

# MINNESOTA DEPARTMENT OF NATURAL RESOURCES

## DIVISION OF ENFORCEMENT

### DIRECTIVE

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**DIRECTIVE NUMBER: O-22-25**

**SUBJECT: SEIZURE, CONFISCATION, FORFEITURE AND DISPOSAL OF PROPERTY UNDER NATURAL RESOURCES LAWS**

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**EFFECTIVE DATE:** 05/30/2025

**SPECIAL INSTRUCTIONS:** POST Board Mandated Policy—Reviewed Annually

**REFERENCE:** Minn. Stat.: 97A.025, 97A.055, 97A.221, 97A.223, 97A.225, 97A.501, 97B.021, 97B.645, 97C.355, 16B.25, 84.091, 84.0895, 84.49, 84D.05, 88.642, 347.54, and others. MN Rules 6243.2800 and 6100.1650. Directives A-13, O-4, O-6, O-11.

**DISTRIBUTION:** All Conservation Officers

**NUMBER OF PAGES:** 13

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This directive is for division use only and does not modify or supersede any law and should not apply to any criminal or civil proceeding except for civil proceedings related to departmental administrative actions. This directive should not be viewed as creating a higher standard of safety or care in any evidentiary sense. Violations of this directive may form the basis for departmental administrative action.

## **I. Purpose**

This directive provides guidance and direction to officers regarding the seizure, confiscation, and forfeiture of motor vehicles, wild animals, firearms, contraband, and other property under the game and fish laws and other natural resource laws. This directive also provides guidance for the safe storage and proper disposal of property.

## **II. Policy**

It is the policy of the division to consistently pursue confiscation and forfeiture of motor vehicles, wild animals, firearms, contraband, and other property consistent with state and federal law.

### III. Definitions

- A. **Confiscation (forfeiture):** the transfer of ownership to the state. The state cannot claim ownership by confiscation/forfeiture unless it has the legal authority to do so. The state can acquire property through either administrative, judicial, or summary confiscation/forfeiture.
- B. **Contraband:**
  - 1. a wild animal taken, bought, sold, transported, or possessed in violation of the game and fish laws, and all instrumentalities and devices used in taking wild animals in violation of the game and fish laws that are subject to confiscation; and
  - 2. wild rice and other aquatic vegetation harvested, bought, sold, transported, or possessed in violation of chapter 84.
  - 3. Contraband shall be seized and not returned, unless otherwise ordered by the court.
- C. **Juvenile:** under Minn. Stat. § 260B.245, subd. 1, cases adjudicated in juvenile court will not result in forfeitures or other civil penalties or penalty enhancements unless specifically ordered by the court.
- D. **Property:** all tangible items, including but not limited to wild animals, contraband, equipment, vehicles, and other evidence that are taken into custody by an officer in the course of the officer's duties.
- E. **Prosecuting authority:** county attorneys are the primary prosecuting authority for violations under the game and fish laws and for prosecuting associated civil forfeiture actions when appropriate. See Minn. Stat. § 97A.201, subd. 3.
- F. **Retention period:** 90 days after final court disposition or 90 days from the date of seizure, unless otherwise required by statute or authorized by the director.
- G. **Seizure:** the act of temporarily taking possession of property pursuant to an officer's legal authority provided by statute.

### IV. Ownership

- A. **Wild animals.** The ownership of wild animals of the state is in the state, in its sovereign capacity for the benefit of all the people of the state. A person may not acquire a property right in wild animals, or destroy them, unless authorized under the game and fish laws or sections 17.47 to 17.498. See Minn. Stat. § 97A.025.
- B. **Aquatic vegetation in public waters.** The state is the owner of wild rice and other aquatic vegetation growing in public waters. A person may not acquire a property interest in wild rice or other aquatic vegetation or destroy wild rice or aquatic vegetation, except as authorized under this chapter or section 103G.615. See Minn. Stat. § 84.091, subd. 1.

### V. Seizure of Game and Fish Licenses

- A. **Seizure of Licenses.**
  - 1. An officer shall immediately seize or invalidate the license of a person who unlawfully takes, transports, or possesses wild animals when the restitution value of the wild animals exceeds \$500 up to \$999.
    - a. Big Game: the license seizure and privilege suspension applies to all licenses to take big game issued to the individual.

