Helping Victims of Fraud Recover

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CANADIAN RESOURCE CENTRE FOR VICTIMS OF CRIME



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1. Introduction

The purpose of this e-resource is to offer information and increased understanding to individuals and families who have been impacted by fraud, either financial or romance fraud. It focuses on victims' lived experiences and explains the difficulties victims of these crimes often face in Canada. Victims of fraud-related crimes have to cope with strong feelings of shame or humiliation, financial losses, social implications, possible criminal/civil justice system involvement and the realization that financial recovery may never be possible.

Throughout this document, we provide information about the prevalence of fraud in Canada, how victims can cope, and their right to seek restitution in the criminal justice system. As well, frequently asked questions are answered, and information is provided to encourage victims to find assistance and access supports near them.

2. Defining the crime

Although forms of fraud differ, all fraud involves deception and misrepresentation to enrich the fraudster and victims should not be blamed for being deceived.

Fraud – An intentional act of deception involving financial transactions for the purpose of personal gain. This may include: cheque fraud, credit card fraud, mortgage fraud, medical fraud, corporate fraud, securities fraud (including insider trading), bank fraud, payment (point of sale) fraud, tax evasion, bribery, embezzlement, identity theft, money laundering, forgery and counterfeiting.

Romance scams – Are a specific form of fraud whereby scammers gain victims' trust and confidence by developing a personal relationship for financial gain. Individuals with false romantic intentions towards victims gain their affection and trust (sometimes with the promise of marriage) and access to the victims' money, bank accounts, credit cards or in some cases by getting the victims (usually unknowingly) to commit fraud on their behalf.

3. Scope of the problem in Canada

According to the Canadian Anti-Fraud Centre, the Canadian Fraud Statistics (2014) are as follows:

Mass-Marketing Fraud-> Canadian numbers

- 41,019 complaints (44,355 in 2013);
- 13,701 victims (12,954 in 2013);

- \$69,481,724.77 reported dollar loss (\$53,690,220.65 in 2013).

Ontario, Quebec, British Columbia and Alberta account for the majority of Canadian Mass-Marketing Fraud complaints but there are complainants received from all of Canada's provinces and territories. This indicates that even those in rural regions are susceptible to financial fraud and victims exist everywhere.

It is estimated, though, that only a small fraction of consumer fraud is actually reported. Reporting one's victimization is complicated by feelings of shame and guilt, as well as other complex factors, such as:

- not knowing where to turn;
- feeling that reporting wouldn't make a difference;
- fear that reporting will lead to a loss of legal or financial control;
- threats and intimidation from the perpetrators;
- loss of esteem or prestige in a victim's social group;
- concern that reporting may culminate in a family member or friend being arrested or sent to prison, which is particularly concerning if the individual is dependent on the exploiter; and
- lack of confidence in the ability of authorities to respond and assist.¹

Who are the victims?

Anyone can be a victim of financial fraud. Research consistently shows that victims come from all education levels and socio-economic backgrounds. There is no single profile of a victim of financial fraud, and there is no level of intelligence that can prevent a person from being victimized. Everyone is at risk.

Research spearheaded by Michael Ross, a University of Waterloo social psychologist, found in data he examined from 1993-2013 that "...large U.S. surveys and registries of fraud complaints indicate the percentage of victims peaks in late middle age, then declines as people get older." Some scientists have theorized that memory loss and other cognitive deficits common to aging make seniors more vulnerable to being defrauded. It is possible, however, that those neurological weaknesses are counteracted by something more mundane: the fact the elderly are simply more "risk averse," said Prof. Ross. "As people age their goal orientation changes from trying to maximize gains, to trying to minimize losses," he said. "They spend less money, and they're more careful about spending their money."²

¹ "Taking Action: An Advocate's Guide to Assisting Victims of Financial Fraud" 2013.

