



MICHAEL D. SCHRUNK, District Attorney for Multnomah County

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www.co.multnomah.or.us/da/

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners
FROM: Michael D. Schrunk
DATE: January 2, 2002
RE: Federal Equitable Sharing Agreement

1. Recommendation/Action Requested:
Approval of Federal Equitable Sharing Agreement.
2. Background/Analysis:
Required for the District Attorney to receive an equitable share of forfeited cash, property, and proceeds in federal forfeiture cases when the District Attorney has contributed to the underlying investigation.
3. Financial Impact:
Will vary. No historical information is available with which to make projections.
4. Legal Issues:
Because equitably shared federal forfeiture proceeds must be used for law enforcement purposes, Ballot Measure 3 prevents the sharing of proceeds by Department of Justice agencies with state and local agencies. However, federal forfeiture proceeds from Department of Treasury agencies, such as U.S. Customs and the Internal Revenue Service, may be equitably shared since Ballot Measure 3 was limited by its terms to Department of Justice forfeitures.
5. Controversial Issues:
6. Link to Current County Policies:
This agreement seeks alternative funding sources to supplement the county budget.
7. Citizen Participation:
N/A
8. Other Government Participation:
N/A



FEDERAL EQUITABLE SHARING AGREEMENT

Agency: Multnomah County District Attorney's Office

Contact Person: Erin Olson or John Bradley

Address: 1021 SW 4th Avenue, Room 600, Portland, OR 97204
(Street/City/State/Zip)

Agency Fiscal Year Ends on: 6/30/02 NCIC Code: ORI# OR026013A
(Month/Year)

Bank Routing Code and Account Number for EFT Purposes: N/A

Telephone Number: (503) 988-3162 Fax Number (503) 988-3947

E-mail Erin.K.Olson@co.multnomah.or.us

Check one: Police Dept Sheriff Dept Task Force Prosecutor's Office Other

This Federal Equitable Sharing Agreement entered into among (1) the Federal Government, (2) the above-stated law enforcement agency, and (3) the governing body sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participating agencies. By their signatures the parties agree that with respect to all sharing requests, they will be bound by the guidelines that regulate shared assets and the following requirements for participation in the federal equitable sharing program.

1. **Submission Date.** This agreement must be submitted to both the Department of the Treasury and the Department of Justice (at the addresses shown) in accordance with the instructions that are received from the respective departments or as outlined in their individual Guides.

Executive Office for Asset Forfeiture
U.S. Department of the Treasury
Washington, DC 20220
740 15th Street NW, Suite 700
Fax: (202) 622-9610

Asset Forfeiture and Money Laundering Section
U.S. Department of Justice/ACA Program
P.O. Box 27768
Washington, DC 20038
Fax: (202) 616-1344

2. **Signatories.** This agreement must be signed by the head or designee of the law enforcement agency *and* the authorized responsible official or designee of the governing body. Receipt of the signed agreement is a prerequisite to receiving any equitably shared cash, property, or proceeds.
3. **Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the guidelines, and specified in the equitable sharing request (either a form TD F 92-22.46 or a form DAG-71) submitted by the requesting agency. Any and all requests for a change in use of cash, property, or proceeds from that specified in the equitable sharing request must be submitted in writing to the address of the appropriate agency shown in item 1.
4. **Transfers.** Before the undersigned law enforcement agency transfers cash, property, or proceeds to other law enforcement agencies, it must verify first that the receiving agency has a current and valid Federal Equitable Sharing Agreement on file with the Department of Treasury and the Department of the Justice. If there is no agreement on file, the undersigned law enforcement agency must obtain one from the receiving agency, and forward it to the appropriate Department. A list of recipients, their addresses and the amount transferred should be attached to the Annual Certification Report.

