



Second follow-up inspection 'Sint Maarten Juvenile Justice Facility: the Miss Lalie Center'

*Follow-up inspection on the status of follow-up of the
recommendations from the report 'Juvenile Justice Facility Sint
Maarten. Baseline measurement at the Miss Lalie Center'*

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Law Enforcement Council

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List of abbreviations used

<i>Abbreviation</i>	<i>Meaning</i>
DJI	Justice Department
GED	General Educational Development
HR	Human Resources
HvB	Pointe Blanche prison and house of detention
IBT	Integral Professional Skills Training
MLC	Miss Lalie youth care and youth rehabilitation center
MvJ	Minister of Justice
PIW	Penitentiary institutional worker
VKS	Volunteer Corps Sint Maarten

Foreword

In 2014, the Miss Lalie youth care and youth rehabilitation center (MLC) was established. Two of its goals were: *a. to place juvenile boys in the 12 to 18 age range*; and *b. to place juvenile boys on civil and criminal title*. With the formal embedding of the MLC in 2019 as part of the Point Blanche prison, these goals partially changed. Since then, boys are no longer placed on civil title and adults aged 18 to 21 can also be placed in the MLC. With the placement of adults, the criminal juvenile regime of the MLC was changed.

With this second follow-up inspection, the Council gained insight into the follow-up of the Council's recommendations and the current state of affairs. During the inspection, the Council found an institution where there is a lack of clarity about organisational goals among staff and among chain partners. This affects the steering of daily operations at the MLC. The Council is concerned about the rehabilitation (care and treatment) of underage boys, which, due to the changes and current situation, no longer seems to be entirely paramount. Staff are doing their best but face a largely unworkable situation. The lack of available resources affects, among other things: the filling of critical positions such as a behavioral scientist; making the necessary repairs; providing a full educational program and daily activities; and increasing the level of security measures.

The foregoing is only a couple of serious bottlenecks at the MLC. The Council believes that in the current situation, the primary purpose of the MLC - to provide care and rehabilitation for minor boys aged 12 to 18 - continues to be undermined. As a result of the state of affairs, the Council notes that the rights of the youth detained at the MLC - as in 2020 - are still in question.

For the second time since its 2016 inspection, the Council concludes that there has been no change in the status of follow up of its recommendations. The Council therefore calls on the Minister to take responsibility for this important issue. The Council will emphatically monitor the follow-up of the recommendations. Prioritisation is needed and steering on a realistic time frame and funding is necessary in this regard.

In cases of structural non-compliance with the Council's recommendations, the Council can scale up after at least two follow-up inspections by notifying the representative body of Sint Maarten and the Council of Ministers of the Kingdom (article 32 Kingdom Act Council). As yet, the Council has not made use of this authority. The Council assumes that this second follow-up inspection will lead to full compliance with the recommendations, which will also make this unnecessary. This especially with the rights of the youth in mind. It is time for action.

The Council thanks the organisations and individuals involved for their input. The Council invites you to read the status of follow-up of the recommendations in the report.

THE LAW ENFORCEMENT COUNCIL

Mr. M.R. Clarinda, chairman

Mr. E.R.A. Morillo, council member

Mr. M.I. Koelewijn, council member

Summary and recommendations

Summary

Introduction

The Council issued a report in 2016 on the Miss Lalie Center (MLC)¹ and in it made eight recommendations to the Minister of Justice (MvJ). The 2020 Council review inspection of the report on the MLC concluded that one recommendation had been fully followed up. Five recommendations were partially followed and two were found not to have been followed. The Council then recommended that they be followed up. And to make the necessary resources available as soon as possible. In 2024, the Council inspected for the second time the extent to which the recommendations on the MLC had been followed up. The central research question was as follows: *To what extent and in what way are the Minister of Justice and the justice organisations following up on the Council's recommendations on the juvenile justice facility the Miss Lalie Center?*

Addressing the central research question

Follow up recommendations

There has been no follow-up by the MvJ and/or by extension the MLC on the seven recommendations previously identified as not (fully) followed. The state of affairs four years later is the same as it was in 2020. The inspection also found that the MvJ has not made funds available for the proper follow-up of the earlier recommendations, nor has there been any steering by the MvJ in this regard.

In Table 1, the Council shows the status of follow-up on the recommendations in 2024 by topic.

Table 1: Overview of status of recommendations juvenile justice facility Miss Lalie Center

No	Recommendation	Status 2020	Status 2024
	To the Minister of Justice		
1	Provide for the formal embedding of the juvenile justice facility within the government organization and ensure that adequate resources are made available. Discontinue the pilot trajectory.	Partially followed	Partially followed
2	Ensure that personnel are appointed in accordance with applicable regulations. Follow up on a full personnel policy and fulfill agreements made. Ensure that personnel are or become qualified.	Partially followed	Partially followed
3	Ensure a full-fledged educational program.	Not followed	Not followed
4	Ensure that the youth have full and useful daily activities.	Partially followed	Partially followed
5	Provide for an emergency plan. Train staff for emergencies and first aid, provide safety training.	Not followed	Not followed
6	Ensure that custodial officers are adequately trained with safety and handling in mind.	Partially followed	Partially followed
7	Ensure that a Supervisory Committee(s) is in place. Provide for a complaint regulation.	Followed	Followed

¹ Law Enforcement Council, (2016). *Juvenile correctional facility St. Maarten. Zero measurement at the Miss Lalie Center.*

8	Adjust physical security in such a way that contraband cannot be thrown over the walls or pushed under the gates. Ensure a functioning detection gate and, if possible, a scanner.	Partially followed	Partially followed
Recommendation			
To the Minister of Justice			
1	Implement the Council's recommendations that have not yet been (fully) followed up and make the necessary resources available as soon as possible.	n/a	Not followed

The portion of recommendation 1 that had not yet been followed concerned making sufficient resources available (A1). The status is unchanged and as a result, other recommendations have also not yet been followed (A3) or have not been fully followed (A2 and A4). The status of the following three recommendations has also remained the same as in 2020. The lack of (financial) resources hinders a fully-fledged personnel policy (A2), the inability to offer a fully-fledged educational program (A3) and the inability to provide full and useful daytime activities (A4).

No first aid, emergency or safety training has been provided for MLC personnel in the area of safety, nor has an emergency plan been drawn up (A5). Furthermore, there is still no safety and security protocol. The PIW training for both security and other personnel is positive, but no training has taken place for custodial officers on how to deal with the target group (A6). The status of both these recommendations is therefore the same as in 2020.

