



CONSTABULARY FINANCIAL UNIT



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Presented by:

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AIM

To sensitize the audience on the following:

- The role of the Constabulary Financial Unit
- Types of investigative orders
- Process in applying for investigative orders



LEARNING OBJECTIVES

At the end of the presentation the audience should be able to:

- Understand the role of CFU
- Gain knowledge about the types of investigative orders available and the application process.



UNIT PROFILE

The CFU was formed in July 2010 to investigate matters pursuant to the Proceeds of Crime Act 2007 (POCA). The CFU is a unit within the Counter Terrorism and Organized Crime Investigation Branch (CTOC). The unit is housed at the Financial Investigations Division (Ministry of Finance).

The unit comprises of 16 members. There are two (2) investigative teams that work closely with Forensic Examiners within FID, to form the Financial Investigation Team (FIT).



UNIT PROFILE

FIT undertakes both criminal and civil investigations which includes matters such as Money laundering, Cash seizure, Civil recovery of property, Criminal Forfeiture or Confiscation.

The CFU officers are Authorized Officers pursuant to section 2 of the Financial Investigations Division Act, having been designated as such by the Commission of Police.

The CFU officers retain all the powers of a Constable pursuant to the Constabulary Force Act.



INVESTIGATIVE ORDERS UNDER FINANCIAL INVESTIGATIONS DIVISION ACT (FIDA)

- ❑ **Production & Inspection Order, section 17** - This application is made where the Chief Technical Director of the FID has reasonable grounds for suspecting that a person has possession or control of any information, book, record or document ,which is relevant to the investigation of a financial crime.

The application is made in Chambers before a Parish Judge or Judge of the Supreme Court ex parte by an Authorized Officer.



INVESTIGATIVE ORDERS UNDER FINANCIAL INVESTIGATION DIVISION ACT (FIDA)

A Formal Order is prepared and signed by the Judge. This Formal Order specifies the following:

- The name of the person or institution who should comply with the order
- The type of information or document being requested
- The timeframe for compliance with the order
- Who the requested information/document should be provided to.



INVESTIGATIVE ORDERS UNDER FINANCIAL INVESTIGATION DIVISION ACT (FIDA)

Information provided by an individual or institution in compliance with a Production & Inspection Order is not admissible against the person or institution in any criminal proceedings apart from criminal proceedings where the person or body is charged for refusing to comply with the order or providing false information in compliance with the order.



INVESTIGATIVE ORDERS UNDER FINANCIAL INVESTIGATION DIVISION ACT (FIDA)

- ❑ **Account Monitoring Order, section 28-** An application for an Account Monitoring Order can only be made to a Judge in Chambers at the Supreme Court. The Judge will only grant the order if he is satisfied that there are reasonable grounds for suspecting that the person specified in the application:
- Has committed or is about to commit a financial crime; or
 - Was involved in the commission, or is about to be involved in the commission of, such an offence; and
 - Has benefitted directly or indirectly, or is about to benefit directly or indirectly, from the commission of that offence.



INVESTIGATIVE TOOLS UNDER THE PROCEEDS OF CRIME ACT (POCA)

- ❑ **Customer Information Order, section 119-** An application is made to a Judge in Chambers, ex parte by an Appropriate Officer.

Compels a financial institution to provide “customer information” concerning an individual against whom an investigation is being conducted.

Customer information is defined to mean information as to whether a person holds, or has held any account at or, has during a specified period, conducted any transaction with the financial institution. Details of the accounts and transactions are required if the response is in the affirmative.



INVESTIGATIVE TOOLS UNDER THE PROCEEDS OF CRIME ACT (POCA)

- ❑ **Disclosure Orders, section 105-** An application is made to a Judge in Chambers, ex parte by an Appropriate Officer.

This order may either:

- compel a person to produce information or material for the officer to take away;
- Require a person to give access to information or material; or
- Require a person to answer questions.



INVESTIGATIVE TOOLS UNDER THE PROCEEDS OF CRIME ACT (POCA)

- ❑ **Account Monitoring Order, section 126-** An application is made to a Judge in Chambers, ex parte by an Appropriate Officer.

This order compels a financial institution, for a period which initially does not exceed Ninety (90) days, to provide information on accounts held by a person of interest or transactions conducted by such person to an appropriate officer. This period can be extended by an application to the court for a further Ninety (90) days.



INVESTIGATIVE TOOLS UNDER THE PROCEEDS OF CRIME ACT (POCA)

The requirement for making a Customer Information Order , Disclosure Order and Account Monitoring Order-

Forfeiture application- The Appropriate Officer needs to demonstrate that there are reasonable grounds for believing that the person has benefited from his criminal conduct

Civil recovery- There are reasonable grounds for believing that the property is recoverable property or associated property and the person so named holds said property.

Money laundering- There are reasonable grounds for believing that the named person has committed ML.



INVESTIGATIVE ORDERS UNDER FINANCIAL INVESTIGATION DIVISION ACT (FIDA)

The **Judge** must also be satisfied that:

- The information sought is likely to be of substantial value, whether or not by itself, to the investigation; and
- It is in the public interest for the information to be provided having regard to the likely benefit it will have to the investigation.



INVESTIGATIVE TOOLS UNDER THE PROCEEDS OF CRIME ACT (POCA)

Who can make these applications:

Forfeiture Investigation

- The Director of Asset Recovery Agency (FID)
- An Authorized Financial Investigator/ An Authorized Officer

Civil Recovery Investigation

- The Director of Asset Recovery Agency (FID)

Money laundering Investigation

- An Authorized Financial Investigator/ An Authorized officer



THANK YOU

QUESTION ?