1.0 Summary of Changes

1.1 The following changes have been made to this policy on 2 January 2018:

- Paragraphs 3.4 - 3.7 have been updated.

2.0 What this Policy is About

2.1 This policy specifically relates to any action taken by the Serious Economic Crime Unit (SECU) to ensure compliance with relevant legislation and decisions to be made in consideration of the principles of the Human Rights Act 1998.

2.2 It also predominantly applies to all operational staff and police staff employees engaged in criminal investigations or cash seizures.

2.3 It also sets out the terms of reference for the various teams within SECU.

Compliance with this policy and any linked procedures is mandatory.

3.0 Statement of Policy

3.1 The role of SECU is to provide a dedicated, professional investigative capability to prosecute and disrupt offender(s) who operate independently or as part of a network and involved in organised, serious, and cross border crime impacting on the Kent and Essex policing areas.

3.2 The areas of criminality which SECU target are:

- Laundering, distribution, or concealment of assets gained through criminal conduct, or the provision of financial facilities to support organised crime;
- Manufacture, distribution and use of counterfeit or stolen payment cards and cheques;
- Criminal involvement in commercial or financial enterprise;
- Public office corruption.

3.3 In conjunction with the above they are to identify, restrain, and confiscate the assets representing all criminal proceeds.
3.4 SECU is managed by a Detective Chief Inspector (DCI) and comes under the line management of the Detective Superintendent Serious and Organised Crime. The unit consists of six distinct teams:

- Primary Investigation Team
- Money laundering;
- Commercial fraud;
- Financial investigation.
- Volume Fraud
- Cyber Crime Unit

3.5 Each unit exists to undertake a specific area of investigation or provision of service. Each operational investigation conducted by Commercial Fraud, Cyber Crime Unit or Money laundering team will be subject to acceptance by the force level 2 Tasking and Co-ordination Group meetings in accordance with current demands and objectives. Acceptance into the remaining teams will be in line with dedicated standard operating procedures.

3.6 The overall aim is to have all action fraud classified fraud investigations fall under the umbrella of the Serious Economic Crime Unit (SECU) where they will be assessed by the Primary Investigation Team who will carry out enquiries to ascertain if there is a crime and to direct it to the correct force area or professional agency if appropriate. However, it is recognised that there will be circumstances where offences of fraud will be reported by the victims at a police station either in person or on the phone. Police officers and staff will continue, in most instances, to sign post victims of fraud offences or cybercrime to Action Fraud in the City of London to report fraud crimes, or to provide information of a fraud being committed which may not be directly affecting them.

3.7 In all circumstances it will be important that at the point of initial contact an assessment is made as to whether (a) any immediate action is required to prevent loss / harm, (b) to arrest an offender who can be readily located for arrest or (c) to secure evidence; described hereafter as a ‘Call for Service’. Where local officers attend a ‘call for service’ and the offender is a known/local suspect, investigation and arrest should be implemented and dealt with locally. SECU can be contacted for support and advice.

3.8 Section 294 of The Proceeds of Crime Act (POCA) provides an opportunity to reduce the volume of crime and disrupt organised criminal enterprise by removing the profit from crime and the opportunity for criminals to operate. The purpose of the cash seizure provisions is to remove cash from criminals who have obtained it from crime or who intend to use it for criminal conduct. There is a minimum limit of £1000 to the amount of cash that can be seized under this legislation.
3.9 Section 24 of the Terrorism Act 2000 provides further cash seizure and retention powers whereby an authorised officer (constable) may seize any cash if he/she has reasonable grounds for suspecting that it is terrorist cash. There is no minimum limit to the amount of cash that can be seized under this legislation.

3.10 The Counter Terrorism and Security Act (CTSA) 2015 places a duty on various specified authorities to have ‘due regard to the need to prevent people being drawn into terrorism’. This is referred to as a ‘Prevent Duty’ and involves:

- Responding to the ideological challenge of terrorism;
- Preventing people from being drawn into terrorism;
- Working with sectors and institutions where there are risks of radicalisation.

3.10.1 The CTSA 2015 also places a duty upon specified authorities in relation to supporting people vulnerable to being drawn into terrorism through the Channel programme. Channel is a multi-agency safeguarding programme, which provides support to those individuals who may be vulnerable to being drawn into any form of extremism that could lead to terrorist related activity.

3.10.2 This policy has been reviewed and assessed that the CTSA duties could be relevant and as such your attention is drawn to your responsibilities under the Act. Further details about the Prevent Duty and the Channel Duty can be found below.

Learn more about the Prevent Duty.
Learn more about the Channel Duty.

4.0 Implications of the Policy

4.1 Finance / Staffing / Training / Other

4.1.1 Training

4.1.1.1 The policy requires training inputs to operational staff across ranks PC to Inspector, police staff equivalents in front line roles, including PCSO's and Special Constables to ensure the cash seizure process is understood and followed correctly. Current training modules exist to cover this policy.

4.1.2 Finance

4.1.2.1 Through the incentivisation scheme money can be returned to force as a proportion of successfully obtained cash forfeiture and confiscation orders. This can be used to support ongoing policing objectives; therefore failure to comply with the policy may reduce the financial benefit to Kent or Essex Police.
4.1.3 Property & Banking

4.1.3.1 The procedure/SOP – Cash Seizure places strict time scales on the property system and financial departments on both Forces. This is to ensure seized cash is handled correctly to protect staff from allegations of theft or corruption.

4.2 Risk Assessment(s)

4.2.1 This policy has been assessed as low risk.

4.2.2 Officers and members of police staff engaged within the process must remain aware that they must follow the protocol correctly otherwise there is a risk to the organisation of a possible civil action by members of the public. A failure to fully adopt the principles set out in this protocol could have a detrimental effect upon the reputation of the organisation.

4.3 Equality Impact Assessment

4.3.1 This policy has been assessed with regards to its race and diversity equality. As a result of this assessment the policy has been graded as having a low potential impact.

5.0 Consultation

5.1 The below parties have been included in the consultation for this document:

- SCD- SECU
- Financial Services
- IT
- FOI
- Legal Team
- Equality and Diversity
- Health & Safety
- HR

6.0 Monitoring and Review

6.1 This policy is due for review every two years to ensure it remains accurate and fit for purpose. The review will be conducted by the Head of Serious Economic Crime Unit, SCD.
7.0 Related force policies or related procedures (Essex) / linked standard operating procedures (Kent)

- S 1101 Procedure/SOP – Money Laundering
- S 1102 Procedure/SOP - Commercial Fraud
- S 1103 Procedure/ SOP - Financial Investigation
- S 1104 Procedure/SOP - Cash Seizures – Essex Only
- S 1105 Procedure/SOP – Cash Seizures – Kent Only
- S 1150 Policy – Proceeds of Crime Act 2002
- S 1151 Procedure/SOP – Proceeds of Crime Ac 2002 Confiscation

8.0 Other source documents, e.g. Legislation, APP, partnership agreements (if applicable)

- The Proceeds of Crime Act 2002
- The Fraud Act 2006
- The Bribery Act 2010
- Home Office Circular 47/2004: Priorities for the investigation of fraud cases