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Contents

Contents	i
Letter from Commissioner of An Garda Síochána to Minister for Justice	v
Letter from Chief Bureau Officer to Commissioner of An Garda Síochána	vii
Foreword	xi
One: Overview of the Criminal Assets Bureau, its Officers & Staff	
<i>The Bureau</i>	1
<i>25th Anniversary (1996 – 2021)</i>	1
<i>Governance</i>	2
<i>Environmental & Energy Issues</i>	3
<i>Finance</i>	3
<i>Objectives and Functions</i>	4
<i>Chief Bureau Officer</i>	4
<i>Bureau Legal Officer</i>	4
<i>A Body Corporate</i>	5
<i>Structure of the Bureau</i>	5
<i>Bureau Officers and Staff</i>	6
<i>Authorised Staffing Levels</i>	6
<i>Anonymity</i>	6
<i>Intelligence and Assessment Office</i>	7
<i>Good Citizen Reports</i>	7
<i>Presentations made by IAO</i>	8
<i>Asset Management Office</i>	8
<i>Houses / Land managed by AMO</i>	9
<i>Presentations made by AMO</i>	10
<i>Balkan Asset Management Inter-Agency Network (BAMIN)</i>	10
<i>CAB Bespoke Online Auctions</i>	10
<i>Geographical Distribution Map of properties in possession of CAB</i>	12
<i>Chief State Solicitor's Office</i>	13
<i>Divisional Asset Profilers</i>	13
<i>Case 1</i>	14
<i>Case 2</i>	15
<i>CAB Presentations</i>	15
<i>Detective Garda Training Programme</i>	15
<i>Senior Investigators Course</i>	15
<i>Geographical Distribution Map of CAB Targets</i>	16
<i>Training and Development</i>	17
<i>POCAI</i>	17
<i>Staff Training</i>	18
<i>Virtual Currencies</i>	18
<i>Cryptocurrency Presentations</i>	19
<i>Revenue's National Anti-Avoidance Network</i>	19
<i>7th Europol EC3 Cryptocurrencies Conference</i>	19
<i>Cyber Crime Summit</i>	19
<i>Customs</i>	19

Contents

5th Global Conference on Criminal Finances & Cryptocurrencies..... 20
Cryptocurrencies for Investigators..... 20
Organisation Chart 21

Two: Criminal Assets Bureau Investigations

Investigations 23
Section 14..... 23
Section 14A 24
Applications made during 2021 25
Section 17 25
Criminal Prosecutions 25
Selection of items seized 27

Three: Actions under the Proceeds of Crime Act 1996 to 2016

Introduction 29
Section 1A Review..... 30
 Case 1 31
 Case 2 31
Cases Commenced 31
Section 2(1) Review..... 32
Valuation Breakdown 32
Section 3 Review 33
Section 3(3) 34
Geographical Breakdown..... 35
Property 35
Vehicles 35
Luxury Goods..... 35
 Case 1. 36
 Case 2. 36
Section 4(1) and 4A..... 37
 Case 1. 38
Other monies returned to Injured Parties under POC Act..... 38
 Case 1 38
Section 6..... 39
Section 7..... 39
Statement of Receiverships..... 40

Four: Revenue actions by the Bureau

Overview 41
Tax Functions 41
Tax Assessments 41
Appeals to the Tax Appeals Commission 41
Collections 42
Recoveries 42
Demands 42

<i>Settlements</i>	42
<i>Investigations</i>	42
<i>Theft and Fraud</i>	42
<i>Money Laundering in Used Car Trade</i>	43
<i>Sale and Supply of Illegal Drugs</i>	43
<i>Customs & Excise Functions</i>	44
<i>Points of Entry/Exit in the State</i>	44
<i>Motor Trade</i>	44
<i>National Briefings & Operational Support</i>	44
<i>Her Majesty’s Revenue & Customs (HMRC)</i>	45
<i>Revenue Tables</i>	46
Five: Social Welfare actions by the Bureau	
<i>Overview</i>	49
<i>Savings</i>	49
<i>Overpayments</i>	49
<i>Recoveries</i>	49
<i>Appeals</i>	50
<i>Section 5(1)(c)</i>	50
<i>Case 1</i>	50
<i>Case 2</i>	51
<i>Case 3</i>	51
<i>Case 4</i>	51
<i>Social Welfare Tables</i>	53
Six: Notable Investigations of the Bureau	
<i>Introduction</i>	55
<i>2021 Investigations</i>	55
<i>Case 1</i>	55
<i>Case 2</i>	55
<i>Case 3</i>	55
<i>Case 4</i>	55
<i>Case 5</i>	55
<i>Case 6</i>	56
<i>Case 7</i>	56
<i>Case 8</i>	56
<i>Case 9</i>	57
<i>Case 10</i>	57
<i>Case 11</i>	57
<i>Operation Thor</i>	57
<i>Operation Tara</i>	57
Seven: Significant Court Judgments during 2021	
<i>CAB v. Luk Yau Kwok, Weizhong Zhang & Huijuan Xu</i>	59
<i>CAB v. John McCormack</i>	60

Contents

- CAB v. Autology Limited T/A Autopace..... 63
- CAB v Marlene Walsh..... 66
- CAB v D.W. and C.W..... 68
- CAB v Sonya Walsh 69

- Eight: National and International Developments**
- The International Perspective* 73
- Asset Recovery Office (ARO)* 73
- International Operations* 73
- Europol*..... 73
- Eurojust*..... 74
- Interpol* 74
- CARIN* 74
- Relationship with External Law Enforcement Agencies*..... 75
- Cross Border Organised Crime Conference* 75
- Joint Investigation Teams (JITS)*..... 75
 - Case 1* 75
 - Case 2* 75
 - Cross Border Joint Agency Task Force (JATF)* 76
 - EMPACT*..... 76
- Visits to the Bureau*..... 77
- High Level Meetings*..... 79
- Media Interviews* 80

- Nine: Protected Disclosures Annual Report**..... 81

- Ten: Conclusions**..... 83

- Appendix A: Objectives and Functions of the Bureau** 85

- Appendix B: Statement of Internal Controls**..... 87

- Appendix C: CAB 25 Year Statistics Overview**..... 91

Letter forwarding report from the Garda Commissioner to the Minister for Justice

Dear Minister

In accordance with the provisions of section 21 of the Criminal Assets Bureau Act 1996, I am pleased to present to you the 2021 Annual Report of the Criminal Assets Bureau.

2021 was a very busy year for the Bureau. Despite the challenges of Covid-19, the increased workload of the Bureau and the resourcing issues experienced by the Criminal Assets Section of the Chief State Solicitors Office, the Bureau achieved ten of its eleven performance delivery targets for the year.

The sole missed target is in relation to proceeds of crime cases of which twenty three new proceeds of crime cases were initiated out of a total of thirty one cases submitted to the Criminal Assets Section. This is a reflection of the higher volume of legal service demands flowing into the Criminal Assets Section through proceeds of crime, tax appeals, property sales and other areas of Bureau work.

I note that the Bureau conducted forty eight search operations consisting of one hundred and eighty nine searches in twenty two counties and obtained High Court orders under the Proceeds of Crime Act 1996 in respect of assets in twelve counties. The continuing high number of search operations is evidence of excellent cooperation between the Criminal Assets Bureau and all Garda Divisions.

The Bureau has refocused its efforts towards strong cooperation with locally trained Divisional Asset Profilers.

The Bureau continues to foster links with local communities and supports local Garda management in enhancing the role of the Divisional Asset Profiler Network.

In this regard, an additional one hundred and two Divisional Asset Profilers were trained in 2021.

In addition, I recognise its extensive co-operation with law enforcement agencies in Northern Ireland, including the Police Service of Northern Ireland (PSNI), Her Majesty's Revenue and Customs (HMRC) and the National Crime Agency (NCA).

Internationally, the Bureau continues to liaise and conduct investigations with law enforcement and judicial authorities throughout Europe and worldwide and is effective at international level as the designated Asset Recovery Office (ARO) in the Republic of Ireland.

The Bureau has promoted its activities through the Garda Press Office and social media and has demonstrated the utmost professionalism in this area which is welcomed by both the local communities and the media.

Letter forwarding report from the Garda Commissioner to
the Minister for Justice

During 2021, the Bureau focused on all crimes involving wealth acquisition and returned in excess of €5.5 million to the Exchequer.

In addition to which the Bureau returned in excess of €5.4 million to six injured parties identified under section 7(1)B and pursuant to section 4A of the Proceeds of Crime Act in July 2021.

In total, for the year 2021, the Bureau denied and deprived criminals of their ill-gotten gains to the sum of €10.9 million.

2021 also marked the 25th Anniversary since the establishment of the Criminal Assets Bureau. To mark this significant milestone, a press briefing was held at Garda Headquarters on the 15th October 2021

I wish the Criminal Assets Bureau continued success for the future.

Yours sincerely



J A Harris
Commissioner
An Garda Síochána

Letter forwarding report from Chief Bureau Officer to the Commissioner of An Garda Síochána

Dear Commissioner

It is my pleasure to deliver the 26th Annual Report of the Criminal Assets Bureau for the calendar year 2021. This report is submitted for presentation to the Minister for Justice pursuant to the provisions of section 21 of the Criminal Assets Bureau Act, 1996.

In compliance with its statutory obligations, the report sets out the activities of the Bureau throughout the year in targeting the proceeds of crime.

2021 brought continuing challenges to the functioning of the Bureau in the form of Covid-19. The Bureau continued to react quickly and adopted new work practices ensuring the work of the Bureau continued whilst ensuring the safety of Bureau Officers, staff and members of the public. The flexibility, resilience and professionalism exhibited by all personnel attached to the Bureau is to be commended.

Despite these challenges, 2021 was a positive year, seeing the Bureau achieve ten of its eleven performance delivery targets for the year.

During the year, the Bureau continued to focus on the development of the Divisional Asset Profiler Network through the liaison with Divisional Asset Profilers.

The Bureau delivered online training to one hundred and two Divisional Asset Profilers with follow up training planned for 2022.

The Bureau recognises the contribution of locally trained Divisional Asset Profilers in the early identification of suitable targets for action by the Bureau.

During 2021, twenty three new applications were brought before the High Court under the Proceeds of Crime legislation. The Bureau recognises the decrease in the number of applications from the previous year. This decrease is primarily attributable to the increased demands by the Bureau and the resourcing issues experienced in the Criminal Assets Section (CAS) of the Chief States Solicitors Office (CSSO).

Once again, the majority of these actions related to the proceeds of drug trafficking. Other common underlying criminality include theft, burglary, fraud and money laundering. The Bureau will consider investigation into any criminal conduct which involves the acquisition of wealth.

In 2021, the value of assets under the new proceeds of crime cases commenced by the Bureau ranged in value from €9,370 to €973,077.

Proceeds of crime actions, together with actions under the Revenue and Social Protection provisions, yielded in excess of €5.5 million to the Exchequer in 2021.

Also in 2021, in excess of €5.4 million was returned by the Bureau to six injured parties who were victims of

Letter forwarding report from Chief Bureau Officer to the Commissioner of An Garda Síochána

cryptocurrency theft involving SIM swapping fraud. The underlying operation was taken in conjunction with US Homeland Security and as such is another positive example of international cooperation between the Bureau and its international law enforcement partners.

The Bureau coordinates its activities in a manner which takes cognisance of the Policing Plan of An Garda Síochána and the strategies of the Office of the Revenue Commissioners, the Department of Social Protection and the Department of Justice.

During 2021, the Bureau continued to support the nationwide anti-burglary initiative known as Operation Thor. In addition to which, the Bureau also supports the Garda Síochána National Anti-Drugs Operation Tara which commenced on the 1st July 2021.

Operation Tara sets out a strong focus on tackling street-level drug dealing in cities, towns and villages across the country.

Many of the Bureau's investigations have an international dimension and involve cooperation with law enforcement agencies in other jurisdictions. The Bureau continued to participate in the two Joint Investigation Team (JIT) agreements that Ireland joined in 2019.

One of the two investigations was brought to a successful conclusion in 2021.

The Bureau continues to develop its relationships with Interpol, Europol and the Camden Assets Recovery Inter-Agency Network (CARIN) and continues to represent Ireland on the platform of the Asset Recovery Offices.

At all times, the Bureau receives excellent support from legislators, members of the public and the media.

Staff of the Bureau continue to develop a significant social media presence through Facebook and Twitter resulting in the promotion of the activity of the Bureau and securing important information from members of the public. I want to personally acknowledge the efforts of the Bureau staff in promoting its work through the media and the engagement of mainstream media outlets in this regard.

I would also like to thank the Garda Press Office for their continued support and, in particular, for their support and assistance provided to the Bureau during the 25th Anniversary celebrations.

In addition, the support and co-operation afforded to the Bureau throughout the year by An Garda Síochána, the Office of the Revenue Commissioners, the Tax Appeals Commission, the Courts Service, the Department of Social Protection, the Department of Justice, the Department of Finance, the Department of Public Expenditure and Reform, the Office of the Attorney General and the Office of

Letter forwarding report from Chief Bureau Officer to
the Commissioner of An Garda Síochána

the Director of Public Prosecutions is greatly appreciated.

Likewise, I would also like to acknowledge the expertise and commitment of the solicitors and staff allocated by the Chief State Solicitor to the work of the Bureau. The value of co-located independent legal advice and support cannot be overstated in its contribution to the success of the Bureau.

Over the last number of years, it has been recognised by both the Bureau and the CSSO, that there is a need for an increase in CAS resources to support the higher volume of legal service demands flowing into CAS through proceeds of crime cases, tax appeals, property sales and other areas of Bureau work.

We therefore submitted a joint business case for significant increase in staffing levels in CAS and at the time of writing, this request has been approved and budget allocated for 2022 to support the recruitment of additional CSSO resources.

In addition, I would like to also acknowledge the significant contribution of legal counsel engaged by the Bureau.

During the year there were many personnel changes within the Bureau arising from the departure of a number of personnel on promotion, retirement and resignation.

This is an inevitable reality given the structure of the Bureau and as a result

it has given rise to an emphasis on maintaining a strong and well-resourced system for staff training which has been put in place in recent years.

I would also like to thank our previous Detective Superintendent, Ger Egan, for his hard work, commitment and dedication to the Bureau for the past number of years. I wish him every success on his appointment to Detective Chief Superintendent at the Garda National Immigration Bureau.

As 2021 marked the 25th Anniversary since the establishment of the Bureau, I would like to take this opportunity to acknowledge the high level of professionalism, dedication and commitment demonstrated by all Bureau Officers and staff, both past and present.

The nature of their work is such that, in many instances, it cannot be publicly acknowledged due to the necessity for anonymity and security requirements.

Yours sincerely



MICHAEL GUBBINS
DETECTIVE CHIEF SUPERINTENDENT
CHIEF BUREAU OFFICER

Letter forwarding report from Chief Bureau Officer to
the Commissioner of An Garda Síochána

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Foreword

Section 21 Report

This is the 26th Annual Report on the activities of the Criminal Assets Bureau (hereinafter referred to as “the Bureau”) and covers the period from 1st January 2021 to 31st December 2021 inclusive.

The Criminal Assets Bureau Act 1996 and the Proceeds of Crime Act 1996 have both been amended but most substantially by way of the Proceeds of Crime (Amendment) Act, 2005.

For the purpose of this report, the Criminal Assets Bureau Act 1996 and 2005 will hereinafter be referred to as “the CAB Act” and the Proceeds of Crime Act 1996 to 2016 will hereinafter be referred to as “the PoC Act”. The CAB Act provide a collective title of amendments governing the powers and functions of the Bureau.

This report is prepared pursuant to section 21 of the CAB Act which requires the Bureau to present a report, through the Commissioner of An Garda Síochána, to the Minister for Justice outlining its activities during the year 2021.

Foreword

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Part One

Overview of the Criminal Assets Bureau, its Officers and Staff

The Bureau

On the 15th October 1996, the Bureau was formally established by the enactment of the CAB Act. The CAB Act provides for (among other matters):

- the objectives of the Bureau;
- the functions of the Bureau;
- the Chief Bureau Officer;
- Bureau Officers;
- staff of the Bureau;
- the Bureau Legal Officer;
- anonymity of staff of the Bureau;
- offences and penalties for identifying staff of the Bureau and their families;
- offences and penalties for obstruction and intimidation;
- CAB search warrants;
- CAB production orders.

25th Anniversary (1996 – 2021)

On the 15th October 2021, the Bureau celebrated its 25th Anniversary and continues to be a key part in the armoury of the state in tackling criminal activity, through denying and depriving persons of the proceeds of their criminal conduct.

The murders of Detective Garda Jerry McCabe and journalist Veronica Guerin in June 1996 became the catalyst for the introduction of legislation by Government which led to the establishment of the Bureau. The formation of the Bureau provides the additional tool for the State to tackle crime and, in particular, organised crime.

The Bureau was officially established by the CAB Act and in 1996, the Bureau brought six (6) new proceeds of crime

cases before the High Court with a value of IRL£2.101m (€2.668m). The Bureau since its establishment has brought in excess of three hundred and sixty (360) cases before the High Court with an estimated value of €168,500,946.

The first Disposal Orders made under section 4 of the PoC Act was brought in 2004 and the Bureau returned €275,875 to the Exchequer. Through the amendment of the PoC Act, 2005 saw the introduction of the Consent Disposal Order (Section 4A). The Bureau returned in excess of €2.002m to the Exchequer in 2005 under section 4 and 4A.

As of 31st December 2021, the Bureau, under the PoC Act, has returned in excess of €33.501m since 2004 to the Exchequer for the benefit of the Central Fund.

1997 saw the first tax collected and amounted to IRL£198,230. Since the Bureau's inception in October 1996, to the end of 2021, Revenue Bureau Officers have collected in excess of €165.463m.

In its 25 year history, Social Welfare Bureau Officers have recovered in excess of €5.397m in social welfare overpayments.

1996 - 2021	CRIMINAL ASSETS BUREAU	25 Years
Funds returned to Exchequer		
Proceeds of Crime		€ 33,501,520
Revenue Collections		€ 165,463,028
Social Protection Recoveries		€ 5,397,290
Total returned to Exchequer		
€204,361,838		

Part One

Overview of the Criminal Assets Bureau, its Officers and Staff

Throughout its twenty five year history, the Bureau's staffing complement has significantly increased, from thirty one (31) staff in 1996 to an authorised staffing level of ninety nine (99) in 2021.

To mark the success of the Bureau throughout its 25 years, the Chief Bureau Officer, Detective Chief Superintendent Michael Gubbins, gave a media briefing on the 15th October 2021, along with Heather Humphreys, T.D., in her dual capacity as Minister for Social Protection and Acting Minister for Justice and the Commissioner of An Garda Síochána, Mr Drew Harris at Garda Headquarters.



Media Briefing given by Chief Bureau Officer, D/Chief Superintendent Michael Gubbins, Commissioner of An Garda Síochána Mr Drew Harris and Minister for Social Protection and Acting Minister for Justice Heather Humphreys in celebration of CAB's 25th Anniversary

The Bureau in reaching its 25th year is a result of the legacy of success it holds. Thanks to the stewardship of our Chief Bureau Officers, the guidance of the Bureau Legal Officers, the dedication of the many staff over the years, the support of our colleagues in law enforcement agencies across the globe, our legal teams who worked with us and the general public, the Bureau will continue to carry out its statutory remit

of denying and depriving people of their criminally acquired assets.

Governance

The inter-agency and multi-disciplinary structure of the Bureau, together with its multi-stranded governance and accountability pathways, means that the Bureau does not fall within the traditional definition of a State Body within the meaning of the Code of Practice for the Governance of State Bodies. The Bureau does, however, apply the Code of Practice for the Governance of State Bodies as adapted to its structure.

As the Bureau has no Board, the Chief Bureau Officer along with the Senior Management Team undertakes the role of a Board, in addition to the performance of its executive functions.

The Bureau sets out its goals and commitments for the year in its annual Business Plan 2021. This plan took cognisance of the Statement of Strategy 2020-2023.

An Oversight Agreement between the Bureau and the Department of Justice has been signed and covers the period 2020 – 2022. This Agreement sets out the broad governance and accountability framework within which the Bureau operates and defines key roles and responsibilities which underpin the relationship between the Bureau and the Department. The Bureau's Oversight Agreement is available at www.justice.ie.

A separate but related Performance Delivery Agreement has also been signed for the year 2021 and is available for viewing at www.justice.ie.

The Department of Justice's Internal Audit Unit provides support to the Bureau in monitoring and reviewing the effectiveness of the Bureau's arrangements for governance, risk management and internal controls.

The Internal Audit Unit conducts an independent audit of the Bureau's procedures and processes on an annual basis.

The Bureau held eleven (11) Senior Management Team Meetings, four (4) Audit and Risk Committee Meetings and two (2) Governance Committee Meetings during 2021.

Environmental and Energy Issues

As set out in the requirements of the Public Sector Energy Efficiency Strategy 2017, the Chief Bureau Officer appointed Detective Superintendent Seamus Dalton as Energy Performance Officer for the Bureau.

The Bureau will continue to participate, progress, promote and report on all initiatives in relation to environmental and energy issues by year end in accordance with S.I. 426 of 2014 (European Union (Energy Efficiency) Regulations).

In November 2020, the Bureau completed the "Green Business Tool for Resource Efficiency" Survey which enables the Bureau to reduce costs and

help to reduce our environmental impacts.

In advance of the relocation of the CAB Offices in 2022, the Bureau commenced the planning process in 2021 which incorporated the reduction of its carbon footprint.

The Bureau identified measures to be put in place at the new offices which would enable the Bureau to reduce its environmental affect such as:

1. Follow me printing which will result in increased efficiency and reductions in the number of devices required (i.e., paper, print consumables and electricity used). Toner cartridges for multi-function printers are more efficient and cheaper than for personal and older print models.
2. Server Consolidation: The Bureau plans to replace a number of older physical servers with a newer more energy efficient VMware environment in 2022.
3. A review will take place of all existing equipment and where possible, replace some of the older equipment with newer more energy efficient equipment.

Finance

During the course of the year the Bureau expended monies provided to it by the Oireachtas, through the Minister for Justice, in pursuit of its statutory objectives.

Part One

Overview of the Criminal Assets Bureau, its Officers and Staff

All monies provided by the Oireachtas as outlined in the table are audited by the Comptroller and Auditor General, as is provided for under Statute.

Comparison of Accounts for years 2020 / 2021

Year	Description	Amount €	
		Budget Provision	Total Spent
2020	Pay	7.389	8.600
	Non-pay	1.701	1.801
	Total	9.090	10.401
2021*	Pay	8.260	8.307
	Non-pay	1.701	1.804
	Total	9.961	10.111

** Awaiting Audit – Subject to Change*

The slight overspend in budget provision (circa €150k) relates mainly in the area of non-pay with the purchasing of telecommunications and computer assets.

Objectives and Functions

The objectives and functions of the Bureau are respectively set out in sections 4 and 5 of the CAB Act. These statutory objectives and functions are set out in full at Appendix A and may be summarised as:

1. Identifying and investigating the proceeds of criminal conduct;
2. Taking appropriate actions under the law to deny and deprive persons of the benefits of assets that are the proceeds of criminal conduct by freezing, preserving and confiscating these assets;
3. The taking of all necessary actions under the Revenue Acts to ensure that the proceeds of criminal activity are subjected to tax;
4. Investigating and determining claims under the Social Welfare Acts.

Chief Bureau Officer

The Bureau is headed by the Chief Bureau Officer, appointed by the Commissioner of An Garda Síochána from among its members of the rank of Chief Superintendent. The current Chief Bureau Officer is Detective Chief Superintendent Michael Gubbins who was appointed on 5th May 2020.

The Chief Bureau Officer has overall responsibility, under section 7 of the CAB Act, for the management, control and the general administration of the Bureau. The Chief Bureau Officer is responsible to the Commissioner of An Garda Síochána for the performance of the functions of the Bureau.

The Chief Bureau Officer is also accountable to the Secretary General of the Department of Justice with regard to matters arising for the Secretary General as Accounting Officer for the Bureau.

This section also provides for the appointment of an Acting Chief Bureau Officer to fulfil the functions of the Chief Bureau Officer in the event of incapacity through illness, absence or otherwise.

Bureau Legal Officer

The Bureau Legal Officer reports directly to the Chief Bureau Officer and is appointed under section 9 of the CAB Act to assist the Bureau in the pursuit of its objectives and functions.

The current Bureau Legal Officer is Kevin McMeel who was appointed on 19th July 2019.

A Body Corporate

The Bureau exists as an independent corporate body as provided for under section 3 of the CAB Act. The status of the Bureau was first considered in 1999 by the High Court in the case of *Murphy - v- Flood* [1999] IEHC 9.

Mr Justice McCracken delivered the judgment of the High Court on the 1st of July 1999. This judgment is pivotal to understanding the nature of the Bureau.

The court set out:

“The CAB is established as a body corporate with perpetual succession. While the Chief Bureau Officer must be appointed from members of An Garda Síochána of the rank of Chief Superintendent, nevertheless the CAB is independent of An Garda Síochána, although it has many of the powers normally given to that body.

...

The CAB is a creature of Statute, it is not a branch of An Garda Síochána. It was set up by the Oireachtas as a body corporate primary for the purpose of ensuring that persons should not benefit from any assets acquired by them from any criminal activity.

It is given power to take all necessary actions in relation to seizing and securing assets derived from criminal activity, certain powers to ensure that the proceeds of such activity are subject to tax, and also in relation to the Social Welfare Acts.

However, it is not a prosecuting body, and is not a police authority. It is an investigating authority which, having investigated and used its not inconsiderable powers of investigation, then applies to the Court for assistance in enforcing its functions.

The Oireachtas, in setting up the CAB, clearly believed that it was necessary in the public interest to establish a body which was independent of An Garda Síochána, and which would act in an investigative manner.

However, I do not think it is the same as An Garda Síochána, which investigates with an aim to prosecuting persons for offences.

The CAB investigates for the purpose of securing assets which have been acquired as a result of criminal activities and indeed ultimately paying those assets over [to] the State.”

Structure of the Bureau

The inter-agency and multi-disciplinary structure of the Bureau, which draws together various skill sets from the personnel involved, has the benefit of enhancing investigative capabilities in pursuit of the Bureau’s statutory remit.

The functions of the Bureau, operating through its Bureau Officers, are outlined under section 5 of the CAB Act detailing the functions of the Bureau.

Part One

Overview of the Criminal Assets Bureau, its Officers and Staff

Bureau Officers and staff

Section 8 of the CAB Act provides for the appointment of officers of the Bureau. Members of staff of the Bureau are appointed under section 9 of the CAB Act.

Officers of the Bureau are:

- A. Members of An Garda Síochána;
- B. Officers of the Revenue Commissioners;
- C. Officers of the Department of Social Protection.

Officers are on special leave from their parent agencies. Bureau Officers continue to be vested with the powers and duties of office notwithstanding their appointment as Bureau Officers.

Members of staff of the Bureau consist of:

- The Bureau Legal Officer;
- Professional and technical members;
- Administrative members.



The authorised staffing level at the Bureau comprising Bureau Officers and other staff stands at ninety nine (99).

Following promotions, retirements and resignations during 2021, ten (10) staff vacancies remain at the Bureau on 31st December 2021.

These vacancies include eight (8) Detective Garda vacancies and two (2) IT vacancies. The Bureau is liaising with the relevant bodies and it is anticipated that these vacancies will be filled by Quarter 3, 2022.

Authorised Staffing Levels

Inter-agency & multi-disciplinary authorised levels

	53
	8
	21
	17

Anonymity

Section 10 of the CAB Act provides certain protection in the form of anonymity for non-Garda Bureau Officers and members of staff of the Bureau. Under this section, officers and staff of the Bureau execute their duties in the name of the Bureau.

Section 11 of the CAB Act provides for criminal offences relating to the identification of certain Bureau Officers, staff and their families. The prohibition of identification does not extend to the Chief Bureau Officer, an Acting Chief Bureau Officer, the Bureau Legal Officer or the Bureau Officers who are members of An Garda Síochána.

Intelligence & Assessment Office

The Intelligence and Assessment Office (IAO) is an integral function of the Bureau and is serviced by Bureau Officers covering all agencies within the Bureau. Its remit is to analyse the triage of all incoming referrals.

Correspondence is received by the Bureau from a variety of sources including Good Citizen Reports, Divisional Asset Profiles, information from State and semi-State agencies and both the private and non-governmental organisation sectors.

Assessment of all submissions to the Bureau takes place at the IAO and includes the preparation of background reports to inform the Admissions Group decision making process on whether or not, the individual / company assessed meets the criteria to be assigned as a CAB target.

The Admissions Group, serviced by the management of each agency, make decisions to either accept or decline the individual / company as a CAB target. Should they be accepted as targets, they will be assigned to a team room for multi-agency investigation.

The IAO provide ongoing support to the Bureau's investigation teams by identifying any issues of relevance within the broad range of legislation under which the Bureau operates, intelligence and operational support.

Since the creation of the IAO, the increase in targets is best illustrated by

the number of targets submitted to the Bureau for consideration i.e., from 500 in 2016 to in excess of 1,700 in 2021.

The Bureau, through the IAO, engages with our international partners including Europol, Interpol, Camden Asset Recovery Inter Agency Network (CARIN), United Nations Office on Drugs and Crime (UNODC) and the Asset Recovery Network (ARO).

The Bureau, through the IAO, conducts enquiries at both national and international levels to support ongoing operations.

Good Citizen Reports

The Bureau receives information from members of the public in a variety of different ways, i.e., email, in writing or by way of phone call, whether from a self-identified author / caller or by way of Good Citizen Report.

The Bureau is interested in any information in respect of unexplained wealth which, it is suspected, may be linked, directly or indirectly, to criminality or a person who is living beyond their means or is materially benefitting from the proceeds of crime.

The information given by members of the public is dealt with in the strictest of confidence. This information is evaluated at the IAO to establish if the information provided falls within the remit of the Bureau. Information can be provided to the Bureau via a number of different platforms listed below:

- By telephone on 00 353 1 6663266

Part One

Overview of the Criminal Assets Bureau, its Officers and Staff

- By email at info@cab.ie
- By post (Criminal Assets Bureau, Harcourt Square, Harcourt Street, Dublin 2. D02 PT89)
- Facebook: [@CriminalAssetsBureau](https://www.facebook.com/CriminalAssetsBureau)
- Twitter: [@criminalassets](https://twitter.com/criminalassets)

During 2021, the Bureau received three hundred and twenty one (321) Good Citizen Reports.

One such Good Citizen Report received by a Bureau Officer was made via telephone call. The caller provided information to a Bureau Officer who took immediate action which resulted in the seizure of a high value vehicle worth in the region of €80,000.

Presentations made by IAO

The Detective Sergeant of the IAO made a presentation to the 2021 International Law Enforcement IP Crime Conference held virtually from 11th – 13th October 2021.

This event was co-hosted by Interpol and the Judicial Investigation Police (OIJ), Costa Rica and the Underwriters Laboratories. The presentation was entitled “*Effective Collaboration to Identify and Stop Criminal Activity*”.

The Detective Sergeant of the IAO also made a presentation, in 2021, to the students of the Garda National Economic Crime Bureau Post Graduate Certificate in Fraud & E-Crime Investigation Graduation in University College Dublin.



Asset Management Office

The Asset Management Office (AMO) was also established in 2017 in order to manage all assets under the control of the Bureau.

The diverse range of assets over which the Bureau has responsibility necessitates the deployment of considerable resources to ensure each asset is managed to maintain its value, to fulfil the Bureau’s legal obligations and to ensure the optimum value is realised when remitted to the Exchequer.

The AMO now fully manages the recovery of assets for all agencies within the Bureau. The increase in proceeds of crime cases over the last number of years has resulted in an increase in assets which this team has to manage.



A range of designer footwear

The PoC Act requires that an asset is retained for a seven year period following the decision of the High Court (unless agreement is received from the parties involved for immediate disposal). In practice, this period can be considerably longer due to appeals and challenges to such orders. In the case of certain assets, such as properties, this

Overview of the Criminal Assets Bureau, its Officers and Staff

can involve ongoing resources to maintain the property, including in some instances, the Bureau acting as landlord.

In addition to tangible assets retained by the Bureau, there are also considerable assets in respect of outstanding liabilities to the Bureau under the Revenue and Social Welfare Acts.

These debts are also managed by the AMO with a view to realising their worth. This office provides a higher level of governance for assets under the control of the Bureau.

maintaining the asset from the time it is taken into the possession of the Bureau (by way of seizure or court order) and preserving the asset's value and condition until disposal.

The AMO is responsible for taking possession of, inspecting and securing the property on the date specified by the relevant court order.



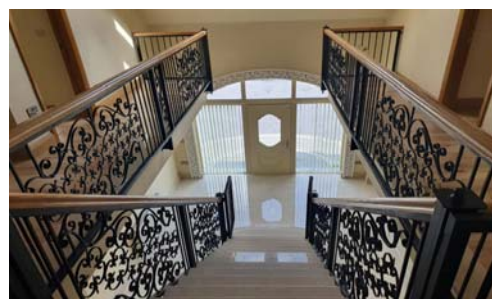
Chanel and Louis Vuitton Designer Handbags

Houses / Land managed by AMO

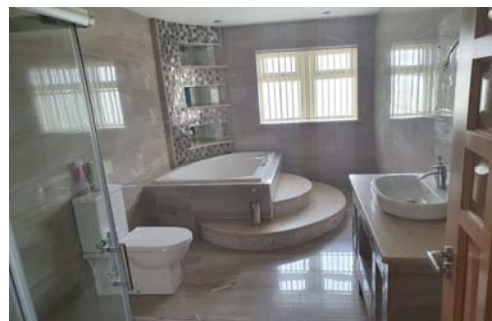
AMO is responsible for the management and control of assets seized by the Bureau pursuant to orders made under the PoC Act. The AMO assists the court appointed Receiver in carrying out his/her function under section 7 of the PoC Act. The management, monitoring and control of an asset involves



Property seized by CAB Officers



Staircase inside property



Bathroom inside property

The AMO arranges for the necessary works to be carried out i.e., maintenance, installation of intruder

Part One

Overview of the Criminal Assets Bureau, its Officers and Staff

alarm, inspection of BER Certificate and valuation by an auctioneer.

At 31st December 2021, the Bureau currently have orders over sixty three (63) properties of which sixty one (61) properties are within the jurisdiction and two (2) of which are located outside the jurisdiction. The total section 2 value of these properties is circa €15m.

During 2021, the Bureau realised the total sum of €653,000 in respect of the sale of four (4) properties.

Presentations made by AMO

Balkan Asset Management Inter-Agency Network (BAMIN)

The BAMIN Network is an “informal” network of experts and practitioners in the field of asset management. Its aim is to improve domestic practice and international cooperation among asset management offices, law enforcement and judicial agencies, which in turn provide a more effective method of managing assets.



BAMIN Logo

Its primary objective is to improve mutual knowledge on methodologies and techniques in this area on a practical operational level.

The need to effectively manage the proceeds derived from crime is recognised as the key to providing any substantial value for forfeiture or

confiscation during an investigation and prosecution.

During 2021, a Bureau Officer, attached to AMO, attended BAMIN Workshops held on 13th May 2021 and 8th September 2021 and also attended its Annual General Meeting on 8th – 9th June 2021.

The practical experience of Bureau Officers attached to AMO and the recent training courses undertaken in this area, assisted several jurisdictions in the western Balkans to establish their own policy and procedures on this issue.

CAB Bespoke Online Auctions

Over the last number of years, the Bureau has seen an increase in the seizure of luxury goods purchased with the proceeds of crime and continues to target these ill-gotten gains.

In this regard and in order to realise their value, these luxury assets are put to auction by various auction houses throughout the country.



Christian Louboutin Footwear

During 2021, and due to the large volume of luxury assets over which a section 4 or 4a order of the PoC Act had

been granted, the Bureau engaged the services of an Auction House who, on behalf of the Bureau, held an online bespoke timed auction on the 9th December 2021.

To comply with covid-19 restrictions, this auction was held online to discourage the unnecessary travelling to view or inspect the assets. All viewings were held online and full itemised inspection reports were made available to potential bidders / purchasers.

Fifty five (55) designer items went on sale including designer handbags, watches, footwear and clothing. From the fifty five (55) items on sale, fifty (50) items were realised for a total sum of €45,529.20. The remaining five (5) items will be re-entered into a future auction.



Rolex Watch

Part One

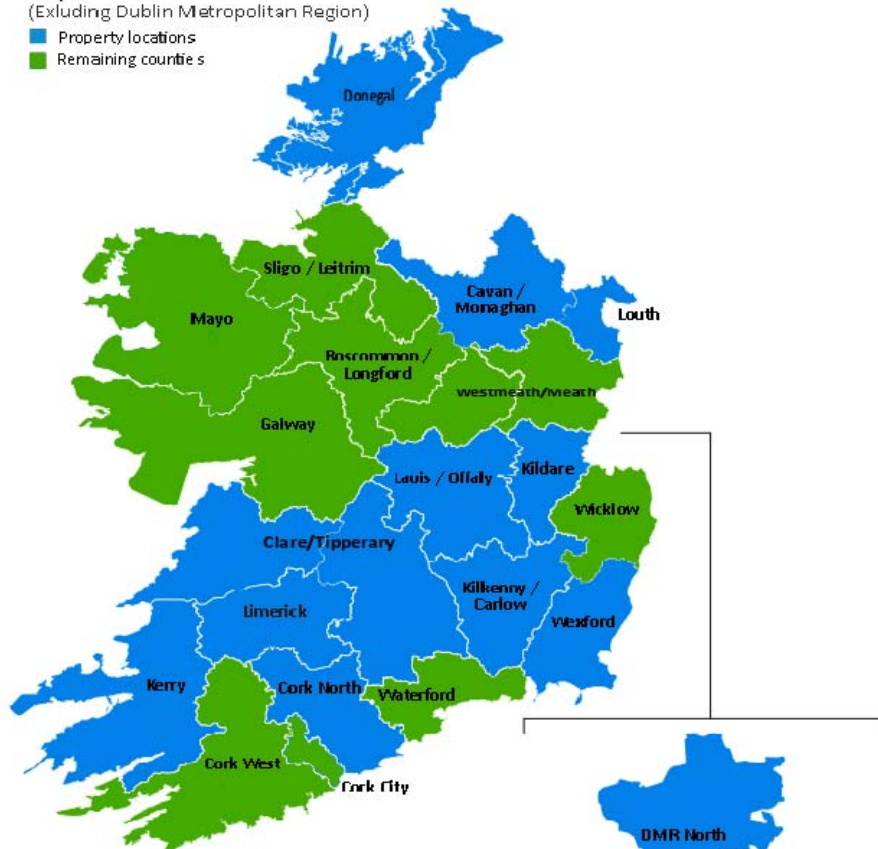
Overview of the Criminal Assets Bureau, its Officers and Staff

Geographical Distribution of properties in possession of the Criminal Assets Bureau (end December 2021)

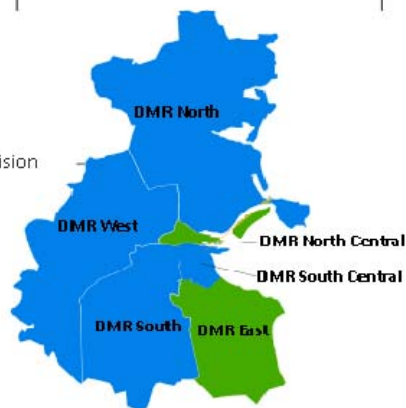
Total: 61

Map 1:
(Excluding Dublin Metropolitan Region)

- Property locations
- Remaining counties



Map 2: Property location by Garda Division Dublin Metropolitan Region



Chief State Solicitor's Office

The Criminal Assets Section (hereinafter referred to as "CAS") of the Chief State Solicitor's Office provides a dedicated legal service to the Bureau and is uniquely co-located with its clients.

CAS provides legal services on all aspects of the work of the Bureau including but not limited to:

- Bureau applications pursuant to the PoC Act as amended.
- Legal representation for all Bureau tax and social welfare matters both before their respective appeal bodies and in the Circuit and Superior Courts.
- Conveyancing and commercial property transactions.
- Other civil law cases including Judicial Review and Plenary matters.

CAS is headed by a Principal Solicitor and in 2021 had an authorised staffing complement of four (4) State Solicitors, an Executive Officer and two (2) Clerical Officers, although, there were gaps in this resource for part of 2021 due to some unforeseen circumstances.

Over the last few years, it has been recognised that the authorised staffing complement is no longer sufficient to maintain increasing Bureau outputs and increased service demands in proceeds of crime cases, tax appeals, property sales and other areas of Bureau work.

The Bureau recognises the need for an increase in CAS resources to support the higher volume of legal service demands flowing into CAS and continues to be supportive of a case for increased staffing levels.



Divisional Asset Profilers

Divisional Asset Profiler training is organised and conducted by the IAO in accordance with the Bureau's strategic plan. The IAO supports and liaises with the locally trained Divisional Asset Profilers to obtain profiles on persons submitted for assessment.

In 2021, the Bureau continued its programme of engagement with Divisional Asset Profilers. In April 2021, the Bureau delivered online training to an additional one hundred and two (102) Divisional Asset Profilers, delivering on its Performance Delivery Agreement commitment.

