



# **THE STATE OF LAW ENFORCEMENT IN SINT MAARTEN 2019**

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Law Enforcement Council  
April 2020

*Appendix: Infographic State of Law Enforcement Sint Maarten 2019*

## Introduction

The Law Enforcement Council (hereinafter: the Council) is responsible for the general inspection of the effectiveness, quality, and management of justice organizations in Sint Maarten<sup>1</sup>, Curaçao and the Caribbean Netherlands and justice cooperation between the countries.<sup>2</sup> The Council's tasks mainly consist of inspecting and reporting on organizations within the justice chain and individual justice-related themes. The Council submits its reports and recommendations to the Minister of Justice. The Minister must send the inspection report and his response to it to Parliament within six weeks. Since 2014, the Council has published an annual report on the state of law enforcement (hereinafter: the State). The State provides a more general picture of developments in law enforcement and findings that transcend the individual inspections. The State is presented directly to the Minister of Justice and Parliament.

The Council consists of three members who are appointed by royal decree based on their expertise. On February 15, 2019, the Council of Ministers appointed Ms. M.R. Clarinda as a member of the Council on behalf of Sint Maarten.<sup>3</sup>

## Putting citizens first

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. In this context, justice organizations and institutions can, with a relatively high degree of independence, apply far-reaching measures and resources on citizens. Thorough supervision of the quality, management, and effectiveness of law enforcement and the administration of justice is therefore of great importance. Moreover, the functioning of justice organizations influences the safety and sense of security of citizens and the trust that citizens have in these organizations (and thus also in the government). Independent and high-quality inspections can contribute to citizens' trust in law enforcement. The Council's inspections are therefore not exclusively an instrument for the minister to fulfill his responsibility but also fulfill a social function.<sup>4</sup> According to one of the Council's general inspection principles, inspections should therefore focus primarily on services to the community and on risks within the justice chain that could directly affect citizens.<sup>5</sup>

## 2019: Developments in law enforcement in Sint Maarten

In the 2018 State, the Council cited a number of circumstances and developments that were also relevant in 2019. The slow pace of reconstruction and the overall lack of financial resources, human resources, administrative continuity, and decision-making continued to

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<sup>1</sup> Pointe Blanche Prison and House of Detention, Miss Lalie Center (youth rehabilitation center), Public Prosecutor's Office, National Detectives, Sint Maarten Police Force, Coast Guard, Immigration and Border Protection Services, Sint Maarten Judicial Institutions Foundation (adult probation) and Court of Guardianship (youth probation).

<sup>2</sup> Curaçao, Sint Maarten, and the Netherlands insofar as it concerns Bonaire, Sint Eustatius, and Saba.

<sup>3</sup> Kingdom Act on the Law Enforcement Council, Bulletin of Acts and Decrees 2010, no. 338.

<sup>4</sup> Explanatory memorandum to the 2008–2009 Kingdom Act on the Law Enforcement Council, parliamentary document. 32 020 (R 1887), no. 3.

<sup>5</sup> For the Council's mission and vision, see [www.raadrechtshandhaving.com](http://www.raadrechtshandhaving.com).

hamper the work of justice organizations that year. Scarcity prevails in law enforcement in Sint Maarten. Nevertheless, employees of the justice organizations remain fully committed to performing their duties, and positive developments were also set in motion in 2019.

#### *Accessibility and digitization of law enforcement*

Various initiatives have contributed to the accessibility of (information about) law enforcement. Both the Sint Maarten Police Force (KPSM) and the Public Prosecutor's Office (OM) have launched new (English-language) websites and are trying to actively inform and engage citizens using innovative forms of communication, such as videos, infographics, and a WhatsApp web feature. The Council considers this a positive development and emphasizes the importance of accessible, up-to-date, and accurate information.

The Council welcomes the reopening of the Miss Lalie Center (MLC) youth rehabilitation center in August 2019. From November onwards, young adults up to the age of 21 will also be able to be placed in the MLC alongside juveniles. The prison director will assess the suitability of each individual case for placement in the MLC. The Council will continue to closely monitor further developments concerning the MLC. The Council also noted with interest the news about the child-friendly court hearings that will be held at the Joint Court of Justice (the Court) from August 2019.

In 2019, steps were also taken to digitize the internal operations of various organizations. A new prison database management system was put into use at Pointe Blanche prison. The system digitizes prisoner records and generates management information. In 2018, the Court and the Public Prosecutor's Office decided to accelerate the ongoing digitization project for criminal files, starting in Sint Maarten. After Hurricanes Irma and Maria (fortunately, no criminal files were lost), the Court and the Public Prosecutor's Office wanted to have the digital file implemented in Sint Maarten in time for the next hurricane season. They succeeded. In 2018, the first preliminary hearings before the examining magistrate in Sint Maarten were conducted on the basis of a digital file. The experiences with the Public Prosecutor's Office case registration system 'PRIEM', which the Court has sought to connect to, were used in the introduction of digital criminal files for BES and Curaçao. In July 2019, the Court released a video to inform the public about the digitization of criminal files in Sint Maarten, Curaçao, and the BES islands. The Immigration and Border Protection Services (IBPS) has also introduced a digital file registration and tracking system (Decos Join).

Digitization contributes to the efficiency of the criminal justice chain by making files more searchable, management information more accessible, storage more secure, and information exchange between organizations easier. The Council therefore urges the Minister of Justice (once again) to ensure that other justice organizations can also make the necessary digitization improvements. In previous States and reports, the Council has already emphasized the importance of accurate and reliable data. This is necessary for determining the nature and extent of social problems and forms of crime, and for developing policy and allocating financial resources in that context. The Council already noted in 2016 that there is a general lack of a clear vision on the purpose of information gathering and recording. The availability of reliable statistics and an up-to-date picture of crime is still problematic in Sint Maarten, as was evident in 2019. The Council urges the Minister to change this.

### *Reducing violence*

In 2019, conferences and training courses were organized on a variety of topics. The Public Prosecutor's Office organized a conference on domestic violence for professionals in the justice chain. The Sint Maarten Judicial Institutions Foundation (SJIS) co-organized a training course to (re)certify social workers and employees of various organizations to provide aggression replacement training (ART) to young people. In response to the increasing number of school fights, the Public Prosecutor's Office and the KPSM formed a special task force in 2019 and organized a workshop with relevant (educational) authorities. The Council considers reducing violence in Sint Maarten society to be of great importance, as it poses a serious threat to individual safety and healthy personal development, as well as to public safety in a broader sense. The Council welcomes the various initiatives in this regard.

### *Preventing money laundering and terrorism financing*

Another topic that received considerable attention last year was the fight against money laundering and terrorist financing. In 2018, the Caribbean Financial Action Task Force (CFATF) reached agreements with Sint Maarten on the introduction and amendment of six crucial laws against money laundering and terrorist financing. In early May 2019, the National Ordinance on the Reporting Requirement for Cross-Border Cash Transports, the National Ordinance on the Reporting Center for Unusual Transactions, and the National Ordinance on Combating Money Laundering and Terrorist Financing were passed by Parliament.

However, the further incorporation of the recommendations of the Financial Action Task Force into, among other things, the Civil Code, the Criminal Code, and the Code of Criminal Procedure has not been tackled with sufficient vigor. This led the CFATF to issue a public statement on November 27, 2019, calling on Sint Maarten to immediately start work on introducing the necessary legislation and regulations. If no action is taken, Sint Maarten will be placed on the 'blacklist' and other member states will be called upon to take countermeasures to protect the international financial system from the risks of money laundering and terrorist financing emanating from Sint Maarten.

At the end of 2019, the Ministry of Justice organized an Anti-Money Laundering Awareness and National Risk Assessment Conference for professionals from the public and private sectors. This conference was well attended. The Council considers effective combating of money laundering and terrorist financing to be of great importance in the fight against (cross-border) crime. In addition, the Council is seriously concerned about the far-reaching (economic) consequences for Sint Maarten if the failure to meet international requirements leads to measures affecting international payments. The Council therefore hopes that the necessary adjustments to which the government of Sint Maarten has committed itself will be implemented quickly.

### *Cooperation and information*

In previous States and reports, the Council has already emphasized the importance of cooperation and of getting information management in order. Not only for its own information position and domestic security, but also with a view to its international responsibility in the fight against cross-border crime. The Council therefore welcomes the various treaties, protocols, and cooperation agreements that were (re)concluded in 2019, including:

- 23 January: the amendment to the protocol on specialized investigative cooperation between the countries of the Kingdom.
- 23 January: the amended memorandum of understanding on cooperation in preventing and combating human trafficking and smuggling between the countries of the Kingdom.
- 24 January: the protocol on the deployment of personnel from the Royal Netherlands Marechaussee flexible deployment pool between the countries of the Kingdom.
- 22 May: the Treaty establishing the Caribbean Customs Organization and on mutual administrative assistance in customs matters.
- 31 May: the protocol concerning cooperation between the Immigration and Border Protection Services of Sint Maarten and the Police Force of Sint Maarten for the period May 31, 2019 - May 31, 2020.
- 17 June: the agreement formalizing the Sint Maarten Intelligence Center between KPSM, Interpol Sint Maarten, the Unusual Transactions Reporting Center, the Public Prosecutor's Office, the National Detectives, Customs, the Caribbean Coast Guard, the Sint Maarten Substation, and the RST.
- 10 September: the memorandum of understanding for the exchange of information between the Customs organizations of Sint Maarten and Saint Martin.

In addition, a coordinating information officer joined the Public Prosecutor's Office of the Attorney General in June 2019. This is a new position focused on optimizing and safeguarding the information organization for the entire Public Prosecutor's Office Carib and connecting the various (developing) intelligence centers in the countries.

The Council also notes positive developments in strengthening border control and regional cooperation between police forces in the countries. In July, €4.4 million was made available for the further strengthening of police cooperation within the Kingdom. This investment is intended, among other things, to improve police training for police personnel from Sint Maarten (KPSM), the Caribbean Netherlands (KPCN), Aruba (KPA), Curaçao (KPC), and the Coast Guard. This is a co-financing arrangement in which the countries themselves cover the costs of travel and accommodation. In November, a new class started the Basic Police Training course in Sint Maarten. In addition, with the long-awaited commissioning of the 'KPSM Camera Surveillance Center' and a new mobile shore radar at the Coast Guard, the monitoring of public order and safety in and around Sint Maarten has been improved. Another noteworthy and (after almost nine years) long-awaited development was the signing of the function book and formation plan for the KPSM in June 2019. It is now important that the associated (legislative) procedures and implementation proceed swiftly. The Council will continue to monitor progress closely.

#### *Lack of continuity and prioritization in law enforcement*

In September 2019, the government of Sint Maarten fell for the ninth time in ten years. The Council is deeply concerned about the lack of political stability and continuity in government policy. Staff turnover is also high at various levels within the justice system. Political and administrative decision-making on pressing matters concerning law enforcement is lacking. This is not conducive to the (improvement of the) justice chain, and law enforcement is suffering as a result. The serious concerns about the enforcement of law and order on Sint Maarten also led to a political debate in The Hague in 2019.<sup>6</sup> The Council believes that

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<sup>6</sup> Partly in response to the motion adopted by Member Van Dam et al., Parliamentary Document 35 300 IV, no. 22.

insufficient priority is given to the security domain in various (political) administrative decision-making processes and that security risks are treated too lightly. The Council's recommendations for strengthening law enforcement are only being followed to a limited extent. As indicated, the Council's inspections serve a social purpose that focuses on the citizen. In previous sessions, the Council already noted that its inspection reports are not always presented to Parliament by the Minister of Justice, accompanied by a response. The representatives of the people of Sint Maarten, who are supposed to defend the interests of citizens, are thus not challenged to exercise their supervisory powers. In the last quarter of 2018, this seemed to change and a number of the Council's reports were presented to Parliament with a response. Unfortunately, the Council has had to conclude that this trend has not continued in 2019. In order to increase the accessibility and thus the reach of the inspection reports, the Council decided in the last quarter of 2019 to also publish inspection reports in Sint Maarten in English from now on. In addition to its reports and press releases, the Council will also use other forms of communication, such as infographics, to make its findings more accessible to a wider audience.

### **2019: Inspections and follow-up inspections Council**

In 2019, the Council conducted various thematic and follow-up inspections. The Council selects the subjects of its inspections based on social importance and the importance of effective law enforcement. The inspections in 2019 concerned current themes with a major social impact. The Council examined the approach to human trafficking and smuggling, drug crime and drug-related issues, and domestic violence and child abuse. In addition, the Council conducted follow-up inspections into the prison system and victim support in Sint Maarten, prostitution policy, the admission and deportation of foreigners, the use of force by and against the police, the Public Prosecutor's Office's investigation and prosecution policy, and criminal seizure. The social problems facing Sint Maarten, which various bodies – such as the Ombudsman and the Social Economic Council (SER) – have been drawing attention to for some time, were also clearly highlighted in the Council's thematic inspections. Poverty, unemployment, school dropouts, psychosocial problems caused by (youth) trauma, abuse or domestic violence, inadequate supervision, insufficient awareness, knowledge and social control and (as a result) a limited social safety net proved to be both the cause and consequence of various forms of crime.

A common thread in (almost all) of these inspections was that a criminal law approach alone does not offer a solution. The complexity of the causes and consequences associated with serious social problems and forms of crime requires a multidisciplinary, integrated approach. However, this is proving difficult to implement in Sint Maarten. There is a lack of interministerial vision and coherent, consistent policy, which means that the approach to various problems and forms of crime remains uncoordinated. The lack of stability and continuity of the government in Sint Maarten plays a negative role in this regard. Furthermore, the inspections revealed that organizations within and outside the justice chain are faced with limited capacity and (financial) resources. Essential components for effective law enforcement are either completely lacking or are of substandard quality. This is not the first time that the Council has observed this; in previous inspections and States, the Council has repeatedly drawn attention to this issue. In 2019, the Council once again sounded the alarm about the lack of victim support and the deplorable state of the Pointe Blanche prison and house of detention.

The effect of the failure to make the necessary improvements is not only noticeable in the development of the organizations and justice cooperation, but also has an impact on the course and outcome of individual criminal cases and the protection of society as a whole. The Council is seriously concerned about this. According to Article 32 of the Kingdom Act, if the Minister of Justice consistently fails to follow the Council's recommendations, the Council can notify the representative body of the country concerned and the Council of Ministers of the Kingdom. Whether the Minister is systematically failing to follow up on the recommendations is decided by the Council on the basis of at least two follow-up inspections following an established inspection report.<sup>7</sup> (see further *Review Detention system*)

In no particular order, the Council will highlight below the main points of the inspections and follow-up inspections (reviews) carried out in 2019.

### *Approach to human trafficking and human smuggling*

In its inspection into the approach to human trafficking and smuggling, the Council concludes that there is room for improvement in the international, interregional, and local approach in Sint Maarten. International and interregional cooperation appears to be ad hoc and heavily dependent on individual contacts and efforts. This makes the approach vulnerable. The Council believes that countries could make much more effective use of each other's knowledge, experience, existing plans, and information materials. According to the Council, strengthening international and interregional cooperation could lead to significant progress. In addition, the Council notes that the approach to human trafficking and smuggling in Sint Maarten needs improvement. There is insufficient insight into the nature and extent of these crimes. The development of a number of crucial components for an effective integrated approach has been stagnating for years. The administrative and criminal justice domains do not reinforce each other, or hardly at all. As a result, insufficient barriers are being put in place to limit the opportunities for human trafficking and smuggling. Sint Maarten's approach is particularly lacking in the areas of prevention and protection. There is insufficient awareness of the seriousness of the problem and, partly as a result, there is a lack of the necessary assistance and protection for victims.

In order to improve the approach to human trafficking and smuggling, the Council makes nine recommendations to the Minister of Justice in the report. These include improving the information position and cooperation, increasing administrative involvement, and promoting uniformity and continuity in operational cooperation.

In 2016, the Council made six recommendations to the Minister of Justice to improve the prostitution policy in Sint Maarten. This 2016 report is related to the inspection into the approach to human trafficking and smuggling, as the recommendations are partly aimed at preventing human trafficking in prostitution. The Council therefore immediately conducted a review to assess the extent to which these recommendations had been implemented more than three years later. The Council found that these six recommendations have not been implemented. In the report, the Council calls on the Minister of Justice to follow up on the

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<sup>7</sup>See the Protocol on the Council's working methods at [www.raadrechtshandhaving.com](http://www.raadrechtshandhaving.com).

recommendations made in 2016, taking into account the relevant findings regarding human trafficking from this inspection.

