

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE

ETHICS, INTEGRITY AND COMPLAINTS COMMITTEE

PAPER MARKED

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Report of	CHIEF CONSTABLE
Subject	FRAUD
Date	FRIDAY 19 JUNE 2020 – 2:00 p.m
Authors	DETECTIVE CHIEF INSPECTOR CHRIS BAKER / MR PAUL WENLOCK

Purpose of Report

1. To update the Ethics, Integrity and Complaints Committee on the national and local approach to investigating fraud.

Recommendation

2. That the board notes the contents of this report.

Ethical Dilemmas faced when investigating allegations of Fraud

3. Ethical behaviour comes from the values, beliefs, attitudes and knowledge that guide the judgement of each individual. Everyone in policing has to make difficult decisions and complex choices every day of the week. These range from how to deal with a fraud allegation to how to allocate scarce resources. The nine policing principles underpin every decision and action across policing which includes the investigation of fraud.

Leicestershire Police's Force policy and Guidance relating to Fraud and Financial Crime which promotes; Our Vision, Our Values, The Code of Ethics and Our Approach have been developed to encourage public support and emphasise the need for us to secure and maintain public confidence.

Fraud Investigation presents a number of ethical dilemmas, when for example;

- The investigation would require a disproportionate level of resources to bring the case to a conclusion and would adversely impact upon the Leicestershire Police's ability to investigate other crimes.
- The mental capacity of the victim, and whether they can provide reliable evidence in criminal proceedings, or whether we can evidence that they lacked capacity. An example might be where a family member claims that the victim, who suffers dementia, had given them permission to have the money.

- During or at the conclusion of the investigation it is determined that there is insufficient evidence to provide a realistic prospect of conviction even though the victim(s) are clearly of the opinion that the case should be brought to court.

Each Fraud allegation received by Leicestershire Police undergoes a viability assessment illustrated in the Leicestershire Police Fraud and Financial Policy and Guidance document. The assessment considers a number of factors and applies the National Decision Making Model and Code of Ethics before reaching a decision as the proportionality and solvability of the crime.

The sheer volume of offending and the demand placed on policing presents an increased threat and a significant ethical dilemma. Whilst endeavouring to provide each fraud victim with a quality service, it is not possible to investigate all reports of fraud. Policing demand from Fraud includes both low value and localised offending, as well as complex and organised fraud spanning national and international borders.

The Cyber/digital element again increases the ethical dilemma faced when investigating fraud as technology and cyberspace have lowered the entry costs for mass fraud and eased their penetration with and across international borders both in terms of the scale of this penetration and the speed with which it can be accomplished.

Question:

Does the Ethics, Integrity and Complaints Committee agree that it is necessary for the Force after carrying out preliminary enquiries to undertake an assessment of all reported fraud to identify and prioritise those reports that are/are not likely to provide good grounds to commence a criminal investigation as set out at pages 13/14?

Does the Ethics, Integrity and Complaints Committee view the viability assessment undertaken by Leicestershire Police to determine what allegations of fraud are investigated? Often officers face the challenge of a victim who may not believe they are a victim or recognise they are being exploited ie. in the case of a family member/associate defrauding them of their life savings. This can require ethical decisions being taken on disclosure of information to third parties and on commencing investigations against the victims wishes.

Vulnerability within the context of Fraud

4. Leicestershire Police are focussed on changing the behaviour of the local community to counter the threat posed by Fraud, with an emphasis on those who are assessed as being at high risk of serious and ongoing harm. These are often existing victims who are at risk of repeat victimisation.

Notwithstanding the threat posed by Cyber enabled Fraud and the ability of offenders to increase the volume of fraud offending, whilst traversing national boundaries and maintaining their level of anonymity, the recent series of Courier Fraud in Leicestershire and across the UK demonstrates how vulnerable can be targeted by fraudsters.

Typically courier fraud occurs when a suspect contacts victims by telephone purporting to be a law enforcement official or bank staff. The victim is persuaded to co-operate with an 'operation' designed to gather evidence or identify offenders responsible for a fictional offence. Victims are requested to withdraw money from their bank or purchase an expensive item to assist with the investigation on the promise that the money or item will be returned or compensation provided. The money or item is then handed over to a 'courier' who attends the victim's address or meets them nearby. All contact with the victim then ceases and at this stage the offence is complete.

Victims of Courier fraud are generally elderly and are susceptible to social engineering in that they are more likely to believe and want to help someone ringing them and identifying themselves as a police officer or bank official. Intelligence suggests that criminals have targeted this group as being particularly vulnerable and unable to protect themselves from exploitation.

Definition of Vulnerability

'A person is vulnerable if as a result of their situation or circumstances they are unable to take care of or protect themselves or others from Harm or Exploitation'.

Background and Current Position

5. The National Policing Visit for Fraud:

Police capabilities at local, regional and national levels will deliver an effective and co-ordinated response to fraud that protects the public and disrupts the ability of fraudsters to operate in the UK

The strategic approach therefore strives to strengthen capabilities to disrupt and prevent fraud. Work effectively across policing and with partners. Target resources intelligently and demonstrate impact, reducing harm to victims and communities.

6. Fraud now accounts for a third of all crime according to the Crime Survey of England and Wales and there has been a 40% increase in crime reported to Action Fraud over the past 4 years and 70% of reported fraud has some cyber element.
7. The increasing volume of reported led to the creation of Action Fraud as the UK's central point for reporting centre for victims of fraud, receiving reports via a national reporting phone line and online. The service is run by the City of London Police working alongside the National Fraud Intelligence Bureau (NFIB). Action Fraud and the NFIB ensure that any reports are linked and enriched with information from a range of data sets and assess whether there are viable lines of enquiry to identify offenders.
8. Any report deemed by Action Fraud to have a viable line of enquiry is disseminated to the most appropriate Law Enforcement Agency to investigate,

which includes the Police, Department for Work and Pensions (DWP) and the National Crime Agency (NCA).

9. Action Fraud reported that nationally, up until the end of March 2020, over 800,000 reports of fraud were made to Action Fraud, CIFAS and UK Finance combined, 84% of which were cyber-enabled. This figure included 12,370 reports from Leicestershire victims representing an increase of 5.5% over the previous year. Leicestershire, victims, reported 4948 frauds to Action Fraud and they experienced losses in excess of £16.4 million.
10. Leicestershire Police received 830 referrals, (17% of total reported to Action Fraud) for investigation between April 2019 and March 2020 and recorded a positive outcome rate of 16% over this period, an increase of 12.5% from the previous year.
11. In April 2019 HMICFRS published its findings and recommendations arising from a thematic inspection of the response to allegations of fraud across the Police Service.
12. Leicestershire was one of 11 forces, along with the National Crime Agency, National Fraud Intelligence Bureau, Action Fraud and Europol, subject to inspection. The feedback received from HMICFRS at the time of the Leicestershire inspection was generally positive.
13. The resulting publication of *Fraud: Time to Choose – An Inspection of the Police Response to Fraud* detailed inconsistencies and failings in the response to fraud across the service. While HMICFRS acknowledged the challenges faced by police forces in managing competing priorities, it stated: “...it does not follow that we accept that the current position should be allowed to prevail”.
14. The inspection’s key findings were:
 - **The law enforcement response to fraud is disjointed and ineffective**
 - **Roles and responsibilities are not clear**
 - **There are pockets of good prevention work**
 - **Existing organisational structures are not working well**
 - **Vulnerable victims receive a good service but most victims do not**
15. HMICFRS concluded: “*There is a choice to be made. Leaders in government and police forces can either continue to respond to fraud in an inconsistent manner, often leaving victims confused and disillusioned, or they can act to ensure that there is a clearer strategy, less variation in service between forces and better communication with the public.*”
16. The inspection report made 16 recommendations for policing at national and force levels. Recommendation 9 was addressed to all Chief Constables:
17. “*By 30 September 2019, Chief Constables should publish their force’s policy for responding to and investigating allegations of fraud (in relation to both calls for service and National Fraud Intelligence Bureau disseminations for enforcement).*”

18. Many of the observations of HMICFRS had already been recognised in Leicestershire and over the last two years a programme of work has been undertaken, led by Paul Wenlock, manager of the force Economic Crime Unit, not only to improve the effectiveness and efficiency of the force's response to allegations of fraud, but also to proactively identify those at risk and to prevent victimisation.
19. The Force's Fraud and Financial Crime Strategy, first published in July 2017, sets out Leicestershire Police's policy for responding to and investigating allegations of Fraud, and has been significantly updated for 2019/20 and beyond.
20. The document explains out the force's strategy under the "4Ps" – Pursue, Prevent, Protect and Prepare. It details the service that can be expected by victims who submit reports to Action Fraud and to direct "calls for service" received by the force. It describes in detail the processes and procedures which have been put in place to provide a robust response to fraud and financial crime, including the establishment of a dedicated Volume Fraud Team which has brought focus, consistency and expertise to this growing area of criminality.
21. It describes how Leicestershire Police receives, assesses and prioritises fraud investigations and explains how principles of proportionality and considerations of threat, harm risk and vulnerability are rationalised in forming an appropriate response. The guidance is explicit in describing the engagement and service that the public of Leicester, Leicestershire and Rutland can expect if they report fraud.
22. The way in which the force receives, assesses and develops intelligence from a myriad of sources is also described in detail. Under the Prevent and Protect strands, the document explains the role of the Fraud Vulnerability Officer and how this dovetail with other teams within the force and with partner agencies to safeguard potential victims.
23. The draft guidance has been supported by the Head of Crime, Detective Chief Superintendent Lee, and by ACC Sandall. It is intended to put this forward to the next Executive Group meeting to seek approval of the Chief Officer Team.
24. The guidance will be published internally on the Force Intranet with internal communications to raise awareness amongst police officers and staff.
25. As the guidance is an internal document, it naturally explains police processes and uses operational language appropriate for its target audience. It is proposed that relevant sections of the document will be sanitised and extracted to form a public-facing policy document capable of being clearly understood by the public, which will then be published externally on the force website, accompanied by media messages to publicise it.
26. Publication provides an excellent opportunity to promote the force's good practice, to provide reassurance to the public and to propagate fraud prevention messages, with Fraud Prevention Week launching in October.

