



# **CAYMAN ISLANDS 2024 SENTENCING GUIDELINES ANTI-CORRUPTION ACT**

**(in force from 1 December 2024)**

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## FOREWORD

Sentencing is a complex and difficult exercise which involves the consideration and balancing of a number of factors in a process which has been described as an art rather than a science.<sup>1</sup> In order to achieve and maintain public confidence in the criminal justice system, however, it is essential that a consistent sentencing practice be developed through the application of broad guidelines, to ensure that the sentencing judgments handed down by the Courts are both just and comprehensible.

Sentencing guidelines were first introduced in the Cayman Islands in 2002 with the aim of promoting consistency of approach in sentencing. These early guidelines provided a framework for the assessment of culpability and harm that has proved invaluable.<sup>2</sup>

In 2015, the Criminal Justice Reform Committee (CJRC), established under the leadership of the late Justice Charles Quin QC, developed offence specific guidelines dealing with burglary and robbery.

The CJRC, now under the able stewardship of the Hon. Justice Cheryll Richards KC and whose membership comprises practitioners from the public and private Bar, academics and judicial officers, has continued the important work of developing sentencing guidelines for the use of the Courts. Their most recent efforts have produced these guidelines for offences under the **Anti-Corruption Act**. The Act provides generally for four categories of corruption offences: (1) bribery (both domestic and foreign), (2) fraud on the Government, (3) abuses of public or elected office and (4) secret commissions. The Guidelines are timely and important, as dealing effectively with corruption is essential to safeguard Caymanian values, maintain the credibility and integrity of our institutions and our reputation as a leading financial services centre.

A considerable amount of work was undertaken by the CJRC to produce these Sentence Guidelines. I record my gratitude to Justice Richards for guiding the process. She joins me in extending sincere thanks to the members of the CJRC who gave of their time, knowledge and experience, with special thanks to our former Court Administrator, Mr. Kevin McCormac, who has continued to provide invaluable assistance to the CJRC notwithstanding his retirement from the Cayman Islands Law Courts, and to Ms. Suzanne Livingstone who provided the necessary administrative support.

These Guidelines come into force with effect from 1 December 2024.

The Hon. Justice Margaret Ramsay-Hale  
Chief Justice of the Cayman Islands  
October 2017

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<sup>1</sup> Lord Lane Attorney General's Reference (No 4 of 1989)

<sup>2</sup> Smellie, A. Chief Justice 'Statement on Tariffs and Guidelines for Sentencing for Certain Offences' 16-Jan-2002  
<<https://judicial.ky/wp-content/uploads/sentencing-guidelines/Chief-Justices-Sentencing-Guidelines-16.1.2002.pdf>>

## A. GENERAL PRINCIPLES – ANTI-CORRUPTION ACT

1. In relation to each offence, determinants of seriousness are described relating both to the harm caused (or likely to be caused) by the offending behaviour and to the culpability of the offender. Additional offence specific aggravating factors are also described where appropriate as examples of where significant additional harm may be present. Where such a factor is present, it may move the offence higher up the range within which it is categorised or may be sufficient to move the offence into a higher category.
2. Although these guidelines reflect those developed for use in England & Wales, there are a number of differences derived from the different experiences in this jurisdiction and, in relation to some offences, the different maximum penalties provided. In *R. v Aspinall*, CICA 16/2016, in connection with offences of dishonesty the CICA provided that, where the maximum sentence is higher in this jurisdiction than in England & Wales, it is appropriate for there to be an uplift to the starting points and ranges provided under the guidelines that apply in England & Wales. So, for example, in relation to the offence of bribery where the maximum sentence in the Cayman Islands is 14 years imprisonment compared with 10 years in England & Wales, in these guidelines an uplift of approximately 40% has been applied.
3. Offences contrary to the **Anti-Corruption Act** have the potential to undermine the integrity of the Cayman Islands financial services sector. This is reflected in the seriousness factors and sentencing levels as appropriate.
4. Whilst these guidelines reflect the level of seriousness indicated by the Parliament when it set the maximum sentence for each offence, it is not always appropriate to assume that sentencing levels will be exactly the same for all offences with the same maximum penalty. The Parliament must of necessity adopt a broad approach categorising offences into general levels of seriousness. The commonly occurring types of offending within each offence category may vary, however, so the guidelines seek to establish the parameters of seriousness and to set out the approach to sentencing in the light of those parameters. For example, the offences of fraud on the Government and of contractor subscribing to election fund each carry a maximum sentence of 10 years. Although, the levels of harm and culpability are likely to merit a similar penalty for the most serious type of offending, in general the levels of harm and culpability will be higher for the fraud offence and so the overall level of starting points is higher for that offence. As always, the Court is able to move outside the guideline where the offence before it is well outside the normal parameters of seriousness.
5. The term ‘community-based sentence’ has been used in these Guidelines to describe the range of sentences which are not custodial or financial nor a discharge. These are set out primarily in the **Alternative Sentencing Act (2008 Revision)** and in sections 42ff of the **Penal Code (2024 Revision)**.
6. The Court will also take into account general factors that apply to all offences. These are set out in the **General Principles** part of the Sentencing Guidelines (2015).
7. For aggravating factors, in addition to the existence of recent and relevant previous convictions, these will include that the offender was already on bail in relation to other offences or subject to a relevant court order or post-release licence.
8. For mitigating factors, these will include the age and/or lack of maturity of the offender where it affects the responsibility of the offender for the offending behaviour and any mental disorder or learning difficulty of the offender, where linked to the commission of the offence.

Where the offender is the sole or primary carer for dependants, that may be relevant in accordance with usual sentencing principles.

9. Previous good character and/or exemplary conduct may also be relevant. This element is different from having no previous convictions. The more serious the offence, the less the weight which is normally attributed to this factor. Where previous good character and /or exemplary conduct have been used to facilitate the offence (for example, by enabling the offending to be concealed from detection), this may constitute an aggravating factor.

## B. EXTRACTS OF THE ANTI-CORRUPTION ACT (2024 Revision)

### Bribery of public officers and members of the Cayman Islands Parliament

10. (1) A public officer or a member of the Cayman Islands Parliament who directly or indirectly —
- (a) solicits;
  - (b) accepts or obtains; or
  - (c) agrees to accept or obtain,
- for themselves or any other person, any loan, reward, advantage or other benefit with intent —
- (d) to interfere with the administration of justice;
  - (e) to procure or facilitate the commission of an offence; or
  - (f) to protect from detection or punishment a person who has committed or who intends to commit an offence,
- commits an offence.
- (2) Any person who gives or offers to a public officer or to a member of the Cayman Islands Parliament any loan, reward, advantage or other benefit, with intent that the public officer or member of the Cayman Islands Parliament should do anything mentioned in subsection (1)(d), (e), or (f) commits an offence.
- (3) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term of fourteen years.

