

2001 Criminal Forfeitures

Overview

Minnesota criminal statutes direct law enforcement agencies to report two different types of forfeitures to the Office of the State Auditor: criminal forfeitures and firearm forfeitures.¹ This report provides information on the amount of money, weapons, and property forfeited in 2001.

Criminal Forfeitures 2001 Summary

In 2001, 46 Minnesota law enforcement agencies reported a total of 1,014 criminal forfeitures to the Office of the State Auditor.² There were 289 fewer criminal forfeitures reported in 2001 than in 2000. The amount of cash forfeited and the gross sales of forfeited property totaled \$1,433,278; administrative expenses and lien holders obligations totaled \$114,832; and net proceeds totaled \$1,318,446. Gross sales of forfeited property decreased 1.0 percent, and net proceeds decreased 6.7 percent from 2000 to 2001.

Net proceeds from criminal forfeitures totaled \$1,318,446 in 2001, down 6.7 percent from 2000.

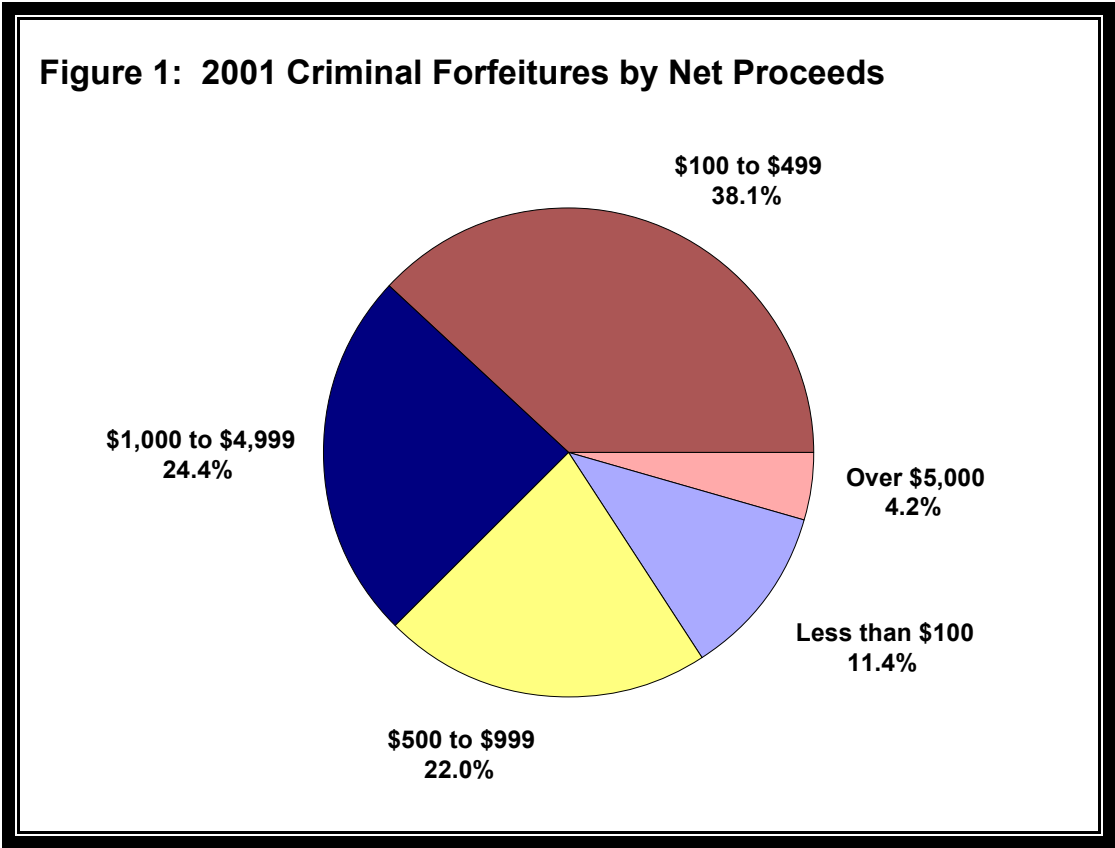
Net proceeds involving cash or forfeited property that was sold ranged from negative \$255 to \$82,327.³ Net proceeds per forfeiture averaged \$1,305 in 2001; up from \$1,085 in 2000. An analysis of the net proceeds of the 1,010 criminal forfeiture incidents in which the agency received cash or sold the forfeited property showed the following:

- ! Less than \$100 totaled 115 or 11.4 percent;
- ! \$100 to \$499 totaled 385 or 38.1 percent;
- ! \$500 to \$999 totaled 222 or 22.0 percent;
- ! \$1,000 to \$4,999 totaled 246 or 24.4 percent; and,
- ! \$5,000 or more totaled 42 or 4.2 percent.

¹ Criminal and firearm forfeitures are authorized by Minnesota Statutes §§ 609.531-609.5317.

² This figure represents forfeitures of cash, or those in which the property was sold. Forfeitures which involved firearms are discussed later in this report.

³ Net proceeds may be negative if the payment of administrative costs and satisfaction of valid liens against the property exceed the value of the cash or property forfeited.



Types of Crimes and Forfeited Property

Criminal activity involving a controlled substance accounted for 990 of the 1,014 forfeitures reported in 2001. The remaining 24 forfeitures involve murder, theft, assault, and other crimes. Cash was the predominant form of property seized (82.9 percent), followed by cars, boats, motorcycles (15.8 percent), and other items (1.3 percent).

State Proceeds From Criminal Forfeitures

Pursuant to Minnesota Statutes, section 609.5315, subd. 5, cash or proceeds from the sale of forfeited property, after administrative expenses and payment of liens, are distributed in the following manner: 70 percent to the appropriate law enforcement agency; 20 percent to the county attorney or other prosecuting agency that handled the forfeiture; and 10 percent to the state treasurer.

Based on the distribution formula and the net proceeds reported by law enforcement agencies in 2001, \$131,845 was forwarded to the State of Minnesota.

Criminal Forfeiture Activity By Law Enforcement Agency

The 46 law enforcement agencies reporting criminal forfeiture incidents in 2001 included county sheriff's departments, city police departments, various drug task forces, and the Minnesota State Patrol. The agencies reporting incidents represent four more agencies from those reporting in 2000.

Criminal forfeitures are an infrequent occurrence for most law enforcement agencies. In fact, 32 of the 46 law enforcement agencies reporting, reported fewer than 10 forfeitures during the reporting period. The Minneapolis Police Department reported the largest number of forfeitures with 385, followed by the Minnesota State Patrol with 124, and the Southeast Minnesota Drug Task Force with 81.

The Minneapolis Police Department reported the greatest number of criminal forfeitures in 2001 with 385 incidents.

The Minneapolis Police Department reported a decrease in the number of forfeitures of 4.5 percent between 2000 and 2001. In addition, the average net proceeds per forfeiture for the Minneapolis Police Department decreased from \$1,354 to \$1,271. In 1999, the Minneapolis average was \$1,193.

Forfeited Property Destroyed, Retained, or Forwarded to Another Agency

In addition to selling forfeited property, law enforcement agencies have the authority to destroy property that is harmful to the public, to retain property for official use by the agency, or forward property to a federal agency (usually the Drug Enforcement Administration). The value of property used for law enforcement is not included in the net proceeds of criminal forfeitures or the funds transmitted to the State Treasurer until the property is sold.

