

Seizure and Administrative Forfeiture

323.1 PURPOSE AND SCOPE

It shall be the policy of the Ramsey County Sheriff's Office that all employees of this agency, all Office employees assigned to another law enforcement agency's task force and all outside agency employees assigned to a task force in which this agency serves as the fiscal agent, shall follow Minnesota State Statutes 609.531 through 609.5319 <https://www.revisor.mn.gov/statutes/?id=609.531> and federal laws pertaining to the processing of property seized for forfeiture. Further, constitutional rulings and federal and state law prohibit the improper use of personal characteristics such as race, color, national origin, gender, or religion to target individuals for law enforcement action.

323.1.1 DEFINITIONS

Controlled Substances: For the purposes of this policy, a controlled substance shall be considered drugs or a drug making material that for which possession of is a felony under Minnesota Statute Chapter 152 <https://www.revisor.mn.gov/statutes/?id=152> Additionally, the sale value of any controlled substance in question must be \$100.00 or greater to initiate the seizure process.

Controlled Substance Seizure: This means a seizure of property and administrative forfeiture process related to a Narcotics Unit investigation of criminal violations found in Minnesota Statute 152 <https://www.revisor.mn.gov/statutes/?id=152>

Currency: Cash in the form of bills or coins, traveler's checks, money orders, bearer bonds, 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.

Conveyance Device: a device used for transportation including, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, watercraft or any equipment attached to the device.

D.U.I. Seizure: This means a seizure of property and administrative forfeiture process related to a Traffic and Accident investigation of criminal violations found in Minnesota Statute 169A.63 <https://www.revisor.mn.gov/statutes/?id=169A.63>

Firearms, Ammunition or Firearm Accessories: Firearm means a device that expels a projectile by the force of any explosion or combustion. Ammunition means the assembly of a projectile or related supply. Accessories include but are not limited to holsters, gun cases, firearm optics, suppression devices, cleaning supplies, loose black powder, shot or bullets, storage devices, etc.

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

Jewelry/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

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are often referred to as gemstones; they include but are not limited to diamonds, emeralds, and rubies.

Money Storage: Cash in the form of bills and coins (or foreign currency) must be turned into Patrol Station Property Room and shall be handled per department policy.

Forfeiture Management: The unit commander/scene supervisor for each unit that initiates forfeiture proceedings will manage the packaging of forfeiture proceedings which will then be forwarded to the Clerk IV of the Narcotics Unit €" with the exception of DUI forfeitures, which will be retained with the Contract Cities Commander in Public Safety Services.

The Clerk IV in Narcotics shall act as the liaison between the Sheriff's Office and the Ramsey County Attorney's Office and the continued data collection and case file maintenance.

Seizure: The act of law enforcement officials taking property that has been used in connection with or acquired by illegal activities.

Seizure Notification Form: The Notice of Seizure and Intent to Forfeit Property. Form shall contain information and explanations as determined by Minnesota Statute 609.5314. As of 8/1/2010, a Property Receipt listing the property taken, signed by the Deputy and recipient is mandatory.

323.2 SEIZED PROPERTY SUBJECT TO FORFEITURE

Narcotics Investigations €" It is presumed under Minnesota Statute 609.5314 <https://www.revisor.mn.gov/statutes/?id=609.5314> the listed items may be seized during a narcotics investigation and are subject to administrative forfeiture if the item has a retail value of less than \$50,000.00. Seizures of \$50,000.00 or greater are subject to Judicial Forfeiture.

Currency with a value of \$100 or more, all precious metals and precious stones found in proximity to:

- Controlled substances;
- Drug manufacturing equipment and distribution equipment or devices; or,
- Evidentiary records or the electronic storage devices containing records of the manufacture of or distribution of controlled substances.

Note: Currency with a value of less than \$100.00 shall not be seized unless it is recovered with departmental buy funds used during the investigation. In that case, the buy fund money shall be recovered and documented and put into the Patrol Station Property Room. The buy funds shall be turned over to the investigative unit after forfeiture proceedings are done and it is deemed no longer needed for evidence. The remainder of the cash shall be administratively seized according to this policy.

All conveyance devices containing controlled substances with retail value of \$100 or more if possession or sale of the controlled substance would be a felony under Minnesota Statute 152 <https://www.revisor.mn.gov/statutes/?id=152>

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- The value of a vehicle shall not be taken into account when determining whether or not the seizure process is to be initiated. However, if a vehicle is valued at greater than \$50,000.00, the Ramsey County Attorney Office shall be responsible for initiating the seizure process.

