



HERTFORDSHIRE

CONSTABULARY

# Responding to and investigating allegations of fraud

<b>Procedure Status</b>	
<b>Owning Department</b>	Serious and Organised Crime Group
<b>Procedure Author</b>	DS 2178 Pete Hankins
<b>Last review</b>	14/11/19
<b>Next review</b>	31/10/20
<b>Procedure Objective</b>	To outline force policy and procedure around responding to and investigating allegations of fraud (Non sensitive).

**Approved by: DCI Sam KHANNA**

**Date: 14/11/19**

**Version: 1.2.1**

## Contents

1. Procedural aim
2. Process for responding to and investigating fraud
  - i. Action Fraud
  - ii. Vulnerable victims
  - iii. Call for service
  - iv. Receipt of reports from NFIB
3. Fraud Investigation Model
4. Victims and Victims Code of Practise
5. Cyber Dependent Crime
6. Prevent
7. Use of ancilliary orders
8. Interoperability with ERSOU

Hertfordshire Constabulary is committed to providing every member of the community with the highest possible standard of service, irrespective of gender, age, ethnic origin, faith religion, disability or sexual orientation.

Hertfordshire Constabulary is committed to protecting those most vulnerable in our community who are at risk of suffering harm.

Police officers and staff will carry out their duties in accordance with 'The Herts Way'.

## **Procedural aim**

The aim of the policy is:

- To provide an effective response to fraud to both personal victims and businesses
- To ensure all reports of fraud are reported and managed correctly in line with national policy concerning when and when not to refer the matter to Action Fraud.
- To provide clear guidelines to all personnel who receive a report of fraud or are involved in the investigation of such cases.
- To enhance victim care and through the early identification of frauds, and setting clear standards of investigation.

## **Process for responding to and investigating fraud**

### **(i) Action Fraud**

In 2009 the National Fraud Reporting Centre was renamed Action Fraud and in 2014 it came under the control of the City of London Police.

Action Fraud provides the central point of contact for the reporting of fraud and cyber-crime. It receives crime reports and information reports in one of four ways:

- Directly from members of the public over the telephone;
- Directly from members of the public via an online reporting process
- Directly from police forces and other law enforcement agencies on behalf of victims; and
- Directly from businesses using an online bulk reporting tool

All fraud and cyber-crime reports are inputted on to the City of London Police's National Fraud Intelligence Bureau (NFIB) '*Know Fraud*' database. This is serviced by a sophisticated analytical tool that identifies links and common data. Where actionable intelligence is identified, crime packages are disseminated to police forces for investigation. It is important to note that Action Fraud and the NFIB do not investigate recorded fraud and cyber-crime offences.

Police forces do not record fraud and cyber-crimes for Home Office crime statistics purposes (except offences for Making, Supplying or Possession of Articles used in fraud and bilking). This function is managed by the NFIB on behalf of Police Forces in England, Wales and Northern Ireland.

In case where allegations are made directly to police, fraud and cyber-crime offences are recorded differently dependant on the circumstances of the incident and / or the victim. In many cases the police can refer the victim directly to Action Fraud, however there are four situations where this would not be appropriate:

- When the victim is considered vulnerable or at risk (or is unwilling to report themselves)

- When there is a 'Call for Service'
- When the fraud involves an outstanding PNC Registered item, i.e. vehicles, plant etc.
- When the fraud relates to the Making, Supplying or Possession of articles used in fraud, (e.g. ATM device or cloned cards) or bilking from a petrol station.

If one or more of the above criteria is met then police forces are required to generate a 'record' on a local system. In Hertfordshire all frauds are recorded as either:

'Crime Investigation – Action Fraud:- Call for Service'

'Crime Investigation – Action Fraud:- NFIB referral'

With regards the former, once a Call for Service investigation has been recorded on Athena, IMU will use the NFIB expert reporting tool to generate an NFRC number which will be recorded on the enquiry log (This is covered in more detail later in the document).

## **(ii) Vulnerable victims**

Before directing members of the public to Action Fraud it must be established whether the person reporting is vulnerable or at risk. If the victim is considered vulnerable or at risk a STORM incident report (ISR) should be recorded to facilitate officer attendance. This will ensure that Hertfordshire Constabulary can offer the best possible service and that appropriate support is available to prevent further victimisation.

