

Regional Workshop on training manual for
financial Investigations of proceeds from crime
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„Advanced Training on Financial
Investigations:
The LKA Baden-Württemberg Model“

Roland Baier, Chief Investigator
Landeskriminalamt Baden-Württemberg
Taubenheimstr. 85, D – 70382 Stuttgart
0049711/5401-2165 (Fax 3115)
roland.baier@lka.bwl.de

Further education programme of police and justice for financial investigations / siphoning off assets in Baden-Württemberg

- The further education programme of the LKA Baden-Württemberg – headquarter of criminal police
 - Definition / Aim
 - Determination by practical aspects and target groups
- Training measures
- Co-operation with justice
- Advices for the CARPO-Participants

The further education / training programme for financial investigations / siphoning off assets

Definition / Aim

Two pitfalls - Level of competence

Immediate measures

... that have to be taken if suspicious assets are found by chance. Under these circumstances public prosecutor or / and judge are usually - financial investigators often -not available.

Schemed siphoning off assets

... in an investigation during six stages and in close co-operation with public prosecutor and other authorities in order to prevent the laundering of assets.

The further education / training programme for financial investigations / siphoning off assets

Determination of the concept

. by the needs of practice

from the six – stages– model

- Knowing the claim
- Covered tracing of assets
- Preparing and carrying out of securing measures, open tracing of assets and immediate securing of them, investigations concerning the lawful owner of the secured assets
- Further investigations (f.i. Displacing of assets to third persons), administrative work
- Return of assets to the victim / Trial
- (Realization of confiscated assets)

... by the needs of the target groups

- Police
 - Investigation Officers
 - Senior Officers
 - Financial Investigators
- Justice
 - Judges, public prosecutors
 - Officials with certain judicial powers
- Regulatory agency

Transfer of the concept

Further Training in general

- Introducing lessons in all suitable courses
- Decentralized further training in police headquarters
- Information of senior officers

Target Group

Senior officers / Investigators

... by special further training courses of financial investigators

Police

- Courses, conferences
- Newsletter via police intranet

Justice

- Introductory seminar – 2 days
- Registrar seminar – 2 days
- Decentralized 2-days

common

- Conference for siphoning off criminal assets - 2 days

The further education / training programme for financial investigations / siphoning off assets

Transfer of the Concept – further training in general for policemen

**introductory lesson in all
suitable courses of
further training at police
academy for sentization
of investigators**

- Dezentralized training at
alle police authorities
- Information of senior chiefs

- Organized crime
- Drug related crime
- Economic crime
- Lower crime
- Traffic crime

sentization

Teacher / expert:
departement 301

The further education / training programme for financial investigations / siphoning off assets

Transfer of the Concept – specialized further training for policemen

1. Basic - Education

Seminar: „Case-integrated siphoning off assets / confiscation of assets-Modul A“

Longe-term objective:

Specialist for financial investigations
– siphoning off criminal or legal assets

duration

8 weeks – 1 seminar /year

Teachers /experts

- Members of departement 301
- prosecutors
- Insolvency manager
- Registrar of prosecution

2. Further Training

(seminars and conferences)

Annual:

- Modul B – 3 days
- Modul C – 1 week update for financial investigators /specialists
- Seminars for members of authority agencies

The further education / training programme for financial investigations / siphoning off assets

Transfer of the Concept – specialized further training by legal authorities

Basic - Education

annual:

Introductory seminar –2 days

contents:

Forfeiture, confiscation and seizure
of criminal or legal assets

Target group:

judges

prosecutors

registrars of justice

Further training

- decentralized at public prosecutors office or at court. 1- 2 days
- seminars by the academy of justice –
3-days until 1 week

Target group:

Judges, prosecutors, registrars of
justice

Transfer of the Concept – common further training of justice and police

Conference for siphoning off assets – forfeiture and confiscation 2- days

Target group:

- Judges, prosecutors, registrars of justice
- Specialist for financial investigations – siphoning off assets

participants:

justice 25

police 25

- Exchange of experience between prosecutors, judges and the financial investigators /specialists for siphoning of assets
- Topical dispensation of justice
- Examples for particular cases

Basic education of policemen

„Case-integrated siphoning off assets / confiscation
of assets - Modul A“

• **Long-terme objective:**

contents:

- Civil law / civil code
- Criminal (penal) code
- Criminal procedure code
- Law of civil procedure
- infringement
- Money laundering
- Financing of terrorism
- Tactical measures / investigations / competence

- Education of financial investigators /investigators for siphoning off assets
- Introduction in siphoning off assets
- Intensive search of legal or criminal assets
- Money laundering
- terrorism

Basic education of policemen

„Case-integrated siphoning off assets / confiscation
of assets - Modul A“

- Long-term objective

Contents:

- **Civil law / civil code**
- Criminal (penal) code
- Criminal procedure code
- Law of civil procedure
- infringement
- Money laundering
- Financing of terrorism
- Tactical measures / investigations / competence

