



Att: Prime Minister
Minister of Justice
Minister of Public Health, Social Development and Labour (VSA)

Subject: Urgency for Forensic Care

Date: 14 February 2020

Not all people are endowed with the same qualities. Lucky is the woman or man who is intelligent, happy and is liked by many. However some people have a low IQ, suffer from depression or substance abuse. Some people have psychotic episodes in which they lose contact with reality, and some people suffer from personality disorders that are so severe that they lack empathy and don't know right from wrong. Especially unlucky are the people who suffer from a number of these disorders.

Most of these persons can be treated effectively and participate in society very well. There is a small portion however that pose a danger to themselves and others, be it family, other clients, staff or the larger public. As a result of their disorder(s) their behaviour can be unpredictable and creates risks to damage to property or bodily harm.

This small group causes relatively much disturbance, damage, injury and grief. Again, if treated there is a good chance to decrease these risks significantly. Although this group may suffer from different (combinations) of disorders, they are similar in their need for long term treatment with strict guidance and emphasis on structure and safety. Due to the dangers they pose to the staff and their need for

specialized treatment, Mental Health Foundation (MHF) and Turning Point Foundation cannot provide adequate treatment for these people.

MHF lacks the facilities and the staff needed to ensure safety. Turning Point Foundation's infrastructure is also inadequate and the Foundation lacks the psychiatric expertise. Furthermore, the Turning Point Foundation is primarily focussed on substance abuse. Point Blanche Prison can only provide care for people who are convicted or in pre-trial detention. Furthermore, the infrastructure is inadequate and expertise is lacking.

What this group needs is a forensic approach. This approach relates to the actual treatment as well as to the type of staffing and the infrastructure. A forensic approach combines health care with criminal law, where forensic treatment can be ordered by a criminal law judge in an effort to lower the risks of repetition.

Sint Maarten is currently lacking a forensic treatment institute. Due to the lack of such an institute, inmates in Point Blanche Prison are currently not receiving the treatment needed to decrease the chance of repeating crimes after time served. Due to the lack of such an institution, persons who pose a serious risk to their family or the larger community are currently on the streets.

For example, we currently have a situation with a man who physically abused his mother again after he was convicted in May 2019 for the same type of crime. Furthermore, he was convicted of attempted manslaughter in 2016. This man was in Capriles (a forensic institute in Curacao) before 10-10-10. SJIB, MHF and Turning Point followed the case closely. The man has a low IQ, uses drugs, is emotionally unstable and is prone to psychotic episodes. He is also quite aggressive. MHF and Turning Point can't provide for (long term) clinical treatment. The Prosecutor's Office has requested for pre-trial detention, but the length of the pre-trial detention has to be proportionate to the crime. This means that the man will have to be released with all the risks involved. The Foundation Judicial Institutes St. Maarten (SJIB), Turning Point Foundation and MHF will try to monitor the case, but the risks remain and a long term solution remains elusive.

Unfortunately, this is by no means the only case. Two weeks ago another mother was in criminal court. Her son hadn't shown up for his hearing, but she did and was in tears because she didn't know what to do anymore. She was sent away; the case was adjourned and another report from SJIB which will probably report the obvious: 'we can't help you properly'. This week a person sentenced to jail and TBS (treatment in institute for high risk and intensive treatment) has arrived on Sint Maarten, following time served in jail in The Netherlands. He has been released immediately because he cannot be treated clinically nor has a long-term rehabilitation plan been provided for him.

Partners in this field: MHF, Turning Point, SJIB, Point Blanche Prison and the prosecutors have been working hard to deal with the situation as best as they can, but the fact remains that there is a

deficiency in our system. Several meetings were held with the Ministry of Justice, however so far no solution has been reached.

Turning Point has been working hard to get containers on their premises, which would allow them to house and treat forensic patients in cooperation with the MHF. Said, containers have been on the island since November 2019, but have as yet not been made available. MHF has been working on a proposal for the World Bank for a new facility, where forensic patients can receive treatment. These initiatives are awaiting government action in terms of permits, policy coordination and financing.


The lack of forensic psychiatric specialism, treatment and housing of forensic patients has become a crisis situation, which presents serious threats to the safety of victims, family and the community at large, and which needs the immediate attention of government. We stress the need for action and a plan that reflects a holistic government approach to mental health, including both the Ministry of Public Health, Social Development and Labour and the Ministry of Justice.

We urge you to take the following actions as soon as possible:

- 1) Ministry of Justice and the Ministry of Public Health, Social Development and Labour should publish an action plan on ensuring the availability of forensic treatment in the short term (e.g. within weeks or months) and create a proper forensic treatment institute as a long term solution. This action plan should include the following:
 - a) Review the feasibility of using container cells at the Turning Point Foundation for housing forensic clients. If reviewed positively, describe the steps that have to be taken to operationalize the containers, including identifying organizations responsible, a timeline and funding.
 - b) Review the feasibility of reconstructing 'building 2' at the Turning Point Foundation for housing forensic clients. If reviewed positively, describe the steps that have to be taken to operationalize the containers, including identifying organizations responsible, a timeline and funding.
 - c) Actions to accelerate and ensure consistent support for the request for World Bank funding by the MHF, which was approved by the Council of Ministers, but has not yet been sent to the Steering Committee.
 - d) Review the feasibility of forensic treatment outside of Sint Maarten. If reviewed positively, create a procedure to facilitate and finance such treatment.
- 2) Create a permanent steering committee, headed by senior officials of both the Ministry of Justice and the Ministry of VSA, to tackle forensic care on Sint Maarten. This steering committee should also comprise of experts from SJIB, MHF, Turning Point Foundation, the Prosecutor's Office and Point Blanche Prison. The steering committee should regularly discuss and coordinate policies regarding forensic care.

The benefits of government action on the issue of forensic care will be profound, but they can only be realised through your collective leadership. We, the partners working on these matters on a daily basis, stand ready to assist you and take action.

Sincerely,


M. Mol,
Chief Public Prosecutor,
Public Prosecutor's Office,
Sint Maarten

Dr. Lloyd J. Richardson,
president,
Turning Point Foundation,
Sint Maarten


C.K.M. Eilerman,
Acting director,
Foundation Judicial Institutes,
Sint Maarten


E. Healy,
Interim Director,
Mental Health Foundation,
Sint Maarten


G. Hatzmann,
Deken,
Orde van Advocaten,
Sint Maarten


A. Kell,
Director
Strafgevangenis en Huis van
Bewaring Sint Maarten