



The State of Law Enforcement Sint Maarten 2024
A well-functioning integrated (cross-ministry and/or country-transcending) chain approach

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Foreword

Introduction

Each year, the Council issues a report on the state of law enforcement (the State) for the Caribbean Netherlands, Curaçao and Sint Maarten. The State contains a more overall picture of developments in law enforcement and findings that transcend individual inspections. In its previous State (2023), the Council already indicated that in terms of the development of law enforcement in the countries, there was still much progress to be made in various areas. The Council further signaled that more cooperation within and between countries time and again proved to be a too often (partly) untapped solution. In the underlying state, the Council again emphasises that a repressive approach alone is insufficient. Depending on the issue, an integral (where possible, ministry-transcending and/or country-transcending) chain approach is advisable. The Council invites you to read the three States of Law Enforcement and looks forward to upcoming developments.

THE LAW ENFORCEMENT COUNCIL

Mr M.R. Clarinda, chairperson
Mr M.I. Koelewijn, council member
Mr E.R.A. Morillo, council member

1. Introduction

1.1 Council tasks

The Law Enforcement Council¹ (the Council) is tasked with carrying out independent, professional and objective inspections. The Council offers reports with recommendations on specific issues to the Minister of Justice (MoJ). The MoJ must then send the report and its response to the Parliament of Sint Maarten within six weeks.² The Council also issues an annual report on the State of Law Enforcement (the State).³ The State contains a more overall picture of developments in law enforcement and findings that transcend individual inspections. From 2012 to 2024, the Council published 67 (follow-up) inspection reports on various societal themes (see [Annex 1](#)) and ten States of Law Enforcement for Sint Maarten.

1.2 State 2023: importance of justice cooperation between the countries

The focus of the last published State (2023) was on the (topics of) justice cooperation between the countries. Besides developments in Sint Maarten, it also described the state of affairs of agreements made in the Judicial Four-Country Consultation (JVO) on justice cooperation. Besides many positive developments, the partial or total lack of essential preconditions (financial, human and material capacity) again proved to be a persistent problem. The Council was therefore of the opinion that in addition to a vision for law enforcement, a combination of steering, prioritisation, a substantial investment in and between the services as well as cooperation in accordance with applicable Kingdom Law might be the key.

1.3 State 2024: need for an integrated chain approach

In the present State, local circumstances, problems and their impact on both law enforcement, the entire chain and society as a whole are central. The need for a broader perspective in approaching local and cross-border problems is becoming increasingly evident. The Council therefore argues in this State for an integrated chain approach that goes beyond the criminal justice chain. In chapter 2, using the subject of juvenile (crime) as an example, the Council outlines the need for cooperation from a well-functioning integral (where possible ministry-transcending and/or country-transcending) chain approach applicable to various subjects. Prevention, tackling, strategic cooperation and protection are key pillars here. Chapter 3 focuses on inter-country cooperation. It deals specifically with regional police cooperation and forensic care. Finally, chapter 4 contains concluding remarks.

A broader perspective in approaching local and cross-border issues is needed. This requires an integral chain approach, going beyond just the criminal justice chain. In it, there is a need for (strategic) cooperation from a well-functioning integral (ministry-transcending and/or country-transcending) chain approach applicable to different topics.

¹ The Council consists of a total of three members, all of whom are appointed by royal decree. Under the Kingdom Council Act, the Council is charged in the countries of Sint Maarten, Curaçao and for the Netherlands, as far as Bonaire, Sint Eustatius and Saba are concerned, with carrying out general inspections regarding the effectiveness, quality and management of justice organisations. Furthermore, the Council is charged with the general inspection of the quality and effectiveness of justice cooperation between the countries.

² See Article 30 of the Kingdom Act Law Enforcement Council, Stb. 2010, 338.

³ The State is presented directly to the MoJ and Parliament. See Article 33 of the Kingdom Act Law Enforcement Council, Stb. 2010, 338.

2 Overarching issues Sint Maarten and inspections Council 2024

2.1 Introduction

The Council has pointed out for years that law enforcement in Sint Maarten - a small vulnerable society because of, among other things, its location in hurricane territory and unique because of the two countries on one island - is and remains vulnerable due to missing or limited available resources such as material, human and financial resources. This reality calls for efficient and responsible use of the scarce resources available. This in turn requires finding joint solutions suitable for multiple problems. In particular, more cooperation within and between the countries repeatedly proves to be a too often (partly) unexploited possible solution. A good example where cooperation has led to great results is police cooperation between the countries.

From the Council's thematic inspections in 2024, the many interviews the Council conducted, current developments and relevant published studies, a number of topics emerge that receive specific attention in this chapter. Using an outline of the issue of juvenile crime in Sint Maarten, the Council emphasises that a repressive approach alone is insufficient, and cooperation is and remains necessary. The same applies to a multitude of themes. Depending on the topic, tackling these often requires an integrated (where possible, ministry-transcending and/or country-transcending) chain approach.

2.2 Overarching relevant topics Sint Maarten

2.2.1 Juvenile (crime) in Sint Maarten

2.2.1.1 Juvenile crime: a shared problem

Saint Martin

Juvenile crime is a topic that has long been a matter of concern on Sint Maarten. Multiple inspections⁴ by the Council and other organisations and agencies have for many years outlined a situation in which juveniles⁵ are committing increasingly serious crimes at younger and younger ages.⁶ These include vandalism, property crimes and violent offences. The observation in 2011 that more and more young people are at risk of falling out of society due to these types of offences is still relevant. The Council and other organisations note that in the current situation, these negative trends continue to increase.⁷

The Sint Maarten Police Force (KPSM), including through the Chief of Police, has repeatedly called attention to the underlying problem of the (criminal) behaviour of a (growing) group of young people.⁸ According to him, behaviour is not the primary problem. The level of aggression displayed by young people needs attention that involves more than just enforcement of rules. It is emphasised that the community - parents, government, schools, churches - needs to come together and give the youth attention and

⁴ KLPD/KPSM, 2011, *Crime picture analysis Sint Maarten*/ OM Sint Maarten and Leiden University, 2015, *A study on youth crime in Sint Maarten* / Council for Law Enforcement, 2016, *Prevention of youth crime*. / UNICEF, 2020, *New situation analysis of children in Sint Maarten*.

⁵ In this report, the terms "juveniles" or "young people" are used interchangeably. By this is meant minors aged zero to 18 years.

⁶ National Police Force Services / Sint Maarten Police Force, 2011, *Crime picture analysis Sint Maarten*.

⁷ Public Prosecutor's Office Sint Maarten, Annual Report 2020.

⁸ <https://www.sintmaartengov.org/news/pages/Urgent-Call-to-Address-Rising-School-Violence-and-Upcoming-March-Against-Youth-Violence.aspx>

guidance from an early age. It was already stated in 2021 that the level of disrespect should be *an eye-opener* for everyone. Illustrating law enforcement as the final link in the chain, the Chief of Police indicated the following: "*When these young people come into contact with the police, it is already too late. We have to start earlier and help these young people. We have to do everything we can to help them.*"⁹

Saint Martin

Based on public sources, it appears that the situation on the French side of the island (Saint Martin) is not much better. Given the lack of borders between the island's closely linked societies, this is also of concern for Saint Martin. An interview with the Préfet (France's administrative representative) at the end of 2024, among others, revealed that the escalation of violence with firearms among young people since September that year was particularly worrying.¹⁰ The Préfet called for a collective effort to tackle the root of the problem before it gets worse. According to the French public prosecutor's office, the number of crimes involving juveniles increased by 19 per cent by 2024 and there were 102 juveniles under the supervision of the justice system at that time. Among the reasons for this escalation are seen by French authorities as lack of supervision by parents and families in dysfunctional situations. Dropping out of school, family problems at home, not having a job and getting into arguments are all reasons why young people end up on public roads, commit crimes and thus get into trouble with law enforcement, according to the Préfet.

Based on the above, the need for cooperation and a broad integrated approach is evident.

Youth behaviour and, by extension, juvenile crime is a shared problem and largely transcends the (belated but necessary) repressive approach of the justice chain. Prevention, a well-thought-out approach and cooperation are needed. (Prevent, address, cooperate and protect).

