

# Follow-up Inspection on Public Safety and Enforcement

## **Public Safety and Enforcement**

*A follow-up inspection on the status of implementation of the recommendations regarding the security of public officials and the security and protection of individuals and objects.*

**Law Enforcement Council**

**May 2026**

## Foreword

The Council considers safety an essential prerequisite for the proper administration of justice. In recent years, the Council has noted in several inspections that public safety in Sint Maarten is increasingly under threat. This includes, among other things, increased gun violence and threats of violence from organized crime. However, domestic violence, juvenile delinquency, or threats against victims or witnesses can also lead to a situation in which the threat and risk cannot be eliminated.

Based on this follow-up inspection and other inspections, the Council observes that the need for safety and security in society is increasing. The theme of public safety and enforcement has therefore regularly recurred in the Council's inspections over the years. This is also the case in its annual plan for 2025. The Council conducted a follow-up inspection into the implementation of the recommendations regarding safety and security.

The Council conducted inspections on these topics in both 2014 and 2016. The Council's 2014 inspection revealed that the security of public officials was not adequately regulated at the legislative level and that not all actors mentioned in the law were aware of their legal duties. The security of public officials was organized on an ad hoc basis, with varying implementers and command structures depending on the situation.

In 2016, the Council noted that in Sint Maarten there was also a need for security and protection for individuals other than just public officials. The security and protection of other individuals and objects in connection with (serious and/or concrete) threats and (potential) use of violence in relation to safety in the (criminal) administration of justice and legal proceedings was also important, according to the Council.

The underlying follow-up inspection reveals that the situation described above remained virtually unchanged until recently and that, in the current situation on Sint Maarten, there is still no comprehensive system in place for the security of public officials, other individuals, objects, and services. However, this follow-up inspection does show that work is currently in full swing to establish such a system.

In the underlying report, the Council further elaborates on the current status regarding the Council's recommendations made in this context concerning, respectively, the security of public officials and the security and protection of individuals and objects within the criminal justice system on Sint Maarten. The Council once again thanks the organizations and individuals involved for the constructive manner in which they cooperated with the inspection.

Law Enforcement Council

Mr. M.I. Koelewijn, Chair

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## List of abbreviations

KPSM:	Sint Maarten Police Force ( <i>Korps Politie Sint Maarten</i> )
DVSXM:	Sint Maarten Security Department ( <i>Domein Veiligheid Sint Maarten</i> )
HOVJ:	Chief Public Prosecutor ( <i>Hoofdofficier van Justitie</i> )
OM:	Public Prosecutor's Office ( <i>Openbaar Ministerie</i> )
BB&C:	Policy Officer for Protection, Security, and Crisis Management ( <i>Beleidsmedewerker Bewaken, Beveiligen en Crisisbeheersing</i> )
VDSM:	National Security Service Sint Maarten ( <i>Veiligheidsdienst Sint Maarten</i> )
BAK:	Bureau of Home Affairs and Kingdom Relations ( <i>Bureau Binnenlandse Aangelegenheden en Koninkrijksrelaties</i> )
EPU:	Executive Protection Unit
S-G:	Secretary-General ( <i>Secretaris Generaal</i> )
BVA:	Security Advisor ( <i>Beveiligingsadviseur</i> )

## Summary

### Introduction

The Law Enforcement Council (the Council) carried out follow-up inspections in 2025 and included public safety and enforcement as one of the themes in its 2025 annual plan. In this context, the Council has conducted a follow-up inspection on the status of the implementation of its recommendations in two reports. In 2014, the Council published a report on the security of public officials. In this context, the Council made three recommendations to address the identified bottlenecks. In 2016, the Council published a report on the security and protection of individuals and objects within the (criminal) justice system on Sint Maarten. In this context, the Council made five recommendations to address the identified bottlenecks<sup>1</sup>.

### General conclusion

In this follow-up inspection, the Council assessed the extent to which the total of eight recommendations from the reports on the security of public officials (2014; three recommendations) and the security and protection of individuals and objects (2016; five recommendations) have been implemented. Of the three recommendations from 2014, two have been partially implemented (implementation of security by the Sint Maarten Police Force (KPSM) and design of an integrated system) and one has not been implemented (lack of legislation and regulations). Of the five recommendations from 2016, one has been implemented (policy instead of directive), three have been partially implemented (integrated system, inventory, and risk assessment), and one has not been implemented (budget). The Council indicates the degree of follow-up on the recommendations with a compliance percentage.<sup>2</sup> The compliance percentage in 2025 is **33%** with regard to the recommendations from the 2014 report on the security of public officials and **50%** with regard to the 2016 report on the security and protection of individuals and objects.

Table 1: Compliance percentages for inspections



### Overall picture

The Council notes that more than ten years after the inspection into the security of public officials and nine years after the inspection into the security and protection of individuals and objects, most of the recommendations have still not been implemented.

<sup>1</sup> In previous years, the Council has received reports on several occasions regarding risks related to the security and protection of individuals and objects in general and to the security of public officials in particular. These reports, partly in conjunction with other supervisory tasks and prioritization, prompted an inspection to be carried out in 2025.

<sup>2</sup> The compliance percentage as an indicator is calculated by assigning 1 point to each followed recommendation, a 1/2 point to each partially followed recommendation, and no points to a recommendation that has 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.

After a long period of stagnation, a series of events on Sint Maarten, spanning 2023 and 2024, has brought the topic of safety and security back into the spotlight, according to several interviewees. This period, characterized by intense (political) instability surrounding a Sint Maarten official/politician and the two parliamentary elections in 2024, caused significant unrest in society.

