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Follow the Money

Using Financial Intelligence Against the Illegal Wildlife Trade in Kenya

A Handbook February 2020







INTRODUCTION

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Chapter 1

The illegal wildlife trade (IWT) is all about money. Organised crime groups get involved in IWT for one reason – to make a profit. The trade is seen by these groups as highly lucrative, with a low chance of disruption or arrest.

Today, there is wide recognition that we need to use financial intelligence to combat IWT. These techniques are widely and successfully used against other forms of global organised crime, such as drugs, arms and human trafficking.

Illegal Wildlife Trade (IWT) refers to the taking, trading (supplying, selling or trafficking), importing, exporting, processing, obtaining and consumption of wild animals or plants in contravention of national or international law.

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The Three Pillars of "Following the Money"

There are three main reasons for using financial investigations and intelligence in IWT cases:

1: Using financial techniques to produce evidence of the IWT crime

"Following the money" can prove the involvement of an individual in a criminal network. Finding out who paid for transport, shipping or storage of illegal wildlife products can help identify previously unknown suspects involved in the same criminal network.

2: Using anti-money laundering legislation to charge suspects with additional offences

Money laundering involves taking the profit from a crime, 'cleaning' it to disguise its origin, and then using it. Criminals involved in IWT use laundered money to fund their often-lavish lifestyles. If they are using the proceeds of crime to purchase property or cars, or to fund their everyday living, they are very probably guilty of money laundering.

3: Identifying criminal assets that may be forfeited or confiscated

Seizing or confiscating the proceeds of crime is a powerful weapon against criminals involved in IWT. 'Assets' are not just money - they are also vehicles, houses or personal effects, such as jewellery or expensive watches, that have been bought with the criminal proceeds.



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INTRODUCTION (2/2)

Chapter 1

This Handbook is a practical resource for those engaged on the ground in the fight against IWT. It does not seek to turn IWT first responders and investigators into financial investigators. There are already specialist individuals in law enforcement agencies who carry out this role. It is designed to help non-specialists to understand why financial information gathering at the start of a case is so important, and to encourage trained financial investigators to apply their resources to IWT cases.

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This Handbook provides first responders with three key takeaways:

1. An awareness of financial investigation techniques;

2. Possible sources of financial intelligence;

3. What information to gather.

Non-specialists and first responders can help their colleagues by gathering as much financial information as possible at an early stage, handling it correctly, asking the right questions and knowing where to seek help with the financial aspects of a case.

Always think about "following the money"!

How to Use this Handbook

This Handbook is a practical resource. It does not set out in detail the legislation applicable in Kenya.

These details, and 'points to prove' for potential offences, including money laundering, can be found in Wildlife Offences in Kenya: Points to Prove - A Rapid Reference Guide for the Investigation and Prosecution of Wildlife Related Offences Including Standard Operating Procedures and Sample Charges.

Nothing in this Handbook should be taken to suggest actions other than in accordance with the procedures outlined in Wildlife Offences in Kenya SOPs guide. You should ensure that you and your agency have access to this document.

Each chapter of this Handbook deals with a particular aspect of an investigation and outlines the types of financial information that should be considered at each stage.

Using this Handbook – First Steps as an Agency



Establish contacts and arrangements with other national agencies to enable the use of financial intelligence sharing to combat IWT.

Record the details of individual contacts in relevant agencies and make this available for investigators.

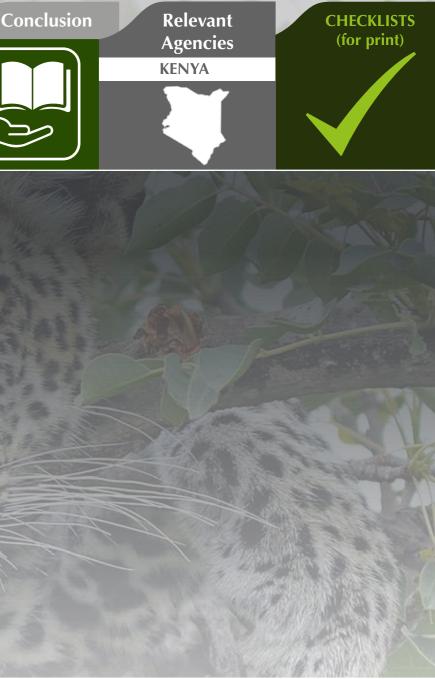
Sign Memorandums of Understanding (MOUs) to ensure that inter-agency coordination is possible, including how information will be safeguarded and the role of each agency in developing financial intelligence.

