



COMMISSIONERS COURT
COMMUNICATION

REFERENCE NUMBER CO# 119134

PAGE 1 OF 11

DATE: 12/09/2014

SUBJECT: **RECEIVE AND FILE THE AUDITOR'S REPORT OF THE FISCAL YEAR 2014 REVIEW OF CHAPTER 59 ASSET FORFEITURE REPORT BY LAW ENFORCEMENT AGENCY PREPARED BY THE SHERIFF'S OFFICE**

COMMISSIONERS COURT ACTION REQUESTED:

It is requested that the Commissioners Court receive and file the Auditor's Report of the Review of the Sheriff's Office FY 2014 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency.

BACKGROUND:

As required by Article 59.06 of the Code of Criminal Procedure, the Auditor's Office reviewed the attached FY 2014 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency prepared by the Tarrant County Sheriff's Office. This report is due to the Office of the Attorney General (OAG) sixty (60) days after the close of the County's fiscal year. The County Auditor signed and provided the report to the Sheriff's Office on November 26, 2014 to remit to the OAG.

FISCAL IMPACT:

There is no direct fiscal impact associated with this 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

CRAIG MAXWELL
FIRST ASSISTANT COUNTY AUDITOR
cmaxwell@tarrantcounty.com

November 20, 2014

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

Re: Auditor's Report – FY2014 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency

SUMMARY

As required by Article 59.06 of the Code of Criminal Procedure, the Auditor's Office reviewed the attached *FY2014 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 database, the District Attorney's database, and our inspection of relevant documents and other supporting materials, we believe that the information contained in the report is reasonably correct. We identified the following two issues requiring management's attention:

Observation 1 All seized assets were not recorded on the *FY2013 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency*.

Observation 2 One forfeited vehicle could not be located at the County's impound lot.

This report is due to the Office of the Attorney General (OAG) 60 days after the close of the County's fiscal year. The County Auditor signed and provided the report to the Sheriff's Office on November 26, 2014 to remit to the OAG. A written response from the Sheriff is attached to this report.

OBSERVATIONS AND RECOMMENDATIONS

Observation 1 All seized assets were not recorded on the FY2013 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency.

During our reconciliation of the Sheriff's records to the District Attorney's records, we identified 15 assets seized during FY2013 that were not included on the *FY2013 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency* provided to the OAG. These seizures were made by the Sheriff's Office Emissions Enforcement Task Force (EETF). Rather than restating the FY2013 asset forfeiture report, the Sheriff's Office included these items in the FY2014 report. This condition occurred because the EETF did not maintain accurate records.

Recommendation

Accurate information should be maintained by the EETF. Furthermore, the EETF should perform periodic reviews to ensure that seizure and forfeiture information is recorded accurately.

Observation 2 One forfeited vehicle could not be located at the County's impound lot.

During our review, we could not locate a 1996 Geo Prism at the County's impound lot. The vehicle was seized November 19, 2013 by the EETF as part of a search warrant involving the raid of several locations, then forfeited to the EETF on January 7, 2014. According to the Sheriff's Office staff, the County's secondary vendor towed the vehicle. Instead of towing the vehicle to the County's impound lot, the vendor towed the vehicle to their private lot. The vendor auctioned this vehicle on February 5, 2014 to one of the vendor's employees without notification to the EETF.

On November 19, 2014, the Sheriff's Office notified the Auditor's Office that the vehicle is now in the Sheriff's possession at the County's impound lot. Furthermore, the EETF has implemented procedures to improve controls over seized vehicles. Specifically, a deputy will go to the impound lot the next business day after a seizure to verify that seized vehicles were received at the impound lot. The EETF will also perform quarterly audits to ensure that seized vehicles are at the County's impound lot. *No further recommendation required.*

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) and EETF numbers issued upon initiation of a case. On a sample basis, we traced selected the 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 and II of the report include monies under the initial control and custody of the Sheriff's Office. Monies seized by the Sheriff's Office are transferred to the District Attorney'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.

