

Case Management

“Case management is at the core of any effective investigation”



Any Questions ask as we go through.





What is Financial Investigation?

- A financial investigation is any investigation into a person or person's financial matters. It could also involve the investigation into the finances of a business or a private limited company. A financial investigation can determine where money comes from, how it is moved and how it is used.
- Financial investigation techniques can be used in all types of investigations, and investigators are able to engage powerful legislative tools that target the proceeds of crime.



What is a criminal investigator?

...any police officer involved in the conduct of a criminal investigation. All investigators have a responsibility for carrying out the duties imposed on them under this code including, in particular recording information and retaining records of information and material.

Code of Practice to the Criminal Procedure and Investigations Act 1996
(CPIA)



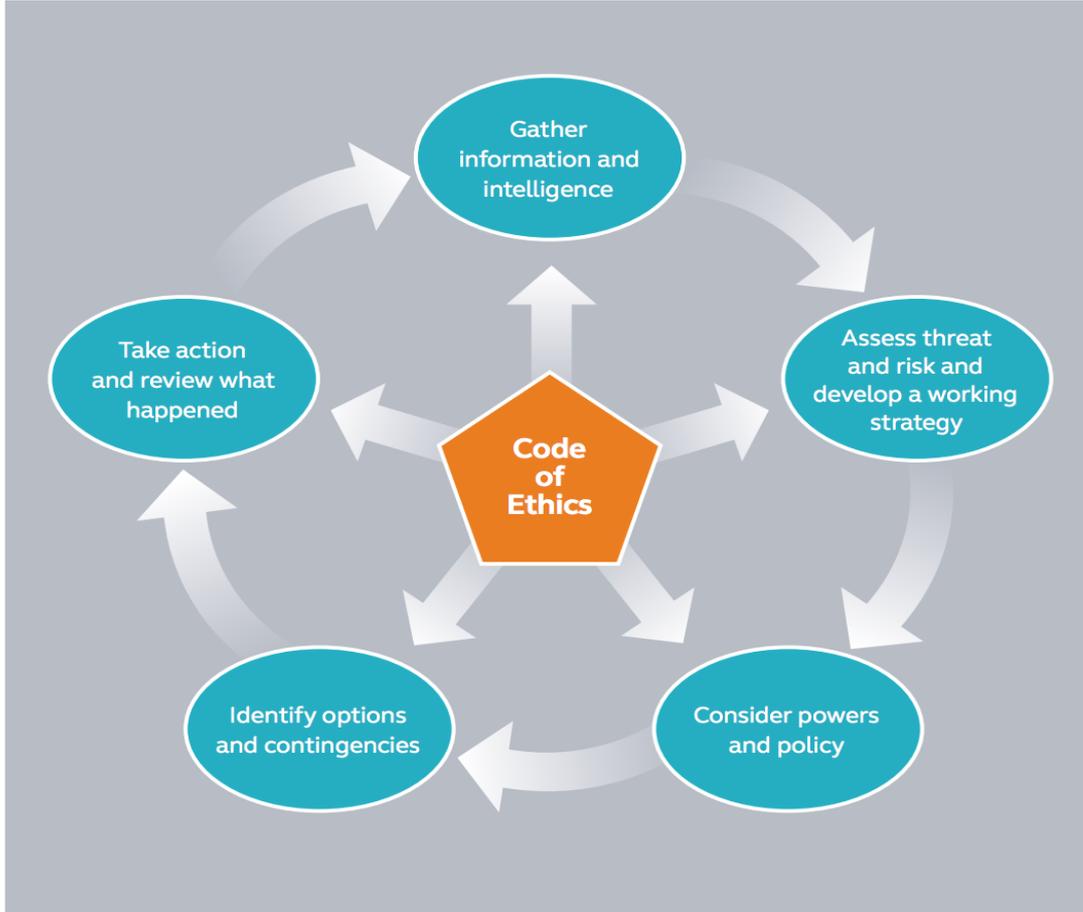
Investigation Principles

- When using legal powers this be done proportionately and without oppression.
- Investigations should be carried out as transparently as possible.
- Understand the needs of individuals.
- Investigators should progress their investigation ethically.



What are ethics?

- Accountability
- Fairness
- Honesty
- Integrity
- Leadership
- Objectivity
- Openness
- Respect
- Selflessness



National Decision Model Code of Ethics

Investigative Skills



- The planning required to conduct an investigation and the investigative process
- Decision making and how it can be improved by applying the investigative mindset
- Investigative and evidential evaluation (which can assist the investigator to determine the value of material gathered during the investigation)
- Creative thinking
- Challenging experts
- Victim and witness care.
- Investigation must be proportionate and take into account local cultural and social sensitivities.



Evidential Test - UK

- Full Code Test to charge:
 - evidence is sufficient to provide a ‘realistic prospect of conviction’, and
 - that a prosecution is needed in the public interest.
- Threshold Test:
 - Must be satisfied that there is at least a reasonable suspicion that the person to be charged has committed the offence.
 - There are reasonable grounds for believing that the continuing investigation will provide further evidence, within a reasonable period of time, so that all the evidence taken together is capable of establishing a realistic prospect of conviction.



