

# Bailiwick of Guernsey Law Enforcement

An inspection of the capability and capacity of Guernsey  
Police and Guernsey Border Agency

November 2018

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## Summary

In 2017, the Bailiwick of Guernsey's Committee for Home Affairs invited HMICFRS to inspect the policing and border control arrangements. These are provided by two separate but closely connected organisations, which are collectively known as "Bailiwick Law Enforcement" (BLE).

The two organisations which comprise Bailiwick Law Enforcement are Guernsey Police and Guernsey Border Agency. They are distinct organisations but, since 2013 have operated under a single head and a shared senior management team.

Our terms of reference for this inspection were wide-ranging. They amounted to an examination of most aspects of BLE's operations and the governmental, political, and social context in which they take place.

Generally, the Bailiwick of Guernsey's population is very well-served by its police force and border agency. BLE has much to be proud of, and there are many areas of work which impressed us particularly. There are also nonetheless areas where there is scope for improvement, and some where we concluded that we should make specific recommendations.

Our report identifies 26 areas for improvement and makes eight recommendations.

## Governance

When the Guernsey Home Department appointed BLE's current head, BLE had three objectives: to drive out inefficiencies; to encourage greater joint working; and to increase professionalism. BLE has achieved these objectives, at least in part. However, it is stuck in an awkward 'halfway house'. It is neither two separate organisations nor one single organisation. As a result of this, the full benefits expected from its creation have not been realised. The Committee for Home Affairs vision for the future structure needs to be clarified.

The Committee for Home Affairs Delivery Plan 2015-2018 defined the core business objectives of the services for which the Committee was responsible. However, since that plan's publication, the membership of the Committee has changed and a new chairperson has been appointed. At the time of our inspection, the current Committee had neither adopted the *Delivery Plan 2015-2018* nor produced a new plan to replace it. As a result, BLE did not know what business objectives the Committee had set for it. Subsequently the plan was adopted, but it has since been superseded by a plan from the States of Guernsey.

In the Bailiwick of Guernsey, there is no protocol (of the kind used in England and Wales) or other document to clarify the respective roles of the Committee for Home Affairs and the Head of Law Enforcement. We identified a strong sense of frustration,

shared equally by the Committee for Home Affairs and BLE personnel, that the governance arrangements were not functioning as well as they should.

## Technology

We found some very serious shortcomings in BLE's information and communication technology (ICT) systems. This was a dominant and recurring theme of our inspection. The ICT provision of the Bailiwick of Guernsey was among the worst we have seen. Throughout the inspection, interviewees told us about many problems with their ICT, the collective effect of which is profoundly damaging to BLE's morale, efficiency and effectiveness.

## Public expectation

BLE's leaders demonstrated their commitment to meeting public expectations, and we found they largely did so. Border controls generally worked well. The police attended most incidents. The crime investigation files we audited contained many examples of thorough investigations of crimes which most police forces in England and Wales would have treated as too minor to investigate.

However, we believe BLE could do more to involve the public in setting local and strategic priorities. We found that BLE did not formally consult parish contacts (such as the parish constables and douzaines<sup>1</sup>) when producing the *Service Delivery Plan 2017-2020*. There were no formal structures in place for consulting the public about their concerns and priorities, or feeding back what action BLE had undertaken to address them.

## Crime

There has been a significant downward trend in recorded crime in the Bailiwick of Guernsey since 2007, with 54 percent fewer offences recorded in 2016 than in 2007.

However, despite the fall in recorded crime, responses to the 2015 Crime and Justice Survey showed that 48 percent of respondents believed that crime had actually increased since 2013 (with 16 percent believing that there was a lot more crime). Only 12 percent believed there was less crime.

Guernsey Police's crime detection rate has improved markedly over the past decade. The detection rate has been consistently around 50 percent (the target set by the head of bailiwick law enforcement) since 2012, having fluctuated between 28

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<sup>1</sup> Parish constables, or connétables, are the elected heads of parishes. Parish councils in Guernsey are known as douzaines.

and 36 percent between 2007 and 2011. This is considerably better than detection rates in England and Wales.

We found good-quality investigation plans had been created for most of the investigations we looked at and, in the specialist departments in particular, investigations were often well supervised. However, the quality of supervision was not as consistent outside these departments.

We were impressed by the quality of Guernsey Police's problem-solving policing. However, there are no formal review processes of problem-solving plans, nor analyses of results to assess their effectiveness.

## **Borders**

Through its administration of the customs and immigration systems, Guernsey Border Agency plays a crucial role in protecting the Bailiwick of Guernsey. Throughout the inspection, we found that Guernsey Border Agency is fulfilling its border responsibilities to the Bailiwick and the Common Travel Area.

We found robust immigration controls for scheduled arrivals. There are few scheduled maritime and aviation services to the Bailiwick of Guernsey, and Guernsey Border Agency has sufficient capacity for face-to-face immigration checks on everyone arriving on scheduled services from outside the Common Travel Area. Vehicular traffic and freight arriving from outside the Common Travel Area are subject to physical search for illegal migrants.

Since 2016, most seizures of restricted and prohibited goods have been from postal packets. In 2016, such seizures accounted for 91 percent of drugs seizures (by number of seizures, not weight of drugs seized), up from just 30 percent in 2015. Underlying this is a three-fold increase in the number of drug seizures from incoming post.

Guernsey Border Agency officers – along with their Guernsey Police colleagues – lack access to a particularly rich source of UK police intelligence: the Police National Database. This is a consequence of BLE's weak ICT infrastructure.

## **Financial crime**

With funds of £270 billion under management and administration, the Bailiwick of Guernsey's financial sector is internationally significant. It is the mainstay of the economy, contributing more than a third of the Bailiwick's gross domestic product. Consequently, the economic crime department's performance has national and international consequences.

The economic crime department's objectives include the receipt, development, analysis, and passing on of financial intelligence, and facilitating the Bailiwick of

Guernsey's suspicious activity reporting régime. Suspicious activity reports provide law enforcement agencies with valuable information about potential criminality. There has been a very significant increase in the volume of suspicious activity reports since 2012. This coincides with a reinvigoration of the economic crime department's outreach programme, through which it educates institutions about their responsibilities under the reporting regime.

There has been an increase in the number of money-laundering investigations following a fall in 2013. However, the total conducted in 2017 was no higher than it was in 2012.

We were particularly concerned by the extent of difficulties reported by investigators seeking to get financial orders in the course of their investigations. Very lengthy delays were commonplace. This frustrated investigators, seriously limited the rate at which investigations could progress, and had an adverse effect on asset recovery performance. We also found that delays with international mutual legal assistance cases were commonplace.

BLE has increased its capability to tackle proceeds of crime, through the creation of a new international co-operation and asset recovery team. This team's role includes pursuing suspected criminal assets which have been frozen in the Bailiwick of Guernsey. The economic crime department reported that there were significant further assets to explore.

## **Intelligence**

BLE's intelligence unit comprises a range of officers and staff from Guernsey Police and Guernsey Border Agency. The functions performed, and the structure of the unit, largely reflect similar units in England and Wales, and the officers and staff have access to similar training. Those staff we spoke with had significant experience in collating, developing and disseminating intelligence. We found a well-established and valuable network of relationships and working practices. These help BLE to gather and disseminate intelligence.

Each week, the director of intelligence chairs a tactical tasking and coordination group meeting. The meeting follows the principles of the National Intelligence Model and reflects good practice seen in England and Wales.

Guernsey Border Agency uses an intelligence-led strategy at the borders to identify the more serious offences such as commercial importations of controlled drugs. Drawing on the range of intelligence, enquiries are undertaken to identify persons of interest travelling, and coercive powers are used to good effect when stopping and searching people, vehicles and vessels.

We saw a number of examples where Guernsey Border Agency had undertaken complex and serious investigations relating to cross-border crime involving overseas

jurisdictions. There was clear evidence that the Agency worked collaboratively with law-enforcement bodies in Jersey, the UK and France, and that it shared intelligence with them.

## **Vulnerable people**

We found that BLE does not consistently identify people who are vulnerable. It does not have a single, corporate definition of vulnerability. A suitable definition, supported by training and policies, would provide staff and officers with a common understanding of the ways in which people can be vulnerable and help ensure that vulnerable people receive the support they need.

The software in the Joint Emergency Services Control Centre highlights whether any previous calls have been made from the same telephone number or address. While this identifies some repeat victims, it does not automatically identify repeat victims who may be calling from a different address, or other callers whom BLE may previously have identified as vulnerable.

BLE's domestic abuse policy makes clear the requirement for all attending officers to complete a risk identification checklist form for all domestic abuse incidents they attend. The response officers we spoke to knew of this requirement. We learned that forms completed by uniform officers vary in quality. However, we were pleased to find that BLE has a process to ensure that any errors or omissions are identified quickly.

Despite the processes in place for assessing risk in domestic abuse cases, we found no evidence that BLE officers are required to routinely assess the vulnerability of all the victims, witnesses and suspects they encounter. Consequently, it is likely that some of the vulnerable people BLE officers meet are not identified as such and therefore do not receive the appropriate response, whether it be referral for multi-agency intervention or other safeguarding measures.

We learned that public protection unit (PPU) officers receive additional specialist training on public protection issues. However, some officers told us that they felt the training is insufficient, and we heard concerns that it does not equip them with the specialist knowledge they need to deal with vulnerable people or to advise their uniformed colleagues.

Despite these concerns, our file review showed that most of the public protection unit cases we examined were effectively investigated. We also found evidence of effective supervision in almost all the cases investigated by the public protection unit.

We heard from partner bodies that public protection unit investigations are generally focused on the needs of the victim, especially in child protection cases. Our file review echoed this, as we found evidence of good victim care in the majority of PPU investigations we examined.

However, not all BLE investigations show good victim care. Victim care and witness care plans are not routinely completed.

BLE works constructively with partner organisations to protect those who are vulnerable and to support victims. Partner agency representatives to whom we spoke during our inspection made positive comments about the force's engagement in this area.

## **Forensic capabilities**

In common with police forces in England and Wales, BLE faces significant demands associated with digital forensics. It is managing them in a sensible way. BLE's digital forensics capacity had increased significantly during the year before our inspection. However, BLE realises that this capacity will require continuing investment to keep pace with increasing demand and developments in digital technology.

Since BLE's creation, Guernsey Police's Scientific Support Department has also provided crime scene investigation services to Guernsey Border Agency. Given the low crime rate in the Bailiwick of Guernsey, demand for crime scene investigator attendance is low. The department can therefore attend a wider range of incidents than most police forces in England and Wales.

## **Estates**

At the time of the inspection, there was no BLE estates strategy, nor was there an estates strategy covering Home Affairs services as a whole. It is widely recognised that BLE's estate provision is inadequate.

In recent years, the Guernsey strategic asset management project and the home operational services transformation project have both examined a range of potential options for the estate. While these examinations were going on, BLE reduced its expenditure on maintaining and improving its current estate because it expected to relocate. It is likely that additional investment will be required to renovate parts of the current estate unless a decision is made to move to new accommodation.

Guernsey Police's – and latterly BLE's – custody facilities have long been an area of concern for senior managers, those working in the custody facilities and the Committee for Home Affairs. These facilities were subject to independent reviews, in 2010 and 2014. Both reviews identified concerns. Following the latter review, BLE took some immediate remedial action and developed a programme of works to refurbish the facility sufficiently to fully address the concerns. Progress has been slow, however.



## **Other functions**

Certain non-law enforcement functions are also carried out by BLE: revenue and excise collection; issuing passports; import and export licencing; and issuing work permits. The inspection did not show that the current arrangement had any significant disadvantages.

## **Complaints**

HMICFRS conducted a dip sample of public complaints made during 2017, to assess whether the professional standards department was referring all appropriate cases to the Police Complaints Commission. This revealed that the professional standards department's processes were robust, informal resolution was being sought correctly, and all appropriate cases were referred.

There have, however, been long delays in some of the cases which are not subject to informal resolution, with the professional standards department waiting long periods for the Police Complaints Commission to confirm whether it intended to supervise the investigation.

At the end of each supervised complaint investigation, the Police Complaints Commission prepares a statement on whether the investigation has been conducted to its satisfaction. We found problems with this. The Commission's, force's, and other stakeholders' interpretation of the legislation is that the Commission may only say it is either 'satisfied' or 'dissatisfied' with the PSD investigation, with no nuance or caveats. This can prove confusing to both the complainant and the officer subject to the complaint, and lead to unfair public criticism. Of those we asked, all were in favour of the legislation being redrafted.

## **Enabling functions**

The Committee for Home Affairs requested that HMICFRS examine the 'enabling functions': human resources, information and communications technology (ICT) and finance. These three functions are all now provided centrally. We found some evidence of benefits from a central approach. But we also found that the centralisation had a negative effect on BLE's operational efficiency and effectiveness, as well as significantly increasing the workloads of BLE managers and supervisors.

# **1. Introduction**

## **Our commission**

We conduct statutory inspections of police forces and other law enforcement agencies in England and Wales. We also inspect law enforcement arrangements in British Overseas Territories and Crown Dependencies upon invitation from the relevant Government.

The Bailiwick of Guernsey is a Crown Dependency comprising the islands of Guernsey, Alderney, Sark, Herm, Brecqhou, Jethou and Lihou, as well as a number of uninhabited islets. It covers an area of just over 63 square kilometres. The resident population is about 64,000. Guernsey's Government is called the States of Guernsey, subsequently referred to as 'the States'.

In 2017, the States' Committee for Home Affairs invited HMICFRS to inspect the policing and border control arrangements. These are provided by two separate but closely connected organisations collectively known as 'Bailiwick Law Enforcement' (BLE).

## **About Bailiwick Law Enforcement**

The two organisations which comprise Bailiwick Law Enforcement are Guernsey Police and Guernsey Border Agency. They are two distinct organisations but, since 2013 and following a report by the States' Committee for Home Affairs, have operated under a single head and a shared senior management team. BLE also includes other functions such as trading standards.

In 2016, BLE had an allocated budget of £18.2 million. Between March 2010 and March 2016, the budget was reduced by six percent.

In many respects, BLE faces challenges similar to those faced by England and Wales police forces and the UK Border Agency. But in some important respects there are major differences. The Bailiwick of Guernsey has a small, tight-knit community which enjoys a high standard of living. There are particularly low crime rates and very high public expectations on BLE – to keep crime low, manage the border well, provide an attentive service and keep the community safe.

## **Our terms of reference**

Our terms of reference for this inspection were wide-ranging. They amounted to an examination of most aspects of BLE's operations and the governmental, political and social context in which they take place.

We were asked to pay particular attention to the impact of the “RoLE” (restructuring of law enforcement) programme, which resulted in the integration of some of Guernsey Police's and Guernsey Border Agency's functions, through new joint teams. We were also asked to pay particular attention to BLE's capability and capacity for the future. The terms of reference are reproduced in full at annex A.

## **Our methodology and approach to this inspection**

We conducted fieldwork for this inspection in December 2017 and January 2018. Our fieldwork team was a joint one, comprising personnel from HMICFRS, a representative from HM Borders and Immigration Inspectorate, and a police superintendent with particular experience of policing in a British Overseas Territory.

We interviewed BLE personnel at all levels of the organisation. We observed a series of management meetings. We consulted other law enforcement and criminal justice bodies and members of the public. We analysed various data and documents, including a comprehensive self-assessment that BLE completed at our request. We audited a series of BLE's crime investigation files.

In reaching our judgments we have, where appropriate, made comparisons with police and border practices in British Overseas Territories and England and Wales. We have also drawn on guidance provided to police forces by the College of Policing ('authorised professional practice') and we have referred to our findings from other HMICFRS inspection reports.

For certain aspects of the inspection we have drawn comparisons with the work of the National Crime Agency, because it also carries out policing and border functions.

## **The layout and content of this report**

Our terms of reference had 12 sections. Each of the following chapters reports our findings in relation to one of those sections. Inevitably, certain aspects of our findings are relevant to more than one section. Where this is the case, we have included cross-references to other relevant chapters.

Generally, the Bailiwick of Guernsey's population is well-served by its police force and border agency; BLE has much to be proud of, and in the chapters that follow there are many areas where we were particularly impressed.

There are also areas in which there is scope for improvement, and some where we concluded that we should make specific recommendations.

Our report draws attention to 26 areas for improvement and makes eight recommendations. These are listed at annex B and annex C respectively.

## 2. Resources

The Committee for Home Affairs asked HMICFRS to examine BLE resources and, in particular, the numbers of officers and staff and their allocation against priorities in the context of high public and political expectations. This chapter examines:

- BLE's staffing levels;
- BLE's understanding of the demand it faces (including that born of public expectations) and its awareness of the policing and border-related threat, harm and risk the Bailiwick of Guernsey faces; and
- the processes in place for setting BLE's priorities.

### Staffing levels

Because Guernsey Police and Guernsey Border Agency remain as two distinct bodies, we have examined their staffing levels separately.

Both bodies employ a mix of warranted officers and support staff. In human resource management terms, the numbers of support staff were counted independently by each body up to 2013, but have been counted as a combined total since 2014.

#### Police officers

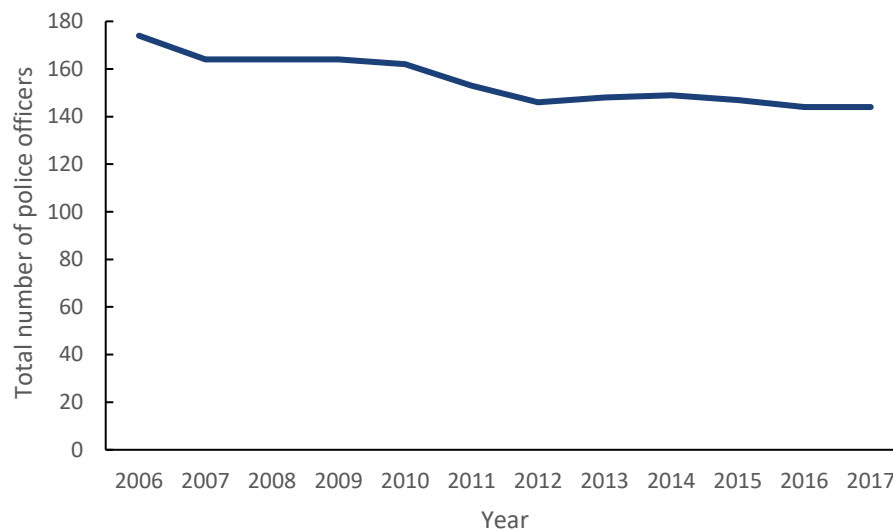
Under a 1949 law, the States has responsibility for setting the authorised police officer establishment. It does this by resolution.<sup>2</sup>

The most recent resolution was passed in 1998, when the establishment was set at 177 officers. However, throughout the last ten years the actual strength appears to have been lower and, since 2012, has remained under 150.

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<sup>2</sup> Section 2 of the Island Police Force Establishment (Guernsey) Law 1949 says "*The establishment of the Island Police Force shall be such as the States may from time to time by Resolution determine, or may have, prior to the commencement of this Law, determined*".

**Figure 1: Actual police officer strength 2006–2017**



**Source: Guernsey Police annual reports, 2006–2017**

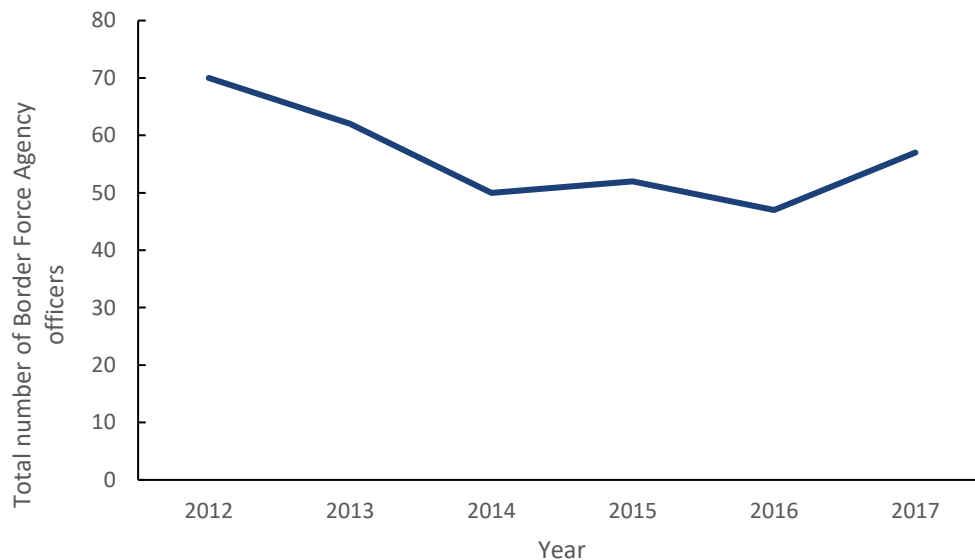
Figure 1 shows the number of officers in post on 31 December each year. Between these dates, officer numbers would have fluctuated and, at times, would have been higher or lower than the figure at the end of the year.

The decision to set the authorised establishment at 177 was taken 20 years ago. Since then the environment, and demands on policing, have changed considerably.

## Guernsey Border Agency officers

Guernsey Border Agency officer establishment is not set in the same way as police establishment. Instead, border officers are deemed civil servants and their numbers are determined by the States from time to time.

**Figure 2: Guernsey Border Agency officer strength 2012–2017**



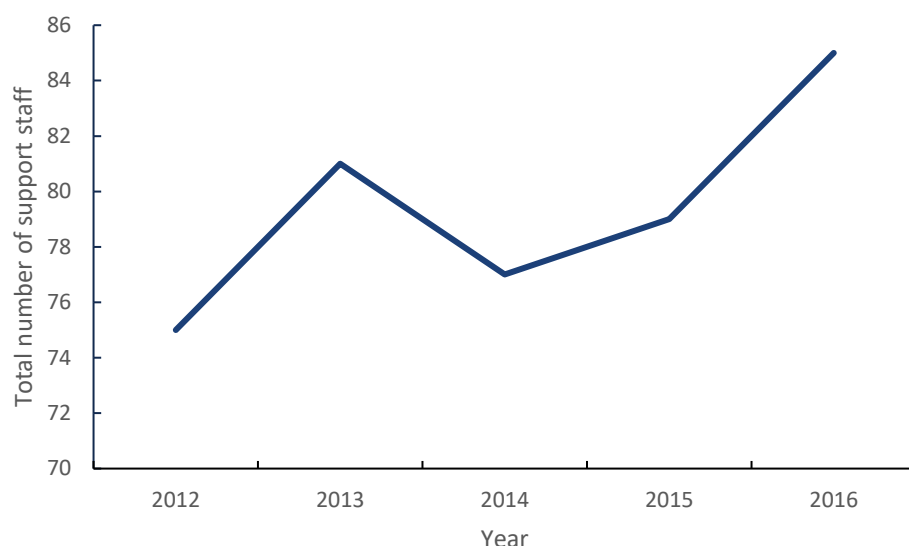
**Source: Guernsey Police annual reports, 2012–2016**

Figure 2 shows that until 2017, there was a downward trend in the number of Guernsey Border Agency officers.

## Support staff

In addition to police and border officers, there are support staff (also referred to by BLE as 'civilian staff') in various roles.

**Figure 3: BLE support staff employees 2012–2016**



**Source: Guernsey Police annual reports, 2012–2016**

At the time of our inspection, BLE had 304 members of staff. There were 147 police officers, 57 border officers and 100 support staff (26 of whom held warranted powers to discharge specific functions). There were also six special constables, and BLE was able to call upon the services of another voluntary group, Guernsey's Civil Protection Volunteers.

## BLE's understanding of demand

We examined BLE's understanding of demand. This is the extent to which systems, procedures and data were in place to give its managers a sound awareness of the scale and nature of demands on it and how they should be prioritised. This part of our report deals solely with BLE's understanding of demand. Other relevant evidence about demand is discussed elsewhere, including Chapter 5.

HMICFRS found that BLE understands much of the demand for the services it provides, although it should develop a more sophisticated assessment of it. Demand is currently assessed through a number of mechanisms.

### Daily and monthly meetings

We found a robust system of daily briefing meetings. Attended by the senior leadership team and other staff, these meetings review a wide range of issues including: expected passenger and freight movements; all crimes recorded in the

previous 24 hours; suspicious activity reports; and 'high risk' individuals whose activities required monitoring.

