

Modernizing the Belgian road traffic criminal justice chain: tension between digitalization, “true expertise” and doing justice

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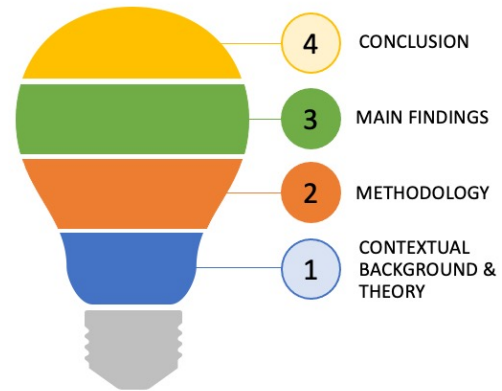


Road traffic criminal justice supply chain



Talk about Mach, a case management system introduced in Belgium within the prosecutors offices and police courts
And how it redefine the work tasks along the road traffic criminal justice supply chain

Agenda



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“The digital transformation of files is an important step in the modernization of Justice to ensure security and fight against recidivism. The need for a system that facilitates access and allows the sharing of data between the different partners is therefore essential. The move to *MaCH*, which consolidates and centralizes data, is a major step forward in the modernization and digitization of justice.”

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Implementation of *MaCH* following a **double criterion**

1. focus was put on the **criminal justice system**

In the early 2000s, the judicial courts and public prosecutors’ offices were using thirteen different case management applications. These tools were incompatible, mostly outdated, and led to coordination and communication problems between the different judicial organizations. In this context, the Minister of Justice decided to replace the applications of the various courts and prosecutors’ offices by a single, standardized, and more sophisticated one, called *MaCH*

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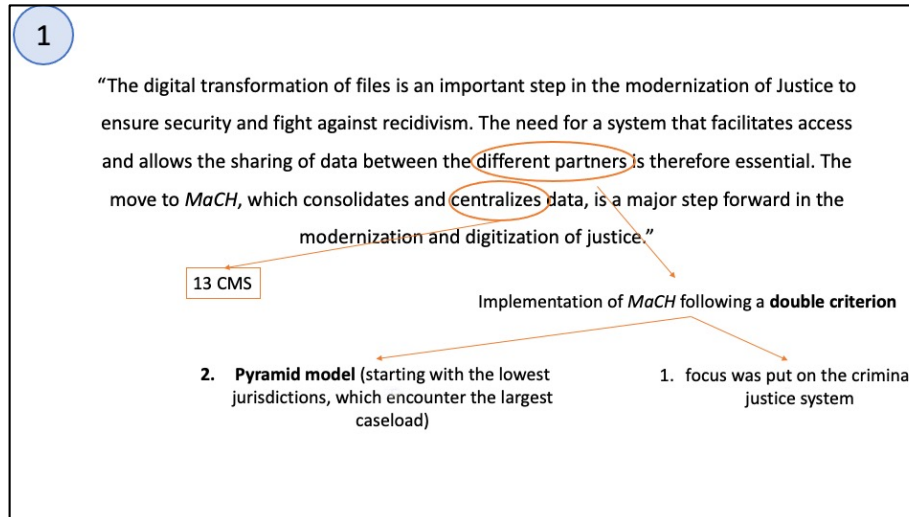
Criminal justice supply chains

