

# 1998 Criminal Forfeitures

## Overview

Minnesota criminal statutes direct law enforcement agencies to report two different types of forfeitures to the Office of the State Auditor: criminal forfeitures, and firearm forfeitures.<sup>1</sup> This report provides information on the amount of money, weapons, and property forfeited in 1998.

## Summary of 1998 Criminal Forfeitures

In 1998, 54 Minnesota law enforcement agencies reported a total of 1303 criminal forfeitures to the Office of the State Auditor.<sup>2</sup> There were 10 less criminal forfeitures reported in 1998 than in 1997. The amount of cash forfeited and the gross sales of forfeited property totaled \$1,224,459; administrative expenses and lien holders obligations totaled \$15,638; and net proceeds totaled \$1,208,821. Gross sales of forfeited property decreased 37.8 percent, and net proceeds decreased 36.8 percent between 1997 and 1998.

*Net proceeds from criminal forfeitures totaled \$1,208,821 in 1998, down 36.8 percent from 1997.*

Net proceeds involving cash or forfeited property which were sold ranged from negative \$191 to \$35,700.<sup>3</sup> Net proceeds per forfeiture averaged \$928 in 1998; down from \$1,458 in 1997. Of the 1,303 criminal forfeiture incidents in which the agency received cash or sold the forfeited property:

- ! 210 or 16.1 percent recognized net proceeds of less than \$100;
- ! 561 or 43.1 percent recognized net proceeds of \$100 to \$499;
- ! 251 or 19.3 percent recognized net proceeds of \$500 to \$999;
- ! 242 or 18.6 percent recognized net proceeds of \$1,000 to \$4,999; and,
- ! 39 or 3.0 percent recognized net proceeds of \$5,000 or more.

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Criminal and firearm forfeitures are authorized by Minnesota Statutes §§ 609.531-609.5317.

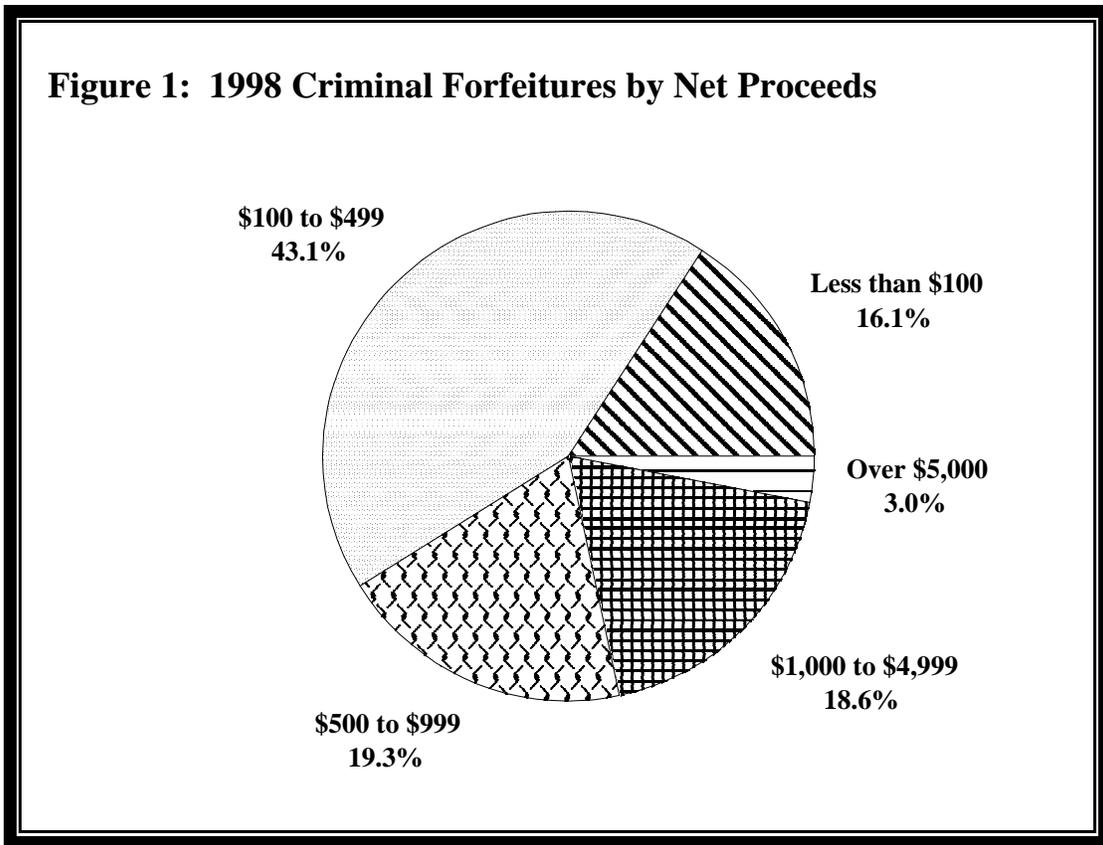
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This figure represents forfeitures of cash, or those in which the property was sold, destroyed, retained or forwarded to a federal agency. Forfeitures which involved firearms are discussed later in this report.

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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.

**Figure 1: 1998 Criminal Forfeitures by Net Proceeds**



### **Types of Crimes and Forfeited Property**

Criminal activity involving a controlled substance accounted for 1,294 of the 1,303 forfeitures reported in 1998. The remaining 9 forfeitures involved illegal gambling, theft, and assault. Cash was the predominant form of property seized (90.4 percent), followed by cars, boats and motorcycles (8.1 percent), jewelry (1.0 percent), and other items (0.5 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 1998, \$120,882 was forwarded to the State of Minnesota.

