

Scope and Methodology

This report details criminal and firearm forfeitures completed in 1998 pursuant to Minnesota Statutes §§ 609.531 to 609.5317; 84.912; 86b.337; and, 169.1217. The report provides information on the amount of money, weapons and property seized by Minnesota law enforcement officers.⁵

The statutes direct law enforcement agencies to provide, on a monthly basis, a written record of each forfeiture incident to the State Auditor. The law enforcement agencies reporting include the Minnesota Bureau of Criminal Apprehension, Minnesota State Patrol, county sheriff departments, and city police departments.

Information is reported on the value of cash, gross sales of forfeited property, administrative expenses, lien holders' obligations, net proceeds, and disposition of property. Net proceeds are defined as proceeds from the sale of forfeited property after payment of administrative costs and satisfaction of valid liens against the property. Law enforcement agencies report forfeitures completed during the reporting period.⁶ The actual seizure of property, which usually happens at the time of arrest, could have occurred before January 1, 1998, the beginning of the 1998 reporting period.

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Law enforcement authorities may also use federal statutes as a means of compelling the forfeiture of cash and property. In fact, many forfeitures of large amounts of cash and valuable property are based on federal statutes and, therefore, are not identified in this report.

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Property seized under Minnesota Statutes §§ 609.531 to 609.5317 is subject to the orders and decrees of the court having jurisdiction over the forfeiture proceedings. Property seized in connection with a controlled substance offense is subject to administrative forfeiture procedures. The owner(s) of the seized property must be given written notice of the seizure, the intent to forfeit the property and the right to obtain judicial review of the forfeiture. The court may order the return of seized property or find that the property is subject to forfeiture. If the forfeiture of property is related to controlled substances, the court may not issue an order of forfeiture while the alleged owner of the property is in custody and the related criminal proceedings are pending against the alleged owner. Forfeitures are not complete until all related judicial and administrative proceedings have been completed.