PART 2 – Update on Proposals for Extra Officers to Respond to Fraud

27. In January 2018 ACC Sandall, in response to a request from DCC Nixon, identified fraud and Cybercrime as key threat areas which would benefit from an uplift in staff and a vision for those additional staff should be included in future budget planning. The bid for staff was to focus on removing demand from the NIU and have a local delivery element.

28. In August 2018 it became clear that although funds were available for six additional police officers, those staff would not be police officers but were more likely to be police staff. In January 2019 the ECU received an increase in funding which created two new posts and allowed for one post to transfer from POCA funding to the establishment budget.

Implications

Financial: None

Legal: None

Equality Impact Assessment: No anticipated impact

Risks and Impact: Organisational and reputational risk, mitigated by the measures detailed in the fraud strategy.

Link to Police and Crime Plan: The guidance document addresses key areas of the Police and Plan, in particular:

Viable Partnerships – The document describes partnerships within police at national and regional levels in tackling fraud. It also details the relationships and partnerships developed to prevent fraud and to safeguard the public.

Visible Policing – The document sets out the contact and engagement the public can expect when reporting fraud or when at risk of fraud.

Victim services – The services that victims of fraud can expect from Leicestershire Police are fully detailed in the document.

Vulnerability Protection – The protection of vulnerable people and crime reduction are integral to the strategy, detailed in the Prevent and Protect strands. It also recognises the particular risk that fraud presents to older people.

Value for Money – The strategy provides a more effective and efficient use of resources. Additionally, functions of the Economic Crime Unit are driven to the confiscation and realisation of assets arising from criminality for the benefit of victims and the wider public.

Communications: The support of the Corporate Communications department is being sought to promote the fraud guidance internally and to publicise it externally.

List of Appendices

Appendix A - Leicestershire Police Fraud and Financial Crime Guidance
2019/20

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Leicestershire
Police

Protecting our communities

Leicestershire Fraud and Financial Crime

Force Policy and Guidance Document

Leicestershire Police Service

2019/20

PROCEDURE IMPLEMENTED:

REVIEW DATE: July 2020

PROCEDURE OWNER: The Manager Economic Crime Unit

APPROVED BY: Executive Board

PROTECTIVE MARKING: Not Officially Marked

New

Revised

IF REVISED, PLEASE COMPLETE THIS

PROCEDURE

VERSION NO	DATE	SUMMARY OF CHANGES	AUTHOR(S)
V2	July 19	Review and Revision	Wenlock

Our Vision

- 'Making our diverse communities safer'
-

Our Values

- To act with impartiality being fair and objective
 - Demonstrate Integrity
 - Put the Public first in all we do
 - Being Transparent, Open and Honest
 - Working as One Team
-

Code of Ethics

- Support moral courage and personal responsibility
 - Respect values and Standards of Policing
 - Applicable to all staff, officers, contractors
-

Our Approach

- Get it right first time
 - Engage with our communities and understand what matters to them
 - Deliver a quality Service
 - Be visible in our communities
 - Promote and support workforce wellbeing
 - Encourage Innovation
 - Provide effective leadership
-

The 4 P's Approach



Table of Contents

1. Executive Summary 7

2. Background 7

3. Objectives 8

4. Scope 8

5. Recording, Allocation and Investigation 9

 5.1 Recording 9

 5.2 Assessment of Report 11

 Higher priority cases 13

 Lower priority cases 14 5.3

Investigation 15

 5.4 Screened out crime 20

 5.5 Outcomes..... 20

6. Victim Support 21

 6.1 Fraud Vulnerability Officer 22

 6.2 SARS (Suspicious Activity Reports) 23

 6.3 Attendance process 23

 6.4 Partner Agency Referral 24

 6.5 Awareness and Prevention Campaigns 20

 6.6 Indicative Vulnerability Status Model 20

 6.7 Referral Process 21

7. Financial Investigation 22

 7.1 OCG Identification 23

 7.2 Intelligence 23

 7.3 Investigation and Asset Recovery 24

 7.4 Restraint and Confiscation 24

 7.5 Ancillary Order.....24

 7.6 Offender Management.....24

8. Training 25

9. Performance Management 33

10. Associated Documents 33

11. Consultation and Statutory Compliance.....27

 11.1 Consultation 33

 11.2 Statutory Compliance 34

 11.2.1 Data Protection Act (1998) 34

11.2.2 Freedom of Information Act (2000) 34
12. Appendices 34
 Appendices A, B, C, D.....28 to 32

1. Executive Summary

Fraud is estimated to make up 31% of all crime in England and Wales, with 3.24 million fraud offences estimated to have taken place in the twelve months to March 2018. Research has found that 45% of fraud victims felt that the financial loss they experienced had an impact on their emotional wellbeing and 37% reported significant psychological or emotional impact.

This policy/guidance document sets out how Leicestershire Police respond to and investigate Fraud and Financial Crime ensuring best practice is adopted and includes elements from the College of Policing Authorised Professional Practice for Fraud and Financial investigation;

- <https://www.app.college.police.uk/app-content/investigations/investigating-fraud/>
- <https://www.app.college.police.uk/app-content/investigations/investigativestrategies/financial-investigation-2/>

The aim of this organisational model is to provide an improved service to victims by dealing more effectively and efficiently with their reports of fraud whilst also recognising and supporting any vulnerability issues to minimise the opportunities for repeat victimisation.

2. Introduction

Leicestershire Police is committed to ensure that all Fraud related crime is accurately documented, assessed, evaluated and investigated within guidance provided within this document.

Following its Fraud Review in 2006, the Government concluded that fraud was a significantly under-reported crime and while various agencies and forces were attempting to tackle the issue in isolation, a joined-up approach was needed to reporting, recording and analysing fraud.

Various organisations were created as a result of this review, which included a national single point of reporting for fraud, Action Fraud, and the National Fraud Intelligence Bureau (NFIB).

All reports of fraud are now reported centrally via Action Fraud. This can be done via phone or via an online reporting tool on the Action Fraud website.

The NFIB uses a variety of information sources, including the reports from Action Fraud, information from industry and the public sector, along with national and international police systems to identify serial fraudsters, Organised Crime Groups (OCGs) and emerging and established crime threats.

Action Fraud works alongside the NFIB to ensure any reports are linked and enriched with information from other data sets and then assesses whether reports have any lines of enquiry.

Any report deemed by Action Fraud to have a viable line of enquiry is disseminated to the most appropriate Law Enforcement agency to deal with, which includes the Police, Department for Work and Pensions (DWP), National Crime Agency (NCA) etc. Action Fraud referrals are based on the 5 principals contained within the Fraud locus section of Home Office Counting Rules;

1st The police force area covering the location of the fraudulent operation/suspect's address or for business- related fraud the office address/ usual place of work of the suspect employee or if no office address /usual place of work, the Head Office of the company. (The term "businessrelated" generally applies to corporate employee fraud, abuse of position of trust, boiler room addresses etc.)

2nd The police force area with the greatest number of individual usages (banking/credit industry) or offences.

3rd The police force area where the first offence (individual usage in banking/credit card fraud) was committed.

4th The police force area where the victim resides or works.

5th In the unlikely event that it is impossible to determine a Force Area using these principles the NFIB will determine a Force Area.

It is then the responsibility of the individual force / organisation to assess the identified lines of enquiry and decide upon further action.

To ensure all Fraud related crime is accurately documented and assessed within force this guidance has been devised.

3. Objectives

The Economic Crime assessment, evaluation and allocation model introduced in 2017 provides a robust and formal process designed to ensure all victims off fraud in Leicester, Leicestershire

and Rutland receive the best possible service. The service provided to victims of fraud will include full compliance with the '*Victim Code of Practice for Victims of Crime*' (VCOP) and seek to ensure that all victims receive their full entitlements within the code.

The process is designed to improve our effectiveness and efficiency in dealing with both local and Action Fraud referrals by ensuring the majority of fraud, including all serious and complex enquiries, are investigated within the Economic Crime Unit (ECU) and Volume Fraud Team (VFT) with **all** reports of fraud including those from Action Fraud being sent to the ECU for assessment and recording.

The process is also designed to improve the way we identify Vulnerable Fraud Victims and provide support services to those victims. This service will apply to victims regardless of whether their reports are referred for investigation by Action Fraud or are locally identified as a "call for service" or are sent to us on a monthly basis by National Fraud Intelligence Bureau (NFIB).

This guidance ensures we have a clear, coherent and robust process through which this can be achieved. **(See Appendix A)**

The process will provide accurate records of what fraud-related crime is received by Leicestershire Police, how these are to be assessed for suitability for investigation and how the finalisation of the cases should be documented and relayed back to Action Fraud.

The Economic Crime Unit will ensure the force improves the identification and mapping of Organised Crime Groups in which the principal criminality is fraud.

The Economic Crime Unit will ensure that fraudsters are included among those considered for Serious Crime 'Prevent' tactics through integrated offender management.

The Economic Crime Unit will increase the force's use of ancillary orders against fraudsters.

4. Scope

The VFT will initially assess the viability of reported fraud and financial crime to identify solvability factors prior to evaluation, allocation or to recommend no further action. In all cases

the assessor, evaluator, investigator and supervisor will consider each report on its merits to ensure a proportionate investigation can be carried out or continued.

