

SHG Recordable Offences Policy

Introduction

At present all offences in St Helena are recorded by the police and subject to the application of the Rehabilitation of Offenders Act 1974 are detailed as part of Criminal Records Checks. This means that even minor offences can be detailed as part of such checks. To address this problem the introduction of a distinction between recordable and non-recordable offence is required following an approach similar to that in England and Wales.

Objectives

1. To remove predisposition requiring every minor offence having to be disclosed as part of criminal record checks.
2. To prevent residents of St Helena being disproportionately penalised for previous minor offending.
3. To modernise the criminal justice system and application of the relevant laws.

Policy

1. The police will establish and maintain a criminal records database.
2. Based on the approach in England and Wales (with differences where appropriate), convictions for offences for which imprisonment can be imposed by the court will be recorded on a criminal records database. This will be subject to exemptions.
3. The Governor in Council will be able to make regulations addressing the following:
 - (i) Exemption for non imprisonable offences to be recordable on the database.
 - (ii) Exemptions for imprisonable offences that will not be recordable on the database.
 - (iii) How the Criminal Records database will be implemented and maintained.
 - (iv) The way information can be requested from the database.
 - (v) The manner in which information can be disclosed pursuant to a request.
4. Any specified non imprisonable offences exemptions in England and Wales will apply in St Helena (to the same of similar offence) unless there is a local reason not to do so.
5. If there are local reasons for other offences not punishable by imprisonment to be recordable further exemptions can be made.
6. Imprisonable offences in St Helena can be non-recordable if there are reason for this.

7. Consideration will be given to the retroactive application of recordable offences. Previous offences that are now recordable would not be part of the Criminal Records Database.
8. This policy will be carried out by amendments to the Police and Criminal Evidence Ordinance 2003 and relevant Regulations and Orders made under such.

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