

## Civil Forfeiture Office – Administrative Forfeiture

<b>Objective</b>	This policy and accompanying procedures describe how the Civil Forfeiture Office (CFO) manages Administrative Forfeiture.
<b>Application and Scope</b>	These policies/procedures apply to all Administrative Forfeitures.
<b>Principles</b>	Administrative Forfeiture decisions must be made in a fair and transparent manner and processes must be consistently applied.
<b>Background</b>	Administrative Forfeiture presents a number of areas where consistency in practice is essential. These include: referral review; identification of known and protected interest holders and their address information; property value initially and at liquidation; exercise of the Director's discretion under 14.02(1)(a) and 14.01(1)(b); and processing of disputes.

### General

#### **Referral Review**

When determining whether a file referral is suitable for forfeiture litigation the CFO case manager will assess the file on the basis of:

- 1) the public interest factors present in favour of pursuing litigation;
- 2) the strength and adequacy of the available evidence;
- 3) the financial factors present; and
- 4) interests of justice factors present.

#### **Identification of known and protected interest holders and their contact information:**

CFO has no investigative powers; it relies on information supplied by police agencies and information obtained through open source records. It is the CFO's policy to review file material and determine whether a person is a known interest holder by reviewing the nexus between the property, its location, the person from whom it was seized, any persons who have claimed ownership or any statements made by any person that would suggest an ownership claim or interest in the property.

To locate the address of these persons, the CFO will access, as appropriate: police materials, open source records (BC Online) and Equifax address information.

### **Property Valuation and Liquidation Value**

Canadian currency will be treated at its face value. Foreign currency will be treated as its current exchange value on the date proceedings are initiated. Vehicle values will be based on the average of the red book or equivalent source value and between 2-3 comparables taken from open source records available on the date that proceedings are initiated. Jewellery will be forwarded to a local jeweller for valuation and final value will be based on the average between the high and low value, or the actual assessed value, as the case may be. If any other types of property could reasonably be expected to be worth more than \$30,000, valuation must be based on the average of not less than 1 and not more than 3 comparables taken from open source records available at the time proceedings are initiated (e.g., Craigslist, Buy and Sell, etc). When there is no reasonable expectation that property could be worth more than \$30,000, the Director may proceed without researching comparables.

All property will be liquidated at auction according to existing government policy. Auctions items are generally prepared for sale and sold on the BC Auction website.

### **Exercise of Discretion Under 14.02(1)(a) and 14.01(1)(b)**

The Director generally relies on materials supplied by the police in making this assessment; however, the Director may consider other materials. Seizure of contraband in tandem with the subject property provides a strong basis for a reasonable belief. When the subject property is proceeds or an instrument that is proceeds and no contraband is located with or in proximity to the property, there should be other evidence present including but not limited to: an expert opinion, dog handler report, Ion scan, CRATS, admissions or inconsistent story provided by the interest holder, relinquishment by an interest holder, or paraphernalia consistent with the unlawful activities under consideration.

When the subject property is a non-proceeds instrument and no contraband was located, there should be strong public policy reasons weighing in favour of initiating forfeiture.

### **Processing Disputes**

In addition to statutory requirements, the Director will endeavour to render decisions about whether to pursue a matter under s.3 within two weeks of the receipt of a valid dispute. To be a valid dispute, the dispute must include the required information and be sworn or affirmed before a commissioner for taking affidavits. Only original documents will be accepted. All documents must be post-marked or hand delivered to the CFO within the greater of:

- If no delivery receipt, 67 days after the date the notice of intent to forfeiture was post-marked;
- If a delivery receipt is available, the lesser of 60 days after that date or 67 days from the date it was post-marked; or
- 60 days after the date the newspaper or Gazette advertisement

was published.

Calculation of days is subject to the Interpretation Act. Documents received outside the dispute period can be accepted but are invalid. The Director has no discretion under the CFA to modify the timelines of the administrative regime.

### **Equifax**

When the Director has received enough information from the referring agency to complete an Equifax address query, he will do so. The Director is entitled to use his discretion in determining the address to which to send documents and will use available information in determining whether to send it to the last known address or the Equifax address (where they are different), or to both.

### **Registered Mail**

All correspondence required to be sent by Registered Mail will be sent by Canada Post (CP) Xpresspost. Where Xpresspost is not available, correspondence will be sent by courier. Items that do not require registered mail will be sent by CP regular mail.

### **Commissioners**

The legislation was drafted to incorporate the definition of commissioner used in the Evidence Act (BC). Therefore, pursuant to section 63, a person designated a commissioner by the laws of another country or province or state is deemed a commissioner in BC and a dispute so commissioned is acceptable.

