

Procedure

3.18

**EFFECTIVE
DATE
4-18-06**

**Eugene
Police Department**



Handling of Suspected Stolen Used Merchandise

3.18.1 PURPOSE AND SCOPE

This policy is designed to outline procedures for processing and possible seizure of suspected stolen property from used merchandise dealers, as defined in EC 4.989, and subsequent release of such property. If assistance is needed, a Property Crimes detective may be contacted.

PART I – Duties and Responsibilities for All Personnel

- A. Processing of suspected stolen property
- B. Release of used merchandise

3.18.2 DUTIES AND RESPONSIBILITIES FOR ALL PERSONNEL

A. Processing of suspected stolen property

1. Once you have identified an item in possession of a used merchandise dealer as being suspected stolen property, confirm that it matches reported stolen property.
2. Photograph the suspected stolen property.
3. Take one of the following actions:
 - a. Take possession of the property after obtaining a voluntary release of the property from the used merchandise dealer or representative. (A signed statement by the employee on an *Evidence/Property Report* form can document the voluntary release. Give the store a copy of the form.)
 - b. Place a hold on the suspected stolen property in accordance with *EC 4.989* by completing a hold slip (which the used merchandise dealer will have) or by placing an electronic hold through the automated electronic

reporting system. (Such a hold expires after 180 days.) Document the hold in the report you prepare.

- c. Seize the suspected stolen property as recovered property or evidence, and book the property into PCU for storage and any necessary processing. Provide the used merchandise dealer with a receipt for the property.
4. Anytime property is seized from a used merchandise dealer, or a hold is placed on the property, route a copy of the report to the Property Crimes Section.

B. Release of used merchandise

1. Property which was voluntarily released by a used merchandise dealer can be released to a person who you reasonably believe to be the property owner, or lodged at PCU as recovered property or evidence, as appropriate.
2. Property seized from, or released by, a used merchandise dealer can be released to another law enforcement agency if it is involved with one of their cases. Document the case number of the investigation of the other agency, along with the circumstances of the release, in your report.
3. Otherwise, release of property to a person other than the used merchandise dealer may occur only under one of the following circumstances:
 - a. If a case related to the property has been adjudicated and the court has directed the disposition of the property (refer *ORS 142.010 - 142.030*), we will dispose of the property as directed by the court.
 - b. If a person reports the property stolen, the property may be released to the person when:
 - (1) the person signs a declaration attesting to ownership of the property; and
 - (2) the department causes to be sent, via certified mail or delivered in person, to the used merchandise dealer's place of business a copy of the declaration and a *Notice of Property Release* form.
 - c. If no motion is filed by the used merchandise dealer within 10 days of mailing or personal delivery of the declaration and *Notice of Property Release* form, we will release the property to the person signing the declaration.
 - d. If a motion is filed by the used merchandise dealer within 10 days of mailing or personal delivery of the declaration and *Notice of Property*

Release form, a hearing will be held in Municipal Court, and we will dispose of the property as directed by the court.

4. Responsibility for the release of property will normally rest with the officer assigned to the case. If assistance is needed, contact a pawn detail detective.