



BY-LAW NO. 230 - 2000

**A BY-LAW RESPECTING
FRAUD & FALSE PRETENCE INVESTIGATION
(LE-038)**

1. PREAMBLE

- 1.1 WHEREAS subsection 31(1) of the *Police Services Act* provides that a Board is responsible for the provision of police services and for law enforcement and crime prevention in the municipality and shall:
- b. generally determine after consultation with the Chief of Police, objectives and priorities with respect to police service in the municipality;
 - c. establish priorities for the effective management of the police service, and
 - e. direct the Chief of Police and monitor his or her performance;
- 1.2 AND whereas subsection 31(6) of the *Police Services Act* provides that the Board may, by by-law, make rules for the effective management of the police service;
- 1.3 AND whereas O. Reg. 3/99 prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND whereas subsection 12(1)(g) of O. Reg. 3/99 requires the Chief of Police to develop and maintain procedures and processes for undertaking and managing investigations into fraud and false pretences;
- 1.5 AND whereas section 29 of O. Reg. 3/99 requires a police services board to have a policy on fraud and false pretence investigation;
- 1.6 AND whereas Part LE-038 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and the police service relative to investigation into fraud and false pretences.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD ENACTS AS FOLLOWS:

2 DEFINITIONS

- 2.1 "Act" means *Police Services Act*, R.S.O. 1990, c.P.15, as amended;
- 2.2 "Board" means the Regional Municipality of Niagara Police Services Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;

2.4 “Manual” means the Policing Standards Manual published by the Ministry of the Solicitor General;’

2.5 “Member” means a member of the Niagara Regional Police Service;

2.6 “Service” means the Niagara Regional Police Service.

3 BOARD POLICY

3.1 The Board recognizes that matters of fraud and false pretences are serious in nature, and it is therefore the policy of this Board that investigations into such matters be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES

4.1.1 The Chief shall develop and maintain procedures for undertaking and managing investigations into fraud and false pretences. These procedures shall be in accordance with Appendix A.

4.1.2 The Chief shall ensure that the Service’s response to fraud and false pretence occurrences are monitored and evaluated.

4.2 COMMUNITY INVOLVEMENT

4.2.1 The Chief shall work with local social assistance officials to develop and maintain a local protocol on the investigation of social assistance fraud.

4.2.2 The Chief shall ensure that the protocol referred to in Section 4.2.1 above is reviewed on an annual basis.

4.3 TRAINING

4.3.1 The Chief shall ensure that Members investigating fraud and false pretence occurrences have the requisite knowledge, skills and abilities.

5 REPORT TO THE BOARD

5.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of investigations of fraud and false pretences. The report shall include:

- a. a summary of the written procedures concerning fraud and false pretence investigations;
- b. the status of Service compliance with the said procedures; and
- c. a summary of the steps taken by the Service to monitor and evaluate response to fraud and false pretence investigations.

6 ***IMPLEMENTATION***

6.1 This By-law shall come into force upon the date of its passage.

6.2 The Chief shall implement this By-law, where applicable, through general order.

ENACTED AND PASSED this 30th day of November , 2000.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

(Signed Original on File)

Chairperson

(Signed Original on File)

Vice Chairperson

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on investigations into fraud and false pretences.

In addition, section 12(1)(g) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into fraud and false pretences.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to fraud and false pretences investigations that the Chief of Police will:

- a) develop and maintain procedures that require that investigations be undertaken and managed in accordance with the police service's criminal investigation management plan;
- b) work, where possible, with municipal and provincial social assistance officials and the Crown, to develop a local protocol on the investigation of social assistance fraud;
- c) establish, where possible, cooperative arrangements for the investigation of fraud and false pretences occurrences with:
 - i) the Employment Insurance Commission;
 - ii) the Fire Marshal's Office;
 - iii) the Ministry of Consumer and Commercial Relations; and
 - iv) the insurance industry; and
- d) ensure that police officers investigating complex fraud and false pretences occurrences have the knowledge, skills and abilities required.

Police Service Guidelines

- Coordination* 1. Every Chief of Police should work, where possible, with municipal and provincial social assistance officials and the Crown, to develop a local protocol on the investigation of social assistance fraud that addresses:
- a) collation of information when a person is suspected of social assistance fraud;
 - b) process for referring a case to the police;
 - c) initial preparation and vetting of the case file;
 - d) collection, preservation and control of evidence; and
 - e) preparation and vetting of the Crown brief.



2. Every Chief of Police should, where possible, enter into cooperative arrangements, for the investigation of fraud and false pretences occurrences with:
 - a) the Employment Insurance Commission;
 - b) the Fire Marshal's Office;
 - c) the Ministry of Consumer and Commercial Relations; and
 - d) the insurance industry.