At the initiative of the Prime Minister, who also serves as Minister of General Affairs, and the Minister of Justice, the KPSM was given a written mandate in July 2024 to design an integrated system of security and protection. The resulting collaboration between various parts of the justice system and the Ministry of General Affairs led to a tangible outcome in a relatively short time. The result was a draft framework document for the development of a *Sint Maarten Security Domain* (DVSXM), including a system of security and protection.

The Council notes that a good start has been made but also recognizes that much work remains to be done. The DVSXM framework document broadly proposes a set of (existing and new-to-be-developed) regulations, frameworks, and agreements. Underlying laws and regulations must also be developed for the necessary recruitment, training, determining the legal status of the staff, and the adjustment of the KPSM's function book. And in the context of the developed draft policy recommendations, preliminary proposals (proposed budget) have been made to reserve sufficient funds in the successive government budgets.

The activities described above require specific expertise and policy capacity at the KPSM and the Ministry of Justice. However, this capacity is scarce in practice. Furthermore, the Council views the structural lack of financial, material, and human resources within the government of Sint Maarten as a potential threat to the continuation of the plans already developed.

The Council also observes in this follow-up inspection that the attention of politicians and administrators to a subject often depends on current developments in society. The Council stresses the importance of proactive action and policy consistency by the responsible authorities to ensure that the necessary attention to this issue is sustained and not dependent on the issues of the day.

### **Recommendation**

In view of the current state of affairs, the Council recommends the following to the Minister with regard to both reports:

*Implement the Council's recommendations that have not yet been (fully) implemented and make the necessary resources available as soon as possible.*

*Table 2: Overview of the status of the recommendations from security public officials*

No.	Recommendations 2014	Status in 2025
	<b>To the Minister of Justice</b>	
1	Together with the Ministry of General Affairs, design an integrated system for the security of public officials, other individuals, objects, and services.	Partially followed
2	Ensure that security measures are implemented in accordance with the law, meaning that they are carried out exclusively by the police.	Partially followed

3	Draft missing laws and regulations	Not followed
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Table 3: Overview of the status of the recommendations for security and protection individuals and objects.

No.	Recommendations 2016	Status in 2025
	<b>To the Minister of Justice</b>	
1.	In line with previous recommendations of the Council, develop policies covering, at a minimum, the security and protection of individuals and objects in the context of security within the (criminal) justice sector.	Partially followed
2.	Identify the security risks facing personnel working within the justice sector and the security measures that must subsequently be implemented in accordance with the aforementioned policy.	Partially followed
3.	Ensure — where possible in collaboration with other ministries — that a security assessment is conducted of the buildings used by the justice sector that may pose increased risks to the safety of staff and others, and act based on the results of that assessment, in accordance with the aforementioned policy.	Partially followed
4.	Allocate sufficient funds in future budgets to ensure the implementation of the policy, the associated measures, and (the results of) the security assessment.	Not followed
	<b>To the Minister of Justice regarding the Public Prosecutor's Office</b>	
5.	Develop — if necessary, after the policy has been drafted — practical guidelines for the security of individuals and objects in Sint Maarten.	Followed

# 1. Introduction

## 1.1 Introduction

The Law Enforcement Council (the Council) is responsible for the general inspection of the organizations within the justice chain in Curaçao, Sint Maarten, and the Netherlands with regard to the public entities of Bonaire, Sint Eustatius, and Saba. Furthermore, the Council is responsible for the general inspection of the quality, effectiveness, and management of justice cooperation between the countries.

The Council has included public safety and enforcement as one of the themes in its 2025 annual plan. In that context, the Council is conducting a follow-up inspection into the status of the implementation of its recommendations from two reports. These are the report on the security of public officials (2014) and the report on the security and protection of individuals and objects within the (criminal) justice sector in Sint Maarten (2016).

## 1.2 Background

### *The security of public officials in Sint Maarten<sup>3</sup>*

Attacks on public officials undermine the democratic legal order. Public officials must be able to perform their duties in the public domain safely. Due to the increased risk, it is important to ensure the security of public officials as effectively as possible. In 2014, the Council conducted an inspection to assess the extent to which the security of public officials in Sint Maarten was regulated by law and how security was implemented in practice. In the report published on this subject in 2014, the Council made three recommendations to address the identified shortcomings.

### *The security and protection of individuals and objects<sup>4</sup>*

In 2016, the Council published a report on the security and protection of individuals and objects within the (criminal) justice sector in Sint Maarten. The purpose of the inspection was to determine whether and how the security and protection of individuals and objects within the justice sector were regulated and how this was implemented in practice. In the report, the Council made five recommendations to address the identified issues. The tables below list the recommendations from the respective reports.

Table 4: Recommendations for 2014

No.	Report on Security for Public Officials, 2014
	<b>To the Minister of Justice</b>
1	Together with the Ministry of General Affairs, design an integrated system for the security of public officials, other individuals, objects, and services.
2	Ensure that security measures are implemented in accordance with the law, meaning that they are carried out exclusively by the police.
3	Draft missing laws and regulations

<sup>3</sup> <https://www.raadrh.com/reports-sxm/2013-the-security-of-public-officials-in-sint-maarten-94>

<sup>4</sup> <https://www.raadrh.com/reports-sxm/2016-the-security-and-protection-of-individuals-and-objects-in-sint-maarten-107>

Table 5: Recommendations 2016

No.	Report on the Security and Protection of Individuals and Objects, 2016
	<b>To the Minister of Justice</b>
1.	In line with previous recommendations of the Council, develop policies covering, at a minimum, the security and protection of individuals and objects in the context of security within the (criminal) justice sector.
2.	Identify the security risks facing personnel working within the justice sector and the security measures that must subsequently be implemented in accordance with the aforementioned policy.
3.	Ensure — where possible in collaboration with other ministries — that a security assessment is conducted of the buildings used by the justice sector that may pose increased risks to the safety of staff and others, and act based on the results of that assessment, in accordance with the aforementioned policy.
4.	Allocate sufficient funds in future budgets to ensure the implementation of the policy, the associated measures, and (the results of) the security assessment.
	<b>To the Minister of Justice regarding the Public Prosecutor's Office</b>
5.	Develop — if necessary, after the policy has been drafted—practical guidelines for the security of individuals and objects in Sint Maarten.

### 1.3 Purpose of the inspection

Through this follow-up inspection, the Council aims to assess the extent to which the previous recommendations on these two topics have been implemented. In doing so, the Council seeks to contribute to improving the quality of protection for public officials and the security and protection of individuals and objects.

### 1.4 Central research question

The central research question is as follows:

*To what extent have the Council's recommendations regarding, respectively, the security of public officials and the security and protection of individuals and objects within the (criminal) justice sector on Sint Maarten been implemented?*

To answer the central research question, the following sub-questions have been formulated for both topics:

1. *To what extent have the Council's recommendations been implemented?*
2. *What challenges (if any) have arisen in this regard?*
3. *To what extent and in what manner is the implementation being managed?*

### 1.5 Scope and Delimitation of the inspection

In this follow-up inspection, the Council focuses on developments from the publication of both inspections (in 2014 and 2016, respectively) through July 2025. The inspection therefore covers the period from 2014 through 2025.

### **1.6 Assessment Framework**

The starting points for this follow-up inspection are the recommendations included in the Council's aforementioned reports from 2014 and 2016, respectively. The Council assesses the implementation of and relevant developments regarding the recommendations. The recommendations therefore form the assessment framework for this inspection.

### **1.7 Research Methodology**

The follow-up inspection began with an overview of the subject, including a review of relevant developments in recent years. An action plan was then drawn up. Subsequently, interviews were conducted with the Chief Public Prosecutor (HOVJ) and the policy officer of the Public Prosecutor's Office (OM) of Sint Maarten, as well as the policy officer for Security, Protection and Crisis Management (BB&C) of the Office of the Attorney General of Curaçao, Sint Maarten, Bonaire, Sint Eustatius, and Saba, and the Chief of Police and the strategic advisor of the KPSM. Given their involvement in the topics under inspection, interviews were also conducted with the Head of the National Security Service Sint Maarten (VDSM), the Head of the Bureau of Internal Affairs and Kingdom Relations (BAK) of the Ministry of General Affairs, and the Head of the Executive Protection Unit (in formation) of the Ministry of Justice/Ministry of General Affairs. The interviewees were given the opportunity to respond to the draft interview reports, after which factual inaccuracies were corrected. The Council was unable to speak with the Secretary-General (S-G) and policy officer of the Ministry of Justice during the inspection period, nor did it receive a written response to questions within that period. Furthermore, the Council requested and received documentation from the Public Prosecutor's Office (OM), the BB&C'er, the KPSM, and the VDSM. The Council then analyzed the information obtained and drafted a report containing the factual findings. This draft report was submitted by the Council to the Ministry, the aforementioned relevant agencies, and the Minister of Justice for their comments. The Council subsequently adopted the report.

### **1.8 Reading guide**

This report is structured as follows. Following the introductory Chapter 1, in Chapter 2 the Council describes, for each recommendation from the report published in 2014 on the protection of public officials, the recommendation itself, the state of affairs in 2014, the findings of this follow-up inspection, and the assessment. In Chapter 3, the Council describes, for each recommendation from the 2016 report on the security and protection of individuals, the recommendation itself, the state of affairs in 2016, the findings of this follow-up inspection, and the assessment. Finally, Chapter 4 presents an overarching analysis, answers to the main and sub-questions, and the recommendation.

## 2. Findings on the Security of Public Officials

### 2.1 Introduction

In this chapter, the Council describes its findings regarding the follow-up to the recommendations from the report on the security of public officials (2014). The general structure is as follows. For each section, the Council lists one (or more) recommendation(s) and then briefly describes the state of affairs in 2014. The Council then discusses the findings in 2025. Finally, an assessment follows at the end of each section.

### 2.2 Integrated System

In deviation from the general structure mentioned earlier, this chapter presents and elaborates on the first two recommendations from the 2014 and 2016 reports together. This is due to the common nature of both recommendations. The inspection also shows that both recommendations are reflected together in a plan for a single system.

#### 2.2.1. Recommendations from 2014 and 2016

In 2014 and 2016, the Council formulated the following two recommendations:

*2014 Report:* Inspection on the security of public officials.

*Recommendation:* Work with the Ministry of General Affairs to design a comprehensive security system for the protection of public officials, other individuals, objects, and services.

*2016 Report:* Inspection on the security and protection of individuals and objects.

*Recommendation:* In line with the Council's previous recommendations, develop a policy for, at a minimum, the security and protection of individuals and objects within the context of security in the criminal justice sector.

