

The British Virgin Islands: volume one

A review of law enforcement and
criminal justice bodies in the British
Virgin Islands

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Foreword

As HM Chief Inspector of Constabulary and Fire & Rescue Services, I consider it a privilege to have been invited to review law enforcement and criminal justice bodies in the British Virgin Islands (BVI). And from the outset, I want to thank all those who contributed or assisted us with this review. I understand the islands have received a significant amount of scrutiny in recent years. Such scrutiny may sometimes be difficult to accept and respond positively to. It was the [Commission of Inquiry](#) report, published in April 2022 that led us to undertake this review. And our review aims to help improve public services for those who live and work in the BVI.

The BVI has for years suffered corruption and allegations of corruption by, or directed towards, some who hold public office. The Commission of Inquiry, chaired by the Rt Hon Sir Gary Hickinbottom, was set up to examine whether there was evidence of such corruption or abuse of public office. He was also asked to consider what conditions exist in the BVI that allow corruption, abuse of office and serious dishonesty to be possible.

In April 2022, the Commission of Inquiry report was published. Sir Gary Hickinbottom's findings were hard-hitting, as he described the failings of many who hold public office across the BVI. The failings he revealed were already known by those in senior positions of government. In the broadest terms, the report outlined that:

“Almost everywhere, the principles of good governance, such as openness and transparency and even the rule of law, are ignored... The elected officials are well aware of this chronic lack of governance.”

A lack of governance and accountability for decisions made in public life can, and sometimes do, lead to dishonesty, corruption and distrust in those who hold public office. If this isn't bad enough, it almost inevitably leads to the ineffective and inefficient running of public services. This, in turn, has a direct effect on those who need and use those services as well as those who work in the public sector.

In this report, we examine just some of the BVI's public sector organisations: those linked to law enforcement and the criminal justice system. This first of two volumes focuses on those immediate problems, which may be addressed quickly and have the greatest positive effect on outcomes for the public in the short term. We have also focused on current and future problems that give us the greatest cause for concern but which may not be easily resolved. These often relate to issues that

affect the health and safety of the public and the staff in these organisations. Our recommendations seek to make communities safer.

Sadly, we found much that concerned us, not just in the organisations we reviewed but in other departments and government ministries. Often it was the processes and procedures across the public sector and how they were applied that had a negative effect on law enforcement and criminal justice bodies. These included how funding and recruitment operated, how the most basic goods and service had to be procured and how decisions were reached and applied. We also found that leadership in some of the organisations we reviewed needed to improve.

Inefficient and ineffective practices, which lack any true accountability and meaningful measures to monitor how well an organisation is performing, undermine the quality of services provided to the public. The lack of these basic governance principles also creates the conditions where corrupt practices can develop. We have little confidence in any of the performance management systems that we found, which should monitor and make sure individuals, teams and organisations are operating effectively and with integrity.

During our review, we found serious failings in law enforcement and criminal justice bodies. In some cases, these were so serious as to endanger the lives of staff and the public. The problems we found weren't simply the responsibility of current senior leaders. Often these failings had existed for many years, and the changes required are contingent on financial and political support, which we found to be lacking. The structures, systems and ethos across public services in the BVI need to change in order to achieve the sustainable improvements we believe are necessary. The current lack of trust, co-operation and collaboration between public sector bodies is stark, and if it continues, little will change. We will say more about this in volume two of our report.

It would be very easy to point the finger of blame at individuals. But to suggest just a few senior public officials are responsible would belie the true extent of the challenges facing the BVI and its law enforcement and criminal justice bodies. The problems we found weren't the failings of a few. They were deep-rooted weaknesses across many aspects of public administration, including leadership at all levels. Conditions such as these don't come about overnight; they take time to build, and they will take time to resolve. They will require an acceptance of the problems and an acceptance of responsibility to tackle them. And, if real change is to be brought about, it will need the highest levels of co-operation between leaders of these organisations, the Government and [Governor's Office](#).

I am acutely aware that some of the organisations we have reviewed have suffered from chronic underfunding over many years. I also acknowledge the effects on the BVI of Hurricane Irma. But in some cases, we found that the most basic activities weren't being done properly or safely.

Of concern was the lack of trust between organisations and those working in them. This may be because of corrupt or dishonest practices, some of which were identified in the Commission of Inquiry report. Regardless of the reasons, a failure by law enforcement and criminal justice bodies to work better together will undermine the effectiveness of each organisation.

Our review revealed a serious lack of anti-corruption focus. The islands are ill-prepared to tackle corruption across law enforcement and criminal justice bodies. Without an effective approach to prevent, identify and deal with issues of corruption, there will be little hope of these organisations gaining trust and working more effectively together. Nor will it help with building public confidence in law enforcement and the criminal justice system.

In the second volume of our report, which we intend to publish by late summer 2024, we will explain some of the organisational problems that exist. Subject to the views of the BVI Government, including the new Governor, and continued financial support from the [Foreign, Commonwealth and Development Office](#), we will outline a roadmap for long-term sustainable changes. This will describe how law enforcement and criminal justice bodies should be structured in the future.



Andy Cooke QPM DL

His Majesty's Chief Inspector



Introduction

This review has been undertaken at the request of the then Governor of the British Virgin Islands (BVI) John James Rankin CMG in response to Recommendations 38 and 41 of the 2022 [Commission of Inquiry](#) report.

We examined nine public sector bodies:

1. the [Royal Virgin Islands Police Force](#)
2. [HM Customs](#)
3. the [Financial Investigation Agency](#)
4. the [Department of Immigration](#)
5. [HM Virgin Islands Prison Service](#)
6. the [Office of the Director of Public Prosecutions](#)
7. the [Magistrate's Court](#)
8. the [Eastern Caribbean Supreme Court](#)
9. the [Attorney General Chambers](#).

Throughout this report, these organisations are collectively referred to as law enforcement and criminal justice bodies.

We also considered how effective and efficient the management of HR and finance were across these bodies.

Our review considered eight areas in each of the bodies we reviewed. These were:

1. organisational structures
2. resources and funding
3. facilities
4. conduct and standards
5. terms and conditions
6. powers
7. intelligence
8. science and technology.

We will provide the findings and recommendations from our review in two volumes. We will report on how the current provision and organisation of the functions undertaken by the agencies under review might be improved. We will also consider how our recommendations affect the respective constitutional responsibilities of the executive, legislature, Governor, Premier and others. We will specifically comment on the current interpretation and limits of the term ‘internal security’ insofar as it relates to Article 60(1)(c) of the [Virgin Islands Constitution Order 2007](#).

Report: volume one

In this report, we identify areas for immediate improvement in each of the nine bodies we reviewed. We don’t provide an in-depth assessment of the state of each organisation or the viability of maintaining the status quo in each organisation. Nor do we attempt to address improvements that may require greater collaboration, co-operation or integration between existing law enforcement, criminal justice and prison bodies.

We haven’t made recommendations in relation to all the problems that we identify in this report. This isn’t because we don’t see them as important. Many would require significant investment or time to be implemented and, therefore, we plan to expand upon them in volume two.

The recommendations in this volume are designed to increase efficiency or effectiveness. And they are designed to improve service provision to the public, minimise the potential for harm or mitigate the risks that we have identified. We also highlight areas that give us cause for concern and that require immediate action to mitigate the potential for serious harm to the public, those working in the relevant organisations or others.

The recommendations we make in volume one will be valid regardless of the more fundamental and long-term changes proposed in volume two. Volume one considers the interlinked themes of HR and finance, with reference made in each agency-specific chapter to these. But we also provide a summary of our initial assessment of the management of HR and finance in dedicated chapters.

Report: volume two

In volume two of our report, we will provide a more detailed assessment of how the current arrangements might be improved, along with recommendations and options for change. We will suggest opportunities for a longer-term plan of changes to improve how some of these organisations operate and how some functions might be delivered more efficiently or effectively. This will likely include options for the creation of new capabilities, the integration or amalgamation of some functions, improved co-operation or collaboration between bodies and the redesign or restructure of organisations and how they are overseen. It will also consider the role of the National Security Council.

Background

On 4 April 2022, the Rt Hon Sir Gary Hickinbottom presented the then Governor of the BVI John James Rankin CMG with a BVI Commission of Inquiry report. This report was far reaching in its examination of the BVI's social, political, economic and constitutional arrangements.

Part of the inquiry examined the public sector and made a range of recommendations for change. Among these were two recommendations that related to the provision of law enforcement generally, the criminal justice system and the prison service.

Recommendation 38 (part 1)

“I recommend that there is a review of the law enforcement and justice systems, to include not only the front-line agencies (such as the Royal Virgin Islands Police Force, the Financial Investigation Agency, HM Customs and the Immigration Department, insofar as the last two mentioned are involved in the law enforcement system), but also the Prison Service and the Office of the Director of Public Prosecutions. Consideration should be given as to whether it should also cover the whole or parts of the Attorney General's Chambers and/or the courts.”

Recommendation 38 (part 2)

“I recommend that this review forms an element of the Constitutional Review I have proposed. The scope of the review will need careful consideration but it should in my view include a review of (i) structure (including whether the front-line law enforcement agencies should have a lead agency and what should that be, and under which arm(s) of government should law enforcement lie; and, particularly, where responsibility for border control should lie), (ii) resources and funding, (iii) conduct and standards, and (iv) terms and conditions. The review need not be a single project – strands will need to be identified and prioritised – and it can draw on the work of reviews currently in progress in relation to the Royal Virgin Islands Police Force and the Prison Service.”

Recommendation 41

“I recommend that consideration is given to ensuring that the Royal Virgin Islands Police Force and (as necessary) other enforcement agencies have the facilities and powers to prevent, monitor and detect crime, and prepare matters for prosecution, including by way of access to and use of modern scientific techniques and intelligence material. This can be done through a panel comprising representatives of (e.g.) the Attorney General, the Director of Public Prosecutions, the Police Commissioner, HM Customs Commissioner and the Immigration Department, with external expertise being brought in as and when required. The panel should prepare a report, setting out recommendations as to what is required, to be presented to the Governor.”

To achieve these two recommendations, in support of the [‘Framework for Implementation of the Recommendations of the Commission of Inquiry Report and Other Reforms’](#), Governor Rankin invited us to undertake this review. We agreed with the [Governor’s Office](#) that our report will be published in two parts: volume one and volume two.

About us

His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) independently assesses the effectiveness and efficiency of police forces and fire & rescue services to make communities safer. In preparing our reports, we ask the questions that the public would ask, and publish the answers in accessible form. We use our expertise to interpret the evidence and make recommendations for improvement.

Our commission

This review has been commissioned by the then Governor of the BVI John James Rankin CMG. The Government, through the Foreign Commonwealth and Development Office, has provided funding for this review. We have agreed the terms of reference.

The full terms of reference are found in [Annex A](#).

Our terms of reference

In summary, our terms of reference were to review:

- the Royal Virgin Islands Police Force
- HM Customs
- the Department of Immigration
- the Financial Investigation Agency
- HM Virgin Islands Prison Service
- the Office of the Director of Public Prosecutions
- the Magistrate’s Court
- the Eastern Caribbean Supreme Court
- the Attorney General Chambers.

(The latter four bodies and the Financial Investigation Agency will be examined only insofar as they interact with the police and law enforcement system.)

And provide:

- greater clarity for law enforcement on [areas for improvement](#); and
- recommendations for alternative ways of approaching law enforcement that would benefit the BVI.

Methodology

In this review, we evaluated a range of organisations. To make sure we were able to do this effectively, we drew together a team with knowledge and experience of law enforcement and criminal justice bodies.

In reaching our findings, we have, where appropriate, made comparisons with practices in other British Overseas Territories and Crown Dependencies and, occasionally, in England and Wales. We have drawn on professional guidance from other agencies, such as the [College of Policing's authorised professional practice](#). We have also referred to findings from other inspection reports and reviews. In addition, we met with law enforcement agencies in the neighbouring US Virgin Islands.

We acknowledge that the BVI is a relatively small territory, with its agencies operating in a unique geographic, political and financial environment. Throughout our review, we took account of this context.

In this first of two reports, we make recommendations that we believe may be achieved soon, without significant investment of resources. We also make recommendations where we believe the need for immediate action can't wait, regardless of the investment that may be necessary. In volume two, we will discuss in more detail how law enforcement and the criminal justice system can develop to become more collaborative and integrated, leading to a more effective and efficient system in the BVI.

Consultation

In preparation for this review, we consulted with several organisations and bodies, including:

- the Governor's Office of the BVI
- the UK [Foreign, Commonwealth and Development Office](#)
- the [International Policing Assistance Service](#).

Fieldwork

We conducted the fieldwork in November and December 2023.

And as part of that fieldwork, we:

- interviewed staff at all levels in the organisations we reviewed;
- attended management meetings and staff briefings;
- conducted reality testing with staff;
- surveyed staff and some service users; and
- carried out site visits to the organisations' premises on the four main islands.

We also analysed data and documents, including self-assessments and performance data provided by the organisations. And we reviewed relevant case files in several of the organisations.

Recommendations

The provision of HR functions

Recommendation 1

By 30 November 2024, each organisation should develop a workforce strategy, which should include:

- the size and makeup of the workforce necessary to meet objectives;
- recruitment and retention plans;
- talent management and progression policies;
- performance management;
- training and development; and
- orderly departure from the organisation, either on transfer, resignation, retirement or dismissal.

The Royal Virgin Islands Police Force

Recommendation 2

By 31 October 2024, the Police Commissioner should make sure the force's systems and processes are being properly applied to accurately collect information and data. This information should be securely stored so that it is accessible across the force. This may be achieved by better use of the overseas territories regional crime intelligence system database or some other system.

Recommendation 3

By 31 July 2024, the Police Commissioner should produce an armed policing strategic threat and [risk assessment](#) for the force.

Recommendation 4

By 1 May 2024, the Police Commissioner should make sure that all [officers](#) and [staff](#) are aware of and comply with the [victims](#) charter.

Recommendation 5

By 31 August 2024, the Police Commissioner should make sure a review of policies and practices takes place to remove unnecessary requirements for supervisory oversight.

Recommendation 6

By 30 September 2024, the Police Commissioner should make sure that all [control room](#) staff receive training on how to risk assess initial calls for service.

Recommendation 7

By 31 August 2024, the Police Commissioner should make sure that the force has a [force crime registrar](#) and deputy who are trained and competent to:

- oversee and audit crime-recording standards;
- supervise the screening and allocation of crime; and
- approve the appropriate 'outcome' type for each investigation.

Recommendation 8

By 31 August 2024, the Police Commissioner, together with senior colleagues from other agencies, should develop a multi-agency process to review and share information relating to [high-risk domestic abuse](#) incidents.

Recommendation 9

By 30 June 2024, the Police Commissioner should make sure that those responsible for the custody of a detainee are independent of any related investigation.

Recommendation 10

By 30 June 2024, the Police Commissioner should:

- make sure clear policies and guidance for custody are developed and published; and
- make plans to professionally train officers and staff involved in custody duties.

Recommendation 11

By 31 October 2024, the Police Commissioner should make sure there is an appropriate training plan to professionalise the investigation process for [personnel](#) in the serious investigation and major incident teams.

Recommendation 12

By 31 August 2024, the Police Commissioner should develop a plan to increase the number of police personnel in both the serious investigation and major incident teams to make sure the force is able to meet current and future demand.

Recommendation 13

By 31 October 2024, the Police Commissioner should produce a crime prevention strategy for the force.

Recommendation 14

By 31 October 2024, the Police Commissioner should make sure that use of force refresher courses are provided to all frontline [officers](#), including accreditation where necessary for officers carrying firearms and conducted energy devices. Armed and operational officers' training should be prioritised.

Recommendation 15

By 31 October 2024, the Police Commissioner should audit the first-aid accreditation and refresher training for all officers and make plans to deal with the shortcomings identified. Armed and operational officers should be prioritised.

Recommendation 16

By 31 May 2024, the Police Commissioner and the force's senior leadership team should develop a plan that promotes the [Code of Ethics](#) and demonstrates their commitment to achieving the highest standards of professional behaviour.

Recommendation 17

By 31 July 2024, the Police Commissioner should make sure that all personnel are briefed or trained on the expected standards of behaviour. This should include education on what constitutes corruption.

Recommendation 18

By 31 August 2024, the Police Commissioner should direct work to develop a system for confidential reporting by personnel.

Recommendation 19

By 31 May 2024, the Police Commissioner should make sure the [professional standards department](#) updates the business interests and secondary employment policy. This should then be communicated to all officers and staff.

Recommendation 20

By 31 May 2024, the Police Commissioner should make sure the professional standards department creates a notifiable associations policy, which must then be communicated to all personnel, and maintain a register of notifiable associations.

Recommendation 21

By 31 May 2024, the Police Commissioner should make sure the professional standards department updates the force's gifts and hospitality policy to make it clear what is and isn't acceptable. A register should be created and maintained centrally.

Recommendation 22

By 31 May 2024, the Police Commissioner should introduce audits of the overseas territories regional crime intelligence system database to monitor any unethical use of the system.

Recommendation 23

By 31 October 2024, the Police Commissioner should make sure the information recorded on custody records is accurate, complete and legible. The quality of custody records should be monitored regularly to ensure compliance with these standards and legislative requirements.

Recommendation 24

With immediate effect, the Police Commissioner should make sure all personnel receive the pay and allowances they are entitled to.

Recommendation 25

With immediate effect, the Police Commissioner, together with the Head of Probation and Superintendent of HM Virgin Islands Prison Service, should develop a formal process for sharing information about those suspected or convicted of violent or sexual offences to [safeguard](#) the public.

Recommendation 26

By 30 June 2024, the Police Commissioner should make sure that a security review of the force's firing range is completed and that any recommendations to improve welfare or safety are implemented.

Recommendation 27

By 31 May 2024, the Police Commissioner should make sure a full audit of all conducted energy device cartridges is completed and a cartridge replacement programme implemented.

Recommendation 28

By 31 May 2024, the Police Commissioner should make improvements to the custody facilities to make sure detainees are held in a safe environment.

Recommendation 29

By 31 May 2024, the Police Commissioner should make sure a plan is developed to implement the recommendations made in the May 2023 Merseyside Police report.

Recommendation 30

By 31 May 2024, the Police Commissioner should introduce, within the performance framework, performance indicators to measure the quality and quantity of [intelligence](#) submissions, including intelligence submitted in relation to force priorities.

Recommendation 31

By 31 October 2024, the Police Commissioner and senior representatives from other law enforcement agencies should agree the best way to share information and build capacity to respond effectively to [intelligence](#) about [serious and organised crime](#) and [organised crime groups](#).

Recommendation 32

By 31 August 2024, the Police Commissioner should make sure that a serious and organised crime strategy is developed based upon the [4P-approach](#) to tackle serious and organised crime.

Recommendation 33

By 30 September 2024, the Police Commissioner should make sure that the work of the overt intelligence department focuses on developing intelligence products that will inform and direct frontline patrols. Their work should include:

- daily briefing and tasking of operational personnel based on force and local priorities;
- collection and development of community and serious and organised crime intelligence;
- directing [officers](#) and [staff](#) to gather information about known threats, offenders, [organised crime groups](#) and gangs; and
- tasking towards focusing policing activity on known wanted suspects.

Recommendation 34

By 30 September 2024, the Police Commissioner, together with senior leaders from other agencies and the community, should develop a strategy to identify and respond to potential vulnerabilities in the community.

Recommendation 35

By 30 June 2024, the Police Commissioner should consider allowing limited access to information about family justice unit cases to the wider force. This would allow appropriate safeguarding and investigative options to be considered.

Recommendation 36

By 31 July 2024, the Police Commissioner should make sure that the force's IT department assists the professional standards department to adapt the overseas territories regional crime intelligence system database to be used for storing professional standards information securely.

Recommendation 37

By 31 May 2024, the Police Commissioner should make sure there is someone senior in the force with responsibility for promoting the effective use of the overseas territories regional crime intelligence system database. This role should consider:

- what training may be needed for officers, staff and supervisors;
- raising awareness of the importance of using the database;
- audits and reporting on the type and quality of data being put on the database; and
- action to challenge misuse or underuse of the database by individuals, teams and departments in the force.

Recommendation 38

By 31 July 2024, the Police Commissioner and the Magistrate's Court should improve the recording and circulation of court orders. This should make sure that timely and relevant information is available to all personnel responding to incidents.

Recommendation 39

By 31 May 2024, the Police Commissioner should introduce a process that provides investigators access to [body-worn video](#) footage for policing purposes.

HM Customs

Recommendation 40

By 1 July 2024, the Commissioner of HM Customs should revise the organisation's strategic plan to provide clear direction to staff. They should then review and update the strategic plan on an annual basis. This should include organisational priorities for the next year that cover all aspects of HM Customs' role.

Recommendation 41

By 31 May 2024, the Commissioner of HM Customs should revise the monthly reports to incorporate data about the full range of organisational activity, including the detention of prohibited and restricted goods.

Recommendation 42

By 31 July 2024, the Commissioner of HM Customs should delegate responsibility for decision-making to senior officers (middle managers) and make sure that these officers have the requisite training to perform the role.

Recommendation 43

By 31 July 2024, the Commissioner of HM Customs should issue fuel and concession unit staff with appropriate clothing and personal protective equipment.

Recommendation 44

By 31 July 2024, the Commissioner of HM Customs should designate a customs lead to work with the port organisations to help improve all HM Customs sites.

Recommendation 45

By 1 June 2024, the Commissioner of HM Customs and the Police Commissioner should appoint a designated custodian and establish a policy and process for the appropriate destruction of prohibited drugs. Agreement for the use of the hospital incinerator should be sought.

Recommendation 46

By 1 August 2024, the Commissioner of HM Customs should identify those outstanding payments for overtime and temporary promotion and make sure these are paid.

Recommendation 47

By 31 May 2024, the Commissioner of HM Customs should check that the HM Customs group email address given to airline and ferry companies is correct so that manifests can be provided efficiently. This single approach for the submission of manifests should be promoted to all companies, and relevant HM Customs staff should be given access to the group email.

Recommendation 48

By 1 September 2024, the Commissioner of HM Customs should:

- give the intelligence officer and other appropriate staff access to and training in how to use the overseas territories regional crime intelligence system; and
- make sure that all relevant customs information and intelligence are recorded on the overseas territories regional crime intelligence system.

Recommendation 49

With immediate effect, the Commissioner of HM Customs should make sure that senior leaders disseminate analytical documents they receive from the Caribbean Customs Law Enforcement Council and other similar international bodies to frontline HM Customs staff.

Recommendation 50

By 31 July 2024, the Commissioner of HM Customs should develop an intelligence management capability to gather, assess and share intelligence related to the movement of cash into and out of the British Virgin Islands.

This should include making sure:

- any suspicious movement of cash results in a suspicious activity report being submitted to the British Virgin Islands Financial Investigation Agency; and
- all cash seizures are recorded on the overseas territory regional intelligence crime system.

Recommendation 51

By 1 July 2024, the Commissioner of HM Customs, together with the Government's Department of Information Technology, should make sure that any work on the customs' server is considered and planned to avoid disruption and potential security compromises.

Maritime and border security

Recommendation 52

With immediate effect, the Police Commissioner should make sure that the police marine unit informs the [control room](#) when it sets to sea.

Recommendation 53

By May 2024, the Police Commissioner should produce a marine policing strategic threat and risk assessment.

Recommendation 54

By 31 May 2024, the Police Commissioner should recommence the annual audits of the police marine unit.

Recommendation 55

With immediate effect, the Police Commissioner should stop the deployment of unarmed police marine unit officers on the unit's vessels.

Recommendation 56

By 31 July 2024, the Police Commissioner should analyse the police marine unit's training needs and develop a structured training plan and [continuing professional development](#) programme that meet those needs.

Recommendation 57

By 31 May 2024, the Police Commissioner should issue police marine unit officers with individual training plans.

Recommendation 58

By 31 October 2024, the Police Commissioner should make sure sufficient police marine unit officers have received advanced Royal Yacht Association training.

Recommendation 59

By 31 July 2024, the Police Commissioner and the President of Virgin Islands Search and Rescue should:

- amend the memorandum of understanding to include reference to the agreement that Virgin Islands Search and Rescue annually trains police marine unit officers in search and rescue techniques; and
- start bi-annual joint exercises as per the requirements of the memorandum of understanding.

Recommendation 60

By 31 July 2024, the Chief Inspector of the police marine unit should:

- review and update the unit's general patrol standard operating procedures;
- brief all police marine unit [officers](#) on the updated procedures; and
- establish a process to regularly review and update standard operating procedures that includes feedback from external experts, environmental scanning and implementing actions arising from audits and equality analysis.

Recommendation 61

By 31 July 2024, the Police Commissioner should produce a standard operating procedure for the deployment, command and control of armed marine operations.

Recommendation 62

By 31 July 2024, the Police Commissioner should secure a maintenance contract for police marine unit vessels.

Recommendation 63

With immediate effect, the Police Commissioner and the Commissioner of HM Customs should limit access to the compound where the police marine unit and customs task force are based to authorised personnel only.

Recommendation 64

By 30 April 2024, the Police Commissioner should review the plans for the new police marine unit headquarters to make sure that it has all the facilities the marine unit needs.

Recommendation 65

With immediate effect, the Police Commissioner should make sure that police marine unit officers store firearms securely.

Recommendation 66

By 31 August 2024, the Police Commissioner and the Commissioner of HM Customs should make sure that police marine unit and customs task force vessels are equipped with ballistic shields suitable for the maritime environment and train officers how to use them.

Recommendation 67

By 31 July 2024, the Police Commissioner and the Commissioner of HM Customs should make sure that all police marine unit officers and customs mobile task force officers are issued with individual-issue, marine-specific ballistic vests and helmets suitable for the maritime environment.

Recommendation 68

By 31 July 2024, the Police Commissioner and the Commissioner of HM Customs should make sure that all police marine unit officers and customs mobile task force officers are issued with appropriate uniforms and personal protective equipment.

Recommendation 69

As a matter of urgency, the Police Commissioner should make sure that the force replaces out-of-date [incapacitant spray](#).

Recommendation 70

With immediate effect, the Police Commissioner should prioritise AR15 training for all armed police marine unit officers and stop deploying multiple carbine weapon systems within the maritime environment.

Recommendation 71

With immediate effect, the Police Commissioner should make sure that police marine officers use their [body-worn video](#) cameras while on duty.

Recommendation 72

By 30 September 2024, the Police Commissioner should review what less lethal options may be available to the police marine unit to assist it in stopping vessels safely.

Recommendation 73

By 31 May 2024, the Police Commissioner should reinvigorate Operation Island Watch and allocate a senior officer as responsible for its continued progress and development.

Recommendation 74

By 31 May 2024, the Police Commissioner should make sure the force starts producing weekly marine-specific intelligence briefings. These should form an element of the patrol strategy and cover:

- pattern of life of vessels/persons of interest;
- intelligence development; and
- maritime surveillance vessel area monitoring.

Recommendation 75

By 31 May 2024, the Police Commissioner should make sure that all police marine unit officers fulfil their obligation to submit intelligence logs.

Recommendation 76

By 30 June 2024, the Police Commissioner should:

- introduce marine medical tests (to the [Maritime and Coastguard Agency's ML5 seafarers medical certificate](#) standard) for all serving police marine unit officers;
- include marine medical tests in the selection and appointment process for all officers recruited into the police marine unit;
- ensure all police marine unit officers have follow-up medical assessments every five years; and
- produce a marine medical standard operating procedure.

Recommendation 77

By 31 May 2024, the Chief Inspector of the police marine unit should produce standard operating procedures for fitness tests.

Recommendation 78

Before running any fitness tests, the Chief Inspector of the police marine unit should risk assess them. As part of this, they should:

- make sure there is an automatic external defibrillator available; and
- fully risk assess all venues.

Recommendation 79

By May 2024, the Police Commissioner should:

- amend marine officers' contracts to list fitness test failures as breaches of their conditions of employment in the police marine unit; and
- amend marine officers' role profiles accordingly.

The Department of Immigration

Recommendation 80

By 31 July 2024, the Department of Immigration and the Department for Labour and Workforce Development should review the existing process for the issuing of work permits and granting clearance to enter the British Virgin Islands. They should develop a more efficient process.

Recommendation 81

By 30 June 2024, the Governor, together with the Chief Immigration Officer, should review and revise the current visa waiver system and make sure:

- responsibility for granting approval is by a senior officer in the Department of Immigration;
- approval is in accordance with an updated and stringent policy for waiving the requirement for a visa;
- it is only applied in exceptional circumstances, when justified and necessary;
- decisions are properly recorded; and
- the cost is appropriate compared to that of a visa application.

Recommendation 82

By 30 August 2024, the Ministry of Tourism, Culture and Sustainable Development should make sure that the senior management posts in the Department of Immigration are filled and that the senior management team is working effectively.

Recommendation 83

By 31 May 2024, the Ministry of Tourism, Culture and Sustainable Development should make sure a health and safety audit is conducted on the Department of Immigration's estate. It should produce a remedial action plan to deal with the most serious health and safety concerns.

Recommendation 84

By 31 August 2024, the Ministry of Tourism, Culture and Sustainable Development should review how immigration prisoners are transported and make sure that appropriate transport is provided, which is safe and secure.

Recommendation 85

By 31 May 2024, the Chief Immigration Officer should make sure all entry port immigration officers have access to a 30-day landing stamp to endorse the passports of tourists and short-term business visitors.

Recommendation 86

By 30 June 2024, the Ministry of Tourism, Culture and Sustainable Development should develop a plan to make sure that immigration officers have the appropriate personal protective equipment and relevant officer safety training to perform their roles. This may include closer working with other agencies in the acquisition of personal protective equipment and the provision of officer safety training.

Recommendation 87

By 31 May 2024, the Chief Immigration Officer or Deputy Chief Immigration Officer should review the processes for appraisal, career development and promotion to make sure they are fit for purpose and fair.

Recommendation 88

By 31 May 2024, the Chief Immigration Officer should make sure a training needs analysis for all immigration staff has been completed. A training plan should be developed to meet any identified gaps in officer training, which should include a method for implementing this training.

Recommendation 89

By 30 September 2024, the Chief Immigration Officer should make sure the newly recruited analyst:

- receives appropriate training to effectively collect, handle, assess and share intelligence;
- identifies the highest areas of risk to immigration, such as threats to the borders and threats from criminals and immigration offenders; and
- implements actions to mitigate these risks.

The Financial Investigation Agency

Recommendation 90

By 31 July 2024, the Director of the Financial Investigation Agency, together with the board, should develop a plan to improve the communication, visibility and accessibility between the board and senior members of the Financial Investigation Agency. This should include the:

- circulation of minutes; and
- effective communication of decisions taken and the rationale.

Recommendation 91

By 31 May 2024, the Director of the Financial Investigation Agency should review the current outreach programme to make sure it is fit for purpose and implemented effectively. They should regularly review the programme to make sure it is helping to improve the quality and timeliness of [suspicious activity report](#) submissions from the public and private sectors.

Recommendation 92

By 31 October 2024, the Director of the Financial Investigation Agency should:

- arrange to activate the Financial Investigation Agency IT systems' modules that identify themes and trends; and
- train staff to use the system to its full capability.