Police → Prosecution service → Courts

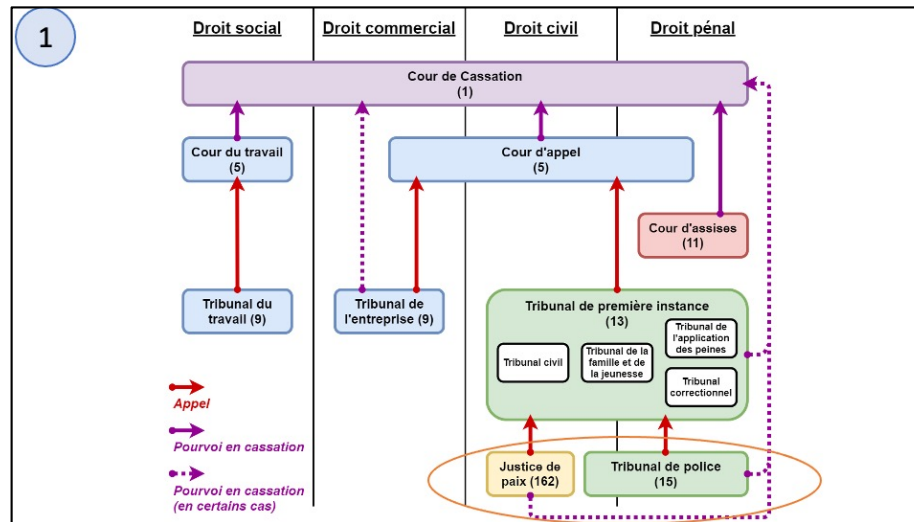
- organizations that collectively ensure the rule of law
- deliver an inter-organizational public service (Callender, 2011; De Blok et al., 2015).

The context of multi-level network requires intensive inter-organizational exchange of information.

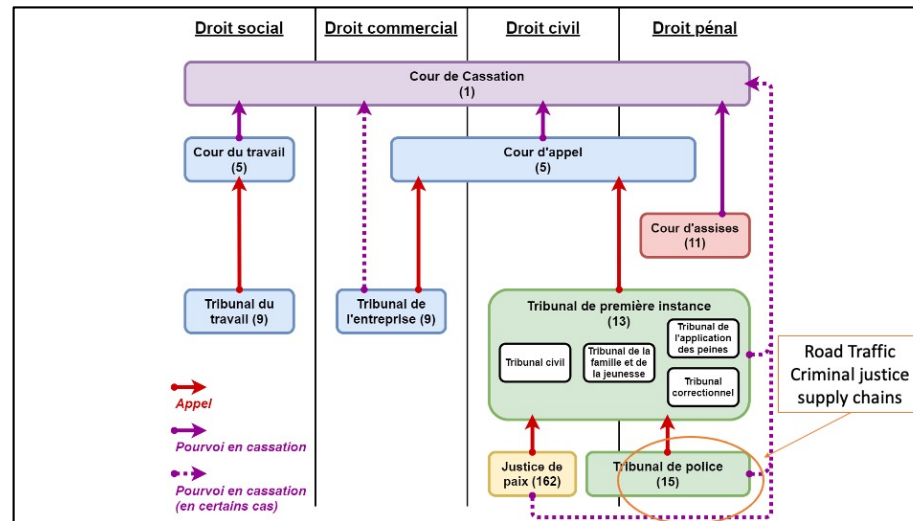
Achieving smoother working standards and a better information exchange is of particular interest here, as different organizations — police, prosecutor's office and courts — interact to bring a criminal case to court. This public service supply chain requires inter-organizational communication in order to be responsive and to achieve fast and reliable decision-making



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namely District courts, police courts, and prosecutors' offices



This mass litigation based on exchanges of information along a supply chain and governed by a law that leaves little room for interpretation, lends itself perfectly to digital integration (Ponginson et al., 2011). Hence, the former Minister of Justice decided to switch the road traffic criminal justice supply chain to the *MaCH* tool as a priority

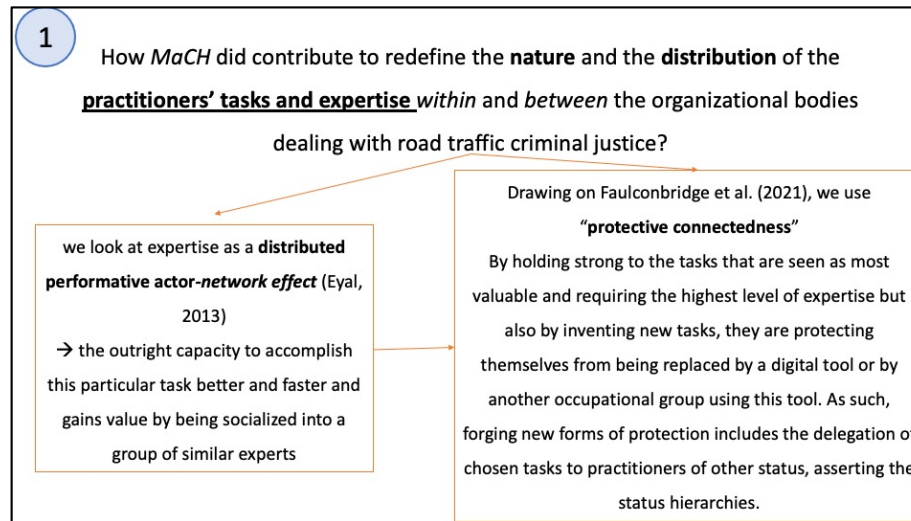
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MaCH was launched to manage, on a single centralized server, the data from various sites for police courts and prosecutors' offices. Its goal was to provide a reliable digital standard throughout the trial criminal justice chain for file management and a gateway to various relevant databases.

