

An Garda Síochána

Protocol



Implementation of the Memorandum of Understanding between An Garda Síochána and Insurance Ireland and Alliance for Insurance Reform

Effective Date	XX XX 2022
Version No.	0.1
Approved by	Assistant Commissioner, OSC
Policy Owner	Assistant Commissioner, OSC

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1. Introduction

This protocol document sets out the process for the reporting of suspected insurance fraud by the Alliance for Insurance Reform, Insurance Ireland and other interested parties to the Garda National Economic Crime Bureau (GNECB).

This document is intended to ensure a co-ordinated, uniform and consistent approach to reporting, recording, assessment and investigation of suspected Insurance Fraud offences.

2. Scope

This Operational Protocol Document and its two associated Memorandum of Understanding specifically sets the terms and understanding between An Garda Síochána and the Alliance for Insurance Reform and Insurance Ireland with regard to information sharing between An Garda Síochána and these agencies.

This Operational Protocol document applies to members of the Garda Síochána and Garda staff attached to GNECB. It also applies to the relevant members of staff and personnel attached to the Alliance for Insurance Reform and Insurance Ireland and agencies who work with or on their behalf.

3. Terms and Definitions

Insurance Fraud

There is no particular legal definition for insurance fraud. However, the offence of Deception as defined in Section 6 of the Criminal Justice (Theft and Fraud Offences) Act 2001 provides a broad definition that would fit with what is commonly referred to as 'insurance fraud'. This offence is punishable on conviction by up to 5 years imprisonment.

Section 6 (1) A person who dishonestly, with the intention of making a gain for himself or herself or another, or of causing loss to another, by any deception induces another to do or refrain from doing an act is guilty of an offence.

The falsification of a personal injury claim for compensation by exaggeration of the incident, the injury suffered, by staging an accident/incident or by supplying false information in support of a personal injury claim could constitute 'insurance fraud'. In insurance fraud cases, the claimant is deceiving or attempting to deceive a person or entity to pay compensation to which the claimant would not be entitled but for the deception. According to the Section 1(2) of the 2001 Act a person deceives if he or she-

- a) Creates or reinforces a false impression, including a false impression as to law, value or intention or other state of mind.
- b) Prevents another from acquiring information which would affect that person judgement of a transaction.
- c) Fails to correct a false impression which the deceiver previously created or reinforces or which the deceiver knows to be influencing another to whom he or she stands in a fiduciary or confidential relationship.

Other potential offences (prosecutions are not limited to these offences):

- Perjury – Section 2 Criminal Justice (Perjury and Related Offences) Act 2021.

- Perjury – swearing absolutely and falsely in a matter material to the issue or cause in question in a judicial proceeding (court hearing) - Contrary to Common Law.
- False /misleading information in an Affidavit – Section 14(5) Civil Liability and Courts Act 2004.
- Dishonestly give or cause to be given, or adduces or dishonestly causes to be adduced, evidence in a personal injuries action that is false or misleading – Section 25(1) Civil Liability and Courts Act 2004.
- Dishonestly give or cause to be given, or adduces or dishonestly causes to be adduced, evidence in a personal injuries action that is false or misleading in any material fact (knowingly) to a solicitor, person acting for the solicitor, or an expert - Section 25(2) Civil Liability and Courts Act 2004.
- Prohibition of giving certain false information or wasting Garda time – Section 12 Criminal Law Act 1976.
- Damaging property with intent to defraud – Section 2(3) Criminal Damage Act 1991.

Note: It must be noted that ‘insurance fraud’ only becomes a suspected offence when a person or entity actually submits a claim for compensation. It might be suspected that a person has staged an accident or a slip, trip or fall, but that would not constitute ‘insurance fraud’ until they actually submit a claim for compensation that appears to be fraudulent, whether that is to the Personal Injuries Assessment Board or to an Insurance Company, or other responsible entity. In such cases, the gathering of evidence should begin immediately, to defend a civil claim and for possible use in a criminal investigation.

However, if an incident does occur, an interested party could consider making a report to AGS, prior to any claim being made if there is evidence of other criminality, such as deliberate criminal damage to property.

