

**CULLEN COMMISSION REQUEST REGARDING MONEY LAUNDERING AND
PROCEEDS OF CRIME STATISTICS**

**REQUEST: MONEY LAUNDERING AND PROCEEDS INVESTIGATIONS BY “E”
DIVISION**

Item 11 of the Cullen Commission’s (herein Commission) May 4, 2020 Request:

The number of money laundering/proceeds of crime investigations initiated by “E” Division in each of its provincial and federal business lines per year since 2010 (*changed to 2015 upon consultation with Commission Counsel*), and in respect of these:

- a. the proportion of those cases classified as major vs. non-major;
- b. for the major cases, a breakdown showing those files: (1) with charges; (2) without charges; (3) with seizures; (4) without seizures; (5) with forfeiture; (6) without forfeiture; (7) active ongoing; and (8) concluded;
- c. the number of warrants obtained; and (*This part of the request was withdrawn by Commission Counsel*)
- d. the number of production orders obtained. (*This part of the request was withdrawn by Commission Counsel*)



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LIST OF ACRONYMS

CFO	Civil Forfeiture Office
CFSEU-BC	Combined Forces Special Enforcement Unit-BC
FAMG	Forensic Accounting Management Group
FPCO	Federal Policing Criminal Operations
FSOC	Federal Serious and Organized Crime
MCM	Major Case Management
ML	Money Laundering
POC	Proceeds of Crime
PRIME	Police Records Information Management Environment
RCMP	Royal Canadian Mounted Police
RMS	Records Management System
SASU	Situational Awareness Support Unit
SPMD	Seized Property Management Directorate
UCR	Uniform Crime Report

METHODOLOGY

Data Collection

To address Item 11 of the Commission's May 4, 2020 request, data were obtained from several different agencies and branches of the justice system, described in greater detail in the 'Data Sources' section. Although not requested by the Commission, data were collected for all "E" Division business lines, including municipal Royal Canadian Mounted Police (RCMP) detachments. Data from all business lines most accurately represents the RCMP's work to investigate money laundering (ML) and proceeds of crime (POC) offences.ⁱ

Data Sources

The following sources of information were obtained and then integrated and linked.

RCMP's Federal Policing Situational Awareness Support Unit (RCMP SASU). RCMP SASU constructed a data query for all files between January 1, 2015 and September 2, 2020 in three RCMP primary operation records management systems (RMS), PROS, SPROS, and BC Police Records Information Management Environment (PRIME), which included a Uniform Crime Report (UCR) code for ML or POC (see Appendix A for the list of ML and POC UCR codes queried).ⁱⁱ This data query yielded 15,532 files. The information provided by RCMP SASU was used to complete the major/non-major investigation, charges/no charges, and active/concluded components of the request. However, given that the results of this query were limited (e.g., information on major/non-major investigations was incomplete), additional data sources (i.e., see 'Other' in this section) were leveraged.

RCMP's Federal Serious and Organized Crime (FSOC). RCMP FSOC was consulted for additional information on private occurrences (i.e., occurrences with access limited to the investigating section to protect the integrity of the investigation) and invisible occurrences (i.e., occurrences made invisible for safety, security, and the integrity of the investigation) in BC PRIME to complete the active/concluded component of the request.

Combined Forces Special Enforcement Unit-BC (CFSEU-BC). CFSEU-BC constructed a text query in BC PRIME and CFSEU PRIME for all files between January 1, 2001 and May 1, 2020 which included a component of ML or POC.ⁱⁱⁱ This data query yielded 109 files. The resulting files were then manually reviewed to see if the investigation met the criteria of the request. The information provided by CFSEU-BC was used to complete the major/non-major investigation and active/concluded components of the request. However, given that the results of this query were limited (e.g., information on charges/no charges was incomplete), additional data sources (i.e., see 'Other' in this section) were leveraged.

Public Works and Government Services Canada Forensic Accounting Management Group (FAMG). FAMG supports financial crime investigations by providing specialized forensic accounting services to law enforcement agencies and prosecution services. FAMG provided a list of 45 files on which they have assisted between April 1, 2000 and September 1, 2018, three of which involved ML or POC offences. The data provided by FAMG was cross-checked with the other data to ensure that investigations were not excluded in error.

Public Prosecution Service of Canada (PPSC). The PPSC is a national prosecuting authority that prosecutes federal offences and provides legal advice and assistance to law enforcement. The PPSC provided data on charges and convictions for 639 ML, trafficking, and possession crime files opened between April 1, 2006 and March 31, 2020. The data provided by PPSC was used to complete the charges/no charges component of the request. However, given that the scope of their query was limited (e.g., police agency and file numbers were not provided for a majority of the files), additional data sources (i.e., see ‘Other’ in this section) were leveraged.

Seized Property Management Directorate (SPMD). The SPMD provides (a) consultative and managerial services to law enforcement agencies in relation to seized or restrained property in connection with designated criminal offences, (b) disposes of seized property when the courts declare forfeiture, (c) shares the proceeds from the sale of seized assets, and (d) provides seized property management and secure storage services to any federal agency, department or Crown corporation on a cost-recovery basis for assets seized or restrained under specific sections of the *Criminal Code*, *Controlled Drugs and Substances Act*, and *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*. The SPMD provided data regarding 14,263 seizure files, including seizures associated with ML and POC offences, opened between April 1, 2003 to March 31, 2019. The data provided by the SPMD was used to complete the seizure/no seizure and forfeiture/no forfeiture components of the request.

Civil Forfeiture Office (CFO). The CFO collects data on all civil forfeiture cases within BC. The CFO provided data on 4,932 civil forfeiture cases, including ML and POC cases, between January 1, 2006 and May 1, 2020. The information provided by the CFO was used to complete the seizure/no seizure and forfeiture/no forfeiture components of the request.

Other. RCMP FSOC, CFSEU-BC, and 62 municipal RCMP detachments completed manual file review for 1,518 files to provide additional information to complete the major/non-major investigation and charges/no charges components of the request.

Definitions and Scoring

ML investigation. An ML investigation was defined as an occurrence in the RCMP RMS that included a UCR code related to ML or, in the case of CFSEU-BC files, pertained to ML. An occurrence with UCR codes for both ML and POC (or that pertained to both ML and POC) was coded as ML to avoid double counting. Files with Z codes, which are used in the BC PRIME RMS to identify internal and external assistance files, were excluded to avoid counting a single occurrence as several occurrences.^{iv} An entry with an ML UCR code was scored as “Yes”.

POC investigation. A POC investigation was defined as an occurrence in the RCMP RMS that included a UCR code related to POC (i.e., proceeds of crime, property obtained, and/or possession of property) or, in the case of CFSEU-BC files, pertained to POC.^v Files with Z codes were excluded to avoid counting a single occurrence as several occurrences. An entry with a POC UCR code was scored as “Yes”.

Major investigation. A major investigation was defined as an investigation in which the application of Major Case Management (MCM) was required. The BC Provincial Policing Standards defines Major Case Management as “a methodology for managing major incidents that

provides accountability, clear goals and objectives, planning, utilization of resources and control over the speed, flow, and direction of an investigation”.^{vi} An entry was scored as “Yes” (i.e., MCM was applied) or “No”.

Investigation with charges. An investigation with charges was defined as an investigation that resulted in one or more criminal charges being laid (i.e., charges were recommended by the police, charges were recommended by the police and approved by Crown). An entry with charges recommended was scored as “Yes” (ML or POC charges were recommended) or Other (criminal charges for offences other than ML or POC were recommended, such as for a predicate offence). An entry with charges approved was scored as “Yes”.^{vii}

Investigation without charges. An investigation without charges was defined as an investigation that did not result in criminal charges being laid (i.e., charges were not recommended by the police, charges were recommended by the police but not approved by Crown). An entry without charges was scored as “No”.

Investigation with seizures. An investigation with seizures was defined as an investigation that resulted in the seizure of cash or one or more assets. The seizure of assets of zero or limited monetary value were not included. An entry with seizures was scored as “Yes”.

Investigation without seizures. An investigation without seizures was defined as an investigation that did not result in the seizure of cash or one or more assets. An entry without seizures was scored as “No”.

Investigation with forfeiture. An investigation with forfeiture was defined as an investigation that resulted in the forfeiture of one or more of the cash or assets through either: a) a Criminal Forfeiture Order or b) civil forfeiture. The forfeiture of assets of no or limited monetary value were not included. An entry with forfeiture was scored as “Yes” (criminal forfeiture or civil forfeiture).

Investigation without forfeiture. An investigation without forfeiture was defined as an investigation that did not result in the forfeiture of one or more of the cash or seized. An entry without forfeiture was scored as “No”.

Active/ongoing investigation. An active/ongoing investigation was defined as an investigation that had not yet been concluded and remains open for further investigation or is awaiting court disposition.^{viii} An active/ongoing investigation was scored as “Yes”.

Concluded investigation. Concluded investigations were defined as investigations in which all operational activity had been completed, further activity was not anticipated, and, in the case of judicial processes, the judicial process had been completed. A concluded investigation was scored as “No”.

Calendar year. A calendar year was defined as a period of 365 days starting from January 1 to December 31. Investigations were counted according to the calendar year in which they originate.^{ix}

Reference period. The reference period for which the statistical results were calculated was defined as January 1, 2015 to September 2, 2020 (i.e., the date when the most recent query for investigations that included a component of ML or POC was completed).^{x,xi}

RESULTS

Summary

ML investigations. Of the 375 ML investigations during the reference period (i.e., 2015 to 2020), 40 (10.7%) investigations were classified as major investigations. Of the major investigations, 25 (62.5%) investigations were active/ongoing, three (7.5%) investigations had charges recommended by the police, and 13 (32.5%) investigations were concluded without charges recommended. Of the major investigations with charges recommended by the police (i.e., three investigations), one (33.3%) investigation had charges approved by Crown for one or more offences and one (33.3%) investigation did not have charges approved.^{xii}

Of the major ML investigations, three (7.5%) investigations had seizures and 12 (30.0%) investigations were concluded without a seizure. Of the major investigations with a seizure (i.e., three investigations), two (66.7%) investigations resulted in the forfeiture of cash or one or more assets and one (33.3%) investigation did not result in forfeiture (e.g., assets were returned to the owner).^{xiii}

POC investigations. Of the 11,804 POC investigations during the reference period, 53 (0.4%) investigations were classified as major investigations.^{xiv} Of the major investigations, 21 (39.6%) investigations were active/ongoing, 38 (71.1%) investigations had charges recommended by the police, and 11 (20.8%) investigations were concluded without charges recommended. Of the major investigations with charges recommended (i.e., 38 investigations), 26 (68.4%) investigations had charges approved by Crown for one or more offences and nine (23.7%) investigations did not have charges approved.

Of the major POC investigations, 20 (37.7%) investigations had seizures and 18 (33.9%) investigations were concluded without a seizure. Of the major investigations with a seizure (i.e., 20 investigations), 10 (50.0%) investigations resulted in the forfeiture of cash or one or more assets and six (30.0%) investigations did not result in forfeiture.

Major and Non-Major Investigations

The number of ML and POC investigations classified as major and non-major for each calendar year are presented in Table 1. During the reference period, there were 375 ML and 11,804 POC investigations.^{xiv} Of these investigations, 40 (10.7%) ML and 53 (0.4%) POC investigations were classified as major investigations.

Table 1: ML and POC Investigations, by Classification and Calendar Year

	ML Investigations			POC Investigations		
	Major	Non-Major	Total	Major	Non-Major	Total
2015	1	46	47	11	1,813	1,824
2016	5	49	54	7	2,024	2,031
2017	2	68	70	13	2,118	2,131
2018	20	81	101	7	2,104	2,111
2019	12	59	71	13	2,408	2,421
2020	0	32	32	2	1,284	1,286
Total	40	335	375	53	11,751	11,804

Note. ML = Money Laundering. POC = Proceeds of Crime. Data for calendar year 2020 runs from January 1, 2020 to September 2, 2020.

Major Investigations with and without Charges

Table 2 provides the number of major ML and POC investigations with and without charges recommended by the police for each calendar year. Of the major ML investigations (i.e., 40 investigations), charges for ML, POC, or another criminal code offence were recommended by the police for three (7.5%) investigations, 13 (32.5%) investigations were concluded without charges recommended, and 24 (60.0%) investigations were ongoing with charges yet to be recommended.

Of the major POC investigations (i.e., 53 investigations), charges for POC or another criminal code offence were recommended by the police for 38 (71.7%) investigations, 11 (20.8%) investigations were concluded without charges recommended, and four (7.5%) investigations were ongoing with charges yet to be recommended.

Table 2: Major ML and POC Investigations with and without Charges Recommended, by Calendar Year

	Major ML Investigations					Major POC Investigations				
	ML/POC Charges	Other Charges	Concluded without Charges	Open	Total	POC Charges	Other Charges	Concluded without Charges	Open	Total
2015/16	0	0	1	0	1	4	2	5	0	11
2016/17	2	0	3	0	5	6	1	0	0	7
2017/18	1	0	0	1	2	7	2	1	3	13
2018/19	0	0	5	15	20	3	1	2	1	7
2019/20	0	0	4	8	12	9	2	2	0	13
2020/21	0	0	0	0	0	0	1	1	0	2
Total	3	0	13	24	40	29	9	11	4	53

Note. ML = Money Laundering. POC = Proceeds of Crime. Data for calendar year 2020 runs from January 1, 2020 to September 2, 2020.

In Table 3, the number of major ML and POC investigations with and without charges approved by Crown are presented for each calendar year. Of the major ML investigations with charges recommended by the police (i.e., three investigations), one (33.3%) investigation had charges approved by Crown for one or more offences, one (33.3%) investigation did not have charges approved, and one investigation (33.3%) had charges pending approval.^{xii}

Of the major POC investigations with charges recommended by the police (i.e., 38 investigations), 26 (68.4%) investigations had charges approved by Crown for one or more offences, nine (23.7%) investigations did not have charges approved, and three (7.9%) investigations had charges pending approval.

Table 3: Major ML and POC Investigations with and without Charges Approved, by Calendar Year

	Major ML Investigations				Major POC Investigations			
	Charges Approved ¹	Charges not Approved	Open	Total	Charges Approved ¹	Charges not Approved	Open	Total
2015/16	0	0	0	0	3	3	0	6
2016/17	0	1	1	2	4	3	0	7
2017/18	1	0	0	1	7	2	0	9
2018/19	0	0	0	0	3	0	1	4
2019/20	0	0	0	0	9	1	1	11
2020/21	0	0	0	0	0	0	1	1
Total	1	1	1	3	26	9	3	38

Note. ML = Money Laundering. POC = Proceeds of Crime. Data for calendar year 2020 runs from January 1, 2020 to September 2, 2020. ¹Values do not reflect dispositions (e.g., whether charges were later stayed).

Major Investigations with and without Seizures

The number of major ML and POC investigations with and without seizures are provided in Table 4 by calendar year. Of the major ML investigations (i.e., 40 investigations), three (7.5%) investigations resulted in the seizure of cash or one or more assets, 12 (30.0%) investigations were concluded without seizure, and 25 (62.5%) investigations were ongoing with cash or other assets not yet seized.

Of the major POC investigations (i.e., 53 investigations), 20 (37.7%) investigations resulted in the seizure of cash or one or more assets, 18 (33.9%) investigations were concluded without seizure, and 15 (28.3%) investigations were ongoing with cash or other assets not yet seized.

Table 4: Major ML and POC Investigations with and without Seizures, by Calendar Year

	Major ML Investigations				Major POC Investigations			
	Seizure	Concluded without Seizure	Open	Total	Seizure	Concluded without Seizure	Open	Total
2015/16	0	1	0	1	4	6	1	11
2016/17	2	3	0	5	5	1	1	7
2017/18	0	1	1	2	5	4	4	13
2018/19	0	5	15	20	3	2	2	7
2019/20	1	2	9	12	3	4	6	13
2020/21	0	0	0	0	0	1	1	2
Total	3	12	25	40	20	18	15	53

Note. ML = Money Laundering. POC = Proceeds of Crime. Data for calendar year 2020 runs from January 1, 2020 to September 2, 2020.

Major Investigations with and without Forfeiture

The number of major ML and POC investigations with and without forfeiture by calendar year are provided in Table 5. Of the major ML investigations with seizure (i.e., three investigations), two (66.7%) investigations resulted in the forfeiture of cash or one or more assets and one (33.3%) investigation was concluded without forfeiture.^{xiii}

Of the major POC investigations with seizure (i.e., 20 investigations), 10 (50.0%) investigations resulted in the forfeiture of cash or one or more assets, six (30.0%) investigations were concluded without forfeiture, and four (20.0%) investigations were ongoing with cash or other assets not yet forfeited.

Table 5: Major ML and POC Investigations with and without Forfeiture, by Calendar Year

	Major ML Investigations					Major POC Investigations				
	Criminal Forfeiture	Civil Forfeiture	Concluded without Forfeiture	Open	Total	Criminal Forfeiture	Civil Forfeiture	Concluded without Forfeiture	Open	Total
2015/16	0	0	0	0	0	1	0	3	0	4
2016/17	1	0	1	0	2	1	2	2	0	5
2017/18	0	0	0	0	0	2	2	0	1	5
2018/19	0	0	0	0	0	0	2	1	0	3
2019/20	0	1	0	0	1	0	0	0	3	3
2020/21	0	0	0	0	0	0	0	0	0	0
Total	1	1	1	0	3	4	6	6	4	20

Note. ML = Money Laundering. POC = Proceeds of Crime. Data for calendar year 2020 runs from January 1, 2020 to September 2, 2020.

Active and Concluded Major Investigations

Table 6 provides the number of major ML and POC investigations that were active/ongoing or concluded by calendar year. Of the major ML investigations (i.e., 40 investigations), 25 (62.5%) investigations remain active/ongoing and 15 (37.5%) investigations were concluded. Of the major POC investigations (i.e., 53 investigations), 21 (39.6%) investigations remain active/ongoing and 32 (60.3%) investigations were concluded.

Table 6: Major ML and POC Investigations, by Investigative Status and Calendar Year

	Major ML Investigations			Major POC Investigations		
	Active	Concluded	Total	Active	Concluded	Total
2015	0	1	1	1	10	11
2016	1	4	5	1	6	7
2017	1	1	2	6	7	13
2018	15	5	20	3	4	7
2019	8	4	12	9	4	13
2020	0	0	0	1	1	2
Total	25	15	40	21	32	53

Note. ML = Money Laundering. POC = Proceeds of Crime. Data for calendar year 2020 runs from January 1, 2020 to September 2, 2020.

LIMITATIONS OF THE DATA

RMS Data Integrity Issues

Known data integrity issues within the RMS include incomplete records, outdated or lapsed reporting, lack of data validation upon entry, and omission of valuable information and entities.

BC and CFSEU PRIME Queries

It is difficult to obtain an accurate number of ML and POC files and complete file information. First, files may be catalogued with inconsistent, inaccurate, or incomplete UCR codes. If an investigation is not carded as an ML or POC investigation, it would not appear in the RCMP SASU query.^{xv} For instance, the UCR model follows a “Hierarchy Rule”, in which only the four most serious offences are coded. Furthermore, a different UCR code may be used to score an ML or POC offence (e.g., fraud). In addition, UCR codes are entered early in the investigation, so they may not accurately reflect the progression of the investigation as new evidence is discovered. As well, some files may be carded as a Z coded file, although individuals were charged or other spin-off files resulted from the investigation. Second, RCMP SASU currently does not have access to invisible occurrences in BC PRIME. Although RCMP FSOC was consulted for further information on invisible occurrences, files from other agencies that were made invisible could not be captured. Third, some concluded ML and POC files in PRIME may have been purged as the retention period lapsed before the moratorium to retain ML files was in place (see Appendix B for a list of ML and POC UCR RCMP retention periods). Fourth, not all ML and POC work undertaken by police in BC may be included in the RMS. For instance, ML is frequently multi-jurisdictional, and assistance provided to another jurisdiction may not be captured.

Charge Data

It is difficult to obtain an accurate number of major ML and POC investigations with (a) charges recommended by the police and (b) charges approved by Crown. First, information on the disposition of charges (e.g., whether the charges were later stayed) is not available. Second, the RCMP assists domestic and international partners in relation to ML, POC, and other offences in which an element of the offence has or is occurring in Canada. Although these efforts may result in charges laid there is currently no mechanism to capture charges laid by partners.

Seizure and Forfeiture Data

Data relating to seizure and forfeiture relies solely on the data provided by SPMD and CFO. These data should not be taken as a definitive or exhaustive list of police seizures as not all seizures involve SPMD or CFO. For instance, depending on the storage capacity of the investigating agency and the nature of exhibits seized, SPMD may not be involved in the seizure, and would therefore have no record. Records of exhibits seized during these investigations (i.e., Exhibit Flow Charts on PROS, SPROS, BC, and CFSEU PRIME) were not reviewed and assessed for value or cross-referenced with the data provided.

Retroactive File Linkage

Due to inconsistencies in how files are identified between agencies, there were some instances in which it was not possible to link investigations to outcomes (i.e., six files in the SPMD data and four files in the CFO data could not be linked to the data provided by RCMP SASU, RCMP FSOC, and CFSEU-BC). As such, the number of major ML or POC investigations with seizure or forfeiture may be underestimated.

COMPARISON TO STATISTICS CANADA DATA

Statistics Canada publishes annual police-reported data for all criminal incidents, including ML and POC, in Canada through the UCR. With regard to comparisons of the above data to the data released by Statistics Canada:

- 1) Statistics Canada data tracks information according to the fiscal year (i.e., April 1 to March 31) in which they are concluded in court as opposed to the year the investigation originated.^{xvi} However, UCR reporting is still based on the incident date.
- 2) Statistics Canada data does not categorize s. 354 offences (possession of POC) under POC, but instead crimes against property. The UCR captures ML and POC information using the survey's violation code of 3825 Proceeds of Crime (Part XII.2 CC) (effective 1998-01-01).
- 3) Statistics Canada data only counts ML violations when the UCR code 3825 is scored in the UCR. There are three main reasons why an ML occurrence would not be reportable:
 - The ML violation is scored on an assistance file (i.e., assistance files are not reportable and, because of that, do not get included in their ML counts).
 - A non-3825 ML code is used (i.e., Excise Act, Customs Act, IRPA).
 - Data quality issues. For instance, there are numerous cases identified where ML is evident on the occurrence (e.g., ML occurrence type, ML charge) but no ML UCR code was scored and, because of that, they do not end up in their ML counts.
- 4) It is difficult to make comparisons between the Statistics Canada data and the current data because:
 - There is no single unit of count (i.e., incidents, offences, charges, cases, or persons) which is defined consistently across the major sectors of the justice system.
 - Charges actually laid can be different from the most serious offence by which incidents are categorized in the UCR.
 - Not all persons in conflict with the law appear in court. Court counts are not an indicator of total criminal activity in Canada, but rather, the counts describe the process and response to criminal activity in criminal courts.
 - The number and type of charges laid by police may change at the pre-court stage or during the court process.
 - Time lags between the various stages of the justice process also make comparisons difficult.
- 5) Statistics Canada data does not provide indicators on the following as they are not collected: (a) incidents with seizures, (b) incidents without seizure, (c) incidents with forfeiture, (d) incidents without forfeiture, and (e) incidents that are active/ongoing.
- 6) Incidents reported in the Statistics Canada data are classified as 'cleared' or 'not cleared' as opposed to concluded or active/ongoing. Cleared incidents include incidents that are cleared by charge or cleared otherwise (e.g., at least one accused person has been identified; there is sufficient evidence to lay a charge in connection with the incident, but for some reason, the accused person is processed by other means). Not cleared incidents include incidents (a) that are open or still under investigation, (b) where there is insufficient evidence to proceed, and (c) where the victim/complainant declines to proceed and, therefore, no accused person can be identified.

Links:

Documentation, including the coverage of the UCR survey:

<https://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=3302>

Incidents specific to ML and POC:^{xvii}

<https://www150.statcan.gc.ca/t1/tb11/en/tv.action?pid=3510017701>

APPENDIX A: ML and POC UCR CODES QUERIED IN PROS, SPROS, AND BC PRIME

- ML UCR Codes
- 1) 3825.0010 (PROS-SPROS)/3825.2 (BC-CFSEU PRIME) - Laundering the proceeds of crime 462.31(2) CCC
 - 2) 3825.0020 (PROS-SPROS)/3825.4 (BC-CFSEU PRIME) Violation of a proceeds restraining order, 462.33(11) CCC
 - 3) 6300.0045 (PROS-SPROS) - Customs Act - Laundering Proceeds of Crime
 - 4) 6400.0045 (PROS-SPROS) - Excise Act, 2001 - Laundering Proceeds of Crime
 - 5) 6500.0075 (PROS-SPROS) - Immigration and Refugee Protection Act - Laundering Proceeds of Crime
- POC UCR Codes
- 1) 2150.0010 (PROS-SPROS)/2150.10 (BC PRIME) - Possession of property obtained by crime less than or equal \$5000 354(1)(a) CC
 - 2) 2150.0020 (PROS-SPROS)/2150.20 (BC PRIME) - Possession of property obtained by crime over \$5000 354(1)(a) C
 - 3) 2152.0010 (PROS-SPROS)/2152.0 (BC PRIME) - Trafficking in Property Obtained by Crime over \$5,000 355.2 C.C.
 - 4) 2152.0020 (PROS/SPROS) - Possession of Property Obtained by Crime for the Purpose of Trafficking over \$5,000 355.4 C.C.
 - 5) 2153.0010 (PROS-SPROS)/2153.0 (BC PRIME) - Possession of property obtained by crime over \$5000 354(1)(a) CC
 - 6) 2155.0010 (PROS-SPROS)/2155.0 (BC PRIME) - Trafficking in Property Obtained by Crime less than or equal to \$5,000 355.2 C.C.
 - 7) 2155.0020 (PROS/SPROS) - Possession of Property Obtained by Crime for the Purpose of Trafficking less than or equal to \$5,000 355.4 C.C.
 - 8) 2156.0010 (PROS/SPROS)/2156.0 (BC PRIME) - Possession of property obtained by crime less than or equal \$5000 354(1)(a) CC
 - 9) 6300.0040 (PROS/SPROS)/6300.90 (BC PRIME) - Customs Act - Possession of Proceeds of Crime - Offences Only
 - 10) 6400.0040 (PROS-SPROS)/6400.50 (BC PRIME) - Excise Act, 2001 - Possession of Proceeds of Crime - Offences Only
 - 11) 6500.0070 (PROS-SPROS)/6500.7 (BC PRIME) - IRPA- Possession of Proceeds of Crime
 - 12) 6900.0580 (PROS-SPROS)/6900.90 (BC PRIME) - Cross Border Currency Reporting (Part II) PCMLTFA - Offences only

APPENDIX B: ML and POC UCR RCMP RETENTION PERIODS

ML UCR Codes	1) 3825.0010/3825.2	96 months
	2) 3825.0020/3825.4	60 months
	3) 6300.0045	72 months
	4) 6400.0045	96 months
	5) 6500.0075	60 months
POC UCR Codes	1) 2150.0010/2150.10	60 months
	2) 2150.0020/2150.20	60 months
	3) 2152.0010/2152.0	60 months
	4) 2152.0020	60 months
	5) 2153.0010/2153.0	60 months
	6) 2155.0010/2155.0	60 months
	7) 2155.0020	60 months
	8) 2156.0010/2156.0	60 months
	9) 6300.0040/6300.9	96 months
	10) 6400.0040/6400.50	96 months
	11) 6500.0070/6500.7	60 months
	12) 6900.0580/6900.90	96 months

Note. Retention periods only apply to concluded files. Active files are retained until they have been concluded in PRIME.

ENDNOTES

ⁱTo address Item 2(d) of the Commission's May 4, 2020 request, a standalone report was provided to the Commission on November 20, 2020. This report compiles metrics on ML and POC investigations conducted only by investigative units with a mandate to conduct ML and POC investigations (i.e., Groups 2 and 6 of RCMP Federal Serious and Organized Crime and the Asset Forfeiture Investigative Team and Joint Illegal Gaming Investigation Team of Combined Forces Special Enforcement Unit-BC). These metrics are provided for 2015 to 2020 by RCMP fiscal year.

ⁱⁱBC PRIME has three different servers that are used within province: LMD (Lower Mainland District), VIR (Vancouver Island Region), and NSED (North/Southeast District). These are collectively referred to as BC PRIME in this report.

ⁱⁱⁱCFSEU-BC files are housed on one of two servers: LMD PRIME and CFSEU PRIME. Files that require a higher security clearance to access and major investigations are housed on the CFSEU PRIME server.

^{iv}BC PRIME allows for the creation of multiple occurrences related to a single incident (i.e., assist files). These are denoted in the system using a Z code. Z coded files were excluded for the purposes of this report. However, this was not applied to RCMP FSOC Z coded files (i.e., 268 files) and CFSEU-BC Z coded files (i.e., 29 files). These files were included to capture RCMP FSOC and CFSEU-BC's assistance to external agencies (e.g., Federal Bureau of Investigation, Interpol) with the investigation of offences that have originated outside of the jurisdiction, but have some element of the offence occurring within BC, and therefore have no other substantive occurrences in PRIME (i.e., a non-Z coded file).

^vThe category of offences considered in regard to POC is broad and could include offences not related to the mandate of the commission. For instance, files pertaining to stolen vehicles may or may not have a nexus to ML or POC. That is, a vehicle could be stolen for the purpose of the commission of a crime (e.g., use in a homicide or drug operation), stolen for profit (e.g., the vehicle is exported to another jurisdiction where it is sold for profit and those profits are used to commit another crime), stolen for use in a chop shop, or stolen for transport. Given that it was not possible to confirm a POC connection for all files included in this category, the number of POC investigations may be over-estimated.

^{vi}For more information, please visit the following link: <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/standards/provincial-policing-standards.pdf>

^{vii}On July 8, 2016, in *R v. Jordan* (2016), the Supreme Court of Canada rejected the framework traditionally used to determine an accused was tried with a reasonable time (i.e., 44 months between the charges and end of trial) under section 11 (b) of the Canadian Charter of Rights and Freedoms and replaced it with a presumptive ceiling of 18 months between charges and trial in a provincial court without preliminary inquiry or 30 months for cases tried in provincial courts after a preliminary or in superior courts. This ruling has negatively impacted efforts by the police and

prosecutors to prosecute crimes. For instance, charges for criminal cases have been withdrawn, dismissed, or stayed due to a violation of the defendant's constitution right to a timely trial. In addition, there has been a delay in charge approval by Crown until all investigative avenues and disclosure are complete.

^{viii}Active/ongoing investigations include files in which (a) investigative work may be completed, but the file remains active/ongoing because it has not yet gone to court (e.g., the accused has fled) or (b) the investigation remains active/ongoing.

^{ix}Some investigations can span a number of years. Counts per calendar year (a) do not include active/ongoing investigations from earlier years (e.g., counts provided for calendar year 2016 include only investigations initiated in 2016, not active/ongoing investigations from 2015) or (b) reflect the year in which work was completed (i.e., a 2015 file may have been concluded in 2018, but it is not possible to discern the year when other outcomes, such as seizure, occurred).

^xAlthough investigative work may have been completed during the reference period on files that originated before January 1, 2015 this is not captured in this report.

^{xi}For active/ongoing investigations, the status of the investigation, charges, seizures, and forfeitures are subject to change as the investigation progresses. As such, the number of active investigations and active investigations with charges, seizures, or forfeitures may have changed since writing this report.

^{xii}Percentages pertaining to the number of ML investigations with and without charges approved by Crown should be interpreted with extreme caution given that only three ML investigations had charges recommended by the police.

^{xiii}Percentages pertaining to the number of ML investigations with and without forfeiture should be interpreted with extreme caution given that only three ML investigations resulted in seizures.

^{xiv}A common example of a POC investigation included in the total number of POC investigations is a small scale possession for the purposes of trafficking investigation, such as one originating from a traffic stop, that results in a subsequent cash seizure.

^{xv}In September 2020, Federal Policing Criminal Operations (FPCO) began preparing data for an upcoming Financial Action Task Force audit. FPCO asked divisions to re-score tiered files since 2015, adding ML and POC UCR scores to many files. As a result, efforts to reproduce the metrics in this report may yield a higher number of ML and POC investigations despite using the same search criteria and methodology.

^{xvi}These counts do not include cases that were pending a final decision at the end of the reference period. If a final decision is reached in the next fiscal year, then these cases are included in the completed case counts for that fiscal year. However, if a one-year period of inactivity elapses, then these cases are deemed complete and the originally published counts for the previous fiscal year are subsequently updated and reported in the next year's release of the data.

^{xvii}To access data on ML and POC offences, please follow these steps: (1) Click on the Add/Remove data button; (2) Enter the desired geography; (3) On the Violations tab use the filter to search for the appropriate violation (i.e., 3825 for “Proceeds of crime (Part XII.2 Criminal Code) [3825]”); (4) On the Statistics tab select: (a) charges (cleared by charge); (b) without charges (cleared otherwise), and (c) concluded (total cleared); (5) On the Reference Period tab select the desired time frame; and (6) Click the Apply button.