

12A

**FY 2010
CHAPTER 59 ASSET FORFEITURE REPORT
BY LAW ENFORCEMENT AGENCY**

Agency Name: **FT BEND COUNTY**
CONSTABLE, PCT 4

Reporting Period:
(local fiscal year) **10/1/09 TO 9/30/10**

Agency Mailing Address: **12919 Dairy Ashford, Ste 300**
Sugar Land, TX 77478

example: 01/01/10 to 12/31/10,
09/01/09 to 08/31/10 etc.

Phone Number: **(281) 242-4014**

County: **Fort Bend**

Email Address: _____

This should be a permanent agency email address

NOTE: PLEASE ROUND ALL DOLLAR FIGURES TO NEAREST WHOLE DOLLAR.

I. SEIZED FUNDS

- A) Beginning Balance.....
Instructions: Include total amount of seized funds on hand (in your agency's possession) at beginning of reporting period. 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., the District Attorney's account. \$ **-0-**
- B) Seizures During Reporting Period:
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.
- 1) Amount seized and retained in your agency's custody..... \$ **-0-**
- 2) Amount seized and transferred to the District Attorney pending forfeiture..... \$ **-0-**
- C) Amount Returned to Defendants/Respondents (If seized funds are returned to Defendants/Respondents please complete Schedule A for each case in which this applies. Make copies of the schedule and add additional sheets as necessary)..... \$ **-0-**
- D) Ending Balance
Instructions: Add lines A and B(1), subtract line C, put total in line D. \$ **-0-**

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 beginning of the reporting period including interest. **Do not** include funds that have been forfeited but not yet received by your agency. \$ **-0-**
- B) 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. \$ **-0-**

10-22-10 copy received

C)	Interest Earned on Forfeited Funds During Reporting Period	
	Instructions: Enter amount of interest earned on funds in your agency's forfeiture account during the reporting period. Do not include interest earned if funds are on deposit in an account that does not belong to your agency, e.g. the District Attorney's account.	\$ -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. If property is returned to Defendants/Respondents please complete Schedule A for each case in which this applies. Make copies of the schedule and add additional sheets as necessary.	\$ -0-
E)	Total Expenditures of Forfeited Funds During Reporting Period	
	Instructions: From Total on Section VI.	\$ -0-
F)	Ending Balance	
	Instructions: Add lines A through D, subtract line E, place total in line F.	\$ -0-

III. OTHER PROPERTY

Instructions: List the number of items seized for the following categories. Include 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. If property is returned to Defendants/Respondents please complete Schedule A for each case in which this applies. Make copies of the schedule and add additional sheets as necessary.

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.)	-0-			
2) REAL PROPERTY (Count each parcel seized as one item)	-0-			
3) COMPUTERS (Include computer and attached system components, such as printers and monitors, as one item)	-0-			
4) FIREARMS (Include only firearms seized for forfeiture under Chapter 59. Do not include weapons disposed under Chapter 18.)	-0-			
5) Other Property - Description:	N/A			
Other Property -Description:	N/A			
Other Property -Description:	N/A			

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.

		-0-
A)	Motor Vehicles (the number of vehicles, not a currency amount).....	
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 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.

		-0-
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 law enforcement purposes** - 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.

			-0-
A)	Total Salaries Paid out of Chapter 59 Funds.....	\$	
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-
B)	Total Overtime Paid out of Chapter 59 Funds	\$	-0-
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-
C)	Total Equipment Paid for with Chapter 59 Funds.....	\$	-0-
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-
D)		Total Supplies Paid Out of Chapter 59 Funds	\$	-0-
	1.	Office Supplies	\$	-0-
	2.	Cellular Air Time	\$	-0-
	3.	Internet.....	\$	-0-
	4.	Other (Provide Detail on Additional Sheet)	\$	-0-
E)		Total Travel Paid Out of Chapter 59 Funds.....	\$	-0-
	1.	In State Travel		
		a) Hotel.....	\$	-0-
		b) Air Fare	\$	-0-
		c) Meals (including per diem)	\$	-0-
		d) Car Rental	\$	-0-
	2.	Out of State Travel		
		a) Hotel	\$	-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-
F)		Total Training Paid Out of Chapter 59 Funds.....	\$	-0-
	1.	Fees (Conferences, Seminars)	\$	-0-
	2.	Materials (Books, CDs, Videos, etc.)	\$	-0-
	3.	Other (Provide Detail on Additional Sheet)	\$	-0-
G)		Total Investigative Costs Paid Out of Chapter 59 Funds	\$	-0-
	1.	Informant Costs	\$	-0-
	2.	Buy Money	\$	-0-
	3.	Lab Expenses	\$	-0-
	4.	Other (Provide Detail on Additional Sheet)	\$	-0-

H)	Total Prevention / Treatment Programs/ Financial Assistance (pursuant to Articles 59.06 (h), (I), (j), (n)).....	\$ -0-
I)	Total Facility Costs Paid Out of Chapter 59 Funds.....	\$ -0-
	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-
J)	Total Miscellaneous Fees Paid Out of Chapter 59 Funds.....	\$ -0-
	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-
K)	Total Other Paid Out of Chapter 59 Funds (provide detailed descriptions on additional sheet(s) and attach to this report).....	\$ -0-
L)	TOTAL EXPENDITURES.....	\$ -0-

NOTE: BOTH CERTIFICATIONS NEED TO BE COMPLETED, unless your agency is not governed by a Commissioner's Court or City Council. Then only the Agency Head Certification needs to be completed.