Furthermore, there is no functioning detection gate, the scanner is still in use and physical security has not been modified to prevent contraband (A8). However, limited measures have been taken to prevent contraband. Here too, there has been no change in the follow-up of the recommendation, which was already assessed as partially followed up in 2020.

The recommendation to ensure that a Supervisory Committee is in place and to provide a complaints regulation (A7) was considered to have been followed up on in 2020. This current inspection shows that the Supervisory Committee makes monthly visits to the MLC and that these are going well.

Bottlenecks

In addition to the bottlenecks such as the lack of available financial, material and human resources, the decision to also be able to detain youngsters 18 and over in the MLC is seen as a bottleneck. The consequences of this have a negative impact on the manner and times at which daily activities and education are offered to the minors. The current situation undermines the primary goal of the MLC, which is to offer care and rehabilitation to minor boys aged 12 to 18.

Steering

The inspection also revealed a lack of steering in the follow-up of the recommendations by the Minister of Justice, even though he bears responsibility for this. There seems to be a lack of awareness of the urgency in addressing the situation. The Council believes that addressing the overarching problem of youth crime and thus the possibilities within youth detention is and should remain a high priority. Preventing recidivism is of great importance for youngsters and society.

Concerns Council

The Council is very concerned about the current rehabilitation (care and treatment) of minor boys, which no longer seems to be a priority due to the changes and the current situation. The organisational objectives of the MLC must be clear in this regard, because they affect the course and daily operations of the MLC. Although the staff are doing their best, it is largely an unworkable situation. As a result of the current state of affairs, the Council notes that the societal interests and rights of the youngsters detained at the MLC are still in jeopardy, just as they were in 2020.

The bottlenecks are so serious that the Council urges the Minister of Justice to take immediate action. The Council therefore calls on the Minister of Justice to accept his responsibility in this matter. The bottlenecks should be addressed as a priority. A realistic timeframe and financing are essential in this regard. A clear plan of action containing the established priorities and the requirements for these could be helpful.

Recommendation

The Council strongly recommends that the Minister of Justice prioritise the implementation of the recommendations that have not yet been (fully) followed. The current state of affairs demands that measures to this end are no longer delayed.

1. Introduction

1.1 Rationale

In accordance with its 2024 Annual Plan and operating procedures, the Council conducted a follow-up inspection of the Miss Lalie Center (MLC) in 2024.² The Council previously conducted a baseline measurement at the MLC in 2016 and then conducted a follow-up inspection in 2020.³ That revealed that not all recommendations had been addressed. This is the second follow-up inspection to the MLC since the Council's initial inspection in 2016.⁴

1.2 Objective of inspection

By means of this inspection, the Council determined how the recommendations partially and not yet followed up (7) on the MLC have been implemented. The Council also looked at the steering by those responsible. In doing so, the Council is contributing to the improvement of the MLC and the enhancement of service quality.

1.3 Central question and subquestions

The central research question is:

To what extent and in what way are the Council's recommendations on the Miss Lalie Center juvenile justice facility being followed up?

To answer the central question, the following sub-questions were developed:

1. To what extent have the Council's recommendations been followed?
2. What bottlenecks (if any) arise in this process?
3. To what extent and in what way is follow-up managed?

1.4 Delineation of the inspection

In this inspection, the Council focused on developments from the first follow-up report in 2020 through September 2024. Interviews took place with various officials within the Ministry of Justice and from the Public Prosecutor's Office, the Court of Guardianship, the Supervisory Committee and the MLC. Two adult detainees detained at the MLC were also interviewed.⁵

1.5 Review framework

The starting points of the follow-up inspection are the recommendations contained in the 2020 inspection report. These recommendations therefore constitute the assessment framework. The Council assesses the follow-up of the recommendations for answering the main and sub-questions.

Table 2: Summary of status of recommendations Juvenile Justice Facility Miss Lalie Center

² The Law Enforcement Council (the Council) is charged with the general inspection of the organizations of the judicial chain in Curaçao, Sint Maarten and the Netherlands as regards the public entities of Bonaire, St. Eustatius and Saba (hereafter: Caribbean Netherlands). These inspections include institutions and establishments where custodial sentences, custodial sentences, measures restricting freedom or measures restricting freedom are carried out. Furthermore, the Council is charged with the general inspection of the quality and effectiveness of justice cooperation between the countries.

³ Law Enforcement Council, (2021). General review recommendations Sub-inspection 1: Juvenile crime prevention; Miss Lalie Center juvenile rehabilitation center; Juvenile probation; Adult probation.

⁴ Law Enforcement Council, (2016). *Juvenile justice facility Sint Maarten. Baseline measurement at the Miss Lalie Center.*

⁵ During the Council's inspection, 6 adults and a 1 minor were present at the MLC. Two individuals were willing to speak with Council inspectors. The MLC is a facility exclusively for boys and does not provide care for girls.

No	Recommendation	Position
	To the Minister of Justice	
1	Provide for the formal embedding of the juvenile justice facility within the government organization and ensure that adequate resources are made available. Discontinue the pilot project.	Partially followed up
2	Ensure that personnel are appointed in accordance with applicable regulations. Provide for a full-fledged personnel policy and fulfill agreements made. Ensure that personnel are or become qualified.	Partially followed up
3	Ensure a full-fledged educational program.	Not followed up
4	Ensure that the youth have full and useful daily activities.	Partially followed up
5	Provide for an emergency plan. Train staff for emergencies and first aid, provide safety training.	Not followed up
6	Ensure that custodial officers are adequately trained with safety and handling in mind.	Partially followed up
7	Ensure that a Supervisory Committee(s) is in place. Provide for a complaint regulation.	Followed up
8	Adjust physical security in such a way that contraband cannot be thrown over the walls or pushed under the gates. Ensure a functioning detection gate and, if possible, a scanner.	Partially followed up
	Recommendation	
	To the Minister of Justice	
1	Implement the Council's recommendations that have not yet been (fully) addressed and make the necessary resources available as soon as possible.	N/A.

1.6 Method of research

This inspection was conducted using research that included relevant developments in recent years and was conducted according to the following phases:

- 1) Orientation phase: global research of the topics for the purpose of determining the approach of the inspection and drafting a plan of approach.
- 2) Desk research: literature review, elaboration of the theoretical/legal framework, and preparation of the interviews.
- 3) Data collection: interviewees were approached and interviews were scheduled and conducted. A physical inspection was conducted at the MLC.
- 4) Analysis and reporting: based on the main research questions, the information collected was analysed and the draft inspection report was prepared.
- 5) Review and adoption: interviewees and the MvJ were given the opportunity to comment on the draft interview reports and/or the draft report, after which any comments were incorporated and the report was presented to council members for adoption.

1.7 Reading

After this introductory chapter, Chapter 2 describes the findings. The third chapter contains the analysis of the findings, the conclusion and the (status of the) recommendations.

2. Research findings: Juvenile Justice Facility MLC

2.1 Introduction

With the establishment of the MLC in 2014, a first step was taken towards a criminal juvenile justice regime on Sint Maarten. This in order to resolve the distressing situation regarding the criminal placement of juveniles under the age of 18. The situation before that whereby juveniles were placed in police cells was judged by international commissions such as the European Committee for the prevention of Torture and Inhuman or Degrading Punishment to be a serious violation of human and children's rights. With its 2016 inspection of the MLC, the Council examined, among other things, how the youngsters were being treated. This included rehabilitation and security measures. The Council made eight recommendations for improvement.⁶

A follow-up inspection (review inspection) of the MLC was planned in 2019. However, because the facility was not operational at that time, it was postponed by the Council until 2020.⁷ The 2020 inspection revealed that only two of the eight recommendations had been followed. This was of great concern to the Council because they involved aspects fundamental to the primary purpose of the MLC: providing care and rehabilitation for youngsters. The Council therefore recommended that the Council's recommendations that had not yet been (fully) followed be addressed and the necessary resources made available in the shortest possible time.⁸ In a response letter from the MvJ in 2022 on follow-up to Council recommendations, the MvJ did not address the MLC.⁹

With the state of affairs in 2020 in mind, the Council describes in the following paragraphs the current findings in 2024 on the follow-up of the outstanding recommendations. The Council also discusses the steering of these. For each recommendation, the Council describes the state of affairs in 2020, the findings in 2024 and gives its assessment of them.

2.2 Formal embedding and resources

Recommendation 1

Provide for the formal embedding of the juvenile detention center within the government organization and ensure that adequate resources are made available. Discontinue the pilot project.

2.2.1 State of affairs 2020

Since 2018, the MLC is no longer a pilot project and has become part of the prison system, thereby fulfilling the recommendation regarding its formal embedding.¹⁰ This change had consequences for the distribution of funds, specifically for the necessary resources. Since funds were only made available for specific items, the part of the recommendation on 'making sufficient resources available' was considered to have been partially followed. The recommendation was assessed as partially followed in its entirety.

⁶ Law Enforcement Council, (2016). Juvenile justice facility Sint Maarten. Baseline measurement at the Miss Lalie Center.

⁷ Law Enforcement Council, (2019). The Pointe Blanche jail and house of detention, the Miss Lalie Center, police cells in Philipsburg and the border hospice in Simpson Bay. Report of Findings 2019.

⁸ Law Enforcement Council, (2021). General review recommendations Sub-inspection 1: Juvenile delinquency prevention; Miss Lalie Center juvenile rehabilitation; Juvenile probation; Adult probation.

⁹ [20220404 Letter to Parliament - Recommendations LEC.pdf](#)

¹⁰ The MLC was designated by ministerial decree (no. 12-18MB/JUS) under Article 7 National Ordinance on the Principles of the Prison System as a prison and designated as a house of detention for male juveniles who had not reached the age of 18 at the time of placement.

2.2.2 Findings 2024

Formal embedding

Criminal placements of male juveniles only

The formal embedding of the MLC in the prison system is unchanged in 2024. Under the current situation, young males (aged between 12 and 18) who are subject to a civil protection measure are not accommodated in the MLC. This is seen as a bottleneck because there is currently no other location where these young "civil title" males can be placed. There is no available care facility at all for young females.

The MvJ, through the Ministry, is looking at whether placements for young males under a civil title can once again be secured at the MLC.

The facility is also not being used to implement the government's juvenile detention order (PIJ measure). It is not set up for that.

Expanding age range

In 2019, the decision was made to allow detainees aged 18 to 21 (adult boys) to also be detained at the MLC.¹¹ This will continue through 2024. Opinions are divided on this choice. Several interviewees at the MLC indicate that this measure has negative consequences for the way the organisation operates. For example, it is not clear to the MLC staff and some chain partners what the current organisational goals are as a result.¹²

Also, the presence of these two age groups affects the daily program (see further section 2.5).

The prosecutors interviewed believe that using the MLC for the detention of these young adult males is, by comparison, a better option than the Point Blanche location. Because of the cell shortage, adults who have committed serious crimes are detained there on a priority basis. Incarceration of young adults with this group is then not an optimal situation from the point of view of reintegration of the young adults. This group is still impressionable and in the MLC they have a better chance of rehabilitation. The chance of recidivism is then less. Furthermore, the available "cell" capacity at the MLC is also better utilized this way, according to the prosecutors.

There are few criminal placements of juveniles in the MLC by the Public Prosecutor's Office; this is done only for serious crimes. The policy is that detention in the MLC is *ultimum remedium*. Other options are considered first and utilized if necessary. At the time of the inspection, six adult boys and one minor were detained in the MLC.

The Ministry indicates that plans for the new prison include a young adult section. However, an interim solution to place all young adult males elsewhere is not immediately available. All chain partners interviewed are aware that the current situation is not ideal.

¹¹ Law Enforcement Council, (2021). *General review recommendations. Sub-inspection 1: Juvenile Crime Prevention, Miss Lalie Center Juvenile Rehabilitation Center, Juvenile Probation, Adult Probation*, pg. 30. Effective November 1, 2019, the MLC is also designated as part of the prison system for the admission of male juveniles who have not reached the age of 21 at the time of placement.

¹² Law Enforcement Council, (2016). *Juvenile Justice Facility Sint Maarten Baseline Measurement at the Miss Lalie Center*, pg. 21. There it can be read that:

"By ministerial order dated December 8, 2014, a juvenile justice facility, the 'Miss Lalie Center,' was established. The 'Miss Lalie Center' is a closed facility for the care and treatment of boys between the ages of 12 and 18. The MLC is intended for the implementation of observation, for the implementation of civil protection measures, the implementation of juvenile detention, the implementation of the TBR for juveniles (PIJ measure) and it also functions as a house of detention for boys remanded in custody.

Closed setting

Several interviewees indicated that the closed setting and exclusive use of the facility is not conducive to reintegration of minors (civil and criminal). The rooms (cells) with heavy iron doors and shutters - which they indicate remain closed almost all the time - do not contribute to this either. This combined with the very limited offer of education and daily activities (see sections 2.4. and 2.5), which, for example, according to one interviewee, should also partly take place outside the facility, is worrisome.

Financial resources

The inspection shows that the MLC does not have sufficient financial resources to carry out, for example, repairs in the building, purchase materials or provide for daily activities. Furthermore, the MLC does not have its own budget. All requests for (financial) supplies must formally go through the prison. Money is still only made available for specific items. Moreover, it is indicated by the Ministry that there will have to be cutbacks this year within the justice system - and thus also within the MLC - and that this will have (negative) consequences for, for example, the filling of vacancies and the purchase of materials. This will most likely also be the case in 2025.

Human resources

Staffing

The position of *behavioral scientist* and that of *education coordinator* have not been filled for several years. As a result, the pedagogical staff and management of the MLC are trying to fill this gap themselves. This by, as far as possible, preparing assessments of the youngsters and developing a plan of action based on this. This situation is perceived by them as far from ideal since they are not qualified to do so.

In 2021, two pedagogical workers joined the staff and three custodial officers (see Table 3). However, actual staffing is minimal due to (long-term) sick leave. As a result, custodial officers sometimes have to work 12-hour shifts for extended periods. Custodial officers are supported during evening shifts and weekends by a member of the Volunteer Corps Sint Maarten (VKS). Furthermore, no pedagogical staff are present in the facility on weekends, which some interviewees said is required when minors are being detained.

Table 3 shows the staffing of the MLC from 2020 to 2024.

Table 3. MLC 2020-2024 staffing.

Function	Function book	2020	2024
(Act.) head	1.0	1	1
Custodial officers	9.0	5	9
Behavioral Scientist	1.0	0	0
Education & activities coordinator	1.0	0	0
Pedagogical staff A	2.0	2	3
Pedagogical staff B	2.0	1	2
Cook/instructor	1.0	1	0
Total	17	10	15

Tasks

Several interviewees at the MLC indicate that the custodial officers perform tasks that are not their responsibility but that of the pedagogical staff. Examples mentioned include escorting the minors from the cells to the various activities in the facility and making breakfast for all the detainees. The situation described above leads to bottlenecks with other tasks, overtiredness and frustration among some of the staff, according to interviewees (see further section 2.3).

Rotation system

In addition, there is a rotation system in which (some) custodial officers rotate between the prison and the MLC. There are no established selection criteria for custodial officers, such as affinity with or training for this specific target group. In the current situation, according to interviewees, it seems that (some) custodial officers are placed at the MLC if there is a need, due to circumstances, for temporary 'outplacement' from the Pointe Blanche location. The need of the MLC does not appear to play a primary or a secondary role in this, according to interviewees. Several interviewees feel that criteria should be established for this.

Material resources

Of the ten cells at the MLC, three are not in use due to overdue maintenance and repairs. As indicated, there are insufficient funds available to make repairs in the building. For example, there are toilets that do not work, one of which must be flushed by filling a bucket with water, using the fire hose in the hallway. One interviewee from the MLC notes that when the MLC first opened, everything was in order, but every time maintenance is necessary, or inmates cause destruction in the cells, there is no budget available to make repairs.

The inspectors toured the MLC building during the inspection. There was a visible need for maintenance, new furniture and equipment for daily operations. Materials also need to be purchased, and repairs made for the physical security of the facility (see further section 2.8).

2.2.3 Assessment

Part of the recommendation on providing sufficient resources has not been followed. The recommendation is therefore - as in 2020 - rated as partially followed. The MLC still does not have sufficient resources. This is partly due to government cutbacks imposed and because the MLC as part of the prison system, in accordance with this construction, does not have its own budget. The necessary material resources have not been purchased and critical vacancies have not been filled. As a result, certain necessary tasks, educational programs and activities cannot be carried out (structurally). This means that the MLC is unable to provide the care and treatment necessary to promote and achieve rehabilitation of the youngsters.

The Council is of the opinion that the MvJ, in consultation with the HvB and the MLC, must come to a solution in terms of making sufficient resources available. For example, an agreement on resources and accountability for at least minor maintenance and repairs could be considered for which the MLC itself has access.

The Council advises the MvJ to evaluate, based on the findings, the choice to house adult detainees aged 18 to 21 in the MLC. The Council is of the opinion that adult detainees should be housed in the MLC only when at a minimum the conditions for - and resources for the benefit of - the original target

group (minors) are sufficient to achieve the objectives. Expanding the age range should not have a negative impact on minors or infringe on their rights.

It is also recommended that the rotation system of custodial officers be evaluated, and possibly objective criteria be established.

2.3 Personnel Policy

Recommendation 2

Ensure that personnel are appointed in accordance with applicable regulations. Follow up on a full-fledged personnel policy and fulfill agreements made. Ensure that personnel are or become qualified.

2.3.1 State of affairs 2020

The Council considered that with the formal embedding of the MLC in the prison system, there was no longer any need to doubt the applicable regulations, appointments and personnel policies. This part of the recommendation was therefore assessed as followed. However, it was important to act in accordance with applicable regulations and policies in practice, such as by implementing the applicable human resources (HR) cycle. As in 2016, staff changes, sick leave and overtime were also common bottlenecks in 2020. The staffing level, 10.5 FTE in 2016 and 9 FTE by the end of 2020, was still not stable, which had an immediate impact when staff left. The Council believed that the staffing situation and thus the staffing level was worrisome. There was no behavioral scientist and no education and activities coordinator on staff. The MLC did have some of the required qualified pedagogical staff. Unlike the situation in 2016, operational staff had been offered training. The recommendation was rated as partially followed.

2.3.2 Findings 2024

Human resource management in practice

Interviewees from the MLC indicate that the MLC adheres to the government HR cycle and that three staff consultations are held annually. In this regard, the Ministry indicates that all justice organisations have been informed that they must adhere to the HR cycle and submit the corresponding assessments to the Ministry in a timely manner. This is a spear point of the Ministry.

