



Corporate Report

NO: R114

COUNCIL DATE: May 26, 2003

REGULAR

TO: Mayor & Council DATE: May 22, 2003
FROM: City Manager for FILE: 0250-01
Chair, Public Safety
Committee
SUBJECT: UBCM Resolution re: Proceeds from Forfeited
Property

RECOMMENDATION

That Council pass a resolution that the City of Surrey bring forward a resolution to the Union of British Columbia Municipalities ("UBCM") in the form attached as Appendix A to this report.

INTENT

To advise Council of the issues surrounding the proceeds from forfeited property gained from criminal activity.

BACKGROUND

The Federal "Seized Property Management Act" allows for the seizure of property gained from the proceeds of criminal activity. Upon disposition of this property, the proceeds are to be shared with the law enforcement agencies responsible for the investigation. The Minister of Public Works and Government Services is responsible for the disposition of this property as well as the sharing of the proceeds.

The share of proceeds resulting from seized properties in British Columbia is sent by the Federal government to the Provincial government for distribution. This was intended to address the concern that police investigations could become unduly influenced if forfeited property was returned directly back to the policing agency. The Province has established the Forfeited Crime Proceeds Fund (Special Accounts Appropriation and Control Act). The Ministry of Attorney General and the Ministry of Finance and Corporate Relations are jointly responsible for the distribution of this fund.

There is currently about \$400,000 available in the Forfeited Crime Proceeds Fund. These monies are granted to organizations that apply for assistance for one-time projects or programs.

DISCUSSION

On May 14th, 2003, Inspector Keith Thorn, Vancouver Integrated Proceeds of Crime Section, RCMP provided a

presentation to the Public Safety Committee on the proceeds of crime legislation.

The current Provincial legislation is based on the premise that police investigations could become unduly influenced if forfeited property was returned directly back to the policing agency. Local governments cannot influence the way RCMP or other municipal police forces conduct criminal investigations yet they are required to fund the policing services in their communities.

It is likely that municipalities who spend more to fight crime (police investigations) will remit more proceeds of crime to the Federal government through their local policing agencies. If crime proceeds were returned directly back to those municipalities and used for crime prevention initiatives in areas of high crime, then all surrounding municipalities could also benefit. In order for the Federal government to establish a high level allocation of the proceeds directly to those municipalities who have paid for the investigations, current legislation needs to be amended.

It was noted at the May 14th, 2003 Public Safety Committee that “. . . there needs to be a combined effort between municipalities, provincial and federal governments for input to make amendments regarding the proceeds of crime.” A resolution to amend current legislation (Appendix A) is attached for Council's consideration.

CONCLUSION

Municipalities should receive a share of the proceeds of crime directly from the Federal government to be used for crime prevention initiatives. It is therefore, recommended that the resolution to amend the 'Proceeds from Forfeited Property' legislation as outlined in Appendix A, be forwarded to UBCM.

Umendra Mital, P.Eng
City Manager

for Chair, Public Safety Committee

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APPENDIX A

WHEREAS the Government of Canada and Provinces will share the proceeds of disposition of forfeited property pursuant to relevant sections of the Criminal Code and Controlled Drugs and Substances Act, where a law enforcement agency has participated in an investigation;

AND WHEREAS the current legislation excludes the local governments from sharing in the proceeds of disposition of forfeited property;

AND WHEREAS law enforcement agencies that participate in these investigations in British Columbia are largely funded by local government through either a contract with the Province of British Columbia for RCMP services or through a municipal contract for policing services;

AND WHEREAS local governments cannot influence the way RCMP or other municipal police forces conduct criminal investigations but may be able to reduce the level of crime in their community by increasing the level of proactive law enforcement;

AND WHEREAS there is a direct correlation between the amount of proceeds of disposition forfeited in a local community and the cost of fighting crime in that community;

THEREFORE BE IT RESOLVED that the current legislation be amended to include the direct transfer of the proceeds of disposition of forfeited property by the federal government directly to the local government where the original investigation was conducted.