### Frauds on the Government

11. (1) A person commits an offence where —
- (a) directly or indirectly —
    - (i) the person gives, offers or agrees to give or offer to —
      - (A) a public officer;
      - (B) a member of the Cayman Islands Parliament;
      - (C) a member of the family of a public officer;
      - (D) a member of the family of a member of the Cayman Islands Parliament; or
      - (E) any person for the benefit of a public officer, a member of the Cayman Islands Parliament or another person; or
    - (ii) being a public officer or a member of the Cayman Islands Parliament, that person demands, accepts or offers or agrees to accept from any other person for themselves or another person, a loan, reward, advantage or other benefit as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with —
      - (A) the transaction of business with or any matter or business relating to the Government; or
      - (B) a claim against the Government or any benefit that the Government is authorised or is entitled to bestow,
- whether or not, in fact, the public officer or member of the Cayman Islands Parliament is able to cooperate, render assistance, exercise influence or do or omit to do what is proposed, as the case may be;
- (b) having dealings of any kind with the Government, that person pays a commission or reward to or confers an advantage or benefit of any kind on a member of the Cayman Islands Parliament or a public officer of a government entity with which that person deals, or to any member of the family of a member of the Cayman Islands Parliament or a public officer, or to any one for the benefit of the member of the Cayman Islands Parliament or the public officer, with respect to those dealings, unless that person has the consent in writing of the chief officer of the government entity with which that person deals, the proof of which lies on that person;
  - (c) being a public officer or a member of the Cayman Islands Parliament, that person demands, accepts or offers or agrees to accept from a person who has dealings with the Government a loan, reward, advantage or other benefit directly or indirectly, by themselves or through a member of their family or through any one for that person's benefit, unless that person has the consent in writing of the chief officer of the government entity that employs that person or of which that person is an official, the proof of which lies on that person;
  - (d) having or pretending to have influence with the Government, with a member of the Cayman Islands Parliament or a public officer, that person demands, accepts or offers or agrees to accept for themselves or another person a loan, reward, advantage or other benefit as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with —

- (i) anything mentioned in paragraph (a)(ii)(A) or (B); or
- (ii) the appointment of any person, including themselves, to an office;
- (e) the person gives, offers or agrees to give or offer to a member of the Cayman Islands Parliament or a public officer a loan, reward, advantage or other benefit of any kind as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with —
  - (i) anything mentioned in paragraph (a)(ii)(A) or (B); or
  - (ii) the appointment of any person, including themselves, to an office; or
- (f) having made a tender to obtain a contract with the Government —
  - (i) the person gives, offers or agrees to give or offer to another person who has made a tender or to a member of that person's family, or to another person for the benefit of that person, a reward, advantage or other benefit as consideration for the withdrawal of the tender of that person; or
  - (ii) the person demands, accepts or offers or agrees to accept from another person who has made a tender a loan, reward, advantage or other benefit as consideration for the withdrawal of that person's tender.
- (2) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term of ten years.

#### **Contractor subscribing to election fund.**

- 12.** (1) A person who, in order to obtain or retain a contract with the Government, or as a term of any such contract, whether express or implied, directly or indirectly subscribes or gives, or agrees to subscribe or give, to any person any loan, reward, advantage or other benefit —
- (a) for the purpose of promoting the election of a candidate or a class or party of candidates to the Cayman Islands Parliament; or
  - (b) with intent to influence or affect in any way the result of an election conducted for the purpose of electing persons to serve in the Cayman Islands Parliament,
- commits an offence.
- (2) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term of ten years.

#### **Breach of trust by public officer or by a member of the Cayman Islands Parliament**

- 13.** A public officer or a member of the Cayman Islands Parliament who, in connection with the duties of that public officer's office, commits fraud or a breach of trust is liable on conviction on indictment to imprisonment for a term of five years, whether or not the fraud or breach of trust would be an offence if it were committed in relation to a private person.

#### **Influencing or negotiating appointments or dealing in offices**

- 15.** A person who —
- (a) receives, agrees to receive, gives or procures to be given, directly or indirectly, a loan, reward, advantage or other benefit as consideration for cooperation, assistance or exercise of influence to secure the appointment of any other person to a public office;
  - (b) solicits, recommends or negotiates in any manner with respect to an appointment to or resignation from a public office, in expectation of a direct or indirect loan, reward, advantage or other benefit; or
  - (c) keeps without lawful authority, the proof of which lies on that person, a place for transacting or negotiating any business relating to —
    - (i) the filling of vacancies in public offices;
    - (ii) the sale or purchase of public offices; or
    - (iii) appointments to or resignations from public offices,
- commits an offence and is liable on conviction on indictment to imprisonment for a term of five years.

#### **Abuse of office**

- 17.** (1) A public officer or a member of the Cayman Islands Parliament who intentionally does, or directs to be done, in abuse of the authority of their office, any arbitrary act prejudicial to the rights of another person commits an offence and is liable on conviction on indictment to imprisonment for a term of four years.
- (2) If a public officer or a member of the Cayman Islands Parliament intentionally does, or directs to be done, the act under subsection (1) for the purposes of a loan, reward, advantage or other benefit, the public officer or the member of Parliament commits an offence and is liable on conviction on indictment to imprisonment for a term of five years.

## Conflicts of interests

19. (1) Where a government entity proposes to deal with a company, partnership or other undertaking in which —
- (a) a public officer of the entity;
  - (b) a member of the Cayman Islands Parliament; or
  - (c) a member of the family, or an associate, of any person specified in paragraphs (a) or (b),
- has a direct, indirect or beneficial interest in such company, partnership or undertaking; or
- (d) any person specified in paragraphs (a), (b) or (c) holds more than ten per cent of the total issued share capital or of the total equity participation in such company, partnership or other undertaking,
- the public officer or the member of the Cayman Islands Parliament shall forthwith disclose, in writing, to that government entity, the nature of such interest.
- (2) Where in relation to a government entity —
- (a) a public officer of the entity;
  - (b) a member of the Cayman Islands Parliament; or
  - (c) a member of the family, or an associate, of either the public officer or the member of the Cayman Islands Parliament,
- has a personal interest in a decision which the government entity is to take, that public officer or member of the Cayman Islands Parliament shall forthwith disclose, in writing, to the government entity, the nature of that personal interest.
- (3) A public officer or member of the Cayman Islands Parliament who fails to disclose an interest in accordance with subsection (1) or (2) and who votes or otherwise takes part in proceedings or decisions of the government entity relating to such interest commits an offence and is liable on conviction on indictment to imprisonment for a term of five years.

## Secret commissions

21. (1) A person commits an offence who —
- (a) gives, offers or agrees to give or offer to an agent any loan, reward, advantage or other benefit as consideration for doing or forbearing to do, or for having done or forborne to do, any act relating to the affairs or business of that person's principal or for showing or forbearing to show favour or disfavour to any person with relation to the affairs or business of that person's principal; or
  - (b) being an agent, demands, accepts or offers or agrees to accept from any person any loan, reward, advantage or other benefit as consideration for doing or forbearing to do, or for having done or forborne to do, any act relating to the affairs or business of that person's principal or for showing or forbearing to show favour or disfavour to any person with relation to the affairs or business of that person's principal; or
  - (c) with intent to deceive a principal, gives to an agent of that principal, or, being an agent, uses with intent to deceive that person's principal, a receipt, an account or other writing —
    - (i) in which the principal has an interest;
    - (ii) that contains any statement that is false or erroneous or defective in any material particular; and
    - (iii) that is intended to mislead the principal.
- (2) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term of five years.

