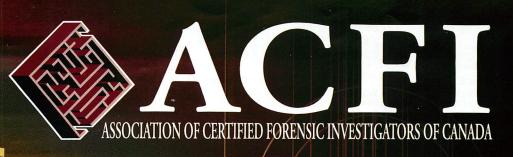
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Presents its

# th Annual Canadian Fraud Conference

May 26 & 27, 2003 Toronto Marriott, Eaton Centre Hotel

# TWO 1/2 DAY OPTIONAL WORKSHOPS

- Procurement Fraud
  Prevention · detection · investigation
  May 25, 2003
- Conducting Computer
   Forensic Investigations
   Introduction & Overview
   May 28, 2003

SUNDAY EVENING RECEPTION

Registrants will be entered

Registrants will

# Canada's Changing Landscape

co-sponsored by

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George Bushell, CFI, KPMG Forensic

George joined KPMG in 2001 after a 26-year career with the Calgary Police Service. He retired as a Staff Sergeant in charge of the General Investigation Unit of the second largest district. His experience includes 15 years in the Criminal Investigation Division where, for 4 of those years, he focused on commercial crime.

Frank Byrnes, Human Potential Consultants Inc.

Frank Byrnes brings a special chemistry of interviewing skills and experience. He has trained a variety of forensic investigators and other interviewing professionals including police, forensic accountants, investigators and intelligence officers. He has conducted complex investigations in a variety of environments, eg RCMP, CSIS and the Montreal Urban Community Police Vice and Drug Squad.

Gordon Capern, LL.B., Paliare Roland Rosenberg Rothstein LLP

Gordon works in the area of civil, commercial and corporate litigation, with particular emphasis on shareholder litigation. He has acted as counsel in the resolution of disputes in all areas of commercial activity including shareholder and partner disputes, breach of fiduciary duties of directors, officers and employees, as well as general contract and tort. Gordon is the partner in charge of information technology and litigation support.

**Keith C. Crockatt,** Forensic Data Recovery Inc.

Keith holds Microsoft Certification, has completed EnCase Enterprise Response Audit & Discovery training and is VP Technical Services of FDR Inc. His experience includes project management and technical consulting engagements in barking, securities and government. He has managed numerous large-scale infrastructure deployments and business application development projects in an international setting.

Det. Kim Duncan, Halton Regional Police

During her 22 years' experience with HRPS Kim has had extensive training in the field of interviewing and interrogation and the taking of witness statements. Kim is involved with instructing interview courses. She currently serves as a Detective in charge of the Fraud Unit in the north region of Halton.

David Elzinga, CA·IFA, Grant Thornton LLP

David has practised exclusively in the area of forensic and investigative accounting since 1989 and has conducted financial investigations on behalf of corporations, law firms, various levels of government and law enforcement agencies. He has investigated cases of secret commissions, money laundering and proceeds of crime, as well as investigations related to the insurance and brokerage industry.

Robert (Bob) Forsyth, MBA, FCGA, CFI, Porter Hetu

Bob has been in public practice for 25 years. He is Chair of Porter Hetu International, one of the "Top 20" in Canadian accounting. Lately, he has been involved full-time in larger projects investigating fraud and providing court support for the findings. He has been qualified as an expert witness and has provided evidence related to such issues as misappropriation of funds & valuations of shares and businesses.

Justice Arthur Gans, Superior Court of Justice

Restricting his practice to all aspects of litigation, Justice Arthur Gans began his legal career in 1972 with the law firm of Miller, Thomson, Sedgewick, Lewis & Healy, subsequently joining Fogler Rubinoff in 1987. He has held various executive positions with the Canadian Bar Association and been a director of the Advocates' Society. He lectures at law schools at U of T and Osgoode Hall, the Law Society of Upper Canada, and the Canadian Bar Association.

Francis Graf, B.Sc., M.A., EnCE, Forensic Data Recovery Inc.

Francis has extensive police investigative experience and a graduate degree in psychology. He is one of four EnCase Certified Examiners in Canada and a qualified computer forensics specialist, having trained at internationally recognized institutes in the USA. Francis is CEO of Forensic Data Recovery Inc, which he established in 2001.

Rene Hamel, KPMG Forensic

After 16 years with the RCMP, Rene Hamel joined KPMG Investigations & Security Inc. where, as VP, he manages the e-Commerce Fraud Investigations Group. He has completed all Canadian Police College courses pertaining to electronic search and seizure for various operating systems and networks and currently lectures for law enforcement as well as the corporate community in computer forensics and systems security.

