



- APPLICATION FOR PROPERTY INTERFERENCE
Part III Police Act 1997
- APPLICATION FOR INTRUSIVE SURVEILLANCE
Part II Regulation of Investigatory Powers Act 2000
- APPLICATION FOR PROPERTY INTERFERENCE
Part III Police Act 1997 & INTRUSIVE SURVEILLANCE
Part II Regulation of Investigatory Powers Act 2000

1. Applicant Details				
Name	Nick Batsford		Team / Branch	Operations Birmingham
Telephone No	Office	[REDACTED]	Region / Command	England and Wales operations
	Mobile	[REDACTED]		

2. Operation Details			
Operation name or GT reference No	HETERODON	Date & time required	27.01.2015
Technical support and reference number?	<input checked="" type="checkbox"/> supported	DSA URN	546/H/WC/DS
<i>For deployments due to take place in less than 24 hours the Authorities Unit must be notified by telephone</i>			

3. Property Interference		
Is the interference taking place in or on any of the following places?	Dwelling	<input type="checkbox"/>
	Hotel Bedroom	<input type="checkbox"/>
	Office	<input checked="" type="checkbox"/>
Is there a likelihood of obtaining:	Confidential journalistic material	<input type="checkbox"/>
	Matters subject to legal privilege	<input type="checkbox"/>
	Confidential personal information	<input type="checkbox"/>
	Confidential constituency information	<input type="checkbox"/>
Answering 'yes' to any of the above indicates that you are applying for property interference requiring prior approval		

4. Intrusive Surveillance		
Authorisation required:	Private vehicle <input type="checkbox"/>	Residential premises <input type="checkbox"/>
Legal Consultation(s) taking place in the following premises:		
Any place in which persons who are serving sentences of imprisonment or detention, remanded in custody or committed in custody for trial or sentence may be detained		<input type="checkbox"/>
Any place in which persons may be detained under paragraph 16(1), (1A) or (2) of Schedule 2 or paragraph 2(2) or (3) of Schedule 3 to the Immigration Act 1971 or Section 36(1) of the UK Border Act 2007		<input type="checkbox"/>
Any place in which persons may be detained under Part VI of the Criminal Procedure (Scotland) Act 1995, the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Mental Health Act 2003		<input type="checkbox"/>

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Any police station	<input type="checkbox"/>
The place of business of any professional legal adviser	<input type="checkbox"/>
Any place used for the sittings and business of any court, tribunal, inquest or inquiry	<input type="checkbox"/>
All categories of intrusive surveillance require prior approval	

5. Provide brief details of the activity for which authorisation is sought
(include details of all activity required in the form of proposed authority wording)

Interference by way of entry and re entry onto the private parking area at **Kanta House, Victoria Road, South Ruislip, Middlesex, HA4 0JQ**, and entry and re-entry into **Kanta House** in order to facilitate:

- o CTR of the said office and warehouse, and if feasible the deployment, maintenance, ~~replacement~~ and retrieval of covert **audio and video** equipment therein and thereon.
- o Conduct covert searches of said office(s) and warehouses for the purpose of:
 - o forensic examinations, including the taking of forensic samples from and covert forensic markings of the said office(s) and warehouses and its contents;
 - o interrogating, obtaining and copying data in respect of the memories and SIM cards of mobile phones and any electronic devices and digital storage media including interference with wireless telegraphy in order to facilitate the aforementioned;
 - o Examining, obtaining details and copying documents and any other items found therein; and
 - o The removal and subsequent return of any items in order to facilitate the above.

All in relation to **money laundering** associated to the named subject(s) **Harvinder Singh BATTI (DOB 06/11/1975), Harjeet Kaur DHARIWAL (DOB 26/03/1975), Cliff TARR (DOB 03/09/1959), Satish Jamnadas CHATWANI (DOB 14/03/1953), Jawahar Jamnadas CHATWANI (DOB 21/07/1948) Rashmi Jamnadas CHATWANI (DOB 13/06/1954), Rakesh TAILOR (DOB 01/07/1963) and Bhasker TAILOR (DOB 27/08/1955)**

6. Subject(s) of surveillance against whom this application is directed, or persons whose property will be interfered with or trespassed upon

Name	Harvinder Singh BATTI	Name	Harjeet Kaur DHARIWAL
Address	Apartment 4, Baytrees, South Park View, Gerrards Cross, Buckinghamshire, SL98FG	Address	Apartment 4, Baytrees, South Park View, Gerrards Cross, Buckinghamshire, SL98FG
DOB	06/11/1975 <input checked="" type="checkbox"/>	DOB	26/03/1975 <input checked="" type="checkbox"/>
Gender	male	Gender	female
ID Code	IC4	ID Code	IC4
CRO		CRO	