2.2.1.2 Juvenile crime: causes and consequences

The impact of juvenile crime on society is significant. Armed (robbery) assaults, sexual violence or drug trafficking by young people create unrest and insecurity in society. Many of these young people often have no awareness of the seriousness of the crimes they commit, and in addition to material consequences, victims of violent crime experience far-reaching physical and psychological damage.¹¹ In the latter, professional victim support is a valuable and necessary service to society (see section 2.2.1.3). Because these young people are excluded from society early on, they often do not build a valuable future.

Causes

Many of the same causes for the issues outlined emerge from previous and previously conducted studies. Poverty, a poor or unbalanced family composition, physical violence, sexual abuse, lack of (post-) schooling, neglect, social exclusion and a weakly functioning government are some of the factors that influence juvenile delinquency, so too in Sint Maarten.¹² Too many unsafe places exist in Sint Maarten's

⁹ <https://stmaartennews.com/interviews/chief-commissioner-carl-john-aggression-of-youngsters-needs-more-attention/>

¹⁰ <https://www.thedailyherald.sx/islands/rise-of-violence-amongst-youth-extremely-worrying-says-prefet>

¹¹ National Police Force Services / Sint Maarten Police Force, 2011, *Crime Picture Analysis Sint Maarten*; Public Prosecutor Sint Maarten, Annual Reports 2020-2023.

¹² UNICEF, 2020, *New situation analysis of children in Sint Maarten*/, OM Sint Maarten/Universiteit Leiden, 2015, *A study of juvenile crime in Sint Maarten*/Raad voor de Rechtshandhaving, 2016, *Juvenile crime: issues and prevention*.

society for young people, such as their own living environment, where parents are often absent and where a lot of domestic violence¹³ and sexual abuse takes place. Other examples are schools, where there are many fights, and public spaces, which show visible signs of disorder, neglect and disarray, and are (partly) under the influence of (youth) gangs. Over the years, various studies have also shown that violence, abuse, exploitation and neglect are problems that particularly affect young people and women in Sint Maarten.¹⁴ What has been described above results in these young people experiencing little 'safety' in their private lives. The well-being of everyone - including young people - is thus important for them to participate well and contribute positively to society. This should be encouraged by the government.

Impact

Among other things, young people have the right to grow up in a safe environment or the right to protection and care. The circumstances mentioned, for instance, lead to these young people spending a lot of time on the streets, with other young people growing up in similar circumstances and also lead to serious school fights, for instance. There is a culture in which the use of violence, the commission of crimes and the use of (soft) drugs are the rule rather than the exception.¹⁵ By necessity, these young people learn to stand up for themselves instead of relying on the presence and protection of family and - partly when that fails - the government.

The causes and consequences of youth problems and delinquency are well known and are rooted in the social, economic, political and cultural spheres in particular. An environment must be created together as much as possible in which young people can grow up safely as well as one in which unsafe or derailed young people can be accommodated and helped. (Prevent, address, cooperate and protect).

2.2.1.3 Juvenile crime: need for integrated (youth) chain approach

Prevention

If young people are addressed and helped earlier and consistently with the deviant behaviour they display, they are less likely to develop criminal careers.¹⁶ A commitment to prevention is therefore crucial on this issue. The Council previously conducted a (follow-up) inspection on juvenile crime prevention in 2016 and 2020.¹⁷ The Council indicated that juvenile crime prevention is a shared responsibility within the government and requires a cross-ministry approach at the local level. The Ministry of Education, Culture, Youth and Sport's 'Integrated youth policy plan 2020-2025' substantiates this more broadly.

'The success of the implementation of the policy strategies can be achieved by the synchronisation of all Ministries, Departments and Agencies and ensuring that all partners are committed to prioritise youth-related issues'.¹⁸

¹³ In its report into tackling domestic violence, the Council defines domestic violence as physical, emotional, psychological or financial abuse between intimates or family members, including former spouses or partners, or intermediaries in a dependent relationship, including children and their caregivers, the elderly or persons with disabilities.

¹⁴ National Police Force Services / Sint Maarten Police Force, 2011, *Crime picture analysis Sint Maarten*/ OM Sint Maarten and Leiden University, 2015, *A study of youth crime in Sint Maarten*/ Law Enforcement Council, 2016, *Prevention of youth crime* / UNICEF, 2020, *New situation analysis of children in Sint Maarten, 2020*.

¹⁵ National Police Force Services / Sint Maarten Police Force, 2011, *Crime picture analysis Sint Maarten*/ OM Sint Maarten and Leiden University, 2015, *A study on youth crime in Sint Maarten* / Law Enforcement Council, 2016, *Preventing youth crime*. / UNICEF, 2020, *New situation analysis of children in Sint Maarten*.

¹⁶ Law Enforcement Council, 2016, *Prevention of Juvenile Delinquency in Sint Maarten*.

¹⁷ Law Enforcement Council, 2016, *Juvenile crime prevention in Sint Maarten*, Law Enforcement Council, 2021, *General review recommendations. Sub-inspection 1: Prevention of juvenile delinquency, Miss Lalie Center juvenile rehabilitation, Juvenile probation, Adult probation*.

¹⁸ Ministry of Education, Culture, Youth and Sport (2020). *Integrated youth policy plan 2020-2025*, p.4, find: <https://youthsxm.com/wp-content/uploads/2024/07/integrated-youth-policy-plan-2020-2025.pdf>

Repressive approach

As far as the repressive approach to juvenile crime is concerned, all organisations involved in limiting, influencing and combating (juvenile) crime lack material, financial and human capacity that prevents them from carrying out their work properly. An example of this is the *Miss Lalie Center* (MLC) juvenile rehabilitation center. Serious concerns about the (changed) purpose and functioning of the MLC were raised in several inspections conducted by the Council in 2024, among others. The Council conducted a follow-up inspection of the MLC in 2024 to see whether the recommendations - on staffing, training and equipment, among others - had been followed up (see further section 2.3). Furthermore, again in 2024, major concerns were expressed by several justice organisations that there are no facilities - such as the MLC, for example - for underage girls, with all the consequences this entails.

Collaboration

In its 2023 State, the Council already expressed in a broader context that, in addition to a vision for law enforcement, a combination of guidance, prioritisation, substantial investment in and between services, and cooperation is key. This also applies to the issue of juvenile crime.

At the initiative of the Minister of Justice of Sint Maarten, a working group on the prevention of juvenile crime aimed at cooperation options for the prevention of juvenile crime within the Kingdom has been deployed at the JVO level since 2022. In 2023, the working group issued an opinion on cooperation priorities such as preventive behavioural interventions, joint training and the HALT (*HetALTERNatief*) approach. In 2024, ministers called for continued attention to juvenile crime prevention.¹⁹ Concerns were shared about the trend of rejuvenation and hardening of crime in the Caribbean part of the Kingdom. The HALT project in Sint Maarten - also a Council recommendation - did not get off the ground in 2024. The project - in which the Court of Guardianship took the lead and was ready to roll out in 2025 - was discontinued. The Council considers this a missed opportunity.

At the local level, all the factors outlined above have a major impact on youth development and thus the future of Sint Maarten. Repression alone is not going to solve juvenile crime. The government has an important responsibility and must be involved in protecting youth.²⁰ An inter-ministerial approach that develops policy, planning and cooperation and supports it with sufficient human, material and financial capacity is therefore urgent. This should provide understaffed (judicial) organisations, as well as schools and youth organisations, with more resources to further curb youth crime.

The Crime Fund is one of the possibilities through which projects related to the fight against crime, including those in the field of (the prevention of) juvenile crime, could be financed. Both governmental and non-governmental organisations and individuals can apply for it. However, previous inspections by the Council shows that the recommendations made regarding the fund had not been followed.²¹ The Council therefore suggested that (applications for) funding of (new) projects be temporarily halted

¹⁹ Ministry of Justice and Security [parliamentary letter](#) of 13 September 2024, 5700365, p.4.

