

Date Received:    /    /            APP/POCA Case Ref No:

### **Proceeds of Crime Act - Case Review Form**

Have you liaised with a Financial Investigator prior to arrest or interview of the subject?  
Yes/No

If so name of AFI:

#### **Confiscation Proceedings**

Criminal Lifestyle Offences- allows the court to assume all the defendant's income, property held, or expenditure over the previous 6 years represents the proceeds of crime and thus liable for confiscation. The below are examples of offences that trigger the lifestyle process. Please tick any relevant box relating to your case.

#### **1. Offences which are specified in Sch 2 POCA**

##### ***Trade marks act 1994***

<b>S92(1)</b>	<b>S92(2)</b>	<b>S92(3)</b>

##### ***Forgery & counterfeiting act 1981***

<b>S14</b>	<b>S15</b>	<b>S16</b>	<b>S17</b>

##### ***Copyright, design and patents act 1988***

<b>S107 (1)</b>	<b>S107(2)</b>	<b>S198(1)</b>	<b>S927A</b>

##### ***Money Laundering Offences***

<b>S327</b>	<b>S328</b>

**2. Also offences which constitute conduct forming part of a course of criminal activity trigger the lifestyle process**

Information about defendant	Tick if relevant
A) <b>4 or more offences</b> in current proceedings committed on or after 24 March 2003 where the defendant has benefited from their conduct by <b>£5000 or more</b>	
B) the defendant has been convicted of the same offence on at least <b>2 separate occasions</b> in the <b>six years before the current proceedings</b> were started and the defendant has benefited from their conduct by <b>£5000 or more</b>	
C) an offence committed <b>over a period of at least 6 months</b> and the defendant has benefited from their conduct by <b>£5000 or more</b>	

**Particular Criminal Conduct**

Any confiscation investigation or order is limited to the specific charges before the court in the current proceedings only. There is no limit as to a benefit figure each case is viewed on its own merits.

**Investigating Officer**

Name

Contact no:

Mobile:

Fax:

Case Flare references:

**Defendants Details**

Please use a separate form for each individual defendant

**Defendant:**

**Defendant Address:**

**Male / Female**

**DOB:**

**Home Tel:**

**Mobile:**

**NI Number:**

**Employee details:**

Associated Addresses	Owned/Rented

Desc & Reg No. of any Vehicles	Details of Current Keeper

**Offences under Investigation**

Offences (Act)	Offence Section	Number of Counts	Is defendant charged / summonsed	Court Date

**Bail date:**

**Def Interviewed: Yes / No**

**Date**

**Copy of Inspection Notice/Booklet enclosed: Yes/No**

**Copy or email transcript of interview to AFI: Yes/No**

**Police involvement to date? Yes / No**

**Brief description of Police involvement:**

**Cash seizure? Yes / No**

**Details of cash seizure:**

**AFI dealing**

**Investigating Police Officer:**

**Contact No:**

**Mobile:**

**Fax:**

**Email:**

**Police case references:**

**Previous convictions attached: Yes/No**

**Companies House Search print out attached: Yes / No / Trace**

### **Case History**

Summary of present case history. It is the responsibility of the oic to appraise the FI of the investigation at all times and in particular any changes in respect of the enquiry relating to intelligence or evidence that could affect the investigation or an application for a court production order. This should be passed to the FI via a 5x5x5 or amended summary( please include relevant information from visits or investigations in the preceding 6 years concerning property and assets held by defendant if known)

Print out of all previous warnings, cautions & convictions from Prosecution database/APP

**Financial Information (completed by oic or AFI)**

<b>Financial Institution</b>	<b>Account No's</b>	<b>Sort Code</b>	<b>Name on Account</b>	<b>Production Order obtained</b>

<b>Credit Cards Company Name</b>	<b>Card No</b>	<b>Name on Card</b>	<b>Type (Visa etc)</b>

<b>ISA/Savings etc</b>	<b>Issuing company / institution</b>	<b>Policy number</b>	<b>Name on policy</b>

**Other Financial Assets identified at the search**

(Jewellery, High Value Goods, Stocks, Shares, Post Office Accounts/Bonds etc)

<b>Description</b>	<b>Location of item or evidence proving its existence</b>	<b>Estimated value in £s</b>

**Property / land owned**

<b>Address</b>	<b>Land Registry reference</b>	<b>Parties jointly held with</b>	<b>Encumbrances</b>

## **Restraint Proceedings**

Are there considerations for restraint Proceedings    Yes    No

Current Status of case (inc court dates & Counsel details)

Restraint Proceedings. Summary of current process(e.g. arrests, interviews, Court appearances, Court dates / bail dates/deadlines):

## Checks to be carried out

Please ensure where possible the following checks have been conducted and the relevant documents or information submitted with this form.

<b>Enquiry</b>	<b>Carried out?</b>	<b>Attached?</b>
<b>Elmer/Money Web enquiry</b>	Yes / No	Yes / No
<b>JARD enquiry</b>	Yes / No	Yes / No
<b>Experian Credit Check</b>	Yes / No	Yes / No
<b>HMR&amp;C gateway request</b>	Yes / No	Yes / No
<b>Companies House Direct</b>	Yes / No	Yes / No
<b>Land Registry enquiry on property</b>	Yes / No	Yes / No
<b>Voters' Register</b>	Yes / No	Yes / No
<b>Council Tax</b>	Yes / No	Yes / No

## Initial Assessment by AFI

I have reviewed this investigation and I believe that this case is suitable/not suitable for confiscation proceedings. This is because:

- (a) A restraint order is in place
- (b) Medium to High level operator
- (c) Substantial available assets in excess of £
- (d) Defendants benefit is estimated at £
- (e) There are Impact considerations of the victim
- (f) Lifestyle assumptions
- (g) No available assets
- (h) Low value of benefit, property recovered or no loss to victim

- (i) no lifestyle assumptions
- (j) Low level operator no assets or lifestyle
- (k) There are no impact considerations of the victim

Signature:

Date

**THE SECTION BELOW IS FOR LEGAL TEAM USE ONLY**

Referral considered by

Reasons acceptance / refusal;

Case warrants POCA confiscation proceedings: YES / NO

Date: