SUFFOLK CONSTABULARY

FRAUD ALLOCATION AND INVESTIGATION

Owning Department: Crime and Safeguarding Incident Management Command

Department SPOC: D/Ch Insp Workflow Management

Risk Rating: Medium Low

Legal Sign Off: N/A

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Legal Basis

Legislation specific to the subject of this policy document:

- Fraud Act 2006
- Theft Act 1968
- Criminal Procedure and Investigations Act 1996 (CPIA)

Other relevant legislation which you must check this document against (required by law)

- Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
- Equality Act 2010
- Crime and Disorder Act 1998
- Health and Safety at Work etc. Act 1974 and associated Regulations
- General Data Protection Regulation (GDPR) and Data Protection Act 2018
- Freedom Of Information Act 2000
- The Civil Contingencies Act 2004

Other documentation which you must check this document against:

- National Fraud Policing Strategy 2019-2022

- Fraud: Time to Choose. An inspection of the police response to fraud. HMICFRS
- College of Policing – Code of Ethics
- Norfolk and Suffolk Constabularies' Standards of Professional Behaviour
- College of Policing – Authorised Professional Practice

1. Summary of Changes

1.1 Changes within the scheduled 2022 review relate primarily to updated fraud trends, changes in departmental structures and a revised processes in responding to the needs of victims of Fraud.

2. Introduction

2.1 Fraud and economic crime represent significant threats to communities across the United Kingdom (UK), particularly to businesses and the vulnerable. It is recognised that the volume of fraud impacting on the UK is growing in complexity and diversity.

2.2 Fraud has been globalised and the reach of the fraudster has increased through the use of new technologies, enabling traditional crime to be committed in new ways through the use of computers, computer networks or other forms of information communications technology.

2.3 Fraud and economic crime represent significant challenges to enforcement organisations and investigators. Fraud is often made more complex by the range of enablers and mechanisms to conceal the movement of money and true nature of the fraud.

2.4 Key challenges are assessed as relating to officer capability (training and knowledge), effective joint data opportunities (rich picture), and demand versus capacity.

2.5 This policy also recognises the scale of fraud related offences, significant loss and impact to businesses and individuals, and the targeting of vulnerable people. This policy seeks to ensure that Suffolk Constabulary prioritise fraud investigations appropriately and support national priorities.

2.6 This policy recognises Suffolk Constabulary's part in a wider established network of enforcement agencies and partners in contributing to the effective response to fraud.

2.7 This document sets out roles and responsibilities, reporting structures, assessment process, the Fraud Investigation Model (FIM), established preventative mechanisms, and resources. It also seeks to deal with internal and external escalation processes.

2.8 It is every officer's responsibility to deal with fraud offences in accordance with the procedures laid down in this document.

3. Aims

3.1 To make clear the national structure in place to deal effectively with fraud investigation and Suffolk Constabulary's part in it.

3.2 To define roles and responsibilities of City of London Police, the National Crime Agency, regional crime units, and police forces.

3.3 To provide clear ownership and direction for Suffolk Constabulary staff in understanding reporting structures, lines of responsibility and escalation processes.

3.4 To define Suffolk Constabulary's response to investigation of fraud related offences.

3.5 To outline effective structures which are already in place within Suffolk Constabulary with partner agencies.

4. Statement of Policy

4.1 This policy is supported by Suffolk Constabulary's Fraud Strategy and current vision and values.

4.2 Suffolk Constabulary will ensure that the policing response to reports is in line with national guidance relating to action fraud reporting or local ownership.

4.3 Suffolk Constabulary has a duty to protect vulnerable persons from crime and will ensure that the necessary mechanisms are in place to safeguard the vulnerable from fraud.

4.4 This policy has been formally agreed via the approved policy development/review process. It will be maintained by the Crime, Safeguarding and Incident Management Command in conjunction with the Central Policy Unit.

4.5 The policy is intended to promote equality, eliminate unlawful discrimination and actively promote good relations regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, economic or family status.

4.6 Managers have a responsibility to ensure this policy is applied fairly, and unless otherwise stated, all policies and procedures are non-contractual.

5. Roles and Responsibilities

5.1 There are currently local, regional, and national structures in place for fraud related matters.

5.2 It is recognised that there should be a level of collaboration and partnership working across public and private sectors to combat economic and fraud criminality.

Action Fraud (AF)

5.3 Action Fraud is the UK's national reporting centre for fraud and cyber-crime where instances of fraud, cyber-crime and scams should be reported. It covers England, Wales and Northern Ireland.

5.4 Action Fraud provides a centralised point of contact for information about fraud and financially motivated internet crime.

5.5 Action Fraud is run by the City of London Police working alongside the National Fraud Intelligence Bureau (NFIB).

The National Fraud Intelligence Bureau (NFIB)

5.6 The NFIB are responsible for assessment of the reports and to ensure that fraud reports reach the right places. This involves processing and analysing fraud data to provide actionable intelligence and emerging issues and trends for disruption and prevention. NFIB develop and allocate crime packages to facilitate local, regional and national police functions and law enforcement agencies.

5.7 The Home Office requires NFIB (via Action Fraud) to record fraud for statistical purposes. The Home Office will ascertain total fraud levels for NFIB Recorded Fraud and Cyber offences from the NFIB. This will consist of the national total level of NFIB recorded fraud / cybercrime, demand on police by Force area, and the result of that demand (i.e. outcomes).

The City of London Police

5.8 The City of London Police are the national policing lead for economic crime. The National Lead Force (NLF) was created to provide specialist support and guidance regarding fraud education and investigation to police forces, other law enforcement agencies, and industry. They are also responsible for carrying out investigations for those frauds that cause the greatest harm.

National Crime Agency (NCA)

5.9 The NCA targets criminals and groups posing the biggest risks to the UK by conducting its own operations, providing operational and specialist support to partner agencies and ensuring UK law enforcement makes best use of collective resources.

Regional Fraud Teams (RFTs)

5.10 RFTs are embedded within the existing national Regional Organised Crime Unit (ROCU). There are nine ROCUs across the UK supporting the 43 police forces. RFTs initiate proactive and reactive investigations.

Force-level economic crime and fraud capability

5.11 These exist in a number of police forces. Suffolk does not currently have a Fraud investigation unit, fraud investigations are primarily dealt with by Criminal Investigation Departments (CID) and Community Policing Teams (CPT).

5.12 Suffolk Constabulary has a small team of officers who form a dedicated Fraud Assessment Unit (FAU) within the Crime Co-ordination Centre (CCC). These detectives triage and assess Fraud crimes, provide specialist support in progressing investigations and give direction to investigators across the Constabulary.

Government Departments

5.13 There are a number of government departments which also have a statutory responsibility to investigate certain fraud types. Further details can be found at Departments, agencies and public bodies - GOV.UK - GOV.UK (www.gov.uk) They include:

- Department for Work and Pensions (DWP)

  DWP investigates benefit frauds.

- Single Fraud Investigation Service (SFIS)

  SFIS works with DWP, Her Majesty's Revenue and Customs (HMRC) and local authorities to investigate and prosecute welfare fraud and tax credit fraud.

- Her Majesty's Revenue and Customs (HMRC)

  HMRC is responsible for investigating serious organised fiscal crime and suspected tax fraud.

- Serious Fraud Office (SFO)

  SFO is an independent government department responsible for protecting society by investigating those who commit serious or complex fraud, bribery and corruption, and pursuing them for the recovery of the - proceeds of their crime.

- Charity Commission

  This raises awareness of fraud among trustees and wider public, they provide alerts and warnings to raise awareness of specific frauds and risks and publish wider lessons learnt.

- Insolvency Service

  This has responsibility for administering and investigating companies that have gone into compulsory liquidation or received bankruptcy or debt relief orders. They also investigate allegations of misconduct in live companies.

- NHS Counter Fraud Authority (previously known as NHS Protect)

This is part of the NHS Business Service Authority. It investigates fraud, bribery, corruption and other unlawful actions within the National Health Service.

- UK Intellectual Property Office (IPO)

  Investigate intellectual property (IP) offences. IP relates to copyright, design, patent or an idea that takes a tangible form.

- Her Majesty's Passport Office (HMPO)

  HMPO investigates fraudulent passport applications and offers passport validation service.

