



Cayman Islands Expungement Board

Office of the Deputy Governor
Cayman Islands Government

2021 – 2022 ANNUAL REPORT

Foreword

Over the years, the Expungement Board (“the Board”) has seen the benefits of the expungement process. People with a criminal record have difficulties in every aspect of their lives, making it difficult to move forward. The expungement process has proven to be an excellent way to permit persons to close a chapter on a past mistake. In many instances, employers are hesitant to employ people with a criminal record and often opt to hire those with no known criminal history. Similarly, a criminal conviction prevents persons from holding specific professional or occupational licenses. Therefore, persons whose records are expunged now have the ability to pursue career opportunities that may not have been available to them with a criminal record.

Essentially, having the ability to apply for a job without being haunted by the need to disclose a criminal conviction brings about the peace of mind that you are no longer identified as a criminal.

Further, it has been proven that employment reduces recidivism, lowers the fear of crime in communities, and decreases the likelihood that a person will commit crimes again to obtain income illegally.

I am honoured by the commitment and dedication that the members of the Expungement Board have shown, through the COVID-19 Pandemic and their continued service. The Expungement Board continues to put measures in place to ensure that persons who are deserving have a second chance at life, notwithstanding the challenges encountered. Helping persons avoid the stigma attached to being convicted of certain criminal offenses has been personally rewarding for each member.

I want to extend my gratitude for the invaluable support offered by the Office of the Deputy Governor, including the exemplary Secretariat Services provided to the Board. The Office of the Deputy Governor has been instrumental in providing strategic and operational advice and support throughout this period.

Mrs. Marilyn Brandt

Chairman of the Expungement Board

Chairman's Report

Introduction

This is the fourth Annual Report of the Cayman Islands Expungement Board. It covers the period February 2021 to December 2022.

The primary objective of the Criminal Records (Spent Convictions) Act (2018 Revision), hereinafter referred to as 'the Act', 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 can only be expunged in instances where the Board has deemed the conviction to be "spent". Section 41 of the Act imposes a limit on the number of expungements a person is allowed. Consequently, a person is not 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 2021 – 2022 Calendar Years

Section 44 of the Act states that the Board shall submit to the Governor an annual report, which must contain: the number of applications for expungement of criminal records made in respect of the offences referred to in Schedule 2 of the Act; the number of expungements of criminal records that the Board has approved or disapproved, categorised 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 to 4, below, provide details of the applications for Expungement processed by the Expungement Board during the 2021 – 2022 calendar year, in accordance with Section 44 of the Act.

Table 1: 2021 Statistics on Applications in respect of Convictions with Sentences Exceeding Five Years

2021 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	Importation of Cocaine	✓						1
Overseas, Jamaica	Importation of Cocaine	✓						1
TOTALS		2	0	0	0	0	0	2

Table 2: 2021 Statistics on Applications in respect of Convictions with Sentences NOT Exceeding Five Years

2021 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>
West Bay	Possession of Lottery Ticket	✓						1
West Bay	Perpetrating a Bomb Hoax	✓						1
George Town	Carry an offensive weapon				✓			1
George Town	Multiple offences				✓			1
West Bay	Multiple offences				✓			1
George Town	Multiple offences				✓			1
Bodden Town	Alteration of documents with intent to deceive				✓			1
George Town	Obtaining pecuniary advantage by deception, Obtaining property by deception	✓						1
George Town	Possession of cocaine with intent to supply	✓						1
George Town	Giving false name and address to a				✓			1

2021 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>
	Police Officer in execution of duty							
Bodden Town	Theft	✓						1
Overseas, Jamaica	Multiple offences	✓						1
Overseas, Jamaica	Importation of Cocaine	✓						1
West Bay	Possession of an offensive weapon	✓						1
George Town	Theft	✓						1
George Town	Multiple offences	✓						1
North Side	Grievous bodily harm	✓						
East End	Failing to surrender	✓						1
Overseas, Honduras	Theft				✓			1
West Bay	Theft	✓						1
West Bay	Failing to surrender	✓						1
George Town	Multiple Minor Marijuana	✓						1
George Town	Causing fear or provocation of violence, Disorderly conduct	✓						1
Overseas, Jamaica	Theft	✓						1
Cayman Brac	Multiple offences	✓						1
George Town	Multiple offences	✓						1
West Bay	Multiple offences	✓						1
George Town	Theft	✓						1
George Town	Multiple offences				✓			1
George Town	Multiple Minor Marijuana	✓						1
George Town	Conspiracy to commit fraud on the Government				✓			1
George Town	Wounding	✓						1
George Town	Evading Customs Duties	✓						1

