

2000 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.¹ This report provides information on the amount of money, weapons, and property forfeited in 2000.

Criminal Forfeitures 2000 Summary

In 2000, 42 Minnesota law enforcement agencies reported a total of 1,303 criminal forfeitures to the Office of the State Auditor.² There were 121 more criminal forfeitures reported in 2000 than in 1999. The amount of cash forfeited and the gross sales of forfeited property totaled \$1,448,462; administrative expenses and lien holders obligations totaled \$35,150; and net proceeds totaled \$1,413,312. Gross sales of forfeited property decreased 5.4 percent, and net proceeds decreased 5.0 percent from 1999 to 2000.

Net proceeds from criminal forfeitures totaled \$1,413,312 in 2000, down 5.2 percent from 1999.

Net proceeds involving cash or forfeited property that was sold ranged from negative \$323 to \$52,770.³ Net proceeds per forfeiture averaged \$1,085 in 2000; down from \$1,259 in 1999. An analysis of the net proceeds of the 1,303 criminal forfeiture incidents in which the agency received cash or sold the forfeited property showed the following:

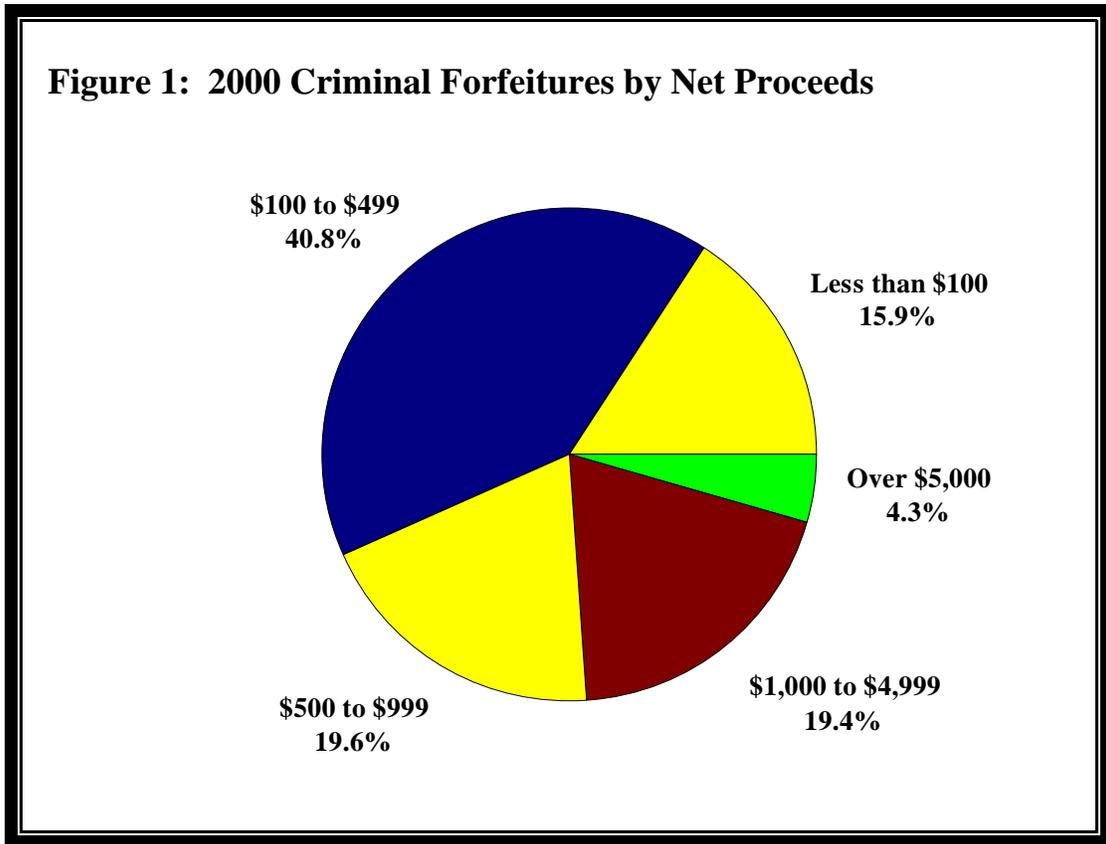
- ! Less than \$100 totaled 207 or 15.9 percent;
- ! \$100 to \$499 totaled 532 or 40.8 percent;
- ! \$500 to \$999 totaled 255 or 19.6 percent;
- ! \$1,000 to \$4,999 totaled 253 or 19.4 percent; and,
- ! \$5,000 or more totaled 56 or 4.3 percent.

¹ Criminal and firearm forfeitures are authorized by Minnesota Statutes §§ 609.531-609.5317.

² This figure represents forfeitures of cash, or those in which the property was sold. Forfeitures which 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.

Figure 1: 2000 Criminal Forfeitures by Net Proceeds



Types of Crimes and Forfeited Property

Criminal activity involving a controlled substance accounted for 1,262 of the 1,303 forfeitures reported in 2000. The remaining 41 forfeitures involve murder, theft, assault and other crimes. Cash was the predominant form of property seized (86.6 percent), followed by cars, boats, and motorcycles (13.2 percent), and other items (0.2 percent).

State Proceeds From Criminal Forfeitures

Pursuant to Minnesota Statutes, section 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 2000, \$141,331 was forwarded to the State of Minnesota.

