

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject PAWNED PROPERTY	Policy Number ED-4
		Effective Date 12-19-24
Related Information ARS 44-1624 GE-3, <i>Property Management and Evidence Control</i> GF-5, <i>Incident Report Guidelines</i>		Supersedes ED-4 (07-02-21)

PURPOSE

The purpose of this Office Policy is to provide guidelines and procedures for authorized Office personnel 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 which includes delegation of investigative tasks, lead tracking, collection of supplemental reports and other relevant case documentation. Additionally, the case agent is responsible for 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 case agent or designee may request a pawnbroker provide for inspection of the pawnbroker's receipts, pawn tickets or required alcohol, tobacco and firearms logs, or to review 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 case agent or designee 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 verbal notice from the case agent or designee.
 - B. A supplemental Incident Report (IR) shall be completed.
 - C. The case agent or designee placing the initial verbal hold on the property shall notify the Office Pawnshop Unit as soon as practical 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 which is 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 complete a detailed supplemental IR to document the seizure. IR related processes shall be followed, as specified in Office Policy GF-5, *Incident Report Guidelines*.
 - B. The case agent or designee shall issue a *Property Receipt* to the pawnbroker for the seized property which shall contain an accurate description of the property, including the brand name, serial number as applicable, the assigned IR number, and the names of the pawnbroker and the case agent or designee.
 - C. 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.

- D. If the seized property has a serial number, the case agent shall conduct a search in the National Crime Information Center (NCIC) to sufficiently identify and confirm the item has been reported stolen. If confirmed as 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 submit an IR supplement in the TraCS system, outlining the need to retain the property as evidence.

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 submit an IR supplement in the TraCS system, outlining why the property may be released or disposed of. The case agent shall contact the Operations Information Center (OIC) and request the property be removed from NCIC. 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 an IR supplement in the TraCS system indicating the court's order.
- E. All evidence scheduled to be released to the rightful owner or if a rightful owner cannot be located and the property is 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 indefinitely.
- B. The Pawnshop Unit shall input all transaction data for all pawnshops located within Maricopa County and maintain the master computer transactions repository for Maricopa County where all Maricopa County law enforcement agencies and pawnbrokers enter pawnshop transaction data.