

First phase of the evaluation research on the Preliminary Judicial Investigation Revision Act

Summary

This report presents the results of an inventory research on evaluation of the Act amending preliminary judicial investigation provisions. This act introduced changes in the Dutch Code of Criminal Procedure, concerning the preliminary judicial investigation and search and seizure. The changes have been in force since 1 February 2000. In the Netherlands there are two kinds of pre-trial investigation: the police investigation under the direction of a public prosecutor and the judicial investigation by an examining judge. Some powers can only be exercised by the examining judge within the framework of a judicial preliminary investigation. In order to reduce the number of preliminary judicial investigations, the law now allows some of these powers to be exercised outside preliminary judicial examination. The law has transferred some powers to the public prosecutor which were formerly accorded to the examining judge and has given more powers to the police.

It is now possible for the suspect to ask for a inquiry by the examining judge outside the preliminary judicial examination, even before a formal charge has been made.

This first evaluation outlines the history of the law and looks at the reasons for and background of the legislation.

In order to catch the first signals of the consequences of the law in practice, interviews were conducted with those who apply the law: examining judges, public prosecutors, clerical staff, police and lawyers. Eighteen persons in three court districts were interviewed, during the period May-June 2001.

The law gave rise to no great problems in practice. The law has consequences for the role of the examining judge. This role, the weighing of the interests of the suspect against the interest of the investigation, has not really changed, but the way it can be exercised has changed.

Evaluatie Wet Herziening gerechtelijk vooronderzoek; eerste fase van het onderzoek

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