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|  <p>17th St. &amp; Constitution Avenue N.W.<br/>Washington, D.C. 20006<br/>United States of America</p> <p><b>Organization of American States</b></p> <p>P. 202.458.3000<br/><a href="http://www.oas.org">www.oas.org</a></p> | <p><b>INTER-AMERICAN DRUG ABUSE<br/>CONTROL COMMISSION<br/>CICAD</b></p> <p>Secretariat for Multidimensional Security</p> |
| <p><b>XXXIX GROUP OF EXPERTS FOR THE CONTROL OF MONEY LAUNDERING<br/>SEPTEMBER 25-26, 2014<br/>MONTEVIDEO, URUGUAY</b></p>   | <p>OEA/Ser.L/XIV.4.39<br/>CICAD/doc.14/14<br/>24 September 2014<br/>Original: English</p>                                 |
| <p><b>ANALYSIS OF SYSTEMS FOR THE COLLECTION OF DATA ON SEIZED AND FORFEITED ASSETS OF ILLICIT<br/>ORIGIN IN THE MEMBER STATES OF THE OAS<br/>PRISCILLA STANDRIGE, VOLUNTEER, CICAD/OAS</b></p>  |   |

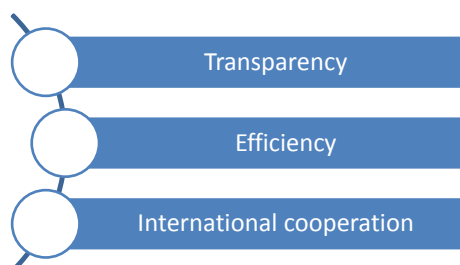
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| <p><b>“Analysis of systems for the collection of data on<br/>seized and forfeited assets of illicit origin in the<br/>member states of the OAS”</b></p>  |  |
| <p><b>Priscilla Standridge<br/>Volunteer<br/>CICAD/OEA</b></p>   |  |
| <div style="display: flex; align-items: center; justify-content: center;">   </div> <p>Organización de los<br/>Estados Americanos</p> |  |



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## Background and relevance of the exercise

- OAS Anti-money laundering section and the BIDAL project: technical assistance in developing and improving systems for identifying, locating and managing seized and forfeited assets.
- The issue of DATA collection: why is it important?



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## Best Practices and Case Studies

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|--|--|
| IT systems for management agencies               | efficiency in managing seized and forfeited assets   |
| Statistics                                       | transparency and evaluation of activities over time  |
| Information sharing between agencies             | better investigations thanks to a holistic approach  |
| Information sharing between countries            | secure channels and expedited cooperation  |
| Information sharing with other public registries | better information and integration of activities with other databases                            |
| IT systems for disposal processes                | transparency of information and efficiency of disposal through online platforms and social media |
| Information on the disposal process              | Transparency and background checks on new owners of disposed assets                              |



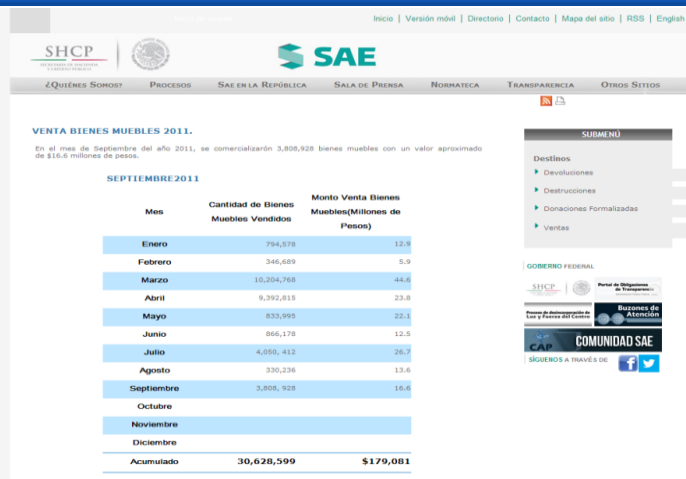
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Statistics on the geographic distribution of seized and forfeited assets of the ANBSC. Source: Official website of the ANBSC



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Statistics on the disposal of movable assets of the SAE. Source: Official website of the SAE

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SHCP SAE

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### LISTADO DE BIENES

Categoría: Seleccione una opción Estado: Seleccione una opción Transferente: Seleccione una opción

No. de lote: P.B.V. Mínimo: P.B.V. Máximo:

