



COMMISSIONERS COURT
COMMUNICATION

REFERENCE NUMBER CO#115609

PAGE 1 OF 5

DATE: 7/16/2013

SUBJECT: **RECEIVE AND FILE THE AUDITOR'S REPORT FOR THE REVIEW OF THE TARRANT COUNTY CONSTABLE, PRECINCT 7, PROPERTY ROOM**

COMMISSIONERS COURT ACTION REQUESTED:

It is requested that the Commissioners Court receive and file the Auditor's Report for the review of the Tarrant County Constable, Precinct 7, property room.

BACKGROUND:

In accordance with Local Government Code, Sec. 112.006, General Oversight Authority of the County Auditor, the Auditor's Office performed a review of the controls over the Constable's property room. The objective of the review was to determine whether property held by the Constable's Office was properly recorded and secured.

Attached is a written response from the Constable.

FISCAL IMPACT:

There is no direct fiscal impact associated with this item.

SUBMITTED BY:	Auditor	PREPARED BY: APPROVED BY:	S. Renee Tidwell
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June 21, 2013

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

Re: Auditor's Report – Review of Constable, Precinct 7, Property Room

SUMMARY

In accordance Local Government Code, Sec. 112.006, General Oversight Authority of the County Auditor, we performed a review of the controls over the Constable's property room as of March 8, 2013. The objective of our review was to determine whether property held by the Constable's Office was properly recorded and secured. The Constable's Office uses a Microsoft Access-based Property Control and Management System to record and track seized property. However, it is not possible to determine whether *all* property seized was recorded into the system. Although property held by the Constable was secured in a locked room, we either had difficulty locating certain items or could not locate items at all due to the lack of organization of the property room.

We returned to the Constable's Office on May 28, 2013 and found that Constable staff had made significant progress in organizing the property room. However, we found that the disposition of seized property was not performed in accordance with the Code of Criminal Procedure. We discussed this condition with the Constable during the time of our review. Attached is his written response.

BACKGROUND

During the course of normal duty, a peace officer may seize items such as weapons, ammunition, drugs, and drug paraphernalia. When this occurs, the peace officer who seized the property shall retain custody of the property until further orders from a magistrate. The Code of Criminal Procedure provides guidance for the disposition of seized, forfeited, and unclaimed property held by the peace officer.

Constable 7 uses a Microsoft Access-based Property Control and Management System to record and track seized property. All property is recorded into the system by the unique "service number" provided by dispatch. Each service number may have multiple items. As of the date of our initial observation, the Property Control and Management System showed 153 service numbers each describing seized property.

OBSERVATION AND RECOMMENDATION

The disposition of seized and held property was not performed in accordance with the Code of Criminal Procedure.

Observation

On March 8, 2013, we performed an unannounced review of the Constable's property room. The Constable provided a report from the Constable's Property Control Management System listing the items that should be in the property room. We selected a sample of items listed on the inventory report to perform a physical inspection to verify the existence of the items. Although we found a few of the selected items, the items were not located on the shelf (bin) notated on the inventory report. Other items could not be located at all. The deputy previously responsible for property room recently terminated employment with the County, and a new deputy was assigned the responsibility over the property room.

We returned to the Constable's Office on May 28, 2013. Constable staff had made significant progress in organizing the property room. We selected certain items for testing and found the following:

- Constable staff had not deposited \$839 into the County treasury. One service number, dated March 2010, included cash totaling \$719 and a green leafy substance. According to the County's case management system, the defendant was released to Immigrations and Customs Enforcement and most likely deported. The second service number, dated April 2011, included cash totaling \$120, a white crystal-like substance, drug paraphernalia, and a shotgun. The County's case management system shows that no case was filed.
- Forty-eight service numbers included items in the property room that were notated on the inventory list as "Ready for Destruction." One item was acquired in December 1990; other items were acquired as long as 10 years ago. Many of the items include drugs, drug paraphernalia, weapons, ammunition, etc.
- The remaining 105 service numbers included property that was acquired at least one year ago. Many service numbers were dated more than 10 years ago.
- We also located a bag of evidence that contained \$100 along with pills and a green leafy substance that was *not* included on the inventory list. Using the Property Record form attached to the bag, we viewed the County's case management system and found that the property was acquired in October 2010.
- We also observed certain items on the inventory list that did not reference a service number.

Lack of organization, accountability, and disposition over items held in the property room increases the risk that property, including cash, could be lost or stolen. As a mitigating control, only *one* person has a key to the Constable's property room.

Recommendation

In accordance with various articles of Chapter 18 of the Code of Criminal Procedure:

1. Constable staff should continue to inventory and organize the property room.
2. If Constable staff cannot locate the property owner, abandoned and unclaimed property should be disposed of in a timely manner. Unclaimed cash should be remitted to the Auditor's Office, and weapons, drugs, and drug paraphernalia should be destroyed upon receipt of an order from a magistrate. The Constable should clearly document the disposition of abandoned and unclaimed property.
3. The Constable's Office should perform a periodic inventory to reconcile the physical property to the property recorded in the Constable's Property Control Management System.

The Constable should also consider consulting with the District Attorney's Office to ensure compliance with the Code of Criminal Procedure related to the seizure, forfeiture, and the disposition of property.

CLOSING REMARKS

We appreciate the cooperation of the Constable Burgess, Chief Hatley, and the staff during our review. If you have any questions concerning this report, please do not hesitate to call.

Sincerely,



S. René Tidwell, CPA
County Auditor

Attachment:
Management's Response

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



**OFFICE OF THE CONSTABLE
TARRANT COUNTY PRECINCT 7
CONSTABLE CLINT C. BURGESS**



L-C07-13-006

July 5, 2013

S. Renee Tidwell, CPA County Auditor

Re: Management Response to Auditor's Report

Mrs. Tidwell,

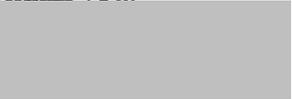
Tarrant County Constables Office Precinct 7 is in receipt of the Auditor's report. I agree with the observations and recommendations in regards to the property room and we are presently working on new policy and procedures. I appreciate your staff's quick and friendly response in assisting with the disposal of property ready for destruction.

Auditor visit on July 1, 2013

- This office was not aware that we had to deposit cash from cases into the County treasury before disposition orders were given. We since requested a motion for disposition of property for the case with the \$719 dollars and the case with \$120 dollars. After the first subject was arrested he was then deported to Mexico. The other subject was transferred to Dallas Co. So. on multiple warrants and has not been located since. We have no means of contacting them, so the cash will be deposited with the County Treasury, the drugs and illegal firearm will be destroyed after the Judge signs an order of Disposition.
- During the Auditor's visit, we have disposed of the forty-eight service numbers of property that was marked Ready for Destruction and had signed disposal orders on them, which opened up the property room for easy access to locate active cases.
- The case with the \$100 dollars will be deposited with the County Treasury until final disposition.
- The items found in the property room with no service numbers were items that had been converted to official use several years earlier.

In the future this office will sign over all seized monies logged in the property room of closed cases to the County Treasury for safe keeping. We will also strive to dispose of all closed cases and found property within 60 days.

Thank you.


Clint C. Burgess

Constable

Tarrant County - Precinct 7