General Order

Houston Police Department

ISSUE DATE:	NO.
December 8, 2023	700-08

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 700-08, dated October 20, 2021

SUBJECT: ASSET SEIZURE AND FORFEITURE

POLICY

The department shall establish criteria and procedures for seizure of assets in accordance with Chapter 59 of the Texas Code of Criminal Procedure and other related state and federal statutes regulating forfeiture of contraband.

This General Order applies to classified employees only, except where specifically provided otherwise (e.g., Fleet Unit).

1 ELIGIBILITY FOR SEIZURE

An officer who seizes an asset for possible forfeiture under Chapter 59 of the Texas Code of Criminal Procedure shall have probable cause to believe that the property, whether real or personal, tangible or intangible, is legally considered contraband due to meeting one or more of the following requirements:

a. The property was used in the commission of a criminal act listed in Chapter 59.

b. The property was or is intended for use in a criminal act listed in Chapter 59.

c. The property was or is direct proceeds of a criminal act listed in Chapter 59.

d. The property was obtained by a criminal act listed in Chapter 59.

e. The property was obtained with the proceeds from a criminal act listed in Chapter 59.

2 CRITERIA FOR SEIZURE

Before an officer seizes contraband, the officer shall confirm such contraband meets the following criteria, as applicable:

a. Cash amounts must be $2,000 or more. All money shall be counted and totaled.

b. Vehicles seized for fleet use shall:

   1. Be in good repair and operable.

   2. Not be more than five years old.

   3. Have less than 50,000 miles.

   4. Be inspected by Narcotics Division and Fleet Unit personnel.

5. Be taken only to the contracted seized vehicle storage location by the contracted seized vehicle towing company. All property shall be removed from the vehicle prior to it being towed.

c. Vehicles seized for an auction:

1. Can be any year but must be in good working condition.

2. Shall be inspected by Narcotics Division and Fleet Unit personnel.

3. Shall be taken only to the contracted seized vehicle storage location by the contracted seized vehicle towing company. All property shall be removed from the vehicle prior to it being towed.

d. Boats shall be in good repair and operable.

e. Aircraft shall be operable and in good repair. The airframe and engine logbook and the Federal Aviation Administration (FAA) *Airworthiness Certificate* shall be with the aircraft. All available databases, including FAA and National Transportation Safety Board, shall be checked for accident and damage history. Any aircraft under consideration for seizure shall be inspected by an HPD senior aircraft mechanic who holds an *Inspection Authorization* certificate.

f. All other seized contraband shall be both of the following:

1. Serviceable.

2. Valued at $2,000 or more wholesale. Like items may be seized (e.g., numerous tools seized when a chop shop is raided), with a cumulative value meeting this criteria.

The officer shall obtain approval from the appropriate district attorney's office before seizing contraband encumbered by a lien.

If contraband does not meet the above criteria, an officer shall only seize such contraband with prior express approval from both the assistant chief of the appropriate investigative division and the Narcotics Division's assistant chief. The appropriate assistant chief shall only give approval on a case-by-case basis.

3 PROCEDURAL GUIDELINES

When the department seizes contraband, the seizing officer(s) shall conduct the seizure according to the legal guidelines of the appropriate county's district attorney. That district attorney's office is responsible for reviewing and filing the civil actions required in contraband seizure cases. The final decision to file a contraband seizure case lies with such district attorney's office.

An officer anticipating the seizure of a computer system or related equipment shall follow the guidelines provided in General Order 700-01, **Property and Evidence Control Regulations**. Officers should direct questions to the Houston Forensic Science Center's Digital Forensics Unit.

An officer seizing contraband in Harris County shall immediately complete the *Notice of Seizure* packet located on the Intranet Portal, which includes the *Seizure Notification Form*. The officer shall email the *Seizure Notification Form* to the Harris County District Attorney's Special Crimes Unit and the Narcotics Division's Asset Forfeiture Unit using the email addresses provided.

An officer seizing contraband in other counties shall contact the appropriate district attorney's office in that county for instructions and documentation requirements.

When an officer is involved in a seizure operation with other agencies (e.g., FBI, DEA, or U.S. Immigration and Customs Enforcement), the officer shall conduct seizures pursuant to this General Order's guidelines and criteria for seized items.

Should any conflict arise regarding which agency or division is to take possession of seized contraband, the commander of the primary concerned division shall coordinate efforts to resolve the issue with the other agencies or divisions involved. If the matter cannot be resolved, the commander shall forward the issue through the chain of command.

When filing a federal seizure, the seizing officer shall consult with the federal agency for the minimum monetary or equity thresholds prior to the seizure.

4 RESPONSIBILITIES

Seizing Officer

The seizing officer shall:

a. Notify the Asset Forfeiture Unit after determining all items seized satisfy state and federal statutes and the department's seizure criteria.

b. Arrange for a Narcotics Division canine to be exposed to seized currency (unless the currency is obviously tainted).

c. Document items in the incident report.

d. Complete all appropriate forms.

e. Hand-carry all original paperwork and copies of supporting documentation to the Narcotics Operations Control Center (NOCC) at the Joint Processing Center.

f. Email all appropriate forms to the appropriate district attorney's office and the Narcotics Division's Asset Forfeiture Unit.

Asset Forfeiture Unit

After review, the Asset Forfeiture Unit shall:

a. Deliver the original paperwork to the appropriate district attorney's office for state seizures or the appropriate federal agency for federal seizures.

b. Act as liaison between the department and the various district attorneys' offices.

c. Provide any additional follow-up investigation for the district attorney's office to complete the investigation.

d. Process the seized contraband according to the district attorney's banking procedures.

e. Track the process of seized items through the courts and civil procedures.

Only Asset Forfeiture Unit personnel are authorized to receive and process forfeited funds from a district attorney's office or federal agency. The Asset Forfeiture Unit shall turn over such funds to the Office of Budget and Finance.

Chief of Police

Only the Chief of Police or designee shall direct the disposition of seized contraband that has been forfeited and is to be used within the department.

Concerned Divisions

The division authorizing the seizure of contraband is responsible for any funding of expenses incurred as a result of the seizure (e.g., liens, repairs, and storage fees). When the department uses seized contraband, the division assigned such contraband shall be responsible for its upkeep and maintenance. The division commander shall ensure that the seized contraband has inventory control tags and is added to the division's inventory pursuant to General Order 400-14, **Control of Police Department Property**.

Troy Finner
Chief of Police