

439.19 Seizure Procedures - Narcotics

The following describes the seizure procedures for narcotics.

The items listed below may be seized during a narcotics investigation and are subject to administrative forfeiture if value of the item does not exceed \$50,000.00:

1. Currency with a value of \$100 or more and all precious metals and precious stones found in proximity to:
 - Controlled substances;
 - Drug manufacturing equipment and distribution equipment or devices; or,
 - Evidentiary records or the electronic storage devices containing records of the manufacture of or distribution of controlled substances.

Note: Currency with a value of less than \$100.00 shall not be seized unless it is recovered with departmental buy funds used during the investigation. In that case, the buy fund money shall be recovered and documented – do not issue a seizure notice for the buy funds. The buy funds shall be turned over to the investigative unit. The remainder of the cash shall be administratively seized according to this policy.

2. All conveyance devices containing controlled substances with retail value of \$100 or more if possession or sale of the controlled substance would be a felony under Minnesota [Statute 152](#).

Note: The value of a vehicle shall not be taken into account when determining whether or not the seizure process is to be initiated.

3. All firearms, ammunition and firearm accessories found:
 - In a conveyance device used or intended for use to commit or facilitate the commission of a felony offense involving a controlled substance;
 - On or in proximity to a person from whom a felony amount of controlled substance is seized; or
 - On the premises where a controlled substance is seized and in proximity to the controlled substance, if possession or sale of the controlled substance would be a felony under [Minnesota Statute 152](#).

Processing Seized Property for Above Forfeiture Proceedings

When any property as described above is seized during a narcotics investigation or arrest, the officer making the seizure must complete the “green packet”. This packet contains the required forms and instructions on how to initiate the administrative forfeiture process. It also contains a supervisor’s check sheet and approval form. Supervisor’s will review and

approve all administrative forfeiture “green packets”. The following steps are to ensure the effective administration of the seizure process. The Notice of Seizure and Intent to Forfeit Property and Property Receipt forms must be completed and provided to each person from whom property is being seized.

- If property is seized from multiple individuals during a single investigation, each individual must be served with the appropriate paperwork. The individual from whom property is seized will be given an opportunity to sign the seizure notice form. If the person refuses, the appropriate box will be checked.
- If no person present claims ownership of the property to be seized, all persons present should be issued a Notice of Seizure and Intent to Forfeit Property.
- If no person is present at the location where property is seized, officers shall leave copies of the notice and receipt in plain view at the seizure location.
- The seizure form must be dated and signed by the officer or investigator initiating the seizure.
- A Saint Paul Police case number must be included on all forms.
- When currency is seized from a person, and later another person claims ownership they will be served a notice by the narcotics unit.
- Officers seizing jewelry, precious metals, and/or precious stones will write a detailed description of each item in their narrative report and in the Evidence Manager. Officers shall also photograph the jewelry seized before placing the items into property.
- When a conveyance device (vehicle used for transportation) is seized, the person in possession of the vehicle must receive the seizure notice in person. Additionally, all other persons with an ownership interest in the vehicle must also receive a forfeiture notice. If the owner is not present at the time of the seizure a forfeiture notice will be sent through certified mail by the narcotics unit forfeiture officer. When an officer investigating a narcotics-related crime believes a conveyance device is subject to forfeiture, the officer shall complete and serve the appropriate seizure paperwork and tow the vehicle via the Tow Manager to the impound lot and place a ‘hold’ on the vehicle for the seizure.
- Officers seizing firearms, ammunition, or firearms accessories will write a detailed description of each item in their narrative report and in the Evidence Manager.
- NOTE: If a decision is made NOT to forward a case for criminal charging, a seizure notice cannot be issued. Once a seizure notice has been given to the suspect, charges MUST be forwarded to the charging agency. If the county attorney does not prosecute a case, notice will be sent to the department in the form of a stipulation and release or a formal written documentation to return the seized items.

Report Writing and Documentation

Saint Paul Police officers seizing property must complete a Saint Paul Police narrative report under a case number generated at the Ramsey County ECC. See [General Order 439.14](#) for more information. Completed police reports and related forms shall follow these guidelines:

- Describe the items seized.
- The officer will note the mileage of the vehicle seized in the report.
- Describe the exact location where the items were found/recovered from.
- Document the name(s), date(s) of birth and addresses of the individual(s) served with seizure notification forms.
- Indicate the date of the seizure and location of when the form was served.

- Document the name of the serving peace officer and whether or not the individual signed or refused to sign the seizure or receipt form.
- Describe the location where seizure paperwork was left if no one was present at the time of seizure.
- Reports and forms shall include any incident control numbers from other agencies participating in the investigation.
- Indicate the estimated retail value of drugs found in proximity to the asset seized.
- Identify the police department location the property was turned into. Specifically note the property room locker number.
- All reports dealing with seized property will be completed within 24 hours of the seizure process. Evidence Manager submissions must be made immediately upon placement of the property into the property room. Any forfeiture notice for cash **MUST** be given to the person at the time of arrest. Money forfeitures cannot be sent certified mail.
- Supervisors will review and approve all administrative forfeiture “green packets”.
- Send all original forfeiture paperwork to the narcotics unit. Paperwork includes seizure notices, seized property processing worksheets, and reports. Narcotics will distribute copies to all appropriate units once received, enter all notices into asset forfeiture database, and send all certified mail notices if necessary.