All activity should be coordinated in accordance with the Wildlife Offences in Kenya: Points to Prove - A Rapid Reference Guide for the Investigation and Prosecution of Wildlife Related Offences Including Standard Operating Procedures and Sample Charges.

This Handbook and printable check lists can be downloaded at https://shoc.rusi.org/IWT

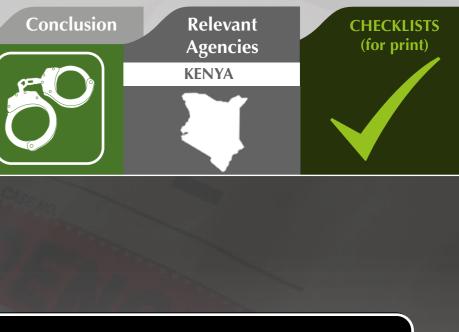


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ACTIONS AT SCENE OF SEIZURE OR ARREST

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Identifying Potential Financial Intelligence Leads at a Scene

As first responders at the scene of an IWT-related seizure or arrest your focus will be on the main offences and the persons arrested and/or illegal wildlife products that have been seized. You should be aware of the possibility of finding financial information or leads.

Everything present at the scene must have been paid for somehow:

poachers have been paid

vehicles have been bought or hired

shipping containers have been leased

storage has been paid for

If any items present at the scene have been purchased using a bank account or credit card, examination of those accounts may create further leads. It may also lead to the identification of those who have been funding the operation.



Powers to seize

Generally, anything that may have been used in the commission of an offence or may provide evidence can be seized. The powers to seize items must be well understood by first responders and be used appropriately.

According to the Wildlife Offences in Kenya SOPs, the first officer at the scene of crime shall recover and ensure safety of exhibits and must prepare an inventory and hand over to the Investigating Officer.

The Investigating Officer should ensure the exhibit's chain of custody is maintained in the Chain of Custody Form and as per the Kenya Wildlife Services' Procedure for Management of Wildlife Scenes of Crime.

Items that may provide financial leads may be seized using these powers, as they provide evidential leads. Exhibits should be copied and stored in accordance with these instructions.

Handling

Any items seized must be handled in the correct manner. At a minimum, the time and date of seizure must be recorded, as well as the exact location.

Example:

In driver's door: Blue notebook found in pocket of Ford Explorer, registration number **KCC 358Y**

There may be forensic evidence on any documents collected, so they must be handled carefully.

You should consider sending suitable documents for forensic examination but working copies should be taken so that financial enquiries can be carried out without relying on access to the original exhibits.

> **SCROLL DOWN** to continue reading Chapter 2







ACTIONS AT SCENE OF SEIZURE OR ARREST (3/3)

Financial Investigation IN ACTION:

In one case, fingerprints found on a money transfer form recovered during an investigation were used as evidence to prove that an individual was guilty of sending the money and therefore of being involved in funding illegal activity, even though the money had been sent using false names on the form.

KEY POINT

At the scene, ask yourself:

Have we seized all relevant items or recorded enough details to accurately describe and identify them?

This may include:

Photos or copies made at the time

Notes on all relevant details, such as serial numbers or other identifying characteristics

CHECK LIST FOR USE AT A SCENE OF SEIZURE OR ARREST



SEARCH for evidence of financial activity, such as:

- Cash in the possession of suspects
- Bank or credit cards
- Money transfer documentation
- Receipts from ATMs
- Receipts of any kind e.g. for petrol or meals
- Airtime vouchers
- Hotel or other accommodation invoices
- Aircraft boarding passes
- Hire car or van documentation
- Any other documentation, such as notebooks or diaries



- Mobile phones
- Tablets, laptops or other devices such as hard drives or USB sticks

- waybills, customs declarations or invoices
- Details of containers, vehicles or vessels

RECORD any high-value items owned, in the possession of, or under the control of suspects:

- Personal items such as watches, jewellery or clothing
- Vehicles
- Weapons



• Financial records such as bank or credit card statements, cheques or deposit slips

IDENTIFY how shipping, other transportation, or storage has been paid for:

• Any documentation relating to shipping methods, including bills of lading or



During your investigation, you may have enough grounds to search properties, such as homes, hotel rooms or commercial premises.

