



COMMISSIONERS COURT  
COMMUNICATION

REFERENCE NUMBER CO#115619

PAGE 1 OF 10

DATE: 7/16/2013

SUBJECT: **APPROVAL OF THE TARRANT COUNTY NARCOTICS UNIT FY 2012  
CHAPTER 59 ASSET FORFEITURE REPORT**

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

**COMMISSIONERS COURT ACTION REQUESTED:**

It is requested that the Commissioners Court approve the Tarrant County Narcotics Unit FY 2012 Chapter 59 Asset Forfeiture Report by a Law Enforcement Agency.

**BACKGROUND:**

Under Chapter 59 of the Code of Criminal Procedure (C.C.P.), the Chapter 59 Asset Forfeiture Report shall be delivered to the Comptroller's Office and filed with the Office of the Attorney General by a law enforcement agency in matters involving forfeited property.

This report, which was created by the Office of the Attorney General, summarizes the FY 2012 asset forfeiture activities of the Tarrant County Narcotics Unit and conforms to the requirements as specified under Article 59.06 (g)(1) of the C.C.P. Per this article, the Commissioners Court must perform an audit. The Auditor's Office has performed the audit and their findings are attached.

**FISCAL IMPACT:**

There is no fiscal impact to Tarrant County associated with this action.

SUBMITTED BY: District Attorney

PREPARED BY: Helen Giese  
APPROVED BY:



## TARRANT COUNTY

TARRANT COUNTY ADMINISTRATION BUILDING - ROOM 506  
100 E. WEATHERFORD  
FORT WORTH, TEXAS 76196-0103  
817/884-1205  
Fax 817/884-1104

S. RENEE TIDWELL, CPA  
COUNTY AUDITOR  
rtidwell@tarrantcounty.com

CRAIG MAXWELL  
FIRST ASSISTANT COUNTY AUDITOR  
cmaxwell@tarrantcounty.com

July 2, 2013

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 FY2012 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 *FY2012 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 the report 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 within the timeline required by statute. Unless the Attorney General's Office grants a 15-day extension, the report is due 60 days after the fiscal year. According to the District Attorney's Office staff, an extension was granted. Therefore, the due date was *December 15, 2012*. The first version of the report was provided to the Auditor's Office on March 22, 2013. *However, the Auditor's Office did not receive the final report until June 27, 2013*. Since the County Judge must certify the Chapter 59 report, the report will not be submitted to the attorney general until July 16, 2013 at the earliest.

Last year, the District Attorney's Office submitted the FY2011 report to the state about a month after the extended due date as well. 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, II, III (A), IV, and VII of the report include monies under the control and custody of the District Attorney'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 District Attorney's Office to the County's general ledger and found no exceptions.


### Case Activity

Sections III (B), V, and VI of the report include non-cash assets such as motor vehicles, firearms, and computers. The assets reported in Section III (B) were obtained from the District Attorney's database. The database reflected no activity relative to Sections V and VI. 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:* FY2012 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  
Tim Sears, Senior Auditor                                      Dan Thompson, Senior Auditor  
Matt Jones, Internal Auditor

**FY 2012  
CHAPTER 59 ASSET FORFEITURE REPORT  
BY LAW ENFORCEMENT AGENCY**

Agency Name: Tarrant County District Attorney  
Sponsoring Tarrant County Narcotics Unit Reporting Period: 10/1/2011 to 9/30/2012  
(local fiscal year)

Name of Agency Head (Chief, Sheriff etc.) (Printed): Joe Shannon, Jr example: 01/01/12 to 12/31/12,  
09/01/11 to 08/31/12 etc.

Agency Mailing Address: 401 W. Belknap  
Fort Worth, TX 76196

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 (Funds that have been seized, but have not yet been awarded to your agency by the judicial system)**

A) Beginning Balance: <b>Instructions:</b> Include total amount of seized funds on hand (in your agency's possession) at beginning of reporting period. Include funds that may have been forfeited but have not been transferred to your agency's forfeiture account. Do not include funds that are in an account held by another agency, e.g., the District Attorney's account.	\$ 0
B) Ending Balance: <b>Instructions:</b> Include total amount of seized funds on hand (in your agency's possession) at end of reporting period. Do not include funds that are in an account held by another agency, e.g. the District Attorney's account.	\$ 0

**II. FORFEITED FUNDS (Funds awarded to your agency by the judicial system)**

A) Beginning Balance: <b>Instructions:</b> Include total amount of forfeited funds that have been forfeited to your agency and are on hand (in your agency's account or in your agency's possession) at the beginning of the reporting period including interest. Do not include funds that have been forfeited but not yet received by your agency.	\$ 84,694
B) Ending Balance: <b>Instructions:</b> Include total amount of forfeited funds that have been forfeited to your agency and are on hand (in your agency's account or in your agency's possession) at the end of the reporting period including interest. Do not include funds that have been forfeited but not yet received by your agency.	\$ 135,040.64

**III. SEIZURES DURING REPORTING PERIOD**

A) Funds: <b>Instructions:</b> 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:	\$
2) Amount seized and transferred to the District Attorney pending forfeiture:	\$ 874,689.02
B) Property: <b>Instructions:</b> List the number of items seized for the following categories. Include only those seizures where a seizure is made by a peace officer employed by your agency.	