Procedures

3. Every police service's procedures on fraud and false pretences investigations should:
 - a) require that investigations be undertaken and managed in accordance with the police service's criminal investigation management plan;
 - b) address the criteria and steps for obtaining investigative supports and specialized resources, including forensic accountants, fire marshals and other experts in the field of fraud investigation, where required;
 - c) address the provision of assistance to victims of fraud, in particular elder or vulnerable adults, in accordance with the police service's procedures on victims' assistance and elder and vulnerable adult abuse;
 - d) set out the steps for sharing information with other relevant law enforcement and government agencies on serial fraud occurrences, including multi-jurisdictional occurrences; and
 - e) address the dissemination of information to the public on fraud.
4. Every police service's procedures should address social assistance fraud, including:
 - a) upon receiving a case file from an Eligibility Review Officer, the investigating officer should review it carefully to determine if reasonable grounds exist for a charge to be laid or if further evidence or information is required utilizing the checklists provided;
 - b) if further information is required, the investigating officer should consult with the Eligibility Review Officer regarding information that can be lawfully and feasibly collected for delivery to the police, i.e., information, which is under the control of the Ministry of Community and Social Services/Municipality and was collected as part of the Eligibility Review Officer's regulatory investigation;
 - c) if it is not lawful or feasible for the Eligibility Review Officer to collect the specified information and/or evidence, the investigating officer should endeavour to do so in accordance with applicable legislation and the police service's procedures referring to such matters;
 - d) if a charge is laid, the investigating officer should use the supplemental Crown brief checklist as a guide and submit the case file, through the appropriate chain of command, to the Crown; and
 - e) where the Crown determines upon review of the case file that additional investigation is required, the investigating officer should follow up and endeavour to provide the requested information and/or evidence, as soon as practicable.



Recommended Social Assistance Fraud Investigative Checklist

CODE KEY:	POTENTIAL SOURCES						
	I	E	A	S	R	AD	D
I = Income E = Earnings A = Assets AD = Not living at reported address S = Spousal R = Replacement Cheque D = Dependent Child <i>(not in the home)</i>							
1. Landlord/Lease/Mail Box & Buzzer Labels	*	*		*		*	*
2. Neighbours				*		*	*
3. Property Tax Records/Title Searches			*	*		*	
4. Post Office				*		*	*
5. Bell Canada/Calling Cards/Receipts/Directories				*		*	*
6. Vernon/Mights Directories				*		*	
7. Utilities (hydro, gas, cable, water)				*		*	
8. Registrar-General (marriage/birth/divorce)				*			*
9. Schools (day-care centres)				*		*	*
10. Former Spouse (private support)	*		*	*		*	*
11. Bank	*	*	*	*	*	*	*
12. Human Resources Development Canada (CPP, OAS, E.I.)	*	*	*	*		*	*
13. Lawyers (i.e., Lawyer of Spouse)	*		*	*		*	*
14. Family Court Payments	*			*		*	*
15. Employer	*	*		*		*	*
16. Business Registry/Licence						*	
17. Credit Bureau/Creditors	*	*	*	*		*	
18. Newspapers (obituaries, client criminal activity)	*	*	*	*		*	*
19. Revenue Canada	*	*		*		*	*
20. Ministry of Transportation (MTO)				*		*	*
21. Police Records	*	*		*	*	*	*
22. Probation and Parole	*	*		*		*	*
23. Personal Property Security Registration System			*				
24. Ministry of Education and Training	*	*		*		*	*
25. Department of Veterans' Affairs (DVA)	*					*	
27. Workplace Safety and Insurance Board	*	*				*	

Recommended Social Assistance Fraud Crown Brief Checklist

The crown brief should include, but not be limited to, the following items, where appropriate:

- duplicates of all documents for disclosure;
- accused name and date of birth, dependants, previous addresses;
- charge and section number;
- police case file number;
- social services' case file number;
- name of investigating police officer(s) and contact numbers;
- copy of the information;
- witness list;
- will say from police investigators, eligibility review officers, case workers, employer(s) or any witness(es);
- officer's notes;
- all relevant social assistance legislation, including section numbers;
- restitution letter;
- police synopsis and narrative;
- social services' synopsis;
- transcript of accused statement, if applicable;
- copy of notice under section 28 of the *Canada Evidence Act*;
- application for assistance document;
- consent to disclose and verify information document;
- agreement to reimburse;
- job search list and intake sheets;
- pay stubs;
- income statements;
- letters to employers;
- overpayment calculations;
- narrative report;
- original social assistance cheque(s) / verification of bank deposits;
- signed rights and responsibilities document;
- centre for employment options, i.e., job skills, upgrading;
- exhibits list as an appendix; and
- victim impact statement (optional).

