

FREQUENTLY ASKED QUESTIONS

ON THE WORK OF THE INTEGRITY COMMISSION

Intended for Public Education Purposes

Revised September 28, 2022

1. When was the Integrity Commission established?

The Integrity Commission was established in 2017 by virtue of the Integrity Commission Act and operationalized on February 22, 2018.

2. Why was the Integrity Commission established?

The Integrity Commission was established to consolidate Jamaica's anti-corruption framework. It is an amalgamation of three legacy institutions, namely the Commission for the Prevention of Corruption, Integrity Commission (Parliamentary), and the Office of the Contractor General.

3. What are the objectives of the Integrity Commission?

Pursuant to the provisions of Section 3 of the Integrity Commission Act, The Commission seeks to:

- Further, encourage and promote propriety and integrity among persons exercising public functions in Jamaica;
- Promote and strengthen measures for the prevention, detection, investigation and prosecution of acts of corruption;
- Ensure that government contracts are awarded, varied, renewed or terminated impartially, on merit and in a financially prudent manner; and
- Enhance public confidence that acts of corruption and impropriety will be investigated and dealt with in a manner which achieves transparency, accountability and fairness.

4. What are the functions of the Integrity Commission?

The Commission derives its functions from s. 6 (1) of the Integrity Commission Act, 2017. These are to:

- (a) Investigate alleged or suspected acts of corruption and instances of non-compliance with the provisions of this Act;
- (b) Prosecute acts of corruption and offences committed under this Act;
- (c) Take necessary and effective measures for the prevention and detection of corruption within public bodies;
- d) Examine the practices and procedures of public bodies and make recommendations, in relation to the revision of those practices and procedures, which in the opinion of the Commission may reduce the likelihood or the occurrence of acts of corruption;
- (e) Receive complaints in relation to alleged or suspected acts of corruption and non-compliance with the provisions of this Act;

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- (f) Monitor and where necessary investigate the award, implementation and termination of government contracts;
- (g) Prepare codes of conduct and other advisory material relating to corruption and guide public bodies in respect of matters within the purview of this Act;
- (h) Monitor current legislative and administrative practices in the fight against corruption;
- (i) Advise the Minister on the adoption of international best practices relating to the prevention of corruption;
- (j) Co-ordinate the implementation of an anti-corruption strategy;
- (k) Collaborate or co-operate with other persons or bodies, whether in Jamaica or outside of Jamaica, duly authorized to prevent, combat and investigate acts of corruption, so as to implement an integrated approach to the eradication of corruption;
- l) Advise the Minister on such legislative reform as the Commission considers necessary to reduce the likelihood or the occurrence of acts of corruption;
- (m) Compile and publish statistics relating to the investigation, prosecution and conviction of offences relating to acts of corruption;
- (n) Determine the extent of financial loss and such other losses to public bodies, private individuals and organizations, including losses sustained by the private sector, as a result of acts of corruption; and
- (o) Adopt and strengthen mechanisms for educating the public in matters relating to corruption.

5. What is the mission and vision of the Integrity Commission?

The mission of the Integrity Commission is to combat corruption through the development, implementation and enforcement of Anti-Corruption legislation, policy and initiatives, through our highly competent staff and efficient systems, processes and procedures.

The vision of the Integrity Commission is to be the regional leader in Anti-Corruption policy and legislative framework development; enforcement; and galvanising partners, towards realising and sustaining a corrupt-free society for citizens, residents and visitors.

6. What are the core values of the Integrity Commission?

The core values of the Commission are:

- *Professionalism:* The Integrity Commission is results-oriented. We take ownership of obligations, we keep knowledge and skills current and relevant and we exercise good judgement with results-focused initiatives when the situation demands it;

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- *Integrity:* The Integrity Commission is trustworthy, honest and open with internal customers. Our staff members are sincerely receptive to the public. We are impartial and non-partisan;
- *Fairness:* The Integrity Commission employs actions, systems and processes that are morally right and honourable. We are committed to equity, equality, decency and courtesy;
- *Accountability:* The Integrity Commission assumes full responsibility for its actions, resources entrusted to us and we are committed to functioning with transparency in the interest of our country, customers and staff; and
- *Transparency:* The Integrity Commission is proactive in reporting on our performance and informing stakeholders of policies, processes and decisions.