*(updated June 28, 2012)*

### **Personal Property Registry**

Proceedings instituted against any property except cash must be registered in the PPR. It is accessed through BC Online.

To create an entry for a vehicle, select 1 vehicle line (MV) and 2 general collateral (GC) lines. When entering against property other than a vehicle, select 3-4 GC lines. Generally there is only 1 SP (secured party - the Director) and 1-2 DE's (debtors). Registration length should always be 10 years. If the property is a vehicle, you should check the VIN for accuracy by using one of the available VIN validators that can be found through a Google search.

The Director is the secured and registering party, under the following: Director of Civil Forfeiture at the PO Box.

You must include in the last two GC lines, the following:

THE PROPERTY SECURED IS SUBJECT TO FORFEITURE UNDER  
PART 3.1 OF THE CIVIL FORFEITURE ACT WHICH MAY AFFECT  
THE PROPERTY AND INTERESTS IN IT

This wording is required by section 14.04(2) of the CFA. The Start Date of the PPR registration must be entered and an action for the end date of the PPR must be created. The case manager is

responsible for ensuring that the PPR is removed from the property once the purchaser had paid for the item, in full.

**Legislative  
Authorities**

*Civil Forfeiture Act*, SBC 2005, c. 29

**Effective Date**

June 1, 2011 (revised: June 28, 2012)

CIVIL FORFEITURE OFFICE

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## Civil Forfeiture Office - Affidavits Attesting to Investigations Policy

<b>Objective</b>	This policy sets out the requirements for affidavits that have been prepared by the Civil Forfeiture Office (CFO) for external agency personnel.
<b>Application and Scope</b>	This policy applies to all CFO operations.
<b>Principles</b>	In situations where CFO staff members have prepared an affidavit outlining an investigation for an external affiant, the CFO must ensure that the affiant is aware of the significance of a sworn affidavit within the civil court process.
<b>Background</b>	Where CFO staff members have prepared an affidavit, the content of the affidavit remains the evidence of the affiant alone. Affiants must therefore be completely satisfied as to the accuracy of the affidavit independent of the drafter's opinion.
<b>General</b>	<p>In order to ensure that an affiant properly reviews the content of an affidavit prepared by CFO staff members, the following instructions shall accompany all affidavits prepared for external agency personnel. The instructions shall be in writing, but may be conveyed by either hard copy or e-mail:</p> <p>Please find enclosed an affidavit[s], with exhibits, prepared for yourself and <i>[any other investigators]</i> in furtherance of the civil forfeiture action noted above. These documents are being provided for your review and swearing. I ask that you please take the following steps in regard to the affidavit[s]:</p> <ul style="list-style-type: none"><li>• Review the affidavit to ensure that you either have personal knowledge of the facts and information set out, or are providing information and belief from other officers, as the case may be, and that all statements are <u>completely accurate and true</u> to the best of your knowledge.</li><li>• Attend before a duly appointed commissioner for taking affidavits in the Province of British Columbia <i>[or other relevant jurisdiction as the case may be]</i>.</li><li>• Complete the date on the upper right hand corner of the first page of the affidavit.</li></ul>

- Sign the last page of the affidavit and swear it in the presence of .../2 the commissioner.
- Have the commissioner sign and fill in the required information on the last page of the affidavit.
- Have the commissioner date and sign the exhibit notation on each exhibit.
- Return the original signed and sworn document to me. If you require a copy for your files please take one before returning the original.

While the Civil Forfeiture Office has assisted in the preparation of *[this/these]* affidavit[s], the evidence contained therein is your evidence given under oath and should be treated the same as if you were personally testifying in court. Do not hesitate to contact me if the documents require corrections, revisions, or additions or if you have any questions about them.

