
Seizure of Alleged Stolen Property (Pawn Shops)

610.1 PURPOSE AND SCOPE

The purpose of this procedure is to establish guidelines when there is a seizure or release of alleged stolen property and includes procedures when dealing with pawn shops.

610.2 PROCEDURE

610.2.1 PAWNS

- (a) A pawn shop liaison shall be designated by the Commander of the Investigations Division. Duties of the pawn shop liaison shall include communication with pawn shops, secondhand dealers, and gold buying businesses in regards to applicable state and local laws. The pawn shop liaison will also be responsible for enforcing violations of the Business and Professions Code and the Redding Municipal Code in regards to business violations. The Redding City Attorney's Office and the Shasta County District Attorney's Office shall be used as a source of clarification when necessary.
- (b) All Pawn holds will be placed by, or with the knowledge of, the pawn shop liaison. If a patrol officer initiates a pawn hold, a copy of the supplemental crime report should be routed to the pawn shop liaison.
- (c) Per 21647(c) BP, within two business days of placing the pawn hold, the officer or pawn liaison shall send the person who reported the property as lost, stolen, or embezzled a Notice to Reporting Party of Pawn Hold (Pawn Form 5) via U.S. Mail. A copy of the form (with the address of the person who reported the property as lost, stolen, or embezzled redacted) shall also be sent to the pawn shop where the property is being held.
- (d) In most cases, the property shall remain in the custody of the pawn shop until final disposition (see Seizure of Property from Pawn Shop, below).
- (e) When a pawned item is reasonably suspect of being stolen property, a Notice to Hold Suspected Stolen Property form (Pawn Form 1) shall be sent by FAX to the pawn shop, with a follow-up phone call to confirm receipt, or delivered in person. Alternately, the investigator or officer may use the online LEADS form to place the hold. If the suspected stolen property is recyclable goods held by a junk dealer or recycler, the process is the same, with the exception that a Notice to Hold Suspected Stolen Recyclable Property form (Pawn Form 2) shall be used.
- (f) At the conclusion of the investigation, the pawn shop liaison shall utilize the Notice to Release Pawn Hold (Pawn Form 3) to notify the pawn shop that the hold has been lifted. This release has to take place within 90 days of when the hold was placed. If the property is recyclable material held by a recycler or junk dealer, the process is the same, except that a Notice to Release Recycle Hold (Pawn Shop form 4) should be issued to the dealer.
- (g) Per 21647(c) BP, the 90 day period may be renewed as many times as necessary for purposes of ongoing investigation or pending court proceedings. Renewal of pawn holds shall be the responsibility of the pawn liaison.

Redding Police Department

RPD Policy Manual

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610.2.2 SEIZURE OF STOLEN PROPERTY FROM PAWN SHOPS

- (a) Stolen property should be seized from the possession of a pawn shop in only the most extreme circumstances (i.e., homicide investigation, jury trial presentation).
- (b) The property may be seized when it is seen in plain view (such as on the service counter at the pawn shop) or under authority of a search warrant. Also, see Release of Stolen Property Seized Pursuant to Search Warrant below.
- (c) Per Finance Code Section 21206.7, the pawn shop shall be issued a receipt in the form of a Notice to Pawnbroker of Seizure (Pawn Form 6).
- (d) Per 21647(d) BP, the property must be returned to the pawn shop, not the party who reported the item stolen when the property no longer needs to be retained as evidence. The pawn shop retains a lien on the property, and they will deal directly with the reporting party thereafter.

610.2.3 OTHER STOLEN PROPERTY

- (a) When stolen property is seized from anyone other than a pawn shop, the stolen property shall be processed the same as any other item of evidence coming into the possession of the Department.
- (b) If the person from whom the suspected property is seized claims legitimate ownership, they shall be issued a receipt for the property. The on-duty supervisor shall be notified in order to determine if the Department will retain possession of the property.

610.2.4 OUTSIDE AGENCY PAWN HITS AND NOTIFICATIONS

- (a) The pawn shop liaison will review outside agency pawn hits that occur in our jurisdiction as they appear in the CAPSS online system. If the pawn hit appears to be actual stolen property, the pawn shop liaison shall notify the concerned agency.
- (b) When an outside agency pawn notification comes to the attention of Records personnel via the mail, the records technician shall forward the copy of the pawn slip to the pawn shop liaison or the Property Crimes Sergeant of Investigations.