7. How many Statutory Divisions are there in the Integrity Commission?

At present, there are four Statutory Divisions at the Integrity Commission. These are as follows:

- Corruption Prevention, Stakeholder Engagement and Anti-Corruption Strategy Division;
- Corruption Prosecution Division;
- Investigation Division; and
- Information and Complaints Division.

8. Who are the Statutory Directors of the Integrity Commission?

The four Statutory Directors are:

Mr. Craig Beresford:	Director, Information and Complaints Division
Mrs. Keisha Prince-Kameka:	Director, Corruption Prosecution Division
Mr. Kevon Stephenson:	Director, Investigation Division
Mr. Ryan Evans:	Director, Corruption Prevention, Stakeholder Engagement and Anti-Corruption Strategy Division

9. Who are the Operational Directors of the Integrity Commission?

The Operational Directors are:

Mr. Ronald Salmon:	Director, Corporate Services
Mr. Brian Taylor:	Director, Finance & Accounts
Mr. Rory Ridguard:	Director, Information Technology and Business Processes

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10. What are the strategic objectives of the Integrity Commission?

- a) To expand the Commission's public sensitization and engagement programme;
- b) To strengthen public bodies' awareness and compliance with the Commission's policies and regulations by increasing outreach initiatives;
- c) To improve the Commission's responsiveness to complaints, notifications and reports;
- d) To establish the systems necessary to improve the Commission's corruption investigative performance;
- e) To improve the technical proficiency of the Integrity Commission staff and operational efficiency by modernising ICT infrastructure; and
- f) To establish a culture of result-based performance by implementing and integrating result-based management across all functional areas of the Commission.

11. What are the Statutory functions of the Director of Corruption Prosecution?

Pursuant to Section 34(1) of the Integrity Commission Act, the functions of the Director of Corruption Prosecution are to:

- Provide advice to the Commission on matters concerning acts of corruption and offenses committed under the Integrity Commission Act; and
- Institute, undertake and have the conduct of prosecutions in respect of acts of corruption and offences committed under the Integrity Commission Act.

12. What are the Statutory functions of the Director of Information and Complaints?

The Director of Information and Complaints, in keeping with the provisions of Section 32(1) of the Integrity Commission Act, is mandated to:

- a) Receive, keep on record and examine all statutory declarations filed with the Commission;
- b) Make such enquiries as he considers necessary in order to certify or determine the accuracy of a statutory declaration; and
- c) Receive and keep proper record of any complaint or information or notification in relation to acts of corruption.

13. What are the Statutory functions of the Director of Investigation?

Section 33(1) of the Integrity Commission Act outlines the functions of the Director of Investigation. The Director is mandated to:

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- Investigate any allegation that involves or may involve an act of corruption or any allegation relating to non-compliance with the provisions of the Integrity Commission Act, on the basis of any complaint, information or notification referred to him by the decision of the Commission or by the Director of Information and Complaints;
- Monitor and where necessary, investigate allegations relating to the award, implementation or termination of any government contract, and the grant, issue, variation, suspension or revocation of any prescribed license, with a view to ensuring that:
 - i) In the case of a government contract, it is awarded impartially, on merit and in a financially prudent manner and in circumstances which do not involve impropriety and irregularity.
 - ii) In the case of a prescribed licence, the circumstances of such grant, issue, variation, suspension or revocation do not involve impropriety or breach of any applicable law.
- Investigate on his own initiative, in the manner specified under the Integrity Commission Act, any matter that may involve an act of Corruption or non-compliance with the Integrity Commission Act, subject to the general direction of the Commission.

14. What are the Statutory functions of the Director of Corruption Prevention, Stakeholder Engagement and Anti-corruption Strategy?

