



THE STATE OF LAW ENFORCEMENT SINT MAARTEN 2019

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Law Enforcement Council
April 2020

Annex: Infographic State of Law Enforcement Sint Maarten 2019

Introduction

The Law Enforcement Council (hereinafter referred to as the Council) is responsible for the general review of the effectiveness, quality and management of judicial organizations in Sint Maarten,¹ Curaçao and the Caribbean Netherlands, as well as the judicial cooperation between the countries.² The Council's work mainly consists of investigating and reporting on organizations within the judicial chain as well as on specific justice-related topics. The Council presents its reports and recommendations to the Minister of Justice. The Minister is required to submit an inspection report along, with his reaction, within six weeks to Parliament. Since 2014, the Council has reported on the state of law enforcement on an annual basis (hereinafter referred to as the State). The State contains a general representation of the developments in law enforcement as well as findings which transcend individual inspections. The State is presented directly to the Minister of Justice and to the Parliament.

The Council consists of three members appointed based on their expertise by royal decree. As of February 15th, 2019, Ms. M.R. Clarinda LLM, was appointed, by the Kingdom Council of Ministers to serve as a member of the Council on behalf of Sint Maarten.³

Focus on the citizen

Law enforcement and the administration of justice are among government's core tasks in terms of protecting the safety of individual citizens and the greater society. As such, judicial organizations and institutions can, with a relatively high degree of independence, employ far-reaching resources and measures on citizens. Proper monitoring of the quality, management and effectiveness of law enforcement and the administration of justice is therefore of great importance. Moreover, the functioning of judicial organizations affects the safety and sense of security of citizens, as well as the citizen's confidence in these organizations (and by extension in government). Independent and high-quality inspections can contribute to citizens' trust in law enforcement. The Council's inspections are therefore not exclusively an instrument for the Minister to use to meet his responsibility, but the inspections also serve a social function.⁴ According to one of the Council's general inspection principles, inspections should primarily focus on community services and the risks within the judicial chain that can directly affect citizens.⁵

¹ Pointe Blanche Prison and House of Detention, Miss Lalie Center (youth rehabilitation centre), Public Prosecutor's Office, National Detectives, Sint Maarten Police Force, Coast Guard, Immigration and Border Protection Service, Foundation Judicial Institutes Sint Maarten (adult probation) and Court of Guardianship (juvenile probation).

² Curaçao, Sint Maarten and the Netherlands as related to Bonaire, Sint Eustatius and Saba.

³ Kingdom Act Council for Law Enforcement Stb. 2010 No. 338.

⁴ Explanatory Memorandum of the Kingdom Act Council for Law Enforcement 2008–2009, Kst. 32 020 (R 1887), No. 3.

⁵ See the Council's mission and vision on www.raadrechtshandhaving.com.

2019: Developments in law enforcement in Sint Maarten

In its 2018 State, the Council mentioned a number of circumstances and developments that remain relevant in 2019. This year, the sluggishness of reconstruction efforts and the overall lack of financial resources, human capacity, continuity of government administration and decision-making, also hampered judicial organizations in the execution of their tasks. Law enforcement in Sint Maarten is characterized by scarcity. Nevertheless, the staff of judicial organizations remain committed to performing their duties, and as such, there were also positive developments initiated in 2019.

Accessibility and digitalization of law enforcement

Several initiatives contributed to the improvement of the accessibility of law enforcement (information). Both the Sint Maarten Police Force (KPSM) and the Public Prosecutor's Office (OM) launched a new (English-language) website as part of an effort to actively inform and engage citizens using innovative types of communication, such as videos, infographics and a WhatsApp web-feature. The Council considers these developments admirable and stresses the importance of accessible, up-to-date and substantively accurate information.

In August 2019, the Council welcomed the reopening of the Youth Rehabilitation Center - Miss Lalie Center (MLC). As of November, both adolescent and young adults until they reach the age of 21, can be placed in the MLC. Suitability for placement at the MLC will be assessed by the director of the prison on a case-by-case basis. Further developments regarding the MLC will continue to be closely monitored by the Council. Furthermore, the Council noted with much interest that child-friendly court hearings are being held at the Common Court of Justice (the Court) starting in August 2019.