At regular monthly meetings, senior managers review crime trends, domestic abuse cases, driving offences and digital forensic examinations. They also examine the volume of work at the border, public protection cases and other investigatory activity.

However, because of some very serious shortcomings in BLE's information and communication technology systems – a dominant and recurring theme of our inspection which we explore in greater detail in Chapter 13 – there were limitations on the range of data that could be explored at these meetings. Moreover, as BLE does not have a sophisticated analytical capability, there were no comprehensive analyses of trends and patterns in demand.

### **Under-reported crime and the hidden demand from minority communities**

We found that BLE has a limited understanding of under-reported or hidden crime types. A member of staff has been appointed to act as a liaison officer for the Bailiwick of Guernsey's lesbian, gay, bisexual and transgender communities, and has sought to encourage reporting of any homophobic incidents. The force has also actively consulted the very small Jewish and Muslim communities.

Through a joint operation with the Guernsey Youth Commission, BLE has sought to identify children at risk of sexual exploitation. It has also participated in a national risk assessment of modern slavery and evaluated the scale of human trafficking in the Bailiwick of Guernsey.

### **Developing a more sophisticated assessment of demand**

Although the methods used had enabled BLE to understand much about the demand it faces, there is no process for regularly collecting data from a wide range of internal and external sources (including other parts of the States) in order to compile a comprehensive annual strategic threat and risk assessment. Such a process is commonly used in many police forces and other law enforcement bodies; in England and Wales it is a requirement of the National Intelligence Model.<sup>3</sup>

A well-constructed strategic threat and risk assessment uses information from law enforcement and other sources, such as social services, health, fire and rescue, transport providers, demographic data etc. to provide a more holistic view of demand.

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<sup>3</sup> The National Intelligence Model is a well-established and recognised model in policing that managers use for setting strategic direction, making prioritised and defensible resourcing decisions and various other matters.



In Guernsey's case such an assessment, although inevitably modest in size and scope, would be a valuable additional source of reference for BLE's leaders.

### **Area for improvement 1**

- BLE's understanding of demand is an area for improvement. Regular production of a strategic threat and risk assessment would improve BLE's understanding and therefore assist in strategic planning.

## **Prioritising against the demand**

### **Strategic priorities**

BLE has defined its strategic priorities. While police and crime commissioners (and mayoral equivalents) set the strategic priorities for police forces in England and Wales, the equivalent has not happened in Guernsey. The States Committee for Home Affairs had not, at the time of inspection, confirmed its plan with BLE (see Chapter 11). In the absence of this strategic direction, BLE has tried to identify its priorities for itself, and has set them out in its Service Delivery Plan.

BLE had defined its strategic "service delivery priorities" in its *Service Delivery Plan 2017-2020*.<sup>4</sup> Priorities for the period are:

- security;
- protecting the vulnerable;
- tackling crime and anti-social behaviour;
- community engagement and citizen experience;
- technology;
- standards, performance and development;
- specialist capabilities; and
- efficiency.

While BLE drew on a wide range of data when setting its priorities, senior leaders recognise that the process could be more sophisticated. BLE recently appointed an analyst whose role will include the adoption of a risk management process similar to

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<sup>4</sup> *Service Delivery Plan 2017-2020*, Bailiwick Law Enforcement. Available at: [www.guernsey.police.uk/CHttpHandler.ashx?id=111224&p=0](http://www.guernsey.police.uk/CHttpHandler.ashx?id=111224&p=0)

that used by police forces in England and Wales<sup>5</sup> to identify the full range of threat, risk, and harm they face. Through its incorporation in the strategic assessment process, this work will help identify appropriate strategic policing priorities.

### **Public expectations**

In communities with relatively high crime rates and limited policing resources, the public accept, albeit reluctantly, that the police are unable to respond to, and investigate thoroughly, all reported offences. This is not the case in the Bailiwick of Guernsey, where the public tend to expect that police will deal with all incidents, regardless of their seriousness.

BLE's leaders have expressed their commitment to meeting public expectations and we found they were largely successful in doing so. Border controls generally worked well. Incidents receive a police response and, in the crime investigation files we audited, there were many examples of investigations of crimes which most police forces in England and Wales would have seen as too minor to investigate.

### **Public consultation**

We found that while BLE had not carried out a formal consultation exercise to learn about public expectations it knew about them through its contact with politicians, the media's focus on crime issues, and its daily contact with the public and businesses on border and policing matters.

However, we believe BLE could do more to involve the public in setting local and strategic priorities. It did not formally consult parish contacts (such as the parish constables and douzaines) when producing the *Service Delivery Plan 2017-2020*. Although neighbourhood officers carry out monthly environmental audits (see Chapter 5), there is no corporate structure in place for BLE to consult the public about their concerns and priorities, or to feedback what action it had undertaken to address these.

While the biennial Crime and Justice Survey<sup>6</sup> includes some questions relating to BLE, there are no regular surveys of the public to understand their priorities, their views of the organisation's strategic direction or their perceptions of its performance.

BLE does not regularly hold local parish meetings where the local community can raise issues of concern with neighbourhood officers.

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<sup>5</sup> The MoRILE (Management of Risk in Law Enforcement) model.

<sup>6</sup> Available at: [www.gov.gg/crimejustice2018](http://www.gov.gg/crimejustice2018)

## **Area for improvement 2**

- BLE's arrangements for formal public consultation and communication are an area for improvement. BLE should introduce a structure and system for consulting and communicating with the public on matters such as strategic and local priorities, matters of concern to communities and feedback on BLE actions and performance.

## **Prioritisation of calls, flexibility and multi-skilling**

Consistently providing a very high level of service with finite resources requires sound prioritisation processes and a flexible, multi-skilled workforce. We found evidence that BLE possessed both.

Call handlers at the Joint Emergency Services Control Centre (see Chapter 5) follow a script of pre-set questions, which automatically prioritises response based on the seriousness of the incident. BLE's meeting structures also provides a forum for prioritising activity and reassigning staff resources accordingly.

We found generally good relationships between different Guernsey Police units. Staff accept that the realities of small-island law enforcement require them occasionally to assist with other areas of work. Many police and border officers have a range of specialisms and can be deployed in a variety of roles. For example, public protection unit detectives assist with high-priority, complex criminal investigation division (CID) investigations and vice versa. Furthermore, CID regularly draws on uniformed police officers to assist with their work.

## **Further integration**

BLE may in future be able to increase flexibility and multi-skilling by further integration. Legislation has been passed to enable, in specific circumstances, any officer to operate as a police, customs, or immigration officer.

However, the strategic vision for law enforcement in the Bailiwick of Guernsey is unclear, in particular about the degree to which Guernsey Police and Guernsey Border Agency should further integrate or merge. We explore this important issue further in Chapter 4.

## **Assessing the impact of abstractions**

While BLE's staffing flexibility helps the organisation to prioritise its activities, BLE does not assess the impact of abstracting (taking away) police officers from their primary roles – in particular, the level and effect of abstractions from neighbourhood policing teams and roads policing. Such assessments are important because risks can arise where abstracted staff members are unavailable to fulfil other commitments.

### **Area for improvement 3**

- BLE's lack of a process for assessing the effect of abstractions is an area for improvement; BLE should introduce such a process in order to minimise the risks associated with abstracting personnel from their core role.

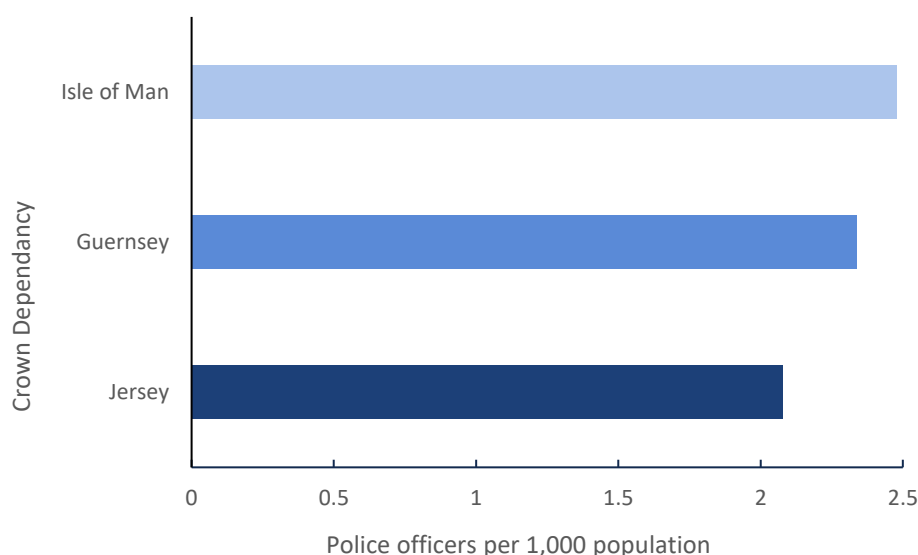
## BLE's staffing level

We were asked to offer our view on whether BLE's staffing level is appropriate to enable the organisation to fulfil its purpose.

### Comparison of staffing levels with other bodies

In terms of the number of police officers per 1,000 population, BLE is broadly comparable with the States of Jersey Police and the Isle of Man Constabulary. However, the operating environment and the judicial systems differ between the three territories. As a result, a simple numerical comparison between jurisdictions, while useful up to a point, are not necessarily a reliable guide to what is an appropriate staffing level in each.

**Figure 4: Number of police officers in post in British Crown Dependencies per 1,000 population, 2016**



**Source: Guernsey Police Annual Report, 2016; States of Jersey Police Annual Report, 2015–2017; Chief Constable's Annual Report, 2016–2017**

Most of the managers we interviewed during the inspection felt that they had sufficient staff for their current work.

However, five main barriers stop us from making a more authoritative evaluation of whether BLE has the right number and mix of staff. To conduct such an evaluation would require:

- an articulation of the plans for the future structure of BLE and its two component organisations;
- a sophisticated understanding of the range and scale of law enforcement threats, harm and risk to the Bailiwick of Guernsey;

- an articulation of the Committee for Home Affairs' and the States of Guernsey's priorities and expectations of BLE;
- a comprehensive understanding of organisational performance against these priorities; and
- greater clarity concerning the budgetary position within which BLE has to operate.

As discussed in this report, these are all currently areas for improvement. Additionally, a skills audit of the workforce and the identification of any skills gaps would be required (see Chapter 3).

In setting new, appropriate establishment levels, the Committee and BLE should also recognise that meeting areas of increasing demand – including, but not limited to, cyber-crime investigation and digital forensics – will probably require increased resources.

### 3. Staff retention and satisfaction

The Committee for Home Affairs asked HMICFRS to examine staff retention and satisfaction and in particular the difficulties faced by BLE in recruiting sufficient officers, including officers with specialist skills. This chapter examines:

- the attrition rate;
- morale and wellbeing; and
- the impact of continual recruitment pressures on BLE.

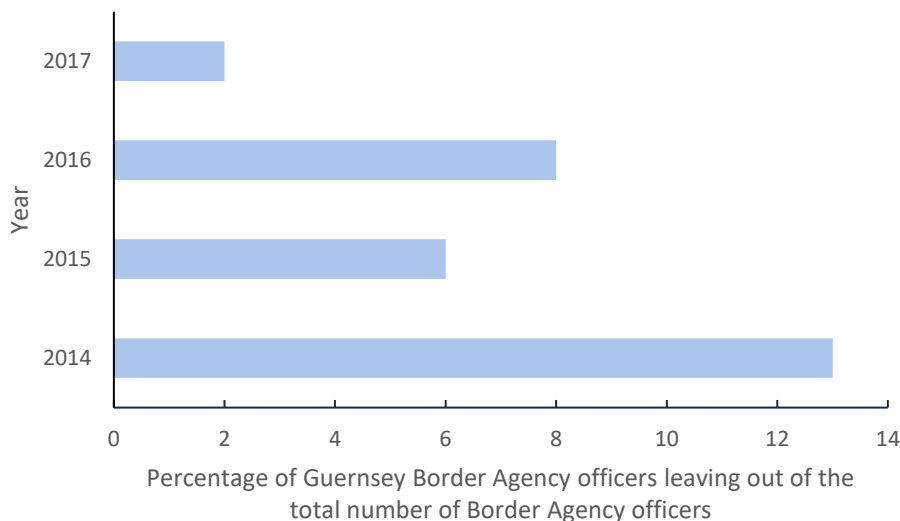
#### The attrition rate

The following paragraphs set out the attrition rates in Guernsey Border Agency and Guernsey Police. In both instances, although the attrition rates in certain years may be thought high, the numbers of staff leaving the organisation in any given year are not large enough to support statistically significant conclusions.

##### Guernsey Border Agency

Figure 5 shows the percentage of border officers leaving the organisation each year since 2014.

**Figure 5: Guernsey Border Agency officer attrition rate 2014–2017**

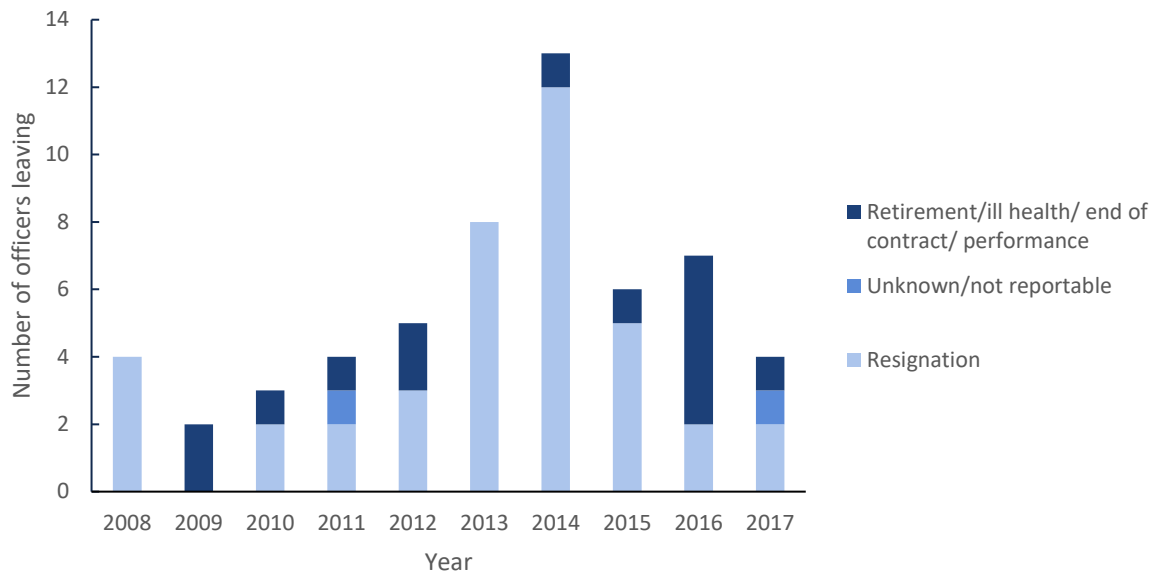


**Source: Guernsey Police annual reports, 2014–2017**

Employees leave organisations for a variety of reasons, some voluntary (such as retirement, alternative employment, relocation or changes to personal circumstances) and some involuntary (such as termination of contract or ill-health).

Figures 6 and 7 detail the number of officers and civilians who left Guernsey Border Agency over the past decade, and the reasons for their departure.

**Figure 6: Officers leaving Guernsey Border Agency 2008–2017**

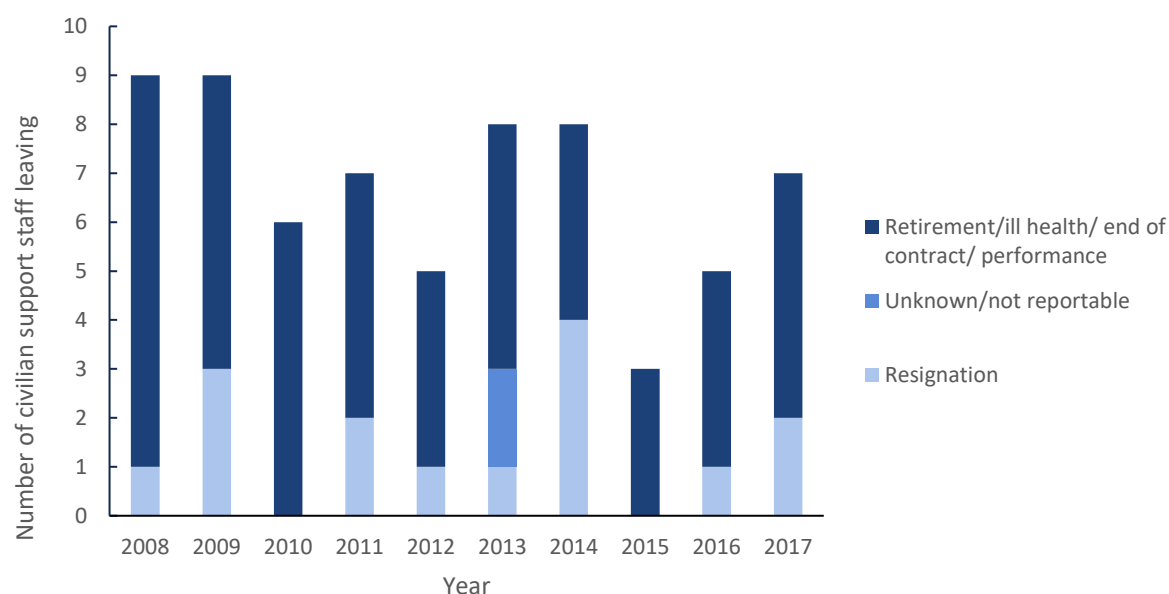


**Source: Guernsey Police annual reports, 2008–2017**

Figure 6 shows that, while the number of officers leaving Guernsey Border Agency remained relatively consistent from 2008–2012, resignations increased markedly in 2013 and again in 2014. It is also clear that the number of officers leaving due to retirement, end of contract, ill health, or performance issues remained low during this period. We can therefore assume that most exits were voluntary.



**Figure 7: Civilians leaving Guernsey Border Agency 2008–2017**



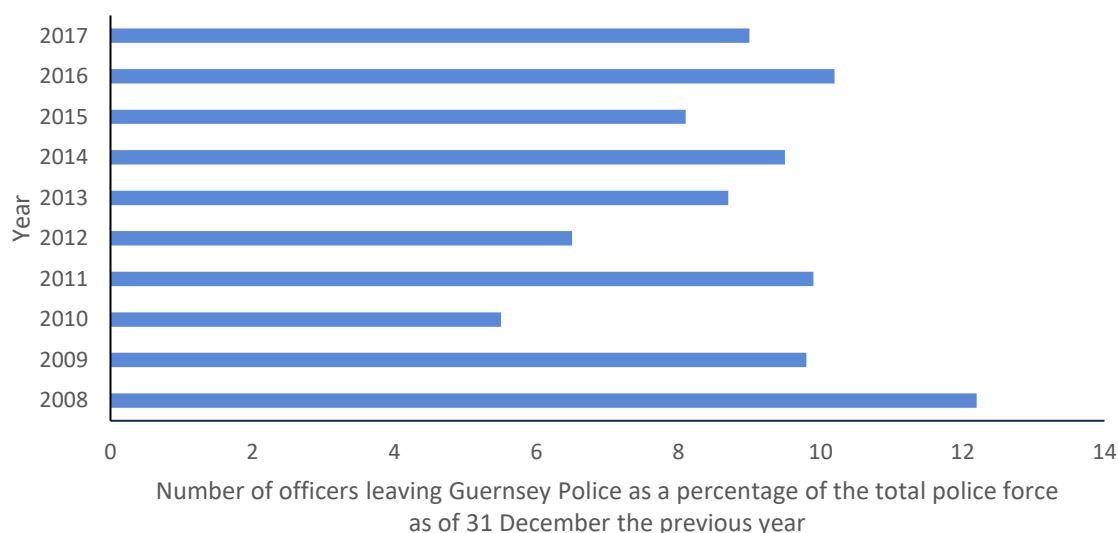
**Source: Guernsey Police annual reports, 2008–2017**

Figure 7 shows a more consistent level of staff attrition among civilian support staff. There is a small increase from 2012–2013, followed by a fall in 2015. But it is not clear that this would reflect the changes in staff attrition seen in figure 6 for border agency officers.

States of Guernsey’s human resources department categorises each event under a range of headings, and they provided us the figures for 2013–2015. However, its categorisation does not help to further understand the changes in Border Agency staff attrition seen in figures 6 and 7. So we have omitted this information.

## Staff attrition: Guernsey Police

Figure 8: Police officer attrition rate 2014–2017



Source: Guernsey Police Annual Reports, 2008–2017

The attrition rate among Guernsey police officers has remained relatively consistent since 2009, fluctuating between 5.5 and 10.2 percent per year. In police forces in England and Wales this figure has also remained relatively stable over the same period at just below eight percent.

## Morale and wellbeing

In any organisation, the workforce's perception of how it is treated by its employer will influence the attrition rate and have wider consequences. It is important, therefore, for organisations to understand staff views.

### Staff survey results

BLE uses the States of Guernsey-wide biennial staff survey to develop an understanding of how the workforce feels it is treated, and to identify and understand the issues that affect it. The latest survey, which was undertaken in 2016 and reported in late 2017, suggests that there was low morale among BLE's workforce and that the proportion of respondents reporting low morale had increased since the 2014 survey.

In 2016, 75 percent of survey respondents from Guernsey Police<sup>7</sup> and 71 percent from Guernsey Border Agency<sup>8</sup> said that morale was low where they worked. Although these figures are disappointing, they should be viewed in the broader law enforcement context. When the Police Federation of England and Wales surveyed police officers in 2017, some 89.6 percent of respondents reported low morale in their force.<sup>9</sup> While it is clear, therefore, that low morale among law enforcement employees is not unique to the Bailiwick of Guernsey, we found among BLE's leaders a strong commitment to improving morale, together with indications of a promising approach.

### **The FOCUS action group and its plan**

Following the survey's publication, the senior leadership team encouraged Focus – an 'action group' involving staff from across the organisation – to help with developing solutions to problem areas highlighted by it. Focus has created an action plan to address the ten areas that received the highest proportion of negative comment.

At the time of our inspection, this action plan had been presented to BLE's senior leadership team, and members of the action group were preparing to start work on various strands of activity across their departments. Governance arrangements have been established and the action plan has been added, as a standing item, to the senior leadership team's meeting agenda.

### **FOCUS communication plan**

The 2016 survey showed that the workforce was sceptical that action would be taken as a result of the survey.<sup>10</sup> BLE's senior leaders and Focus action group members recognise that not only do they have to address the concerns raised in the survey, they have to show the workforce that this is happening. To facilitate this, there is a plan to inform the workforce about any initiatives resulting from this work and to communicate to staff that such initiatives have been developed in response to the survey findings.

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<sup>7</sup> States of Guernsey Say It Survey 2016, Guernsey Police

<sup>8</sup> States of Guernsey Say It Survey 2016, Guernsey Border Agency

<sup>9</sup> *PFEW Pay and Morale Survey 2017 Headline Statistics July 2017*, Boag-Monroe, Fran (2017) Police Federation Research and Policy Support Report R011/2017, p11. Available at: [www.polfed.org/documents/Pay%20and%20Morale%20Survey%20National%20Report%202017.pdf](http://www.polfed.org/documents/Pay%20and%20Morale%20Survey%20National%20Report%202017.pdf)

<sup>10</sup> States of Guernsey Say It Survey 2016, Guernsey Police (question 66): I believe that action will be taken as a result of this survey: GBA – 58 percent negative / Police – 67 percent negative.

## **Other systems and processes**

In addition to the staff survey, BLE uses several other systems and processes to generate feedback from the workforce. These include a staff suggestion scheme, a group called the 'Middle Management Forum', and 'Coffee and Conversation' meetings. The latter are held regularly to give staff at all levels the opportunity to meet with members of the senior leadership team and raise concerns with them.

BLE uses a good variety of data sources to understand the risks and threats to the wellbeing of staff. These sources include attendance management information, return to work interviews, accident at work data and communication with the staff associations.

## **Wellbeing strategy**

We concluded that senior leaders took wellbeing seriously and tried hard to make themselves available to staff. During the inspection, various interviewees – particularly Guernsey Border Agency personnel and some police staff – emphasised the personal commitment shown by the head of law enforcement, who had made a point of meeting BLE personnel in their workplaces.

