



DALLAS COUNTY
COUNTY AUDITOR

To: The Honorable Lupe Valdez, Sheriff
Commissioners Court

From: Darryl D. Thomas, County Auditor *Darryl D. Thomas*

Date: January 25, 2016

Re: Clean Air Task Force – State Forfeiture FY2015

Scope

We performed a review of financial records relevant to the Clean Air Task Force's use of State Forfeiture Funds. Code of Criminal Procedure Article 59.06 controls and limits expenditures. The forfeiture activity includes \$1,500 in the Imprest Fund, \$17,272 in funds returned to defendant, \$13,100 in forfeited funds, and \$8,072 expended during the county fiscal year ending September 30, 2015. Forfeited funds are held in a special account in the treasury, to be used by the Clean Air Task Force solely for law enforcement purposes.

Procedures

Internal controls for financial management by the Clean Air Task Force including purchasing, accounting, compliance, and reporting are tested at year-end. A review of the total budget activity was selected for all categories. Review steps included, but were not limited to:

- A. Purchasing
 - Approvals: documented prior to allocations or purchase/obligation
 - Policies/Travel (hotel – meals – transportation)
- B. Accounting
 - Approvals/Support: documented on receipt of service/goods
 - Allocation/Justification: category coding
 - Transfers/loans: activity between other County funds
 - Reconciliation: Clean Air Task Force's Imprest Fund Ledger vs. General Ledger
- C. Compliance
 - Imprest funds used solely for "buy money" and/or "informant fees"
 - Clean Air Task Force funds used solely for official law enforcement purposes (see Attorney General's opinions on "official law enforcement purposes")
 - Budget/Categories: filed with Commissioners Court at sufficient level both for investigation and non-investigation disclosure
- D. Reporting
 - Budget and Categories: consistent with Attorney General's format
 - Audit: timely signed and remitted
- E. Walkthrough
 - Documents internal controls for the complete procurement process
 - Document internal controls for handling of seized and forfeited funds; handling of seized and forfeited

assets

- Document internal controls for handling of capital and non-capital property (recordkeeping /tracking / tagging)
- Determine if written procedures are in place

Consideration of Internal Control

Tests were performed for limited purpose of compiling financial transactions in format required by the Attorney General. A deficiency in internal control exists when the design or operation of control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A material weakness is a deficiency, or combination of control deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

We identified the following findings during test work:

- Two expenditures for conference travel and registration fees incorrectly coded as business travel to the general ledger.

Status: Resolved. Corrections processed via Journal Entry September 2015.

Response: All parties have been informed to use the appropriate account numbers.

The following findings were identified during the walkthrough:

- The detectives do not document: costs associated with the seizure of the property, the civil suit case number, the judgment date, and the sales price or the method used to calculate the fair market value for property sent to auction per 2 CFR section 215.34 (f). The Tracking list should include the costs associated with the seizure of the property, the civil suit case number, the judgment date, and for property sent to auction, and the sales price or the method used to calculate the fair market value.

Response: A spreadsheet will be created to track seized property value, the civil suit case number, the judgment date, valuation of fair market value through E-Bay or from a company buyer. Additionally, efforts will be made to move current seized items in storage to recoup value.

- The Clean Air Task Force stores a forfeited 1999 Ford Explorer and 2003 GMC Envoy at a towing company lot without a written contract, and the towing company logged \$8,502 in aggregate storage fees as of October 19, 2015. The Clean Air Task Force should transport the 1999 Ford Explorer and 2003 GMC Envoy to the Automotive Service Center. All seized vehicles should be towed to the Automotive Service Center, owned and operated by Dallas County, to minimize risk of liability.

Response: Employees will only use authorized Dallas County Towing Company's and also will use a Purchase Order for known expense commitments. Additionally, all seized vehicles will be towed to the Dallas County Automotive Service Center to minimize ongoing expenses.

Compliance with Laws and Regulations

Audit examination, observation, inspection, and inquiry produced reasonable support or explanation for Chapter 59 conclusions and findings. The complete population of forfeiture account expenditures was examined to verify compliance with Chapter 59.06, Disposition of Forfeited Property, under the Texas Code of Criminal Procedure. A full inventory on property obtained through past seizures was conducted and all items were identified and documented during the Chapter 59 audit.

