



Newport News Police Department - Operational Manual

OPS-487 - PAWNSHOP, PRECIOUS METALS, & SECONDHAND DEALERS

Amends/Supersedes: OPS-487 (07/25/2011)

Date of Issue: 01/23/2019

I. DEFINITION

- A. *Pawnbroker*: Any person who lends or advances money or other things for profit on the pledge and possession of tangible personal property, or other valuable things, other than securities or written or printed evidences of indebtedness or title, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price (§54.1-4000 of the Code of Virginia).
- B. *Precious Metals Dealers*: Any person(s) or business engaged in the trade of buying secondhand precious metals or gems to include removing them from articles not owned by them, or buying selling or acquiring precious metals or gems which have been removed from articles. The definition includes all employers and principals on whose behalf a purchase is made, and any employee or agent who makes any purchase for or on behalf of his employer or principal. (see also: §54.1-4100 of the Code of Virginia) The exceptions are persons engaged in the following:
1. Purchases of precious metals or gems directly from other dealers, manufacturers, or wholesalers for retail or wholesale inventories, provided that the selling dealer has complied with the provisions of this chapter.
 2. Purchases of precious metals or gems from a qualified fiduciary who is disposing of the assets of an estate being administered by the fiduciary.
 3. Acceptance by a retail merchant of trade-in merchandise previously sold by the retail merchant to the person presenting that merchandise for trade-in.
 4. Repairing, restoring or designing jewelry by a retail merchant, if such activities are within his normal course of business.
 5. Purchases of precious metals or gems by industrial refiners and manufacturers, insofar as such purchases are made directly from retail merchants, wholesalers, dealers, or by mail originating outside the Commonwealth.
 6. Persons regularly engaged in the business of purchasing and processing non-precious scrap metals which incidentally may contain traces of precious metals recoverable as a by-product.
- C. *Pawnshop*: In accordance with this policy “pawnshop” shall refer to the area, location, or place of business in which a pawnbroker or precious metals dealer operates.
- D. *Secondhand and Junk Dealers*: Person(s) buying or selling secondhand building materials for resale to persons who are “regularly engaged” in the selling and buying of these materials.
- E. *Regularly Engaged*: (With respect to purchasing or acquiring secondhand building material) Having conducted transactions involving, or having offered for sale, more than 600 pounds combined weight of secondhand building material or enters into more than 26 combined transactions annually, as referenced in § 59.1-117 of the Code of Virginia.

II. PURPOSE

To establish guidelines for retrieving and disposing of stolen property from pawnbrokers, precious metals dealers, and secondhand and junk dealers.

III. PROCEDURE

A. Retrieval of stolen property from pawnshops will be handled using the following procedures:

1. The investigating officer will verify, by using the IBR system, that the property in the pawnshop is stolen from Newport News. The recovered property will then be placed into Property and Evidence (P&E) (see OPS-485, Property and Evidence).
2. In cases where property in a pawnshop is stolen from another jurisdiction, the law enforcement agency for that jurisdiction will be notified by the recovering officer.
 - a. The officer will verify the stolen property with the involved agency;
 - b. If the law enforcement agency is local (Hampton Roads) and wants to recover the item, the recovering officer will request the pawnbroker hold the item for the designated agency;
 - c. If the law enforcement agency is outside the local area and the agency wants to recover the item, the recovering officer will seize the item and place it into Property and Evidence for a period of 30 days. In the event that the property is not collected by the requesting agency within this timeframe, the pawnshop will be notified and provided an additional 30 days to collect the item.
3. The investigating officer will provide the pawnbroker with a Recovered Property Receipt (NNPD Form #177), (§54.1-4011 and §54.1-4101.1 of the Code of Virginia) for any item removed.

B. Disposition of stolen property from pawnshops that was seized shall be handled by the following procedures. [84.1.1(g); 84.1.7]

1. If no person is charged or no person comes to trial in connection with property recovered from a pawnshop, the investigating officer shall: [84.1.1(f)]
 - a. Complete the Pawnshop Letter (NNPD Form #276-1) and forward it to his immediate supervisor. The provided date will be thirty days from the date of the letter.

NOTE: The original copy of a pawnbroker's court order is on file with the Circuit Court Clerk's Office.

- b. The investigating officer's supervisor will review and sign the Pawnshop Letter.
- c. Once signed:
 - 1) The investigating officer shall attempt to personally deliver the original letter to the pawnbroker;
 - 2) Upon successful personal service, the letter shall be signed, dated by the pawnbroker and the officer.
 - 3) The investigating officer maintains a copy of the completed letter.
 - 4) If personal service was not able to be completed:
 - a) The original letter will be mailed to the owner of the pawnshop via certified mail, return receipt requested, through the Records Section.

- 5) A copy of the pawnshop letter shall be sent to the P&E Supervisor.
2. If a person is charged and convicted in connection with property recovered from a pawnshop, the investigating officer will ask the prosecuting Commonwealth's Attorney to request that the judge decide to who the property is to be given. The property will be disposed of according to the judge's decision, if the Commonwealth's Attorney does not require the Department retain the property. If no decision is made by the judge, and the property is not needed for prosecution, the investigating officer shall then follow the procedure given in Section III. B. 1.
 3. If the pawnshop owner does not respond to P&E within thirty days, to assert a claim of entitlement over the property, or does not desire to assert a claim, the P&E supervisor will call and confirm this with the City Attorney's Office. The P&E supervisor will then contact the investigating officer to sign the P&E Form (NNPD Form #008) and release the property to the owner.
 4. If the pawnshop owner asserts a claim of entitlement over the property, the City Attorney's Office will be notified and provided a copy of the criminal case file. The City Attorney's Office will then file a civil lawsuit in General District Court and a court decision concerning disposition of the property will be made. The City Attorney will notify the P&E supervisor when the property can be released and to whom.
- C. Pawning of Secondhand Building Fixtures – City Permit Required

Per §§ 59.1-116.1 through 59.1-122 of the Code of Virginia, any person dealing with the sale or trade of secondhand building fixtures must first obtain a permit from the Chief of Police, show the permit and identification to sellers and purchasers, and maintain a logbook, or some other reporting mechanism as approved by the Chief of Police or his designee, meeting specific criteria to keep an accurate account of his business. This information must be available for review at all times.

Steven R. Drew
Chief of Police