



2020

ANNUAL REPORT



Cayman Islands Expungement Board

Office of the Deputy Governor
Cayman Islands Government

Foreword

A criminal record is among the most onerous of the collateral consequences following a criminal conviction. The stigma of a criminal record can severely limit a person's access to employment, further education, family stability, thereby contributing significantly to recidivism. Removing that stigma through expungement can be a particularly valuable remedy since a criminal record often creates lifetime barriers for those who are seeking to move forward with their lives.

A benefit derived from the *Criminal Records (Spent Convictions) Act (2018 Revision)* is the elimination of discrimination against those who have been deemed rehabilitated. Expungement is an enormously valuable remedy because it ensures that individuals are not wrongfully denied opportunities because of mistakes made in the past. While it is accepted that expungement does not address all the challenges faced by those who have been criminally convicted, it is an essential mechanism because of the life-changing benefits that it can offer.

I would like to reiterate the dedication of the Expungement Board ("the Board") in ensuring that persons who are rehabilitated can become productive members of our community. While the Board was unable to meet in person due to the COVID 19 pandemic, the members were committed to the expungement process and continued to consider applications remotely. The community volunteers who serve as Board Members were steadfast in their goal of ensuring that persons were still given the opportunity to start afresh and close a chapter on past mistakes. For this, I would like to say thank you.

I would also like to extend my appreciation for the support offered by the Office of the Deputy Governor for the Secretariat Services provided to the Board. Additionally, the strategic and operational advice and support provided were fundamental to the success of 2020.

Mrs. Marilyn Brandt
Chairman of the Expungement Board

Chairman's Report

Introduction

This is the third Annual Report of the Cayman Islands Expungement Board, which covers the period of the 2020 calendar year.

The primary object of the Criminal Records (Spent Convictions) Act (2018 Revision) 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 behavior. A person's criminal record can only be expunged in instances where the Board has deemed the conviction as Spent. Section 41 of the Act imposes a limit on the number of expungement a person is allowed. Consequently, a person shall not be eligible to obtain more than two expungements.

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

Expungement Statistics for the 2020 Calendar Year

Section 44 of the Criminal Records (Spent Convictions) Act (2018 Revision) states that the Board shall submit to the Governor a report for that year containing the number of applications for expungement of criminal records made in respect of the offences referred to in Schedule 2 of the Law; the number of expungements of criminal records that the Board approved or disapproved, categorized by the offence to which they relate and, if applicable the district of residence of the applicant and any other information required by the Governor.

Tables 1 and 2, below, provide details of the applications for Expungement processed by the Expungement Board during the 2020 calendar year, in accordance with Section 44 of the Act.

Table 1: 2020 Statistics on Applications in respect of Convictions with Sentences Exceeding Five Years

2020 Expungement Statistics								
<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>Withdrawn by Applicant</u>	<u>Number of Expungement Applications Received</u>
West Bay	Multiple Offences	✓						1
TOTALS		1	0	0	0	0	0	1

Table 2: 2020 Statistics on Applications in respect of Convictions with Sentences NOT Exceeding Five Years

2020 Automatic Expungement Statistics								
<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>Withdrawn by Applicant</u>	<u>Number of Expungement Applications Received</u>
Overseas, Jamaica	Multiple Offences	✓						1
George Town	Theft	✓						1
Bodden Town	Possession of Cocaine	✓						1
Overseas, USA	Theft	✓						1
West Bay	Failing to Surrender to Custody	✓						1
Bodden Town	Multiple Offences	✓						1
West Bay	Multiple Offences	✓						1
West Bay	Consumption and Possession of Cocaine	✓						1
Bodden Town	Multiple Offences	✓						1
George Town	Failure to Comply with an Enforcement Notice	✓						1
George Town	Failure to Comply with an Enforcement Notice	✓						1
George Town	Theft	✓						1
George Town	Failing to Surrender to Custody, assault causing actual bodily harm	✓						1
George Town	Compounding of Offences	✓						1
George Town	Possession of Cocaine with intent to supply	✓						1
Overseas, Philippines	Multiple Offences	✓						1
West Bay	Disorderly Conduct	✓						
East End	Common Assault	✓						1

West Bay	Assault causing actual bodily harm	✓						1
George Town	Insulting the modesty of a woman	✓						1
George Town	Multiple offences				✓			1
Bodden Town	Intentional harassment, alarm or distress				✓			1
TOTALS		20	0	0	2	0	0	22

Discussion

In summary, the Expungement Board received and processed a total of twenty-three (23) applications for Expungement in 2020. One (1) application was 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 twenty-two (22) remaining applications fell within the category of Section 15 of the Act, in respect of convictions with sentences not exceeding five years.

Twenty-one (21) applicants were deemed “eligible” and the applications were therefore approved by the Board.

Two (2) applications did not meet the eligibility requirements set out in the Act to be considered, and were therefore deemed “ineligible” by the Board. In both cases, the applicants had not yet completed the required crime-free period. This represents a significant decrease in the number of ineligible applications received by the Board, compared to the previous year.

The Board

As prescribed in the Criminal Records (Spent Convictions) Act (2018 Revision), the membership of the Expungement 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, Chairman
Pastor Alson Ebanks, Member
Mrs. Kayleigh Wright, Member
Mr. Hugh Lockwood, Member



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