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## **ASSET RECOVERY PROCEEDINGS AND INVESTIGATION**

### **Introduction**

Organised criminal groups operate without borders and their main motive is financial gain and they increasingly acquire assets in member states other than those in which they are based and also in third countries. Accordingly, law

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enforcement services should have the necessary measures to trace and investigate financial trails of criminal activities, same, there is an increasing need for effective international cooperation on asset recovery and mutual legal assistance. Firm and decisive law enforcement measures and serious legal consequences, also, more effective investigation, and freezing alleged proceeds of crime are amongst the most sufficient instruments of combating organised crime.<sup>2</sup>

The Asset Recovery Office (Vagyon-visszaszerzési Hivatal, henceforth referred to as VVH) established in 2015 as an independent department of the Intervention Police of the National Investigative Authority (Készenléti Rendőrség Nemzeti Nyomozó Iroda) has two divisions.

In accordance with the provisions of Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds of crime, or other property related to crime, the Council requires each member state to establish national asset recovery offices with the necessary skills of quick information exchange.

The main reason behind organised crime is financial gain, a further stimulus for committing further crime and cross-border criminal activities. Accordingly, law enforcement services should have the necessary skills to investigate and analyse financial trails of criminal activities, and information that can lead to the tracing and seizure of proceeds from crime has to be

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<sup>2</sup>Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union

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exchanged rapidly.<sup>3</sup> Law enforcement bodies must exchange professional skills and measures to investigate financial traces of organised criminal groups. VVH is cooperating with asset recovery offices of the European Union facilitating increasing chances of Hungarian authorities to recover Billions of illicit assets forwarded by criminals to third countries. In order to combat organised crime its economic background must be weakened.

### **Conditions of asset recovery procedures**

Asset recovery procedures may be pursued parallel to investigation and / or upon the final and binding order of the court.

The asset recovery authority is an investigative body appointed to pursue the asset recovery procedure. Asset recovery authority is the police. Nevertheless, statutory provisions of law make no distinction between police as a law enforcement force conducting actual investigative tasks and the actual asset recovery institution. Asset recovery procedure is a supplementary investigative procedure with the objective to trace and secure immovables or assets subject to confiscation or civil forfeiture, and to complete asset recovery tasks, but not gathering evidence.<sup>4</sup>

The asset recovery authority is not entitled to initiate the asset recovery procedure *ex officio*, hence it may only be pursued upon judiciary request of the prosecutor or police. During this procedure only the information or data necessary to complete the asset recovery may be forwarded by the prosecutor or

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<sup>3</sup> Council Decision 2007/845/JHA

<sup>4</sup>Be. Section 554/Q (1)

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the police. However, this also begs questions about the consideration of the prosecutor or the police on what information they deem necessary to complete the procedure.<sup>5</sup>

In my view, all available accounts of the investigation gathered until ordering asset recovery must be passed to the asset recovery authority for further study, supplemented with the accounts recorded later, after the initiation of the procedure. Having regard to the fact that tracing the entire assets may only be completed upon the assessment and analysis of all available data, and also the fact that investigation is most often based upon fragmental information, only this approach can ensure completion of security tasks.

If the investigation is pursued by the National Tax and Customs Authority thereto (henceforth NAV), and NAV files a request to the asset recovery authority, NAV may initiate the establishment of a joint investigation group with the asset recovery authority.<sup>6</sup> Asset recovery offices may only complete procedural actions upon preliminary notification of the prosecutor, under the condition that they are not entitled to order deprivation of liberty (custody), neither to pursue interrogation of the suspect, however, they might be present at the interrogation with the right to address questions to the suspect.

The asset recovery authority shall deliver the seized proof of evidence to the prosecutor or the police immediately, and is obliged to forward new accounts of inquest prior to the disclosure of the accounts of investigation.<sup>7</sup>

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<sup>5</sup> Should the information gathered during the criminal investigation as part of the surveillance of electronic communication (extract or accounts of audio surveillance) eventually refer to the fact that the perpetrator 'has gone horse-riding' or 'he/she went to Rose to the riding school' before conducting the criminal act it's recommended to forward this information to VVH as well, in order to check whether the target person is a horse-owner in NEBIH OLIR (National Horse-breeding IT System). The response provided to the request may assist identification of the assets subject to confiscation or civil forfeiture in asset recovery.