- b. Small Game: the license seizure and privilege suspension applies to all licenses to take small game issued to the individual.
  2. In addition to the license seizure under paragraph (1), if the restitution value of the wild animals unlawfully taken, possessed, or transported is \$1,000 or more, all game and fish licenses held by the person shall be immediately seized and privileges suspended.
  3. Officers shall serve the person with a Notice and Order of Prohibition/License Seizure (form located in PowerDMS). The form shall be served at the time of seizure, if possible, and in no case later than 24 hours of seizure; if service is not completed at the time of seizure and the officer will not be on duty the next day, the submission must be completed before the officer goes off duty. A copy of the seizure shall be sent to the arrests and confiscations coordinator.
- B. License Revocation.**
  1. Licenses seized and privileges suspended under 97A.420 cannot be revoked until a conviction is obtained for a violation for which the restitution value of the wild animals exceeds \$500.
- C. Administrative and judicial review.**
  1. Any time after license seizure and before revocation, a person can request in writing an administrative review of the seizure. This does not preclude judicial review as well.
  2. Within 30 days of seizure, a person may petition the district court for review of the seizure.

## **VI. Seizure and Confiscation of Property Under Game and Fish Laws (Not Motor Vehicles or Boats and Valued < \$1,000)**

- A. Property subject to seizure and confiscation.**
  1. An officer may seize:
    - a. wild animals, wild rice, and other aquatic vegetation taken, bought, sold, transported, or possessed in violation of the game and fish laws or chapters 84 or 84D;
    - b. firearms, bows and arrows, nets, boats, lines, poles, fishing rods and tackle, lights, lanterns, snares, traps, spears, dark houses, fish houses, and wild rice harvesting equipment that are used with the owner's knowledge to unlawfully take or transport wild animals, wild rice, or other aquatic vegetation and that have a value under \$1,000 are subject to this section.
  2. An item described in paragraph (1)(b) that has a value of \$1,000 or more is subject to the confiscation procedures and limitations in Section VII of this Directive (Motor Vehicles, Boats, and Items Valued > \$1,000).
  3. An officer must seize nets and equipment unlawfully possessed within ten miles of Lake of the Woods or Rainy Lake.
- B. Field initiated requirements.**
  1. **Seizure tag.** A seizure tag shall be completed for all property seized. Similar items may be documented under the seizure tag. For example: one seizure tag may be used for 10 sunfish. Items with the potential for different dispositions shall have their own seizure tag. Evidence documentation procedures shall be followed per Directive O-11.

2. **ICR.** Officers will complete an ICR and enter property as required in Directive O-11 (Property and Evidence Standards) and Directive A-13 (Written Report Requirements). The appropriate forfeiture game and fish custom attribute shall be checked.

- a. All reports dealing with seized property will be completed within 24 hours of the seizure when practically possible. If the report will not be completed within 24 hours, a supervisor shall be notified.
- b. All reports must include a description of the items seized, where the property is being stored, the name of the individual served, the date the seizure form was served, and the name of the serving officer.

**C. Storage.**

1. All property shall be stored in a secure area that will protect it from damage and maintain the proper chain of custody per Directive O-11.

**D. Confiscation Limitations.**

1. Seized property may not be confiscated unless:
  - a. a conviction is obtained, the conviction is not under appeal, and the time to appeal has expired; or
  - b. the property seized is contraband consisting of wild animal, wild rice, or other aquatic vegetation.
  - c. Note: juveniles cannot be convicted, and property used by them cannot be confiscated/forfeited.

**E. Disposal of Property Generally.**

1. Confiscated property may be disposed of with supervisory approval, retained for use by the commissioner or sold at the highest price obtainable as prescribed by the commissioner.
2. Upon acquittal or dismissal of the charged violation for which the property was seized:
  - a. all property, other than contraband consisting of a wild animal, wild rice, or other aquatic vegetation, must be returned to the person from whom the property was seized; and
  - b. the commissioner shall reimburse the person for any seized or confiscated property that is sold, lost, or damaged.