In 2019, steps were taken to digitally transform the internal operations of various organizations. A new *prison database management system* was made operational at the Pointe Blanche Prison and House of detention (Pointe Blanche Prison). The system allows for electronic detainee administration and generates management information. In 2018, the Court and the Public Prosecutor decided to speed up an ongoing project to digitize criminal cases, starting with Sint Maarten. After the passage of hurricanes Irma and Maria (where fortunately no criminal records were lost), the Court and the Public Prosecutor wanted to introduce digital files prior to Sint Maarten's next hurricane season. They succeeded. In 2018, the first arraignments before the Investigating Judge in Sint Maarten were made on the basis of a digital dossiers. The experience with the Public Prosecutor's Office case registration system, 'PRIEM', to which the Court was connected, was used for the introduction of a digital case file system for BES and Curaçao. In July 2019, the Court released a video informing the public about the digitization of criminal case files in Sint Maarten, Curaçao and the BES Islands. The Immigration and Border Protection Service (IGD) has also introduced a digital file registration and tracking system (Decos Join).

'Going digital' contributes to the efficiency of the criminal justice chain by allowing for more searchable files, accessible management information, secure storage and simplified information exchange between organizations. The Council therefore (once more) encourages the Minister of Justice to ensure that other judicial organizations are able to make the necessary strides towards digitization. In previous States and other reports, the Council stressed the importance of having accurate and reliable data. This is necessary for the

determination of the nature and extent of social problems and types of crime, as well as for the development of relevant policies and the allocation of financial resources. As early as 2016, the Council identified, in general, a lack of a clear vision about the purpose of information gathering and registration (documenting). As it turns out, the availability of reliable statistics and an (up to date) crime pattern analysis, remains problematic in Sint Maarten in 2019. The Council urges the Minister to bring about change.

Reducing violence

In 2019, conferences and training courses on a variety of topics were organized. The Public Prosecutor's Office organized a conference on domestic violence for professionals in the judicial chain. The Foundation for Judicial Institutes Sint Maarten (*Stichting Justitiële Instellingen Sint Maarten- SJIS*) acted as co-organizer⁶ of a training course to (re)certify social workers and employees from various organizations in aggression replacement training (ART) for the youth. In response to the increasing number of school fights, the Public Prosecutor's Office and the KPSM formed a special taskforce in 2019 and arranged a workshop with relevant (education) bodies. The Council considers the reduction of violence in Sint Maarten's society to be greatly important, as violence poses a serious threat to individual safety and a healthy personal development, as well as to public safety in the broadest sense. In this context, the Council welcomes the numerous initiatives on the subject.

Prevention of money laundering and financing terrorism

Another issue that received attention in the past year was the fight against money laundering and terrorism financing. In 2018, the Caribbean Financial Action Task Force (CFATF) reached an agreement with Sint Maarten for the introduction and amendment of six crucial laws to combat money laundering and financing of terrorism. At the beginning of May 2019, the National Ordinance on notification of cross-border money transfers, the National Ordinance Bureau for Unusual Financial Transactions and the National Ordinance on combating money laundering and financing terrorism were adopted by Parliament.

However, embedding the recommendations of the Financial Action Task Force in, among others, the Civil Code, the Penal Code and the Penal Procedural Code, has not occurred quickly enough. As a result, the CFATF issued a 'public statement' on November 27th, 2019, calling on Sint Maarten to immediately work on the introduction of the required laws and regulations. If this is not realized, Sint Maarten will be placed on the 'blacklist' and member states will be required to take countermeasures to protect the international financial system against the risks of money laundering and terrorist financing posed by Sint Maarten.

At the end of 2019, the Ministry of Justice organized an Anti-Money Laundering Awareness and National Risk Assessment Conference for public- and private sector professionals. This conference was well attended. The Council considers the effective combating of money laundering and terrorism financing crucial in the fight against (cross-border) crime. In addition, the Council is deeply concerned about the far-reaching (economic) consequences for the country of Sint Maarten, should the shortcomings in complying with the requirements lead to measures that affect international payments. The Council therefore hopes that the necessary

⁶ Together with the Rotary Club St. Maarten, the Representative of the Netherlands in Philipsburg, St. Maarten Yacht Club and St. Maarten Little League's Player Development programme.

adjustments, to which the Government of Sint Maarten committed itself, will be quickly implemented.

