


Fort Collins Police Services

Policy Manual

 FORT COLLINS POLICE	POLICY	805
	TITLE	Pawn Shops and Secondhand Dealerships

805.1 PURPOSE AND SCOPE

The Agency recognizes pawn broking and dealing in secondhand property as legitimate businesses entitled to protections of law. It is the policy of this Agency to hold or seizure secondhand or pawned property believed to be stolen for further investigation and as evidence for prosecution. All property obtained by theft, robbery, burglary, or other illegal means should be returned to the owner (CRS 18-4-405 Rights in Stolen Property), however the primary purpose of the police seizure is for investigatory purposes.

805.2 PROCEDURE

When property subject to seizure is located in a pawnshop or secondhand dealership, officers must get a warrant to seizure the property or obtain consent to seize the property. Police cannot use statutory power to require a pawnbroker to secondhand dealer to present the property and then seize it under the “plain view” exception to the warrant requirement.

805.2.1 PROPERTY HOLD ORDER

- (a) If an officer reasonably suspects property is subject to seizure, the officer shall place a Property Hold Order on the property.
- (b) Property Hold Orders must be in written form and signed by the investigating officer and given to the pawnbroker or secondhand dealer in person.
- (c) After the Property Hold Order has been completed, a copy shall be left with the pawnbroker or secondhand dealer, and the original filed with the Records Division.
- (d) Property Hold Orders are effective for 90 days, unless a prosecution has been filed during the 90-day period.
- (e) If the officer develops probable cause that the property is subject to seizure during the 90-day period of the Property Hold Order, the officer should seize the property as evidence pursuant to Section 805.2.3 below.

805.2.2 RELEASE OF PROPERTY HOLD ORDER

If the officer finds the property is not subject to seizure, the officer will release the property hold. The release must be documented by the officer on a Release of Property Hold Order. A copy shall be left with the pawnbroker or secondhand dealer and the original filed with Records.

805.2.3 SEIZURE OF PAWNED OR SECONDHAND PROPERTY

If the officer develops probable cause to believe the property is subject to seizure or the 90 days has expired, the officer may seize the property by consent of the pawnbroker or secondhand dealer or by search warrant. No property will be seized from a pawnshop or secondhand dealer without a signed Property Seizure Agreement or a search warrant.

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- (a) If the pawnbroker or secondhand dealer agrees to the seizure of the property, the officer will obtain a signed Property Seizure Agreement from the pawnbroker or secondhand dealer. A copy will be left with the pawnbroker/secondhand dealer and the original will be filed with Records.
- (b) If the pawnbroker or secondhand dealer does not agree to the seizure, a search warrant is required and at the time the search warrant is executed, the officer will give the pawnbroker or secondhand dealer a copy of the search warrant and the Inventory and Return for Search Warrant.

805.2.4 SEIZURE OF PAWNED OR SECONDHAND PROPERTY BY OFFICERS FOR ANOTHER LAW ENFORCEMENT AGENCY

If an officer or detective from another law enforcement agency notifies this Agency that property subject to seizure is located in a pawnshop or secondhand dealership within the City of Fort Collins, an officer shall investigate the property identified by the outside agency.

- (a) If reasonable suspicion exists, the officer shall put the property on a Property Hold Order as described in this policy.
- (b) If the officer develops probable cause to believe the property is subject to seizure, the officer may seize the property as described in this policy.

805.2.5 DISPOSITION OF PROPERTY SEIZED FROM A PAWNSHOP OR SECONDHAND DEALERSHIP

When property is seized from a pawnshop or secondhand dealer pursuant to a Property Seizure Agreement, the officer will place the property into evidence with a copy of the Property Seizure Agreement.

When property is seized from a pawnshop or secondhand dealer pursuant to a search warrant, the officer will place the property into Evidence with a copy of the search warrant.

805.2.6 RETURN/RELEASE OF SEIZED PROPERTY

- (a) Officers shall not deliver pawned or secondhand property that has been seized from a pawnbroker or secondhand dealer to any third person, including other agencies, until 10 days have elapsed from the time of such seizure, even though a third person claims and may appear to be the rightful owner or possessor of the property, unless:
 - 1. A case report has been made; and
 - 2. An investigation has been or is being conducted; and one of the following conditions also exists:
 - (a) The officer receives a signed Consent to Release Seized Property Form from the pawnbroker or secondhand dealer; or
 - (b) A court order is obtained specifically authorizing delivery of the property to a third party of another law enforcement agency; or
 - (c) A criminal prosecution in the case results in a court order specifically authorizing delivery of the property to a third party or another law enforcement agency; or
 - (d) There is an agreement of the parties for disposition of the property and the prosecutor's office has released the property from evidence for purposes of prosecution, if any.

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- (b) If a written objection to the proposed disposition of the property is filed with the investigating officer or the pawn detective by the pawnbroker or secondhand dealer within 10 days of the seizure of that property, the property shall not be released except pursuant to a court order or an agreement of all parties. Absent the filing of such an objection by the pawnbroker or secondhand dealer within the 10-day period, the seized property may be released to the original rightful owner or other investigating law enforcement agency.
- (c) If an object has been filed by the pawnbroker or secondhand dealer and an agreement by all parties as to disposition of the property cannot be reached, the officer or pawn detective shall contact the City Attorney's Office for the filing of an Interpleader (court order/decreed regarding disposition of property).
- (d) Before any property is returned to a third person or other agency, best evidence must be ensured by photographing the property and logging the photographs into Evidence.
- (e) An Evidence/Property Lab Request Form identifying the returned property must be completed and signed by the person taking possession of the property.

805.2.7 INSPECTIONS OF RECORDS AND PREMISES

The Criminal Investigations Division will conduct all pawnshop and secondhand dealership inspections pursuant to that Division's standard procedures for inspections, unless otherwise approved.

All pawnshop and/or secondhand dealership inspections will be documented via the completion of the Agency Pawnshop/Secondhand Dealer Inspection Report within 24-hours of inspection and a copy of the Pawnshop/Secondhand Dealer Inspection Report will be provided to the pawnbroker or secondhand dealer.

805.2.8 DISPOSITION OF PROPERTY BY EVIDENCE TECHNICIANS

Seized, pawned, and/or secondhand property submitted into Property/Evidence will be released or disposed of in accordance with this policy and Policy 804 – Property and Evidence.