

South Portland City Council
Position Paper of the City Manager

Subject:

ORDER #85-17/18 – Accepting \$937.00 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 \$937.00 and stems from a case involving Kellen Adams, in which the Police Department participated in the arrest. Attached please find additional information on this matter via a memo from Police Chief Ed Googins. 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.

Any funds received must be used by the Police Department to supplement, not replace, resources available. The \$937.00 received will be credited to the State of Maine Asset Forfeiture Account.

Requested Action:

Council passage of ORDER #85-17/18.



City Manager



POLICE DEPARTMENT

EDWARD J. GOOGINS
CHIEF OF POLICE

AMY J. BERRY
DEPUTY CHIEF

To: Scott Morelli, City Manger
From: Edward J. Googins, Police Chief
Date: October 31, 2017
Ref: Asset Forfeiture

The Cumberland County Superior Court has awarded the City of South Portland \$937.00 in an asset forfeiture case (State of Maine v. Kellen Adams) on the grounds that the South Portland Police Department made a substantial contribution to the investigation. The City of South Portland must formally approve the transfer of these funds in order to receive them or they will be transferred to the State's General Fund.

In June of this year, officers engaged in an undercover operation that involved a known drug trafficker out of New York. MDEA Agent and South Portland Police Officer Jon Stearns headed the investigation. As the case developed, a delivery of heroin and crack cocaine was planned with the suspect, Kellen Adams, who at the time was on probation in the State of New York. During his arrest on Interstate 295, he possessed a significant amount of heroin (40 grams) as well as a large amount of cocaine. On October 2nd, he plead guilty to felony drug trafficking and has begun serving his sentence at the Maine Correctional Center in Windham.

If accepted, I recommend these funds be placed in the department's State asset forfeiture account.

Please schedule this item on an upcoming Council agenda to accept this asset forfeiture.



**OFFICE OF THE DISTRICT ATTORNEY
CUMBERLAND COUNTY**

Stephanie Anderson
District Attorney

142 Federal Street, Portland, Maine 04101
147 New Meadows Road, West Bath, Maine 04530

Portland
(207) 871-8384

October 27, 2017

Bath
(207) 443-5104

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

RE: State v. Kellen Adams, CR-17-3091
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*

Lea-Anne Sutton

Assistant Attorney General

#8186

STATE OF MAINE
Cumberland, SS

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-17-3091

State of Maine

}

}

}

City/Town Of South Portland

v.

}

Approval Of Transfer

Kellen Adams,
Defendant

}

15 M.R.S.A. §5824(3)

}

and §5826(6)

}

}

AND
\$937.00 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 the above captioned Defendant(s) *In Rem*, **namely \$937.00 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

PATRICIA A. SMITH
Mayor

SCOTT T. MORELLI
City Manager

EMILY F. SCULLY
City Clerk

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

**IN CITY COUNCIL
ORDER #85-17/18**

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
SUSAN J. HENDERSON

ORDERED, that the City Manager be and hereby is authorized to accept nine hundred thirty-seven dollars (\$937) of forfeited assets; and

BE IT FURTHER RESOLVED, that the \$937.00 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: \$937.00 Revenue

Date: November 6, 2017