

# Instructions for the Forfeiture Incident Reporting Form

## I. State Auditor's Form Entry System (SAFES)

### Logging In: Username & Password Required

The designated individual(s) responsible for reporting forfeitures to the Office of the State Auditor must have a username and password to log in to the State Auditor's Form Entry System (SAFES). There you can access the forfeiture incident reporting form.

If you have not received a username and password, please e-mail your public contact information, including your name, title, email address, phone number and the physical address of your entity to [safes@osa.state.mn.us](mailto:safes@osa.state.mn.us). Login information will be e-mailed to you.

Once you have a username and password, you can log in to SAFES at <https://safes.osa.state.mn.us>

### Navigating SAFES

Once you have access to SAFES, you can find and complete your form. Please follow these steps:

1. When you log in to the SAFES system, you will be at the "**Contact Information**" tab. Make sure your contact information is current. If the information is correct, click the "Verify" button at the bottom of the page. If you need to revise the information, make your changes and then click the "Verify" button.
2. To access the forfeiture reporting form, select the "**Forms**" tab.
3. Once you have selected the "**Forms**" tab, you will see your agency's name. Click on "**Open Form**". You will now be on the page to enter forfeiture incidents.
4. Select the year for which the final disposition of the forfeited property took place.
5. Click on "Add New Forfeiture" to begin entering information.

## II. The Forfeiture Incident Reporting Form

### Entering Data into the Form

#### Entering Information Before Final Disposition

You can use this form as a dynamic reporting system: this allows you to enter forfeiture information before final disposition, save it, and complete the entry at a later date. To do this:

- Enter the data on the forfeiture without entering the date of final disposition; and
- Leave all other entries for property disposition blank.

Once the entry is saved, it will be bolded with the words, “Disposition data is required once property is disposed.” and kept at the top of your forfeiture list in SAFES for later access.

#### The “Save” Button Submits the Report

Once you have entered all the information required on the form for an incident, click on the “Save” button located at the bottom of the page. **By entering your forfeiture data into the form and clicking the “Save” button, you are submitting your data to the Office of the State Auditor.**

After clicking on “Save”, the information you have entered will appear below the forfeiture incident input area. When you are done entering records and have saved them, you can log out.

#### Edit or Deleting Records

At any time during the reporting year for which a forfeiture incident has been entered, anyone in an agency who has access to the reporting form through SAFES can edit or delete that record. This is helpful if duplicate records are entered.

#### Reporting No Forfeitures in a Calendar Year

Agencies must report if they had no forfeitures in a calendar year. If an agency has not completed any forfeitures for the entire year, the agency can log into SAFES after January 1 of the following year and click the appropriate year in the Forms tab. Check the box next to “I have no forfeitures to report for this entity,” then click the adjacent Submit button.

### **III. Information Needed to Complete the Forfeiture Form**

#### **Federal Forfeitures:**

- Seized date
- Case number
- Federal statute
- Federal asset number
- Was the forfeiture initiated as an Administrative or Judicial Forfeiture
- Has the defendant been convicted
- Was the defendant tried or agreed to a plea agreement
- Was the forfeiture contested
- Was there a settlement
- Property details
- Disposition date
- Basis of disposition
- Disposition of property details
- If property was retained, how it is used
- Amount received through equitable sharing program

[Please click here to view instructions for completing forfeitures pursued under federal statutes.](#)

#### **State Forfeitures:**

- Seized date
- Case number
- State statute
- Was the forfeiture initiated as an Administrative or Judicial Forfeiture (for a controlled substance or DUI-related forfeiture)
- Has the defendant been convicted
- Was the defendant tried or agreed to a plea agreement
- Was the forfeiture contested
- Was there a settlement
- Property details
- Disposition date
- Basis of disposition
- Disposition of property details
- If property was retained, how it is used
- Gross amount received/seized
- Total expenses paid
- Amount returned

[Please click here to view instructions for completing forfeitures pursued under state statutes.](#)

# Federal Forfeiture Data Fields

## Date of Seizure

- Provide the date the property subject to forfeiture was seized in the month/day/year format. (e.g., 12/27/2009 for December 27, 2009.)

## Case Number

- This is a mandatory field. Enter the official agency case number.

## Was the forfeiture pursued under state or federal statutes?

State

Federal

- Indicate whether the forfeiture was pursued under state or federal statutes.

## Federal Statute

- Enter the statutory authority for the forfeiture in the text box.

## How was the forfeiture federalized?

Adoption

Joint Task Force

- If the forfeiture was pursued under federal statutes, indicate whether the forfeiture was federalized as “adoption” or “joint task force.”

