



COMMISSIONERS COURT
COMMUNICATION

REFERENCE NUMBER CO#137464

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DATE: 02/08/2022

**SUBJECT: RECEIVE AND FILE THE AUDITOR'S REPORT FOR THE
SHERIFF'S OFFICE FISCAL YEAR 2021 CHAPTER 59 ASSET
FORFEITURE REPORT BY LAW ENFORCEMENT AGENCY**

COMMISSIONERS COURT ACTION REQUESTED

It is requested that the Commissioners Court receive and file the Auditor's Report for the Sheriff's Office FY2021 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency.

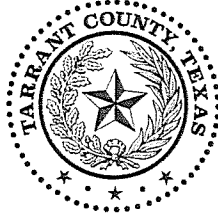
BACKGROUND

As required by Article 59.06 of the Code of Criminal Procedure, the Auditor's Office reviewed the attached FY 2021 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency prepared by the Sheriff's Office. This report is due to the Office of the Attorney General (OAG) sixty (60) days after the close of the County's fiscal year unless a fifteen (15) day extension is granted. The report was electronically signed and remitted to the OAG on December 15, 2021.

FISCAL IMPACT

There is no negative fiscal impact associated with this item.

SUBMITTED BY:	Auditor Office	PREPARED BY: APPROVED BY:	S. Renee Tidwell
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TARRANT COUNTY

TARRANT COUNTY ADMINISTRATION BUILDING - ROOM 506
100 E. WEATHERFORD
FORT WORTH, TEXAS 76196-0103
817/884-1205
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S. RENEE TIDWELL, CPA
COUNTY AUDITOR
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KIM BUCHANAN, CPA
FIRST ASSISTANT COUNTY AUDITOR
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January 19, 2022

The Honorable Bill Waybourn, Tarrant County Sheriff
The Honorable District Judges of Tarrant County
The Honorable Tarrant County Commissioners Court

Re: Auditor's Report – FY2021 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency

SUMMARY

As required by Chapter 59 of the Code of Criminal Procedure, the Auditor's Office reviewed the *FY2021 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency* prepared by the Tarrant County Sheriff's Office. Based on the information recorded in the Sheriff's forfeiture database, the Criminal District Attorney's database, and our inspection of relevant documents and other supporting materials, 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.

Due to the volume of Chapter 59 seizures and forfeitures, it was not possible for the auditor to inspect *all* relevant documents and supporting materials. Therefore, the auditor selected a sample of transactions for detailed testing. The Sheriff's Office reported expenditures totaling \$82,576.37 from state forfeiture funds. Attachment A lists the type and purpose of the expenditures. The Chapter 59 report was remitted to the Office of the Attorney General (OAG) on time.

As a result of our review, we observed the following conditions that require management's attention.

1. Procedures used by the Auto Crimes Task Force (ACTF) were not adequate to record, monitor, and report seized and forfeited assets. No documentation was provided by ACTF for the Chapter 59 report. During our review of filed cases, we identified \$12,120 of seized funds incorrectly deposited with the City of Fort Worth. Furthermore, we identified three vehicles, two firearms, 43 catalytic converters, and two sets of tires not reported to Sheriff's Accounting. The seizures were included in the report prior to submission to the OAG.

Recommendations: We recommend ACTF staff work with the Sheriff's Accounting to implement procedures to accurately record, monitor, and dispose of seized and forfeited assets. At a minimum,

this process should track the seizure date, forfeiture date, and disposition, along with the description, type, and location of the asset. Additionally, Sheriff's Accounting should periodically review the Criminal District Attorney's database to ensure ACTF staff are recording seized and forfeited assets correctly and completely.

2. Funds seized by the Sheriff's Office were not deposited into the county treasury on or before the 5th business day as required by the Code of Criminal Procedure, Art. 103.004. This condition has been reported since FY2018. All seizures during FY2021, totaling \$287,292.53, were not deposited into the county treasury by the 5th business day. Of the 16 seizures, 10 were deposited between 10 and 30 days late. One ACTF seizure was incorrectly deposited with the City of Fort Worth. This occurred because the seizing officer assigned to ACTF is employed by the City of Fort Worth and was not aware the funds should be deposited with Tarrant County.

Recommendation: To ensure compliance with the Code of Criminal Procedure and to reduce the risk of loss, we recommend the Sheriff's Office deposit all seized funds with the Auditor's Office, the county treasury, no later than the 5th day after receipt of the funds. This includes all funds seized by officers operating on behalf of the Tarrant County Sheriff's Office.

BACKGROUND AND METHODOLOGY

The Sheriff's Office has three law enforcement areas that perform seizures and receive forfeitures: Combined Narcotics Enforcement Task Force (CNET), ACTF, and Human Trafficking. CNET cases are handled through a taskforce that is funded through forfeiture proceeds along with budgeted general fund revenue.