²⁰ <https://youthsxm.com/wp-content/uploads/2024/07/Integrated-Youth-Policy-Plan-2020-2025.pdf>

²¹ Law Enforcement Council, 2019. *The crime prevention fund Sint Maarten: inspection into the financing by the crime prevention fund Sint Maarten*; Law Enforcement Council, 2021. *General review recommendations Sub-inspection 2: Crime-prevention fund; Investigation and prosecution policy; Enforcement of fines, damages and deprivation; Incident-focused investigation; Prosecutorial cooperation*; and Law Enforcement Council, 2022. *Second follow-up inspection on the implementation of the recommendations on the crime prevention fund in Sint Maarten*.

pending the completion of the pathways initiated. This is because the management of the fund needs to first be in order. The Council emphasises that prioritising putting the fund in order can also serve projects for (the prevention of) juvenile crime. Given the concerns expressed in 2024 about the state of the fund, the Council launched a third follow-up inspection in 2025.

The Council stresses the need for cooperation from a ministry(s)-transcending and well-functioning chain approach for the integrated approach to various serious issues, including juvenile (crime). An inter-ministerial approach that develops policy, planning and cooperation and supports it with sufficient human, material and financial capacity is therefore urgent. (*Prevent, address, cooperate and protect*).

2.2.1.4 Juvenile crime: importance of data and investigations

The Council pointed out the importance of data and surveys in previous States. While awareness of the need for statistics, figures and crime pictures is increasing, the overall availability of reliable statistics and figures remains problematic. The limited availability of recent, high-quality/reliable data for a wide range of key figures is thus a structural issue in Sint Maarten. Poor data recording, outdated systems and systems that cannot communicate with each other contribute to this problem. Within the justice chain, efforts in recent years include more up-to-date crime picture analyses, tracking and annual publication of various data, and cooperation between organisations and countries in tracking and sharing information. The above translated to the youth issue in Sint Maarten means that planning, decision-making, funding and coordination can only be effective if the underlying motivation is based on high-quality/reliable data and analyses on youth issues. This obviously also applies to a variety of other important issues.

For developing (government) policy, knowledge is essential. Planning, decision-making, funding and coordination can only be effective if the underlying motivation is based on high-quality/reliable data and analysis on youth issues. This obviously applies to other serious issues as well. (*Approach and cooperation*).

2.2.2 Prevent, address, cooperate and protect

Based on the theme of juvenile (crime) discussed in section 2.2.1, four pillars emerge that are of general importance for an integrated approach to various issues within law enforcement. These are *prevention* (awareness and prevention), *approach* (steering and capacity), *cooperation* (need for cooperation) and *protecting (human security, resilience and independent institutions)*. Within these pillars, a number of issues will be highlighted for consideration. This section looks at the above from the perspective of the justice chain. This is necessary given the fact that crime is increasingly transnational and/or more complex, with major implications for local society. This concerns issues such as drugs, robberies, human trafficking and other forms of serious crime. This requires a different, more comprehensive integrated approach.

2.2.2.1 Occurrence

The Council, as well as other organisations, has for many years in its reports highlighted the recurring causes and underlying factors that determine and influence crime in Sint Maarten. The social context described again in this State is an important factor and root of the problem.

Attention for awareness and prevention

Local and cross-border issues, consequences and bottlenecks need to be seen in a broader perspective. Sint Maarten needs a comprehensive approach to the crime issue. This concerns not only the reactive side of law enforcement by the police and judiciary but also the preventive side. The law enforcement chain alone cannot provide a successful barrier against the serious (local) and (largely) transcending justice issues. Shared knowledge and awareness of the nature, extent and causes of crime is essential to determine the most effective and efficient strategy. Joint choices should be made regarding the approach to be adopted in response to jointly identified priorities.

Only if all organisations and bodies involved (governmental and non-governmental) cooperate structurally and, based on reliable data to be collected and/or (reliable) data and information already available, develop a long-term prevention approach, will prevention and disruption have a chance of succeeding. The Council therefore believes that more conscious and intensive efforts must (will) be made to raise awareness, prevention and thus broader chain cooperation. The focus should proactively broaden and shift to a more comprehensive (preventive) approach.

For various (justice) topics, more conscious and intensive efforts should (start to) be made to raise awareness, prevention and thus broader chain cooperation. The focus should proactively broaden and shift to a more integral (preventive) approach.

2.2.2.2 Approach

The (integral) approach to crime involves many aspects. Here, the Council discusses two of these aspects, being governance and capacity, which are preconditions for a successful approach.

Steering

The Council regularly stresses in its reports and in its States that the issue of steering by the Minister or ministry is crucial. By this, the Council does not only mean steering in general, but particularly on the follow-up of its recommendations. Also in 2024, the Council noted that the ministry is struggling with financial and staffing bottlenecks, which continues to stagnate the follow-up of recommendations requiring support from the ministry. It might therefore be a good idea, according to the Council, to bring together experts within the justice chain and advise the Minister on the priorities to be set and approaches needed. The resulting priorities could then partly in the context of steering and accountability, be included in a strategic plan - on which the Council has made several recommendations - and the annual plans of the various departments

Justice capacity and financial and material resources

Also in 2024, the entire chain was under pressure due to the known bottlenecks in human, financial and material capacity. The Council notes that as long as the lack of human, financial and material capacity is not structurally addressed, this not only hampers the functioning of the organisation(s) themselves, but also the cooperation between local organisations and between the countries. However, the Council also points to the realisation that such a lack and inability to solve the problem (entirely) on one's own, in turn, also leads to the fact that the necessary cooperation must be proactively sought in order to deal with the identified bottlenecks, including capacity. They are therefore communicating vessels. By working together, for example in knowledge sharing, resources (e.g. financial) and capacity can be saved. This benefits the efficiency of operations, among other things.

The capacity issue of the justice services on the identified imbalance within the law enforcement chain in the Caribbean part of the Kingdom also had the attention of the JVO in 2024.²² This led to some seven recommendations, including to explore opportunities for improved (regional) law enforcement cooperation between the countries of the Kingdom. It further indicated that regional and inter(island) national police cooperation strengthens the region (see further section 3.1).²³ The Council notes that a multitude of (complex) issues require an integrated approach / chain approach.

The lack of human, financial and material capacity needs to be structurally addressed for the benefit of the functioning of the organisation(s) itself, but also in order to work well with local organisations and between countries.

2.2.2.3 Cooperation

Need for cooperation

The symposium 'Kingdom PG consultation on law enforcement within the Kingdom' took place in December 2024, with the Council in attendance. In his welcome address, the Vice-President of the Council of State dwelt, among other things, on the need for cooperation. He indicated:

*'In the past, the Council of State has issued a lot of solicited and unsolicited opinions on Kingdom matters, always pointing as a constant to the need for cooperation; that is the strength of the Kingdom. To put it succinctly, it is not the division of powers - who is in charge of what? - is the essence of the Kingdom, but the connection across countries that enables us to be more than just a formal constitutional structure.'*²⁴

The Advisory Council on International Affairs (AIV) has also been advocating better cooperation between countries since 2020. In the AIV's view, the Charter and Kingdom laws provide sufficient opportunities and instruments for effective security cooperation. According to the AIV, the Kingdom Council of Ministers should draw up a Kingdom vision on law enforcement that meets the needs of all countries. That vision should focus on strengthening the entire security chain, based on common application of the relevant Kingdom laws in the field of Justice and Security.²⁵

Developments within cooperation

In its inspections and in several States, the Council has for many years stressed the need for increasingly intensive cooperation within law enforcement at local, regional and Kingdom level. Examples of cooperation at Kingdom and regional level include information and data exchange, sharing and processing, legislation, the Board of Chiefs of Police and juvenile crime prevention. Among others, the project group *Harmonisation of Personal Data Protection* continued its work in 2024 to arrive at a consensus Kingdom Act and the countries continued with the process for a new Code of Criminal Procedure, which has been pending in the Parliament of Sint Maarten since 2019. In Sint Maarten, several collaborative efforts within the justice chain continued in 2024, including the new 'Pelican team'.²⁶ This team consists of personnel from the KPSM, the KMar and the Coast Guard. The team focuses on drugs, weapons

²² Ministry of Justice and Security [parliamentary letter](#) of 13 September 2024, 5700365, p.2.

