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**INFORMATION FOR BRITISH (AND FOREIGN)
NATIONALS IMPRISONED IN THE CAYMAN ISLANDS**



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This guide aims to explain the Cayman Islands' legal and prison system to British (and Foreign) Nationals who are imprisoned in Grand Cayman, and to their next-of-kin.

About the Governor's Office

We are impartial - we are not here to judge you. We aim to make sure that you are treated properly and fairly in accordance with the Cayman Islands Regulations, and that you are treated no less favourably than other prisoners. We cannot get you better treatment than other prisoners.

We can answer questions about your welfare and about prison regulations but not questions about legal matters. You should ask your lawyer or the court these kinds of questions. We can give you a list of English-speaking lawyers.

We cannot get you out of prison, pay fines or stand bail, or interfere in local judicial procedures to get you out of prison or secure you an earlier trial date; we cannot investigate a crime.

We have tried to make sure that this information is accurate and up to date, but the Governor's Office cannot accept legal responsibility for any errors or omissions in the information.

Who is my Consular Representative?

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Contact Information

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Who will know that I have been detained?

When a British citizen is arrested and detained in the Cayman Islands, the Cayman Islands authorities should inform the Governor's Office. This is usually done by phone. The arresting officer will pass on your arrest details including the details of any family or friends you would like the Governor's Office to contact on your behalf. The Consular Officer (or Duty Officer out of working hours) will make every effort to speak to you within 24 hours of your arrest, and carry out a visit within the first 48 hours.

What will my family be told?

For reasons of confidentiality we are not permitted to tell anyone that you have been detained or what the charges are without your permission. Social workers may be more open about this but the Governor's Office must have your permission to discuss your case, or to confirm your detention, with anyone. However, if you are under 18 years of age, we have to inform your next of kin.

What will the Governor's Office do?

As soon as possible after your arrest, the Consular Officer will visit you within 48 hours, unless you ask them not to. They will hand you a copy of this guide, a list of local lawyers, and a brochure entitled "In Prison Abroad" that explains more about what the Governor's Office can and cannot do for you.

Please let the Consular Officer know if you have been mistreated, you are suffering from any medical condition, and/or you should like your family or friends in the UK notified of your arrest.

We will offer to contact your family or next-of-kin to tell them of your situation. We can give them advice on prison procedure, regulations, your morale and how you are doing. We can also pass on any messages from you.

You can write to us at any time on matters of concern.

Consular Visits

The Consular Officer will aim to visit you every 3-4 months if you are on remand. If you have been sentenced, the Consular Officer will aim to visit you once every 10-12 months unless there are reasons to visit more frequently.

The Consular Officer will bring with her any money deposited for prisoners in London (via a local police station or the Foreign and Commonwealth Office). Each inmate will also be given some writing paper. You will be given an opportunity to let the officer know of any problems you may have, and to give her any messages you would like passed on to family in the UK. Messages will be passed via Consular Division at the Foreign and Commonwealth Office in London.

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We can also give your next-of-kin the address of the prison and tell them how to transfer money to you, without bank charges, through the Foreign & Commonwealth Office in London.

Legal Representation

You will be handed a list of local lawyers by the Consular Officer. It is for you to decide whether you wish to retain the services of a lawyer, and if so, which one. If you opt to appoint a lawyer, you, your family or friends must meet the costs. The Governor's Office cannot involve itself in personal disputes over the payment of legal fees.

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The Cayman Islands Judicial System

The Cayman Islands operates on the basis of UK Law although it has some differences due to the fact that it has not adopted all the legislation and has only taken on certain elements of such legislation.

The Royal Cayman Islands Police Service (RCIPS) consists of officers from the rank of constable through to Commissioner of Police; they are assisted by Auxiliary Officers who have limited powers.

Police officers shall exercise such powers and perform such duties as are by law conferred or imposed upon them, and shall obey all lawful directions in respect of the execution of their office which they may from time to time receive from officers of senior rank or service in equivalent rank.