4. Roles and Responsibilities

Insurance Fraud Coordination Office (IFCO) - IFCO is a dedicated unit of An Garda Síochána specifically entrusted to deal with complaints of insurance fraud.

Garda National Economic Crime Bureau (GNECB) –

- Investigates serious and complex economic crimes.
- Investigate financial crimes which are of major public concern.
- Provides support and assistance to local and regional investigators.
- Plays a pro-active role in the prevention and detection of economic crime.
- Investigates all cases of foreign bribery and corruption as per legislation.
- Acts as a central repository for economic crime related intelligence.

Detective Superintendent GNECB - The Detective Superintendent at GNECB will decide what cases are of national significance. In such cases the Detective Superintendent, GNECB will provide the Pulse incident number and details of the assigned investigating member (including contact method) to the reporting person/entity. The responsibility for the assessment process at the IFCO rests with the Detective Superintendent, GNECB.

Reporting Person/ Entity - The reporting person/entity should, when there are reasonable grounds/evidence to support a suspicion that insurance fraud has been or is being committed or attempted, report the matter to the IFCO at GNECB in accordance with the guidelines. The reporting person/entity should request persons/entities in control of vital evidence/data such as CCTV to retain such evidence if it is believed such evidence/data is necessary for ‘preventing, detecting, investigating or

prosecuting criminal offences’ as set out in Section 41 of the Data Protection Act 2018, ‘Processing for purpose other than purpose for which data collected’. The reporting person / entity will be given the Pulse Incident number for reference and details of the Garda area responsible for the investigation when it is assessed that an investigation is merited.

The reporting person/entity must submit reports to the Insurance Fraud Coordination Office as set out at 5.2 below.

If the threshold for the commencement of a criminal investigation **is not met**, the reporting person/entity will be so informed with the rationale for the decision. The reporting person/entity may submit additional information at a later stage and request a review of the decision.

Reporting persons / entities must be conscious that the civil standard of proof is ‘proof on the balance of probabilities’ which is a much lower standard than the criminal standard. It is vital that reporting persons / entities co-operate fully with Garda investigators, which may include Garda investigators communicating with the complainant and others to verify the facts, to gather evidence and to take witness statements.

5. Procedures

5.1. When should a formal report be made to GNECB?

The reporting person/entity should, when there are reasonable grounds/evidence to support the suspicion that insurance fraud has been or is being committed or attempted, report the matter to the IFCO at GNECB. The report and provision of supporting evidence must be submitted to the IFCO in accordance with the provisions of Section 19 of the Criminal Justice Act 2011.

The following should be reported to IFCO

1. Insurance Fraud related to *personal injury* claims that are suspected to be fraudulent, in accordance with these guidelines (e.g. fake / staged accidents/incidents, exaggerated claims, claims using false identities).
2. Insurance fraud in relation to claims for compensation for loss (damage, theft etc.) that are false, staged, exaggerated etc.
3. In the case of Insurance Ireland, persons suspected to be acting as Ghost Brokers.
4. Information related to others, including professionals, who may be aiding/enabling the making of claims for compensation that appears to constitute insurance fraud.
5. Report of Criminal Organisations suspected to be involved in the planning and organisation of insurance fraud.

The reporting person/entity should request persons/entities in control of vital evidence/data such as CCTV to retain such evidence if it is believed such evidence/data is necessary for ‘preventing, detecting, investigating or prosecuting criminal offences’ as set out in Section 41 of the Data Protection Act 2018, ‘Processing for purpose other than purpose for which data collected’.

See Section 41 Data Protection Act 2018.

<http://www.irishstatutebook.ie/eli/2018/act/7/section/41/enacted/en/html>

Reports of suspected offences should be forwarded to AGS with supporting evidence, as soon as it is suspected that an insurance fraud offence has occurred or is occurring.

Prompt action is required to ensure vital evidence (such as CCTV footage, witness identities and contact details and photographs of a scene) is collected and preserved before it becomes unavailable due to the passage of time, if it is believed such evidence/data is necessary for *'preventing, detecting, investigating or prosecuting criminal offences'* as set out in Section 41 of the Data Protection Act 2018, Processing for purpose other than purpose for which data collected, is applicable under this section. Such evidence could also be significant in civil cases.