Recommendation 93

By 31 August 2024, the Director of the Financial Investigation Agency should develop a process to highlight and respond to urgent and sensitive suspicious activity reports and include this in the agency's standard operating procedures.

Recommendation 94

By 31 October 2024, the Governor should set up a sanctions unit to effectively implement and co-ordinate actions against breaches.

Recommendation 95

By 31 July 2024, the Governor, together with the Director of the Financial Investigation Agency and the Police Commissioner, should develop a coherent approach to sanction investigations and enforcement activity. This may include the creation of a joint-working group comprising staff from the Royal Virgin Islands Police Force, the Financial Investigation Agency, the Financial Services Commission and the Governor's Office.

Recommendation 96

By 31 July 2024, the Director of the Financial Investigation Agency should develop an effective system to triage suspicious activity reports so that those of greatest priority are highlighted and dealt with.

Recommendation 97

By 31 July 2024, the Director of the Financial Investigation Agency should review whether the Financial Intelligence Unit is prioritising crypto suspicious activity reports and non-crypto suspicious activity reports appropriately.

Recommendation 98

By 31 July 2024, the Director of the Financial Investigation Agency should create a post for a strategic analyst who is dedicated to producing typologies and strategic reports relating to money laundering and combatting the financing of terrorism suspicious activity reports.

Recommendation 99

By 31 August 2024, the Director of the Financial Investigation Agency should develop a training plan to upskill staff in the Financial Investigations Agency and the Royal Virgin Islands Police Force's financial crime unit to deal with tax-related offences linked to fraud and money laundering.

Recommendation 100

By 31 August 2024, the Director of the Financial Investigation Agency should make sure that proper checks are being made to test whether a person is fit and proper to hold the role of money-laundering reporting officer.

Recommendation 101

By 31 August 2024, the Director of the Financial Investigation Agency should review the system for dissemination of information from suspicious activity reports and make sure that, where appropriate, there is a system to make an interim dissemination of information.

Recommendation 102

By 31 August 2024, the Director of the Financial Investigation Agency should make sure that the agency uses its powers under section 4 of the [Financial Investigation Agency Act 2003](#) more effectively.

HM Virgin Islands Prison Service

Recommendation 103

With immediate effect, the Superintendent of Prisons should introduce a system like that of the UK's HM Prison Service to correctly categorise all prisoners held at HM Prison Balsam Ghut. This categorisation should then inform what, if any, added measures are needed to manage the risks posed by prisoners.

Recommendation 104

By 30 June 2024, the Governor should consider how to best facilitate a programme of regular independent scrutiny of the prison.

Recommendation 105

By 30 November 2024, the Ministry of Health and Social Development, together with the Superintendent of Prisons, should review the existing prison ordinance and make arrangements for it to be updated to reflect UK custodial law and the UK HM Prison and Probation Service's operating procedures.

Recommendation 106

With immediate effect, the Ministry of Health and Social Development, together with the Superintendent of Prisons, should identify and appoint a suitably qualified and experienced deputy superintendent.

Recommendation 107

With immediate effect, the Ministry of Health and Social Development, together with the Superintendent of Prisons, should introduce a devolved budget for the prison. The devolved budget should grant the Superintendent of Prisons the autonomy and freedom to approve reasonable expenditure when necessary for the effective and efficient running of the prison.

Recommendation 108

With immediate effect, the Ministry of Health and Social Development, together with the Superintendent of Prisons, should develop an approved suppliers list from which the prison can expeditiously source many of its goods and services.

Recommendation 109

By 31 May 2024, the Superintendent of Prisons should develop a maintenance and repair plan, including a schedule, that prioritises work in accordance with security and safety risks. This plan should be agreed and funded by the Ministry of Health and Social Development.

Recommendation 110

With immediate effect, the Ministry of Health and Social Development should make sure a suitable peer-to-peer radio system is identified, purchased and installed to allow effective communication between prison staff across the prison estate.

Recommendation 111

With immediate effect, the Ministry of Health and Social Development should commission a full assessment of the electrical system of HM Prison Balsam Ghut with remedial action or mitigation to prevent serious injury, harm or damage to property from dangerous electrical wiring.

Recommendation 112

With immediate effect, the Ministry of Health and Social Development should make sure the recommendations of the fire safety audit conducted in 2022 are implemented, with remedial action or mitigation to prevent serious injury, harm or damage to property from fire. The ministry should make sure the prison has sufficient funding to achieve this.

Recommendation 113

By 31 May 2024, the Minister of Health and Social Development, together with the Superintendent of Prisons, must engage with the UK Ministry of Justice to secure a suitable set of locks with sufficient keys to provide safe, secure and effective access within the prison.

Recommendation 114

By 30 June 2024, the Superintendent of Prisons should make sure that sufficient prison clothing is provided to prisoners and that any prisoners working at the prison have adequate personal protective equipment and clothing.

Recommendation 115

By 31 July 2024, the Superintendent of Prisons should identify work opportunities for prisoners in the prison estate. These should include maintenance and cleaning tasks and better use of the farm facilities.

Recommendation 116

With immediate effect, the Superintendent of Prisons should appoint a senior prison officer as the conduct and standards lead who should develop a process by which staff feel able to report concerns about poor behaviour or suspected wrongdoing.

Recommendation 117

By 31 September 2024, the Superintendent of Prisons should make sure that officers responsible for undertaking discipline hearings and/or adjudications are appropriately trained and certified. The process and outcome of hearings, along with the associated rationale, should be properly recorded.

Recommendation 118

By 30 June 2024, the Superintendent of Prisons should make sure that all trainers who are responsible for training others in the use of force, have requalified or had refresher training. These trainers should then train staff across the prison in the effective use of force.

Recommendation 119

By 30 June 2024, the Superintendent of Prisons should review the decision to allow staff to carry conducted energy devices in the prison to see whether this is justified. As part of this review, they should consider what alternative mitigation may be possible to help keep prison officers safe, without the need to carry these devices.

Recommendation 120

By 31 May 2024, the Superintendent of Prisons should make sure that the security information reporting process is managed in a confidential way and that it is understood, implemented and used by staff.

Criminal justice bodies

Recommendation 121

By 30 June 2024, the heads of the criminal justice agencies and the Royal Virgin Islands Police Force should create an effective criminal justice board with representation from law enforcement and criminal justice bodies.

Recommendation 122

By 31 August 2024, the criminal justice board should develop and publish terms of reference and a strategic plan for improving the criminal justice system. This should include cross-agency key performance measures. We would suggest the board meets monthly and that it has its own web page on the British Virgin Islands Government website to provide independence and visibility of its role.

The Office of the Director of Public Prosecutions

Recommendation 123

By 30 June 2024, the Director of Public Prosecutions and the Police Commissioner should make sure there is a structure of regular meetings. At these meetings, representatives from each organisation should discuss performance, identify areas for improvement and promote more effective working practices.

Recommendation 124

By 31 May 2024, the Office of the Director of Public Prosecutions should carry out a full, live file audit to make sure that:

- all files are assigned to Crown Counsel;
- all outstanding casework tasks are assigned and any overdue casework tasks are prioritised; and
- all cases awaiting Crown Counsel's advice are prioritised to determine whether there is still a realistic prospect of conviction and that a prosecution is still in the public interest.

Recommendation 125

By 31 May 2024, the Office of the Director of Public Prosecutions should make sure that all Crown Counsel can access and update the case file tracker spreadsheet to enable real-time case tracking.

Recommendation 126

By 31 May 2024, the Director of Public Prosecutions, together with the Police Commissioner, should make sure that custody staff accurately record address details for all defendants held in custody. Other means of contacting the defendant, including email addresses and telephone numbers, should be recorded.

Recommendation 127

By 30 April 2024, the Director of Public Prosecution should clarify which evidential test Crown Counsel should apply when assessing the strength of a case.

Recommendation 128

By 31 May 2024, the Director of Public Prosecutions must make sure that Crown Counsel make a record on case files of:

- every advice given to the police;
- all emails sent to and received from the police;
- all other correspondence received; and
- all telephone conversations.

Recommendation 129

By 30 April 2024, the Director of Public Prosecutions should make sure that Crown Counsel and administrative staff use a separate minute sheet or log to record file movements and actions.

Recommendation 130

By 30 April 2024, the Director of Public Prosecutions should make sure that an accurate record of each court hearing is maintained. As a minimum, the record should detail, where relevant:

- the next hearing date;
- the purpose of the next hearing;
- any court directions and due dates;
- any plea entered by the defendant(s);
- any view or discussion on the acceptability of pleas;
- what tasks must be completed before the next hearing;
- which witnesses must be warned for trial; and
- to whom the file should be returned.

Recommendation 131

By 31 July 2024, the Director of Public Prosecutions, together with the Police Commissioner, should agree a new pro forma statement that the police can use to record all the detail required from a virtual complainant who is withdrawing their complaint.

Recommendation 132

By 1 October 2024, the Director of Public Prosecutions should develop a [domestic abuse](#) policy in consultation with stakeholders. This should include an agreed definition for domestic abuse.

Recommendation 133

By 31 May 2024, the Director of Public Prosecutions, together with the Police Commissioner, should agree the most appropriate way to make sure sufficient, accurate information is collected from domestic abuse virtual complainants who are seeking to withdraw allegations.

The Magistrate's Court

Recommendation 134

By 1 September 2024, the Magistrate's Court together with the Office of the Director of Public Prosecutions, should initiate weekly administrative meetings to review cases listed for trial. At these meetings, cases should be prioritised and those not ready for trial identified. Discussions should include:

- which witnesses need warning;
- what (if any) remedial action is needed; and
- what (if any) cases the Office of the Director of Public Prosecutions intends to discontinue.

The Eastern Caribbean Supreme Court

Recommendation 135

By 30 June 2024, the Eastern Caribbean Supreme Court should reinstate the bench and bar committee. It should meet at least once each legal term and include representation by:

- the resident High Court Judge of the Criminal Division;
- the Senior Magistrate;
- the Chief Registrar;
- the Magistrate's Court Manager;
- a suitable defence advocate to represent all defence advocates; and
- senior Crown Counsel from the Office of the Director of Public Prosecutions.

Recommendation 136

With immediate effect, the Governor's Office should delay the introduction of the draft criminal procedure rules for the British Virgin Islands. Rules that are a priority should be identified first. Stakeholders should then agree a staged approach to implementation, taking account of any other operational changes that may be necessary.

Recommendation 137

By 1 June 2024, the High Court practice of reading out the names of jurors in open court should stop except when the jury is empanelled.

The Attorney General's Chambers

Recommendation 138

By 31 July 2024, the Attorney General's Chambers should develop a strategy to reduce the number of inappropriate requests for mutual legal assistance.

This should include:

- publishing the limitations to the information that can be obtained; and
- making sure other agencies that make mutual legal assistance requests, such as HM Revenue and Customs and the UK Central Authority, are provided with the details of these limitations.

The provision of HR functions

In this chapter, we describe the way HR management appears to operate in the British Virgin Islands (BVI), including where we believe improvements can and should be made. We will say more, including making recommendations, in volume two of this report.

HR professionals are trying to innovate and improve terms and conditions for staff

During our review, we assessed the efficiency and effectiveness of the HR systems and processes in the BVI. We considered the effect on the relevant agencies, the central HR policy direction and the capability provided by the [Office of the Deputy Governor](#).

During our review, we met many committed staff in HR roles, both in the agencies we reviewed and more widely in the Government. We found that there was a genuine understanding of the value of and need for good HR management and people development across public service in the BVI.

There were examples of positive innovation, such as the development of a learning institute that provides support and training across the public sector. We found evidence that the Office of the Deputy Governor had taken steps to improve the professional development and terms and conditions offered to staff. But further reform is clearly necessary to address shortcomings in the capacity and capability of the public service workforce. We also believe that HR policies, practices and management across the BVI should be more efficient and effective.

Public sector workers are still uncertain about future pay and remuneration arrangements

We noted that there had been a recent pay review of public sector salaries, including those of law enforcement and criminal justice bodies. We were told that this will lead to significant uplift in the salaries of many staff and that funding is available. This is clearly welcome, especially following several years in which pay hasn't risen or that pay increments haven't been paid. We heard that the recommendations of that review have been accepted and will be implemented.

But we heard too, from many people working in the public sector, that there is no clarity about when salaries and remuneration will improve or about future changes to terms and conditions (for example, pension contributions). We were unable to see the review or confirm the Government's timetable for implementing its recommendations.

Workforce strategy and workforce planning should be improved

During our review, we found little evidence to show that any of the agencies had a holistic workforce strategy. We found little effective analysis or assessment of the gaps in workforce skills and abilities, which are fundamental to:

- the development of recruitment and succession planning;
- the development of a plan to understand and meet training requirements; and
- the ability to identify and nurture talent in the organisations we reviewed.

Recommendation 1

By 30 November 2024, each organisation should develop a workforce strategy, which should include:

- the size and makeup of the workforce necessary to meet objectives;
- recruitment and retention plans;
- talent management and progression policies;
- performance management;
- training and development; and
- orderly departure from the organisation, either on transfer, resignation, retirement or dismissal.

Law enforcement and criminal justice bodies would benefit from greater HR integration

There are some distinct similarities in the skills and career drivers of those who decide to enter a career in law enforcement or the criminal justice system. For HR professionals, there are also similar recruitment, vetting and cultural issues to manage in these organisations.

We found that each relatively small organisation was trying to recruit the best people from a limited population, although there appeared to be no shortage of those wishing to join. But these organisations then struggle to recruit, train and develop them given their budgetary constraints, burdensome processes and disjointed governance.

We believe there would be benefits in bringing together many of the HR functions of these agencies to provide a single centre of expertise. This would help in recruiting and developing a law enforcement and criminal justice workforce. Benefits would also include better integration of training, co-ordinated promotion of the highest professional standards and development of future senior leaders.

At the time of our review, the structural arrangements meant that this wasn't possible.

Belongers and non-belongers receive different employment rights

Some people who are resident in the BVI hold belonger status. The term belonger means a “person deemed to belong or a person who belongs to the Virgin Islands”. We also heard throughout our review of the different employment considerations that apply to belongers compared to those who don't hold this status.

Belongers appear to be afforded preferred status in some circumstances. While this may be proper and in accordance with BVI law, the way it is applied appears inconsistent and not well understood. This has the potential to result in a perception of unfairness and a lack of trust in HR policies and processes. It may also create friction between colleagues. In one organisation, some senior staff on contracts were unclear about their employment rights, particularly at the end of their tenure if they weren't a belonger.

We would encourage the Government to make clear the distinctions between a belonger and others in terms of how they are treated as employees. Such clarification should address employment rights, preference or prioritisation for roles and career progression. We also suggest that where there is a belonger policy of preferential recruitment or progression, this is regularly reviewed to make sure that those best qualified and suited to roles are appointed. In applying any such policy, there needs to be clear communication so that the decision-making process and any legal requirements are understood.

Recruitment approval processes are inherently slow, unwieldy and unclear

During our review, we found HR processes that were described as slow and cumbersome, both in design and operation. There are multiple layers of approvals and consequent delays. We also found that many organisations were unclear about the number of staff they were permitted to employ. And there was an apparent disconnect between the budget allocated to accounting officers and their ability to make decisions within that allocation. This means it is difficult to assess whether they can fill vacancies or not. Many of those we spoke with believe that the delegation provided in annual planning, where staffing levels are agreed, is little more than notional. We agree.

During interviews, we heard differing accounts of why recruitment is such a problem. We were told by the Office of the Deputy Governor that recruitment of junior grade posts is delegated to departments and that this has widened further to include some more senior roles. But from other interviews, it was clear that most of the agencies we reviewed didn't believe they had the authority to recruit without permission from central HR and finance. If this confusion continues, recruitment processes will continue to be a significant barrier to agencies operating efficiently and effectively.

In many cases, it appeared that the route through which recruitment processes had to pass was overseen by a very small group of people. This has the potential to cause delays in the decision-making process and create further delays in the overall recruitment process.

There is little evidence of a coherent approach to recruitment

We were unable to find any formal service-level agreements between agencies and relevant government departments, such as the [Ministry of Finance](#), that deal with the process for recruitment decisions and approvals. Such agreements might clarify who can make decisions, under what circumstances and the speed with which this should happen. We repeatedly heard of recruitment processes that had failed or stalled because of delays, which resulted in candidates taking other employment or simply withdrawing from the process.

We heard a repeated belief from some interviewees that financial approval is required, despite delegated budget authorities being in place. In most of the agencies we reviewed, the senior officers felt they had little or no control over budgets or the right to recruit into vacant posts. The only exception we found was in the [Financial Investigation Agency](#), which operates under different processes given its funding arrangements and, therefore, enjoys significantly more autonomy.

Financial controls should be clarified at the time of agreeing an agency's budget, not when making individual decisions to recruit staff into vacant posts. The former approach allows for rational planning and decision-making. The latter leads to poor planning, unclear decision-making and frustration, as we found when examining the recruitment process. Consideration needs to be given to a much clearer and more meaningful system of budget delegation for accountable officers. This will allow them to recruit within existing approved staff numbers and roles.

Most agencies we reviewed have too many vacancies or gaps in staff numbers to operate efficiently and effectively

At the time of our review, we heard that almost every agency was carrying a high number of vacancies. In addition, a sizeable number of staff members had been removed from duty, often suspended for reasons of discipline or 'interdiction' (used variously to describe suspension or investigation). Posts can often remain unfilled for many months, sometimes creating critical gaps.

There appears to be no process to 'backfill' these roles. Suspensions can take a considerable time to resolve, especially where alleged offences are being taken through the court process. It is, of course, essential to deal with those who shouldn't be working in law enforcement or the criminal justice system. But long suspensions, with no prospect of backfilling the posts left vacant, risk creating a disincentive to tackle poor behaviour. Consideration should be given to creating a central pool to which staff under suspension are moved and from where they are paid, allowing for substantive roles to be backfilled.

We also heard that, while salaries for suspended staff are subject to reductions, this is a manual process and not always consistently applied. This creates a sense of unfairness and inconsistency and should be addressed.

Many public sector workers need a second job to supplement their income

We found that some people hadn't received the increase in their salary after being promoted and that annual pay rises were in arrears in some cases by more than two years. This is a common theme across several public sector bodies and should be addressed by central HR and finance. In some cases, this has led to public sector workers needing to take additional paid work.

We heard a great deal about pay rates and the hope that the recent review would bring about much-needed change. It was also evident that rates of pay have led to substantial numbers of those in law enforcement taking second jobs. In many of the organisations we reviewed, we found little evidence that such employment was routinely recorded. Nor did we find that there was an adequate system of checks regarding conflicts of interest that may arise. Uncontrolled and unchecked secondary employment should be a concern to those responsible for the legitimacy of and public confidence in law enforcement.

Rotating staff into different roles may lead to unintended consequences

During our review, we were told about a policy of 'rotation'. We heard positive comments about the intention of this policy. It allows individuals the opportunity to move, on a temporary basis, into other roles or organisations for their development. But we also heard that the scheme has the potential to be used as an alternative to effective performance management of some individuals. Care should be taken to make sure that the scheme is used as originally devised and intended. There should be stricter adherence to time limits, which in some cases haven't been applied rigorously enough. For some departments this has had negative effects, such as losing staff for too long and being unable to plan for succession.

Some performance management and appraisal of individual performance is taking place

We found evidence of performance management processes and conversations being carried out in agencies between staff and supervisors. But we repeatedly heard that performance appraisals and pay increments were linked. So most staff were awarded a performance level that allows access to pay progression. In some cases, this was regardless of poor performance. We heard from several organisations that supervisors feel uncomfortable or poorly equipped to have difficult performance conversations with staff. The link between performance reporting and pay incremental progression means that it is more difficult to manage poor performance.

A new learning institute has been created, but it is too soon to assess its benefit

We were told about the new learning institute. Its aim is to improve the skills of staff across public sector organisations. This should include the development of leadership, management and generic skills.

Care should be taken to make sure the benefits anticipated of cross-agency learning and development are realised. At the same time, funding needs to be adequate to make sure specialist training remains in place.

The learning institute, together with individual organisations, should carry out a full training needs analysis to make sure that all agencies' needs are accounted for. There is also scope for greater joint training on skills needed across agencies (for example, officer safety and search training) through a 'lead agency' approach where one organisation provides training for those in other organisations.

The management of finance and budgets

In this chapter, we describe some of the issues with the way funding and fiscal management are dealt with in the British Virgin Islands (BVI). We will say more, including making recommendations, in volume two of this report.

Public sector finance

The Government of the BVI provides most of the funding for public services. Each ministry receives a budget settlement for a single fiscal year, which is then allocated to the departments and bodies it is responsible for. The allocation of funding is in part dependent on priorities, previous budget agreements and the business cases submitted by each department or body. Each ministry is responsible for its own financial arrangements. But overall responsibility for fiscal matters remains with the [Ministry of Finance](#).

Law enforcement, criminal justice bodies and the prison service report to and are overseen by different ministries. For example, the [Ministry of Health and Social Development](#) has responsibility for [HM Virgin Islands Prison Service](#) while the [Ministry of Tourism, Culture and Sustainable Development](#) has responsibility for the [Department of Immigration](#).

While the financial arrangements operate broadly under the same systems and processes, there are differences. We will discuss in volume two of this report the potential for bringing together some law enforcement and criminal justice bodies under one governance system. We will examine how this may help to make them more efficient and effective, including stronger and more streamlined fiscal management processes.

The budget process in the BVI

Each organisation or body must submit its financial proposals for the coming year to the standing finance committee, which is responsible for approving public sector budgets. It then takes several months before the committee reports its decisions on budgets to the respective accountable officers (the people responsible for the budgets in the organisations or departments).

Budgets are set for only one year at a time. We saw no evidence of informal or formal planning beyond one year by the organisations or departments we reviewed. The number of posts can be agreed during this process without the corresponding funding being made available. The inclusion of post numbers in the budget, therefore, doesn't give authority to the accountable officer to recruit to those posts. Permission must still be sought from central HR and finance before a vacancy can be advertised. This shouldn't be necessary if budgets are set properly and budget holders have true authority over their allocated budgets. There appears to be a desire to retain central control despite the appearance of delegated budgetary authority.

HR processes are slow and require multiple layers of approval. Some aspects of the procurement rules, which were appropriately tightened following the [Commission of Inquiry](#), are working against the efficient running of services. These issues adversely affect the way in which public services can be delivered.

The public sector pay review has yet to be published but could significantly increase public sector spending

In most of the BVI's public sector organisations, the largest costs relate to employees' salaries. There has been a growing view in the BVI that most public sector salaries are too low. This led the Government to commission a review of all salaries across the public sector. In November 2023, Price Waterhouse Cooper completed the review of public sector pay and remuneration structures.

During our review, we were unable to obtain a copy of the report or its outcomes, which the Government hasn't made public. But some of those we spoke to told us that the recommendations from the review have been accepted. We were also told by several senior people working in finance departments that the pay review may result in a substantial increase in public sector salaries across the Government from early 2024.

These increases will affect law enforcement, criminal justice bodies and the prison service. Some we spoke to estimate that the increased cost to the Government is up to \$10m in total. However, we were unable to find evidence of any government assessment of the potential costs.

We have been unable to establish how this increased cost will be met during the fiscal year January – December 2024 or how these costs will be met in future years. Concerningly, we were told that some capital expenditure schemes have been deferred to help meet the potential increase in salary costs. But we haven't seen any assessment of the future affordability of the pay review.

There are too many layers of approval in the financial system

We found many committed managers who were trying to do a good job in difficult circumstances. The financial systems they operate under are complex and highly bureaucratic. There are also too many layers of approval for the type and scale of expenditure involved. This bureaucracy and multiple layers of approval lead to lengthy delays in securing approval for expenditure. This, in turn, leads to further delays in receiving goods or services. Decisions about filling vacant posts are a particular problem. Delays in securing approval frequently result in recruitment processes taking far too long. This affects the operational capability of law enforcement and criminal justice bodies to perform efficiently and effectively.

The streamlining of decision-making processes and the associated bureaucracy would speed up recruitment and improve the effectiveness of the procurement of goods and services.

Organisations aren't given enough autonomy to manage their approved budgets

Each law enforcement agency, criminal justice body and the prison service has their own budget. The purpose of a budget is to give the budget holder authority over agreed levels and types of expenditure. This generally includes the numbers and grades of posts they can have in their organisation and the freedom to recruit into vacancies for those posts. An approved budget should give accountable officers some certainty over what they have available to spend on providing public services.

But we found that having a budget didn't necessarily mean that it could be spent. Multiple layers of bureaucracy exist, which in some cases prevent the accountable officer from making decisions to recruit staff or buy goods and services. While some checks and balances are necessary for proper control, the current situation causes unnecessary delays, which can negatively affect the provision of frontline services to the public.

We repeatedly heard of lengthy delays in filling vacancies. We were also given examples of vacant posts that have been deleted without consultation. We were told about budget holders who are carrying the costs for staff who are seconded elsewhere, which, therefore, prevents posts from being filled. All of this inhibits the efficient delivery of public services.

Procurement rules are hampering the efficient provision of public services

The understanding and implementation of procurement rules are hampering the efficient provision of public services.

Accountable officers should be able to buy the goods and services needed to provide the public services they are responsible for, without undue delays and layers of approval. Section 8 of the [Public Procurement Act 2021](#) permits single-source procurement in specific circumstances. These include:

“(a) where, for reasons of extreme urgency brought about by unforeseeable events not attributable to the procuring entity, the products or services could not be obtained in time by means of open or restricted tendering;

“(b) for additional deliveries of goods or services by the original supplier, to whom the contract was awarded under a competitive process, where

- (i) a change of supplier would compel the contracting entity to procure equipment or services not meeting requirements of inter-changeability with already existing equipment, or services procured under the initial procurement and such separation would cause significant inconvenience or substantial duplication of costs to the contracting entity; or
- (ii) where no advantage would be gained by further competition,

except that the total value of contracts awarded for the additional services shall not exceed fifty percent of the amount of the original contract;

“(c) the subject matter of the procurement

- (i) is for proprietary goods or services obtainable from only a single source; ...

“(e) where there is an emergency and the products or services cannot be obtained by the procuring entity, in time by means of open or restricted tendering; or

“(f) for assignments with an estimated value not exceeding \$15,000.”

This hasn't been effectively communicated across the organisations we reviewed, and people weren't aware of these derogations. We were given many examples of how procurement rules can frustrate the effective operating of the organisations.

In one case, a manager bought paint with their own money because procurement processes are too slow and “painful”. In other examples, we were told that three quotes had to be sought despite there being only one supplier for the item in the BVI.

The lack of understanding and implementation of existing procurement rules don't support the efficient delivery of public services in many cases. More should be done to improve understanding and support implementation.

The Royal Virgin Islands Police Force

Introduction

The [Royal Virgin Islands Police Force \(RVIPF\)](#), in its 2020–2022 strategic plan and previous internal organisational reviews, has already identified many of the problems we found during our review. But despite recognising the areas that need to improve, we found a culture that made change difficult. We heard examples of [officers](#) and [staff](#), including those at senior levels, who actively block change and refuse to follow instructions and orders.

We are concerned that the force may be unwilling or unable to implement our recommendations. We are also concerned that the force doesn't have the skills and experience to bring about such change.

We strongly suggest that the Governor and the Police Commissioner look to recruit a team of people with the skills and experience to manage a major change programme. Otherwise, it is unlikely that many of our recommendations will be effectively implemented.

Internal governance

The lack of accurate data makes the force less effective

The force doesn't collect and collate the data it requires to operate effectively. For example, it doesn't record all incidents reported to it by the public. It doesn't know how many calls for service it receives, and it doesn't accurately record the number of offences reported. Therefore, the force doesn't have an accurate understanding of its demand. This prevents it from effectively allocating resources.

Too often we found that only limited details of incidents and crimes were being recorded. And much of the information and data is held by individuals or departments in isolation. This prevents the force from being able to properly analyse data about performance and resourcing. The force isn't making effective use of the overseas territories regional crime intelligence system (OTRCIS) database. As a result, no reliable information or data is available to support effective governance or to develop performance frameworks.

Recommendation 2

By 31 October 2024, the Police Commissioner should make sure the force's systems and processes are being properly applied to accurately collect information and data. This information should be securely stored so that it is accessible across the force. This may be achieved by better use of the overseas territories regional crime intelligence system database or some other system.

The force doesn't have effective internal governance or performance management

Effective police services have robust governance and performance management structures. This allows them to set priorities and challenge performance at a department and individual level while holding those responsible to account. The RVIPF lacks this. While the force has a recognisable business management meeting structure in place made up of strategic, tactical and daily operational meetings, none were fit for purpose when we observed them.

We attended the force's strategic governance meeting. At this meeting, we expected to see:

- a detailed presentation of information and data relevant to force performance;
- identification of trends and increase in threats;
- risks and proposed responses or recommendations; and
- the allocation of tasks to be undertaken by members of the group.

However, these elements were absent, and we found the meeting to be ineffective. It simply reviewed basic, incomplete and sometimes inaccurate crime data. We left with no evidence, or even a sense, that anything would happen or change because of the meeting. We also attended the force's weekly and daily management meetings. These were equally ineffective.

The force doesn't have a sufficient understanding of its threat and risk

At the time of our review, the force didn't have an overall strategic threat and [risk assessment](#) (STRA) or specific ones, such as an [armed policing STRA \(APSTRA\)](#). We expect to find these in forces.

We found the allocation of resources was unscientific and based on legacy decisions. STRAs would provide evidence to support the appropriate allocation of resources to identified risk.

The force lacks the information it needs to produce an effective STRA, but it should produce an APSTRA, as a priority, using the data it has. Armed policing is high risk. An APSTRA sets out the force's operational requirements for armed policing and less lethal options. The UK's [National Police Chiefs' Council](#) armed policing portfolio could assist the force by providing guidance in the drafting of an APSTRA. The force should then use this to inform its decisions on:

- the size of its armed policing capability;
- its armed policing firearms policy and training;
- its future armed policing demands and threats; and
- its armed policing deployment profile.

Recommendation 3

By 31 July 2024, the Police Commissioner should produce an armed policing strategic threat and [risk assessment](#) for the force.

The force is insufficiently focused on victim care

None of the meetings we attended focused on [victims](#), any vulnerability they displayed or the threat, harm and risk that might affect them. The force has a victims charter but fails to comply with it. None of the investigations we reviewed had a victim contract or any record of subsequent contact with the victim after the initial reporting. Officers and staff are confused about their duty to maintain contact with victims. Many don't see it as their role. Some officers told us that they regularly contact victims, but they were unaware they had to record details of such contact.

We found no evidence of supervisor involvement in making sure the victims charter was complied with. Nor did we find that they engaged in checking the recording of victim contact or care. The force needs to make sure that supervisors monitor compliance with the victims charter.

Recommendation 4

By 1 May 2024, the Police Commissioner should make sure that all [officers](#) and [staff](#) are aware of and comply with the [victims](#) charter.

Structures

We found that the force's senior officers were routinely engaged in minor administrative tasks and processes that added little value to how effectively they operated. In some cases, there appeared to be a culture of involving high-ranking officers in matters and decisions for which their involvement was unnecessary.