Funds used supplemented versus supplanted the County budget. We did not identify expenditures inconsistent with permissible uses under Code of Criminal Procedure, Chapter 59.06 for "law enforcement purposes" (also see Attorney General's Opinions GA-1059, DM-162, DM-246, and GA-613).

Summary

We obtained a reasonable assurance that support exists for financial transactions and walked through the process and procedures for seizing currency and property, storing seized assets, accounting for seized and forfeited assets, depositing seized and forfeited state funds in the seizure and forfeiture accounts, procuring supplies, assets, and services, expending forfeited funds, and tracking capital and non-capital items. We also compiled records for the financial report.

This report is intended for the information and use of County Officers. Our review was conducted on a test basis and was not designed to identify all deficiencies in internal control. We did not test compliance with all laws and regulations applicable to the Dallas County Clean Air Task Force. Testing was limited to controls and regulations that have a direct and material effect on financial reporting of state forfeiture funds.

The Clean Air Task Force is responsible for the establishment and maintenance of effective internal control and compliance with applicable laws, regulations, and contracts.



DALLAS COUNTY
COUNTY AUDITOR

INFORMATIONAL BRIEFING

December 2, 2015

Memorandum

To: Darryl Martin
Commissioners Court Administrator

From: Darryl D. Thomas *Darryl D. Thomas*
County Auditor

Subject: Chapter 59 Sheriff, Clean Air, & Constables Forfeiture Audit Filings

BACKGROUND:

FY2015 audits were performed according to state requirements as contained in V.T.C.A., Code of Criminal Procedure, Article 59.06 (g). The certified reports are to be delivered to the Criminal Prosecutions Division of the Office of the Attorney General no later than 60 days after the end of the County's fiscal year end or November 29th. According to statute, the audits shall be completed annually by the Commissioners Court on a form provided by the Office of the Attorney General. New procedures implemented by the Office of the Attorney General require the forms to be completed and electronically certified/submitted online by the Auditor (preparer certification) and the elected official (head of agency certification). The Chapter 59 audits included a review of the proceeds, expenditures and property from criminal seizures for the various offices and the corresponding cases filed by the Dallas County District Attorney's Office.

LEGAL IMPACT:

The certified reports are submitted for filing with Commissioners Court.

STRATEGIC PLAN COMPLIANCE:

This briefing is consistent with Dallas County's Strategic Plan Vision 3. The state law enforcement officials coordinated to reduce crime which resulted in receiving a share of forfeited assets to be used for future law enforcement purposes.

RECOMMENDATION:

The County Auditor submits for Commissioners Court filing the FY2015 Chapter 59 Sheriff, Clean Air Task Force, and Constable Precinct Nos. 1 through 5 State Forfeiture Audits.

91042 - Sheriff Department
91043 - Constable Precinct No. 1
91049 - Constable Precinct No. 2
91047 - Constable Precinct No. 3
91052 - Constable Precinct No. 4
91053 - Constable Precinct No. 5
94072 - Clean Air Task Force

attachments

FY 2015
CHAPTER 59 ASSET FORFEITURE REPORT
BY LAW ENFORCEMENT AGENCY

Agency Dallas County Clean Air Task Force (Sheriff Emissions Enforcement Task Force)
Mailing Address 501 Main St # 103
City Dallas
State TX
Zip 75202
Phone Number (214) 653-6708
Fiscal Beginning Month October
Fiscal Ending Month September
Fiscal Year 2015

NOTE: PLEASE ROUND ALL FIGURES TO NEAREST WHOLE DOLLAR

I. SEIZED FUNDS PURSUANT TO CHAPTER 59

A) Beginning Balance:	\$32,788.00
B) Seizures During Reporting Period:	
1) Amount seized and retained in your agency's custody	\$0.00
2) Amount seized and transferred to the District Attorney pending forfeiture	\$0.00
3) Total Seizures	\$0.00
C) Interest Earned on Seized Funds During Reporting Period:	\$0.00
D) Amount Returned to Defendants/Respondents:	\$17,272.00
E) Amount Transferred to Forfeiture Account:	\$13,100.00
F) Other Reconciliation Items:	\$0.00
Description:	
G) Ending Balance	\$2,416.00

