



Home Office

Asset Recovery Action Plan

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Ministerial Foreword

Serious and organised crime is a threat to our national security. Money is the common thread that runs through almost all offending, as criminals use the proceeds of their crime to fund their lifestyle and conduct further crime. As set out in the Serious & Organised Crime Strategy¹ we are committed to working collaboratively with our partners and stakeholders to leave no safe space for those seeking to move, hide or use the proceeds of crime and corruption or to evade sanctions.

In 2013 and 2016, the National Audit Office (NAO) and Parliament's Public Accounts Committee (PAC) scrutinised the effectiveness of the one part of the asset denial landscape, the confiscation order regime. The Government took action in response to their findings: creating Asset Confiscation Enforcement (ACE) Teams; investing in improved IT; legislating to strengthen powers to enforce confiscation orders and to lengthen default sentences for failure to pay up; and most recently introducing a suite of new powers through the Criminal Finances Act 2017 (Unexplained Wealth Orders, expansion of availability of civil recovery powers and bank account freezing and forfeiture orders).

More assets have been recovered under this Government than ever before. £1.6 billion was taken from criminals between April 2010 and March 2018 using the powers in the Proceeds of Crime Act 2002 (POCA), and many hundreds of millions more have been frozen.

But we can do better. The scale of the challenge must not be underestimated, as the threat of serious organised crime and wider criminality constantly evolves, but our ambition is clear – **we must work collaboratively to return to year-on-year increases in asset recovery**. To meet that challenge, it is vital that our approach to preventing, detecting and disrupting criminals continues to evolve, working in new ways and with new partners to maximise our response.

This Asset Recovery Action Plan, which is being published in parallel with the Economic Crime Plan, builds on the Government's response to the NAO and PAC reports and sets out how we will go further in improving our response to criminal finances. The plan covers the legal, operational and public-private partnership actions that we will pursue to deliver a step change in the UK's ability to tackle economic crime and undermine the ability of serious and organised criminals to operate.

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752850/SOC-2018-web.pdf

Introduction

1. Almost all serious and organised crime is driven by the profit motive. As the Government set out in the Serious and Organised Crime Strategy², a coherent, whole-system approach is needed to attack illicit finances successfully and deliver a step-change in our collective efforts to disrupt, deter and reduce crime.
2. The recovery of assets from the proceeds of crime remains the first priority of this Action Plan to meet the Government's ambition to see a return to **year-on-year increases in the value of assets denied to and recovered from criminals**, through use of an array of recovery methods such as POCA powers. This ambition and the actions set out in this plan are closely aligned to the four objectives that the Government has set out for asset recovery:
 - **disrupt** criminal activity and the further funding of crime;
 - **deprive** people of their proceeds of crime;
 - **discredit** negative role models in society, and
 - **deter** people from becoming involved or continuing in crime.
3. For the purposes of this Action Plan, the definition of *asset recovery* captures all activities to investigate (search, trace and identify) illicit finance that enables the process for the timely and successful recovery (freezing and seizure) of assets.

Asset recovery principally takes place using the **Proceeds of Crime Act 2002**, which provides the following asset recovery powers:

- **Criminal proceedings** which require a conviction:
 - **Criminal confiscation**: the confiscation of the proceeds of crime following a criminal conviction. It takes place following conviction but will be started prior to sentencing.
- **Civil proceedings** which do not require a conviction:
 - **Cash forfeiture**: refers to the powers to seize and forfeit cash which is either the proceeds of crime or is intended to fund criminal activities. This is done through a civil process, which requires that there be reasonable grounds to suspect that the cash is the proceeds of crime.
 - **Civil recovery**: a system for confiscating the proceeds of crime through the civil courts, where a criminal conviction is not possible. It requires that, on the balance of probabilities, the asset in question is the result of criminal activity.
 - **Taxation**: this power resides with the National Crime Agency (NCA) and allows it to access revenue powers to tax income of which NCA has reasonable grounds to suspect are the proceeds of crime.

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752850/SOC-2018-web.pdf

4. Along with HM Revenue and Customs (HMRC) tax powers, the powers mentioned above are vital for the success of the Pursue element of the Serious Organised Crime Strategy and plays an important Prevent role in deterring people from becoming involved or continuing in crime. Strong and effective financial investigation techniques and asset recovery powers give the UK's law enforcement and prosecution agencies the arsenal to do just that.

Progress to date

5. Much good work has been done, resulting in the recovery and denial of significant volumes of proceeds of crime:

There have been significant successes in using POCA powers to recover criminal assets, with:

- **£1.6 billion** being recovered from criminals between April 2010 and March 2018
 - **a sum of over £180m** has been paid in compensation to victims from confiscation between 2012/13 and 2017/18, with **£30m** paid in 2017/18, and
 - hundreds of millions more have been frozen and put beyond criminal use. For example, Account Freezing Orders (AFOs) were recently introduced in the Criminal Finances Act 2017 (CFA) and were used more than 650 times in 2018/19 to freeze over **£110m** of suspected illicit funds.
6. The 2018 Mutual Evaluation of the UK by the Financial Action Task Force (FATF)³ identified that the UK has a “substantial” level of effectiveness in confiscation of criminal assets and assessed the UK response as being very effective by comparison with other countries. Over the last few years, the Government has:
 - created and commenced new investigative and forfeiture powers in the Criminal Finances Act 2017 in England and Wales⁴, including:
 - Unexplained Wealth Order investigative power;
 - new powers to freeze and seize monies held in bank accounts, and
 - new power to extend the duration of the moratorium period (asset freeze) to prevent a suspicious transaction from proceeding.
 - the NCA Proceeds of Crime Centre (POCC) has trained the full cohort of more than 3,500 financial investigators on provisions introduced by the Criminal Finances Act.
 - announced, in December 2017, a package of measures to ramp up the UK's response to economic crime, including the creation of a new multi-agency National Economic Crime Centre (NECC) to lead on proactive asset recovery, and the National Data

³ <http://www.fatf-gafi.org/media/fatf/documents/reports/mer4/MER-United-Kingdom-2018-Executive-Summary.pdf>

⁴ Work is ongoing to commence the powers in Northern Ireland.

Exploitation Capability and the National Assessment Centre to drive intelligence sharing across agencies, all hosted in the National Crime Agency.

- co-hosted, with the United States of America, the Global Forum on Asset Recovery to assist Nigeria, Sri Lanka, Tunisia and Ukraine in their efforts to recover looted state assets;
- modernised guidance to encourage the use of asset recovery in all appropriate cases and enable earlier and wider use of civil recovery powers; and
- acted on the NAO⁵ and PAC⁶ reports of 2013 and 2016, which shone a light on the limitations of the confiscation order regime in place at the time, by:
 - creating Asset Confiscation Enforcement (ACE) Teams in all nine of the police’s Regional Organised Crime Units (ROCU) to ensure dedicated resources are in place to pursue criminal assets. These teams carry out confiscation enforcement work and revisit old confiscation cases. In 2018/19 the teams collected over £36.5m, of which over £10.5m was attributable to revisits; and
 - reforming the Asset Recovery Incentivisation Scheme (ARIS) to make it more transparent and top slicing it to fund key national asset recovery capabilities, such as the ACE Teams (noted above), the Joint Asset Recovery Database and a dedicated revisits team in CPS Proceeds of Crime. CPS POC plays an integral role in working with the NCA, police and ACE teams in driving the recovery of assets.

