

Criminal Forfeitures in the State of Minnesota

For the Year Ended December 31, 1997



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**Government Information Division
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1997 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 1997.

Summary of 1997 Criminal Forfeitures

In 1997, 60 Minnesota law enforcement agencies reported a total of 1,313 criminal forfeitures to the Office of the State Auditor.² There were 95 fewer criminal forfeitures reported in 1997 than in 1996. The amount of cash forfeited and the gross sales of forfeited property totaled \$1,968,830; administrative expenses and lien holders obligations totaled \$54,924; and net proceeds totaled \$1,913,906. Gross sales of forfeited property decreased 1.9 percent, and net proceeds decreased 1.8 percent between 1996 and 1997.

Net proceeds from criminal forfeitures totaled \$1,913,906 in 1997, down 1.8 percent from 1996.

Net proceeds involving cash or forfeited property which were sold ranged from negative \$102 to \$143,528.³ Net proceeds per forfeiture averaged \$1,458 in 1997; up from \$1,432 in 1996. Of the 1,313 criminal forfeiture incidents in which the agency received cash or sold the forfeited property:

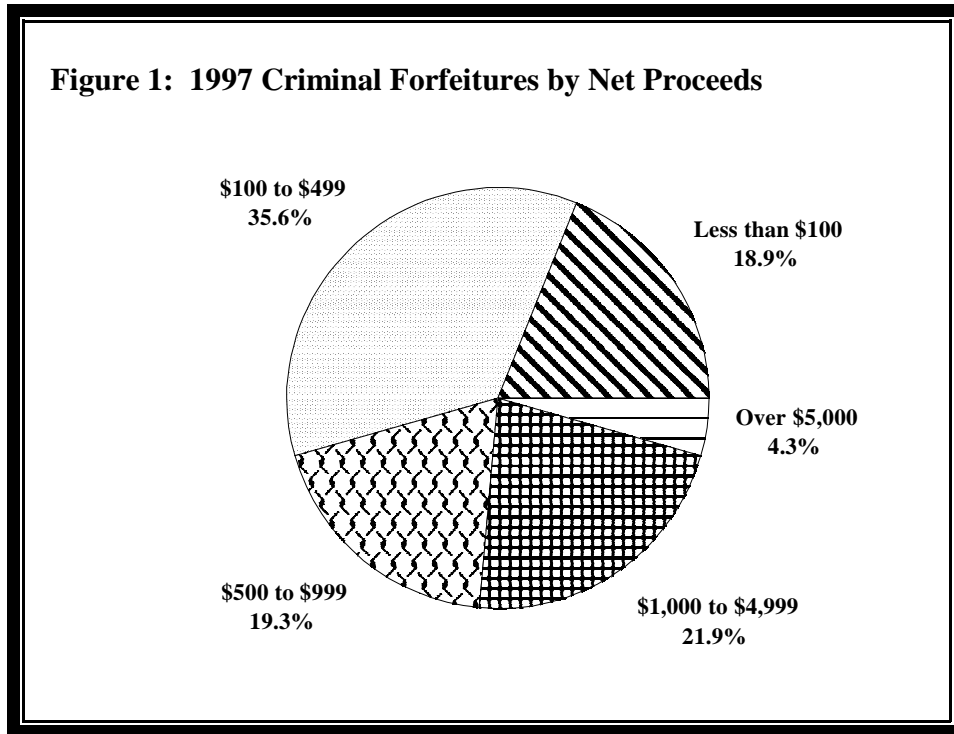
- ! 248 or 18.9 percent recognized net proceeds of less than \$100;
- ! 468 or 35.6 percent recognized net proceeds of \$100 to \$499;
- ! 253 or 19.3 percent recognized net proceeds of \$500 to \$999;
- ! 287 or 21.9 percent recognized net proceeds of \$1,000 to \$4,999; and,

¹ 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.

! 57 or 4.3 percent recognized net proceeds of \$5,000 or more.



Types of Crimes and Forfeited Property

Criminal activity involving a controlled substance accounted for 1,301 of the 1,313 forfeitures reported in 1997. The remaining 12 forfeitures involved illegal gambling, theft, and assault. Cash was the predominant form of property seized (74.9 percent), followed by jewelry (19.0 percent), cars, boats and motorcycles (5.8 percent), and other items (0.3 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 1997, \$191,391 was forwarded to the State of Minnesota.

Criminal Forfeiture Activity By Law Enforcement Agency

Sixty different law enforcement agencies reported criminal forfeiture incidents during the 1997 reporting period, ten fewer than in 1996. The law enforcement agencies reporting in 1997 included county sheriff departments, city police departments, various drug task forces, the Minnesota Bureau of Criminal Apprehension, and the Minnesota State Patrol.

The Minneapolis Police Department reported the greatest number of criminal forfeitures in 1997 with 660 incidents.

Criminal forfeitures are an infrequent occurrence for most law enforcement agencies. In fact, 41 law enforcement agencies reported fewer than 10 forfeitures during the reporting period. The Minneapolis Police Department reported the largest number of forfeitures with 660, followed by the St. Paul Police Department with 118, and the Hennepin County Sheriff's Department with 67.

The Minneapolis Police Department increased the number of forfeitures by 4 percent between 1996 and 1997. In spite of this, the average net proceed per forfeiture decreased from \$1,193 to \$1,180.