- Cabinet Office Fraud, Error, Debt and Grant Function

  This is a service responsible for setting government standards for fraud and error and providing strategic leadership on these matters.

Complaint of Fraud Relating to Local Authorities

5.14 All public bodies including local authorities (such as Local Councils, Police and Crime Commissioners) are monitored and scrutinised by External Auditors appointed by the Public Sector Audit Appointments. External audit was privatised by the government in 2015 and passed the responsibility to accountancy firms appointed under the frameworks by the Public Sector Audit Appointments (albeit with responsibilities to report back to government). The relevant external auditor can be identified by searching PSAA

5.15 The External Auditors will report to the Ministry of Housing, Communities and Local Government (MHCLG) – Efficiency and Accountability unit who will appoint 'Commissioners' who step in to take over the council, MHCLG or the appointed Commissioners then report criminal issues to the police or the National Investigation Service (NATIS).

5.16 Further guidance can be obtained by contacting the National Investigation Service (NATIS) on: Tel. 03000 999111.

6. Action Fraud – Reporting, Assessment and Investigation Process (Appendix A)

6.1 This section deals with the reporting, assessment and allocation of investigation process at Action Fraud level.

6.2 It does not deal with local reports made to local police forces.

6.3 Following a crime report being made to Action Fraud, the NFIB are required to assess that report.

6.4 This will focus on two primary parts, the first a victim assessment, the second an investigation assessment.

6.5 The victim assessment will involve assessing whether or not the victim is identified as vulnerable or in need of additional support. If so, contact is made with the force to address the vulnerability.

6.6 The investigation assessment will consider three main criteria: i) if there are lines of inquiry linked to the report which are likely to identify a suspect, ii) are there suspect details linked to report, e.g. bank account, website, phone numbers and similar; and iii) is there information in the report that would be helpful to partner agency here or police force oversees.

6.7 If any of the above criteria are fulfilled the intelligence/investigation will be passed to either a local police force or partner agency (or oversees agency) to consider an investigation or for victim care.

6.8 Each report is retained and continually compared against new information through NFIB assessment.

6.9 As of 2nd December 2019, Police Scotland will no longer participate in using Action Fraud, any report of fraud relating directly to Scotland should be reported directly to Police Scotland online or via 101.

7. Suffolk Constabulary – Reporting, Assessment and Investigation Process (Appendix B & Appendix C)

7.1 The 'demand on police' is to investigate offences that meet the 'call for service' criteria and offences passed to the Force by the NFIB for law enforcement.

7.2 Where victims contact the police to report a fraud, the police may, unless a police 'call for service' exists, advise the victim that they can report the fraud to Action Fraud directly via the contact centre or on-line reporting tool. If this advice is taken, then there is no need for police to record a crime or information report.

7.3 **'Calls for Service'** relate to reports where:

- Offenders are arrested by police; or
- There is a call for service to the police and the offender is committing or has recently committed at the time of the call for service; or
- There is a local suspect.

NB. Where a person may be vulnerable by reason of age and/or their circumstances, or, suffer from mental or physical disabilities, illness, or other such special feature which renders them either permanently or temporarily unable to care or protect themselves against harm or exploitation, a police record should be made. This does not preclude dissemination to AF following consideration of safeguarding if other 'call for service' criteria is/are not met.

If a crime meets the service criteria or if the victim is identified as requiring safeguarding, the Constabulary will initiate the investigation. These will be undertaken by uniform / detective resources depending on the nature/complexity of the offence and vulnerability. This will include referrals to Crime Prevention and partnership agencies for support and to prevent re-victimisation.

The nature and level of assistance is often linked to the vulnerability of the victim and/or whether they have been repeatedly targeted. The Multi-Agency Safeguarding Hub (MASH) will facilitate contact with support services (e.g. Adult Social Care) if the vulnerability is linked to a need for support managing prevention surveys, advice to relative/carers and liaison with the financial institutions to prevent further victimisation.

A 'local suspect' is defined as where, through viable investigative leads:

- Police can or could locate the suspect with the details provided;
- Have sufficient details to apprehend an offender.

'Local' has its everyday meaning and has been used to ensure that, as with any other crime, where there are local viable investigative leads, police should consider the crime for investigation.