2021 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>
West Bay	Failing to surrender				✓			1
George Town	Theft	✓						1
Overseas, Jamaica	Multiple offences	✓						1
West Bay	Failing to surrender				✓			1
George Town	Cruelty to a child, Assault causing actual bodily harm				✓			1
West Bay	Multiple offences	✓						1
West Bay	Possession of Ganja with intent to supply	✓						1
George Town	Illegal residing				✓			1
West Bay	Assault causing actual bodily harm				✓			1
George Town	Common Assault	✓						1
West Bay	Theft	✓						1
George Town	Multiple offences	✓						1
George Town	Breach of Curfew				✓			1
George Town	Theft	✓						1
West Bay	Theft	✓						1
George Town	Multiple Minor Marijuana	✓						1
Overseas, United Kingdom	Multiple offences	✓						1
TOTALS		35	0	0	15	0	0	50

Table 3: 2022 Statistics on Applications in respect of Convictions with Sentences Exceeding Five Years

2022 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>
George Town	Common Assault	✓						1
George Town	Multiple offences	✓						1
George Town	Multiple offences				✓			1
Austria	Disorderly conduct at a liquor license premises	✓						
West Bay	Keeps animals for cock fighting	✓						1
Honduras	Possession of Cocaine	✓						1
George Town	Multiple offences	✓						1
George Town	Multiple offences				✓			1
TOTALS		6	0	0	2	0	0	8

Table 4: 2022 Statistics on Applications in respect of Convictions with Sentences NOT Exceeding Five Years2022 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>
George Town	Multiple offences				✓			1
George Town	Alteration of documents with intent to deceive	✓						1
George Town	Multiple offences	✓						1
George Town	Theft				✓			1
West Bay	Multiple offences				✓			1
Bodden Town	Assault causing Actual Bodily Harm	✓						1
George Town	Failing to Surrender to Custody				✓			1
Bodden Town	Failing to Surrender to Custody	✓						1
George Town	Theft				✓			1
Bodden Town	Multiple offences	✓						1

Table 4: 2022 Statistics on Applications in respect of Convictions with Sentences NOT Exceeding Five Years2022 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>
George Town	Theft	✓						1
George Town	Failing to Surrender to Custody	✓						1
George Town	Robbery	✓						1
Philippines	Breach of Curfew				✓			1
George Town	Multiple offences				✓			1
George Town	Multiple offences	✓						1
George Town	Multiple offences	✓						1
Jamaica	Theft	✓						1
Bodden Town	Multiple offences	✓						1
Bodden Town	Failing to Surrender to Custody	✓						1
West Bay	Multiple offences	✓						1
George Town	Multiple offences	✓						1
George Town	Multiple offences	✓						1
George Town	Multiple offences	✓						1
Jamaica	Theft	✓						1
East End	Multiple offences	✓						1
West Bay	Failing to Surrender to Custody	✓						1
George Town	Multiple offences	✓						1
East End	Undertaking essential travel other than on a day prescribed in regulation 8A(2) of the Public Health				✓			1
Philippines	Theft	✓						1
West Bay	Failing to Surrender to Custody	✓						1
Jamaica	Assault causing Actual Bodily Harm	✓						1
George Town	Handling Stolen Goods	✓						1
Jamaica	Multiple offences	✓						1