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Name Address	Cliff TARR 27 Bassett Gardens, North Weald, Epping, Essex, CM16 6DB	Name Address	Satish Jamnadas CHATWANI Kanta Kutir, 31B Bedford Road, Northwood, Middlesex, HA62AY
DOB Gender ID Code CRO	03/09/1959 ✓ male IC1 [REDACTED]	DOB Gender ID Code CRO	14/03/1953 ✓ Male IC4 (NT)
Name Address	Jawahar Jamnadas CHATWANI 58 Wolsey Road, Northwood, Middlesex, HA6 2EH	Name Address	Rashmi Jamnadas CHATWANI Cariad, Sarratt Lane Loudwater, Rickmansworth, Hertfordshire, WD34AS
DOB Gender ID Code CRO	21/07/1948 Male IC4 NT	DOB Gender ID Code CRO	13/06/1954 Male ✓ IC4 (NT)
Name Address	Rakesh TAILOR 42 Hillview Road, Pinner, Middlesex, HA5 4PA	Name Address	Bhasker TAILOR 157 Colin Crescent, London, NW9 6ET
DOB Gender ID Code CRO	01/07/1963 ✓ Male IC4 (NT)	DOB Gender ID Code CRO	27/08/1955 Male 164 (NT)
I acknowledge that all relevant NCA intelligence systems have been updated with relevant information relating to this operation and each individual named above is recorded on KB as a subject of interest			(YES)
If you have answered 'no' to the question above please provide a brief explanation			

7. Acknowledge that all necessary checks and risk assessment are completed			
National Compromise Database checked?	(Yes)	Date:	21/10/14
	Relevant information located?	(No)	By whom: Angela O'Connor
Operational Risk Assessment completed	Yes	Date:	21/10/14
		By whom:	Andy Gozzer
<i>Where applicant answers 'Yes' all relevant NCD reports must be submitted with application</i>			

8. Intelligence Case
(a) Provide an overview of the operation, including the offences under investigation and explain how the serious crime criteria is met

Operation Heterodon is an investigation into an Organised Crime Group (OCG) involved in the large scale laundering of criminal proceeds worldwide. Parallel investigations are being conducted by Indian and Australian Law Enforcement Agencies in an attempt to apprehend and dismantle this OCG in its entirety.

The offences under investigation are:

Money laundering offences contrary to Sections 327/328/329 of the Proceeds of Crime Act 2002. Conspiracy offences relating to this criminal activity – Contrary to Section 1(1) of The Criminal Law Act 1977.

These are offences which meet the serious crime criteria as defined in both Section 81(3) (a)-(b) Regulation Investigatory Powers Act 2000 and Section 93(4) Police Act 1997 as offences for which a person having reached the age of 21 and having no previous convictions would expect to receive a custodial sentence of three or more years.

On 15/01/15 Rajnesh SHARMA, a member of this OCG, and his cash couriers Amit Kumar SHARMA and Jatinder SINGH were sentenced at Birmingham Crown Court. They have been sentenced as follows: Rajnesh SHARMA to 6 years 3 months, Amit SHARMA to 3 years 6 months and Jatinder SINGH to 21 months.

The above sentences are heavily discounted as the three defendant all entered guilty pleas at an early stage. The basis of plea was accepted by the defendants in that in excess of GBP 10 million was laundered over a period of 3 years.

DHARIWAL and Harvinder BATTI had both been previously arrested for money laundering offences. BATTI was convicted in 2010, sentenced to 9 years imprisonment and a confiscation order of half a million pounds. Nearly £400,000 against this order was paid by BATTI between June 2011 and July 2013, this is while BATTI and DHARIWAL maintained a luxurious lifestyle having houses in an exclusive part of North Birmingham and Rickmansworth, driving luxury vehicles and children having private educations, whilst having no substantial and overt legitimate form of income.

The UK criminal OCG hierarchy, this being the three CHATWANI brothers, supported by BATTI, DHARIWAL, two TAILOR brothers with TARR being a trusted lieutenant acting as a cash courier.

The three CHATWANI brothers have no criminal convictions. They are all immensely rich. The belief is that there is some legitimacy with their business interests, but they use these businesses to shield money laundering activities.

BATTI is clearly the 'front man' for this criminal activity, supported by DHARIWAL. BATTI runs to day to day logistics. It appears that the CHATWANI'S have an elevated position through their business and business contacts and now sit back, reap the financial benefits whilst BATTI (and others) take the risks. The TAILOR brothers are in a similar position to the CHATWANI'S they both hold managerial positions within Kanta Enterprises and benefit financially from these crimes. Intelligence suggests that the CHATWANI and TAILOR brothers do hold meetings with individuals linked to money laundering.

