

South Portland City Council
Position Paper of the City Manager

Subject:

ORDER #22-14/15 - Accepting \$550.00, or any portion thereof, and one handgun 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 \$550.00 or any portion thereof and one handgun. This stems from the case involving Meaghan Ross and Willie Banks in which the police department participated in the arrest. In order to allow the Cumberland County Superior Court to award any of the above 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 actual cash received will be credited to the State of Maine Asset Forfeiture Account. The handgun may be destroyed at the discretion of Chief Googins.

Requested Action:

Council passage of ORDER #22-14/15.


City Manager

To: Jim Gailey, City Manager
From: Chief Edward J. Googins
Date: August 22.2014
Ref: State Asset Forfeiture

Upon Court disposition, the City of South Portland is in line to receive any or all of the \$550.00.00 and one firearm seized in the case : State of Maine vs. Meaghan Ross and Willie Banks CR-14-2639 and 14-2636.

Please schedule this item on the upcoming Council agenda so a court order can be issued transferring ownership in this seizure.



CITY OF SOUTH PORTLAND

GERARD A. JALBERT
Mayor

JAMES H. GAILEY
City Manager

SUSAN M. MOONEY
City Clerk

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

IN CITY COUNCIL

ORDER #22-14/15

District One
MICHAEL R. POCK

District Two
PATRICIA A. SMITH

District Three
MELISSA E. LINSKOTT

District Four
LINDA C. COHEN

District Five
GERARD A. JALBERT

At Large
MAXINE R. BEECHER

At Large
THOMAS E. BLAKE

ORDERED, that the City Manager be and hereby is authorized to accept five hundred fifty dollars (\$550.00) or any portion thereof, from the State of Maine as the City of South Portland's equitable distribution of forfeited assets; and

BE FURTHER ORDERED, that the City Manager be and hereby is authorized to accept a Smith and Wesson 9mm handgun under the State of Maine Asset Forfeiture Program; and

BE IT FURTHER ORDERED, that the \$550.00, or any portion thereof, 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; and

BE IT FURTHER ORDERED, that the seized property may be used for law enforcement purposes by the South Portland Police Department and/or may be destroyed at the discretion of the Police Chief.

Said amount shall be credited to the State of Maine Asset Forfeiture Account #204912-412011.

Fiscal Note: Revenue - \$550.00 or any portion thereof

Dated: September 3, 2014

JANET T. MILLS
ATTORNEY GENERAL



TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

August 19, 2014

REGIONAL OFFICES
54 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

415 CONGRESS ST., STE. 301
PORTLAND, MAINE 04101
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

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

RE: State v. Meaghan Ross and Willie Banks CR-14-2639 and 14-2636 and \$550.00 and One
Firearm
City of South Portland Approval

Dear Chief:

Enclosed please find a City of South Portland Approval form for the forfeiture of the money and firearm 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 and the firearm 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-14-2639 and 14-2636

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.

Meaghan Ross and Willie Banks,
Defendants

AND
\$550.00 US CURRENCY AND ONE FIREARM
DEFENDANTS 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 the above captioned Defendant(s) *In Rem*, namely \$550.00 US Currency and one Smith and Wesson 9mm handgun, serial number HPX4498, 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)