

N  DERLANDS
R  GISTER
G  RECHTELIJK
D  SKUNDIGEN

2020 Annual Report



PREFACE

The year 2020 was dominated by the coronavirus and presented challenges to each and every one of us. Working from home became the norm and although this meant less travel time for most employees and more freedom to organise their day, the work-life balance with the necessary rest breaks was sometimes difficult to achieve. Fortunately, digital meeting facilities allowed the work to continue as much as possible, but the lack of physical presence and limited social interaction were regarded as a loss.

In 2020, we said farewell to Prof. J.W. (Ko) Hummelen as a member of the Board of Court Experts. Prof. Hummelen has served on the Board as a court expert since 1 March 2014. With his background as a forensic psychiatrist, he has made a significant contribution to the organisation and growth of the NRGD. The NRGD is immensely grateful to Prof. Hummelen for his contribution.

Despite this exceptional year we, as the NRGD, have achieved our goals. We wish to extend our appreciation to all employees who, despite all the changes in the normal way of working, managed to complete all the intended activities successfully.

In this annual report, I would like to take you through the NRGD's achievements in 2020.

We have been in existence for over a decade now and had intended to host a symposium in 2020 to reflect on what has been achieved with all those who have contributed. That celebratory event was cancelled, but we are delighted to announce that it has been rescheduled to 4 November 2021. I look forward to seeing you there, hopefully in good health.

Eric Bakker, *Chairman, Board of Court Experts*

This annual report provides a broad overview of the NRGD's activities. For additional information, please visit www.nrgd.nl.



ABOUT THE NRGD

The Netherlands Register of Court Experts (NRGD) strengthens the quality of the contribution made by court experts within and outside the Netherlands. It standardises fields of expertise, monitors developments and provides advice. The NRGD also promotes the exchange of knowledge between forensic science and law.

It brings together forensic science and the justice system. The NRGD sets quality standards for fields of expertise and assesses experts. Certified experts contribute to a diligent and better justice system. The NRGD offers quality assurance in the deployment of forensic knowledge, from DNA to gigabytes and from handwriting to firearms. Quality is maintained by sharing knowledge nationally and internationally, monitoring developments, and through certification and accreditation. This is a further NRGD focus area.

Results and new developments in 2020:

- The DNA field of expertise was restructured and expanded to include Kinship Analysis and Activity Level.
- The Gunshot Residue field of expertise was standardised.
- The framework of standards for the Forensic Psychiatry, Psychology and Child and Youth Care Sciences field of expertise was amended and updated.
- The Ad Hoc Expertise Project was completed and implemented.
- A letter of intent was signed with the Dutch Association of Medical Specialist Reporting (NVMSR).
- The procedure for statutory expansion into administrative and civil law was initiated.
- The collaboration with the police, the Public Prosecution Service the legal profession was intensified.
- The Annual NRGD Quality Meeting on the topic of cooperation within the chain took place.



2020 RESULTS

Figures

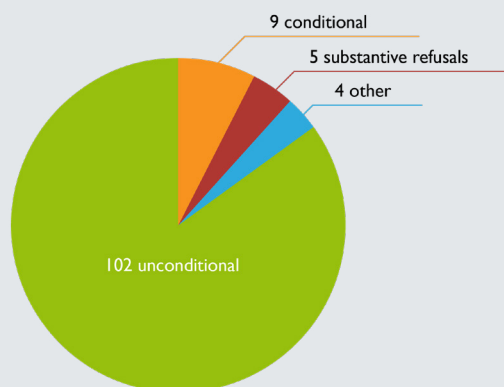
The NRGD received around 2,100 forensic expert registration/re-registration applications between 2010 and 2020. The NRGD processed 171 applications across ten fields of expertise in 2020. Seven applications across the fields of expertise were rejected in 2020 on substantive grounds.

The Forensic Psychiatry, Psychology and Child and Youth Care Sciences field of expertise accounted for the largest number of registration applications. A total of 154 applications were submitted for this field of expertise, of which five were rejected. A total of 120 re-registration applications were received. Nine of the re-registration applications for the Forensic Psychiatry, Psychology and Child and Youth Care Sciences field of expertise resulted in a conditional registration.

Processing time

The average processing time for an application amounted to 2.5 months in 2020.

Forensic Psychiatry, Psychology and Child and Youth Care Sciences re-registrations:





Objections, appeals and complaints

In 2020, the NRGD received four notices of objection and four objections were resolved. Three objections were declared unfounded and a conditional registration was issued after one notice of objection had been declared founded. Three complaints were received and resolved informally in 2020.

Certification and registration

- The DNA field of expertise was restructured (Source Level) and expanded to include Kinship Analysis and Activity Level.
- The Gunshot Residue field of expertise was standardised.
- The assessment framework for Forensic Psychiatry, Psychology and Child and Youth Care Sciences was amended and updated.
- The restructuring of the Handwriting field of expertise was initiated.
- The Forensic Medical Examination (FMO) field of expertise was standardised.
- A survey on the standardisation of Forensic Accountancy was conducted.
- A letter of intent was signed with the Dutch Association of Medical Specialist Reporting (NVMSR).

Fields of expertise

Since its establishment in 2010, in consultation with expert practitioners, the NRGD has standardised the following ten fields of expertise:

- Forensic Psychiatry, Psychology and Child and Youth Care Sciences with two subfields
- DNA Analysis and Interpretation (Source Level, Kinship Analysis and Activity Level)
- Handwriting Examination
- Drugs with two subfields
- Toxicology
- Forensic Weapon and Ammunition Examination
- Assessment against the Weapons and Ammunition Act (Wet wapens en munitie)
- Forensic Pathology
- Digital Forensics with six subfields
- Legal Psychology with three subfields
- Gunshot residue with two subfields

In 2020, the NRGD continued to work on the standardisation of the field of expertise Forensic Medical Examination and initiated a survey on the field of expertise Forensic Accountancy.

The NRGD in times of COVID-19

The development of the NRGD continued in 2020. Despite the necessary improvisation and adjustments brought about by the sudden homeworking 'situation', the NRGD succeeded in adding more experts to the register. It goes without saying that necessary adjustments were required. One of those adjustments included the arrangement introduced by the NRGD. Under this arrangement experts who were unable to meet the re-registration requirements by the closing date due to the coronavirus measures were granted postponement. In addition, the assessment procedure was converted almost entirely from a face-to-face session into a digital assessment within a short space of time.

The transition to an even further integrated and secure case-oriented IT-system for processing applications, including an appropriate meeting tool, also contributed to the achievement of our 2020 targets in times of COVID-19.

Strides were also made in the area of policy. New fields and subfields of expertise opened for registration or were standardised, existing frameworks of standards were further developed and the Ad Hoc Expertise Project was completed. The assessment procedure with the NVMSR commenced and the recognition policy was developed further.



One register of experts for the entire judicial system

The NRGD has been working towards a single register for the entire judicial system for some time. As in the case of the criminal justice system, there is also a need in the administrative and civil justice systems for suitable experts who are fully conversant their field. Given that the NRGD only has a statutory basis for criminal law under the Dutch Criminal Code, a legislative amendment is required. In anticipation of the legislative amendment, the NRGD concluded a covenant with the Dutch Association for Medical Specialist Reporting (NVMSR) in 2020. In coordination with the ministry, the covenant focuses on including medical specialists in the register who act in administrative and civil proceedings.

In addition, the procedure for a statutory expansion formally commenced in 2020. Subsequently, we initiated a survey on the standardisation of the field of expertise Forensic Accountancy, where experts report regularly in branches of law additionally to criminal law. Other fields of expertise without a clear boundary between branches of law are the fields of expertise of Handwriting and Digital Forensics.

Survey on the standardisation of Forensic Accounting

The percentage of financial crimes in Dutch crime figures is rising. These crimes include various types of fraud, money laundering and falsification of documents. The services of experts with financial expertise such as a forensic accountant are increasingly being enlisted, including in criminal cases.