BLE's senior leadership team demonstrated a strong commitment to improving wellbeing. BLE has developed a Wellbeing Strategy, which begins with a clear statement of intent:

"The wellbeing of our workforce is so important that we cannot leave it to chance, we have to have a planned, co-ordinated approach to ensure our people are as physically and mentally fit as possible."

Although the BLE Wellbeing Strategy is relatively new, and BLE is not as advanced as some forces in England and Wales in this area, substantial progress has been made. Members of the senior leadership team have been appointed to lead the five pillars of the Wellbeing Strategy, one of which focuses specifically on mental and emotional wellbeing. Supervisors have been trained to identify staff welfare issues and there are mechanisms to escalate these where necessary.

We also noted that staff wellbeing received a suitably high level of attention at the daily management meeting we attended.

BLE actively communicates wellbeing information to staff. There is a dedicated 'Wellbeing' section on the front page of its intranet, and a dedicated contact email that staff can use if they have any ideas for future initiatives. Through a new 'Wellbeing Wednesday' initiative, the personnel responsible for each 'pillar' also circulate a weekly email across BLE. This includes information and advice relating to their area of the Wellbeing Strategy.

## **Mental health and wellbeing**

BLE uses a range of measures, including counselling services and mental health first aid training, to improve mental health. Counselling services are arranged in collaboration with the human resources manager with responsibility for Home Affairs. Mandatory counselling is provided to those in high-risk roles, and sessions are also available to all members of staff on request.

In 2016, mental health awareness training was provided to 30 middle managers. Four members of staff have also taken a mental health first aid training course designed to enable students to provide improved initial support to people developing mental health issues or in mental health crisis. These officers' contact details are included in communications about wellbeing.

## **Staff and Government recognition**

The interviews and focus groups we conducted showed that staff welcomed BLE's commitment to wellbeing. Apparently, the States has recognised this approach as good practice and is using the strategy as a template for wellbeing provision across all its departments.

Despite this strong evidence of BLE's commitment, there is still scope for BLE to further expand its wellbeing provision.

## **Occupational health provision**

BLE's occupational health provision is provided through a centralised States of Guernsey arrangement. We found that it can be difficult for BLE staff to obtain assistance from occupational health as soon as they need it, as the service is not based within the Bailiwick. This can delay employees' return to work. As a pragmatic solution, BLE has, on occasions, paid for staff to have medical treatment to enable them to resume their duties.

### **Area for improvement 4**

- The timely availability of occupational health services is an area for improvement.

## **Other factors affecting BLE staff morale and wellbeing**

In the course of our inspection, BLE personnel reported five major factors beyond BLE's sole control that are having an adverse effect on their morale. Those were:

- The inevitable upheaval and demands on people, created by organisational change and formation of BLE and the lack of clarity of strategic vision concerning the future state of integration between Guernsey Police and Guernsey Border Agency (discussed in Chapter 4).

- Weaknesses in ICT provision, which are so severe as to make it hard – and in some cases impossible – for staff to do their job (discussed in Chapter 13).
- Inadequate boundaries between the operational control by BLE leaders and the political governance and oversight of BLE by the Committee for Home Affairs, which create tension and frustration for both parties (discussed in Chapter 11).
- Poor estate provision, resulting in buildings and working environments that are not fit for purpose (discussed in Chapter 9).
- A lack of capacity in centralised human resource functions, which places burdens on managers (discussed in Chapter 13).

Based on the extent of commentary in the self-assessment, our observations during the fieldwork, and the depth of views expressed by various interviewees, we concluded that these factors had an adverse effect, not only on morale and wellbeing but also on the wider efficiency and effectiveness of the organisation.

## **The impact on BLE of continual recruitment pressures**

In June 2017, a separate external review (see Chapter 4) reported that the level of overtime expenditure were attributable to the level of vacancies.<sup>11</sup>

### **BLE's recruitment strategy**

Finding suitable recruits to fill specialist posts can be a problem for BLE, as it is for other law enforcement agencies in small jurisdictions. Given that BLE is a small organisation, it is understandable that several of its specialist units consist of just one or two people. In many such units, staff tend to remain in post for a long time.

When such staff leave, it creates gaps in experience and skills which often cannot be filled by internal applicants or by people in the local workforce. We were pleased to see that Guernsey Police's recruitment strategy, supported by the States' population management regime, enabled it to recruit from elsewhere when necessary.

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<sup>11</sup> *Costing, prioritisation and benchmarking – Report Committees for Home Affairs and Education, Sport & Culture*, Price Waterhouse Coopers, June 2017, page 46. Available at: [www.gov.gg/CHttpHandler.ashx?id=108428&p=0](http://www.gov.gg/CHttpHandler.ashx?id=108428&p=0)

To legally live and work in the Bailiwick of Guernsey, migrants require an employment permit. Guernsey-based employers such as Guernsey Police, that wish to recruit people from outside the Bailiwick of Guernsey, can apply for these permits from the Population Management Office providing the job is one of those on the employment permit policy list.<sup>12</sup> The Population Management Office then assesses the applications on a case-by-case basis. We were told of various examples where this system had worked well.

### **Benefits and drawbacks of external recruitment**

Where it is feasible, there are benefits to BLE in recruiting people with the requisite skills and experience from outside the Bailiwick of Guernsey, rather than investing significant time and resources in training inexperienced staff. Given the Bailiwick of Guernsey's low crime rate and the nature of the border controls, it can take longer for personnel to gain valuable experience than in busier environments.

We found a good blend of locally-recruited and externally-recruited personnel in Guernsey Police's workforce. We were informed of a few isolated examples of external recruitment processes which had not worked as well as hoped; some recruits had not settled. Such cases are disappointing for BLE and for the individuals themselves.

### **Workforce planning and skills audit**

BLE has workforce planning structures that prioritise recruitment for various posts across the organisation based on the skills required and budgetary constraints. At the time of the inspection, BLE was developing a training needs analysis. This will provide it with a skills audit of its workforce.

Once it knows clearly what skills it has, it will be better able to see the gaps in its current capability. Understanding these would enable it to develop the workforce more appropriately.

However, to complete this work, BLE first needs to develop a better understanding of the demand it faces (see Chapter 2) and a clearer strategic vision (see Chapter 4).

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<sup>12</sup> Available at: <https://populationportal.gov.gg/policies>

## 4. Structure and combination of the two services

The Committee for Home Affairs asked HMICFRS to examine the structure and combination of the two law enforcement services, the concept of a single chief officer to head BLE, and the skills required by that chief officer.

It is HMICFRS's long-held view that police forces in England and Wales stand to benefit from closer collaboration with each other and with other law enforcement organisations; we actively encourage them to do so. Our views on police collaboration may also be applicable to law enforcement at the border.

Generally, it is uneconomical for smaller police forces independently to assemble and maintain the full range of specialist capabilities required. Furthermore, when major incidents occur, smaller forces may struggle to provide sufficient capacity to deal with them while carrying out their normal work. When these circumstances arise, forces often rely on helping each other out.

The Bailiwick of Guernsey's constitutional arrangements, and its geography, present BLE with obstacles to such mutual aid which police forces in England and Wales do not face.

We approached this inspection from the viewpoint that BLE's creation should have made Guernsey Police and Guernsey Border Agency more resilient, efficient and effective.

### **The objectives of BLE's creation**

BLE was created with three objectives: to drive out inefficiencies; to encourage greater joint working; and to increase professionalism in a national agency environment.<sup>13</sup> A strategic review of policing and law enforcement had identified these as early as 2008.<sup>14</sup> Pressure on budgets and opportunities to reduce estate and accommodation costs convinced the States that a unified law enforcement agency under one chief officer would be desirable.

### **Achievement of the objectives**

We found that these objectives have been achieved, at least in part. However, BLE is stuck in an awkward 'halfway house'. It is neither two separate organisations nor one single organisation. As a result of this the full benefits of BLE's creation have not been realised.

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<sup>13</sup> The Future of Law Enforcement Board Report March 2012

<sup>14</sup> The Kendall Report 2008



The influence of a single BLE head has brought improvements such as unified command and direction setting, joint values and culture development, and refined policies and procedures.

BLE has done well in removing unnecessary duplication between certain police and border functions such as custody, training, corporate services, digital forensics, and professional standards. We found that there was closer collaborative working, with certain joint teams resourced by both police and border officers.

In addition, the States has passed new laws that allow the chief officer to appoint or designate officers into other roles (for a specific or broad purpose and following appropriate training). For example, customs officers may be given the powers of police officers.

### **Savings achieved**

We were struck by many benefits of the approach, particularly the savings achieved. We were told these ran to more than £800,000.

Further integration holds the potential for greater rationalisation, resilience and efficiency. However, there has not yet been a formal post-implementation review or a future options appraisal. These are necessary before a thorough analysis of the improvements already realised – and, importantly, those which could be realised – can be made.

### **Perceptions of unfairness**

While BLE is keen to achieve consistency as far as possible, it is a small but diverse organisation which has inherited cultures, processes and expectations, from its two predecessors. We found that personnel saw variations in pay and terms and conditions, across the organisation as unfair. This feeling is worse in joint teams. It has generated a good deal of debate and comparison between staff members and – as suggested in some staff surveys – has adversely affected morale.

These perceptions are not peculiar to the Bailiwick of Guernsey and often arise when organisations, including law enforcement agencies, seek to integrate. They arose, for example, when the Serious Organised Crime Agency, the National Crime Agency and the UK Border Force were created.

### **Home operational services transformation programme**

Through its home operational services transformation programme, the Committee for Home Affairs is responsible for evaluating wider options for change in emergency services, such as combining or co-locating BLE with the fire and rescue service, and, previously, the potential co-location of police and ambulance services. Bringing services together in this way can bring about further savings, particularly in relation to estates costs.

We found that this programme appeared to have foundered, with little progress for a long time. Consequently, the vision for BLE's future – as one integrated organisation or two separate organisations sharing a single head and carrying out certain functions jointly – was unclear.

### **Priority-based budgeting exercise**

In 2016 BLE conducted a full review of all its services as part of a wider priority-based budgeting exercise undertaken by an external consultancy on behalf of the States.

The review involved BLE listing all its functional areas (which were grouped into 49 headings) and costing each function in terms of staff and non-staff associated costs.

The development of a strategic vision for BLE's future is a major issue that needs the Committee for Home Affairs' attention. Based on our wider perspective on police collaboration in general, and the evidence from this inspection, we believe that a full post-implementation review should be conducted to assess the full range of benefits and drawbacks that have resulted from the creation of BLE and to fully scope the opportunities presented by further integration.

#### **Recommendation 1**

- By 31 January 2019, the Committee for Home Affairs, in consultation with the Head of Law Enforcement and other stakeholders, should carry out a post-implementation review and future options appraisal. The outcome of this work should provide enough evidence upon which to base a clear, compelling strategic vision for BLE's future.

### **The skills required of the single BLE head**

The current head of law enforcement retires later in 2018 and HMICFRS was asked to review the professional qualifications required for the position.

For this aspect of the inspection we reflected on our findings across BLE to identify themes we considered particularly relevant to the appointment of the next head of law enforcement. We drew on five additional sources of information:

- present job description for the BLE head;
- job description for the director general of the National Crime Agency;

- UK Government's *Civil Service Competency Framework 2012-2017*;<sup>15</sup>
- Skills for Justice Policing Professional Framework and associated National Occupational Standards; and
- guidance on the College of Policing's forthcoming 'policing professional profiles'.

### **Relevant themes from our inspection findings**

There are four findings from our inspection to which the Committee for Home Affairs may wish to pay particular attention when testing the suitability of candidates for the role.

First, in a small island environment there is a particularly high level of public expectation. In common with other public officials, the Head of Law Enforcement will need to be highly accessible to the Bailiwick of Guernsey's communities.<sup>16</sup> Candidates should demonstrate excellent communication skills and a very strong commitment to public service.

Secondly, there is a close relationship between BLE and the Committee for Home Affairs, and an indistinct boundary between operational leadership and political oversight (see Chapter 11). Candidates must be comfortable operating in such an environment, being open to scrutiny and challenge but standing firm on matters which require operational independence.

Thirdly, given the present state of integration between Guernsey Police and Guernsey Border Agency, the next head of law enforcement will have to make a major contribution to determining the future of this relationship between them. Candidates should demonstrate the capability to develop a strategic vision for BLE and have a strong track record of leadership in a collaborative environment.

Fourthly, this is a dual role, to maintain both effective policing and effective border functions. Candidates are unlikely to be experienced in both, so will need to be willing to adapt and learn quickly.

### **The present job description**

We examined the job description of the current head of law enforcement and found that it covered responsibilities across policing and borders functions. Importantly, it

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<sup>15</sup> *Civil Service Competency Framework 2012-2017*, Civil Service Human Resources. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/436073/cscf\\_fulla4potrait\\_2013-2017\\_v2d.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/436073/cscf_fulla4potrait_2013-2017_v2d.pdf)

<sup>16</sup> This aspect of public expectation was summed up by one official who described the expectation as, at all times, "being public property".

focuses on the strategic direction and financial management of both functions, as well as minimising duplication and maximising performance of BLE.

### **National Crime Agency director general job description**

BLE is not the only organisation to face the challenges inherent in bringing together elements of two distinct organisations to be led by a single chief officer. Although operating with a different set of responsibilities, and on a far bigger scale, the National Crime Agency successfully brought together police, customs, and other law enforcement staff.

The National Crime Agency director general is a former chief constable. During the recruitment process, the Home Secretary stressed the importance of operating in collaboration and leading a transformation programme. These are strikingly similar characteristics to those required of the next head of law enforcement. The essential criteria for the National Crime Agency director general included:

- effective operational law enforcement in highly challenging situations;
- a proven track record of inspirational leadership of a wide range of partners;
- breadth of vision, innovation and credibility;
- first class communication skills;
- experience of working with government and an understanding of the wider political context;
- proven capabilities in delivering 'better for less' and a practical understanding of how to generate efficiencies, reduce overheads, and ensure real value for money;
- significant experience in change management and strategic leadership – delivering substantial improvements in operational effectiveness and value for money; and
- based on a proven record, capability to inspire confidence and support from partners, staff and – crucially – the public.

We consider these criteria to be equally applicable to the next head of law enforcement.

### **Civil Service competency framework 2012-2017**

This framework is based on ten competencies, which are grouped into three 'clusters': Setting the Direction; Engaging People; and Delivering Results. For each competency, there are descriptions of effective and ineffective behaviours at six different levels, each reflecting the seniority of the post (from director general level to

administrative assistant). Levels 5 and 6 reflect the head of law enforcement's seniority and responsibilities.

We consider that all ten competencies have some degree of relevance to the head of law enforcement. Of these, the seven in the diagram below, with some minor adaptation to the terminology in the underlying behaviour descriptions, would be the most relevant.

**Diagram A: Most relevant competencies for post of head of law enforcement**

Competency cluster	Competency
Setting the direction	Seeing the big picture
	Changing and improving
	Making effective decisions
Delivering results	Delivering value for money
	Managing a quality service
Engaging people	Leading and communicating
	Collaborating and partnering

**Source: Skills for Justice policing professional framework**

This framework, which is designed for police rather than civil service roles, is based on a series of 'rank profiles' for police officers from constable to chief constable. The profiles include a description of the 'personal qualities' – common to all ranks – required by the postholder:

- decision making;
- leadership;
- professionalism;
- public service; and
- working with others.

The personal qualities are defined in different ways depending on the seniority of rank. For this purpose, each rank has been placed into one of five groups, which include 'executive level' (chief officers) and 'senior managers' (chief superintendents and superintendents).

On balance we are drawn to the personal quality descriptions at executive level rather than senior manager. This is because they include more specific requirements

for leading strategic change (rather than simply leading change) and leading the workforce (rather than leading people).

### **Policing professional profiles**

The College of Policing is developing a set of policing professional profiles which will replace the Skills for Justice police professional framework. However, at the time our inspection ended, they were still work in progress and were largely incomplete.<sup>17</sup>

The National Police Chiefs' Council was considering a proposal to implement a five-tier hierarchy into which each of the professional profiles would fit. Based on the information available to us, and notwithstanding that this work was in development, we concluded that certain elements of the relevant descriptions at level 4 ('service function leader') and level 5 ('force leader') would be appropriate for the head of law enforcement. Examples of relevant descriptions include:

- at level 4, "exercise constructive thinking to achieve objectives and service improvement"; and
- at level 5, "develop and lead the implementation of plans to deliver national and [Committee for Home Affairs] priorities".<sup>18</sup>

We suggest that, when designing the recruitment process the Committee for Home Affairs studies the policing professional profiles to determine their suitability – in their more developed form – for its purposes.

While the Skills for Justice policing professional framework and the policing professional profiles were developed for the police service, we are not suggesting that candidates for the head of law enforcement should be limited to serving senior police officers. The Committee for Home Affairs may find that candidates with other seniority or from other sectors demonstrate the requisite experience and competencies.

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<sup>17</sup> *Policing Professional Profiles Guidance for Forces*, College of Policing, 2017. Available at: <https://profdev.college.police.uk/professional-profiles/information-and-guidance/>

<sup>18</sup> *Introduction to the National Levels of Policing v0.1*, National Police Chiefs' Council, 2017. Available at: <https://d17wy4t6ps30xx.cloudfront.net/production/uploads/2017/06/What-are-the-Levels-of-Policing-Guide-v0.1.pdf>

## 5. The objectives in an overarching governmental and political context

The Committee for Home Affairs asked HMICFRS to examine BLE's objectives in the overarching governmental and political context, including:

- whether there were sufficient staff resources available to protect the Bailiwick of Guernsey's 'safe haven' low crime image and reputation;
- concerns regarding future 'Moneyval'/International Monetary Fund inspections versus successful prosecution outcomes; and
- the Bailiwick of Guernsey being a secure jurisdiction for data security with a robust law enforcement response to cyber-crime.

We dealt with staffing levels in Chapter 2. To address the remaining points, we examined:

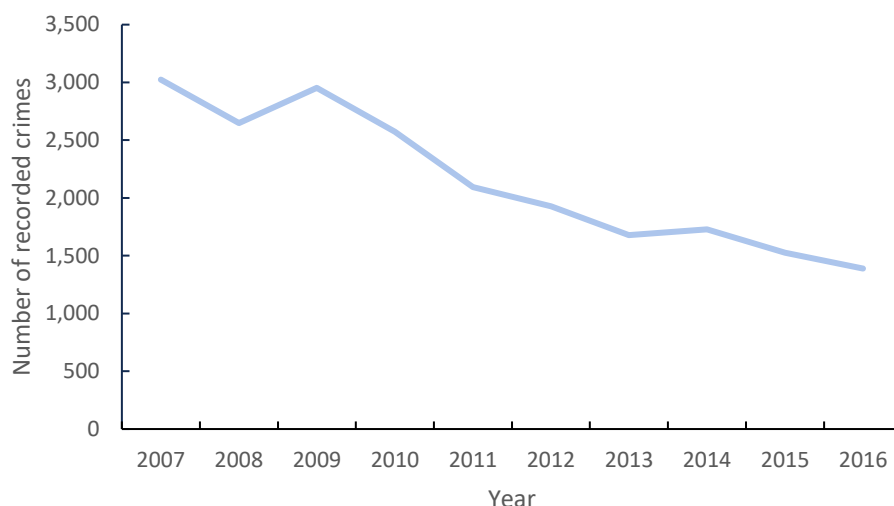
- crime levels and the reliability of the data;
- BLE's effectiveness in dealing with crime and anti-social behaviour;
- Guernsey Border Agency's role in keeping the Bailiwick of Guernsey safe;
- BLE's understanding of the scope of financial crime in the Bailiwick of Guernsey, its effectiveness in investigating financial crime and in recovering criminal and terrorist assets; and
- BLE's firearms, counter-terrorism and cyber-crime capabilities.

## Crime levels

### Recorded crimes

Figure 9, below, shows the number of recorded crimes in the Bailiwick of Guernsey each year over the past decade. Total recorded crime is made up of victim-based crime (crimes involving a direct victim such as an individual, a group, or an organisation) and other crimes against society (e.g. possession of drugs).

**Figure 9: Recorded crimes in the Bailiwick of Guernsey, 2007–2016**



**Source: Guernsey Police annual reports, 2007–2017**

This figure suggests that recorded crime in the Bailiwick of Guernsey has been going down significantly, with 54 percent fewer offences recorded in 2016 than in 2007.

### Crimes per 1,000 population

The volume of police-recorded crimes can provide a further indication of how safe a jurisdiction is when it is expressed as a crime rate per 1,000 population.

The Bailiwick of Guernsey's crime rate per 1,000 population is broadly similar to the crime rates in the Isle of Man and Jersey, and is considerably lower than in England and Wales. However, differences in criminal legislation and recording practices prevent a direct comparison across the jurisdictions, and there is a question about the accuracy of the data.

### Crime data integrity

Police forces in England and Wales must comply with the National Crime Recording Standards (NCRS) and the Home Office Counting Rules ('the rules'), which set out how crimes must be recorded. However, our crime data integrity inspections have repeatedly shown that English and Welsh police forces don't always comply with the



rules.<sup>19</sup> Consequently, crime figures are not as reliable as they should be. We found similar issues in the Bailiwick of Guernsey.

Like police forces in other crown dependencies, BLE is not required to follow the same rules as those in England and Wales. However, an internal review of Guernsey Police's crime-recording practices in 2015 found that crime was recorded locally in accordance with those rules, and in 2017 BLE decided to adopt the NCRS.

Although we did not specifically set out to examine how BLE recorded crime, it became apparent during our crime file audit that there are crime recording problems in the organisation. In a number of instances, offences and detections had not been recorded.

BLE is aware of the problem, and in January 2018 it introduced a new crime-recording policy. This, in large part, reflected the National Crime Recording Standard and Home Office Counting Rules. BLE has also included 'compliance with the rules' as a performance indicator in the *Service Delivery Plan 2017–2020*.<sup>20</sup>

#### **Area for improvement 5**

- BLE's compliance with the crime recording rules is an area for improvement. Thorough implementation of the new crime-recording policy and performance monitoring, BLE should secure improvements in crime data integrity.

#### **Public perceptions of crime**

Notwithstanding our concerns about the quality of crime data, the recorded crime statistics clearly suggest a trend of reducing crime. However, this does not necessarily result in the public perceiving the Bailiwick of Guernsey as a low-crime, safe, haven.

In the 2015 Crime and Justice Survey, 48 percent of respondents believed that crime had increased since 2013 (with 16 percent believing that there was a lot more). Despite the fact that recorded crime appears to have fallen, only 12 percent believed there was less crime.<sup>21</sup>

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<sup>19</sup> HMICFRS carries out a rolling programme of crime data integrity inspections, details of which are available at: [www.justiceinspectorates.gov.uk/hmicfrs/our-work/article/crime-data-integrity/reports-rolling-programme-crime-data-integrity/](http://www.justiceinspectorates.gov.uk/hmicfrs/our-work/article/crime-data-integrity/reports-rolling-programme-crime-data-integrity/). Based on inspections of 20 police forces in 2017/18, the combined recording accuracy for all reported crime was 85.9 percent.

<sup>20</sup> Bailiwick of Guernsey Law Enforcement (2018) *BLE Service Delivery Plan 2017–2020*, page 14.

<sup>21</sup> States of Guernsey (2015) *Crime and Justice Survey 2015: Survey Results*, Page 11. Available at: [www.gov.gg/CHttpHandler.ashx?id=105821&p=0](http://www.gov.gg/CHttpHandler.ashx?id=105821&p=0)

As in many small communities, most incidents of crime or antisocial behaviour are reported by the local media irrespective of their severity. This can create the impression that crime is rife when it is not. It may be difficult for BLE to overcome this perception, particularly if the quality of its crime data is doubtful.

Nonetheless, BLE could do more to reassure the public that crime in the Bailiwick of Guernsey is low. It could do this through increased public engagement (see Chapter 2) and through more effective use of communications channels such as its social media accounts. The Committee for Home Affairs could also play a role in this.

#### **Area for improvement 6**

- BLE's external communication activities are an area for improvement. Working closely with the Committee for Home Affairs, BLE should make more effective use of external communications to challenge inaccurate public perceptions of crime levels.

