700.43 ADMINISTRATIVE FORFEITURE

POLICY

Janesville Police Department personnel shall follow state and federal laws regarding administrative forfeitures and the handling of seized property. This policy applies to agency personnel assigned to another agency's task force as well as personnel from outside agencies assigned to a task force managed by the Janesville Police Department.

DEFINITIONS

Ammunition: has the meaning given to it in MN Statute 609.02, subdivision 17.

Controlled Substance: has the meaning given to it in MN Statute 152.01, subdivision 4.

Conveyance Device: has the meaning given to it in MN Statute 609.531, subdivision 1(a).

Firearm: has the meaning given to it in MN Statute 609.666, subdivision 1(a).

Firearm Accessories: means devices and attachments made to be used for or with a firearm. Firearm accessories may include, but are not limited to, holsters, gun cases, firearm optics, suppression devices, and firearm cleaning supplies.

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

Forfeiture Reviewer: means agency personnel responsible for reviewing all forfeiture cases and for being the liaison between the agency and prosecutor's office.

Jewelry/Precious Metal/Precious Stones: refers to items of jewelry such as rings, necklaces, and watches that reasonably appear to be made with 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.

Money: has the meaning given to it in MN Statute 609.5314, subdivision 1(d).

Seizure: refers to the act of law enforcement officials taking property, including but not limited to, money and vehicles, that have been used in connection with or acquired as a result of illegal activities.

PROCEDURE

SEIZED PROPERTY SUBJECT TO ADMINISTRATIVE FORFEITURE

The items described herein are subject to administrative forfeiture under MN Statute 609.5314, subdivision 1.

- All money totaling $1,500 or more, precious metals, and precious stones for which there is probable cause to believe they represent the proceeds of a controlled substance offense.
- 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.
- All conveyance devices containing controlled substances with a 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.
- All firearms, ammunition, and firearm accessories.

PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When any property as described in the above section is seized, the peace officer making the seizure must ensure the required forfeiture forms are completed, that a receipt for the seized items is completed, and that the appropriate notifications are made within 60 days pursuant to MN Statute 609.5314, subdivision 2.

The notice form contains information in English, Hmong, Somali, and Spanish concerning the right to obtain judicial review and the procedure to follow under MN Statute 609.5314 for obtaining the review. The form must be dated and signed by the peace officer conducting the seizure. The agency case number must be included on the form. The individual from whom the property was seized 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. If property is seized from multiple individuals, a separate seizure form must be completed for each individual. A copy of the seizure form must be given to the individual served.

All property subject to and being processed for forfeiture through the agency must be held in the agency's custody.

The peace officer conducting the seizure shall ensure the original and pink copy of the seizure notices, seized property processing worksheets, property receipts, and reports are forwarded to the Forfeiture Reviewer within 10 days of seizure. The peace officer who conducted the seizure shall inform the Forfeiture Reviewer of the estimated retail value of drugs found in proximity to the asset seized.

Money. Peace officers shall not seize money having an aggregate value less than the department's established minimum, unless pre-recorded buy funds are included in the money seized. Money shall be counted by two peace officers while in the presence of one another, then the money must be placed in an envelope that is sealed and initialed/dated by the two peace officers. This processes should be documented via video recording. If video recording is not available, the peace officer shall document the reason(s) why a recording was not captured in their report. The property bag and/or inventory receipt shall then be signed/dated by the two peace officers who counted the money.

All forfeitable money seized will be turned over to the Forfeiture Reviewer or property/evidence room as soon as practical after the seizure. Prior to deposit with the Forfeiture Reviewer, [*officers*] shall examine all money seized to determine whether it contains any buy funds. [*Officers*] shall document the recovery of all buy funds and deposit those funds with the Forfeiture Reviewer or other designated person/entity to be returned to the appropriate unit's buy fund account.

[*Officers*] seizing money shall also prepare a property inventory. If money is seized from multiple individuals, a property inventory receipt shall be completed for each individual. The property inventory receipt shall specify the total amount of money seized from each individual. The agency property inventory shall also contain a detailed description of all money, checks, money orders, travelers checks and/or other financial instruments. The [officer] conducting the seizure shall ensure a copy of the completed property inventory receipt is provided to the Forfeiture Reviewer.

It is the seizing peace officer's responsibility to secure the money consistent with this agency's policy/procedure for seizing/forfeiting money.

Jewelry/Precious Metals/Precious Stones. Peace officers seizing jewelry, precious metal, or precious stones will write a detailed description of each item on the property inventory form/receipt prior to inventorying the items. A copy of the property receipt and any photographs of the item(s) shall be delivered to the Forfeiture Reviewer and kept with the case file. Janesville Police Department officers seizing jewelry, precious metals, or precious stones shall deliver those items to the property/evidence room as soon as practical.

Conveyance Devices. Upon seizure for forfeiture, all conveyance devices shall immediately be either taken to a secure designated area or to an agency approved impound facility. Janesville Police Department officers shall inventory the conveyance device and its contents in accordance with this agency's policies. [*Officers*] shall also complete the applicable forms and distribute them as appropriate. Copies of the appropriate forms shall also be provided to the Forfeiture Reviewer and kept with the case file.

Firearms/Ammunition/Firearm Accessories. When firearms, ammunition, or firearm accessories are seized, they shall be inventoried and delivered to the property/evidence room as soon as practical. The appropriate forms shall be completed and distributed as

appropriate. Copies of the completed forms shall be provided to the Forfeiture Reviewer and kept with the case file.

FORFEITURE REVIEWER

The Forfeiture Reviewer is responsible for ensuring forfeiture changes are forwarded to a supervisor for review.

REPORTS

[*Officers*] seizing property shall complete a report. All reports must include a description of the items seized, where the property was turned-in/inventoried, the name of the individual served, the date the seizure form was served, the name of the serving [officer], and whether or not the individual signed the forfeiture form. All reports dealing with the seized property must be completed within 24 hours of the seizure unless the [officer] received permission from their direct supervisor to exceed the 24-hour requirement. In such instances, information regarding what item was seized, by whom, and where the property is being stored shall be documented in a location accessible by other agency personnel.

TRAINING

Training will be provided by the agency in consultation with the prosecuting authority to personnel who may exercise the use of administrative forfeiture in the performance of their assigned duties. Such training will be conducted whenever the agency policy is changed or modified based upon administrative directives, legislative changes, and/or court decisions. Training may include, but is not limited to, agency policy, directives, and electronic or traditional classroom education.

STATUTORY REFERENCES

- MN STATUTE 152.01 – Definitions
- MN STATUTE 609.02 – Definitions
- MN STATUTE 609.531 – Forfeitures
- MN STATUTE 609.5311 – Forfeiture of Property Associated with Designated Offenses
- MN STATUTE 609.5312 – Forfeiture of Property Associated with Controlled Substances
- MN STATUTE 609.5313 – Forfeiture by Judicial Action; Procedure
- MN STATUTE 609.5314 – Administrative Forfeiture of Certain Property Seized in Connection with a Controlled Substance Seizure
- MN STATUTE 609.5315 – Disposition of Forfeited Property
- MN STATUTE 609.5316 – Summary Forfeitures
- MN STATUTE 609.18 – Forfeiture of Vehicles Used in Drive-by Shootings

- MN STATUTE 609.666 – Negligent Storage of Firearms