**F. Disposal of Confiscated Wild Animal/Wild Rice/Aquatic Vegetation.**

1. The following property may be disposed of immediately as contraband. The 90-day division standard retention policy does not apply to this section.
  - a. Fish and game that an officer believes is suitable for personal use. (See Section XVII for further guidance on gifting fish and game when suitable).
  - b. Furs (except gray wolf, see Section XIV on Gray Wolves) may be
    - i. Gifted or sold to either:
      - o A licensed fur buyer license under section 97B.905; or
      - o A licensed taxidermist license under section 97A.475, subd. 19.
    - ii. Fisher, bobcat, pine marten and otter must have the appropriate registration or CITES tag attached before sale.
    - iii. Payment for fur eligible to be sold shall be done by check or money order made payable to the Department of Natural Resources. The check or money order shall have the associated ICR number, a description of item(s) sold, and shall be sent to the regional enforcement office within 3 days of the sale.

- c. Federally listed endangered and threatened species shall be disposed of as directed by the U.S. Fish and Wildlife Service.
- d. Live animals may be released if their survival is likely. Those that are seriously injured should be destroyed. Specimens likely to survive with care may be turned over to a DNR Fish and Wildlife employee, the University of Minnesota Raptor Center, the Wildlife Rehabilitation Center of Minnesota, or a person with an appropriate rehabilitation permit.
- e. Animals may be transferred to a zoo or other learning institution upon approval by the director.
- f. Wild animals may be surrendered to the Division of Fish and Wildlife for research when requested upon approval by the director.
- g. Notwithstanding any departmental policies pertaining to a specific animal, nuisance animals may be relocated or destroyed.
- h. Wild Rice and aquatic vegetation may be gifted, sold, or destroyed. Wild rice seized from a tribal member shall be turned over to the appropriate tribal conservation officer, unless directed otherwise by a supervisor, immediately after weighing, photographing, and documenting for evidentiary purposes.

## **VII. Seizure and Confiscation of Motor Vehicles, Boats, and Items Valued > \$1,000**

### **A. Property Subject to Seizure and Confiscation.**

1. An officer must seize all motor vehicles used to:
  - a. shine wild animals in violation of Minn. Stat. § 97B.081, subd. 1;
  - b. transport big game animals illegally taken, or fur-bearing animals illegally purchased; or
  - c. transport minnows in violation of Minn. Stat. §§ 97C.501, 97C.515, or 97C.525.
2. An officer must seize all boats and motors used in netting fish on Lake of the Woods, Rainy Lake, Lake Superior, Namakan Lake, and Sand Point Lake in violation of licensing or operating requirements of Minn. Stat. § 97A.475, subd. 30, Minn. Stat. §§ 97C.825, 97C.831, or 97C.835, or a rule of the commissioner relating to these provisions.
3. An officer may seize all boats and motors with their trailers that are used to take, possess, or transport wild animals when the restitution value of the wild animals exceeds \$500.

### **B. Field initiated requirements.**

1. **Seizure tag.** A seizure tag shall be completed for all property seized. Similar items may be documented under the seizure tag. For example: one seizure tag may be used for 10 sunfish. Items with the potential for different dispositions shall have their own seizure tag. Evidence documentation procedures shall be followed per Directive O-11.
2. **Motor vehicles or boat.** Officers shall receive approval from a supervisor prior to the seizure and/or towing of a motor vehicle.
3. **Towing.** If, after supervisory approval, a motor vehicle or boat is seized and towed, a division tow sheet/impound inventory form will be completed (document found in PowerDMS). Tow invoices shall be uploaded to the Initial Complaint Report (ICR) and a copy sent to the regional office by the primary officer.