SEARCHES OF PROPERTIES

Your focus will be on securing evidence for the IWT crime you are investigating. But, as always, you should also be thinking about following the money trail when you conduct any searches.

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Ensure everyone involved in the search has been briefed on what to look for.

Searches must be carried out in accordance with relevant legislation, such as the Wildlife Conservation and Management Act 2013 or the Prevention of Organised Crime Act 2010.



Financial Investigation IN ACTION

When searching a suspect's hotel room, investigators found a briefcase containing a diary and other documents. Close examination of the diary identified a list of numbers, written to look like telephone numbers. By thinking about the 'follow the money' principles, the investigator recognised them as Money Transfer Numbers.

Enquiries with the relevant companies revealed that they had been used to transfer funds to other members of a criminal organisation.

THE RESIDENCE PROPERTY IN

Searching for Financial Information and Evidence

- The most obvious thing to search for is cash: all cash should be considered for seizure and detention, in accordance with the relevant legislation mentioned above.
- The second most obvious thing to look for is any relevant financial records. As well as searching for any documents relating to financial activity, carefully examine any records kept by the suspect or occupiers of the property, such as address books or diaries.
- Make sure any items such as mobile phones, tablets or computers that may have been used for financial activity are appropriately seized.
- **Property** has to be paid for, either by renting it, buying it outright, or using a loan/mortgage. Identifying how the property you are searching is paid for can provide valuable financial information to follow up later. Enquiries should be made with the owners of commercial rented property, or with the hotel if you are searching hotel rooms, to establish who pays and how.
- Utilities like gas, water and electricity, as well as other services at a property also have to be paid for. Whilst searching any location, take note of what is connected - including water, subscription television or internet access and try to establish who pays for these services and how.
- It is important to take accurate notes of any high-value assets present, even if they cannot be immediately seized as evidence. Try to establish how they were paid for, or where the suspect got them from. Common examples can include:

Vehicles `

High-end electronic items such as televisions, sound systems or cameras

Personal items, such as jewellery, watches, or clothing

Furniture

Art and other collectables



SEARCHES OF PROPERTIES (2/2)

Chapter 2

KEY POINT

At any property search, take the time make sure that you know all about the property and its contents:

HOW was this paid for?



WHAT financial activity is recorded here?

Example:

Identifying how utilities (such as electricity and water) are paid at an address does not provide direct evidence or intelligence linked to an IWT offence. However, it will help build a fuller picture.

Is a previously unknown account being used, or are there further leads to be followed?

Example:



Make accurate records of any such items, including photographs, as they will form part of the analysis of your suspect's finances.



In living room: Panasonic 60-inch Plasma TV, model number TX-P60X60B, xserial number 9834982384982.

CHECK LIST FOR USE AT A SEARCH

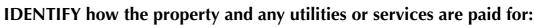


SEARCH for evidence of financial or commercial activity, such as:

- Cash
- Bank or credit cards
- Company records invoices, shipping documents
- Money transfer documentation
- Receipts of any kind
- Airtime vouchers
- Hotel or other accommodation invoices
- Aircraft boarding passes
- Hire car or van documentation
- Any other documentation, such as notebooks or diaries

SECURE devices that may contain financial information:

- Mobile phones
- Tablets, laptops or other devices such as hard drives or USB sticks

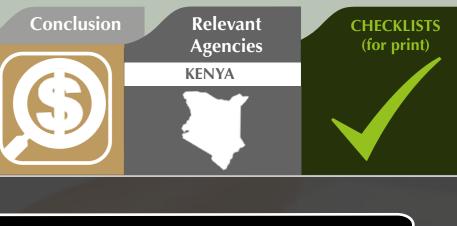


- Water or electricity services
- Subscription television
- Internet access

RECORD any high-value items:

- High-end electronics, such as cameras, televisions or sound systems
- Vehicles
- Weapons

• Financial records such as bank or credit card statements, cheques or deposit slips



INITIAL FINANCIAL ANALYSIS

Chapter 2

Most full financial investigation and analysis is conducted by specialist officers, but initial financial analysis can often be carried out by the first responder agency responsible for the case.

If a trained criminal analyst is available, they will have some familiarity with the techniques used and access to special software that can be used for this purpose.

Purpose of Initial Analysis

An initial financial analysis can be used to:

- Prepare for interviews with suspects
- Identify investigative leads
- Create a basic financial snapshot of the case to help Senior Management to develop an indepth investigation strategy
- Brief partner agencies, who may be able to provide specialist financial investigation support in appropriate cases.

KEY POINT

Financial analysis is like other forms of criminal analysis. It uses the available financial information to learn about suspects and criminal networks and their activities.

The UN Office on Drugs and crime has produced a useful Criminal **Intelligence Manual for** Analysts, which can be found online at: https://www.unodc.org/ documents/organizedcrime/Law-Enforcement/ Criminal_Intelligence_for_ Analysts.pdf

Financial Profiles

A good place to start is to create a basic financial profile of relevant suspects.

At this stage, analysis will mainly depend on the information that has been obtained during any arrests, seizures and searches, and any other further information that may be readily available in the public domain.

All investigations should include initial enquiries with law enforcement and other partner agencies. These agencies may be able to provide financial information, alongside other types of information and intelligence they hold.

There are a few specific financial enquiries that should be carried out:

The Financial Reporting Centre (FRC - Kenya's FIU):

A Financial Intelligence Unit's (FIU) core function is to receive, analyse and disseminate suspicious transaction/activity reports from private institutions such as banks, mobile money operators or money remittance bureaus.

FIUs may also hold a variety of other financial information or be able to request it. At this initial stage, a check should be carried out to find out if the FRC holds any relevant data. By law, the FRC will only be able to disseminate intelligence to certain agencies. You should check with them to see if you are authorised. If not, it may be possible to work in partnership with another law enforcement agency who does have access to the FRC's intelligence.

Kenya Revenue Authority:

Customs/Revenue agencies may be able to provide details of tax and other matters relating to your suspects, including their declared income and any border crossings or declarations. Again, this information is confidential and there may be restrictions on sharing it.

Other Government Departments:

Agencies such as vehicle, land and company registries should be checked (where appropriate) for details of your suspects and associated properties, such as title and ownership, mortgages on property, and company accounts.





Liu

Gao

Asia Export

Cargo Ltd

Lin

Chang

Account Holder

Signatory

Account

holder

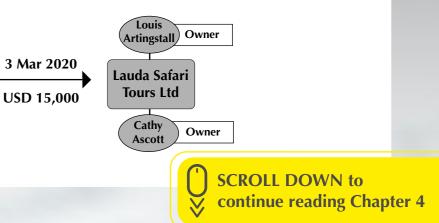
Account:

12345

Utility companies can identify how and by whom payments are made at an address and may be able to identify further addresses linked to the same person.

You should draw up a list of contacts in these other national agencies that are able to carry out checks at the initial stage of financial analysis. A basic institutional list is included at the end of this Handbook.

Once all possible immediate checks have been carried out, a financial profile of the suspect(s) can be drawn up. Using the checklist below, it will then be possible to identify gaps in knowledge that can be filled by interviews or further financial investigation.





Writing Up a Basic Financial Profile

Although charts are useful, they are not the final product of analysis. Based on all the information available and the connections and patterns revealed by analysis and charts, a report should be drawn up outlining the conclusions that can be made. These can be based on the following questions:

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INITIAL FINANCIAL ANALYSIS

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WHAT is the criminal activity taking place and how does the financial intelligence support this? **WHO** are the key individuals involved in the case? **HOW** is the activity financed? WHERE are the key locations? **WHEN** is the timeframe for the criminal activity?

