

 <p>CHAMPLIN POLICE DEPARTMENT POLICY AND PROCEDURES</p>	Segment: 3 – Departmental Procedures	Section: 329
	Section Title: Administrative Forfeitures	Total Pages: 3
		Revised Date:

PURPOSE

The purpose of this policy is to establish guidelines pertaining to the processing of seized items for administrative forfeiture per MN Statute 609.531.

329.01 DEFINITIONS

Seizure: the act of law enforcement officials taking property, including cash, vehicles, etc., that has been used in connection with, or acquired by, illegal activities.

Forfeiture: the process by which legal ownership of an asset is transferred to a government or other authority.

Cash: money in the form of bills or coins, traveler's checks, money orders, checks or other forms of electronic money or stored value cards, including, but not limited to, gift cards/certificates, debit cards or other negotiable financial instruments.

Vehicle: a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, ATV, and vessel and any equipment attached to it.

329.02 SEIZED PROPERTY SUBJECT TO ADMINISTRATIVE FORFEITURE

The following property may be seized and is presumed, under MN Statute 609.531(sub 4), to be subject to administrative forfeiture if the item has a retail value of \$50,000.00 or less:

All money, precious metals, and precious stones found in proximity to:

- Controlled substances;
- Forfeitable drug manufacturing or distributing equipment or devices; or
- Forfeitable records of manufacture or distribution of controlled substances.

All transportation devices containing controlled substances with a retail value of \$75 or more if possession or sale of the controlled substance would be a felony under chapter 152.

All firearms, ammunition, and firearm accessories found:

- In a transportation device used, or intended for use, to commit or facilitate the commission of a felony offense involving a controlled substance;
- On or in proximity to a person from whom a felony amount of controlled substance is seized; or
- On the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under chapter 152.

Seizure of property not listed above must be processed in coordination with the supervisor assigned forfeitures.

329.03

PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When any property as described in the above section is seized in the course of their assigned duties, the officer shall complete the following forms; a detailed report and the:

- Incident report form
- Notice of Seizure and Intent to Forfeit Property form
- A receipt for the item(s) seized.

Administrative forfeiture notices are NOT to be given for assets seized under MN Statute 609.5314 if the retail value of the asset exceeds \$50,000.00.

The individual from whom property is seized must be given an opportunity to sign the seizure notice form. If the person refuses to sign the form, the officer shall check the appropriate box indicating the refusal to sign.

If property is seized from multiple individuals, a separate seizure form must be completed for each individual and a copy of the seizure form given to the individual served.

All property seized as a result of an administrative forfeiture shall be property inventoried according to department policy #314.

Cash

Officers shall not seize cash having an aggregate value less than \$100.00, unless pre-recorded buy funds are included in the cash seized.

Officers shall examine all cash seized to determine whether it contains any buy funds.

Officers shall document the recovery of all buy funds and return those funds to the Supervisor to be returned to the appropriate buy fund account.

Cash shall be recounted and the amount verified by another officer. The property evidence bag and inventory receipt shall be co-signed by both officers.

Officers seizing cash shall complete a property inventory form. If cash is seized from multiple individuals, a property inventory receipt will be completed for each individual.

All cash seized as a result of an administrative forfeiture shall be property inventoried according to department policy #314.

Jewelry/Precious Metals/Precious Stones

Officers seizing jewelry, precious metals, and/or precious stones will write a detailed description of each item on the property inventory receipt prior to inventorying the items.

All jewelry, precious metals, and/or precious stones seized as a result of an administrative forfeiture shall be property inventoried according to department policy #314.

329.04

REPORTS

All reports dealing with seized property will be completed prior to the end of the officer's duty shift unless supervisory approval has been granted but no later than within 24 hours of the seizure.

Date Implemented: January 10, 2011