²³ Ministry of Justice and Security [parliamentary letter](#) of 13 September 2024, 5700365, p.4.

²⁴ [Welcoming address at symposium Kingdom PG consultation on law enforcement in Kingdom context - Council of State](#)

²⁵ Advisory Council on International Affairs, Opinion 116, 2020, *Security and Rule of Law in the Caribbean Necessary Steps for a Future-Proof Kingdom*, p. 7.

²⁶ <https://www.sintmaartengov.org/news/pages/Sint-Maarten-Police-Force-KPSM-Announces-Successful-Joint-Operation-by-the-Pelican-Team-in-Drug-Export-Investigation.aspx>

and other cross-border crime. Furthermore, several justice organisations have committed to (joint) education and training.

The Council stresses that for many years, various agencies have not only pointed to the need to cooperate, but also called for this to actually happen. Even though cooperation is increasingly sought, it is still not always optimal. Although the will is often there, a lack of capacity and resources plays an important factor, but other factors are also relevant here, such as trust and cultural differences. The Council believes this should be addressed.

The current situation makes cooperation all the more important to better deal with bottlenecks. Cooperation at both local, regional and Kingdom level is and remains very important. It is an important and indispensable ingredient for a successful and integral (where possible, cross-ministry and/or cross-country) chain approach. Relevant factors should be recognised here.

2.2.2.4 Protect

Within a well-functioning democratic rule of law and, by extension, the justice chain, attention is paid to the resilience of organisations and the - physical and mental - protection of those working within (public and justice) organisations and citizens in general. With regard to the latter, certainly those who come into contact with crime and the judicial chain (government). It is important to have mechanisms in place that support these persons and provide independent oversight of the government's actions. For the proper functioning of a democratic rule of law, independent institutions are indispensable. Indeed, these institutions contribute to the necessary system of checks and balances. The Council, too, is an independent supervisory organisation which keeps the citizens' perspective in mind when choosing its inspections. The explanatory memorandum to the Kingdom Council Act states that:

'(...) Law enforcement and justice are among the core functions of government in countries to protect the security of individual citizens and society as a whole. This may involve the use of means and measures that are far-reaching for citizens. It is important to have good insight into the functioning of the organisations and institutions that deploy means or implement measures in relative independence. The aim is to obtain information on the quality of implementation of law enforcement and justice by services and institutions that play a role in it. The reports of the Law Enforcement Council allow the responsible ministers to take timely measures to improve (parts of) the justice chain if there is reason to do so. Inspection by the Law Enforcement Council supports ministerial responsibility in each of the countries'.²⁷

Human security

In the symposium cited earlier, the concept of human security was highlighted during the presentation by the chairman of the Board of Chiefs of Police. In its report²⁸, the AIV also points to this concept.²⁹ The concept was introduced over 30 years ago in a report by the United Nations Development Program (UN). The UN briefly states on its website on this subject that:

²⁷ Explanatory Memorandum to the State Law Enforcement Council Act, 32020 No.3, pp. 1-2.

²⁸ The report of the Advisory Council on International Affairs can be read on pages 20 and 21: 'Human security was introduced in the UNDP Human Development Report 1994 with the aim of giving the concept of security a broader interpretation than exclusively the military protection of the territory of sovereign states. (...) To this end, it introduced seven components of human security: economic security, food security, health security, environmental (living environment) security, personal security, homeland security and political security'.

²⁹ Advisory Council on International Affairs, Opinion No. 110, 2019, Sustainable development goals and human rights, pp. 20-21.

*"Human security is an approach to assist Member States in identifying and addressing widespread and cross-cutting challenges to the survival, livelihood and dignity of their people." It calls for **"people-centred, comprehensive, context-specific and prevention-oriented responses that strengthen the protection and empowerment of all people."**³⁰*

Furthermore, the United Nations Trust Fund for Human Security explains that:

*"For people in crisis and extreme poverty, acting on single issues is not enough. Insecurities must be tackled together, comprehensively. Only then will people begin to feel safe in all aspects of their lives, have the income and opportunities to attain well-being, and know that their rights and dignity are fully respected. Only then will they enjoy human security—a more powerful, lasting approach to the most difficult deficits in peace and development. Achieving human security starts with people—their needs, their hopes, their challenges. These can vary considerably across communities and people themselves, so they must be carefully understood, including how they interact. Solutions to assist people can then aim at eliminating different drivers of insecurity and building resilience to remaining risks. They can allow actions in diverse areas to reinforce each other, accelerating and sustaining human progress. **Human security depends on empowering people to participate in making choices about how they can be most secure, now and over the longer term. It also requires norms and institutions that guarantee basic protection of human progress and safety, such as through good governance, rule of law, early warning mechanisms and social protection schemes.** (...) **Since human security covers multiple issues, it requires people to work together.** This includes people in governmental and non-governmental entities, communities and international institutions. A combination of their expertise and abilities improves coordination, magnifies impacts and makes the best use of resources. Systematic engagement instills a deep determination to sustain and build on gains that are made"³¹*

In an opinion on this in 2020, the AIV recommends using *human security* as a conceptual framework for developing a coherent vision of security in the Caribbean. *Human security* puts the safeguarding of citizens' rights and interests at the center and focuses on reducing the root causes of abuse of power, exploitation and violence.³²

The government of the Netherlands states in its security strategy for the Kingdom of the Netherlands (2023) that it is important to focus on the resilience of our democratic rule of law and open society.³³ The report states that the strengthening of democratic institutions, restoring trust between citizens and government and reducing the likelihood and impact of threats are important here. In this way, it remains a democratic legal order in which people can live together in freedom and security. This requires commitment from the government and citizens, in cooperation with all partners in society.

Human security Sint Maarten

For law enforcement in Sint Maarten, *human security* means, among other things, that investments in the quality and quantity of personnel working in the justice chain will contribute to the strengthening of democratic institutions. Bringing the legal status, remuneration and working conditions of justice personnel in order is an important (preventive) factor in the fight against corruption as well as the physical and mental condition of personnel (see below). Such (structural) improvements also increase citizens'

³⁰ <https://www.un.org/humansecurity/what-is-human-security/>

³¹ <https://www.un.org/humansecurity/wp-content/uploads/2018/04/What-is-Human-Security.pdf>

³² Advisory Council on International Affairs, Opinion 116, 2020, *Security and Rule of Law in the Caribbean Necessary Steps for a Future-Proof Kingdom* (p.12)

³³ Government of the Netherlands under the coordination of the National Coordinator for Counterterrorism and Security, 2023, *The Security Strategy for the Kingdom of the Netherlands*, first <https://www.rijksoverheid.nl/veiligheidsstrategie>

trust in the government and strengthen the credibility of justice organisations locally, regionally and internationally.

For the justice chain in Sint Maarten, 2024 saw several developments. From different organisations - whether or not based on integrity violations and undesirable behaviour - there was attention to the subject of integrity. Continuous investment in awareness should be an ongoing topic for every organisation, according to the Council. In various ways, the Council expressed concerns about personnel and more specifically integrity-related developments in 2024. Several departments faced integrity issues in 2024. Another development was the apparently unexpected and sometimes abrupt (ministerial) interventions in the management of several justice services. In the Council's view, the manner in which these changes took place caused (unnecessary) unrest and, at the very least, created the appearance of politically motivated interference that was unrelated to whether or not those involved were actually dysfunctional. While choices (usually) have to be made, such a mode of intervention within the justice services generally highlights the important issue of protection of (justice) personnel. Across St Maarten - but certainly within the justice system - staff must be able to carry out their work safely and with integrity, without fear or actual negative consequences. If this is not possible then it affects the credibility of justice organisations, locally, regionally and internationally. The Council therefore advocates that the government (think of various ministries and relevant partners) should pay more attention to the manner of (political) intervention and the protection of (justice) staff and regulate this jointly (by law) to prevent (the appearance of) abuse or limit risks. Only in this way can it be better guaranteed that certain cases do not (can no longer) occur. The foregoing also demonstrates the importance of strong independent institutions, each of which ensures the necessary *checks and balances* within the legal framework of their activities and at an overarching level. Sint Maarten has a multitude of these institutions, including the High Councils of State, the Social and Economic Council, the Integrity Chamber and the Council, each of which, within their own frameworks, make a significant contribution annually, as is the case in 2024. The added value of the Council as a whole includes:

*'More generally, Council inspections complement other forms of supervision over services and institutions in the chain of law enforcement and justice. (...) In addition, the parliaments of the countries exercise their powers of inspection, challenged or not to do so by certain events or signals they may receive from different sides. Here, the Ombudsman or Ombudsmen in the countries may play an important signalling role. Judicial decisions or reports from international organisations can also provide a picture of the functioning of the law enforcement chain.'*³⁴

Creating awareness and optimal use of all these institutions contributes to the protection of the rule of law and thus the protection of safety workers, citizens, visitors and Sint Maarten as a whole. The Council therefore believes that more joint efforts can be made in this regard.

