

Examining attrition in confiscating the proceeds of crime

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This study sought to identify the extent of attrition (financial loss) in the confiscation order process and why it occurs.

The study found that although the majority of cases experience little or no attrition, there is significant monetary attrition in the confiscation order system. However, much of the overall 'loss' shown by the statistics is artificial and stems from the operation of the Proceeds of Crime Act (POCA) (2002) – in particular, the broad assumptions that can be applied in the calculation of criminal benefit. Policy makers should therefore be aware of the distinction between this 'procedural attrition' and attrition that represents a true loss – in particular that which occurs during enforcement of orders.

The study found positive evidence showing the value of POCA in recovering criminal assets. Nevertheless, there are areas where action could be taken to improve the confiscation process and the amount it recovers.

- *Greater clarity about the scope of POCA's use:* further consideration of how asset recovery resources are best used. The more numerous lower value cases suffer little collective attrition but contribute relatively modest amounts to the overall sums

recovered. In contrast, higher value cases suffer high rates of attrition but contribute most to the total recovered. Consideration should be given to the relative allocation of resources to cases targeted for confiscation.

- *A promotion of a more systematic and strategic approach to the use of confiscation:* more methodical and systematic sifting of cases to ensure that potential confiscation opportunities are not lost, and for strategies to be adopted for revisiting cases where the sums recovered have fallen short of expectations.
- *Improving co-ordination:* ensuring that the asset recovery system is joined up, and that all co-operation and communication opportunities between agencies are being taken.
- *The role of restraint orders:* developing best practice guidance for the effective application of restraint should be considered.
- *Enforcement:* attention should focus on enforcing the orders imposed on serious organised criminals. Doing so will help to recoup larger sums and symbolise that crime does not pay.

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Keywords

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