



NOTTINGHAMSHIRE POLICE

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FRAUD - TRIAGE

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SECTION 1 VERSION CONTROL

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| 1.0 | January 2019 | Yvonne Dales Detective Insp | SOC- Fraud | First issue |
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SECTION 2 BACKGROUND

Fraud is now the most commonly experienced crime in England and Wales with estimates of 3.6 million fraud incidents, an increase of 12.8% from the previous survey year.¹

On average fraud affects one in every ten people and yet only around 10% of fraud is reported to the police service and Action Fraud.

All cases of fraud whether reported direct by the victim or referred by the police are now recorded centrally via Action Fraud and analysed by experts within the National Fraud Intelligence Bureau (NFIB) hosted by the City of London Police as the lead force. Following analysis, the NFIB provides the police and other law enforcement agencies with individual crime packages that identify viable opportunities for either investigation or disruption.

With the exception of crimes meeting the 'call for service' criteria (see below) police can advise the victim to report fraud to Action Fraud directly via the contact centre using the contact telephone number or on-line reporting tool. In general terms a 'call for service' is a report that requires a response from the police. In the case of fraud, the Home Office Counting Rules (HOCR) define the circumstances that should be treated as a call for service. These are:

- a) 'offenders are arrested by the police; or
- b) there is a call for service to the police and the offender is committing or has recently committed at the time of the call; or
- c) there is a local suspect.'²

The expectation is that all referrals from NFIB will be considered for investigation, however, as with 'calls for service' the decision on whether to investigate an allegation of fraud lies solely with the police.

This policy document sets out how Nottinghamshire Police will deal with the increasing threat from fraud. The intention is to provide an improved service to victims by dealing more effectively and efficiently with their reports.

¹ Office for National Statistics , Crime in England and Wales year ending December 2018'

² [Home Office Counting Rules for Recorded Crime: Fraud](#), Home Office, 2018, page 3. A local suspect is where through viable investigative leads, police can or could locate a suspect with the details provided, or have sufficient details to apprehend the offender.

SECTION 3 AIMS / OBJECTIVES

Nottinghamshire Police aim to assess all fraud offence reports within the force and take a common sense, and where appropriate an innovative and partner enabled approach to tackling this crime type that affects more communities than any other.

In making the decision whether or not to investigate an allegation of fraud, a number of factors will be considered, including the nature of the offence, resources available and the potential success of the investigation, the vulnerability of the victim and the impact of the crime. Such criteria is not exhaustive nor ranked in terms of priority.

Nottinghamshire Police will conduct an initial triage assessment to determine whether the allegation is proportionate to investigate. In making this decision the National Decision Model will be utilised each time an assessment is made.

By applying case acceptance criteria (**Appendix A**) Nottinghamshire Police will be able to provide a consistent framework for assessing all local (calls for service) and NFIB referrals through a desktop evaluation. This will ensure that Nottinghamshire Police Economic and Cyber Crime Unit (ECCU) resources target those cases that present the greatest threat, risk or harm to our communities and protect the most vulnerable.

In line with the [Investigating Fraud - College of Policing Authorised Professional Practice \(APP\)](#), the desktop evaluation will utilise all the Fraud Investigation Model (FIM) opportunities to achieve a positive outcome and ensure transparent decision-making.

SECTION 4 DETAILS

4.1 Definitions

A cease and desist letter, also known as an infringement letter is a document sent to an individual or business formally requesting that they stop a specified action (cease) and refrain from repeating the action in the future (desist) under the threat of legal action should the recipient not comply. If the infringing party does not comply with a cease and desist letter, escalating action may be taken and any offender pursued through a criminal investigation.

4.2 Screened out crime

Where a decision is made, following assessment, not to continue investigating a report and a verifiable, identified offender is known Nottinghamshire Police will issue a cease and desist letter as a deterrent to further offending (**Appendix B**)

The exception to issuing a cease and desist letter is where another agency has accepted an investigation (see below).

The Cease and Desist letter is designed as a disruptive tool and consideration for its use should only be applied where other methods of obtaining a positive outcome for the victim have been unsuccessful. Examples, of where cease and desist may be appropriate are attached (**Appendix C**).

4.2 Legislative basis

It is accepted that there is no statutory or other legislative provision dealing specifically with the issue of Cease and Desist letters.

These notices are simply part of an administrative process that if issued properly can provide evidence to support the prosecution of other subsequent criminal offences and/or support civil proceedings.

4.3 Alternative outcomes

Where the outcome of the application of the acceptance criteria is that an investigation will not follow, a key principle will be to ensure that an alternative, effective and appropriate action is taken in accordance with the provisions of the FIM.

- Referral to partner agencies
- Disruption methods
- Signposting/advice in relation to civil procedures
- Submission of intelligence
- Safeguarding/support to victims
- Increasing public awareness
- Crime prevention advice

SECTION 5 LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act 2019; Freedom of Information Act 2000; European Convention of Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.