The Corruption Prevention, Stakeholder Engagement and Anti-corruption Strategy Division derives its functions from Section 6 (1) of the Integrity Commission Act, 2017. The following functions are performed by the Director:

- a) Take necessary and effective measures for the prevention and detection of corruption within public bodies;
- b) Examine the practices and procedures of public bodies and make recommendations in relation to the revision of those practices and procedures which in the opinion of the Commission may reduce the likelihood or the occurrence of acts of corruption;
- c) Prepare codes of conduct and other advisory material relating to corruption and guide public bodies in respect of matters within the purview of the Act;
- d) Monitor current legislative and administrative practices in the fight against corruption;
- e) Advise the Minister on the adoption of international best practices relating to the prevention of corruption;

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- f) Coordinate the implementation of an anti-corruption strategy;
- g) Collaborate or cooperate with other persons or bodies whether in Jamaica or outside of Jamaica duly authorized to prevent combat and investigate acts of corruption so as to implement an integrated approach to the eradication of corruption
- h) Advise the Minister on such legislative reform as the Commission considers necessary to reduce the likelihood or the occurrence of acts of corruption;
- i) Compile and publish statistics relating to the investigation, prosecution and conviction of offences relating to acts of corruption;
- j) Determine the extent of financial loss and such other losses to public bodies, private individuals and organizations, including losses sustained by the private sector as a result of acts of corruption; and
- k) Adopt and strengthen mechanisms for educating the public in matters relating to corruption.

15. Who is the current Executive Director of the Integrity Commission?

Mr. Greg Christie is the current Executive Director of the Integrity Commission.

16. What are the Statutory functions of the Executive Director?

Section 29(1) of the Integrity Commission Act outlines the functions of the Executive Director. The Executive Director is responsible for the day to day management of the affairs of the Commission other than those functions that are specifically assigned under the Integrity Commission Act to a Director. More specifically, the Executive Director is also responsible for

- a) Coordinating the functions of the Commission;
- b) Ensuring the timely implementation of the decisions and directions of the Commission;
- c) Submitting quarterly reports to the Commission in relation to the activities of each Division in such manner as may be prescribed;
- d) Preparing the budget of the Commission and submitting same to the Commission for approval;
- e) Developing and implementing operational policies and procedures in relation to the functions of the Commission; and
- f) Performing such other functions as may be assigned to the Executive Director under this Act or any other enactment.

17. What is the tenure of a Statutory Director?

The Executive Director and each Statutory Director serves for a term of 5 years (renewable) as outlined by the Integrity Commission Act 2017.

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18. Who are the Commissioners that serve on the Board of the Integrity Commission?

The Integrity Commission Board is comprised of 5 Commissioners, namely:

- Justice Seymour Panton (Retired)
- Justice Lloyd Hibbert (Retired)
- Mrs. Pamela Monroe-Ellis
- Mr. H. Wayne Powell
- Mr. Eric Crawford

19. How is the Board of Commissioners appointed?

Section 8 of the Integrity Commission Act states that the Board of Commissioners should comprise the following five persons:

- (a) The Auditor-General;
- (b) Four other persons appointed by the Governor-General, by instrument in writing, after consultation with the Prime Minister and the Leader of the Opposition, from any of the following categories of persons:
 - (i) Retired Judges of the Court of Appeal or retired Judges of the Supreme Court, from which two persons shall be appointed;
 - (ii) Senior retired public officials with knowledge and expertise in the area of finance, accounting or public administration; and
 - (iii) Persons who represent non-governmental organizations that appear to be well established.

20. What is the tenure of the Board of the Integrity Commission?

The Board serves for a term of 7 years (renewable) as outlined by Section 10 of the Integrity Commission Act 2017.

21. Does the Integrity Commission have prosecutorial powers?

Yes. The Integrity Commission can prosecute persons for acts of corruption as indicated by Section 6 (1) of the Integrity Commission Act 2017. Prosecutions are undertaken through the Commission's Director of Corruption Prosecution.

22. Does the Director of Public Prosecutions have a role to play in the Integrity Commission's prosecutions?

The DPP takes no part in prosecutions initiated by the Integrity Commission. The Integrity Commission Act 2017 provides the Director of Corruption Prosecutions with the authority to undertake prosecutions in relation to acts of corruption.

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The DPP, however, maintains the constitutional authority, under Section 94 of the Constitution, to intervene in any criminal matter.

23. Is the Integrity Commission Act only applicable to the Public Sector?

Not quite. Many of the provisions of the Act are very specific to Public Officers. However, on a broader perspective, the powers of the Commission, as they pertain to educating, investigating and prosecuting acts of corruption, extend to the private sector as well.

24. Are the Commissioners of the Commission required to file Statutory Declarations?

The Commissioners on the Board of the Integrity Commission are not required by law to file Statutory Declarations.