Bill Horton, LL.B., Blake, Cassels & Graydon LLP

Bill Horton, a senior litigation partner with Blake, Cassels & Graydon LLP, was admitted to the Bar in 1976 and has appeared before all levels of Courts, including the Supreme Court of Canada. Bill has successfully represented clients in a variety of substantial corporate and commercial disputes and has served as lead counsel in major fraud cases and investigations. He has been extensively involved in the International Bar Association.

Oleh Hrycko, CA·IFA, h+a Computer Forensics, Inc.

Oleh has over 17 years' experience in forensic accounting and is a court-qualified expert in Ontario. His experience ranges from investigating complex money laundering conspiracies for the RCMP, misappropriation of assets and theft of intellectual property to insurance claims involving business interruption, arson for profit and product liability. He is the founder of h+a Computer Forensics Inc. and h+a Forensic Accounting Inc.

Gerry Jennings, CFI, RCMP Winnipeg

Gerry was a senior fraud investigator and supervisor of an RCMP federal investigative unit for 14 years. During his career, Gerry has been recognized for successfully developing and mentoring fraud investigations. He has lectured on fraud-related topics to police investigators, government clients and interest groups for 10 years.

Brian D. King, C.I.I., King-Reed & Associates Ltd.

Brian has been a licensed private investigator for 25 years. He is President of King-Reed & Associates Ltd., one of Canada's largest P.I. agencies. He is a founding partner of Investigations Canada, VP of the Council of Investigators (Ont) and currently Chair of the Privacy Legislation Committee. He is also a current board member and Past President and Chair of the Board of Council of International Investigators.

Diane Kruger, LL.B., JD., Forensic Examiners

Diane is a member of the Bar of Ontario, New York and the District of Columbia. She has been a forensic consultant since 1987, and was employed prior to that by the Centre for Forensic Sciences in Toronto. She has completed forensic training in Canada, England and the U.S. Her expertise involves examination and comparison of handwriting and signatures; identification of mechanical impressions, and ink and paper examinations.

Howard Levitt, LL.B., Lang Michener

Howard is a well recognized authority on Labour and Employment Law. He has appeared on many television shows, including The Journal, Business World and W5, discussing the issues involved in wrongful dismissal. He is the author of "The Law of Dismissal in Canada" and Editor-in-Chief of "the Dismissal and Employment Law Digest", which discusses new developments in law.

D/Cst. Kevin McCart, Halton Regional Police

Kevin has been a member of HRPS for 20 years. As a member of specialized criminal investigative units, he has extensive experience in the field of interviewing and interrogation and has testified at all court levels. His present assignment is that of cybercrimes.

William Platt, Platinum Legal Inc.

William is recognized as a leader in the development and implementation of litigation technology plans. He has served as a Litigation Support consultant and Manager of Litigation Support for a national Canadian law firm and was previously managing partner of an information technology company. He is President of Platinum Legal, a full-service litigation support company providing electronic and technology solutions to the legal market.

Doug Pounder, MBA, Royal Bank Financial Group

Doug has been employed with the Royal Bank for over 28 years in a variety of positions in Operations, Internal Audit, Risk and Fraud Management. Currently, he has strategic and tactical responsibility for the prevention and detection of fraud in the commercial and retail banking sectors. His team has led the development of an award-winning fraud detection system which is viewed as an industry leader in fraud countermeasures.

Dave Ray, LL.B., Grant Thornton LLP

Dave spent 10 years as Manager of Corporate Security for Shell Canada Ltd. and prior to that held positions with MacMillan Bloedel as Director of Corp. Security and Corp. Solicitor. Previously, Dave spent 14 years with the RCMP, of which 6 years were in Commercial Crime. He instructs with the University of Calgary in areas such as Security Administration and Security Law and is the author of two texts on security issues.

**Steve L. Rogers,** EnCE, A+, CNA, h+a Computer Forensics Inc.

Steve is National Director of Computer Forensics at h+a Computer Forensics. Prior to this he was responsible for the RCMP's Integrated Tech. Crime Unit - Computer Forensics, conducting forensic examination of various operating systems. He has conducted forensic examinations of a variety of criminal and civil matters, from fraud to theft of intellectual property and major telemarketing scams and is a court-qualified expert.