Sick leave and overtime, as indicated in section 2.2.2, are still common bottlenecks and key positions remain unfilled.

Keeping to agreements

Since 2024, the Ministry of Justice has been placing employees based on the new function book for the entire Ministry of Justice. In this regard, a number of interviewees from the MLC indicate that some personnel-related agreements made regarding remunerations have not been fulfilled and national decrees regarding placement within the organisation have not been drafted. A lack of communication from the Ministry about the placement procedure has led to uncertainty among some of the staff about their legal status, according to interviewees.

Qualifications personnel

In addition, the (pedagogical) staff was appointed on the basis of the original objective of the organisation, specifically the care and supervision of underage males (12-18 years old) incarcerated under civil and criminal title. This creates bottlenecks in the case of the young adults, because it is a different age category and therefore target group.

PIW training

Furthermore, all MLC personnel have recently had to attend a penitentiary worker (PIW) training provided by the Justice Institutions Department (DJI) from the Netherlands. This training includes several components, such as reporting, legislation and dealing with violence. This training takes place in phases and involves a total period of six weeks. An interviewee from the MLC notes that the training is conducted in Dutch which is perceived as a stumbling block. The training is considered a refresher course by several interviewees from the MLC. In addition to the custodial officers, the pedagogical staff must also participate in the training. The training is perceived by this group as less valuable given their position. They would prefer in-depth training in their area of work.

2.3.3 Assessment

Despite the introduction of the new function book, no significant developments have taken place to achieve a fully-fledged human resources policy. Therefore, just as in 2020, the recommendation is still assessed as partially followed.

It is positive that the HR cycle is being implemented by the MLC. However, there is still no full HR cycle. For example, at least two critical positions have not been filled and will most likely not be able to be filled in the coming year due to the aforementioned cutbacks. This is of great concern to the Council given that the functions supervise the treatment of the minors through expert plans and thus touch the core of rehabilitation as well as supervise compulsory education and useful daily activities. The Council stresses the need for joint action of the MvJ together with the prison and the MLC to find a solution to pressing issues, such as filling critical positions.

Furthermore, personnel-related agreements made have not been fulfilled partly because some employees have not yet been formally placed within the organisation. The function book has been established by the Ministry of Justice in 2023, and the Council believes that employees should therefore be placed as soon as possible to provide them with the necessary security.

2.4 Educational Program

Recommendation 3

Ensure a full-fledged educational program.

2.4.1 State of affairs 2020

The Council had serious concerns about the (continuity in the) schooling of minors in the MLC. The program should be set up in such a way that continuity is guaranteed and the loss of a single staff member does not result in the minors not being able to receive schooling. However, the program was not set up in this way, which brought the rights of the child into question. The Council thought it was a good development that the initiative had been taken to draw up an educational program, but haste was needed. The Council expected that in drawing it up, the continuity of schooling was at least

guaranteed and would occupy an important place. The Council urged the MvJ to find a solution as soon as possible. The recommendation was assessed as not followed.

2.4.2 Findings 2024

Rights of the child

In accordance with Article 28 of the International Convention on the Rights of the Child, all children have the right to education. This right applies to all children under the age of 18. Also those who are in detention.¹³

The Constitution of Sint Maarten guarantees the right of every child to general education.¹⁴ In addition, Article 3 of the Compulsory Education Ordinance requires that children between the ages of 4 and 18 be educated.¹⁵

Program

There is no education coordinator and no funding available to implement a full-fledged educational program. A "*General Education Development*" (GED) program, '*life skills*' classes and Bible classes are offered to eligible minors and young adults. However, these are not taught on a structural basis. Lessons are given by age group since the groups cannot be mixed. Not all adults choose to attend the GED program taught by a contracted teacher. In fact, participation is not mandatory for this group. Nor is the program suitable for everyone. The level can be too high for some, which can cause them to drop out when they begin the program.

The Council received an overview of the MLC's educational program. Several interviewees indicated that a program focused on basic skills (reading and writing) should be made available to meet the needs of the group. Currently, the offerings do not always match the educational needs.

Interviewees from the MLC and the Court of Guardianship indicated that in the past attempts were made to set up a program in cooperation with the schools in which the youth would receive schoolwork from the school and it would be corrected by the school. However, this initiative was stopped due to the (too much) work it created for the schools. No other solution was found. Interviewees also indicate that efforts are made to provide tailor-made solutions for each boy on an individual basis.

However, so far it has not happened that a minor was required to stay in the facility for a long period and a solution had to be found for his education.

Several interviewees indicated that providing a full educational program for minors is not only a responsibility of the Ministry of Justice but also of the Ministry of Education. This is because minors are subject to compulsory education. The Ministry of Justice indicates that it is aware of the situation regarding the lack of a full-fledged educational program and refers to budget cuts as the reason for this.

¹³ [Convention on the Rights of the Child | OHCHR](#)

¹⁴ AB 2010, GT no. 1

¹⁵ AB 2013, GT no. 590

2.4.3 Assessment

The program is still not designed to ensure continuity. The Council therefore assesses the recommendation - as in 2020 - as still not followed. Limited education is offered to the youngsters. The lack of a full-fledged educational program has been a recurring bottleneck for many years now. As the Council pointed out in its 2020 report, this compromises the rights of the child. The Council notes that this is still the case in 2024.

The Council finds the lack of effort by the MvJ to address this fundamental issue troubling. This is because no concrete plans are under development nor have any concrete actions been taken to address the situation. The Council believes that the MvJ, whether in cooperation with the Minister of Education or not, should come up with a structural solution as soon as possible. This, for example, by means of a plan of action, for offering a full educational program to at least the minors during detention in the MLC. The solution should also be permanent regardless of the length of their stay. The Council believes that education should be a major part of the daily program in accordance with pedagogical principles and the originally drawn up weekly schedules of the MLC.

2.5 Daily activities

Recommendation 4

Ensure that the youth have full and useful daily activities.

2.5.1 State of affairs 2020

Education was supposed to be a major part of the morning program, as part of the daily activities, in the weekly schedule. That was not the case. However, it was not lost on the Council at the time that the staff nevertheless did their best to offer an appropriate and useful program. What was needed, however, was to establish both the educational and daily programs in such a way that there would be continuous and complete daily activities. The recommendation was assessed as partially met.

