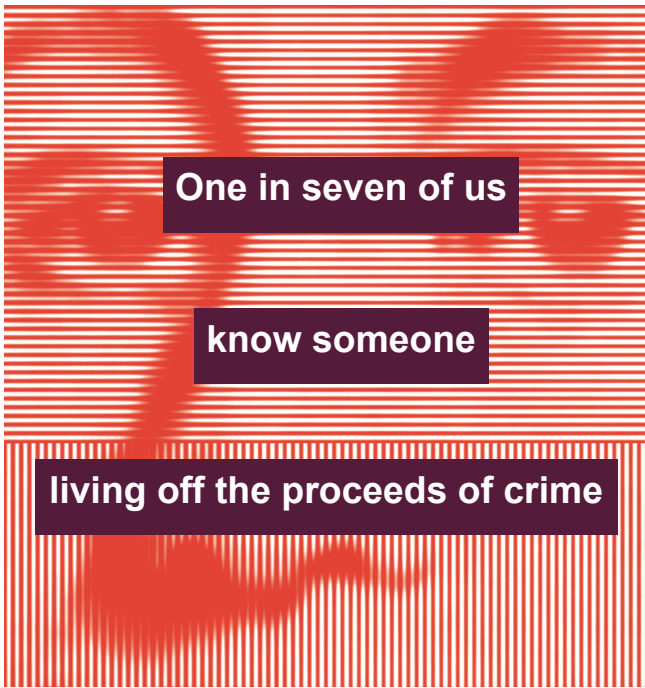




Proceeds of Crime Act

Reinvesting to reduce crime



Taking the cash
out of crime

The Proceeds of Crime Act 2002 (POCA)

was introduced so that police and law enforcement agencies could reduce the harm caused by crime and perceptions of crime.

A prison sentence may be viewed as an occupational hazard by the criminal; however, the removal of all of their assets can have a far deeper impact. POCA deters people from crime by making sure that **crime does not pay!**

Money Laundering

Money laundering is the process by which funds and assets derived from criminal activity are given the appearance of legitimacy, so that they can be spent openly by criminals.

Under POCA, the definition of money laundering is wide. It can include a person who is involved in concealing, disguising, converting, transferring or removing criminal assets as a result of, or in connection with, criminal conduct.

Money laundering legislation focuses on the existence of the benefit itself, not on how the benefit was acquired. The very fact that a person is in possession of criminal property means that they could be charged with money laundering, in addition to any other offence they may have committed.

DID YOU KNOW?

Money laundering offences can target those who are several stages removed from the original crime.

In some cases it may not be necessary to prove what crime was committed or who committed it, only that a person was laundering, intending to launder, or assisting someone else to launder the proceeds from criminal activities.

Money laundering is seen as a serious offence that carries a potential 14 years in prison.

Cash seizure

POCA gives Police, HM Revenue & Customs officers and Accredited Financial Investigators the power to seize, detain and seek the forfeiture of cash of £1,000 or more if they have reasonable grounds to suspect it derives from crime or is intended for use in a crime.

Cash seizure and forfeiture are civil procedures before the magistrates' courts and do not require a criminal conviction, although they can run in parallel with a criminal investigation.

DID YOU KNOW?

Cash seizure is a simple process which has the potential to disrupt a wide range of criminality from street drug dealing to organised crime gangs, and it demonstrates to communities that action is being taken.

Restraint

The power to restrain assets is an essential tool in the asset recovery process. Restraint is necessary to stop a person who has benefited from their crime from being able to dissipate or spend their money, or sell, transfer or hide their assets or property before a confiscation order is made.

Confiscation

Confiscation is a process by which the benefit from criminality is calculated and an equivalent amount (where recoverable) is returned to the state. Under POCA, confiscation is possible in cases where the offender has benefited directly or indirectly from their crime.

DID YOU KNOW?

A confiscation order lasts until it is paid in full. If it is not repaid within the time given by the courts, a default sentence is served on top of any sentence already imposed, and the amount of the outstanding confiscation order remains to be paid plus interest.

Nominal Confiscations Orders

There is no minimum amount for triggering a confiscation investigation. A nominal confiscation order is used in cases where a minimal amount of assets has been identified.

The nominal confiscation order could be for as little as £1 as there is no lower limit. This means that the case can be revisited at any time in the future should the offender acquire wealth.

Civil Recovery

Civil recovery enables the ownership of property to be transferred away from an individual if the High Court decides that the property was obtained through unlawful conduct or that it represents such property.

Civil recovery is judged to the civil standard of proof, based on the balance of probabilities. This means that assets can be removed from those who have not been convicted, such as family members or where confiscation orders have not been made post conviction.

DID YOU KNOW?

Civil recovery can be used when the person has died, fled the country, has kept themselves distant from the crime they control, or stayed outside the reach of the criminal justice system.



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Incentivisation

Under the current scheme government and law enforcement agencies such as police, local trading standards, and prosecutors are able to get back a proportion of assets confiscated from criminals using the Proceeds of Crime Act.

These funds can be used at a local level to support crime fighting services and community projects. 50 per cent of confiscated funds are retained by the Home Office and recycled into crime fighting initiatives.

For more information on how money from crime is being reinvested in the community visit Community Cashback at: **www.cashback.cjsonline.gov.uk**

Working in Partnership

Various government agencies and departments hold financial information that can be used in proceeds of crime investigations such as:

- ⇒ The Department for Work and Pensions
- ⇒ Her Majesty's Revenue and Customs
- ⇒ The United Kingdom Border Agency
- ⇒ Local Authorities
- ⇒ The Land Registry
- ⇒ Companies House

Financial investigation tools under the Proceeds of Crime Act can also be used by the police and law enforcement agencies to combat a very wide range of criminality, including:

- ⇒ illegal money lending;
- ⇒ drug trafficking;
- ⇒ kidnapping; and
- ⇒ illegal immigration.

You can help:

- ⇒ Don't buy fake and counterfeit goods, this could be supporting serious organised crime and bring criminal elements into your area. You can report information about counterfeit products to your local police or trading standards services.
- ⇒ If you know of anyone stealing benefits you can contact the National Benefit Fraud Hotline on **0800 854 440**. Your call is free and confidential. Lines are open 7.00am - 11.00pm, 7 days a week.
- ⇒ If you suspect someone in your community is living a lavish lifestyle off the proceeds of crime, report your suspicions safely and anonymously to Crimestoppers. Your call will be treated in complete confidence.



Further information on financial investigation and the Proceeds of Crime Act in your area can be obtained from your local police force. **www.police.uk/forces**



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For more information on Payback or to request copies of this leaflet contact the Payback communications team on 0207 979 5363.