



# Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

**Policy #** 112C

**Policy Name** Property Recovery from Pawnshops

**Approved by** Wendell Franklin, Chief of Police

**Effective Date** 01/10/2012

**Approved Date** 01/09/2012

**Previous Date** 06/02/2009

## PURPOSE OF CHANGE:

To update the policy format.

## POLICY:

When lost, stolen or embezzled property is located in a pawnshop, the officer discovering the property shall place a *Written Hold Order* on the property. The *Written Hold Order* shall remain in effect for 30 days allowing for further investigation.

When officers place a *Written Hold Order* on property located in a pawnshop, they will notify the Detective Division Burglary Lieutenant by email before the end of the shift. If the property was reported lost, stolen or embezzled locally and an incident number is available through the Records Section, a supplemental report shall be made to the original incident number. If the property was reported stolen outside of Tulsa and was confirmed through Teletype, the officer shall complete an original *Incident Report* with the crime type listed as Outside Property Recovery.

A detective shall follow-up and recover the property from the pawn shop when necessary. The detective assigned the case where the property originated from will be responsible for the disposition of the property.

**SUMMARY:** Procedures for stolen or embezzled property that has been located at a pawnshop.

**APPLIES TO:** All police personnel

## DEFINITIONS:

OCA – incident number listed by the ORI on the NCIC entry.

ORI – the originating agency listed on an NCIC hit.

WRITTEN HOLD ORDER – written notification to a pawnbroker (required by Oklahoma State Statutes) to hold the described property for a period not to exceed 30 days.

PAWN EXTENSION – written notification to a pawnbroker (required by Oklahoma State Statutes) to extend the hold on the described property for a period not to exceed an additional 30 days.

CONSENT TO CONFISCATE – written release voluntarily relinquishing property from the pawnshop to police custody.

## PROCEDURES:

### A. OFFICERS

1. When assigned to a pawnshop where the complainant believes they have located property reported lost, stolen, or embezzled, the officer shall determine if there is probable cause to believe the property matches that listed on the

Incident Report or NCIC entry.

2. If probable cause is present, place a *Written Hold Order* on the property. This may be accomplished by a *Written Hold Order* form or a handwritten Statement of Witness form. The expiration of the hold shall be 30-days from the date of the order.
3. Include on the *Written Hold Order* the following information:
  - a. Signature of the pawnbroker or his designee.
  - b. Name, title, and badge number of the police officer placing the hold order.
  - c. Address of the Tulsa Police Department and the incident (OCA) number.
  - d. Name of the agency reporting the property stolen or embezzled.
  - e. Mailing address of the pawnshop where the property is held.
  - f. Expiration date of the holding period.
  - g. Complete description of the property to be held, including the model number, serial number, and pawn transaction number.
4. When discovering property that was reported stolen locally, complete a supplemental Incident Report and attach the signed Written Hold Order. Include in the supplemental:
  - a. Victim's name.
  - b. Incident number.
  - c. Identifying characteristics.
  - d. Description of the property, pawn transaction number, date of pawn, and the name of the employee that completed the transaction.
5. When recovering property reported stolen to an outside agency, complete an original Incident Report and attach the signed Written Hold Order. The crime type shall be listed as Outside Property Recovery Include:
  - a. Description of the property.
  - b. Pawn transaction number.
  - c. Date of pawn.
  - d. Name of the employee completing the transaction.
  - e. Identifying characteristics.
  - f. ORI.
  - g. OCA.

## B. DETECTIVES

1. When assigned a case involving lost, stolen, or embezzled property where an officer has initiated a pawn hold, verify the expiration date of the Written Hold Order.
2. If notified of lost, stolen, or embezzled property being located in a pawn shop in an assigned case, follow the same procedure as the officer for placing the Written Hold Order.
3. Assure written extensions of the order are renewed as necessary with the pawnbroker prior to the 30-day expiration of each order.
4. Obtain a copy of the pawn ticket with the signed declaration.
5. Attempt to contact the victim and get positive identification of the property being held.
6. When the investigation is completed, forward a Property Referral Form to the Victim/Witness Center, who shall monitor the property and arrange for a Proprietary Interest Hearing.

7. Complete a Supplemental Report listing the victim, incident number, and description of recovered property.
8. Notify Teletype to remove the item from NCIC.

#### **C. DETECTIVES- OUTSIDE PROPERTY LOCATED**

1. When notified of property reported as lost, stolen, or embezzled to another agency is located in a local pawnshop, place or verify a Written Hold Order.
2. Ensure extensions of the Written Hold Order are renewed as necessary.
3. Send a teletype to the reporting agency advising of the Hold Order and request a copy of the agency's Incident report listing the property as stolen.
4. If there is not a response to the first notification before the first 30-day hold expires, you may extend the hold an additional 30 days. If you choose to extend the hold beyond the initial 30 days, send a second teletype advising the agency when the hold will expire and NCIC protocols. If there is no response before the second hold expires, release the hold.
5. Complete the investigation and forward a Property Referral Form to the Victim/Witness Center for a Proprietary Interest Hearing to be scheduled. The Victim/Witness Center shall assist the victim or agency in recovering the property.

#### **REGULATIONS:**

1. Oklahoma State Statute dictates a Written Hold Order shall be in effect for a period not to exceed 30 days and shall contain the following information:
  - a. Signature of the pawnbroker or his designee.
  - b. Name, title, and badge number of the police officer placing the hold order.
  - c. Address of the Tulsa Police Department and the incident (OCA) number.
  - d. Name of the agency reporting the property lost, stolen or embezzled.
  - e. Mailing address of the pawnshop where the property is held.
  - f. Expiration date of the holding period.
  - g. Complete description of the property to be held, including the model number, serial number, and the name of the employee completing the transaction as well as the pawn transaction numbers.
2. Detectives, when receiving a notification of property reported as lost, stolen or embezzled to a case they are assigned, shall follow the same procedures as officers for placing the Written Hold Order.
3. Pawnshop holds shall only be lifted by detectives and done in writing.
4. Detectives shall follow-up and recover the property from the pawnshop when necessary.
5. If not extended by a detective, pawnshop holds expire in 30 days.
6. Detectives shall release property located in pawnshops in accordance with Oklahoma State Statutes regarding disposition of recovered property.
7. Disposition of lost, stolen or embezzled property turned in to the Property Room shall be made through the judicial process.

#### **REFERENCES:**

59 O.S. 1508 (B)

112A, *Recovered/Found Property*

112E, *Major Crime Scene Processing*

112F, *Major Crime Scene – Sexual Assaults*

TOG 2003, *Collection, Preservation, and Packaging of Evidence*

*Detective Divisions Operations Manual*