² "Middle-aged people actually more likely to fall victim to con artists than 'risk averse' senior citizens, study says" from: http://news.nationalpost.com/news/canada/middle-aged-people-actually-more-likely-to-fall-victim-to-con-artists-than-risk-averse-senior-citizens-new-study-says

Some populations are more frequent targets of fraudsters because of their age, health, or life situation. Among those targeted are:

- senior adults, especially those who depend on family and friends for their care or those who have physical or mental impairments;
- individuals who are physically impaired;
- individuals who have cognitive issues or age-related mental incapacity (e.g., dementia, including Alzheimer's Disease);
- those who are grieving the loss of a loved one;
- victims of domestic violence;
- near-retirees; and
- previous victims of financial fraud.³

Fraudsters target such populations for a variety of reasons. They may think these groups will more easily hand over control of their finances due to cognitive disability, emotional fragility, or simply a desperate need for a quick financial fix. They may also target them for one simple reason: they have money. This is the case with new and near-retirees who may be likely to have access to retirement savings or pensions, and may be open to suggestions for how to handle or invest these funds. It is also the case for those who have recently come into a financial settlement or monetary windfall—such as an inheritance, lottery winning, etc.⁴

4. Victims' experiences

It is important to remember the fraudster uses manipulation in order to gain the victims' trust and confidence. Con artists are usually intelligent, disciplined, organized and very skilled at what they do. Whether they make contact with victims over the Internet, by telephone, through the mail, or in person, these criminals tend to use the same tactics time after time. Fraudsters use persuasion tactics designed to take assets from victims.

Financial fraud is a crime of opportunity, much like burglary. Victims are not to blame for the fraud. No one deserves to be a victim of fraud and the perpetrator is the one who is responsible.

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³"Taking Action: An Advocate's Guide to Assisting Victims of Financial Fraud" 2013.

⁴ Ibid.

Doug's story:

Douglas Macklem of Ottawa, Ontario is the victim of elaborate romance fraud. Mr. Macklem, who suffers from cerebral palsy, met a romantic interest online in 2004. The woman – an escort named Darquise L'Ecuyer Johnson - gained Doug's trust by convincing him that she wanted to engage in a mutual romantic relationship. She targeted Doug as he is a vulnerable member of the population and had recently lost a loved one. In early 2006, Darquise expressed that she wanted to leave the escorting business and start a more long-term relationship with him. Shortly thereafter, Darquise presented Mr. Macklem with multiple investment ventures in the Dominican Republic, on the pretense that this would be a way to start a life together. She also informed Doug that she was pregnant and used this supposed pregnancy as a negotiation tool when trying to obtain more money from him. Darquise later informed Doug that she had suffered a miscarriage. In December of 2006, Darquise faked her own death to prevent Doug from travelling to the Dominican Republic. Doug made the realization that he had fallen victim to an elaborate romance scam to the tune of more than \$800,000. Doug submitted evidence to the police and learned that Darquise had fled the country to Jamaica with her husband – she had been married throughout their entire 'relationship'. She returned to Canada several months later and was arrested. Four years later, Darquise was convicted of a number of fraud-related charges. As a result, Darquise was sentenced to 4 years in prison and ordered to pay restitution totalling \$847,000. Mr. Macklem also won a civil action against Darquise and has a civil restitution order against her for close to the same amount. Unfortunately, Doug soon learned that the Canadian legal system lacks the proper mechanisms to ensure victims are repaid what was stolen from them. He learned that all legal costs associating with trying to collect are the victim's responsibility. His overall debt has now risen to over \$1.4 million dollars and he has yet to recover even a small fraction of what is owed to him. The offender is free after completing her sentence and only has to re-pay 20% of her earnings per month to him, if and when she is working. The province of Ontario has told Doug it is up to him to try to collect what he is owed.

Kathryn's story:

Kathryn is a small business owner from the Toronto-area who is a victim of embezzlement by an employee. She was awarded restitution after losing a significant sum of money. The woman who targeted her was convicted and received a period of house arrest and was assigned a parole officer. As part of her house arrest and parole, the offender was required to make restitution payments, which she did. Since the completion of her supervision though, the offender has ceased all restitution payments and boldly told her parole officer that she will not be paying anymore restitution. Kathryn has tried to obtain more information from the parole officer but the officer cannot disclose any information about residence or occupation due to privacy laws. Moreover, the offender is not legally obligated to identify her legal counsel — therefore, Kathryn cannot serve papers to garnish her wages, which is a crucial step in enforcing a restitution order. Kathryn has been re-victimized by having to take on the

responsibility of seeking out her restitution payments and has found little information on the subject.

