



COMMISSIONERS COURT  
COMMUNICATION

REFERENCE NUMBER CO#122129

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DATE: 03/08/2016

SUBJECT: **RECEIVE AND FILE THE AUDITOR'S REPORT FOR THE REVIEW OF THE CRIMINAL DISTRICT ATTORNEY'S FISCAL YEAR 2015 CHAPTER 59 ASSET FORFEITURE REPORTS**

**\*\*\* CONSENT AGENDA \*\*\***

**COMMISSIONERS COURT ACTION REQUESTED:**

It is requested that the Commissioners Court receive and file the Auditor's Report for the review of the Criminal District Attorney's FY 2015 Chapter 59 Asset Forfeiture Reports.

**BACKGROUND:**

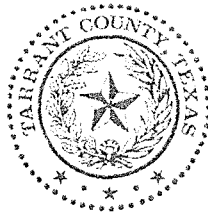
As required by Article 59.06 of the Code of Criminal Procedure, the Auditor's Office reviewed the Chapter 59 Asset Forfeiture Report by Attorney Representing the State and the Chapter 59 Asset Forfeiture Report by Law Enforcement Agency for FY 2015 prepared by the Criminal District Attorney's Office. The Chapter 59 Asset Forfeiture Report by Attorney Representing the State report is due to the Office of the Attorney General (OAG) sixty (60) days after the close of the State's fiscal year, or October 31. The Chapter 59 Asset Forfeiture Report by Law Enforcement Agency is due to the OAG sixty (60) days after the close of the County's fiscal year, or November 30. Both reports were electronically signed and submitted to the OAG on time.

**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

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February 22, 2016

The Honorable Sharen Wilson, Criminal District Attorney  
The Honorable District Judges of Tarrant County  
The Honorable Tarrant County Commissioners Court

Re: Auditor's Report - FY2015 Chapter 59 Asset Forfeiture Report by Attorney Representing the State  
FY2015 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency

### SUMMARY

As required by Article 59.06 of the Code of Criminal Procedure, the Auditor's Office reviewed the *Chapter 59 Asset Forfeiture Report by Attorney Representing the State* and the *Chapter 59 Asset Forfeiture Report by Law Enforcement Agency* for FY2015 prepared by the Criminal District Attorney's (DA) Office. The *Chapter 59 Asset Forfeiture Report by Attorney Representing the State* report is due to the Office of the Attorney General (OAG) 60 days after the close of the State's fiscal year, or October 31. The *Chapter 59 Asset Forfeiture Report by Law Enforcement Agency* is due to the OAG 60 days after the close of the County's fiscal year, or November 30. Both reports were electronically signed and submitted to the OAG on time.

Based on the information recorded in the DA's databases and our inspection of relevant documents and supporting materials, we believe that the information contained in both reports is reasonably correct. However, we observed three issues that require management's attention. Specifically:

1. Although the DA's Office has made significant progress in disposing final judgments since the FY2014 audit, the DA's Time Matters database still contained 161 closed cases showing final disposition dates averaging 332 days old as of August 31, 2015. According to the County's general ledger, more than \$619,700 is owed to others for these cases. Of the 161 closed cases, 96 cases have disposition dates more than 90 days old.
2. The DA's Office did not periodically reconcile the two databases, the New Case Log and Time Matters. Just prior to our audit, staff reviewed the two databases for input errors and made some corrections. However, we observed a number of errors that still existed between the two databases. The errors were corrected before the Chapter 59 reports were submitted to the OAG.

3. Two firearms were accidentally destroyed in association with one case. This occurred because the firearms were incorrectly listed on the Petition to Destroy Weapons and signed by the presiding judge. The DA's Office is working with the party's attorney for resolution.

*Recommendations:*

We recommend that the DA's Office submit Check Requests to the Auditor's Office on a *monthly* basis for payment of closed cases. Furthermore, procedures should be implemented to ensure that seized assets are recorded accurately into the New Case Log and Time Matters. Staff should also reconcile the two databases on a periodic basis, ideally monthly, and resolve any differences.

