

South Portland City Council
Position Paper of the City Manager

Subject:

ORDER #6-16/17 - Accepting \$2,000 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

Position:

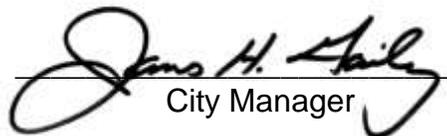
Under the State Asset Forfeiture Program, property or cash that is seized as a result of law enforcement action may be transferred back to local law enforcement agencies that participated in the enforcement action.

This item concerns the acceptance of \$2,000 and stems from two cases involving Brandon York in which the Police Department participated in the arrests. 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 \$2,000 received will be credited to the State of Maine Asset Forfeiture Account.

Requested Action:

Council passage of ORDER #6-16/17.


City Manager



SOUTH PORTLAND POLICE DEPARTMENT

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



To: Jim Gailey, City Manager
From: Chief Edward J. Googins
Date: June 21, 2016
Ref: State Asset Forfeiture

The City of South Portland is in line to receive money (\$2,000.00) seized in the cases of State vs. Brandon York, CR-15-4998 and CR-15-5860.

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.



CITY OF SOUTH PORTLAND

THOMAS E. BLAKE
Mayor

JAMES H. GAILEY
City Manager

EMILY F. CARRINGTON
City Clerk

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

IN CITY COUNCIL

ORDER #6-16/17

ORDERED, that the City Manager be and hereby is authorized to accept two thousand dollars (\$2,000) from the State of Maine as the City of South Portland's equitable distribution of forfeited assets; and

BE IT FURTHER ORDERED, that the \$2,000, 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: Revenue - \$2,000

Dated: July 6, 2016

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



**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

Bath
(207) 443-5104

June 20, 2016

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

RE: State v. Brandon York, CR-15-5860
City of South Portland Approval

Dear Chief:

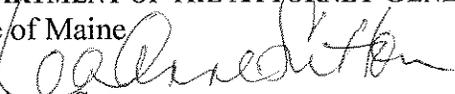
Enclosed please find a City of South Portland Approval form for the forfeiture of a portion of the money seized in this case. As you can see, the City/Town Council, or a representative thereof, needs to sign this form and return it to me so that I can provide you with a court order that will transfer a portion of 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-Annie Sutton

Assistant Attorney General

STATE OF MAINE
Cumberland, SS

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-15-5860

State of Maine

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}

}

City/Town Of South Portland

v.

}

Approval Of Transfer

}

15 M.R.S.A. §5824(3)

}

and §5826(6)

Brandon York,
Defendant

}

}

AND
\$5,080.00 US CURRENCY
DEFENDANT IN REM #1

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 any portion of the above captioned Defendant(s) *In Rem #1*, namely \$5,080.00 US Currency, **namely \$1,000.00 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)



**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

Bath
(207) 443-5104

June 20, 2016

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

RE: State v. Brandon York, CR-15-4998
City of South Portland Approval

Dear Chief:

Enclosed please find a City of South Portland Approval form for the forfeiture of a portion 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 a portion of 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-15-4998

State of Maine

}

}

}

City/Town Of South Portland

v.

}

Approval Of Transfer

}

15 M.R.S.A. §5824(3)

Brandon York,
Defendant

}

and §5826(6)

}

}

AND

\$7,700.00 US CURRENCY

DEFENDANT IN REM #1

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 any portion of the above captioned Defendant(s) *In Rem #1*, namely \$7,700.00 US Currency, **namely \$1,000.00 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)