→ supporting the administrative work of practitioners and converting physical flows of information into digital flows

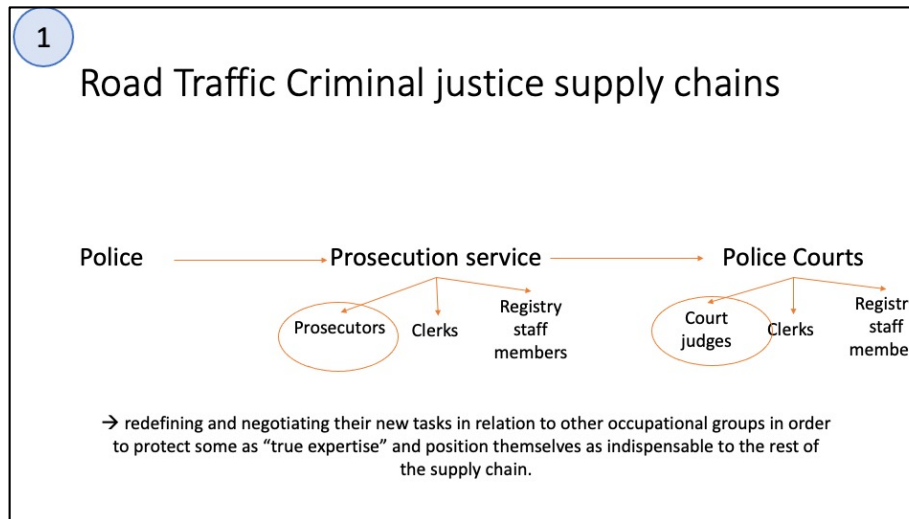


mainly used by **clerks** and **registry staff members** for data entry, while **magistrates** tend to use it more for consultation purposes.



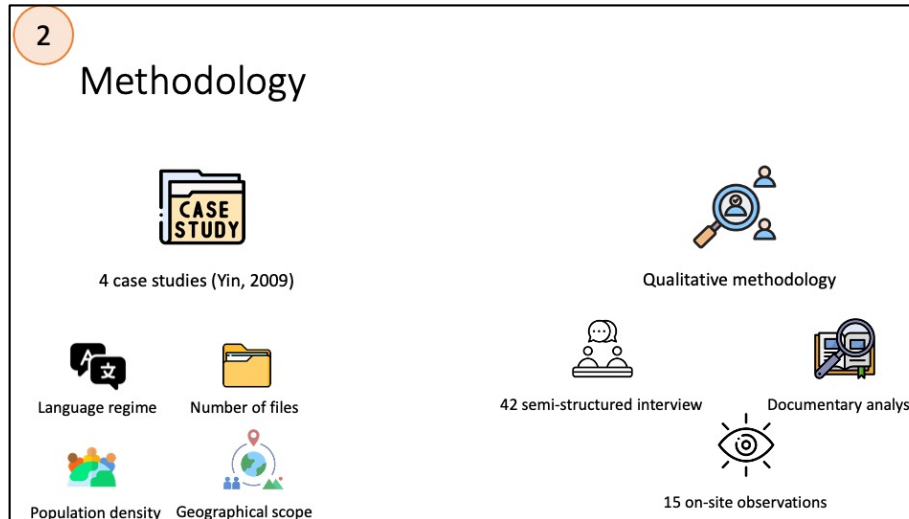
Hence, it requires to also look at the contributions made by other experts (and the mechanisms by which their cooperation has been secured) and the tools and devices used in the performance of the task.

Hence, the protective connectedness of the practitioners can only be comprehended by considering the way their expertise is defined in relation to the expertise of others.



this paper will focus on two particular “groups of experts” along road traffic criminal justice supply chain: court judges and prosecutors. Magistrates, either in court or in the public prosecutor’s office, are considered as the professionals with the highest level of expertise of the entire chain. However, while forms of expertise are assembled by the performance of certain tasks, the introduction of *MaCH* allowed for the automation and the reallocation of some of their tasks. Hence, magistrates had to be particularly creative while redefining and negotiating their new tasks in relation to other

occupational groups, like clerks, registry staff members and police officers, in order to protect some as “true expertise” and position themselves as indispensable to the rest of the supply chain.

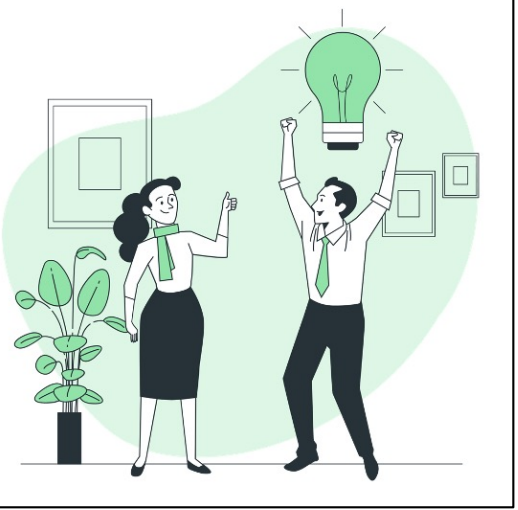


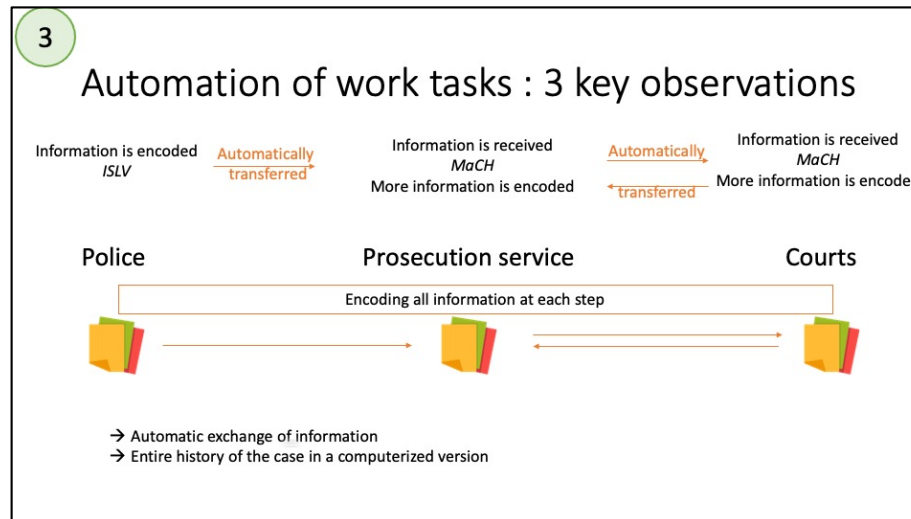
Four case studies were performed within four contrasting jurisdictions: they differ in terms of size, language regime (French and Dutch), population density, and geographical scope.

This research draws on qualitative methodology. It is primarily based on on-site observations (n = 15) and, confidential and anonymous individual semi-structured interviews conducted with people directly concerned by this subject (n = 42), between September 2022 and June 2023

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Main findings





Before the implementation of *MaCH*, court registry staff members received the paper file from the prosecution and had to re-encode all data into their own management system. Likewise, the prosecution services only had access to a paper-version of the verdict to ensure its enforcement.

First of all, an automatic transfer of data occurs from the police services to the public prosecutor's office. The information contained in the police report are transferred into the police database – called *ISLP* -, which is compatible with *MaCH*. Hence, the same information is

visible for the prosecution office within *MaCH*. All data concerning the same file is therefore grouped under a single number.

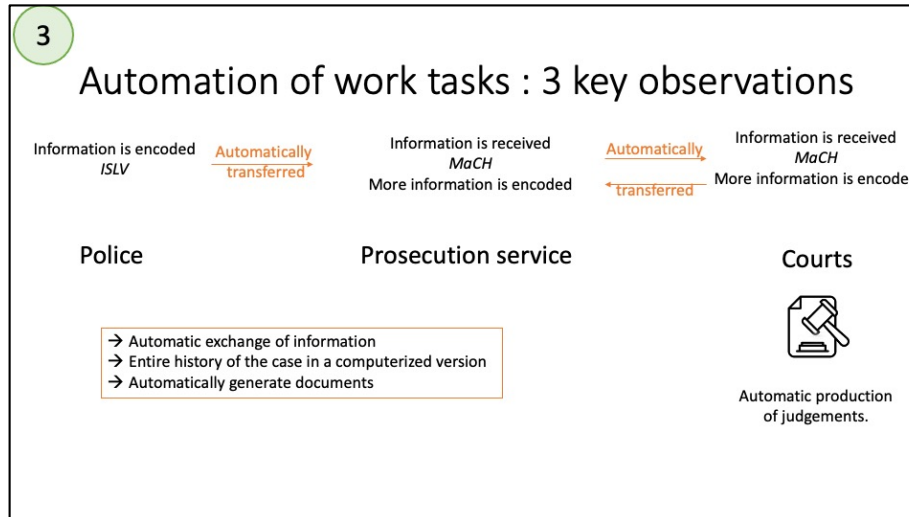
The exchange of information between the prosecution and the court is bilateral. As both organizations use *MaCH*, the transfer of data is done automatically from one to the other, depending on the stage of the procedure: courts receive information from the prosecution services about the file upstream the hearing and the prosecutions receive the judgements from the courts once pronounced.

→ see the entire history of the case in a computerized version.

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“And we can always reopen the documents, print them out and send them by e-mail etc. So, there is a series of information that is quite valuable. For example, if I want to see if an offence is subject to aggravation, I go to *MaCH* and read the previous verdict render by the court. It's much easier and faster than requesting the judgment from the clerk's office (by putting a post-it note on the paper file), waiting for it to be printed and sent to us. That's how it used to work.” (Prosecutor deputy, October 2022)





Last but not least, *MaCH* allows to automatically generate documents based on the data entered. The best example to illustrate this ability is the automatic production of judgements.

Most verdicts in police courts are given from the bench. This means that the decision is determined by the judge during the hearing. This type of judgment does not require any particular justification or motivation. As mentioned before, sentences relating to road traffic matters are relatively enclosed by law. Therefore, the

MaCH tool contains a number of codes which each correlate to a standardized motivation. Once the verdict is pronounced by the judge at the hearing, the clerk enters the corresponding codes into *MaCH* and the judgment is automatically generated in the correct template, including the information about the parties, the alleged charges and the (standardized) motivation.

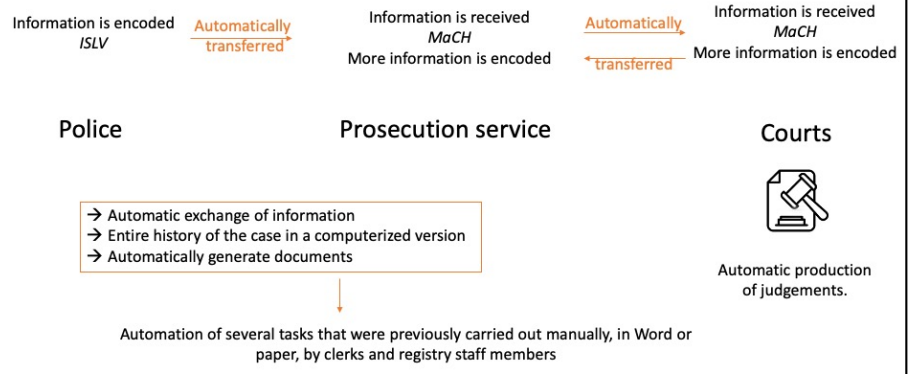
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"I introduce a code, I click on a button called 'generate,' and the judgment will automatically come out with the correct standard motivation. For cases that don't require any particular thought or questions to be answered, it's really handy. It's a huge time saver because, before, you had to type in the identity of all the parties, insert the magistrates' motivation and re-state the facts." (Court clerk, November 2022)



