

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

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CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

August 20, 2021

The Honorable Ken Weyler, Chairman
Fiscal Committee of the General Court
State House
Concord, New Hampshire 03301

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

INFORMATIONAL ITEM

Pursuant to RSA 318-B:17-c, II, the Department of Justice respectfully submits a report on the Drug Forfeiture Fund. This fund consists of both judicial and administrative forfeitures of money and property seized in drug-related activity.

RSA 318-B:17-b,V provides:

Final orders for forfeiture of property under this section shall be implemented by the department of justice and shall provide for disposition of the items or property interests by the state in any manner not prohibited by law, including retention for official use by law enforcement or other public agencies or sale at public auction. The department of justice shall pay the reasonable expenses of the forfeiture proceeding, seizure, storage, maintenance of custody, advertising, court costs and notice of sale from any money forfeited and from the proceeds of any sale or public auction of forfeited items. All outstanding recorded liens on said items or property interests seized shall be paid in full upon conclusion of the court proceedings from the proceeds of any sale or public auction of forfeited items. The balance remaining shall be distributed by the department of justice as follows:

(a) Of the first \$600,000, \$100,000 shall be credited to the police psychological stability screening fund established in RSA 106-L:16 and from the remainder:

(1) Forty-five percent shall be returned to the fiscal officer or officers of the municipal, county, state, or federal government which provided the law enforcement

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agency or agencies responsible for the seizure. Moneys returned to each fiscal officer shall be deposited in a special account and shall be used primarily for meeting expenses incurred by law enforcement agencies in connection with drug-related investigations. Except as provided in RSA 31:95-b, such funds shall be available for expenditure without further appropriation by the legislative body of the municipal, county, state or federal government, and shall not be transferred or expended for any other purpose. Moneys returned to a state law enforcement agency shall be deposited in a special nonlapsing account established within the office of the state treasurer and shall be in addition to all other state appropriations to such agency;

(2) Ten percent shall be deposited into a special nonlapsing account established within the office of the state treasurer for the department of health and human services; and

(3) Forty-five percent shall be deposited in a revolving drug forfeiture fund, administered by the department of justice pursuant to RSA 318-B:17-c; and

(b) Of any balance remaining:

(1) Ten percent shall be deposited in the manner prescribed in subparagraph V(a)(2) of this section; and

(2) Ninety percent shall be deposited in the manner prescribed in subparagraph V(a)(3) of this section.

The total amount of payments made to the special account for the department of health and human services pursuant to subparagraphs V(a)(2) and V(b)(1) of this section shall not exceed \$400,000 in any fiscal year and any excess over \$400,000 which would otherwise be paid to such special account under this section shall be deposited in the general fund. The revolving drug forfeiture fund shall at no time exceed \$1,000,000. All sums in the revolving drug forfeiture fund in excess of \$1,000,000 shall be credited to the general fund.

Fiscal Year 2021 activity for this account is summarized as follows and detailed in the attached report:

FY21 Beginning Available Balance	FY21 Revenue Received	FY21 Revenue Transferred For DTF Operations	FY21 Expense 020 & 030 Supplies & Equipment	FY21 Expense 037 & 038 Hardware & Software	FY21 Expense 068 Distribution	FY21 Expense 073 Subgrants (Includes 073 Encumbrance)	FY21 Expense 102 Contract (Includes 102 Encumbrance)	FY21 Ending Balance
\$248,988	\$241,398	(\$114,515)	(\$26,735)	(\$1,550)	(\$137,048)	(\$32,538)	(\$40,496)	\$137,504

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Please let me know if you have any questions regarding this informational item.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John M. Formella". The signature is written in a cursive style with a large, looping initial "J".

