

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

***Subject:***

**ORDER #60-17/18-Accepting \$593.00 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 \$593.00 and stems from a case involving Tyrone Butler, 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 \$593.00 received will be credited to the State of Maine Asset Forfeiture Account.

***Requested Action:***

Council passage of ORDER #60-17/18.

  
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 12, 2017  
Ref: Asset Forfeiture

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

The Cumberland County Superior Court has awarded the City of South Portland \$593.00 in an asset forfeiture case (State of Maine v. Tyrone Butler) 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.

Tyrone Butler was on probation and temporarily living in an apartment at 299 Ocean Street. Information was received that he was selling drugs out of that apartment which initiated a drug investigation. During the investigation, a subject was arrested after leaving the apartment and that person confirmed to investigators that was in fact selling illegal drugs from the apartment. Investigators conducted a probation check at the apartment which resulted in the seizure of crack, cocaine, heroin, and cash. Since Butler was trafficking drugs across the street from Mahoney Middle School, which is less than 1,000 feet from a school, he was charged with Aggravated Trafficking.

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.

STATE OF MAINE  
Cumberland, SS

UNIFIED CRIMINAL DOCKET  
Criminal Action  
Docket No. CR-17-2054

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.

Tyrone Butler,  
Defendant

AND  
\$593.00 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 \$593.00 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  
147 New Meadows Road, West Bath, Maine 04530

Portland  
(207) 871-8384

September 7, 2017

Bath  
(207) 443-5104

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

**RE:** State v. Tyrone Butler, CR-17-2054  
City of South Portland Approval


Dear Chief:

Enclosed please find a City of South Portland Approval form for the forfeiture of a 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

#8786



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 #60-17/18**

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 five hundred ninety-three dollars (\$593.00) of forfeited assets; and

**BE IT FURTHER RESOLVED**, that the \$593.00 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: Revenue \$593.00

Dated: October 2, 2017