



General review of recommendations

Sub-inspection 1:

Prevention of juvenile crime

Juvenile rehabilitation facility Miss Lalie Center

Juvenile Probation

Adult Probation

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Law Enforcement Council

March 2021

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List of abbreviations

<i>Abbreviation</i>	<i>Definition (translation)</i>
CPO	Community Police Officers
CoS	Committee of Supervision
ET	Elektronisch toezicht (<i>Electronic supervision</i>)
IVS	Inverzekeringstelling (<i>Custodial Detention</i>)
JCO	Jeugd Casus Overleg (<i>Juvenile Case Consultation</i>)
KPSM	Korps Politie Sint Maarten (<i>Sint Maarten Police Force</i>)
LBHAM	Landsbesluit, houdende algemene maatregelen (<i>National decree containing general measures</i>)
Ministry ECYS	Ministry of Education, Culture, Youth and Sport
MLC	Jeugdrehabilitatiecentrum Miss Lalie Center (<i>Juvenile rehabilitation facility Miss Lalie Center</i>)
OM	Openbaar ministerie (<i>Public Prosecutor's Office</i>)
OvJ	Officier van Justitie (<i>Public Prosecutor</i>)
Council	Law Enforcement Council
RN	Reclassering Nederland (<i>Probation Office of the Netherlands</i>)
SJIB	Stichting Justitiële Instellingen Bovenwinden (Foundation Judicial Institutes Sint Maarten)
V.I.	Voorwaardelijke invrijheidstelling (<i>conditional release or parole</i>)
VR	Voogdijraad (<i>Court of Guardianship</i>)

Preface

In 2020, the Council initiated a general review of the implementation of all its recommendations issued for Sint Maarten for the period up to and including 2018. Given the large number of recommendations, the decision was made to conduct sub-inspections, with each addressing several specific topics. This report represents the first sub-inspection. It examines the extent to which the recommendations relating to four subjects received follow-up. The following reports are covered:

- [*Juvenile Probation on Sint Maarten* \(2012; 16 recommendations\)](#);
- [*Juvenile Probation on Sint Maarten. A follow-up.* \(2015\)](#);
- [*Adult Probation on Sint Maarten* \(2013; 16 recommendations\)](#);
- [*Adult Probation on Sint Maarten. A follow-up.* \(2016\)](#);
- [*Prevention of Juvenile Crime on Sint Maarten* \(2015; 5 recommendations\)](#);
- [*Juvenile rehabilitation on Sint Maarten. A baseline study at the Miss Lalie Center* \(2016; 8 recommendations\)](#).

This first sub-inspection shows that, of a total of 45 recommendations, 26 recommendations were fully adopted, 11 recommendations were partially implemented, and 8 recommendations have not been addressed. The Council believes that in terms of adult probation, the meaningful progress made in recent years is partly due to the recommendations themselves as well as the follow-up thereon. As such, the Council encourages the parties involved to continue this upward trend. In terms of the adoption of the recommendations related to preventing juvenile crime, the MLC, and juvenile probation, the situation is such that partial progress is evident, though, on the subject of juveniles, a relatively large number of recommendations remain outstanding. Many of the bottlenecks identified by the Council over the last few years appear to be systematic and as this sub-inspection shows, they continue to play a negative role in the developments relating to the topic of juveniles.

Increasingly, the current problems require an integrated approach, and therefore strong organizations are needed that can provide effective contributions to law enforcement, both individually, but also, in particular, as part of the chain. The subject of the youth, and more specifically preventing juvenile crime is a good example, as it explicitly requires an integral and inter-ministerial approach to be truly effective. However, the aforementioned has yet to be achieved. The Council hopes, nevertheless, that the attention placed on the matter can be sustained, that specific consideration will be given to the required integrated approach, and that this will lead to the desired results in the shortest possible time.

As was the case in previous investigations conducted by the Council and despite the limitations caused by Covid-19, there was constructive cooperation from the organizations and individuals involved in this inspection. The Council extends, once again, its sincerest appreciation to those individuals who cooperated.

The Council expresses its hope and expectation that this inspection leads the Minister of Justice towards energetic action and delivery of the necessary resources to support recommendations that have not been (fully) adopted. In 2021, the Council will start its periodic monitoring of the progress.

LAW ENFORCEMENT COUNCIL

Mr. L.M. Virginia, chairperson,

Mr. M.R. Clarinda,

Mr. Th.P.L. Bot.

Summary and Recommendations

Summary

Introduction

In the period from 2012 through May 2020, the Council on Sint Maarten published a total of 34 inspection reports along with recommendations on a variety of topics, of which, to date, half have been reviewed. The majority of these 17 review reports revealed the existence of a bottleneck in terms of the adequate adoption of recommendations. In its 2020 annual plan, the Council determined that the biggest benefit Sint Maarten can achieve is by implementing all recommendations from the period 2011 through 2018.¹ Starting in 2020, and the year thereafter, the focus is on an in-depth, overall review of the follow-up of earlier recommendations, after which, based on the results, the progress of the outstanding recommendations will be regularly monitored starting in 2021. In light of a large number of recommendations, the overall review is being conducted in phases using sub-inspections after which a final report will follow once all sub-inspections are completed. The sub-inspections focus on whether the Minister of Justice and the justice organizations adopted the recommendations issued by the Council. This first sub-inspection addresses the level of compliance on recommendations for the following 6 (review) reports:

- [Juvenile Probation on Sint Maarten \(2012\)](#)
- [Juvenile Probation on Sint Maarten. A follow-up. \(2015\)](#);
- [Adult Probation on Sint Maarten \(2013\)](#);
- [Adult Probation on Sint Maarten. A follow-up. \(2016\)](#);
- [Prevention of Juvenile Crime on Sint Maarten \(2015\)](#);
- [Juvenile rehabilitation on Sint Maarten. A baseline study at the Miss Lalie Center \(2016\)](#).

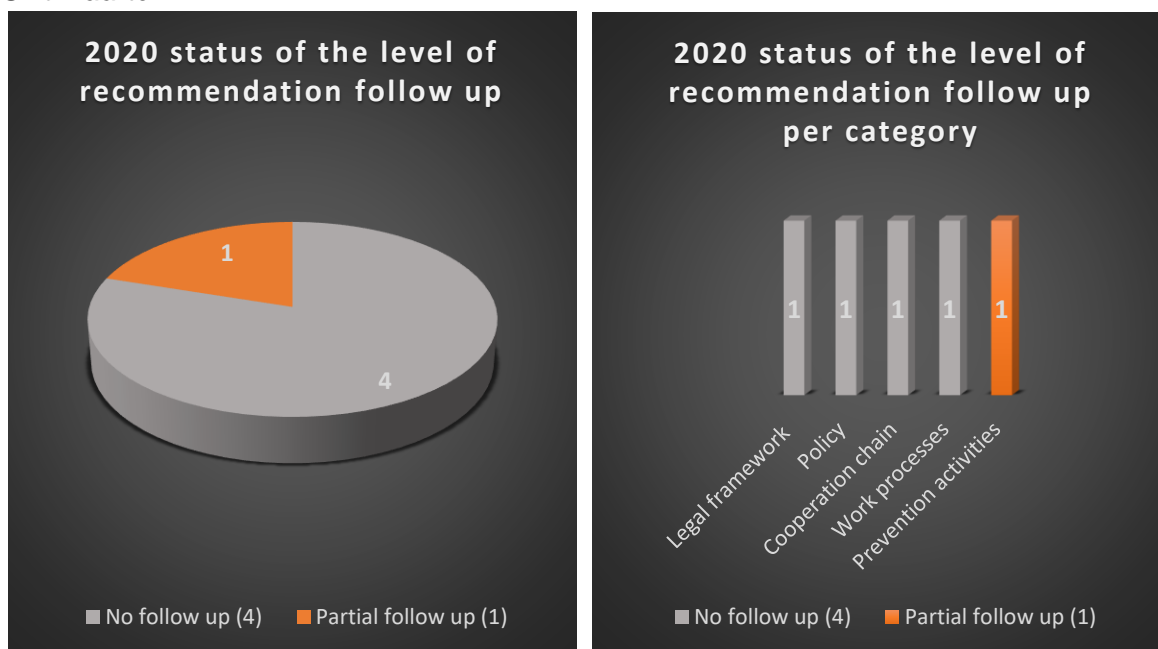
Prevention of juvenile crime on Sint Maarten

In 2015, the Council determined the extent to which and how prevention of juvenile crime was taking shape. As a result of its findings, the Council issued five recommendations. The 2020 inspection is the first review of this report. In 2020, the status is that of the five recommendations issued, one has been partially implemented (balanced approach to juvenile crime) and four recommendations have not been adopted (LBHAM police transaction; incorporate juvenile crime prevention; police transaction: project HALT and procedures for reporting and follow-up). As a result, the overall compliance rate in 2020, is only **10%**.² The topics on which recommendations were issued are closely interrelated, so failure to act on one or more recommendations will directly affect the adoption of other recommendations.

¹ This is in keeping with the review period of (at least) 2 years maintained by the Council. However, it is possible that the Council will include the results of the review reports up to and including the year 2019 in the sub-inspections as part of the overall review, since these do not issue any new recommendations but evaluate the follow-up of previously issued recommendations.

² The percentage mentioned is not a hard measure but serves as an indicator to visually illustrate the state of affairs per report. The compliance percentage as an indicator is calculated by assigning 1 point for each recommendation that was followed, ½ point for each recommendation that was partly followed and no points for a recommendation that has not received follow up. The number of points awarded is then divided by the total number of recommendations and multiplied by 100 to arrive at the compliance percentage.

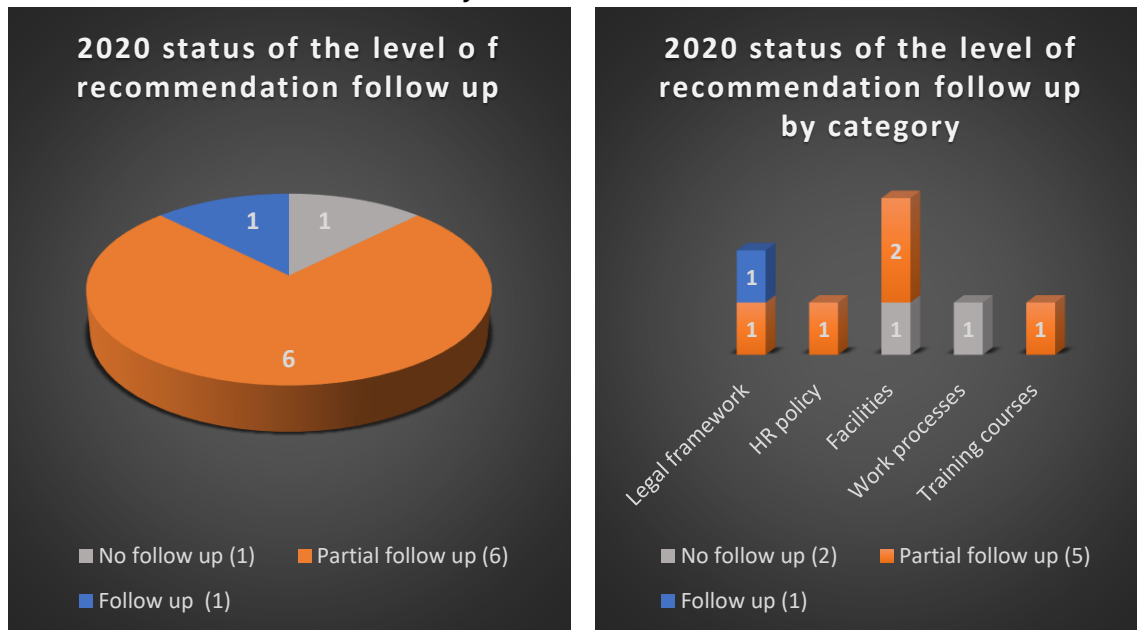
Figure 1: Status of recommendation follow-up for the report 'Prevention of Juvenile Crime on Sint Maarten'.



Sint Maarten juvenile rehabilitation facility. Baseline study at the Miss Lalie Center

In 2016, the Council issued eight recommendations following the baseline study at the Miss Lalie juvenile rehabilitation center. Because the Council decided to postpone the originally scheduled inspection due to developments at the time, the 2020 inspection is the first review to determine the extent to which the recommendations at the MLC were addressed. The 2020 status: of the eight recommendations, one recommendation was addressed (supervisory committee), six recommendations were partially adopted (formal embedding of the juvenile facility, personnel policy, daycare, disasters (plan), training of supervisory personnel; and physical security) and one recommendation (12.5%) remains unaddressed (full education program). The 2020 compliance rate is therefore **50%**. The Council has serious concerns about the (continuity of the) education for minors at the MLC and as such, requests the Minister of Justice to pay specific attention to the education program for minors at the MLC as well as the preconditions to guarantee the success of the program.

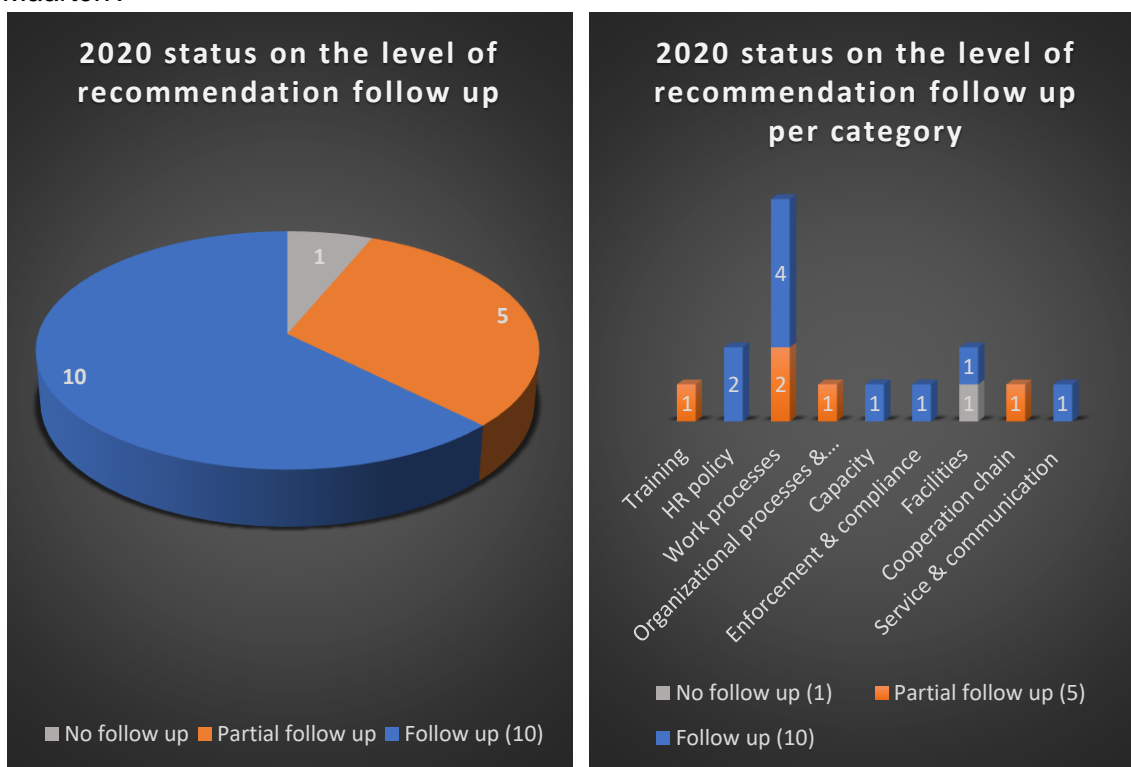
Figure 2: Status of recommendation follow-up related to the report 'Juvenile Rehabilitation Center Sint Maarten. Baseline study at the Miss Lalie Center'.



Juvenile probation on Sint Maarten

In 2012, the Council issued 16 recommendations as part of its inspection of juvenile probation, followed by a review inspection in 2015. During the review inspection, the Council indicated that its review found that more than half of the recommendations (9) related to juvenile probation had been adopted. At that time, seven of the recommendations still needed to be partially (5) or fully (2) addressed. Based on the above, the 2015 compliance rate was **72%**. The 2020 state of affairs is that of the sixteen recommendations, ten have been adopted (job description coordinator for juvenile probation; personal files; early intervention report IVS; quality of early intervention and information reports; temporary recruitment of an experienced employee; communication with the Public Prosecutor's Office about the early intervention and information reports; filling the role of an expert at hearings; JCO; supervision of minors), five recommendations were partly addressed (training and training plan; description of work processes; computerized information system; description of the content and duration of training and courses; and evaluation protocol on cooperation SJIB and VR), and one recommendation was not addressed (the inventory of the consequences of ending the subsidy of AMFO). This means that in the past five years, a small change is evident in the desired direction based on the compliance with recommendations issued in the context of juvenile probation. As such, in 2020, the compliance rate increased slightly from **72% to 78%**. The Council expects that with the knowledge of the current state of affairs, work can be done on the recommendations that are not or partially adopted.

Figure 3: Status of recommendation follow-up for the report 'Juvenile Probation on Sint Maarten'.

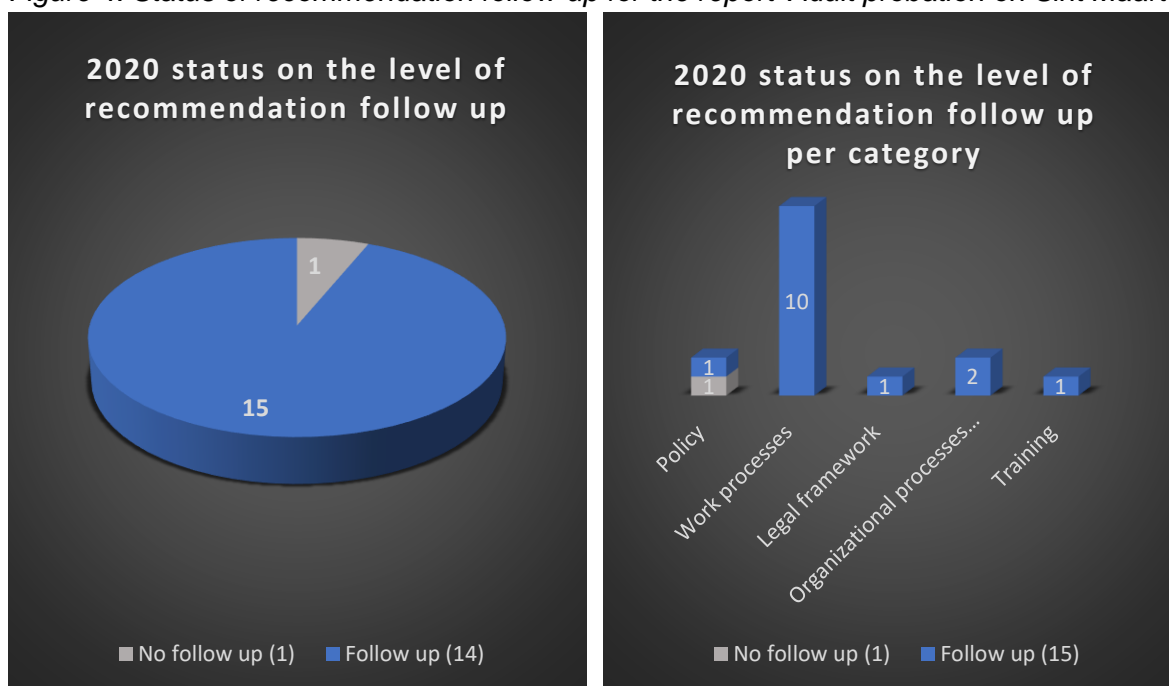


Adult probation on Sint Maarten

In 2013, the Council issued 16 recommendations as part of its inspection of adult probation, which was followed by a review inspection in 2016. The review inspection found that the majority of the recommendations (10) regarding adult probation had been adopted. At the time, six of the recommendations still needed to be partially (5) or fully (1) addressed. Based on the above, the compliance rate was **78%** in 2016.

The 2020 situation is: of the sixteen recommendations, fifteen were adopted (SJIB; acceptance of the declaration of readiness; control room reports; computerization of case and client registration; knowledge and training; prioritization of early intervention; IVS notification; police station consultation room; information report; completeness of VI and ET advice files; content of advice regarding requests for VI and ET; monitoring group; prison consultation hours; long-term counseling of ex-offenders and community service), and one recommendation has had no follow up (policy). The SJIB and its operations are developing in the desired direction such that, with one exception, all recommendations have been adopted. By 2020, the compliance rate, therefore, increased from **78%** to **94%**. The Council expresses its appreciation to the SJIB and its employees for the progress and professionalism achieved and will continue to follow developments with interest.

