

Explaining attrition: Investigating and confiscating the profits of organized crime

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Abstract

In this article, we provide insight into a common but scarcely researched problem in the process of confiscating criminal earnings: attrition, that is, the gap between estimated criminal profits on the one hand and the actually recovered amount of money on the other. We investigate the practice and results of financial investigation and asset recovery in organized crime cases in the Netherlands by using empirical data from the Dutch Organized Crime Monitor, confiscation order court files, and the Central Fine Collection Agency. The data shed light on financial investigation in practice and give a complete picture of the confiscation order court procedures as well as the execution of those orders for 102 convicted offenders – from public prosecutors' claims and rulings of the initial, appeal and the Supreme Court, to what offenders actually pay. The phenomenon of attrition can be explained by several factors, but an important factor turns out to be how 'criminal profit' is defined (determined) in law and practice.

Keywords

Asset recovery, confiscation, financial investigation, money laundering, organized crime

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Profits Of Crime

Mary Michelle Gallant



Profits Of Crime:

Money Laundering and the Proceeds of Crime Mary Michelle Gallant, 2005-01-01 The pursuit of the financial proceeds of criminal activity has become a central theme of contemporary crime control Initially conceived to tackle the global trade in illegal drugs these methods have been more recently employed in the context of terrorism This work offers a judicious account of the national and international strategies which seek to cope with crime by attacking its financial underpinnings The book focuses on the increasingly civil legal orientation of these strategies a sea change from criminal prosecutions to civil legal instruments The author focuses on developments of the civil strategy in the US and the UK beginning with its historical origins The work reveals the contradictions that animate the civil approach to criminal finance and discloses the failure of civil devices as presently constituted to comply with rights It bridges the gap between two jurisdictions prominent in this area the United States and the United Kingdom This comparative element distinguishes the project from other work in the field that focuses on a single jurisdiction Critical in its perspective the work brings balance and reflection to an emergent area of national and international interest *Following the Proceeds of Environmental Crime* Gregory Rose, 2014-06-27

Huge quantities of natural resources are illegally harvested and their proceeds laundered in the Asia Pacific region fostering corruption and undermining environmental governance Most illegal exploitation and pollution occurs in countries with poor governance capacities but much of the sale for profit and money laundering occurs in mature markets with well developed governance capacities Their asymmetrical enforcement capacities can complement each other This book explores ways to combat illegal fishing and logging in Asia Pacific region by the use of cooperative legal measures particularly anti money laundering and confiscation of proceeds techniques Contributors to this volume cover themes including the nature of transnational environmental crime patterns in laundering of illicit fish and forest products networks for distribution of illicit products weaknesses in current systems for assurance of the legality of products and international legal cooperation to enforce anti money laundering laws in relation to illicit products In considering these topics the book explores how the innovative use of anti money laundering measures and the seizure of criminal proceeds can as policy options to combat transnational fishery and forestry crimes The book will be of keen interest to scholars and students of environmental law and criminal law and excellent use for practitioners in natural resources conservation law **Money Laundering** Guy

Stessens, 2000-08-31 This book gives a broad analysis of the legal issues raised by the international fight against money laundering It offers an extensive comparative research of the criminal and preventive law aspects from an international perspective Stessens portrays money laundering as a new criminal trend threatening both national and international societies which must be addressed multilaterally through banking practice international conventions and human rights Most of this volume is devoted to specific legal problems that spring from the international nature of the money laundering phenomenon It contains a most detailed overview on the rules and practices of international co operation in the fight against

money laundering The publication gives a thorough examination of the exchange of information lifting banking secrecy and seizing and confiscating assets as well as the jurisdictional questions that inevitably arise in this context The result is a rich and detailed study of international and comparative law Revenue and Customs Enforcement - Fraud ISBN 9781527223608 - KRAUSE Peter Krause,2018-05-01 A general guidance aimed at those wishing to gain a basic understanding of the operational side of revenue enforcement and the criminal investigation and prosecution of revenue and customs frauds Various chapters and parts of this manual is dedicated to inter alia Revenue and Customs Administration Revenue and Customs Enforcement Civil and Criminal Investigations Criminal Prosecution Fraud within the Revenue and Customs environment Common law and Statutory offences commonly used in the United Kingdom and United States Related frameworks and offences related to Conspiracy Money Laundering and Corruption and Penalties and Punishment This manual was not written with the view to be a blue print of the law and practice surrounding criminal investigations in any one particular jurisdiction but was written with the view to point out what is common practice in most English speaking jurisdictions Money Laundering in Canada Margaret E. Beare,Stephen Schneider,2007-01-01 This new work by Margaret E Beare and Stephen Schneider brings empirical evidence to the study of money laundering in Canada The authors challenge the dominant seemingly common sense notion fuelled by political posturing and policing rhetoric that taking the profits away from criminals proceeds of crime enforcement is a rational and effective tactic Using extensive research involving records gathered from police financial institutions and legal sources the authors paint a picture of a dubious enforcement strategy beset by conflicting interests and agendas an overly ambitious set of expectations and reliance on an ambiguous body of evidence as to the strategy s overall merits **BOOK JACKET** **VERMONT CRIMES AND CRIMINAL PROCEDURE 2021** Peter Edwards, Esq. ,2021-04-01 Access the law at your fingertips This 2021 edition of Vermont Crimes and Criminal Procedure provides the practitioner with a convenient copy to bring to court or the office Look for other titles in our series such as Vermont Court Procedure **Justifying Private Law Remedies** C.E.F. Rickett,2008-06-26 In August 2006 the third Australian Obligations Conference was hosted in Brisbane by the TC Beirne School of Law The theme of the Conference was Justifying Private Law Remedies This book contains a number of the papers delivered at that Conference presented under several categories but all dealing with the fundamental issue of justification General Concepts Performance Compensation Punishment and Restitution and Disgorgement The authors are largely drawn from the legal academy and include Canadian Australian British and New Zealand scholars The collection will be of interest to all those concerned with the role nature and place of remedies in the private law of the common law world Laws of the State of New York Passed at the ... Session of the Legislature New York (State),1992 Global Financial Investigations Amanda Gore,2025-04-24 Adopting a case based approach Global Financial Investigations introduces the fascinating world of forensic accounting and investigating transnational financial crimes providing an overview of core concepts and current industry trends together with practical

guidance to equip readers with the knowledge required to combat complex financial crimes This accessible text covers a breadth of financial investigations and broader financial crime issues from investigating illicit trade and reconstructing financial records to conducting regulatory investigations Supported by real world cases from different geographic regions readers will learn the practical hands on forensic accounting and financial investigation skills required in today s work environment Learning features include a wealth of practical examples highlighting explanations of the main terminology and concepts engaging real world case studies from multiple regions including Europe Africa Latin America North America New Zealand and Asia start of chapter learning objectives and a summary of key learning points to reinforce learning end of chapter questions for review Written by a highly experienced professional and educator in forensic accounting Global Financial Investigations is the ideal textbook for undergraduate and graduate level students of courses in forensic accounting financial crime investigation and fraud investigation *ABA Journal* ,1997-10 The ABA Journal serves the legal profession Qualified recipients are lawyers and judges law students law librarians and associate members of the American Bar Association **The Law of Restitution in Nigeria** Festus Emiri,2012 The Law of Restitution in Nigeria covers the historical development of restitution in law its scope and contemporary issues related to it Some of the issues covered are Ignorance Incapacity Exploitation Enrichment at the plaintiffs expense Restitution for wrongs and general principles torts breach of contract equitable wrongdoing criminal offenses Defenses relating to changing circumstances Illegality and limitation of actions in restitution , **Perspectives on Elderly Crime and Victimization** Peter C. Kratcoski,Maximilian Edelbacher,2018-03-28 This textbook focuses on the criminality and victimization of the elderly population It provides a global perspective on the extent of the elderly crime and victimization with international comparisons for addressing the problem It explores the extent and types of crimes committed by the elderly the characteristics of older criminals and the responses of the criminal justice system including prisons and institutions to elderly criminals including diversion programs community based treatment programs and special programs including health mental health care services for older prisoners The second part of the book covers victimization of the elderly Research findings show that certain crimes including fraud theft and certain types of financial crimes disproportionately affect older people and these types of crimes are growing in prevalence This work explores the characteristics of older victims and the types of crimes that affect them Finally the book presents comparative international research on approaches to crime prevention education and legislation to address the victimization of the elderly This work will be of interest to students in criminology and criminal justice as well as related fields such as sociology and gerontology *108-1 Hearing: Intellectual Property Crimes: Are Proceeds From Counterfeited Goods Funding Terrorism?* July 16, 2003, *,2004 **Financial Investigation and Forensic Accounting, Third Edition** George A. Manning, Ph.D, CFE, EA,2010-12-01 As economic crimes continue to increase accountants and law enforcement personnel must be vigilant in expanding their knowledge of ways to detect these