## Bribing a foreign public officer

22. (1) Subject to sections 23 and 24, a person who, in order to obtain or retain an advantage in the course of business, directly or indirectly promises, gives, offers or agrees to give or offer a loan, reward, advantage, or benefit of any kind to a foreign public officer for that person's benefit or for the benefit of another person or to any person for the benefit of a foreign public officer —
- (a) as consideration for an act or omission by the foreign public officer in connection with the performance of the officer's duties or functions; or
  - (b) to induce the foreign public officer to use that person's position to influence any acts or decisions of the foreign country or public international organisation for which the officer performs duties or functions,
- commits an offence.
- (2) A person who contravenes subsection (1) is liable on conviction on indictment to imprisonment for a term of fourteen years.

**False statements to the Commission**

25. (1) Where a person makes or causes any other person to make to the Commission or to an investigating officer, in the course of the Commission or such investigating officer exercising any power conferred by this Act, any statement which to the knowledge of the person making the statement, or causing the statement to be made —

- (a) is false or intended to mislead; or
- (b) is not consistent with any other statement previously made by such person to any other person having authority or power under any law, or otherwise, to receive, or require to be made, such other statement regardless whether or not the person making the statement is under any legal or other obligation to tell the truth,

that person commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of three years or to both.

(2) Where a person, who has made a statement to the Commission or to an investigating officer, in the course of the Commission or such investigating officer exercising any power conferred by this Act, subsequently thereto makes any other statement to any person having authority or power under any law, or otherwise, to receive, or require to be made, such other statement, regardless of whether or not the person making the statement is under a legal or other obligation to tell the truth that person, if such other statement —

- (a) is inconsistent with any statement previously made to the Commission or to an investigating officer; and
- (b) is made wilfully,

that person commits an offence and is liable on conviction to a fine of one thousand dollars or to imprisonment for a term of three months or to both.

## C. SENTENCING GUIDELINES – ANTI-CORRUPTION ACT

# Bribery of public officers/members of the CI Parliament

Anti-Corruption Act (2024 Revision), section 10

Maximum penalty: 14 years' imprisonment

### STEP ONE – Determining the offence category

#### Culpability

Particularly demonstrated by one or more of the following:

##### A – High culpability

- A leading role where offending is part of a group activity
- Involvement of others through pressure, influence
- Abuse of position of significant power or trust or responsibility
- Intended corruption (directly or indirectly) of a senior official performing a public function
- Intended corruption (directly or indirectly) of a law enforcement officer
- Sophisticated nature of offence/significant planning
- Offending conducted over sustained period of time
- Motivated by expectation of substantial financial, commercial or political gain

##### B – Medium culpability

- A significant role where offending is part of a group activity
- Other cases that fall between categories A or C because:
  - Factors are present in A and C which balance each other out **and/or**
  - The offender's culpability falls between factors as described in A and C

##### C – Lesser culpability

- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Little or no planning
- Limited awareness or understanding of offence

#### Harm

##### Category 1

- Serious detrimental effect on individuals (for example by provision of substandard goods or services resulting from the corrupt behaviour)
- Serious environmental impact
- Serious undermining of the proper function of government, business or public services
- Substantial actual/intended financial gain to offender or another or loss caused to others

##### Category 2

- Significant detrimental effect on individuals
- Significant environmental impact
- Significant undermining of the proper function of government, business or public services
- Significant actual or intended financial gain to offender or another or loss caused to others
- Risk of category 1 harm

##### Category 3

- Limited detrimental impact on individuals, the environment, government, business or public services
- Risk of category 2 harm

## Bribery of public officers/members of the CI Parliament

### STEP TWO – Starting point and category range

HARM	CULPABILITY		
	A	B	C
<b>Category 1</b>	<b>Starting point</b> 10 years' custody  <b>Category Range</b> 7 years'-12 years' custody	<b>Starting point</b> 7 years' custody  <b>Category Range</b> 5 years'-9 years' custody	<b>Starting point</b> 4 years' 6 months custody  <b>Category Range</b> 3 years'-6 years' custody
<b>Category 2</b>	<b>Starting point</b> 7 years' custody  <b>Category Range</b> 5 years'-9 years' custody	<b>Starting point</b> 4 years' 6 months custody  <b>Category Range</b> 3 years'-6 years' custody	<b>Starting point</b> 2 years' custody  <b>Category Range</b> 39 weeks'-4 years' custody
<b>Category 3</b>	<b>Starting point</b> 4 years' 6 months custody  <b>Category Range</b> 3 years'-6 years' custody	<b>Starting point</b> 2 years' custody  <b>Category Range</b> 39 weeks'-4 years' custody	<b>Starting point</b> 39 weeks' custody  <b>Category Range</b> Community based sentence -18 months' custody

The table above refers to single offences. Where there are multiple offences, consecutive sentences may be appropriate: please refer to the General Principles (2015) especially part 4 (Proportionality), Part 5 (Totality), Part 6 (Concurrent/consecutive sentences) and Part 14 (Offences taken into consideration).

The potential impact on the reputation of the Cayman Islands is especially important for offences under this Act (see General Principles, para. 3 on page 8 above).

*Intended harm should be used where actual harm has been prevented. In assessing the **Risk of harm**, consider both the likelihood of harm occurring and the extent of it if it does. Risk of harm is less serious than actual or intended harm. Where the offence has caused risk of harm but no (or much less) actual harm the normal approach is to move down to the corresponding point in the next category. This may not be appropriate if either the likelihood or extent of potential harm is particularly high.*

**See the General Principles (2015) especially part 7 for the Sentencing Process to be followed. Offence specific guidelines only set out those aspects of particular relevance to the offence but all other appropriate information must also be considered.**

# Frauds on the Government

Anti-Corruption Act (2024 Revision), section 11

Maximum penalty: 10 years' imprisonment

## STEP ONE – Determining the offence category

### Culpability

Particularly demonstrated by one or more of the following:

#### A – High culpability

- A leading role where offending is part of a group activity
- Involvement of others through pressure or influence
- Abuse of position of power or trust or responsibility
- Sophisticated nature of offence/significant planning
- Fraudulent activity conducted over sustained period of time

#### B – Medium culpability

- A significant role where offending is part of a group activity
- Some degree of planning involved
- Other cases that fall between categories A or C because:
  - Factors are present in A and C which balance each other out **and/or**
  - The offender's culpability falls between factors as described in A or C

#### C – Lesser culpability

- Involved through coercion, intimidation or exploitation
- Not motivated by personal gain
- Performed limited function under direction
- Opportunistic 'one-off' offence; very little or no planning
- Limited awareness or understanding of the extent of the fraudulent activity

### Harm

#### Category 1

- Serious detrimental effect on individuals (for example by provision of substandard goods or services resulting from the corrupt behaviour)
- Serious environmental impact
- Serious undermining of the proper function of government, business or public services
- Substantial actual or intended financial gain to offender or another or loss caused to others

#### Category 2

- Significant detrimental effect on individuals
- Significant environmental impact
- Significant undermining of the proper function of government, business or public services
- Significant actual or intended financial gain to offender or another or loss caused to others
- Risk of category 1 harm

