CAYMAN ISLANDS

Supplement No. published with Gazette No.
dated , 2016.

THE CONDITIONAL RELEASE LAW, 2014

(LAW 18 OF 2014)

THE CONDITIONAL RELEASE OF PRISONERS REGULATIONS, 2016

THE CONDITIONAL RELEASE OF PRISONERS REGULATIONS, 2016

ARRANGEMENT OF REGULATIONS

1. Citation
2. Definitions
3. Application for conditional release
4. Information to be submitted to Board
5. Operation of the Board
6. Victim contact and representation
7. Decision or recommendation of the Board
8. The licence
9. Licence conditions
10. Release of prisoner on licence
11. Post-release supervision and care
12. Non-Compliance with licence
13. Revocation or variation of licence
14. Sentencing Guidelines
15. Transitional arrangements

Schedule 1	Application for Conditional Release
Schedule 2	Home Background Report
Schedule 3	Decision or Recommendation of the Conditional Release Board
Schedule 4	Notice of Denial of Conditional Release
Schedule 5	Notice of Grant of Conditional Release
Schedule 6	Conditional Release Licence
Schedule 7	Prisoner Agreement to Electronic Tagging
Schedule 8	Non-Compliance Report
Schedule 9	Suspension Order
Schedule 10	Notice of Decision to Review of licence
Schedule 11	Revocation Order
Schedule 12	Sentencing Guidelines
Schedule 13	Transitional Arrangements

CAYMAN ISLANDS

THE CONDITIONAL RELEASE LAW, 2014

(LAW 18 OF 2014)

THE CONDITIONAL RELEASE OF PRISONERS REGULATIONS, 2016

In exercise of the powers conferred by section 21 of the Conditional Release Law, 2014, the Cabinet, makes the following Regulations.

Citation

1. These Regulations may be cited as the Conditional Release of Prisoners Regulations, 2016.

Definitions

2. In these Regulations -

"Director" means the Director of Prisons.

Application for conditional release

3. (1) The Director shall give a prisoner written notice of that prisoner's eligibility to apply for conditional release together with the application for conditional release set out in Schedule 1, at least six months prior to the earliest possible date on which that prisoner is eligible to be considered for conditional release.

(2) If a prisoner -

(a) wishes to apply for conditional release; or
(b) does not wish to apply for conditional release;

the prisoner shall complete and sign the application for conditional release within five working days, and submit it to the Director.

(3) If a prisoner who wishes to apply for conditional release is unable to complete the form for any reason or infirmity, the Director shall with the consent and on the instructions of the prisoner, assist the prisoner in completing the application for conditional release.

(4) An application for conditional release completed pursuant to paragraph (3) shall bear the mark or signature of the prisoner and the signature of the Director.

(5) When a prisoner applies for conditional release, the Director shall, within three working days, inform the Secretary of the Board of the application and the Secretary shall inform the Director of Community Rehabilitation.

(6) Where a prisoner does not wish to apply for conditional release, the Director shall retain the completed application for conditional release in evidence of the prisoner's decision not to apply.

Information to be submitted to the Board

4. When referring a case to the Board, the Director or the Director's designate shall submit or cause to be submitted to the Board, the following -

(a) the prisoner's application for conditional release;
(b) a report of the conviction and term of imprisonment which was imposed, which shall include -
  (i) the prisoner's date and length of conviction;
  (ii) copies of commitment warrants; and
  (iii) information on any appeals, successful or pending;
(c) a report as to the conduct, demeanour and health of the prisoner while in prison, which shall include -
  (i) the prisoner's earliest conditional release date and latest date of release;
  (ii) the prisoner's adjustment to incarceration;
  (iii) the prisoner's attitude toward authority;
  (iv) activities the prisoner was involved in while in prison;
  (v) any breach of prison discipline committed by the prisoner;
  (vi) any exceptional conduct, behaviour or action by the prisoner; and
  (vii) compliance with sentence plan;
(d) a home background report as set out in Schedule 2 completed by the Director of Community Rehabilitation, providing details of the personal and family background of the prisoner and the prisoner's criminal history, if any, and in particular shall include-
  (i) the prisoner's personal and family background;
  (ii) the prisoner's home and family circumstances;
  (iii) the prisoner's educational and employment history;
  (iv) the prisoner's physical and mental health;
  (v) the prisoner's history of substance use;
  (vi) any positive support the prisoner has in place;
  (vii) proposed address upon release and the suitability of same;

(viii) proposed employment upon release and the suitability of same;
(ix) previous offending behaviour;
(x) previous response to supervision;
(xi) the prisoner's level of functioning in the community and in the institution;
(xii) any concerns of the community about the prisoner's release;
(xiii) the prisoner's attitude toward the offence;
(xiv) an assessment of the prisoner's risk of re-offending;
(xv) an assessment of the prisoner's risk to the public;
(xvi) an assessment of the prisoner's identified needs;
(xvii) a recommendation on the prisoner's suitability for conditional release into the community;
(xviii) an action plan suggesting specific conditions for the prisoner's release, including rehabilitative programmes;
(xix) any written representations made by the prisoner;
(xx) any other information the Director of Community Rehabilitation considers relevant; and
(xxi) a victim statement, provided the victim is known, contactable and willing; and

(e) in addition to the report required under sub-paragraph (d), the Director of Community Rehabilitation shall be provided with the following additional documentation, as necessary -

