Travis County Commissioners Court Agenda Request

Meeting Date: October 28, 2014
Prepared By/Phone Number: Paul B. Matthews, CPA, CFA (Finance Director, Travis County Sheriff); 854-9234
Elected/Appointed Official/Dept. Head: Greg Hamilton, Sheriff; 854-9788
Commissioners Court Sponsor:

AGENDA LANGUAGE: Consider and take appropriate action on the Equitable Sharing Program Compliance Notice for Federal Forfeitures (U.S. Department of Justice filing)

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:
Memorandum from Paul B. Matthews, CPA (dated 10/16/14)

STAFF RECOMMENDATIONS:

ISSUES AND OPPORTUNITIES:

FISCAL IMPACT AND SOURCE OF FUNDING: None

REQUIRED AUTHORIZATIONS:

Darren Long, Major, Travis County Sheriff's Office, 854-5353
Mark Sawa, Major, Travis County Sheriff's Office, 854-9758
Paul B. Matthews, Finance Manager, Travis County Sheriff's Office, 854-9234

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials should be submitted as a pdf to the County Judge's office, agenda@co.travis.tx.us **by Tuesdays at 5:00 p.m.** for the next week's meeting.

JAMES N. SYLVESTER
Chief Deputy

GREG HAMILTON

TRAVIS COUNTY SHERIFF
P.O. Box 1748
Austin, Texas 78767
(512) 854-9770
www.tcsheriff.org

DARREN LONG
Major - Law Enforcement

WES PRIDDY
Major - Corrections

MARK SAWA
Major - Administration & Support

October 16, 2014

MEMORANDUM

TO: Honorable Sam Biscoe, County Judge
Honorable Ron Davis, Commissioner, Precinct 1
Honorable Bruce Todd, Commissioner, Precinct 2
Honorable Gerald Daugherty, Commissioner, Precinct 3
Honorable Margaret Gómez, Commissioner, Precinct 4

FROM: Paul B. Matthews, CPA, CFA Travis County Sheriff's Office Finance Manager PM

SUBJECT: Equitable Sharing Program Compliance, Federal Asset Forfeiture Certification Report

The purpose of this memorandum is to request approval of the attached Equitable Sharing Agreement and Certification report issued by the U.S. Department of Justice.

Approval of this agreement is a prerequisite for the Travis County Sheriff's Office to continue to receive any equitably shared cash, property, or proceeds from participation in an investigation in Fiscal Year 2015 that result in federal property forfeiture.

Please call me at 854-9234, if you would like any additional information.

cc: Greg Hamilton, Travis County Sherriff's Office
Jim Sylvester, Travis County Sheriff's Office
Major Darren Long, Travis County Sheriff's Office
Major Mark Sawa, Travis County Sheriff's Office
David Jungerman, Travis County Auditor's Office

OMB Number 1123-0011
Expires 9-30-2014

Equitable Sharing Agreement and Certification

◯ Police Department ◉ Sheriff's Office ◯ Task Force (Complete Table A)
◯ Prosecutor's Office ◯ National Guard Counterdrug Unit ◯ Other

** Please fill each required field. Hover mouse over any fillable field for pop-up instructions. **

Agency Name: Travis County (TX) Sheriff's Office

NCIC/ORI/Tracking Number: T X 2 2 7 0 0 0 0

Mailing Address: PO Box 1748

City: Austin **State:** TX **Zip:** 78767

Finance Contact: First: Paul Last: Matthews
Phone: (512) 854-9234 E-mail: paul.mathews@traviscountytx.gov

Preparer: First: Paul Last: Matthews
☒ Same as Finance Contact Phone: (512) 854-9234 E-mail: paul.mathews@traviscountytx.gov

Independent Public Accountant: E-mail: tsanders@atchleycpas.com

Last FY End Date: 09/30/2014 **Agency Current FY Budget:** $164,418,162.83

◯ **New Participant:** Read the Equitable Sharing Agreement and sign the Affidavit.