It is envisaged that a further thirty (30) Divisional Asset Profilers will be trained in 2022.

To further enhance the training for the newly trained profilers, a one day workshop is being developed for delivery in 2022.

Part One

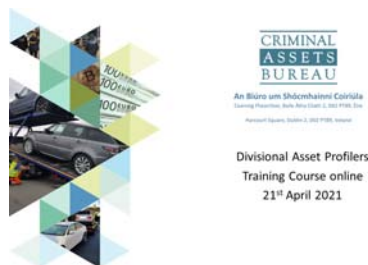
Overview of the Criminal Assets Bureau, its Officers and Staff

At year end, the total number of Divisional Asset Profilers stood at five hundred and fifty two (552), which included:

- 527 Gardaí
- 17 Officers of the Revenue Commissioners engaged in Customs and Excise duties;
- 8 Officers of the Department of Social Protection

In addition, representatives from the following agencies attended the online Divisional Asset Profiler training course in 2021:

- National Crime Agency (NCA)
- Northern Ireland Cooperation Overseas (NI-CO)
- Interpol



Presentation Cover

In 2021, two hundred and twenty one (221) asset profiles were received from Divisional Asset Profilers throughout Ireland (as compared to two hundred and thirty five (235) asset profiles received in 2020).

Ongoing contact and close cooperation was maintained both Regionally and Divisionally throughout 2021.

The Bureau continues to be the standard bearer of best practice in the area of non-conviction based civil forfeiture of criminal assets. The Bureau also research best practice identifying courses and partners who increase knowledge and assist with the continuous professional development of staff directly allocated to the Bureau and those trained as Divisional Asset Profilers.

The Bureau will continue to develop the successful relationship established in 2021 with IIPCIC (International IP Crime Investigators College), an Interpol initiative in cooperation with the University of Limerick. The Bureau will continue to seek opportunities to develop other relationships to assist Divisional Asset Profilers in their roles.

The following cases provide examples of Bureau investigations that originated from Divisional Asset Profilers:

Case 1:

Upon receipt of a referral by a local Divisional Asset Profiler, the Bureau conducted an investigation into the assets of persons, who were suspected to be involved in the sale and supply of controlled drugs. This case was referred to the Bureau following the seizure of assets by local Gardaí investigating the sale and supply of drugs in Dublin's south inner city.

The Bureau's investigation resulted in the granting of orders pursuant to section 3 and 4A of the PoC Act over

€16,825 cash, a 2011 Audi A3 motor vehicle, a Rolex Datejust Watch (valued €5,000), a Hublot Big Bang Watch (valued €13,000), and a Cartier Pink Gold Love Bracelet (valued €3,000)

Case 2:

Following the seizure of €9,370 cash by local Gardaí in Tipperary as part of their ongoing targeting of persons involved in the sale and supply of controlled drugs, a referral was made to the Bureau.

The Bureau's investigation resulted in the granting of orders pursuant to section 2, 3 and 4A of the PoC Act over the €9,370 cash.

CAB Presentations

Detective Garda Training Programme

During the course of 2021, the Bureau assisted the Crime Training Faculty at the Garda College in Templemore in the provision of Detective Training.

The Bureau delivered presentations to the Detective Garda Training Programme on two (2) occasions during 2021.

Senior Investigators Course

During 2021, the Bureau assisted the Crime Training Faculty and made presentations on three (3) occasions to the Senior Investigators Course.

Part One

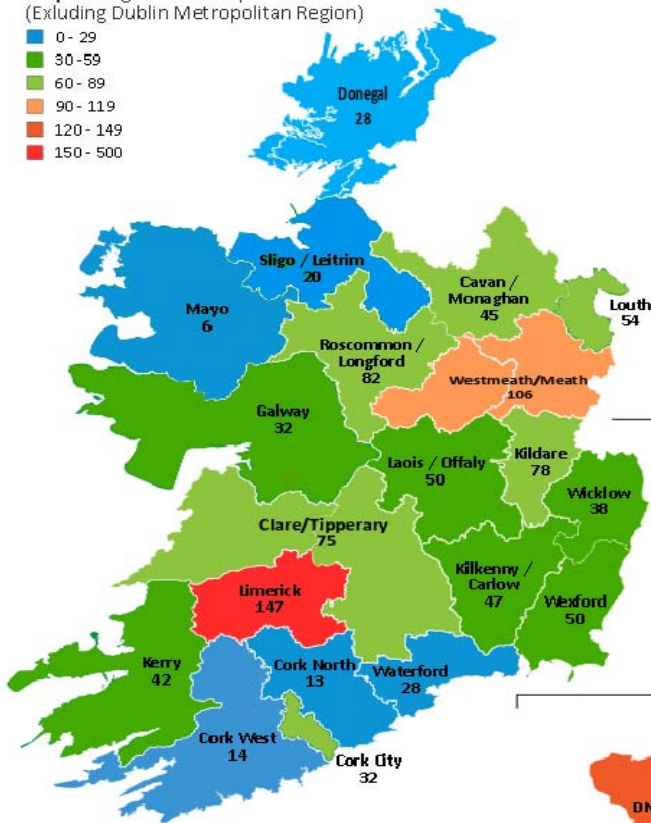
Overview of the Criminal Assets Bureau, its Officers and Staff

Geographical Distribution of Targets under investigation by the Criminal Assets Bureau (Persons & Organisations - end December 2021)

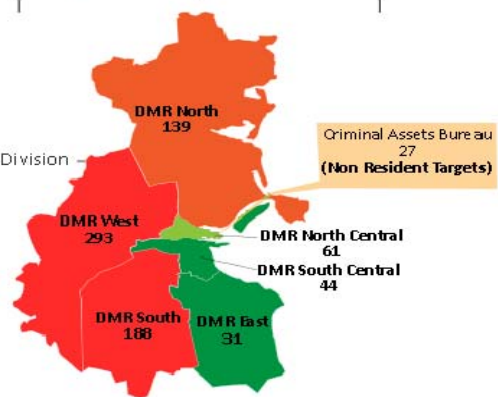
Total: 1770

Map 1: Targets of CAB by Garda Division (Excluding Dublin Metropolitan Region)

- 0 - 29
- 30 - 59
- 60 - 89
- 90 - 119
- 120 - 149
- 150 - 500



Map 2: Targets of CAB by Garda Division – Dublin Metropolitan Region



CRIMINAL ASSETS BUREAU

An Búro um Shócmhainní Coiriúla
 Cearnóg Fhearchair, Baile Átha Cliath 2, D02 PT89, Éire
 Harcourt Square, Dublin 2, D02 PT89, Ireland

Training and Development

Proceeds of Crime & Asset Investigation (POCAI)

(Formerly known as TACTIC (The Asset Confiscation and Tracing Investigator's Course))

The Bureau's multi-agency structure continues to be the most powerful tool in the State's armoury in tackling organised crime groups and criminal activity and is the envy of law enforcement worldwide.

As a part of its prescribed statutory function, the Bureau currently provides national and international assistance and education to other law enforcement / regulatory agencies and State bodies including Interpol, Europol, Northern Ireland Co-operation Overseas (NI-CO), National Crime Agency (NCA), Icelandic and Maltese Police. The accreditation of material in this field is now regarded as critical for the delivery of an effective and professional service, both nationally and internationally.

Despite the success of the "*The Asset Confiscation and Tracing Investigator's Course*" (TACTIC), the Bureau recognised that it did not afford participants with an academically recognised qualification for their skillset in this area.

In order to remedy this, the Bureau together with the University of Limerick, set about creating an academically recognised qualification

with the University of Limerick at Level 9 Accreditation.

The Criminal Assets Bureau: Postgraduate Diploma in Proceeds of Crime & Asset Investigation (POCAI) was jointly launched by staff from the University of Limerick and the Bureau on the 26th February 2020.

The first participants, numbering fourteen (14) Bureau Officers, began their studies in September 2020 and received their qualification in October 2021, recognising their skillsets in the area of proceeds of crime investigation, asset identification, seizure, confiscation and recovery.

The Postgraduate Diploma in Proceeds of Crime & Asset Investigation is an accelerated programme and is delivered in five modules of learning namely:

1. Multi-agency Proceeds of Crime Investigation
2. Dark-Net & Open Source Intelligence
3. Forensic Accounting
4. National and International Best Practice in Proceeds of Crime Investigation, Law, Procedure, Policy and Practice
5. The Experiential Learning Module

The second course commenced in September 2021 but as in September 2020, due to the Covid-19 pandemic, the programme was delivered online under Course Director Professor Ray

Part One

Overview of the Criminal Assets Bureau, its Officers and Staff

Friel and Ms Angela Liddy, of the University of Limerick.

This delivery of the course was supported by subject matter experts within the Bureau and external experts in areas such as proceeds of crime procedures, white-collar crime, bribery and corruption, evidence and international cooperation.

The Bureau wishes to extend its sincere thanks to each of the presenters on the course and especially to the University of Limerick's President, Professor Kersten May, Professor Shane Kilcommins, Professor Ray Friel, Ms Angela Liddy and the staff of the University of Limerick for their support, advice and determination in securing the programme's successful inclusion in the 2021 curriculum.

Staff Training

During 2021, the Bureau continued to upgrade and enhance the training needs of Bureau Officers and staff.

In this regard, the Bureau provided funding for staff participation in the following courses:

- Forensic Computing and Cyber Crime Investigation, University College Dublin
- Proceeds of Crime and Asset Investigation (POCAI), CAB & University of Limerick
- Fraud and E-Crime, University College Dublin
- Cryptocurrency & DarkNet Investigation, CEPOL Budapest

- Policing in Human Rights Law in Ireland, University of Limerick
- Social Media, Institute of Public Administration
- Governance, Institute of Public Administration
- Cryptocurrencies for Investigators, external company

In addition, a number of awareness briefings took place virtually throughout 2021 to all staff of the Bureau on relevant topics including:

- Presentation from the Garda National Immigration Bureau
- The Ethics of Law Enforcement
- Maritime Asset Investigation
- Presentation from the Police Service of Northern Ireland on money laundering
- CAB & CAS: The way we work together.
- Presentation from Interpol on anti-corruption

Virtual Currencies

The Bureau continues to enhance its level of knowledge and investigative ability in the field of cryptocurrencies and their use in criminal conduct worldwide.

The Bureau has been at the vanguard of law enforcement agencies in identifying the potential for criminals to exploit the characteristics of cryptocurrencies to generate and launder the proceeds of crime.

Through its investigations, the Bureau has made a number of seizures of

various forms of cryptocurrencies including Bitcoin and Ethereum.

In order to maintain the Bureau's position as one of the foremost recognised law enforcement agencies in its ability to investigate, seize, retain and dispose of cryptocurrencies, the Bureau made a number of presentations, listed below, in 2021.

These forums allow the Bureau to share and enhance its knowledge in this area and generate global expert contacts in this field which will benefit future Bureau investigations.

The Bureau is committed to maintaining its position as a globally recognised investigative agency in this area through its knowledge and its ability to deny and deprive criminals of the proceeds of criminal conduct.



Cryptocurrencies Presentations *Revenue's National Anti-Avoidance Network*

On 15th February 2021, a Garda Bureau Officer delivered an online presentation to Revenue's National Anti-Avoidance Network on cryptocurrency risks and the Bureau's experience in the seizure and forfeiture of virtual assets.

7th Europol EC3 Cryptocurrencies Conference

A Garda Bureau Officer represented the Bureau virtually at the 7th Europol EC3 Cryptocurrencies Conference on the 24th and 25th June 2021. This conference focused on practical cryptocurrency investigations and brought together law enforcement officers working in the area, as well as the most relevant participants from the private sector.



Cyber Crime Summit

The Cyber Crime Summit, hosted by the US Inland Revenue Service (IRS) on 21st September 2021 at the US Embassy, Ballsbridge, Dublin 4 was attended by a Garda Bureau Officer.

This event focused on identifying and investigating cyber-enabled criminal finance and tracing illicit financial transactions of virtual assets and decentralised exchanges.

Customs

On the 21st October 2021, a Bureau Officer delivered an online presentation to Customs Officers based at ports and airports throughout the jurisdiction on the Bureau's experience with cryptocurrencies.

Bureau Officers offered advice on detecting the use of cryptocurrencies during the course of searches.

Part One

Overview of the Criminal Assets Bureau, its Officers and Staff

5th Global Conference on Criminal Finances and Cryptocurrencies

The 5th Global Conference on Criminal Finances and Cryptocurrencies was held online on the 7th and 8th December 2021. This conference explored trends, strategies and tactics in tackling crimes involving virtual assets.

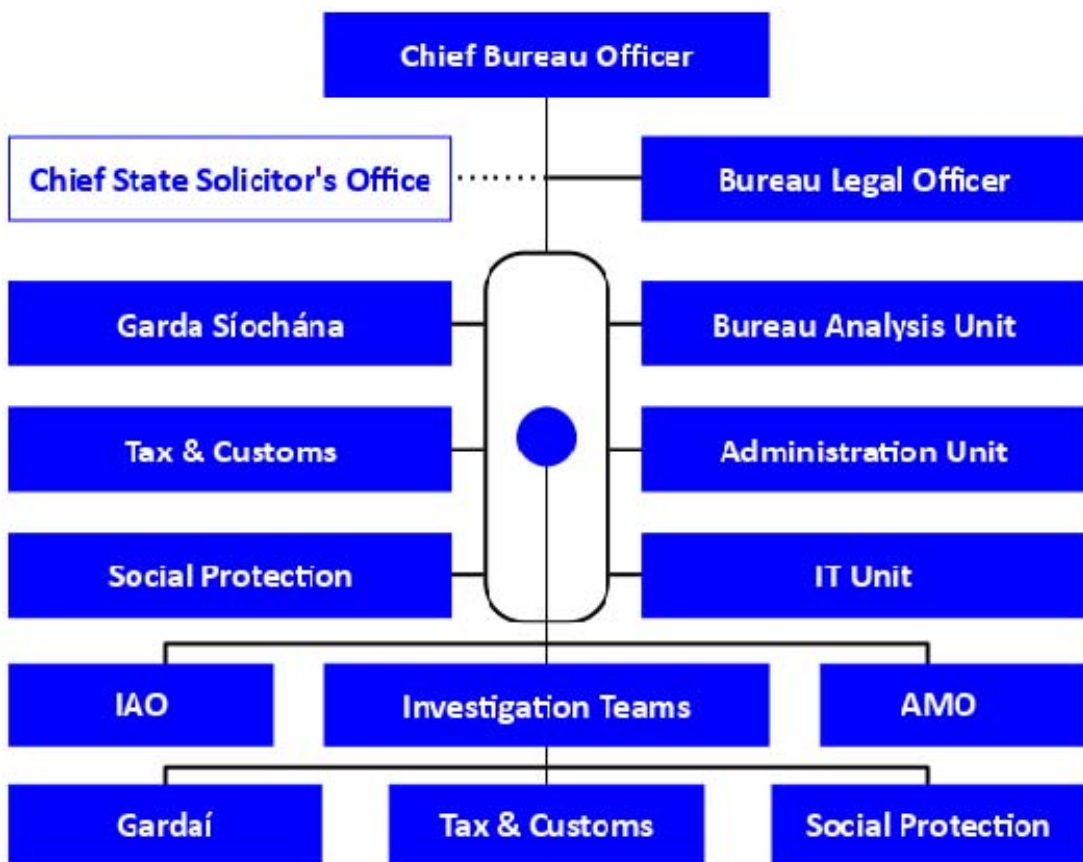
This annual conference is a joint initiative of the Basel Institute on Governance, Interpol and Europol.



Cryptocurrencies for Investigators

The Garda National Economic Crime Bureau in conjunction with the Garda College sourced an external company to deliver a four day online training course entitled “*Cryptocurrencies for Investigators*”. This course included a full day training dedicated to digital forensics for cryptocurrency. The Bureau is committed to providing training in this area and as a result, three (3) Bureau Officers attended this training course enabling them to further enhance their knowledge and skillset.

Diagram: Organisation of the Bureau



Part One

Overview of the Criminal Assets Bureau, its Officers and Staff

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Part Two

Criminal Assets Bureau investigations

Investigations

During 2021, Bureau Officers continued to exercise the powers and duties vested in them under section 8 of the CAB Act.

It is important to note that while Bureau Officers retain the duties and powers conferred on them by virtue of their previous office of their respective parent organisations, they also gain new powers particular to their role as Bureau Officers. These include the power to obtain and execute:

1. CAB search warrants pursuant to section 14 of the CAB Act;
2. Production Orders to make material available to CAB pursuant to section 14A of the CAB Act.

These powers are contained within section 14 and 14A of the CAB Act, as amended.

The Bureau conducted its investigations throughout 2021 with the cooperation and assistance of Garda personnel from Garda Divisions and also from Garda National Units attached to Organised and Serious Crime (OSC), Special Tactics and Operations Command (STOC) and the Garda National Crime and Security Intelligence Service (GNCSIS). Investigations were also supported by the Office of the Revenue Commissioners.

The Bureau continued to cooperate with the Special Investigation Units of the Department of Social Protection in respect of their investigations in 2021. This continued assistance has been

critical to the success in targeting the proceeds of criminal conduct during 2021.

During 2021, the Bureau conducted forty eight (48) search operations [*exceeding the Performance Delivery Agreement target of thirty (30)*] consisting of one hundred and eighty nine (189) searches in twenty two (22) counties.

Section 14

Section 14 of the CAB Act provides for CAB search warrants. Under section 14(1), an application may be made by a Bureau Officer, who is a member of An Garda Síochána, to the District Court for a warrant to search for evidence relating to assets or proceeds deriving from criminal conduct.

Section 14(2) & (3) provides for the issue of a similar search warrant in circumstances involving urgency whereby the making of the application to the District Court is rendered impracticable. This warrant may be issued by a Bureau Officer who is a member of An Garda Síochána not below the rank of Superintendent.

During 2021, all applications under section 14 were made to the District Court and no warrants were issued pursuant to section 14(2).

A section 14 search warrant operates by allowing a named Bureau Officer, who is a member of An Garda Síochána, accompanied by other such persons as the Bureau Officer deems necessary, to search, seize and retain material at the location named.

Part Two

Criminal Assets Bureau investigations

This is noteworthy in that it allows the member of An Garda Síochána to be accompanied by such other persons as the Bureau Officer deems necessary, including persons who are technically and/or professionally qualified people, to assist him/her in the search.

These warrants are seen as an important tool which allows the Bureau to carry out its investigations pursuant to its statutory remit.

During 2021, the Bureau executed one hundred and eighty nine (189) warrants in targeting organised crime groups. In particular, the Bureau targeted an established organised crime group based in the East of the country.

The section 14 warrants were used to search numerous private residences as well as professional offices and other businesses. This led to the seizure of cash, vehicles, electronic equipment and designer goods.



Bureau Officers involved in search operation

Section 14A

Section 14A was inserted by the PoC Act 2005. This section provides for applications to be made by a Bureau Officer, who is also a member of An Garda Síochána, to apply to the District Court for an order directed to a named person to make material available to the Bureau Officer.

The section 14A Production Orders have been used primarily to uplift evidence from a number of financial institutions within the State. The material obtained relates to banking details, and in many instances, the transfer of large amounts of money between accounts.

As a result of the information gleaned, the Bureau has been able to use this evidence in ongoing investigations into a number of individuals who are believed to possess assets which represent, directly or indirectly, the proceeds of crime.

During 2021, the Bureau executed three hundred and seventy (370) orders pursuant to section 14A.



Bureau Officer involved in search operation

Applications made during 2021

The table below outlines the number of applications made under section 14 and 14A of the CAB Act, as amended.

Applications under section 14 & 14A CAB Act, 1996 & 2005

Description	Applications	
	2020	2021
Search warrants under section 14 CAB Act, 1996 & 2005	167	189
Orders to make material available under section 14A of the CAB Act, 1996 & 2005	475	370

The Section 14A figure may fluctuate on an annual basis and is case dependent.

Section 17

Criminal Justice (Money Laundering and Terrorist Financing) Act, 2010

Section 17(2) of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 allows for the District Court to issue orders on foot of sworn information by a member of An Garda Síochána which prevent specified transactions from taking place when there are reasonable grounds to suspect that such would amount to an offence of money laundering.

During 2021, the Bureau obtained such orders on one thousand, three hundred (1,300) occasions. These orders were obtained in respect of ninety three (93)

separate targets currently under investigation by the Bureau.

Such orders remain in force for a period of four weeks which allows time for the investigating member to establish if this money is in fact being used in respect of any money laundering or terrorist financing offences. After such time, that order will either lapse or can be renewed by the investigating member in the District Court.

The total amount of funds currently restrained under this provision is in excess of €5,544,997. The making of a section 17(2) order by the District Court may be discharged or varied on foot of an application pursuant to section 19 or 20 of the 2010 Act.

Criminal Prosecutions

Criminal investigations can arise on foot of overall operations conducted by the Bureau, pursuant to its statutory remit. These can result in investigation files being submitted to the Director of Public Prosecutions (hereinafter referred to as “the DPP”) for direction as to criminal charges. During 2021, five such files were submitted to the DPP for direction.

The Bureau instituted prosecutions in three (3) separate cases and has persons charged before the courts, pending trial in respect of:

- Offences of Money Laundering contrary to section 7 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2020.

Part Two

Criminal Assets Bureau investigations

- Possession of controlled drugs for the purpose of sale and supply, contrary to sections 3 & 15 of the Misuse of Drugs Act 1977/84.
- Possession of stolen property contrary to section 18 of the Criminal Justice (Theft & Fraud Offences) Act 2001.



Selection of Items Seized



Part Two
Criminal Assets Bureau investigations

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Part Three

Actions under the Proceeds of Crime Act 1996 to 2016

Introduction

The Proceeds of Crime Act 1996 to 2016 (“PoC Act”) enables the High Court to make orders for the preservation and, where appropriate, the disposal of the property concerned and to provide for related matters.

The PoC Act further allows the High Court to determine, on the civil burden of proof, whether an asset represents, directly or indirectly, the proceeds of criminal conduct.

In 2005, the PoC Act was amended to allow the proceedings to be brought in the name of the Bureau instead of its Chief Bureau Officer. Consequently, since 2005, all applications by the Bureau have been brought in the name of the Bureau.

The High Court proceedings are initiated by way of an application under section 2(1) of the PoC Act which is always grounded upon an affidavit sworn by the Chief Bureau Officer. Other affidavits are sworn by relevant witnesses including Bureau Officers and members of staff of the Bureau, members of An Garda Síochána from outside the Bureau, including Divisional Asset Profilers and in some instances, by officers from law enforcement agencies from outside the jurisdiction.

The PoC Act provides that the originating motion may be brought ex-parte. This means that the Bureau makes its application under section 2(1) of the PoC Act without a requirement to notify the affected person (the respondent). The section 2(1) order lasts for twenty one days unless an application under section

3 of the PoC Act is brought within that period.

Section 2 of the PoC Act also provides that the affected person should be notified during this time.

During 2021, an order under section 3 proceedings was granted in all cases brought by the Bureau where a section 2(1) order was made. Section 3 of the PoC Act allows the longer term freezing of assets. It must be noted that proceedings under the PoC Act may be initiated in the absence of a freezing order under section 2(1) by the issuing of an originating motion pursuant to section 3(1). This was done on one (1) occasion in 2021.

While section 3 cases must be initiated within twenty one days of a section 2 order, in practice, it may take some considerable time before the section 3 hearing comes before the High Court. The affected person (the respondent) is given notice of the section 3 hearing and is entitled to attend the hearing and challenge the case in respect of the specified asset.

In cases where the respondent has insufficient means to pay for legal representation, the respondent may apply to the court for a grant of legal aid under a Legal Aid Scheme in place for this purpose. This ensures access to legal representation in cases involving the Bureau, provided the necessary criteria for the scheme, have been met.

If it is ultimately shown to the satisfaction of the High Court following a section 3 hearing that the asset represents, directly

Part Three

Actions under the Proceeds of Crime Act 1996 to 2016

or indirectly, the proceeds of criminal conduct, then the court will make an order freezing the asset. This order lasts a minimum of seven years during which the respondent or any other party claiming ownership in respect of the property can make applications to have the court order varied in respect of the property.

At the expiration of the period of seven years, the Bureau may then commence proceedings to transfer the asset to the Minister for Public Expenditure and Reform or other such persons as the court determines under section 4 of the PoC Act. During these proceedings, all relevant parties are again notified and may make applications to the court.

Prior to the expiration of the seven year period, a Consent Disposal Order under section 4A of the PoC Act may be granted by the court on the consent of the relevant respondent.

Section 1A Review

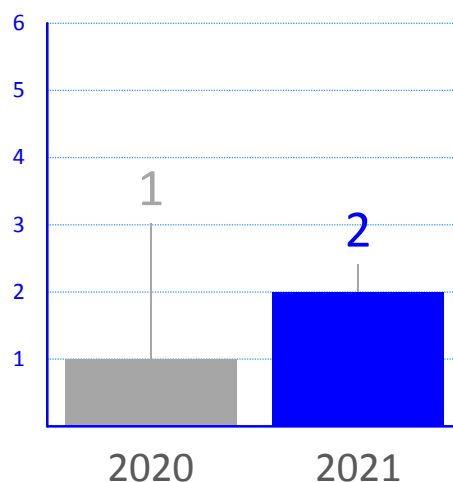
The PoC Act was amended by the PoC (Amendment) Act, 2016. This amendment provides that where a Bureau Officer is in a public place, or in another place where he is authorised or invited, or is carrying out a search, and finds property that he believes to be the proceeds of crime with a value not less than €5,000, then that Officer may seize the property for a period not exceeding twenty four hours.

The Chief Bureau Officer may, during the twenty four hour period, authorise the detention of the property for a period of up to twenty one days provided he/she:

- a) is satisfied that there are reasonable grounds for suspecting that the property, in whole or in part, directly or indirectly, constitutes the proceeds of crime,
- b) is satisfied that there are grounds for suspecting that the total value of the property is not less than €5,000,
- c) is satisfied that the Bureau is carrying out an investigation into whether or not there are sufficient grounds to make an application to the court for an interim order or an interlocutory order in respect of the property and,
- d) has reasonable grounds for believing that the property, in whole or in part, may in the absence of an authorisation, be disposed of or otherwise dealt with, or have its value diminished, before such an application may be made.

During 2021, the Bureau invoked its powers under section 1A of the PoC Act on two (2) occasions, details are set out overleaf.

Number of cases which section 1A orders made



Case 1:

The Bureau took possession of two (2) motor vehicles, namely, a Mercedes Benz and a Volkswagen Polo along with cash in excess of €8,000 in June 2021 belonging to an individual involved in the sale and supply of controlled drugs.

Within the twenty one day period of detention, the Bureau made an application to the High Court and was successful in obtaining orders under sections 2 and 7 of the PoC Act.



Volkswagen Polo

Case 2:

The Bureau seized a Rolex Datejust watch valued at €14,000 from a person suspected to be involved in theft related offences.

Within the twenty one day period of detention, the Bureau made an application to the High Court and was successful in obtaining an order pursuant

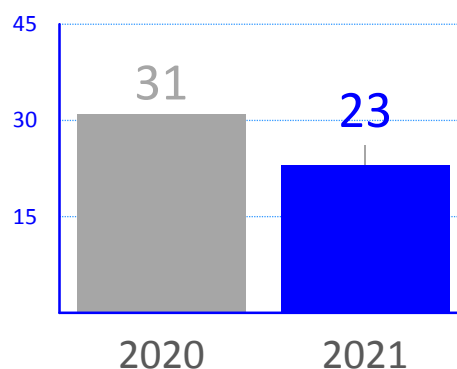
to section 2 of the PoC Act over the watch.

Cases commenced

Twenty three (23) new cases commenced under the PoC Act during 2021. Twenty two (22) cases were initiated by issuing proceedings by way of originating motion under section 2 and one (1) case by way of section 3 of the PoC Act.

The Bureau has been engaged in extensive work in preparing these investigations to allow it to bring these cases in 2021.

New POC cases brought before the High Court



In the Performance Delivery Agreement (PDA) 2021, the Bureau committed to initiating thirty (30) new PoC cases through the High Court.

The Bureau conducted investigations and submitted thirty one (31) PoC files to the Criminal Assets Section of the Chief State Solicitors Office for progression through the Courts.

The Bureau's position is that the reduction in PoC Act cases initiated in

Part Three

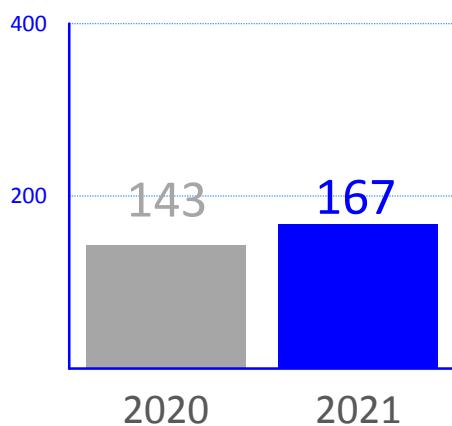
Actions under the Proceeds of Crime Act 1996 to 2016

2021 is primarily attributable to the increase in workload and the resourcing issues experienced by the Criminal Assets Section of the CSSO during 2021.

Section 2(1) Review

When analysed, the number of assets over which an order was obtained under section 2(1) increased in comparison to 2020 from one hundred and forty three (143) assets in 2020 to one hundred and sixty seven (167) assets in 2021.

Assets over which section 2(1) Orders made



The Bureau notes the increase in the number of assets over which section 2(1) orders were made. This is mainly due to the large seizure of vehicles in one case during 2020.

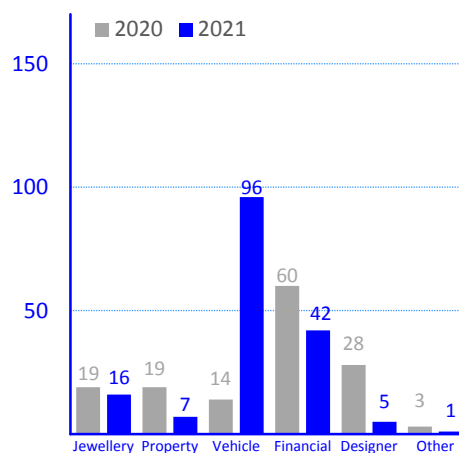
During 2021, the Bureau took proceedings in respect of a variety of asset types. For profiling purposes, the assets are broken down into jewellery, property, vehicles, financial, designer goods and other.

Valuation Breakdown

The figures in respect of jewellery, property, vehicles, designer goods,

financial and other are based on the estimated value placed by the Bureau on the asset at the time of making the application under section 2(1) of the PoC Act.

Assets over which section 2(1) orders made
Breakdown of assets by asset type



The value of the one hundred and sixty seven (167) assets frozen under section 2 of the PoC Act during the year 2021 was €3,068,528. A breakdown of this figure is detailed in the table below.

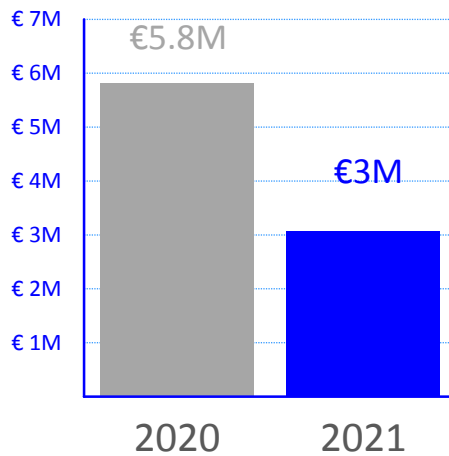
Analysis of section 2 order by Asset Type

Description	€
Jewellery	107,231
Property	954,178
Vehicles	1,078,760
Financial	911,659
Designer Goods	13,700
Other	3,000
Total	3,068,528

The results for 2021 compared to 2020 show the value of assets frozen under section 2(1) has decreased by €2,745,678 from the previous year where the value

was €5,814,206. The Bureau notes the decrease in the value of assets is, in part, attributable to the reduction in the number of cases initiated in 2021.

Value of assets frozen under section 2(1)



The value of assets fluctuates in each case depending on whether high value assets to low value assets are targeted. The value of such orders range from €9,376 to €973,077.

Section 3 Review

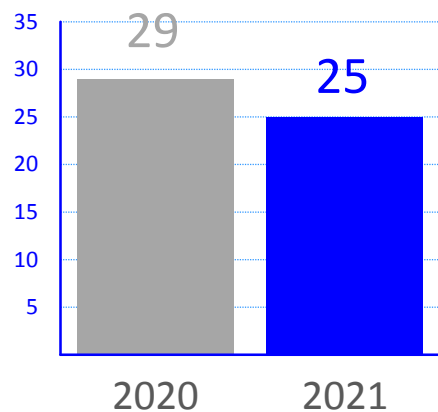
A section 3(1) order is made at the conclusion of the hearing in which the High Court has determined that a particular asset or assets represent the proceeds of criminal conduct.

As such, the date and duration of the hearing is a matter for the High Court and not within the direct control of the Bureau.

During 2021, twenty five (25) cases before the High Court, to the value of €8,386,853, had orders made under section 3(1).

The Bureau notes the decrease in the number of cases that were heard in 2021. Due to the Covid-19 pandemic, hearings were conducted virtually.

Number of cases in which section 3(1) orders made.



Bundle of Cash in Ladies Nylon Tights



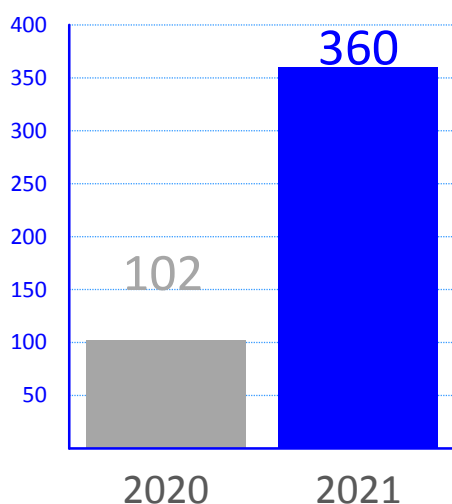
Location of cash found in air vent

Part Three

Actions under the Proceeds of Crime Act 1996 to 2016

The number of assets over which orders were made by the High Court pursuant to section 3(1) increased from one hundred and two (102) assets in 2020 to three hundred and sixty (360) assets in 2021. This is a reflection of the increase in section 2 cases in 2019.

Assets over which section 3(1) orders made.



The value of the three hundred and sixty (360) assets over which section 3 orders were granted during the year 2021 was €8,386,853.

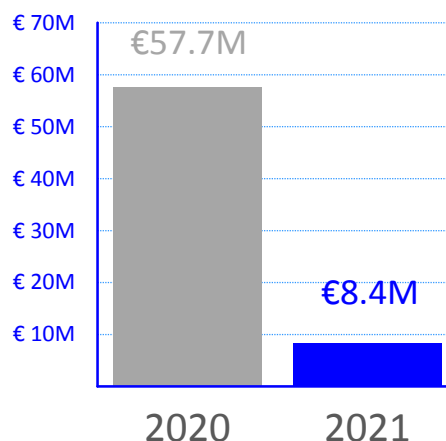
A breakdown of this figure is detailed in the below table.

Analysis of section 3 order by Asset Type

Description	€
Jewellery	222,290
Property	5,052,444
Vehicles	1,304,690
Financial	1,668,119
Designer Goods	102,360
Other	36,950
Total	8,386,853

The results for 2021 compared to 2020 show that while the number of assets increased, the value of assets frozen under section 3(1) decreased by €49,301,840 from the previous year where the value was €57,688,693. This unusual variance is largely due to a significant seizure of cryptocurrency in 2020 to the value of €53m.

Value of assets frozen under section 3(1)



Section 3(3)

Section 3(3) of the PoC Act provides for the varying or discharge of an existing section 3(1) order. An application pursuant to section 3(3) can be made by the respondent in a case taken by the Bureau or by any other person claiming ownership of the property.

While section 3(3) largely contemplates the bringing of an application by a respondent in a case, it can also be made by persons claiming ownership of the subject property, thus providing an opportunity for victims of crime to make an application for the return of same.

Section 3(3) also provides an opportunity for those interested persons to vary or discharge a section 3(1) order where it can be established, to the satisfaction of the court, that the asset in question is not the proceeds of criminal conduct. No such orders were made under section 3(3) of the PoC Act during 2021.

Geographical Breakdown

The Bureau's remit covers investigation of proceeds of crime cases irrespective of the location of the assets.

During 2021, the Bureau obtained orders over assets in respect of proceeds of crime in all of the large urban areas and rural communities.

The Bureau remains committed to actively targeting assets which are the proceeds of criminal conduct, wherever they are situated, to the fullest extent under the PoC Act.

The Bureau is further developing its national coverage through the tasking of Divisional Asset Profilers. This will ensure that there is a focus on local criminal targets throughout the State for action by the Bureau.

Property

The statutory aims and objectives of the Bureau require that the Bureau take appropriate action to prevent individuals, who are engaged in serious organised crime, benefiting from such crime.

In cases where it is shown that the property is the proceeds of criminal conduct, the statutory provision whereby

an individual enjoying the benefit of those proceeds may be deprived or denied that benefit, includes that he/she should be divested of the property. This policy of the Bureau may require pursuing properties, notwithstanding the fact that in some cases the property remains in negative equity.

This is designed to ensure that those involved in serious organised crime are not put in the advantageous position of being able to remain in the property and thereby benefit from the proceeds of crime.

Vehicles

The Bureau continues to note the interest in high value vehicles of those involved in serious organised crime. During 2021, the Bureau targeted a number of vehicles belonging to criminals.

Examples of the types of vehicles seized by the Bureau under section 2(1) and section 3(1) of the PoC Act during the year 2021 was:

- Audi A3, A4, A5, A6
- Lexus IS300
- Kawasaki KX Motorbike

Luxury Goods

The Bureau is continuing to target ill-gotten gains through the seizure of high end luxury goods such as store cards, designer handbags, designer clothing and footwear, watches and mobile homes, examples of which are shown overleaf.

Part Three

Actions under the Proceeds of Crime Act 1996 to 2016

Case 1:

The individual in this case came to the attention of the Bureau following the seizure by local Gardaí of cash, two (2) motor cycles, a trailer for transporting motor cycles, foreign currency and a quantity of designer goods.

The Bureau's investigation established that the seized items had been in possession of the individual at a time when they did not have the legitimate income to match the expenditure on the items.

The Bureau's investigation resulted in the granting of orders under sections 3, 4A and 7 of the PoC Act over:

- €29,110 cash
- a Kawasaki KX 250 motor cycle
- a Honda CRF 250 motor cycle
- a Westwood trailer for transporting motorcycles
- Designer goods valued in excess of €30,000, which included; Gucci Ophidia Wallet, Gucci belts, Moncler; trainers, baseball cap, jackets, Louis Vuitton sunglasses, wallets, backpack and Valentino trainers.



Motor Cycle

The High Court found the assets in this case were derived from the proceeds of criminal conduct, namely the sale and supply of controlled drugs.

Case 2:

This case was referred to the Bureau by the Special Crime Task Force. The respondents in this case displayed a lavish lifestyle and were living beyond their legitimate means.

The Bureau's investigation resulted in the granting of orders pursuant to section 3 and 4A of the PoC Act over:

- €22,720 cash
- Three (3) motor vehicles
- Luxury goods valued in excess of €40,000 which included; Louis Vuitton handbags, belts, footwear, sunglasses, Valentino footwear, Giuseppe Zanotti footwear, Gucci footwear and Dolce and Gabbana sunglasses.

The High Court found the assets in this case were derived from the proceeds of criminal conduct, namely the sale and supply of controlled drugs.

Louis Vuitton Designer Handbags



Section 4(1) and 4A

Section 4(1) provides for the transfer of property to the Minister for Public Expenditure and Reform.

This section refers to assets which have been deemed to be the proceeds of criminal conduct, for a period of not less than seven years, and over which no valid claim has been made under section 3(3) of the PoC Act.

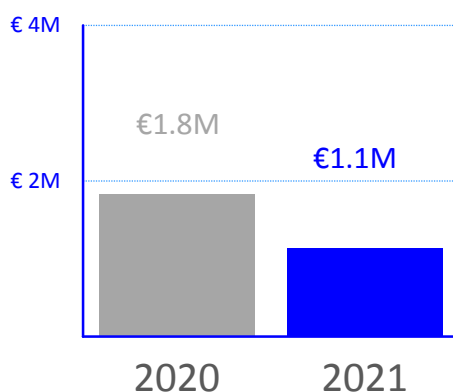


An Roinn Caiteachais
Phoiblí agus Athchóirithe
Department of Public
Expenditure and Reform

Section 4A allows for a consent disposal order to be made by the respondent in an application pursuant to the PoC Act, thus allowing the property to be transferred to the Minister for Public Expenditure and Reform in a period shorter than seven years.

This was introduced in the 2005 PoC Act and, in essence, the requirement for the Bureau to wait seven years before remitting funds to the Exchequer is removed.

Value of assets frozen under section 4(1) and 4A



Thirteen (13) cases were finalised and concluded under section 4(1) and 4A in 2021.

During 2021, a total of €1,143,834 was transferred to the Minister for Public Expenditure and Reform under the PoC Act arising from section 4(1) and 4A disposals.

Section 4(1) & 4A Breakdown

Description	No. of Cases 2020	€ 2020
Section 4(1)	4	541,555.51
Section 4A	18	1,296,951.74
Total	22	1,838,507.25

Description	No. of Cases 2021	€ 2021
Section 4(1)	1	22,592.85
Section 4A	12	1,121,241.29
Total	13	1,143,834.14

While the Bureau's activity continues to increase, the yield to the Exchequer may fluctuate on any given year.

This is due in part to the obligation to wait seven years for conclusion of a section 4 PoC order, if a Consent Order under section 4A is not forthcoming prior to the seven years. In addition, 2021 saw a significant proportion of the funds seized pursuant to these provisions being remitted to injured parties rather than the Exchequer.

The Bureau notes the decrease in the number of Section 4(1) / 4A orders

Part Three

Actions under the Proceeds of Crime Act 1996 to 2016

obtained in 2021. This reduction, in the main, is due to the identified deficit in resources of the Criminal Assets Section, CSSO and the additional legal demands placed on it by the Bureau.

Case 1:

The Bureau obtained an order under section 4A of the PoC Act over cash seized to the value of €64,210 by local Gardaí in September 2019. The cash was discovered when Gardaí searched a residential property in Dublin North.

The section 2 order in this case was granted in December 2020, with the section 3 and 4A orders granted in January 2021 and May 2021 respectively.

The granting of the section 4A order finalises the Bureau's action in this case.



Cash seized during course of search operation

Other monies returned to Injured Parties under Section 7(1)B and 4A of the PoC Act

Case 1:

In 2019, Bureau Officers together with members of the Garda National Drugs

and Organised Crime Bureau (GNDOCB) assisted Federal Agents from a Homeland Security Investigation (H.S.I.) Team, based in Michigan, USA, with a major investigation into the thefts of large amounts of cryptocurrency.

These crimes were perpetrated by an Organised Crime Group (OCG) who were conspiring via online platforms to steal and / or extort cryptocurrency from targeted victims.

SIM swapping (the transfer of a mobile phone number from one SIM card to another) is a type of account take-over fraud. This type of fraud enables the criminal to target a victim's mobile phone number for the purposes of circumventing this SMS-based two factor authentication. The victim's phone number is transferred onto a SIM card under the control of the perpetrators, who can then gain access to the victim's accounts which are linked to the phone number.

The perpetrators of SIM swapping can target a victim's financial data and passwords, or in this case, steal large amounts of cryptocurrency assets from victims. An individual was identified as a member of the OCG and it was established that he played a key role in the theft and subsequent laundering of the cryptocurrency.

In May 2019 Bureau Officers seized 126.8108 Bitcoin (BTC) from this individual. The approximate total value of the seized BTC on the date of seizure was €872,176.78.

The 126.8108 BTC were the subject of a successful PoC application (2020 No. 25 CAB refers) and were sold by the Receiver in early 2021, following a significant increase in the market value of BTC, which realised €5,415,695.52 in total.

2. Carry on a business, trade, profession or other occupation relating to the property.

During 2021, one such order was made to the value of €10,949.

During 2021, the proceeds of the sale were subsequently distributed on a pro rata basis to six (6) identified injured parties.

Section 7

Section 7 provides for the appointment, by the court, of a Receiver whose duties include either to preserve the value of, or dispose of, property which is already frozen under section 2 or section 3 orders.

A criminal investigation file was prepared and submitted to the Office of the Director of Public Prosecutions by officers from the GNDOCB.

In 2021, the Bureau obtained receivership orders in regard to one hundred and ninety eight (198) assets. In every case the receiver appointed by the court was the Bureau Legal Officer.

This individual was subsequently convicted and sentenced in relation to the criminal offences.

Total Monies returned by CAB in 2021	
Returned under CAB remit i.e., Proceeds of Crime, Revenue and Social Welfare legislation	€5,549,661.95
Returned to the Injured Parties via S4A & S7(1)B of the PoC Act	€5,415,695.21
Totals	€10,965,357.16

These cases involved properties, vehicles, designer goods, jewellery and watches. In some receivership cases, the High Court made orders for possession and sale by the Receiver. A receivership order cannot be made unless a section 2 or section 3 order is already in place.

Section 6

Section 6 provides for the making of an order by the court during the period whilst a section 2(1) or 3(1) order is in force to vary the order for the purpose of allowing the respondent or any other party to:

1. Discharge of reasonable living or other necessary expenses; or

Part Three
Actions under the Proceeds of Crime Act 1996 to 2016

Statement of Receivership Accounts

	Euro€	Stg£	US\$
Opening balance receivership accounts 01/01/2021	8,503,347.99	208,049.90	657,752.56
Amounts realised, inclusive of interest and operational advances	9,022,138.96	4.46	0.00
Payments out, inclusive of payments to Exchequer and operational receivership expenditure	7,014,421.55	0.00	41.96
Closing balance receivership accounts 31/12/2021	10,511,065.40	208,054.36	657,710.60



Motocycles seized during search operation

Part Four

Revenue actions by the Bureau

Overview

Revenue Bureau Officers perform duties in accordance with the Taxes Consolidation Act 1997, Value-Added Tax Consolidation Act 2010, Capital Acquisitions Tax Consolidation Act 2003, the Stamp Duties Consolidation Act 1999, Local Property Tax Act 2012 as amended (hereinafter referred to as the Tax Acts) to ensure that the proceeds of crime, or suspected crime, are subject to tax. This involves the gathering of all available information from our partner agencies under the provisions of section 8 of the CAB Act.

Tax Functions

The following is a summary of actions taken by the Bureau during 2021 and an update of the status of appeals made on foot of tax assessments and decisions made by the Bureau.

Tax Assessments

Revenue Bureau Officers are empowered to make assessments under section 58 of the Taxes Consolidation Act 1997 (hereinafter referred to as the TCA 1997) - the charging section.

During 2021, a total of forty seven (47) individuals and corporate entities were assessed under the provisions of the Tax Acts, thereby exceeding the Performance Delivery Agreement target of forty five (45) assessments and resulting in assessments totalling €8m.

Appeals to the Tax Appeals Commission

The Tax Appeals Commission (TAC) was established on 21st March 2016 as an

independent statutory body, the main function of which is hearing, determining and disposing of appeals against assessments and decisions of the Bureau and the Revenue Commissioners concerning taxes and duties in accordance with relevant legislation.

During 2021, there was a further increase in the level of engagement between the TAC and the Bureau. The increased engagement resulted in the progression of a substantial number of appeals, including a number of legacy cases which required the legal support of the Criminal Assets Section of the Chief States Solicitors Office.

The Bureau continues to positively engage with the TAC with a view to progressing all open tax appeals. Revenue Tables 1 and 2 located at the end of this chapter summarise the appeal activity for 2021.

At 1st January 2021, forty nine (49) cases were before the TAC for adjudication. During the year, the TAC notified the Bureau of the receipt of an additional thirty (30) appeal applications.

The TAC were notified accordingly in any case where the Bureau considered that an application failed to satisfy the statutory requirements of a valid appeal.

The TAC admitted twenty one (21) appeals, refused eleven (11) appeals in their entirety and partly refused one (1) appeal.

There was one (1) appeal and a significant number of case management

Part Four

Revenue actions by the Bureau

conferences held during 2021. Determinations were issued in relation to one (1) appeal hearing.

As of 31st December 2021, there were a total of fifty two (52) cases awaiting adjudication by the TAC.

As of 1st January 2021, one (1) appeal in respect of a case where the appeal had been refused, was awaiting decision. This appeal application was refused by the Bureau prior to 21st March 2016.

During 2021, the Tax Appeal Commission scheduled a remote appeal hearing in accordance with covid-19 contingency arrangements, however, the Bureau objected to the hearing on account of concerns relating to the remote cross examination of witnesses.

As of 31st December 2021, this appeal awaits adjudication by the TAC.

Collections

Revenue Bureau Officers are empowered to take all necessary actions for the purpose of collecting tax liabilities as they become final and conclusive.

Revenue Bureau Officers hold the powers of the Collector General and pursue tax debts through all available routes. Collection methods include:

- The issue of demands – Section 960E TCA 1997;
- Power of attachment – Section 1002 TCA 1997;
- Sheriff action – Section 960L TCA 1997; and
- Civil proceedings – Section 960I TCA 1997.

Recoveries

Tax recovered by the Bureau during 2021 amounted to €4m, thereby exceeding the Performance Delivery Agreement target of €2.1m. The Bureau recovered tax from eighty four (84) individuals and corporate entities.

Again during 2021, the seizure of vehicles by Revenue Sheriffs, under the provisions of section 960L TCA 1997, proved particularly effective in enforced collection actions taken by the Bureau.

Demands

During 2021, tax demands (inclusive of interest) served in accordance with section 960E TCA 1997 in respect of twenty six (26) individuals and corporate entities amounted to €5.15m.

Settlements

During the course of 2021, twenty (20) individuals settled outstanding tax liabilities with the Bureau by way of agreement in the total sum of €2.7m.

Investigations

Theft and Fraud

During 2021, in support of Operation Thor and other anti-crime strategies employed by partner agencies, the Bureau made tax assessments on thirteen (13) individuals connected with theft and fraud offences. The total amount of tax, excluding interest, featured in the assessments amounted to €3.6m.

In addition to assessments made, tax and interest of €1.9m was collected from twenty four (24) individuals and two (2)

corporate entities who generated profits or gains from theft and fraud offences.

Money Laundering in Used Car Trade

In 2021, the Bureau continued to target those seeking to conceal the proceeds of criminal conduct within businesses trading in used cars. Tax assessments were made for €0.3m excluding interest on three (3) individuals suspected of laundering the proceeds of criminal conduct through businesses involved in the sale of used cars.

The Bureau made collections amounting to €0.8 million from five (5) individuals and one (1) corporate entity involved in the motor trade.

In addition to the making of assessments and enforcing the collection of taxes, the Bureau identified and addressed a number of emerging risks in the motor trade through compliance visits and other interventions.

Sale and Supply of Illegal Drugs

The Bureau made assessments in 2021 on twenty four (24) individuals deemed to have benefited from profits or gains derived from the sale and supply of illegal drugs. Tax assessments totalling €3m, excluding interest, were made in these investigations.

During 2021, the Bureau collected €0.7m, by way of enforcement and other methods of collection, from thirty three (33) individuals and two (2) corporate entities associated with the sale and supply of illegal drugs.

Other significant tax investigations conducted by the Bureau in 2021 focused on profits or gains derived from smuggling and terrorist financing.

There were significant amounts of tax collected by the Bureau during 2021 from persons involved in fuel laundering, smuggling and unlicensed money lending.

Part Four

Revenue actions by the Bureau

Customs & Excise Functions

The Customs and Excise functions of the Bureau support all investigations by identifying any issues of relevance within the broad range of Customs related legislation, intelligence and operational support.

The Bureau exercises a variety of Customs powers and functions including passenger interceptions, import / export control and examination of goods, VRT enforcement, excise licence control and all associated detentions and seizures.

Serious and organised crime groups in every jurisdiction attempt to violate Customs regulations in their attempts to make substantial profits and evade EU and national controls.

These activities have a negative impact on society by depriving the Exchequer of funds and diverting those funds towards enrichment of criminal lifestyles.

Points of Entry / Exit in the State

Customs functions at ports and airports, in particular, support the Bureau's investigations into the cross – jurisdictional aspects of crime and criminal profits.

The Bureau uses all available powers to prevent the proceeds of crime, in any form, being moved by criminals through ports and airports.

Once again throughout 2021, a growing number of criminals and their associates were monitored and intercepted by, or on behalf of, the Bureau as they travelled through ports and airports.

Motor Trade

The Bureau continues to investigate the infiltration of the used-car trade by organised crime groups. Throughout 2021, the Bureau continued to identify used-car outlets operated by, or on behalf of, organised crime groups and conducted a number of inspections of these outlets to enforce VRT legislation, including the detention and seizure of vehicles under the provisions of section 140 & section 141, Finance Act 2001.

The used-car trade remains the subject of close cooperation between the Bureau, the Police Service of Northern Ireland (PSNI), Her Majesty's Revenue & Customs (HMRC), the UK National Crime Agency (NCA), An Garda Síochána and the Revenue Commissioners.

On 1st January 2021, the UK left the EU's Single Market and Customs Union, which brought new customs formalities and regulatory controls between the EU and the UK.

Post Brexit, the second hand car trade remains the subject of collaboration between the Bureau and other law enforcement agencies in the State and the UK to ensure compliance with both Customs and VAT legislation.

National Briefings & Operational Support

The Bureau welcomes the operational assistance provided by specialist areas within Revenue's Customs Service throughout the year, including search teams at ports and airports, X-Ray Scanner Vehicles and Marked Mineral Oil Detection Teams.

The Bureau would like to acknowledge, in particular, the 24hr support given by the Customs Dog Units throughout the year on thirty three (33) separate large search operations, each involving multiple search sites throughout the country.

The expert service provided to the Bureau by the Disclosure Office of Revenue Customs Service is greatly appreciated.

Her Majesty's Revenue & Customs (HMRC)

Fighting organised crime groups operating across jurisdictions requires close cooperation among competent authorities on both sides of the border.

The Bureau has a traditionally strong liaison with HMRC and, in particular, the HMRC Fiscal Crime Liaison Officer based in Dublin. Regular and important exchange of criminal intelligence between the Bureau and HMRC continued during 2021 on a number of live investigations. Every aspect of mutual assistance legislation, whether it be Customs to Customs or Police to Police, is utilised by the Bureau.

Part Four

Revenue actions by the Bureau

Table 1: Outcome of tax appeals

Description	No. of Cases
Open Appeals as at 01/01/2021	49
Appeals referred from TAC	30
Appeals Admitted by TAC	21
Appeals Refused by TAC	11
Appeals Withdrawn by Appellant	13
Appeal Determined by TAC	1
Open Appeals as at 31/12/2021	52

Table 2: Outcome of appeals refused by the Bureau (prior to 21/03/2016)

Description	No. of Cases
Open Appeals as at 01/01/2021	1
Open Appeals as at 31/12/2021	1

Table 3: Tax Assessments

Tax Type	Tax €M 2020	Tax €M 2021	No. of Assessments 2020	No. of Assessments 2021
Income Tax	7.651	7.750	250	307
Capital Gains Tax (CGT)	0.645	0.021	3	1
Value Added Tax (VAT)	2.000	0.094	16	8
Capital Acquisition Tax (CAT)	0.151	0.125	5	5
Corporation Tax (CT)	-	0.050	-	1
Totals	10.447	8.040	274	322

Part Four
Revenue actions by the Bureau

Table 4: Tax and Interest Collected

Tax Type	Tax €M 2020	Tax €M 2021	No. of Collections 2020	No. of Collections 2021
Income Tax	1.249	3.189	50	76
Capital Gains Tax	0.600	0.012	1	1
Corporation Tax	0.001	0.029	1	2
PAYE / PRSI	0.005	0.022	1	10
Value Added Tax	0.230	0.700	13	14
Capital Acquisition Tax	-	0.065	-	4
Local Property Tax	0.053	0.024	91	70
Totals	2.138	4.041	157	177

Table 5: Tax and Interest Demanded

Tax Type	Tax €M		Interest €M		Total €M		No. of Cases	
	2020	2021	2020	2021	2020	2021	2020	2021
Income Tax	4.782	3.242	3.153	1.676	7.935	4.918	23	24
CGT	0.595	-	0.061	-	0.656	-	1	-
CT	-	0.027	-	0.002	-	0.029	-	1
CAT	0.084	0.087	0.046	0.059	0.130	0.146	1	1
VAT	0.009	0.049	0.002	0.008	0.011	0.057	1	1
Totals	5.470	3.405	3.262	1.745	8.732	5.150	26	27

Part Four
Revenue actions by the Bureau

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Part Five

Social Welfare actions by the Bureau

Overview

The role of Social Welfare Bureau Officers (SWBOs) is to take all necessary actions under the Social Welfare Consolidation Act 2005, pursuant to its functions as set out in section 5(1)(c) of the CAB Act. In carrying out these functions, SWBOs investigate and determine entitlement to social welfare payments by any person engaged in criminal activity.

SWBOs are also empowered under section 5(1)(d) of the CAB Act to carry out an investigation where there are reasonable grounds for believing that officers of the Department of Social Protection may be subject to threats or other forms of intimidation.

During 2021, there were no new cases referred to the Bureau under section 5(1)(d).

The total monetary value of €3,908,250 was achieved as a direct result of investigations conducted by SWBOs in 2021. This can be broken down as follows:

Savings

Following investigations conducted by SWBOs in 2021, total savings as a result of termination and cessation of payments to individuals, who were not entitled to payment, amounted to €707,119 exceeding the Performance Delivery Agreement target of €475k.

The various headings under which these savings were achieved are listed at the end of this chapter.

Overpayments

The investigations conducted also resulted in the identification and assessment of overpayments against individuals as a result of fraudulent activity.

An overpayment is described as any payment being received by an individual over a period(s) of time to which they have no entitlement or reduced entitlement and accordingly, any payments received in respect of the claim(s) result in a debt to the Department of Social Protection.

During 2021, overpayments assessed and demanded amounted to €2,836,303 exceeding the Performance Delivery Agreement target of €1.9m. A breakdown is listed at the end of this chapter.

Recoveries

SWBOs are empowered to recover overpayments from individuals. An overpayment is regarded as a debt to the Exchequer. The Bureau utilises a number of means by which to recover debts which includes payments by way of lump sum and / or instalment arrangement.

Section 13 of the Social Welfare Act 2012 amended the Social Welfare Consolidation Act 2005 in relation to recovery of social welfare overpayments by way of weekly deductions from an individual's ongoing social welfare entitlements. This amendment allows for a deduction of an amount up to 15%

Part Five

Social Welfare actions by the Bureau

of the weekly personal rate payable without the individual's consent.

The Bureau was instrumental in the introduction of additional powers for the recovery of debts by way of Notice of Attachment proceedings. The Social Welfare and Pensions Act 2013 gives Social Welfare officials the power to attach amounts from payments held in financial institutions or owed by an employer to a person who has a debt to the Department of Social Protection.

In 2021, the Bureau successfully recovered monies owed as a result of notified and demanded social welfare overpayments by means of Attachment Order action pursuant to Part 11A of the Social Welfare Consolidation Act 2005. A total of €175,000 was recovered by this method.

This is a legislative provision which has proved to be of great value to SWBOs in the recovery of outstanding debt. Following the success of these attachment orders, the Bureau has taken action to further enhance these powers by means of proposed amendments to the Social Welfare Consolidation Act 2005.

As a result of actions by SWBOs, a total sum of €364,827 was returned to the Exchequer in 2021, exceeding the Performance Delivery Agreement target of €325k. A breakdown of this is listed at the end of this chapter.

Appeals

The Bureau was actively involved in driving change on behalf of the SWBOs

with regard to an amendment to the Social Welfare Acts.

An enactment of section 7 of the Social Welfare Act 2019 came into effect on 1st November 2019. This amendment directed that when a person appeals a decision made by an SWBO, the Chief Appeals Officer of the Social Welfare Appeals Office shall cause a direction to be issued to the applicant requesting an appeal to be submitted not later than 21 days from receipt of the direction to the Circuit Court.

Following the Bureau's successful initiative to amend the Social Welfare Consolidation Act 2005, section 307(1A), all Social Welfare appeals arising from the Bureau's decisions are now heard in the Circuit Court. This is a new departure and represents a more streamlined and effective appeals mechanism for the Bureau and the Appellants of CAB social welfare decisions.

Section 5(1)(c) of the CAB Act 1996

Case 1:

Following Garda operations in Dublin, an individual was found to have substantial sums of monies in his possession. The individual was unable to account for this money and as a result, the money was seized and held at two different Garda Stations.

The individual was referred to the Bureau for investigation. Following a review of his social welfare entitlements, dating back to 1991, the individual was assessed with an overpayment of €65,000. This amount was notified and

demanded of the individual for repayment. No appeal was lodged in respect of this case.

A SWBO enacted two attachment orders pursuant to Part 11A of the Social Welfare Consolidation Act 2005, as inserted by section 15 of the Social Welfare and Pensions (Miscellaneous Provisions) Act 2013 and were served on Garda Superintendents in respect of the previously seized cash.

A total cash amount of €65,000 was returned to the Department of Social Protection as a result of these attachment orders, repaying the social welfare debt in full.

Case 2:

An individual living in the North East of the country had their social welfare entitlements reviewed by a SWBO. The individual was in receipt of a number of means tested payments and following a review, the entitlements were assessed with an overpayment in excess of €50,000. The individual was notified and a demand was issued for repayment of monies. No appeal was raised in connection with these revised decisions. Following engagement with the individual, a repayment agreement was reached for an upfront repayment of €30,000.

