



Policy 818

Subject

ANTIQUE, PAWN, SECONDHAND, JUNK AND CONSIGNMENT SHOP PROCEDURES

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By Order of the Police Commissioner

POLICY

1. **Safeguarding Property.** It is the policy of the Baltimore Police Department (BPD) to monitor and investigate dealers in secondhand personal property, antiques, consignment goods, and scrap materials to safeguard the public against theft and other crimes.
2. **Regulating Authority.** All matters pertaining to regulating Pawn/Secondhand dealers, and the seizure and disposition of the stolen property recovered from their establishments by members of the BPD, are to be directed to the Pawn Shop Unit.

DEFINITIONS

Antique Dealers — Any person, firm or corporation engaged in the business of buying for resale, trade, or transfer of personal property having special value because of its age, including but not limited to, paintings, clothing, furniture, glass, ceramics, rugs, silverware, carvings, sculpture and other moveable personal property, excluding motor vehicles, records, tapes, compact discs, and books.

Consignment Dealers — Any person, firm or corporation receiving items for the purpose of selling consignment goods which include all categories of movable personal property as enumerated in the Antique and Secondhand Dealer definitions.

Dealer — A Pawnbroker, Antique Dealer, Secondhand Dealer, Precious Metals Dealer, Junk Dealer, or Consignment Dealer.

Junk/Junk Yard Dealer — Any person, firm or corporation selling or trading in scrapped materials, including, but not limited to, glass, rags, paper, aluminum and other recycling materials or metals that can be converted into usable stock (Junk/Junk Yard Dealers are often referred to as Secondhand Dealers).

Pawnbroker — A person, corporation, member or members of a corporation or firm who loans money on deposits or pledge on personal property or other valuable things, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back at a stipulated price.

Precious Metals Dealer — Any person, firm or corporation with a Maryland State License to sell, buy or trade precious metals. Any of the previously defined dealers in this memorandum may also be classified Precious Metal Dealers.

Secondhand Dealer — Any person, firm or corporation engaged in the business of buying for resale, trade, or transfer used or previously owned property or merchandise, including but not limited to, clothes; furniture; household items; and other movable personal property, excluding motor vehicles, records, tapes, compact discs and books (Secondhand Dealers are often referred to as Junk/Junk Yard Dealers).

Stop — A notice, oral or written, conveyed by a police officer to a Pawnbroker, Secondhand Dealer, Antique Dealer, Consignment Dealer and/or Junk Dealer that an item held by that business is believed to be stolen and may not be redeemed or sold until a criminal investigation has been completed.

GENERAL

1. The Pawn Shop Unit shall be responsible for regulating dealers, and the seizure and disposition of stolen property recovered from their establishments.
2. Any member, however, may issue a “Stop” where there is probable cause to believe a pawned or sold item is stolen property.

NOTE: The placing of a “Stop” does not apply in those cases where the stolen property and the suspect are found in the pawn shop or secondhand business prior to any transaction or transfer of property to the dealer. In such instances, normal investigative procedures apply.

3. Dealers in second hand personal property, antiques, consignment goods, and junk are required to report their transactions daily, in writing, to the Police Commissioner of the Baltimore Police Department.

Issuance of Stops

1. If in the course of an investigation, there is probable cause to believe a pawned or sold item is stolen, you may place a “Stop” on the item.
2. Immediately contact the Pawn Shop Unit (410-396-2492) during business hours regarding your actions, nature of the investigation and to obtain a “Stop” number.
 - 2.1. On those days and during those hours the Pawn Shop Unit is not available (weekends, holidays, Adam and Charlie Shift) advise the dealer to place a “Stop” on the stolen item.
 - 2.2. Ensure that the Pawn Shop Unit is notified on the next business day, obtain the “Stop” number and notify the dealer of the “Stop” number.
3. Notify the dealer that a “Stop” has been issued, and provide to the dealer, in writing:
 - 3.1. Your full name, sequence number, and assignment.
 - 3.2. Central Complaint Number (CC Number) of the investigation and the “Stop” number.

