

# **Law Enforcement Council**



## **Annual plan 2024**

## Table of Contents

<b>1. Introduction .....</b>	<b>3</b>
<b>2. Activities 2024 .....</b>	<b>4</b>
<b>2.1. General .....</b>	<b>4</b>
<b>2.2. Inspections.....</b>	<b>5</b>

# 1. Introduction

The Law Enforcement Council (Council) conducts independent and objective inspections leading to the production of relevant, usable and practical inspection reports.

In 2024, the Council will inspect several current issues based on a number of joint themes, which have been identified on the basis of the data collected during the preparation of this annual plan. As in previous years, the diversity of the inspection topics is taken into account as much as possible. The effect of this is that the Council gains a broader view of bottlenecks within the justice chain. This will allow the Council to better contribute to increasing the quality and effectiveness of the performance of tasks and of management within the justice chain.

In the 2023 Annual Plan, the Council included several extensive and complex inspections in its Annual Plan. The Council also conducted an inspection in 2023 at the request of the Minister of Justice. As a result, a number of these inspections will run until the first quarter of 2024.

In addition to its core tasks, the Council also focuses on internal management. As in previous years, improving communication is one of the Council's priorities. In this context, the Council was already working on a way to modernize the Council's website. The Council will continue this in 2024.

## 2. Activities 2024

### 2.1. General

The task of the Council is to carry out inspections. In this context, the Council is carrying out a number of activities. One of these activities concerns periodic meetings on the performance of the Council's tasks. The Council holds these periodic meetings with the relevant stakeholders on, among other things, the organisation and follow-up of recommendations. Since 2022, these discussions have been embedded in the annual planning.

The Council will continue to develop the work method described above. To carry out the work, this will include intensifying the commitment to holding meetings, which will give more substance to the signalling function.<sup>1</sup> This will allow for a careful assessment of relevant (recent) facts and circumstances and an assessment of possible (acute) risks based on them, which the Council sees as an added value. In general, there are developments within the field of supervision, with an increasing emphasis on the intended impact of supervision and its significance for the organisations and society concerned. Among other things, greater account is taken of the need and requirements within the organisations and chain cooperation and the social perspective within which the field operates.

#### Organisation and development

The Council shall pay structural attention to the development of the organisation and its products. Development of the organisation calls on the commitment of the employees. The Council will continue to do so in 2024. The Council, including through internal and external guidance, shall address:

- strategic development of the Council's objectives (keeping mission & vision up to date; responding to current developments);
- effective cooperation between the offices;
- modernisation of business operations (product development and ICT);
- continuous professionalization (knowledge building / development);
- external work visits and participation in work-related conferences.

The Council is working systematically to further develop its quality. The Council utilises as its starting point the continuous promotion of internal expertise. The Council has done this in recent years by focusing on the organisation as a whole and on individual staff members. This manifests itself in an annual team building, whether or not combined with training, cooperation in the preparation of inspections and/or refinement of topics of an organisational nature. In addition, staff shall, where appropriate, undergo training and training to promote their expertise. This will continue in 2024.

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<sup>1</sup> Kingdom Act Law Enforcement Council, *Explanatory memorandum* p.5

## **Curaçao and Caribbean Netherlands**

As of January 2023, an inspector joined the Curaçao office. A new inspector was made available by the Justice and Security Inspectorate of the Netherlands (IJenV) and has been working at the CN office as of 1 September 2023.

## **2.2. Inspections**

### *Introduction*

The Council has already carried out a number of inspections for the various countries on a range of relevant issues, and for the year 2024, the Council will focus on a number of overarching issues for most of its inspections, which are relevant for each (island) country. These are the issues of youth, detention and judicial cooperation between the countries. This is further elaborated in both the joint topics and the topics by country.

### **Joint Inspection Curaçao, Sint Maarten and the Caribbean Netherlands (BES):**

The offices in Curaçao, Sint Maarten and the Caribbean Netherlands will perform a number of joint inspections.

