

WP 6 – Law Enforcement Issues

Co-ordinator: P3, INTERPOL, Caroline GOEMANS

Summary of work required from other partners (excludes work of WP coordinator/s).

It should be made clear to all partners that the work listed below is the *minimum* that will be required as their contribution to this WP. It is possible that they will be asked to contribute further should unforeseen circumstances or problems arise in the execution of the work.

This preliminary summary list is being provided for planning purposes.

PARTNER NO	PARTNER NAME	WORK REQUIRED	DATE WORK REQUIRED
1	CNR – ITTIG (WP4)	Contribution of any questions or issues to be raised in the questionnaire / interviews. Preparation closed workshop. Presentation of a <u>first draft</u> of D4.1 on the “overview of existing standards for treatment and exchange of electronic evidence” in order to contextualize the implementation of these standards by LEAs as well as issues which may arise whilst avoiding a repetition of research. Presentation of a <u>first draft</u> of D4.2 on the “status quo assessment and analysis of primary challenges and shortcomings” as a reference for the law enforcement issues regarding standards.	June 2014 November 2014 February 2015 May 2015
1	CNR – IRPPS (WP2)	Formulation of the working definitions, in particular the definition of “electronic evidence” and the semantic structure as these elements will also determine part of the scope of WP6.	July 2014
2	RUG (WP3)	Contribution of any questions or issues to be raised in the questionnaire / interviews. Presentation of a <u>first draft</u> of D3.1 on the “overview of existing legal frameworks in the EU member states” in order to contextualize the implementation of these legal frameworks by LEAs as well as issues which may arise whilst avoiding a repetition of research. Presentation of a <u>first draft</u> of D3.2 on the “status quo assessment and analysis of primary challenges and shortcomings” as a reference for the law enforcement issues regarding legal challenges.	June 2014 February 2015 May 2015
3	INTERPOL		
4	LUH (WP8)	Presentation of a <u>first draft</u> of D8.1, a “report on data protection in gathering and using electronic evidence” in order to contextualize the implementation of data protection legislation by LEAs and issues which may arise whilst avoiding a repetition of research. Presentation of a <u>first draft</u> of the findings of D8.2 on “the sharing and exchanging of electronic evidence” as a reference for law enforcement issues regarding data protection as well as the provision of remedies which can contribute to D6.3 on	February 2015 May 2015

		"the identification of best practices and guidelines to be integrated into a comprehensive European Framework", as mentioned in the DOW of WP8.	
5	LSC (WP7)	Input and assistance regarding obstacles and facilitating factors in the transition process towards ICT based evidence encountered by different stakeholders which may impact law enforcement.	May 2015
6	UOM (WP10)	No contribution	
7	CETIC (WP5)	Preparation closed workshop. Input and assistance regarding technical issues which may arise from a law enforcement point of view. Preparation workshop D5.3	November 2014 February, May & July 2015 April 2016
8	LIF (WP11)	Preparation workshops and dissemination.	November 2014 & April 2016
9	CCBE	Based on their practical expertise, input / review of certain elements regarding the admissibility of electronic evidence; the presentation of electronic evidence by law enforcement before the courts (if applicable); and in connection therewith the training foreseen for lawyers, prosecutors and magistrates.	February & May 2015

TASK PLAN – WP6 Law Enforcement Issues

Del. no.	Deliverable name	Lead partner	Estimated indicative person-months	Nature	Dissemination level	Start date	Delivery date
	Law Enforcement Issues						
D.6.1	Overview of the existing mechanisms and procedures for collection, preservation and exchange of electronic evidence by law enforcement agencies within the European Union and beyond	3	6.50	O	C	5	Month 14
D.6.2	Status quo assessment and analysis of primary challenges and shortcomings	3	6.00	R	C	14	Month 16
D.6.3	Identification of best practices and guidelines to be integrated into a comprehensive European Framework	3	6.00	R	C	16	Month 19
D.6.4	Ethical Issues and Data Protection Report	3	0.50	R	C	16	Month 6

Work package number	6		Start date or starting month					Month 5		
Work package title	Law Enforcement Issues									
Activity type	SUPP									
Partner id	1	2	3	4	5	6	7	8	9	
Partner short name	CNR	RUG	INTERPOL	LUH	LSC	UOM	CETIC	LIF	CCBE	
Person-months per partner	1	2	10	1	1	0	1	1	2	
Work package coordinator	Caroline Goemans, P3, INTERPOL									

Objectives

? To provide an overview and a status quo assessment of the collection, preservation and exchange of electronic evidence from the standpoint of law enforcement, and to propose guidelines that could be

integrated into a Common European Framework governing this field.

