



Security & Investigation Debt Process Text

Security & Investigation Financial Investigation Unit Criminal Debt Recovery Process > £20K

Step 1

FIU Manager receives and reviews case details from the 'Casework Team' (CWT). As a general 'rule of thumb', The Security & Investigation Financial Investigation Unit (FIU) tends not to deal with Multiple branches and / or cases outside England and Wales. (i.e. Scottish, Irish laws tend to differ) The Security and Investigation Team are notified immediately of all losses >£20K. Ged Harbinson is the FIU Manager.

The Security Programme Managers (i.e. Currently Lisa Allen / Jason Collins) issue cases to the Security Investigators who conduct interviews with suspects / offenders and complete a 'Suspect Offender Report'. Upon completion this information is subsequently forwarded to the FIU Manager along with a Financial Evaluation sheet (FES).

Typically, details include branch name, date, details of loss and key stakeholders and any recovery details.

Step 2

Where cases reside outside of England or Wales and / or pertain to Multiple branches the case is rejected. (i.e. Not dealt with by the Financial Investigation Unit) Send e-mail back to CWT with appropriate reasons.

Otherwise, accept case and proceed to step 3.

Step 3

The FIU Manager assigns case to a Financial Investigator (FI). (i.e. Currently Ged Harbinson, Graham Ward or Paul Southin)

Step 4

E-mail CWT, Security Programme Manager and allocated Security Advisor to confirm which Financial Investigator (FI) is assigned to case.

Step 5

Add case details to local records. (i.e. FI Case File Record.xls) Worksheets include 'Reports Received' and 'FI Cases on Hand'.

Typically, details comprise of the following:

Reports Received

Case Number
Office
Branch code
Suspect
Grade or position
case raised received
48 hour report received
loss
Recovery
Action
FI allocated
Cases on hand updated
Investigator informed
comments

FI Cases on Hand

No.
Case no.
Date
Loss
Office
Branch Code
Offender
PO Investigator
FI

Date Notified
Current activity
Open/Closed
Last updated
Comments

Step 6

Create electronic (Windows Explorer) / hard copy files to store actions, decisions and other associated documentation pertinent to case. There are strict documentation guidelines provided by the National Police Improvement Agency. (NPIA) (e.g. Events log, Policy logs, document logs and other schedules to help manage cases).

Step 7

Assess crime and potential recovery strategies. (e.g. Anti-Money Laundering / Confiscation).

Step 8

Assess potential for dissipation of assets. (i.e. To spend or expend intemperately or wastefully; squander assets).

Step 9

Is offender likely to dissipate assets?

Step 10

If no at step 9, then go to step 26. If yes, build case for issuing 'Restraint Order' and complete 'Restraint Order' form. (i.e. To mitigate against dissipation of assets and future risk of debt recovery) A prerequisite is to identify assets pertaining to the offender. (e.g. Property, Automobiles, liquid assets to name but a few). Searches may involve the Land Registry, financial institutions or other searches to identify assets. It is also important to identify other debts the offender may be liable. Ownership (e.g. property /

automobiles) is a key part of the process. (i.e. Vehicles may be hired and not owned)

Step 11

Financial Investigator discusses case with Senior Appropriate Officer (SAO) and obtains consent to restrain.

Step 12

Does the SAO agree with 'Restraint Order'?

Step 13

If no at step 12, complete NPIA record of authorisation. (i.e. Restraint case not progressed)

Step 14

If yes at step 12, complete NPIA record of authorisation with appropriate details.

Step 15

E-mail Restraint Order to PO Ltd Criminal Law Team (i.e. Currently Rob Wilson) to evaluate.

Step 16

Do the Criminal Law Team agree with the 'Restraint Order' details from a legal perspective?

Step 17

If no at step 16, go back to step 10, and re-examine evidence / resubmit 'Restraint Order' if appropriate or continue case without restraint. If yes, complete application for issuing a 'Restraint Order' on the offender. The application includes details of the investigation, the extent to which the

offender has benefitted from the crime, and details of the assets to which PO Ltd want to issue a 'Restraint Order'.

