



**Investigation Report
concerning investigations into
allegations of breaches of the
Corruption Prevention Act and
the Integrity Commission Act
by Syretta Hoilett, an
employee of the Jamaica
Customs Agency**

**INTEGRITY COMMISSION
NOVEMBER 2022**



This Publication until tabled in Parliament shall be confidential.

Section 55 and 56 of the Integrity Commission Act states:

“(4) Anything said or information supplied or any document or thing produced by any person for the purpose or in the course of any investigation by or proceedings before the Commission under this Act, shall be absolutely privileged in the same manner as if the investigation or proceedings were proceedings in a court of law.

(5) For the purposes of the Defamation Act, any report made by the Commission under this Act and any fair and accurate comment thereon shall be deemed to be privileged.

56.—(1) Subject to section 42(3)(b), 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, except that no disclosure made by the Commission or other concerned person in the proceedings for an offence under this Act or under the Perjury Act, by virtue of section 17(2) of that Act, shall be deemed inconsistent with any duty imposed by this subsection.

(2) The obligation as to secrecy and confidentiality imposed by this section, in relation to any documents, or information obtained under this Act continues to apply to a person despite the person having ceased to have an official duty, be employed or otherwise concerned in the administration of this Act.

(3) Every concerned person who is required under subsection (1) to deal with matters specified therein as secret and confidential who at any time communicates or attempts to communicate any such information, declaration, letter and other document or thing referred to in subsection (1) disclosed to his in the execution of any of the provisions of this Act to any person—

- (a) other than a person to whom he is authorized under this Act to communicate it; or
- (b) otherwise than for the purpose of this Act,

commits an offence and shall be liable on summary conviction in a Parish Court to a fine not exceeding one million dollars or to a term of imprisonment not exceeding one year.

Integrity Commission
1st Floor, PIOJ Building
16 Oxford Road
P.O. BOX 540
Kingston 5
Telephone: 876-929-6460/876-929-8560/876-929-6466
Fax: 876-929-7335

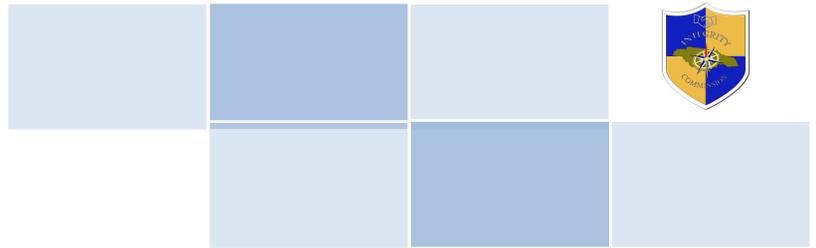


Table of Contents

1.	Chapter 1 – Summary of Investigation and Findings	4
2.	Chapter 2 – Background	5
3.	Chapter 3 – Terms of Reference	7
4.	Chapter 4 – The Law, Evidence and Discussion of Findings	8
4.4	Discussion of Findings	11
4.	Chapter 5 – Conclusions and Recommendations	13
5.2	Conclusions.....	13
5.3	Recommendations.....	14
APPENDICES		15
Appendix 1: Sections 2 & 15(2) of the Corruption Prevention Act and Sections 2 & 43(2) of the Integrity Commission Act		16
Appendix 2: Bank Accounts not Declared in the Statutory Declarations.....		18



1. Chapter 1 – Summary of Investigation and Findings

- 1.1 This investigation report by the Director of Investigation (DI) concerns the allegation that **Miss Syretta Holett**, an employee of the Jamaica Customs Agency, made false statements in the Statutory Declarations filed by her with the Commission for the Prevention of Corruption and Integrity Commission (hereinafter the Commission), for the periods ending December 31, 2016 to December 31, 2020.
- 1.2 During the course of the investigation it was found that Miss Syretta Holett was required to file Statutory Declarations with the Commission at the material times and having filed same, she failed to include in them certain assets she held. The foregoing omissions constitute offences under the **Corruption Prevention Act (hereinafter CPA)** and the **Integrity Commission Act (hereinafter ICA)**.



2. Chapter 2 – Background

2.1 Why was this investigation conducted?

2.1.1 This investigation was commenced based on a referral by the Director of Information and Complaints on behalf of the Board of Commissioners, Integrity Commission. The complaint alleged that Miss Hoilett is in breach of the **CPA** and **ICA** by virtue of her failure to disclose certain assets in her Statutory Declarations filed with the Commission.

2.2 Jurisdiction and decision to investigate

2.2.1 Section 33 of the ICA empowers the DI to investigate non-compliance with the ICA by public officials. Consistent with the foregoing, the DI determined that an investigation was warranted based on the nature of the conduct alleged.

