



## INTEGRITY COMMISSION

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### Media Release

#### **Integrity Commission responds to misleading information contained in Jamaica Gleaner newspaper report titled “Entrapment”**

**January 12, 2024** – The Integrity Commission wishes to correct misleading information which is contained in a Jamaica Gleaner news report, published on January 11, 2024, titled “Entrapment.” The report alludes to concerns about the alleged conduct of the Integrity Commission, the Integrity Commission Act and the impact of both on Parliamentarians and Public Officials.

The news report is based on statements that were reportedly made during a recent meeting of the Joint Select Committee of Parliament to Review the Integrity Commission Act.

In the article, the Solicitor General, Marlene Aldred, is reported as saying that “...*the director of information and complaints issues a summons, which is the remit of the director of investigation*”.

The Integrity Commission categorically rejects the alleged assertion as false and wishes to advise the public that the Director of Information and Complaints has never issued a summons as he has no lawful authority to do so. The authority to issue summonses lies solely with the Commission’s Director of Investigations.

In response to Solicitor General Aldred’s statement to the effect that “*From my perspective, I’ve seen some examples where it’s kind of questionable whether there is some overreach when they are doing the verification of a statutory declaration which looks more like an investigation,*” the Integrity Commission also wishes to reject, as misguided, the statement and its negative implications. If the Director of Information and Complaints needs additional information from a Declarant, regarding a Statutory Declaration, correspondence which is typically worded as follows is sent to the Declarant:

*"The Integrity Commission’s examination of your Statutory Declarations as at December 31, 2018, December 31, 2019, December 31, 2020, December 31, 2021, and December 31, 2022, revealed that additional information is required to complete the review of said Statutory Declarations. In the circumstance, please provide the following information by Tuesday, January 23, 2024, along with the requisite supporting documents:" and/or "The Integrity Commission, during its third-party verification process, identified information with respect to assets that were not previously disclosed on your Statutory Declarations. Please note the findings of the Commission below:"*

The Letter of Requisition will thereafter close with a request for the Declarant to:

*Kindly advise the Commission of your interest in....."*

As such, there is absolutely no "overreach" and it should also become patently clear that whenever correspondence is sent to Declarants, there is no confusion between when the Director of Information and Complaints is seeking additional information, with regards to verifying the accuracy of a Statutory Declaration, as opposed to when an investigation is commenced by the Commission's Director of Investigations.

Additionally, the Gleaner news article implies that there is a gap in the law regarding the powers of the Director of Information and Complaints to make enquiries. The Integrity Commission Act explicitly grants the Director of Information and Complaints the authority to make enquiries.

In point of fact, it is critically important to note that Section 32 of the Integrity Commission Act mandates the Commission's Director of Information and Complaints to do precisely what he does. Section 32(1)(a) and (b) provide as follows:

*" The Director of Information and Complaints **shall** – (a) receive, keep on record and examine all statutory declarations filed with the Commission; (and) (b) **make such enquiries as he considers necessary in order to certify or determine the accuracy of a statutory declaration.**" (IC Emphasis)*

It stands to reason, therefore, that the Director of Information and Complaints is lawfully entitled to request such information from any source that he, at his discretion, may determine. This, he is authorized to do in order to verify the accuracy of the information that is provided by Declarants in their Statutory Declarations, including, but not limited to, bank accounts, investments, property, and business ventures, among other things.

Furthermore, providing false information in a Statutory Declaration, and/or a failure to provide any information that is requested, are deemed criminal offences under the Act.

The Commission also wishes to clarify that a Declarant is required to declare an asset that is currently owned by him/her even if it was acquired before he/she became a Public Official.

Finally, it should be noted that Section 42(4) of the Integrity Commission Act further provides as follows:

*"Where the Director of Information and Complaints is of the opinion that an investigation in relation to a statutory declaration is necessary for the purposes of this Act, he shall refer the matter to the Commission for further and necessary action."*

In closing, the Integrity Commission wishes to state that it is committed to the Rule of Law and that it operates in full compliance with the provisions of the Integrity Commission Act, in the discharge of its mandates.

For reference purposes, please note that Sections 32, 39, 40, 41, and 42 of the Integrity Commission Act are the provisions which govern the authority and powers of the Director of Information and Complaints as they concern Statutory Declarations. Please click on this link: ([https://integrity.gov.jm/sites/default/files/The%20Integrity%20Commission%20Act%2C%202017\\_0.pdf](https://integrity.gov.jm/sites/default/files/The%20Integrity%20Commission%20Act%2C%202017_0.pdf))

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