

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject PAWNED PROPERTY	Policy Number ED-4
		Effective Date 07-02-21
Related Information ARS 44-1624 GE-3, <i>Property Management and Evidence Control</i>	Supersedes ED-4 (11-14-14)	

PURPOSE

The purpose of this Office Policy is to provide guidelines and procedures for the notification of hold, seizure, release, and disposition of property in the possession of a licensed pawn shop.

POLICY

The Office licenses and regulates pawnshops in Maricopa County. It is the policy of the Office to monitor pawnshops in an effort to locate and recover stolen property and identify and arrest offenders who use these outlets to sell stolen property. The Office also helps to ensure storeowners abide by applicable Arizona Revised Statutes (ARS) focusing on recovering stolen property, arresting the original offenders, and assisting in the prosecution of anyone who buys or sells such items, in violation of the law.

DEFINITIONS

Case Agent: The lead investigator designated for a specific investigation. The case agent is responsible for overall management of the case. This would include delegation of investigative tasks, lead tracking, collection of supplemental reports and other relevant case documentation, verifying all evidence is impounded, packaging the case for prosecution, assisting the prosecutor with the presentation for the case in court proceedings, and providing a final disposition of property and evidence held in reference to the investigation at the conclusion of the case.

Evidence: Material that has probative value intending to prove or disprove a material fact in a criminal or civil case.

Hold: Notification either verbal or written to a licensed pawnshop, pawn broker, or employee of the same, that an item of property in their possession is the object of a law enforcement investigation that indicates there is reason to believe the property is stolen or evidence relating to a crime and directing them to hold the property until released from hold by law enforcement.

Pawnbroker: A person who is licensed to engage in the business of advancing money on the security of pledged goods, or is engaged in the business of purchasing tangible personal property on the condition it may be redeemed or repurchased by the seller for a fixed or variable price, within a fixed or variable period of time.

Property: Any items, including currency, held for safekeeping, as evidence, found property, or which has been abandoned, unclaimed, or awarded by the court.

Property and Evidence/QueTel System: An electronic system serving law enforcement for evidence management, property management, processing and tracking of evidence and property. The Officer Input Module (OIM) is an application within this System.

Property Receipt: A detailed form issued to a person or responsible party for any property taken as evidence, found, or safekeeping by an Office employee in the performance of their official duties.

Seized Property: Property acquired through involuntary surrender by warrant or a warrantless search. Items taken as evidence should be categorized as both seized and evidence.

PROCEDURES

1. **Pawn Transactions and Inspection:** A deputy may request a pawnbroker provide for inspection the pawnbroker's receipts, pawn tickets or required alcohol tobacco and firearms logs, or any article received by the pawnbroker by pledge, purchase, or trade, as specified in Arizona Revised Statute (ARS) 44-1624.
2. **Procedures for Property Believed to be Stolen:** A deputy having probable cause to believe property in the possession of a pawnbroker is stolen may place a hold on the property for a period not to exceed 90 days.
 - A. The hold shall be effective upon oral notice from the case agent or designee.
 - B. The case agent or designee placing a hold on the property shall notify the Office Pawnshop Unit, so a written notice can be mailed to the pawnbroker within two business days of the verbal hold, excluding weekends and holidays.
 1. The written notice of hold shall be sent from the Pawnshop Unit of the Judicial Enforcement Division, on official Office letterhead, to the pawnbroker.
 2. The written notice of hold shall accurately describe the property, brand name, and serial number, as applicable.
3. **Seizing Property Placed on a Hold from a Pawnbroker:** The case agent or designee seizing or impounding the property in possession of a pawnbroker, and subject of a hold, shall provide the pawnbroker reasonable notice, and may require they produce the property at a reasonable time and place.
 - A. The case agent or designee shall issue a *Property Receipt* to the pawnbroker for the seized property and shall contain an accurate description of the property, including the brand name, serial number, as applicable, the *Incident Report (IR)* number assigned, and the names of the pawnbroker and the case agent.
 - B. All seized property and evidence shall be entered into the Property and Evidence/QueTel system, as specified in Office Policy GE-3, *Property Management and Evidence Control*.
 1. A notation shall be made in the narrative stating, "HOLD FOR PAWNSHOP UNIT."
 2. The case agent shall ensure the information in the Case Information screen of the Property and Evidence/QueTel System is filled out properly and as complete as possible. Every attempt shall be made to identify and include addresses and zip codes for all owners.
 - C. If the seized property is sufficiently identified and confirmed to have been reported stolen, the case agent, in conjunction with their supervisor, shall determine the case status. If the status dictates the property be retained as evidence in the Property and Evidence/QueTel System for possible future prosecution, the case agent or designee shall write a supplement in the TraCs system, outlining the need to retain the property.

4. **Release of Property:**
 - A. If the case agent and the Maricopa County attorney determine the property is no longer needed for prosecution, the case agent shall write a supplement in the TraCs system, outlining why the property may be released or disposed of. The case agent or designee shall notify the Pawnshop Unit by inter-office mail or e-mail so an appropriate disposition can be made for the property.
 - B. If the property is authorized for release, the Pawnshop Unit shall mail notification letters to all parties involved having a potential claim to the property. If only one claim for the property is received, the property shall be released to the party asserting the claim.
 - C. If there is more than one claimant for the property, the Pawnshop Unit shall have the Maricopa County attorney request a Superior Court hearing. Claimants are notified by the Maricopa County attorney of the hearing so they may assert their claim and the Superior Court can provide a due process disposition for the property.
 - D. Upon receipt of the Superior Court order authorizing the release of the property, the Pawnshop Unit shall facilitate the release of the property by notifying the case agent of the court's order, to include the name and address of the claimant awarded the property, as the legal and rightful owner. The case agent or designee shall submit a supplement in the TraCs system indicating the court's order.
 - E. All evidence scheduled to be released to the rightful owner or scheduled for disposal after it no longer has any evidentiary value, shall be processed through the Property and Evidence/QueTel System, as specified in Office Policy GE-3, *Property Management and Evidence Control*.
5. **Maintaining Records:** Records of holds which have been placed or removed, and license information, shall be maintained in computer databases by the Pawnshop Unit.
 - A. The Pawnshop Unit shall maintain historical and current licensing information files on all pawnshops in Maricopa County.
 - B. The Pawnshop Unit shall input all transaction data on all Maricopa County pawnshops located outside city limits and maintain the master computer transactions repository for Maricopa County where all Maricopa County law enforcement agencies and pawnbrokers enter pawnshop transaction data.