

Summary

Metal Theft - a Major Problem in Dayton, Ohio; Identification and Reduction

Scanning

In the summer of 2004 the City of Dayton Police Department began receiving increased theft complaints from the citizens that up to this point had not been common for the city. The complaints included aluminum siding was being stripped from vacant and occupied houses along with copper plumbing and copper from inside; the copper plumbing and copper wiring were being stripped out of the walls and the basement areas. Vacant buildings were being broken into and vandalized by having copper wire and pipes taken.

Analysis

The problem of the growing metal thefts was analyzed using a multi-prong approach; including statistical analysis of all previous and current B&E's and theft related complaints where copper, aluminum and air conditioners were taken and or damaged to remove these metals from them. The first statistic that was identified was the distention of vacant verse occupied houses and structures being targeted. Second was the types of metals that were being taken; aluminum and copper were the most prominent. Third was that these types of theft were directly related to the rising prices being paid for scrap metal.

With the statistical information developed the Dayton Police Department was able to identify that all of the local scrap and recycle businesses were very loosely regulated by the city and state. There were no checks and balances associated with the buying and selling of scrap metal.

Response

In Mid 2006 in cooperation with the City of Dayton Priority Boards, the Dayton Police Department and the Dayton City Commission, the Revised Code of General Ordinances (RCGO) Related to Salvage Yard Operators was amended. The amendments defined stricter regulations for the businesses buying scrap metals along with the individuals selling scrap metals within the City of Dayton.

In using the Community Oriented Policing philosophy the Dayton Police Department developed a comprehensive working partnership utilizing the Big Six; the Community, Police Department, Business Community, Elected Officials, other Agencies and the media. With this partnership the detectives have had success in identifying potential suspects presenting and selling stolen property as well as identifying locations where crimes had been committed before being reported.

In late 2007 the Dayton Police Department established a full time unit dedicated to the investigation of all crimes associated with metal theft.

Assessment

- Identifying the number of incidents involving metal theft
- Identification / arrest of suspects associated with metal theft crimes
- Reduction in actual monetary cost associated with these crimes
- Increase collaborative relationship between police and the scrap/recycling businesses
- Increased intelligence sharing between police agencies

Project Description

Metal Theft - a Major Problem in Dayton, Ohio; Identification and Reduction

Scanning

Dayton, Ohio was incorporated in 1796 and according to the 2000 U.S. Census has 166,000 residents. Dayton has a rich history of being the home of many patents, inventions and inventors, and famous persons of the art's dating back to 1880. This history includes John H. Patterson, the National Cash Register Company (NCR), Charles F. Kettering, an inventor and businessman that holds 140 patents and was the founder of Delco, a subsidiary of General Motors. Dayton has a rich history of Commercial manufacturing and Industrial businesses that include several General Motors component parts suppliers such as Delco Moraine, Delco Products, Inland Fisher Guide, Frigidaire and NCR. Dayton was the home of Orville and Wilbur Wright; brothers who made the first successful flight in a powered aircraft and because of several of their inventions, Dayton continues to have strong ties to aerospace and aviation. Dayton is located in the Southwestern region of Ohio, fifty miles north of Cincinnati and sixty miles west of Columbus.

In the spring of 2004 the Dayton Police Department started receiving an increase of complaints ranging from vandalism to theft to breaking and entering; both residential and commercial. These complaints involved the theft of metals or items made of metal. Copper wire and pipes; Aluminum siding, wiring, down spouts and wheelchair ramps were all being stolen at an accelerated rate. With these thefts came destruction of property and properties

that appeared as eyesores on the neighborhood. The economic loss to homeowners and businesses was staggering.

Detective Jamie Bullens, assigned to investigate residential and commercial burglary complaints in the City's Third District; which is the Southwest area. Bullens recognize an increase in the number of complaints where non-traditional items were being taken from the residence or business. The suspects were entering the properties and cutting the copper water pipes out of the basement and ripping holes in the dry wall and ceilings to steal the copper plumbing and electrical wiring.

During this same time period the department started receiving an increased number of complaints involving the theft of aluminum siding, gutters and down spouts in District One and District Two (Northeast and Southeast Dayton). The Southeast Priority Board started lodging complaints with the police department related to these incidents. These complaints were investigated as part of the C.O.P.E. (Community Oriented Policing & Enforcement) project. C.O.P.E. is a tool that the Dayton Police Department developed and introduced in 2002 and was used to deliver the C.O.P.P.S. (Community Oriented Policing Problem Solving) model of problem identification and solving.