<http://www.irishstatutebook.ie/eli/2018/act/7/section/41/enacted/en/html>

See: Appendices B and C.

The following will be reported other than to the IFCO

- Use of False/forged No Claims Bonus Certificates
- Use of False/forged Driving Licences or other identity documents such as utility bills
- Provision of False information on application for insurance intended to deceive

These suspected offences must be reported to the Garda Division of residence of the person suspected for the offence, where it will be allocated to the appropriate district for investigation.

<https://www.garda.ie/en/contact-us/station-directory/>

5.2. How are reports to be made?

All complaints of insurance fraud (set out at 5.1) should be reported to the IFCO at GNECB for assessment and/or investigation by encrypted email to GNECB.IFCO@garda.ie, via a secure file share service if available or in hard copy to the Insurance Fraud Coordination Office, GNECB, Harcourt Square, Dublin 2 D02 DH42. Tel: 01 6663740. Electronic data must NOT be supplied in ZIP files.

Reports of suspected Insurance Fraud to the IFCO

All reports will be made on the standard report form available from the IFCO at GNECB.IFCO@garda.ie depending whether the suspected fraud is motor related, personal injury related other than motor, or related to a general claim for compensation.

The reporting person/entity must as appropriate

- Complete the:
 - Garda Motor Insurance Fraud Report form - (Form IFCO 1), or
 - Garda Personal Injury Insurance Fraud Report form - (Form IFCO 2), or
 - Garda General Insurance Fraud Report form - (Form IFCO 3)
- Provide a report on the incident and the rationale to support the suspicion that the claim submitted constitutes insurance fraud, in the Details of the Incident section of the form.
- Provide all available evidence to support the allegation of insurance fraud, or an outline if it is not transferrable by email (e.g. CCTV / dashcam footage).
- Appoint a liaison person to AGS for the duration of the investigation, and provide their contact details.

Each report form must be completed in full and supported by an evidence pack if it is to be progressed to the Assessment phase at the IFCO. The IFCO will assess the report to determine whether the commencement of a criminal investigation is merited.

5.3. Recording and acknowledging complaints to the IFCO and to Garda Divisions

The responsibility for acknowledging and recording complaints/reports sent to the IFCO will rest with the IFCO. The IFCO will record the complaint/report on Pulse and the reporting person / entity will be given the Pulse Incident number for reference and details of the Garda area responsible for the investigation when it is assessed that an investigation is merited.

5.4. Reports to Garda Divisions other than IFCO

The Superintendent in charge of the criminal investigation will be responsible for informing the reporting person/entity of the identity of the investigating Garda and the Pulse incident number for cases assigned in accordance with the Victims of Crime Act.

5.5. Information to victims on investigations and criminal proceedings

Under [Section 8 of the Victims of Crime Act](#), there is a statutory requirement for the Garda Síochána to supply certain information to a victim regarding investigations and criminal proceedings. This information includes the following:

- The arrest and charging of a person.
- The release on bail of a person or their remand in custody, to include the conditions of their bail which relate to the victim.
- The nature of the offence with which they are charged.
- Where a person is charged, the date and place of the trial.
- Where a person is convicted, the date and place of the sentencing or any appeal.
- Reference to the victims entitlement to receive a copy of any statement made.
- The release or escape from custody of the offender when they are in Garda Síochána custody or on remand.
- Detail with regard to a convicted offender's release/transfer/escape/temporary release or death, if serving a term of imprisonment.
- A decision not to proceed with or to discontinue an investigation, and a summary of the reasons.
- A decision not to prosecute or to discontinue the prosecution, a summary of the reasons, and how to ask for a review of such a decision.
- A decision to deal with a person otherwise than by trial of the person in respect of the alleged offence and a summary of the reasons for making the decision.

In cases where an accused receives a term of imprisonment and the victim wishes to receive information in relation to the convicted person's release/escape/transfer/death, they should be informed by the Investigating Member at the end of the trial that they can contact the Victim Liaison Section of the Irish Prison Service regarding same. Contact details can be found on the Irish Prison Service website: www.irishprisons.ie.