**Legislative  
Authorities**

*Civil Forfeiture Act*, SBC 2005, c. 29

**Effective Date**

August 1, 2008

## Civil Forfeiture Office Information Policy

<b>Objective</b>	This policy sets out how information will be collected, used and disclosed by the Civil Forfeiture Office (CFO).
<b>Application and Scope</b>	This policy applies to all CFO operations.
<b>Principles</b>	The CFO will only collect, use and disclose information as authorized by law, consistent with its mandate of determining if civil forfeiture proceedings should be commenced.
<b>Background</b>	The CFO does not possess independent investigation authority. Therefore, information used to determine if civil forfeiture proceedings should be commenced will originate from police and regulatory enforcement agencies outside of the CFO.
<b>General</b>	Authorization for the CFO to collect, use and disclose personal information, for the purpose of the <i>Civil Forfeiture Act</i> ("the Act") is specifically contained within the Act.
<b>Security of Information</b>	The CFO does not utilize an independent computer system. CFO staff use personal computers connected to the Ministry of Attorney General Network, known as "IDIR". Those connections have individual user access profiles that are password-protected. Physical security is provided within the CFO for hard copy records.
<b>Requests for Access</b>	Requests for access made to the CFO by individuals under the authority of the <i>Freedom of Information and Protection of Privacy Act</i> will be managed by the Privacy, Information & Records Management Division of the Ministry of Public Safety and Solicitor General.
<b>Legislative Authorities</b>	<i>Civil Forfeiture Act</i> , SBC 2005, c. 29
<b>Effective Date</b>	July 1, 2006

## Civil Forfeiture Office - Payment Out of Special Account Policy

<b>Objective</b>	This policy guides decisions on how payments out of the civil forfeiture special account ("the civil forfeiture account") will be made and prioritized. Nothing in this policy is intended to fetter or otherwise limit the discretion granted to the director under the <i>Civil Forfeiture Act</i> .
<b>Application and Scope</b>	This policy applies to payments out of the civil forfeiture account.
<b>Principles</b>	<p>The primary objectives of the <i>Civil Forfeiture Act</i> ("the Act") are to: 1) prevent unlawful activities; 2) recover profits resulting from unlawful activity; 3) prevent instruments of unlawful activity, through forfeiture, from being used to commit offences; and, 4) compensate victims who have suffered pecuniary loss as a direct result of an unlawful activity that resulted in forfeiture under the Act.</p> <p>The structure of the Act was intended to provide for a Civil Forfeiture Office that was capable of being self-funding. The intent of the legislation is to pay for the administration of the Act from cash and proceeds resulting from the disposition of forfeited property. Where the proceeds of forfeitures exceed the costs of administering the Act and payments to eligible victims, the intent is to pay the excess proceeds out of the civil forfeiture account in the form of grants for purposes related to the founding principles of the Act; prevention and remediation.</p>
<b>Background</b>	<p>The statutory authority to make payments out of the civil forfeiture account is a discretion vested in the director. The purposes for which forfeited cash and proceeds resulting from the disposition of forfeited property can be paid out are prescribed in Section 27 of the Act. Those purposes are as follows:</p> <ul style="list-style-type: none"><li>• compensation of eligible victims;</li><li>• prevention of unlawful activities;</li><li>• remediation of the effect of unlawful activities;</li><li>• administration of the Act;</li><li>• other prescribed purposes.</li></ul> <p>The priority of those purposes is not enumerated in the Act, but falls within the discretion of the director and is guided by the objectives and principles of the Act.</p>
<b>General</b>	<p>Subject to circumstances justifying otherwise, the Civil Forfeiture Office will consider payments out of the civil forfeiture account with priority given to:</p> <ol style="list-style-type: none"><li>1. compensation of eligible victims</li><li>2. administration of the Act</li><li>3. prevention of unlawful activities</li><li>4. remediation of the effect of unlawful activities</li><li>5. other prescribed purposes</li></ol>



## Grants

Payments for the purposes of preventing unlawful activities or remediation of unlawful activities (collectively “crime prevention grants”) will only be made where the director reasonably concludes that, within a given fiscal year, the proceeds from forfeitures will exceed the costs of administering the Act.

At the start of each fiscal year the director will create a grant plan setting out the amount forecast for grants for that year and the themes in greatest need of financial support or expected to produce the greatest crime prevention or remediation effects for that year (e.g. organized crime initiatives). In developing the plan the director will take into consideration: the objectives of the Act; government’s agenda, policy objectives, and overall fiscal plan; input from stakeholders; available crime statistics and analysis; and, any specific regional needs. The annual CFO grant plan will be available for the minister in the first quarter of the fiscal year.

At the conclusion of the second and third quarters of each fiscal year the director will cause to be undertaken an analysis of the forfeitures received and costs of administering Act to that date. Based upon this analysis the director will assess the Civil Forfeiture Office’s forecast of amounts available for grants in the grant plan. If the value of forfeitures is projected to exceed the costs of administering the Act, the director will consider exercising his or her discretion to make generally available an amount for crime prevention grants to which applicants may apply for funding.

If \$250,000 or less is made available for crime prevention grants, grants will be made in amounts up to \$25,000. If \$500,000 to \$749,000 is made available for crime prevention grants, grants will be made in amounts up to \$50,000. If \$750,000 to \$1,000,000 is made available for crime prevention grants, grants will be made in amounts up to \$75,000. If more than \$1,000,000 is made available for grants, grants will be made in amounts up to \$250,000.

