



COMMISSIONERS COURT  
COMMUNICATION

REFERENCE NUMBER 0  
PAGE 1 OF 7  
DATE: 11/23/2010

SUBJECT: **APPROVAL OF THE SHERIFF'S FY 2010 CHAPTER 59 ASSET FORFEITURE REPORT**

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

**COMMISSIONERS COURT ACTION REQUESTED:**

It is requested that the Commissioners Court approve the Sheriff's Department FY 2010 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency and authorize the County Judge to sign the certification.

**BACKGROUND:**

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 any law enforcement agency that has the authority to receive property forfeited under Chapter 59 of the Code of Criminal Procedure. The statutory definition of law enforcement agency includes any agency that has the authority to hire peace officers or receive property. This report must be filed no later than the 60th day after the end of the fiscal year. The law setting out these requirements may be found in Article 59.06 (g) (1) of the code.

This report summarizes the FY 2010 asset forfeiture activities of the Tarrant County Sheriff's Department and conforms to the requirements as specified under Article 59.06 (g) (1) of the Code of Criminal Procedure. Pursuant to this article, the Commissioners Court must perform an annual audit. The Auditor's Office has completed the audit and the findings are attached.

**FISCAL IMPACT:**

There is no fiscal impact to Tarrant County associated with the reporting.

SUBMITTED BY:	Sheriff's Department	PREPARED BY:	Sherry Gunn
		APPROVED BY:	



## TARRANT COUNTY

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100 E. WEATHERFORD  
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817/884-1205  
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November 16, 2010

The Honorable District Judges of Tarrant County  
The Honorable Tarrant County Commissioners Court  
The Honorable Dee Anderson, Tarrant County Sheriff

Re: Auditor's Report – Review of the FY2010 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 *FY2010 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency* prepared by the Tarrant County Sheriff's Office. Based on the information recorded into the Sheriff's Office database, we believe that the asset forfeiture report is true and correct and contains all information required under Article 59.06 of the Code of Criminal Procedure.

### BACKGROUND AND METHODOLOGY

The Sheriff's Accounting Office maintains a Criminal Asset State Forfeitures database to record various case financial and non-financial activities. Since the database is maintained by the Sheriff's Office, we cannot express an opinion regarding whether all transactions were recorded into the database. In order to test the completeness of the database maintained by the Accounting Office, we obtained a list of NAR (Narcotic) numbers issued upon initiation of a case. On a test basis, we traced the NAR number to the database and verified that the case had been properly recorded. The portion of the report representing cash actually in the custody of the Sheriff's Office was reconciled to the County's general ledger without exception. With regard to non-cash assets, the custody and final distribution is the responsibility of the Sheriff's Office.

The report focuses on two separate elements of the Sheriff's Office asset forfeiture process: financial activity and case activity.

#### Financial Activity

Sections I, II, and VI of the report include monies under the control and custody of the Sheriff's Office. We reconciled the reported cash transactions recorded in these sections to the Sheriff's database, District Attorney's database, and the County's general ledger. We reviewed all the financial information contained in the database to supporting documents, including the actual court pleadings, and found no exceptions.

#### Case Activity

Sections III, IV and V of the report include non-cash assets, such as motor vehicles, weapons, and other property (TV's, PC's etc.). The custody and final distribution is the responsibility of the Sheriff's Office as per court pleadings. We inventoried 100% of the motor vehicles and weapons, a sample of other property reported in Section III, then traced them to the actual court pleadings and the Sheriff's Impound and Property Room. We found no exceptions. Sections IV and V reflect no activity.

### **CLOSING REMARKS**

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

Very truly,



Renee Tidwell, CPA  
County Auditor

Attachment: *FY2010 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency*

Distribution: Mike Simonds, Chief Deputy  
Floyd Hickman, Lieutenant  
Sherry Gunn, Financial Director

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

Agency Name:	Tarrant County Sheriff's Office	Reporting Period: (local fiscal year)	10/01/2009 to 09/30/2010
Agency Mailing Address:	Plaza Bldg., 7th Fl.	example:	01/01/10 to 12/31/10, 09/01/09 to 08/31/10 etc.
	200 Taylor St.		
	Fort Worth, Texas 76102		
Phone Number:	(817) 884-3118		
County:	Tarrant		
Email Address:	sagunn@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.....		
	<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. <b>Do not</b> include funds that are in an account held by another agency, e.g., the District Attorney's account.	\$	
B)	Seizures During Reporting Period:		
	<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.		
	1) Amount seized and retained in your agency's custody.....	\$	
	2) Amount seized and transferred to the District Attorney pending forfeiture.....	\$	54,969
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).....	\$	
D)	Ending Balance .....	\$	
	<b>Instructions:</b> Add lines A and B(1), subtract line C, put total in line D.		

**II. FORFEITED FUNDS**

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 beginning of the reporting period including interest. <b>Do not</b> include funds that have been forfeited but not yet received by your agency.	\$	63,288
B)	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.	\$	39,000

C) Interest Earned on Forfeited Funds During Reporting Period .....		
<b>Instructions:</b> 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.	\$	477
D) Proceeds Received by Your Agency From Sale of Forfeited Property.....		
<b>Instructions:</b> 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.	\$	13,654
E) Total Expenditures of Forfeited Funds During Reporting Period .....		
<b>Instructions:</b> From Total on Section VI.	\$	11,884
F) Ending Balance.....		
<b>Instructions:</b> Add lines A through D, subtract line E, place total in line F.	\$	104,535

**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.)	17	11	13	8
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)	6	15	2	5
4) FIREARMS (Include only firearms seized for forfeiture under Chapter 59. Do not include weapons disposed under Chapter 18.)	3	3	0	0
5) Other Property - Description: Jewelry	0	0	3	0
Other Property -Description: Safe/Scales/Miscellaneous Equipment	1	10	3	0
Other Property -Description: Cameras/Video-Audio/Electrical Equipment	6	43	9	13

**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)..... \_\_\_\_\_
- 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) ..... \_\_\_\_\_

**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)..... \_\_\_\_\_
- 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) ..... \_\_\_\_\_

**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..... \$ \_\_\_\_\_
  - 1. Increase of Salary, Expense, or Allowance for Employees (Salary Supplements)..... \$ \_\_\_\_\_
  - 2. Salary Budgeted Solely From Forfeited Funds..... \$ \_\_\_\_\_
  - 3. Number of employees Paid Using Forfeiture Funds ..... \_\_\_\_\_
- B) Total Overtime Paid out of Chapter 59 Funds ..... \$ \_\_\_\_\_
  - 1. For employees Budgeted by Governing Body..... \$ \_\_\_\_\_
  - 2. For Employees Budgeted Solely out of Forfeiture Funds..... \$ \_\_\_\_\_
  - 3. Number of employees Paid Using Forfeiture Funds..... \_\_\_\_\_
- C) Total Equipment Paid for with Chapter 59 Funds..... \$ 11,884
  - 1. Vehicles..... \$ \_\_\_\_\_
  - 2. Computers..... \$ \_\_\_\_\_
  - 3. Firearms, Vests, Personal Equipment ..... \$ 475

	4.	Furniture.....	\$	
	5.	Software.....	\$	
	6.	Maintenance Costs.....	\$	
	7.	Uniforms.....	\$	
	8.	K9 Related Costs .....	\$	11,409
	9.	Other (Provide Detail on Additional Sheet).....	\$	
D)		Total Supplies Paid Out of Chapter 59 Funds .....	\$	
	1.	Office Supplies .....	\$	
	2.	Cellular Air Time .....	\$	
	3.	Internet .....	\$	
	4.	Other (Provide Detail on Additional Sheet) .....	\$	
E)		Total Travel Paid Out of Chapter 59 Funds.....	\$	
	1.	In State Travel		
		a) Hotel .....	\$	
		b) Air Fare .....	\$	
		c) Meals (including per diem) .....	\$	
		d) Car Rental .....	\$	
	2.	Out of State Travel		
		a) Hotel .....	\$	
		b) Air Fare .....	\$	
		c) Meals (including per diem) .....	\$	
		d) Car Rental .....	\$	
	3.	Fuel .....	\$	
	4.	Parking .....	\$	
	5.	Other (Provide Detail on Additional Sheet) .....	\$	
F)		Total Training Paid Out of Chapter 59 Funds.....	\$	
	1.	Fees (Conferences, Seminars) .....	\$	
	2.	Materials (Books, CDs, Videos, etc.) .....	\$	
	3.	Other (Provide Detail on Additional Sheet) .....	\$	
G)		Total Investigative Costs Paid Out of Chapter 59 Funds .....	\$	
	1.	Informant Costs .....	\$	
	2.	Buy Money .....	\$	
	3.	Lab Expenses .....	\$	
	4.	Other (Provide Detail on Additional Sheet) .....	\$	

H)	Total Prevention / Treatment Programs/ Financial Assistance (pursuant to Articles 59.06 (h), (l), (j), (n)).....	\$	
I)	Total Facility Costs Paid Out of Chapter 59 Funds.....	\$	
	1. Building Purchase .....	\$	
	2. Lease Payments .....	\$	
	3. Remodeling .....	\$	
	4. Maintenance Costs .....	\$	
	5. Utilities .....	\$	
	6. Other (Provide Detail on Additional Sheet) .....	\$	
J)	Total Miscellaneous Fees Paid Out of Chapter 59 Funds.....	\$	
	1. Court Costs .....	\$	
	2. Filing Fees .....	\$	
	3. Insurance .....	\$	
	4. Witness Fees .....	\$	
	5. Audit Costs and Fees .....	\$	
	6. Other (Provide Detail on Additional Sheet) .....	\$	
K)	Total Other Paid Out of Chapter 59 Funds (provide detailed descriptions on additional sheet(s) and attach to this report).....	\$	
L)	TOTAL EXPENDITURES.....	\$	11,884

**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):

B. Glen Whitley, Tarrant County Judge

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\_\_\_\_.

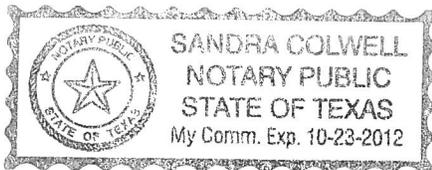
\_\_\_\_\_  
Notary Public in and for the State of Texas

**CERTIFICATION**

AGENCY HEAD (Printed Name): Dee Anderson, Tarrant County Sheriff  
SIGNATURE: \_\_\_\_\_  
DATE: 10-26-2010

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 26<sup>th</sup> day of October, 2010.



Sandra Colwell  
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](mailto:kent.richardson@oag.state.tx.us)