



# SERIOUS FRAUD OFFICE

— ONTARIO —

ANNUAL REPORT 2020

Ontario 



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A nighttime photograph of a city street. In the foreground, there are long, horizontal light trails from cars, primarily in red and white. In the background, a multi-story building is lit up, with many windows glowing. The sky is dark blue. The overall mood is urban and dynamic.

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# WELCOME MESSAGES

In its second full year, the Serious Fraud Office (SFO) demonstrated the value and promise of its model. As an agile, collaborative unit focusing on financial crime, the Prosecution Branch of the SFO quickly mobilized to maintain and adapt its role in response to COVID-19.

At the outset of the pandemic, the SFO developed guidelines to be used by Crown counsel across the province in prosecuting price gouging offences. In addition, throughout the year SFO counsel and case management staff aided local Crown offices in the prosecution of charges laid by municipal police and the RCMP. This included virtual court appearances and trials from both our laptops and a specially designed "Zoom room."

The Prosecution Branch took carriage of the first charges laid by the SFO's investigators. These files concern \$25 million in victim losses and touched on all aspects of the SFO. Counsel worked with the investigators to seek the return of an accused from the Dominican Republic to face charges here in Canada, to seize alleged proceeds of crime, and to advance the prosecutions in court without delay even as the pandemic disrupted the regular operations of the judicial system.

The entire year highlighted the incredible assets of our staff. All members of the SFO play an important role in its success, and we were particularly proud to see Crown counsel Carolyn Hackett recognized for her outstanding contributions to the prosecution of financial crime when she was named the Prosecutor of the Year for Central Canada by the International Association of Financial Crimes Investigators. We were again honoured when the SFO was commended for its efforts to improve the service provided to victims of fraud.

In light of the government's stay-at-home orders, both Branches of the SFO implemented online training and team-building sessions to maintain and expand our expertise. Through the use of new technology we were able to include external participants and build a support network for financial crime cases.

As we emerge from the pandemic, the SFO looks forward to more successes owing to the dedication and resilience of its staff.

**JOHN CORELLI, CHIEF COUNSEL**



The **Ministry of the Attorney General (MAG)** administers the justice system in Ontario and protects the public by delivering a wide range of legal services.



The **Ontario Provincial Police (OPP)** is a division of the Ministry of the Solicitor General. They provide essential services that ensure the safety and security of the people of the Province of Ontario.

I am honoured to have joined the SFO as Director of the Investigation Branch in 2020, and to continue building on the foundation laid by our members over the past two years.

The COVID-19 pandemic necessitated some significant changes to our operations. Investigative tasks, victim support, and crime prevention initiatives were modified to allow for business continuity, while protecting the health and safety of our members and those we serve. The early adoption of innovative technology and our members' ability to adjust were key to the successes achieved despite the pandemic restrictions.

In 2020, the Investigation Branch completed an investigation involving hundreds of victims. Investigators worked with domestic and international partners on a coordinated proceeds of crime investigation, and the eventual return of the accused to Canada to face charges. SFO case management and disclosure preparations resulted in full disclosure being provided at the bail hearing, eliminating any delay concerns. This investigation highlighted the effectiveness of the collaborative SFO model.

Our adjunct and support services members continued to develop programs and engage with strategic partners. Operational adjustments during the pandemic underscored the importance of technology and innovation. The use of video conferencing systems enabled victims to participate at court appearances virtually during the pandemic. Staff training, victim support and crime prevention initiatives were switched to online platforms to ensure continued services to our clients. I am particularly proud of our efforts in establishing a fraud education and training series geared towards Ontario's law enforcement community.

The strength of the SFO lies with its members. These dedicated and committed team members give me confidence that the SFO will continue to achieve many successes, meet its mandate, and effectively serve the citizens of Ontario in combatting serious fraud.