Funds were held on deposit at a financial institution and a freezing order was placed on the account. An attachment order was issued for transfer of funds to the Bureau. Further cash lodgements were made and transferred to the

Bureau. All means tested payments have now ceased.

Case 3:

An individual from the West of Ireland was in receipt of One Parent Family payment (OPF) and Child Benefit payment whilst residing with her long term partner in the UK. The individual's payments were investigated and a revised decision was made resulting in disallowance of her OPF. An overpayment was assessed and a demand letter issued for the repayment of outstanding monies.

No appeal was made in respect of the revised decision. The individual upon receipt of the demand travelled to Dublin and was met, by appointment, with a SWBO at Dublin Airport. The Bureau's negotiations are at an advanced stage for full repayment of the €60,000 social welfare debt.

Case 4:

An individual from Dublin in receipt of a means tested Disability Allowance payment was investigated by a SWBO. Following searches of the individual's home, cash and high specification designer goods and watches were seized.

It transpired that the individual also had a number of previously undeclared bank accounts which showed large cash lodgements. During the course of the investigation, when questioned, the individual was unable to account for the large cash lodgements made to these accounts. The individual was also unable to account for the designer goods and

Part Five

Social Welfare actions by the Bureau

watches found to be in his possession. Furthermore it transpired that this individual had taken a number of holidays which was inconsistent with someone in receipt of means tested social welfare payments over a prolonged period of time.

A revised decision was made in respect of his social welfare payment which resulted in an assessed overpayment. This overpayment was notified and demanded. No appeal was made in respect of the revised decision. The individual entered into agreed negotiations with the Bureau for repayment of his social welfare debt.

A total of €80,000 was received to offset in full and final settlement of his social welfare debt.

Table 1: Social Welfare Savings

Scheme Type	2020 Saving €	2021 Saving €
Child Benefit	38,080.00	28,560.00
Carers Allowance	14,892.00	19,344.00
Disability Allowance	105,753.60	396,861.60
Jobseekers Allowance	47,304.40	162,494.00
One-parent family payment	135,369.00	70,448.00
Other	125,277.00	29,411.60
Totals	466,676.00	707,119.20

Table 2: Social Welfare Overpayments

Scheme Type	2020 Overpayment €	2021 Overpayment €
Carers Allowance	37,318.01	55,627.60
Disability Allowance	418,824.80	1,384,515.00
Jobseekers Allowance	803,973.88	1,211,898.64
One-parent family payment	394,009.75	98,620.53
Other	57,946.08	85,641.80
Totals	1,712,072.52	2,836,303.57

Table 3: Social Welfare Recovered

Scheme Type	2020 Recovered €	2021 Recovered €
Child Benefit	1,200.00	1,700.00
Carers Allowance	24,408.12	18,815.81
Disability Allowance	46,181.50	91,243.69
Jobseekers Allowance	169,016.40	144,203.70
One-parent family payment	57,584.81	100,149.91
Other	18,845.74	8,714.70
Totals	317,236.57	364,827.81

Part Five
Social Welfare actions by the Bureau

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Part Six

Notable investigations of the Bureau

Introduction

The following cases provide an overview of the successful applications brought by the Bureau in 2021. These cases demonstrate the variety of assets seized, the geographical spread of the targets and the crime types engaged in by these individuals.

2021 Investigations

Case 1:

In targeting the assets of an Organised Criminal Group (OCG) operating in the border region involved in the importation, distribution and sale of illegal cigarettes, the Bureau obtained orders pursuant to section 3, 4A & 7 of the PoC Act over a residential property and two (2) plots of development land in Co Monaghan.

Case 2:

The Bureau obtained orders pursuant to section 3 & 4A of the PoC Act over funds of €165,444 held in financial accounts and cash amounting to €3,392 and £500 sterling.

The respondents in this case accumulated these funds through their involvement in the illegal disposal of waste.



Cash seized by Bureau Officers

Case 3:

The Bureau obtained orders pursuant to section 3 & 4A of the PoC Act over €237,090 cash which had been seized by Gardaí investigating the sale and supply of controlled drugs in the south west area.



Cash seized by Bureau Officers

Case 4:

In targeting the assets of two persons suspected to be involved in brothel keeping and organised prostitution, the Bureau obtained orders pursuant to section 3, 4A & 7 of the PoC Act over a retail unit in Dublin's city centre and funds of €42,258 held in financial accounts.

Case 5:

The Bureau obtained orders pursuant to section 2, 3 & 4A of the PoC Act over a 172 Volkswagen Golf GTI, a ladies Rolex watch and €4,045 in cash. The Bureau's investigation in this case centred on the assets of persons involved in the sale and supply of controlled drugs in the south inner city of Dublin.



Ladies Rolex Watch

Part Six

Notable investigations of the Bureau

Case 6:

In targeting the assets and activities of an international OCG, suspected of laundering the proceeds of mandate fraud through a used car outlet, the Bureau obtained orders pursuant to section 2, 3 & 7 of the PoC Act over eighty four (84) motor vehicles, a trailer and €153,000 held in the business bank account.



Used car outlet

The Bureau's investigation centred on a United Kingdom (UK) based OCG involved in mandate fraud, where stolen funds laundered through various different bank accounts in the UK was used to purchase vehicles in the UK, which in turn were being sold in the used car outlet in Co. Tipperary.

This investigation was referred to the Bureau by the Economic Crime Unit based at West Midlands Police, UK.

Case 7:

The Bureau obtained orders pursuant to section 3, 4A & 7 of the PoC Act over two (2) residential properties, €122,050 in cash, two (2) vehicles and seven (7) high value designer watches.

The respondents in this case are members of an OCG based in Co. Kerry who are involved in incidents of theft, fraud and extortion from elderly and vulnerable victims.

Members of this OCG target elderly and vulnerable victims through the conduct of home repairs and renovation and charge exorbitant prices for sub-standard work.

The assets subject of these orders (with the exception of the two residential properties) were seized in November 2017 during a search operation conducted by the Bureau into the assets of members of this OCG.

Case 8:

The Bureau obtained consent from the respondents for orders pursuant to section 4A & 7 of the PoC Act over a 2003 Audi A4 vehicle, £6,625.00 sterling cash, €9,000 cash and two (2) investment bonds held in the name of the respondents valued at €30,000.

The respondents in this case were involved in organised criminal activity in the Southern Garda Region. The assets subject of these orders were seized by Gardaí in 2009 as part of the investigation into firearms offences.

The initial section 3 PoC Act order in this matter was granted in the High Court in 2014, with the respondents appealing the order firstly to the Court of Appeal and secondly to the Supreme Court.

In 2018 the Supreme Court allowed the respondents appeal and remitted the matter to the High Court for rehearing.



Case 9:

The Bureau obtained an order pursuant to section 2 of the PoC Act over a residential property in Co. Louth, a 161 Ford Kuga vehicle, €49,065 cash and £135 sterling cash.

The respondents in this case are suspected of being involved in the sale and supply of drugs in the North East area.

Case 10:

In targeting the assets of an individual involved in organised criminal activity, the Bureau obtained an order pursuant to section 2 of the PoC Act over a residential property in the Dublin north area, Volkswagen Golf valued €14,000, and a ladies Rolex watch valued €4,000.

Case 11:

The Bureau obtained an order pursuant to section 2 of the PoC Act over €209,259.12 held in financial accounts, a Rolex Watch valued at €14,500, a 172 Mercedes vehicle valued at €40,000 and €7,430 cash.

The respondent in this case is an international drug trafficker.

Operation Thor

Operation Thor was launched on the 2nd November 2015 as an anti-crime strategy by An Garda Síochána. The focus of Operation Thor is the prevention of burglaries and associated crimes throughout Ireland, using strategies which are adapted for both rural and urban settings.

The Bureau's Intelligence and Assessment Office is assigned as the liaison point for Operation Thor.

Throughout 2021, the Bureau continued its activities in support of Operation Thor by identifying and seizing assets suspected of being derived from criminal activity as well as pursuing actions pursuant to revenue and social welfare powers.

Operation Tara

Operation Tara, the Garda Síochána National Anti-Drugs Operation commenced on the 1st July 2021. Operation Tara sets out a strong focus on tackling street-level drug dealing in cities, towns and villages across the country.

The Bureau's Intelligence and Assessment Office is assigned as the liaison point for Operation Tara.

Since the launch of Operation Tara in July 2021, the Bureau supports this operation by identifying and seizing assets of persons involved in drug dealing across the country.

Part Six
Notable investigations of the Bureau

Part Seven

Significant Court Judgments during 2021

During 2021, written judgments were delivered by the courts in the following cases:

1. Criminal Assets Bureau –v- Kwok & Ors.
2. Criminal Assets Bureau –v- John McCormack.
3. Criminal Assets Bureau –v- Autology Limited T/A Autopace.
4. Criminal Assets Bureau –v- Marienne Walsh.
5. Criminal Assets Bureau –v- David Waldron and Charlene Waldron.
6. Criminal Assets Bureau –v- Sonya Walsh.

Criminal Assets Bureau –v- Luk Yau Kwok, Weizhong Zhang and Huijuan Xu

High Court Record No. 2020 No. 10 CAB

Written High Court – Delivered by Mr. Justice Owens on the 15th February 2021.

Neutral Citation: [2021] IEHC 107

Summary

The application sought *inter alia* orders pursuant to section 3 of the PoC Act in respect of four (4) items of property being houses in Tipperary Town, Fermoy (Weston) and Blanchardstown (Warrenstown). The fourth being the credit balance in a bank account in the sum of €43,689.49 which was in the possession and control of the third named respondent Huijuan Xu.

The Bureau contended that the respondents were key members of an Organised Crime Group (OCG) comprising Chinese nationals involved in the

cultivation and supply of cannabis. It was the Bureau’s case that the Fermoy and Tipperary properties were not only purchased with the proceeds of this illegal activity but they were the instrumentalities of crime insofar as they were used for the purpose of cannabis cultivation.

Held:

The court, after first holding that the Chief Bureau Officer’s belief evidence to be reasonably grounded, granted the substantive order pursuant to section 3 of the PoC Act, the court and in doing so summarized the evidence as follows;

“32. Accounts exhibited by Luk Yau Kwok do not show loans or drawings reflecting money used to buy the Irish properties. There is no suggestion in these accounts that company money was used. Disclosed profits of AML Distributors Limited/AML Global Limited for the period between 2014 and the end of 2017 do not suggest that Luk Yau Kwok had funds available from these sources to enable him to buy the Irish properties.

33. Warrenstown and the savings balance in the AIB account of Huijuan Xu are also proved to my satisfaction to be proceeds of crime. The likely source of the funds to buy Warrenstown was money coming in to Weizhong Zhang from cannabis grow-house operations in Tipperary and Laois which he was running at the time. He was either laundering that money or being remunerated by others for his criminal activities.

Part Seven

Significant Court Judgments during 2021

34. *The explanation that relatives in China would club together to buy a house for Huijuan Xu lacks any credibility. It is proved to my satisfaction that Weizhong Zhang and Huijuan Xu were living off substantial sums derived from cannabis production and that this funded the purchase of Warrenstown and enabled Huijuan Xu to save her salary in her bank account. These savings were acquired in connection with proceeds of crime. The rent from Warrenstown which was saved into this bank account was income from property acquired with proceeds of crime.”*

Criminal Assets Bureau –v- John McCormack

High Court Record No. 2018 No. 32 CAB

Court of Appeal Record No. 2020 No. 165 CAB

Court of Appeal written judgment delivered by Mr. Justice Murray on 18th June 2021

Neutral Citation: [2021] IECA 184

Summary

The High Court accepted the Bureau’s contention that since the 1990s the respondent, Mr McCormack has been involved as a leading member and directing force in an Organised Criminal Group which activities have included the sale and supply of large quantities of controlled drugs, dealing in stolen goods and organising and carrying out cash-in-transit robberies.

The appeal was against, *inter alia*, an order pursuant to section 3 of the PoC Act

in respect of three (3) properties two (2) of which are located in Clare and one (1) in Limerick which were determined by the High Court to have been funded with the proceeds of crime or assets derived from the proceeds of crime.

In particular, the trial court accepted the Bureau’s contention that rents and profits yielded over the relevant years were the proceeds of crime because the underlying assets, being properties and businesses from which these rents and profits derived, were themselves funded with the proceeds of crime.

Furthermore, the Bureau made the case that income from any business activities of Mr McCormack was associated with criminal breaches of provisions of the Taxes Consolidation Act 1997 and that benefits flowed to him from the filing of false or absent tax returns and from his failure to pay tax on income and to make genuine estimates of preliminary tax payable. The Bureau claims that assets accumulated during this period of tax non-compliance should be treated as the proceeds of crime.

Held

The court, after first finding that the Chief Bureau Officer’s belief evidence to be reasonably grounded, granted the substantive order pursuant to section 3 of the PoC Act over all three (3) properties and in doing so stated as follows:

“21. One of the arguments advanced by the appellant is that the trial judge failed to properly approach the application having regard to this test and/that he failed to explain his

conclusions in accordance with the decision in Doyle v. Banville [2012] IESC 12. I believe these contentions to be utterly misplaced. It seems clear to me from both the foregoing, and from his careful analysis of the source of funding for each of the properties (to which I will return further below) that the trial Judge

- (a) applied the correct legal test in construing and operating s.3*
- (b) did so in the manner envisaged in the judgment of McCracken J. in F.J. McK v. G.W. and*
- (c) explained the reasons for his conclusions in respect of each aspect of the approach thus adopted by reference to the evidence before him and, in particular, his appraisal of the oral evidence of the appellant..."*

From paragraph 24 onwards the Judgment summarised the key grounds of appeal:

"24. The appellant did not seek to cross-examine either of the witnesses who tendered belief evidence. Counsel for CAB says that no objection was taken at the trial as to the admissibility of any of that evidence, whether on the basis that it comprised hearsay or otherwise, and this was not contradicted by the appellant (who presented his appeal by reference to some – but not all – of the affidavits exchanged between the parties, none of the exhibits and none of the transcripts). The appellant makes a general assertion that the trial Judge

'cannot have been satisfied that there were reasonable grounds for the belief and he should therefore not have made a specific finding that the belief of the member or authorised officer was evidence'. However, that is unsubstantiated in the submissions, and I cannot see any basis for the contention."

The judgment then went on to consider the Appellant's three (3) specific propositions regarding the grounds relied upon in support of the belief evidence of the Chief Bureau Officer:

"26. First, he objects to the reliance placed by CAB on hearsay evidence. In this regard, his written submissions focus upon the reliance placed within the belief evidence upon the evidence of Detective Garda O'Hagan. It is said that Detective Garda O'Hagan had not been in charge of the Detective Branch in Shannon during the periods of time in relation to which he gave evidence that the appellant was involved in criminal activity. Therefore, it is said, the trial Judge grounded his decision to shift the burden of proof onto the appellant on hearsay upon hearsay. Objection is also taken to the fact that he did not identify the sources of the information relied upon by him.

27. The authorities make it clear that this contention is ill founded. There is no reason why the basis for the belief evidence tendered in accordance with s. 8 cannot consist of information that comes to the

Part Seven

Significant Court Judgments during 2021

applicant officer from a third party or which is otherwise outside his own direct knowledge without the necessity of that third party coming to court to give that evidence directly (see Criminal Assets Bureau v. Murphy [2016] IECA 40 at para. 66). As explained in that decision ‘the admissibility of hearsay evidence for the purpose of supporting the prima facie evidence of belief does no violence to the Act, and has been found to be constitutional’....”

28. *However, the material available to the Court in this case did not depend only upon evidence of this kind. The involvement of the appellant in criminal activity before the acquisition of Purcell Park was evidenced by his convictions. The evidence tendered by Detective Garda O’Hagan as to the appellant’s alleged involvement in serious crime thereafter was amply corroborated by the apparent and varied connections between the appellant and the recovery of stolen property from Cloontra, the finding of a substantial quantity of drugs there, the peculiar circumstances attending the production by the appellant of the Polish national to the Gardai to provide an explanation for that seizure and the finding of a substantial sum in counterfeit bank notes in a car close to the appellant’s house, that vehicle being associated with the appellant’s wife. The judge viewed all of these circumstances as critical to his conclusion (see para. 17 of the judgment) and it is impossible to my mind to see how it can be said*

he was not entitled so to do. And, of course, that across the entire period covered by the application, the appellant was accumulating very substantial assets the source of which he was unable to explain, augmented the evidential basis for these conclusions.

29. *Second, the appellant claims that the belief of Chief Superintendent Gubbins cannot be relied upon because of his recent appointment to the position, the fact that his affidavit was only sworn shortly before the hearing and the consequence that he had ‘little time’ to familiarise himself with the case. These contentions are only relevant if they establish that the deponent had not properly formed his opinion at all. If that was the case the appellant wished to make, it was a matter for him to cross examine the deponent. Not having done so, I do not see that it was open to the trial Judge to do other than accept that the belief had been formed and was held by the witness (as he deposed).*

30. *Third, the appellant says that insofar as the evidence of belief was based upon the evidence tendered by Detective Garda O’Hagan that he failed to consider the evidence of the appellant that he had not been questioned, charged or convicted of any allegations of criminal activity save and except a change of handing stolen property of which he was acquitted by direction of the trial Judge. This submission also misconceives the proper operation of*

s. 8(1). The fact that there were points the appellant had to make in his favour is, clearly, relevant to any defence he proposes to advance to the application where a prima facie case is found to have been made out and, obviously, the matters to which he refers may be taken into account by the court in considering whether the belief is well founded. However there is no basis on which it can be said that the trial Judge failed to consider these matters. The appellant's submission appears to assume that they negated the prospect of the belief formed by the witnesses being reasonably founded, which they clearly did not."

The judgment then went parse the trial court's the six impugned findings of fact and upon consideration the Mr. Justice Murray determined that each finding was reasonable on the basis of the evidence presented at trial. The Appeal was therefore dismissed.

It should be noted that the above Judgment and resulting orders are the subject matter of an application for leave to appeal to the Supreme Court.

Criminal Assets Bureau –v- Autology Limited T/A Autopace

High Court Record No. 2021 No. 1 CAB

Written High Court – Delivered by Mr. Justice Owens on the 25th June 2021.

Neutral Citation: [2021] IEHC 536

Summary

The application taken by CAB sought, *inter alia*, orders pursuant to section 3 of

the PoC Act over eighty four (84) vehicles and a car transporter which were seized from the forecourt of the respondent and at other locations together with the credit of balance of its current account being in the sum of €153,000.

The Bureau contended that the source of funding for the respondent's stock in trade and business operations was – in whole or in part – the proceeds of crime, more specifically, a complex scheme of mandate fraud in the UK which had been the subject of a joint investigation between the Criminal Assets Bureau and the West Midlands Police.

The case was heard the 19th April 2021.

Held:

The court, in granting the substantive order pursuant to section 3 of the PoC Act, in respect of the subject property, summarised the contextual background as follows:

"6. These actions by law enforcement agencies related to investigation of complicated mandate frauds in which money was stolen and then laundered. In ten linked frauds investigated in "Operation Brasenose", over £1,300,000 was stolen. In another series of frauds concerning the NHS and investigated in "Operation Kangchenjunga", over £900,000 was stolen. During police investigations of these crimes further mandate frauds were identified.

7. The Bureau claims that funding for stock in trade and business operations of Autology was sourced

Part Seven

Significant Court Judgments during 2021

in proceeds of mandate frauds. It claims that these frauds and laundering of benefits received as a result of them were perpetrated by the Khans and their associates. It claims that an underlying purpose of Autology's operations as a motor dealer was to launder benefits obtained from proceeds of crime.

7. *Having considered the affidavits and the exhibits, I conclude that the Bureau has established these matters to the requisite standard of proof. There is cogent evidence that the Khans and their associates received substantial benefit from mandate frauds. Some proceeds of these frauds were used to fund business activities of the Khans in England and Ireland.*

These activities involved a number of companies and other trading identities controlled by the Khans. Proceeds of frauds were laundered by being introduced into business operations to buy cars from British Car Auctions. These cars were then sold off through second-hand motor dealers controlled by the Khans in England and Ireland. At this stage, proceeds of frauds were represented by other assets such as receipts and trade-in vehicles.

9. *The evidence presented fully supports the belief of Detective Chief Superintendent Gubbins that the credit balance in the Autology bank*

account and the vehicles seized by the Bureau are at least partly derived from proceeds of crime. I accept that his belief is well-founded and that he has reasonable grounds for holding this belief. I am treating his belief as evidence of the matters which the Bureau must prove in order to succeed in this application.