An individual is classified as a vulnerable victim in accordance with the Victims Code:

- Anyone under the age of 18 years at the time of the offence
- Anyone who is suffering from a mental disorder within the meaning of the Mental Health Act 1983
- Those with a significant impairment of intelligence and social functioning
- Those with a physical disability or are suffering from a physical disorder

In addition to the above front line responders must take into account the individual characteristics of the victim and/or the nature of the offending reported, and assess the risk of the offending continuing without positive intervention. Officers and staff should ensure they adopt a broad approach in determining the vulnerability of a victim and do not adhere prescriptively to the classifications above. A victim should not simply be referred to Action Fraud if the victim is assessed to be vulnerable, and there is an immediate need to intervene or the person needs assistance to make their report to Action Fraud.

## **(iii) Call for service**

Police forces are required to make a record of frauds reported to them that they treat as a 'Call for Service', and also report them to Action Fraud for recording by the National Fraud Intelligence Bureau. If

the 'Call for service' criteria are met an Action Fraud non-crime report will be made and a crime investigation initiated.

**Call for service** criteria:

- an offence where the offenders are arrested by police; or
- where, at the time of the Call for Service, the offender is committing or has recently committed the offence/s (all fraud types); or
- where there is a locally known or easily identifiable suspect that through viable investigative leads the police have sufficient information to apprehend the offender

**All calls for service are recorded as: 'Crime Investigation – Action Fraud:- Call for Service' on Athena.**

Vulnerable Victims criteria:

- where the victim is vulnerable. The assessment of vulnerability being made by reference to the Victims Code or based on the call-taker/first contact assessment during their dialogue with the victim; or
- where the victim needs urgent crime prevention advice to prevent them being a continuing victim of this, or any other crime, and/or needs assistance to make a report to Action Fraud

***\*\*The Constabulary currently record incidents involving vulnerable victims in the same fashion as a Call for Service\*\*.***

*Refer to appendix A: Call for service*

Action Fraud do not record the following offences, which should not, therefore, be reported to them but instead recorded in line with National Crime Recording Standards:

- Making, supplying or use of articles to commit fraud;
- Possessing/controlling article(s) for use in fraud;
- Possession of false documents;
- Making off without payment offences. Any offending beyond a simple make off without payment Nb, *where a false representation is made and is assessed as a fraud these must be reported to Action Fraud, for example in the case of a driver filling their car with fuel and then purchasing goods from the garage store but stating they do not have fuel to pay for before driving off, this would be a fraud by false representation and require reporting to Action Fraud;*
- Forgery;

If the fraud offence involves theft of motor vehicles or plant equipment then these must be referred to Action Fraud after a Storm log has been created and the vehicle/equipment circulated on PNC.

Any account holder who tries to report cheque, plastic card or online bank account fraud offences to the police by any means and they have been specifically told to do so by their financial institution, will be referred to the Action Fraud contact centre, unless there is a need for immediate intervention under the 'Call for Service' criteria or unless the caller needs assistance in making a report to Action Fraud. If they have not contacted their financial institution they should be advised to do so as well as make a report to Action Fraud.

**(iv) Receipt of reports from NFIB**

Reports sent to Hertfordshire for investigation by NFIB are received in the Investigation Management Unit (IMU) by way of electronic means using a secure file exchange known as the Secure Vault. The vaults are used by organisations that have been approved by the NFIB to retrieve crime information packages that have been disseminated to them by NFIB. Once extracted, the package is recorded onto Athena.

**All formal NFIB disseminations are recorded on Athena as; 'Crime Investigation – Action Fraud:- NFIB referral'**

Once each separate crime information package has been recorded onto Athena it then gets assessed by a member of IMU to determine which work-tray it should be allocated to. For example frauds which are visibly complex, serious and high value will be disseminated to the HQ based Serious Fraud and Cyber Unit whereas those frauds which don't fall into this bracket will be disseminated to LCU Detective Sergeant for allocation to the appropriate officer or department.

Upon receipt of an investigation report, the SFCU supervisor will utilise the Fraud Investigation Model (FIM) to develop an investigation plan (Features later in the document).

*Refer to Appendix B: Action Fraud Flowchart*

## **Fraud Investigation Model**

Hertfordshire Constabulary are cognisant of the Fraud Investigation Model (FIM) was developed by the City of London Police to deal with the unique challenges posed by fraud. Unlike traditional investigation models, early disruption often takes precedence over investigative considerations and is often deemed to represent a successful outcome, where investigative opportunities are limited or not viable.