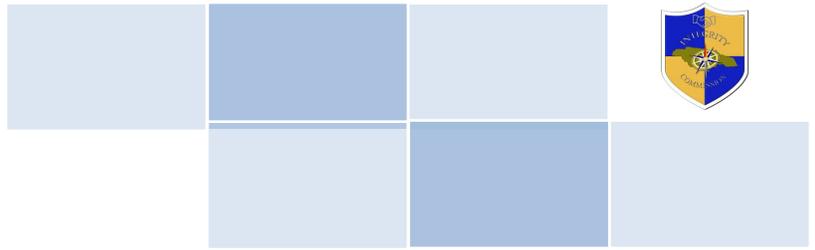
2.3 The Investigation

2.3.1 During the investigation, officers of the Investigation Division under the authority of the DI pursued the following lines of enquiry/actions:

a) obtained information and witness statements from the responsible officers at:

(i) Jamaica Customs Agency;

(ii) Information and Complaints Division of the Integrity Commission;



(iii) Various Financial Institutions; and

b) reviewed the information and statements collected and prepared the case file and report.

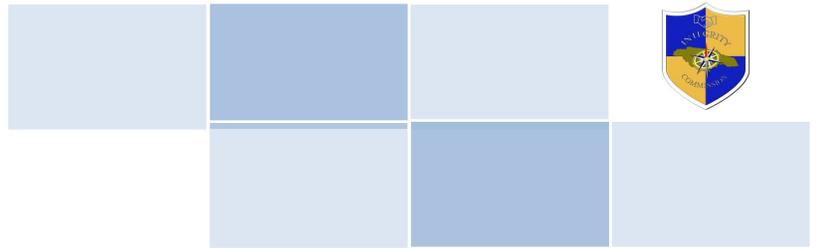
2.4 Who is the concerned public official pertinent to this Investigation?

2.4.1 Miss Syretta Hoilett, an employee of Jamaica Customs Agency is the concerned public official.



3. Chapter 3 – Terms of Reference

- 3.1 The DI sought to establish the following in respect of the declarant, Miss Hoilett, whether:
- a) She had a legal obligation to file Statutory Declarations with the Commission and if so, whether this obligation was discharged;
 - b) She made false statements in the Statutory Declarations and if so, whether the making the said false statements in the Statutory Declarations filed by her constitute offences under the **ICA, CPA** or any other legislation; and
 - c) Recommendations ought to be made to the Director of Corruption Prosecution.



4. Chapter 4 – The Law, Evidence and Discussion of Findings

4.1 The obligation to file Statutory Declarations

4.1.1 Section 2 of the ICA:

Section 2 of the act defines a public official as a person who is employed to a public body. A public body is defined as a Ministry, Department or Agency of Government.

4.1.2 Section 41(2) of the ICA:

This Section requires the categories of public officials who are published in the Gazette to submit Statutory Declarations to the Commission as specified.

4.1.3 Section 2 of the CPA:

Section 2 of the Act defines a Public Servant as a person who is an official of the State or any of its agencies.

4.1.4 Section 4(5)(A) of the CPA:

This Section requires the categories of public officials who are published in the Gazette to submit Statutory Declarations to the Commission as specified.

4.1.5 Before proceeding further, it is necessary to establish that Miss Hoilett had a legal obligation to file Statutory Declarations with the Commission. The



referenced obligation can be established by proving that Miss Hoilett: (1) is a public official; (2) is employed to a public body; and (3) is in receipt of the qualifying emoluments or occupies a post published in Gazette by the Commission requiring the occupant(s) thereof to file the referenced Statutory Declarations.

4.1.6 The investigation covered the periods, 2016-2020. The legal obligation of Miss Hoilett therefore arises under both the **CPA and the ICA**, the latter having come into effect in February 2018. A witness statement obtained from the duly authorized officer at the Jamaica Customs Agency indicates that Miss Hoilett was employed to the Jamaica Customs Agency in the capacity of Customs Officer since June 2, 2003 and more particularly at the time material to this investigation. The Jamaica Customs Agency is a public body under both the **CPA and the ICA**. The germane Gazette of both the **CPA and the ICA** require that Customs Officers file Statutory Declarations with those entities.

4.2 Discharge of obligation

4.2.1 Having established Miss Hoilett's obligation to file, it is further necessary to determine whether said obligation was discharged. The evidence provided by Declaration Manager at the Information and Complaints Division, Integrity Commission disclosed that Miss Hoilett filed the required Statutory Declarations with the Commission for the period in question.



4.3 False statements in the Statutory Declarations

4.3.1 Under both the **CPA and ICA**, it is an offence to knowingly make a false statement in a Statutory Declaration. See **Section 15(2)(b) of the CPA and Section 43(2)(a) of the ICA** at appendix 1.