(i) from the Department of Counselling Services -
(A) an assessment of any substance abuse or other identifiable counselling needs; and
(B) a report to include any recommendation for residential or outpatient counselling;

(ii) from the Judicial Administration -
(A) all court documents relevant to the case including any appeals; and
(B) any additional cases for which the prisoner was subsequently convicted;

(iii) from the Royal Cayman Islands Police -
(A) Criminal and traffic record reports; and
(B) Joint Intelligence Unit Report;

(iv) in relation to a foreign national prisoner, from the Department of Immigration an immigration status report;
(v) Mental Health and Medical Reports;
(vi) Prison Reports; and
(vii) from the Office of the Director of Public Prosecutions such documents as required,

and the Director shall forward the documentation to the Secretary of the Board.

Operation of the Board

5. (1) The Board shall meet monthly or as often as necessary to efficiently carry out its functions under the Law.

(2) The Board shall hold a meeting referred to as a "hearing meeting" for the purpose of -

(a) hearing applications for conditional release;
(b) hearing cases of non-compliance, revocation or variation of the licence; and
(c) reviewing the progress of life prisoners on licence with the view to consider amending or reducing conditions of the licence.

(3) A hearing meeting shall be held not less than thirty working days in advance of a prisoner's earliest possible conditional release date.

(4) The Secretary shall, after consultation with the Chairman, give at least seven working days' notice of a hearing meeting.

(5) Notice of a hearing meeting shall include the date, time and place of the meeting and the names of the prisoners being considered for release, and shall be given to -

(a) the members of the Board;
(b) the Director;
(c) the Director of the Department of Community Rehabilitation;
(d) the Director of the Department of Counselling;
(e) the Chief Immigration Officer;
(f) the Chief Officer responsible for the Prison Service;
(g) to each prisoner being considered for release, but any notice sent to a prisoner shall not contain the name of any other prisoner being considered for release and shall specify the mode and type of appearance and conduct; and
(h) the victim or the victim's family, if known and contactable.

(6) The Secretary shall review all documents with the prisoner at least seven working days prior to the hearing meeting.

(7) A prisoner being considered for release may attend a hearing meeting to make oral representation to the Board and if a prisoner is unable to or does not wish to make oral representations, the Director shall obtain the services of a translator, or any other person deemed appropriate to facilitate communication, and such person shall with the consent and on the instructions of the prisoner, assist that prisoner in making oral representations before the Board.

(8) Where a prisoner is ill or incapacitated that prisoner need not attend a hearing meeting, but may be interviewed in prison by one or more members of the Board and if that prisoner is unable to make oral representations, the Director shall obtain the services of a translator, or any other person deemed appropriate to facilitate communication, and such person shall, with the consent and on the instructions of the prisoner, assist that prisoner to make oral representation in the interview.

(9) The Board may hold a meeting referred to as a "continuation meeting" for the sole purpose of continuing a hearing meeting.

(10) The agenda of a continuation meeting shall be limited to those items originally scheduled to be addressed at the hearing meeting.

(11) The Board may hold a meeting called a "general meeting" for the purpose of conducting general business.

(12) A general meeting shall be held at such time and place as agreed by the members of the Board.

(13) The deliberations of the Board in all matters are confidential.

(14) The Board shall, in each matter it considers, only record its decision and the reasons for that decision in the minutes.

(15) The Board's recommendations are confidential to the parties involved.

(16) The draft Board minutes shall be circulated to members no less than five working days prior to the next meeting.

Victim contact and representation

6. (1) The Department of Community Rehabilitation shall, when a person is sentenced to -

(a) a term of imprisonment of twelve months or more;
(b) a term of imprisonment for life; or
(c) a term of imprisonment of less than twelve months and is subject to release, at 60% of the person's sentence, subject to any loss of such remission under the Prisons Law,

inform the victim, if known and contactable, of the relevant offence of the date and length of the prisoner's sentence, and if applicable, the earliest date the prisoner may be considered for release on licence.

(2) The Department of Community Rehabilitation shall, within ten working days of being informed that a prisoner has applied for conditional release or that the Board is to make a decision or recommendation regarding the release of a prisoner, give written notice to the victim of the relevant offence, if known and contactable.

(3) A notice referred to in paragraph (2) shall be delivered to the victim personally or sent to the victim by post or electronic means and shall include the following information -

(a) the right to have representation under section 10(5) of the Law;
(b) the right to voluntarily participate in the process and the right to refuse to participate;
(c) the relevant offence;
(d) the date of the Board hearing at which the offender's application will be considered;
(e) an invitation to attend the Department of Community Rehabilitation to make representation regarding the prisoner's application for conditional release or possible release;
(f) contact information for the Department of Community Rehabilitation;
(g) the role of the Department of Community Rehabilitation and the services offered by the Victim Services Section of the Department; and
(h) a statement showing empathy and compassion for the victim.

(4) A victim who receives notice in accordance with paragraph (3) and who wishes to make representation, shall be interviewed by an officer and may -

(a) make a written statement for inclusion in the assessment of risk report prepared by the Department of Community Rehabilitation; or
(b) make a verbal statement which shall be recorded by the officer for inclusion in the assessment of risk report prepared by the Department of Community Rehabilitation.

(5) A victim who is interviewed in accordance with paragraph (4) may appear in person and make oral representation before the Board, and if the victim intends to make oral representation, the Department of Community Rehabilitation shall communicate this intention to the Board in its report.

(6) When the Department of Community Rehabilitation receives notice of the relevant meeting of the Board at which the victim may make representation in accordance with paragraph (5), the Department shall inform the victim of the date, time and place of the meeting.

Decision or recommendation of the Board

7. (1) The decision or recommendation of the Board, in relation to a prisoner, shall be in the form as set out in Schedule 3 and shall contain the following information -

(a) the name and date of birth of the prisoner;
(b) the offence committed;
(c) the sentence imposed;
(d) the nationality of the prisoner;
(e) the time served;
(f) the decision or recommendation of the Board; and
(g) the reason for the decision or recommendation.

(2) The Board's decision or recommendation shall be forwarded to the Director of Prison, Director of Community Rehabilitation, Director of Counselling Services, the Chief Immigration Officer and Commissioner of Police where relevant and if electronic monitoring is a condition of the licence a copy shall be forwarded to the Director, Public Safety Communications.

(3) If the Board decides not to release the prisoner on licence, the Board shall forward to the prisoner via the Director, a notice of denial of conditional release as set out in in Schedule 4.

(4) After a prisoner is informed of the decision of the Board, the Department of Community Rehabilitation shall inform the victim to whom notice was given in accordance with regulation 6(2), of the decision and notification should include -

(a) the decision of the Board in respect of the prisoner's application (to grant or not to grant conditional release);
(b) the reasons for granting or not granting release, if those reasons are relevant to the victim;
(c) any conditions of the licence relevant to the victim.

The licence

8. (1) The Board shall, where it decides to grant the prisoner's application and release the prisoner on licence, forward to the prisoner via the Director, a notice of grant of conditional release as set out in Schedule 5.

(2) The Secretary or designate shall present two copies of a conditional release licence as set out in Schedule 6 each bearing the signature and seal of the Board and shall explain to the prisoner the conditions of the licence.

(3) If the Secretary is satisfied that the prisoner understands the conditions of the licence and if the prisoner agrees to comply with the conditions of the licence, the prisoner shall sign the licence in the presence of the Secretary.

(4) In the case of an illiterate prisoner, the requirement to sign under paragraph (3) shall be met if the prisoner makes that prisoner's mark on the licence.

(5) Once executed by the prisoner, the prisoner shall retain an original signed copy of the licence, the other original signed copy shall be retained by the Board, and a copy shall be given to the Director, The Department of Community Rehabilitation, the Commissioner of Police, The Department of Counselling Services and the Chief Immigration Officer and if electronic tagging is a condition of the licence a copy shall be forwarded to the Director, Public Safety Communications.

(6) If the prisoner disagrees with any of the conditions of the licence -

(a) the prisoner shall not be released;
(b) the Secretary shall inform the Chairperson in writing; and
(c) the licence conditions shall be reconsidered at the next meeting of the Board.

Licence conditions

9. (1) A licence may include such conditions as appear to the Board to be desirable either generally or in any particular case and without limiting the generality of the foregoing shall include the following conditions -

(a) that the prisoner live in premises approved by the prisoner's supervising officer;
(b) that the prisoner engage in gainful employment and if not employed, register with the National Work Force Development Agency or engage in community service work, as approved by the prisoner's supervising officer;
(c) that the prisoner shall not travel outside the Cayman Islands, except in exceptional circumstances, in which case the consent of the Board shall first be obtained, unless it is impracticable to do so, in which case the consent of the prisoner's supervising officer shall be obtained;
(d) in the case of travel between the three islands, that the prisoner shall obtain permission from the prisoner's supervising officer who shall notify the Board and the Commissioner of Police for the purpose of change of curfew;
(e) that the prisoner -
    (i) shall report to the Department of Community Rehabilitation on the date of the prisoner's release from prison wherever possible, or otherwise, immediately on the following working day and be subject to the supervision of the Department of Community Rehabilitation from the date of

release until the expiration of the term of the prisoner's sentence; or

(ii) where that prisoner is sentenced to imprisonment for life, shall be subject to the supervision of the Department of Community Rehabilitation for such period as determined by the Board; and

(f) that the prisoner shall, on becoming incapacitated and not able to comply with the prisoner's licence conditions, undergo periodic medical examinations at the prisoner's own expense by a physician approved by the Health Services Authority, reports of which shall be submitted by the examining physician to the Department of Community Rehabilitation and forwarded to the Board.

(2) Without prejudice to paragraph (1), a licence may include one or more of the following conditions -

(a) that the prisoner shall -

(i) abide by a stated curfew;

(ii) surrender travel documents;

(iii) keep the peace and be of good behaviour;

(iv) attend counselling sessions at particular places and times;

(v) attend educational or rehabilitation classes at particular places and times;

(vi) be present for medical treatment at a particular place and time, including psychiatric or mental health treatment, where applicable;

(vii) if permitted to travel outside the territory, do so subject to conditions stated;

(viii) be present for random drug and alcohol testing as requested, if applicable;

(ix) be subject to an electronic tag;

(b) that the prisoner shall not -

(i) use controlled drugs;

(ii) consume alcohol or frequent premises where alcohol is sold, if applicable;

(iii) frequent particular places deemed off limits by the prisoner's Probation Officer;

(iv) enter a particular locality or place;

(v) interfere with a particular person;

(vi) habitually associate with notoriously criminal characters, or gang members.