## **BLE's effectiveness in dealing with crime and anti-social behaviour**

### **Problem-solving policing**

BLE undertakes a range of activities aimed at reducing crime and has adopted the SARA<sup>22</sup> problem-solving policing model. To provide police officers with the requisite skills, BLE includes relevant training in its core curriculum.

Officers in neighbourhood policing produce monthly environmental audits that outline issues affecting their local community. Drawing on these audits, police intelligence and community liaison information, officers identify policing problems and produce plans to tackle them. The plans are overseen by the neighbourhood policing team inspector and the crime reduction adviser.

During the inspection, we found evidence of such plans resulting in worthwhile joint work with other agencies. As one example, BLE is tackling antisocial behaviour at St Peter Port bus terminal to good effect through a multi-agency operation involving Guernsey mental health services, the Youth Commission for Guernsey and Alderney and the Guernsey Youth Justice Service.

We learned that BLE also conducts high-profile enforcement operations to tackle issues such as drink driving and street-level drug crime. Operational activity such as this is reviewed at BLE's fortnightly 'Optimum' meetings.

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<sup>22</sup> An acronym for 'scan, analyse, respond and assess', the SARA process aims to identify legal and ethical solutions to policing problems such as anti-social behaviour.

We were impressed with the quality of Guernsey Police's problem-solving policing. However, there is no formal results analysis of the effectiveness of problem-solving plans.

#### **Area for improvement 7**

- BLE's scrutiny of problem-solving policing plans is an area for improvement. BLE should carry out formal reviews of each plan's effectiveness in addition to the oversight by the 'Optimum' meetings.

#### **Multi-agency working and crime prevention**

BLE has also invested time and effort in multi-agency working, to ensure crime prevention and safety are not seen as a responsibility for BLE alone. We found that BLE undertakes useful crime prevention education for young people. It works alongside the Office of the Children's Convenor, the Youth Justice Service, and social work groups who engage with young people.

BLE gives helpful crime-prevention advice through a range of communication channels. These include using its good relationships with the local press to have crime-prevention messages circulated in local media. The crime reduction advisor has a weekly slot on local radio and regular liaison with businesses and the wider community. We also found that BLE gives a range of crime-prevention advice to the finance industry.

BLE also participates in multi-agency events providing cyber-security advice to the public. It uses its social media accounts to warn the public about fraud and to promote its other crime prevention activity. However, we found that crime prevention advice on the Guernsey Police website was limited to 'getting safe online'. There is scope for BLE to use its website to provide a broader range of crime prevention advice.

#### **Area for improvement 8**

- The range of crime-prevention advice on the Guernsey Police website is an area for improvement. BLE should add relevant advice to the site, including links to other relevant sites which offer advice.

#### **Public safety remit**

In addition to traditional crime prevention, BLE also takes on a wider remit to promote public safety and prevent harm in the Bailiwick of Guernsey. During our inspection, we found that its Twitter and Facebook pages provided frequent warnings about inclement weather and adverse driving conditions.

BLE also participates in multi-agency initiatives to promote safety. In one recent example, it supported the Guernsey Child Accident Prevention Group in running a series of activities for school children. These involved role-playing accident-prevention scenarios and gave the children the opportunity to practise making emergency calls.

Generally, initiatives of this nature can be time-consuming for police forces and are often among the first to be dropped when resources are scarce. Nonetheless, they are a valuable link between the police and the community. Therefore we were pleased to see BLE's commitment to supporting them.

### **Anti-social behaviour policing strategy**

Guernsey Police's 2013–2016 business plan highlighted the need to "continuously review the effectiveness of our responses to anti-social behaviour as a key action for the Force". However, there is no mention of this in BLE's *Service Delivery Plan 2017–2020* and we found no evidence that any such continuous review was being conducted. The reason for the omission was unclear.

An understanding of any trends in anti-social behaviour would be central to an informed assessment of whether police activity was having the desired effect. We found that such incidents are not recorded on BLE's NICHE computerised records management system<sup>23</sup>, and consequently BLE lacks data. Perhaps unsurprisingly in the circumstances, there was no mention of anti-social behaviour in any of the senior management team meeting agendas we reviewed.

#### **Area for improvement 9**

- BLE's strategic approach to tackling anti-social behaviour is an area for improvement. BLE should put in place measures to improve incident recording and performance management.

## **Effectiveness of crime investigations**

When a crime occurs, the public must have confidence that the police will investigate it effectively, taking seriously their concerns as victims and bringing offenders to justice. Since April 2014, police forces in England and Wales have been required to record how investigations are concluded in a new way, known as 'outcomes'. Replacing what was known as 'detections', the outcomes framework gives a fuller picture of the work the police do to investigate and resolve crime.

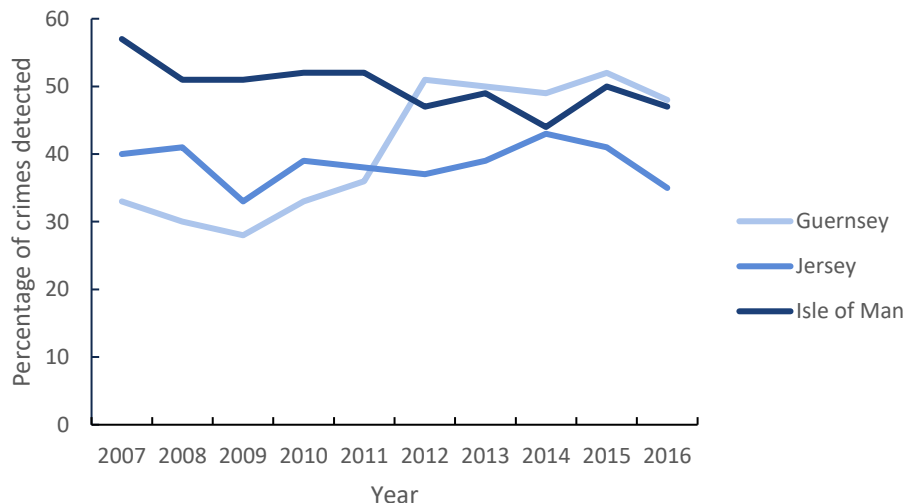
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<sup>23</sup> The NICHE records management system is also used by a several police forces in the UK and elsewhere.

Guernsey Police adopted the outcomes framework in January 2018, during the course of our inspection. At the time of this report, there is not enough data to make it easy to compare the rate of positive outcomes in the Bailiwick of Guernsey with that in England and Wales.

Figure 10, below, shows detection rates in the Bailiwick of Guernsey, Jersey, and the Isle of Man over the past ten years.

**Figure 10: Crime detection rates, British Crown Dependencies, 2007–2016**



**Source: BLE data collection 2018**

Guernsey Police’s crime detection rate has improved markedly over the past decade. The detection rate has been consistently around 50 percent (the target set by the head of BLE) since 2012, having fluctuated between 28 percent and 36 percent between 2007 and 2011.

### **Initial response and the Joint Emergency Services Control Centre**

The initial investigative response is critical for an effective investigation. The investigative process should start from the moment victims and witnesses contact the police, so that accurate information and evidence can be gathered.

The Joint Emergency Services Control Centre (JESCC) is not part of BLE but is the responsibility of the Committee for Home Affairs. It handles emergency calls for Guernsey Police, Guernsey Fire and Rescue Service, the St. John Emergency Ambulance Service and the Guernsey Coastguard. JESCC is a good example of a multi-agency arrangement that works well, but there are areas for improvement.

JESCC has a call-handling system called ProQA and a CAD (computer aided dispatch) software solution called Vision. ProQA generates the pre-set list of questions for callers to be asked. From initial information gathering, the chief complaint is identified and, as a result of the answers to the questions asked, JESCC

identifies the most appropriate response. We heard concerns, however, that some of the pre-set questions – designed for law enforcement in the USA – are not suitable for the Bailiwick of Guernsey.

JESCC does not have a performance management framework. Important management information, such as the average time taken to answer emergency calls and the volume of abandoned emergency calls, is not monitored routinely.

JESCC team leaders were responsible for overseeing call handing and dispatch only. At the time of our initial fieldwork, their remit did not extend to supervising other aspects of the police response.

#### **Area for improvement 10**

- The Joint Emergency Services Control Centre's (JESCC's) Vision emergency dispatch software and performance management framework are areas for improvement. BLE should ensure that these areas are addressed in any future equipment upgrades or capital investment plans for JESCC.

#### **Quality of initial investigations**

We found that officers responding to incidents usually conducted prompt initial enquiries, made appropriate arrests, and took timely witness statements. However, this did not always happen. In some of the cases which were assigned to the criminal investigation department (CID) for secondary investigation, detectives found they had to make initial enquiries again because they had not been carried out correctly by the first responders.

Guernsey Police has policies in place to ensure that crimes are investigated by the most appropriate unit. The CID and public protection unit are there to investigate the more serious or complex cases. In addition, BLE recently established a secondary investigation unit to investigate 'high volume' crimes such as criminal damage. We found that most cases were assigned correctly. However, we also identified instances where lower-risk cases were being conducted by the public protection unit, thus reducing the unit's capacity to take on more serious cases.

## **Supervision of investigations**

We found good-quality investigation plans for most of the investigations we examined and, in the specialist departments, investigations were often well supervised. However, the quality of supervision was not as consistent outside these departments.

Because of this, BLE's criminal justice unit – the role of which should be administrative rather than supervisory – has taken on a *de facto* quality assurance role to ensure that investigations are conducted effectively and meet prosecution standards. Furthermore, the prosecutors have identified consistent shortcomings in investigations. They have therefore provided additional training to investigators in subjects including disclosure and identification procedures.

Problems like this are not uncommon in other police forces. However, they may be more acute in low-crime environments, such as the Bailiwick of Guernsey, where investigators have less opportunity to build the skills and experience they need. Where this is the case, effective supervision is all the more important.

### **Area for improvement 11**

- The consistency of supervision for criminal investigations is an area for improvement. BLE should set clear expectations for supervisors about the frequency and depth of supervision required, training them if necessary. Inspectors should carry out regular dip checking to provide assurance that these expectations are met.

## **Continuous professional development**

Detectives in specialist units had received initial CID training, but continuous professional development (CPD) and ongoing training was inconsistent. This has resulted in some officers having to investigate serious crimes without adequate knowledge of how to do so. This creates risks to the success of investigations and reputational risks to BLE.

Sending officers on regular formal training, to ensure their continuous professional development (CPD), requires a significant financial commitment. Given BLE's limited training budget and other high-priority training requirements, there are not enough resources to provide consistent CPD to all specialist investigators. BLE has actively sought to address this by negotiating with a major training provider to try to secure lower prices. It has also broadened the skills of its officers through secondments to Jersey Police and by inviting officers from other police forces to present case studies about significant investigations to some investigators and supervisors.

Despite these efforts, inconsistencies in CPD provision remain and there needs to be a better investment in officers' development.



## **Area for improvement 12**

- The quality of continuous professional development for investigators in specialist units is an area for improvement. The Committee for Home Affairs and BLE should ensure that all such officers are provided with sufficient access to development opportunities.

## **Guernsey Border Agency's role in keeping the Bailiwick of Guernsey safe**

Guernsey Border Agency plays a crucial role in protecting the Bailiwick of Guernsey through its administration of the customs and immigration systems. We found that Guernsey Border Agency is fulfilling its border responsibilities to the Bailiwick and the Common Travel Area (CTA).<sup>24</sup>

### **Border Agency capacity**

We found robust immigration controls for scheduled arrivals. There are few scheduled maritime and aviation services to the Bailiwick, and Guernsey Border Agency has enough staff for face-to-face immigration checks on all persons arriving on scheduled services from outside the CTA. Furthermore, vehicular traffic and freight arriving from outside the CTA is searched for illegal migrants.

### **Access to intelligence**

Detection officers have access to information and intelligence that helps target their customs searches. Officers at the seaport and airport have access, albeit not always reliable, to electronic passenger and freight manifests, the Home Office Warnings Index<sup>25</sup> and a range of other intelligence databases.

In a 2015 internal review, BLE recommended applying to the Service Guernsey Digital Innovation Fund for money to set up a 'Borders Profiling Hub', the intention being to automate the checks. At the time of the inspection, BLE was exploring with UK authorities whether these could assist with this.

Guernsey Border Agency officers – along with their Guernsey Police colleagues – do not have access to one particularly rich source of UK police intelligence: the Police National Database. This is another consequence of BLE's weak ICT infrastructure (See Chapter 13).

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<sup>24</sup> The Common Travel Area is an open borders area comprising the United Kingdom of Great Britain and Northern Ireland, Ireland, the Isle of Man, and the Channel Islands.

<sup>25</sup> The Warnings Index contains intelligence about persons of interest.



### **Area for improvement 13**

- Guernsey Border Agency's capability to carry out automatic checks of passenger and freight manifests against relevant law-enforcement intelligence databases is an area for improvement. Improvements to this capability – and in access to the Police National Database – should feature in BLE's ICT investment and development proposals.

### **Non-canalised traffic**

In addition to scheduled arrivals, a large volume of non-canalised maritime and general aviation traffic<sup>26</sup> arrives in the Bailiwick from outside the CTA. Guernsey Border Agency has risk assessment processes in place to identify the highest risk arrivals and deploys its resources accordingly.

Unlike many border agencies in other jurisdictions, Guernsey Border Agency requires a declaration of passengers and goods from small boats and general aviation aircraft. This information is checked against customs and immigration databases. For inbound flights, Guernsey Border Agency seeks to undertake pre-clearance for any air passengers requiring immigration clearance. In instances where pre-clearance has not been granted, the air traffic control tower advises the Guernsey Border Agency of the arrival and, wherever possible, these arrivals will be met for border checks.

### **Coastal patrols**

The threat of smuggling by non-canalised traffic is not limited to recognised ports. Guernsey Border Agency officers conduct coastal patrols and have links to a network of people responsible for coastal areas, as well as coastguard personnel, harbour control, and the special constables on Sark and Herm who report suspicious activity. Guernsey Border Agency also uses its links with law enforcement organisations in other jurisdictions, and its intelligence capabilities, to counter the threat to the border from organised criminality (see Chapter 6).

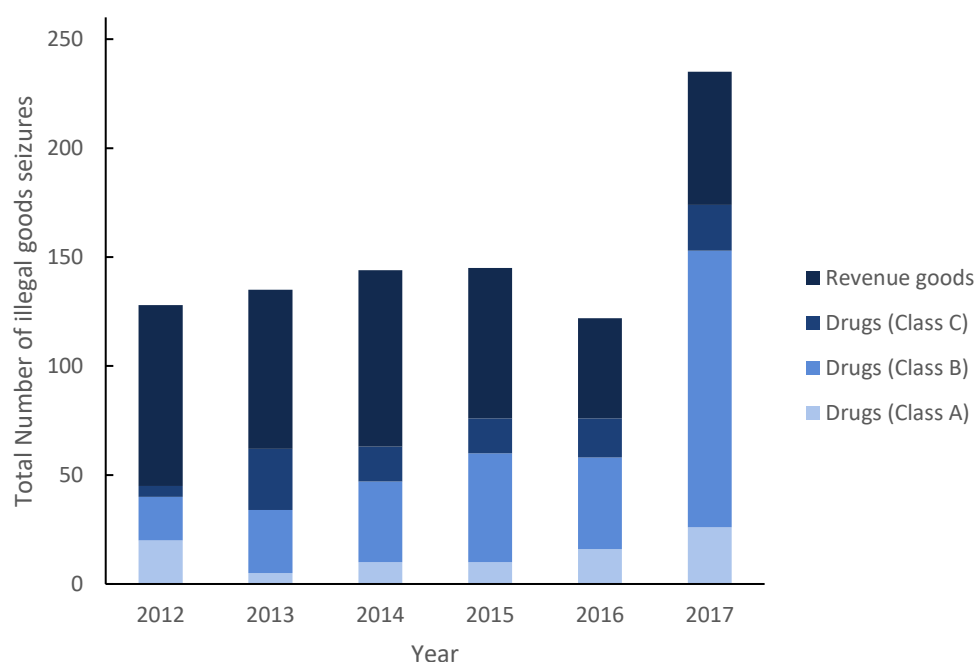
### **Drug seizures and street prices**

Figure 11 below shows an upward trend in drug seizures over the past five years but a declining trend in revenue goods seizures. There are no robust estimates of what goes undetected, so it is not possible to determine whether performance is improving and whether the quantities of drugs and revenue goods entering the Bailiwick of Guernsey are reducing or on the rise.

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<sup>26</sup> Private maritime and aviation traffic.

**Figure 11: Number of seizures of drugs and revenue goods, 2012–2017**



**Source: Guernsey Police Annual Reports, 2012–2017**

BLE's intelligence suggests that the street prices for all prohibited drugs are considerably higher in the Bailiwick of Guernsey than in the UK. High prices can reflect limited supply and therefore suggest successful law-enforcement efforts, especially in relation to narcotics that cannot be grown or manufactured locally. Prices can also, however, be influenced by other factors such as disposable income.

There is scope for BLE to develop a more comprehensive framework to gauge its performance on drug trafficking into the Bailiwick of Guernsey. The framework could draw on a range of data, including the numbers of drug arrests, drug-related deaths, drug-related hospital admissions and public perceptions of availability of drugs, as well as seizure and street price information.

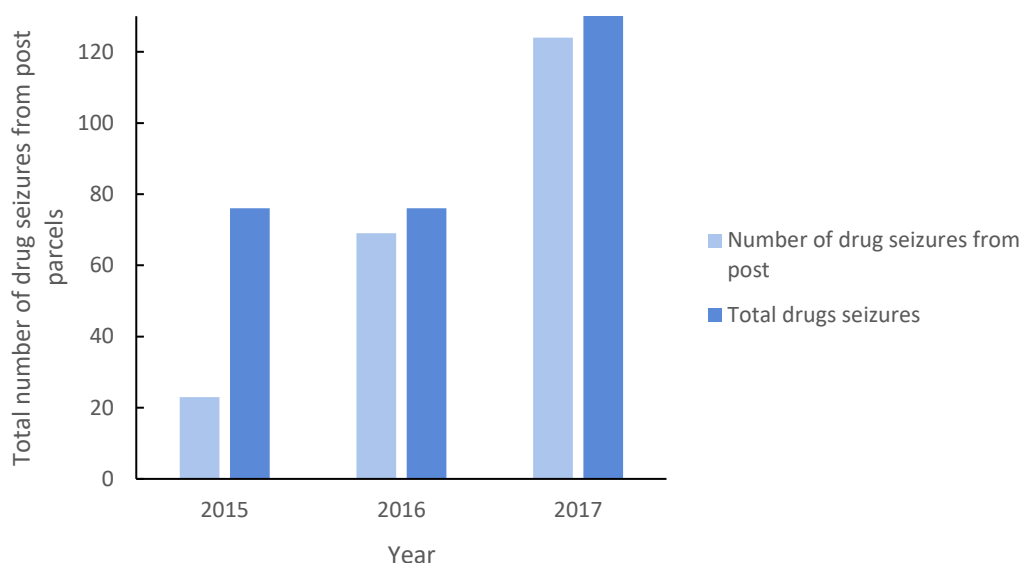
#### **Area for improvement 14**

- BLE's understanding of its performance concerning smuggling and the unlawful supply of controlled drugs is an area for improvement. BLE should develop a more comprehensive performance framework which draws on all available data from law enforcement and other sources.

## Postal packets

Since 2016, most seizures of restricted and prohibited goods have been from postal packets. In 2016, such seizures accounted for 73 percent of drugs seizures (by number of seizures, not weight of drugs seized), up from just 30 percent in 2015. Underlying this is a five-fold increase in the number of drug seizures from incoming post.

**Figure 12: Guernsey Border Agency drug seizures from post parcels 2015–2017**



**Source: Guernsey Police annual reports, 2015–2017; BLE data collection 2018**

Although it is not possible to know how many such parcels posted to the Bailiwick of Guernsey evade detection, these figures suggest that BLE’s capability to identify and seize such contraband has improved. To evidently good effect, detection officers conducting postal searches use profiles<sup>27</sup> designed to identify suspicious packages, and they have the range of technical equipment required to perform their role effectively. Guernsey Border Agency also has good liaison with Guernsey Post.

## Economic crime division

### Background

In partnership with the Guernsey Financial Services Commission, BLE’s economic crime division (ECD) is responsible for combating the abuse of the sector for money laundering or terrorist financing purposes, as well as recovering criminal assets.

<sup>27</sup> In this context, a profile is a definition of the characteristics of a suspicious package, used by detection officers to select such packages for closer examination.

With funds of £270 billion under management and administration, the Bailiwick of Guernsey's financial sector is one of the biggest in the world.<sup>28</sup> It is the mainstay of the economy, contributing more than a third to the Bailiwick's gross domestic product. Consequently, the ECD's performance has both national and international consequences.

### **International obligations**

The Bailiwick of Guernsey's international obligations, discharged in part through ECD, are enshrined in a framework of recommendations created by the Financial Action Task-Force on Money Laundering (FATF).<sup>29</sup> Countries' compliance with the recommendations is reviewed periodically through assessments by the International Monetary Fund (IMF) and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL).<sup>30</sup> The assessors' comprehensive reviews evaluate the effectiveness of a country's legislative framework, financial regulation bodies, law enforcement agencies and criminal justice systems, in tackling money laundering and terrorist financing.

The Bailiwick of Guernsey has been subject to two recent assessments: by the IMF in 2011, and by MoneyVal in 2015. These reports include a detailed evaluation of ECD's capabilities. Although our inspection was informed by the findings of these assessments, our methodology and remit differed; we did not seek to conduct a similar assessment.

### **Financial intelligence and suspicious activity reports (SARs)**

The ECD's objectives include receiving, developing, analysing and disseminating financial intelligence and facilitating the Bailiwick of Guernsey's suspicious activity reporting regime. Suspicious activity reports (SARs) are reports from financial and other institutions which alert law enforcement agencies that certain client/customer activity is in some way suspicious and might indicate money laundering or terrorist financing. SARs, therefore, provide law enforcement agencies with valuable information about potential criminality both within the Bailiwick and from outside jurisdictions.

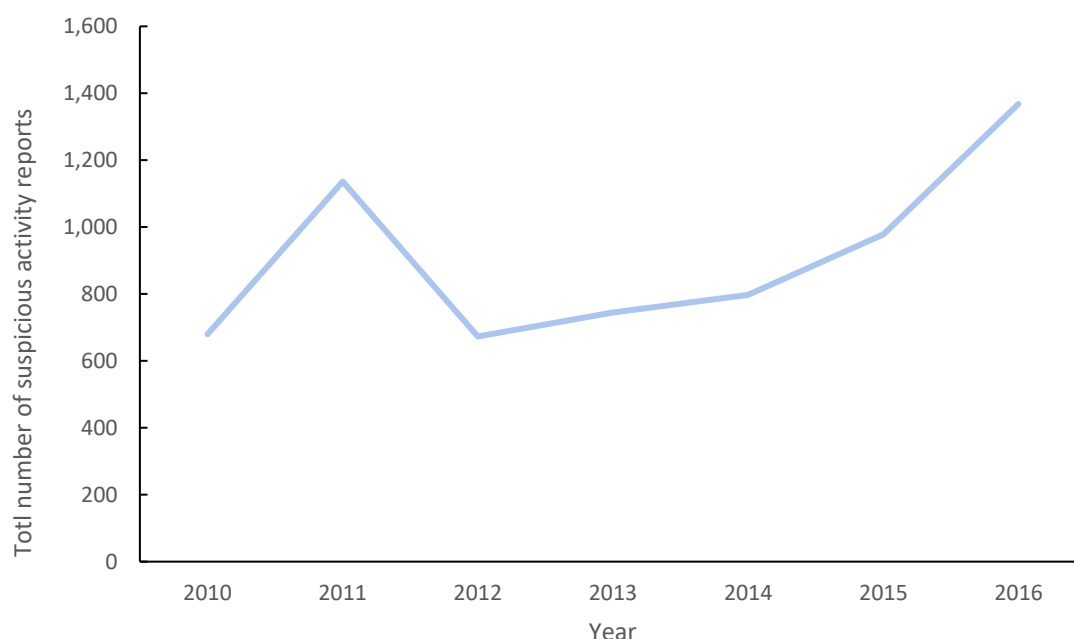
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<sup>28</sup> Source: Guernsey Financial Services Commission fourth quarter 2017 statistics. Available at: [www.gfsc.gg/industry-sectors/investment/statistics](http://www.gfsc.gg/industry-sectors/investment/statistics).