Cooperation and information

In previous States and reports, the Council stressed the importance of cooperation and getting the information infrastructure in order. Not solely for Sint Maarten's own information position and internal security, but also as part of the international responsibility in the fight against cross-border crime. The Council therefore welcomed the (re)formalization of various treaties, protocols and cooperation agreements in 2019, including:

- *January 23*: the amendment of the Protocol on specialized investigative cooperation between the countries within the Kingdom.
- *January 23*: the amended Memorandum of Understanding of Cooperation to Prevent and Combat Human Trafficking and Smuggling between the countries of the Kingdom.
- *January 24*: the Protocol on the flexible deployment of the pool of personnel from the Royal Marechaussee between the countries of the Kingdom.
- *May 22*: the Convention establishing the Caribbean Customs Organization and regarding mutual administrative assistance in matters related to customs.
- *May 31*: the Protocol on cooperation between the Immigration and Border Protection Service Sint Maarten and the Sint Maarten Police Force for the period May 31, 2019 - May 31, 2020.
- *June 17*: the agreement to formalize the Sint Maarten Intelligence Center between KPSM, Interpol Sint Maarten, the Bureau Unusual Financial Transactions, the OM, the National Detectives, Customs, Caribbean Coast Guard and the Sint Maarten Support Center, and the RST.
- *September 10*: the Memorandum of Understanding regarding the Exchange of Information between the Customs organizations of Sint Maarten and Saint Martin.

In addition, a coordinating information officer started working at the Public Prosecutor's Office of the Attorney-General in June 2019. This is a new position within the Public Prosecution Service that aims to optimize and secure the organization's information for the entire OM Carib, as well as connect the various intelligence centers (under development) in the countries.

Moreover, the Council notes positive developments in terms of strengthening border surveillance and regional cooperation between police forces in the countries. In July, 4.4 million Euros were made available to further strengthen police cooperation within the Kingdom. This investment is intended to improve police education in terms of training police personnel in Sint Maarten (KPSM), the Caribbean Netherlands (KPCN), Aruba (KPA), Curaçao (KPC), as well as the Coast Guard. The initiative is a joint financing arrangement in which the countries cover their costs of travel and accommodation. In November, a new group started the Basic Police Training in Sint Maarten. In addition, with the long-awaited commissioning of the 'KPSM Camera Surveillance Center' and a new mobile shore radar for the Coast Guard, the command of public order and security in and around Sint Maarten is much improved. Another notable, and (after almost nine years) long-awaited development, was the signing of the KPSM's function book and formation plan in June 2019. It is essential that the associated (legislative) procedures and implementation occurs expeditiously. The Council will continue to closely monitor the progress.

Lack of continuity and prioritization in law enforcement

In September 2019, the Government of Sint Maarten fell for the ninth time in a span of ten years. The Council is very concerned about the lack of political stability and continuity in terms of government policy. Staff turnover at various levels within the justice system is also high. Political-administrative decision-making on pressing issues concerning law enforcement is absent. This is not beneficial for the (improvement of the) judicial chain and as a result, law enforcement has suffered. Serious concerns about the enforcement of the rule of law in Sint Maarten was also cause for political debate in The Hague in 2019.⁷ The Council believes that various (political) administrative decision-making processes, in the area of security, are given insufficient priority and security risks are dealt with too casually. Recommendations from the Council for strengthening law enforcement are given limited follow-up. As indicated, the Council's inspections serve a citizen-focused social objective. In previous States, the Council concluded that the Minister of Justice did not consistently submit the inspection reports, along with his reaction, to Parliament. The elected representatives of Sint Maarten, who are supposed to stand up for the interests of citizens, as a result, are not stimulated to exercise their supervisory authority. In the last quarter of 2018, the situation appeared to change, as a number of the Council's reports were submitted, accompanied by the Minister's reaction, to Parliament. Unfortunately, the Council concludes that the trend failed to continue in 2019. In order to increase accessibility and by extension, the reach of the inspection reports, the Council decided in the last quarter of 2019, to also publish Sint Maarten's inspection reports in English. In addition, the Council will strive to make its findings, along with its reports and press releases, more accessible to a larger audience, by using other forms of communication, such as infographics.