◉ **Existing Participant:** Complete the Annual Certification Report, read the Equitable Sharing Agreement, and sign the Affidavit.

◯ **Amended Form:** Revise the Annual Certification Report, read the Equitable Sharing Agreement, and sign the Affidavit.

Annual Certification Report

	Summary of Equitable Sharing Activity	Justice Funds[1]	Treasury Funds[2]
1	Beginning Equitable Sharing Fund Balance (must match Ending Equitable Sharing Fund Balance from prior FY)	$78,979.15	
2	Federal Sharing Funds Received	$70,387.39	
3	Federal Sharing Funds Received from Other Law Enforcement Agencies and Task Forces (To populate, complete Table B)		
4	Other Income		
5	Interest Income Accrued — Non-Interest Bearing ◯ Interest Bearing ◉	$52.46	
6	Total Equitable Sharing Funds (total of lines 1 - 5)	$149,419.00	$0.00
7	Federal Sharing Funds Spent (total of lines a - m below)	$88,432.27	$0.00
8	Ending Balance (difference between line 7 and line 6)	$60,986.73	$0.00

[1] Justice Agencies are: FBI, DEA, ATF, USPIS, USDA, DCIS, DSS, and FDA.

[2] Treasury Agencies are: IRS, ICE, CBP, TTB, USSS, and USCG.

	Summary of Shared Funds Spent	Justice Funds	Treasury Funds
a	Total spent on salaries under permitted salary exceptions		
b	Total spent on overtime		
c	Total spent on informants, "buy money", and rewards		
d	Total spent on travel and training	$48,122.26	
e	Total spent on communications and computers		
f	Total spent on weapons and protective gear	$8,505.58	
g	Total spent on electronic surveillance equipment		
h	Total spent on buildings and improvements	$1,750.00	
i	Total transfers to other participating state and local law enforcement agencies (To populate, complete Table C)		
j	Total spent on other law enforcement expenses (To populate, complete Table D)	$29,564.43	
k	Total Expenditures in Support of Community-Based Programs (To populate, complete Table E)	$490.00	
l	Total Windfall Transfers (To populate, complete Table F)		
m	Total spent on matching grants (To populate, complete Table G)		
n	**Total**	$88,432.27	$0.00
o	Did your agency receive non-cash assets? ◯ Yes ◯ No If yes, complete Table H.		

Please fill out the following tables, if applicable.

Table A: Members of Task Force

Agency Name	NCIC/ORI/Tracking Number

Table B: Equitable Sharing Funds Received from other Agencies

Transferring Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name:		
NCIC/ORI/Tracking Number:		

Table C: Equitable Sharing Funds Transferred to Other Agencies

Receiving Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name:		
NCIC/ORI/Tracking Number:		

Table D: Other Law Enforcement Expenses

Description of Expense	Justice Funds	Treasury Funds
Hill County Dog Center	$9,000.00	
Magnum Trailers (trailer for motors unit)	$13,225.00	
Desert Snow LLC (for took kits)	$1,154.65	
Vinyl Works (items for K-9 agility training)	$5,679.00	
Enterprise Rent A Car (truck rental for evidence incineration)	$505.78	

Table E: Expenditures in Support of Community-Based Programs

Recipient	Justice Funds	
Special Olympics	$130.00	
Constant Contact (for Re-entry Conference)	$360.00	

Table F: Windfall Transfers

Recipient	Justice Funds	Treasury Funds

Table G: Matching Grants

Matching Grant Name	Justice Funds	Treasury Funds

Table H: Other Non-Cash Assets Received

Source	Description of Asset
Justice ◯	
Treasury ◯	

Table I: Civil Rights Cases

Name of Case	Type of Discrimination Alleged			
	☐ Race	☐ Color	☐ National Origin	☐ Gender
	☐ Disability	☐ Age	☐ Other _____	

Paperwork Reduction Act Notice

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create accurate and easily understood forms that impose the least possible burden on you to complete. The estimated average time to complete this form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please write to the Asset Forfeiture and Money Laundering Section, 1400 New York Avenue, N.W., Washington, DC 20005.