Description of work

The laws and procedures regulating the collection, preservation and exchange of electronic evidence by law enforcement agencies are crucial as they determine the admissibility of that evidence in court and its probative value, thus fundamentally affecting the outcome of criminal proceedings. While WP3 intends to identify the legal framework governing the collection and use of electronic evidence, WP6 aims at providing a thorough study of the implementation of the existing legislations carried out by law enforcement agencies within the European Union and beyond. With 190 member countries and direct daily work with specialized law enforcement agencies around the globe, INTERPOL will coordinate this Work Package and shall deliver a comparative approach from the field. The various systems shall then be assessed in order to identify their shortcomings and with a view to propose best practices and guidelines that can be integrated into a comprehensive European Framework.

Task6.1 (M3-M11): Overview of the status quo governing the collection, preservation and exchange of electronic data.

This first sub-task aims at providing a thorough comparative overview of the gathering of electronic data by law enforcement agencies operating within the European Union and potentially other pertinent jurisdictions.

The intended study shall mainly focus on the following three stages:

- Collection of electronic evidence: methods adopted by various law enforcement agencies, differences and common criteria;
- Preservation of electronic evidence: focus on the chain-of-custody requirements and the protection of the means of proof and integrity of evidence;
- Exchange of electronic evidence: examination of the procedures for international transfer of evidence.

This overview shall thus illustrate the practical implementation of the existing legislations as well as relevant international instruments governing the matter. Where such legislation does not exist, light shall be shed on procedures and practices put in place by law enforcement agencies.

Task 6.2 (M12-M17) Status quo assessment and identification of best practices and guidelines.

The assessment of the status quo governing the collection, preservation and exchange of electronic evidence shall be conducted in light of relevant requirements, notably:

- ? The efficiency of police investigations conducted within national jurisdictions as well as thorough regional or international collaboration;
- ? The existence of adequate safeguards aiming at the protection of relevant fundamental human rights, such as the right to privacy and data protection principles;
- ? The respect for ethical standards of conduct

The various systems will therefore be assessed on their ability to strike a proper balance between the above interests.

The analysis of the systems within the European Union and other pertinent systems worldwide shall aim at exploring the challenges encountered and the shortcomings of the existing mechanisms. Through that analysis, best practices and potential guidelines pertaining to the collection and handling of electronic evidence by law enforcement agencies shall be identified.

Milestones

M.5 Completion of the overview of existing mechanisms and procedures

M.6 Discussion workshop on results of WP3, 4, 6 and 8

PRELIMINARY TASK LIST – version 26th March 2014

TASK	ACTION BY	Start date	DATE by which action is completed
1.0 Overview of the status quo governing the collection, preservation, analysis, exchange and presentation of electronic data (Task 6.1)			
1.1 Identify sources of information within the research community and LEAs, including digital forensics labs, that can assist in providing information on the existing mechanisms and procedures as well as primary challenges regarding <ul style="list-style-type: none"> • The collection of electronic evidence; • The preservation of electronic evidence; • The analysis of electronic evidence; • The exchange of electronic evidence: examination of the procedures governing transnational transfer of evidence; and • The presentation of electronic evidence by LEAs before a court. 	P3INTERPOL P1CNR P2RUG P9CCBE	01/07/2014	31/07/2014
1.2 Identify law enforcement experts in digital forensics (a minimum number per region with a main focus on Europe) in order to compose an INTERPOL Group of Experts	P3INTERPOL	01/07/2014	31/07/2014
1.3 Form a preliminary framework of the procedures and mechanisms used by LEAs as well as the issues and challenges encountered by LEAs regarding the collection, preservation, analysis, exchange and presentation of e-evidence (in accordance with the semantic structure presented in D.2.1) based on interviews with law enforcement officers and open source research	P3INTERPOL P1CNR P2RUG P7CETIC P9CCBE	01/07/2014	15/08/2014
1.4 On the basis of interviews and research conducted in subtask 1.3 as well as input from Consortium Partners, draft a questionnaire and interview guide to be sent out to the experts identified in subtask 1.2	P3INTERPOL P1CNR P2RUG P4LUH	16/08/2014	15/09/2014
1.5 Circulate the questionnaire and interview guide to Consortium Partners for comments and feedback & complete the drafts on the basis of the received comments	P3INTERPOL All Partners	16/09/2014	30/09/2014
1.6 Send out questionnaires to and conduct interviews with the experts identified in subtask 1.2	P3INTERPOL	01/10/2014	31/11/2014
1.7 Conduct an analysis of the answers provided to the questionnaire and interviews	P3INTERPOL	01/12/2014	31/12/2014
1.8 Organize a closed INTERPOL expert working group to obtain	P3INTERPOL	01/10/2014	31/01/2014

