



NORTH BAY POLICE SERVICE

2010 Annual Report Asset Forfeiture Unit

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A. Mandate of the Unit

The North Bay Police Service Asset Forfeiture Unit (A.F.U.) officer is assigned to the Street Crime Unit and is also a member of the Provincial Asset Forfeiture Unit (P.A.F.U.).

The mandate of A.F.U. is to investigate and seize proceeds of crime and offence related property, leading to criminal court ordered or civil remedy forfeitures. In this capacity, the A.F.U. officer provides assistance, direction and expertise to Patrol and Investigative Support members and prepares the necessary applications and authorizations.

The A.F.U officer also liaises with P.A.F.U. on multijurisdictional investigations. P.A.F.U. is a joint forces unit led by the Ontario Provincial Police. Currently there are over 20 municipal partners in Ontario, including the North Bay Police Service. P.A.F.U. combines the investigative resources of municipal, provincial, federal and international law enforcement agencies to combat profit motivated crime including money laundering, terrorist financing and other organized crime. As a member of P.A.F.U., the North Bay Police Service contributes to these investigations and draws on the expertise of the other members.

B. Executive Summary

Over the first full year, the A.F.U. officer has been directly involved in several successful seizures and forfeiture of proceeds of crime and offence related property. It is believed that these actions, including the seizure of a substantial amount of property and money, have dramatically impacted the criminal subculture and their ability to conduct illegal activity within of the City of North Bay and Municipality of Callander.

During this time the North Bay Police Service has become an active and contributing member of P.A.F.U. by disseminating and receiving information and participating in educational opportunities.

C. Activities

Management Orders

A Management Order is a judicial authorization allowing the Minister of Public Works for the Government of Canada, through the Seized Property Management Directorate (S.P.M.D.), to maintain and manage property seized by police as proceeds of crime and offence related property and that is awaiting forfeiture through the court process.

In 2010, the A.F.U. officer applied for and was granted a total of eight Management Orders for vehicles which were seized as a result of investigations conducted by members of the North Bay Police Service. The total estimated value of the seized vehicles sent to S.P.M.D. to await forfeiture was approximately \$65,000.00.

Civil Remedies Cases

Civil Remedies for Illicit Acts (C.R.I.A.) is provincial legislation that permits the Minister of the Attorney General (M.A.G.) to file a law suit against a piece of property believed to be involved in or derived from an illegal act. The property itself is the subject of the lawsuit, not the owner. There is a lower burden of proof required under civil law and this legislation has been used successfully to combat crime throughout Ontario. This legislation also allows for the seizure of international assets.

In 2010, the A.F.U. officer prepared six C.R.I.A. case submissions for the M.A.G. The property consisted of money, vehicles and real estate suspected to be the result of criminal activities within the City of North Bay and Municipality of Callander. The total value of these submissions was approximately \$1,746,230.00, and included assets in the North Bay and across Canada. Most of these submissions are still awaiting court disposition.

Cash Deposits

Part of the A.F.U. officer's duties included monitoring and depositing cash and other property forfeited to the Crown through the criminal courts. These forfeitures were usually the result of drug investigations. Once forfeited, the money is forwarded to the Receiver General of Canada and administered by S.P.M.D.

In 2010, the A.F.U. officer oversaw three deposits of forfeited currency from over 100 individual seizures made by North Bay Police Service over the previous several years. These deposits totalled \$167,227.86. The A.F.U. officer worked closely with the Exhibit Clerk and Quality Assurance Officer during this process.

Other Activities

In October, a robbery occurred at a pharmacy on Algonquin Avenue in the City of North Bay and as a result, a vehicle was seized as offence related property. The A.F.U. officer prepared a successful application for the forfeiture of the vehicle.

In November, a serious motor vehicle collision involving injuries occurred in the City of North Bay. The suspect driver fled the scene and was located in his residence. The A.F.U. officer prepared a warrant seeking judicial authorization to enter the residence to arrest the accused. This warrant was granted and the accused was arrested and charged with several offences including Impaired Driving Causing Bodily Harm, Failing to Remain at the Scene of an Accident and Breach of Recognizance.

In November, two individuals were observed by uniformed officers stealing copper wire from a compound on Commerce Court in North Bay. The officers were able to apprehend one individual and seized a pickup truck with a large amount of copper wire in the back. A search warrant for expert forensic examination of this vehicle was prepared by the A.F.U. officer.

The A.F.U. officer also assisted in preparing a Civil Remedies grant application on behalf of the North Bay Police Service. The results of this grant application are pending.

As a member of the Street Crime Unit, the A.F.U. officer participated in several Controlled Drugs and Substances Act search warrants throughout the year (see Street Crime Unit Annual Report).

Training

In September, the A.F.U. officer attended the Fraud Investigation course at the Ontario Police College in Aylmer, Ontario. This course provided training in complex frauds and fraudulent activity related to drug and other profit motivated crime.

In November, the A.F.U. officer attended the Provincial Asset Forfeiture seminar in Midland, Ontario. Various P.A.F.U. members attended, including the police, Crown Attorneys, S.P.M.D. and other agencies involved in asset forfeiture from across Canada and internationally.

D. Performance Indicators

See Appendix A

E. Anticipated Issues for the Future

Illegal drug trafficking, fraud and other profit motivated crime will continue to be a challenge for the North Bay Police Service. The A.F.U. officer's mandate to investigate and seize illegal assets will assist in removing the profits from the criminals involved in these activities.

As members of the North Bay Police Service become increasingly aware of the ability of A.F.U. to remove the assets and profits from criminals and the resulting positive effects, the case load of the A.F.U. officer will increase.

It is expected that drug trafficking and property crime will continue to be the primary focus of the A.F.U. However, any other property related to the commission of other criminal offences will also be reviewed to determine whether a seizure and forfeiture is possible.

F. Performance Objectives for the Next Year

The A.F.U. officer will continue to work with the other sections of the NBPS, in particular the Street Crime Unit, Intelligence Unit and Patrol Section to assist with investigations and identify property and assets obtained as a result of illegal activities.

Due to the nature of A.F.U. investigations, it is difficult to set a specific target value for illegal asset seizures. Therefore, the objective of the A.F.U. officer for the upcoming year is to increase the number of cases investigated, seizures made and successful forfeitures through the various avenues available.

G. Other

The A.F.U. Officer will continue to use a team approach and intelligence led police practices to fulfil the A.F.U. mandate and work collaboratively with P.A.F.U. and other law enforcement to ensure that the latest techniques and tools available are used to combat profit motivated crime.

H. Appendices

See Appendix A

APPENDIX A

Asset Forfeiture Unit Annual Report

<u>DESCRIPTION</u>	<u>2009</u> (June-December)	<u>2010</u>
Management Orders Obtained (vehicles Seized)	2	8
Restraint Orders Issued	0	0
Civil Remedies Cases (value)	1 (\$11,500)	6 (\$1,746,230.00)
Total Value of Assets Seized (cash and vehicles)	\$11,500.00	\$121,320.00
Bulk Currency Deposit into SPMD Account		\$167,227.86