

MINUTES
2nd MEETING OF 2024
ANTI-CORRUPTION COMMISSION
19 February 2024
COMMISSIONS SECRETARIAT

COMMISSION MEMBERS PRESENT:

Adrian (Gus) Pope	Chairman
Simon Whicker	Member
Laurence Aiolfi	Member
Romeo Frederick	Member
Charles Jennings	Member

APLOLOGIES:

Kendra Foster	Member
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SECRETARIAT MEMBERS PRESENT:

Melanie McField	Manager
Francis Kearns	Deputy Manager
Richard Oliver	Senior Investigator (“SIO”)
Evette Burnell	Administrator/Analyst

1. Meeting called to Order

The meeting was called to order at 10:00am.

2. Conflicts of Interest

It was noted that there were no conflicts of interest to date (save as previously disclosed). Members were reminded of their obligation to disclose and recuse themselves should any conflict of interest arise in relation to any new matters during the course of the meeting.

3. Confirmation of Minutes

It was noted that the minutes of the meeting held on 8 January 2024 were previously approved and posted on the ACC website.

4. Matters Arising from Previous Meetings

a. Policies and Procedures Update

Chairman Pope reported that the final draft of the Policies and Procedures Manual (P&PM) was circulated, incorporating the feedback from the Secretariat. This was then approved and uploaded to the website. Several separate documents were updated on the website reflecting the information included in the P&PM.

b. Secretariat HR Update

The new Manager, Melanie McField, and the new Deputy Manager, Francis Kearns, introduced themselves to members. The Manager stated that the recruitment of an Analyst for the Investigative Team has been completed and the post-holder is due to begin employment on 23 February 2024. There are still positions to be filled for the Investigator I post and the Investigator II posts, so the Investigative Team is still short staffed while these positions are being filled.

In addition, there are two Administrator/Analyst posts in the Secretariat Administrative Team that will be advertised once the new job description is finalized. Interviews are expected to take place in April.

Management also discussed the Q1 meeting with six Commission Chairs, which took place last week. One important outcome of that meeting was the confirmation of quarterly meetings going forward, allowing Chairs to provide feedback and discuss proposals for improvements. This provides a forum to meet with senior managers in POCS to help the Secretariat provide better support to the various Commissions.

c. Secure Data/Information Transfer Update

Devices have now been made available for testing to Chairman Pope and Member Frederick. Members will have an ACC email account accessible on the device. Chairman Pope informed members that he had issues accessing documents on ShareFile via the device. The Secretariat agreed to investigate this. If the testing goes well all Members will be issued a device for communications purposes, so that personal devices will not be required for ACC activity.

It was decided in the ACC meeting on 8 January 2024 that no sensitive or confidential information should be stored on ShareFile. As such, all SIO reports and complaints have been removed from ShareFile and will only be available in hard copy for members to review in the days immediately preceding meetings. In addition, should an urgent matter come to the SIO's attention, an extraordinary in-person meeting could be scheduled to read the relevant documents and make any necessary decisions.

Member Frederick raised the recent media story regarding the cyber-attack on CI Government IT systems and asked the SIO if there were any concerns regarding confidential information for ACC. The SIO advised that due to existing arrangements made to secure ACC information, the attack will not affect ACC.

d. Membership of GlobE Network

The SIO updated members that the ACC has now been formally accepted as an Overseas Territory member of the GlobE Network. There will be a face to face meeting in China in October, which all GlobE members are invited to attend.

The SIO also informed members that the International Anti-Corruption Coordination Centre (IACCC), which the ACC are also members of, has an annual face to face meeting, which is due to be hosted in Singapore this year. A Senior Investigator from the Investigative Team is due to attend.

e. MOU with CSPL and HM Prisons

Members were provided with an update on the two (2) Memoranda of Understanding (MOUs) drafted, which were sent to the Prison Service and the Commission for Standards in Public Life (CSPL). This is similar in nature to the MOU currently in place with the Royal Cayman Islands Police Service (RCIPS).

Members were informed that CSPL had set this item on their agenda for their meeting scheduled for 16 January 2024. However, this meeting was postponed until further notice where this item will then be discussed. With regard to the Prison Service, the Commissions Secretariat reached out to the Director of Prisons (DOP) who advised he would be open to scheduling a meeting with the SIO to discuss this matter further. The Commissions Secretariat will continue to follow-up with the CSPL and the Prison Service.

f. Educational Outreach

An update was given on the plans that are underway to schedule a presentation for private sector compliance officers and Government employees. The Investigative Team gave a trial presentation to the SIO and other staff and feedback was given on how it might be improved. The presentation will be refined and redesigned following the feedback, following which the Manager and Deputy Manager will review and share their input too.

g. Jakarta Principles / Independence

Following the discussion in the last meeting regarding the ACC's compliance with the Jakarta principles, which are internationally recognized standards for anti-corruption agencies, it had been agreed that the ACC should raise awareness with key stakeholders, starting with Her Excellency the Governor. The Chairman sent a letter to the Governor setting out the ACC's views on the matter and these points were also reiterated by the Chairman in the recent lunch with Her Excellency at Government House. A similar letter was sent to Minister Andre Ebanks, who had shown interest in the points for discussion.