2019: Investigation and follow-up reviews of the Council

In 2019, the Council carried out several thematic inspections and follow-up reviews. The Council chooses research subjects based on the level of societal interest and the importance towards a well-functioning law enforcement. The inspections conducted in 2019, concerned current topics of significant social impact. The Council investigated the approach to human trafficking and -smuggling, drug crime and drug-related problems, as well as domestic violence and child abuse. In addition, the Council carried out follow-up investigations into the detention system and victim support in Sint Maarten, the prostitution policy⁸, the admission and expulsion of foreigners, the use of force by and against the police, the investigation and prosecution policy of the Public Prosecutor's Office and seizure of property in criminal cases. Social problems that confront Sint Maarten and which various entities - like the Ombudsman and the Social Economic Council (SER)⁹ - have called attention to for quite some time, were also apparent in the Council's thematic investigations. Poverty, unemployment, school dropout, psychosocial problems caused by (youth) trauma, abuse or domestic violence, inadequate supervision, insufficient awareness, knowledge and social control and (therefore) a limited social safety net, were found to be both the cause and effect of various types of crime.

⁷Partly in response to the motion adopted by the Member Van Dam C.s, Parliament document 35 300 IV, no. 22

⁸This review was not announced separately in the 2019 annual plan but was part of the investigation on the approach to human trafficking and smuggling

⁹Ombudsman outreach report: 'Home Repair. A revelation of a social crisis' (2019); SER report: "Boost Sint Maarten!" A Conditional Cash Transfers Program to reduce poverty in Sint Maarten (2015)

A common thread in (most) of these investigations was that only utilizing a criminal approach, fails to provide a solution. The complexity of causes and consequences associated with serious social problems and types of crime, requires an integrated multidisciplinary approach. However, this is difficult to get off the ground in Sint Maarten. There is a lack of inter-ministerial vision and dependable, consistent policy, which prevents the development of a coordinated approach to the various problems and types of crime. The lack of government stability and continuity in Sint Maarten negatively contributes to the problem. In addition, according to the inspections, organizations in- and outside the judicial chain are dealing with limited capacity and (financial) resources. Essential components necessary for effective law enforcement are completely absent or sub-standard.

This is not the first time that the Council encountered this; previous inspections and States have repeatedly highlighted the problem. In 2019, the Council again sounded the alarm regarding the lack of victim support and the dire conditions at the Pointe Blanche Prison. The impact caused by the lack of crucial improvements is not only noticeable in the development of organizations and judicial cooperation, but also impacts the conduct and outcome of individual criminal cases and the protection of society in general. The Council is deeply concerned about this. In accordance with article 32 of the Kingdom Law, the Council can inform the representative body of the relevant country, as well as the Kingdom Council of Ministers, of a systematic failure by the Minister of Justice to comply with the Council's recommendations. The Council will decide, based on at least two review inspections after the issuance of the initial report, whether the Minister systematically fails to comply with recommendations.¹⁰ (see *Review Detention System below*)

Below, in no particular order, the Council provides general highlights of its 2019 inspections and follow-up reviews.

Approach to *human trafficking and smuggling of persons*

In the investigation regarding the approach to human trafficking and -smuggling, the Council concludes that the international, interregional and local approach used by Sint Maarten has room for improvement. International and interregional cooperation is 'ad hoc' and highly dependent on individual contacts and efforts. This makes the approach vulnerable. The Council believes that the Kingdom countries can make more effective use of each other's knowledge, experience, and already developed plans and information materials. According to the Council, major progress can be made through strengthening of international and interregional cooperation. In addition, the Council notes that Sint Maarten's local approach towards human trafficking and -smuggling must improve. There is insufficient insight into the nature and extent of these crimes. The development of a number of crucial components required for an effective integrated approach has been stagnant for years. There is little, if any, reinforcement among the administrative and criminal fields in this regard; leading to insufficient creation of barriers to restrict opportunities to engage in human trafficking and -smuggling. Sint Maarten's approach in terms of prevention and protection, is particularly inadequate. There is insufficient awareness of the severity of the problem and the needed victim support and protection is also deficient.

¹⁰ See the Protocol on the Council's methodology at www.raadrechtshandhaving.com.

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

In 2016, the Council issued six recommendations to the Minister of Justice for improving Sint Maarten's prostitution policy. This 2016 report relates to the investigation on the approach to human trafficking and -smuggling, as the recommendations are also aimed at preventing trafficking in prostitution. The Council conducted a review to determine the extent to which the recommendations were addressed after three years. The Council notes that the six recommendations were not given follow-up. In the report, the Council calls on the Minister of Justice to address the recommendations made in 2016, including the relevant findings on human trafficking identified in the inspection report of 2019.