Please note - this should be a number not a currency amount. Example 4 cars seized, 3 cars forfeited.	SEIZED	FORFEITED TO AGENCY
1) MOTOR VEHICLES (Include cars, motorcycles, tractor trailers, etc.)	87	40
2) REAL PROPERTY (Count each parcel seized as one item)	4	0
3) COMPUTERS (Include computer and attached system components, such as printers and monitors, as one item)	52	31
4) FIREARMS (Include only firearms seized for forfeiture under Chapter 59. Do not include weapons disposed under Chapter 18.)	33	40
5) Other Property -Description: <u>Electronics</u>	94	52
6) Other Property -Description: <u>Jewelry, Equip, Misc</u>	82	46
7) Other Property -Description: <u>Communication</u>	7	5

**IV. FORFEITED FUNDS RECEIVED DURING REPORTING PERIOD**

Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period: <b>Instructions:</b> Do not include amounts forfeited but not yet received by your agency; interest refers to the amount earned prior to forfeiture and distributed as part of the judgment of forfeiture.	\$ 656,273.28
--	---------------

**V. FORFEITED PROPERTY RECEIVED FROM ANOTHER AGENCY**

<b>Instructions:</b> 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 (the number of vehicles, not a currency amount):	0
B) Real Property (the number of separate parcels of property, not a currency amount):	0
C) Computers (the number of computers, not a currency amount):	0
D) Firearms (the number of firearms, not a currency amount):	0
E) Other (the number of items, not a currency amount):	0

**VI. FORFEITED PROPERTY TRANSFERRED OR LOANED TO ANOTHER AGENCY**

<b>Instructions:</b> 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 (the number of vehicles, not a currency amount):	
B)	Real Property (the number of separate parcels of property, not a currency amount):	
C)	Computers (the number of computers, not a currency amount):	
D)	Firearms ( the number of firearms, not a currency amount):	
E)	Other (the number of items, not a currency amount):	

**VII.**

**EXPENDITURES**

Instructions: This category is for Chapter 59 expenditures SOLELY for law enforcement purposes - not for expenditures made pursuant to your general budget. List the total amount expended for each of the following categories. If proceeds are expended for a category not listed, state the amount and nature of the expenditure under the Other category.

<b>A)</b>	<b>SALARIES</b>	
1.	Increase of Salary, Expense, or Allowance for Employees (Salary Supplements):	\$
2.	Salary Budgeted Solely From Forfeited Funds:	\$ 444,110.61
3.	Number of Employees Paid Using Forfeiture Funds:	6
	<b>TOTAL SALARIES PAID OUT OF CHAPTER 59 FUNDS:</b>	<b>\$444,110.61</b>
<b>B)</b>	<b>OVERTIME</b>	
1.	For Employees Budgeted by Governing Body:	\$
2.	For Employees Budgeted Solely out of Forfeiture Funds:	\$
3.	Number of Employees Paid Using Forfeiture Funds:	
	<b>TOTAL OVERTIME PAID OUT OF CHAPTER 59 FUNDS:</b>	<b>\$</b>
<b>C)</b>	<b>EQUIPMENT</b>	
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):	\$
	<b>TOTAL EQUIPMENT PURCHASED WITH CHAPTER 59 FUNDS:</b>	<b>\$</b>

<b>D) SUPPLIES</b>	
1. Office Supplies:	\$
2. Cellular Air Time :	\$
3. Internet:	\$
4. Other (Provide Detail on Additional Sheet) :	\$
<b>TOTAL SUPPLIES PURCHASED WITH CHAPTER 59 FUNDS:</b>	<b>\$</b>

<b>E) TRAVEL</b>	
1. In State Travel	
a) Transportation:	\$
b) Meals & Lodging:	\$
c) Mileage:	\$
d) Incidental Expenses (Any other travel expense not included on a, b, or c above):	\$
<b>Total In State Travel</b>	<b>\$</b>
2. Out of State Travel	
a) Transportation:	\$
b) Meals & Lodging:	\$
c) Mileage:	\$
d) Incidental Expenses (Any other travel expense not included on a, b, or c above):	\$
<b>Total Out of State Travel</b>	<b>\$</b>
<b>TOTAL TRAVEL PAID OUT OF CHAPTER 59 FUNDS:</b>	<b>\$</b>

<b>F) TRAINING</b>	
1. Fees (Conferences, Seminars):	\$
2. Materials (Books, CDs, Videos, etc.):	\$
3. Other (Provide Detail on Additional Sheet):	\$
<b>TOTAL TRAINING PAID OUT OF CHAPTER 59 FUNDS</b>	<b>\$</b>