Leicestershire Police recognises the importance of fraud evaluation and have invested in a post dedicated to this role. This ensures we demonstrate a consistent approach, firstly being able to identify fraud reports that require a proportionate investigation, secondly those investigations can be planned and supervised which means they are more likely to result in a positive outcome for the victim.

ALL reports from Action Fraud, Frauds recorded within Force (calls for service) and any internal/external referrals of fraud cases will be reviewed and assessed by the VFT and recorded on Niche.

5. Recording, Assessment, Evaluation, allocation and Investigation

5.1 Recording

5.1.1 Reports from Action Fraud

Reports from Action Fraud are received via e-mail within the new Action Fraud platform introduced at the end of 2018. The VFT assessment team will ensure a non-crime fraud Niche report is recorded and will monitor the Action Fraud portal's on a daily basis for new referrals.

Each Action Fraud referral has a National Fraud Reporting Centre (NFRC number) which is their recording reference. A number of NFRC reports may be grouped within a National Fraud Intelligence Bureau (NFIB) package. Action Fraud provides each victim with an individual NFRC number.

The VFT will receive this by e-mail and within 24 hours will create a non-crime fraud reference on NICHE, ensuring that **all** NFRC numbers are placed in the 'Maintain Interests / Weapons / NFRC Fraud Numbers / Circulations / Notes' screen under NFRC numbers.

This will ensure crimes are searchable via NFRC number which is required when victims contact the force for an update and allows NICHE searches based on NFRC.

5.1.2 Recorded in Force (Calls for Service)

There are some cases where reports of fraud should be taken in force, and then subsequently referred to Action Fraud. These are referred to as 'Calls for Service'.

Calls for service should only make up a small amount of reported fraud and involve one of the following:

- The offender **has been arrested for a fraud offence** or
- The offender is **committing**, or has recently **committed** a fraud offence at the time of the call for service or
- The **suspect is known** and is a **local suspect**. This includes where fraudulently obtained goods are to be delivered to an address within the force area

All fraud reports received from a victim who is assessed as a **Vulnerable** will be dealt with as a **'Call for Service'**.

'Calls for Service' made to the force should receive a proportionate response dependant on the level of Threat Harm and Risk identified. Leicestershire Police employ the THRIVE principal when assessing the needs of the caller (see diagram 5.2.2)

It's important to note that 'call for service', recorded by Leicestershire Police **must** be transmitted (double keyed) to the National Fraud Intelligence Unit (NFIB). NFIB collates this information so it can provide additional linked information about crimes and offenders which would otherwise be missed.

5.1.3 Reports received via internal / external referral

ALL reports / enquiries of any type which relate to the ECU must be passed to the VFT for assessment. These include but are not limited to:

- Referrals from public bodies
- Referrals from private business
- Referrals from individuals
- Complaints
- Referrals from internal departments
- Referrals from CPS

On receiving the correspondence / request the VFT will assess and record them as required by the National Crime Recording standards

Any documents or material that was sent along with the request / referral will be scanned and attached to the report

If the file is too large to scan, or there is physical material. Then a decision will be made by the VFT Evaluator as to where this will be stored or if the material is passed back to the referrer.

5.2 Assessment

Leicestershire Police will identify and prioritise the most appropriate type of investigations to ensure maximum impact. The majority of Fraud is reported in one of two ways, either to Action Fraud or to the local police force by what is called a 'Call for Service'. All Action Fraud referrals are received directly into the VFT, 'Calls for Service reported directly into Leicestershire Police can be recorded by the Contact Management Team or Crime Desk

Fraud reports received by the VFT and recorded in force will already have a non-crime Niche reference and will be assessed as above. The assessors will undertake a first stage triage which involves firstly ensuring the Niche report is compliant and recorded in accordance with Home Office Counting Rules (HOCR). The assessors make initial contact the victim to ensure that the initial Victim Code of Practice (VCOP) requirements are complied with and provide;

- A written acknowledgement that the victim has reported the crime
- A clear explanation of what to expect from the criminal justice system
- A victim impact assessment
- A victim expectation assessment
- Information for victims of crime within 5 working days of reporting the crime or being contacted as a victim in the course of the investigation
- A victim contract to agree how often the victim will receive updates
- An explanation within 5 days of a decision not to investigate
- The victim to be advised in the event the investigation is concluded with no person being charged and have the reasons explained to the victim

The assessment team will enquire if the person is a repeat victim and obtain a full account of the allegation and victim expectations/requirements (CARE – Contract, Assessment, Reports, and End). The team then assess the solvability factors, availability of recoverable assets and opportunities to disrupt the individual /group and consider how the 4P principle (Pursue, Protect, Prevent, and Prepare) can be employed. If the assessment team determine that the report is complex or serious they transfer the report for a more detailed evaluation. If the assessors decide that an evaluation is not required they will:

1. Recommend the report is allocated for investigation/disruption
2. Recommend the report is filed, no further action

The decision on whether to investigate an allegation of fraud lies solely with the police. In making that decision, a number of factors must be considered, including the nature and scope of the offence, resources available and the potential success of the investigation, the vulnerability of the victim and the impact of the crime.

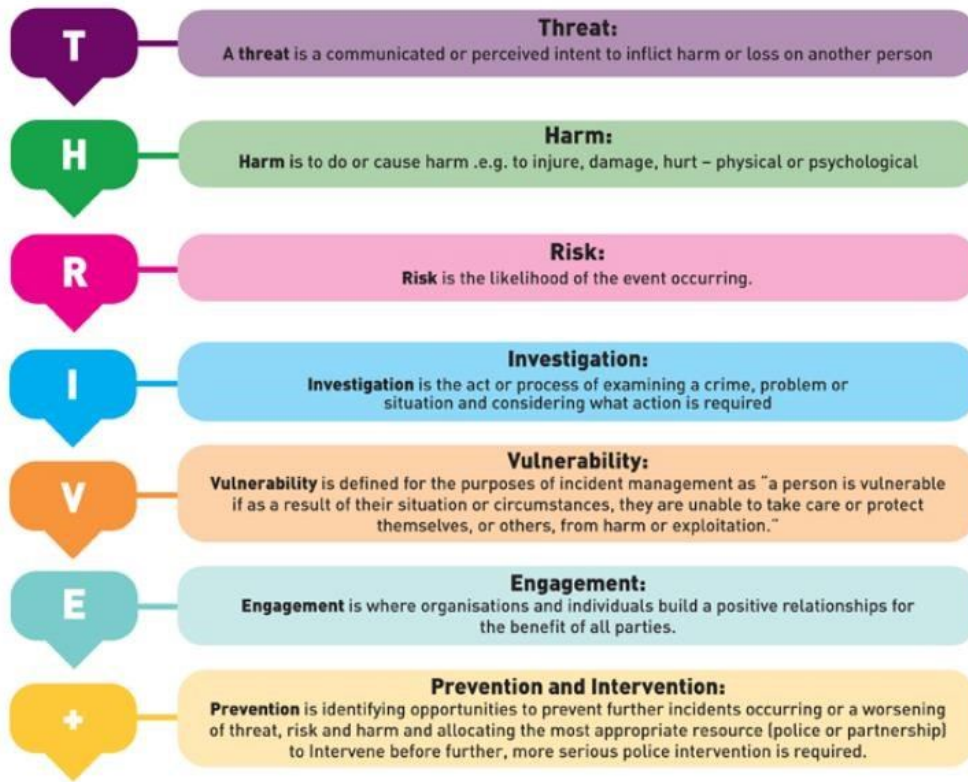
Leicestershire Police will only investigate in circumstances where there are good grounds to believe that a criminal offence has been committed. Preliminary enquires will be undertaken in all cases to assist in determining whether the case is suitable for a full investigation.

The initial role of the VFT when assessing reports is to decide whether they are proportionate to investigate and, in making this decision, consider the following;

1. **The National Decision Making Model, which should be utilised each time an assessment is made.**



2. THRIVE assessment



3. Viability Assessment

Leicestershire Police will carry out a viability assessment on each report of Fraud and Financial crime to decide whether or not to proceed with a criminal investigation. The assessor may take into consideration the following factors when assessing the report **(Nothing in these guidelines should be taken as preventing Leicestershire Police from investigating any case that they consider it appropriate to investigate):**

Factors tending towards investigation;

- The victim(s) are believed to be vulnerable, for example, older people, people with disabilities and other protected groups under the Equality Act 2010¹, businesses providing key services in difficult circumstances, or in distinct communities.
- Frauds having a significant impact on the victim(s). For example, a negligible loss to a large company could be catastrophic for a private individual or small business.
- The offence is believed to be part of a linked series within the Leicestershire area.
- Strong positive lines of enquiry are immediately apparent.
- The offenders are part of an organised crime group and the activity reported would score 'high' on the harm matrix.
- There are clear opportunities to identify and restrain assets from the criminals with the aim of pursuing confiscation or forfeiture proceedings.
- The circumstances under investigation fall under the category of a critical incident, or the decision not to investigate could have a significantly detrimental effect on public confidence or satisfaction.
- Frauds giving rise to significant public concern, possibly highlighted by a high degree of press interest.
- Frauds involving substantial sums of money. (NB: Cases meeting the acceptance criteria of the Serious Fraud Office may be referred directly to them, either by the victim or the police).

¹ The relevant protected characteristics under the Equality Act 2010 are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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- Frauds committed by, or knowingly facilitated by, professional advisors, e.g. lawyers, accountants, merchant bankers.
 - Frauds likely to undermine confidence in leading UK institutions or otherwise undermine the economy.
 - Frauds committed by members of boards or other senior managers.
 - Frauds where law enforcement action could have a material deterrent effect.
 - Frauds which indicate a risk of more substantial/extensive fraud occurring.
 - Cases where the victim has devoted significant resources to fraud prevention or has been willing to participate in appropriate crime prevention partnerships or otherwise assist the police.
 - Frauds which it has been agreed should be a current law enforcement priority.