This issue has been raised in other reviews, but there is little evidence of change. Some senior officers appreciate that this isn't an efficient use of their time or skills. But policies and practices, in some cases, prevent them from changing the culture. These include:

- in some circumstances, superintendents involved in checking traffic offence fixed penalty tickets;
- senior officers being made aware of and granting approval for the obtaining of vehicle owner details; and
- superintendents involved in the procurement of minor goods and services.

There is a lack of effective delegation throughout the force at most if not all ranks. This is disempowering some from being able to make decisions and solve problems. It is also creating delays, extra work and unnecessary bureaucracy.

A review of policies and practices to remove unnecessary involvement by senior officers and other supervisors would help. And officers and staff across the force could be asked to highlight such policies and practices. But ultimately there needs to be a change in mindset and culture.

Recommendation 5

By 31 August 2024, the Police Commissioner should make sure a review of policies and practices takes place to remove unnecessary requirements for supervisory oversight.

The way the force handles and records calls for service leaves some people at risk of harm

The emergency operations centre at Peebles Hospital answers 911 emergency calls for police, ambulance or fire services. This is a purpose-built facility that could manage all emergency and non-emergency calls for the three emergency services. But calls relating to police matters are simply transferred to the [force control room](#) in Road Town Police Station. Therefore, the force is using the emergency operations centre as a switchboard, and it should consider how it can make better use of this facility.

The force control room is outdated and inadequate, with few of the facilities of a modern functioning control room. The control room operators who work there don't risk assess incidents effectively. We found that they lacked the skills and knowledge to make effective assessments. Many police forces have some system in place for risk assessing incidents. Such assessments usually include victims' vulnerability, level of harm caused and investigative opportunities. Many emergency services use the [threat, harm, risk, investigation, vulnerability and engagement](#) model of risk assessment at the point of receiving a call.

Recommendation 6

By 30 September 2024, the Police Commissioner should make sure that all [control room staff](#) receive training on how to risk assess initial calls for service.

Command and control of incidents need to improve

The force lacks an appropriately qualified manager in the control room to oversee the assessment of and deployment to incidents. In many forces, this is the role of the force incident manager, who is qualified to take initial command of armed operations and [critical incidents](#). The force would benefit from having someone designated to take control of serious incidents now as an interim measure. But in volume two of this report, we will discuss many of the changes that are needed to allow the force to achieve effective command and control of incidents.

The force doesn't record crime accurately

The force tries to comply with [Home Office Crime Recording Rules](#). But it isn't recording all crimes reported to it. The force has a [force crime registrar](#). However, they haven't been trained in the role and had no prior experience on appointment. They have no deputy. Having a deputy would provide effective resilience and challenge. The force needs to improve how it records crime if it is to have any prospect of complying with Home Office Crime Recording Rules. The absence of effective crime recording means that victims' needs may not be met and resources aren't properly deployed.

Recommendation 7

By 31 August 2024, the Police Commissioner should make sure that the force has a [force crime registrar](#) and deputy who are trained and competent to:

- oversee and audit crime-recording standards;
- supervise the screening and allocation of crime; and
- approve the appropriate 'outcome' type for each investigation.

The force doesn't understand the effect crime investigation has on overall police demand

The force has a clear structure for the investigation of crime. The portfolio is split into volume crime investigations and major crime investigations. Detective chief inspectors separately command these. On the face of it, the structure looks sound. But the force struggles to understand the demand generated by investigations. This is because of:

- a general lack of effective command and control;
- poor crime-recording practices;
- no clear performance framework; and
- ineffective supervisory and governance processes.

As a result, it is difficult for the force to assess how many investigators it needs.

The force isn't identifying all domestic abuse in reported incidents

One of the largest aspects of the force's work is responding to incidents of [domestic abuse](#). But we found that officers often failed to identify that crimes or incidents were related to domestic abuse.

Despite the level of incidents and associated crimes, the force has no multi-agency approach to tackling domestic abuse. This means there is no formalised process for highlighting [high-risk domestic abuse](#) cases with other agencies to find better ways to [safeguard](#) victims. An example of effective multi-agency working, which is used in the UK and some British Overseas Territories, is the [multi-agency risk assessment conference](#).

The force needs to work better with other agencies such as domestic abuse support services and education, health and housing providers. This will help reduce domestic abuse and the effects of this crime on the most [vulnerable](#). The force should strive to develop agreements or memorandums of understanding with other agencies about how they can work better together.

Recommendation 8

By 31 August 2024, the Police Commissioner, together with senior colleagues from other agencies, should develop a multi-agency process to review and share information relating to [high-risk domestic abuse](#) incidents.

There is a lack of partnership working

At the time of our review, the force was involved in little or no partnership working. It tends to work in isolation of most other agencies, including other law enforcement and criminal justice bodies.

During our review, we were repeatedly told of mistrust and a lack of confidence between different agencies and criminal justice bodies. Too often, we were told by senior leaders that they don't share information because of fears of corruption or a lack of any meaningful professional relationship. This has severely limited their ability to tackle crime and offenders and keep people safe.

Operational management of police custody provision isn't independent

The force has a clear management structure for custody at a strategic level. The Police Commissioner has overall responsibility and is supported by a uniformed superintendent. But other than custody being an agenda item discussed at the daily chief inspectors' meeting, there are no operational or strategic meetings to provide governance for the safe and respectful provision of custody services.

Because of the relatively small number of prisoners held in police custody, no officers or staff are appointed specifically to custody duties. Instead, an inspector carries out the role of [custody officer](#) and gaoler, alongside their frontline duties. Since they are also involved in directing operational investigations, this presents a conflict of interest, as it compromises the independence of the custody officer.

The custody officer has a duty to ensure the care and welfare of detained persons. Inspectors are often distracted from this due to operational duties. This means detainees don't have regular checks to ensure their safety. This is a poor and unsafe practice.

Recommendation 9

By 30 June 2024, the Police Commissioner should make sure that those responsible for the custody of a detainee are independent of any related investigation.

There is no custody policy or guidance for officers and staff to follow. And inspectors we spoke to told us that they couldn't recall any specific training to perform the custody role.

Recommendation 10

By 30 June 2024, the Police Commissioner should:

- make sure clear policies and guidance for custody are developed and published; and
- make plans to professionally train [officers](#) and [staff](#) involved in custody duties.

Resources and funding

Force procurement processes need to improve

As we have mentioned already, senior officers are sometimes involved, unnecessarily, in the procurement of basic items for police stations. The processes for procurement are bureaucratic and slow and seem unclear to many of those involved. The levels of approval required to authorise the purchase of goods and services are often too high. There doesn't appear to be any list of recommended or approved suppliers or proportionality in the level of authorisation required to approve purchases. Annual or bi-annual contracts for the supply of repeat orders don't seem to be in place. Department heads don't have control over their departmental budgets.

The issues with procurement and tendering and the lack of any preferred or approved suppliers are referred to elsewhere in this report. But these need to improve if law enforcement and criminal justice bodies are to become more efficient and effective.

Similar issues were seen in the funding and procurement of long-term capital projects, and the RVIPF estate needs significant investment (about which we comment later in this report).

The force's resource management processes are insufficient

There is no strategic oversight of resource planning and availability or understanding of demand. Resources aren't aligned with risk. Departments manage their own teams. While officers know their own shift patterns, they are often only informed of their working hours less than a week in advance.

Officers in the serious investigation and major incident teams need training to professionalise the investigative process

Any [serious and organised crime \(SOC\) intelligence](#) that can be reacted to is passed to the serious investigation team. This team has developed some good reactive SOC investigations, which have resulted in the seizures of large quantities of drugs and firearms. But we found no proactive work to develop SOC investigations. The team's work is purely reactive.

The major incident team investigates all murders and any other serious crime as directed by the Police Commissioner. In the year ending December 2023, the BVI had eight gun-enabled murders. In the UK, these would all be assessed as category A murders, meaning they are the most difficult to solve.

Investigators in both teams have benefited from mentoring by current or retired UK officers with backgrounds in the investigation of these serious types of criminality. But we found that none of these investigators had received any formal training. The detective chief inspectors and detective inspectors aren't trained as senior investigating officers in either reactive or covert investigations. The force provides limited [continuing professional development](#) opportunities.

Recommendation 11

By 31 October 2024, the Police Commissioner should make sure there is an appropriate training plan to professionalise the investigation process for [personnel](#) in the serious investigation and major incident teams.

There are insufficient personnel in the serious investigation and major incident teams to deal effectively with the demand they face

The serious investigation and major incident teams are grossly understaffed. They are dealing with the most serious crimes and investigating individuals who have caused serious harm or death. The level of risk they are managing is significant.

Given the number of investigations involving high levels of intelligence and risk, we suggest that the number of officers in these teams is increased significantly. Any increases should take account of the need for different ranks and expertise as well as a capability to run covert, proactive operations.

In addition to investigators, both teams would benefit from some administrative and analytical support. We also found that surveillance teams and others involved in covert activity lacked almost all the equipment necessary to effectively carry out covert operations.

Recommendation 12

By 31 August 2024, the Police Commissioner should develop a plan to increase the number of [police personnel](#) in both the serious investigation and major incident teams to make sure the force is able to meet current and future demand.

The force needs to improve its approach to crime prevention

We found that the force lacked a clear strategy for crime prevention. We also found limited and dated examples of only simple prevention messages shared with communities. Ideas about how to develop such a strategy can be found in the Home Office's [modern crime prevention strategy](#).

Meaningful crime prevention requires analysis of incidents, police intelligence and information from the community. We saw no evidence of environmental scanning, no assessments of vulnerable locations or any intelligence collection plan. We found no evidence of a long-term effort to divert people from SOC, such as young people in gangs. Community officers aren't aware of problem-solving policing or its principles.

Recommendation 13

By 31 October 2024, the Police Commissioner should produce a crime prevention strategy for the force.

The force doesn't refresh or re-accredit training in the use of force

Many officers told us that they haven't had any training in the use of force or personal safety techniques since their initial training. In most cases, this was years previously.

There is no refresher training or accreditation process for officers in the use of force, including in the use of conducted energy devices (CED) such as Taser. Authorised firearms officers receive no refresher training in the tactics they may be expected to deploy. At best, they complete an annual requalification shoot.

Recommendation 14

By 31 October 2024, the Police Commissioner should make sure that use of force refresher courses are provided to all frontline [officers](#), including accreditation where necessary for officers carrying firearms and conducted energy devices. Armed and operational officers' training should be prioritised.

The force doesn't refresh or re-accredit training in first aid

Some officers told us that they have paid for their own first-aid training, through the Red Cross, as they have received no suitable training from the force. Specifically, we found that armed police officers were inadequately trained in first aid. Armed officers don't have sufficient first-aid equipment or training to provide immediate medical care in an emergency or a shooting.

We were told that where first-aid training is provided, it is minimal and doesn't include areas expected to be covered, such as ballistic injuries. We were shown the first-aid box available to [armed response vehicle](#) officers. It was inadequate to deal with the injuries they could encounter in their roles. Officers don't have access to an automated external defibrillator. The training provision for RVIPF officers and staff is of concern and will be discussed further in volume two.

Recommendation 15

By 31 October 2024, the Police Commissioner should audit the first-aid accreditation and refresher training for all [officers](#) and make plans to deal with the shortcomings identified. Armed and operational officers should be prioritised.

Conduct and standards

The force operates in a small island territory. A range of factors means there is the potential for corruption. During our review, we found evidence of serious corruption among a small number of police officers. Some were currently suspended for serious offences involving organised crime. Despite this, many staff and officers we interviewed suggested that there is little or no corruption in the force. However, the range of examples they provided showed corruption of a serious nature.

Tackling corruption and poor behaviour among police officers requires dedicated resources to promote the highest standards, gather information about [misconduct](#) and investigate those suspected of involvement. In many forces, this work is undertaken by a [professional standards department \(PSD\)](#) and counter-corruption unit. The force has a small PSD, but it has limited capability to manage intelligence and tackle corruption. It has no counter-corruption unit. We will discuss in volume two some of the options for the force and wider law enforcement to develop a capability to respond to the threat of corruption.

The force needs to do more to promote the Code of Ethics across its workforce

Force leaders need to promote ethical principles and behaviours and act as role models in line with the [Code of Ethics](#). Officers and staff should feel confident about applying these principles to their decision-making. The force has adopted the Code of Ethics and some of the officers we spoke to knew about this code, although few had any detailed knowledge.

Sadly, we found evidence of unethical behaviour that falls far short of the standards outlined in the Code of Ethics. During fieldwork, we heard and challenged misogynistic comments. In interviews, officers described a culture in the organisation that relies on nationality and resident status in the selection of applicants for posts. And it was perceived that the hierarchy in the organisation does little to challenge this culture.

The force has a multi-national workforce, which brings with it advantages, including a larger recruitment pool, and offers diversity of thought. But we found there was a tendency for cliques, based on nationality, to form. We were told of WhatsApp groups that are based on the islands where officers originate from. When this happens, without challenge, it can create divisions in the workforce.

The force should consider establishing a network of ethics champions to represent officers and staff across all departments, who would meet to share learning. This has worked well in other forces, such as the Royal Gibraltar Police. It should also consider making the Code of Ethics an agenda item in senior management meetings and form a committee focused exclusively on ethics and equality.

The Police Commissioner and his senior leadership team could do more to promote the Code of Ethics, challenge poor behaviours and demonstrate what they expect of officers and staff.

Recommendation 16

By 31 May 2024, the Police Commissioner and the force's senior leadership team should develop a plan that promotes the [Code of Ethics](#) and demonstrates their commitment to achieving the highest standards of professional behaviour.

The force doesn't provide sufficient guidance to officers or staff about expected standards of behaviour

All new officers attend an initial training course and receive a briefing on the conduct and standards expected of officers. This extends beyond the Code of Ethics and sets out the standards of professional behaviour. But this training isn't routinely provided to existing [personnel](#) or transferees, and there is limited reinforcement of these standards beyond initial training.

During our review, we found a general lack of understanding about what constitutes corruption. We found little evidence of senior leaders helping to educate officers and staff about the types of behaviours that amount to corruption. We don't believe all senior officers are clear about this either.

Officers in the force originate from a range of different countries and islands, some with quite different cultures and perspectives. This can lead to a high variation in standards and behaviours. Therefore, the force should be clear with all officers and staff about what it expects and exactly what constitutes unacceptable behaviour. A good start would be to make sure the whole force understands what corruption is in all its forms.

Recommendation 17

By 31 July 2024, the Police Commissioner should make sure that all [personnel](#) are briefed or trained on the expected standards of behaviour. This should include education on what constitutes corruption.

The force lacks a confidential reporting process

There is no method within the force for officers and staff to anonymously report any misconduct issues or concerns about poor behaviour. Personnel told us that if they wished to report wrongdoing, they would do so through the chain of command. However, among some, there was little confidence to do this.

Some officers spoke of being asked by senior officers and ‘others’ to not issue or to cancel traffic enforcement tickets to individuals as a favour. Some officers told us that they think this is acceptable. It isn’t.

Anonymous or confidential reporting processes are common in other police forces. They give officers and staff a way to report suspected corruption, poor behaviour or bullying without fear of reprisal. Such processes can give a professional standards department a useful source of intelligence.

The force should develop a method for officers and staff to confidentially report concerns about integrity. This should then be effectively promoted to all members of the workforce.

Recommendation 18

By 31 August 2024, the Police Commissioner should direct work to develop a system for confidential reporting by [personnel](#).

The force needs to improve how it manages business interests

The cost of living in the BVI is high, and police officers’ salaries are relatively low. This has led to most officers having second jobs.

The force has a business interests and secondary employment policy. This outlines that:

- officers must apply to the Police Commissioner for approval;
- the application should include details of the role and the anticipated effect on the officer’s duties;
- approval, if granted, is initially for 12 months; and
- there is periodic review of all approved applications.

There is no central register of applications or a system to flag the need for renewals. The PSD doesn’t always see applications before they are considered by the Police Commissioner. And there is no formalised process for review. We weren’t convinced that officers inform the force about all secondary employment.

The force needs to have a robust process to make sure that it is aware of all secondary employment by officers and staff. And it should make sure that arrangements to mitigate risks posed by a conflict of interest are made on a case-by-case basis. All applications should be submitted to the force’s PSD before going to the Police Commissioner for approval.

Annual review of secondary employment and conflicts of interest should be discussed between supervisors and their staff as part of an effective annual

appraisal process. There should be an expectation that the PSD will be informed of any material changes.

Recommendation 19

By 31 May 2024, the Police Commissioner should make sure the [professional standards department](#) updates the business interests and secondary employment policy. This should then be communicated to all [officers](#) and [staff](#).

The force doesn't have a notifiable association policy

During our review, we identified the potential for officers and staff to have inappropriate association with others on the islands. For example, the force doesn't have any policies or processes for personnel to report association with people who are criminal or linked to criminality.

We were repeatedly told that everyone in the BVI knows each other, and given its size, this is understandable. We also know that organised crime and corruption are a threat for the BVI. This means there is a risk that some officers and staff in the force have links, relationships or associations with those who may hold values incompatible with policing.

It is common practice for police forces, including in some overseas territories, to have policies that require personnel to declare associations, in certain circumstances. These include for example, if they have friends or family who have been convicted of a criminal offence.

Those policies include the requirement for the force to maintain a register of all personnel who have declared such relationships. This process is generally managed by the PSD, which should review cases and manage identified risks.

Recommendation 20

By 31 May 2024, the Police Commissioner should make sure the [professional standards department](#) creates a notifiable associations policy, which must then be communicated to all [personnel](#), and maintain a register of notifiable associations.

The force's gifts and hospitality policy isn't fit for purpose

The force has a policy for monitoring gifts and hospitality. The policy requires officers and staff to inform the Police Commissioner about gifts and hospitality they receive. But the policy has several shortcomings:

- It allows officers and staff to accept alcohol as a gift.
- Officers and staff don't have to record any gifts considered to be worth less than \$5.

- It isn't clear what needs to be recorded and whether, for example, refused gifts or hospitality should be included.
- There is no register for recording gifts and hospitality.

We were also told of cases where private businesses had provided individuals and the force with goods such as food and drink for various events. This appeared in some cases to amount to sponsorship and went beyond gifts or hospitality.

The Police Commissioner can have little reassurance that the way gifts and hospitality are dealt with has integrity.

Recommendation 21

By 31 May 2024, the Police Commissioner should make sure the [professional standards department](#) updates the force's gifts and hospitality policy to make it clear what is and isn't acceptable. A register should be created and maintained centrally.

The force doesn't check that IT systems are only used for policing purposes

The force has a policy that explains how its IT systems should only be used for policing purposes and not for personal reasons such as to check information about family members. The OTRCIS database can be used to audit individuals' access. But the force doesn't use that function. There is no auditing of force systems to identify unauthorised access or use. The force can't be reassured about the security of the information it holds.

Police officers have access to sensitive information that could be of significant value to criminals. It is therefore vital that police information is properly protected to prevent unlawful access.

Recommendation 22

By 31 May 2024, the Police Commissioner should introduce audits of the overseas territories regional crime intelligence system database to monitor any unethical use of the system.

The force lacks an anti-corruption capability

The force has no dedicated capability to effectively identify and tackle corruption. The issues with corruption among some in the BVI and in some public bodies are referred to elsewhere in this report. Having the ability to identify and tackle corruption is an important way of maintaining public confidence in policing. It also makes sure those who hold the public to account are accountable themselves.

In volume two of this report, we will discuss options for a capability to tackle corruption across law enforcement and criminal justice bodies.

Custody standards need to improve

There is no performance framework for custody, and there are no meetings at operational or strategic level to monitor how well custody functions as a service.

Custody records are handwritten, and none are given a record number. This makes it difficult for the force to know how many detainees are being held in its suites. It also creates difficulties in finding records once the detainee has left custody. The force must charge a detainee within 24 hours of arrest, but there is no monitoring of detention times to make sure this legal requirement is being met.

The quality of handwritten records is poor, with gaps in recording and essential information often missing. We were told that detainees must be visited hourly. However, many of the 35 records we reviewed had long time gaps where no cell checks had been recorded at all. Gaps of four to six hours were commonplace, and the longest period found in the cases we reviewed was nine hours. This suggests the possibility that no checks were made to make sure the detainee was safe and well during that time.

Custody officers ask detainees questions about their health and any medical needs. However, none of this information was recorded on the custody records we reviewed. Therefore, information that may have a bearing on risks to a detained person may not have been included in a handover between shifts.

There isn't monitoring of the use of force or restraint in custody to make sure it is necessary, proportionate or justified. Custody officers don't record incidents when force or restraint are used in custody on the custody record.

The use of force policy doesn't include any guidance in relation to the use of handcuffs, limb restraints or any other restraint equipment used in custody. However, we were told that such equipment is used.

We saw custody officers treating detainees with respect, but the facility in suites makes this difficult. We also saw vulnerable detainees being treated with care and consideration. But due to the layout of the cells at Road Town Police Station, female detainees and children can't be held separately to male detainees. Detainee dignity isn't maintained. Many cells don't have toilets. These are situated in open corridors, which is poor.

Recommendation 23

By 31 October 2024, the Police Commissioner should make sure the information recorded on custody records is accurate, complete and legible. The quality of custody records should be monitored regularly to ensure compliance with these standards and legislative requirements.

Terms and conditions

At the time of our review, the force wasn't paying some personnel the allowances to which they were entitled. This needs addressing.

Recommendation 24

With immediate effect, the Police Commissioner should make sure all [personnel](#) receive the pay and allowances they are entitled to.

Powers

There is no legislation requiring a sex offenders register

There is no register of sex offenders in the BVI or any process to manage sex offenders. This means convicted sex offenders receive no monitoring or management when they are released from prison. The creation of a sex offenders register would require a change in legislation.

The force doesn't have any formal processes for offender management. In some other jurisdictions, it is common for the police, probation service and prison service to work together in managing the risks posed by certain sexual and violent offenders. In some cases, there is legislation to make sure that this happens, such as [multi-agency public protection arrangements](#).

Recommendation 25

With immediate effect, the Police Commissioner, together with the Head of Probation and Superintendent of HM Virgin Islands Prison Service, should develop a formal process for sharing information about those suspected or convicted of violent or sexual offences to [safeguard](#) the public.

We will give a more detailed review of policing powers and legislation in volume two. In the interim, we are aware that there is a draft police act that the Governor's Office is keen to go to the House of Assembly as soon as possible.

Facilities

Many force facilities are poor and in need of significant refurbishment. Police buildings are poorly maintained. For example, Road Town Police Station suffers extensively from water ingress and black mould. Some officers complained of respiratory illnesses.

The force's firing range poses a safety risk to the public and the health and welfare of its officers

The force's firing range, located on a small, uninhabited island, offers no shelter or welfare facilities for officers training there. When we visited the range, a member of the public was using the area for crab fishing. The officers told us that they raise a red flag when the range is live. However, it can't be seen from all approaches, for example by visiting boats. Red flags across the BVI are also used to indicate swimming conditions. This risks confusion among those unaware of this island's use as a firing range.

Recommendation 26

By 30 June 2024, the Police Commissioner should make sure that a security review of the force's firing range is completed and that any recommendations to improve welfare or safety are implemented.

Poor maintenance of CEDs poses a risk to life

During our review, we checked 14 CEDs. In every case, we found the cartridges in these devices were outside the manufacturer's expiry date. An out-of-date cartridge may fail to work when activated. If this less lethal option were to fail, it could pose a risk to the safety of an officer or the public. Or the officer may be left with no option but to resort to lethal force.

We don't believe it is appropriate that officers are using this type of equipment with cartridges that are outside the manufacturer's expiry date.

Recommendation 27

By 31 May 2024, the Police Commissioner should make sure a full audit of all conducted energy device cartridges is completed and a cartridge replacement programme implemented.

Force custody facilities are inhumane and don't meet the basic standards required to keep detainees safe and well

Custody facilities are available at all police stations in Tortola, and there are facilities to detain people at the police stations in Anegada, Jost Van Dyke and Virgin Gorda. But most detainees are held at Road Town Police Station, Tortola.

The conditions in which detainees are held at Road Town Police Station are squalid and unsafe. One of the cells has damp and black mould on the walls and ceiling, which can be smelt immediately when opening the door. This cell presents a clear health hazard and shouldn't be used.

There are numerous ligature points in the grilles covering doors, ceiling and wall vents. There is little natural light and no ventilation other than small grilles. The heat in these cells was stifling during our review. There are loose masonry and cracks in some wall and floor tiles with gaps in grouting, all of which could be used by a detainee to harm themselves. In April 2023, a 15-year-old detainee self-harmed using loose stonework and had to be taken to hospital.

We found two standard fabric mattresses that were very heavily soiled and not fit for purpose. The force should make sure these are removed from the cells and replaced with appropriate alternatives as soon as possible.

There is no cell intercom should detainees need to alert the custody officer to a problem. This poses a safety risk to detainees who must shout or bang on cell doors to get attention.

There is graffiti on most walls, much of which is offensive. There has been little effort to remove it. We found that basic cleanliness was poor and toilet and shower areas were filthy. There is a small outdoor area used for exercise, but during our review, there was standing water on the floor, which attracts mosquitoes.

Some of the improvements necessary to bring force custody facilities up to standard will take substantial investment and time. But there are some we have highlighted that can be addressed now.

Recommendation 28

By 31 May 2024, the Police Commissioner should make improvements to the custody facilities to make sure detainees are held in a safe environment.

The storage of exhibits and property poses risks to the force

There is insufficient storage for exhibits. We saw exhibits left on desks and cupboards. We found large exhibits, including bullet-riddled vehicles, left unsecured in a police station car park; they had clearly been there some time.

The management of exhibits is chaotic. Items entered in the exhibits store aren't always booked into the system. We saw exhibits without labels and labels without exhibits. Officers told us they often keep exhibits in their desks or lockers as they don't trust the exhibits storage system.

The poor management of exhibit storage, including the audit, retention, continuity, disposal and destruction of exhibits, is of substantial concern. It presents a risk to the continuity of evidence and can lead to the failure of prosecutions. These findings are disappointing given the issues that were highlighted in May 2023 in an internal independent report by Merseyside Police on the management of digital forensic exhibits. The force hasn't implemented all its recommendations.

Recommendation 29

By 31 May 2024, the Police Commissioner should make sure a plan is developed to implement the recommendations made in the May 2023 Merseyside Police report.

Intelligence

The use of intelligence is inadequate

There is no intelligence gathering strategy for any area of policing. In fact, at the time of our review, the intelligence system wasn't being used by any of the uniformed officers we spoke to. The force has no briefing tools to direct officer deployments or activity. And staff aren't being asked to collect intelligence.

The force's small intelligence unit undertakes non-intelligence functions that have developed over the years. Examples include processing visa waivers, recovering CCTV and downloading digital devices for evidence. Officers and staff would be better used to gather and develop intelligence, brief other members of the workforce and manage any threats identified from the intelligence that has been collected.

At the time of our review, one of the main threats facing the territory was SOC, often linked to drug trafficking. Some of this crime involves high levels of violence, including the discharge of firearms and fatal shootings.

But during our review, we found that the force had only a limited understanding of the [organised crime groups \(OCG\)](#) that are threatening BVI communities. There is no [mapping](#) of OCGs or an intelligence gathering plan. The force's response to the threat from SOC is almost entirely reactive and generally limited to enforcement activities such as arrests or seizure of drugs.

There is no intelligence-led briefing or tasking. Intelligence gathering by uniformed officers is rare and sporadic, and intelligence collection generally isn't seen as a measure of performance by the force. The force has developed a limited, covert intelligence function to respond to the rising drug and firearms problems facing the territory, but this isn't enough.

Recommendation 30

By 31 May 2024, the Police Commissioner should introduce, within the performance framework, performance indicators to measure the quality and quantity of [intelligence](#) submissions, including intelligence submitted in relation to force priorities.

The force does share some intelligence with other international law enforcement agencies, such as the US Virgin Islands. But this is done via personal relationships, with no real processes or governance structure to co-ordinate the activity at a strategic or tactical level.

Some sensitive intelligence or information provided by international law enforcement agencies related to SOC is dealt with by the serious investigation team. But its capacity and skill to develop and run operations is limited. And generally, its work is reactive, with little scope to become involved in proactive covert operations to target and disrupt OCGs.

Recommendation 31

By 31 October 2024, the Police Commissioner and senior representatives from other law enforcement agencies should agree the best way to share information and build capacity to respond effectively to [intelligence](#) about [serious and organised crime](#) and [organised crime groups](#).

The force doesn't have a SOC strategy

The force doesn't have a strategy to manage the threat posed by SOC. However, personnel told us that they know who is involved and recognise that a mapping process and a targeted approach to disrupting offending would be beneficial.

We also found that only a small minority of officers were responsible for targeting SOC. Uniformed and community officers are only routinely involved in or tasked with assisting during specific operations.

We encourage police forces to tackle SOC by developing ways to target OCGs using the [4P-approach](#) of preventing, preparing, pursuing and protecting. This approach requires forces to set out the activity they will undertake, in each of the four areas, to tackle the threats they have identified from SOC and OCGs. The RVIPF should follow this approach.

Recommendation 32

By 31 August 2024, the Police Commissioner should make sure that a [serious and organised crime](#) strategy is developed based upon the [4P-approach](#) to tackle serious and organised crime.

The force isn't good at gathering and assessing community information and intelligence

The information provided to personnel is inadequate. For example, the briefings we examined didn't include community issues, local gang activity and wanted suspects. A digital mapping system is available to assist in briefings but isn't used. There is no co-ordination of activity to make sure it is directed towards force priorities.

In most cases, information related to SOC and other serious threats isn't accessible by many in the organisation, so most are unable to even self-brief. In addition, the restrictions to accessing what limited information and data is available makes managing performance almost impossible.

This means that the vulnerable are sometimes left unprotected and the force does little to target organised crime. This must change, but the infrastructure to create an effective intelligence capability will take time to develop. It should start with the development of an intelligence gathering strategy and a refocus by the force on gathering, assessing and responding to information and intelligence.

Personnel with relevant experience and skills in the management of intelligence need to be appointed to key roles. This should allow the force to improve the professionalism of intelligence management over the next three to five years.

Recommendation 33

By 30 September 2024, the Police Commissioner should make sure that the work of the overt [intelligence](#) department focuses on developing intelligence products that will inform and direct frontline patrols. Their work should include:

- daily briefing and tasking of operational [personnel](#) based on force and local priorities;
- collection and development of community and [serious and organised crime](#) intelligence;
- directing [officers](#) and [staff](#) to gather information about known threats, offenders, [organised crime groups](#) and gangs; and
- tasking towards focusing policing activity on known wanted suspects.

The force doesn't have an intelligence collection plan for vulnerability and related harm

The force doesn't understand the nature and extent of vulnerability in the BVI. It tends to react to incidents and crimes. There is no strategy to assess or identify specific vulnerable groups or those engaged in targeting vulnerable people. It could improve its understanding by working more closely with other agencies and the community.

The threats from vulnerability, such as exploitation and human trafficking, should be identified and prioritised. Plans are needed to gather more intelligence and develop ways to reduce harm to individuals in the community. The force should also consider what hidden vulnerabilities may exist in BVI communities.

