



Inspectorate
Ministry of Justice and Security

Standard Operating Protocol

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1

Introduction

1.1 Purpose of the protocol

The Inspectorate of Justice and Security monitors the Justice and Security domain. The Inspectorate's supervisory activities are aimed at strengthening the learning ability of the organisations it supervises with a view to improving the quality of the performance of tasks. The Inspectorate liaises closely with its domain. This is a prerequisite for the delivery of good quality reports. Independent opinion formation and a traceable investigation process are crucial, given that the Inspectorate's reports essentially constitute the basis for policy changes and performance improvements.

This protocol sets out the operating procedure adopted by the Inspectorate of Justice and Security for conducting inspectorate investigations and the due care requirements it observes during this process. As a result, organisations will know where they stand if the Inspectorate launches an investigation, what is expected on their part and what their role is in the investigation. It additionally provides society insight into the Inspectorate's operating procedures so that it is clear how its opinions are formed.

The protocol describes the operating procedure that, in principle, applies to the entire supervisory domain of the Inspectorate of Justice and Security.¹ The Inspectorate works in accordance with this standard operating procedure. However, situations may arise in practice (such as an urgent investigation, an investigation at the request of the public administration or in collaboration with other inspectorates, to which other statutory provisions apply) in which a derogation may be made from the operating procedure and terms described in this protocol. In such cases, derogations from the standard operating procedure will be stated and justified in advance in the action plan, and subsequently in the report.

1.2 Positioning of the Inspectorate of Justice and Security

The Inspectorate of Justice and Security operates under the ministerial responsibility of the Minister of Justice and Security. The Inspectorate is independent in the choice of conducting a certain investigation, in its operating procedures and in its findings

¹ Additional working agreements may be made, where necessary, per supervision area or focus area.



and opinions arising from an investigation. This is laid down in the 'Instructions from the Prime Minister concerning State Inspectorates'.² The government thus ensures that a state inspectorate's decision to conduct an investigation and the opinions of the particular Inspectorate are formed in an objective manner without undue influence from implementation organisations, ministry departments or the Minister. Transparency on the preparation of the Inspectorate's reports contributes to this.

1.3 Types of inspectorate investigations

The Inspectorate of Justice and Security conducts various types of investigations. Depending on the situation, the Inspectorate selects one or more investigation types. The Inspectorate determines which type of investigation, or mix of investigation types, will deliver the best results for each investigation. Given that the domain is constantly in motion, flexibility and discretionary space remain essential in this regard. The Inspectorate carries out its supervisory activities both announced and unannounced.

The various types of investigation are as follows:

Thematic investigation

Investigation into one or more specific aspects of professional practice. The investigation leads to an opinion on performance at multiple organisations.

Incident investigation

The Justice and Security domain is incident-sensitive. It is important to investigate incidents so that organisations can learn lessons from such events. The involvement of the Inspectorate brings added value in this regard. An accident, disaster or crisis may prompt an incident investigation. In some cases, an incident investigation will be carried out at the request of the Minister or the State Secretary for Justice and Security. Several investigating authorities may sometimes be involved in incident investigations, such as the Dutch Safety Board and other state inspectorates. The Inspectorate of Justice and Security accordingly coordinates with these authorities. The nature of the incident dictates the design of and approach to the incident investigation. A typical aspect of incident investigations is that there is often a societal necessity to produce investigation results quickly. Incident investigations, the level of urgency and sensitivity permitting, will be conducted in the same manner as thematic investigations.

In response to the recommendation from the Scientific Council for Government Policy (WRR)³, the Inspectorate submits a 'Status report' on various supervision areas. A 'Status report' is either compiled on the basis of a predefined theme or describes the central theme after various regular reviews have been performed. Regular reviews are investigations of a recurrent nature, the topic and frequency of which are at the discretion of the Inspectorate. The reviews comprise themed investigations, incident investigations and information from the performance monitor. The Inspectorate gathers quantitative and qualitative information in the performance monitor (in close cooperation with the supervision domain) on the supervision areas to obtain greater insight into performance, developments and trends.

² Order of the Prime Minister, Minister of General Affairs, of 30 September 2015, no. 3151041, adopting the Instructions concerning State Inspectorates. Government Gazette 2015, 33574.