Tackling drug crime and drug-related problems

With the inspection on this topic, the Council examined the approach to drug crime: opium crimes, and drug-related problems: criminality, nuisance and problems arising from or related to drug crime. The Council looked at national, interregional and international laws and regulations, policies, the nature and extent of the drug problem and the approach used in practice. To improve the approach in use, the Council issued nine recommendations to the Minister of Justice. These recommendations include legislation, inter-ministerial policies and political-administrative decision-making necessary to promote operational cooperation, prevention and awareness.

The Council notes that there is no shortage of international and interregional laws and regulations. However, the national opium legislation needs updating, and there is no comprehensive, multidisciplinary drug policy for Sint Maarten. The focus on combating international drug trafficking at the border, means that insufficient attention is given to the fight against local drug crime and related issues. Urgent investment in preventive measures and the quality and accessible addiction care is needed in Sint Maarten.

According to the Council, Sint Maarten's approach can be strengthened through better coordination and establishment of priorities, policies and practices between the relevant organizations. In addition, the Council identified several vulnerabilities in the logistics infrastructure, including in the security at the air- and seaport. Effective drug control requires smart investments (e.g. in additional CCTV), inter-ministerial and public-private cooperation, as well as decisive action from Government. The Council also sees opportunities for improving the approach using broader interregional and international cooperation. Drug crime is known as a cross-border problem, the Council therefore recommends improving the interregional and international information position and intensifying cooperation therein. Given the seriousness and impact of drug crime and drug-related problems at the individual and societal level, the Council believes the approach requires high priority.

Confronting domestic violence and child abuse

At the end of 2019, the Council carried out an investigation about efforts to confront and combat domestic violence, including child abuse. Domestic violence is a serious problem in Sint Maarten that not only affects the direct victims but threatens complete family structures, future generations and society as a whole. As part of this research, the Council organized a

focus group session along with additional interviews with professionals from the justice and healthcare sectors. The Council examined how signs of domestic violence are identified by, and/or in cooperation with, the organizations in the judicial chain. Although it was not the focus of the research, the Council wishes to stress the importance of prevention and (after)care and supports all initiatives in this regard. Services and measures to protect the safety of victims of domestic violence should be available to all who need them; including shelter, practical and psychological support, criminal action, rehabilitation and protection orders. The inspection report, which is expected to be published shortly after the publication of this State, contains several recommendations to Sint Maarten's Minister of Justice for improving the approach towards domestic violence.

Review of Victim Support

Since 2012, the Council has, in several reports, highlighted the importance and urgency of setting up victim support. In order to achieve this, the Council issued seventeen recommendations in 2012. In its first review report in 2016, the Council found that fifteen recommendations had not been (fully) addressed. In its second review report, the Council once again concludes, that in 2019 not one recommendation received complete follow-up. Four recommendations were partially dealt with, and eleven recommendations were not addressed at all.

The recommendations that were not followed by the KPSM and the Public Prosecutor, mainly relate to the provision of information to victims about (non)prosecution and compensation, as well as to the development of criteria, work processes and protocols to facilitate victim support. In addition, the Minister of Justice and the Sint Maarten Judicial Foundation Institutes have not addressed the recommendations regarding the creation of a victim support agency. Moreover, the Ministry did not deal with the recommendation regarding finding ways to establish a compensation fund.

The recommendation, which was partially addressed by the Minister of Justice, concerned the provision of support for victims through inclusion of stipulations in the new draft Penal Code. The KPSM also partially dealt with the recommendation regarding the description and implementation of policies. The last recommendation, which was partially adopted, concerned the preparation of quality standards by the KPSM in consultation with the Public Prosecutor and including said standards in process descriptions.

After seven years, Sint Maarten still does not have a victim support agency or any structural means to support victims of crime, despite agreement among stakeholders about the need for adequate victim support. On the basis of its findings, the Council felt compelled to sound the alarm.

Review of the Detention System

In 2019, the Council published – in both Dutch and English - its ninth report on the detention system. The focus was the status of the follow-up of recommendations issued by the Council and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), and other relevant developments. The Council visited the Miss Lalie Center, the border hospice in Simpson Bay, the police cells in Philipsburg and the Pointe Blanche Prison.