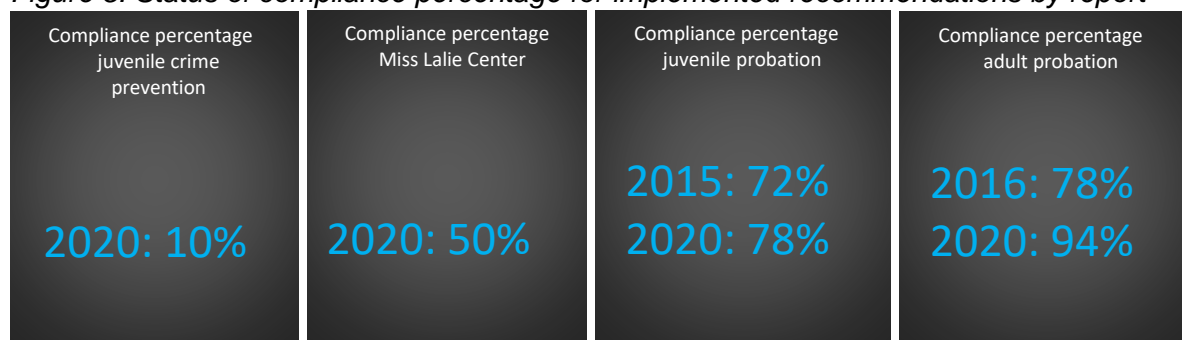
Figure 4: Status of recommendation follow-up for the report 'Adult probation on Sint Maarten'.



Overall analysis

This first sub-inspection shows that of a total of 45 recommendations, 26 recommendations were fully implemented, 11 recommendations were partially implemented, and 8 recommendations were not adopted (see the relevant chapters for illustration per report). As such, across the board, it can be concluded that the majority of the recommendations were implemented. The Council concludes that the SJIB, and thus the adult probation, has in recent years significantly evolved in the manner intended by the recommendations. Unfortunately, this does not apply to the subject of juveniles. According to the Council, the state of affairs identified regarding juveniles is the result of broader challenges. In particular, the lack of an integrated and inter-ministerial approach and corresponding (policy) frameworks for the allocation of the corresponding human, financial and material resources have led to stagnation of developments on the topic of juveniles. Furthermore, the financial consequences, the need for greater efficiency, and the need for cooperation are also evident in this report. As far as acting on recommendations, the Council must conclude as it has in previous review investigations, that the individual organizations often succeed in acting on a large proportion of the recommendations, but that adoption of a portion of the recommendations stagnates or does not get off the ground because of the need for action by, or cooperation from management.

Figure 5: Status of compliance percentage for implemented recommendations by report



Recommendation and 2021 monitoring

Based on the above, the Council's recommendation to the Minister of Justice is as follows: *Implement the Council's recommendations that have not yet been (fully) adopted and make the necessary resources available for this purpose at the earliest possible opportunity.*

In 2021, the Council will start the periodic monitoring of the progress on the outstanding recommendations.

1. Introduction

1.1 Introduction and purpose

Introduction

As of 2012, the Council has issued more than 100 inspection reports. The Council examined the effectiveness, quality of task performance, and management of the organizations in the justice chain on Curaçao, Sint Maarten, Bonaire, Sint Eustatius, and Saba, as well as the quality and effectiveness of judicial cooperation between the countries.

To date, monitoring has taken place by instituting a follow-up study (review) after at least two years and in the State of Law Enforcement, a yearly review was undertaken. In 2020, the Council (also) started to intensify its monitoring of the adoption of recommendations to stimulate the follow-up of recommendations and contribute to their implementation.

Purpose

Up to and including May 2020, the Council published a total of 34 inspection reports on a variety of topics on Sint Maarten, half of which, to date, have been reviewed. The majority of these 17³ review reports, recognize a bottleneck in terms of adequate follow-up of recommendations. Therefore, the Council believes that the greatest benefit Sint Maarten can currently achieve is by reviewing the level of follow-up for every recommendation issued by the Council during the period from 2011 to 2018.⁴ As such, the focus is, starting in 2020 and yearly thereafter, on an in-depth, general review of compliance with previously made recommendations per justice organization. Subsequently, progress can be monitored based on all results.

Given a large number of recommendations, the general review is conducted in phases through sub-inspections. This sub-inspection covers the following six (review) reports:

- [Juvenile Probation on Sint Maarten \(2012\)](#)
- [Juvenile Probation on Sint Maarten. A follow-up. \(2015\)](#);
- [Adult Probation on Sint Maarten \(2013\)](#);
- [Adult Probation on Sint Maarten. A follow-up. \(2016\)](#);
- [Prevention of Juvenile Crime on Sint Maarten \(2015\)](#);
- [Juvenile rehabilitation on Sint Maarten. A baseline study at the Miss Lalie Center \(2016\)](#).

1.2 Research question sub-inspection

The research question for this inspection is:

To what extent did the Minister of Justice and judicial organizations adopt the Council's recommendations?

To answer the main question, the following secondary questions were prepared:

³ The research report on victim assistance was recently reviewed for the second time.

⁴ This is in line with the review period of (at least) 2 years used by the Council. However, it is possible that the Council will include the results of the review reports up to and including the year 2020 in the sub-studies as part of the overall review, since new recommendations are not made but instead an evaluation of the follow-up to previously made recommendations is done.

1. To what extent has there been a re-examination of the recommendations made in the following (review) reports: *'Prevention of Juvenile Crime on Sint Maarten'*, *'Juvenile Rehabilitation Facility Sint Maarten. Baseline study at the Miss Lalie Center'*, *'Juvenile Probation on Sint Maarten'*, *'Juvenile Probation on Sint Maarten. A follow-up study'*, *'Adult probation on Sint Maarten'* and *'Adult probation on Sint Maarten. A follow-up study'*?

1.3 Definition

This sub-inspection focuses on the recommendations in the (review) reports published from 2012 to 2016.

The Council evaluated the extent to which its earlier recommendations were acted upon. The Council grouped several reports and undertook an initial partial inspection of the state of affairs. It was decided to group the reports related to juveniles given the cooperation and connection between juvenile and adult probation; the latter subject is also included in this review. The first sub-inspection involves the following six (review) reports:

- [*Juvenile Probation on Sint Maarten* \(2012\)](#)
- [*Juvenile Probation on Sint Maarten. A follow-up.* \(2015\);](#)
- [*Adult Probation on Sint Maarten* \(2013\);](#)
- [*Adult Probation on Sint Maarten. A follow-up.* \(2016\);](#)
- [*Prevention of Juvenile Crime on Sint Maarten* \(2015\);](#)
- [*Juvenile rehabilitation on Sint Maarten. A baseline study at the Miss Lalie Center* \(2016\).](#)

More sub-studies will follow. Based on these partial inspections, the Council will issue one or more comprehensive reports. These reports will focus on the extent to which the Minister of Justice and the justice organizations, in general, acted on the Council's recommendations during the period from 2011 to 2018, and will provide an overall impression based on various aspects. Comparisons, where relevant, will also be made between other countries within the Kingdom in the context of best practices.

1.4 Assessment Framework

The points of departure for this sub-inspection are the recommendations contained in the aforementioned reports *'Prevention of Juvenile Crime on Sint Maarten'* (2016), *'Juvenile Rehabilitation Facility Sint Maarten. Baseline study at the Miss Lalie Center'* (2016), *'Juvenile Probation on Sint Maarten'* (2012; review 2015), and *'Adult Probation on Sint Maarten'* (2013; review 2016). The Council evaluates the follow-up of the recommendations it has issued: this constitutes the framework.

1.5 Research Design and Methodology

A database was developed by the Council to incorporate all reports and associated recommendations (through 2019). Also, the Council included relevant information for each recommendation including the category of the recommendation, the organization to which the recommendation primarily relates, and whether a review inspection took place. Subsequently, all relevant reports and recommendations for this first sub-inspection were identified per

organization (PDF document). A written questionnaire was also prepared - partly because of Covid-19 - which included the documents that, based on the recommendations, should be present, and these were requested. The PDF document and the questionnaires were then distributed to contacts at the Court of Guardianship (VR), the Foundation Judicial Institutes Sint Maarten (SJIB), the Public Prosecutor's Office (OM), the juvenile rehabilitation facility known as the Miss Lalie Center (MLC), the Sint Maarten Police Force (KPSM) and the Ministry of Justice. All were asked to provide the status of the (relevant) recommendations and, if applicable, provide the corresponding documentation. In so doing, the Council was able to gain insight into the state of affairs. Several additional interviews also took place (SJIB, MLC, and KPSM). Furthermore, various supplemental written questions were also submitted but, in rebuttal, several organizations were unable to respond within the allotted time frame nor during the extension period. Where appropriate, the Council incorporated the newly gathered information and documents provided by the organizations. The facts contained in the report were submitted to all parties for a rebuttal.

1.6 Reading Guide

This report is structured in the following manner. After the introductory chapter 1, chapters 2, 3, 4 and 5, present the state of affairs of respectively, prevention of juvenile crime, the Miss Lalie Center, juvenile probation, and adult probation. Each chapter contains a separate analysis. The final chapter 6 provides a general analysis. Also included in the various chapters are graphics that visually represent the state of affairs.

2. Status of recommendations preventing juvenile crime

Introduction

In 2015, the Council published the report '[Prevention of juvenile crime on Sint Maarten](#)'. In that report, the Council identified the extent to and how the prevention of juvenile crime is shaped. As a result of the findings, the Council issued five recommendations. This is the first review investigation since the report was released in 2015.

2.1 2020 status of prevention of juvenile crime

Below is the status of each recommendation from 2020.

To the Minister of Justice:

Recommendation 1: Take responsibility for the National Decree, containing general measures (LBHAM) describing which (criminal) offenses are eligible for a police transaction. *The recommendation has been classified by the Council in its database under the category 'legal framework'.*

Findings

The referenced National Decree is not available. The Judicial Affairs Division indicates that it has not received an assignment from the Minister of Justice or a request from the Public Prosecutor's Office to draft a LBHAM relating to the police transaction.

Supplemental

The Prosecutor's Office's (PG) guideline on Opium Offences (No. 2018/01), regulates, among other things, transaction amounts in case of limited drug possession. A specific paragraph is included concerning minors, where specifically for minors, unlike adults, the possession of the so-called user quantity (0-5g) is also subject to prosecution. The prosecution will be used to support the provision of assistance from addiction treatment centers and (possibly) other assistance agencies.

Recommendation 2: Take steps to incorporate the prevention of juvenile crime in the justice youth policy plan, the integrated approach to juvenile crime, and, where possible, other youth policy plans in cooperation with other ministries. *The recommendation is classified by the Council in its database under the category 'policy'.*

Findings

The Ministry of Justice indicates that it recognizes the importance of prevention, an integrated approach to juvenile crime, as well as a justice policy plan (in which several justice organizations are involved), however, in recent years politicians and the administration have given greater priority to other (security) issues. It was also reported that the lack of capacity, expertise and funding make it difficult for the Ministry to systematically address the specified policy topics.

When asked, the KPSM indicates that the issue of juveniles should be addressed inter-ministerially and that there are opportunities for all involved ministries (including on the level

of prevention, socio-economic, and individuals) which can still be leveraged. The current approach is still too case-oriented; a broader approach at the strategic level is needed. According to the KPSM, the approach should start in the schools, making inter-ministerial cooperation imperative. It is stressed that the situation where most schools are located in a single area requires careful consideration.

Supplemental

The Juvenile Case Consultation (JCO), where cases of minors that have come into contact with the justice system and youth policy issues are discussed, continues to take place. The parties involved that work together in this process are the OM (Public Prosecutor), the Court of Guardianship (juvenile probation and juvenile protection), KPSM (Community Police Officers (CPO's) and vice detectives, Education Inspectorate (compulsory education officer), the SJIB (family guardianship) and the MLC (educational staff). The KPSM points out that it is often the case that problems are not only related to criminal law but also broader problems, including social issues, which means that help or action from the government is also needed to tackle and potentially solve these broader issues. The OM indicates that the JCO is trying to establish contact between the Ministry of Justice and the Ministry of Education, Culture, Youth and Sports (Ministry OCJS), but has not yet received a response. In their rebuttal, the OM states that they do, however, continue to try to bring attention to the importance of a broad approach. Bottlenecks cited include the lack of a requirement to admit juveniles (with a criminal history) to schools, a mandate to impose fines under compulsory education, the lack of a shelter for children and adolescents, the lack of detention options for girls, concerns about the educational environment within MLC due to frequent turnover of staff, the lack of options for forensic care and juvenile TBS, and concerns about the increase in the number and severity of fights in and around schools and the role of social media. Furthermore, a "green paper" (discussion paper) was submitted by the Prosecutor's Office to the Ministry of Justice (August 28, 2020) and the Ministry of OCJS (January 21, 2020) regarding school fights. The paper contains proposals for preventive measures that can be implemented.

To the Minister of Justice with reference to the Public Prosecutor's Office and the Sint Maarten Police Force:

Recommendation 3: Take charge of the organization of the project associated with the police transaction (HALT). *The recommendation is classified by the Council in its database in the category ' chain cooperation '.*

Findings

The project associated with the police transaction (HALT) has not been organized. The KPSM indicates that in practice, the KPSM and the OM already operate in this manner, but that no HALT concept has been defined and discussions on the matter are pending. The OM reports in rebuttal that they will not take the lead in this because they currently do not see the added value in setting up a new structure like HALT.

To the Minister of Justice with reference to the Public Prosecutor's Office and the Court of Guardianship:

Recommendation 4: Ensure clear procedures for reporting and follow-up within and outside the justice chain. *The Council has classified the recommendation in its database in the category 'work processes'.*

Findings

The OM indicates that a notification procedure for reporting and follow-up has not been developed. However, there are agreements about when to inform the Court of Guardianship after the arrest of a minor.

To the Minister of Justice regarding the Sint Maarten Police Force:

Recommendation 5: Ensure a more balanced approach to juvenile crime with an emphasis on prevention. *The recommendation has been classified by the Council in its database under the category of 'prevention activities'.*

Findings

The KPSM indicates that four CPOs attended a course in the United States in 2017 specifically focused on "troubled" youth. Upon their return, these CPOs organized a 'mock case study' for MPC students in 2017 and 2018 that provided them with insight into the criminal justice process from arrest to trial. Also, the CPOs conduct numerous consultations with (the board of) schools. Moreover, the detectives of the juvenile & vice department deliver presentations to students at schools on invitation. This was done every Tuesday in 2019 at high schools (MAC and MPC). According to the KPSM, due to special Covid circumstances in 2020, the program was not continued that year.

In 2019, it was announced that a "task force to combat school fights" was established by the OM and the KPSM (CPOs) and, as part of this, a workshop was held in October 2019 with participants from secondary schools, the OM, compulsory education officers, the KPSM, education inspection and the Court of Guardianship discussed the causes, consequences and possible solutions. The OM reports in rebuttal that the task force did not follow up after the green paper was published. Furthermore, as an outgrowth of the aforementioned training of CPOs, the KPSM launched a campaign called "See something, share something" in 2020, where individuals can report anonymously through their website. The idea already existed, but now there is added attention through the website. The KPSM reports that the medium is being used by individuals in general (not limited specifically to the school fights context).

The KPSM's specific focus on juveniles focuses on school fights, behavior in relation to social media, and sexual assault (whether or not in combination with social media). The fact that almost all of the schools are located in the same area not only creates traffic problems, for years there have also been problems with fights in the school area; "gang" dynamics play a role as well, according to the KPSM. The current trend is filming and sharing incidents on social media. It often doesn't stop at a single incident either, thus generally resulting in multiple cases for the juvenile and vice department to deal with, which affects their limited capacity. The department still consists of four FTEs and this is the only department handling all juvenile cases (except for robberies and residential burglaries). The detectives are all certified for this (level 1) and on the initiative of the Council of Police Chiefs, all the countries' vice detectives are receiving specialized training through the Quality Impulse and in cooperation with the Police Academy. The KPSM is responsible for this portfolio and within that framework should

ensure that the countries' desired standard for vice detectives is achieved and organize the needs and deployment. Training is planned to restart in 2021. Juvenile cases are submitted to the prosecutor through the case screening process, where it is decided if and which juvenile cases will (first) be pursued. The KPSM explains with regard to the prioritization of juvenile cases, that the priority-1 cases are serious non-routine cases, and this affects whether or not other priority-1 and/or priority-2 cases are handled or put on hold. If there are no priority-1 cases, work is performed on the priority-2 cases, which according to the KPSM often do not have a long processing time. The handling of priority-3 cases depends on the capacity and handling of the priority-1 and priority-2 cases; however, priority-3 cases are included in the JASAP processing as a solution, according to the KPSM.

On November 16, 2020, the *"Decision of the Minister of Justice to designate an area of enhanced enforcement in connection with nuisance and criminal behavior by truant schoolchildren and loitering youth"* (no. 2020/1368) entered into force and is valid until July 1, 2021. Article 1 specifically mentions strict preventive action in addition to intensified criminal supervision and strict enforcement:

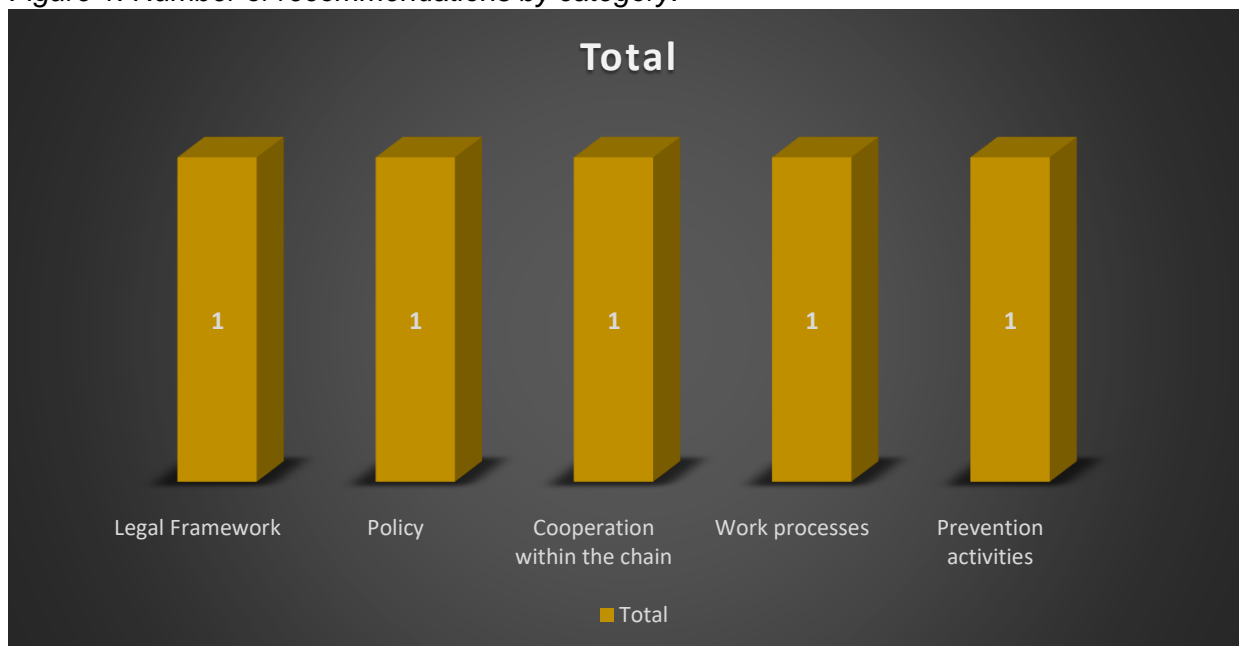
'The investigating officers referred to in Article 184 of the Code of Criminal Procedure, shall between 06.00 and 18.00 hours in the following (residential) districts ('districts'), including the schools located therein and the adjoining properties, intensify criminal law supervision on the observance of the Compulsory Education Ordinance and take strict preventive as well as strict enforcement action with respect to otherwise punishable behavior, in particular against violations of the General Police Ordinance, the Road Traffic Ordinance, the Weapons Ordinance, and the Opium Ordinance, by truant and loitering youths: a. Dutch Cul-de-Sac b. St. Peters, c. Ebenezer. And d. South Reward'.