Factors tending towards a more cautious approach to investigation

- The investigation would require a disproportionate level of resource to bring the case to a conclusion and would adversely impact upon the police's ability to investigate other crime.
- Frauds where the likely eventual outcome, in terms of length of sentence and/or financial penalty, is not sufficient to justify the level of investment of resource in the investigation.
- The victim has pursued civil recourse and has subsequently turned to the police for a criminal investigation as a result of dissatisfaction with the civil remedy.
- Delays to the investigation will be caused by the location of key evidence elsewhere.
- Available resources will not permit an immediate and expeditious investigation.
- Cases where the victim's motive for making the complaint appears to be malicious, is primarily focused on recovering monies owed or designed to distract attention from the complainant's own involvement in the fraud. (Such cases might nevertheless merit investigation, particularly where there are other victims involved).
- Cases where victims are not prepared to co-operate fully with the investigation and prosecution, although we will always consider carefully how to assist victims and witnesses who have concerns about safety.

- Frauds more suitable for investigation by another enforcement or regulatory agency.
- Cases where another police force has decided not to investigate other than for geographical reasons.
- Frauds that have already been investigated by the police or another enforcement agency, or that have been the subject of regulatory proceedings, unless significant new evidence has come to light or the previous investigation had a narrow remit that did not address all the relevant issues.
- Cases where the existence of other proceedings might have a detrimental effect on a criminal investigation and subsequent prosecution.
- Frauds which took place a long time ago (more than two years), unless there are exceptional circumstances and investigation is in the public interest,

4. When considering Proportionality

- a. Is the offence solvable with a proportionate investigation?
- b. Does the injured party support a prosecution?
- c. Is it in the public interest to prosecute?

When all the above have been considered the assessor will complete the Leicestershire Police Fraud Matrix (Appendix B) and will enter the rationale for non-acceptance at the bottom of this form. This form will then be copied onto each Niche report.

During the initial assessment phase the team will liaise with the victim/representative to ensure that all of the available evidence/information has been secured and preserved and is available /provided to the police within 28 days. If the victim or a third party is unable to provide this information the investigation is filed pending the further information/evidence becoming available.

5.3 Evaluation

Once the initial assessment has been completed the VFT supervisor will consider the recommendations of the assessment team and determine which route the fraud reports should take; i.e.

1. Allocation for investigation
2. Evaluation
3. No Further Action

If the VFT supervisor believes the report is more complex or serious and therefore requires further understanding/work before allocation he will transfer it to the Fraud Evaluator/Investigator. The evaluator will undertake a two stage evaluation process before returning the report to the VFT with further recommendations (**Appendix F**)

Stage 1; Suspect and Crime Evaluation

Stage 2; Fraud Investigation Model (FIM) Evaluation.

Again the VFT supervisor will then decide whether the report should be allocated or filed.

5.4 Allocation

The VFT Supervisor will monitor the workload of all VFT staff and ensure the workload is balanced and the reports are allocated appropriately and based on the fraud's complexity and experience of the investigator (Appendix D). The fraud report will be under constant review and the VFT Supervisor will carry out rotational meetings with each investigator to review their individual case load, add a supervisor's review to the Niche report with any further investigative recommendations and assess whether the investigation is progressing satisfactorily.

5.5 Investigation - Pursue

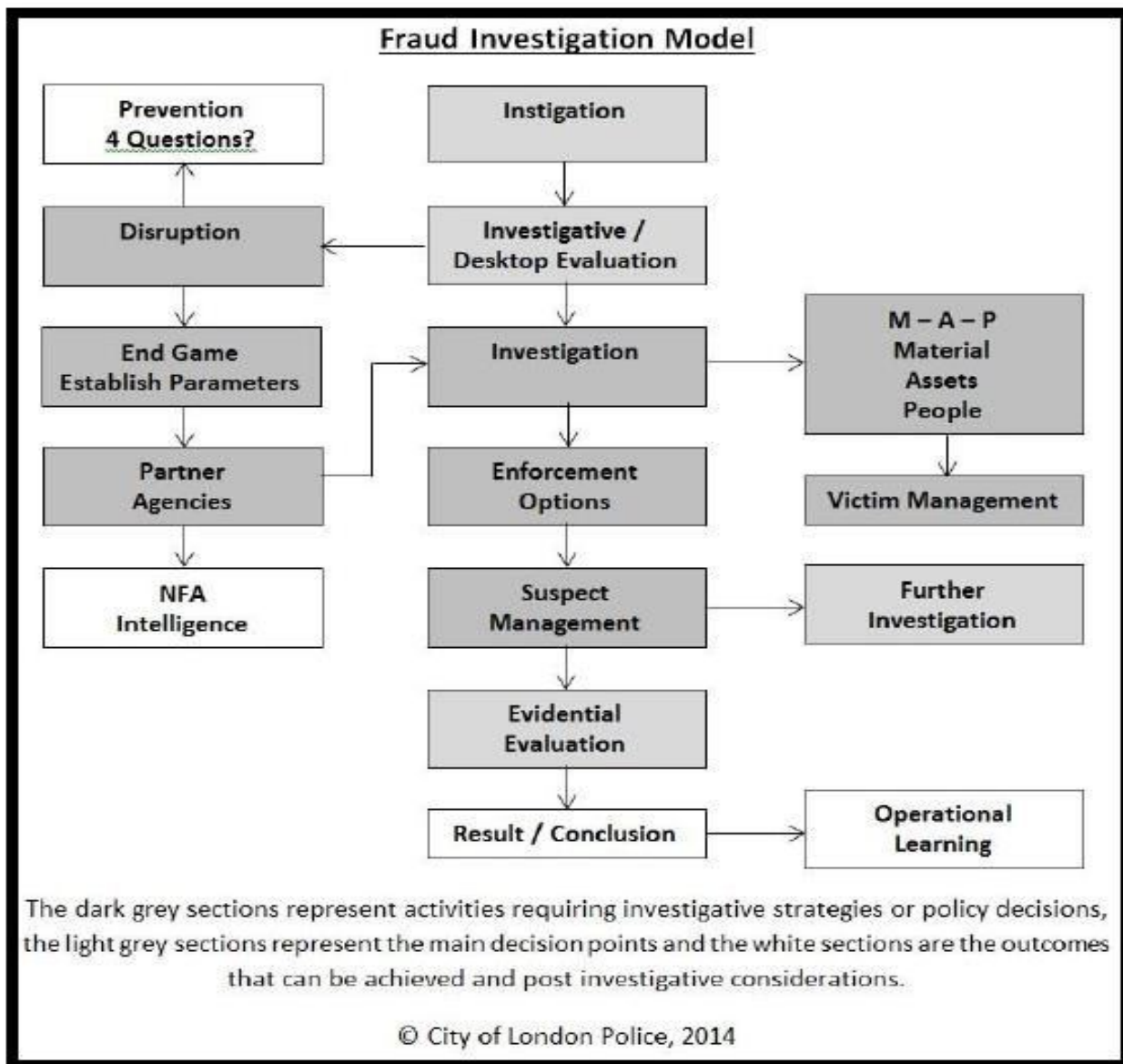
Leicestershire Police supports the National Fraud Investigation Model (FIM), designed to recognise, respond and tackle the rising threat posed by Fraud and associated financial crime. The model provides the capability to increase the efficiency and effectiveness of Fraud investigation by simplifying and streamlining the process for recording, allocating and investigating Fraud. The service to victims will be improved by reducing the time taken to assess and allocate fraud for investigation with the objective of improving the number of successful outcomes. The creation in 2017 of the VFT to work alongside the Economic Crime Unit will also further professionalise Volume Fraud Investigation ensuring the right people with the right skills investigate the right crime, leading to an increase in public confidence and victims' satisfaction in the service they receive.

The VFT itself consists of a supervisor, a team of assessors, an evaluator and six investigators. The evaluators will undertake the second stage assessment of all Fraud allegations reported to Leicestershire Police. The majority of those reports come into the force either by way of NFIB referrals (Action Fraud) or Local Call for Service (Call for service criteria must apply), or from other means such as public bodies, local business, etc. (See Appendix A).

The initial enquires will include preliminary financial enquiries, victim liaison and, where appropriate, the obtaining of witness statements. These enquires will inform the assessment decision.

Once a decision is made to commence a criminal investigation, the report dependant on its level of complexity will be referred to an investigator either within the Volume Fraud Team or the Economic Crime Unit.

All Fraud Investigations will utilise the Fraud Investigation Model (FIM) as contained within the College of Policing Fraud Authorised Professional Practice (APP) document. The FIM is designed to increase the number of successful outcomes through a simplification of the investigative process and use of alternative sanction.



5.6 No further action

Where the decision is made, following assessment, not to pursue a fraud investigation, the rationale for this must be entered onto the Leicestershire Police Fraud Matrix and then that form

copied onto the Officer's Enquiry Log within NICHE for all Action Fraud referrals and police generated 'Calls for Service'. The victim should be informed as soon as possible of this decision and the rationale for making it.

In cases where it is clearly proportionate to investigate, the report will be allocated out to the relevant investigative team.

In some cases it may be unclear at the outset whether it is proportionate to investigate. In these cases the evaluators conduct an initial investigation to the point where a decision can be made that it's either proportionate and the report will be allocated out to the relevant team, or not proportionate, and the report will be filed with the rationale entered onto the Fraud Matrix.

In all cases an assessment will be made as to whether the victim is entitled to an enhanced service and if so the victim must be updated on the status of their report within one day of the Leicestershire Police receiving it, or five days in all other cases. This is in line with the Victims' Code of Practice.

