



COMMISSIONERS COURT
COMMUNICATION

REFERENCE NUMBER CO#114042

PAGE 1 OF 9

DATE: 10/30/2012

SUBJECT: **APPROVAL OF THE DISTRICT ATTORNEY'S OFFICE FISCAL YEAR 2012
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 2012 Chapter 59 Asset Forfeiture Report by Attorney Representing the State and authorize the County Judge to sign the certification.

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 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.

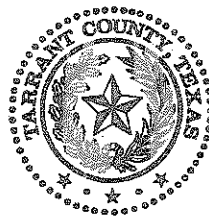
This report, which was created by the Office of the Attorney General, summarizes the State fiscal year 2012 asset forfeiture activities of the Tarrant County District Attorney's Office and conforms to the requirements as specified under Article 59.06 (g)(1) of the C.C.P. Per this article, the Commissioners 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
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October 23, 2012

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 2012

SUMMARY

We have reviewed the attached *FY2012 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 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.

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, III A and B, IV, V, and VIII 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 C, VI, and VII of the report include non-cash assets, including motor vehicles, firearms, and computers. The assets reported in Section III C were obtained from the District Attorney's database. The database reflected no activity relative to Sections VI and VII. 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.

Very truly,



S. Renee Tidwell, CPA
County Auditor

Attachment: *FY2012 Chapter 59 Asset Forfeiture Report by Attorney Representing the State*

Audit Team: Kim Trussell, Audit Manager
Frank Mazza, Audit Supervisor
Larry Baum, Senior Auditor
Tim Sears, Auditor, Financial Accounting

Distribution: Helen Giese, District Attorney's Office

**FY 2012 Chapter 59 Asset Forfeiture Report
by Attorney Representing the State**

Agency Name: Tarrant County District Attorney Reporting Period: 9/1/11-8/31/12
(example: 9/1/11- 08/31/12)

Name of Attorney
Representing the
State (Printed): Tim Curry Criminal Justice Center

Agency Mailing
Address: 401 W. Belknap
Fort Worth, Tx 76196-0201

Phone Number: (807) 884-1694

County: Tarrant

Email Address: hhgiese@tarrantcounty.com This should be a permanent agency email address

NOTE: PLEASE ROUND ALL DOLLAR AMOUNTS TO THE NEAREST WHOLE DOLLAR

I. SEIZED FUNDS (Funds that have been seized, but 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 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.	\$ 1,357,370
B) Ending Balance: Instructions: Include total amount of seized funds on hand (in your agency's possession) at the end of reporting period including interest. Do not include funds that are in an account held by another agency, e.g. a law enforcement account.	\$ 1,418,896

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 have not yet been received by your agency.	\$ 0
B) Ending Balance: Instructions: 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 have not yet been received by your agency.	\$ 0

III. SEIZURES DURING REPORTING PERIOD

A) 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.	\$ 0
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AUDITOR-YC**

B) 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. (This should be a currency amount, for example \$1,000).

\$ 1,499,517

C) Property:

Instructions: List the number of items seized for the following categories:

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)
Seized by your agency during reporting period:	0	0	0	0	0
New petitions filed for all agencies during reporting period:	197	4	100	69	482
Forfeited to your agency during reporting period:	0	0	0	0	0

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.

\$ 608,900

V. LACK OF LOCAL AGREEMENT:

Amount deposited to State Treasury to the Credit of the General Revenue Fund Due to Lack of Local Agreement (Art. 59.06 (a)):

\$ 0

VI. 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

VII. 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
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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

VIII.

EXPENDITURES

Instructions: This category is for **Chapter 59 expenditures SOLELY for law enforcement purposes or for the official purpose of your office** - 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:	\$ 608,900
3. Number of Employees Paid Using Forfeiture Funds:	15 FTE 1 PT
TOTAL SALARIES PAID OUT OF CHAPTER 59 FUNDS:	\$ 608,900

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
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
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. In State Travel	
a) Transportation:	\$ 0
b) Meals & Lodging:	\$ 0
c) Mileage:	\$ 0
d) Incidental Expenses (Any other travel expense not included on a, b, or c above):	\$ 0
Total In State Travel	\$ 0
2. Out of State Travel	
a) Transportation:	\$ 0
b) Meals & Lodging:	\$ 0
c) Mileage:	\$ 0
d) Incidental Expenses (Any other travel expense not included on a, b, or c above):	\$ 0
Total Out of State Travel	\$ 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) TOTAL PREVENTION/TREATMENT PROGRAMS/FINANCIAL ASSISTANCE	
1. Total Prevention/Treatment Programs (pursuant to 59.06 (h), (l), (j)):	\$ 0
2. Total Financial Assistance (pursuant to Articles 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) PAID TO OR SHARED WITH COOPERATING AGENCY: \$ 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: \$ 608,900

**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: _____
DATE: October 30, 2012

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: October 23, 2012

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

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