



INVESTIGATING LAWYER

ECONOMIC & FINANCIAL CRIME BUREAU

Mid-point SO2 - SO6

BACKGROUND:

The financial sector accounts for around 36% of Guernsey's GDP and safeguarding the Bailiwick'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 Guernsey's AML/CFT regimes and is intrinsically linked to Guernsey's commitment to meeting the international standards set by the Financial Action Task Force. 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 via conviction and non-conviction based asset recovery.

Guernsey is periodically subject to evaluations on its technical compliance and the effectiveness of its AML/CFT/PF systems against international standards and Guernsey's next evaluation is scheduled in spring 2024 by MONEYVAL. The evaluation will *inter alia* focus on the effectiveness of Guernsey's criminal justice system. In June 2021 the government established the Economic and Financial Crime Bureau (EFCB) as the competent authority for the investigation of financial crime consistent with the jurisdiction's National Risk Assessment for Money Laundering and Terrorist Financing (NRA).

The EFCB is an autonomous law enforcement authority led by the Director whose powers are drawn from the Economic and Financial Crime Bureau and Financial Intelligence Unit (Bailiwick of Guernsey) Law 2022.

The EFCB is looking to recruit an investigative lawyer with experience in non-conviction and conviction based asset recovery to strengthen its on-island capabilities. The post holder will help direct financial investigations with the objective of recovering the proceeds of crime/unlawful conduct and will provide appropriate legal advice to financial investigators and senior managers.

Working alongside investigators, the successful applicant will play a key role in developing case strategies, operational plans and driving focused financial / civil forfeiture investigations to ensure timely case progression. A key element of the role involves collaborative working with the Law Officers who are ultimately responsible for the use of available legal remedies. This is an exciting position for an energetic and skilled legal professional conversant with criminal and civil justice asset recovery processes and to be part of and shape a new and dynamic organisation.

The EFCB's primary functions are to investigate money laundering, terrorist and proliferation financing, sanctions breaches, serious economic crime and to recover the proceeds of crime using conviction and non-conviction based legal remedies. Many of these crimes are linked to the proceeds of foreign predicate crime that have entered Guernsey's financial systems and involve transnational transactions that are legally and factually complex. The EFCB's structure consists of operational teams focused on criminal and civil investigations comprising of financial investigators, complex case specialists and investigative lawyers working together towards a common purpose. The primary objective of these teams includes:

- The detection and investigation of financial crime, in particular money laundering that is consistent with the NRA;
- Identifying, tracing, and locating the proceeds of crime/unlawful conduct.
- Assisting the Law Officers to recover the proceeds of crime using conviction based confiscation processes; and
- Assisting the Law Officers to recover the proceeds of unlawful conduct using non-conviction based legal remedies.

The Post Holder will be a qualified lawyer with proven experience in conviction and non-conviction asset recovery work and the application of provisional measures and confiscation remedies. As part of a team dedicated to the recovery of tainted assets the post holder will provide legal oversight of the Bureau's asset recovery functions and work collaboratively with financial investigators and the two Deputy Heads of Operations.

GOVERNANCE RESPONSIBILITIES/RELATIONSHIPS:

The successful candidate will be employed by the States of Guernsey upon the recommendation of a specialist recruitment panel and will report directly to the EFCB's Head of Operations. He or she will work closely with members of the Law Officers Chambers, specifically its Economic Crime Unit, and work collaboratively with Guernsey's Financial Intelligence Unit; the latter falling under the umbrella of the EFCB. Although asset recovery measures are ultimately the responsibility of the Law Officers, the post holder will be expected to support confiscation/forfeiture processes in concert with the Law Officers Chambers.

The successful candidate will also have regular contact with domestic agencies and overseas criminal justice authorities, particularly in relation to civil forfeiture investigations. The majority of the Bureau's financial investigations involve international dimensions and cooperation and liaison with partner agencies overseas is an integral element of the role. Contact with the Guernsey Bar and finance industry may also be required from time to time.

JOB SUMMARY:

The post holder will be expected to develop investigation strategies and underpinning action plans in concert with investigation teams and provide timely legal advice and investigatory support to ensure effective case progression within agreed timescales. This will include the analysis of relevant information and the drafting of applications for the use of provisional measures and coercive powers such as production orders, customer information orders etc., preparation of statements and affidavits and attendance at Guernsey's Royal Court to support the EFCB's interests.

The post holder will work in partnership with EFCB colleagues and external partners to help deliver successful and timely outcomes. A key aspect of this role is cooperative and collaborative working with the Law Officers of the Crown who are also the competent authority for mutual legal assistance.

As an experienced legal professional in the area of financial crime, the post holder will actively contribute to progression of EFCB casework, corresponding with law firms as necessary, advising on the use of available powers and help direct and manage case reviews.

KEY RESPONSIBILITIES:

- Working with financial investigators as part of a team to identify, trace and locate the proceeds of crime for the purposes of conviction based asset recovery and similarly in respect of non-conviction based asset recovery measures. Providing sound and accurate legal and investigatory advice as required.
- Drafting and reviewing affidavits.
- Drafting and advising on applications for the use of provisional measures and coercive powers available for financial and civil forfeiture investigations.
- Drafting and advising on requests for mutual legal assistance and liaising with the Law Officers Chambers as appropriate.
- Providing advice to EFCB officers executing inbound MLA requests on behalf of the Law Officers, including reviewing the said request for potential domestic investigations.
- Representing the EFCB's interests at court by supporting the Law Officers.
- Attending Case Review Panels chaired by the Director (or the Head of Operations) and *inter alia* providing accurate and timely assessments on case focus and progress against agreed plans, developing future investigatory plans and advising on the evidential strength of casework for the purpose of civil forfeiture.
- Assisting in the preparation of cases for submission to the Law Officers Chambers for consideration of appropriate legal remedies.
- Working and liaising with domestic and international stakeholders, such as the Guernsey Financial Services Commission, Bailiwick Law Enforcement, and relevant authorities overseas.

- Undertaking legal research on novel points of law and the relevance of civil case law in other common law jurisdictions;
- Keeping abreast of relevant legislation and case law and ensuring adherence to relevant EFCB policies and standard operating procedures;
- Drafting and periodically reviewing policies and standard operating procedures;
- Ensuring the effective use and application of the Bureau's eDiscovery platform and developing and managing documentary review strategies as appropriate;
- Providing legal advice to the Director as required.

KEY CRITERIA:

ESSENTIAL

1. 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)
2. Practical knowledge and significant litigation experience associated with economic crime (particularly money laundering and asset recovery) and familiarity with legal procedures relating to provisional measures and confiscation.
3. Proven experience of working in a multi-strand legal or investigative environment and a demonstrable commitment to collaborative working.
4. Demonstrable case preparation skills.
5. Excellent communication skills both orally and in writing with the ability to deal with people at all levels.
6. Proven experience of effectively and sensitively handling expectations, stakeholders (including victims and witnesses) and colleagues in challenging and pressurised environments.
7. Proven ability to effectively organise and prioritise case work, a strong track record of making effective tactical and legal decisions, managing legal risk and delivering successful outcomes in complex cases.

DESIRABLE

8. An ability to understand and identify the purpose and significance of complex financial structures used in the context of money laundering.
9. 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 the financing of terrorism.
10. Experience of using eDiscovery systems to aid investigatory analysis and case progression.
11. Ability to work flexibly and develop new areas of expertise as may be required.

KEY 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 setting out the applicant's skills and experience that meets the essential criteria 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, and a job offer is contingent upon the successful applicant attaining SC security vetting.