Recommendation 34

By 30 September 2024, the Police Commissioner, together with senior leaders from other agencies and the community, should develop a strategy to identify and respond to potential vulnerabilities in the community.

The force's family justice unit doesn't share relevant information with police colleagues

The force's family justice unit (FJU) manages its investigation and records decisions on a secure part of the OTRCIS database. Only FJU personnel have access to the information the force holds on these cases. This means that officers attending an incident, which may be related to an FJU case, current or past, won't be aware of information that could affect the decisions they make.

Recommendation 35

By 30 June 2024, the Police Commissioner should consider allowing limited access to information about family justice unit cases to the wider force. This would allow appropriate [safeguarding](#) and investigative options to be considered.

Science and technology

The PSD should replace its paper-based records system

The PSD doesn't have an IT system to record public complaints, investigations, misconduct matters and other information relevant to standards and ethics. Instead, handwritten records are maintained and then stored in archive rooms. This means that when members of the PSD need to search records or check information, it is difficult and sometimes impossible. The records aren't always legible, and there isn't an audit facility for those records. It is also more difficult to make sure the records are held securely.

The force's existing OTRCIS database, while not specifically designed for managing PSD information, could be adapted to this purpose.

Recommendation 36

By 31 July 2024, the Police Commissioner should make sure that the force's IT department assists the [professional standards department](#) to adapt the overseas territories regional crime intelligence system database to be used for storing professional standards information securely.

The force isn't optimising its use of the OTRCIS database

The force isn't using the functionality of the OTRCIS database effectively. The information and data held by the force isn't being recorded accurately on the system. And in some cases, it isn't even being added. There isn't any supervision or audit of the type and quality of information being recorded on the system, and there is limited training for officers and staff.

As a result, the information held on the OTRCIS database can't be considered reliable, and so many don't trust the data it holds. This includes the management data that is produced and used at strategic meetings. We found that departments were often running their own systems for recording information. This undermines the information management of the force, but we found little evidence of any senior managers being concerned about this problem.

Recommendation 37

By 31 May 2024, the Police Commissioner should make sure there is someone senior in the force with responsibility for promoting the effective use of the overseas territories regional crime intelligence system database. This role should consider:

- what training may be needed for [officers](#), [staff](#) and supervisors;
- raising awareness of the importance of using the database;
- audits and reporting on the type and quality of data being put on the database; and
- action to challenge misuse or underuse of the database by individuals, teams and departments in the force.

The force doesn't have consistent access to court orders

Not all victims of domestic abuse choose to report incidents to the police. The stigma often attached to domestic abuse in the BVI results in some victims seeking alternatives to reporting a crime. This sometimes means seeking an order to try and stop the abuse. The BVI's [Social Development Department](#) will assist a victim in preparing the paperwork that is submitted to the court.

The process following presentation at court is inadequate and bureaucratic and leaves victims vulnerable. The order can take a week to be granted and must be served by a court bailiff. Paper copies are provided to the local police station and FJU inspector. But no entry is made on any computer system, meaning this information isn't available to all officers or call handlers. This information is essential when making decisions on deployment and arrest. This is unacceptable and needs to change to better protect victims of abuse.

Recommendation 38

By 31 July 2024, the Police Commissioner and the Magistrate's Court should improve the recording and circulation of court orders. This should make sure that timely and relevant information is available to all [personnel](#) responding to incidents.

The force doesn't have timely access to body-worn video footage

[Body-worn video](#) is used by uniformed officers. But access to footage is limited, and it isn't used to support investigations effectively. For example, the FJU don't have access to any footage. This means that it doesn't have all the information it needs when making key decisions about safeguarding the most vulnerable in society.

Only one person in the force can access the footage. This creates the potential for a single point of failure. To gain access, personnel must submit a written request. We were told that this is a barrier to personnel requesting it.

Recommendation 39

By 31 May 2024, the Police Commissioner should introduce a process that provides investigators access to [body-worn video](#) footage for policing purposes.

HM Customs

Introduction

[HM Customs](#) is the British Virgin Islands' (BVI) customs authority. Its role includes maximising the collection of revenue, protecting the BVI's borders by preventing and interdicting prohibited and restricted goods from entering the BVI and facilitating legitimate trade.

During our review, staff at all levels told us that the activity of HM Customs is overwhelmingly focused on revenue collection. It lacks the facilities, resources, [intelligence](#), structures and direction to fulfil its role of protecting the BVI's borders or maximising revenue collection. Below, we outline a few of the problems we found that can be resolved relatively easily and without substantial investment. We also make recommendations to address them. However, most of the problems we identified can't be resolved quickly or without significant investment and fundamental structural change. In volume two of this report, we will recommend more fundamental changes to improve HM Customs effectiveness, efficiency and legitimacy.

Structures

The Commissioner of HM Customs leads the organisation, although at the time of our review, an acting commissioner was performing the role (as the Commissioner was on administrative leave). Other senior leaders include deputy commissioners and assistant commissioners.

HM Customs is one of three BVI agencies, along with the [Royal Virgin Islands Police Force \(RVIPF\)](#) and the [Department of Immigration](#), which has a major role in border security. As with the Department of Immigration, HM Customs is a government department, while the [Governor's Office](#) has responsibility for the RVIPF. This isn't the best model for maximising these agencies' effectiveness and efficiency in protecting the border.

The BVI has ten designated customs ports of entry where people and goods can lawfully enter the territory. These are located in Anegada, Jost Van Dyke, Tortola and Virgin Gorda. They consist of three airports and seven seaports, which include one cruise-liner port and one container port. The port at Gun Creek was closed at the time of our visit. There are also temporary designated anchor points for fuel.

HM Customs staff operate at nine of the designated ports of entry and deploy to helipads that operate as temporary customs-controlled areas. HM Customs lacks sufficient resources, facilities and equipment to operate effectively at this many ports of entry.

HM Customs lacks a robust internal governance and performance management structure

At the time of our review, HM Customs lacked most of the components of a robust internal governance and performance management structure. For example, it doesn't have an up-to-date written strategy that outlines the organisational objectives to staff and other stakeholders. At the time of our review, HM Customs hadn't updated its strategic plan since 2017. Senior leaders conceded that "it is not where it needs to be". HM Customs also lacks any annual priorities.

Recommendation 40

By 1 July 2024, the Commissioner of HM Customs should revise the organisation's strategic plan to provide clear direction to staff. They should then review and update the strategic plan on an annual basis. This should include organisational priorities for the next year that cover all aspects of HM Customs' role.

Senior leaders told us that they review organisational performance and determine weekly priorities at a Monday morning meeting. We were unable to substantiate this or review the effectiveness of the meeting, as our requests to attend the meeting and to review the minutes were all refused.

Senior leaders also told us that assistant commissioners disseminate the weekly priorities to staff. However, most HM Customs staff we interviewed were unaware of any weekly priorities and weren't updated about any decisions that may have been made in the weekly meetings.

At the time of our review, there was an element of performance monitoring in the operations directorate. Customs units at each port of entry submit monthly reports to an assistant commissioner. However, these reports focus on revenue collection and don't include any data relating to border security, such as detentions of prohibited and restricted goods. This is indicative of the overall focus of HM Customs.

Recommendation 41

By 31 May 2024, the Commissioner of HM Customs should revise the monthly reports to incorporate data about the full range of organisational activity, including the detention of prohibited and restricted goods.

We also found no evidence of robust performance management. Staff at many ports of entry told us that they never receive any feedback about the monthly reports they submit.

Micromanagement limits HM Customs' effectiveness and poses risks to the organisation

There is pervasive micromanagement in HM Customs. Staff across the ports of entry told us that senior leaders don't empower them to decide what action they should take in response to breaches of customs rules. And they aren't allowed to issue fines or penalties. Instead, they have to refer these cases to a senior leader, such as the Commissioner of HM Customs or one of their deputies or assistants. For example, HM Customs staff at ports, including some of senior rank, had to refer:

- all decisions about releasing detained goods to their owners;
- discrepancies in importers' import pre-notification documents; and
- cases where a small vessel arrives without the correct documentation.

[The Customs Management and Duties Act 2010 \(CMDA\)](#) empowers staff at ports of entry to carry out these roles without referral to their senior leaders. Longer-serving staff told us that senior officers (middle managers) used to have the authority to perform these roles, but this was removed.

We were told that in almost all cases, staff refer issues to one member of the senior leadership team, who then decides what action to take. This reduces efficiency, slows down decision-making and poses an integrity risk.

Recommendation 42

By 31 July 2024, the Commissioner of HM Customs should delegate responsibility for decision-making to senior officers (middle managers) and make sure that these officers have the requisite training to perform the role.

Resources and funding

Since 2017, many HM Customs staff have left the organisation, but few have been replaced. This is due, in part, to a government-imposed recruitment freeze. Consequently, HM Customs' workforce reduced by 22 percent during this period. This detrimentally affects the organisation's ability to fulfil its role. It has also resulted in many staff being temporarily promoted and working excessive hours without additional pay.

The recruitment process is too slow

HM Customs has sought to fill its staffing gaps, but the recruitment process is overly long and drawn out. It must bid for funding from central HR before a recruitment campaign can start. This is required for all vacancies, including for established posts, and creates unnecessary bureaucracy. It also causes a problem for other agencies as we have highlighted elsewhere in this report.

Recruitment delays are also caused by a policy that doesn't allow HM Customs to advertise posts until an exit interview with the outgoing post-holder has been completed. We found that in many instances, these interviews weren't conducted until the person had already left the organisation. Exit interviews are invaluable in helping organisations identify why people decide to leave. But the process should be timely.

HM Customs provides insufficient and untimely training for its staff

We found significant problems with the training given to HM Customs staff. Many staff have to wait years for their induction training. There is a lack of training or guidance for specific roles, and there is no structured [continuing professional development](#).

Most HM Customs staff lack the equipment they need to perform their roles effectively and safely

HM Customs doesn't have all the equipment it needs at any of the BVI's ten ports of entry. This ranges from large, expensive items, such as working scanners, right down to inexpensive items, such as scales to weigh drugs and appropriate uniform and outdoor clothing.

During our review, we found examples where insufficient or inappropriate equipment endangered the safety of HM Customs staff. This requires HM Customs to take urgent action.

Staff in the fuel and concession unit work on top of fuel bowsers, sometimes in inclement weather. They wear the standard customs officer uniform for this task and haven't been issued with non-slip shoes, a high visibility jacket, overalls or an appropriate mask capable of preventing them from inhaling the fumes.

Recommendation 43

By 31 July 2024, the Commissioner of HM Customs should issue fuel and concession unit staff with appropriate clothing and personal protective equipment.

Most frontline HM Customs staff working at the BVI's ports of entry haven't been issued with handcuffs. This leaves them unequipped to restrain persons, thus causing a risk to staff and the public.

As with other agencies we reviewed, widespread misunderstanding of the Government's procurement rules pose a significant obstacle to HM Customs procuring inexpensive but operationally important items in a timely manner.

Facilities

HM Customs lacks appropriate facilities

Frontline customs staff mainly work from premises owned by other organisations, predominantly the [BVI Ports Authority](#) and the BVI Airports Authority. But the facilities provided to HM Customs are universally poor. Some facilities are so bad that they endanger staff's health and safety. These include the following examples:

- There is black mould infestation across much of HM Customs' estate. We were told this has caused sickness among staff at Terrance B. Lettsome International Airport (Beef Island), Auguste George Airport (Anegada) and other locations. At Port Purcell, a customs officer posted to work in a black mould infested warehouse bought his own mask.
- Snake holes and a leaking air conditioning unit could pose health and safety risks at the customs and immigration area of Auguste George Airport.
- There is poor port security at Port Purcell. Once through the front gates, there are no further security checks across most of the port. Unless challenged, people, therefore, have free access to the warehouses and other facilities. We learned that port employees have photographed HM Customs staff searching containers and seizing drugs. This may pose a risk to HM Customs staff safety.

HM Customs also lacks other important facilities. For example, it doesn't have access to a large secure facility to store goods that it seizes or detains, and at most ports of entry, it lacks safes in which to secure small items.

There is a lack of space at Port Purcell container port for HM Customs staff to examine goods in a secure environment. Consequently, they must seal most containers at Port Purcell and search them later at their destinations in the BVI. Often staff must do this alone, due to staff shortages. This poses the risk of corrupt practices.

None of the ports of entry have dedicated or appropriate facilities for HM Customs staff to interview or search people. Staff resort to interviewing people in HM Customs offices at the ports. This poses a risk as the offices are generally cluttered and chairs and desks aren't secured. We were told by staff at some locations that if they have to carry out a search of persons, they have to do this in rooms with large windows. This doesn't provide the searched person with suitable privacy. In one location, they told us that the only alternative is to search people in the toilet.

Other facilities haven't been repaired or replaced since Hurricane Irma. This includes the airfreight shed at Terrance B. Lettsome International Airport and the warehouse at Spanish Town Port (Virgin Gorda) where water ingress caused by broken doors and leaking roofs damages stored items.

HM Customs lacks the authority to designate and approve ports for the arrival and departure of goods

In the UK, [Border Force](#) has the legal authority to designate and approve UK ports for the arrival and departure of goods and passengers.¹

Under these powers, Border Force may set approval conditions that require port operators to make facilities and amenities available to it, on a free-of-charge basis. In 2024, Border Force published a [national statement of expectations](#) for border infrastructure and facilities at ports. In contrast, there are no written expectations for port infrastructure and facilities at BVI ports. And HM Customs can't mandate the facilities that port operators must provide.

Recommendation 44

By 31 July 2024, the Commissioner of HM Customs should designate a customs lead to work with the port organisations to help improve all HM Customs sites.

Recommendation 45

By 1 June 2024, the Commissioner of HM Customs and the Police Commissioner should appoint a designated custodian and establish a policy and process for the appropriate destruction of prohibited drugs. Agreement for the use of the hospital incinerator should be sought.

Conduct and standards

In 2022, the then Governor of the BVI published the [Commission of Inquiry](#) report. At the time, he issued a [statement](#), in which he said:

“The Commissioner [of the inquiry] concludes that in both HM Customs and the Immigration Department – but particularly in Customs – there is an environment conducive to corruption.”

¹ See the following UK legislation: [Immigration Act 1971, sections 25 and 26](#), [The Immigration Control \(Provision of Facilities at Ports\) Order 2003](#), [Customs and Excise Management Act 1979, sections 19–26](#) and [The Wharves, Examination Stations and Temporary Storage Facilities \(Approval Conditions\) \(EU Exit\) Regulations 2018](#).

Organisations should have a code of conduct, or similar, that sets out the standards of professional behaviour expected of their staff. The [Public Service Management Code](#), which applies to HM Customs, aims to uphold “the public service values and principles, which guide the terms and conditions of employment and the code of conduct for officers and employees”.

While our role wasn't to investigate allegations of corruption, we found that HM Customs' organisational structures and practices posed a high risk of corruption. Some staff told us they wouldn't report wrongdoing among their colleagues as this wasn't kept confidential when they did so before. And they told us they would now “keep their head down”, as they were concerned for their personal safety if they were to report anything.

Terms and conditions

Many staff aren't receiving overtime and temporary promotion payments

We found that many HM Customs staff hadn't received the overtime payments they believed they were entitled to. And many performed temporary promotions that they hadn't been remunerated for. This isn't solely a problem in HM Customs; staff in many of the organisations we reviewed raised similar concerns.

Recommendation 46

By 1 August 2024, the Commissioner of HM Customs should identify those outstanding payments for overtime and temporary promotion and make sure these are paid.

Powers

The CMDA provides the legislative basis from which HM Customs derives its powers. The powers that the CMDA confers are generally adequate, but we found evidence that many of the powers given to customs under the CMDA aren't being used effectively.

Intelligence

HM Customs isn't an intelligence-led organisation and doesn't prioritise its activity towards risks. To rectify this will take fundamental change and time.

The HM Customs intelligence unit consists of one officer. We saw no evidence of them conducting any further intelligence enhancement or disseminating any intelligence from the unit. Moreover, the intelligence officer doesn't have access to all the intelligence that the organisation receives. When HM Customs staff submit intelligence, it is sent to one senior leader who then decides who they will inform. The intelligence officer isn't party to all of this.

Companies send air and ferry manifests to senior leaders in HM Customs rather than directly to staff at the ports of entry. This causes delays. We witnessed occasions when the senior leaders hadn't forwarded the manifest to staff at the port of entry by the time that passengers arrived at the customs checkpoint. This doesn't allow them to conduct any pre-arrival checks. We were told that there is an HM Customs group email address that has been sent to airlines and ferry companies. But this isn't always used.

Recommendation 47

By 31 May 2024, the Commissioner of HM Customs should check that the HM Customs group email address given to airline and ferry companies is correct so that manifests can be provided efficiently. This single approach for the submission of manifests should be promoted to all companies, and relevant HM Customs staff should be given access to the group email.

Intelligence recording is ineffective, and there isn't a system for issuing or monitoring actions that may arise from such intelligence

We found that the main law enforcement intelligence database, the overseas territories regional crime intelligence system (OTRCIS) database, wasn't used to record information and intelligence. If staff recorded details of detained and seized goods on the OTRCIS database, this could help build intelligence about subjects, trends and any [organised crime groups](#). As the OTRCIS database is used by many law enforcement agencies across the British Overseas Territories, this could add to the broader intelligence picture and disrupt crime.

Recommendation 48

By 1 September 2024, the Commissioner of HM Customs should:

- give the [intelligence](#) officer and other appropriate staff access to and training in how to use the overseas territories regional crime intelligence system; and
- make sure that all relevant customs information and intelligence are recorded on the overseas territories regional crime intelligence system.

Most HM Customs staff receive little or no analyses to help them do their jobs

Most staff aren't provided with analytical products that could help them understand potential threats to the BVI, trends in illicit activity or recent concealment methods used by smugglers. These would help them perform their roles and assist them in selecting items for review. Most staff we spoke to said that they wanted more information to help them do their jobs.

The [Caribbean Customs Law Enforcement Council](#), for example, produces a range of material relevant to the islands in the Caribbean region. Senior leaders in HM Customs receive updates from the council and could make these available to staff.

Recommendation 49

With immediate effect, the Commissioner of HM Customs should make sure that senior leaders disseminate analytical documents they receive from the Caribbean Customs Law Enforcement Council and other similar international bodies to frontline HM Customs staff.

HM Customs doesn't maximise intelligence opportunities presented by cash declarations or cash seizures

All travellers importing or exporting cash or monetary instruments worth more than \$10,000 must declare this to HM Customs. HM Customs is empowered to seize cash and financial instruments or apply other penalties for a range of reasons, including if the person:

- can't evidence where the cash or monetary instruments originated from; or
- why they are importing or exporting the cash or monetary instruments.

Details about cash seizures and cash declarations could be valuable sources of intelligence for HM Customs and other agencies. But we found no evidence of customs staff entering information about cash declarations on the OTRCIS database.

Recommendation 50

By 31 July 2024, the Commissioner of HM Customs should develop an [intelligence](#) management capability to gather, assess and share intelligence related to the movement of cash into and out of the British Virgin Islands.

This should include making sure:

- any suspicious movement of cash results in a suspicious activity report being submitted to the British Virgin Islands Financial Investigation Agency; and
- all cash seizures are recorded on the overseas territory regional intelligence crime system.

There is little joint intelligence working between HM Customs and other agencies

During our review, we found no evidence of joint-intelligence working with any other law enforcement agencies in the BVI or the region.

There is a memorandum of understanding between key agencies about the sharing of information. But allegations and incidents of corruption have created a significant level of mistrust between agencies. This has led to intelligence not being routinely shared or discussed.

Failure to tackle serious criminality and corruption undermines law enforcement agencies' ability and willingness to work together. The absence of any effective sharing of intelligence and acting upon it is evidence of this.

Science and technology

The HM Customs' server is stored at the Government's [Department of Information Technology](#). We were told that changes to the customs' server had been made without informing HM Customs senior leaders and without understanding the effect that changes may have on HM Customs IT systems.

Recommendation 51

By 1 July 2024, the Commissioner of HM Customs, together with the Government's Department of Information Technology, should make sure that any work on the customs' server is considered and planned to avoid disruption and potential security compromises.

Maritime and border security

Introduction

The British Virgin Islands (BVI) faces a significant threat from international [organised crime groups \(OCG\)](#). The territory is used as a drop-off point for drugs and people smuggling, most of which are then moved to other territories. The BVI's geography, with its many islands and cays and its proximity to the US Virgin Islands, creates huge challenges for law enforcement agencies to respond to and interdict suspect craft. The [Royal Virgin Islands Police Force's \(RVIPF\)](#) marine unit and [HM Customs'](#) mobile task force are responsible for providing maritime security for the BVI. But they are unable to adequately fulfil this vital role.

At the time of our review, they lacked:

- a border security and maritime strategy;
- co-ordination of operational activity;
- effective management of information and [intelligence](#);
- sufficient resources;
- appropriate training;
- equipment, including personal protective equipment; and
- facilities.

Without significant investment and structural change, this situation won't improve, and the international OCGs will continue with impunity. But even with investment, it will take many years to develop BVI's capabilities to the level required.

The BVI also lacks sufficient resources to tackle the OCGs' landing on the territory and to carry out entries and searches of properties. For example, Anegada is a location where large shipments of drugs have arrived by land and sea in recent years. To respond to this threat, there is one armed [police officer](#) and an unarmed customs officer. This is insufficient to prevent or counter the threat.

In volume two of this report, we will recommend the creation of a new maritime security agency and additional land-side security resources. In the interim, we have identified changes that the RVIPF should make to the marine unit to make it safer and more effective.

Structure

The deployment of maritime resources poses a risk to the safety of officers

The marine unit doesn't inform the [force control room](#) when one of its vessels sets to sea. Instead, it notifies the chief inspector of the marine unit via text message. This practice runs the risk of the control room not knowing that officers are at sea. The marine unit has a satellite phone that it could use to contact the control room.

Recommendation 52

With immediate effect, the Police Commissioner should make sure that the police marine unit informs the [control room](#) when it sets to sea.

The force doesn't have a marine policing strategic threat and risk assessment in place

The lack of a strategic threat and [risk assessment](#) (STRA) is a fundamental shortcoming. As with armed policing, police forces should have an STRA for marine policing that sets out the aims, processes and governance by which the marine unit prevents and responds to crime and security threats. The aim of the marine policing STRA would be to:

- identify and assess the maritime policing threats to the BVI;
- provide an overview of the marine unit's capability to inform resourcing, operational planning and craft procurement according to the level of the threat faced;
- recommend a process to manage the identified threats; and
- generate a dedicated doctrine, tactics and capabilities to deliver the security and policing tasks as detailed above.

Recommendation 53

By May 2024, the Police Commissioner should produce a marine policing strategic threat and [risk assessment](#).

Governance

There is a lack of structured governance and senior oversight of the marine unit. Officers above the rank of chief inspector have little understanding of maritime policing. Senior officers need to understand and better manage the marine unit.

The force should recommence annual audits of the marine unit

The force hasn't conducted operational audits of the marine units since 2019, despite policy stating that the force should do these annually. We asked for the 2019 audit report but didn't receive it. Therefore, we were unable to assess the suitability of the force's audit methodology.

The force should recommence annual audits of the marine unit, which should include examining whether:

- the unit is complying with force policy, standard operating procedures and health and safety requirements (including medicals);
- activity is being adequately managed, particularly for safety-critical activities;
- the force is meeting its duty of care responsibilities;
- all equipment is appropriately serviced and maintained including craft, water safety equipment; and
- marine training is fit for purpose and up to date.

Recommendation 54

By 31 May 2024, the Police Commissioner should recommence the annual audits of the police marine unit.

Resources

The force has insufficient resources to maintain a marine base in Virgin Gorda

The RVIPF's main marine base is in Tortola. Since May 2023, the marine unit has also deployed two officers for five days a week in Virgin Gorda, which has reduced its resources available for deployment from Tortola. To accommodate the Virgin Gorda detachment, the marine unit has changed officers' shift patterns, which has resulted in the unit deploying for 8 hours a day, rather than 18 hours as under the previous arrangement.

In the long term, there should be a marine base in Virgin Gorda as well as bases in Anegada and Jost Van Dyke. But we feel that the RVIPF can't effectively resource a base in Virgin Gorda without denuding the overall operational effectiveness of the marine unit. The RVIPF should review the current operating model.

Armed and unarmed personnel

The force deploys armed and unarmed officers on the same marine deployments. Having an unarmed marine unit officer on the craft poses an unacceptable risk in the case of a firearms incident.

Recommendation 55

With immediate effect, the Police Commissioner should stop the deployment of unarmed police marine unit [officers](#) on the unit's vessels.

The training provided to marine unit officers is insufficient

We found many shortcomings with the training provided to marine officers:

- New officers don't receive timely initial seamanship training.
- There is a lack of consistency in the training. There is no structured [continuing professional development](#).

Recommendation 56

By 31 July 2024, the Police Commissioner should analyse the police marine unit's training needs and develop a structured training plan and [continuing professional development](#) programme that meet those needs.

The RVIPF doesn't issue marine officers with individual training plans. If marine unit officers were involved in an incident, their training plan would provide evidence of their professional competence. This may be required should there be an inquiry or for court purposes.

Recommendation 57

By 31 May 2024, the Police Commissioner should issue police marine unit [officers](#) with individual training plans.

Officers lack sufficient advanced seamanship training

Nine of the marine unit's officers have taken the [Royal Yacht Association's Level 2 Powerboat Handling course](#). This provides training in low-speed, close-quarters powerboat handling within familiar waters close to the shore. All marine unit officers should receive this training.

The force should arrange for at least four of its officers to take the advanced powerboat course. This would give the force a sufficient group of officers trained to operate a vessel at night. Ideally, the force should train all its marine unit officers to this level.

Recommendation 58

By 31 October 2024, the Police Commissioner should make sure sufficient police marine unit [officers](#) have received advanced Royal Yacht Association training.

Joint training with Virgin Islands Search and Rescue

The RVIPF has signed a memorandum of understanding (MOU) with [Virgin Islands Search and Rescue \(VISAR\)](#) that outlines which agency has primacy for responding to search and rescue incidents. VISAR has agreed to train all marine unit officers annually on search and rescue techniques. This hasn't started yet and doesn't feature in the MOU. The RVIPF and VISAR should update their MOU to include this training.

The MOU states that VISAR and the RVIPF should conduct two joint exercises a year. This isn't happening, although VISAR is planning a training programme to cover a response to search and rescue incidents.

Recommendation 59

By 31 July 2024, the Police Commissioner and the President of Virgin Islands Search and Rescue should:

- amend the memorandum of understanding to include reference to the agreement that Virgin Islands Search and Rescue annually trains police marine unit [officers](#) in search and rescue techniques; and
- start bi-annual joint exercises as per the requirements of the memorandum of understanding.

The marine unit should update its standard operating procedures

The marine unit's general patrol standard operating procedures (SOPs) are out of date and no longer accurately reflect the unit's operational activity.

Some marine unit officers haven't seen or been briefed on the general patrol SOPs. It is essential that all officers understand the procedures they must follow.

The force also doesn't have a monitoring and review process for SOPs.

Recommendation 60

By 31 July 2024, the Chief Inspector of the police marine unit should:

- review and update the unit's general patrol standard operating procedures;
- brief all police marine unit [officers](#) on the updated procedures; and
- establish a process to regularly review and update standard operating procedures that includes feedback from external experts, environmental scanning and implementing actions arising from audits and equality analysis.

The marine unit doesn't have a SOP for the deployment of armed officers

The force doesn't have a SOP for the deployment of armed marine unit officers. Such a procedure would outline how the force carries out and commands marine firearms operations.

Recommendation 61

By 31 July 2024, the Police Commissioner should produce a standard operating procedure for the deployment, command and control of armed marine operations.

Procurement rules can cause operational problems

The widespread lack of understanding of the Government's procurement rules cause significant problems for the marine unit. On occasion, this misunderstanding has reduced the unit's operational capability. For example, in 2023, the police launch wasn't deployable for two weeks because officers had no means to quickly purchase a \$80 fuel valve and line.

The force doesn't have a holistic maintenance contract for its marine unit vessels. While there is a contract for the servicing and repair of outboard engines, this doesn't cover any other parts of the vessels. For any other servicing or repairs, the force must obtain three quotes from different marine specialists. This can prevent the force from deploying vessels operationally.

Recommendation 62

By 31 July 2024, the Police Commissioner should secure a maintenance contract for police marine unit vessels.

Facilities and equipment

The berthing facilities used by the marine unit and mobile task force in Tortola are insecure. The marine unit's and the mobile task force's vessels are berthed within a public marina. There is unrestricted access to the marina and the compound where the marine unit and task force are based. In 2023, one of the marine unit's impounded vessels was stolen from the marina. This lack of security poses a risk to the unit and task force as well as their equipment and vessels.

Recommendation 63

With immediate effect, the Police Commissioner and the Commissioner of HM Customs should limit access to the compound where the police marine unit and customs task force are based to authorised personnel only.

At the time of our visit, a new marine unit headquarters was being built at the marina where the marine unit's and task force's vessels are berthed. Despite it being planned to be operational in 2025, the force was unable to assure us that the facility would fully meet the marine unit's needs.

Recommendation 64

By 30 April 2024, the Police Commissioner should review the plans for the new police marine unit headquarters to make sure that it has all the facilities the marine unit needs.

Vessels don't have suitable firearms storage

Marine unit vessels don't have suitable storage for firearms. The craft don't have weapon drop boxes. On one rigid-hulled inflatable boat, we saw firearms wedged into areas of the vessel. On the police launch in a public marina, we saw a pistol and magazine containing ammunition lying on a table. Contractors could access the vessel. These examples are highly unsafe and pose risks to the officers and the public. Wedging firearms into areas of the rigid-hulled inflatable boat also makes the firearms more susceptible to saltwater ingress into the component parts.

Recommendation 65

With immediate effect, the Police Commissioner should make sure that police marine unit [officers](#) store firearms securely.

Marine unit officers don't have adequate equipment for their role

The RVIPF hasn't provided marine unit officers with adequate equipment for their role. As a result, they deploy operationally with a mixture of equipment, with some officers procuring their own uniforms and footwear.

The lack of some equipment poses risks to officers' safety and needs to be addressed urgently.

Vessels don't have ballistic protection

None of the marine unit's or mobile task force's vessels have any ballistic protection. This poses a risk to officers' safety.

Recommendation 66

By 31 August 2024, the Police Commissioner and the Commissioner of HM Customs should make sure that police marine unit and customs task force vessels are equipped with ballistic shields suitable for the maritime environment and train officers how to use them.

Officers don't have adequate personal ballistic protection

The RVIPF and HM Customs haven't equipped most of its marine unit and mobile task force officers with adequate personal ballistic protection, despite the firearm threats they face. Officers have been issued with protective vests, but these don't provide ballistic protection. Some are so concerned about their safety that they have bought or made ballistic plates to slot into their vests to give them extra protection.

Officers also haven't been provided with ballistic helmets. RVIPF senior managers told us that the force has secured the funding to procure ballistic helmets and ballistic vests and plates in 2024/2025.

