

OVERVIEW

INTEGRITY COMMISSION, JAMAICA 2020/2021

**2nd Commonwealth Caribbean Association of Integrity Commissions and
Anti-Corruption Bodies Virtual Conference**

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STRUCTURE OF THE PRESENTATION

- **Background – Integrity Commission of Jamaica**
- **Principal Objectives of the Integrity Commission**
- **Functions of the Integrity Commission**
- **Governance Structure of the Integrity Commission**
- **Mandate of the Executive Director, Director of Corruption Prevention, Director of Information and Complaints, Director of Investigation, Director of Corruption Prosecution**
- **Activities of the Commission**
- **Concluding Comments**

THE EMERGENCE OF THE INTEGRITY COMMISSION

- **BACKGROUND**
- **The Integrity Commission is a Commission of Parliament, which is governed by the INTEGRITY COMMISSION ACT, 2017**
- **It is an amalgamation of the following entities:**
- **the former OFFICE OF THE CONTRACTOR GENERAL, which had the primary responsibility of ensuring that Government procurement procedures and the issuance of Government licences and permits were free of impropriety and irregularity;**

THE EMERGENCE OF THE INTEGRITY COMMISSION

- the former COMMISSION FOR THE PREVENTION OF CORRUPTION, to which, among other things, Public Officials were required to file their income, asset and liability statements annually; and
- the former INTEGRITY COMMISSION (PARLIAMENTARY), to which Parliamentarians were required to file their income, asset and liability statements annually.

PRINCIPAL OBJECTIVES OF THE INTEGRITY COMMISSION

- **S.3 OF THE INTEGRITY COMMISSION ACT, 2017**
- **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.
- **Enhance public confidence** that acts of corruption and impropriety will be investigated and dealt with in a manner which achieves transparency, accountability and fairness.

FUNCTIONS OF THE INTEGRITY COMMISSION

- **FUNCTIONS ARE OUTLINED AS PER S.6 OF THE INTEGRITY COMMISSION ACT, 2017:**
- **(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;

FUNCTIONS OF THE INTEGRITY COMMISSION

- (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;
- (f) Monitor and where necessary investigate the award, implementation and termination of government contracts;

FUNCTIONS OF THE INTEGRITY COMMISSION

- (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;

FUNCTIONS OF THE INTEGRITY COMMISSION

- (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;

FUNCTIONS OF THE INTEGRITY COMMISSION

- (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.

GOVERNANCE OF THE COMMISSION

- **BIPARTISAN INTEGRITY COMMISSION OVERSIGHT COMMITTEE.**
- **A unique governance feature of the Commission is the oversight that the Parliament of Jamaica has of the Commission by virtue of Standing Order 73D which outlines the duties of the BIPARTISAN INTEGRITY COMMISSION OVERSIGHT COMMITTEE.**

GOVERNANCE OF THE COMMISSION

- STANDING ORDER 73D STATES THAT THE INTEGRITY COMMISSION OVERSIGHT COMMITTEE shall, *inter alia*:
- Monitor and review the performance of the functions of the Commission;
- Report to Parliament on any matter relating to the performance of the functions;
- Review the annual report and any other report of the Commission and submit recommendations to both Houses;
- Assess the effectiveness of the Commission and the appropriateness of its procedures

STRUCTURE OF THE INTEGRITY COMMISSION

- BIPARTISAN INTEGRITY COMMISSION OVERSIGHT PARLIAMENTARY COMMITTEE

Board of Commissioners

**Executive
Director**

Director

**Corruption
Prevention,
Stakeholder
Engagement &
Anticorruption
Strategy
Division**

Director

**Information
&
Complaints
Division**

Director

**Investigation
Division**

Director

**Corruption
Prosecutions
Division**

Support Services

GOVERNANCE OF THE INTEGRITY COMMISSION BOARD OF COMMISSIONERS

- The Hon. Mr. Justice (Ret'd) Seymour Panton, OJ, CD (Chairman);
- Mrs. Pamela Monroe Ellis, FCCA, CA;
- Mr. Eric Crawford, CD;
- The Hon. Justice (Ret'd) Lloyd Hibbert, CD;
- Mr. H. Wayne Powell, OD, JP

EXECUTIVE DIRECTOR

- **MANDATE**
- (a) Responsible for the day to day management of the affairs of the Commission other than those functions that are specifically assigned under the Act to a Director;
- (b) Responsible for coordinating the functions of the Commission;
- (c) Other specified functions as are listed in section 29 of the IC Act

DIRECTOR OF CORRUPTION PREVENTION, STAKEHOLDER ENGAGEMENT AND ANTICORRUPTION STRATEGY DIVISION

- **MANDATE**
- Guided by **SECTION 6 OF THE INTEGRITY COMMISSION ACT, 2017** the Division is tasked to:
- **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;

