Houston Police Department



PROPERTY DIVISION

Captain H. D. Harris

Proposed City Ordinance Change

Chapter 34, Article VII

"Disposal of Abandoned,
Unclaimed, or Other Property"

AGENDA

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AGENDA

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1. GOAL

The Houston Police Department requests City Council approve the proposed changes to City Ordinance Chapter 34, Article VII, "Disposal of Certain Property", in order to align the ordinance with State law (Article 18.17 of the Code of Criminal Procedure).

2. BACKGROUND



Old HPD Property Division

A. Past

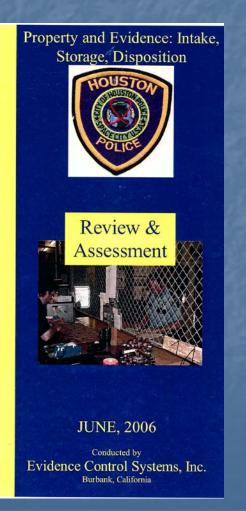
- i. Issues
 - a. Evidence Accountability
 - b. Overcrowding
- ii. Reasons
 - a. Poor processes & procedures
 - b. Cumbersome & burdensome requirements

Evidence Control Systems, Inc., Property and Evidence: Intake, Storage, Disposition Review and Assessment, June 2006

"City Municipal Code, Article VII, Chapter 34 is *overly demanding* . . . "

"The Department's ability to dispose of property and evidence is one of the most complex and cumbersome systems that we have ever observed..."

Police D



After numerous, well publicized negative incidents associated with the Goliad facility and the Crime Lab, the City commissioned "The Bromwich Report".

The report was complete in 2007 and spurred construction of a new facility the same year.

On June 19, 2009, the new facility opened among assurances that the mistakes of the past would not be repeated.

2. BACKGROUND (cont.)



New HPD Property Division

B. Present

- i. Issues
 - a. Evidence Accountability
 - b. Overcrowding
- ii. Reasons
 - a. Poor processes & procedures
 - b. Cumbersome & burdensome requirements





iii. Corrective Actions

a. Accomplished

- **✓** Evidence Management System installed at all investigative divisions
- Property Disposition Officer at all investigative divisions
- Harris County District Attorney monthly report regarding case dispositions
- ✓ State Law passed regarding Class C Prisoner property

b. Pending

✓ Initiatives with Harris County District Attorney (eliminate misdemeanor overcrowding)

3. PROPOSED ORDINANCE CHANGE

A. Current Ordinance

i. Chapter 34, Article VII

"Disposal of Certain Property"

B. Proposed Ordinance

i. Chapter 34, Article VII"Disposal of Abandoned,Unclaimed, or Other Property"

Chapter 34

POLICE AND FIRE PROTECTION

Art. VII. Disposal of Certain Abandoned, Unclaimed, or Other Property, \$§ 34-171-34-199

ARTICLE VII. DISPOSAL OF CERTAIN ABANDONED, UNCLAIMED, OR OTHER PROPERTY

Sec. 34-171. Authority, written procedures.

(a) The chief of police shall have the authority to dispose of various classes of property in the possession of the police department, in accordance with applicable state and federal law.

b) The chief of police shall promulgate written procedures to ensure that disposition of all classes of property help of the police department, including abundoned or unclaimed property, legar, gambling devices, prohibbried weepons, contraband, impounded vehicles not listed as stolen, pershable property that deteriorates rapidly in value and utility (including food or other organic materials), and stolen property is an accordance with state and federal law.

Sec. 34-172475. Final disposition of abandoned or unclaimed property

(a) The police department shall dispose of A all abandoned or unclaimed personal propert shall be disposed of in a manner consistent with Article 18.17 of the Code of Criminal Procedure.

(b) The <u>shiref of police</u> director of the department of administration and regulatory affairs is authorized to act as the person designated by a municipality under Article 18.17 of the Code of Criminal Procedure, to take the actions authorized under that article with respect to the disposition of abandoned <u>and unclaimed property in the possession of the police department.</u>

(e) No property subject to this article shall be disposed of until completion of the notice and hearing procedures authorized by sections 34-173 and 34-174 of this Code unless expressly excepted from the application of such procedures.

Sec. 34-173474. Disposition of stolen property of undetermined ownership.

(4) The municipal courts shall have authority to hold hearings for the disposition of stolen property in a manner consistent with Chapter 47 of the Code of Criminal Procedure of undetermined ownership, consistent with this article and applicable state law.

(b) Petitions for hearings to determine the right of possession of property of undetermine ownership shall be on a form approved by the presiding judge and the city attorney, and shall be signe by an attorney authorized to represent the city.

(e) The presiding judge is authorized to promulgate procedures for property-disposition hearings consistent with this Code and applicable state law.

C. Comparison

 i. Ordinance is intended to comply with State Law

(see Sec. 34-175(a). "All abandoned property shall be disposed of in a manner consistent with Article 18.17 of the Code of Criminal Procedure")

- ii. Current Ordinance conflicts with State Law, Proposed Ordinance complies with Law.
 - a. Definitions ("abandoned property")
 - b. Time Frames (30 days vs 90 days, etc.)
 - c. Notification Method
 - d. Requirements for Property Hearing

Examples of Conflicts: Definitions

CITY ORDINANCE: Abandoned property means articles held by police department for a period of not less than 90 days . . .

STATE LAW: Unclaimed or abandoned property not held as evidence which shall be unclaimed for a period of 30 days . . .

C. Comparison (continued) Examples of Conflicts: Time Frames

| | Owner Known | | | Owner Unknown | | |
|-------------------|----------------------------|-----------------------|-----------------------------------|-----------------------------|---------------------|----------------------------------|
| City Ordinance | No Fair Market Value | Any Fair Market Value | | Value under \$500 | Value over \$500 | |
| | 90 days | Contact Made: | 180 days + Property Hearing | Exhaust all contact efforts | Contact Made: | 90 days + Property Hearing |
| | | No Contact Made: | 270 days | | No Contact Made: | 120 days |

| | Owner Known | | | Owner Unknown | | |
|-----------|-------------|---------------------|----------|----------------------|------------------|--|
| State Law | | | | Value under \$500 | Value over \$500 | |
| | | Contact Made: | 210 days | 30 days | 120 days | |
| | N | lo Contact Made: | 224 days | | | |

Examples of Conflicts: Notification Methods

CITY ORDINANCE: Notice shall be in writing by the police department as follows:

- By personal delivery
- By United States Mail to best available address
- If notice given by mail, and if property value of \$100 or more, it shall be given by certified mail.

STATE LAW:

- Owner Known: Mail a notice to the last known address of the owner by certified mail.
- Owner Unknown: Newspaper

Examples of Conflicts: Property Hearings

CITY ORDINANCE:

- i. Property is not considered abandoned until "a court of competent jurisdiction has determined that the identity of the actual owner of the property cannot be determined" (Property Hearing)
- ii. Prior to a Property Hearing, there must be newspaper a postings for property valued over \$500

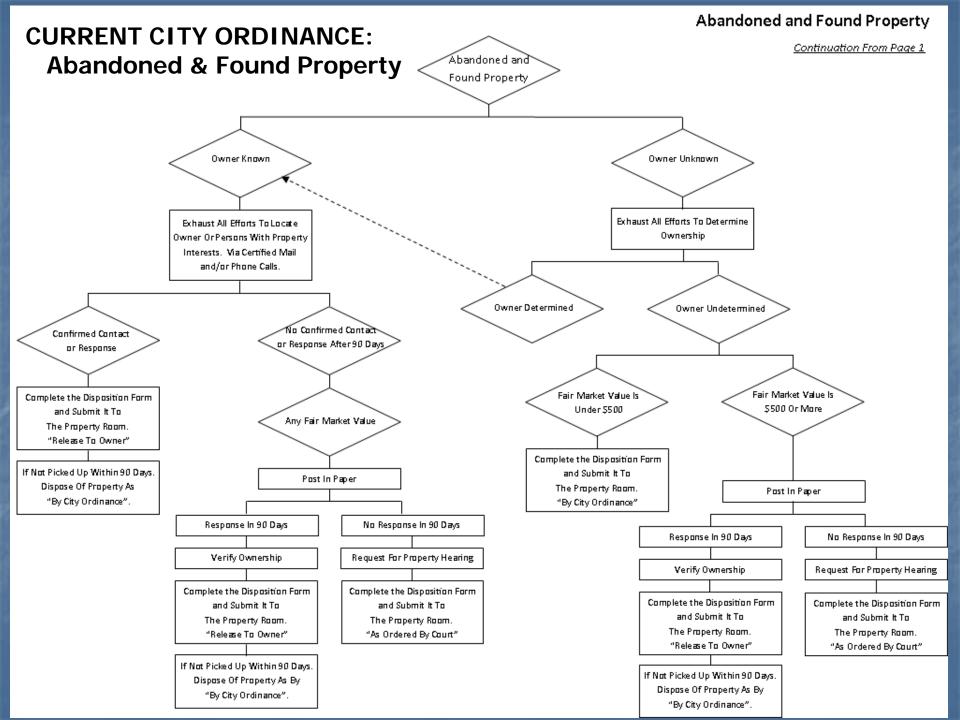
STATE LAW:

