

FORFEITURE REPORT FILING INSTRUCTIONS

(This report is available in a fill-in enabled format on the Office of Drug Control Policy's(ODCP) website, located at www.michigan.gov/odcplawenforcement, click on Law Enforcement Business Partners and then click on Forms, which can be submitted via email to rappj@michigan.gov and leduker@michigan.gov)

This form only applies to Michigan's forfeiture statute governing proceeds seized and forfeited for violation of the controlled substance act (MCL 333.7524a).

For agencies that did not effectuate a forfeiture proceeding, have a forfeiture pending, or did not receive or share any money, negotiable instruments, securities or any other thing of value pursuant the forfeiture statute, **you must still complete the identification section and check the box acknowledging that your agency has no forfeiture to report. Then return the report to ODCP, as indicated on the form.**

Note: If there were no forfeiture proceedings effectuated, but proceeds were received from forfeitures filed by another jurisdiction (local, state, or federal), only Sections F, G, H and I must be completed. A common example of this would be:

An agency that participates in a multijurisdictional drug team and shares forfeitures at the end of the fiscal year. One agency would report the seizures and sharing amounts. The agencies that received shared forfeitures would report the shared amounts. If an agency receives forfeited equipment, the receiving agency will report income from the forfeiture when the equipment is sold. Prosecutor's who charge a percentage of seizures for litigating forfeiture cases do not report the forfeiture as income. The seizing agency will report the percentage paid to prosecutors under G1. Deductions from gross proceeds.

Identification Section

- **Fiscal Year:** The fiscal year ordinarily and regularly followed by the reporting agency. This report will only cover the most recently completed fiscal year for your agency (i.e., January 2008 through December 2008, July 2007 through June 2008).
- **Reporting Agency:** Please fill out all sections. Especially important is the telephone number and/or e-mail address of the contact person for follow-up questions, if necessary.

Definitions

- **Seizure:** Taking possession of property by the legal process. *This form only requires reporting seizures that resulted in forfeiture awards during the reporting fiscal year.*
- **Forfeiture:** The loss of property or money due to a breach of a legal obligation. (This is to be reported on the forfeiture report form.) This report, with the exception of **A3.**, is based on forfeitures awarded to the reporting agency.

Note: The purpose of this report is to accurately report the number of forfeitures awarded to your agency during the previous fiscal year. The amount of money realized from all forfeitures should be the same as your account deposits for the reported fiscal year. Do not report estimated value of property forfeited.

Section A: Number of Forfeiture Proceedings

- **A1. Instituted in Circuit Court:** The number of forfeiture proceedings that were instituted in circuit court by the reporting agency. *Note: If more than one agency is involved in the case, only the responsible fiscal agency should fill in this space.*
- **A2. Concluded in Circuit Court:** The number of forfeiture cases filed in circuit court that was concluded after trial, stipulation or dismissal during the preceding fiscal year.
- **A3. Seizures Pending in Circuit Court:** The number of forfeiture proceedings instituted by the local unit of government that were pending in circuit court at the end of the fiscal year. *Note: This is the only place on the form that you will report information on pending forfeitures.*
- **A4. Administratively Granted:** Circuit court was not involved in the forfeiture award process.

Section B: Inventory of Forfeited Real Property Awarded to the Reporting Agency

- **Real Property:** Generally, the term real property refers to land. Land, in its general usage, includes everything of a permanent nature over or under it. This includes structures and minerals. *Note: For purposes of this report, a mobile home is considered real property.*

B1. through B6.

- **# of Units:** Only report the number of properties forfeited *during the reporting fiscal year.*

Example 1: If one forfeiture resulted in the awarding of five single family residences and two industrial units, you would record five units in single family residential and two units in industrial. Agricultural and land units only include properties that did not have any living or commercial buildings.

Example 2: If a farmhouse and the acreage attached to the farm are forfeited, you would record one unit in single family residence. If farm property is forfeited along with structures to assist in farming (i.e., barns, silos, etc.) record as one unit agricultural. Any parcels of land forfeited without residential or commercial structures are recorded as one unit in the agricultural and land units.

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Dollar Amount: The total dollar amount received from all forfeited real property sold, leased or returned to owner with a negotiated cost, etc., during the reporting fiscal year. *Note: Property forfeited in previous fiscal years, but not sold until this reporting period, should be included.* Report the total **gross** income derived from the real property. Gross income is the total amount received before expenses and/or agency sharing are deducted.