## Federal Asset Number

- If the forfeiture was pursued under federal statutes, enter the official asset number.

## Was the forfeiture initiated as an Administrative or Judicial Forfeiture?

Administrative

Judicial

- Indicate whether or not the forfeiture was initiated as a Judicial or Administrative forfeiture.

## Has the defendant been convicted?

Yes

No

- Indicate if the defendant has been convicted.

## How was the defendant convicted?

Plea Agreement

Trial

- Indicate if the defendant was convicted per a plea agreement or trial.

## Was the forfeiture contested by the property owner?

Yes

No

- Indicate if the forfeiture was contested by the property owner.

### Was there a forfeiture settlement?

- Yes
- No

- Indicate if there was a forfeiture settlement.

## Property Information

Type of Property Specify

- Use the drop-down menu to identify the property that was seized. If the identification requires additional information, such as a vehicle's make, model, and year, additional boxes will appear, generally as drop-down menus.
- If a vehicle's make or model isn't available from the list, scroll to the bottom and select the "Other" option. Next, enter the information in the box to the right that says "Specify". Please use full names: enter "Chevrolet" instead of "Chevy". **Note:** Do not include any abandoned property or property seized because of suicide.

## Property Disposition

Date of Final Disposition

- Provide the date that the final disposition took place in the month/day/year format. Final disposition is defined for reporting purposes as the date when final action has been taken on the property (e.g. being sold, destroyed, forwarded to another agency, or returned to owner.)

Basis of Disposition

Describe how the disposition of the property was determined. Select from one of the following:

- **Administrative Forfeiture**- forfeiture without judicial involvement;
- **Agreement Outside of Forfeiture Process** - agreement of parties: this includes selling the property back to the owner;
- **Court-Ordered Return of Property**;
- **Judicial Forfeiture** - forfeiture which requires judicial action and procedure; or
- **Summary Forfeiture** - forfeitures of property that is deemed illegal to possess, and does not require any judicial or administrative proceedings.

Disposition of Property

Select the final disposition of the property seized subject to forfeiture. Select from one of the following:

- **Cash Forfeiture to be Distributed** – if the seized property was cash and the forfeiture process is complete;

- **Property Sold** – if the seized property was forfeited and sold;
- **Property Destroyed** – if the forfeited property was destroyed because it was illegal, had no value, or was required to be destroyed due to federal laws;
- **Property Retained by Agency** – if the forfeited property was retained for law enforcement agency purposes;
- **Property returned per ignition interlock program agreement** – if the driver becomes a participant in the ignition interlock program, the forfeiture proceeding is stayed and the vehicle is returned to the owner;
- **Property Forwarded to Other Agency** – if the forfeited property was forwarded to another agency for use or investigation;
- **Returned or Sold to Owner** – use for court-ordered return of seized property, or for agreement between parties to either return or sell the seized property to owner;
- **Returned to Lien Holder or Secured Party** – if the property was returned to a secured party or lien holder;
- **Security/bond returned in lieu of vehicle** – if the owner seeks possession of the vehicle by posting a bond/security and the final forfeiture decision is to return the bond/security posted by the owner;
- **Security/bond for distribution** – if the owner loses possession of the security/bond after the forfeiture action is complete; or
- **Vehicle Sent to Salvage Yard** – if the cost of selling the vehicle is greater than its value resulting in the vehicle being sold or given to a salvage yard.

**Purpose for Property Retention**

- If the property is retained by the agency, enter the purpose for which it is used in the text box.

**Gross Amount Received through the Equitable Sharing Program**

- If the forfeiture pursued is federalized through “adoption” or a “joint task force”, provide in dollars, the amount received through the federal equitable sharing program.

# State Forfeiture Data Fields

## **Date of Seizure**

- Provide the date that the property subject to forfeiture was seized in the month/day/year format (e.g., 12/27/2009 for December 27, 2009.)

## **Case Number**

- This is a mandatory field. Enter the official agency case number.

## **Was the forfeiture pursued under state or federal statutes?**

State

Federal

- Indicate whether the forfeiture was pursued under state or federal statutes.

## **State Statute**

- Select the statutory authority for the forfeiture from the drop-down menu. The most commonly-cited statutes are at the top of the drop-down list, followed by all others in alphabetical order.

## **Was the forfeiture initiated as an Administrative or Judicial Forfeiture?**

Administrative

Judicial

- If the offense was for a controlled substance or DUI-related, indicate whether or not the forfeiture was initiated as a Judicial or Administrative forfeiture.

## **Has the defendant been convicted?**

Yes

No

- Indicate if the defendant has been convicted.