(3) If the licence condition includes electronic tagging, the prisoner shall sign the agreement set out in Schedule 7 with the Electronic Monitoring Centre

and a violation of that agreement may result in the revocation of the conditional release licence.

Release of prisoner on licence

10. (1) The Board shall determine a prisoner's date of release.

(2) A prisoner who has outstanding court charges or fines shall not be considered for release by the Board until all court matters are resolved, fines have been settled, or the court has granted time to pay following release.

(3) The release of a prisoner to whom these Regulations apply shall be conducted in accordance with this Law, The Prisons Law and Regulations and the Immigration Law.

Post-release supervision and care

11. (1) The Director of Community Rehabilitation shall appoint a probation officer to supervise a prisoner released on licence to ensure that the prisoner complies with the conditions of the licence and to properly manage the prisoner's post-release care.

(2) If the Board, so recommends, officers of the Royal Cayman Islands Police, Electronic Monitoring Centre, The Department of Immigration, the Department of Children and Family Services, the National Work Force Development Agency, the Health Services Authority of the Cayman Islands or any other relevant authority shall assist in the management of the prisoner's post-release care.

Non-compliance with licence

12. (1) The Police and in the case of an electronic monitoring breach, the Electronic Monitoring Centre, shall advise the Department of Community Rehabilitation of a non-compliance with the licence and provide supporting documentation.

(2) The Department of Community Rehabilitation shall, in the event of non-compliance and on receipt of the documentation in support pursuant to paragraph (1), provide the Board through the Secretary with a non-compliance report set out in Schedule 8 and the report shall provide details on the conditions breached including the overall circumstances of the individual, the level of risk to the community, and any recommendation on the revocation or variation of an individual's licence.

(3) Where the Board is in receipt of a non-compliance report, the Board shall decide whether to -

(a) suspend the licence; or
(b) not suspend the licence.

(4) Where the Board decides to suspend the licence, the Board shall issue a suspension order, as set out in Schedule 9, to the Police, to arrest the prisoner and to return that prisoner to prison and a copy of the order together with the non-compliance report shall be given to the prisoner upon the prisoner's arrest.

Revocation or variation of licence

13. (1) The Secretary shall, within fourteen working days of a prisoner's return to prison as a consequence of a suspension order, convene a hearing and invite the prisoner, probation officer, attorney or other representative, if required, to make representations to the Board on why the licence should not be revoked.

(2) Where the Board is to convene a hearing regarding whether or not to revoke or vary a licence, the Department of Community Rehabilitation shall provide the Board three working days prior to the hearing, the following -

(a) a non-compliance report prepared by the Department of Community Rehabilitation specifying the alleged breach, if applicable;
(b) witness statements;
(c) documentary evidence in support of or against allegations of breach;
(d) a record of conviction for the offence committed during period of release, if applicable; and
(e) any other relevant documentation.

(3) Where the Board is to convene a hearing regarding whether or not to revoke or vary a licence, the Director shall, provide the Board three working days prior to the hearing, written representations by the prisoner.

(4) The Board shall, within five working days of the hearing, decide whether to revoke the licence, vary the licence or to release without variation to the licence.

(5) The Board shall, if the decision is to release the prisoner on a varied licence -

(a) inform the prisoner in writing as set out in Schedule 10 via the Director within five working days of the meeting and the prisoner shall, if the prisoner agrees to the variation of licence, be released within a further five working days; and

(b) send copies of the varied licence to the Director, the Director of the Department of Community Rehabilitation, the Commissioner of Police, Director of Counselling Services and Chief Immigration Officer and if electronic tagging is a condition of the

licence a copy shall be forwarded to the Director, Public Safety Communications.

(6) The Board shall, if the decision is to revoke a licence granted to a prisoner, inform the prisoner in writing as set out in Schedule 10 via the Director and shall -

(a) provide the prisoner with a revocation order as set out in Schedule 11 signed and dated by the Chairman and bearing the seal of the Board;

(b) send copies of the revocation order to the Director, the Director of the Department of Community Rehabilitation, the Commissioner of Police, Director of Counselling Services and Chief Immigration Officer and if electronic tagging is a condition of the licence a copy shall be forwarded to the Director, Public Safety Communications.

Sentencing Guidelines

14. For the purposes of determining the earliest possible conditional release date in relation to a prisoner on a term of imprisonment for life, the circumstances set out in Schedule 12 shall be considered.

Transitional arrangements

15. (1) The procedure set out in Schedule 13 shall be followed and shall only apply to prisoners serving life at the commencement of the Law and Regulations but will exclude those prisoners that have applied for release under section 31A of the Prison Law, 1975.

(2) Where prior to the commencement of the Law and Regulations, there were any life prisoners that were released on parole, who were previously monitored by the Governor, those prisoners shall, upon the coming into operation of these Regulations, be subject to the operation of the Board.

(3) For the avoidance of doubt, all prisoners that were sentenced prior to the commencement of the Law and Regulations shall now be monitored by the Board and not the Governor.

