



ǒ CORPORATION
Building *Nunavut* Together
*Nunavut*iuqatigiingniq
Bâtir le *Nunavut* ensemble

Government of Nunavut

Annual Report 2021/2022

Unlawful Property Forfeiture Act

Contents

Introduction.....	2
General	3
Activities and Progress.....	4
Collaborative Approach.....	4
Training	4
Educational Campaign	4
Human Resources	5
Civil Forfeiture Proceedings	5
Forfeiture Office Expenditures.....	6
Expenditure by Type	6
Budget vs. Actual	6
Conclusion.....	7

Introduction

We are pleased to present the inaugural Nunavut Civil Forfeiture Annual Report, covering the period from April 1, 2021, to March 31, 2022.

The Nunavut Civil Forfeiture Office was established under the *Unlawful Property Forfeiture Act S.Nu. 2017, c.14*, which allows for the forfeiture of property obtained through criminal activity.

The *Unlawful Property Forfeiture Act* was passed by the Legislative Assembly in March 2017 and came into force on April 1, 2021.

The purpose of this *Act* is to promote safe and healthy communities in accordance with Inuit societal values by providing civil remedies that will (a) prevent people who engage in unlawful activities and others from keeping property that was acquired as a result of unlawful activities; (b) prevent property from being used to engage in unlawful activities; and (c) allow for the disposition of property derived from or used to engage in unlawful activities to socially useful purposes such as providing assistance for victims of crime and funding community-based wellness programs.

The *Act* grants the Director of the Nunavut Civil Forfeiture Office the authority to initiate civil forfeiture proceedings against proceeds and instruments of unlawful activity.

This report is prepared and respectfully submitted in accordance with section 36 of the *Act*.

General

Civil forfeiture proceedings under the Unlawful Property Forfeiture Act are distinct from criminal law matters and do not require a successful criminal conviction to proceed. Instead, forfeiture actions target the property itself, rather than individuals. There is no criminal record resulting from these matters, and no findings of guilt or innocence is made by the Court.

While the decision to initiate a civil forfeiture action is made by the Director, who is appointed by the Minister pursuant to section 24, the Nunavut Court of Justice determines, on a balance of probabilities, whether the property is the proceeds of or an instrument of unlawful activity. The proceeds from successful forfeitures are used to support crime prevention and victim services programs in Nunavut, including compensating victims and funding crime prevention initiatives.

The Unlawful Property Forfeiture Act does not provide for powers of search or seizure to the Nunavut Civil Forfeiture Office. Instead, the *Act* enables the director to collaborate with law enforcement agencies to use evidence and information gathered during criminal investigations. If material gathered during a criminal investigation indicates a viable civil forfeiture action, it can be forwarded to the Director for review and determination.

Before initiating a civil forfeiture action, the Director ensures that the civil proceedings do not conflict with any related criminal processes and inquires whether the Crown has decided to pursue criminal forfeiture proceedings under federal legislation.

Activities and Progress

Despite ongoing challenges such as COVID-19, the Nunavut Civil Forfeiture Office has made significant progress towards achieving its mandate during the reporting period. Notable accomplishments include the signing of an information sharing agreement between the Government of Nunavut and the Royal Canadian Mounted Police (RCMP) "V" division, as well as a memorandum of understanding between the Government of Nunavut and the Government of Canada's Public Prosecutions Service of Canada (PPSC).

The Director of Forfeiture has been actively working on implementing structural policies to enable the Forfeiture Office to become fully operational. Additionally, an education campaign has been launched to raise awareness about the role and importance of civil forfeiture in supporting crime prevention and victim services programs in Nunavut.

Collaborative Approach

The Director of Forfeiture has been working with the RCMP and Public Prosecutions Service of Canada (PPSC) to develop a collaborative approach to forfeiture proceedings within the territory. The Government of Nunavut and the RCMP have established an information sharing agreement to begin the development of the Forfeiture Office. The Government of Nunavut and the PPSC have signed a Memorandum of Agreement which will ensure that civil forfeiture and criminal proceedings do not impede one another.

Training

The Director of Forfeiture along with a member of the legal division received a week-long training session from the Saskatchewan Civil Forfeiture office which included a review of relevant case law, strategies, and available civil forfeiture remedies. The training provided significant insights for the implementation of the Act and aided our approach in bringing our first file before the Nunavut Court of Justice.

Educational Campaign

To promote public awareness and understanding of civil forfeiture, we have launched an ongoing educational campaign that involves representatives from various organizations, including the RCMP, PPSC, Liquor Commission, alcohol and education committees, and the Sheriff's Office. Through these presentations, we provide an overview of how civil forfeiture works and engage in dialogue to provide the framework in terms of how each party can contribute to the success of the program.

In 2023, we plan to launch a public awareness campaign to further educate the public about civil forfeiture and its importance in supporting crime prevention and victim services programs in Nunavut.