Analysis will help identify the activities of the criminal network. It will also highlight possible money laundering offences and assets representing the proceeds of crime available for seizure.

Example of a conclusion from initial analysis:

'Subject A' is a low-level poacher who was paid a small amount in cash immediately prior to a kill in a national park where an elephant's tusks were removed. He has no known bank accounts or assets.

'Subject B' is a fixer or middleperson, who was responsible for paying 'Subject A' and other as yet unidentified suspects. His expenses are funded by wire transfer from unknown subjects in South East Asia. He has no known legitimate income, yet he rents a luxury flat in the capital and drives expensive rented SUVs.

FINANCIAL PROFILE CHECK LIST

INDIVIDUALS:

- Full name
- Date of birth
- Passport or other identify card numbers
- Address
 - Owned/rented? Payment details?
 - Utilities and other services
- Vehicles owned/used
 - Estimated value
 - Outstanding loans or purchase agreements
- Bank accounts (own or joint), credit cards • Balance and turnover information
- E-money accounts and wallets
- Use of money remittance services or networks
- High value assets owned
 - Purchase details (outright or loan?
- Salary payments and tax delcarations?

BUSINESSES:

- Name and registration
- Registered offices and places of business
- Type of business activities carried out
- Business licenses held
- Owners, shareholders, directors and others in control of the business
- Business bank accounts and credit cards
- Property, land and other assets owned by the business e.g. vehicles
- Tax delcaration and other business accounts

The following points should be included where possible in a financial profile:

5	FINANCIAL INTERVIEW STRATEGIES		
	valuable source of financial information is what a suspect or witness can tell you uring a financial interview.		FINANCIAL INTERVIEWIN
fir Tł	may not be possible to conduct a specific interview about financial matters, but nancial questions should always be asked during any questioning or interviews. The investigators who will conduct the interview should be briefed on the sorts of nancial information they should try to uncover.		PREPARATION:
			• Prepare initial financial profile of the p
	Financial Interview Questions		 Identify any specific questions to be as
	Any questions about travel, transport or storage should always be accompanied by questions about how it was paid for and who paid for it. Follow-up questions should be used to obtain precise information, such as details of particular banks or money remitters.		 Specific financial transactions Financing of specific activity con or shipping
	Some suspects may not have extensive financial history of their own, but they should be questioned about the financial activity of their associates in the rest of the network. For example, who paid for meals if they had them and how? Who appeared to control the cash? What types of transport do they use? Where do they meet?	1	Purchase of high-value assets LINES OF QUESTIONING:
	Using financial documents during an interview		1. In connection with the IWT activity – h
1	Suspects should be questioned in detail about any commercial, shipping or financial transactions and records. Copies of documents that have been obtained may be shown to the suspect. It is important that records are kept of any documents that are used or mentioned during the interview.		 2. Associates and contacts – what does the 3. Lifestyle – what income does the suspect pays for their accommodation, vehicles and
	Interviews about lifestyle, assets or money laundering	-	4. Identified high-value assets – when and
11	Interviews help to prepare a better financial profile of a suspect. Suspects should be asked about their sources of income (such as salary), and expenditure (such as living expenses, accommodation, communications or vehicles).		FOLLOW UP:
	Suspects should be asked about how they acquired high-value goods found at their home or in their possession, especially if they appear to be beyond their normal lifestyle. This type of question can be used to establish if they have an income that may be derived from criminal		If answers are given, follow up to ensure as possible, such as:
	activity. This information could ultimately be used as evidence to forfeit assets. If the suspect is known to have travelled, they should be questioned about how their travel		 Names and branches of banks used
	and accommodation was paid for and who paid for it.		 Location of money transfer agents used
	If a suspect is believed to be involved in money laundering, for example by using front companies to place criminal money into the banking system, it is advisable for interviews		 Currency of banknotes used – what size
	to be carried out by specialist financial investigators. These investigators will want to have carried out a comprehensive financial intelligence gathering exercise before these interviews.		 Where records are kept

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G CHECK LIST

person to be interviewed

sked and prepare supporting exhibits:

onnected to the IWT offence, such as storage

now were items paid for and who paid them?

e suspect know about their finances?

ct have? What are their major expenditures? Who nd communications?