### *Approach to drug-crime and drug-related issues*

In this thematic inspection, the Council examined the approach to drug-related crime: opium offenses and drug-related problems: crime, nuisance, and issues arising from or related to drug-related crime. The Council examined national, interregional, and international legislation and regulations, policy, the nature and extent of the drug problem, and the approach in practice. To improve the approach, the Council makes nine recommendations to the Minister of Justice. These recommendations relate, among other things, to legislation, interministerial policy, and political-administrative decision-making to promote operational cooperation, prevention, and awareness.

The Council notes that there is no lack of international and interregional legislation and regulations. However, national opium legislation needs to be updated and there is a lack of a comprehensive, multidisciplinary drugs policy in Sint Maarten. Due to the focus on combating international drug trafficking at the border, the fight against local drug crime and related issues is not receiving sufficient attention.

There is an urgent need for investment in preventive measures and in the quality and accessibility of addiction care in Sint Maarten.

According to the Council, the approach in Sint Maarten can be strengthened through better coordination and the establishment of priorities, policies, and working methods among the organizations involved. In addition, the Council has identified various vulnerabilities in the logistical infrastructure, including in the security of the airport and seaport. Effective drug control requires smart investments (e.g., in additional camera surveillance), interministerial and public-private cooperation, and decisive action by the government. The Council also sees opportunities for improvement through broader interregional and international cooperation. Drug crime is known to be a cross-border problem, and the Council therefore recommends improving interregional and international information sharing and intensifying cooperation to this end. Given the seriousness and impact of drug crime and drug-related problems at the individual and societal levels, the Council believes that this approach deserves high priority.

### *Approach to domestic violence and child abuse*

At the end of 2019, the Council conducted an inspection into the approach to domestic violence, including child abuse. Domestic violence is a serious problem in Sint Maarten that not only affects the direct victims, but also poses a threat to entire family systems, future generations, and society as a whole. As part of this inspection, the Council organized a focus group session and additional interviews with professionals from the justice and healthcare sectors. The Council inspected how signs of domestic violence are addressed by and/or in collaboration with organizations in the justice chain. Although this was not the focus of the inspection, the Council emphasizes the importance of prevention and (after)care and encourages all initiatives in this regard. Services and measures to protect the safety of victims of domestic violence must be available to everyone who needs them. These include shelter, practical and psychological support, criminal prosecution, rehabilitation, and protection orders. The inspection report, which is expected to be published shortly after the publication of this State, contains various recommendations to the Minister of Justice of Sint Maarten for improving the approach to domestic violence.

### *Review Victim support*

Since 2012, the Council has emphasized the importance and urgency of setting up victim support in several reports. To achieve this, the Council made seventeen recommendations in 2012. In 2016, the Council found that fifteen of these recommendations had not been (fully) implemented. In its second review report, the Council must once again conclude that none of these recommendations had been fully implemented in 2019. Four recommendations were partially implemented, and eleven recommendations were not implemented.

The recommendations that were not followed up by the KPSM and the Public Prosecutor's Office mainly concerned providing information to victims about (non-)prosecution and compensation and developing criteria, work processes, and protocols to facilitate this. In addition, neither the Minister of Justice nor the Sint Maarten Judicial Institution Foundation followed up on the recommendations regarding guaranteeing the establishment of a victim support bureau. Furthermore, the ministry did not follow the recommendation to explore possibilities for establishing a compensation fund.

The recommendation that was partially followed up by the Minister of Justice concerned providing support to victims through provisions in the new draft Code of Criminal Procedure. The KPSM also partially followed up on the recommendation regarding the description and implementation of policy. The last recommendation that was partially followed up concerned the establishment of quality standards by the KPSM in consultation with the Public Prosecutor's Office and their inclusion in the process descriptions.

After seven years, Sint Maarten still does not have a victim support bureau or any structural form of support for victims of crime, despite the fact that all stakeholders agree on the need for adequate victim support. Based on its findings, the Council felt compelled to sound the alarm.

### *Review Detention system*

In 2019, the Council published its ninth report on the detention system, in both Dutch and English. The report focused on the status of the follow-up to the recommendations of the Council and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and other relevant developments. The Council visited the Miss Lalie Center (MLC) youth rehabilitation center, the border hospice in Simpson Bay, the police cells in Philipsburg, and the Pointe Blanche prison and House of Detention (Pointe Blanche prison).

