application of the Explanatory report social worker;
 4. Service e-consultancy work, drugs, etc.
 5. Electronic transfer of information to the wider public sector;
 6. Online application and issuance of coupons residence;
 7. Service and information search and sectoral labor issues;

8. Electronic library service with a flexible search by keywords, topics, categories, title, and combinations thereof;
9. Service asynchronous learning;
10. Social Networking Service (forum);
11. Service reporting to the foreign language audience, with ca ontent in most common languages;
12. Electronic bulletin board for jobs;
13. Update Services - public awareness about the problems of prisoners, juvenile offenders and released prisoners.

3. <u>E-tools whose implementation is scheduled for distinct future</u>:

Electronic archiving, filing and availability of Court Records:

The project aims to improve the system of recording, archiving and availability practices of the courts in order to increase judicial transparency and efficiency of justice, achieve the rule of law and improve state services to citizens.

The digital services that will be provided to the interested public through the website are:

1. Electronic filing of a copy of minutes from having a legitimate interest (lawyers, interested parties);
2. Electronic download (text format) copy of the Proceedings;
3. Electronic download status / outcome of the request for a copy of minutes;
4. Electronic filing referral practices;
5. Electronic download status / outcome of referral;
6. Electronic transfer of information between the concerned magistrates and clerks office (electronic submission Chair Secretary of practice, audit and certification by Judge;
7. Electronic transfer of information with other information systems.

Study to optimize the flow of civil and criminal proceedings:

The project aims to design a single, integrated enterprise architecture policy and criminal procedure at all levels of courts and prosecution offices, in order to homogenize and simplify the flow of processes.

The project includes:
- Mapping and evaluation of the status quo flow procedures in criminal and civil cases;
- Organizational and Operational Planning Model of the criminal and civil proceedings to all stakeholders of Justice (Central government departments, parts of trial courts in criminal and civil cases at all levels, police, etc. GSIS);
- Simplify the Flow of Civil and Criminal Procedure;
- Design of technical and operational requirements of the Integrated Management of Judicial Affairs;
- Ensure legislative base for the implementation and successful integration of the simplification and modernization of the judicial process for criminal and civil law, if and when necessary.