

Cayman Islands Expungement Board



2024

ANNUAL REPORT

Ministry of District Administration and Home Affairs,
Cayman Islands Government

Foreword

The Expungement Board (“the Board”) does not at present have a chairperson. At each meeting, Board members have elected a member of the Board to lead the meetings. For the period covered by this Report, Mr. Michael Bromby was elected to write the Foreword on behalf of the Expungement Board.

Established in 2018, the Board has overseen the expungement process whereby persons with a criminal record may, in certain circumstances, seek to have their record expunged. The expungement process has proven to be a progressive way to permit persons to close a chapter on a past error of judgment.

Employers may be hesitant to employ people with a criminal record, criminal convictions can prevent persons from holding specific professional or occupational licenses, or even prevent overseas travel for medical or leisure purposes. Therefore, persons whose records are eligible to be expunged have the ability to pursue a variety of opportunities that may not have been available to them previously.

Whilst the law does permit convictions to be expunged, there are checks and balances in the system to prevent certain offences from being expunged, for example: murder, serious offences against the person, offences relating to firearms those or relating to the care and protection of children and vulnerable persons. The law also may require persons to disclose expunged records for professional purposes such as being an attorney-at-law, medical practitioner or school teacher.

Each Board Member has carried out their role diligently and with objective judgment thus ensuring that expungements are only granted when the offence is eligible, the crime-free period has been served and the legislation clearly permits the record to be expunged. I thank the Members for their careful input and consideration of each application.

On behalf of the Board, I would like to extend my appreciation for the invaluable support offered by the Ministry of District Administration and Home Affairs and their administrative staff who have prepared the paperwork and made the necessary enquiries both before and after each meeting.

Mr. Michael Bromby

Interim Chairman

On behalf of the Expungement Board

Interim Chairman’s Report

Introduction

This sixth Annual Report of the Cayman Islands Expungement Board presents the activities and outcomes for the period January to December 2024.

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. The Cayman Islands Expungement Board, established and operating pursuant to the Act, is responsible for determining whether a conviction may be expunged. 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. A person’s criminal record can only be expunged in instances where the Board has determined the conviction to be “spent”. Further, Section 42 of the Act imposes a statutory limit on the number of expungements a person is allowed. Consequently, a person is not eligible to obtain more than two expungements.

Expungement Statistics for the 2024 Calendar Year

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 2, below, provide details of the applications for Expungement processed by the Expungement Board during the **2024** calendar year, in accordance with Section 44 of the Act.

Table 1: 2024 Statistics on Applications in respect of Convictions with Sentences <u>Exceeding Five Years</u> 2024 Expungement Statistics								
<u>District of Residence</u>	<u>Type of Offence</u>	<u>Approved</u>	<u>Refused</u>	<u>Revoked</u>	<u>Ineligible</u>	<u>Deferred</u>	<u>Withdrawn by Applicant</u>	<u>Number of Expungement Applications Received</u>
Cayman Brac	Multiple offences				✓			1
George Town	Wounding with intent	✓						1
West Bay	Possession of Ganja	✓						1
West Bay	Consumption of Ganja, Supplying Cocaine				✓			1
Jamaica	Importation of Cocaine	✓						1
TOTALS		3	0	0	2	0	0	5

Table 2: 2024 Statistics on Applications in respect of Convictions with Sentences <u>NOT</u> Exceeding Five Years 2024 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>Spent Under Previous Law</u>	<u>Withdrawn by Applicant</u>	<u>Number of Expungement Applications Received</u>
Bodden Town	Common Assault				✓			1
West Bay	Multiple offences				✓			1
George Town	Consumption of Cocaine, Consumption of Ganja	✓						1
Bodden Town	Consumption of Ganja, Possession of Ganja					✓		1
Cuba	Taking part in a Public Lottery - Tickets				✓			1
West Bay	Multiple offences	✓						1
Jamaica	Possession of Cocaine, Selling Cocaine					✓		1
George Town	Failing to provide a specimen of urine, Possession of Ganja				✓			1
West Bay	Manslaughter					✓		
Bodden Town	Multiple offences				✓			1

