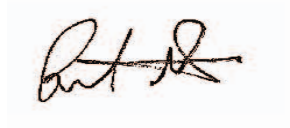


ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 03/18/2019
Item No.: 9b.

Department Approval

City Manager Approval



Item Description: Annual Police Forfeiture Accounts Summary

1 **BACKGROUND**

2 In 2011, Council asked for an annual summary of information related to the year's activities in the
3 forfeiture accounts. This memorandum is Attachment A. An updated memorandum providing summary
4 information on police forfeiture funds is attached as a reference- Attachment B.

5
6 **OBJECTIVE**

7 Accept summary information of account activities.

8 **FINANCIAL IMPACTS**

9 There is no cost to the city.

10 **STAFF RECOMMENDATION**

11 Council receipt of summary memorandums on forfeiture accounts.

12
13 **REQUESTED COUNCIL ACTION**

14 Request Council receipt of summary memorandums on forfeiture accounts.

15

Prepared by: Rick Mathwig, Chief of Police

Attachments: A. 2011 PD Forfeiture Information Memo to Council
B. 2018 Updated Forfeiture Accounts Summary



MEMORANDUM

DATE: August 25, 2011

TO: City Manager Bill Malinen

FROM: Chief Rick Mathwig

SUBJECT: Forfeiture Information

This memorandum is in response to Mayor Roe's request for a report related to questions raised by a citizen.

Property seized and ultimately forfeited by the Roseville Police Department is governed by Minnesota statutes: 169A.63 as it pertains to vehicle forfeitures for aggravated drunk driving arrests, and 609.531 as it pertains to vehicle and property seized for designated offenses such as narcotics, burglary, and other crimes.

Other property forfeited by the Police Department, not governed by Minnesota statutes, is generally related to our narcotics officer assigned to the Ramsey County's Violent Crime Enforcement Team (VCET). A percentage of their forfeitures are in concert with federal agencies such as the DEA. Those forfeitures are under the direction of federal laws which are similar to those in Minnesota.

Each Minnesota statute contains numerous subdivisions which strictly control forfeitures and the appeal processes afforded to those whose property is seized by law enforcement.

Upon seizure of property to be forfeited the owner is issued a receipt for the property and is issued written documentation on how to contest the seizure in court. This information is written in multiple languages and the law enforcement agency must be certain the person understands the seizure and the appeal process or the seizure will be considered invalid.

Once property has been legally seized and forfeited state statutes dictate how the proceeds should be dispersed. This process differs among crimes, but involving aggravated DWI offenses, the law enforcement agency retains seventy percent of the proceeds and thirty percent is forwarded to the prosecuting attorney. For crimes involving narcotics, burglary, etc., percentages differ but in general the law enforcement agency retains seventy percent of the proceeds, twenty percent is forwarded to the prosecuting attorney and the remaining ten percent is sent to the State of Minnesota's Crime Victim's Fund.

The Minnesota Peace Officers Standards and Training Board (POST) is the state entity that holds all professional licenses of peace officers in Minnesota. POST provides many functions one of which is offering model policies based on best practices in law enforcement. Some of the model policies are considered mandatory; *Procession of Property Seized for Administrative Forfeiture* is a required policy of all law enforcement agencies in Minnesota. The model policy was implemented in 2011. The model policy did not change our forfeiture operations in any significant manner.

Minnesota statutes mandate every forfeiture be reported to the Office of the State Auditor.

51 The citizen's questions raised to the Council are directly related to the now defunct Gang Strike
52 Force and not my Department. I do not have intimate details of the Gang Strike Force's former
53 operations but what has been established is some members of the Gang Strike Force
54 disregarded state and federal statutes which dictate the process of seizing and ultimately
55 forfeiting property from suspects in criminal activity.

56
57 These web links will allow access to expanded information on forfeiture guidelines and
58 regulations.

59
60 Forfeitures related to aggravated DWI offenses:
61 <https://www.revisor.mn.gov/statutes/?id=169A.63>

62
63 Forfeitures related to other crimes: <https://www.revisor.mn.gov/statutes/?id=609.531>

64
65 Model policies of POST: [https://dps.mn.gov/entity/post/model-policies-learning-
66 objectives/Pages/default.aspx](https://dps.mn.gov/entity/post/model-policies-learning-objectives/Pages/default.aspx)

67
68 The citizen's questions also address the expenditure of forfeiture funds. State statutes mandate
69 the funds are to be used to "supplement" law enforcement's activities and budgets. Historically,
70 the Department has used forfeited funds related to aggravated DWI offenses to supplement its
71 efforts in combating DWI. The Department has used forfeited funds related to other crimes in a
72 more general sense in supplementing budgetary limitations. Many times expenses related to the
73 Roseville members of East Metro SWAT are paid by this forfeiture account.

74
75 All expenditures are authorized by the Chief of Police and paid by the Finance Department.

76
77 There is no manner to realistically forecast expected expenditures of these accounts as
78 forfeiture statutes mandate the funds be used to "supplement" the financial needs of a law
79 enforcement agency and not replace budgetary funding.

80
81 The forfeiture accounts have been used to bridge the CIP shortfall and actual needs of the
82 Department in effectively and efficiently providing public safety functions to the citizens,
83 businesses and visitors to Roseville.

84
85 There are many day to day operational items that have been purchased by these funds to
86 include: automobile window tint meters, Tasers, legal defense related to forfeitures which is
87 outside the contract of the city attorney, preliminary alcohol breath test meters, over \$100,000
88 was used to purchase the Department's current mobile computers, Police Reserve appreciation
89 dinner, and many other uses. I expect future expenditures will be similar to the past.

90
91 I hope this memorandum provides enough guidance on the criminal forfeiture process and am
92 willing to answer additional questions.

93

MEMORANDUM

Attachment B



1
2
3
4 **DATE:** March 6, 2019

5
6 **TO:** City Manager Patrick Trudgeon

7
8 **FROM:** Chief of Police Rick Mathwig

9
10 **SUBJECT:** Summary information on Police Forfeiture funds

11
12 In August of 2011, Council requested an annual document summarizing forfeiture account
13 activities. The accompanying memorandum, which describes the Police Department's forfeiture
14 accounts, serves as foundation.

15
16 The Police Department forfeiture accounts are labeled as: **Narcotics Forfeiture, Federal**
17 **Equitable Sharing- Narcotics** and **Alcohol Forfeiture**. The Narcotics Forfeiture account holds
18 funds forfeited for controlled substance offenses and other "designated offenses", as defined in
19 Minnesota statutes. The Federal Equitable Sharing- Narcotics account holds funds forfeited for
20 federal controlled substance violations. The Alcohol Forfeiture account holds only funds forfeited
21 for DWI related offenses.

22
23 In 2018, the Department altered its operating procedures on forfeiting vehicles related to DWI
24 arrests- Alcohol Forfeiture. The Department will only forfeit vehicles driven in felony DWI
25 offenses and those vehicles must have a value of at least five thousand dollars.

26
27 This change was made for the following reasons:

- 28 • Forfeiting a vehicle can have unintended and disparate impacts on families based on
29 income levels
- 30 • Over the past three years, the Department lost over \$25,000 forfeiting vehicles due to
31 expenses and the low return rate at auction, etc.
- 32 • Access to secure storage parking lots is expensive
- 33 • Ramsey County judges are increasingly ruling in favor of innocent owner claims
- 34 • Ramsey County judges are returning vehicles to arrested parties and the Department is
35 mandated to pay storage costs

36
37 Purchases made in excess of \$5,000 require Council approval.

38
39 The **2018** summary information for both accounts:

40 Narcotics Forfeiture

- 41 • Beginning balance- \$81,346
- 42 • Ending balance- \$86,195

43 Summary of purchases

- 44 • Human trafficking collaboration costs (investigative software, burner phones, hotel rooms,
45 detail refreshments)- \$3,464
 - 46 • FTO training iPads (2) service costs- \$840
 - 47 • Covert investigative services- \$828
 - 48 • Professional headshots for eight new officers- \$365
 - 49 • Vehicle tow and storage fees- \$315
- 50
51

- 1 • PA system equipment (K9 demos and presentations)- \$643.18
- 2 • Additional uniform costs- \$423
- 3 • Grill replacement- \$320
- 4 • Small fridge- \$176
- 5 • Costs related to tobacco compliance checks- \$65
- 6 • Other nominal costs related to police services

7

8 **Equitable Sharing- Federal Narcotics Forfeitures**

- 9 • Beginning balance- \$118,887
- 10 • Ending balance- \$105,224
- 11 • Revenue through Ramsey County VCET (federal controlled substance violations) = \$9,322

12

13 **Summary of purchases**

- 14 • Gun safe for high school SRO- \$500
- 15 • Wireless speaker system for K9 demos and presentations- \$550
- 16 • Medicine disposal bags (200)- \$1,030
- 17 • Convert tracking system for bait car- \$2,073
- 18 • Contract service fees for set-up and one year maintenance of online reporting- \$20,000

19

20 **Alcohol Forfeiture**

- 21 • Beginning balance- \$208,567
- 22 • Ending balance- \$183,397

23

24 **Summary of purchases**

- 25 • Squad DVD copying services (Investigative Aide)- \$11,450
- 26 • Overtime costs related to DWI details- \$9250
- 27 • Squad computers hardware extended warranty- \$6,707
- 28 • City attorney fees related to DWI forfeiture- not included in prosecution contract- \$4,106
- 29 • Taser cartridges- \$4,300
- 30 • Fees related to seized vehicles (e.g. towing, storage, titles etc.)- \$1,082
- 31 • Costs related to alcohol compliance checks- \$250
- 32 • Other nominal costs related to DWI enforcement services

33

34

35

36

37 *All information accurate as of 3/12/2019