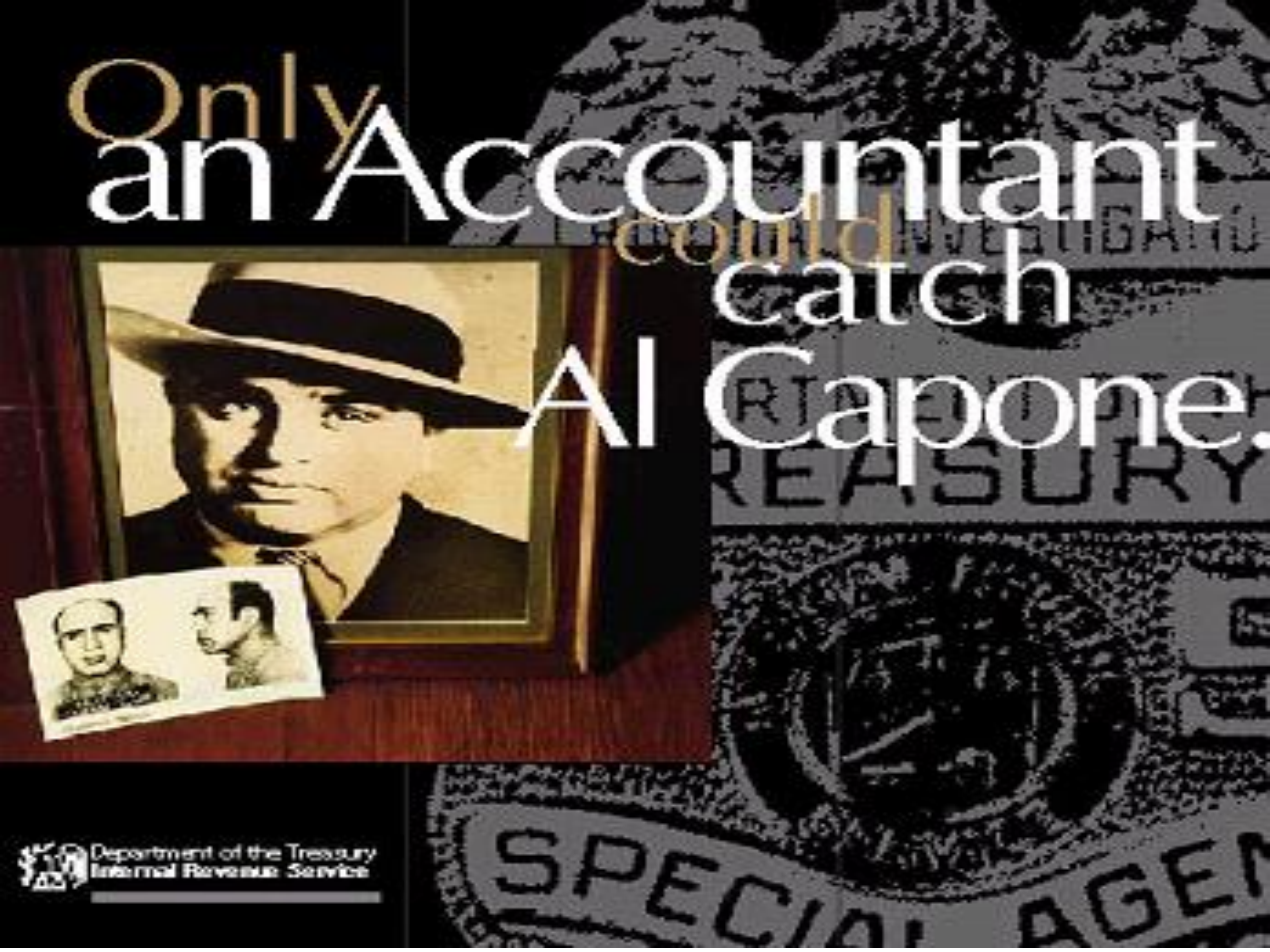
OECD International Academy for Tax Crime Investigation

Investigative Techniques for the Cash Economy

OECD

Preparing for Trial


Only an Accountant could catch Al Capone.
Department of the Treasury
Internal Revenue Service
SPECIAL

Preparing for Trial
Net Worth

Have to prove:

- The probable non-compliance act (Actus Reus)
- The intent/knowledge (Mens Rea)
- The wealth (Quantum)
- The probable or likely taxable source (Source)

Preparing for Trial

4 Steps:

- The physical act
- The intention
- What one has earned
- The source

Preparing for Trial

A strong Method of proof prosecution relies on:

- Weight of the evidence
  - Documentation (sourcing)
- Presentation & Credibility
- Establishing the Opening Position

