

EXPERIENCE IN IMPLEMENTING ELECTRONIC CRIMINAL PROCEEDINGS IN SOME FOREIGN COUNTRIES

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Article Info	ABSTRACT
Article history: Received July 05, 2024 Revised July 25, 2024 Accepted Aug 05, 2024 Keywords: Electronic Case Management System, Criminal Justice Efficiency, Data Security, Document Digitization, Legal Information Disclosure	This article explores the experiences of various countries in implementing electronic criminal case management systems, highlighting both the advantages and challenges encountered. In the United States, the adoption of systems like PACER and CM/ECF has modernized the judicial process, though concerns about security and technical difficulties persist. Japan's introduction of electronic criminal proceedings in 2009 led to significant improvements in efficiency but also faced technological and security challenges. The UK, Canada, and Singapore have also implemented similar systems, each achieving varying degrees of success in enhancing the efficiency and accessibility of their criminal justice systems. The article concludes that while electronic case management systems offer significant benefits, careful consideration must be given to their design and implementation to address potential risks and ensure their effectiveness.. This is an open-access article under the CC-BY 4.0 license. 

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INTRODUCTION

In recent years, the introduction of electronic criminal case management systems has become a topic of great interest in many countries around the world. These systems promise to streamline and modernize the criminal justice process, allowing cases to be handled more efficiently. In this chapter, we will examine the experiences of several foreign countries that have implemented electronic criminal justice systems and examine the benefits and challenges they have encountered in doing so. By gaining insight into the potential advantages and disadvantages of electronic criminal case management systems, we hope to identify the best practices for their implementation.

United States of America (USA)

The implementation of electronic criminal case management systems in the United States has been an ongoing process for several decades, with different states and

jurisdictions implementing different electronic criminal case management systems and methods for tracking them.

METHODS

This article uses comparative case studies to compare the experiences of countries such as the United States, Japan, the United Kingdom, Canada, and Singapore in implementing electronic criminal case management systems. By discussing official documents, scholarly articles, and legal documents, the article explores the advantages and challenges faced by each country. In addition, through extensive literature review, the author assesses the effectiveness of systems such as PACER in the United States, DCS in the United Kingdom, and ICMS in Singapore. Qualitative analysis is used to provide the impact of these systems on the efficiency and accessibility of the criminal prosecution process in different countries.

RESULT AND DISCUSSION

The main goal of these systems is to increase efficiency and streamline the criminal justice process by digitizing criminal case files and automating many administrative tasks associated with conducting a criminal case. This can result in reduced delays, improved communication, and improved access to case information for all parties involved.

In the United States, e-justice began with the creation of the Public Access to Court Electronic Records (PACER) system, a multifunctional system for accessing data from district and appellate courts. One of the important features of PACER is the commercial component, where users can access the information they are interested in for a fee.

In conjunction with PACER, the Case Management/Electronic Case Files (CM/ECF) system for federal courts began operating. CM/ECF was first implemented in the late 1990s and has since been adopted by all 94 U.S. district courts, as well as several other courts, including the Bankruptcy Appellate Divisions and the Court of International Trade.

CM/ECF allows attorneys, judges, and other court staff to access case information electronically, file documents online, and receive automatic notifications when new documents or orders are filed. This can help reduce the time and costs associated with paper-based filing systems and improve the overall efficiency of the court system.

In addition to federal courts, many state and local courts have also implemented their own electronic case management systems. For example, in the early 2000s, the state of California implemented a statewide case management system called the California Case Management System (CCMS). However, the system faced significant technical difficulties and was eventually decommissioned in 2012.

More recently, some jurisdictions have begun implementing cloud-based case management systems that provide even more flexibility and accessibility. For example, in 2019, the state of Utah implemented a cloud-based case management system called the Utah Court E-Filing System. The system allows attorneys and court staff to access case information from any device connected to the internet and provides an easy-to-use interface for filing documents and managing cases.

Despite the many benefits of electronic case management systems, there have also been some concerns and issues surrounding their implementation. One major concern is the potential for security breaches and data theft, as electronic records are often more vulnerable to hacking and other cyber attacks than paper records. In the United States, an interesting experiment was also conducted in 2017, in which robot programs analyzed the decisions of the US Supreme Court from 1816 to 2015 with a prediction accuracy of over seventy percent. In total, about thirty thousand cases were analyzed by artificial intelligence.