<sup>6</sup>Be. Section 554/Q (2) (3)

<sup>7</sup>Be. Section 554/Q(4) (5)

After the final and binding order of the court, asset recovery may be ordered repeatedly if the confiscation or civil forfeiture ordered in the final court decision was proved insufficient. In this case procedure may be initiated by the prosecutor upon the records taken on the intermission of judicial execution ordering the asset recovery authority to pursue the procedure. After the termination of seizure the asset recovery authority and/or the prosecutor shall provide the instrument or asset to the executor if the instrument or asset has been acquainted by the person falling under the seizure or forfeiture order. The order of the prosecutor or the asset recovery authority shall terminate the procedure if the instrument or asset subject to seizure or civil forfeiture could not be found during the asset recovery.<sup>8</sup>

Approaching the asset recovery authority to pursue the asset recovery procedure shall be justified if tracing the instrument or asset subject to seizure or civil forfeiture is complicated or would lead to the delay of the investigation.<sup>9</sup> Civil forfeiture is one of the most significant punishment-like sanctions, resulting in entire or partial deprivation of one's property.<sup>10</sup>

### **Tasks of the Asset Recovery Office**

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<sup>8</sup> Be. Section 554/R (1) (2) (3) (4)

<sup>9</sup> Decree No. 11/2003 (ÜK 7) Attorney General's order on the tasks of prosecution related to pre-trial motions, supervision over the rightfulness of investigation and raising charges

<sup>10</sup> Máté, Sivadó, Jelenkori drogpolitika Magyarországon és Európában, tengerentúli kitekintéssel PhD. értekezés 2015. p. 55.

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In accordance with the provisions of Decree No. 45/2010 (OT 25) order (of the National Police Headquarters, hereinafter referred to as ORFK) in the course of tracing, investigating proprietary criminal actions and criminal acts promising significant financial gain and gathering evidence during the procedure, the law enforcement bodies of the police must attempt to use and allocate their forces, means and measures appropriately and proportionally in order to trace and identify illicit incomes and other proceeds of crime and trace the financial background of the perpetrators. When tracing illicit assets, focusing on the assets directly related to the perpetrators and to their close environment is not sufficient enough, moreover, their business interests, financial investments and savings must also be taken into consideration.<sup>11</sup>

Primarily, the objective of asset recovery and also the responsibility of the authority is damage reimbursement of the injured party, possibly resulting in sufficient reimbursement of the damages suffered.<sup>12</sup>

Special attention must be taken to map the financial circumstances of potential perpetrators in cases of covert intelligence gathering pursued prior to the criminal procedure, furthermore, the investigation plan must enlist the investigative means and measures objecting identification of the financial gain from (the alleged) crime, setting the measures necessary to map the location of the assets and to clarify its future destiny. Upon closure of covert intelligence gathering the conclusions and results of tracing the assets must be summarized in a record. Furthermore, summarized accounts must prove whether any safety measures have been taken to secure the assets during the criminal proceedings,

<sup>11</sup> Decree No. 45/2010 (OT 25) order of the National Police Headquarters, Section 3.

<sup>12</sup> László, Bói.: Tricky implementation serial crimes and facilities of asset recovery, Legal journal: scientific-practical professional journal, p. 9, 2015/2., Ukraine

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or in case such measures have not been taken, it must expressly stipulate the reasons on the lack of these investigative instruments.<sup>13</sup>

If the criminal action has been conducted in the collaboration of a criminal organization the trace of assets must be an all-striking assessment examining the entire existence of the criminal organization, or otherwise, the period when the suspect was engaged in such criminal group. The directive also implies to the necessity of close cooperation with governmental and economic organizations involved in data keeping or supervising data, or otherwise having a view on movable and immovable assets provided to successful asset recovery in both criminal proceedings and during the cover intelligence gathering.<sup>14</sup>

Tasks of VVH can be classified as follows:

- Upon Section 9 point Q) of Government Decree 329/2007 on the organs of the Police and on the responsibilities and powers of the organs of the Police VVH completes the tasks set forth in Section 52 of Act CLXXX on the cooperation with the Member States of the European Union on criminal matters:

in order to pursue the trace and identification of the assets related to the instrumentalities and proceeds of crime VVH may request for information and may supply data to the duly authorized governmental, law enforcement or judicial bodies of the member states;

- the VVH is engaged in asset recovery activities upon the requests of other asset recovery offices established in the member states of the European Union (AROs) and upon international requests through the channels of CARIN

<sup>13</sup> Decree No. 45/2010 (OT 25) order of the National Police Headquarters, Sections 7-10.