After reviewing numerous complaints and interviewing citizens after the fact it was determined that suspects were stealing aluminum siding, gutters and down spouts and then were using grocery carts to transport the stolen property to local scrap yards to sell. With this information the C.O.P.E. team started identifying key people and resources involved as stakeholders; residents, owner/operators of the local scrap yards, elected officials and the

police. Paula Power, Southeast Priority Board Coordinator for the City's Eastern area invited representatives of each of the identified key people to a meeting at the Southeast Priority Board office.

The single most important issue identified in the scanning process was that the metal theft problems were not localized to one community, rather all districts within the city. Though copper theft was originally identified from the Westside of the city and the theft of aluminum products from the eastside, the totality was identified as a citywide problem and concern.

Analysis

Background of Complaints - Initial analysis consisted of revisiting all previous complaints associated with metal theft to determine several factors; the geographical locations, the types of crimes, the property taken and the identity of any potential suspects. In reviewing these complaints starting in 2000 through 2004, there were modest increases but nothing out of line with historical statistics. The largest concern in reviewing these types of complaints was the lack of accountability in identifying them as complaints involving metals without reading each report narrative individually.

The period of 2000 through 2003 held steady with 11% of complaints taken being related to metal theft (copper, aluminum, ACR (air conditioner radiator)*. The number of complaints that were reported in 2004 that were related to metal being taken rose to 21 % and in 2005 to 29% [Appendix A].

Observations from uniform patrol officers and citizens were used to identify the increased foot traffic by individuals pushing grocery carts containing aluminum siding, gutters and downspouts to the local scrap yards. Data collected on Field Interviews Cards (FIC) generated by Patrol officers identified a high percentage of these individuals as being homeless and or had previous criminal and drug usage history.

Key Components/Personnel Utilized - The C.O.P.E. Team – The team tasked with addressing these problems and concerns included Paul Powers, the Southeast Priority Board Coordinator, Connie Nisonger and several other staff members. Representatives of the Dayton Police Department included Lt. John Barnes, Lt. Mike Wilhelm, Sgt. Anthony Quinn, and Detectives Jamie Bullens and Richie Davidson. The City of Dayton was represented by City Commissioner Matt Joseph, City Prosecutor Dee Logan, along with members of the Housing and Building Inspection and the Mediation Center. Representatives of the local scrap yards were invited to participate as a member of the team. The team met on a weekly basis and was provided with updates and updated data that had been gathered in connection to this problem.

Ordinance Review - A review of the current RCGO (Revised Code of General Ordinances) (SALVAGE YARD OPERATORS AND ITENERANT SALVAGE DEALERS) pertaining to the operations of operating salvage yard and dealers was conducted. This ordinance dealt mainly with the licensing and requirements for owning and operating a salvage yard in the City of Dayton. The police department's limited role was to investigate whether or not the applicant had been convicted of a prior violation associated with the operation of a salvage business within the

previous five years. The RCGO clearly mandated record keeping of transactions when buying or selling scrap metals, and defined the types of metals that could be bought.

Scrap Metal Value Review - Information was gathered from the owner/operators of the scrap yards as to scrap value of copper, aluminum, ACR's to see if there was a direct correlation between the increase in metal theft and the cost of scrap. In reviewing the data provided for both copper and aluminum the scrap value followed very closely to the trend of reports taken involving metal theft. During the period of 2000 through 2002 the price of aluminum held steady between .42 and .47 cents per pound and copper maintained between .58 and .65 cents per pound. During the period ending 2004 aluminum closed at .56 c/lb and copper closed at 1.08 c/lb, both closing at record highs [Appendix B].

Historical events that affected the increase of value for copper and aluminum- During the latter part of 2004 and into 2005 copper value began to rise. Several market factors played into the rise including; a global shortfall in production resulted in depleted inventories, an influx of money into commodity markets from investment funds, and the country of China using huge amounts for infrastructure purposes. One major event that affected the cost of copper to the world market in 2004 was the rockslide at the Grasberg mine (Indonesia) in 2003, which killed several employees and slowed production for a period of time reducing its copper output to the market.

As part of our analysis the team was able to identify the following Scrap Yards and Metal Recycling businesses located in the City of Dayton, Ohio; A&B Iron & Metal, First Street Recycling, Franklin Iron & Metal, Midwest Iron & Metal and Rumpke Recycling. Midwest Iron

and Metal conducted business only with other businesses [Appendix C]; they would deliver collection dumpster to a business and picked up at the customers request. They did not take any walk-up customers on business to business. Because of their business practice they were not included in our study.