7. Despite the progress made and the record of success, the most pernicious forms of offending, such as modern slavery, drugs trafficking, fraud and the grand corruption that enables criminals to steal from some of the poorest people in the world, remain highly profitable.
8. The scale and complexity of the asset recovery task must not be underestimated. Our ambition must be to secure an operational response that is commensurate to the threat of crime and the changing methodologies that criminals use to obtain, hide and move their illicit finances.

The ambition

9. The Government is determined to continue to reform and improve the asset recovery regime in order to see a return to **year-on-year increases in the value of assets denied to and recovered from criminals**, using POCA powers. Criminals are ruthless in the pursuit of proceeds of crime. The vast majority of criminality is driven by money, so it is vital that we are relentless in our pursuit of the illicit finances that criminals acquire to fund their criminal lifestyle and commit further crime. Our determination to hit back at criminals and deprive them of the proceeds of crime must be commensurate to the ruthlessness shown by criminals in their desire to hurt communities and law-abiding citizens for their own gain.

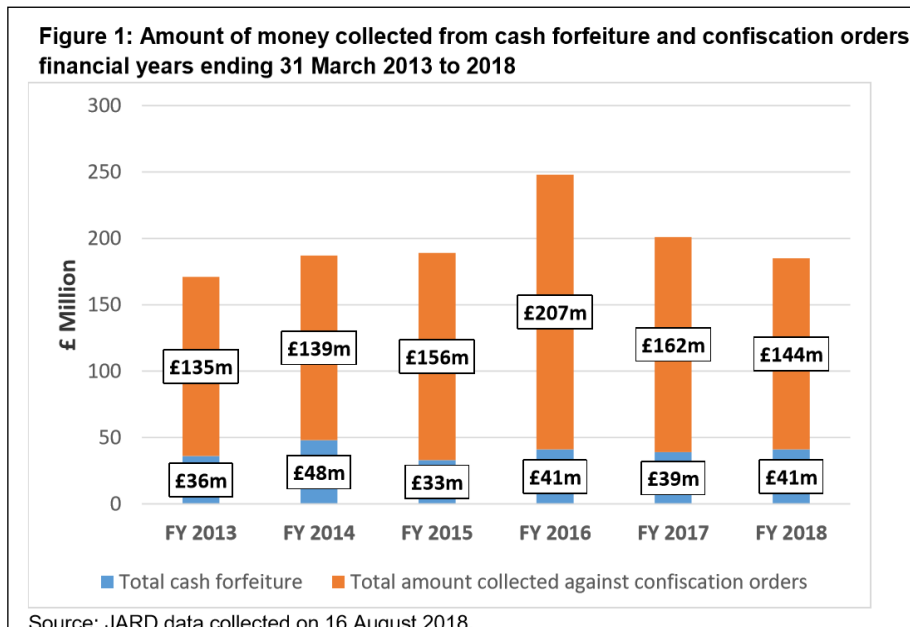
⁵ <https://www.nao.org.uk/report/confiscation-orders-2/>

⁶ Confiscation Orders, 49th Report of Session 2013-14, HC942, 5 March 2014, and Government Response HC8871, June 2014 Confiscation Orders, Progress Report, 7th Report of Session 2016-17, HC124, 27 June 2016, and Government Response, HC9351, November 2016

10. To achieve that we need to stay one step ahead of criminals, harnessing technology and exploring innovative partnership approaches that span the public and private sectors to increase the amount of criminal assets that are seized and frozen. Stripping criminals of their illicit finances disrupts criminal activity, deprives them of their criminal lifestyle, protects communities from the harm caused by criminal gangs and sends a strong message to those who might otherwise be attracted to criminal lifestyles.
11. This Action Plan builds on the cross-government asset recovery improvement plans that were implemented after the PAC reports of 2014 and 2016, and forms part of the Government's ambitious serious and organised crime agenda, as set out in the Serious and Organised Crime Strategy 2018. The Action Plan, and the activity within it, also form a critical sub-set of the wider plan to improve the UK's overall approach to tackling economic crime and has therefore been published alongside the Economic Crime Plan.

Current challenges with the asset recovery regime

12. Despite the success achieved in depriving criminals of illicit finances, the delivery of the Government's objectives of disrupting criminals, depriving them of the proceeds of crime, discrediting the perpetrators and deterring criminal involvement is challenging.
13. As set out in the asset recovery statistics⁷, the value of assets recovered, has declined in recent years from the peak achieved in the financial year ending March 2016, when £248 million was recovered. The large increase in the year ending March 2016 is most likely due to several unusually large confiscation orders being paid and settled within the same reporting year and does not represent a long-term trend.



14. In that period, we have seen an increase in the reporting, investigation and prosecution of serious crimes where there is typically no financial element to the offence, such as child sexual exploitation and domestic abuse. There has also been a large drop in the number of acquisitive crime convictions. As referenced in the HM Treasury / Home Office National

⁷ <https://www.gov.uk/government/collections/asset-recovery-statistics>

Risk Assessment of Money Laundering and Terrorist Financing 2017⁸ and the NAC National Strategic Assessment of Serious and Organised Crime⁹, technology increasingly makes it easier for criminals to move money across sectors and jurisdictions; criminals continually seek to exploit border vulnerabilities and new forms of investment and trading present new threats to be addressed.

15. These changes in crime trends and modes of criminality present fresh challenges for law enforcement. To meet that challenge, we must ensure that our powers, systems, processes and procedures allow us to bring the full force of the law to bear on criminals. While it is recognised that the UK has a comprehensive toolkit of powers our operational response and legislative framework must keep pace with emerging criminal behaviours, giving investigating agencies and the courts proportionate powers to tackle the threat of crime.
16. The framework of powers to detect and disrupt crime has to meet operational needs and support the effective investigation of offences, with the right powers in the right hands to maximise our reach and minimise the opportunities for criminals to evade or frustrate enforcement. That requires a redoubling of efforts to ensure that current powers (both criminal and civil) are used extensively, with a systemic approach to identifying new ways of working, continually improving and driving best practice across all agencies.
17. It is right that, when it comes to identifying and recovering the proceeds of crime, the calculation of the criminal benefit reflects the total financial gain to the criminal of their offending, whilst the confiscation order reflects their current ability to pay, which must be reasonable and proportionate. However, where an individual refuses to pay and there are hidden assets within the UK or abroad, this results in cases where the full value of the confiscation order remains unenforced. In these cases, the order remains extant and enforcement activity continues, including the imposition of default prison sentences for non-payment. This approach supports all four of the Government's asset recovery objectives (disrupt criminal activity, deprive people of the proceeds of crime, discredit negative role models and deter criminal involvement) and means that criminals are held to account for their offending. While it is accepted that there may be a gap between the value of confiscation orders made and the amount recovered (due to depreciation of assets or the interest rate charged), more needs to be done to identify new opportunities and approaches to pursue these cases and drive down the overall value of unenforced confiscation orders, particularly for harder to recover cases that require fresh approaches to enforce.
18. The landscape of law enforcement and asset recovery involves the collective effort of many agencies and organisations. Working together and identifying new opportunities and partnerships are vital to ensure the co-ordinated and unrelenting pursuit of criminals and their assets. The breadth and depth of our endeavours must be enhanced through greater partnership working, within and across the public and private sectors, as reflected in the ambitious partnership approach set out in the Economic Crime Plan.

⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/655198/National_risk_assessment_of_money_laundering_and_terrorist_financing_2017_pdf_web.pdf

⁹ <https://nationalcrimeagency.gov.uk/who-we-are/publications/296-national-strategic-assessment-of-serious-organised-crime-2019/file>

Priorities in this Action Plan

19. This Action Plan outlines measures to tackle each of the issues identified above and meet the Government's objectives for asset recovery (as at paragraph 2, above).

20. There is no single solution to improving the recovery of criminal assets; co-ordinated action needs to be taken by a number of partners, across a range of areas. Drawing on the expertise of operational leaders in law enforcement and prosecution agencies the response needed to increase the year-on-year recovery of assets and achieve the Government's objectives for asset recovery is structured around four pillars:

- **legal powers**
 - **strengthening our operational response**
 - **continuously review and embed best practice**, and
 - **fostering innovation and collaborative working**
-
- i. There are unresolved questions as to the efficacy of the **legal framework** for confiscation in the Proceeds of Crime Act 2002 (POCA) and opportunities where the current law might be improved. New developments, such as the advent and increasing use of cryptocurrencies, pose real challenges to the effectiveness of some elements of POCA. We also need to ensure that the right agencies have the right powers to ensure that opportunities to confiscate or disrupt illicit criminal finances are not missed. We will also consider the provision of new powers to disrupt criminal activity and bear down on those who seek to frustrate or evade the recovery of proceeds of crime.
 - ii. **Operational performance** must continue to improve. The Government wants to see a return to year-on-year increases in the value of assets denied to and recovered from criminals, using POCA powers¹⁰. An effective operational response is only possible as a result of good financial investigation. The Government would like to see greater consistency in the prioritisation of financial investigation across all UK law enforcement agencies. Central to an uplift in performance is the need to have the right governance arrangements in place to set a clear, collaborative strategic direction that is underpinned by a coherent operational response and adequate resourcing. We need to ensure that we have the right oversight and tasking arrangements in place to drive performance and best practice across the full range of enforcement and compliance activity.
 - iii. The 2016 NAO report identified that more needs to be done to **continuously review and embed best practice** on asset recovery and financial investigation, which could then inform decision making and improve value for money throughout the confiscation system.

¹⁰ Criminal assets are also recovered using powers in other legislation, including deferred prosecution agreements and HMRC civil tax powers.

Police and Crime Commissioners and other senior operational leaders need to draw on research findings to increase the profile of asset denial and financial investigation throughout the criminal justice system. The National Economic Crime Centre will also use this increased understanding to draw together operational capabilities in the private and public sector to tackle the greatest economic crime threats.

A more transparent approach to performance reporting will ensure accountability, celebrate success, drive best practice, identify barriers and, importantly, reassure communities and discourage those considering a criminal lifestyle. Annual statistical reporting of asset recovery covers new powers and will continue to build a picture of how those powers are being used. Seizure of assets is a priority - taking resources away from criminals to be re-invested into law enforcement activity - but we also need to identify how best to measure and report on the disruptive effect of the use of these powers.

- iv. There is a need to **foster innovation and collaboration** to encourage new approaches. More needs to be done to look critically at how we can increase the use of partnerships with industry and the private sector to harness new technology and methodologies in the investigation, identification and pursuit of hidden assets. In particular, we will work across Government to identify how best private sector capacity, data and expertise can support the delivery of an ambitious step change in the pursuit of unenforced confiscation orders, increasing the pressure on those criminals who try to avoid and frustrate the sanctions imposed by the courts.

21. Combined, this package of measures, summarised at Annex A, will drive a step change in performance in asset recovery in England and Wales.

Section 1: Legal Powers

22. As noted above, the Financial Action Task Force (FATF) evaluation identified that the UK has a “substantial” level of effectiveness, with a range of tools to target criminal assets. Successive Governments have updated the Proceeds of Crime Act (POCA) to ensure that it provides robust powers to tackle criminal assets. This Government has further enhanced POCA through the provision of new powers, including Unexplained Wealth Orders (UWOs) and Account Freezing Orders (AFOs), in the Criminal Finances Act 2017. These have already proved to be successful in identifying and freezing illicit assets.
23. The Government is determined to ensure that the legislation continues to provide the necessary powers for law enforcement and prosecution agencies to identify and recover the proceeds of crime. As POCA is now over 17 years old, and many stakeholders consider the confiscation elements of POCA to be in need of review, we will take a twin-track approach, firstly to take a considered look at possible law reform on confiscation and secondly, to assess whether other agencies also need powers to recover assets and deny criminals the resources to commit crime.

Our response

Law Commission Review of POCA

24. The Law Commission is a statutory and independent body that keeps the law under review and recommends reform where it is needed, with the aim of ensuring that the law is fair, modern, simple and as cost-effective as possible. The Law Commission has already undertaken a consultation as part of their review of the UK’s money laundering powers, publishing their report in June¹¹. In addition, the Home Office has commissioned the Law Commission to review the confiscation process within POCA. The POCA Review will analyse the most pressing problems with the law, including: restraint proceedings; whether the existing legislation leads to frequently imposed unrealistic confiscation orders; the position of victims including the interaction with compensation provisions; and the existing sanctions and provisions for enforcement. The review, which started in 2018, **will report in 2020 with recommendations designed to make the law governing confiscation fairer, more efficient and a more effective deterrent to criminal behaviour. The Government will work with key stakeholders to carefully consider the recommendations and will set out our response with clear plans for implementing changes.**

Legislative Barriers to Public-Private Sector Partnership

25. The public sector has significant expertise in the enforcement of confiscation orders. However, there is finite capacity and criminals take steps to evade enforcement activity. As set out in section four of this report, the Government wants to work closely with the private sector to examine where additional capacity and expertise can be brought to bear on those who seek to frustrate the recovery of proceeds of crime. As part of that work **the Home Office will work with the Ministry of Justice and operational partners to examine legal parameters and proposals for legislative changes that would enable the development**

¹¹ <https://www.lawcom.gov.uk/project/anti-money-laundering/>

of a new, ambitious approach to driving enforcement through a shared public and private sector response.

Increasing the powers to disrupt those with unenforced confiscation orders

26. It is right that the courts impose asset recovery orders that reflect the value of the known assets that are available to the defendant to be paid, including tainted gifts, company property and hidden assets. Where the criminal benefit is greater than this amount it is possible to revisit and reinvestigate a criminal's wealth, even after the full confiscation order has been paid, to ensure that they pay an increased amount through application to the court. This allows law enforcement to maintain pressure and scrutiny of criminals who seek to evade or frustrate enforcement and aim to rebuild their criminal lifestyle. As well as developing new approaches to pursue the small proportion of criminals who remain the subject of unenforced confiscation orders (see section 4) the Government wants to **work with stakeholders across the criminal justice and financial/industry sectors to identify any further measures that could be introduced to incentivise compliance and ensure that those who are subject to wholly or partially unenforced confiscation orders are subject to greater scrutiny in their affairs.**
27. For example, an adverse judgement in a county court impacts upon a person's credit rating, but an unenforced confiscation order issued by the high court does not. Further thought will be given to whether other tools and data sharing approaches with partners can be applied to those with unenforced confiscation orders, particularly those who are the worst offenders and who seek to evade compliance activity altogether. In particular, what additional non-criminal sanctions could be developed to incentivise compliance, protect other sectors from possible harm, further discredit criminals as role models in society and deter people from becoming involved in or continuing a life of crime?

Tactical Targeting Orders

28. The Home Office will consider the potential for new powers to help increase the effectiveness of investigative action. As set out in the Economic Crime Plan the **Home Office will consider whether there is value in introducing a power, similar to the geographical targeting orders (GTOs) used in the United States, that would assist with the collection of intelligence on particular crime threats**, subject to strict safeguards to ensure that the powers are used proportionately.

Expanding use of POCA powers to other Agencies

29. The police, NCA, CPS, HMRC and HMCTS all lead the way in the investigation and prosecution of offences, leading to identification and seizure of criminal assets. But there are many more agencies who encounter fraud and other criminal conduct (such as intellectual property crime) that results in a pecuniary advantage for the offender. There is potential to increase the breadth of agencies who are empowered to identify and seize illicitly obtained assets, to reduce the opportunity for criminals to operate outside the reach of existing enforcement and prosecution agencies.
30. **The Home Office and NCA Proceeds of Crime Centre will work with stakeholders to review the range of public-sector agencies who require but do not have POCA powers**

to identify the gaps in the whole-system response with a view to introducing secondary legislation to amend the range of statutory bodies with POCA powers. Any newly empowered agencies will, of course, be subject to the strict framework of training and oversight that is in place to ensure the appropriate use of the powers.

Section 2: Strengthening our Operational Response

31. The Government has made improvements to the confiscation regime in response to two reports from the Public Accounts Committee in recent years¹². However, the Government recognises that more must be done to deprive criminals of the proceeds of their crimes. At present, too many criminals succeed in hiding and retaining their criminal proceeds even after they have been convicted.
32. Part four of this plan sets out areas where we will work with the private sector to take forward a new and ambitious public-private sector partnership approach to asset recovery, with a particular focus on bringing further pressure to bear on those criminals who seek to evade justice and frustrate the enforcement of sanctions.
33. This section sets out action to improve our ability to recover criminal proceeds, through a more effective and co-ordinated operational response.

Our Response

National Economic Crime Centre (NECC)

34. The NECC, hosted in the NCA, has been established to co-ordinate and improve the response to serious and organised economic crime. It has a priority objective to drive up asset recovery performance, in particular the use of proactive asset denial tools provided by the civil recovery regime and the Criminal Finances Act. These are key powers in disrupting criminal groups and depriving them of the tools to commit more crime. The NECC will co-ordinate and lead activity to address the threat of illicit finance, by maximising the use of the full range of available powers to disrupt, deny and ultimately recover the proceeds of crime. This will include;

- **Ensuring the identification of assets and potential recovery opportunities is an integral part of SOC intelligence development. The NECC will use this intelligence to flex law enforcement's collective proactive response.**
- **Establishing proactive operational denial activity as a mainstream cross SOC response to the illicit finance threat.**
- **Developing an agreed NECC framework for take on and referral of potential casework that enables all agencies to maximise their proactive approach.**
- **Promoting disruptive tactics as an equally valid operational approach and response alongside traditional approaches when considering tasking.**
- **Developing, deploying and maintaining the capabilities and services required to deliver maximum impact** by joining up intelligence, assets and capabilities to deliver a national approach that is underpinned by referral mechanisms, performance management information and public private partnership approaches.

35. The NECC has developed a proactive asset denial strategy for use by law enforcement agencies, that will assist them in operations. The strategy will be delivered through a

¹² Confiscation Orders, 49th Report of Session 2013-14, HC942, 5 March 2014, and Government Response HC8871, June 2014 Confiscation Orders, Progress Report, 7th Report of Session 2016-17, HC124, 27 June 2016, and Government Response, HC9351, November 2016

number of operational groups which will ensure that investigatory and civil recovery powers such as UWOs will be used.

Effective Governance

36. The National Security Council agreed a raft of actions to tackle illicit finance in June 2018, and a newly established public-private governance framework has driven progress on this agenda. The Home Secretary and Chancellor of the Exchequer chaired Economic Crime Strategic Board (ECSB) brings together senior figures from the private sector, as well as leaders from law enforcement, regulators, Government Ministers and senior officials. This Board provides strategic leadership, agrees priorities, ensures resources are aligned, and holds people to account for delivery.
37. Sitting beneath the ECSB, the Economic Crime Delivery Board (ECDB) is accountable at official level for delivering the ECSB agenda. Further, underpinning the ECSB's agenda is the private sector steering group (PSSG), which ensures the views of public and private sectors are both incorporated in formulating the UK response to economic crime.
38. The Government has reformed the Criminal Finances Working Group. The multi-agency Senior Operational Practitioners' Group (SOPG), is co-chaired by senior operational leaders from the Crown Prosecution Service and the National Police Chiefs' Council, as the two agencies responsible for the bulk of asset recovery investigations and prosecutions. The SOPG is focussed on asset recovery operational performance and co-ordination, examining individual agencies' performance, identifying areas for improvement and suggesting ways to remove barriers. The arrangements have already fostered closer working arrangements between agencies who work on asset recovery. The new group also advises the Home Office on the allocation of ARIS top-slice funding.
39. As the National Audit Office has shown¹³, asset recovery involves multiple agencies and requires partnership working across the criminal justice system. Effective multi-agency governance is particularly important to ensure co-ordination of effort across the entire system from investigation through to enforcement. The SOPG is a valuable forum for bringing together the community of senior operational leaders who collectively ensure collective, strategic oversight of operational delivery. They continue to play a key role in ensuring barriers to operational performance and co-ordination are addressed. This role complements the functions of the NECC, which was established by ministers to co-ordinate the operational response. The respective roles are complementary and close working between the two groups will ensure that operational delivery is overseen and underpinned by broader strategic co-operation. **The Home Office will work with both SOPG and the NECC to ensure that their respective roles drive the operational delivery of this plan, with strategic senior oversight provided by SOPG and tactical delivery being managed through a threat group approach within NECC structures.**

Financial Investigation Capability and Capacity

¹³ National Audit Office Report on Confiscation Orders HC738, 17 December 2013

40. The work of financial investigators is critical to the effective recovery and denial of criminal assets. There is a strong need to embed financial investigation techniques across law enforcement because of the benefits it provides in developing intelligence and evidence which can be used in criminal proceedings across a wide range of crime types. Financial investigators are attractive to the private sector, and this can make retention of these staff, especially in London, a challenge.
41. POCA mandates that financial investigators with powers under the Act must be trained and accredited before the powers are used. Training and accreditation is conducted by the Proceeds of Crime Centre (POCC) at the NCA. **To ensure that recruitment, retention and training continue to be robust and effective, the Home Office will seek agreement to use ARIS funding to commence an independent review of the current training provided by the Proceeds of Crime Centre.** The review will include:
- ensuring that the syllabus is reformed to create a coherent and structured programme for ensuring financial investigators are equipped to deal with the most complex cases, that courses are widely available to users, and that courses are kept up to date with modern training techniques.
 - identifying opportunities to encourage high calibre recruits to choose a career in financial investigation;
 - identifying other opportunities for the recruitment of high calibre candidates and seeking to ensure that there are clear career development pathways for candidates to develop.
 - and, through public-private partnerships, finding ways to enable the public to benefit from the skills and experience of financial investigators, even after they have left public service.
42. The status of specialists, including financial investigators, is being addressed as part of the National Police Chief Council's (NPCC's) Investigator Resilience Programme. We will link the work of the steering group with developing work on resilience, ensuring that best practice is shared and that the wide-ranging review of financial investigator training and capability is publicised. In combination, the review of POCC training and the Resilience Programme will involve and galvanise practitioners, and non-practitioners and decision makers at all levels, raising the profile of financial investigation across law enforcement.

Revision of Operational Guidance to Drive Performance

43. Guidance plays a key part in driving consistency, ensuring standards and embedding best practice. In the next 12 months the Home Office will work with operational partners to:
- **refresh guidance for Financial Investigators and other operational practitioners on the provisions introduced in the Policing and Crime Act 2009 and the Serious Crime Act 2015**, such as compliance orders. We will also support steps to ensure that Serious Crime Prevention Order (SCPO) restrictions are widely communicated and prioritised for response; and
 - **review and update the National Best Practice Guide to Confiscation Order Enforcement (NBPG)**. The NBPG is a reference document that provides guidance and information on all aspects of confiscation orders from pre-enforcement through to

enforcement. It contains details of processes, offers advice, and explains the roles and responsibilities of individuals and agencies involved in the making and enforcing of confiscation orders and supplemental orders. Since the Guidance was last updated in 2013 there have been numerous changes to case-law, working practices and legislation and in 2018 a multi-agency working group reviewed the NBPG and recommended that it needs substantial revision. A multi-agency group will be convened to publish revised guidance that reflects current legislation, operational best practice and partnership working.

Lifetime Offender Management

44. The Government has recently committed to implement the effective Lifetime Offender Management of high-harm serious organised crime offenders before, during and after custody, and for as long as they are assessed by law enforcement to be a risk. It is significant that the qualifying criteria for Lifetime Offender Management includes offenders with outstanding confiscation orders. This management means identifying, prioritising and using all available tools, interventions, powers and opportunities to prevent and disrupt offending in our communities and prisons. In relation to asset recovery, this will have the dual effect of disrupting those defaulting on their confiscation order and could lead to opportunities to enforce these outstanding orders by identifying assets and ways to secure them.

45. In January 2019, the South East Regional Organised Crime Unit commenced a 12-month multi-agency Lifetime Offender Management (LOM) pilot to identify the most effective and efficient regional operating model for LOM in police, prisons, probation and other partners. The pilot will use all available tools, powers, and interventions (including asset recovery) to prevent and disrupt serious and organised crime in our communities and prisons.

Evaluation of that pilot, due in early 2020 will be shared to assess the effectiveness of LOM at preventing and disrupting serious and organised crime and ensure that lessons learned are embedded in to LOM processes and procedures.

Improving the response to criminal cash smuggling at the Border

46. The UK has highly effective cash forfeiture powers, which have been bolstered by the Criminal Finances Act 2017. Operational agencies can now also seize a wider range of goods, such as precious metals and stones, using new seizure powers. However, more can be done to improve our response to the movement of illicit cash through our borders.

47. The UK's second *National Risk Assessment of Money Laundering and Terrorist Financing*¹⁴ and a 2015 Europol report¹⁵ have highlighted the importance of cash in money laundering. As reflected in the 2019 NCA National Strategic Assessment of Serious Organised Crime, Organised Crime Groups (OCGs) are adept at moving cash into and out of the UK using several modes and concealments. Moving cash out of the UK is one of the principle ways that OCGs launder the proceeds of crime or reinvest them as profits.

¹⁴ *National Risk Assessment of Money Laundering and Terrorist Financing*, HM Government, 2017.

¹⁵ *Why is Cash Still King: A Strategic Report on the Use of Cash by Criminal Groups as a Facilitator for Money Laundering*, European Police Office, 2015.

48. Effective partnership working is key to countering this threat. To this end, the Home Office and the NCA have established a multi-agency Border Cash Steering Group to oversee improved co-ordination at the border, including improvements in capability and greater cooperation between the agencies that detect suspect cash and those that investigate its origin and purpose. The Steering Group brings together all those agencies with a stake at the border and drives solutions to ingrained performance blockers. It has commissioned clearer management information on cash flows which will be used to deploy resources where they are most likely to make an impact. Additionally, it commissioned a major review of border cash procedures, using analytical mapping to identify areas of improvement, to drive up the detection and forfeiture of criminal cash.
49. Mapping took place at key sites around the country over the Summer and Autumn of 2018 and its findings and recommendations were presented to the Steering Group in Autumn 2018. The Steering Group has accepted the findings and recommendations of the mapping project and is implementing, for the first time, harmonised cash seizure guidance for use by all border agencies. **As part of a structured roll out of this guidance, the group will continuously explore ways to implement additional recommendations including improved co-ordination, communication and training and securing support for the development of new operational approaches** (see ‘testing new operational approaches – at the border’ in section 4, below).

International - Engagement

50. The UK’s operational response to asset recovery cannot only be focused on domestic assets. Criminals make use of a range of methods to transfer and hide money abroad, from cash smuggling through our borders to illicit use of complex international financial structures to hide their criminal proceeds. As of July 2017, it was estimated that over £654 million in criminal assets with a UK connection was hidden overseas. We know from our analysis of uncollected orders that some £320m of assets have an unknown location. This is a major international issue, and only by working better with international partners can the UK develop a fully effective response to asset recovery.
51. To increase the impact of our international response, Government, law enforcement and prosecution agencies need to develop their understanding of the highest risk countries for asset recovery, and better identify the levers that will help improve cooperation with them.
52. An international network of UK law enforcement officers and CPS prosecutors work in over 40 locations to develop effective relationships with foreign counterparts. This enhances our ability to recover assets of those convicted of crimes in the UK, including through building capability and sharing expertise. In addition, we have recruited an international network of government illicit finance advisers (SOCnet) who are located in key jurisdictions to strengthen our partnerships, facilitate greater cooperation, and work towards a strong global response to illicit finance.
53. The Home Office has developed analysis of illicit financial flows through global financial centres and jurisdictions that pose a risk from money laundering, and where assets may be hidden, which will support international work to recover illicit assets. HMG is using this

analysis to guide our International Illicit Finance campaign, which will provide strategic direction for HMG's international engagement on illicit finance.

54. The CPS has launched a successful Video Teleconference programme with operational partners from numerous countries, which is resulting in increased enforcement of existing orders. This initiative has opened the line of communication to provide front line assistance with ongoing operations and assists in developing local capability. The CPS now has arrangements with 15 jurisdictions to use video or telephone conferencing to progress cross border casework. **CPS Proceeds of Crime (POC) will continue cross-border operational cooperation by extending the VTC membership where possible.**

International - Identifying priority countries

55. Key to a targeted and efficient response to the challenges posed by international asset recovery is to identify those countries in which UK criminal assets are held and where the Government's efforts will result in the greatest operational and developmental impact or in more effective relationships with jurisdictions that operate differently from our own. **The Senior Operational Practitioners Group will commission an evidence-based assessment of the priority jurisdictions for asset recovery that will deliver increased rates of recovery from the highest ranked jurisdictions by prioritising areas for policy development and operational engagement.**

International - Asset sharing agreements

56. Arrangements to share recovered assets, either on a case-by-case basis or through the negotiation of treaties, are particularly valuable in encouraging bilateral cooperation. In addition to the negotiation of the mutual recognition instrument in the European Union, the Home Office will continue to negotiate asset recovery and sharing terms across mutual legal assistance treaties and will continue to share assets on a case-by-case basis to improve asset recovery cooperation with our partners.

57. The UK is strongly committed to ensuring the return of corruptly recovered assets to victim states, in line with our obligations under the UN Convention against Corruption. The UK has led international work to improve the response to corruption, and we will continue to press for action through the Global Forum for Asset Return (GFAR). We have returned the proceeds of corruption to Macau, Chad and will shortly do so to Nigeria.

