

GOVERNMENT OF ANGUILLA

JOB DESCRIPTION - 1

JOB TITLE: Principal Crown Counsel (Criminal)

MINISTRY	DEPARTMENT	SECTION	UNIT
Office of The Governor	Attorney General's Chambers	Criminal	

GEOGRAPHIC LOCATION

The Valley

TITLE OF IMMEDIATE SUPERVISOR

Attorney-General

1. MANDATE

The post holder, acting on behalf of and subject to the general directions of the Attorney-General pursuant to the provisions of Section 34 of the Anguilla Constitution Order 1982, is responsible for the conduct of criminal proceedings. The post holder prosecutes the more complex cases in the Courts, supervises case management in all Courts, and manages the operations of the Criminal Unit (the Unit). Provides strategic direction, planning, and leadership to ensure that the professional standards and responsibilities of the Unit are performed within a deliberate and established framework. Advises the Government, the Governor and Attorney-General on all matters with implication of criminal law, including proposed legislation and law reform. Performs associated legal and operational duties as required.

The post holder is expected to take the lead in establishing a semi-autonomous Criminal Unit with administrative independence in so far as is practicable, with a view to ultimately having a fully independent Department of Public Prosecutions once the necessary constitutional amendments have been made.

2. KEY DUTIES & RESPONSIBILITIES

2.1.1 The post holder has high level decision-making authority within established legislation, departmental policies, procedures, and guidelines as it relates to criminal proceedings and criminal matters. Develop and promote prosecution policy. Administratively, the post holder is responsible for overseeing the financial and human resources capacities in accordance with General Orders.

2.2 CONDUCT OF CRIMINAL PROCEEDINGS DUTIES:

2.2.1 The Principal Crown Counsel (Criminal) shall have power, acting for and on behalf of the Attorney-General, in any case which he/she considers it desirable so to do:

- i. Subject to the constitutional authority of the Attorney-General, institute and undertake criminal proceedings against any person before any civil court of Anguilla in respect of any offence against any law in force in Anguilla;
- ii. Subject to the constitutional authority of the Attorney-General, take over and continue any such criminal proceedings that have been instituted or undertaken by any other person or authority;
- iii. Subject to the constitutional authority of the Attorney-General, discontinue, at any stage before judgment is delivered, any such criminal proceedings instituted or undertaken by himself/herself or any other person or authority.

2.2.2 Prosecute the more complex cases in all Courts. In addition, arrange for and execute professional prosecutorial services and programmes to enhance and compliment the workings with the Unit's mandate.

2.2.3 Supervise case management in all Courts to ensure that cases are efficiently and effectively prosecuted and disposed of.

2.2.4 Arrange in consultation with the Senior Crown Counsel the schedules/assignments of cases among all Counsel to ensure that all Courts are appropriately covered.

2.2.5 Provide advice to all Counsel in the Unit on the conduct and disposition of cases for which they are responsible. Establish a system to allow Counsel to report on the progress of cases.

2.2.6 Determine whether decisions of the Courts should be appealed following discussion with Counsel which includes the Senior Crown Counsels.

2.2.7 Engage professional consultants, including King's Counsel, and advise on the engagement of Pathologists and expert witnesses in the prosecution of cases before all courts as required.

2.2.8 Ensure that communication is maintained with the Royal Anguilla Police Force, Attorneys at the private bar, the Courts and other relevant agencies. Participate in such communication as deemed necessary to affect effective and efficient operations and outcomes.

2.3 MANAGEMENT AND ADMINISTRATION DUTIES:

2.3.1 Manage the day-to-day operations of the Unit, including the efficient delivery of services.

2.3.2 Provide a link between the Unit and other Government Departments/Agencies to maintain an effective and productive professional working relationship.

2.3.3 Provide leadership, direction, motivation and development of all officers within the Unit. In this regard, establish the policies and administrative procedures to ensure officers are accountable for the performance of their tasks.

- 2.3.4 Ensure an efficient organisational structure for the Unit, including the efficient utilisation of human and other resources.
- 2.3.5 Represent the Unit on working committees where legal issues are to be discussed and the opinions of the Unit are required.
- 2.3.6 Use discretion prepares background material for statements to be delivered by the Government on matters concerning the operation of the Unit.
- 2.3.7 Collaborate with the Senior Crown Counsels and the Finance and Administration Manager in the preparation of the annual estimates of income and expenditure for the operation of the Unit. Oversee the approved budget in accordance with financial instructions.
- 2.3.8 Manage the organisational structure and the number of positions approved by Executive Council for the Unit.
- 2.3.9 Ensure the Unit is adequately staffed with competent and skilled employees. Also ensure that the necessary funds for positions are sought through the established budgetary process to enable the Unit to operate efficiently and effectively in the discharge of its mandated functions.
- 2.3.10 Oversee all human resource matters of the Unit such as recruitment and selection, performance management and performance appraisal. Provide guidance and advice to all officers, as necessary.
- 2.3.11 Establish a sustained learning and development programme for all officers within the Unit to ensure that officers are provided with the necessary learning and development opportunities to enhance their skills and the professionalism of the Unit. This includes succession planning, use of consultants and secondments.
- 2.3.12 Ensure that performance appraisal reviews are conducted for all officers within the Unit and take appropriate actions to improve performance where necessary.
- 2.3.13 Appear before the Public Service Commission, Joint Grading Panel and other such bodies to make presentation on staffing and human resources related matters on behalf of the Unit at his/her discretion.