Where this is not the case and the crime needs to be transferred, the crime should be passed to the NFIB or referred to Action Fraud if appropriate.

7.4 **Police Recorded Fraud** relates to fraud that must be recorded by the police and will not be recorded by Action Fraud, the offences are:

- Making off without payment;
- Possess / Make / Supply articles for use in fraud;
- Forgery or use of drug prescription;
- Fraud/Forgery associated with vehicle or driver records.

7.5 Police Officers and Police Staff are responsible for:

- Considering if the person reporting should be referred to their bank / financial institution or Action Fraud;
- Creating a Computer Aided Dispatch (CAD) log and tasking for resources to be deployed where a report meets the Call for Service criteria;
- Creating a CAD log and deploying resources where the offence meets the 'call for service' or vulnerability criteria (section 7.3):
    - Making off without payment;
    - Possess / Make / Supply articles for use in fraud;
    - Forgery or use of drug prescription;
    - Fraud / Forgery associated with vehicle or driver records.

NB. Action Fraud will not deal with the above and these cases should not be referred to them.

- Referring frauds where a motor vehicle or plant equipment has been stolen to Action Fraud after a CAD log / occurrence has been created and the vehicle / equipment circulated on PNC/LEDS.

8. Officer Response to 'Call for Service'

8.1 Investigating officers are responsible for:

- Considering if the person reporting should be referred to their bank / financial institution or Action Fraud;
- If the person is vulnerable or the report meets the Call for service criteria:
  - Conduct a thorough investigation that will include taking statements and securing all available evidence including CCTV; and
  - Consider making an arrest if the offender is immediately available and it is in the best interests of the investigation. In such cases, advice and assistance can be obtained from officers within FAU or area CID.
- Reviewing and applying the Call for service criteria for fraud investigations and ensuring victim's expectations are managed and met accordingly;
- Providing a rationale on a CAD as to whether or not an investigation is recorded, in line with NCRS;
- Record fraud report on Athena which in turn will provide relevant detail to Action Fraud which records fraud crime nationally, in accordance with the Home Office Counting Rules and National Crime Recording Standards.
- Ensuring the fraud is reported to Action Fraud and the NFRC number provided by Action Fraud is recorded on the Athena Tag.
- On finalisation Action Fraud are updated with the HOCR outcome code using the NFRC number to ensure the outcome can be captured.

9. Fraud Investigation Model (FIM)

9.1 All fraud investigations that have been evaluated and accepted as a 'call for service' or referred via Action Fraud for investigation will be allocated to the most appropriate unit or officer to investigate. Allocation will be assessed by the FAU, CCC unless there is an urgent call for service, which will be dispatched to NRT officers. Onward investigation will be to CID or CPT following assessment.

9.2 A fraud trained constable or Detective Sergeant carries out an initial assessment and evaluation within the FAU. Factors that should be considered when undertaking the evaluation should follow the development of an initial case theory (hypothesis). The development of this should be based upon the information presented to identify what may have happened. This initial assessment and subsequent stages of the investigation should be consistent with the Fraud Investigation Model (FIM).

9.3 The Fraud Investigation Model (FIM) has been developed to take account of the unique nature of fraud. It is intended that this model should bring about a structured and logical approach to the investigation of fraud.

9.4 The principles of the model should be central to all Suffolk Constabulary fraud related investigations.

9.5 The model, in comparison to other investigative models, identifies that criminality, risk of harm and loss continues following reporting and during investigation and data gathering stage.

9.6 The model considers the need to limit the period of harm and loss by stopping the fraudster at the earliest opportunity, placing an emphasis upon opportunities for early disruption and prevention with initial evidence gathering and data collection.

9.7 The model recognises the need for a wider consideration for fraud investigation, identifying enablers, opportunities to prevent continued reoccurrence or evolvement of fraud and the need for a more networked response between agencies.

9.8 The FIM is contained within Appendix D.

9.9 In cases where a supervisor considers that a fraud investigation should not be progressed when considering resources available, government and local policing priorities, and competing needs of other investigations, consultation should occur at Inspector level for decision and rationale.

9.10 For investigations appropriate for allocation, the supervisor will allocate to a suitable officer, or raise query of ownership.