The Chairman discussed the issue of legal support for the ACC, following a meeting with the Director of Public Prosecutions (DPP). The option to apply to the Asset Recovery Fund for funding for legal support was discussed. This fund is in principle available to law enforcement agencies who wish to apply. It may be possible to apply jointly with another related entity for a shared legal resource. In order to assist the application, Chairman Pope agreed to conduct research to quantify the resources needed (e.g. how many hours per year the ODPP currently spend on ACC matters).

5. New Business

NA

6. C-FATF Related Updates

Chairman Pope updated Members on the AMLSG meeting which was held in January. A topic of discussion was the necessary steps that needed to be taken in order for the Cayman Islands to retain its status of not being on the "grey list". The next assessment is due to take place in 2026-2027. Future FATF criteria will need to be anticipated and preparations will need to take place in advance of the assessment.

In addition, Members were informed that the Financial Reporting Authority (FRA) is again looking into a potential system for sharing information between intelligence agencies. On-going discussions are taking place in order to implement such a system.

Chairman Pope will continue to attend relevant meetings on these issues and will update the ACC accordingly.

7. Operational Update

a. Outstanding Matters

i. ACC/COMP/2023/01

Members were updated that the ACC has been in consultation with the DPP in this regard and the matter is ongoing and no decision can yet be made.

ii. ACC/COMP/2023/02

Members were updated that the ACC has been in consultation with the DPP in this regard and the matter is ongoing and no decision can yet be made.

iii. ACC/COMP/2023/05

This matter is with RCIPS and awaits further developments before a decision can be made.

i. ACC/COMP/2023/11

As noted at the previous meeting, the SIO had consulted with the DPP under the provisions of section 28(6) Anti-Corruption Act (2019 revision) (as amended) (the "ACA") and this matter was flagged for closure pursuant to section 28 (7) of the ACA. The SIO formally submitted a report to the ACC who confirmed the case is closed pursuant to section 28 (7) of the ACA for the reasons discussed previously.

b. New Corruption Reports/Complaints

i. ACC/COMP/2024/01

The SIO informed the ACC of the new complaint received and advised that this matter is currently with the Auditor General for investigation. It was decided that this matter be deferred pending further information.

ii. ACC/COMP/2024/02

The SIO discussed the new complaint with members and outlined the documentation received. Following the discussion, it was agreed that the matter did not meet the threshold for investigation by the ACC and the matter should be closed and a closure letter sent to the Complainant. The Secretariat will prepare the closure letter for approval by the Chairman.

c. SIO Report

The SIO updated Members regarding ongoing investigations.

In addition, as noted at the previous meeting, the SIO had consulted with the DPP under the provisions of section 28(6) Anti-Corruption Act (2019 revision) (as amended) (the "ACA") in regards to four (4) investigations that were flagged for closure pursuant to

section 28 (7) of the ACA. The SIO formally submitted the recommendation reports to the ACC who confirmed the cases closed pursuant to section 28 (7) of the ACA for the reasons discussed previously.

It was noted that Member Aiolfi has a theoretical conflict of interest related to one of these matters. However, this conflict is immaterial given the Commission was able to make a quorate decision to agree the closure without Member Aiolfi's involvement.

d. Existing Corruption Reports/Complaints Statistics

The ACC was informed that since inception (1st Jan. 2010) there have been 159 investigations registered by the ACC, of which:

- i. Zero investigations are pending;
- ii. 139 have been concluded;
- iii. 10 have been transferred to other investigative units for action; and
- iv. 10 are now under current active investigation.

The internal spreadsheet which provides details of the complaints and investigations will continue to be updated on a monthly basis.

8. Any Other Business
None.

9. Action Items

- a. Contact CSD regarding issues with accessing ShareFile documents on the new devices to support the trial to ensure secure data/information transfer as detailed in item 4.c. above (Deputy Manager);
- b. Follow-up on the MOUs proposed to HMCIPS and CSPL as detailed in item 4.e. above (Administrator/Analyst);
- c. Conduct research into hours spent per year by ODPP on ACC issues in regards the possibility of applying for funding for an in-house lawyer as detailed in item 4.g. above (Chairman);
- d. Prepare a closure letter for ACC/COMP/2024/02, obtain approval from the Chairman and dispatch the letter as detailed in item 7.b.ii above (Administrator/Analyst).

10. Items to be Discussed at the Next Meeting

- a. Secretariat HR Update
- b. Secure Data/Information Transfer Update
- c. MOUs Update
- d. Educational Outreach
- e. C-FATF Related Updates
- f. Jakarta Principles / Independence
- g. ACC/COMP/2023/01

- h. ACC/COMP/2023/02
- i. ACC/COMP/2023/05
- j. ACC/COMP/2024/01

11. Date of the Next Meeting

The date of the next meeting was provisionally agreed for Wednesday, 27 March 2024 dependent on Member Foster confirming her availability.

12. Adjournment

The meeting was adjourned at 1:05pm.



Adrian (Gus) Pope
CHAIRMAN
ANTI-CORRUPTION COMMISSION