Legal status

In the field of legal status, developments can be observed in 2024. In the autumn of 2024, the annex on the salary table belonging to the National decree legal status Coastguard was replaced, as a result of which the salary of local personnel of the Sint Maarten substation was indexed.³⁵ In addition, the Coastguard is

³⁴ Explanatory Memorandum to the Kingdom Act Law Enforcement Council, 32020 No.3, p. 5.

³⁵ National Decree containing general measures, dated 19 December 2024, amending the appendix to the National Decree containing general measures on the legal status of the Coastguard pursuant to Article 4, Article 5, paragraph 3, and Article 7, paragraph 2, of the National Ordinance on the legal status of the Coastguard, AB 2024, no. 43.

working on a function book to apply Coastguard-wide. It still occurred in 2024 that personnel within the justice system had to wait a long time for their swearing-in. Also, national decrees related to the function book have not all been finalised yet. Furthermore, the National detectives and Foundation for Judicial Institutes Sint Maarten (SJIS), among others, which underwent a name change in 2024, point out - on the importance of investing in the workforce, both socially and work-related.

Resilience

Digital resilience justice chain Sint Maarten

In its State of 2023, the Council dwelt on the topic of digital resilience.³⁶ It pointed out that the government, including the justice chain, holds highly sensitive and personal information. Citizens must be able to trust that the government secures that information in a sound manner. After all, the damage that can be caused within justice organisations can be enormous. Furthermore, it is necessary that (justice) organisations are well prepared and as well protected as possible against digitised crime. The Council already pointed out at the time that it is such an issue with far-reaching consequences that it must be approached from a holistic perspective. In this State of 2024, the Council again notes that it is certainly important for the justice chain to have its digital resilience in order, which was also true for 2024. Having things in order is not only applicable within local organisations, but also for both local, regional and international secure sharing (or being able to share) (sensitive) data. The Council will continue to bring the above to the attention of the Minister of Justice.

Physical and mental

Mental health

Psychosocial issues, including those caused by (childhood) trauma, abuse or domestic violence, often turn out to be both cause and consequence of different forms of crime³⁷. The complexity of causes and consequences associated with these types of serious social issues and forms of crime calls for a multidisciplinary, integrated approach. Good mental health care makes an extremely important contribution to prevention, victim support and assistance.

The Council notes positive developments in relation to mental health care on Sint Maarten. In particular, the so-called 'Mental Health project' launched in July 2023 offers hope for the future. This project, which should in principle be completed by mid-June 2027, is managed by the World Bank (Sint Maarten Trust Fund). It is being implemented by the National Recovery Program Bureau, in close cooperation with the Ministry of Health, Social Development and Labour (VSA) and the Mental Health Foundation (MHF).³⁸ The main objective of the project is to structurally improve the capacity of mental health care in Sint Maarten. The project consists of a three-pronged approach that prioritises infrastructural, legislative and financial interventions.³⁹

³⁶ Law Enforcement Council, 2024, *State of Law Enforcement Sint Maarten 2023. Judicial cooperation between the countries.*

³⁷ Law Enforcement Council, "State of Law Enforcement (2019); Ombudsman outreach report: "Home Repair. A revelation of a social crisis" (2019); SER report: "Boost Sint Maarten!" A Conditional Cash Transfers Programme to reduce poverty in Sint Maarten (2015)

³⁸ <https://nrpbsxm.org/investments-in-mental-health-sector-will-improve-access-and-service-delivery/>

³⁹ The first project component will be to support [the strengthening of the national mental health system](#). This will include improved treatment and referral protocols, improved physical infrastructure and improved collaboration between health providers and mental health specialists. The second project component will be to [support the construction of a new MHF facility](#). The new MHF facility will create a safer environment for patients and staff and will help address existing constraints. The third project component will be project management, monitoring and evaluation support. This component will ensure that the project has all the tools for successful implementation, including the necessary expertise in contract management, procurement, technical assistance, financial management and monitoring and evaluation. Vindplaats: <https://>

It also notes that the VSA ministry also expressed its intention to work with key stakeholders, including healthcare institutions, public health authorities, judicial organisations, medical professionals, non-governmental and faith-based organisations and community representatives, to ensure the success of the improvements for mental health services in Sint Maarten.⁴⁰

In that context, it notes that VSA has initiated a collaboration with the Trimbos Institute from the Netherlands.⁴¹ The Trimbos Institute is an independent, scientific knowledge institute on mental health, alcohol, tobacco and drugs.⁴² Starting in February 2025 and over a 30-month period, the Trimbos Institute will provide technical expertise and support to strengthen the capacity of local mental health services. The VSA ministry expressed its expectation that Trimbos' technical advice can help Sint Maarten establish a new mental health framework and create a *community-based*, sustainable high-quality mental health service.⁴³

The Council welcomes these developments as a necessary and comprehensive approach that transcends ministerial boundaries, and expresses its hope that this will ultimately lead to sustainable, community-oriented mental health care tailored to the unique needs of Sint Maarten. This will benefit society as a whole, as well as law enforcement, justice personnel as well as citizens who come into contact with justice.

Victim Support Bureau

Although the Victim Support Bureau - for supporting victims of crime and trauma - officially opened its doors in 2024⁴⁴, its funding, in particular, is a major problem for this much-needed service to function optimally. Although the many recommendations made by the Council to establish the bureau have been followed after many years, the Council stresses that priority must now be given to its establishment. This so that it can provide the necessary quality and professional assistance. Although the foundation currently serves the justice system, victim care requires inter-ministerial cooperation and investment. Indeed, it is a subject whose services are needed and should be offered much more widely.

Within a well-functioning democratic rule of law and, by extension, the justice chain, attention is paid to the resilience and thus protection of organisations and the - physical and mental - resilience and protection of persons working within (public and justice) organisations and citizens. Checks and balances must be in place to ensure protection.

2.3 Inspections 2024

[Annex 1](#) shows an overview of all reports published by the Council in Sint Maarten, as well as current ongoing inspections. Below, the Council provides an overview of the inspections initiated or conducted by the Council in 2024. Based on a risk analysis conducted by the Council, the following topics were chosen for 2024: youth, border and detention (MLC, immigration detention and monitoring prison).

General review: Sub-inspection 5

⁴⁰ <https://www.sintmaartengov.org/news/pages/Sint-Maartens-Mental-Healthcare-Set-for-Positive-Transformation-Through-Collaboration-with-Trimbos-Institute.aspx>

⁴¹ <https://www.sintmaartengov.org/news/pages/Sint-Maartens-Mental-Healthcare-Set-for-Positive-Transformation-Through-Collaboration-with-Trimbos-Institute.aspx>

⁴² <https://www.trimbos.nl/>

⁴³ <https://www.sintmaartengov.org/news/pages/Sint-Maartens-Mental-Healthcare-Set-for-Positive-Transformation-Through-Collaboration-with-Trimbos-Institute.aspx>

⁴⁴ <https://www.sintmaartengov.org/news/Pages/Official-Opening-and-New-Logo-Unveiling-of-Victim-Support-Services-in-Sint-Maarten.aspx>

The Council has been conducting sub-inspections since 2020 to look at the status of the follow-up of recommendations from 2012 to 2018.¹ This overall review is conducted in sub-inspections⁴⁵ and results in voluminous reports. The Council conducted its fifth - and last - sub-inspection in 2024. This is a second review following the previous reports on border control of the movement of persons in Sint Maarten (2014⁴⁶ and 2017⁴⁷) and admission and deportation of foreigners in Sint Maarten (2014⁴⁸ and 2019⁴⁹).