It is believed that this crime group have a warehouse in France where they import alcohol into the UK. This OCG generate the correct HMRC documentation to import a container. If this paperwork is not examined by customs, the container enters the UK, no duty is paid, the goods are delivered to complicit businesses where the goods are sold. The HMRC documentation is then transferred to another container waiting to come over. The chain is broken when these documents are eventually examined by HMRC. It may be that four or five

containers get into the UK, all avoiding paying any UK duty. New documentation will then be created where the process starts again.

Intelligence clearly indicates that Kanta House is the hub for this international money laundering operation.

The three CHATWANI brothers and Harvinder BATTH go to Kanta House on a daily basis, DHARIWAL still maintains links in the Midlands, DHARIWAL splits her time between the Midlands and London areas. Observations have shown Cliff TARR visiting Kanta House on a near daily basis and believed connected to his role as a cash courier for the OCG.

Although the CHATWANI'S hold multiple directorships one of the principle companies trading from Kanta House is DAVIS and DANN Ltd. The directors are the three CHATWANI brothers, with BATTH (in 2013) declaring a small income from that business as a salesman. The company describes itself as a wholesale distributor of Pharmaceuticals and household goods, declaring annual turnovers in 2012 and 2013 of nearly GBP 40 million in each year.

Financial enquiries into the business interests of this crime group have revealed a number of fraudulent transfers, totalling millions of pounds. The money has been effectively stolen from third party bank accounts then laundered through accounts under the control of this OCG. Some of the money has ultimately ended up in the DAVIS AND DANN accounts. A number of multi million pound frauds have been identified where Davis and Dann have an involvement. Enquiries are ongoing into this.

Intelligence has indicated the direct involvement of DAVIS and DANN Ltd being involved in making significant payments to OCG subjects to clear their Confiscation Orders. DAVIS and DANN were involved in making two payments towards the half million pound confiscation order of BATTH.

Intelligence has identified that this OCG are concerned that using DAVIS and DANN as a 'smoke screen' to hide their money laundering activity could cause their downfall if discovered.

There is intelligence that Rashmi CHATWANI travelled to Dubai and Hong Kong, leaving London on 18/01/15 and is due back this week.

BATTH and DHARIWAL are currently living at an address at that intelligence shows that was purchased for GBP 735,000 on 08/08/2014 by JP Investments Ltd, a Jersey registered company. This property purchase is believed to have been facilitated by the CHATWANI'S on behalf of BATTH and DHARIWAL.

Telephone analysis from mobile phones attributed to BATTH and DHARIWAL over an extended period of time show frequent contact with persons suspected of being involved in money laundering activities.

Cliff TARR is believed to be a trusted lieutenant. TARR is believed to be a cash courier on behalf of the OCG.

A number of persons have been identified visiting Kanta House. A number have been positively identified. Subsequent enquiries have established that a large proportion have criminal convictions for money laundering, fraud and drugs. It is believed that this OCG use Kanta House office premises as a 'safe haven' to discuss and arrange criminality.

Intelligence suggests that Kanta House is used to store criminal cash before it is dissipated. TARR has been taking boxes and bags away from the premises and deliver them to

premises with money laundering intelligence.

TARR has met a man identified as Ravi SHARMA. SHARMA is a successful money launderer. TARR has had a clandestine meeting in a dimly lit side street where a considerable amount of cash was exchanged from TARR to SHARMA.

During November 2014 TARR was observed on several occasions at a Supermarket in Newcastle upon Tyne. It was believed he had gone there to collect cash.

On 20/11/14 TARR was stopped by Tyneside Police officers travelling away from the same supermarket where he was found in possession of a considerable amount of cash. He was arrested for money laundering, interviewed and later the same evening he was released on bail, (18/05/2015)

Intelligence indicates that on his release from police custody TARR was in immediate contact with BATTH and DHARIWAL. Further intelligence shows a 'frenzy' of meetings between the subjects, culminating in a suspicious late night visit to Kanta House, by BATTH, DHARIWAL, Rashmi CHATWANI and Bhasker TAILOR. Intelligence indicates the purpose of the late night visit to was to destroy incriminating evidence.

TARR is still believed to be part of this OCG as he continues to drive his 'Kanta Enterprises' BMW vehicle. Since his arrest TARR has kept a low profile.

(b) Outline the precise role of the subjects

Satish Jamnadas CHATWANI, Jawahar Jamnadas CHATWANI and Rashmi Jamnadas CHATWANI are brothers, they, together with Harvinder Singh BATTH Harjeet Kaur DHARIWAL Rakesh TAILOR and Bhasker TAILOR all have similar roles in that they are believed to use their expert knowledge, experience and financial wellbeing to use 'placement', 'layering' and 'integration' techniques as part of the money laundering service to crime groups. The funds are 'placed' into companies set up by their criminal associates for this specific purpose; 'layered' through transferring them around other companies / accounts; then 'integrated' into the financial system through investments and the purchase of assets.

