

BUSINESS PLAN

2021 -2023

Director's Foreword

The Economic & Financial Crime Bureau (EFCB) was launched in June 2021 by Deputy Prow, the President of the Committee for Home Affairs, and myself, and forms part of Guernsey's¹ drive to enhance the jurisdiction's capacity and effectiveness in tackling economic and financial crime; particularly in respect of money laundering, terrorist financing and other serious economic crimes such as bribery, corruption and tax evasion. Strengthening the efficacy of the enforcement response will help prepare Guernsey for the challenges of the MONEYVAL² evaluation, scheduled for early 2024, that will inter alia focus on the effectiveness of our response to intelligence, investigation and recovering the proceeds of crime. The EFCB (the Bureau) is an independently led enforcement entity that takes over these responsibilities from the Bailiwick of Law Enforcement (BLE) where they formerly resided within its Economic Crime Division.

We are working with the Law Officers of the Crown and government to provide the legislative framework for the Bureau and the legal vires to access all the investigatory powers and tools necessary to tackle financial crime. The EFCB's primary mandate is to investigate money laundering, terrorist and proliferation financing, sanction breaches, serious economic

crime and to recover the proceeds of unlawful conduct using conviction and non-conviction based legal remedies. We will achieve these aims not only by making best use of the full range of investigatory tools, but by working with our key partners such as the Law Officers of the Crown, BLE, the Guernsey Financial Services Commission and the Revenue Service. By strengthening cooperation and collaboration with our domestic and, importantly, our international partners, we will deliver justice fairly, effectively and at pace.

The Financial Intelligence Service will be rebranded as the Financial Intelligence Unit (FIU) and will fall under the umbrella of the Bureau though it will retain its operational independence to comply with international standards. The FIU will move away from its former function as an intelligence service for the whole of BLE and will focus solely on its role as Guernsey's competent authority for the receipt and analysis of suspicious activity reports and the dissemination of financial intelligence to appropriate authorities.

As the EFCB's first Director I am accountable to the Committee for Home Affairs for the Bureau's performance and to ensure the Bailiwick has an effective enforcement

¹ References to Guernsey means the Bailiwick of Guernsey unless the context indicates otherwise

² MONEYVAL is a permanent monitoring body of the Council of Europe. It assesses compliance with international standards to counter money laundering and the financing of terrorism and the effectiveness of their implementation to help improve the capacities of national authorities to fight money laundering and the financing of terrorism more effectively. It pursues these objectives via a dynamic process of mutual evaluations, peer review and regular follow-up of its reports.

response to tackle the risks it faces as an international financial hub. And to help bring together enforcement and justice authorities, regulatory bodies and other key stakeholders to safeguard Guernsey's reputation as an international financial centre.

This Business Plan sets out the Bureau's ambition and the key objectives and priorities that are necessary to realise an enforcement capability that can deliver a step change in investigatory effectiveness and the achievement of tangible economic and financial crime outcomes that are commensurate with the risks set out in Guernsey's National Risk Assessment on money laundering and terrorist financing (the NRA).

It also recognises the Bureau's most valuable assets; its people. We will embrace diversity and develop a resourcing model that recognises the benefits and value of different professions working together to achieve a common purpose and use this blended skill base to achieve our strategic objectives in a timely and effective fashion. Our recruitment campaigns will seek to attract highly skilled, capable and motivated individuals and we will invest in our people by providing suitable opportunities and training to help develop and aid their professional development. This model will engender



and support an enforcement capability and environment that enables and encourages individuals to flourish through professionalism and creativity and at the same time provide the flexibility and resilience required to meet the ever changing demands of tackling complex economic and financial crime.

Changing Guernsey's response to economic and financial crime will make for a more efficacious use of information and intelligence, drive up the number of criminal and asset recovery investigations and, importantly, demonstrate greater effectiveness to combat money laundering, terrorist financing and major proceeds-generating crimes. This business plan will provide the platform to meet the inevitable civil and criminal justice challenges that lie ahead and it will put Guernsey in a stronger position to meet its international obligations and the standards set by the Financial Action Task Force (FATF)³.

Kevin Davis

The Director Economic & Financial Crime Bureau

³ The FATF is the global money laundering and terrorist financing watchdog with more than 200 jurisdictions committed to implementing their international standards. FATF works to generate the political will to bring about national legislative and regulatory reform to combat money laundering and the financing of other crimes such as terrorism, weapons of mass destruction, drug trafficking etc. The FATF monitors countries to ensure they implement the FATF Standards fully and effectively, and holds countries to account that do not comply.

Mission

The Bureau will investigate economic and financial crime, deliver justice for victims and protect Guernsey's reputation as an international financial centre; making the Bailiwick a safe place to conduct business.