clandestine operations Written by a retired IRS agent with more than twenty years of experience Financial Investigation and Forensic Accounting Third Edition offers a complete examination of the current methods and legal considerations involved in the detection and prosecution of economic crimes Explores a range of crimes Following an overview of the economic cost of crime the book examines different types of offenses with a financial element ranging from arson to tax evasion It explores offshore activities and the means criminals use to hide their ill gotten gains The author provides a thorough review of evidentiary rules as well as the protocol involved in search warrants He examines the two modalities used to prove financial crime the Net Worth Method and the Expenditure Theory and presents an example scenario based on real life incidents Organized crime and consumer fraud Additional topics include organized crime and money laundering with profiles of the most nefarious cartels consumer and business fraud and the different schemes that befall the unwary computer crimes and issues surrounding banking and finance The book also presents focused and concrete advice on trial preparation and specific accounting and audit techniques New chapters in the third edition New material enhances this third edition including new chapters on investigative interview analysis and document examination as well as advice for fraud examiners working on private cases including the preparation of an engagement letter For a successful prosecution it is essential to recognize financial crime at its early stages This practical text presents the nuts and bolts of fraud examination and forensic accounting enabling investigators to stay ahead of an area that is increasingly taking on global importance

Organised Crime and Law Enforcement David Bright, Chad Whelan, 2020-12-31 Organised Crime and Law Enforcement A Network Perspective examines organised crime and law enforcement through the conceptual lens of networks The book takes stock of the many ways in which network theories and concepts including social network analysis can apply to studying both organised crime and law enforcement responses to organised crime It is the first attempt to bring these diverse network perspectives and distinct fields of research together The book is organised into two parts The first part uses network perspectives to advance our understanding of the interconnected social structure of organised criminal groups to expose their strengths and vulnerabilities and to illuminate factors that enable such groups to undertake complex criminal activities The second part uses a network lens to examine the challenges that organised criminal groups present for a wide range of law enforcement agencies and the utility of network theories and concepts in understanding and informing their responses to organised crime Written in a clear and direct style the book will appeal to scholars and practitioners of criminology sociology law enforcement and all those interested in learning more about theories of organised crime and its relationship with law enforcement

Tax Evasion and the Law Sam Bourton, 2024-06-18 This book provides a critical and contemporary evaluation of the laws and enforcement policies pertaining to tax evasion in the United Kingdom UK and United States US Since the inception of taxes revenue collection authorities around the world have attempted to address the seemingly perennial problem of individuals evading their tax liabilities The financial crisis has shone a new light on the issue with an increased interest in using the

criminal justice system as a means of addressing it in the UK In sharp contrast to the UK the US has a strong record of prosecuting crimes of tax evasion whether committed by individuals or professional corporate facilitators Providing an evaluation of the UK s tax evasion laws and enforcement policy through a comparative approach this work highlights insights provided by the US experience In so doing the book explores the interconnections between tax evasion and money laundering identifying best practices omissions and areas for reform The work will be a valuable resource for researchers academics and policy makers working in the areas of financial crime financial law accountancy and criminal justice

Gangs, Drugs and (Dis)Organised Crime Robert McLean,2019-08-21 Drawing upon unique empirical data based on interviews with high profile ex offenders and experts this book sheds new light on drug markets and gangs in the UK The study shows how traditional methods of tackling gang violence fail to address the intertwined nature of those criminal activities which can overlap with other organised crime spheres McLean sparks new debate on the subject offering solutions and alternatives

Counterfeit Goods and Organised Crime Michael Blakeney,2023-12-11 Counterfeit Goods and Organised Crime is an in depth inquiry into the fake goods trade and the involvement of organised crime groups In this seminal work Michael Blakeney comprehensively analyses the impact of counterfeiting on the principal industries affected by it It looks at international national and regional counterfeit legislation organised crime groups and counterfeiting customs control

Congressional Record United States. Congress,1982 The Congressional Record is the official record of the proceedings and debates of the United States Congress It is published daily when Congress is in session The Congressional Record began publication in 1873 Debates for sessions prior to 1873 are recorded in The Debates and Proceedings in the Congress of the United States 1789 1824 the Register of Debates in Congress 1824 1837 and the Congressional Globe 1833 1873

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