John M. Formella
Attorney General

#3279319

Department of Justice
Fiscal Year 2021 Activity for Drug Forfeitures

Does Not Include Balance Forward From Fiscal Year 2021-Please See Informational Letter For Balance Forward Details									
Detailed Transaction Register (DTR) Date	Seizing Agency(s)	Purpose	Revenue Minus Transfers For Expenditures	Reasonable Expenses/ Buy Money	Distribution ¹				
					45%	10%	Remaining 45% shared	\$100,000	
					Forfeiture Funds	Paid to DHHS	Drug Task Force (DTF) Share Restitution	Paid to Local PD	To Police Standards and Training
7/15/2020	Nashua PD	Forfeiture	\$8,750.00	(\$31.00)	\$3,923.55	\$871.90		\$3,923.55	
7/17/2020	Drug Task Force	Restitution	\$1,048.00				\$1,048.00		
7/23/2020	Rochester PD	Forfeiture	\$1,188.00	(\$35.00)	\$518.85	\$115.30		\$518.85	
7/23/2020	Concord PD	Forfeiture	\$6,075.00	(\$29.00)	\$2,720.70	\$604.60		\$2,720.70	
7/30/2020	Drug Task Force	Restitution	\$246.04				\$246.04		
8/10/2020	Drug Task Force	Forfeiture	\$1,910.00		\$859.50	\$191.00			
8/26/2020	Drug Task Force	Restitution	\$114.36				\$114.36		
8/26/2020	Drug Task Force	Restitution	\$239.98				\$239.98		
9/1/2020	Drug Task Force	Restitution	\$692.08				\$692.08		
9/1/2020	Drug Task Force	Restitution	\$596.46				\$596.46		
9/8/2020	Drug Task Force	Forfeiture	\$14,854.78	(\$123.78)	\$6,628.05	\$1,472.90	\$6,628.05		\$2.00
9/9/2020	Manchester PD	Forfeiture	\$2,307.00	(\$1,152.60)	\$519.48	\$115.44		\$519.48	
9/9/2020	Drug Task Force	Buy Money	\$470.00						
9/22/2020	Drug Task Force	Restitution	\$136.52				\$136.52		
9/22/2020	Drug Task Force	Restitution	\$678.28				\$678.28		
9/22/2020	Littleton PD	Forfeiture	\$1,376.00	(\$640.00)					\$736.00
9/23/2020	New Hampshire State Police	Forfeiture	\$1,291.00	(\$64.00)					\$1,227.00
9/30/2020	Drug Task Force	Restitution	\$49.84				\$49.84		
10/14/2020	Nashua PD	Forfeiture	\$1,373.00	(\$31.00)					\$1,342.00
10/20/2020	Drug Task Force	Restitution	\$240.52				\$240.52		
10/20/2020	Drug Task Force	Restitution	\$171.81				\$171.81		
10/29/2020	Lee PD	Forfeiture	\$2,590.00	(\$52.00)					\$2,538.00
11/2/2020	Drug Task Force	Restitution	\$1,412.34				\$1,412.34		
11/12/2020	Manchester PD	Forfeiture	\$1,345.00	(\$52.00)					\$1,293.00
11/16/2020	Drug Task Force	Restitution	\$80.82				\$80.82		
11/19/2020	Lebanon PD	Forfeiture	\$2,611.00	(\$37.50)					\$2,573.50
11/23/2020	New Hampshire State Police	Forfeiture	\$1,000.00	(\$41.00)					\$959.00
12/2/2020	Drug Task Force	Restitution	\$329.36				\$329.36		
12/8/2020	Drug Task Force	Forfeiture	\$5,112.00	(\$56.90)					\$5,055.10