I how were they bought, and who paid for them?

e that as much specific information is obtained

notes (e.g. US\$100)



FINANCIAL INVESTIGATION **STRATEGIES AND PRACTICE**

This Chapter helps non-specialists understand why initial financial information gathering at the start of a case is so important, and to encourage trained financial investigators to apply their resources to IWT cases.

When to perform a full financial investigation

Financial investigations can require a lot of time and effort from specialist officers. Before creating a financial investigation strategy, it is important to consider the expected outcome.

A financial investigation will not be possible in every case.

Will the financial intelligence:

- lead to a significantly greater understanding of the criminal network, through identifying activity (e.g. travel or money transfers) or additional associates both in Kenya and abroad?
- provide evidence to support IWT charges, for example by showing how criminal activity was funded?
- lead to potential money laundering charges, by identifying where and how the proceeds of IWT offences have been transferred or hidden?
- identify high-value assets or large sums for potential post-conviction forfeiture?

In accordance with the Wildlife Offences in Kenya SOPs, the officer in charge of the case, in conjunction with the ODPP, should decide if a parallel financial investigation is to be carried out or if the case requires involvement from the Financial Reporting Centre, Ethics and Anti-Corruption Commission or Asset Recovery Agency.



Did your initial enquiries suggest that there are enough financial leads to follow and will they create useful information to assist the case?

Conducting a Financial Investigation

Once the officer in charge of the case has decided on the investigative strategy, a full financial investigation can be launched. The decisions and the strategy should be recorded in a case file.

It is good practice for a financial investigator to be allocated to carry out the investigation. These specialist officers who have the powers to access financial information collected by financial institutions and other bodies.

They also have the skills and experience to follow leads and to produce the financial intelligence required by the strategy. In IWT cases where different agencies may be involved, it is recommended that one financial investigator is given lead responsibility.

Intelligence and Evidence

A financial investigation can collect vast amounts of data from lots of different sources in a short space of time.

Wherever possible, "soft" or electronic copies of data are useful for storage and analysis. Ask for transaction records to be supplied in a spreadsheet format, as this can immediately be used for analysis. If these records are supplied on paper, they will need to be manually inputted to an analysis system, which can lead to delay and errors.

However, these records may be needed as evidence in subsequent court proceedings. For this reason, it may also be necessary to receive "hard" copies or PDF, suitably certified and exhibited. The originals should be stored safely and working copies taken.

Allocate resources to the cases most likely to benefit from a full financial investigation.



Access to Financial Information in Kenya and Abroad

A financial investigator will have access to many sources of financial information in Kenya. By working with other agencies, they will be able to access the information they need through MOUs or other agreements. In some cases, they may also use court orders, like production orders or search warrants.

FINANCIAL INVESTIGATION

STRATEGIES AND PRACTICE

(2/3)

Obtaining full records from a financial institution for evidential purposes will almost certainly require a court order, for example under the Proceeds of Crime and Anti-Money Laundering Act 2009. These powers are beyond the scope of this Guide and any assistance should be sought from specialist financial investigators, the FRC or ODPP.

IWT investigations almost always have foreign connections. For example, if foreign bank accounts are identified sending funds to facilitate IWT activity in Kenya, enquiries will need to be made in the country where those bank accounts are held.

There are a variety of routes for carrying out these international enquiries:

- Contacting counterpart agencies in the foreign jurisdiction, who may initiate a parallel financial investigation of their own.
- Contacting the FIU in the foreign jurisdiction, who can respond to requests from the FRC. Any response will be sent back to the FIA and dealt with through their normal dissemination channels.
- Sending a request through INTERPOL channels.
- Sending a formal 'letter of request' for assistance to the foreign jurisdiction.

Advice on the suitability of these methods for any particular enquiry should be sought from the ODPP and FRC.

KEY POINT

To stay on track with a financial investigation, ask yourself if this line of enquiry helping:

to build a case or understand the criminal network?

to identify possible money laundering?

to identify assets held by suspects?

Do not carry out financial enquiries for their own sake - they should be leading somewhere.