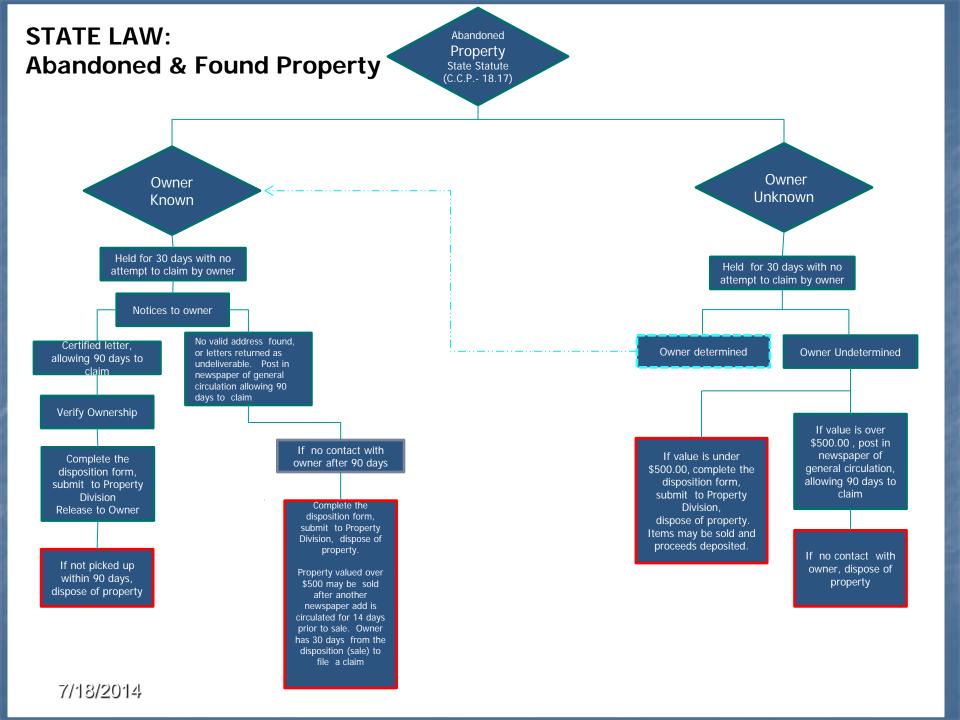
Does not require a Property Hearing prior to disposing of Unclaimed or Abandoned Property

HOUSTON MUNICIPAL COURTS:

"This is a win-win for HPD and MCD. We are supportive of the changes..."

