



COMMISSIONERS COURT
COMMUNICATION

REFERENCE NUMBER CO#114241
0
PAGE 1 OF 14
DATE: 11/27/2012

SUBJECT: **APPROVAL OF THE SHERIFF'S FY 2012 CHAPTER 59 ASSET FORFEITURE REPORT**

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

COMMISSIONERS COURT ACTION REQUESTED:

It is requested that the Commissioners Court approve the Sheriff's Department FY 2012 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 2012 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 their findings are attached.

FISCAL IMPACT:

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

SUBMITTED BY:	Sheriff	PREPARED BY:	J Rucker
		APPROVED BY:	

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

Agency Name: Tarrant County Sheriff's Office Reporting Period: 10/01/2011-09/30/2012
(local fiscal year)

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

Agency Mailing Address: Plaza Bldg., 7th Floor
200 Taylor Street
Fort Worth, TX 76102

Phone Number: 817-884-2938

County: Tarrant

Email Address: lsgrimm@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: 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.	\$ 0
B) Ending Balance: Instructions: 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: 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 the beginning of the reporting period including interest. Do not include funds that have been forfeited but not yet received by your agency.	\$ 134,533
B) Ending Balance: 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 the end of the reporting period including interest. Do not include funds that have been forfeited but not yet received by your agency.	\$ 139,734

III. SEIZURES DURING REPORTING PERIOD

A) Funds: 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. (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:	\$ 106,727
B) 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.	

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.)	23	4
2) REAL PROPERTY (Count each parcel seized as one item)	0	0
3) COMPUTERS (Include computer and attached system components, such as printers and monitors, as one item)	5	7
4) FIREARMS (Include only firearms seized for forfeiture under Chapter 59. Do not include weapons disposed under Chapter 18.)	15	2
5) Other Property -Description: <u>Cameras/Electronics/TVs</u>	18	13
6) Other Property -Description: <u>Miscellaneous Equipment</u>	51	23
7) Other Property -Description: _____		

IV. FORFEITED FUNDS RECEIVED DURING REPORTING PERIOD

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.	\$ 45,619
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V. 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

VI. FORFEITED PROPERTY TRANSFERRED OR LOANED TO ANOTHER AGENCY

Instructions: 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):	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

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.

A)	SALARIES	
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:	
	TOTAL SALARIES PAID OUT OF CHAPTER 59 FUNDS:	\$ 0
B)	OVERTIME	
1.	For Employees Budgeted by Governing Body:	\$
2.	For Employees Budgeted Solely out of Forfeiture Funds:	\$
3.	Number of Employees Paid Using Forfeiture Funds:	
	TOTAL OVERTIME PAID OUT OF CHAPTER 59 FUNDS:	\$ 0
C)	EQUIPMENT	
1.	Vehicles:	\$
2.	Computers:	\$
3.	Firearms, Vests, Personal Equipment:	\$ 1,292
4.	Furniture:	\$
5.	Software:	\$ 42,630
6.	Maintenance Costs:	\$ 110
7.	Uniforms:	\$
8.	K9 Related Costs:	\$
9.	Other (Provide Detail on Additional Sheet):	\$
	TOTAL EQUIPMENT PURCHASED WITH CHAPTER 59 FUNDS:	\$ 44,032

D) SUPPLIES		
1. Office Supplies:		\$
2. Cellular Air Time :		\$
3. Internet:		\$
4. Other (Provide Detail on Additional Sheet) :		\$
TOTAL SUPPLIES PURCHASED WITH CHAPTER 59 FUNDS:		\$ 0

E) TRAVEL		
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):		\$
Total In State Travel		\$
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):		\$
Total Out of State Travel		\$
TOTAL TRAVEL PAID OUT OF CHAPTER 59 FUNDS:		\$ 0

F) TRAINING		
1. Fees (Conferences, Seminars):		\$
2. Materials (Books, CDs, Videos, etc.):		\$
3. Other (Provide Detail on Additional Sheet):		\$ 3,515
TOTAL TRAINING PAID OUT OF CHAPTER 59 FUNDS		\$ 3,515

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

F. Training

3. Other

Purchase Requisition Edit Environment System Help
SAP

Display Purchase Req. 1000137476

Document Overview On Personal Setting

Standard requisition 1000137476

Texts

	Any...		Training for Reporting software purchased with PO 4500135343 for Judicial Security Division units. Training quote-TQDBQ4299. Training dates to be determined
<input type="checkbox"/>	Header note	<input checked="" type="checkbox"/>	

Continuous-tex...

