

Security Operations Team – Asset Recoveries

This circular aims to clarify the end to end process of cash recoveries, from seizure through to the accounting aspect. Associated is a flowchart outlining the cash recovery process, with further information as follows.

Recovery Of Cash

Cash is often good evidence of acquisitive crime and correct processes should be followed where cash is discovered during an Investigation. In all cases when cash is recovered (except POCA Cash Seizure cases) it must be counted and a record made of the amount and denomination on either the GS005D 'Record of Property Seized During a Search' or within an Official Notebook. In addition any recovered cash which is not required in its original state as evidence, or required for forensic analysis, or returned to the rightful owner; must be paid into an interest bearing account for the duration of the investigation and criminal proceedings. (If cash is retained and the reason for retention lapses then it should be paid into the account as soon as practicable). The Post Office Ltd Security Team operates a Bank Of Ireland Recovery account which should be used for this purpose.

Suspect Fully Cooperating with Investigation.

If cash is discovered and the suspect admits at any time that it is either stolen money or directly or indirectly the proceeds of the crime that you are investigating, then as well as recovering the cash as evidence the following actions should be undertaken;

1. The suspect should be asked to disclaim the property and informed that this property will be accepted without prejudice to any action which Royal Mail Group Ltd may be advised to take.
2. They should then be asked to complete a GS026 Disclaimer of Recovered Property.
3. A copy of the GS026 should be provided to the suspect as soon as practicable with a further copy being enclosed in Appendix C of the case file. The original should be retained by the Investigator until proceedings have been concluded.

Additionally, if prior to interview or further interview, the circumstances of the recovery/disclaimer should be detailed on the tape recorded interview. If after interview, the circumstances of the recovery should be detailed in the Investigator's Official Notebook.

Suspect Not Fully Cooperating with the Investigation.

If cash is discovered and the suspect is not fully cooperating with the investigation, Security Operations Managers must consider if the cash is either evidence of the offence under investigation (this includes Money Laundering offences) or obtained as a consequence of the offence and if so do they believe they are likely to be able to prove the case to the satisfaction of a Court. If it is considered so and the Security Operations Manager believes that it is necessary to recover the cash to prevent it being concealed, lost, disposed of or destroyed then it should be recovered. Should the suspect refuse to allow the cash to be recovered then assistance of the Police should be requested as they have a power of seizure.

POCA 2002 Cash Seizure. If an Investigator discovers an amount of 'cash' of £1,000 or over in value which they think may be the benefit from crime, but do not think it is related to the case currently under investigation, then consideration must be given to arranging a cash seizure under POCA 2002. Under POCA 2002 Accredited Financial Investigators (AFI), Constables and Customs Officers have a power to seize cash of £1,000 or over, if they have reasonable grounds for suspecting that the cash has been obtained through unlawful conduct, or is intended, by any person, for use in unlawful conduct. Accordingly if such a situation is anticipated or occurs, contact in the first instance should be made with an AFI. If an AFI is not contactable then the local Police should be contacted in order that they can give consideration to conducting such a seizure. If part of a cash amount is suspected of relating to the case under investigation, then the Police must be informed accordingly, as this part should be seized under PACE, not POCA

(preventing the possibility of its forfeiture being divided as per the incentivisation scheme, whereby only half is allocated to the appropriate Law Enforcement Agency).

Bank Of Ireland (BOI) Account

The BOI paying in book (consisting of counterfoils and paying in slips) enable cash deposits to be made at any Post Office branch. It is the Security Operations Managers responsibility to retain the paying in book securely and to ensure that all deposits are receipted correctly by way of date-stamped counterfoil and Horizon slip evidencing deposit. All Horizon slips are to be securely stapled to their respective counterfoil.

Paying in books must be returned, to Post Office Security when all slips are exhausted, in order that reconciliation can be undertaken. New paying in books should be obtained from Post Office Security.

It is important that the following process is adhered to when a deposit is made:

1. All paying in documentation to be completed in full and counterfoil stamped to evidence receipt (either of cash proper or cheque envelope)
2. Counterfoil and Horizon receipts to be retained, by Investigator, within paying in book pending exhaustion and return of book or annual reconciliation of the book proper
3. Funding Notification (copy associated with circular) to be completed in full and emailed to Post Office Security, with a hard copy placed within Appendix C of the case papers. This should be done within 48 hours of deposit

Importantly, the Investigator also has a requirement to comment on the Funding Notification whether ownership of the moneys lodged have been willingly surrendered / relinquished by the suspected offender or not.

The rationale behind this account (in addition to provide an account accessible within our own estate into which we can deposit all recoveries) has been to provide an interest bearing account (a POCA requirement) in which to lodge moneys where ownership may be / is being disputed pending adjudication by the Courts.

NB: Cheque deposits should be made by completing a paying in slip and associated cheques all sealed within a BOI envelope (again to be supplied separately). The envelope will be receipted by date stamped counterfoil and Horizon receipt that in effect confirms receipt of envelope only.

