

Intervention text

Introduction

I divided my today's speech entitled "*The use of electronic tools from the Polish perspective in relation to the practice of other EU member states*" into two parts. In the first one I would like to introduce the implementation of electronic tools in selected EU member states. I will focus my attention on models operating in three countries, namely, Finland as a country with a perfect model, Belgium, where the model for using electronic tools was defined too broadly, and Italy, where the currently functioning model is a kind of a conglomeration of various systems. In the second part of my speech I intend to focus on showing the Polish model of electronic tools. This section consists of two stages. In the first one I will present how electronic tools are used in everyday work of prosecutors, while in the second one I will discuss the state of computerization of common courts.

State of implementation of electronic tools in selected EU member states.

First, I will present the Finnish model for using electronic tools in the judiciary. Finnish system is regarded as an exemplar model, because its solutions facilitate everyday work of the judiciary. This is mainly because more than 90% of Finnish citizens have access to the Internet, which implies the massive use of electronic means for interactions with judicial bodies. The basic system is a case management system called "*Sakari*". It is worth noting that within its operation the flow of information takes place in two directions. The Police pass materials collected during investigations to prosecutor's offices and prosecutors communicate with the Police using the system. Also communication between prosecutor's offices and courts takes place through this system. A special, highly-protected Internet connection is used for this purpose. When discussing the Finnish model of functioning of electronic tools, the tools intended for citizens are worth mentioning. Finnish citizens have the possibility to report crimes electronically. Special forms concerning the most common crimes are available at the Finnish Police website. Another interesting thing is the citizen's account, through which citizens can get support, among others regarding "legal aid". Logging to the system is done with a special electronic ID card or bank account number.

The second model I wish to discuss is the Belgian model, which proved to be too complex. The "*Phenix*" project, in which the basic electronic case management system for criminal cases was operating was based entirely on electronic records, constant expanding of which was slowing down the system. Furthermore, this expansion took place in all stages of criminal proceedings, from the Police to courts. As a result of the abovementioned further implementation of the system was abandoned in 2005. The project proved to be impossible to carry out because of its complexity.

The last model I would like to present is the Italian model, which seems to be a certain mix of various systems. Before the "*Rege*" system was introduced in the late 1980s there had been many smaller systems functioning in Italy. It was decided that they be combined into a single nationwide system operating under the name "*Rege*". After several years of its operation it was replaced by the NSC system. These systems, similarly to their counterparts in other countries facilitate administration of criminal cases. An interesting aspect of the NSC is its subsystem intended for the national anti-mafia bureau and regional anti-mafia bureaus. Unlike in the Finnish system, here the flow of information takes place only in one direction. This is to ensure information protection. While discussing the Italian model one should also mention *Abiforjustice.it*. This portal was created by the Italian Banking Association and aims to increase the efficiency of procedures, promote new technologies and reduce administrative costs. 52 prosecutor's offices have already joined the portal.

The Polish perspective

Let me move on to the second part of my presentation, this time devoted to the Polish perspective in implementing electronic tools. This part is also divided in two. The first half concerns the functioning of electronic tools in common units of prosecutor's offices, while the second one focuses on electronic tools used in common courts of law.

I would like to start my presentation of existing electronic tools in prosecutor's offices with discussing the possibility of sending complaints via electronic means. Unfortunately, there is no uniform system which would enable communication between citizens and prosecutor's offices via the Internet. However, citizens who want to lodge a complaint or petition may send these via e-mail. Every e-mail sent by citizens is replied to. In addition, an electronic public

administration platform (EPUAP) was launched in 2011, which after a simple log-in procedure enables sending complaints and petitions to any prosecutor's office in the country.

The basic tool used by prosecutors is the information system "*Libra*," which facilitates everyday administration of criminal cases. A number of modules, such as delivery register, electronic records, court calendar, statistics etc. function within the system. The number of these modules allows for the efficient management of the entire work of prosecutor's offices.

Another system, "*Sydig*", is a new system which is responsible for the implementation of electronic files in prosecutor's offices. The system is currently being tested as 20 selected units of prosecutor's offices examine to what extent the introduction of electronic files is a real simplification of everyday work. The system is financed with the Norwegian Grant. It is user-friendly and comes down to creating a pilot document, the so-called control card, in which a description of the whole document is provided. Then the documents are scanned and entered into the system. Thanks to using several types of filters and scanning capabilities using the OCR9 module one can find not only the documents of interest, but also specific parts of the text, which then can be copied. Electronic records are kept for complicated cases, such as economic or organized crime.

Another system I wanted to present is the ESUDO system, used for internal circulation of official documents in individual prosecutor's offices. It should be emphasized that each of the Appellate Prosecutor's Offices in Poland has its own system of this kind. The program I am presenting functions in Poznan. The system significantly improves sending of internal documentation and as a result allows for significant savings. The system provides access to any employee in a given prosecutor's office. It also provides information on receipt of the sent document. Additionally each user has access to previously sent documents. Entering documents into the system takes place in several stages. First a document must be scanned and accurately described. Then recipients of the document must be chosen. One can use the comment box to specify the deadline within which the document is to be viewed. Then, the moment the "*send*" button is clicked the document is sent to previously specified recipients.

While the ESUDO system allows persons to send official documents electronically, more direct communication between the staff of prosecutor's offices occurs via email. *Outlook Express* is used for this purpose. Communication takes place within a local network, and therefore does not require Internet access.

The second half of the second part of my presentation is devoted to courts. Unfortunately, unlike prosecutor's offices, courts in Poland do not implement electronic tools so eagerly. Nonetheless, these tools play an important role in their functioning.

Complaints are submitted in courts in the same way as in prosecutor's offices, and therefore email or the EPUAP portal is used for this purpose.

The basic electronic system used in everyday work of courts is a system called "*Judge 2*". It is a counterpart to "*Libra*" used in prosecutor's offices and allows for efficient management of criminal cases in courts. It features a range of modules which facilitate court secretariats' work. This system automatically controls deadlines, workload of judges or courtrooms occupancy. Furthermore, it incorporates more than 200 different pleadings widely used in courts. The system also automatically verifies the correctness of entered data.

To sum up :

- Computerisation of the Polish judiciary is at the European level and constantly increases,
- Unifying the systems used in prosecutor's offices and courts should be postulated,
- The level of digitalisation of files should be increased,
- It is worth to think about granting the parties access to case files via electronic tools,
- The level of computerisation of the judiciary should be greatly increased.

To end with, it is worth to say a couple of words about the future of electronic tools. Here the ECRIS system scheduled for implementation in April 2012 should be mentioned. Currently, eleven EU countries carry out the "*Criminal records network*" pilot program, in which information from criminal records are being exchanged.

Thank you for your attention!

Piotr Karlik

Criminal Proceedings Chamber

Faculty of Law and Administration UAM