

## Digital Criminal Justice

Eurojust first proposed the concept of Digital Criminal Justice (DCJ) to the Council of the European Union in December 2018. The initiative aims at creating an EU-wide digital platform to enable Eurojust and the wider European judicial community to quickly and efficiently interact and exchange critical information and evidence during criminal investigations. Eurojust supported the European Commission on a study to assess the viability and potential implementation of an EU-wide Digital Criminal Justice platform. The study was completed in June 2020.

Throughout 2020, Eurojust worked closely with the European Commission and helped identify several areas in which digital tools could give all actors in the EU security chain the opportunity to keep up with the fast pace of technological development and the rapidly evolving threat landscape. In December 2020, the Commission tabled comprehensive proposals to further enhance the [digitalisation of justice systems](#). Several elements in the package pave the way for a major leap forward in making judicial cooperation and information exchange in criminal investigations and proceedings across the EU ‘digital-proof’ for the challenges of the 21st century:

- Modernisation of Eurojust’s [Case Management System](#);
- Creation of a task force to improve possibilities for data exchange and hit/no-hit connections between Eurojust and its partners, to help identify links between ongoing investigations and prosecutions;
- New legislative initiatives on:
  - digital information exchange on cross-border terrorism cases, including further improvement of Eurojust’s Counter-Terrorism Register and Eurojust’s data processing framework;
  - the establishment of a joint investigation teams collaboration platform.

### Background

Digitalisation profoundly affects the criminal justice field, acting as both a catalyst of cross-border criminal activity and an effective tool to fight organised crime. In recent years, the European Union has taken steps to modernise the information systems used by law enforcement officials in the respective Member States, to better enable cross-border cooperation in criminal cases. In particular, EU law enforcement authorities, including Europol, eu-LISA and Frontex, are equipped with state-of-the-art digital (ICT) tools for gathering and sharing information, and can exchange and process operational data in a structured, encrypted, fully automated and interoperable way.

In contrast, judicial practitioners in the Member States, as well as Eurojust and other JHA agencies, often lack appropriate tools to tackle serious cross-border crime and enhance cooperation among involved authorities. In particular, the lack of a structured and integrated information system to support operational exchanges of crucial information and evidence during cases requires practitioners to find workarounds based on cumbersome manual procedures. At

Eurojust, such limitations slow down efforts to provide the level of service national authorities require in cross-border investigations.

### **Making the case for Digital Criminal Justice**

In December 2018, Eurojust presented a note to the Council of the European Union outlining the need for a standardised set of digital tools to support efficient interaction and judicial cooperation within the European Union. These tools would incorporate the latest information technologies within a reliable and secure centralised IT infrastructure, known as Digital Criminal Justice (DCJ).

In addition to enhancing communication and data exchanges, an EU-wide Digital Criminal Justice platform would enable judicial practitioners to act swiftly and decisively during time-sensitive investigations; for example, by quickly issuing and responding to mutual legal assistance (MLA) requests and other legal instruments.

In July 2019, the European Commission's Directorate-General for Justice and Consumers, with the support of Eurojust and other stakeholders, initiated a study to further discuss, develop and implement the Digital Criminal Justice concept. Specifically, the study seeks to better understand the business needs of the judicial community working on cross-border criminal cases, and assess how these needs could be met by the proposed technological solutions.

