



Colorado Springs Police Department

Standard Operating Procedure

DL-1100-50 Pawn Shop Evidence

Section 1100 – Investigative Functions

Effective Date: 2/10/2021

Supersedes Date: 9/11/2012

.01 Purpose

The purpose of this directive is to establish the procedures for the recovery of stolen property/evidence located and in the possession of a pawn shop within the city of Colorado Springs or El Paso County.

.02 Cross-Reference

[GO 820 Initial Investigations Procedures](#)

[GO 833 Evidence Office Procedures](#)

[E1-14 Procedures for the Handling of Personal property](#)

[I2-23 Pawn shop Records Retention](#)

CRS §12-56-104 "Prohibited Acts Penalties" (False Information to a Pawnbroker)

.03 Definitions

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.04 Procedure

Court rulings have demonstrated a need for the Colorado Springs Police Department (CSPD) and the city of Colorado Springs to establish defined procedures for the recovery of stolen property and/or evidence identified and located in a pawn shop, which is located within or outside city limits and within the county of El Paso. Use of the Pawnbroker Property Notification Form will provide documentation of the required notifications and legal obligations.

Officers are no longer allowed to seize property without a search warrant unless consent is given by the pawn shop. Additionally, courts have ruled that pawn shops have a right to due process to petition the courts expressing their proprietary interests in the property; prior to the return of the property to its original owner.

Recovery of Stolen Property/Evidence

When an officer or detective establishes probable cause that an item(s) in the possession of a pawn shop is stolen or is considered evidence in a criminal case, the officer will follow the following procedures:

Utilizing the Pawnbroker Property Notification Form, the officer will advise the pawn shop that they have a right to request the officer obtain a search warrant for the seizure of the property, or they may waive that right and give consent for the officer to seize the property.

If the pawn shop agrees to a waiver of a warrant, the officer will seize the property and serve the pawn shop with the top copy of the Pawnbroker Property Notification Form; having the authorized employee of the pawn shop initial in the space provided in paragraph 1 of the Form.

The pawnbroker will then be advised that they may request a hearing as described in paragraph 3 on the form. If the pawnbroker states that they will not pursue a hearing and authorizes return of the property to the owner/victim, the pawnbroker will initial the space for paragraph 4 and 5 on the form and sign on the signature line below paragraph 5.

If the pawn shop requests that a warrant be obtained, the officer will serve the pawn shop with a 90-day hold order, listing the identified property, and serve the pawn shop with the hold order by tearing the hold order portion (below perforation) from the first page of the form.

After consultation with a supervisor, the officer may prepare a search warrant for the seizure of the property. The warrant only needs to describe probable cause specifying the identified property and how the officer determined it was stolen or evidence in a crime. After judicial review and signature, the officer will serve the warrant on the pawnbroker, during normal business hours, seizing the identified property. The officer will then, upon seizure of the property, serve the pawnbroker the top portion of the notification Form, from which the hold order was served, as described above. If the officer is unable to obtain a warrant, the notification form, minus the hold order, will be forwarded to the pawn detective in the Investigations Division.

The officer will initiate a new case report under CRS § 29-11.9-104, *False Information to a Pawn Broker*, documenting a complete investigative effort. A supplement should also be made to the original theft or burglary case, in which the item(s) was stolen, etc.

The officer should take photographs of the property to be attached to the case report and then place any seized item(s) into "Personal Property" in EvidenceOnQ, listing the original owner/victim as the property owner. ***IN THE COMMENTS SECTION***, the item(s) should be listed in EvidenceOnQ as, "Held on Pawn Hold". This hold provides fourteen (14) days for the pawnbroker to request a court hearing regarding their proprietary interest(s). If no hearing is requested the item may be released to the owner/victim.

All paperwork including the Pawnbroker Property Notification Form will be forwarded to the pawn detail in Investigations.

Separate Criminal Offense

However, if the item(s) is needed for evidence in another crime, separate from the False Information to a Pawn Broker, the officer should place the item into "Evidence" rather than "Personal Property" per normal procedures.

For example, if the item(s) were used in the commission of a separate crime, such as, robbery then it would be placed into "Evidence" under the robbery case. Another example may be if probable cause exists to charge, the suspect(s) with the original theft or burglary, then the item(s) will be placed into "Evidence" under the original case number.

Pawnbroker Property Notification Form

The attached Pawnbroker Property Notification Form is self-carbonating and comes in four (4) parts, as follows:

1. Pawn / Retail
2. Investigations
3. Court
4. Victim

Each page should be provided to the designated person/office, as appropriate.

Attachment

[Pawnbroker Property Notification Form](#)