As outlined above, victims should be informed about any charges proffered in their case, any court hearing dates (including appeals) and their location.

Victims should be informed of any judgement issued in their case, including the imposition of a sentence upon conviction. This information should be provided by the Investigating Member. Further to being informed of relevant information by the Investigating Member, when a case outcome is recorded on PULSE, PULSE Letter 3 will issue, informing the victim there is an outcome in their case and if they require any further information, they may contact the Garda Victim Service Office.

Where a person is committed to a designated centre by a court, the victim should be advised on request that they can contact the relevant Health Service Executive Unit regarding certain aspects of the person's committal and discharge. Where a person who is a child has been ordered to be detained in a children

detention school, the victim can request certain information regarding the person's committal and release. The victim should be advised on request to contact the children detention school regarding same.

Where a member of the Garda Síochána receives a request for information they should carry out the following:

- Record the request in the 'Victim Engagement Screen', including the information requested. With the exception of sexual offences, a member can record an engagement with a victim on the victim engagement screen. With regard to sexual offences, only the investigating member or a member of Inspector rank or above, can update the victim engagement screen.
- Provide the information or arrange for the information to be provided to the victim as soon as practical.

If a victim requests information and it appears to the member that the victim requires assistance to understand or to be understood, the member should do the following:

- Arrange for the translation of the information concerned as soon as practical.
- Provide the translation free of charge.
- Provide the information to the victim either orally or in writing, including by electronic means.

Subject to [Section 8](#) (subsection 7) and [Section 11](#) of the Act, the following may be transferred between the Garda Síochána, the Garda Síochána Ombudsman Commission, the Director of Public Prosecutions, the Irish Prison Service, a children detention school or a designated centre:

- Details of any request received from a victim.
- Information which is subject of a request.

Information which is subject to the request of the victim and which has been considered in accordance with [Section 11](#) of the Act shall not be used for any other purposes other than what is contained in the request from the victim.

5.6. Pulse Letters

To fulfil the above requirements under the Act, PULSE 6.8 has been configured to provide for the sending of four (4) victim letters. The four (4) letters are issued by the Victim Service Office at various stages of an investigation:

- PULSE Letter 1: a written acknowledgement of the victim's complaint, providing detail regarding the investigating Garda, the associated PULSE number and the Crime Victims Helpline number (**116006**).
- 6. PULSE Letter 2: informs a victim that there has been some development in the relevant investigation.
- PULSE Letter 3: advises the victim to contact the GVSO with regard to the outcome of their case.
- PULSE Letter 4: advises the victim that in the absence of further evidence their investigation cannot be progressed at this time.

Prior to issuing PULSE letters, Garda Victim Service Office (GVSO) staff shall check the victim engagement tab to ensure the victim has not actively 'opted-out' of receiving relevant information.

When the Garda Victim Service Office (GVSO) is issuing the first victim of crime related letter, they should check the Victim Assessment Tab within the relevant PULSE Incident, to ensure a Victim Information Card has been provided. If the 'VIC box' has not been ticked, a copy of the Victim Information Card should accompany the letter and the tick box subsequently updated.

6.1. IFCO receipt of complaint

When criminal investigation is NOT commenced

If the threshold for the commencement of a criminal investigation **is not met**, the reporting person/entity will be so informed with the rationale for the decision. The reporting person/entity may submit additional information at a later stage and request a review of the decision.

When a criminal investigation IS commenced

If the evidential threshold required for the commencement of a criminal investigation **is met** the IFCO will determine where the investigation should be recorded and conducted. The IFCO will record the complaint/report on Pulse.

The report and supporting evidence will be forwarded to the relevant area for investigation.

The reporting person/entity will be provided with the Pulse incident number for reference and the Garda area to which the investigation has been assigned.

The Garda area to which the investigation is assigned will be advised to appoint an investigating member, to update the Pulse incident and to provide the details of the assigned investigating member (including contact method) to the reporting person/entity.

The responsibility for the investigation rests with the Superintendent for the area to which it is assigned.

The investigating Garda will act as the liaison with the reporting person/entity in each individual case.