Border control and foreigner supervision are of great importance for law enforcement on St Maarten. The inspection reveals that a large part of the recommendations, including a number of important preconditions (in the categories of personnel policy, establishment plan/function house, policy and legal framework) are still not in place. The Council notes that too many of the recommendations have not been implemented for almost a decade now. These recommendations concern aspects of a structural nature. By this the Council means, among other things, aspects that underpin a well-built and functioning organisation. Previous Council reports also mention these aspects as factors that, to a greater or lesser extent, form bottlenecks to further development throughout the chain. In other words, without change in these, structural improvement is out of the question, according to the Council.

Follow-up inspection juvenile rehabilitation centre Miss Lalie Centre (MLC)

In this second follow-up review of the MLC, the Council took another look at the state of implementation of the Council's outstanding recommendations. The Council noted a number of serious bottlenecks during the inspection. For instance, the Council found that the rehabilitation (care and treatment) of underage boys in the 12-18 age group, did not seem to be fully prioritised. Staff do their best but face a largely unworkable situation. The lack of available resources identified by the Council affects, among other things: filling critical positions such as a behavioural scientist; carrying out necessary repairs; providing a full education program and daily activities; and increasing the level of security measures. The Council also noted as a result of the state of affairs that the rights of the juveniles in the MLC are at stake. The Council concluded for the second time since its inspection in 2016 that there was no change in the state of affairs on the implementation of the Council's recommendations. The inspection was conducted in 2024, and the report was presented to the MOJ in the second quarter of 2025.

Detention surveys & monitoring recommendations CPT

At the request of the JVO, the Council has been monitoring the follow-up of the recommendations of the *European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment* (CPT) since 2016. In each case, the Council incorporates these recommendations into its own inspections on a particular topic and monitoring of its own recommendations. The Council continues its monitoring annually. The most recent topics resulted in reports concern the care and treatment of people with mental and/or behavioural disorders in the criminal justice chain and foreigner detention.

⁴⁵ The first sub-inspection in 2020 covered the topics of youth and probation (Prevention of juvenile crime; The Miss Lalie Centre youth rehabilitation centre; Youth and adult probation). The second sub-inspection in 2021 concerned a number of reports on the Public Prosecutor's Office and the Crime Prevention Fund (The Public Prosecutor's Office in Incident Investigation; The Enforcement of Fines, Compensation and Deprivation; The Investigation and Prosecution Policy of the Public Prosecutor's Office Sint Maarten; Cooperation of Public Prosecutor's Office's; and The Crime Prevention Fund). The third sub-inspection in 2022 concerned a number of reports on the police in particular (Criminal Investigation Process; Tackling Robberies; Criminal Seizure; and Forensic Investigation). The fourth sub-inspection in 2023 covered the following three reports: 'Police Education in Sint Maarten', 'Bureau Internal Affairs of the Sint Maarten Police Force' and 'Use of Force by and against the Police in Sint Maarten'.

⁴⁶ Law Enforcement Council, 2014. *Border control on the movement of persons in Sint Maarten*.

⁴⁷ Law Enforcement Council, 2017. *Border control on the movement of persons in Sint Maarten, A follow-up inspection*.

⁴⁸ Law Enforcement Council, 2014. *Sint Maarten Welcomes you*.

⁴⁹ Law Enforcement Council, 2019. *Follow-up inspection on the implementation of the recommendations on the admission and deportation of foreigners in Sint Maarten*.

- *The care and treatment of people with mental and/or behavioural disorders in the criminal justice chain*

This inspection was initiated in September 2023 due to developments by means of monitoring and will be continued in 2024. Discussions were held with (members of the) Kingdom-wide JVO working group on Forensic Care, TBS and PIJ, among others. The working group sought and found connection with the Minister's of Public Health Kingdom-wide Mental Health Work Group. A joint conference was held in April 2024 to work on a proposal for forensic care and secure care. Furthermore, the work group advised on a structure of a multi-year program for forensic care, TBS and PIJ. Multi-year funding has been committed from the Ministry of Justice and Security to this end (see also chapter 3). In the third quarter of 2024, the Council had an evaluation moment based on developments up to that point. It was then decided that no inspection would be carried out in 2024, and that the Council would continue to monitor developments.

- *Immigration detention in Sint Maarten. Inspection on the treatment of detained foreigners in Sint Maarten*

In 2024 the Council inspected immigration detention. The Council assessed the extent to which foreigners are treated humanely by the relevant judicial organisations during immigration detention in accordance with established standards. The inspection showed that the treatment of illegal foreigners can generally be regarded as humane. The CPT's recommendations have been partially implemented. The Council further found that at the strategic level, the steering of the CPT's recommendations by the ministry was insufficient. Furthermore, the foreigner detention center was particularly lacking in security-related aspects, leading to unacceptable conditions, according to the Council. The Council conducted this inspection in 2024 and presented the report to the Minister of Justice.

Prison and house of detention

It further monitored the prison and house of detention on an ongoing basis through 2024. Preparations for the construction of a new prison continued in close cooperation between UNOPS, the Netherlands, the Ministry of Justice and the prison. Towards the end of 2024, an agreement was signed by all parties involved, allowing the next (tender) phase to be started. This is currently ongoing. After this phase, the actual construction of the new prison can start.

2.4 Presentation of reports and response to Parliament

In recent years, the Council has been pointing out the responsibilities of Parliament as well as the Minister of Justice in each State. This is because Council reports in Sint Maarten have for years not been presented to Parliament with a response or not consistently in accordance with the Kingdom Council Act. This was still the case in 2024. In the last five years, the compliance rate of the number of policy responses conceived by the Minister of Justice varied between **0% and 33%** (see Annex 1). The Council reiterates everyone's responsibilities in this regard as well as specifically the monitoring and budgeting role of Parliament. Recently, the Council again specifically drew attention to this in its annual round of talks.

📌 The minister shall send each report with response to Parliament within 6 weeks

The Minister of Justice shall send the inspection report as well as his reaction to it to the representative body of Sint Maarten within six weeks (Article 30, fifth paragraph of the Kingdom Council Act).

2.5 Systemic non-compliance with Council recommendations

In its States, the Council also addresses the issue of 'systematic non-compliance with recommendations'.⁵⁰ In its States of the past two years, the Council already indicated that there are several reports for which systematic non-compliance with recommendations applies. Table 1 below gives an overview of the subjects for which recommendations were systematically not followed. The Council reiterates that subjects are inextricably linked and that failure to follow recommendations on one subject can often have negative consequences for other subjects as well. Ultimately, this undermines confidence in criminal law enforcement.

Table 1: Overview of subjects systematically not followed up

Year	Topics	
2022	Prosecution policy	Criminal seizure
	Crime Prevention Fund	Prison and house of detention
	Victim Support	
2023	Police Education	Human trafficking and human smuggling
	Use of force by and against police	Prostitution policy and its enforcement
2024	Youth rehabilitation centre (Miss Lalie Centre)	Admission and expulsion of foreigners.
	Border control on passenger movement	

Systematic failure to act on Council recommendations

In the event that the Minister of Justice systematically **fails to comply** with the Council's recommendations, the Council may notify the representative body of Sint Maarten and the Council of Ministers of the Kingdom (section 32 Kingdom Council Act).

⁵⁰ In the event that the Minister of Justice systematically fails to comply with the Council's recommendations, the Council may notify the representative body of Sint Maarten and the Council of Ministers of the Kingdom (article 32 Kingdom Council Act). Whether the case arises that the minister systematically fails to comply with the recommendations is decided by the Council on the basis of at least two follow-up inspections following an established inspection report.

3. Cooperation between the countries

In this chapter, the Council discusses two forms of inter-country cooperation that were the specific focus of 2024. These are regional police cooperation and forensic care. Both forms of cooperation lead to improvements in task performance and the quality of management of the organisation involved and the chain as a whole. As far as regional police cooperation is concerned, years of intensive work on actual cooperation has borne fruit. As regards forensic care, cooperation has also been sought. However, its results are still difficult to measure. In practice, cooperation still appears to require the necessary attention. The Council discusses the state of affairs for both topics below.