Human Resources

The Director remained the only employee of the Forfeiture Office. David Lawson came on board as Director of Forfeiture during the reporting period. Mr. Lawson has a background in policing and is a graduate of the Nunavut law Program. His priorities coming into the position were to secure agreements with the RCMP and PPSC and to get the office to a point where it could commence its first action. Requests for additional positions may be made in the future once the Office becomes operational and as determined by workload requirements.

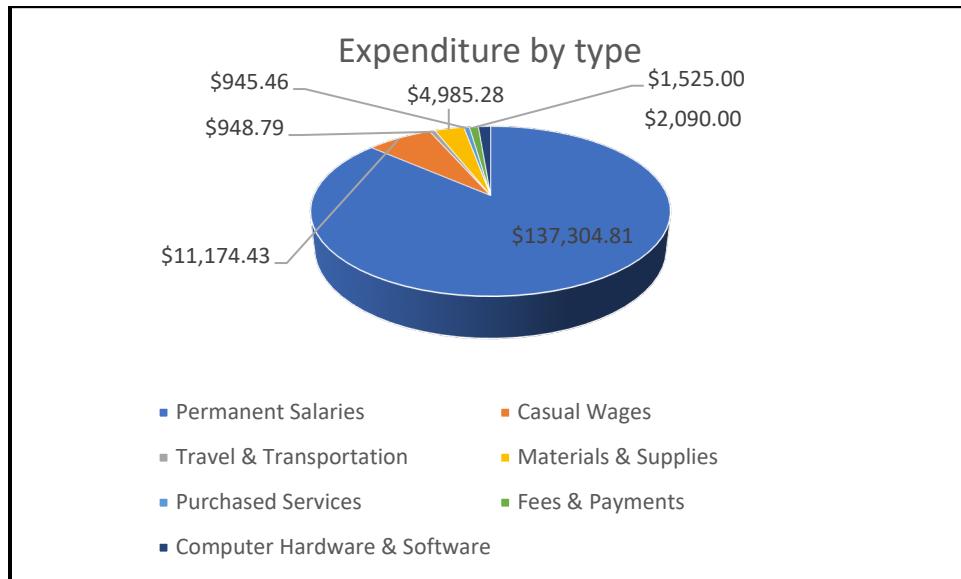
Civil Forfeiture Proceedings

Although no cases have been concluded yet in court, the Nunavut Civil Forfeiture Office initiated its first civil forfeiture action during this reporting period. The case is currently before the Nunavut Court of Justice and new cases are currently being assessed for consideration.

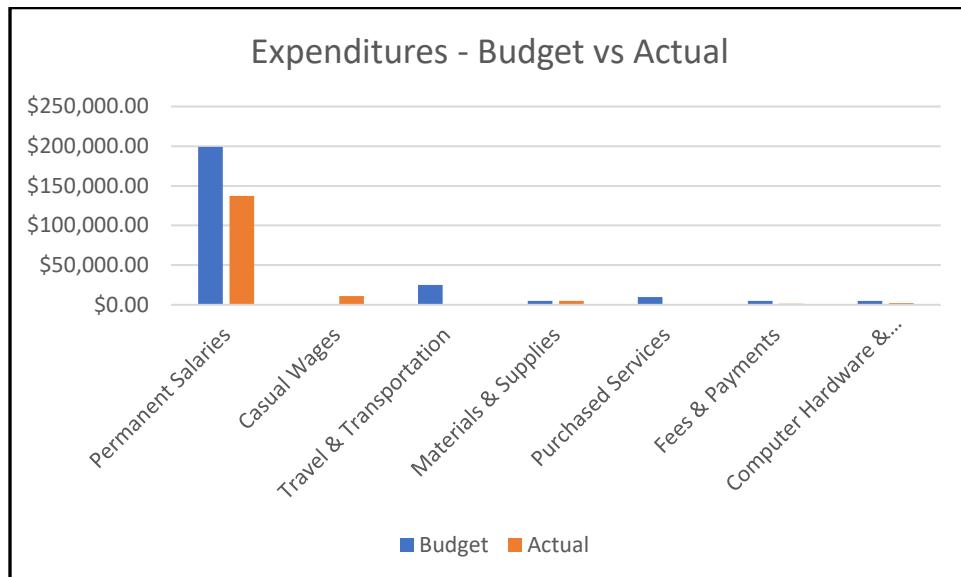
Forfeiture Office Expenditures

Expenditure by Type

The total expenditures for the Nunavut Civil Forfeiture Office during the reporting period were \$158,974, which can be broken down as follows:



Budget (\$250,000) vs. Actual (\$158,974)



Conclusion

The Nunavut Civil Forfeiture Office continues to work towards achieving its mandate of seizing property obtained through criminal activity. In its inaugural year there are no forfeiture orders to report, accordingly there were no amounts realized within this period from the disposition of property forfeited under the *Act*.

We remain committed to working collaboratively with law enforcement agencies, community organizations and Nunavummiut to prevent crime and support victims. We look forward to updating the public on our progress in future reports.