5.7 Outcomes

All Fraud is recorded as a crime by Action Fraud, which issues national crime reference numbers for all reports Leicestershire Police receive (NFRC references).

Leicestershire Police records fraud non-crime (NICHE) references to ensure reports are auditable and the investigation can be managed. All relevant documents should also be scanned onto the system to aid the investigator.

Outcomes that we record on Niche **do not** automatically update NFI Bureau therefore the VFT supervisor is responsible for collating a monthly report detailing all outcomes for crimes reported to Action Fraud within the previous month. This report will be sent to NFIB to update their records.

A Niche search is carried out each month and the results are sent to NFIBCR@city-oflondon.pnn.police.uk – this is required monthly within seven working days after the end of the month.

The Home Office Counting rules (HOCR) were revised in April 2016 to include a range from 1-21. Outcomes which better reflect the entirety of work done to resolve and disrupt crime.

Outcome 1 – 10 are generally considered to be 'positive outcomes'.

The VFT may serve a 'Cease and Desist Notice' (Outcome 10 – Police No public interest – formal action against the offender is 'not in the public interest' – Police Decision). The CDN is a disruptive tool and is designed to disrupt criminal behaviour and divert the individual away from crime. In the case of a child or young person, the CDN will only be served in the presence and with permission of an appropriate adult with the express intention of diverting that individual from crime.

Cease and Desist process;

- 1) The identified suspect has no previous Criminal Record and has not been previously subject to a 'Cease & Desist' Notice (CDN).
- 2) If unable to trace and locate the suspect in order to serve the notice an Interest Marker can be entered on PNC, provided the suspect has an existing PNC record. If the subject does not have an existing PNC record then an intelligence log must be completed to record the CDN.
- 3) The alleged fraud is isolated and the impact is minor and of low value such as online sales of goods and services via channels such as eBay and Gumtree.
- 4) A bank account has been used to transfer or realise funds subject to an alleged fraudulent incident and there is insufficient evidence to provide a realistic prospect of a conviction.
- 5) A risk assessment has been carried out and the risk of the named suspect re-offending is low.
- 6) A 'Cease & Desist' letter is the most effective and appropriate means of providing the victim and suspect with a proportionate outcome.

6. Victim Support – Protect

The Leicestershire Police Fraud Vulnerability Process is designed to provide a structure which allows trained staff to analyse the NFIB returns and identify vulnerable victims who may have only received limited support.

Leicestershire Police receive '*monthly victim lists*' from NFIB on a spreadsheet which contains details of all victims of fraud within Leicester, Leicestershire and Rutland regardless of whether those reports have been 'screened in or screened out'. The list contains between 300 - 450 locally based victims. The Economic Crime Unit Fraud Vulnerability officer will carry out vulnerability scanning on all those reports and identify those victims requiring intervention.

6.1 Fraud Vulnerability Officer

With the increasing threat to the public posed by Fraud, Leicestershire Police have recruited a Fraud Vulnerability Officer (FVO) to coordinate the process designed to identify and support victims of Fraud and Financial Crime within Leicester, Leicestershire and Rutland. The post was initially funded by the Officer of the Police and Crime Commissioner but the force has recognised that this post should be mainstreamed and therefore it has been made a permanent role.

Sussex Police have identified from the work they have carried out as part of **Operation Signature** the obvious need for the introduction of a post such as this and their processes and practices have been identified as the best practice model in supporting vulnerable victims.

The FVO's primary role is to analyse the data provided by Action Fraud which contains details of victims within Leicester, Leicestershire and Rutland who have reported Fraud to Action Fraud but have not had it referred for investigation. Once this data has been analysed a segmentation process will be employed to identify vulnerable victims most in need of support and guidance and above all minimising the risk of those victims becoming re-victimised. The FVO will be responsible for co-ordinating our response to victims based on the Indicative Vulnerability Status Model (**Appendix C**). The FVO will tailor the level of support and guidance based on their assessment of the needs and ensure that the support is delivered appropriately. The FVO will also be responsible for liaising with partner agencies and charitable organisations to ensure that we are able to reach as many people as possible, whether they are victims or members of the public who may be vulnerable to victimisation.

In 2014 the City of London Police and the Metropolitan police established a pilot scheme to support vulnerable victims which became known as the **National Economic Crime Victim Care Unit**. In 2017 this scheme was extended to Greater Manchester and West Midlands Police. The scheme works on a three-level response basis;

- Level One – Action Fraud make initial telephone contact with all victims living within a participating force area to provide basic fraud prevention advice and assess the victims needs
- Level Two – Specialist care staff based in the City of London Police make further contact with victims identified as requiring additional support
- Level Three – For those victims that require further support, including a personal visit.

Leicestershire Police will seek Level One support from the National Economic Crime Victim Care Unit. Leicestershire Police already provide Level Two and Level Three response via the Fraud Vulnerability Officer and Financial Abuse Safeguarding Police Community Support Officer (PCSO).

6.2 SARS (Suspicious Activity Reports)

Alongside scanning the AF/NFIB data for vulnerability, Leicestershire Police have also employed a process to detect vulnerability within SAR reports. Similar to Action Fraud, the National Crime Agency (NCA) hold sensitive victim data within Moneyweb and do on occasions refer intelligence which signposts victim vulnerability. When a report is received from the NCA, Leicestershire Police follow the process again outlined in Appendix A.

Leicestershire Police have also recognised that there is a requirement for additional 'vulnerability scanning' within SAR reports referred to Leicestershire Police to act as a 'safety net' with the objective of identifying those vulnerable victims who have been subject of fraud or who may become victims of fraud.

Again Leicestershire Police receive about 400 SARs each month and therefore as with the Action Fraud data, a defined set of search/scanning criteria will be employed, to ensure Leicestershire Police are able to focus their resources on the most vulnerable victims of fraud and financial crime. The results from the vulnerability scanning will be risk-assessed and segmented to ensure the most appropriate use of safeguarding resources.

6.3 Attendance Process

The level of support that a victim requires will vary. It may range from a single visit by a Police Officer, Safeguarding PCSO, Special Constable, cadet to a series of visits. In some cases it may be considered that a visit is not necessary and a letter with targeted 'Protect' information will suffice. All officers and staff have been provided with guidance and advice on how to identify and record vulnerability. If a visit is undertaken at whatever stage in the process and financial /abuse vulnerability is identified, a Public Protection Notice (PPN) should be completed and submitted through the PPN process.

A standardised referral process to provide support and, where required, additional follow-up visits to victims to ensure preventative measures are implemented and sustained. Vulnerable victims' next of kin may be contacted if appropriate to assist in undertaking many of the preventative measures themselves.

If a face-to-face visit has been identified as necessary an intelligence log will be created on Niche which will be tasked to the Adult Referral Team (ART). The person attending will be required to gather sufficient information from the victim to complete a risk assessment and if necessary a Public Protection Notice (PPN) on the Niche system. Information may be shared with partner agencies, such as Adult Social Care, if the person consents, and may be used to make informed decisions about how best to safeguard them.

6.4 Partner Agency Referral

A key aspect of the Fraud Vulnerability Officer role is work in liaison with partner agencies. Consultation has already taken place with Victim First to establish how they can assist in providing an initial needs assessment of victims and provision of onward specialist care. It is also hoped that Adult Social Care departments across the force area will be able to assist together with organisations such as Age UK and Neighbourhood Watch.

There has been further engagement with Age UK and Neighbourhood Watch to ensure a consistent and useful message reaches members of our community. Recently an agency called 'Outreach Solutions' began a six-month outreach programme working with Age UK and the Rural Community Action Group designed to deliver fraud protect messages to local community groups and through individual one-to-one interaction.

6.5 Awareness and Prevention Campaigns

The Fraud Vulnerability Officer will assist in the delivery of awareness and protect campaigns which can be used to focus the public's minds on emerging trends and threats. The Fraud Vulnerability Officer's role is also to identify and employ innovative methods of 'target hardening' existing victims of fraud whilst developing strategies to 'Protect' those who have not been, but are vulnerable to, fraud. The Fraud Vulnerability Officer has co-ordinated Fraud Victim seminars which have been attended by victims of fraud, partner agencies, charities and other interested parties. During the events fraud victims have been provided with fraud protect advice which they can share with family and friends to widen the coverage of knowledge.

Currently the Leicestershire Police Protect Officer is working with partners to ensure that the protect message is shared with all members of the community particularly those in local businesses.

6.6 Indicative Vulnerability Status Model

Identifying Vulnerability from Action Fraud Data

Leicestershire Police receives between 250 – 350 reports of Fraud each month from victims in Leicester, Leicestershire and Rutland, including businesses and organisations. The process is designed to filter down the number of victims to those who are potentially vulnerable. The primary category is those people aged 75 or over; **(Appendix C). This process will dovetail with the ECVCU scheme where the Level 1 response (ECVCU) will be equivalent to Leicestershire's current VS1 response.**

1. Identify and remove those reports that have been referred to Leicestershire Police for investigation. Check that victim's details have been forwarded to 'Victim First'.
2. Remove businesses and place on a separate spread sheet.
3. Filter on date of birth field, identifying all those **75 and over** will be considered vulnerable by age **(VS4)**
4. All those **70 and over but under 75** will be considered vulnerable by age **(VS3)**
5. All those who appear from the AF Data narrative to be **repeat victims** OR who have had direct contact with the fraudster **(VS2)**
6. All those who appear to be vulnerable other than by age or victimisation **(VS1)**
7. Details of **VS4** victims included in ECU Vulnerability Intelligence Log and referred to safeguarding PCSO/ Special Constable for a personal visit.
8. All those over 70 **(VS3)**. Consideration for personal visit. If a visit is not deemed necessary the rationale will be included in the vulnerability log.
9. Victims who have been subject to direct contact with the fraudster will be considered for a visit and entered on the vulnerability log **(VS2)**.
10. Victims who fall into the 'Segment B' of the Home Office Segmentation at risk group, described as 'Online Novice' **(VS1)**.
11. Victims who fall into the 'Segment D1' of the Home Office Segmentation at risk group, described as 'Unsuspecting & Unprotected' **(VS1)**.

