

South Portland City Council
Position Paper of the Interim City Manager

Subject:

ORDER #128-16/17- Accepting \$1,002.80 under the State of Maine Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

Position:

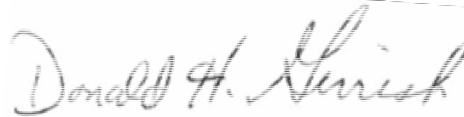
Under the State Asset Forfeiture Program, property or cash that is seized as a result of law enforcement action may be transferred back to local law enforcement agencies that participated in the enforcement action.

This item concerns the acceptance of \$1,002.80 and stems from a case involving Lyassu Small, 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 \$1,002.80 received will be credited to the State of Maine Asset Forfeiture Account.

Requested Action:

Council passage of ORDER #128-16/17.



Interim City Manager



CITY OF SOUTH PORTLAND

PATRICIA A. SMITH
Mayor

DON GERRISH
Interim City Manager

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

EMILY F. SCULLY
City Clerk

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

IN CITY COUNCIL

ORDER #128-16/17

ORDERED, that the City Manager be and hereby is authorized to accept one thousand two dollars and eighty cents (\$1,002.80) of forfeited assets; and

BE IT FURTHER RESOLVED, that the \$1,002.80, 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 \$1,002.80

Dated: February 6, 2017



POLICE DEPARTMENT

EDWARD J. GOOGINS
CHIEF OF POLICE

AMY J. BERRY
DEPUTY CHIEF

To: Don Gerrish, Interim City Manger
From: Edward J. Googins, Police Chief
Date: January 17, 2017
Ref: Asset Forfeiture

A handwritten signature in black ink, appearing to be "E. Googins", is written over the "From:" line of the memo.

The Cumberland County Superior Court has awarded South Portland Police Department \$1,002.80 in an asset forfeiture case (State of Maine v. Iyassu Small.) These funds will 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
101 Meadows Road, West Bath, Maine, 04530-9704

Portland
(207) 871-8384

January 13, 2017

Bath
(207) 443-5104

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

RE: State v. Iyassu Small, CR-16-2622 and \$1,002.80
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 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: *LeaAnne Sutton*
Lea-Anne Sutton
Assistant Attorney General

8186

STATE OF MAINE
Cumberland, SS

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-16-2622

State of Maine

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

v.

Iyassu Small,
Defendant

AND
\$2,507.00 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 \$2,507.00 US Currency, **namely \$1,002.80 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)