

# Public Protection Partnership

Bracknell Forest  
West Berkshire  
Wokingham

A shared service provided by Bracknell Forest District Council, West Berkshire District Council  
and Wokingham Borough Council

## Financial Investigations, Asset Recovery and Improving Public Protection

Use of the asset recovery incentivisation scheme

2017-2019

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## 1. Background

The primary function of the Proceeds of Crime Act (POCA) is to reduce crime and to ensure that those that operate outside of the law by committing criminal offences do not benefit from their criminal activity.

**The Public Protection Partnership start from the principle that crime should not be allowed to pay.**

**Those that do not commit crimes from which financial benefit is gained have nothing to fear from the legal framework around asset recovery.**

Every effort is made by the Public Protection Partnership (PPP) to work effectively, identify criminal activity and carry out enforcement activity in an appropriate manner.

Some investigations identify that those committing the crimes may have benefited from their criminal activity and some are deemed to indicate a criminal lifestyle within the terms of the law. This can be as a result of particular actions such as:

- A building fraud perpetrated on a householder; or
- Selling clocked cars over a sustained period; or
- Selling counterfeit goods.

In each of these cases it is right that the PPP consider whether asset recovery proceedings are appropriate within the legal framework set out under the Proceeds of Crime Act 2002. This is exactly what the law was designed to achieve. Where appropriate any confiscation proceedings will be conducted with a view to achieving compensation for the identified victims of the crimes that the defendant was convicted of.

Where assets are recovered through confiscation the investigating body and the prosecutor receive a proportion of those assets under the terms of the Asset Recovery Incentivisation Scheme (ARIS). This is a scheme set up and promoted by the Home Office to encourage agencies to take the benefit out of crime by allowing some of the money recovered back to the agency to be allocated for specific purposes. The purpose of this policy is to agree how monies received are to be allocated.

## 2. Allocation under the Scheme

The Home Office retains 50% of all seized assets, the other 50% is divided as follows:

Investigation – 18.75%

Prosecution – 18.75% and

Enforcement (through the courts) – 12.5%.

The PPP operates within established financial rules and has set up a separate cost centre to hold all monies received from the Home Office. There are no income targets on the cost centre protecting its integrity for the purpose intended – preventing, reducing and tackling crime. It is expected that the PPP can account for their use of incentive payments on an

annual basis and the service is required to provide a return to the Home Office setting out in detail how the money is spent and making declarations to that effect.

### 3. Home Office Requirements

Based on published guidance from the Home Office Organised and Financial Crime Unit about ARIS, the clear intention is to use incentive payments to be used to ‘further drive up performance on asset recovery and, where appropriate, to fund local crime fighting priorities for the benefit of the community’.

It is also important to note that the operational management of Public Protection is set up to sufficiently divide investigation and the decision to prosecute, there should be no ability to select cases based on possible financial investigations. Distinct strategic and tactical assessments determining local priorities will be the key driver for the types of criminal activity being investigated.

### 4. Disbursements

The nature of the service will inevitably lead to costs being incurred to investigate primarily criminal activity. These costs range from barrister fees, expert witnesses through to sampling and product testing. In the concluding stages of an investigation it is normal practice for the service to advise legal services of their costs. In court solicitors request recovery of these costs from the defendant and they are referred to as ‘Disbursements’.

On occasion it is not possible to recover the full amount and it is intended that initially £100k of the existing POCA reserve shall be allocated as a reserve to pay disbursements where costs are not recovered fully as a result of prosecution activity. This is in addition to funding already identified in existing revenue budgets and money recovered through regional and national grant funding. The mechanisms for dealing with exceptional costs set out in the Inter Authority Agreement apply should this matter need to be revisited.

The existence or not of any reserve shall have no bearing on the decision to prosecute. Each case will be treated on its merits and considered against the enforcement policy.

### 5. Public Protection Investment Priorities

The service has developed a specific skill set over time and now employs professional and technical staff to maintain an ability to investigate, enforce and prosecute criminal activity. These officers are supported by non operational case management officers. This helps ensure competent and compliant investigations that are conducted within the prevailing legal framework.

If and once the disbursement reserve has been identified and set aside it is proposed that any money is allocated to the following priority areas:

- Additional Accredited Financial Investigator resource;
- Communications to reduce crime through prevention and increased reporting;

- Trading Standards or Environmental Health professionals who are deployed on specific crime related matters e.g. the current Fraud Victim Support Officer posts assisting victims identified through Operation Lockram.

Any posts funded from POCA will only be done so from existing POCA funds. After the disbursements reserve has been identified it is anticipated that no more than 80% of total POCA reserves are spent on this area of the service.

## 6. Public Protection Community Fund

It is important that there is a positive community perception of the work that Public Protection does. This can be enhanced by ensuring that there are well publicised opportunities for local crime prevention schemes to seek grant funding from the POCA reserve. Through the Joint Committee there will be an annual allocation of the post disbursement POCA reserve totaling no more than 20% of the balance in any one year.

An online application process will enable community groups, not-for-profit organisations and ward members to submit information explaining why they feel their project should be funded from the POCA reserve. Key elements that should be featured in the application include:

- Intended group or area intended to benefit from the grant
- Details of any existing overheads intended to be covered by the grant
- Charity details if applicable
- The year the organisation/group was founded
- Does the organisation/group have any links/affiliated to a recognised sporting or children's group?
- Are the applicants applying for funding elsewhere?
- Detailed explanation of what the grant would be for?
- How will the grant improve crime prevention for the local community?
- Details of an independent reference for the applicant.

Full grant selection criteria will be on the Partnerships website to ensure the aims and objectives of the Public Protection Community Fund are clearly stated and well understood to avoid inappropriate bids. Decisions on the allocation of the reserve will be made by a panel of 3 members of the Committee, 1 member from each partner authority.

The allocation will be based purely on the merits of the application received and in the spirit of the partnership arrangements there will be no geographical/authority boundary considerations i.e. there will be no direct link between the source of the reserve and the area within which it is allocated.

## 7. Communications

Any work conducted by the Service which is linked to the Community Fund will be managed through the process outlined in the Communication Strategy and the 'key messages' being sent out to target audiences including the message that crime does not pay.

## REFERENCES

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