



Fundamental skills in tracing assets



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Recovering criminals' ill-gotten assets, i.e. confiscating property, cars, yachts, cash and other funds gained through corruption or other acquisitive crimes, is a big topic in law enforcement. Among other benefits, asset recovery acts as a deterrent against crime and makes a clear public statement that illicit wealth will be targeted and returned to the public treasury.

There is much discussion and numerous publications about how we recover illegally gained wealth through a legal process in the court system. How to find the assets in the first place gets less attention.

Unlike the recovery process, the tracing of assets has no set structure. Providing an investigator uses tactics and techniques that are legal in their jurisdiction, they are free to use as much flair and imagination as they like.

In our desire to be innovative and modern, however, we mustn't overlook

some fundamental investigative skills that will help us trace even the most cleverly hidden assets. This quick guide looks at a few of these and explains why they're important to keep in mind.

Intelligence: the key to unlock information

Basic information to trace assets often comes from so-called “closed sources” such as company records, land registries, vehicle licensing departments and credit reference agencies. They are “closed” because databases containing this type of information, where they exist, are restricted by data protection laws.

To gain access, we need specific intelligence that suggests there is data relating to our subject in a particular database. Requesting access to data without specific intelligence is commonly referred to as a fishing expedition. For example, if we don't hold any information that suggests our suspect has travelled overseas or crossed any national border, then we are not justified in accessing information held by the immigration or border control services.

So, asset tracing is not only about finding assets, but finding information that can unlock these closed sources and lead us to other assets that may be more carefully hidden.

And in jurisdictions where these closed sources don't exist, we still need basic information to trace the asset itself.

Does digital data hold the key?

It is now common for investigators to download mobile phone data and copy (“ghost”) computer hard drives. Many also trawl through open-source websites and social media platforms for photographs and hints to gain a better understanding of the suspect's lifestyle and assets.

This is all well and good. It's amazing how often even clever criminals give themselves away by publicly posting photos of themselves on Facebook or Instagram. But a persistent investigator will not stop at the digital search.

Searching: going that step further

You would be excused for thinking that the purpose of undertaking searches of a suspect's property is to locate assets like jewellery, cars, bank account details, etc, and where necessary seize or restrain the property in order to minimise the risk of dissipation. But an investigator should also apply their best detective skills and look at the search as a gateway to obtain information that leads us to the less obvious acquisitions.

What kind of information? Well, for example, an individual holding Bitcoins will need to remember a 64-digit passcode called a “private key” or, if they are using a more sophisticated wallet, the 12 or 24 words used to generate the wallet. Any sensible person will write down these codes and keep them

in a secure place, like at home, work or on a mobile phone.

Car keys are often left behind in searches unless they unlock a brand-new Lamborghini parked outside the door. True, the keys to a 20-year old rust bucket may not be of interest as an asset, but what is inside? Perhaps cash, banking documents and even purchase receipts that not only provide us with knowledge of the suspect's lifestyle and expenditure, but also place them in a particular place at a particular time.

Other keys may reveal the existence of further properties or storage that should also be located and searched, for the same reason.

Revisiting witnesses and suspects

Many jurisdictions recover assets through a civil hearing that follows a criminal conviction. The time between the two hearings can be several months. This provides a window of opportunity to revisit witnesses without risking any suggestion of interference with the criminal prosecution case.

Although the first purpose of witnesses is to secure evidence of the criminal offence, they may also hold valuable knowledge of a suspect's lifestyle and assets. With little or no understanding of the asset recovery process, they may not think this knowledge is relevant. A good financial investigator will ask them the right questions to elicit the information.

It's not just witnesses that can provide useful information during this window of opportunity, but sometimes the convicted individuals themselves. Many want to make a clean start and will disclose the existence of assets out of fear that the case may be revisited if undisclosed assets are identified later. A visit or even a letter to convicted persons can easily yield dividends.

Communicating widely

One final forgotten skill is that of communication. Outside the confines of the legal system, there is no restriction on any individual to speak to any person at any time.

Investigators need to get out from behind their desks and make contacts outside their sphere of operations, be it socially at the gym, in a club or in the workplace. Making themselves available to any potential whistle-blowers, informants or witnesses, or even making steps to identify such individuals, will often lead to them striking lucky.



It's worth remembering that somebody knows somebody, who knows somebody, that knows something... and that something could be the key to successfully tracing a criminal's hidden wealth.

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