Cliff TARR appears to be a trusted member of the OCG and features at observations conducted at Kanta House. TARR is used primarily to collect and deliver cash.

9. Necessity

I acknowledge that this surveillance/property interference activity is necessary for the purpose of Section 32(3)(b) RIPA 2000 or 92(3)(a) of the Police Act 1997, namely 'preventing or detecting serious crime'

Explain what private information is likely to be obtained and why the proposed surveillance/property interference is necessary

PRIVATE INFORMATION LIKELY TO BE OBTAINED:

The deployment of Audio and video recording equipment is likely to obtain private information about the CHATWANI, DHARIWAL, BATTH, TAILOR and TARR families. It is also likely to obtain private information of persons visiting Kanta House who are not connected to criminal activity for example delivery drivers, sales representatives or maintenance engineers. The retrieval of data from electronic storage equipment and mobile phones is likely to obtain private information from those devices. The copying of documents within the premises can be more selective.

The Premises:

Kanta House in South Ruislip, Middlesex is a combined warehouse / office premises. There is a large warehouse/ storage area on the ground floor with office(s) on the first floor. Intelligence and reconnaissance have not been able to establish if the office space is 'open plan' or individual offices, however observations and intelligence clearly show ownership, control and useage is confined to the subjects of this investigation, (extensive enquiries have not identified any other person sub-letting any other area within Kanta House). Intelligence suggests that Kanta House is owned by the CHATWANI brothers.

NECESSITY:

It is necessary to trespass on the private parking area of Kanta House in order to facilitate entry into the property to deploy equipment / interrogate devices / copy documents.

It is necessary to conduct a close target reconnaissance (CTR) of Kanta House to ensure that:

- the proposed activity is feasible,
- any security features at the premises can be covertly breached,
- the proposed activity can take place ensuring the safety of the officers and other members of the public.
- Reduce the risk of operational compromise.

It is necessary to conduct covert searches of the premises including any safe/storage units in order to conduct forensic examinations, to interrogate electronic and digital devices and copy documents in order to obtain tangible evidence to support a criminal prosecution and obtain intelligence against this crime group. It may be necessary to remove these items in order that downloads and copying can be achieved. The return of these items is necessary to ensure that the activity remains covert.

It is necessary to deploy audio recording equipment to capture any criminal conversations between the CHATWANI brothers, TAILOR brothers, BATTH, DHARIWAL and TARR and any of their criminal associates within Kanta House. The nature of this type of activity is secretive and done behind closed doors; this ensures that those involved do not come to the attention of law enforcement. The product obtained from audio recording equipment will identify:

- others involved, not yet identified,
- Evidence meetings between the subject and their criminal associates.
- Methods employed to conceal and transfer cash, to identify where it comes from, how it is transferred, and the general methods used.
- Premises to be used to store and distribute cash.
- Locations of any financial assets procured from this criminality.

And

- Seize criminal derived cash
- Share intelligence with overseas law enforcement agencies with the ultimate aim to dismantle the OCG in the UK and abroad.
- Obtain tangible evidence to secure a criminal prosecution.

It is necessary to deploy video recording equipment to:

- Attribute criminal audio recordings
- Identify others involved, not yet identified
- Identify any other methods of communication between members of this crime group
- Identify any secret storage places within the property, where incriminating evidence may be stored.

- Any other criminal activity.

The **overarching necessity** case is to maximise all evidential and intelligence gathering opportunities against this crime group. The amount of money being laundered is breathtaking this crime groups activities has a significant detrimental impact on many countries.

10. Details of Property Interference
If the precise details of the property are unknown at the time of application but are obtained later, the applicant must notify the Office of the Surveillance Commissioners via the Authorities Unit immediately

(a) Details of property to be interfered with for example vehicle make, model and registration number, private or residential address, specific location with relevant grid references.
Where relevant, applications for entry onto land will not be submitted unless accompanied by a clearly marked plan with printed, numbered grid co-ordinates, which must be referred to within the authority wording and box below.

- Private land and warehouse / office premises at Kanta House, Victoria Road, South Ruislip, Middlesex, HA4 0JQ

(b) Explain the connection between the property and the subject(s)
 Kanta House is owned by the three CHATWANI brothers. Observations show that they all go to the premises on a near daily basis. Kanta House is BATTHS regular place of work, observations and other intelligence clearly shows that he goes there Monday to Friday usually within normal working hours. DHARIWAL is BATTHS wife and a co conspirator. DHARIWAL splits her time between a business interest she has in the Midlands and whilst in Gerrards Cross with her husband she regularly accompanies him to Kanta House. The TAILOR brothers both hold a number of senior appointments within the CHATWANI business empire, ranging from Company secretary to accountants. Cliff TARR is a trusted associate and frequently goes into Kanta House where he is believed to assist in many aspects of this criminal conspiracy.