SCHEDULES

SCHEDULE 1

(regulation 3)

CONDITIONAL RELEASE LAW, 2014

CONDITIONAL RELEASE OF PRISONERS REGULATIONS, 2016

APPLICATION FOR CONDITIONAL RELEASE

NAME OF PRISONER: ALIASES (if any):

DATE OF BIRTH:

NATIONALITY/IMMIGRATION STATUS:

DATE OF CONVICTION:

OFFENCE(S) FOR WHICH CONVICTED:

COURT OF CONVICTION: *SUMMARY COURT / GRAND COURT

SENTENCE: …….. years …….. months.

APPEALS_____

Please tick the appropriate box:

	I wish to apply for conditional release
	I do not wish to apply for conditional release for the reasons stated below**
	I wish to apply for conditional release at a later date

** Reasons for not applying:_____

_____

I declare that -

1. There is no appeal pending in relation to *this offence/ these offences.

2. I do/do not have pending criminal matters.

3. This *is/ is not my first application for conditional release.

Signature of prisoner:
……

Date: ……..(day)…….……(month)…..…….(year)

** delete as appropriate*

Note: *Copy to be given to inmate.*
Written representation to the Board from the prisoner may be attached to this application.

SCHEDULE 2

(regulation 4)

CONDITIONAL RELEASE LAW, 2014

CONDITIONAL RELEASE OF PRISONERS REGULATIONS, 2016

HOME BACKGROUND REPORT

Cayman Islands Government **Department of Community Rehabilitation** **HOME BACKGROUND REPORT** **FOR CONDITIONAL RELEASE BOARD** **(New), (Review), (Reconsideration)**	
Subject:	**D.O.B.:** **Age:**
Prisoner No:	
Address:	
Case Status:	**Terms of Imprisonment:**
Date Parole Committee Meeting:	
Offence(s):	
Basis of Report:	
Family/Personal Circumstances:	
Education History:	
Employment History:	
Health/Substance Misuse:	

Contact with Family & Friends While In Prison:

Accommodation on Release:

Employment on Release:

Previous Offending Behaviour:

Previous Response to Supervision:

Community / Institutional Functioning:

Attitude Towards Offence(s):

Assessment of Risk/Vulnerability: Mr. B was assessed using the Level of Service/Case Management Inventory (LS/CMI) Risk/Need Assessment Tool. Eight criminogenic factors are considered on the instrument to assess the level of risk and need. These factors are Criminal History, Education/Employment, Family/Marital, Leisure/Recreation, Companions, Alcohol/Drug Problem, Pro-Criminal Attitude/Orientation and Anti-Social Pattern. Mr. B was assessed as 'Very High/High/Medium/Low/Very Low' risk of re-offending. Below is the LS/CMI Risk/Need Profile showing each of the eight criminogenic factors as related to Mr. B.:

Score/Rating:	Criminogenic Factor:
Very High	
High	
Medium	
Low	
Very Low	

- **Criminal History - ….**
- **Education / Employment - …**

Specific Risk/Need Factors:

Needs Assessment:

Action Plan:

I acknowledge that I am aware of the contents of this report as it has been read by/to me.

Signed: _____ _____

Subject of Report **Probation Officer**

Prepared by: _____ _____

Date

SCHEDULE 3

(regulation 7)

CONDITIONAL RELEASE LAW, 2014

CONDITIONAL RELEASE OF PRISONERS REGULATIONS, 2016

NOTICE OF DECISION OR RECOMMENDATION OF CONDITIONAL RELEASE BOARD

TO: *(Director of Prisons, Director of Community Rehabilitation, Director of Counselling Services, the Chief Immigration Officer, Commissioner of Police and Manager Public Safety Communications where relevant.)*

REF: (*Prisoner's name, date of birth, nationality and/or Immigration Status*)

DATE OF HEARING:

The Conditional release Board interviewed the prisoner and made the following:

* DECISION/ RECOMMENDATION:

* The above-named prisoner should not be released on licence.

* The above-named prisoner should be released on licence subject to conditions as seen attached.

* The above-named prisoner should be reviewed at later hearing date.

* The licence of the above-mentioned prisoner should be revoked.

* The licence of the above-mentioned prisoner should continue subject to the following additional conditions as seen attached.

REASONS FOR DECISION / RECOMMENDATION:

Signed by Chairperson of the Board:

Date:

Date Decision sent to Director of Prisons
* *Delete as appropriate*

Schedule 4

(regulation 7)

CONDITIONAL RELEASE LAW, 2014

CONDITIONAL RELEASE OF PRISONERS REGULATIONS, 2016

NOTICE OF DENIAL OF CONDITIONAL RELEASE

TO: (prisoner's name and date of birth, nationality/immigration status)

DATE OF HEARING:

DECISION:

Having considered all the submissions made with regard to your application for conditional release, the Board has decided not to release you at this time.

The reasons for our decision are as follows:

* You will be eligible to reapply for conditional release in _____ months, when your case will be re-considered.

Signed by/for the Chairperson of the Board

Date:

**delete as appropriate*

SCHEDULE 5

(regulation 8)

CONDITIONAL RELEASE LAW, 2014

CONDITIONAL RELEASE OF PRISONERS REGULATIONS, 2016

NOTICE OF GRANT OF CONDITIONAL RELEASE

TO: *(Prisoner's name and date of birth/nationality/immigration status)*

DATE OF HEARING:

DECISION:

Under the powers conferred on the Conditional Release Board by the Conditional Release Law 2014, you are granted a period of release on licence. If you agree to the conditions of the licence, you will be released from prison under this licence on ……

Attached is the licence outlining the conditions of your release.