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Automation of work tasks : 3 key observations



3 Reshaping networks of expertise with protective connectedness

- Within each organization

Prosecution service	Clerks "legal work"	Magistrates
Courts		

The ability of *MaCH* to automate certain tasks and smooth information exchange involved transformation of the nature and the distribution of work

Instead of spending excessive time on repetitive administrative tasks, clerks and registry staff members are now needed for some “up ranked” assignments, previously carried out by magistrates.

This suggests that the areas of expertise are blurred between the judge and the clerk, more specifically regarding the redaction of judgements, which involves greater cooperation between the two parties. This

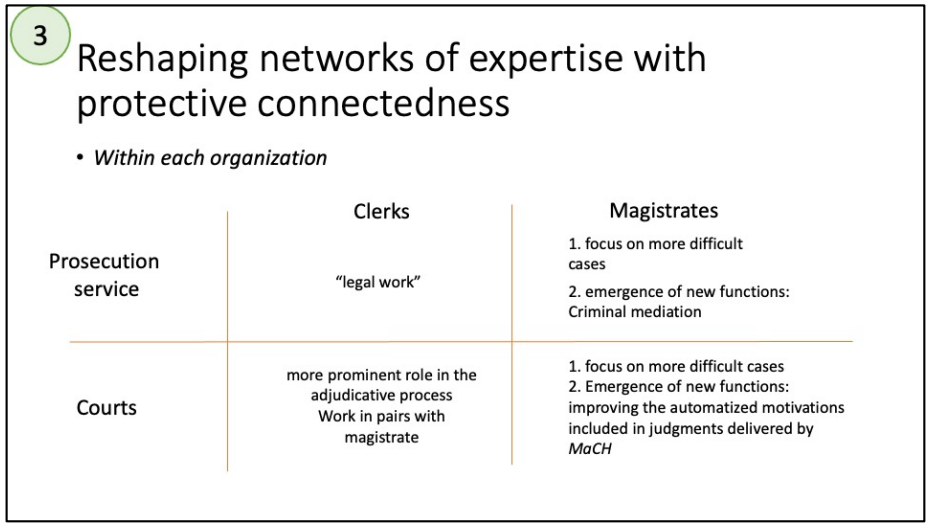
embedding is a new form of connective practice which involves that the boundaries around “render justice” are becoming more permeable. This example highlights a crucial element in Faulconbridge et al. (2021) thesis; practitioners’ response to change is to relate to “outsiders” rather than isolating themselves, which leads to a relational definition of expertise and action

With the time saved through *MaCH*, legal professionals can dedicate their energy and creativity to other important aspects of their work and claim authority over new tasks. In the examples above, we can clearly see how the magistrates have reinvented their scope of expertise in relation to other professionals but also in relation to the *MaCH* tool.

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“The employees on the police prosecution service now prepare the direction of the file, they already suggest a course of action: either to close the case, or to settle it, or to send the file directly to the court hearing. they now have a job of legal qualifications. And we, as prosecutors, validate, we check that the work has been done properly.” (Prosecutor deputy, November 2022)