The 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. The Sheriff's Office requested a 15-day extension in order to complete the report. The County Auditor signed the report and the Sheriff's Office remitted the report to the OAG on December 13, 2021.

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

Financial Activity

Sections I and II includes monies under the control and custody of the Sheriff's Office. The financial transactions included in the report were obtained from the County's general ledger. We reviewed selected cash transactions to supporting documentation such as court orders, seizure reports, and receipts. We also traced cash transactions under the control of the Sheriff's Office to the County's general ledger.

Section VI of the report includes expenditures made by the Sheriff's Office for law enforcement activities. We reconciled these amounts to the County's general ledger. We also selected a sample of expenditures and reviewed the supporting documentation. The expenditures appeared to be for law enforcement purposes as

required by Chapter 59.06 guidelines. We also selected a sample of assets purchased with forfeiture funds and performed a physical inspection of the assets.


Case Activity

Sections III, IV and V of the report include non-cash assets, such as motor vehicles, weapons, and other property (TV's, computers, etc.). On a test basis, we traced the non-cash assets recorded in the Sheriff's database to supporting documentation such as court orders and release documents. We also selected a sample of assets under the control of the Sheriff's Office and performed a physical inspection.

CLOSING REMARKS

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

Sincerely,



S. Renee Tidwell, CPA
County Auditor

Attachments: Attachment A – FY2021 Forfeiture Fund Expenditures
FY2021 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency
Management's response

Distribution: Jennifer Gabbert, Chief of Staff
Mike Simonds, Senior Chief Deputy
Clarence McDonald, Commander – CNET
Bryan Sudan, Commander – ACTF
Kevin Turner, Commander – Human Trafficking
Scott Grazer, Accounting Manager

Audit Team: Matt Jones, Audit Manager
Kimberly Chiasson, Senior Internal Auditor

Attachment A
Tarrant County Sheriff's Office
FY2021 Forfeiture Fund Expenditures

Category	Vendor Name	Purpose	Amount	
Lease Payments	Mercantile Partners	TECH 1 Unit 4228 Oct Rent ID #T0000104	10,581.31	
		TECH 1 UNIT 4228 NOV RENT ID #t0000104	10,581.31	
		TECH 1 UNIT 4228 DEC RENT ID #t0000104	10,581.31	
		TECH 1 UNIT 4228 JAN 2021 RENT ID #t0000104	10,789.31	
		TECH 1 UNIT 4228 FEB 2021 RENT ID #t0000104	10,789.31	
		TECH 1 UNIT 4228 MAR 2021 RENT ID #t0000104	10,789.31	
		#T0000104 UNIT 4228 2020 Recoveries	(194.20)	
		TECH 1 UNIT 4228 APRIL 2021 RENT ID #t0000104	10,789.31	
		TECH 1 UNIT 4228 MAY 2021 RENT ID #t0000104	10,789.31	
		TECH 1 UNIT 4228 JUNE 2021 RENT ID #t0000104	10,789.31	
		TECH 1 UNIT 4228 JULY 2021 RENT ID #t0000104	10,789.31	
		TECH 1 UNIT 4228 AUG 2021 RENT ID #t0000104	10,789.31	
		TECH 1 UNIT 4228 SEPT 2021 RENT ID #t0000104	10,789.31	
		Amount paid using General Funds	(68,379.76)	
			Total Lease Payments	60,273.76
Equipment	Defense Solutions Group	(5) NWS TriArc TSR-15 5.56 LE Carbine	7,280.00	
			Total Equipment	7,280.00
Wrecker Service	Ave Towing	SVC# 2020-13037-CID	60.00	
	Cardinal Towing	SVC# 2020-13009-Patrol	240.00	
	Texas Towing	SVC# 2021-07158-PATROL NJY1574	220.00	
	Ron's Towing	SVC#2021-05358-PATROL	175.00	
		Total Wrecker Service	695.00	
Investigative - Buy Money		R CNET Imprest Fund Replenishment	11,310.00	
		CNET Imprest Fund Replenishment	290.00	
		CID Imprest Fund Replenishment	666.66	
		Total Buy Money	12,266.66	
Investigative - Hotel Rentals	La Quinta	ACCT# 5567-0879-0003-0744	487.95	
	Courtyard by Marriott	ACCT # 5567-0879-0003-0744	133.38	
	La Quinta	ACCT# 5567-0879-0003-0744	652.12	
	La Quinta	ACCT # 5567-0879-0003-0744	654.12	
	Courtyard by Marriott	ACCT # 5567-0879-0003-0744	133.38	
		Total Lease Payments	2,060.95	
			Grand Total	82,576.37
			Expenditures Listed on Chap 59 Report	82,576.37
			Variance	-