The earlier standardisation attempt in 2013 of Forensic Accountancy proved to be untimely. In April 2020, the NRGD resumed its survey on the possibilities for standardising the Forensic Accountancy field of expertise. To this end, the NRGD is engaged in discussions with the Public Prosecution Service, the judiciary, the legal profession, the Royal Netherlands Institute of Chartered Accountants (NBA) and private-sector parties, including the 'Big Four' accounting firms, to identify where the boundaries and difficulties of this field of expertise lie. The NRGD intends to open the Forensic Accountancy as field of expertise for registration at the end of 2021.

Forensic Medical Examination

The new Forensic Medicine¹ was launched in January 2019. The NRGD is developing a framework of standards for this field of expertise in consultation with the professional field. In 2020, significant progress was achieved and the framework of standards is in the final stage of completion. The aim is to open the register for these experts from mid-2021. In parallel, the NRGD intends to recognise the new training such that trainees do not need to undergo assessment twice. However, the training modules will firstly need to be assessed for this purpose by an independent committee.

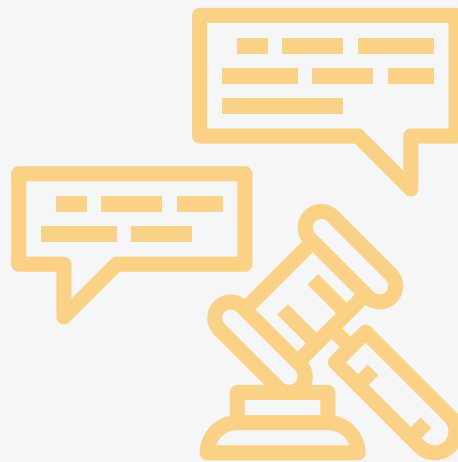
Restructuring and expansion of DNA field of expertise

After a long and intensive process with various parties from the Netherlands and abroad, the DNA – Source Level field of expertise was restructured in 2020. As a result of these changes, a larger number of experts are eligible for registration within this field of expertise. Furthermore, the Kinship Analysis subfield was added. The Activity Level subfield was standardised in 2020 and will open for registration in early 2021.

Gunshot residue

The Gunshot Residue field of expertise (also known as GSR) was standardised in 2020. Partly due to differing views on the required competencies, this was not all plain sailing. Experts can apply for entry in the register after this field of expertise opens for registration in early 2021.

¹ Forensic Medicine concerns in the Netherlands the examination of external injuries.



ADVICE

Ad Hoc expertise in criminal cases

At the end of 2016, the Ministry of Justice and Security requested the NRGD to find a solution to ensure the quality and traceability of experts who work in minor fields or subfields of expertise as well as highly specialised experts.

These Ad Hoc experts usually fall outside the immediate scope of the NRGD because their field of expertise is too specialised and/or there are too few experts in that field that it cannot be demarcated for inclusion in the NRGD.

In 2020, five instruments were made available under the Ad Hoc Expertise in Criminal Cases Project. The Overview of Expert Organisations makes it easier for a client to find a suitable expert. Based on the Appointment Questionnaire, the client can then assess whether the potential expert is actually suitable for answering the investigation question. Following that, experts can take a Criminal Law e-learning module, which was compiled with the assistance of SSR², to familiarise themselves in a short space of time with their role and obligations as an expert during criminal proceedings. The Reporting Guideline provides guidance on drafting an expert report and, lastly, the Ad Hoc expert can also request feedback on their report through the NRGD. An experienced NRGD assessor provides feedback and – in view of the specialist nature of the knowledge – focuses mainly on the logical consistency and structure of the report rather than on the subject matter.

The instruments can be found on the NRGD's website: www.nrgd.nl/ad-hoc.

Advice and knowledge sharing

- The Police Forensic Technical Investigation Department consists of the Forensic Investigation Division (around 1,500 employees) and the fast-growing Digital Forensics Division (around 1,200 employees). Our collaboration with the police was intensified. We share the same goal and, on that basis, are developing building blocks for a quality system. The NRGD is contributing knowledge on how to develop and safeguard a forensic quality system.

² SSR is the Training and Study Centre for the Judiciary and the Public Prosecution Service.