(c) Details of property ownership
Provide details of the ownership of each category or item of property to be interfered within as identified in box 9(a)

Type of property	Business premises comprising of warehouse and office(s) and associated parking areas.	Type of property	N/A
Name of owner	Kanta Enterprises Ltd (Satish, Jawahar and Rashmi CHATWANI)	Name of owner	
Address of owner	25 Culver Grove Stanmore Middlesex HA72NJ	Address of owner	
DOB	DOB 14/03/1953 (Satish) DOB 21/07/1948 (Jawahar) DOB	DOB	

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ID Code CRO	13/06/1954 (Rashmi) IC4 N/A	ID Code CRO
[REDACTED]		
Has consent been obtained from the property owner? If yes, who has given consent?	No	Has consent been obtained from the property owner? If yes, who has given consent?

11. Proportionality

(a) Explain why the information sought cannot reasonably be obtained by less invasive means (include details of what other methods have been considered/tried)

The primary offence under investigation is money laundering, where law enforcement in the UK, India, Australia, are actively developing intelligence around this crime group and the adverse impact their activities have on their economy and communities. These subjects are well versed on law enforcement tactics. BATTH and DHARIWAL have both previously been arrested for money laundering where covert methods of investigations have been revealed, further law enforcement activity has recently taken place against cash couriers acting on behalf of this group this will no doubt have further raised their awareness of law enforcement activity where they change/ adopt methodology to avoid detection. The three CHATWANI brothers do not have any convictions. It is true to say that those who form the hierarchy of crime groups have a reduced chance of being arrested as they 'sit back' and employ others to execute their criminal activity. The assessment is that the CHATWANI brothers fall into this category.

Detailed media reporting and on law enforcement investigations into these types of crimes have made criminals heedful of case evidence preparation; These subjects are aware of this and adapt their methods of operating with a view to evading arrest and prosecution. Communication (verbal and electronic) between criminals is vital, even more so across international borders, where meetings are not easily organised due to the distances involved. These crimes involve the recording and exchange of considerable amounts of information. This is either written or stored electronically.

A considerable amount of surveillance activity against these subjects has taken place where some meetings have been witnessed. They are aware that 'face to face' meetings in communal areas can form a significant part of a prosecution case therefore if a meeting can be held within a private premises they can speak freely without being overheard.

The investigation team have considered other options of obtaining this information prior to submitting this application; however the recording of criminal conversations in public places (where they may have meetings) is very difficult. Previous experiences of investigating this type of activity show that meetings are invariably conducted in noisy locations, or in a secluded place with 'hushed' speech. The result is invariably very poor quality inaudible recordings or recording is not feasible whilst remaining covert. Therefore where there is intelligence that criminal conversations are taking place between members of a high priority crime group within a business premises and where there is an opportunity to listen to and record these criminal conversations to maximise evidence gathering opportunities this is believed to be proportional and the most less invasive method of obtaining information.

(b) Balancing the degree of intrusion into the privacy of the subjects (listed in box 6) against the purpose of the surveillance, explain what is hoped to be achieved and why this is proportionate

It is acknowledged that the proposed activity is an engagement of the subjects article 8 right under the ECHR i.e. Right to respect private family life. ✓

At this stage of the investigation the focus of intelligence and evidence gathering is directed on the unlawful criminal activities of The three CHATWANI brothers, The TAILOR brothers, Harvinder BATTI, Harjeet DHARIWAL and Cliff TARR. These seven persons form the core of a long standing crime group successfully laundering the proceeds of other criminal gangs nationally and internationally. The amount of money being laundered is believed to be many millions of pounds. Evidence gathered to date from arrests made in the UK and a number of our overseas law enforcement partners clearly demonstrate that the tentacles of this OCG are truly global. It further demonstrates the level of criminal conduct this crime group are involved with and the adverse impact these crimes have on society.

Balancing the intrusion into the privacy of The three CHATWANI brothers, The two TAILOR brothers, Harvinder BATTI, Harjeet DHARIWAL and Cliff TARR against what this activity seeks to achieve, that is the collation of intelligence and evidence leading to the arrest, dismantlement and successful prosecution of the members of this OCG, then these tactics are deemed to be wholly proportionate and justified.

(c) Detail any sensitivities in the local community which may impact on the proposed activity

There are no known sensitivities in the local community which may impact on the proposed activity.

(d) If intrusive surveillance is to take place within bedrooms or bathrooms explain why this is necessary and proportionate and how it will be managed

There is no intrusive surveillance taking place in bedrooms or bathrooms.