Earl Jones case:

Perhaps the most famous case of financial fraud in Canada was that of Earl Jones, and investment advisor responsible for defrauding 158 victims using a 'Ponzi Scheme', whereby operators pay investors interest payments with money obtained from new investors. Victims were enticed into this type of scheme with promises of unusually high returns. Earl Jones raised approximately 50 Million dollars from his victims but never invested any of the money. Instead, he paid a small fraction back to the investors to create the illusion of high returns. This occurred between 1983 and 2009. After a brief disappearance, he turned himself into the police. Earl Jones was convicted on two counts of fraud and sentenced to 11 years in custody, of which he only served 4 years. Victims include his own brother and sister in-law, who lost \$1 Million. A class-action lawsuit against the Royal Bank of Canada, Jones' primary banker, was filed by some of the victims but only a small portion of their original investments was ever recovered.

5. Types of scams/scammers

The Better Business Bureau top 10 list financial fraud/scams:

- 10. Sweepstakes scam This one has been around for years: You get a message saying you've won a contest, lottery or sweepstakes event. Then you're asked to pay fees or taxes in advance in order to claim your prize.
- 9. Click bait scam Scammers use "click bait" such as news stories, celebrity photos, or fake news in order to get you to click on something that actually downloads malware that can harm your computer.

- 8. Robocall scam This scam takes personal information like your credit card number, after promising to lower your credit card interest rates, but then charges fees to your card.
- 7. Government grant scam Another one that requests fees so you can collect a government grant award for thousands of dollars. It may mention programs you've heard in the news.
- 6. Emergency or "grandparent" scam Often preying on older people, a scammer poses as a relative in a call or email claiming to have been injured, robbed or arrested while traveling overseas. They ask their target to send money right away.
- 5. Medical alert scam: This involves a call or a visit from a "company" claiming a concerned family member has ordered you a medical alert device in case of an emergency. The scammer takes credit card or banking information, but never delivers the device.
- 4. Copycat website scam: Scammers send an email, text or social media post about a sale or exciting new product, linking to a website that looks like a legitimate retailer. After you order using your credit card, you get a cheap counterfeit product or nothing at all.
- 3. "Are you calling yourself?" scam: This trick puts your number in so it shows up on your own Caller ID, which causes many people to answer the phone or return the call.
- 2. Tech support scam: A call or pop-up ad on your computer claims to be from Microsoft / Norton / Apple about a problem on your computer and asking you to give "tech support" access to your hard drive in order to fix it. Instead, malware is installed on your computer and the scammers can steal your personal information.
- 1. Arrest scam: This trick starts with a call from someone claiming to be a police officer or government agent (often the CRA in Canada) who say they are coming to arrest you for overdue taxes or for skipping out on jury duty. They claim you can get out of it by sending them money via a prepaid debit card or wire transfer.

Source: Better Business Bureau: www.BBB.org

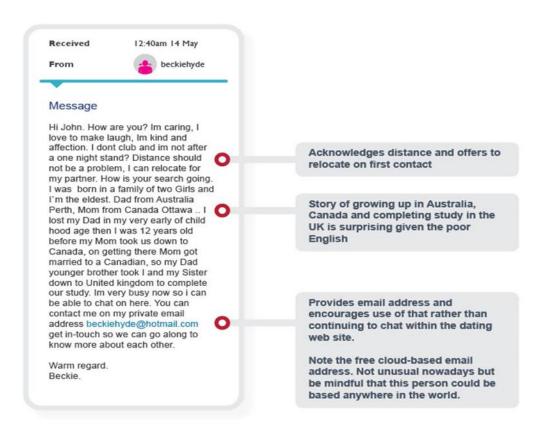
It is impossible to compile a list of all of the schemes used by perpetrators because the fraudsters—who spend their "careers" developing schemes to defraud victims—are continually creating new, inventive scams. The online dating romance scam emerged around 2007 and has its roots in paper-mail based fraud. The romance scam still currently exists in paper-mail form through ads placed in adult magazines with stolen photographs on models which victims may respond to. The online dating scam consists of two main parts: mass marketing fraud and identity fraud.

Scenarios

Scammers often pretend to be foreign specialists working in Nigeria or Ghana (usually originally from US and UK, but it may also be Canada, Australia or any other European country). Recently there are also similar scams originating from Malaysia, China, India, Turkey, Spain, Cyprus, and

Egypt. Men often present themselves as widowed engineers, building contractors, military personnel, veterinarians, doctors, surgeons or antique dealers. Women tend to present themselves as nurses, models, charity or UNICEF workers or antique dealers.

