

# **DIRECTIONS FOR FILLING OUT THE ASSET FORFEITURE REPORTING FORM FOR DISTRICT ATTORNEYS PURSUANT TO O.C.G.A. § 9-16-19(g)(3)(B)**

This reporting form has been created by the Prosecuting Attorneys' Council with input from the District Attorneys' Association of Georgia. Its purpose is to comply with the annual reporting requirements regarding state forfeited assets pursuant to O.C.G.A. § 9-16-19(g)(3)(B). The report must be submitted by January 31 for the previous calendar year. The form for the reporting year can be found at <http://lf.pacga.org/Forms/assetforfeitureda>

In filling out this report, the safety of law enforcement officers and on-going investigations are taken into account. Thus, the report shall not include any information that is likely to disclose 1) the identity of a confidential source; 2) confidential investigative or prosecution material which could endanger the life or physical safety of any person; 3) the existence of a confidential surveillance or investigation; or 4) techniques and procedures for law enforcement investigations or prosecutions. O.C.G.A. § 9-16-19(g)(2).

## **FILING OUT THE REPORT – TITLE PAGE**

### **JUDICIAL CIRCUIT**

The name of the Judicial Circuit, its address and phone number must be listed. If the Judicial Circuit is made up of two or more counties, use the principal address and phone number.

The question of whether your office has assets to report is to allow those district attorneys, who do not receive forfeited assets, to file a report should he or she choose to do so. Indicate “no” only if your office, in relation to assets seized on or after July 1, 2015, did not 1) receive any forfeited assets or 2) expend any forfeited funds during the reporting calendar year of 2021.

### **REPORTING OFFICER/EMPLOYEE**

The report must have an electronic signature by the officer/employee making the report. It must also be verified as being true and correct to the best of the reporting officer/employee's knowledge and belief. The name of the person must appear twice: once in the box with the “/s/” designation which will act as the electronic signature of the person; and once in the box designated “typed name.” The title of the person (e.g. District Attorney; Chief Assistant; Senior Deputy Assistant) must appear as well as an email address for that person.

## **FILING OUT THE REPORT SPREADSHEET – TAB BY TAB**

### **FORFEITED PROPERTY**

Each item of forfeited property must be separately reported (e.g. if DA’s Office received five (5) vehicles, each of the vehicles must be listed separately). The “date received” means the date upon which the property was received by your office pursuant to an order of distribution signed by the superior court. Thus, for example, if a vehicle was seized on April 1 and the vehicle was ordered forfeited on July 1, but the order of distribution giving your office the vehicle to retain as an in kind distribution was not entered until September 1, the date your office “received” the vehicle would be no earlier than September 1.

The “item description” refers to each particular property received by your office. Whenever appropriate, the make, model, and serial number must be entered in the description. However, if the property fits within the “public safety” exception (e.g., a vehicle being used in a confidential investigation) the description need be only general. The “statute” box refers to the substantive forfeiture statute that allowed the property to be forfeited (e.g. O.C.G.A. § 16-13-49 for drug forfeitures).

The “property utilization” box requires a designation of the use to which the property was put once received by your office. Please remember that use of such property may only be for a proper “official prosecutorial purpose” as defined in O.C.G.A. § 9-16-19(a)(5). When such property is no longer needed by your office, it must be surplussed in accordance with O.C.G.A. § 9-16-19(f)(4)(B)(i).

### **FORFEITED CURRENCY**

Each separate instance in which forfeited funds were received by your office must be itemized. Also, like forfeited property, the date received is the date upon which the currency was received by your office pursuant to an order of distribution signed by the superior court. The “statute” box refers to the substantive forfeiture statute that allowed the property to be forfeited (e.g. O.C.G.A. § 16-13-49 for drug forfeitures).

### **TOTALS FOR THE REPORTING YEAR**

This is a general summary of the receipt of income for the reporting year. “Currency” refers to the total amount of forfeited funds that was received by your office during the reporting calendar year.

### **EXPENDITURES**

In this section, all expenditures of forfeited funds must be individually itemized. As to each expenditure, state the amount expended and the date of the expenditure. A designation of the purpose for the expenditure must also be included. Please remember that expenditures may only be made for a proper “official prosecutorial purpose” as defined in O.C.G.A. § 9-16-19(a)(5).

## STATE CASH ON HAND

This is the total amount of *forfeited* currency held in a financial institution on December 31 of the reporting calendar year. It should include the interest (if any) earned during that reporting calendar year. **This amount must be entered on the General Information Tab.**

## NOTES

If there was some occurrence during the reporting year that caused an irregularity in the manner in which your office has reported the receipt and use of forfeited assets, you may choose to make an explanation here, although no explanation is necessary or required for submission of the report.

