

**WEST MIDLANDS POLICE  
AND CRIME  
COMMISSIONER**

NON CONFIDENTIAL

**NOTICE OF DECISION**

**[012/2018]**

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**Title: Allocating Seized Money to Crime Reduction Activities**

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**EXECUTIVE SUMMARY**

West Midlands Police seize money relating to criminal activity as part of their role in detecting and preventing crime. This is held by the Force and there is a process in place to ensure there is a clear understanding why the money was seized and who it was seized from. This clear audit trail is needed to enable seized money to be confiscated under specific powers and released where appropriate.

For miscellaneous seizures before 2005 there were no claims for at least 4 years, therefore this decision recommends that the amount of £800,874 is withdrawn from the miscellaneous seizures account and used to support crime reduction activities across the West Midlands.

If there is any subsequent claims made by individuals for the money that was previously held in the miscellaneous account this will be met from unallocated reserves.

**DECISION**

That miscellaneous seized money prior to 2005 is allocated to crime reduction activities.

In making this decision it is accepted that if there is any future claim on this money it will be met from unallocated reserves.

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**West Midlands Police and Crime Commissioner**

I confirm that I do not have any disclosable pecuniary interests in this decision and take the decision in compliance with the Code of Conduct of the office of the West Midlands Police and Crime Commissioner. Any interests are indicated below.

Signature.....

Date.....  
11.6.18

# **FACTS AND ADVICE TO THE POLICE AND CRIME COMMISSIONER**

## **INTRODUCTION AND BACKGROUND**

Internal Audit completed a review in 2017 to ascertain and evaluate the procedures in operation in relation to the funds seized by West Midlands Police. A recommendation from the review was work should be undertaken to review the money held in the miscellaneous seized monies account and consideration should be given to utilising the funds for the benefit of crime reduction and prevention.

Legal advice has been sought and consultation has taken place with other PCC's to ascertain the correct approach to be taken with the miscellaneous seizures up to 2005. Based on this advice and given there have been no calls on the account for at least 4 years, it is proposed that the £800,874 in the miscellaneous account is utilised on crime reduction activities across the West Midlands. In allocating the money to particular projects the Chief Constable of the West Midlands will be consulted. With this proposal the risk is accepted if there are subsequent claims against the account it will be met from an unallocated reserve.

In the construction of this decision paper the Chief Constable of the West Midlands has been consulted.

## **FINANCIAL IMPLICATIONS**

Releasing the £800,874 from the miscellaneous seizure account will enable crime reduction activities to be funded that are of a one off nature. If there are any subsequent claims against the account there is an acceptance this will have to be found from an unallocated reserve held by the PCC.

## **LEGAL IMPLICATIONS**

Cash can be seized under the Proceeds of Crime Act (POCA) 2002 or under the Police and Criminal Evidence Act (PACE) 1984. If cash is seized under PACE but then PACE ceases to apply, for example the CPS decides not to proceed with a criminal prosecution that cash can be seized again, detained and forfeited under POCA as long as the officers believe that the cash is the proceeds of crime.

The distinguishing feature between the two statutory regimes is that under PACE 1984, the issue of the money having been obtained through criminal behaviour has to be proved to the criminal standard: beyond all reasonable doubt and in the case of POCA 2002 it has to be proved to the civil standard which is that on the balance of probabilities the money comes from criminal activity.

For the money held in the miscellaneous seizure account before 2005, given the length of time since the money was seized and acceptance of risk around of any potential claim against the cash the approach within this decision is acceptable.