9.11 The current fraud allocation process is contained within Appendix E.

9.12 Investigative plans should be in keeping with the FIM.

9.13 All financial investigations and POCA opportunities should be explored through an ERSOU accredited FI.

9.14 Investigating officers will have a continued duty to comply with VCOP and consider the ongoing safeguarding of victims throughout their investigation.

10. Escalation process to ERSOU or reallocation within SC

10.1 Suffolk Constabulary has adopted the ‘principles for escalation’ as a means of identifying suitable cases. Operations suitable for escalation are MoRiLE scored (Management of risk in Law Enforcement), which enables Operations and Investigations of different types to be assessed against one risk matrix. A MoRiLE rationale document completed (ROCTA11). Rationale for escalation should be specific as well as the support required.

10.2 Regional Organised Crime Threat Assessment (ROCTA) moderates the MoRiLE and determines the most appropriate response using the 'principles for escalation' or provides rationale for non-escalation.

10.3 Cases requiring National Economic Crime Centre (NECC) or NLF (National Lead Force – City of London Police) support are submitted direct to NLF by ROCTA.

10.4 Cases suitable for ROCU support are presented to ROCU tasking.

10.5 Cases not adopted by NLF or NECC are returned to referring Force / ROCU with rationale.

10.6 The factors intended to inform assessment decisions relate to serious and organised crime, complexity, need for specialist skill sets, significant loss to large number of individuals or Business, Organisations and similar.

11. Established Preventative Measures

11.1 This section is not intended to duplicate areas of prevention identified through the FIM, but to outline existing and established mechanisms already in existence for Suffolk Constabulary.

Operation Sanctuary (See Appendix F)

11.2 Suffolk response to vulnerable victims of fraud, this process addresses the NFIB victim list received by Suffolk Constabulary to assess the vulnerability of Suffolk residents reporting directly to Action Fraud.

11.3 Operation Sanctuary involves the Strategic Business and Operational Services (SBOS) department reporting monthly figures to staff within the CCC undertaking a triage role, which help their team identify vulnerable victims.

11.4 A prioritisation matrix is used to identify those most vulnerable.

11.5 Advice via email, post or telephone to victims, or visits to the most vulnerable will then be arranged.

11.6 Officers are tasked to undertake visits across the county to those victims identified as most vulnerable or most targeted in order to provide support and give advice to help prevent them being repeat victims in the future. This may also be conducted jointly with other agencies such as Suffolk Trading Standards.

11.7 Details of these visits are recorded on Athena as a PVP record to help track repeat victims.

11.8 Scam Prevention Service/Trading Standards may provide additional advice and guidance for most vulnerable victims.

11.9 Fraud Victims assessed as non-vulnerable in Suffolk are contacted and supported by the Action Fraud National Economic Crime Victim Care Unit (AF-NECVCU) as part of their Level 1 and 2 service.

Banking Protocol (see Appendix G)

11.10 This was launched in Norfolk and Suffolk in 2017. The CCR SOP can be viewed here.

11.11 The protocol identifies that victims, particularly the elderly and vulnerable, are targeted for a range of fraud related offices including courier fraud, romance scams, investment scams and rogue traders, amongst others. The victim is often encouraged to attend the bank in person to withdraw or transfer cash and is often accompanied by the offender to do so.

11.12 The primary objectives relate to:

- Identifying individuals tricked into going into banks and withdrawing or transferring funds;
- Creating a standardised method for the prevention of such fraud;
- Provision of victim support to reduce future susceptibility to fraud;
- Apprehension of offenders.

Suffolk minimum standards:

- CAD for deployment;
- ATHENA report;
- Action Fraud report;
- CCTV recovery and review;
- Victim and witness statements;
- Forensic considerations;
- Crime prevention advice;
- Referrals via MASH if vulnerable adult.

11.13 Suffolk Constabulary has been involved in national community anti-fraud campaigns and provides regular media releases and the use of social media platforms to warn of scams and opportunities to protect against personal fraud. Suffolk has a number of embedded local Community Engagement Officers (CEO) who are able to circulate key messages, including those for fraud prevention, and target activity against those most at risk.

12. Resources

12.1 Suffolk Constabulary investigations are generated by an officer, or created on Athena following NFIB referral. They are then allocated out to the most suitable resource – usually CPC or CID. See Appendix C.