Understanding and Realizing the Problem - The C.O.P.E. Team identified inconsistency and reluctance of departments/agencies within the City of Dayton to admit that metal theft was a problem and that it should be addressed. A quote taken from a letter received by the Southeast priority Board dated 4/27/2004, related to aluminum siding thefts; *“not only did he seem unwilling to do anything more than what they are already doing, he gave me the impression with his comments that there is no point in us even trying to fix the problem”*.

The perception of both uniform officers and detectives was one of reluctance to agree that metal theft (copper and aluminum) was a serious problem. There was very little success in identifying property owners/complainants to successfully prosecute suspects that had been located and arrested. This led to the prevailing attitude that this was just “dead paper”. They felt that their time was better served “doing real police work”.

Surveillance and Intelligence Gathered - With the information and data generated suggesting that these theft suspects are using grocery carts to transport stolen aluminum siding, gutters, downspouts and other stolen metal to the local scarp yards, Detective Bullens began monitoring all foot traffic to all scrap yards, East and West. During this surveillance period he noted large quantities of individuals were indeed crossing the Washington Street Bridge from the west pushing grocery carts full of metal items traveling to A&B Iron & Metal,

located at 329 W. Washington Street. The same scenario was noted on the Eastside, as a large quantity of individuals were observed pushing grocery carts full of metal items traveling to one of three locations; Franklin Iron and Metal located at 1935 E. First Street, First Street Recycling located at 1321 E. First Street and Rumpke Recycling located at 1300 E. Monument. Detective Bullens with the assistance of Uniform Street Patrol started conducting Field Interviews Contacts (FIC) [Appendix D] with as many individuals as possible at all of these locations in an effort to determine their identification, the metal items that were being presented and sold as scrap and to possibly ascertain where the items had come from. The data that was collected reinforced several ideas of who, what, when, where and why of metal theft. The demographics showed that the majority of the individuals were low income or un-employed; were homeless and scraping to survive; were wanted on warrants, usually drug related; were scrapping for a drug habit; had a past history of theft, breaking and entering and drug offenses/convictions.

The above data gathered in the analysis strongly supported the notion that metal theft of various types within the City of Dayton was a serious problem.

RESPONSES

The summation of the information that was gathered during the analysis stage came from the following; police department, neighborhood priority boards, housing/zoning department, citizens, and owner/operators of the scrap yards. The information that was analyzed revealed the most effective response in battling the metal theft problem would be to bring about more stringent regulations concerning the scrap/recycle businesses in the City of

Dayton. The prevailing mindset was to choke off the very source that was driving the suspects to commit these thefts – profit from sales of stolen items at the scrap yards.

During this time period informational flyers were mass produced with vital information concerning metal theft and distributed throughout the community. This flyer contained tips warning citizens about the theft of aluminum siding, what to do and who to contact along with contact phone numbers.

Commissioner Joseph, being a member of the C.O.P.E. team and recently elected to the Dayton City Commission, was a natural choice to lead the effort to amend the SALVAGE YARD OPERATORS AND ITENERANT SALVAGE DEALERS ordinance (RCGO 112.200) .

Several meetings took place with all parties to gather input as to what ordinance changes would be the most beneficial to everyone involved. During this process it was noted that the owners/operators of the local scrap / recycle yards were resistant to participate in the process. Commissioner Joseph contacted them and personally invited them to participate in the review and suggested changes to the current city ordinance. Once everyone was at the table the process began and on July 5, 2006 the Dayton City Commission passed the amendments associated with SALVAGE YARD OPERATORS AND ITENERANT SALVAGE DEALERS ordinance (112.200) and enacted it August 4, 2006. [Appendix E]

The scanning and analysis resulted in the following response:

The newly amended ordinance provided the police with a lot of bite regarding metal theft and where the suspects were selling at. The first item on the agenda was to educate

everyone; the owner/operators of the local scrap yards, the people selling metal at the scrap yards and the citizens of the City of Dayton. The largest item relative to the new ordinance was that everyone that presents non-ferrous (non-magnetic metals; copper, aluminum, brass, stainless steel, etc.) metals would have to apply for and be issued an Itinerant (individual) Scrap License in order to sell scrap at all of the local scrap yards. The exception would be individuals that were bringing in items from their residence and individuals selling only aluminum cans.

To be fair to all parties involved there was a grace period before the ordinance would be criminally enforced. Detective Bullens, who had worked with all parties involved in the amendment process, had taken point as coordinator of the project. He worked with all local and government television stations and the Dayton Dailey News paper to get as much information out through Public Service Announcements (PSA) to the citizens regarding this ordinance. Commissioner Joseph appeared on several segments of DGTV (Dayton Government Television) to promote and educate the new ordinance. Applications were being distributed at several locations throughout the city, including City Hall as well as all of the scrap yards.

Detective Bullens met with all owners/operators of the scrap yards as a partner to the solution as opposed to accusing them of wrong doing associated with the metal theft problem. He was able to get all scrap yards to agree to a trespass list that included the names and information of individuals that were caught with stolen metal items. All of the business agreed that if a person was trespassed from one business that the others business would also trespass them.

A fax alert system was initiated and implemented to communicate all pertinent information from the Dayton Police Department to all of the scrap yards. These faxes would include such information as description of the items that had been taken or the described suspect and the name and phone number of the detective handling that investigation. Detective Bullens started attending all Roll Calls to inform and educate uniform patrol officers of the new ordinance and the elements needed to be met for successful prosecution of offenders of this ordinance.

Detective Bullens began using Statistical Analysis to get a clearer picture of the types of metals being taken and recycled as well as the people that were selling the metals. Each Scrap yard was required to make a copy of the identification that a person presented at the time of sale, the type and amount of metal presented for sale and the license number of the vehicle driven at the time of sale or noting that the person walked up. Detective Bullens had each business make a duplicate copy {Appendix F} of each receipt. This information was used to identify patterns such as; types of metals, individuals and the occurrence in which the same person would present items for sale. To assist in the tracking and identification process a data base was generated in Microsoft [Access].

From August 2006 through September 2007 while being assigned to the Burglary Squad Detective Bullens primary responsibility was to work as a liaison between the Dayton Police Department, City Prosecutors Office (misdemeanor complaints), the Montgomery County Prosecutors Office (felony complaints) and owner/operators of the local scrap yards. Bullens became known in Ohio as an expert associated with metals thefts of all types. He served as a

consultant and expert to several State of Ohio Senators and Representatives while drafting S.B. 171 (the 127th General Assembly) [Appendix G] pertaining to the laws regulating secondhand dealers and scrap metal dealers, that was enacted in September 2008.

In September 2007 as the result of the increased complaints and the workload related to metal theft, Detective Jennifer Godsey was assigned to assist Detective Bullens in investigating metal theft crimes. In January 2008 the Dayton Police Department formally announced the creation of a specialized unit (Metal Theft Unit) [Appendix H] to handle all criminal investigations associated with metal theft.

These investigations included but were not limited to Thefts, B&E's and Burglaries (Residential and Commercial). The Metal Theft Unit developed a reputation throughout the tri-state region (Ohio, Kentucky and Indiana) as the go to unit for crimes associated with metal and assisted in training detectives from other law enforcement agencies. During the years 2007 – 2009 the Metal Theft Unit has been credited for recovering over 1.5 million dollars in property related to metal theft crimes and successfully prosecuted over 400 individuals.

Assessment

Did our response work? - Yes, the response developed after revisiting the analysis stage worked well. The largest root cause identified with all types of metal thefts was there was no law or ordinance governing the scrap yards and recycle businesses other than fire prevention and zoning. In amending the ordinance (RCGO) 112.200 “Salvage Operators and Itinerant Salvage Dealers” the Dayton Police Department addressed a deficiency for enforcement strategies. As a result of this new tool reporting of suspicious activity by the scrap yards increased greatly. Thus,

there was an increase in reported crime associated with metal theft, as well as a significant increase in identifying metals that are targeted by thieves, the person(s) taking the metals and where they are selling the metals.

How well did our response work? - Very successful. The amending of the ordinance (RCGO 112.200) and the subsequent enforcement successes has led several local governments to use this ordinance as a blueprint for writing or amending ordinances within their respective jurisdictions. On the state level, when law makers looked at amending or changing state law associated with regulating scrap yards and recycling businesses, they also used RCGO 112.200 as a blueprint to amend state law (S.B.171).

Displacement / Diffusion of Benefits - The effect of our response has had a positive impact on law enforcement agencies in the Montgomery County area. Due to the fact that several scrap yards and recycling businesses are located in the city of Dayton, these agencies use the Dayton Police Department's Metal Theft Unit as a liaison, partner and resource in their investigations related to metal theft that occurred in their jurisdiction. Our unit has helped determine if suspects may have brought the metal into Dayton to sell. The Metal Theft Unit has become a repository of intelligence of names and transactions for metal theft in the area.

