



THIRD FOLLOW-UP INSPECTION ON THE CRIME FUND SINT MAARTEN

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**Law Enforcement Council
September 2025**

Foreword

A Crime Fund (fund) plays an important role in combating crime. After all, the intention is that the fund's income is used to finance projects in that context. Projects to combat crime are in the interests of citizens and society. There where government imposes rules on citizens and enforces them, it must also comply with those rules itself. It is therefore essential that such a fund is properly managed and used, as it involves public funds. In this context, the Law Enforcement Council (Council) has carried out several specific inspections on the fund in recent years. In its follow-up inspections, the Council has continually reviewed the implementation of its recommendations for improving bottlenecks surrounding the fund.

This is the Council's fourth report on the fund in six years. Following its initial inspection in 2019, the Council has now conducted a third follow-up inspection on the status of the implementation of its five outstanding recommendations. In this report, the Council has once again concluded that insufficient progress has been made on this issue. This means that the Minister of Justice is systematically failing to follow up on the Council's recommendations. The compliance rate has for years remained stalled at 25%. As a result, this follow-up inspection shows that the situation remains unchanged compared to 2021. The five recommendations have still not been implemented.

Due to the fact that the preconditions for ensuring sound management and limiting risks with regard to the fund are not guaranteed, various bottlenecks and risks are being unnecessarily perpetuated. In light of developments, agreements made, and the importance of the fund, the Council neither understands nor accepts the ongoing delays. From a broader perspective, particularly that of citizens, projects that contribute to combating crime - and thus to public safety - are not being implemented. Furthermore, it appears more specifically that the current working method places a disproportionate burden on citizens, for example in the payment of fines. This unjustly shifts a government obligation onto citizens. More about this can be found in this report.

The Council would like to thank the organizations and individuals involved once again for their constructive cooperation in the inspection.

THE LAW ENFORCEMENT COUNCIL

Mr. M.I. Koelewijn, chairman

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List of abbreviations

Abbreviation

Meaning

CF	Criminaliteitsbestrijdingsfonds / <i>Crime Fund</i>
Fund	Criminaliteitsbestrijdingsfonds / <i>Crime Fund</i>
HOvJ	Hoofdofficier van Justitie / <i>Chief public prosecutor</i>
JZ	Justitiële zaken / <i>Judicial affairs</i>
KPSM	Korps Politie Sint Maarten / <i>Police Force Sint Maarten</i>
MvJ	Minister van Justitie / <i>Minister of Justice</i>
OM	Openbaar Ministerie / <i>Public Prosecutor's Office</i>
S-G	Secretaris-Generaal / <i>Secretary General</i>
SOAB	Stichting Overheidsaccountantsbureau / <i>Government Accountant Bureau</i>

Summary and recommendation

Summary

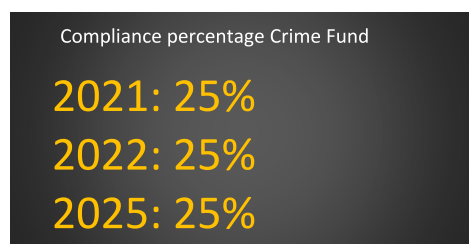
Introduction

Since 2019, the Council has been paying specific attention to the Crime Fund (CF) from the perspective of good management. At the request of the Minister of Justice (MvJ), the Council conducted two follow-up inspections in 2021 and 2022, respectively. The purpose of the fund is to finance projects aimed at combating crime. The recommendations made by the Council in this context are aimed at improving management and thus achieving optimal use of the fund in accordance with the law. Up to the current inspection, previous follow-up inspections indicated that insufficient follow-up, prioritization, and steering had been given to the follow-up of the recommendations. As a result, (potential) risks persisted for an unnecessarily long time. Now, six years later, in light of the above, the Council once again presents the state of affairs in this third follow-up inspection. The outlook is not positive.

General conclusion 2025

The state of affairs regarding the follow-up of the recommendations has not changed since the last follow-up inspection (2022). Of the five outstanding recommendations, four have still not been followed up. The recommendations that have not been followed concern: the subjects of establishing and following up on legal obligations and policies (three recommendations) and communication about the fund (one recommendation). One recommendation concerning administration and procedures is still partially followed up. Although improvements have occurred in areas such as payments, transfers, and controls, these are small, albeit in the right direction. In certain areas, the Council still notes a lack of concrete principles, a well-functioning work process with agreements, and steering. Because, for example, the administration is not properly organized, it imposes a disproportionate burden on citizens who are compliant. Citizens must repeatedly provide proof of payment to demonstrate that they have paid their fine. According to the Council, this practice places an unjustified obligation on citizens. The compliance percentage¹ has remained unchanged and is still **25%** in 2025.

Table 2: State of affairs compliance percentage follow-up recommendations CF



Overall view

Law enforcement and the administration of justice are among the core tasks of the government in protecting the safety of individual citizens and society as a whole. Therefore, the Council also considers the citizens' perspective when selecting its inspections. Projects aimed at combating crime are in the interest of citizens and society. Where the government imposes rules on citizens and enforces them, it must also comply with the rules imposed on it by

¹ The compliance percentage as an indicator is calculated by assigning 1 point to each recommendation followed, each partially followed recommendation a 1/2 point and no points to a not followed recommendation. Then the number of points awarded is divided by the total number of recommendations and multiplied by 100 to arrive at the compliance percentage.

legislation. For many years now, the Council has concluded that there are shortcomings in the management of the Crime Fund, both in terms of the implementation of applicable legislation and in prioritizing improvements of the identified bottlenecks. It is the Minister of Justice who must take the lead in this and set a good example. The applicable legislation and, in fact, the actual purpose of the fund; funding projects for crime prevention, have been systematically violated for years. Insufficient priority and steering are given to ending invalid practices such as the long-standing failure to comply with the annual requirement for the formulation of a policy plan as stipulated in the National Ordinance Crime Fund, and to resolving identified bottlenecks by following up on the recommendations. It is unclear to the Council why non-compliance with applicable legislation and associated procedures is being perpetuated and why there is a lack of transparency in actions taken. Based solely on the above, there has been insufficient progress to positively influence the status of the follow-up to the recommendation (regarding physical and digital administration/registration of projects). The Council believes that prioritization is necessary in order to improve the management of the fund in all its aspects. This will not only benefit its use, reliability, and transparency, but ultimately also the safety of citizens. Based on its third follow-up inspection, the Council therefore once again emphasizes the need for the necessary attention and prioritization of the follow-up to the recommendations concerning the fund.