2.2. Analysis

Introduction

This 2020 inspection is the first review into the extent to which recommendations on the topic of prevention of juvenile crime are implemented. The Council made five recommendations in 2015, and these recommendations have been categorized by the Council at its discretion in its database to provide some insight into the individual recommendations. The subdivision is intended to be indicative and is as follows: the legal framework (1), policy (1), cooperation within the chain (1), work processes (1), and prevention activities (1) (see also Chapter 6).

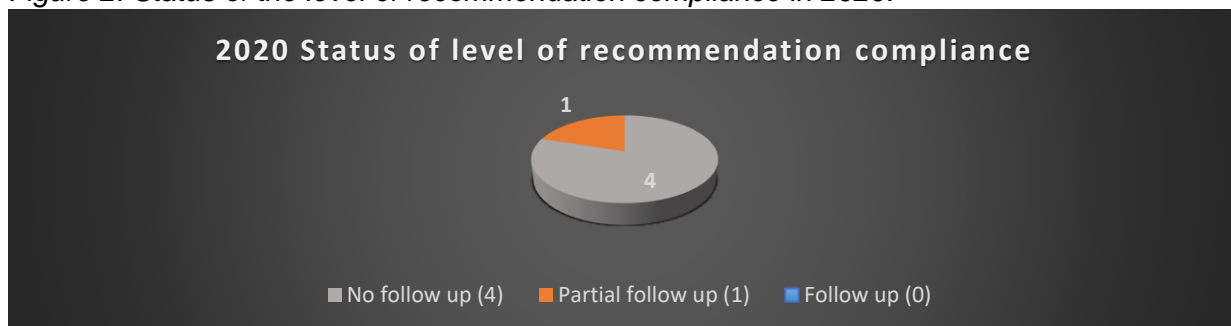
Figure 1: Number of recommendations by category.



Status of follow-up 2020

As part of the overall review, this first sub-inspection on preventing juvenile crime observed that of a total of five recommendations, four were not implemented (LBHAM police transaction; incorporate prevention of juvenile crime; police transaction: project HALT and procedures reporting and follow-up) and one recommendation was partially addressed (balanced approach to juvenile crime).

Figure 2: Status of the level of recommendation compliance in 2020.



The topics for which recommendations were issued are highly interrelated, so the failure to adopt one or more recommendations directly affects the implementation of the other recommendations.

The recommendation on *incorporating prevention of juvenile crime into (judicial) youth policy plans and the integrated approach to juvenile crime (policy)* has not been pursued. In 2015, the Council found, among other things, that at the departmental level there had been initiatives to work on a judicial juvenile policy, but that as far as general prevention of juvenile crime was concerned, no basis for a judicial juvenile chain had been outlined, developments were mainly focused on the organizations themselves, the organizations were working in a fragmented way, and there was also no (initiative for) the formation of a broad juvenile chain.

Eight years later, the Council notes that within the justice system there is attention for (the prevention of) juvenile crime in parts or specific subjects and that (ad hoc) cooperation is

sought. However, there is still no integrated policy, in which attention is also devoted to preventing juvenile crime, which can serve as a basis for further elaboration and implementation by, and to give direction to, the relevant parties. The Council can therefore readily imagine that after identifying the “what and the who” required for drafting of policy, as well as the (possible) bottlenecks, one or more project leaders, should be able to deliver the desired results.

Furthermore, in 2015, the Council also indicated that the police could concentrate more on a balance between tackling entry-level offenses and more serious offenses committed by young people. The use of the police transaction (HALT) should produce a preventive effect and also result in a (significant) easing of the capacity, according to the Council. The recommendation formulated by the Council to KPSM in that regard is for *a more balanced approach to juvenile crime with an emphasis on prevention*, which the Council considers being partially achieved in 2020. The Council notes that the KPSM has focused on training and information and that the KPSM (and its chain partners) is well aware of and sensitive to specific juvenile-related issues. The Minister, the KPSM, the Public Prosecutor's Office, and the chain partners have focused on cooperation, particularly with regard to (preventing) school fights, and since the end of 2020, a decree has been in force that includes a combination of criminal law supervision, enforcement action, and preventive action. The Council envisions a development away from more repressive action and towards a specific commitment to the prevention or (early) management of a specific problem. The results with respect to this specific approach still have to be demonstrated to a large extent, but in the opinion of the Council, they may form a good basis for a broader (inter-ministerial) policy and integrated approach involving partnership, possibly for the long term, based on which the KPSM may also achieve a more balanced approach.

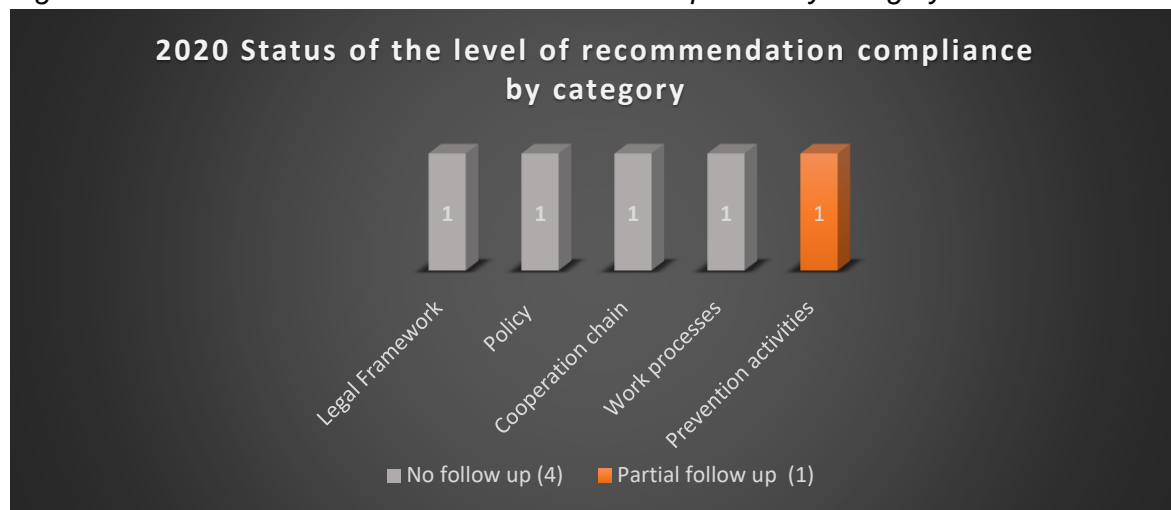
Closely related to this are the following two recommendations issued by the Council. These are the recommendations regarding *the drafting of a LBHAM on the police transaction (legal framework) and the design of the project related to the police transaction (HALT; policy)*. Neither of these recommendations has been addressed. The Council made these recommendations in 2015 because it believed that the legal possibility of the police transaction (HALT) represents a good instrument to tackle so-called "entry-level crimes" committed by young people so that these young people do not have the chance to evolve from bad to worse without consequences. The Council also emphasizes this principle in its report, certainly in the context of prevention. Given the Council's findings and, in the absence of a clear direction, the Council, therefore, believes that it would be beneficial for all parties concerned to consult, at the initiative of the Minister of Justice or the Ministry of Justice, but with input from the relevant organizations (bottom-up) - also within the framework of policy formulation - about the police transaction, the associated project, the desired approach and the follow-up course required to achieve it.

Moreover, the Council recommended that *clear procedures be established for reporting and follow-up within and outside the justice chain*. Because in 2015 it became apparent that many people are not aware of the possibility of reporting to the Court of Guardianship, nor did everyone recognize the need for it, and there was insufficient contact between the nonjudicial and justice authorities resulting in agencies withholding or reserving cases, only the most serious cases were reported, and feedback was the exception rather than the rule. With no procedure established, the Council considers this recommendation as unaddressed.

With its review, the Council has provided insight into the status of the implementation of the recommendations in the context of the prevention of juvenile crime and hopes that the recommendations that have not been implemented or that have been partially implemented will nevertheless be addressed in the shortest possible time.

The level of adoption of the recommendations based on the category is shown in the chart below:

Figure 3: Status of the level of recommendation compliance by category



Recommendation and Monitoring

Based on the aforementioned, the Council's recommendation to the Minister of Justice is: *Implement the Council's recommendations that have not yet been (fully) addressed and make the necessary resources available for this purpose in the shortest possible time.*

In 2021, the Council will start the periodic monitoring of the progress of the outstanding recommendations in the context of preventing juvenile crime.

3. Status of recommendations on the Juvenile Rehabilitation Facility Miss Lalie Center

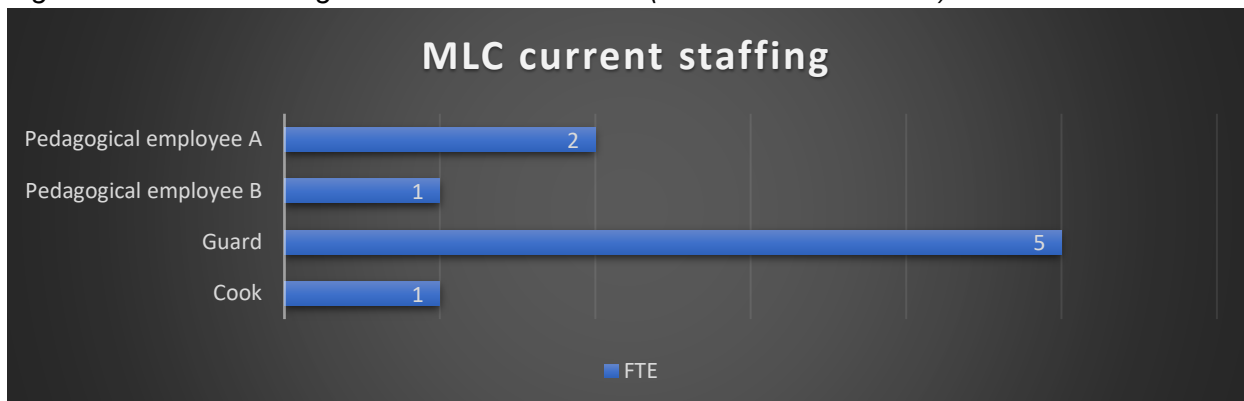
Introduction

In 2016, the Council published the report entitled ['Juvenile Rehabilitation Facility Sint Maarten: Baseline study at the Miss Lalie Center'](#). The baseline study provided a predominantly positive impression of the institution, but at the same time noted that the facility was very vulnerable. The Council issued eight recommendations in that regard. In April and May 2019, four detention facilities, including the Miss Lalie Center (MLC), were inspected by the Council, resulting in the report ['The Pointe Blanche Prison and House of Detention, the Miss Lalie Center, the police cells in Philipsburg, and the border hospice in Simpson Bay. Report of Findings 2019'](#). At that time, the Ministry was hard at work redesigning and reorganizing the institution. Consequently, during the Council's visit, it was not possible to (practically) verify whether there was any follow-up on the Council's 2016 recommendations. The Council, therefore, decided to postpone the inspection of the MLC to a later date.

3.1 Status 2020

The staffing of the Miss Lalie Center (MLC) is currently as follows.

Figure 4: Current staffing Miss Lalie Center 2020 (as of November 2020)



Vacancies: pedagogical employee B (4 FTE), behavioral therapist (1 FTE) and education and activities coordinator (1 FTE)

Below is the status of each recommendation in 2020.

To the Minister of Justice:

Recommendation 1: Ensure the formal incorporation of the juvenile facility within the government organization and ensure adequate resources are available. Abandon the pilot program. The recommendation was classified by the Council in its database under the category of 'legal framework'.

Findings

The Ministerial Decree (No. 12-18MB/JUS) dated January 12, 2018, considered, in part, the desirability and necessity to temporarily make the MLC part of the prison system, or at least until the proposed new construction of the prison and house of detention ('Point Blanche') is

completed. In the decree, the MLC is, based on Article 7 National Ordinance Principles of Prison Administration, designated as a prison and as a house of detention for male juveniles who at the time of placement have not yet attained the age of 18 years. Also, the MLC is intended for the admission of male juveniles on whom the measures of placement in a facility for juveniles (1:174 Penal Code) or a measure concerning the behavior of the juvenile (1:177 Penal Code) have been imposed and who at the time of admission has not yet attained the age of 18 years. In 2019, the need emerged to expand the MLC's age limit. The MLC states that on November 1, 2019, it was also designated as part of the prison system intended for the admission of male juveniles who had not attained the age of 21 at the time of placement. As of early December 2020, three juveniles and five adults (up to age 21) were residing at the MLC. The MLC indicates that based on current occupancy, a maximum of ten males (two per room) can reside in the MLC.

The leadership of the prison and house of detention, to which the MLC is affiliated, indicates that they are striving to create a penitentiary system in which resocialization and rehabilitation are the focus. Funds have been made available to the MLC to recruit staff. The leadership of the MLC also indicates that there is a scarcity of financial resources to purchase (some of) the materials needed for the available training and programs. The staff needs to be creative to make certain aspects of the programs a reality.

Supplemental

The Juvenile Case Consultation (JCO), in which cases of minors who have come into contact with the justice system and youth policy issues are discussed, is held monthly. The parties who work together are the Public Prosecutor (OvJ), the Court of Guardianship (youth probation and youth protection), KPSM (CPOs and vice detectives), Education Inspectorate (compulsory education officer), the SJIB (family guardianship), and the MLC (educational staff).

The OM indicates that there is monthly cooperation with the MLC in the JCO. In rebuttal, the OM points out that the communication with the MLC has improved. It was also indicated that, according to the OM, it is clear in which direction the MLC wants to go and that it is now working towards establishing procedures, such as defining criteria for the stays of 18- to 21-year-olds and who is authorized to make decisions in the context of placements. The OM also points out that it is stipulated how the Court of Guardianship can gain access to the clients. The Court of Guardianship characterizes the cooperation with the MLC as 'going well'. The Court of Guardianship indicates that the lack of clarity in the MLC-procedures (a.o. regarding legislation and responsibilities) and the lack of a clear methodology that focuses on the treatment of juvenile rehabilitation and education, as intended in the juvenile justice system, remains concerning. The management of the MLC indicates that there is regular contact with the Court of Guardianship, in part because the pedagogical staff has been made responsible, since mid-2020, by the management for communications with the Court of Guardianship. Also, each report is first submitted by the pedagogical staff to the Court of Guardianship and discussed with them before any action is taken. Copies of reports are received by the Court of Guardianship (Juvenile Probation), the juvenile, and his/her parents.

Recommendation 2: Arrange for staff to be appointed under applicable regulations. Implement a full staffing policy and fulfill existing agreements. Ensure that staff are or become qualified. *The recommendation has been classified by the Council in its database under the category of human resource management.*

Findings

The Ministry of Justice indicates that the formal incorporation of the MLC has taken place and that this has supported a fully-fledged personnel policy for the MLC. The MLC confirms that all personnel has been appointed by National Decree following the applicable regulations. The management of the MLC reports that the applicable legislation for civil servants (for example, the LMA) and policy (for example, staff recruitment policy) are applicable. The policy document 'Manual Performance Management (part of the 2009-2013 Organizational Development policy) serves as a roadmap for the continuing implementation of the government's performance management policy and therefore for the MLC. No planning, mid-term and final performance interviews were held with staff. According to the interviewees, it is the intention that final performance evaluations are carried out at all stages of the process and that these will take place this year. It is further noted that the Ministry of Justice is currently working on (finalizing) the job manuals, including those of the prison system.

The head of the detention unit, who is also one of the prison's three newly appointed (mid-2020's) MT members, is responsible for the house of detention, the MLC, and the building referred to as the border hospice in Simpson Bay.

The management of the MLC reports that funds have been made available for the MLC to recruit staff and the following positions have now been filled: two pedagogical employees A (one of which is a team leader), one pedagogical employee B, and five security staff (one of which is a team leader). The MLC indicates that the recruited pedagogical employees A (2x HBO education) and B (1x MBO education) meet the required qualifications. Until the last quarter of 2020, the MLC also employed a behavioral scientist and an education and activities-coordinator. One of the interviewees indicated that based on the current problems of the boys, the current staff can provide the necessary psycho-social support to the juveniles and therefore use an external behavioral scientist on an ad hoc basis is sufficient if specialized support is required. The MLC furthermore indicated that the 'safety and security' training for the security staff is yet to be completed and since December 1, 2020, they have been working with a new rotation system for the security staff (see also [recommendation 6](#)). The OM reported in a rebuttal that there has been a lot of staff turnover as a result of which, since the (re)opening, a solid and systematic educational environment in which the resocialization of the youngster is paramount, has not yet been achieved.

The interviewees from the MLC recognize the problems concerning the high level of absenteeism and overtime. The new rotation system that was recently introduced and the restructuring of the MLC should lead to a reduction in these issues.

The management of the MLC indicates that the following internal training courses and workshops were provided for the staff: a motivation course, various online training courses, and e-learning courses, middle management training, team building, and safety training (see also [recommendation 5](#)).

[Recommendation 3](#): Provide a full education program. *The recommendation was classified by the Council in its database under the category of facilities.*

The Ministry of Justice indicates that an education program is important for the rehabilitation of young people, but this was not fully implemented due to lack of expertise, resulting in only certain classes such as English and Math being offered. The Ministry reports that now that the MLC is a component of the prison system it will benefit from the expertise required and a rehabilitation and education program is currently being developed. The MLC reports that an

education/activities coordinator⁵ was hired for the MLC in early 2020. In the weekly schedule provided by the MLC, time is allotted for the education program on weekdays from 8:30 to 11:45. The MLC reports that it has been challenging to establish an educational program due to the lack of available teachers and financial resources. Due to the special circumstances resulting from Covid-19, the coordinator also had to temporarily assume the role of teacher. According to the interviewees, the coordinator previously ensured that the minors residing in the MLC had access to the daily materials and guided them in this process. Due to the coordinator's departure, the preceding no longer takes place. The interviewees indicated that there was also no transfer, so now there is uncertainty regarding the education of the minors. The team leader of the psychosocial department is currently developing and writing an educational program aimed at basic skills (including reading, writing, and arithmetic) since they notice that the boys often lack these skills. When the draft is complete, the Ministry of Education, Culture, Youth and Sports will be contacted to discuss the plan and the requirements. Meanwhile, the MLC is trying to improvise as needed and keep all the youngsters occupied.

The Committee of Supervision sent a letter to the prison director in October 2020 that included questions about the progress of the education and rehabilitation program, including a specific question about distance learning in general.

Recommendation 4: Ensure the juveniles are experiencing a full and beneficial day's activities. *The recommendation was classified by the Council in its database under the category of facilities.*

MLC's leadership provided the weekly schedule of the juveniles which was prepared by the pedagogical staff, consisting of a morning program and an afternoon program. In the morning program the majority of time is scheduled for education (see recommendation 3) and in the afternoon the focus is on individual and group sessions and 'airing'. In part due to the lack of instruction, a so-called Christmas program is currently being worked on. In this program, the boys learn various skills, among other things, gardening, painting the indoor areas, and handicrafts. Every two weeks, two boys are selected based on a reward system to prepare breakfast for everyone every morning and also learn in the process. During recreation time the boys can engage in various ball sports and will soon be preparing their very own Christmas dinner for family members.

Recommendation 5: Produce a disaster plan. Train staff for emergencies and first aid provide safety training. *The recommendation was classified by the Council in its database under the category of work processes.*

Interviewees at the MLC are not aware of the status of the organizational disaster plan. The MLC quality manual, which includes documents and forms regarding internal safety, is still in draft. The management of the MLC indicates that in the period from 2016 to 2020 the following safety training courses were followed by the staff: in-house emergency response course, Covid-19 presentation by Collective Prevention Services and general practitioner, communication workshop provided by the fire department, and conflict management training.

⁵ The coordinator was responsible for: the educational program and related activities; monitoring new educational systems and methods and providing proposals for implementation; monitoring, evaluating, and reporting on the learning and progress of the juveniles; supervising and evaluating teachers on quality education, lesson plans, and educational approaches; managing materials and resources needed for educational activities; creating training and individualized training plans; and ensuring and advising on policies on the right to quality education.

As previously indicated, safety training still needs to be completed (see Recommendation 6). As far as physical measures are concerned, interviewees at the MLC indicated that both smoke detectors and the fire alarm are working. Furthermore, there are two fire extinguishers and two fire hoses in the building.