All firearms, ammunition and firearm accessories found:

- in a conveyance 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 Minnesota Statute 152 <https://www.revisor.mn.gov/statutes/?id=152>

323.3 D.U.I. INVESTIGATIONS

It is presumed under Minnesota Statute 169A.63 <https://www.revisor.mn.gov/statutes/?id=169A.63> that a Conveyance Device may be seized during a D.U.I. investigation and is subject to administrative forfeiture if the item has a retail value of \$50,000.00 or less, if:

- The driver of the motor vehicle was arrested for behavior in violation of 169A.24 <https://www.revisor.mn.gov/statutes/?id=169A.24>
- The driver of the motor vehicle was arrested for behavior in violation of 169A.25 <https://www.revisor.mn.gov/statutes/?id=169A.25>
- The driver of the motor vehicle was arrested for driving with a license status of Inimical to Public Safety, Minnesota Statute 171.04 Subd. 1 (10) <https://www.revisor.mn.gov/statutes/?id=171.04>
- The driver of a motor vehicle is arrested for PC DUI and refuses to test upon demand of an officer, and that refusal occurs within 10 years of the first of two qualifying DUI arrests.

If an arresting officer believes these factors are satisfied by the elements of the crime at issue, the vehicle/conveyance device shall be towed to the impound lot and placed "On Hold" for the Public Safety Services-Impound Lot. The initial forfeiture forms are: Impaired Operation Notice of Seizure and Intent to Forfeit Vehicle and a Property Receipt shall be filled out by the initiating Deputy. The Contract Cities Commander shall be responsible for the administration of all filing and continued management of DUI forfeiture cases.

323.4 SEIZURE AND FORFEITURE STATUS

The Clerk IV of the Narcotics Unit and the Commander of Contract Cities shall be responsible for the continual updated status of administrative forfeitures.

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323.5 SEPERATION FROM SEIZURE PROCEEDINGS

Property seized during a narcotics investigation may only be separated from seizure proceedings. Once the forfeiture process is initiated by the Ramsey County Attorney's Office, separation from the process may only happen with the consent of the Ramsey County Attorney's Office.

For example:

- If it is determined the seized property was taken from a rightful owner in violation of Minnesota State Statutes, those facts should be documented by the Narcotics or Traffic Unit commander. That memo shall immediately be forwarded to the respective Undersheriff in their chain of command and the Undersheriff of Administration. This memo shall include a recommendation on how the matter should be resolved.
- If evidence in a drug case is obtained that indicates possession of the substance is not illegal, the Narcotics Unit commander shall immediately forward a memo detailing those facts to the Chief Deputy. This memo shall include a recommendation on how the matter should be resolved.
- If during a D.U.I. or Fleeing investigation evidence indicates third-party ownership interests outweighs the governmental interest in vehicle forfeiture, the Traffic Unit commander shall immediately forward a memo detailing those facts to the Undersheriff of Patrol Operations. This memo shall include a recommendation on how the matter should be resolved.

The decision to return any property to an owner shall be made by the Narcotics Unit Commander or designee after consultation with the Ramsey County Attorney's Office and accordingly keeps an updated forfeiture database.

If the property to be returned was seized in the form of cash and is still in the property room the cash may be returned to claimant, if the cash is being held in the forfeiture holding account the amount will be returned to the owner in the form of a bank check.

323.6 SEIZURE REGULATIONS

Currency Peace officers shall not seize currency having a total value less than \$100.00 unless pre-recorded buy funds are included in the cash recovered during the investigation. In a case where buy funds are recovered during an investigation, officers shall document the recovery of buy funds, initiate the seizure process on the total amount including buy fund money. When the forfeiture procedure is complete and disposition is received from the County Attorney's Office, the buy fund money will be returned to the appropriate unit.

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. Officers shall also photograph the jewelry seized before placing the items into property.

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Conveyance Device When an officer investigating a D.U.I. believes a conveyance device is subject to seizure, the officer shall tow the vehicle to the Impound Lot and place a "hold" on the vehicle for the Commander of Contract Cities. It will be the duty of the Commander of Contract Cities to initiate and complete the seizure paperwork and forfeiture process as outlined in Minnesota Statute 169A.63 <https://www.revisor.mn.gov/statutes/?id=169A.63>

When an officer investigating a narcotics crime believes a conveyance device is subject to forfeiture, the officer shall tow the vehicle to the Impound Lot and place a "hold" on the vehicle for the Narcotics Unit; then completes appropriate seizure paperwork and serves these documents to the registered owner.