12. Operational Plan

(a) Explain how the proposed activity will be carried out

The plan is simple in that an operational decision is made to arrest and interview all of the named subjects about their involvement in crimes identified. The arrests will be made whilst the subjects are at Kanta House leaving a sterile environment to work in, minimising operational compromise. Audio and video equipment will be installed at this stage as well as conducting searches/document and digital storage media examinations. ✓

All staff deployed will be appropriately trained and will be supervised in accordance with NCA policy. ✓

All officers will be briefed and debriefed prior to and at the conclusion of all deployments, with particular reference to collateral intrusion and article 8 ECHR.

All staff deployed will be in possession of their Personal Protective Equipment (PPE)

Any / all Technical equipment utilised to obtain the information sought, will be operated by appropriately trained and authorised officers they will be responsible for obtaining relevant data. All officers deployed will be present during the operational briefing.

The necessary technical equipment and trained officer(s) are available to deploy, The deployment will be supported by a conventional surveillance team ensuring the security of the equipment and any other NCA assets.

Technical equipment is available and will be installed by appropriately trained staff. ✓
A manager for the Covert Monitoring Post (CMP) has been appointed and will be assisted by trained staff. ✓
It may be necessary to interfere with power supply to fixtures / fittings to power the covertly deployed devices, if an in-built battery pack is not feasible. ✓
A policy will be drafted regarding the monitoring and recording of equipment. ✓
An Interpreter will be identified to assist in the monitoring post in the event that conversations are in a foreign language.

(b) Identify the plan for retrieving any equipment used

The recovery of equipment will be managed by the Senior Investigating Officer and retrieved in controlled conditions. This will take place either on arrest of the subjects or under a pre planned deployment.

Should intelligence be received indicating a potential compromise a dynamic risk assessment will be conducted and a revised plan implemented dependant on the circumstances.

13. Confidential Information * see footnote

Please indicate if the activity is likely to result in the acquisition of one or more of the following categories of confidential information	Matters subject to legal privilege	<input type="checkbox"/>
	Confidential journalistic material	<input type="checkbox"/>
	Confidential personal information	<input type="checkbox"/>
	Confidential constituency information	<input type="checkbox"/>
	Information derived from a legal consultation taking place in a specified location	<input type="checkbox"/>

If confidential information is obtained, explain how it will be managed

No confidential material is likely to be obtained and none is sought. In the unlikely event any such material is obtained then it will be recorded and stored in accordance with the Criminal Procedures and Investigation Act 1996. This material will be immediately brought to the attention of the Senior Investigating Officer, the Senior Authorising Officer and the CPS Lawyer concerned with the investigation.

14. Collateral Intrusion

(a) All surveillance activity is likely to result in collateral intrusion. Please explain why this intrusion is justified in this case

If the proposed activity is authorised there is likelihood that there may be a degree of collateral intrusion. The deployment of audio equipment is likely to capture conversations between the subjects of their criminal associates that may not be about crime. It may be that

* Please note that directed surveillance of legal consultations taking place in the following premises are subject to intrusive surveillance prior approval: any place in which persons who are serving sentences of imprisonment or detention, remanded in custody or committed in custody for trial or sentence may be detained; any place in which persons may be detained under paragraph 16(1), (1A) or (2) of Schedule 2 or paragraph 2(2) or (3) of Schedule 3 to the Immigration Act 1971 or Section 36(1) of the UK Border Act 2007; any place in which persons may be detained under Part VI of the Criminal Procedure (Scotland) Act 1995, the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Mental Health Act 2003; any police station; the place of business of any professional legal adviser; any place used for the sittings and business of any court, tribunal, inquest or inquiry.

the conversations are in a foreign language, the interpreter in the monitoring post, will assist in identifying these occasions. There may be occasions where visitors to the property are bona fide friends or business associates not involved in crime.

Conversation between the subjects may have varied content, some aspects may relate to general issues which may lead to significant conversation about criminal activity. The recording of this type of conversation is justifiable and proportionate as it is difficult to identify when the criminal aspects of the conversations will take place.

The deployment of video equipment within the premises will capture movements of any persons within the property and assist with voice attribution and identification of others criminal associates.

All activity will be tightly focused on the criminal activities of the subjects and their criminal associate's. Intrusion is justified by the fact that the **CHATWANI brothers, The TAILOR brothers, Harvinder BATTH, Harjeet DHARIWAL and Cliff TARR** are involved in serious organised crime.

(b) What steps will be taken to minimise collateral intrusion

Only trained operatives are to be deployed to achieve the activities set out in this application. A full and detailed briefing of all staff focusing on the objectives of the operation, the identities of key individuals and their role within the OCG will take place prior to any surveillance activity.