additional information or clarifications in light of the analysis conducted in subtask 1.7	P1CNR P2RUG P7 CETIC P8 LIF		
1.9 Prepare the document providing an overview of the existing mechanisms and procedures for the collection, preservation, analysis, exchange and presentation of e-evidence by LEAs within the EU and beyond (Deliverable 6.1)	P3INTERPOL P1CNR P2RUG P4LUH P7 CETIC	01/02/2014	15/04/2015
1.10 Circulate the draft document among Consortium Partners for comments and feedback	P3INTERPOL All Partners	16/04/2015	31/04/2015
1.11 Revise the document on the basis of the provided feedback and submit the document	P3INTERPOL P1CNR P2RUG	16/04/2015	31/04/2015
1.12 Dissemination of the findings of Deliverable 6.1 at institutional conferences, such as the INTERPOL regional conferences (dates to be confirmed)	P3INTERPOL		
2.0 Status quo assessment and identification of best practices and guidelines (Task 6.2)			
2.1 Conduct a second analysis of the answers to the questionnaires & interviews as well as discussion points of the expert group meeting in order to assess the primary challenges and shortcomings LEAs encounter in the field when dealing with the collection, preservation, analysis, exchange and presentation of e-evidence	P3INTERPOL	01/05/2015	15/05/2015
2.2 Prepare the report on the Status quo assessment and analysis of primary challenges and shortcomings (Deliverable 6.2)	P3INTERPOL P1CNR P2RUG P4LUH P5LSC P7 CETIC	16/06/2015	15/07/2015
2.3 Circulate the draft report among Consortium Partners for comments and feedback	P3INTERPOL All partners	16/07/2015	30/07/2015
2.4 Revise the report on the basis of the provided feedback and submit the report	P3INTERPOL	16/07/2015	30/07/2015
2.5 Dissemination of the findings of Deliverable 6.2 at institutional conferences, such as the INTERPOL regional conferences (dates to be confirmed)	P3INTERPOL		
2.6 Based on the findings in Deliverables 6.1 and 6.2, identify best practices and potential guidelines pertaining to the collection and handling of electronic evidence by LEAs	P3INTERPOL P1CNR P2RUG P9CCBE	01/08/2015	07/08/2015
2.7 Prepare the report on the Identification of best practices and	P3INTERPOL	07/08/2015	31/08/2015

guidelines (Deliverable 6.3)	P1CNR P2RUG P4LUH P7 CETIC		
2.8 Circulate the draft report on best practices and guidelines among the INTERPOL Group of Experts for comments and feedback	P3INTERPOL	01/09/2015	15/09/2015
2.9 Revise the report on the basis of the feedback provided by the INTERPOL Group of Experts	P3INTERPOL	01/09/2015	15/09/2015
2.10 Circulate the revised draft report among Consortium Partners for comments and feedback	P3INTERPOL All Partners	16/09/2015	30/09/2015
2.11 Revise the report on the basis of the provided feedback and submit the report	P3INTERPOL	16/09/2015	30/09/2015
2.12 Dissemination of the findings of Deliverable 6.3 at institutional conferences, such as the INTERPOL regional conferences (dates to be confirmed)	P3INTERPOL		
2.13 Prepare the report on Ethical Issues and Data Protection	P3INTERPOL	01/08/2014	15/08/2014
2.14 Circulate the draft report on Ethical Issues and Data Protection among Consortium Partners (Deliverable 6.4)	P3INTERPOL All Partners	16/08/2014	31/08/2014
2.15 Revise the report on the basis of the provided feedback and submit the report	P3INTERPOL	16/08/2014	31/08/2014