Note: The Financial Investigation Unit currently has a 100% success rate for making an application for 'Restraint Orders'. (i.e. largely due to robust evidence).

Step 18

Complete 'Restraint Order'. This is essentially a legal document which prohibits offenders from disposing of assets. Disobedience is punishable by imprisonment.

Step 19

The Financial Investigator attends court to relay evidence and obtain the 'Restraint Order'.

Step 20

Is 'Restraint Order' awarded by the Court of Law?

Step 21

If no at step 20, go back to step 10 and re-examine evidence / resubmit 'Restraint Order' if appropriate or continue case without restraint. If yes at step 20, serve 'Restraint Order' on offender and / or other individual / institution. (e.g. Relative / bank etc.) The restraint order essentially helps secure monies for future debt recovery. (e.g. Confiscation and subsequent compensation).

Step 22

Arrange visit to local (or other) Police Station to update the Joint Asset Recovery Database (JARD). A separate JARD case details form is maintained locally to help transfer details onto JARD. Typically, information includes the offenders details, (i.e. address, assets, restraint orders) the amount of loss, and court proceedings to name but a few.

Step 23

Is all debt repaid?

Step 24

If yes, at step 23 process payment(s). Payments are received in several forms and by different stakeholders. (e.g. Cheques, BACs etc.) All payments received by the Security and Investigation Team are credited to the Bank of Ireland Account, Security Recovery Fund Account. However, monies are also received by the PO Ltd Criminal Investigation Team and Contract Advisors in different forms. These are forwarded to the 'Former Agents Debt Team' for subsequent processing.

Step 25

Update JARD and case file with appropriate details.

Step 26

Notify stakeholders of outcome and close case. (i.e. Memorandum to Senior Security Manager, Security Investigation Team, CWT, PO Ltd Criminal Investigation Team)

Step 27

If no at step 23, does the defendant have further realisable assets? (i.e. There are circumstances when only part of the debt is repaid. It is therefore important to ascertain whether the defendant has further assets that may be used to recover the debt). Clearly, it is not always worth pursuing the case. (i.e. Particularly where there are no assets).

Step 28

If no at step 27, update JARD and case file with appropriate details.

Step 29

Notify stakeholders of outcome and close case. (i.e. Memorandum to Senior Security Manager, Security Investigation Team, CWT, PO Ltd Criminal Investigation Team)

Step 30

If yes, at step 27, ascertain how the defendant benefitted from the crime and the level of confiscation required to cover the amount of loss / debt. This investigative part of the process is a fairly varied and often lengthy involving a number of activities. (e.g. Land Registry searches, property valuations, and bank account searches to name but a few). Case Law is often used to determine how the benefits are calculated. As a consequence, a schedule of Case Laws are retained and applied to subsequent cases. The Retail Price Index (RPI) is also applied when recovering losses.

Step 31

The offender attends the Court of Law.

Step 32

Is the defendant guilty? If no go to step 47.

Step 33

If yes at step 32, complete Section 18 Proceeds of Crime Act 2002. (i.e. To acquire details of assets belonging to the defendant). The defendant must provide these details within 28 days.

Step 34

E-mail Section 18 to PO Ltd Criminal Law Team and Investigator.

Step 35

The PO Ltd Criminal Law Team assigns a Barrister to the case. (i.e. A lawyer who speaks in the higher courts of law on behalf of either the defence or prosecution).

Step 36

Attend court hearing and sentencing. (i.e. PO Ltd versus defendant) The Financial Investigator will always attend the court hearing. This process usually involves making a request for confiscation and subsequent compensation to recover monies owed to PO Ltd, albeit, each case is unique and the course of action may differ slightly. The court will be asked to serve 'Section 18' (See step 29) on the defendant. The defendant must provide details of all assets within the court (usually 28 days by affidavit) and set a confiscation timetable.