It is the duty of police officers to obey and execute promptly all orders and warrants lawfully issued to them by any competent authority, to collect and communicate intelligence affecting the public peace, to prevent the commission of offences and public nuisances, to detect and bring offenders to justice and to apprehend all persons whom they are legally authorised to apprehend or for whose apprehension sufficient ground exists.

What happens when I am arrested?

A police officer may arrest without warrant any person who commits or attempts to commit an arrestable offence in his view or whom he reasonably suspects to have committed an arrestable offence.

Once the accused person is arrested he will be conveyed to and held at a Police Station. The accused has the right to consult with a lawyer prior to being interviewed by the police regarding the alleged offence(s) committed. There is no duty counsel at the Police Station; therefore the accused person will have to seek legal advice at their own expense.

The interview is usually recorded manually and prior to starting the interview the officer will caution the accused. Some interviews may be tape recorded. Once the accused is processed he will either be released on police bail or brought before the Court.

For how long can I be remanded in Custody?

When any person has been taken into custody without a warrant for an offence, the officer in charge of the police station or other place for the reception of arrested persons to which such person is brought shall at once enquire into the case, and if, when the enquiry is completed, there is no sufficient reason to believe that the person has committed any offence such person shall be released forthwith.

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If, upon such enquiry, there is reason to believe that the person arrested has committed an offence such officer being of the rank of sergeant or above may release the person on bail.

Where it is determined that the detention of the person is necessary in order to,

- (a) secure or preserve evidence relating to an offence for which he is under arrest;
- (b) obtain such evidence by questioning him; or
- (c) complete the investigation,

then rather than being released on bail, the person may be detained for certain periods.

Initially this is for a period not exceeding seventy-two hours from the time of arrest. Further detentions of seventy two hours in duration are only permissible upon the authority of a Superintendent of Police or the Commissioner where there are reasonable grounds for believing that such further detention is necessary and in respect of a serious arrestable offence.

No person may be kept in police detention after three periods of seventy two hours except upon the order of a summary court made on the application of a constable.

If, at the end of the periods referred to above, the person is not charged, he shall be released without further reference to the court, but may be re-arrested for the offence for which he was previously arrested if new information justifying a further arrest has come to light since his release.

Investigation and indictment

If the accused person is charged with the offence upon which he has been arrested, he may be released from custody only on bail pending the determination of his case or be held in custody and produced before the court at the next sitting. The criminal matter is usually brought before the Summary Court in the event that the accused is an adult (which sits Mondays to Fridays) or a Youth Court (sits on Fridays) if the accused is under the age of 17.

In the Summary Court/Youth Court there are a series of appearances to determine whether bail should be granted, what is the plea that will be entered, and the Court in which the matter should be heard. If the Summary Court/Youth Court is to hear the matter and the Accused pleads not guilty then a trial date will be fixed.

In some instances an Accused person may have the option of having the Grand Court, this is equivalent to the Crown Court in the UK, hear the case. In that instance the Accused will elect trial in the Grand Court when asked where he wants to be tried, this also gives the Accused the option of being tried by a jury or a Grand Court judge sitting alone. There are other matters which can only be heard by the Grand Court and the Summary Court/Youth Court will commit such matters to the Grand Court by having a

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Preliminary Inquiry usually within 4 to 6 months of first appearance before the Court. This simply means that the Prosecution has to establish a 'prima facie' case in order to prove to the Summary Court/Youth Court that there is enough evidence which should be placed before the Grand Court for trial.

Bail may be granted to an Accused person but with certain conditions attached. If bail is withheld by the Court the Accused person will be remanded to Her Majesty's Prison Service and will be produced to the Court on various dates set by the Court. There is a presumption in favour of bail, however, there are certain serious offences which normally do not attract bail (such as murder, firearms offences and serious drug offences) and bail will depend heavily on the Accused's individual circumstances.

This booklet was compiled by the Governor's Office, Grand Cayman.
If any of the information contained in this booklet is incorrect, please draw inaccuracies to our attention so that we can make amendments.

Thank you.

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