Recommendations

Given the current state of affairs and the importance of following up on the recommendations already made, the Council reiterates for the third time its recommendation: *'Implement the five recommendations of the Council that have not yet been followed up on and make the necessary resources available as soon as possible.'*

Furthermore, the Council recommends the following: *'Ensure that, at least until the Handbook is formally established, the procedures for the assessment of finances as well as the substantive assessment of an application or request are clearly communicated and transparent'*.

Table 3: State of affairs follow-up recommendations

Recommendations Crime Fund to the Minister of Justice	Status 2021	Status 2022	Status 2025
Comply with the legal obligations as stated in the National Ordinance Crime Fund. In any event, give follow-up to the recommendations already made by the Council regarding the Fund. These concern: <i>'Include a policy plan to the annual budget listing the various projects that qualify for funding by the Crime Fund' and 'Guide the process toward the installment of the steering committee for the fight against crime, and involve the committee in the management of the Crime Fund'.</i>	Not followed	Not followed	Not followed
Develop an up to date policy for the Crime Fund. In doing so, take into account the criteria, processes and procedures with regard to the submission-, handling-, granting of project request and (justification of) decisions in this respect and include the necessary definitions.	Not followed	Not followed	Not followed
To limit risks of improper use and misuse of funds from the Crime Fund, establish rules and safeguards in a National Ordinance.	Not followed	Not followed	Not followed
Ensure that the physical and digital administration/registration with regard to the submission, review, granting and payment of projects is complete and ensure that the procedures and documents pertaining to the applicable legislation and policies are complied with and are obtained in a timely manner.	Partially followed	Partially followed	Partially followed
Ensure that all claims on behalf of the Crime Fund are paid back.	Followed	-	-
Give more publicity to the Crime Fund.	Not followed	Not followed	Not followed
Ensure that, at least until the Handbook is formally established, the procedures for the assessment of finances as well as the substantive assessment of an application or request are clearly communicated and transparent.	-	-	New

1. Introduction

1.1 Introduction and rationale

Introduction

In 2019, the Council published a report containing six recommendations on the Crime Fund.² At the request of the Minister of Justice, the Council conducted two follow-up inspections in 2021 and 2022, respectively. This was in response to the Sint Maarten Country Package, which included, among other measures to strengthen the rule of law, a requirement to bring the management and supervision of the fund into order.

To this end, the Council assessed the follow-up to its recommendations and found on two occasions that only one recommendation had been implemented.³ Despite the unchanged state of affairs, based on developments in the area of draft policy and legislation, and partly on the basis of the agreements made, the Council expected that follow-up would take place as soon as possible. To this end, the Council again encouraged follow-up on the five outstanding recommendations. The Council also proposed temporarily suspending the financing of (new) projects (and applications for such financing) in the meantime, pending the completion of the processes that had been initiated.

Rationale

In 2024 and 2025, the Council received worrying signals from the media and (discussions with) the judicial sector about the follow-up to its recommendations and, consequently, about the lack of the intended improvements to the fund. This concerned, among other things, its management. More than six years after the publication of the first report and despite the agreements made by the country in the Country Package, this still had not been adequately resolved. Based on the discussions that had already taken place, it was also unclear whether—despite the Council's advice not to use the fund until the recommendations had been followed up—projects had been approved, and funds had been disbursed. A file review will provide a definitive answer to this question.

Unannounced inspection

In accordance with its submitted annual plan, the Council will also conduct follow-up inspections in 2025. In addition to inspecting the topics included in this plan, the possibility of conducting unannounced inspections has also been included. This is to enable the Council to respond, if necessary, to current issues that arise during the course of the calendar year. The Council is therefore making use of this option. For the third time, the Council is inspecting the status of the follow-up to its five recommendations on the Crime Fund that have not been (fully) implemented. The Council considers it to be of great and current importance that the management of the fund is organized in such a way that the funds are used exclusively for projects for which the fund is intended.

1.2 Research question

The main question of this third follow-up inspection is as follows:

To what extent have the five recommendations of the Council regarding the Crime Fund in Sint Maarten that were not implemented been followed up and implemented?

This concerns the following five recommendations that were not (fully) followed up:

² Law Enforcement Council (2019). The Sint Maarten Crime Fund: inspection into financing by the Sint Maarten Crime Fund.

³ Law Enforcement Council (2021). Overall review of recommendations Sub-inspection 2: Crime Fund; Investigation and prosecution policy; Enforcement of fines, damages, and confiscations; Incident-oriented investigation; cooperation between public prosecutors' offices. Law Enforcement Council (2022). Second follow-up inspection on the implementation of the recommendations concerning the Crime Fund in Sint Maarten.

Recommendations Crime Fund to the Minister of Justice	Status 2021	Status 2022
Comply with the legal obligations as stated in the National Ordinance Crime Fund. In any event, give follow-up to the recommendations already made by the Council regarding the Fund. These concern: <i>'Include a policy plan to the annual budget listing the various projects that qualify for funding by the Crime Fund' and 'Guide the process toward the installment of the steering committee for the fight against crime, and involve the committee in the management of the Crime Fund'.</i>	Not followed	Not followed
Develop an up to date policy for the Crime Fund. In doing so, take into account the criteria, processes and procedures with regard to the submission-, handling-, granting of project request and (justification of) decisions in this respect and include the necessary definitions.	Not followed	Not followed
To limit risks of improper use and misuse of funds from the Crime Fund, establish rules and safeguards in a National Ordinance.	Not followed	Not followed
Ensure that the physical and digital administration/registration with regard to the submission, review, granting and payment of projects is complete and ensure that the procedures and documents pertaining to the applicable legislation and policies are complied with and are obtained in a timely manner.	Partially followed	Partially followed
Ensure that all claims on behalf of the Crime Fund are paid back.	Followed	-
Give more publicity to the Crime Fund.	Not followed	Not followed

1.3 Delineation

This inspection is a follow-up inspection, focusing on how the Minister of Justice has followed up on the Council's previous recommendations. It covers the period from 2022 to February 2025.

The file review covers the period from 2019 to 2025 (up to and including February), as the Council's last file review covered the period up to and including 2018.

1.4 Assessment framework

The five recommendations that have not yet been (fully) implemented form the assessment framework for this inspection. Where relevant, the Council also considers developments since the publication of its last report dated November 2022. Incidentally, the Minister of Justice has not provided a policy response to Parliament regarding either of the Council's last two reports.⁴

1.5 Research approach and inspection -method

The inspection began with an orientation on the subject, after which a plan of action was drawn up. Interviews were held with representatives of the Ministry of Justice (the Secretary-General (S-G), also acting head of Judicial Affairs (JZ), and the financial controller responsible for the fund) and the Public Prosecutor's Office (OM; Chief Public Prosecutor (HOvJ), the policy officer, the administration team leader, and the senior enforcement officer). In addition, the Council also distributed a short, written questionnaire about the fund to the justice organizations.⁵ The Council received two responses (from the Court of Guardianship and the National Detectives).⁶ The General Audit Chamber also responded by email to questions about the status of the follow-up to their recommendations regarding the fund.⁷ Furthermore, the Council requested data from the OM and two inspectors from the Council inspected the fund's physical records. The Council then analyzed the information obtained and drew up a draft report containing its factual findings. The Council presented this draft report to the Ministry, the organizations concerned, and the Minister of Justice for their comments. The Council received no responses. As a result, several outstanding questions could not be answered in detail. The Council then adopted the report.

⁴ Article 30, paragraph 5, Kingdom Act Law Enforcement Council.

⁵ These included the Sint Maarten Police Force, the National Detectives, the Judicial and Institutional Services Sint Maarten, the Court of Guardianship, the House of detention and prison (including the Miss Lalie Center), the Immigration and Border Protection Services, Customs, the Coast Guard, and the Bureau Unusual Financial Transactions.

⁶ The fact that no response was received from the other organizations does not in itself affect the findings in the report, as the organizations have no direct (legal) role in the fund.

⁷ General Audit Chamber (2018). Quick scan of the Crime Fund. Source: [NL-Criminaliteitbestrijdingsfonds-2018.pdf](#). The ARK states that it has not received any formal communication from, nor does it have any concrete agreements with, the Ministry of Justice regarding the (follow-up to) the ARK's recommendations concerning the fund. Furthermore, there is no insight into the management of the follow-up to the recommendations. The ARK's core concerns relate to transparency, risks associated with unlawful or inefficient spending, insufficient administrative supervision and control, and a lack of evaluation of effectiveness.

1.6 Reading guide

This report is structured as follows. After the introductory Chapter 1, Chapter 2 presents the research results and their assessment. Chapter 3 contains the final conclusion and recommendation. The report also contains two appendices. The first appendix provides more background information on the recommendations, and the second appendix provides a visual overview of the status of the follow-up to the recommendations.

2. Research results: Current situation and recommendations Crime Fund

2.1 Introduction

It has been well known for years that the fund is not being managed adequately. In its latest report, the Council concluded that insufficient follow-up had been given to its recommendations. However, based on the developments described in the 2022 report, the Council assumed that the Minister of Justice would still follow up on its five recommendations within a reasonable period of time. In this chapter, the Council describes its findings in 2025, which can be used to determine whether that expectation has been met. First, the Council briefly outlines the state of affairs based on the second follow-up inspection in 2022 (more background information is included in [appendix 1](#)). The Council will then discuss the findings in 2025. Finally, an assessment will follow at the end of each section.

2.2 State of affairs 2025 Crime Fund

2.2.1 Recommendations 1, 2, and 3: Establish and monitor legal obligations and policy

Recommendation 1: Comply with the legal obligations as stated in the National Ordinance Crime Fund. In any event, give follow-up to the recommendations already made by the Council regarding the Fund. These concern: 'Include a policy plan to the annual budget listing the various projects that qualify for funding by the Crime Fund' and 'Guide the process toward the installment of the steering committee for the fight against crime, and involve the committee in the management of the Crime Fund'.

Recommendation 2: Develop an up to date policy for the Crime Fund. In doing so, take into account the criteria, processes and procedures with regard to the submission-, handling-, granting of project request and (justification of) decisions in this respect and include the necessary definitions.
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Recommendation 3: To limit risks of improper use and misuse of funds from the Crime Fund, establish rules and safeguards in a National Ordinance.
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State of affairs 2022

In 2022, the Ministry was simultaneously working on three projects for the Crime Fund. These were a policy plan (recommendations 1 and 2), a handbook (recommendation 2), and a document for amending the National Ordinance establishing the Crime Fund (recommendation 3). The Ministry was supported in this by the Government Accountant Bureau (SOAB). See [appendix 1](#) for more background information. Given the early stage of planning and consultation in particular, in which the three processes were at the time, the Council assessed all three recommendations for the second time in 2022 as [not followed](#).

Findings 2025

Legislation and policy

The inspection shows that the three documents (policy plan, the Handbook, and the amendment to the National Ordinance on the Crime Fund) are still in draft form. The Council requested a copy of the three documents but did not receive them. The Ministry staff interviewed indicated that although the “package of documents” was presented to the former minister, it has now been recalled by the Secretary-General (S-G), who is also acting head of Judicial Affairs. According to Ministry staff, the package needs to be updated before it can be presented to the current minister for decision-making. This mainly concerns the document on the amendment of the national ordinance. According to the Ministry, the text of the policy plan does not need to be amended in terms of content.

An external lawyer has been engaged to provide advice, and the package is now back with the Secretary-General for review. Ministry staff emphasize that the criteria, processes, and procedures relating to the application, processing, awarding, and (justification of) decisions

regarding projects are included in the (draft) Handbook. The Secretary-General expects that the documents can be presented to the Minister at the end of the first quarter of 2025.

In 2024, a group of students, some of whom work at the Ministry of Justice (staff bureau and Sint Maarten Police Force), worked on a draft proposal to amend the aforementioned national ordinance as part of their training as legislative lawyers. They interviewed various justice departments and organizations, and the final document was presented to the minister in 2024. There are now two proposed amendments before the Ministry. The Secretary-General has indicated the intention to merge these into a single document. The Secretary-General is aware that the procedure for amending a national ordinance is time-consuming.

The two justice organizations, namely the National Detectives and the Court of Guardianship, indicate in the written questionnaire that they have not been involved in drafting or amending documents in recent years (2023 to February 2025). The two organizations have also not submitted any projects during the period mentioned. The OM also indicated this. One of the organizations questioned pointed out the importance and financial possibilities of the fund and the (stagnating) developments that prevent the fund's objective from being achieved. The Secretary-General indicated that the justice organizations would not be involved in the current updates to the documents, as she assumed that the organizations had already been involved by SOAB at that stage in 2022.