Section VI 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.

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 per court pleadings. We inventoried 100% of the motor vehicles and a sample of weapons and the remaining property reported in Section III and traced the items to the court pleadings and the County's impound lot and the Sheriff's Property Room.

CLOSING REMARKS

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

Very truly,



S. Renee Tidwell, CPA
County Auditor

Attachments: *FY2014 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency*
Management's response

Distribution: John Ray, Executive Chief Deputy
Mike Simonds, Chief Deputy
Eric Metcalf, Director of Technology
Monty Gage, Commander EETF
Scott Grazer, Accounting Manager

Audit Team: Kim Trussell, Audit Manager
Matt Jones, Internal Auditor

**FY 2014
CHAPTER 59 ASSET FORFEITURE REPORT
BY LAW ENFORCEMENT AGENCY**

Agency Name:	<u>Tarrant County Sheriff's Office</u>	Reporting Period: (local fiscal year)	<u>10/01/2013-09/30/2014</u>
Agency Mailing Address:	<u>Plaza Bldg., 7th Floor</u> <u>200 Taylor Street</u> <u>Fort Worth, Texas 76102</u>	example:	01/01/14 to 12/31/14, 09/01/13 to 08/31/14 etc.
Phone Number:	<u>817-884-3118</u>		
County:	<u>Tarrant</u>		
Email Address:	<u>spgrazer@tarrantcounty.com</u>	This should be a permanent agency email address	

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

I. SEIZED FUNDS PURSUANT TO CHAPTER 59

A) Beginning Balance:	\$	0
B) Seizures During Reporting Period:		
1) Amount seized and retained in your agency's custody.	\$	0
2) Amount seized and transferred to the District Attorney pending forfeiture.	\$	147,179
C) Interest Earned on Seized Funds During Reporting Period:	\$	0
D) Amount Returned to Defendants/Respondents:	\$	0
E) Amount Transferred to Forfeiture Account:	\$	0
F) Other Reconciliation Items:	\$	0
G) Ending Balance: Instructions: Add lines A, B(1), C and F, subtract lines D and E, put total in line G.	\$	0

II. FORFEITED FUNDS AND OTHER COURT AWARDS PURSUANT TO CHAPTER 59

A) Beginning Balance:	\$	300,057
B) Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period:	\$	75,077
C) Interest Earned on Forfeited Funds During Reporting Period :	\$	658
D) Amount Awarded Pursuant to 59.022 (f)(1):	\$	0
E) Amount Awarded Pursuant to 59.023 (a):	\$	0
F) Proceeds Received by Your Agency From Sale of Forfeited Property:	\$	28,368
G) Amount Returned to Crime Victims:	\$	0
H) Other Reconciliation Items:	\$	0

D) Total Expenditures of Forfeited Funds During Reporting Period:	\$ 75,165
J) Ending Balance: Instructions: Add lines A, B, C, D E, F and H, subtract lines G and I, place total in line J.	\$ 328,995

III. OTHER PROPERTY

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.)	24	17	11	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)	11	5	8	0
4) FIREARMS (Include only firearms seized for forfeiture under Chapter 59. Do not include weapons disposed under Chapter 18.)	0	3	7	0
5) Other Property - Description: <u>Electronics and Analyzers</u>	47	33	8	2
Other Property -Description: <u>Jewelry and Collections</u>	130	5	2	0
Other Property -Description: <u>Tools, Equipment and Dynameters</u>	49	45	16	10

IV. FORFEITED PROPERTY RECEIVED FROM ANOTHER AGENCY

A) Motor Vehicles:	# 0
B) Real Property:	# 0
C) Computers:	# 0
D) Firearms:	# 0
E) Other:	# 0