Human Rights and Financial Investigation

- Paragraph 1 of Schedule 1 to the HRA lists the Articles under the ECHR:
 - Article 1 Protection of property
 - Article 2 Right to life
 - Article 3 Prohibition of torture
 - Article 4 Prohibition of slavery and forced labour
 - Article 5 Right to liberty and security
 - Article 6 Right to a fair trial
 - Article 7 No punishment without law
 - Article 8 Right to respect for private and family life
 - Article 9 Freedom of thought, conscience and religion
 - Article 10 Freedom of expression
 - Article 11 Freedom of assembly and association
 - Article 12 Right to marry
 - Article 14 Prohibition of discrimination.



The Virgin Islands Constitution Order 2007

- Chapter 2

Outlines the ‘Fundamental Rights and Freedoms of the Individual’

s.19 - Protection of private and family life and privacy of home and other property

s.25 – Protection from deprivation of property



Human Rights Principles and Case Management

- Justification
- Authority
- Proportionality
- Accountability
- Necessity



Police Obligations & HRA & Financial Investigation

- Must show activities are in accordance with the law and are necessary and proportionate
- that there were reasonable grounds to suspect some knowledge or involvement relevant to the criminal offending or disturbance of the peace
- that the proper procedures have been followed, recorded and all actions were authorised
- that the nature of the interference is proportional in its seriousness to the matter being investigated
- all the options were considered and all the relevant factors recorded
- that the methods used were necessary for the purpose of the enquiry.



Strategy Development

The purpose of an investigative strategy is to:

- identify the most appropriate line(s) of enquiry to pursue
- determine the objective of pursuing particular lines of enquiry
- identify the investigative action(s) necessary to efficiently achieve the objectives, taking into account resources, priorities, necessity and proportionality
- direct and conduct investigative actions to gather the maximum amount of material which may generate further lines of enquiry
- understand and manage community impact.



Record Keeping

- The investigator should keep an auditable record of the reasons for taking a particular investigative action. Recording this information demonstrates the accountability and integrity of the investigative process, and provides an invaluable resource for the initial or subsequent investigator and for the organisation.

Auditable decision making



This means:

- making decisions in a timely and proportionate way
- recording what has been done and why it was necessary
- the reasons for taking particular investigative actions and what the outcome was
- providing an audit trail that can be followed in the event of review, scrutiny or new material coming to light.

Evidential Disclosure



“The central importance of the duty of disclosure must be seen from the twin perspective of fairness to the accused and as a vital guarantor of a secure conviction. Cases that collapse or are stayed and convictions that are quashed because of serious deficiencies in disclosure are fair neither to the complainant and the defendant nor to the public and they undermine confidence in the administration of criminal justice.”

Attorney General, Review of the efficiency and effectiveness of disclosure in the criminal justice system, 2018



Relevant Material

- If there is anything that appears to the investigator to have some bearing on the offence being investigated or the person being investigated or on the surrounding circumstances unless it is incapable of having an impact on the case.
- Consider what material may undermine your case or which may assist the defendant.
- Must pursue all reasonable lines of enquiry whether they point to the defendant or not.
- Transparency of the approach is crucial - the prosecution must be able to explain to the defence and the possibly a court what they are doing as well as, importantly, what we do not intend to do/



- Relevant material includes not only material coming into the possession of the investigator (such as documents seized in the course of searching premises) but also material generated by the investigator (such as interview records).



Sensitive material

Sensitive material is material, the disclosure of which, the disclosure officer believes, would give rise to a real risk of serious prejudice to an important public interest. If the material does not fit, then it should be described as non-sensitive.

Give some examples of what may fall into this category.



1. material relating to national security;
2. material received from the intelligence and security agencies;
3. material relating to intelligence from foreign sources which reveals sensitive intelligence gathering methods;
4. material given in confidence;
5. material relating to the identity or activities of informants, or undercover police officers, or witnesses, or other persons supplying information to the police who may be in danger if their identities are revealed;
6. material revealing the location of any premises or other place used for police surveillance, or the identity of any person allowing a police officer to use them for surveillance;



7. Material revealing, either directly or indirectly, techniques and methods relied upon by a police officer in the course of a criminal investigation, for example covert surveillance techniques, or other methods of detecting crime;
8. material whose disclosure might facilitate the commission of other offences or hinder the prevention and detection of crime;
9. material upon the strength of which search warrants were obtained;
10. material containing details of persons taking part in identification parades;



11. material supplied to an investigator during a criminal investigation which has been generated by an official of a body concerned with the regulation or supervision of bodies corporate or of persons engaged in financial activities, or which has been generated by a person retained by such a body;
12. material supplied to an investigator during a criminal investigation which relates to a child or young person and which has been generated by a local authority social services department, an Area Child Protection Committee or other party contacted by an investigator during the investigation;
13. material relating to the private life of a witness.



Case Management Record

- Who?
- What?
- Where?
- When?
- Why?
- How?



What should I look out for?

- evidence of unexplained wealth
- information from the suspect's bank/building society account statements, and those of their family,
- account numbers from cheque books and bank or credit cards,
- information from financial documents regarding pensions/investments/mortgages,
- information from business documents suggesting a working relationship between the suspect and a business or company,
- expenditure information from bills including utility bills/receipts/car/house insurance documents.



I will now provide of an example of a case management document and having considered the intelligence provided in your case it is time for you to begin to your write yours.

This document will be a live document from now until the end of the course. You will be given additional intelligence to act upon and as an investigator you must make a record.



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