#### 2.2.2. Status 2014/2016

##### 2014

The Council noted that there was no comprehensive security system in place on Sint Maarten, including the security of public officials. The Council was of the opinion that public officials were important to the democratic legal order and that they should be able to perform their duties without interference. To ensure the proper functioning of the democratic legal order, a comprehensive system for personal security, objects, and operational security needed to be developed.

##### 2016

In 2016, the Council noted that there was a need in Sint Maarten for protection and security of individuals and objects in connection with (serious and/or concrete) threats and the (potential) use of violence in relation to security in the (criminal) justice sector and legal proceedings. According to the Council, the legal framework for this was in place, and the justice chain was capable of identifying a need for security and protection.

#### 2.2.3. Findings 2025

##### Security Domain Sint Maarten

After a long period of stagnation, a series of events on Sint Maarten, spread across 2023 and 2024, brought the topic of safety and security back into the spotlight, according to several

interviewees. This period, characterized by significant (political) instability surrounding a Sint Maarten figure/politician and the two parliamentary elections in 2024, caused considerable unrest in society.

The situation that arose — marked by intense and aggressive social media activity from various quarters across the political spectrum, further exacerbated by threats and insults exchanged between different parties and individuals — led many politicians, public officials, and citizens to feel threatened or unsafe, according to several interviewees.

The situation, which extended beyond and was not limited to the topic of public officials, made it clear to the interviewees that a legal framework and established, coordinated (policy) agreements — at a minimum for a Security and Protection System on Sint Maarten—were sorely lacking.

In July 2024, the Prime Minister, who is also Minister of General Affairs, and the Minister of Justice issued a written directive to the Chief of Police of the (KPSM) to develop an action plan for the establishment of a Security and Protection System. The interviews further reveal that during the aforementioned turbulent period in 2023–2024, a long-standing consultation platform, the so-called “*Petit Comité*,” played an important role.

Depending on the subject, members of this platform may include the HOVJ, the Chief of Police, the Head of the VDSM, and the BB&C’er from the Public Prosecutor’s Office. A representative from the Ministry of Justice may also participate, but this position has not yet been filled. This “*Petit Comité*” primarily functions as an operational consultation forum where, among other things, upcoming or existing threats and necessary actions are discussed, and in the current situation, it continues to serve as the basis for cooperation and consultation among the various agencies involved in the field of security and protection.

This cooperation led in 2025 to the development of a draft “Sint Maarten Security Domain Framework Document.” An approach broader than just the “Security and Protection System” was chosen. The aforementioned framework document illustrates how a “Security and Protection System” is part of a larger whole, called the “Sint Maarten Security Domain” (DVSXM). Both the (broader) domain and the aforementioned (specific) system are described in the framework document.

In this context, further proposals and plans for (additional) legislation, regulations, and policy were drafted or are still under development in 2025. For example, a draft organizational plan for a new Executive Protection Unit (EPU), a proposal to amend the KPSM’s function book, and a draft budget proposal have been developed. The Council was provided with various documents related to the subject for review. See also § 2.4 for further details.

According to several interviewees who were directly involved in its development, the initial document explains how the boundaries are defined between the various security processes within the DVSXM. According to the document, these boundaries are important because each process is carried out under the authority of different individuals.

This is divided into public order enforcement and criminal law enforcement. Authority over security and protection in the context of public order enforcement falls under the Minister of

Justice. Authority over security and protection in the context of criminal law enforcement falls under the authority of the HOVJ.

According to the provisions of the initial document, security measures for individuals, objects, and services within the context of criminal law enforcement have been extensively developed with the aim of ensuring that they can operate as safely as possible. While the document does mention security measures for individuals, objects, and services in the context of public order enforcement, several interviewees noted that these are still under development.

The framework for the security of foreign visitors (public officials) also needs to be further developed. Furthermore, the framework document addresses security and protection in the context of foreign visits (VIP security), safeguarding the safety of individuals abroad, and procedures for national events.

According to several interviewees, the framework document is not a policy but a manual, intended to provide guidance to organizations and professionals working within or involved with the DVSXM. The security and protection of individuals, objects, and services is a field of activity in which continuous trade-offs are made. For example, the proposal for a Security and Protection System in the framework document is presented as a layered system (see also § 4.3.2.) based on (a limited amount of) legislation and regulations and consisting of (working) agreements between the system partners involved.

As previously indicated, the Council was unable to present the views of representatives from the Ministry of Justice on various topics, including involvement and steering, by means of an interview. Nor was any response received to the written questionnaire sent by the Council.

#### **2.2.4. Assessment**

The Council considers both recommendations to have been partially followed. A draft DVSXM framework document and supplementary plans and (policy) proposals have been developed (in draft form). All of this forms a framework for the further development of an integrated system for the security and protection of public officials, other individuals, objects, and services. There is coordination and cooperation through the so-called *Petit Comité* between various parts of the justice chain, as well as involvement of the Ministry of General Affairs through the initiatives of the Prime Minister, who is also Minister of General Affairs, and the VDSM.

At the same time, based on the available research information, the Council notes — regardless of the Minister of Justice's involvement in the Prime Minister's aforementioned initiatives — a lack of support and steering from the Ministry of Justice.

The Council notes that a start has been made and that progress has been achieved, but the intention still needs to be translated into formal and effective implementation. Therefore, the recommendations are considered to have been partially followed up. If the described developments and plans continue as described and do not change (drastically), it is expected that the recommendation can be followed up within a reasonable period of time.

*The Council will now proceed with the two recommendations from the report on the security of public officials.*

## 2.3 Implementation of security measures

### 2.3.1. 2014 Recommendation

Ensure that security measures are implemented in accordance with the law, meaning that they are exclusively the responsibility of the police.