NB: BACS payments can also be made into the account. The Funding Notification should be amended in such a way as to reflect this method of deposit.

Supporting Documents

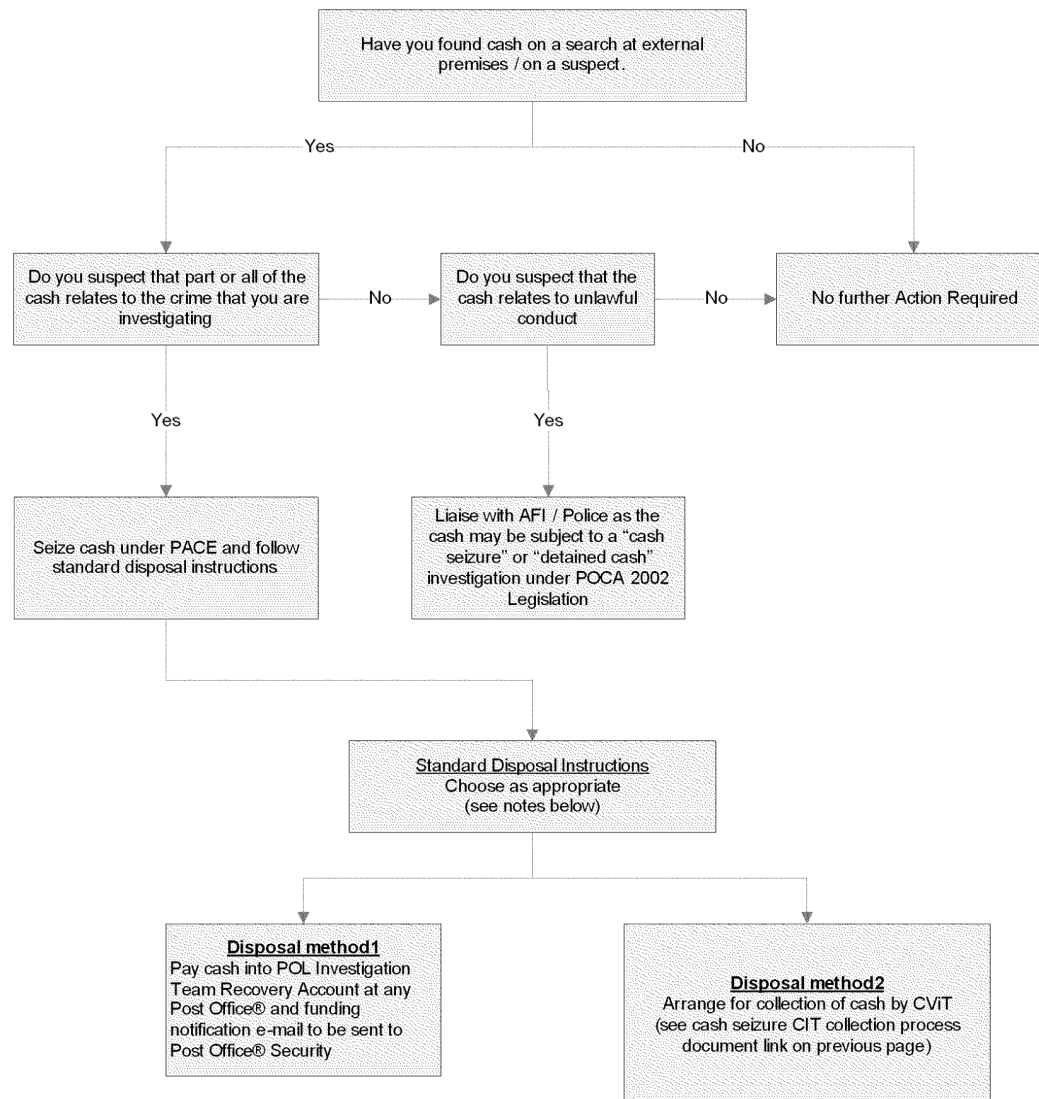
Funding Notification:



Cash Seizure CIT Collections Process:



Post Office® Ltd Security Operations Cash Seizure Process



NOTES

- 1/ - There is no minimum or maximum amount of cash that can be seized under PACE legislation (i.e. cash seized as evidence of the crime under investigation), but from a H&S perspective, common sense should be applied when transporting cash, any queries should be directed to your Line Manager.
- 2/ - Cash seized under PACE should be deposited ASAP.
- 3/ - If collecting money from a Subpostmaster – arrange to meet at a post office where the money can be secured or paid in.
- 4/ - If transporting cash retain money in the boot etc
- 5/ - If cash recovery is made following an audit where the office is going to transfer and we have control of the safe and alarms leave the money in the safe
- 6/ - Consider storing at Supply Chain sites if they are within a sensible distance
- 7/ - Consider police stations, safes, etc