December 15, 2003

Robert Schulte, District Attorney
District 5

Transmitted herewith is the statutory report for the District Attorney of District 5, Comanche and Cotton Counties, Oklahoma, (the District) for the fiscal year ended June 30, 2003. A report of this type is critical in nature; however, we do not intend to imply that there were not commendable features in the present accounting and operating procedures of the District.

We wish to take this opportunity to express our appreciation for the assistance and cooperation extended to our office during the conduct of our procedures.

The Office of the State Auditor and Inspector is committed to serve the public interest by providing independent oversight and to issue reports that serve as a management tool to the state to ensure a government which is accountable to the people of the State of Oklahoma.

Sincerely,

JEFF A. McMAHAN  
State Auditor and Inspector
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INTRODUCTORY INFORMATION

Most district attorneys in the state have a Property Forfeiture Fund. The fund is not subject to fiscal year limitations and is to be used for enforcement of controlled dangerous substances laws, drug abuse prevention and education, and is maintained by the District Attorney to be used at his or her discretion for those purposes. The revenues for said fund come from the proceeds of forfeited assets.

Any cash, vehicles, real property, or other assets used in the commission of or acquired as a result of a crime as described in the Uniform Controlled Dangerous Substances Act is presumed to be forfeitable.

Asset forfeiture is an effective law enforcement tool used by local district attorneys to deprive criminals of their ill-gotten gains by seizing the proceeds of criminal activity and property used to facilitate crime. The proceeds of seized, forfeited assets make a substantial contribution to the investigation and prosecution of drug related offenses.
Robert Schulte  
District Attorney, District 5  
315 S.W. 5th Street, Room 502  
Lawton, Oklahoma 73501

For the purpose of complying with 74 O.S. §212 (E) and 63 O.S. §2-506, we have performed the following procedures as it relates to the records of the Property Forfeiture Fund for the fiscal year 2003:

- We examined a group of receipts and deposit slips for propriety.

- We reviewed sale documentation for selected cases to determine whether forfeited assets were sold after due notice at public auction to the highest bidder in accordance with Title 63 O.S. §2-508.C.3.

- For selected cases, the distribution of proceeds of the sale was reviewed to determine the distribution was in accordance with Court order pursuant to Title 63 O.S. §2-506.K.

- We determined whether expenditures tested were used for enforcement of controlled dangerous substance laws, drug abuse prevention and education in accordance with Title 63 O.S. §2-506.L.3.

- We determined whether expenditures tested were supported by approved claims, invoices, and independent verification that goods or services paid for were received in accordance with Title 63 O.S. §2-508.C.3.

- We determined whether the District Attorney prepared and submitted an annual report to the Board of County Commissioners showing the total deposits, total expenditures, beginning and ending balances in accordance with Title 63 O.S. §2-506.L.3.

- We determined whether expenditures were properly classified and whether the District Attorney reconciles the balance with the County Treasurer monthly in accordance with Title 63 O.S. §2-508.C.3.

Our engagement was limited to the procedures performed above and was less in scope than an audit performed in accordance with accounting standards generally accepted in the United States of America. Accordingly, we do not express an opinion on any general-purpose financial statements of Comanche County or Cotton County.
Based on our procedures performed, District 5 is properly receiving and depositing the proceeds of forfeitures; forfeited assets were sold after proper notice at public auction to the highest bidder; the proceeds of forfeitures were distributed as directed by Court orders; expenditures were made for lawful uses; expenditures were supported by approved claims, invoices, and goods or services paid for were received; the District Attorney prepared and submitted an annual report to the Board of County Commissioners; expenditures were properly classified, and the District Attorney reconciles the balance of the Property Forfeiture Fund with the County Treasurer’s records monthly.

This report is intended for the information and use of the District Attorney and Comanche County, and Cotton County officials. However, this report is a matter of public record and its distribution is not limited.

Sincerely,

[Signature]

JEFF A. McMAHAN
State Auditor and Inspector

October 24, 2003
ANALYSIS OF DRUG ASSET FORFEITURE ANNUAL REPORT

Beginning Cash Balance on July 1 $ 51,574

Income

Cash Forfeited 40,411
Value Non-Cash Assets Forfeited and Sold 196,412

Total Income (before distributions) $ 236,823

Distribution to Other Agencies

Cash Returned to Other Agencies 28,944

Total Distributions $ 28,944

Expenditures by District Attorney

Cost of Prosecution/Investigation 2,390
Equipment 2,504
Operating Expense 5,590
Grant Cash Match 42,351
Task Force Coordinator - DAC 1,948
Cotton County 17,000

Total Expenditures $ 71,783

Ending Cash Balance on June 30 $ 187,670