Lead times

The implementation agenda of the Country Package sets deadlines for the actions required to follow up on the recommendations. Due to the recall and updating of the aforementioned documents, the deadline specified in the implementation agenda of the Country Package—the second quarter of 2025—is not expected to be met.⁸ According to the Ministry employees interviewed, this has already been discussed with the Temporary Working Organization. Furthermore, the delay means that the draft policy plan cannot be included until the annual budget 2026 or later is submitted.

Crime prevention steering group

The crime prevention steering group has not yet been established. Ministry staff indicate that the 'package of documents' must first be finalized and implemented before the steering group can be established. The steering group is also included in the (draft) Handbook, according to the Secretary-General. The OM suggests that it would be beneficial for the fund if the OM, as well as other independent organizations such as the General Audit Chamber, were to be part of the steering group.

Assessment 2025

All three recommendations are assessed for the third time as **not followed**.

Documents

The three recommendations are linked in terms of plans and scheduling. This is certainly the case now that the Ministry has decided to treat the three documents as parallel processes. Three years after the Council's last follow-up inspection, the three documents are still in draft form. The agreed deadline is being repeatedly postponed, without any concrete progress being made. The package that was previously considered ready for decision is currently (once again) not ready. This is partly due to new developments regarding the proposed amendments to the national ordinance. The Council believes that, in the event of amendments, it is particularly valuable to involve the justice organizations in the current updates to the documents. The Council further believes that although the developments must be addressed, they are not so far-reaching that the update should again take months or possibly even years.

⁸ Implementation agenda and Implementation report Country package Sint Maarten, 1 September 2024 — 31 March 2025, p. 18.

The Council therefore still cannot understand the current ongoing delays and finds the situation unacceptable. Extra vigilance is therefore required in this regard.

Crime Prevention Steering Group

The Crime Prevention Steering Group has still not been established, which means that it cannot be involved in the management of the Crime Fund.

Lead times

The three topics also have different lead times. The Council believes that a longer lead time for, for example, an amendment to the national ordinance should not affect decision-making on and implementation of the other documents. It is good that the Ministry is aware of this, but real action is needed. In any case, the foregoing will mean that in 2025 it will once again take far too long before the legal obligations arising from the National Ordinance on the Crime Fund are consistently implemented. This applies, among other things, to the inclusion of a policy plan with projects in the annual budget. All of this is detrimental to the fund's objective, which is to support promising projects aimed at combating crime. It is the initiator of a project and ultimately the citizen who suffers the negative consequences of this unacceptable delay. This should certainly not be lost sight of.

Lack of priority and steering

The Council is of the opinion that, six years after it raised this issue and made recommendations for improvement, the follow-up to the outstanding recommendations is taking an unacceptably long time. There is still a lack of effective steering to ensure that the issues are properly addressed and implemented. In the meantime, there remains room for, and therefore potential risks associated with, the use of the fund at the discretion and judgment of the parties involved. That cannot (still) be the intention. Based on the above, it is all the more important to take immediate action.

2.2.2 Recommendation 4: administration and procedures

Recommendation 4: Ensure that the physical and digital administration/registration with regard to the submission, review, granting and payment of projects is complete and ensure that the procedures and documents pertaining to the applicable legislation and policies are complied with and are obtained in a timely manner.

State of affairs 2022

The Council noted that the physical and digital administration and registration were still not fully in order and that the 'diluted' role of the controller could be better fulfilled. It also appeared that the further development of the administration and registration had largely come to a standstill pending the finalization of the policy and the acquisition of resources. To prevent risks and improper use, the Council recommended temporarily suspending the application and financing of (new) projects. There were also bottlenecks with regard to the system for collecting fines and the method of payment. See [appendix 1](#) for more background information on [recommendation 4](#). Due to the limited progress made, the Council consequently assessed this recommendation for the second time in 2022 as **partially followed**.

Findings 2025

File review

This time, the Council's inspectors focused their file review on the folders relating to the fund. This concerns the period from 2019 to 2025 (up to and including February). The focus was on the completeness of the administration/registration with regard to the submission, assessment, awarding, and payment of (any) awarded projects, the necessary documents to substantiate payments, deposits into the fund, and the fund's bank statements. With a few exceptions, the physical files—organized by calendar year—generally appeared to be fairly

well organized. The files contain the details required for auditing and expenditure, such as bank statements and overviews, advice/decision sheets signed by responsible officials and administrators, and other necessary documents such as letters, memoranda, and reports.

A controller from the Ministry of Justice has been specifically appointed to keep track of the fund's administration. This means that the controller only checks whether there are sufficient monies in the fund. The substantive assessment is not carried out by the controller, but by the acting head of the Ministry of Justice / the Secretary-General. Ministry staff indicate that by 2025 they will be working as much as possible in accordance with the (draft) Handbook when it comes to project applications. Work is still being carried out in accordance with the advisory procedure described in the Council's previous reports, applying the six-eyes principle. After assessment, the advice and decision are signed by the controller, the Secretary-General, and the Minister. Registration takes place in the Document and Information Management System. The controller now has a more key role in the fund again, but only advises on the finances, not on the content or whether the application or project serves the purpose of the fund.

No new project applications as referred to in the national ordinance were submitted or approved in the period from 2019 to 2025. The OM and the National Detectives indicate that they have ideas, but have not submitted any project applications, partly due to unfamiliarity with the procedure to be followed. The latter also applies to the Court of Guardianship.

The files do not contain the policy plan required under the National Ordinance on the Crime Fund for the respective years reviewed.

Payments

The vast majority of payments relate to work already approved in 2018, for which partial/follow-up work was carried out in 2019, and which was completed in 2021. This concerns six different partial/follow-up works for the prison (repair and security works) and one project for the Miss Lalie Center (cell doors).

Ministry staff indicate that, in the period from 2019 onwards, there were only (incidental) payments from the fund for 'ad hoc' matters which, in the opinion of the Secretary-General and the Minister, are in the interests of combating crime in general. The file review shows that, in addition to income such as transfers or refunds, a number of payments were made from the fund in the period from 2019 to 2025. For example, in 2019 and 2022, the fund advanced the payment of life insurance for uniformed personnel. The total amount would be refunded after approval of the budget. The folder for the year 2023 subsequently shows that the advanced amount was indeed refunded to the fund.