³ Supervising public interests. Towards a broader perspective on government supervision (2013).



2

Inspectorate of Justice and Security operating procedure

2.1 Investigation programme

In view of the wide-ranging topics covered by the Security and Justice domain, the Inspectorate of Justice and Security has prioritised its activities, which it sets out in its annual work programme. The Inspectorate's work programme is based partly on its statutory tasks. Investigations are largely prompted by risks identified in the Justice and Security domain. The Inspector General draws up the work programme periodically after the policy departments and other stakeholders have provided their views. The Minister of Justice and Security subsequently submits the work programme to the House of Representatives.

The Inspectorate reviews the topicality of the programme throughout the year. Depending on this review, the programme may be revised. The Minister informs the States General of any interim changes in the work programme and any other matters that significantly affect the implementation of the work programme.

A summary of current and completed investigations is available on the Inspectorate's website: <https://www.inspectie-jenv.nl/>.

2.2 Preparation of the investigation

Orientation and action plan

Every investigation begins with an orientation. If it is decided as a result the orientation that there is reason to launch an investigation, an action plan is drawn up. The action plan should at least contain the following:

- the reason;
- the problem definition;
- the investigation questions;
- the quality assurance method (methods and techniques to be used for the investigation);
- a time schedule for the investigation;
- the required capacity in terms of manpower and resources.

The investigative methodology and feasibility of every action plan will first be internally assessed by a review team before it is submitted to the director of Supervision for approval. A public version of the action plan should be posted on the



Inspectorate's website and submitted for information to the officials at the organisations involved in the investigation. The investigation design and the investigative methodology used should be justified in the report.

Assessment framework

The Inspectorate uses assessment frameworks for the purpose of its investigations. An assessment framework states which aspects the Inspectorate will include in its investigation, on which criteria it will be based and, where possible, the standards in which the criteria have been operationalised. This constitutes the basis for the final opinion formulated by the Inspectorate.

The Inspectorate is responsible for drawing up assessment frameworks. The Inspectorate informs the parties involved in the investigation of the assessment framework and clearly shows how it was developed.

The assessment frameworks are based on legal standards and the implementation policy derived from those standards. In the event no legal, measurable standards are available, or these are only available to a limited extent, the Inspectorate will formulate the assessment framework after consulting with interested parties. The assessment framework is published, either as part of the investigation action plan or as part of the report.

2.3 Conducting an investigation

Inspection

The investigation usually involves studying and analysing written material and subsequently carrying out investigation activities (interviews, examining and/or assessing documentation/records) at the organisations concerned and/or by visiting the officers concerned. If dictated by the situation, other investigation methods may also be used, such as digital surveys, interviews with members of the public and panels. If interviews are conducted, the Inspectorate sends the Interview Protocol⁴ and the Standard Operating Protocol to the interviewees beforehand.

Reports

A report is drawn up for every interview. Reports are submitted to discussion partners so that they can check whether there are any factual inaccuracies.

2.4 Analysis and opinion formation

Based on the information gathered, the Inspectorate forms an opinion on the investigation theme and/or the practice of the organisations and/or officers concerned. The Inspectorate formulates its findings, conclusions and any recommendations.

2.5 Reporting

Drawing up a draft report

The draft report contains a description of the investigation design, the findings, the analysis, the conclusions and any recommendations. The Inspectorate makes a clear distinction between the findings and its conclusions in its reports. The Inspectorate

⁴ See Appendix II Interview Protocol



verifies its findings against the criteria in the assessment framework and draws conclusions. Recommendations are attached to those conclusions, where necessary.

The quality of the draft report is assessed within the Inspectorate according to a fixed procedure. The main aspects assessed are traceability, sound substantiation and whether the correct method has been applied. The internal review team performing the assessment may in some cases be expanded to include external expertise.

Hearing both sides

After the review team's comments have been incorporated and following the approval of the director of Supervision, for the purpose of hearing both sides, the draft report, including the conclusions but without any recommendations, is submitted to the responsible parties in the organisation(s) investigated and/or the officers under investigation. The purpose of this procedure is to learn whether, in the opinion of the above parties, the draft report contains any factual inaccuracies. Hearing both sides is a key aspect of conducting investigations with due care and contributes to the quality of the inspectorate's reports.