4. **Lien status.** Officers shall check the lien status of a motor vehicle by performing a records check using the CJIS database with a QML search. Officers shall also verbally check/verify lien information with the operator/owner.
5. **Enforcement Forfeiture Checklist.** Officers must complete the Enforcement Forfeiture Checklist for game and fish seizures valued at \$1,000 or more. The officer will upload the checklist to the ICR and continue to update the document as steps are verified and completed. (Document located in PowerDMS).
6. **Game and Fish Laws Notice of Seizure and Intent to Confiscate/Forfeit Property.** Officers shall serve this form on: (1) the driver or operator of the vehicle seized under the game and fish laws and any person known to have an ownership, possessory, or security interest in the motor vehicle and or boat; and/or (2) the person in possession of items seized valued at \$1,000 or more (document located in PowerDMS). The form shall be served at the time of seizure, if possible, and in no case later than 24 hours of arrest; if service is not completed at the time of seizure and the officer will not be on duty the next day, the submission must be completed before the officer goes off duty. A notice sent by certified mail to the registered owner's address shown in Department of Public Safety (DPS) records is considered sufficient notice.
7. **ICR.** Officers will complete an ICR and enter property as required in Directive O-11 (Property and Evidence Standards) and Directive A-13 (Written Report Requirements). The appropriate forfeiture game and fish custom attribute shall be checked.
  - a. All reports dealing with seized property will be completed within 24 hours of the seizure when practically possible. If the report will not be completed within 24 hours, a supervisor shall be notified.
  - b. All reports must include a description of the items seized, where the property is being stored, the name of the individual served, the date the seizure form was served, the name of the serving officer, and whether or not the individual signed the Game and Fish Laws Notice of Seizure and Intent to Forfeit/Confiscate Property form.
  - c. Copies of seizure-related receipts and reports shall be forwarded to the confiscation's supervisor within ten days of seizure.
8. **Flagging of motor vehicle title.**
  - a. DPS registered vehicle: If a motor vehicle is seized that is registered under Minn. Stat. Chapter 168, the officer shall notify the DPS, Driver and Vehicle Services Division, that the vehicle is subject to forfeiture and ask them to "flag" the title by placing a note on the DPS copy of the vehicle forfeiture form included in the BCA e-Charging documents so that no additional liens may be placed against the vehicle.
  - b. Department of Natural Resources (DNR) registered vehicle: If the vehicle is an OHV or motorboat, the officer shall notify the administrative manager who shall then request the DNR license center flag the registration record as subject to forfeiture.

**C. Storage.**

1. All property other than motor vehicles and boats shall be stored in a secure area that will protect it from damage and maintain the proper chain of custody per Directive O-11.
2. Motor vehicles and boats. The officer will arrange for secure storage at a DNR facility or other law enforcement facility to minimize storage costs. If the vehicle was towed to a

commercial impound lot, the vehicle shall be moved to a state-owned or other low-cost, secure facility within 48 hours. Storage invoices shall be uploaded to the ICR and a copy provided to the regional office by the primary officer.

**D. Release Authorization.**

1. Release/Return forms. Prior to the releasing of a motor vehicle or boat, the officer or their supervisor will ensure that the owner or authorized agent by the owner signs the division tow sheet/impound inventory form release authorization section. In all other releasing of property, the officer or their supervisor will ensure that the division seizure return, and acknowledgement form (located in PowerDMS) is completed.
2. Mechanisms for Release.
  - a. Bond by owner. At any time after seizure of the property under this section, the property must be returned to the owner or person having the legal right to possession upon execution of a valid bond to the state with a corporate surety. The bond must be approved by a judge of the court of jurisdiction, conditioned to abide by an order and judgment of the court and to pay the full value of the property at the time of seizure. The bond must be for \$100 or for a greater amount not more than twice the value of the property seized.
    - i. A request to release property by bond by the owner or person having legal right to possess shall be forwarded to the supervisor. The supervisor shall consult with their regional or program manager for guidance to facilitate the return.
  - b. Court order.
    - i. If the court orders property to be returned, the officer shall notify their supervisor to facilitate the return under section 97A.225, subd. 5.

**E. Forfeiture Process/Judicial Review.**

1. Complaint Against Property. The commissioner shall file with the district court a complaint against the seized property that identifies the property, describes its use in the violation, and specifies that time and place of the violation. It must be served on the defendant or owner of the property.
2. Court Order.
  - a. If the person accused of the violation is acquitted, the court shall dismiss the complaint against the property and order it returned.
  - b. Upon conviction of the person, the court shall issue an order directed to any person that may have any right, title, or interest in, or lien upon, the seized property. The order must describe the property and state that it was seized and that a complaint against it has been filed. The order shall require a person claiming right, title, or interest in, or lien upon, the property to file with the court administrator an answer to the complaint, stating the claim, within 10 days after the service of the order. The order shall contain a notice that if the person fails to file an answer within the time limit, the property may be ordered sold by the commissioner.
  - c. The court order must be served upon any person known or believed to have any right, title, interest, or lien in the same manner as provided for service of a summons in a civil action, and upon unknown persons by publication, in the same manner as provided for publication of a summons in a civil action.

