



PERSPECTIVE ON CRIME FIGHTING

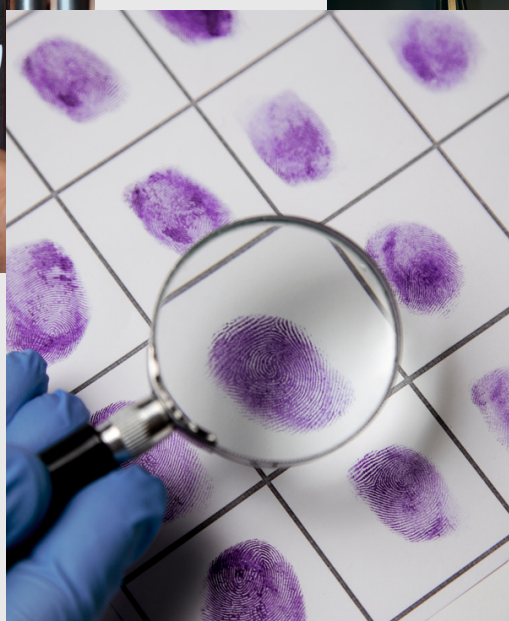
2024 - 2028



Openbaar Ministerie
Carib

TABLE OF CONTENTS

General	03
Social Developments	04
Strategy	05
Summary	09
Risk paragraph	10
Conclusion	11



GENERAL

In the Perspective on crime fighting 2024-2028 (the Perspective), **OM Carib** – *the Prosecution Service of Curaçao, of Sint Maarten and of Bonaire, Sint Eustatius and Saba* – presents its vision on law enforcement for the coming years. OM Carib's starting point is to inform its own organization, its various partners, the government, and the public about the manner in which OM Carib wants to shape the fight against crime in the coming years. In many ways, OM Carib's work touches both the people and society of the Countries within which OM Carib operates. One can think of the prosecution of serious cases that deeply impact the legal systems of Curaçao, of Sint Maarten or of Bonaire, Sint Eustatius and Saba, but also, of the prosecution of cases that occur frequently and directly affect citizens. This makes OM Carib's work important for the image of criminal law enforcement within society.

The necessity and urgency of long-term investments in the development of law enforcement is greatly and widely felt. It is in the interest of society that every Country has a well-organized and professional law enforcement system, ranging from prevention to detention. This system must be able to make well-considered and transparent choices regarding the manner in which forms of crime are to be tackled, but also to be able to adapt in a timely manner to developments in this area. OM Carib contributes to this by applying tailor-made solutions for each country, by entering into cooperation with (law enforcement) partners, as well as government and private entities, and engaging in intensive consultation with them. The objective is to contribute to the presence of sufficient guarantees for the physical safety of the public.

However, the reality of limited capacity and resources means that OM Carib also must make choices. OM Carib is forced to increasingly focus on the primary core task of criminal investigation, the prosecution of criminal acts and the execution of rulings. Instead of fulfilling an initiating role in, among others, prevention projects, OM Carib will shift its focus to assisting other (government) organizations that are primarily responsible for this.

SOCIAL DEVELOPMENTS

In retrospect, the 2016–2021 Perspective on Crime Fighting proved too ambitious. It was not possible – partly due to the pandemic – to achieve all ambitions. Reality is forcing OM Carib to change its ambitions **for the 2024–2028 Perspective**. In addition, OM Carib depends on the government and its law enforcement partners to achieve an effective response to crime. With the limited resources at its disposal, OM Carib's focus will be on efficiently designing its primary core tasks.

As a result of the social developments of recent years, our perspective on the implementation of these core tasks has changed. Whereas OM Carib previously fulfilled an initiating role in many areas, it is now taking a step back. OM Carib focuses mainly on its primary tasks, namely the detection and prosecution of criminals and the execution of rulings.

Through its mission, OM Carib contributes to a safe, just and integer society, where everyone can live in freedom and where fundamental rights are respected. The population of our Countries must be able to trust that crime will be dealt with and that the various interests of all parties involved are considered. Criminal cases that directly affect the residents of OM Carib's Countries must be handled promptly, carefully, and properly. This applies not only to the so-called High Impact Crime (HIC) and frequently occurring crime VVC – the directly visible criminal offenses with serious impact on the people involved – but also to the less visible organized subversive crime, which has a tangible effect in the long term on the population of the Countries.

Below we will further elaborate on OM Carib's focus and commitment to all areas.