Other one-off payments in 2022 and 2023 were related to IT (including the intranet for the Ministry of Justice) and accounting. They also concerned transport costs for the police and suspects and the completion of the Ministry of Justice Function Book. In addition, repair work was carried out on the House of Detention in 2023. At the end of 2024, two prisoners were placed in the Brasami addiction clinic in Curaçao. The costs involved were paid from the fund in 2024 and 2025. There were also one-off payments for a sexual harassment policy and code of conduct guide, a donation to Safe Haven, and training and assistance in connection with the CFATF evaluation. The purchase of nine service vehicles for the KPSM was also financed from the fund. The documents in the folder for 2024 state, among other things, that advice was also sought from Legal Affairs & Legislation on the latter. The Council requested a copy of the document but did not receive it. The documents in the folder also mention that, in their opinion, the purchase of service vehicles is not actually intended for this purpose, given the objective of the fund.

Financial administration and bank account fund

Based on the fund's bank statement dated February 28, 2025, the total amount in the fund was Nafl. 7,796,255.55, of which Nafl. 3,745,910.05 relates to the fund itself and the remainder relates to funds for strengthening border control and the administrative approach to undermining (see below).⁹

Income fund

All funds received on the basis of the National Ordinance on the Crime Fund must be deposited into the fund's bank account. Payments are made to the OM (by debit card or bank transfer), the Receivers (by debit card or cash), or via a bank transaction (at the bank or online). The related funds received by the OM and the Receivers must be transferred to the fund. In addition, it may also happen that the Joint Court of Justice of Aruba, Curaçao, Sint Maarten, and Bonaire, Sint Eustatius, and Saba¹⁰ receive funds that (must) be transferred to the fund.

The OM has had a debit card machine again since around 2023. The destination of payments made using both the debit card machine at the OM and that at the Receivers has changed. Since 2023, these debit card payments have been credited directly to the fund's bank account. Payments made by bank transfer (at the bank or online) are also credited directly to the fund's bank account if the fund's account number is used. Cash payments to the Receivers or transfers to the OM's bank account (paid fines, confiscations, and/or asset sharing) must still be actively transferred by the Receivers and the OM to the fund's bank account.

The file review shows that both the Joint Court of Justice (the registrar is the legally designated custodian of seized items) and the OM (fines, confiscations, and/or asset sharing) have made transfers to the fund's bank account over the past five years. These transfers took place in 2020 (by the registrar), 2022 (by the OM), 2023 (by the OM), 2024 (by the OM) and early 2025 (by the OM). The file review also shows that the Receivers did not make any deposits into the fund's bank account during the period in question. According to interviewees from the Ministry, it appears to be virtually impossible to trace the outstanding claim (see below).

Overview of administration

According to the ministry, the fund's physical and digital administration is currently organized as much as possible in accordance with the (draft) Handbook. As previously indicated, the designated controller keeps track of the fund's physical and digital financial administration. This person has access to the bank statements, the balance, and all income and expenses of the fund. According to the controller, there is an outstanding debt owed by the government of Sint Maarten to the fund. This concerns payments of fines by citizens for 2023 (up to mid-June) to the Receivers. These payments went, as did cash payments at the time and still do today, directly to the government's account (Ministry of Finance). Based on the (summarized) registration information at the Ministry of Finance regarding these payments, it is now virtually impossible to trace the outstanding debt owed by the government to the fund. The only thing that is certain is that there is a debt.

The OM states that it has no insight into the bank statements, balance, and all income and expenditure of the fund. However, the OM must have insight into the income/payments, including fines, made to the OM (by debit card) or to the OM (by bank transfer) for the benefit of the fund. In the event of payment at the OM, the OM immediately links the payment as paid in the '*Paga bo but*' system. Furthermore, the OM administers outstanding claims (e.g. in the context of confiscations) and payments in Excel lists and indicates that this is vulnerable, partly in the broader context of ICT in government and the associated risks.

⁹ See also the press release issued by the Minister of Justice on June 3, 2025, regarding the Crime Fund, source: <https://www.thedailyherald.sx/islands/crime-fund-holds-cg-7-7-million-with-no-structural-payouts-tackling-reveals>

¹⁰ In accordance with the agreement with the Joint Court of Justice, the Council gave the Court the opportunity to respond to the report.

Administration OM

The Council received examples of overviews of fines imposed for the years 2022 and 2023 from the OM. The lists are broken down into fines issued by the KPSM and the Coast Guard and provide insight into the outstanding and paid fine amounts. The Council also received an overview of violations for the years 2022 to 2024. This shows what has been imposed and what has been executed for each prosecutor's office number. The OM explains that the payment of fines used to be centrally organized years ago but is now more fragmented in order to better serve citizens with more payment options and locations. The OM has published an advertisement about fines with information about the various payment options, payment locations, payment details, and the submission of proof of payment.

The administration by the OM of fine payments via bank transfer and cash payments of fines to the Receivers appears to be problematic. In these cases, the person concerned – i.e. the citizen – must actively prove the payment after having made it. This means that the citizen must email or bring the proof of payment to the OM themselves. Only then can the OM link the payment in its administration (*Paga bo but* system) to the funds received.

The OM does not receive bank statements or overviews of the fund from the Ministry of Justice. The Ministry states that a copy of the statement will only be shared if specifically requested by the OM. Furthermore, until the end of 2024, the controller regularly sent overviews related to fines at the request of the OM. After that, this came to a halt on both sides. However, the OM does receive hard copy overviews of payments from the Receiver, which are then manually processed by the OM in an Excel file. If the citizen does not send proof of payment, there is no other mechanism to ensure that the payment is linked to the fine. The fine then remains registered in the OM's administration (*Paga bo but* system) as 'unpaid', even though it has been paid. According to the OM, access to or sharing of the fund's bank statements could be a possible solution that would benefit citizens.

If a confiscation order has been imposed and the judgment has become final, the OM is administratively responsible for registration and processing, the OM explains. The money deposited into the account of the Joint Court (administrator) is then – after settlement with the OM's costs – ready to be transferred to the fund. Funds resulting from a forfeiture order are also transferred to the fund via the administrator, where applicable. If the OM receives funds via asset sharing, these must also be transferred to the fund. A bottleneck here is that foreign authorities are reluctant and first want insight into the legal basis and accountability surrounding the fund before they transfer these funds.