#### Category 3

- Limited detrimental impact on individuals, the environment, government, business or public services
- Risk of category 2 harm

*Intended loss should be used where actual loss has been prevented.*

## Frauds on the Government

### STEP TWO – Starting point and category range

HARM	CULPABILITY		
	A	B	C
Category 1	<b>Starting point</b> 7 years' custody  <b>Category Range</b> 5-8 years' custody	<b>Starting point</b> 5 years' custody  <b>Category Range</b> 3-6 years' custody	<b>Starting point</b> 3 years' custody  <b>Category Range</b> 18 months'-4 years' custody
Category 2	<b>Starting point</b> 5 years' custody  <b>Category Range</b> 3 years'-6 years' custody	<b>Starting point</b> 3 years' custody  <b>Category Range</b> 18 months'-4 years' custody	<b>Starting point</b> 18 months' custody  <b>Category Range</b> 26 weeks'-3 years' custody
Category 3	<b>Starting point</b> 3 years' custody  <b>Category Range</b> 18 months'-4 years' custody	<b>Starting point</b> 18 months' custody  <b>Category Range</b> 26 weeks'-3 years' custody	<b>Starting point</b> 26 weeks' custody  <b>Category Range</b> Community based sentence-1 years' custody

The table above refers to single offences. Where there are multiple offences, consecutive sentences may be appropriate: please refer to the General Principles (2015) especially part 4 (Proportionality), Part 5 (Totality) Part 6 (Concurrent/consecutive sentences) and Part 14 (Offences taken into consideration).

The potential impact on the reputation of the Cayman Islands is especially important for offences under this Act (see General Principles, para. 3 on page 8 above).

For more information on the approach to identifying the starting points and ranges for this offence, see General Principles, para. 4 on page 8 above.

*Intended harm should be used where actual harm has been prevented. In assessing the **Risk of harm**, consider both the likelihood of harm occurring and the extent of it if it does. Risk of harm is less serious than actual or intended harm. Where the offence has caused risk of harm but no (or much less) actual harm the normal approach is to move down to the corresponding point in the next category. This may not be appropriate if either the likelihood or extent of potential harm is particularly high.*

**See the General Principles (2015) especially part 7 for the Sentencing Process to be followed. Offence specific guidelines only set out those aspects of particular relevance to the offence but all other appropriate information must also be considered.**

# Contractor subscribing to election fund

Anti-Corruption Act (2024 Revision), section 12

Maximum penalty: 10 years' imprisonment

## STEP ONE – Determining the offence category

### Culpability

Particularly demonstrated by one or more of the following:

#### A – High culpability

- A leading role where offending is part of a group activity
- Involvement of others through pressure, influence
- Abuse of position of significant power or trust or responsibility
- Sophisticated nature of offence/significant planning
- Offending conducted over sustained period of time
- Motivated by expectation of substantial financial, commercial or political gain

#### B – Medium culpability

- A significant role where offending is part of a group activity
- Other cases that fall between categories A or C because:
  - Factors are present in A and C which balance each other out **and/or**
  - The offender's culpability falls between factors as described in A and C

#### C – Lesser culpability

- Not motivated by personal gain
- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Opportunistic 'one-off' offence; very little or no planning
- Limited awareness or understanding of extent of corrupt activity

### Harm

Harm is assessed by reference to the actual or intended gain to the offender:

#### Category 1

- Substantial actual/intended financial gain to offender or another
- Subscription substantial in amount

#### Category 2

- Significant actual or intended financial gain to offender or another
- Subscription significant in amount

#### Category 3

- Limited or no actual or intended financial gain to offender or another
- Subscription relatively small in amount

## Contractor subscribing to election fund

### STEP TWO – Starting point and category range

HARM	CULPABILITY		
	A	B	C
<b>Category 1</b>	<b>Starting point</b> 7 years' custody  <b>Category Range</b> 4 years 6 months'-9 years' custody	<b>Starting point</b> 4 years' custody  <b>Category Range</b> 2 years'-6 years' custody	<b>Starting point</b> 2 years custody  <b>Category Range</b> 1 years'-4 years' custody
<b>Category 2</b>	<b>Starting point</b> 4 years' custody  <b>Category Range</b> 2 years'-6 years' custody	<b>Starting point</b> 2 years custody  <b>Category Range</b> 1 years'-4 years' custody	<b>Starting point</b> 39 weeks' custody  <b>Category Range</b> Community based sentence-15 months' custody
<b>Category 3</b>	<b>Starting point</b> 15 months' custody  <b>Category Range</b> 39 weeks'-2 years' 6 months custody	<b>Starting point</b> Community based sentence  <b>Category Range</b> Community based sentence-36 weeks' custody	<b>Starting point</b> Community based sentence  <b>Category Range</b> Fine-Community based sentence

The table above refers to single offences. Where there are multiple offences, consecutive sentences may be appropriate: please refer to the General Principles (2015) especially part 4 (Proportionality), Part 5 (Totality) Part 6 (Concurrent/consecutive sentences) and Part 14 (Offences taken into consideration).

The potential impact on the reputation of the Cayman Islands is especially important for offences under this Act (see General Principles, para. 3 on page 8 above).

For more information on the approach to identifying the starting points and ranges for this offence, see General Principles, para. 4 on page 8 above.

**See the General Principles (2015) especially part 7 for the Sentencing Process to be followed. Offence specific guidelines only set out those aspects of particular relevance to the offence, but all other appropriate information must also be considered.**

# Breach of trust by public officer or by a member of the Cayman Islands Parliament

Anti-Corruption Act (2024 Revision), section 13

Maximum penalty: 5 years' imprisonment

## STEP ONE – Determining the offence category

### Culpability

Particularly demonstrated by one or more of the following:

#### A – High culpability

- A leading role where offending is part of a group activity
- Involvement of others through pressure or influence
- Sophisticated nature of offence/significant planning
- Offence involving intimidation or the use or threat of force
- Deliberately targeting victim on basis of vulnerability

#### B – Medium culpability

- A significant role where offending is part of a group activity
- Some degree of planning involved
- Other cases that fall between categories A or C because:
  - Factors are present in A and C which balance each other out and/or
  - The offender's culpability falls between factors as described in A and C

#### C – Lesser culpability

- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Little or no planning
- Limited awareness or understanding of offence

### Harm

Harm is assessed by reference to the extent of the abuse and any significant additional harm

#### Category 1

- Breach of a high degree of power or trust or responsibility
- Substantial impact on confidence in public institutions
- Serious undermining of the proper function of government, business or public services
- Substantial actual/intended financial gain to offender/another or loss caused to others

#### Category 2

- Other cases that fall between categories 1 or 3 because:
  - Factors are present in 1 and 3 which balance each other out and/or
  - The degree of harm falls between factors as described in 1 and 3

#### Category 3

- Limited impact on confidence in public institutions
- Limited undermining of the proper function of government, business or public services
- Limited actual/intended financial gain to offender/another or loss caused to others
- Limited understanding of the offence

Examples of significant additional harm suffered by the victim or others (for effect, see General Principles, para. 1 on page 8) include:

- High level of inconvenience caused to the Government or others
- Consequential financial harm to Government or others
- Emotional distress
- Fear/loss of confidence caused by the crime
- Risk of or actual injury to persons or damage to property
- Damage to heritage assets
- Disruption caused to infrastructure

## Breach of trust by public officer or by a member of the Cayman Islands Parliament

### STEP TWO – Starting point and category range

HARM	CULPABILITY		
	A	B	C
<b>Category 1</b>	<p><b>Starting point</b> 3 years 6 months' custody</p> <p><b>Category Range</b> 2 years 6 months'-4 years 6 months' custody</p>	<p><b>Starting point</b> 2 years 6 months custody</p> <p><b>Category Range</b> 18 months-3 years 6 months' custody</p>	<p><b>Starting point</b> 18 months' custody</p> <p><b>Category Range</b> 39 weeks'-2 years 6 months' custody</p>
<b>Category 2</b>	<p><b>Starting point</b> 2 years 6 months custody</p> <p><b>Category Range</b> 18 months-3 years 6 months' custody</p>	<p><b>Starting point</b> 18 months' custody</p> <p><b>Category Range</b> 39 weeks'-2 years 6 months' custody</p>	<p><b>Starting point</b> 39 weeks' custody</p> <p><b>Category Range</b> Community based sentence-18 months' custody</p>
<b>Category 3</b>	<p><b>Starting point</b> 18 months' custody</p> <p><b>Category Range</b> 39 weeks'-2 years 6 months' custody</p>	<p><b>Starting point</b> 39 weeks' custody</p> <p><b>Category Range</b> Community based sentence-18 months' custody</p>	<p><b>Starting point</b> 13 weeks' custody</p> <p><b>Category Range</b> Fine-1 years' custody</p>

The table above refers to single offences. Where there are multiple offences, consecutive sentences may be appropriate: please refer to the General Principles (2015) especially part 4 (Proportionality), Part 5 (Totality) Part 6 (Concurrent/consecutive sentences) and Part 14 (Offences taken into consideration).

The potential impact on the reputation of the Cayman Islands is especially important for offences under this Act (see General Principles, para. 3 on page 8 above).

**See the General Principles (2015) especially part 7 for the Sentencing Process to be followed. Offence specific guidelines only set out those aspects of particular relevance to the offence, but all other appropriate information must also be considered.**

# Influencing or negotiating appointments or dealing in offices

Anti-Corruption Act (2024 Revision), section 15

Maximum penalty: 5 years' imprisonment

**STEP ONE – Determining the offence category**

## Culpability

Particularly demonstrated by one or more of the following:

### A – High culpability

- A leading role where offending is part of a group activity
- Involvement of others through pressure or influence
- Sophisticated nature of offence/significant planning
- Offence involving intimidation or the use or threat of force
- Deliberately targeting victim on basis of vulnerability

### B – Medium culpability

- A significant role where offending is part of a group activity
- Some degree of planning involved
- Other cases that fall between categories A or C because:
  - Factors are present in A and C which balance each other out and/or
  - The offender's culpability falls between factors as described in A and C

### C – Lesser culpability

- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Little or no planning
- Limited awareness or understanding of offence

## Harm

Harm is assessed by reference to the extent of the abuse and any significant additional harm

### Category 1

- Breach of a high degree of power or trust or responsibility
- Substantial impact on confidence in public institutions
- Serious undermining of the proper function of government, business or public services
- Substantial actual/intended financial gain to offender/another or loss caused to others

### Category 2

- Other cases that fall between categories 1 or 3 because:
  - Factors are present in 1 and 3 which balance each other out and/or
  - The degree of harm falls between factors as described in 1 and 3

### Category 3

- Limited impact on confidence in public institutions
- Limited undermining of the proper function of government, business or public services
- Limited actual/intended financial gain to offender/another or loss caused to others
- Limited understanding of the offence

**Examples of significant additional harm (for effect, see General Principles, para. 1 on page 8) include:**

- High level of inconvenience caused to the Government or others
- Consequential financial harm to Government or others
- Emotional distress
- Fear/loss of confidence caused by the crime
- Risk of or actual injury to persons or damage to property
- Damage to heritage assets

- Disruption caused to infrastructure

## Influencing or negotiating appointments or dealing in offices

### STEP TWO – Starting point and category range

HARM	CULPABILITY		
	A	B	C
Category 1	<p><b>Starting point</b> 3 years 6 months' custody</p> <p><b>Category Range</b> 2 years 6 months'-4 years 6 months' custody</p>	<p><b>Starting point</b> 2 years 6 months custody</p> <p><b>Category Range</b> 18 months-3 years 6 months' custody</p>	<p><b>Starting point</b> 18 months' custody</p> <p><b>Category Range</b> 39 weeks'-2 years 6 months' custody</p>
Category 2	<p><b>Starting point</b> 2 years 6 months custody</p> <p><b>Category Range</b> 18 months-3 years 6 months' custody</p>	<p><b>Starting point</b> 18 months' custody</p> <p><b>Category Range</b> 39 weeks'-2 years 6 months' custody</p>	<p><b>Starting point</b> 39 weeks' custody</p> <p><b>Category Range</b> Community based sentence-18 months' custody</p>
Category 3	<p><b>Starting point</b> 18 months' custody</p> <p><b>Category Range</b> 39 weeks'-2 years 6 months' custody</p>	<p><b>Starting point</b> 39 weeks' custody</p> <p><b>Category Range</b> Community based sentence-18 months' custody</p>	<p><b>Starting point</b> 13 weeks' custody</p> <p><b>Category Range</b> Fine-1 years' custody</p>

The table above refers to single offences. Where there are multiple offences, consecutive sentences may be appropriate: please refer to the General Principles (2015) especially part 4 (Proportionality), Part 5 (Totality) Part 6 (Concurrent/consecutive sentences) and Part 14 (Offences taken into consideration).

The potential impact on the reputation of the Cayman Islands is especially important for offences under this Act (see General Principles, para. 3 on page 8 above).

**See the General Principles (2015) especially part 7 for the Sentencing Process to be followed. Offence specific guidelines only set out those aspects of particular relevance to the offence, but all other appropriate information must also be considered.**

# Abuse of office-S.17(1)

Anti-Corruption Act (2024 Revision), section 17

Maximum penalty: s.17(1) - 4 years' imprisonment;

## STEP ONE – Determining the offence category

### Culpability

Particularly demonstrated by one or more of the following:

#### A – Higher culpability

- A leading role where offending is part of a group activity
- Involvement of others through pressure or influence
- Breach of a high degree of power or trust or responsibility
- Sophisticated nature of offence/significant planning
- Offence involving intimidation or the use or threat of force
- Deliberately targeting victim on basis of vulnerability

#### B – Medium culpability

- Other cases that fall between categories A or C because:
  - Factors are present in A and C which balance each other out and/or
  - The offender's culpability falls between factors as described in A and C

#### C – Lesser culpability

- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Little or no planning
- Limited awareness or understanding of offence

### Harm

Harm is assessed by reference to the extent of the abuse and any significant additional harm