Recommendation 6: Ensure that the security personnel is adequately trained with respect to safety and dealing with the target group. *The recommendation was classified by the Council in its database under the category of training.*

At present - unlike at the time of the first investigation - the security personnel are provided by the house of detention. Also, the VKS and a private security company are used. The management of the MLC indicates that every prospective prison guard must complete a (shortened) training course to become a special police officer, which includes the subjects of conflict management and negotiation techniques, and self-defense. Conflict management training has been conducted for all staff. The MLC interviewees also indicated that prison guard staff attended the integrated professional skills training during initial training, but no follow-up took place. Interviewees from the MLC report that a presentation of the adopted plan concerning the new rotation system of the MLC for all security personnel at the prison system recently took place. This started on December 1, 2020 and involves the rotation of the security personnel every three months. This is being done for 9 months during and after which an evaluation will take place to identify the most suitable guards for the MLC. During the mentioned period, all prison guard personnel will also receive basic security training from the security team leader so that everyone will be trained and operate in the same manner. A draft safety and security protocol has also been prepared in this regard. The Council has not received it. In addition, they will all receive psychosocial training from the psychosocial team leader so that they all will learn how to deal with this specific target group. As a result of the aforementioned, the MLC will eventually be less dependent on a specific group of security personnel and will have more flexibility, which, as mentioned earlier, should benefit absenteeism and overtime. Also, as of December 1, 2020, employees of the VKS are deployed at the MLC to support the security personnel. Based on the above, the intention is to discontinue the use of the private security company. Formal decision-making on this matter has yet to take place.

Recommendation 7: Have a Committee of Supervision (CoS) in place. Ensure that a complaints procedure is in operation. *The recommendation is classified by the Council in its database under the category of a legal framework.*

The Committee of Supervision indicates there are no doubts from them, or the Ministry about whether the MLC is organizationally part of the CoS. The CoS performs regulatory functions at the MLC as well. The management of the MLC indicates that in the middle of 2020 information was provided to the juveniles about the CoS and that in September a presentation was made about the tasks of the CoS and the procedures to be used. The understanding is that the CoS visits the MLC on the last Friday of every month and this was communicated. Because of Covid-19, the discussions - with the assistance of the pedagogical staff - currently take place online. In addition, the CoS indicates that the participation of the prison director in the monthly meeting of the committee has recently started. The "MLC Inmates Handbook" is given to the juveniles upon arrival and includes an explanation of the program and mutual expectations. The document also outlines the internal grievance procedure.

Recommendation 8: Modify physical security to prevent contraband from being thrown over the walls or shoved under the gates. Provide a functioning detection gate and, if possible, a scanner. *The recommendation was classified by the Council in its database under the category of facilities.*

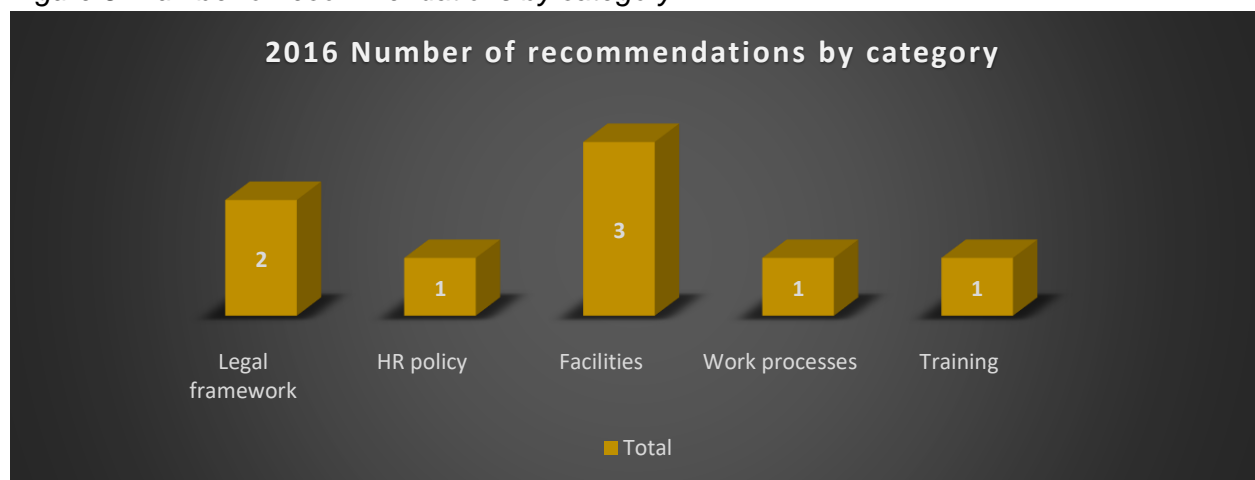
Interviewees at the MLC report that currently the security staff rather than the staff of the private security company is manning the camera room. VKS staff have also recently been deployed, partly to secure the outdoor area and to be able to detect contraband. The detection gate works but is not in use due to lack of funding as it needs to be recalibrated. A handheld scanner is used. According to the management, the scanner currently in use at the Pointe Blanche Prison and House of Detention will be moved to the MLC.

3.2 Analysis

Introduction

This inspection in 2020 is the first review inspection into the level of adoption of the recommendations issued as part of the baseline study of the juvenile rehabilitation facility known as Miss Lalie Center. The Council made eight recommendations in 2016, which the Council, at its discretion, has subdivided into categories in its database to provide some additional insight into the individual recommendations. The subdivision is intended to be indicative and is as follows: the legal framework (2), human resources (1), facilities (3), work processes (1), and training (1) (see also Chapter 6).

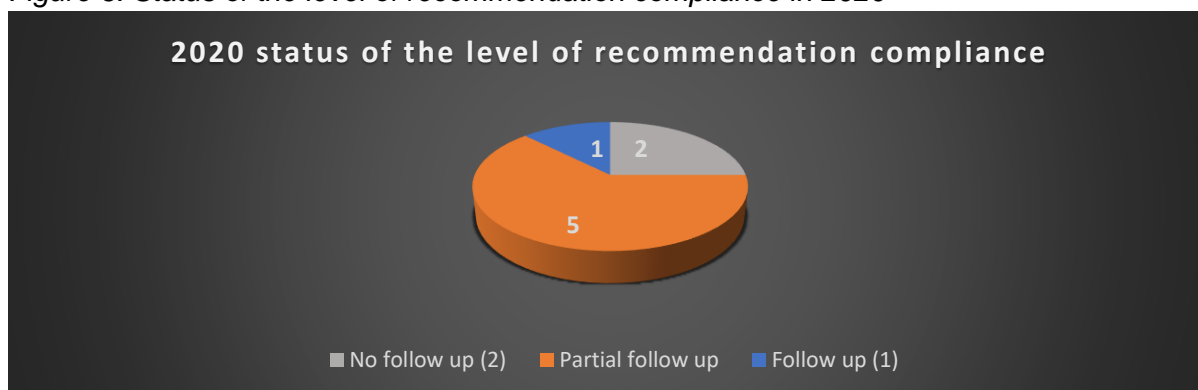
Figure 5: Number of recommendations by category



Status of 2020 follow up

As previously indicated, the Council decided to postpone the 2019 inspection of the MLC to a later date. This inspection in 2020 is the first review inspection into the level of compliance with the recommendations under the juvenile rehabilitation facility known as Miss Lalie Center. The status in 2020 is that of the eight recommendations, two recommendations have not been addressed (full education program; disaster (plan)), five recommendations have been partially addressed (formal embedding of a juvenile facility, personnel policies, daycare, training of security personnel; and physical security), and one recommendation has been fulfilled (oversight committee).

Figure 6: Status of the level of recommendation compliance in 2020



The Council requests that the Minister of Justice give specific attention to the educational program regarding the juveniles at the MLC as well as the prerequisites to guarantee the success of the program. The recommendation *to ensure a full educational program* was not followed. The Council has serious concerns about the (continuity of the) education of juveniles at the MLC. The program should be organized in such a way that continuity is guaranteed, and that the loss of a single staff member cannot lead to the juveniles not being able to receive an education. However, this is not the case, so the rights of the child are at stake in this case. The fact that action has been taken to draft an educational program is a good development, but speed is essential. The Council expects that in the drafting thereof, at least the assurance of the continuity of education will play an important role. The Council urges the Minister of Justice to specifically resolve this matter in the shortest possible time.

In terms of daytime activities, education should be a major part of the daily morning program. Although this is not currently the case, it has not escaped the Council's attention that the staff is nevertheless doing their best to offer an appropriate and beneficial program. The task now is to consolidate both the education and the activities program in such a way that there is a continuous and complete daytime program. Based on the above, the Council assesses the recommendation *on ensuring a full and useful daytime activities program for the young people* as partially implemented. The recommendation *on formally embedding the juvenile facility, providing sufficient resources, and moving away from the pilot project* (legal framework) consists of several components. In 2016, the MLC lacked formal institutionalization, needed additional financial resources, and had the status of a project. Since the beginning of 2018, the MLC is no longer a project, but a part of the prison system, so the 'formal incorporation' component of the recommendation has been addressed. Now that the MLC is part of the prison system and the intention is to keep it that way until the projected new construction of the prison at Pointe Blanche is completed, there are also consequences for the financial side, specifically the funds that need to be secured. Since funds are only available in stages, the section 'making sufficient funds available' is considered partially fulfilled. Based on the above, the entire recommendation is classified as partially fulfilled.

The recommendation on the subject of personnel, consisting of various elements, namely, *ensuring that the personnel is appointed under the applicable regulations, implementing a fully-fledged personnel policy and complying with made agreements; and ensuring that the personnel are or become qualified*, has been partially achieved. The Council believes that with the formal incorporation of the MLC within the prison system, there should no longer be any doubt about the applicable regulations, appointments, and human resources policies. It is now

a matter of compliance. As was the case in 2016, staff changes, absenteeism and overtime are also known bottlenecks in 2020. The staffing level, 10.5 FTE in 2016 and 9 FTE at the end of 2020, is still not stable, which has immediate consequences when staff leave. The Council believes that the staffing situation and therefore the staff capacity is worrisome. There is no behavioral scientist and no education and activities coordinator on staff, both of which are also important positions. The MLC does have a number of the required educational staff and these possess the required qualifications. Unlike the situation in 2016, the executive staff has been offered training.

In 2016, the Council also issued the recommendation on *the importance of ensuring that the security personnel are adequately trained with regard to safety and interaction with the target group* because only externally hired security personnel were used and they did not meet the qualifications due to the lack of specific training. More than four years later, the Council sees a shift with regard to the use of security, from only external hiring to a combination of staff from the House of Detention, VKS, and the external hiring and the aim to eventually arrive at the use of the most suitable security guards. This is done in particular through the establishment of a safety and security protocol, a rotation system, and proposed training. Given that most of the developments are very recent and still require action, the Council will have to wait and evaluate the results. Based on the above, the Council assesses the recommendation as partially implemented.

The Council made two other safety-related recommendations, one of which was not addressed and one of which was partially implemented. The recommendation *“have a disaster plan in place. Train staff for emergencies and first aid, provide safety training consisting of several sections”* has not been adopted. Except for a single (*BHV-bedrijfshulpverlening*) emergency response course and the presence of physical safety facilities, the situation in 2020 is essentially the same. Documents have not been drafted, are not available, or are still in draft form. The assumption is that specific training and exercises cannot be carried out either. As in 2016, the Council believes that there is not enough focus on the prevention and management of disasters and that the MLC is therefore not properly prepared. This, in the opinion of the Council, really needs to change.

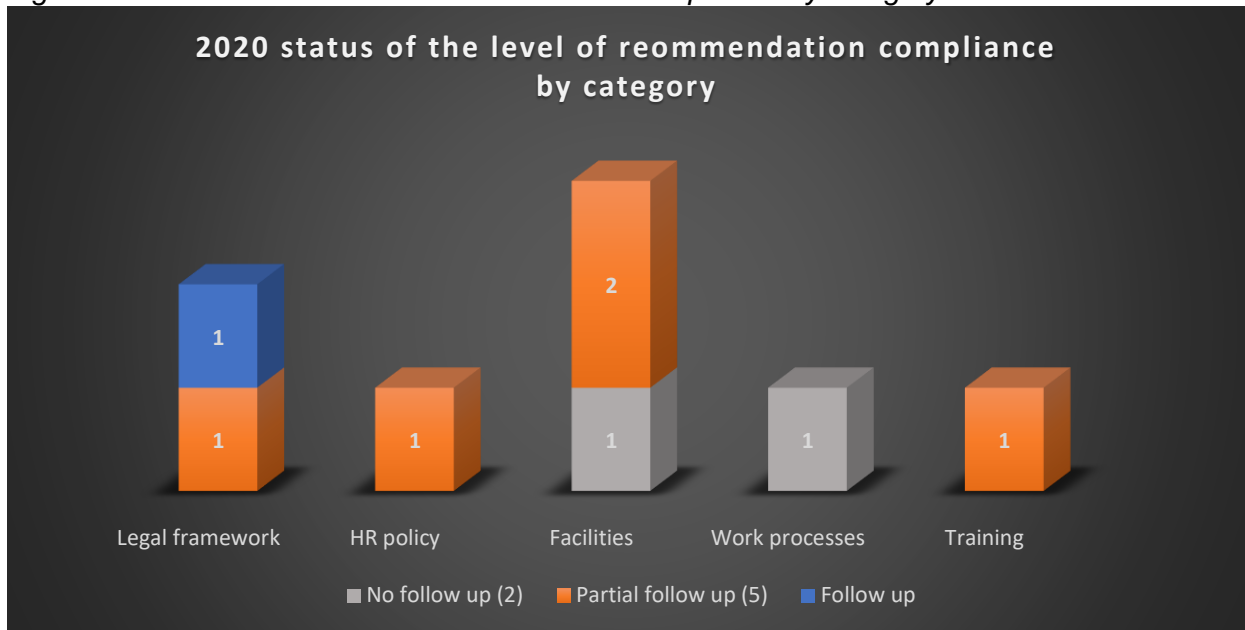
The recommendation that states, *‘adjust physical security so that contraband cannot be thrown over the walls or shoved under the gates.’* *Recommending that a functioning detection portal and, if possible, a scanner is available* also consists of several components and has been partially addressed. In the context of preventing contraband on the premises of and in the MLC, it can be noted that the physical security has been partially modified by introducing changes in the personnel manning the camera room and in the physical security offered by the VKS. However, physical security still needs to be adjusted in some areas. For example, the detection portal is still not functioning properly. However, a hand scanner is available.

Finally, the recommendation about *ensuring that there is a Committee of Supervision and a complaints procedure* has been addressed. With the formalization of the MLC as an organizational unit of the prison system, this issue has been resolved. According to the Council, the lack of clarity observed in 2016 has therefore been resolved for everyone.

Now that insight has been provided into the status of the follow-up of the recommendations, the Council expresses the hope that efforts will be made to implement the outstanding issues as soon as possible.

The level of recommendation compliance by category is shown graphically as follows:

Figure 7: Status of the level of recommendation compliance by category



Recommendation and Monitoring

Based on the aforementioned, the Council's recommendation to the Minister of Justice is: *Implement the Council's recommendations that have not yet been (fully) addressed and make the necessary resources available for this purpose in the shortest possible time.*

In 2021, the Council will begin the periodic monitoring of the progress on the outstanding recommendations related to the Miss Lalie Center.

4. Status of juvenile probation recommendations

Introduction

The first report on juvenile probation was issued by the Council in 2012, followed by a review report in 2015.

Juvenile probation is executed by the Court of Guardianship. In the review report of 2015, the position of the Court of Guardianship (*Voogdijraad-VR*) was already discussed. The Civil Code stipulates that there is a Court of Guardianship and that the duties and authorities of the Court of Guardianship are determined by national ordinance. There is still no such national ordinance. In the review report, the Court of Guardianship claimed to be hampered by its unclear positioning within the civil service organization of Sint Maarten. Acquiring resources, legal and policy support for the execution of the duties of the Court of Guardianship proved to be difficult. Although the office of the Court of Guardianship performs the judicial juvenile protection tasks, it is not an executing agency of the Ministry of Justice.⁶ The Council indicated previously that a possible solution would be to amend the legislation so that the Court of Guardianship as an executing agency would be placed directly under the Minister of Justice. In that case, the Court of Guardianship, just like other executing agencies of the Ministry of Justice, could be included in the National Ordinance on the establishment and organization of Sint Maarten's national government and the National Decree on general measures, for subdivision and further detailing of the Ministry of Justice.

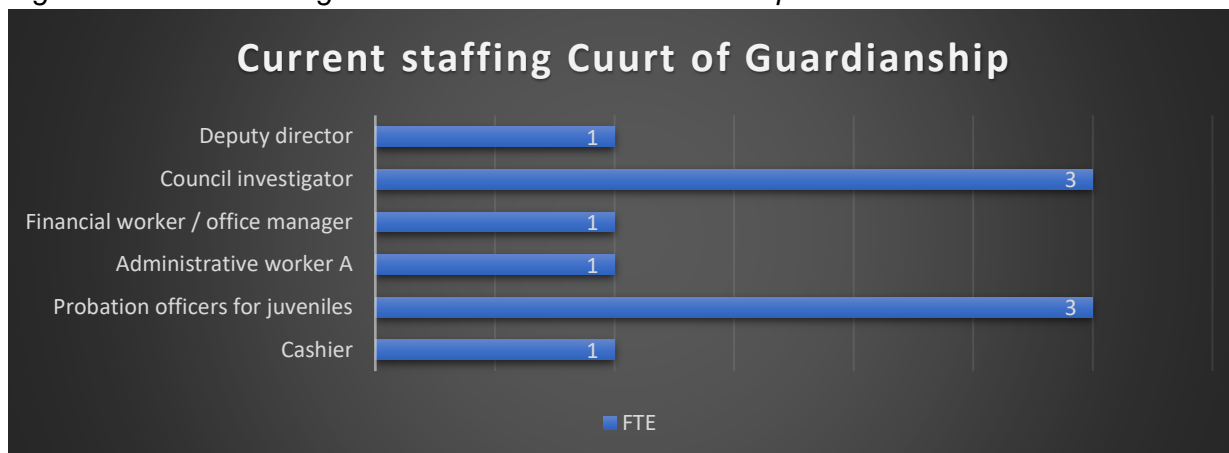
That report also mentioned the planned establishment of a new 'Judicial Care department', which would include the Court of Guardianship, however, this department was withdrawn by ministerial decree (no. 12-18MB/JUS dated January 12, 2018). In October 2020, the Court of Guardianship reported that the Ministry of Justice was working on (finalizing) the job manuals for all organizations within the Ministry. In rebuttal, the Court of Guardianship adds that in September 2020, the Minister appointed a policy lawyer to investigate and advise on the position and placement of the Court of Guardianship within the Ministry of Justice.

4.1 2020 Status of Juvenile Probation

The staffing of the Court of Guardianship is currently as follows.

⁶ This despite the fact that judicial juvenile protection is included as a task of the Ministry of Justice in the National Decree containing general measures for subdivision and further detailing of the Ministry of Justice. Justice is indeed responsible for judicial juvenile protection.

Figure 8: Current staffing levels of the Court of Guardianship in 2020.



Desired staffing of Court of Guardianship: receptionist/admin worker B (1FTE); behavioral scientist (1/2FTE); litigator/lawyer (1/2FTE); 1 section head of juvenile protection (1FTE); Council Investigators (3FTE); child support workers (2FTE); section head of juvenile probation (1 FTE); work manager (1/2FTE) and community service worker (1/2FTE).

Below the status of each recommendation in 2020 is described.

To the Minister of Justice:

A. Organization of the Court of Guardianship

Recommendation 1: Invest in the (further) training of employees and draft a training plan to this effect.

Findings

The Court of Guardianship indicates that a training plan has not been developed. They indicate further that the Court of Guardianship does not possess sufficient financial means to offer the specific training related to juvenile probation. The staff did however follow the training on the Delta method, which is specifically related to children.

Recommendation 2: Describe the position of juvenile probation coordinator.

The Council assessed this recommendation as having already been implemented in [2015](#).

Recommendation 3: Describe the work processes.

Findings

The Court of Guardianship indicates that the work processes are defined, but not yet formalized. Currently, this is a working document, and the Court of Guardianship expects that the document will be completed by mid-2021 if they receive policy support.

Recommendation 4: Invest in a computerized information system.

Findings

In March 2016, the Sint Maarten Justice Information System was implemented at the Court of Guardianship which gave them access to a computerized information system. However, within a year, their access to the system was ended, as a result of which the Court of Guardianship has not had a system at its disposal. Currently, the Court of Guardianship reports that they are in the process of implementing the computerized information system called K18, funded by the Ministry of Justice, which allows for the registration of cases. In 2019, the Court of Guardianship had an initial introduction to the system, training took place and feedback was provided on the system. There have been delays due to Covid-19. The status as of October 2020 is that the company ACTS is in the process of building the application and implementing changes. Templates have been provided by the Court of Guardianship for incorporation into the system. An exact date of delivery for the system is not yet known. The system still needs to be implemented. The Court of Guardianship expects to start the training in early March 2021 and to have the system up and running by the end of March. Based on the above, it was not yet possible to gain insight into the system.

