DEPARTMENT OF CORRECTIONS

Policy Number: 107.056
Title: Asset Forfeiture Process
Effective Date: 1/7/20

PURPOSE: To define procedures and guidelines for the administrative forfeiture of money, precious metals, and precious stones during fugitive apprehensions when controlled substances are found in the proximity of the fugitive or an arrested associate of the fugitive.

APPLICABILITY: Office of Special Investigations (OSI), Fugitive Apprehension Unit Members (FAUMs).

DEFINITIONS:
Cash – money in the form of bills or coins, traveler's checks, money orders, checks, or other forms of electronic money or stored-value cards, including such examples as gift cards/certificates, debit cards, or other financial instruments.

Forfeiture – the process by which legal ownership of an asset is transferred to a government or other authority.

Jewelry – items such as rings, necklaces, watches, etc. which reasonably appear to be made of precious metals (including such examples as gold, silver, platinum, iridium, and palladium) or precious stones (including such examples as diamonds, emeralds, rubies, etc.), which are often referred to as gemstones.

Personal property – for the purposes of this policy personal property means precious stones and precious metals.

Seizure – the act of law enforcement officials taking property, including cash, vehicles, etc., that has been used in connection with, or acquired by, illegal activities.

PROCEDURES:

A. Fugitive apprehension unit members (FAUMs) must begin administrative forfeiture proceedings from a DOC arrestee or an associate in their presence whenever money, jewelry, or other precious metals or precious stones (personal property) are found in proximity to a controlled substance per Minn. Stat. § 609.5314, Subd. 1.

1. FAUMs must take control of the property to be forfeited and the controlled substance for the purpose of inventory and evidence.

2. FAUMs must contact the office of special investigations (OSI) assistant director – investigations and/or designee to inform the assistant director of the seizure.

3. FAUMs must package and inventory the property to be forfeited and the controlled substance as per Policy 301.035 "Evidence Management."

4. FAUMs must complete the Notice of Seizure and Intent to Forfeit Property form (attached) and the MN DOC Fugitive Apprehension Unit Property Receipt (attached). The FAUM must date and sign the forms and include an agency augmented criminal investigation support system(ACISS) case number on the forms. The FAUM must give the individual from whom property is seized an opportunity to sign the seizure notice form. If that person

refuses to sign, the FAUM conducting the seizure must check the appropriate box indicating the refusal to sign.

5. The FAUM must distribute the Notice of Seizure and Intent to Forfeiture Property form and the property receipt form as follows:
   a) The FAUM:
      (1) Sends the original to the designated prosecuting authority;
      (2) Keeps a copy for reporting purposes; and
      (3) Must provide a copy to the arrested party.

   b) The FAUM should distribute all copies of the form within 24 hours of the seizure, whenever practicable.

   c) The FAUM must give the arrested party the notice in person.

6. FAUMs must secure in an OSI evidence locker any cash seized during non-business hours and must notify the OSI assistant director – investigations or designee.
   a) The assistant director - investigations must contact DOC financial services and adhere to DOC Policy 104.155, "Forfeiture Deposit and Accounting," whenever cash is seized.

   b) The assistant director must ensure that forms received from the DOC financial services transaction are attached to a supplemental ACISS report.

7. FAUMs must take any suspected controlled substance to the Minnesota Bureau of Criminal Apprehension (BCA) laboratory unit for testing, if criminal proceedings are requested by the prosecuting authority.

8. FAUMs seizing jewelry, precious metals, and/or precious stones must write a detailed description of each item on the property receipt prior to inventorying the items, and must deliver those items to the property/evidence room as soon as practicably possible.

9. FAUMs must complete all reports and submit criminal cases to the appropriate prosecuting authority.

10. FAUMs must notify the deputy director – fugitive unit or the assistant director – investigations of official administrative forfeiture findings, and must attach those findings in a supplemental ACISS report. The deputy director – fugitive unit or the assistant director – investigations must then notify financial services of the official administrative forfeiture findings.

11. The OSI assistant director – investigations must maintain an electronic tracking form of all seized and forfeited property, which is backed up in ACISS.

12. Financial services staff must record in the state accounting system all deposits and payments. OSI and financial services staff must review and reconcile the account annually.

B. FAUMs must not administratively forfeit or seize conveyance devices; firearms, ammunition, and firearm accessories; or property valued over $50,000 per Minn. Stat. § 609.5314.

INTERNAL CONTROLS:

A. The OSI assistant director – investigations keeps a tracking form of seized and forfeited property, which is backed up in ACISS.

B. The paperwork received from financial services is attached to the ACISS supplemental report connected to the original case report.

C. All deposits and payments are recorded in the state accounting system and reconciled annually by OSI and financial services staff.

ACA STANDARDS: None

REFERENCES: Minn. Stat. §§ 609.531-609.5318, 609.02, and 152.01-.205
Policy 104.155, "Forfeiture Deposit and Accounting"
Policy 301.035 "Evidence Management."

REPLACES: Policy 107.056, "Asset Forfeiture Process," 11/7/17.
All unit policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Seizure Notice and Intent Form – Officer Instructions (107.056A)
Notice of Seizure and Intent to Forfeit Property Form (107.056B)
MN DOC Fugitive Apprehension Unit Property Receipt (107.056C)

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Facility Services