Example of a message sent as part of a scam:



Anatomy of the romance scam:

Criminals pretend to initiate a relationship through online dating or social networking sites with the intention to defraud their victims of large sums of money. Scammers create profiles with stolen photographs (e.g., attractive models, army officers). Scammers often try and move the conversation from the dating sites to instant messaging services and e-mail, on the basis of wanting an 'exclusive' relationship. Phone calls may occur but are typically less frequent – scammers may disguise their voices to sound like another gender or may even employ the use of a phone app to mask accents/voices/etc.

They will sometimes try and provide context to their current situation by referring to current world events (e.g. American Soldier in Iraq or an official working at the London Olympics). Scammers may try and ask for small gifts such as flowers, perfume or electronic devices as a strategy to 'test the waters' with potential victims. Victims may gradually be asked for small sums of money, eventually leading to a sudden and immediate request for a large sum of money due to an apparent crisis.

Victims may speak with other 'players' who pose as government officials, diplomats and customs officials in order to make the scam seem more believable. Male 'characters' often present as wealthy individuals in high-status positions whereas women will often present as young and vulnerable. Victims can be asked to remove clothing and perform sexual acts on camera for the scammers – these recordings are sometimes later used to blackmail the victim.

Every day, new cases are reported in which Canadians have requested consular assistance after having their safety compromised by a scam. It is predicted that the number of victims will continue to rise. In many countries, con artists operate without consequences because local authorities often do not have the physical or financial resources needed to combat Internet crimes.

Organized fraud networks are developing more and more innovative and sophisticated approaches to deceive their victims and to extort small or large amounts of money. The criminals conduct extensive searches to create credible documents: complete profiles of fictitious businesses, medical reports, falsified export certificates, etc. The names and logos of reputable organizations, governments and government agencies are often used fraudulently. Websites that appear very authentic are also falsified.

Another type of overseas fraud involves con artists falsely representing themselves as Canadian embassy staff, such as consular officers and even ambassadors. If you are approached by someone claiming to work for a Canadian government office abroad who offers you unsolicited assistance, verify the identity of the individual by contacting the embassy or consulate where he or she claims to be employed.

Summarized from "The Psychology of the Online Dating Romance Scam" Whitty, Monica T. Psychology, Crime & Law. Mar2014, Vol. 20 Issue 3, p261-283. 23p and http://travel.gc.ca/travelling/health-safety/overseas-fraud

6. Impacts on victims

Participants in a study by Monica Whitty (2014) described how they felt prior to being victimized by scammers. Most described themselves as being in a neutral state prior to the scam. Some described themselves as being happy about finding a new partner. Other feelings ranged from depression and anxiety to loneliness and insecurity. This indicates that fraudsters don't discriminate.

Examples of Psychological Impact on Victims:

- Anger
- Regret
- Victimized/violated
- Betrayed
- Embarrassment
- Sad
- Helplessness

- Ashamed
- Guilt (victims take personal responsibility for the fraud)
- Confused
- Loss of trust
- Stress from indirect financial costs resulting from the fraud

(legal fees, lost wages, private investigators, etc.)

Non-financial costs such as depression, sleep deprivation,

health problems, negative relationship consequences, etc.

Although some victims received support from loved ones, most did not. The majority had others tell them they were stupid, and had loved ones angry and upset with them for the financial loss (e.g., children losing their inheritance). Furthermore, victims found it difficult to visualise the real criminal even after being told they were scammed. Victims receive what is known as a 'double hit' - they are troubled by the loss of money as well as the loss of a relationship. For some, the loss of the relationship is more significant. (Whitty, 2014)

A study by Whitty (2014) found that victims appear to work through Kübler-Ross's stages of grieving: denial, anger, bargaining, anger, depression and acceptance. Denial can leave victims in a dangerous position of possible re-victimization. (Kübler-Ross, E. (1969). On death and dying. New York: Simon & Schuster)

This type of fraud can lead victims to lose faith in their ability to seek out a future romantic relationship and lead to a drop in self-confidence. Victims often feel duped — tricked into believing that they were participating in a consensual, loving relationship. These feelings may cause victims to be reluctant to report the crimes they have experienced.

Individuals who are defrauded as part of romance scam are often blamed by others for being naïve, as outsiders often feel as though the scams should have been easily identified. It is crucial to remember that this is NOT the case. Victims unknowingly participate in these relationships under false pretenses and the level of deception perpetrated against them can be highly sophisticated and complex.