- 3.3. A description of the item and transaction number to include a serial number, model number or other identifiable markings, on which the "Stop" has been placed.
- 3.4. Nature of the offense being investigated.
4. When an item is positively identified as stolen, the item may be left in the custody of the dealer with a "Stop" placed on the item. Ensure you notify the Pawn Shop Unit per this Policy.
5. Ensure that a Supplement Report, Form 7, is prepared with all investigative details including the information listed under number 3 above and the person contacted in the Pawn Shop Unit.

Duration of Stops

1. Under no circumstances is a "Stop" to be left on an item indefinitely.
2. The investigation is to be vigorously pursued and should result in the seizure of the item or notification to the dealer that the item will be seized within 60 days of placing a "Stop."

NOTE: The authority to continue or rescind a "Stop" rests with the supervisor of the Pawn Shop Unit, with concurrence of the Commanding Officer, District Detective Section.

Seizure of Property

1. When an item is positively identified as stolen, there are two options which may be used to assure the item's safe keeping pending final disposition:
 - 1.1. If prosecution is unlikely or further investigation is required to develop a case for prosecution, the items may be left in the custody of the dealer with a "Stop" placed on the item; or,
 - 1.2. Whenever an investigation results in probable cause for a warrant or arrest, or prosecution is likely, the stolen item may be seized and handled in accordance with Policy 1401, *Control of Property and Evidence*.
2. Should there be a dispute over ownership or should the dealer object to the seizure, the item shall only be removed pursuant to a properly executed Search and Seizure Warrant.
3. When a dealer has been notified that a stolen item is in his/her possession and refuses to relinquish it to a police officer, the refusal shall be reported in writing to the Pawn Shop Unit.
4. If a dealer disposes of a stolen item after being notified that it is stolen and before a Search and Seizure Warrant can be obtained, this action shall be reported to the Pawn Shop Unit. A police investigation of this action shall be initiated immediately to determine if the dealer is in violation of the law.
5. Provide the dealer with a receipt, using Property Receipt, Form 56, whenever you seize property. Submit same to the Evidence Control Unit (ECU) per BPD policy.

NOTE: As long as dealers are duly reporting these items, as required, to the BPD on the daily lists of items received, it is a reasonable assumption that they did not know the items were stolen. If, however, they are found to possess stolen items that have not been reported, an investigation is appropriate.

Seizure of Stolen Property from Outside Jurisdictions

Whenever the Pawn Shop Unit locates an item at any of the defined dealers doing business with the City of Baltimore, and it has been determined that the item has been stolen in an outside jurisdiction, the Pawn Shop Unit shall:

1. Place an immediate "Stop" on the item and obtain all pertinent information relating to the pawner or seller (i.e., name, age, race, sex, address, prior criminal record, the date of the transaction, etc.).
2. Contact the appropriate jurisdiction, via telephone, informing them of the above information.
3. Obtain the name of the person from the outside jurisdiction assigned to investigate the offense related to the stolen property.
4. Ascertain if an arrest or conviction has been achieved or will be achieved relative to the original offense.
5. Obtain all reports relating to the original offense and determine if the property has been positively identified.
6. Ensure that all reported stolen property is released to the outside jurisdiction in accordance with procedures defined in this order for return to its lawful owner.

Seizure of Stolen Property by Outside Jurisdictions

1. Whenever an outside jurisdiction notifies the Pawn Shop Unit that stolen item(s) being held by a dealer located in the city is needed for prosecution or investigation, the Pawn Shop Unit shall request written notification from that jurisdiction. That written notification should include:
 - 1.1. The type of offense,
 - 1.2. The out of jurisdiction report number,
 - 1.3. A description of the property to be seized, and
 - 1.4. The signature of that jurisdiction's officer or investigator assigned to the case certified by his/her Commanding Officer.
2. Once documentation has been received, the Pawn Shop Unit shall notify the dealer of the request, supplying the dealer with the name of the outside jurisdiction's officer or investigator.
3. Respond to the location and seize the property.

4. Should the dealer object to the seizure, the outside jurisdiction's officer/investigator shall be advised to obtain a Search and Seizure Warrant or Court Order.

Property Recovered by Other Jurisdictions

In those instances where a stolen item was seized from a city establishment by officers/investigators from an outside jurisdiction, the disposition of that item becomes the sole responsibility of that jurisdiction.

