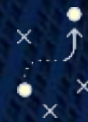


The background is a close-up, low-angle shot of an open book. The pages are slightly blurred, and the lighting is warm and golden, creating a soft glow. The book is positioned horizontally across the middle of the frame.

Private Prosecutions & Covert Investigation Cyprus – October 2019



Intelligence to assist decisions.



Strategy to mitigate security risk.



Capacity to protect operations.



Response to criminality.

Why Private Prosecutions?



■ FRAUD

‘Victimless Crime’ – GBP 1.2bn in 2018

Limited resources or not investigated by law enforcement in the UK



■ DETECTIVE SHORTAGE

‘National crisis’ – Met 700 short

25% cuts to police and CPS



■ ALTERNATIVE OPTIONS

‘Private Prosecution – alternative for victims

See justice done with no state involvement

What is a Private Prosecution?

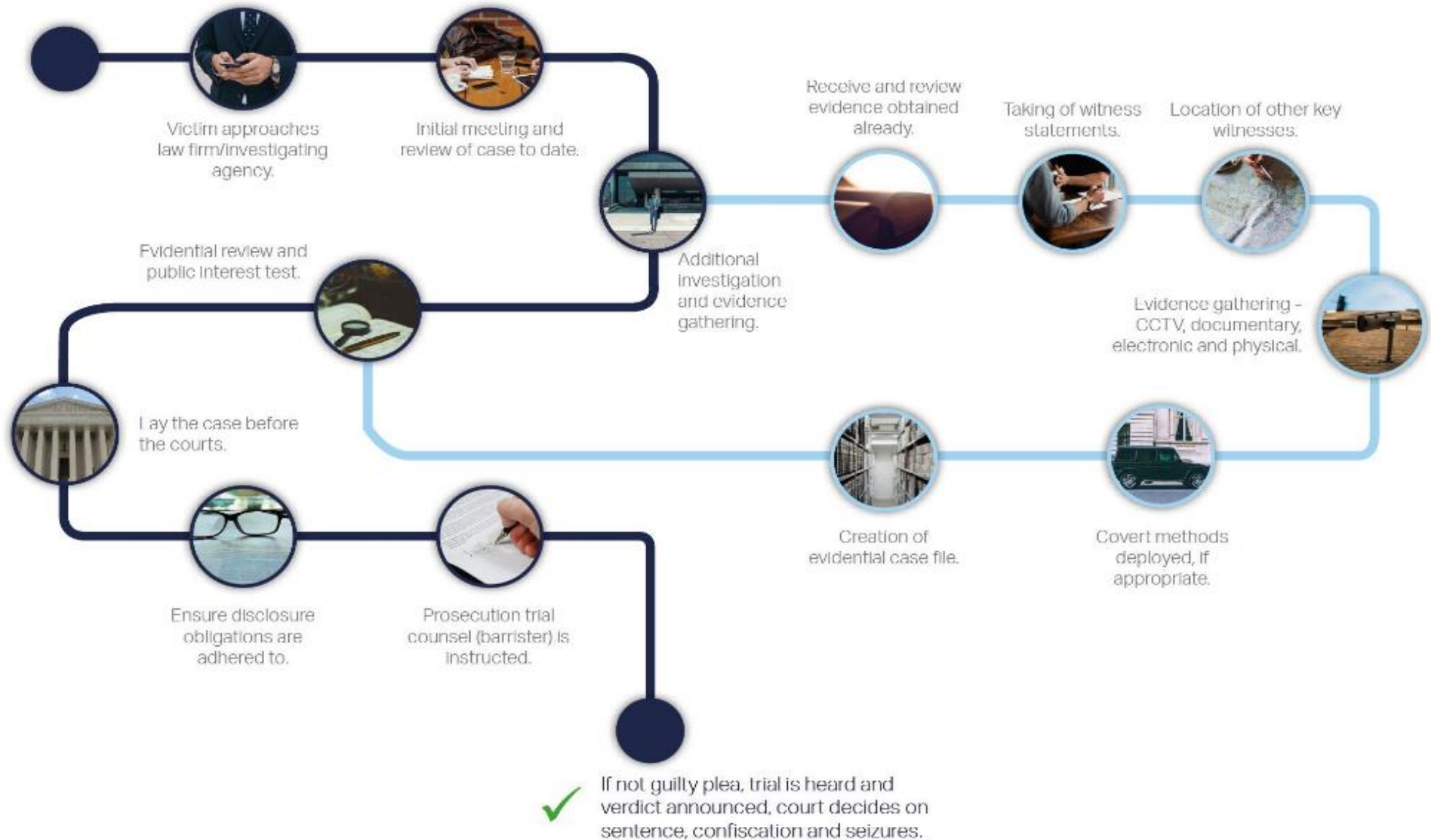
A Private Prosecution is a criminal prosecution, that is bought by an individual or company rather than a state prosecuting body.