Financial fraud can exact a heavy emotional toll on its victims, whose reactions to being victimized may resemble those of other crime victims, including victims of violent crime. Understanding such reactions is the key to aiding the emotional recovery of financial fraud victims. Financial fraud victims often feel as though they should have known better or done more to prevent the fraud. It is important for advocates to stress that the blame for the crime belongs to the perpetrator, not the victim. (FINRA, 2013)

7. What should I do if I become a victim?

If you are a victim of fraud, report it immediately to the police service of jurisdiction in your area. Always report fraud to the Canadian Anti-Fraud Centre on-line by visiting the <u>CAFC</u> <u>website</u> or by calling 1-888-495-8501.

It may be difficult to recover lost money, but there are steps victims can take to reduce the damage. It is very important to contact your local or regional police and file a report so the authorities are aware and can alert more potential victims, if required.

If you think that someone has gained access to your banking information or credit card details, contact your financial institution in order to suspend your account and potentially lessen the loss you experience. Credit card companies may be able to perform a 'charge-back' to refund the money charged to a particular card.

Contact your bank if you have sent money through e-transfer or Interac. If the transfer has not been processed yet, they may be able to cancel the transaction. The same goes for a cheque that has been mailed to the potential scammer. Keep as much evidence of the scam as possible. Authorities may require these documents for the purpose of their investigation.

8. Finding support through victim services/other areas

The Canadian Anti-Fraud Centre (CAFC) is the central agency in Canada that collects information on telephone, Internet and letter fraud and identity theft complaints. It plays a key role in educating the public about specific fraudulent telemarketing pitches. There are also a number of local and regional agencies and resources you can report fraud to if you feel you have become a victim of romance fraud:

- Local police: Most major police services have a fraud unit specializing in investigation, prevention, and reducing the harmful effects of this type of victimization. Most police agencies also offer victim services in-house or through a community-based agency, who can provide you with information, emotional support and referrals to community agencies that can assist.
- The Canadian Anti-Fraud Centre (CAFC) collects information and criminal intelligence on such matters as advance fee fraud (i.e.: West African letters), romance fraud, internet fraud and identification theft complaints. You can file a report by phone at: 1-888-495-8501 or through the CAFC's Fraud Reporting System.
- The Competition Bureau's Information Centre, where you can access *The Little Black Book of Scams*, a helpful resource full of information on how to avoid being caught up in a scam such as romance fraud and how to report it to the appropriate authorities. The CBIC can be reached by phone at: 1-800-348-5358.
- Ontario: Consumer Protection Ontario is an awareness program from Ontario's Ministry
 of Government and Consumer Services and other public organizations through which
 victims can <u>report romance fraud</u>.
- Québec: The scams and fraud section of the <u>Sûreté du Québec website</u> contains information and tips on how to avoid and prevent various types of fraud including romance fraud
- For further information on this topic, you may wish to contact your territorial consumer affairs office.

How can Victim Services help?

Victims often report difficulties when dealing with counsellors and other health professionals due to a lack of knowledge about the crime and the psychological impacts on victims. Family, friends and professionals need to be made aware that there are fewer traditional social supports available to victims of this type of crime. Service providers should be aware of the fact that victims are not only dealing with a financial loss but an emotional trauma as well. They should also be aware that victims may have suffered past abuse or may be suffering from mental health issues that may render them more vulnerable.

Victim services will take a victim-centred approach with people who contact them. They will communicate with compassion, explain what victims should expect from them, and assess any additional safety concerns that arise out of the financial fraud. Staff will likely assist victims in preventing further victimization as well as help victims access additional supports to help them cope with emotional and mental health as they recover.

www.crimes-of-persuasion.com offers tips for victim services providers when working with victims of investment fraud and financial scams:

- Express sorrow that the crime happened and ask how you can help.
- Pay close attention to signs of psychological trauma, including words, statements, or
 physical descriptors that imply hopelessness or depression, and, where appropriate,
 provide referrals to mental health providers, spiritual counsellors, other human service
 agencies, or support groups, especially those sensitive to the needs of fraud victims.
- Inquire about any specific fears or concerns victims may have about participation in the
 justice process, paying special attention to victims who are especially fearful that
 criminal justice participation may result in the disclosure of the crime to family, friends,
 professional colleagues, clients, or employers.
- Provide information to reduce the chances of re-victimization.

