

Witness Name: Oliver Higgins

Statement No. 1

Dated: 15th November 2024

THE CRANSTON INQUIRY

WITNESS STATEMENT OF OLIVER HIGGINS

1. I, Oliver Higgins, will say as follows:

Introduction

2. I am Deputy Director in the National Crime Agency (NCA) with responsibility for Organised Immigration Crime (OIC), I am authorised to make this statement on behalf of the National Crime Agency ("NCA") and I make it on the basis of my own knowledge and experience. Where matters are not within my own knowledge and experience, I state the source of my knowledge and belief.
3. I make this statement in response to the Inquiry's request for evidence dated 30th July 2024.

Background

4. The National Crime Agency was formed on 7th October 2013 pursuant to the Crime and Courts Act 2013 ("The Act") and superseded the Serious Organised Crime Agency (SOCA).
5. The NCA leads the operational response to serious and organised crime, protecting the public by targeting and pursuing criminals who pose the greatest risk to the UK. The NCA has officers based in England, Wales, Scotland and Northern Ireland, as well as a network of liaison officers in strategic locations around the world. The NCA works closely with partners in government, law enforcement and the national security community, both in the UK and overseas.
6. The NCA statutory functions are codified in s.1 of The Act and are as follows:
 - a. securing that efficient and effective activities to combat organised crime and serious crime are carried out (whether by the NCA, other law enforcement agencies or other persons);
 - b. gathering, storing, processing, analysing, and disseminating information that is relevant to, inter alia, activities to combat organised crime, serious crime or any other kind of crime; and
 - c. functions conferred by the Proceeds of Crime Act 2002.

The structure and functions of the NCA in relation to small boats attempting to cross the Dover Strait

7. The NCA leads the operational response to serious and organised crime, working with partners across law enforcement, government, industry and beyond. The overall goal of crime reduction requires a collective focus on preventing crime and protecting potential victims, as well as on disrupting and dismantling organised crime groups.
8. The NCA does not monitor routine traffic through or across the English Channel and has a limited role in relation to Safety of Life at Sea (SOLAS), primacy for which rests with other agencies (and for which the NCA has neither the remit, nor the capability to deploy). If the NCA is in possession of actionable intelligence which could be used to protect life at sea, the NCA would take immediate steps to engage with the appropriate partners to support them in taking operational action to do so.
9. Organised Immigration Crime (OIC) is an example of serious and organised crime and involves an organised crime group assisting a person to cross borders without legal permission or documentation. Small boats departing from northern France remains the most detected method of organised illegal migration into the UK.
10. Organised immigration crime groups use practices that endanger the safety of people they exploit. Examples include: putting lives at risk by overloading small boats, or providing inadequate or unsafe equipment, such as defective boats or unsuitable or no lifesaving equipment.

11. In 2015 the NCA established Project INVIGOR. Through this the NCA led a taskforce including other UK partner agencies such as Border Force, Immigration Enforcement, Crown Prosecution Service and policing, in targeting the organised crime group threat to Europe through the Mediterranean region and the UK. We work closely with partners across Europe and within the UK to share intelligence and resources to disrupt organised criminal groups involved in people smuggling networks.
12. In 2018 the NCA commenced Operation CATLIN. Operation CATLIN emerged from the ongoing work by Project INVIGOR and in November 2021 it governed the NCA response to small boats attempting to cross the Dover Strait. The then Deputy Director (DD) for Threats (OIC, Modern Slavery and Human Trafficking (MSHT), Borders and Commodity) set up a "Gold Group" as a strategic command structure to cascade actions to operational teams.
13. The lead objective of Operation CATLIN was the safeguarding of migrants and OCG members in accordance with Article 2. It sought to achieve this objective by targeting Organised Crime Groups (OCGs) that were using small boats to facilitate illegal immigration from the near continent to the UK.
14. Operation CATLIN developed tactical intelligence packages for dissemination to other UK and external partners. It recognised that primacy for response to the arrival of small boats across the English Channel was held by Border Force. The NCA has no responsibility or capability to conduct search and rescue

operations at sea. Responsibility for management of any SOLAS incident rested with Border Force and the Marine and Coastguard Agency.

15. One example of our work arising from Project INVIGOR is Operation PUNJUM.

This involved the targeting of a major criminal network suspected of smuggling 10,000 people into the UK. In July 2022 NCA officers, working with partners, were involved in the arrest of approximately 40 people and the seizure of 1,200 life jackets, 135 boats and 45 outboard engines.

The relative roles, division of responsibilities, and working relationship between the NCA and other stakeholders with involvement in responding to small boats attempting to cross the Dover Strait

16. In November 2021, Operation Altair was the cross-government, multi-agency response to the threat of illegal migration in small boats. It was established by the Home Office Clandestine Channel Threat Command (CCTC), which was responsible for its governance. It established a "Gold Group" command structure, led by a Director or Deputy Director from CCTC.

17. The NCA, along with Border Force, Kent Police, Home Office and JMSC would usually all have had a presence in any Gold meeting.

18. The "trigger" for the holding any Gold meeting would usually have been the forecast of a viable weather window for crossings. The purpose of the meeting

was to ensure planning and establishing a system of stand up and preparedness for arrivals and actions to try to counter crossings.

19. The NCA's role and involvement in these meetings was limited to providing intelligence updates to feed into any planning and tasking by the Group.

Systems in place as at 23-24 November 2021 to respond to small boats attempting to cross the Dover Strait

20. The NCA hosts The National Assessment Centre (NAC) which assesses intelligence with a view to providing strategic analytical products for dissemination to national and international partners.

