

CODE OF CONDUCT

Netherlands Register of Court Experts

The legislator has assigned the Board of Court Experts to establish the following code of conduct (article 4, preamble and at c of the Court Expert in Criminal Cases Decree (Besluit register deskundige in strafzaken); Netherlands Official Gazette, *Staatsblad*, 2009, 330). This code of conduct replaces the code of conduct of 23 December 2009 (Netherlands Government Gazette, *Staatscourant* 2009, nr. 20084) with effect from 1 January 2016.

The code of conduct must be read in its entirety with regard to the obligations for the expert specified at II. and the elaboration of these obligations at III.

I. Scope

- 1 The code of conduct applies to you as a registered expert.
- 2 The code of conduct also applies to you if you are required to comply with it by your appointment or contract.

II. Obligations for the expert

- 1 Provide careful investigation and reporting in order - above all - to enable the relevant judicial authority to reach a considered judgement in the criminal case.
- 2 Act with integrity, independence and impartiality; inform your commissioning party as soon as possible if (the appearance of) a conflict of interest can be assumed.
- 3 Remain within the limits of your assignment and your expertise.
- 4 Report every significant (attempt to) influence the execution of your assignment.
- 5 Ensure the required quality of the investigation.
- 6 Handle the material for investigation and the information in confidence and with the required professional care; keep it available for contra-expertise or further investigation as far as possible.
- 7 Ensure a comprehensible, properly reasoned, verifiable and timely report; be prepared to submit your report to fellow professionals for assessment.
- 8 Supplement a provided report as far as is necessary on the basis of further information or further developments of which you are aware.
- 9 Inform the commissioning party immediately if you believe that the use of your report has resulted or threatens to result in a miscarriage of justice.
- 10 Maintain and develop your professional competence.

III. Elaboration of the obligations for the expert

(Reference is made to the obligations specified at II.)

II.1 *Provide careful investigation and reporting in order - above all - to enable the relevant judicial authority to reach a considered judgement in the criminal case.*

- You will report truthfully, completely and to the best of your understanding in order to ensure that justice can be done made partly on the basis of your report.
- If there are any ambiguities in the assignment you will request the commissioning party for written clarification as soon as possible.
- You will complete your assignment as well as possible. It may be necessary to call upon third-party experts for this. If you execute your assignment in collaboration with other experts, these latter experts do not have to be NRGD registered themselves, although this is preferable. You will remain personally responsible for the report which you produce, even if you are assisted by third-party experts. In that case your personal opinion can be identified in the report.
- You will accurately include the sources which you have used, including those used by third-party experts, in your own report. The aim of this is to make it clear to the user how the report was produced.

II.2 *Act with integrity, independence and impartiality; inform your commissioning party as soon as possible if (the appearance of) a conflict of interest can be assumed.*

- You are not prejudiced or biased.
- You are impartial. That means that you must also avoid the appearance of partiality.
- You will avoid any (appearance of) conflict of interest. This can be assumed to exist if interests are involved other than those financial interests relating to a reasonable payment for the expert investigation.
- You will also notify any form of (previous) involvement with the criminal case concerned to your commissioning party in writing immediately. This information is of crucial importance for determining whether or not to use you as an expert.

II.3 *Remain within the limits of your assignment and your expertise*

- You should record your NRGD registration and the (sub-)field of expertise to which the registration applies in your report.
- You will immediately notify your (potential) commissioning party in writing, with reasons, if the assignment (to be given) does not fall within the limits of your expertise.
- In principle you will report within the scope of (the question at issue in) the assignment. Deviation from this should only occur if on the basis of your expertise you are of the opinion that you should make comments outside the scope of the question at issue which are important for the consideration of the case.

II.4 Report every significant (attempt to) influence the execution of your assignment.

You should notify every (attempt to) influence of any significance to your commissioning party in writing immediately. You should also include this notification in your report.

II.5 *Ensure the required quality of the investigation*

- Where possible you should record the method(s) used and any limitations thereof in your report.
- If you are obliged to keep the method(s) used confidential, you should note this in your report.
- You should only use appropriate methods, equipment and materials for the fulfilment of the assignment.
- You should notify as quickly as possible if you do not have access to the required facilities, devices or equipment. The aforementioned circumstances may mean that you must return the assignment.
- You should immediately notify in writing, with reasons, if compelling circumstances arise which obstruct the fulfilment of your assignment in your opinion.
- If the findings can lead to differing interpretations or conclusions, you should record this in your report. You should thereby indicate which you find the most probable on the basis of your expertise.
- You will perform your work in accordance with the rules and standards which apply to your profession. You will inform your commissioning party in writing if you deviate from this. This can involve rules and standards of institutions or (professional) associations of which you are affiliated or of which you are a member.

II.6 *Handle the material for investigation and the information in confidence and with the required professional care; keep it available for contra-expertise or further investigation as far as possible.*

- You will obtain the necessary material for investigation personally or have this (partly) done under your responsibility if this is required for the investigation.
- You treat the investigation material and the investigation data confidentially. Deviation from this strict requirement is only allowed if the commissioning party grants you its explicit written permission to disclose certain data, or if you are authorised or obliged by law to make certain data available to a particular person or (judicial) authority. The use of information for scientific purposes is also permitted, however without revealing the identity of the investigated person.

II.7 *Ensure a comprehensible, properly reasoned, verifiable and timely report; be prepared to submit your report to fellow professionals for assessment.*

- You will prepare your report in such a way that it is verifiable by another expert in your professional field. This obligation also means that you are prepared to provide information that you have collected during the investigation, even if you have not made use of it.
- If you are obliged to keep the underlying documents used confidential, you should include this in your report.
- You will inform your commissioning party in writing as soon as possible and with reasons if you are unable to deliver your report on time. You will thereby indicate what delivery date is achievable.

II.8 and II.9 *II.8 Supplement a provided report as far as is necessary on the basis of further information or further developments of which you are aware.*

II.9 Inform the commissioning party immediately if you believe that the use of your report has resulted or threatens to result in a miscarriage of justice.

- Where applicable you will immediately notify your (former) commissioning party that, after delivering your report, you have become aware of new important information or altered insights or developments which, if you had been aware of them earlier, would have led you to different results and conclusions.

- You will notify a demonstrably erroneous interpretation of your report to your (former) commissioning party in writing.

It is difficult to attach a particular timescale for these two obligations; the expert is expected to exercise due care.

II.10 *Maintain and develop your professional competence*

You undertake to continue to investigate and report state of the art. This means that you will maintain and develop your (forensic) expertise in accordance with the applicable standards.

IV. Final provisions

This code of conduct will be referred to as: NRGD Code of Conduct.

Utrecht, 17 December 2015

The chairman of the Board of Court Experts

sgd.

J.A. Coster van Voorhout
