

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: March 8, 2021
Item No.: 9.c

Department Approval



City Manager Approval



Item Description: **Annual Police Forfeiture Accounts Summary**

BACKGROUND

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

OBJECTIVE

Accept summary information of account activities.

FINANCIAL IMPACTS

There is no cost to the city.

STAFF RECOMMENDATION

Council receipt of summary memorandums on forfeiture accounts.

REQUESTED COUNCIL ACTION

Request Council receipt of summary memorandums on forfeiture accounts.

Prepared by: Erika Scheider, Chief of Police
Attachments: A. 2011 PD Forfeiture Information Memo to Council
B. 2020 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.

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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.

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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.

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

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MEMORANDUM

Attachment B



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4 **DATE:** March 8, 2021

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6 **TO:** City Manager Patrick Trudgeon

7
8 **FROM:** Chief of Police Erika Scheider

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

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

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16 The Police Department forfeiture accounts are labeled as: Federal Equitable Sharing- Narcotics,
17 Narcotics Forfeiture, and Alcohol Forfeiture.

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19 ➤ The Federal Equitable Sharing- Narcotics account holds funds forfeited for federal controlled
20 substance violations. As of July, 2018, per new federal guidelines, equitable sharing funds are no
21 longer dispersed to local agencies as funds are used to support task force (Ramsey County Violent
22 Crime Enforcement Team) operations.
- 23
24 ➤ The Narcotics Forfeiture account holds funds forfeited for controlled substance offenses and other
25 "designated offenses", as defined in Minnesota statutes. In 2020, the Department completed a
26 comprehensive policy and procedure manual revision. Per policy, beginning in 2021, the Department
27 no longer pursues cash forfeitures under \$2,000 due to the unintended impacts on low-income
28 communities.
- 29
30 ➤ The Alcohol Forfeiture account holds only funds forfeited for DWI related offenses. In 2018, the
31 Department altered its operating procedures on forfeiting vehicles. The Department will only forfeit
32 vehicles driven in felony DWI offenses and those vehicles must have a value of at least \$5,000.

33
34 This change was made for the following reasons:

- 35
36 • Forfeiting a vehicle can have unintended and disparate impacts on families based on income
37 levels.
38 • Over the past three years, the Department lost over \$25,000 forfeiting vehicles due to expenses
39 and the low return rate at auction, etc.
40 • Access to secure storage parking lots is expensive.
41 • Ramsey County judges are increasingly ruling in favor of innocent owner claims.
42 • Ramsey County judges are returning vehicles to arrested parties and the Department is
43 mandated to pay storage costs.
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49 FORFEITURE ACCOUNT ACTIVITY IN 2020:

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51 Federal Equitable Sharing- Narcotics

52 Beginning balance = \$114,020

53 Ending balance = \$110,264

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55 Summary of Revenue:

- 56 • Other income- interest in the amount of \$2,439

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58 Summary of Purchases:

- 59 • Lexipol web-based policy management and training platform implementation costs- \$6,195

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62 Narcotics Forfeiture

63 Beginning balance = \$59,961

64 Ending balance = \$55,056

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66 Summary of Revenue:

- 67 • Property Room auction proceeds- \$3,941
- 68 • Narcan Nasal Spray reimbursement for 2019 and 2020 (Washington Co)- \$4,500
- 69 • Payments pertaining to narcotics cases- \$1,979
- 70 • HIDTA reimbursement (Ramsey County VCET)- \$1874

71

72 Summary of Purchases:

- 73 • Cell phone extraction training- \$3,850
- 74 • Install officer equipment storage cubbies- \$2,645
- 75 • Human trafficking collaboration costs (investigative equipment, hotel rooms, meals)- \$1087
- 76 • Ramsey County VCET HIDTA OT details- \$1874
- 77 • Ramsey County SWAT annual team contribution- \$4,000
- 78 • Narcan Nasal Spray 40 (2pks)- \$3,000
- 79 • Additional purchases for victims (replacement phone)- \$244
- 80 • Meals (briefings, details, training)- \$383
- 81 • Other nominal costs related to police services

82

83 Alcohol Forfeiture

84 Beginning balance = \$190,303

85 Ending balance = \$190,876

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87 Summary of purchases:

- 88 • Fees related to seized vehicles (e.g. towing, storage, titles etc.)- \$1200
- 89 • PBT repairs- \$457
- 90 • Costs related to alcohol compliance checks- \$653
- 91 • Other nominal costs related to DWI enforcement services

92

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

94

95 *All information accurate as of 3/2/2021*