



**TEXAS SOUTHERN UNIVERSITY
DEPARTMENT OF PUBLIC SAFETY**



STANDARD OPERATING PROCEDURE

SUBJECT Seizure and Forfeiture of Contraband		NO. OF PAGES: 2
REFERENCE: CCP Ch 59	EFFECTIVE DATE: Jan. 1, 2009	REVIEW DATE: N/A
General Order 044	SPECIAL INSTRUCTIONS/SUPERSEDES: N/A	ISSUING AUTH.: CHIEF OF POLICE

PURPOSE: To establish policy and implement Chapter 59 CCP, concerning the seizure and disposition of property related to felony offenses.

- A. **Seizable Contraband:**
 1. Is property of any nature that is used in the commission of any first or second-degree felony. Any felony under, robbery, burglary, criminal tress, theft, and fraud sections of the Penal Code (Chapters 29-32). Any felony under the Securities Act.
 2. Used or intended to be used in the commission of any felony under the Texas Controlled Substances Act or Texas Dangerous Drugs Act.
 3. The proceeds gained from the commission of a felony listed in 1 or 2 above.
 4. Acquired with proceeds gained from the commission of a felony listed in 1 or 2 above.

- B. **Seizure of Contraband:**
 1. Property subject to seizure under Chapter 59 may be seized by any peace officer under authority of a search warrant or without a warrant if:
 - a. the owner, operator, or agent in charge of the property knowingly consents.
 - b. The seizure is incident to a search to which the owner, operator, or agent in charge of the property knowingly consents.
 - c. The property subject to seizure has been the subject of a prior judgment in favor or the State in a forfeiture proceeding under Chapter 59.
 - d. The seizure was incident to a lawful arrest, search, or lawful search incident to arrest.

- C. **Disposition of Seized Contraband:**
 1. Seized contraband property will be documented as an offense report and a “seized contraband” property tag will be prepared by the seizing officer.
 2. The evidence custodian will verify tag listings, cause the property to be secured in the property room, and enter the seized property to the Evidence/Contraband Log. The affidavit form will be completed according to the type of property seized and filed as a supplement to the offense report by an investigator.
 3. The evidence custodian will cause all seized contraband, which is US currency to be delivered the District Attorney as soon as practical, along with copies of the offense report and affidavit(s).
 4. A CID investigator will, for all seized contraband other than US currency, deliver a complete copy of the offense report and affidavit(s) to the District Attorney, This should be done no later than 5 days after the seizure. Property will be held as is mutually agreeable to this department and the District Attorney until disposition in lawfully effected.

APPROVED:

Roger Byars
Chief of Police

Date

Review and Responsibility

Responsibility Party: Texas Southern University Department of Public's Safety's Command Staff

Review: Review will be conducted every even numbered

Retention: Original on file in the Office of the Chief of Police

Approval: Roger D. Byars, Director for Public Safety/Chief of Police

Date of Approval: September 1, 2008