



# Minneapolis Police Department Policy and Procedure Manual

Number:  
10-200

## Volume Ten - Investigations

### Investigative Procedures

#### 10-215 State Administrative Forfeiture

(03/01/11) (xx/xx/25)

##### I. Purpose

The Minneapolis Police Department (MPD) recognizes that the short- and long-term consequences of a forfeiture can be substantial.

The purpose of this policy is to ensure forfeitures are lawful, and carried out with care, respect, and full recognition of people's humanity, dignity, and civil rights, in accordance with P&P 9-201.

##### II. Policy

It shall be the policy of the Department that all MPD members, all MPD members 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.

##### III. Forfeiture Procedures/Regulations

###### A. Controlled Substance Crimes

1. The following are subject to forfeiture under MN Statute section 609.5314:
  - 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.
    - i. A large amount of money alone is insufficient to establish the probable cause required to make a seizure.
  - 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/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.
  - or
  - 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 member 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 person served with the Notice.
    - The location of seizure.
    - The date of seizure.
    - The MPD case number.
    - The signature, date, and location where notice was served (written by the member 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 tests. (See also section [III-H] Report Writing Requirements)
3. The person from whom property is being seized from must be given an opportunity to sign the seizure notice form.
  - a. If the person refuses, the member 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 person served.

- a. If property is seized from multiple people, separate forms shall be completed for each person.
5. All property subject to and being processed for forfeiture through the MPD must be held in the custody of the MPD.
6. The member 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 member 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. 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 for forfeiture if it has an aggregate value less than \$300.00 unless pre-recorded buy funds are included in the cash seized.
2. Members shall examine all cash seized to determine whether it contains any buy funds. When buy funds are recovered, members shall:
  - 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 re-counted, and the amount verified by another member. The cash envelope and inventory receipt shall then be co-signed.
  - a. 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 shall be property inventoried at Property and Evidence in accordance with P&P 10-401
  - a. The inventory documentation shall specify the total amount of cash seized from each person.
  - b. The inventory documentation shall also contain a detailed description of all checks, money orders and travelers checks or other financial instruments.

**C. Inventorying Property Other than Cash in Controlled Substance Crimes**

1. Seized jewelry/precious metals/precious stones shall be property inventoried at Property and Evidence in accordance with P&P 10-401.
2. Upon seizure for forfeiture, all conveyance devices shall immediately be either taken to a secure designated area or to an MPD approved impound facility.
  - a. Members shall inventory the conveyance device and its contents in accordance with applicable MPD policies.
3. Seized firearms/ammunition/firearm accessories shall be property inventoried in accordance with P&P 10-401.

**D. Vehicle Forfeiture for Prostitution**

1. Vehicles are subject to forfeiture under MN Statute section 609.5312 Subd. 3 if the vehicle was used to commit or facilitate, or used during the commission of a violation of MN Statute section 609.324.
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 member making the seizure shall complete the Prostitution Arrests - Notice of Seizure of Motor Vehicle form. This form must be completely filled out and issued immediately.
4. The person from whom the property is being seized must be given an opportunity to sign the seizure notice form.
  - a. If the person refuses, the member 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):
  - 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.

**E. Vehicle Forfeiture for Impaired Operation (DWI)**

1. Vehicles are subject to forfeiture under MN Statute section 169A.63 Subd. 2 incident to a lawful arrest for the violation of a designated drinking and driving offense.
  - a. Members shall not seize vehicles for forfeiture for 2nd degree DWI cases.

2. When a vehicle is seized for impaired operation, the member making the seizure shall complete the Impaired Operation - Notice of Intent to Administratively Forfeit Vehicle form. This form must be completely filled out.
3. The person from whom the property is being seized must be given an opportunity to sign the seizure notice form.
  - a. If the person refuses, the member 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 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).

#### **F. Vehicle Forfeiture for Flee in Motor Vehicle**

1. Vehicles are subject to forfeiture under MN Statute section 609.5312 Subd. 4 if the vehicle was used to commit or facilitate, or used during the commission of, a violation of MN Statute Section 609.487.
2. When a vehicle is seized for fleeing a police officer, the member making the seizure shall complete the Notice of Seizure Motor Vehicle Fleeing Police Officer form. This form must be completely filled out and issued immediately.
3. The person from whom the property is being seized must be given an opportunity to sign the seizure notice form.
  - a. If the person refuses, the member 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):
  - Fax to Hennepin County Attorney's office.
  - Fax to Forfeiture/Seized Property Reviewer.
  - Copy to driver of vehicle.

### **G. Vehicle Forfeiture for Drive by Shooting**

1. Vehicles are subject to forfeiture under MN Statute section 609.5318 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).
2. When a vehicle is seized for drive by shooting, the member making the seizure shall complete the Notice of Seizure Motor Vehicle Used in Drive by Shooting 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 within seven days of the seizure pursuant to MN Statute section 609.5318 Subd. 2.

### **H. Report Writing Requirements**

1. The member seizing property shall document the following information in a narrative text in the Police Report:
  - A description of the items seized.
  - The location where the property is inventoried.
  - The names of the people served.
  - The date the seizure form was served.
  - The name of the member serving the seizure form.
  - Whether or not the people signed the Notice of Seizure and Intent to Forfeit Property form.
2. All reports dealing with seized property under this policy shall be completed prior to the end of the shift.

## **IV. Other Procedures/Regulations**

### **A. Training Required**

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

## B. State Requirement for Policy

The MPD must establish and enforce a written policy to articulate the best practices for forfeiture and ensure uniform application of forfeiture laws statewide, in accordance with MN Statute section 609.531 Subd. 8.

## V. 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 member responsible for reviewing all forfeiture cases and is the liaison between the MPD and the prosecutor's office. (P&P 10-215)

**Forfeiture Submission Form:** Form mandated by MN statute, completed by members and submitted to the Forfeiture/Seized Property Reviewer. (P&P 10-215)

**Notice of Seizure and Intent to Forfeit Property Form:** Form completed by members 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 Receipt form:** Triplicate form completed by members 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.

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