## **BACKGROUND AND METHODOLOGY**

The DA's Office maintains two databases, the New Case Log and Time Matters, to record various financial and non-financial case activities. Therefore, we cannot express an opinion regarding whether *all* transactions were recorded in the databases. Also, the DA's Office does not necessarily have custody and control of all cash and non-cash assets since other agencies may retain control of certain seized assets. The DA'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 DA's Office asset forfeiture process: financial activity and case activity.

### Financial Activity

Sections I and II of the report include monies under the control and custody of the DA's Office. The financial transactions included in the report were 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 also traced cash transactions under the control of the DA's Office to the County's general ledger.

Section VI of the report includes expenditures made for law enforcement purposes. We reconciled these amounts to the County's general ledger. Throughout the fiscal year, the Auditor's Office reviewed expenditures using Chapter 59 funds to verify that the purchases were for the purpose of law enforcement.


### Case Activity

Sections III, IV and V of the report include non-cash assets, such as motor vehicles, weapons, and other property (TV's, PC's etc.). 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 DA's Office.

**CLOSING REMARKS**

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

Sincerely,

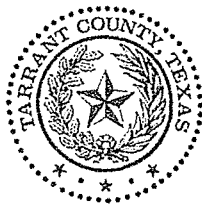


Renee Tidwell, CPA  
County Auditor

*Attachment:* FY2015 Chapter 59 Asset Forfeiture Report by Attorney Representing the State  
FY2015 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency  
Management's Response

*Distribution:* Gary Fuller, Business Manager, Criminal District Attorney's Office

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



**SHAREN WILSON**

Criminal District Attorney  
Tarrant County

March 1, 2016

The Honorable District Judges of Tarrant County  
The Honorable Tarrant County Commissioners Court

Re: Auditor's Report: FY2015 Chapter 59 Asset Forfeiture Report by Attorney Representing the State  
FY2015 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency

**SUMMARY**

As required by Article 59.06 of the Code of Criminal Procedure, the Auditor's Office reviewed the *Chapter 59 Asset Forfeiture Report by Attorney Representing the State* and the *Chapter 59 Asset Forfeiture Report by Law Enforcement Agency* for fiscal year 2015 prepared by the Criminal District Attorney's (CDA) Office. The *Chapter 59 Asset Forfeiture Report by Attorney Representing the State* report is due to the Office of the Attorney General (OAG) 60 days after the close of the State's fiscal year, or October 31. The *Chapter 59 Asset Forfeiture Report by Law Enforcement Agency* is due to the OAG 60 days after the close of the County's fiscal year, or November 30. Both reports were electronically signed and submitted to the OAG on October 19, 2015 and November 17, 2015, respectively.

**CRIMINAL DISTRICT ATTORNEY'S OFFICE RESPONSE**

The Criminal District Attorney's Office (CDA) acknowledges the audit report submitted by the Tarrant County Auditor's Office. The CDA appreciates the recognition of the Auditor's office that both reports were signed and submitted to the OAG on time and that improvements have been made since the last fiscal year. Based on the audit report, below is the Criminal District Attorney's Office response.

1. Since September, 2015, the Criminal District Attorney's office has processed 244 judgments totaling \$1.2M. Judgments outstanding are primarily those with unique issues that are being worked to resolution. Our goal is to remain current on judgment dispositions going forward.
2. The Criminal District Attorney's office is currently addressing the reconciliation and uses of the two data bases with an emphasis on reducing any unnecessary work and in developing a strategy that will result in consistent review of the data for accuracy.

3. This finding is not an audit issue, but rather a legal issue. The delay in resolving the legal settlement was due to the defense attorney. He and his clients have now signed the settlement and the issue is finally resolved.

Our Office appreciates the County Auditor's review.

Sincerely,



Sharen Wilson  
Criminal District Attorney