



COMMISSIONERS COURT
COMMUNICATION

REFERENCE NUMBER CO#126805

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DATE: 01/09/2018

SUBJECT: **RECEIVE AND FILE THE AUDITOR'S REPORT OF THE FISCAL YEAR 2017
CHAPTER 59 ASSET FORFEITURE REPORT BY LAW ENFORCEMENT
AGENCY PREPARED BY THE CONSTABLE, PRECINCT 7**

***** CONSENT AGENDA *****

COMMISSIONERS COURT ACTION REQUESTED:

It is requested that the Commissioners Court receive and file the Auditor's Report of the FY 2017 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency prepared by the Constable, Precinct 7.

BACKGROUND:

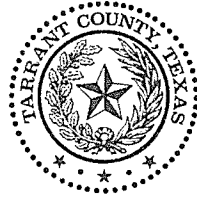
As required by Article 59.06 of the Code of Criminal Procedure, the Auditor's Office reviewed the attached FY 2017 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency prepared by the Constable, Precinct 7. This report is due to the Office of the Attorney General (OAG) 60 days after the close of the County's fiscal year, or November 30. The report was electronically signed and remitted to the OAG on November 16, 2017.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

SUBMITTED BY: Auditor's Office

PREPARED BY: S. Renee Tidwell
APPROVED BY:



TARRANT COUNTY
TARRANT COUNTY ADMINISTRATION BUILDING - ROOM 506
100 E. WEATHERFORD
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December 15, 2017

The Honorable Clint Burgess, Tarrant County Constable, Precinct 7
The Honorable District Judges of Tarrant County
The Honorable Tarrant County Commissioners Court

Re: Auditor's Report – FY2017 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency

SUMMARY

As required by Article 59.06 of the Code of Criminal Procedure, we reviewed the attached *FY2017 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency* prepared by the Constable, Precinct 7 (Constable). We believe that the information contained in the report is reasonably correct based on our review of the Constable's database, the District Attorney's Office (DA) database, relevant documents, and other supporting materials.

The Constable's *FY2017 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency* was electronically signed and remitted to the Office of the Attorney General's (OAG) on November 16, 2017.

BACKGROUND AND METHODOLOGY

This report is due to the OAG 60 days after the close of the County's fiscal year, or November 30, unless a 15-day extension is granted. Based on the information recorded in the Constable's Property Control Management System, the DA's database, and the County's general ledger, we believe that the amounts presented in the report are reasonable and contain the information required under Article 59.06 of the Code of Criminal Procedure.

The Chapter 59 report focuses on two separate elements of the asset forfeiture process: financial activity and case activity.

Financial Activity

We reconciled the cash transactions recorded in the Constable's database, the DA's database, and the County's general ledger. We also traced financial information reported by the Constable to supporting documents, including court pleadings, and found no exceptions.

Section VI of the report includes expenditures made for law enforcement purposes. We reconciled these amounts to the County's general ledger. We also reviewed source documents to verify that the expenditures were for law enforcement purposes.


Case Activity

We inventoried the property reported in Section III for fiscal year 2017 and traced the items to court pleadings, the County's impound lot, and the Constable's property room and found no exceptions.

CLOSING REMARKS

We appreciate the cooperation of the Constable's Office to facilitate the completion of this review.

Very truly,


S. Renee Tidwell, CPA
County Auditor

Attachments: *FY2017 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency*
Management's response

Distribution: Chief Deputy Charles Hatley, Constable 7

Audit Team: Kim Trussell, Audit Manager
Matt Jones, Senior Internal Auditor

FY 2017
CHAPTER 59 ASSET FORFEITURE REPORT
BY LAW ENFORCEMENT AGENCY

Agency Tarrant County Constable Precinct 7
Mailing Address 1100 E. Broad St. #201
City Mansfield
State TX
Zip 76063
Phone Number (817) 473-5110
Fiscal Beginning Month October
Fiscal Ending Month September
Fiscal Year 2017