<sup>14</sup> Decree No. 45/2010 (OT 25) order of the National Police Headquarters, Section 12.

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(Camden Assets Recovery Inter-Agency Network; network of asset recovery offices of countries outside the European Union);

- VVH is also engaged in tracing assets and in asset recovery activities on international levels, supporting the procedures of the police, the prosecutor's office and NAV;

- the Office conducts independent investigations and covert intelligence gathering related to priority cases and criminal acts committed by criminal organizations;

- VVH is involved in the actions of the JITs (Joint Investigation Teams);

- in accordance with the provisions of international treaties, agreements and bilateral contracts, VVH cooperates with the law enforcement bodies of other countries, participate in international conferences, furthermore, it pursues obligatory data providing in accordance with its Interpol, Europol, ARO and CARIN membership.

### **Gathering data during the course of tracing assets**

The goal of asset recovery procedure is to trace and secure the instrumentalities or assets subject to confiscation or civil forfeiture, during which the actions of the VVH may only be completed upon preliminary notification of the prosecutor, however, it is not entitled to order deprivation of liberty (custody), neither to pursue interrogation of the suspect, nevertheless, the officers might be present at the interrogation with the right to address questions to the suspect.

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In order to secure sufficiency of tracing assets Be. acknowledges several forms of coercive measures, such as

- seizure<sup>15</sup>
- sequestration<sup>16</sup>
- search (of property)<sup>17</sup>
- body search<sup>18</sup>

These four forms of coercive measures support the sufficiency of the forfeiture and secure (safekeeping) of illicit assets. Once the perpetrator is divested from the proceeds of crime he has committed we may presume that he is no longer pays to engage in criminal actions. Should it become a general practice, it could be a sufficient tool to clamp down on economic crime, furthermore, in the course of satisfying the interests of the injured we shall be able to facilitate trust and social acknowledgement of law enforcement actions.<sup>19</sup>

In most cases law enforcement focuses on captivating the perpetrator and gathering proof of evidence, however, it often misses to put enough impact on tracing and seizing proceeds of crime.<sup>20</sup>

<sup>15</sup>13 Be. Section 151 (1) Seizure means safekeeping or otherwise securing the safe keeping of property in order to obtain evidence or ensure confiscation or forfeiture of the the property by court, prosecutor or law enforcement authority.

<sup>16</sup> Be. Section 159 (2) If the proceeding regards a criminal offence where forfeiture of property may be applied, or if a civil claim is enforced and there is a reasonable ground to fear that its satisfaction will be frustrated, sequestration may be ordered in respect of property, property rights, claims or pecuniary assets handled upon a contract. Sequestration may be ordered in respect of assets, particular part of assets or in respect of particular assets as well.

<sup>17</sup> Be. Section 149. (2) c) Search A search may be ordered when there is reasonable cause to believe that it will result in finding property subject to confiscation or forfeiture.

<sup>18</sup> Be. Section 150. (1) Body search means the examination of clothing body of the defendant and a person who is reasonable believed to keep in his possession means of evidence, or property subject to confiscation or forfeiture, in order to find such means of evidence, or property subject to confiscation or forfeiture.

<sup>19</sup> Péter, Cieleszky – Tamás, Henyecz – Csaba, Horváth, A vagyonfelderítés lehetőségei (Possibilities of tracing assets, Law Enforcement Journal), Rendészeti Szemle, pp. 32-37, 1/2007, Budapest

<sup>20</sup> György, Saly, A bűnözés gazdasági alapjainak gyengítése (Degrading the economic grounds of crime), Rendészeti Szemle, p. 41, 1/2007, Budapest

In the course of asset recovery procedures the Asset Recovery Office is entitled to approach governmental institutions and business organisations keeping databases of assets or handling other information that could support mapping the assets of the person concerned. In order to obtain the relevant information dozens of requests are being filed to the institutions and organisations. The data obtained thereto could be the initiative that will later serve as the base of ordering future coercive measures (for example, search, seizure, etc.). Regrettably, collecting responses often takes several weeks aggravating the investigation, which again enhances the significance of raster investigation as I've pointed out in this study before, as one of the measures that could increase the efficiency of asset recovery procedures. Knowledge of (background) databases is more than essential, regardless of the fact if they are law enforcement or civil databases.<sup>21</sup> For example, even saved video surveillance recordings are available at these databases. Digital or computerized surveillance systems can be developed and even taught, whereas any camera scanning the road is just a perfect example, detecting blockage or stopping of traffic, or heavy vehicular traffic it sends an alarm to the headquarters.<sup>22</sup>

Appropriate analysis and evaluation of data is essential and all measures and instruments must be applied accordingly.<sup>23</sup> We must analyse these databases and introduce what sort of information we can exploit from them, enabling law

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<sup>21</sup> Endre, Nyitrai, *Bűnelemzés a nyomozásban*, XVI. kötet, *Tanulmányok modernkori veszélyek rendészeti aspektusai című tudományos konferenciáról* (Criminal analysis in investigation, Scientific conference and studies on law enforcement aspects of new age dangers), p. 141, Volume XVI, 2015, Pécs

<sup>22</sup> Miklós, Angyal, *Biztonsági és térfigyelő kamerafelvételek az igazságügyi személyazonosításban*, XIV. kötet, *Tanulmányok a változó rendészet aktuális kihívásai című tudományos konferenciáról* (Security and video surveillance recordings in jurisdictional identification, Scientific conference and studies on the actual challenges of changing law enforcement), p. 376, Volume XIV, 2013, Pécs

<sup>23</sup> Kornél, Girhiny, *A Nyomozások új irányvonalai, a technikai jellegű bizonyítási módszerek dominanciája*, *Magyar Rendészet* (New principles of investigation. Dominance of technical measures in gathering proof of evidence, Hungarian Law Enforcement), pp. 92, 95, 2/2015, Budapest

enforcement bodies to map and explore the financial status of the potential perpetrators.

### ***1. Approaching financial institutions***

We may request for information related to the perpetrators on the following issues:

- do (did) they hold a current account, HUF account, foreign currency account, deposit or subsidiary account (any and all cash accounts), or securities account for the given natural person;

- does he (did he) have a safe or a mail box;

- does he (did he) have credit card(s), premium bond(s), disposal right over the account(s) of (a) business organisation(s);

- are there any records on investment instrument(s) (investment funds, bonds, shares, state bonds, structured investments, etc.) on his /her behalf,

- is he /she entitled to proceed in relation with the services of any third parties (as rightful party).

### ***2. Approaching life insurance companies***

Business enterprises involved in life insurance activities can be requested for information, whether the person concerned has a life insurance agreement (as a contracting party or beneficiary), term (life) insurance, investment related or other type of insurance (for example, credit/loan repayment insurance, travel insurance, property or vehicle liability insurance, third party liability insurance, etc.). In case of positive response the number of the insurance bond, the product or otherwise the subject of the insurance, term of the insurance and the amount (sum) of the fees paid can be available.

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### ***3. Approaching investment companies***

Information related to the perpetrator may be requested on the following issues:

- do (did) they keep records of any investment instruments (investment funds, bonds, shares /securities/, state bonds, structured investment instruments, etc.), do (did) they receive any services in relation with such investments;

- does (did) the perpetrator proceed as a rightful party in relation with services provided to a third party;

1. owner identification accounts;
2. data of rightful parties (co-owner, beneficiary, any party with right of disposal over the instrument, etc.);
3. date of opening the account, current state of the account, balance of the account on the date of the query;
4. itemized account history(ies) issued for a particular time interval;
5. other available data.

### ***4. Approaching pension funds***

Querying whether they keep a pension fund account, the amount credited to the account, what is the source or the payment, furthermore, questioning whether the perpetrator is entitled to proceed in relation with the services rendered to any third parties or is he recorded as beneficiary in accordance with the records of the pension fund.

### ***5. Approaching the National Tax and Customs Authority***

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Querying whether the database of the Ant-money-laundering Information Office of the Headquarters of the National Tax and Customs Authority (FIU, EGMONT GROUP) holds any data or recordings related to money laundering concerning the questioned years from Hungarian, European Union or any third country-based data providers.

National Tax and Customs Authority can be requested to provide information on the tax report issued by the concerned individual, supplying data on

- present and previous employer(s) of the perpetrator;

6. regular and non-regular social payments;

7. eventual supervisions completed, including the results of the procedure.