58. Securing the recognition of the UK's civil non-conviction-based recovery orders overseas has proved challenging, as legislative differences mean that many other countries do not have recognised frameworks for civil non-conviction-based asset recovery. **The Home Office, working across government and with operational partners, will continue to engage both multilaterally and bilaterally to gain the recognition of civil recovery orders overseas.**

Promote and improve the use of civil recovery powers

59. POCA civil recovery powers provide for the recovery of criminal assets even in the absence of a conviction, ensuring that assets can still be recovered provided it can be proved that they have been derived from criminal conduct. However, civil recovery powers have not yet been used to their full potential. Relatively few civil recovery cases go through the courts each year and they account for only a small proportion of total recovered assets in the UK. The Government has already acted to improve the use of civil recovery powers by:

- creating Account Freezing Orders (AFOs) to freeze bank accounts suspected of containing illicit funds;
- introducing new Unexplained Wealth Orders as an investigative tool in the Criminal Finances Act 2017, which will create opportunities to pursue asset denial and disruption in international cases where the home jurisdictions tend not to co-operate with the UK;
- granting civil recovery powers to the Financial Conduct Authority (FCA) and HMRC; and
- updating and reissuing the statutory guidance on the use of the civil recovery powers, to reflect the changes in the new Act and to put the consideration of civil recovery powers on an equal footing with criminal routes when appropriate.

60. To make greater use of civil recovery powers within mainstream policing **the College of Policing will embed the awareness of financial investigation as part of their officer and senior officer investigation training.** Probationer training will be phased out by 2020, to be replaced by a Police Constable Degree Apprenticeship, and other alternative entry routes that will incorporate the Professionalising Investigation Programme (PIP) training at levels 1 and 2. The new entry route is now available to forces. **The National Police Chiefs' Council financial crime portfolio is supporting the development of this training and will proactively encourage Economic Crime Units to target other police capabilities to promote the benefits of financial intelligence and investigation.** This will ensure the full benefits of the asset recovery and financial investigation tools are disseminated to as wide an audience as possible.

61. Few Police and Crime Commissioner (PCC) plans make reference to the role that asset recovery plays in detecting and disrupting crime. To support the work to increase the use of POCA powers at frontline operational level **the Home Office will encourage PCCs to give greater emphasis to the use of these powers to support the plans and crime strategies in their area.**

62. In addition, the legal nature of POCA means that general application of costs rules can be dissuasive and not fit for purpose. **We undertake to review the cost regime, both civil and criminal, in relation to the recovery of criminal assets under POCA, mindful of the general principles of costs.**

Raising awareness of asset recovery amongst business and the public

63. Through close working with the regulated sector, which includes banks, solicitors and accountants, the 'Flag It Up' campaign has had significant success in raising the awareness of the need to report suspicions of money laundering. **We want to build on that work to**

communicate the successes in recovering criminal assets as a result of such reporting, and to make the regulated sector aware of the ways in which criminals hide and hold assets, and how reporting supports that recovery.

Section 3: Continuously Review and Embed Best Practice

64. The UK has robust legislation and powers that permit law enforcement agencies to identify and recover criminal property. However, we need to understand best practice, and areas where improvement is needed, to ensure that agencies can continue to take effective action against criminal proceeds.

Providing an evidence base for financial investigation and confiscation orders

65. Financial investigation provides law enforcement with a powerful tool for fighting crime. However, understanding the benefits of financial investigation techniques, and identifying those which are the most impactful, is a challenge that requires cross law enforcement co-ordination. The Home Office acts as a fulcrum for providing this understanding and is well placed to assist operational partners by providing an evidence base to persuade senior decision makers of the case for investing in financial investigation.

66. Asset recovery performance assessment, both in the UK and internationally, is largely based on the number of orders made, and the amount collected against those orders, and fails to capture the important role that asset recovery plays in the disruption of criminality¹⁶.

67. Measuring performance and success in this area is difficult to do in practice, and any performance indicator can be perversely affected by an unusually high (or indeed low) value or volume of orders made.

68. The Government is committed to ensuring that it achieves transparency in asset recovery performance, demonstrating to the public that key operational bodies, such as the National Police Chiefs Council, are driving the best possible performance from the available resources. In September 2018, the Home Office published its second annual asset recovery statistics report, and this will be updated annually. This publication sets out collection rates on outstanding orders and progress on priority orders, the use of Asset Recovery Incentivisation Scheme (ARIS) monies, compensation paid from confiscation orders to victims and the proposals for monitoring the use of wider law enforcement powers. **We will continue to publish statistics annually, publishing asset recovery performance data at force and agency level and ensuring that future iterations respond to feedback from interested parties.**

69. To support the SOPG oversight of operational performance the **Home Office will work with SOPG colleagues to develop a more regular performance reporting framework that assists with identifying and embedding best practice at local, regional and national level.**

¹⁶ For international performance measurement, see 'Methodology for assessing technical compliance with the FATF Recommendations and the Effectiveness of AML/CFT systems', Financial Action Task Force, 2013, and the statistical requirements in Article 11 of Directive 2014/42/EU of the European Parliament and of the Council on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union.

70. Financial investigation offers benefits beyond asset recovery alone. Whilst there are many passionate advocates of financial investigation in UK law enforcement agencies, the use of financial intelligence and financial investigation techniques is not yet fully part of mainstream law enforcement practice. The Government believes that a greater evidence base demonstrating best practice on financial investigation and asset recovery is necessary to publicise and promote their wider utilisation in UK law enforcement.

71. The National Economic Crime Centre will work with the other bodies including the NCA's national intelligence capabilities, namely the National Data Exploitation Capability and the National Assessment Centre, to determine best practice so that we can continue to learn and improve and make sure we are fit to respond to the economic crimes of the future.

72. To deliver its operational objectives, the NECC will draw on the support of operational partners across law enforcement, the private sector and internationally. The NECC will also play an important role in ensuring that we have the capabilities we need to tackle the threat. It will understand current capabilities, identify gaps and opportunities to develop shared capability.

73. Many agencies have access to additional asset disruption and recovery capabilities, including insolvency provisions, deferred prosecution agreements and the use of ancillary orders to challenge criminal behaviour. As part of the development of new performance frameworks, agencies such as HMRC, the SFO and the NCA will contribute data on these wider asset recovery capabilities to support our collective understanding of what is effective in tackling illicit finances. Longer term, this work will support operational strategy setting and the development of coherent, impactful, and sustained multi-agency financial investigations.

Increasing front line opportunities

74. The Joint Asset Recovery Database (JARD) is the centralised database for asset recovery in England, Wales and Northern Ireland. Significant work has been undertaken in recent years to cleanse the data held on JARD.

75. Nevertheless, the Government wants to further improve the data quality, as timely, good quality information maximises the ability of agencies and forces to work together to deprive criminals of the proceeds of crime. In 2017 the Home Office completed a 'data health check' of all the information held on JARD to identify inconsistencies within the data and develop targeted improvements where data is incorrect or missing. This project provides the basis for ongoing performance assessment and has informed work undertaken by the Proceeds of Crime Centre at the NCA, which is responsible for the training, accreditation and monitoring of financial investigators, to develop mandatory training for JARD users to ensure the maintenance of data quality.

76. Better data quality will support increased activity to recover proceeds of crime by making JARD information available to front line officers, supporting the recovery of assets of those encountered during routine policing activity. **The Proceeds of Crime Centre, together**

with the National Police Chiefs' Council, is exploring the viability of a technical solution to enable data from JARD to be bulk loaded onto the Police National Computer, to ensure that outstanding confiscation orders are recorded routinely.