What were your methods of evaluations? - The number of complaints involving metal theft compared with the clearance rate of each and the arrests and convictions. Continual Statistical Analysis tracked on a monthly and annual basis. The largest evaluation factor that is monitored is the absence of negative complaints by the citizens in the City of Dayton in respect to metal theft.

How long was the evaluation period? - For the purpose of this identified problem we started tracking statistical data for the period of January 2007 through the end of December 2009.

Who was involved in the evaluation? - Detective Bullens and Detective Godsey of the Dayton Police Departments Metal Theft Unit, Jonathon Day of the Dayton Police Departments – Crime Analysis Unit and the owner/operators of the scrap yards and recycling business.

Were there problems in implementing the response plan? - Yes, during the initial implementation period there was resistance from all of the owner/operators of the scrap yards and recycling businesses to cooperate with the mandate of RCGO 112.200. They insisted that it caused additional cost to the operations of their business and that it would cost them business. They feared that the change in the ordinance would drive customers out of the city to businesses located in the county that were not regulated.

What response goals were accomplished? - To have the ordinance (RCGO 112.200) updated and amended to allow the police department to have greater oversight of the local scrap and recycling businesses. To identify suspects that are committing theft related to metal thefts. To identify what metals are being taken, what locations are being targeted for theft, and locations that the stolen property is being sold.

How could we have made the response more effective? – We believe our response was very effective. We did continual assessment and engaged in re-analysis of data collected along the way. We took a slow and methodical approach in developing our response and believe this was the most effective approach to follow.

Was there a concern of pushing the problem somewhere else? - Yes, initially the concern was that with the revision/amendment in RGCO 112.200 and the requirement of the seller to present identification at the point of sale, that they may take the stolen property out of the City of Dayton. If this were the case we would not have had any ability to track suspects or the stolen material. Since we anticipated this potential displacement, we incorporated our plan to include engaging state legislative action. With the passage of S.B. 171, our concern for displacement was eliminated.

Agency and Officer Information

Key Project Team Members

Sergeant Daniel Mauch
Detective Jamie Bullens
Crime Analyst - Jonathon Day

Project Contact Person

Detective Jamie Bullens
Dayton Police Department
335 W. Third Street
Dayton, OH. 45402
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(937) 902-2318 – Cell
Jamie.bullens@cityofdayton.org

