



Financial Investigations Partnership for Recovery

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- 1. Fraud strand recovery Target.**
- 2. Financial Investigations.**
- 3. Recovery of losses**
- 4. Legislation**
- 5. Team work**
- 6. Court attendance at sentencing**

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The Fraud Strand currently has a recovery objective for 2007/008.

- **Deliver casework effectively to ensure 30% loss recovery, or greater, is achieved 2007/08.**

It would not be unreasonable to project future Fraud Strand recovery targets to increase year on year

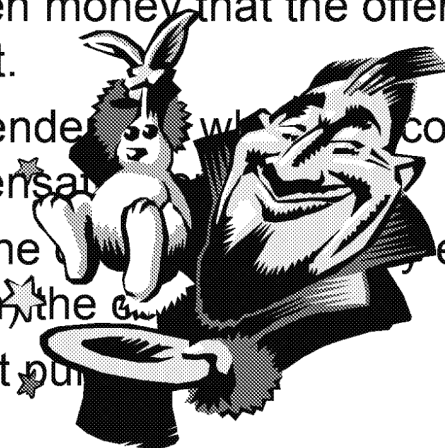
- Deliver casework effectively to ensure 35% loss recovery, or greater, is achieved 2008/09.
- Deliver casework effectively to ensure 40% loss recovery, or greater, is achieved 2009/10. Etc. Etc.

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Each time there is a recovery target set we consider this to be unfair, unachievable or unrealistic.

How can I be expected to-

- Find the stolen money that the offender has already spent.
- Make the offender pay when the courts don't ever award compensation.
- Ensure that the offender pays even if (on the rare occasion) the Government does.
- After all I can't put



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How can I be expected to-Find the stolen money that the offender has already spent.

- Gs204
- Gs205
- Gs207
- Gs210
- Search

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How can I be expected to-Find the stolen money that the offender has already spent. Gs204-

- **Credit and companies house checks with Equifax. (identifies links to many financial institutions) soon to incorporate “Experian” (supply more in-depth financial profile)**
- **Don’t leave it until post-interview. (may give a lead to why the property was stolen)**
- **Analysis the data obtained, use it to inform you, (1) during your investigation (where has the criminal property gone or been turned into) (2) during your search (what financial data do you know what have you found) (3) during your interview (what do you know about the suspects finances against what they are prepared to tell you) (4) at report writing (gives a clearer picture to those reading your report)**
- **Be aware of name variations and other addresses**

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How can I be expected to-Find the stolen money that the offender has already spent. Gs205-

- **Motor vehicle checks with PNC and DVLA**
- **These checks will establish ownership of vehicles**
- **The checks should be made to the address requesting a list of all vehicles**
- **The document returned will list all vehicles in a larger post code area than the one requested and you will need to filter out the data to show which belong to or may be linked to your suspect**
- **They cannot be requested for confiscation investigations so if you don't request it under section 29 (3) of the data protection act we lose the chance to obtain this data later.**

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How can I be expected to-Find the stolen money that the offender has already spent Gs207-

- **Land registry checks**
- **This will establish ownership of Properties, Flats, Houses, Shops, Land and POST OFFICES.**
- **This is often the largest asset suspects own or have an interest in.**
- **Don't forget our employees and franchisees have a personal file which contains address data.**
- **Take a note of any property that you believe the suspect has an interest in not just those they claim are theirs.**
- **Remember that even though they don't own a Post Office or Retail outlet, does not mean that they do not have a financial interest in it. They may have a lease or under-**

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How can I be expected to-Find the stolen money that the offender has already spent Gs210-

- **Her Majesties Revenue and Customs checks.**
- **These provide details of taxes and savings.**
- **They can link you to banking institutions of which you may previously have no detail.**
- **They also provide other interesting information (addresses, companies, partnerships etc.)**
- **The “Gateway” for this information requires that you suspect a person of a criminal offence and that searches against persons related to your suspect (Husband, Wife, Child, aunty etc...) requires a link to that criminality beyond simply being related.**

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**How can I be expected to-Find the stolen money
that the offender has already spent SEARCH**

- **Search, Search Search and Search**
- **If you don't search (for what ever reason) you wont-**
- **Find the cash**
- **Find the criminal property**
- **Find the bank account**
- **Find the Property purchase**
- **Find the safe deposit box details**
- **Find the recoverable assets**
- **Find the link that finds the bank account, that shows the transaction, that finds the criminal property that solves the crime and makes the recovery.**

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How can I Make the offender pay when the courts don't ever award compensation or costs.

- Consider recovery at all stages
- Protect the loss
- Get the offences charged right
- Become more of a “recovery team”

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How can I Make the offender pay when the courts don't ever award compensation or costs. (Consider recovery at all stages)

- **Consider recovery from the moment you receive the case, discuss with your ITM and the FIU any recovery issues.**
- **Plan and use financial data, obtainable within the GS forms, at an early stage.**
- **Use Gs045 not only to prove the predicate offence but to give indications as to what assets the suspect has.**
- **Search**
- **Interview with identification of assets and recovery as a high priority not just the predicate offence admissions**
- **Keep an eye on where the suspect goes and what the**

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How can I Make the offender pay when the courts don't ever award compensation or costs.

