



COMMISSIONERS COURT
COMMUNICATION

REFERENCE NUMBER CO#134318

PAGE 1 OF 17

DATE: 11/24/2020

SUBJECT: **RECEIVE AND FILE THE AUDITOR'S REPORT OF THE FISCAL YEAR 2020
CHAPTER 59 ASSET FORFEITURE REPORT BY LAW ENFORCEMENT
AGENCY PREPARED BY THE CONSTABLE, PRECINCT 7**

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

COMMISSIONERS COURT ACTION REQUESTED:

It is requested that the Commissioners Court receive and file the Auditor's Report of the Fiscal Year 2020 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency prepared by the Constable, Precinct 7.

BACKGROUND:

As required by Article 59.06 of the Code of Criminal Procedure, the Auditor's Office reviewed the attached FY2020 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency prepared by the Constable, Precinct 7. This report is due to the Office of the Attorney General (OAG) sixty (60) days after the close of the County's fiscal year, or November 30. The report was electronically signed and remitted to the OAG on November 10, 2020.

FISCAL IMPACT:

There is no negative fiscal impact associated with the item.

SUBMITTED BY: Auditor's Office

PREPARED BY: S. Renee Tidwell
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

VINCE CRUZ JR.
FIRST ASSISTANT COUNTY AUDITOR
vcruz@tarrantcounty.com

November 11, 2020

The Honorable Constable Clint Burgess, Precinct 7
The Honorable District Judges
The Honorable Commissioners Court

Re: Auditor's Report – FY2020 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 *FY2020 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency* prepared by the Constable, Precinct 7 (Constable). Based on the information recorded in the Constable's Property Control Management System, the Criminal District Attorney's (CDA) database, the County's general ledger, and our review of other relevant documentation, 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.

The Constable's *FY2020 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency* was electronically signed and remitted to the Office of the Attorney General (OAG) on November 10, 2020.

BACKGROUND AND METHODOLOGY

This report is due to the OAG 60 days after the close of the County's fiscal year unless a 15-day extension is granted. The Chapter 59 report focuses on two separate elements of the asset forfeiture process: financial activity and case activity.

Financial Activity

We reconciled the cash transactions recorded in the Constable's database, the CDA's database, and the County's general ledger. We also traced financial information reported by the Constable to supporting documents, including court pleadings, and found no exceptions.

Section VI of the report includes expenditures made for law enforcement purposes. We reconciled these amounts to the County's general ledger. We also reviewed source documents to verify that the expenditures were for law enforcement purposes. During FY2020, the Constable reported expenditures totaling \$3,588 which including the following:

- Wearable infrared safety totaling \$750;
- Licensing for evidence software and storage totaling \$2,448; and
- Controlled substance testing totaling \$390.

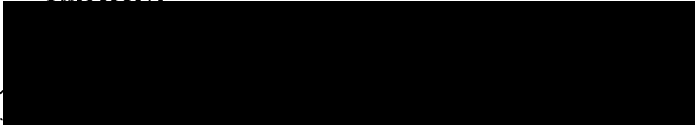
Case Activity

We inventoried the property reported in Section III and traced the items to court pleadings, the County's impound lot, and the Constable's property room and found no exceptions.

CLOSING REMARKS

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

Sincerely,



S. Renee Tidwell, CPA
County Auditor

Attachments: *FY2020 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency Management's response*

Distribution: Chief Deputy Charles Hatley, Constable 7

Audit Team: Kim Trussell, Audit Manager
Steve Watson, Senior Internal Auditor



KEN PAXTON

ATTORNEY GENERAL *of* TEXAS

CHAPTER 59 ASSET FORFEITURE REPORT BY LAW ENFORCEMENT AGENCY

Agency Information

Agency Information

Year:	2020	Agency Name:	<u>Tarrant County</u> <u>Constable Precinct</u> <u>7</u>
Agency Mailing Street:		City:	Mansfield
1100 E. Broad St. #201		State:	TX
ZIP:	76063	Phone Number:	(817) 473-5110
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: \$4,371.00

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: \$0.00

2) Amount seized and transferred to the District Attorney pending forfeiture: \$13,616.00

3) Total Seizures - This field will be auto-calculated when you SAVE or switch sections: \$13,616.00

C) Interest Earned on Seized Funds During Reporting Period: \$0.00

D) Amount Returned to Defendants/Respondents: \$2,753.00

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: \$1,618.00

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: \$14,110.00

B) Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period: \$12,013.00

C) Interest Earned on Forfeited Funds During Reporting Period: \$196.00

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: \$0.00

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.: \$3,588.00

J) Ending Balance - This field will be auto-calculated when you SAVE or switch sections.: \$22,731.00

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: 0
- 2) Forfeited to Agency: 0
- 3) Returned to Defendants/Respondents: 0
- 4) Put into use by Agency: 0

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: 0
- 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: 0
- 2) Forfeited to Agency: 5
- 3) Returned to Defendants/Respondents: 0
- 4) Put into use by Agency: 0

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
Firearms	0	0	0	0
Camera's Panasonic & Sony	0	2	0	

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: \$750.00
- 4) Furniture: \$0.00
- 5) Software: \$2,448.00
- 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:

- #3 - Wearable Elite Series Infrared Hybrid Red/Blue Lights.
- #5 - Software for Evidence.com

10) TOTAL EQUIPMENT PURCHASED WITH CHAPTER 59 FUNDS: \$3,198.00

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 CHAPTER 59 FUNDS: \$0.00

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: \$0.00

3) Lab Expenses: \$390.00

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

Description:

#3. Controlled substance testing.

5) TOTAL INVESTIGATIVE COSTS PAID OUT OF CHAPTER 59 FUNDS: \$390.00

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), (i), (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: \$0.00
- 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: \$0.00

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): \$0.00

Description:

7) Total Miscellaneous Fees Paid Out of Chapter 59 Funds - This will be auto-calculated when you SAVE or switch sections: \$0.00

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: \$3,588.00

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 S. Renee Tidwell
Professional/Preparer::

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: 2020

Typed Name of Head of
Agency:: Clint C Burgess

Title: Constable

Date: 11/10/2020

Comments:

Office of Constable Clint C. Burgess
Tarrant County Precinct 7
1100 East Broad Street Suite 201
Mansfield, Texas 76063
817-473-5110
www.TexasConstable.com



L-C07-20-0003

November 12, 2020

S. Renee Tidwell, CPA County Auditor

Re: Management Response to Auditor's FY2020
Chapter 59 Asset Forfeiture Report

Mrs. Tidwell,

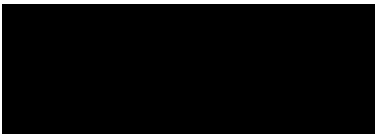
Tarrant County Constables Office Precinct 7 is in receipt of the Auditor's report and agree with your findings in regards to the FY 2020 Chapter 59 Asset Forfeiture Report.

Auditor visit for FY-2020 Chapter 59 Asset Forfeiture Report

- This office remitted all cash seized to the DA's Office when filing an Asset Forfeiture Report.
- During the Auditor's visit, all active cases were verified through documentation, evidence property room and County impound lot.
- All expenditures made with Chapter 59 Asset Forfeiture funds were made for law enforcement purposes.
- FY-2020 Chapter 59 Asset Forfeiture Report was filled on time to the OAG.

We would like to thank your office for the professional cooperation and assistance with this year's Audit.

Thank you,



Clint C. Burgess
Constable Pct. 7