

June 15, 2006

CIVIL ASSET FORFEITURE

The Remedies for Organized Crime and Other Unlawful Activities Act (Civil Remedies Act) gives the Attorney General the power to go to court to seek to forfeit proceeds of unlawful activity. The law permits a court, at the request of the Attorney General, to freeze, seize, and forfeit to the Crown assets that are determined to be the proceeds or instruments of unlawful activity.

Under the legislation, the court can grant an interim order to freeze assets pending the outcome of the forfeiture proceeding. Civil lawyers bring actions to court, and if they can prove to the court that the assets in question are the proceeds or instruments of unlawful activity, the court can issue orders forfeiting the assets to the Crown.

In addition to forfeiture provisions, the act allows the court to grant an order for damages or any order necessary to prevent or reduce the risk of injury to the public, where the court finds a conspiracy to engage in unlawful activity that has or likely will cause injury to the public.

Civil asset forfeiture focuses solely on the connection between property and unlawful activity, and is not based on any criminal conviction. By contrast, criminal asset forfeiture permits forfeiture of assets obtained by or used in the commission of an offence following the conviction of an individual.

Forfeited assets are liquidated and deposited into a special purpose account. The act enables direct victims of the crime, the Crown, municipal corporations and prescribed public bodies to submit a claim for compensation or cost recovery against the forfeited assets.

The Civil Remedies for Illicit Activities Office (CRIA) of the Ministry of the Attorney General is responsible for enforcing the Civil Remedies Act. CRIA is recognized nationally and internationally for its precedent-setting work. CRIA has successfully argued all of its forfeiture cases to date.

Forfeiture and Destruction of Street Racers Seized Under the Civil Remedies Act

Two cars that were forfeited to the Crown as instruments of unlawful activity were destroyed on June 15, 2006. The cars, which were stopped by York Regional Police following street racing incidents in 2003 and 2004, were substantially modified for the purposes of street racing. For example, features had been added to the engine and exhaust to increase the cars' power, the vehicles' road clearance was lowered to increase speed and the backseats and interior panels had been removed to reduce the cars' weight. According to police, given the modifications, the only purpose for these cars would have been to engage in unlawful street racing.

Street racing is a dangerous, unlawful activity that puts innocent people at risk.

In Ontario, the proceeds and instruments of unlawful activity including fraud, Internet and telemarketing scams, drug trafficking, and marijuana grow operations could be subject to the Civil Remedies Act.

Since October 2003, \$2.4 million in property and assets, including a former Hamilton crack house, weapons, marijuana grow operation equipment and cash, has been seized and forfeited under the Civil Remedies Act. The province currently has \$8.4 million in net assets preserved under this act.

- 30 -

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