Reports assessed as being of national significance will be retained at GNECB for investigation. The Detective Superintendent at GNECB will decide what cases are of national significance. In such cases the Detective Superintendent, GNECB will provide the Pulse incident number and details of the assigned investigating member (including contact method) to the reporting person/entity.

6.2. Assessment process

Each report of insurance fraud reported to the IFCO will be assessed at that office to determine if there is sufficient information / evidence to merit the commencement of a criminal investigation by An Garda Síochána. This will be done in accordance with the [Crime Counting Rules](#). The report will be assessed in accordance with the Garda Decision Making Model.

Note: The standard of proof for a criminal prosecution is '*proof beyond a reasonable doubt*'. An Garda Síochána will only commence a criminal investigation where there is credible and admissible evidence that a criminal offence has occurred. Reporting persons / entities must be conscious that the civil standard of proof is '*proof on the balance of probabilities*' which is a much lower standard than the criminal standard.

The assessment process is as follows:

1. Review of the report to determine that the facts as asserted indicate that a criminal offence has occurred.
2. Identify possible criminal offence/s.
3. Review the supporting evidence to determine if it supports the report of insurance fraud and to ensure the evidence is credible and admissible in a criminal prosecution.
4. Determine whether or not the report and supporting evidence is sufficient to commence a criminal investigation by An Garda Síochána.

5. Determine the area within AGS to which the investigation will be assigned.

Following assessment, each case will be dealt with as follows:

- (a) Where the report is assessed as a **credible complaint of insurance fraud**, a Pulse incident is created and the case is forwarded to the appropriate Garda area for investigation, or
- (b) Where the report indicates that a criminal offence **may** have occurred but more evidence/information is required for the assessment process before a criminal investigation is commenced. The report is returned to the reporting person/entity for additional evidence / information, or
- (c) Where the report is assessed as having **insufficient evidence/information** to merit the commencement of a Garda investigation, the reporting person/entity will be so informed and the reasons why. The case will be re-considered if new evidence / information subsequently comes to light.

The responsibility for the assessment process at the IFCO rests with the Detective Superintendent, GNECB.

Note: In the context of making reports of criminal offences to An Garda Síochána, it is criminal offence to make a clearly false report to the organisation.

6.3. Criminal Investigations

It is vital that reporting persons / entities co-operate fully with Garda investigators, which may include Garda investigators communicating with the complainant and others to verify the facts, to gather evidence and to take witness statements.

The investigating Garda will take a formal statement of complaint from the reporting person or designated person representing an entity early in the investigation process to confirm the complaint, take possession of evidence and to record any action taken or wrong doing witnessed that is of evidentiary value.

When the investigation is complete, a file will be submitted to the Director of Public Prosecutions for direction as to whether there should be a prosecution and the charges to be preferred against the suspect/s as the case may be.

The reporting person and other persons with personal knowledge of the alleged wrongdoing investigation or who carried out enquiries or investigations on behalf of the reporting person/entity may be required to give evidence in court. Personal knowledge would include but would not be confined to, witnessing the actual incident, gathering CCTV, receiving documentation relation to an incident or claim, speaking to the claimant, speaking to potential witnesses etc.

See DPP guidelines for witnesses:

https://www.dppireland.ie/app/uploads/2019/03/ENG_Going_to_Court_as_a_Witness_Sep_t_2018.pdf.

7. Duration of MOU and associated Operational Protocol

The MOU applicable to this document is *at-will* and may be modified by mutual consent of authorised officials from An Garda Síochána and the Insurance Alliance and Insurance Ireland.

The MOU applicable to this document shall become effective upon signature by the authorised officials from An Garda Síochána and Alliance for Insurance Reform and Insurance Ireland and will remain in effect until modified or terminated by any one of the partners by mutual consent.

7.1. Management, Monitoring and Review of MOU and associated Operational Protocol

This Agreement will be reviewed by the Parties 12 months from the date of signing and thereafter at regular intervals as may be agreed.

8. Compliance

Compliance with this Operational Protocol and accompanying Memorandum of Understanding is mandatory for all members of An Garda Síochána and Garda staff, and to the relevant members of staff and personnel attached to Alliance for Insurance Reform and Insurance Ireland and agencies who work with or on their behalf.

