



## **Why are there so many changes occurring to the policies and procedures in the Department of Justice Equitable Sharing Program?**

The DOJ Equitable Sharing Program is undergoing several changes as a result of a Government Accountability Office (GAO) audit. The GAO audit found deficiencies in several Program areas and the recent and upcoming changes are addressing the audit findings and recommendations. A copy of the audit can be found here: <http://www.gao.gov/assets/600/592349.pdf>

## **Where can I find the new DAG-71 form?**

A fillable PDF version of the form is available on AFMLS' public website at <http://www.justice.gov/criminal/afmls/forms/pdf/dag-71frm2014.pdf>

## **What is the deadline for submission of the DAG-71 form?**

Previously, DAG-71 forms were required to be submitted within 60 days of the seizure. Effective immediately, the new deadline for submitting the DAG-71 form is 45 days following the forfeiture. Agencies may file DAGs at any time after seizure and amend them to include additional contributions. This extended timeframe will afford agencies the opportunity to fully account for and document all of their contributions to the seizure and forfeiture of the asset.

## **Who completes the DAG-71 form?**

The state and local law enforcement agency requesting an equitable share of proceeds must complete the DAG-71 form. The federal agency may assist by providing the data for the "Asset Information" section. Soon the form will be completed and submitted electronically through the eShare Portal, where all of the asset and agency information will be pre-populated. In the interim, state and locals should continue to submit a paper version of the new form located on AFMLS' public website at <http://www.justice.gov/criminal/afmls/forms/pdf/dag-71frm2014.pdf>

## **Will the federal agency accept my DAG-71 form that was completed on the old version?**

Yes. While CATS has been updated to mirror the new DAG-71 form, the old version can still be accepted until electronic submission becomes mandatory on or about January 1, 2015.

## **Who determines the sharing percentages?**

The decision makers for equitable sharing have not changed. The field office makes a recommendation which is ultimately approved by either the seizing agency headquarters, U.S. Attorney's Office, or the Criminal Division. The approved sharing percentages continue to be based on an evaluation of the quantitative and qualitative factors (workhours, unique contributions, etc.) detailed in the "Requesting Agency Contribution" section of the DAG-71 form and the Federal Contribution Form.



### **How are sharing percentages calculated?**

Shares are calculated by evaluating the workhours and qualitative contributions of all agencies that contributed to the law enforcement effort resulting in forfeiture. Contributions and workhours of all state and local law enforcement, as well as both the lead and other participating federal agencies, must be considered. The decision maker must ensure appropriate justification for adjustments to sharing based on qualitative contributions. In addition, the decision should include an adjustment for prosecutorial contribution, if appropriate. Sharing is not automatically 80 percent, but rather a reflection of all participant contributions.

### **What if my agency has an officer assigned to a task force and has agreed to a pre-arranged percentage based on a Task Force Agreement or Memorandum of Understanding?**

Pre-arranged percentages will generally be honored provided the Task Force Agreement or Memorandum of Understanding (MOU) was in effect at the time of seizure. Agreements or MOUs must be signed and dated by all participating member agencies. Any applicable agreement must be submitted with the DAG-71 or maintained on file with the federal seizing agency. Pre-arranged sharing percentages must be reflective of the efforts of all federal, state, and local law enforcement participants. Oral agreements may never form the basis of sharing percentages.

### **Where can I find additional information on these changes?**

AFMLS provided notice to the federal, state, and local law enforcement community regarding these changes. The notice can be found on AFMLS' website <http://www.justice.gov/criminal/afmls/pubs/pdf/08-11-14-wire.pdf>

### **Is the Department of Justice publishing a new, updated *Guide to Equitable Sharing*?**

A new updated *Guide to Equitable Sharing* will be published by the end of this calendar year.