Information

The file review and interviews revealed another potential bottleneck. This concerns the representation of payments on the fund's bank statement and consequently the possibility of linking them. This is done using codes, and in some cases the payment reference is not stated. As a result, it is not possible to determine or link who exactly made the payment based on the statements. This is confirmed by the controller. There is no consultation or coordination between the Ministry of Justice or the fund administrator on the one hand and the Receiver, banks, and/or the OM or the registrar on the other hand regarding the administration, working methods, processes, and organization of the fund and related bottlenecks or areas for improvement. Nor is there any consultation at the Secretary-General level. However, the OM has expressed its concerns about the fund to various organizations and authorities.

Recording

As already stated in recommendation 1, the Ministry has indicated that the criteria, processes, and procedures relating to the application, processing, awarding, and (justification of) decisions regarding projects are included in the (draft) Handbook.

Use of the account for strengthening border control and the administrative approach to undermining

Furthermore, in 2022, Sint Maarten and the Netherlands agreed that the funds for strengthening border control in Sint Maarten and for the administrative approach to undermining in Sint Maarten would be deposited into the fund's bank account. The administration for the two aforementioned items would be kept separate from that of the fund and specified in overviews. This would be done by the same controller from the Ministry of Justice who had been appointed for the fund itself. The same advisory procedure would be followed for payments as for the fund itself (and its projects).¹¹

Assessment 2025

The recommendation is twofold and is being assessed for the third time as **partially followed**. The first part concerns the completeness of the physical and digital administration/registration with regard to the submission, assessment, awarding, and payment of projects. The second part concerns compliance with the associated procedures arising from the applicable legislation and policy and the timely acquisition of documents.

File review and follow-up legislation

Based on its inspection (of the files), the Council concludes that no new project applications were submitted or approved in the period from 2019 to 2025 in accordance with the policy plan required under the National Ordinance on the Crime Fund (in the annual budget) in which the projects eligible for funding from the fund in the budget year are identified. Based on this, the balance of the fund should therefore remain unchanged in the aforementioned period. However, payments were made from the fund during the aforementioned period. This was because there were insufficient funds available in the regular budget.

As in 2019, the Council notes that the Crime Fund is still being used by successive ministers without the underlying policy plan required by the National Ordinance. Like in 2019, the Council finds that the concepts of 'crime prevention' and 'project' are not sufficiently defined. On that basis, the Council concludes that there is a lack of transparency and that this leaves room for risks of potential abuse, because legislation and policy to be drafted or updated, and related procedures, remain in draft form for far too long.

As a result, the existing safeguards and requirements under current legislation, such as those relating to the aforementioned drafting of a policy plan for the budget, are not being complied with.

It is unclear to the Council why non-compliance with applicable legislation and associated procedures is being perpetuated. On the basis of the above alone, there has been insufficient progress to positively influence the state of affairs in the follow-up to the recommendation on the physical and digital administration/registration of projects and compliance with legislation.

Financial administration and bank account fund

Over the years, the (key) role of the controller has varied in intensity, which has had an impact on the administration of and oversight of the fund. The appointment of a specific controller for the fund appears to be bearing fruit once again. The administration via the fund's bank account and the resulting overviews provided by the controller have proven to be transparent on the basis of the file review and, as in the previous follow-up inspection. According to the Board, this still provides insight into the incoming credits and expenditures. This is now even more important, as the account is also used for other cooperation agreements. However, the Council believes that the procedures for assessing the finances and the substantive assessment of an application or request must be clearer and more transparent. This should

¹¹ Although the two topics mentioned were not part of the file review, the overviews show that deposits totaling around four million Nafl. were made in 2022 (strengthening the border and administrative approach) and 2023 (administrative approach). Furthermore, payments were made in this context in 2023 (subversion), 2024 (strengthening borders and administrative approach) and 2025 (strengthening borders and administrative approach). The accompanying documents, such as confirmation letters from the Ministry of the Interior and Kingdom Relations, as well as advice/decision sheets and other relevant documents, are also included in the physical folder.

be the case at least until the formal recording in the Handbook has been completed. Transfers from the OM are going well, but those from the Receiver are still problematic. According to the Council, the Minister should proactively find a solution to this. Funds earmarked for the fund must always flow into the fund without exception. According to the Council, there is insufficient exchange of information between all parties involved. This must be amended promptly.

It is good that the OM has a debit card machine again and that debit card payments to the Receiver and the OM now flow directly into the fund. Citizens also have various payment options, which, according to the Council, must be properly organized. The Council has identified a number of bottlenecks in this regard. It is unacceptable that if citizens pay their fines by bank transfer, the payment may not be linked to the information on the bank statement. Or that citizens have to bring or email proof of payment to the OM themselves each time because the administration is not properly organized and the OM does not always have access to the fund's bank statements to verify payments. According to the Council, this places a disproportionate burden on citizens who are compliant. In the Council's view, this state of affairs unjustly imposes an obligation on citizens. As a result, a government obligation is being unfairly passed on to citizens. The Council therefore believes that the administration must be organized and regulated in such a way that these bottlenecks are resolved. In its second follow-up inspection, the Council already indicated that actors such as the Ministry, the OM, the Receiver, and/or the bank are often unaware of each other's activities in the area of assets and do not communicate with each other (effectively) on the basis of their own responsibilities. This situation remained unchanged in 2025. For the rest, the further development of the administration and registration is largely on hold pending the completion of the processes. As previously noted, the improvements found, although a step in the right direction, are minor. The Council still misses concrete principles, a good working process with agreements and management in certain areas.

2.2.3 Recommendation 5: Communication about the fund

Recommendation 5¹²: Give more publicity to the Crime Fund.
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State of affairs 2022

Because the Ministry initially wanted to focus on the three trajectories, this resulted in the implementation of this recommendation being put on hold. See [appendix 1](#) for more information on [recommendation 5](#). At the time, the Council also assessed this recommendation as [not followed](#).

Findings 2025

The Ministry indicates that the approach to promoting awareness of the fund remains unchanged. This means that the three aforementioned documents will first be finalized, followed by their implementation. Only then will efforts be made to promote awareness of the fund, which will require considerable time.