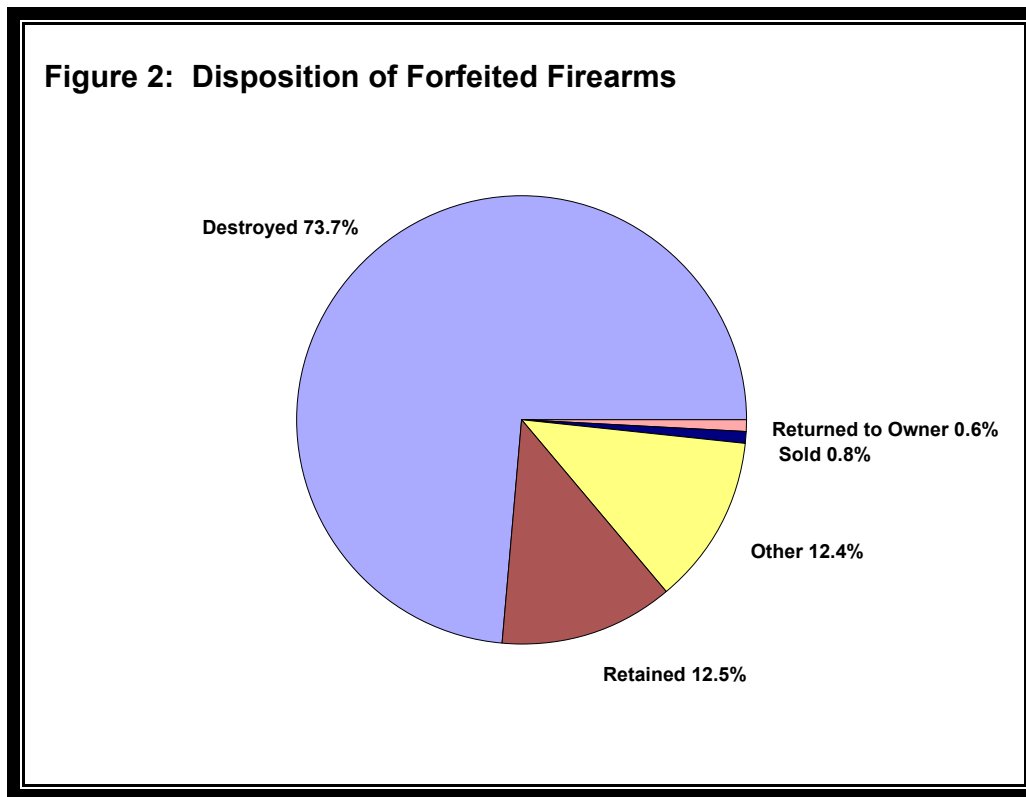
In 2001, an estimated \$16,215 in forfeited property was destroyed, retained, or forwarded to a federal agency. This represents a decrease of 79.6 percent from the amount reported in 2000.

Property or Proceeds Shared With Another Agency

Law enforcement agencies frequently work together, especially on drug-related offenses. Law enforcement agencies working on a case often share the cash proceeds from drug-related criminal forfeitures. In 2001, six agencies shared with other agencies property or proceeds seized in twelve criminal forfeiture incidents. One of the reporting agencies was an interagency drug task force.

Firearm Forfeitures 2001 Summary

In 2001, 20 law enforcement agencies reported a total of 2,043 firearm forfeitures to the Office of the State Auditor. Law enforcement agencies deal with most forfeited weapons by destroying, retaining, returning seized weapons, or selling seized firearms to federally licensed firearms dealers.



Types of Weapons Forfeited

The weapons most commonly forfeited in 2001 were predominantly (listed in descending order by number of forfeitures) .38 caliber handguns, 12 gauge shotguns, .9 millimeter handguns, .22 caliber handguns, .22 caliber rifles, and .25 caliber handguns. Of the 2,043 weapons forfeited in 2001, 61.6 percent were handguns, 20.6 percent were shotguns, 15.1 percent were rifles, and 2.7 percent were other types or unknown.

Reason for Firearm Seizures

Crimes such as assault, theft, homicide and possession of a controlled substance were associated with 45.1 percent of all firearm forfeitures. Illegal firearm possession (31.3 percent) and other, which includes recovered property, (16.5 percent) were the next two most common reasons for firearm seizures.

Firearm forfeitures by the Minneapolis Police Department (1,733) accounted for 84.8 percent of the reported firearm forfeitures in 2001.