<sup>29</sup> FATF is a 37-member intergovernmental body established by the G7 1989 Paris Summit.

<sup>30</sup> MONEYVAL is a permanent monitoring body of the Council of Europe entrusted with the task of assessing compliance with the principal international standards to counter money laundering and the financing of terrorism.

**Figure 13: Suspicious activity reports received per year**



**Sources: Financial Intelligence Service Annual Report, 2016; MONEYVAL, 2015**

Institutions are required under Guernsey law<sup>31</sup> to submit SARs and the ECD has taken good steps to ensure local institutions comply with their obligations. As figure 13 shows, there has been a significant increase (103 percent) in the number of SARs since 2012.

This increase coincides with a reinvigoration of the ECD's outreach programme, through which it educates institutions about their responsibilities under the SARs regime. The ECD conducts about 15 such presentations per year at various financial forums across the Bailiwick of Guernsey. It has provided specific training to those working in the gambling sector and also given presentations in foreign jurisdictions. We heard from ECD staff that there have been increases in SARs following such presentations.

## **THEMIS**

We also learned, however, that the ECD's weak ICT infrastructure adversely affected institutions' compliance with the SARs regime and the ECD's ability to develop the intelligence opportunities SARs provide.

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<sup>31</sup> Disclosure (Bailiwick of Guernsey) Law 2007, and Terrorism and Crime (Bailiwick of Guernsey) Law 2002, as amended.

Institutions can report SARs online, using a system called THEMIS. However, THEMIS has been unreliable, and there have been periods when it has been offline, which has reduced institutions' ability to submit SARs.

Furthermore, the ECD personnel we interviewed reported that THEMIS's configuration did not make it easy to export data for analysis, and that the system was prone to crash when they tried to perform searches. We were left with the impression that THEMIS is fit for purpose in only a limited number of respects and that there are some important things it cannot do.

We saw a comprehensive business case, written in 2016, for THEMIS enhancements. These were estimated to cost £267,000. At the time of the inspection, no financing had been secured to improve THEMIS, and all requests for new or upgraded software were on hold pending the completion of the ICT recovery programme (see Chapter 13).

#### **Area for improvement 15**

- The THEMIS system is an area for improvement. THEMIS requires system upgrades to make it stable and reliable, and to enable its use for intelligence development and analysis purposes. These should include automated and live-time data matching with other sources of law enforcement intelligence and the other improvements specified in the business case.

#### **Consent to transact**

SARs are often accompanied by a request for the ECD's consent to a particular transaction. If the ECD grants consent, this may amount to a defence for the reporting person to the money laundering offences under Guernsey's Proceeds of Crime Law and the Drug Trafficking Law.

In its 2015 report, MoneyVal stated that most cases where consent is requested do not give rise to suspicion. The ECD withheld consent in approximately two percent of these cases in 2013<sup>32</sup>. This figure was unchanged in 2016<sup>33</sup>. At the time of the inspection, a review of the consent regime was under way. This will explore the reasons why relatively few requests are denied. We are aware that this is likely, in part, to be due to organisations requesting consent where they are not required to.

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<sup>32</sup> *Report on fourth assessment visit of Guernsey*, Council of Europe Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), 2015, page 101. Available at: <https://rm.coe.int/report-on-fourth-assessment-visit-anti-money-laundering-and-combating-/16807160f3>

<sup>33</sup> *Financial Intelligence Service Annual Report 2016*, Bailiwick of Guernsey Law Enforcement, 2017, page 23. Available at: [www.guernseyfiu.gov.gg/CHttpHandler.ashx?id=108486&p=0](http://www.guernseyfiu.gov.gg/CHttpHandler.ashx?id=108486&p=0)

The ECD has identified that 14 percent of the consent SARs it receives do not meet the criteria set.

### **SARs dissemination**

The ECD is responsible for passing on SARs intelligence it receives, where relevant, to local and international authorities. Examining 2010 – 2013 data, MoneyVal reported that 70 to 85 percent of all disclosures are passed on. As figure 14 shows, this has remained the case in later years.

**Figure 14: Dissemination of suspicious activity reports (SARs)**

Dissemination of suspicious activity reports							
	2010	2011	2012	2013	2014	2015	2016
SARs received	680	1,136	673	745	797	978	1,368
Local disseminations	278	126	93	84	90	132	208
International disseminations	411	840	390	473	520	539	868
Total disseminations	689	966	483	557	610	671	1,076

Source: MoneyVal, 2015

### **Strategic analysis capability and risk assessments**

While the evidence shows that the ECD is collecting and disseminating financial intelligence, HMICFRS found that the ECD cannot carry out strategic analysis. ECD staff pointed out that they could not estimate the full extent of money laundering and terrorist financing taking place in the Bailiwick of Guernsey financial sector.

We also found that Guernsey does not have an up-to-date money laundering and terrorist financing risk assessment. The Financial Action Task-Force on Money Laundering (FATF) emphasises the importance of such risk assessments thus:

"Understanding the money laundering and terrorist financing risks is an essential part of developing and implementing a national anti-money laundering / countering the financing of terrorism (AML/CFT) regime.

A risk assessment allows countries to identify, assess and understand its money laundering and terrorist financing risks. Once these risks are properly

understood ... [this] ... enables countries to prioritise their resources and allocate them efficiently.”<sup>34</sup>

The most recent risk assessment was produced in 2010. It was updated for MoneyVal’s assessment in 2015. A multi-agency working group<sup>35</sup> – which includes representatives from the ECD – began work on a new risk assessment in 2016 with support from the IMF. However, it was still in development at the time of our inspection.

### **Money laundering investigations**

In its 2015 report, Moneyval highlighted that although the ECD’s money laundering investigations, prosecutions and convictions had increased during the four years before its assessment, “the overall level remains low and there is a discrepancy between the numbers of investigated ML cases and final convictions.”<sup>36</sup>

As figure 15 below shows, there has been a recent increase in the number of ECD money laundering investigations following a fall in 2013. However, the total conducted in 2017 is no higher than it was in 2012. In addition, there have only been four prosecutions and three convictions since the 2015 report.

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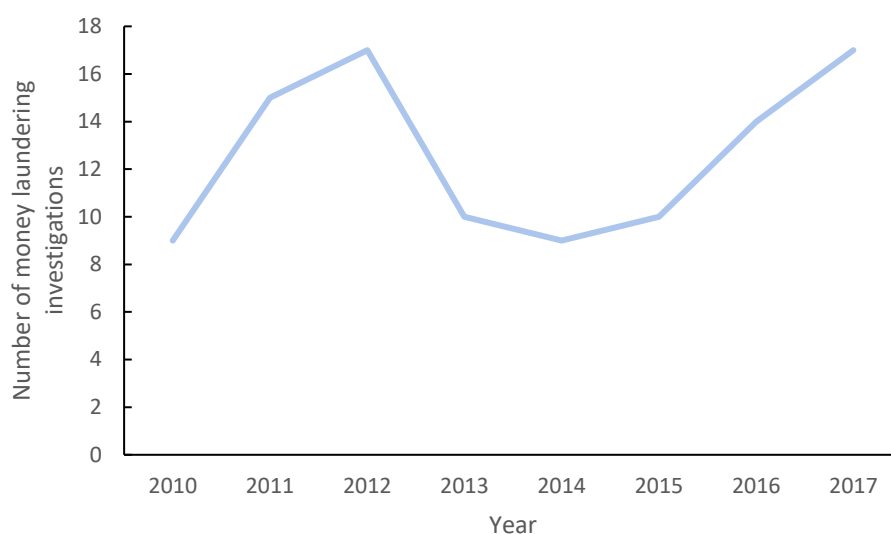
<sup>34</sup> *National money laundering and terrorist financing risk assessment*, Financial Action Task Force, 2013. Available at: [www.fatf-gafi.org/documents/news/nationalmoneylaunderingandterroristfinancingriskassessment.html](http://www.fatf-gafi.org/documents/news/nationalmoneylaunderingandterroristfinancingriskassessment.html)

<sup>35</sup> The States of Guernsey Anti-Money Laundering / Countering the Financing of Terrorism Working Group.

<sup>36</sup> Council of Europe Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) (2015), paragraph 26.



**Figure 15: Economic crime division money-laundering investigations 2010–2017**



**Source: Financial Intelligence Service Annual Report, 2016; MoneyVal, 2015**

In part, this may be due to capacity problems in the ECD. Investigators reported being "snowed under" with low-level fraud investigations which demanded attention. The ECD was designing case-acceptance criteria which are intended to ensure that such cases would be investigated by CID where appropriate.

We are also aware that ECD's high staff turnover means that many of the unit's staff are relatively new in post and lack financial crime experience. This will invariably damage the unit's performance.

### **Financial orders**

Financial investigators have access to a wide range of tools that provide them with financial information in support of their investigations. These tools include production orders, account monitoring orders and customer information orders. In England and Wales, such orders can be applied for by an appropriate officer or, for some orders, by a senior officer equivalent to superintendent rank.<sup>37</sup>

<sup>37</sup> **Legislative bases: Production Orders:** Proceeds of Crime Act 2002 c. 29, Part 8, 345 (3); Terrorism Act 2000 Schedule 5, 5 (5); **Customer Information Orders:** Proceeds of Crime Act 2002 c. 29, Part 8, 363 (1); Terrorism Act Schedule 6 1 (1); **Account Monitoring Orders:** Proceeds of Crime Act 2002 c. 29, Part 8, 370 (1); Terrorism Act Schedule 6A 2 (1)

While BLE officers can apply for similar orders under the Bailiwick of Guernsey's proceeds of crime, terrorism, civil forfeiture and drug trafficking legislation<sup>38</sup>, the law stipulates that no application for such orders may be made without the consent or authorisation of Her Majesty's Procureur.<sup>39</sup>

We were particularly concerned by the reports by investigators about the extent of difficulties they experienced when they sought to obtain orders in the course of their investigations.

### **International mutual legal assistance (IMLA)**

We also found that delays were commonplace in IMLA cases. IMLA is a method of co-operation between jurisdictions for obtaining assistance in the investigation or prosecution of criminal offences, or in retrieving proceeds of crime. The FATF requires all jurisdictions to provide the widest possible range of mutual legal assistance in relation to the investigation and prosecution of money laundering and its associated predicate offences. MoneyVal has determined that the Bailiwick's legal framework for mutual legal assistance is "comprehensive and address[es] all criteria under the FATF standard..."<sup>40</sup>

However, we found that the ECD routinely experienced unacceptably long delays in Guernsey law officers' responses to letters of request from overseas jurisdictions. Delays of months were commonplace and delays of a year or more were not

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<sup>38</sup> **Legislative bases: Production Orders:** The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 45 (1); The Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 Schedule 5 4 (1); The Drug Trafficking (Bailiwick of Guernsey) Law, 2000 63 (1); **Customer Information Orders:** The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 48A (1); The Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 Schedule 6 4 (1); The Drug Trafficking (Bailiwick of Guernsey) Law, 2000 67A (1); **Account Monitoring Orders:** The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 48H (1); The Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 Schedule 7 4 (1); The Drug Trafficking (Bailiwick of Guernsey) Law, 2000 67H (1)

<sup>39</sup> **Legislative bases: Production Orders:** The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 45 (10); The Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 Schedule 5 4; The Drug Trafficking (Bailiwick of Guernsey) Law, 2000 63 (1); The Forfeiture of Money, etc. in Civil Proceedings (Bailiwick of Guernsey) Law, 2007, 20 (1) **Customer Information Orders:** The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 48G (5); The Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 Schedule 6 4; The Drug Trafficking (Bailiwick of Guernsey) Law, 2000 67G (5); The Forfeiture of Money, etc. in Civil Proceedings (Bailiwick of Guernsey) Law, 2007, 28 (1) **Account Monitoring Orders:** The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) Law, 1999 48M (5); The Terrorism and Crime (Bailiwick of Guernsey) Law, 2002 Schedule 7 4 (1); The Drug Trafficking (Bailiwick of Guernsey) Law, 2000 67M (5); The Forfeiture of Money, etc. in Civil Proceedings (Bailiwick of Guernsey) Law, 2007, 35 (1)

<sup>40</sup> Council of Europe Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) (2015), page 265.

uncommon. Letters of request for mutual legal assistance can present complex issues that require careful handling. Nevertheless, the delays were worrying.

It was beyond the scope of our inspection to examine the underlying causes for the delays in obtaining orders and dealing with mutual legal assistance requests. But, because of their adverse effect on the ECD's performance, we believe these matters require urgent attention and rectification.

## **Recommendation 2**

- By 31 January 2019, the head of law enforcement and Her Majesty's Procureur should conduct a review of working practices to find out why there are delays associated with Letters of Request for Mutual Legal Assistance.

## **International co-operation and asset recovery team**

BLE has increased its capability to tackle criminal finances through the creation of a new international co-operation and asset recovery team (ICART) within the ECD. The ICART, funded for its first three years from Guernsey's Seized Asset Fund, has a range of responsibilities including confiscation investigations and cash seizures.

The ICART also has a new role: pursuing suspected criminal assets which have been 'frozen' (usually because they are subject to restraint orders or because consent to transact is withheld). At the time of our inspection, the ECD reported that there were significant further assets to explore, and ICART have initiated civil forfeiture cases linked to more than £200 million of criminal assets.

Some of the cases involve alleged corruption of foreign heads of state whose assets have been frozen in the Bailiwick of Guernsey. ECD has, historically, found such cases to be among the more difficult to resolve, but the ICART process may yield some results in this area.

## **Firearms capability**

Although the Bailiwick of Guernsey does not suffer much firearms-related crime, BLE must maintain the capability to provide an armed response. In England and Wales, forces seek to comply with the requirements set out in the College of Policing's Authorised Professional Practice for Armed Policing.<sup>41</sup> Although the Bailiwick is not required to comply with these requirements, we found that BLE intended to ensure that professional standards were comparable to those in British policing.

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<sup>41</sup> Armed Policing Index, College of Policing, 26 January 2015. Available at: [www.app.college.police.uk/index/](http://www.app.college.police.uk/index/)

All firearms officers and commanders are trained and accredited to College of Policing standards. Firearms officers are also required to have annual appointments with professional psychologists, in line with practice in England and Wales. With one apparent exception (see Chapter 9), we found firearms equipment and storage arrangements were compliant with standards in England and Wales, as were the associated policies and procedures.

Like English and Welsh police forces, BLE has produced an armed policing strategic threat and risk assessment (APSTRA) outlining priorities, an analysis of armed incidents, training requirements and resourcing issues. This sufficiently sets out existing and likely future capacity and capability needs.

We found BLE faces difficulties in resourcing its firearms team. Its armed policing strategic threat and risk assessment identified that it should have 24 authorised firearms officers (AFOs) to allow resilience for on-call arrangements and that its current AFO establishment of 18 is insufficient.

In order to mitigate the risk, Guernsey Police maintains a permanent on-call operation. It fills the resourcing gaps by relying on officers to volunteer for additional on-call sessions, for which they receive additional payment. While this is a temporary fix, it is not a sustainable solution in terms of additional cost and officer wellbeing.

The force knows that it needs to increase its AFO establishment. However, despite actively seeking recruits, the specialist nature of the role limits the numbers of applications it has received from local candidates and from officers in UK forces.

## **Counter-terrorism**

We found that BLE took the threat of terrorism seriously. It had developed a localised version of CONTEST – the UK’s counter-terrorism strategy<sup>42</sup> – suited to the Bailiwick of Guernsey’s operational environment. At the time of the inspection, the work to implement this strategy across the four workstreams (prevent, protect, pursue, and prepare) was progressing, and BLE had secured commitment from partner organisations to take it forward. Given the breadth of our terms of reference, we did not have the opportunity to investigate what progress had been made with this.

Leadership of BLE’s counter-terrorism activities is the responsibility of the special branch. The head of special branch has daily conferences with counter-terrorism officers based in the UK and, where appropriate, intelligence is passed on to frontline officers in briefings.

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<sup>42</sup> Home Office, 2011. *CONTEST: The United Kingdom’s Strategy for Countering Terrorism* (Cm 8123). Norwich: TSO. Available from: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/97995/strategy-contest.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97995/strategy-contest.pdf)

This has proved successful. For example, such briefings have led to a 20 percent increase in terrorist-related intelligence submitted to special branch by Guernsey Border Agency. We also found that BLE has developed a pragmatic operational relationship with French colleagues at St. Malo and Cherbourg ports to make easier co-operation and the exchange of relevant intelligence.

## Cyber-crime

BLE recognises the threat posed by cyber-crime and knows that it needs to develop a capability to address it.

### Cyber security strategy

In 2017, the Committee for Home Affairs produced its *Cyber Security Strategy*, through which it sought to ensure that " ... Guernsey citizens, business and Government are as 'safe and secure' going about their legitimate lives in cyber space as they are in the physical environment".<sup>43</sup>

The strategy includes eight strategic goals to be achieved by the Committee for Home Affairs and its operational services. Goal seven, which specifically concerns law enforcement, makes BLE the lead agency for cyber security and sets three discrete objectives for the organisation. These require BLE to:

- develop the high-tech crime unit's capability and capacity;
- develop and maintain effective links with law enforcement partners in other jurisdictions to tackle cyber-crime; and
- enhance understanding of the threats, through engagement with the National Cyber Security Centre and other bodies.<sup>44</sup>

In relation to the first objective, at the time of the inspection, BLE did not have a cyber-crime investigation capability. BLE managers recognised that the organisation lags behind some forces in England and Wales in this area. They were keen to draw on good practice from other police forces when developing this capability. To this end, BLE was in contact with the Southwest regional organised crime unit (ROCU) and was exploring the opportunities to measure itself against the capabilities held by City of London Police.

In relation to the second objective, good links were in place, principally with the National Crime Agency and the Southwest ROCU.

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<sup>43</sup> *Cyber Security Strategy*, Committee for Home Affairs, 2017, page 5. Available from: [www.gov.gg/ChttpHandler.ashx?id=111010&p=0](http://www.gov.gg/ChttpHandler.ashx?id=111010&p=0)

<sup>44</sup> *Cyber Security Strategy*, Committee for Home Affairs, 2017, page 9.

In terms of the third objective, we found evidence of good engagement. In October 2017, the UK's National Cyber Security Centre agreed to create a Channel Islands section of its cyber-information-sharing partnership. This is designed to facilitate sharing information about cyber threats, and reports of cyber-attacks by Channel Islands businesses.

BLE is also a partner in SINCERE (Small Island Nations Centre of Excellence for Research & Education), part of the EU-funded Project SENTRE (Strengthening European Network Centres of Excellence in Cybercrime). Currently led by the Isle of Man Constabulary, SINCERE is a joint Isle of Man, Guernsey and Jersey initiative, which, among its wide-ranging objectives, seeks to conduct a threat analysis of the islands' business and financial sectors and provide preventative advice to industry and law enforcement.

## 6. Intelligence-led crime investigation

In the context of BLE's capability and capacity to tackle serious and organised crime, the Committee for Home Affairs asked HMICFRS to examine:

- drug trafficking and Royal Court cases;
- covert capabilities and border resources, including the impact of structural change since our previous inspection in 2007; and
- financial crime resources.

The impact of structural change – i.e. BLE's creation and configuration – is dealt with in Chapter 4. BLE's financial crime resources are within the ECD, which we discuss in Chapter 5). We deal with BLE's resources in general in Chapter 2. In this chapter we consider how well BLE understands the threat posed by serious and organised crime and how effectively it tackles it.

### Understanding the serious and organised crime threat

A good understanding of the threat from serious and organised crime should be built on a foundation of structured risk-assessment processes, systematic intelligence sharing with multiple organisations within and beyond law enforcement, and a rigorous approach to identifying and mapping organised crime groups.

Although we did not find a current strategic assessment which sets out all the demands and threats faced by BLE (see Chapter 2), we did find useful assessments of individual threats such as human trafficking, modern slavery, child sexual exploitation, drug trafficking, and revenue fraud.

#### Intelligence unit

BLE's intelligence unit comprised a range of officers and staff from Guernsey Police and Guernsey Border Agency. The functions performed, and the structure of the unit, largely reflect similar units in England and Wales, and the officers and staff had access to similar training. Those staff we spoke with had significant experience in collating, developing and disseminating intelligence, including special branch intelligence, in a police and borders environment.

We also found that BLE adopted similar intelligence handling procedures to those in England and Wales. For example, supervisors monitor all intelligence received by BLE and process or disseminate the intelligence as required.

#### Intelligence unit internal review 2017

We found that the director of intelligence had conducted a review of the intelligence unit in 2017 with a view to developing its capacity and capability further.

Recommendations for changes to the size and structure of the unit, and improved procedures, had been accepted by BLE's senior leadership team. At the time of our inspection, work was under way to implement the recommendations.

### **Access to intelligence and links with other bodies**

We found a well-established and valuable network of relationships and working practices. These help BLE to gather and disseminate intelligence.

BLE has access to the National Confidential Unit network based in England and Wales. This enables the quick and secure exchange of information and sensitive intelligence with UK police forces and other bodies.

BLE works closely with the Southwest ROCU and shares intelligence on organised crime groups. This co-operation provides not only updates on known criminals but also intelligence on the movement of passengers and freight on visiting aircraft and ships. We also found good links with UK Border Force Intelligence team, based at Gatwick Airport, allowing BLE to access threat and risk assessments and to analyse emerging threats and trends.

Police personnel have access to Guernsey Police's non-sensitive intelligence system. Guernsey Border Agency staff have access to intelligence held on the GBA's database according to their role, security clearance and the sensitivity of the intelligence. Such appropriate access to intelligence systems assists uniformed officers to attend calls for assistance, help investigators mount enforcement operations, and build prosecution cases. Those we spoke with described an effective daily intelligence digest circulated for briefing purposes.

We also found that BLE has good working agreements with a number of other parts of the States, where nominated officers can contact each other with requests for information when required. These include personnel in:

- Guernsey Prison;
- Social Security;
- Housing;
- Driver and Vehicle Licensing; and
- Sea Fisheries.

These arrangements support practices such as the multi-agency risk assessment conference (MARAC) and safeguarding hub (MASH) (see Chapter 7) where the risks presented by particularly dangerous offenders are managed through joint plans.



## **Annual report to Surveillance Commissioner**

The Regulation of Investigatory Powers (Bailiwick of Guernsey) Law 2003 (RIPL) provides the framework for the lawful use of covert tactics and specialist techniques such as gaining intelligence from informants. BLE completes an annual report for the Surveillance Commissioner detailing all the RIPL activities and authorisations that have taken place throughout the year and reporting on any breaches that may have occurred. The report is overseen by the director of intelligence and compiled by nominated members of the covert operations management unit.

## **Covert investigation capability**

The development of intelligence and operations against organised crime groups is the responsibility of the cross-border crime team. This team also provides a covert evidence-gathering capability. The cross-border crime team has developed an investigative capability which includes covert static, foot, mobile and maritime surveillance, and other specialist covert support functions.

## **Tackling the serious and organised crime threat**

Once forces have understood the threat posed by serious and organised crime, they need to tackle it effectively. This means applying an objective, structured, approach to decision-making on where, when and how to allocate investigative resources.

## **Tactical tasking and co-ordination group**

Each week there is tactical tasking and co-ordination group meeting, chaired by the director of intelligence. This is attended by the intelligence unit manager, crime analyst, and other intelligence managers. along with representatives from ECD, cross-border crime, borders and CID teams. The meeting follows the principles of the National Intelligence Model and reflects good practice seen in England and Wales.

## **Operational meetings**

We also found that more detailed meetings took place between intelligence officers, operational team leads and covert tactical advisors. These were held regularly, from the beginning of an operation to its conclusion. These meetings reviewed the strategy, aims and objectives of the investigation, identified opportunities to disrupt or dismantle serious organised crime groups, and dealt with operational security and risk management issues. We were shown details of various successful operations against a range of serious and organised crime.

## **Intelligence-led border enforcement**

Guernsey Border Agency uses an intelligence-led strategy at the borders to identify the more serious offences such as commercial importations of controlled drugs. Drawing on the range of intelligence, it makes enquiries to identify 'persons of

interest' travelling, and police powers are used to good effect when stopping and searching people, vehicles and vessels. We also found that the ECD supports intelligence-led border enforcement in a number of ways.

