



AF11

CIVIL FORFEITURE

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Effective Date: 10 April 2013
Revised Date: **NEW**
Last Reviewed Date: 09 August 2016

POLICY

1. The Delta Police Department may advise the provincial director of civil forfeiture of seized property that is believed to be an instrument or the proceeds of unlawful activity, and may apply for any grant monies arising from civil forfeiture.

REASON FOR POLICY

2. Advising the provincial director of civil forfeiture, of any property believed to be an instrument or the proceeds of unlawful activity, allows the director to determine whether to exercise powers to seek forfeiture of the property.
3. The provincial government, from time to time, allows police and other agencies to apply for monies, generated through civil forfeiture, to fund programs that have as their primary purposes preventing or remediating the effect of unlawful activities.

PROCEDURE

4. The civil forfeiture process is not a substitute for the criminal law process.
5. A referral will only be accepted by the Civil Forfeiture Office if:
 - a) the investigation was undertaken, and the property seized, for the purposes of a criminal law process, i.e., for offence related property or proceeds of crime forfeiture purposes, and not for the purposes of civil forfeiture; and
 - b) consideration was first given to pursuing criminal forfeiture, however, the investigator or Crown decided not to pursue criminal forfeiture, due to a lack of evidence or other reasons.



6. Members must conduct a proper and thorough criminal investigation, and upon completion have three options:
 - a) if the member feels there is not enough evidence to proceed with criminal charges the file can be forwarded to the Civil Forfeiture Office;
 - b) if the member submits the file to Crown Counsel and charges are not approved, the file can be forwarded to the Civil Forfeiture Office; or
 - c) if Crown Counsel approves charges then the criminal process must be completed prior to the file being forwarded to the Civil Forfeiture Office.
7. All referrals to the provincial Civil Forfeiture Office must be coordinated through the Inspector i/c Criminal Investigation Branch.
8. The referral package to the Civil Forfeiture Office should contain the following:
 - a) a cover letter with a brief overview of the file circumstances along with the name of the primary investigator who is to be the contact person; and
 - b) a copy of the file investigation which includes:
 - i) narrative of investigation;
 - ii) officer notes;
 - iii) exhibit report;
 - iv) photographs;
 - v) PRIME record checks; and
 - vi) other potential relevant file evidence.
9. The B.C. *Civil Forfeiture Act* allows the provincial government to apply to the civil courts for orders to restrain and forfeit assets acquired through or used to engage in unlawful activity. No criminal charges or convictions are required and civil forfeiture solely targets the property, and not the



- owner or the person in possession of the property. Upon successful completion of the civil forfeiture process, all forfeited property goes to the province.
10. For personal property (e.g. cash, vehicles, jewelry) under \$75,000 in value and not subject to a lien, “administrative forfeiture” allows the provincial government to seek forfeiture simply on the basis of written notice to parties with a known interest in the property. If the claim is not disputed, the property may be disposed of.
 11. Applications for grants through the Civil Forfeiture Office will be coordinated by the Department Finance Manager.