10. *Autology was supplied with cars from England which were bought using proceeds of crime derived from mandate frauds. Autology followed the model of other business entities used by the Khans for the same purpose. Proceeds of these frauds were a source of capital for acquisition of motor vehicles and ended up being represented by the vehicles and trailer which were seized by the Bureau and the credit balance in the bank account."*

The court went on to consider the evidence provided by the Bureau in particularising specific connections between the mandate fraud and the purchase of specific vehicles by corporate entities for the benefit of the perpetrators:

"29. I refer to the analysis in the affidavit of Revenue Bureau Officer 83 and exhibit RBO2. This examines exhibit LK 1 in the affidavit of Police Constable Luke Knight which lists vehicles supplied to Autology through Khan related entities which had been acquired with money sourced in the frauds investigated in Operations "Brasenose" and "Kangchenjunga".

An audit trail relating to 25 vehicles bought with funds sourced in these frauds shows that the total revenue generated on sales was €271,785 and that their purchase value was approximately €207,000. These vehicles were bought between 27 May 2019 and 27 January 2020. The deponent has traced payments of approximately €53,000 back to SJK Motors Limited in respect of these vehicles.

30. *Forty-three (43) vehicles came to Autology from Prestige Motorhouse Limited. These include 19 vehicles listed at items 2, 3, 5, 6, 7, 8, 9, 18, 24, 25, 26, 27, 28, 31, 36, 40, 41, 43 and 72 in the schedule of vehicles seized and retained by the Bureau. The evidence establishes that Khurram Khan and Agne Khan were the controlling minds behind Prestige Motorhouse Limited.*

Another seven vehicles obtained by Autology were sourced from Clay Motors Limited. The vehicle listed as 57 in the schedule to the originating notice of motion was sourced from this company. These acquisitions were organised by Khurram Khan and Agne Khan. Autology Limited sourced 283 vehicles from SJK Motors Limited. The vehicles listed at 52 and 80 in the schedule to the originating notice of motion came from this source.

31. *Twenty-six (26) of the vehicles taken from the Tipperary facility on 24 September 2020, had UK registration plates. Twenty-one of these were*

recorded by British Car Auctions as purchased by “Varadi Enterprises”.

This is a business name associated with an address in the West Midlands. Some cars bought in the name of this entity were acquired by persons using an IP address which was also used in car purchases associated with an address of Khurram and Agne Khan.

32. *This entity registered with British Car Auctions in October 2019. Purchases of vehicles from British Car Auctions were made using this name between 15 January 2020 and 7 August 2020. Approximately two hundred and sixty-three (263) vehicles were bought for £3,772,828.*

A variety of accounts were used to fund purchases of cars from British Car Auctions by “Varadi Enterprises” using multiple different card payment numbers. This modus operandi of using a number of accounts and payment methods is the same method as was used to introduce proceeds of mandate frauds investigated in “Brasenose” into their businesses.”

After detailing the specific connections between the underlying fraud and the company’s stock the court made an order pursuant to section 7 of the PoC Acts appointing a receiver with power of sale over the subject assets. Costs were awarded to the Bureau. The vehicles were subsequently sold achieving a net sales proceeds in the sum of €742,293.43.

Criminal Assets Bureau v. Marlene Walsh

High Court Record No. 2020 No. 24 CAB

High Court written judgment delivered by Mr. Justice Owens on 6th July 2021.

Neutral Citation: [2021] IEHC 457

Summary

The Bureau took proceedings seeking, *inter alia*, orders pursuant to section 3 of the proceeds of crime acts against credit balances in bank accounts in excess of €83,000, €5,440 and €4,130 all of which was attributable to one John Gibson who was murdered in a gangland killing on the 18th September 2017.

John Gibson died intestate and was survived by his two young children. Ms. Walsh was the mother and guardian of the said children and entitled to apply to administer his Estate.

The main issue for determination in the application was whether proceedings under section 3(1) of the PoC Acts were statute barred under s.9(2) of the Civil Liability Act 1961 (“the 1961 Act”) which subsection provides that no proceedings shall be maintainable in respect of any cause of action whatsoever which has survived against the estate of a deceased person unless those proceeding are commenced within two years from the date of death.

Held:

In dismissing the contention that the section 3(1) was subject to the statutory time limits set out in the 1961 Act, the court recognised the extensive efforts by those to conceal the provenance of their

criminally obtained wealth thus in reality the application of such a limit would run counter to the legislative intent and ‘assist dishonesty’:

“16. In many cases, investigations which lead to applications by the Bureau under s.3 of the 1996 Act are complex and reveal extensive efforts to conceal and disguise proceeds of crime over periods of years. A person who has died might be discovered long after death to have been in control of property identified as proceeds of crime.

17. The case made by the respondent invites me to apply a limitation period to assist dishonesty. In general, the policy of the law is that limitation periods afford procedural defences and cannot be availed of to assist dishonesty. Accordingly, running of time under limitation statutes in cases of actions based on fraud starts when fraud is discovered.”

Moreover, in dismissing the claim, the court distinguished between the private rights basis of a ‘cause of action’ as that phrase is set out in the 1961 Act and the public law nature of an application pursuant to the PoC Acts:

“24. The 1996 Act is not concerned with claims for recovery of money or property or claims for damages or to enforce private rights. These types of proceedings are “causes of action” in the sense in which that term is used in s.9(2) of the 1961 Act. Sections 2 and 3 of the 1996 Act give the Bureau

special public law rights to apply to seek adjudication that property has the status of being proceeds of crime or derived from proceeds of crime. Issues of who might be able to establish ownership or entitlement to possession or control of that property if the dispute was solely a matter of private law are irrelevant to that finding.

25. *Statutory consequences flow from proof of this status. The circumstances in which those assets were acquired are only relevant if they assist in establishing some matter which would make it unjust to disregard the interests of a person claiming entitlement.*

Where property is shown to be derived from crime, the only excepting circumstance which may be established by a person adversely affected is that, for whatever reason, the making or continuance of orders would cause "injustice".

26. *There is nothing in the 1996 Act to indicate that the Oireachtas intended to permit time-bars which may apply to other types of claim as a further excepting circumstance.*
27. *The policy of the 1996 Act is that there is no right of enjoyment of proceeds of crime or of assets derived from proceeds of crime. The benefits of criminal activity are not regarded by public law as being the property of their holder."*

Finally the Court also distinguished the *in rem* nature of the proceedings under the PoC Acts from the 'cause of action' against an individual (or their estate) as contemplated by the 1961 Act:

"38. The respondent's argument misconceives the nature of the remedies given by the 1996 Act. The remedies are not "causes of action" which came into existence in the lifetime of John Gibson and which are being pursued against his estate in respect of some activity which he engaged in while he was alive.

The only involvement of John Gibson's estate in this application is because of the potential interest of that estate in the four items of property if it is not established that these assets were derived from proceeds of crime or if some special factors exist which would satisfy me that to make an order under s.3(1) of the 1996 Act would cause serious risk of injustice.

39. *Section 9(2) of the 1961 Act only applies to a cause of action "which has survived against the estate of a deceased person..."*
43. *Any property held by John Gibson which was derived from proceeds of crime was never owned by him and never passed to his estate. Any acts and omissions of those who hold or control property or of those who have in the past held or controlled that property are only relevant to the factual issues of whether such property is proceeds of crime or*

Part Seven

Significant Court Judgments during 2021

derived from proceeds of crime and the obligation of this Court either not to make an order or to discharge or vary an order, if facts establish that such an order would result in or has caused injustice.”

Consequentially, the court dismissed the statutory limitations argument and in the absence of any evidence from the respondent rebutting the substantive contention made an order determining that the assets were the proceeds of crime pursuant to section 3(1) of the PoC Act.

Criminal Assets Bureau –v- D.W. and C.W.

Appeal Number: 2020/139

Court of Appeal written judgment delivered by Ms. Justice Whelan on 9th November 2021

Neutral Citation Number [2021] IECA 295

Summary:

This was an appeal taken by the Bureau against the order of the High Court admitting both respondents to the CAB Ad Hoc Legal Aid Scheme (“the Scheme”) in the context of an application pursuant to section 3(1) of the PoC Acts against three (3) residential properties, one (1) of which is a newly built property in which the respondents reside with their children.

The Bureau’s appeal was centred on the contention that the trial judge erred

- (a) in determining that the means of the respondents was insufficient and

- (b) in disregarding the historical means of the respondents in reaching that conclusion
- (c) in determining the case was one of extreme complexity and that this was sufficient to satisfy the ‘exceptional circumstances’ and ‘essential in the interests of justice’ criteria of the scheme.

Held:

In dismissing the arguments at a. and b. above, the Appellate Court stated at paragraph 84 of the Judgment of the Court:

“CAB has failed to demonstrate that the alleged “historic position”, which is disputed by the respondents and will be determined at trial, could be determinative of the matter.

CAB has not fairly characterised the determination of the trial judge in so far as it contends at ground 2(b) of its notice of appeal that he held that there was “no obligation on the [respondents] to explain the very substantial difference between their legitimate income and the funds required to fund the property and their lifestyle”.

The test in O’N. v. Criminal Assets Bureau does not require the judge adjudicating an application for legal aid under the Scheme to be satisfied that the assets acquired, and in respect of which in many cases an order pursuant to s. 2 of the Act has been made, were procured by bona fide and legitimate means. That is an issue for the substantive trial.”

In addressing the Bureau's contention that the application did not satisfy the exceptional circumstances/interests of justice test, the court said at para 88:

"...The fundamental requirement must be the "interests of justice". To construe the reference to "exceptional circumstances" as requiring some extraordinary feature(s) would, in my view, set the bar too high and could potentially result in a situation where the interests of justice would not be served."

The Appeal Court went on to list a number of factual matters specific to the substantive application including the number and complexity of the various transactions, the period of time under consideration and the sundry business and employment issues arising.

Furthermore, the court mentioned the joinder of the second respondent, the legal representation of the Bureau and the importance of effective case management on foot of which the court then stated as follows:

" 94. I am satisfied in light of the factors set out above that there was sufficient evidence before the High Court judge on which he was entitled to conclude that, in respect of s. 5(ii) of the Scheme, the totality of matters to be addressed and engaged with by the respondents for the purposes of effectively contradicting the claims of CAB amounted to exceptional circumstances and, further, that he was entitled to conclude that it was essential in the interests of justice that the respondents have legal aid in the preparation and conduct of their defence

of this case in the limited terms specified by the trial judge."

Criminal Assets Bureau –v- Sonya Walsh

High Court Record No. 2016 No. 20 CAB

Unreported High Court delivered by Ms. Justice Stewart on 25th November, 2021.

Neutral Citation: [2021] IECA 184

Summary

The Bureau issued proceedings pursuant to section 3(1) of the PoC Act, against various items of jewellery valued at €21,000 in the control and possession of Sonya Walsh, a former partner of Peter Mitchell, a career criminal who was a one-time member of the John Gilligan Organised Crime Group. The Chief Bureau Officer set out the grounds for his belief that the property constitutes the proceeds of crime which included the following:

- (i) Peter Mitchell is a career criminal who was previously questioned by An Garda Síochána in relation to the shooting of Veronica Guerin on the Naas Road on the 26th June 1996.
- (ii) Peter Mitchell has made substantial profits from his criminal activities.
- (iii) Peter Mitchell's previous convictions in this jurisdiction.
- (iv) Peter Mitchell's recent convictions (previous conviction) in Holland.
- (v) The previous relationship between Sonya Walsh and Peter Mitchell.
- (vi) Sonya's Walsh's admission that the property which forms the subject matter of the within application was given to her by Peter Mitchell, a career criminal who has made

Part Seven

Significant Court Judgments during 2021

- substantial profits from his criminal activities.
- (vii) Sonya Walsh's admission that at the time Peter Mitchell purchased the Cartier 'Pasha' Ladies Wrist Watch, he was 'on the run', thereby confirming his criminality and evidencing the only possible source of funds to purchase the watch was the proceeds of his criminal activities.
 - (viii) Sonya Walsh's admission that the diamond earrings and ring set were given to her by Peter Mitchell in or around the time Peter Mitchell was "on the run", thereby evidencing his criminality and evidencing the only possible source of funds to purchase the diamond earrings and ring set was the proceeds of his criminal activities.
 - (ix) Sonya Walsh's admission that the Corum 'Bubble' Quartz Watch was also given to her daughter by her ex-partner Peter Mitchell.
 - (x) Peter Mitchell was convicted of drugs related offences in Holland in 2005, around the same time that Sonya Walsh alleges that he gave to herself and to her daughter the jewellery, the subject matter of this application, thereby evidencing the only possible source of funds used to purchase these items was from proceeds of Peter Mitchell's criminal activities.

The respondent contended in defending the application that the jewellery had a particular sentimental value for her and her daughter, that neither she nor her daughter were involved in criminality and finally, that the Bureau's valuation was

'highly inflated' and that the true value was less than the statutory threshold at the time of their seizure which was contended was the operative date.

Held

The court, after first finding that the Chief Bureau Officer's belief evidence to be reasonably grounded, granted the substantive order pursuant to section 3 of the PoC Act over the property and in doing so stated as follows:

"19. The respondent also sought to assert that the items of jewellery the subject of this application had been given a 'highly inflated' valuation by Mr Alan Beattie of Weir & Sons Jewellers. The Court considers this to be of little support to the respondent in circumstances in which she has failed to tender convincing evidence in support of the averment.

The Court notes that the valuation tendered in evidence by the Bureau in support of their application is in excess of the current legislative threshold for the making of the s. 3 order. The valuation exceeds the legislative threshold as the law stood when the property was seized on the 30th October 2015. Submissions were made on behalf of the respondent to the effect that the Bureau should not benefit from the lower statutory threshold introduced by the 2016 amendment given their delay in instituting proceedings.

The Court is satisfied that it is the cumulative value of the property which is relevant for the purposes of

meeting the threshold set out in s. 3 of the 1996 Act. It is necessary to look at the totality of the evidence in order to determine the appropriate valuation of the property. The evidence adduced at hearing suggests the value of the property exceeded the relevant statutory threshold when seized.

Cumulatively the value of the items the subject of the within proceedings is far in excess of the €5,000 threshold. The Court is satisfied that any individual item which falls below that threshold is nevertheless encapsulated and captured by s. 3 of the 1996 Act.

20. *The Court has also had the benefit of affidavit evidence detailing forensic analysis of the means of both Ms Sonya Walsh and Mr Peter Mitchell, including social welfare profile, revenue profile and all bank accounts in the name of Ms Walsh.*

The Court is satisfied that the respondent was a former partner of Mr Michell [sic], a convicted career criminal who made substantial profits from his criminal activities. The Court is further satisfied that the respondent made admissions under cautioned interview that all items the subject of the current proceedings were received by the respondent and her daughter from Mr Peter Mitchell.

21. *The Court is, therefore, satisfied that there are reasonable grounds for the holding by the CBO of the belief*

proffered to the Court pursuant to s. 8 of the 1996 Act. The Court is further satisfied that such belief constitutes evidence for the purposes of this application.

In light of that cogent and uncontested belief evidence, together with all of the supporting evidence contained in the affidavits, some of which has been directly referred to in this judgment, this Court has no hesitation in finding on the balance of probabilities that all of the property detailed in the schedule of the notice of motion and set out in the table at para 16 above was acquired directly or indirectly using the proceeds of crime. That being the case, there is a prima facie case made out by the Bureau.”

Part Seven
Significant Court Judgments during 2021

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Part Eight

National and International developments

The International Perspective

As a front line agency in the fight against criminality, the Bureau's capacity to carry out this function, together with its success to date is, to a large degree, based on its inter-agency and multi-disciplinary approach, supported by a unique set of legal principles. The Bureau continues to play an important role in the context of law enforcement at an international level.

Asset Recovery Office (ARO)

The Bureau is the designated Asset Recovery Office (ARO) in Ireland. Following a European Council Decision in 2007, Asset Recovery Offices were established throughout the European Union to allow for the exchange of intelligence between law enforcement agencies involved in the investigation, identification and confiscation of assets deemed to be the proceeds of criminal conduct.

As part of its commitment as an Asset Recovery Office, the Bureau actively participated in the ARO Network in 2021. Due to the covid pandemic, the ARO Annual General Meeting was held online over the course of two days on 25th-26th May 2021.

During 2021, the Bureau received one hundred and thirteen (113) requests for assistance. The Bureau was able to provide information in respect of all these requests. The requests were received from twenty (20) countries worldwide.

During 2021, the Bureau further utilised this network and sent two hundred and five (205) requests to thirty two (32) different countries worldwide compared to one hundred and fourteen (114) requests to thirty one (31) different countries during 2020.



ARO Logo

International Operations

From an operational perspective, the Bureau continues to be involved in a number of international operations.

The Bureau's engagement in such operations can vary depending on the circumstances of the case. It may include providing ongoing intelligence in order to assist an investigation in another jurisdiction. More frequently, it will entail taking an active role in tracking and tracing individual criminal targets and their assets in conjunction with similar agencies in other jurisdictions.

Europol

The Bureau continues in its role as the lead Irish law enforcement agency in a number of ongoing international operations which are being managed

Part Eight

National and International developments

by Europol. These operations target the activities of transnational organised crime groups, who attempt to exploit the opportunities presented by freedom of movement across international frontiers in their criminal activity.

European Union Agency for Criminal Justice Co-operation (EUROJUST)

During 2021, the Bureau utilised the coordination mechanisms within Eurojust to support the international element of investigation.

Coordination meetings between the Judicial Authorities and the Bureau were facilitated by Mr Frank Cassidy, National Member of Eurojust for Ireland.



Eurojust Logo

Interpol

Interpol is an agency comprised of the membership of police organisations in one hundred and ninety two (192) countries worldwide. The agency's primary function is to facilitate domestic investigations which transcend national and international borders. The Bureau has utilised this agency in a number of investigations conducted in 2021.

CARIN

In 2002, the Bureau and Europol co-hosted a conference in Dublin at the Camden Court Hotel. The participants were drawn from law enforcement and judicial practitioners.

The objective of the conference was to present recommendations dealing with the subject of identifying, tracing and seizing the profits of crime.

One of the recommendations arising in the workshops was to look at the establishment of an informal network of contacts and a co-operative group in the area of criminal asset identification and recovery.

The Camden Assets Recovery Inter-agency Network (CARIN) was established as a result.

The aim of CARIN is to enhance the effectiveness of efforts in depriving criminals of their illicit profits.



CARIN Logo

The official launch of the CARIN Network of Asset Recovery agencies took place during the CARIN Establishment Congress in The Hague, in September 2004.

The CARIN permanent secretariat is based in Europol headquarters at The Hague. The organisation is governed

by a Steering Committee of nine members and a rotating Presidency.

During 2021, the Bureau actively participated in the CARIN Network. Due to Covid-19, the Annual General Meeting was held online over the course of two days and was chaired by Belgium on 26th – 27th April 2021.

Relationship with External Law Enforcement Agencies

The Bureau continues to enjoy strong cooperation with its law enforcement partners internationally. The UK, in particular, being the only country with which Ireland shares a land frontier is of particular significance. The Bureau therefore continues to develop and strengthen the relationship between it and UK law enforcement agencies.

Cross Border Organised Crime Conference

The Cross Border Organised Crime Conference provides an opportunity for all law enforcement agencies from both sides of the border to get together and review activities that have taken place in the previous year, as well as planning for the forthcoming year.

The conference provides the opportunity to exchange knowledge and experience and identify best practice in any particular area of collaboration.

Due to the covid pandemic, there was no Cross Border Crime Conference held in 2021, however, it is envisaged

that this conference will take place in Q1, 2022.

Joint Investigation Teams Policing (JITS)

In 2021, the Bureau continued its involvement as a member in two separate Joint Investigation Teams (JIT's) established in accordance with Article 20 of the Second Additional Protocol of the European Convention on Mutual Assistance in Criminal Matters of the 20th April 1959.

Case 1

The Bureau facilitated investigations in the United Kingdom, Belgium, France and the Republic of Ireland, as a member of a JIT, into events following the discovery of the bodies of thirty nine people in a lorry in Essex, United Kingdom on the 23rd of October 2019.

The Bureau continued the investigation into the assets of persons suspected to be involved in facilitating illegal immigration and related money laundering.

While the JIT has not been renewed, the Bureau continues its investigation into the persons involved.

Case 2

The Bureau, as a member of a JIT, facilitated investigations in the Republic of Ireland and Northern Ireland into events leading to criminal damage, assault causing harm, false imprisonment, blackmail and extortion against the directors of a

Part Eight

National and International developments

company with business interests both sides of the border.

The Bureau continued its investigation into the assets of the individuals involved, in support of the criminal investigation being conducted by An Garda Síochána and the Police Service of Northern Ireland.

Cross Border Joint Agency Task Force (JATF)

The establishment of the Cross Border Joint Agency Task Force was a commitment of the Irish and British Governments in the 2015 Fresh Start Agreement and the Task Force has been operational since early 2016.

This Joint Agency Task Force consists of a Strategic Oversight Group which identifies and manages the strategic priorities for combatting cross-jurisdictional organised crime and an Operations Coordination Group which coordinates joint operations and directs the necessary multi-agency resources for those operations.



