



ᐅᑕᑎᑕᑎ ᐅᑕᑎᑕᑎ ᐅᑕᑎᑕᑎ  
Building *Nunavut* Together  
*Nunavu* liuqatigiingniq  
Bâtir le *Nunavut* ensemble

Government of Nunavut

# Annual Report 2023/2024

Unlawful Property Forfeiture Act

Contents

Introduction ..... 1

General..... 1

Activities and Progress for the Reporting Period ..... 2

Training..... 2

Educational Campaign ..... 3

Human Resources ..... 3

Civil Forfeiture Proceedings ..... 3

Forfeiture Office Expenditures - 2023 - 2024..... 4

Budget and Expenditure by Type..... 4

Conclusion ..... 4

## Introduction

This report of the Nunavut Forfeiture Office covers the period from April 1, 2023 to March 31, 2024.

The Nunavut Forfeiture Office was established under the *Unlawful Property Forfeiture Act S.Nu. 2017, c.14* (the “Act”), which allows for the forfeiture of property obtained through criminal activity. The Act was passed by the Legislative Assembly in March 2017 and came into force on April 1, 2021.

The purpose of the Act is to promote safe and healthy communities in accordance with Inuit societal values by providing civil remedies that will:

- prevent people who engage in unlawful activities and others from keeping property that was acquired as a result of unlawful activities;
- prevent property from being used to engage in unlawful activities;
- allow for the disposition of property derived from or used to engage in unlawful activities for 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 Forfeiture Office the authority to initiate civil forfeiture proceedings against proceeds and instruments of unlawful activity.

This report is 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 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 in a civil forfeiture proceeding.

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.

*“Proceeds of unlawful activity” is money or any type of property gained from an unlawful activity (e.g. cash from a drug trafficking).*

*“Instruments of unlawful activity” is any property that is used to commit an unlawful activity (e.g. a vehicle used to illegally sell alcohol).*

*“Unlawful activity” is any act committed in Nunavut that is an offence under federal legislation or territorial legislation (e.g. Criminal Code of Canada, Nunavut Liquor Act). It is also an act committed outside Nunavut that is an offence in the territory.*

In Nunavut, the proceeds from successful civil forfeitures are used to support crime prevention and victim services programs in our territory, including compensating victims and funding crime prevention initiatives.

The Act does not provide 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. The Director may also receive information about potential cases from the public in the form of tips.

Before initiating a forfeiture action, the Director ensures that the civil proceedings do not conflict with any criminal investigations or proceedings related to the same facts and inquires whether the federal Public Prosecution Service of Canada (PPSC) has decided to pursue criminal forfeiture proceedings under federal legislation.

## Activities and Progress for the Reporting Period

This year, the Forfeiture Office continued to build strong relationships with the Royal Canadian Mounted Police (RCMP) "V" Division and the PPSC. The Information Sharing Agreement with the RCMP and the Memorandum of Understanding with PPSC have been crucial in ensuring a collaborative approach that supports both civil forfeiture and criminal justice efforts.

During this reporting period, the Director of Forfeiture has been working to implement structural policies that enable the Forfeiture Office to operate effectively. Most of these policies are nearing completion.

As part of the Forfeiture Office's commitment to public outreach, efforts were made to reestablish an educational campaign designed to raise awareness about civil forfeiture's role in crime prevention and its reinvestment in victim services and community wellness programs. Although the campaign faced disruptions, we have taken steps to restart this initiative, which involves delivering presentations to the RCMP and PPSC offices in Iqaluit. This outreach will ensure communities are better informed about how civil forfeiture contributes to public safety and supports the Government of Nunavut's substance harm reduction strategy.

## Training

The Forfeiture Office continues to participate in the National Civil Forfeiture Committee (NCFC), a provincial and territorial group that includes civil forfeiture offices from across Canada to share best practices and collaborate on common challenges. This national network supports the Forfeiture Office in maintaining up-to-date practices and enhancing its approach to implementing civil forfeiture in Nunavut.

## Educational Campaign

To promote public awareness and understanding of civil forfeiture under the *Unlawful Property Forfeiture Act*, we have been working on reestablishing our educational campaign during the 2023-2024 period. This effort involves collaboration with 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 in Nunavut and engage in dialogue to provide the framework in terms of how each party can contribute to the success of the program.

