

European Cyberjustice Network (ECN) - Seminar #6/2023 Digitalisation and AI in Criminal Justice



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Tackling the assignment of criminal cases' main issues:

- 1. Unequal distribution of the workload among judges or among chambers of the Court
- 2. Non-optimal management of hearings, with the possibility of overload or undersaturation

particularly relevant in medium and small courts



VS



1. UNBALANCED DISTRIBUTION OF THE WORKLOAD







VS

2. NON-OPTIMAL MANAGEMENT OF HEARINGS





Assignment of the case with simultaneous scheduling of the first hearing before the judge following a request by:

1. Prosecutor to GIP (Preliminary Investigation Judge)/HoC (Head of Court/President of Chamber)

2. GIP to HoC



Criminal Court Coordinator → Preparation of annual hearing calendars (Panels and monocratic Judges)



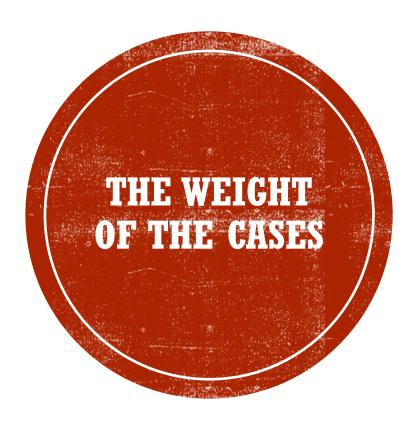
Prosecutor/Preliminary Investigation Judge \rightarrow enters the request for the setting of the hearing in the GIADA2 system



Algorithm "GIADA2" → calculates the weight of the case, assigns the case to the judge/panel on the basis of automatic criteria, identifies the hearing date using data from the electronic register (SICP) that is updated in real time

HOW IT WORKS





The Head of Court establishes the criteria for the allocation of cases, based on their complexity.

Complexity is determined establishing indicators...

- Number of defendants: 1 point each
- Number of incarcerated defendants: 2 points each
- Number of charges' multiplication factor: → 1 each charge
- Special subjects' multiplication factors:
 - Economic trials $\rightarrow 2$
 - Environment crimes → 3
 - Medical or on-work manslaughter \rightarrow 5

...and a scoring system

- Class 1: from 0 to 2 points
- Class 2: from 3 to 10 points
- Class 3: more than 10 points

HOMOGENEOUS DISTRIBUTION OF CASES

	Judge A	Judge B
Class 1		
Class 2		
Class 3		

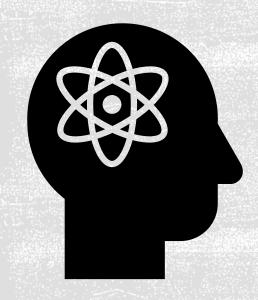


Using correct and meaningful parameters is essential to ensure the fair, effective, homogeneous distribution of cases to the judges (to avoid backlogs and unequal time for resolving similar cases).

What is required for this?

- deep preliminary study of the various types of cases/trials, to identify the characters that are most representative of a greater or lesser difficulty of the case/trial
- involvement of all relevant stakeholders: the Head of Court, the Presiding Judge(s) of the Criminal Chambers, the judges of the Chambers, the Registrar

WARNING





1. Data extraction from SICP to define the "weight" of the trial

2. Classification of the case according to its 'weight' (class 1, 2, ...)

3. Assignment of cases/trials to Judges/Panels on a rotational basis according to the occurrence of each weight class → In this way, once a case has been assigned to a judge/panel, the same judge/panel will not get a case of the same class until all other judges/panels (with jurisdiction over the matter) have also got one.

THE CASES ALLOCATION ALGORITHM



1. Work capacity of the judge

2. Competence by subject

3. Capacity and duration of the hearing

4. Assignement intervals

THE WORK CAPACITY OF THE JUDGE

GIADA2 allows the configuration for each judge and each section of:

- a) the single judge work capacity, i.e. how much 'time' in percentage terms the judge dedicates to the activity;
- b) the panel work capacity, i.e. how much 'time' in percentage terms the judge dedicates to the activity in the panel





THE COMPETENCE BY SUBJECT



- GIADA2 allows cases/trials to be assigned to specialised panels or judges (who deal with specific crimes, e.g. organised crime, blood crimes, etc.).
- The "generic" cases/trials are distributed among all the judges in order to balance out the differences in workload resulting from the difference in quantity and quality of the specialised cases.





Giada2 makes it possible to schedule and organize hearings in such a way as to facilitate optimal management by judges and panels, taking in consideration:

- The maximum number of trials that can be handled in the hearing;
- The maximum number of "emergency" trials;
- The maximum number of direct summons (trials with dates requested directly by the prosecutor).
- The duration and number of the hearings in a day

ASSIGNEMENT INTERVALS

• Giada2 let you set the assignment intervals, based on the higher or lower degree of urgency of the case/trial \rightarrow

Defendant status	Start date	End date
Free	180 days	No limit
Prisoner	45 days	120 days
Urgent	90 days	180 days

The algorithm requires a timetable definition with a one-year time horizon, otherwise the software could not find dates for allocations



CONCLUSION: GIADA2



needs a preliminary deep study.



ensures that cases/trials are distributed equally among different panels/judges of the Court, taking into account the specialization, quantity and complexity of the cases, without any discretion of the Head of the Court or the Chamber



organizes the first hearing with a number of trials that corresponds to the judge's work capacity



does its job!



THANKS FOR YOUR ATTION



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