

South Portland City Council
Position Paper of the City Manager

Subject:

ORDER #152-13/14 – Accepting \$25,065 under the Federal Asset Forfeiture Program to be used by the Police Department. Passage requires majority vote.

Position:

The City currently has a Federal Equitable Sharing Agreement with the U. S. Department of Justice for participation in the Federal Equitable Sharing Program. This agreement allows the City to share in the receipt of forfeited cash and/or property seized during a drug enforcement action in which the South Portland Police Department participated.

Chief Googins received notification that the City is eligible to receive \$25,065 or any portion of it as its share of an enforcement case involving Brandi Taylor.

This item is brought forward to formally accept these funds.

Requested Action:

Council passage of ORDER #152-13/14.


City Manager

To: Jim Gailey, City Manager
From: Chief Edward J. Googins
Date: May 15, 2014
Ref: Federal Asset Forfeiture

The South Portland Police Department has been notified it may receive 33% of the \$25,065.00 federal asset forfeiture in the Brandi Taylor investigation. This investigation was initiated by South Portland Police Officer Jake Hall who is presently assigned as a resident agent with the DEA.

Please schedule these items on the upcoming Council agenda so a court order can be issued transferring ownership in these seizures.



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

District One
MICHAEL R. POCK

District Two
PATRICIA A. SMITH

District Three
MELISSA E. LINSOTT

District Four
LINDA C. COHEN

District Five
GERARD A. JALBERT

At Large
MAXINE R. BEECHER

At Large
THOMAS E. BLAKE

**IN CITY COUNCIL
ORDER #152-13/14**

ORDERED, that twenty-five thousand sixty-five dollars (\$25,065) or a portion thereof, from the U. S. Marshall's Service be and hereby is accepted under the Federal Asset Forfeiture Program to be used by the Police Department.

BE IT FURTHER ORDERED, that these funds shall be used for law enforcement purposes at the South Portland Police Department, and shall supplement and not supplant the Police Department budget appropriated by the City.

Said amount shall be credited to the Police Department Federal Asset Forfeiture Account 205035-435001.

Fiscal Note: Revenue - \$25,065 or any portion thereof

Dated: May 19, 2014



U. S. Department of Justice
Drug Enforcement Administration
1355 Congress Street, Suite D
Portland, ME 04102
(207) 780 - 3331
(207) 780 - 3642 - Fax

May 13, 2014

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

RE: (1) DAG-71

1. DEA Case Number : CE-14-0008, Exhibit N-5
Asset Identification : 14-DEA-596672
Asset Description : \$25,065.00 U.S. Currency
Seized From : Brandi V. Taylor
Date of Seizure : 3/21/2014

Due Date for DAG-71 : DAG-71 must be signed on or before May 20, 2014

Dear Chief Googins:

Your agency participated in joint investigations with the Drug Enforcement Administration (DEA) which resulted in the seizure of property for federal forfeiture. Your agency may therefore be entitled to an equitable transfer of that property, a share of the net proceeds following the sale of the property, or a share of the forfeited currency.

The Comprehensive Crime Control Act of 1984 and the Attorney General's Guidelines on Seized and Forfeited Property permits the equitable transfer of forfeited property to federal, state or local law enforcement agencies or foreign governments that participated directly in the seizure or forfeiture of the property. The transfer must generally reflect the contribution of such agency participating directly in any act(s) which led to the seizure or forfeiture of the property. The agency receiving the property must use it for law enforcement purposes.

To request equitable sharing in the asset listed above, please fill out and return the enclosed Form DAG-71, Application for Transfer of Federally Forfeited Property, as soon as possible. This form should be submitted to the Portland, Maine DEA office at the address listed. (No request shall be considered if it is submitted more than sixty (60) days following the seizure.) Your agency must agree to pay any expenses pertaining to seizure or forfeiture. If there are any liens or mortgages on the property, there must be a commitment by you to pay these costs prior to your agency receiving the property.

Please ensure that any correspondence regarding this matter references the Asset Identification Number which has been provided.

Please submit the attached form to:

Drug Enforcement Administration
1355 Congress Street, Suite D
Portland, ME 04102
Attn: A. Wolf

Sincerely,

A handwritten signature in blue ink that reads "Michael W. Wardrop". The signature is written in a cursive style.

Michael W. Wardrop
Resident Agent in Charge
Portland ME Resident Office

Enclosures: DAG-71

Date: 5/13/2014
Investigative Agency: DEA
Case Number: CE-14-0008

U.S. Department of Justice

Application for Transfer of Federally Forfeited Property
(For Use By United States Law Enforcement Agencies Only)

For Federal Use Only

Asset #:	<u>14-DEA-596672</u>
Seizure Date:	<u>3/21/2014</u>
Judicial District:	<u>Maine</u>
Case Type	Adoption <input type="checkbox"/> Joint <input checked="" type="checkbox"/>
	(Check One)

(For Additional information –See Instructions)

- All assets transferred must be used for the law enforcement purposed stated in this request.
- Deadline for submissions of this request is sixty (60) days following the seizure.
- The requesting agency will be responsible for reimbursing the Federal Government its costs and may be responsible, in a single-asset case, for reimbursing the federal share.

II. Requesting Agency Name: South Portland Police Department
Address: 30 Anthoine Street
South Portland, ME 04106
NCIC Code: ME0030600
Contact Person: Chief Edward Googins Telephone (207) 799-5511

III. Asset Requested: \$25,065.00 U.S. Currency Other assets in this case (Attached List)
Property Description: \$25,065.00 U.S. Currency Request Type:
 Item Cash/Proceeds 33%

IV. Specific Intended Law Enforcement Use:
 Salaries Purchase of Equipment Other (Please explain): _____
 Purchase of Vehicles Place Into Official Use _____
(If other than cash)

V. Contribution (If any answer to A thru E is yes, provide details in Part VI):

	Yes	No
A. Did your agency originate the information leading to the seizure?	<input type="checkbox"/>	<input type="checkbox"/>
B. Were any other assets seized under state law?	<input type="checkbox"/>	<input type="checkbox"/>
C. Were extraordinary expenses incurred?	<input type="checkbox"/>	<input type="checkbox"/>
D. Did your agency supply any unique or indispensable assistance?	<input type="checkbox"/>	<input type="checkbox"/>
E. Are there any assets located in foreign countries associated with this case?	<input type="checkbox"/>	<input type="checkbox"/>
F. How many hours were expended? _____ hours		