Recommendation 5: Improve the structure of personal files.

The Council already assessed this recommendation as implemented in [2015](#).

B. Information and advisory role of the Court of Guardianship

Recommendation 6: Prepare an early intervention report for each case involving an institutionalized (IVS) juvenile defendant.

The Council already assessed this recommendation as having been adopted in [2015](#).

Supplemental

The Public Prosecutor indicates that the communication in this regard has improved. The on-duty deputy prosecutor reports to both the juvenile officer and the juvenile and vice department of the KPSM when a juvenile has been arrested. The KPSM indicates that communication with the Court of Guardianship is good and that they are informed promptly by the deputy prosecutor about a juvenile's detention (IVS) and the reason for the arrest. If necessary, additional information is made available by the Court of Guardianship. The Court of Guardianship states that it depends on the individual whether or not they are informed about an IVS by the KPSM or the Public Prosecutor promptly. The Court of Guardianship reports that in most cases they are informed by the KPSM (instead of the OM) about the IVS of a minor with the result that they cannot start preparing the report. The Public Prosecutor stated that the Court of Guardianship indicated that they are often not informed on time that a juvenile is arrested, and that they would prefer to be informed from the time of arrest so they can provide important background information relevant to the IVS decision (for example about a juvenile who is on probation). Both the Court of Guardianship and the Public Prosecutor report that the Court of Guardianship raised this issue during the Juvenile Case Consultation.

In case of remand of a juvenile into custody, the Public Prosecutor indicates that they consistently draft an early intervention report and that the Court of Guardianship usually can deliver a report within three to four days. The Public Prosecutor says that time could be saved if the Court of Guardianship is notified as soon as the juvenile is arrested. The Court of Guardianship advises that early intervention reports should be requested as soon as the

Public Prosecutor takes a decision. According to the Court of Guardianship, this will benefit the quality of the report.

Moreover, recently the Court of Guardianship provided the KPSM with a list of all their juvenile clients that have a suspended sentence or are on probation so that in case of an arrest the list can be consulted, and the Court of Guardianship can be informed.

The Court of Guardianship believes that establishing, publicizing, and timely evaluation of work processes and -procedures between the Public Prosecutor and the Court of Guardianship, and in particular clear agreements between the Court of Guardianship, the Public Prosecutor and the KPSM on the communication concerning the detention of minors, can potentially produce improvements.

Recommendation 7: Improve the quality of early intervention and information reports, including by establishing formats.

The Council already assessed this recommendation as having been satisfied in [2015](#).

Recommendation 8: Investigate the possibility of temporarily recruiting an experienced staff member from the (Netherlands) Child Protection Council.

The Council already assessed this recommendation as having been fulfilled in [2015](#).

Recommendation 9: Issue the early help and information reports promptly, within the timeframe set by the prosecutor.

The Council already assessed this recommendation as having been adopted in [2015](#).

Supplemental

The Prosecutor reports that the timely issuance of the reports by the Court of Guardianship is proceeding well. The OM sends by email a standard letter with the request, the file, and the sentencing card to the Court of Guardianship (or SJIB if it concerns an adult). The agreement is that the early intervention report is delivered within 3 days after the request. For the information reports, there is no specific agreement, but this is desirable according to the rebuttal from the Court of Guardianship. Both the OM and the Court of Guardianship evaluate their communication in general as good. The Court of Guardianship notes that presently a point of concern is that the Public Prosecutor sometimes submits requests too late which leaves the Court of Guardianship with insufficient time to thoroughly investigate, obtain further information and deliver a complete report. According to the Court of Guardianship the establishment of working agreements and procedures between the Court of Guardianship and the Public Prosecutor, among others, with regards to the timing for report requests (and receiving verdicts) could provide a solution.

Recommendation 10: Improve communication with the OM on the content of early intervention and information reports.

The Council assessed this recommendation as having already been satisfied in [2015](#).⁷

⁷ It appears that in the 2015 review report, the findings on this recommendation were not presented separately in chapter two (research findings) of that report. However, specifically in section 2.7 of that review report, it can be concluded that communication between the Court of Guardianship and the Prosecutor's Office has greatly improved, which supports the conclusion in that review report (that the recommendation has been fulfilled).

Supplemental

The communication between the Public Prosecutor and the Court of Guardianship is generally considered good according to the Court of Guardianship and the Public Prosecutor. The Public Prosecutor indicates that the action plan is discussed in advance, which eventually is part of the probation report. The Court of Guardianship would prefer that when a hearing date is scheduled, a request for a report is directly submitted to the Court of Guardianship instead of two weeks before the hearing date, as is currently the case.

Recommendation 11: Look for opportunities to systematically amplify the role of the expert at the hearing.

The Council already assessed this recommendation as having been implemented in [2015](#).

Recommendation 12: Explore ways in which the Juvenile Case Consultation (JCO) can function better.

The Council already assessed this recommendation as having been realized in [2015](#).

Supplemental

As already indicated in chapters 2 and 3, the Juvenile Case Consultation (JCO) takes place monthly, in which cases of minors who have come into contact with the justice system and juvenile policy issues are discussed. The parties involved who work together in this are the Public Prosecutor (OvJ), the Court of Guardianship (youth probation and youth protection), KPSM (CPOs and vice detectives), Education Inspectorate (compulsory education officer), the SJIB (family guardianship) and the MLC (educational staff).

C. Probation Counseling

Recommendation 13: Ensure that the professional, long-term and structural counseling of minors who have come into contact with the justice system can become operational as soon as possible.

Findings

The review report of 2015 indicated that the Court of Guardianship was giving substance to the measure on help and support and the measure '*intensive process guidance*' and that the measure '*intensive process guidance-plus*' would be introduced that year. The Court of Guardianship now reports that the measure '*intensive process guidance-plus*' has not been introduced and that the methodology used for the measure '*intensive process guidance*' has not been defined.

The current caseload has decreased compared to 2015 (86 cases for 2 employees) and currently stands at around 40 cases divided over 3 employees, which according to the Court of Guardianship makes the number of cases per employee manageable. The three employees have individual clients whom they supervise, and they implement probation supervision through a plan of action. Besides, due to lack of alternatives, they have been given tasks in addition to their regular work that they are responsible for: 1 coordinates the juvenile probation department, 1 coordinates the community service sentences and 1 provides the educational sentences (individual sessions). The Court of Guardianship reports that aggression management training is no longer provided to their clients because it is considered a conflict of interest when the juvenile probation officer provided the training to his own client.

The OM reports that the structural supervision of the clients by the Court of Guardianship during the probationary period is going well. The OM receives both feedback and completion reports. Besides that, the Court of Guardianship reports that approximately 90% of the clients complete their community service. In the remaining cases, the Court of Guardianship reports that - after several unsuccessful attempts - the clients return to the Public Prosecutor. However, follow-up steps were rarely taken by the OM and in many of these cases, the Court of Guardianship was expected to try again, with the result that the Court of Guardianship was not taken seriously in these cases, according to the Court of Guardianship. In rebuttal, the Court of Guardianship adds that in the past months three clients were referred back and that this was adequately addressed by the OM and the OM also indicated that they would get the process in order internally so that the referrals could be done faster.

Concerning community service (workfare) locations, since 2017 (after the hurricanes) it has become more difficult to find suitable community service locations and some existing ones have closed. In 2020, the effects of Covid-19 are also impacting finding new places. Businesses, where work has to be done indoors, have become more cautious, however, the Court of Guardianship notes that businesses, where clients have to work outdoors, are more willing to employ the Court's clients. Furthermore, few places have staff who can properly supervise clients.

In the 2015 review report, the Prosecutor's Office indicated that it did not have a clear overview of the progress of the community service projects, the way they are conducted, the pedagogical nature, and the type of community service projects. Placement of clients takes place in line with the offense committed and also depends on the severity of the offense, according to the Court of Guardianship. Upon completion of community service, a substantive evaluation meeting is always held between the client, the juvenile probation officer, and the workplace supervisor regarding the work, experiences, and learning moments. The Court of Guardianship stated that for community service, they usually work with a so-called completion report. The Public Prosecutor sends a form to the juvenile probation officer on which information must be provided as to whether the client completed his/her community service or not. In the case the Public Prosecutor wishes to have more insight into what is mentioned above, the Court of Guardianship considers the completion report a good instrument for this. The form that is already used could be expanded with questions in this respect.

D. Community Service

Recommendation 14: For the sake of the prosecution and the judge, describe the content and duration of the training and courses that the Court of Guardianship recommends.

Findings

A description of the content and duration of the training and courses that the Court of Guardianship recommends has not been prepared. The Court of Guardianship says that it recommends standard supervision for the duration of the probationary period. Concerning specifically educational sentences and cognitive training, the Court of Guardianship reports that there are no providers thereof on Sint Maarten. Therefore, as of June 1, 2020, the Court of Guardianship has itself started to offer social skills training based on the 'SO-COOL

methodology'. The OM reports that there are several courses, but they have no knowledge of the duration and content of the trainings.

Recommendation 15: In the near future, evaluate the protocol on cooperation between the SJIB and the Court of Guardianship.

Findings

Both the Court of Guardianship and the SJIB state that they are currently in the process of evaluating and updating the protocol. After consultation between the SJIB and the Court of Guardianship some agreements and procedures have been adjusted and are currently being processed by the SJIB, according to the Court of Guardianship. There will be another meeting between the Court of Guardianship and the SJIB after which the document will be adopted and signed. The Court of Guardianship reports that it is expected that the updated protocol will be ready before the end of the year.

Recommendation 16: Examine the consequences of the termination of subsidies by the AMFO at the end of 2012 for organizations that are involved in the counseling of minors who have been in contact with the justice system and make provisions in this regard.

Findings

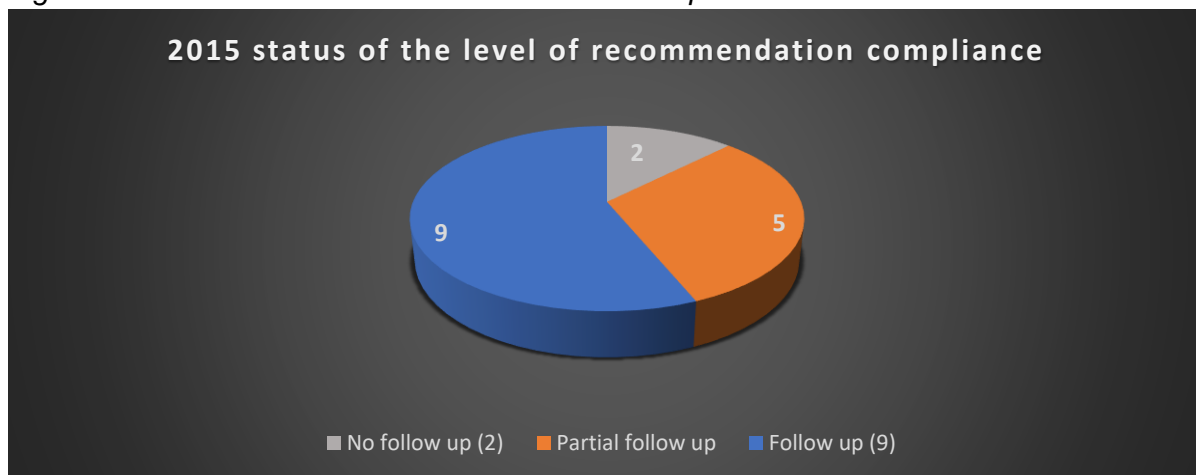
In the 2015 review report, the Council noted that the Minister did not develop an inventory of the impacts caused by the termination of the AMFO subsidy on organizations that play a role in the counseling of minors who have been in contact with the justice system. The Council also noted that no arrangements had been made for this purpose. This is still the case. The Ministry of Justice indicates that the consequence of the termination of the AMFO subsidy is that organizations are completely dependent on government subsidy, which resulted in certain projects being stopped. In terms of juvenile probation, this concerns the Court of Guardianship. The aforementioned implies that arrangements can only be made that fall within the subsidy budget of the organization in question.

4.2 Analysis

Introduction

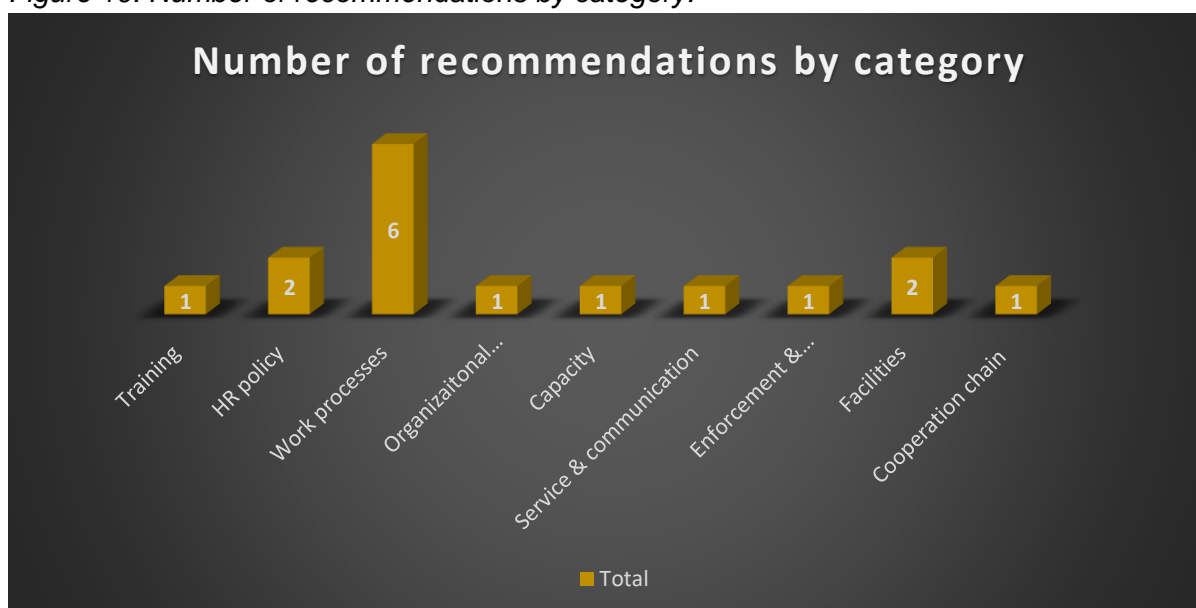
In 2012, the Council issued 16 recommendations as part of its inspection into juvenile probation, which was followed by a review inspection in 2015. During the review inspection, the Council indicated that its review found that more than half of the recommendations (9) had been fulfilled in the area of juvenile probation. Seven of the recommendations still needed to be partially (5) or fully (2) addressed at that time.

Figure 9: Status of the level of recommendation compliance in 2015.



The sixteen recommendations have been subdivided into categories by the Council at its discretion in its database to allow a little more insight into the individual recommendations. The subdivision is intended as an indication and is as follows: in its database, the Council divided the recommendations into the following categories: training (1), human resource policy (2), work processes (6), organizational processes and ICT (1), capacity (1), service & communication (1), enforcement & compliance (1), facilities (2) and cooperation chain (1) (see also chapter 6).

Figure 10: Number of recommendations by category.

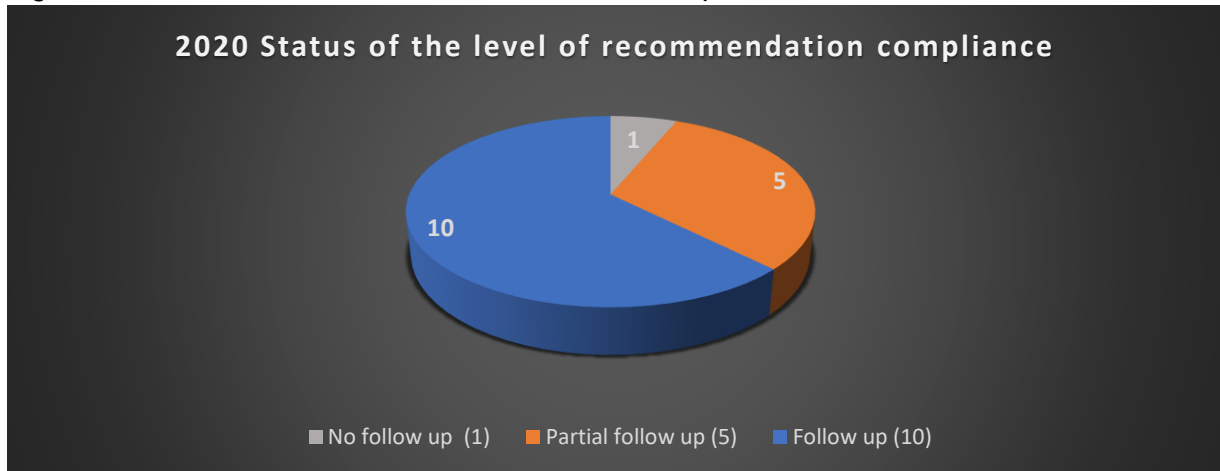


Status of follow-up in 2020

The state of affairs in 2020 is: of the sixteen recommendations, ten have been implemented (job description coordinator for juvenile probation; personal files; IVS early intervention report; quality of early intervention and information reports; temporary recruitment of an experienced employee; communication with the Public Prosecutor about the early intervention and information reports; amplification on the role of the expert at the hearing; JCO; supervision of minors), five recommendations were partly adopted (training and training plan; description of work processes; computerized information system; description of contents and duration of

training and courses; and evaluation protocol cooperation SJIB and VR) and one recommendation was not fulfilled (the inventory of the consequences of ending the subsidy of AMFO). This means that in the past five years, a small change in the desired direction can be seen concerning addressing the recommendations made in the context of juvenile probation.

Figure 11: Status of the level of recommendation compliance in 2020.



The following passage refers to seven recommendations, considering that in 2015 nine recommendations were already identified by the Council as having been addressed.

The Council notes that only with regard to one recommendation steps have been taken in the desired direction, but that it must be concluded that in the past five-plus years there have been virtually no changes with regard to the remaining six recommendations compared to the 2015 review.

The recommendation *'invest in the (further) training of employees and draft a training plan for this purpose'* was - as in 2015 - partly addressed. The Court of Guardianship was able to invest minimally in the (further) training of staff. As in 2015, the Council notes five years later that a training plan has not yet been formulated. The Council urges the Court of Guardianship to identify and document the training needs so that training plans can be initiated as soon as financing is available. During the review in 2015, it was noted that the process of describing the work processes was in the completion phase, which is still the case in 2020. Given the lack of progress in this area, the recommendation *'describe the work processes'* - as in 2015 - is classified as partially fulfilled. The Council expects that with the necessary support, completion can be achieved.

In 2015, there was no automated system, and the focus was on JIS. Five years later, there is still no automated system for the Court of Guardianship, however, another system has been selected and is in the process of being built. Considering the added value of such a system for any organization, including the Court of Guardianship, the Council hopes that such a system, after years of waiting, can be put to good use by the Court of Guardianship soon. Based on the state of affairs, the Council designates the recommendation *'invest in a computerized information system'* - as in 2015 - as partially fulfilled.