Data Filtering

A search string will also be applied to the data to further filter the information to ensure that any other vulnerability is captured. This filtering will employ the following search terms;

Exploit
Abuse
Vulnerability
Attorney
Trust

Coerce
Carer
Advantage
Elderly
Disabled
Frail
Mule
Child
Minor
Western Union
Moneygram
Romance

6.7 Referral Process

When a potentially vulnerable victim is identified and a visit is considered appropriate to assess that vulnerability and provide support, an intelligence log will be created and recorded on Niche with a task created for the ECU Financial Abuse Safeguarding PCSO to attend.

The details of the referral will be recorded on the ECU Vulnerability Log along with the result of the visit once complete.

The Leicestershire Police Fraud Vulnerability Process is designed to identify vulnerability within the non-referred fraud crime data provided to each force by Action Fraud via NFIB and provide victims with an enhanced level of care and support. Leicestershire Police process and apply filters to identify those most vulnerable victims who are in need of enhanced support. The aim and objectives of the process are to reduce danger of repeat victimisation and put in place preventative and protective measures for those who have been victims.

7. Financial Investigation and Asset Recovery

Financial investigation is useful in all types of investigation, including those with no obvious link to money or assets. This is possible because most people have or use property, money or assets and use service providers. Many also use electronic means of payment and banking instead of cash. This development has created sources of information that can reveal details about a person's life, activities, interests, plans and desires, all of which can be used to detect and prevent crime.

Leicestershire Police's Economic Crime Unit already extensively use all the tools provided by asset recovery legislation, including;

- Cash seizure, detention and forfeiture
- Money laundering offences, i.e. concealing, disguising, converting or transferring criminal property
- Restraint
- Confiscation

Leicestershire Police Asset Recovery strategy

Use the powers provided by the Proceeds of Crime Act 2002 and related legislation to disrupt and dismantle organised crime gangs and criminals seeking to gain a profit out of crime or causing a loss to others by increasing the value of assets denied to and recovered from criminals. Deter people from becoming involved or continuing in crime, discrediting negative role models and demonstrating that crime does not pay.

To provide an effective means of targeting acquisitive and organised criminals (acquisitive crime accounts for over 70% of all crime), by recovering the proceeds of crime investigators disrupt a criminal's ability to fund other criminality and remove the incentive by creating a continued deterrent. Additionally, it is possible for the proceeds of crime to be recovered in cases where a successful criminal conviction is not assured.

The use of Financial Investigation to recover the proceeds of crime improves the public's perception of the police. Negative role models are removed from communities and their wellflaunted assets can be confiscated. A prison sentence may be viewed as an occupational hazard by the criminal, however the removal of all their criminally derived assets can have a far deeper impact. Put simply, the strong confiscation regime provided by the Proceeds of Crime Act makes sure that 'Crime does not pay'.

7.1 OCG Identification - Prepare

Leicestershire Police's Economic Crime Unit are seeking to increase and improve the identification and mapping and triggering of Organised Crime Groups in which the principal criminality is Financial Crime. The ECU also support Lead Reporting Officers, Intelligence and investigating officers in the drive to disrupt and dismantle OCGs whose primary crime type is not Financial Crime. The ECU have introduced their own intelligence development team who will scan all types of intelligence including SAR and NFIB intelligence logs to determine whether a particular group are working with others with the capacity and capability to commit serious crime on a continuing basis, which includes elements of planning, control, co-ordination, structure and

group decision-making . Once such a group has been identified a trigger documents is prepared in consultation with the Force and Regional Intelligence Units.

The ECU will continue to monitor Action Fraud referrals and calls for service to identify OCGs.

A representative from the ECU attends the monthly Organised Crime Group Meeting (OCGM) to provide support and guidance to the Director of Intelligence in matters concerning Financial Investigation. The Head of the ECU may be tasked by the OCGM to provide financial investigation to operations both before and after them being mapped as OCGs.

7.2 Intelligence

Leicestershire Police Economic Crime Unit recognise the importance of developing all types of financial intelligence whether that be to support a proactive investigation in development or a reactive investigation. The ECU has expanded its capacity and capability to focus on developing the range of intelligence sources available to it.

Intelligence derived from Suspicious Activity Reports (SARs) is particularly important. The ECU have a small team of Financial Intelligence officers who will identify and develop consent and other SARs relevant to Leicestershire received from the National Crime Agency.

The ECU will ensure all consents are dealt with expeditiously and a number of stand-alone money laundering investigative opportunities have been identified from these consents. Many of them do develop into money laundering investigations due to the nature of the consent many also result in the application for and imposition of Restraint Orders.

The ECU's priority is to develop financial intelligence with the ultimate aim of providing sufficient evidence for a prosecution. Sometimes the criminal threshold cannot be met and other means of disruption may need to be considered and deployed including use of the measures introduced by the Criminal Finances Act 2017. This legislation enhanced the Proceeds of Crime Act 2002 with the objective of providing law enforcement with tools it can use to further tackle money laundering and reduce the financial profit from crime. The Act introduced Unexplained Wealth Orders, powers to extend the Moratorium Period of Suspicious Activity Reports, Account Freezing Orders and Forfeiture Orders of money held in Bank and Building Society Accounts.

Legislation created new civil powers with the objective of closing the gap that exists in the current law where by criminals store the proceeds of crime in bank accounts or other means, such as precious metals and jewels. The ECU will robustly use the new powers in order to

disrupt and dismantle both individuals and criminal networks set up to make financial profit out of crime.

The ECU also recognise the importance of scanning all SARs to ensure any vulnerability is recognised within them. If vulnerability is identified, a recognised procedure is followed to refer those individual to support departments keeping in mind the need to ensure the source of the intelligence is protected.

The ECU will develop its financial intelligence-sharing capability both internally and externally for the benefit of Law Enforcement. Each member of staff will have a responsibility to identify, record and disseminate financial intelligence to ensure the enrichment of all investigations.

7.3 Investigation

Leicestershire Police's Economic Crime Unit (ECU) currently have numerous reactive and proactive Financial Investigations underway. The majority of reactive Financial Investigations are in support of other acquisitive crime investigations. Financial Crime Investigators also support serious and organised crime investigations carried out by other investigative teams.

The ECU now consists of Financial Crime Investigators able to investigate the full spectrum of Financial Crime including Complex and Serious Fraud as well as Money Laundering and other Proceeds of Crime offences. The ECU manages a large number of pro-active Money Laundering investigations and some of those investigations are serious and complex and involve cross-border and international enquiries. Financial Crime investigators are extremely dedicated and well-trained individuals who take professional pride in ensuring victims of acquisitive crime and fraud are compensated and that criminals do not reap the benefits from their ill-gotten gains.

A Financial Crime Assessment tool similar to that used to identify viable Fraud reports for investigation has also been designed and implemented for use (**Appendix E**). Again it is important that Financial Investigations are recorded, assessed and evaluated as being viable and proportionate before being allocated. The ECU carry out both proactive and reactive financial investigations to identify those engaged in financial crime offences with the ultimate aim of bringing those persons to justice. A process map (see **Appendix F**) has been developed to streamline the workflow of Financial Investigation and provide a coherent approach to managing demand whilst ensuring resources are focussed on achieving the best possible outcome for victims.

Some of the considerations an ECU supervisor will assess before deciding on whether to commence a criminal investigation are similar to those employed in relation to fraud reports i.e. vulnerability, weight of intelligence, value/volume of commodity, impact of the criminal on the community. OCG, bribery and corruption, etc.

Although there are no specific financial thresholds to determine whether an investigation will proceed, supervisors do assess the value of gain/loss involved. The supervisor will make an early assessment based on their professional judgement as to whether the investigation is viable, having regard to the likelihood the evidence will reach the criminal threshold. If they believe a criminal investigation is not likely to achieve a positive judicial outcome then they will consider using alternative ways of disrupting criminals, one of those being the use of the civil law which has a lower burden of proof to disrupt and deter criminals. The use of the civil law in Proceeds of Crime investigations has been common since the introduction of the Proceeds of Crime Act in 2002 and the Criminal Finances Act widens the scope of POCA to secure assets previously out of reach of Law Enforcement agencies.

The deviation away from an investigation focussed on achieving a judicial outcome in the criminal court would necessitate the recording of the appropriate rationale within the ECU assessment document. This rationale would consider the value of cash recovered (i.e. £1000 or over would necessitate a cash seizure investigation, anything under this value would reduce the viability of an investigation and may warrant the use of other powers (Section 27 of the Misuse of Drugs Act 1971 or Section 143 of the Powers of the Criminal Courts (sentencing) Act 2000).

7.4 Restraint and Confiscation - Prevent

The power to restrain assets is an essential tool in the asset recovery process and was designed to freeze the assets of a person who it was believed has benefitted from their crime. The Restraint Order prevents the person from being able to enjoy their ill-gotten gains, or sell, transfer or hide their assets or property before it can be confiscated. A successful Confiscation Order will be ineffective if there are no assets left to confiscate. Action at the earliest possible stage is therefore required. As in the above section the supervisor/confiscator would need to consider whether a confiscation were viable based on the available assets attributable to the suspect and having taken into consideration whether the offence was a Schedule 2 offence, i.e. particular criminal conduct or general criminal conduct. If, for example, the subject had less than £300 in available assets and was not considered a negative role model or identified any other justifiable reason to commence a confiscation investigation, then it may not be appropriate to do so. If the Crown Prosecution Service however decided that this decision should be reviewed when based on additional information, then this could be considered post-conviction/sentence providing a timetable was set for a confiscation investigation to be conducted by the police.