#### **1. Requests for legal assistance**

This inspection will cover the implementation of interregional and international legal assistance requests in the field of cross-border and serious organized crime. The Council is responsible for the general inspection of the quality and effectiveness of judicial cooperation between the countries. One of the areas of judicial cooperation between countries is legal assistance, which is often centered in an International Legal Assistance Center (IRC). This is a regional cooperation between the Public Prosecutor's Office (OM) and the police.

The international requests for legal assistance (incoming and outgoing) of the countries Curaçao and Sint Maarten and the BES Islands is provided by the IRC Carib, based in Sint Maarten.<sup>2</sup> The IRC registers and assesses legal assistance requests and ensures further transmission and monitoring.

The requests for legal assistance in the field of cross-border crime and serious crime presuppose cooperation between the OM and the police forces of the various (island) countries. In its inspection, the Council shall examine cooperation between the countries on criminal investigations that entail a request for mutual assistance in the field of cross-border and serious crime. This will at least cover the aspects of registration, coordination, monitoring, cooperation and information sharing. The Council will also include, where relevant, information on this in its reports on the exchange of police and judicial information within the Kingdom.

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<sup>2</sup> <https://www.openbaarministerie.org/locatie-sint-maarten>

## **2. Detention inspections & monitoring of recommendations CPT**

As in previous years, the Council will continue to monitor the follow-up to the recommendations made by the Council and the European Committee for the Prevention of Torture (CPT) in 2024. This activity is the result of a request from 2015 of the Judicial Four-Party Consultation (JVO), the bi-annual consultations of the Ministers of Justice, (& Security, JenV) of the various countries within the Kingdom. In 2024, the Council will focus on a specific topic for each office. For Curaçao, this will be detainee visitation, which will also include disciplinary penalties and order measures. For Sint Maarten this will be detention of foreigners (treatment of (illegal) foreigners). For the Caribbean Netherlands, this will be the topic of youth. Both the Council recommendations and those of the CPT will be taken into account.

## **3. State of law enforcement**

Each year the Council issues a state of law enforcement per country in accordance with Article 33 of the Kingdom Act. The State shall provide an overarching picture of the state of law enforcement based on the previous year or years. In 2024, the Council will focus, among other things, on cooperation between countries.

## **4. Unannounced inspections**

The Council may also carry out unannounced inspections under the Kingdom Act. The Council will take this into account in the annual planning.<sup>3</sup> In 2024, the Council will continue to conduct periodic meetings with the judicial organisations. These meetings will include developments, possible focus areas and possible risks. In addition, there may also be relevant developments that may give rise to an inspection. On the basis of the outcome of the meetings or developments, the Council may decide to carry out an unannounced inspection in the relevant (island) country or countries in accordance with its working method.

## **Inspections Curaçao:**

### *Introduction*

In 2024, the Curaçao office will focus on current topics that attract attention and cause social unrest. Three themes have been chosen: traffic, school safety plan (prevention of juvenile crime) and judicial influence on behaviour on public roads.

## **5. Review traffic**

In the interests of road safety, the Council carried out an inspection on road traffic controls in 2016. Efficient enforcement on prioritized traffic issues proved impossible due to the lack of legislation on those specific issues. It was also concluded that there was no cooperation between the partners (Transport Ministries and Spatial Planning and Justice and the Safe Transport Association). In general, the Council noted that Justice was not in a position to maximize road safety and reduce the number of victims in traffic. The Council made recommendations to the Minister (including specific

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<sup>3</sup> Explanatory Memorandum Kingdom Act Law Enforcement Council, p.9

recommendations with regard to the OM and the Curaçao Police Force (KPC). Although the KPC and the OM have identified traffic as a priority safety theme and have linked it to their policy plans, road safety is still a concern for many people who are in traffic in 2023. The Council is now assessing the extent to which the recommendations made in 2016 have been followed.

## **6. School Security Plan (Prevention of Youth Crime)**

Safety in schools has become a major concern in recent years. The police often have to take action against fighting at school in the context of security. In this context, the police also had to carry out preventive checks. In this review, the Council will assess the extent to which the judicial chain partners are taking (preventive) measures to prevent unsafe situations in schools. The Council will identify and review the performance of the tasks of the various (judicial) chain partners. The Council is also assessing the procedures of the judicial chain.