Appendix Index

Total Complaints to B&E Ratio A

Aluminum and Copper Scrap Pricing IndexB

Map of Dayton – Identifying Scrap yard LocationsC

Field Interview Contacts (FIC)D

City of Dayton – Amended RCGO 112.200E

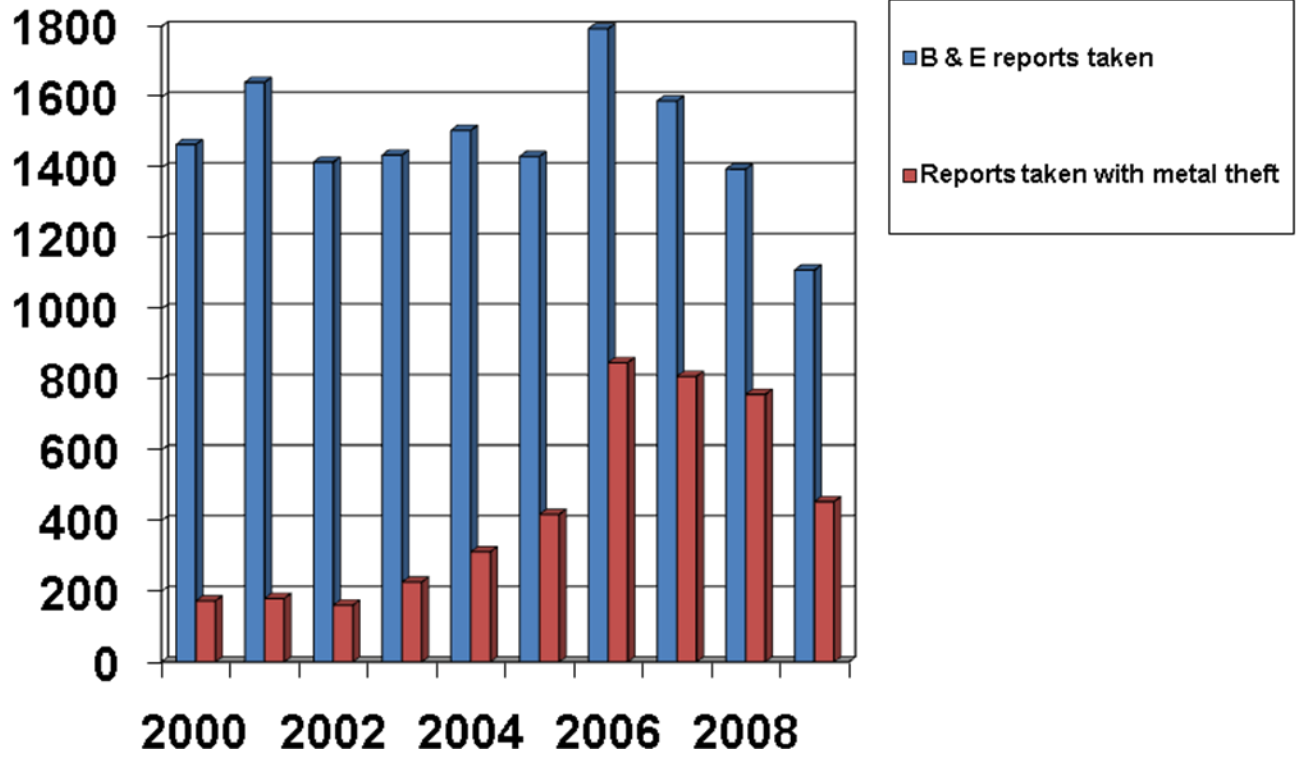
Examples of Receipts from Scrap YardF

State of Ohio – Senate Bill (S.B.) 171G

Dayton Daily News Article – Metal Theft UnitH

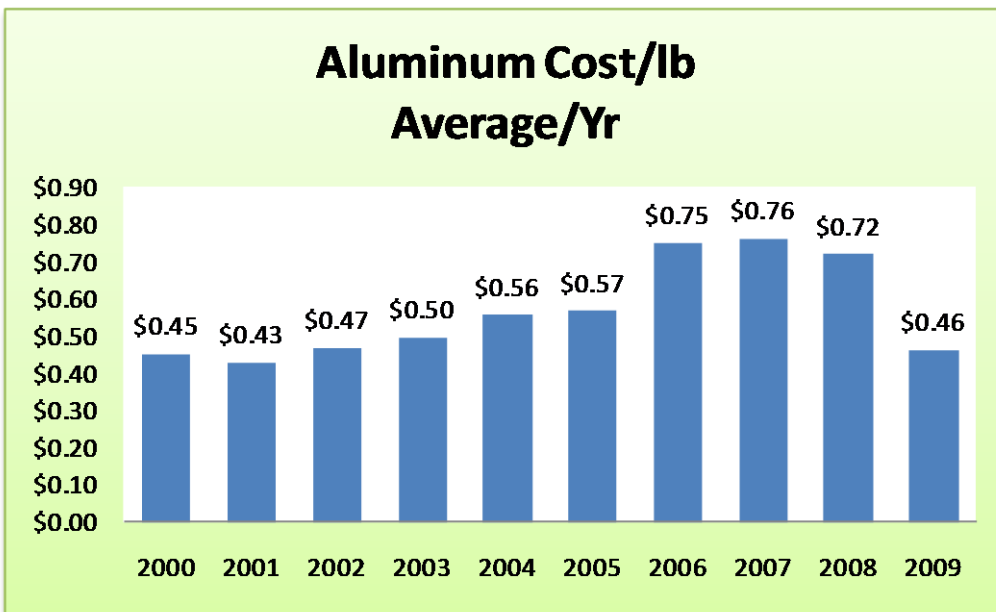
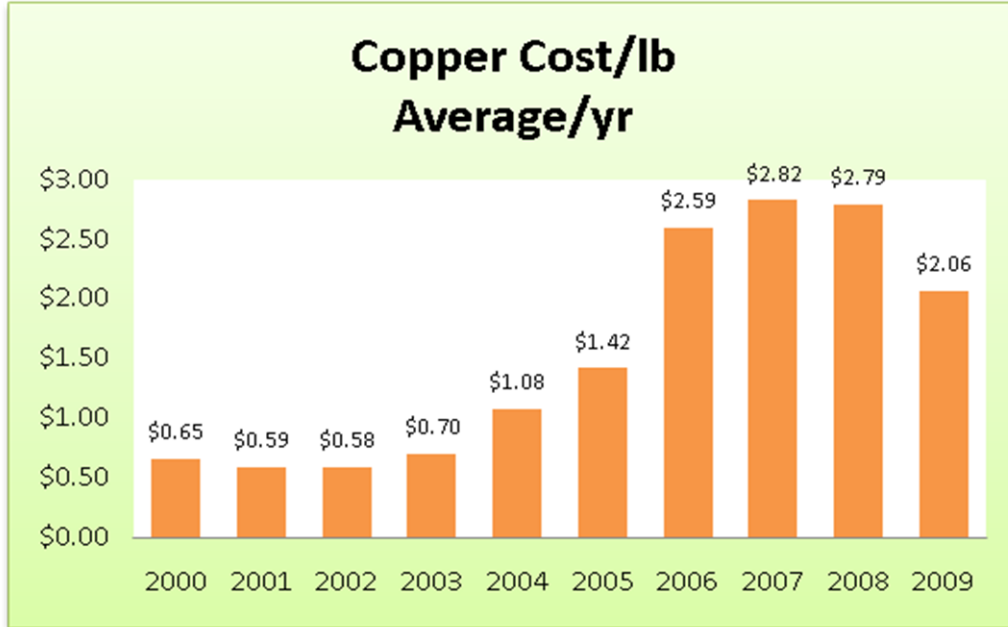
Appendix A