25. Who is required to file a Statutory Declaration?

According to Section 39 of the Integrity Commission Act 2017, the following persons are required to file statutory declarations:

- Parliamentarians;
- Public Officials who earn \$3,500,000.00 and over;
- Public Officials appointed to a gazetted position.

Additionally, it is noted that pursuant to Section 41(2)(a) of the Integrity Commission Act 2017 the Commission, acting upon the recommendation of the Director of Information and Complaints, may at any time, in writing, require any public official or parliamentarian to submit a statutory declaration to the Commission.

26. When are Statutory Declarations required to be filed?

Section 41 of the Integrity Commission Act, 2017 indicates the timelines for the filing of statutory declarations as follows:

In the case of Parliamentarians:

- a. Initial Statutory Declaration
Due for submission at the end of the third calendar month following the date of appointment or election.
- b. Annual Statutory Declaration
If an election or appointment was any time after June 30th in any year, the first annual Statutory Declaration & Information should be as at December 31 of the following year.
- c. Annual Statutory Declaration

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If the election or appointment is any time before June 30th in any year, the first annual Statutory Declaration & Information should be as at December 31 of that same year.

In the case of Public Officials:

Initial Declaration

Due for submission at the end of the third month after the date which a public official is in receipt of total emoluments of \$3,500,000.00

Due for submission at the end of the third month after the date in a Gazette or letter from the Commission

i. Parliamentarians and Public Officials

Annual Declaration period: January 1 – December 31

Statutory Declaration & Information should be as at December 31 thereafter, as long as you were a parliamentarian or public official at any point during the year.

ii. Final Statutory Declaration

Twelve (12) months after demitting office (loss of election, resignation or retirement.)

27. What information should be filed in a Statutory Declaration?

Section 40 of the Integrity Commission Act 2017 indicates the information that should be included in a statutory declaration. Parliamentarians and Public Officials are required to file Statutory Declarations with, amongst other things, information relating to:

Assets –	An item of property owned by a person regarded as having value in or outside of Jamaica. (Examples are house, car, cash, equivalent, goodwill, art work, intellectual properties)
Liabilities –	An amount owed to a supplier, bank, lender, or other provider of goods, services, or loans in or outside of Jamaica. (Examples are mortgage, credit cards etc.)
Income -	Amounts received for work, or through investments in or outside of Jamaica, profit on the sale of assets, monetary gifts etc.

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28. Is it an Offence to file a Statutory Declaration late or make a false Declaration to the Integrity Commission in the filing of a Statutory Declaration? And if so, what are the penalties?

Yes, and penalties may be imposed for various offences as outlined by Section 43 of the Integrity Commission Act 2017 as follows:

- a. Failure to provide information requested by the Director of Information and Complaints is an offence pursuant to Section 41 of the Integrity Commission Act and may result in, upon conviction in a Parish Court, to a fine not exceeding \$500,000.00 or imprisonment not exceeding six (6) months.
- b. Failure to submit a Statutory Declaration may result in, upon conviction in a Parish Court, to a fine not exceeding \$500,000.00 or imprisonment not exceeding six (6) months.
- c. Failure to submit and/or failure to meet extended deadline in a written Notice may result in an additional fine of \$20,000.00 for each month after the 30 day notice period expires until the submission is made.
- d. Failure to attend an Inquiry that is being conducted by the Director of Investigations may result upon conviction in a Parish Court to a fine not exceeding \$500,000.00 or A term of imprisonment not exceeding 6 months.
- e. The making of a False Statements in a Statutory Declaration or Knowingly providing false information at an Inquiry may result in, upon conviction in a Parish Court to a fine not exceeding \$2,000,000.00 or a term of imprisonment not exceeding two years.

29. What rights do I have as a Declarant upon submission of my Statutory Declaration?

All Declarants are afforded the following Rights upon submission of their Statutory Declarations:

- a) The right to secrecy and confidentiality of all information provided to the Integrity Commission.
- b) The right to receive confirmation of the submission of Statutory Declarations submitted to the Director of Information and Complaints.
- c) The right to certification of the Statutory Declaration – Where the Director of Information and Complaints is satisfied with the completeness and accuracy of your Statutory Declaration, you will

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receive a letter of certification for the Statutory Declaration reviewed by the Integrity Commission.

30. What does the Integrity Commission expect of Declarants?

As provided for in Section 40 (contents of declaration), Section 41 (time for making and submission of statutory declarations) and Section 42 (examination of statutory declaration) of the Integrity Commission Act, 2017, The Integrity Commission expects that Declarants will:

- a) Submit Statutory Declarations on or before the last day of the third month following the date the declaration is required.
- b) Provide the Director of Information and Complaints with the information required to determine the accuracy of Statutory Declarations.
- c) Respond to all correspondence from the Director of Information and Complaints.

31. What is the role of the Integrity Commission in relation to the Protected Disclosures Act (Whistleblower's Legislation)

The Integrity Commission was named by the Minister of Justice as the Designated Authority under the Protected Disclosures Act (PDA), 2011 by way of Gazette dated Monday, January 25, 2021.

32. What has the Integrity Commission done since being named as the Designated Authority under the PDA?

The Integrity Commission has since operationalized the Protected Disclosures Act through:

- a) The publication of the Protected Disclosures Act, 2011- Procedural Guidelines in a Gazette dated November 15, 2021.
- b) The commencement of the engagement of the Prescribed Persons/Entities to establish Protected Disclosures Procedural Guidelines to encourage and facilitate employees who wish to make disclosures regarding improper conducts in the public interest; and also to regulate the receiving, investigating and otherwise dealing with disclosures.

33. Who can make a complaint to the Integrity Commission?

According to Section 37 of the Integrity Commission Act 2017, any person may make a complaint to the Integrity Commission.

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34. How do I submit a complaint to the Integrity Commission?

Section 37 of the Integrity Commission Act 2017 indicates that:

- (a) Complaints may be made orally or in writing via any of the methods listed below:
- Orally: Complainants may call our Anti-Corruption hotline at 876-968-6227, 876-960-0470, 876-960-5617
 - In person at – Sagicor Sigma Building, 63-67 Knutsford Blvd, 4th Floor, Kingston 5, Jamaica, W.I.
 - Call our Knutsford Boulevard location landlines 876-926-2288, 876-906-8314, 876-968-6227 or 876-960-0470
- b) In writing
- Complainants may write a letter addressed to the Director of Information and Complaints at – 63-67 Knutsford Boulevard, 4th Floor, Kingston 5, Jamaica, W.I.
- c) Internet
- Complaints may be made online by completing the requisite form, which may be accessed via the following link: <https://integrity.gov.jm/report-impropriety>.

35. What are some of the Local Authorities that the Integrity Commission may collaborate with:

The Integrity Commission in the performance of its functions may collaborate with the following Authorities:

- a) The Director of Public Prosecutions;
- b) The Attorney General;
- c) Tax Administration Jamaica;
- d) The Financial Investigations Division;
- e) The Major Organized Crime and Anti-Corruption Agency;
- f) The Revenue Protection Division;
- g) The Jamaica Constabulary Force; and
- h) Jamaica Customs Agency.

36. Is the Integrity Commission able to collaborate with International Organizations:

Yes. Section 7(1) of the Integrity Commission Act 2017 enables the Commission to collaborate with other persons or bodies. Some of the entities collaborated with include:

- a) The Caribbean Association of Integrity Commissions and Anti-Corruption bodies;
- b) The United Nations Office on Drugs and Crime (UNODC); and
- c) The Foreign Commonwealth and Development Office.

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37. What is the annual budget of the Integrity Commission?

Approximately \$1 billion Jamaican dollars.

38. Does the Commission have a social media presence?

Yes. The IC's Official Twitter Account may be accessed using our twitter handle: @integrityja

39. Does the Integrity Commission collaborate with Non-Governmental Organizations?

Yes, it does. This is facilitated by virtue of Section 7 (1) which allows the Integrity Commission to *"collaborate or co-operate with other persons or bodies, whether in Jamaica or outside of Jamaica, duly authorized to prevent, combat and investigate acts of corruption, so as to implement an integrated approach to the eradication of corruption"*;

40. Is the Commission an independent body?

The Integrity Commission is an independent Commission of Parliament. Pursuant to Section 3 of the Integrity Commission Act, the Commission, in the exercise of its powers and performance of its functions under the Act, the Commission shall -

- a) not be subject to the direction or control of any other person or authority other than the Court by way of judicial review;
- b) act independently, impartially, fairly and in the public interest; and
- c) have the power to do all such things as it considers necessary or expedient for the purpose of carrying out its functions.

