

MINUTES
3rd MEETING OF 2024
ANTI-CORRUPTION COMMISSION
27 March 2024
COMMISSIONS SECRETARIAT

COMMISSION MEMBERS PRESENT:

Adrian (Gus) Pope	Chairman
Laurence Aiolfi	Member
Charles Jennings	Member
Kendra Foster	Member

APLOGIES:

Simon Whicker	Member
Romeo Frederick	Member

SECRETARIAT MEMBERS PRESENT:

Melanie McField	Manager
Antony Hill	Investigator
Evette Burnell	Administrator/Analyst

1. Meeting called to Order

The meeting was called to order at 9:58am and it was confirmed that a quorum was present.

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 19 February 2024 were previously approved and posted on the ACC website.

4. Matters Arising from Previous Meetings

a. Secretariat HR Update

ACC Chairman and the Secretariat Manager updated Members on the recent interviews to recruit an Investigator Level I and two (2) Investigator Level II.

Investigator Level II - An offer was extended and accepted. The new recruit is due to start on June 9th 2024.

Investigator Level I - The panel did not recommend any applicant for the post of Investigator Level I. However, one applicant was offered the other Investigator Level II post, but subsequently declined the offer. As it stands, one Investigator Level II and one Investigator Level I vacancy remain and will be re-advertised at a later date.

The upcoming Commissions Chairpersons' Quarterly Meeting scheduled for 13 May was also discussed. The Chairman advised he is much happier with the administrative side and turnaround times now in the Secretariat and matters are going in a positive direction.

b. Secure Data/Information Transfer Update

The Chairman informed the meeting that the devices made available for testing to him and Member Frederick have been functioning well. Emails sent to the ACC account are accessible on the device. Chairman Pope voiced his preference for a keyboard specifically when drafting/editing longer documents. Member Jennings recommended the dictation application provided on the device as that could also be beneficial for this type of work.

The next step would be for the Secretariat to purchase additional devices for all Members and establish a system to prompt Members when they need to check their devices. A WhatsApp Group chat was discussed as a viable option.

c. 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). Both parties have agreed to the MOUs in principle and the Secretariat is awaiting the final signed documents. A follow-up email will be sent if the signed MOUs are not received within the next two weeks.

d. 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 is working with the PR and Education Coordinator to refine the presentation after feedback was given in a trial presentation. The content of the presentation is being tweaked for the intended audience to be less technical and simplify the message for the intended audience's day to day activities. The aim of the presentation is to provide awareness of the ACC, its functions and relevant laws. This is an ongoing project.

Member Jennings informed the Commission that a local reporter is interested in doing an article on the ACC and would like to interview the Chairman prior to him leaving in June. The Chairman agreed. The reporter can be put in touch with him and this could be provisionally scheduled for May.

In addition, it was noted that the SIO Mr. Oliver was a presenter at the Chamber of Commerce, Leadership Cayman Programme, a programme designed to shape leaders of tomorrow. He presented on the mandate and importance of the ACC and it was well received.

e. Jakarta Principles / Independence

Following the last meeting's discussion of legal support for the ACC, the Chairman had requested data from the DPP in regards to hours spent on ACC related matters to potentially help support an application to the Asset Recovery Fund for funding of legal support. The data requested is yet to be received. The Chairman also approached the Cayman Islands Bureau of Financial Investigations ("CIBFI") in regards to the possibility of sharing a legal resource as they are in a similar position. Preliminary feedback from CIBFI was positive and the Chairman will follow up with further discussions.

The Chairman also highlighted the recently published OECD Anti-Corruption and Integrity Outlook 2024 report which examined how well (or not) the OECD Member countries are addressing corruption. This report included language referencing "collaborative efforts to establish and enforce international anti-corruption standards and provide oversight...". It was possible, therefore, that the jurisdiction might find itself, in due course, being subject to defined international standards and external review of laws and effectiveness in the same way as had arisen in relation to anti-money laundering. Accordingly, it was important for the ACC to be aware of international initiatives and engage regionally and internationally, as to which a number of items to be discussed under "New Business" below were relevant.

5. New Business

a. Caribbean Community Implementation Agency for Crime & Security (CARICOMS-IMPACS) Meeting

Member Jennings attended the CARICOMS-IMPACS online meeting on 8 March and provided an overview to Members of the content and discussions. One jurisdiction is currently using a consultancy agency to assist in review of their regime and recommendations for best practice. Member Jennings will find out more about the consultancy agency as this could be a good resource for the ACC. Member Jennings had suggested to the CARICOM-IMPACS meeting that they should collate and circulate a spreadsheet giving details on how each jurisdiction structured its anti-corruption efforts. This can be followed up by the Secretariat with CARICOM-IMPACS to see if the suggestion is being taken up.

b. International Monetary Fund (IMF) Training

In February there was an IMF training course on confronting corruption, which the SIO attended and he produced a report outlining the discussions. International training and conferences will assist to move forward in the anti-corruption world.

c. Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies (CCAICACB) Meeting

The Chairman attended the CCAICACB meeting this month and the annual conference was discussed, which Cayman had hosted back in 2019. This year the conference will be held in Dominica and attendees can attend via Zoom or in person. This is a good opportunity to be seen while engaging other Members and discussing the ins and outs of contemporary issues. The SIO would be the best candidate for this trip. The Secretariat are to confirm a budget.

d. The International Criminal Police Organization - National Crime Agency (INTERPOL NCA) Conference

Investigator Antony Hill gave an update to the Commission on his recent trip to Singapore to attend the INTERPOL NCA Conference, which hosted various Associated Member Scheme delegates. He had prepared a report and discussed the main highlights. The report will be available for Members on ShareFile. The particulars of individual jurisdictions were highlighted as well as potential training and future workshop opportunities. In particular, the opportunity for smaller jurisdictions to collaborate by forming a sub-committee was discussed.