- d. Court-ordered sale after no answer. If an answer is not filed within 10 days, the court administrator shall notify the court and the court shall order the commissioner to sell the property. The net proceeds of the sale shall be deposited in the state treasury and credited to the game and fish fund.
- e. Hearing after answer. If an answer is filed within the time provided above, the court shall schedule a hearing within 10 to 30 days after the time expired for filing the answer. The court, without a jury, shall determine whether any of the property was used in a violation specified in the complaint and whether the owner had knowledge or reason to believe that the property was being used, or intended to be used, in the violation. The court shall order the commissioner to sell the property that was unlawfully used with knowledge of the owner and to return to the owner property that was not unlawfully used with the knowledge of the owner. If the property is to be sold, the court shall determine the priority of liens against the property and whether the lienholders had knowledge that the property was being used or was intended to be used. Lienholders that had knowledge of the property's use in the violation are not to be paid. The court order must state the priority of the liens to be paid.

**F. Confiscation Limitations.**

- 1. Seized property is confiscated when:
  - a. The commissioner complies with Minn. Stat. 97A.225;
  - b. A conviction for the offense is obtained; and
  - c. The conviction is not under appeal and the time for appeal has expired.
  - d. Note: juveniles cannot be convicted and property used by them cannot be confiscated/forfeited.

**G. Disposal of Property.**

- 1. As described in subsection (E)(2) above, the court will order the property either be returned or sold.
- 2. Sales of forfeited motor vehicles and watercraft shall be coordinated through the regional manager and their respective Management Resources bureau manager. The regional manager shall forward copies of the sale documentation, along with the forfeiture certification letter from the county attorney to the administrative manager.
- 3. The administrative manager will work with the division's business office to confirm proper deposit of proceeds and coordinate any funds owed to the county attorney as required by law. Proceeds from the sale of a forfeited vehicle will be distributed per section 97A.225.

## **VIII. Seizure and Administrative Forfeiture of Certain Firearms and Abandoned Property**

**A. Property Subject to Seizure and Confiscation.**

- 1. An officer must seize:
  - a. firearms possessed in violation of state or federal law or court order; and
  - b. property described above in Section VI where no owner can be determined.

**B. Field Initiated Requirements.**

- 1. **Seizure tag.** A seizure tag shall be completed for all property seized. Similar items may be documented under the seizure tag. For example: one seizure tag may be used for 10



sunfish. Items with the potential for different dispositions shall have their own seizure tag. Evidence documentation procedures shall be followed per Directive O-11.

2. **Enforcement Forfeiture Checklist.** Officers must complete the Enforcement Forfeiture Checklist for (1) game and fish seizures valued at \$1,000 or more. The officer will upload the checklist to the ICR and continue to update the document as steps are verified and completed. (Document located in PowerDMS).
3. **Notice of Seizure and Intent to Forfeit Firearm.** Officers shall serve this form on any known owner and person possessing the property. The form shall be served at the time of seizure, if possible, and in no case later than 24 hours of arrest; if service is not completed at the time of seizure and the officer will not be on duty the next day, the submission must be completed before the officer goes off duty.
4. **ICR.** Officers will complete an ICR and enter property as required in Directive O-11 (Property and Evidence Standards) and Directive A-13 (Written Report Requirements). The appropriate forfeiture game and fish custom attribute shall be checked.
  - a. All reports dealing with seized property will be completed within 24 hours of the seizure when practically possible. If the report will not be completed within 24 hours, a supervisor shall be notified.
  - b. All reports must include a description of the items seized, where the property is being stored, the name of the individual served, the date the seizure form was served, the name of the serving officer, and whether or not the individual signed the Game and Fish Laws Notice of Seizure and Intent to Forfeit/Confiscate Property form.

**C. Storage.**

1. All property shall be stored in a secure area that will protect it from damage and maintain the proper chain of custody per Directive O-11.

**D. Administrative Forfeiture and Judicial Review.**

1. Property seized under this section is subject to administrative forfeiture as described in Minn. Stat. § 97A.223, which includes an opportunity to request a hearing for judicial review.
2. If the owner or other person from whom the property was seized does not request a hearing in writing within 45 days of the seizure, the administrative forfeiture becomes final and is not subject to further review.