3.1 Regional police cooperation

In its State of 2023, the Council dwelt extensively on the topic of regional police cooperation. The Council noted at the time that the need for cooperation is great. The cooperation between the four police forces was therefore characterised over the past 8-plus years as an intensive collaboration that is bearing fruit in a positive sense. This was already visible in 2022 with the financial boost for incidental resources for the Board of Chiefs of Police (CvK). This was also based on a multi-year strategic agenda (2022-2025).⁵¹

Meanwhile, there is a multi-year policy strategy and structural funding of EUR 3.5 million from the Netherlands (Ministry JenV and the National Police) from 2026 onwards. Structural funding allows the CvK to transition from a short-term project-based approach to a long-term strategy.

The CvK is based on 'Kingdom Thinking', the premise being that cooperation strengthens the autonomy of each force. Thanks in part to this cooperation, the force can develop and professionalise. This is achieved by retaining ownership within the forces themselves, while the forces take an integrated and joint approach to initiatives. Sharing scarce resources increases effectiveness and ensures better continuity. This also strengthens relationships, which in turn has a positive effect on cooperation.

The CvK also intensively seeks cooperation with partners such as the Detective Cooperation Team (RST), the Dutch Caribbean Coastguard (KWCARIB), the Royal Netherlands Marechaussee (Kmar) and Customs. The CvK explicitly states that the ultimate goal of the (strengthening of) police cooperation is to contribute to achieving a resilient society against cross-border and law and order shocking crime.⁵²

Pilot War-Room & Information Sharing

In 2024, a pilot took place where staff brought (police) information from all the countries together in a database at a physical location, called the War Room Kingdom Strategy.⁵³ Linking the information from the different countries in the war-room, provided an overarching picture of the region. In the process, relationships between different forms of crime were identified. This then enabled intelligence-driven steering in investigations. Partly because of this success, it has already been indicated that this pilot should be followed up. The Council welcomes this initiative.

At the same time, the Council also notes that structural cooperation within information sharing is limited by legal restrictions to share information within the Kingdom. While a Kingdom Data

⁵¹ Board of Chiefs of Police, Strategic agenda on continuation, safeguarding and development of police cooperation within the Kingdom 2022 - 2025

⁵² Board of Chiefs of Police, , 25 June 2024, *Strengthening Police Cooperation Caribbean Region, Management and Spending Plan 2024*.

⁵³ <https://curacao.nu/politie-van-de-eilanden-gaan-samenwerken-in-de-war-room/>

Protection Act intended for this purpose is being worked on, the Council hears mixed signals on the subject. An interim solution previously initiated in June 2022 has not yet seen the light of day. The Council finds it increasingly difficult to note that after 3 years there is still no (concrete prospect of an) interim solution, despite the fact that in March 2023 it was already clear what that solution should entail. The Council urges the Ministers to bring about the interim solution as soon as possible and then also put the preconditions for the sharing of information within the Kingdom structurally in order.

The CvK's annual plan for 2024 specifically focused on resilience against undermining and the crucial role of regional police cooperation in it. Resilience relates to resilient employees (e.g. working safely and integrity), resilient organisations (e.g. further development of operational management and information organisations), resilient cooperation (e.g. further development in the field of information and investigation) and a resilient society. This will be the focus of further efforts - including in the undermining platform - in 2024.⁵⁴

The Board is supported by a team of seven staff members. The Board has its own budget cycle (management and spending plan⁵⁵). The CvK is accountable for its actions in an annual report.⁵⁶ The state of affairs is also periodically reflected on in the JVO. The Council strongly endorses one of the conclusions in the annual report: *'together we are stronger and can work more efficiently and effectively'*.

From the JVO in 2024, regional and inter(island)national police cooperation in the region needs to be strengthened.⁵⁷ This affects the basis of the law enforcement chain. That the added value of the CvK is endorsed can also be seen from the now structural financing of the Board. According to the Council, the police cooperation should be seen as a best practice, from which other organisations and forms of cooperation in the region can also benefit.

3.2 Forensic care

Over the years, in several reports, the Council expressed its concern about the lack of facilities to carry out forensic care and TBS and PIJ measures in the Caribbean part of the Kingdom.

In its Annual Plan 2023, the Council announced the implementation of an inspection on the care and treatment of people with mental and/or behavioural disorders in the criminal justice chain as well as the monitoring of the recommendations on this subject by The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)⁵⁸ on Curaçao, Sint Maarten and the BES islands. During the orientation phase, it emerged that a Kingdom-wide JVO work group would formulate a 'business case' in the field of forensic care, including legal and financial preconditions. The Council subsequently decided to limit itself to monitoring this development and has since initiated periodic discussions with the chairman and members of this JVO work group.

⁵⁴ Email dated 24 February 2024 on behalf of the KPCN to the Council

⁵⁵ Board of Chiefs of Police, 25 June 2024, *Strengthening Police Cooperation Caribbean Region, Management and Spending Plan 2024*.

⁵⁶ Board of Chiefs of Police, 27 May 2024, *Annual management and spending plan 2023*

⁵⁷ Ministry of Justice and Security parliamentary letter of 13 September 2024, 5700365, p.4.

⁵⁸ [1] Report to the Government of the Netherlands on the visit to the Netherlands carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). August 2015 and October 2022.

The 2024 JVO work group sought and found affiliation with the *Kingdom Mental Health Work Group* of the Four-Country Health Consultation (Ministries of Health of the (island) countries). Both work groups are seeking solutions for people who (should) receive mental health care through court intervention. In their joint conference in April 2024, staff from the justice chain, the judiciary, mental health services and administrators and policymakers made suggestions for improvement.

The JVO work group then submitted for the June 2024 JVO a proposal for a program-based approach, including allocation of financial resources, expertise and support to improve forensic care in and across the countries. The Ministers agreed to the program proposal.

The Council continues to monitor developments closely.

4. In conclusion

Broader perspective: chain cooperation

In this State of 2024, the Council considers in detail that the current local and cross-border issues, consequences and bottlenecks urgently require a broader perspective. A long-term solution also lies therein. A law enforcement chain alone cannot provide a successful barrier against serious (local) and (largely) trans-jurisdictional problems. Especially given that this chain is reactive and repressive and thus forms the final piece of the whole. Especially for issues such as juvenile crime prevention, this is much too late and unacceptable. The Council therefore believes that more conscious and intensive efforts must (continue to) be made for broader chain cooperation. The issues and, by extension, the approach to a safer society must be viewed both from the perspective of the citizens and from the broader perspective of the great dependence on tourism. After all, an unsafe society will have a direct impact on it.

Sint Maarten: time for concerted action

According to the Council, this means that Sint Maarten should focus more on broader cooperation from a shared perspective and mindset when tackling various issues. This means working together from a proactive and shared responsibility on a more comprehensive approach to various serious (social) issues in Sint Maarten, of which the issue of juvenile crime in Sint Maarten is a good example.

Such an integrated approach requires consideration of the issues from different angles, a (transcendent) chain mindset and continuous involvement of all relevant (chain) partners in order to make a difference, particularly in the long term. For this to succeed, an integral, ministry-transcending and/or country-transcending chain approach is necessary. This requires, among other things: awareness, realisation of a shared responsibility, more attention to prevention, protection as well as cooperation between governmental and non-governmental organisations and other relevant partners. The United Nations, among others, points to the power of cooperation, stating that a combination of expertise and capacities of all involved improves coordination, increases impact as well as makes optimal use of resources. The Council endorses this. Especially in Sint Maarten, where resources are scarce, unfortunately it is not always enough just to say that this is so. It is a structural problem that requires a different solution. It must be found, according to the Council, in cooperation at all levels and across all bandwidths. The Council points out that the time has come for a forward-looking long-term vision supported by actual joint action(s). Among other things, cooperation within the country (including in the areas of awareness, prevention, youth and protection) and the continuation of the indispensable justice cooperation between the countries are important preconditions for this. Citizens must be able to rely on a government that protects law enforcement and thus a safe society.