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					45%	10%	Remaining 45% shared	\$100,000	
					Forfeiture Funds	Paid to DHHS	Drug Task Force (DTF) Share Restitution	Paid to Local PD	To Police Standards and Training
12/9/2020	Manchester PD	Forfeiture	\$11,038.00	(\$31.00)					\$11,007.00
12/9/2020	Manchester PD	Forfeiture	\$1,230.00	(\$36.00)					\$1,194.00
12/21/2020	Drug Task Force	Restitution	\$352.46				\$352.46		
12/21/2020	Drug Task Force	Restitution	\$510.15				\$510.15		
12/30/2020	Drug Task Force	Restitution	\$54.14				\$54.14		
12/30/2020	Drug Task Force	Restitution	\$179.03				\$179.03		
1/19/2021	Drug Task Force	Restitution	\$119.66				\$119.66		
1/25/2021	Manchester PD	Forfeiture	\$2,450.00	(\$51.00)					\$2,399.00
1/25/2021	Manchester PD	Forfeiture	\$1,298.82	(\$105.00)					\$1,193.82
1/29/2021	Drug Task Force	Restitution	\$274.52				\$274.52		
3/2/2021	Drug Task Force	Restitution	\$38.47				\$38.47		
3/2/2021	Drug Task Force	Restitution	\$261.26				\$261.26		
3/2/2021	Drug Task Force	Restitution	\$122.03				\$122.03		
3/2/2021	Drug Task Force	Restitution	\$261.63				\$261.63		
3/18/2021	Drug Task Force	Restitution	\$521.37				\$521.37		
3/18/2021	Drug Task Force	Restitution	\$95.75				\$95.75		
3/24/2021	Drug Task Force	Restitution	\$160.61				\$160.61		
3/24/2021	Drug Task Force	Restitution	\$144.19				\$144.19		
4/8/2021	Strafford County Sheriff	Forfeiture	\$2,170.00	(\$35.00)					\$2,135.00
4/8/2021	Lee PD	Forfeiture	\$1,900.00	(\$41.00)					\$1,859.00
4/14/2021	Somersworth PD	Forfeiture	\$1,732.00	(\$31.85)					\$1,700.15
4/14/2021	Somersworth PD	Forfeiture	\$4,034.00	(\$31.85)					\$4,002.15
4/21/2021	Campton PD	Forfeiture	\$2,190.00	(\$80.63)					\$2,109.37
4/22/2021	Somersworth PD	Forfeiture	\$9,707.00	(\$31.85)					\$9,675.15
4/23/2021	Drug Task Force	Restitution	\$772.37				\$772.37		
4/23/2021	Drug Task Force	Restitution	\$147.12				\$147.12		
4/26/2021	Somersworth PD	Forfeiture	\$1,141.00	(\$72.85)					\$1,068.15
4/27/2021	City of Dover	Forfeiture	\$4,681.00	(\$93.50)					\$4,587.50
4/27/2021	City of Dover	Forfeiture	\$1,289.00	(\$31.85)					\$1,257.15