We saw a number of examples where GBA had undertaken complex and serious investigations relating to cross-border crime involving overseas jurisdictions. There was clear evidence of collaborative work with law-enforcement bodies in Jersey, the UK and France, sharing intelligence with operational co-operation with them.

BLE's intelligence suggests that the Bailiwick of Guernsey is targeted by British and French organised crime groups because of the potential profits to be made due to the inflated street price of drugs in Guernsey. We found that the cross-border crime team worked closely with corresponding law-enforcement teams in England and France. They were often successful in enlisting the support of these to tackle the organised crime groups at source, encouraging disruptions and interventions in the UK or France whenever possible. From Guernsey's point of view, this is an efficient use of resources as it reduces the burden on the courts and on the prison, allowing a greater focus on disruption and prevention.

We also found that BLE has worked with other public services in the Bailiwick, such as health and the Post Office, to make it harder for organised criminals to operate, particularly in terms of drug supply offences (see Chapter 5).

## 7. Public protection capability, domestic abuse and child protection

The Committee for Home Affairs asked HMICFRS to inspect BLE's public protection capability, including the capability to deal with domestic abuse and child protection. For this aspect of the inspection, we examined BLE's capability to:

- identify those who are, or may be, vulnerable;
- assess their vulnerability;
- investigate crimes against vulnerable people;
- provide support to vulnerable victims;
- participate in multi-agency arrangements; and
- deal with domestic abuse and child sexual exploitation.

### Identifying vulnerable people

We found that BLE does not identify vulnerable people consistently.

#### Defining vulnerability

BLE does not have a single, corporate definition of vulnerability.

HMICFRS's annual PEEL inspections of policing in England and Wales identified that all English and Welsh forces have corporate definitions of vulnerability, albeit these definitions differ from force to force. Most forces use either the definition provided by the Association of Chief Police Officers<sup>45</sup>, the definition provided by the College of Policing<sup>46</sup>, the definition in the UK Government's *Code of Practice for Victims of Crime*<sup>47</sup>, or a combination of the three. Each force's definition underpins its policy, procedure and practice.

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<sup>45</sup> The Association of Chief Police Officers (ACPO) is now the National Police Chiefs' Council (NPCC). *ACPO Guidance on Safeguarding and Investigating the Abuse of Vulnerable Adults*, NPIA, 2012. Available from: [www.app.college.police.uk/app-content/major-investigation-and-public-protection/vulnerable-adults/](http://www.app.college.police.uk/app-content/major-investigation-and-public-protection/vulnerable-adults/)

<sup>46</sup> See: [www.college.police.uk/News/College-news/Pages/police\\_transformation\\_fund.aspx](http://www.college.police.uk/News/College-news/Pages/police_transformation_fund.aspx)

<sup>47</sup> *Code of Practice for Victims of Crime*, Ministry of Justice, October 2015. Available from: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/254459/code-of-practice-victims-of-crime.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/254459/code-of-practice-victims-of-crime.pdf)

During our inspection, we identified several laws and BLE policies referring to vulnerable persons, each of which defines aspects of vulnerability.

BLE managers highlighted this point during the inspection and explained that they do not have one definition which they use consistently, as vulnerability will arise in different ways. Our concern is that the frontline officers we spoke to during the inspection could not outline what constitutes vulnerability.

The fact that some legislative requirements only apply to people with specific vulnerabilities should not stop BLE from developing a corporate vulnerability definition. A suitable definition, supported by training and policies, would provide staff and officers with a common understanding of the range of ways in which people may be vulnerable and help ensure that vulnerable people receive the support they need.

#### **Area for improvement 16**

- BLE's approach to identifying vulnerable people is an area for improvement. BLE should develop a corporate definition and ensure that it is applied.

#### **First contact with BLE**

Staff in the joint emergency services control centre (JESCC) are the first point of contact for 999 and 112 calls. Despite the lack of a corporate definition of vulnerability, call handlers succeed in identifying some vulnerable people. The Vision emergency dispatch software (see Chapter 5) helps to identify that people may be vulnerable, but is no substitute for training and knowledge, especially as the pre-set questions do not cater for all circumstances. For example, we were told about an incident where a night-time call made by an intoxicated lone female was not prioritised, because she was not identified as vulnerable.

The software highlights whether any previous calls have been made from the same telephone number or address. While this identifies some repeat victims, the system does not automatically identify repeat victims who may be calling from a different address, or other callers whom BLE may previously have identified as vulnerable. This data is held on the NICHE records management system, for which call handlers are required to conduct manual searches. Given the lack of regular quality assurance of call logs (see Chapter 5), BLE's leadership could not be certain that such searches were always carried out.

Similarly, the level of call handlers' compliance with a requirement to record information about vulnerable people on NICHE was also variable. BLE is aware that the NICHE and Vision ICT systems are not integrated, and is developing an interface between them.

## **Assessing the vulnerability**

### **Risk assessment checklist for domestic abuse cases**

Response officers have access to guidance on appropriate action to take when attending domestic abuse incidents. BLE's domestic abuse policy makes clear that all attending officers must complete a risk identification checklist (RIC) form for all domestic abuse incidents they attend. The response officers that we spoke to knew of this requirement.

Completion of the RIC form generates a risk score that shows the theoretical level of risk, and helps officers decide whether immediate safeguarding action is needed for the members of the household. RICs with a score over a certain threshold will be automatically referred to the multi-agency risk assessment conferences (MARAC) by BLE's MARAC co-ordinator.<sup>48</sup>

We learned that RIC forms completed by uniformed officers vary in quality. However, we were pleased to find that BLE has a process to ensure that any errors or omissions are identified quickly. The detective sergeant in BLE's specialist public protection unit (PPU) conducts a daily review of all domestic abuse incidents recorded during the previous 24 hours. This review includes an examination of the RIC forms to ensure that risk has been appropriately assessed and the safeguarding actions taken reflect this. Any omissions or errors are highlighted and addressed.

### **Risk assessment in other cases**

Despite the processes in place for assessing risk in domestic abuse cases, we found no evidence that BLE officers are required to routinely assess the vulnerability of all the victims, witnesses, and suspects they encounter. Consequently, it is likely that some of the vulnerable people BLE officers meet are not identified as such and therefore do not receive the appropriate response, whether it be referral for multi-agency intervention or other safeguarding measures.

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<sup>48</sup> MARACs (multi-agency risk assessment conferences) are regular local meetings where information about high-risk domestic abuse victims (those at risk of murder or serious harm) is shared between local agencies. By bringing all agencies together at a MARAC and ensuring that whenever possible the voice of the victim is represented by the independent domestic violence advocate service, a risk-focused, co-ordinated safety plan can be drawn up to support the victim.

Forces in England and Wales have developed processes to ensure that such vulnerabilities are assessed at an early stage. This maximises any early intervention opportunities and may help prevent victimisation. For example, the Metropolitan Police Service expects its personnel to conduct a vulnerability assessment framework when encountering members of the public. The framework requires officers to measure vulnerability across five areas,<sup>49</sup> and outlines action that should be taken if the score meets certain thresholds.

#### **Area for improvement 17**

- BLE's process for assessing vulnerability in cases not involving domestic violence is an area for improvement. In combination with the development of a corporate definition of vulnerability, BLE should develop processes to ensure officers identify any vulnerabilities of the victims, witnesses, and suspects they encounter, and make appropriate interventions.

## **Investigation of crimes involving vulnerable people**

BLE's PPU has a remit to investigate domestic abuse, sexual offences and cases involving child protection. As is the case in most forces in England and Wales, the PPU does not carry out all such investigations, and lower-risk cases can be conducted by officers in CID or in the secondary investigation unit.

However, we found that BLE lacks a clear risk-based allocation policy. Consequently, we heard examples of low-risk cases being investigated by the PPU and occasions when more serious public protection incidents reported to CID were not referred to the PPU.

There will always be instances where it makes sense for the PPU to investigate low-risk cases, and, vice versa, the CID to investigate high-risk cases, but those responsible for case allocation and workloads need a policy to which they should generally adhere.

#### **Area for improvement 18**

- BLE's case allocation practices for public protection cases are an area for improvement. BLE should develop a risk-based allocation policy.

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<sup>49</sup> The five areas are appearance, behaviour, communication/capacity, danger and environmental circumstances.

## Specialist training

We learned that PPU officers receive additional specialist training on public protection issues. However, some PPU officers told us that they felt the training is insufficient, and we heard concerns that it does not equip them with the specialist knowledge they need to deal with vulnerable people or to advise their uniformed colleagues.

We found training issues in other teams too. We were told that civilian investigators in secondary investigation units, who conduct some of BLE's domestic abuse investigations, have not received specialist domestic abuse training.

### Area for improvement 19

- The level of training provided to specialist investigators is an area for improvement. BLE should develop a better understanding of specialist investigators' training needs and ensure it meets them.

## Effective investigations and supervision

Despite these issues, our file review revealed that most of the PPU cases we examined were effectively investigated. We also found evidence of effective supervision in almost all the cases conducted by PPU.

## Support for victims

### Code of Practice for Victims of Crime

In the UK in 2015, the statutory *Code of Practice for Victims of Crime*<sup>50</sup> introduced measures to comply with the European Union Victims' Directive<sup>51</sup>. The code outlines a range of victims' entitlements, including:

- a written acknowledgement that the victim has reported a crime, including the basic details of the offence;
- a needs assessment to help work out what support the victim needs;
- a referral to organisations supporting victims of crime;

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<sup>50</sup> *Code of Practice for Victims of Crime*, Ministry of Justice, October 2015. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/476900/code-of-practice-for-victims-of-crime.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/476900/code-of-practice-for-victims-of-crime.PDF)

<sup>51</sup> *Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA*, 2012 O.J. L 315/57. Available from <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012L0029&from=EN>

- updates about the police investigation, such as if a suspect is arrested and charged and any bail conditions imposed; and
- the opportunity to make a victim personal statement.

The code also requires police and other bodies to provide an enhanced service to victims of serious crime, persistently targeted victims and vulnerable or intimidated victims, including 'special measures' to assist vulnerable or intimidated witnesses to give their best evidence in court.

### **Voluntary adoption of Code of Practice**

As the Bailiwick of Guernsey is not an EU member state or subject to England and Wales legislation, it is not legally required to adopt the code. However, BLE's leaders recognise the importance of victim care, and they have committed BLE to voluntarily adopting it. We took the code as our benchmark when examining victim care.

We heard from partner bodies, including Health and Social Services that PPU investigations are generally focused on the needs of the victim, especially in child protection cases. Our file review echoed this, as we found evidence of good victim care in most PPU investigations we examined.

However, good victim care was not always apparent in BLE investigations. Victim care and witness care plans are not routinely completed.

### **Victim personal statements**

A victim personal statement provides the victim with an opportunity to describe the wider effects of the crime upon them, express their concerns and indicate whether they need any support. This can strengthen prosecution evidence and make clear to the offender the consequences and gravity of their behaviour.

We found that BLE is not routinely offering victims the opportunity to make a victim personal statement.

### **Special measures**

Although BLE cannot consistently identify vulnerable victims and witnesses, it does have some 'special measures' in place to provide children and other vulnerable victims and witnesses with the support they need.

BLE has a facility for filming 'achieving best evidence' (ABE) video interviews. Several PPU officers are ABE trained and between 2014 and 2016 there was a 174 percent increase in the number of ABE interviews conducted.<sup>52</sup> However, BLE management is aware that the current ABE facility is not fit for purpose. Located on

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<sup>52</sup> *Annual Report 2016*, Bailiwick of Guernsey Law Enforcement, 2017, page 25. Available from: [www.guernsey.police.uk/CHttpHandler.ashx?id=111186&p=0](http://www.guernsey.police.uk/CHttpHandler.ashx?id=111186&p=0)



the first floor, it lacks disability access. Its location, next to a busy road, also causes problems. We heard from BLE and partner agencies that, on occasions, background noise interferes with the recordings and the audio is unclear. BLE has applied to the Seized Asset Fund to move the facility to more suitable premises.

### **Action plan**

The various shortcomings we identified in relation to BLE's victim care provision led us to conclude that an action plan is needed.

#### **Recommendation 3**

- By 31 January 2019, the head of law enforcement should design and implement an action plan to improve the quality of BLE's victim care, including more widespread use of care plans and victim personal statements, and renewed efforts to relocate the video interview suite.

## **Multi-agency arrangements**

BLE works constructively with partner organisations to protect vulnerable people and to support victims. Representatives of partner agencies including Health and Social Services commented positively on the force's engagement in this area.

### **Multi-agency risk assessment conferences (MARACs)**

The force takes a leading role in the MARACs. These fortnightly conferences are chaired by the PPU detective inspector and are well attended, with representatives from 15 other agencies including third sector organisations such as the Women's Refuge, as well as the statutory bodies.

### **Children's multi-agency safeguarding hub (MASH)**

At the time of the inspection, a children's MASH<sup>53</sup> had been in place for 18 months. Following a post-implementation review, the PPU had identified a gap, whereby the MASH was not informed about 'looked after' children<sup>54</sup> once they had been allocated a social worker. To address this, it has secured support from the Health and Social

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<sup>53</sup> A MASH brings together into a single location principal safeguarding agencies to better identify risks to children, and improve decision-making, interventions, and outcomes. The MASH enables the multi-agency team to share all appropriate information in a secure environment, and ensure that the most appropriate response is provided to effectively safeguard and protect the individual.

<sup>54</sup> The term 'looked after' refers to children who are under 18 and have been provided with care and accommodation by Children's Services. Often this will be with foster carers, but some might stay in a children's home or boarding school, or with another adult known to the parents and Children's Services.

Care Committee's Looked After Children's team to pilot a process to close this gap in MASH provision.

### **Adult safeguarding**

In the UK, the Care Act 2004 provides a legal framework for how local authorities, police and other statutory partners should safeguard adults at risk of abuse or neglect. There is, however, no comparable legislation in Guernsey law, and consequently no formal governance arrangements for adult safeguarding provision. Despite this, some adult safeguarding does take place, and we found appropriate PPU involvement at multi-agency adult safeguarding strategy meetings. At the time of the inspection, BLE was also working with other bodies to establish an adult MASH process.

### **Capacity for multi-agency public protection arrangements (MAPPAs)**

The MAPPA unit plays a central role in the multi-agency management of MAPPA offenders, as well as managing registered sex offenders. We found that the police officer in the MAPPA unit was managing 76 such offenders. We were told that 19 were in prison, 14 of whom were not in Guernsey. This left 52 low-risk offenders. This unacceptably high workload means that home visits to violent offenders and registered sex offenders – intended to manage the risks they pose – are being delayed.

#### **Area for improvement 20**

- BLE's capacity to discharge its responsibilities in the multi-agency public protection arrangements is an area for improvement. BLE should increase capacity in order to reduce individual officers' workloads and enable more frequent home visits to violent and sexual offenders.

## Domestic abuse

Domestic abuse causes serious harm. It constitutes a considerable proportion of the crime in the Bailiwick of Guernsey, as it does in England and Wales. HMICFRS has conducted a series of national thematic inspections on domestic abuse.<sup>55</sup> In addition it has made detailed inspections of each police force's effectiveness in this area in 2014,<sup>56</sup> and in subsequent annual inspections, as part of the PEEL inspection framework.

While the breadth of this inspection's terms of reference did not permit us to examine BLE's effectiveness in tackling domestic abuse to a similar depth as the reports cited above, our inspection identified the issues below.

### Positive arrest policy and police-led prosecutions

BLE has a positive arrest policy in respect of domestic violence incidents. In some cases, victims are reluctant to support the work of the police but, in accordance with established good practice, the force will nonetheless pursue a prosecution. This is often referred to as 'police-led prosecution', and is done to safeguard the victim. We were pleased to find that BLE officers have pursued such cases.

### Domestic violence prevention orders and notices

Since 2010, police officers in England and Wales have had additional powers to protect victims of domestic abuse.

A domestic violence prevention order (DVPO) enables the police and courts to act immediately following a domestic abuse incident. Where there is insufficient evidence to charge a perpetrator and provide protection to a victim via bail conditions, a DVPO may be used instead. This can prevent the perpetrator from returning to a residence and from having contact with the victim for up to 28 days, allowing the victim time to consider the options and get the support needed.

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<sup>55</sup> See *Everyone's business: Improving the police response to domestic abuse*, HMIC, 2014. Available from: [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/2014/04/improving-the-police-response-to-domestic-abuse.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/2014/04/improving-the-police-response-to-domestic-abuse.pdf); *Increasingly everyone's business: A progress report on the police response to domestic abuse*, HMIC, 2015. Available from: [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/increasingly-everyones-business-domestic-abuse-progress-report.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/increasingly-everyones-business-domestic-abuse-progress-report.pdf); *A progress report on the police response to domestic abuse*, HMICFRS, 2017. Available from: [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/progress-report-on-the-police-response-to-domestic-abuse.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/progress-report-on-the-police-response-to-domestic-abuse.pdf)

<sup>56</sup> These reports are available at: [www.justiceinspectorates.gov.uk/hmicfrs/publications/improving-the-police-response-to-domestic-abuse/](http://www.justiceinspectorates.gov.uk/hmicfrs/publications/improving-the-police-response-to-domestic-abuse/)

A domestic violence protection notice (DNPN) is a notice issued by the police to provide emergency protection to an individual believed to be the victim of domestic violence. This notice contains prohibitions that effectively bar the suspected perpetrator from returning to the victim's home or otherwise contacting the victim.

DVPOs and DVPNs provide similar powers to emergency banning orders, which are used in many European jurisdictions and recommended by the Council of Europe. However, there is no equivalent in Guernsey law. As a consequence of this, BLE and the courts are unable to provide victims of domestic violence in the Bailiwick of Guernsey with the level of protection provided to victims of domestic violence elsewhere.

#### **Recommendation 4**

- By 31 January 2019, the head of BLE should carry out an evaluation of reported domestic violence incidents in the Bailiwick of Guernsey. Based on this data, the most appropriate agency should conduct an evaluation to establish whether DVPOs and DVPNs, if they had been available, would have provided valuable additional protection to victims. If the evaluation shows that they would, the Committee for Home Affairs should consider pursuing changes to legislation to enable their introduction as soon as possible thereafter.

## **Preparedness to tackle child sexual exploitation**

BLE has started taking action to increase its preparedness to tackle child sexual exploitation (CSE), which is defined as follows.

- Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where the young person (or third person/s) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities.
- Child sexual exploitation can occur through the use of technology without the child's immediate recognition; for example, being persuaded to post sexual images on the internet/mobile phones without immediate payment or gain.<sup>57</sup>

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<sup>57</sup> This is the national UK definition and the definition used in Bailiwick of Guernsey Child Sexual Exploitation Operating Protocol. See *Bailiwick of Guernsey Child Sexual Exploitation Operating Protocol*, Guernsey Education Department, Barnardo's, Guernsey Home Department, Guernsey Health and Social Services Department, Office of the Children's Convenor, The Hub, Guernsey Police, Guernsey Contraceptive Service, and Action for Children, 2015, page 5. Available from: <http://iscp.gg/CHttpHandler.ashx?id=99564&p=0>

## Intelligence and joint working

BLE has produced an intelligence threat assessment on CSE and receives intelligence reports about potential CSE victims living in the Bailiwick of Guernsey from law enforcement bodies in the UK and other jurisdictions.

Through its membership of the multi-agency Islands Safeguarding Children Partnership, BLE has contributed to the production of the *Bailiwick of Guernsey Child Sexual Exploitation Operating Protocol*. At the time of the inspection, following external consultation with a CSE expert from an English force, it was participating in a review of the protocol.

We found other evidence of effective joint working in this area. BLE, working with third-sector bodies, has developed and delivered short CSE training sessions to officers. It is also using its close links with other bodies to help assess whether children who regularly go missing or abscond are victims of CSE.

BLE is aware that regular absconders are more likely to tell where they have been to youth workers than to police officers. BLE officers therefore work closely with youth workers to understand the risks, which can be significant, to these children. This is a good example of joint working.

At the time of our inspection, BLE had also recently started actively educating hoteliers about the warning signs of CSE and encouraging them to report suspicious incidents involving hotel guests.

At the time of the inspection, grooming was not a criminal offence in the Bailiwick of Guernsey. This makes it more difficult for BLE to tackle CSE. However, we were informed that new draft legislation would soon make grooming illegal in the Bailiwick. This is welcome.

## 8. High-tech crime and forensic capabilities

The Committee for Home Affairs asked HMICFRS to examine BLE's high-tech crime and forensic capabilities, in particular to establish:

- whether there was an adequate range of capabilities; and
- the financial viability of BLE maintaining dedicated capabilities rather than 'outsourcing' them to external contractors.

### High-tech crime capability and capacity

Increasingly, crime is committed online and using digital devices such as tablets, computers, or mobile phones. Law-enforcement agencies have to retrieve data from these devices and examine them for evidence. High-tech crime units (HTCUs) carry out these digital forensic examinations.

In common with police forces in England and Wales, BLE faces significant demands associated with digital forensics. It is managing them in a sensible way.<sup>58</sup>

BLE's digital forensics capacity had increased significantly during the year before our inspection. However, BLE knows that this capacity will require continuing investment to keep pace with increasing demand and developments in digital technology.

### Seizure of digital devices and prioritisation for examination

BLE has sought to limit and prioritise the demand for digital forensics. The HTCUs provide training to officers to help them identify the appropriate digital devices to seize during an investigation. It has resulted in officers being more selective about which devices they take, which helps to make workloads more manageable.

The HTCUs act as gatekeepers for digital forensic requests. If a digital forensics request with more than ten digital exhibits is submitted, the HTCUs sergeant meets the requesting officer to discuss which exhibits should be submitted first.

### Mobile phone triage kiosks

BLE has also introduced mobile phone 'triage kiosks', where staff can download and assess mobile phone data themselves, without having to refer the phones to the HTCUs. These kiosks can quickly provide first responders with evidence and intelligence and help them decide which devices to submit to the HTCUs for more detailed examination.

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<sup>58</sup> *PEEL: Police Effectiveness 2017 A national overview*, HMICFRS, March 2018, page 58. Available at: [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-police-effectiveness-2017-1.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/peel-police-effectiveness-2017-1.pdf).

## **Digital forensic examinations**

BLE and the States of Jersey Police have recognised that having a collaborative digital forensics capability could provide operational and financial benefits. In 2015, the two organisations established a memorandum of understanding to make the best use of their digital skills.

### **Joint Jersey and Guernsey high-tech crime unit**

Later, in 2016, Guernsey and Jersey HTCUs were brought under the management of the experienced head of Jersey's HTCU. This collaborative approach to digital forensics provision has resulted in a number of benefits.

The joint working arrangements have made it possible to undertake complex digital device examinations to support BLE's investigations, and have increased the timeliness of digital forensics provision. As the Jersey-based HTCU is larger and more skilled in complex examinations than its counterpart in the Bailiwick of Guernsey, it conducts such examinations for Guernsey Police and Guernsey Border Agency investigations.

Furthermore, as the unit in Jersey is the larger of the two, it can take on some of the work from Guernsey during busy periods. For example, in BLE investigations that have many digital exhibits for examination, some are examined in Jersey in order to minimise delays.

### **Timeliness improvements and other benefits**

It appears that the timeliness of digital forensic examinations has improved since the introduction of joint working arrangements. We heard that previously examinations had been taking up to six months to complete. A target of 90 days has been introduced. Any extension to the 90-day turnaround has to be approved by a senior officer.

HTCU officers and customers of the service, including CID managers, told us that delays have reduced and the 90-day target is usually met. However, BLE does not compile any statistical data to provide evidence of such improvement, or to routinely monitor performance in this area of business. We were also informed that the caseload is kept under review and cases are re-prioritised as required.

We were told that bringing the two HTCUs under one manager has also provided two other benefits:

- development opportunities for staff in Guernsey's HTCU, who from time to time work alongside their Jersey colleagues to gain experience and develop their skills; and
- improvements in financial efficiency, through the alignment of contracts to achieve better deals for ICT hardware and software across the unit's two sites.

### **Future development and financial viability**

Digital forensics are integral to an increasingly wide range of investigations. As the number of cases requiring digital forensics investigations increases, so does the complexity and range of software and the storage capacity of devices.

