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How crime pays for police: Possibility of expanding Manitoba's civil forfeitures raises concerns

With forfeiture, there's no disconnect between enforcement and the benefit of enforcement, lawyer says

[Ian Froese](#) · CBC News · Posted: Nov 30, 2019 6:00 AM CT | Last Updated: November 30, 2019



Numerous police forces across Canada — including Ontario Provincial Police, as pictured above — have adopted drone technology. The Winnipeg Police Service is buying a drone using part of the half-million dollars it is

receiving through criminal forfeiture this year. (OPP)

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Crime doesn't pay, the saying goes, but it does pay off for police departments that take cash or homes from people they suspect are criminals.

There has been a nearly eight-fold increase in the proceeds of criminal property forfeiture since 2012 — and police are the primary beneficiaries of the growing fund in Manitoba.

Law enforcement agencies are receiving more than \$1.1 million annually from the pool of money — more than triple what they earned in 2012-13, when the province made it easier for police to seize property.

Meanwhile, the money going to victims from the fund hasn't increased nearly as much — this year, it's \$415,000, which is only a 27 per cent increase from 2012-13.

Those statistics are concerning to one lawyer, who says he's a "little nervous" about a suggestion in this month's throne speech that the Manitoba government is planning to expand the civil forfeiture process.

"We want to have a certain disinterest, a disconnect between enforcement and the benefit of enforcement," says Derek From, a lawyer with the Canadian Constitution Foundation.

"If I know that money is going to be rolled back into my department, I'm going to be more aggressive in seeking out property that has been used in the commission of unlawful activity or has been gotten through unlawful activity," From said.

"There's nothing nefarious here, necessarily, but it creates this sort of policing-for-profit incentive."

He says the practice of civil forfeiture should concern the public. The province doesn't need a conviction or proof beyond a reasonable doubt like in a criminal matter to seize property — it relies on the balance of probabilities.

That could mean innocent people cannot defend themselves, From says.

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In a 2016 study of civil forfeiture laws, the Canadian Constitution Foundation gave Manitoba a failing grade, in part, for giving a "much lower amount" of the proceeds to victims than law enforcement and other agencies.

Cash for community projects

But Gord Schumacher, the director of Manitoba's criminal forfeiture division, says the statistics, listed on a [government website](#), are actually misleading.

All police forces divert some of the cash they receive to community projects. The RCMP does that more than other forces, with more than 90 per cent of the nearly \$320,000 they received through forfeitures going to initiatives like a youth curling program, a soccer league, camping trips and insulated doghouses.

"It's maybe a little deceiving in a negative way for us," Schumacher says of the web page, which makes it seem like law enforcement money is solely going to policing activities.

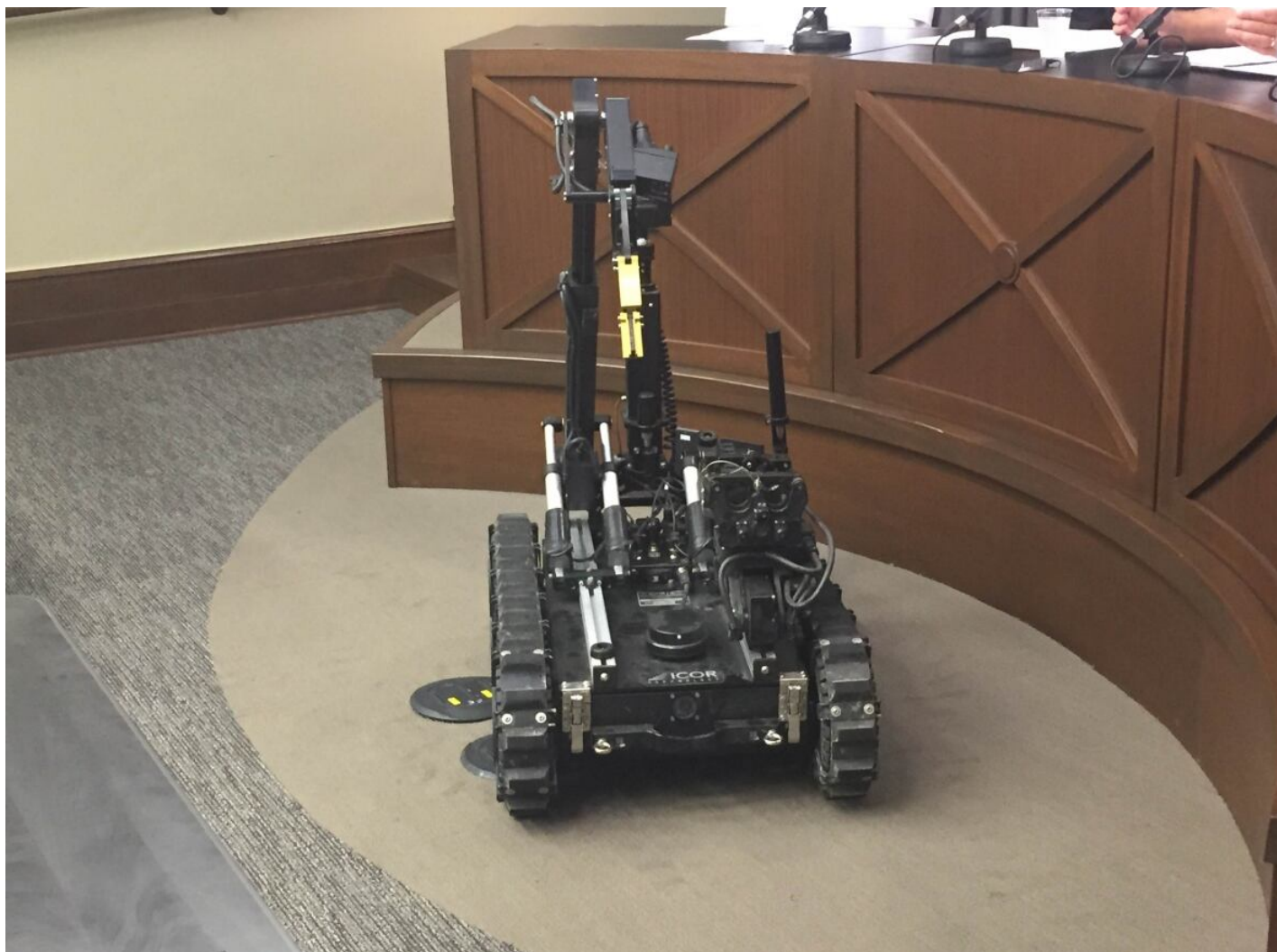
He said 45 per cent of this year's total forfeiture proceeds went toward victim programming and police-supported community projects.