Financial Intelligence Support to Investigations

Because of the volume of data and intelligence financial enquires can produce, it can be difficult to keep financial investigations on track and focused on the original objectives.

It is important for the officer in charge of the case overall to be regularly briefed on progress. To assist with this, interim financial analysis products and charts can be produced at regular intervals. The officer in charge should then review the objectives.

Decisions about enquiries into new subjects should be made and recorded in the case file.

Although this Handbook has focused on investigations arising from the seizure of illegal wildlife products or arrests, financial investigations are equally valuable during a proactive, intelligence-led case.

They can be used to support intelligence operations in near-real time. Good practice is to appoint a financial investigator and to brief them on all intelligence aspects of the case, including surveillance, communications intercept and informant information, so that they can identify opportunities for financial intelligence development.

Informants or undercover operatives should be tasked to collect any financial data they can. They should de-briefed and asked questions about any financial activity they have observed.

Surveillance teams should also be tasked to record all possible details about financial activity. This can include exactly who the subject spoke to and what they did in a bank or other financial institution. If a subject uses an ATM, the exact time and date of the transaction should be recorded by a surveillance officer.

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FINANCIAL INVESTIGATION STRATEGIES AND PRACTICE (3/3)		
16,164.00 16,164.00 15,726.00 15,256.00	33,245.00	3,423.00 34.42
Example:	23,312.00	3,423.00 23,42
In our financial analysis example in Chapter 4, we had two suspects:	9,220	Financial Investigation IN ACTION
'Subject A' – a low-level poacher, paid a small amount of money in cash	14,772.00	A subject was observed by a surveillar
'Subject B' – a fixer, who had apparent access to significant sums and travelled		followed by an officer who saw him p
internationally		The officer noted which counter the su the bank employee he spoke to.
s case, a financial investigation of 'Subject B' is likely to lead to identification ther activity and associates through his financial transactions. Further financial	13 704 00	These details enabled the financial inv
profiling will help to establish whether the funds he has access to have a legitimate origin or can be considered the proceeds of crime. Money laundering charges and	15,924.00	the money had been paid into and the subject.
asset forfeiture may follow in due course. In contrast, there would appear to be little value in pursuing further financial	46,884.00	
enquiries in respect of 'Subject A' .	37,872.00	
	and the second se	2.00 311
480,091.00 512,005.00	550,009	955 00 2,580,2
480,091.00 912,009.00	550,009	Financial Investigation IN ACTION
		IN ACTION
		IN ACTION An informant described how he had been present at a meeting
		IN ACTION An informant described how he
		IN ACTION An informant described how he had been present at a meeting of wildlife traffickers in a restaurant. When asked who had paid
$\mathbf{x}_{\mathbf{x}}$		IN ACTION An informant described how he had been present at a meeting of wildlife traffickers in a restaurant. When asked who had paid for the meal and how, he remembered that one of the
$i = \frac{1}{2}$		IN ACTION An informant described how he had been present at a meeting of wildlife traffickers in a restaurant. When asked who had paid for the meal and how, he remembered that one of the group had used a credit card. Enquiries with the restaurant
$\begin{array}{c} \hline \\ \hline $		IN ACTION An informant described how he had been present at a meeting of wildlife traffickers in a restaurant. When asked who had paid for the meal and how, he remembered that one of the group had used a credit card. Enquiries with the restaurant were able to identify a previously unknown account
??		An informant described how he had been present at a meeting of wildlife traffickers in a restaurant. When asked who had paid for the meal and how, he remembered that one of the group had used a credit card. Enquiries with the restaurant were able to identify a



e team entering a bank. He was money over a counter.

ect had used and a description of

tigator to establish which account etails of a false identity used by the

Financial Investigation IN ACTION

In one case, a surveillance team lost their subject, who was believed to be going to a meet another member of the organised crime group.

An urgent financial enquiry revealed use of a bank card associated with the suspect in an ATM, allowing the surveillance team to deploy to the area, where they reacquired the subject.

CONCLUSION

Chapter 1

Conclusion

This Handbook has shown how all first responders and IWT investigators can play a role in identifying financial leads and gathering financial intelligence, particularly in the early stages of an investigation.