BLE is seeking to increase the size of the Guernsey HTCU. This would allow both units to provide resilience and take on routine activity for the other if either had an influx of work generated by a major investigation.

In the longer-term, the unit's managers plan to install a high-speed data link between the Jersey and Guernsey HTCUs. This will remove the need for devices and staff to physically move between the units.

In England and Wales, some forces assign digital forensic work to external contractors to help manage the demand.<sup>59</sup> Given the breadth of our terms of reference, we could not analyse the costs and benefits of the high-speed data link, nor whether BLE would benefit from using external contractors as well as, or instead of, the HTCUs.

HTCUs must continually develop to ensure their skills, capabilities and capacities keep pace with the ever-changing environment in which they work. Notwithstanding the efficiencies that the joint HTCU provides for BLE, this remains an area of business that is likely to require ongoing, increased investment.

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<sup>59</sup> *Op cit.*



## **Forensics**

Guernsey Police's scientific support department has long provided crime scene investigation services to Guernsey Border Agency. Given the low crime rate in the Bailiwick of Guernsey, demand for crime scene investigator (CSI) attendance is low. The department has sufficient capacity to attend a wider range of incidents than most police forces in England and Wales.

### **Crime scene attendance and quality of service**

BLE's CSI staff usually attend any incident that occurs during working hours (08:00 to 20:00) where there may be forensic opportunities. No incidents are 'screened out' during these hours. Out of hours, there is an on-call service, with set call-out criteria. During the inspection, PPU and CID supervisors and managers spoke of the good service they receive from the scientific support department.

### **Outsourcing arrangements**

BLE outsources some of the more complex forensic analysis that cannot be conducted in-house (including fire investigation and toxicology analysis) to a UK-based provider. This arrangement appears to work well, with the quality of service described to us as very good and work turned around without undue delays.

Before Guernsey Police's scientific support department took on Guernsey Border Agency cases, the Agency's drug analysis was also outsourced to a UK-based contractor. This work is now provided by an analyst within the States, which we were told has resulted in significant financial savings.

Further efficiencies have also been generated through BLE's renegotiation of its contract with an English police force, to which it outsources its fingerprint analysis. This has resulted in a reduction of about 50 percent in costs for future fingerprint work over the next three years.

Outsourcing forensics functions that cannot be conducted by BLE, such as fingerprint analysis and highly complex forensic analysis is a practical measure. However, outsourcing the full range of forensic services from outside the Bailiwick of Guernsey would be inappropriate for BLE, given its geographic setting and the fact that bad weather can cut the Bailiwick off from the outside world for a number of days every year. CSIs need to attend crime scenes quickly, otherwise there is a risk that fragile forensic evidence will be lost, degraded or destroyed.

## 9. Estate and custody facilities

The Committee for Home Affairs asked HMICFRS to examine BLE's estate including its custody facilities.

### **Estate strategy**

At the time of the inspection, there was no BLE estates strategy, nor an estates strategy which took account of the whole range of Home Affairs services.

There is widespread recognition that BLE's estate provision is poor.

### **Estate projects and BLE investment**

In recent years, the States of Guernsey strategic asset management project and the home operational services transformation project have both examined a range of options for the estate. While these projects were under way, given that it expected to relocate, BLE reduced its expenditure on maintaining and improving its current estate.

However, both projects have stalled. Consequently, it is likely that additional investment will be required to renovate parts of the current estate unless a decision is made to move to new accommodation.

The previous home operational services transformation programme – led by the chief secretary to the Committee for Home Affairs – identified a range of limitations of BLE's current estate. These included:

- insufficient space at BLE's headquarters;
- no major crime and critical incident room;
- limited storage;
- insufficient locker, shower and toilet facilities for female staff;
- no appropriate training venue;
- financial inefficiencies of leasing expensive accommodation;
- the 'fragmentation' of police and BLE staff in different buildings across the estate; and
- a poor custody facility.

We saw some of these shortcomings during our fieldwork visits. While some offices in BLE headquarters are suitable for their occupants, others are too small. For example, at its fullest strength, the investigation support unit has nine staff on shift. Its office, however, only has six desks and three computers. Consequently, staff

must search for other accommodation to work from when they start their shifts. We also heard staff concerns about a range of other accommodation issues.

### **Staff concerns**

We also heard staff concerns about a range of other accommodation issues:

- The lack of an appropriate training venue means that training has to be provided off the estate, which incurs additional expense.
- There is no secure car parking and there have been incidents where police officers' private cars have been vandalised when parked near BLE headquarters, as a few members of the public with malicious intent know they belong to police officers.
- The area for vehicle searches at Guernsey Border Agency's facilities at St Peter Port harbour is unsuitable.

It also became apparent during the inspection that (with some exceptions) most police personnel work from police buildings and most border personnel work from border agency buildings. Breaking down the cultural barriers between Guernsey Border Agency and Guernsey Police staff is one of the challenges BLE will face if the Committee for Home Affairs decides to progress with further integration of the services. Accommodating staff from both precursor organisations in the same building, where operationally possible, can help to achieve this.

### **Custody facilities**

Guernsey Police's – and latterly BLE's – custody facilities have long been an area of concern for senior managers, those working in the custody facilities, and the Committee for Home Affairs. The main custody suite, located at BLE headquarters, was formerly used only by Guernsey Police. As part of the restructuring of law enforcement programme, this suite became the primary custody unit for BLE detainees.<sup>60</sup>

These custody facilities were inspected by the European Committee for the Prevention of Torture or Degrading Treatment or Punishment in 2010 and by HM Inspectorate of Prisons (HMIP) in 2014. Both reviews identified concerns with the unit, including risk to detainees.

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<sup>60</sup> The exception is detainees suspected of internal concealment of controlled drugs, who are detained under medical care at the hospital.

## **Refurbishment programme**

Following the HMIP report, BLE took some immediate action and developed a programme of works to refurbish the facility sufficiently to address the concerns. Progress has been slow.

In 2015, BLE secured funding from the Committee for Home Affairs for a refurbishment programme. In 2016, the specification had to be amended to address the requirements of the NICHE custody system that BLE had introduced and to remove additional ligature points identified in a detailed survey of the suite. Additional funds were secured. However, at the time of the inspection, work had not begun, and additional funds are still required to carry out all the work. Consequently, risks to detainee safety remain.

Although BLE expects that the refurbishment will fully address the safety concerns, it will not deal with other concerns about cell capacity and physical security.

## **Cell capacity and physical security**

The unit is very small, with only five cells, which are often full. Vehicular access to the unit is via a drive-way which is too narrow for prison vans. Consequently, detainees have to be walked out of the custody area, via the staff pedestrian entrance and through the police vehicle garage, past mechanics, equipment and vehicles under examination, to the waiting prison van.

There is also no secure access to the custody suite from the public enquiry office at BLE headquarters. Detainees are walked through the staff corridor beyond the enquiry office area and through the police garage.

## **Staff survey responses**

BLE's senior managers recognise the inadequacy of the current estate. BLE has recommended changes to the estate, and outlined the requirements for new custody provision to the Committee for Home Affairs.

BLE's senior managers are also aware that accommodation issues have a discouraging effect on the workforce. In the 2016 staff survey, fewer than one-third of Guernsey Police respondents and fewer than half of Guernsey Border Agency respondents agreed with the statement "I am satisfied with my physical working conditions". The senior leadership team recognises the effect the accommodation issues have on the workforce, and the matter appears on BLE's organisational risk register.

## **Developing a new estates strategy**

We recognise that land and buildings are at a premium in Guernsey, so improving the estate will not be straightforward. Furthermore, BLE is not alone in having poor accommodation, with many law enforcement buildings across England and Wales

also lacking space and facilities. However, in most police forces there is a drive to modernise estates, resulting, in part, from the need to increase efficiencies. Most police forces have an estates strategy. BLE needs one too.

To achieve this, it is essential that form follows function and the estates strategy is informed by the strategic objectives for the organisation. Therefore the work needed to develop the strategic vision for BLE's future (see Chapter 4) must be carried out before an appropriate estates strategy can be devised.

## 10. Non-law enforcement functions

The Committee for Home Affairs asked HMICFRS to examine whether the following non-law-enforcement functions should be performed by BLE:

- revenue and excise collection;
- issuing passports;
- import and export licencing; and
- issuing work permits.

### The background

Revenue and excise collection was a primary role of States of Guernsey Customs and Excise from its formation in 1972 until 2010. Passports were issued by the Immigration and Nationality Service, whose staff also provided the technical expertise for applications of British naturalisation, visa applications, work permits, on-entry and post-entry immigration controls. In 2010, these roles passed to the new Guernsey Border Agency.

Work permits, import and export licenses are responsibilities of the Committee for Home Affairs. The Committee has delegated authority to the technical experts in the Guernsey Border Agency, who process and approve applications that fall within certain definitions, referring the remainder for a Committee decision.

At the time of inspection, there were 15 staff<sup>61</sup> performing the four functions.

The decision about whether these functions should continue to be performed by BLE is, in effect, about whether they should remain Guernsey Border Agency responsibilities. Therefore it is not dependent on the broader decision the Committee for Home Affairs should make about the future relationship between Guernsey Police and Guernsey Border Agency.

### Flexibility

We found that the primary operational benefit of including these functions within Guernsey Border Agency's, and ergo BLE's, remit is the resourcing flexibility it allows. While focusing on their own mandate, the 15 staff also contribute to other border work, providing additional capacity at times of heightened demand.

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<sup>61</sup> 12.67 full-time equivalent staff.

## **Intelligence-sharing**

We were also told about cases where intelligence had been shared between staff conducting these non-law enforcement functions and other Guernsey Border Agency colleagues. Although de-merging these functions would not, necessarily, make such intelligence sharing impossible, intelligence flows are often smoother within organisations than between them.

## **Government objectives**

Keeping these functions within Guernsey Border Agency is also in line with a broader programme across the States, which has sought to create a smaller, less intrusive, better organised and more cohesive government and services. The States seek to achieve greater financial efficiencies by reducing duplication and rationalising in certain areas.

To de-merge the functions into separate organisations, with the requisite establishment of management and support structures, would seemingly run counter to this objective.

In 2016, the States debated and accepted a far-reaching review of reforms and restructure of States' departments and the services that they provide, and did not suggest that the non-law-enforcement functions should be moved from Guernsey Border Agency's remit.

The functions discussed in this chapter are clearly different from the majority of BLE's activity, as they are not directly related to law enforcement. We heard during the inspection that it can, therefore, prove difficult to incorporate these functions into BLE's service delivery plans and objectives. We do not, however, believe this to be a significant disadvantage of the current arrangement.

Other organisations with a range of law-enforcement and non-law-enforcement responsibilities, such as HM Revenue & Customs, have strategic and operational objectives for both kinds. Moreover, these are not BLE's only non-law-enforcement functions. Policing and border security are both broader than simply law enforcement.

## **Options for change**

It was clear during our inspection that there was no States department that would be a more natural 'fit' for all four functions. Dividing the services across various agencies and units may be the only other realistic option.

Given the breadth of the terms of reference, HMICFRS could not evaluate comprehensively all possible models for the delivery of BLE's non-law enforcement functions.

However, it is worth noting that the inspection did not reveal any significant disadvantages in the current arrangement, either to the performance of these functions or to BLE's wider remit. Furthermore, given the flexibility it adds to BLE's deployment options, a transfer of these functions to another part of the States might have an adverse impact on BLE's border activity.



## 11. Governance and political relationships

The Committee for Home Affairs asked HMICFRS to examine BLE's governance arrangements, including the political relationship and the interface between BLE and the Committee. In particular, it asked us to examine how the head of law enforcement was held to account.

### **The role of the Committee for Home Affairs**

The States of Deliberation<sup>62</sup> relies on a system of committees for advice and to develop and implement policies on matters relating to its purpose.

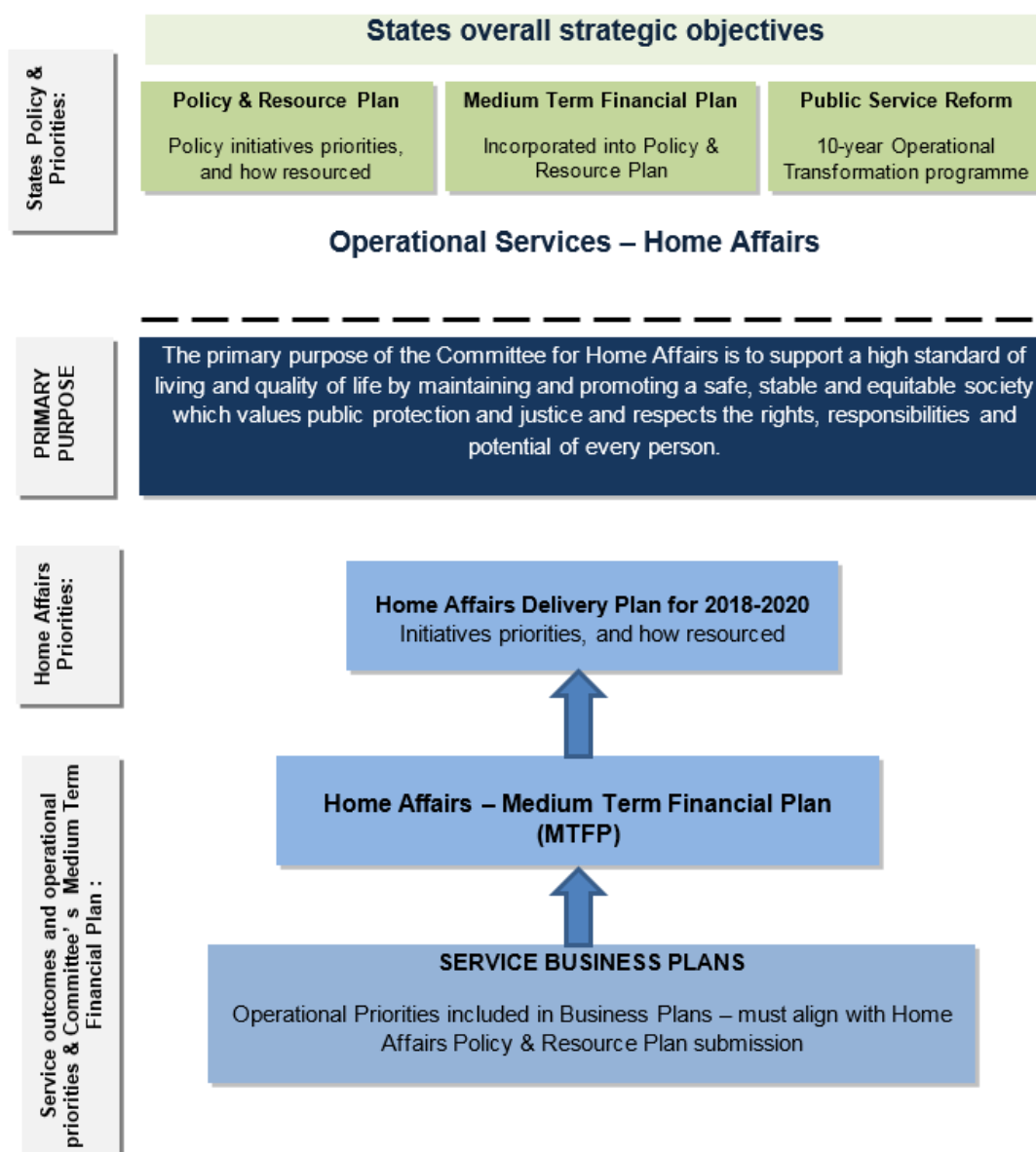
The Committee for Home Affairs is responsible to the States of Deliberation for various operational functions conferred on the Committee, including policing, customs and immigration. Therefore the Committee for Home Affairs has a vital governance role in respect of BLE.

The Committee for Home Affairs comprises five deputies, elected by their constituents to the States of Guernsey under individual manifestos, who are then appointed by the States to serve on the Committee. The operating model of the Committee for Home Affairs is set out on the next page.

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<sup>62</sup> Guernsey's Parliament.

**Diagram B: Operating model of the Committee for Home Affairs**



### **The Committee's Delivery Plan and BLE's Service Delivery Plan 2017–2020**

In 2015, the Committee for Home Affairs produced a *Delivery Plan 2015-2018*<sup>63</sup> that defined the core business objectives for the services for which the Committee was responsible. This set out the priorities for individual services. In the case of law enforcement, these focused on separate projects for each of the three years of the plan, including restructuring, joint working, IT development, property management, and legislative changes.

<sup>63</sup> *Delivery Plan 2015-2018*, Home Department, States of Guernsey Government, 2015. Available at: [www.gov.gg/CHttpHandler.ashx?id=104011&p=0](http://www.gov.gg/CHttpHandler.ashx?id=104011&p=0)

However, since that plan's publication, the membership of the Committee has changed and a new chairperson has been appointed.

At the time of our inspection, the current Committee had not adopted the *Delivery Plan 2015-2018*, neither had it produced a new plan to replace it.

Therefore, BLE was unaware of the business objectives set by the Committee for Home Affairs. Subsequently the Committee adopted the plan but it has since been superseded by a plan from the States of Guernsey.

Consequently, on its own initiative, BLE has created eight service delivery priorities (see Chapter 2), set out in its *Service Delivery Plan 2017 – 2020*.<sup>64</sup> These include security, protecting the vulnerable, tackling crime and antisocial behaviour and other matters.

### **Recommendation 5**

- By 31 January 2019, the Committee for Home Affairs should publish a strategic plan that sets out BLE's business objectives and priorities. BLE should use this to inform a revised service delivery plan.

### **The boundary between strategic governance and operational control**

In England and Wales, in an effort to clarify the roles of police and crime commissioners and chief constables respectively, the Home Secretary has published the *Policing Protocol*.<sup>65</sup>

The protocol lists 14 specific legal powers and duties of police and crime commissioners. These include setting the force's strategic direction and objectives, scrutinising, supporting and challenging performance, and holding the chief constable to account.

The protocol sets out how the chief constable, who has direction and control over the force's officers and staff, is accountable to the law for the exercise of police powers and to the police and crime commissioner for the delivery of efficient and effective policing.

In practice, the boundary between strategic governance and operational control may not always be crystal clear. However, the Policing Protocol is sufficiently detailed to

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<sup>64</sup> *Service Delivery Plan 2017-2020*, Bailiwick of Guernsey Law Enforcement, 2017. Available at: [www.guernsey.police.uk/CHttpHandler.ashx?id=111224&p=0](http://www.guernsey.police.uk/CHttpHandler.ashx?id=111224&p=0)

<sup>65</sup> *Policing Protocol Order 2011*, Home Office, 2011. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117474/policing-protocol-order.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/117474/policing-protocol-order.pdf)

help police and crime commissioners and chief constables navigate their way through their relationship.

In Guernsey, there is no such protocol or other document to clarify the roles of the Committee for Home Affairs and the head of law enforcement respectively. This is problematic.

## **Financial planning**

Between March 2010 and March 2016, BLE's budget was reduced by just over six percent.<sup>66</sup> Under the States' Policy and Resources Committee's medium-term financial plan, a real-terms target of three percent was set for all non-formula-led cash limits (including the Committee for Home Affairs) in 2017 with a further 5 percent saving in both 2018 and 2019.

The Committee for Home Affairs has passed these efficiency targets on to BLE and the other operational services, requiring each to make one percent per year savings.

The Committee for Home Affairs, along with other States committees, is required to produce a medium-term financial plan. This plan should set out how the Committee intends its operational services to achieve their objectives, while balancing the budget set by the Policy and Resources Committee.

We found that the Committee for Home Affairs has not carried out medium-term financial planning. However, we learned that just before the inspection fieldwork, the heads of BLE and other operational agencies had convened preliminary financial planning meetings to get on with this work.

While the Policy and Resources Committee has mandated the reductions to the Committee for Home Affairs' budget, it has not stipulated that each operational service's budget should be cut by the same percentage.

It is beyond the scope of this inspection to evaluate the financial and operational impact of making such cuts. However, the Committee for Home Affairs should undertake financial planning that covers the whole range of its responsibilities. This should allocate resources, based on decisions that the Committee should take about the level of service each agency should provide, and on their strategic priorities for each agency. Such a process may identify opportunities for efficiencies through closer working, or may necessitate service reductions in some areas.

The absence of a Committee-level medium-term financial plan has also caused problems for BLE's financial planning. In recent years, BLE has not learned how much money it would have until part-way through the financial year. We were told that in 2016 there had been significant delays in finalising the budget. This had led to BLE delaying decisions about recruiting staff to fill staffing gaps caused by staff

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<sup>66</sup> This equates to a real-terms reduction of 10–20 percent of the non-pay element of the budget.

attrition, as it had been unclear it could afford to recruit. This, in turn, had resulted in an increased reliance on overtime to cover resource gaps.

### **Area for improvement 21**

- The process for agreeing BLE's annual budget is an area for improvement. In order to enable effective business planning, the budget should be set sufficiently far in advance, with in-year adjustments to be made where required.

### **BLE governance arrangements in practice**

The Committee for Home Affairs hold regular meetings with the Head of Law Enforcement and other senior officers to discuss a range of matters. We examined papers submitted by BLE to the Committee on subjects such as estates, finances, resource deployments, restructuring, IT, and recruitment. These papers provided comprehensive briefings and updates to the Committee, as well as answers to specific questions raised by its members. In addition, they provided the Committee with business cases for passing or amending legislation, recruiting staff and developing business opportunities (such as a revised warehousing guarantees scheme) for the Bailiwick.

We also examined redacted minutes of Committee meetings from July 2016 to December 2017. These showed proper consideration of proposed legislation or changes to existing legislation, discussion about savings and acknowledgement of some of the issues facing BLE such as overtime being 'managed correctly' and the need to address sickness levels and access to occupational health.

However, the minutes also showed the subjects and level of detail focused on by Committee members. These subjects included a range of what might be described as low-level issues, for example flashing bicycle lights, a complaint about a parking ticket and a car wing mirror found after a road traffic collision. While to the individual these are important matters, we were surprised at how much time such matters take up in Committee meetings, and how frequently they do so. On one occasion a complainant was invited to the Committee meeting to confront the head of law enforcement despite existing formal compliant handling procedures being in place.

Important work is done at Committee meetings, such as approving the purchase of equipment and challenging the details of changes to policy and procedure. Nonetheless, too much time is taken up in what appears to be tactical and day-to-day operational policing. This is properly the preserve of the head of law enforcement.

The minutes we read did not describe strategy, for example concerning custody estate. They did not consider the 'service delivery priorities' (see Chapter 2).

They also did not provide a shared or joined-up approach across the services the Committee is responsible for (this final point was raised by another service chief).

However, as States policy restricts the publication of minutes of Committee meetings we were unable to examine the process of meetings and understand the reasons for decisions, or the decisions that were made. In addition, apart from a recently published strategy on cyber-crime we were unable to find any strategic direction by the Committee concerning the future requirements for the structure of BLE for the middle to long term.

The minutes also reflected the views of other service chiefs concerning the challenges of new HR and finance regimes, specifically that they were 'not resourced enough' (see Chapter 13). They also highlighted the frustration felt by some service chiefs at not having a mid-term financial plan.

During our inspection we noted that the Committee in its turn felt exasperated. Deputies felt that BLE was not sufficiently responsive to requests by deputies and therefore they had been unable to discharge their responsibilities to the States of Deliberation. The Committee provided examples of where they had engaged with senior officers and been left feeling that their views had not been acknowledged, or information the Committee required for scrutiny purposes had not been forthcoming, or action had not been taken. However, the minutes we read do not appear to support that view.

Senior BLE officers and staff felt similarly frustrated. They thought that deputies attempted to direct operational activity. Some provided examples of where they had been asked to take enforcement action in cases that had been brought to the attention of deputies by members of the public. In addition, the Committee had discussed operational matters and agreed actions when no BLE representative had been present.

We recognise that these frustrations are felt by individuals whose actions are motivated by good intent. Nevertheless, the depth of feeling on both sides is not to be underestimated.

In our view, two issues are at the root of the problem:

1. the lack of a joint approach to setting priorities; and
2. the lack of clarity about the roles of the parties.

### **Recommendation 6**

- By 31 January 2019, the Committee for Home Affairs, in consultation with the head of law enforcement, should design, publish, and subsequently operate in accordance with, a document that clarifies each party's responsibilities for (as a minimum):
  - objective and priority setting;
  - strategic governance and oversight;
  - operational direction and control;
  - independence; and
  - provision of performance information for governance purposes.