The FIM also encourages early liaison with partner agencies who may be best placed to progress an enquiry. There is an extensive range of organisations involved in countering fraud across all sectors including the public, private and third parties. Intelligence held by these organisations may be relevant to a case being investigated by another. A decision should be made as to which is the best agency to take the investigation forward or which combination of organisations should undertake the investigation. For example in the case of a rogue trading offence, an offence under the Consumer Protection from Unfair Trading Regulations 2008 prosecuted by Trading Standards might dependent on the circumstances be a suitable proportionate positive disposal by a partner agency. This is just one example and each enquiry should be considered on a case by case basis.

A key element of the FIM is the mnemonic MAP, which stands for material, assets and people and highlights the areas for consideration in an investigation.

### **Material**

- What offences may have been committed?

- What is the material relevant to the investigation?
- Where is the material located?
- When should the material be recovered?
- What power should be used to recover the material?

### **Assets**

- Engage an accredited financial investigator regarding use of powers under the Proceeds of Crime Act 2002

### **People**

- Identify and manage the suspect
- Identify, classify (vulnerable, key or significant) and manage the witnesses.

*Refer to Appendix C: Fraud Investigation Model*

## **Victims and Victims Code of Practise**

On a monthly basis Hertfordshire Constabulary receives fraud victim data from NFIB for the previous week. As of 1<sup>st</sup> April 2019 a Victim Service Hub that sits within the Victim Service Team and consists of two full time members of police staff and two Catch 22 staff members has the responsibility for contacting each one of the victims listed on the data sheet to assess whether bespoke support is needed for that particular individual. Catch 22 is the charity commissioned by the Office of the Police and Crime Commissioner to provide support services for Hertfordshire residents.

In the event of a fraud investigation emanating from a 'Call for Service', victims will receive bespoke support through the investigating officer. The subsequent investigation will also follow the requirements of the Victims Code of Practise, the key points being:

- In the case of an enhanced service the victim receives an update within 10 days of the initial report or in the case of a standard service, 28 days
- The victim receives further updates within every 28 days
- The victim is updated within 24 hours of a significant event
- The victim is offered the opportunity to make a Victim Personal Statement.

## **Older Person Liaison Officer**

The Older Person Liaison Officer (OPLO) is a Hertfordshire initiative based within the Serious Fraud and Cyber Unit (SFCU) and primarily supports victims of SFCU investigations. The aim of the OPLO role is to

reduce the chances of re-victimisation and to minimise the impact of the crime on the health and well-being of elderly victims (aged 70 or over) who are often left feeling extremely vulnerable following an incident.

These victims are offered a visit by the OPLO, who will discuss the incident and determine whether they require additional services that are necessary to increase their ability to continue living independently and enable them to feel more confident and safe in their own home. OPLOs provide a crucial supportive link between the Constabulary, the victim, and other partner agencies

A referral can be made to the OPLO in the following circumstances:

Victim aged 70 or over and:

- Any type of residential burglary (including attempts and distraction) where the victim has been targeted due to reason of age or forms part of a series being investigated by SFCU.
- Serious incidents of rogue trading fraud offences (over £10,000 of loss to the victim or where exceptional vulnerability has been exploited) and/ or where the offence forms part of a series being investigated within SFCU.
- Telephone based attempts by offenders purporting to be Police Officers, Bank or other public officials in order to fraudulently obtain funds from unsuspecting victims.
- Taking into account a specific set of unique circumstances, any other victim at the discretion of the OPLO with the agreement of the SFCU Supervisor

## **Cyber Dependent Crime**

On a weekly basis Hertfordshire Constabulary receives cyber dependent crime victim data from NFIB for the previous week. These victims whether businesses or individuals are also listed on the monthly fraud data list and will therefore receive contact from the Victim Service Hub. Additionally each cyber dependent victim will be offered an input from the Cyber Protect / Prevent Officer to advise them of ways and means that they can protect themselves better online to avoid the risk of re-victimisation. All cyber dependent crime on this weekly dissemination list is recorded onto Athena and are investigated.

For more detail regarding Cyber Dependent Crimes reference can be made to the Hertfordshire Constabulary policy 'Responding to and investigating Cyber Dependent Crime'.