4.3.2 The evidence provided by the Financial Analyst who initiated the referral to the DI, indicated that Miss Hoilett made false statements in the Statutory Declarations, occasioned by her omission of bank accounts she held at the material time.

4.3.3 The evidence gathered from various financial institutions showed that Miss Hoilett held twenty-one (21) bank accounts during the period 2016-2020 which were not disclosed in her Statutory Declarations, see appendix 2. Table 1 below shows Miss Hoilett's record of filing in respect of the referenced accounts. Notwithstanding the foregoing, four (4) of the referenced accounts were closed within the year they were opened, prior to the close of the respective filing periods (2020 and 2018). For this reason, only Seventeen (17) of the twenty-one (21) accounts formed part of the DI's considerations in respect of the finds made herein.

Table 1: Declarant's Record of Filing- Bank Accounts

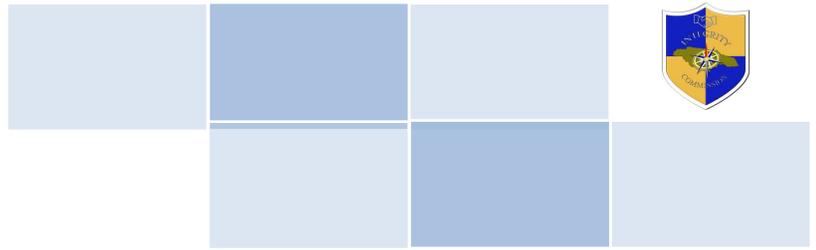
Declaration Years	# of Accounts Declared	# of Undeclared Accounts
2016	1	7 Savings, 2 Loan
2017	1	7 Savings, 2 Loan



2018	1	8 Savings, 2 Loan (<u>2 accounts were within the year</u>)
2019	1	11 Savings, 1 Loan
2020	1	12 Savings, 2 Loan (<u>2 accounts were within the year</u>)

4.4 Discussion of Findings

- 4.4.1 During the investigation into the allegations against Miss Hoilett, the DI followed all reasonable lines of enquiry, gathered evidential material and collected/recorded the statements of witnesses deemed necessary.
- 4.4.2 The evidence gathered from various financial institutions showed that Miss Hoilett held twenty-three (23) bank, investment and loan accounts during the period covered by the investigation, that is, 2016-2020. Seventeen (17) of which should have been declared by Miss Hoilett; however, only two (2) of the said accounts were declared by her.
- 4.4.3. As at December 31, 2020, nine (9) of the undeclared accounts were still active, six (6) of which were being funded through salary deductions. During the said period, Miss Hoilett carried out numerous banking activities and transactions on these accounts. Between 2018 and 2020, Miss Hoilett opened 13 accounts with several financial institutions, four (4) were opened



in 2018, five (5) in 2019 and four (4) in 2020. She also closed eleven (11) accounts over the said period.

4.4.4. Considering the frequency of Miss Hoilett's interactions with the accounts in question, her knowledge of the legal requirement to disclose same (demonstrated by her disclosure of two (2) of the accounts over the period) and the significant nature of her omissions, the question arises as to whether her omissions were deliberate or inadvertent. It is reasonable to deduce that the facts outlined above are in favour of the former.



4. Chapter 5 – Conclusions and Recommendations

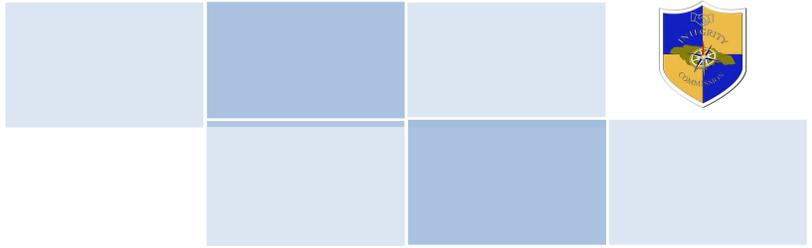
5.1 This chapter sets out the conclusions and the recommendations of the DI.

5.2 Conclusions

5.2.1 The DI concludes that Miss Hoilett, by virtue of being a Customs Officer, was legally obligated to file Statutory Declarations with the Commission for the period 2016-2020.

5.2.2 The DI concludes that Miss Hoilett by her failure to disclose the referenced accounts to the Commission, contravened the CPA and ICA. More particularly, Miss Hoilett's failure to disclose Seventeen (17) bank, investment and loan accounts which she held at the material time amounts to her knowingly making false statements in the Statutory Declarations she filed with the Commission.