2.5.2 Findings 2024

Daily activities

As indicated, the MLC does not have sufficient resources which means that various useful activities cannot be provided. Several interviewees indicated that the lack of financial and human resources results in the youth not having a full and useful day program. Education is only a small part of the daily program (basically 1 hour per day and 3 times per week). Furthermore, the program consists of 1 hour of air time per day where the youngsters, in small groups, can play sports, listen to music, play table tennis or dominoes and watch TV. The sports activities during air time are largely limited to playing basketball, using a (mountain bike) bike and sports equipment in the outdoor area.

Several interviewees indicated that in the past, activities such as car mechanics, cooking classes, music lessons and gardening were offered. However, these activities did not take place structurally and were discontinued due to the aforementioned lack of funding. Management of the MLC indicates that in 2024 barber classes were offered. This was once or twice a week for a period of 2.5 months. Interviewees from the Ministry suggest that MLC management take stock of what is possible on a small scale and develop programs that cost little.

Two young adult males interviewed expressed dissatisfaction with the amount of time they get to "air" and the activities available during airing. They would like to have more air time and other

activities, such as car mechanics and carpentry. This is so that they can learn a trade. In addition, they indicate that they air by groups and that the groups are too small to, for example, play basketball and other activities together during airing. According to the management of the MLC, the decision to keep the groups small was made in response to a previous incident of violence and as a result of that to prevent future incidents. Also taking into account the (limited) available personnel capacity.

During a so-called custodial week, staff share *best practices* with colleagues within the Kingdom. However, an interviewee from the MLC noted that in the case of organizing daily programs in a juvenile facility, these are not applied in Sint Maarten and considers this a missed opportunity. For example, the interviewee pointed out that the youth facility in Curaçao offers a full day program with various activities to keep the youth involved. In Curaçao, for example, activities outside the detention facility are also undertaken with young detainees to create a sense of environmental responsibility among the youth, among other things.¹⁶

Furthermore, the group of minors and adults in the MLC cannot be mixed. This puts pressure on capacity and limits the number of activities that can be carried out. The minors' program suffers because this rule requires them to stay longer in their cell daily. This while they should be spending the vast majority of the day outside the cell, according to interviewees.

2.5.3 Assessment

The Council concludes that the situation in the MLC is still such that educational and daily activities have not been secured, thus there is still no continuous and full daytime program. The Council therefore assesses the recommendation - as in 2020 - as partially followed. Although a day program is offered, it is minimal. Too few activities are offered to the youngsters. The Council believes that the MvJ should support the MLC in organizing a full and useful day program for the youngsters. The Council also believes that a solution must be found for the extra time minors now have to spend in their cells. They should not suffer as a result of the measure to house young adults in the facility as well. This worries the Council because this is at the expense of the MLC's organizational goals and affects the rights of the child. If it is the MvJ's desire that minors and young adults up to 21 years of age be accommodated and rehabilitated at the MLC, then this should also be invested in in order to best serve both target groups.

2.6 Emergency Plan

Recommendation 5

Provide for an emergency plan. Train staff for emergencies and first aid, provide safety training.

2.6.1 State of affairs 2020

Except for an occasional (Company Emergency Response) course and the presence of physical safety facilities, the state of affairs in this area in 2020 was still largely the same. Documents had not been prepared, were not known among staff or were still in draft form. The quality manual, for example, which included documents and forms concerning internal safety, was still in draft form. This meant that targeted training and practice could not be carried out either. As in 2016, the Council was of the opinion that there was not enough focus on the prevention and management of calamities and the MLC was therefore not well prepared for them. This required immediate change, according to the Council. The recommendation was assessed as not followed.

¹⁶ <https://www.curacaochronicle.com/post/local/youth-support-recycling-efforts-with-green-clean-curacao/>

2.6.2 Findings 2024

Emergency response plan and training

The MLC still does not have an emergency response plan. However, the MLC does indicate that it has a hurricane plan that they use instead. This was requested by the Council but not received. However, the majority of those interviewed at the MLC indicate that they are not familiar with the contents of this plan. And they indicate that no hurricane or - more generally - emergency response training has taken place for years.

The inspection also reveals that the MLC's quality manual is still in draft form. The Council requested a copy but did not receive it.

The Ministry is not aware whether the MLC has an emergency plan or a quality manual. Those interviewed at the Ministry indicate that should the MLC need support in this area, the Ministry is willing to do so at any time. The Ministry explains that it has no direct contact with the MLC; contact officially takes place through the HvB.

First aid and safety training

Some interviewees from the MLC say they have taken a first aid course in the past whether through the MLC or not. Training in this area and safety training have not been organized in recent years, according to interviewees from the MLC.

2.6.3 Assessment

The recommendation - as in 2020 - was not followed. The facility is not properly prepared for a disaster, which involves more than natural disasters. Plans are not established and known. And crucial (safety) training, including first aid, is not provided. Failure to follow this recommendation potentially puts the safety of the youngsters and staff at risk in the event of an emergency. The Council believes that the MvJ bears responsibility for the safety of the youngsters once they are placed at the MLC. The MvJ also bears responsibility for ensuring that staff can work in a safe environment (see also A8). The Council finds this state of affairs unacceptable and urges the MvJ to take action on this as soon as possible.

2.7 Security

Recommendation 6

Ensure that custodial officers are adequately trained with safety and handling in mind.

2.7.1 State of affairs 2020

In the past, only externally hired security guards were used, but they lacked specific training and did not meet qualifications. Over four years later, the Council saw a shift regarding the use of security, from only external hiring to a combination of personnel from the HvB, the VKS and external hiring. The goal was to eventually achieve the deployment of the most appropriate security for the MLC. This was done in particular by drawing up a safety and security protocol, a rotation system and planned training sessions. Given that most of the developments were very recent and still required actions, the Council would await the results. The recommendation was rated as partially followed.

2.7.2 Findings 2024

Education and training

Extraordinary Investigating Officer

Justice-wide training for Extraordinary Investigating Officers was started in 2022 by the Ministry. This was also started for employees of the MLC. However, according to several interviewees, the training was stopped without notice and explanation. The Ministry indicates that the training was stopped because it had to be certified first. When this is arranged, the training will be restarted.

IBT

Furthermore, the Integrated Professional Skills Training (IBT) has not taken place for custodial officers at the MLC. The Ministry indicates that there are IBT trainers at KPSM who provide IBT for the entire Ministry. And that there is ample room for individuals to train regularly. However, it is up to management to indicate that personnel need such training. It is therefore a matter of planning and coordination, according to the interviewees.