## **Criminal Forfeiture Activity By Law Enforcement Agency**

Fifty-four different law enforcement agencies reported criminal forfeiture incidents during the 1998 reporting period, This accounts for six agencies less than in the 1997 reporting period. The law enforcement agencies reporting in 1998 included county sheriff's departments, city police departments, various drug task forces, and the Minnesota State Patrol.

Criminal forfeitures are an infrequent occurrence for most law enforcement agencies. In fact, 35 law enforcement agencies reported fewer than 10 forfeitures during the reporting period. The Minneapolis Police Department reported the largest number of forfeitures with 478, followed by the St. Paul Police Department with 225, and the SE MN Narcotics Task Force with 89.

*The Minneapolis Police Department reported the greatest number of criminal forfeitures in 1998 with 478 incidents.*

The Minneapolis Police Department significantly decreased the number of forfeitures by almost 28 percent between 1997 and 1998. In addition, the average net proceed per forfeiture decreased from \$1,180 to \$824.

## **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.

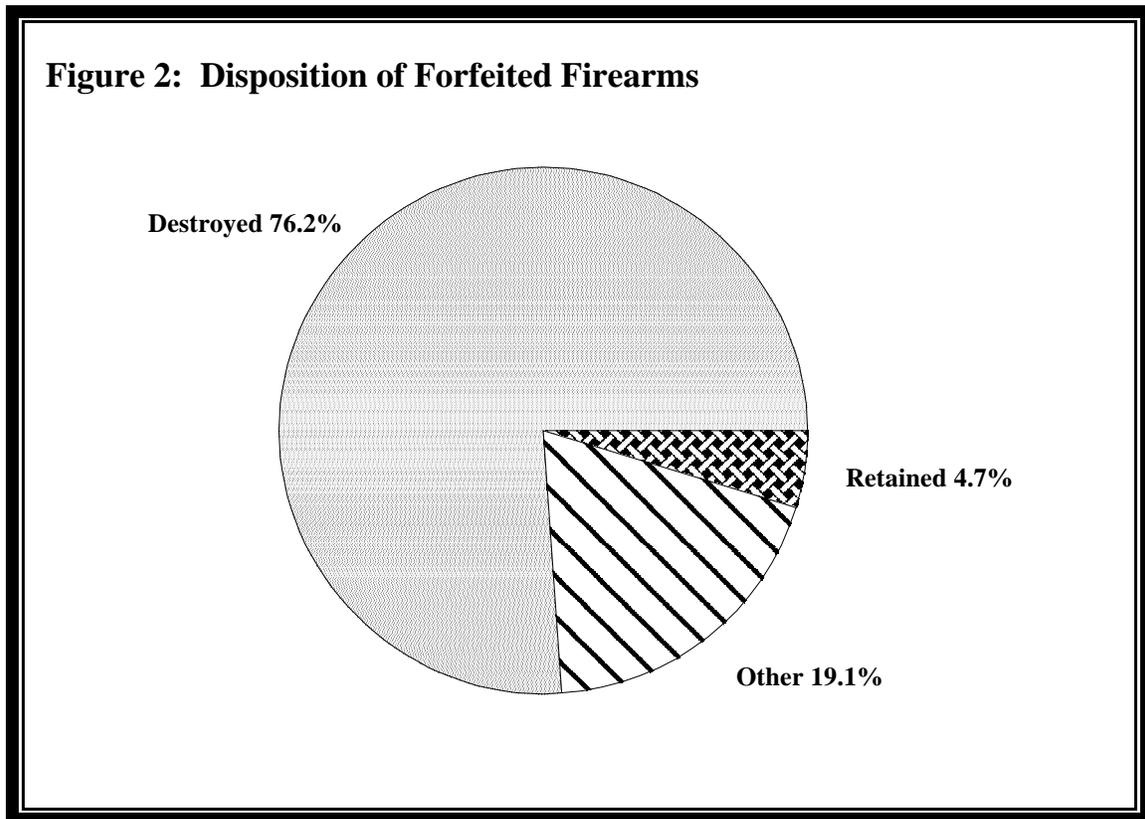
In 1998, an estimated \$44,035 in forfeited property was destroyed, retained or forwarded to a federal agency. This represents an increase of 118 percent from the amount reported in 1997. Law enforcement agencies retained a variety of motor vehicles and firearms for official agency use.

## **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 1998, 15 agencies shared with other agencies property or proceeds seized in 204 criminal forfeiture incidents. Six 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 1998 Firearm Forfeitures

In 1998, 31 law enforcement agencies reported a total of 1,817 firearm forfeitures to the Office of the State Auditor.<sup>4</sup> 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 1998 were predominantly (listed in descending order by number of forfeitures) 12 gauge shotguns, .38 caliber handguns, 9 millimeter handguns, .22 caliber handguns, .22 caliber rifles, and .25 caliber handguns. Of the 1,817 weapons forfeited in 1998, 44 percent were handguns, 22 percent were shotguns, 12 percent were rifles, and 22 percent were other types or unknown.

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For a more detailed analysis of firearm forfeitures, please see the MN Planning report entitled, *Gun Points: 1998 Firearm Forfeitures in Minnesota*.

## **Reason for Firearm Seizures**

Crimes such as assault, theft, homicide and possession of a controlled substance were associated with 33 percent of all firearm forfeitures. Abandoned or found (12 percent) and illegal firearm possession (8 percent) were the next two most common reasons for firearm seizures.

Firearm forfeitures by the Minneapolis Police Department (918), and the St. Paul Police Department (553), accounted for over 80 percent of the reported firearm forfeitures in 1998.