Most cases can be prosecuted – primarily fraud

An element of the offence must have been committed in the UK

Outcome – Criminal convictions and court orders

Steps in a private prosecution



What are the key considerations for starting a private prosecution?

Onboarding

- Motivation
- Costs
- Investigation and evidence gathering standards

Independent Investigative 'Body'

- Same duties as a state investigator
- Investigate all lines of enquiry – towards and away from guilt
- Fairness of trial

Investigation standards

- Strictest standards of investigation
- Compliant / in the spirit of PACE, RIPA as applicable
- Overtly transparent
- Disclosure obligations

What is 'disclosure'?

- ❖ From the very start of the investigation
- ❖ All material that is not part of the 'evidence' is unused material
- ❖ A decision is taken if it is 'relevant'
- ❖ Data analysis
- ❖ All relevant material should be retained and scheduled
- ❖ The 'disclosure test' is applied to all material, ongoing through the investigation
- ❖ Fairness of trial
- ❖ Different rules to civil cases/legal privilege





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Why Covert Investigations?



Reactive enquiries only go so far – criminals know how to get around systems and avoid detection



Burden of Proof – insufficient evidence may mean cases not proceeded with



Covert methods have a variety of uses, from criminal investigations, asset tracing and litigation support



Covert methods provide overwhelming evidence, leading to guilty pleas and reduced legal costs

Covert investigation is one element of an investigation; to succeed it needs to be built on a strong foundation.

Ensuring the reactive investigation is conducted thoroughly, and the covert work undertaken correctly, is vital to the success of a criminal case

Example – Hatton Garden

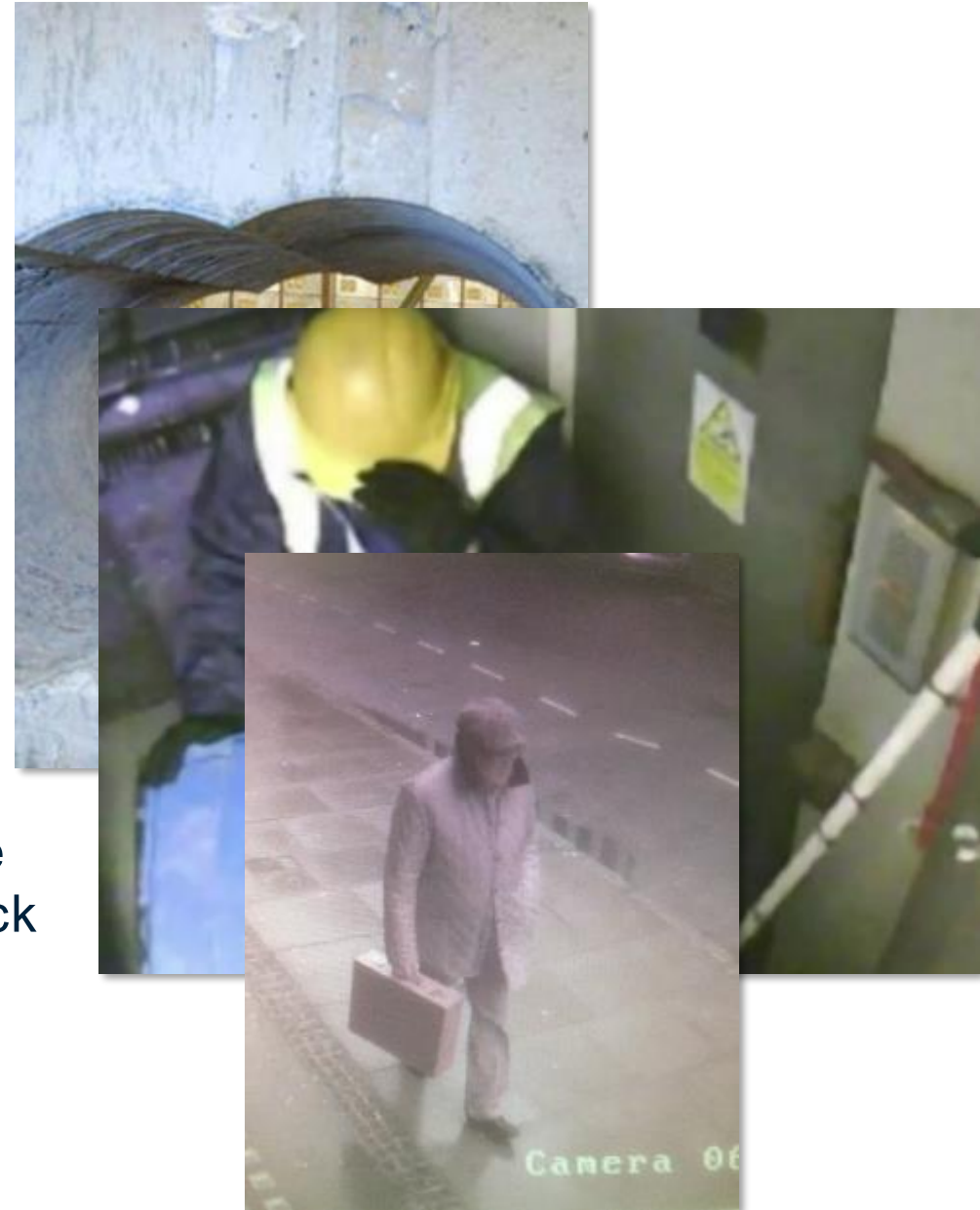
Largest ever commercial burglary in the UK

