



# Edina Police Operations Manual

Section Number  
815.00

Subject:  
**ADMINISTRATIVE FORFEITURES-DRIVING WHILE IMPAIRED, FLEEING IN MOTOR VEHICLE, AND DESIGNATED OFFENSES**

Effective Date  
06/01/1993

Revised Date  
10/30/2019

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## **PURPOSE:**

To establish guidelines for seizure and forfeiture incidents initiated or pursued by police personnel.

### **815.01 ADMINISTRATIVE FORFEITURE**

This forfeiture policy relates strictly to Driving While Impaired, Fleeing in Motor Vehicle, and Designated Offenses.

#### **Subd. 1 Impaired Operation of a Motor Vehicle Procedure**

- a) Complete the "Notice of Seizure and Intent to Forfeit Property form". This applies to all motor vehicles including ATV's, snowmobiles, motorboats, etc. No minimum value for a vehicle has been set for proceedings.
- b) Complete the "Property Receipt" form.
- c) The copy is provided to the claimant (defendant). A copy is attached to the case file and forwarded to the designated forfeiture staff officer.
- d) The vehicle should be impounded to the city contracted towing service impound lot. Complete an Edina Tow/Impound form and in the hold box, select "Y" for yes, then in the notes section type in "Held for forfeiture".
- e) The designated forfeiture staff officer will send notification to the listed lienholder in an attempt to establish the amount owed by the registered owner(s).

### **815.02 JUDICIAL FORFEITURE FOR DESIGNATED OFFENSES**

Judicial forfeiture for designated offenses are crimes in which law enforcement may seize property used in or derived from a felony level criminal offense. A list of designated offenses is attached. (See page 4 of this policy)

#### **Subd. 1 Designated Offenses Procedure for Vehicle(s)**

- a) Vehicle(s) must have a minimum value of \$2,000.00 for the Hennepin County Attorney's Office to consider forfeiture proceedings. If the vehicle(s) meets the dollar requirement and is going to be held for forfeiture proceedings, use the Edina vehicle/tow form. In the hold box, select "Y" for yes, and in the notes section type "Held for forfeiture".

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- b) The designated forfeiture staff officer will send notification to the listed lienholder in an attempt to establish the amount owed by the registered owner(s).

**Subd. 2 Designated Offenses Procedure for Other Property**

- a) If the seized property is cash or jewelry, the Hennepin County Attorney's Office has established a minimum dollar amount of \$500 before forfeiture will be pursued. When seizing cash, there must be probable cause that the cash was either used in the commission or derived from the felony level designated offense.
- b) When cash is seized, it should be recounted and the amount verified by another employee of the agency. Complete Edina Property Inventory form 0500, a computer copy is installed on the squad mobiles or can be located on the department's "G" drive. In the "Reasons for Custody" area of the form, check the "other" box and write in "Seized". Print two copies, one copy goes to the offender, the second is placed in the "To be scanned" box located at EPD. The cash will be placed into property at EPD and a property voucher will be completed.
- b) All other property will be brought to EPD and placed into the property room and a property voucher completed.

**Subd. 3 Fleeing a Police Officer in a Motor Vehicle Procedure**

- a) Complete the property receipt form.
- b) Verify that the defendant is the owner of the vehicle or the defendant meets one of the conditions listed below. If the defendant is not the owner, you may not seize the vehicle unless one of the following conditions exists:
- The owner was a passenger while the vehicle was fleeing.
  - The suspect was fleeing in a vehicle that is registered to a spouse or parent.
- c) Print two copies, one copy goes to the offender and the second is placed in the "To be scanned" box located at EPD. E-mail the designated forfeiture staff officer to inform them of the arrest.
- d) The designated forfeiture staff officer will send a copy of the property receipt form and a copy of the arrest report to the Hennepin County Attorney's Office. This should be done as close as possible to the date of arrest.

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- e) When a person is arrested for Fleeing Police in a Motor Vehicle and the vehicle is seized for forfeiture, the defendant shall be held and charged in custody. If circumstances arise where the defendant cannot be charged in custody, all reports shall be completed and forwarded to the Investigative division, prior to the involved officers ending their shift.
- f) The vehicle should be impounded to the city contracted towing service impound lot. Complete an Edina Tow/Impound form and in the hold box, select "Y" for yes, then in the notes section type in "Held for forfeiture".
- g) The designated forfeiture staff officer will send notification to the listed lienholder in an attempt to establish the amount owed by the registered owner(s).

**List of Designated Offenses for Judicial Forfeiture of Property**

325E.17	Unlawful Transfer of Sounds
325E.18	Identity of Transferor
609.185	Murder 1 <sup>st</sup> Degree
608.19	Murder 2 <sup>nd</sup> Degree
609.195	Murder 3 <sup>rd</sup> Degree
609.21	Criminal Vehicular Homicide & Injury
609.221	Assault 1 <sup>st</sup> Degree
609.222	Assault 2 <sup>nd</sup> Degree
609.223	Assault 3 <sup>rd</sup> Degree
609.2231	Assault 4 <sup>th</sup> Degree
609.24	Simple Robbery
609.245	Aggravated Robbery
609.25	Kidnapping
609.255	False Imprisonment
609.322	Solicitation, Inducement, or Promoting Prostitution
609.324	Other Prohibited Prostitution/Solicitation Offenses
609.342	Criminal Sex. 1 <sup>st</sup> Degree (Sub. 1 clauses a – f)
609.343	Criminal Sex. 2 <sup>nd</sup> Degree (Sub. 1 clauses a – f)
609.344	Criminal Sex. 3 <sup>rd</sup> Degree (Sub. 1 clauses a – e and h – j)
609.345	Criminal Sex. 4 <sup>th</sup> Degree (Sub. 1 clauses a – e and h – j)
609.42	Bribery
609.425	Corruptly Influencing a Legislator
609.466	Medical Assistance Fraud
609.485	Escape From Custody
609.487	Fleeing a Peace Officer in a Motor Vehicle
609.52	Theft
609.525	Bringing Stolen Goods into the State
609.53	Receiving Stolen Property
609.54	Embezzlement of Public Funds
609.551	Rustling Live Stock Theft
609.561	Arson 1 <sup>st</sup> Degree
609.562	Arson 2 <sup>nd</sup> Degree
609.563	Arson 3 <sup>rd</sup> Degree
609.582	Burglary
609.59	Possession of Burglary Tools or Theft Tools

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609.595	Criminal Damage to Property
609.631	Check Forgery: Offering Forged Check
609.66	Dangerous Weapons; Drive by Shootings
609.671	Environmental Criminal Penalties
609.687	Adulteration
609.821	Financial Transaction Card Fraud
609.825	Bribery of Participant or Official in Contest
609.86	Commercial Bribery
609.88	Computer Damage
609.89	Computer Theft
609.891	Unauthorized Computer Access
609.893	Telecommunications Fraud
617.246	Minor in Sexual Performance
624.7181	Rifles and Shotguns in Public Places