CAR TAX

Bentley Convertible Kørselsregnskab / Dagsregnskab

Stelnr. **Indreg. dato:**

Dato		*Sted*	**K start**	**K slut**	**Antal km**
07-aug		Tyskland	4511	5811	**1300**
17-aug		Tyskland	6387	7671	**1284**
28-aug		Tyskland	8601	9432	**831**
29-aug		Tyskland	9432	10275	**843**
19-dec		Hamburg	14100	15280	**1180**
21-dec		Hamburg	15481	16689	**1208**
17-apr		Halmstad	0	0	**331,4**
23-apr		Hamburg	0	0	**900,5**
09-maj		Paris	30571	33125	**2554**
14-maj		Tyskland	33125	33930	**805**
15-maj		Tyskland	33930	34350	**420**
16-maj		Tyskland	34350	35125	**775**
19-maj		Tyskland	35170	35954	**784**
20-maj		Hamburg	35954	36900	**946**
21-maj		Tyskland	36900	37800	**900**
22-maj		Tyskland	37800	38500	**700**
22-maj	Langtur	Europa	38500	46133	**7633**

Y	[redacted]	–	10-05-2008 08:50	[redacted]	10-05-2008 09:21	[redacted]	Denmark	20.80	10206.20
Y	[redacted]	–	10-05-2008 09:23	[redacted]	10-05-2008 09:25	[redacted]	Denmark	1.00	10207.20
Y	[redacted]	–	10-05-2008 09:29	[redacted]	10-05-2008 09:48	[redacted]		15.60	10222.80
[redacted]									
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[redacted]									
Y	[redacted]	–	10-05-2008 10:38	[redacted]	10-05-2008 10:41	[redacted]		0.80	10227.90
[redacted]									
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Y	[redacted]	–	10-05-2008 15:53	[redacted]	10-05-2008 15:53	[redacted]		0.00	343.70
[redacted]									
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Y	[redacted]	–	10-05-2008 16:27	[redacted]	10-05-2008 16:36	[redacted]		9.10	352.80
[redacted]									

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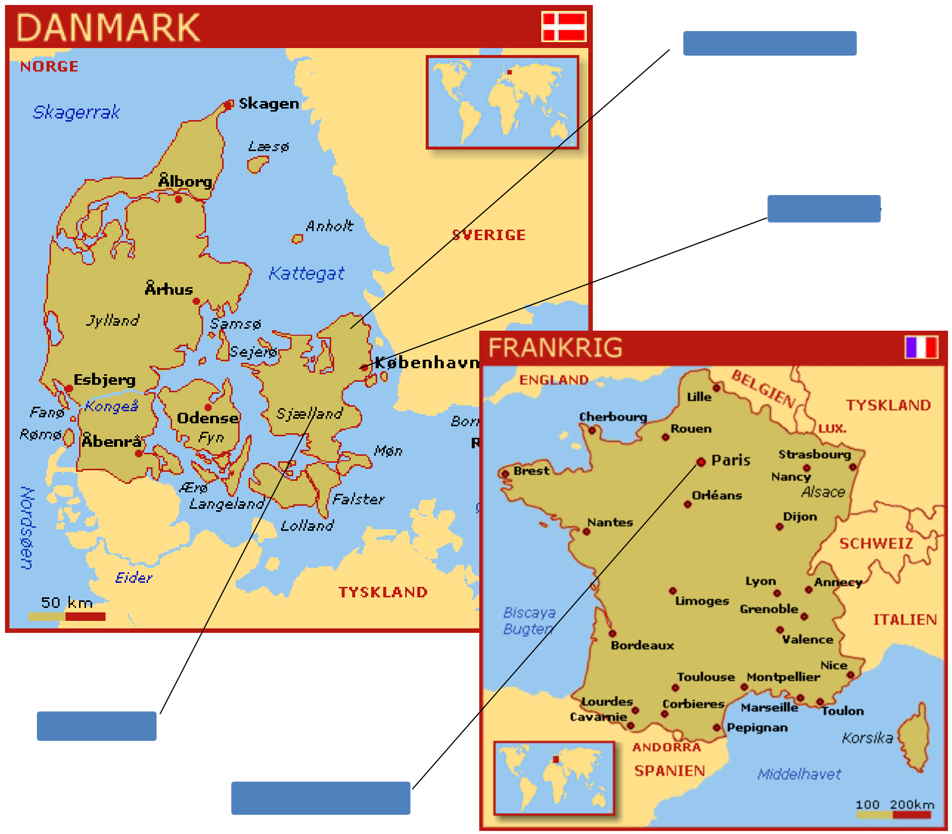

Civil Court

Tax Case

Criminal Court

Preparing for Trial

How do we use it?

- Civil cases
- Assistance requests to police
- Examples of cases


94,7
99,3
120,8
94,2
94,6
100,0
58,4
98,0
62,9

Preparing for Trial

How have we used it in criminal cases?

- Examples of criminal cases from Denmark


You are in bad standing
ANGLES PLACE

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We have lost more than we have won

Common Defences

- Lack of Mens Rea
- Non-Taxable Sources
- Failure to establish the ‘Likely Source’
- Opening Cash on Hand

Common Defences

- “Rights” Violations
- Blaming Others
- Lack in Continuity of Evidence
- Unclaimed Expenses