The province chose to finance every grant that victim support agencies asked for, he said.

2012 rule change led to spike

Civil forfeiture became law in Manitoba in 2004, but it didn't go as planned because police didn't have time to pursue forfeiture. Years later, the province established a forfeiture unit, which began seizing property in 2010, but it worked slowly because matters got tied up in court.

Amendments in 2012 allowed property valued under \$75,000 to be seized outside the courts, and the proceeds from forfeiture have risen sharply since.



The Winnipeg Police Service showed off this robot at a 2015 news conference. It was purchased with money the police service received in the past from the criminal property forfeiture fund. (Courtney Rutherford/CBC)

The criminal property forfeiture fund went from doling out \$193,000 in 2011-12 to more than \$2 million annually the last few years.

This spike is most pronounced with police grants. Police forces collected almost \$153,000 in grants in 2011-12. That number more than doubled in 2012-13 to \$345,000, nearly doubled again in 2013-14 to \$664,000, and soared to more than \$1 million in 2014-15.

The extra revenue to police has fluctuated between \$1.1 million to \$1.4 million since then.

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The funding for victim agencies has also climbed, but it hasn't kept pace with the law enforcement grants. It has usually been in the range of \$300,000 to \$500,000, which Schumacher says is around what victim support organizations ask for.

Money is also given to individual victims themselves whenever possible, he said.

More transparency needed: law student

Law student Brendan Roziere has studied civil forfeiture for the Robson Crim Legal Blog, based at the University of Manitoba.

He says the public only knows what gets funded based on what the government chooses to announce — and that isn't right.

"Forfeiture is not necessarily something that we should be scared of, but it is something I think we have to be cautious of," Roziere said. "We need to be able to have a transparent and accountable system to ensure that it does what it is supposed to do and doesn't go off the rails."

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- [Cash from crime pays for new gear for Brandon Police Service](#)

RCMP Sgt. Paul Managire doesn't think his detachment is unduly influenced by the process. He says there are checks and balances in place, like ensuring a higher-up within the RCMP and the province signs off on any attempted forfeiture.

There would be a good argument for giving more money to victims, he says, but it's not up to the RCMP. His police force chooses to support community programs, in addition to using the money for the "odd" tactical need, like an explosion disposal unit.

"We feel strongly that this money should be returned. It's being taken from community a lot of times through various illegal activities, so it's being turned back to the communities."

Money laundering a new focus

The Winnipeg Police Service — which is buying a drone and robotic arm with this year's disbursement — declined to comment.

Schumacher says the majority of the Winnipeg police grant goes toward resources and training, but he insists the funded projects go beyond what the police department's budget

permits.

Schumacher doesn't know how the expansion of the civil forfeiture process the province suggested it's considering will play out, but he says the province wants to beef up its fight against money laundering.

Currently, a lot of the forfeiture work his unit does involves taking the money earned by drug deals. The unit doesn't go after as many illegal grow-ops as it used to, because organized crime has learned that buying homes doesn't pay.

"We changed their behaviour for sure, and then we started to see a quick decline" in grow-op houses, he says.

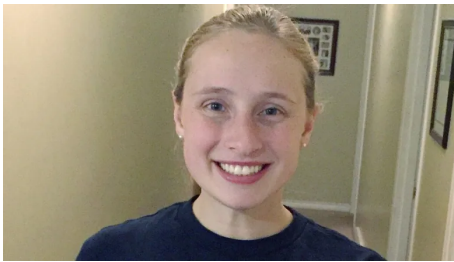
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