



Instruction Sheet Asset Forfeiture Oversight Advisory Committee Form 2 / Asset Distribution – AF204

Thank you for your cooperation in completing these forms. We are providing the following instructions to assist you.

ORS Chapter 475A allows for civil forfeiture of property pursuant to drug related offenses, and other offenses for which forfeiture is provided. Any forfeiture under local ordinances must conform to this statute, including reporting to the Asset Forfeiture Oversight Advisory Committee (AFOAC). This statute also establishes the AFOAC and charges this committee with reporting to the legislature the number and nature of forfeitures as described in ORS 475A.155 (5)(a).

The information needed for this report is gathered through a reporting process developed in consultation with forfeiture counsel, defense counsel, and private citizens to ensure that the necessary information is being gathered in an efficient and effective manner. ORS 475A.155(5)(b). Chapter 666, 2001 Oregon Laws, also provides for the forfeiture of property as an additional count in a criminal indictment. Forfeitures under that provision are also subject to reporting to the AFOAC.

In the following instructions, references are provided to ORS 475A (civil forfeiture). In most cases, a similar provision exists in criminal forfeiture, but since criminal forfeiture is provided for under a law which “sunsets” in 2005, it has been incorporated into statutes as a “note” preceding ORS Chapter 131.

This form is to be completed by forfeiture counsel for all forfeitures and submitted to the Asset Forfeiture Oversight Advisory Committee at the address provided on the forms as soon as reasonably possible following the liquidation and distribution of assets.

Case Identification

Agency and Court Case Numbers: Provide the law enforcement agency and court case numbers associated with this case. The agency number provides a key field to link all of the reports, so it should be entered in the same format on all forms. These should be the same numbers as were used when completing Form 1 / Seizure Information-AF104.

Agency / Court: Enter the name of the agency and court assigning the case numbers listed above.

Principal Seizing Agency: Identify the primary law enforcement agency that has seized property for forfeiture. If a cooperative drug task force conducted the seizure, the task force should be listed as the principal seizing agency.

Forfeiting Agency (applies to civil forfeitures only): Identify the State of Oregon or political subdivision that has accepted for forfeiture property seized by a seizing agency or that is processing the forfeiture case.

Forfeiture Counsel Name: Identify the attorney designated to represent a forfeiting agency in forfeiture actions or proceedings.

Telephone / e-mail: Provide contact information for the forfeiture counsel named above.

Form Completed By: Provide the name, title, and contact information for the person completing this form. This person will be the contact if there are any questions from Committee staff regarding information provided herein.

Date Completed: Provide the date that this form was completed.

For civil forfeitures, proceed to page 2 of the form. For criminal forfeitures, proceed to page 3 of the form.

Distributions From Civil Forfeitures (page 2)

Line 1: Provide the actual amount (in US dollars) of cash that was forfeited at the time of judgment. This amount should be the same as Form 1, Line 21. Cash is defined as any negotiable instrument of US currency, balance in deposit or other account and securities. This amount **does not** include the value of coin collections or foreign currency that should be reported as "other property" (see Line 3).

Line 2: Provide the amount of interest earned on forfeited cash that was on deposit in an account of the political subdivision pending judgment.

Line 3: Provide the liquidated value of proceeds from forfeited property other than currency. This is the actual amount realized by the political subdivision through sale of property or the conversion of any foreign currency.

Line 4: Provide the total amount of proceeds available for distribution (the sum of lines 1 through 3).

Line 5: Provide the amount spent by the political subdivision for costs related to the forfeiture proceeding. These costs may not include law enforcement or prosecution costs (except for litigation expenses specific to the case), and may not exceed 25% of Line 4 (ORS 475A.120).

Publications: These are costs associated with publication of seizure notice pursuant to ORS 475A.055 (1) and (8).

Attorney Fees: These are the hourly costs associated with the processing of a specific forfeiture proceeding.

Litigation Expenses: These are the actual expenses associated with filing the forfeiture proceeding.

Other: These are any other costs not previously provided for in the handling of a specific forfeiture case. For example, these costs may include the costs of towing, maintaining property pending judgment or preparing forfeited property for sale. ORS 475.110(3) (c) (d)

Total Deductions is the sum of all items included on line 5.

Line 6: Provide the net amount of proceeds available for distribution after costs. Line 4 minus Line 5 (Total Deductions).