John Rosen, LL.B., Rosen Wasser McArthur LLP

With over 33 years in practice as a trial and appellate lawyer in Criminal Law, John Rosen has become one of Canada's best known defence counsel. He has represented over 200 individuals charged with murder, including Paul Bernardo. He has appeared as counsel at all levels of Court in Canada as well as in the US Federal Court, and been involved as defence counsel in some of the most highly publicized and complex criminal cases in Canadian legal history, e.g. defending alleged crime figure Paul Volpe on fraud charges.

**Kenneth Rosenberg**, *LL.B.*, *Paliare Roland Rosenberg Rothstein LLP*Ken was called to the Bar in 1981 and is a founding partner of Paliare Roland Rosenberg Rothstein LLP. He has advised clients on a wide range of issues related to business disputes. His litigation practice involves him in matters before all levels of court, administrative tribunals and government agencies. Ken also acts as counsel in alternative dispute resolution settings and as a mediator and arbitrator of business disputes.

Howard Winkler, LL.B., Gowling, Lafleur, Henderson LLP

Howard was called to the Bar in 1984 and is currently a partner and the co-chair of the Media and Defamation Law National Practice Group of the law firm of Gowling Lafleur Henderson LLP. His practice areas are in commercial and civil litigation, with particular emphasis on libel and slander, media-related law and reputation management. Howard has acted as counsel for both plaintiffs and defendants.

Leslie A. Wittlin, LL.B., CFI, Gowling, Lafleur, Henderson LLP

Les is a partner with the law firm of Gowling, Lafleur, Henderson LLP. He has a diverse commercial and business law practice with emphasis on insolvency and bankruptcy, secured transactions, enforcement of creditors' and debtors' rights, corporate reorganizations and debt restructuring.

Time

7:30 am

8:20 am

9:20 am

*10:20 am* 10:40 am

11:40 am

12:40 pm 1:30 pm

2:50 pm 3:10 pm

4:30 pm

# Monday May 26, 2003

registration & continental breakfast

# introductions & updates

.... KEYNOTE SPEAKER: Justice Arthur Gans — CANADA'S CHANGING LANDSCAPE .....

### TRACK 1

CS 1-1& CS 1-2

Brain Based Interviewing Popular Demand ticipants with a series of

Frank will provide participants with a series of experiences, tricks and techniques to access more resources of the hardware of the brain and the software of the mind when they need it the most. Participants in this session will explore the impact of stress, negative thinking, internal dialogue and resourceless states on the interviewer; some techniques to assure positive mental focus; brain compatible interviewing techniques, and establishing trust and rapport quickly. This session promises to be informative as well as entertaining.

Frank Byrnes

double session

INTERVIEWING SKILLS

continued

### CS 1-3 WINNING YOUR CASE ELECTRONICALLY

Computerized court rooms and document-intensive cases coupled with sophisticated expert testimony mean that old advocacy techniques, developed in the 19th century, no longer work effectively in today's fraudrelated cases. Gordon Capern and Will Platt will show us new tools and techniques to be used in our 21st century courtrooms, which will give us, our organization and/or clients the winning edge.

Gordon Capern & Will Platt

# TRACK 2

### **CS 2:1 FRAUD PREVENTION & DETECTION INITIATIVES** IN THE CANADIAN BANKING SECTOR

As one of the country's pre-eminent financial institutions, the Royal Bank of Canada has a well-developed approach to fraud management. Mr. Pounder's presentation will trace the history and developments in the financial fraud environment and explore options in organizational design, technology and processes to prevent and detect fraud. The focus of this session will be on the cultural and strategic changes needed to bring about developing an organizational environment hostile to fraud, while not adversely impacting client service standards.

Doug Pounder

# CS 2-2 EMPLOYEE IMPROPRIETIES—Avoiding Disasters

In keeping with our conference theme "Canada's Changing Landscape", Mr. Levitt will address the present and future effects of the far-reaching Supreme Court decision (McKinley v B.C. Tel) which held that dishonesty is not always cause for summary dismissal. Howard's presentation will also include several other recent court decisions which have affected the way investigators and others, who are required to make decisions related to any investigative results, deal with employee impropriety. Howard will also address your exposures and the standards of care expected from all those who are charged with the investigation.

