



COMMISSIONERS COURT
COMMUNICATION

REFERENCE NUMBER CO#117687

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DATE: 5/20/2014

SUBJECT: **RECEIVE AND FILE THE AUDITOR'S REPORT OF THE REVIEW OF THE DISTRICT ATTORNEY'S FISCAL YEAR 2013 CHAPTER 59 ASSET FORFEITURE REPORT BY LAW ENFORCEMENT AGENCY**

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

COMMISSIONERS COURT ACTION REQUESTED:

It is requested that the Commissioners Court receive and file the Auditor's Report of the review of the District Attorney's FY 2013 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency.

BACKGROUND:

As required by Article 59.06 of the Code of Criminal Procedure, the Auditor's Office reviewed the attached FY 2013 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency prepared by the Tarrant County District Attorney's Office. This report was remitted to the Attorney General's Office in April 2014.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

SUBMITTED BY: Auditor

PREPARED BY: S Renee Tidwell
APPROVED BY:



TARRANT COUNTY

TARRANT COUNTY ADMINISTRATION BUILDING - ROOM 506

100 E. WEATHERFORD

FORT WORTH, TEXAS 76196-0103

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April 9, 2014

The Honorable Joe Shannon Jr., Tarrant County Criminal District Attorney
The Honorable District Judges of Tarrant County
The Honorable Tarrant County Commissioners Court

Re: Auditor's Report – Review of the FY2013 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 *FY2013 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency* prepared by the Tarrant County District Attorney's Office. We believe that the amounts presented in the asset forfeiture report are reasonable and contains all information required under Article 59.06 of the Code of Criminal Procedure based on the information recorded into the District Attorney's database and the County's financial records. Since it is not possible to determine whether receipts were completed for all transactions, we were unable to determine the completeness of the District Attorney's database.

We found one condition that requires management's attention. Specifically, the District Attorney's Office did not submit the Chapter 59 report to the Attorney General's Office within the timeline required by statute. The report is due 60 days after the end of the fiscal year unless the Attorney General's Office grants a 15-day extension. According to the District Attorney's Office staff, an extension was granted, and therefore, the due date was *December 15, 2013*.

The first version of the report was provided to the Auditor's Office on January 23, 2014, but only Section III was completed. On March 10, 2014, the District Attorney's Office provided the first draft that included financial activity information. Since then, the Auditor's Office worked collaboratively with the District Attorney's Office to finalize the financial information required in the report. The report was remitted to the Attorney General's Office in April 2014.

This is the third consecutive year that the District Attorney's Office has not submitted the *Chapter 59 Asset Forfeiture Report by Law Enforcement Agency* to the Attorney General by the timeline required by statute. If the annual reports are not submitted to the Attorney General's Office within the extension period, the statute requires that the attorney general notify the comptroller. The statute further requires that the comptroller perform an audit, and upon completion of the audit, forward a copy to the attorney general. The agency or attorney representing the state is liable to the comptroller for the costs of the audit. As a result, the District Attorney's Office could incur unexpected costs.

BACKGROUND AND METHODOLOGY

The District Attorney's Office maintains a case management database to record various case activities, both financial and non-financial. The District Attorney's Office does not necessarily have custody and control of all cash and non-cash assets. Rather, other agencies may retain control of certain seized assets. The District Attorney's Office prepares manual receipts to record the receipt of case documents and assets, both cash and non-cash. The report focuses on two separate elements of the District Attorney's Office asset forfeiture process: financial activity and case activity.

Financial Activity

Sections I and II of the report include financial information obtained from the County's general ledger. We reviewed selected cash transactions recorded in the database to supporting documents such as court orders, seizure reports, and manual receipts. We found no exceptions.

Case Activity

Sections III, IV, and V of the report include non-cash assets such as motor vehicles, firearms, and computers. The assets reported in Section III were obtained from the District Attorney's database. The database reflected no activity relative to Sections IV and V. On a test basis, we 1) traced the non-cash assets recorded in the database to supporting documentation such as court orders and auction sales reports, and 2) performed a physical inspection of the assets under the control of the District Attorney's Office. We found no exceptions.

CLOSING REMARKS

If you have any questions regarding the contents of this report, please do not hesitate to contact the Auditor's Office.

Very truly,



Renee Tidwell, CPA
County Auditor

Attachment: FY2013 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency

Distribution: Helen Giese, Business Manager, District Attorney's Office

Audit Team: Kim Trussell, Audit Manager Laura Weist, Manager, Financial Services
Dan Thompson, Senior Auditor Tim Sears, Senior Auditor

**FY 2013
CHAPTER 59 ASSET FORFEITURE REPORT
BY LAW ENFORCEMENT AGENCY**

Agency Name:	Tarrant County District Attorney sponsoring Tarrant County Narcotics Unit	Reporting Period: (local fiscal year)	10/1/2012 to 9/30/2013
Agency Mailing Address:	401 W. Belknap Fort Worth, TX 76196	example:	01/01/13 to 12/31/13, 09/01/12 to 08/31/13 etc.
Phone Number:	817-884-1694		
County:	Tarrant		
Email Address:	hhgiese@tarrantcounty.com	This should be a permanent agency email address	

NOTE: PLEASE ROUND ALL DOLLAR FIGURES TO NEAREST WHOLE DOLLAR.