## SUBMISSION OF THE REPORT

Once the spreadsheet is complete, you must convert it to a .pdf format before uploading it to the Title page. Directions on how to convert the spreadsheet are attached to these instructions. **Because of submission and formatting problems, the PAC has disabled the ability to “save as” using the File -> Save As through the standard menu items which requires the use of the “Save As” button in the template, which will properly format the pages. In some cases, an office or network virus software disables macros and the “Save As” button will not function properly. In such a case, you should call PAC and email your report. The PAC will convert it to PDF and email it back to your office.**

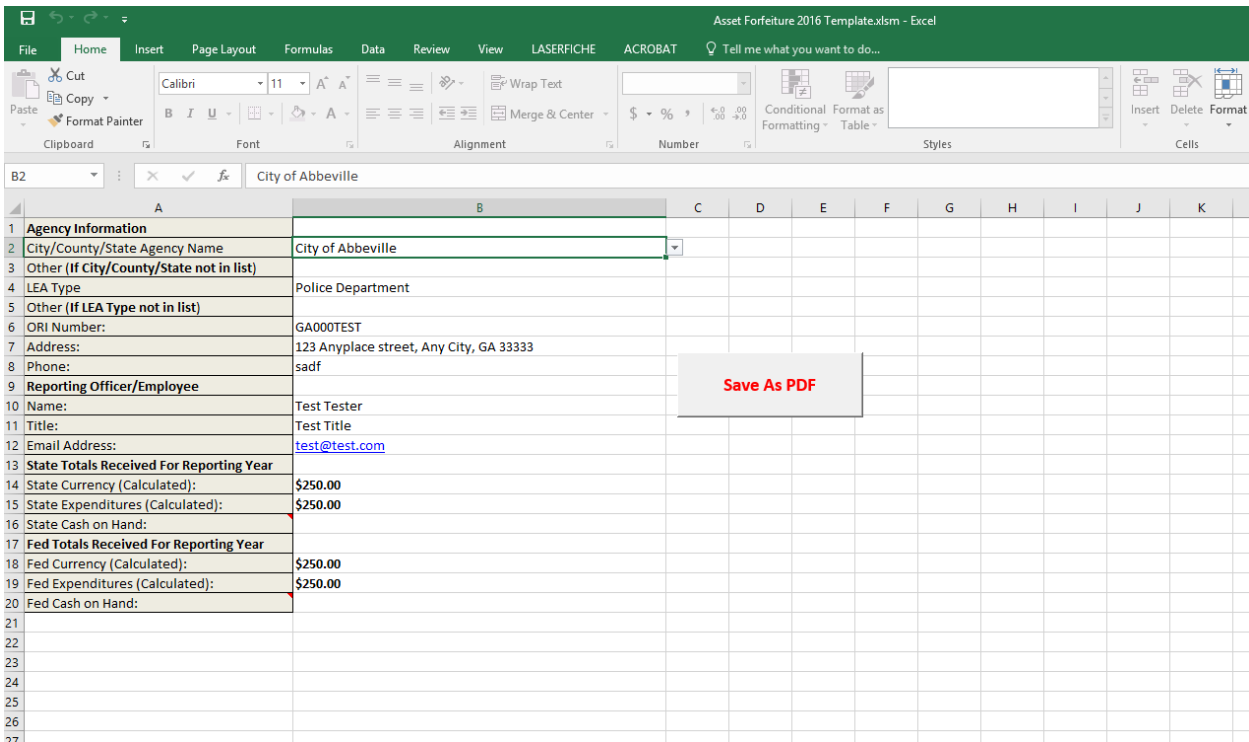
After uploading the spreadsheet, clicking on “Submit” will send the report to the PAC which will then return the report to you in .pdf form and will send a .pdf copy to each of the email addresses listed on the report. Additionally, a .pdf copy of the report will be sent by the PAC to the Carl Vinson Institute of Georgia. *Do not hit “Submit” unless the report is completed.*

**The PAC will review each individual report for format and structure and “Accept” or “Reject” the report. If the report is rejected, the PAC will contact the office via email, explain the reason for the rejection and the necessary steps to take to resolve the issue. The PAC will only review the structure and format; it will *not* review content, with the exception that if the end of year total in the forfeiture account (State Cash on Hand) is not present in the report, the PAC will reject the report.**

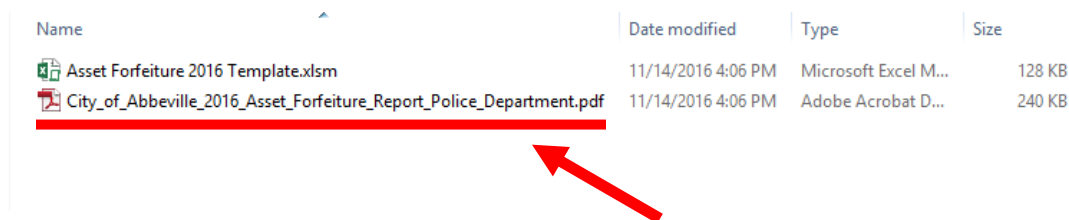
**SAVING INFORMATION TO BE COMPLETED LATER** – The spreadsheet is designed to download and to add entries as they are needed during the calendar year. Once the spreadsheet is completed, it can be uploaded with the Title page and submitted.

## DIRECTIONS ON CONVERTING SPREADSHEET TO .PDF FORMAT

Once you have completed the ENTIRE spreadsheet click ‘Save As PDF’ button on main (first) worksheet.



A pdf file will be created in the same location as the template file which you have completed



The file will have the above naming convention using the agency name and type. This is the file you will upload to PAC.