9. Related Documents

- Memorandum of Understanding between An Garda Síochána and Alliance for Insurance Reform.
- Memorandum of Understanding between An Garda Síochána and Insurance Ireland.

10. Legal & Human Rights Screening

This document has been Legal and Human Rights screened in terms of the respective obligations placed on An Garda Síochána for the subject area concerned.

11. Ethical Standards & Commitments

Every person working in An Garda Síochána must observe and adhere to the standards and commitments set out in the [Code of Ethics](#) for An Garda Síochána and uphold and promote this Code throughout the organisation.

12. Disclaimer

This document is not intended to, nor does it represent legal advice to be relied upon in respect of the subject matter contained herein. This document should not be used as a substitute for professional legal advice.

13. Policy & Procedure Document Feedback

The Policy and Governance Coordination Unit maintains a Policy Issues Log. Where there are potential issues regarding the implementation of the Procedures set out in this document, please forward an outline of same through the relevant Divisional Office to the Section mail-box policy.governance@garda.ie. Divisional submissions will be recorded in the Policy Issues Log and forwarded to the Policy Owner for whatever action deemed necessary.

(Please note that where there is an urgent issue arising regarding the implementation of this Procedure document and accompanying Policy document it should be clearly flagged as urgent / important and also reported directly to First Line Supervisors/Managers to ensure it is addressed).

14. Appendices

Appendix A: Formal Report Guidelines

A narrative describing the incident in the report must be outlined in chronological order, highlighting the relevant dates and times. Include the full name, address, date of birth and contact details of the claimant/s if known.

The report must include the following if relevant and available:

1. A description of the alleged incident from the policy holder, their employees or witnesses if any.
2. Details of Gardaí who attended the scene if any and Pulse incident number if known.
3. Names and contact information of any witnesses to the incident, or any other person in a position to provide evidence, including those taking the report of an incident, who took notes at the time of the incident or who made enquiries or recovered CCTV etc.
4. A description of the location of the alleged incident, include photographs in colour when available. Details of persons who took the photographs will be required.
5. An outline of why the incident is suspected to be a case of insurance fraud.
6. An outline of the available evidence that supports the suspicion.
7. Copies of all relevant documents, copies of any available CCTV footage, photographs and independent reports (e.g. engineer reports). **Note:** originals should be retained by the policy holder or reporting person/entity and handed to the Garda investigator, should a criminal investigation be commenced.
8. Provide details of all person/s who have submitted claims for personal injury or are likely to submit such claims (names, dob, addresses, email, telephone / mobile).
9. A description of the alleged incident as given by each claimant/s, including copies of reports / correspondence or notes when claim has been initiated by a phone call to the reporting person/entity.
10. Provide any known details of associates who were with the claimant at, before, during or after the alleged incident (names, addresses, email, telephone, mobile etc.)
11. Details of any transport used by the claimant or associates.
12. Confirm if the personal injury claim has been processed via PIAB.
13. Details of solicitor, medical professional and/or expert acting on behalf of the claimant.
14. Confirm if any pay-out has been made to the claimant or any other person injured in the incident and the amount by direct settlement or by litigation.
15. Confirm if the case has been in court and the outcome.
16. Confirm if the Court Judgement is available.
17. Confirm whether affidavits or statements of claim are available.

Note: Delays in reporting a suspected fraud may result in the loss of evidence that impacts negatively on any criminal investigation and / or civil action.

The Reporting persons/entities must ensure that all evidence is securely stored and provided on request to the investigating member/team.

Appendix B. Responsibility of the Insurance Fraud Reporting Entity

Immediately on becoming aware of a suspected insurance fraud, every effort should be made to identify sources of evidence, such as CCTV, names of witnesses, description of suspect and associates. Note

clothing worn by persons concerned at the time of the incident as this may be helpful to identify relevant persons on CCTV footage.

All notes must be recorded immediately when it is fresh in the mind and should be dated, timed and signed.

Where the injured person reports an injury at the scene, their description of incident must be noted immediately or very soon thereafter. Notes should be dated, timed and signed by the injured person (if agreeable), by the note taker and by any witnesses to the conversation.

