



COMMISSIONERS COURT  
COMMUNICATION

REFERENCE NUMBER CO# 119135

PAGE 1 OF 10

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 CONSTABLE, PRECINCT 7**

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

**COMMISSIONERS COURT ACTION REQUESTED:**

It is requested that the Commissioners Court receive and file the Auditor's Report of the FY 2014 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency prepared by the Constable, Precinct 7.

**BACKGROUND:**

As required by Article 59.06 of the Code of Criminal Procedure, the Auditor's Office reviewed the FY 2014 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency prepared by the Constable, Precinct 7. The Auditor's Office believes that the information contained in the report is true and correct based on a review of the Constable's database, the District Attorney's Office database, relevant documents, and other supporting materials.

The County Auditor signed and remitted the FY 2014 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency to the Office of the Attorney General on November 26, 2014.

**FISCAL IMPACT:**

There is no 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  
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CRAIG MAXWELL  
FIRST ASSISTANT COUNTY AUDITOR  
cmaxwell@tarrantcounty.com

November 19, 2014

The Honorable Clint Burgess, Tarrant County Constable, Precinct 7  
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, we reviewed the attached *FY2014 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency* prepared by the Constable, Precinct 7 (Constable). As a result of our review, we identified some minor errors in the report originally prepared by the Constable's Office. The Constable corrected these errors. Therefore, we believe that the information contained in the report is true and correct based on our review of the Constable's database, the District Attorney's Office database, relevant documents, and other supporting materials.

The County Auditor signed and remitted the *FY2014 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency* to the Office of the Attorney General (OAG) on November 26, 2014.

### BACKGROUND AND METHODOLOGY

This 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. Since it is not possible to inspect *all* documents and supporting materials, we cannot express an opinion whether *all* seizures and forfeitures were included in the *FY2014 Chapter 59 Asset Forfeiture Report by Law Enforcement Agency* report. Based on the information recorded in the Constable's Property Control Management System, the DA's database, and the County's general ledger, 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 Chapter 59 report focuses on two separate elements of the asset forfeiture process: financial activity and case activity.

Financial Activity

We reconciled the cash transactions recorded in the Constable's database, the DA's database, and the County's general ledger. We also traced financial information reported by the Constable to supporting documents, including court pleadings, and found no exceptions.

No expenditures were made during fiscal year 2014.

Case Activity

We inventoried the property reported in Section III for fiscal year 2014 and traced the items to court pleadings, the County's impound lot, and the Constable's property room and found no exceptions.

**CLOSING REMARKS**

We appreciate the cooperation of the Constable's Office to facilitate the 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 dated November 25, 2014

Distribution: Chief Deputy Charles Hatley, Constable 7

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

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

Agency Name: Tarrant County Constable Pat. 7 Reporting Period: 10-01-13 to 09-30-14  
 (local fiscal year)

Agency Mailing Address: 1100 East Broad St. Suite #201 example: 01/01/14 to 12/31/14,  
Mansfield, Texas 76063 09/01/13 to 08/31/14 etc.

Phone Number: 817-473-5110

County: Tarrant

Email Address: CCBurgess@tarrantcounty.com 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.	\$	28,758. <sup>00</sup>
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:	\$	0
B) Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period:	\$	11,637. <sup>00</sup>
C) Interest Earned on Forfeited Funds During Reporting Period :	\$	9. <sup>00</sup>
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:	\$	2113. <sup>00</sup>
G) Amount Returned to Crime Victims:	\$	0
H) Other Reconciliation Items:	\$	0

I) Total Expenditures of Forfeited Funds During Reporting Period:	\$ 0
J) Ending Balance: Instructions: Add lines A, B, C, D E, F and H, subtract lines G and I, place total in line J.	\$ 13,759. <sup>00</sup>

**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.)	4	1	0	0
2) REAL PROPERTY (Count each parcel seized as one item)	1	0	0	0
3) COMPUTERS (Include computer and attached system components, such as printers and monitors, as one item)	3	1	0	0
4) FIREARMS (Include only firearms seized for forfeiture under Chapter 59. Do not include weapons disposed under Chapter 18.)	4	4	0	0
5) Other Property - Description: <u>TV, DVR, Camera</u>	6	0	0	0
Other Property -Description: <u>Ammo</u>	10	10	0	0
Other Property -Description:				

**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.	<b>TOTAL SALARIES PAID OUT OF CHAPTER 59 FUNDS:</b>		\$ 0
<b>B) OVERTIME</b>			
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.	<b>TOTAL OVERTIME PAID OUT OF CHAPTER 59 FUNDS:</b>		\$ 0
<b>C) EQUIPMENT</b>			
1.	Vehicles:	\$	0
2.	Computers:	\$	0
3.	Firearms, Protective Body Armor, 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
10.	<b>TOTAL EQUIPMENT PURCHASED WITH CHAPTER 59 FUNDS:</b>		\$ 0
<b>D) SUPPLIES</b>			
1.	Office Supplies:	\$	0
2.	Mobile Phone and Data Account Fees:	\$	0
3.	Internet:	\$	0
4.	Other (Provide Detail on Additional Sheet) :	\$	0
5.	<b>TOTAL SUPPLIES PURCHASED WITH CHAPTER 59 FUNDS:</b>		\$ 0
<b>E) TRAVEL</b>			
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	
	<b>3. TOTAL TRAVEL PAID OUT OF CHAPTER 59 FUNDS:</b>		\$ 0
<b>F)</b>	<b>TRAINING</b>		
	1. Fees (Conferences, Seminars):	\$ 0	
	2. Materials (Books, CDs, Videos, etc.):	\$ 0	
	3. Other (Provide Detail on Additional Sheet):	\$ 0	
	<b>4. TOTAL TRAINING PAID OUT OF CHAPTER 59 FUNDS</b>		\$ 0
<b>G)</b>	<b>INVESTIGATIVE COSTS</b>		
	1. Informant Costs:	\$ 0	
	2. Buy Money:	\$ 0	
	3. Lab Expenses:	\$ 0	
	4. Other (Provide Detail on Additional Sheet) :	\$ 0	
	<b>5. TOTAL INVESTIGATIVE COSTS PAID OUT OF CHAPTER 59 FUNDS:</b>		\$ 0
<b>H)</b>	<b>PREVENTION/TREATMENT PROGRAMS / FINANCIAL ASSISTANCE / DONATIONS</b>		
	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	
	<b>4. TOTAL PREVENTION/TREATMENT PROGRAMS / FINANCIAL ASSISTANCE / DONATIONS (pursuant to Articles 59.06 (d-3(6)), (h), (j), (n), (o) (d-2)):</b>		\$ 0
<b>I)</b>	<b>FACILITY COSTS</b>		
	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	
	<b>7. TOTAL FACILITY COSTS PAID OUT OF CHAPTER 59 FUNDS:</b>		\$ 0
<b>J)</b>	<b>MISCELLANEOUS FEES</b>		
	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.	<b>TOTAL MISCELLANEOUS FEES PAID OUT OF CHAPTER 59 FUNDS:</b>	\$	0
<b>K)</b>	<b>PAID TO STATE TREASURY / GENERAL FUND / HEALTH &amp; HUMAN SERVICES COMMISSION:</b>		
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.	<b>TOTAL PAID TO STATE TREASURY / GENERAL FUND / HEALTH &amp; HUMAN SERVICES COMMISSION OUT OF CHAPTER 59 FUNDS:</b>	\$	0
<b>L)</b>	<b>TOTAL PAID TO COOPERATING AGENCY(IES) PURSUANT TO LOCAL AGREEMENT:</b>	\$	0
<b>M)</b>	<b>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):</b>	\$	0
<b>N)</b>	<b>TOTAL EXPENDITURES:</b>	\$	0

**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.

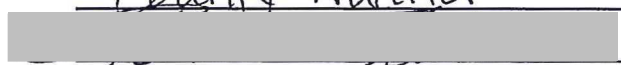
AUDITOR, TREASURER,  
ACCOUNTING PROFESSIONAL or  
PREPARER (Printed Name):

S. Renee Tidwell

TITLE:

County Auditor

SIGNATURE:



DATE:

11/25/14




**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):

Clint Burgess

SIGNATURE:



DATE:

10-20-14

**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.**

**Office of Constable Clint C. Burgess  
Tarrant County Precinct 7  
1100 East Broad Street Suite 201  
Mansfield, Texas 76063  
817-473-5110  
www.TexasConstable.com**



**L-C07-14-006**

November 25, 2014

S. Renee Tidwell, CPA County Auditor  
Re: Management Response to Auditor's Report

Mrs. Tidwell,

Tarrant County Constables Office Precinct 7 is in receipt of the Auditor's report. I agree with the error found, in regards to the Chapter 59 report form. The Chapter 59 report form was corrected and forwarded to your office. I appreciate your staff's quick and friendly response in assisting with the Chapter 59 report for FY2014.

Thank you,

Clint C. Burgess  
Constable  
Tarrant County - Precinct 7