

MINUTES
14th MEETING OF 2017
THE ANTI-CORRUPTION COMMISSION
16 OCTOBER 2017
CONFERENCE ROOM, COMMISSIONS SECRETARIAT

COMMISSION MEMBERS PRESENT:

Richard Coles	Chairman
Sophia Harris	Member
Kadi Pentney	Member
Timothy Ridley	Member

APOLOGIES: N/A

SECRETARIAT MEMBERS PRESENT:

Deborah Bodden	Manager
Richard Oliver	Senior Investigator

1. **Meet and Greet with Deputy Director of Public Prosecutions**
The Deputy Director of Public Prosecutions attended before the start of the formal meeting pursuant to an invitation from the Commission in order to facilitate introductions and a brief discussion of the work of the Commission.
2. **Meeting called to Order**
The meeting was called to order at 10:30am.
3. **Conflicts of Interest**
No conflicts of interest were declared at this meeting by any Member.
4. **Confirmation of Minutes**
The minutes of 4 July, 26 July, 21 August, 29 August, 15 September, and 2 October 2017 were confirmed as presented.
5. **Operational Update**
 - a. **New Corruption Reports/Complaints**
The Commission received a summary along with all supporting documents, in accordance with the current Report/Complaint Procedure, of five new matters which have been received by the Manager and which have been recorded as a report/complaint that is being

considered. In addition, it is noted that one new matter was accepted by the Commission prior to this meeting. In addition, the Commission discussed one outstanding report/complaint which was previously deferred. Of these six matters, two were deferred pending further information and four were not accepted as they did not give rise to a reasonable suspicion on the part of the Commission that a criminal offence or an attempt to commit an offence or a conspiracy to commit an offence under the Anti-Corruption Law ("ACL") had been committed (see Sec 4 (1)(c) of the ACL).

b. Existing Corruption Reports/Complaints

The Commission received a written and a verbal update from the Senior Investigator on the 8 active investigations. For reasons of security, specific details such as names, locations, dates, etc. are included in a separate confidential schedule.

The Commission was informed that since inception (1st Jan. 2010) there have been 147 reports registered by the Commission, of which:

- a. 2 have been received and are being considered for evidence as to whether any of them disclose a potential offence under the Law and/or a related offence;
- b. 9 are 'pending' awaiting further or sufficient information which may make it appropriate to make further investigations;
- c. 116 have been concluded;
- d. 10 have been transferred to other investigative units for action; and
- e. 8 are under current active investigation.

6. Outstanding Business

a. Forensic Services

The Manager has concluded a request for proposals from local companies for forensic services. Following a review of the 11 submissions, the Manager will begin procuring services as necessary for ongoing investigations.

b. Staffing

The recruitment process for the vacant post of the Investigator has been successfully completed and will be filled effective 30 October. In addition, the interviews for the vacant post of Trainee Investigator have concluded and the recruitment process is in the final stages.

c. Report/Complaint Procedure

Members have received a further draft of this procedure (including a revised Report/Complaint Form) and will review the same for discussion at the next meeting.

d. 2016/17 Annual Report

The 2016/17 Annual Report as circulated to and approved by Members was submitted to Her Excellency today with an indication from the Chairman that the Commission intends to publish the report 14 days following its submission.

e. CFATF

Members Sophia Harris and Tim Ridley met with the Attorney General and the Anti-Money Laundering Team regarding the upcoming CFATF assessment as it relates to the Commission and submitted a brief report on the meeting. The Manager will also meet with the Team in the near future.

7. New Business

a. Whistleblower Legislation

The Commission has been requested by the Strategic Review Implementation Unit (SRIU) for its views on the relationship between the Commission and the Whistleblower Protection Law 2015 ("WPL"), and other relevant information. The Manager will assist in drafting an appropriate response.

b. Legal Advice

The Commission has received the legal advice previously requested from the Office of the Director of Public Prosecutions. The Commission noted its thanks to the Deputy DPP for his assistance.

c. Ombudsman

The Commission noted that the new Ombudsman, Mrs. Sandy Hermiston, has taken up her post and Members wish to extend an invitation to her to make formal introductions and discuss the work, in brief, of the respective entities.

d. Report of the Auditor General

The Commission received a written briefing from the Auditor General on a forthcoming performance audit entitled 'Fighting Corruption in the Cayman Islands'. The briefing was noted by Members, and the Manager is to request further details surrounding any proposed meetings.

8. Any Other Business

a. Website Updates

It is noted that significant updates to the resources section of the Commission's website have recently been made as have several requests to have a link to the Commission's website added to other external entities own websites. It was agreed, that whilst minutes will be uploaded monthly, the site as a whole will be updated quarterly.

b. Fact Sheet

Members have received proposed amendments to the Fact Sheet and will review the same for discussion at the next meeting.

c. Response from Closed Report/Complaint

The Commission considered a request for further explanation from a complainant whose report/complaint had not previously been accepted. An appropriate response will be provided.

d. Meeting with Deputy Governor

It was agreed that the Chairman will request to meet with the Deputy Governor to discuss wider issues which affect both the civil service broadly and the work of the Commission directly.

e. Training for Investigators

It is noted that each of the Investigators attended, at the invitation of the Director of Public Prosecutions, a 2 day training on money laundering, restraint, confiscation and civil recovery; and a 1 day training on the Extradition Act 2003, its extension to the Cayman Islands, relevant case law, and the impact of the extension. Both trainings were facilitated by John Hardy, Q.C. The Commission extends its thanks to the DPP for the opportunity to attend the training.

f. ACL Amendment

Members received a copy of the proposed amendments to the ACL to address the issue of importation by the Secretariat and the use of protective gear by Investigators. Members were asked to review the proposed amendments and provide feedback via email.

9. Action Items

Members will:-

- a. consider the current draft of the Report/Complaints Procedure (including a revised Report/Complaint Form);
- b. consider the proposed amendments to the Fact Sheet;
- c. meet with the Deputy Governor (Chairman); and
- d. consider the proposed amendments to the ACL.

The Secretariat will:-

- e. thank the Deputy DPP for his attendance at the meeting;
- f. upload all confirmed minutes to the Commission's website;
- g. draft responses to all concluded reports/complaints for the Chairman's approval;

- h. progress the provision of forensic services;
- i. progress the recruitment process for the post of Trainee Investigator;
- j. upload the 2016/17 Annual Report to the website in 14 days;
- k. meet with the Anti-Money Laundering Team (Manager);
- l. assist with the drafting of a response to the SRIU re: Whistleblower Law and the ACC;
- m. extend an invitation to the Ombudsman to meet with the Commission; and
- n. request further details from the Auditor General on the upcoming performance audit.

10. Items to be Discussed at the Next Meeting

- a. Operational Update
- b. Report/Complaint Procedure and Form
- c. Fact Sheet
- d. Chairman's meeting with the Deputy Governor
- e. Staffing

11. Next Meeting

The dates of the next meetings are 20 November and 11 December 2017.

12. Adjournment

The meeting was adjourned at 3:58pm.



Richard Coles
CHAIRMAN
ANTI-CORRUPTION COMMISSION