Assessment

The recommendation is [not followed](#). The Ministry is still implementing this recommendation. The Council therefore assesses this recommendation as not followed up for the third time.

¹² Officially, this is recommendation 6 in the 2019 and 2021 reports.

3. Final conclusion and recommendation

3.1 Conclusion

Answer to main question

In this follow-up inspection, the Council assessed the extent to which the five recommendations that were not or only partially implemented in the second follow-up inspection (2022) had been implemented by 2025. However, this follow-up inspection shows that the situation remains unchanged. The five recommendations have still not been implemented. The Council indicates the degree of implementation of the recommendations by means of a compliance percentage.¹³ As indicated earlier, improvements have been made in the right direction in areas such as payments, transfers, and control, but these appear to be relatively minor. Furthermore, the administration is not well organized, which places a disproportionate burden on citizens who comply with the rules. Citizens must repeatedly provide proof of payment to demonstrate that they have paid their fines, which unfairly shifts a government obligation onto citizens. The compliance rate in 2025 is still **25%** compared to the recommendations from 2021. No progress has been made in terms of following up on the recommendations since 2021.

Table 3: State of affairs compliance percentage follow-up recommendations fund

Compliance percentage Crime Fund	
2021:	25%
2022:	25%
2025:	25%

Overarching picture

Law enforcement and the administration of justice are among the core tasks of the government in protecting the safety of individual citizens and society as a whole. The Council therefore also takes the citizen's perspective into account when selecting its inspections. Projects to combat crime are in the interests of citizens and society. Where the government imposes rules on citizens and enforces them, it must also comply with the rules imposed on it by law. For many years, the Council has concluded that the management of the Crime Fund shows worrying deficiencies. This applies both to the implementation of applicable legislation and to the prioritization of improving the identified bottlenecks. In the Council's view, it is unacceptable that the Minister of Justice for years has systematically failed to comply with the applicable rules (including the preparation of an annual policy plan) and has given insufficient priority and steering to ending invalid practices as quickly as possible. The Council does not understand why legislation and associated procedures have not been complied with for such a long time, why actions have not been transparent, and why this has left room for the risk of misuse of funds. Over the years, various parties, including the General Audit Chamber and the Council, have sounded the alarm, but this has not yet led to the necessary results. The agreements made by the country within the framework of the Country Package also fail to provide the necessary attention and acceleration. Although in previous reports the Council understood the financial and capacity constraints of the Ministry and the associated delays, it

¹³ The compliance percentage as an indicator is calculated by assigning 1 point to each recommendation that has been followed, ½ point to each recommendation that has been partially followed, and no points to recommendations that have not been followed. The number of points awarded is then divided by the total number of recommendations and multiplied by 100 to arrive at the compliance percentage.

cannot understand or accept the current ongoing delays. The Council emphasizes once again that a conscious decision must be made to use the fund only for its intended purpose, and that the framework for this must therefore be established. The foregoing must also be communicated to everyone. Prioritization is urgently needed to bring all aspects of the fund's management into order. This will not only benefit its use, reliability, and transparency, but also the safety of citizens. Based on its third follow-up inspection, the Council once again emphasizes the need for the necessary attention and prioritization of the fund.

3.2 Recommendation

In view of the current state of affairs and the importance of following up on the recommendations already made, the Council reiterates its recommendation for the third time: *'Implement the five recommendations of the Council that have not yet been followed up and make the necessary resources available as soon as possible'*.

The Council also recommends: Ensure, at least until the Handbook has been formally adopted, that the procedures for assessing finances and the substantive assessment of an application or request are clearly communicated and transparent.

Table 4: Overview state of affairs recommendations

Recommendations Crime Fund to the Minister of Justice	Status 2021	Status 2022	Status 2025
Comply with the legal obligations as stated in the National Ordinance Crime Fund. In any event, give follow-up to the recommendations already made by the Council regarding the Fund. These concern: <i>'Include a policy plan to the annual budget listing the various projects that qualify for funding by the Crime Fund' and 'Guide the process toward the installment of the steering committee for the fight against crime, and involve the committee in the management of the Crime Fund'</i> .	Not followed	Not followed	Not followed
Develop an up-to-date policy for the Crime Fund. In doing so, take into account the criteria, processes and procedures with regard to the submission-, handling-, granting of project request and (justification of) decisions in this respect and include the necessary definitions.	Not followed	Not followed	Not followed
To limit risks of improper use and misuse of funds from the Crime Fund, establish rules and safeguards in a National Ordinance.	Not followed	Not followed	Not followed
Ensure that the physical and digital administration/registration with regard to the submission, review, granting and payment of projects is complete and ensure that the procedures and documents pertaining to the applicable legislation and policies are complied with and are obtained in a timely manner.	Partially followed	Partially followed	Partially followed
Ensure that all claims on behalf of the Crime Fund are paid back.	Followed	-	-
Give more publicity to the Crime Fund.	Not followed	Not followed	Not followed
Ensure that, at least until the Handbook is formally established, the procedures for the assessment of finances as well as the substantive assessment of an application or request are clearly communicated and transparent.	-	-	New

If its recommendations are not followed on a structural basis, the Council may escalate the matter by notifying the representative body of Sint Maarten and the Council of Ministers of the Kingdom.¹⁴ However, the Council assumes that this third follow-up inspection will result in full compliance with the recommendations. The Council reiterates the importance of complying with the applicable legislation so that the fund is used exclusively for its intended purpose.

¹⁴ In cases where the Council's recommendations are not followed up on a structural basis, the Council could escalate the matter 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 of the Kingdom Act Law Enforcement Council).

