

**MINISTRY OF JUSTICE
CIVIL FORFEITURE OFFICE
BRIEFING NOTE**

PURPOSE: For DECISION by Suzanne Anton, Attorney General and Minister of Justice

ISSUE: Police use of Forfeited Vehicles

DECISION REQUIRED/RECOMMENDATION:

The Civil Forfeiture Office (CFO) believes there is ongoing utility in releasing forfeited vehicles to police agencies under a two-year vehicle use agreement. Only vehicles linked to gangs, drugs and weapons will be used in this program.

The CFO seeks approval to operate this program on an ongoing basis. When there is an application that meets the criteria noted below, and the CFO has an appropriate vehicle, the CFO is authorized to enter into these agreements, each with a service life of up to two years. The agency would also have the option of purchasing the vehicle for fair market value at the end of the term or the vehicle will be liquidated at auction or placed back into the vehicle pool.

Specific qualifying criteria applied to applicants for vehicles include:

- the agency cannot have the use of a vehicle they were in any way involved with prior to forfeiture;
- the agency must dedicate its own resources to anti-crime messaging and have a business plan that lays out its vision, goals and performance measures;
- the agency must tap community resources to pay for at least some of the initial expenses (such as skinning the vehicle, maintenance, insurance, etc.); and
- the vehicle must have been forfeited as a result of gang and/or drug involvement.

The agency would be required to provide yearly status reports of its use of the vehicle. Proposals involving public education and awareness, particularly those focused on youth will be given priority.

As in the past, before releasing a vehicle, a communications plan/event will be coordinated through Government Communications and Public Engagement (GCPE) to generate positive messaging for the police agency's initiative and the program.

BACKGROUND:

In 2010 the CFO entered into a two-year agreement to provide the Abbotsford Police Department (APD) use of a vehicle forfeited from a drug dealer. Abbotsford deployed experienced officers to crime education initiatives targeting youths and the vehicle was an instrumental part of that program. APD was so pleased with the program that they ultimately purchased the vehicle at fair market value.

In 2013 approval was sought from the Honourable Shirley Bond, then Justice Minister, to release two more vehicles under the same program. This was approved. The first vehicle was provided to the Combined Forces Special Enforcement Unit (CFSEU) in 2013 and the second was recently presented to the Kelowna City RCMP.

CFSEU deploys the vehicle in media events, law enforcement meetings, and community presentations and events. Kelowna intends to similarly deploy their vehicle.


At no time has the distribution of any vehicle attracted any negative commentary. In fact, most commentary is supportive of this method of crime reduction through education.

In addition to the CFSEU and Kelowna City RCMP application, applications were also received from other police agencies. These agencies continue to express an interest in partaking of this program.

OTHER MINISTRIES IMPACTED/CONSULTED

- Legal Services Branch; consultation completed.
- Asset Investment Recovery (Citizens' Services); consultation completed.

DECISION APPROVED / NOT APPROVED


Suzanne Anton
Attorney General and Minister of Justice

DATE:

15 Sept 2014

Prepared by:

s.15, s.19
Asst. Deputy Director, Civil Forfeiture Office
Community Safety and Crime Prevention
s.17

Approved by:

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Lynda Cavanaugh
Assistant Deputy Minister
Community Safety and Crime Prevention

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**MINISTRY OF JUSTICE
COMMUNITY SAFETY AND CRIME PREVENTION BRANCH
BRIEFING NOTE**

PURPOSE: For INFORMATION for Suzanne Anton, Attorney General and Minister of Justice

ISSUE: Amendment to an OIC under the *Youth Criminal Justice Act* allowing the Civil Forfeiture Office (the "CFO") direct access to youth justice records without a court order. Briefing with Minister on October 7, 2014.

SUMMARY:

- The CFO receives a number of police referrals which involve youth, primarily youth involved in the drug trade at the behest of adult drug traffickers. In order to access these files, the CFO has to apply to court to obtain protected youth records, which they have done successfully in several files.
- However, the court process is expensive and time consuming, causing the CFO to decline some referrals and funds being returned to drug traffickers.
- The Ministry proposes amending an existing OIC by adding CFO to the list of specified government bodies that are granted direct access to these records.