I. SEIZED FUNDS

A) Beginning Balance:	\$ 0
B) Seizures During Reporting Period:	
1) Amount seized and retained in your agency's custody.	\$ 0
2) Amount seized and transferred to the District Attorney pending forfeiture.	\$ 666,425.72
C) Interest Earned on Seized Funds During Reporting Period:	\$ 0
D) Amount Returned to Defendants/Respondents:	\$ 0
E) Amount Transferred to Forfeiture Account:	\$ 0
F) Other Reconciliation Items:	\$ 0
G) Ending Balance: Instructions: Add lines A, B(1), C and F, subtract lines D and E, put total in line G.	\$ 0

II. FORFEITED FUNDS

A) Beginning Balance:	\$ 173,929.51
B) Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period:	\$ 525,983.92
C) Interest Earned on Forfeited Funds During Reporting Period :	\$ 0
D) Proceeds Received by Your Agency From Sale of Forfeited Property:	\$ 120,467.55
E) Amount Returned to Crime Victims:	\$ 0
F) Other Reconciliation Items:	\$ 0
G) Total Expenditures of Forfeited Funds During Reporting Period:	\$ 688,755.39
H) Ending Balance: Instructions: Add lines A, B, C, D & F, subtract lines E & G, place total in line H.	\$ 131,625.59

III. OTHER PROPERTY

Please note - this should be a number not a currency amount. Example 4 cars seized, 3 cars forfeited and 0 cars put into use.	SEIZED	FORFEITED TO AGENCY	RETURNED TO DEFENDANTS / RESPONDENTS	PUT INTO USE BY AGENCY
1) MOTOR VEHICLES (Include cars, motorcycles, tractor trailers, etc.)	68	50	33	2
2) REAL PROPERTY (Count each parcel seized as one item)	0	0	0	0
3) COMPUTERS (Include computer and attached system components, such as printers and monitors, as one item)	23	32	2	1
4) FIREARMS (Include only firearms seized for forfeiture under Chapter 59. Do not include weapons disposed under Chapter 18.)	68	47	0	1
5) Other Property - Description: <u>Electronics</u>	91	81	10	6
Other Property -Description: <u>Jewelry, Equip, Misc, Comm.</u>	66	48	1	0
Other Property -Description: _____				

IV. FORFEITED PROPERTY RECEIVED FROM ANOTHER AGENCY

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

V. FORFEITED PROPERTY TRANSFERRED OR LOANED TO ANOTHER AGENCY

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

VI. EXPENDITURES

A) SALARIES	
1. Increase of Salary, Expense, or Allowance for Employees (Salary Supplements):	\$
2. Salary Budgeted Solely From Forfeited Funds:	\$ 436,057.86
3. Number of Employees Paid Using Forfeiture Funds:	# 10
4. TOTAL SALARIES PAID OUT OF CHAPTER 59 FUNDS:	\$436,057.86

B) OVERTIME		
1.	For Employees Budgeted by Governing Body:	\$
2.	For Employees Budgeted Solely out of Forfeiture Funds:	\$
3.	Number of Employees Paid Using Forfeiture Funds:	#
4.	TOTAL OVERTIME PAID OUT OF CHAPTER 59 FUNDS:	\$
C) EQUIPMENT		
1.	Vehicles:	\$
2.	Computers:	\$
3.	Firearms, Vests, Personal Equipment:	\$
4.	Furniture:	\$
5.	Software:	\$
6.	Maintenance Costs:	\$
7.	Uniforms:	\$
8.	K9 Related Costs:	\$
9.	Other (Provide Detail on Additional Sheet):	\$
10.	TOTAL EQUIPMENT PURCHASED WITH CHAPTER 59 FUNDS:	\$
D) SUPPLIES		
1.	Office Supplies:	\$
2.	Cellular Air Time :	\$
3.	Internet:	\$
4.	Other (Provide Detail on Additional Sheet) :	\$
5.	TOTAL SUPPLIES PURCHASED WITH CHAPTER 59 FUNDS:	\$
E) TRAVEL		
1.	Total In State Travel	\$
	a) Transportation:	\$
	b) Meals & Lodging:	\$
	c) Mileage:	\$
	d) Incidental Expenses:	\$
2.	Total Out of State Travel	\$
	a) Transportation:	\$
	b) Meals & Lodging:	\$
	c) Mileage:	\$
	d) Incidental Expenses:	\$
3.	TOTAL TRAVEL PAID OUT OF CHAPTER 59 FUNDS:	\$

