



DEPARTMENTAL  
GENERAL  
ORDER

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Recovery of Stolen Property from  
Secondhand Dealers and Pawnbrokers  
Secondhand Dealers and Pawnbrokers  
in Possession of Stolen Property

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**RECOVERY OF STOLEN PROPERTY FROM  
SECONDHAND DEALERS AND PAWNBROKERS**

The purpose of this order is to set forth policy and procedures for recovering, holding, and releasing property, whether or not reported stolen, that is found in the custody of secondhand dealers or pawnbrokers.

**I. SECONDHAND DEALERS AND PAWNBROKERS**

- A. **Secondhand Dealer:** Any person, co-partnership, firm or corporation whose business is buying, selling, trading, accepting for sale or consignment, accepting for auction, or auctioning secondhand personal property, whether as a separate business or in connection with any other business.
- B. **Pawnbroker:** Any person, firm or corporation who is engaged in the business of receiving goods in pledge for a loan (taking in pawn). A pawnbroker may also engage in any secondhand dealer transaction as described above.
- C. **Permits:** All secondhand dealers and pawnbrokers are required to obtain special activity permits from the City of Oakland and the Oakland Police Department Inspectional Services Unit (ISU).

**II. HOLDING/RECOVERING PROPERTY**

- A. Members shall not seize/recover property, even if "in public view" without a search warrant.
- B. In order to determine whether or not property in the possession of a secondhand dealer or pawnbroker is stolen, a member can develop probable cause that property is stolen by using such factors as prior police reports, receipts, serial numbers, owner ID, or the unique nature or design of the property.

- C. If probable cause can be developed that property is stolen, the member shall:
1. Complete a Property Hold (TF-1062) and attach Part 2 (card) to the subject property.
  2. Submit Part 1 (white) of the Property Hold with a Crime Report (536-933) to the ISU.
  3. If a pawnbroker, ensure that a "Police Hold" notation is made in the pawnshop inventory sheet, record, log, computer, or database.
  4. Advise and instruct the business owner/manager that:
    - a. The police hold is for 90 days and that the follow-up investigator may extend the hold for an additional 90 days.
    - b. The subject property cannot be disposed of until a Property Hold Release Authorization (TF-3161) is received from a follow-up investigator and a 60 day notice period has elapsed [21647(c)(3) B&P].
- D. If the property was previously reported stolen in Oakland, complete and submit an Additional Information Report (536-937), routing a copy to the ISU. Include the date of original report and/or RD Number, if known.
- E. If the property was reported stolen in another jurisdiction, the member shall complete and route an Outside Agency Report (TF-757) to the appropriate investigating unit of the initial reporting agency with a copy of the Outside Agency Report and the Property Hold to the ISU for follow-up and inter-agency coordination.
- F. Any property recovered pursuant to a search warrant shall be deposited in the Property and Evidence Unit in accordance with Departmental procedures.

### **III. RELEASING RECOVERED PROPERTY**

- A. Property seized pursuant to a search warrant and entered as evidence in a court in a criminal case is generally disposed of by a magistrate.
- B. All property seized with a search warrant is reviewed and disposed of by a magistrate pursuant to Penal Code (PC) Sections 1407-1413.
1. If the matter never comes to trial, the investigator shall:

- a. Petition the court for the release of the property pursuant to Section 1409 PC.
  - b. Make notification for the magistrate to the victim, pawnbroker, secondhand dealer and other parties expressing ownership in the property.
  - c. Issue a Property Hold Release Authorization in accordance with the order of the magistrate once the court has adjudicated any claims of ownership to the property.
  - d. Advise the owner that the Business & Professions Code Section 21647(c)(2) does not require nor prohibit the payment of a fee or any other condition in return for the surrender of the property.
2. If it is determined that the victim does not desire prosecution, the investigator shall:
- a. Delete the property from AFS/APS or place an extension on the hold (if needed) within 30 days [21647(f) B&P].
  - b. Release the hold on the property.
    - 1) Issue a Property Hold Release Authorization to the property owner with the name and address of the secondhand dealer or pawnbroker holding the property.
    - 2) Advise the property owner that the Business & Professions Code Section 21647(c)(2) requires that the person reimburse "out of pocket" expenses paid in the acquisition of the property.
    - 3) Advise the property owner he/she has 60 days (notice period) to claim the property [21647(c)(3) B&P].
    - 4) Advise the secondhand dealer or pawnbroker that if the property owner does not claim the property within the 60 day notice period, they may:
      - a) Treat the property as if it was acquired in a normal manner [21647(c)(3) B&P].

- b) Request (if not already done) that the investigator remove the property from the AFS/APS [21647(f) B&B].
- C. If the property was reported stolen in another jurisdiction, the investigator shall:
- 1. Send a "locate" teletype to the agency responsible for the AFS/APS entry. The teletype shall include the name and location of the secondhand dealer or pawnbroker in possession of the property and that a 90 day hold was placed on the property with the expiration date of the hold.
  - 2. Send, by certified mail, a copy of the Property Hold to the agency as a follow-up to the teletype.
  - 3. Not seize the property for an outside agency. A representative of the outside agency shall conduct any seizure of property.
  - 4. Advise the property owner to contact the initial reporting agency for information regarding the investigation.
  - 5. Coordinate the release of the property on behalf of the reporting agency after receiving a copy of the follow-up investigation. The investigation must indicate that the reporting agency does not anticipate seizing the property or pursuing prosecution and authorizes the release of the property.
  - 6. Arrange for the release of the property in accordance with the provisions of Part III, 2, b, of this order,
- D. Investigators shall notify secondhand dealers and pawnbrokers by means of a copy of the Property Hold Release Authorization whenever a police hold is terminated [21647(c)(4) B&P]. A copy of the Property Hold Release Authorization shall be retained in the case file.

By order of

Richard L Word  
Chief of Police