NOTE: PLEASE ROUND ALL FIGURES TO NEAREST WHOLE DOLLAR

I. SEIZED FUNDS PURSUANT TO CHAPTER 59

A) Beginning Balance:	\$0.00
B) Seizures During Reporting Period:	
1) Amount seized and retained in your agency's custody	\$0.00
2) Amount seized and transferred to the District Attorney pending forfeiture	\$0.00
3) Total Seizures	\$0.00
C) Interest Earned on Seized Funds During Reporting Period:	
D) Amount Returned to Defendants/Respondents:	\$0.00
E) Amount Transferred to Forfeiture Account:	\$0.00
F) Other Reconciliation Items:	\$0.00
Description:	
G) Ending Balance	\$0.00

II. FORFEITED FUNDS AND OTHER COURT AWARDS PURSUANT TO CHAPTER 59

A) Beginning Balance:	\$12,924.00
B) Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period:	\$2,101.00
C) Interest Earned on Forfeited Funds During Reporting Period:	\$118.00
D) Amount Awarded Pursuant to 59.022:	\$0.00
E) Amount Awarded Pursuant to 59.023:	\$0.00
F) Proceeds Received by Your Agency From Sale of Forfeited Property:	\$0.00
G) Amount Returned to Crime Victims:	\$0.00
H) Other Reconciliation Items:	\$0.00

Description:

I) Total expenditures of Forfeited Funds During Reporting Period:	\$3,480.00
J) Ending Balance:	\$11,663.00

III. OTHER PROPERTY

A) MOTOR VEHICLES (Include cars, motorcycles, tractor trailers, etc.)

1) Seized:	1
2) Forfeited to Agency:	1
3) Returned to Defendants/Respondents:	0
4) Put into use by Agency:	0

B) REAL PROPERTY (Count each parcel seized as one item)

1) Seized:	0
2) Forfeited to Agency:	0
3) Returned to Defendants/Respondents:	0
4) Put into use by Agency:	0

C) COMPUTERS (Include computer and attached system components, such as printers and monitors, as one item)

1) Seized:	0
2) Forfeited to Agency:	0
3) Returned to Defendants/Respondents:	0
4) Put into use by Agency:	0

D) FIREARMS (Include only firearms seized for forfeiture under Chapter 59. Do not include weapons disposed under Chapter 18)

1) Seized:	1
2) Forfeited to Agency:	1
3) Returned to Defendants/Respondents:	0
4) Put into use by Agency:	0

E) Other Property

Description	Seized	Forfeited to Agency	Returned to Defendants/Respondents	Put into use by Agency
	0	0	0	0

IV. FORFEITED PROPERTY RECEIVED FROM ANOTHER AGENCY

A) Motor Vehicles:	0
B) Real Property:	0
C) Computers:	0
D) Firearms:	0
E) Other:	0

V. FORFEITED PROPERTY TRANSFERRED OR LOANED TO ANOTHER AGENCY

A) Motor Vehicles:	0
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B) Real Property:	0
C) Computers:	0
D) Firearms:	0
E) Other:	0

VI. EXPENDITURES

A) SALARIES

1) Increase of Salary, Expense or Allowance for Employees (Salary Supplements):	\$0.00
2) Salary Budgeted Solely From Forfeited Funds:	\$0.00
3) Number of Employees Paid Using Forfeiture Funds:	0
4) TOTAL SALARIES PAID OUT OF CHAPTER 59 FUNDS:	\$0.00

B) OVERTIME

1) For Employees Budgeted by Governing Body:	\$0.00
2) For Employees Budgeted Solely out of Forfeiture Funds:	\$0.00
3) Number of Employees Paid Using Forfeiture Funds:	0
4) TOTAL OVERTIME PAID OUT OF CHAPTER 59 FUNDS:	\$0.00

C) EQUIPMENT

1) Vehicles:	\$0.00	
2) Computers:	\$0.00	
3) Firearms, Protective Body Armor, Personal Equipment:	\$0.00	
4) Furniture:	\$0.00	
5) Software:	\$0.00	
6) Maintenance Costs:	\$0.00	
7) Uniforms:	\$0.00	
8) K9 Related Costs:	\$0.00	
9) Other:	\$3,480.00	
Description:	Thermal Monocular - Pulsar Helion XP50 2.5-20X42	
10) TOTAL EQUIPMENT PURCHASED WITH CHAPTER 59 FUNDS:		\$3,480.00

D) SUPPLIES

- 1) Office Supplies: \$0.00
- 2) Mobile Phone and Data Account Fees: \$0.00
- 3) Internet: \$0.00
- 4) Other: \$0.00

Description:

5) TOTAL SUPPLIES PURCHASED WITH CHAPTER 59 FUNDS: \$0.00

E) Travel

1) In State Travel

- a) Transportation: \$0.00
- b) Meals & Lodging: \$0.00
- c) Mileage: \$0.00
- d) Incidental Expenses: \$0.00
- e) Total In State Travel: \$0.00

2) Out of State Travel

- a) Transportation: \$0.00
- b) Meals & Lodging: \$0.00
- c) Mileage: \$0.00
- d) Incidental Expenses: \$0.00
- e) Total Out of State Travel: \$0.00

3) TOTAL TRAVEL PAID OUT OF CHAPTER 59 FUNDS

Total Travel Paid Out of Chapter 59 Funds: \$0.00

F) TRAINING

- 1) Fees (Conferences, Seminars): \$0.00
- 2) Materials (Books, CDs, Videos, etc.): \$0.00
- 3) Other: \$0.00

Description:

4) TOTAL TRAINING PAID OUT OF CHAPTER 59 FUNDS: \$0.00

G) INVESTIGATIVE COSTS

- 1) Informant Costs: \$0.00
- 2) Buy Money: \$0.00
- 3) Lab Expenses: \$0.00
- 4) Other: \$0.00

Description:

5) TOTAL INVESTIGATIVE COSTS PAID OUT OF CHAPTER 59 FUNDS: \$0.00

H) PREVENTION / TREATMENT PROGRAMS / FINANCIAL ASSISTANCE / DONATIONS

- 1) Total Prevention/Treatment Programs (pursuant to 59.06 (d-3(6), (h), (j)): \$0.00
- 2) Total Financial Assistance (pursuant to Articles 59.06 (n) and (o)): \$0.00
- 3) Total Donations (pursuant to Articles 59.06 (d-2)): \$0.00
- 4) Total Scholarships to Children of Officers Killed in the Line of Duty (pursuant to Article 59.06 (r)): \$0.00
- 5) TOTAL PREVENTION/TREATMENT PROGRAMS/FINANCIAL ASSISTANCE/DONATIONS (pursuant to Articles 59.06 (d-3(6)),(h),(j),(n),(o),(d-2),(r)): \$0.00

I) FACILITY COSTS

- 1) Building Purchase: \$0.00
- 2) Lease Payments: \$0.00
- 3) Remodeling: \$0.00
- 4) Maintenance Costs: \$0.00
- 5) Utilities: \$0.00
- 6) Other: \$0.00

Description:

7) TOTAL FACILITY COSTS PAID OUT OF CHAPTER 59 FUNDS: \$0.00

J) MISCELLANEOUS FEES

- 1) Court Costs: \$0.00
- 2) Filing Fees: \$0.00
- 3) Insurance: \$0.00
- 4) Witness Fees (including travel and security): \$0.00
- 5) Audit Costs and Fees (including audit preparation and professional fees): \$0.00

6) Other: \$0.00

Description:

7) TOTAL MISCELLANEOUS FEES PAID OUT OF CHAPTER 59 FUNDS: \$0.00

K) PAID TO STATE TREASURY / GENERAL FUND / HEALTH & HUMAN SERVICES COMMISSION

1) Total paid to State Treasury due to lack of local agreement pursuant to 59.06 (c): \$0.00