If you accept these conditions you must indicate this by signing the licence. An original copy of the licence will be given to you on your release.

Signed by/for the Chairperson of the Board

Date:

* *Delete as appropriate*

SCHEDULE 6

(regulation 8)

CONDITIONAL RELEASE LAW,2014

CONDITIONAL RELEASE OF PRISONERS REGULATIONS, 2016

CONDITIONAL RELEASE LICENCE

Name of Prisoner:	Date of Birth:
	Licence Number:

1. Under the provisions of the Conditional Release Law of 2014, you are being released on a conditional release licence and must comply with the conditions of this licence.

General Conditions

2. You will be subject to the supervision of an officer from the Department of Community Rehabilitation. The purpose of supervision is to help you manage your return into the community. The objectives of this supervision are to -

(a) protect the public;
(b) prevent re-offending; and
(c) achieve your successful re-integration into the community.

3. Your Licence commences on ..... and expires on …….., unless it is revoked earlier.

4. On release you must report without delay to: *(name, address and tel. no. of probation office)*

……
……
……
……
……
……..….

Probation Supervision

5. You must place yourself under the supervision of an officer nominated for this purpose.

6. While under supervision you shall -

(a) keep in touch with your supervising officer in accordance with any reasonable instructions that you may be given;
(b) receive visits from your supervising officer at your home at reasonable hours and for reasonable periods;
(c) live where reasonably approved by your supervising officer and notify your supervising officer in advance of any proposed change of address;
(d) undertake only such employment as your supervising officer approves and notify your supervising officer in advance of any proposed changes in employment or occupation;
(e) not travel outside of the Cayman Islands without obtaining the prior consent of the Conditional Release Board or, or if this is impracticable to obtain, the consent of your supervising officer (which will be given in exceptional circumstances only);
(f) not travel between the Islands of the Cayman Islands without obtaining the prior consent of the your supervising officer whom will notify the Board, the Police and any other monitoring agency where applicable.
(g) be of good behaviour and not take any action which would jeopardize the objectives of your supervision, namely to protect the public, prevent you from re-offending and secure your successful re-integration into the community.

Additional Conditions

7. As further conditions of your release, you must: (*insert additional conditions*)

Important Points to Note

8. The Conditional Release Board may vary or cancel any of the conditions, in accordance with sections 17 of the Conditional Release Law of 2014. If you need a variation of licence conditions *(for instance because of the requirements of a new job)*, you must contact your supervising officer. A contact number is provided above.

9. In accordance with the provisions of section 15 of the Conditional Release Law of 2014, if you do not comply with the conditions of this licence, the licence

may be revoked and you may be sent back to prison for the remaining period of your sentence. Note also that you will be in breach of the conditions of this licence if you withdraw your consent to comply with the conditions.

10. In accordance with the provisions of section 16 of the Conditional Release Law of 2014, your licence will be revoked if you are convicted of a further offence committed before your licence has fully expired.

Signature of * Chairperson of the Board

Date:

(Seal of Board)

Prisoner's Declaration: **This licence has been given to me and its conditions have been fully explained to me. I understand and accept the conditions imposed and agree to abide by them.**

Signature of Prisoner:

Date:

Before and in the presence of:
(Secretary of the Conditional Release Board)

* *Delete as appropriate*

SCHEDULE 7

(regulation 9)

CONDITIONAL RELEASE LAW, 2014

CONDITIONAL RELEASE OF PRISONERS REGULATIONS, 2016

PRISONER AGREEMENT TO ELECTRONIC TAGGING

Name of Client:_____

DOB:_____

Name of Supervising Officer:_____

Agency:_____

Terms and Conditions

VIOLATION OF THE FOLLOWING CONDITIONS MAY RESULT IN YOUR CONDITIONAL RELEASE LICENCE BEING REVOKED.

1. I will not tamper with the Electronic Monitoring equipment in any manner.

2. I will place the Electronic Monitoring device on the power cord to charge at least two (2) hours per day.

3. I will install the Beacon Monitoring device at my residence and keep it plugged into a functional electric outlet.

4. I will not move the Beacon Device without permission from the Electronic Monitoring Centre.

5. I understand that failure to charge the unit or keep the beacon plugged in is a violation.

6. I must obtain authorization for a requested schedule change to my curfew, 12 hours in advance from the Conditional Release Board.

7. I will allow the equipment to be inspected upon request.

8. I am responsible for the care of and any damage to the equipment that is issued to me. I will be held criminally responsible for any equipment damage excluding normal wear and tear.

9. I will keep the Electronic Monitoring device attached to my ankle at all times.

10. I understand that all movement will be tracked and stored as an official record.

11. I will not leave Grand Cayman without specific permission from the Conditional Release Board.

12. I will not go swimming or diving to a depth of more than 6 feet whilst I am on the Electronic Monitoring program.

13. I will follow all home, work, or restricted area rules that have been established. Deviation from said schedule will be grounds for violation. You are not permitted to enter or remain at the Georgetown Port or Dock or Owen Roberts International Airport.

14. I will respond to all alerts that are sent to me by calling the Electronic Monitoring Centre as soon as I receive them. I will be cooperative and not use any foul or abusive language with the Electronic Monitoring Centre staff.