#### Category 1

- Substantial impact on confidence in public institutions or Government
- Serious undermining of the proper function of government, business or public services
- Substantial actual/intended loss caused to others
- Significant injury (physical or mental health) to persons or damage to property

#### Category 2

- Other cases that fall between categories 1 or 3 because:
  - Factors are present in 1 and 3 which balance each other out and/or
  - The degree of harm falls between factors as described in 1 and 3

#### Category 3

- Limited impact on confidence in public institutions
- Limited undermining of the proper function of government, business or public services
- Limited actual/intended loss caused to others
- Limited (or no) injury (physical or mental health) to persons or damage to property
- Limited understanding of the offence

**Examples of significant additional harm (for effect, see General Principles, para. 1 on page 8) include:**

- High level of inconvenience caused to the Government or others
- Consequential loss to Government or others
- Fear/loss of confidence caused by the crime
- Risk of or actual injury to persons or damage to property
- Damage to heritage assets
- Disruption caused to infrastructure

## Abuse of office

### STEP TWO – Starting point and category range

HARM	CULPABILITY		
	A	B	C
<b>Category 1</b>	<b>Starting point</b> 2 years 6 months' custody  <b>Category Range</b> 18 months-3 years 6 months' custody	<b>Starting point</b> 21 months' custody  <b>Category Range</b> 12 months-3 years' custody	<b>Starting point</b> 12 months' custody  <b>Category Range</b> 26 weeks'-2 years' custody
<b>Category 2</b>	<b>Starting point</b> 21 months' custody  <b>Category Range</b> 12 months-3 years' custody	<b>Starting point</b> 12 months' custody  <b>Category Range</b> 26 weeks'-2 years' custody	<b>Starting point</b> 26 weeks' custody  <b>Category Range</b> Community based sentence-12 months' custody
<b>Category 3</b>	<b>Starting point</b> 12 months' custody  <b>Category Range</b> 26 weeks'-2 years' custody	<b>Starting point</b> 26 weeks' custody  <b>Category Range</b> Community based sentence-12 months' custody	<b>Starting point</b> Community based sentence  <b>Category Range</b> Fine-1 years' custody

The table above refers to single offences. Where there are multiple offences, consecutive sentences may be appropriate: please refer to the General Principles (2015) especially part 4 (Proportionality), Part 5 (Totality) Part 6 (Concurrent/consecutive sentences) and Part 14 (Offences taken into consideration).

The potential impact on the reputation of the Cayman Islands is especially important for offences under this Act (see General Principles, para. 3 on page 8 above).

*Intended harm should be used where actual harm has been prevented.*

**See the General Principles (2015) especially part 7 for the Sentencing Process to be followed. Offence specific guidelines only set out those aspects of particular relevance to the offence, but all other appropriate information must also be considered.**

# Abuse of office-S.17(2)

Anti-Corruption Act (2024 Revision), section 17

Maximum penalty: s.17(2) - 5 years' imprisonment

## STEP ONE – Determining the offence category

### Culpability

Particularly demonstrated by one or more of the following:

#### A – Higher culpability

- A leading role where offending is part of a group activity
- Involvement of others through pressure or influence
- Breach of a high degree of power or trust or responsibility
- Sophisticated nature of offence/significant planning
- Offence involving intimidation or the use or threat of force
- Deliberately targeting victim on basis of vulnerability

#### B – Medium culpability

- Other cases that fall between categories A or C because:
  - Factors are present in A and C which balance each other out and/or
  - The offender's culpability falls between factors as described in A and C

#### C – Lesser culpability

- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Little or no planning
- Limited awareness or understanding of offence

### Harm

Harm is assessed by reference to the extent of the abuse and any significant additional harm

#### Category 1

- Substantial impact on confidence in public institutions or Government
- Serious undermining of the proper function of government, business or public services
- Substantial actual/intended financial gain to offender/another or loss caused to others
- Significant injury (physical or mental health) to persons or damage to property

#### Category 2

- Other cases that fall between categories 1 or 3 because:
  - Factors are present in 1 and 3 which balance each other out and/or
  - The degree of harm falls between factors as described in 1 and 3

#### Category 3

- Limited impact on confidence in public institutions
- Limited undermining of the proper function of government, business or public services
- Limited actual/intended financial gain to offender/another or loss caused to others
- Limited (or no) injury (physical or mental health) to persons or damage to property
- Limited understanding of the offence

**Examples of significant additional harm (for effect, see General Principles, para. 1 on page 8) include:**

- High level of inconvenience caused to the Government or others
- Consequential financial harm to Government or others
- Fear/loss of confidence caused by the crime
- Risk of or actual injury to persons or damage to property
- Damage to heritage assets
- Disruption caused to infrastructure

## Abuse of office

### STEP TWO – Starting point and category range

HARM	CULPABILITY		
	A	B	C
Category 1	<p><b>Starting point</b> 3 years 6 months' custody</p> <p><b>Category Range</b> 2 years 6 months'-4 years 6 months' custody</p>	<p><b>Starting point</b> 2 years 6 months custody</p> <p><b>Category Range</b> 18 months-3 years 6 months' custody</p>	<p><b>Starting point</b> 18 months' custody</p> <p><b>Category Range</b> 39 weeks'-2 years 6 months' custody</p>
Category 2	<p><b>Starting point</b> 2 years 6 months custody</p> <p><b>Category Range</b> 18 months-3 years 6 months' custody</p>	<p><b>Starting point</b> 18 months' custody</p> <p><b>Category Range</b> 39 weeks'-2 years 6 months' custody</p>	<p><b>Starting point</b> 39 weeks' custody</p> <p><b>Category Range</b> Community based sentence-18 months' custody</p>
Category 3	<p><b>Starting point</b> 18 months' custody</p> <p><b>Category Range</b> 39 weeks'-2 years 6 months' custody</p>	<p><b>Starting point</b> 39 weeks' custody</p> <p><b>Category Range</b> Community based sentence-18 months' custody</p>	<p><b>Starting point</b> 13 weeks' custody</p> <p><b>Category Range</b> Fine-1 years' custody</p>

The table above refers to single offences. Where there are multiple offences, consecutive sentences may be appropriate: please refer to the General Principles (2015) especially part 4 (Proportionality), Part 5 (Totality) Part 6 (Concurrent/consecutive sentences) and Part 14 (Offences taken into consideration).

The potential impact on the reputation of the Cayman Islands is especially important for offences under this Act (see General Principles, para. 3 on page 8 above).