CERTIFICATION

COUNTY JUDGE or MAYOR
(Printed Name):

ROBERT E. HEBERT, FORT BEND COUNTY JUDGE

SIGNATURE:

Robert E. Hebert

DATE:

10-26-2010

I swear or affirm that the Commissioners Court or City Council has conducted 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 this asset forfeiture report is true and correct and contains all of the required information.

SWORN TO AND SUBSCRIBED before me this *26* day of *October* 20*10*.



D'Neal Krisch
Notary Public in and for the State of Texas

CERTIFICATION

AGENCY HEAD (Printed Name):

TROY E. NEHLS, FT BEND CO CONSTABLE, PCT 4

SIGNATURE:

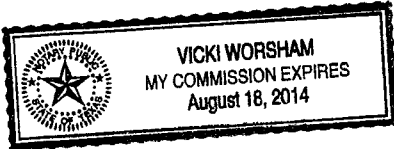
T. Nehls

DATE:

12 Oct 10

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 all expenditures reported herein were lawful and proper, and made in accordance with Texas law.

SWORN TO AND SUBSCRIBED before me this 12th day of October, 2010.

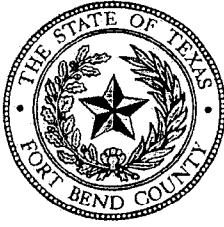


Vicki Worsham

Notary Public in and for the State of Texas

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
FAX (512)494-8283
E-mail: kent.richardson@oag.state.tx.us



COUNTY AUDITOR
Fort Bend County, Texas

Robert Ed Sturdivant
County Auditor

281-341-3769, 281-341-3744 (fax)
sturdived@co.fort-bend.tx.us

Memo

To: Donna Ospina, Agenda Coordinator
County Judge Bob Hebert
Members of Commissioner's Court

From: Shelley Mays, Auditor's Office *SM*

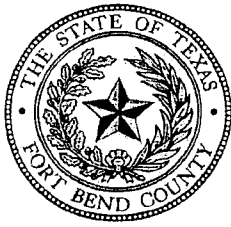
Date: 10/12/2010

Re: Asset Forfeiture Report Audit

This memo shall serve as a notification that the staff of the Fort Bend County Auditor's Office has audited the Asset Forfeiture Reporting documents submitted by the Fort Bend County Constable Pct. 4 (State) and recommends approval for submission to the appropriate state agency.

Respectfully submitted,

Shelley Mays
Internal Auditor
281-341-8621



COUNTY AUDITOR
Fort Bend County, Texas

Robert Ed Sturdivant
County Auditor

281-341-3769, 281-341-3744 (fax)
sturdived@co.fort-bend.tx.us

Memo

To: Donna Ospina, Agenda Coordinator
County Judge Bob Hebert
Members of Commissioner's Court

From: Shelley Mays, Auditor's Office *sm*

Date: 10/12/2010

Re: Asset Forfeiture Report Audit

This memo shall serve as a notification that the staff of the Fort Bend County Auditor's Office has audited the Asset Forfeiture Reporting documents submitted by the Fort Bend County Constable Pct. 4 (Federal) and recommends approval for submission to the appropriate federal agency.

Respectfully submitted,

Shelley Mays
Internal Auditor
281-341-8621



Equitable Sharing Agreement and Certification



OMB Number 1123-0011
Expires 7-31-2011

- ☐ Police Department ☐ Sheriff's Office ☐ Task Force (Complete Table A, page 2)
☐ Prosecutor's Office ☒ Other (specify) Constable

Agency Name: Fort Bend County Constable, Precinct 4

NCIC/ORI/Tracking Number:

T	X	0	7	9	1	5	0	0
---	---	---	---	---	---	---	---	---

Street Address: 12919 Dairy Ashford, Suite 300

City: Sugar Land State: TX Zip: 77478

Contact: Title: Constable First: Troy Last: Nehls

Contact: Phone: 281-242-4014 E-mail: nehlstro@co.fort-bend.tx.us

☐ Same as Contact Preparer: First: Vicki Last: Worsham
Preparer: Phone: 281-242-4014 E-mail: worshvic@co.fort-bend.tx.us

Last Fiscal Year End: 09/30/2010 Agency Current Fiscal Year Budget: \$935,651.00

- ☐ New Participant: Read the Equitable Sharing Agreement (page 4) and sign the Affidavit (page 5)
- ☒ Existing Participant: Complete the Annual Certification Report, read the Equitable Sharing Agreement (page 4), and sign the Affidavit (page 5)
- ☐ Amended Form: Revise the Annual Certification Report, read the Equitable Sharing Agreement (page 4), and sign the Affidavit (page 5).

