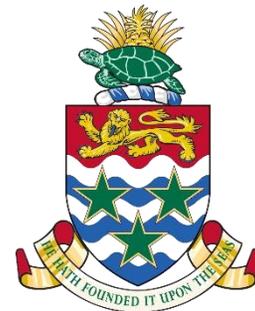


# Cayman Islands Expungement Board 2018 Annual Report



**Office of the Deputy Governor  
Cayman Islands Government**



# Foreword

As the Interim Chairperson, I am pleased to introduce this first Annual Report of the Expungement Board. The report has been prepared for submission to His Excellency the Governor, and will be laid before the Legislative Assembly in accordance with the requirements set out in Section 44 of the *Criminal Records (Spent Convictions) Law (2018 Revision)* (“the Law”).

The goal of the legislation is to facilitate a convicted person's re-entry into society by erasing their record and shielding them from public scrutiny. With the introduction of the *Criminal Records (Spent Convictions) Law (2018 Revision)* in February 2018, persons are now able to have convictions removed from their criminal record once the Board has deemed the convictions spent.

This first year of operations for the Board has not been marked by the processing of a large number of applications; in fact, the numbers, thus far, have been remarkably low. Instead, the Board has mainly focused on putting in place the necessary arrangements for the effective implementation of the Law, which has enabled the Board to process successfully the first set of applications.

With the support and guidance of the Office of the Deputy Governor, the Board has also been involved in seeking legal clarifications concerning key provisions of the Law; the development of a comprehensive set of guidance documents on the expungement process for the public; legislative developments, including the development of the first set of Regulations for the Law. We also envisage that new Inter-Agency Agreements for information-sharing will be developed between the Board and its partner agencies.

A criminal record could greatly alter how the world, including potential employers, perceives an individual. The expungement of a person's criminal record represents a way to ease ex-offenders' paths to employment and assist them in their daily lives. Offenders could therefore build productive lives after fulfilling the conditions of a past criminal conviction. Consequently, the Board will strive to ensure that the public is aware of the requirements to have a record expunged and will continue to raise awareness about the expungement process so that those who are affected understand the reason the process is in place.

In conclusion, I wish to acknowledge, with thanks, the support provided to me by the community volunteers who serve as Board Members. I would also like to thank the Office of the Deputy Governor for the secretariat services provided to the Board, which has included both strategic and operational advice and support.



Mrs. Marilyn Brandt  
**Interim Chairperson of the Expungement Board**

# Chairman's Report

## Introduction

This is the first Annual Report of the Cayman Islands Expungement Board. It covers the period February to December, 2018.

The primary object of the Criminal Records (Spent Convictions) Law is to implement a scheme to limit the effect of a person's conviction for a range of offences if the person, having served their sentence, subsequently completes a period of crime-free behaviour. A person's criminal record could only be expunged in instances where the Board has deemed the conviction as spent. Section 41 of the Law imposes a limit on the number of expungements a person is allowed. Consequently, a person shall not be eligible to obtain more than two expungements.

Section 5 of the Criminal Records Law establishes an Expungement Board for the purpose of expunging criminal records. The functions of the Board are outlined in sections 6(1) and (2) of the Law. The Board is empowered pursuant to section 6(2) to approve, disapprove or revoke the expungement of a criminal record.

Tables 1 and 2, below, provide additional information on the applications processed by the Board in 2018, by type, and in accordance with section 44 of the Law.

**Table 1: 2018 Statistics on applications in respect of convictions with sentences exceeding five years**

<b>2018 Expungement Statistics</b>							
<u>District of Residence</u>	<u>Type of Offence</u>	<u>Approved</u>	<u>Disapproved</u>	<u>Revoked</u>	<u>Ineligible</u>	<u>Withdrawn</u>	<u>Number of Expungement Applications Received</u>
BODDEN TOWN	CONSPIRACY TO EXPORT GANJA					✓	1
GEORGE TOWN	ROBBERY				✓		1
<b>Total</b>							<b>2</b>

**Table 2: 2018 Statistics on applications in respect of convictions with sentences NOT exceeding five years**

<b>2018 Automatic Expungement Statistics</b>							
<u>District of Residence</u>	<u>Type of Offence</u>	<u>Approved</u>	<u>Disapproved</u>	<u>Revoked</u>	<u>Ineligible</u>	<u>Not Applicable</u>	<u>Number of Automatic Expungement Applications Received</u>
WEST BAY	POSSESSION OF A CONTROLLED DRUG (GANJA)					✓	1
RESIDES OVERSEAS	POSSESSION OF COCAINE WITH INTENT TO SUPPLY	✓					1
WEST BAY	BURGLARY				✓		1
WEST BAY	DISORDERLY CONDUCT				✓		1
<b>Total</b>							<b>4</b>

## **Discussion**

The Board received and processed a total of six (6) applications for Expungement. One (1) applicant was deemed “eligible” and the application was therefore approved by the Board. Three (3) applications did not meet the eligibility requirements set out in the Law to be considered, and were therefore deemed “ineligible” by the Board. One (1) application was considered “not applicable” for expungement, as the applicant’s convictions had already been spent under the previous Law, and one (1) application was withdrawn by the applicant.

Two (2) of the applications which were received were submitted for consideration in accordance with the provisions of section 15A(1) of the Law, in respect of convictions with sentences exceeding five years. The four (4) remaining applications fell within the category of section 15 of the Law, in respect of convictions with sentences not exceeding five years.

## The Board

As prescribed in the Law, the membership of the Board may include individuals selected from the following categories:-

- Attorneys-at-law of at least five years' standing;
- Judges or retired judges;
- Magistrates;
- Persons interested in the rehabilitation of persons convicted of criminal offences
- Psychiatrists or psychologists;
- Social workers
- Members of the public, including justices of the peace, ministers of religion, etc.

The Governor appoints no more than five Members to the Board. The appointment of Members shall be for a period not exceeding three years and each member is eligible for reappointment. The Chairperson shall be an Attorney-at-law, a Judge or a Magistrate.

The Membership of the Expungement Board in the year under review is as follows:-

Mrs. Marilyn Brandt, Interim Chairperson

Mr. Shimar Harding, Member

Pastor Alson Ebanks, Member

Ms. Kayleigh Wright, Member

Mr. Hugh Lockwood, Member



*(Left to Right- Pastor Alson Ebanks, Mrs. Marilyn Brandt, Mrs. Kayleigh Wright and Mr. Hugh Lockwood)*

