



MINNESOTA OFFICE OF THE STATE AUDITOR

**CRIMINAL FORFEITURES
IN THE STATE OF MINNESOTA**

DECEMBER 31, 1996

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STATE AUDITOR**

**Criminal Forfeitures
in the State of Minnesota**

For the Year Ended December 31, 1996



December 31, 1997

**Government Information Division
Office of the State Auditor
State of Minnesota**

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TABLE OF CONTENTS

Overview	1
Summary of 1996 Criminal Forfeitures	1
Summary of 1996 Firearm Forfeitures	4
Driving Under the Influence (DUI) Related Forfeitures	5

DATA TABLES

Table 1 - Criminal Forfeitures Report - Cash, Other Forfeited Property and Property Sold - Sorted by Agency	9
Table 2 - Criminal Forfeitures Report - Cash, Other Forfeited Property and Property Sold - Sorted by Net Proceeds	33
Table 3 - Criminal Forfeitures Report - Property Destroyed, Retained or Forwarded to a Federal Agency	51
Table 4 - Firearm Forfeitures Report - Sorted by Law Enforcement Agency .	53
Table 5 - DUI - Related Forfeitures Report - Sorted by Jurisdiction	79
Appendix A - Scope and Methodology	83
Background	84
Attachment A - Forfeiture Incident Reporting Form	87
Attachment B - Firearms Forfeiture Reporting Form	89
Attachment C - DWI - Related Forfeiture Reporting Form	91

1996 Criminal Forfeitures

Overview

Minnesota criminal statutes direct law enforcement agencies to report three different types of forfeitures to the Office of the State Auditor: criminal forfeitures, firearm forfeitures, and DUI-related forfeitures.¹ This report provides information on the amount of money, weapons, and property forfeited in 1996.

Summary of 1996 Criminal Forfeitures

In 1996, 70 Minnesota law enforcement agencies reported a total of 1,408 criminal forfeitures to the Office of the State Auditor.² There were 548 *more* criminal forfeitures reported in 1996 than in 1995. The amount of cash forfeited and the gross sales of forfeited property totaled \$2,007,496; administrative expenses and lien holders obligations totaled \$59,072; and net proceeds totaled \$1,948,424. Gross sales of forfeited property increased 30.1 percent, and net proceeds increased 31.7 percent between 1995 and 1996.

Net proceeds from criminal forfeitures totaled \$1,948,424 in 1996, up 31.7 percent from 1995.

Net proceeds involving cash or forfeited property which was sold ranged from negative \$25 to \$157,485.³ Net proceeds per forfeiture averaged \$1,432 in 1996; down from \$1,720 in 1995. Of the 1,361 criminal forfeiture incidents in which the agency received cash or sold the forfeited property:

- 181 or 13.3 percent recognized net proceeds of less than \$100;
- 501 or 36.8 percent recognized net proceeds of \$100 to \$499;

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Criminal and firearm forfeitures are authorized in Minnesota Statutes §§ 609.531-609.5317, while DUI-related forfeitures are authorized in Minnesota Statutes §§ 84.912, 86b.33, and 169.1217.

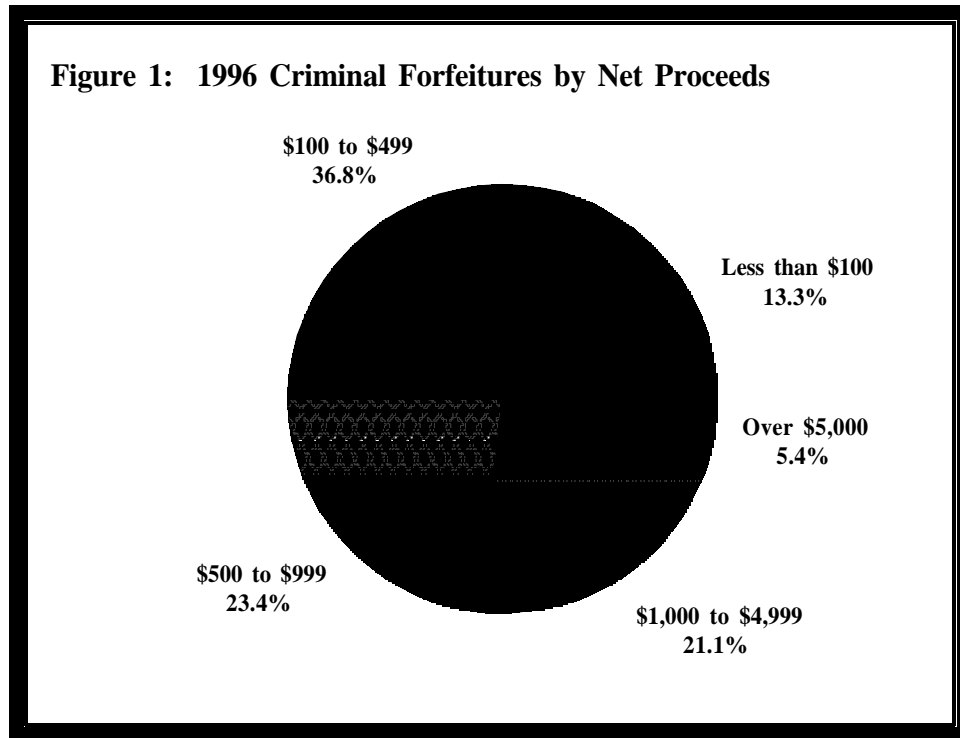
2

This figure represents forfeitures of cash, or those in which the property was sold, destroyed, retained or forwarded to a federal agency. Forfeitures which resulted from DUI-related offenses or involved firearms, are discussed later in this report.