KEN PAXTON

ATTORNEY GENERAL *of* TEXAS

CHAPTER 59 ASSET FORFEITURE REPORT BY LAW ENFORCEMENT AGENCY

Agency Information

Agency Information

Year:	2021	Agency Name:	<u>Tarrant County</u> <u>Sheriff's Dept.</u>
Agency Mailing Street:		City:	Fort Worth
200 Taylor St., Plaza Bldg. 7th Floor		State:	TX
ZIP:	76196	Phone Number:	(817) 884-3118
County:	Tarrant	Agency Fiscal Ending Month:	September
Agency Fiscal Beginning Month:	October		

I. Seized Funds

Do not include federal seizures and/or forfeitures on this form. This form is only for those seizures and/or forfeitures made pursuant to Chapter 59 of the Texas Code of Criminal Procedure.

Seized Funds Pursuant to Chapter 59

Funds that have been seized but have not yet been awarded/forfeited to your agency by the judicial system.

A) Beginning Balance: \$0.00

B) Seizures During Reporting Period

Include only those seizures which occurred during the reporting period and where the seizure affidavit required by Article 59.03 is sworn to by a peace officer employed by your agency (E.G. seizing officer's affidavit).

1) Amount seized and retained
in your agency's custody: \$12,120.00

2) Amount seized and transferred to the District Attorney pending forfeiture: \$287,292.53

3) Total Seizures - This field will be auto-calculated when you SAVE or switch sections: \$299,412.53

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 (Must provide detail in box below): \$0.00

Description:

G) Ending Balance - This field will be auto-calculated when you SAVE or switch sections: \$12,120.00

Ending Balance - Mailed Form:

II. Forfeited Funds & Other Court Awards

Forfeited Funds and Other Court Awards Pursuant to Chapter 59

Funds awarded to your agency by the judicial system and which are available to spend.

A) Beginning Balance: \$193,823.28

B) Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period: \$75,525.90

C) Interest Earned on Forfeited Funds During Reporting Period: \$278.07

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: \$23,118.55

G) Amount Returned to Crime Victims: \$0.00

H) Other Reconciliation Items (Must provide detail in box below): \$0.00

Description:

I) Total Expenditures of Forfeited Funds During Reporting Period. This field will be auto-calculated once section VI has been completed and you save or switch sections.: \$82,576.37

J) Ending Balance - This field will be auto-calculated when you SAVE or switch sections.: \$210,169.43

I) Total Expenditure from Mailed Form:

J) Ending Balance from Mailed Form:

III. Other Property

Other Property

List the number of items seized for each category. Include only those seizures where a seizure is made by a peace officer employed by your agency. If property is sold, list under "Proceeds Received by Your Agency From Sale of Forfeited Property" in Section II (F) in the reporting year in which the proceeds are received. Please note - this should be a number not a currency amount. Example 4 cars seized, 3 cars forfeited and 0 cars put into use.

A) Motor Vehicles (Include cars, motorcycles, tractor trailers, etc.)

1) Seized: 22
2) Forfeited to Agency: 13
3) Returned to Defendants/Respondents: 8
4) Put into use by Agency: 1

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)

Please note - this should be a number not a currency amount. For example, 4 computers seized, 3 computers forfeited and 0 computers put into use.

1) Seized: 1
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)

Please note - this should be a number not a currency amount. For example, 4 firearms seized, 3 firearms forfeited, 0 firearms put into use.

1) Seized: 23
2) Forfeited to Agency: 39
3) Returned to Defendants/Respondents: 0
4) Put into use by Agency: 1

E) Other Property

Please note - this should be a number not a currency amount. For example, 4 lots of tools seized, 3 lots of tools forfeited, 0 lots of tools put into use.

Description	Seized	Forfeited To Agency	Returned to Defendants/Respondents	Put into use by Agency
Collections and Jewelry	17	7	3	0
Tools & Dynameters	46	8	0	2
Analyzers & Electronics	5	7	0	2

IV. Forfeited Property Received

Forfeited Property Received From Another Agency

Enter the total number of items transferred to your agency where the forfeiture judgment awarded ownership of the property to another agency prior to the transfer.

A) Motor Vehicles: 0

B) Real Property: 0

C) Computers: 0

D) Firearms: 0

E) Other: 0

V. Forfeited Property Transferred/Loaned

Forfeited Property Transferred or Loaned to Another Agency

Enter the total number of items transferred or loaned from your agency where the forfeiture judgment awarded ownership of the property to your agency prior to the transfer.