The Council again notes in 2024 that justice workers continue to work every day to create a safer society. To continue doing so, they must also be protected and supported. In addition, the Council also sees the willingness of chain partners to cooperate. This offers perspective. The Council reiterates the need for implementation of a long-term strategy in which the various responsibilities are taken up by each organisation and every individual. The Council expresses its thanks and looks forward to the concrete developments to come.

Annex 1 : Published reports Council Secretariat Sint Maarten

Reports 2012-2024

No.	Year of publication	Subject report	English translation available?	Organisation(s)	Policy response prepared by justice minister to parliament?
Completed reports					
1.	2012	Reporting process	No	KPSM	Yes
2.	2012	Juvenile probation	No	Court of Guardianship	Yes
3.	2012	Victim Support	No	Various (including KPSM, OM)	Yes
4.	2012	Criminal investigation process	No	KPSM	Yes
5.	2013	Detention capacity	No	Prison system	Yes
6.	2013	Border control on passenger movement	No	IGD	Yes
7.	2013	OM in incident-oriented investigation	No	OM	Yes
8.	2013	Police Education	No	KPSM	Yes
9.	2013	Adult probation	No	SJIS	Yes
					100% compliance
10.	2014	Criminal seizure	No	KPSM	Yes
11.	2014	Security and safety detention	No	Prison system	No
12.	2014	Security of authority figures	No	Various (including VDSM, KPSM, OM)	No
13.	2014	Enforcement of fines, damages and deprivations	No	OM	No
14.	2014	Admission and expulsion of foreigners	No	IGD	No
15.	2014	Use of force	No	KPSM	No
16.	2014	Review Reporting process	No	Various (including KPSM, OM)	No
					0% compliance
17.	2015	Juvenile probation review	No	Court of Guardianship	No
18.	2015	Tackling robberies	No	KPSM	No
19.	2015	Prevention of juvenile delinquency	No	Various (including KPSM, OM)	No
20.	2015	Exchange of police and judicial data within the Kingdom	No	Various (including KPSM, OM)	No
21.	2015	Treatment persons addiction or behavioural disorder criminal justice chain	No	Various (including KPSM, OM, MHF, SJIS, TPF, detention system)	No
22.	2015	Prosecution policy	No	OM	No
					0% compliance
23.	2016	Review Adult probation	No	SJIB	No
24.	2016	Review Investigation process criminal investigation	No	KPSM	Yes
25.	2016	Surveillance and security of persons and objects	No	Various (including KPSM, OM)	No
26.	2016	Review Victim Support (first review)	No	Various (including KPSM, OM)	No

27.	2016	Prostitution policy and enforcement	No	Various (including Administrative Enforcement Officers, KPSM, OM)	No
28.	2016	PI legal status of detainees and personnel & organisation	No	Prison system	No
29.	2016	Juvenile detention facility MLC	No	Prison system	No
					14% compliance
30.	2017	PI Internal security and society security	No	Prison system	No
31.	2017	PI Dealing with detainees and social integration	No	Prison system	No
32.	2017	Review Border control on passenger movement	No	IGD	No
33.	2017	Review OM in incident-oriented investigation	No	OM	No
34.	2017	Review Police education	No	KPSM	No
					0% compliance
35.	2018	Forensic investigation	No	Various (including KPSM, LR)	Yes
36.	2018	Review PI Internal security and society security	Yes	Prison system	Yes
37.	2018	Review PI Legal status of detainees and personnel & organisation	Yes	Prison system	Yes
38.	2018	Review Enforcement of fines, damages and deprivations	No	OM	No
39.	2018	Coastguard	Yes	Coastguard	Yes
40.	2018	Internal Affairs Bureau	No	KPSM	Yes
41.	2018	Cooperation between prosecutors' offices	No	OM	No
					71% compliance
42.	2019	Crime Prevention Fund	No	Various (including KPSM, prosecution, justice minister)	No
43.	2019	Review Criminal seizure	No	KPSM	No
44.	2019	Review prison, MLC, police cells and border hospice Simpson Bay (second review)	Yes	Prison system	No
45.	2019	Review Investigation and prosecution policy OM		OM	No
46.	2019	Review Victim Support (second review)	Yes	Various (including KPSM, OM)	No
47.	2019	Review use of force by and against police		KPSM	No
					0% compliance
48.	2020	Approach human trafficking and human smuggling	Yes	Various (including KPSM, OM)	No
49.	2020	Approach drug crime and drug-related issues	Yes	Various (including KPSM, OM)	No
50.	2020	Review Admission and expulsion of foreigners (applications for employment)	Yes	IGD	No
51.	2020	Domestic violence	Yes (English version only)	Various (including KPSM, OM, VR, SJIS, Safe Haven)	Yes
					25% compliance

52.	2021	General review Sub-inspection 1 Prevention of juvenile delinquency; Youth Rehabilitation Center Miss Lalie Center; and Youth and adult probation	Yes	Various (including KPSM, OM, VR, SJIS, prison system)	No
53.	2021	Review National detectives	Yes	National detectives	No
54.	2021	General review Sub-inspection 2 Crime Fund; Investigation and prosecution policy OM; Enforcement of fines, compensation and deprivation; The OM in incident-oriented investigation; and Cooperation between prosecutors' offices OM	Yes	Various (including OM, LR, KPSM, Ministry of Justice)	No
					0% compliance
	2022		In the letter dated 4 April 2022, the Minister of Justice offered a general response to the Council's recommendations to Parliament. In it, general issues were addressed.		
55.	2022	Evaluation mutual arrangements detention	Yes	Various (including PPG/OM, ministries of justice, prison)	Pending ¹
56.	2022	Illegal firearms	Yes	Various (including OM, KPSM, Ministry of Justice, customs, KW)	Yes
57.	2022	Money laundering and terrorism financing	Yes (English version only)	Various (including PPG/OM, KW, KPSM, Ministry of Justice, customs, MOT)	No
58.	2022	Second follow-up inspection into crime prevention fund	Yes	Ministry of Justice	No
					25% compliance
59.	2023	General review Sub-inspection 3 Criminal investigation process; Tackling robberies, Criminal seizure; and Forensic investigation	Yes	Various (including KPSM, OM, LR and Ministry of Justice)	No
60.	2023	Processing time: the prioritisation, steering and monitoring of (complex and simple) criminal cases	Yes	Various (KPSM, OM, LR)	No
61.	2023	Maintaining public order during extraordinary circumstances	Yes	Various (including KPSM, Ministry of Justice)	No
62.	2023	General review recommendations Sint Maarten Sub-inspection 4: Bureau Internal Affairs of the Sint Maarten Police Force; Police education in Sint Maarten; Use of force by and against police in Sint Maarten.	Yes	KPSM	No
63.	2023	Arrest team Sint Maarten Inspection into the set-up and deployment of the arrest team of the Sint Maarten Police Force.	Yes	KPSM	Yes
64.	2023	Follow-up inspection on human trafficking and human smuggling and prostitution policy and its enforcement	Yes	Various (including KPSM, OM, IGD and Ministry of Justice)	Yes
					33% compliance
65.	2024	General review recommendations Sint Maarten Sub-inspection 5 Immigration and Border Protection Service: border control of movement of persons; and	Yes	IGD	No

		the Admission and expulsion of foreigners			
66.	2024	Immigration detention (treatment)	Yes	IGD	No
67.	2024	Second follow-up inspection 'Sint Maarten juvenile detention facility: the Miss Lalie Center'	IDC	Prison system	Pending
					0% compliance
Ongoing investigations					
68.	2024	Detention inspection & monitoring recommendations CPT: the care and treatment of people with mental and/or behavioural disorders in the criminal justice chain (monitoring)	N/A	Various (including KPSM, OM, MHF, SJIB, TPF, detention system)	N/A
69.	2025	Third follow-up inspection Crime Prevention Fund	IDC	Various (including KPSM, prosecution, justice minister)	IDC
70.	2025	Screening justice personnel	IDC	Various (including KPSM, prosecution, justice minister)	IDC

Colophon

Law Enforcement Council

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