3

Net proceeds may be negative if the payment of administrative costs and satisfaction of valid liens against the property exceed the value of the cash or property forfeited.

- 318 or 23.4 percent recognized net proceeds of \$500 to \$999;
- 287 or 21.1 percent recognized net proceeds of \$1,000 to \$4,999; and,
- 74 or 5.4 percent recognized net proceeds of \$5,000 or more.



Types of Crimes and Forfeited Property

Criminal activity involving a controlled substance accounted for 1,367 of the 1,408 forfeitures reported in 1996. The remaining 41 forfeitures involved illegal gambling, theft, and assault. Cash was the predominant form of property seized (84.6 percent), followed by cars, boats and motorcycles (11.6 percent), jewelry (1.1 percent) and other items (2.7 percent).

State Proceeds From Criminal Forfeitures

Pursuant to Minnesota Statutes § 609.5315, Subd. 5, cash or proceeds from the sale of forfeited property, after administrative expenses and payment of liens, are distributed in the following manner: 70 percent to the appropriate law enforcement agency; 20 percent to the county attorney or other prosecuting agency that handled the forfeiture; and 10 percent to the state treasurer.

Based on the distribution formula and the net proceeds reported by law enforcement agencies in 1996, \$194,842 was forwarded to the State of Minnesota.

Criminal Forfeiture Activity By Law Enforcement Agency

Seventy different law enforcement agencies reported criminal forfeiture incidents during the 1996 reporting period, seven fewer than in 1995. The law enforcement agencies reporting in 1996 included county sheriff departments, city police departments, various drug task forces, the Minnesota Bureau of Criminal Apprehension, and the Twin Cities International Airport Police.

The Minneapolis Police Department reported the greatest number of criminal forfeitures in 1996 with 635 incidents.

Criminal forfeitures are an infrequent occurrence for most law enforcement agencies. In fact, 53 law enforcement agencies reported fewer than 10 forfeitures during the reporting period. The Minneapolis Police Department reported the largest number of forfeitures with 635, followed by the St. Paul Police Department with 257, and the Ramsey County Sheriff's Department and SE MN Narcotics Task Force each with 51.

The Minneapolis Police Department significantly increased the number and value of its forfeitures between 1995 and 1996. The number of forfeitures increased by 208 percent. The average net proceed per forfeiture went from \$713 to \$1,193. The Minneapolis Police Department indicated that the increased forfeitures were the result of more officers working on narcotics cases and the resolution of many pending cases.

Forfeited Property Destroyed, Retained Or Forwarded To Another Agency

In addition to selling forfeited property, law enforcement agencies have the authority to destroy property that is harmful to the public, to retain property for official use by the agency, or forward property to a federal agency (usually the Drug Enforcement Administration). The value of property used for law enforcement is not included in the net proceeds of criminal forfeitures or the funds transmitted to the State Treasurer until the property is sold.