Palabra clave: Recientes Buscar Limpiar Imprimir

Filtros

| Bienes inmuebles                      | Foto | Lote | Descripción   | Monto de salida | Oferta actual | Ubicación                      |
|---------------------------------------|------|------|---|-----------------|---------------|--------------------------------|
| Bienes inmuebles (53)                 |      |      |   |                 |               |                                |
| Bienes muebles                        |      |      |   |                 |               |                                |
| Abarrotes (12)                        |      | 1    | Vehículo apto para circular marca chevrolet tipo pick up mod... | \$12,500        |               | (cd) barbachanc vial Juan Gabi |
| Arte y cultura (15)                   |      | 2    | Vehículo apto para circular marca volkswagen tipo sedan mode... | \$23,000        |               | (cd) barbachanc vial Juan Gabi |
| Artículos de oficina y papelería (52) |      | 3    | Vehículo apto para circular marca honda tipo cuatrimoto mode... | \$6,500         |               | (cd) barbachanc vial Juan Gabi |
| Artículos de viaje (16)               |      | 4    | Vehículo apto para circular marca ford tipo sedan modelo 200... | \$10,400        |               | (cd) barbachanc vial Juan Gabi |
| Artículos navideños (9)               |      |      |   |                 |               |                                |
| Artículos personales (29)*            |      |      |   |                 |               |                                |

The auction web page of the SAE. Source: Official website of the SAE

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Click to run Adobe Flash Player.

Presidencia del Consejo de Ministros

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### REGISTRO NACIONAL DE BIENES INCAUTADOS

FORMULARIO DE CONSULTA

Por ubicación del bien: Departamento: Provincia: Distrito:

Tipo Bien: [TODOS] [DINERO] [INMUEBLES] [VEHICULOS] [MUEBLES]

Delito: [BUSCAR]

| Nro | Renabi | Juzgado  | Imputado  | Delito  | Ubicación                        | Activo |
|-----|--------|--|---|---|----------------------------------|--------|
| 1   | 0740   | TERCER JUZGADO PENAL CIRILO DE LA CRUZ AUCCAPUCLLA Y OTROS | OTROS   | TRAFIGO ILICITO DE DROGAS                           | PUNO/CARABAYA/SAN GABAN          | Activo |
| 2   | 0739   | TERCER JUZGADO PENAL CIRILO DE LA CRUZ AUCCAPUCLLA Y OTROS | OTROS   | TRAFIGO ILICITO DE DROGAS                           | PUNO/CARABAYA/SAN GABAN          | Activo |
| 3   | 0738   | SALA PENAL NACIONAL  | ORLANDO GABRIEL ROMERO MORENO   | TRAFIGO ILICITO DE DROGAS                           | LIMALIMA/SAN ISIDRO              | Activo |
| 4   | 0731   | JUZGADO PENAL DE TURNO DE ANDAHUAYLAS                      | CIPRIANO, GONZALES LOA - JULIO, BUPO PARIILLO - ALICIA GONZALES BERRIOCAL | CONTRA LA SALUD PUBLICA - TRAFICO ILICITO DE DROGAS | APURIMAC/ANDAHUAYLAS/ANDAHUAYLAS | Activo |
| 5   | 0730   | JUZGADO PENAL DE TURNO DE ANDAHUAYLAS                      | CIPRIANO, GONZALES LOA - JULIO, BUPO PARIILLO - ALICIA GONZALES BERRIOCAL | CONTRA LA SALUD PUBLICA - TRAFICO ILICITO DE DROGAS | APURIMAC/ANDAHUAYLAS/ANDAHUAYLAS | Activo |
| 6   | 0729   | NO DETALLA   | NO DETALLA  | NO DETALLA  | HUANUCO/LEONCIO PRADORUPA-RUPA   | Activo |
| 7   | 0728   | NO DETALLA   | NO DETALLA  | NO DETALLA  | HUANUCO/LEONCIO PRADORUPA-RUPA   | Activo |
| 8   | 0727   | SEGUNDO JUZGADO PENAL TRANSITORIO DE LEONCIO PRADO         | RAUL BENANCIO TINEO   | NO DETALLA  | HUANUCO/LEONCIO PRADORUPA-RUPA   | Activo |
| 9   | 0726   | NO DETALLA   | NO DETALLA  | NO DETALLA  | HUANUCO/LEONCIO PRADORUPA-RUPA   | Activo |

The auction web page of the CONABI. Source: Official website of the CONABI



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*Unidad de Recuperación de Activos (URA) of the  
Instituto Costarricense sobre Drogas (ICD) in Costa  
Rica*

- A photocopy of the identity card of the bidder, or the legal representative in case of legal persons;
- If the legal representative is not the owner of the shares must be furnished leaf crime of the person or persons who are the owners of them;
- Documentation on the business form and shareholders of the Company in the case of legal entities;
- A utility bill showing the home address of the bidder;
- Crime record of the bidder and in case of legal persons, of their legal representative.

*Servicio de Administración y Enajenación de Bienes  
(SAE) in Mexico*

- Name(s), father's last name, mother's last name, date of birth, tax returns (RFC), unique population registry code (CURP), address of residence, email address, phone number and a bank account number (CLABE). The must also provide
- A copy of an official, valid ID (Voter registration card, passport, ID).
- A copy of Copy of Tax Identification Card issued by the SAT (RFC) with 13-digit key code (thirteen characters) or Proof of Unique Population Registry Code (CURP).
- Copy of proof of residence this being a utilities bill, no older than three months.
- Copy of the balance of the checking account or bank debit card in the name of the holder in which the account number, branch and 18-digit CLABE are visible.




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## Questionnaire on data collection systems



- 52 questions
- 6 months
- 10 countries → 10 agencies

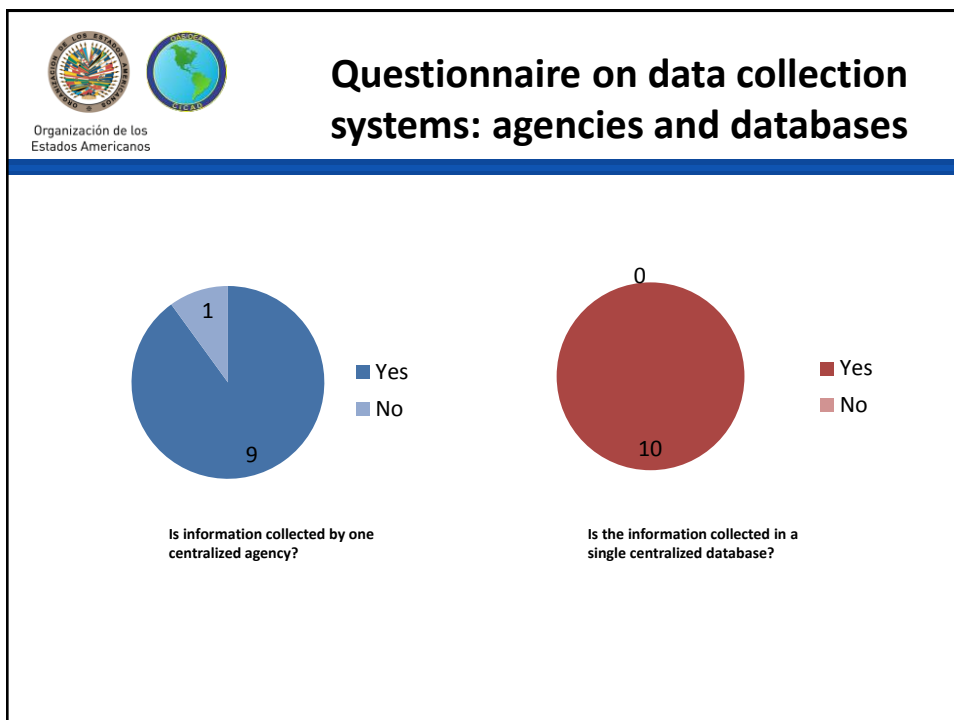
- Geographical location:** countries from northern, central and southern America and the Caribbean.
- Strategic in the fight against organized crime:** relevant to the objective of targeting proceeds of crime.
- An ongoing process of development of systems for the collection of data on seized and forfeited assets of illicit origin:** a history of success in the area of seized and forfeited assets as well as countries that have begun a process of implementing these activities in more recent years




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## Participants

| OAS Member State         | Agency  |
|--------------------------|---|
| Brazil                   | Department of Assets Recovery and International Legal Cooperation                         |
| Colombia                 | National Narcotic Drugs Directorate   |
| Ecuador                  | National Directorate for Management of Property in Deposit                                |
| Guatemala                | National Secretariat for the Administration of Seized Assets (SENABED)                    |
| Haiti                    | National Commission for the Fight against Drugs (CONALD)                                  |
| Honduras                 | Administrative Office of Seized Assets (OABI)   |
| Jamaica                  | Financial Investigations Division (FID) of the Ministry of Finance and the Public Service |
| Mexico                   | Asset Management and Disposition Agency (SAE)   |
| Peru                     | National Commission of Seized Assets (CONABI)   |
| United States of America | United States Marshals Service  |





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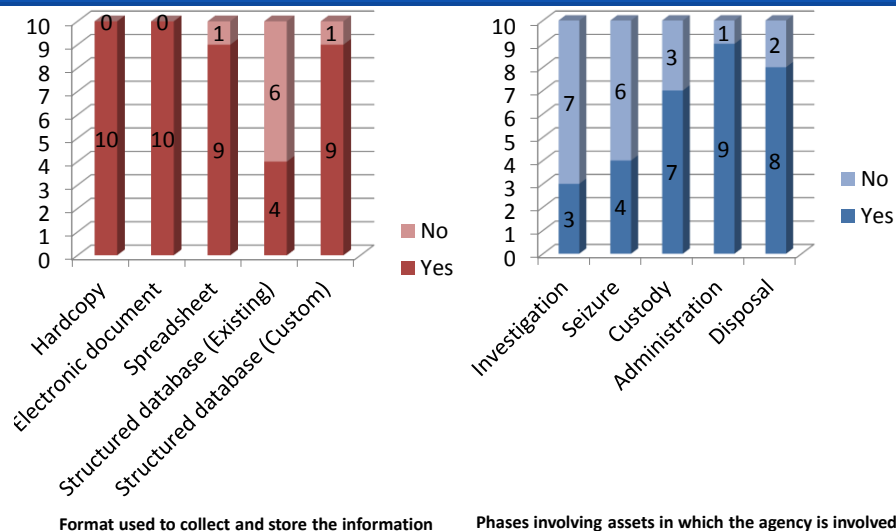
## Questionnaire on data collection systems: data entry and access

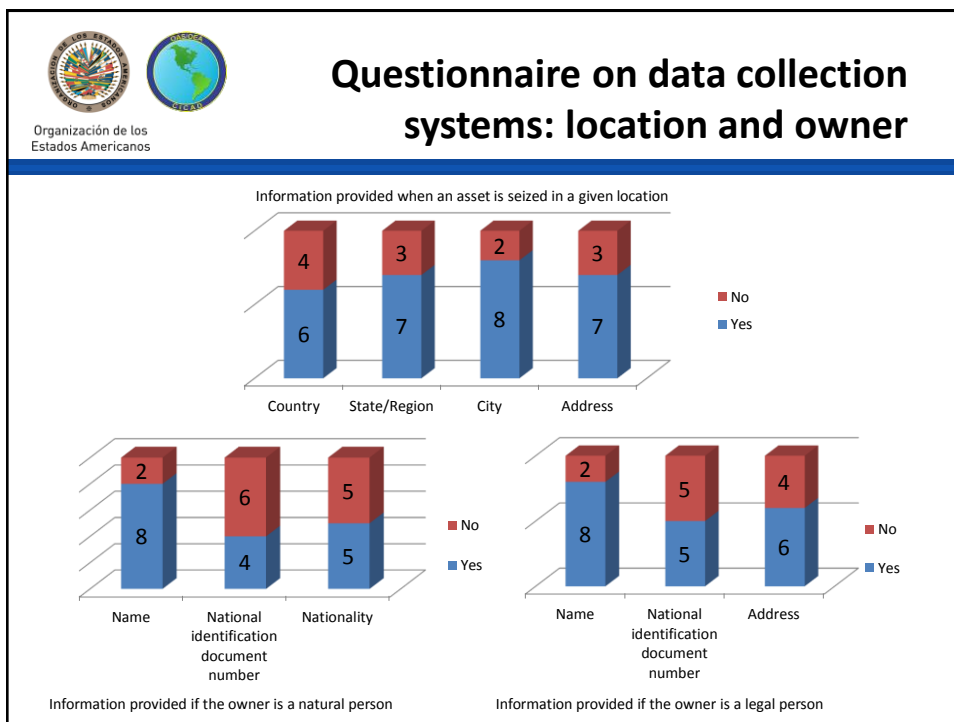
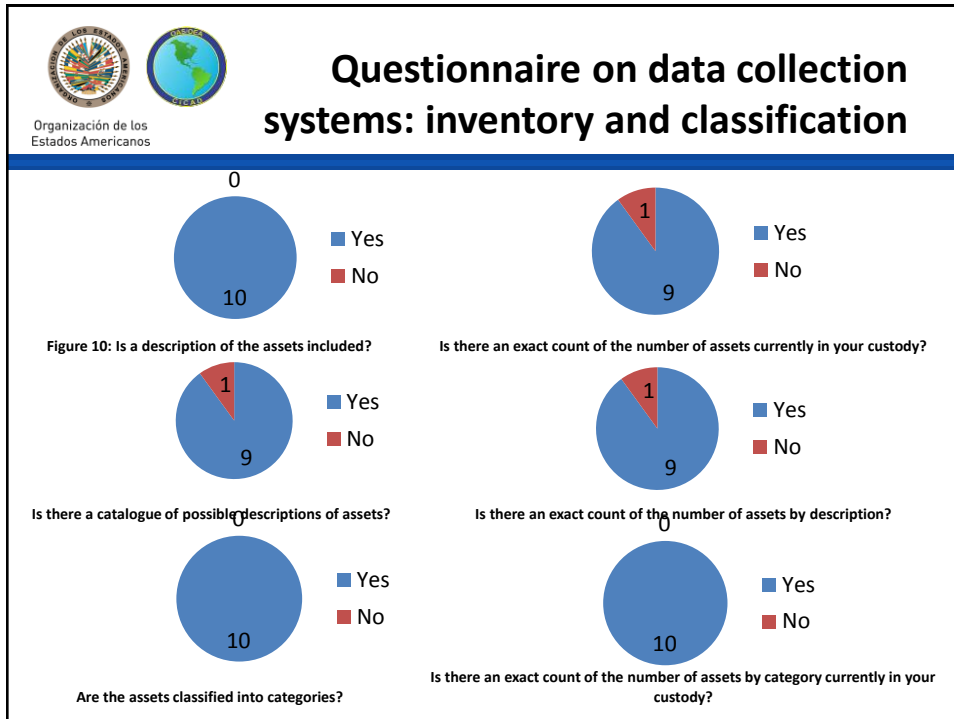
- In most of the countries a **specialized employee** is responsible for updating the information.
- The issue of inputting information only available in **hardcopy** form → **process of being digitalized so as to be included in the database.**
- Seven out of ten countries reported that less than 10 people were responsible for data input into the database. In the other cases a greater number of **people were responsible for data entry along with the other functions** they performed for the agency.
- In all of the countries the **discretion to modify information was restricted to a limited number of employees.**
  - In most cases the **same individuals** responsible for data entry were also the only ones who could change the information in the system.
  - In other cases where a wider number of people were responsible for data entry a **special authorization or clearance** was necessary to modify existing information.



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## Questionnaire on data collection systems: format and phases









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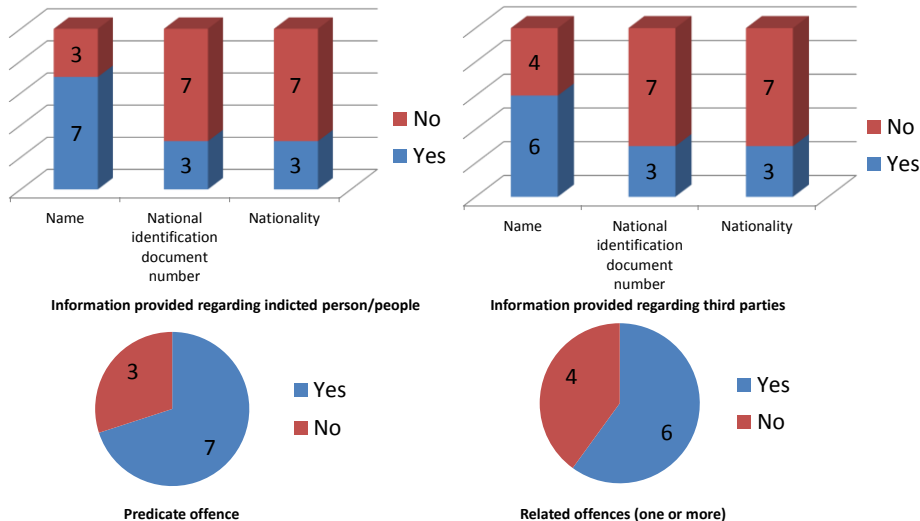
## Questionnaire on data collection systems: condition and value

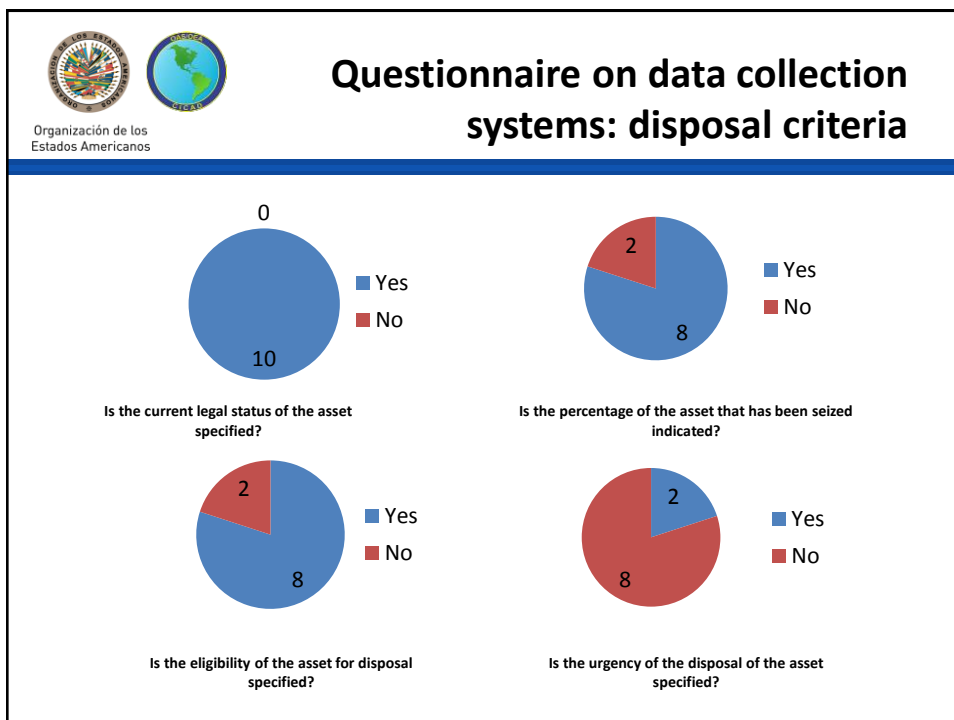
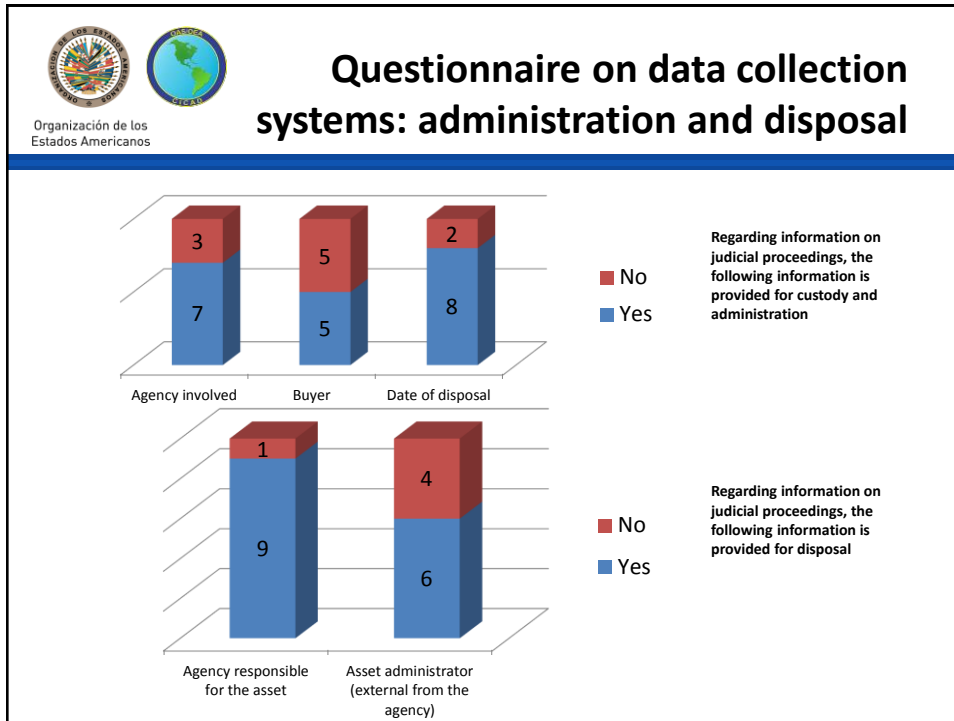
- Almost all of the countries (nine out of ten) reported that they record the **condition of the asset** at the time of seizure → important for the preservation of the property over time
- The **value of the asset** at the time of the seizure is also crucial → Not all of the countries (six out of ten) reported having information on the value of assets at the time of the seizure.
- Most countries reported that they record the value of the assets in their **national currency** → could be an obstacle to international asset recovery when different countries need to share recovered assets .
- All of the countries indicated that valuation of the asset is carried out by a **specialized agent**, based on the **market value of similar assets**. Some countries indicated that **additional factors** are considered, such as legal status, condition and depreciation.

