



OMBUDSMAN

SINT MAARTEN

Notice of Termination Investigation
(Article 17 sub 3 National Ordinance Ombudsman)

Police Corps Sint Maarten
Mr. P. de Witte
Chief of Police
E.C. Richardson Street
Philipsburg, Sint Maarten

Philipsburg, April 23, 2014

Your ref.no.:
Our ref.no.:OM-OBM 0174/2014

Your letter of:
Complaint no.: 2013/00108

Dear Mr. de Witte,

This letter is to inform you that the Ombudsman refrains from further investigation of abovementioned complaint (Mr.....) in accordance with art. 17 of the National Ordinance Ombudsman ("*Landsverordening Ombudsman AB 2010 GT no.20*").

Summary of Complaint

Complainant claims that he visited the Police station in Philipsburg on August 29, 2013 to declare a theft; however he was not assisted. After intervention by the Ombudsman Complainant was able to make a declaration at the Police station in Philipsburg on September 20, 2013. The declaration was taken by Detective Ardema. According to Complainant Detective Ardema acted biased and unprofessional towards him.

Findings

A Notification of Complaint dated December 20, 2013 sent to the Chief of Police was not responded to within the requested time frame of four weeks. Subsequently, a Preliminary Findings Report was compiled and sent to the Chief of Police on March 19, 2014.

On April 10, 2014 a report was received by the Ombudsman from the Chief of Police, including the results of the investigation conducted by the Police Department, based on the complaint submitted by the Complainant against Detective Ardema.



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The conclusion and consequences of the investigation are:

1. The handling of the complaint submitted by Complainant did not proceed according to internal agreements. This matter will be addressed with the relevant responsible persons and further agreements will be made;
2. The manner in which the Detective handled the investigation is not in accordance with what can be expected of a good Detective; this counts in particular for the accuracy of the information provided by a Detective to the Public Prosecutor. The Chief of Police will concur with the persons in charge at the Royal Marechaussee to take the appropriate measures;
3. The Public Prosecutor Services will be contacted to re-confirm the agreements made regarding the lower ranking investigators contacting the Public Prosecutor on their own directly;
4. The Public Prosecutor Services will be informed of the findings in this case;
5. The Chief of Police is willing to meet with the Complainant to communicate his regrets regarding the turn of events, and to attempt to regain the trust of the citizen.

A copy of the report forms part of this Notice of Termination of Investigation.

Standard of proper conduct

The standards violated in this case are:

- The *standard of correct treatment*;
- The *standard of adequate organization of services*;

The *standard of correct treatment* provides that government acts with due care towards the citizens. Respect for human dignity, professionalism, service and courtesy are required as a norm in dealing with the public. A civil servant should be unbiased and reasonable.

Correctly treating a citizen can be subdivided in the following categories:

- Dignity;
- Impartiality;

A public body is required to show respect and treat its citizens with dignity.

A public body should be careful not to increase the dependency of a citizen on the government by giving the citizen a feeling of powerlessness.

Furthermore, a public body is required to be impartial. This entails that a public body is to handle unbiased and without judgment. To support impartiality the principle of motivation is essential. In its motivation a public body can objectively explain the reason behind a decision.



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Conclusion

Considering the evidence gathered through the internal investigation conducted by the Police Department in the case of Complainant, as well as the conclusion and the consequences established in the report, follow up on the consequences stated in the report is required. Having arranged a meeting between the Chief of Police and Complainant, the Ombudsman refrains from further investigation of the complaint. After receipt of confirmation regarding the follow up on the consequences established in the report dated April 10, 2014, the file will be closed.

The Ombudsman requests a status report of the follow up of the conclusion and consequences mentioned in of the report dated April 10, 2014, within two (2) weeks after receipt of this Notice of Termination Investigation.

Sincerely,

Dr. R. (Nilda) J.A. Arduin
Ombudsman

Encl.: A copy of the Report of the investigation conducted by the Police



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