*Intended harm should be used where actual harm has been prevented.*

**See the General Principles (2015) especially part 7 for the Sentencing Process to be followed. Offence specific guidelines only set out those aspects of particular relevance to the offence, but all other appropriate information must also be considered.**

# Failure to declare conflict of interests

Anti-Corruption Act (2024 Revision), section 19

Maximum penalty: 5 years' imprisonment

## STEP ONE – Determining the offence category

### Culpability

Particularly demonstrated by one or more of the following:

#### A – High culpability

- A leading role where offending is part of a group activity
- Involvement of others through pressure or influence
- Abuse of position of significant power or trust or responsibility
- Sophisticated nature of offence/significant planning
- Offence involving intimidation or the use or threat of force
- Offending conducted over sustained period of time
- Motivated by expectation of substantial financial, commercial or political gain

#### B – Medium culpability

- A significant role where offending is part of a group activity
- Some degree of planning involved
- Breach of some degree of trust or responsibility
- Other cases that fall between categories A or C because:
  - Factors are present in A and C which balance each other out and/or
  - The offender's culpability falls between factors as described in A and C

#### C – Lesser culpability

- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Little or no planning
- Limited awareness or understanding of offence

### Harm

Harm is assessed by reference to the effect of the failure to disclose and any significant additional harm

#### Category 1

- Serious detrimental effect on individuals (for example by provision of substandard goods or services resulting from the corrupt behaviour)
- Substantial impact on confidence in public institutions
- Serious undermining of the proper function of government, business or public services
- Substantial actual/intended financial gain to offender/another or loss caused to others

#### Category 2

- Other cases that fall between categories 1 or 3 because:
  - Factors are present in 1 and 3 which balance each other out and/or
  - The degree of harm falls between factors as described in 1 and 3

#### Category 3

- Limited impact on confidence in public institutions
- Limited undermining of the proper function of government, business or public services
- Limited actual/intended financial gain to offender/another or loss caused to others
- Limited understanding of the offence

Examples of significant additional harm suffered by the victim or others (for effect, see General Principles, para. 1 on page 8) include:

- Fear/loss of confidence caused by the crime
- Risk of or actual injury to persons or damage to property
- Damage to heritage assets
- Disruption caused to infrastructure

## Failure to declare conflict of interests

### STEP TWO – Starting point and category range

HARM	CULPABILITY		
	A	B	C
<b>Category 1</b>	<p><b>Starting point</b> 3 years 6 months' custody</p> <p><b>Category Range</b> 2 years 6 months'-4 years 6 months' custody</p>	<p><b>Starting point</b> 2 years 6 months custody</p> <p><b>Category Range</b> 18 months-3 years 6 months' custody</p>	<p><b>Starting point</b> 18 months' custody</p> <p><b>Category Range</b> 39 weeks'-2 years 6 months' custody</p>
<b>Category 2</b>	<p><b>Starting point</b> 2 years 6 months custody</p> <p><b>Category Range</b> 18 months-3 years 6 months' custody</p>	<p><b>Starting point</b> 18 months' custody</p> <p><b>Category Range</b> 39 weeks'-2 years 6 months' custody</p>	<p><b>Starting point</b> 39 weeks' custody</p> <p><b>Category Range</b> Community based sentence-18 months' custody</p>
<b>Category 3</b>	<p><b>Starting point</b> 18 months' custody</p> <p><b>Category Range</b> 39 weeks'-2 years 6 months' custody</p>	<p><b>Starting point</b> 39 weeks' custody</p> <p><b>Category Range</b> Community based sentence-18 months' custody</p>	<p><b>Starting point</b> 13 weeks' custody</p> <p><b>Category Range</b> Fine-1 years' custody</p>

The table above refers to single offences. Where there are multiple offences, consecutive sentences may be appropriate: please refer to the General Principles (2015) especially part 4 (Proportionality), Part 5 (Totality) Part 6 (Concurrent/consecutive sentences) and Part 14 (Offences taken into consideration).

The potential impact on the reputation of the Cayman Islands is especially important for offences under this Act (see General Principles, para. 3 on page 8 above).

**See the General Principles (2015) especially part 7 for the Sentencing Process to be followed. Offence specific guidelines only set out those aspects of particular relevance to the offence, but all other appropriate information must also be considered.**

# Secret Commissions

Anti-Corruption Act (2024 Revision), section 21

Maximum penalty: 5 years' imprisonment

**STEP ONE – Determining the offence category.**

## Culpability

Particularly demonstrated by one or more of the following:

### A – High culpability

- A leading role where offending is part of a group activity
- Involvement of others through pressure or influence
- Sophisticated nature of offence/significant planning
- Offence involving intimidation or the use or threat of force
- Deliberately targeting victim on basis of vulnerability

### B – Medium culpability

- A significant role where offending is part of a group activity
- Some degree of planning involved
- Other cases that fall between categories A or C because:
  - Factors are present in A and C which balance each other out and/or
  - The offender's culpability falls between factors as described in A and C

### C – Lesser culpability

- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Little or no planning
- Limited awareness or understanding of offence

## Harm

**Harm is assessed by reference to any impact caused by the offending (whether to identifiable victims or in a wider context) and the actual or intended gain to the offender:**

### Category 1

- Serious detrimental effect on individuals (for example by provision of substandard goods or services resulting from the corrupt behaviour)
- Serious environmental impact
- Serious undermining of the proper function of government, business or public services
- Substantial actual/intended financial gain to offender/another or loss caused to others

### Category 2

- Significant detrimental effect on individuals
- Significant environmental impact
- Significant undermining of the proper function of government, business or public services
- Significant actual/intended financial gain to offender/another or loss caused to others
- Risk of category 1 harm

### Category 3

- Limited detrimental impact on individuals, the environment, government, business or public services
- Risk of category 2 harm

**Examples of significant additional harm suffered by the victim or others (for effect, see General Principles, para. 1 on page 8) include:**

- Consequential financial or other harm to victim or others (for example, substantial damage to credit rating)
- Emotional distress

## Secret Commissions

**STEP TWO – Starting point and category range.**

HARM	CULPABILITY		
	A	B	C
<b>Category 1</b>	<p><b>Starting point</b> 3 years 6 months' custody</p> <p><b>Category Range</b> 2 years 6 months'-4 years 6 months' custody</p>	<p><b>Starting point</b> 2 years 6 months custody</p> <p><b>Category Range</b> 18 months-3 years 6 months' custody</p>	<p><b>Starting point</b> 18 months' custody</p> <p><b>Category Range</b> 39 weeks'-2 years 6 months' custody</p>
<b>Category 2</b>	<p><b>Starting point</b> 2 years 6 months custody</p> <p><b>Category Range</b> 18 months-3 years 6 months' custody</p>	<p><b>Starting point</b> 18 months' custody</p> <p><b>Category Range</b> 39 weeks'-2 years 6 months' custody</p>	<p><b>Starting point</b> 39 weeks' custody</p> <p><b>Category Range</b> Community based sentence-18 months' custody</p>
<b>Category 3</b>	<p><b>Starting point</b> 18 months' custody</p> <p><b>Category Range</b> 39 weeks'-2 years 6 months' custody</p>	<p><b>Starting point</b> 39 weeks' custody</p> <p><b>Category Range</b> Community based sentence-18 months' custody</p>	<p><b>Starting point</b> 13 weeks' custody</p> <p><b>Category Range</b> Fine-1 years' custody</p>

The table above refers to single offences. Where there are multiple offences, consecutive sentences may be appropriate: please refer to the General Principles (2015) especially part 4 (Proportionality), Part 5 (Totality) Part 6 (Concurrent/consecutive sentences) and Part 14 (Offences taken into consideration).

The potential impact on the reputation of the Cayman Islands is especially important for offences under this Act (see General Principles, para. 3 on page 8 above).