Despite these guidelines, the director retains the sole discretion to make a grant in any amount at any point in the fiscal year so long as the funds to make the grant exist in the civil forfeiture account and the director, prior to making the grant, reasonably concludes that within that fiscal year the value of forfeitures is projected to exceed the costs of administering the Act.

## Eligible Victims

Payments to eligible victims will be made in accordance with sections 9, 10 and 11 of the *Civil Forfeiture Regulation*, B.C. Reg 164/2006. Before making a payment to an eligible victim the director must ensure that a notice in the prescribe form has been provided and that the minimum period for filing an application has transpired.

Appropriate claims from eligible victims will normally include documentation of pecuniary loss including, but not limited to:

- documents from financial institutions indicating investment totals, where the investment scheme has constituted unlawful activity;
- receipts for investment totals, where the investment scheme has constituted unlawful activity;
- receipts for expenses incurred as a direct result of unlawful activities.

<b>Legislative Authorities</b>	<i>Civil Forfeiture Act</i> , SBC 2005, c. 29
<b>Effective Date</b>	October 1, 2011
<b>Replacing</b>	June 1, 2007

## Civil Forfeiture Office - File Referral Acceptance Policy

**Objective** This policy sets out how referrals from enforcement agencies will be received by the Civil Forfeiture Office (CFO).

**Application and Scope** This policy applies to all CFO operations.

**Principles** The CFO will only accept referrals from enforcement agencies where the information being referred has been collected within the mandate of the referring agency, and referral to the CFO complies with the referring agency's policy and procedures. Where an information-sharing agreement, memorandum or other agreement in relation to information sharing is in place between the CFO and the referring agency, those conditions must be complied with.

**Background** The CFO will engage in informal consultation from enforcement agencies prior to accepting a formal referral. Providing general advice with regard to proceeding with a civil forfeiture action based on non-specific fact patterns and other circumstances is permitted. Specific advice with regard to program operations, policies and protocols is also permitted.

**General** Notwithstanding the requirements of a referring agency's policy and procedures, the CFO will require the approval of an NCO i/c, OIC or supervisor for all referrals.

When determining whether a file referral is suitable for acceptance the director will assess the file on the basis of:

1. the public interest factors present;
2. the strength and adequacy of the evidence;
3. the fiscal considerations present; and,
4. interests of justice factors present.

Any information offered for referral that has been collected as a result of activities outside of the referring agency's mandate will not be considered by the CFO in assessing the viability of civil forfeiture proceedings.

Referrals arising out of a criminal investigation will be considered where either:

1. The referring agency has determined that criminal proceedings, including criminal restraint or forfeiture proceedings, are unlikely to succeed and based upon this determination have decided not to refer the matter to a Crown Prosecutor for consideration, or;

2. Where a matter has been referred to a Crown Prosecutor for consideration and the Crown Prosecutor has decided not to pursue criminal restraint or forfeiture proceedings.

Where a referring agency has recommended criminal forfeiture proceedings to a Crown Prosecutor and those recommendations were not approved, the referring agency must provide details regarding the Crown's refusal to proceed. The CFO will then confirm the Crown's position in relation to the property in question.

Where a referring agency has recommended criminal charges to a Crown Prosecutor, the CFO will confirm the status of those charges prior to providing instructions to LSB to commence civil forfeiture proceedings.

Referrals arising out of a regulatory enforcement investigation will be considered where either:

1. The referring agency has determined that regulatory enforcement proceedings, including forfeiture proceedings if available, are unlikely to succeed and based upon this determination have decided not to pursue regulatory enforcement proceedings, or;
2. Where a matter has been referred to a Crown Prosecutor for consideration and the Crown Prosecutor has decided not to pursue regulatory enforcement proceedings.

Where a referring agency has recommended charges under a regulatory statute to a Crown Prosecutor, the CFO will confirm the status of those charges prior to providing instructions to LSB to commence civil forfeiture proceedings.

When a formal referral is received, a CFO file will be generated and a CFO File Referral Form will be completed. The referring agency will be advised in writing of the CFO decision to either accept or decline the referral.

Where the CFO requires additional information from a referring agency, a request for that information will be in writing.

Authorization for the CFO to collect, use and disclose personal information, for the purpose of the *Civil Forfeiture Act* ("the Act") is specifically contained within the Act.