Firearms/Ammunition/Firearm Accessories Officers seizing firearms, ammunition, or firearms accessories will write a detailed description of each item on the property inventory receipt prior to inventorying the items. It may be helpful to photograph the firearms, ammunition, or firearms accessories seized before placing the items into property.

Property Storage Property and currency seized by Ramsey County Sheriff's Deputies shall be stored at the Property Room located at Arden Hills Public Safety Services building. Currency held longer than 60 days will be moved to the Forfeiture Holding Account. Deputies seizing property or currency shall follow appropriate department policies.

If property or currency is seized from multiple individuals during a single investigation, each individual seizure will be noted separately on the Ramsey County Property Sheet. Each property record shall contain detailed descriptions of all property and currency placed into property.

Official use of property forfeited must not be used unless the forfeiture action has been completed. Forfeited property not used in an undercover capacity should be sold or added to the regular inventory of the agency. All property should be used and disposed of in a manner consistent with the use and disposition of similar property by the agency.

The retention of seized property for official use should be approved by the Sheriff or designee.

To ensure Chain of Custody in all cases, property should be turned in as soon as practicable. It is unacceptable to hold property or evidence past the first opportunity to enter it into the property room.

All property subject to, and being processed for forfeiture by an officer employed by the Ramsey County Sheriff's Office, must be held in the custody of the Ramsey County Sheriff's Office.

323.7 CASE FILE STATUS

The Clerk IV of the Narcotics Unit and the Commander of Contract Cities shall forward all changes of administrative forfeiture status to the Director of Administration.

The Clerk IV of the Narcotics Unit and the Commander of Contract Cities shall correspond with the Ramsey County Attorney's Office when forfeiture of seized property is a goal of the investigation.

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323.8 REPORT WRITING AND DOCUMENTATION

Deputies seizing property must complete a RMS narrative report under a case number generated at the Ramsey County ECC. Officers shall also complete a Notice of Seizure and Intent to Forfeit Property and Property Receipt form for each seizure. Police reports shall follow these guidelines:

- Ramsey County Sheriff's Office Deputies seizing property must complete a narrative report under a case number generated at the Ramsey County ECC.
- Reports must include a description of the items seized.
- Describe where the property is stored.
- Document the name(s) and date(s) of birth of the individual(s) served with seizure notification forms.
- Indicate the date that the seizure form was served.
- Document the name of the serving peace officer, whether or not the individual signed or refused to sign the seizure or receipt form.
- Describe the location where seizure paperwork was left in the absence of anyone present at the time of seizure.
- Reports and forms shall include any incident control numbers from other agencies participating in the investigation.
- The estimated retail value of the drugs found shall be listed on the Property Record submitted to the property room.
- All reports dealing with seized property will be completed within 24 hours of the seizure process, or when practically possible.
- Records pertaining to forfeiture funds must be retained for six (6) years.

323.9 SEIZURE FORMS PROCESSING PROTOCOL

When any property is seized, the officer or investigator must prepare the Notice of Seizure and Intent to Forfeit Property and Property Receipt forms. These forms include the following information:

- A list describing each item seized.
- The name of the individual served with the notice.
- Location and the date of seizure.
- A receipt for the item(s) seized.
- Sheriff's Office case number.

Note: Administrative forfeiture notices are NOT to be given for assets seized if the value of the asset exceeds \$50,000.00. That seizure process shall be initiated by the Ramsey County Attorney's Office.

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323.10 PROCEDURE SECTION

When any property as described in this policy is seized, the Deputy initiating the seizure shall complete the following steps.

- (a) Draw a case number from the Ramsey County ECC.
- (b) Take evidentiary photographs of the location where seized items were recovered. Complete the proper Notice of Seizure and Intent to Forfeit Property and Property Receipt forms.
- (c) Complete a narrative report which shall include the following information.
 1. Detailed description(s) of the item(s) seized
 2. Document the name(s) and date(s) of birth of the individual(s) served with seizure notification forms (if property is seized from multiple people, each person shall be served the appropriate paperwork)
 3. Indicate the date that the seizure form was served
 4. Document the name of the serving peace officer, whether or not the individual signed or refused to sign the seizure or receipt form
 5. Describe the location where seizure paperwork was left in the absence of anyone present at the time of seizure
 6. Describe where the property is stored
 7. File a Property Report along with your narrative report.

All property being seized by a Deputy employed by the Ramsey County Sheriff's Office shall be held in the custody of the Ramsey County Sheriff's Office.