



**Commonwealth Caribbean Association of Integrity  
Commission and Anti-Corruption Bodies (CCAICACB) 5<sup>th</sup>  
Annual Conference – Cayman Islands – June 2019**

**Turks and Caicos Islands (TCI) Integrity Commission  
Report for May 2018 to May 2019**

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In 2018/2019, the Integrity Commission of the TCI, despite its persisting resource challenges, continued to discharge, as best as it could, its mandates under the TCI Constitution and the Integrity Commission Ordinance.

Among these, were its very important anti-corruption compliance and investigation mandates, as well as its mandate to educate the country's residents about the Commission's vision, functions and objectives, and to assist those who offer themselves for public service to adhere to the principles of integrity and good governance in public office and, in so doing, to facilitate the sustained economic growth and development of the TCI.

## **Board of Commissioners and the Executive**

The Commission, during the year, welcomed new Commissioners, inclusive of a new Chairman, and a new Director, as it bade farewell to its long-serving Chairman, Sir David Simmons, in October 2018, and its former Director, Mr. Eugene Otuonye, QC, in July 2018. Sir David had served the Commission from the very outset of its establishment in 2010 and, former Director Eugene, from 2011.

The Commission's new Chairman, the Hon. Mr. Justice Seymour Panton, who is the recently retired President of the Court of Appeal of Jamaica, assumed office in December 2018. Additionally, Commissioner Dr. the Revd. Samuel Goldstone Williams was appointed to the Board of Commissioners in November 2018.

Another of the Commission's Commissioners, the Revd. Pedro Williams, who had served for three years, demitted office in March of this year. His successor, Mrs. Tremmaine Swann-Harvey, Esq, assumed office, effective May 20, 2019.

Greg Christie, who formerly served as Jamaica's 4<sup>th</sup> Contractor General, was appointed as the Commission's new Director, effective July 2018.

The appointment of a new Chairman, following the end of Sir David Simmons' substantive tenure, in early 2018, took longer than was anticipated. In consequence, there were matters that could not be embarked upon by the Commissioners until a substantive Chairman was appointed.

With the full 6-person complement of the Board of Commissioners now in place, the Commission is positioned to continue its normal and routine operations without difficulty.

## **Compliance**

The Commission's one-person-staffed Compliance Department, under the able stewardship of Crystal Baksh, now Crystal Almonte, continued, throughout the year, to administer the discharge of its critical and formidable mandates. In November 2018, Crystal was elevated from her substantive position of Compliance Officer, to the position of Senior Compliance Officer (SCO). The vacant SCO position was publicly advertised, and several applicants were screened, shortlisted and interviewed.

As usual, and thanks to the positive attitude of Declarants in public life in the TCI, the Commission's Compliance Unit enjoyed a relatively very good year with approximately 95% compliance amongst the country's 180+ Declarants, who

were required to submit declarations during the period in question.

The names of less than 10 non-complaint Declarants, each for 2017, and 2018, were referred, in compliance with the dictates of the law, on account of their failure to file their declarations on time.

There is still the lingering issue of the Unit not being notified of new employees in Government positions, who fall into the category of Declarants, or of those who have left the TCI Public Service and are required to file exit declarations.

With continued outreach, public notices, and meetings with Ministries and Heads of Departments, the Compliance Unit has been addressing the problem. Its objective is to ensure that all Declarants are properly notified of their responsibilities to the Commission, and to people of the TCI, and are fully compliant with the requirements of the law.

As always, all 21 Members of the TCI House of Assembly have been compliant in filing their two-year Declarations of Assets, Liabilities and Income, as well as their annual Statements of Registerable Interests and Gifts, on time.

The Commission has recently hired a new Compliance Officer (CO) to fill the vacancy that was created when Ms. Almonte was promoted to the SCO position. The new CO will restore the Unit's approved staff complement to two (2) persons.

This, however, will not alleviate the pre-existing backlog of declarations that is required, by law, to be subjected to interrogation, nor the new filings that have to be similarly processed. Additional human resources are desperately required, if the Commission is to effectively discharge this very important element of its mandates.

Additional resources are also required to upload the seven (7) years of historical asset declaration data, that remain on the Commission's records, into our computerized system and, in so doing, to reduce the turn-around time that it takes for declaration clearance certificates to be issued.

Additionally, two of the Commission's key corruption-prevention mandates, which fall to the Compliance Unit – (a) the mandate to examine the practices and procedures of public bodies in order to facilitate the discovery of corrupt practices; and (b) the mandate to instruct, advise and assist the management of public bodies of any change in practices or procedures which may be necessary to reduce the occurrence of corrupt acts – are, also, regrettably, not being

effectively discharged, due to a deficit of human resources. This also requires urgent address.

## **Investigations and Enforcement**

The Commission's Investigation and Enforcement Unit was significantly bolstered with additional resources during the year. It moved from a two-person Unit, as at May 2018, to a current team Unit of four. The Unit is now composed of a Senior Investigative Officer (SIO), Mr. Richard Mills, an Investigative Officer, a Financial Investigative Officer, and an Intelligence Officer. A fifth officer – a Technical IT/Investigative Officer – is expected to be recruited shortly, and will expand the Unit to a five-person team.

The Commission's Investigation and Enforcement Unit was very busy during the year, as there were several matters under investigation.

The Unit received sixteen (16) new reports during the year. These, along with an ongoing forty-five (45) or so, that were carried over from the previous year, demanded the full attention of the Unit.