2.4 ASSOCIATED LEGAL AND OPERATIONAL DUTIES:

- 2.4.1 Undertake other related legal and operational duties as may be required.
- 2.4.2 Liaise with the Department of Information, Technology and E-Government Services and represents the Unit with media when necessary to uphold image of Unit.
- 2.4.3 Maintain adequate international co-operation with other international prosecution agencies and relevant criminal justice institutions.
- 2.4.4 Delegate duties in a prescribed manner to ensure that all work undertaken is delivered to completion, by setting and enforcing deadlines.

- 2.4.5 Ensure that professional relationships for mandates and international treaties, conventions and practices are maintained.
- 2.4.6 Keep abreast of current developments in prosecution and new initiatives in order to keep the Unit up-to-date with its capacity to prosecute new and developing types of crime.
- 2.4.7 Implement the Unit's policies using established computerisation, in consultation with the Department of Information, Technology and E-Government Services.
- 2.4.8 Oversee the implementation of computerised systems for electronic files, case management and video link systems to promote operational efficiencies in the Unit, inclusive of data collection, records management and evidence tracking. Supervise office systems and advise on ways to improve/enhance such systems.

2.5 PROVISION OF LEGAL ADVICE ON LEGAL MATTERS:

- 2.5.1 Provide legal advice to the Royal Anguilla Police Force in relation to criminal matters.
- 2.5.2 Provide legal advice to other government departments in relation to criminal matters, including commencing prosecutions for employer related offences of taxes, social insurance and health insurance.
- 2.5.3 Make recommendations for legislative revisions and ensure that practice directions and policy directives are implemented and sustained.

2.6 ASSOCIATED DUTIES:

- 2.6.1 Undertake associated duties and responsibilities as requested by the Attorney-General for maintaining the efficacy and independence of the Unit.
- 2.6.2 Respond to any adhoc request assigned by the Permanent Secretary.

3. REQUIRED SKILLS AND ATTRIBUTES:

- 3.1 Demonstrated ability to undertake the following leadership competencies at the highest level:
- Setting strategic direction by establishing a strategic vision
 - Managing human, financial, and information resources strategically
 - Fostering collaboration by leading across and outside of the organisation
 - Delivering service excellence by demonstrating a firm commitment to organisational goals and customer expectations
 - Communicating effectively by persuading others
 - Building human capacity through a structured training and development framework
 - Strong verbal and written communication skills
 - Strong organisational and administrative skills
 - Ability to understand, explain and present complex legal ideas to both legal and non-legal audiences at all levels

- Excellent presentation and public speaking skills
- Ability to work under pressure while meeting multiple deadlines
- Ability to handle sensitive and confidential information
- Ability to motivate and encourage high performance standards
- Broad knowledge and practical experience of the criminal justice system and the interrelationship of criminal justice institutions
- Substantial knowledge and experience in criminal law and prosecution work
- Ability to produce constructive ideas in formulation of policy
- Ability to prepare and conduct criminal cases in court at all levels including any necessary interrelated matters.

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4. KEY RELATIONSHIPS

4.1 Reports to the Attorney-General

4.2 Liaise with HE the Governor, Deputy Governor, Commissioner of Police, Attorneys at the private Bar, the Courts and other relevant agencies

5. KEY AUTHORITIES

The post holder is authorised, subject to the constitutional authority of the Attorney-General, for:

- i. Management of the day-to-day functioning of the Unit
- ii. Management and conduct of all criminal prosecutions, inclusive but not limited to:
 - a. instituting and conducting criminal proceedings;
 - b. undertaking preliminary inquiries;
 - c. taking over private prosecutions where necessary;
 - d. discontinuing proceedings where appropriate.

6. KEY REPORTS

- i. Performance management
- ii. Legal advice to Government Ministries

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7. PERFORMANCE PARAMETERS

- i. Compliance with the Anguilla Constitution Order 1982
- ii. Compliance with the aims and objectives of the Unit
- iii. Extent to which Code for Prosecutors has been properly applied

8. SCOPE OF THE JOB

The post holder has high level decision-making authority within established legislation, departmental policies, procedures, and guidelines as it relates to criminal proceedings and criminal matters. Develop and promote prosecution policy. Administratively, the post holder is responsible for overseeing the financial and human resources capacities in accordance with General Orders.

9. QUALIFICATIONS

- 1. The post requires a minimum of twelve (12) years post-qualification experience in significant criminal litigation in courts of unlimited jurisdiction, with at least five (5) years at a senior management level.
- 2. Must have experience managing staff, along with an extensive knowledge and understanding of the criminal justice system and relationships on an international level.
- 3. The post holder must be a qualified, practicing Barrister or Attorney-at-law of a Commonwealth jurisdiction.
- 4. The post holder must be capable of being called to the Anguilla Bar.
- 5. The Unit requires flexible working practices. The ability to prepare and conduct cases for the Privy Council would be an asset.

This document is intended to reflect those factors considered necessary to describe the principal functions of your job and should not be construed as a detailed description of all work requirements that may be inherent in the job.
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