Dayton Police Department Metal Theft Unit Statistics



Appendix B

Institute of Scrap Recycling Industry (2010)

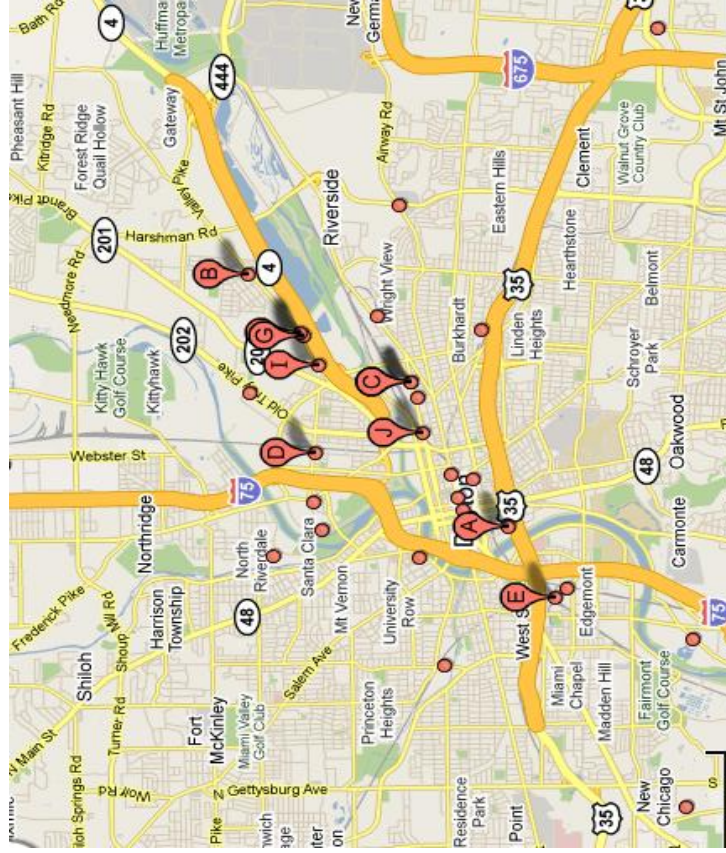


Appendix C

Metal Recycling Centers

Dayton, Ohio

- A** [A & B Iron & Metal Co Inc](#) - [more info](#) »
329 Washington Street, Dayton, OH - (937) 228-1561
- B** [Valley Metal Recycling Inc](#) - [more info](#) »
2449 Valley Pike, Dayton, OH - (937) 233-4880
- C** [Franklin Iron & Metal](#) - [more info](#) »
1939 East 1st Street, Dayton, OH - (937) 253-8184
- D** [Naves Iron & Metal](#) - [more info](#) »
807 Kiser Street, Dayton, OH - (937) 223-7689
- E** [Midwest Iron & Metal Co](#) - [more info](#) »
461 Homestead Avenue, Dayton, OH - (937) 222-5992
- F** [Valley Street Car Crushing](#) - [more info](#) »
1797 Valley Street, Dayton, OH - (937) 461-0867
Category: Scrap Metal Products-Mfrs
- G** [Mahaffey's Auto Salvage](#) - [more info](#) »
1800 Valley Street, Dayton, OH - (937) 224-0528
[3 reviews](#)
"If you want to be swindled, then by all means, head over to Mahaffey's. ..."
- H** [Harris Harbor Recycling Inc](#) - [more info](#) »
1939 East 1st Street, Dayton, OH - (937) 339-0769
- I** [Dayton Ohio Junk Car Removal](#) - [more info](#) »
1304 Valley Street, Dayton, OH - (937) 580-6568
- A** [First Street Recycling Inc](#) - [more info](#) »
1321 East 1st Street, Dayton, OH - (937) 223-7231