## **Cyber Protect / Prevent Officer**

The Cyber Protect / Prevent Officer (CPPO) is responsible for the strategic, proactive and reactive response to fraud prevention across Hertfordshire for internal staff, members of public, community groups, charities and small medium enterprises (SME) to name a few, in line with the national Cyber Protect network, coordinated by the City of London Police.

In relation to work around SME businesses, the CPPO must work in partnership with the Cyber Programme Manager at Herts County Council, sharing ideas, best practice and working together to deliver the cyber strategy work plan.

The CPPO will establish relationships with organisations including ERSOU, Herts Growth Hub, Chamber of Commerce and Hertfordshire University's Cyber Security Centre, utilising these contacts to engage with other partners and businesses.

To protect SME businesses from falling victim to fraud and cyber-crime, the CPPO will offer security training based around the National Cyber Security Centre's (NCSC) Small Business Guide.

## **Use of ancillary orders**

The use of orders to provide the necessary support to fraud investigation and management should be considered on every occasion.

The Serious Crime Act 2007 (and subsequently enhanced by the Serious Crime Act 2015) introduced Serious Crime Prevention Orders (SCPO) as a tool to assist in preventing and disrupting serious crimes and reducing harm in the community caused by serious offenders. SCPO's are civil orders that create criminal offences on breach which can attract up to five years imprisonment and/or unlimited fine. The orders are for prohibition, not as an additional punishment and are normally obtained at Crown Court at the point of conviction and approved at the time of sentencing. Alternatively in the absence of conviction, but with strong evidence of being involved in long term serious crime, SCPO's could be obtained in the High Court. Fraudsters are and should be considered for SCPO's.

## **Interoperability with Eastern Region Special Operations Unit (ERSOU)**

Organised Crime Groups (OCGs) involved in fraud will be discussed when relevant at the Regional Tasking and Intelligence Group (RTIG) and Regional Tactical Tasking and Co-ordination Group (RTTCG) to ensure that emerging threats and organised criminality are effectively identified and tackling beyond the boundaries of Hertfordshire. Any bids from the force to ERSOU to review / adopt an investigation are made via the Regional Organised Crime Threat Assessment Unit (ROCTA) escalation process.

## **Appendices**

### **Appendix A**

[Call for service](#)

### **Appendix B**

[Action Fraud flowchart](#)

### **Appendix C**

[Financial investigation flowchart](#)

## EQUALITY IMPACT ASSESSMENT

Name of Sponsor	
Name of Author	
Description of proposal being analysed	
Date EIA started	14/11/19
Date EIA finished	14/11/19
<p>This Equality Impact Assessment is being undertaken as a result of:  <i>Delete as appropriate</i></p> <ul style="list-style-type: none"> <li>• A new or updated policy or procedure.</li> <li>• Any business process including operational and managerial decisions</li> <li>• A result of organisational change</li> <li>• Part of a project proposal</li> <li>• Procurement</li> <li>• Other (please state)</li> </ul> <p><b>Note</b> – For ease of use of this document , we will refer to all of the above as “proposal”</p>	

### STEP 1 – Relevance

The general duty is set out in section 149 of the Equality Act 2010. In summary, those subject to the Equality Duty must have **DUE REGARD** to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

Authors have a statutory requirement to have **DUE REGARD** to the relevant protected characteristics shown below, whilst taking a common sense approach

- age
- disability
- gender reassignment
- marriage & civil partnership\*
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

\*marriage and civil partnership – the analysis applies only to the elimination of unlawful discrimination, harassment and victimisation.

Section 23 of the Equality Act 2006 allows the Equality and Human Rights Commission (EHRC) to enter into a formal agreement with an organisation if it believes the organisation has committed an unlawful act.

Under section 31 of the Equality Act 2006, the EHRC can carry out a formal assessment to establish to what extent, or the manner, in which a public authority has complied with the duty.

Additional guidance can be found by accessing the EHRC website: [www.equalityhumanrights.com/en](http://www.equalityhumanrights.com/en).

Does this proposal have a direct impact on people who:	a) are any part of the Police workforce (including volunteers)?	YES
	b) reside in any part of England and Wales	YES
If <b>NO</b> to both questions		No Further Action and Return to Sponsor for Authorisation
If <b>Yes</b> to either question	Continue through to Step 2	

### STEP 2 – Consultation / Engagement

You should engage with those people who have an interest in how you carry out your work generally, or in a particular proposal. This may include former, current and potential service users, staff, staff equality groups, trade unions, equality organisations and the wider community. In deciding who to engage, you should consider the nature of the proposal and the groups who are most likely to be affected by it.