BACKGROUND:

- Police documents regarding youth are protected from general release by s. 119 of the *Youth Criminal Justice Act* (YCJA) to safeguard the youth's identity, with exceptions set out below.
- Direct access to records is provided under s. 119 to:
 - Attorney General, coroners, and Courts
 - By OIC: Ministry of Children and Family Development, Representative for Children and Youth, Director of Crime Victim Assistance Program, and others, to carry out statutory duties.
 - This proposal adds the Director of the Civil Forfeiture Office to the list already established by OIC.
- The CFO receives a number of police referrals each year involving youth, primarily for money seized from those involved in drug trafficking. Youth are often used in the drug trade to insulate adults from police action.

- The YCJA required youth records to be redacted in order to protect the youth's identity. This information (full name, date of birth, last known address) is required by the CFO to make a forfeiture application.
- At the current time, the CFO must make an additional, preliminary application to a Youth Court Justice for release of records to commence a forfeiture proceeding.
- The CFO has never been denied access to these records by a Youth Court Justice.
- The court application is cost prohibitive and time consuming. As a result, some referrals are not pursued.
- Declining a referral means police likely have no choice but to return drug proceeds, which reinforces the value of using youth to deliver drugs and money for adult drug traffickers.
- This amendment will allow the CFO to receive complete files on referrals from police, and to proceed more efficiently with forfeiture proceedings.
- Safeguards are in place to ensure the continuing protection of the youth's identity at every stage of the forfeiture process.
- The Office of the Information and Privacy Commissioner has been consulted and has no concerns. The B.C. Civil Liberties Association may have concerns.

OTHER MINISTRIES IMPACTED/CONSULTED:

- Ministry of Children and Family Development – consulted and have no concerns

Prepared by:

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Approved by:

Lynda Cavanaugh
Assistant Deputy Minister
Community Safety and Crime Prevention

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**MINISTRY OF JUSTICE
COMMUNITY SAFETY AND CRIME PREVENTION BRANCH
BRIEFING NOTE**

PURPOSE: FOR DECISION by Suzanne Anton,
Attorney General and Minister of Justice

ISSUE: Civil forfeiture grants plan – fiscal 2014-15

DECISION REQUIRED/RECOMMENDATION: Approval of the civil forfeiture grants plan for fiscal 2014-15.

SUMMARY:

- The Civil Forfeiture Office (CFO) is self-funding, with recoveries covering CFO's operating costs. The Treasury Board delegated revenue requirement for CFO is **s.17**. CFO has TB approval to spend up to **s.17** in crime prevention and remediation grants, subject to the recoveries for operating costs and revenue requirements being met.
- CFO recoveries will exceed **s.17** in 14/15. It is anticipated that CFO will have up to **s.13, s.17** in additional grant funding available this year (above the **s.17**). A Treasury Board submission to seek approval to spend the additional grant funding on initiatives related to the Violence-Free BC Strategy is being prepared.
- It is proposed that the following four priority areas be established for this year's grants:
 1. **Youth Crime Prevention**
 - Grants to prevent youth from becoming involved in crime by addressing risk factors that place them at increased risk and enhancing protective factors.
 - This aligns with BC's *Strategic Plan for the Justice and Public Safety Sector April 2014-2017*, which includes a focus on "early, appropriate and effective" interventions (Goal 2 of the Plan).
 2. **Police Responses**
 - Grants for training and equipment for police to prevent crime and remediate the effects of it, as part of the broader policing response.
 - CFO also funds the Fugitive Return Program on an annual basis at up to \$40,000.

3. Community Crime Prevention

- Grants to support partnerships to respond to locally driven community crime prevention initiatives.
- This is consistent with the recommendation from the draft report* of the Blue Ribbon Panel on Crime Reduction's recommendation to support local partnerships to reduce crime.

* The Blue Ribbon Panel's Report entitled "Getting Serious About Crime Prevention" is currently in draft form and will be finalized this fall.

4. Violence-Free BC

- Grants to support projects that prevent and respond to violence against women.
- This will coincide with the priorities within the Violence Free BC Strategy.

OPTIONS:

- The timing for announcements related to CFO grant availability needs to be determined.

Option One (Recommended option):

- s.13
 -
 - s.13

Pros

-
- s.13

Cons

-
- s.13

Option Two:

-

Pros

-

Cons

-

-

s.13

RECOMMENDATION:

- Option One

DECISION APPROVED / NOT APPROVED

DATE:

Suzanne Anton
Attorney General and Minister of Justice

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s.17

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