(Protect the loss)

- **Search.**
- **Make whatever recoveries you can as and when you can.**
- **Seize anything you believe is evidence of an offence or items obtained as a consequence of an offence.**
- **Consider asking the AFI for restraint under POCA 2002 section 41. (If you have a real and not fanciful belief that the suspect may dissipate any asset which could be subject of a confiscation order, bear in mind you will need to supply sufficient details for the AFI to write a witness statement)**
- **Be open minded when it comes to Criminal Property.**
- **(Criminal property definition : Property a person knows**

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How can I Make the offender pay when the courts don't ever award compensation or costs. (Get the "offences charged" right)

- **Theft, Fraud and Money laundering offences support the POCA 2002 and Criminal Justice Act 1988 confiscation process and in consequence recovery of the loss.**
- **Settling for false accounting as the predicate offence creates massive problems with recovery (what is the offenders benefit).**
- **The investigation and the interview should be programmed to establish what has happened to, what is and where is the criminal property, what offences have occurred, and to what extent others are involved in those offences and/or have benefited.**

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How can I Make the offender pay when the courts don't ever award compensation or costs. (Get the "offences charged" right)cont...

- **POCA 2002**
- **You do not have to be an Accredited Financial Investigator to investigate a money laundering offence under POCA 2002.**
- **Money laundering offences carry a maximum penalty of 14 years and are a schedule 2 offence allowing for the assumptions under the act to be used.**
- **Section 327-a person commits an offence if he Conceals, disguises, converts transfers or removes from the UK criminal property.**
- **Section-328- a person commits an offence if he enters onto an arrangement which he knows or suspects facilitates the acquisition use or control of criminal**

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POCA 2002 cont...

Proceeds of Crime act 2002 assumptions are best described as

- **What he has received.**
- **What he has retained.**
- **What he has spent.**
- **Credits him with full interest in any property assumed or proved to have come from criminal conduct.**
- **Criminal conduct. SOCPA 2005**
- **Conduct which constitutes an offence in any part of the UK or if the conduct occurred elsewhere, would constitute an offence, if it is an offence in that jurisdiction at the time and in any part of the UK. and any conduct which has been proscribed by order of**

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How can I Make the offender pay when the courts don't ever award compensation or costs. (Get the "offences charged" right)cont...

- **Fraud Act 2006**
- **section 2 (fraud by false representation)**
- **section 3 (fraud by failing to disclose information);**
- **section 4 (fraud by abuse of position).**
- **Section 11 (obtaining services dishonestly)**
- **Fraud carries maximum sentence of 10 years on indictment.**

- **Theft act**

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Fraud Act & Theft Act cont...Assumptions can be used under these offences if-

- **Defendant has been convicted of an offence, which was committed over a period of at least six months or**
- **Defendant has been convicted in the current proceedings of four or more offences or**
- **Defendant has been convicted in the current proceedings of any one offence from which they have benefited and has other convictions from which they have benefited on at least two separate occasions within six years of the date that current proceedings were started.**
- **and from which the defendant had benefited by not less than £5000**

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How can I Make the offender pay when the courts don't ever award compensation or costs. (Become more of a "Recovery Team")

- Madness is continuing to do the same thing and expecting a different outcome.
- So
- **Consider recovery for all loss cases at all stages of the case**
- **Use the Aide Memoir "Recovery of Assets."**
- **Use the "Financial Investigations Case Partnership Flow Chart".**
- **Use the "Financial Evaluation Sheet" (FES)**
- **Stay in contact with your allocated AFI.**

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- **Ensure that the offender does pay even if (on the rare occasion) the court orders it. (Crown court hearings only)**
1. **Legislation**
 2. **Your role at sentencing no AFI attached to case**
 3. **Your role at sentencing AFI attached to case**

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Ensure that the offender does pay even if (on the rare occasion) the court orders it. (Crown court hearings only) At the sentencing hearing- Legislation

- **Confiscation Part 2 Section 6(3)(a) POCA 2002. The crown court must proceed if the prosecutor asks the court to do so.**
- **Confiscation Part 2 Section 6(3)(b) POCA 2002. The crown court must proceed if the court believes it is appropriate to do so.**
- **Confiscation Part 2 Section 6(6) POCA 2002. The crown must treat the duty as a power if it believes that any victim has or intends to start proceedings.**
- **Confiscation Part 2 Section 13(5)(a) POCA 2002 The defendant can be ordered to pay both Compensation**

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Ensure that the offender does pay even if (on the rare occasion) the court orders it. (Crown court hearings only) At the sentencing hearing-no AFI attached to case

- **(Where there is no linked AFI to your case) Ensure that agents allocated to case by Royal Mail Group Ltd. Legal Services Division apply for compensation and costs.**
- **Ensure our investigation costs are detailed and appropriate**
- **Ensure that Royal Mail Group Ltd. Legal Services Division supply detailed costs**
- **Get our agents to remind the courts that these are not victimless crimes and the importance of the recovery**

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Ensure that the offender does pay even if (on the rare occasion) the court orders it. (Crown court hearings only) At the sentencing hearing- AFI attached to case

- **Ensure that the agents allocated to case by Royal Mail Group Ltd. Legal Services Division request confiscation under POCA 2002.**
- **Ensures that the agents apply for compensation and costs and that they ask for both of these to be deferred to the outcome of the confiscation hearing.**
- **Ensure that agents request the court serve on the defendant the POCA section 18 request for information**
- **Ensure that our agents ask for the court to record the requests.**
- **Record the POCA 2002 hearing timetable**

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- **Have you any questions**
- **Have you any sensible questions**
- **Have you any sensible questions related to this presentation**