610.2.5 RELEASE OF PROPERTY SEIZED PURSUANT TO A SEARCH WARRANT

- (a) Stolen property that has been previously seized under the authority of a search warrant cannot be released to the reporting party until a court order is issued by a judge. For this reason, officers are encouraged to include language in their search warrants that authorize the release of stolen property to the owner, or a pawn shop in the case of an item that has been seized from a pawn shop.

610.2.6 RELEASE OF STOLEN PROPERTY TO OWNER

- (a) Per 1413(b) PC, the Property/Evidence Technician is required to obtain satisfactory evidence of identification from a person to whom stolen property is to be released. In addition, a digital photograph shall be taken of the property prior to release by the investigating officer and/or their designee. After taking the photograph the digital film card shall be submitted to the Crime Scene Technician in an envelope with the case

Redding Police Department

RPD Policy Manual

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number, name of photographer, and date printed on the envelope. The Crime Scene Technician will then download the photo into the Department's crime scene photo database.

610.3 ATTACHMENTS

See attachment: [610_Pawn Form 1.pdf](#) - Notice to hold loan

See attachment: [610_Pawn Form 2.pdf](#) - Notice to hold recycle

See attachment: [610_Pawn Form 3.pdf](#) - Notice to release pawn

See attachment: [610_Pawn Form 4.pdf](#) - Notice to release recycle

See attachment: [610_Pawn Form 5.pdf](#) - Notice to RP of Pawn Hold

See attachment: [610_Pawn Form 6.pdf](#) - Notice to Pawnbroker of Seizure

Attachments

610_Pawn Form 1.pdf



CITY OF REDDING
777 CYPRESS AVENUE, REDDING, CA 96001
P.O. Box 496071, REDDING, CA 96049-6071

POLICE DEPARTMENT

ROGER L. MOORE, CHIEF OF POLICE

530.225.4553 FAX

NOTICE TO HOLD SUSPECTED STOLEN PROPERTY

To: _____ Attn: _____ Fax No. _____

The following listed property has been reported stolen:

The reporting agency is: Redding Police Department Other: _____

ARTICLE: _____

SERIAL NO.: _____

BRAND: _____

MODEL: _____

DESCRIPTION: _____

PAWN VALUE: \$ _____

Your buy/loan number is _____. The Redding Police Department case number is _____. At this time, it is requested that you hold this property at your store as authorized under Business and Professions Code 21647.

Sincerely,

Roger L. Moore
Chief of Police

Signed: _____
Redding Police Department Representative

Signed: _____
Establishment Representative

Date: ____/____/____ Time: _____ HRS

610_Pawn Form 2.pdf



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NOTICE TO HOLD SUSPECTED STOLEN PROPERTY

To: _____ Attn: _____ Fax No. _____

The following listed property has been reported stolen:

The reporting agency is: Redding Police Department Other: _____

ARTICLE: _____

WEIGHT: _____

DESCRIPTION: _____

RECYCLED VALUE: \$ _____

Your sale receipt number is _____. The Redding Police Department case number is _____. At this time, it is requested that you hold this property at your store as authorized under Business and Professions Code 21609.

Sincerely,

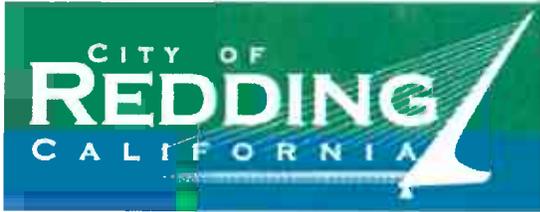
Roger L. Moore
Chief of Police

Signed: _____
Redding Police Department Representative
(530) 225-4214

Signed: _____
Establishment Representative

Date: ____/____/____ Time: _____ HRS

610_Pawn Form 3.pdf



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530.225.4553 FAX

NOTICE TO RELEASE PAWN HOLD

To: _____ Attn: _____ Fax No. _____

The following listed property has been held at your business per our request:

The reporting agency is: [] Redding Police Department or [] Other: _____

ARTICLE: _____

SERIAL NO: _____

BRAND: _____

MODEL: _____

DESCRIPTION: _____

BUY/LOAN #: _____ PAWN VALUE: \$ _____

The Redding Police Department case number is _____. The property is no longer required for the purpose of a criminal investigation and we are releasing our hold.