The "golden hour" immediately after an arrest or seizure is an important time to gather information and lay the groundwork for the first stages of a financial investigation.

The priority for IWT investigators will be the primary offence, arresting suspects and recovering illegal wildlife products. But they should also be thinking about the financial details of the crime at all times and ask a number of basic questions of themselves and their suspects about the finances of the criminal enterprise.

If the case warrants a full financial investigation, these early actions can generate evidence relating to the IWT offence itself, identify possible additional money laundering charges and lead to the forfeiture of criminal assets.

To successfully complete a full financial investigation, a specialist financial investigator should be appointed, and an investigation strategy created to guide the case. Close cooperation between the investigating officer, Kenya Wildlife Service, the ODPP, the FRC and other agencies is vital and should be carried out in accordance with the Wildlife Offences in Kenya SOPs.

In this Handbook, we have examined the basic techniques of financial analysis and profiling. Examples of where and how an investigator can access financial information in Kenya and abroad have been identified.

Created by the Royal United Services Institute in partnership with the Environmental Investigation Agency, funded by the UK Government through the Illegal Wildlife Trade Challenge Fund. With thanks to all those who contributed.

Remember, always follow the money!



Chapter 4

Chapter 5

RELEVANT AGENCIES IN KENYA

Establishing contacts and arrangements with these agencies should form part of a national strategy to use financial intelligence to combat IWT. Details of individual contacts and how to access their information should be kept on record in your agency. Memorandums of Understanding (MOUs) are useful to ensure that the arrangements are understood, including how information will be safeguarded and the role of each agency in developing financial intelligence. All activity should be coordinated in accordance with the Wildlife Offences in Kenya SOPs.

The various agencies to consider, and to ensure that you have contacts with, are:

Financial Reporting Centre (FRC): <u>http://www.frc.go.ke</u>

Every country has a specialist Financial Intelligence Unit (FIU) that sits at the heart of the national financial intelligence and anti-money laundering system. The FIU has connections with the financial sector and receives confidential reports of any suspicious activity from financial institutions. The Financial Intelligence Unit in Kenya is the Financial Reporting Centre, created by the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA) 2009.

National Police Service (NPS), Directorate of Criminal Investigations: http://www.cid.go.ke

Specialist police units and officers are involved in financial investigations. They have access to special powers to obtain financial records and are trained in the development of financial intelligence and evidence. In Kenya, such specialist skills can be found in the Directorate of Criminal Investigations of the National Police Service (NPS) and the Transnational and Organised Crime Unit (TOCU) in the National Intelligence Service (NIS).

Kenya Revenue Authority (KRA): <u>http://www.kra.go.ke</u>

Customs/Revenue agencies are responsible for collecting revenue and taxes for the government. They have lots of financial information available to them, including individual financial profiles and information on shipping and trade. This information is usually confidential and must be accessed under appropriate powers and arrangements. In Kenya, the relevant agency is the Kenya Revenue Authority.

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Ethics and Anti-Corruption Commission (EACC): http://www.eacc.go.ke



IWT cases often involve corruption and bribery at various levels. If there is suspected involvement of corrupt officials, the specialist agency responsible for such matters should be consulted. In Kenya, the relevant agency is the Ethics and Anti-Corruption Commission (EACC).

Assets Recovery Agency (ARA): http://frc.go.ke/assets-recovery-agency.html

These agencies exist to ensure that criminals do not profit from their crimes by taking away and recovering the proceeds of crime, including assets obtained using the proceeds of crime. In Kenya, the Assets Recovery Agency is established by the POCAMLA as a semiautonomous body under the office of the Attorney-General.

Office of the Director of Public Prosecutions (ODPP): http://www.odpp.go.ke

Prosecutors play a vital role in building cases and taking them to court. Close cooperation with prosecutors is required during the detection, investigation and prosecution of wildlife crimes and any associated financial offences. In Kenya, IWT cases where there is a suspicion of money laundering linked to IWT or a suspect is reasonably suspected to be a beneficiary of proceeds of IWT crime, the case should be referred to the Office of the Director of Public Prosecutions (ODPP) in accordance with the SOPs mentioned above.

Relevant

Agencies

KENYA