DIRECTOR OF CORRUPTION PREVENTION, STAKEHOLDER ENGAGEMENT AND ANTICORRUPTION STRATEGY DIVISION

- **MANDATE**
- **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;**
- **Monitor current legislative and administrative practices in the fight against corruption;**
- **Advise the Minister on the adoption of international best practices relating to the prevention of corruption;**

DIRECTOR OF CORRUPTION PREVENTION, STAKEHOLDER ENGAGEMENT AND ANTICORRUPTION STRATEGY DIVISION

- **MANDATE**
- **Coordinate the implementation of an anti-corruption strategy;**
- **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**
- **Advise the Minister on such legislative reform as the Commission considers necessary to reduce the likelihood or the occurrence of acts of corruption;**

DIRECTOR OF CORRUPTION PREVENTION, STAKEHOLDER ENGAGEMENT AND ANTICORRUPTION STRATEGY DIVISION

- **MANDATE**
- **Compile and publish statistics relating to the investigation, prosecution and conviction of offences relating to acts of corruption;**
- **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,**
- **Adopt and strengthen mechanisms for educating the public in matters relating to corruption.**

DIRECTOR OF INFORMATION & COMPLAINTS

- **MANDATE**
- (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 records of any complaint or information or notification in relation to allegations of corruption amongst other things.

DIRECTOR OF INVESTIGATION

- **MANDATE**
- **(a) To investigate any allegation that involves or may involve an act of corruption and non-compliance with the ICA**
- **(b) Conduct of investigation in relation to government contracts and prescribed licenses**

DIRECTOR OF CORRUPTION PROSECUTION

- **MANDATE**
- (a) Subject to the powers conferred on the Director of Public Prosecutions by section 94 of the Constitution of Jamaica, institute, undertake and have the conduct of prosecutions in respect of acts of corruption and offences committed under the Act;
- (b) Provide legal advice to the Commission on matters concerning acts of corruption and offences committed under the Act

DIRECTOR OF CORRUPTION PROSECUTION

- (c) Collaborate with the Asset Recovery Agency established under the Proceeds of Crime Act, in relation to the conduct of proceedings with respect to the seizure, restraint, forfeiture or recovery of any property relating to acts of corruption;
- (e) Perform such other prosecutorial functions relating to acts of corruption as may, from time to time, be assigned to him by this Act or any other enactment.

ACTIVITIES OF THE COMMISSION

- In discussing the activities of the Commission over the past year an elaboration of the peculiar governance arrangement within which the Integrity Commission operates is important.
- SECTION 53 (3) OF THE INTEGRITY COMMISSION ACT
- precludes the release of information or the making of a public statement about the activities of the Commission prior to the formal tabling of either its Annual Report or any such other report in the Parliament.
- Additionally, s. 56 (1) also requires the Commission generally to keep secret and confidential matters which are related to its operations.

ACTIVITIES OF THE COMMISSION

- It is the Second Schedule of the Act which sets out what should be included in the Annual Report, including but not limited to:
 - a general description of the matters investigated by the Commission,
 - the number of investigations commenced but not finally dealt with,
 - the average time to deal with complaints and the actual time to investigate any matter,
 - recommendations for changes to laws or administrative actions; and,
 - a general description of its activities.

ACTIVITIES OF THE COMMISSION

- It is important to note that the Commission would have submitted its Annual Report to Parliament on June 30, 2021 and as such in the light of the Act re disclosure and so as not to offend either Section 53 (3) or Section 56 (1) of the Integrity Commission Act we ask that persons interested in the work of the Commission over the last Financial Year to visit our website within the next week when the report will be fully available once tabled in both Houses of Parliament.

ANTI-CORRUPTION AND GOOD GOVERNANCE SENSITIZATION WORKSHOPS FOR CABINET MINISTERS

- In spite of the governance arrangements re disclosure one project that we are particularly proud of and can report on was the delivery of twelve (12) *Anti-Corruption and Good Governance Sensitization Workshops* that were delivered to Cabinet Ministers between November 2020 and February 2021 and is believed to be the first of its kind in the Caribbean region.
- The Workshop Modules were designed to cover a wide range of anti-corruption, integrity and good governance subject areas, and to impart critical information about the Commission's statutory mandates, powers and enforcement functions, as well as Jamaica's corruption laws and offences.

ACTIVITIES OF THE COMMISSION

- Importantly, Cabinet Members were also counseled on what they should and should not do to avoid criminal culpability, or public opprobrium and criticism, in their administration and conduct of Jamaica's public affairs.
- The presentations that were made at the Ministerial workshops are available on our website at www.integrity.gov.jm and we encourage conference participants to view accordingly.

CONCLUDING COMMENT

- In closing, our overall aim as an institution is to advance the objective of Jamaica's Vision 2030 National Development Plan which identifies Governance as a key priority and which aims to make Jamaica:
 - *the place of choice to live work, raise families and do business.*
- **Thank You**