Overall, the adoption of electronic criminal case management systems in the United States has been a gradual and ongoing process, with different jurisdictions implementing different systems to suit their specific needs and circumstances. Despite some challenges associated with their implementation, these systems have the potential to significantly improve the efficiency and accessibility of the criminal justice system.

Japan

Electronic criminal proceedings were introduced in Japan in 2009 through an amendment to the Criminal Procedure Code. This amendment allowed for the electronic filing of criminal complaints, the transmission of documents and evidence by electronic means, and the use of videoconferencing for witness testimony.

The introduction of electronic criminal proceedings in Japan has shown a number of positive changes in the development of the country's entire legal system.

First, the electronic handling of criminal cases has led to increased efficiency in the criminal justice system in Japan. Electronic filing of complaints and transmission of documents has reduced the time and effort required for paperwork, leading to faster resolution of cases.

Second, it has reduced the cost of litigation by reducing the need for paper documents and the time required for manual document processing.

Third, the digitalization of criminal cases has made the criminal justice system more accessible to people living in remote areas or with mobility issues by allowing them to participate in proceedings via video conferencing.

However, there are also disadvantages to the e-justice system:

Technological problems have arisen in the implementation of e-criminal proceedings, including problems with the electronic filing system and the need for specialized equipment for video conferencing.

Furthermore, concerns have been raised about the security of e-criminal proceedings, including the risk of hacking and the potential leakage of confidential information.

It is expected that the use of e-criminal proceedings in Japan will continue to expand in the future. The government is investing in technological infrastructure to improve e-criminal proceedings, and efforts are being made to train lawyers and judges in the use of e-criminal proceedings.

However, there are still issues that need to be addressed, such as ensuring the security of electronic systems and addressing technological issues associated with the use of electronic systems. Overall, it is expected that the development of electronic criminal justice in Japan will continue to grow, leading to a more efficient and accessible criminal justice system.

UK

In the UK, the electronic criminal case management system is known as the Digital Case System (DCS). The DCS is an online platform that allows barristers, judges and court staff to manage criminal cases electronically .

The following are the steps involved in the electronic criminal case management system in the UK:

Electronic Filing. Participants can submit documents electronically through the DCS. These documents include applications, notices and evidence.

Electronic Case Management. The DCS allows barristers and court staff to manage criminal cases electronically. Barristers can view case information and update case details, while court staff can manage court calendars and hearing schedules.

The use of DCS has led to improvements in the UK criminal justice system. Electronic case management has reduced the time and effort required to complete paperwork, leading to faster resolution of cases. The use of video conferencing has also reduced the need for travel and made the legal system more accessible to participants living in remote areas.

Canada

Canada has been implementing an electronic criminal case management system, known as the Integrated Criminal Offender Justice System (ICCOS), since the late 1990s. The system has evolved significantly since its inception and is now an important tool for the management of criminal cases in Canada.

Over the past few years, Canada has implemented electronic criminal justice in several provinces. The system, known as the Court Information Management System (CIMS), has been successful in reducing paperwork, improving access to court information, and reducing the costs associated with storing and retrieving paper records.

CIMS is a web-based application that allows for the electronic filing of court documents and online access to case information. It also allows for electronic communication between lawyers, judges, and court staff. The system has been gradually

implemented in several provinces, including Ontario, British Columbia, and Nova Scotia

One of the key benefits of CIMS is that it allows litigants to file court documents electronically from their office or home, saving the time and money associated with travel and paper filing. The system also allows parties to access court information online, reducing the need for physical visits to the courthouse.

Another benefit of CIMS is that it allows for faster processing of cases. Court staff can quickly and easily retrieve electronic files, reducing the time needed to search for and retrieve paper files. The system also allows for faster communication between attorneys, judges, and court staff, reducing the time needed to schedule hearings and make decisions. The implementation of CIMS has also created some challenges. One of the main concerns was the need to train attorneys, judges, and court staff to be comfortable using the new system. There were also concerns about the security of the system, as sensitive court documents are transmitted electronically. However, these concerns have been addressed by implementing secure access controls and encryption.