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

A) Beginning Balance:	\$33,606.00
B) Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period:	\$13,100.00
C) Interest Earned on Forfeited Funds During Reporting Period:	\$133.00
D) Amount Awarded Pursuant to 59.022:	\$0.00
E) Amount Awarded Pursuant to 59.023:	\$0.00
F) Proceeds Received by Your Agency From Sale of Forfeited Property:	\$0.00
G) Amount Returned to Crime Victims:	\$0.00
H) Other Reconciliation Items:	\$0.00

Description:

I) Total expenditures of Forfeited Funds During Reporting Period: \$8,072.00

J) Ending Balance: \$38,767.00

III. OTHER PROPERTY

A) MOTOR VEHICLES (Include cars, motorcycles, tractor trailers, etc.)

1) Seized: 4

2) Forfeited to Agency: 2

3) Returned to Defendants/Respondents: 0

4) Put into use by Agency: 0

B) REAL PROPERTY (Count each parcel seized as one item)

1) Seized: 0

2) Forfeited to Agency: 0

3) Returned to Defendants/Respondents: 0

4) Put into use by Agency: 0

C) COMPUTERS (Include computer and attached system components, such as printers and monitors, as one item)

1) Seized: 0

2) Forfeited to Agency: 0

3) Returned to Defendants/Respondents: 0

4) Put into use by Agency: 0

D) FIREARMS (Include only firearms seized for forfeiture under Chapter 59. Do not include weapons disposed under Chapter 18)

1) Seized: 0

2) Forfeited to Agency: 0

3) Returned to Defendants/Respondents: 0

4) Put into use by Agency: 0

E) Other Property

Description	Seized	Forfeited to Agency	Returned to Defendants/Respondents	Put into use by Agency
Emission Analyzer	0	0	1	0

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

1) Increase of Salary, Expense or Allowance for Employees (Salary Supplements):	\$0.00
2) Salary Budgeted Solely From Forfeited Funds:	\$0.00
3) Number of Employees Paid Using Forfeiture Funds:	0
4) TOTAL SALARIES PAID OUT OF CHAPTER 59 FUNDS:	\$0.00

B) OVERTIME

1) For Employees Budgeted by Governing Body:	\$0.00
2) For Employees Budgeted Solely out of Forfeiture Funds:	\$0.00
3) Number of Employees Paid Using Forfeiture Funds:	0
4) TOTAL OVERTIME PAID OUT OF CHAPTER 59 FUNDS:	\$0.00

C) EQUIPMENT

1) Vehicles:	\$0.00	
2) Computers:	\$0.00	
3) Firearms, Protective Body Armor, Personal Equipment:	\$0.00	
4) Furniture:	\$0.00	
5) Software:	\$0.00	
6) Maintenance Costs:	\$0.00	
7) Uniforms:	\$0.00	
8) K9 Related Costs:	\$0.00	
9) Other:	\$0.00	
Description:		
10) TOTAL EQUIPMENT PURCHASED WITH CHAPTER 59 FUNDS:		\$0.00

D) SUPPLIES

1) Office Supplies:	\$29.00
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2) Mobile Phone and Data Account Fees: \$0.00

3) Internet: \$0.00

4) Other: \$0.00

Description:

5) TOTAL SUPPLIES PURCHASED WITH CHAPTER 59 FUNDS: \$29.00

E) Travel

1) In State Travel

a) Transportation: \$1,510.00

b) Meals & Lodging: \$0.00

c) Mileage: \$0.00

d) Incidental Expenses: \$0.00

e) Total In State Travel: \$1,510.00

2) Out of State Travel

a) Transportation: \$0.00

b) Meals & Lodging: \$0.00

c) Mileage: \$0.00

d) Incidental Expenses: \$0.00

e) Total Out of State Travel: \$0.00

3) TOTAL TRAVEL PAID OUT OF CHAPTER 59 FUNDS

Total Travel Paid Out of Chapter 59 Funds: \$1,510.00

F) TRAINING

1) Fees (Conferences, Seminars): \$3,375.00

2) Materials (Books, CDs, Videos, etc.): \$0.00

3) Other: \$0.00

Description:

4) TOTAL TRAINING PAID OUT OF CHAPTER 59 FUNDS: \$3,375.00

G) INVESTIGATIVE COSTS

- 1) Informant Costs: \$0.00
- 2) Buy Money: \$0.00
- 3) Lab Expenses: \$0.00
- 4) Other: \$0.00

Description:

5) TOTAL INVESTIGATIVE COSTS PAID OUT OF CHAPTER 59 FUNDS: \$0.00

H) PREVENTION / TREATMENT PROGRAMS / FINANCIAL ASSISTANCE / DONATIONS

- 1) Total Prevention/Treatment Programs (pursuant to 59.06 (d-3(6), (h), (j)): \$0.00
- 2) Total Financial Assistance (pursuant to Articles 59.06 (n) and (o)): \$0.00
- 3) Total Donations (pursuant to Articles 59.06 (d-2)): \$0.00
- 4) TOTAL PREVENTION/TREATMENT PROGRAMS/FINANCIAL ASSISTANCE/DONATIONS (pursuant to Articles 59.06 (d-3(6)),(h),(j),(n),(o),(d-2)): \$0.00

I) FACILITY COSTS

- 1) Building Purchase: \$0.00
- 2) Lease Payments: \$0.00
- 3) Remodeling: \$0.00
- 4) Maintenance Costs: \$0.00
- 5) Utilities: \$0.00
- 6) Other: \$0.00

Description:

7) TOTAL FACILITY COSTS PAID OUT OF CHAPTER 59 FUNDS: \$0.00

J) MISCELLANEOUS FEES

- 1) Court Costs: \$296.00
- 2) Filing Fees: \$0.00
- 3) Insurance: \$0.00
- 4) Witness Fees (including travel and security): \$0.00
- 5) Audit Costs and Fees (including audit preparation and professional fees): \$0.00
- 6) Other: \$0.00

Description:

7) TOTAL MISCELLANEOUS FEES PAID OUT OF CHAPTER 59 FUNDS:

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):	\$0.00
2) Total paid to State Treasury due to participating in task force not established in accordance with 59.06 (q)(1):	\$0.00
3) Total paid to General Fund pursuant to 59.06 (C-3) (c) (Texas Department of Public Safety only):	\$0.00
4) Total forfeiture funds transferred to the Health and Human Services Commission pursuant to 59.06 (p):	\$0.00
5) TOTAL PAID TO STATE TREASURY/ GENERAL FUND/ HEALTH & HUMAN SERVICES COMMISSION OUT OF CHAPTER 59 FUNDS:	\$0.00

L) TOTAL PAID TO COOPERATING AGENCY(IES) PURSUANT TO LOCAL AGREEMENT

TOTAL PAID TO COOPERATING AGENCY(IES) PURSUANT TO LOCAL AGREEMENT: \$2,620.00

M) TOTAL OTHER EXPENSES PAID OUT OF CHAPTER 59 FUNDS WHICH ARE NOT ACCOUNTED FOR IN PREVIOUS CATEGORIES

TOTAL OTHER
EXPENSES PAID OUT
OF CHAPTER 59 FUNDS
WHICH ARE NOT \$242.00
ACCOUNTED FOR IN
PREVIOUS
CATEGORIES:

Description: Towing

N) TOTAL EXPENDITURES

TOTAL EXPENDITURES: \$8,072.00

AUDITOR/ TREASURER/ACCOUNTING PROFESSIONAL/PREPARER CERTIFICATION

By pressing "Save" below using your email address and password account access, and pursuant to the terms of service, you certify that you swear or affirm that the Commissioners Court, City Council or Head of Agency(if no governing body) has requested that you 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, you believe that the information contained in this report is true and correct to the best of your Knowledge.

AUDITOR/ TREASURER/
ACCOUNTING
PROFESSIONAL/ Darryl D. Thomas
PREPARER
SIGNATURE:

TITLE: Dallas County Auditor

HEAD OF AGENCY CERTIFICATION

By pressing "Submit" below using your email address and password account access, and pursuant to the terms of service you swear or affirm, under penalty of perjury, that you 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. You further swear or affirm that, to the best of your knowledge, all expenditures reported herein were lawful and proper, and made in accordance with Texas law.

HEAD OF AGENCY
SIGNATURE: Lupe Valdez

TITLE: Sheriff

DATE: 11/5/2015

Comments