6. C-FATF Related Updates

Chairman Pope updated Members that he had attended the last two meetings in February and March. These had largely been focused on the lessons to be learned from the FATF fourth round review and how to be in a better position for the next review. There will be a 1-day retreat in May and the Chairman will attend.

7. Operational Update

a. Outstanding Matters

i. ACC/COMP/2023/01

Members reviewed the legal advice that the ACC had received from the ODPP. Following 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.

ii. ACC/COMP/2023/02

Members reviewed the legal advice that the ACC had received from the ODPP. Following 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.

iii. ACC/COMP/2023/05

There is no further update on this matter. This matter is with RCIPS and awaits further developments before a decision can be made.

iv. ACC/COMP/2024/01

The Auditor General is still investigating this case. Therefore, this matter is deferred pending further information.

b. New Corruption Reports/Complaints

i. ACC/COMP/2024/03

Investigator Hill discussed the new complaint with Members and outlined the documentation received, which had been reviewed by the Members, and the background. Following 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.

ii. ACC/COMP/2024/04

Investigator Hill discussed the new complaint with Members and outlined the documentation received, which had been reviewed by Members, and the background. Following discussion, it was agreed that the investigators should send out a letter pursuant to Section 4(2)(C) of the Anti-Corruption Act requesting more information to help decide if the case merits investigation by the ACC.

c. SIO Report

Investigator Hill updated Members regarding ongoing investigations.

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

- a. The Chairman's succession was discussed, due to Chairman Pope's term expiring at the end of June 2024. It was provisionally proposed that an indication could be given by the Secretariat to H.E. the Governor that Member Whicker would be willing to take the Chairmanship for one year and then Member Jennings would be willing to take the Chairmanship for the following two years. Members agreed that the recruitment of another one to two Members would be beneficial to the Commission following the Chairman's departure. The Secretariat will be looking into recruitment.

Member Jennings suggested that going forward, it could be beneficial to arrange the term of new Members to end in September as this would coincide with the production of the annual report. Additionally, this would alleviate the need to gain approval from former Members whose term expired prior to production of the report.

- b. The format of standard closure letters was discussed and it was agreed by Members that these should be updated to be signed on behalf of the ACC, rather than the Chairman individually. The Secretariat will update the template and send a draft to the Chairman for review.

9. Action Items

- a. Secretariat to re-advertise roles within the investigation team still to be filled as detailed in item 4.a. above (Manager);
- b. Secretariat to purchase devices for remaining Members for confidential email/data exchange as detailed in item 4.b. above (Manager);
- c. Follow-up on the MOUs proposed to HMCIPS and CSPL as detailed in item 4.c. above (Administrator/Analyst);
- d. Follow-up on request for stats on 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.e. above (Chairman);
- e. Secretariat to follow up on Member Jennings suggestion of a spreadsheet for sharing between jurisdictions following CARICOMS-IMPACS online meeting as detailed in item 5.a. above (Administrator/Analyst);
- f. Secretariat to confirm budget for attendance at CCAICACB Annual Conference as detailed in item 5.c. above (Manager);
- g. Upload report on the INTERPOL conference to ShareFile and circulate link to Members for review as detailed in item 5.d. above (Administrator/Analyst);
- h. Prepare a closure letter for ACC/COMP/2023/01, obtain approval from the Chairman and dispatch the letter as detailed in item 7.a.i above (Administrator/Analyst).
- i. Prepare a closure letter for ACC/COMP/2023/02, obtain approval from the Chairman and dispatch the letter as detailed in item 7.a.ii above (Administrator/Analyst).
- j. Prepare a closure letter for ACC/COMP/2024/03, obtain approval from the Chairman and dispatch the letter as detailed in item 7.b.i above (Administrator/Analyst).
- k. Prepare and send a Section 4(2)(c) letter for ACC/COMP/2023/04, requesting more information to help decide if the case merits ACC investigation as detailed in item 7.b.ii above (Investigators).

- l. Secretariat to re-advertise ACC Member roles in light of Chairman Pope's departure in June as detailed in item 8.a. above (Manager);
- m. Update standard letters to be signed on behalf of the ACC rather than the Chairman personally and obtain approval from the Chairman as detailed in item 8.b. 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/2023/05
- h. ACC/COMP/2024/01
- i. ACC/COMP/2024/04

11. Date of the Next Meeting

The date of the next meeting was provisionally agreed for Wednesday, 15 May 2024 dependent on Members Frederick and Whicker confirming their availability.

12. Adjournment

The meeting was adjourned at 11:47am.



Adrian (Gus) Pope
CHAIRMAN
ANTI-CORRUPTION COMMISSION