
Public Protection Partnership use of the Asset Recovery Incentivisation Scheme (ARIS) – Summary Report

Committee considering report:	Joint Public Protection Committee
Date of Committee:	14 th March 2017
Date to be considered by Joint Management Board:	8 th March 2017
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1. Purpose of the Report

To explain how the PPP will be implementing the Asset Recovery Incentivisation Scheme (ARIS).

2. Recommendation

2.1. To agree the principles outlined in the ARIS report and adopt it as policy.

3. Implications

Financial: The PPP conduct criminal investigations as part of its broader enforcement remit. These are funded from the services revenue budget. Where the criteria are met i.e. where financial benefit has been derived from criminal activity the Crown Court may confiscate assets from the guilty party. As investigating and prosecuting authority the PPP receives a proportion of any recovered asset in the form of a specific grant. This cannot and does not form part of the services base revenue budget. The current balance is £355K.

Policy: The inter-authority agreement that set up the PPP requires that the PPP makes effective use of money received under ARIS. In this respect it is desirable that the PPP consider and adopt a robust policy for the use of grant received under the terms of the Scheme. This serves two purposes. In the first instance it addresses the duty placed on the PPP by the inter-authority agreement and secondly it assists in defending any challenge on the decision to pursue confiscation or on the way any grant is spent.

Personnel: All staff employed using money from ARIS will be appointed under the terms of existing HR policies and specifically those that relate to the use of fixed term appointments.

Legal: The framework for financial investigations and any

subsequent confiscation proceedings is set out in the Proceeds of Crime Act 2002 and associated statutory codes. The provisions of the Human Rights Act 1998 apply to the actions of investigator, prosecutor and the Court. There are significant checks and balances in the system. For instance all staff involved in this process are required to be trained and maintain their CPD. There is an independent oversight of accreditation maintained by the National Crime Agency and staff have to be authorised by the Agency. This includes both investigators and officers reviewing procedural applications under the Act. Ultimately all applications are subject to review and authorisation by a Crown Court Judge. Clear case management processes will be followed to ensure that any ARIS related investigations have clear and transparent decision making, minimising the risk of challenge in the courts i.e. there will be separation between investigation and the decision to prosecute the substantive criminal matter.

Risk Management: Each case which has the potential to involve the ARIS policy will be managed through the existing governance arrangements and case management processes. Some investigations lead to costs incurred which do not get recovered and the allocation of ARIS will reduce the risk to revenue budgets.

Property: No implications at this stage.

Other: None

4. Other options considered

4.1. Not implementing policy on use of ARIS:

- Failure to clearly identify the way in which the PPP will operate on ARIS matters could undermine the case management process i.e. defendants and their representatives could argue that there was a financial motivation to take the case.
- Failure to give clarity on how monies recovered are to be allocated could cause the PPP problems in the future, specifically around investment priorities and meeting home office rules.
- Lack of clarity around covering disbursements could result in unnecessary budget pressures at some point in the future.

5. Executive Summary

- 5.1. The report on ARIS is necessary to inform members of the Joint Committee about the nature of how the PPP operates. The ability to recover criminal asset and put it to good use in reducing criminal activity and benefitting the community also sends out an important message that crime does not pay.
- 5.2. The Home Office expect investigating authorities such as the PPP to be clear and transparent about their application of ARIS.
- 5.3. Legal costs associated with investigating criminal activity are not always recovered – for a variety of reasons – and ARIS monies are a way of reducing the financial risks for the PPP.

6. Conclusion

- 6.1. It is important that the PPP is clear on how it applies ARIS.
- 6.2. The positive use of ARIS monies to prevent crime and benefit local communities is central to the overall PPP objectives.

Appendices

- Appendix A – Supporting Information
- Appendix B – ARIS Report