At any given point in time, the Unit will be actively working on twenty (20) to twenty-five (25) matters simultaneously. Despite the increase in its manpower complement, the demands and complexity of the Commission's investigations are significant, and the fact is that the Unit is still understaffed and remains challenged to discharge its mandates, effectively, efficiently and with expedition.

It is worthy of note that the Unit continues to collaborate with local and overseas law enforcement agencies on a few matters. It has also secured funding to undertake a number of very serious matters, which could pose far-reaching adverse implications, for the TCI, if they are not urgently addressed. The matters were awaiting thorough investigation, but same was beyond the resource and technical capacities of the Unit.

The confidence that is reposed in the Commission, by those who report matters to it, has to be reinforced by its actions in effectively and efficiently dealing with same.

Our teams understand that this is the core of our functioning, if the Commission to be taken seriously. We do, however, explain to persons who have reported issues to the Commission, that budgetary constraints may result in us having to take more time than would be reasonably

expected, if we are to effectively address the matters that are at hand.

Some of our stakeholders do seem to understand this. However, when matters drag on for extended periods, it will inevitably lead to persons who will then doubt the Commission's ability to do what it says it will do.

Expectations must be managed when the lack of resources inhibit an anti-corruption commission from discharging its functions efficiently and effectively, failing which its reputation, in the public's eyes, and in the eyes of other stakeholders, will be negatively impacted.

The Commission currently has two matters before the courts. There is also at least one matter that is pending with the Office of the Director of Public Prosecutions.

One of the difficulties that we experience, being a part of a relatively small island community, in which residents are drawn from several nationalities, is that witnesses, while some may be forthcoming with information, the overwhelming majority are, nevertheless, extremely reluctant to appear in Court.



Our teams, having observed the outcomes of Commission matters, that have passed through the Courts over the past four years, are exploring alternative avenues for dealing with these challenges. We are, therefore, presently engaged in the process of implementing new strategies to tackle the issues that we have identified.

## **Public Education**

Mrs. McCartney Pierre, the Commission's sole Public Education Officer, has continued the Commission's outreach during the year to our very critical stakeholders – the wider community, but specifically our schools, public bodies, public officers, as well as the private sector.

The Commission's annual High School Debate and Community College Speak Off Competitions were held in March of this year. This was in addition to the other usual outreach engagements that are routinely undertaken at schools, and at several public bodies.

Some of our planned visits, and scheduled programmes for radio and television broadcasts, were put on hold but should be re-instituted during the new Financial Year.

As we had advised last year, the costs that are associated with executing these activities, across the islands, in what is essentially an archipelagic state, require significant funding that did not materialize in the past financial year.

The Unit has been preparing for the initiation of its 2nd Public Perception Corruption Survey, and its most recent engagements with the Police Department, Customs, and the Health Department, have been quite productive. All participants will complete the questionnaire on their perceptions of the levels of corruption in the TCI. The first survey began in 2014, and encompasses over 300 inputs. However, the data is to yet to be analyzed, collated and published.

The Unit's introduction of Integrity Clubs, throughout TCI High Schools, is still being worked upon, as funding issues appear to make it difficult for personnel from the schools to commit to the undertaking.

Among the Unit's plans, is the objective of partnering with business persons, artists and professionals, who are drawn from the local communities, and to take them into the schools with us, during our engagements. This way, the students will have the opportunity to hear of their experiences, and how important adherence to principles of

integrity has been throughout the development and growth of their careers.

## **Information Technology**

The Commission's IT Specialist and Security Manager, Mr. Jovan Flemming, has consistently kept the Commission on the cutting edge of information and communications technologies with continuous upgrades to the Commission's IT systems and licences. We are grateful to have someone of his calibre and expertise as a part of our team.

## **Looking Forward**

The Commission's new Director, very early in his tenure, and after consultation with internal and external stakeholders, developed and submitted a 2-year organization restructuring and operational strategic plan. The plan was unanimously approved by the Commission's Commissioners, for implementation.

In essence, a gap-analysis, between the mandates of the Commission, on the one hand, and the adequacy of its organizational structure and resources to efficiently and effectively discharge those mandates, on the other, was undertaken.

A budget proposal, which reflected the resources that would be required to bridge the gap and effectively implement the plan, was submitted to the TCI Government. However, having regard to the Government's own budgetary constraints, only some of the Commission's requisitions were given favourable consideration for the current 2019/2020 Financial Year.

One of the allocations that was granted, was funding to enable the Commission to expand its office in Providenciales. Funding to facilitate the initial scoping of the requirements for the Commission's implementation of the 2017 TCI Bribery Ordinance, that is patterned off the UK's 2010 Bribery Act and the 2016 Bermuda Bribery Act, was also approved.

The Commission was also allocated funds to recruit a much needed Finance, Accounting and HR Manager, as well as an Administrative Assistant. Both will be based at the Commission's expanded office in Providenciales.

As is clearly indicated in its Strategic Plan, the Commission requires additional staff, across its organization, to enhance its capacity to more effectively and efficiently discharge its several anti-corruption and good-governance mandates. Indeed, some of these mandates are not being currently discharged at all.

However, the Commission recognizes the financial constraints that exist within the TCI Government, itself, and the competing demands that it faces for its limited funds.

The Commission will, therefore, in the current financial year, continue to do its best to maximize the return from its budgetary allocations in delivering upon the discharge of its several constitutional law and statutory mandates.

That said, the Commission will also, in the coming financial year, appeal again to the TCI Government and House of Assembly, for the additional resources that it needs to ensure that it operates at the level of effectiveness and efficiency that the architects of the TCI Constitution and Integrity Commission Ordinance had intended for it to operate.