Recommendation 67

By 31 July 2024, the Police Commissioner and the Commissioner of HM Customs should make sure that all police marine unit [officers](#) and customs mobile task force officers are issued with individual-issue, marine-specific ballistic vests and helmets suitable for the maritime environment.

Officers are provided with personal protective equipment

All marine unit and mobile task force officers have been issued with personal protective equipment, including batons and cuffs. But some equipment isn't functioning correctly due to saltwater ingress.

Recommendation 68

By 31 July 2024, the Police Commissioner and the Commissioner of HM Customs should make sure that all police marine unit [officers](#) and customs mobile task force officers are issued with appropriate uniforms and personal protective equipment.

Incapacitant spray is out of date

During our review, we checked whether marine unit officers had been issued with [incapacitant spray](#). It had been issued to all the officers we met, but all the items had expired. This poses a threat to the safety of officers and the public.

Recommendation 69

As a matter of urgency, the Police Commissioner should make sure that the force replaces out-of-date [incapacitant spray](#).

Marine unit officers need training in the use of the AR15 carbine firearm

The RVIPF doesn't issue marine unit officers with a standard carbine firearm. Instead, they use three different types of weapon. This is despite the force having sufficient of one type of carbine firearm, the AR15, to issue to all marine unit officers.

Some marine unit officers are requalifying on multiple carbine weapon systems, which means they are extracted from operational frontline duties for a considerable period. The force has initiated a training programme to transition all armed policing officers to the AR15, but it isn't prioritising specialist marine officers. Deploying multiple weapons systems in the maritime environment poses greater risks than doing so on land. Consequently, the force should prioritise training for marine officers.

Recommendation 70

With immediate effect, the Police Commissioner should prioritise AR15 training for all armed police marine unit [officers](#) and stop deploying multiple carbine weapon systems within the maritime environment.

Marine unit officers aren't using the body-worn videos they have been issued

The RVIPF has issued four [body-worn video](#) cameras to marine unit officers. But officers aren't regularly wearing them.

Recommendation 71

With immediate effect, the Police Commissioner should make sure that police marine [officers](#) use their [body-worn video](#) cameras while on duty.

The marine unit doesn't have any less lethal devices for stopping vessels

There is a range of tactical options, via the NPCC's marine tactics training, available to police coxswains carrying out marine policing operations or a vessel interdiction. These tactics may be used in sequence or isolation if considered proportionate and necessary.

Marine unit tactics can be low, medium or high risk. Any escalating situation requires dynamic risk assessment by the master and crew of the police vessel. They will be best placed to make the correct assessment of weather and sea conditions as well as consider the size, weight and capability of any subject vessel.

The marine unit is actively working towards NPCC marine tactics compliance. This includes deploying with a less lethal option, called a rapid deployment boom, which entangles subject vessels' engines and forces them to stop.

To support the marine unit's progression to NPCC standards compliance, the RVIPF should procure less lethal equipment capable of stopping a boat. Officers expected to deploy with that equipment should be appropriately trained and accredited in its use.

Recommendation 72

By 30 September 2024, the Police Commissioner should review what less lethal options may be available to the police marine unit to assist it in stopping vessels safely.

Use of intelligence and information

The force should reinvigorate Operation Island Watch

In March 2023, the RVIPF launched Operation Island Watch, with support and funding from the [Marine Association of the BVI](#). It offered mariners a tool for reporting suspicious activity in and around the territory's borders and shorelines, including:

- illegal fishing;
- illegal smuggling or trafficking;
- illegal dumping; or
- any other unlawful use of the territorial waters or shores.

It was a good initiative designed by a UK officer mentoring the marine unit. Initially, the force promoted it well. It produced a flyer with a scannable QR code that provided access to a site that the force monitored where people could log any suspicious activities.

But since the UK officer left the BVI, the force's governance of the initiative has been poor, and there is no individual responsible for its implementation. By the time of our review, Operation Island Watch was no longer active.

Recommendation 73

By 31 May 2024, the Police Commissioner should reinvigorate Operation Island Watch and allocate a senior [officer](#) as responsible for its continued progress and development.

Most of the marine unit's deployments aren't intelligence led

The force isn't intelligence led and this is the case in the marine unit. The marine unit officers we asked didn't know how to search the force's intelligence system. And they don't receive marine-specific intelligence briefings. Officers in the marine unit and the intelligence department told us that they plan to initiate a weekly briefing soon. We would support this.

Recommendation 74

By 31 May 2024, the Police Commissioner should make sure the force starts producing weekly marine-specific [intelligence](#) briefings. These should form an element of the patrol strategy and cover:

- the pattern of life of vessels/persons of interest;
- intelligence development; and
- maritime surveillance vessel area monitoring.

Most marine unit officers don't submit intelligence reports. Consequently, the force is missing intelligence from the maritime environment.

Recommendation 75

By 31 May 2024, the Police Commissioner should make sure that all police marine unit [officers](#) fulfil their obligation to submit [intelligence](#) logs.

Terms and conditions

The force doesn't require marine unit officers to take medical tests

In the UK, all forces with a marine unit mandate officers to take marine-specific medical tests (based on the [Maritime and Coastguard Agency's ML5 seafarers medical certificate](#)). The RVIPF should do the same. This will help the force ensure the health, safety and well-being of staff.

The ML5 certifies that officers are:

- of sound health;
- have no physical limitations that would hinder or prevent performance of duties; and
- are free from medical conditions that pose a risk of sudden incapacitation, which would affect operating or working on vessels.

Recommendation 76

By 30 June 2024, the Police Commissioner should:

- introduce marine medical tests (to the [Maritime and Coastguard Agency's ML5 seafarers medical certificate](#) standard) for all serving police marine unit [officers](#);
- include marine medical tests in the selection and appointment process for all officers recruited into the police marine unit;
- ensure all police marine unit officers have follow-up medical assessments every five years; and
- produce a marine medical standard operating procedure.

The force's SOPs don't include sufficient detail about conducting fitness tests or the consequences for officers who fail them

The marine unit's general patrol SOPs state that officers must take fitness and swim tests. But the procedures don't stipulate the details of the tests or how often they should take place. The SOPs should specify:

- how the force will mitigate the risks of carrying out fitness tests in hot weather;
- how to manage officers who are unable to take the fitness test; and
- what an officer should do if they are concerned about taking the test, including, for example, seeking medical advice.

If an officer is unable to take the test because of medical advice, they shouldn't be deployed operationally in the marine unit.

Recommendation 77

By 31 May 2024, the Chief Inspector of the police marine unit should produce standard operating procedures for fitness tests.

The force has neither risk-assessed the tests nor provided the requisite medical equipment.

Recommendation 78

Before running any fitness tests, the Chief Inspector of the police marine unit should risk assess them. As part of this, they should:

- make sure there is an automatic external defibrillator available; and
- fully risk assess all venues.

The marine unit's SOPs don't set out the consequences for an officer who fails a fitness test. The procedures should clearly state that passing an annual fitness test is a condition of their continued employment in the marine unit.

Recommendation 79

By May 2024, the Police Commissioner should:

- amend marine [officers](#)' contracts to list fitness test failures as breaches of their conditions of employment in the police marine unit; and
- amend marine officers' role profiles accordingly.

The Department of Immigration

Introduction

The purpose of immigration control

Immigration control allows a country's citizens, residents and anyone else eligible to enter and leave that country in a regulated manner. It also provides the means to prevent and deal with those who aren't eligible to enter or who don't abide by the immigration rules.

There are three immigration control methods:

1. pre-entry
2. on-entry
3. after-entry.

Pre-entry control measures

Pre-entry control is exercised by imposing a visa requirement on citizens from some countries. The use of visa requirements by the British Virgin Islands (BVI) is an efficient way of assessing whether people from certain countries should be allowed to enter. This avoids the more difficult situation of trying to process a person at the port when they may not realistically be granted entry.

On-entry control measures

On-entry control takes place at the ports of entry to the BVI, often referred to as passport control. Immigration officers examine passengers' documentation at the air or sea port and, where necessary, interview them. They then decide to grant or deny entry to the BVI, based on the immigration rules. Entry may be granted unconditionally or with conditions attached, such as a limit on the duration of stay. If entry is denied, the passenger is removed from the territory, either to their place of embarkation or their own country.

After-entry control

After-entry control is the process of considering applications to stay longer or change the applicant's status in the BVI. For example, someone may make an application for permanent residence in the BVI or seek [belonger](#) status. Belonger status is a legal classification generally associated with people who have close ties to the BVI, normally by birth or ancestry. After-entry control also includes enforcement activity to deal with immigration offenders and those who overstay. Enforcement officers arrest such individuals and, when necessary, remove or deport them from BVI territory.

Structures

The structure of immigration control in the BVI is split between different government departments. This makes overseeing the various elements of immigration control measures complex and difficult to manage. The lack of senior managers in the [Department of Immigration \(DoI\)](#) adds to these difficulties.

It isn't clear who has overall responsibility for the control of immigration

The DoI is overseen by and reports to the Permanent Secretary to the [Ministry of Tourism, Culture and Sustainable Development](#). But there are other factors that affect immigration control that don't sit with the DoI or the ministry. One of these is the issuing of visas by the [Civil Registry and Passport Office \(CRPO\)](#), which reports to the [Office of the Deputy Governor](#). Another is the issuing of work permits (sometimes called labour permits) by the [Department of Labour and Workforce Development \(DLWD\)](#). The issuing of visa waivers is managed by the Office of the Deputy Governor. We found generally that immigration control measures related to the issuing of visas, visa waivers and work permits were at best unco-ordinated and at worst ineffective.

The application process for work permits and granting clearance could be more efficient

An employer may make an application for a work permit for a foreign national they want to employ in the BVI. The DLWD will decide whether to approve the application based on labour needs. After a work permit has been approved, a clearance document is sent to the DoI for it to carry out checks. The DoI decides whether to approve the clearance document.

If approved, the clearance document is sent to the intended employer. This allows the worker to enter the BVI and lists what, if any, supporting documents they need to provide on entry.

The DLWD doesn't ask for checks to be undertaken before it issues a work permit. It seems unusual practice to grant a permit and then seek checks by the DoI to determine whether the person can enter the BVI. It would be sensible for these checks to be undertaken before the issue of a work permit. This would prevent bureaucracy and expedite the process.

The DoI holds information on employers who mistreat their employees or who have workers who overstay. In the past, even though it has been notified about these employers, the DLWD has still issued work permits to them. While the DoI can deny clearance after the work permit has been issued, this demonstrates that the two agencies aren't working effectively together to make this process more efficient. This system needs to change.

Recommendation 80

By 31 July 2024, the Department of Immigration and the Department for Labour and Workforce Development should review the existing process for the issuing of work permits and granting clearance to enter the British Virgin Islands. They should develop a more efficient process.

The DoI and the CRPO should work more effectively together

The DoI and the CRPO should work more closely together to develop working practices, which will make sure visa applications are effectively assessed before they are issued. This should include checking the suitability of applications against the immigration watchlist.

The use of visas is an effective way of controlling immigration into the BVI. The CRPO issues visas in accordance with the [BVI's list of countries](#), from which nationals must have been granted a visa. But this is with minimal checks on the suitability of the applicant. In 2022, visas were issued to almost all visa applications where the applicant held a work permit.

At the time of our review, suitability checks involved a manual process and were carried out only if deemed necessary. But it wasn't clear in what circumstances an application would justify such checks. We didn't find any risk matrix that was applied to applications to identify those that should receive more scrutiny. When checks were undertaken, they involved the CRPO contacting the [Royal Virgin Islands Police Force](#), the DoI or the DLWD.

Pre-issue checks aren't automatically done for all visa applications. And visa applicants aren't checked against the immigration watchlist because the CRPO doesn't have access to it. This means that applicants may be granted a visa but because proper checks aren't carried out, some may be refused entry by immigration control at the port of entry. More effective working between the two agencies should resolve some of these problems.

The visa waiver process is being incorrectly used in some cases

The way in which the visa waiver system is being applied is of concern. It has the potential to undermine the integrity of immigration control in the BVI. The system should only be used in exceptional circumstances.

The requirement for someone to have a visa before they enter the BVI may be waived by the Office of the Deputy Governor. There is a visa waiver policy to assist in deciding whether a request to enter the BVI without a visa should be granted.

The policy states that:

“A visa waiver should normally be granted only in extraordinary or emergency circumstances, such as to facilitate entry by close relatives in a medical emergency or death of a family member.”

The visa waiver system is being inappropriately used in some cases to circumvent the visa application process. There is also a financial disincentive to making visa applications because visa waivers are cheaper.

The use of visa waivers should be limited to rare cases where the justification and necessity can be evidenced and properly recorded. At present, it lacks sufficient scrutiny and accountability and is, therefore, open to misuse.

We believe the best system would be for the DoI to have oversight and control of the visa waiver application process. It would be sensible to consult the Office of the Deputy Governor in cases that have a potentially significant political or economic effect on the BVI.

Recommendation 81

By 30 June 2024, the Governor, together with the Chief Immigration Officer, should review and revise the current visa waiver system and make sure:

- responsibility for granting approval is by a senior officer in the Department of Immigration;
- approval is in accordance with an updated and stringent policy for waiving the requirement for a visa;
- it is only applied in exceptional circumstances, when justified and necessary;
- decisions are properly recorded; and
- the cost is appropriate compared to that of a visa application.

There is a lack of capacity in the senior management team

The senior management team structure is made up of a chief immigration officer (CIO), a deputy CIO (DCIO) and three assistant CIOs (ACIO). The DCIO is mainly responsible for the oversight and development of policy as well as deputising in the absence of the CIO. The ACIOs each have responsibility for one of the three portfolios, BVI ports, enforcement and administration. However, at the time of our review, two of the ACIO posts were vacant.

In December 2023, the current CIO went on leave, prior to then retiring. This has left the DCIO and a single ACIO managing the five roles. There is a succession plan in place, but this still leaves the DoI short of senior leadership while these posts are filled.

The lack of a fully staffed senior management team adversely affects the ability of the DoI to develop and implement the improvements necessary for it to become a fully effective and professional force. There are areas of the DoI's activity that should be developed, one of which is its [intelligence](#) capabilities. At present, the senior management team (especially the ACIO) is dealing with day-to-day issues. The current DCIO is acutely aware of the structural issues.

Recommendation 82

By 30 August 2024, the Ministry of Tourism, Culture and Sustainable Development should make sure that the senior management posts in the Department of Immigration are filled and that the senior management team is working effectively.

Resources and funding

The DoI should assess current and future demand to establish what staffing levels are needed

The BVI has six points of entry to its three islands that need to be staffed by DoI officers. The DoI also has a small headquarters, an enforcement unit and three other units that deal with administration, status applications and the processing of extensions and permits. The DoI currently has 71 staff made up of 45 immigration officers, 11 enforcement officers, 13 administrative staff (which include members of the senior management team) and 2 cleaners. Until the DoI has undertaken a proper assessment of demand and a review of its current operating practices, it is difficult to assess whether this is an appropriate staffing level.

However, to undertake its current activity, the department is finding it difficult to staff its units properly. Enforcement officers are providing support to the processing unit that grants extensions of stay. For example, they check employees' status with employers and assist with file work. They also help immigration detainees with tasks such as shopping for groceries.

While work schedules for all officers are prepared monthly, a shortage of officers, particularly in the arrivals control areas, results in urgent shift changes. Enforcement officers are on call and expected to cover unplanned absences. Immigration officers are compensated with overtime payments, where applicable, for additional work hours.

The Dol operates in 4 seaports within 20 miles of each other and deals with scheduled ferries and chartered yachts. However, if passengers that only require immigration clearance were to be sent to either of two ports in Tortola (Road Town or West End), then staffing resources could be moved from a third port. Redeploying these staff would help with the lengthy passenger queues at the two ferry ports in Tortola, which only have a few officers on a shift.

Also, a significant amount of the department's workload seems to involve the issuing of various permits needed for re-entry or a change of circumstances. The Dol grants a permit that allows the applicant to stay while a new work permit is issued.

The Dol lacks proper control of its budget to be able to operate efficiently and effectively

During our review, we found that the senior leadership team lacked control of its budget. This was most obvious in the recruitment of staff into vacancies.

Although the Dol is supposed to have autonomy to recruit staff up to grade seven, we heard that central HR's involvement often delays or frustrates the recruitment process. This has left vacancies unfilled for lengthy periods, which, in turn, has reduced the Dol's ability to perform its functions properly.

We were told that aptitude and experience are the most important factors for deciding the suitability of candidates to perform Dol roles. But central HR policy makes holding a degree an essential criterion. This limits the number of applicants. The Dol may be better served by seeking permission to consider experience and aptitude as essential criteria.

We found examples of disagreement between the Dol and central HR, which indicated a lack of effective communication. These included the type and level of qualifications required for recruits and salary levels.

We also found that the procurement of goods and services was slow and ineffective. Tenders are required for meals, security and the housing of detainees. Repatriation of large numbers of detainees is mainly done by charter flights. Gaining permission for these flights requires a contract, which involves a lengthy process via the [Attorney General's Chambers](#). In the meantime, those awaiting repatriation are kept in detention, generally at a hotel, at a cost of approximately \$150 per day.

Facilities

Accommodation for Dol staff is inadequate

During our review, we visited four ferry ports and two airports. We found Dol accommodation at these locations was cramped, poorly equipped and, except for at the airports, insecure. We were able to enter the arrivals halls at the ferry ports unchecked.

The DoI office at the ferry terminal in Jost Van Dyke is dirty. The [Sister Islands Coordinator's Office](#) is responsible for providing cleaners to government facilities in Jost Van Dyke, Anegada and Virgin Gorda. However, the DoI lost its post for a cleaner at the Jost Van Dyke office and has no authority or funding to employ a cleaner there.

At the time of our review, the staff toilet at the West End port was out of use. Staff had to share a portacabin with terminal and ferry workers and passengers. Generally, all BVI ports have been outgrown by the increase in passenger traffic, with seemingly little effort made by the [BVI Ports Authority](#) or the BVI Airports Authority to modernise or improve them.

The DoI has withdrawn the immigration function at Auguste George Airport (Anegada) because the building is dilapidated and has black mould, which was causing health concerns.

We noted that most of the DoI's seaport accommodation also had issues with black mould. We also found that furniture across the DoI estate was careworn, with many chairs broken and unfit for use. First-aid boxes were incomplete or inadequate.

The DoI's headquarters is based in the Edifice Building, Road Town. Its enforcement, administration, status and processing units are based there. We found that the accommodation was unsuitable. It is overcrowded, careworn and has inadequate space for all the units housed there. There is insufficient storage for paper files. The DCIO advised us that it is seeking new accommodation. But it isn't clear how long this will take.

Recommendation 83

By 31 May 2024, the Ministry of Tourism, Culture and Sustainable Development should make sure a health and safety audit is conducted on the Department of Immigration's estate. It should produce a remedial action plan to deal with the most serious health and safety concerns.

The DoI doesn't currently have a detention facility because the immigration wing of HM Prison Balsam Ghut is being used for the detention of convicted and remanded prisoners. Instead, it relies on the wing of a hotel, which is staffed by a private security firm. The conditions are generally poor, and inadequate security means that some detainees have absconded. We received mixed accounts of whether security staff had the appropriate training for their role. For example, we were unable to confirm if they had received first-aid training.

The DoI has permission and funding to build a new detention centre next year.

The DoI doesn't have sufficient equipment to operate effectively

The DoI has three cars to perform its functions across the BVI. They are all used to transport immigration prisoners. But none of these vehicles has a passenger-holding area to carry prisoners safely and securely.

Recommendation 84

By 31 August 2024, the Ministry of Tourism, Culture and Sustainable Development should review how immigration prisoners are transported and make sure that appropriate transport is provided, which is safe and secure.

The staff working at ports have limited access to handheld forgery detection equipment, which makes it difficult to effectively check documents being presented at the border control.

There are automatic passport reading machines for BVI and British citizens at both Terrence B. Lettsome International Airport and the Road Town port, but we didn't see them being used during our review visits. The machines do work, but it isn't mandatory for passengers to use the kiosks.

During our review of port offices, we didn't find any serviceable safe or other adequate secure device in which to store cash or other items of value. This was despite the requirement to store cash generated from various revenue-raising activities. Responsibility for the collection of revenue should be given back to the appropriate agency and cash phased out in favour of electronic payments.

Most of those arriving at BVI ports are tourists and business travellers who are staying for a relatively short period on the islands. This category of passenger is low risk to the BVI. Immigration officers can grant entry, in these circumstances, for a maximum of 30 days. At present, immigration officers must handwrite the latest departure date from the BVI in the traveller's passport. Time would be saved if immigration officers had landing stamps to endorse passports with a 30-day stay.

Recommendation 85

By 31 May 2024, the Chief Immigration Officer should make sure all entry port immigration officers have access to a 30-day landing stamp to endorse the passports of tourists and short-term business visitors.

Some immigration officers lack equipment and training to do their jobs safely

Frontline staff are provided with uniforms, and those we saw all looked smart and presentable. But during our review, we found that there was a lack of appropriate equipment for immigration officers performing certain roles.

Immigration and enforcement officers don't have access to radios. The DoI has issued mobile phones to enforcement officers but not to other immigration officers. Most use their personal mobile phones to communicate for work purposes.

Personal issue body armour has been provided to some of the ten enforcement officers but others have had to buy their own. No staff have been issued with other personal protective equipment such as batons or handcuffs. Some staff have sourced their own. This is a risk for individual officers, especially those engaged in enforcement work. And it is a vulnerability for the DoI.

Police and prison officers in the BVI are provided with some personal protective equipment and receive limited training in officers' safety. There could be opportunities for the DoI to work more closely with these agencies to harmonise the acquisition of personal protective equipment and safety training. But this would require closer working between ministries and departments.

There is certainly scope for more integration between these law enforcement agencies in the future.

Recommendation 86

By 30 June 2024, the Ministry of Tourism, Culture and Sustainable Development should develop a plan to make sure that immigration officers have the appropriate personal protective equipment and relevant officer safety training to perform their roles. This may include closer working with other agencies in the acquisition of personal protective equipment and the provision of officer safety training.

Conduct and standards

As we have mentioned previously, in 2022 the then Governor of the BVI made a statement in which he said:

“The Commissioner [of the inquiry] concludes that in both HM Customs and the Immigration Department ... there is an environment conducive to corruption.”

Although senior leaders in the DoI told us that they are unaware of any corruption in the department, they agreed that it could be going on. They accepted that corruption is a risk given the low salaries and high workloads of staff.

Organisations should have a code of conduct, or similar, that sets out the standards of professional behaviour expected of their staff.

The [Public Service Management Code](#), which applies to the DoI, aims to uphold “the public service values and principles which guide the terms and conditions of employment and the code of conduct for officers and employees”.

Terms and conditions

Staff don't have confidence in the processes for appraisal, promotion and career development

Those we spoke to had little confidence in the staff appraisal system. Few felt that the process for promotion or career development was fair and impartial.

Some staff we spoke to felt unable to challenge the systems in place for appraisal, promotion and career development. They explained that this is because they fear they may be victimised if they do. The DCIO (who hasn't long been in the post) told us that appraisal and correct promotion procedures are particularly important to them. Some officers said that these processes have improved recently.

The recruitment process outlines clear responsibilities and behavioural competencies. But it is unclear what the demarcation is between officer grades one, two and three. Grades two and three carry extra responsibility but not necessarily any line management of others.

Recommendation 87

By 31 May 2024, the Chief Immigration Officer or Deputy Chief Immigration Officer should review the processes for appraisal, career development and promotion to make sure they are fit for purpose and fair.

There is a lack of training for immigration officers

Most staff in the DoI are either responsible for working at the ports or involved in enforcement duties.

The basic training for recruits is adequate. They begin by learning the legislation and how to use the border management system. They are also briefed on expected standards and behaviours. They progress to observing and learning about the processes around granting extensions to applicants in the process unit. They are then rotated around the ports, where they first observe then practice port procedures under supervision. Their progress is monitored and reported back to line managers.

Training generally takes about six weeks before the officers are allocated to a port or the enforcement office. Mentoring by experienced officers may continue during the twelve-month probationary period.

The DoI has no dedicated trainer or training facility, so it is unsurprising that the training is generally basic. To improve the training provided to officers, the DoI and HM Customs had planned a joint law enforcement academy. But the central HR department has reallocated the budget for this, and there is no plan at present to create an academy.

There was little evidence of [continuing professional development](#) or specialist training for port or enforcement officers. Port officers haven't received first-aid training, and it was in 2019 that forgery training was last provided. No refresher training is given.

Members of the enforcement team receive basic officer safety training during induction. But this isn't refreshed annually. No staff recruited since 2021 have received formal training in the use of personal safety equipment such as handcuffs and batons. Given the likelihood of enforcement officers coming into conflict with offenders, we think this presents a significant risk. It leads us to doubt that they are sufficiently trained to carry out their roles safely and professionally.

Recommendation 88

By 31 May 2024, the Chief Immigration Officer should make sure a training needs analysis for all immigration staff has been completed. A training plan should be developed to meet any identified gaps in officer training, which should include a method for implementing this training.

Intelligence

The DoI doesn't have any dedicated intelligence capability. Nor does it produce any recognisable intelligence products such as risk and threat assessments. It has no system for the effective collection, assessment grading and storage of intelligence.

There is occasional sharing of information with national and international partners and stakeholders, although this is on an informal basis. As a result, the department has no effective way to assess the greatest threats or risks from illegal migration to the BVI. Therefore, it is unable to target its resources in any meaningful way.

There aren't any formalised, systematic processes for sharing information and intelligence. This poses the risk of inappropriate sharing of sensitive or confidential data, such as data containing personal information.

The ACIO has a good understanding of intelligence processes and agrees that the DoI's intelligence capabilities should be developed. The DoI has recognised the need to recruit an analyst.

Recommendation 89

By 30 September 2024, the Chief Immigration Officer should make sure the newly recruited analyst:

- receives appropriate training to effectively collect, handle, assess and share [intelligence](#);
- identifies the highest areas of risk to immigration, such as threats to the borders and threats from criminals and immigration offenders; and
- implements actions to mitigate these risks.

Science and technology

The DoI has limited access to technologies that might assist it in performing its duties.

It has a border management system, which records information at the ports of arrival. Enforcement and the processing units use the system to record their activity. It has fingerprint access controls and is audited regularly.

During our review, officers were manually entering a large amount of data onto the border management system. This included arrival details and all embarkation data. At that time, the system didn't receive electronic advance passenger information. This would automate the inputting of passenger arrival and departure data.

Since our fieldwork, the DoI has told us that advance passenger information went live at Terrance B. Lettsome International Airport in January 2024. It is scheduled to be fully functional at all ferry ports by June 2024.

The DoI can access Interpol lists and advance passenger information via the [Caribbean Joint Regional Communications Centre](#). But this is on a case-by-case basis, and it doesn't have automatic access of its own.

The UK [Foreign, Commonwealth and Development Office](#) has an overseas territories regional crime intelligence system database that is available to law enforcement across all British Overseas Territories. It is currently being upgraded and could be used by the DoI in the future to record persons subject to enforcement action and to support its intelligence functions.

The Financial Investigation Agency

Introduction

The [Financial Investigation Agency \(FIA\)](#) has responsibility for the prevention and detection of financial crime, including money laundering, terrorist financing and proliferation financing. The FIA was established as an autonomous law enforcement agency by the [Financial Investigation Agency Act 2003](#), which came into force on 1 April 2004. The FIA's primary role and functions are contained in sections 4 and 5 of the act.

Following an inspection by the [Caribbean Financial Action Task Force \(CFATF\)](#) in early 2023, the British Virgin Islands (BVI) was, in January 2024, placed into a review period requiring it to demonstrate improvement. However, failure to make satisfactory improvement in this period may still result in the BVI being placed on the 'Grey List', which is officially known as a jurisdiction under increased monitoring, in February 2025. At the time of our review, the [CFATF hadn't published its evaluation report](#) so we were unable to take its findings into consideration.

Structure

The Director of the FIA leads the organisation, which has an investigation and a compliance role, each of which reports to a deputy director. The FIA's financial intelligence unit (FIU) monitors certain organisations, but this doesn't include banks, trusts or company service providers. These are monitored by the [Financial Services Commission \(FSC\)](#).

The FIA's primary responsibilities are to receive, analyse and disseminate information about suspicious transactions. It receives information from a range of sources, usually in the form of [suspicious activity reports \(SARs\)](#). The FIA analyses SARs to establish whether the financial activity and the money involved are legitimate. The FIA is then responsible, where appropriate, for sending its findings to the [Royal Virgin Islands Police Force \(RVIPF\)](#)'s financial crime unit for further investigation. The FIA works with the [Office of the Director of Public Prosecutions \(ODPP\)](#) and the RVIPF when a prosecution is undertaken.

The FIA has access to a database that contains beneficial ownership information of companies (those who ultimately control an asset) operating in the BVI. It receives requests to check this database from other law enforcement agencies, such as the UK [National Crime Agency](#). It has an agreement with the National Crime Agency to respond to requests for information within 24 hours.

The FIA's supervision and enforcement unit (SEU) monitors organisations through registration, desk-based reviews and onsite inspections.

The SEU oversees non-profit organisations, such as charities and designated non-financial businesses and professions, including legal practitioners, notaries and accountants.

Its responsibility is to make sure organisations are compliant with regulations related to:

- anti-money laundering;
- combatting the financing of terrorism; and
- countering proliferation financing.

It can also carry out inspections of those institutions it oversees. The FIA has enforcement powers and can apply financial penalties.

The FIA is governed by a [board](#), which has responsibility for approving its policies and guiding its operations. The board is comprised of:

- the Deputy Governor (chairperson);
- the Attorney General (deputy chairperson);
- the Managing Director of the FSC;
- the Financial Secretary;
- the Commissioner of [HM Customs](#);
- the Police Commissioner; and
- the Director of the FIA.

Communicating the outcomes and decisions from governance meetings could improve

During our review, we found that there was a lack of effective communication between members of the FIA's senior management team. For example, minutes of board meetings and decisions affecting the FIA aren't routinely shared with the FIA senior management team. We found examples of minutes and other information only reaching the Director of the FIA, even when other members of their senior management team had been present at meetings.

We also found that there was a lack of clarity about what information should be provided to the FIA board. For example, a board member didn't know that a deputy director was leaving the organisation because they were employed on a fixed-term contract rather than as a permanent employee.

There also appeared to be a reluctance to allow members of the senior management team access to the board. Any approach that lacks openness and limits reasonable access to information and decisions, including the processes underpinning them, can lead to a sense of mistrust.

Recommendation 90

By 31 July 2024, the Director of the Financial Investigation Agency, together with the board, should develop a plan to improve the communication, visibility and accessibility between the board and senior members of the Financial Investigation Agency. This should include the:

- circulation of minutes; and
- effective communication of decisions taken and the rationale.

Management of SARs

The process for reporting and handling of SARs needs to improve

The FIA has an outreach programme that is designed to help organisations improve the quality and timeliness of SARs submissions. It involves the FIA visiting businesses and running awareness events. But during our review, we found little evidence that this programme was effective or being used consistently.