- Possession, Property and contract law
- Law of real property
- Hold and assignment of claims
- Claims for damages or from personal gain
- Business with representatives, trustees and fictitious business
- Company Law
- Law of stocks and shares
- Insolvency law

Basic education of policemen

„Case-integrated siphoning off assets / confiscation
of assets - Modul A“

- Long-term objective

Contents:

- Civil law / civil code
- **Criminal (penal) code,
money laundering,
infringement**
- Criminal procedure code
- Law of civil procedure
- Financing of terrorism
- Tactical measures / investigations
/ competence

- Forfeiture § 73 StGB
- Forfeiture of the equal value § 73a StGB
- Extended forfeiture § 73d StGB
- confiscation § 74 StGB
- Confiscation of the equal value § 74c StGB
- § 261 StGB Money laundering
- § 288 thwarting of execution
- §§ 17, 29a und 30 law of infringement /irregular behaviour

Basic education of policemen

„Case-integrated siphoning off assets / confiscation
of assets - Modul A“

- Long-term objective

Contents:

- Civil law / civil code
- Criminal (penal) code
- **Criminal procedure code**
- **Law of civil procedure**
- infringement
- Money laundering
- Financing of terrorism
- Tactical measures / investigations
/ competence

Temporary measures /seizure

- §§ 111 b Abs. 1, 111c ff CPC
seizure of criminal assets
 - movable assets
 - property,
 - claims,
 - ships and aircrafts
- §§ 111b Abs. 2, 111d ff CPC
arrest in rem for the equal value
 - All kind of property until the
fixed amount /claim
- 8. Buch zivil procedure code

Basic education of policemen

„Case-integrated siphoning off assets / confiscation
of assets - Modul A“

- Long-term objective

Contents:

- Civil law / civil code
- Criminal (penal) code
- Criminal procedure code
- Law of civil procedure
- infringement
- Money laundering
- Financing of terrorism
- **Tactical measures / investigations / competence**

- Organisation and order of the executive authorities
- Cooperation with
 - Victims and their lawyers
 - Registrars of justice and prosecutors
- Confiscation of criminal or legal assets in big cases
- International cooperation
- liability, danger of recourse

Basic education of policemen

„Case-integrated siphoning off assets / confiscation
of assets - Modul A“

- Long-term objective

Contents:

- Civil law / civil code
- Criminal (penal) code
- Criminal procedure code
- Law of civil procedure
- infringement
- Money laundering
- Financing of terrorism
- **Tactical measures / investigations / competence**

- Information from
 - banks
 - insurance
 - Register of companies
 - Land register
 - Tax office
- Financing of terrorism
- Abschöpfer Archiv (practical exercises)
- Statistic programme

Further training of financial investigators/investigators for skimming assets

„Case-integrated siphoning off assets / confiscation
of assets - Modul B“

duration:

Annual 3 days

participants (60):

- 50 specialists für siphoning off assets
- Specialist of other countries in Germany
- Foreign guests

contents:

- Exchange of experience
- Topical dispensation of justice
- Examples for particular cases
- Tactical measures
- International cooperation

Further training of financial investigators/investigators for skimming assets
„Case-integrated siphoning off assets / confiscation
of assets - Modul C“

duration:

Annual 1 week

participants

- 20 specialist for siphoning off assets
- Participants from other countries

contents:

- Legal basis of siphoning off assets
- Topical dispensation of justice
- Examples of particular cases
- Tactical measures / Abschöpfer Archiv
- International cooperation

Further training of financial investigators/investigators for skimming assets
**„seminars with police authorities about
infringement“**

place:

Police academy or
decentralized

duration:

2 days

participants

- Responsibilities of
authority agencies

contents:

- Legal basis of siphoning
off assets
- Topical dispensation of
justice
- Examples for particular
cases
- Exchange of experience

Participants

	police	justice	others
Modul A	25		
Modul B	50		10
Modul C	20		
infringement	10		10
Justice introductory seminar		20	
Conference police - justice	25	25	10

The further education / training programme for financial investigations / siphoning off assets

difficulties / problems

- exemption
- organization / linkage
- Cooperation of specialists and general investigators
- Cooperation of police and prosecution
- Fluctuation
- Introductory of a new investigation area

Training materials

Contents of legal basis training materials:

- Civil law
- forfeiture
- confiscation
- temporary seizure
- Dispensation of justice
/ judgement

Tactic - materials

- Authorities for information
- form, presentation
- maps
- DV-programmes
- Abschöpfer Archiv
- Statistic programme

Advices for the CARPO-Participants
Developement of a central unit

- at the central authority (like LKA)
- under juridical leadership
- highly motivated investigators
- reviewing of particular cases
- analysis /evaluation of judgements
- tactical advices

Advices for the CARPO-Participants
Education and further training

- naming responsible persons
- practical oriented contents
- inclusion of investigators
- regular seminars
- siphoning off assets in all special further trainings
- inclusion of justice (prosecutor , judges)

Advices for the CARPO-Participants
Cooperation police - justice

- binding agreements between Ministry of Interior and Ministry of Justice
- common further training for basic education
- regular common conferences
- naming responsible persons, contact partners