



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Legislation Details (With Text)

**File #:** 18-096      **Version:** 1      **Name:**  
**Type:** Order      **Status:** Passed  
**File created:** 5/4/2018      **In control:** Town Council  
**On agenda:** 5/8/2018      **Final action:** 5/8/2018  
**Title:** To approve the transfer of defendant Philip Macri's Smith & Wesson M&P firearm to the Town of Windham pursuant to 15 M.R.S.A. Section 5824(3) and Section 5826(6) on the grounds that the Town of Windham Police Department did make a substantial contribution to the investigation of this or a related criminal case.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Cover Sheet 18-096, 2. Schofield Asset Forfeiture Memo 20180402

Date	Ver.	Action By	Action	Result
5/8/2018	1	Town Council	approved	Pass

### I. Council Action Requested.

To approve the transfer of defendant Philip Macri's Smith & Wesson M&P firearm to the Town of Windham pursuant to 15 M.R.S.A. Section 5824(3) and Section 5826(6) on the grounds that the Town of Windham Police Department did make a substantial contribution to the investigation of this or a related criminal case.

### II. Basis for Council Action.

Council approval of this item is required because;

- a. 15 M.R.S.A., section 5824 (3) requires that any asset decreed to be forfeited to any entity other than the State's general fund, must be approved by (in this case) the municipal officers.
- b. Pursuant to Article II, Section 1 of the Charter "[t]he Town Council, hereinafter called the 'Council', shall be and constitute the municipal officers of the Town.

### III. Issue Summary.

Property seized under drug asset forfeiture laws is not released until after the defendant has either pleaded or been found guilty, as the defendant in this case has. State law requires a public vote from the Town Council in order that the Town can accept the property, if it is forfeited by the court.

Please refer to the attached memorandum from Chief Kevin Schofield.