**Howard Levitt** 

### CS 2-3 THE PAPER TRACE Handling Procedures for Documentary Evidence

Was the signature added to the document weeks or months after it was purported to have been signed? What constitutes forensic evidence and how do we preserve it? Was a signature forged? These are just some of the questions which Ms. Kruger will address. This session will deal with the collection of samples, from the ins and outs of sourcing writing from the ordinary course of business, to specific techniques concerning the collection of requested writing. She will also address handling and packaging of documentary evidence, with an emphasis on protecting the supporting documentation to ensure its admissibility in court.

Diane Kruger

lunch provided

CS 1-4

### REPORTS FOR COURTS "The Model"

When we are required to issue a report related to fraud, it is always a challenge to draft with the needs of lawyers and courts in mind. In fact, it is not always easy to determine what courts expect to see. Mr. Rosenberg will, during his presentation, address how we should structure a report, the basics of report content and issues to keep in mind while preparing a report. He will also address when to use exhibits, how to use charts and computer technology to present our findings.

Kenneth Rosenberg

### **TAKING WITNESS STATEMENTS** CS 2-4 & CS 2-5 AND SURVIVING CROSS EXAMINATION

When fraud surfaces, events can unfold quickly. Those charged with refuting or sustaining alleged impropriety will have to take written, audio and/or video witness statements which may be used as evidence in a civil or criminal matter. Incorrect procedures in obtaining them may lead to tainted and/or contaminated evidence, which may mean that law enforcement declines to investigate and which may mean that law enforcement declines to investigate and may open the door for successful civil litigation by the suspect. Our speakers will provide "best practices" such as how to deal with dishonest employees, prepare and set up for an interview, detect and deal with deception and obtain accurate information. They will also discuss the ground rules, methods of recording an interview (pros & cons) and how to end an interview.

Det. Kim Duncan & D/Cst. Kevin McCart

**CS 1-5 COMPUTER FORENSICS** An Essential Investigative Tool in a Digital Age

Computer Forensics is the preservation, recovery and analysis of information stored on computers, utilizing accepted tools and methodology to maintain the evidentiary integrity of the data recovered. Today computers represent a fertile area for the gathering of evidence given their ubiquity and the fact that much of the evidence is stored on the computer without the knowledge of the user. This session will review some of the common applications of computer forensics, including fraud and forensic accounting, pornography, theft of trade secrets, wrongful dismissal and criminal investigations.

Francis A. Graf & Keith Crockatt

double session

### TAKING WITNESS STATEMENTS AND SURVIVING CROSS EXAMINATION

continued

close of day :

# TRACK 1

# CS 1-6 & ASSESSING THE RISK OF FRAUD CS 1-7 WITHIN YOUR CLIENT ORGANIZATION

What are the current frauds affecting Canada's organizations? How can we as internal auditors, investigators, forensic & investigative accountants and others become proactive by measuring our organization's susceptibility to the risk of these frauds and how do we reduce these risks? Mr. Forsyth's presentation will not only address these questions, but will also introduce us to the "Annual Vital Signs Checkup", a check list which we might use to evaluate our own organizations.

**Robert Forsyth** 

double session

ASSESSING THE RISK OF FRAUD

continued

# TRACK 2

### CS 2-6 YOUR ROLES IN INVESTIGATIONS

In the case of frauds perpetrated against an organization, what is the role of those involved in the investigation, such as management, human resources and investigators? What are the various issues, concerns and perhaps obligations that should be kept in mind when conducting an investigation? Mr. Horton will address these and other areas of which you should be aware, including an overview of the Justice Statute Law Amendment Act, 2002, S.O. 2002, c.24 (reforms re lawsuits in Ontario) and an update to Canada's Personal Information Protection and Electronic Document Act (PIPEDA).

**Bill Horton** 

,

# CS 2-7 INVESTIGATIONS OF THE FUTURE New Tools Techniques and Caveats

Mr. King will speak to you about emerging trends in investigations in North America as corporations continue to protect their assets through the use of our profession. He will review new tools, equipment and techniques and will give you his opinions on where this industry is headed. Brian will also speak to you about how New Privacy Legislation may affect the relationship between investigators and their clients. Mr. King is a passionate and animated speaker who entertains and educates you simultaneously.