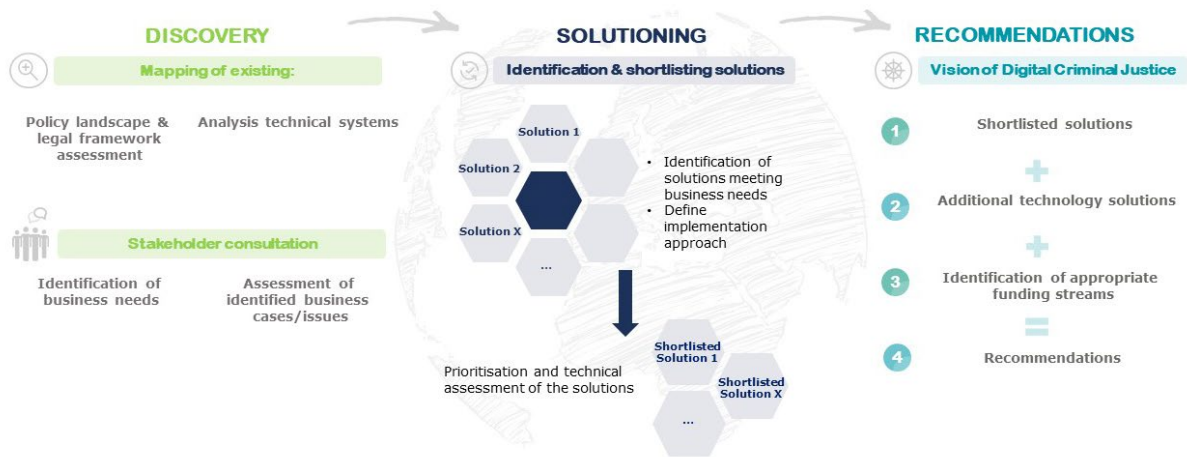
### **Digital Criminal Justice study**

The study aims to assess the business needs of the EU judiciary community working on criminal cases, and to explore relevant technological solutions.

The study has the following objectives:

1. analysing the current policy landscape within the Member States and at EU level, including potential obstacles presented to Digital Criminal Justice presented by these frameworks;
2. undertaking a high-level assessment of the business needs of judicial practitioners working on investigations in cross-border criminal cases, in particular with respect to data exchange and processing, as well as a gap analysis of the business needs against the existing solutions and those proposed under the Digital Criminal Justice study;
3. identifying and examining in detail the most promising technical solutions for meeting the identified business needs based on emerging trends in the field of communication and information technology, and how these technologies could be leveraged to address the identified business needs; and
4. preparing final recommendations on Digital Criminal justice, including guidance on appropriate technical solutions.

The figure below displays the logic behind this study:



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## Solutions

Following the identification of business needs (through data collection activities with Member States) and the Expert Group Meeting of 13/14 January 2020, a certain number of solutions to solve the current needs in the domain of cross-border judicial cooperation were identified and prioritised:

- an underlying **secure communication channel** to allow for the exchange of messages, information and evidence electronically across borders in a secure way;
- a **communication tool** to enable the secure electronic exchange of judicial cooperation requests and mutual recognition/mutual legal assistance forms, information, messages and evidence;
- the **redesigned Eurojust Case Management System** to allow its proper functioning and ensure it addresses the needs of its users;
- a **JIT Collaboration Platform** to set up, plan and coordinate JIT operations, allowing easy communication, as well as the electronic sharing of large amounts of information and evidence between JIT partners;
- an **exchange of data between the JHA agencies and EU bodies** active in the area of judicial cooperation (Eurojust, Europol, Frontex, the EPPO and OLAF);
- a **judicial cases cross-check** to be able to search for case-related information and identify links among cases that are being investigated in other Member States or JHA agencies and EU bodies; and
- a **large files solution** to overcome the limited attachment sizes authorised by mail servers and exchange large amounts of information electronically.

## State of play

The study has completed its third and final phase. This phase included the completion of the final report. The final report presents seven solutions to address the business needs categories identified during the data collection activities (e.g. strategic interviews with various services of the European Commission, Eurojust, Europol, eu-LISA, Frontex and the EPPO, an online web-

based survey, as well as field visits (Croatia, Finland, Germany, the Netherlands and Romania) and phone interviews (France and Italy), a First Digital Criminal Justice Expert Group, etc.) and to implement the Digital Criminal Justice concept. The report includes an in-depth assessment of the most promising possible solutions including a cost estimation and appropriate recommendations, as well as a governance structure and an implementation roadmap.

The report was disseminated to the Digital Criminal Justice Expert Group including Member States representatives, JHA agencies and EU bodies, Commission, Networks, etc. The [final report](#) and the promotional video on Digital Criminal Justice was presented and discussed during the Second Digital Criminal Justice Expert Group meeting on 23 and 24 June 2020.

The study was published by the Commission's Publication Office on 14 September, followed by a press release and promotion on social media by the Commission and Eurojust.

### **Communication**

The European Commission has created an online platform to provide further information on Digital Criminal Justice: the DCJ Confluence Space. This platform allows for reviewing the outputs of the study, following up on next steps and communicating with other practitioners through a chat tool.

Please note that the confluence space is restricted to judicial and law enforcement authorities. It will remain available after the completion of the study.