## Human Resources

The Director of Forfeiture was appointed in March 2024 and was the sole employee of the Forfeiture Office for the reporting period.

Prior to their appointment, the position of Director of Forfeiture became vacant in February 2023. During this interim period, the Assistant Deputy Minister of Public Safety, acted as Director of Forfeiture.

The Forfeiture Office continually assesses workload and operational requirements to determine staffing needs.

## Civil Forfeiture Proceedings

During the reporting period, the Forfeiture Office concluded one court case obtaining a forfeiture order from the Nunavut Court of Justice for \$37,000.00, in cash. The forfeited funds are currently being processed by the RCMP and will be deposited into the Victims Assistance Fund once this is completed. We will work closely with the RCMP to ensure a smooth transfer.

Additionally, the Forfeiture Office is actively reviewing files involving both real property and physical assets, as it works to expand its scope in addressing unlawful activity in Nunavut.

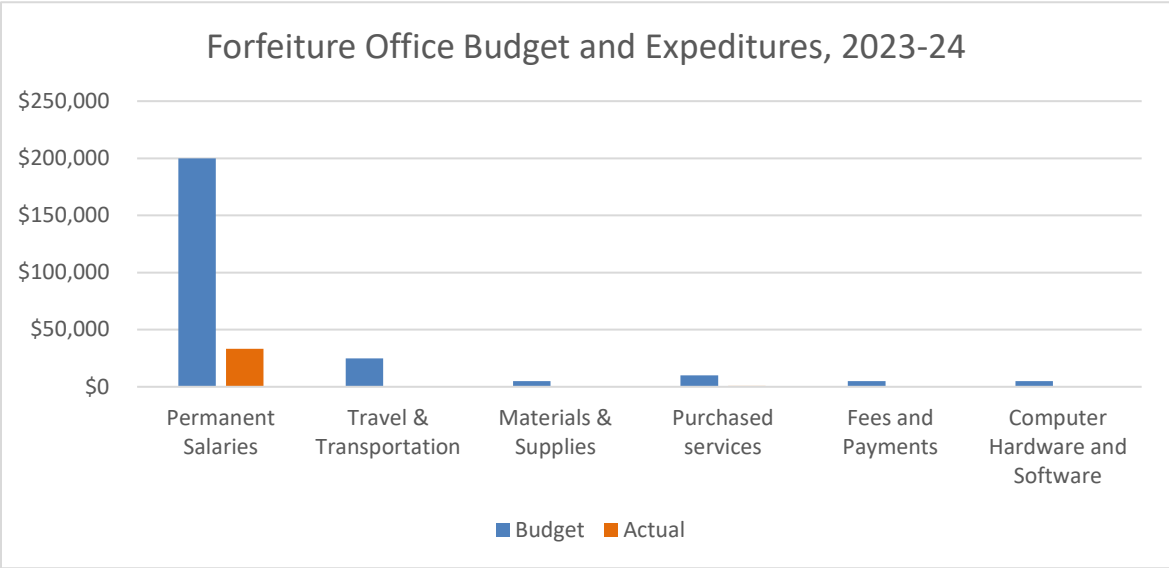
New cases will be assessed for consideration as they arise.

# Forfeiture Office Expenditures - 2023 - 2024

## Budget and Expenditure by Type

The total expenditures for the Forfeiture Office during the reporting period was \$33,911 on a total budget of \$210,000, which can be broken down as per the table below. Salary costs were low due to the Director role being filled on an acting basis by the ADM Public Safety for most of the year. Expenditures depend on factors such as staffing, case volume, travel requirements for files, education activities, and training, and necessary equipment or service contract needs, among others.

	Budgeted	Actual Expenditures	% of Total Actual (\$34k)
Permanent Salaries	\$160,000	\$33,131	20.7%
Travel & Transportation	\$25,000	\$0	0.0%
Materials & Supplies	\$5,000	\$0	0.0%
Purchased services	\$10,000	\$780	7.8%
Fees and Payments	\$5,000	\$0	0.0%
Computer Hardware and Software	\$5,000	\$0	0.0%
Total	\$210,000	\$33,911	



## Conclusion

The Nunavut Forfeiture Office continues to work towards achieving its mandate to pursue court orders forfeiting property obtained through criminal activity. The Office remains committed to working collaboratively with law enforcement agencies, community organizations, and Nunavummiut to prevent crime and support victims.