**Financial Crime Group**

Police National Headquarters

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8th April 2013

Dear Mr/Ms Harris

Thank you for your request for information relating to the Criminal Proceeds (Recovery) Act 2009 (CPRA).

New Zealand Police are able to partially comply with your request, as follows.

1. *For each of the years 2010, 2011, and 2012, the number of restraint and forfeiture orders applied for, and the numbers that were successful.*

The first part of this request i.e. the number of restraint and forfeiture orders applied for, is refused pursuant to section 18(f) of the Official Information Act 1982. This is because the ‘information cannot be made available without substantial collation or research’.

However, the number of Restraining and Forfeiture Orders that were successful is held centrally and is shown in the table below;

|  |  |  |
| --- | --- | --- |
| **Year** | **Successful Restraining Orders** | **Successful Forfeiture Orders** |
| 2010 | 42 | 21 |
| 2011 | 44 | 42 |
| 2012 | 55 | 47 |
| **Total (2010 – 2012)** | **141** | **110** |

2. *For each of the years 2010, 2011, and 2012, for forfeiture orders, whether they were conviction or non-conviction based. If conviction based, the statistical breakdown of offences, and the number made against people acquitted of the suspected offence or whose convictions had been quashed.*

Under the Criminal Proceeds (Recovery) Act 2009 (CPRA), Police restrain and forfeit assets acquired and derived from offending on the civil standard of proof, i.e. on balance of probabilities. No criminal prosecutions are brought. Respondents in CPRA cases *may* also be subject to criminal proceedings but any such actions are entirely separate to CPRA cases and no information is centrally held relating to how many CPRA actions have also resulted in criminal prosecutions.

Assets are forfeit as either the profits of crime e.g. a car bought with the proceeds of drug dealing, or as an instrument of crime. Part 1 Section 5(1) of the CPRA defines an instrument of crime as ‘property used (wholly or in part) to commit or facilitate the commission of a qualifying instrument forfeiture offence’. An example of an instrument of crime would be a residential property used to manufacture methamphetamines.

The Forfeiture Orders that were successful during the years cited in your request are broken down as shown in the table below;

|  |  |  |
| --- | --- | --- |
| **Year** | **Instrument of Crime Forfeiture Orders** | **Profits of Crime Forfeiture Orders** |
| 2010 | 10 | 11 |
| 2011 | 10 | 32 |
| 2012 | 6 | 41 |
| **Total (2010-2012)** | **26** | **84** |

These orders relate to 104 respondents. There are more Orders than respondents because, on occasions, both Instrument and Profit Orders might be made against the same respondent. The predicate offences associated with these 104 respondents are shown in the table below;

|  |  |
| --- | --- |
| **Predicate Offence** | **Number of Cases/Respondents** |
| Bribery & Corruption | 1 |
| Cannabis (cultivation, supply etc.) | 39 |
| Forgery | 1 |
| Fraud | 3 |
| Methamphetamines (importation, manufacture, and supply) | 54 |
| Money Laundering | 1 |
| Murder | 2 |
| Other drugs | 2 |
| Unknown | 1 |
| **Total (2010 – 2012)** | **104** |

The last portion of this part of the request i.e. the number of forfeiture orders made against people acquitted of the suspected offence or whose convictions had been quashed is refused pursuant to section 18(f) of the Official Information Act 1982. This is because the ‘information cannot be made available without substantial collation or research’.

3. *For each of the years 2010, 2011, and 2012, the value of assets forfeited, if available broken down between conviction and non-conviction based orders.*

As previously stated, Police forfeit assetsacquired and derived from offending on the civil standard of proof, i.e. on balance of probabilities. No criminal prosecutions are brought under the CPRA. However, the forfeiture orders obtained during the years in question can be broken down by Instrument and Profit Order as shown in the table below;

|  |  |  |
| --- | --- | --- |
| **Year** | **Value of Instrument of Crime Forfeiture Orders**  | **Value of Profit of Crime Forfeiture Orders**  |
| 2010 | $1.6 million | $1.2 million |
| 2011 | $1.3 million | $8,8 million |
| 2012 | $308,000 | $6.3 million |
| **Total (2010 – 2012)** | **$3.2 million** | **$16.3 million** |

If you are not satisfied with the response to your request you are entitled to complain to the Office of the Ombudsman and seek an investigation and review of decisions. If you require any additional information or clarification please do not hesitate to ask.

**Peter Devoy**

*Detective Superintendent*

*National Manager: Financial Crime Group*

*New Zealand Police*