



BY-LAW NO. 233-2000

**A BY-LAW RESPECTING
PROCEEDS OF CRIME
(LE-041)**

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)(o) of O. Reg. 3/99 requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into proceeds of crime;

1.5 AND whereas section 29 of O. Reg. 3/99 requires a police services board to have a policy on investigations into proceeds of crime;

1.6 AND whereas Part LE-041 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 investigations into proceeds of crime.

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 involving proceeds of crime investigations 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 that require investigations into proceeds of crime to be undertaken and managed in accordance with the Police Service’s Criminal Investigation Management Plan and in accordance with Appendix A.

4.1.2 The procedures referred to in section 4.1.1 shall include notifying the Ontario Provincial Police Proceeds of Crime team or the Integrated Proceeds of Crime section for the appropriate assistance and/or investigative procedures to follow.

4.2 TRAINING

4.2.1 The Chief shall ensure that Members involved in investigation of proceeds of crime offences 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 into proceeds of crime. The report shall include:

- a. a summary of the written procedures concerning proceeds of crime investigations;
- b. the status of Service compliance with the said procedures; and
- c. the amount of proceeds of crime seized, and the disposition of such proceeds.

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 proceeds of crime.

In addition, section 12(1)(o) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into proceeds of crime.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to proceeds of crime 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, including notifying the Ontario Provincial Police *Proceeds of Crime Team* or the *Integrated Proceeds of Crime Section* for the appropriate assistance and/or investigative procedure to follow; and
- b) ensure that officers involved in the investigation of proceeds of crime have the knowledge, skills and abilities required.

Police Service Guidelines

Procedures

1. Every police service's procedures should:
 - a) require that investigations into the laundering and possession of proceeds derived from designated substance offences, designated customs and excise offences or enterprise crime offences be undertaken and managed in accordance with the police service's criminal investigation management plan, including notifying the Ontario Provincial Police *Proceeds of Crime Team* or the *Integrated Proceeds of Crime Section* for the appropriate assistance and/or investigative procedure to follow;
 - b) address the investigative steps for undertaking a proceeds of crime investigation;
 - c) set out the criteria and steps for obtaining specialized resources, i.e., forensic accountants;
 - d) require that information on the laundering and possession of proceeds of crime be shared within the police service (i.e., intelligence), the *Proceeds of Crime Team*, the *Integrated Proceeds of Crime Section* and other relevant law enforcement agencies;



- e) address the dissemination of information on money laundering activities to government agencies, financial institutions, businesses and the public; and
 - f) set out the steps to be followed when it is necessary to contact an agency outside Canada for information in connection with a proceeds of crime investigation.
2. Every police service should consult with the local Crown during the development of its local procedures on proceeds of crime investigations.
3. Every Chief of Police should ensure that officers involved in the investigation of proceeds of crime have the knowledge, skills and abilities required, including knowledge of the relevant provisions of the:
- a) *Criminal Code*;
 - b) *Controlled Drugs and Substances Act*;
 - c) *Customs Act*;
 - d) *Excise Act*;
 - e) *Proceeds of Crime (Money Laundering) Act*; and
 - f) *Seized Property Management Act*.