V. FORFEITED PROPERTY TRANSFERRED OR LOANED TO ANOTHER AGENCY

A) Motor Vehicles:	# 0
B) Real Property:	# 0
C) Computers:	# 0
D) Firearms:	# 0
E) Other:	# 0

VI. EXPENDITURES

A) SALARIES	0
1. Increase of Salary, Expense, or Allowance for Employees (Salary Supplements):	\$ 0

2.	Salary Budgeted Solely From Forfeited Funds:	\$	0
3.	Number of Employees Paid Using Forfeiture Funds:	#	0
4.	TOTAL SALARIES PAID OUT OF CHAPTER 59 FUNDS:	\$	0
B)	OVERTIME		
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
4.	TOTAL OVERTIME PAID OUT OF CHAPTER 59 FUNDS:	\$	0
C)	EQUIPMENT		
1.	Vehicles:	\$	19,498
2.	Computers:	\$	25,694
3.	Firearms, Protective Body Armor, Personal Equipment:	\$	0
4.	Furniture:	\$	0
5.	Software:	\$	9,402
6.	Maintenance Costs:	\$	0
7.	Uniforms:	\$	0
8.	K9 Related Costs:	\$	0
9.	Other (Provide Detail on Additional Sheet):	\$	15,461
10.	TOTAL EQUIPMENT PURCHASED WITH CHAPTER 59 FUNDS:	\$	70,055
D)	SUPPLIES		
1.	Office Supplies:	\$	0
2.	Mobile Phone and Data Account Fees:	\$	0
3.	Internet:	\$	0
4.	Other (Provide Detail on Additional Sheet) :	\$	0
5.	TOTAL SUPPLIES PURCHASED WITH CHAPTER 59 FUNDS:	\$	0
E)	TRAVEL		
1.	Total In State Travel	\$	0
	a) Transportation:	\$	0
	b) Meals & Lodging:	\$	0
	c) Mileage:	\$	0
	d) Incidental Expenses:	\$	0
2.	Total Out of State Travel	\$	0
	a) Transportation:	\$	0
	b) Meals & Lodging:	\$	0

	c) Mileage:	\$	0
	d) Incidental Expenses:	\$	0
	3. TOTAL TRAVEL PAID OUT OF CHAPTER 59 FUNDS:	\$	0
F)	TRAINING		
	1. Fees (Conferences, Seminars):	\$	0
	2. Materials (Books, CDs, Videos, etc.):	\$	0
	3. Other (Provide Detail on Additional Sheet):	\$	0
	4. TOTAL TRAINING PAID OUT OF CHAPTER 59 FUNDS	\$	0
G)	INVESTIGATIVE COSTS		
	1. Informant Costs:	\$	0
	2. Buy Money:	\$	4,945
	3. Lab Expenses:	\$	0
	4. Other (Provide Detail on Additional Sheet) :	\$	165
	5. TOTAL INVESTIGATIVE COSTS PAID OUT OF CHAPTER 59 FUNDS:	\$	5,110
H)	PREVENTION/TREATMENT PROGRAMS / FINANCIAL ASSISTANCE / DONATIONS		
	1. Total Prevention/Treatment Programs (pursuant to 59.06 (d-3(6)),(h), (j)):	\$	0
	2. Total Financial Assistance (pursuant to Articles 59.06 (n) and (o)):	\$	0
	3. Total Donations (pursuant to Articles 59.06 (d-2)):	\$	0
	4. TOTAL PREVENTION/TREATMENT PROGRAMS / FINANCIAL ASSISTANCE / DONATIONS (pursuant to Articles 59.06 (d-3(6)), (h), (j), (n), (o) (d-2)):	\$	0
I)	FACILITY COSTS		
	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
	7. TOTAL FACILITY COSTS PAID OUT OF CHAPTER 59 FUNDS:	\$	0
J)	MISCELLANEOUS FEES		
	1. Court Costs:	\$	0
	2. Filing Fees:	\$	0
	3. Insurance:	\$	0
	4. Witness Fees (including travel and security):	\$	0

