



COMMISSIONERS COURT
COMMUNICATION

REFERENCE NUMBER 0

PAGE 1 OF 10

DATE: 11/22/2011

SUBJECT: **APPROVAL OF THE DISTRICT ATTORNEY'S OFFICE FISCAL YEAR
2011 CHAPTER 59 ASSET FORFEITURE REPORT**

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

COMMISSIONERS COURT ACTION REQUESTED:

It is requested that the Commissioners Court approve the District Attorney's Office FY 2011 Chapter 59 Asset Forfeiture Report by Attorney Representing the State.

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 the attorney representing the state in matters involving forfeited property. This report must be filed no later than the 60th day after the end of the state's fiscal year. A fifteen (15) 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 state fiscal year 2011 asset forfeiture activities of the Tarrant County District Attorney's Office 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

PREPARED BY: Helen Giese
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 15, 2011

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 Chapter 59 Asset Forfeiture Report by Attorney Representing the State, FY 2011

SUMMARY

We have reviewed the attached *FY2011 Chapter 59 Asset Forfeiture Report by Attorney Representing the State* prepared by the Tarrant County District Attorney's Office as required by Article 59.06 of the Code of Criminal Procedures. Based on the information recorded into the District Attorney's database, we believe that the amounts presented in the asset forfeiture report are reasonable, and the report contains all information required under Article 59.06 of the Code of Criminal Procedure.

Since it is not possible to determine whether receipts were completed for all transactions, we were unable to express an opinion regarding the completeness of the District Attorney's database. Due to the time-sensitive nature of this review, we will evaluate controls over the District Attorney's database separately.

BACKGROUND AND METHODOLOGY

The District Attorney's Office maintains a case management database to record various case activities, both financial and non-financial. The District Attorney's Office does not necessarily have custody and control of all cash and non-cash assets. Rather, other agencies may retain control of certain seized assets. The District Attorney's Office prepares manual receipts to record the receipt of case documents and assets, both cash and non-cash.

The report focuses on two separate elements of the District Attorney'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 District Attorney's Office. The financial transactions included in the report were obtained from the County's general ledger. We reviewed selected cash transactions recorded in the database to supporting documents such as court orders, seizure reports, and receipts. We also traced cash transactions under the control of the District Attorney's Office to the County's general ledger and found no exceptions.

Case Activity


Sections III, IV, and V of the report include non-cash assets, including motor vehicles, firearms, and computers. The assets reported in Section III were obtained from the District Attorney's database. The database reflected no activity relative to Sections IV and V. On a test basis, we 1) traced the non-cash assets recorded in the database to supporting documentation such as court orders and auction sales reports, and 2) performed a physical inspection of the assets under the control of the District Attorney's Office. We found no exceptions.

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,

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S. Renee Tidwell, CPA
County Auditor

Attachment: *FY2011 Chapter 59 Asset Forfeiture Report by Attorney Representing the State*

Audit Team: Ron Bertel, First Assistant County Auditor
Kim Trussell, Audit Manager
Frank Mazza, Audit Supervisor
Larry Baum, Senior Auditor
Laura Weist, Supervisor, Financial Accounting
Tim Sears, Auditor, Financial Accounting

Distribution: Helen Giese, District Attorney's Office

**FY 2011 Chapter 59 Asset Forfeiture Report
by Attorney Representing the State**

Agency Name: Tarrant County District Attorney Reporting Period: 09/01/10-08/31/11
(example: 9/1/10- 08/31/11)

Agency Mailing Address: Tim Curry Criminal Justice Center
401 W. Belknap
Fort Worth, TX 76196-0201

County: Tarrant

Phone number: (817) 884-1694

Email Address hngiese@tarrantcounty.com (This should be a permanent agency email address)