### 2.3.2. Status 2014

In 2014, the Council noted that the personal security detail for ministers on Sint Maarten was managed by a head of security assigned to the Ministry of General Affairs. These duties were carried out by the “AZ Security Unit (*in formation*).” The staff of this unit were “seconded” from various organizations, including the Sint Maarten Volunteer Corps and the inspection service of the Ministry of Tourism, Economic Affairs, Transport, and Telecommunications.

The Council further stated in 2014 that not all actors mentioned in the law were aware of their legal duties, and that in practice, some actors were involved in carrying out security tasks where the legislature had not assigned them any such duties. There was also a lack of consistency in the then-current practice of providing security for public officials in Sint Maarten.

The Kingdom Police Act made it clear that the security of individuals fell under the criminal enforcement of the legal order, but implementing regulations were lacking. The Council stated that the implementation of these measures should be organized by the police.

The Council also held that the implementation of security for objects and services within the framework of (physical) national security, pursuant to the National Police Ordinance and the Police Regulations of 1999, should likewise be organized by the police.

A professional approach to the security of individuals requires the use of police and judicial information, and this too argued in favor of organizing the security of individuals, objects, and services under the police.

### 2.3.3. Findings 2025

The security of ministers was carried out until July 2024 by the EPU, which at that time fell under the Ministry of General Affairs. Several interviewees indicated that in the original mandate of July 2024, the Chief of Police was tasked by the Prime Minister, who is also Minister of General Affairs, and the Minister of Justice with developing a plan to establish a Security and Protection system.

According to the interviewees, in the same directive, the Prime Minister also indicated his intention to reorganize the EPU’s operations and fully transfer them to the KPSM, under the responsibility of the Chief of Police. At the same time, both ministers also approved the interim structure proposed by the Chief of Police, in which the Chief of Police was designated as the authority responsible for the security of ministers.

The (draft) DVSM framework document also reflects the intention to fully transfer the execution of activities related to the protection and security of individuals, objects, and services

to the KPSM. In broad terms, the plan is to establish a separate Protection and Security Unit within the KPSM as part of a new Executive Support Division to be created.

#### **2.3.4. Assessment**

The Council had already indicated in its earlier report that, insofar as personal security constitutes a police task — that is, takes place within the framework of the criminal enforcement of public order — it must be organized under the police in accordance with the legal framework. This was all the more important at the time because insufficient provisions had been made within the aforementioned framework.

Furthermore, in the current situation, it remains the case that if those responsible wish to regulate personal security more broadly than solely within the framework of criminal law enforcement, the broader aspects do not need to be regulated by the police.

It is up to those responsible to make that choice. However, it must be kept in mind that there are advantages and disadvantages to whether or not to place it (entirely) under the police.

In the meantime, the existing Executive Protection Unit of the Ministry of General Affairs has been placed under the responsibility of the Chief of Police. As a result, the actual implementation of personal security has been under the responsibility of the police since July 2024. Consequently, the Council notes that the implementation of security is now, in practice, carried out in accordance with (existing) legislation (National Police Ordinance).

The Council further notes that the KPSM is well advanced in the development of plans and policy proposals to establish a DVSM. In this security domain, activities related to the security and protection of individuals, objects, and services will fall entirely under the KPSM. The final approval and implementation of this plan and the necessary supplementary legislation and regulations, policy, and organizational and financial justification have yet to take place.

Although the result intended by the recommendation has been achieved based on the foregoing, the finalization of this recommendation has yet to be concretized. Based on the foregoing, the Council therefore considers the recommendation to have been partially followed.

### **2.4 Legislation and Regulations**

#### **2.4.1. 2014 Recommendation**

Draft missing laws and regulations.

#### **2.4.2. Status 2014**

Due to the increased risk and the importance of the proper functioning of the democratic legal order, the security of public officials must be regulated as effectively as possible.

In 2014, the Council concluded that the matter was not adequately regulated at the legislative level and was only partially addressed. Although relevant provisions could be found in various laws, they did not form a coherent whole. Implementing legislation and policy were lacking.

Furthermore, the Council determined that the security task had been assigned to the police under the National Police Ordinance, but implementing regulations were lacking. There was

also no consistency in the practice of providing security for public officials in Sint Maarten, and implementing regulations were lacking for the security of objects and services as well as security at large-scale events.

### 2.4.3. Findings 2025

In the current situation, there is not yet a fully developed integrated system in place for the security of public officials, other individuals, objects, and services. In general terms, the government has a duty of care arising from Article 2 of the ECHR and Article 2 of the Constitution of Sint Maarten to protect its citizens against danger (including danger to life). Existing legislation in Sint Maarten governs the security of individuals (Article 1, paragraph 2, of the Kingdom Police Act) and the security of objects and services (Article 4 of the National Police Ordinance).

In the framework document, the primary objective of the DVSXM is the actual implementation of the entire body of laws and regulations, frameworks, and agreements for security provision for *all* individuals, objects, and services within the effective enforcement of the rule of law. With regard to the security and protection of individuals, objects, and services in a general sense, the framework document describes the need for necessary legislation, policy frameworks, and working agreements. All stakeholders emphasize that it is important for the DVSXM to be properly established first.

The framework document further states that the DVSXM, which also encompasses the Security and Protection System, must align with the structure of the state and existing police and judicial structures and be based on laws and regulations that define its design and implementation.