15. I accept full responsibility for the loss of, or damage to, this equipment, including loss or damage by another person.

16. I understand that I can be held responsible to pay restitution up to the amount of the replacement cost of the equipment.

17. I understand that by signing this Prisoner Agreement, I am receiving Electronic Monitoring equipment that appears to be in good working condition with no visible damage.

18. I understand that I will have an opportunity to sign this equipment back to the agency at the time of return.

19. I understand and agree to comply with all rules and conditions while on conditional release.

20. My signature and initials confirms receipt of the following equipment and notification of replacements costs.

Wearable Miniature Tracking Device ID #-Replacement Cost: CI$3,500.00_____

One Piece Beacon Device ID # Replacement Cost: CI$750.00_____

AC (house) Charging Cord X D # Replacement Cost: CI$ 50.00_____

DC (vehicle Charging Cord) ____ Replacement Cost: CI$ 50.00_____

Strap Replacement Cost: CI$ 25.00 _____

The rules of the licence have been explained to me.

I fully understand what is expected of me and the possible consequences of any failure to comply with these rules.

I agree to release the Cayman Islands Government, its employees, and 3M Electronic Monitoring Ltd, and its employees from any liability associated with my participation in the Program.

_____ _____

Prisoner's Signature Date/Time

_____ _____

Supervising Officer's Signature Date/Time

Equipment Return

Location of Return: _____

_____

Prisoner's Signature Witness' Signature

_____ _____

Date/Time

CIEMC Use Only

IS EQUIPMENT FUNCTIONING PROPERLY? Y/N _____

IS EQUIPMENT VISIBLY DAMAGED? Y/N_____

DESCRIBE_____

IF DAMAGED, DOES CLIENT DISPUTE DAMAGE CLAIM? Y/N _____

EXPLAIN_____

EQUIPMENT RECEIVED BY
_____

DATE_____

_____
OFFICER – PRINT NAME

SCHEDULE 8

(regulations 12 and 13)

CONDITIONAL RELEASE LAW, 2014

CONDITIONAL RELEASE OF PRISONERS REGULATIONS, 2016

NON-COMPLIANCE REPORT

Cayman Islands Government **Department of Community Rehabilitation** NON-COMPLIANCE REPORT	
Subject:	**DOB:** **Age:**
Prison No.:	
Address:	
Date of Release:	**Expiration Date:**
Conditions Breached:	
Presenting Circumstances:	
Comments of Supervising Officer:	

Prepared by: _____ Signature: _____
Assigned Probation Officer

Date:_____ Signature: _____
Senior Probation Officer

SCHEDULE 9

(regulation 12)

CONDITIONAL RELEASE LAW, 2014

CONDITIONAL RELEASE OF PRISONERS REGULATIONS, 2016

SUSPENSION ORDER

WHEREAS ……. ("the Licensee"), by the Authority of the Conditional Release Board in accordance with Section 6(1)a of the Conditional Release Law 2014, was released from Her Majesty's Prison, on the ….…… day of …….20 upon the terms and conditions set as set out in the said Licence, dated …..day of ……., 20 .

AND WHEREAS it has come to the attention of the Conditional Release Board that the Licensee has failed to comply with the terms of the said Conditional Release Licence and in particular the terms stipulated as conditions #...., #.... #....

THEREFORE, in accordance with Section 15(4) of the Conditional Release Law 2014, the Licence issued on the ….day of ……, 20… is hereby suspended.

The Licensee shall be returned to prison pending a hearing, date to be set, for review of the breach of conditions of the licence by the Conditional Release Board.

Dated this ……day of ……, 20xx.

CHAIRMAN OF THE CONDITIONAL RELEASE BOARD

SCHEDULE 10

(regulation 13)

CONDITIONAL RELEASE LAW, 2014

CONDITIONAL RELEASE OF PRISONERS REGULATIONS, 2016

NOTICE OF DECISION TO REVIEW LICENCE

(Date)

(Name)
(Address)
Grand Cayman
CAYMAN ISLANDS

[BY HAND]

Dear (Mr./Ms.),

This letter serves to inform you that the Conditional Release Board has reviewed the allegations in regards to the breach of conditions of your Conditional Release Licence and has made the following decision:

A. **
(i) To revoke your Conditional Release Licence based upon the following:-
(ii) With the following Recommendations:-

B. **
(i) To Re-Release you on a Conditional Release Licence
(ii) With the following variation or additional conditions:-

Please do not hesitate to contact us should you have any questions.

Chairman
Conditional Release Board

cc: Department of Community Rehabilitation
Commissioner of Police
** (*delete as appropriate)*

SCHEDULE 11

(regulation 13)

CONDITIONAL RELEASE LAW, 2014

CONDITIONAL RELEASE OF PRISONERS REGULATIONS, 2016

REVOCATION ORDER

WHEREAS ("the Licensee"), by the Authority of the Conditional Release Board in accordance with Section 6(1)a of the Conditional Release Law, 2014, was released from Her Majesty's Prison, on the day of , 20 upon the terms and conditions set as set out in the said Licence, dated day of , 20 .

AND WHEREAS it has come to the attention of the Conditional Release Board that the Licensee has failed to comply with the terms of the said Conditional Release Licence and in particular the terms stipulated as conditions #XX, #XX, #XX.

