

CHAPTER 31 FORFEITED PROPERTY

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2-31-1 PURPOSE. The purpose of this Ordinance is to provide for a method of depositing cash proceeds of forfeited property into an account separate from the general funds of the City of Maquoketa to provide for the use of forfeited property that is not converted to cash and to provide guidelines for the expenditure in use of forfeited property.

2-31-2 DEFINITIONS. "Forfeited Property" means property which was illegally processed or which was used or was intended to be used to facilitate the commission of a criminal offense or to avoid detection or apprehension of a person committing a criminal offense or property which was acquired from the proceeds of a criminal offense which property was taken or held by a law enforcement agency and which after procedures outlined in Chapter 809 of the Code of Iowa was ordered or was found by the Court to be forfeited property.

(Ord. 793, 7-20-92)

2-31-3 CONTROL OF FORFEITED PROPERTY. The City Chief of Police and the City Manager shall have control over forfeited property in the City of Maquoketa. The City Chief of Police and the City Manager shall take all steps necessary to convert the use of forfeited property to a purpose that enhances law enforcement in Maquoketa, Iowa, and these steps shall include creating an account for the deposit of cash obtained through forfeiture of property and from the sale of forfeited property. These steps shall also include the arrangements for use of forfeited property not converted to cash by the Maquoketa Police Department.

2-31-4 NOTIFICATION TO STATE OF IOWA. The City Manager and the Chief of Police shall immediately communicate the fact of having forfeited property to the Attorney General of the State of Iowa and shall arrange for the delivery of that property to the Attorney General of the State of Iowa should the Attorney General request delivery. In addition, the City Manager and the Chief of Police shall take steps to obtain the written authorization of the Iowa Attorney General for the disposition of seized property and shall remit to the Attorney General of the State of Iowa 10% of all sums obtained in the form of forfeited cash or from the sale of forfeited property.

2-31-5 ACCOUNTING OF FUNDS. The proceeds of the sale of forfeited property and of forfeited cash shall be used by the Maquoketa Police Department for the enhancement of the Maquoketa Police Department. The City Manager and the Chief of Police shall annually make an accounting of funds spent and funds retained to the City Council of Maquoketa, Iowa.

2-31-6 DISPOSITION OF WEAPONS AND CONTROLLED SUBSTANCES. It shall be the duty of the Chief of Police to dispose of controlled substances and weapons forfeited to the Maquoketa Police Department in the manner provided at Chapter 809.13 of the Code of Iowa. The

Chief of Police shall dispose of other forfeited property according to the rule referred to in Chapter 809.13 and 809.14.