Criminal Forfeiture Activity By Law Enforcement Agency

The 42 law enforcement agencies reporting criminal forfeiture incidents in 2000 included county sheriff's departments, city police departments, various drug task forces, and the Minnesota State Patrol. The agencies reporting incidents represent thirteen fewer agencies from those reporting in 1999.

Criminal forfeitures are an infrequent occurrence for most law enforcement agencies. In fact, 31 of the 42 law enforcement agencies reporting, reported fewer than 10 forfeitures during the reporting period. The Minneapolis Police Department reported the largest number of forfeitures with 403, followed by the St. Paul Police Department with 328, and the Minnesota State Patrol with 133.

The Minneapolis Police Department reported the greatest number of criminal forfeitures in 2000 with 403 incidents.

The Minneapolis Police Department reported a decrease in the number of forfeitures of 9.4 percent between 1999 and 2000. In addition, the average net proceeds per forfeiture for the Minneapolis Police Department increased from \$1,193 to \$1,354. In 1999, the Minneapolis average was \$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.

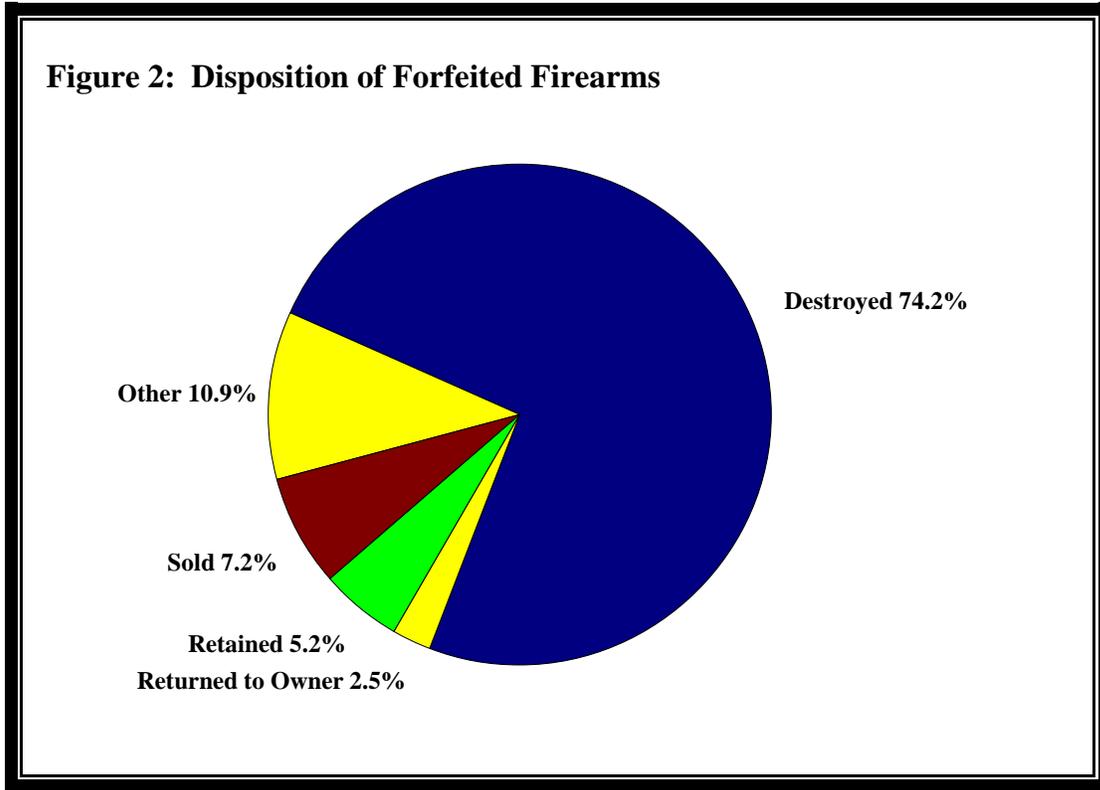
In 2000, an estimated \$79,303 in forfeited property was destroyed, retained, or forwarded to a federal agency. This represents a decrease of 31.7 percent from the amount reported in 1999.

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 2000, six agencies shared with other agencies property or proceeds seized in thirteen criminal forfeiture incidents. Two of the reporting agencies were interagency drug task forces.

Firearm Forfeitures 2000 Summary

In 2000, 24 law enforcement agencies reported a total of 1,090 firearm forfeitures to the Office of the State Auditor. Law enforcement agencies may destroy, retain, return seized weapons, or sell seized firearms to federally licensed firearms dealers.



Types of Weapons Forfeited

The weapons most commonly forfeited in 2000 were predominantly (listed in descending order by number of forfeitures) 12 gauge shotguns, .25 caliber handguns, .22 caliber rifles, .38 caliber handguns, 9 millimeter handguns, and .22 caliber handguns. Of the 1,090 weapons forfeited in 2000, 60.6 percent were handguns, 10.1 percent were shotguns, 13.3 percent were rifles, and 16 percent were other types or unknown.

Reason for Firearm Seizures

Crimes such as assault, theft, homicide and possession of a controlled substance were associated with 40 percent of all firearm forfeitures. Illegal firearm possession (22.8 percent) and abandoned or found (7 percent) were the next two most common reasons for firearm seizures.

Firearm forfeitures by the Minneapolis Police Department (408), and the Roseville Police Department (231), accounted for 58.6 percent of the reported firearm forfeitures in 2000.