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.

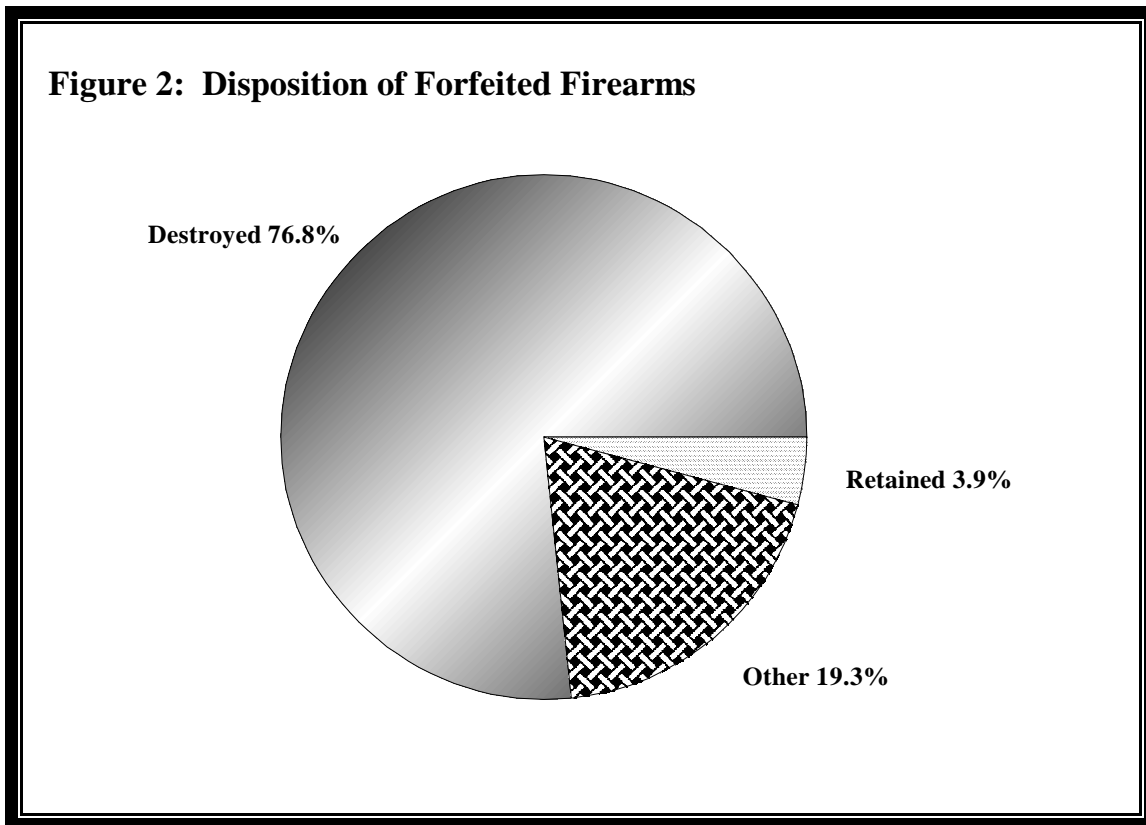
In 1997, an estimated \$20,340 in forfeited property was destroyed, retained or forwarded to a federal agency. This represents a decrease of 70.0 percent from the amount reported in 1996. Law enforcement agencies retained a variety of motor vehicles and firearms for official agency use.

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 1997, 14 agencies shared with other agencies property or proceeds seized in 739 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 1997 Firearm Forfeitures

In 1997, 25 law enforcement agencies reported a total of 1,272 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 1997 were predominantly (listed in descending order by number of forfeitures) 12 gauge shotguns, .22 caliber handguns, .25 caliber handguns, .38 caliber handguns. Of the 1,272 weapons forfeited in 1997, 54.6 percent were handguns, 17.9 percent were shotguns, 10.4 percent were rifles, and 17.1 percent were other types or unknown.

⁴ For a more detailed analysis of firearm forfeitures, please see the MN Planning report entitled, *Gun Points: 1997 Firearm Forfeitures in Minnesota*.

Reason for Firearm Seizures

Crimes such as assault, theft, homicide, and possession of a controlled substance were associated with 37.3 percent of all firearm forfeitures. Abandoned or found (27.0 percent) and illegal firearm possession (15.3 percent) were the next two most common reasons for firearm seizures.

Firearm forfeitures by the Minneapolis Police Department (648), and the St. Paul Police Department (400), accounted for 82.4 percent of the reported firearm forfeitures in 1997.

Driving Under the Influence (DUI) Related Forfeitures

Pursuant to Minnesota Statutes § 196.21, law enforcement officials are directed to seize and forfeit automobiles, boats, snowmobiles, and all-terrain vehicles of repeat DUI offenders.⁵ During 1997, 14 law enforcement agencies reported a total of 48 forfeitures using the DUI forfeiture law. The Scott County Sheriff's Department reported the greatest number of DUI-related forfeitures with eight, followed by the Rochester Police Department with seven, and the Olmsted County Sheriff's Department with six. All others reported five or fewer forfeitures. The 48 forfeitures reported in 1997 resulted in net proceeds of \$37,725, which is an average net proceed of \$786.⁶

⁵ 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.