

PROVINCE OF ONTARIO  
MINISTRY OF THE ATTORNEY GENERAL

**CROWN POLICY MANUAL**

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March 21, 2005

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**PROCEEDS OF CRIME**

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**PRINCIPLES**

The Attorney General supports the use of Proceeds of Crime legislation. It is important to remove illicitly obtained profits from criminals and to preserve property obtained by crime for forfeiture.

In order to give proper effect to this important law enforcement tool, Crown counsel must adhere to the practice and procedure set out in the legislation, when seizing or restraining property. Crown counsel should also be mindful of the following:

- All requests for undertakings of the Attorney General, with respect to the payment of damages or costs in relation to the making, issuance and execution of the order, must first be approved by the Crown Attorney and Regional Director of Crown Operations
- Use of the proceeds of crime legislation should focus on organized criminal activity being conducted for profit. This will include, but is not limited to, offences committed by criminal organizations
- At sentencing, restitution, compensation and restoration take priority over forfeiture. Crown counsel should ensure that any restrained property is used to satisfy any restitution orders to victims of crime before a forfeiture order is sought or made
- As the Criminal Code provisions provide no guarantee of recovery of losses, victims should be advised that they may seek independent legal advice concerning possible civil remedies.