Safety and dealing with the target group

As indicated earlier, all employees at the MLC are attending PIW training offered by the DJI. According to several interviewees at the MLC, general *safety and security* is part of this training. However, dealing with the specific target group of the MLC - juvenile detainees - is not part of this specific training. Also, no other training in that area has taken place. The young adult detainees interviewed believe that they are being treated well by staff.

Deployment of custodians

The inspection shows that a private security company is no longer used by the MLC. As indicated earlier, only the VKS is used to support custodial officers during night shifts and weekends. In addition, some custodial officers are rotated between the HvB and the MLC. An evaluation to find the most suitable custodial officers for the MLC has not taken place.

Safety and security protocol

The MLC does not have an established safety and security protocol. The MLC indicates that it is still in draft form. The Council requested the document but did not receive it. Further, not all employees at the MLC have received security training. According to the MLC, all staff did receive fire safety training.

2.7.3 Assessment

As in 2020, the recommendation was still partially followed. The Council considers it a good decision to no longer use a private security company. Deployment of the most suitable custodial officers should always be the starting point. This is something that needs to be worked on. As indicated earlier, the custodial officers follow a PIW training that also deals with security. The Council finds it positive that PIW training is given to both custodial officers and other personnel in the context of security. However, this training is aimed at an adult correctional environment and therefore does not take into account the specific nature of the MLC. Also, no action has been taken to ensure that custodial officers receive periodic IBT training. Furthermore, the discontinuation of the Extraordinary Investigating Officer

training has affected the continued professionalization of custodial officers. The Council believes that this, too, should be addressed

The Council is of the opinion that the recommendation is still valid and that the custodial officers should still receive (periodically) appropriate training on not only safety, but also on dealing with the target group. This especially since a rotation system is used and it is crucial that the custodial officers placed can deal with this specific target group. Furthermore, the safety and security protocol - after being in draft form for too many years - should be adopted and implemented as soon as possible.

2.8 Physical Security

Recommendation 8

Adjust physical security in such a way that contraband cannot be thrown over the walls or pushed under the gates. Ensure a functioning detection gate and, if possible, a scanner.

2.8.1 State of affairs 2020

To prevent contraband on the premises of and inside the MLC, the physical security had been partially adjusted by making changes in the staffing of the camera room and in the physical security by the VKS. However, parts of the physical security still needed to be adjusted. For example, the detection gate was still not functioning properly. However, a handheld scan was available. The recommendation in 2020 was assessed as partially followed.

2.8.2 Findings 2024

Physical security

As indicated earlier, custodial officers are supported by the VKS in the evenings and weekends for the purpose of physical security of the building. However, the existing physical security needs to be improved including a fully functioning camera system and lighting in and around the building. The camera room is staffed, but a number of cameras need to be repaired. Furthermore, the fire alarm is not working optimally due to lack of maintenance. The MLC has the necessary fire extinguishers, however, at the time of the inspection, not all of them were in their designated locations. In addition, the detection gate of the MLC has not yet been readjusted so it still cannot be used. There is also a baggage scanner (non-functional) that was placed at the MLC that requires repair before it can be put into use. The MLC has a functioning handheld scanner.

Contraband

Furthermore, the custodial officers are in charge of securing the outside area of the MLC and detecting contraband. Several interviewees at the MLC indicate that most risks in this regard arise during airtime when contraband is being or has already been thrown over the wall. Therefore, the custodial officers make rounds before and after each airtime. They also stand in strategic positions to increase the chances of intercepting contraband. No measures such as, for example, a net placed over the outside area, have been taken.

Furthermore, it is a bottleneck that everyone can reach the MLC's forecourt and outer doors and, for example, verbally communicate with the young detainees. Since this also creates a nuisance, the police sometimes have to be called, according to the interviewees. Instead, the outside grounds of the MLC should be locked, which can also limit contraband.

The Ministry indicates that it is important that the facility is secure. They are aware of the problem of contraband and nuisance in the (residential) neighborhood caused by detainees at the MLC. However, interviewees indicate that a solution to the situation is difficult because there is currently no other suitable location for such a facility. It does have the necessary attention, and the Ministry is in talks with the neighborhood officers to identify a possible new location for the MLC.

2.8.3 Assessment

The situation as observed in 2020 is unchanged four years later. Therefore, the Council assesses the recommendation as still partially followed. The camera room is still staffed and the staffing of physical security by using the VKS is still in place. However, the quality and quantity of physical security has not been adjusted. To ensure an acceptable level of security for detainees and staff, the Council considers it necessary that more attention be paid to the physical and technological security of the current building. Limited measures have been taken to prevent contraband. Placing a net over the outside area to prevent contraband, as already suggested by the Council in a previous report, could be a solution. Furthermore, a solution for access to the outside area of MLC would certainly contribute to the security of the facility as well as solve nuisance problems. In the event it is decided not to repair the baggage scanner it should then be removed.

2.9 Steering

2.9.1 Findings 2024

It was indicated by the Ministry of Justice and the MLC that no concrete steering was given to the follow up of the recommendations. The reason for not following up on the recommendations largely relates to the country's financial situation. This concerns in particular the recommendations on having sufficient resources (A1), a full-fledged human resources policy (A2), a full-fledged educational program (A3) and a useful day program (A4). A number of recommendations are not primarily financial in nature, such as making sure there is an emergency plan available. However, there was also no steering by the MvJ on these issues.

2.9.2 Assessment

The Council believes that due to a lack of steering from the MvJ, the Ministry has hardly been involved in the (monitoring of the) follow-up of the recommendations. For the recommendations that require such, no resources have been made available by the MvJ, with all its consequences. The Council finds this unacceptable given the subject matter. Steering on the follow-up by the Minister or by the Ministry is necessary. This is precisely because of the lack of resources and the important issue involved. The Council understands that due to a lack of capacity and the many activities of those involved, not all recommendations can be taken up at the same time and priorities must be set. However, the Council is of the opinion that a workable approach with a realistic timeline must be actively pursued to achieve follow-up of the recommendations. This especially since these are recommendations regarding the care and treatment of youngsters. The Council expects that the MvJ will give priority to this.

3. Conclusion and recommendations

In chapter two, the Council presented the status of the eight recommendations from the Miss Lalie Center report. In this final chapter, the Council presents its conclusion on the results of this inspection. The Council does this by answering its central research question and sub-questions. The Council concludes with its recommendations.