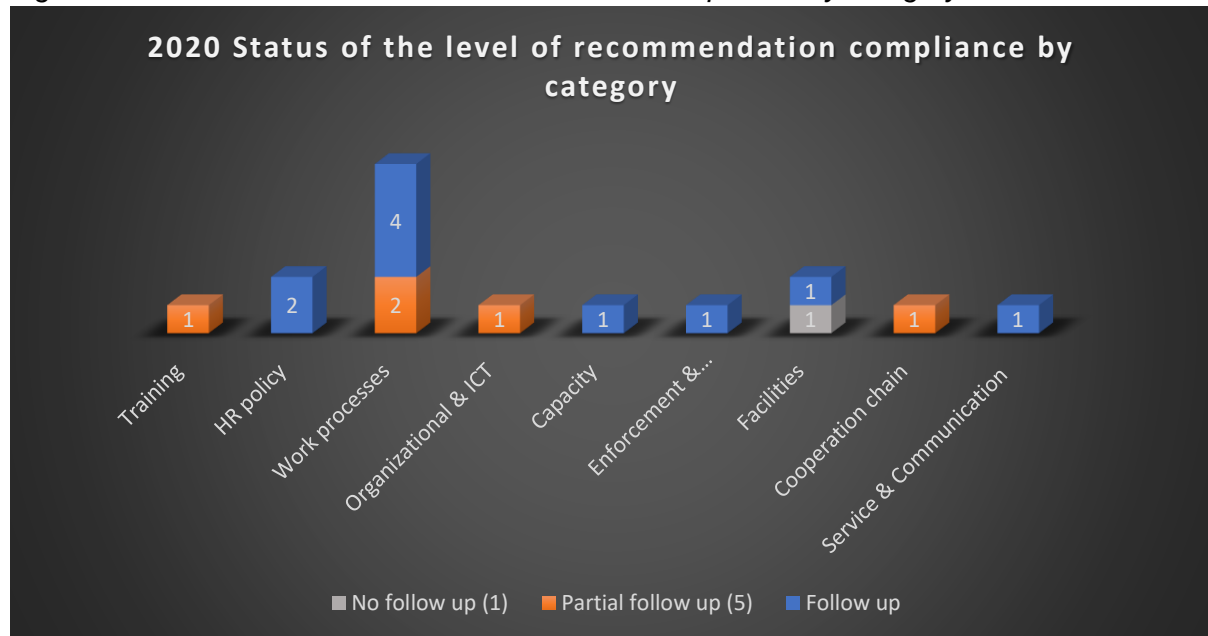
The recommendation *'ensure that the professional, long-term and systematic counseling of minors who have come into contact with the justice system can get off the ground as soon as possible has'* - as in 2015 - been partly addressed. Implementation of this recommendation is

also closely related to the completion of the previous three recommendations identified as partially implemented in the areas of training, work processes, and automation. As early as 2015, the Council noted that the Court of Guardianship began to provide professional, long-term, and systematic guidance to juveniles who, from 2014 onwards, had come into contact with the justice system. The introduction of the ITB-plus, announced at the time, did not take place in the following years and the methodologies used (Action Assistance and Support and ITB) were not yet documented and established in 2020. Compared to 2015, the number of probation staff increased by 1 FTE and the caseload per staff member decreased, so the goal of a maximum of 25 probation cases per staff member of juvenile probation is certainly being achieved at the moment. It has not escaped the Council's notice that the Court of Guardianship is doing its best, despite the lack of alternatives. As early as 2015, an improvement in the supervision of community service sentences was identified. The latest experiences regarding the perceived bottleneck about feedback are a good indication that improvement is evident in this regard as well. The current special circumstances have resulted in an increased challenge in finding suitable community service locations. The Council expects this particular additional aggravating circumstance to be temporary, even though finding them will always be a challenge. As indicated above, the Judicial Care Department will no longer be established. The Council hopes that the Ministry's research can provide clarity on the position of the Court of Guardianship and that a choice will be made so that the problems related to the current unclear position of the Court of Guardianship in the execution of the legal Judicial Juvenile Protection duties will become a thing of the past.

The recommendation *'describe for the benefit of the Prosecutor and the judge the content and duration of the training and courses that the Court of Guardianship advises on'* is assessed by the Council - as in 2015 - as partially addressed, because the descriptions have not been prepared. The recommendation *'evaluate in the short term the protocol on the cooperation between the SJIB and the Court of Guardianship'* was not addressed in 2015 and is now judged as partly fulfilled. The evaluation is in its advanced stages and the Council expects it to be completed soon. As in 2015, the Council notes that the recommendation *'consider the impact of the termination of subsidy by the AMFO at the end of 2012 on organizations that play a role in the counseling of minors who have been in contact with the justice system and make provisions in this regard'* has not been fulfilled. During the Council's inspection, the Ministry already pointed out one of the consequences of the termination. According to the Council, it is now important to take stock of all the consequences, so that it can be determined what provisions could be made. The Council trusts that with insight into the current situation, it will be possible to work towards addressing the recommendations that have not been implemented or that have been partially implemented.

The degree of follow-up of the recommendations based on the category is shown in the following graphic:

Figure 12: Status of the level of recommendation compliance by category.



Recommendation and Monitoring

Based on the aforementioned, the Council's recommendation to the Minister of Justice is: *Implement the Council's recommendations that have not yet been (fully) addressed and provide the necessary resources for this as soon as possible.*

In 2021, the Council will start the periodic monitoring of the progress of the outstanding recommendations about juvenile probation.

5. Status of adult probation recommendations

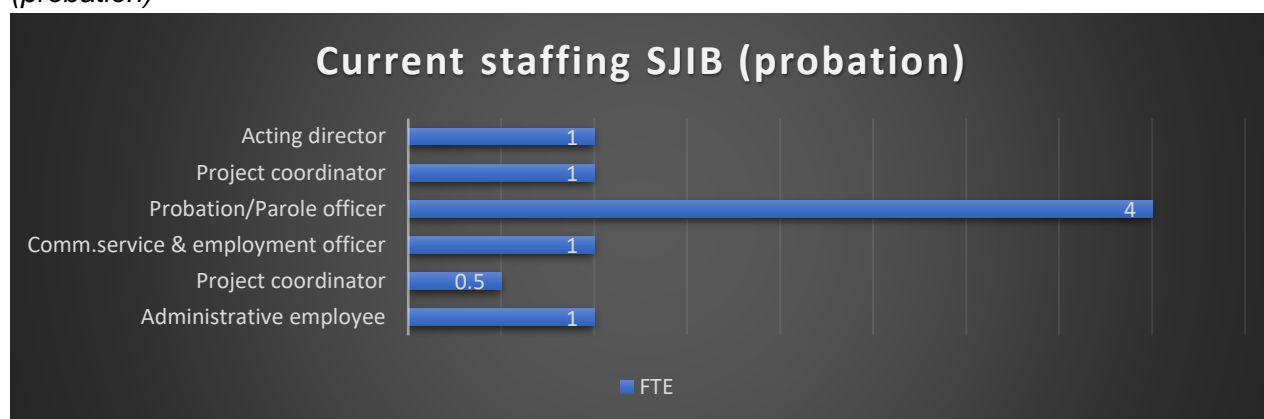
Introduction

In 2013, the Council inspected adult probation on Sint Maarten. A follow-up investigation was then conducted in 2016.

5.1 Status of adult probation in 2020

The staffing of the Windward Islands Justice Institutions Foundation (*Stichting Justitiële Instellingen Bovenwinden-SJIB*) probation department is currently as follows:

Figure 13: Current staffing of Windward Islands Justice Institutions Foundation in 2020 (probation)



Vacancies SJIB: Policy worker (1FTE), job supervisor /trainer (1FTE), probation/parole officer (1 FTE)

Below is the status for each recommendation in 2020.

To the Minister of Justice:

Recommendation 1: Establish policies on adult probation, including regarding young adults.

Findings

No policy has been drafted. The Ministry of Justice indicates that the financial situation of the Country has not improved since the Council's review investigation, therefore according to the Ministry, no progress was made. The SJIB points out that in recent years, several discussions have taken place between the SJIB and policy officers at the Ministry of Justice about establishing policy and that consultations have also taken place between the SJIB, the Ministry of Justice, the Dutch Caribbean Foundation for Rehabilitation and the Bureau for Foreign Affairs of the Netherlands Rehabilitation Agency. The SJIB indicates that the willingness is there and agrees with the Ministry that the SJIB lacks capacity. However, the SJIB believes that this may be due to prioritization or the lack of a leader. Recently, the Ministry appointed a legal policy officer to work with the SJIB to draft the policy. The SJIB also pointed out that the Netherlands Rehabilitation Agency (RN) offered to assist in drafting a policy plan and that substantive agreement was reached on what the policy should focus on in the first instance

(reducing pressure on detention capacity and reducing recidivism). The board of the SJIB has also approved hiring a policy officer (for both probation and family guardianship).

Recommendation 2: Create performance agreements with the SJIB regarding the execution of tasks and deliverables.

The Council assessed this recommendation as having already been satisfied in [2016](#).

Supplemental

Most recently, a ministerial order signed on August 27, 2020, granted the SJIB a subsidy for the fiscal year 2020. The 2019 financial statements of the SJIB were submitted to the Minister of Justice in September 2020. Furthermore, the SJIB has produced an annual plan 2020-2021 and the policy plan 2019-2021 entitled 'Internal probation policy. New Probation Supervision Policy SJIS: Probation Officer as Change Agent' (2020) was formalized on October 6.

Recommendation 3: Ensure through the acceptance of the declaration of readiness that the SJIB commits itself to the provisions of the Probation Decree.

Findings

The Minister of Justice, by a ministerial decree signed on May 24, 2016, accepted the declaration of readiness issued by the SJIB.

Supplemental

The 2016 review report indicated that the Minister was in the process of drafting a new National Decree (apparently to replace the Probation Decree) under which the SJIB would be designated as a probation institution. The Ministry of Justice indicated that this was part of the legislative program of the Judicial Affairs Department, however, due to a lack of legislative capacity, it has not yet been implemented.

Recommendation 4: In the short term, provide a solution for the lack of reports from the control room for electronic surveillance.

The Council assessed this recommendation as having already been satisfied in [2016](#).

Supplemental

On Feb 25, 2020, the Minister of Justice and representatives of the Sint Maarten Police Force, the SJIB, and the OM signed a memorandum of understanding on electronic surveillance. The SJIB reports that a total of 10 ankle bracelets are available, some of which are now being used.

To the Minister of Justice regarding the SJIB organization:

Recommendation 5: Automate business and client registration as soon as possible and create electronic client files

Findings

In 2019, several (justice) organizations on Sint Maarten, including the SJIB, joined the *Stichting Beheer ICT Rechtshandhaving* (Law Enforcement ICT management foundation). The SJIB was then granted free access to use the case and client registration system and

management tool called REACT (which the probation service on Bonaire and Curaçao already use) until 2021. The SJIB points out that a solution still needs to be found for the financing of the system starting in 2021. The system has been customized for use on Sint Maarten. In October and November 2020, training on the use of the system also took place for the entire staff of the SJIB. The system has been in use by all staff since January 1, 2021, the SJIB said in its rebuttal.⁸ The SJIB is also in discussion with RN for the further development of the system and the incorporation of the diagnostic instruments RISC and B-safer. In rebuttal, the SJIB indicated that the RISC, using the application Integrated Diagnostic Instrumentation (GDI), is implemented at the SJIB. The GDI ensures that the RISC and the probation reporting formats are integrated at the Probation Department. The RISC is a risk assessment and advisory tool that allows the probation service to structurally assess the risk and protection aspects, assess the risk of recidivism, and formulate advice on special conditions. In addition to the RISC, several more in-depth instruments/applications have been integrated (Domestic Violence (B-Safer diagnostic instrument; Mental Disability (SCIL diagnostic instrument); Domestic Violence Roadmap; Child Abuse Roadmap and Adult Criminal Justice Weighting Framework). The proposal for the implementation of the GDI at the SJIB has been approved by the Board of the SJIB and construction of the system has already begun. The SJIB's proposed implementation and staff-training staff in the use of the system are planned for March. The SJIB reports that the implementation of the above represents a major leap forward for the SJIB.

Recommendation 6: Invest in the know-how and training for new staff, particularly in the areas of criminal justice, criminal procedure advising, and reporting techniques.

Findings

The SJIB invested in training for staff, including in the field of criminal law / criminal sentencing, forensic methodology (working in a compulsory setting; an online refresher course "Working in a Compulsory Setting" is in preparation), and specific training in the field of aggression management, addiction and low-intellectual disability ([refer to section 5.3 for a complete listing](#)). Also, when a new employee joins the organization, a 3-day training is provided in part based on the "*Initiation Program Probation Officer 2019*" and the established "*Training profile probationary officer -advice/supervision*" (2018) (most recently in 2018 and 2019), which also serves as a refresher course for existing employees. Training components include core tasks, criminology, the counseling process (writing conclusions, advising, and action planning), and interviewing skills. Reporting techniques are thereby covered in the aforementioned 3-day training and 4 employees have attended reporting training for 2016. The SJIB also has various written documents and books for reference (e.g., book and summary "Working in a Compulsory Setting") and refers to these where applicable. In addition to providing access to SJIB to RN's online training courses through "the training center" as of February 2020 (for example, the Young Adults training; this also serves as a basis for a proposed online training provided by the Dutch Caribbean Foundation for Rehabilitation) and the Bureau for Foreign Affairs of the Netherlands took stock of the situation at all probation agencies, surveyed where cooperation could be achieved as well as ways to achieve this. One of the intended goals is to provide the same level of expertise on all islands. The SJIB indicates that this can be

⁸ After the investigation period, a demonstration of the system REACT was given by the SJIB to the inspectors of the Council. This gave the inspectors a good first impression of all the capabilities of the system and how it contributes to the professionalization of the SJIB, their service to clients and cooperation with chain partners. Currently, work is being done to optimize the system.

achieved, for example, by (the tagging along with) training through the VC and has already invested in good equipment for the employees. Recently, the SJIB, together with RN, submitted a project proposal aimed at counseling perpetrators of domestic violence. In December 2020, a training on 'writing style for probation reporting' was also held, according to the SJIB in its rebuttal.

To the Minister of Justice regarding early intervention provided by the SJIB:

Recommendation 7: In consultation with the OM and the KPSM, agree on the prioritization of early intervention.

The Council assessed this recommendation as having already been satisfied in [2016](#).

Supplemental

The SJIB reports that a public prosecutor has now been appointed with probation in his portfolio and considers this a positive development. Agreements have been made with this prosecutor in the area of, among other things, expanding the categories relating to early intervention.

Recommendation 8: Make arrangements with the KPSM to ensure that the SJIB is promptly informed of detentions.

The Council assessed this recommendation as having already been satisfied in [2016](#).

Recommendation 9: Make arrangements with the KPSM so that a consultation room with adequate privacy is available for the SJIB in the police station at all times.

The Council assessed this recommendation as having already been satisfied in [2016](#).

To the Minister of Justice regarding the information reports of the SJIB:

Recommendation 10: Agree with the Prosecution on the cases in which an information report is indicated, so that in an increased percentage of cases brought before the Court, the defendant will interact with a probation officer.

The Council assessed this recommendation as having already been satisfied in [2016](#).

Supplemental

After 2016, two graduate assignments were carried out that investigated and evaluated whether the SJIB's reports (including information reports) meet the expectations and needs of the Prosecutor's Office and the Court. The SJIB then proceeded to work with the instructions and recommendations that were formulated. The SJIB states that it actively approaches the Public Prosecutor for feedback on the quality of the reports and has the impression that the Public Prosecutor is generally satisfied because there are now more reports requested and the Public Prosecutor calls on the SJIB more often. Also, an annual evaluation takes place with the OM and the Court. Because of the special circumstances in 2020 (Covid-19), the evaluation has not yet taken place this year.

To the Minister of Justice regarding the VI and ET reports from the SJIB:

Recommendation 11: Make arrangements with the prosecutor's office and the prison so that the sentencing card, verdict extract, and behavioral reports are standard in every VI and ET counseling file at the SJIB

Findings

The document "Conditional Release (V.I) Under the New Penal Code" (2015) indicates in chapter 4 "The V.I. Process", among other things, which documents have to be part of the file to the Probation Office and who should be responsible for them.

The SJIB indicates that since the last review, the file from the prison to the SJIB contains the following standard information: a fully completed cover sheet, the preselection report, the sentencing card, the verdict, behavioral reports, and, if applicable, other documents such as certificates and diplomas obtained during detention. According to the Prosecutor, the behavioral reports are not included in the file as a rule, because the prison never requests them and the Prosecutor checks whether it is relevant to add the reports. Besides, both the SJIB and the Public Prosecutor's Office indicate that the SJIB receives both the police file and the criminal record file by default with each request from the Public Prosecutor for a report. In the event a document is still missing, the procedure is for the SJIB administration to request it. In the case of alternative sentences, the OM sends, as a rule, an instruction letter and the sentence before enforcement.

Moreover, the SJIB reports that for several months the Public Prosecutor's Office did not receive verdict extracts from the Court, which had implications for the SJIB, among others. As a solution, it was - a year ago - agreed by the Court and the OM that the OM would make a copy of both the cover page and the last page of the verdict, stamp them and share these with the SJIB. According to the OM, the receipt of the verdicts is improved, they are sent within 2 weeks. The SJIB adds in rebuttal that the current prosecutor in charge of the probation portfolio now gives regular feedback in cases that are referred to the SJIB.

Recommendation 12: Consider the content of the advice on requests for VI and ET given the requirements for counsel emerging in case law.

The Council assessed this recommendation as having already been satisfied in [2016](#).

Recommendation 13: Consider whether the consultative monitoring group created in the time of the Netherlands Antilles still is justified and how the SJIB's contribution to the monitoring group relates to its responsibility for the probation function

The Council assessed this recommendation as having already been satisfied in [2016](#).

Supplemental

The monitoring group meets every three months. The participants have collectively updated the procedure for handling advisory reports.

Furthermore, a 'wayfinding' consultation has been established, in which representatives of the OM, the SJIB, the prison, and Judicial Affairs of the Ministry of Justice participate every three weeks. The focus is on the staffing of the prison, (over) sight and discussion of prospective 'VI'ers' and the application of ET, as well as ensuring that the files are initiated promptly.

To the Minister of Justice regarding the SJIB's prison probation service:

Recommendation 14: Investigate how to meaningfully implement prison consultation.

The Council assessed this recommendation as having already been satisfied in [2016](#).

To the Minister of Justice regarding probation counseling after detention by the SJIB:

[Recommendation 15](#): Invest in long-term coaching of ex-offenders by offering customized programs and counseling.

Findings

The SJIB uses the 'Handbook of Probation' (version 2019) and the new methodology 'Working in a Compulsory Setting'. Case meetings and client consultations have been introduced in which the progress of all probation projects is monitored. Also, a brochure called 'Ready to be free again' (version 2018) has been prepared, containing information for the detainee to prepare for his or her release. Furthermore, at the start of the probation supervision program, each client now receives the accompanying document 'St. Maarten probation and parole supervision manual for clients' (version 2020).

The 2016 review report noted several initiatives aimed at long-term mentoring of ex-offenders. Except for the collaboration with the Department of Social and Labor Affairs mentioned below - in modified form - the "Second Chance Employment Program" with K1 Britannia (due to time and their focus on juveniles) and the "Project Correctional Industries Rehabilitation and Training Program" with the Ministry of Justice (due to lack of funding) did not get off the ground. The cooperation between the Department of Social and Labor Affairs (Ministry of Health Social Development and Labor), the prison (Ministry of Justice), and the SJIB to achieve a customized program for ex-offenders and other target groups of the probation office in the field of assistance, guidance and job placement was strengthened on June 17, 2019, with the signing of a memorandum of understanding. The working group established by the Ministry of Justice in this regard is now called the 'second chance workgroup'. The focus is on the last 6 months in detention and a life skills program is currently being drafted. The prison initiates the process of applications (e.g., ID card, medical insurance, financial assistance, and registration as a job seeker) and upon release whatever is still outstanding is passed on to the SJIB. The staff of social and labor affairs was trained by employees of the SJIB, and other parties (Sensitivity training Resocialization and Rehabilitation) and they also assist the clients to qualify more quickly for, for example, job coaching and vocational skills training. Open house days were also planned for 2020 but could not take place due to Covid-19.

The 2016 review report also indicated that the SJIB had committed to strengthening the existing partnership with the Turning Point Foundation. A written working procedure was subsequently negotiated between the SJIB and Turning Point Foundation regarding inpatient and outpatient treatment dated May 14, 2019. An agreement was also reached with the Mental Health Foundation regarding inpatient treatment, dated July 25, 2016. In addition, the SJIB also participates in the already established forensic care task force.

Also, in 2020, the SJIB moved into new facilities where they can receive clients and where apprenticeships and training by probation officers certified for this purpose are also once again taking place regularly.

To the Minister of Justice regarding the coordination of community service sentences by the SJIB:

Recommendation 16: Investigate the reasons why a large proportion of workfare offenders do not complete their community service and translate the results into policy.

The Council assessed this recommendation as having already been fulfilled in [2016](#).

Supplemental

The workfare service supervisor conducts a physical tour of the community service locations at the end of each week. The SJIB has taken the initiative to try to expand the number of community service locations. In this regard, there has been contact with an organization with a large pool of employers.