Status	Item	A	I	Material	Short Text	Quantity	Unit	Per Val.	Price	Total Val.	Deliv. Date	Matl Group	TrackingNo	Requis...	Plant	PGr	POrg
	10	K			MFR CLIENT- MOBLAN VERS...	63	EA	1	500.00	0.00	11/15/20...	COMP H...	211032-12	J. Murp...	Tarr...	108	
	20	K			Module User Training	2	EA	1	1,280.00	2,560.00	11/15/20...	EDUCAT...	211032-12	J. Murp...	Tarr...	111	
	30	K			Travel Expenses for training s...	1	EA	1	1,000.00	1,000.00	11/15/20...	EDUCAT...	211032-12	J. Murp...	Tarr...	111	

Item [10] MFR CLIENT- MOBLAN VERSION

Material Data
Quantities/Dates
Valuation
Account Assignment
Source of Supply
Status
Contact Person
Release strategy
Texts

Created by	JULIA MURPHEY	Changed on	11/01/2011
Crea. Ind.	Realtime (manual)		
Requisitioner	J. Murphey	Tracking Number	211032-12
Purch. Group	108 Ralph McBroom	Telephone	817-212-7233 Fax Number 817-850-2909
MRP Controller			

Prints Window Contents

4. Other (Provide Detail on Additional Sheet) :	\$
TOTAL INVESTIGATIVE COSTS PAID OUT OF CHAPTER 59 FUNDS:	\$ 0

H) TOTAL PREVENTION/TREATMENT PROGRAMS/FINANCIAL ASSISTANCE	
1. Total Prevention/Treatment Programs (pursuant to 59.06 (h), (l), (j)):	\$
2. Total Financial Assistance (pursuant to Articles 59.06 (n) and (o)):	\$
TOTAL PREVENTION/TREATMENT PROGRAMS/FINANCIAL ASSISTANCE (pursuant to Articles 59.06 (h), (l), (j), (n), (o)):	\$ 0

I) FACILITY COSTS	
1. Building Purchase:	\$
2. Lease Payments:	\$
3. Remodeling:	\$
4. Maintenance Costs:	\$
5. Utilities:	\$
6. Other (Provide Detail on Additional Sheet):	\$
TOTAL FACILITY COSTS PAID OUT OF CHAPTER 59 FUNDS:	\$ 0

J) MISCELLANEOUS FEES	
1. Court Costs:	\$
2. Filing Fees:	\$
3. Insurance:	\$
4. Witness Fees:	\$
5. Audit Costs and Fees:	\$
6. Other (Provide Detail on Additional Sheet):	\$ 357
TOTAL MISCELLANEOUS FEES PAID OUT OF CHAPTER 59 FUNDS:	\$ 357

K) PAID TO OR SHARED WITH COOPERATING AGENCY:	\$ 0
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L) TOTAL OTHER PAID OUT OF CHAPTER 59 FUNDS (provide detailed descriptions on additional sheet(s) and attach to this report):	\$ 0
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M) TOTAL EXPENDITURES:	\$ 47,904
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J. Miscellaneous Fees
6. Other

THE STATE OF TEXAS §
§
COUNTY OF TARRANT §

**SETTLEMENT AGREEMENT
AND FULL, FINAL AND COMPLETE RELEASE**

WHEREAS, on July 22, 2009, a bench trial concluded in Cause No. S-9001, styled "The State of Texas v. All Items Listed on Exhibit 'A,'" before Judge Don Cosby in the 67th District Court, Tarrant County, Texas;

WHEREAS, both the State of Texas ("Petitioner") and Jorge Arturo Contreras ("Respondent") were represented by counsel; whereas Counsel for Respondent was Jim Shaw ("Counsel");

WHEREAS, at the trial's conclusion, Judge Cosby ordered certain property to be awarded to Respondent or his Counsel;

WHEREAS, said property consisted of one HP Pavillion ZV5000 laptop computer with power cords (serial number CND43811VJ), one Apple iPod with cords (serial number 2CD5130P3Z), and one black colored television wall mount;

WHEREAS, due to confusion over a previously vacated Default Judgment order arising out of the same case, the property listed above was mistakenly sold at auction;

WHEREAS, said mistaken sale occurred between the dates of November 17, 2006 and February 20, 2007 and brought a total amount of proceeds (less auction fees) of \$356.50;

WHEREAS, said proceeds were placed into the Tarrant County Sheriff's Office's ("TCSO") forfeiture account, for which Counsel for Respondent now makes claim.

NOW THEREFORE, Respondent, Counsel, and the TCSO do hereby agree upon a Settlement Agreement and Full, Final and Complete Release (hereinafter "Agreement") covering all of the issues involving and/or arising out of the incident(s) made the basis of the above-referenced claim:

Respondent, Counsel, and the TCSO desire to fully and finally settle all claims that Respondent and/or Counsel has asserted or could assert against the County, its agents, officials, and/or employees in connection with the above-referenced claim;

1. The TCSO agrees to pay out of its forfeiture account to Respondent and Counsel the total sum of Three Hundred Fifty Six and 50/100 Dollars (\$356.50) as consideration for execution of this Agreement. The consideration herein above set forth represents a full settlement of any and all claims, demands, actions and causes of action,

JAC - JAC JS - JHx TCSO - [Signature]

of whatever kind or character, which Respondent and/or Counsel may now have, claim to have, or hereafter have against the County, its agents, officials, and/or employees, growing out of, connected with, or pertaining in any respects to any matters arising out of the above-referenced claim.

2. It is understood and agreed the \$356.50 settlement amount will be distributed to Respondent and Counsel as follows:

A check will be issued to "Jorge Arturo Contreras and Jim Shaw, Attorney at Law" in the amount of Three Hundred Fifty Six and 50/100 Dollars (\$356.50). Said approval is contingent on Respondent and Counsel's prior execution of this Agreement. Within a few days of execution of this Agreement by both parties, the TCSO will cause to be issued a check payable to Respondent and Counsel in the amount of \$356.50.

3. All of the monetary obligations of the TCSO are complete upon delivery of the check. This is the full and final amount to be paid; no further money will be paid to Respondent, Counsel, or any third party. The TCSO makes no representation to Respondent and/or Counsel regarding the tax consequences of this payment.

4. It is understood and agreed that Respondent and Counsel intends to hereby forever discharge and acquit and fully release the County, as well as its current and former agents, officials, and employees from any and all claims and demands, actions and causes of action, of whatever kind or character, which Respondent and/or Counsel may now have or hereafter have, from any acts and/or omissions growing out of, resulting from, or connected in any way with the above-referenced claim.

5. It is further understood and agreed that this Agreement contains the entire agreement of the parties. No change, modification, waiver or discharge of any or all of the terms and conditions of this Agreement shall be effective unless made in writing and signed by each party.

6. This Agreement shall be construed to fully and finally settle all disputes between the parties hereto. The provisions hereof are severable. Should any portion hereof be found invalid, the remainder of the agreement shall continue in force and effect. Enforcement, if such should be necessary, shall be by action in state court in Tarrant County, Texas.

7. It is further understood and agreed that the law of the State of Texas applies with respect to the interpretation and construction of this Agreement.

SETTLEMENT AGREEMENT AND FULL, FINAL AND COMPLETE RELEASE - PAGE 2

JAC - JAC JS - JS TCSO - JS

WITNESS OUR SIGNATURES on this the _____ day of December, 2011.

X _____

JORGE ARTURO CONTRERAS
("Responder")

Address: _____

Date of Birth: _____

TX D.L. #: NA

12-5-11

JIM SHAW, ATTORNEY AT LAW
("Counsel")

Address: _____

12-5-11

DEE ANDERSON
Tarrant County Sheriff
Tarrant County Sheriff's Office ("TCSO")

ANN WRIGHT
Assistant District Attorney
Tarrant County
Criminal District Attorney's Office
Counsel For the State of Texas
("Petitioner")

JAC - JAC JS - JS TCSO - WR

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, Tarrant County Judge

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):

Dea Anderson, Sheriff of Tarrant County

SIGNATURE:

DATE:

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

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



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

RONALD D. BERTEL, CPA
FIRST ASSISTANT COUNTY AUDITOR
rbertel@tarrantcounty.com

November 9, 2012

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 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 Sheriff's Office. Based on the information recorded in the 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 financial and non-financial case activities. Since the Sheriff's Office staff maintains the database, we cannot express an opinion regarding whether *all* transactions were recorded into the database. We performed limited testing to determine the completeness of the database by obtaining a list of NAR (Narcotic) numbers issued upon initiation of a case. On a sample basis, we traced selected NAR numbers to the database to verify that the case had been properly recorded.

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, III A, and IV 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 the financial information contained in the database to supporting documents, including the court pleadings, and found no exceptions.

Section VII of the report includes expenditures made for law enforcement purposes. We reconciled these amounts to the County's general ledger. Throughout the fiscal year, the Auditor's Office reviewed expenditures using Chapter 59 funds to verify that the purchase was for law enforcement purposes. We found no exceptions.

Section I reflects no activity.

Case Activity

Sections III B, V, and VI 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 per court pleadings. We inventoried 100% of the motor vehicles and a sample of weapons and other property reported in Section III B and traced the items to the court pleadings and the Sheriff's Impound and Property Room. We found no exceptions.

Sections V and VI 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: *FY2012 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency*

Distribution: Mike Simonds, Chief Deputy
Eric Metcalf, Director of Technology
LaShenda Grimm, Accounting Specialist