**DOMINIC CHONG,  
DETECTIVE SUPERINTENDENT**



# 2020 YEAR IN BRIEF

**JANUARY**

**FEBRUARY**

**MARCH**

**APRIL**

**MAY**

**JUNE**

**JULY**

**AUGUST**

**SEPTEMBER**

**OCTOBER**

**NOVEMBER**

**DECEMBER**

**MARCH**

- Held a victim support conference
- Transitioned to remote working

**JUNE**

- Completed an embezzlement investigation in just six months

**JULY**

- Request approved for additional government funding and positions
- Three members of York Regional Police joined the SFO

**SEPTEMBER**

- Completed an international Ponzi scheme investigation
- Delivered virtual financial crime training to law enforcement professionals

**OCTOBER**

- Created a "Zoom room" to conduct remote court hearings

## KEY STATISTICS IN 2020



The total alleged financial loss across all case referrals\* exceeded **\$492M**



**1649 alleged victims** were supported by the SFO



**Three arrests** made and **seven charges** laid



**71%** of investigations crossed multiple police jurisdictions. **57%** of cases were within the boundaries of Ontario; **14%** within Canada; and **29%** international



**\$143,900** in proceeds of crime seizures; and **\$663,000** in proceeds of crime restraints



The Crime Prevention Team engaged with **26 communities** across Ontario



Investigators received pre-charge legal advice from integrated Crown Counsel on **175 occasions** resulting in a **96% rate of approval** of court applications for judicial authorization

## RESPONDING TO THE COVID-19 PANDEMIC

In March 2020, to help combat the COVID-19 outbreak, the courts across Ontario suspended all in-person court operations. To accelerate access to justice for Ontarians and respond to evolving demands in the justice system, the Ministry of the Attorney General established new and innovative ways of delivering services remotely, in-person and online.

Counsel in the Prosecution Branch of the SFO were nearing the end of a three-month jury trial when the pandemic struck in March, prompting the presiding judge to declare a mistrial. While in-person court matters were adjourned, counsel in the SFO:

- reviewed and prepared tens of thousands of pages of documents for disclosure in ongoing SFO investigations;
- wrote 14 confidential and privileged legal primers for prosecutors (including one for price gouging cases);
- successfully prosecuted one of the first virtual trials in the Ontario Court of Justice;
- secured a guilty plea in a casino fraud;
- obtained jail sentences of 42 months and 46 months following trials for immigration fraud and investment fraud, respectively;
- continued preparing for trials regarding auto insurance fraud, caregiver fraud, false and deceptive marketing and employer fraud totaling \$5.4 million; and
- provided advice to external police agencies on investigations involving more than 76,000 victims and \$250 million.

\*Not all referrals become SFO investigations

# ABOUT THE SFO

## MANDATE AND STRUCTURE

The SFO was formed in 2018 with a mandate:

**1**

To protect the citizens of Ontario.

**2**

To limit losses suffered by victims of fraud.

**3**

To recover assets fraudulently acquired.

The Serious Fraud Office has two branches: the Prosecution Branch and the Investigation Branch, which includes Adjunct Services. Each branch operates out of the same office, but has a separate and distinct work area. The Investigation Branch of the SFO is led by an OPP Superintendent. It is

staffed with uniform and civilian employees – some from the OPP and others from various police services in Ontario. The Prosecution Branch has experienced Crown counsel and support staff from the Ministry of the Attorney General (MAG).



Fraud and corruption don't recognise borders; they are global problems that require global solutions. That's why we warmly welcome all those who join our international community, where we are united in our commitment to tackling economic crime and ensuring those responsible are brought to justice. While the last 18 months have understandably seen attention turn to public health, in our line of work we are witnessing ever-more innovative and ruthless criminality. The pandemic has inevitably created new opportunities, exploited by those who seek to defraud, steal and corrupt. Together, we must continue to rise to the challenge of adapting our practices, our infrastructure and increasing our collaboration with like-minded partners, to progress our cases."

**LISA OSOFSKY**

Director, Serious Fraud Office (United Kingdom)



## Responsibilities:

### ● INVESTIGATION BRANCH

- Intake
- Investigation
- Asset Seizure and Restraint
- Strategic/Tactical/Analytical/Forensic Support

### ● PROSECUTION BRANCH

- Pre-Charge Legal Advice
- Prosecution
- Asset Forfeiture
- Restitution

### ● ADJUNCT SERVICES

- Victim Support
- Crime Prevention
- Training and Education
- Strategic and Research Analysis
- Performance and Outcomes Analysis
- Administrative Support



## INTEGRATED APPROACH TO FRAUD CASES

The SFO uses an integrated approach to fraud cases. Investigations and prosecutions are improved because police officers and Crown counsel work cooperatively from investigation to trial. Both benefit from the combination of pre-charge legal advice and post-charge investigative support.

## SUPPORTING ALL ONTARIANS

The SFO has designated victim support personnel as well as a Crime Prevention Program aimed at reducing the incidence of fraud through public awareness.

## ROLES AND RESPONSIBILITIES OF THE JOINT GOVERNANCE COMMITTEE

The Joint Governance Committee (JGC) includes senior representatives of the OPP, MAG, the Ministry of the Solicitor General (SOLGEN), and a designated municipal police service. While the SFO Investigation Branch and Prosecution Branch have the independence to make decisions concerning their respective operations, the JGC has overall responsibility for the SFO's policies, protocols, and strategies.

# FINANCIAL CRIME INVESTIGATIONS

In 2020, the SFO concluded two investigations – Project Debit Direct and Project Laser – which are currently under prosecution.

None of the following allegations have been proven in court and the accused are presumed innocent.

## PROJECT DEBIT DIRECT

This alleged Ponzi scheme investigation was referred to the SFO after victims approached nine different police agencies across Canada. The accused, who is alleged to have sold investments in non-existent point-of-sale debit terminals, was located in the Dominican Republic. He has been returned to Canada, where he awaits trial and potential forfeiture of proceeds of crime.



Length of SFO Investigation: **2 years**



Dollar value of the alleged fraud: **\$24 million** in losses identified over more than 6 years



Number of alleged victims: Approximately **515** individual victims identified



Number of arrests: **1**



Number of charges: **5**



Assets restrained in Canada: Total assets valued at approximately **\$1.5 million** (CAD)



Assets restrained in the Dominican Republic: Total assets valued at more than **\$4 million** (USD)



Partner agencies: Canada Border Services Agency, Dominican Republic National Police, Interpol, Financial Transactions and Reports Analysis Centre of Canada, Canada Revenue Agency, Camden Assets Recovery Inter-Agency Network and Asset Recovery Interagency Network - Caribbean



*Point of sale debit terminal*

## DID YOU KNOW?

"Ponzi Schemes", named after Charles Ponzi, are designed to appear like successful businesses or investment opportunities. Victims are unaware that their money is not being invested, but is used to pay returns or profits to earlier investors.

During the course of an international fraud investigation, police officers may need assistance from other countries to gather evidence, serve documents, or interview witnesses. Access to another country's justice system for these purposes is available through **Mutual Legal Assistance Treaties ("MLAT")**.

**DID YOU KNOW?**

Serious fraud is often well-organized, with victims, witnesses, suspects and evidence located across provincial and national borders. In 2020, cases investigated by the SFO were: **57%** within the boundaries of Ontario; **14%** within Canada; and **29%** international.

Ontario Cases **57%**Canadian Cases **14%**International Cases **29%****PROJECT LASER**

This employee embezzlement investigation was undertaken by the SFO because of a potential conflict of interest in the local community. Charges were laid within six months of opening the file.

Length of SFO Investigation: **6 months**Dollar value of the alleged fraud: **\$1 million** in identified lossesNumber of alleged victims: **1** business identifiedNumber of arrests: **2**Number of charges: **7**Assets seized: Total assets seized valued at approximately **\$144,000**Assets restrained: Total assets restrained valued at approximately **\$240,000**

Partner agencies: OPP's Provincial Asset Forfeiture Unit (PAFU), Sudbury Detachment, North East Region Emergency Response Team (ERT), and Greater Sudbury Police Service.

**DID YOU KNOW?**

In 2020, **71%** of the investigations crossed multiple police jurisdictions.

# PRE-CHARGE LEGAL ADVICE

Although decisions on how to investigate and whether to lay charges are made by the Investigation Branch only, investigators are able to receive timely legal advice from Crown Counsel as the need arises. This ensures that complex investigations proceed more efficiently and effectively. Collaboration between investigators and prosecutors before charges are laid leads to streamlined prosecutions, and responds to the Supreme Court of Canada's direction in *R. v. Jordan* to abolish the "culture of delay" in the criminal justice system.

SFO counsel provided pre-charge legal advice to investigators on 175 occasions in 2020. This included advice on search warrants, production orders, asset restraint and other judicial authorizations. As a result, investigations proceeded more efficiently as **96%** of court applications for these authorizations were approved.

Disclosure is the process by which the evidence gathered by the police is assembled, vetted and delivered to accused persons. Preparation of the disclosure package by police and prosecutors before charges are laid ensures that trials can be held quickly. All investigations completed in 2020 resulted in disclosure being made to the accused before their first court appearance.



# PROVINCE-WIDE SUPPORT

## SHARING EXPERTISE

Investigators and prosecutors received numerous questions from municipal police services, OPP crime units, and local Crown offices across the Province regarding financial crime.

Drawing on its expertise, the SFO responded to topics such as:

- How to investigate international money laundering schemes
- How to seize and restrain proceeds of crime located across international borders
- How to prepare fraud cases for court
- Admissible evidence in fraud trials
- Bail conditions for an accused charged with fraud

## FINANCIAL CRIME PROSECUTION

The Prosecution Branch conducted fraud trials to assist local Crown Attorney Offices. This included the "Zoom" trial of *R. v. Dhaliwal*, in which the accused was convicted of defrauding two victims of \$22,500 in a lottery scam.

## LEVERAGING TECHNOLOGY

The pandemic accelerated the justice system's transition to remote court hearings in Ontario. The SFO responded by building a "Zoom room" equipped with microphones and multiple monitors for remote court appearances. Counsel also appeared in court from their laptops.



## AGENCIES SUPPORTED BY THE PROSECUTION BRANCH IN 2020

- Crown Attorney offices across Ontario
- Municipal Police Services across Ontario
- OPP
- Public Prosecution Service of Canada
- Royal Canadian Mounted Police
- Guns and Gangs Unit
- Crown Law Office - Criminal

In comparison to 2019, the SFO experienced more than a **ten-fold increase in requests** to share its financial crime expertise with law enforcement. Meeting this demand strengthened the SFO's response to financial crime.

# ADJUNCT AND SUPPORT SERVICES

## INVESTIGATIVE INTAKE

The SFO received requests for carriage and support of complex fraud cases from various municipal police services, the FBI, the RCMP, and the OPP.

Many of the referrals shared common characteristics: cases were multi-jurisdictional, the totality of alleged financial loss was significant, and there were significant impacts to victims and public safety. Some referrals included allegations of fraud against businesses, government, and Ontario's most vulnerable groups, including older adults. The types of frauds were varied and numerous, ranging from grandparent and Ponzi schemes to mortgage and infrastructure frauds.

## VICTIM RESPONSE AND SUPPORT

The Victim Support Program continued to assist victims of financial crime across the Province. Victims were provided with updated case information as well as resources and strategies to address the impacts of financial crime. Victim liaisons networked with government and non-governmental service providers to ensure that victims' rights were upheld.

In 2020, the total alleged financial loss across all case referrals exceeded **\$492 million**.



Currently, the SFO accepts case referrals from police agencies only. The decision to undertake an investigation is the responsibility of the Investigation Branch.

Members of the public who wish to report a suspected fraud should contact their local police service and the Canadian Anti-Fraud Centre at 1-888-495-8501 (toll free) or online at [antifraudcentre-centreantifraude.ca](https://antifraudcentre-centreantifraude.ca).

*Example of a Case Referral Received by the SFO:*

### **PROJECT DEBIT DIRECT (PONZI SCHEME)**

Debit Direct was the first investigation referred to and undertaken by the SFO. It demonstrates the importance of the SFO's mandate and skill sets.

The alleged Ponzi scheme has victims throughout North America. The suspect had re-located to the Dominican Republic, where he held many assets alleged to be proceeds of crime.

Dating back to 2014, over 500 alleged victims had reported their victimization to nine different police agencies in Canada, including federal, provincial, and municipal agencies. The overall value of the alleged fraud was approximately \$24 million.

In accepting this case, the SFO was able to make use of its expertise to investigate an international money laundering scheme, and trace, locate and secure the proceeds of crime across international borders. Collaboration with domestic and foreign law enforcement partners led to the execution of search warrants, the gathering of evidence and, ultimately, the deportation of the accused to Canada. This prosecution is outstanding and the allegations have not been proven in court.



Serious fraud cases involve significant victimization. In 2020, **1649 alleged victims** were supported by the SFO during active investigations.

### DID YOU KNOW?

A restitution order is made by a criminal court and requires an offender to pay the victim(s) for financial losses resulting from the crime. Under the *Canadian Victims Bill of Rights*, "Every victim has the right to have the court consider making a restitution order against the offender."

### SFO VICTIM SUPPORT CONFERENCE 2020: PROGRESSING CHANGE

The SFO held a one-day conference on March 4, 2020 in Toronto, Ontario, titled "Victim Support Conference 2020: Progressing Change". Public and private stakeholders discussed the most pressing issues impacting the delivery of services for victims of fraud in Ontario.

Over one hundred attendees and speakers came from across North America, with representatives from various sectors, including: academia, law enforcement, government services, regulatory agencies, and business.

Expert panels highlighted the need for:

- Improved data collection
- Support for victims of financial crime throughout the life span of a case
- Laws that support victims of financial crime
- Ensuring that victims of financial crime are compensated for their losses

The SFO is pursuing ideas and suggestions gathered from the conference to improve support and outcomes for victims of financial crime.



Victims' voices were the focus of the 2020 SFO Annual Conference. The conference illustrated the challenges faced by victims of fraud and the devastating impact financial crime can have on victims, families and friends. The conference offered solutions utilized in other countries to support victims of financial crime, creating important discussion and dialogue with the stakeholders in attendance."

### MARIA MCDONALD

Maria McDonald is the Deputy Director – Victim Support Strategy Lead for the Investigation and Support Bureau in the OPP. She is co-leading the development and implementation of a new victim-centred approach within the OPP.



# CRIME PREVENTION

## KEEPING ONTARIO COMMUNITIES SAFE AND SECURE THROUGH FRAUD PREVENTION

The lives of Ontarians were upended by the COVID-19 pandemic in 2020. Many citizens received fraudulent emails, texts and calls from scammers impersonating government services in an attempt to gain access to their personal and financial information. Ontario communities expressed their need and desire for engagement and anti-fraud education from the SFO. Working remotely while under COVID-19 restrictions, the Crime Prevention Team found creative ways to meet its commitment to protect the Ontario public from emerging frauds and scams.

In comparison to 2019, the SFO experienced more than a *five-fold increase in demand* for crime prevention services. The SFO satisfied the demand through community engagement and public education, thereby keeping Ontario communities safe and secure from fraud.

### WHY SHOULD YOU REPORT A FRAUD OR SCAM?

The Crime Prevention Team reminds Ontarians who have been victimized by fraudsters that there is no downside in reporting incidents of fraud to the authorities. Reporting suspected fraud is one of the best ways citizens can help law enforcement gather evidence and bring fraudsters to justice. It also helps to prevent other consumers and businesses from becoming victims.

## PUBLIC EDUCATION

The Crime Prevention Team partnered with OPP Community Safety Services (CSS) and the Canadian Anti-Fraud Centre (CAFC) to educate Ontario communities about COVID-19 scams.

Impacts of public education:

- Greater awareness of the types of frauds and scams that threaten the safety of Ontario citizens
- Better understanding of how to recognize and reject frauds and scams in order to avoid being victimized
- Better understanding of how and why to report frauds and scams to the authorities
- Greater awareness of misinformation and misconceptions surrounding fraud victimization, as well as facts about the impacts of financial crime on victims
- Improved engagement and dialogue on fraud prevention between law enforcement and communities across Ontario

## COMMUNITY ENGAGEMENT

In 2020, the Crime Prevention Team engaged with 26 communities across Ontario, inclusive of two Indigenous communities. Crime prevention education was provided either in-person or through radio broadcasting. Social media was also used to expand the reach of the SFO into communities across Ontario, enabling it to reach larger and remote audiences.

# TRAINING AND EDUCATION

## SEARCH AND SEIZURE TRAINING AND EDUCATION SERIES

The SFO ran a training and education series that focused on the law of search and seizure – a rapidly-changing area of criminal law. This six-part series was geared towards professionals working in the criminal justice system and was delivered by SFO and MAG Crown Counsel.

Topics covered included:

- Applications for judicial authorization
- Warrants (e.g. electronic device search warrants, general warrants, tracking warrants, etc.)
- Production orders, preservation orders, sealing orders and publication bans
- The law of consent
- *The Canadian Charter of Rights and Freedoms* and relevant case law

Approximately one hundred law enforcement and justice professionals from the OPP and MAG attended each session.

## CROWN SCHOOL

Even in times of a pandemic, expanding prosecution skills in the highly technical field of financial crime is a top priority. SFO prosecutors were at the core of the Financial Crimes course offered at the MAG/Ontario Crown Attorneys Association summer school. They directed the course, prepared audio/visual learning materials, and posted the content on the internal ministry e-Library site for the benefit of Crown prosecutors across the province.

## SPEAKING ENGAGEMENTS

Presentations were made to numerous audiences, including the Ontario Bar Association, Osgoode Hall Law School, and local Crown Attorneys offices.

# AWARDS AND RECOGNITION

## IN 2020, THE SFO GAINED OFFICIAL RECOGNITION FOR TWO MAJOR ACCOMPLISHMENTS:

The SFO was nominated for an OPP Accolade Award, under the category of "innovation and creativity," for its work in organizing and facilitating the SFO's Victim Support Conference. The award recognizes individuals and/or teams who best achieve the OPP's vision, mission, and values.

SFO Prosecutor Carolyn Hackett was named the Prosecutor of the Year for Central Canada by the International Association of Financial Crimes Investigators (IAFCI). Ms. Hackett was honoured for her work on a complicated fraud prosecution involving 47 victims from across Canada and beyond our borders. For 10 years, victims had been told falsely that for a fee their families would be brought to Canada from war-torn countries as refugees. The scam cost victims in excess of one million dollars.

# ONTARIO COMMUNITIES SERVICED BY THE SFO IN 2020



## **NORTH REGION**

- Blind River
- Dryden
- North Bay
- Kirkland Lake
- Manitoulin Island
- Elliot Lake
- St. Joseph Island
- Mississauga\*
- Sudbury
- Thunder Bay
- Timmins



## **EAST REGION**

- Belleville
- Goderich
- Ottawa Valley
- Perth



## **GREATER TORONTO AREA**

- Brampton
- Etobicoke
- North York
- Oshawa
- Scarborough
- Toronto



## **CENTRAL REGION**

- Alliston
- Barrie
- Bracebridge
- Brighton
- Caledon
- Campbellford
- Collingwood
- Durham
- Kitchener
- Muskoka
- Newmarket
- Niagara Falls
- Orangeville
- Peel Region
- Waterloo



## **WEST REGION**

- Guelph
- London
- Neyaashiinig-miing\*
- Norfolk
- Perth
- Simcoe
- Windsor

\*First Nations Communities

# LOOKING AHEAD TO 2021



## Two trends are certain for 2021:

1. Increased modernization of service delivery to meet government commitments during the pandemic.
2. A continuing need to address threats to public safety, including financial crime in Ontario.

The SFO will pursue the following initiatives to address these needs and overcome the challenges of financial crime:

- The development of a Victim Support Portal is underway to efficiently deliver information and support to victims of financial crime across the province.
- A public website is under development to provide the public with access to a credible source of anti-fraud information and generate awareness of the work done by the SFO.
- Social media and radio broadcasting will continue to be used by the Crime Prevention Team to deliver anti-fraud education to the public, and to further expand its reach into communities across Ontario.
- Online training will continue to be offered to professionals in law enforcement and the criminal justice sector across the province.
- When permitted, videoconferencing will be used to conduct remote court hearings, making virtual court appearances easier and more accessible to Crowns, police, victims and witnesses.
- The SFO will second police officers from the RCMP and municipal police services. Experienced officers offer the SFO a breadth of experience and expertise that will further enhance its leadership and support of complex, large-scale financial crime investigations.





## More Information

### **ARE YOU A VICTIM OF FRAUD?**

Report it to your local police and the CAFC at 1-888-495-8501 (toll free) or online at [antifraudcentre-centreantifraude.ca](http://antifraudcentre-centreantifraude.ca)

### **DO YOU HAVE INFORMATION ABOUT A FRAUD?**

Call Crime Stoppers anonymously at 1-800-222-8477 (TIPS) or visit [crimestoppers.ca](http://crimestoppers.ca)