<u>District of Residence</u>	<u>Type of Offence</u>	<u>Approved</u>	<u>Disapproved</u>	<u>Revoked</u>	<u>Ineligible</u>	<u>Spent Under Previous Law</u>	<u>Withdrawn by Applicant</u>	<u>Number of Expungement Applications Received</u>
Honduras	Common Assault	✓						1
George Town	Concealing Criminal Property, Theft				✓			1
West Bay	Assault causing Actual Bodily Harm, Failing to Surrender to Custody				✓			1
George Town	Consumption of Ganja, Possession of Ganja with Intent to Supply	✓						1
Bodden Town	Possession of Ganja	✓						1
Bodden Town	Inflicting Grievous Bodily Harm	✓						1
Jamaica	Providing False Information to a Police Officer				✓			1
George Town	Failing to Surrender to Custody				✓			1
George Town	Disorderly Conduct, Possession of a Prohibited Weapon				✓			1
Bodden Town	Possession of Ganja, Possession of Oxycodone				✓			1
West Bay	Common Assault				✓			1
West Bay	Consumption of Ganja, Possession of Ganja	✓						1
Jamaica	Robbery, Possession of an imitation firearm with intent to commit an offence	✓						1
Bodden Town	Consumption of Ganja, Possession of Ganja	✓						1
West Bay	Common Assault	✓						1
George Town	Multiple Offences	✓						1

<u>District of Residence</u>	<u>Type of Offence</u>	<u>Approved</u>	<u>Disapproved</u>	<u>Revoked</u>	<u>Ineligible</u>	<u>Spent Under Previous Law</u>	<u>Withdrawn by Applicant</u>	<u>Number of Expungement Applications Received</u>
George Town	Multiple Offences				✓			1
George Town	Possession of Ganja						✓	1
Bodden Town	Importation of Ganja					✓		1
George Town	Theft				✓			1
Dominican Republic	Conspiracy to Commit Fraud on the Government	✓						1
India	Assault causing Actual Bodily Harm, Damage to Property	✓						1
East End	Failing to Surrender to Custody				✓			1
West Bay	Multiple offences	✓						1
North Side	Consumption of Ganja	✓						1
George Town	Multiple offences				✓			1
George Town	Assaulting Police	✓						1
Jamaica	Selling Lottery Tickets	✓						1
Bodden Town	Burglary				✓			1
West Bay	Multiple offences				✓			1
North Side	Willfully misleads a Police Officer	✓						1
West Bay	Consumption of Ganja, Possession of Ganja	✓						1
West Bay	Consumption of Ganja, Possession of Ganja	✓						1
George Town	Multiple offences	✓						1
George Town	Disorderly Conduct	✓						1
West Bay	Consumption of Ganja, Possession of Ganja	✓						1
West Bay	Disorderly Conduct				✓			1

<u>District of Residence</u>	<u>Type of Offence</u>	<u>Approved</u>	<u>Disapproved</u>	<u>Revoked</u>	<u>Ineligible</u>	<u>Spent Under Previous Law</u>	<u>Withdrawn by Applicant</u>	<u>Number of Expungement Applications Received</u>
West Bay	Multiple offences				✓			1
George Town	Consumption of Ganja, Possession of Ganja	✓						1
Bodden Town	Consumption of Ganja, Possession of Ganja	✓						1
TOTALS								50

Discussion

In 2024, the Board received and processed a total of fifty-five (55) applications. A total of twenty-three (23) applications were deemed “eligible” and approved by the Board. A total of twenty-one (21) applications were deemed “ineligible” for expungement as they did not meet the required crime free period as stipulated in the Act. The remaining numbers are as follows:-

- Automatic Expungement (CRO): 6
- Spent Under Previous Law: 4
- Revoked: 0
- Withdrawn by Applicant: 1
- Deferred: 0

There has been an average of 48 applications received per year, between 2018 and 2024, with a substantial increase in applications received in 2022.

Annual applications received between 2018 to 2024 :

2018	2019	2020	2021	2022	2023	2024
6	52	23	52	101	46	55

A total of fifty (50) applications received in 2024 were submitted in accordance with Section 15 of the Act as they were convictions with sentences that **did not** exceed 5 years. The other five (5) applications received in 2024 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 Schedule 1 of 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.

Board Membership

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

Board 2024:

Mr. Michael Bromby, Interim Chairman

Mrs. Kayleigh Wright, Member

Mr. Hugh Lockwood, Member

Mr. Benjamin Tonner, Member