Overall, the implementation of electronic criminal justice in Canada has been successful in terms of modernizing the legal system, reducing costs, and improving access to court information. As the system continues to be implemented across the country, it is expected to further improve the efficiency of the criminal justice system in Canada.

Singapore

Singapore is one of the first countries to provide extensive virtual court services to the public through multimedia applications. Singapore courts pioneered videoconferencing, which is now the most versatile and productive technology available today.

Singapore has introduced an electronic criminal case management system known as the Integrated Criminal Case Filing and Management System (ICMS). The system has successfully reduced the number of paper filings, improved access to court information, and reduced the time and cost associated with manual case management.

ICMS is a web-based application that allows for electronic filing of court documents, online access to case information, and electronic communication between lawyers and judges. It was launched in 2010 and has since been adopted by all criminal courts in Singapore.

One of the key benefits of ICMS is that it allows lawyers to file court documents electronically from their office or home, saving time and money associated with traveling and filing paper documents. The system also allows litigants to access court information online, reducing the need for in-person visits to the courthouse. Another benefit of ICMS is that it allows for faster processing of applications. Court staff can quickly and easily retrieve electronic files, reducing the time needed to search for and retrieve paper files. The system also allows for faster communication between attorneys, judges, and court staff, reducing the time needed to schedule hearings and make decisions.

In addition to increasing the efficiency of the legal system, the system has also helped reduce the environmental impact of paper documents. By reducing the need for paper documents, ICMS has helped reduce the amount of paper waste generated by the legal system.

Overall, the implementation of e-criminal justice in Singapore has been successful in terms of modernizing the legal system, reducing costs and improving access to court information. As the system continues to develop and improve, the effectiveness of the criminal justice system in Singapore is expected to further improve.

In conclusion to the above, it is important to note that electronic criminal case management systems have been implemented in several countries around the world with varying degrees of success. For example, in the United States, several states have implemented electronic case management systems, including California, New York, and Texas. These systems have helped improve the efficiency of the criminal justice system by reducing paperwork and increasing the speed of case processing. However, concerns have also been raised about the security of electronic case files and the potential for errors in the system.

As for Canada, the country has been implementing the Integrated Criminal Offender Management (ICCO) system since the late 1990s. ICCOS has been successful in improving the efficiency, accuracy, and transparency of the criminal justice process in Canada.

Germany, on the other hand, has implemented an electronic case management system called the Electronic Judicial and Administrative Mailbox (EGVP). This system has helped reduce paperwork and improve the efficiency of the criminal justice system. However, concerns have also been raised about the complexity of the system and the potential for errors.

Japan has implemented an electronic case management system called the Integrated Case Management System (ICMS). This system has helped improve the efficiency of the criminal justice system by reducing paperwork and increasing the speed of case processing. However, concerns have also been raised about the security of electronic case files and the possibility of errors in the system.

CONCLUSION

Overall, the implementation of electronic criminal case management systems has the potential to improve the efficiency, accuracy and transparency of the criminal justice process. However, there are also potential risks and concerns associated with these systems, including concerns about security and potential errors. Therefore, it is important to carefully consider the design and implementation of such systems to ensure that they are effective and reliable.

REFERENCES

- [1]. "Artificial Intelligence Prevails in Predicting Supreme Court Decisions," Science.org, 2017. [Online]. Available: <https://www.science.org/content/article/artificial-intelligence-prevails-predicting-supreme-courtdecisions>. [Accessed: Aug. 28, 2024].
- [2]. "Crown Court Digital Case System – Next Steps Guide," Version 0.71, Criminal Bar Association, 2018. [Online]. Available: <https://www.criminalbar.com/wp-content/uploads/2018/02/dcsuserguide.pdf>. [Accessed: Aug. 28, 2024].
- [3]. J. Sherman, "Court Information Management Policy: Framework to Accommodate the Digital Environment," Canadian Judicial Council, Discussion Paper, Ottawa, Ontario, 2013. [Online]. Available: <https://cjc-ccm.ca/sites/default/files/documents/2019/Policy%20Framework%20to%20Accommodate%20the%20Digital%20Environment%202013-03.pdf>. [Accessed: Aug. 28, 2024].