We will investigate serious economic and financial crimes that are commensurate to the risks set out in the NRA and wherever possible recover the proceeds of crime and unlawful conduct using all legal remedies at our disposal. As agents for the Law Officers of the Crown in their role as the competent authority for Mutual Legal Assistance, we will in appropriate cases, assist overseas jurisdictions in their financial crime investigations and help them to recover the proceeds of crime.

We aim to achieve excellence in everything we do and to make Guernsey a hostile environment for sophisticated criminals. As an investigator, the EFCB will diligently do its part to uphold justice in concert with the Law Officers of the Crown and our partners.

Our Objectives

Effective investigation and the recovery of the proceeds of crime are the core purposes of the Bureau and working to embed the right culture and skills to enhance delivery and collaboration across the lifecycle of its operations is a primary objective and one of the routes to improve enforcement effectiveness within the Bailiwick.

Developing and growing the EFCB brand is key to our mission and achieving our objectives. Our enforcement trademark is a crucial element in generating public and international confidence in Guernsey's response to economic and financial crime and provides the foundation for developing new and existing business relationships and spawning a supportive experience for complainants, witnesses and victims of crime.

The Bureau's strategic objectives reflect its commitment to the delivery of fair and effective justice. **We will:**

- ⚙️ Develop intelligence to identify potential cases of economic and financial crime commensurate to the risks set out in Guernsey's NRA for money laundering and terrorist financing;

- ⦿ Diligently and fairly investigate economic and financial crimes and provide evidence of suspected criminal offences to the Law Officers of the Crown for consideration of criminal prosecution;
- ⦿ Diligently and fairly conduct conviction and non-conviction based financial investigations to support legal remedies to recover the proceeds of crime;
- ⦿ Collaborate with domestic and international partners (and other stakeholders) engaged in tackling economic and financial crime and uphold Guernsey's AML/CFT agenda;
- ⦿ As an investigator, assiduously uphold and promote the rule of law and deliver justice for victims;
- ⦿ Build an effective and inclusive workforce that treats staff fairly and with respect and dignity;
- ⦿ Provide value for money in everything we do.

Our Values

- ⦿ **Excellence:** We will strive for excellence in all that we do;
- ⦿ **Integrity and professionalism:** We will conduct ethical and high quality investigations, make objective decisions and uphold the public interest;
- ⦿ **Respect:** We will show respect for colleagues, partners, stakeholders and the public, ensuring equal treatment for all;
- ⦿ **Openness and transparency:** We will collaborate and cooperate with all in a constructive and professional manner, explain decisions and learn from our mistakes.

Key priorities for 2021 – 23

The Bureau's priorities will focus on building its operational capability, recalibrating Guernsey's intelligence response to the key risks and driving case progression. These elements will underpin a step change in effectiveness and performance within the economic and financial crime space and will provide evidence of enforcement efficacy in readiness for the MONEYVAL evaluation.

The EFCB will develop and enhance its intelligence capability through increased resourcing, training and, importantly, remodeling Guernsey's approach to financial intelligence development. This will strengthen its intelligence capability and capacity to deliver a solid pipeline of suitable cases for criminal investigation, non-conviction based recovery action and/or regulatory consideration that are commensurate with the risks to the Bailiwick. This change in methodology together with greater collaboration with partners and stakeholders will also help identify emerging criminal trends that will allow Guernsey's enforcement response to stay ahead of the game.

Financial investigation that underpins civil recovery action and the confiscation of recoverable property is a cornerstone to achieving a more effective response to financial crime. Nothing hurts criminals more than

depriving them of the fruits of their crimes. Non-conviction and conviction based financial investigations will underpin the use of legal remedies to deprive criminals of their illicitly derived assets and these will become business as usual functions for the Bureau.



Capability

Building a competent authority that is dedicated to tackling economic and financial crime is necessary to drive an effective but proportionate response to the financial crime risks faced by Guernsey. **This includes:**

- ⦿ Working with policy officials, the Law Officers and government to provide the legal framework for the Bureau to operate and to access the full range of investigatory tools and powers necessary to discharge its functions;
- ⦿ Developing an intelligence capability that provides an interface between the functions of the FIU and the Bureau's investigatory functions;
- ⦿ Building a diverse and professional workforce that exercises the required technical functions of the Bureau namely investigatory, legal, forensic accountancy and financial expertise;
- ⦿ Provision of suitable accommodation and IT that supports the Bureau's autonomy as an investigator and provides an operating environment and information technology conducive to the investigation of serious and complex crime;
- ⦿ Collecting, managing and storing data effectively and securely to augment operational opportunity and proficiency.