The proposal owner (Sponsor/Author) must be satisfied that consultation / engagement will take place with the relevant business lead and stakeholders.

This **MUST** include engagement with the following relevant groups:

Equality and Diversity Specialist  
 Staff Associations  
 Staff Support Groups  
 Relevant community groups and members of the public

In addition, consider who else should you consult with internally and externally?

### Who might be affected?

Does what you are considering further the aims of the general duty, to

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

Identify the risks and benefits where applicable, according to the different characteristics.

	Positive Impact or Benefits	Negative Impact or Risks
<b>Age</b> ( <i>Consider elderly or young people</i> )	The policy outlines the benefits of the OPLO which is designed to provide an enhanced level of support to elderly victims of fraud to assess bespoke support required by the victim.	None identified
<b>Disability Groups</b> ( <i>Consider physical, sensory, cognitive, mental health issues or learning difficulties</i> )	This policy does not differentiate any level of service to any group or characteristic.	None identified

<b>Gender Reassignment</b> (Consider transgender, Transsexual, Intersex)	This policy does not differentiate any level of service to any group or characteristic.	None identified
<b>Marriage &amp; Civil Partnership</b>	This policy does not differentiate any level of service to any group or characteristic.	None identified
<b>Pregnancy and Maternity</b>	This policy does not differentiate any level of service to any group or characteristic.	None identified
<b>Race and Ethnic origin</b> – includes gypsies and travellers.(Consider language and cultural factors)	This policy does not differentiate any level of service to any group or characteristic.	None identified
<b>Religious / Faith groups or Philosophical belief</b> (Consider practices of worship, religious or cultural observance including non belief)	This policy does not differentiate any level of service to any group or characteristic.	None identified
<b>Sex</b> (Male, Female)	This policy does not differentiate any level of service to any group or characteristic.	None identified
<b>Sexual orientation</b> (Consider known or perceived orientation, lesbian, gay or bisexual)	This policy does not differentiate any level of service to any group or characteristic.	None identified

	<b>Positive Impact or Benefits</b>	<b>Negative Impact or Risks</b>
Have you considered how this decision might affect work life balance? (Consider caring issues re: childcare & disability, safeguarding issues, environmental issues, socio economic disadvantage, and low income families.)	This is a new policy which outlines the current response by Hertfordshire Constabulary to reports of fraud by both personal victims and businesses. No changes to current process have been brought about by this document.	None identified

### STEP 3 – Assessment

Complete the EIA by analysing the effect of your proposal and detail the outcomes.

What were the main findings from any consultation carried out?

What feedback has been received?

Using the information you have gathered and consultation that you have undertaken answer the following questions. This will help you to understand the effect on equality your proposal might have.	
Has the feedback indicated any problems that need to be addressed?	No
Describe and evidence any part of the proposal which could discriminate	None identified
Can the adverse impact identified be justified as being appropriate and necessary? If so, state what the business case is:	None identified
Where impact and feedback identified, what, if anything can be done?	None identified
What outcome will be achieved that demonstrates a positive impact on people?	Force compliance with the Policy, and HMIC findings in the force response to fraud.

### STEP 4 - Monitoring and Review

**Equality analysis is an ongoing process that does not end once a document has been produced.**

What monitoring mechanisms do you have in place to assess the actual impact of your proposal?	This policy will be subject to a yearly review
<b>Review Date:</b> First review must be no later than one year.	31/10/20

**STEP 5 - Sign Off**

Once the Equality Impact Assessment is complete it should be signed off by the Proposal Sponsor. This sign off is confirmation that the analysis is accurate, proportionate and relevant and actions will be delivered as required.	
Approved by Senior Officer / Proposal lead	DCI Sam Khanna

<b>Item</b>	<b>Details</b>
Document title:	Responding to and Investigating Allegations of Fraud
Owner:	Serious and Organised Crime Group
Author / Reviewer:	DS 2178 Pete Hankins
Date of last review:	14/10/19
Date of next review:	31/10/20

<b>The table below details revision information relating to this document:</b>	
Topic title	Date