



Minneapolis Police Department Policy and Procedure Manual

Number:
10-200

Volume Ten - Investigations

Investigative Procedures

10-215 State Administrative Forfeiture

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I. Purpose

MN Statute section 609.531 requires the MPD to establish and enforce a written policy to articulate the best practices for forfeiture and ensure uniform application of forfeiture laws statewide.

II. Policy

- A. It shall be the policy of the Minneapolis Police Department (MPD) that all employees of the MPD, all MPD employees assigned to another law enforcement agency's task force and all employees assigned from an outside law enforcement agency to a task force in which the MPD serves as the fiscal agent, shall follow all state and federal laws pertaining to the processing of property seized for forfeiture.
- B. Training will be provided by the MPD in consultation with the prosecuting authority to officers who may exercise the use of administrative forfeiture in the performance of their assigned duties. Such training is to be conducted whenever the MPD policy is changed or modified based upon administrative directives, legislative statutes changes and/or relative court decisions. Training may include, but not be limited to: MPD policy, directives, electronic or traditional classroom education.

III. Definitions

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, debit cards, gift cards/certificates or other negotiable financial instruments. Does not include personal checks.

Conveyance Device: A device used for transportation and includes, but is not limited, to a motor vehicle, trailer, bicycle, snowmobile, airplane and vessel and any equipment attached to it. The term "conveyance device" does not include property, which is, in fact, itself stolen or taken in violation of the law.

Firearms/ammunition/firearm accessories: A device that projects either single or multiple projectiles at high velocity. Ammunition is a term meaning the assembly of a projectile and its

propellant. Accessories include but are not limited to holsters, gun cases, firearm optics, suppression devices, cleaning supplies, etc.

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

Forfeiture/Seized Property Reviewer: An MPD employee responsible for reviewing all forfeiture cases and is the liaison between the MPD and the prosecutor's office.

Forfeiture Submission form: Form mandated by state statute, completed by officers and submitted to the Forfeiture/Seized Property Reviewer.

Notice of Seizure and Intent to Forfeit Property form: Form completed by officers at the time of property seizure; to be distributed as directed on the form. Notice of Seizure and Intent to Forfeit Property forms are available for seizures made specific to: Controlled Substance Crime, Impaired Operation, Prostitution, Drive by Shooting and Fleeing Police Officer.

Jewelry/Precious Metals/Precious Stones: The term "precious metals/precious stones" includes items of jewelry such as rings, necklaces and watches that reasonably appear to be made of precious metals or precious stones. Precious metals include but are not limited to gold, silver, platinum, iridium and palladium. Precious stones, often referred to as gemstones, include but are not limited to diamonds, emeralds and rubies.

Property Inventory form: Form completed upon property inventory at Property and Evidence. Original copy is maintained by Property and Evidence.

Property Receipt form: Triplicate form completed by officers at the time of property seizure; to be distributed as directed on the form.

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.

IV. Procedures/Regulations

A. Controlled Substance Crimes

1. The following are subject to forfeiture under MN Statute section 609.5314 Administrative Forfeiture of Certain Property Seized in Connection With a Controlled Substances Seizure:
 - a. All money totaling \$1,500 or more, precious metals, and precious stones that there is probable cause to believe represent the proceeds of a controlled substance offense;
 - b. All money found in proximity to controlled substances when there is probable cause to believe that the money was exchanged for the purchase of a controlled substance;

- c. All conveyance devices containing controlled substances with retail value of \$100 or more if there is probable cause to believe that the conveyance device was used in the transportation or exchange of a controlled substance intended for distribution or sale.
 - d. All firearms, ammunition and firearm accessories found:
 - i. in a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance;
 - ii. on or in proximity to a person from whom a felony amount of controlled substance is seized; or
 - iii. 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 MN Statute Chapter 152.
2. When any property as described in the above section is seized, the peace officer making the seizure must prepare the following documents for each person whom property is being seized from:
- The “Notice of Seizure and Intent to Forfeit Property- Controlled Substance Crimes” form. This form must be completed to include the following:
 - a list describing each item seized
 - the name of the individual served with the Notice
 - location of seizure
 - date of seizure
 - MPD case number
 - signature, date, and location where notice was served (written by the peace officer conducting the seizure).
 - Property Receipt Form. This form must be completed in detail in its entirety. (In addition to the Page 5, when applicable.)
 - Forfeiture Submission Form. This form must be completed in detail in its entirety. Note: Referencing a report is not enough.
 - Police Report and narrative text explaining probable cause for the seizure to include type and weight of controlled substance and result of field test(s). (*See also, H. Administrative Forfeiture - Report Writing Requirements*)
3. The individual whom property is being seized from must be given an opportunity to sign the seizure notice form.
- If the person refuses, the peace officer conducting the seizure must check the appropriate box indicating the refusal to sign.

