

THE CONDITIONAL RELEASE BOARD



ANNUAL REPORT 2018 - 2022



OFFICE OF THE
DEPUTY GOVERNOR
CAYMAN ISLANDS GOVERNMENT

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FOREWORD

The Conditional Release Board has now been in operation for almost seven years. However, regrettably, no annual report has been produced since 2017, and as such this document is intended to compendiously address the period between 2018 and 2022.

Since the commencement of the Conditional Release Law (now Act) 2014, the Board has been responsible for decisions regarding the conditional release of prisoners on licence in respect of both determinate and life sentences, and the review of cases where licences are suspected to have been breached.

Comprised of lay members drawn from across the Cayman Islands community, the Board is appointed by the Governor and is supported by the Office of the Deputy Governor. Its work is interwoven with that of the Court Service, Department of Community Rehabilitation, Royal Cayman Islands Police Service, and Her Majesty's Cayman Islands Prison Service, in addition to numerous other governmental agencies and private enterprises. Not least amongst these are the Department of Counselling Services, local mental health professionals, and the various "half- way house" projects, without which the Board's options would be severely constrained.

The Board remains appreciative of the support and assistance that is afforded to it from its partner agencies, support which has been particularly notable during the period of the Covid-19 pandemic, in circumstances of severe pressure on resources. The process of interviewing and supervising prisoners and parolees whilst respecting the need for social distancing and quarantine has been extremely challenging, and the continued functioning of the system has been possible only as a result of extremely hard work by all those involved.

The Board also wishes to formally (and belatedly) place on record its gratitude for the contribution of two pivotal figures to its work, Mr Richard de Lacy QC and Ms Debra Prendergast. Mr de Lacy was appointed as the first Deputy Chairman of the Board and continued to serve notwithstanding advancing serious illness until his death in July 2017. His experience and insight was invaluable to the Board in the early days of its operation and he is much missed. Ms Prendergast has acted as the Board's administrator since its inception and continues to work tirelessly, co-ordinating the numerous stakeholders to ensure that the Board's work proceeds on an efficient and timely basis. Her efforts have been responsible in no small measure for the continued ability of the Board to fulfil its role.

The work of the Board continues to increase. When my immediate predecessor, Mrs Debra Humphreys JP, wrote the foreword to our last report in 2017, the Board had interviewed 54 offenders in the preceding year. In 2018, a total of 64 applications were received; in 2019 that figure rose to 75 in both 2019 and 2020, followed by 66 in 2021 (a fall likely generated by the reduced rate of imprisonment during the height of the pandemic) and 76 in 2022.

This persistent trend indicates the importance of a renewed focus upon the proper management of offenders and the provision of rehabilitative services. Whilst the Board's primary statutory obligation is the assessment of risk in the event of release, that assessment is materially impacted by the availability of support and assistance for offenders once they re-enter the community. That support takes many forms: employment, mental health treatment, substance abuse counselling, or in many cases simply the affection and understanding of family members.

The experience of the Board is that there is an overwhelmingly positive correlation between the existence of such support networks and the success of an offender, not only whilst on conditional release, but afterwards. Conversely, release into the community without assistance, often for prisoners who are coming to the end of substantial sentences and have been historically cast in the role of an outsider, represents a challenge which few are able to meet. The continued paucity of residential support facilities for prisoners reaching the end of their sentences is a matter of particular concern to the Board, and whilst the charitable sector continues to perform invaluable work in this regard, overall provision remains inadequate. A continued failure to address the serious question of how to achieve successful re-integration upon release only encourages recidivism, to the detriment of the community at large.

It is tempting to stereotype those serving custodial sentences in a number of ways, whether by gender, age, nationality, social and family background, intellect, or otherwise, but the cases which come before the Board reveal a population which is far from homogenous, with highly divergent motivations, needs, and risks. It is equally tempting to give in to the quick fix of "tougher" sentencing, both in relation to the duration of sentences and the conditions under which prisoners are held, but such approaches do not address the critical question of how to effect positive changes in behaviour, and as a result have historically failed.