The Cross Border Joint Agency Task Force brings together the relevant law enforcement agencies in both jurisdictions to better coordinate strategic and operational actions against cross border organised crime gangs. The Task Force comprises Senior Officers from An Garda Síochána, Police Service of Northern

Ireland, Revenue Customs, Her Majesty's Revenue and Customs, the Bureau and the National Crime Agency (who have the primary role in criminal assets recovery).

On occasion, other appropriate law enforcement services are included, (such as environmental protection agencies and immigration services) when required by the operations of the Task Force.

The Bureau participated remotely in two (2) operational meetings in February and August 2021 in relation to the Joint Agency Task Force.

The Bureau provided reports to the Operations Coordination Group on the status of the relevant investigations in advance of both meetings and are involved in a number of investigations being conducted under the Joint Agency Task Force.

EMPACT (European Multidisciplinary Platform against Criminal Threats)

The Bureau is a participant in the EU Policy Cycle called EMPACT under the crime priority Criminal Finances, Money Laundering and Asset Recovery.



During 2021, the Bureau was the co-leader of Operational Action 6.2 (2021). The operational action was

led by the Netherlands and also co-led by the United Kingdom.

It was responsible for connecting all the EMPACT priorities through the coordination and sharing of information on financial enablers and methodologies who provide services and /or instruments to launder money for organised crime groups.

This action aims to allow future joint operational activities targeting those involved in enabling the activities of organised crime groups.

Visits to the Bureau

The success of the Bureau model continues to attract international attention.

During 2021, the Bureau welcomed national and international delegations and agencies, both in person and online, covering a range of disciplines.

The Bureau's continued involvement in investigations having an international dimension presents an opportunity to both contribute to and inform the international law enforcement response to the ongoing threat from transnational organised criminal activity.

In addition, this engagement provides an opportunity for the Bureau to share its experience with its international partner agencies.

The Bureau also gave a number of presentations to various agencies, details of which is outlined as follows:

22nd March 2021: Victoria Police, Melbourne

On 22nd March 2021, the Bureau Legal Officer and a Detective Inspector attached to the Bureau met virtually with the Criminal Proceeds Squad, Crime Command and Victoria Police in Melbourne in respect of Confiscations Act.

The Bureau Legal Officer gave a presentation on the CAB legislation to the Criminal Proceeds Squad in Victoria and was followed by a question and answer session.



Victoria Police Logo

24th March 2021: Serious and Organised Crime on the islands of Ireland and Great Britain

In February and March 2021, the Chief Bureau Officer was invited to participate virtually in two (2) events, co-hosted by SAR Consultancy and the British Embassy on the topic of Serious and Organised Crime in the UK and Ireland.

The Chief Bureau Officer, on the 24th March, made a presentation on the Bureau, its workings and the legislation used by Bureau Officers to deny and deprive criminals of their ill-gotten gains.

Part Eight

National and International developments

27th April 2021: Royal United Services Institute (RUSI)

On 22nd March 2021, the Chief Bureau Officer and a Detective Inspector virtually participated in a question and answer session with the Royal United Services Institute in relation to the topic “*Considering the future of financial information sharing to detect crime in Ireland*”.

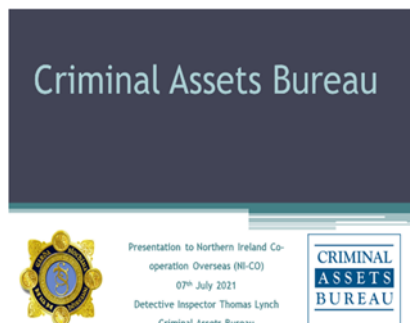
The Chief Bureau Officer and the Detective Inspector met again with RUSI and provided assistance on the topic in relation to a report being drafted by RUSI.



RUSI Logo

7th July 2021: NI-CO

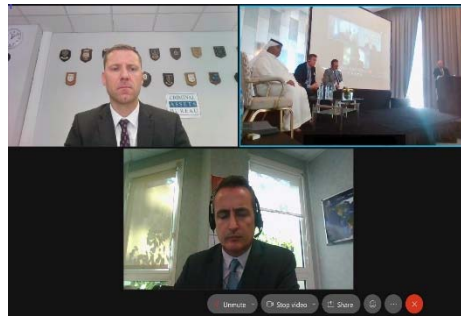
A Detective Inspector attached to the Bureau gave a presentation on 7th July 2021 to the Northern Ireland Co-operation Overseas (NI-CO) on the CAB Model.



Presentation Cover

21st – 23rd September 2021: Interpol Training Workshop on Combating Money Laundering and Asset Recovery

A Detective Sergeant represented the Bureau remotely at the Interpol Training Workshop on Combating Money Laundering and Asset Recovery in Dubai between 21st – 23rd September 2021.



Screenshot from Interpol Training Workshop

20th October 2021: Interpol

The Chief Bureau Officer and a Detective Inspector attached to the Bureau met with members of Interpol’s Global Financial Crime Task Force to share intelligence on a police-to-police basis.



Meeting held between CAB and Interpol

Part Eight
National and International developments

10th November 2021: Malta Police Force

A Detective Sergeant attached to the Bureau gave a presentation to four senior officers of the Malta Police Force on the operation of the Bureau.

The presentation took place at the Bureau Offices on 10th November 2021.



High Level Meetings

A number of high level meetings took place in 2021, included as follows:

25th January 2021: Meeting between the Chief Bureau Officer and the British Ambassador to Ireland, His Excellency Mr Paul Johnson

On 25th January 2021, the Chief Bureau Officer met online with the British Ambassador to Ireland, His Excellency Mr Paul Johnson.

The Ambassador was briefed on the operation and functions of the Bureau.



British Embassy Dublin

23rd June 2021: Meeting between the Chief Bureau Officer and the IIEA Justice and Home Affairs Group

The Chief Bureau Officer represented the Bureau at the meeting of the Institute of International and European Affairs (IIEA) Justice and

Home Affairs Group on 23rd June 2021.

15th October 2021: CAB 25th Anniversary Media Briefing

On 15th October 2021, the Chief Bureau Officer, Detective Chief Superintendent Michael Gubbins along with the Minister for Social Protection and Acting Minister for Justice Heather Humphreys, T.D. and the Garda Commissioner Drew Harris gave a media briefing at Garda Headquarters on the celebration of the Bureau's 25th Anniversary.

This event was attended by senior officers of the Department of Justice, the Department of Social Protection and the Office of the Revenue Commissioners.



Photo Credit: An Garda Síochána: From left to right: Lynda Slattery, Assistant Secretary General, Office of the Revenue Commissioners; DOJ Secretary General Oonagh McPhillips; Garda Commissioner Drew Harris; Minister for Social Protection and Acting Minister for Justice Heather Humphreys; Chief Bureau Officer Michael Gubbins; DSP Secretary General John McKeon and Bureau Legal Officer Kevin McMeel

Part Eight

National and International developments

Media Interviews

To further raise the profile of the Bureau and in celebrating the 25th Anniversary of the Bureau, the Chief Bureau Officer, Detective Chief Superintendent Michael Gubbins gave a number of interviews to numerous national newspapers and, together with former and current Bureau Legal Officers and Chief Bureau Officers, participated in a Virgin Media documentary to be broadcast in March 2022.

13th September 2021: Interviews provided on the publication of the CAB Annual Report 2020

The Chief Bureau Officer gave a number of interviews to Andrew Lowth and News @ One to promote the publication of the CAB Annual Report 2020.

20th September 2021: Today with Claire Byrne

The Chief Bureau Officer gave a radio interview to “Today with Claire Byrne” on RTE Radio One on the publication of the CAB Annual Report 2020.



Photo Credit: RTE Radio 1

19th September 2021: Interview with Ali Bracken, Sunday Independent

The Chief Bureau Officer gave an interview to Ali Bracken on 19th September 2021 entitled “*CAB praises ‘good citizen’ calls that help beat crime.*”

19th October 2021: Pat Kenny Show

The Chief Bureau Officer gave an interview to Pat Kenny on 19th October entitled “*The success of the Criminal Assets Bureau, 25 years since its inception.*”

19th September 2021: Interview with Stephen Breen, The Sun Newspaper

The Chief Bureau Officer gave an interview to Stephen Breen on 19th September entitled “*Gift of the CAB; How the Criminal Assets Bureau deprived criminals of €199m and still has 1,731 mobsters in sights 25 years on.*”

15th October 2021: News @ One

The Chief Bureau Officer gave an interview to Brian Dobson on 15th October 2021 entitled “*CAB on 25 years of tackling criminal gangs.*”

Part Nine

Protected Disclosures Annual Report

Protected Disclosures Act 2014

Section 22 of the Protected Disclosures Act 2014 requires every public body to prepare and publish a report, not later than the 30th June, in relation to the preceding year's information, relating to protected disclosures.

No protected disclosures were received by the Bureau in the reporting period up to the 31st December 2021.

Integrity at Work Pledge

The Bureau signed the 'Integrity at Work' pledge in June 2021. This pledge is a public statement of the Bureau's commitment to fostering a workplace that supports concerns raised of any wrongdoing.

In this regard, two Bureau Officers attended the Integrity at Work (IAW) Forum hosted by Transparency International (Ireland) Limited.



Part Nine
Protected Disclosures Annual Report

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Part Ten

Conclusions

In 2021, the Bureau exercised its statutory remit to pursue the proceeds of criminal conduct. In order to do this, the Bureau utilises the provisions of the Proceeds of Crime Act 1996 as amended, together with Revenue and Social Welfare legislation.

The Bureau continued to target assets deriving from a variety of suspected criminal conduct including drug trafficking, environmental crime, fraud, theft, burglary, diesel laundering, money laundering and human trafficking.

The Bureau continues to target emerging trends such as the use of the motor trade to conceal criminal assets as well as the use of cryptocurrency for asset transfer and international fraud.

Throughout 2021, the Bureau placed particular emphasis on targeting the criminal groups engaged in serious and organised crime, as well as property crime, such as burglaries and robberies.

A particular focus of the Bureau's activities centres upon rural crime and a number of the Bureau's actions were in support of law enforcement in Regional locations.

The investigations conducted by the Bureau and the consequential proceedings and actions resulted in sums in excess of €5.5m forwarded to the Central Fund, which can be broken down as follows:

- €1.143 million under the Proceeds of Crime legislation
- €4.401 million was collected in Revenue

- €0.364m in Social Welfare recoveries

In addition, the Bureau returned monies in excess of €5.4 million to six injured parties identified in a SIM Swapping fraud and cryptocurrency theft.

Total Monies returned by CAB in 2021	
Returned under CAB remit i.e., Proceeds of Crime, Revenue and Social Welfare legislation	5,549,661.95
Returned to the Injured Parties via S4A & S7(1)B of the PoC Act	5,415,695.21
Totals	10,965,357.16

At an international level, the Bureau has maintained strong links and has continued to liaise with law enforcement and judicial authorities throughout Europe and worldwide.

During 2021, the Bureau was involved in a number of investigations relating to criminal conduct by organised crime groups along the border with Northern Ireland.

The Bureau continues to develop its relationship with a number of law enforcement agencies with cross-jurisdictional links, most notably, Interpol, Europol, Her Majesty's Revenue & Customs, the National Crime Agency in the UK and the CARIN Network.

As the designated Asset Recovery Office (ARO) in Ireland, the Bureau continues to develop law enforcement links with other EU Member States.

Part Ten Conclusions

In pursuing its objectives, the Bureau continues to liaise closely with An Garda Síochána, the Office of the Revenue Commissioners, the Department of Social Protection and the Department of Justice in developing a coherent strategy to target the assets and profits deriving from criminal conduct. This strategy is considered an effective tool in the overall fight against serious and organised crime.

During 2021, the formal Admissions Group, established in 2018, continued to support the work of the Intelligence and Assessment Office (IAO) in advising the Chief Bureau Officer on the selection of targets for full investigation. The heart of the CAB model continues to be the multi-disciplinary team where professionals work together for the common purpose of denying and depriving criminals of their ill-gotten gains.

One of the key strengths of the Bureau is its collaboration with other organisations to support its activities. The Bureau could not undertake its activities without the support of many sections of An Garda Síochána, including units under the Organised and Serious Crime, the Emergency Response Unit, Regional Armed Support Unit and local Divisional personnel.

In addition, the Bureau receives excellent assistance from many sections of the Office of the Revenue Commissioners and in particular, the Revenue Solicitor and the Investigation, Prosecution and Frontier Management Division.

Officers from various sections of the Department of Social Protection have assisted the Bureau in matters of mutual interest.

Our colleagues in the Department of Justice provide excellent advice and support to the Bureau with particular emphasis on finance, governance, audit and risk. We continue to work with the Department in the area of legislative and policy changes in support of the statutory remit of the Bureau.

The Bureau wishes to acknowledge the expertise and guidance provided to Bureau Officers and staff by the Department of Justice officials throughout the year. In addition, the Bureau participated in the “Covid Business Continuity Call”, hosted by the Department of Justice which provided support and exchange of information and ideas to the various agencies under the remit of the Department of Justice.

Appendix A

Objectives & functions of the Bureau

Objectives of the Bureau: Section 4 of the Criminal Assets Bureau Act 1996 & 2005

4.—Subject to the provisions of this Act, the objectives of the Bureau shall be—

- (a) the identification of the assets, wherever situated, of persons which derive or are suspected to derive, directly or indirectly, from criminal conduct,
- (b) the taking of appropriate action under the law to deprive or to deny those persons of the assets or the benefit of such assets, in whole or in part, as may be appropriate, and
- (c) the pursuit of any investigation or the doing of any other preparatory work in relation to any proceedings arising from the objectives mentioned in paragraphs (a) and (b).

Functions of the Bureau: Section 5 of the Criminal Assets Bureau Act 1996 & 2005

5.—(1) Without prejudice to the generality of Section 4, the functions of the Bureau, operating through its Bureau Officers, shall be the taking of all necessary actions—

- (a) in accordance with Garda functions, for the purposes of the confiscation, restraint of use, freezing, preservation or

seizure of assets identified as deriving, or suspected to derive, directly or indirectly, from criminal conduct

- (b) under the Revenue Acts or any provision of any other enactment, whether passed before or after the passing of this Act, which relates to revenue, to ensure that the proceeds of criminal conduct or suspected criminal conduct are subjected to tax and that the Revenue Acts, where appropriate, are fully applied in relation to such proceeds or conduct, as the case may be,
- (c) under the Social Welfare Acts for the investigation and determination, as appropriate, of any claim for or in respect of benefit (within the meaning of Section 204 of the Social Welfare (Consolidation) Act, 1993) by any person engaged in criminal conduct, and
- (d) at the request of the Minister for Social Welfare, to investigate and determine, as appropriate, any claim for or in respect of a benefit, within the meaning of Section 204 of the Social Welfare (Consolidation) Act, 1993, where the Minister for Social Welfare certifies that there are reasonable grounds for believing that, in the case of a particular investigation, Officers of the Minister for Social Welfare may be subject

Appendix A

Objectives & functions of the Bureau

to threats or other forms of intimidation,

and such actions include, where appropriate, subject to any international agreement, co-operation with any police force, or any authority, being an authority with functions related to the recovery of proceeds of crime, a tax authority or social security authority, of a territory or state other than the State.

(2) In relation to the matters referred to in subsection (1), nothing in this Act shall be construed as affecting or restricting in any way—

- (a) the powers or duties of the Garda Síochána, the Revenue Commissioners or the Minister for Social Welfare, or
- (b) the functions of the Attorney General, the Director of Public Prosecutions or the Chief State Solicitor.

Appendix B

Statement of Internal Controls

Scope of Responsibility

On behalf of the Criminal Assets Bureau I, as Chief Bureau Officer, acknowledge responsibility for ensuring that an effective system of internal control is maintained and operated. This responsibility takes account of the requirements of the Code of Practice for the Governance of State Bodies (2016).

I confirm that a business plan is agreed annually by the Senior Management Team (SMT) and is submitted to the Assistant Secretary, Department of Justice for information.

I confirm that an Oversight Agreement between the Bureau and the Department of Justice covering the years 2021 – 2022 is in place and is subject to ongoing review.

I confirm, that the Annual Report and Compliance Statement has been submitted to the Minister for Justice.

Purpose of the System of Internal Control

The system of internal control is designed to manage risk to a tolerable level rather than to eliminate it. The system can therefore only provide reasonable and not absolute assurance that assets are safeguarded, transactions authorised and properly recorded and that material errors or irregularities are either prevented or detected in a timely manner.

The system of internal control, which accords with guidance issued by the Department of Public Expenditure and

Reform has been in place in the Criminal Assets Bureau for the year ended 31st December 2021 and up to the date of approval of the financial statements.

Capacity to Handle Risk

The Criminal Assets Bureau reports on all audit matters to the Internal Audit Unit in the Department of Justice and has in place a Bureau Audit and Risk Committee (ARC). The ARC of the Bureau met on four occasions during the year 2021.

The ARC has developed a risk management policy which sets out its risk appetite, the risk management processes in place and details the roles and responsibilities of staff in relation to risk. The policy was issued to all Managers within the Bureau who were advised of the necessity to alert senior management of emerging risks and control weaknesses and to assume responsibility for risk and controls within their own area of work.

Risk and Control Framework

The Criminal Assets Bureau implemented a Risk Management System which identified and reported key risks and the management actions taken, as far as possible, to mitigate those risks.

A Risk Register is in place in the Criminal Assets Bureau which identifies the key risks facing the Bureau and these are identified, evaluated and graded according to their significance. The register is reviewed and updated by the ARC on a quarterly basis. The outcome of these assessments is used to plan and

Appendix B

Statement of Internal Controls

allocate resources to ensure risks are managed to an acceptable level. The Risk Register details the controls and actions needed to mitigate risks and responsibility for operational controls assigned to specific staff.

In respect of the Bureau, I confirm that a control environment containing the following elements is in place:

- procedures for all key business processes are documented;
- financial responsibilities are assigned at management level with corresponding accountability;
- an appropriate budgeting system is in place, with an annual budget which is kept under review by senior management;
- systems aimed at ensuring the security of the information and communication equipment systems;
- systems to safeguard the Bureau's assets;
- the National Shared Services Office provide Payroll Shared Services to the Bureau

Ongoing Monitoring and Review

During the period covered by the 2021 Financial Statements, formal procedures were implemented for monitoring key controls. Control deficiencies were communicated to those responsible for taking corrective action and to management, where relevant, in a timely way. I confirm that the following monitoring systems were in place in respect of the Criminal Assets Bureau:

- key risks and related controls have been identified and processes have been put in place to monitor the

operation of those key controls and report any identified deficiencies;

- an annual audit of financial and other controls has been carried out by the Department of Justice Internal Audit Unit;
- reporting arrangements have been established at all levels where responsibility for financial management has been assigned;
- regular reviews by senior management of periodic and annual performance and financial reports take place, which indicate performance against budgets/forecast.

Procurement

I confirm that the Criminal Assets Bureau has procedures in place to ensure compliance with current procurement rules and guidelines and that during the year 2021 the Criminal Assets Bureau complied with those procedures.

Review of Effectiveness

I confirm that the Criminal Assets Bureau has procedures in place to monitor the effectiveness of its risk management and control procedures. The Bureau's monitoring and review of the effectiveness of the system of internal control was informed by the work of the internal ARC, the Internal Audit Unit of the Department of Justice and the Comptroller and Auditor General. The ARC, within the Criminal Assets Bureau, is responsible for the development and maintenance of the internal control framework.

During 2021 the Internal Audit Unit of the Department of Justice conducted an

audit at the Criminal Assets Bureau on financial and other controls, in line with their annual programme of audits, to provide assurance to the Audit Committee of Vote 24 (Justice). The next internal audit of the Bureau's financial and other controls is due to take place in early 2022.

During 2021 the Comptroller and Auditor General carried out an audit on the 2020 Financial Statements. No material issues were reported. During 2022, the Comptroller and Auditor General will conduct an audit on the 2021 Financial Statements.

Internal Control Issues

No weaknesses in internal control were identified in relation to 2021 that require disclosure in the Financial Statements.



Michael Gubbins
Chief Bureau Officer
20th June 2021

Appendix B
Statement of Internal Controls

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Appendix C

CAB 25 Year Statistics Overview

CRIMINAL ASSETS BUREAU
An Biúró um Shócmhainní Coiriúla

25 YEARS 1996 - 2021

#DenyandDeprive

Denied and Deprived Criminals over 25 years of
€204,361,838

1996 - 2021

CRIMINAL ASSETS BUREAU

25 Years
#DenyandDeprive

Funds returned to Exchequer

Proceeds of Crime	€ 33,501,520
Revenue Collections	€ 165,463,028
Social Protection Recoveries	€ 5,397,290

Total returned to Exchequer
€204,361,838