Table 4: 2022 Statistics on Applications in respect of Convictions with Sentences NOT Exceeding Five Years2022 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>
Bodden Town	Multiple offences	✓						1
George Town	Multiple offences				✓			1
Bodden Town	Multiple offences	✓						1
George Town	Multiple offences	✓						1
West Bay	Willfully doing a preparatory act to assist another to depart the Islands	✓						1
East End	Multiple offences	✓						1
Jamaica	Multiple offences	✓						1
Cuba	Multiple offences				✓			1
George Town	Multiple offences	✓						1
Bodden Town	Failing to Surrender to Custody	✓						1
West Bay	Taking conch above the prescribed daily limit	✓						1
North Side	Breach of Community Service	✓						1
Romania	Attempted Theft	✓						1
George Town	Multiple offences	✓						1
West Bay	Multiple offences	✓						1
West Bay	Burglary							1
Jamaica	Carrying an offensive weapon				✓			1
Jamaica	Importation of Cocaine	✓						1
George Town	Multiple offences	✓						1
Bodden Town	Failing to Surrender to Custody				✓			1
Jamaica	Multiple offences				✓			1
George Town	Multiple offences	✓						1
Trinidad	Carrying a restricted weapon at night	✓						1
West Bay	Multiple offences	✓						1

Table 4: 2022 Statistics on Applications in respect of Convictions with Sentences NOT Exceeding Five Years2022 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>
Bodden Town	Multiple offences	✓						1
George Town	Common Assault	✓						1
West Bay	Multiple offences	✓						1
West Bay	Misleading Police				✓			1
George Town	Failing to Surrender to Custody	✓						1
West Bay	Multiple offences	✓						1
West Bay	Failing to Surrender to Custody	✓						1
George Town	Unlawful Gaming				✓			1
West Bay	Multiple offences				✓			1
West Bay	Breach of Curfew	✓						1
Jamaica	Theft	✓						1
Cayman Brac	Theft	✓						1
West Bay	Wounding with intent				✓			1
West Bay	Wounding	✓						1
East End	Multiple offences				✓			1
Bodden Town	Multiple offences	✓						1
Bodden Town	Consumption of Ganja	✓						1
West Bay	Multiple offences	✓						1
Wasn't Listed	Common Assault	✓						1
Nicaraguan	Failing to Surrender to Custody	✓						1
Cuba	Escaping lawful custody	✓						1
Bodden Town	Disorderly Conduct	✓						1
Wasn't Listed	Use of a false document	✓						1
Jamaica	Reckless and negligent acts				✓			1
Wasn't Listed	Failing to Surrender to Custody	✓						1
Wasn't Listed	Making a false representation	✓						1
West Bay	Multiple offences				✓			1

Table 4: 2022 Statistics on Applications in respect of Convictions with Sentences NOT Exceeding Five Years2022 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>
Jamaica	Multiple offences	✓						1
East End	Failing to Surrender to Custody				✓			1
Jamaica	Multiple offences				✓			1
Bodden Town	Multiple offences	✓						1
George Town	Failing to keep dogs under control	✓						1
George Town	Disorderly Conduct	✓						1
								1
Bodden Town	Multiple offences	✓						1
North Side	Multiple offences	✓						1
George Town	Multiple offences	✓						1
TOTALS		71	0	0	22	0	0	93

Discussion

From 2021 to 2022, the Board received and processed a total of one hundred and fifty-three (153) applications (52 applications in 2021 and 101 applications in 2022). A total of one hundred and fourteen (114) applications were deemed “eligible” and approved by the Board. The remaining thirty-nine (39) applications were deemed ineligible for expungement as they did not meet the required crime free period as stipulated in the Act.

There was an increase in the number of applications received in 2018 to 2019 (6 to 52). 2020 saw applications drop to 23 and then rose again to 52 in 2021. It is assumed that this was due to the global COVID-19 pandemic. However, there was a significant increase to 101 in 2022, which is double the number of applications received in 2021.

Total applications received per year:

2018	2019	2020	2021	2022
6	52	23	52	101

A total of 50 applications (96%) received in 2021 and 93 (92%) in 2022 were submitted in accordance with Section 15 of the Act as they were convictions with sentences that **did not** exceed 5 years. The other

applications received, 2 (4%) in 2021, and 8 (8%) in 2022 were submitted in accordance with the provisions of section 15A (1) of the Act as these were convictions with sentences that **exceeded** five years.

The Board

As prescribed in the Act, 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 years under review is as follows:

Board 2021:

Mrs. Marilyn Brandt, Chairman
Pastor Alson Ebanks, Member
Mrs. Kayleigh Wright, Member
Mr. Hugh Lockwood, Member

Board 2022:

Mrs. Marilyn Brandt, Chairman
Mrs. Kayleigh Wright, Member
Mr. Hugh Lockwood, Member
Mr Michael Bromby