



CAYMAN ISLANDS

Conditional Release Board



2017

ANNUAL REPORT





Foreword

by Mrs. Debra C Humphreys JP
Chair of the Conditional Release Board

**The Conditional Release Law, 2014,
and the Conditional Release of Prisoners
Regulations, 2016, came into force
in February, 2016.**

The Law makes provision for a Conditional Release Board who are charged with the duty of making decisions regarding Conditional Release of Prisoners on Licence; provide for the post-release of prisoners released on Licence and for revocation of Licences.

**This document is the first Annual Report
of the Conditional Release Board (CRB).**

All members of the Board were duly vetted and subsequently formally appointed by Her Excellency, The Governor, Mrs. Helen Kilpatrick.

In January, 2016, board members received training on Island from well experienced and qualified UK facilitators, Mr. Andrew Sperling and Mr. Nigel Bonson. The funding of this training by the Governor's Office is much appreciated.

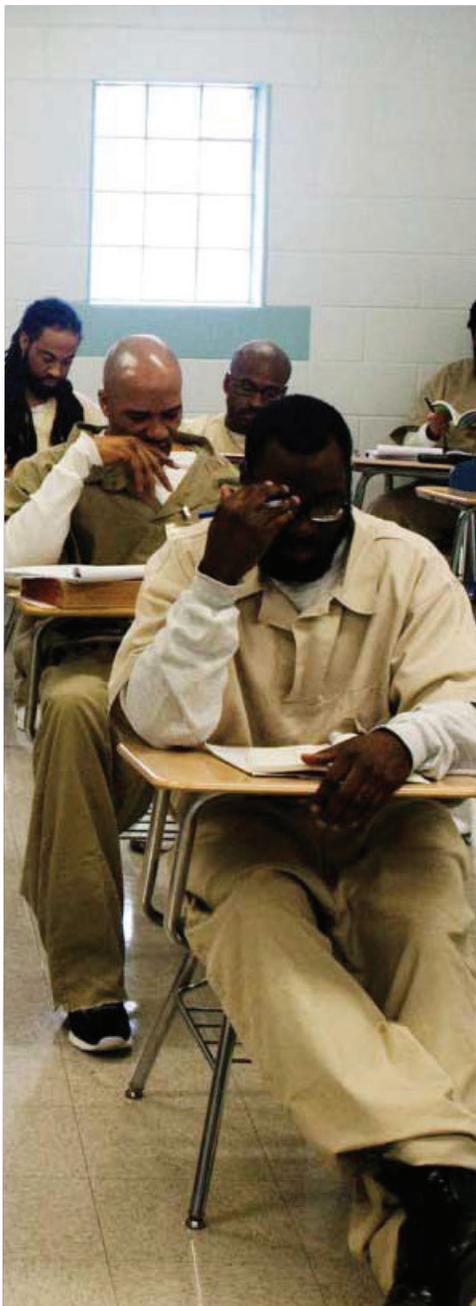
CRB was ably and professionally well supported by the Deputy Governor's Office during the course of the year from services provided by Mr. Peter Gough and Mrs. Debbie Prendergast.

CRB met regularly with the various agencies that provide information for their consideration in making decisions. Many thanks to the staff of the Department of Community Rehabilitation, Department of Counselling Services, The Royal Cayman Islands Police Service, the Judicial Department, and Her Majesty's Prison Service, for their most valuable and professional support throughout the year.

CRB has met monthly to conduct Hearings. The commitment and support of all members is much appreciated.

Two members of CRB were privileged to participate in the annual conference of the Association of Paroling Authorities International in May 2016, in Daytona Beach, Florida.

In the forthcoming year CRB remains committed to carrying out its functions under the Law by diligent consideration of the required legal factors; thereby establishing the framework for the managed supervision of a prisoner's return into the community with the ultimate objectives of: protection of the public, prevent prisoner from re-offending, and prisoner's successful re-integration into the community.