The Public Prosecutor indicates that an email will be sent to the SJIB informing them that a community service (workfare) sentence has been imposed. Once the Court's judgment is received by the OM, an order (letter) related to the community service is prepared by the OM. The OM is currently updating the community service letters and using one form. With regard to the implementation of community service and supervision, the SJIB reports that there can be a discrepancy between the receipt of the formal order letter from the Public Prosecutor's Office and the time the SJIB starts working on it. According to the SJIB, the applications arrive too late. The client often reports to the SJIB before the application is received. The SJIB will then - after coordination (by telephone or e-mail) with the Public Prosecutor about the number of hours and whether the verdict is irrevocable - start based on the verdict in their possession. According to the SJIB, it also sometimes occurs that the verdicts pile up at the SJIB, clients do not report, and no order letters are received. In those cases, the SJIB approaches the client in question. Following consultation between the Public Prosecutor's Office and the SJIB, the SJIB shared a list of missing documents with the Public Prosecutor's Office regarding community service-related sentences, and agreements were made with the administration of the Public Prosecutor's Office to improve the process. Because of Covid-19, there is also a backlog.

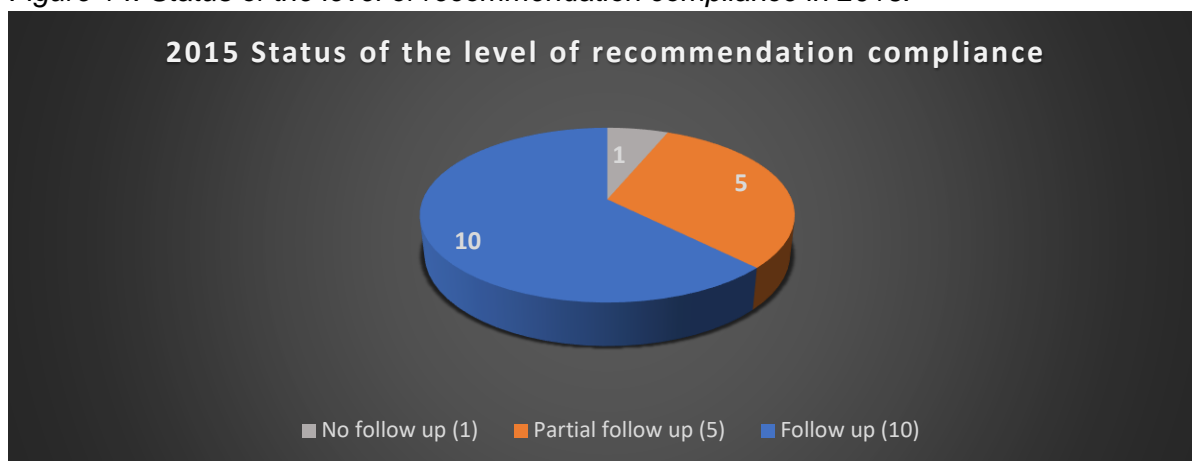
Also, it was established that for each completed course (including work sentences), a report is now prepared and sent to the Prosecutor's Office along with an end of notice.

5.2 Analysis

Introduction

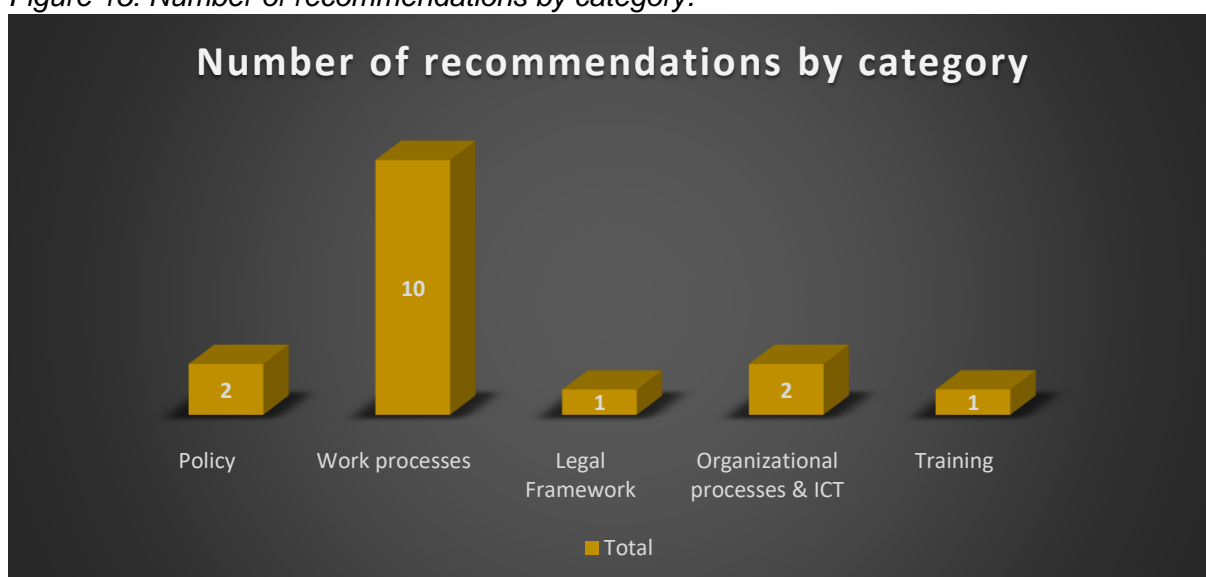
In 2013, the Council issued 16 recommendations as part of its inspection into adult probation, followed by a review inspection in 2016. During the review inspection, the Council indicated that its review investigation found that the majority of the recommendations (10) had been adopted. Six of the recommendations still needed to be partially (5) or fully (1) addressed at that time.

Figure 14: Status of the level of recommendation compliance in 2016.



The sixteen recommendations have been subdivided into categories by the Council at its discretion in its database to provide some additional insight into the individual recommendations. The subdivision is intended to be informational and is as follows: the categories in the database: policy (2), work processes (10), legal framework (1), organizational processes and ICT (2), and training (1).

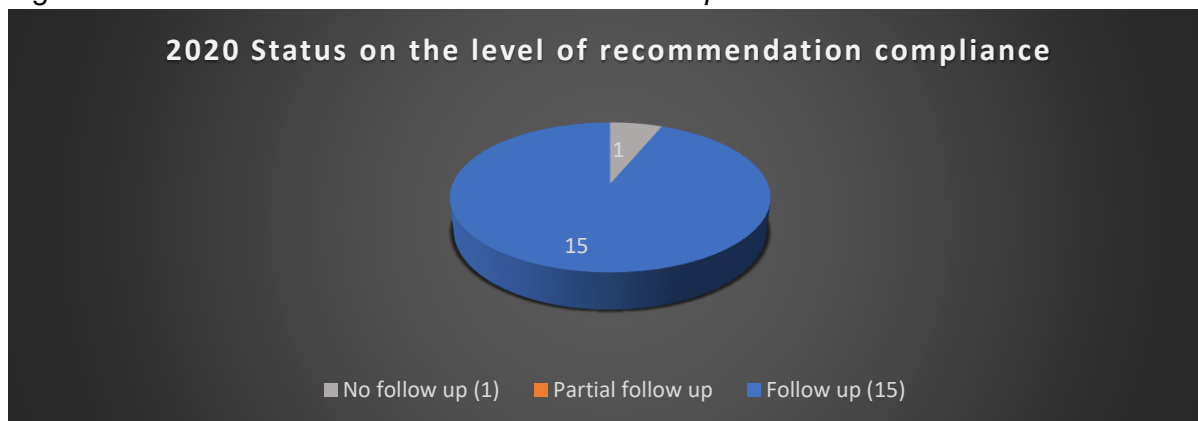
Figure 15: Number of recommendations by category.



Status of follow-up in 2020

In 2020, the state of affairs is that of the sixteen recommendations, one recommendation has not been addressed (policy) and fifteen recommendations have been implemented (outcome agreements; acceptance of the declaration of readiness; notifications control room; computerization case and client registration; knowledge and training; prioritization early intervention); message IVS; meeting room; information report; comprehensiveness advice files VI and ET; substantive advice regarding requests VI and ET; monitoring group; long-term guidance ex-offenders and workfare sentences). The SJIB and its activities are developing in the desired direction such that, except for one recommendation, all recommendations have been adopted, and thus the objective of the respective recommendations has been achieved.

Figure 16: Status of the level of recommendation compliance in 2020.



The following paragraph refers to six recommendations, given that ten recommendations had already been identified by the Council as having been fulfilled in 2016.

The recommendation *'establish policies on adult probation, including young adults'* was - as in 2016 - not addressed. The Council notes that despite several attempts to begin, to date, no policy has been established concerning adult probation, including for juveniles. In previous reports, the Council pointed out the importance of policy and emphasized that the lack of it harms operational performance. Given that policy still needs to be developed in this area, the Council believes that (temporarily) providing policy capacity may be a viable solution.

The recommendation *'ensure by accepting the declaration of readiness that the SJIB commits itself to the terms of the Probation Decree'* has been complied with. The declaration of readiness had already been effectuated by the SJIB and its acceptance in 2016 by the Minister of Justice means that the applicable legislation has been satisfied. After more than four years following the last initiative, the SJIB possesses a case- and client registration system designated REACT. The Council believes that because of the efforts of all those involved, the SJIB has been able to become more professional and is confident that the other developments that have been started will contribute even more. Given the current status, the Council assesses the recommendation *'automate case- and client registration as soon as possible and create electronic client files'* as fulfilled. Although the SJIB has achieved a major milestone with this project, the Council hopes that lessons will be learned from the past in which the lack of (reserves of the necessary) finances within the justice system resulted in discontinuation of the development of or (temporary) shutdown of automated systems with all the consequences thereof and urges finding a systematic solution for permanent access to the system given that presently only temporary financing is available. Back in 2016, the Council mentioned the SJIB's efforts to come up with creative solutions to provide staff with the needed training which continued in subsequent years in keeping with the different types and providers of training. Starting in 2016, the SJIB invested every year, especially in 2019 and 2020, in knowledge and training for both new employees and other staff. In the Council's opinion, the aforementioned has certainly contributed to the intended professionalization of the SJIB. The recommendation *'invest in the knowledge and training of new staff, particularly in the areas of criminal law, criminal procedure consulting, and reporting techniques'* is therefore assessed by the Council as having been satisfied.

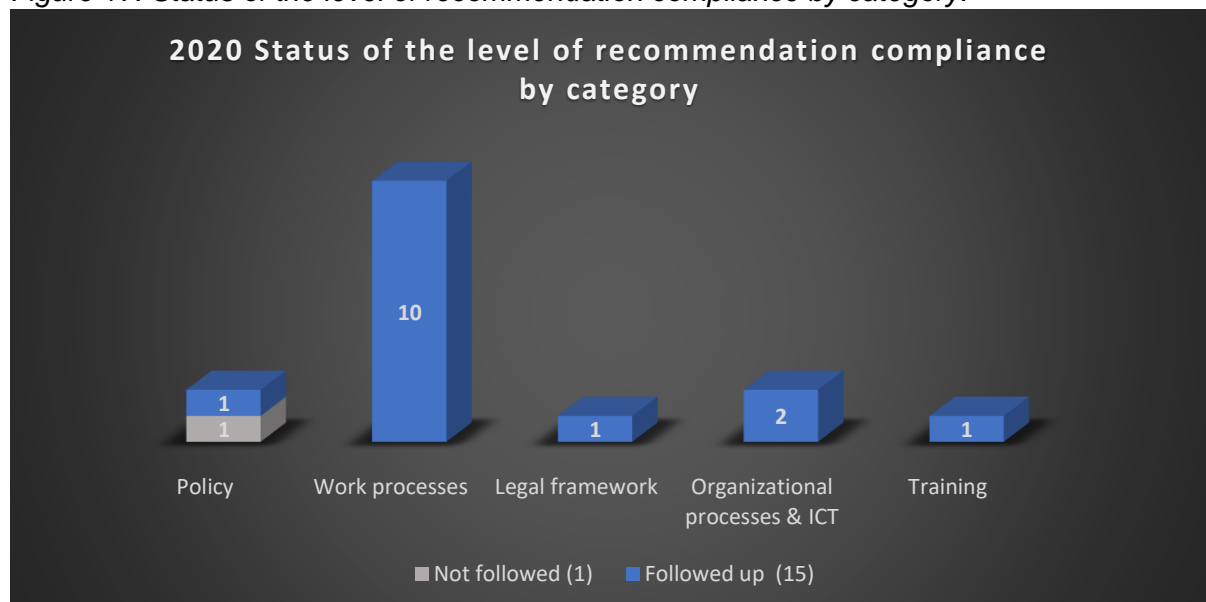
The recommendation *'make agreements with the prosecutor's office and the prison so that the sentencing card, verdict extracts, and behavioral reports are always present in every VI and ET advisory file of the SJIB'* has been followed. The Council welcomes the fact that the parties

involved, in consultation with each other, have found a more workable solution to the problem that existed for years concerning the failure to receive (timely) verdict extracts. This review shows that there is no doubt among those involved as to which documents the file has to contain and there is a document available that establishes and clarifies which documents are needed. As early as the 2016 review report, it was evident that the SJIB started to merge several documents into a single file and that after the organizational process system was implemented, the objective was to scan the documents so that there would be one electronic file per client. With the implementation and use of REACT, this will finally be accomplished. The Council assumes that it will take some time before all files will be completely and electronically available and will continue to follow the developments with interest.

The recommendation *'invest in long-term coaching of ex-offenders using customized programs and counseling'* has been fulfilled. The SJIB is committed to the long-term coaching of ex-offenders both internally and externally. Providing in-house training for and by staff, working with a new methodology and handbook, and the provision of hard copy information to clients, including ex-prisoners. While only one of the three different positive initiatives running in 2016 has come to fruition albeit, in a modified form, this inter-ministerial collaboration is one that the Council believes will certainly benefit ex-offenders (and other target groups) given the focus of all parties involved and the practical assistance provided to ex-offenders. In this context, the Council is curious about the *life skills* program that is currently being developed. In addition, investments have also continued in the collaboration between the SJIB, the TPF, and MHF by establishing working procedures and participating in the forensic care task force.

The Council expresses its gratitude to the SJIB and its employees for the progress and professionalism they have achieved and continues to follow developments with interest.

Figure 17: Status of the level of recommendation compliance by category.



Recommendation and Monitoring

Based on the aforementioned, the Council's recommendation to the Minister of Justice is: *Implement the Council's policy recommendation that has not yet been addressed and make the necessary resources available at the earliest possible time.*

The Council will begin regular monitoring of the progress of the outstanding recommendation on adult probation in 2021.

5.3 Overview of training received and provided by SJIB

Date	Participants	Training	Provider
May 2016	All staff + management	Introduction to criminal law: criminal penalties	Public Prosecutor's Office Sint Maarten
March 2017	All staff + management	Repeat Aggression Management Training	Foundation Goldstein Netherlands
April 2018	All staff + management	Forensic methodology: working in compulsory settings	Probation Foundation BES
February 2019	All staff + management	Workshop addiction treatment	Turning Point Foundation
April 2019	All staff + management	Recertification Aggression Management Training	Foundation Goldstein Netherlands
April 2019	3 employees	Eye Movement Desensitization and Reprocessing (EMDR)	GZ-Psychologist Netherlands
June 2019	All staff	Psychosocial awareness and preparedness	ARKIN Curaçao
July 2019	All staff	Psychological pathologies in the administration of justice	University of Curaçao
October 2019	2 employees	Counseling of probation clients with Mental Disabilities	Rehabilitation Agency of the Netherlands
December 2019	All staff	Electronic Monitoring	Comprehensive Security Solutions Inc.
Including February 2020	All staff	Various self-study training courses including criminal law, criminal procedure, probation for adolescents and young adults, SCIL Screener for intellectual and the mildly mentally disabled, victim-conscious work methods, electronic monitoring, probation for clients with a LVB, in-house emergency services, and dealing with aggression at work.	As of February 2020, all probation officers have access to self-study training through traininghuis.nl of the Rehabilitation Agency of the Netherlands
2020	-	In 2020, the Probation Service was to participate via Video Conferencing in the courses to be provided by the Rehabilitation Agency of the Netherlands in Bonaire: 1. Basic training for probation officers and 2. Working with sex offenders.	Postponed due to Covid-19
November 2020	All staff + management	Training in the use of the client registration system REACT	Training provided by the software company and REACT developer ACTS

Date	Participants	Training	Provider
			of Curacao online. 2 'superusers' were trained who trained the remaining 5 employees.
December 2020 up to and including January 2021	All staff	Training 'Writing style probation reports'.	Hosted by Probation Service Netherlands
August 2020	The staff of the Social and Labor Affairs of the Ministry of Health, Social Affairs and Labor	Sensitivity training Resocialization and Rehabilitation	Training provided by the SJIS Probation Office in cooperation with the Sint Maarten prison, with KPSM as host and Dr. J. Enterprises as guests and Turning Point Foundation.

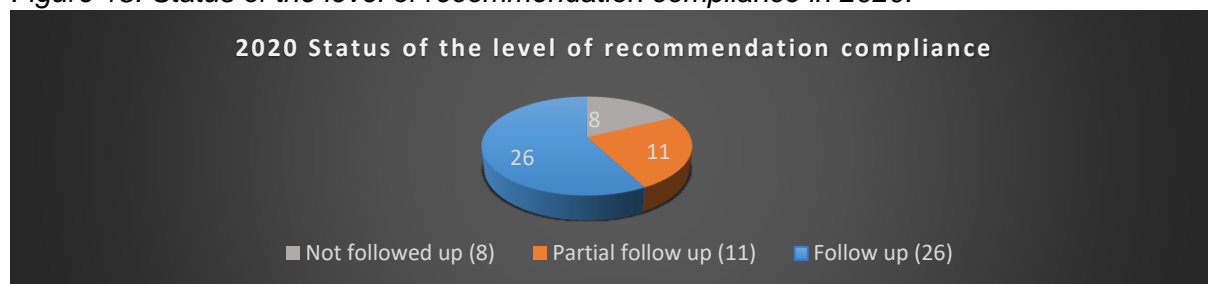
6. Overall Analysis

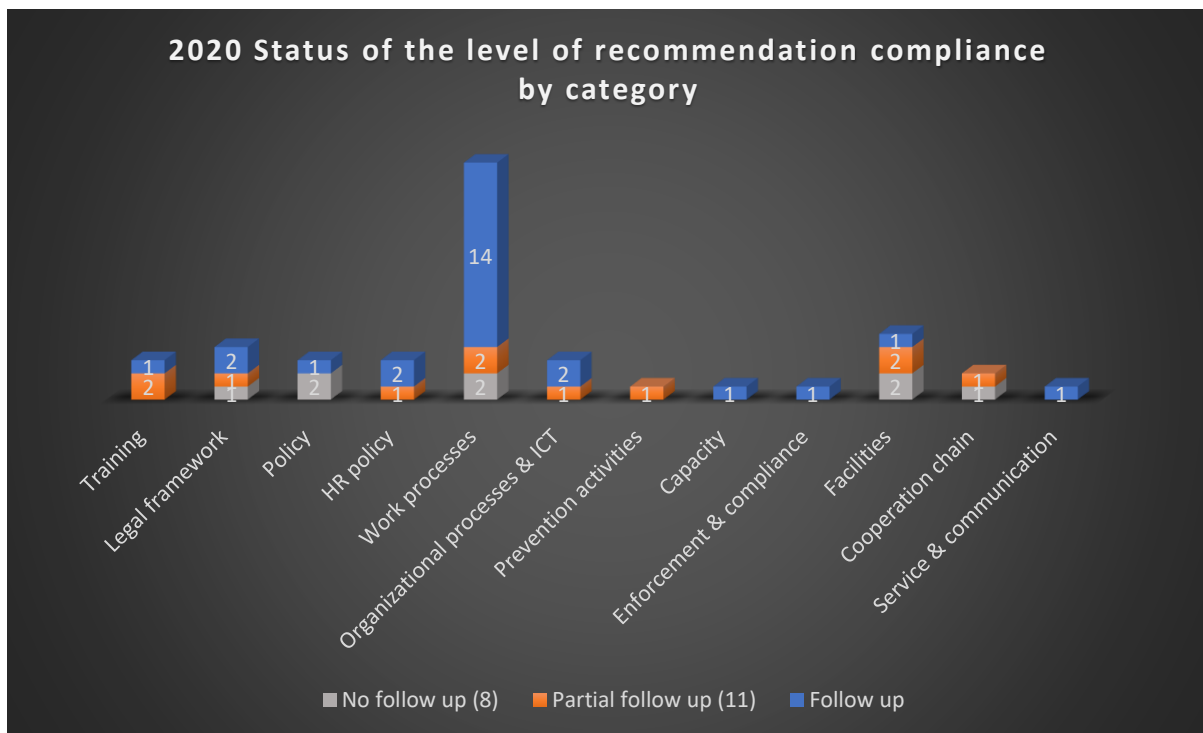
Answer to the main question

In 2020, the Council launched a comprehensive inspection on Sint Maarten. As part of that process, the Council is surveying the status of all recommendations it issued for the period up to and including 2018. If necessary, the Council will, if warranted, intensify its monitoring of the progress in achieving compliance with recommendations. Because of the large number of recommendations made by the Council so far, the Council is using sub-inspection, each of which deals with a certain number of specific subjects. This report concerns the first sub-inspection. In it, the Council examined the extent to which the recommendations issued in respect of four topics were adopted. These are prevention of juvenile crime (5 recommendations), the MLC (8 recommendations), juvenile probation (16 recommendations), and adult probation (16 recommendations). For the first two topics mentioned, the Council conducted the first review inspection in 2020. Concerning the other two topics, review examinations were already conducted in 2015 and 2016, respectively, and this sub-inspection represents a second review examination.