41. Is the Commission subject to any monitoring and/or oversight of its operations?

Yes. While the Commission is independent in performing its statutory functions under the Integrity Commission Act, its administrative operations are subject to review by the Integrity Commission Oversight Committee of Parliament.

42. What are the functions of the Parliamentary Oversight Committee?

The Parliamentary Oversight Committee has the duty of:

- a) monitoring and reviewing the performance of the functions of the Integrity Commission;
- b) reporting to both Houses of Parliament on any matter relating to the performance of the functions of the Integrity Commission;
- c) reviewing the Annual Report and any other report of the Commission and submitting recommendations in relation thereto to both Houses of Parliament;
- d) assessing the effectiveness of the Integrity Commission and the appropriateness of its procedures; and

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- e) convening and considering a report submitted to Parliament under section 34 of the Integrity Commission Act, within thirty days of the submission of the report. (Section 73D IC Act, 2017)

43. Who are the members of the Integrity Commission Oversight Committee?

The Integrity Commission Oversight Committee is comprised of members from both sides of the Parliament.

44. What is the Role of the Section 35 Committee?

The Section 35 Committee, as the name suggests, is the group designated by Section 35 of the Integrity Commission Act to oversee the terms and conditions of staff appointment and remuneration.

45. Who currently serves as members of the Section 35 Committee of the Integrity Commission?

1. The Speaker of the House of Representatives, as Chairman;
2. The President of the Senate;
3. The person designated by the Prime Minister as Leader of Government Business in the House of Representatives;
4. The person designated by the Leader of the Opposition as Leader of Opposition Business in the House of Representatives;
5. The person designated by the Prime Minister as Leader of Government Business in the Senate;
6. The person designated by the Leader of Opposition as Leader of Opposition Business in the Senate; and
7. The Minister responsible for finance.

46. Is the Integrity Commission authorized to announce or comment on investigations?

Section 53(3) of the Integrity Commission Act states that until the tabling in Parliament of a report under Section 36, all matters under investigation by the Director of Investigation or any other person involved in such investigation shall be kept confidential and no report or public statement shall be made by the Commission or any other person in relation to the initiation or conduct of an investigation under this Act

The Integrity Commission recommends that it be vested with the authority to comment on the initiation of investigations on aspects of an ongoing investigation as deemed necessary and appropriate.

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47. **Does the Integrity Commission have powers of arrest?**
No. Section 6 of the Integrity Commission Act 2017, which outlines the functions of the Commission does not speak to powers of arrest.
48. **Is the Integrity Commission obligated to keep Matters, Documentation and Information Secret and Confidential?**

Yes. Section 56 of the Integrity Commission Act 2017 provides, amongst other things, that "...every person having an official duty under this Act, or being employed or otherwise concerned in the administration of this Act (hereinafter called a concerned person) shall regard and deal with as secret and confidential, all information, statutory declarations, government contracts, prescribed licences and all other matters relating to any matter before the Commission..."

The Integrity Commission, having reviewed the relevant Section of the Act, is of the opinion that due consideration should be given to amending Section 56(1) of the Act with a view to achieving a proportionate balance between matters which are deemed "secret and confidential", and should rightfully be treated as such, and the broader objectives of openness and transparency which are crucial to anti-corruption efforts and are deemed to be international best practices.

In considering to this recommendation, due regard must also be given to the broad anti-corruption and public education mandate given to the Integrity Commission viz-a-viz the role of transparency in key areas of its work and the international thrust towards open-government initiatives, amongst other practical anti-corruption principles. The continued carte blanche inclusion of Section 56 within the Act is antithetical to the principles which are espoused by anti-corruption authorities inclusive of the principles of being able to:

"...communicate and engage with the public regularly in order to ensure and secure public confidence." (Jakarta Principle # 16); and

The participation of Society in the fight against corruption, which incidentally, is strengthened through *"...enhancing transparency and promoting public participation, ensuring the public has adequate and effective access to information; the undertaking of public information activities and initiatives..." (Article 13 – UNCAC)*

The intention of the recommendation is to allow the Commission sufficient latitude to execute its mandate whilst also responsibly facilitating transparency in key operational areas which will complement the work of the Commission and build overall public confidence in the anti-corruption efforts.

