



COMMISSIONERS COURT
COMMUNICATION

REFERENCE NUMBER CO#134365

PAGE 1 OF 19

DATE: 12/08/2020

SUBJECT: **RECEIVE AND FILE THE AUDITOR'S REPORT FOR THE SHERIFF'S OFFICE FISCAL YEAR 2020 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 FY 2020 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency.

BACKGROUND:

As required by Chapter 59 of the Code of Criminal Procedure, the Auditor's Office reviewed the FY 2020 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency prepared by the Tarrant County Sheriff's Office. The 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 Chapter 59 report was remitted to the OAG on November 20, 2020.

FISCAL IMPACT:

There is no direct fiscal impact associated with this item.

SUBMITTED BY: County Auditor

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
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S. RENEE TIDWELL, CPA
COUNTY AUDITOR
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VINCE CRUZ JR.
FIRST ASSISTANT COUNTY AUDITOR
vcruz@tarrantcounty.com

November 20, 2020

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

Re: Auditor's Report – FY2020 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 *FY2020 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.

The Sheriff's Office reported expenditures totaling \$137,035 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.

During our review, we observed that funds seized by the Sheriff's Office were not always 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 was also reported in the FY2018 and FY2019 reports. There were 27 cash seizures during FY2020. Of the 27 cash seizures, 25 seizures totaling \$149,113 were not deposited into the county treasury by the 5th business day. Two seizures were deposited 10 and 31 days late. The current practice is to hold currency until the Criminal District Attorney files an asset forfeiture lawsuit. According to the Sheriff's Office, only two individuals have access to the safe, and only one of those individuals has access to the room where the safe is located. However, money is always vulnerable to loss and theft until it is deposited into the county treasury. To ensure compliance with the Code of Criminal Procedure and to reduce the risk of loss, we recommend that the Sheriff's Office deposit any seized funds with the Auditor's Office, the county treasury, no later than the 5th day after receipt of the funds.

BACKGROUND AND METHODOLOGY

As of FY2020, the Sheriff's Office has two law enforcement areas that perform seizures and receive forfeitures: Combined Narcotics Enforcement Task Force (CNET) and Human Trafficking. CNET cases are handled through a taskforce that is funded through forfeiture proceeds along with budgeted general fund revenue. During FY2020, CNET was received and expended forfeited funds totaling \$121,258, all of which was allocated to rental expense. Overhead expenses such as utilities, fuel, and vehicle maintenance in the amount of \$171,297 was paid using the County's General Fund. The Sheriff's Office received an additional \$91,916 in forfeiture funds, which includes the sale of Human Trafficking assets for \$41,438, and spent \$15,777.

The Emissions Enforcement Task Force grant ended on June 30, 2019.

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 County Auditor signed the report and the Sheriff's Office remitted the report to the OAG on November 20, 2020.

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 and found no exceptions.

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 without exception.

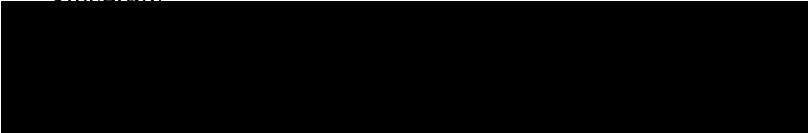
Case Activity

Sections III, IV and V of the report include non-cash assets, such as motor vehicles, weapons, and other property (TV's, computers, etc.). The Sheriff's Office implemented a new database for seizures and forfeitures during fiscal year 2018, streamlining the reconciliation of assets with the Criminal District Attorney's database. 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 and found no exceptions.

CLOSING REMARKS

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

Sincerely,



S. Renée Tidwell, CPA
County Auditor

Attachments: Attachment A – FY2020 Forfeiture Fund Expenditures
FY2020 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency
Management's response

Distribution: David McClelland, Chief of Staff
Mike Simonds, Senior Chief Deputy
Calvin Bond, Commander - CNET
Scott Grazer, Accounting Manager