We may seek for answers to the following question related to business associations to facilitate the investigation:

1. contents of the tax report(s) submitted by the business association regarding the given year (for example, for 2015), including attachment of the related documents,

2. name and personal details of the accountant and the authorized representative of the business association;

3. reported location of retention (of documents), business site (secondary establishment), branch;

4. known bank accounts;

5. name and personal details of presently and / or formerly employed personnel, amount of fees paid;

6. eventual supervisions completed, including the results of the procedure.

**6. *Approaching Forster Gyula Nemzeti Örökséggazdálkodási és Szolgáltatási Központ (Forster Gyula National Heritage Management and Service Center)***

Gathering information whether if the registered person owns any cultural or otherwise protected intangible assets (pieces of art, treasures, antiques, etc.). In case of a positive response, further information can be collected on detailed description of the object, other data of proof or identification, natural identification details and address of the owner or the actual holder (possessor) of the property, time and form of gaining proprietorship rights.

**7. *Approaching Nemzeti Élelmiszerlánc-biztonsági Hivatal (NÉBIH)***

The database records held by the authority consist of two main registries:

8. Breeding IT System (TIR);
9. National Horse-breeding IT System (OLIR).

For instance, one may find, whether the the person effected by the query is registered as a horse-owner in the records held by OLIR. Data recorded: (serial) identification number of the horse, name, colour and sex of the horse, name of the owner, date of transferring the ownership.

**8. *National Trafficking Authority***

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The query shall reveal, whether the aircraft or the vessel subject to official recording rules is owned by the natural person specified in the request or not.

### ***9. Office of Immigration and Nationality***

To an eventual request the Office shall respond whether it holds any record and information on the date and status of entry of a certain foreign citizen (person determined in the query) into the country, and the legal title of his /her stay in Hungary, furthermore, the registry reveals

1. recorded and available data of the target person;
2. known family affiliations and financial connections in Hungary before the authority;
3. if the given person is legally entitled or was entitled to work in the territory Hungary;
4. whether the Office of Immigration and Nationality has provided regular or non-regular grant(s) to person determined. If so, information on the sum of the paid amounts, the term, legal title and the account number of the beneficiary must be determined and provided.

### ***10. Approaching National Mobile-payment Ltd. And National Tolling Service Ltd.***

Determining the vehicle and the given time interval, the authority may request for information on what phone numbers have been used for the purpose of mobile parking and what kind of e-tickets for parking were bought for the given vehicle.

### ***11. Approaching NEBEK ( National Center of Law Enforcement Cooperation)***

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The asset recovery office may approach NEBEK and file an information request to the member states of the European Union through SIRENE. Supplementary information exchange is available for the requesting member state upon Council Framework Decision 2006/960/JHA.

The alerting state may request for the following information:

5. data related to the assets of the individual, especially to vehicles, real estate properties, shares held in business associations and / or bank accounts,
6. accessing databases and data comparison related to personal details, residential data or in criminal (judicial) databases.

### ***12. Contacting administrative departments***

An information request may be filed to the administrative departments holding records on arms and weapons querying whether the individual has a licence to keep weapons or actually has any fire-guns or not. If so, further query should give the type, storage place of the weapon, and also to the personal details of the person recorded during the licensing procedure.

### ***13. Registries held by (public) suppliers***

Public suppliers may be requested to provide copies of the agreements concluded on electricity and other sorts of public supplies related to the real estate property designated in the query, same, the copies of agreements on gas supplies, declarations related to communal waste, furthermore, information on who and how has manage to pay the bills. In case of e-payment, information on the bank account number may also be requested.

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#### ***14. Querying Közigazgatási és Elektronikus Közszolgáltatások Központi Hivatala (Central Bureau for Administrative and Electronic Public Supplies)***

Requesting the entire documentation of the designated vehicles, including the documents related to the transfer of ownership. Furthermore, this office may support a family tree research to trace personal affiliations, therefore, mapping the relations of the individual with his relatives.

#### ***15. Registry of the Health Insurance Fund***

The fund may supply information about the employment of the person determined in the query, providing data of the employer (giving the type, term of employment, details on the working hours and wage) and the Hungarian social security number.