**E. Disposal of Forfeited Property.**

1. Property that is administratively forfeited under this section is contraband and can be:
  - a. Disposed of or retained for use by the commissioner; or
  - b. Sold at the highest price obtainable as prescribed by the commissioner.

## **IX. Seizure of Firearms Unlawfully Possessed by Persons Under Age 16**

**A. Possession of a firearm age 16 and under.**

1. Except as provided in this subdivision, a person under the age of 16 may not possess a firearm, unless accompanied by a parent or guardian.
2. A person under age 16 may possess a firearm without being accompanied by a parent or guardian:
  - a. on land owned by, or occupied as the principal residence of, the person or the person's parent or guardian;

- b. while participating in an organized target shooting program with adult supervision;
- c. while the person is participating in a firearms safety program or traveling to and from class; or
- d. if the person is age 14 or 15 and has a firearms safety certificate.

**B. Parent or guardian duties.**

- 1. A parent or guardian may not knowingly direct, allow, or permit a person under the age of 16 to possess a firearm in violation of this section.

**C. Seizing unlawfully possessed firearms.**

- 1. An officer shall seize a firearm used in violation of this section. The officer must tag the seized firearm with the name and address of the person from whom it was taken and give the person a receipt. The firearm shall be placed in the custody of the officer in charge of the area where the seizure was made.

**D. Return of Firearm or Forfeiture/Disposal.**

- 1. A firearm seized under this section must be returned to the person from whom it was seized when the person presents a firearms safety certificate to the officer. The person must present the certificate within 90 days after the beginning of the first firearms training course in the county after the firearm was seized.
- 2. If the person does not present a certificate, the firearm is contraband and forfeited to the state, and shall be disposed of as prescribed by the commissioner.

## **X. Decorative Materials**

**A. Seizure.**

- 1. Officers may seize decorative materials that are unlawfully possessed. These decorative items are deemed contraband and are subject to immediate confiscation.

**B. Disposal.**

- 1. Harvested on forest lands administered by the commissioner. The decorative materials may be sold by the division to a licensed decorative materials buyer, and the sale proceeds are deposited into the Forestry Bough Account.
- 2. If harvested on other lands (private, county, or federal). The decorative materials are returned to the landowner.
  - a. The officer may, upon approval by a supervisor, assist the landowner with the transport of decorative materials at the landowner's request and/or help facilitate the disposal or sale of the decorative materials in an advisory capacity when requested by the landowner. The officer shall document any such requests in their ICR.

## **XI. Shelters on Ice (dark houses and fish houses)**

**A. Seizure.**

- 1. An officer must seize and confiscate a fish house, dark house, or shelter on the ice that is unattended between midnight and one hour before sunrise after the removal deadline.
  - a. The officer shall seize the contents of the house or shelter and hold them for 90 days. If the seized articles have not been claimed by the owner, they may be

retained for the use of the division or sold at the highest price obtainable in a manner prescribed by the commissioner.

**B. Disposal.**

1. Before disposing of a fish house, dark house, or shelter, contact a supervisor to determine the best method of disposal, subject to the requirement that the officer seize the contents and hold them for 90 days.
2. Confiscating unlawful structures; civil penalty.
  - a. Structures on the ice in violation of Minn. Stat. § 97C.355 may be confiscated and with supervisory approval disposed of, retained by the division, or sold at the highest price obtainable, in a manner prescribed by the commissioner.
  - b. In addition to other penalties provided by law, the owner of a structure left on the ice in violation of this section is subject to a civil penalty under Minn. Stat. § 115A.99.
  - c. This subdivision also applies to structures left on state public access sites for more than 48 hours past the deadlines specified in Minn. Stat. § 97C.355, subd. 7.

**XII. Threatened and Endangered Species (Minn. Stat. § 84.0894).**

- A. An officer, pursuant to chapter 626, may execute a warrant to search for and seize goods, merchandise, plant or animal taken, sold or offered for sale in violation of Minn. Stat. § 84.0895, or items used in connection with a violation of this section. Seized property must be held pending judicial proceedings.
- B. Upon conviction, seized property is forfeited to the state and must be offered to a scientific or educational institution or destroyed. Minn. Stat. Ann. § 84.0895.