The Financial Investigator completes a 'Section 16 (3) or a 16 (5) dependant on the offence statement'. (i.e. A formal document written to state the facts as they are believed by the prosecution). And this is served on the defence. The defendant will respond using a 'Section 17'.

Step 37

The Financial Investigator completes a 'Section 16 (6) and this is served on the defence.

Step 38

The Security and Investigation Team complete the following documentation:-

(1) Schedule of Available Realisable Assets. (i.e. A detail of all the defendant's assets).

(2) Confiscation Order. A confiscation order is made after a person has been convicted. The purpose of a confiscation order is to ensure that the Defendant cannot benefit from the proceeds of their crime. The court determines the amount of benefit received from the relevant criminal conduct.

"Powers to confiscate from convicted defendants their benefit from crime were first introduced following the failure to recover funds in a drug trafficking case in 1978 known as Operation Julie. In this case, some £750,000 of drug trafficking proceeds were traced into the hands of the offenders and restrained. These funds had to be released after the House of Lords held that existing powers to forfeit items used in the commission of an offence could not be used "to strip the drug traffickers of the total profits of their unlawful enterprises." Source: www.opsi.gov.uk

(3) Compensation Order. (i.e. That compensation from the Confiscation Order must be paid to PO Ltd).

(4) Discharge Restraint Order. (i.e. Used to discharge restraint orders on defendants).

Step 39

The Financial Investigator attends the Crown Court Confiscation Hearing.

Step 40

The defence, Financial Investigator and PO Ltd Barrister's discuss 'best deal' prior to 'Confiscation Hearing'. (e.g. The defendant may have stolen £50K, and benefited by a further £50K, but the defendant may agree to settle £75K without further delay). In reality, it is in PO Ltd's interest to secure £75K than incurring significant further costs that may not help recover the other £25K etc.).

Step 41

The court awards 'Confiscation' and 'Compensation' against the defendant.

Step 42

The court subsequently lifts 'Restraint Order' against the defendant.

Step 43

The Financial Investigator Serves the discharge of the 'Restraint Order' on the defence and effected institutions.

Step 44

The Financial Investigator contacts the 'Regional Asset Recovery Team' at the 'Serious Organised Crime Agency' (SOCA) to ascertain who is dealing with case and updates JARD.

Step 45

The defendant repays monies to 'Regional Asset Recovery Team'.

Note: There can be delays to payments as appeals and reassessment hearings can be evoked.

Step 46

Regional Asset Recovery Team transfers monies to PO Ltd.

Step 47

Financial Investigator updates JARD with case details.

Step 48

Close case and update file with appropriate details.

Step 49

Notify stakeholders of outcome and close case. (i.e. Memorandum to Senior Security Manager, Security Investigation Team, CWT, PO Ltd Criminal Investigation Team)

Security & Investigation Criminal Debt Recovery Process < £20K

Step 1

Receive and review case details from the 'Casework Team' (CWT). The information is received by the Security Programme Managers. (i.e. Currently Lisa Allen / Jason Collins) Unlike the FI's, this team deal more with the investigation into the offence. (i.e. As opposed to the criminal recovery).

Step 2

Allocate case to Investigator.

Step 3

Interview suspect / offender. (i.e. To ascertain details of incident).

Step 4

Complete 'Suspect Offender Report' (i.e. With offender's details, summary of the facts) and 'Financial Evaluation Sheet' (FES) (i.e. With a brief assessment of the offender's financial details).

Step 5

E-mail to FIs within 48 hours of interview with suspect / offender.

Step 6

Assess crime and potential recovery. (i.e. Has the offender admitted to an offence? What are the losses?, What assets does the offender have?).

Step 7

Allocate case to FI?

Step 8

If no at step 7, (i.e The offender is insolvent or has limited assets. As a consequence there is little or no potential to recovery losses) e-mail CWT with appropriate reasons. (i.e. Case will no longer be pursued)

If yes, at step 7, go to process step 3 for losses >20K.

ENDS