3.1 Answering the central research question and sub-questions

The central research question concerned:

To what extent and in what way are the Council's recommendations on the Miss Lalie Center juvenile justice facility being followed up?

The sub-questions concerned:

1. To what extent have the Council's recommendations been followed?
2. What bottlenecks (if any) arise in this process?
3. To what extent and in what way is follow-up managed?

Status of follow-up recommendations in 2024

The inspection reveals that four years after the first follow-up inspection, seven of the Council's eight recommendations have still not been (fully) followed. This means that the Council's 2020 recommendation to provide the necessary short-term resources to follow up on the recommendations not yet (fully) followed has also not been followed. This demonstrates a lack of priority and insufficient "sense of urgency" for this very important issue, being the youth. The Council expresses its concerns about this. The Council is of the opinion that the urgency of the situation is insufficiently felt by the MvJ and asks the MvJ to pay explicit attention to this. This despite that there is attention for juvenile delinquency and the need for its prevention within society. Given the current developments and the fact that most of the recommendations have still not been followed up, the rights of the child are in jeopardy. This worries the Council as it did in 2020. It is therefore time for action. The bottlenecks are such that it creates a largely unworkable situation in the facility. It cannot be the case that needed maintenance does not occur, unreasonable actions or improvisations must be taken, or choices made result in negative consequences for minors. This undermines the purpose of the juvenile facility. By extension, the Council also points out that essentially "doing nothing" can lead to irreparable harm to minors and young adults with all the negative consequences for those minors and young adults as well as for society. Indeed, the juvenile facility is first and foremost an educational facility and the absence of a (guaranteed) structure for education and activities is not conducive to rehabilitation. The MLC therefore is also not complying with the international regulations on this subject.

Bottlenecks

The Council concludes once again that the same bottlenecks found in previous inspections and in other organisations within the justice system are recurring here. However, the Council believes that known bottlenecks, such as the lack of financial, material and human resources is not always valid as a reason for not following the recommendations. This is especially true if it is known that there will be little change in this situation.

Due to the lack of resources, there has been no improvement across the board. The Council finds this unacceptable based on the number of years that have passed and the improvements needed to benefit the MLC. The Council therefore believes that the Ministry should work with the prison and the

MLC to arrive at a workable situation on how to deal efficiently with at least the resources that are available. For example, the Ministry can take the initiative and provide (policy) support in preparing or finalizing the documents and plans that are still missing or in draft form.

Steering by those responsible

All of the Council's recommendations are primarily addressed to the MvJ, and the MvJ is ultimately responsible for the quality of the MLC's mission, performance and management. However, the MvJ has been largely uninvolved and unaware of the status of the follow-up to some of the recommendations. The Council therefore concludes that there is a lack of steering in the follow-up of the recommendations. The state of and opportunities within juvenile detention should be a top priority given the consequences of failing to do so. Despite staff doing what they can, the main purpose of the MLC is undermined in the current situation. This, in the Council's view, absolutely cannot be the intention.

It is important that the MvJ, in consultation with the prison and the MLC, clarifies the organisational objectives of the MLC. The Council has noted that the original purpose of the MLC has changed, partly due to the admission of young adult detainees. This must be clarified for all parties involved.

Given the scarce financial, material and human resources, the Council believes that for the purpose of steering and follow-up, for example, a plan of action could be drawn up to set priorities, identify needs and provide guidance on issues such as a realistic timeline, action holders and funding. The Council emphasizes the need for long-term planning. Among other things, the formulation of a response to the offered report could help because it can often include the outline of the intended direction and approach. Furthermore, the Council believes it would be a good idea for the MvJ to take the initiative to draw up a report, for example six months after the publication of this inspection report, on the concrete state of affairs in the (progress of the) follow-up of the recommendations. According to the Council, the above can also contribute to better steering and monitoring of the follow-up of the recommendations.

The Council has previously noted that there are several subjects where it can be concluded that recommendations are not structurally followed. This is also evident from the most recent report on the State of Law Enforcement.¹⁷ In these cases the Council can scale up after at least two follow-up inspections by notifying the representative body of Sint Maarten and the Council of Ministers of the Kingdom (article 32 Kingdom Act Law Enforcement Council). For the time being, the Council has not used this power. The Council assumes that this second follow-up inspection will lead to full compliance with the recommendations, whereby this will not be necessary. This especially, since the rights of the child must be guaranteed.

The Council will continue to periodically monitor the progress of the outstanding recommendations. Given the many structural recommendations not followed, the Council will need to prioritize this.

3.2 Recommendation

Given the current state of affairs, the Council is compelled to reiterate its 2020 recommendation:

Implement the Council's recommendations not yet (fully) addressed and make the necessary resources available in the shortest possible time.

¹⁷ Law Enforcement Council. (2024). *The State of Law Enforcement Sint Maarten 2023. Justice cooperation between the countries*, pg. 11.

The Council shows in Table 4 the status of follow up of the recommendations in 2024.

Table 4: Overview of status of MLC recommendations.

No	Recommendation	Status 2020	Status 2024
	To the Minister of Justice		
1	Provide for the formal embedding of the juvenile justice facility within the government organisation and ensure that adequate resources are made available. Discontinue the pilot trajectory.	Partially followed up	Partially followed up
2	Ensure that personnel are appointed in accordance with applicable regulations. Follow up on a full-fledged personnel policy and fulfill agreements made. Ensure that personnel are or become qualified.	Partially followed up	Partially followed up
3	Ensure a full-fledged educational program.	Not followed up	Not followed up
4	Ensure that the youth have full-fledged and useful daily activities.	Partially followed up	Partially followed up
5	Provide for an emergency plan. Train staff for emergencies and first aid, provide safety training.	Not followed up	Not followed up
6	Ensure that custodial officers are adequately trained with safety and handling in mind.	Partially followed up	Partially followed up
7	Ensure that a Supervisory Committee(s) is in place. Provide for a complaint regulation.	Followed up	Followed up
8	Adjust physical security in such a way that contraband cannot be thrown over the walls or pushed under the gates. Ensure a functioning detection gate and, if possible, a scanner.	Partially followed up	Partially followed up
	Recommendation		
	To the Minister of Justice		
1	Implement the Council's recommendations that have not yet been (fully) addressed and make the necessary resources available as soon as possible.	N/A.	Not followed up

Colophon

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