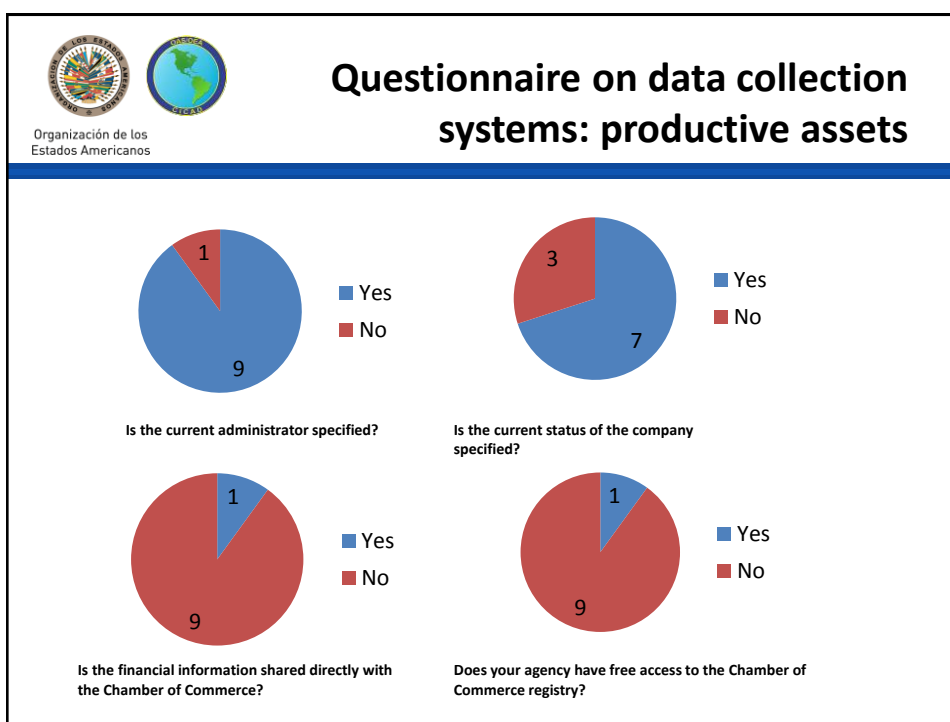
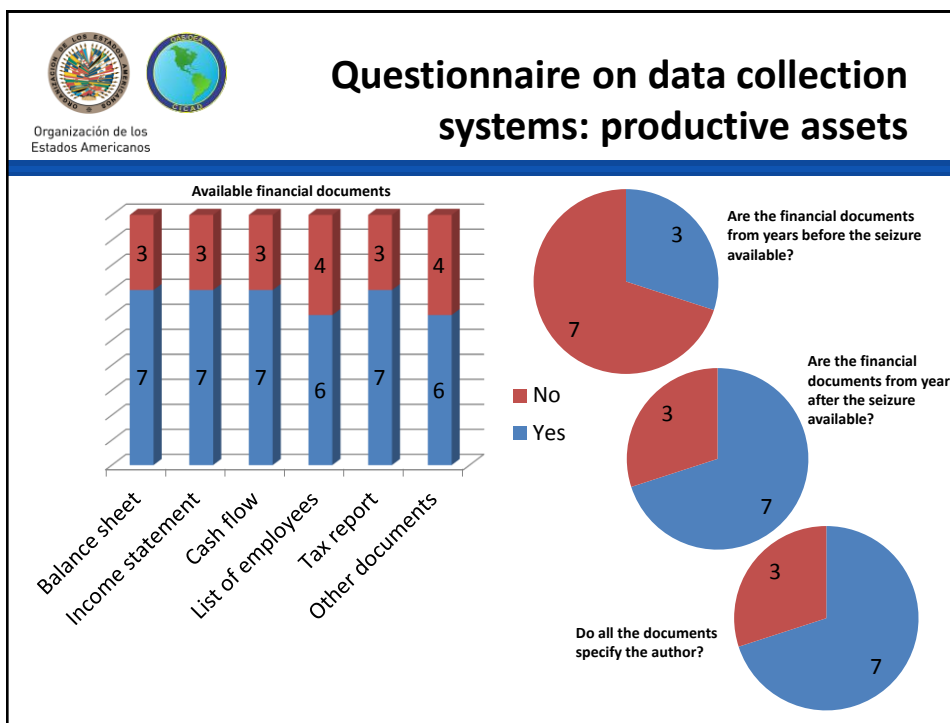


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## Questionnaire on data collection systems: crimes and criminals