**Subsequent Referral  
of Information**

Refer to CFO File Referral Policy

**Legislative  
Authorities**

*Civil Forfeiture Act*, SBC 2005, c. 29

**Effective Date**

June 1, 2007

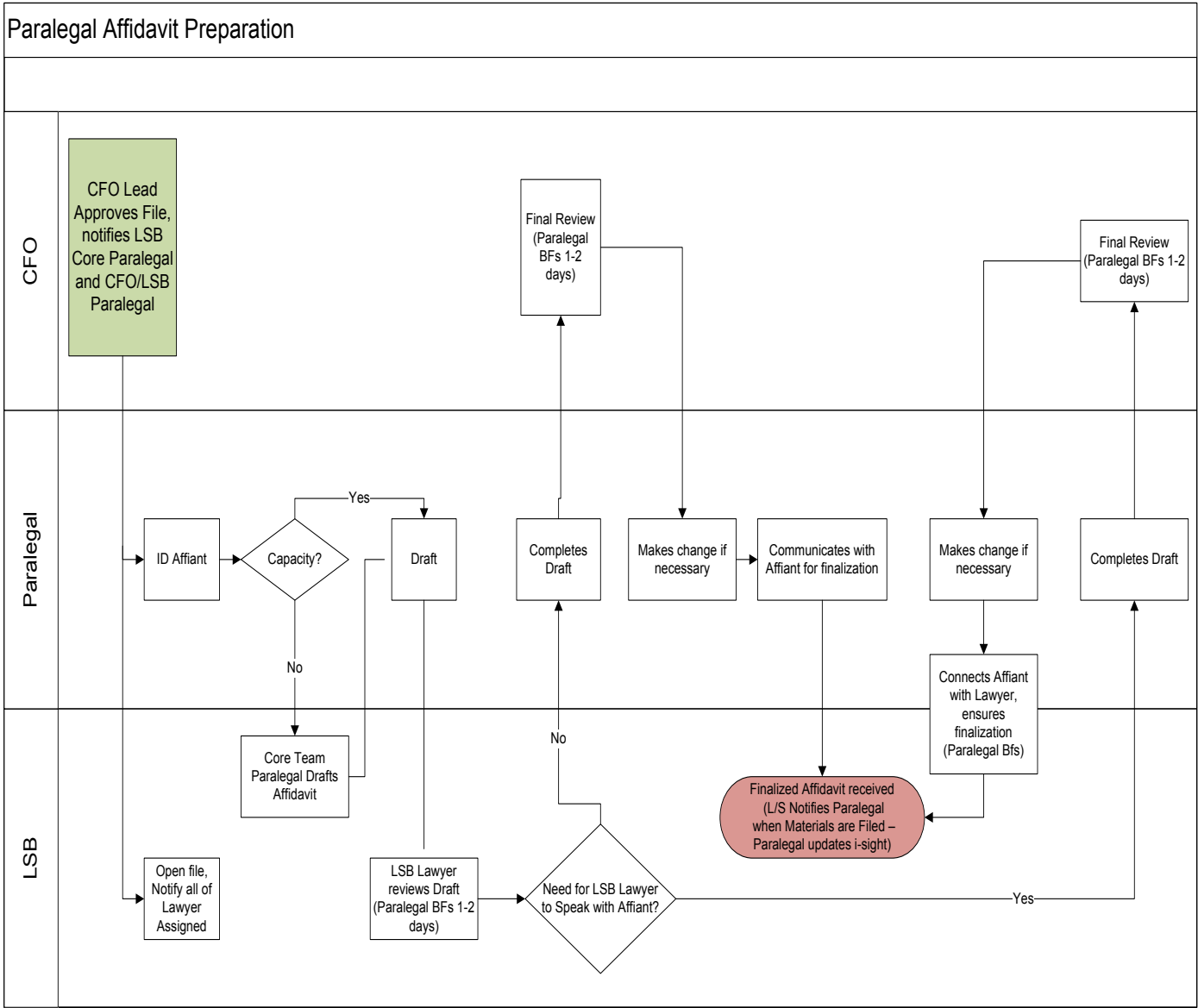
## Civil Forfeiture Office File Referral Policy

<b>Objective</b>	This policy sets out how information received by the Civil Forfeiture Office (CFO) may be referred to other enforcement agencies.
<b>Application and Scope</b>	This policy applies to all CFO operations.
<b>Principles</b>	In situations where commencement of civil forfeiture proceedings is not appropriate, the CFO will consider referring the circumstances to other enforcement agencies, where the agency that initially provided the information consents to that referral.
<b>Background</b>	The CFO does not possess independent investigation authority. Therefore, information used to determine if civil forfeiture proceedings should be commenced will originate from police and regulatory enforcement agencies outside of the CFO.
<b>General</b>	Authorization for the CFO to collect, use and disclose personal information, for the purpose of the <i>Civil Forfeiture Act</i> ("the Act") is specifically contained within the Act.
<b>Legislative Authorities</b>	<i>Civil Forfeiture Act</i> , SBC 2005, c. 29
<b>Effective Date</b>	July 1, 2006

## Civil Forfeiture Office Affidavit Initiation

<b>Objective</b>	This policy sets out how affidavits will be created and handled by the Civil Forfeiture Office (CFO) and the Civil Forfeiture Team (CFT) of Legal Services Branch in relation to civil forfeiture matters.
<b>Application and Scope</b>	This policy applies to all affidavits to be used in Civil Forfeiture matters.
<b>Principles</b>	All affidavits will be initiated and managed by the Paralegal position attached to the CFO.
<b>Background</b>	To ensure consistency and quality of affidavits as well as the timely processing of completed affidavits, one position is delegated all core affidavit responsibilities. The position works with the lawyer responsible for the case and the responsible CFO case manager and final drafts are completed according to their instructions.
<b>General</b>	<p>Paralegals attached to the CFT may assist with preparation of affidavits; however, the Paralegal attached to the CFO is responsible for its completion and all procedural steps.</p> <p>The Paralegal is responsible for sending final affidavits to affiants and for completion of those. The Paralegal will always employ CFO policy, "Affidavits Attesting to Investigations" (Aug 1, 2008) when sending final affidavits.</p> <p>When a problem arises regarding the timely receipt of an affidavit from an affiant, the CFO case manager is responsible for assisting it to completion.</p>
<b>Legislative Authorities</b>	<i>Civil Forfeiture Act</i> , SBC 2005, c. 29, <i>Attorney General Act</i> , RSBC 1996 c. 22
<b>Effective Date</b>	April 6, 2011

