

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE POLICE LAW (2005 REVISION)
TO MAKE CHANGES TO PROVISIONS RELATING TO THE
DETENTION OF SUSPECTS; AND FOR INCIDENTAL AND
CONNECTED PURPOSES**

THE POLICE (AMENDMENT) BILL, 2005

MEMORANDUM OF OBJECTS AND REASONS

This Bill seeks to amend the Police Law (2005 Revision) to make changes to provisions relating to detention of suspects.

Clause 1 provides the short title.

Clause 2 amends section 37 to make provision for the detention of suspects for periods of 72 hours at a time subject to certain safeguards.

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DETENTION OF SUSPECTS; AND FOR INCIDENTAL AND
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ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Police (Amendment) Law, 2005.

Short title

2. The Police Law (2005 Revision) is amended in section 37 -

(a) by repealing subsection (3) and substituting the following -

Amendment of section
37 of the Police Law
(2005 Revision)-
Detention of persons
arrested without warrant

“(3) Where the constable arresting a person determines that he does not have sufficient evidence to charge but has reasonable grounds for believing that the detention of that person without being charged is necessary-

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

he may place that person in police detention for a period not exceeding 72 hours from the time of arrest.”;

(b) by inserting the following subsections -

“(3A) Where a constable of the rank of Superintendent or above has reasonable grounds for believing that -

- (a) the detention of that person without charge is necessary to secure or preserve evidence relating to an offence for which he is under arrest or to obtain such evidence by questioning him;
- (b) an offence for which he is under arrest is a serious arrestable offence; and
- (c) the investigation is being conducted diligently and expeditiously,

he may authorise the keeping of that person in police detention for a further period of 72 hours after the period referred to in subsection (3).

(3B) Where the Commissioner of Police has reasonable grounds for believing what is set out in subsection (3A), he may authorise the keeping of that person in police detention for a further period of 72 hours after the period referred to in that section.

(3C) No person may be kept in police detention after the period referred to in subsection (3B) except upon the order of a summary court made on the application of a constable.

(3D) The application made under subsection (3C) shall be heard in chambers and the court shall consider whether there are reasonable grounds for believing the matters set out in subsection (3A) and if it is so satisfied it may order further detention for a further period of 72 hours.

(3E) If, at the end of the period of 72 hours referred to in subsection (3D) 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.

(3F) Wherever in subsections (3), (3A), (3B), (3C), (3D) and (3E) reference is made to a period of 72 hours, such reference shall be read and construed as allowing detention for a lesser period at a time so long as the total period of detention under one authority does not exceed 72 hours.”.

Passed by the Legislative Assembly the day of 2005

Speaker.

Clerk of the Legislative Assembly.