Based on its findings in various reports and states of law enforcement, the Council repeatedly sounded the alarm regarding the Pointe Blanche prison. The majority of the recommendations made by both the Council and the CPT have not been followed up in recent years. Each time, it has been noted that the situation has deteriorated further, and the Council has insisted on follow-up. There is an urgent need to take adequate measures to improve the unacceptable detention and working conditions. However, the necessary action has not been taken, as the Council noted again in 2019. Last year, the Council expressed its hope that it would not have to exercise its power, as set out in Article 32 of the Kingdom Act Law Enforcement Council, to address the representative body of Sint Maarten and the Council of Ministers of the Kingdom directly. In view of the deadlines that have already passed and the need for improvement, the

Council urges the Minister of Justice to implement the recommendations by mid-2020 at the latest.

With regard to police cells, five of the eight recommendations made by the CPT have been fully (2) or partially (3) implemented. Three recommendations still require full implementation. These recommendations relate to the living space per detainee, the installation of an intercom system in the cells, and the (excessively long) length of stay in the police cell.

Both the border hospice and the MLC were not in use at the time of the Council's visit. Work to bring them into use was in full swing. The Council therefore decided to postpone the inspection of these two institutions.

#### *Review Use of force by and against the police*

The use of force by and against the police is an important and relevant issue that requires constant attention from the responsible parties. Force must be used correctly by police officers, and the safety of police officers must always be paramount. In 2014, the Council conducted an inspection into the use of force by the police and against the police in Sint Maarten. In the resulting report, the Council made thirteen recommendations. In this review, the Council notes that of the thirteen recommendations, a total of six have been fully implemented and two have been partially implemented. Five recommendations have not been addressed. The Council is particularly positive about the way in which the police have adopted some of the recommendations relating to the integral professional skills training. In addition to the police, other participating organizations within the justice chain, such as Customs, immigration services, and the prison and detention center, also benefit from this. The training program focuses structurally on the use of (proportionate) force by law enforcement officers.

The recommendations that have not been followed up concern the establishment of mutual agreements on quality requirements, police education and training requirements, police equipment, and the establishment of comprehensive tests on the use of force. In addition, the recommendations relating to promoting the physical fitness of police officers, the establishment of a complaints committee for police matters, and the KPSM's weapons policy have not been followed up.

#### *Review Admission and expulsion of foreigners*

The follow-up inspection to the report published in 2014, *'Sint Maarten welcomes you! Research into the admission and deportation of foreigners in Sint Maarten, focusing on applications related to employment'*, shows that four of the six recommendations have not been followed up. These mainly concerned policy. The Council calls on the Minister of Justice to implement the recommendations that have not been (fully) implemented. The recommendation to invest in knowledge of forged documents has been partially followed up. The recommendation regarding the file registration and tracking system has been fully followed up. As previously indicated, the IBPS made significant progress in digitization in 2019. A digital file registration and tracking system (Decos Join) has been introduced with associated work processes, staff have been trained, and the system went live at the beginning of 2020. The Council considers this to be a positive development.

#### *Review The investigation and prosecution policy of the OM*

In 2014, at the request of the then Minister of Justice, the Council conducted an inspection into the selectivity of the investigation and prosecution policy of the Public Prosecutor's Office in Sint Maarten. In its report, the Council concluded that the reasons for the selectivity were not related to the person of the suspect, but to the preconditions of the investigation and the (im)possibility of obtaining sufficient evidence. This was related to the relatively limited effectiveness of the law enforcement apparatus in Sint Maarten. The report was published in 2015 and contained ten recommendations addressed to the Minister of Justice with regard to the Public Prosecutor's Office (5 recommendations), the National Detectives (4 recommendations), and the Public Prosecutor's Office, the National Detectives, and the KPSM jointly (1 recommendation). The review carried out in 2019 shows that six recommendations have not been followed up, three recommendations have been partially followed up, and one recommendation has been fully followed up. Of the six recommendations that were not followed up, one concerns strengthening the effectiveness of law enforcement, one concerns the Public Prosecutor's Office's personnel policy, and four concern the National Detectives, covering general political and administrative policy, capacity, the business process system, and the National Detectives improvement plan. The three partially implemented recommendations concern the Public Prosecutor's Office's lead times, its communication policy, and the Priem business process system. The implemented recommendation relates to the Public Prosecutor's Office's requests for assistance.

