

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

1. GOAL

2. BACKGROUND

A. Past

i. Issues

ii. Reasons

B. Present

i. Issues

ii. Reasons

C. Corrective Actions

i. Accomplished

ii. Pending

AGENDA

3. PROPOSED ORDINANCE CHANGE

A. Current Ordinance

B. Proposed Ordinance

C. Comparison

4. EFFECTS OF CHANGING THE ORDINANCE?

A. Benefits

B. Drawbacks

5. RESTATED GOAL

6. QUESTIONS / DISCUSSION

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* . . ."

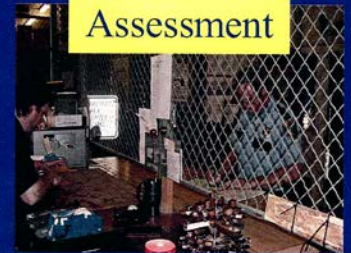
"The Department's ability to dispose of property and evidence is *one of the most complex and cumbersome systems* that we have ever observed..."

**Houston
Police Department**

Property and Evidence: Intake,
Storage, Disposition



Review &
Assessment



JUNE, 2006

Conducted by
Evidence Control Systems, Inc.
Burbank, California

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



**General Storage
98 % Full**



Exterior Storage
75 % Full

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

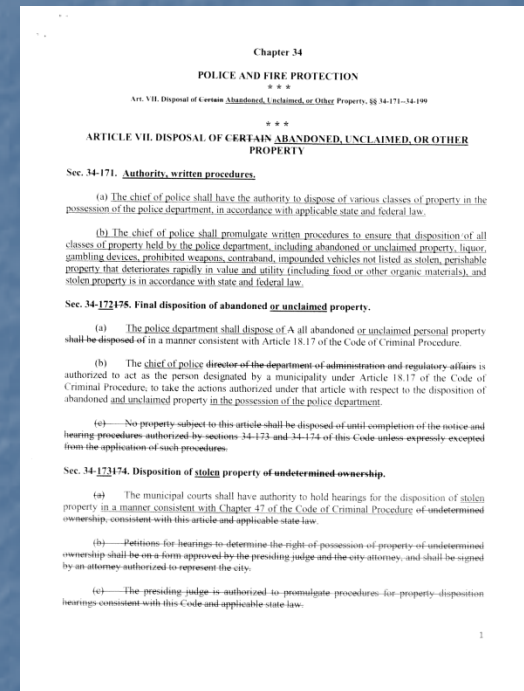
i. Chapter 34, Article VII

"Disposal of Certain Property"

B. Proposed Ordinance

i. Chapter 34, Article VII

"Disposal of Abandoned, Unclaimed, or Other Property"



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

C. Comparison (continued)

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

City Ordinance	Owner Known		Owner Unknown	
	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
No Contact Made:		270 days	No Contact Made: 120 days	

State Law	Owner Known		Owner Unknown	
			Value under \$500	Value over \$500
		Contact Made:	210 days	30 days
No Contact Made:		224 days		

C. Comparison (continued)

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

C. Comparison (continued)

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:

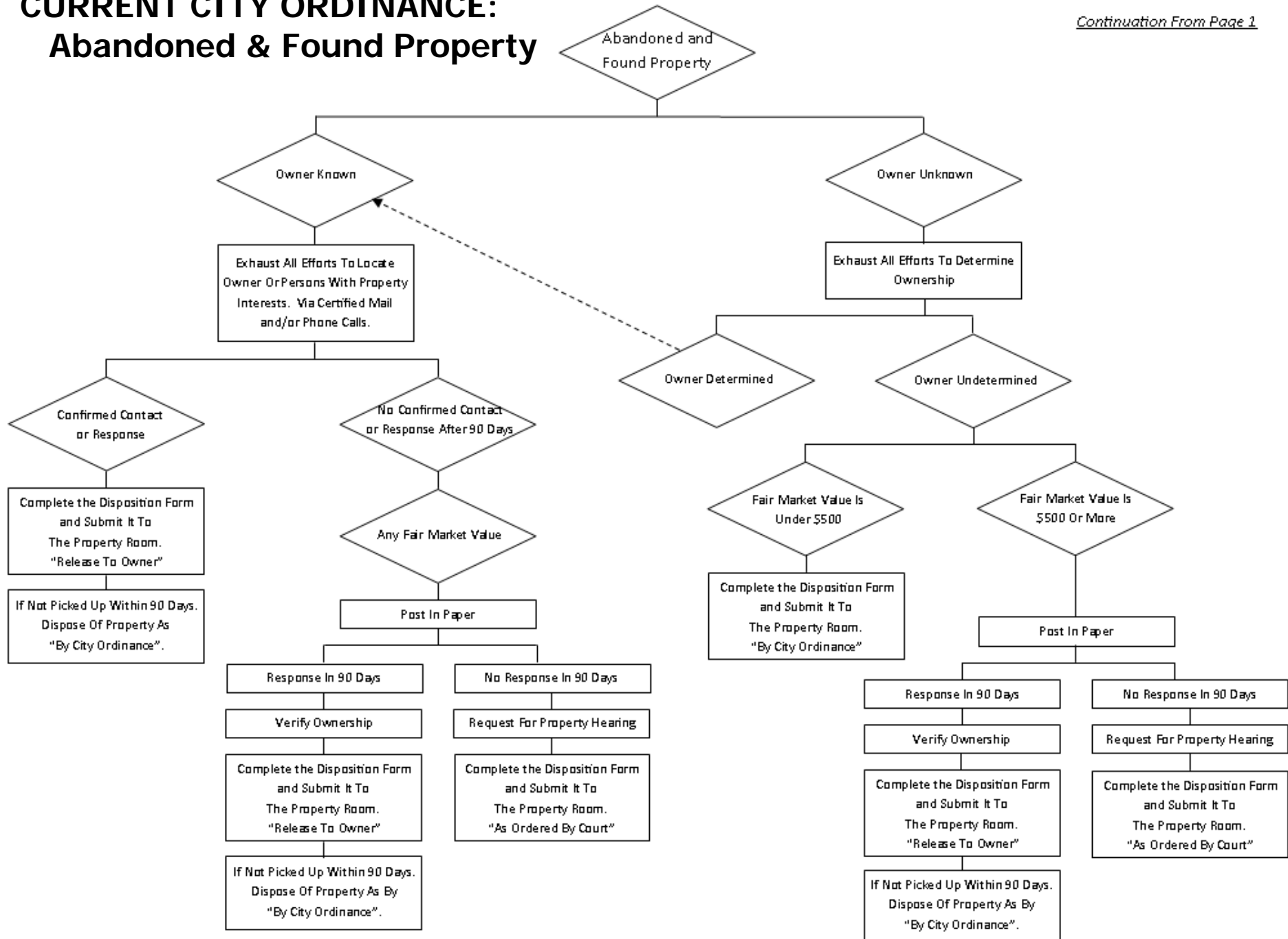
Does not require a Property Hearing prior to disposing of Unclaimed or Abandoned Property

HOUSTON MUNICIPAL COURTS:

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

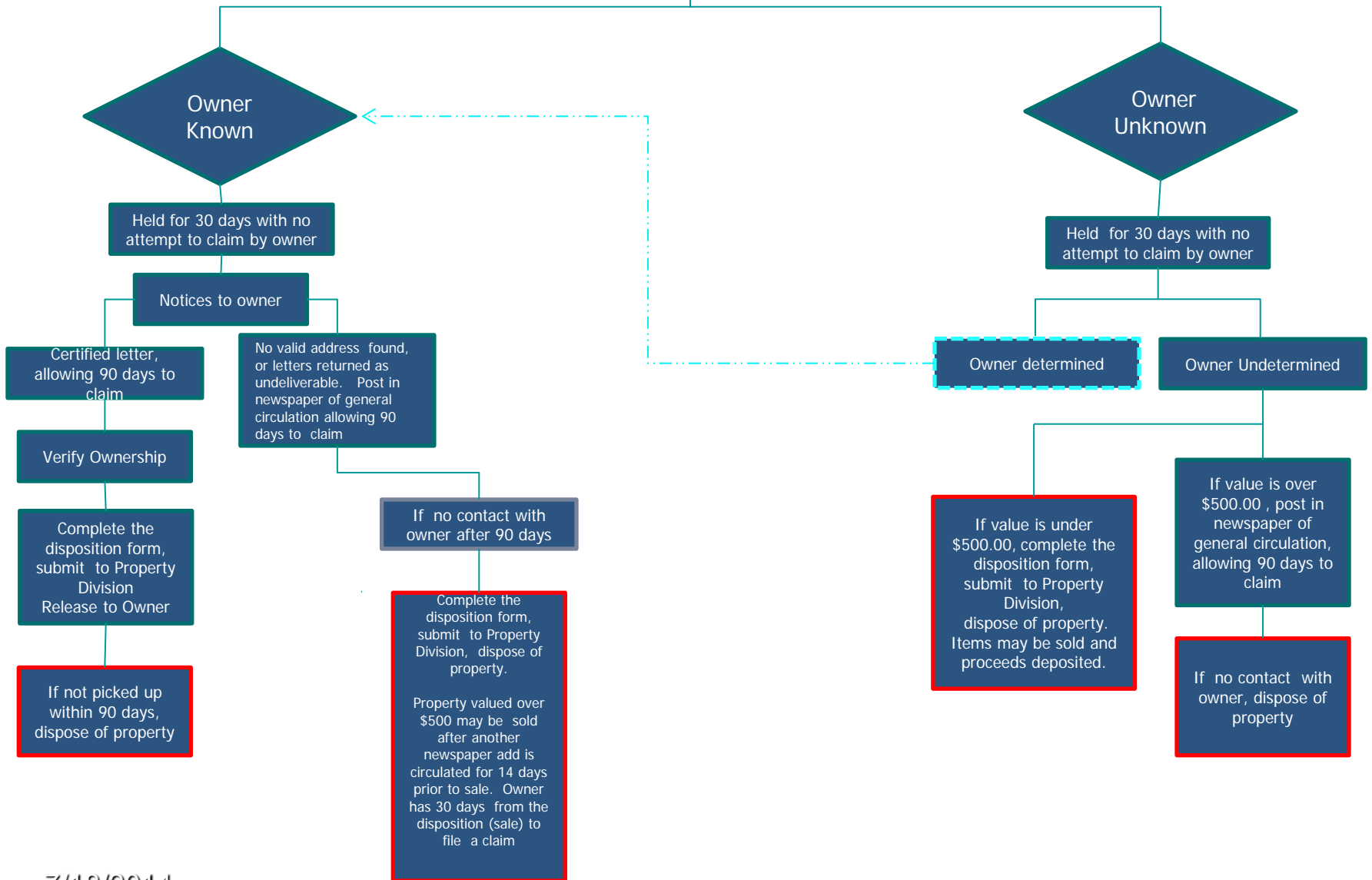
Barbara E. Hartle, Director and Presiding Judge

CURRENT CITY ORDINANCE: Abandoned & Found Property



STATE LAW: Abandoned & Found Property

Abandoned
Property
State Statute
(C.C.P. - 18.17)

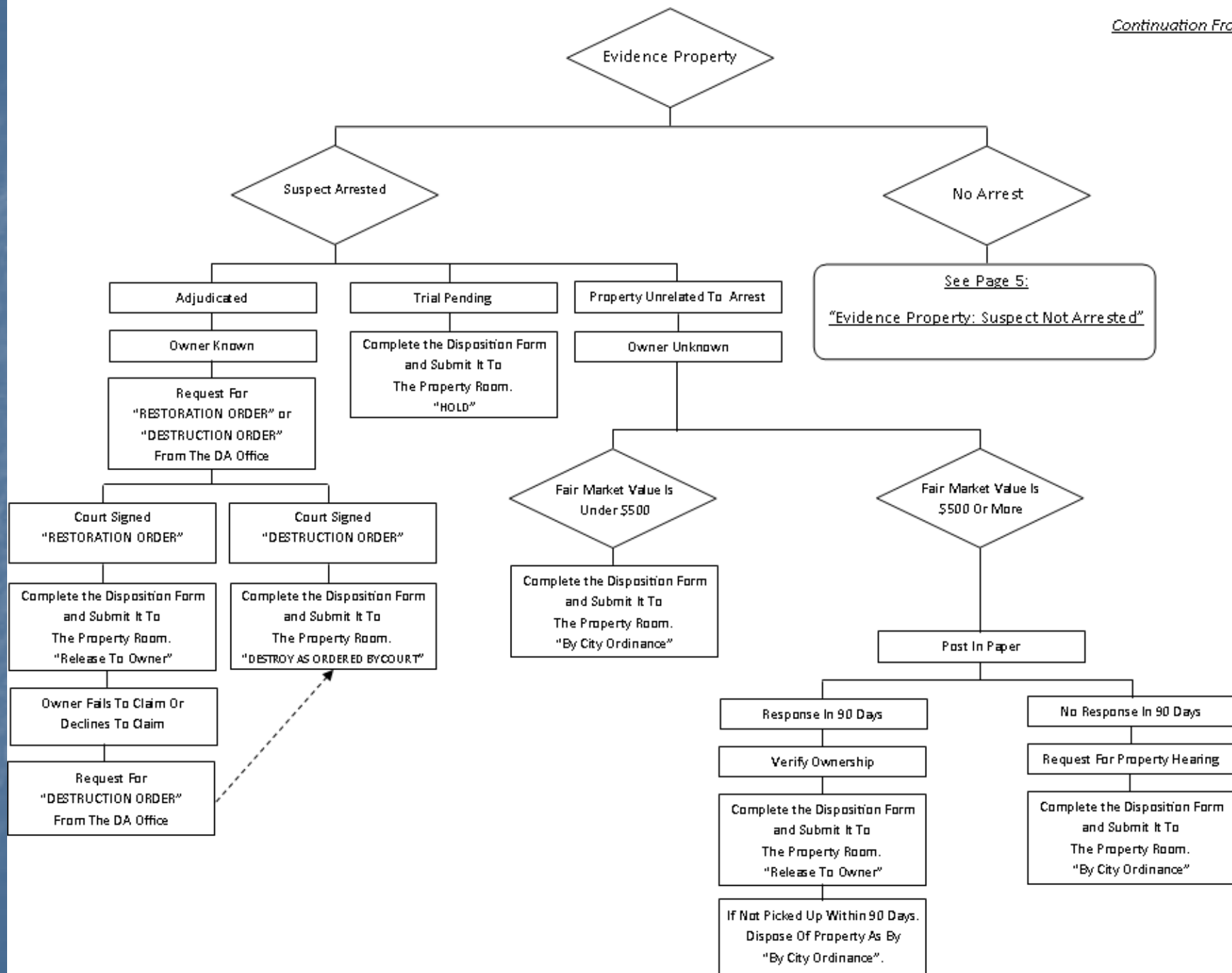


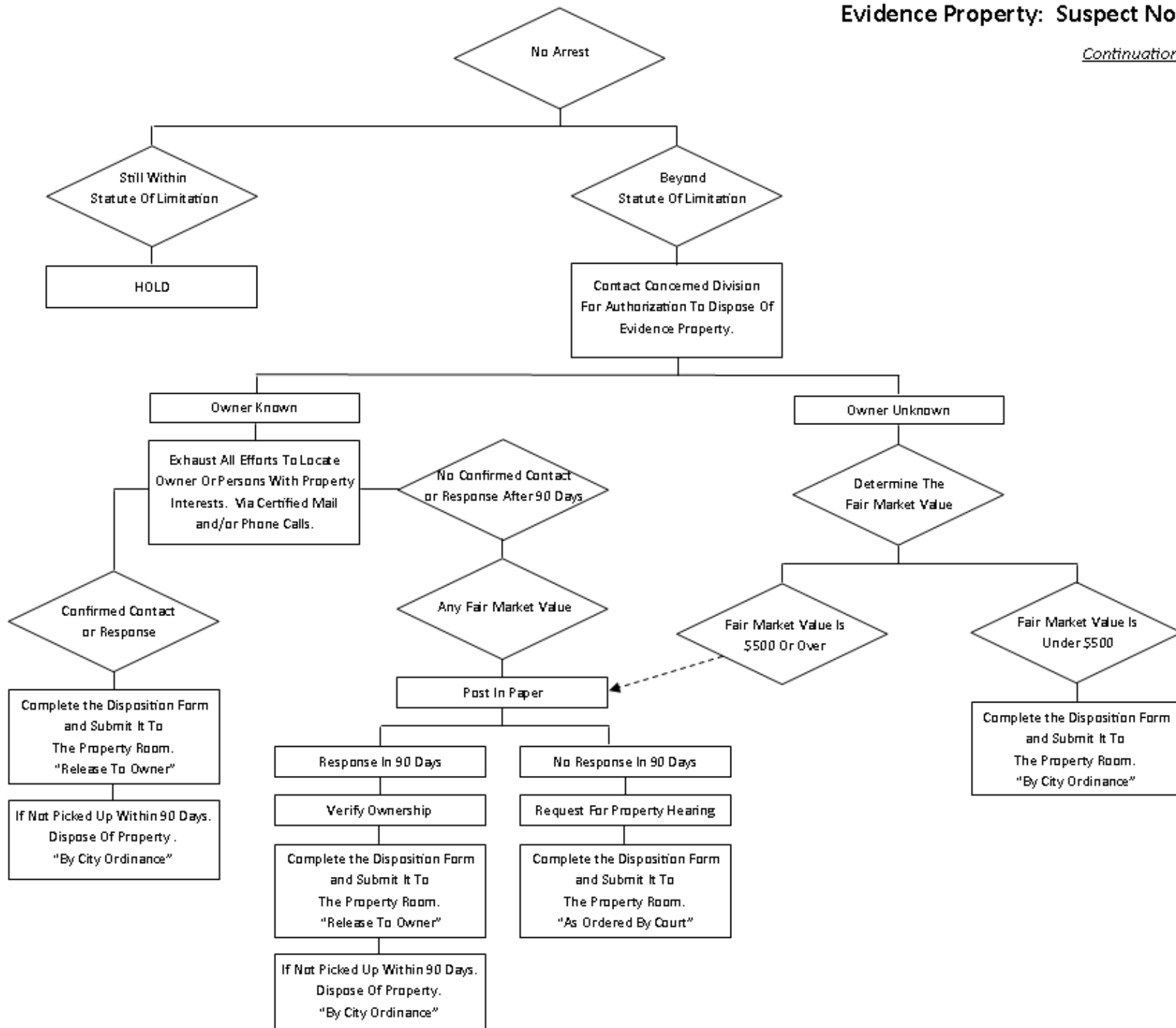
C. Comparison (continued)

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!