All staff will be instructed as to how to deal correctly with issues of collateral intrusion. A full debrief will follow operational deployments to identify areas of future development, and issues of collateral intrusion.

A Covert Monitoring Post (CMP) will be established and staffed by an experienced team leader and appropriately trained staff. In this office environment, it will be very difficult to know when criminal conversations will take place. Observations at Kanta House does show that they have deliveries which may be Alcohol and other unknown goods. Therefore it is believed that a certain amount of legitimate trading does take place, it will be very difficult to identify when criminal conversations will take place therefore audio recording will continue whilst DHARIWAL, BATTH, or the CHATWANI / TAILOR brothers are present. If part of a conversation is thought to be lawful then no further enquiries will take place into the content of the conversation. A very experienced financial investigation team is allocated to this investigation with many years of fraud / missing trader investigation experience. Conversations believed to be criminal will be reviewed by this team.

Activity will be reviewed on a regular basis in consultation with the CMP manger to ensure that it remains justified and proportionate. A separate CMP policy will be put in place to ensure the correct handling of material, identify instances of collateral intrusion and comply with NCA policy and CPIA.

In the event of an act of intimacy taking place within the premises the live monitoring of audio will cease immediately. However, audio recording will continue and the CMP manager will be informed. Dip sampling as required by NCA policy will establish when such activity has concluded. The product will be reviewed to establish whether there is any criminal content and this decision will be supported by a policy log entry. Any product which contains material of an intimate nature will be clearly marked as such and will be securely stored and recorded in accordance with NCA policy.

It is emphasized that this investigation will be tightly focused on the criminality of the named subjects and those that assist them.

During the course of briefings and de briefings all officers involved with the investigation will be encouraged to report any matters of collateral intrusion.

15. Risk (Associated to this Authority Only)

15 (a) Personal Risks

LOW

(explain rationale for classification below)

- Is there a risk of personal injury? Are there any physical risks faced by operatives involved in the investigation?
- Consider the psychological pressures that may be experienced by officers placed in vulnerable situations. Are your operatives sufficiently competent to carry out the task in terms of knowledge, training and experience?
- Are there any risks to the safety of the subject or any other individuals who may assist us or be subjected to collateral intrusion?
- Are there any dangers associated with the use of technical equipment, for example, will a tracking beacon adversely affect the electronics on a particular make of vehicle?

A primary consideration when engaging in this activity are the risk of personal injury to members of the public going about their normal day to day business, the officers engaged in the investigation, the subjects and their criminal associates.

The risks are minimised by only using properly trained officers, who, by calling on previous experiences and making informed decisions decide on a suitable and safe times to deploy the equipment. The heightened areas of risk are usually around deployment and retrieval of the equipment, however in this case technicians will be able to work in a sterile environment, in daylight, having no time constraints.

A full technical feasibility study will be made dynamically by appropriately trained officers. The equipment used will only be equipment authorised by the NCA. This will have been rigorously tested. Furthermore the deployment of this equipment will not cause any adverse risk to other members of the public going about their day to day business.

The risks to members of the public and officers involved; subjects and associates are assessed as low.

In order to minimise physiological pressures:

- All officers deployed to be appropriately trained and supervised in accordance with NCA policy.
- Prior to any deployment all officers will be given a full operational briefing paying particular attention to the operational objectives, and any sensitivity that may be reported for the local area. All officers will be informed that a DSA has been authorised. The DSA and Part 3 authority will be available for examination. At the conclusion of a deployment there will be a debrief of surveillance activity. Officers will be encouraged to report any instances where they feel that a gross invasion of privacy has occurred.
- Photographs of the subjects will be distributed to surveillance officers and monitoring staff prior to any deployment and will be available for dissemination to officers while operationally deployed if and when required.

- Officers will be encouraged to immediately report any concerns they have about their safety or vulnerability when deployed and appropriate action will be taken immediately to resolve this issue. Consideration will be made in European Working time directives and NCA policy in respect of this will be complied with.

There are no known risks to the safety of the subject or any individuals who may assist us. Any instances of collateral intrusion will be reported the SIO and ground commander.

15 (b) Operational Risks

LOW

(explain rationale for classification below)

- Is there a risk of disproportionate damage to our professional reputation if the investigation is exposed, equipment compromised or a prosecution collapses? Is there a high level of media or legal interest in the case?
- Can we manage the protection of our techniques? What would be the consequences of discovery?
- What is the likelihood of disclosure of sensitive techniques in evidence and what would be the broad consequences?

Careful consideration is always given to the disproportionate damage to the professional reputation of the NCA if the investigation is exposed, equipment compromised or prosecution collapsing.

