



FREEDOM OF INFORMATION REQUEST



Request Number: F-2014-05354

Keyword: Crime

Subject: Proceeds Of Crime Act 2002 Seize Cash For 2009/10 To 2013/14

Request and Answer:

Question 1

The number of orders brought under the Proceeds of Crime Act 2002 to seize cash for each of the last 5 financial years (from 2009/10 to 2013/14 inclusive). Please break down numbers of orders (which should include all unsuccessful orders) by type of POCA order (cash confiscation, cash forfeiture etc.), the value of the cash seized and the amount retained by the police. It would be especially helpful if the information was provided in the attached table.

Question 2

For each of the last two financial years (2012/13 and 2013/14), please can you detail how money collected or retained by the force has been spent, giving specific purchases where possible.

For clarification:

-Money 'retained' refers to money seized under any type of POCA order type (cash forfeiture, confiscation order etc.) that was returned to or remained with the police.

-Under the Act, cash refers to not only notes and coins in any currency, but also bankers' drafts and cheques of any kind (including travellers' cheques)

Answer

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested. The decision has been taken to disclose the located information to you in full.

Please see the details at page 3 below.

In addition the PSNI can neither confirm nor deny that it holds any other information relevant to your request by virtue of:

Section 23(5) – Information Supplied By, Or Concerning, Certain Security Bodies

Section 23 and is a class based absolute exemption and there is no requirement to consider the public interest in this case.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psni.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

Cash Seizures

Please note that some cases remain in the court process, usually awaiting the outcome of a criminal trial (therefore the total of forfeited cash and returned cash may not equal the total actually seized). Money returned includes those cases where all the money was returned to the owner and also those cases where the court directed that not the full amount be forfeited with a percentage returned to the owner.

Year	Cases	Seized	Forfeited	Returned
09/10	165	£1,390,461.13	£577,112.12	£761,906.13
10/11	133	£1,239,042.76	£575,787.97	£448,725.26
11/12	172	£1,429,612.02	£307,253.50	£280,938.03
12/13	170	£1,745,488.05	£820,859.60	£365,320.48
13/14	151	£1,447,071.76	£196,554.33	£367,937.24
Grand Total		£7,251,675.72	£2,477,567.52	£2,224,827.14

Confiscation Orders

The court decides the amount of criminal benefit and also the amount of available assets that can be realised. When the benefit amount is greater than the order amount the individual can be returned to court should he/she comes into possession of new assets. Often to allow for this return process a nominal order for £1 is granted. The subject is given an amount of time to pay and may serve a default sentence if they fail to pay (the amount remains outstanding). Some cases may still be in the appeal process. *The source for the paid to date figures is the Northern Ireland Court Service (via JARD database).*

Year	Cases	Criminal Benefit	Order Amount	Paid To Date
09/10	16	£1,987,389.07	£190,735.40	£189,748.20
10/11	22	£4,966,180.05	£1,344,884.18	£838,204.33
11/12	21	£4,173,471.07	£746,558.50	£423,640.11
12/13	18	£2,808,110.54	£1,036,572.34	£677,585.61
13/14	25	£6,007,612.59	£1,501,908.21	£813,884.21
Grand Total		£19,942,763.32	£4,820,658.63	£2,943,062.46

Money Returned To PSNI

When a cash seizure is successful the money forfeited by the courts is transferred to the Home Office who return 50% to PSNI on a quarterly basis, a quarter in arrears.

When a confiscation order is granted the defendant pays the amount (perhaps by instalments) to the court office and is then transferred to the Department of Justice. 50% is returned and shared between PSNI, PPS and NI Courts Service. PSNI share is 22.5% of the money transferred to the DOJ.

When the money is received 75% is allocated to the 'mandatory' fund, for district and departments who contributed to the total POCA cases (cash seizures and confiscation orders) to assist local districts and departments in procuring equipment and services, including the employment of 12 full-time financial investigators within Serious and Organised Crime. 25% is placed in a 'discretionary' fund. During the past two financial years the discretionary fund has been used for two National Crimestopper Programmes for targeted drug seizures and awareness promotions.

Year	Amount Received	To Districts	Other Projects
12/13	£482,417.10	£361,812.83	0.00
13/14	£547,228.66	£492,000.00	£175,832.93
Grand Total	£1,029,645.76	£853,812.83	£175,832.93