West Mercia POLICE		**POLICY**
Security Classification	**OFFICIAL**	
Disclosable under Freedom of Information Act 2000	Yes	

POLICY TITLE	**Fraud Response & Investigation**
REFERENCE NUMBER	**WMP014**
Version	**2.0**

POLICY OWNERSHIP	
DIRECTORATE	CRIME & VULNERABILITY
BUSINESS AREA	ECONOMIC CRIME UNIT

INITIAL IMPLEMENTATION DATE	**December 2019**
NEXT REVIEW DATE:	**November 2023**
RISK RATING	**MEDIUM**
EQUALITY ANALYSIS	**LOW**

West Mercia Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy.
Please e-mail contactus@westmercia.pnn.police.uk

1.0 POLICY OUTLINE

This document reflects the policy of West Mercia Police. It sets out how officers and staff will respond to incidents involving fraud. The policy is aimed at police officers, control room staff, crime bureau staff, supervisors and management who are involved in the response to, and investigation of fraud offences.

The strategic aim of West Mercia Police is to protect and manage the risk of harm to those persons who live, work or travel within these boundaries. This is reflected in the policing priorities of Safer People, Safer Homes and Safer Roads. The effective response and investigation of offences of fraud is paramount in order to afford our communities more protection and thereby increase trust and confidence.

This policy is also produced in line with the HMICFRS recommendation that all Police Forces should publish their force’s policy for responding to and investigating allegations of fraud (in relation to both calls for service and National Fraud Intelligence Bureau disseminations for enforcement).

2.0 PURPOSE OF POLICY

Since the inception of Action Fraud and the National Fraud Intelligence Bureau (NFIB), West Mercia Police has had established processes and guidance for staff dealing with fraud reports, within this national framework. This policy seeks to formalise those practices into a single policy and procedure. This is in line with HMICFRS recommended practice and meets the West Mercia Service and Leadership Ethos of Simplicity, Standards and Service.

The aim of this policy is to set out clearly how we will investigate reports of fraud and the service that the public can expect; either when reporting a fraud directly to the force (as a call for service) or when their report made via Action Fraud is disseminated to the force for investigation. The standards and service set out within are compliant with the Code of Ethics and consistent with our force Vision and Values of Protecting People from Harm and Placing the Public First.

Fraud offences fall under the priority of Safer People, as they represent serious acquisitive crime and are often perpetrated by Organised Crime Groups. This policy is victim focussed, explaining what victims of fraud can expect from West Mercia Police and giving them the confidence to report Fraud within the local and national reporting framework. Fraudsters frequently target the most vulnerable people in our communities and the approach of this policy is to reduce vulnerability; via robust investigations into fraud, that consider both criminal justice outcomes but also disruption and prevention opportunities. This is essential given the scale of the challenge presented by fraud, which can see criminals operating across force, national and international boundaries.

This policy seeks to redress the misconception that fraud is a victimless crime that police do not take seriously. The scale, complexity and impact of fraud poses a significant threat, particularly on vulnerable groups, who require safeguarding from those seeking to exploit them.

The Fraud Response and Investigation Procedure outlines the requirements to achieve these aims and objectives; it includes our initiatives to protect people against fraud such as Project Prospero, the Banking Protocol and Operation Hazel. The Procedure seeks to explain the role of different members of our workforce in investigating fraud, to empower them to deliver that service.

HMICFRS have recommended that forces ensure victims are provided with consistent information on the role of Action Fraud and the process for which their fraud report will be considered for assessment or referral to police by the National Fraud Intelligence Bureau. Victims should also understand how to obtain an update on the progress of their case and how, following a referral from the NFIB, the decision on whether and how to investigate rests with the local police force to which the report is sent. Victims should also be aware of the options to seek civil redress as an alternative, in cases where criminal investigations are not carried out or do not lead to convictions.

Detailed guidance on the above information to be communicated with victims is now embedded within the Force Procedure, so that members of West Mercia Police are able to provide fraud victims with consistent information. A summary of that information for victims is provided below.

The role of Action Fraud
Action Fraud is the national reporting centre for fraud and cybercrime where victims should report fraud in England, Wales and Northern Ireland. Reports can be made any time of the day or night using the online reporting tool and advisors are available on web chat 24 hours a day to give help and advice. When victims report to Action Fraud they will receive a police crime reference number. Reports taken are passed to the National Fraud Intelligence Bureau. Action Fraud does not investigate crimes.