F)	TRAINING	
1.	Fees (Conferences, Seminars):	\$
2.	Materials (Books, CDs, Videos, etc.):	\$
3.	Other (Provide Detail on Additional Sheet):	\$
4.	TOTAL TRAINING PAID OUT OF CHAPTER 59 FUNDS	\$
G)	INVESTIGATIVE COSTS	
1.	Informant Costs:	\$
2.	Buy Money:	\$
3.	Lab Expenses:	\$
4.	Other (Provide Detail on Additional Sheet) :	\$
5.	TOTAL INVESTIGATIVE COSTS PAID OUT OF CHAPTER 59 FUNDS:	\$
H)	PREVENTION/TREATMENT PROGRAMS / FINANCIAL ASSISTANCE / DONATIONS	
1.	Total Prevention/Treatment Programs (pursuant to 59.06 (h), (j)):	\$
2.	Total Financial Assistance (pursuant to Articles 59.06 (n) and (o)):	\$
3.	Total Donations (pursuant to Articles 59.06 (d-2)):	\$
4.	TOTAL PREVENTION/TREATMENT PROGRAMS / FINANCIAL ASSISTANCE / DONATIONS (pursuant to Articles 59.06 (h), (j), (n), (o) (d-2)):	\$
I)	FACILITY COSTS	
1.	Building Purchase:	\$
2.	Lease Payments:	\$
3.	Remodeling:	\$
4.	Maintenance Costs:	\$
5.	Utilities:	\$
6.	Other (Provide Detail on Additional Sheet):	\$
7.	TOTAL FACILITY COSTS PAID OUT OF CHAPTER 59 FUNDS:	\$
J)	MISCELLANEOUS FEES	
1.	Court Costs:	\$
2.	Filing Fees:	\$
3.	Insurance:	\$
4.	Witness Fees:	\$
5.	Audit Costs and Fees:	\$
6.	Other (Provide Detail on Additional Sheet):	\$
7.	TOTAL MISCELLANEOUS FEES PAID OUT OF CHAPTER 59 FUNDS:	\$

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):	\$
2.	Total paid to State Treasury due to participating in task force not established in accordance with 59.06 (q)(1):	\$
3.	Total paid to General Fund pursuant to 59.06 (C-3) (c) (Texas Department of Public Safety only):	\$
4.)	Total forfeiture funds transferred to the Health and Human Services Commission pursuant to 59.06 (p):	\$
5)	TOTAL PAID TO STATE TREASURY / GENERAL FUND / HEALTH & HUMAN SERVICES COMMISSION OUT OF CHAPTER 59 FUNDS:	\$
L)	TOTAL PAID TO COOPERATING AGENCY(IES) PURSUANT TO LOCAL AGREEMENT:	\$252,697.53
M)	TOTAL OTHER EXPENSES PAID OUT OF CHAPTER 59 FUNDS WHICH ARE NOT ACCOUNTED FOR IN PREVIOUS CATEGORIES (provide detailed descriptions on additional sheet(s) and attach to this report):	\$
N)	TOTAL EXPENDITURES:	\$688,755.39

NOTE: BOTH CERTIFICATIONS MUST BE COMPLETED

AUDITOR / TREASURER / ACCOUNTING PROFESSIONAL CERTIFICATION


I swear or affirm that the Commissioners Court, City Council or Agency Head (if no governing body) has requested that I 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, I believe that the information contained in this report is true and correct. *

AUDITOR, TREASURER or
ACCOUNTING PROFESSIONAL
(Printed Name):

TITLE:

SIGNATURE:

DATE:


County Auditor
S. Renee Tidwell
4/11/14

AGENCY HEAD CERTIFICATION

I swear or affirm, under penalty of perjury, that I 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. I further swear or affirm that all expenditures reported herein were lawful and proper, and made in accordance with Texas law.

AGENCY HEAD (Printed Name):

Joe Shannon, Jr.

* Due to the volume of Chapter 59 seizures and forfeitures, it is not possible to inspect all relevant documents and supporting materials. Therefore, we selected a sample of Chapter 59 transactions for detailed testing. Based on our review, we believe the amounts presented in the report are reasonable and contain the information required under Chapter 59.06 of the Code of Criminal Procedure.

SIGNATURE:



DATE:

April 7, 2014

RETURN COMPLETED FORM TO:

Office of the Attorney General
Criminal Prosecutions Division
P.O. Box 12548
Austin, TX 78711-2548
Attn: Kent Richardson
(512)463-1591
Chapter59AuditReport@texasattorneygeneral.gov

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