Leicestershire Police's ECU has historically used the powers contained within the Proceeds of Crime Act to their full extent, however the proportionality of commencing any type of investigation should be considered and based on the level of risk and harm posed, the resources (human/financial) that are available at the time together with the investigative context in terms of prioritisation. As already mentioned there are a range of powers available to disrupt criminal activity and recover or freeze assets. Some of those powers are relatively new. The use of Restraint Powers are increasing and with the cooperation of the Crown Prosecution Service who obtain the orders.

Confiscation is a process by which the benefit from a criminality is calculated and an equivalent amount (where recoverable) is returned to the state. Under the Proceeds of Crime Act, confiscation is possible upon conviction in cases where the offender has benefitted directly or indirectly from their crime. A Confiscation Order requires the offender to pay back the equivalent of their benefit from their criminal conduct. If the amount is not repaid, a default sentence is served consecutively with any sentence already imposed and the amount of the outstanding confiscation order remains to be paid.

Leicestershire Police's Economic Crime Unit have three trained Confiscators within the department that carry out all Confiscation Investigation on behalf of the force and support all Acquisitive and Serious and Organised Crime prosecutions where Confiscation Orders are required.

7.5 Ancillary orders – Prevent

Leicestershire Police Economic Crime Unit's objective is to increase the use of ancillary orders to disrupt criminals and prevent them from enjoying the benefits of criminal activity. The introduction of the Criminal Finances Act 2017 has provided Law Enforcement with new tools to tackle Money Laundering and the ECU has introduced a new intelligence cell to identify and take advantage of opportunities provided by this legislation.

7.6 Offender Management – Prevent

The Economic Crime Unit will ensure that fraudsters and those involved in financial crime are considered for offender management programmes. The ECU will deliver a response to Fraud and Financial Crime offending by utilising the 4Ps framework and using intelligence to identify, divert or disrupt local fraud offenders. The ECU will use Serious Crime Prevention Orders and

Financial Reporting Orders post-conviction in an effort to control onward offending potential. The ECU will also, where appropriate, undertake post-conviction intelligence interviews of those offenders engaged in Fraud and Financial Crime to gain an understanding of offending networks and capability.

8. Training

Fraud and Financial investigation is a complex area of policing and requires each investigator to undertake a substantial amount of training to become competent. The Financial investigator has to undertake three courses;

- Financial Intelligence Officer
- Financial Investigation
- Confiscation

The first two courses can take up to two years to complete and each require the completion of a continuous professional development portfolio before they can be accredited by the National Crime Agency and be considered competent to undertake financial investigation. Confiscation is a particularly specialised area of work and the course and won't normally be offered until the Financial Investigator has displayed particular competence in their role and an FI.

The Fraud Investigation Course which is run by the City Of London Police is a three-week course and requires an ongoing professional portfolio and once completed gives the candidate access to the possibility of higher university learning and qualification.

The ECU's departmental aim is to provide training tailored towards the demands of all types of financial crime investigation. Ultimately it is hoped that each Financial Crime investigator will be trained to the same level whether they are a warranted police officer or a non-warranted staff member.

9. Performance Management

The new financial crime structure will require a robust performance framework to ensure we are able to measure its effectiveness. The key objective will be to increase the number of positive outcomes we provide victims of Fraud. This will be achieved by providing a coherent and efficient service, which will identify those reports that require our resources to investigate

effectively. We will ensure that the victim is kept fully updated both when the investigation is commenced and also whilst it is being undertaken. The investigation will be closely supervised to ensure all viable lines of enquiry are followed expeditiously to minimise the time taken between its commencement and a decision on whether a judicial prosecution is required or whether any other sanction would be more appropriate.

By providing a 'one stop shop' for reported fraud we are also able to measure demand and the amount of fraud coming into the organisation. This will determine the level of resources available to undertake investigations and supervisors will be able to manage that demand by utilising an effective acceptance criteria.

We will also be able to measure the service we are able to provide non referred victims of fraud. The Fraud Vulnerability Officer will oversee and enhance the level of support we are able to deliver, which is designed to minimise the impact of the fraud and reduce the opportunities for repeat victimisation.

10. Associated Documents

- Fraud APP

11. Consultation and Statutory Compliance

11.1 Consultation

Department - Internal	Comments
Force Crime Registrar	
Department - External	Comments
National Fraud Intelligence Bureau	

11.2 Statutory Compliance

11.2.1 Data Protection Act (2018)

The policy was assessed in July 2019. It is compliant with the Act.

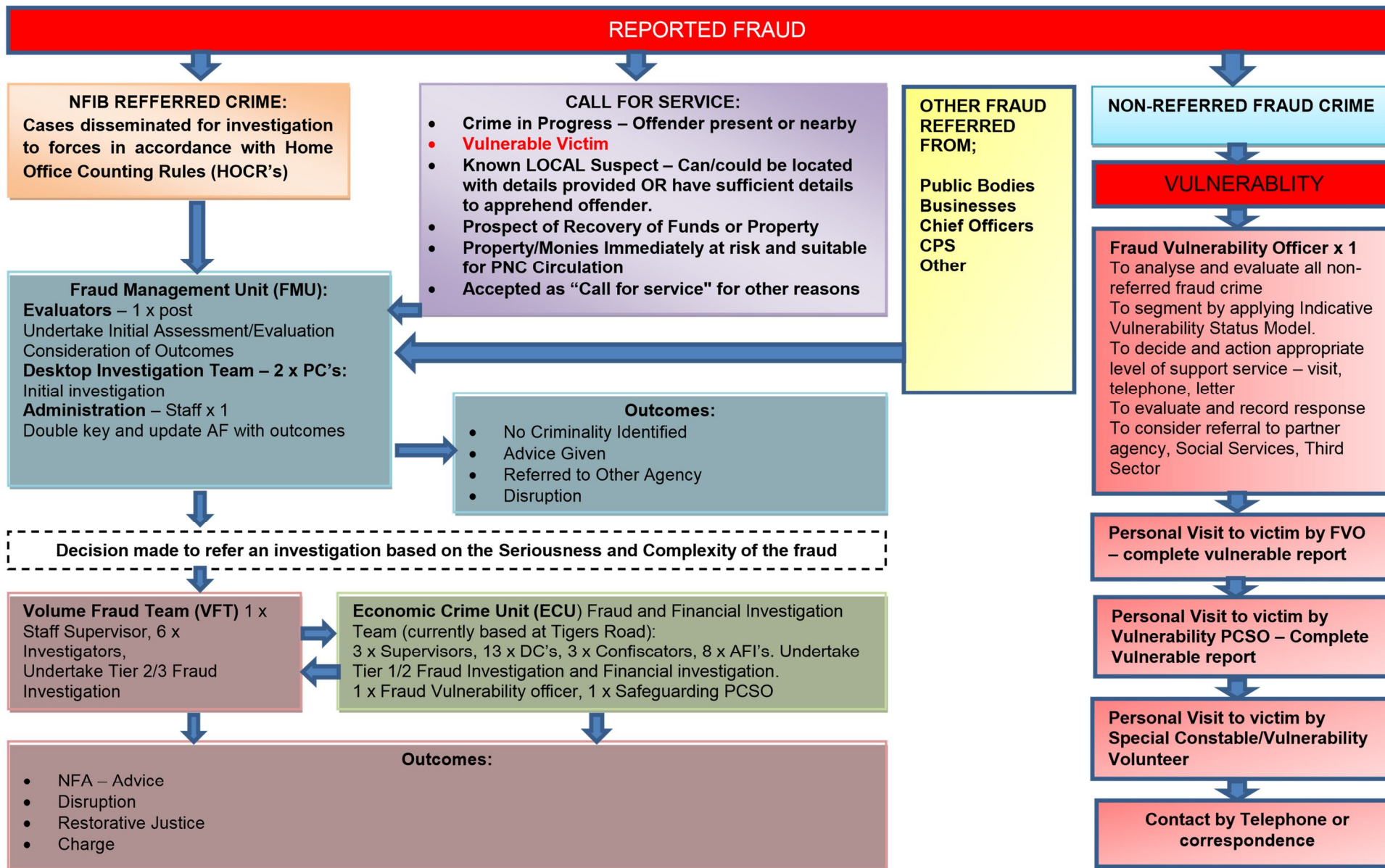
11.2.2 Freedom of Information Act (2000)

The whole procedure can be released as there are no sensitive practices within the document.

12. Appendices

NOT OFFICIALLY MARKED

Appendix A



NOT OFFICIALLY MARKED

Appendix B

Niche/NFRC reference:

Officer Assessing:

Crime Reference:

Matrix Score:

Allocated to:

Date:

Fraud screening and allocation matrix based on THRIVE assessment

Victim assessment	
Vulnerable victim	
Member of the public	
Charities, voluntary organisations, small companies at risk owing to loss	
Governments, local, central or foreign and Public bodies.	
Banks, Building societies, large companies and corporations.	

Offender assessment (for illustration, not a definitive list)	
Offender in a position of trust. Family or relative with power of attorney, carer, solicitor, financial advisor, bank official or accountant. Medical professional, minister of religion, teacher or community leader who has used their authority or position to gain the victim's trust.	

Evidence assessment	
Identity of offender is known and evidence is available and accessible	
Identity of offender is known but evidence is not available	
Identity of offender is unknown although evidence is available and accessible	
Identity of offender is unknown and evidence is not readily available.	