Operations

We will focus on the identification and investigation of economic and financial crime offences and opportunities to recover the proceeds of unlawful conduct. A new team will be sited within the enforcement arm of the Bureau to provide the fully developed intelligence products necessary for consideration of criminal investigation, asset recovery and/or regulatory action. This unit will work collaboratively with the FIU, domestic⁴ and international partners to exploit all forms of information to deliver the pipeline of intelligence that will drive the Bureau's operational activities.

To drive our operational response **we will:**

- Develop and implement an integrated outcome driven intelligence response which is key to providing an intelligence pipeline that identifies suspected wrongdoing commensurate with the risks and priorities set out in the NRA; and which supports Guernsey's AML and CFT regimes. This will include the creation of a case development unit within the Bureau;

- Implement case evaluation, prioritisation and review processes that will make best use of collective capabilities within the Bailiwick to improve case progression;
- Use all investigatory tools, powers and legal remedies at our disposal to secure the best possible criminal and civil justice outcomes for the Bailiwick;
- Identify criminal investigation and asset forfeiture opportunities via engagement with our partners. This will include working with the Law Officers to identify potential criminal offences committed within the Bailiwick from inbound Mutual Legal Assistance requests;
- In appropriate cases, for example fraud investigations, put victims at the heart of our casework and provide every assistance to them and witnesses.

⁴ For clarity this includes amongst others, the Revenue Service, Guernsey Financial Services Commission, The Alderney Gambling Control Commission, BLE, Guernsey and Alderney Registries and The Policy & Resources Committee pursuant to its function of administering and implementing international sanctions



People

Building a culture that invests in its people through empowerment, and which stimulates creativity and ambition, is key to achieving the Bureau's objectives. Investing in talent via training, opportunity and continuous professional development will enable our people to flourish and contribute effectively in the fight against economic and financial crime. We shall develop an operating environment that is diverse, inclusive, provides an excellent place to work and which attracts an array of skills and experiences from different professions. Our recruitment campaigns will be geared to target and draw talented people from enforcement and non-law enforcement backgrounds. This will foster a resourcing model that enables all the key skills necessary to be drawn upon to tackle complex economic and financial crimes and will provide a strong foundation to improve effectiveness in this area.

We will:

- ⚙️ Ensure the Bureau has the appropriate resources to deal with its objectives through recruitment campaigns that will seek to attract highly skilled, capable and motivated individuals;
- ⚙️ Develop staff capabilities to equip them with the skills, knowledge and experience to tackle complex financial crimes confidently, diligently and at pace;
- ⚙️ Recognise the value of different professions working to achieve a common purpose and support staff engagement to help deliver the Bureau's mission;
- ⚙️ Promote and provide opportunities for the continuous professional development of our people across all professions;
- ⚙️ Provide staff with health and wellbeing support as we move into a new operating environment.



Partners and Stakeholders

The need for cooperation and collaboration with partners both within Guernsey and internationally has never been more important; financial crime is a complex global phenomenon and building and maintaining strong relationships to promote information sharing and the gathering of evidence is a fundamental requisite for effective discovery, investigation and delivery of justice. The Bureau will work hand in hand with its partners at home and abroad (especially BLE, the GFSC and the Law Officers) as they are crucial to our success in securing outcomes and upholding the rule of law; particularly in relation to money laundering and the financing of terrorism and proliferation of WMD (and other instrumentalities that underpin conflict).

We will work with the Committee for Home Affairs, the Law officers of the Crown and Guernsey's Director of Financial Crime Policy to actively promote legal reform to strengthen investigatory powers and legal remedies that will aid our mission. Similarly, we will work with these stakeholders and industry to consider a Public Private Partnership that can enhance the sharing of information to help prevent and detect serious crime and strengthen our AML/CFT regimes.

We will:

- ⦿ Build the EFCB brand and image by communicating what we do and the impact of our work;
- ⦿ Develop and maintain professional relationships to promote an enhanced collective capability to tackle economic and financial crime;
- ⦿ Collaborate with partners and stakeholders to support and enhance Guernsey's AML/CFT regimes and improve enforcement outcomes;
- ⦿ Encourage and support greater information sharing to improve our understanding of economic and financial crime threats that will enable proportionate and risk based enforcement responses;
- ⦿ Engage with and influence policy makers and relevant governmental oversight boards to support the Bureau's mission and objectives.

Governance and performance

Legislative proposals will put the Director's accountability to the Committee for Home Affairs on a legal footing and this will underpin administrative processes already in place. A new suite of outcome based performance measures will be devised in conjunction with the Director of Financial Crime Policy, to report and measure progress and these will be regularly conveyed to the Committee for Home Affairs for its scrutiny.