After reviewing 100 SARs, we found that many didn't:

- clarify where the funds had come from;
- outline any actions taken by the reporting body;
- lead to reporting organisations reviewing their customer relationship with the originator of the suspicious activity; and
- contain any consistent categorisation of the report.

These are issues we would have expected the outreach programme to have tackled, by engaging with reporting organisations to raise awareness and improve submissions.

During our review, we also found other problems with the process for the reporting and handling of SARs. For example, virtual asset service providers' SARs are completed in a highly technical way, with overly complex explanations for the suspected activity. This made them difficult to understand without expertise in virtual assets, for example, cryptocurrency.

We also found SARs that didn't adequately explain the reason for the suspicion that led to the submission of the SAR. This makes the assessment of the SAR difficult.

We found that the FIA didn't undertake sufficient outreach activity with stakeholders. It does little to develop links with the FSC to make the best use of resources, skills and time. Some FIA staff told us that most of the outreach work undertaken is with other government departments. This is a missed opportunity to educate and raise awareness among organisations responsible for submitting SARs. It is likely that this causes a loss of [intelligence](#) about money laundering and other illicit financial activity.

The FIA provides guidance on SAR reporting on its website. However, the FIA could use a range of methods to help promote the importance and need for the submission of SARs. This could include the use of digital media and social networking sites to publish guidance and promote SARs.

We heard that the FIA and the FSC intended to combine resources and begin carrying out more outreach work with the public sector from January 2024. But we saw no plans to demonstrate that this intent would be realised.

The UK FIU has agreed to provide the FIA with access to material that will assist it and the FSC in creating a more effective outreach programme. The support available will include:

- demonstrations of how to identify specific reporting issues;
- how to make better use of online publications and digital media; and
- how to design and run events promoting suspicious activity reporting.

The FIA should use this valuable resource to improve its existing outreach programme.

Recommendation 91

By 31 May 2024, the Director of the Financial Investigation Agency should review the current outreach programme to make sure it is fit for purpose and implemented effectively. They should regularly review the programme to make sure it is helping to improve the quality and timeliness of [suspicious activity report](#) submissions from the public and private sectors.

We found that the FIA's IT systems had some functionality disabled. If those modules were working, they would help the FIA identify themes and trends in SARs' submissions. It could use this information to better target outreach activity across the BVI. We also found that staff needed more training to use the system to its full capability.

Recommendation 92

By 31 October 2024, the Director of the Financial Investigation Agency should:

- arrange to activate the Financial Investigation Agency IT systems' modules that identify themes and trends; and
- train staff to use the system to its full capability.

There is no process for a SAR to be highlighted as urgent or sensitive

An urgent SAR might require immediate review and dissemination by the FIA to allow for a timely law enforcement response. A sensitive SAR might contain details related to the suspected suspicious activity of a public official or financial institution employee.

The FIA lacks a system to allow those submitting SARs to highlight them as either urgent or sensitive. During our review, we found SARs containing details of suspected criminal activity by law enforcement officers and government officials. But there doesn't appear to be a simple method for differentiating these from the many other reports received by the FIA, other than by reading the whole report. There also isn't a system for protecting the information contained in sensitive SARs from wider dissemination across the organisation. The FIA's standard operating procedures don't include guidance on how to handle urgent or sensitive SARs.

We were told that sometimes the person reporting suspicious activity will phone the Director of the FIA to alert them that the SAR is sensitive. But this approach isn't adequate to make sure all urgent and sensitive SARs are highlighted and dealt with accordingly.

Recommendation 93

By 31 August 2024, the Director of the Financial Investigation Agency should develop a process to highlight and respond to urgent and sensitive [suspicious activity reports](#) and include this in the agency's standard operating procedures.

Sanctions investigations and enforcement could be better co-ordinated

Various entities and individuals across the world can be sanctioned. If they breach those regulations within the BVI, then action can be taken. Sanctions can vary, but generally they limit or prohibit certain financial transactions and trade by that entity. If an entity breaches a sanction issued against it, a sanctions investigation can be undertaken, which may be followed by enforcement action.

We found a lack of co-ordination in the way sanctions investigations and enforcement activities are managed between the FIA, the RVIPF and the [Governor's Office](#). The Governor's Office is the competent authority and as such has responsibility for sanctions. There is a lack of oversight from the Governor's Office given its capacity.

The Governor's Office should be responsible for:

- ensuring financial sanctions are properly understood, implemented and enforced within the BVI;
- monitoring compliance;
- assessing suspected breaches;
- imposing monetary penalties; and
- referring cases to law enforcement agencies for further investigation and potential prosecution.

Sanctions are dealt with by two people in the Governor's Office. They started in their roles approximately two years ago but have received limited training. As well as being responsible for reviewing SARs referrals for appropriate sanction and enforcement activity, they perform other duties. There are procedures for the staff to follow, and they receive guidance from the [Office of Financial Sanctions Implementation](#). However, they could be more effective if they received training in sanctions investigations and enforcement.

When the Governor's Office receives a sanction breach report, it refers it to the FIA for investigation. The FIA then reviews the SAR and disseminates it to the relevant law enforcement agency to act on, if deemed appropriate.

The RVIPF undertakes its own sanction investigations into some SARs that are referred to it. But it isn't clear how effective these investigations are.

The ODPP should review and advise on actions necessary to pursue a prosecution for sanctions breaches within the BVI. However, the BVI lacks civil enforcement legislation related to sanctions and is unable to issue fines or penalties.

Recommendation 94

By 31 October 2024, the Governor should set up a sanctions unit to effectively implement and co-ordinate actions against breaches.

The Governor's Office reviews SARs referred to it by the FIA. Where appropriate, it sends these via the UK [Foreign, Commonwealth and Development Office](#) to the National Crime Agency's sanctions unit for consideration of sanction and enforcement action.

While this process seems to work, the Governor's Office receives very little feedback on the outcome of referrals it makes to the National Crime Agency. Therefore, it is left unaware of what, if any, action has been taken.

Recommendation 95

By 31 July 2024, the Governor, together with the Director of the Financial Investigation Agency and the Police Commissioner, should develop a coherent approach to sanction investigations and enforcement activity. This may include the creation of a joint working group comprising staff from the Royal Virgin Islands Police Force, the Financial Investigation Agency, the Financial Services Commission and the Governor's Office.

The FIA could prioritise SARs more efficiently

The way the FIA assesses and prioritises SARs is labour-intensive and heavily reliant on one person.

In 2023, the FIA received over 6,000 SARs. At the time of our review, the process involved the Deputy Director reading each SAR and giving it a priority rating. The Senior Analyst then reviewed each SAR to confirm its rating, before distributing it to a member of the team for full review.

This process takes considerable time as each report, some of which consist of several pages, needs to be read. We heard that sometimes the volume of work is too great to be processed during normal working hours and has to be done in the evening. This isn't sustainable.

We also found that delays in this initial prioritisation process, in some cases, caused delays in the full review of the SAR by analysts. In some cases, we found SARs that weren't reviewed for several months and in one case for more than a year after it had been submitted.

Recommendation 96

By 31 July 2024, the Director of the Financial Investigation Agency should develop an effective system to triage [suspicious activity reports](#) so that those of greatest priority are highlighted and dealt with.

SARs which have been identified as a non-priority don't need to be assessed by the Deputy Director or Senior Analyst and should be allocated directly to analysts.

Virtual asset and cryptocurrency SARs

Virtual asset and cryptocurrency SARs account for a considerable proportion of all reports received by the FIA. During our review, we found that the FIA prioritised the analysis of these reports. This, in some cases, was to the detriment of other reports, which weren't prioritised despite containing intelligence that could have been actioned. We were told that the FIA took this approach because it believed that the pending evaluation by the CFATF would indicate that it isn't effective at dealing with virtual asset and cryptocurrency SARs.

In July 2023, FIA staff received training on virtual assets. The intention was to provide staff with a foundation knowledge and to raise awareness among the RVIPF, HM Customs and the [Virgin Islands International Tax Authority](#), who were also invited to this training.

The course didn't deal with issues such as how and when to seize cryptocurrency or how to store it. These subject areas are complex, and, in the UK, the Government has sponsored a company to deal with the holding of seized crypto.

We found that virtually all the SARs received by the FIA between March 2022 and December 2023 weren't directly connected to the BVI. In fact, there haven't been any domestic crypto SAR disseminations in the BVI to date. The only disseminations have been international. Despite this, the FIU's resources are heavily directed towards crypto SARs.

Recommendation 97

By 31 July 2024, the Director of the Financial Investigation Agency should review whether the financial intelligence unit is prioritising crypto [suspicious activity reports](#) and non-crypto suspicious activity reports appropriately.

If the FIU continues with its focus on cryptocurrency SARs, then it needs to train staff on how and when to seize crypto assets and how these should be stored. There may be benefits in engaging with the RVIPF to establish if it plans to train its officers in crypto investigations, seizures and storage.

The [Financial Action Task Force](#) offers countries a roadmap to help them provide training, outreach, sharing of relevant laws, [risk assessments](#) and guidance through its Virtual Assets Contact Group. The BVI could make use of this.

The analysis and investigation of SARs

Strategic analysis within the FIU needs to improve

During our review, we found little evidence of any strategic analysis taking place within the FIU. While it has a large database of information, it hasn't produced any strategic analysis reports or typologies (the classification of specific types of fraud or money laundering).

Strategic analysis and typologies are essential in identifying trends and patterns relating to money laundering and terrorist financing. This could help the FIU and other agencies determine the threats presented by money laundering and terrorist financing and identify any vulnerabilities within the system. Strategic analysis of SARs could also help the FIU establish its priorities and objectives.

The FIU uses two types of IT software to help with the management and analysis of SARs. The two systems are called iBase and Altia. Both were reported to have the ability to produce analysis and typology reports. FIU staff informed us that they were not trained to use the systems for this purpose.

More detailed analysis of SARs could also provide an indication of which sectors need to improve the quality of SAR submission and enable more focused outreach work to take place.

The FIU needs a suitably trained analyst who is dedicated to undertaking strategic analysis of SARs. They would be able to produce these reports from the information already held within the unit's IT systems.

Recommendation 98

By 31 July 2024, the Director of the Financial Investigation Agency should create a post for a strategic analyst who is dedicated to producing typologies and strategic reports relating to money laundering and combatting the financing of terrorism [suspicious activity reports](#).

FIU and RVIPF financial crime unit staff lack an understanding of investigating tax-related matters and money-laundering offences

None of those we spoke to were confident that they knew how to properly deal with SARs concerning corruption and tax-related fraud.

The '[Virgin Islands Money Laundering Risk Assessment 2022](#)', drawn together by the FIA and the FSC, recognises that at an international level, key money-laundering threats include:

- fraud
- corruption

- tax evasion.

Despite the identification of these risks, staff told us that no training on corruption or tax evasion has been provided.

During our review, we examined the dissemination of SARs to other agencies. We were unable to find any SARs that had been disseminated to the BVI [Inland Revenue Department](#). Closer working between the FIA and the Inland Revenue Department to share information and intelligence would increase the likelihood of identifying those involved in tax evasion.

Recommendation 99

By 31 August 2024, the Director of the Financial Investigation Agency should develop a training plan to upskill staff in the Financial Investigations Agency and the Royal Virgin Islands Police Force's financial crime unit to deal with tax-related offences linked to fraud and money laundering.

UK HM Revenue and Customs staff, based in Washington DC, have agreed to provide resources to train officers from the BVI in tax-related offences linked to fraud and money laundering.

Enforcement

The FIA's SEU isn't as effective as it should be

The SEU is responsible for the supervision and monitoring of non-profit organisations and designated non-financial businesses and professions for the purposes of anti-money laundering, combatting the financing of terrorism and countering proliferation financing. This includes:

- reviewing an entities' processes and compliance manuals;
- examination of persons of interest connected to a business; and
- making recommendations for improvement so that the standards are met.

The SEU doesn't appear to provide sufficient, robust oversight of the non-profit organisations and designated non-financial businesses and professions it is responsible for monitoring. It needs to make sure that those organisations meet the standards set out in relevant legislation and the BVI framework for anti-money laundering, combatting the financing of terrorism and countering proliferation financing.

The SEU's standard operating procedures provide processes for carrying out checks of the organisations it is responsible for supervising. But at the time of our review, we found that the system for the fit and proper test for the money-laundering reporting officer wasn't being followed. A money-laundering reporting officer is

responsible for implementing and overseeing a company's anti-money-laundering compliance programme. This includes, among other duties, deciding whether to report suspicious activity to the FIA.

The SEU's failure to test whether a money-laundering reporting officer is a fit and proper person is a significant gap in process.

Recommendation 100

By 31 August 2024, the Director of the Financial Investigation Agency should make sure that proper checks are being made to test whether a person is fit and proper to hold the role of money-laundering reporting officer.

We found that the SEU's standard operating procedures don't provide guidance for staff to record breaches of the registration and examination process.

We were told of three principal areas that entities fail to comply with:

1. Repeated failure to provide information, including risk assessments and questionnaires;
2. Failure to complete or update compliance manuals; and
3. Failure to respond to recommendations to improve.

The SEU doesn't keep a register or publish details of entities that haven't engaged in the compliance process. Doing so could enable other organisations to risk assess whether they wish to do business with these entities. We were told that some entities don't bother to register with the SEU.

The remit of the SEU's enforcement team is to issue directives to registered entities. The agency has the ability to make recommendations to the Department of Trade to suspend, revoke or withdraw trade licences or consider recommending action for the imposition of a fine or jail term. But no cases have ever been brought.

The SEU needs a proactive approach to issuing fines to entities that fail to comply with the supervision process, including failure to:

- provide timely information;
- make suitable amendments to their compliance programme; or
- comply with other directives by the FIA.

Resources and funding

The FIA is predominantly funded by the BVI [Ministry of Finance](#) and the FSC. The FIA also receives some modest additional income from the rental of space within its premises.

We were told that funding levels are insufficient to meet the demands on the organisation, and some posts haven't been filled due to a lack of funding.

The FIA receives about 25 percent of its funding from the FSC. This is under an informal arrangement. This poses the risk that the FSC could withhold funding, which would dramatically affect the FIA's ability to function.

The FIA could generate more income if it used its powers more effectively

As mentioned elsewhere in this chapter, the FIA doesn't use its range of powers to issue penalties and fines effectively. It should act more robustly in dealing with those who, for example, breach section notices. A more robust approach would generate income that could be invested in FIA activities. And it would increase the public's confidence in how effectively the FIA operates.

The FIA takes too long to disseminate information from the SARs it receives

Information from SARs isn't disseminated to the RVIPF, HM Customs or other agencies until all work is completed by the FIU. This has the potential to delay dissemination of information for lengthy periods. This could lead to missed opportunities to gather evidence, seize property and make arrests.

The amount of information gathered by FIU analysts is impressive, and the process is beneficial to the receiving agencies, who might otherwise have to obtain court production orders, which require the [disclosure](#) of listed material, to secure some of the information.

During our review, we found cases where the length of time between the FIA receiving a SAR and the analyst completing their work was ten months. And we were told that this is the norm.

Recommendation 101

By 31 August 2024, the Director of the Financial Investigation Agency should review the system for dissemination of information from [suspicious activity reports](#) and make sure that, where appropriate, there is a system to make an interim dissemination of information.

Powers

The FIA needs to be more proactive in issuing fines to entities that fail to comply with requests for documents

Section 4 of the Financial Investigation Agency Act 2003 gives the FIA the power, in certain circumstances, to request documents and other material from entities. Where a person or entity fails to comply with a lawful request under this section, they may be subject to a fine or penalty.

During our review, we found repeated examples of entities failing to comply with section 4 notices. And we were told that failure to provide documents or delays in

providing documents results in significant delays in the FIA referring matters to other agencies for them to investigate further. In some cases, this led to SARs not being disseminated to other agencies for more than ten months.

We were told that it wasn't uncommon for entities to take lengthy periods to reply to a section 4 notice or reply but without providing all the documentation requested. In some cases, no reply was ever received.

The Financial Investigation Agency Act 2003 requires that an entity responds to a section 4 notice within five working days. Failure to comply can result in a penalty of up to \$20,000 and/or two years imprisonment. If an entity agrees that it was late in providing the information requested, the Director of the FIA can reduce the fine to an amount up to \$10,000. The FIA's standard operating procedures detail the steps required by staff to seek an enforcement penalty.

The Financial Investigation Agency Act 2003 came into force in 2004. This gave the FIA the ability to refer breaches of section 4 notices to the RVIPF to prepare a file and submit it to the ODPP for consideration of prosecution. Following the Financial Investigation Agency Amendment Act 2021, which came into force in August 2021, the agency had the ability to pursue these matters itself. We were informed that it wasn't until 2022 that the FIA set up a bank account to receive any fines levied and began to impose fines. Prior to this, the FIA didn't use the power to refer such matters or pursue them itself.

Our review revealed that the FIA still doesn't use its powers to enforce compliance with section 4 of the act effectively. We could find only limited evidence of the issuing of fines and penalties, which related to six entities during the latter part of 2022. We were told that despite lists of entities in breach of section 4 notices being produced, in most cases the Director of the FIA took the decision to grant an extension of time or not proceed with a fine. If the FIA were to use its powers to penalise entities that breach section 4 notices, it is likely to receive more timely and detailed responses.

Recommendation 102

By 31 August 2024, the Director of the Financial Investigation Agency should make sure that the agency uses its powers under section 4 of the [Financial Investigation Agency Act 2003](#) more effectively.

We also found that the legislation appears to be flawed. If an entity in breach of a section 4 notice pays the fine and/or is given a term of imprisonment, there isn't a procedure or further powers that allow the FIA to obtain the information it originally sought. This is a serious gap in the legislative framework and needs to be reviewed.

The HM Virgin Islands Prison Service

Introduction

Most public sector bodies in the British Virgin Island (BVI) are overseen by one of the government ministries. [HM Virgin Islands Prison Service \(HMVIPS\)](#) is overseen by the [Ministry of Health and Social Development](#). We were unable to determine a clear rationale for why this was the case. Its oversight of the prison service seems incongruous with the ministry's primary responsibility, which is [safeguarding](#) and promoting the health and social well-being of the people of the BVI. The Superintendent of Prisons is line managed by the Permanent Secretary of Health and Social Development. But in statute, the Governor is responsible for matters related to the safety and security of the BVI, and any such issues that arise should be reported to them.

HM Prison (HMP) Balsam Ghut, in Tortola, is the only prison in the BVI. It was built in 1997. In 2017, the prison suffered considerable damage during Hurricane Irma. Since then, much of it has been repaired, although some parts haven't. Some temporary measures put in place to keep the prison functioning, in the aftermath of the hurricane, remain in place and more permanent solutions are needed.

During our review, we found significant overcrowding in the prison. The prison is structurally in a poor state of repair, and there was evidence of a serious lack of investment in the prison estate over many years.

The prison service may be more effective if responsibility for it lay elsewhere

The role of the prison is very distinct from that of providing health and social care. This has the potential to negatively affect the level of support and focus placed upon the prison by the ministry. There appear to be significantly more effective options for providing oversight, governance and support to the prison.

The provision of an effective and efficient prison service is a matter of national security for the BVI, not least since the prison houses some high-risk and extremely dangerous offenders. Bringing the prison service under the direct oversight of the [Governor's Office](#), or a single ministry with other law enforcement agencies, may prove a better option.

Such a change could present opportunities to make the prison service and associated criminal justice system more efficient and effective. Aligning law enforcement and criminal justice bodies may help to bring the often-lengthy prisoner remand periods into wider focus. It should also create a more efficient system, with prisoners being held on remand for shorter periods.

There are opportunities, for example, to free up the immigration detention centre (IDC), which at the time of our review, was being used to house prisoners. Fewer remand prisoners, held for shorter periods, would alleviate some of the overcrowding elsewhere in the prison. This would allow the IDC to be used as intended and remove the current need to hire a hotel for use as an IDC or to build a new facility. Closer links with the [Royal Virgin Islands Police Force \(RVIPF\)](#) would open the possibility for some integrated training and enhance the sharing of information and [intelligence](#).

We found that probation services were almost non-existent at the prison, despite probation forming part of the same ministry. We identified some prisoners on remand who possibly could have been granted [bail](#) subject to the appropriate level of probation support. There was a complete lack of pre-release support. We believe closer working with probation services and the criminal justice system could help in managing the release of prisoners at the end of their custodial sentence.

Leadership in the prison service is lacking

During our review, we found a lack of effective leadership among officers of all grades. This has led to the breakdown of routine and robust systems and procedures.

Basic administrative functions are failing

The collection of information and data was poor, and even some of the most basic of processes were ineffective. For example, the prison runs a 'preselect' meal choice system, which given the size of the establishment, could easily run on a week-ahead basis. But during our review, we found that the catering staff were chasing lunchtime meal selections for that day. The system isn't working, and staff are wasting time and not focusing on other important tasks.

Security arrangements are less effective than they should be

Security arrangements across the prison are inadequate. The most concerning of these is the absence of any formal process for categorisation of prisoners based upon the risk they pose, to themselves, other inmates or prison staff.

There are some prisoners at HMP Balsam Ghut who would carry the highest threat and risk category if they were held in UK prisons. Yet these prisoners aren't categorised as such, and no enhanced security measures are in place to manage the risks they pose.

Recommendation 103

With immediate effect, the Superintendent of Prisons should introduce a system like that of the UK's HM Prison Service to correctly categorise all prisoners held at HM Prison Balsam Ghut. This categorisation should then inform what, if any, added measures are needed to manage the risks posed by prisoners.

Previous inspections and audits haven't led to sufficient improvements

The prison has been subject to several inspections and audits in recent years, which have resulted in a range of recommendations. These recommendations have been consolidated into one action plan. The action plan also contains a list of activities necessary to achieve the recommendations. We found these, generally, to be reasonable and would, if carried out, lead to improvements across the prison.

But we noted a lack of drive to pursue the action plan, with little obvious intent to achieve the recommendations. There appeared to be a distinct lack of autonomy or freedom given to the Superintendent of Prisons. This is limiting their ability to make changes and bring about improvements. As a result, there was little evidence that the action plan had been or was likely to be successful in meeting the outstanding recommendations.

The lack of progress with previous recommendations is worrying. It calls into question how likely it is for the recommendations made in this report to be implemented. However, we are optimistic about the positive leadership shown by the newly appointed Superintendent of Prisons.

The prison has new leadership and governance, but more is needed

Since taking charge in November 2023, the newly appointed Superintendent of Prisons has rapidly assessed the significant shortage of systems, resources and physical security. At the time of our review, they were starting to take remedial action to try to mitigate the most serious risks. However, there isn't a permanent deputy superintendent to help run the prison and drive through the necessary changes. Many of the senior leaders in the prison are temporary in their roles and ranks and have received little, if any, training to perform their new duties. This situation shouldn't be allowed to continue.

We noted a marked improvement in the way the prison was being managed in the weeks following the superintendent's arrival. They have rapidly set out some remedial actions to restore some of the basic systems needed to run the prison. They have also secured some support from the UK [Ministry of Justice](#) to improve the prison's security. Resources such as cell and office furniture, and possibly door and gate locking systems, are reportedly available via the UK Ministry of Justice. But it isn't yet clear and hasn't been agreed how these resources could be brought from the UK to the BVI.

The independent inspection of places of custody is crucial in providing reassurance to the Government and the public about the good governance of the prison. One of the ways this has been achieved in the past is through visits by the 'prison visiting committee'. Regrettably, our review revealed that the previous committee had ceased to function. But we were pleased to find that a new prison visiting committee had been established. It made its inaugural visit to the prison in December 2023, during our review. We would urge the Ministry of Health and Social Development and the Superintendent of Prisons to make sure these visits become regular and meaningful. Feedback from the committee should be used to help make improvements to the effective running of the prison.

Much more still needs to be done, but we were impressed by the improvements made in the prison from when we first saw it in November 2023 to when we left in December 2023.

Despite repeated inspection by other bodies over some years, there is still no consistent independent review process to allow a regular assessment of how well the prison is operating and how it affects outcomes for prisoners.

Recommendation 104

By 30 June 2024, the Governor should consider how to best facilitate a programme of regular independent scrutiny of the prison.

Legislation is outdated

The legitimacy and operation of the prison service, in legislation, relies on the [Prison Ordinance 1956](#). This underpins many of the policies and processes that should exist in the prison. It was last revised in [1999](#), and it is in urgent need of significant revision to reflect modern practice in the UK [HM Prison and Probation Service](#).

Recommendation 105

By 30 November 2024, the Ministry of Health and Social Development, together with the Superintendent of Prisons, should review the existing prison ordinance and make arrangements for it to be updated to reflect UK custodial law and the UK HM Prison and Probation Service's operating procedures.

Structures and governance

We found that there was a general lack of effective governance structures provided by the Ministry of Health and Social Development. Similarly, budgetary, procurement and recruitment processes are unnecessarily complicated. The resultant delays severely hamper the prison's ability to introduce both operational and structural improvements.

We found no processes in place to check the performance of the prison. Nor were we able to find any policies or procedures to provide the Superintendent of Prisons and their team with any strategic direction or support from the ministry.

The criminal justice action group meets quarterly to review the single action plan, referred to above. But it was clear from our review that this meeting is often poorly attended and fails to provide sufficient oversight to hold the Superintendent of Prisons or the ministry to account. We also found that while the action plan was relevant to achieving the recommendations, it didn't prioritise those matters of greatest urgency and importance.

The Superintendent of Prisons is new to the post, but the post of deputy superintendent remains vacant. This means that the Superintendent of Prisons retains operational control over the prison seven days a week and is unable to take leave. The next layer of management is an assistant superintendent (for the male part of the prison) and a matron (for the female part of the prison). The Assistant Superintendent has applied for retirement and is awaiting the decision of the ministry. This will create another vacancy at senior level that will need to be filled.

There are a number of principal officers. Those holding this rank act as the overall manager for their respective area of responsibility, such as security, resettlement and living conditions. We found that the majority of these had been temporarily promoted to the grade for just over a year and had received little or no training for their temporary roles.

The new Superintendent of Prisons has had to temporarily promote some basic-grade prison officers to acting principal prison officers (grade II) due to many manager-grade officers being suspended. Some of these suspensions have lasted for years. The Superintendent of Prisons has given areas of responsibility to each of the principal officers. But we found there to be little management oversight of some key areas, such as violence reduction, safeguarding and use of force.

First-line management is provided by grade II prison officers, also known as sergeants, who run the day-to-day functions of the prison and supervise grade I prison officers.

There are too many vacancies, and it takes too long to fill them

There have been long-term vacancies for a deputy superintendent, a rehabilitation manager, teachers, a general counsellor, a drugs counsellor and even some officer grades. Despite the best efforts of the newly appointed Superintendent of Prisons and the recent Acting Superintendent to fill these vacancies, most remain empty.

The recruitment and selection process is slow and unwieldy. It is heavily reliant on effective communication and administration between central HR (responsible for grade 7 staff and above) and the Ministry of Health and Social Development (responsible for

devolved grades below grade 7). To retain tight control of recruitment, HR requires multiple layers of decision-making and approval, which build in lengthy delays. We were told that this extends recruitment and selection processes to such a length that often successful candidates lose interest or gain employment elsewhere.

The Superintendent of Prisons, as a head of department, may carry out a recruitment campaign if approved by central HR. But they don't have the authority to make recruitment decisions, even for basic-grade prison officer recruitment campaigns. Instead, they have to outline their recommendations for recruitment in writing to the Permanent Secretary of the Ministry of Health and Social Development or the Director of central HR, who then approves or refuses their recommendations.

During our review, we were given examples of where this was the case, including some ongoing recruitment exercises that had stalled following the selection of successful candidates. We heard of similar problems in the recruitment and selection process from other agencies and bodies.

Recommendation 106

With immediate effect, the Ministry of Health and Social Development, together with the Superintendent of Prisons, should identify and appoint a suitably qualified and experienced deputy superintendent.

Resources and funding

The prison operates on an annual budget of about \$4.3m. Budgeting at the prison is difficult because funding is allocated at quarterly milestones by central finance. The Superintendent of Prisons has no devolved budget and so has no authority to appoint new staff. We also noted that the Superintendent of Prisons has no authority to dismiss or even formally discipline staff.

Some staff posts are only part-funded, which further aggravates recruitment and impedes safe staffing levels and operations. For example, a post may be funded in the second, third or even fourth quarter of the financial year. Consequently, no recruitment can commence until then.

Budget management and procurement practices are poor

The lack of a devolved budget had led to central finance imposing very restrictive procurement practices on the prison. Interviewees we spoke to believed that all purchase requests, however small, require the prison to submit multiple quotes for approval. We found that this had led to lengthy delays in the purchasing of even the most basic goods and services. We found examples of staff purchasing some materials themselves to avoid the bureaucracy and delays inherent with the procurement policies.

Recommendation 107

With immediate effect, the Ministry of Health and Social Development, together with the Superintendent of Prisons, should introduce a devolved budget for the prison. The devolved budget should grant the Superintendent of Prisons the autonomy and freedom to approve reasonable expenditure when necessary for the effective and efficient running of the prison.

This problem has been exacerbated by the limited number of suppliers of some goods and services in the BVI. Staff in the prison told us that suppliers who had previously quoted to supply goods or services but had been unsuccessful are now unwilling to provide quotes. In some cases, it simply isn't possible to obtain multiple quotes. The current system needs to change. There doesn't appear to be any approved suppliers list from which the prison can source goods and services quickly and efficiently.

Recommendation 108

With immediate effect, the Ministry of Health and Social Development, together with the Superintendent of Prisons, should develop an approved suppliers list from which the prison can expeditiously source many of its goods and services.

There is a lack of prison staff

The prison doesn't have sufficient staff to operate efficiently and effectively. In our assessment, the prison needs more officers. These gaps in staffing levels have been caused by a variety of issues. These include retirements, suspensions, resignations and vacancies created by temporary promotions.

A recent reprofiling exercise (using the UK HM Prison and Probation Service's staffing calculator and programme) by the outgoing and newly appointed Superintendent of Prisons identified the need for an additional 33 grade I prison officers (increasing from 53 to 86 officers). It also recommended increasing the number of grade II prison officers from 11 to 15. These staffing levels are needed to ensure the safety, security and decency of all who live, work and visit HMP Balsam Ghut and to protect the public.

On several days during our review, there were insufficient staff to run the prison. The Superintendent of Prisons is seeking approval from the Ministry of Health and Social Development to increase the number of staff in the prison. We would urge the ministry to consider this request and increase the staff numbers at the prison as soon as possible, even if only on an incremental basis over the next two years.

The prison is overcrowded, which makes it unsafe for prisoners and staff

The overcrowded prison accommodation is ill-equipped to meet the reasonable and respectful needs of prisoners. Over half of the prison population were remanded into custody by the courts awaiting trial. Some of them have been held on remand for several years. We calculated the average time on remand to be 450 days.

The criminal justice system needs to speed up and put greater focus on dealing with remand cases more quickly.

The prison grounds also contain the IDC. This facility is less secure than other parts of the prison. But during our review, it was being used to help deal with overcrowding elsewhere in the prison. There are few cells in the IDC and most prisoners have to live in a make-shift array of living spaces.

This accommodation is commonly referred to by staff and prisoners as a 'shanty town'. The standard of accommodation, recreation facilities and sanitation falls far below what is reasonable and appropriate to house prisoners.