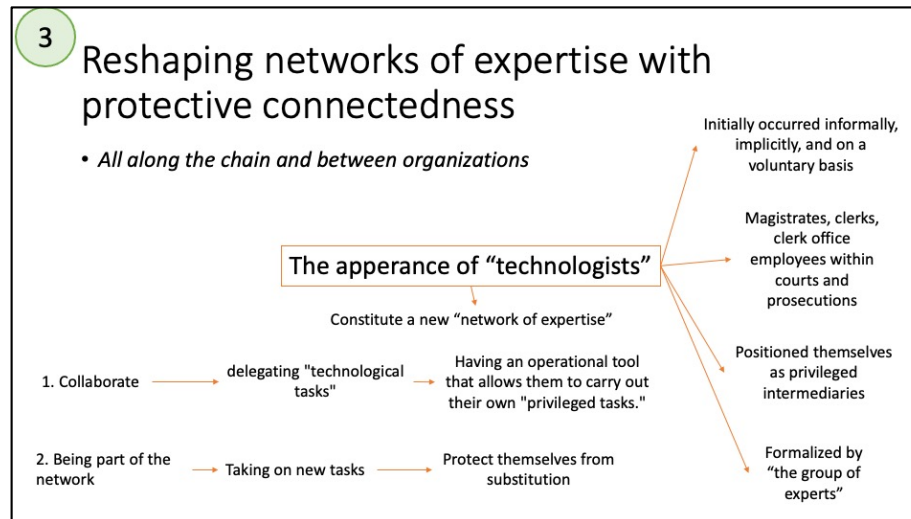


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The attribution of this new role initially occurred informally, implicitly, and on a voluntary basis. At all levels of the chain, users who encountered difficulties with *MaCH* naturally turned to those whom they knew were most capable of helping them. These "helpers" included both magistrates and clerks, as well as clerk office employees within courts and prosecutions.

positioned themselves as privileged intermediaries with the private partner responsible for the platform's maintenance.

technologists have the ability to claim exclusive expertise

by mastering the *MaCH* tool better and faster, thereby becoming key strategic partners

In 2020, this role was formalized by the Conference of Chief Clerks, which established "the group of experts."

Faced with the emergence of this new professional group, two strategies emerge among prosecutors and judges. These strategies that can be illuminated by the concept of "protective connectedness" by Faulconbridge et al. (2021).

By reinventing themselves and taking on new tasks that only they can perform, they protect themselves from potential substitution by a digital tool or by another professional group using this tool.

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"I'm lucky because my office is right next to the expert's office. And since we get along well, whenever I have a problem with *MaCH*, I just call him, and he solves it directly." (Prosecutor's deputy, November 2022).



4 Conclusion

MaCH provides an opportunity to dedicate time to innovation & creativity
 → empowers legal professionals to reimagine and reinvent the justice system

Partners of the road traffic criminal justice supply chain reimagine their area of expertise in light of how *MaCH* can reconfigure what a magistrate or a court clerk can or should do

By **designating** only some tasks as suitable for clerks and technologists, and by **collaboration**, the redefinition of networks of expertise is made possible in **response to an outside pressure**

Some work tasks have been shifted as outside of the scope of what is now the exclusive privileges of judges and magistrates
 → making the technologists and the clerks less of a threat and more a connective opportunity

This allows the clerks to perform some tasks of early-stage analysis that were previously performed by magistrates and judges but it also favors the emergence of a new expert group, technologists. Such work has been strategically shifted as outside of the scope of what is now the exclusive privileges of judges and magistrates and, hence, making the technologists and the clerks less of a threat and more a connective opportunity.

These strategic collaborations leave many of the tasks magistrates and judges most value intact and protects a domain of “true expertise”. Hence, by designating only some tasks as suitable for clerks and technologists, and by collaboration, the redefinition of networks of expertise is made possible in response to an outside pressure (the digital transformation of information flows).

partners of the road traffic criminal justice supply chain to reimagine their area of expertise in light of how *MaCH* can reconfigure what a judge, a court clerk, a prosecution clerk, a prosecutor, a police officer can or should do.

In summary, while *MaCH* facilitates the standardization and automatization of judgements in the judicial system, it also provides an opportunity for magistrates to

break free from mundane tasks and dedicate their time to creativity and innovation. This can lead to a more dynamic and adaptable justice system that balances standardization with individualized approaches to achieve fair and just outcomes. This potential for innovation empowers legal professionals to reimagine and reinvent the justice system, continually adapting and improving it to meet the evolving needs of society.

Thank you for your attention

