

South Portland City Council  
***Position Paper of the Interim City Manager***

***Subject:***

**ORDER #67-16/17- Accepting \$660.00 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.**

***Position:***

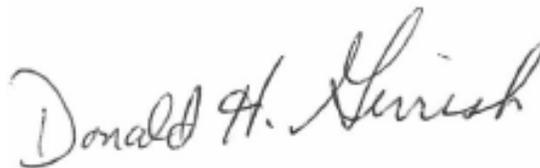
Under the State Asset Forfeiture Program, property or cash that is seized as a result of law enforcement action may be transferred back to local law enforcement agencies that participated in the enforcement action.

This item concerns the acceptance of \$660.00 and stems from a case involving Lowell Rudolph in which the Police Department participated in the arrest. In order to allow the Cumberland County Superior Court to award these funds to the City of South Portland, the City Council has to approve the acceptance prior to the defendant appearing in court.

Any funds received must be used by the Police Department to supplement, not replace, resources available. The \$660.00 received will be credited to the State of Maine Asset Forfeiture Account.

***Requested Action:***

Council passage of ORDER #67-16/17.



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Interim City Manager



**SOUTH PORTLAND POLICE DEPARTMENT**

30 Anthoine Street  
South Portland, Maine 04106-4403  
207-799-5511  
207-799-9728 Fax



To: Donald Gerrish, Interim City Manager  
From: Chief Edward J. Googins  
Date: September 27, 2016  
Ref: State Asset Forfeiture

The City of South Portland is in line to receive money (\$660.00) seized in the case of State vs Lowell Rudolph CR-16-2128.

This money will be placed in #204912-412011

Please place this item on the next Council agenda to accept the forfeiture so a court order can be issued transferring the money from the seizure.



*OFFICE OF THE DISTRICT ATTORNEY  
CUMBERLAND COUNTY*

Stephanie Anderson  
District Attorney

142 Federal Street, Portland, Maine, 04101  
101 Meadows Road, West Bath, Maine, 04530-9704

Portland  
(207) 871-8384

September 22, 2016

Bath  
(207) 443-5104

Chief Edward Googins  
South Portland Police Department  
30 Anthoine Street  
South Portland, ME 04106

**RE:** State v. Lowell Rudolph, CR-16-2128 and \$660  
City of South Portland Approval

Dear Chief:

Enclosed please find a City of South Portland Approval form for the forfeiture of the money seized in this case. As you can see, the City/Town Council, or a representative thereof, needs to sign this form and return it to me so that I can provide you with a court order that will transfer the money that was seized to the City/Town. Please let me know if you have any questions for me.

Thank you.

Sincerely,

**DEPARTMENT OF THE ATTORNEY GENERAL**

State of Maine

By:   
Lea-Anne Sutton

Assistant Attorney General

**STATE OF MAINE  
Cumberland, SS**

**UNIFIED CRIMINAL DOCKET  
Criminal Action  
Docket No. CR-16-2128**

**State of Maine**

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**v.**

**City/Town Of South Portland  
Approval Of Transfer  
15 M.R.S.A. §5824(3)  
and §5826(6)**

**Lowell Rudolph,  
Defendant**

AND  
\$660.00 US CURRENCY  
DEFENDANT IN REM

**NOW COMES** the City/Town of South Portland, Maine, by and through its legislative body, the City/Town Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes Annotated, to the transfer of the above captioned Defendant(s) *In Rem*, namely \$660.00 US Currency, on grounds that the City/Town of South Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

**WHEREFORE**, the City/Town of South Portland Town/City Council does hereby approve of the transfer of the Defendant(s) *In Rem* to the City/Town of South Portland, Maine pursuant to 15 M.R.S.A. §5824(3) and §5826(6).

Dated: \_\_\_\_\_

\_\_\_\_\_  
Chairperson/Mayor/Selectman/Clerk

(Impress Legislative Body Seal Here)



CITY OF SOUTH PORTLAND

THOMAS E. BLAKE  
Mayor

DON H. GERRISH  
Interim City Manager

SALLY J. DAGGETT  
Jensen Baird Gardner & Henry

EMILY F. CARRINGTON  
City Clerk

**IN CITY COUNCIL**

**ORDER #67-16/17**

District One  
CLAUDE V. Z. MORGAN

\_\_\_\_\_

District Two  
PATRICIA A. SMITH

\_\_\_\_\_

District Three  
EBEN C. ROSE

\_\_\_\_\_

District Four  
LINDA C. COHEN

\_\_\_\_\_

District Five  
BRAD FOX

\_\_\_\_\_

At Large  
MAXINE R. BEECHER

\_\_\_\_\_

At Large  
THOMAS E. BLAKE

**ORDERED**, that the City Manager be and hereby is authorized to accept six hundred and sixty dollars (\$660.00) South Portland's equitable distribution of forfeited assets; and

**BE IT FURTHER RESOLVED**, that the \$660.00, shall be used for law enforcement purposes at the South Portland Police Department, and said monies shall supplement and not supplant the Police Department budget appropriated by the City.

Said amount shall be credited to the State of Maine Asset Forfeiture Account #204912-412011.

Fiscal Note: \$660.00

Date: October 17, 2016