#### ***16. Registries held by notary publics***

Databases held and kept by notary publics consist of 5 separate registries, classified by the following division:

Registry of companion's declarations (ÉNYNY)

Records of mortgaged (pledged) movable properties that can be identified without doubt

Registry of (pre-)marital and partnership property agreements (HÉVSZENY)

Collateral register (HBNY)

National registry of testimonies (VONY)

Registry of mortgages (ZONY)

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Through the records held at notary publics we could examine whether the target person have concluded a testimony before a notary public or not. In case the registry hold such record the testimony could reveal what movable properties (pieces or art, paintings, etc.) the target person may possess. Should the registry of (pre-)marital and partnership property agreements (HÉVSZENY) hold data on the target person, the content of the agreement could be disclosed, supporting the trace of assets and securing the asset subject to civil forfeiture.

### **Final remarks**

Law enforcement tends to focus on collecting evidence and arresting the perpetrator, and in quite a few cases, misses to pay attention to tracing and seizing the instrumentalities and proceeds of of crime.<sup>24</sup>

Fundamental task of the police is to trace and recover the proceeds of crime. Consequently, law enforcement bodies are entitled pursue covert intelligence gathering in order to secure asset recovery. During the asset recovery procedure, provided to ensure the recovery of assets, the police may:

- hire an informant, person of confidence or it may use the assistance of other individuals cooperating with the police;
- gather intelligence and supervise data by uncovering the goal of the procedure (prying or probing) or by using a covert agent concealing his identity;
- file or use a covert document issued in order to hide and protect police personnel, its cooperating associates and the nature of the investigating procedure; the police also may establish and maintain covert institutions;
- use and informant, person of confidence or other individual in covert cooperation with the police, furthermore covert agents to pursue mystery shopping; moreover, upon the authorization of the prosecutor, the police may

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<sup>24</sup> György, Saly, A bűnözés gazdasági alapjainak gyengítése, Rendészeti Szemle (Degrading the economic grounds of crime, Law Enforcement Journal), p. 41, 1/2007, Budapest

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use covert agents to pursue test shopping, go undercover in criminal organisations, or to get involved in controlled shipping;

- replace the injured party with a policeman, in order to protect the injured party's life or personal integrity, if there are no other means or measures to prevent, preclude, investigate a criminal act, or if there is no other way to identify or arrest the perpetrator;

- keep under surveillance any individuals, facilities, buildings or other implementations, pieces of fields or roads, vehicles or events that can relate to proceeds of crime, and may and record the result of the surveillance with a technical device;

- use a trap (without causing injuries or health damage ).<sup>25</sup>

It's worth to consider the implementation of the institution of the cell agent for cases when the perpetrator is ordered to be kept custody, whereas the agent would construe operative work. Cell agents should be recruited from other persons held in correction institutions. Using cell agents could further assist tracing illicit assets, and it would also

- help to detect the planned or practically used tactics and testimony of the detainee,

- support the investigation of the undetected criminal act or those still under preparation, and it would assist to the mapping of criminal associations and would fasten investigation.<sup>26</sup>

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<sup>25</sup> Rtv. Section 64 (1a)

<sup>26</sup> [http://www.abparancsok.hu/sites/default/files/parancsok/10\\_23\\_10\\_62.pdf](http://www.abparancsok.hu/sites/default/files/parancsok/10_23_10_62.pdf)

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## STATUTORY PROVISIONS

Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union

Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to to crime

Act XIX of 1998 on Criminal proceedings

Decree No. 11/2003 (ÜK 7) Attorney General's order on the tasks of prosecution related to pre-trial motions, supervision over the rightfulness of investigation and raising charges

Decree No. 45/2010 (OT 25) order of the National Police Headquarters on police tasks related to tracing and identification of illicit incomes and other proceeds of crime and on tasks related to reimbursement

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*Asset Recovery Proceedings and Investigation*

The study aims to introduce the conditions of conducting asset recovery procedures and the tasks of the Asset Recovery Authority. The procedure is pursued by the authority to the request of the prosecutor's office or the police, forwarding and exchanging necessary data to complete the asset recovery

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procedure in accordance with the provisions of the applicable Act on Criminal proceedings (henceforth referred to as Be.), as further introduced in this study. The authority must pursue inherent data gathering in order to trace illicit assets, furthermore, officers of the authority must have eligible knowledge of database sources and best practice to exploit the information gathered in order to secure the assets subject to later confiscation or civil forfeiture. The study shall enlist several institutions, authorities that may help and support the means and measures of successful investigation. The study shall also point out to the significance of raster investigation, since knowledge of background databases – being either law enforcement or public databases - is essential to conclude successful investigation.

**Key words:** civil forfeiture, investigation, databases, organised crime, raster investigation

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