#### *Review criminal seizure*

The follow-up inspection into criminal seizure in Sint Maarten shows that four of the seven recommendations made by the Council in 2014 have been fully implemented. These recommendations relate to drawing up and implementing a process description, informing the Public Prosecutor's Office about seizures, adding a list of the seizures to the criminal file, and the supervisory task in the event of disposal. Three recommendations have been partially implemented. These concern finding a solution for the storage of large objects, establishing the KPSM's function book, and handling seized objects. In its review report, the Council informed the Minister of Justice that it was optimistic and expressed its hope and expectation that the recommendations regarding criminal seizure could be fully implemented in a relatively short period of time.

#### *Lead times criminal cases*

This inspection was included in the 2019 annual plan for the Sint Maarten secretariat. On further consideration, the Council decided to conduct this inspection, together with the other secretariats, in 2020 for all countries. With this inspection, the Council aims to gain insight into both the duration of criminal cases and the share of each of the organizations in those lead times. This inspection is expected to require a great deal of file research, which is relatively time-consuming. Given the scope of the other inspections, the Council therefore does not expect to be able to deliver a report before 2021.

#### *Infrastructure integral security*

This inspection was initially planned for 2018. Due to the impact on infrastructure caused by Hurricanes Irma and Maria in 2017, this inspection would take place in 2019 at the earliest. However, the situation in 2019 was such that it was not considered appropriate to proceed with this inspection. When the time is deemed right, the Council will either conduct the inspection or incorporate the subject into its other inspections.

## Outlook for 2020: Council activities

As the follow-up inspections in 2019 also show, there is much to be gained in Sint Maarten from following up on the recommendations. If the recommendations in the Council's inspection reports are not (systematically) followed up, the intended improvement of (parts of or cooperation between) the justice chain will not be achieved. Although the Council's inspections never relate to individual cases, stagnation in the improvement of law enforcement can affect the protection of individual citizens and society as a whole. Moreover, this can undermine citizens' sense of security and confidence in law enforcement and the administration of justice. The Minister of Justice is responsible for deciding whether or not to take improvement measures. Parliament should hold the Minister accountable for this. The Council can only conduct inspections, give its opinion on them, and make recommendations to the Minister.<sup>8</sup> Until now, monitoring has taken place when separate follow-up inspections were initiated, and an annual review was provided in the state of law enforcement. In 2020, the Council intends to intensify its monitoring of the implementation of recommendations and encourage follow-up with an in-depth, general review.<sup>9</sup> The Council thereby provides the Minister and the relevant institutions and services with insight into all recommendations already made and assesses the current state of affairs. In Sint Maarten, the Council published a total of 32 inspection reports between 2011 and 2018, half of which have been monitored in a review to date. Up to and including 2019, the Council conducted 17 follow-up inspections in Sint Maarten.<sup>10</sup>

In addition to the general review, the Council has included the following inspections in its 2020 annual plan: an audit of the Sint Maarten National Detectives, monitoring of the detention system and the CPT recommendations, and an inspection of the lead times for criminal cases in the criminal justice system. In addition, at the request of the JVO, and following a positive decision by the Council to comply with that request, the Council will conduct a comprehensive evaluation of the four Mutual Detention Agreements this year. With these inspections, the Council also aims to contribute to the quality and effectiveness of the justice institutions and justice cooperation between the countries.

The Council hopes to continue to count on the commitment of the law enforcement professionals involved and looks forward to future results.

*The Council is also publishing an infographic on the state of law enforcement in Sint Maarten 2019. This can be viewed, together with the inspection reports, press releases, and annual state of law enforcement reports, at [www.raadrechtshandhaving.com](http://www.raadrechtshandhaving.com)*

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<sup>8</sup> Explanatory memorandum to the Kingdom Act on Law Enforcement Council 2008–2009, 32 020 (R 1887), no. 3: "The power [of the Council] to address the representative body directly is a measure to ensure that the responsible ministers follow up on the results of the inspection." As agreed in the Final Declaration, the Council may also directly approach the Council of Ministers of the Kingdom if its recommendations are systematically ignored."

<sup>9</sup> The 2016 state of law enforcement for Sint Maarten contains a comprehensive analysis, which will serve as input for the present general review.

<sup>10</sup> The inspection report on victim support has recently been reviewed for the second time.

## **Colophon**

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