

**Subject:****SEIZURE AND FORFEITURE PROCEDURES
FOR THE ASSIGNED STAFF OFFICER****Effective Date
06/01/1993****Revised Date
05/18/2020****Page 1 of 3****PURPOSE:**

To establish procedures for Seizure and Forfeiture incidents for the Staff Officer assigned to Seizure and Forfeiture.

750.01 GENERAL STATEMENT OF POLICY

The chief of police shall designate a staff officer to oversee incidents involving seizure and forfeiture.

750.02 REPORTING REQUIREMENTS**Subd. 1 State Forfeiture Incidents**

- a) When the Hennepin County Attorney's Office or the City of Edina Attorney's Office informs us that a forfeiture action has been completed, the property belongs to the City of Edina. Within a month of the date of completion, the staff officer shall file a report as required by the State Auditor's Office.
- b) The staff officer shall file appropriate year-end reports as required by the State Auditor's Office.

Statutory Reference: [609.5315](#)

Subd. 2 Federal Forfeiture Incidents

- a) Every three years the Edina Police Department must file a Federal Equitable Sharing Agreement. A new Federal Equitable Sharing Agreement must be filed prior to three years if the Chief Law Enforcement Officer changes. This form is mandated for agencies that wish to continue with the Federal government's forfeiture program.
- b) The staff officer shall file the Federal Annual Certification Report at the end of each year.
- c) If the Edina Police Department maintains a federal forfeiture fund account balance of more than \$100,000, or if the department receives federal shared cash, proceeds, or tangible property valued at more than \$100,000 in a single fiscal year, from a federal agency, an independent audit must be conducted in accordance with federal rules.

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Subd. 1 The Finance Director will be responsible for depositing, withdrawing, and keeping records of all of the seizure and forfeiture related accounts.

Subd. 2 Interest earned in the federal forfeiture account must stay in this account.

750.04 PROCESSING INITIAL REPORTS OF SEIZED PROPERTY**Subd. 1 State Seizure Incidents**

- a) Ensure that the appropriate seizure forms or property inventories were completed.
- b) Ensure that the proper prosecuting authority is notified about the seizure/forfeiture proceeding.
- c) The staff officer shall maintain a seizure/forfeiture case file.
- d) All seizure/forfeiture files are maintained by the Investigative Division

Subd. 2 Federal Seizure Incidents

Act as a liaison with the Federal Agency that has initiated the action and pursuing the particular seizure.

750.05 COMPLETION OF FORFEITURE**Subd. 1 State Forfeiture Incidents**

- a) If the property is money it must be distributed as follows:
 - 70% - Edina Police Department Forfeiture Fund
 - 20% - Hennepin County Attorney's Office
 - 10% - State Auditor's Office
 - Except for prostitution (See State Statute # [609.5315 subd.5A](#))
- b) If the property is not money, it does not have to be distributed until it is sold by the City. Once the property is sold, the sale distribution requirements exist.
- c) If the property is a vehicle the staff officer will need to transfer the title on the vehicle to the Edina Police Department. According to City rules, the vehicle will need to be placed into the department vehicle inventory, if the vehicle is used as part of the fleet.

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- d) Any money received from a DWI forfeiture incident must be accounted for separately from the general forfeiture fund. The Finance Director should be notified that the money is from a DWI incident.

Subd. 2 Federal Forfeiture Incidents

The federal government will send a notification letter, prior to distributing the property, advising how much is owed for handling the forfeiture process. Once the money is sent, the property will be forwarded to the Police Department.

750.06 STORAGE OF SEIZED PROPERTY PENDING FORFEITURE

Subd. 1 State Forfeiture Proceedings

- a) Money is to be placed into the state seizure account.
- b) Vehicles are to be stored at the city contracted towing service impound lot, or other storage areas approved by staff officer.
- c) Other property may be stored in the property room.

Subd. 2 Federal Forfeiture Proceedings

The agency that is handling the forfeiture will either store the property or dictate where it is to be stored.

750.07 RULES ON DISPERSING FORFEITURE FUNDS

Subd. 1 State Forfeiture Proceedings

See State Statute [609.5315](#)

Subd. 2 Federal Forfeiture Proceedings

- a) See the "Guide to Equitable Sharing" issued by the Department of Treasury, section X. Refer to: <https://home.treasury.gov/policy-issues/terrorism-and-illicit-finance/asset-forfeiture/equitable-sharing>