There is an expectation by law abiding members of the public that serious crime be vigorously and fairly investigated. There is always a chance of operational compromise due to many unforeseen circumstances, however this is minimised by professional briefings and de briefings and utilising only fully trained staff.

If the investigation were to be compromised or equipment compromised this would not have an adverse impact on the professional reputation of the NCA, however operational/equipment compromise may heighten the awareness of the subject that an investigation was in place.

The NCA will undertake a professional investigation in conjunction with the Crown Prosecution Service. The adverse impact on the reputation of the NCA is considered low if the prosecution collapses. Any media or legal issues will be managed by NCA press officer and legal issues by the Crown prosecution service.

Covert techniques will be managed by deploying appropriately trained officers. Deployment of any technical equipment will only be undertaken following comprehensive feasibility examinations with appropriately trained technical officers. All aspects of covert investigations have to be documented and as such these documents have to be considered for disclosure. In these circumstances the provisions of CPIA provide a level of protection against disclosure of sensitive techniques.

The likelihood of disclosure of sensitive techniques is low. The broad consequences would depend on what had been compromised, however in broad terms a disclosure may heighten the awareness of the subject and associates of a covert operation, and they may alter their methods of operation, however criminals that operate at this level will rarely cease their crimes, they may stop for a short while and amend their methods in which case the investigation team will have to re assess their techniques. In this case Harvinder BATTH and DHARIWAL have both been arrested for serious crime, BATTH served a substantial custodial sentence and substantial confiscation order imposed. Obviously BATTH and

DHARIWAL believe they are 'above the law', the financial benefits of committing crime outweigh and fears of arrest and prosecution.

15 (c) Risk Management Plan

Having identified the risks, what action will be taken to remove them? If risks are unavoidable, detail steps taken to reduce them.

There will always be an element of risk around covert investigations. The risks have been carefully considered and documented above. The actions taken to primarily remove and reduce the risks will be made by only using appropriately trained experienced staff who will conduct thorough briefings and de briefings. At this stage of the investigation all risks are assessed as being very low. The risk assessments will be regularly reviewed during the course of the investigation. A key feature ensuring that risks are minimised is the early identification of any matter which may cause harm or injury. Even though this assessment has been made at the initial stage, it is accepted that circumstances may change. All officers involved will be encouraged and reminded that they have an active part to play and to report anything that may alter this assessment. The SIO, during the course of the investigation, will appoint experienced, trained disclosure and exhibit officers. The SIO will liaise with technical officers and Crown Prosecution Service.

16. Applicant details

Name	Nick Batsford	Grade	5	Date	05.01.15
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17. Supervisor comments and details

Supervisors comments (G3 or above)

I have read this application and have a full understanding of its content. I am content that the intelligence case is an accurate representation of the activities and events that have taken place.

The offences under investigation are serious and complex. It has clearly been shown within this application that the named subjects are all linked and actively involved in the laundering of criminal profits both in the UK and internationally. A thorough investigation has revealed that Kanta House is central to the investigation and I believe the outlined objectives are entirely proportionate in what is sought to be achieved. It is necessary to utilise this authority in order that they can be achieved.

I am aware of the intended arrest phase is due to take place at the end of January 2015 and that this authority will be used in a focused and effective manner subsequently to achieve the stated objectives of achieving best evidence.

Operation HETERODON is a priority for the Birmingham branch both in terms of resources and financial costs.

Name	Adam Warnock	Grade	TG3	Date	06/01/2015
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18. Senior managers comments and details

(required in all prior approval and intrusive surveillance applications)

Senior Managers Comments

I have read this application and I am aware of the intelligence case and the wider investigation plan that supports its submission.

Operation Heterodon investigates an OCG engaged in money laundering who appear to be operating at the highest level with access to significant resources both financially and human in support of their activities. With access to these assets, members of this group appear capable of adapting their methodologies in response to any threat of detection from law enforcement and indeed they employ considerable levels of sophistication to hide their various enterprises behind apparently legitimate business.

I am satisfied that the level of sophistication and the distance from any overt criminality that the CHATWANI brothers maintain, combined with the sheer scale of the economic threat to victims that this group represents, necessitates that covert activity of this nature is necessary and a proportionate response in order to achieve the investigations objectives and secure quality evidence. Given the physical protection that Kanta House affords this group, this evidence cannot be secured through other less invasive means.

I am further satisfied that the plan to manage instances of collateral intrusion through the application of a CMP policy is sufficiently robust and will be subject to review.

I fully support this application for authority.

Name	Paul Risby	Grade	TG2	Date	06/01/2015
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METADATA	
Policy Owner:	DD Specialist Capabilities
Author / Responsible Person:	Manager, Authorities Unit
Version Control	
Version & Date Issued:	V1 - 08/10/2014 (was IC04)
	V2 - 10/10/2014