

**STATE OF NEW JERSEY -
FORFEITURE PROGRAM ADMINISTRATION
STANDARD OPERATING PROCEDURE**



07

Title: ***Requests for Distribution of Forfeited Property***

Date Issued: **03/01/98**

Applicability: **All Law Enforcement Officers**

Supersedes:

7:1 Policy Statement:

The Attorney General recognizes that requests will be made by law enforcement agencies within the state with each of the state's twenty-one county prosecutor's and the New Jersey Division of Criminal Justice ("Division") for distribution of forfeited property obtained pursuant to N.J.S.A. 2C:64-1 et seq., (civil forfeitures), N.J.S.A. 2C:41-1 et seq., (racketeering) or from actions brought under N.J.S.A. 2C:21-25 et seq. (financial facilitation of crime), or under any other statute as directed by the Attorney General. The submission and review of all such requests shall be governed by Forfeiture Program Administration Standard Operating Procedure 12. However, procedures must be implemented to uniformly document these requests on a form entitled, "Request for Distribution of Forfeited Property."

7:2 Preparation of Form A

- A. Each Form A shall be prepared by the agency executive of a requesting law enforcement agency ("agency executive") or their designee.
- B. Information contained on this form shall include the following:

- 1. Prosecuting Agency Information

- Indicate the number corresponding to the county prosecutor's office or Division of Criminal Justice, who has been designated to prosecute the civil forfeiture case. (Item #1)

- 2. Requesting Agency's Information

- This section shall require the requesting agency to include the following information:

- a. Case Name (Item #2)¹
- b. Case Number (Item #3)
- c. Agency Name (Item #4)
- d. Agency Address (Item #5)
- e. Contact Person/Title (Item #6)
- f. Telephone Number (Item #7)
- g. Agency ORI Number (Item #8)

3. Description of Requested Property

- a. Indicate a description of the property which has been requested, either U. S. Currency (Item #9) or Other Property (Item #10). The description shall include the type of property requested including a Vehicle Identification Number ("VIN") or serial number and the estimated value.
- b. Based upon the agency's participation in the surveillance, investigation, arrest and/or prosecution, the requesting agency shall indicate a proportionate share (Item #11), in the form of a percentage, of the total contributive share distribution made by the prosecuting agency. The county prosecutor, or in the case of the Division of Criminal Justice, the Director shall determine all contributive share distributions in a manner consistent with applicable law and administrative code.
- c. The requesting agency shall also indicate whether or not it agrees to pay any fees or expenses necessary to effect transfer of title (Item #12). Should the requesting agency not agree to pay these expenses, the prosecuting agency may, at its discretion, refuse to honor the request for distribution of forfeited property.

4. Fiscal, Administrative and Property Officer Information

- a. The requesting agency shall include the Name/Title, Address and Telephone Number of the fiscal, administrative or property officer who will be the recipient of forfeited property. This individual may be either:
 1. The fiscal officer of the entity to whom the disbursement of money should be made (Item #13),
 2. The official to whom the property transfer documents

¹ The Division of State Police will identify a case name by the *Confiscated Money/Property Case Management Report* Log Identification Number.

should be delivered (Item #14), or

3. The official to whom property should be delivered (Item #15).

5. Certification

Upon completion of this form, the requester shall sign the form including their title as well as typing or printing their name/title and including the current date. (Item #16) A signature on this form certifies that the request complies with all applicable provisions of law, administrative code and Forfeiture Program Administration Standard Operating Procedures and that the information contained is true and correct.

6. Maintenance of Form A

The county prosecutor's office or the Division shall maintain all completed Form A's, which it receives, whether or not a distribution has been approved. These forms shall be filed by corresponding case number and shall cross reference the requesting agency and be readily available for review. Any requests for distribution which have been denied shall have an explanation for such denial and the signature of the county prosecutor or Director of the Division of Criminal Justice, depending on who is prosecuting the civil forfeiture case.

7:3 Failure to Submit Form A to Prosecuting Agency

Any law enforcement agency that fails to submit a Form A within 90 days of the seizure shall be precluded from receiving a contributive share when distribution of the forfeited property is apportioned by the prosecuting agency.

Peter Verniero

AUTHORITY: _____
PETER VERNIERO, ATTORNEY GENERAL