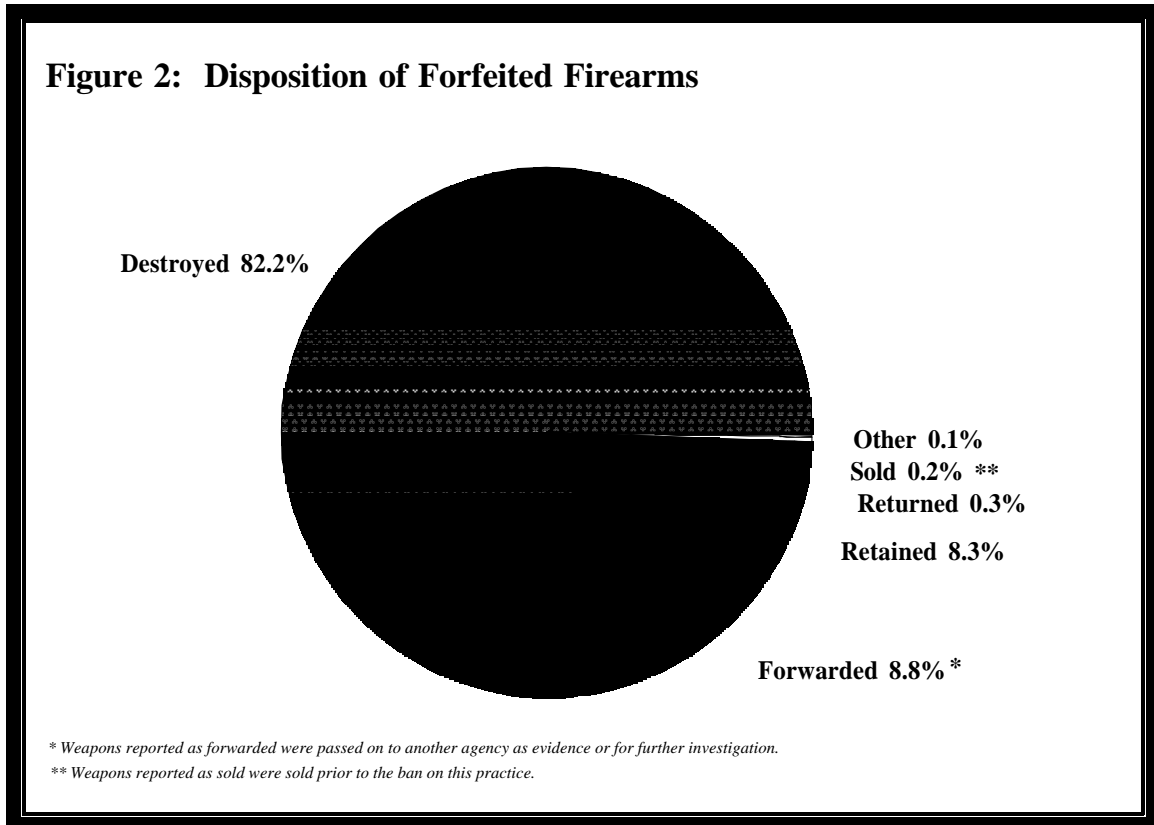
In 1996, an estimated \$67,698 in forfeited property was destroyed, retained or forwarded to a federal agency. This represents a decrease of 13.2 percent from the amount reported in 1995. Law enforcement agencies retained a variety of motor vehicles and firearms for official agency use.

Property Or Proceeds Shared With Another Agency

Law enforcement agencies frequently work together, especially on drug-related offenses. Law enforcement agencies working on a case often share the cash proceeds from drug-related criminal forfeitures. In 1996, 14 agencies shared with other agencies property or proceeds seized in 41 criminal forfeiture incidents. Three interagency drug task forces reported sharing proceeds. For example, the South Metro Drug Task Force shares the proceeds of its cash forfeitures with five separate law enforcement agencies which are members of the task force.

Summary of 1996 Firearm Forfeitures

In 1996, 29 law enforcement agencies reported a total of 1,810 firearm forfeitures to the Office of the State Auditor.⁴ Pursuant to Minnesota Statutes § 609.5315, Subd. 2, law enforcement agencies are prohibited from selling or trading seized firearms, but they are authorized to destroy, retain or return seized weapons.



Types of Weapons Forfeited

The weapons forfeited in 1996 were predominantly (listed in descending order by number of forfeitures) .22 caliber pistols, 12 gauge shotguns, .38 caliber pistols, .25 caliber pistols, 9 millimeter pistols, and .22 caliber rifles. Of the 1,810 weapons forfeited in 1996, 63 percent were handguns, 17 percent were shotguns, 14 percent were rifles, and 6 percent were other types or unknown.

4

For a more detailed analysis of firearm forfeitures, please see the MN Planning report entitled, *Gun Points: 1996 Firearm Forfeitures in Minnesota*.

Reason for Firearm Seizures

Crimes such as assault, theft, homicide and possession of a controlled substance were associated with 45 percent of all firearm forfeitures. Recovered property (17 percent) and illegal firearm possession (18 percent) were the next two most common reasons for firearm seizures.

Firearm forfeitures by the Minneapolis Police Department (883), and the St. Paul Police Department (595), accounted for over 80 percent of the reported firearm forfeitures in 1996. Due to a backlog in processing forfeited firearms, firearm forfeitures reported by the Minneapolis Police Department in 1996 reflect seizures that occurred between 1986 and 1996.

Driving Under the Influence (DUI) Related Forfeitures

In 1995, the Minnesota Legislature passed legislation that authorized law enforcement officials to seize and forfeit automobiles, boats, snowmobiles and all-terrain vehicles of repeat DUI offenders.⁵ During 1996, 15 law enforcement agencies reported a total of 40 forfeitures using the DUI forfeiture law. The Plymouth Police Department reported the greatest number of DUI-related forfeitures with 13, followed by the Hutchinson Police Department with six, and the Olmsted County Sheriff's Department with five. All others reported three or fewer forfeitures. The 40 forfeitures reported in 1996 resulted in net proceeds of \$44,925, which is an average net proceed of \$1,123.⁶

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Vehicles are subject to forfeiture when the owner is convicted of three DUI's within five years or four DUI's within 15 years.

6

Net proceeds from DUI-related forfeitures are forwarded to the agency responsible for the forfeiture and are to be used for DUI-related enforcement, training, and education.