The Council repeatedly sounded the alarm regarding the situation at the Pointe Blanche Prison on the basis of findings in various reports and States on law enforcement. Most of the recommendations issued by both the Council and the CPT have, in recent years, not been addressed. In every instance, a continued deterioration was identified, and the Council has called for follow-up. The urgent need for immediate action to improve the unacceptable detention- and work conditions, is high. However, the required action fails to occur, as the Council, once again, reported in 2019. Last year, the Council stated that it hoped it would not need to exercise its authority, in accordance with article 32 of the Kingdom Law on the Council for Law Enforcement, to approach Sint Maarten's representative body and the Kingdom Council of Ministers. Given that the deadlines have elapsed, and in light of the need for improvement, the Council urges the Minister of Justice to implement the recommendations by mid-2020.

With regard to police cells, five of the eight recommendations issued by the CPT have been either fully (2) or partially (3) addressed. Three recommendations still need to be dealt with. Those recommendations relate to the amount of living space per detainee, placement of an intercom system in the cells and the (excessive) length of stay in police cells.

Both the border hospice and the MLC were not operational at the time of the Council's visit. Work to commission both was in full swing. As a result, the Council decided to postpone the inspection of these two institutions.

Review of the use of force by and against the police

The use of force by and against the police is an important and topical issue that demands constant attention from the parties responsible. Force must be properly applied by police officers and the safety of police officers must always be paramount. In 2014, the Council investigated the use of force by the police and the use of force against the police in Sint Maarten. In the resulting report, the Council issued thirteen recommendations. In this review, the Council notes that of the thirteen recommendations, a total of six were fully addressed and two were partially dealt with. Five recommendations have not been addressed. The Council is particularly impressed with the way in which the police have adopted some of the recommendations from the Integral Professional Skills Training. In addition to the police, other participating organizations within the judicial chain benefit from this program, such as customs, immigration and the prison and remand center. The training provides structural attention to the use of (proportional) force by law enforcement officers.

The recommendations that have not been addressed concern the establishment of mutual agreements regarding quality standards, training and training requirements of the police and police equipment, as well as the establishment of combined tests on the use of force. In addition, the recommendations on promoting the physical conditioning of members of the corps, the establishment of a complaints committee for police affairs and the KPSM's weapons policy, have not been dealt with.

Review admittance and expulsion of foreigners

Based on the follow-up research on the report written in 2014 named '*Sint Maarten welcomes you! Research into the admission and expulsion of foreigners in Sint Maarten, focusing on applications related to the performance of work*', it is clear that four of the six recommendations have not been addressed. Those not addressed are mainly related to policy. The Council calls

on the Minister of Justice to implement the recommendations that have not yet been (fully) adopted. The recommendation to invest in knowledge about forged documents has been partially addressed. The recommendation on the file registration and tracking system has been fully dealt with. As previously indicated, the IGD made significant strides in terms of digitization in 2019. A digital file registration and tracking system (Decos Join) was introduced along with associated work processes, staff training, and the system went live in early 2020. The Council considers this a good development.

Review of the investigation and prosecution policy of the Public Prosecutor's Office

In 2014, at the request of the then serving Minister of Justice, the Council carried out an investigation regarding selectivity of the investigation and prosecution policy of Sint Maarten's Public Prosecutor's Office. The Council concluded, that the reasons for selectivity are not based on the person accused, but rather the preconditions related to the investigation and the (im)possibility of meeting the burden of proof. The aforementioned was related to the relatively low impact of Sint Maarten's law enforcement apparatus. The report which was presented to the Minister of Justice was published in 2015 and contained ten recommendations regarding: the Public Prosecutor's Office (5 recommendations), the National Detectives (4 recommendations); and the Public Prosecutor's Office, the National Detectives and the KPSM combined (1 recommendation). The review, conducted in 2019, found that six recommendations were not addressed, three recommendations were partially dealt with, and one recommendation was fully dealt with. Of the six unaddressed recommendations, one concerns the strengthening of the effectiveness of law enforcement, one the personnel policy of the Public Prosecutor's office and four recommendations concern the National Detectives, covering general political and administrative policy, capacity, the business process system and the Improvement Plan of the National Detectives. The three recommendations that were partially dealt with relate to the handling time of cases by the Public Prosecutor's Office, the communication policy of the Public Prosecutor and the business process system named PRIEM. The recommendation that was fully addressed relates to the request for assistance from the Public Prosecutor's office.