How crime reports are assessed
Reports to Action Fraud are considered for assessment or referral to the police by the National Fraud Intelligence Bureau, operated by the City of London Police. Reports are assessed against Home Office Counting Rules, which are the standards against which police record crime. Reports from different parts of the country are linked through analysis. Reports are then triaged to determine those that are highest risk, threat or harm.
Triaged reports are assessed by crime reviewers who consider the viability of each report, or series of reports. This ensures there are definitive lines of enquiry for a force, to progress. Crimes that meet the viability test are referred to the appropriate police force (or other law enforcement agency) for action. The recipient may not always be the victim’s local police force.
Information provided on the bank accounts, websites and phone numbers used by fraudsters is regularly provided to industry partners, so they can stop them from being used against future victims. Not every report results in an investigation, but every report helps to build a picture of offending and is retained for future intelligence.

How victims obtain an update on the progress of their report
If the victim has registered on the Action Fraud system, they will receive automatic updates through an individual account. They will also receive postal updates. If victims wish to seek an update outside of the above, then an update can be requested through the ‘Contact Us’ facility on the Action Fraud website.

If a report is disseminated to a police force the victim will be provided with the name of the recipient force. Once the report has been disseminated, the recipient force takes responsibility for providing victims with updates on progress.

What happens once a report has been referred to a police force?
Each police force (including West Mercia Police) will review and assess referrals from the National Fraud Intelligence Bureau. We will triage these reports based upon threat, risk and harm and local priorities set by the Police and Crime Commissioner. Victims will be provided with regular updates from West Mercia Police on the progress of their report. If we decide no further action will be taken, we will communicate this to the victim with a rationale for the decision.

Options to seek civil redress
Where criminal investigations are not carried out or do not lead to a conviction, victims may wish to consider other options to recover losses. There are Civil Asset Recovery Agents who may be able to act on a victim's behalf to recover criminal assets that represent some or all of the losses. Before choosing a Civil Asset Recovery Agent, victims should undertake checks to ensure they are legitimate. The Financial Conduct Authority has details of known fraudulent Civil Asset Recovery Agents.
If victims engage a Civil Asset Recovery Agent, they should update their Action Fraud report with the details. This update can be made through the victim's individual account or through the 'Contact Us' facility on the Action Fraud website.

3.0 IMPLICATIONS of the POLICY

Legal Considerations

There are several pieces of relevant legislation that allow for the effective investigation of fraud offences:

- Theft Act 1968
- Fraud Act 2006
- Computer Misuse Act 1990
- Proceeds of Crime Act 2002 (as amended by Serious Crime Act 2017)
- Financial Services and Marketing Act 2000
- Bribery Act 2010
- Police and Criminal Evidence Act 1984
- CPIA 1996

Human Resources / Training

Training has been identified as a requirement to effectively implement this policy. Through the Police Transformation Fund a number of Specialist Fraud Investigation courses have been provided to enhance capability. These courses have been provided by the Economic Crime Academy and staff from within local CIDs and the Economic Crime Unit have been allocated courses.

Financial Implications

There is no requirement for additional funding and existing funding will be sufficient to implement this policy.

Code of Practice on the Management of Police Information

This policy will be subject of MoPI principles and will be reviewed subject to changes in resources or procedures.

4.0 PROCEDURE

The procedure is contained within a separate document, which outlines the requirements to achieve the aims and objectives of this policy.

Business Lead/ Chief Officer Consulted	Date Consulted
T/Supt ECU/ T/ACC C &V	October 2021

5.0 DOCUMENT HISTORY

The history and rationale for change to policy will be recorded using the below chart:

Date	Author / Reviewer	Amendment(s) & Rationale	Date of Approval / Adoption
Sep 2019	J Cooper	New Policy for West Mercia	JNCC 18/12/2019
Oct 2021	E Wright	Update policy for West Mercia – scheduled review and HMICFRS recommendation inclusion v2.0	JNCC Exec Board 09/11/2021

6.0 CONSULTATION

Consultation has been undertaken with the OCC, the Crime Bureau, SPI, the Force Crime Registrar, stakeholders in investigation and the Critical Friends group.

7.0 ASSESSMENT AND ANALYSIS

This procedure has been subject of an Equality Analysis (EA), Health and Safety Assessment (HAS) and Risk Assessment (RA) and is available on a separate document.

8.0 MONITORING / EVALUATION

The monitoring and review of this policy is the responsibility of the policy owner.

9.0 DATA PROTECTION IMPACT ASSESSMENT

- Is a DPIA required – Yes 1st November 2021

DPIA agreed and approved by Audit, Risk and Compliance on 7th December 2021