

544 STOLEN PROPERTY LOCATED IN PAWNSHOPS/SECONDHAND DEALERS

- I. Purpose: To establish the department's position with respect to the recovery of stolen property located in pawnshops.
- II. Discussion: The department is routinely confronted with problems involving stolen property located in pawnshops. To ensure cooperation from pawnshops and/or secondhand dealers, the following guidelines are established.
- III. Policy
 - A. Recovery of stolen property located in pawnshops shall conform to F.S. §539.001 and the recovery of stolen property located in secondhand dealers shall conform to F.S. 538.001
 - B. Any stolen property located in a pawnshop/secondhand dealers must be positively identifiable to be recovered.
 - C. The officer must ensure that a timely police report was filed by the victim of the theft of the property in question. If a timely report has not been made, and probable cause to believe the property has been stolen appears, a hold will be placed on the property and the complainant will be referred to the appropriate division
 - D. The pawnshop/secondhand dealer representative must be given the opportunity to file charges of dealing in stolen property and/or defrauding a pawnbroker/secondhand dealer against the person who pawned or sold the stolen property.
 - E. Upon developing probable cause to believe property held by a pawnshop/secondhand dealer is stolen and the pawnshop/secondhand representative contests the identification or ownership of the property, the officer will place a written hold on said property using form TPD 726, Law Enforcement Hold on Property. A copy of the completed form will be given to the pawnshop/secondhand dealer representative and the original submitted for scanning. The editing supervisor shall cause this report to be referred to the appropriate division and the Tampa Police Department Pawn Investigator for latent investigation
 1. A written hold held by law enforcement shall be in effect for a period of ninety days, including the normal holding period provided by F.S. §539.001 or F.S. 538.001.

2. The claimant shall be advised that he must file a replevin action pursuant to F.S. §539.001 or F.S. 538.001 and serve the pawnshop representative according to law to recover the property.
 3. At the end of the ninety-day period, the hold shall terminate automatically after the pawnshop/secondhand dealer representative sends a demand letter to TPD with return receipt. The hold expires ten days later unless the hold is extended by a court order.
 4. Officers may request that the property be released to police custody for use in a criminal investigation. The pawnshop/secondhand dealer representative will be given a written receipt, TPD form 726, for all property confiscated. Once property taken as evidence is no longer required by this agency, it shall be released to the pawnshop/secondhand dealer representative unless the court orders other disposition. The legal advisor will be contacted when any doubt exists.
- F. If the pawnshop representative does not contest the identification or ownership of stolen property; the victim should be contacted and referred to the pawnshop to pick up their property. All property will be photographed prior to being returned to the claimant

Supersedes SOP 544, dated 12/20.