Appendix A

The below references the factors that should be taken into consideration when determining the investigative response by the force to a complaint of fraud; the criteria are not exhaustive and are not ranked in terms of priority:

Higher priority cases

- Frauds affecting particularly vulnerable victims
- Frauds having a significant impact on the victim(s)
- Frauds giving rise to significant public concern or where it would be in the public interest to pursue an investigation given all the circumstances
- Strong positive lines of enquiry are immediately apparent
- Frauds committed by, or knowingly facilitated by, professional enablers (e.g. *lawyers, accountants*) where regulatory sanctions are not appropriate in the circumstances.
- The offence is believed to be part of a linked series either in Nottinghamshire or the Region
- The offenders are part of an organised crime group and the activity reported would positively impact on the threat and harm inflicted by that group
- There are clear opportunities to identify and restrain assets from the criminals with the aim of pursuing confiscation or forfeiture proceedings.
- Frauds where there is more than a trivial loss to the victim

Lower priority cases

- The investigation would require a disproportionate level of resource to bring the case to a conclusion and would adversely impact on our ability to investigate other crime.
- Frauds where the eventual outcome, in terms of length of sentence and/or financial penalty, is not sufficient to justify the likely cost and effort of the investigation.
- The victim has pursued a civil recourse and has subsequently turned to police for a criminal investigation as a result of dissatisfaction with the civil remedy.
- Delays to the investigation, and subsequent outcome, will be caused by the location of key evidence elsewhere.
- Available resources will permit an immediate and expeditious investigation.
- Frauds where the victims conduct has contributed to the loss, in particular where the police or other professional bodies have given warnings to victims about risks that haven't been acted upon.
- Cases where the victims motive for making the complaint appears to be malicious, is primarily focused on recovering monies owed, or designed to distract attention from the complainants own involvement in the fraud
- Cases where victims are not prepared to co-operate fully with the investigation and prosecution.
- Frauds more suitable for investigation by another enforcement or regulatory agency.
- Investigation that have already been dismissed by other forces other than purely for geographical reasons
- Frauds that have already been investigated by the police or other enforcement agency, or that have been the subject of regulatory proceedings, unless significant

new evidence has come to light or the previous investigation had a narrow remit that did not address the relevant issues.

- Cases where the existence of other proceedings might have a detrimental effect on a criminal investigation and subsequent prosecution.
- Frauds which took place a long time ago (probably more than two years), unless there are exceptional circumstances.
- Test

Nothing in these guidelines should be taken as preventing Nottinghamshire Police from investigating any case that they consider it appropriate to investigate

Appendix B

ECONOMIC AND CYBER CRIME UNIT
RIVERSIDE POLICE STATION
RENNIE HOGG ROAD
NOTTINGHAM
NG2 1RX
Tel: 0115 9670999 ext. xx
E-Mail: xx@nottinghamshire.pnn.police.uk
Website: www.nottinghamshire.police.uk

Dear <suspect's name>

RE: Crime Reference:

It has come to the attention of Nottinghamshire Police that on <date> <amount> was transferred into your bank account <account details>. It is suspected that this transfer originated from a fraud. This means that the money received into your bank account may be 'criminal property' and as such you may be culpable of the criminal offence of money laundering under the Proceeds of Crime Act 2002.

Please be aware that committing offences under this legislation can also include circumstances of allowing someone else to use your bank account or opening up a bank account in your name for someone else to use.

The potential implications of you continuing to receive suspected 'criminal property' into your bank account/s are;

- arrest, prosecution and imprisonment for up to 14 years; and
- a permanent criminal record that could affect your education, career and entry into certain foreign countries; and
- any property or assets obtained with criminal property can be seized and confiscated

Nottinghamshire Police advises you to cease and desist immediately from any activities involving fraud and money laundering. If you fail to stop such action and you do not refrain from repeating the action, escalating action may be taken by Nottinghamshire Police and you may be pursued by way of criminal investigation.

This letter **does not** preclude you from prosecution in relation to any offence.

If you have a reasonable explanation relating to the receipt of the said funds set out at the start of this letter, quoting the above crime reference number, we would invite you to contact the Nottinghamshire Police Economic and Cyber Crime Unit (ECCU).

Please, be advised that if we receive further information of ongoing activity of a similar nature, it may result in a further police investigation.

Yours sincerely,

Nottinghamshire Police

Advice and assistance can be obtained by calling Nottinghamshire Police on 0115 9670999 or at the Action Fraud website www.actionfraud.police.uk.

Appendix C

The use of cease and desist letters may be appropriate in the following non-exhaustive circumstances:

- 1) The identified perpetrator has no previous criminal record and has not been previously subject to a cease and desist letter.
- 2) Vulnerability and Impact relative to the individual making the report will be taken into consideration.
- 3) The alleged fraudulent incident is isolated and of a minor nature and low value such as eBay, Gumtree and is on line or is an equally minor consumer based incident involving goods or services.
- 4) The alleged fraudulent incident is isolated and of a minor nature and low value and involves 'Sales of Goods' or 'Description of Goods' or Services.
- 5) The alleged incident is isolated and of a minor nature and it would not be proportionate to progress further.
- 6) Bank Account has been used to transfer or realise funds subject to an alleged fraudulent incident and the criminal threshold appears not to have been satisfied.
- 7) Following proper assessment the circumstances of the allegation meet the necessary thresholds and a cease & desist letter is appropriate.