5.	Audit Costs and Fees (including audit preparation and professional fees):	\$	0
6.	Other (Provide Detail on Additional Sheet):	\$	0
7.	TOTAL MISCELLANEOUS FEES PAID OUT OF CHAPTER 59 FUNDS:	\$	0
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
2.	Total paid to State Treasury due to participating in task force not established in accordance with 59.06 (q)(1):	\$	0
3.	Total paid to General Fund pursuant to 59.06 (C-3) (c) (Texas Department of Public Safety only):	\$	0
4.	Total forfeiture funds transferred to the Health and Human Services Commission pursuant to 59.06 (p):	\$	0
5.	TOTAL PAID TO STATE TREASURY / GENERAL FUND / HEALTH & HUMAN SERVICES COMMISSION OUT OF CHAPTER 59 FUNDS:	\$	0
L)	TOTAL PAID TO COOPERATING AGENCY(IES) PURSUANT TO LOCAL AGREEMENT:		
M)	TOTAL OTHER EXPENSES PAID OUT OF CHAPTER 59 FUNDS WHICH ARE NOT ACCOUNTED FOR IN PREVIOUS CATEGORIES (provide detailed descriptions on additional sheet(s) and attach to this report):		
N)	TOTAL EXPENDITURES:	\$	75,165

NOTE: BOTH CERTIFICATIONS MUST BE COMPLETED

AUDITOR / TREASURER / ACCOUNTING PROFESSIONAL/PREPARER CERTIFICATION

I swear or affirm that the Commissioners Court, City Council or Agency Head (if no governing body) has requested that I 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, I believe that the information contained in this report is true and correct to the best of my knowledge.

AUDITOR, TREASURER,
ACCOUNTING PROFESSIONAL or
PREPARER (Printed Name):

S. Renee Tidwell

TITLE:

County Auditor

SIGNATURE:

[Redacted Signature]

DATE:

11/27/14

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, to the best of my knowledge, all expenditures reported herein were lawful and proper, and made in accordance with Texas law.

AGENCY HEAD (Printed Name):

Sheriff Dee Anderson

SIGNATURE:

 _____

DATE:

11/19/17

RETURN COMPLETED FORM TO:

Office of the Attorney General
Criminal Prosecutions Division
P.O. Box 12548
Austin, TX 78711-2548
Attn: Kent Richardson
(512)463-1591
Chapter59AuditReport@texasattorneygeneral.gov

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



TARRANT COUNTY

OFFICE OF THE
SHERIFF

DEE ANDERSON
SHERIFF
817/884-3098
FAX: 817/212-6987

PLAZA BUILDING
200 TAYLOR STREET
SEVENTH FLOOR
FORT WORTH, TEXAS 76102-2084

December 1, 2014

To: Renee Tidwell, County Auditor
From: Sheriff Dee Anderson
Subject: Chapter 59 Asset Forfeiture Report, FY 2014

The Tarrant County Sheriff's Office received the Auditor's 2014 Chapter 59 Asset Forfeiture Audit Report on 11/26/14. The report has been thoughtfully reviewed by members of the Sheriff's Senior Staff.

The report contained one recommendation, and that recommendation indicated the Emissions Enforcement Task Force should maintain accurate information and perform periodic reviews of recorded data. The Sheriff's Office agrees with the need to maintain accurate information. To that end, the Sheriff's Office has recently designated a new Task Force Commander with an extensive Law Enforcement history. The Emissions Enforcement Task Force has instituted a new data management system for all seizure related data. In addition, seizure case information will be periodically reconciled with the Sheriff's Accounting systems. The Sheriff's Office is also revising our periodic internal review procedures for seized property.

The Sheriff's Office appreciates both the time and effort of the Audit team

Sincerely,

TARRANT COUNTY SHERIFF'S OFFICE


Sheriff Dee Anderson