Tens of millions of pounds stolen

Limited reactive evidence

One suspect identified, wider investigation required

Covert investigation required to identify the offenders, gather evidence and recover stock



Example – Hatton Garden

Subject identified did little for a month

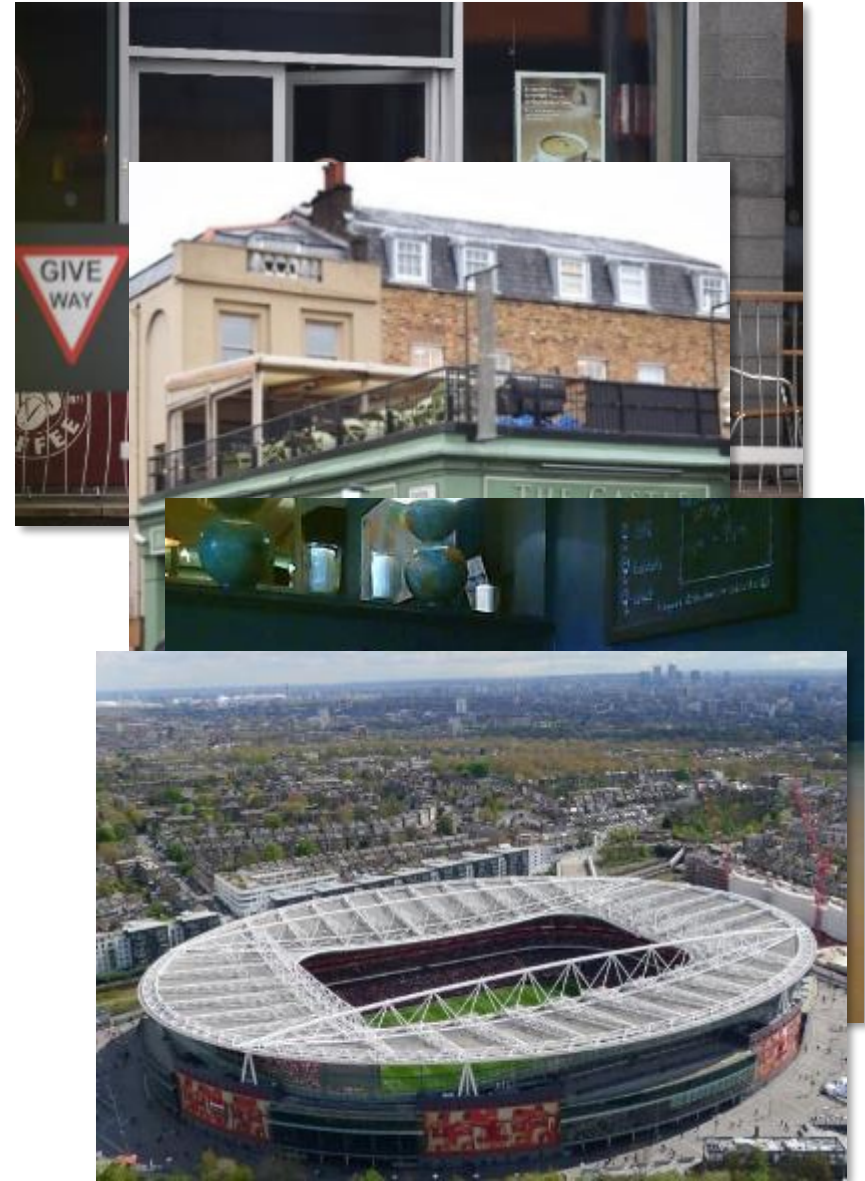
All meetings face to face

Meetings in pub – audio recordings and lip readers

Vehicle probes