4. A copy of the Notice of Seizure and Intent to Forfeit Property Controlled Substance Crimes form and a copy of the Property Receipt shall be given to each individual served.
 - a. If property is seized from multiple individuals, separate forms shall be completed for each individual.
5. All property subject to and being processed for forfeiture through the MPD must be held in the custody of the MPD.
6. The officer conducting the seizure shall forward the following to the Forfeiture/Seized Property Reviewer within 5 days of seizure:
 - Notice of Seizure and Intent to Forfeit Property Controlled Substance Crimes form (original and pink copies)
 - Property Receipt form (original and pink copies)
 - Forfeiture Submission form
7. The peace officer conducting the seizure shall inform the Forfeiture/Seized Property Reviewer of the estimated retail value of drugs found in proximity to the asset seized.
8. Seizure of property not listed above must be processed, reviewed and approved by the unit supervisor.
9. The Forfeiture/Seized Property Reviewer shall forward all changes to forfeiture status to the supervisor who initiated the case.

B. Cash in Controlled Substance Crimes

1. Cash shall not be seized if it has an aggregate value less than \$300.00 unless pre-recorded buy funds are included in the cash seized.
2. Officers shall examine all cash seized to determine whether it contains any buy funds. When buy funds are recovered:
 - a. Photocopy the recovered buy funds and property inventory the photocopy.
 - b. Return recovered buy funds to the appropriate unit's buy fund account.
 - c. Document in the Police Report under the correct CCN that buy funds were recovered.
3. Cash shall be recounted and the amount verified by another employee of the MPD. The cash envelope and/or inventory receipt shall then be co-signed.
 - If a discrepancy is found, the Notice of Intent to Forfeit Property Controlled Substance Crimes form and the Property Receipt form must be reissued.
4. All forfeitable cash seized will be property inventoried at Property and Evidence in accordance with P&P 10-401 Property and Evidence.

- a. The Property Inventory form shall specify the total amount of cash seized from each individual.
- b. The Property Inventory form shall also contain a detailed description of all checks, money orders and/or travelers checks or other financial instruments.

C. Property Other than Cash in Controlled Substance Crimes

1. Seized jewelry, precious metals and/or precious stones shall be property inventoried at the property/evidence room in accordance with P&P 10-401 Property and Evidence.
2. Forfeiture of Conveyance Device
 - a. Upon seizure for forfeiture, all conveyance devices shall immediately be either taken to a secure designated area or to an MPD approved impound facility.
 - b. Officers shall inventory the conveyance device and its contents in accordance with applicable MPD policies.
 - c. If the driver, who received a seizure notice, is not the registered owner according to MN DVS, the Forfeiture/Seized Property Reviewer shall serve the registered owner a seizure notice via certified mail within 60 days of the seizure, pursuant to MN Statute section 169A.63 Subd. 8(b) Vehicle Forfeiture, Administrative Forfeiture Procedure.
3. Seized firearms, ammunition or firearms accessories shall be property inventoried in accordance with P&P 10-401 Property and Evidence.

D. Vehicle Forfeiture for Prostitution

1. Vehicles are subject to forfeiture under MN Statute section 609.5312 Subd. 3 (Vehicle forfeiture for prostitution offenses) if the vehicle was used to commit or facilitate, or used during the commission of a violation of MN Statute section 609.324 Patrons; Prostitutes; Housing Individuals Engaged in Prostitution; Penalties.
2. Seizure of the vehicle in prostitution offense may be seized only if registered owner of vehicle is present.
3. When a vehicle is seized for prostitution, the peace officer making the seizure must complete the "Prostitution Arrests - Notice of Seizure of Motor Vehicle" form. This form must be completely filled out and issued immediately.
4. The individual from whom the property is being seized must be given an opportunity to sign the seizure notice form.
 - If the person refuses, the peace officer conducting the seizure must acknowledge on the form, the refusal to sign.

5. The form shall be immediately distributed as directed on the form as the vehicle owner is entitled to a hearing within 96 hours, per MN Statute section 609.5312 Subd 3(b) Forfeiture of Property Associated With Designated Offenses, Vehicle Forfeiture for Prostitution Offenses.
 - Fax to Minneapolis City Attorney's office
 - Fax to Minneapolis Property and Evidence
 - White copy to Forfeiture/Seized Property Reviewer
 - Yellow copy to registered owner of vehicle
6. If the driver, who received a seizure notice, is not the registered owner according to MN DVS, the Forfeiture/Seized Property Reviewer will serve the registered owner a seizure notice via certified mail pursuant to MN Statute section 169A.63 Subd. 8(b) Vehicle Forfeiture, Administrative Forfeiture Procedure.