Where necessary, additional laws and regulations must be developed. Which additional laws and regulations need to be developed depends on the approval of the plans currently under development. This intention is outlined in broad terms in the DVSXM framework document and the (draft) organizational plan "*Executive Support Division and Executive Protection Unit.*"

According to some of the interviewees, the following topics are currently still under preparation at the KPSM and are also subjects of discussion in the so-called "*Petit Comité*":

- the policy recommendation on *the Security and Protection System* developed by the KPSM and an organizational plan for an *Executive Protection Unit (EPU)* as part of an *Executive Support Division (EXO)* to be established at the KPSM<sup>5</sup> ;
- the necessary amendment to *the KPSM* function book and a decision authorizing the *recruitment of the required personnel*;
- *Implementation and establishment of a Security and Protection System* within Sint Maarten, whereby *responsibility* for the security measures to be implemented falls under the Chief of Police of the KPSM, and the government allocates a *budget* for the establishment of the *Security and Protection System* and the *Security and Protection Section* within the KPSM.

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<sup>5</sup> The aforementioned organizational plan was developed as a draft and submitted to both ministers for comment and feedback. Given its status as a draft document, the content of this plan is not included in this report, but it does generally reflect the findings in this report.

Upon completion, the above recommendations will be submitted to the Council of Ministers for decision-making.

#### **2.4.4. Assessment**

The Council assesses this recommendation as not having been followed up. The Council notes that there is still work to be done in this area. The necessary (additional) legislation, policy recommendations and frameworks, and working agreements mentioned in the DVSM framework document have yet to be (largely) developed, adopted, and/or implemented. This framework must form the basis for the structure of the DVSM, the Security and Protection System, the role and responsibilities of the competent authority, and the execution of the work.

## 3. Findings on security and protection

### 3.1. Introduction

In this chapter, the Council describes its findings regarding the follow-up to the recommendations from the report “Security and Protection of Individuals and Objects, 2016.” The general structure is as follows. For each section, the Council lists a recommendation and then briefly describes the state of affairs in 2016. The Council then discusses the findings in 2025. Finally, an assessment follows at the end of each section.

Recommendation 1 from the report “Security and Protection of Individuals and Objects” (2016) regarding the integrated system has already been addressed in [paragraph 2.2](#).

### 3.2 Assessment of security risks for justice personnel

#### 3.2.1. Recommendations 2016

2. Identify the security risks facing personnel working within the justice sector and the security measures that must subsequently be implemented in accordance with the aforementioned policy.
3. Ensure — where possible in collaboration with other ministries — that a security assessment is conducted of the buildings used by the justice sector that may pose increased risks to the safety of staff as well as that of others, and act on the results thereof, in accordance with the aforementioned policy.

#### 3.2.2. Status 2016

In 2016, the Council stated that individuals working within the justice sector, who are expected to keep society safe, faced increased risks due to their work involving, among other things, investigation, prosecution, trial, and incarceration.

This applied both during working hours, when staff were in the buildings where they work and, in the field, and afterwards during their free time. The Council also noted an urgent need for a security assessment of the buildings used by the justice sector that could pose increased risks to staff safety, as well as a response to the results of this assessment.

#### 3.2.3. Findings 2025

##### Inventory/Scan

None of the interviewees are aware of a general inventory of security risks regarding justice personnel or security scans of buildings in use by the Ministry of Justice, nor whether the Ministry is working on this or in collaboration with other ministries.

Most interviewees emphasize that a general inventory or security scan is not realistic on Sint Maarten due to its scope, particularly given the scale and capacity required for such an effort. The necessary structural capacity, specific expertise, and financial resources are simply not available.

According to interviewees, in the current situation, in the event of a threat or potential danger, ad hoc threat, risk, and vulnerability analyses are conducted for individuals and/or buildings,

drawing on the available analytical capacity and the knowledge and experience of the KPSM, the Public Prosecutor's Office, or, where applicable, the VDSM.

In the past, for example, threat and resilience analyses were conducted for Parliament, the Joint Court, and the government administration building. Based on these analyses, proposals were also made to improve physical and organizational security.

### **Security and Protection**

As mentioned earlier, the draft DVSXM framework document regarding the new Security and Protection System to be established refers to a layered approach to security. Thus, individuals and organizations are primarily responsible for their own safety and security.

The government, companies, and institutions must implement their own safety measures to prevent the safety of employees from being compromised as a result of their work. The authority responsible may take additional security measures within the system if an individual or the organization is unable to implement adequate measures against the threat and risk.

Security aims to create as much resistance as possible against the threat and risk with as little impact as possible. When determining the package of security measures, the required level of resistance is the guiding factor. This is measured using a risk analysis, a threat analysis, and/or a vulnerability analysis. In this way, it is ensured that adequate security measures can be implemented and, where possible, scaled back, according to the documentation on the DVSXM.

In practice, according to several interviewees, it has also become apparent that, from the perspective of finances, capacity, and necessity, it is impractical and unnecessary to provide long-term and efficient security for every person or object on Sint Maarten. In practice, in such a situation, there is often little choice but to "fly out" such a person. When there are multiple people who need to be protected, capacity issues can also quickly arise.

### **BVA**

Several interviewees explicitly refer to the *BVA stelsel Rijksdienst 2021* currently in use in the Netherlands. This system could serve as a guideline on Sint Maarten for the development of a policy proposal and implementation plan, as well as the appointment of a so-called "Security Advisor" (BVA) at least within the Ministry of Justice.