Equitable Sharing Agreement

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the above-stated law enforcement agency ("Agency"), and (3) the governing body, sets forth the requirements for participation in the federal Equitable Sharing Program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participating law enforcement agencies.
By its signatures, the Agency agrees that it will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal Equitable Sharing Program. Receipt of the signed Equitable Sharing Agreement and Certification (this "Document") is a prerequisite to receiving any equitably shared cash, property, or proceeds.

1. **Submission.** This Document must be submitted to aca.submit@usdoj.gov within 60 days of the end of the Agency's fiscal year. This Document must be submitted electronically with the Affidavit/Signature submitted by fax. This will constitute submission to the Department of Justice and the Department of the Treasury.

2. **Signatories.** This agreement must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, chairperson, secretary, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body's head is the person who allocates funds or approves the budget for the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, director, secretary, administrator, commissioner, and governor.

3. **Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the federal Equitable Sharing Program as set forth in the current edition of the Department of Justice's *Guide to Equitable Sharing for State and Local Law Enforcement (Justice Guide),* and the Department of the Treasury's *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide).*

4. **Transfers.** Before the Agency transfers cash, property, or proceeds to other state or local law enforcement agencies, it must first verify with the Department of Justice or the Department of the Treasury, depending on the source of the funds, that the receiving agency is a current and compliant Equitable Sharing Program participant.

5. **Internal Controls.** The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The Agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal equitable sharing account.

The Agency agrees that such accounting will be subject to the standard accounting requirements and practices employed for other public funds as supplemented by requirements set forth in the current edition of the *Justice Guide* and the *Treasury Guide,* including the requirement in the *Justice Guide* to maintain relevant documents and records for five years.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice or Treasury Guides,* depending on the source of the funds/property.

6. **Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and Department of the Treasury reserve the right to conduct periodic random audits.

Affidavit - Existing Participant

Under penalty of perjury, the undersigned officials certify that **they have read and understand their obligations under the Equitable Sharing Agreement** and that the information submitted in conjunction with this Document is an accurate accounting of funds received and spent by the Agency under the *Justice* and/or *Treasury Guides* during the reporting period and that the recipient Agency is in compliance with the National Code of Professional Conduct for Asset Forfeiture.

The undersigned certify that the recipient Agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 *et seq.*), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above? ○ **Yes** ◉ **No**

If you answered yes to the above question, complete Table I

Agency Head		**Governing Body Head**	
Signature:	G Hamilt	Signature:	
Name:	Greg Hamilton	Name:	Sam Biscoe
Title:	Sheriff	Title:	Travis County Judge
Date:	10/17/14	Date:	
E-mail:	Greg.Hamilton@traviscountytx.gov	E-mail:	Sam.Biscoe@traviscountytx.gov

Subscribe to Equitable Sharing Wire:
The Equitable Sharing Wire is an electronic newsletter that gives you important, substantive, information regarding Equitable Sharing policies, practices, and procedures.

paul.mathews@traviscountytx.gov

Final Instructions:

Step 1: Click to save for your records
Step 2: Click to save in XML format
Step 3: Email the XML file to aca.submit@usdoj.gov
Step 4: Scan & email this Affidavit to aca.affidavit@usdoj.gov
(Email subject line must include Agency NCIC/ORI Code)

FOR AGENCY USE ONLY

Entered by _____

Entered on _____

○ FY End: 09/30/2014

Date Printed: October 16, 2014 11:18

◉ NCIC: TX2270000 Agency: Travis County (TX) Sheriff's Office Phone: (512) 854-9234

○ State: TX Preparer: Paul Matthews E-mail: paul.mathews@traviscountytx.gov