**Brian King** 

# CS 1-8 FRAUD INVESTIGATIONS Tip Toeing Through the Mine Field

What are the legal perils and pitfalls of fraud investigations? John Rosen will address this issue and will provide answers to such questions as: What is a "Person in Authority"? When does the term apply and how can it affect your case? Are there *Criminal Code* provisions that can land the investigator on the wrong side of the law? What are the legal rights of the external investigator and his or her employer? Does the target of the investigation have any legal rights, and do they limit the powers of the investigator before the police are involved? John will identify various other traps one needs to avoid in order to successfully conclude any fraud investigation.

John Rosen

**CS 2-8** 

### HIDDEN IN PLAIN VIEW

Everything imaginable is digital. The emergence of electronic evidence in workplace investigations is a new phenomenon that has radically transformed the traditional discovery and investigative process. This presentation will demonstrate how sophisticated forensic digital tools; e-discovery utilities and traditional techniques are being used to conduct thorough corporate investigations. The focus will be to integrate forensic accounting, computer forensics and electronic discovery, offering attendees a host of topics including best practices to employ when confronted with an incident involving computers; Palm Pilots or backup tapes, so as not to destroy or compromise the evidence, and going to court with electronic evidence.

Oleh Hrycko & Steve Rogers

lunch provided

# CS 1-9 & A FRAUD BY ANY OTHER NAME CS 1-10 What do we do now?

When suspicions of fraud surface, many questions are raised by management and others, such as: is there really a fraud occurring; who might be involved; what internal and external resources will we need to resolve the allegations, and how should our organization respond to minimize any damages sustained and maximize possible recoveries? Using a hands-on case study approach, our speakers, together with their session attendees, will work through an actual investigation with stops along the way to look at several of the decisions, issues and further questions that arose during this investigation, which subsequently led to the successful conclusion of this case.

David Elzinga & Dave Ray

CS 2-9

# LIBEL & SLANDER

### Reducing your Corporate and Personal Exposures

In today's litigious world, what is considered to be libel and what is considered to be slander? How can fraud-related cases be mishandled by well-intentioned managers, auditors, investigators and others and what were the results? In a potpourri of libel and slander law updates, Mr. Winkler will address those questions, as well as describe what you can safely put into your reports and what you can do to limit your legal liability. He will show you how to conduct investigations and provide background information to interviewees without leaving yourself open to a libel suit. Howard will also address such issues as the role malice plays and how qualified privilege works.

**Howard Winkler** 

double session

A FRAUD BY ANY OTHER NAME

continued

coffee

CS 2:10 ELECTRONIC EVIDENCE Responding to the Threats

What types of electronic threats and issues affect Canada's workplace? How should we respond? What procedures can we utilize to minimize damages after an incident? How can we go about building our case against the perpetrator(s)? Rene and George will address these questions, and also bring us up to date on the latest technology to deter the "trusted insider". Using a recent case, they'll describe how a disgruntled employee used an organization's web-based e-mail for malicious purposes. They will offer "threat" preventative measures and will, based upon their experience and research, tell us what threats the future might hold.

Rene Hamel & George Bushell

close of conference

# Optional Half-Day Pre & Post Conference Workshops

# **Sunday May 25, 2003**

# PROCUREMENT FRAUD PREVENTION - DETECTION - INVESTIGATION

Instructor: Gerry Jennings, CFI, RCMP Winnipeg



Procurement or contract fraud is, unfortunately, a big reality in today's highly competitive business world. Auditors and others charged with reviewing the various stages of a contract must be aware and alert to the ways and means that a dishonest contractor can perpetrate a fraud against your organization.

This workshop will address the following key elements of contract or procurement fraud:

- Overview of contract stages
- · Types and description of schemes
- · Red flags of contract fraud
- Fraud prevention initiatives
- Offences against the Criminal Code of Canada
- · Civil avenues of recovery
- Case study: Investigating and resolving procurement fraud

Workshop attendees will share concerns, problems as well as best practices. Join us, meet and network with your peers and learn several new and perhaps not so new tools and techniques, as well as practical strategies, which are designed to aid you in resolving procurement fraud-related issues.

# **Agenda:**

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Workshop commences at 1:00 p.m. (Registration 12:00-1:00 p.m.) & concludes at 5:00 p.m. (Refreshment break 2:50 p.m.)