In the current situation, no BVA has been appointed at the Ministry of Justice. A BVA is responsible for advising on and developing (internal) security policies and measures. If necessary, this BVA could also assist other ministries or organizations, just as the BB&C'er at the Public Prosecutor's Office currently does, according to interviewees.

The VDSM has its own BVA and its own internal security policy for individuals (employees) and objects (in use by the service) with accompanying measures. At the Public Prosecutor's Office, the BB&C'er is present and carries out similar (BVA) activities within the Public Prosecutor's Office. The other justice organizations do not have a BVA within their organizational structure.

### **3.2.4. Assessment**

The Council assesses both recommendations as partially followed. The Council notes that a general inventory of security risks regarding justice personnel or security scans of buildings in use by the Ministry of Justice has never been conducted by or on behalf of the Ministry of Justice. Consequently, any security measures that might have been necessary based on such an assessment and security scan have not been developed by or on behalf of the Ministry.

The Council is aware that the recommendations are dated and also acknowledges that such large-scale scans and assessments, especially given the scale and the capacity required for them, are not realistic on Sint Maarten. The structural capacity and financial resources required for this are simply not available. It is encouraging, however, that various organizations involved in this follow-up inspection have since developed capabilities in the area of (more targeted) threat and risk analyses for individuals and structural vulnerability assessments for buildings.

The Council had already noted the need for this in 2016 but based on this follow-up inspection, finds that here too the Ministry of Justice has provided insufficient follow-up, prioritization, and steering regarding the recommendations. As a result, (potential) risks persisted for an unnecessarily long time.

The Council emphasizes the necessity of awareness-raising and support from the Ministry. The Council also believes that the appointment of a BVA at least within the Ministry of Justice, as advocated in this follow-up inspection, would contribute to continuity regarding this issue.

The Council considers both recommendations to have been partially implemented because, although the recommendations as originally formulated have been overtaken by events, their substance remains relevant. After all, current developments underscore the need to identify threats and risks through analysis, albeit on a different scale — one that the Council considers more realistic.

The actual use of such risk products and the capacity and expertise developed within a number of organizations are examples of this. The development of the DVSM will also ultimately contribute to the effective implementation of security measures based on substantiated threat and risk products.

## **3.3 Budget**

### **3.3.1. Recommendation 2016**

Allocate sufficient funds in subsequent budgets to ensure the implementation of the policy, the associated measures, and (the results of) the security scan.

### **3.3.2. Status 2016**

According to the Council, there was insufficient attention at the administrative level in 2016 to the security and protection of individuals and objects. The Council was concerned that the government, or the Ministry of Justice, did not take this issue into account in its budget.

### **3.3.3. Findings 2025**

In the successive budgets of the past, nearly 10 years, no funds have been set aside for the KPSM to carry out activities related to the security of individuals, objects, or institutions. According to several interviewees, no specific funds have (yet) been set aside in the

government's upcoming budgets to enable the implementation of the DVSM, including the Security and Protection System.

The DVSM framework document states that a feasibility budget must be drawn up under the responsibility of the KPSM as a basis for allocating funds for the establishment of the Security and Protection System and the Security and Protection Section within the KPSM.

In this context, according to several interviewees, preliminary proposals (feasibility budget) have since been made to reserve sufficient funds in subsequent budgets, starting in 2026. The extent to which these proposals were acted upon could not be determined at the time of this inspection.

### **3.3.4. Assessment**

The Council assesses this recommendation as not having been followed up. The Council is also aware that in Sint Maarten, a tailored approach will always be necessary, especially given the small scale and the government's structural financial constraints. Nevertheless, the Council notes that a significant effort has been made with the DVSM framework document and the other proposals and plans in this context, which are still under development.

The Council commends the effort and the demonstrated willingness to cooperate and emphasizes the importance of engagement and awareness regarding this topic among politicians, administrators, and other stakeholders. The Council further believes that the momentum generated must be maintained and proactively supported, including by securing the necessary funding.

## **3.4 Designation**

### **3.4.1. Recommendation 2016**

Develop — if necessary, following the formulation of policy — a practical designation for Sint Maarten regarding the security of individuals and objects.

### **3.4.2. Status 2016**

In 2016, the Council concluded that, in general, the absence of a Security and Protection System — if not merely the absence of resources and measures — may have led to a lack of public confidence in law enforcement. According to the Council, a workable guideline offered opportunities.

### **3.4.3. Findings 2025**

The follow-up inspection shows that, to date, no practical guidelines for the security of individuals and objects have been developed for Sint Maarten. Instead, a proposal has been developed to establish a DVSM, which would include a Security and Protection System.

The interviews reveal that virtually all stakeholders believe the "Sint Maarten Security Domain" framework document contains everything necessary to establish and operate a Security and Protection System. According to several interviewees, the initial document and the supplementary draft plans and policy recommendations are so comprehensive that there is no longer a need or requirement for a separate "designation".

#### **3.4.4. Assessment**

The Council considers this recommendation to have been followed up. The Council notes that no workable directive for the security of individuals has been developed for Sint Maarten. At the same time, based on the inspection, the Council concludes that, due to the (draft) package of plans developed within the framework of the DVSXM, there is no longer a need for such a directive.