## **7. Judicial influence on behaviour on public roads**

The justice chain has been trying for years to promote the behaviour of citizens in the context of its preventive policy. The justice chain does this in several areas. The Council wishes to identify the policy in this area and to assess its effectiveness. The Council is carrying out this inspection from the point of view that citizens on public roads should not run unacceptable risks to their physical integrity. The Council considers such a risk to be present, for example, when people on public roads are attacked by dangerous dogs. The Council's aim is to assess the extent to which the policy is sufficiently effective and whether the organisations concerned are in a position to implement it.

## **Inspections Sint Maarten:**

### *Introduction*

The Sint Maarten office carried out a general risk analysis of the organisations of the judicial chain. The aim was to identify the organisations which are currently at the highest risk in view of the inspections already carried out, the meetings held and the current developments. This internal analysis has highlighted in particular the Immigration and Border Protection Service (IGD), the detention system and the Youth Rehabilitation Centre Miss Lalie Centrum (MLC). On this basis, the Council has put together the themes of its inspections for this year for the Sint Maarten office.

## **8. General Review: Sub-inspection 5 Immigration and Border Protection Service (IGD)**

Since 2020, the Council has included the general review as part of its annual plan. In 2020 to 2023, four sub-inspections were carried out on three overarching themes/organisations, namely youth and rehabilitation (a total of 4 reports), the OM and the crime prevention fund (a total of 5 reports) and the police (a total of 7 reports).

In 2024 the focus will be on the state of affairs on the follow-up of the IGD recommendations. In this context, several reports on the IGD will be reviewed in sub-inspection 5. In any case, these are reports on border control of the movement on persons and the admission and expulsion of foreigners.

## **9. Review MLC**

The MLC was inspected by the Council during the first sub-inspection of the general review in 2021. This showed that of the eight Council recommendations, six were partially followed, one was not followed, and one was followed. The Council was particularly concerned about the education of minors in the MLC. In its State 2022, the Council also pointed to several concerns about the MLC. This concerned the change to strictly criminal placements, the formal opening of the MLC to young people between 18 and 21 years of age, the lack of an adequate daily program and the education still being unregulated. In 2024, the Council will carry out a follow-up inspection of the MLC, which will at least address the above-mentioned issues.

## **As regards the Caribbean Netherlands (BES):**

In the Caribbean Netherlands, the Council has been putting more emphasis on holding regular meetings with the chain organisations since 2023, on the basis of which interim reports are drawn up. This will include the follow-up to recommendations as well as the implementation of the Justice and Security Policy Agenda for the Caribbean Netherlands 2021 – 2025. On the basis of its positive results, the Council will maintain this line in 2024. This work requires an average of one quarter of the inspection capacity.

The Council devotes most of its work to carrying out inspections<sup>1</sup>. For the Caribbean Netherlands, the Council has in mind, among other things, to map the management of and within the judicial organisations and the preconditions under which these organisations operate. Where appropriate, the Council will make recommendations.

## **10. Establishment of law enforcement in Saba and Sint Eustatius**

By means of the thematic inspections, the Council usually acquires an overarching picture of the relevant theme on the three islands of the Caribbean Netherlands. The Council notes more and more often that policies and approaches (within these themes) are being developed and managed centrally from Bonaire. At the same time, the Council notes that the implementation and functioning of the chain on the islands of Saba and Sint Eustatius differ from Bonaire. Moreover, the small scale on Saba and Sint Eustatius - more so than on Bonaire - brings with it vulnerabilities. By carrying out an inspection into law enforcement in Saba and Sint Eustatius, the Council intends to map out the functioning of the local chain there and will make recommendations where necessary.



## **11. Management Chain Organisations I**

Within the thematic inspections on the approach to a particular judicial subject, there is a frequent reference to the (limitations in the definition of) preconditions within which organisations must carry out their tasks. The Council intends to map out the management of and within the judicial organisations and the preconditions under which they operate, also in view of the quality of their tasks. Management aspects such as the availability of resources and capacity and their deployment will be considered for each organization. It will also involve the guidance within and on the organisations in the inspection. In 2024, the Council will conduct an inspection into the Foundation Probation Caribbean Netherlands and the Court of Guardianship Caribbean Netherlands.