Identified suspects and locations of safehouses through audio recordings

Co-ordinated arrest phase to recover as many stolen items as possible



How else can covert investigations be of use?

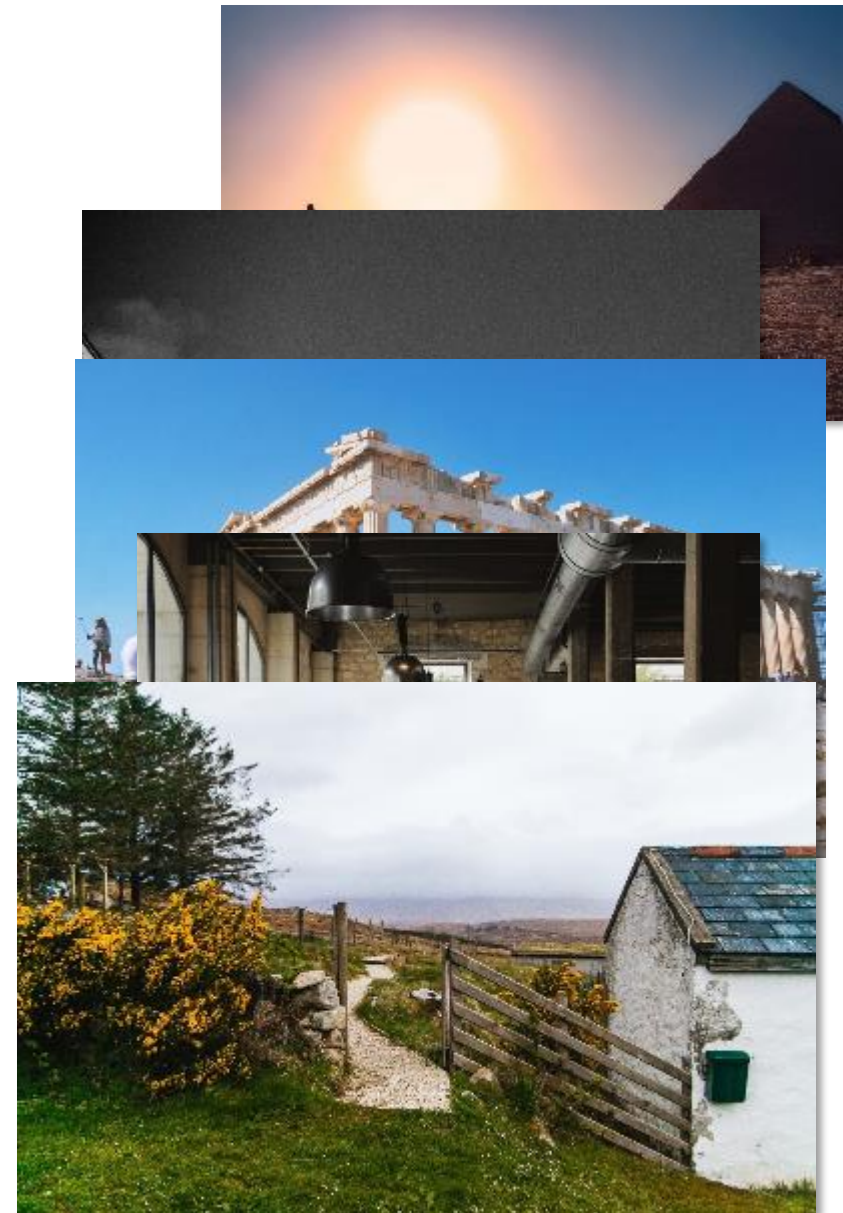
Location of Individuals

Asset Tracing

Litigation Support

Counter Surveillance

Other Cases



A live example



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