21. The increase in the detection of migrants trying to cross the Channel by small boats in 2021 was first reported within NAC OIC Quarterly Threat Update (QTU) 2020-21 4th Quarter (Q4). In 2021-22 the QTU evolved to become the Quarterly Strategic Assessment (QSA).

22. Figures from the Small Boats Operational Command (SBOC) Small Boats Master Spreadsheet would indicate that in 2019 1,834 people arrived in small boats to the UK. In 2020, this number increased to 8,486 and in 2021 the number increased again to 28,526.

23. The NCA assessed that a number of factors may have been behind the increase in these numbers. It was assessed the OCG's involved in OIC had established more networks to facilitate small boat launches from Northern France and were employing new tactics to raise boat capacity. OCG's were using multiple launch sites from several long beaches in Northern France, doing so en masse and using "spotters" to evade French law enforcement.

24. The movement of migrants across the Channel using small boats steeply increased in 2020, however, there was still an overall decrease in OIC detections. The increase in small boats use was almost certainly a result of COVID-19 travel restrictions affecting freight and air transport, in addition to enhanced security around the UK-operated border controls at Calais, Coquelles and Dunkirk. It was highly likely OCGs and migrants were attracted to the high success rate and low cost-high profit nature of small boats compared to heavy goods vehicles (HGV) facilitation.

25. Improvements in the weather and more favourable crossing conditions in 2021-22 Q1 and Q2 and displacement from road haulage to small boats, caused by the relative low cost and success rates of small boats may have been further factors in the increase of numbers at that time.

26. In the Autumn of 2021 the NCA's overall intelligence picture indicated that various OCGs were intending to smuggle large numbers of migrants across the Channel using small boats from a variety of locations, but predominantly in the

Calais and Dunkirk regions. On 23rd November 2021 the NCA held information consistent with the above, that indicated the possible movement of large numbers of migrants during the early hours in the morning of the 24th November 2021.

27. To provide a wider context for the Inquiry, the intelligence held by the NCA was not limited to activity on the French coast, it also covered:

- a. The smuggling of migrants via use of HGVs;
- b. The different purposes of smuggling migrants e.g. MSHT or as a purely transactional arrangement;
- c. The interplay between people smuggling and other crime, such as transportation of firearms and drugs (including some migrants “paying” for their journey by acting as “mules”) and money laundering;
- d. The routes migrants were taking, including via Grand Canaria to Spain and onwards to France and Belgium;
- e. The nationalities of migrants travelling;
- f. The current cost of the journeys charged by smugglers; and
- g. Preferred methods of communication used by the OCGs.

28. The intelligence that the NCA held was then appropriately packaged and distributed to partners for action, both in the UK and in France, in order to pursue criminal justice outcomes or other disruption methods.

29. The NCA does not task or deploy any maritime or aerial assets in response to notification of small boats

Events of 23-24 November 2021

30. I have not been provided with any record that would confirm if the NCA was notified about any critical incident at Tughaven in November 2021. It is likely the NCA received RAG ratings in November 2021.

31. The NCA was aware that there were multiple OCGs transporting hundreds of migrants from Northern France to the UK on a regular basis. However, the NCA was unaware of the small boat designated by the Inquiry as "Charlie" until the 24th November 2021. Having learnt of the incident involving "Charlie", the NCA made efforts to assist in identifying the particular OCGs who were responsible for that facilitation and shared information gathered with partners in the UK and overseas as appropriate.

32. In response to the tragic event on 24th November 2021, the NCA set up a 'Gold Group' (Strategic command structure) under 'Operation BROGUERY'. This commenced on 25th November 2021 and it was to co-ordinate the NCA response to this incident. Its strategic objectives were the minimising of risk to future victims, providing any assistance to French partners, providing an effective, comprehensive and appropriately resourced operational plan with effective intelligence/investigative strategy in place.

33. Op ATIMON was also established by the NCA on the 25th November 2021 and through this, the NCA provided the investigative assistance to the French criminal investigation into the incident.

Review and lesson learning following 23-24 November 2021

34. There was no lesson learning review carried out by the NCA in relation to SOLAS as this was not relevant to the NCA's remit regarding this incident.
35. The NCA held a "debrief" in relation to Op BROGUERY which focused on the NCA response in the first 24-48hrs following the tragedy. It was highlighted that the NCA critical incident procedure in place at that time was not bespoke to small boats fatalities.
36. As a result of a review of this procedure, the NCA now responds to such incidents as follows. Small Boat Operational Command (SBOC) is currently mandated to collaborate with SOLAS agencies such as Border Force and Maritime and Coastguard Agency (MCA) with large scale simultaneous Small Boats incidents. MCA retains primacy for Search and Rescue (SAR). During a search and rescue critical incident the SBOC GOLD Commander will identify which partner agency to assign investigative primacy. The NCA is contacted by SBOC via the NCA Control Room and depending on the circumstances of any deaths the NCA will normally lead any investigative UK response (if the deaths

have occurred in French waters) or alternatively provide a supporting role to local police (where the deaths have occurred in UK waters) in any investigation.

37. The NCA has continued to work closely with French partners in the aftermath of the tragedy. An individual was arrested by the NCA and has been extradited to France where they currently await trial. For legal reasons it is not possible to provide further public comment on some aspects of the NCA work following the tragic event on 24th November 2021.

Statement of Truth

I believe the content of this statement to be true.

Signed: _____

Personal Data

Dated: _____

15TH NOVEMBER 2024

