

South Portland City Council
Position Paper of the City Manager

Subject:

ORDER #61-17/18-Accepting \$771.25 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 \$771.25 and stems from a case involving Jacquil Turner, in which the Police Department participated in the arrest. Attached please find additional information on this matter via a memo from Police Chief 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 \$771.25 received will be credited to the State of Maine Asset Forfeiture Account.

Requested Action:

Council passage of ORDER #61-17/18.


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: September 15, 2017
Ref: Asset Forfeiture

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

The Cumberland County Superior Court has awarded the City of South Portland \$771.25 in an asset forfeiture case (State of Maine v. Jacquil Turner) 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 April of 2016, information was received that Jacquil Turner was selling drugs in the greater Portland area which initiated a drug investigation. The investigation was headed by MDEA Agent and South Portland Police Officer Jon Stearns. During the investigation, a search warrant was issued and served at 409 Cumberland Avenue in Portland. Turner was found to be in possession of a substantial amount of heroin. His criminal charges have since been resolved and he has agreed to forfeit the U. S. currency seized during the search warrant.

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

August 14, 2017

Bath
(207) 443-5104

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

RE: State v. Jacquil Turner, CR-16-2302
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 Sulton

Assistant Attorney General

#8786

STATE OF MAINE
Cumberland, SS

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-16-2302

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.

Jacquil Turner,
Defendant

AND
\$3,085.00 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 any portion of the above captioned Defendant(s) *In Rem*, **namely \$771.25 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

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

EMILY F. SCULLY
City Clerk

**IN CITY COUNCIL
ORDER #61-17/18**

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 seven hundred seventy-one dollars and twenty-five cents (\$771.25) of forfeited assets; and

BE IT FURTHER RESOLVED that the \$771.25 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 \$771.25

Dated: October 2, 2017