What is clear to the Board is that incarceration in and of itself is invariably not a complete answer, and the vast majority of offenders have underlying issues which unless properly addressed both during and after the custodial phase of a sentence, render them highly vulnerable to re-offending and return to custody. We would wholeheartedly encourage a holistic approach to the management of risk, with a recognition that time spent in custody can represent an opportunity to address the educational, social, economic, and medical, issues that the Board continually observes as contributing to offending behaviour.

In commending this report, I would emphasise, on behalf of the Board, the critical importance of understanding custodial sentences in terms beyond the mere warehousing of offenders. We believe that proper investment in rehabilitative programmes, focused measures to combat the extremely high incidence of drug usage in custody, and increased post-release support, are not only desirable, but an essential element of any coherent and effective crime reduction strategy. A renewed commitment to tackle the root causes of offending can, in our view, only be to the collective benefit of the entire Cayman Islands community.

Nicholas Dunne

Chairman

COMPOSITION OF THE BOARD

The Conditional Release Act specifies that the Board must consist of a minimum of five members and a maximum of nine. At least three members must be present at any hearing to constitute a quorum.

The Board Members are appointed by the Governor; civil servants are not eligible for appointment. The Act provides for the Board to be drawn from a range of experience and backgrounds, including the criminal justice system, mental health practice, law and religious ministry.

Each Board Member is subject to a Code of Conduct. The Code is based on the seven "Nolan Principles" of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. In addition, all Board Members provide an annual declaration of their interests pursuant to the Standards in Public Life Act.

Membership

The composition of the Board has altered during the period under review as initial terms of appointment expired and new members have been appointed. The membership of the Board is drawn from both Caymanians and expatriates residing in all districts of Grand Cayman.

2018- February 2020

- ❖ Debra Humphreys JP (Chair) ·
- ❖ Richard de Lacy QC (Vice Chair until 2017)
- ❖ Nicholas Dunne (Vice Chair from 2017)
- ❖ Timothy Derrick
- ❖ Reverend Godfrey Meghoo
- ❖ Susan Bodden
- ❖ Alan Brady
- ❖ Danielle Coleman (resigned 2018 due to civil service appointment)
- ❖ Alecia La Toya Folkes

From February 2020

- ❖ Nicholas Dunne (Chair)
- ❖ Philip Boni (Vice Chair)
- ❖ Debra Humphreys JP
- ❖ Dionne Johnson
- ❖ Alric Lindsay (resigned 2021 upon seeking election)
- ❖ Reverend Beulah McField
- ❖ John McLean Jr.
- ❖ Pauline Van der Grinten (resigned 2021)

Administrator

Debra Prendergast

THE WORK OF THE BOARD

Hearings

Hearings ordinarily take place monthly and are conducted in the manner of an inquiry. In addition to scheduled hearings, the Board also conducts ad hoc hearings where necessary in order to deal with urgent issues that have arisen such as allegations of breach of licence.

Prior to hearings the Board are provided with electronic copies of a wide range of documentation on each prisoner collated from various agencies including the Court, Department of Community Rehabilitation, Royal Cayman Islands Police Service and Royal Cayman Islands Prison Service. In appropriate cases the Board is able to request the preparation of psychological and psychiatric reports.

Hearings were initially conducted in person at Northward Prison; however this has not been possible since early 2020 due to Covid-19 restrictions. Accordingly, remote hearings via Zoom have been substituted. Given the logistics and time involved, this has necessitated an increase in the frequency of meetings, and the Board is grateful to all of the agencies involved for their outstanding cooperation and assistance in facilitating this.

The number of prisoners interviewed at any given hearing varies, but is ordinarily in the region of eight to twelve. There is no set length of time for a hearing: typically they last approximately half an hour, but duration is determined by the complexity of the issues to be discussed. In addition to the members of the Board, meetings are attended by a representative from the Department of Community Rehabilitation staff, and the Administrator to the Board.

Prisoners are not obliged to attend hearings in person, and may submit written statements if they wish. However, most do take the opportunity to appear and may be accompanied by an attorney, family members and/or an interpreter if they wish, with advance notice to the Board.

There is no set procedure for hearings, which may be adapted to suit the circumstances. The Board generally aims for relative informality (insofar as is possible consistent with the seriousness of the decision), so as to enable the prisoner to put their case to the best of their ability. In the course of most hearings, the Board will explore the prisoner's attitude to their offending, the progress that they have made whilst imprisoned, their family circumstances and their plans for employment and housing upon release.

Decisions are taken immediately following the Board's discussions upon the conclusion of the hearing. Prisoners are notified of the outcome in writing shortly thereafter. In determining whether an applicant is ready for release, the Board is obliged to apply four statutory criteria:

- whether it is no longer necessary for the protection of the public that a particular prisoner be imprisoned;
- the risk of the prisoner reoffending;
- whether the rehabilitation of the prisoner can be safely carried out in the community; and
- whether the prisoner is capable of complying with the conditions of a licence.

The decision-making process can be complex, and takes place following the hearing, in light of all of the information available to the Board. Where that information appears insufficient or inadequate, the Board is able to adjourn a hearing in order to obtain additional material.

Where the Board is not minded to grant conditional release but considers that there is a reasonable possibility that a prisoner may be capable of being released prior to becoming eligible to reapply (ordinarily after one year), a case may be deferred and the prisoner informed of any expectations that the Board may have during that period of deferment. For example, a prisoner may be expected to produce a sequence of negative drug tests, or to demonstrate successful participation in the prison's Release on Temporary Licence scheme.

Licences

In releasing a prisoner on licence, the Board will typically impose conditions on that licence which are designed both to address the risk of reoffending and assist in meeting the offender's needs upon release. Examples of common conditions would be: residence at an approved address, mandatory drug testing and curfews, which may be electronically monitored.

Compliance with licence conditions is monitored by the responsible probation officer. Where a breach is reported to the Board, the licence may be suspended and the offender returned to custody, whereupon a further hearing will be convened to adjudicate on the alleged breach. Where proven, the licence may be revoked and the offender required to continue serving their sentence, or it may be reinstated with more stringent conditions attached where appropriate.

Victims

Victims and their families are an important part of the conditional release process and the Board is conscious of the need to facilitate their involvement.

The Department of Community Rehabilitation is responsible for informing the victim at the time an offender is sentenced, of the length of the sentence and the earliest date the prisoner may be considered for release. Where contactable, the victim, or the family of the victim, are asked if they wish to make a written submission or appear in person before the Board. Most frequently, victim participation is by way of a written impact statement, but victims may (and do) attend by way of video link to address the Board in person if they wish. Where that is the case, appropriate arrangements are made to ensure that the victim is not confronted by the prisoner, whilst also allowing the prisoner to hear what they say.

Consistent with the legal position in the United Kingdom, the evidence of victims is intended to give the Board insight into the original offence and its impact on those affected by it, but the assessment of risk remains solely a matter for the Board. A victim will automatically receive notification of the Board's decision after each hearing.

KEY STATISTICS

Explanatory Note:

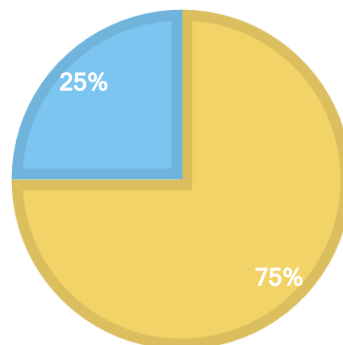
Figures relate to the relevant calendar year. Some applications received by the Board during the course of a given year will not be heard in that year, and the deferral of decisions following a hearing may delay a final disposal until the following year.

Accordingly, the number of applicants and disposals in each year's statistics are not necessarily equal, being drawn from different data sets.

