

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.police.ukDate: 24th November 2021

Your Ref: FOI

Our Ref: FOI 2021/672

Reply contact name is: Kay Moore

Dear,

I write in connection with your request for information dated 16th August 2021 concerning account freezing orders (AFOs).

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and after having consulted the Financial and Asset Investigation Team – I am now able to respond as follows.

You wrote:

Please note, all information is in regards to Wiltshire Police. I would like the information to be broken down by calendar years.

1. The number of account freezing orders issued since 2017 - both combined and broken down by year
2. The number of cases using account freezing orders that have resulted in a prosecution since 2017 - broken down by year
3. The total amount of money/value of assets frozen by the force as a result of Account Freezing Orders - broken down by year (each year since first introduced)
4. The amount of money / returned when Account Freezing Orders have been discharged / cases were not pursued - broken down by year
5. The amount of money/value of assets returned when Account Freezing Orders have been lifted / cases were not pursued - broken down by year
6. The number of times account freezing orders have been challenged / number of cases brought against the force concerning this issue - broken down by year
7. How many of these cases have been successful / resulted in the account freezing order being overturned - broken down by year



INVESTOR IN PEOPLE

Our response:

	2018¹	2019	2020	2021²	TOTAL
1.) The number of account freezing orders issued	1	5	9	6	21
2.) The number of cases using account freezing orders that have resulted in a prosecution					
3.) The total amount of money/value of assets frozen by the force as a result of Account Freezing Orders	£2,200.24	£80,423.36	£175,071.63	£222,813.31	£480,508.54
4.) The amount of money / returned when Account Freezing Orders have been discharged / cases were not pursued			£43,555.00		£43,555.00
6.) The number of times account freezing orders have been challenged / number of cases brought against the force concerning this issue ³			1		
7.) How many of these cases have been successful / resulted in the account freezing order being overturned ⁴			1		

In relation to Q3, please note that it is the financial institution who technically freezes the funds because they have access to the button that says 'freeze'. But they do that on receipt of a Court Order which has been applied for by the Police – they have no power to freeze funds without that Order.

With regards to Q5, there is no provision within the legislation for an AFO to be 'lifted' – an Order can 'lapse' or it can be 'set aside'. An Order lapses if it expires with no further action being taken and it is set aside if the Court determines that there is no merit in maintaining the Order. The latter can be precipitated by the Police notifying the Court that they have investigated and found no justification in pursuing the case, or by an interested third-party making a legitimate claim to the funds, or by the account holder successfully challenging the Order (plus variations on any of those scenarios). But is in effect a considered decision to remove the Order, which could be interpreted as a discharge albeit that is not a recognised term under the specific part of the Act.

When looking at questions 4 and 5 of your request, it is difficult to make a distinction between them as they both essentially refer to the same outcome (i.e.: monies returned where cases were not pursued). In order to differentiate between the two questions the Financial and Asset Investigation Team would require clarification of the terms 'discharged' and 'lifted'.

Caveats:

¹2018 is the earliest that the powers were used in Wiltshire Police.

²The 2021 data cannot be assessed in terms of prosecutions at this stage.

³The response refers to the number of times the Respondent has disputed the facts to the Police not the Court.

⁴The response refers to the number of times that the AFO has been set aside by the Police.

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Kay Moore
Force Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:
Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original Fol request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should

contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk