



COMMISSIONERS COURT
COMMUNICATION

REFERENCE NUMBER 0

PAGE 1 OF 11

DATE: 12/7/2010

SUBJECT: **APPROVAL OF THE THE TARRANT COUNTY NARCOTICS UNIT FY 2010
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 2010 Chapter 59 Asset Forfeiture Report by a Law Enforcement Agency and authorize the County Judge to sign the certification.

BACKGROUND:

Under Chapter 59 of the Code of Criminal Procedure (C.C.P.), certified copies of 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 must be filed no later than the 60th day after the end of the the Agency's fiscal year. A fifteen-day extension was granted by the Office of the Attorney General.

This report, which was created by the Office of the Attorney General, summarizes the fiscal year 2010 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's Office

PREPARED BY: J. Gregory Shugart
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

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November 30, 2010

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 *FY2010 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency* related to the Tarrant County Narcotics Unit

SUMMARY

We have reviewed the attached *FY2010 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency* prepared by the Tarrant County District Attorney's Office for the Tarrant County Narcotics Unit (TCNU) as required by Article 59.06 of the Code of Criminal Procedure. During our review, we found that the information presented in the report agrees with the District Attorney's financial books and records. However, we are unable to express an opinion regarding the completeness of the District Attorney's books and records. This condition was previously reported in our report related to the *FY2010 Chapter 59 Asset Forfeiture Report by Attorney Representing the State* filed with Commissioners Court on November 9, 2010, Court Order #109209.

As a result of our review, we noted one condition, described in the OBSERVATION AND RECOMMENDATION section of this report, requiring management's attention. We discussed this observation with the District Attorney's Office staff, and they are currently taking corrective action.

BACKGROUND AND METHODOLOGY

The District Attorney's (DA) Office maintains two databases to record various case activities, both financial and non-financial in nature. The District Attorney's Office prepares manual receipts to record the receipt of case documents and assets, both cash and non-cash. As previously stated, we cannot opine regarding the completeness of the District Attorney's case management database since it is not possible to verify that receipts were completed for all transactions.

The case management database contains general information regarding seizures and forfeitures. The second database, referred to as the inventory database, is used to track non-cash assets. This database contains detailed information related to non-cash assets such as custody activity.

The *FY2010 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency* focuses on two separate elements of the asset forfeiture process: Financial and non-financial activity. The methodology of our testing of cash and non-cash assets is described below.

Cash Assets

Sections I, II, and VI of the report include monies under the control and custody of the DA's Office. We reconciled the reported cash transactions recorded in these sections to the DA's database and the County's general ledger and found no exceptions.

Non-Cash Assets

Sections III, IV, and V of the report include non-cash assets, such as motor vehicles and real property. We reconciled the number of the different types of assets reported in Section III to both databases. Sections IV and V reflect no activity. On a test basis, we reviewed the information contained in the databases to supporting documents, such as actual court pleadings, and found no exceptions. We also selected a sample of non-cash assets recorded into the database and under the control of the DA's Office and physically inspected the assets without exception. However, we did not verify the existence of non-cash assets under the control of other agencies.

OBSERVATION AND RECOMMENDATION

Observation

The non-cash assets recorded in the databases did not reconcile.

During our work, we observed that the inventory database was not reconciled to the case management database. For example, the case management database may include three seized computers. The same three computers are recorded into inventory database as three processors, three monitors, three keyboards, and three printers, totaling 12 items. Similarly, a coin collection may be recorded as one asset in the case management database, but the inventory database may include a detail of each coin within the collection.

Recommendation

We recommend that the District Attorney's Office implement procedures to ensure that staff records the quantity of seized assets consistently into both the case management database and the inventory database. Furthermore, the two databases should be reconciled on a periodic basis.

CLOSING REMARKS

We appreciate the efforts of the District Attorney's staff to facilitate the timely completion of this review and their willingness to consider changes to address these issues.

Very truly,



Renee Tidwell, CPA
County Auditor

Audit Team: Kim Trussell, Audit Manager
Frank Mazza, Audit Supervisor
Larry Baum, Senior Auditor
Jamaine Walker, Auditor

Distribution: Greg Shugart, Business Manager, District Attorney's Office

**FY 2010
CHAPTER 59 ASSET FORFEITURE REPORT
BY LAW ENFORCEMENT AGENCY**

Agency Name:	Tarrant County District Attorney Sponsoring Tarrant County Narcotics Unit	Reporting Period: (local fiscal year)	10/01/2009-09/30/2010
Agency Mailing Address:	401 W. Belknap Fort Worth, TX 76196	example:	01/01/10 to 12/31/10, 09/01/09 to 08/31/10 etc.
Phone Number:	817-884-1694		
County:	Tarrant		
Email Address:	jgshugart@tarrantcounty.com	This should be a permanent agency email address	

NOTE: PLEASE ROUND ALL DOLLAR FIGURES TO NEAREST WHOLE DOLLAR.

I. SEIZED FUNDS

A)	Beginning Balance.....	\$0
	Instructions: 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.	
B)	Seizures During Reporting Period:	
	Instructions: 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.	
	1) Amount seized and retained in your agency's custody.....	\$0
	2) Amount seized and transferred to the District Attorney pending forfeiture.....	\$494,462
C)	Amount Returned to Defendants/Respondents (If seized funds are returned to Defendants/Respondents please complete Schedule A for each case in which this applies. Make copies of the schedule and add additional sheets as necessary).....	\$0
D)	Ending Balance	\$0
	Instructions: Add lines A and B(1), subtract line C, put total in line D.	

II. FORFEITED FUNDS

A)	Beginning Balance.....	\$66,782
	Instructions: 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 beginning of the reporting period including interest. Do not include funds that have been forfeited but not yet received by your agency.	
B)	Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period	
	Instructions: 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.	
		\$798,903

C)	Interest Earned on Forfeited Funds During Reporting Period Instructions: Enter amount of interest earned on funds in your agency's forfeiture account during the reporting period. Do not include interest earned if funds are on deposit in an account that does not belong to your agency, e.g. the District Attorney's account.	\$0
D)	Proceeds Received by Your Agency From Sale of Forfeited Property..... Instructions: Include amounts received for all property sold during the reporting period, even if the subject property was forfeited in a prior reporting period. If property is returned to Defendants/Respondents please complete Schedule A for each case in which this applies. Make copies of the schedule and add additional sheets as necessary.	\$228,900
E)	Total Expenditures of Forfeited Funds During Reporting Period Instructions: From Total on Section VI.	\$1,088,150
F)	Ending Balance..... Instructions: Add lines A through D, subtract line E, place total in line F.	\$6,435

III. OTHER PROPERTY

Instructions: 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. If property is sold, list under "Proceeds Received by Your Agency From Sale of Forfeited Property" in Section II (D) in the reporting year in which the proceeds are received. If property is returned to Defendants/Respondents please complete Schedule A for each case in which this applies. Make copies of the schedule and add additional sheets as necessary.

Please note - this should be a number not a currency amount. Example 4 cars seized, 3 cars forfeited and 0 cars put into use.	SEIZED	FORFEITED TO AGENCY	RETURNED TO DEFENDANTS / RESPONDENTS	PUT INTO USE BY AGENCY
1) MOTOR VEHICLES (Include cars, motorcycles, tractor trailers, etc.)	52	61	27	1
2) REAL PROPERTY (Count each parcel seized as one item)	0	0	0	0
3) COMPUTERS (Include computer and attached system components, such as printers and monitors, as one item)	28	33	3	5
4) FIREARMS (Include only firearms seized for forfeiture under Chapter 59. Do not include weapons disposed under Chapter 18.)	37	17	2	0
5) Other Property - Description: Electronics	63	65	3	4
Other Property -Description: Scales, Jewelry, Equipment and Misc.	44	18	44	1
Other Property -Description:				

IV. FORFEITED PROPERTY RECEIVED FROM ANOTHER AGENCY

Instructions: 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

V. FORFEITED PROPERTY TRANSFERRED TO ANOTHER AGENCY

Instructions: Enter the total number of items transferred 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).....	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. 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.

A)	Total Salaries Paid out of Chapter 59 Funds.....	\$610,329
1.	Increase of Salary, Expense, or Allowance for Employees (Salary Supplements).....	\$0
2.	Salary Budgeted Solely From Forfeited Funds.....(Including Fringe Benefits)	\$ 610,329
3.	Number of employees Paid Using Forfeiture Funds	7
B)	Total Overtime Paid out of Chapter 59 Funds	\$0
1.	For employees Budgeted by Governing Body.....	\$0
2.	For Employees Budgeted Solely out of Forfeiture Funds.....	\$0
3.	Number of employees Paid Using Forfeiture Funds.....	0
C)	Total Equipment Paid for with Chapter 59 Funds.....	\$0
1.	Vehicles.....	\$0
2.	Computers.....	\$0
3.	Firearms, Vests, Personal Equipment	\$0

	4.	Furniture.....	\$0
	5.	Software.....	\$0
	6.	Maintenance Costs.....	\$0
	7.	Uniforms.....	\$0
	8.	K9 Related Costs	\$0
	9.	Other (Provide Detail on Additional Sheet).....	\$0
D)		Total Supplies Paid Out of Chapter 59 Funds	\$0
	1.	Office Supplies	\$0
	2.	Cellular Air Time	\$0
	3.	Internet	\$0
	4.	Other (Provide Detail on Additional Sheet)	\$0
E)		Total Travel Paid Out of Chapter 59 Funds.....	\$0
	1.	In State Travel	
		a) Hotel	\$0
		b) Air Fare	\$0
		c) Meals (including per diem)	\$0
		d) Car Rental	\$0
	2.	Out of State Travel	
		a) Hotel	\$0
		b) Air Fare	\$0
		c) Meals (including per diem)	\$0
		d) Car Rental	\$0
	3.	Fuel	\$0
	4.	Parking	\$0
	5.	Other (Provide Detail on Additional Sheet)	\$0
F)		Total Training Paid Out of Chapter 59 Funds.....	\$0
	1.	Fees (Conferences, Seminars)	\$0
	2.	Materials (Books, CDs, Videos, etc.)	\$0
	3.	Other (Provide Detail on Additional Sheet)	\$0
G)		Total Investigative Costs Paid Out of Chapter 59 Funds	\$0
	1.	Informant Costs	\$0
	2.	Buy Money	\$0
	3.	Lab Expenses	\$0
	4.	Other (Provide Detail on Additional Sheet)	\$0

H)	Total Prevention / Treatment Programs/ Financial Assistance (pursuant to Articles 59.06 (h), (l), (j), (n)).....	\$0
I)	Total Facility Costs Paid Out of Chapter 59 Funds.....	\$0
1.	Building Purchase	\$0
2.	Lease Payments	\$0
3.	Remodeling	\$0
4.	Maintenance Costs	\$0
5.	Utilities	\$0
6.	Other (Provide Detail on Additional Sheet)	\$0
J)	Total Miscellaneous Fees Paid Out of Chapter 59 Funds.....	\$0
1.	Court Costs	\$0
2.	Filing Fees	\$0
3.	Insurance	\$0
4.	Witness Fees	\$0
5.	Audit Costs and Fees	\$0
6.	Other (Provide Detail on Additional Sheet).....	\$477,821
K)	Total Other Paid Out of Chapter 59 Funds (provide detailed descriptions on additional sheet(s) and attach to this report).....	\$ 477,821
L)	TOTAL EXPENDITURES.....	\$1,188,150

NOTE: BOTH CERTIFICATIONS NEED TO BE COMPLETED, unless your agency is not governed by a Commissioner’s Court or City Council. Then only the Agency Head Certification needs to be completed.

CERTIFICATION

COUNTY JUDGE or MAYOR
(Printed Name): _____

SIGNATURE: _____

DATE: _____

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 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.

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 20____.

Notary Public in and for the State of Texas

CERTIFICATION

AGENCY HEAD (Printed Name): _____

SIGNATURE: _____

DATE: _____

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.

SWORN TO AND SUBSCRIBED before me this ____ day of _____, 20 ____.

Notary Public in and for the State of Texas

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
FAX (512)494-8283
E-mail: kent.richardson@oag.state.tx.us

Additional Data Part VI. J 6. TCNU FY 2010 Chapter 59 Report

<u>Doc. Date</u>	<u>Amount</u>	<u>Date</u>	<u>Text</u>	<u>PD</u>
11/17/2009	1,912.65	12/11/2009	SECTOR PAYM REVENUE REALIZED SEP 09-NOV	ARLINGTON POLICE DEPT.
11/17/2009	5,735.82	12/18/2009	SECTOR PAYM REVENUE REALIZED SEP 09-NOV	BEDFORD POLICE DEPARTMENT
11/17/2009	73,380.49	12/16/2009	SECTOR PAYM REVENUE REALIZED SEP 09-NOV	BENBROOK POLICE DEPARTMENT
11/17/2009	5,735.82	12/8/2009	SECTOR PAYM REVENUE REALIZED SEP 09-NOV	EULESS POLICE DEPARTMENT
11/17/2009	62,290.25	12/28/2009	SECTOR PAYM REVENUE REALIZED SEP 09-NOV	FORT WORTH POLICE DEPARTMENT
11/17/2009	5,389.97	12/9/2009	SECTOR PAYM REVENUE REALIZED SEP 09-NOV	GRAPEVINE POLICE DEPT
11/17/2009	9,071.89	12/11/2009	SECTOR PAYM REVENUE REALIZED SEP 09-NOV	HALTOM CITY POLICE DEPARTMENT
11/17/2009	5,735.82	12/4/2009	SECTOR PAYM REVENUE REALIZED SEP 09-NOV	HURST POLICE DEPARTMENT
11/17/2009	73,764.13	12/8/2009	SECTOR PAYM REVENUE REALIZED SEP 09-NOV	MANSFIELD POLICE DEPT.
11/17/2009	5,735.82	12/11/2009	SECTOR PAYM REVENUE REALIZED SEP 09-NOV	NORTH RICHLAND HILLS POLICE
11/17/2009	5,735.82	12/10/2009	SECTOR PAYM REVENUE REALIZED SEP 09-NOV	WATAUGA POLICE DEPARTMENT
11/17/2009	36,690.25	12/8/2009	SECTOR PAYM REVENUE REALIZED SEP 09-NOV	WHITE SETTLEMENT POLICE DEPT
2/19/2010	3,159.66	3/15/2010	SECTOR PAYM FOR REVENUE REALIZED DEC09-	ARLINGTON POLICE DEPT.
2/19/2010	746.15	3/15/2010	SECTOR PAYM FOR REVENUE REALIZED DEC09-	BEDFORD POLICE DEPARTMENT
2/19/2010	746.15	3/10/2010	SECTOR PAYM FOR REVENUE REALIZED DEC09-	EULESS POLICE DEPARTMENT
2/19/2010	5,190.94	4/1/2010	SECTOR PAYM FOR REVENUE REALIZED DEC09-	FORT WORTH POLICE DEPARTMENT
2/19/2010	691.88	3/12/2010	SECTOR PAYM FOR REVENUE REALIZED DEC09-	GRAPEVINE POLICE DEPT
2/19/2010	1,492.30	3/10/2010	SECTOR PAYM FOR REVENUE REALIZED DEC09-	HALTOM CITY POLICE DEPARTMENT
2/22/2010	1,896.29	3/29/2010	SECTOR PAYM FOR REVENUE REALIZED DEC09-	BENBROOK POLICE DEPARTMENT
2/22/2010	746.15	3/12/2010	SECTOR PAYM FOR REVENUE REALIZED DEC09-	HURST POLICE DEPARTMENT
2/22/2010	1,512.65	3/11/2010	SECTOR PAYM FOR REVENUE REALIZED DEC09-	MANSFIELD POLICE DEPT.
2/22/2010	746.15	3/8/2010	SECTOR PAYM FOR REVENUE REALIZED DEC09-	NORTH RICHLAND HILLS POLICE
2/22/2010	746.15	3/16/2010	SECTOR PAYM FOR REVENUE REALIZED DEC09-	WATAUGA POLICE DEPARTMENT
2/22/2010	756.32	3/16/2010	SECTOR PAYM FOR REVENUE REALIZED DEC09-	WHITE SETTLEMENT POLICE DEPT
5/25/2010	7,533.33	6/14/2010	SECTOR PAYM FOR REVENUE REALIZED MAR10-	ARLINGTON POLICE DEPT.
5/25/2010	3,393.77	6/14/2010	SECTOR PAYM FOR REVENUE REALIZED MAR10-	BEDFORD POLICE DEPARTMENT
5/25/2010	124.56	6/22/2010	SECTOR PAYM FOR REVENUE REALIZED MAR10-	BENBROOK POLICE DEPARTMENT
5/25/2010	3,393.77	6/8/2010	SECTOR PAYM FOR REVENUE REALIZED MAR10-	EULESS POLICE DEPARTMENT
5/25/2010	6,223.15	6/24/2010	SECTOR PAYM FOR REVENUE REALIZED MAR10-	FORT WORTH POLICE DEPARTMENT
5/25/2010	3,375.27	6/14/2010	SECTOR PAYM FOR REVENUE REALIZED MAR10-	GRAPEVINE POLICE DEPT
5/25/2010	6,787.58	6/11/2010	SECTOR PAYM FOR REVENUE REALIZED MAR10-	HALTOM CITY POLICE DEPARTMENT
5/25/2010	3,393.77	6/10/2010	SECTOR PAYM FOR REVENUE REALIZED MAR10-	HURST POLICE DEPARTMENT
5/25/2010	124.56	6/14/2010	SECTOR PAYM FOR REVENUE REALIZED MAR10-	MANSFIELD POLICE DEPT.
5/25/2010	3,393.77	6/10/2010	SECTOR PAYM FOR REVENUE REALIZED MAR10-	NORTH RICHLAND HILLS POLICE
5/25/2010	3,393.77	6/14/2010	SECTOR PAYM FOR REVENUE REALIZED MAR10-	WATAUGA POLICE DEPARTMENT
5/25/2010	62.28	6/10/2010	SECTOR PAYM FOR REVENUE REALIZED MAR10-	WHITE SETTLEMENT POLICE DEPT
8/19/2010	50,085.57		SECTOR PAYM FOR REVENUE REALIZED JUN-AU	FORT WORTH POLICE DEPARTMENT
8/23/2010	9,719.58	9/20/2010	SECTOR PAYM FOR REVENUE REALIZED JUN-AU	ARLINGTON POLICE DEPT.
8/23/2010	3,674.63	9/29/2010	SECTOR PAYM FOR REVENUE REALIZED JUN-AU	BEDFORD POLICE DEPARTMENT
8/23/2010	15,417.12	9/30/2010	SECTOR PAYM FOR REVENUE REALIZED JUN-AU	BENBROOK POLICE DEPARTMENT
8/23/2010	3,674.63	9/17/2010	SECTOR PAYM FOR REVENUE REALIZED JUN-AU	EULESS POLICE DEPARTMENT
8/23/2010	3,640.97	9/22/2010	SECTOR PAYM FOR REVENUE REALIZED JUN-AU	GRAPEVINE POLICE DEPT
8/23/2010	7,055.56	9/28/2010	SECTOR PAYM FOR REVENUE REALIZED JUN-AU	HALTOM CITY POLICE DEPARTMENT
8/23/2010	3,674.63	9/17/2010	SECTOR PAYM FOR REVENUE REALIZED JUN-AU	HURST POLICE DEPARTMENT
8/23/2010	15,417.12	9/21/2010	SECTOR PAYM FOR REVENUE REALIZED JUN-AU	MANSFIELD POLICE DEPT.
8/23/2010	3,674.63	9/16/2010	SECTOR PAYM FOR REVENUE REALIZED JUN-AU	NORTH RICHLAND HILLS POLICE
8/23/2010	3,674.63	9/24/2010	SECTOR PAYM FOR REVENUE REALIZED JUN-AU	WATAUGA POLICE DEPARTMENT
8/23/2010	7,302.98	9/29/2010	SECTOR PAYM FOR REVENUE REALIZED JUN-AU	WHITE SETTLEMENT POLICE DEPT

477,821.15