Procedure Map

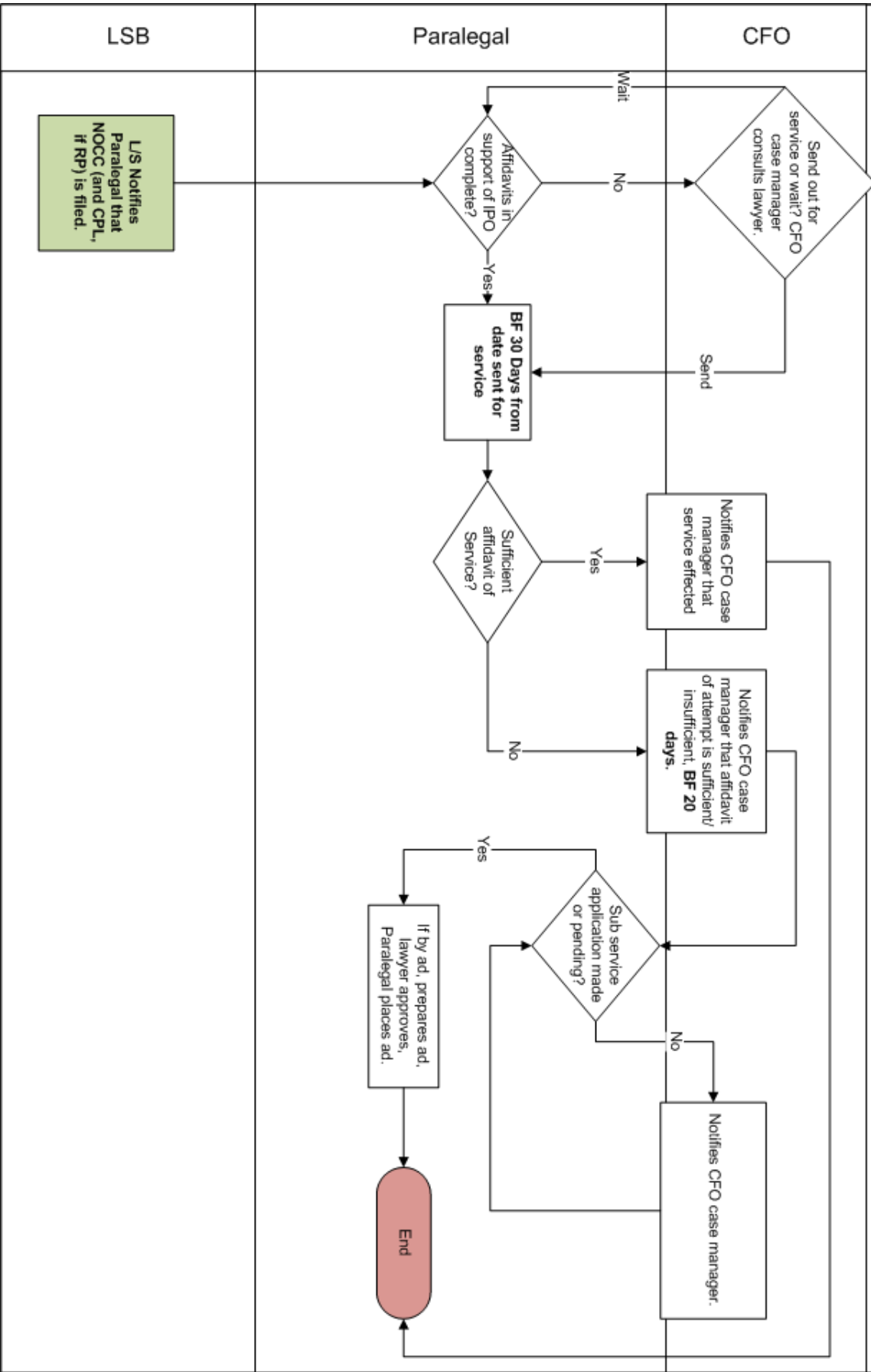


## Civil Forfeiture Office Service of Legal Documents

<b>Objective</b>	This policy and accompanying procedures describes how service of legal documents will be initiated and monitored by the Civil Forfeiture Office (CFO) and the Civil Forfeiture Team (CFT) of Legal Services Branch in relation to civil forfeiture matters.
<b>Application and Scope</b>	These policies/procedures apply to service of all initiating legal documents to be used in Civil Forfeiture matters.
<b>Principles</b>	Service tracking is not exclusive to the Paralegal. The Paralegal is responsible for tracking service and notifying the CFO case manager as appropriate.
<b>Background</b>	To ensure procedural requirements are met; one position tracks and monitors process service of CFO legal documents, reporting issues to the CFT case manager. The position works with the CFT legal secretaries and the responsible CFO case manager.
<b>General</b>	<p>The Paralegal must notify the CFO case manager when pleadings are available for service regardless of the readiness of supporting affidavits. The CFO case manager will consult the CFT lawyer responsible for the case and a decision will be rendered, at the discretion of the CFO case manager, about whether to send pleadings out for service.</p> <p>With respect to substitute service orders, the Paralegal prepares advertisements and, upon CFT lawyer approval of the contents, sends them for print pursuant to existing CFO procedures.</p>
<b>Legislative Authorities</b>	<i>Civil Forfeiture Act</i> , SBC 2005, c. 29, <i>Attorney General Act</i> , RSBC 1996 c. 22
<b>Effective Date</b>	April 12, 2011



# Paralegal Service Procedures



## Civil Forfeiture Office – Vehicle Referral Acceptance and Processing Policy

<b>Objective</b>	To provide clear policy direction and procedures for the vehicle forfeiture process.
<b>Application and Scope</b>	This policy applies to all referrals in respect of motor vehicles, boats and trailers.
<b>Principles</b>	<p>The primary objectives of the <i>Civil Forfeiture Act</i> (“the Act”) are to: 1) prevent unlawful activities; 2) recover profits resulting from unlawful activity; 3) prevent instruments of unlawful activity, through forfeiture, from being used to commit offences; and, 4) compensate victims who have suffered pecuniary loss as a direct result of an unlawful activity that resulted in forfeiture under the Act.</p> <p>The structure of the Act was intended to provide for a Civil Forfeiture Office that was capable of being self-funding. The intent of the legislation is to pay for the administration of the Act from cash and proceeds resulting from the disposition of forfeited property.</p>
<b>Background</b>	<p>The primary objectives of the Act are governed by the Province’s requirement to maintain public confidence in the Government and the Civil Forfeiture Office’s requirement to maintain public confidence in the Provincial Forfeiture Program.</p> <p>The CFO must balance these purposes against attaining the maximum value for forfeited property and complying with orders that require the Director to safe keep depreciable property such as vehicles.</p>
<b>File Referral and Review</b>	<p>To determine whether a file referral is suitable for acceptance, the file may be assessed by the following criteria:</p> <ol style="list-style-type: none"><li>1) the public interest factors present in favour of pursuing litigation;</li><li>2) the strength and adequacy of the available evidence;</li><li>3) the financial factors present; and</li><li>4) interests of justice factors present.</li></ol> <p><b><i>Discussions held via phone must be followed up with an e-mail, re: accept/not accept.</i></b></p> <p><u>Checking for Vehicle Liens in the Personal Property Registry (PPR)</u></p> <p>All vehicles/trailers must be lien checked. Administrative proceedings cannot be commenced against vehicles with valid liens; and the lien holder may seek to repossess (seize) the vehicle.</p>

### Previous Court Orders

If there is a 490 return order or application pending, you cannot use administrative proceedings; but civil proceedings are available. If the return order has been in force for greater than 30 days, then proceedings should not be instituted except in rare and exceptional cases.