Joint Investigations

The Commanding Officer, District Detective Section, shall determine the appropriateness of a joint investigation based upon review of investigative facts.

Disposition of Verified Stolen Property (Cooperating Dealer)

In many cases, through the cooperation of the dealer, verified stolen property may be returned to its rightful owner notwithstanding a verdict of other than guilty being rendered. The return of such property can only be accomplished under the following circumstances:

1. The property was seized by a Baltimore Police Officer;
2. There was an arrest directly related to the stolen property;
3. The property is positively identified to the satisfaction of the investigator; and
4. The original Offense Report or Supplemental Report(s) clearly describe the stolen property, and the description of the property contains one or more of the following:
 - 4.1. Serial Number
 - 4.2. Unique engravings
 - 4.3. Specific damage
 - 4.4. Initials
 - 4.5. Dates
 - 4.6. Photographs
 - 4.7. Insurance records
 - 4.8. Sales receipts
 - 4.9. One-of-a-kind item
5. The authority to return stolen property under these circumstances rests with the Commanding Officer of the District Detective Section.

Disposition of Disputed Property

Should a dispute arise between a dealer and alleged rightful owner regarding the release of seized property or property held under a "Stop," the matter shall be forwarded via the Pawn Shop Unit to Legal Affairs for resolution. Provide the following to Legal Affairs:

1. A cover letter explaining and summarizing the facts of the case.
2. The complete name and address of all parties who may have a claim to the disputed property, including but not limited to the:
 - 2.1. Victim,
 - 2.2. Pawnshop, including the dealer's transaction number; and
 - 2.3. Suspect who pawned the property, if known. "Suspect" includes any person who the investigating officer suspected or investigated as possibly pawning the disputed property, and does not require the existence of probable cause.
3. A description of the disputed property.
4. Complete copies of all reports concerning the incident, and any other pertinent materials.
5. Legal Affairs, upon receipt of the above information, will handle the dispute by taking one of the following actions:
 - 5.1. Notify all claimants to the property that the BPD plans to dispose of the item. Inform all parties that if they intend to make a claim of interest regarding the disputed property, they must notify Legal Affairs within a designated period of time.
 - 5.2. Return the property to one claimant upon receipt of an Indemnification Agreement from that claimant.
 - 5.3. File a Bill of Interpleader in the Court asking the Court to order the return of the property to the rightful owner; and
 - 5.4. As deemed appropriate by Legal Affairs in light of the facts and circumstances of the case.

Disposition of Property (Non-Cooperating Dealer)

1. If property is seized as evidence from a pawnshop or other dealer covered by this directive, it may only be returned to the lawful owner when a guilty verdict is rendered in the prosecution on which the stolen property is at issue. That return must be in conformity with established procedures, as outlined in Policy 1401, *Control of Property and Evidence*.
2. Should a verdict other than guilty be reached (i.e., not guilty, nolle pros, stet, etc.), and the question of ownership of the property is not settled by the court, the property shall not be automatically returned to anyone.

3. All information relative to such cases shall be directed to the Pawn Shop Unit by the investigator either in person or by phone.
4. A Supplemental Report is required as a follow-up. The word “**DISPOSITION**,” in bold, should appear as the heading for this report.
5. The Pawn Shop Unit shall then bring such cases to the attention of the Commanding Officer, District Detective Section to review. At that time, a final decision on the disposition of the property shall be made.

Supervisor

1. Ensure personnel follow the procedures outlined in this directive and comply with their responsibility to notify the Pawn Shop Unit when a “Stop” is placed or property is seized.
2. Ensure the follow-up reports include the disposition of the “Stop” as well as the progress of the investigation.

Pawn Shop Unit

1. Assume overall responsibility for the regulation of Pawnbrokers, Secondhand Dealers, Antique Dealers, Consignment Dealers and Junk Dealers in Baltimore City.
2. Assist members of the agency and the Office of the State’s Attorney with case preparation when necessary.
3. Ensure members of the BPD are updated when changes in the law affects the regulation of dealers.

RECISSION

Remove and recycle/destroy General Order H-18, *Antique, Pawn, Secondhand, Junk and Consignment Shop Procedure*, dated 5 October 1998.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.