



## LIBERIA ANTI-CORRUPTION COMMISSION (LACC)

### STANDARD OPERATIONAL PROCEDURES

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Whereas, under the Anti-Corruption Commission Act (2008), the Liberia Anti-Corruption Commission has the specific functions, among others, to:

Investigate all acts of corruption discovered or reported to have occurred in the public, private and civil society sectors of Liberia subsequent to this passage of the Act with the aim of identifying the persons, and the extent of the loss of or damage to any public, and/or private, property as a result of the subject act of corruption;

Investigate the conduct of any person(s), irrespective of office or status, natural or otherwise, if the conduct of the person(s) constitutes corruption;

Examine and investigate any information, matter or report that indicates or raises suspicion that the conduct, action or decision of a public or private official in line of official duty and in the context of the definition of corruption as provided in the Act;

Cause the prosecution in coordination with the Ministry of Justice, all cases of corruption in the manner provided in the Act;

Develop and/or adopt appropriate measures consistent with law to identify, trace and freeze any assets and/or proceeds of act(s) of corruption and ensure the confiscation, in court of law, of said asset(s) and proceeds there from; and

Whereas, in order that the Commission may effectively discharge the foregoing specific functions, it is necessary that rules of procedure or a modus operandi be clearly defined for the guidance of not only members of the Commission, but also members of the public, private and civil society whose interests may be affected in the execution of the Commission's mandate; and

Whereas, Part VII, Section 7.1(a) of the Act vests in the five (5) Commissioners the power to make, approve, alter or repeal policies, procedures and systems governing or to govern the administration and operations of the Commission;

NOW THEREFORE, by virtue of the power so vested in the Commissioners, the Commissioners hereby promulgate the following standard operational procedures to govern the administration and operations of the Commission:

LACC/07/22/09

## **RULE I**

These rules of procedure shall be referred to as the LACC Standard Operational Procedures (2009).

## **RULE II**

The LACC Standard Operational Procedures (2009) shall govern all investigations and examinations into allegations of corruption leveled against any person (s) natural and artificial, whether reported to the Commission by third parties or discovered by the Commission itself.

## **RULE III**

The LACC Standard Operational Procedures (2009) shall be binding on all LACC personnel, especially Investigation Officers, Auditors and Lawyers.

## **RULE IV**

Any and all investigations to be undertaken by the Enforcement Division shall be conducted in keeping with the principles of "Due Process of Law".

## **RULE V**

All complaints, reports, or allegations of corruption forwarded to the Commission for probing or investigation from third parties shall be in writing, and addressed to the Executive Chairperson of the Commission.

## **RULE VI**

The investigation of any matter falling within the purview of the Commission and to be investigated on the premises of the Commission shall commence with the issuance of a citation to the accused by the Manager of the Enforcement Division and approved by the Executive Chairperson or his / her designee, indicating the date, time and place of the investigation and a summary of the substance of the complaint.

## **RULE VII**

Upon receipt of a report or complaint alleging acts of corruption, the Executive Chairperson shall share copies of the complaint with the other four Commissioners and subsequently convene a special meeting of the Commissioners to evaluate the complaint/report in order to determine the method of treatment of the said matter; provided that the time for convening the meeting following receipt of a complaint/report shall not exceed 7 days.

## **RULE VIII**

The investigation/probe shall be conducted and concluded within a maximum period of 30 days, Sundays and holidays inclusive; provided that should an internal investigation or probe not be concluded in the 30 days period, a progress report shall than be submitted, with recommendation for the next course of action.

Should the investigation require travel outside the country, then the maximum period shall be 60 days, Sundays and holidays inclusive.

#### **RULE IX**

During the process of investigation of any person (s) for alleged act(s) of corruption, the relevant officers, i.e. Asset Recovery Officers of the Enforcement Division, may be authorized by that Division to trace and identify any assets and/or proceeds connected to the alleged act(s) of corruption under investigation by the Division for possible freezing through the court system pending the conclusion of the investigation.

#### **RULE X**

Any Asset Recovery Officer authorized by the Division of Enforcement to trace and identify asset(s) or proceed(s) of alleged act(s) of corruption of an accused person(s) under investigation by the Division shall be issued a written authorization co-signed by the Chief Investigator and Line Manager of the Division and approved by the Executive Chairperson or his/her designee.

#### **RULE XI**

Prior to the deployment of LACC investigation officer(s) to any public, private or civil society institution for the purpose of investigating any alleged acts or report of corruption, the Commission shall through its Executive Chairperson notify the institution in question in writing and request the cooperation of the institution to facilitate the investigation. Additionally, all LACC investigators shall carry LACC identification cards, which they shall present to the management of the institution prior to undertaking any investigation.

#### **RULE XII**

Upon receipt of reports of forensic investigations into financial and other economic crimes undertaken by the General Auditing Commission (GAC), other auditing firms as well as law enforcement agencies alleging financial and economic malpractices forwarded to the Commission, they shall be turned over to the Enforcement Division for professional advice prior to being acted upon by the Commissioners. In such case, the Executive Chairperson shall inform the other Commissioners of the receipt of the reports and the interim action taken thereon.

#### **RULE XIII**

Following the conclusion of an investigation by the Enforcement Division, a written report shall be submitted by the Manager of Enforcement to the Executive Chairperson through the following channel:

- a) From the Chief Investigator to the Manager of the Enforcement Division
- b) From the Manager to the Executive Director
- c) From the Executive Director to the Commissioner with Oversight for Enforcement
- d) From the Oversight Commissioner to the Executive Chairperson

#### **RULE XIV**

Upon receipt of an investigation report from the Enforcement Division, the Executive Chairperson shall convene a meeting of the Commissioners for the purpose of deliberating on the merits and demerits of the report and making a determination as to the sufficiency and credibility of the evidence gathered by the Division for the purpose of prosecution, if the need arises.

#### **RULE XV**

Should the Commissioners determine that the evidence is sufficient and credible enough to warrant prosecution, then the report along with all the species of evidence gathered during the course of investigation shall be turned over to the Ministry of Justice by the Executive Chairperson who shall request the Ministry to prosecute the accused. The investigators who handled the case shall be on the standby to serve as state witness (e.g.) in the court to provide any further clarification which the Ministry may require. In the event the Ministry of Justice fails to prosecute a matter submitted to it within 90 days, then the LACC shall proceed to prosecute the matter in keeping with the Anti- Corruption Commission Act of August 2008.

#### **RULE XVI**

The principle of confidentiality shall be strictly observed and applied in the handling of all reports, as well as in the conduct of investigations by all Officers of the Enforcement Division as well as all personnel of the LACC. Any proven breach of this principle of confidentiality shall constitute a cause for immediate dismissal from the employ with the LACC.

#### **RULE XVII**

These rules may be altered, amended, modified, revised or repealed, as appropriate, by the vote of no fewer than three (3) of the Commissioners.

#### **RULE XVIII**

The effective date of these Standard Operational Procedures shall be July 22, 2009.