Barbara E. Hartle, Director and Presiding Judge

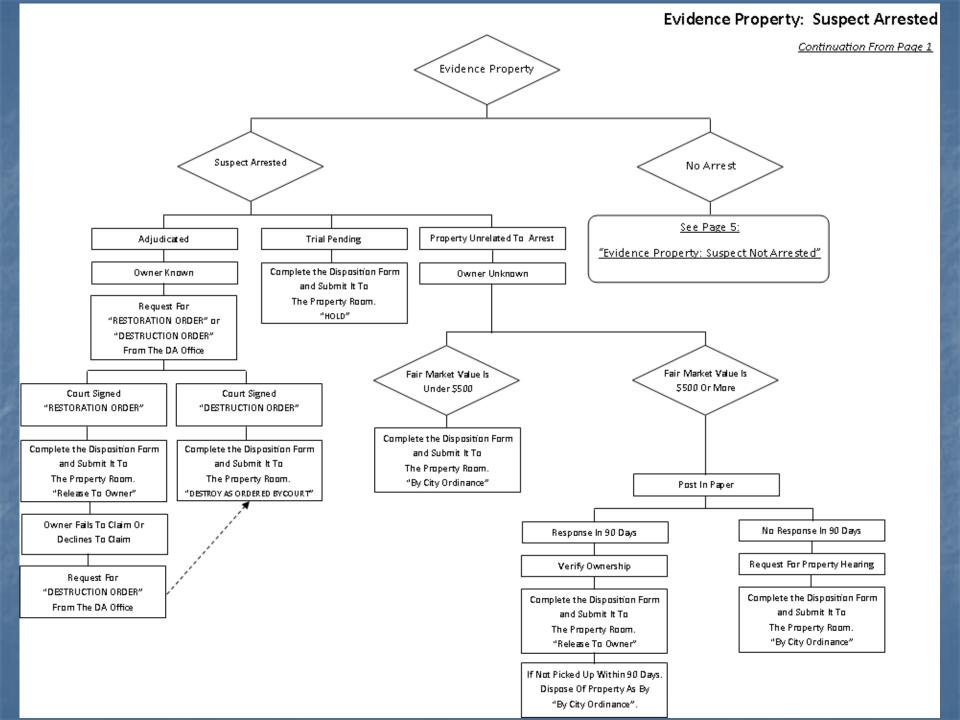


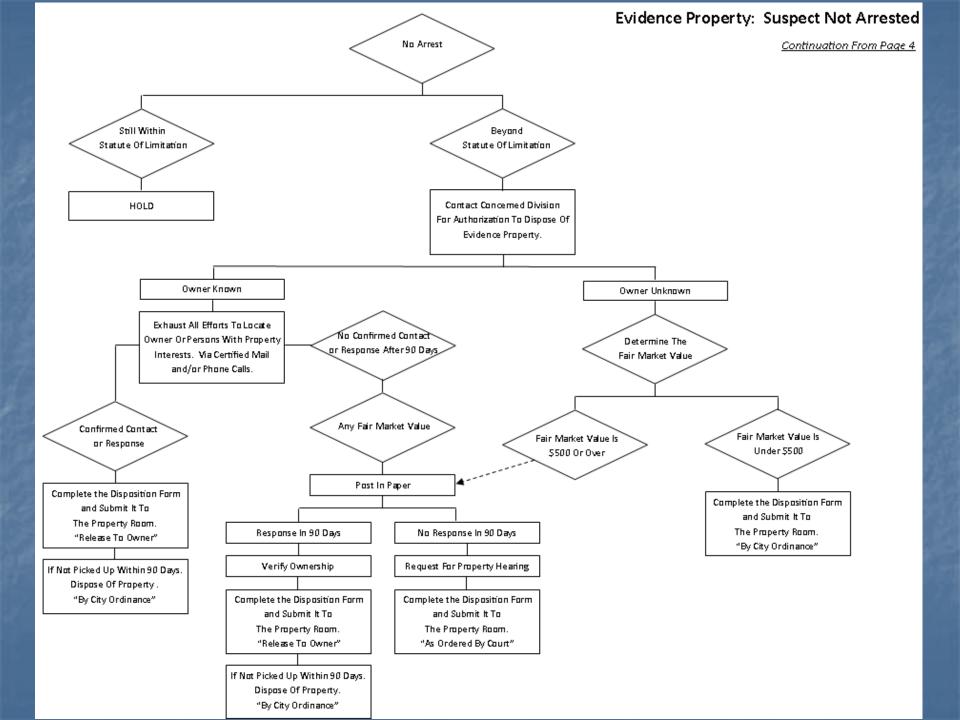


iii. Section 34-173 "Disposition of Stolen Property"

Both Current and Proposed Ordinances already comply with State law

(Code of Criminal Procedure, Chapter 47)





4. EFFECTS OF CHANGING THE ORDINANCE?

A. BENEFITS

- i. Ordinance will be aligned with State law (Dallas, Ft. Worth, Austin, San Antonio)
- ii. HPD's General Orders can be updated
- iii. Increased effectiveness & efficiency (time, manpower, money)
 - a) Houston Police Department
 - b) Houston Municipal Courts
- iv. HPD's Property Division Increased available space
- v. Better Customer Service to our Houston Residents

HOW MUCH? 12,782 items in HPD's Property Division.

B. DRAWBACKS

None! - It doesn't cost anything. - It saves money.

5. RESTATED GOAL

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6. QUESTIONS / DISCUSSION



Thank You!