2018

APPLICANTS BY NATIONALITY

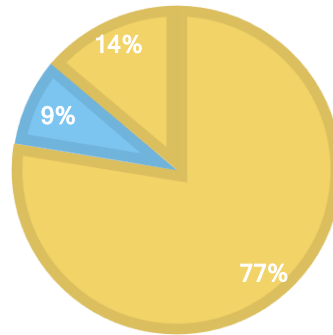
■ Caymanian ■ Non-Caymanian



Total Applications received from Caymanians	48
Total Applications received from non-Caymanians	16

OUTCOME OF APPLICATIONS

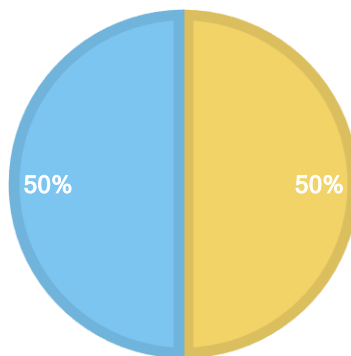
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Applications Granted	45
Applications Refused	5
Applications Deferred	8

OUTCOME OF LICENCE SUSPENSION HEARINGS

■ Reinstated ■ Revoked

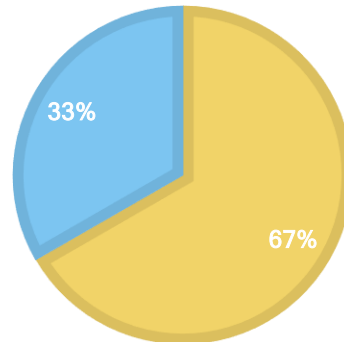


Licences Re-Instated	3
Licenses Revoked	3

2019

APPLICANTS BY NATIONALITY

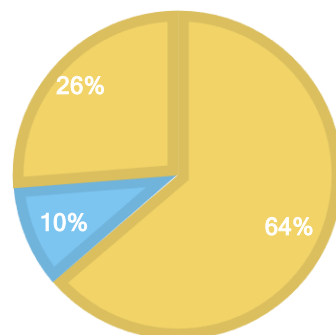
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Total Applications received from Caymanians	50
Total Applications received from non-Caymanians	25

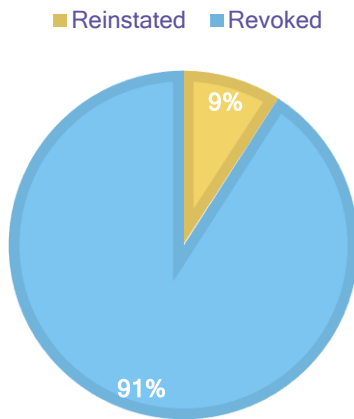
OUTCOME OF APPLICATIONS

■ Granted ■ Denied ■ Deferred



Applications Granted	51
Applications Refused	8
Applications Deferred	21

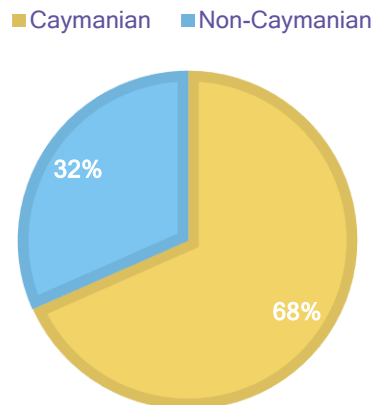
OUTCOME OF LICENCE SUSPENSION HEARINGS



Licences Re-Instated	1
Licenses Revoked	10

2020

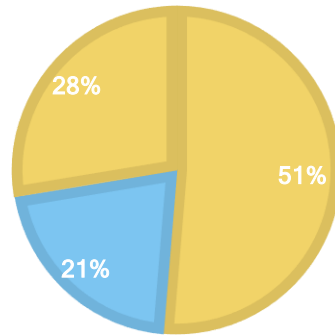
APPLICANTS BY NATIONALITY



Total Applications received from Caymanians	54
Total Applications received from non-Caymanians	21

