

THE REGIONAL MUNICIPALITY OF YORK  
POLICE SERVICES BOARD

REPORT OF THE CHIEF OF POLICE  
28 JANUARY 2009

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**Board Resolution - Forfeited Offence-Related Property / Proceeds of Crime /  
Civil Remedies for Illicit Activities (CRIA)**

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**RECOMMENDATION**

1. That the Board receive this report.

**SYNOPSIS**

Pursuant to the Board's request, this report outlines the rationale for a Police Services Board resolution dealing with the Federal and Provincial Governments in accordance with the Forfeited Property Sharing Regulations and the *Civil Remedies Act*. The resolution supports positions taken by the Canadian Association of Chiefs of Police and the Ontario Association of Chiefs of Police and helps to establish that crime does not pay.

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with the Police Services Board adopting the proposed resolution.

**BACKGROUND**

At its meeting on October 22, 2008, the Board received a presentation on Forfeited Offence-Related Property, Proceeds of Crime and Civil Remedies for Illicit Activities. At the conclusion of the presentation, the Board asked for a suitable resolution to be brought back so that support could be shown for the important opportunity to further

disrupt criminal activity. An effective approach to asset forfeiture requires coordination and cooperation of all justice sector partners and police services.

Offence-related property and proceeds of crime seized by York Regional Police over the past three years include residences used in the cultivation and/or production of illicit drugs and the production of counterfeit documents, vehicles being operated by impaired drivers and drug traffickers, and an airplane used to traffic drugs. Since March 31, 2006, York Regional Police has turned over \$2,102,000 of cash and assets to the Seized Property Management Directorate (SPMD).

When law enforcement is unable to seize assets pursuant to a criminal investigation, a referral can be made pursuant to the *Ontario Civil Remedies Act (2001)*. A civil court can then, at the request of the Attorney General, freeze, take possession of and forfeit to the Crown, property acquired through or likely to be used for unlawful activity. Property includes all types of assets such as real estate, cars and cash. This civil forfeiture legislation focuses solely on the connection between property and unlawful activity and is **not** dependant on any criminal charges or convictions. The standard of proof required for civil forfeiture is the same as in all civil suits, a balance of probabilities.

Since the October 2008 Board Meeting, consultations have taken place with Inspector Don Perron, Manager, Ontario Provincial Police, Asset Forfeiture Program and Chair of the Ontario Association of Chiefs of Police Asset Forfeiture Sub-Committee. Work currently being done in this area recognizes that the seizure and forfeiture of assets is one of the most effective means to tackle organized crime and therefore should be one of the cornerstones of the province's anti-crime strategy. Forfeited assets to the province need to be reinvested into policing in a fair, equitable and timely manner. By enhancing police resources that effectively utilize the asset forfeiture legislative tool we can expect to further reduce crime, increase the financial returns to government and ultimately make our communities safer.

The appended resolutions establish a framework for supporting the positions developed by the Canadian Association of Chiefs of Police and Ontario Association of Chiefs of Police in their efforts to ensure that crime should not be a profitable business.

Armand P. La Barge, O.O.M.  
Chief of Police

APL:rc