

COMMISSIONS SECRETARIAT

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CAYMAN ISLANDS

Via Email: editor@pinnaclemedialtd.com

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Dear Editorial Board,

I write in reply to your Editorial of 30 July 2018 titled “*Don’t answer the latest ‘call to arms’*” which asks a few questions of me.

1. What is the evidence to support this request? Are there incidents unknown to the general public to suggest ACC officers are, or have been, in danger?

Whilst information deemed as intelligence cannot be released, the Anti-Corruption Commission (the “Commission”) (made up of Richard Coles (Chairman) along with Members Kenrick Hall, Sophia Harris, Kadi Pentney, and Timothy Ridley) can indicate that its Investigators have not been involved in any situation in which there has been any use of force. Investigators have, however, had to make informed changes to operational plans to mitigate risks which have been identified in advance through intelligence gathering. Whilst the Editorial classifies all operations of the Commission as “white-collar crimes” there is no evidence to suggest that perpetrators (who come from a wide range of backgrounds) of such crimes pose no danger to the individuals seeking to bring their corruption efforts to an end. Even with comprehensive risk assessments, there is always an element of unknown for Investigators. It is for those reasons that Investigators not only need to have access to protective equipment but will continue to liaise with RCIPS where necessary for operational purposes, even with what the Commission hopes will be the successful passage of the Anti-Corruption (Amendment) Bill, 2018 (the “Bill”).

2. Who are these officers? What are their backgrounds? What levels of training have they received?

As you are aware the Anti-Corruption Law was revised in 2016 in order to enhance the independence of the Commission and its operational abilities. Following the passage of this

legislation, the Commissions Secretariat successfully recruited staff that fulfills the roles of Senior Investigator, Investigator, and Trainee Investigator.

The post-holder of Senior Investigator is required to have, amongst other experiences and skills, a minimum of 15 years investigatory experience; at least 10 of which must be as a senior investigator in anti-corruption related enquiries; whilst the post-holders of Investigator are required to have, amongst other experiences and skills, a minimum of 10 years investigatory experience; at least 5 of which must be as an investigator in serious or complex crime related enquires.

All staff employed in these roles must have demonstrable experience and ability in the investigation of serious, protracted and often complex criminal offences, with the exception of the Trainee Investigator. At present, the Commissions Secretariat employs a Senior Investigator and 5 Investigators who have between 15 and 40 years' experience in policing from the UK (including the MET and Scotland Yard Policing), Grand Cayman, and other countries. All have been Officers with the Royal Cayman Islands with ranks of Detective Constable, Detective Sergeant, or Detective Inspector. Their experiences include conducting investigations in the areas of fraud, organised crime, complex crime, intelligence gathering, high profile, murder enquiries, corruption, money laundering, terrorist finance, source handling, financial crimes, major incident rooms, serious and violent crimes, serious sexual offences, drug crimes, professional standards, handling and deploying covert human intelligence sources, etc.

Current staff, again with the exception of the Trainee Investigator, has received numerous trainings over the years on the use and deployment of equipment such as batons and pepper spray. With the successful passage of the Bill, all staff issued with protective equipment will receive the necessary training, and refresher courses, and will be subject to appropriate oversight and reporting. Preliminary discussions with the Commissioner of Police regarding the attendance of the Investigators at RCIPS training courses have already taken place.

The Editorial also indicates that there are other agencies in Cayman, with similar powers of arrest which, the Editorial presumes, does not already have the powers being requested by the Commission for its Investigators. A review of the respective legislation of those agencies named in the Editorial shows:

Immigration Law (2015 Revision)

s.103 – Authorisation to carry arms

An immigration officer, with the authority of the Chief Immigration Officer given under and in accordance with the general or special directions of the Governor, is entitled in the performance of his duties to carry arms.

“Arms” means firearms as defined in the Firearms Law (2008 Revision), and includes batons and handcuffs.

Customs Law (2017 Revision)

s.10(1) – Issuance of equipment, etc.

The Collector shall have power to provide officers with equipment, clothing, appointments, cleaning materials, insecticides and such other things as may be necessary or expedient for the performance of their duties and, to this end, may issue to customs officers a double-lock handcuff, 22" to 24" expandable baton and defence spray.

The National Conservation Law, 2013

s.25(4) – Conservation officers

A conservation officer, with the written authority of the Director given in accordance with directions of the Governor, may in the performance of his duties, carry such arms as may be specified in the written authority.

“Arms” includes batons, handcuffs and other means of restraints, protective vests, tasers and pepper spray.

Port Authority Law (1999 Revision)

s.8 – Port officers

Port officers, who may be members of the public service on secondment, are officers of the Authority and have within a port or port area the powers of constables and may be employed upon a full or part time basis in such grades and at such rates of pay as may from time to time be determined by the Authority.

The Commission has a very good relationship with the Commissioner of Police, and the RCIPS in general, and joint operations will continue to take place where that is considered necessary in the particular circumstances. That being said, it is disappointing that the Editorial Board sought to undermine the Commission’s Investigators by alluding to them being untrained and unregulated. Such an illusion not only negatively affects the reputation of the Commission but also our anti-corruption and national security efforts.

Our Investigators must be, and have been (by a member of the judiciary) commended for their meticulous work and exemplary dedication to the anti-corruption efforts in the Cayman Islands.

Yours sincerely,



Deborah Bodden
Manager, Commissions Secretariat