**XIII. Trade in Prohibited Animal Parts (Minn. Stat. § 84.0896).**

- A. Notwithstanding any other provision of law, a prohibited animal part seized under this section must, upon a conviction, be forfeited to the state and either destroyed or given to a nonprofit corporation, as defined in section 501(c)(3) of the Internal Revenue Code, for an educational or scientific purpose.

**XIV. Gray Wolf.**

Officers shall seize any salvageable gray wolf or remains and dispose of them as provided in Directive O-14.

**XV. Property on State Lands.**

The use, obstruction, storage, and abandonment of property on state lands is governed by the following rules:

State Trails	6100.3800, subp.3
State Parks and State Forest Lands	6100.1650, subp.3
State Wildlife Management Areas	6230.0250
BWCA	6140.0800, subp. 1

## **XVI. Safe Handling and Storage of Firearms and Bows**

- A. The safe handling of all firearms and bows is a division priority.
  - 1. When a firearm or bow is initially seized and prior to any transportation or transfer, officers shall:
    - a. Visually and physically verify the firearm or cross bow is unloaded;
    - b. Unload any ammunition, remove bolt or arrow, and remove broadhead;
    - c. Place a physical indicator on the firearm ensuring that the firearm has been confirmed unloaded; and
    - d. Complete a National Crime Information Center (NCIC) record check for lost/stolen.
  - 2. The transferring or transporting officer is responsible for ensuring that steps a-c are completed each time a firearm or bow is transported.

## **XVII. General Guidance for Property Disposal After Confiscation or End or Retention Period**

- A. **Property Other Than Wild Animals/Wild Rice/Aquatic Vegetation.**
  - 1. All property seized under game and fish authority other than wild animals, wild rice, and aquatic vegetation shall be transferred to the supervisor after completion of the retention period or as coordinated with the supervisor.
- B. **Property Retained for Division Use.** Property retained for division use requires supervisor approval and must be documented on the proper officer or station inventory.
- C. **Gifting.**
  - 1. Efforts shall be made by the officer to maximize the use of natural resources that are confiscated/forfeited by officers. The gifting of natural resources shall be determined based on the property's suitability for its intended use.
  - 2. Natural resources may be gifted in accordance with state and federal laws, division directives, and department operational orders.
  - 3. When gifting property that is intended for personal use, the health and safety of the public shall be the overriding principle in making the determination of its suitability.
  - 4. Officers shall adhere to all tribal agreements and divisional direction for donation of natural resources to tribal nations.
  - 5. Officers are encouraged to give salvageable game and fish to charitable organizations. Required possession permits shall be issued.
- D. **Prohibition Against Personal Use.**
  - 1. Officers shall never use confiscated/forfeited natural resources for personal use, consumption, or gain, gift any property to a family member, or gift any property to an individual or group that may be deemed a conflict of interest.
- E. **Heirlooms, collector pieces, or items that have special sentimental value.** The owner may request in writing to the director to purchase the item. If the sale is approved by the director, a minimum of two written value estimates from a brick-and-mortar store will be obtained and

utilized to establish a sale price. No approvals will be made for firearms seized and forfeited from felons or other persons prohibited from possessing firearms under section 97A.223.

**F. Abandoned and found.**

1. Owner known: Officer shall attempt to notify the owner in person or by phone. If the owner is not contacted, a notification shall be sent by certified mail to their driver's license address. The owner shall have 45 days to respond to a notification. If no response is received, the owner shall be sent a final notice by certified mail and given an additional 45 days to respond. If no response is received to the final notice, the property is deemed abandoned and may be retained for division use with supervisor approval or transferred to Management Resources for sale or disposal. Attempts to contact the owner shall be documented in the ICR.
2. Owner unknown: The property will be held for 90 days from the date of seizure. A document search for the owner shall be completed by the seizing officer. If the owner cannot be located and the property remains unclaimed, it may be retained for division use with supervisor approval or transferred to Management Resources for sale or disposal.

## **XVIII. Required Reporting**

The administrative manager shall report all required forfeitures to the state auditor by the means and forms required by their office. See Minn. Stat. § 609.5315, subd. 6.

**By Authority of:**

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**COL Rodmen Smith  
Division Director  
Division of Enforcement**