



OFFICE OF THE INTEGRITY COMMISSION SHARING WITH THE PUBLIC - PART 9 INVESTIGATION DIRECTION

The Integrity Commission is continuing with its circulation of facts related to its functioning and operations in Parts. Part 9 of this series is now presented.

Q. What is an Investigation Direction?

- A. Where, based on the findings of the Investigatory Tribunal, the Director of Public Prosecutions has reasonable grounds to believe that an investigation into the assets and income of a person in public life is necessary he/she may make an application, in writing setting out full particulars, on behalf of the Commission, to a Judge for the issuing of an Investigation Direction.

Where the Judge is satisfied that an Investigation Direction is warranted, he/she may issue the Investigation Direction, in writing, indicating the identity of the person, the period for which it has been issued and any other conditions or restrictions relating to the conducting of the investigation.

Initial applications for and issuance of Investigation Directions shall be made without notice to the person to whom the application relates and without the hearing of such person.

Once an Investigation Direction has been issued, the Commission may summon any person specified in the Investigation Direction who it believes to have pertinent information on the subject matter, to appear before the Commission at a specific time and place to be questioned and/or produce evidence. The Commission may also apply to a Judge for a search warrant to enter any premises where the person in public life is suspected

to be on or in which anything connected with that investigation is suspected to be, to inspect, examine or seize anything which has a bearing on the investigation in question.

Q. *Can a person refuse to give evidence on the grounds that it might incriminate them?*

A. Once an Investigation Direction is issued, a person cannot obstruct, or hinder, or refuse to provide information or an explanation, or give false or misleading information relating to a matter within his/her knowledge about the matter being investigated. If a person does any of those acts he/she will be guilty of an offence and liable, upon conviction, to a fine and/or imprisonment

A person shall not be entitled to refuse to answer any question on the ground that the answer would tend to expose him/her to a criminal charge. No evidence regarding any questions and answers contemplated in that situation shall be admissible in any criminal proceedings except where the person concerned stands trial on a charge pursuant to the provisions of the Criminal Code.

..... **Complaints**