E. Vehicle Forfeiture for Impaired Operation (DUI)

1. Vehicles are subject to forfeiture under MN Statute section 169A.63 Subd 2 Vehicle Forfeiture, Seizure incident to a lawful arrest for the violation of a designated drinking and driving offense.
2. When a vehicle is seized for impaired operation, the peace officer making the seizure must complete the "Impaired Operation - Notice of Intent to Administratively Forfeit Vehicle" form. This form must be completely filled out.
3. The individual from whom the property is being seized must be given an opportunity to sign the seizure notice form.
 - If the person refuses, the peace officer conducting the seizure must acknowledge on the form, the refusal to sign.
4. The form shall be distributed as directed on the form.
 - White and Pink copies to Forfeiture/Seized Property Reviewer
 - Yellow copy to driver of vehicle
5. If the driver, who received a seizure notice, is not the registered owner according to MN DVS, the Forfeiture/Seized Property Reviewer will serve the registered owner a seizure notice via certified mail pursuant to MN Statute section 169A.63 Subd. 8(b) Vehicle Forfeiture, Administrative Forfeiture Procedure.

F. Vehicle Forfeiture for Flee in Motor Vehicle

1. Vehicles are subject to forfeiture under MN Statute section 609.5312 Forfeiture of Property Associated With Designated Offenses if the vehicle was used to commit or facilitate, or used during the commission of a violation of MN Statute section 609.487 Fleeing Peace Officer; Motor Vehicle; Other.

2. When a vehicle is seized for fleeing a police officer, the peace officer making the seizure must complete the “Notice of Seizure Motor Vehicle Fleeing Police Officer” form. This form must be completely filled out and issued immediately.
3. The individual from whom the property is being seized must be given an opportunity to sign the seizure notice form.
 - If the person refuses, the peace officer conducting the seizure must acknowledge on the form, the refusal to sign.
4. The form shall be immediately distributed as directed on the form as the vehicle owner is entitled to a hearing within 96 hours, per MN Statute section 609.5312 Subd 4(b) Forfeiture of Property Associated With Designated Offenses, Vehicle Forfeiture for Fleeing Peace Officer.
 - Fax to Hennepin County Attorney’s office
 - Fax to Forfeiture/Seized Property Reviewer
 - Copy to driver of vehicle
5. If the driver, who received a seizure notice, is not the registered owner according to MN DVS, the Forfeiture/Seized Property Reviewer will serve the registered owner a seizure notice via certified mail pursuant to MN Statute section 169A.63 Subd. 8(b) Vehicle Forfeiture, Administrative Forfeiture Procedure.

G. Vehicle Forfeiture for Drive by Shooting

1. Vehicles may be seized and are presumed under MN Statute section 609.5318 Forfeiture of Vehicles Used in Drive-By Shootings to be subject to administrative forfeiture if the vehicle was used to commit or facilitate, or used during the commission of a violation of MN Statute section 609.66 Subd. 1(e) Dangerous Weapons, Felony; Drive-By Shooting.
2. When a vehicle is seized for drive by shooting, the peace officer making the seizure must complete the “Notice of Seizure Motor Vehicle Used in Drive by Shooting - Vehicles Used in Violation of MN Statute section 609.66 Subd. 1(e)” form. This form must be completely filled out.
3. The form shall be distributed as follows:
 - White and pink copies to Forfeiture/Seized Property Reviewer
 - Yellow copy to driver of vehicle
4. If the driver, who received a seizure notice, is not the registered owner according to MN DVS, the Forfeiture/Seized Property Reviewer will serve the registered owner a seizure notice via certified mail pursuant to MN Statute section 169A.63 Subd. 8(b) Vehicle Forfeiture, Administrative Forfeiture Procedure.

H. Report Writing Requirements

1. The Officer/Investigator seizing property shall document in the Police Report via a narrative text under the appropriate CCN.
2. The documentation must include a description of:
 - the items seized,
 - where the property is inventoried,
 - the name(s) of the individual(s) served,
 - the date the seizure form was served,
 - the name of the serving peace officer and
 - Whether or not the individual(s) signed the Notice of Seizure and Intent to Forfeit Property form.
3. When practical, all reports dealing with seized property shall be completed within 24 hours of the seizure.