A) Motor Vehicles: 0

B) Real Property: 0

C) Computers: 0

D) Firearms: 0

E) Other: 0

VI. Expenditures: A - D

A) Salaries

1) Increase of Salary, Expense
or Allowance for Employees \$0.00
(Salary Supplements):

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 \$0.00
FUNDS:

Total Salaries from Mailed
Form:

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 \$0.00
FUNDS:

Total Overtime from Mailed
Form:

C) Equipment

1) Vehicles: \$0.00

- 2) Computers: \$0.00
- 3) Firearms, Protective Body
Armor, Personal Equipment: \$7,280.00
- 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 (Must provide detail in
box below): \$0.00

Description:

10) TOTAL EQUIPMENT
PURCHASED WITH \$7,280.00
CHAPTER 59 FUNDS:

Total Equipment from Mailed
Form:

D) Supplies

- 1) Office Supplies: \$0.00
- 2) Mobile Phone and Data
Account Fees: \$0.00
- 3) Internet: \$0.00
- 4) Other (Must provide detail in
box below): \$0.00

Description:

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

Total Supplies from Mailed
Form:

VI. Expenditures: E

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

Total In State Travel from
Mailed Form:

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

Total Out of State Travel from
Mailed Form:

3) Total Travel Paid Out of Chapter 59 Funds

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

Total Travel from Mailed Form:

VI. Expenditures: F - G

F) Training

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

3) Other (Must provide detail in box below): \$0.00

Description:

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

Total Training from Mailed Form:

G) Investigative Costs

1) Informant Costs: \$0.00

2) Buy Money: \$12,266.66

3) Lab Expenses: \$0.00

4) Other (Must provide detail in box below): \$2,060.95

Description:

Hotel Rentals for Human Trafficking Operations

5) TOTAL INVESTIGATIVE COSTS PAID OUT OF CHAPTER 59 FUNDS: \$14,327.61

Total Investigative Costs from Mailed Form:

VI. Expenditures: H - N

H) Prevention / Treatment Programs / Financial Assistance / Donation

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)) - This field will be auto-calculated when you SAVE or switch sections: \$0.00

Total PREVENTION/TREATMENT PROGRAMS/FINANCIAL ASSISTANCE/DONATIONS from Mailed Form:

I) Facility Costs

- 1) Building Purchase: \$0.00
- 2) Lease Payments: \$60,273.76
- 3) Remodeling: \$0.00
- 4) Maintenance Costs: \$0.00
- 5) Utilities: \$0.00
- 6) Other (Must provide detail in box below): \$0.00

Description:

7) TOTAL FACILITY COSTS PAID OUT OF CHAPTER 59 FUNDS: \$60,273.76

Total Facility Costs from Mailed Form:

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 (Must provide detail in box below): \$695.00

Description:

Off County Contract Vehicle Tows

7) Total Miscellaneous Fees Paid Out of Chapter 59 Funds - This will be auto-calculated when you SAVE or switch sections: \$695.00

Total Miscellaneous Costs from Mailed Form:

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

Total Paid to State Treasury/General fund/ Health & Human Services Commission from Mailed Form:

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 \$0.00
PREVIOUS CATEGORIES
(Must provide detail in box
below):

Description:

N) Total Expenditures

TOTAL EXPENDITURES: \$82,576.37

Total Expenditures from Mailed
Form:

Financial Professional Signature

After signing and pressing "Save", 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.

Do you acknowledge the
above terms : Yes

Typed Name of
Auditor/Treasurer/Accounting Professional/Preparer:: S. Renee Tidwell

Title: County Auditor

Head of Agency Certification

After signing and pressing "Submit" 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.

Do you acknowledge the
above terms : Yes

Year: 2021

Typed Name of Head of
Agency:: Bill Waybourn

Title: Sheriff

Date: 12/15/2021

Comments:

AUDITOR's NOTE: Due to the volume of Chapter 59 seizures and forfeitures, it is not possible for the auditor to inspect ALL relevant documents and supporting materials. Therefore, a sample of Chapter 59 transactions was selected for detailed testing. Based on the review, the auditor believes the amounts presented in the report are reasonable and contain the information required under Chapter 59.06 of the Code of Criminal Procedure.



TARRANT COUNTY

OFFICE OF THE
SHERIFF

Bill E. Waybourn
Sheriff
817/884-3098
Fax 817/212-6987

PLAZA BUILDING
200 TAYLOR STREET
SEVENTH FLOOR
FORT WORTH, TEXAS 76196

February 1, 2022


S. Rene Tidwell, CPA
County Auditor
100 E. Weatherford Street
Fort Worth, Texas 76196

RE: Response to Auditor's Report – FY2021 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency

Ms. Tidwell

Thank you and your audit team for a thorough review of the FY2021 Chapter 59 report. The Sheriff's Office appreciates the collaboration with your team and the quality product produced. The Sheriff's Office look forward to working with your office in the future.

At Your Service


BILL E. WAYBOURN, SHERIFF
TARRANT COUNTY, TEXAS