A lack of resources is compromising prison safety and security

There are insufficient resources to make sure the prison is appropriately locked, with a random selection of different locks fitted to doors and gates. During our review, there were several occasions when we were unable to move freely across the prison, either onto or off residential areas, because of insufficient sets of keys that contained the right keys to open some locks.

There are no escort handcuffs available in the prison that are of a standard suitable for transporting prisoners. As an alternative, rigid bar handcuffs are used, but even so, on some occasions, there are insufficient sets of these. We were told by managers and officers that it isn't uncommon for them to buy their own handcuffs. We also found evidence that some officers have had to buy their own uniforms. This is because uniforms aren't readily available from the prison, although efforts are now being made to deal with this problem.

The prison has two escort vehicles, which are used mainly to transport prisoners to and from court. A third vehicle, which was attacked and severely damaged during a prison escort, remains out of use with no prospect of repair or replacement.

An old and shabby pick-up truck is used to transport meals from the kitchen and gate to the wings. This vehicle is also used for garbage collection and to transport pigs from the farm. The use of this vehicle in this way is unhygienic and inappropriate.

Recommendation 109

By 31 May 2024, the Superintendent of Prisons should develop a maintenance and repair plan, including a schedule, that prioritises work in accordance with security and safety risks. This plan should be agreed and funded by the Ministry of Health and Social Development.

The prison lacks any meaningful electronic systems for administration or safe running of the prison

The prison has no electronic prisoner management system. Instead, it relies almost entirely on a paper-based administrative process. We found that the prison had no system for raising general alarms to alert other officers and make sure any security issues or problems were responded to effectively. This places officers in a potentially vulnerable position when dealing directly with prisoners.

HMP Balsam Ghut doesn't have any radio system for officers to communicate across the prison estate. This means that staff must use their own mobile phones when they need to communicate with others elsewhere in the prison. Use of mobile phones in most prisons in the UK is prohibited. This is to prevent prisoners from engaging in illicit communication with others, outside the prison. The current position is a risk to general security and poses a risk to the safety of officers.

Recommendation 110

With immediate effect, the Ministry of Health and Social Development should make sure a suitable peer-to-peer radio system is identified, purchased and installed to allow effective communication between prison staff across the prison estate.

Facilities

The prison was designed to accommodate 85 prisoners. But at the time of our review, it was chronically overcrowded and held 132 prisoners. We found the cells were poorly furnished, cramped and offered little privacy.

Property storage is also a problem, with the central storage for prisoners' property still being used despite having been damaged by Hurricane Irma. Much of the property stored there has become damp and unfit for future use. The management of this property is poor, and there is no effective system to identify some of the property or even to ascertain if the owner is still in custody.

The cells and living accommodation are cramped and dangerous

There are no external doors on some of the doorways to living areas. During storms, rainwater can sweep into these areas through the gates. 'In-possession' property is kept in boxes in cells. This adds to the cramped living conditions. The electricity supply throughout the prison is dangerous, with exposed wires, damaged sockets and poor lighting.

Recommendation 111

With immediate effect, the Ministry of Health and Social Development should commission a full assessment of the electrical system of HMP Balsam Ghut with remedial action or mitigation to prevent serious injury, harm or damage to property from dangerous electrical wiring.

There is a lack of adequate fire safety equipment and protocols

The prison has no fire-main system and very little in the way of fire prevention or fire-fighting equipment. Some fire hydrant boxes are empty or in a poor state. Some units have insufficient fire exits. Prisoners have built 'shanty town' accommodation in 'G' and 'H' units. This is mainly made of wood, cardboard and other flammable fabrics, which adds to the fire risk.

Recommendation 112

With immediate effect, the Ministry of Health and Social Development should make sure the recommendations of the fire safety audit conducted in 2022 are implemented, with remedial action or mitigation to prevent serious injury, harm or damage to property from fire. The ministry should make sure the prison has sufficient funding to achieve this.

The condition of the prison is generally poor and unfit for staff and prisoners

External areas are shabby, and the main access to the living accommodation is little more than a dirt track. We saw waste bags piled up on the main walkway for many days, and prisoners told us of constant rodent infestation. The locking system for the entire site is haphazard and inadequate, with insufficient keys available to access all areas. This poses a security risk for the prison and a safety risk to prison officers, who may have greater difficulty in accessing or escaping from parts of the prison where prisoners are held.

Recommendation 113

By 31 May 2024, the Minister of Health and Social Development, together with the Superintendent of Prisons, must engage with the UK Ministry of Justice to secure a suitable set of locks with sufficient keys to provide safe, secure and effective access within the prison.

Personal hygiene facilities in the prison are inadequate

The showers in the main units are in desperately poor condition. Recesses between the showers are exposed and filthy. We found tiles missing, poor lighting and sinks that had been partially removed. In some instances, the drains were backing up and leaking wastewater across floors, causing a constant stench. The prisoners attempt to keep shower areas clean, but the generally poor state of repair makes this practically impossible.

Prisoners are issued little in the way of prison clothing, other than receiving two bright orange tee shirts upon arrival. Prisoners generally wear their own clothes, which are washed (along with their bedding) on a rota basis in a small, centralised laundry area. Some of the machines have been out of use for some time, which causes backlogs and inevitable tension. There is no clothing or bedding exchange system in place.

Recommendation 114

By 30 June 2024, the Superintendent of Prisons should make sure that sufficient prison clothing is provided to prisoners and that any prisoners working at the prison have adequate personal protective equipment and clothing.

The management and induction of newly arrived prisoners are poor

Newly arriving prisoners are housed in the segregation unit for up to 14 days in isolation before being moved to accommodation elsewhere in the prison. We were told that this approach is to allow staff to risk assess the threat posed by new prisoners because the prison receives little or no intelligence initially. But it was evident that this was standard practice, even in cases where staff had a satisfactory level of information about a newly arrived prisoner. We found that there was little or no induction for newly arrived prisoners while being held in isolation in the segregation unit.

Facilities for female prisoners were better than those for male prisoners

At the time of our review, there were six female prisoners held at HMP Balsam Ghut. These prisoners were housed in 'F' unit, which provides, arguably, the best accommodation and facilities at the prison. The showers are clean and well kept, and there is a communal area for association, a separate, functional kitchen and separate laundry equipment. Access to the open air is reasonable.

There are very few facilities provided for vulnerable prisoners

Vulnerable prisoners are housed in 'I' unit, which is located in an isolated part of the female unit. The conditions in this unit are extremely poor. There is no area for any communal association and no properly functioning kitchen facilities. A microwave and a fridge are stationed in a cramped corridor.

Prisoners have no access to any entertainment such as live television, radio or reading materials. The new Superintendent of Prisons has made provisions for access to the external area for exercise. But this is limited to once a day for just one hour because there are too few staff to supervise these exercise periods. With little else to do, most of these prisoners spend much of their time sleeping or in a general state of lethargy.

The prison has inadequate recreation facilities or educational or work opportunities

There are few recreation facilities across the prison. Prisoners are allowed to access communal internal areas during the day. But the external communal areas are poorly maintained and overgrown with vegetation. The on-wing association areas provide little in the way of space or activities and doubled up as dining and cooking areas. Generally, most of the prisoners congregate in the walkways between the cells or in the communal 'kitchen' areas.

The prison does have a communal exercise area, which has a small amount of gym and exercise equipment. But this area is poorly equipped and not maintained. The space is only available to prisoners for one hour at set times. Alternatively, prisoners can access a basketball court during their exercise hour. This is also in need of refurbishment.

There are few work or educational opportunities. The prison has a modest farm area for growing produce and rearing a few livestock. But no more than three prisoners are employed at the farm at any one time.

We were told that before Hurricane Irma, the farm had been a more central part of the prison. It used to provide some positive outcomes for the prison and prisoners, including work activities and produce. But since the hurricane, the farm has fallen into disuse. Much of the area is overgrown and has become a dumping ground for obsolete equipment. It is evident that this area has much more potential for useful employment and to create revenue and food for the prison.

Education is intermittent, with no prison-based teacher being available and gaps of up to three weeks between visits from external tutors. None of the workplaces offer any vocational qualifications.

Recommendation 115

By 31 July 2024, the Superintendent of Prisons should identify work opportunities for prisoners in the prison estate. These should include maintenance and cleaning tasks and better use of the farm facilities.

Food preparation and cooking facilities are unhygienic and poorly maintained

The main kitchen is only able to meet demand because so many prisoners arrange for food parcels to be delivered to the prison each day. The kitchen is poorly equipped and unhygienic, with food preparation areas next to waste bins that hadn't been emptied for days. Food storage is inadequate, and we saw dirty freezers and food left out for lengthy periods. None of the prisoners working in the kitchen have been trained or are correctly dressed for food preparation. Appliances for the chilling and cooking of food are dirty and unfit for purpose.

Arrangements for prisoner contact with family and friends are poor

Prisoners are allowed just one 20-minute in-person visit per week. They are also permitted one 10-minute call per week on-wing office telephones, although we were told by staff that this service is unreliable. We consider the level of contact with families and friends to be inadequate and overly restrictive. The use of the office telephone, in the absence of an official prisoner PIN phone system, undermines security. We also found that the facilities provided for visitors during visiting periods were inadequate.

Prisoners access to healthcare provision is limited

Healthcare provision is limited to just two nurses, who work in the prison on weekdays only. A doctor also visits the prison once a week. Access to a mental health team is provided weekly. Dentistry provision is only available outside the prison, which requires prisoners to be escorted to the external dental surgery. Access to dental care is limited both in capacity and resources and is the main health concern raised by prisoners and healthcare staff. We were told that appointments are routinely cancelled because there are too few staff to escort prisoners to these appointments.

The prison has video facilities to remotely attend the Magistrate's Court

There are video facilities in the prison, and these are used to manage hearings referred to the local magistrate. However, unlike in the UK, this facility isn't used for any other court hearings. Consideration should be given to how video conferencing could be more widely used to reduce the need to transport prisoners to minor hearings.

Conduct and standards

The [Public Service Management Code](#), which applies to the HMVIPS aims to uphold “the public service values and principles which guide the terms and conditions of employment and the code of conduct for officers and employees”.

Senior leaders reported many incidents of staff being afraid to challenge, search or even reprimand prisoners for fear of reprisal. This was further evidenced by a lack of any submissions of security intelligence reports during our second visit. Managers told us that staff have no confidence in the integrity of intelligence management processes in the prison or the police.

Physical security is often weak, and we routinely saw staff leaving gates and staff offices unlocked and unattended. The security arrangements at the front gate are inadequate due to both the design and staffing levels. The significant amount of food brought by friends and families for prisoners leaves the prison vulnerable to the ingress of illicit items and contraband.

The gradual erosion of procedures and standards has left some poorly trained staff with little control over the actions of prisoners. There is little understanding of how to use dynamic security principles. The absence of effective use of dynamic security, coupled with a general lack of security awareness training, has inevitably led to a failure to routinely gather security intelligence.

The Government recently decided to remove the training budget from HMVIPS and all other ministries, with a view to centralising the budget. It is unclear how HMVIPS can access these funds.

There is no effective confidential reporting process to report wrongdoing, and there is no designated conduct and standards lead.

Poor internal investigations and the lack of sufficient disciplinary processes have resulted in some suspended staff staying on full pay for over four years. We found a general lack of challenge of staff suspected or found to be involved in trafficking contraband into the prison. In at least one case, an officer found to be bringing illicit mobile phones into the prison retained their job.

Recommendation 116

With immediate effect, the Superintendent of Prisons should appoint a senior prison officer as the conduct and standards lead who should develop a process by which staff feel able to report concerns about poor behaviour or suspected wrongdoing.

Terms and conditions

The Superintendent of Prisons is employed on a two-year contract with the option for this contract to be extended. Uniformed grade prison officers are permanently employed on varying pay scales. Some of the basic officer grades start at a low pay level of around \$22,000. This means that most have at least one other job in addition to their prison officer role. This situation isn't uncommon across other parts of the public sector and is understandable when living costs in the BVI are high. But doing other employed work has the potential to create conflicts of interest.

There is little or no formal training for prison officers

With the training manager on a long-term leave of absence, there is no established initial training for prison officers, and some operational staff have never been trained. There is no current training needs analysis or training plan. However, the new Superintendent of Prisons has issued a training needs survey to all staff. There has been little training of any description undertaken in recent years. For example, local trainers haven't been able to requalify and so are unable to provide refresher or initial training for prison staff in the appropriate use of force.

Powers

The prison's authority to detain prisoners is provided by a warrant from the sentencing/remanding court and on occasion from the [Department of Immigration](#) under the island's immigration and passport statutes.

The management and recording of discipline cases and subsequent hearings need to improve

Under prison discipline rules, prisoners can be placed on report for a range of disciplinary offences. There are no clear guidelines for discipline hearings. The discipline cases we reviewed raised concerns about the fairness and accountability of the process. For example, we reviewed the record of a hearing carried out within ten minutes of the alleged offence occurring. There was no record of the adjudicator having been trained or having the authority to carry out the disciplinary hearing. And there was no written record of how the hearing was managed or the enquiries made into the alleged discipline offence. There is no process in place to quality assure the way hearings are run or the fairness and proportionality of any outcome.

Recommendation 117

By 31 September 2024, the Superintendent of Prisons should make sure that officers responsible for undertaking discipline hearings and/or adjudications are appropriately trained and certified. The process and outcome of hearings, along with the associated rationale, should be properly recorded.

Prison officers can use force where it is necessary, but they lack proper training

Prison staff have the authority to use force when necessary. But there is no clear guidance that outlines the circumstances in which force can be used. Nor did we find any framework or policy for justifying and then recording the use of force.

There has been no use-of-force training undertaken at the prison for over two years, and trainers haven't completed refresher training to enable them to train others. It was of concern that no staff are certified to carry out any planned use of force.

Recommendation 118

By 30 June 2024, the Superintendent of Prisons should make sure that all trainers who are responsible for training others in the use of force, have requalified or had refresher training. These trainers should then train staff across the prison in the effective use of force.

The Superintendent of Prisons has authorised some prison officers to regularly carry Taser

We found that some staff carried conducted energy devices (CEDs), commonly referred to as Tasers, while patrolling or operationally deployed in parts of the prison. The previous Superintendent of Prisons took this decision to help with prison officer safety and security. The purpose was to help mitigate risks arising from poor key and lock management, a lack of monitored CCTV in the prison, no effective communication system and no alarm or alert system.

CEDs are designated as firearms in UK and BVI law. The possession and use of these weapons is governed by strict legislation. And if they are incorrectly used, they can cause serious harm and, in some cases, death. The presence of CEDs in the prison also adds to the potential risks faced by prison officers if they were to be forcibly disarmed by prisoners. Carrying a CED may give a prison officer a misguided sense of security. Yet the weapon is unlikely to keep them safe, especially if faced with one or more hostile prisoners.

Recommendation 119

By 30 June 2024, the Superintendent of Prisons should review the decision to allow staff to carry conducted energy devices in the prison to see whether this is justified. As part of this review, they should consider what alternative mitigation may be possible to help keep prison officers safe, without the need to carry these devices.

Intelligence

During our review, we found that there was a general lack of effective collection, analysis and sharing of intelligence. We found little evidence of officers using intelligence to help them run the prison efficiently and effectively. Managers and staff explained that this is due to a general lack of trust and confidence in the systems and processes for managing intelligence.

Some officers fear reprisals for submitting intelligence about prisoners

We also heard that some officers fear reprisals if their use of intelligence has a negative effect on prisoners and their involvement becomes known. The size and relatively small population of the island make it easier for prisoners, or their associates, to obtain personal information about prison officers. Officers' fear of reprisals, which could affect them and their families, is understandable.

But it is a worrying situation. Even if the fear is perceived rather than real, it limits the prison's ability to operate efficiently and effectively. And this fear could negatively affect a range of operational activities in the prison, not just in the management of intelligence. Some of the measures we have recommended in this report may help to reduce the fear some officers feel.

The prison has no intelligence collection plan

There is no effective intelligence collection plan, and there is a lack of structure in the general management of information and intelligence. This means there is no meaningful analysis to help in, for example, identifying hot spots of illicit activity in or near the prison. Nor is there the intelligence capability to increase understanding of trends over time.

We were surprised by how few security information reports are submitted. These are a vital source of timely and recorded intelligence about activity and events in the prison. Generally, intelligence submissions are rare. In the first 17 days of December 2023, no security information reports were received by the security department. This is despite what we considered to be daily breaches of security and low-level prisoner discipline issues. If used as intended, the security information reporting process will increase the amount of intelligence that is collated. As a result, it should improve the prisons' ability to monitor and respond to potential threats and risks in the prison.

Recommendation 120

By 31 May 2024, the Superintendent of Prisons should make sure that the security information reporting process is managed in a confidential way and that it is understood, implemented and used by staff.

The prison has an information-sharing agreement with the RVIPF to help with the sharing of intelligence between the two organisations. We reviewed the agreement and found it was insufficient to promote and allow the routine and effective sharing of intelligence. The RVIPF has a dedicated prison liaison officer within its intelligence department. But information sharing between both organisations isn't working as intended.

We would strongly suggest that the Superintendent of Prisons, together with the Head of Intelligence from the RVIPF, reinvigorates this agreement to make sure it is used to maximise the sharing of intelligence. Intelligence sharing should focus on addressing the threats and risks posed to the prison population and any information that helps safeguard communities. This should include regular meetings to measure success and set direction.

Criminal justice bodies

In the following chapters of this report, we make recommendations to the criminal justice bodies of the British Virgin Islands (BVI). These are:

- the [Office of the Director of Public Prosecutions \(ODPP\)](#);
- the [Magistrate's Court](#);
- the High Court division of the [Eastern Caribbean Supreme Court \(ECSC\)](#), in respect of its BVI criminal cases; and
- the [Attorney General's Chambers \(AGC\)](#).

We only make recommendations to the AGC in respect of its handling of extradition proceedings and requests for mutual legal assistance.

The recommendations made in this report can be implemented without the need for constitutional or structural change, new legislation or changes to existing criminal procedure rules. The recommendations shouldn't require additional funding and can be implemented with limited additional resources.

This report also alludes to more significant long-term changes to how the criminal justice system in the BVI could operate in the future. These will be examined in more detail in volume two.

Structures

Inter-agency liaison can be improved

There is little structured liaison between law enforcement and criminal justice bodies in the BVI, at either a multi-lateral or bi-lateral level.

The only evidence of any formal group from across these organisations is the criminal justice advisory group. This group didn't meet between October 2020 and July 2023. It includes the Governor, Deputy Governor, political appointees, the judiciary and heads of law enforcement and criminal justice bodies. Given the group's infrequent meetings, it was difficult for us to assess how effective it is in promoting improvements and driving performance across law enforcement and criminal justice bodies. But we didn't find any evidence that these meetings led to follow-up actions or recommendations or any strategic plans.

At a strategic level, a criminal justice board needs to be created. It should:

- have agreed terms of reference that clearly outlines its role and responsibilities;
- be responsible for identifying areas for improvement in the criminal justice system;
- be empowered to overcome barriers to change; and
- develop a strategic business plan, which should include measurable performance targets.

As a minimum, this board should include decision makers from the ODPP, the [Royal Virgin Islands Police Force](#), the Magistrate’s Court, the ECSC, the probation service, [HM Virgin Islands Prison Service](#) and defence advocates. If actions are raised at meetings, members should be nominated to take these actions forward and report on progress at subsequent meetings.

This will require a change in the way the bodies approach their relationship with each other. During our review, we found a significant level of mistrust between some of the organisations we reviewed. This was rooted in concerns about the integrity of some organisations.

The bodies must overcome this mistrust. The development of a collegiate approach to improvement and a recognition of what works well and what needs to work better can help build and strengthen relationships.

Recommendation 121

By 30 June 2024, the heads of the criminal justice agencies and the Royal Virgin Islands Police Force should create an effective criminal justice board with representation from law enforcement and criminal justice bodies.

Recommendation 122

By 31 August 2024, the criminal justice board should develop and publish terms of reference and a strategic plan for improving the criminal justice system. This should include cross-agency key performance measures. We would suggest the board meets monthly and that it has its own web page on the British Virgin Islands Government website to provide independence and visibility of its role.

Conduct and standards in the criminal justice bodies

The [Public Service Management Code](#) applies to the ODPP, Magistrate’s Court, ECSC and AGC. The code aims to uphold “the public service values and principles which guide the terms and conditions of employment and the code of conduct for officers and employees”.

In volume two, we will comment further on the Public Service Management Code, including how well law enforcement and criminal justice bodies apply the principles set out in chapter 7 of the code. We will also report on the broader issues of conduct, standards and corruption.

ODPP

All the staff we spoke with said they are comfortable with raising issues of concern directly with the Director of Public Prosecutions. None considered there was any evidence of corruption within the ODPP. However, we were told that the reporting of corruption could depend on the circumstances and who was involved.

ECSC

The staff we spoke to said that they would go to the Registrar or their supervisor if they had any concerns, but none could recall any. They are comfortable about reporting potential corruption and if necessary, would go to the Permanent Secretary or Deputy Governor.

The ODPP has previously expressed concern about the way the jury pool was being selected, which was upheld by the then Resident Judge.

AGC

We only spoke with members of the AGC who deal with criminal matters. There was a view that the reporting of concerns about corruption would depend on the circumstances and the status of the persons involved. The more junior the member of staff, the less likely they would be to report.

The Office of the Director of Public Prosecutions

Structures

The [Office of the Director of Public Prosecutions \(ODPP\)](#) was established as an independent organisation in 2007 under the terms of the [Virgin Islands Constitution Order 2007](#). While the ODPP is independent for prosecutorial responsibilities, it isn't independent in relation to its finances and HR. As with most agencies we reviewed, these matters are controlled by central finance and HR.

The ODPP has a high vacancy rate, which is limiting its effectiveness

The Director of Public Prosecutions (DPP) leads the ODPP, which comprises a mix of lawyers and administrative staff. The DPP has a Principal Crown Counsel who, when required, acts as the DPP's deputy. There is a Financial Crown Counsel post, which at the time of our review was vacant. There are four Senior Crown Counsel posts, two of which were vacant. And there are ten Crown Counsel posts, six of which were vacant.

There is also a [Royal Virgin Islands Police Force \(RVIPF\)](#) chief inspector seconded to the ODPP, who performs prosecutorial duties.

There are 11 administrative posts, of which four were vacant.

At the time of our review, the ODPP was operating with more than a 50 percent vacancy rate. The amount of Crown Counsel vacancies was inevitably causing significant problems for the organisation and having a negative effect on its ability to make timely casework decisions. The absence of a Financial Crown Counsel was also negatively affecting the handling of complex financial cases.

The ODPP isn't empowered to resolve the staffing problem as that responsibility sits with central HR.

There is a lack of structure in the monitoring of performance between the ODPP and RVIPF

During our review, we found that the relationship between the ODPP and RVIPF could be improved. The absence of any systematic and structured way of measuring performance, in the management and progression of case files, has led to a mutual dissatisfaction with each other's performance. There is no process in place to discuss those concerns or share data on performance and identify solutions to improve.

A performance management structure between the ODPP and RVIPF should be developed. Representatives of the ODPP and RVIPF should meet regularly, at an operational level, to discuss casework problems with case file progression. These meetings should cover:

- the timeliness of file submission by the RVIPF;
- the timeliness of the provision of vetting (review of the evidence or charges) or advice;
- file quality; and
- casework outcomes.

Both organisations must make sure that those attending have decision-making authority. A collegiate approach to learning, rather than blaming, should be promoted.

Recommendation 123

By 30 June 2024, the Director of Public Prosecutions and the Police Commissioner should make sure there is a structure of regular meetings. At these meetings, representatives from each organisation should discuss performance, identify areas for improvement and promote more effective working practices.

Resources and funding

Due to the high level of vacancies in the ODPP, it wasn't possible to assess whether resourcing is at the right level.

There are barriers to recruitment, which make filling vacant posts difficult. These include:

- poor rates of pay compared to some other British Overseas Territories;
- the length of the recruitment process; and
- personal security concerns.

We will discuss the difficulties in recruitment experienced by the public sector bodies we reviewed in volume two of our report.

We were able to assess the effect that the high vacancy level is having on the ODPP. We found that, in general, the pace of case management was affected, with lengthy delays in progressing cases to and through the courts. We also found that the provision of prosecution advice and the vetting of case files was sometimes delayed because there were too few Crown Counsel to manage the workload.

The provision of advice and vetting of case files for prosecution are taking longer than agreed

The RVIPF may charge a suspect in certain circumstances or refer the case file to the ODPP for advice on whether to charge.

When Crown Counsel receive a case that has been charged by the police, they undertake a vetting process to decide whether it should proceed or be discontinued. They are required to make this decision within three to five days of the ODPP receiving the file. In cases where the defendant has been held in custody, following charge, the vetting is done at or before the first court hearing. In cases where Crown Counsel provide advice about whether a suspect should be charged, or advise that more evidence is needed, they should do this in five to seven days.

We reviewed some case files and records kept by the police prosecutions unit. This revealed that the ODPP wasn't meeting these target timescales. There was a particular concern about the timeliness of the provision of advice in the most serious of cases, including those investigations arising from the findings of the [Commission of Inquiry](#). The ODPP's staffing shortages contributed to this.

We examined five Commission of Inquiry cases. In four of these, there was no full decision-making audit trail, although it was apparent in two cases that the ODPP had given initial advice. In the fifth case, there had been an eight-week delay between the submission of additional evidence requested by the ODPP and the provision of a final decision about charging.

Facilities

The ODPP is based in a commercially leased building in Road Town.

When we visited, the building looked tired and in need of modernisation and repair. However, the ODPP can't resolve this as the [Office of the Deputy Governor](#) is responsible for the provision and funding of accommodation.

The Government has been planning to build a purpose-built [Halls of Justice](#) for many years. This could resolve the ODPP's accommodation problems.

Defendants shouldn't be attending the ODPP

The staff we spoke to expressed concern about security in and around the building. Their concerns reflected our observations. At the time of our review, the [Magistrate's Court](#) was sitting virtually. Therefore, prosecutors couldn't hand over documents to defendants at court relating to their case. Instead, defendants without legal representation had to visit the ODPP to collect documents. The ODPP isn't designed to manage this as it has no secure access control for members of the public to visit its office.

Magistrate's Court staff told us that cases would start to be heard in person, rather than virtually, in 2024. Prosecutors will then be able to hand relevant documents to defendants at court. However, if this doesn't happen, alternative arrangements should be made for defendants to receive these documents. One possible solution would be for the ODPP to deliver a defendant's documents to the Magistrate's Court's offices, which are designed to be more accessible to the public.

There is insufficient storage space for case files

The administrative office holds live case files. It also stores files related to cases that have been finalised. But the space to store these files is too small.

A significant issue is the need to store boxes of finalised files on-site because there is nowhere else to securely store them. During our review, we saw boxes of finalised case files located all over the building. The ODPP needs off-site storage space to archive its finalised casework. This is also an issue for the other law enforcement and criminal justice bodies that we reviewed.

The space in the ODPP is generally adequate, but there are some issues with Crown Counsel's rooms

The ODPP office suite is fit for purpose and includes a small conference room. Crown Counsel's rooms are small and the partitions between them don't reach the ceiling. Sound travels through the gaps. This has a negative effect on the running of virtual court hearings in these rooms as there can be up to three virtual courts sitting at the same time. This should be less of a problem when physical courts begin to sit again.

The management of live case files could be more effective

The ODPP and RVIPF use physical files. When the ODPP receives a file from the police, it is assigned to a Crown Counsel. The DPP or Principal Crown Counsel assign all cases. The DPP retains the most serious or sensitive cases or assigns them to the Principal Crown Counsel.

If a Crown Counsel leaves the employment of the ODPP or is on long-term leave for any reason, their caseload should be reassigned. But we found that this wasn't happening promptly. Administrative staff have to look for files for court or retrieve them from the offices of the Crown Counsel who has left.

Although the ODPP has developed a spreadsheet for tracking case files, we found that this wasn't updated regularly enough and so wasn't always accurate. Our review revealed that files weren't where the spreadsheet indicated. This wastes time in locating files for court and increases the risk that Crown Counsel or administrative staff will overlook tasks. This spreadsheet should be a living document. However as only administrative staff can access or amend it, it isn't kept updated in real time.

There should be a full audit of all live files, including pre-charge advice files and those files currently before the courts. This review should make sure that all live files have been assigned to current Crown Counsel and that, if applicable, the next court date is accurately recorded. It should also include a task audit, which should identify any actions that haven't been assigned or are overdue. It is important to identify all those cases that are awaiting the provision of advice to the police about whether suspects should be charged.

Recommendation 124

By 31 May 2024, the Office of the Director of Public Prosecutions should carry out a full, live file audit to make sure that:

- all files are assigned to Crown Counsel;
- all outstanding casework tasks are assigned and any overdue casework tasks are prioritised; and
- all cases awaiting Crown Counsel's advice are prioritised to determine whether there is still a realistic prospect of conviction and that a prosecution is still in the public interest.

Recommendation 125

By 31 May 2024, the Office of the Director of Public Prosecutions should make sure that all Crown Counsel can access and update the case file tracker spreadsheet to enable real-time case tracking.

Live case files shouldn't generally be retained by Crown Counsel

The practice of Crown Counsel retaining files in their own offices should stop unless they are actively working on them. Subject to this exception (and those sensitive files retained by the DPP), all live files should be stored in court date order in the central administrative office.

There is a need for an IT-based case management system

The ODPP needs an integrated IT case management system. Such a system would allow more effective tracking of cases through the prosecution process and enable anyone involved to make updates. It would also provide an auditable method of monitoring the progress of cases, create accountability for the completion of tasks and allow effective management oversight of cases.

An effectively used IT case management system would provide accurate information about file locations, progress of cases and a centralised approach to task management.

At the time of our review, Crown Counsel used their personal computer diaries to manage tasks and meet deadlines. This included checking on actions and responses from the police in respect of casework queries. We found that there was no effective central oversight or control of the management of cases, from the start of a case to its finalisation. We also found that there was no effective escalation process when tasks were overdue, including those outstanding from the police.

The requirement to introduce an effective and efficient IT-based case management system will require substantial planning and financial resourcing.

Terms and conditions

The DPP post should be appointed on a fixed-term contract

The terms under which a DPP can be appointed are laid out in [Article 95\(7\) of the Virgin Islands Constitution Order 2007](#). The DPP must be qualified to act as a legal practitioner in the BVI and have seven years' practical experience as a legal practitioner. The appointment is without limit of time. Article 95(9) of the order states:

“A person holding the office of Attorney General, Director of Public Prosecutions or Magistrate may only be removed from office for inability to discharge the functions of his or her office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.”

We were told that only the Governor can remove the DPP from office, although this isn't clear from the legislation. This should be clarified.

We consider that a better approach would be to give the appointee a fixed-term contract, which is renewable at the discretion of the Governor. We recognise this would require constitutional change. If implemented, it would be for the Governor to determine the length of the contract, but we consider that it shouldn't be for less than four years.