<b>G) INVESTIGATIVE COSTS</b>	
1. Informant Costs:	\$
2. Buy Money:	\$
3. Lab Expenses:	\$

4.	Other (Provide Detail on Additional Sheet) :	\$
<b>TOTAL INVESTIGATIVE COSTS PAID OUT OF CHAPTER 59 FUNDS:</b>		<b>\$</b>
<b>H)</b>	<b>TOTAL PREVENTION/TREATMENT PROGRAMS/FINANCIAL ASSISTANCE</b>	
1.	Total Prevention/Treatment Programs (pursuant to 59.06 (h), (l), (j)):	\$
2.	Total Financial Assistance (pursuant to Articles 59.06 (n) and (o)):	\$
<b>TOTAL PREVENTION/TREATMENT PROGRAMS/FINANCIAL ASSISTANCE (pursuant to Articles 59.06 (h), (l), (j), (n), (o)):</b>		<b>\$</b>
<b>I)</b>	<b>FACILITY COSTS</b>	
1.	Building Purchase:	\$
2.	Lease Payments:	\$
3.	Remodeling:	\$
4.	Maintenance Costs:	\$
5.	Utilities:	\$
6.	Other (Provide Detail on Additional Sheet):	\$
<b>TOTAL FACILITY COSTS PAID OUT OF CHAPTER 59 FUNDS:</b>		<b>\$</b>
<b>J)</b>	<b>MISCELLANEOUS FEES</b>	
1.	Court Costs:	\$
2.	Filing Fees:	\$
3.	Insurance:	\$
4.	Witness Fees:	\$
5.	Audit Costs and Fees:	\$
6.	Other (Provide Detail on Additional Sheet):	\$
<b>TOTAL MISCELLANEOUS FEES PAID OUT OF CHAPTER 59 FUNDS:</b>		<b>\$</b>
<b>K)</b>	<b>PAID TO OR SHARED WITH COOPERATING AGENCY:</b>	<b>\$212,162.67</b>
<b>L)</b>	<b>TOTAL OTHER PAID OUT OF CHAPTER 59 FUNDS (provide detailed descriptions on additional sheet(s) and attach to this report):</b>	<b>\$</b>
<b>M)</b>	<b>TOTAL EXPENDITURES:</b>	<b>\$656,273.28</b>



**NOTE: If you are governed by a Commissioners Court or a City Council, BOTH CERTIFICATIONS MUST BE COMPLETED. Otherwise, please complete the Agency Head Certification.**

CERTIFICATION

I swear or affirm that the Commissioners Court or City Council has conducted the audit required by Article 59.06 of the Code of Criminal Procedure, unless after due inquiry, it has been determined that no accounts, funds or other property pursuant to Chapter 59 of the Code of Criminal Procedure are being held or have been transacted in the relevant fiscal year by the agency for which this report is being completed, and that upon diligent inspection of all relevant documents and supporting materials, I believe that this asset forfeiture report is true and correct and contains all of the required information.

COUNTY JUDGE, MAYOR or CITY  
MANAGER

(Printed Name):

B. Glen Whitley

SIGNATURE:

DATE:

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.

SIGNATURE:

DATE:

07/2/2013

RETURN COMPLETED FORM TO:

Office of the Attorney General  
Criminal Prosecutions Division  
P.O. Box 12548  
Austin, TX 78711-2548  
Attn: Kent Richardson  
(512)936-1348  
[kent.richardson@oag.state.tx.us](mailto:kent.richardson@oag.state.tx.us)

**WE CANNOT ACCEPT FAXED OR EMAILED COPIES. PLEASE MAIL THE SIGNED, ORIGINAL DOCUMENT TO OUR OFFICE AT THE ADDRESS ABOVE.**



## TARRANT COUNTY

OFFICE OF THE  
CRIMINAL DISTRICT ATTORNEY  
www.tarrantda.com

JOE SHANNON, JR.  
CRIMINAL DISTRICT ATTORNEY  
817/884-1400

TIM CURRY CRIMINAL JUSTICE CENTER  
401 W. BELKNAP  
FORT WORTH, TX 76196-0201

July 10, 2013

Ms. Renee Tidwell  
County Auditor  
100 East Weatherford Street  
Fort Worth, Texas 76196

Re: Chapter 59 Asset Forfeiture Audit Report

Dear Ms. Tidwell:

Our office is in receipt of the Auditor's Report – Review of the FY2012 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency and we wish to make a few comments in response to the report. One, we are pleased to find that the Auditor found no exceptions in the asset forfeiture process of the District Attorney's Office, either financial or case activity. Two, while it is true that the audit is late in time, the District Attorney's Office has been in continual contact with the Comptroller's Office and has been assured that no increased or unexpected costs will be incurred by the Chapter 59 fund.

Finally, the District Attorney's Office has put into place internal controls to insure that future Chapter 59 reports are timely submitted.

If you have any questions, please do not hesitate to contact me.

Sincerely,

JOE SHANNON, JR.  
Criminal District Attorney

JS/gbb