Workshop fee includes light refreshments at noon, coffee break & all workshop materials

# Wednesday May 28, 2003

# CONDUCTING COMPUTER FORENSIC INVESTIGATIONS — INTRODUCTION & OVERVIEW

Instructors: Francis Graf & Keith Crockatt, Forensic Data Recovery Inc.

Because courts around the world have accepted EnCase as a standard, commercially available forensic software application, defence counsel have switched from attacking the accuracy of the software to attacking the methodology of the operator, or forensic technician. With training having become key to the success of the recovery and presentation of findings, this workshop will focus on the following areas:

- Computer Forensics: Definition & Overview
- Computer Evidence
- First Response Considerations
- EnCase Concepts
- Previewing/Triage
- Acquiring Digital Evidence
- Evidence Verification
- Evidence File
- · Case File
- EnCase Navigation
- Searches: Physical, Logical, Keyword, GREP
- Windows Artifacts: Temporary
   Directory, Desktop, Send to, Start Menu,

- Temporary
  Internet File
  Folder,
  Unallocated Space, Print Spooler, Registry
- Copy/Unerase function (including applications)
- External Viewers
- HASH analysis
- Signature Analysis
- . E-Mail Examinations
- **Book Marking**
- Restoring
- Reporting
- Archiving
- Time Permitting: Steganography, Password Recovery

Attendees will also be provided with a list of resources from which they can build their own first response procedures and forensic computer investigation reference library. They will also receive a copy of the EnCase demonstration CD (version 4), which is the latest version of EnCase.

# **Agenda**

Workshop commences at 8:20 a.m. (Registration 7:30-8:20 a.m.) & concludes at 12:40 p.m. (Refreshment break 10:20 a.m.)

Workshop fee includes continental breakfast, refreshments and all workshop materials.

co-sponsored by Forensic Data Recovery Inc.

# THE ACFIFRAUD MANUAL



Authored by Canadian practitioners who bring years of experience in interrelated disciplines such as accounting, auditing (external and internal), criminology, legal, law enforcement and regulatory bodies. Our first edition contains answers to a multitude of questions such as What is a fraud scheme and what are the more common types afflicting Canada? "The laws of fraud in Canada", and "The laying of private information" are also included, courtesy of one of Canada's largest law firms, Borden Ladner Gervais.

Topics such as planning an investigation, the gathering of evidence, suggestions for locating public record information to advance your case, the care of documentation and interviewing techniques are also included in our sections related to Legal; Business & Finance; Investigation; Fraud Theory; Prevention & Detection of Fraud and Administration.

Price per Manual: Members \$295 (plus GST) Non-Members \$445 (plus GST)

ORDER YOUR CD BY SEPTEMBER 1/03 AND RECEIVE A FREE COPY OF THE 2004 UPDATE

(to order, see the Registration Form or call 416-226-3018 / 877-552-5585)

# whoshould attend

- Accountants
- Forensic & Investigative **Accountants**
- Fraud Examiners
- Human Resource Specialists
- Information Technology **Professionals**
- Internal Auditors
- Law Enforcement
- Lawyers
- Loss Prevention & **Security Professionals**
- Management & **Business Consultants**
- Private Investigators
- Risk Managers
- Regulators
- And other individuals who need to keep pace with changing fraud-related issues

Designed for the seasoned investigator, as well as those who may not encounter fraud-related issues on a regular basis.

# Designed to:

- answer questions
- convey best practices
- stimulate discussions & exchange of ideas

Plan to attend the Sunday Evening Reception 4:30 p.m. to 6:00 p.m. & network with your peers from across Canada

### **ACFI National Board of Directors** 2002-2003

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Glen Harloff **Edie Kaldis** 

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**RCMP** 

KPMG Forensic Inc. E.V. Litigation & Financial

Services Inc.

Nancy Warden Nina Watson

**Ontario Ministry of Finance** Nina Watson & Associates



Space for both conference and optional workshop will be limited

register early to reserve your place and receive a significant discount!

For more information, call our numbers below or see our Web site, www.acfi.ca



THE ASSOCIATION OF CERTIFIED FORENSIC INVESTIGATORS OF CANADA

173 Homewood Avenue, Willowdale, Ontario M2M 1K4

Tel. 416-226-3018 | Toll-free 1-877-552-5585 | Fax 416-222-1041 e-mail info@acfi.ca

www.acfi.ca



Membership information: please visit our website.

The Association of Certified Forensic Investigators of Canada (ACFI) is a non-profit