



# CONNECTICUT POLICE CHIEFS ASSOCIATION

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**Testimony of Thomas J. Sweeney**  
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Raised S.B. 1072

An Act Concerning Public Safety

Connecticut General Assembly  
Committee on Public Safety And Security

March 12, 2015

Senator Larson, Representative Dargan and distinguished members of the Public Safety and Security Committee.

My name is Thomas Sweeney. I am a retired Chief of the Glastonbury Police Department and formerly was Chief of the Bridgeport Police Department. I represent the Connecticut Police Chiefs Association (CPCA) in speaking in **opposition** to Raised Bill 1072 which is vaguely titled as "An Act Concerning Public Safety". The bill seeks to modify the statutes governing pawn brokers, second hand dealers and precious metal dealers. Those statutes were comprehensively revised in 2011 after a series of police investigations established that blatant fencing activities were being conducted or facilitated by some pawn brokers and precious metal dealers who were not complying with the existing laws regulating those businesses. The bill before you seeks to delete extremely important sunset provisions that were purposely incorporated into the 2011 revision of those statutes to intentionally balance the differing interests of law enforcement in curbing fencing activities and the pawn brokers who wanted to maintain a practice of cashing their own checks and paying cash for items received.

Before the 2011 revision of the pawn broker and precious metal dealer statutes, police investigations had identified career offenders regularly selling high volumes of merchandise stolen in burglaries or from retail stores to certain pawn brokers and precious metal dealers. In an extensive investigation, an undercover officer offered new in box merchandise that was clearly represented as stolen to eleven pawn brokers. Eight of those businesses purchased those articles with cash and without hesitation. In the continuing sting some brokers subsequently also purchased pallets of reportedly stolen merchandise again paying with cash and without documenting those purchases as required by the existing statutes.

In working toward a much needed revision of the relevant statutes in 2011, CPCA worked with representatives of the pawn brokers association and the jewelers who had precious metal dealer licenses to establish a joint proposal for new legislation which would balance the needs of law enforcement to regulate and enforce the statutes governing those businesses without interfering with the legitimate conduct of those activities. A new section was developed specifically to govern the direct purchase of second hand merchandise which actually represented the greatest amount of activity occurring in pawn shops. Agreement was reached between the parties on all aspects of the proposed revisions except one. All merchandise received had to be paid for by check. The pawn brokers wanted to continue a practice of cashing their own checks and immediately paying cash. The experience of law enforcement indicated that practice attracted criminals looking for fast cash and it permitted greater opportunity to avoid the record keeping requirements of the statutes or to conceal the purchase. As those self cashed checks

rarely, if ever, went forward for processing through a banking establishment there was no external trail documenting the transaction had occurred nor was there an independent confirmation of the seller's identification.

In a compromise to resolve the last impasse between law enforcement and the pawn brokers, the statute finally adopted allowed pawn brokers who held their licenses prior to March 31, 2011 to cash the checks they issued for pawn transactions, second hand merchandise, and precious metals until the sunset date of July 1, 2021. After that date any such check cashing would be illegal. Such self check cashing to pay for pawned, second hand merchandise or precious metals is currently illegal for any pawn broker, second hand dealer, or precious metal dealer who was not licensed as a pawn broker before March 31, 2011. The proposed bill before the Committee seeks to undo the compromise afforded to the pawn brokers in the 2011 revision of the related statutes. Removing the sunset dates specified in these statutes would allow a segment of the pawn brokers to continue beyond July 1, 2021 a practice which law enforcement strongly believes can facilitate the trafficking in stolen property. It also gives a select group of pawn brokers, namely those licensed prior to March 31, 2011, an advantage not currently enjoyed by or available to all other dealers currently licensed to engage in these activities.

While I do not know who proposed this bill, if the Committee is inclined to act on this topic it should move to eliminate the practice of pawn brokers self cashing checks which can facilitate the concealment of fencing activities and move the sunset dates forward to a date sooner than July of 2021.

The proposed bill also seeks to limit the discretion of judges by requiring them to order restitution when a pawn broker has suffered a economic loss as a result of a law enforcement officer seizing property identified as stolen from a person other than the seller. Such restitution is quite appropriate if the ownership of the item was truly misrepresented at the time it was sold to a pawn broker or second hand dealer. Mandating that a judge order restitution, however, may inappropriately constrain a judge's discretion when he believes that a pawnbroker or second hand dealer did not exercise reasonable diligence in recognizing signs that the merchandise in question was stolen.

I would like to thank the Committee for your time and consideration on this topic. I would be happy to provide any additional information or answer any questions you may have.

Thomas J. Sweeney  
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