



Any reply or subsequent reference to this communication should be addressed to the Contractor-General and the following reference quoted:-

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MEDIA RELEASE

OCG Responds to Statements placed in the Public Domain in Relation to the Contractor General's Attendance at the Clarendon Chapter of the Lay Magistrates Association Awards Function

Kingston; May 8, 2014 – The Office of the Contractor General (OCG) has taken note of certain statements and assertions that have been made in the media and in a Release which was issued by the Association of Local Government Authorities of Jamaica (ALGAJ), in relation to a purported incident arising from the Contractor General's attendance at the Clarendon Chapter of the Lay Magistrates Association Awards Function, held on May 3, 2014.

ALGAJ, in its Media Release, which was dated May 7, 2014, stated that “...*Mayor [Scean] Barnswell ... was struck off the program and asked to 'stand down' as a result of the Contractor-General's churlish instructions.*” ALGAJ's Release further stated “...*If the Contractor General has already tried and declared Mayor Barnswell “...Persona non grata” in his work space, then there is absolutely no need to waste the Courts time on so unnecessary a matter called a trial.*” A public apology was also demanded of the Contractor General by ALGAJ.

Further, the OCG has also noted certain comments made in the media, particularly, where it has been alleged that the Contractor General informed the attendees at the referenced Function of his discomfort with the Mayor's presence.

The OCG considers the aforementioned statements and assertions to be erroneous and unfortunate and, therefore, wishes to place upon record, the facts attendant to this matter.

- The Contractor General was invited to the referenced function by the Hon. William Shagoury C.D., J.P., Custos of Clarendon, as the Guest Speaker;
- The Contractor General only became aware of the fact that Mayor Scean Barnswell was slated to participate in the function upon his arrival at the venue and upon his review of the programme.
- The Contractor General had no discussions with Mayor Scean Barnswell at the said function, in relation to any matter.
- The only discussion held by the Contractor General in relation to Mayor Barnswell, was with the Custos of Clarendon, the Hon. William Shagoury. This discussion took place upon the arrival of the Contractor General and prior to the commencement of the Function.
- The concern raised by the Contractor General, in speaking with the Hon. Custos, was specifically in relation to not being comfortable with the perception that could arise from the fact that he was asked to be the Guest Speaker at a function where Mayor Scean Barnswell was being asked to bring Greetings.



- The Contractor General did not, at any time, publicly announce any objection to the Mayor's presence at the said Function.
- The Contractor General did not give any instructions that Mayor Barnswell be asked to leave the function, or that his name be struck from the programme. On the contrary, and based on the Contractor General's discussion with the Hon. Custos, it was his expectation that the Mayor would have remained at the Function.

It is instructive to note that the Contractor General's reservations, which were expressed privately to Custos Shagoury in respect of the aforementioned circumstances, emanates from his legal training and years of experience as a Prosecutor, and foremost as a public servant, which requires the observance of certain ethical standards and practice in ongoing criminal cases.

It is of importance to highlight that Mayor Scean Barnswell is currently before the Courts, in a matter in which the Contractor General is a Complainant, having referred the matter to the Office of the Director of Public Prosecutions for criminal prosecution and having provided a Witness Statement, which therefore means that he is a potential Witness in the said case.

In relation to the statements made by ALGAJ as it regards the principles of Natural Justice, the OCG emphatically asserts that the Contractor General, in pointing out the aforementioned circumstances, was in no way making any pronouncement on the guilt or innocence of Mayor Barnswell. On the contrary, the Contractor General, in keeping with convention, was merely ensuring that the matter involving Mayor Barnswell would not be perceived to have any taint of impropriety through inappropriate contact.

The OCG feels compelled to highlight that legal protocols require that Witnesses avoid all contact with an Accused in cases where the matter is to be adjudicated by a Criminal Court. This time-honoured practice is simply what was being observed by the Contractor General.

The OCG must also respectfully assert that, as public servants, we must at all times be mindful of the risks associated with interactions with an Accused, particularly, the message that same sends to the public and the potential damage that any perception held could bear upon the case.

Against this background, the Contractor General found it necessary to express his concerns to the Hon. Custos Shagoury, primarily because any such interaction between a potential Witness and an Accused is ill-advised and could create an unwarranted perception or suspicion which could possibly compromise the proceedings currently before the Courts.

The OCG, however, posits that had the case concerning Mayor Barnswell been already decided upon by the Courts, the matter would not have been of concern to the Contractor General and no issue would have been raised.

The Contractor General is in receipt of a letter from Mayor Scean Barnswell and will undertake to provide a response in due course.

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