If there is a management order (Criminal Code), then you can use administrative or civil proceedings; however, you must use a lawyer to vacate the management order upon forfeiture, which means the lawyer will need to apply to court. Notice will need to be given to the person from whom it was seized [CCC, section 4(6) & 4(6.1), 490(10)].

### Vehicle Transfer and Storage

Upon acceptance, it is the responsibility of the case manager to arrange for the vehicle to be relocated to an AIR facility or an AIR agent facility or to arrange for long term storage at an acceptable rate or to confirm that the police detachment has capacity and willingness to retain the vehicle until the conclusion of proceedings.

If the vehicle is located at a tow facility, the case manager may decide to pay reasonable storage rates, depending on the expediency of the referral and the public interest.

If the vehicle is located with SPMD, the case manager may leave it there and simply pay SPMD for the period of storage (from date of referral accept to date release confirmed); however, with respect to factors beyond costs, vehicles should be moved to AIR storage wherever possible.

AIR STORAGE (JULY 2012)	\$150/month
AIR COMMISSION (JULY 2012)	15% if sale price < \$15,000 10% if sale price > \$15,000
SPMD STORAGE (JULY 2012)	\$300/month
PRIVATE STORAGE FACILITIES (OUTSIDE GVRD AND GVICRD)	\$120 - \$150/month

### **Seeking Forfeiture**

The majority of vehicle referrals are suitable for the Administrative Forfeiture process, as outlined in Part 3.1 of the *Civil Forfeiture Act*.

With administrative proceedings, the case manager is responsible for providing direction to register against vehicles in the PPR. With civil proceedings, LSB is responsible for registering against vehicles in the PPR.

The case manager is responsible for ensuring VIN accuracy within the police report.

## **File Conclusion and Property Disposition**

Vehicles subject to administrative forfeiture are deemed forfeited to the province if no dispute is received by the 7<sup>th</sup> day following expiry of the dispute period. Vehicles subject to court ordered forfeiture are forfeit when the filed order is received.

At the point of forfeiture the Director must:

- 1) Notify the referring police agency that the subject property(vehicle) is now forfeited to the province (use the appropriate letter template); and
- 2) Arrange for vehicle registration to be transferred to the government (if administrative by agreement with ICBC, use template; if civil, AIR will facilitate with a certified court order);
- 3) Dispose of the forfeited property (for vehicles, arrange to sell/liquidate/dispose); and
- 4) Ensure the PPR lien has been discharged.

If the vehicle is not with AIR or at a facility from which they can stage an auction, the case manager must facilitate its transfer to a proper facility.

## **SPMD**

If there is no valid management order respecting a vehicle, the case manager sends a letter to the facilities manager (currently <sup>s.22</sup> requesting release of the vehicle, confirming its forfeiture (administrative or civil) and confirming the dates of storage to be paid (date action commenced). The case manager must also request, via e-mail, the original investigating officer or the officer in charge of that unit to confirm that the vehicle can be released and this confirmation must be copied to <sup>s.22</sup> Once SPMD has received both of these, they will release the vehicle as instructed.

## **Alternative Disposal of Forfeiture Vehicles**

Per standard auction wording, the Director must approve all vehicle sales. AIR will notify the Director upon completion of all auctions. The Director may choose not to sell the vehicle to a purchaser, and may do so where there is reasonable belief that:

- The vehicle is known within the purchaser's local community for engaging in unlawful activities;
- The vehicle is likely to be returned to the person(s) who engaged in the unlawful activities either for use or for liquidation; or
- The vehicle is likely to be used to cause injury to the public or for repeat use as an instrument of unlawful activity.

The CFO may apply any or all of these conditions in order to balance the

goal of maximum value for forfeited property with the need to prevent future use of the property in unlawful activities.

In extreme cases, especially with armoured vehicles that have little to no value, the Director may authorize alternative methods of sale and disposal including stripping off and auctioning valuable parts, crushing the body, etc.

**Legislative  
Authorities  
Effective Date**

*Civil Forfeiture Act*, SBC 2005, c. 29

August 25, 2012