



## **LAW ENFORCEMENT**

### **ECONOMIC & FINANCIAL CRIME BUREAU**

#### **INVESTIGATING LAWYERS**

##### **SO2 - SO6**

#### **JOB DESCRIPTION**

##### **BACKGROUND:**

The Bailiwick of Guernsey's financial sector accounts for almost 40% of its GDP and safeguarding Guernsey's reputation as a respected international finance centre is essential for its continued prosperity and to ensure the jurisdiction remains a safe place to conduct business.

A robust criminal justice framework is crucial to protect the integrity of the Bailiwick's AML/CFT regimes sector and is intrinsically linked with Guernsey's commitment to meeting the international standards set by the Financial Action Task Force and a range of Conventions and other international AML/CFT mechanisms. These include effective investigation of predicate criminality, money laundering, terrorist and proliferation financing, breaches of international financial sanctions and the recovery of the proceeds of crime/unlawful conduct.

Guernsey is periodically subject to evaluations on the effectiveness of its compliance with international standards. These evaluations will include the 2023/24 MONEYVAL evaluation of Guernsey's AML/CFT regimes. This evaluation, like others, will have a strong focus on the effectiveness of Guernsey's criminal justice framework. Achieving satisfactory compliance outcomes to evaluations is essential for maintaining the Bailiwick's reputation as a major international financial centre, which is of vital importance in maintaining and enhancing its economic security. In recognition of Guernsey's status as a major international finance centre, the EFCB has recently been established to investigate all forms of financial crime commensurate with Guernsey's National Risk Assessment.

The EFCB was administratively launched in June 2021 and will initially be established on a non-statutory basis i.e. via the creation of the Office of the Director by statute. This position will be reviewed once the Bureau has become fully operational. It is led by a Director who previously worked at Board level at the UK's Serious Fraud Office.

The EFCB is looking to recruit a number of key personnel including lawyers and investigators to strengthen its capabilities to investigate serious economic crime effectively and to fulfil a number of key international objectives.

The opportunity has arisen for 2 specialist investigative lawyers to provide legal input, advice and direction to criminal casework and financial investigations that underpin the recovery of the proceeds of unlawful conduct. Working alongside investigating officers, the successful applicants will play a key role in determining case strategies, operational plans, driving focused investigations and timely case progression. This is an exciting moment for two energetic and skilled legal professionals conversant with criminal and/or civil justice systems to be part of a new and dynamic organisation and to help mould its future direction and successes.

### **OVERVIEW OF ROLE:**

The EFCB's primary focus is to investigate money laundering, terrorist and proliferation financing, sanctions breaches, serious economic crime and to recover the proceeds of unlawful conduct using conviction and non-conviction based legal remedies. Much of these activities will be linked to cross-border financial services business and includes the facilitation by parties within Guernsey of offences in other jurisdictions such as fraud, bribery and corruption or terrorist financing.

To achieve its challenging objectives and, importantly, timely operational outcomes, the EFCB will comprise of teams of financial investigators supported by specialised functions such as intelligence officers, lawyers and forensic accountants. These teams will be responsible for:

- The detection and investigation of economic crime and money laundering (and related financial investigations to trace criminal proceeds); and
- Preparing cases to be taken forward as prosecutions and confiscation or as applications for forfeiture.

The Post Holders will be qualified lawyers with a proven background in dealing with economic crime, money laundering and civil recovery. Their role will be domestically and internationally focused and specifically to provide legal and investigatory oversight to individual cases from the outset of their appointment.

### **GOVERNANCE RESPONSIBILITIES/RELATIONSHIPS:**

The post holders will be employed by the States of Guernsey upon the recommendation of a specialist recruitment panel. They will be directly responsible to the EFCB's Head of Operations. They will work closely with members of the Law Officers' Chambers and in particular the Serious Economic Crime Prosecutors. They will also work collaboratively with the Head of Law Enforcement and with Guernsey's Financial Intelligence Unit; the latter falling under the umbrella of the EFCB. Prosecutions will be presented by specialist Advocates within the Law Officers' Chambers, assisted and supported by the post holders. There may also be subsequent opportunities for the post holders to study for professional qualification as an Advocate of the Royal Court of Guernsey to achieve local rights of audience.

The post holders will also have periodic contact with other domestic authorities whose functions include economic crime and money laundering and with overseas law enforcement authorities or other bodies with those functions. The majority of the cases are likely to involve an international dimension and cooperation and liaison is an integral part of the role. Contact may also be required from time to time with the Guernsey Bar and other members of the private business sector.

### **DETAILED ROLE DESCRIPTION:**

As integrated members of the EFCB, the post holders will be expected to assist the prosecuting Advocate and investigative case team in particular cases by providing timely, accurate and effective legal advice and support. They will contribute to the investigative stages of cases including case strategy, obtaining evidence and the decision to commence a formal investigation. The drafting of legal applications (such as production orders, customer information orders etc.), attendance at premises searches and case conferences will be routine.