2) Total paid to State Treasury due to participating in task force not established in accordance with 59.06 (q)(1): \$0.00

3) Total paid to General Fund pursuant to 59.06 (C-3) (c) (Texas Department of Public Safety only): \$0.00

4) Total forfeiture funds transferred to the Health and Human Services Commission pursuant to 59.06 (p): \$0.00

5) TOTAL PAID TO STATE TREASURY/ GENERAL FUND/ HEALTH & HUMAN SERVICES COMMISSION OUT OF CHAPTER 59 FUNDS: \$0.00

L) TOTAL PAID TO COOPERATING AGENCY(IES) PURSUANT TO LOCAL AGREEMENT

TOTAL PAID TO COOPERATING AGENCY(IES) PURSUANT TO LOCAL AGREEMENT: \$0.00

M) TOTAL OTHER EXPENSES PAID OUT OF CHAPTER 59 FUNDS WHICH ARE NOT ACCOUNTED FOR IN PREVIOUS CATEGORIES

TOTAL OTHER EXPENSES PAID OUT OF CHAPTER 59 FUNDS WHICH ARE NOT ACCOUNTED FOR IN PREVIOUS CATEGORIES: \$0.00

Description:

N) TOTAL EXPENDITURES

TOTAL EXPENDITURES: \$3,480.00

AUDITOR/ TREASURER/ACCOUNTING PROFESSIONAL/PREPARER CERTIFICATION

By pressing "Save" below using your email address and password account access, and pursuant to the terms of service, you certify that you swear or affirm that the Commissioners Court, City Council or Head of Agency(if no governing body) has requested that you conduct the audit required by Article 59.06 of the Code of Criminal Procedure and that upon diligent inspection of all relevant documents and supporting materials, you believe that the information contained in this report is true and correct to the best of your Knowledge.

AUDITOR/ TREASURER/ ACCOUNTING PROFESSIONAL/ PREPARER SIGNATURE: S. Renee Tidwell

TITLE: County Auditor

HEAD OF AGENCY CERTIFICATION

By pressing "Submit" below using your email address and password account access, and pursuant to the terms of service you swear or affirm, under penalty of perjury, that you have accounted for the seizure, forfeiture, receipt, and specific expenditure of all proceeds and property subject to Chapter 59 of the Code of Criminal Procedure, and that upon diligent inspection of all relevant documents and supporting materials, this asset forfeiture report is true and correct and contains all information required by Article 59.06 of the Code of Criminal Procedure. You further swear or affirm that, to the best of your knowledge, all expenditures reported herein were lawful and proper, and made in accordance with Texas law.

HEAD OF AGENCY
SIGNATURE: Clint C. Burgess

TITLE: Constable

DATE: 11/16/2017

Comments

Office of Constable Clint C. Burgess
Tarrant County Precinct 7
1100 East Broad Street Suite 201
Mansfield, Texas 76063
817-473-5110
www.TexasConstable.com



L-C07-17-0028

December 14, 2017
S. Renee Tidwell, CPA County Auditor
Re: Management Response to Auditor's Report

Mrs. Tidwell,


Tarrant County Constables Office Precinct 7 is in receipt of the Auditor's report and agree with your findings in regards to the FY 2017 Chapter 59 Asset Forfeiture Report.

Auditor visit for FY-2017 Chapter 59 Asset Forfeiture Report

- This office remitted all cash seized to the DA's Office when filing an Asset Forfeiture Report.
- During the Auditor's visit, all active cases were verified through documentation, evidence property room and County impound lot.
- FY-2017 Chapter 59 Asset Forfeiture Report was filled on time to the OAG.

We would like to thank your office for the professional cooperation and assistance with this year's Audit.

Thank you,


Charles Hatley
Chief Deputy Constable Pct. 7