77. More broadly, the Home Office will review the wider management and funding of JARD to support a programme of work that will ensure that we make best use of the information on JARD to support effective investigations and exploit further analysis and intelligence opportunities.

Section 4: Fostering Innovation and Collaboration

Examining Public-Private Sector Partnership Approaches

78. The investigation and prosecution of offences is a matter for law enforcement agencies, but we need to make better use of wider stakeholder capability and capacity to increase asset recovery. The private sector can play a valuable role in asset recovery, adding both expertise and capacity to the public-sector enforcement agencies. The CPS already engages the private sector's enforcement expertise through their Receiver Panels, contracting with providers to safeguard, manage and dispose of a defendant's assets in circumstances where they require active management or where voluntary enforcement has become an issue either through a defendant's inability to pay or through their disengagement in the enforcement process.

79. **The Home Office will engage with stakeholders across the public and private sector to examine the wider capability that exists and identify areas of best practice, techniques and partnership arrangements** that could be brought to bear against criminals. That work will examine four key areas where the role of public-private sector partnerships could bolster efforts to recover assets:

- a. **support the pursuit and enforcement of realistically recoverable assets – The Home Office will work with the Ministry of Justice and Her Majesty's Courts and Tribunal Services to examine how a public-private partnership approach could bolster existing enforcement partners' expertise with the support of specialist firms to identify, pursue and recover proceeds of crime in unenforced confiscation order cases.**

There has been considerable success in using confiscation orders to deprive criminals of their assets, the vast majority of orders made under the Proceeds of Crime Act 2002 are enforced or closed. However, the value of unenforced confiscation orders continues to be a matter of public scrutiny. In its 2016 report the Public Accounts Committee was critical of the rising levels of unenforced confiscation orders and called upon the Government to do more to demonstrate how it is enforcing orders. In 2013, the National Audit Office also flagged performance in enforcing orders.

Developing a public-private partnership approach has the potential to bring new tools, resources and approaches to the relentless pursuit of historical unpaid confiscation orders through new methods for identifying assets and recovering them. For example, private sector firms that specialise in enhanced data analysis may be able to increase the capability and capacity to trace individuals and their assets, reducing the ability for criminals to avoid confiscation by hiding their assets.

Activity in this area will focus on cases that are currently assessed by HMCTS as 'unable to proceed' (UTP) because all available enforcement sanctions have been utilised, or the defendant cannot be located. These orders, which value approximately £1.1bn (of which c.£700m is the value of the original order and c.£400m is interest on unenforced orders), have the potential to erode public confidence in the impact that

confiscation orders have on criminals and undermine the deterrent effect of existing enforcement powers and activity. The pursuit of unenforced compliance orders supports all four of the Government's asset recovery objectives (disrupt criminal activity, deprive people of the proceeds of crime, discredit negative role models and deter criminal involvement) so we will work to explore the role that a public-private sector approach could play.

Where barriers to effective partnership are identified we will work collaboratively to identify solutions to maximise our ability to recover criminal assets.

- b. It is right that the Government should be held to account for the enforcement of confiscation orders, but initial analysis of 'unable to proceed' unenforced confiscation orders identified cases where there is no realistic prospect of recovering the value of the order. Maintaining these orders on the stock of unenforced orders creates reputational, operational and financial risks which, given the nature of the cases, are unjustified. In other sectors such cases are subject to clear, transparent procedures to write-off the 'debt' and allow organisations to focus attention on realistically recoverable finances.

'Unable to proceed cases' include cases where there may be merit in revoking the confiscation order altogether, e.g. because the individual is deceased. In other cases, e.g. where the person is no longer in the UK, there may be merit in maintaining the confiscation order (in case the person should seek to return to the UK in future) but administratively writing off the financial 'debt' associated with the order. This ensures that the person can remain subject to compliance and enforcement activity in future.

Drawing in external expertise will help to enrich the analysis on these cases and provide independent, expert analysis which can inform future ministerial decisions on introducing measures to focus performance management and accountability on the recovery of criminal assets that are realistically recoverable.

- c. **use data, open source material and other techniques to track and trace missing persons and identify previously unknown or hidden assets** – The Home Office, with operational partners, will identify specialist investigation firms who may be able to work in partnership with prosecution and investigation agencies to improve the tracing and recovery of criminal assets, including the use of analytics. This work will support the effectiveness of live investigations, work to revisit confiscation order valuations and, as noted above, the pursuit of historic unpaid confiscation orders.
- d. **develop joint investigations** to pursue key targets - The bodies who have access to the civil recovery powers are working with the Royal United Services Institute to explore whether the private sector can add value to the existing civil recovery structure, in particular to add capacity and expertise in large scale complex cases which could not be supported due to lack of resource. The workstream will take into account the findings of the RUSI report, published in June 2019.

Suspicious Activity Reporting (SAR) Reform

80. Suspicious Activity Reporting is a key tool for effective financial investigations, ensuring that those organisations with a legitimate interest have access to SARs information enables them to combat economic crime.
81. The Mutual Evaluation of the UK by the FATF, the national risk assessment of money laundering and terrorist financing 2017 and the Serious Organised Crime Strategy all recognise that the SARs regime and the UK Financial Investigations Unit is not effective enough when set against the scale of the threats faced by the UK.
82. The Economic Crime Plan, published alongside the ARAP, sets out the SARs Transformation Programme, led by the Home Office, to take forward a public-private partnership approach to deliver further improvements in the SARs regime by 2022/23. The programme aims to improve the quality of SARs filed, help firms better protect themselves and improve law enforcement outcomes. The reform of the current regime is wide-ranging and covers not only replacing the underlying IT system but transforming the effectiveness of the system through modules of work focused on submission of SARs, feedback and information-sharing, the consent regime, transaction reporting, analytics and access and exploitation of SARs.

Encouraging innovation through Asset Recovery Incentivisation Scheme (ARIS) funding

83. The Asset Recovery Incentivisation Scheme (ARIS) returns a proportion of recovered assets to those agencies who are involved in asset recovery, to invest additional funding into key national capabilities. In 2014/15, the Government introduced a top-slice of funding which was reserved for projects that contributed towards improving the national asset recovery performance picture.
84. The Government has since reformed the scheme again, in line with the 2015 Conservative Manifesto commitment, to return additional incentivisation funds to regional capabilities when performance exceeds a certain benchmark.
85. In 2018/19, the Government expanded the top-slice to provide additional investment in asset recovery capabilities. These include increased funding for intelligence-based recovery of criminal money, building on the successful interception of millions of pounds worth of high-value street cash. Other projects supported include the Regional Asset Confiscation Enforcement (ACE) Teams and continued funding for prosecutor resource in the enforcement of confiscation orders.
86. These projects are important, but there is concern that ARIS top-slice funding is increasingly used to support core 'business as usual' activity which agencies should potentially protect and expand through ringfenced ARIS receipts.
- 87. The Home Office will therefore work with operational partners to identify whether further changes are necessary to ARIS to encourage use of ARIS receipts to be**

ringfenced, wholly or partly, to directly fund those projects and resources that drive business as usual asset recovery and denial. Doing so will free up top-slice funding to support testing of genuinely innovative and collaborative ways of working.

Testing new operational partnership approaches – At the Border

88. As noted in Section 2, the Border Cash Steering Group has improved co-ordination at the border, including improvements in capability and greater cooperation between the agencies that detect suspect cash and those that investigate its origin and purpose. Identifying and seizing cash at the border is key to disrupting organised criminals from resourcing their supply chain and moving assets across borders. Border Force therefore plays a key role which supports wider agency enforcement action.