NOTE: PLEASE ROUND ALL DOLLAR AMOUNTS TO NEAREST WHOLE DOLLAR

I. SEIZED FUNDS

<p>A) Beginning Balance: Instructions: Include total amount of seized funds on hand (in your agency's possession) at the beginning of the reporting period including interest. 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. a police department's account.</p>	<p>\$ 1,459,822</p>
<p>B) Seizures During Reporting Period: 1) Amount Seized By Employees of Your Agency: 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.</p>	<p>\$ 0</p>
<p>2) Amount Seized by Other Agencies: Instructions: Include only amounts seized by other agencies in your jurisdiction and which have been transferred to your office for custody pending forfeiture.</p>	<p>\$ 1,133,654</p>
<p>C) Forfeiture Petitions Filed For All Agencies You Represent: Instructions: Enter the total amount of seized funds for which forfeiture petitions were filed during the reporting period. Do not include amounts seized if a petition has not been filed. Note: this may include all or part of the funds listed in B above due to the 30 day limitations period on filing petitions. (This should be a currency amount, for example \$1,000).</p>	<p>\$ 1,337,043</p>
<p>D) Forfeitures Pending For All Agencies You Represent: Instructions: Enter the total amount of seized funds at the end of the reporting period where a forfeiture petition has been filed but no final judgment has been entered. Include amounts subject to petitions filed in prior reporting periods. (This should be a currency amount, for example \$1,000).</p>	<p>\$ 1,404,059</p>
<p>E) Interest Earned on Seized Funds During Reporting Period: Instructions: Include only the amount of interest earned on seized funds or funds that may have been forfeited but not yet transferred to your forfeiture account. Do not include interest earned on seized funds that are on deposit in an account that does not belong to your agency.</p>	<p>\$ 5,275</p>
<p>F) Amount Returned To Defendants/Respondents:</p>	<p>\$ 168,676</p>
<p>G) Amount Transferred to Forfeiture Account: Instructions: Include all amounts in your agency's possession forfeited during the reporting period and transferred to your forfeiture account.</p>	<p>\$ 1,072,705</p>

H) Ending Balance: Instructions: Add lines A, B(1), B(2) and E, subtract lines F and G, place total in line H.	\$ 1,357,370
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II. FORFEITED FUNDS

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 have not yet been received by your agency.	\$ 0
B) Amount Forfeited For All Agencies You Represent and Covered by Local Agreement: Instructions: Enter the total amount forfeited by all forfeiture judgments in your jurisdiction for the reporting year. Do not include judgments that are not yet final due to appeal or motions for new trial. Include interest that was forfeited as part of the judgment.	\$ 1,072,705
1) Amount Forfeited and Transferred to all Agencies Covered by Local Agreement: Instructions: Do not include amounts forfeited but not yet transferred to these agencies. Include interest that has been forfeited as part of the judgment.	\$ 494,830
2) Amount Forfeited and Received by Your Agency: Instructions: Do not include amounts forfeited but not yet received by your agency. Do not include amounts awarded to other agencies. Include interest that was forfeited as part of the judgment.	\$ 577,875
C) Interest Earned on Forfeited Funds During Reporting Period: Instructions: Include only the amount of interest earned on forfeited funds or interest earned on funds derived from the sale of forfeited property. Do not include interest amounts that were reported in line B2 above. Do not include interest earned if funds are on deposit in an account that does not belong to your agency.	\$ 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.	\$ 141,571
E) Total Expenditures of Forfeited Funds During Reporting Period: Instructions: From Total on Section VI.	\$ 719,446
F) Amount deposited to State Treasury to the Credit of the General Revenue Fund Due to Lack of Local Agreement (Art. 59.06 (a)):	\$ 0
G) Ending Balance: Instructions: Add lines A, B(2), C and D, subtract lines E and F, place total in line G.	\$ 0

III. OTHER PROPERTY

Instructions: List the number of cases filed, pending, or disposed for the following categories. List as “pending” only cases where a petition was filed. List as “seized” 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.

Please Note: these should be a number, not a currency amount. For example: 4 pending, 3 seized, 12 new petitions, etc....	MOTOR VEHICLES (Include cars, motorcycles, tractor trailers, etc.)	REAL PROPERTY (Count each parcel seized as one item)	COMPUTERS (Include computer and attached system components, such as printers and monitors as one item)	FIREARMS (Include only firearms seized for forfeiture under Chpt. 59. Do not include weapons disposed of under Chpt. 18)	OTHER (Include description)
Pending for all agencies at beginning of reporting period:	110	0	26	28	42
Seized by your agency during reporting period:	0	0	0	0	0
New petitions filed for all agencies during reporting period:	135	0	40	46	58
Forfeited to your agency during reporting period:	0	0	0	0	0
Put into service by your agency during reporting period:	0	0	0	0	0
Pending for all agencies at end of reporting period:	114	0	33	36	45

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 OR LOANED 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 the official purposes of the office of the attorney representing the state** - 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):	\$ 0
2. Salary Budgeted Solely From Forfeited Funds:	\$ 719,446
3. Number of employees Paid Using Forfeiture Funds:	15 FT 1 PT
TOTAL SALARIES PAID OUT OF CHAPTER 59 FUNDS:	\$ 719,446

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:	
TOTAL OVERTIME PAID OUT OF CHAPTER 59 FUNDS:	\$ 0

C) EQUIPMENT

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
TOTAL EQUIPMENT PURCHASED WITH CHAPTER 59 FUNDS:	\$ 0

D) SUPPLIES

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

E) TRAVEL

1. Total In State Travel	\$ 0
a) Lodging:	\$ 0
b) Air Fare:	\$ 0
c) Meals (including per diem):	\$ 0
d) Car Rental:	\$ 0
2. Total Out of State Travel	\$ 0
a) Lodging:	\$ 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
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
TOTAL TRAINING PAID OUT OF CHAPTER 59 FUNDS:	\$ 0

G) INVESTIGATIVE COSTS

1. Informant Costs:	\$ 0
2. Buy Money:	\$ 0
3. Lab Expenses:	\$ 0
4. Other (Provide Detail on Additional Sheet):	\$ 0
TOTAL INVESTIGATIVE COSTS PAID OUT OF CHAPTER 59 FUNDS:	\$ 0

**H) PREVENTION/TREATMENT PROGRAMS/FINANCIAL ASSISTANCE
(pursuant to Articles 59.06 (h), (l), (j), (n), (o))**

1. Total Prevention/Treatment Programs (pursuant to 59.06 (h), (l), (j)):	\$ 0
2. Total Financial Assistance (pursuant to 59.06 (n) and (o)):	\$ 0
TOTAL PREVENTION/TREATMENT PROGRAMS/FINANCIAL ASSISTANCE (PURSUANT TO ARTICLES 59.06(h), (l), (j), (n), (o)):	\$ 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
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:	\$ 0
5. Audit Costs and Fees:	\$ 0
6. Other (Provide Detail on Additional Sheet) :	\$ 0
TOTAL MISCELLANEOUS FEES PAID OUT OF CHAPTER 59 FUNDS:	\$ 0

K. TOTAL PAID TO COOPERATING AGENCY(IES) PURSUANT TO LOCAL AGREEMENT:

\$ 0

L) TOTAL OTHER PAID OUT OF CHAPTER 59 FUNDS (provide detailed descriptions on additional sheet(s) and attach to this report):

\$ 0

M) TOTAL EXPENDITURES:

\$ 719,446

**BOTH THE COMMISSIONERS COURT AND ATTORNEY REPRESENTING THE STATE
CERTIFICATIONS MUST BE COMPLETED**

NOTE: ART. 59.06(g)(1) requires the Commissioners Court to perform the audit.

CERTIFICATION

I swear or affirm that the Commissioners Court 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 (Printed Name): B. Glen Whitley
SIGNATURE: _____
COUNTY: Tarrant
DATE: 11/22/2011

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, I believe that this asset forfeiture report is true and correct and contains all information required under Article 59.06 of the Code of Criminal Procedure. I further swear or affirm that all expenditures reported herein were lawful and proper, and were made in accordance with Texas law.

ATTORNEY REPRESENTING THE
STATE (Elected Official) (Printed
Name): Joe Shannon Jr.
SIGNATURE: _____
DATE: 11/22/2011

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
E-mail: kent.richardson@oag.state.tx.us

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THE SIGNED, ORIGINAL DOCUMENT TO OUR OFFICE AT THE
ADDRESS ABOVE.**