OUTCOME OF APPLICATIONS

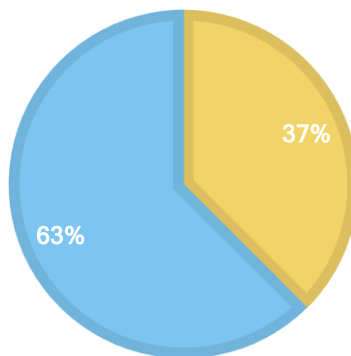
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Applications Granted	39
Applications Refused	16
Applications Deferred	21

OUTCOME OF LICENCE SUSPENSION HEARINGS

■ Reinstated ■ Revoked

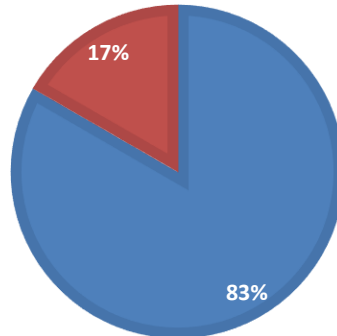


Licences Re-Instated	3
Licenses Revoked	5

2021

APPLICANTS BY NATIONALITY

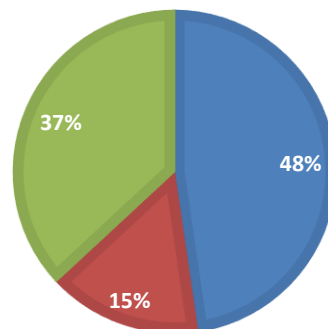
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Total Applications received from Caymanians	55
Total Applications received from non-Caymanians	11

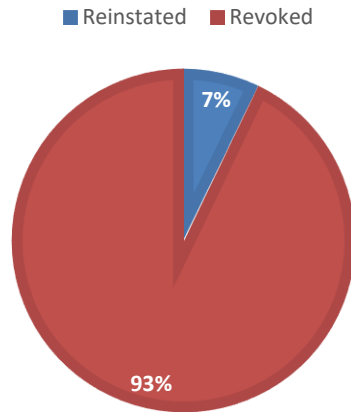
OUTCOME OF APPLICATIONS

■ Granted ■ Denied ■ Deferred



Applications Granted	31
Applications Refused	10
Applications Deferred	24

OUTCOME OF LICENCE SUSPENSION HEARINGS

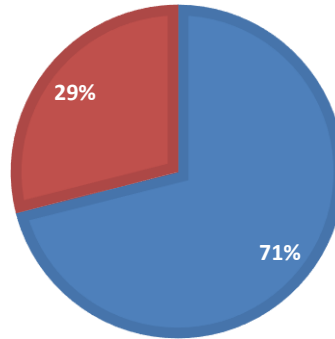


Licences Re-Instated	1
Licenses Revoked	13

2022

APPLICANTS BY NATIONALITY

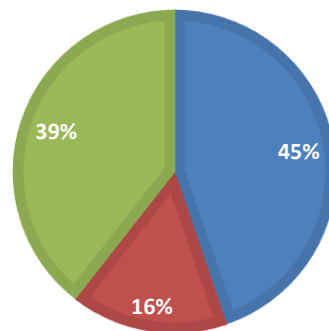
■ Caymanian ■ Non-Caymanian



Total Applications received from Caymanians	54
Total Applications received from non-Caymanians	22

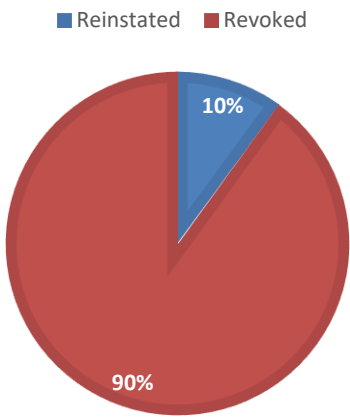
OUTCOME OF APPLICATIONS

■ Granted ■ Denied ■ Deferred



Applications Granted	34
Applications Refused	12
Applications Deferred	30

OUTCOME OF LICENCE SUSPENSION HEARINGS



Licences Re-Instated	1
Licenses Revoked	9