- **Subtotal for Real Property:** Add **B1. through B5.** and fill in the total in **B6.**

Section C: Inventory of Forfeited Conveyances Awarded to the Reporting Agency

C1. through C4.

- **# of Conveyances:** Only report the number of conveyances forfeited *during this fiscal year.* A conveyance is any motorized or non-motorized vehicle used to facilitate transportation (i.e., car, truck, motor home, bicycle, motorcycle, airplane, boat, snowmobile, etc.).

Note: **Attachment A** has been provided and *must be completed* to meet the statutory requirement of providing an inventory of year, make and model of the conveyance forfeited. *Only list the conveyances forfeited during this fiscal year.*

- **Dollar Amount:** The total dollar amount received from all forfeited conveyances sold, leased or returned to owner with a negotiated cost, etc., during the reporting fiscal year. *Note: Conveyances forfeited in previous fiscal years but not sold until this reporting period, should be included.* Report the total **gross** income derived from conveyances.
- **Subtotal for Conveyances:** Add **C1. through C3.** and fill in the total in **C4.**

Section D: Forfeited Cash, Negotiable Instruments and Securities Awarded to the Reporting Agency

- **Dollar Amount:** All cash, negotiable instruments and securities that were forfeited and converted to use by the reporting agency during this fiscal year. Include property sold and pending cases from previous years that were closed during the reporting period.

Section E: Forfeited Other Personal Property (not listed above) Awarded to the Reporting Agency

- **Dollar Amount:** All other personal property that was forfeited and converted to cash in this fiscal year by the reporting agency.

Section F: Indicate the Net Proceeds Your Agency Received From Shared Forfeitures

- Use **Attachment B** (Forfeiture Dollars Received from Other Agencies) and list all **net proceeds only** received from local/state and federal agencies. Place the total dollar amount in the appropriate box.

- **Subtotal for Shared Forfeitures Received:** Add **F1.** and **F2.** and fill in the total in **F3.**

Section G: Deductions From Gross Proceeds

- **G1. Administrative Costs Incurred to Close the Forfeiture:** Costs include all mortgages, encumbrances, sale and maintenance fees, prosecutor and attorney fees, and other costs associated with forfeiture proceedings. *Total costs will include all costs incurred during this reporting period, regardless of the fiscal year of forfeiture.* All costs reported should be actual costs reducing the amount of cash available to enhance the role of criminal justice in reducing controlled substance violations.
- **G2. Amount of Proceeds Shared With (given to) Other Agencies:** Only report cash proceeds shared during this reporting period, regardless of when it was forfeited. If conveyances, real property or other personal property is shared with other agencies, the receiving agency will be responsible for reporting the property as income at the time it becomes converted to cash. *Attachment B must be submitted if cash is shared with (given to) other agencies.*
- **G3. Subtotal for Deductions:** Add **G1.** and **G2.** and fill in the total in **G3.**

Section H: Net Total Proceeds

- Add all income derived from real property (**B6**), conveyances (**C4**), cash, negotiable instruments, securities (**D**), other personal property (**E**) and net proceeds received from other agencies (**F3**). Subtract deductions (**G3**). This is your net total proceeds from all property forfeited during the reporting fiscal year.

Section I: Forfeiture Funds Impact

I1. through I6.

- Report how forfeiture funds were used by your agency to enhance controlled substance law enforcement efforts in accordance with MCL 333.7524a. Only report expenditures during this reporting period. Report in percentages only, **total expenditures must equal 100%.**

Example: Your agency used forfeiture funds to pay overtime for controlled substance violations (\$5,000), purchased an undercover vehicle (\$2,500), and spent \$1,250 for undercover purchases of controlled substances. Total expenditures equal \$8,750. To determine percentage, divide each category by the total expenditure amount. In this case, personnel expenses would be 57%, equipment expenses 29% and buy money was 14% of the total expenditures.

Note: This section only requests information on Forfeiture Fund expenditures, it does not have to be balanced with income.

Section J: Donated Grow Lights and Scales

- **J1. Lights for Plant Growth:** Use **Attachment C** and identify where grow lights were distributed during this fiscal year. Place the total number and estimated value on the reporting form.
- **J2. Scales:** Use **Attachment C** and identify where scales were distributed during this fiscal year. Place the total number and estimated value on the reporting form.