6.2.2 Notwithstanding the foregoing, the DI found nothing on the evidence to suggest that Miss Hoilett used the accounts inappropriately or that she committed any other breaches of the Corruption Prevention Act or the Integrity Commission Act.



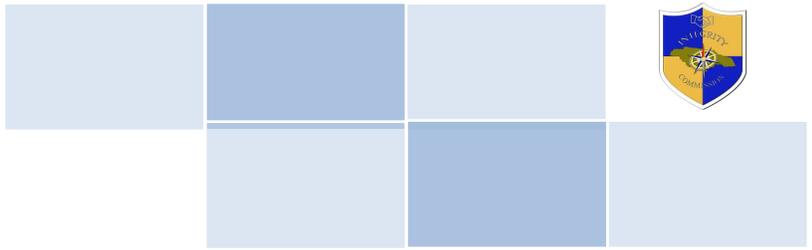
5.3 Recommendations

5.3.1 The Director of Investigation recommends that this report be referred to the Director of Corruption Prosecution for consideration.

Kevon A. Stephenson, J.P.
Director of Investigation

November 22, 2022

Date



APPENDICES



Appendix 1: Sections 2 & 15(2) of the Corruption Prevention Act and Sections 2 & 43(2) of the Integrity Commission Act

Section 2 of the CPA :

"public servant" means any person--

(a) employed--

(i) in the public, municipal or parochial service of Jamaica;

(ii) in the service of a statutory body or authority or a government company;

(b) who is an official of the State or any of its agencies;

(c) appointed, elected, selected or otherwise engaged to perform a public function."

Section 15(2) of the CPA :

(2) Any person who-

(a) fails, without reasonable cause, to furnish to the Commission a statutory declaration which he is required to furnish in accordance with the provisions of this Act;

(b) knowingly makes any false statement in any such statutory declaration;

(c) fails, without reasonable cause, to give such information as the Commission may require under section 7;

(d) fails, without reasonable cause, to attend an enquiry being conducted by the Commission under section 7 or knowingly gives false information at such enquiry,



commits an offence, and shall on summary conviction in a Resident Magistrate's Court be liable to a fine not exceeding two hundred thousand dollars, or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Section 2 of the ICA :

““public official” means-

- (a) any person holding an executive, an administrative or a judicial office, or a parliamentarian, whether appointed or elected, whether permanent or temporary, or whether paid or unpaid;*
- (b) any other person who is employed to a public body; and*
- (c) any member of the Security Forces;”*

Section 43(2) of the ICA :

“43-(2) A person who-

- (a) knowingly makes a false statement in a statutory declaration;*
- (b) knowingly gives false information at an inquiry being conducted by the Director of investigation in accordance with the provisions of this Part,*

commits an offence, and is liable on summary conviction in a Parish Court to a fine not exceeding two million dollars, or to a term of imprisonment not exceeding two years and the Court may make such order as it thinks fit.”



Appendix 2: Bank Accounts Held and/or not Declared by way of Statutory Declarations 2016-2020

	Institution	Account #	Open Date	Close Date	Status
1	Financial Institution	5XXXXXX001	6-Oct-05		Active
2	Financial Institution	4XXXXX906	24-Jan-19		Active
3	Financial Institution	4XXXXX907	24 -Jan-19	3-Sep-20	Closed
4	Financial Institution	5XXXXX144	3-Sep-20	1-Feb-21	Closed
5	Financial Institution	5XXXXX074	21-Aug-20	3-Sep-20	**Closed
6	Financial Institution	5XXXXX538	3-Sep-20	1-Feb-21	Closed
7	Financial Institution	4XXXXX053	1-Oct-13	30-May-16	Closed
8	Financial Institution	0XXXXX939	7-Feb-14	12-Jul-19	Closed
9	Financial Institution	0XXXXX088	10-Feb-14	13-Sep-19	Closed
10	Financial Institution	0XXXXx884	Prior to 2016		Active
11	Financial Institution	0XXXXXXXX148	13-Jan-20		Active
12	Financial Institution	0XXXXXXXX977	16-May-19		Active
13	Financial Institution	0XXXXX454	22-Feb-05	13-Jan-20	Closed
14	Financial Institution	0XXXXX561	19-Oct -10		Active
15	Financial Institution	0XXXXX618	27-Oct-08		Dormant
16	Financial Institution	0XXXXX0454	28-May-10		Active
17	Financial Institution		15-Jun-18	11-Sep-18	**Closed



18	Financial Institution		24-May -19		Active
19	Financial Institution		20-Sep-18	1-Oct-18	**Closed
20	Financial Institution		20-May-19		Active
21	Financial Institution		11-Sep-18	20-Sep-18	**Closed

**** Did not form part of the DI's considerations as they were closed in the year they were opened and prior to the end of the filing period (2018 and 2020).**