Review of Seizure of Property in Criminal Cases

The follow-up investigation into seizure of property in criminal cases in Sint Maarten shows that four of the seven recommendations issued by the Council in 2014, were fully dealt with. These recommendations concern the drafting and implementation of a process description, informing the Public Prosecutor about seizure, inclusion of a list of seized property to the criminal record and the supervisory task in the event of destruction. Three recommendations have been partially addressed. These include finding a solution for the storage of large objects, the adoption of the KPSM function book and the processing of seized items. In its review report, the Council expressed optimism to the Minister of Justice and expressed the hope and expectation that the recommendations regarding criminal charges would be fully addressed in a relatively short time.

Handling times of criminal cases

This inspection was included in the Council's 2019 annual plan for Sint Maarten. After some reflection, the Council decided to carry out this inspection, in conjunction with its secretariats of all the countries in 2020. By conducting this inspection, the Council hopes to gain insight into both the handling times in criminal cases and each organization's contribution to the handling times. This inspection is expected to require a great deal of file research, which is

relatively time consuming. Therefore, in view of the scope of other investigations, the Council does not expect to be able to provide a report until 2021.

Integrated infrastructure security

This study was initially planned for 2018. Due to the impact of the 2017 hurricanes Irma and Maria on infrastructure, this investigation could, at the earliest, take place in 2019. However, the situation in 2019 proved to be such, that it was not deemed appropriate to proceed with the investigation. When the time is right, the Council will carry out the investigation or incorporate the subject matter into other investigations.

Looking ahead 2020: The Council's activities

As demonstrated in the 2019 review inspections, a lot stands to be gained in Sint Maarten if recommendations are addressed. If the recommendations issued in the Council's inspection reports are not (systematically) complied with, the desired improvement of (cooperation within) the judicial chain will remain absent. Although the Council's inspections never include individual cases, stagnation in the improvement of law enforcement can impact the protection of individual citizens and society as a whole. Moreover, this can affect citizens' sense of security and trust in law enforcement and justice. The Minister of Justice is responsible for deciding whether or not to implement improvement measures. Parliament should address the Minister on this matter. The Council can only conduct inspections, provide an opinion and issue recommendations to the Minister.¹¹ To date, monitoring has taken place by means of separate review inspections and by providing an annual review in the States of Law Enforcement. In 2020, the Council wishes to intensify the monitoring of the implementation of recommendations and stimulate follow-up by means of an in-depth, comprehensive review.¹² In so doing, the Council can provide the Minister and other relevant institutions and services, insight into the total of previously issued recommendations as well as assess the current state of affairs. From 2011 to 2018, the Council published a total of 32 inspection reports for Sint Maarten, half of which have been subject to a follow-up review. Up until 2019, the Council carried out 17 follow-up reviews in Sint Maarten.¹³

In addition to the comprehensive review, the Council included the following inspections in the 2020 annual plan: assessment of the National Detectives of Sint Maarten, monitoring of the detention system and the CPT-recommendations, and an investigation of the handling times in criminal cases within the criminal justice chain. In addition, this year, at the request of the Judicial four-party consultation (JVO), and after approval by the Council to comply with that request, the Council is carrying out a comprehensive evaluation of the four Mutual Arrangements within the Kingdom regarding detention. Also, by means of these inspections the Council intends to contribute to the quality and effectiveness of judicial institutions and judicial cooperation between countries.

The Council hopes it can continue to count on the efforts of law enforcement professionals and looks forward to future results.

The Council also published an infographic on the State of Law Enforcement of Sint Maarten 2019. It can be referenced along with the inspection reports, press releases and annual States of Law Enforcement via www.raadrechtshandhaving.com

¹¹ Explanatory Memorandum of National Ordinance Council for Law Enforcement 2008–2009, 32 020 (R 1887), No. 3: "The authority [of the Council] to directly address the representative body is a 'stick' that can be used to get the responsible ministers to comply with the results of the investigation. As agreed in the Final Declaration, the Council itself can also directly approach the Kingdom Council of Ministers if its recommendations are not systematically addressed.

¹² In the State of Law Enforcement 2016 of Sint Maarten, a comprehensive analysis was done, which will also serve as input for this overall review.

¹³ The report victim support has recently been reviewed for the second time.

Colophon

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