THEREFORE, in accordance with Section 15(10) or 16 of the Conditional Release Law 2014, the Licence issued on the day of is hereby revoked.

Dated this of , 20.

CHAIRMAN OF THE CONDITIONAL RELEASE BOARD

SCHEDULE 12

(regulation 14)

CONDITIONAL RELEASE LAW, 2014

CONDITIONAL RELEASE OF PRISONERS REGULATIONS, 2016

SENTENCING GUIDELINES

Introduction

1. (1) Where a mandatory life sentence for murder is prescribed by any Law, for the purposes of section 14 of the Law the aggravating and extenuating circumstances are outlined in this schedule.

(2) For offences other than murder, for the purposes of section 14 of the Law, the aggravating and extenuating circumstances may include all the relevant circumstances of the offence and or the offender.

(3) For murder, the period shall be thirty years before the prisoner is eligible for conditional release unless there are extenuating or aggravating circumstances, exceptional in nature, in which case the court may impose a shorter or longer period of incarceration respectively;

Aggravating circumstances and extenuating circumstances

2. (1) Detailed consideration of aggravating or mitigating circumstances may result in a minimum term of any length.

(2) Aggravating circumstances that may be relevant to the offence of murder include -

(a) a significant degree of planning or premeditation;
(b) the fact that the victim was particularly vulnerable because of age or disability;
(c) mental or physical suffering inflicted on the victim before death,
(d) the abuse of a position of trust;
(e) the use of duress or threats against another person to facilitate the commission of the offence;

(f) the fact that the victim was providing a public service or performing a public duty;
(g) concealment, destruction or dismemberment of the body;
(h) previous convictions;
(i) abduction and sexual or sadistic conduct; and
(j) any other circumstances which may be considered relevant.

(3) Extenuating circumstances that may be relevant to the offence of murder include -

(a) an intention to cause serious bodily harm rather than to kill;
(b) lack of premeditation;
(c) the fact that the offender suffered from any mental disorder or mental disability which (although not falling within section 185(1) of the Penal Code (2013 Revision)), lowered the offender's degree of culpability;
(d) the fact that the offender was provoked (for example, by prolonged stress);
(e) the fact that the offender acted to any extent in self-defence or in fear of violence;
(f) a belief by the offender that the murder was an act of mercy;
(g) the age of the offender; and
(h) any other circumstances which may be considered relevant.

Previous convictions

3. (1) In considering the seriousness of an offence committed by an offender who has one or more previous convictions, the court must treat each previous conviction as an aggravating circumstance if (in the case of that conviction) the court considers that it can reasonably be so treated having regard, in particular, to -

(a) the nature of the offence to which the conviction relates and its relevance to the current offence; and
(b) the time that has elapsed since the conviction.

(2) Any reference in this schedule to a previous conviction is to be read as a reference to a previous conviction by a court in the Cayman Islands.

(3) The court may treat a previous conviction by a court outside the Cayman Islands as an aggravating circumstance in any case where the court considers it appropriate to do so.

Offences committed on Bail

4. In considering the seriousness of any offence committed while the offender was on bail, the court must treat the fact that it was committed in those circumstances as an aggravating circumstance.

Duty to give reasons

5. (1) Any court making an order pursuant to section 14 must state in open court, in ordinary language, its reasons for deciding on the order made.

SCHEDULE 13

(regulation 15)

CONDITIONAL RELEASE LAW 2014

CONDITIONAL RELEASE OF PRISONERS REGULATIONS, 2016

TRANSITIONAL ARRANGEMENTS

1. The Director shall, at the time of the commencement of these Regulations, prepare a list of all eligible prisoners and within fourteen days, send that list to the Director of Public Prosecutions and the Chief Justice.

2. The Director shall, within fourteen days of the commencement of these Regulations, inform eligible prisoners, in writing, that their name has been submitted for consideration for a tariff to be set and the notice shall state -

   (a) the process to be followed;
   (b) that the prisoner has a right to be heard at the hearing;
   (c) that the prisoner has a right to be represented by an attorney;
   (d) that the prisoner may apply for legal aid to fund representation by an attorney and outline the application process for legal aid; and
   (e) that, submissions with regard to the sentencing hearing shall only be in relation to the facts and circumstances existing at the time of the original sentencing.

3. The Director of Public Prosecutions, after consultation with the Director, shall provide to the Court the priority in which each case is to be heard and this shall be based on the following criteria -

   (a) the length of time since original sentence was imposed with the earliest being given priority; and
   (b) any other factor that the Director of Public Prosecutions considers to be relevant.

4. The Court shall set a date for the hearing according to the priority list provided pursuant to paragraph 3 and shall, three months before the date set for the hearing, serve notice, in writing, on the prisoner and Director of Public Prosecutions informing them of the date set for the hearing.

5. The Director of Public Prosecutions shall, within twenty-eight days of receipt of notice of hearing, make its submissions to the Court and provide the prisoner with a copy.

6. The prisoner shall, within twenty-eight days of receipt of the Director of Public Prosecution's submissions, make the prisoner's submissions to the Court and provide the Director of Public Prosecutions with a copy.
7. The sentencing hearing shall proceed as provided in section 23 of the Law.

Made in Cabinet the day of , 2016.

Clerk of the Cabinet.