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49. Section 53(3) of the Integrity Commission Act addresses confidentiality regarding all matters under investigation and prohibits public statements and/or reports by the Commission or related persons in this regard. How can its repeal bolster the corruption fighting process?

The repeal of section 53(3) of the Integrity Commission Act and subsequent empowerment of the Integrity Commission to comment on the initiation of investigations and on aspects of an on-going investigation as deemed necessary and appropriate will yield many benefits for corruption fighting in Jamaica. It will, among other things, ensure that members of the public, who are in a position to assist the Integrity Commission in its investigations, can come forward and do so. This serves the public interest, for if the public is not aware of what the IC is doing, its capacity to effectively function is thereby undermined.

50. Are ‘gag’ clauses standard practice across law enforcement agencies in Jamaica and in other countries?

No. Unlike the Integrity Commission Act, law enforcement agencies in Jamaica and in other countries enjoy the discretionary power to make public announcements about their investigations. They are not gagged.

51. Is it an honest assessment that allowing the Commission to make statements regarding matters under investigation, undermines the presumption of innocence of the party under investigation?

No. The announcement of an investigation by the Integrity Commission, into an allegation, cannot logically undermine the presumption of innocence, or tarnish someone’s reputation, when the announcement follows an allegation nor does it tarnish or impugn their reputations. Rather, the Integrity Commission, as a quasi-judicial body, seeks to unearth or to determine, via its investigations, the veracity of the inferences or allegations of misconduct that have already been made by 3rd parties against public officials. This is a statutory mandate of the IC.

52. What is the Commission’s position on Section 56 of the Integrity Commission Act, 2017?

The Integrity Commission, having reviewed the referenced Section of the Act, is of the opinion that due consideration should be given to amending Section 56(1) of the Act with a view to achieving a proportionate balance between matters which are deemed “secret and confidential”, and should rightfully be treated as such, and the broader objectives of openness and transparency which are crucial to anti-corruption efforts and are deemed to be international best practices. In giving consideration to this recommendation, due regard must also be given to the broad anti-corruption and public education mandate given to the Integrity Commission viz-a-viz the role of transparency in key areas of its work and the international thrust towards open-government initiatives, amongst other practical anti-corruption principles. The continued carte blanche inclusion of Section 56 within the Act is

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antithetical to the principles which are espoused by anti-corruption authorities inclusive of the principles of being able to: "...communicate and engage with the public regularly in order to ensure and secure public confidence." (Jakarta Principle # 16); and the participation of Society in the fight against corruption, which incidentally, is strengthened through "...enhancing transparency and promoting public participation, ensuring the public has adequate and effective access to information; the undertaking of public information activities and initiatives..." (Article 13 – UNCAC)

53. Do Public Officials have a duty to report corruption?

It has been recommended by the Integrity Commission that consideration be given to adopting legislation similar to the Turks and Caicos Islands Integrity Commission Ordinance, Sections 79(1) and (2). In this regard, it is suggested that the Integrity Commission Act be amended to include a provision which requires a public official who knows or suspects that another person has been, is or is likely to be engaged in an act of corruption, to report his knowledge or suspicion to the Commission. A public official who fails to report his knowledge or suspicion as required commits an offence and is liable on summary conviction to a fine or to imprisonment for six months, or to both.

54. Why does the Integrity Commission have two locations?

Since its operationalization in February 2018, the two (2) existing offices, located at Oxford Road and Barbados Avenue in the New Kingston area, were physically inadequate. Combined, their maximum staff capacity was less than 100 - a far cry from the Commission's initially approved staff complement of 132 and, more-so, its expanded staff complement of 177.

55. Where are the Commission's two offices now located?

The Commission's offices are now located on the 4th Floor, Sagikor SIGMA Building 63-67 Knutsford Blvd, New Kingston and the 1st Floor, PIOJ Building 16 Oxford Road, New Kingston.

56. Are the space constraint issues experienced by the Integrity Commission now fully resolved?

Not quite. The anticipated completion of the buildout of the Commission's new offices in the Sagikor Sigma building in New Kingston, during the accounting year, 2020/2021 was thwarted partly by supply chain delays that were occasioned by the Covid-19 pandemic. Despite the delays, we were, however, still able to relocate the Commission's Information and Complaints Division to the 4th floor of the Sagikor building, and terminate our years' long lease at our Barbados Avenue office.