New Conditional Release Scheme

Under the Earliest Date of Release scheme prisoners were released after serving two thirds of the sentence regardless of any risk to the community they might pose and not on a license. That scheme has been scrapped and is replaced by Conditional Release. **The new scheme is based entirely on risk assessment and rehabilitation.** A Prisoner has to serve a minimum of 60% of sentence before he or she can be considered for conditional release. If granted conditional release, the license will remain in force until the end of the sentence. A prisoner will only be released after he or she is deemed to be a low risk to the safety and welfare of the community. The Board does not review the imposed sentence or take into account the immigration status of the prisoner. The level of risk will be professionally assessed and the level of risk will determine license conditions.

Chair's Report

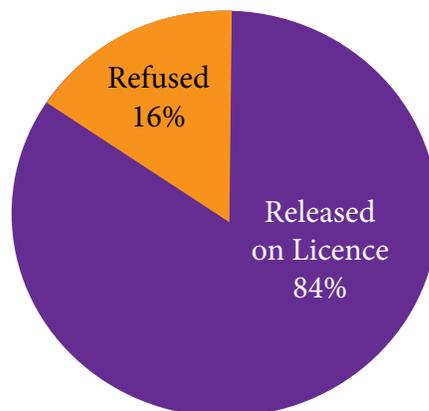
Conditional Release is a journey from incarceration to the community; and from criminal to prosocial attitudes and behaviour. The Government's desired outcomes of the New Conditional Release Scheme are:

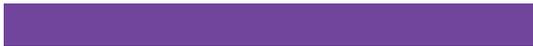
- rehabilitating prisoners to function in society and to live a useful life,
- protecting society from the criminal acts of repeat offenders (thus reducing crime) and
- reducing costs of imprisonment.

Our work is governed by the Conditional Release Law and Regulations 2016. In carrying out its functions under this Law, the Board is required by the law to consider the following factors –

- 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 Board continues to undertake many hearings. Over the past year the Board has interviewed 54 offenders. These hearings cover parole issues (in relation to offenders convicted before the introduction of Conditional Release), recall applications, the imposition of finalised licence conditions and progress hearings. The Board also met with twelve victims of crime. The percentage of offender applicants granted conditional release was 84% of the total that applied a total of 45 prisoners.). The total number of those refused was 16% that is seven prisoners of all those prisoners released none were recalled for not complying with their licence





Chair's Report

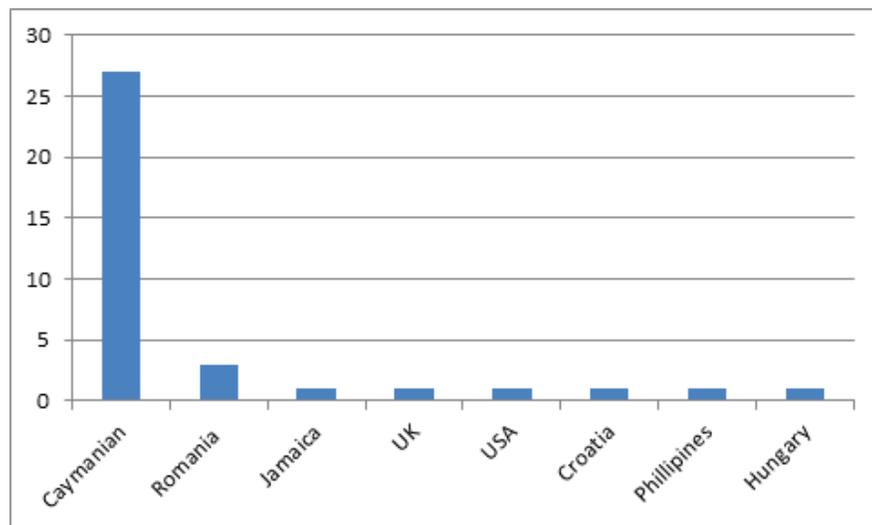
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Application Received	45
Released on License	38
Refused	7

The number of prisoners released by nationality:-

Nationality	Number
Caymanian	27
Romania	3
Jamaica	1
UK.....	1
USA.....	1
Croatia	1
Philippines.....	1
Hungary.....	1





Hearings

Hearings take place monthly and are conducted in the manner of an inquiry. Normally the Board will see an average of five offenders during each sitting.