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

Attachment A
Tarrant County Sheriff's Office
FY2020 Forfeiture Fund Expenditures

Category	Vendor Name	Purpose	Amount
Lease payments	Mercantile Partners	TECH CENTER OCT 2019 RENT	10,504.31
		TECH CENTER NOVEMBER 2019 RENT	10,504.31
		TECH 1 DECEMBER 2019 RENT	10,504.31
		TECH 1 JANUARY RENT	10,581.31
		TECH 1 UNIT FEBRUARY RENT	10,581.31
		TECH 1 UNIT MARCH RENT	10,581.31
		TECH 1 UNIT 2019 SETTLEMENT	(342.96)
		TECH 1 UNIT APRIL RENT	10,581.31
		TECH 1 UNIT MAY RENT ID #t0000104	10,581.31
		TECH 1 UNIT JUNE RENT ID #t0000104	10,581.31
		TECH 1 UNIT JULY RENT ID #t0000104	10,581.31
		TECH 1 UNIT AUG RENT ID #t0000104	10,581.31
		TECH 1 UNIT SEPT RENT ID #t0000104	10,581.31
		Amount paid using General Funds	(5,143.50)
		Total Lease payments	
Training: Other	Henry Reyes	AMERICAN CORRECTIONAL ASSOC RECERT	176.00
Total Training: Other			176.00
Investigative Costs: Buy Money	Tarrant County Sheriff	CNET Imprest Funds	11,595.00
	Tarrant County Sheriff	CNET Imprest Funds	2,840.00
	Tarrant County Sheriff	CID Imprest Funds	1,166.06
Total Investigative Costs: Buy Money			15,601.06
Grand Total			137,035.32
Total Expenditures on Chapter 59 Report			137,035.32
Difference			-



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

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: \$0.00

2) Amount seized and transferred to the District Attorney pending forfeiture: \$199,454.11

3) Total Seizures - This field will be auto-calculated when you SAVE or switch sections: \$199,454.11

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

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: \$0.00

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: \$117,684.73

B) Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period: \$130,753.38

C) Interest Earned on Forfeited Funds During Reporting Period: \$1,066.91

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: \$81,353.58

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.: \$137,035.32

J) Ending Balance - This field will be auto-calculated when you SAVE or switch sections.: \$193,823.28

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: 32
- 2) Forfeited to Agency: 18
- 3) Returned to Defendants/Respondents: 6
- 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: 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: 42
- 2) Forfeited to Agency: 24
- 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
Analyzers & Electronics	12	11	1	2
Tools & Dynameters	15	12	0	0
Collections & Jewelry	57	13	1	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
(Salary Supplements): \$0.00

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
FUNDS: \$0.00

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
FUNDS: \$0.00

Total Overtime from Mailed
Form:

C) Equipment

1) Vehicles: \$0.00

- 2) Computers: \$0.00
- 3) Firearms, Protective Body Armor, Personal Equipment: \$0.00
- 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 CHAPTER 59 FUNDS: \$0.00

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: \$15,601.06

3) Lab Expenses: \$0.00

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

Description:

5) TOTAL INVESTIGATIVE COSTS PAID OUT OF CHAPTER 59 FUNDS: \$15,601.06

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: \$121,258.26
- 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: \$121,258.26

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 \$176.00
box below):

Description:

American Correctional Association Recertification Dues For Chief Reyes.

7) Total Miscellaneous Fees
Paid Out of Chapter 59 Funds
- This will be auto-calculated \$176.00
when you SAVE or switch
sections:

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 \$0.00
pursuant to 59.06 (c):

2) Total paid to State Treasury
due to participating in task \$0.00
force not established in
accordance with 59.06 (q)(1):

3) Total paid to General Fund
pursuant to 59.06 (c-3) (C) \$0.00
(Texas Department of Public
Safety only):

4) Total forfeiture funds
transferred to the Health and \$0.00
Human Services Commission
pursuant to 59.06 (p):

5) TOTAL PAID TO STATE
TREASURY/ GENERAL
FUND/ HEALTH & HUMAN
SERVICES COMMISSION \$0.00
OUT OF CHAPTER 59
FUNDS:

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 \$0.00
AGENCY(IES) PURSUANT
TO LOCAL AGREEMENT:

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: \$137,035.32

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

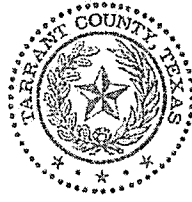
Year: 2020

Typed Name of Head of
Agency:: Bill E. Waybourn

Title: Sheriff, Tarrant
County

Date: 11/20/2020

Comments:



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

November 30, 2020

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

Re: Response to Auditor's Report – FY 2020 Ch. 59 Asset Forfeiture Report

Ms. Tidwell:

I would like to thank you and your audit team for such a thorough review of our Chapter 59 Asset Forfeiture Report, as well as the procedures surrounding that report. Your team is always courteous and professional while carrying out their duties – something which is greatly appreciated.

We have reviewed your report with our team here at the Sheriff's Office. We look forward to working with your team on developing a process that alleviates your concern regarding the timeframe in which funds are deposited into the county treasury. As always, thank you for all you do for this county and for its residents.

At Your Service,



DAVID McCLELLAND, ON BEHALF OF
BILL E. WAYBOURN, SHERIFF
TARRANT COUNTY, TEXAS