The post holders will take a significant role in disclosure exercises, advising on disclosure and supervising the proper application of the relevant legal standards. They will also be significantly involved in any prosecution and will support the Prosecuting Advocate in discharging his or her responsibilities at trial. Additionally, they will work in partnership with internal and external stakeholders to help deliver successful and timely outcomes of cases. This will include working closely with the Law Officers of the Crown, who are the competent authority in Guernsey for outgoing Letters of Request, and members of their Chambers in relation to obtaining mutual legal assistance in support of EFCB cases.

As experienced financial crime lawyers, the post holders will contribute to the investigative stages of cases, particularly in corresponding with law firms, using and advising on the use of powers similar in nature to the section 2 powers utilised by the SFO under the Criminal Justice Act 1987 and assisting with the management of documentary reviews. Policies relating to the use of eDiscovery equipment and its effective application, particularly surrounding the use of key word searches and strategy will be an important part of the development of the EFCB.

### **KEY RESPONSIBILITIES:**

- Working with EFCB investigators, IT staff, police and the regulatory authorities (Guernsey Financial Services Commission and the Revenue Service) on the effective development and progression of EFCB investigations.
- Managing disclosure, in particular matters relating to unused material, sensitive material and disclosure of material from criminal proceedings to parallel civil proceedings.
- Advising on and managing LPP reviews which will involve the briefing and management of external counsel, often appointed off island, and monitoring performance and productivity.
- Assisting with the interviewing of key witnesses and suspects or the planning of the same.
- Drafting and reviewing witness statements.

- Drafting and advising on applications for search warrants, as well as attending and advising on searches.
- Drafting and advising on applications for production orders and their execution.
- Liaising with members of the Law Officers Chambers in relation to outgoing Mutual Legal Assistance requests to obtain evidence from abroad.
- Representing the EFCB at court hearings together with the Prosecuting Advocate and on occasions appearing in court on restraint and other applications where rights of audience are not a pre-requisite.
- Assisting in the preparation of cases for charging and prosecution, including drafting of internal advice and instructions to the Prosecuting Advocate.
- Preparing analyses of evidence, position papers, briefs to the Director, members of the Law Officers' Chambers, and expert witnesses.
- Working and/or liaising with other internal and external stakeholders, as agreed and where required by the demands of particular cases.
- Undertaking legal research often on novel points of law utilising precedent from other common law jurisdictions.
- Keeping abreast of relevant statute and case law and ensuring that all relevant office instructions are adhered to.

## **KEY CRITERIA:**

### **ESSENTIAL:**

- Professionally qualified as an Advocate of the Royal Court of Guernsey or as a Barrister or a Solicitor in England and Wales, Scotland or Northern Ireland, or an equivalent qualification in a compatible common law jurisdiction with a minimum of 5 years PQE (or less in exceptional cases)
- Practical knowledge or significant litigation experience associated with economic crime and money laundering investigations, and familiarity with legal procedures relating to the restraint, forfeiture and confiscation of the proceeds of crime.
- Proven experience of working in a complex, multi-strand legal or investigative environment, with a commitment to collaborative working.
- Demonstrable case preparation skills, including familiarity with the practicalities of disclosure requirements and legal professional privilege in the context of complex criminal investigations.
- Excellent communication skills generally, both orally and in writing, with the ability to deal with people at all levels.
- Proven experience of effectively and sensitively handling expectations, stakeholders (including victims and witnesses) and colleagues in challenging and pressurised environments
- Proven ability to effectively organise and prioritise case work, and a strong track record of making effective tactical decisions and delivering successful outcomes in complex and demanding cases and the effective management of legal risk.

## **DESIRABLE:**

- An ability to understand and identify the purpose and significance of complex financial structures, in the context of allegations of criminal conduct, and to provide appropriate advice to law enforcement agencies engaged in investigations.
- An awareness of international standards and regulatory issues affecting the provision of financial services, and the requirements and goals of policies to combat economic crime, corruption, money laundering and terrorism.
- Experience of digital working, including data and document management systems.
- Previous experience of working for the SFO, a CPS complex casework Unit or Grade 4 level advocacy for either organisation (or similar) would be an advantage.

## **COMPETENCIES (ESSENTIAL BEHAVIOURS)**

FRAMEWORK - this comprises States of Guernsey qualities and behaviours applicable to posts of this grading.

- Identify and shape how own area of work fits within and supports the aim of the EFCB.
- Ensure involvement and consultation where necessary and take decisive action when required.
- Communicate with conviction and clarity in the face of tough negotiations or challenges.
- Maintain a strong focus on priorities, holding others to account for priorities and swiftly respond to changing requirements.
- Proactively create, maintain and promote a strong network of connections with colleagues within the EFCB, the wider public service and externally.
- Actively promote knowledge and resource sharing with peers and across functions.
- Role model continuous learning and self-development, evaluating own effectiveness and growth and planning next learning steps accordingly.
- Take ownership of delivery against outcomes and give credit for others' delivery.

## **NOTE**

As part of the application process applicants will be required to provide:

- A personal statement explaining to what extent the applicant's skills and experience meet each of the essential and, if appropriate, desirable criteria. In addition applicants will be required to demonstrate a commitment to working within the public sector and a willingness to relocate to Guernsey.
- An accompanying Curriculum Vitae

## **Security Vetting Level:**

This is a Security Check vetted post contingent on the successful applicant(s) attaining SC security vetting.