



San Diego Community College District Police Department Policy and Procedures

3.08 PLACING & RELEASING HOLDS ON
PAWNED PROPERTY

EFF. 10/01/19

I. PURPOSE

This Department procedure establishes guidelines for placing and releasing holds on pawned property.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

It is the intent of this section to establish a set of procedures for officers, during the course of an investigation, to identify and recover property from secondhand dealers and pawnbrokers. The 90-day hold is a useful investigative tool, which can be used prior to the actual physical seizure of an item or, in some instances, when seizure is not anticipated.

IV. DEFINITIONS

- A. The 30-day holding period is a State-mandated timeframe, during which property received by a pawnbroker, secondhand dealer, or junk dealer must be held in the store. The holding period begins on the date the acquisition was reported to the Chief of Police and pertains to all property taken in trade, pawn, or consignment, per section 21636 of the Business and Professions Code.
- B. Pawn means that a loan has been made on the property taken into a pawnshop. The property pawned can be redeemed any time during the loan period. The length of a loan period is four months. If any pledged article is not redeemed during the four-month loan period, the pawnbroker must notify the borrower of the termination of the loan period and extend the right of redemption for a period of ten days from date of mailing, per section 21201 of the Financial Code.
- C. The 90-day hold is the time period during which a pawnbroker, secondhand dealer, or

coin dealer must retain property if a peace officer places a hold on such property because the peace officer has probable cause to believe the property is stolen, per section 21647 of the Business and Professions Code, and section 21203 of the Financial Code.

V. WHEN TO UTILIZE THE 90-DAY HOLD PROCEDURE

- A. A 90-day hold should be used when the officer has probable cause to believe property is stolen and additional time is needed to make a positive identification or have the victim view the property. This type of hold does not preclude the actual physical seizure of the item at a later time.
- B. The hold procedure should be used unless the following three factors are present:
1. There is no question that the property in question is stolen;
 2. There is no question related to the identity of the property; and,
 3. There is a reasonable likelihood a case will be issued by the prosecuting agency.

If these three factors are present, then the detective may seize and impound the property.

VI. PROCEDURE TO PLACE PROPERTY ON A 90-DAY HOLD

- A. Any peace officer may place a verbal hold on stolen property found in a pawn or secondhand shop. All verbal holds must be followed up by a written notification. Only written notification legally obligates the storeowner to hold the property, per section 21647(a) of the Business and Professions Code.
- B. The officer or detective will notify the SDPD Police Permits and Licensing Unit of the verbal hold and provide the case number, location, description of the property, the name of the pledger or seller, the date of the transaction, and the loan/buy number.
- C. College Police detectives will coordinate with the SDPD Police Permits and Licensing Unit to follow-up by calling the store, verifying hold information, issuing an official hold number, forwarding written notification to the shop operator, and documenting the action in the “hold book” in accordance with section 21647(a) of the Business and Professions Code.
- D. The written notification includes the hold number (assigned by the SDPD Police Permits and Licensing Unit), loan/buy number, area station conducting the investigation, and date the hold expires.

- E. The SDPD Police Permits and Licensing Unit will forward a copy of the transaction slip and the 90-day hold notification letter to the assigned College Police detective.
- F. The investigator shall notify the SDPD Police Permits and Licensing Unit within the 90-day hold period regarding the disposition of the case and the property.
- G. If any disagreements or problems arise with the shop owner or employees while placing the hold on an item, the officer should immediately call the SDPD Police Permits and Licensing Unit at (619) 531-2250 for clarification or assistance. If this is not feasible, and if the issue is not resolved satisfactorily, then the officer should seize the property and report the incident to the SDPD Permits and Licensing Unit as soon possible.

VII. PROPERTY IDENTIFICATION

- A. The victim/witness should be accompanied to the shop by an officer, whenever possible. If the property belongs to the District, then the officer and/or detective may identify the property themselves.
- B. Officers should obtain statements regarding identifying marks prior to the victim/witness viewing the property.

VIII. PROCEDURE FOR RELEASING HOLDS

Once it is determined the property is not stolen, or the item is no longer needed in a criminal investigation, the hold shall be released.

- A. When the hold is no longer necessary, the officer or detective shall notify the SDPD Police Permits and Licensing Unit. The officer or detective will provide the hold number and information as to whether a person other than the secondhand dealer is authorized to receive the property.
- B. The officer shall contact the Police Permits and Licensing Unit with release information, including name and address of the person to receive the property if different than the dealer.
- C. The SDPD Police Permits and Licensing Unit shall complete a Hold/Release form.