## 12. The complaints system

The Committee for Home Affairs asked HMICFRS to examine the complaints system, including the Police Complaints Commission.

This chapter sets out our findings on these and examines a range of other processes that BLE has in place to ensure the integrity of its workforce. These include the systems through which BLE assesses the risks to the integrity of the organisation and its vetting arrangements.

### Guernsey Police complaints

#### Accessibility

An accessible complaints system is crucial to building public confidence in the police and upholding standards. Guernsey Police provides clear, useful information on its website about how to make a complaint. Complaints can be made in several formats:

- in person to front counter staff;
- post;
- telephone; or
- email.

This information is available on the professional standards department (PSD) page of Guernsey Police's website and can easily be found by searching for 'complaint' on the site's search bar. The page also outlines how complaints are dealt with, and gives information about the appeals mechanism. The PSD also has access to translation services, which enables it to handle complaints from people who are not fluent English speakers.

#### Referrals to the Police Complaints Commission

The law requires Guernsey Police to refer to the Police Complaints Commission all complaints that are not suitable for – or cannot be dealt with by – informal resolution (also known as 'local resolution').<sup>67</sup> The law also gives the Police Complaints Commission authority to inspect PSD's register of complaints, to satisfy itself that all such complaints are referred.<sup>68</sup>

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<sup>67</sup> Informal resolution or local resolution is a flexible process for dealing with complaints. Resolution may involve, for example, providing information and explanation, an apology, or a meeting between the complainant and the officer.

<sup>68</sup> Police Complaints (Guernsey) Law, 2008, 4 (5).



HMICFRS conducted a dip sample of public complaints made during 2017, to assess whether PSD was referring all appropriate cases to the Commission. This revealed that PSD's processes are robust, informal resolution was being sought correctly, and all appropriate cases were referred.

### **Supervision of complaint investigations**

The law stipulates that the Commission "shall supervise the investigation of any complaint alleging that the conduct of a member of the Force resulted in the death of or serious injury to some other person, whether or not in custody, and of any other description of complaint that may be prescribed."<sup>69</sup> The Commission can also choose to supervise the investigation of any other complaint referred to it.<sup>70</sup>

Since its formation in 2011, the Commission has supervised all the complaint investigations which it was either obliged or entitled to. Given that there are few such cases (on average only three per year between 2014 and 2017), this approach appears appropriate and contributes to ensuring public confidence and trust in the complaints system.

### **Updates to complainants**

It is crucial that forces provide clear, personalised, updates to complainants about the progress of their complaint, and that complaint investigations are progressed in a timely manner. BLE has processes in place to ensure that complainants are updated regularly about the progress of their complaint, whether it is being progressed through informal resolution or is subject to a supervised investigation. HMICFRS's audit confirmed that such updates were being made appropriately.

### **Delays**

There have, however, been lengthy delays in some of the cases not subject to informal resolution, with the PSD waiting long periods for the Police Complaints Commission to confirm whether it intended to supervise the investigation, or whether the complainant had lodged an appeal.

Although the PSD ensures that complainants in such cases are regularly informed of the situation, the lack of progress can damage the complainant's confidence in the system and prolong the uncertainty for the officer subject to the complaint.

### **Updates and access to materials**

The law requires the PSD officer leading the complaint investigation to keep the Police Complaints Commission updated on progress and provide it with access to

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<sup>69</sup> Police Complaints (Guernsey) Law, 2008, 7 (1).

<sup>70</sup> Police Complaints (Guernsey) Law, 2008, 7 (2).

the material, such as statements etc.<sup>71</sup> Our inspection confirmed that the force was complying with these requirements and was providing the Commission with access to all relevant material.

### **Satisfaction with complaint investigations**

At the end of each supervised complaint investigation, the PSD provides the Commission with a report. The Commission then prepares a statement on whether the investigation has been conducted to its satisfaction.

We found problems with this. The Commission's, force's and other stakeholders' interpretation of the legislation is that the Commission may only say it is 'satisfied' or 'dissatisfied' with the PSD investigation. This does not allow any nuance or caveats.

Consequently, there have been examples of the Commission having to state that it is dissatisfied in respect of investigations where it agrees with the outcome but where there has been a minor procedural problem. This can prove confusing to both the complainant and the officer subject to the complaint, and lead to unfair public criticism.

During the inspection, the Commission, the force and other stakeholders identified this shortcoming in the legislation and were in favour of the legislation being redrafted to permit a more nuanced assessment.

BLE recognises other limitations of the law that governs police complaints. During 2014, it commissioned an independent review comparing the Guernsey system with the legislative framework in England and Wales. This resulted in a series of recommendations highlighting sections of Guernsey legislation which the review suggested should be amended to bring Guernsey into line with England and Wales.

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<sup>71</sup> Police Complaints (Guernsey) Law, 2008, 7 (4)

## **Area for improvement 22**

- The legislation concerning police complaints is an area for improvement, specifically the constraint on the Police Complaints Commission when reporting its satisfaction, or otherwise, with investigations. The Committee for Home Affairs should seek a minor amendment to the legislation. When doing so, the Committee should review the recommendations of the 2014 comparative analysis and seek any further amendments it considers necessary. It should also consider extending the Police Complaints Commission's role to include complaints against Guernsey Border Agency.

## **Guernsey Border Agency complaints**

With BLE's creation, the former Guernsey Police PSD's remit has been increased to include complaints made against Guernsey Border Agency employees. As with complaints against the police, it is important that the complaints procedures for the Guernsey Border Agency are accessible to the public.

However, we found that the PSD page of the Guernsey Police website lacks any reference to Guernsey Border Agency or its complaints procedures. Furthermore, we found no details about how to make a complaint against the Guernsey Border Agency either on the Guernsey Police website, or the Guernsey Border Agency page on the States website. This prompted our seventh recommendation.

## **Recommendation 7**

- By 31 January 2019, the head of law enforcement should ensure that information on Guernsey Border Agency's complaints procedure is made available to the public and is easily accessible.

While the Police Complaints (Guernsey) Law 2008 empowers the Police Complaints Commission to supervise complaints against the police, there is no comparable arrangement for complaints made against Guernsey Border Agency employees.

Introducing independent oversight of Guernsey Border Agency complaints would increase transparency and public confidence and should be considered as part of the review of the legislation governing the Police Complaints Commission.

## Vetting

One of the first things forces can do to develop an ethical culture is to use effective vetting procedures to recruit applicants who are more likely to have a high standard of ethical behaviour and to reject those who may previously have demonstrated questionable standards of behaviour, or whose identities cannot be confirmed.

### Initial vetting

Vetting procedures for BLE employees are similar to those in the UK.<sup>72</sup> At the time of the inspection, Guernsey Vetting Bureau was reviewing the College of Policing's 2017 *Vetting Code of Practice*, to decide whether this will be incorporated in local policy.

BLE now has suitable initial vetting arrangements in place. There is a vetting unit. All officers, staff, volunteers and contractors are vetted before taking up post and contractors are not permitted access to premises until the vetting process is complete. Appropriate vetting levels have been designated for all of the relevant roles within the force that require more than the basic recruit vetting.

### Retrospective vetting

However, the vetting unit has not yet applied this retrospectively to people who were in post prior to the current policy being launched. This should be done as a matter of urgency.

#### Recommendation 8

- By 31 January 2019, the head of law enforcement should ensure that retrospective vetting is carried out on all staff recruited before the current vetting policy was introduced.

### The disapproved register

The College of Policing's 'disapproved register'<sup>73</sup> contains details of those officers who have been dismissed from the service. It also includes officers who either resigned or retired while subject to a gross misconduct investigation where it had been determined there would have been a case to answer. The register assists in

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<sup>72</sup> The *States of Guernsey Home Department Vetting Policy*, written by the Home Department Information Security Officer and Guernsey Police in 2012, reflects the 2012 *United Kingdom ACPO / ACPOS National Vetting Policy for the Police Community*.

<sup>73</sup> College of Policing disapproved register. Available at: [www.college.police.uk/What-we-do/Ethics/integrity-and-transparency/Disapproved-Register/Pages/Disapproved-Register.aspx](http://www.college.police.uk/What-we-do/Ethics/integrity-and-transparency/Disapproved-Register/Pages/Disapproved-Register.aspx)

ensuring that individuals whose lack of integrity has shown them to be unsuitable to serve in a police force do not re-join.

BLE refers to the register as part of the vetting process. Currently, the register holds cases relating to all Home Office forces in England and Wales and some non-Home Office forces, including British Transport Police and the States of Jersey Police.

Like other non-Home Office forces, BLE is not obliged to provide information to the College of Policing for inclusion in the disapproved register. While it is keen to do so in order to support policing in England and Wales, there is no mechanism to share this information, which is maintained by the States of Guernsey human resources function under Guernsey legislation.

### **Area for improvement 23**

- BLE's ability to provide information to the College of Policing for inclusion in the disapproved register is an area for improvement. The Committee for Home Affairs should seek to enable BLE or the States of Guernsey to provide such information.

## **Identifying and understanding risks to integrity**

### **Monitoring processes**

BLE has established processes to monitor associations with criminals, business interests and gifts and hospitality. These apply to Guernsey Border Agency and Guernsey Police officers and staff at all ranks. All new recruits receive training on the requirement to register any association with compromised persons.

The PSD uses 'learning the lessons' newsletters and internal memos to highlight the need to register secondary employment and association with compromised persons. It sends staff annual reminders to update any details in relation to this. We also found evidence that the PSD seeks to identify non-compliance with these policies, and proactively investigates breaches.

### **Vetting health checks**

The vetting unit also has a role in identifying risks to integrity. It has procedures to conduct 'vetting health checks' of those employees who change roles, such as on promotion or posting, and to manage aftercare checks following any change in personal circumstances or adverse reports. These actions are triggered by the human resources team notifying the PSD about such changes in role or circumstances.

## **Counter-corruption capability**

In 2017, BLE commissioned an external review of the potential for corruption. This followed an incident which highlighted that criminal association leading to the disclosure of intelligence was the main corruption threat to the organisation.

While this work is commendable, BLE's counter-corruption capability is limited. Although it monitors use of police computers, it currently does not conduct random or 'with cause' (intelligence-led) drug testing, or intelligence-led integrity testing to identify corruption. Furthermore, at the time of the inspection, BLE could not monitor its workforce's use of social media actively except when they were using BLE's official accounts.

### **Area for improvement 24**

- BLE's counter-corruption capability is an area for improvement. BLE should compile a comprehensive local counter-corruption threat assessment and control strategy, to evaluate and manage the full range of risks to the integrity of the organisation.

## 13. Human resources, technology and finance

The Committee for Home Affairs asked HMICFRS to examine the 'enabling functions':

- human resources;
- information communication technology; and
- finance.

These three functions were all carried out within Guernsey Police and Guernsey Borders Agency until about ten years ago, when they were removed and provided centrally. This change affected all aspects of the Guernsey public sector, not just law enforcement. The expected benefits of this change included improved consistency and flexibility to respond quickly to significant issues such as computer failures, as well as efficiency savings achieved by bringing functional teams into one space.

However, while we found some evidence of these benefits, we also found that this change had damaged BLE's operational efficiency and effectiveness, as well as significantly increasing the workloads of its managers and supervisors.

### Human resources

In the central team, we spoke with very experienced human resources (HR) professionals and an HR advisor dedicated to BLE's HR requirements. This central team is regularly involved in matters such as absence management and workforce planning. However, many BLE supervisors and managers were dissatisfied.

In addition to their concerns about the recruitment rules (see Chapter 3), they reported that it was more difficult to access HR services and that they had to do more HR-related administrative work than before the centralisation. This work included housing licence renewals, writing job descriptions and advertisements, and managing HR databases.

In our view, it was legitimate to expect some of these tasks (such as writing job descriptions) to be carried out by supervisors and managers but not others (such as managing HR databases). We concluded that this needed reviewing and that there should be a clearer definition of where responsibilities properly lie.

### **Area for improvement 25**

- The management of human resources tasks is an area for improvement. The central HR team, in consultation with BLE, should review each party's HR responsibilities and provide a clearer definition of where responsibilities should lie.

## **Information communication technology (ICT)**

In our inspections of police forces in England and Wales, and the National Crime Agency, we regularly encounter major weaknesses in the police use of technology. A summary of our views can be found in the *State of Policing 2016* report.<sup>74</sup>

The ICT provision in Guernsey was among the worst we have seen. Throughout the inspection, interviewees told us about many problems with their ICT, the collective effect of which is profoundly damaging to BLE's morale, efficiency and effectiveness.

### **Major weaknesses**

We found computer terminals, network systems and databases that were old, fragile and prone to crashing. System functionality, network storage capacity, processing power, reliability and stability, integration, security and mobile technology capability were all matters of substantial concern. Some applications did not interface where they should, such as NICHE to the Royal Courts and the Police National Network with the UK and we found that cloud storage facilities were not being used.

In some cases, officers waited weeks for log-on facilities. One officer told us of having had to wait four months to access a database. Vital computer systems can cease to work without notice and for long periods. The Guernsey Border Agency manifest computer didn't work for two days. This prevented border officers from interrogating the system for information about imports and exports, which is an important aspect of their work. The server for the Joint Emergency Service Control Centre collapsed and it took several hours to get it back up and running.

We also found that ICT support was less accessible and more remote than it had been when ICT staff worked within the police and borders agency, and that telephone calls to the central ICT service centre were not subject to any service level agreements, so slow responses led to even greater frustration.

It was beyond the scope of the inspection to examine every shortcoming that was raised with us, or the underlying reasons for each. In any case, this was nothing new

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<sup>74</sup> *State of Policing: The Annual Assessment of Policing in England and Wales 2016*, HMIC, 2017, page 28. Available at: [www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/state-of-policing-2016.pdf](http://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/state-of-policing-2016.pdf)



to BLE or the central ICT team, which was well aware of the state of affairs. It was doing its best to improve matters, principally through a recovery plan it had created.

It was plainly evident to us that, even if the present systems can be made more reliable, major capital investment is needed to upgrade them. Until the States of Guernsey's ICT is given the level of attention and investment it requires, it will remain a critical issue.

Once the recovery plan has been completed the next stage is to undertake a comprehensive programme of work to automate and digitise BLE. For this to succeed, BLE should specify its ICT requirements in detail. This cannot be done until the vision for BLE's future has been set out (see Chapter 4).

#### **Area for improvement 26**

- BLE's ICT provision is an area for improvement. The Committee for Home Affairs and the head of law enforcement should prioritise the development of a new ICT improvement strategy.

## **Finance**

As with HR and ICT, finance staff are no longer working in offices alongside police and border officers, so face-to-face, daily contact has been reduced. However, we found that BLE had good working relationships with the finance staff.

There was little evidence that the States are analysing financial or other data about BLE current or future resource demands. This makes financial planning difficult. Despite this, we found that BLE was realising efficiencies and providing services even in the context of limited information about budgets and required savings.

## Annex A: Terms of reference

Our terms of reference were to determine:

(a) BLE establishment resources:

- numbers of staff;
- appropriate allocation against priorities; and
- high public/political expectations.

(b) Retention of staff and staff satisfaction survey findings:

- analysis/scoping of cause and effect (since 2007 inspection);
- continual recruitment pressures (drain on resources/training);
- need to employ non-local staff and short-term contracts;
- performance comparison since last inspection in 2007; and
- significant issue of retaining high-level specialist investigators especially financial crime (poaching by Tax/GFSC/industry).

(c) Structure and combination of the two BLE services:

- review BLE single head concept (is it necessary? Does it work?); and
- review professional qualifications required for BLE position.

(d) Examination of BLE objectives in an overarching governmental political context:

- sufficient staff resources available to protect the Bailiwick of Guernsey's 'safe haven' low-crime image/reputation;
- concerns regarding future Moneyval/International Monetary Fund inspections versus successful prosecution outcomes as a result of legislation and regulation; and
- Guernsey being a secure jurisdiction for data security with a robust law enforcement response to cyber-crime.

(e) Intelligence-led crime:

- drug trafficking and Royal Court cases (including comparison on Royal Court conviction rate since last review);

- covert capabilities and border resources/impact of structural change since 2007 inspection; and
  - financial crime resources.
- (f) Public protection capability, domestic abuse and child protection
- (g) High-tech and forensic crime capabilities:
- adequate capability; and
  - financial viability in house versus outsourcing.
- (h) Overall BLE estate, including custody facilities.
- (i) Non-law enforcement functions – should they be part of BLE?:
- revenue collection / excise;
  - passport issuance;
  - import and export licences; and
  - work permit issuance.
- (j) Governance, including political relationships and interface:
- holding to account; and
  - levels of appropriate political challenge.
- (k) Police Complaints Commission:
- view on current Guernsey system and need for change.
- (l) Enabling functions:
- HR, ICT and finance support.

## Annex B: Areas for improvement

### Area for improvement 1

- BLE's understanding of demand is an area for improvement. Regular production of a strategic threat and risk assessment would improve BLE's understanding and therefore assist in strategic planning.

### Area for improvement 2

- BLE's arrangements for formal public consultation and communication are an area for improvement. BLE should introduce a structure and system for consulting and communicating with the public on matters such as strategic and local priorities, matters of concern to communities and feedback on BLE actions and performance.

### Area for improvement 3

- BLE's lack of a process for assessing the effect of abstractions is an area for improvement; BLE should introduce such a process in order to minimise the risks associated with abstracting personnel from their core role.

### Area for improvement 4

- The timely availability of occupational health services is an area for improvement.

### Area for improvement 5

- BLE's compliance with the crime recording rules is an area for improvement. Thorough implementation of the new crime-recording policy and performance monitoring, BLE should secure improvements in crime data integrity.

### Area for improvement 6

- BLE's external communication activities are an area for improvement. Working closely with the Committee for Home Affairs, BLE should make more effective use of external communications to challenge inaccurate public perceptions of crime levels.

#### **Area for improvement 7**

- BLE's scrutiny of problem-solving policing plans is an area for improvement. BLE should carry out formal reviews of each plan's effectiveness in addition to the oversight by the 'Optimum' meetings.

#### **Area for improvement 8**

- The range of crime-prevention advice on the Guernsey Police website is an area for improvement. BLE should add relevant advice to the site, including links to other relevant sites which offer advice.

#### **Area for improvement 9**

- BLE's strategic approach to tackling anti-social behaviour is an area for improvement. BLE should put in place measures to improve incident recording and performance management.

#### **Area for improvement 10**

- The Joint Emergency Services Control Centre's (JESCC's) Vision emergency dispatch software and performance management framework are areas for improvement. BLE should ensure that these areas are addressed in any future equipment upgrades or capital investment plans for JESCC.

#### **Area for improvement 11**

- The consistency of supervision for criminal investigations is an area for improvement. BLE should set clear expectations for supervisors about the frequency and depth of supervision required, training them if necessary. Inspectors should carry out regular dip checking to provide assurance that these expectations are met.

#### **Area for improvement 12**

- The quality of continuous professional development for investigators in specialist units is an area for improvement. The Committee for Home Affairs and BLE should ensure that all such officers are provided with sufficient access to development opportunities.

#### **Area for improvement 13**

- Guernsey Border Agency's capability to carry out automatic checks of passenger and freight manifests against relevant law-enforcement intelligence databases is an area for improvement. Improvements to this capability – and in access to the Police National Database – should feature in BLE's ICT investment and development proposals.

#### **Area for improvement 14**

- BLE's understanding of its performance concerning smuggling and the unlawful supply of controlled drugs is an area for improvement. BLE should develop a more comprehensive performance framework which draws on all available data from law enforcement and other sources.

#### **Area for improvement 15**

- The THEMIS system is an area for improvement. THEMIS requires system upgrades to make it stable and reliable, and to enable its use for intelligence development and analysis purposes. These should include automated and live-time data matching with other sources of law enforcement intelligence and the other improvements specified in the business case.

#### **Area for improvement 16**

- BLE's approach to identifying vulnerable people is an area for improvement. BLE should develop a corporate definition and ensure that it is applied.

#### **Area for improvement 17**

- BLE's process for assessing vulnerability in cases not involving domestic violence is an area for improvement. In combination with the development of a corporate definition of vulnerability, BLE should develop processes to ensure officers identify any vulnerabilities of the victims, witnesses, and suspects they encounter, and make appropriate interventions.

#### **Area for improvement 18**

- BLE's case allocation practices for public protection cases are an area for improvement. BLE should develop a risk-based allocation policy.

#### **Area for improvement 19**

- The level of training provided to specialist investigators is an area for improvement. BLE should develop a better understanding of specialist investigators' training needs and ensure it meets them.

#### **Area for improvement 20**

- BLE's capacity to discharge its responsibilities in the multi-agency public protection arrangements is an area for improvement. BLE should increase capacity in order to reduce individual officers' workloads and enable more frequent home visits to violent and sexual offenders.

#### **Area for improvement 21**

- The process for agreeing BLE's annual budget is an area for improvement. In order to enable effective business planning, the budget should be set sufficiently far in advance, with in-year adjustments to be made where required.

#### **Area for improvement 22**

- The legislation concerning police complaints is an area for improvement, specifically the constraint on the Police Complaints Commission when reporting its satisfaction, or otherwise, with investigations. The Committee for Home Affairs should seek a minor amendment to the legislation. When doing so, the Committee should review the recommendations of the 2014 comparative analysis and seek any further amendments it considers necessary. It should also consider extending the Police Complaints Commission's role to include complaints against Guernsey Border Agency.

#### **Area for improvement 23**

- BLE's ability to provide information to the College of Policing for inclusion in the disapproved register is an area for improvement. The Committee for Home Affairs should seek to enable BLE or the States of Guernsey to provide such information.

#### **Area for improvement 24**

- BLE's counter-corruption capability is an area for improvement. BLE should compile a comprehensive local counter-corruption threat assessment and control strategy, to evaluate and manage the full range of risks to the integrity of the organisation.

#### **Area for improvement 25**

- The management of human resources tasks is an area for improvement. The central HR team, in consultation with BLE, should review each party's HR responsibilities and provide a clearer definition of where responsibilities should lie.

#### **Area for improvement 26**

- BLE's ICT provision is an area for improvement. The Committee for Home Affairs and the head of law enforcement should prioritise the development of a new ICT improvement strategy.

## Annex C: Recommendations

### Recommendation 1

- By 31 January 2019, the Committee for Home Affairs, in consultation with the Head of Law Enforcement and other stakeholders, should carry out a post-implementation review and future options appraisal. The outcome of this work should provide enough evidence upon which to base a clear, compelling strategic vision for BLE's future.

### Recommendation 2

- By 31 January 2019, the head of law enforcement and Her Majesty's Procureur should conduct a review of working practices to find out why there are delays associated with Letters of Request for Mutual Legal Assistance.

### Recommendation 3

- By 31 January 2019, the head of law enforcement should design and implement an action plan to improve the quality of BLE's victim care, including more widespread use of care plans and victim personal statements, and renewed efforts to relocate the video interview suite.

### Recommendation 4

- By 31 January 2019, the head of BLE should carry out an evaluation of reported domestic violence incidents in the Bailiwick of Guernsey. Based on this data, the most appropriate agency should conduct an evaluation to establish whether DVPOs and DVPNs, if they had been available, would have provided valuable additional protection to victims. If the evaluation shows that they would, the Committee for Home Affairs should consider pursuing changes to legislation to enable their introduction as soon as possible thereafter.

### Recommendation 5

- By 31 January 2019, the Committee for Home Affairs should publish a strategic plan that sets out BLE's business objectives and priorities. BLE should use this to inform a revised service delivery plan.



### **Recommendation 6**

- By 31 January 2019, the Committee for Home Affairs, in consultation with the head of law enforcement, should design, publish, and subsequently operate in accordance with, a document that clarifies each party's responsibilities for (as a minimum):
  - objective and priority setting;
  - strategic governance and oversight;
  - operational direction and control;
  - independence; and
  - provision of performance information for governance purposes.

### **Recommendation 7**

- By 31 January 2019, the head of law enforcement should ensure that information on Guernsey Border Agency's complaints procedure is made available to the public and is easily accessible.

### **Recommendation 8**

- By 31 January 2019, the head of law enforcement should ensure that retrospective vetting is carried out on all staff recruited before the current vetting policy was introduced.