Scale assessment 1 (Geographic)	
Significant international enquiries (consider referral to national lead force or SFO)	
Significant enquiries across several UK regions	
Significant enquiries within forces within South East region	
Force wide enquiries - over 5 Local Policing Areas (LPAs)	
Enquiries within up to 3 neighbouring LPAs	
Enquiries within a single LPA	

Scale Assessment 2 (volume of victims or witnesses)	
1000+ victims/witnesses (consider referral to national lead force or SFO)	
100+ victims / witnesses	
10+ victims / witnesses	
Under 10	
Scale Assessment 3 (volume of connected reports)	
1 – 10 reports	
10 or more	
Scale Assessment 4 (Value)	
High	
Medium	
Low	
Modus Operandi	
Bribery and corruption offences	
Section; 2,3, & 4 of the Fraud Act	
Election Fraud (see election fraud allocation policy – re ECU)	
Internet or e-Bay offences	
Cheque or credit card offences	
Special considerations (Multipliers)	
Case of a particularly complex nature	
Politically exposed person	
Significant organisational risk identified (Critical incident considered)	
Likely to attract significant (not local) public or media attention	

Tier	
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Allocation	
Economic Crime Unit’s Serious and Complex Fraud Team	
Volume Fraud Team	
Neighbourhood Investigation	
Outcome	

Rationale for non-acceptance;



Appendix C

INDICITIVE VULNERABILITY STATUS MODEL

STATUS	DEFINITION
VS1	Not a repeat victim but an indication of possible vulnerability. The reported crime has had limited financial or emotional impact. Not particularly likely to be a repeat victim.
VS2	A repeat victim or likely to be a subject of repeat victimisation. The reported crime has, however, had limited financial or emotional impact.
VS3	The victim has experienced significant financial or emotional impact but has the capacity to self-help to a large extent. To include all over 70's
VS4	The victim has experienced significant financial or emotional impact and is unable to recover from the crime without considerable support. To include all over 75's

INDICITIVE RESPONSE MODEL

STATUS	LIKELY RESPONSE
VS1	'1st Contact' by Mail/phone as appropriate. Updates as case progresses.
VS2	'1 st Contact as appropriate by phone/personal visit. Ensure victim understands how they became a repeat victim and provision of appropriate prevention advice (normally through 'signposting' or generic prevention material).
VS3	'1 st Contact' by personal visit. Signposting to appropriate agencies and sources of support. Follow-up visit to check progress

NOT OFFICIALLY MARKED

VS4	'1 st Contact' by personal visit. Referral for specialist support (eg, appropriate financial advice, charities, local authority, victim support organisation etc.)
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Appendix D

<u>Tier 4 - Volume Fraud</u>	<u>Tier 3 - High Value some Complexity</u>	<u>Tier 2 - Other Complex Fraud</u>	<u>Tier 1 - Complex Fraud & Associated Financial Crime</u>
Volume Fraud Team/Neighbourhood Investigation	Volume Fraud Team (VFT)	VFT with support from ECU/FFIU	ECU
<ul style="list-style-type: none"> • Not complex • One or Small number of Victim's • One or Small number of suspects • Low value 	<ul style="list-style-type: none"> • Multiple Victims Less than 10 • Consider vulnerability/Repeat victim • Multiple suspects • High Value • Consider vulnerability 	<ul style="list-style-type: none"> • Multiple victims 10+ • Consider vulnerability/ Repeat victim • Multiple suspects • High Value • Offender in position of Trust • Family or relative with power of attorney, carer, solicitor, financial advisor, bank official, accountant, Medical professional, Minister of Religion etc. • Other examples dependant on level of complexity may include PONZI type frauds, Boiler room and advance fee fraud. • Corporate fraud 	<ul style="list-style-type: none"> • Bribery & Corruption offences • Fraud committed against Local Government internal/external • Fraud committed by a Politically Exposed Person • Fraud committed by Charity organiser. • Election offences • Vulnerability • Complex corporate fraud • Fraud offences facilitated with the assistance of professional enablers • Multiple victims 100+ • Frauds committed by Organised Crime Groups • Multiple suspects • Significant regional/International enquires • Other frauds and related Financial Crime Offences considered suitable for investigation under local tasking process. • High Value • Investigate and disseminate fraud and other

<p>NOTE: All of the above types of fraud can be tasked UPWARDS/DOWNWARDS on the basis of increased/decreased level of;</p> <ol style="list-style-type: none"> 1. Complexity 2. Reputational/Organisational Risk 3. Resources required to effectively and efficiently investigate fraud and/or other related financial crime offence. 		<p>financial crime offences identified via Suspicious Activity Reports (S.A.R's). Disseminate identity of vulnerable victims identified from SAR.</p> <p>□ Any other Frauds or related financial crime offences which may result in significant reputational/Organisational risks if not dealt with appropriately</p>
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Appendix E

Financial Crime assessment

Assessed by;
 Niche Reference;
 Crimson Reference;
 Allocated to;
 Date;

Financial Crime assessment and allocation matrix based on the Management of Risk in Law Enforcement (MoRiLE)

Assessment based on	Allocation Yes/No	Comments
Vulnerability		
Intelligence led – SAR/Consent		
Value/Volume of commodity		
Value of Cash		
Negative Role model		
Financial impact - Benefit/Assets		
Significant Event/Occurrence/Operation		
Organised Crime Group		
Significant organisational Risk/Event/Operation		
Bribery and Corruption offences		
Tier 1 Fraud		
Other Section 2,3 & 4 of the Fraud Act 2006		
Election Fraud		
Complex Investigation		
Politically Exposed Person		
Likely to attract significant public/press interest		
Number of Victims		
Number of Suspects		
Financial Order		
Other		
Rationale for non-acceptance		

Appendix F

Reputatio

Evaluation process

Stage 1: Suspect and Crime Evaluation

1. Summary of what has occurred / the type of fraud, trace of payments trace (complete pre-order if not already completed).
2. Suspect intelligence checks Genie, Arena, Experian – to identify what other crimes maybe involved in, are they are likely to be genuine addresses, what other financial intelligence is there (part of mule network). Tracing determined by RFI / Experian / DWP / HMRC / Utilities if appropriate.
Also consider ACRO checks, PND, FIU intelligence.
3. Ensure all possible disruption has been completed which includes advice to victim, Cycomms (website takedowns / disrupt telecoms), advice to banks, CIFAS markers, SARS – account closures. See Menu of disruption for ideas especially on mule networks. Includes financial disruption ie where recent DAML SAR could speak to SAR team and encourage action is taken or refer for wider investigation if appropriate. Vehicle disruption NAVCIS. Business disruption. GAIN if serious or organised crime. Land Reg. NHS Intel teams. Companies House / Insolvency enquiries.
4. Add this evaluation onto Niche as OEL.

Stage 2: FIM evaluation:

1. Case summary.
2. Ideal Outcome: return of funds & prosecution of offenders through investigation & prosecution. This is what does victim want and is this likely if not why not? – e.g. ‘Victim would like compensation but all funds have been removed immediately and dissipated.
3. Investigation requirements (to include):
 - a. *Assessment of offending* – fraud type and enabler.
 - b. *Identification & location of suspects* - look at likelihood of tracing suspects at address.
 - c. *Evidence from bank & cycomms, witness* - warrant / arrest and search / Cycomms e.g. as reported telephone number is legitimate one for the bank but was reported to be spoofed.
 - d. *Financial intelligence*. Intelligence summary: e.g. Intelligence suggests suspects are connected to an organised money laundering operation and as such likely none of the suspects will be present at addresses. The suspects may have been victims of modern slavery or enticed to UK on promise of work and their identification used to set up accounts. The accounts may be run by a third party.
 - e. *Enforcement* – arrest / search / warrant.

Recommendation:

Either investigation or disruption and close:

Investigation (is or is not) appropriate because:

Nature of offending:

What is the assessment overall of the type of crime and if linked to OCG what is likelihood be able to identify them to enforce. Also note if mule means unlikely to be directly linked to the OCG central or unwilling to cooperate – if European nationals especially eastern European could be that they were modern slaves or enticed to come over for work only to have id used to set up fake accounts and now returned to country of origin.

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Evidence assessment: what have we got, what we need to get, what will be easy to get and how, what will be difficult to obtain.

Tracing of suspects assessment: So results are above – what does this mean – unlikely to be there?

Proportionality of investing this crime? On weigh scale – lack of evidence untraced suspect – weak change of success. Traced suspect readily available evidence – strong chance.

Other intelligence available and its impact on this crime – could be a harder crime but due to other intelligence makes it higher priority for us to look at.

Enforcement assessment: Problems with enforcing – i.e. warrant / arrest search. For example if unlikely to be address.

An example is:

1. The nature of offending suggests that the suspect account holders were mules exploited by an unidentified OCG. Are links to Leicester via account addresses and cash withdrawals in Leicester?
2. Evidence suggests that one of the suspects has left the UK & is untraceable, others are believed to be in the UK but unconfirmed through credit check, address & travel intel.
3. Evidence available but obtaining it is disproportionate if no investigation undertaken and no prosecution.
4. No further financial intelligence to support investigation as it links to other mules.
5. Enforcement unachievable due to lack of suspect details.

Disruption & Prevention only appropriate (include below what has been done and what more can be done), examples:

What has been done disruption / what can still be done?

Have the banks closed the beneficiary accounts, have they applied CIFAS markers on address and person.

Has Crime prevention/fraud awareness been provided to complainant?

Has the bank had feedback with outcome to share learning?

Has the victim been updated and if not to complete this action as per VCOP. Website takedowns

Telecoms disruption.

If part of possible mule / OCG could consult the menu of disruption for further ideas. Consider trace and locate / wanted files / info markers on pnc

Appendix G

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Financial Crime Workflow