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## Recommendations

- I. Information should be collected by a **centralized agency**.
- II. Information should be collected in a **centralized structured database**.
- III. All of the agencies involved in phases of the process related to seized and forfeited assets (investigation, seizure, custody, administration and disposal agencies) should provide information on their activities to be collected in the centralized database. **Each phase of the process should be accurately documented** so as to provide all of the necessary information to successfully complete all subsequent phases.
- IV. The information should be updated by **specialized personnel**. The ability to change information in the database should be granted only to **authorized personnel**.
- V. Information should be collected in a **customized database**. The database should allow searches with different criteria (e.g. year, type of asset, individuals connected to the case etc.). The database should keep a log of the changes made by the users and must provide tools to track changes in the records since their creation. The database should allow users to export the information in excel spreadsheets or other compatible formats.
- VI. The information should cover **all of the phases of the process** related to seized and forfeited assets (investigation, seizure, custody, administration and disposal) and therefore be provided by the relevant agencies involved in each phase.
- VII. For each asset a **description** should be available. The possible descriptions should be standardized and listed in a metadata catalogue with additional information (e.g. house, motorcycle, diamond ring, a construction company etc.). Assets should also be classified into **categories** by type of asset (e.g. real estate, registered assets, movable assets, companies etc.). **The possible categories for the classification of assets should also be listed in the metadata catalogue**. The metadata catalogue of descriptions and categories should be made available for consultation when assets are first recorded, throughout the management process and for the interpretation of statistics on assets.
- VIII. The updated **total number of assets, total number of assets by description and by category should be publicly available**.
- IX. The **physical location** of the asset should be recorded specifying the country, state or region, city and address at the time of seizure.
- X. The **owner of the asset** should be recorded specifying the name, national identification document number (or the date of birth if a national identification document is not available) and nationality if the owner is a natural person and the name, national identification number and address if the owner is a legal person.



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## Recommendations

- XI. A **serial number** should be attributed to each asset when they are taken into custody.
- XII. If the asset has a **specific serial number** (e.g. Serial numbers, vehicle registration plate etc.) this should be recorded when the asset is taken into custody.
- XIII. The **condition of the asset** at the time of seizure should be recorded.
- XIV. The **value of the asset** at time of seizure should be recorded in both local currency and US dollars. The valuation should be carried out by a specialized agent based on the market value of the asset.
- XV. For each asset information on the **legal history** of the asset should be recorded. In particular:
  - XV.1. Regarding the **seizure**: the type of seizure (e.g. freezing, seizure of assets etc.), the countries / agencies involved in the investigation, the court that issued the seizure, the name of judge who requested seizure, the court case number and the date of seizure should be specified.
  - XV.2. Regarding **custody and administration**: the agency responsible for custody/administration of the asset and the asset administrator (if external from the agency) should be specified.
  - XV.3. Regarding **forfeiture**: the type of forfeiture (e.g. criminal, of equivalent value, in rem, extinción de dominio etc.), the court that issued the forfeiture, the name of the judge who requested forfeiture, the court case number and the date of forfeiture should be specified.
  - XV.4. Regarding **asset disposal**: the agency involved, the buyer and the date of disposal should be specified.
- XVI. The **person/people indicted in connection to the asset** should be recorded specifying the name, national identification document number (or the date of birth if a national identification document is not available) and nationality.
- XVII. **Third parties connected to the asset** should be recorded specifying the name, national identification document number (or the date of birth if a national identification document is not available) and nationality.
- XVIII. The **predicate and related offences** connected to the seizure of the asset should be recorded.



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## Recommendations

- XIX. The **location of the asset** while in custody after seizure should be recorded specifying the country, state or region, city and address at the time of seizure.
- XX. The **current legal status** should be recorded (e.g. Seized, registered, mortgaged etc.)
- XXI. If the entirety of the asset was not seized, the **percentage of the asset that has been seized** should be recorded (e.g. 50%, 75%, 100%)
- XXII. The **eligibility** of the asset for disposal should be recorded.
- XXIII. The **urgency** of the disposal of the asset, based on the condition of the asset and the eligibility for disposal, should be specified.
- XXIV. **Regarding productive assets:**
- XXIV.1. **Documentation** on the financial situation of productive assets (e.g. balance sheets, income statements, cash flow statements, lists of employees, tax reports etc.) should be available through the centralized database. These documents should be available for years preceding seizure as well as the years during which the asset has been under management of the specialized agency. Each document should specify the author.
- XXIV.2. The **current administrator** should be recorded specifying if the administrator of the asset is a third party external to the agency.
- XXIV.3. The **current status** of the asset should be recorded (e.g. active, in liquidation, under the supervision of an administrator etc.).
- XXIV.4. The **information in the database should be shared directly with the national Chamber of Commerce**. To ensure that information on productive assets is accurate and updated, the agency should also have free access to the Chamber of Commerce.