This first sub-inspection reveals that of a total of 45 recommendations, 26 recommendations were fully implemented, 11 recommendations were partially implemented, and 8 recommendations were not implemented (see the relevant chapters for a breakdown). Overall, it can be concluded that the majority of the recommendations have been implemented. This applies to almost all recommendations regarding adult probation (15 out of 16 fulfilled). The other recommendations that were addressed concern the MLC (1 followed) and juvenile probation (10 adopted). Incidentally, for juvenile probation, 9 of these recommendations had already been identified as adopted in the 2015 review study. The recommendations that were assessed as 'not followed' or as 'partly followed' all concern - except for one unaddressed recommendation about adult probation - the topics about juveniles. It concerns the prevention of juvenile delinquency (4 not and 1 partly complied with), the MLC (2 not and 5 partly complied with), and juvenile probation (1 not and 5 partly complied with). Therefore, based on the above, the Council concludes that the SJIB, and hence adult probation, has advanced significantly in recent years in the direction the recommendations envisioned. Unfortunately, this does not apply to the subject of the youth. The observed state of affairs regarding this subject is, according to the Council, the result of broader problems.

Figure 18: Status of the level of recommendation compliance in 2020.



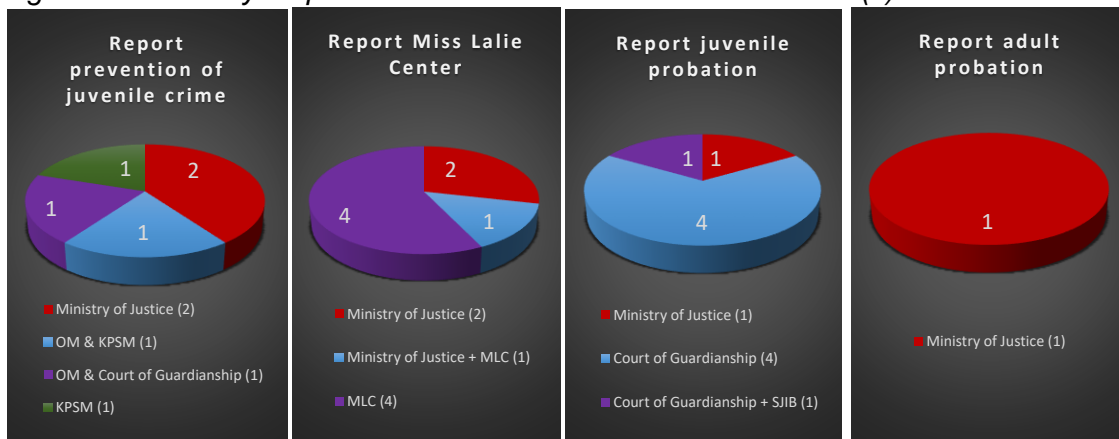


The status in a broader perspective

The Council has now been reporting on various selected topics for almost 10 years and tries, in part, to contribute to the proper functioning of the justice organizations, the justice chain, and judicial cooperation between the countries that fall under the Council's purview by identifying bottlenecks and issuing recommendations. In its State of Law Enforcement, the Council provides a more generalized yearly snapshot of developments in law enforcement and the bottlenecks, which transcend the individual inspections. Many of the problems that the Council has identified over the years often turn out to be systemic, and they also negatively impact the developments concerning the subject of juveniles as outlined in this sub-inspection. Both by choice (constitutional changes) and through disaster (hurricanes and pandemic), change, development, recovery, and reconstruction have been prevalent on Sint Maarten for the past 10 years. In this regard, it can be noted that society is increasingly (more) subject to change, characterized not only through progress but also by ever-increasing complexity, problems, flexibility, and interdependence. The preceding therefore increasingly demands an integrated approach and this requires strong organizations that can contribute effectively to law enforcement not only individually but particularly as part of the chain. The subject of the youth, and more specifically the prevention of juvenile crime, is a good example of this, as it requires an integrated and, specifically, an inter-ministerial approach to be truly effective. What the Council sees, however, is that the organizations involved on the justice side of things are often not supported by having the necessary responsibilities, authorities, and tools (structurally) in place. This ranges from the absence of the required (policy) frameworks approved by and between the ministers, the allocation of the associated human, financial and material resources to work collectively on a topic, and the direction and guidance from the ministry, up to and including the required (up to date) legislation and policy (support). The aforementioned is observed by the Council almost across the board and also applies to subjects such as MLC and juvenile probation. The justice organizations involved do their best individually and try to achieve what they can influence - often in creative ways - and also seek cooperation in this regard. However, they always face a high degree of dependence on the

Ministry which prevents them from achieving the intended result. For example, a specific approach or the necessary cooperation cannot be maintained. As far as the follow-up of the recommendations is concerned, this means that, as in previous review investigations, the Council must again conclude that the individual organizations often succeed in fulfilling a large portion of the recommendations, but also that the adoption of some of the recommendations is stagnant or cannot be started because it requires (first) action by or cooperation from management. Under the Kingdom Law Enforcement Council Act, all recommendations are formally addressed to the Minister of Justice. For some recommendations, compliance is primarily dependent on action by the ministry (the Minister of Justice). For others, follow-up depends primarily on the action by the organization(s) concerned. This is reflected in the designations of 'partial follow up' and 'no follow up' recommendations per report.

Figure 19: Primarily responsible for action on the recommendation(s)



Financial consequences of compliance with recommendations

A lack of funding and capacity is an often-cited reason why the recommendations have not been addressed. The Council is certainly aware that the country, and more specifically the Ministry of Justice, faces financial challenges. Although all recommendations (almost) always have financial consequences, the Council believes that to fulfill the recommendations, a distinction can be made by dividing them into recommendations that primarily require financial actions and recommendations that primarily require non-financial actions. Based on the previously mentioned database, the Council carried out this exercise to provide an initial impression. Based on this, one can conclude that of a total of 45 recommendations, ten recommendations require primarily financial actions (e.g., setting up the HALT project, securing training, or purchasing a computerized information system; see Appendix 1) and 35 recommendations primarily require other non-financial actions (e.g., writing policies, processes, or a contingency or training plan; see Appendix 1).

Figure 20: Number of recommendations per report categorized by recommendations with primarily financial action vs. primarily non-financial action



Need for increased efficiency

Because funding is a chronic bottleneck, it is even more important to see where greater efficiencies can be achieved to both mitigate the effects due to the lack of finances, but also to move with the times and continue to perform the required work. One way to achieve this is through automation and digitalization. Although this often requires relatively large financial investments, it contributes to the efficiency and professionalization of organizations. Within the justice chain, it is clear that there is still room for improvement because the organizations are at very different stages in this respect, ranging from not having a computerized system to having it at their disposal in a relatively short period. An example is the Court of Guardianship, which is in the process of developing a system, and the SJIB that only recently has a system at its disposal.

Need for cooperation

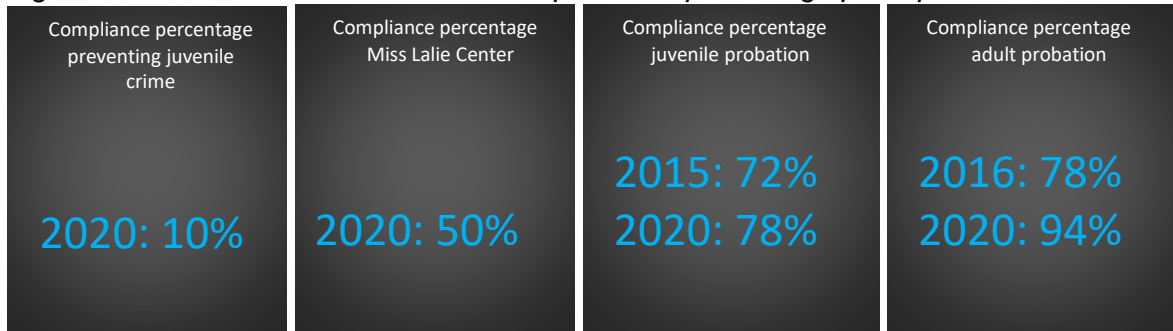
The Council has frequently expressed its support for collaboration and believes that given the current circumstances, the need for cooperation is more pressing than ever. The organizations themselves recognize this. It is now up to all those involved to find a workable solution that will benefit both the individual organizations and the chain as a whole. The Council can well imagine, therefore, that the Minister or the Ministry and the justice organizations will closely cooperate and provide mutual input to collectively determine the direction in which they intend to go. They can establish the frameworks for doing so and then get to work. This way, there will not only be more support but also a solid basis to achieve the common goal everyone is striving for: a well-functioning system of law enforcement.

In conclusion.

The Council is aware that the recommendations are not alike and that some are less complex than others. Nevertheless, for each report, the Council has indicated the status of each recommendation as a percentage⁹. The percentage mentioned below is not a rigid benchmark but merely serves as an indicator to represent the status of each report in a more visual way.

⁹ The compliance percentage as an indicator is calculated by assigning 1 point to each fulfilled recommendation, ½ point to each partially fulfilled recommendation and no points to a unfulfilled recommendation. Then the number of points awarded is divided by the total number of recommendations and multiplied by 100 to arrive at the compliance percentage.

Figure 21: Status of recommendation compliance in percentage per report



As described in chapters 2 to 5, the Council has already recommended to the Minister of Justice that he implement the recommendations that have not yet been (fully) addressed and make the necessary resources available for this purpose. As indicated in the various chapters, the Council will start the periodic monitoring of the progress of the recommendations that have not been implemented, starting in 2021.

Appendix 1: Status of recommendations by report



2020 Status of recommendations for the report Prevention of Juvenile Crime on Sint Maarten

Topic Recommendation	Category Recommendation ¹⁰	Primarily financial action/primarily other non-financial action ¹¹	Follow up 2020	Primarily responsible for action ¹²	Status > 2021
1. LBHAM police transaction	Legal Framework	Primarily other non-financial action	No follow up	Ministry of Justice	
2. Embedding juvenile crime prevention	Policy	Primarily other non-financial action	No follow up	Ministry of Justice	
3. Police transaction: project HALT	Cooperation chain	Primarily financial action	No follow up	OM & KPSM	
4. Procedures reporting and follow-up	Work processes	Primarily other non-financial action	No follow up	OM & Court of Guardianship	
5. Balanced approach to juvenile crime	Prevention activities	Primarily other non-financial action	Partial follow up	KPSM	
Total compliance %¹³			10%		%

¹⁰ For reference, the recommendations have been categorized by the Council as it sees fit in its database to provide some additional insight into the individual recommendations.

¹¹ Although recommendations (almost) always have financial implications, the Council believes that for the purpose of addressing the recommendations, a distinction can be made by dividing them into those that actually primarily require financial action and those that primarily require action other than financial.

¹² In accordance with the Kingdom Law Enforcement Council Act for several the recommendations, compliance is primarily dependent on action by the ministry (the Minister of Justice). For others, follow-up is primarily dependent on action by the organization(s) concerned.

¹³ The compliance percentage as an indicator is calculated by assigning 1 point for each recommendation that was followed, ½ point for each recommendation that was partly followed and no points for a recommendation that has not received follow up. The number of points awarded is then divided by the total number of recommendations and multiplied by 100 to arrive at the compliance percentage.

2020 Status of recommendations for the report Juvenile Rehabilitation Miss Lalie Center					
Topic Recommendation	Category Recommendation¹⁴	Primarily financial action/primarily other non-financial action¹⁵	Follow up 2020	Primarily responsible for action¹⁶	Status > 2021
1. Formal embedding of juvenile facility	Legal framework	Primarily other non-financial action	Partial follow up	Ministry of Justice	
2. Human Resource Policy	Human Resource Policy	Primarily financial action	Partial follow up	Ministry of Justice	
3. Full-fledged education program	Facilities	Primarily other non-financial action	No follow up	Ministry of Justice + MLC	
4. Day time program	Facilities	Primarily other non-financial action	Partial follow up	MLC	
5. Disaster (plan)	Work Processes	Primarily other non-financial action	Partial follow up	MLC	
6. Training for security personnel	Training	Primarily financial action	Partial follow up	MLC	
7. Committee of Supervision	Legal framework	Primarily other non-financial action	Follow up	None	
8. Physical security	Facilities	Primarily financial action	Partial follow up	MLC	
Total compliance %¹⁷			50%		%

¹⁴ For reference, the recommendations have been categorized by the Council as it sees fit in its database to provide some additional insight into the individual recommendations.

¹⁵ Although recommendations (almost) always have financial implications, the Council believes that for the purpose of complying with the recommendations, a distinction can be made by dividing them into those that actually primarily require financial action and those that primarily require action other than financial.

¹⁶ In accordance with the Kingdom Law Enforcement Council Act, all recommendations are formally addressed to the Minister of Justice. For some recommendations, follow-up is primarily dependent on action by the ministry (the Minister of Justice). For others, compliance depends primarily on action by the organization(s) concerned.

¹⁷ The compliance percentage as an indicator is calculated by assigning 1 point for each recommendation that was followed, ½ point for each recommendation that was partly followed and no points for a recommendation that has not received follow up. The number of points awarded is then divided by the total number of recommendations and multiplied by 100 to arrive at the compliance percentage.

2020 Status of recommendations for the report Juvenile Probation on Sint Maarten

Topic Recommendation	Category recommendation ¹⁸	Primarily financial action/primarily other non-financial action ¹⁹	Follow up 2015	Follow up 2020	Primarily ²⁰ responsible for action	Status > 2021
1. Training and education plan	Training	Primarily other non-financial action	Partial follow up	Partial follow up	Court of Guardianship	
2. Job description coordinator juvenile probation	Human Resources policy	Primarily other non-financial action	Follow up	Follow up	None	
3. Description of work processes	Work processes	Primarily other non-financial action	Partial follow up	Partial follow up	Court of Guardianship	
4. Automated information system	Organizational processes & ICT	Primarily financial action	Partial follow up	Partial follow up	Court of Guardianship	
5. Personal files	Human Resources policy	Primarily other non-financial action	Follow up	Follow up	None	
6. Early intervention report IVS	Work processes	Primarily other non-financial action	Follow up	Follow up	None	
7. Quality early intervention and information reports	Work processes	Primarily other non-financial action	Follow up	Follow up	None	
8. Temporarily hire experienced employee	Capacity	Primarily financial action	Follow up	Follow up	None	
9. Timely delivery of early intervention and information reports	Work processes	Primarily other non-financial action	Follow up ²¹	Follow up	None	

¹⁸ For reference, the recommendations have been categorized by the Council as it sees fit in its database to provide some additional insight into the individual recommendations.

¹⁹ Although all recommendations (almost) always have financial implications, the Council believes that for the purpose of addressing the recommendations, a distinction can be made by dividing them into those that actually primarily require financial action and those that primarily require action other than financial.

²⁰ In accordance with the Kingdom Law Enforcement Council Act, all recommendations are formally addressed to the Minister of Justice. For some recommendations, follow-up is primarily dependent on action by the ministry (the Minister of Justice). For others, compliance depends primarily on action by the organization(s) concerned.

²¹ In the 2015 review report, this recommendation was identified in the results per recommendation table as "partially followed up" when it should have been identified as "follow up". This has now been corrected in this table.

2020 Status of recommendations for the report Juvenile Probation on Sint Maarten

10. Communication with the Prosecutor's Office about the early intervention and information reports	Service & communication	Primarily other non-financial action	Follow up	Follow up	None	
11. Defining the role of the expert at the hearing	Enforcement & compliance	Primarily other non-financial action	Follow up	Follow up	None	
12. JCO	Work processes	Primarily other non-financial action	Follow up	Follow up	None	
13. Counseling for minors	Facilities	Primarily other non-financial action	Partial follow up	Follow up	None	
14. Description of content and duration of training and courses	Work processes	Primarily other non-financial action	Partial follow up	Partial follow up	Court of Guardianship	
15. Evaluation protocol cooperation SJIB and VR	Cooperation chain	Primarily other non-financial action	No follow up	Partial follow up	Court of Guardianship & SJIB	
16. Inventory of Impacts	Facilities	Primarily other non-financial action	No follow up	No follow up	Ministry of Justice	
Total compliance%²²	-	-	72%	78%	-	

²² The compliance percentage as an indicator is calculated by assigning 1 point for each recommendation that was followed, ½ point for each recommendation that was partly followed and no points for a recommendation that has not received follow up. The number of points awarded is then divided by the total number of recommendations and multiplied by 100 to arrive at the compliance percentage.

2020 Status of recommendations of the report Adult Probation on Sint Maarten

Topic Recommendation	Category recommendation ²³	Primarily financial action/primarily other non-financial action ²⁴	Follow up 2016	Follow up 2020	Primarily responsible for action ²⁵	Status > 2021
1. Policy adult probation	Policy	Primarily other non-financial action	No follow up	No follow up	Ministry of Justice	
2. SJIB outcome agreements	Work processes	Primarily other non-financial action	Follow up	Follow up	None	
3. Acceptance of readiness statement	Legal framework	Primarily other non-financial action	Partial follow up	Follow up	None	
4. Alerts from the control room	Organizational processes & ICT	Primarily financial action	Follow up	Follow up	None	
5. Automation of business and client registration	Organizational processes & ICT	Primarily financial action	Partial follow up	Follow up	None	
6. Knowledge and Training	Training	Primarily financial action	Partial follow up	Follow up	None	
7. Prioritization of early intervention.	Work processes	Primarily other non-financial action	Follow up	Follow up	None	
8. Notice of detentions.	Work processes	Primarily other non-	Follow up	Follow up	None	

²³ Ter indicatie zijn de aanbevelingen door de Raad naar eigen inzicht in zijn database onderverdeeld in categorieën om wat meer inzicht te geven in de individuele aanbevelingen.

²⁴ Alhoewel alle aanbevelingen (vrijwel) altijd financiële gevolgen hebben, meent de Raad dat hierin ten behoeve van de opvolging van de aanbevelingen onderscheid kan worden gemaakt door deze in te delen in aanbevelingen die daadwerkelijk primair financiële actie vereisen en aanbevelingen die primair andere dan financiële acties vereisen.

²⁵ Overeenkomstig de Rijkswet Raad voor de rechtshandhaving zijn alle aanbevelingen formeel gericht aan de minister van Justitie. Voor een aantal aanbevelingen geldt dat opvolging primair afhankelijk is van actie van het ministerie (de minister van Justitie). Voor andere geldt dat opvolging vooral afhankelijk is van actie van de betreffende organisatie(s) zelf.

2020 Status of recommendations of the report Adult Probation on Sint Maarten

		financial action				
9. Consultation room at the police station	Work processes	Primarily other non-financial action	Follow up	Follow up	None	
10. Information Report	Work processes	Primarily other non-financial action	Follow up	Follow up	None	
11. Completeness of advisory files VI and ET	Work processes	Primarily other non-financial action	Partial follow up	Follow up	None	
12. Contents of advice on requests for VI and ET	Work processes	Primarily other non-financial action	Follow up	Follow up	None	
13. Monitoring Group	Work processes	Primarily other non-financial action	Follow up	Follow up	None	
14. Prison consultation hours	Work processes	Primarily other non-financial action	Follow up	Follow up	None	
15. Long-term counseling of ex-offenders	Work processes	Primarily financial action	Partial follow up	Follow up	None	
16. Workfare	Policy	Primarily other non-financial action	Follow up	Follow up	None	
Total compliance%²⁶	-	-	78%	94%	-	

²⁶ The compliance percentage as an indicator is calculated by assigning 1 point for each recommendation that was followed, ½ point for each recommendation that was partly followed and no points for a recommendation that has not received follow up. The number of points awarded is then divided by the total number of recommendations and multiplied by 100 to arrive at the compliance percentage.

Colophon

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