Line 7: Provide the amount contributed to the DEQ Illegal Drug Cleanup Fund as provided in ORS 475A.120 (5)(b) and (c). In cases where the prohibited

conduct is a violation of ORS Chapter 475, 5% of the amount on line 6 is to be contributed to the DEQ Illegal Drug Cleanup Fund when the forfeiting agency is not the state. When the forfeiting agency is the state 10% of the amount on line 6 is to be contributed to the DEQ Illegal Drug Cleanup Fund.

Line 8: Provide the amount contributed to Asset Forfeiture Oversight Advisory Account as provided in ORS 475A.120(4)(a) and (b). In any civil forfeiture 2.5% **of the amount on line 6** is to be contributed to the Asset Forfeiture Oversight Account when the forfeiting agency is not the state. When the forfeiting agency is the state 3% **of the amount on line 6** is to be contributed to the Asset Forfeiture Oversight Account.

Line 8a: Provide the amount from drug-related cases contributed to the Oregon Criminal Justice Commission Drug Court Account. In any civil forfeiture case this amount should be 20% of line 6.

Line 8b: Provide the amount from drug-related cases contributed to the Oregon Commission on Children and Families (OCC&F) for Relief Nurseries. In any civil forfeiture case this amount should be 10% of line 6.

Line 9: Provide the net amount of cash distributed to governmental entities and departments. This is the total of line 6 minus lines 7 and 8.

Line 10 (a, b, c, and d): Provide the total amount of proceeds distributed to each agency.

Line 11: Provide the total estimated value of weapons and equipment used in the prohibited conduct associated with this case that were destroyed pursuant to ORS 475A.120(1)

Line 12: Provide the total estimated value of equipment that was donated to educational institutions pursuant to ORS 475A.120(7).

Distributions From Criminal Forfeitures (page 4)

Line 1: Provide the actual amount (in US dollars) of cash that was forfeited at the time of judgment. This amount should be the same as Form 1, Line 21. Cash is defined as any negotiable instrument of US currency, balance in deposit, or other account and securities. This amount **does not** include the value of coin collections or foreign currency that should be reported as "other property" (see Line 3).

Line 2: Provide the amount of interest earned on forfeited cash that was on deposit in an account of the political subdivision pending judgment.

Line 3: Provide the liquidated value of proceeds from forfeited property other than currency. This is the actual amount realized by the political subdivision through sale of property or conversion of foreign currency.

Line 4: Provide the total amount of proceeds available for distribution (the sum of lines 1 through 3).

Line 5: Provide the amount spent by the political subdivision for costs related to the forfeiture proceeding or for court-ordered victim restitution.

Publication / Notice: These are costs associated with service or publication of the seizure notice.

Towing / Storage: These are the costs of towing and storage of a vehicle seized for forfeiture.

Maintenance / Servicing of Property: These may include the costs of maintaining the property pending judgment or preparing forfeited property for sale.

Victim Restitution: When the court has included in the judgment, an order that a portion of the forfeiture proceeds be applied to victim restitution, that amount should be entered here.

Total Deductions is the sum of all items included on line 5.

Line 6: Provide the net amount of proceeds available for distribution after costs. Line 4 minus Line 5 (Total Deductions).

Line 7: Provide the amount (10% of Line 6) contributed to the State of Oregon General Fund for all forfeitures.

Line 8: Provide the amount (7% of Line 6) contributed to the DEQ Illegal Drug Cleanup Fund for all forfeitures.

Line 9: Provide the amount (3% of Line 6) contributed to Asset Forfeiture Oversight Account.

Line 10: *For state seizing agencies only,* Provide the amount (40% of line 6) contributed to the State Police or the Department of Justice.

Line 11: *For state seizing agencies only,* Provide the amount (40% of line 6) contributed to the Department of Human Services Drug Prevention and Education fund.

Line 12: *Only if the state was not seizing agency,* Provide the amount (40% of line 6) contributed for law enforcement use.

Line 12a: List the name of the law enforcement agency or agencies that received this distribution and the amount of cash distributed.

Line 13: *Only if the state was not seizing agency,* Provide the amount (40% of line 6) contributed for Substance abuse treatment.

Line 13a: List the name of the agency or agencies that received this distribution and the amount of cash distributed.

Line 14: Provide the net amount of cash distributed to governmental entities and departments. This is the total of line 6 minus lines 7, 8, 9, 10, 11, 12 and 13.

Line 15: Provide the total estimated value of weapons and equipment used in the prohibited conduct associated with the case that was destroyed pursuant to ORS 475A.120 or 2001 Oregon Laws Chapter 666, §16(4)(d).

Line 16: Provide the total estimated value of equipment that was donated to educational institutions pursuant to ORS 475A.120 or Chapter. 666, §16(4)(d).