5-09/330.30 - Disposal of Property

Property seized and used as evidence in court shall be disposed of by the court pursuant to sections 1408 through 1410 and 1413(c) of the Penal Code, and procedures found in the Property and Evidence chapters.

Property seized and not entered into evidence in court shall be disposed of as follows:

- The investigator shall notify the pawnbroker with a Notice of Claim of Ownership (SH-R-90), and a Declaration of Ownership (SH-R-388) from the victim when the victim wishes to claim the property;
    - The pawnbroker has 10 days to respond asserting his claim of ownership;
    - If the pawnbroker makes no claim within the specified time, the investigator shall photographically record the property, complete the Declaration of Ownership (SH-R-388) and release the property;
    - If both the pawnshop and owner (victim) claim the property, the investigator shall determine ownership based on supporting data, evidence and known facts and make disposal of property accordingly;
    - The investigator shall release the property to the pawnbroker using the above procedure when the victim makes no claim; and
    - The investigator shall notify the Pawnshop Unit regarding final disposition of all property.

Property held in the pawnshop and not used as evidence shall be disposed of as follows:

- The investigator shall notify the pawnbroker with a Ownership Claim (SH-R-387) and a Declaration of Ownership (SH-R-388) from the victim when the victim wishes to claim the property;
    - The pawnbroker has 10 days to respond asserting his claim of ownership; and
    - If the pawnbroker does not respond or show sufficient cause to retain ownership, the investigator shall send a letter (SH-R-386) to the victim with instructions to claim the property.

If the victim/owner's address is unknown or is unable to establish ownership or does not wish to claim the property, the investigator shall notify the pawnbroker, in writing, that the property may be disposed of in accordance with the existing laws.