STRATEGY

The Perspective is based on OM Carib's objectives and the relevant social developments that the Countries have in common. By means of the three pillars below, OM Carib wants to make an effective contribution to the suppression of crime in the societies of Curaçao, of Sint Maarten, and of the BES Islands. The manner in which the various prosecutors' offices will concretely contribute to this strategy are elaborated in the annual plans.

The strategic pillars:

- Integral approach
- Connection and communication
- Continued development of the OM organisation

High Impact Crime and Frequently Occurring Crime

HIC is the collective term for crimes with an immediate, high impact on the population; for instance, burglaries, robberies, muggings, and sexual and violent crimes. Not only society as a whole, but especially the victim and their environment are greatly affected by these types of crimes. The sense of security is affected. VVC is a collective term for (too) common criminal behavior, such as burglaries, car theft, vandalism and acts of destruction. Citizens benefit from a swift and diligent resolution of HIC and VVC cases.

Integrale approach

OM Carib, the police, and government focus on the efficient investigation, prosecution, and execution of HIC and VVC offenses. On the one hand, HIC and VVC offenses should be dealt with swiftly by OM Carib, which is the responsive side. On the other hand, they must also be prevented, the preventive side. To achieve both, it is essential that the different partners apply an integrated approach.

A greater focus on the primary core tasks does not alter the fact that OM Carib keeps investing in other (punitive) measures that contribute to a safer society, such as: mediation, electronic monitoring, education, and the use of special investigating officers.

STRATEGY

In addition, OM Carib places a high value on efficient and effective intervention and prevention possibilities; these provide an essential contribution to a safer environment. Such interventions matter and are directly noticeable and felt within society. In addition to cooperation within the criminal justice system, an integrated approach can be shaped by public-private partnerships, for example in nightlife areas. By also making citizens more aware of HIC and VVC crimes and on how to prevent these, a contribution to prevention can be added. As stated, OM Carib collaborates with police and government in this moreover citizens also play an important role in this.

Connection and communication

A faster conclusion of criminal cases, the further development of fast-track trials (HuRa/JASAP), mediation in criminal cases, and execution of sentencing orders provide visible and tangible results. However, without communicating about these approaches, the end result is being short-changed because it is not sufficiently visible. It is very important for OM Carib to inform the public and thus communicate this in a clear way. OM Carib does this through traditional and social media, but also through individual victim interviews and educational projects. We are aware that citizens do not come to the OM on their own accord; this means that the OM must and does approach citizens.

Continued development of the OM organization

As far as the further development of the OM organization in dealing with HIC and VVC is concerned, a more intensive cooperation will take place between the prosecutors' offices of the Countries and with the Office of the Attorney General. OM Carib's strength lies in the exchange of best practices between the different prosecutors' offices in the area of tackling HIC and VVC. In addition, regular coordination with the police, government and other (law enforcement) partners is essential for sharing knowledge, deployment and priorities, which benefits effective operational engagement.

STRATEGY

Organized Subversive Crime

In addition to VVC and HIC, there is another form of crime – less immediately visible to citizens – but just as harmful to society on a longer term. This form erodes the economic, social and civic basis of our democratic rule of law and consequently also the safe living environment to which everyone is entitled. This form of crime, although less visible, affects today's citizens as well as future generations. Organized subversive crime is crime that severely impacts social structures, as such a degradation of the government's integrity, thereby damaging citizens' trust in same. Subversion, through for instance bribery, leads to, for example, excessive spending of public funds, higher real estate prices, higher costs for utilities, and higher taxes for citizens and businesses. In addition, personal safety in public spaces is affected by excessive violence, threats, and intimidation associated with subversive crime. The effect of organized subversive crime is to destabilize societal structures, such as a government, and therefore citizens' trust in it.

Integral approach

Addressing organized subversive crime requires action by all levels of the system. To do this well, real-world expertise is necessary. This comprehensive approach consists of two parts. Firstly, by creating barriers to prevent organized subversive crime and on the other hand, the detection and prosecution of individuals and companies guilty of this form of crime. Barriers are essential to combat the interconnectedness between the criminal underworld and the legitimate "upper" world. Criminals need the services of legitimate businesses and service providers to continue their illegal activities. For example, real estate brokers, car rental companies, banks, and notaries, but also governments to obtain permits for businesses.

Together with reliable partners within government, (semi)government, and private parties, OM Carib wants to invest in a joint effective approach to combat organized subversive crime.