The reporting person / entity must ensure all evidence such as CCTV footage is preserved in its original format for use in civil proceedings or criminal investigation in accordance with the provisions of Section 41 of the Data Protection Act 2018.

All original documents and CCTV footage must be labelled and dated and stored in a secure place. This is especially so, if the reporting person/entity suspects that an insurance fraud has occurred. Such evidence is also necessary and vital to any civil actions that may arise.

The complainant must be prepared to supply all original documents to the Gardaí on request in the event that a criminal investigation takes place. See *Evidence must be handled with care* and *Important rules to adopt when handling evidence* below

Bear in mind that while an incident only becomes 'insurance fraud' when a fraudulent claim is submitted for compensation, this should not stop the gathering and recovery of evidence from the outset. The evidence will be important in civil actions and in criminal investigations.

When a claim for compensation is submitted that is suspected to be insurance fraud, a reported should be forwarded to the IFCO in accordance with these guidelines.

When a complaint has been reported to the Gardaí for investigation, the complainant must provide full assistance to the investigation and be prepared to follow the case through to prosecution. This may involve the giving of evidence in court by policy holders, by staff and by insurance company employees who have evidence to offer: See DPP guidelines for witnesses:

https://www.dppireland.ie/app/uploads/2019/03/ENG_Going_to_Court_as_a_Witness_Sep_t_2018.pdf.

Policy holders without a specific fraud investigation department may find that the evidential qualities of their reports can be improved by using nominated staff who have received training in this area.

Appendix C: Handling of Evidence

Wherever possible the gathering of evidence should be carried out by persons who are familiar with the rules of evidence in criminal cases and have expertise in criminal investigations. The careful handling of evidence will also be important in civil actions.

Where there is nobody within the organisation with this knowledge or expertise, then the person dealing with the case should consult with the IFCO at an early stage for advice and guidance. Refer first to the advice as set out in Appendices A and B.

It is vital that all evidence is properly preserved (labelled, dated and stored securely) and is available in the event of a Garda investigation.

All original documents, CCTV / dashcam footage relevant to an insurance claim etc. must be gathered and preserved as the originals are the best evidence in criminal prosecutions or civil actions.

Ensure no changes / enhancements / deletions are made when viewing original CCTV footage and when making working copies, note that fact.

Make working copies for reference/checking/investigation, thus preserving the original documents, CCTV footage or other evidence unchanged.

Documenting details of documents or other items of evidence recovered during an enquiry:

Record

- Details of any person (name, address, telephone, email) who supplied documents, CCTV / dashcam footage, photograph, text messages, emails etc
- Details of the source of any of the items supplied. E.g where original CCTV was recorded and downloaded, or who provided a document or email, etc
- The name, address and contact details of the person who received an item of evidence, and
- The date and time it was received
- How the document / evidence was stored (e.g. kept in secure store)
- A careful note must be maintained of the movements of all documents which may be required for production as evidence in court. This includes details of all persons who handled the original documents in order to prove the 'chain of evidence' (this is why it is best to use 'working copies' during investigations).

No pencil or other marks should be made to the original document.

Original documents will be required by the investigating Gardaí for presentation in court in the event of a prosecution or in civil actions.

Details of payments made on foot of fraudulent claims will be required including original cheques where available.

Everything, no matter how insignificant it may appear should be documented, including date, time of contact with claimants and notes of conversations / meetings.

All persons with knowledge of the incident should document same as soon as possible, notes must be dated, timed and signed.

Actions taken by all relevant persons should be noted, timed, dated and signed. (E.g. assistance given to a claimant, downloading of CCTV, taking photographs of scene, what they saw, did, said or heard at the time of the incident etc.).

Details can be crucial – you can never take too many notes but you can often take too few. Notes made contemporaneously are a credible record of what happened and may be used as a “memory jogger” while giving evidence in the event that the case results in a prosecution or in a civil action. All contemporaneous notes must be kept as they may be used in evidence at a later stage.

Matters pertaining to the handling of evidence are best left to the Gardaí. If the suspect(s) contact you for the purpose of seeking evidence, you should immediately report the request to your investigating Garda officer, if there is an ongoing Garda investigation.

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