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					Forfeiture Funds	Paid to DHHS	Drug Task Force (DTF) Share Restitution	Paid to Local PD	To Police Standards and Training
4/27/2021	City of Dover	Forfeiture	\$2,418.00	(\$30.50)					\$2,387.50
4/29/2021	Drug Task Force	Forfeiture	\$14,179.00	(\$28.90)					\$14,150.10
4/29/2021	Drug Task Force	Forfeiture	\$14,810.00	(\$56.00)					\$14,754.00
4/30/2021	Nashua PD	Forfeiture	\$2,860.00	(\$31.00)					\$2,829.00
4/30/2021	Drug Task Force	Restitution	\$171.01				\$171.01		
4/30/2021	Drug Task Force	Restitution	\$871.89				\$871.89		
4/30/2021	Drug Task Force	Restitution	\$576.10				\$576.10		
5/6/2021	Laconia PD	Forfeiture	\$2,130.00	(\$42.80)					\$2,087.20
5/7/2021	Manchester PD	Forfeiture	\$1,036.00	(\$41.00)					\$995.00
5/7/2021	Manchester PD	Forfeiture	\$1,573.70	(\$97.00)					\$1,476.70
5/10/2021	Manchester PD	Forfeiture	\$1,873.00	(\$56.00)					\$1,817.00
5/10/2021	Manchester PD	Forfeiture	\$2,186.00	(\$840.90)	\$605.30	\$134.50		\$605.30	
5/10/2021	Manchester PD	Forfeiture	\$2,478.00	(\$41.00)	\$1,096.65	\$243.70		\$1,096.65	
5/10/2021	Manchester PD	Forfeiture	\$3,120.00	(\$31.00)	\$1,390.05	\$308.90		\$1,390.05	
5/10/2021	Manchester PD	Forfeiture	\$4,318.00	(\$61.00)	\$1,915.65	\$425.70		\$1,915.65	
5/10/2021	Manchester PD	Forfeiture	\$6,640.00	(\$42.00)	\$2,969.10	\$659.80		\$2,969.10	
5/10/2021	Manchester PD	Forfeiture	\$8,692.00	(\$41.00)	\$3,892.95	\$865.10		\$3,892.95	
5/10/2021	Manchester PD	Forfeiture	\$9,834.00	(\$102.00)	\$4,379.40	\$973.20		\$4,379.40	
5/10/2021	Manchester PD	Forfeiture	\$14,611.00	(\$36.00)	\$6,558.75	\$1,457.50		\$6,558.75	
5/12/2021	Belmont PD	Forfeiture	\$1,437.00	(\$1,098.60)	\$152.28	\$33.84		\$152.28	
5/13/2021	Nashua PD	Forfeiture	\$4,720.00	(\$31.00)	\$2,110.05	\$468.90		\$2,110.05	
5/14/2021	Seabrook PD	Forfeiture	\$2,500.00	(\$48.00)	\$1,103.40	\$245.20		\$1,103.40	
5/19/2021	Drug Task Force	Restitution	\$78.62				\$78.62		
5/19/2021	Nashua PD	Forfeiture	\$3,177.00	(\$31.00)	\$1,415.70	\$314.60		\$1,415.70	
5/19/2021	Nashua PD	Forfeiture	\$3,724.00	(\$31.00)	\$1,661.85	\$369.30		\$1,661.85	
5/19/2021	Nashua PD	Forfeiture	\$2,430.00	(\$42.00)	\$1,074.60	\$238.80		\$1,074.60	
5/24/2021	Dover PD	Forfeiture	\$2,311.00	(\$1,203.10)	\$498.55	\$110.79		\$498.56	
6/2/2021	Drug Task Force	Restitution	\$130.30				\$130.30		
6/2/2021	Drug Task Force	Restitution	\$171.63				\$171.63		

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					Forfeiture Funds	Paid to DHHS	Drug Task Force (DTF) Share Restitution	Paid to Local PD	To Police Standards and Training
6/2/2021	Allentown PD	Forfeiture	\$4,659.00	(\$53.00)	\$2,072.70	\$460.60		\$2,072.70	
6/2/2021	Laconia PD	Forfeiture	\$2,209.00	(\$49.50)	\$971.78	\$215.95		\$971.78	
6/2/2021	Allentown PD	Forfeiture	\$1,274.50	(\$53.00)	\$550.12	\$122.25		\$549.13	
6/2/2021	Drug Task Force	Transfer	(\$60,000.00)						
6/2/2021	Drug Task Force	Transfer	(\$54,515.00)						
6/7/2021	Bow PD	Forfeiture	\$1,620.05	(\$40.50)	\$710.80	\$157.95		\$710.80	
6/10/2021	Nashua PD	Forfeiture	\$1,093.00	(\$36.00)	\$475.65	\$105.70		\$475.65	
6/10/2021	Nashua PD	Forfeiture	\$3,468.00	(\$128.00)	\$1,511.10	\$335.80		\$1,511.10	
6/11/2021	Nashua PD	Forfeiture	\$1,435.00	(\$56.00)	\$620.55	\$137.90		\$620.55	
6/21/2021	Drug Task Force	Restitution	\$1,354.18				\$1,354.18		
6/21/2021	Drug Task Force	Restitution	\$71.08				\$71.08		
6/30/2021	Hillsborough PD	Forfeiture	\$1,992.00	(\$56.00)	\$871.20	\$193.60		\$871.20	
Totals:			<u>\$126,882.83</u>	<u>(\$7,553.96)</u>	<u>\$53,778.31</u>	<u>\$11,950.72</u>	<u>\$20,104.03</u>	<u>\$46,289.78</u>	<u>\$100,409.54</u>

1. Additional language to statute, establishing first \$100,000 for Police Standards and Training, became effective September 2020.