STRATEGY

In this, each individual partner uses its own available powers. The partners' own powers thus constitute as "effective instruments". To achieve this approach, OM Carib needs to have a good connection with the law enforcement partners and the Countries. A good connection starts with mutual trust between the partners and having common goals. For all within this approach, tasks, powers, and responsibilities must be clear and, where necessary, explained. The existing structures, such as steering teams and other mediums can be used for this purpose. Where necessary, possible, and feasible, OM Carib will take the initiative, but always in cooperation with law enforcement partners.

Communication and connection

Due to the indirect effect organized subversive crime has on citizens, it is important to make this visible. The long-term effects on society and citizens as individuals must be illustrated. Instrumental in this is low-threshold communication and education about the effect, which needs to be carried out done by the entire law enforcement system, including OM Carib. Among other things, through thorough press statements by OM Carib, the media can be targeted and proactively approached. In this regard, attention should be paid to customization per Island and a suitable form of communication tailored to each target group.

Continued Development of the OM-organization

OM Carib must do the things correctly. right. To achieve this, the correct information must be available. In the coming years, the focus will therefore be on the further developing of the information portfolio within OM Carib. An up-to-date and well-founded crime profile of the Countries of OM Carib is indispensable. In addition, a good overview of the various enforcement instruments of (law enforcement) partners is needed. To be able to do things properly, it is necessary that OM Carib's professional standards remains in place, is actively maintained, and improved where necessary.

SUMMARY

A perspective is a forward view under the most favorable circumstances. Our goals in this Perspective are realized by working together, listening and connecting with the community, our partners and the government. In this way, we can strengthen each other and contribute to a just, safe and honest society for which OM Carib stands.

Looking at the past, we recognize that change takes time. If we, as OM Carib, do not have an eye for the needs and challenges of the citizens of the Islands and law enforcement partners and only develop ambitious visions, we will not be able to achieve the goals established in this Perspective. OM Carib believes that it is important that such changes are aimed at concrete and clear goals. The framework for this is laid out in this Perspective and will be worked out in OM Carib's annual plans.

RISK PARAGRAPH

In order to do the work the envisioned, OM Carib and its partners must have adequate staff and resources. The rule of law has a price, which society must be willing to pay. Investments in both the investigation, prosecution, and execution must be proportional to each other, if these links are to form a powerful chain. In this regard, the local investigation and prosecution services are under pressure due to the lack of structural investments by the Countries in recent years.

Due to the various prosecution offices, which together form OM Carib, being in different Countries, employees are appointed by the various Countries in accordance with locally applicable legal positions and regulations. Within the region, it is public knowledge that the economic and financial conditions in Bonaire, Saba and Sint Eustatius, for example, differ considerably from those in Curaçao and Sint Maarten. All of this also affects OM Carib and creates an imbalance within the organization with ensuing consequences.

The Kingdom Law on Public Prosecution^[1] contains regulations on the management of the OM. This management also covers OM Carib employees. For quite some time, there have been recurring differences of interpretation about the scope of this management responsibility, especially with regard to those employees who are not prosecutors. Their legal position (unlike, for example, the legal position of the employees of the Common Court of Justice) is not regulated by a Kingdom Decree and therefore depends on the regulations of the country of establishment. In practice, it has proven very problematic to achieve the actual appointment and remuneration of these employees within an acceptable timeframe, even if the budget has been allocated by the country and is sufficient. This creates financial and personal uncertainty for the employees who are to be appointed. This plays out especially in Curaçao and Sint Maarten. Attempts in the Judicial Four-Party Consultation JVO to achieve facilitation have so far had little success. The consequences of this are multiple.

[1] Rijkswet openbare ministeries van Curaçao, van Sint Maarten en van Bonaire, Sint Eustatius en Saba, Staatsblad 2010, 336.

RISK PARAGRAPH

Direct consequences include that investigations cannot be done, cases cannot be brought to trial, fines cannot be collected, and criminal assets cannot be seized.

The resources needed by OM Carib go far beyond what is needed to function on one island. For instance, OM Carib needs a sound and well-secured ICT structure across all Countries. This requires continuous investment in this area. In addition, specialized knowledge is a scarce commodity, which means that specialists must be able to travel in order to do their work well across all islands. This also applies to colleagues who provide temporary assistance to another office. Law enforcement requires uniformity in action, across all Countries. All of this comes at a cost.

In conclusion: if the necessary support, in the form of resources and personnel is not sufficiently provided by all Countries to OM Carib and its partners, the ambitions mentioned in this document cannot be realized. Tackling HIC, VVC and organized subversive crime will be problematic if the Prosecutor's Offices in First Instance of OM Carib do not receive sufficient support from their own Country in tackling these. Ultimately, citizens will pay the price for this and their safety will be affected.