PURSUANT TO BUSINESS AND PROFESSIONS CODE §21647:

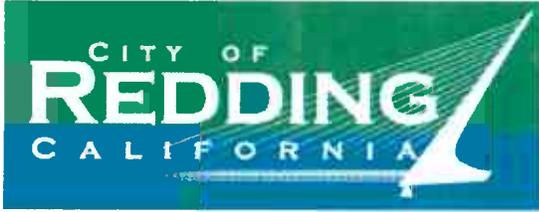
[] The person who reported the property as lost or stolen has been notified that they have 60 days to seek the recovery of their property and that the property may not be released to any other person during that period.

[] The person who reported the property as lost or stolen chose not to participate in the prosecution of the person identified as taking the property. Therefore, the law provides that you are entitled to your "out-of-pocket" expenses paid in the acquisition of the property in return for the surrender of the property.

Signed: _____ Date: ___/___/___ Time: _____ HRS
Redding Police Department Representative
(530) 225-4214

Signed: _____
Establishment Representative

610_Pawn Form 4.pdf



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530.225.4553 FAX

NOTICE TO RELEASE RECYCLE HOLD

To: _____ Attn: _____ Fax No. _____

The following listed property has been reported stolen:

The reporting agency is: Redding Police Department or Other: _____

ARTICLE: _____

WEIGHT: _____

DESCRIPTION: _____

RECYCLED VALUE: \$ _____

Your sale receipt number is _____. The Redding Police Department case number is _____. At this time, we have dropped our hold on this property.

Sincerely,

Roger L. Moore
Chief of Police

Signed: _____
Redding Police Department Representative
(530) 225-4214

Signed: _____
Establishment Representative

Date: ____/____/____ Time: _____ HRS

610_Pawn Form 5.pdf



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POLICE DEPARTMENT

ROGER L. MOORE, CHIEF OF POLICE

530.225.4553 FAX

NOTICE TO REPORTING PARTY OF PAWN HOLD

TO: _____

ADDRESS: _____

Per 21647(c) of the Business and Professions Code of California, you are hereby notified that the property, described as: _____
is currently being held by the following business:

Pawnbroker: _____ Phone: _____

Address: _____

Our records indicate that you have previously reported this property as stolen. Please contact Investigator/Officer _____, if you have not done so already, at (530)225-4214 or (530)_____. There is currently a hold on this property for the purposes of prosecution. When this hold is lifted by law enforcement, you may reclaim this property at the above listed business. Stay in touch with this Investigator so that you may successfully recover your property.

Many pawnbrokers charge a fee for expenses incurred while accepting and storing property. The law neither requires nor prohibits payment of a fee or any other condition in return for the surrender of property, except that when the person who reported the property lost, stolen, or embezzled does not choose to participate in the prosecution of an identified alleged thief, the person shall pay the licensed pawnbroker or secondhand dealer the "out-of-pocket" expenses paid in the acquisition of the property in return for the surrender of the property.

Also make sure you pick up your property in a timely manner when the Investigator tells you the hold is lifted. The law states that if the person who reported the property as lost, stolen, or embezzled takes no action to recover the property from the licensed pawnbroker or secondhand dealer within 60 days of the notice, the licensed pawnbroker or secondhand dealer may treat the property as other property received in the ordinary course of business. During the 60-day notice period, the licensed pawnbroker or secondhand dealer may not release the property to any other person.

cc: Pawnbroker

610_Pawn Form 6.pdf



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NOTICE TO PAWNBROKER OF SEIZURE

This form shall constitute a receipt for property seized, pursuant to California Finance Code 21206.7, to the following Pawnbroker/Secondhand dealer:

To: _____

Description of Property: _____

The above listed property has been seized, pursuant to 21647(D) of the Business and Professions Code, by the Redding Police Department, for the following reason(s):

- ___ To aid in the prosecution of a crime.
- ___ For future court presentation.
- ___ To test for physical evidence/conduct function tests
- ___ Other: _____

For questions regarding this seizure, refer all communications to Investigator _____ at (530) _____. The property will be returned to you when it is no longer needed for evidence. Thank you for your cooperation.

Dated: _____