

**Recommendation from the Council for the Administration of Criminal Justice and Protection of
Juveniles
Summary for publication**

title : legislative proposal: Determination of identity of suspects and convicted persons
submitted to : the Minister of Justice
date : 7 June 2007

The legislative proposal regulates the determination and verification of identity at various moments during criminal proceedings and the execution of the sentence. In comparison to the present situation, there will be a substantial increase in such times. Combined with this will be the introduction of a new ICT system that will be linked to existing systems and the implementation of a new personal registration number: the *Strafrechtsketennummer* or Criminal Justice Chain Number.

The Council agrees with the government's view that reliable determination and verification of a person's identity is of crucial importance for the proper functioning of the criminal justice chain. Acting within in the criminal justice chain on the basis of an incorrect identity of the person concerned is to be ruled out. The Council feels that the proposal lacks the necessary information about the nature, seriousness and size of the problems that are said to be prompting the introduction of new regulations and a new ICT system. This is particularly important as the plans are extensive and complex. The central question, as the Council sees it, is whether or not the desired result could be achieved by simpler means.

The Council therefore suggests that the identification procedure be optimised in the initial stages of the chain, so that subsequently, in later stages, a simpler verification procedure will suffice. In this context, the Council points out that the introduction of extensive new ICT systems is inevitably accompanied by substantial expense and errors; all too often such systems do little to resolve problems discerned in the functioning of the government. It seems that this proposal serves to further reinforce the importance of technology in the dealing with detainees. In the Council's view, the proposal represents a substantial increase in the workload for staff, particularly those working in custodial institutions. This is partly because there are no extra financial resources available for the implementation of the new legislation: the extra work will have to be done by existing staff. The Council also points to inconsistencies in the proposal, as a result of which certain groups of offenders (juveniles and aliens) fall outside the scope of the legislation. On the other hand, the Council feels that forensic psychiatry is one domain that can be excluded, because it is hard to imagine that the possibility of switched identity could ever occur in this field.

The Council's recommendations include:

- to chart the problems surrounding determination and verification of identity within the criminal justice system as a first step;
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- before irreversible steps are taken and major commitments made for expenditure, to investigate whether the benefits of better and more intensive use of the existing resources might not outweigh the introduction of an entirely new system;
- to make sufficient financial resources available so that staff levels can be raised in proportion to the extra work load and all initial and structural material costs are covered;
- to avoid an intensification of identity checks within the institutions insofar as that would impinge upon the time available for activities.