89. Using ARIS top-slice funding, **the Steering Group will establish a standing multi-agency team committed to improving the national response to cash smuggling.** Plans include:

- a national, cash targeting capability housed in the National Border Targeting Centre;
- a dedicated intelligence analysis resource to produce a strategic threat assessment, and
- increased use of Automatic Number Plate Recognition (ANPR) capability to detect suspect vehicle movements.

90. Testing this new approach will support interception and confiscation of assets through the effective deployment of resources and improve the level of support and intelligence available to front line officers. We will also consider whether there are efficiency issues in relation to the availability of, and the use of, powers for agencies operating at the border.

91. The Home Office has also provided new funding for two additional financial investigators in each Regional Organised Crime Unit to help improve recovery of cash at the border.

Using communications to support detection and deterrence of crime

92. It is vital that communities are engaged in the work to track, trace and pursue criminals who continue to evade law enforcement agencies. There must be no place for criminals to obstruct justice or hide their assets. Maintaining constant pressure on criminals helps to discredit them as role models in society and deters criminal behaviour that harms communities.

93. **To empower communities and harness wider public engagement the Home Office will work with operational leads and communications experts to create a campaign to help identify the whereabouts and assets associated with the highest risk and high value criminals.**

Annex A: Table of Actions

	Action	Lead (Key Partners)	Target Completion Date
Legal Powers	1.1 Publish a comprehensive review with recommendations designed to make the law governing confiscation fairer, more efficient and a more effective deterrent to criminal behaviour.	Law Commission	March 2020
	1.2 Publish the Government's response to the Law Commission POCA Review (action 1.1, above) and plans for implementing changes.	Home Office <i>MOJ, CPS, HMCTS</i>	September 2020
	1.3 Work with MOJ to examine legal parameters and proposals for legislative changes that would enable the development of a new, ambitious approach to driving enforcement through a public-private sector response.	Home Office <i>MOJ</i>	March 2020
	1.4 Work with stakeholders across the criminal justice and financial / industry sectors to identify further controls that incentivise compliance of those who are subject to wholly or partially unenforced confiscation orders.	Home Office <i>MOJ, CPS, HMCTS, private sector</i>	December 2020
	1.5 Consider the introduction of a power (tactical targeting order) (similar to the geographical targeting orders used in the United States) that would assist in the collection of intelligence.	Home Office	July 2020
	1.6 Work with stakeholders to review the range of agencies who require but do not have POCA powers to identify the gaps in the whole-system response and introduce secondary legislation to amend the range of statutory bodies with POCA powers.	Home Office	March 2020
Strengthening the Operational Response	2.1 Improve the use of powers by: <ul style="list-style-type: none"> a) Ensuring identification of assets in integral to SOC intelligence development and use this intelligence to flex law enforcement's response b) establishing proactive denial activity as a mainstream SOC response c) developing an agreed framework for NECC to take on and refer proactive casework d) promoting disruptive tactics alongside traditional approaches when considering tasking; and e) developing, deploying and maintaining the capabilities and services required to deliver maximum impact. 	NECC	Ongoing
	2.2 Drive delivery of the Asset Recovery Action Plan, with strategic senior oversight provided by SOPG and tactical delivery being managed through a threat group approach within NECC structures.	Home Office <i>SOPG, NECC</i>	September 2019
	2.3 Conduct an independent review of the current training provided by the Proceeds of Crime Centre.	Home Office <i>NCA</i>	March 2020

	2.4 Refresh guidance for Financial Investigators and other practitioners on the provisions in the Policing and Crime Act 2009 and the Serious Crime Act 2015.	Home Office NCA	January 2020
	2.5 Review and update the National Best Practice Guide to Confiscation Order Enforcement (NPBG).	HMCTS	March 2020
	2.6 Embed lessons learned from the Lifetime Offender Management (LOM) pilot to standard LOM processes and procedures.	South East ROCU	April 2020
	2.7 Explore ways to implement additional recommendations including improved co-ordination, communication and training and securing support for the development of new operational approaches to increase cash seizure at the border.	Border Cash Steering Group	Ongoing
	2.8 Continue cross border co-operation by extending the VTC membership where possible.	CPS Proceeds of Crime (POC)	Ongoing
	2.9 Commission an evidence-based assessment of priority jurisdictions for asset recovery that will deliver increased rates of recovery from the highest ranked jurisdictions by prioritising areas for policy development and operational engagement.	SOPG	April 2020
	2.10 Work across government and with operational partners to engage with overseas partners multilaterally and bilaterally to gain the recognition of civil recovery orders overseas.	Home Office	Ongoing
	2.11 Embed awareness of financial investigation approaches within officer and senior officer investigation training and encourage Economic Crime Units to target other police capabilities to promote the benefits of financial intelligence and investigation.	NPCC / College of Policing	April 2020
	2.12 Encourage PCCs to give greater emphasis to the use of POCA powers to support plans and crime strategies.	Home Office	Ongoing
	2.13 Review the cost regime, both civil and criminal, in relation to the recovery of criminal assets under POCA, mindful of the general principles of costs.	Home Office	July 2020
	2.14 Build on work to communicate the successes in recovering criminal assets as a result of SARs reporting and make the regulated sector aware of the ways in which criminals hide and hold assets.	Home Office	Ongoing
Continuously Review and Embed Best Practice	3.1 Publish statistics annually, publishing asset recovery performance data at force and agency level.	Home Office	September 2019
	3.2 Work with SOPG to develop a more regular performance reporting framework that assists with identifying and embedding best practice at local, regional and national level.	Home Office SOPG	September 2019
	3.3 Determine best practice so that we can continue to learn and improve and make sure we are fit to respond to the economic crimes of the future.	NECC NDEC, NAC	Ongoing
	3.4 Explore the viability of a technical solution to enable JARD data on outstanding confiscation orders to be routinely bulk loaded onto the Police National Computer.	POCC / PNCC	June 2021
	3.5 Review the wider management and funding of JARD to support a programme of work to drive best use of JARD information in investigations, analysis and intelligence.	Home Office	March 2020
F o c	4.1 Engage with stakeholders across the public and private	Home Office	July 2021

<p>sector to examine the wider capability that exists and identify areas of best practice, techniques and partnership arrangements to:</p> <ul style="list-style-type: none"> a) support the pursuit and enforcement of realistically recoverable assets through a public-private partnership approach to identify, pursue and recover proceeds of crime in unenforced confiscation order cases. b) enrich analysis of historic hard to enforce confiscation orders to identify cases that should be written off as unrecoverable for administrative purposes. c) use of data and open source material to track and trace missing persons and previously unknown or hidden assets d) develop joint investigations 	<p>HMCTS, MOJ, Private Sector</p>	
<p>4.2 Review the Asset Recovery Incentivisation Scheme (ARIS) to ensure that the approach incentivises operational performance, protects funding of core asset recovery services and encourages innovative and collaborative projects that increase asset recovery.</p>	<p>Home Office <i>SOPG</i></p>	<p>March 2020</p>
<p>4.3 Establish a standing multi-agency team committed to improving the national response to cash smuggling</p>	<p>Border Cash Steering Group</p>	<p>December 2019</p>
<p>4.4 Work with operational leads and communications experts to create a campaign to help identify the whereabouts and assets associated with the highest risk and high value criminals.</p>	<p>Home Office</p>	<p>March 2020</p>