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)	\$128.65	
2	Federal Sharing Funds Received	\$0.00	
3	Federal Sharing Funds Received from Other Law Enforcement Agencies and Task Forces (complete Table B, page 2)		
4	Other Income	\$0.00	
5	Interest Income Accrued Non-Interest Bearing <input type="radio"/> Interest Bearing <input checked="" type="radio"/>	\$1.31	
6	Total Equitable Sharing Funds (total of lines 1 - 5)	\$129.96	\$0.00
7	Federal Sharing Funds Spent (total of lines a - m below)	\$0.00	\$0.00
8	Ending Balance (difference between line 7 and line 6)	\$129.96	\$0.00

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

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

Summary of Shared Monies Spent		Justice Funds	Treasury Funds
a	Total spent on salaries for new, temporary, not-to-exceed one year employees Refer to § VIII.A.2.a.3 of the <i>Justice Guide</i>		
b	Total spent on overtime		
c	Total spent on informants, "buy money," and rewards		
d	Total spent on travel and training		
e	Total spent on communications and computers		
f	Total spent on weapons and protective gear		
g	Total spent on electronic surveillance equipment		
h	Total spent on buildings and improvements		
i	Total transfers to other state and local law enforcement agencies (complete Table C, page 2)		
j	Total spent on other law enforcement expenses (complete Table D, page 3)		
k	Total Expenditures in Support of Community-based Programs (complete Table E, page 3)		
l	Total Windfall Transfers to Other Government Agencies (complete Table F, page 3)		
m	Total spent on matching grants (complete Table G, page 3)		
Total		\$0.00	\$0.00
Did you receive non-cash assets? <input type="radio"/> Yes <input checked="" type="radio"/> No If yes, complete Table H, page 3			

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

Total the amount transferred to each agency on separate lines

Transferring Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name: <input type="text"/>		
NCIC/ORI/Tracking Number: <input type="text"/>		

Table C: Equitable Sharing Funds Transferred to Other Agencies

Total the amount transferred to each agency on separate lines

Receiving Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name: <input type="text"/>		
NCIC/ORI/Tracking Number: <input type="text"/>		

Table D: Other Law Enforcement Expenses

Description of Expense	Justice Funds	Treasury Funds

Table E: Expenditures in Support of Community-based ProgramsRefer to § VIII.A.1.m and Appendix C of the *Justice Guide*

Recipient	Justice Funds	

Table F: Windfall Transfers to Other Government AgenciesRefer to § VIII.A.1.n of the *Justice Guide* and pp. 25-26 of the *Treasury Guide*

Recipient	Justice Funds	Treasury Funds

Table G: Matching GrantsRefer to § VIII.A.1.h of the *Justice Guide* and p. 22 of the *Treasury Guide*

Matching Grant Name	Justice Funds	Treasury Funds

Table H: Other Non-Cash Assets Received

Description of Asset

Table I: Civil Rights Cases

Name of Case	Type of Discrimination Alleged			
	<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin	<input type="checkbox"/> Gender
	<input type="checkbox"/> Disability	<input type="checkbox"/> Age	<input type="checkbox"/> 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, Program Management and Strategic Planning Unit, 1400 New York Avenue, N.W., Second Floor, 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 page (page 5) submitted by fax. This will constitute submission to the Department of Justice and the Department of 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 (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 Treasury, depending on the source of the funds, that the receiving agency is a federal equitable sharing program participant and has a current Equitable Sharing Agreement and Certification on file.

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 forfeiture fund account.

The Agency agrees that such accounting will be subject to the standard accounting requirements and practices employed for other public monies 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

See ¶ 2 on page

Signature: _____

Name: Constable Troy Nehls

Title: Constable, Precinct 4

Date: 10/13/2010

Governing Body Head

See ¶ 2 on page

Signature: _____

Name: Honorable Robert Hebert

Title: County Judge

Date: 10-26-2010

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.

Final Instructions:

- Step 1: Click to save for your records
- Step 2: Click to save in XML format

- Step 3: E-mail the XML file to aca.submit@usdoj.gov
- Step 4: Fax THIS SIGNED PAGE ONLY to (202) 616-1344

FOR AGENCY USE ONLY
Entered by _____

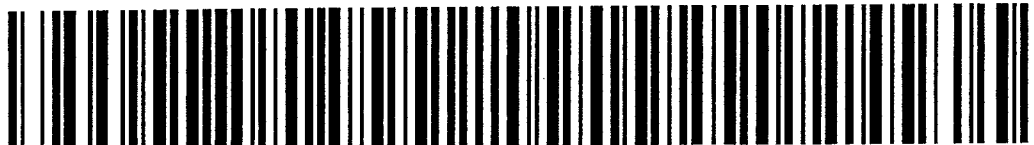
Entered on _____

☐ FY End: 09/30/2010

☒ NCIC: TX0791500

☐

State: TX Contact: Troy Nehls



Date Printed: October 12, 2010 12:48

Agency: Fort Bend County Constable, Precinct 4

Phone: 281-242-4014

E-mail: nehlstro@co.fort-bend.tx.us