Appointment of Crown Counsel

Crown Counsel are appointed on two-year fixed-term contracts, with the option for renewal for a further two years. Two years is a short period in which learn the job, develop their skills and contribute fully to the organisation. It also creates uncertainty for the appointee. An appropriate length would be four years.

There should be a better balance between permanent staff (who enjoy benefits such as pension entitlement) and those on fixed-term contracts. At the time of our review, Crown Counsel on fixed-term contracts didn't receive some of the benefits granted to permanent staff.

When non-[belonger](#) legal staff on fixed-term contracts leave the employment of the ODPP, central HR policy prohibits them from working in criminal litigation in the BVI

for a prescribed period. However, the opportunity for an exemption exists. This may act as a barrier to legal staff raising issues of concern during their tenure. They may feel that to do so would have a negative effect on the decision to grant an exemption and therefore inhibit future criminal litigation employment opportunities in the BVI.

Powers

The powers of the DPP are set out in [Article 59\(2\) of the Virgin Islands Constitution Order 2007](#). It states:

“The Director of Public Prosecutions shall have power, in any case in which he or she considers it desirable to do so—

“(a) to institute and undertake criminal proceedings against any person before any civil court in respect of any offence against any law in force in the Virgin Islands;

“(b) to take over and continue any such criminal proceedings that have been instituted by any other person or authority; and

“(c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or herself or any other person or authority.”

Unlike attorney generals in some other jurisdictions, the BVI Attorney General has no superintending function and can't intervene to stop a prosecution. Investigative agencies must submit cases for potential prosecution to the ODPP. No other statutory body has a prosecutorial function. The DPP told us that they want to bring back those cases that are managed by the RVIPF's police prosecution unit into the ODPP. But the workload of the ODPP, at the time of our review, meant that this wasn't immediately achievable. We agree that the long-term aim should be for the ODPP to manage all cases once there are staff in post to do this work. Such a move would also release police prosecution unit resources to take a proactive role in managing cases submitted to the ODPP.

The police should be allowed to decide, with proper safeguards in place, when no further action should be taken in some cases

There is a lack of clarity about whether the RVIPF has the power to determine that there should be no further action in a case with a known suspect without referring it to the ODPP. The police prosecution unit, acting under its delegated authority, considers that it can direct no further action in a case, but other police units are unsure.

The ODPP's policy makes it clear that only the ODPP can determine whether a case should proceed or be discontinued. While this provides some clarity, it has resulted in the ODPP considering every case. This includes those where it is clear that there isn't a realistic prospect of conviction. With adequate safeguards, the police could make the initial decision about whether there is a realistic prospect of conviction in certain categories of low-level offending.

There would need to be consultation between the RVIPF and ODPP on setting up the scheme. Any scheme would need a trial period and should be subject to joint evaluation by the RVIPF and ODPP.

The criminal justice system should do more to provide appropriate support to vulnerable witnesses and victims

Across all the agencies we reviewed, we found a lack of focus on the virtual complainant (person alleging an offence) and witnesses.

At the time of our review, the only specific legislation relating to this was limited to [children](#) who were the victims of sexual assault. Their evidence should be video recorded by the investigating officer and played in court. The child should also be cross-examined over a live link from outside the courtroom. However, this isn't always happening. We observed a trial involving a sexual assault on a child where the child gave evidence in person even though their evidence had been video recorded.

There is a general discretionary provision for all witnesses to give evidence from a remote location. But this is mainly being used for expert witnesses who are outside the jurisdiction.

We shall set out the legislative changes necessary to make sure the criminal justice system provides appropriate support to vulnerable witnesses and victims in volume two of this report.

There are problems with how defendants are served notices of proceedings

The only method of notifying a witness or defendant that they are required to appear before the court is by service of a summons. But there are problems with this. Most people in the BVI don't have personal post boxes or access to a doorstep postal service to allow a letter to be sent and delivered.

The Magistrate's Court's procedure only permits the personal service of a summons on the defendant or a person at the defendant's last known place of abode.

We found that tracing defendants to personally serve a summons on them could be time-consuming and difficult.

The files we examined didn't contain any information about the efforts the police made to serve a summons. This information would be useful for Crown Counsel when they are seeking more time to serve a summons. We were told that this isn't regarded as a policing priority and that there are insufficient resources to allocate to this task. Any change to the way summonses are served would require procedural rule change.

Non-attendance could also be reduced if the police [bailed](#) the defendant to court for their first appearance rather than starting proceedings by summons.

There are changes that could be implemented now. We noted that often a defendant's custody record only records the defendant's address as a geographical area, such as 'East End.' A more precise address would help the police find the defendant or someone living at that address on whom the summons could be served. Recording email addresses and telephone numbers would also make contacting the defendant easier.

Recommendation 126

By 31 May 2024, the Director of Public Prosecutions, together with the Police Commissioner, should make sure that custody staff accurately record address details for all defendants held in custody. Other means of contacting the defendant, including email addresses and telephone numbers, should be recorded.

Casework and criminal procedure

It is unclear which evidential test is used by the ODPP

In England and Wales, Crown Prosecutors use [two tests](#) when deciding whether to prosecute a case. The first test is the evidential one, where they must decide if there is enough evidence to prosecute the suspect. If the case passes that test, then the prosecutor must consider whether it is in the public interest to prosecute. Factors that are taken into consideration include how serious the offence is and the age and maturity of the suspect.

It is unclear which evidential test is used by the ODPP. In some of the ODPP's documentation that we examined, reference is made to using the same test as the [Crown Prosecution Service \(CPS\)](#) in England and Wales. But in internal training material, we found reference being made to a different test, which was "whether or not there is a more than likely prospect of conviction". This is sometimes referred to as the 51 percent rule. But the evidential test used by the CPS is whether "there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge".

We also saw an advice that suggested that there needs to be enough evidence to prove the case beyond reasonable doubt. This shouldn't be the test for prosecution. It is risk averse, and, if the advice were taken and applied, it suggests that the ODPP only prosecutes cases where a conviction is inevitable.

Recommendation 127

By 30 April 2024, the Director of Public Prosecution should clarify which evidential test Crown Counsel should apply when assessing the strength of a case.

Case files don't have a full audit trail

Crown Counsel provide advice to the RVIPF on cases submitted to it for consideration of prosecution. In general, we found that advice provided was of a high standard. It set out the facts, the applicable law and the evidence to support any proposed charge. It also set out what further actions the RVIPF needed to take.

But we are concerned that the audit trail would then stop, with nothing on the file to show the timeframe for the completion of any further actions that are required or other communication between Crown Counsel and the police. None of the files we reviewed contained any updates on whether an officer had completed the investigative tasks assigned and if not, whether the task had been escalated to a more senior police officer.

Recommendation 128

By 31 May 2024, the Director of Public Prosecutions must make sure that Crown Counsel make a record on case files of:

- every advice given to the police;
- all emails sent to and received from the police;
- all other correspondence received; and
- all telephone conversations.

The ODPP should use a separate minute sheet or log to record file movements and actions

The police file is sent to the ODPP with the original police investigation log, which details police actions and progress in the investigation. Most entries on these documents are handwritten. At the time of our review, Crown Counsel and administrative staff continued to use the police investigation log to record file assignments, court hearings and other actions by the ODPP. This isn't what the investigations log is for.

When the ODPP receives a police file, it should start its own log to document prosecutorial actions and progress. Similarly, there should be a separate form to record each court hearing. This will make it easier at court for Crown Counsel to set out the chronology of a case if required.

Recommendation 129

By 30 April 2024, the Director of Public Prosecutions should make sure that Crown Counsel and administrative staff use a separate minute sheet or log to record file movements and actions.

On some of the files we examined, Crown Counsel had provided excellent records of court hearings. But in others, it was apparent that entries were missing. Where entries are missing, tasks won't be identified, witnesses may not be warned to attend court, the next date of hearing will be missed and court directions will be overlooked. This negatively affects case management. It also means that the next prosecutor may not know to what offences the defendant has pleaded and what discussions may have taken place about the basis on which the defendant has entered a guilty plea.

Recommendation 130

By 30 April 2024, the Director of Public Prosecutions should make sure that an accurate record of each court hearing is maintained. As a minimum, the record should detail, where relevant:

- the next hearing date;
- the purpose of the next hearing;
- any court directions and due dates;
- any plea entered by the defendant(s);
- any view or discussion on the acceptability of pleas;
- what tasks must be completed before the next hearing;
- which witnesses must be warned for trial; and
- to whom the file should be returned.

A copy of the hearing record sheet should be sent to the police unit that originally submitted the file.

The prosecution of domestic abuse cases is a problem

There is a high level of [domestic abuse](#) in the BVI. The ODPP doesn't flag cases that involve domestic abuse, and we couldn't quantify the proportion of cases in this category. A significant issue is the withdrawal of support for a prosecution by the virtual complainant.

Prosecutions are also hindered by the absence of an effective approach to the use of [special measures](#). These are things that the court can provide to help [victims](#) feel safe and more comfortable in court and help them to give the best evidence. There is also a lack of effective witness support, and there is no dedicated domestic abuse court, which could speed up prosecution times.

The ODPP doesn't have a domestic abuse policy. It should start to develop one immediately. To do so, the ODPP should agree with the RVIPF on the definition of domestic abuse that is to be applied. The ODPP may wish to consult with other overseas territories that have successfully introduced domestic abuse policies.

We learned that when a virtual complainant withdraws support for a prosecution, the police should take a confirmatory statement. To do this, the police have a pro forma statement. But it is inadequate.

As a minimum, this statement should set out why the complaint is being withdrawn and include whether the virtual complainant is or isn't influenced by fear or any inducement. The statement should also include the current relationship with the defendant and, importantly, whether the original allegation was true.

Recommendation 131

By 31 July 2024, the Director of Public Prosecutions, together with the Police Commissioner, should agree a new pro forma statement that the police can use to record all the detail required from a virtual complainant who is withdrawing their complaint.

The police need this level of detail to make decisions about further investigating the case and [safeguarding](#) the virtual complainant. And the prosecutor needs this level of detail to decide whether the case should be discontinued or not.

The investigating officer should accompany this statement with an assessment of the truth of the statement and the likelihood of further violence towards the virtual complainant.

Recommendation 132

By 1 October 2024, the Director of Public Prosecutions should develop a [domestic abuse](#) policy in consultation with stakeholders. This should include an agreed definition for domestic abuse.

Recommendation 133

By 31 May 2024, the Director of Public Prosecutions, together with the Police Commissioner, should agree the most appropriate way to make sure sufficient, accurate information is collected from [domestic abuse](#) virtual complainants who are seeking to withdraw allegations.

In the domestic abuse cases we examined, there was no consideration of the approach to be taken when the virtual complainant withdrew support. In one, there was still sufficient evidence to prosecute the defendant without the virtual complainant giving evidence. We found no evidence that this option was considered, and proceedings were discontinued.

The development of an 'evidence-led' approach to prosecuting cases of domestic abuse would be a substantial step and will require significant training for prosecutors and [police officers](#). An evidence-led prosecution is one where the case can proceed without the support of the virtual complainant and relies on other evidence such as:

- evidence of recent distress;
- medical evidence;
- other witnesses;
- admissions made by the defendant in interview;
- any video evidence; and
- telephone calls to the police.

The Magistrate's Court

Resources and funding

The Magistrate's Court has too many vacancies

Like the [Office of the Director of Public Prosecutions \(ODPP\)](#), the [Magistrate's Court](#) struggles to fill vacancies. At the time of our review, it had a vacancy rate of just under 50 percent. This needs to change if the court is to work more effectively, especially when it returns to physical court sittings. Also, like the ODPP, it faces problems with its funding, which affects its ability to fully resource the court.

Casework

Cases take a long time to finalise

In 2020, the Magistrate's Court received 460 criminal cases, 279 traffic cases and 8 cases involving a juvenile, according to the '[Eastern Caribbean Supreme Court Annual Report 2020–2021](#)'. It disposed of 315 criminal cases, 239 traffic cases and 30 juvenile cases.

According to the '[Eastern Caribbean Supreme Court Annual Report 2021–2022](#)', the Magistrate's Court received 309 criminal cases, 220 traffic cases and 10 juvenile cases in 2021. It disposed of 275 criminal cases, 309 traffic cases and 2 juvenile cases.

In 2020, the average time to finalise a criminal case in the British Virgin Islands was 589 days, which is the second longest of the states within the [Eastern Caribbean Supreme Court \(ECSC\)](#). We recognise that disruption caused by Hurricane Irma and the pandemic contributed to this. Traffic cases in the islands took an average of 243 days, which is the longest in the ECSC. Juvenile cases took 990 days on average.

In 2021, the time taken to conclude a criminal case reduced from 589 to 424 days on average, and the time taken to finalise traffic cases reduced from 243 to 220 days on average. Juvenile cases took 503 days on average, and while this is an improvement, it is still too long a period for a young person to be in the criminal justice system, given that proceedings should be expedited in cases involving youth offenders.

Our file examination and court observation revealed that these delays were caused, in many cases, because the [Royal Virgin Islands Police Force](#) was unable to serve summonses on defendants. Being able to expedite the service of summons would shorten the time it takes to conclude court proceedings. But there are other delays that could be avoided, such as adjournments to seek legal advice. We will address these issues in volume two of this report.

During our review in mid-November 2023, we noted that trial dates were efficiently listed and saw a case where a trial date was quickly provided for February 2024.

Another factor that causes delay in finalising cases is the lack of free legal representation or advice for defendants in the Magistrate's Court, which is only provided if the case is going to the High Court. During our review, we noted that cases could be adjourned several times for the defendant to obtain legal advice.

There is scope to improve case management

To help Magistrate's Court staff list a case for trial, the ODPP completes a case management form. This form should contain details of the number of witnesses involved and any key issues that may affect the trial. Generally, this form is completed by administration staff in the ODPP. But it is more likely that Crown Counsel, who are responsible for the prosecution, will know more about the case. Crown Counsel should complete this form to make sure that any complexities or other matters in the case that may affect the length of a trial are properly recorded.

There isn't an administrative process where the parties can collaboratively assess whether cases are trial-ready. Introducing one would be beneficial as it would assist in the early identification of cases that aren't trial-ready and those that need to be prioritised. This doesn't have to be via a formal court hearing.

Recommendation 134

By 1 September 2024, the Magistrate's Court, together with the Office of the Director of Public Prosecutions, should initiate weekly administrative meetings to review cases listed for trial. At these meetings, cases should be prioritised and those not ready for trial identified. Discussions should include:

- which witnesses need warning;
- what (if any) remedial action is needed; and
- what (if any) cases the Office of the Director of Public Prosecutions intends to discontinue.

Facilities

The Magistrate's Court's administrative offices are in the same building as those of the High Court, and they share the same entrance. There is limited security, and visitors can access some public areas without going through any security screening.

When we visited the British Virgin Islands, all Magistrate's Court sittings were held virtually across a video-conferencing platform. Consequently, we couldn't review the facilities in the physical courtrooms.

The intention is to recommence court sittings in physical courtrooms in 2024.

Science and technology

The use of virtual courts is generally effective

During our review, we observed two virtual court sittings, and we found that the technology was effective. The absence of a need to have a physical courtroom allowed more court sittings to be held each day. Where a defendant or witness couldn't access the necessary IT, they could join proceedings virtually by attending the Magistrate's Court administrative office.

However, virtual sittings make it more difficult to collect initial [disclosure](#) and other documents related to a prosecution. We also noted that discussions in the courtroom between advocates and the court were absent because of the virtual proceedings. These discussions are often crucial for effective case management between hearings and before the court commences.

The Eastern Caribbean Supreme Court

Structure

The [Eastern Caribbean Supreme Court's \(ECSC\)](#) jurisdiction covers several Caribbean countries and British Overseas Territories. The High Court, which hears the most serious criminal cases, sits within this structure. Other functions of the ECSC, such as its extensive commercial and civil litigation remits, were outside the scope of this review. In respect of the ECSC's criminal caseload, our review only examined British Virgin Islands (BVI) cases.

During our review, we found that there were no structured liaison arrangements between the ECSC and court users. There had been a bench and bar committee, but this group no longer meets in any regular or formal way. The absence of this committee means there aren't any forums for senior representatives to raise problems and identify solutions with the criminal justice system. The ECSC should reinstate this committee as a means for court users to discuss aspects of concern and how to improve court processes.

Recommendation 135

By 30 June 2024, the Eastern Caribbean Supreme Court should reinstate the bench and bar committee. It should meet at least once each legal term and include representation by:

- the resident High Court Judge of the Criminal Division;
- the Senior Magistrate;
- the Chief Registrar;
- the Magistrate's Court Manager;
- a suitable defence advocate to represent all defence advocates; and
- senior Crown Counsel from the Office of the Director of Public Prosecutions.

Facilities

The single criminal courtroom isn't fit for purpose

There is one courtroom in the BVI for hearing criminal cases, which is on the top floor of the House of Assembly. We have several concerns about this courtroom. Other than the judiciary and court staff, all attendees to the courtroom, including jurors, virtual complainants, court advocates and defendants, have to use the same narrow staircase.

During the pandemic, the courtroom was reconfigured to allow it to continue to hear cases, and this layout was still in place at the time of our visit. Facilities for advocates are very cramped with room for only two court advocates to sit comfortably. This is likely to be insufficient for any large, complex or serious cases that have more than one prosecution and one defence counsel.

Although there is an electronic security scanner, it wasn't in use on any of the occasions we visited the building. There also isn't a facility for keeping prosecution witnesses separate from the defendant or their friends and family.

Jurors can only access the jury room by walking through the courtroom. We observed an application for [bail](#) that had to stop every time a juror arrived. And jurors must walk past the cells used for holding prisoners to get to the jury room.

There is a backlog of cases waiting to be heard by the High Court

According to the '[ECSC Annual Report 2021–22](#)', in 2020, the BVI High Court received 42 criminal cases, some of which may have included more than one defendant. It disposed of 30. In 2021, it received 23 cases and disposed of 11, according to the same report. This inevitably leads to a growing backlog of cases waiting to be heard by the High Court.

There is no data for 2021–2022 on the average length of time it took to conclude cases in the High Court, but interviewees told us that on average it takes two to three years. Data for 2020–2021 indicates that criminal cases took an average of 427 days to finalise.

There was a consensus among interviewees that there is a need for additional courtroom capacity to address the growing backlog.

The plans to build a Halls of Justice should be accelerated

The High Court administrative offices are in a different building, which also houses the [Magistrate's Court](#) administration department. There is limited security, and visitors can access some public areas without going through any security screening.

Several interviewees told us that there are plans to build a Halls of Justice, which will house the Magistrate's Court and the High Court. A second phase would include new accommodation within the building for the [Office of the Director of Public Prosecutions](#).

The minutes of the criminal justice advisory group's meeting on 13 October 2020 state that the designs for the Halls of Justice were being prepared and "will go out for construction bids in January [2021]". We found no evidence of any progress, and no one we spoke to could identify where the building would be sited.

In light of our findings regarding current Office of the Director of Public Prosecutions and High Court facilities and the High Court's capacity to hear criminal cases, the development of the Halls of Justice should be taken forward as a priority. We recognise that the procurement process, funding and construction make this a long-term project.

Powers

There should be a staged introduction of new criminal procedure rules

During our review, we were told that the ECSC was drafting a set of criminal procedure rules. These will apply across all the countries within its jurisdiction, including the BVI. We were also given a set of draft BVI rules. There was no clarity about the relationship between the two sets of proposed rules or the timetable for implementation. And at the time of our review, neither set of rules was in force.

The BVI draft rules we reviewed contain a substantial number of provisions, many of which are uncontroversial and will assist in effective case management. However, we have concerns about implementing all the proposed BVI rules at the same time as they contain some radical changes. For example, the introduction of custody time limits after a defendant has been charged will require complex management and monitoring.

Only a staged introduction of these rules is likely to work. Those rules that could quickly bring about positive change should be prioritised. Initial focus should be on rules that contribute to more effective trial management. These include:

- permitting proof of service of the summons by e-mail;
- requiring the prosecution and defence at the case management hearing to specify the issues in dispute;
- enabling unchallenged virtual complainant and witness statements to be read (avoiding unnecessary attendance at court); and
- allowing agreed facts to be admitted.

It would be beneficial to see how other British Overseas Territories have implemented new criminal procedure rules. There are likely to be opportunities to learn from the experiences of territories and countries that aren't part of the ECSC, such as the Cayman Islands and Belize.

Recommendation 136

With immediate effect, the Governor's Office should delay the introduction of the draft criminal procedure rules for the British Virgin Islands. Rules that are a priority should be identified first. Stakeholders should then agree a staged approach to implementation, taking account of any other operational changes that may be necessary.

More should be done to address the risk of jury intimidation

The [Virgin Island Jury Act 2022](#) came into force on 1 December 2023. This increases the overall pool of available jurors and makes provision for alternate jurors should an empanelled juror cease to be able to sit for any reason. This will avoid unnecessary retrials in cases involving capital offences, which can't continue if the number of jurors falls below the required nine.

These new provisions will go some way to improving the jury system. But they won't reduce the level of juror intimidation that interviewees we spoke to consider to be prevalent in the BVI. This is compounded by the small pool of jurors and the clear risk that jurors will know the defendant and/or witnesses.

Under current arrangements, the names of all jurors are read out in open court when the jury is empanelled and again every time the court resumes. We were told this is to make sure that all the jurors are present. There is no legal requirement for this to be done. If it is felt that there is a need for a roll call, it should be done in the jury room.

Recommendation 137

By 1 June 2024, the High Court practice of reading out the names of jurors in open court should stop except when the jury is empanelled.

More should be done to prevent witness intimidation

In 2023, there were eight gun-enabled murders in the BVI among a population of approximately 35,000 people. In a territory with high levels of [organised crime group](#) activity linked to the drugs trade, including inter-gang murders, it is essential that there are robust, effective provisions to protect vulnerable witnesses.

During our visit, a murder trial collapsed because the key witness refused to give evidence. Just before our visit, there was a gun attack on a prison vehicle taking a witness to court.

The previous Director of Public Prosecutions suggested introducing witness anonymity orders. But this hasn't been progressed. This proposal should be considered further but will require a change in legislation.

Where a prosecution witness refuses to give evidence (as outlined above) or departs significantly from their original statement, the prosecution can apply to treat them as hostile and cross-examine them. However, the current provisions of the [Evidence Act 2005](#) don't allow members of the jury to see the original statement made by the witness (known as a prior inconsistent statement) and take their own view on the credibility of the evidence given by the witness in the trial. This should be changed but again will require an amendment to legislation.

Science and technology

Video link is used to good effect but could be used more widely

The court has video-link facilities, which we observed working effectively during a bail application. These enable defendants in custody to appear before the court without leaving the prison.

We received mixed views about whether the court should use this provision more. Having to transport prisoners, some of whom are dangerous, from the prison to the court is both a security risk and a drain on police resources. Where a prisoner is considered dangerous or there is a threat to life, the police must provide an armed escort and remain, as we observed, within the courtroom.

A practical issue is the lack of provision for defence counsel to take instructions from the defendant over video link. Any plans for the Halls of Justice should contain provision for defence counsel to take instructions, confidentially, over the video link. This would allow some administrative hearings, such as contested applications, to admit evidence to be heard by video link.

The Attorney General's Chambers

Introduction

We reviewed the work of the [Attorney General's Chambers \(AGC\)](#) insofar as it relates to the handling of extradition proceedings and requests for mutual legal assistance.

We also considered, in a wider context, the legislative process in the British Virgin Islands (BVI).

Facilities

The AGC is in the centre of Road Town close to other government departments. It is a commercially leased building, with a private car park. The lease is due to be renewed once the property owner has undertaken some remedial work. Before the [Virgin Islands Constitution Order 2007](#), the [Office of the Director of Public Prosecutions](#) was part of the AGC and based in the same building. The signage on the outside of the building indicates that it is still located there. We suggest that the AGC removes the Office of the Director of Public Prosecutions nameplate from the outside of the building.

Security arrangements are adequate with an electronic access control and photo identification system in place. During our review, those parts of the building we visited appeared in good order.

Powers

Extradition cases

Extradition is a complex process, which can be time-consuming to manage. The AGC has very few requests for the extradition of people suspected of committing criminal offences in other countries.

In the five years to October 2023, there were only two requests for extradition. One had been running for a long time and was the subject of a legal challenge. The challenge was unsuccessful and the suspect was extradited.

The other case involved the BVI seeking to extradite a suspect from another country. However, this didn't progress because the suspect couldn't be traced.

The AGC should do more to reduce inappropriate requests for mutual legal assistance

The AGC receives approximately ten requests for mutual legal assistance (MLA) a month. This is because of the number of companies registered in the BVI. According to the [BVI Financial Services Commission 'Q2 2023 Statistical Bulletin'](#), at the end of June 2023, there were 366,050 companies registered in the BVI. Approximately three quarters of MLA requests were in relation to the use of cryptocurrencies.

The AGC forwards most financially based MLA requests to the [Financial Investigation Agency](#), which can request the necessary information from registered agents. A registered agent must be licensed in the BVI and has many functions to do with the operation of BVI-registered companies. These are set out in various Parts of the [BVI Business Companies Act 2020 \(revised edition\)](#).

In 2016, the court dismissed an MLA request as the requesting state didn't provide the AGC with the information it needed to rebut the challenge.

At the time of our review, we were told that it is common for countries requesting an MLA from the BVI to be unaware of the type of information held by the registered agents of BVI-registered companies. For example, we were told that requesting authorities often believe that a company registered in the BVI will have a BVI bank account. This is rarely ever the case but leads to requests for information that can never be met.

The AGC has taken some steps to reduce non-compliant requests, such as reaching out directly to the requesting authorities and providing training and guidance to them. But it could do more. It should consider further ways to reduce inappropriate MLA requests. One option would be to clearly set out the limits to the information held by registered agents. The AGC already has its own [section](#) on the BVI Government website, which sets out the MLA process. This should be amended to include what information may be obtained as a result of an MLA request. The AGC could go further and inform other agencies, such as the UK Central Authority and [HM Revenue and Customs](#), about the limitations on what information can be obtained.

Recommendation 138

By 31 July 2024, the Attorney General's Chambers should develop a strategy to reduce the number of inappropriate requests for mutual legal assistance. This should include:

- publishing the limitations to the information that can be obtained; and
- making sure other agencies that make mutual legal assistance requests, such as HM Revenue and Customs and the UK Central Authority, are provided with the details of these limitations.

The AGC has Crown Counsel who are experienced in dealing with extradition and MLA requests. However, there is no resilience if those Crown Counsel leave. It would be prudent to increase the pool of Crown Counsel who are experienced and able to deal with these requests.

Annex A – Inspection terms of reference

British Virgin Islands Commission of Inquiry: Recommendation B38 (Review of Law Enforcement and Justice Systems) and Recommendation B41 (Facilities and Powers of Law Enforcement Agencies)

Terms of Reference

Introduction

HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) has been appointed to deliver recommendations B38 and B41 of the British Virgin Islands (BVI) [Commission of Inquiry](#) recommendations, as published in April 2022.

Within ten years, we hope that law enforcement agencies and the justice system in the BVI will be recognised as models for the region.

The BVI Commission of Inquiry recommendations

The Commission of Inquiry recommendations, with the exception of Recommendation A1 (temporary partial suspension of the Constitution), were adopted by the BVI Government in the '[Framework for Implementation of the Recommendations of the Commission of Inquiry Report and Other Reforms](#)'.

Recommendation B38 is as follows:

“The Governor, in consultation with the Premier, appoints a panel to conduct the review of the law enforcement and justice systems, which will form an element of the Constitutional Review, and will cover: (i) structure (including whether the front-line law enforcement agencies should have a lead agency, and which it should be, and under which arm(s) of government should law enforcement lie; and, particularly, where responsibility for border control should lie); (ii) resources and funding; (iii) conduct and standards; and (iv) terms and conditions. The law enforcement agencies covered in the review are the Royal Virgin Islands Police Force, Financial Investigation Agency, HM Customs, Immigration Department, Prison Service, Office of the Director of Public Prosecutions, and the Attorney General’s Chambers and/or the courts. The completed report will be presented to the Governor and Premier.”

Please note, that for the [Financial Investigation Agency](#), the [Office of the Director of Public Prosecutions](#), the [Attorney General's Chambers](#) and the courts, HMICFRS will only be looking at the elements of the system that interact with the police and other law enforcement agencies.

Recommendation B41 is as follows:

“The Governor appoints a panel to ensure that the Royal Virgin Islands Police Force and, as necessary, other enforcement agencies, have the facilities and powers to prevent, monitor and detect crime, and prepare matters for prosecution, including by way of access to and use of modern scientific techniques and intelligence material. The panel can comprise representatives of e.g., the Attorney General, the Director of Public Prosecutions, the Police Commissioner, HM Customs Commissioner and the Chief Immigration Officer, with external expertise being brought in as and when required. The completed report setting out what is required will be presented to the Governor.”

Outcomes

Delivery of recommendations B38 and B41 will provide analysis into the current position of BVI law enforcement agencies, with a road map for reform.

The primary outcomes from the review should be greater clarity for law enforcement agencies on areas for improvement and recommendations into alternative ways of approaching law enforcement that would benefit the BVI.

Outputs/Deliverables

A report should be sent to the Governor no later than the end of March 2024, including actions for short-term implementation. This report will be made publicly available.

A long-term roadmap for reform should subsequently be sent to the Governor in the latter part of 2024. This report will be made publicly available.

Milestones

- May 2023: HMICFRS scoping visit to the BVI.
- 25 August 2023: HMICFRS provide agencies with a self-assessment template.
- 25 September 2023: Deadline for agencies to complete self-assessment.
- November 2023: HMICFRS team to visit the BVI to complete fieldwork.
- December 2023: HMICFRS team to visit the BVI to complete fieldwork.
- March 2024: HMICFRS report to the Governor with an implementation plan.
- Latter part of 2024: Long-term roadmap to be submitted to the Governor.

Scope

In scope

There will be a full review of the [Royal Virgin Islands Police Force](#), [HM Customs](#), the [Department of Immigration](#) and the [HM Virgin Islands Prison Service](#). The Attorney General's Chambers, Office of the Director of Public Prosecutions, Financial Investigations Agency, [Magistrate's Court](#) and High Court will be considered as part of the review insofar as they relate to law enforcement.

Recommendations from the review should consider immediate and urgent steps as well as long-term objectives. Actions stemming from recommendations should be clear and specify who should deliver them and how they should be taken forward.

The reports might include different views offered by stakeholders and provide options.

The reports should specify any changes to legislation or additional legislation that may be required.

Out of scope

Areas that don't relate to law enforcement within the Attorney General's Chambers, Financial Investigations Agency, Office of the Director of Public Prosecutions, Magistrate's Court and High Court won't be considered as part of this review.

Reporting and governance

We will provide the Governor with updates on request. This will include a quarterly report on progress, which will feed into the Governor's 'Quarterly Review' of Commission of Inquiry progress.

There will be a fortnightly meeting between the [Governor's Office](#) and HMICFRS to monitor progress, identify and resolve issues and provide assistance where needed. These meetings should be attended by the review lead, the Foreign, Commonwealth and Development Office's British Overseas Territories and Polar Directorate's Law Enforcement Adviser and representatives from the Governor's Office.

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