

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

- Summary -

**Administrative information flows concerning former prisoners: improve
targeting!**

Recommendation to the Dutch State Secretary for Security and Justice, dated 4th of April 2013

The purpose of the Administrative information flows concerning former prisoners (*Bestuurlijke Informatievoorziening Justitiabelen, BIJ*) project is to ensure that the mayor is informed in a timely manner of the imminent return to the municipality of certain categories of former prisoners, stating the offences they have committed. This information is taken as a basis for assessing whether the return of this former prisoner could pose a threat to public order. The mayor then decides whether measures need to be taken to eliminate this threat. This serves not only to protect the interests of society and the victim, but also to prevent the former prisoner from getting into difficulties.

Obstacles

In this solicited recommendation the Council for the Administration of Criminal Justice and Protection of Juveniles (*Raad voor Strafrechtstoepassing en Jeugdbescherming, RSJ*) outlines the structure and current practice of BIJ on the basis of research results and interviews it has conducted. The RSJ has established that the discussion partners generally take a favourable view of BIJ, but that there are also significant obstacles that can be placed in the following three categories:

1. the selection of the target group is not very closely targeted;
2. a lack of practical experience when the BIJ was set up;
3. choices forming the basis of BIJ such as the voluntary participation of municipalities in BIJ.

The vision of the RSJ

It may be necessary and justifiable to share information about former prisoners with public authorities and thus breach their privacy when they return to society. This may be the case if the risk of public order (a public interest) being placed under threat outweighs the individual interest of the former prisoner. However implementing BIJ with due care means restricting the number of cases in which these reports are made to a group that is kept as small as possible. The current selection criteria do not adequately meet this criterion. Top priority is therefore being given to further (and continuously) improving the report selection process.

Even if the BIJ is aimed more selectively at the target group it remains important to share as little information as possible about the people concerned. This should be limited wherever possible to the small group of parties directly and already involved (mandataries, the police and the mayor). In view of current privacy legislation (purpose limitation) it is necessary to improve the maintenance of the structure and connection conditions agreed under BIJ.

There are a number of cases where the combination of BIJ and the aftercare that takes place in practice unnecessarily affects the privacy of former prisoners and can lead to undue stigmatisation. Although BIJ and aftercare take place roughly simultaneously in the municipalities and that viewed in that light it may seem logical to combine them, the fact is that they serve different - and in some cases opposing - purposes. For that reason the

underlying information flows have to be kept organisationally apart.

Some mayors feel that they do not have sufficient powers to take measures in the context of a BIJ report. This affects the purpose and effectiveness of BIJ. It is therefore worth considering systematically addressing the need for and nature of the measures to be taken in the three-way consultation between the mayor, the public prosecution service and the police. At this stage there is also a need for timely communication between the BIJ operatives and the aftercare coordinator. It is important to prevent an inadequate or even counterproductive approach being chosen in the context of the aftercare process.

The project's effectiveness may also be adversely affected by the fact that the municipalities take part in BIJ voluntarily, and also by issues concerning the legal certainty and legal equality of former prisoners. It would therefore be better for BIJ not to be dependent on the willingness of municipalities to take part in it. If BIJ were introduced nationally all municipalities would have to be informed about the return of former prisoners included in the target group.

Finally, it has emerged that the flow of information from the forensic psychiatric centres is a laborious process, even though the initial findings show that it is precisely those who have been given detention under a hospital order who are relatively frequently expected to pose a threat of social unrest. It is also precisely in this sector that more support for BIJ is important. This can be achieved by gaining a clearer understanding of the specific problems in this sector and eliminating them where possible. At least the question of what mandataries and representatives of forensics psychiatric centres can expect of each other regarding the exchange of information will have to be addressed.

The advice given by the RSJ includes several recommendations for improving BIJ.

*The recommendation can be obtained from the secretariat of the Council
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