The responsible parties involved in the investigation are requested to provide their response in the form of a table supplied by the Inspectorate. This table, to which the Inspectorate adds its response, is included as an appendix to the report. This provides insight into the preparation of the final report and any amendments that may have been incorporated during this phase of the investigation process. This procedure enables the Inspectorate to render account of its activities while enabling interested parties to follow how it has reached its opinions.

Presentation of the report

After both sides have been heard, the Inspector General approves the Inspectorate's report, including the table containing comments from the phase in which both sides are heard and the Inspectorate's response to those comments. The report, including any recommendations formulated by the Inspectorate, is subsequently submitted to the responsible parties, whereby the Inspector General offers to explain the report in further detail. The report is subsequently presented to the Minister.

2.6 Publication of the report

In principle, the Inspectorate proactively publishes its reports pursuant to the Government Information (Public Access) Act (Wet openbaarheid van bestuur) on the Inspectorate's website. Reports are not published in exceptional cases, for example if publication would compromise the security of the Dutch State.

If an interested party has reservations about publishing a report (in a certain format), for instance because the report contains privacy-sensitive information, the Inspectorate offers interested parties the opportunity to put forward an opinion. If objections are raised, a formal publication decision will be rendered, against which legal remedies may be exercised.

Following the publication decision, the approved Inspectorate's report will be presented to the responsible Minister of Justice and Security by the Inspector General. A copy of the report that is presented to the Minister will be submitted to



the Director-General concerned. The report will be simultaneously submitted to the organisation investigated.

If the Minister decides to draw up a policy response, it will be published together with the report, if possible. In accordance with the [Instructions from the Prime Minister concerning State Inspectorates](#), the Minister has a maximum period of six weeks in which to draw up a policy response. If that period is exceeded, the Inspectorate will publish the report on its own website.

Victims and surviving relatives

When publishing reports on incident investigations, the Inspectorate will pay particular attention to the position of victims and surviving relatives. They will be notified of the contents of the report prior to publication and the Inspectorate will take their interests into consideration in the decision regarding publication.



Appendix

Table – Hearing both sides

Tabel a. *Table with responses to the report*

No.	Party inspecting the report	Chapter/Section	Text to be corrected (first...last word)	Argumentation /substantiation of your response	Inspectorate's response



Appendix Interview protocol

Important information for the interviewee

1. This protocol will be orally explained at the beginning of the interview.
2. A report of the interview will be drawn up and submitted to you. You will be requested to state within two weeks of receipt of the report whether the report contains any factual inaccuracies. The Inspectorate will subsequently approve the report.
3. Interview reports drawn up by the Inspectorate are confidential and will not be made available to third parties by the Inspectorate. If interview reports are requested pursuant to the Government Information (Public Access) Act (Wet openbaarheid van bestuur), the Inspectorate will refuse disclosure. Under the Act, the provision of information can be refused should disclosure conflict with the interests of inspection, monitoring and supervision. It should be noted that the party concerned is at liberty to provide the interview report to third parties, if desired.
4. In principle, the Inspectorate will not include any statements by individuals in the report. The Inspectorate will include such statements in the report only if matters are confirmed by several persons and/or other sources. The information that is included in the report will, in principle, be in anonymised form.
5. If citations from the interview report are included in the report, the relevant passage will be submitted to you.
6. The interview will be recorded unless the interviewee objects to this. The recording of the interview will be destroyed one month after publication of the final report.
7. In accordance with the Public Records Act (Archiefwet), the Inspectorate of Justice and Security will file interview reports in its own archives and will destroy the reports following the expiry of the specified retention period.

For more information on the Inspectorate of Justice and Security, please visit: <https://www.inspectie-jenv.nl/>.



Mission of the Inspectorate of Justice and Security

The Inspectorate of Justice and Security monitors the domain of justice and security in the interest of society, the parties subject to monitoring and persons politically and administratively responsible, in order to provide insight into the quality of the performance of tasks and the compliance with rules and standards, to detect risks and to stimulate organisations to perform better, thereby contributing to a just and safe society.

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