- ISO is a global standardisation organisation in which countries voluntarily cooperate to establish international quality standards. The Netherlands has a considerable interest in this and therefore actively participates in the development of forensic standards. The Public Prosecution Service, the Netherlands Forensic Institute (NFI) and the NRGD are working closely together in this area, which has also proven beneficial outside of these consultations.
- This year, the annual NRGD quality meeting was themed around cooperation within the chain. Information was exchanged not only on what is going well, but bottlenecks were also identified.
- The NRGD assisted in organising a refresher course for more than 25 lawyers from organisations affiliated with KleinLef, an alliance of 40 'smaller' public-sector organisations. This centred on: what is possible in the context of tailoring decision-making?
- The NRGD provided input for the draft Open Government Bill (Wetsvoorstel Open Overheid) and the revision of the Advisory Bodies Framework Act (Kaderwet adviescolleges). In the case of the Bill, this has resulted in the exemption of all registers and we do not need to disclose, for instance, personal assessment forms used for individual assessments.
- The exchange of knowledge with various parties including, the Police, the Public Prosecution Service and the legal profession, has been visibly intensified. Board members have built the necessary bridges for this purpose. The NRGD is realistic given its limited powers, but can convince others that efforts in the area of quality will ultimately lead to a better course of justice. No policy without quality.

WODC report

At the request of the Research and Documentation Centre (WODC), research agency DSP-groep carried out an evaluation of the efficiency and effectiveness of the NRGD's performance. This evaluation takes place once every five years.

According to the report, the NRGD "makes an important contribution to the purpose of the Experts in Criminal Cases Act (Wet deskundige in strafzaken), of increasing the trust in the judiciary by making quality improvements in forensic consultancy. It has made this contribution by standardising various fields of expertise and creating a register in which only experts who meet the standards set by the Board for the relevant field are registered."

Secretary Grapperhaus:

The evaluation shows that the NRGD has managed to achieve a number of important objectives and ambitions. For instance, the Forensic Psychology and Forensic Child and Youth Care Sciences field of expertise has been further developed, while the NRGD has also been successful in involving foreign experts in the NRGD system. It also proved possible to extend the registration of experts in the register from four years to five years, while the assessment burden has become noticeably lower. In the period evaluated, three fields of expertise were added to the register, including two minor ones. In addition, the standards and procedures in relation to certain areas of expertise were tightened in the interim, while the NRGD was also involved in various quality improvement programmes in the professional field.

The evaluation shows that all of the parties questioned found that the NRGD system performed in an objective and independent manner. The parties interviewed are also of the opinion that the standards used in the assessment test follow closely from state-of-the-art scientific insights, and that the members of the various assessment advisory committees have the proper expertise.'



NRGD and ICT

In 2020, the NRGD took further steps towards digitising the application process for experts. Work was carried out on a transition to an even further integrated case-oriented system for processing applications, including an appropriate meeting tool. A pilot is meanwhile being carried out with entirely digital applications.

To keep pace with all the digital developments, the NRGD has transferred its case-oriented work system to the 'cloud' from the provider of the current case system. This system supports the NRGD Bureau in handling registration and re-registration applications as efficiently and quickly as possible. Furthermore, the NRGD has started adjusting the documents on its website to make them accessible to people with disabilities.

NRGD and Communications

The NRGD's website also attracted numerous visitors in 2020: over 19,000 pages on www.NRGD.nl were retrieved. As in previous years, the pages that attracted the most visitors were: 'Search the register' and the Forensic Psychiatry, Psychology and Child and Youth Care Sciences pages, the NRGD's largest field of expertise. Moreover, it was pleasing to note that new developments within the NRGD are reflected in visitor numbers. In 2020, a great deal of interest was shown in the launch of Ad Hoc Expertise and the further development of the DNA field of expertise.

In terms of current affairs, the NRGD's response to the reported shortage of behavioural reporting officers generated considerable interest. In association with the professional field, the NRGD aims to provide a reliable register and to make registration or re-registration easier for reporting officers, while retaining the necessary minimum requirements.



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