Appendix 1: Background information recommendations

State of affairs 2022 recommendation 1

Recommendation 1: Comply with the legal obligations as stated in the National Ordinance Crime Fund. In any event, give follow-up to the recommendations already made by the Council regarding the Fund. These concern: “Include a policy plan to the annual budget listing the various projects that qualify for funding by the Crime Fund’ and ‘Guide the process toward the installment of the steering committee for the fight against crime, and involve the committee in the management of the Crime Fund”. *The recommendation has been classified by the Council in its database under the category “policy.”*¹⁵

With regard to recommendation 1, concerning the implementation of legal obligations, the Council found that these were not yet being consistently complied with. More specifically, the obligations relating to the annual policy plan and budget had not been fulfilled. The process of drawing up a policy plan had been started in collaboration with the SOAB, but was still in its early stages. The steering group had also not yet been established. Based on the above, the Council therefore assessed that the first recommendation had still not been followed up in 2022. [Back to recommendation 1.](#)

State of affairs 2022 recommendation 2

Recommendation 2: Develop an up-to-date policy for the Crime Fund. In doing so, take into account the criteria, processes and procedures with regard to the submission-, handling-, granting of project request and (justification of) decisions in this respect and include the necessary definitions. *The recommendation has been classified by the Council in its database under the category “policy.”*

Recommendation 2 concerns policy development. The process of developing policy had been initiated in the form of a handbook, in collaboration with the SOAB. The Council considered it a positive development that the Ministry had opted to use existing documents as a basis for its own policy wherever possible. The Council believed that, given their experience, the OM and the KPSM in particular could make a valuable contribution to the drafting of the policy. The Ministry was therefore urged to involve them in this process, for example by asking them to provide feedback on the draft handbook. Given the stage at which the drafting of the policy had progressed, the Council also assessed this recommendation as not having been followed up. [Back to recommendation 2.](#)

State of affairs 2022 recommendation 3

Recommendation 3: To limit risks of improper use and misuse of funds from the Crime Fund, establish rules and safeguards in a National Ordinance. *The recommendation has been classified by the Council in its database under the category “legal framework”.*

To limit the risks of improper use and misuse of funds from the fund, the Council recommended that rules and safeguards be laid down in a National Ordinance. The process of amending the National Ordinance on the Crime Fund was initiated in collaboration with the SOAB. A document containing the proposed amendments and additions was being drafted. This document was in the drafting and consultation phase. After that, the prescribed legal process still had to be followed. It would take quite some time before the amendment to the national ordinance could enter into force. Therefore, the Council also assessed the third recommendation as not having been followed up.

¹⁵ As part of its overall review, the Council categorizes recommendations. For a more detailed explanation, see the 2021 report by the Council for Law Enforcement entitled ‘Overall review of recommendations. Sub-study 2: Crime Fund, Investigation and Prosecution Policy of the Public Prosecutor’s Office, Enforcement of Fines, Damages and Confiscations, the Public Prosecutor’s Office in Incident-Oriented Investigation and Cooperation between Public Prosecutor’s Offices’.

[Back to recommendation 3.](#)

State of affairs 2022 recommendation 4

Recommendation 4: Ensure that the physical and digital administration/registration with regard to the submission, review, granting and payment of projects is complete and ensure that the procedures and documents pertaining to the applicable legislation and policies are complied with and are obtained in a timely manner. *The recommendation has been classified by the Council in its database under the category “work processes”.*

Recommendation 4 concerns the completeness of the physical and digital administration/registration with regard to the submission, assessment, award, and payment of projects. This recommendation also concerns compliance with the associated procedures and the timely acquisition of documents resulting from the applicable legislation and policy. The Council found that the physical and digital administration or registration was still not fully in order. It was virtually at the same stage as during a previous inspection. Given that the role of the controller had been diluted, the Council felt that this person should be better utilized. It was indicated that the further development of the administration and registration was largely on hold pending the finalization of the policy and the acquisition of resources. Due to the processes that had been initiated and the limited consequences, as few to no applications had been submitted, the Council recommended temporarily suspending the financing of (new) projects and applications for financing. This was to control the potential risks of improper use and to prevent (the appearance of) arbitrariness. Furthermore, a workable solution had to be found for the fragmented payment of fines in particular. Swift action was also needed to install a debit card machine at the OM. Based on the above, little progress had been made on this recommendation. The Council therefore assessed this recommendation as still partially followed at that time.

[Back to recommendation 4.](#)

State of affairs 2022 recommendation 5

Recommendation 5¹⁶: Give more publicity to the Crime Fund. *The recommendation has been classified by the Council in its database under the category “service and communication.”*

The fifth recommendation concerned raising awareness of the fund. In 2022, the Ministry decided to focus first on getting the fund's foundations in order. This involved, among other things, drawing up a handbook. Once that was in place, awareness of the fund would follow. This would enable the correct basis to be communicated internally and externally. However, it also meant that the Ministry would postpone implementation of this recommendation and carry it out last. The Council therefore assessed this recommendation as not having been followed up at that time. [Back to recommendation 5.](#)

¹⁶ Officially, this is recommendation 6 in the 2019 and 2021 reports.

Appendix 2: State of affairs recommendations



2021/2022/2025 State of affairs recommendations Crime Fund						
Subject recommendation	Category recommendation ¹⁷	Primarily financial action/ primarily other non-financial action ¹⁸	Follow up 2021	Primarily responsible for action ¹⁹	State of affairs 2022	State of affairs >2025
1. Legal obligations National Ordinance Crime Fund	Policy	Primarily financial	Not followed	Ministry of Justice	Not followed	Not followed
2. Establish policy	Policy	Primarily other non-financial action	Not followed	Ministry of Justice	Not followed	Not followed
3. Establish National Ordinance	Legal framework	Primarily other non-financial action	Not followed	Ministry of Justice	Not followed	Not followed
4. Administration / registration	Work processes	Primarily other non-financial action	Partially followed	Ministry of Justice	Partially followed	Partially followed
5. Claims	Enforcement & compliance	Primarily financial	Followed	Ministry of Justice	-	-
6. Awareness fund	Service & communication	Primarily other non-financial action	Not followed	Ministry of Justice	Not followed	Not followed
Total compliance %²⁰			25%		25%	25%

¹⁷ For guidance purposes, the Council's recommendations are divided into categories in its database to provide a clearer overview of the individual recommendations.

¹⁸ Although all recommendations (almost) always have financial implications, the Council believes that, for the purposes of following up on the recommendations, a distinction can be made by classifying them into recommendations that actually require primarily financial action and recommendations that primarily require non-financial action.

¹⁹ In accordance with the Kingdom Act Law Enforcement Council, all recommendations are formally addressed to the Minister of Justice. For a number of recommendations, follow-up depends primarily on action by the Ministry (the Minister of Justice). For others, follow-up depends mainly on action by the organization(s) concerned.

²⁰ The compliance percentage as an indicator is calculated by assigning 1 point to each recommendation that has been followed, ½ point to each recommendation that has been partially followed, and no points to recommendations that have not been followed. The number of points awarded is then divided by the total number of recommendations and multiplied by 100 to arrive at the compliance percentage.

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