12.2 With the regionalisation of the Economic Crime Unit (ECU), the locally held more complex frauds are now investigated by CID, with less complicated incidents investigated by uniform resources. The scale of the fraud is not necessarily indicative of whether there is associated vulnerability, so this must be an individual consideration. Suffolk Constabulary already has processes in place that utilises 'THRIVE' to assist decision making around allocation.

12.3 Suffolk Constabulary has continued to invest in Detectives attending the Foundation or Specialist Fraud Investigators course and these trained officers are embedded within the FAU and CID.

12.4 Monthly data from National Fraud and Cyber Crime Reporting Centre is routinely compared across our local crime/intelligence recording system (Athena) to identify repeat victims and ensure correct referrals to support/advice services, as well as local policing intervention where appropriate.

12.5 The same level of professionalism is attributed to this as any other investigation; however, other competing and higher priorities may affect timeliness on occasions.

12.6 If the investigations are Cyber dependant, then such enquiries are referred to the joint Norfolk and Suffolk Constabularies' Cyber, Intelligence and Serious Crime Directorate through either the Detective Sergeant or Inspector.

12.7 Acceptance of fraud investigations into Cyber and Fraud Department is assessed taking into consideration a number of factors which are defined.

12.8 Should an investigation require the services of a Financial Investigator (FI) then the OIC completes an application to the Eastern Region Special Operations Unit (ERSOU) by means of a referral form and an FI will be allocated to assist on a case by case basis. ERSOU will then assess the investigation against their own acceptance criteria.

12.9 Access to Regional assets is via Joint Force Tactical Tasking Coordination Group (JFTTCG).

<u>ERSOU</u>

12.10 The Eastern Region Special Operations Unit comprises of three departments whose primary function is the investigation of fraud;

- Regional Economic Crime Unit (RECU);

- Regional Asset Recovery Team (RART).
- Regional Fraud Investigation Unit (RFIU)

RECU

12.11 Relevant investigative support requiring specialist financial investigation techniques to Serious and/or Organised Crime investigations by primary service users. Cases are managed by force Serious and Organised Crime Units or equivalent and will be supported from inception. Other cases will be adopted at an appropriate point as negotiated by the OIC, their supervisor and a team leader within the RECU.

12.12 Initial triaging of Suspicious Activity Reports (SARs) and dissemination of relevant information to forces.

RART

12.13 The RART is a six Force resource covering Bedfordshire, Cambridgeshire, Essex, Hertfordshire, Norfolk and Suffolk and divides priority between two areas of Fraud investigation. The RART is then also split into two areas of business, the Asset Confiscation Enforcement (ACE) and Money Laundering Investigation Team (MLIT) (see below).

12.14 The ACE team forms part of the Regional Asset Recovery Team (RART) and is Home Office funded. The objective of the ACE team is to take control of the compliance/enforcement process, in cases where orders are expected to be beyond the capacity of the investigating FI to realise, from its earliest stages with a view to:

- Tracking compliance with restraint orders and investigating any breaches to bring about prosecution in conjunction with the CPS.
- Work to assist defendants where appropriate to comply with confiscation orders before the time to pay expires.
- Work to obtain compliance following expiry of the time to pay and where necessary conduct investigations to bring about enforcement action.
- Conduct investigations to support the revisit of orders under Section 22 POCA 2002.

12.15 The MLIT undertake serious and/or complex money laundering and fraud investigations which are referred at force level. The referrals will relate to investigations which, at that time, are not within the force’s capacity or capability. The MLIT terms of reference;

The MLIT will respond and deliver Force needs in respect of serious and complex money laundering and fraud investigations that:

- Are tasked by the Regional Tactical Tasking and Co-ordination Group (RTTCG), and

- Are beyond the local investigative capability of that constituent Force, and/or
- Require the application of specialist money laundering investigative tactics in order to effectively deal with relevant criminal entities or nominal(s).

RFIU

12.16 The RFIU investigates significant frauds affecting the eastern region. The nature of these crimes are such that they will often spread wider throughout the United Kingdom and abroad.

12.17 In addition ERSOU have a proactive economic crime team (PECT) to support disruptive activity across the Eastern region.