

COMMISSIONERS' COURT AGENDA REQUEST FORM

REQUESTS MUST BE RECEIVED NO LATER THAN 12:00 PM

This space for Court Clerk

ON THE TUESDAY PRIOR TO THE MONDAY MEETING.

INSTRUCTIONS ON THE REVERSE

AGENDA NUMBER:

REGULAR

CONSENT 29183

Entered 4/26/09 DS

REQUESTING DEPARTMENT

Date: Feb 25, 2009 Court Date: March 9, 2009 Phone/Ext: 5100 Department: Sheriff

Description of Agenda Item: Allow the donation of certain seized
computers to the Collin County Children's Advocacy Center to be
given to qualified children. This is at no cost to Collin County.

BUDGET RELATED INFORMATION

MUST COMPLETE FOR ALL EXPENDITURES/RFP'S

This item is part of the current budget: Yes
X No

Amount Budgeted: _____
(or needed)

Account Number: _____

DEPARTMENT HEAD
SIGNATURE: 

PURCHASING DEPARTMENT ACTION & COMMENTS

Enter "not to exceed" cost estimate(s) for the requested item(s):

CHECK TWO OF THE BELOW

ADVERTISE

BIDS

AWARD

PROPOSALS

BOND REQUIRED: _____

ANNUAL ACTION: _____

AD DATES: _____

INS. REQ'D: _____

EFFECTIVE: _____

OPEN DATE/TIME: _____

Item Description for Agenda: _____

Remarks: _____

PURCHASING AGENT
SIGNATURE: _____

AUDITOR'S OFFICE ACTION & COMMENTS

BUDGET/FUNDING VERIFICATION

BUDGETED

UNBUDGETED

FUNDS NOT AVAILABLE

FUNDS AVAILABLE

ACCOUNT NUMBER FOR AVAILABLE FUNDS

(Needed for Agenda Submission)

BUDGET AMENDMENT REQUIRED

NON-EMERGENCY, Sec 111.011 LGC

EMERGENCY, Sec 111.010 LGC

FUNDS TRANSFER RECOMMENDATION

AMOUNT

DEPARTMENT NAME

ACCOUNT NUMBER

\$ _____
\$ _____
\$ _____
\$ _____

COUNTY AUDITOR
SIGNATURE: _____

BUDGET DEPARTMENT ACTION & COMMENTS

COMMENTS RELATED TO BUDGET AMENDMENT JUSTIFICATION SUBMITTED BY DEPARTMENT

BUDGET OFFICER
SIGNATURE: _____



COLLIN COUNTY

OFFICE OF THE SHERIFF
4300 Community Avenue
McKinney, TX 75071

Terry G. Box, Sheriff

MEMORANDUM

DATE: October 2, 2008
TO: Major Ruckel
FROM: Lt. Mark Sanderson
RE: Seized Computers

During the investigation of child abuse and the online solicitation cases, we seize the defendant's computers. Upon conviction, the Court orders that the computers and other electronic evidence be forfeited to the Collin County Sheriff's Office.

Some of those computers are of no use to our Office for various reasons (not enough space, non-compatible operating systems, etc). We are able to wipe the hard drives clean, removing all evidence once the case is resolved. There is a program in place through Microsoft that will provide us with new copies of their Operating System to install back onto these computers, so that we can then donate those computers to a victim child in need.

I believe this could be a great resource and positive publicity for our Office. Take the item once used to offend a child, seize it from the offender, and then after conviction give it to a child in need. The foster child program in Collin County has several children each year that graduate high school and plan to attend college but are in need of a computer.

MS

*Chief - I recommend we support this program. It will probably
need the Commissioners Court approval. CR 10/13/08*

I recommend approval
[Signature]
10-15-08

OK [Signature]
10/15/08

Sanderson, Mark

From: John Rolater [jrolater@co.collin.tx.us]
Sent: Wednesday, December 10, 2008 2:17 PM
To: Sanderson, Mark
Subject: RE: seized computers

Lt. Sanderson:

Article 18.18 of the Code of Criminal Procedure authorizes the forfeiture of criminal instruments to the originating agency if an offense involves a criminal instrument. Criminal Instrument is defined by Section 16.01 of the Penal Code to include anything (not otherwise illegal to possess) that "is specifically designed, made, or adapted for use in the commission of a criminal offense." I believe this is the authority being used to forfeit these computers. If that is the case, the item is then property of CCSO that can be disposed of as any other County Property, and I believe charitable donation of such items is authorized.

If this was a Chapter 59 forfeiture, there is a different mechanism for disposition we need to look into. There is nothing specific in the Online Solicitation statutes regarding forfeiture of the computers. Whether the computers can be forfeited in this way is subject to debate but we have support in case law.

So, I don't see any problem at this point.

John

John R. Rolater, Jr.
Assistant District Attorney
Chief, Appellate Division
2100 Bloomdale Rd., Suite 20004
McKinney, Texas 75071
972-548-4323
214-491-4860 fax

From: Sanderson, Mark [mailto:msanderson@cacplano.org]
Sent: Wednesday, December 10, 2008 1:52 PM
To: John Rolater
Cc: Christopher Meehan
Subject: seized computers

John

Sgt. Chris Meehan has computers awarded/forfeited to us from child abuse cases and the online/child porn cases we file. We are interested in having those computers "re-programmed" and available for other uses as well. One would be to give the computer to a foster child (through the Children's Advocacy Center) going off to college.

My understanding is the county has a process for this as long as it does not violate any asset forfeiture laws. Can you advise me if it would be OK to proceed with this?

12/10/2008