



## REGION: Proposed rules seek to discourage metal theft



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A backflow device in Riverside is covered by a cage to prevent it from being stolen.

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Inland lawmakers are seeking to make illegal metal scrapping a less attractive source of income through several bills making their way through the state Senate and Assembly.

The new legislation would correct and add to the already complex set of rules that govern recyclers who accept scrap metal.

They eliminate cash payments, increase fines for recyclers who accept property they should realize has been stolen and hike penalties for anyone convicted of metal theft.

One bill eliminates a loophole that allows recyclers to pay up to \$20 cash for small amounts of copper, if it is sold as scrap along with a few beverage containers.

The rate of metal theft has remained high in most of the Inland region, driven in part by copper prices hovering around \$3.50 a pound.

San Bernardino is bucking that trend with a recent decline in metal thefts, police Lt. Paul Williams said. But the volume of complaints still is large enough that the department has one detective dedicated solely to investigating metal thefts, Williams said.

Detective Guy Gilbert, of the Riverside County Sheriff's Department, said the trend is just the opposite in his county.

"It's up right now from last year, absolutely," Gilbert said.

Hot items in addition to copper wire and pipe are backflow devices, manhole covers, fire hydrants, sprinkler heads, air conditioning coils and chain link fencing, he said.

"They're taking anything that's not nailed down," Gilbert said.

Even in small cities like Redlands, police routinely receive several metal theft reports every week, city spokesman Carl Baker said.

### Utilities hit hard

Southern California Edison, whose substations and power lines are frequent targets of copper thieves, has spent \$2.7 million over the past four years repairing damage at its substations, spokesman Paul Klein said in an email. That doesn't include the cost of damaged transmission lines or thefts of SCE trucks stocked with copper wire, Klein said.

He cited a 2009 study by the Electrical Safety Foundation International that estimated the annual cost of copper theft to U.S. utilities at more than \$60 million.

For some, copper theft has resulted in death. Just three weeks ago, a 26-year-old man was electrocuted while cutting a thick copper wire at an Edison substation in San Bernardino. He died the next evening, officials said.

Last month in Fontana, a man was killed while using bolt cutters to steal wire from a power pole. Another man died in December while apparently vandalizing an Edison substation in Palm Springs.

Scrap metal dealers already operate under stringent rules established to curb illegal recycling. Dealers accepting scrap metal must take a copy of the seller's photo identification, photograph or videotape the seller and the material being sold and obtain the seller's thumb print. They also must ask where the seller obtained the material.

Sellers must wait three days to be paid, whether by returning to the recycler for a check or having one mailed to them.

But not all scrap businesses comply with the rules, San Bernardino County Sheriff's Deputy Chris Wadkins said. And people who do comply have discovered some loopholes.

The one that allows an immediate payment of up to \$20 for recycled copper and soda cans would be closed by legislation proposed by Assemblywoman Wilmer Amina Carter, D-Rialto.

"The law encourages copper wire thieves to cut up metal into little pieces to make it look like scrap metal," Carter said in a news release. "Then they combine it with one or two recyclable cans and walk away from the recycler with cash in hand."

Carter's legislation, Assembly Bill 1508, which was unanimously approved by the Assembly on May 14, also eliminates a rule that allows immediate payment to scrappers who have done business with a recycler five times a month for three months. The bill moves on to the Senate for consideration.

### **Bills take aim**

Carter also carried A.B. 316, which took effect in January. It classifies the theft of copper materials worth more than \$950 as grand theft, which carries a fine of up to \$10,000 and a maximum of three years in state prison. It also increases penalties for misdemeanor thefts and requires those convicted to pay the victim for damages and economic loss.

A.B. 2003, by Assemblywoman Norma Torres, D-Pomona, would require metal scrappers to be paid by check rather than cash, so the transaction can be traced. That

bill also has been approved by the Assembly. Torres represents parts of western San Bernardino County.

Senate Bill 1387, by Sen. Bill Emmerson, R-Hemet, would prohibit a recycler from possessing items such as manhole covers, backflow devices and fire hydrants without written certification from the agency or utility that owned it. Any recycler who has those items without the certification could be fined up to \$3,000.

In addition, Emmerson's S.B. 1045 would hold a dealer who violates the written certification requirement civilly liable for damages the agency or utility incurred as a result of the theft. Those bills have been approved by the state Senate and wait Assembly confirmation.

Gilbert, the Riverside County Sheriff's detective, said he wonders who will enforce all the new rules. He writes citations when he finds a scrap yard that isn't in compliance, but there are too many yards for one deputy to monitor.

"The rules are pretty strict already," he said. "The problem is nobody is enforcing them. It's a question of manpower."

Physical safeguards against metal theft are proliferating as rapidly as the laws. They range from copper wire manufactured with microscopic serial numbers identifying the owner to tamper-resistant fasteners and grounding devices coated with tin so they don't look like copper.

But buying and installing deterrents adds to the cost of doing business and may just lead to new problems, Redlands spokesman Baker said.

"We try to take measures to ... make it more difficult to strip the wire," he said. "But some of those measures are expensive or not easily accomplished. And if we make it harder to take one thing, they'll just go find something else."