## 4. Final conclusion and recommendation

### Final conclusion

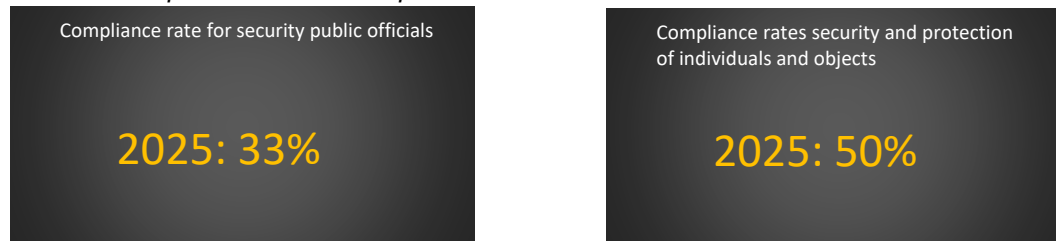
#### *Answer to the main question*

In this follow-up inspection, the Council assessed the extent to which the total of eight recommendations from the reports on the security of public officials (2014; three recommendations) and the security and protection of individuals and objects (2016; five recommendations) have been implemented. Of the three recommendations from 2014, two were partially implemented and one was not implemented. Of the five recommendations from 2016, one was implemented, three were partially implemented, and one was not implemented.

The Council indicates the degree of compliance with the recommendations using a compliance percentage.<sup>6</sup> The follow-up inspection reveals that more than ten years after the inspection into the security of public officials and nine years after the inspection into the security and protection of individuals and objects, most recommendations have still not been implemented.

In 2025, the compliance rate is **33%** for the recommendations from the 2014 report on the security of public officials and **50%** for the 2016 report on the security and protection of individuals and objects.

*Table 6: Compliance rates for inspections*



#### *Overall picture*

In this follow-up inspection, the Council also observes that the attention of politicians and administrators to a topic often depends on current developments in society. The issues of the day can lead to proactive action, but care must be taken to ensure that attention does not wane once calm has returned. The Council emphasizes the importance of raising awareness among the responsible authorities and other stakeholders regarding the specific challenges associated with this topic.

A good start has been made, but there is still work to be done. The DVSXM initial document broadly outlines proposals for a comprehensive set of (existing and newly developed) regulations, frameworks, and agreements.

Legislation and regulations that are currently lacking will also need to be developed regarding recruitment, training, establishing the legal status of the necessary personnel, and amending the KPSM function book. Within the framework of the draft policy recommendations

<sup>6</sup> The compliance percentage as an indicator is calculated by assigning 1 point to each fully implemented recommendation, ½ point to each partially implemented recommendation, and no points to a recommendation that has not been implemented. The number of points assigned is then divided by the total number of recommendations and multiplied by 100 to arrive at the compliance percentage.

developed, preliminary proposals (desirability-budget) have been made to set aside sufficient funds in subsequent budgets.

The aforementioned activities require specific expertise and policy capacity at the KPSM and the Ministry. However, this capacity is scarce in practice. Furthermore, the Council views the structural lack of financial, material, and human resources within the government of Sint Maarten as a potential threat to the continuation of the plans already developed.

### **Steering implementation**

All of the Council’s recommendations are addressed to the Minister of Justice, and the Minister bears ultimate responsibility for the quality of the KPSM’s operations and management. However, the follow-up inspection reveals that the Ministry of Justice was not, or hardly, involved in the development of the DVSM framework document and the other documents and plans.

The follow-up inspection clearly shows that the KPSM, in close cooperation with the other agencies involved, has taken on this steering role, meaning that the Ministry’s absence has not been an obstacle thus far. The Council commends the initiative taken and the cooperation demonstrated in this context.

The fact that the Ministry has not, or has barely been able to, cooperate in this inspection further reinforces the Council’s concerns regarding the lack of steering and support from the Ministry. However, given the responsibility the Minister bears in this matter, it is important that the Minister assumes his role and makes efforts to provide steering and support where necessary.

Without this role, the further development of the DVSM will be jeopardized. The Council specifically calls for attention to this matter. The recommendations already formulated remain relevant.

### **Recommendation**

In view of the current state of affairs, the Council recommends that the Minister:

*Implement the Council’s recommendations that have not yet been (fully) implemented and make the necessary resources available as soon as possible.*

*Table 7: Overview of the status of recommendations regarding the security of public officials*

No.	2014 Recommendations	Status 2025
	<b>To the Minister of Justice</b>	
1	Together with the Ministry of General Affairs, design an integrated system for the security of public officials, other individuals, objects, and services.	Partially followed
2	Ensure that security measures are implemented in accordance with the law, meaning that they are carried out exclusively by the police.	Partially followed
3	Draft missing laws and regulations	Not followed

*Table 8: Overview of the status of recommendations regarding the security and protection of individuals and objects.*

No.	Recommendations 2016	Status 2025
	<b>To the Minister of Justice</b>	
1.	In line with previous recommendations of the Council, develop policies covering, at a minimum, the security and protection of individuals and objects in the context of security within the (criminal) justice system.	Partially followed
2.	Identify the security risks facing personnel working within the justice system and the security measures that must subsequently be implemented in accordance with the aforementioned policy.	Partially followed
3.	Ensure — where possible in collaboration with other ministries — that a security assessment is conducted of the buildings used by the justice system that may pose increased risks to the safety of staff and others, and act based on the results of that assessment, in accordance with the aforementioned policy.	Partially followed
4.	Allocate sufficient funds in future budgets to ensure the implementation of the policy, the associated measures, and (the results of) the security assessment.	Not followed
	<b>To the Minister of Justice regarding the Public Prosecutor's Office</b>	
5.	Develop — if necessary, after the policy has been drafted — practical guidelines for the security of individuals and objects in Sint Maarten.	Followed

## **Colophon**

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May 2026