


GAINESVILLE POLICE DEPARTMENT

GENERAL ORDER

	TITLE Pawnshops/ Secondhand Dealers Merchandise "Hold Order"		ACCREDITATION None
	PROponent UNIT Criminal Investigations Division (CID)		PRIOR REVISIONS 11/20/00; 02/28/13,10/15/18
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I. PURPOSE: This Order establishes Departmental guidelines for placing "Hold Orders" on alleged stolen merchandise at pawn shops and second-hand dealers.

II. POLICY: The Department will make every reasonable effort to identify and return, to its rightful owner(s), stolen property that has been sold to pawnshops or secondhand dealers.

III. DEFINITIONS:

A. Secondhand Dealer: Any person engaged in the business of purchasing or consigning secondhand goods, as defined in FSS 538 and City Ordinance, Chapter 22.

Statutory limitation: Secondhand dealers are not authorized to loan money or accept pawns; nor can they represent themselves as a pawn-related business without being so licensed.

Title loan transactions are not considered pawns under FSS.

B. Pawn (n): Something delivered to or deposited with another as security for a loan.

C. Pawnbrokers: Any person engaged in the business of making pawns or who makes a public display containing the term "pawn," "pawnbroker," or "pawnshop" or any derivative thereof, or who publicly displays a sign or symbol historically identified with pawns as defined in FSS 539 and City Ordinance, Chapter 22.

Explanation: The Statute requires pawnbrokers to be licensed, but does not require that a 'public display' (sign) be posted.

D. Hold Order: An official two-part form noticing the pawnbroker or second-hand dealer that the merchandise is being held by law enforcement for a period of time or the use of an electronic form using the Leads Online platform.

IV. PROCEDURE: This procedure is for the recovery of property that has been the object of theft pursuant to any criminal act (theft, robbery, burglary, etc.) and has been sold to, and subsequently discovered in, a pawn or secondhand dealer's shop.

A. Merchandise Hold Order:

1. Issuing a Hold Order: When an officer has probable cause to believe that property in the possession of a pawnbroker or secondhand dealer within the City of Gainesville is stolen, a written "Merchandise Hold Order" (GPD Form #300) will be used to hold the property or the use of an electronic form using the Leads Online platform.

- i. "Hold Orders" shall be completed legibly.
- ii. Only one 'Hold Order' may be placed on an item of property.
- iii. One copy of the 'Hold Order' is given to the shopkeeper, and the other forwarded with the incident report.
- iv. The investigating officer(s) may rescind, in writing, any 'Hold Order'.

2. Limits on Jurisdiction: Members may only place 'holds' on items at pawnshops and second-hand dealers located inside the City of Gainesville.

Members shall contact the jurisdictional law enforcement agency when needing 'holds' placed on items in eligible establishments outside the City limits.

3. Time Limits Regarding Specified Establishments:

- i. Secondhand Dealers: Upon probable cause that property is stolen, an officer can place a 'Hold' on property held by secondhand dealers inside the Gainesville City limits for a maximum of 90 days unless extended by a court order.
 - ii. Pawn Shops: Upon probable cause that property is stolen, an officer may impose a holding period not to exceed 90 days, unless extended by a court order.
 - a. 'Hold Orders' issued to pawn shops must contain the expiration date of the 'Hold' and the person reporting the property stolen.
 - b. Upon expiration of a 'Hold Order', a pawnbroker must notify the Department by certified mail.
- If, on the 10th day after the written notice has been received, and the property is not the subject of a court proceeding, the property shall become the property of the pawnbroker subject to the pawn transaction contract.

B. Reporting: Incidents involving a 'Hold Order' shall be documented in an *Investigative Report* or a *Supplemental Report*.

- 1. A copy of the 'Hold Order' shall be attached to the report.

2. The reporting member shall, when applicable, ensure that other interested parties are informed, such as the case detective or the zone/district officer, to ensure proper follow-up.

C. Claims: The following guidelines must be followed to obtain property being held by pawnshops or secondhand dealers. Members may contact the assigned detective for assistance, if needed.

1. Law Enforcement: While a 'Hold Order' is in effect, pawnshops or secondhand dealers must, upon request, release property to the appropriate officer for use in a criminal investigation.

Upon completion of the criminal proceedings, the property must be returned to the pawnshop or secondhand dealer unless or until the court orders other disposition.

2. Victim Claims: Members shall furnish a ['Victims' Rights and Remedies As Identified in Florida Statutes Regarding Pawnbroking and Secondhand Dealers' Pamphlet](#), which includes information regarding how a victim can pursue the recovery of his/her property. Members should verbally review the following information with the victim:

i. The victim must notify the pawnshop or secondhand dealer by certified mail (return-receipt) or in-person with a complete, accurate description of the property and a copy of the police report.

ii. The victim must try to resolve the matter with the pawnshop or secondhand dealer.

a. If the disposition of the property cannot be resolved within 10 days, the victim may petition the court to order the return of the property.

The following forms may be used by persons who need to file a petition with the court. One form regards second-hand dealers, and the other, pawnbrokers.

These forms are located on the GPD Intranet page under; [Secondhand Dealer](#) [Petition](#) and [Pawnbroker Petition](#)

b. The pawnshop or secondhand dealer is required to hold the property until the right to possession is resolved by the parties themselves or by the court of jurisdiction.

iii. The victim may use the sample forms offered by GPD as a guide and either seek assistance from the Clerk of the Court for filing, or seek legal advice.

iv. Members of GPD will not provide legal representation / advice to the pawnshop, the secondhand dealer, or the victim. Members may instruct involved parties on how to proceed in their case(s).

D. Violations: Violations will be addressed in accordance with the provisions of City Ordinance Chapter 22, and FSS 538. Members needing assistance may contact the designated detective in the Investigations Bureau.

By Order of

*Signed Original on File in the
Accreditation Section*

**Nelson Moya
Chief of Police**