9. Is recovery possible?

Recovery is not only about finances, but it is also about facing any emotional trauma caused by the crime and potentially seeking help to process feelings and restore mental health. Full financial recovery is difficult to achieve — even when a restitution order is made by a court, victims rarely regain their losses in full. Financial compensation programs for victims of crime in Canada are designed for violent crime and not available to victims who've suffered losses as a result of financial crimes. Victims need to understand that although recovery of lost assets may not be possible, they can take back control of their lives and financial futures, and put an end to the trauma and stress of being victimized (FINRA, 2013). Recovery does not come easily; it requires work. Victims who seek justice will have to engage with regulatory, criminal justice, or social service agencies to address their problems and take an active role in their recovery.

The reality facing victims of financial fraud is that most cannot get their money back because fraudsters hide/spend the assets they've stolen. Civil lawsuits are an option for some victims but they take time and can be very costly. Most Canadians simply don't have the financial resources to pursue civil litigation, especially after significant financial loss. Victim services can help connect victims to mental health and counselling supports.

While the Canadian Victims Bill of Rights now provides victims with the right to ask for restitution in their case, actually collecting restitution is very challenging for victims. Certain provinces are beginning to focus more on the issue. For example, Saskatchewan has developed the Restitution Civil Enforcement Program (RCEP). The program assists victims in collecting court-ordered restitution. Collections officers are assigned to cases where restitution has been ordered and enforcement may include garnishment of wages, seizure of property or reporting of offenders to credit bureaus. However, most provinces do not provide this assistance to victims and it is up to the individual to try and enforce the order on their own, which may cost them in legal fees, etc.

10. Prevention

Tips for preventing credit/banking fraud:

To help prevent and recognize fraud, never share your credit card or debit card's personal identification number (PIN) with anyone, even your family. Check your statements every month to spot any errors, and if you cancel any accounts or cards, ask for written confirmation that this has been done. Contact your financial institution the moment you suspect there has been fraudulent activity with your credit card or bank account. Check your credit histories with Canada's two credit reporting agencies, TransUnion and Equifax Canada, to ensure you are not a victim of fraud. Report any suspected fraudulent activity to the Canadian Anti-Fraud Centre at 1-888-495-8501.

Tips for preventing romance fraud:

There is absolutely nothing wrong with seeking friendship and/or relationships through online websites, but there are ways to help protect yourself against being victimized by scams. Make sure you only use established and reputable dating sites. Check spelling carefully as scammers will slightly change the name of the service to entice victims. Be careful when giving out personal information. Scammers may be collecting your personal details and images in order to create their own profiles to assume your identity. Scammers may make a declaration of love very quickly. They will often associate concepts of 'fate' and 'destiny' with the new relationship. Consider avoiding becoming 'friends' on websites such as Facebook or changing your privacy settings. Victims' information becomes instantly accessible to scammers and can be used to commit further crimes.

When looking at someone's online profile, look at their existing 'friends'. Are they mostly individuals of the same sex and age? This is potentially a warning sign. Be conscious of broken language. Scammers will often claim to be successful university-educated individuals but have great difficulty with spelling and grammar when communicating with victims. Another red flag is the person's profile history. For example, if the person you are connecting with has only had an active profile for a very short period of time or has had very little activity. Never give out your personal financial information. This is a dangerous practice even with people you know. Never provide detailed family history such as parents, siblings, and children's names.



For more information on how to protect yourself from fraud, visit Financial Consumer Agency of Canada's website at www.ltPaysToKnow.gc.ca

11. Conclusion

Financial fraud is real and can be devastating. Fortunately, you are not alone and can get help in your community from various programs. Prevention is an important part of combating financial fraud. Yet, we know that fraud occurs in spite of preventive methods. Victims of fraud are left to cope with both financial losses and emotional losses, and often painful feelings such as anger, fear, and frustration.

This guide provides examples from victims to demonstrate that this crime is prevalent across Canada. Being defrauded is never the victim's fault, as scammers are often adept manipulators. Reporting the crime is very important and can help prevent others from suffering similar losses.

Victim service providers can help you by connecting you to professionals who can help you manage the emotional fallout of financial fraud. Financial victims can rebuild their lives with time and supports.