There is no set length of time for a hearing. Sometimes they can be short, but generally they are about half an hour. It depends on what needs to be explored and who is present. Hearings are held in the Training Room at Northward Prison.

Department of Community Rehabilitation staff, and the Administrative Secretary to the Board are present to assist the Board. The applicant's friend or family member and lawyer may also be present (with prior notice to the Board). Victims do not attend hearings with the offender. The Board decides who will attend hearings, who will speak and the form of the proceedings. Where the prison has a language difficulty the prison provides an interpreter.

An offender is able to waive the right to attend the hearing. This is not usual, and it must be confirmed in writing. Even if the offender waives the right to attend, the hearing itself will continue. The offender may make a written submission if desired.

Panel members will ask the offender questions including, but not limited to:-

- The offences that brought the offender to prison
- Progress in prison
- Courses undertaken
- Lessons learnt
- Behaviour
- Plans if released, including, employment, housing, risk mitigation

Where the Board has met with registered victims it may report to the offender on what the victim(s) have said about the offending either in a statement or interview with the Department of Community Rehabilitation representative.

If the offender has supporters present, the Board may invite them to speak as well as direct questions to them. When the Board is deliberating, only the members and the Board's support staff are present in the hearing room. All other persons, including the offender, must leave.

Just because an offender is eligible for parole, it does not follow that they will be released. This can only occur if the Board is

Community Safety

of the view that the applicant offender does not pose any undue risk to the community

The Conditional Release Board applies the framework set in the Conditional Release Law 2016 to determine undue risk. When making decisions about, or in any way relating to, the release of an offender, the paramount consideration for the Board in every case is the safety of the community.

The Board considers available information before making a decision including:

- Details of offences
- Victim submissions
- Psychiatric reports where necessary
- Psychological and prison reports
- Assessed risks of reoffending
- Rehabilitation needs and programmes completed by offenders
- Behaviour during the sentence
- The release plan including continuing rehabilitation in the community
- Submissions from the offender
- That they have suitable accommodation after release
- Work and family support

Victims

Victims and or victim's family are a very important part of conditional release. Their views should be taken into account and they should be extended every courtesy and be kept informed at every stage in the process.

The Department of Community Rehabilitation informs the victim when an offender is sentenced, the length of the sentence and the earliest date the prisoner may be considered for release. 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.

A victim will not appear at the same hearing as an offender. Victim meetings and submissions are an important part of the decision making process.

A victim will automatically receive notification:-

- that the offender has become eligible for parole or Conditional Release
- when the offender's hearing will be,
- that they can make a written submission ahead of the Board hearing,
- that the offender is being considered for release on conditions
- of the Board's decision after each hearing, with full hearing outcome.



The Board

The Conditional Release Law specifies that the Board shall consist of a minimum of five members and a maximum of nine.

The Board Members are appointed by the Governor; civil servants are not eligible for appointment.

The board members must have a mix of skills between them, including experience in the criminal justice system, mental health, law and religious ministry.

Each Board Member is subject to a Code of Conduct. This Code of Conduct is based on the seven Nolan Principles, these are; Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership

Membership in the year under review:-

- Debra Humphreys JP (Chair)
- Richard de Lacy QC (Vice Chair)
- Nicholas Dunne (Member)
- Timothy Derrick (Member)
- Godfrey Meghoo (Member)
- Susan Bodden (Member)
- Alan Brady (Member)
- Danielle Coleman (Member)
- Alecia La Toya Folkes (Member)

Debra Prendergast – Board Administrator

“safe reintegration of offenders
into our community”