**See the General Principles (2015) especially part 7 for the Sentencing Process to be followed. Offence specific guidelines only set out those aspects of particular relevance to the offence, but all other appropriate information must also be considered.**

# Bribing a foreign public officer

Anti-Corruption Act (2024 Revision), section 22

Maximum penalty: 14 years' imprisonment

## STEP ONE – Determining the offence category

### Culpability

Particularly demonstrated by one or more of the following:

#### A – High culpability

- A leading role where offending is part of a group activity
- Involvement of others through pressure, influence
- Abuse of position of significant power or trust or responsibility
- Intended corruption (directly or indirectly) of a senior official performing a public function or of a law enforcement officer
- Sophisticated nature of offence/significant planning
- Offending conducted over sustained period of time
- Motivated by expectation of substantial financial, commercial or political gain

#### B – Medium culpability

- A significant role where offending is part of a group activity
- Other cases that fall between categories A or C because:
  - Factors are present in A and C which balance each other out **and/or**
  - The offender's culpability falls between factors as described in A and C

#### C – Lesser culpability

- Not motivated by personal gain
- Performed limited function under direction or
- Involved through coercion, intimidation or exploitation
- Opportunistic 'one-off' offence; very little or no planning
- Limited awareness or understanding of extent of corrupt activity

### Harm

**Harm is assessed by reference to any impact caused by the offending (whether to identifiable victims or in a wider context) and the actual or intended gain to the offender:**

#### Category 1

- Serious detrimental effect on individuals (for example by provision of substandard goods or services resulting from the corrupt behaviour)
- Serious environmental impact
- Serious undermining of the proper function of government, business or public services
- Substantial actual/intended financial gain to offender/another or loss caused to others

#### Category 2

- Significant detrimental effect on individuals
- Significant environmental impact
- Significant undermining of the proper function of government, business or public services
- Significant actual/intended financial gain to offender/another or loss caused to others
- Risk of category 1 harm

#### Category 3

- Limited detrimental impact on individuals, the environment, government, business or public services
- Risk of category 2 harm

## Bribing a foreign public officer

### STEP TWO – Starting point and category range

HARM	CULPABILITY		
	A	B	C
<b>Category 1</b>	<p><b>Starting point</b> 10 years' custody</p> <p><b>Category Range</b> 7 years-12 years' custody</p>	<p><b>Starting point</b> 7 years' custody</p> <p><b>Category Range</b> 5 years'-9 years' custody</p>	<p><b>Starting point</b> 4 years' 6 months custody</p> <p><b>Category Range</b> 3 years'-6 years' custody</p>
<b>Category 2</b>	<p><b>Starting point</b> 7 years' custody</p> <p><b>Category Range</b> 5 years'-9 years' custody</p>	<p><b>Starting point</b> 4 years' 6 months custody</p> <p><b>Category Range</b> 3 years'-6 years' custody</p>	<p><b>Starting point</b> 2 years' custody</p> <p><b>Category Range</b> 39 weeks'-4 years' custody</p>
<b>Category 3</b>	<p><b>Starting point</b> 4 years' 6 months custody</p> <p><b>Category Range</b> 3 years'-6 years' custody</p>	<p><b>Starting point</b> 2 years' custody</p> <p><b>Category Range</b> 39 weeks'-4 years' custody</p>	<p><b>Starting point</b> 39 weeks' custody</p> <p><b>Category Range</b> Community based sentence -18 months' custody</p>

The table above refers to single offences. Where there are multiple offences, consecutive sentences may be appropriate: please refer to the General Principles (2015) especially part 4 (Proportionality), Part 5 (Totality) Part 6 (Concurrent/consecutive sentences) and Part 14 (Offences taken into consideration).

The potential impact on the reputation of the Cayman Islands is especially important for offences under this Act (see General Principles, para. 3 on page 8 above).

*Intended harm should be used where actual harm has been prevented. In assessing the **Risk of harm**, consider both the likelihood of harm occurring and the extent of it if it does. Risk of harm is less serious than actual or intended harm. Where the offence has caused risk of harm but no (or much less) actual harm the normal approach is to move down to the corresponding point in the next category. This may not be appropriate if either the likelihood or extent of potential harm is particularly high.*

**See the General Principles (2015) especially part 7 for the Sentencing Process to be followed. Offence specific guidelines only set out those aspects of particular relevance to the offence, but all other appropriate information must also be considered.**

# False statement to the Commission

Anti-Corruption Act (2024 Revision), section 25

Maximum penalty: s.25(1) - 3 years' imprisonment/CI\$10,000;

## STEP ONE – Determining the offence category

### Culpability

Particularly demonstrated by one or more of the following:

#### A – Higher culpability

- A leading role where offending is part of a group plan or activity
- Involvement of others through pressure or influence
- Breach of a high degree of power or trust or responsibility
- Sophisticated nature of offence/significant planning
- Offence involving intimidation or the use or threat of force
- Deliberately targeting another on basis of vulnerability

#### B – Lesser culpability

- Performed limited role under direction
- Involved through coercion, intimidation or exploitation
- Little or no planning
- Limited awareness or understanding of offence

### Harm

Harm is assessed by reference to the extent of the deception and any significant additional harm

#### Category 1

- Substantial impact on the work of the Commission
- Serious undermining of the proper function of government, business or public services
- Substantial financial or other harm resulting from the concealment of corrupt activity
- Fear/loss of confidence caused by the crime to people falsely implicated
- Risk of or actual injury to persons or damage to property

#### Category 2

- Limited impact on confidence on the work of the Commission
- Limited undermining of the proper function of government, business or public services
- Limited financial or other harm, injury or damage
- Limited understanding of the offence
- No other person falsely implicated

**Examples of significant additional harm (for effect, see General Principles, para. 1 on page 8) include:**

- Impact on a business (for example, loss of future business, impact on reputation – may be actual, intended or risked)
- Seriously undermining the administration of justice (for example, through the loss of evidence)

## False statement to the Commission

### STEP TWO – Starting point and category range

HARM	CULPABILITY	
	A	B
Category 1	<p><b>Starting point</b> 18 months' custody</p> <p><b>Category Range</b> 39 weeks'-2 years 6 months' custody</p>	<p><b>Starting point</b> 39 weeks' custody</p> <p><b>Category Range</b> Community based sentence-18 months' custody</p>
Category 2	<p><b>Starting point</b> 39 weeks' custody</p> <p><b>Category Range</b> Community based sentence-18 months' custody</p>	<p><b>Starting point</b> Community based sentence</p> <p><b>Category Range</b> Fine-26 weeks' custody</p>

The table above refers to single offences. Where there are multiple offences, consecutive sentences may be appropriate: please refer to the General Principles (2015) especially part 4 (Proportionality), Part 5 (Totality) Part 6 (Concurrent/consecutive sentences) and Part 14 (Offences taken into consideration).

The potential impact on the reputation of the Cayman Islands is especially important for offences under this Act (see General Principles, para. 3 on page 8 above).

*Intended harm should be used where actual harm has been prevented.*

**See the General Principles (2015) especially part 7 for the Sentencing Process to be followed. Offence specific guidelines only set out those aspects of particular relevance to the offence, but all other appropriate information must also be considered.**