Police Records Unit

The records unit is responsible for maintaining possession of a copy of all seizure paperwork. All original documents shall be forwarded to the narcotic’s unit. Narcotics will send copies of forfeiture paperwork weekly to records for their retention as part of the records case file. This includes notice of seizure and intent to forfeit property sheet, property receipt.

Narcotics Unit Seizure Procedures

Upon receiving a Seizure Notice and additional supporting paperwork through inter-office mail, and after reviewing Evidence Manager or RMS report submissions, narcotics will do the following:

- Ensure that the Seizure Notice **and** Evidence Manager submissions are complete and accurate. If not, the officer who issued the notice will be contacted. Narcotics will issue a seizure notice on a vehicle regardless of value of the vehicle and continue to build the case file and will notify the appropriate parties, via certified mail, regarding a vehicle seizure if needed.
- The narcotic’s unit will build a case file for the seizure. The case file needed is an exact duplicate of the charging file (criminal histories, search warrants, etc).
- Once all the reports have been obtained and information gathered, narcotics unit staff will complete the “Information Sheet” and forward to the office assistant for data entry, etc. The county attorney’s office will then be forwarded the entire file. This process will take no longer than 15 days. If there is an exception to this time frame, the county attorney’s office will be notified.
- Copies of all seizure notices will be sent via email weekly from the narcotics unit office assistant to the fiscal affairs manager, impound lot commander, impound lot supervisor, narcotics commander, county attorney’s office, property room, and fiscal affairs unit.
- If an owner wishes to turn over the title of their vehicle for possession of that vehicle, they will be referred to the county attorney. The county attorney will then contact the narcotics

unit and title will be taken in exchange for the vehicle. Photos of the vehicle will be taken before it is turned over to the owner by the narcotics unit. Narcotics will write a report, notify the impound lot, and prepare a notification letter to the State of MN-DVS to "Flag" the vehicle title once the title is received. Narcotic's unit staff will also update the data base reflecting the title surrender and notify the fiscal affairs manager via email once the process is completed.

If any of the above items or currency is valued at greater than \$50,000.00, the narcotic unit commander must be contacted to coordinate the necessary paperwork with the Ramsey County Attorney's Office.

Separation from Seizure Proceedings

Once the administrative forfeiture process is initiated by the police department to the county attorney's offices, there can be no separation from the process unless there is formal agreement (stipulation and release) with the city or county attorney's office and the named parties in consultation with the chief's designee, unless, one of the following circumstances exist:

- Testing of evidence in a drug case reveals the substance is not an illegal controlled substance; the narcotics unit commander shall immediately forward a memo detailing those facts to the chief's designee for forfeiture matters. This memo shall include a recommendation on how the matter should be resolved.
- There are no charges filed and the city is notified by the county to release.

If property related to a narcotics investigation is in fact returned to the owner in the accordance with any of the above circumstances, the office of the chief shall then direct the fiscal affairs unit to update the forfeiture database accordingly. The office of the chief shall also make notification to the property room and/or impound lot in the form of a copy of the memo or formal agreement initiating the action. A copy of these documents shall also be forwarded to the fiscal affairs and records unit. If the property related to a narcotic's investigation was seized in the form of cash, the amount will be returned to the owner in the form of a bank check.

In every case, a certified letter will be sent by the property room or the impound lot to the property owner, advising them that they may pick up their property with proper identification.

Property Storage

Property and currency seized by Saint Paul Police officers shall be stored at the property room located at police headquarters; 367 Grove Street. Officers turning in seized property or currency shall follow appropriate department policies [439.03](#) and [439.06](#). Those items shall be delivered to the property room as soon as possible after the seizure.

If property or currency is seized from multiple individuals during a single investigation, each individual seizure will be noted separately in the Evidence Manager. Each Evidence Manager submission shall contain detailed descriptions of all property and currency placed into property.

Fiscal Affairs Unit Procedures

The accounting unit will ensure that notices are sent to the property room, the impound lot (vehicle), the fleet supervisor (vehicle), and the records unit. At that time the database will be updated by the fiscal affairs unit, funds and/or property will be appropriately dispersed, and the Minnesota State Forfeiture Report will be completed and forwarded within 30 days of the date of forfeiture.

Training

All new officers will receive forfeiture training by the county attorney. This training will include best practices for timely and fair resolution of forfeiture cases, notice to interest holders, the release of seized property where appropriate, the resolution of claims of innocent ownership, situations in which forfeiture should not be pursued, and any statutory changes. This training will occur at the discretion of the county attorney's office and in compliance with its policy.

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