## **How was the defendant convicted?**

Plea Agreement

Trial

- Indicate if the defendant was convicted per a plea agreement or trial.

## **Was the forfeiture contested by the property owner?**

Yes

No

- Indicate if the forfeiture was contested by the property owner.

## **Was there a forfeiture settlement?**

Yes

No

- Indicate if there was a forfeiture settlement.

## Property Information

**Type of Property** Specify

- Use the drop-down menu to identify the property that was seized. If the identification requires additional information, such as a vehicle's make, model, and year, additional boxes will appear, generally as drop-down menus.
- If a vehicle's make or model isn't available from the list, scroll to the bottom and select the "Other" option. Next, enter the information in the box to the right that says "Specify". Please use full names: enter "Chevrolet" instead of "Chevy". **Note:** Do not include any abandoned property or property seized because of suicide. Entities can select "Security/bond in lieu of vehicle" to report the bond/security posted by the owner in lieu of vehicle.

## Property Disposition

**Date of Final Disposition**

- Provide the date that the final disposition took place in the month/day/year format. Final disposition is defined for reporting purposes as the date when final action has been taken on the property (e.g. being sold, destroyed, forwarded to another agency, or returned to owner.)

**Basis of Disposition**

Describe how the disposition of the property was determined. Select from one of the following:

- **Administrative Forfeiture** - completed in accordance with Minn. Stat. § 609.5314;
- **Agreement Outside of Forfeiture Process** - agreement of parties: this includes selling the property back to the owner;
- **Court-Ordered Return of Property;**
- **Judicial Forfeiture** - completed in accordance with Minn. Stat. § 609.5313, which requires judicial action and procedure; or
- **Summary Forfeiture** - forfeitures of property that is deemed illegal to possess, and does not require any judicial or administrative proceedings.

**Disposition of Property**

Select the final disposition of the property seized subject to forfeiture. Select from one of the following:

- **Cash Forfeiture to be Distributed** – if the seized property was cash and the forfeiture process is complete;
- **Property Sold** – if the seized property was forfeited and sold in accordance with Minn. Stat. § 609.5315;



- **Property Destroyed** – if the forfeited property was destroyed because it was illegal, had no value, or was required to be destroyed due to state or local laws;
- **Property Retained by Agency** – if the forfeited property was retained for law enforcement agency purposes;
- **Property returned per ignition interlock program agreement** – if the driver becomes a participant in the ignition interlock program, the forfeiture proceeding is stayed and the vehicle is returned to the owner;
- **Property Forwarded to Other Agency** – if the forfeited property was forwarded to another agency for use or investigation;
- **Returned or Sold to Owner** – use for court-ordered return of seized property, or for agreement between parties to either return or sell the seized property to owner;
- **Returned to Lien Holder or Secured Party** – if the property was returned to a secured party or lien holder;
- **Security/bond returned in lieu of vehicle** – if the owner seeks possession of the vehicle by posting a bond/security and the final forfeiture decision is to return the bond/security posted by the owner;
- **Security/bond for distribution** – if the owner loses possession of the security/bond after the forfeiture action is complete; or
- **Vehicle Sent to Salvage Yard** – if the cost of selling the vehicle is greater than its value resulting in the vehicle being sold or given to salvage yard.

**Purpose for Property Retention**

- If the property is retained by the agency, enter the purpose for which it is used in the text box.

**Gross Amount Received**

- Provide in dollars the amount received from either the sale of the property; from the owner by agreement to obtain the return of the property; or from the lien holder or insurance company if there is a lien on the property.

**Gross Amount Seized (for cash forfeitures only)**

- Provide in dollars the total amount of cash seized.

**Total Expenses Paid**

- Provide the total amount of expenses once they have been calculated. Enter an estimate of the total costs to the agency to store the property in an impound lot, evidence room, or other location; pay for the time and expenses of an appropriate agency and prosecuting authority to litigate forfeiture cases; and sell or dispose of the forfeited property. Enter the sum of the total of these expenses before proceeds are distributed. They will be deducted from the gross amount received/seized. **Do not include the distribution of funds as an expense.**

**Amount Returned**

- Provide in dollars the amount returned to the owner and/or forwarded to another agency. Use this column if the final disposition of a cash forfeiture is to return a portion of seized cash or if there is an agreement between parties to either return or sell seized property to its owner.

**Net Distribution**

- **Do not enter any amount in this column.** This column will automatically calculate the sum of the amounts entered in the Gross Amount Received/ Gross Amount Seized, Total Expenses Paid and Amount Returned columns. If the total expenses exceed the gross amount received, the net for distribution will be calculated as zero in this column.