Appendix D

[FIC-20] INTEL / FIELD INTERVIEW CARD DATE: 06/01/2010
TYPE.: FIC FIELD INTERVIEW CARD INTEL TYPE:
DATE.: 07/20/2006 @ 0933 ENTER: 07/20/2006 18745 FISCHER,CHRISTOPHER JUR: DA
ADDRESS.....: 1300 E FIRST ST APT:
CROSS STREET: ORC-RCGO:
NAME (L,F MI)..: BUCHHOLZT,SCOTT R SSN.: XXX-XX-XXXX
NICKNAME.....: OL #: OH
RACE/SEX/ETH..: W/M/N DOB: 09/06/1973 AGE: 32 HAIR: BRO BROWN
HEIGHT (ft/in): 5 11 WGT: 180 EYE.: HAZ HAZEL
NARRATIVE.....: NEIGHBOR CALLED AND STATED SUSPECT WAS
TAKING GUTTERS FROM 416 N GARLAND.
LOCATED AT WRIGHT RECYCLING PLANT AND
DISCOVERED HOUSE DID BELONG TO BUCHHOLTZ
HE WAS ACTUALLY STRIPPING HIS OWN HOUSE.
STATED HE HAD NO DRUG PROBLEM
RESIDENCE ADDR: 324 ELVERNE APT.:
CITY/ST: RIVERSIDE OH ZIP: 45424- TELE: (937)
SCHOOL/GANG: EMPLOYER:
VEH: MAKE.: COLOR: / YR: 0000
MODEL: VIN..:
BODY.: LIC.#: OH 0000 TY: PC

[FIC-20] INTEL / FIELD INTERVIEW CARD DATE: 06/01/2010
TYPE.: FIC FIELD INTERVIEW CARD INTEL TYPE:
DATE.: 09/09/2006 @ 1329 ENTER: 09/09/2006 18745 FISCHER,CHRISTOPHER JUR: DA
ADDRESS.....: 1300 E FIRST ST APT:
CROSS STREET: ORC-RCGO:
NAME (L,F MI)..: MELTON,JEFFERY A SSN.: XXX-XX-XXXX
NICKNAME.....: OL #: OH
RACE/SEX/ETH..: W/M/N DOB: 07/28/1962 AGE: 44 HAIR: BLD BALD
HEIGHT (ft/in): 5 08 WGT: 155 EYE.: BLU BLUE
NARRATIVE.....: TOOK SIDING OFF HOUSE AT 134 CHURCH ST.
HAD THE SIDING IN HIS TRUCK(92 CHEVY S15
PU #DOA8746) AND STOPPED AT THE SCRAP
YARD. STATED PASSENGER AND GF TOOK THE
SIDING. HE JUST WATCHED. TOW AND HOLD
ON TRUCK PER DET. BULLINS
RESIDENCE ADDR: 428 GEYER ST APT.:
CITY/ST: DAYTON OH ZIP: 45405- TELE: (937) 228-7638
SCHOOL/GANG: EMPLOYER:
VEH: MAKE.: COLOR: / YR: 0000
MODEL: VIN..:

BODY.: LIC.#: OH 0000 TY: PC
 [FIC-20] INTEL / FIELD INTERVIEW CARD DATE: 06/01/2010
 TYPE.: FIC FIELD INTERVIEW CARD INTEL TYPE:
 DATE.: 07/27/2006 @ 1633 ENTER: 07/27/2006 26953 PASQUEL,PATRICIA A JUR: DA
 ADDRESS.....: 1939 E FIRST ST APT:
 CROSS STREET: ORC-RCGO:
 NAME (L,F MI): BREWER,RICKY A SSN.: 266-39-6712
 NICKNAME.....: OL #: OH
 RACE/SEX/ETH.: W/M/N DOB: 12/09/1956 AGE: 49 HAIR: BRO BROWN
 HEIGHT (ft/in): 6 02 WGT: 180 EYE.: BLU BLUE
 NARRATIVE.....: DRIVING 88 CHEVY S-10 W/STOLEN PROP OUT
 OF TIPP CITY IN BACK. TOOK TO FRANKLIN
 RECYCLING. WAS WITH MICHAEL SIMPSON, 301
 488512. BOTH APPREHENDED ALONG W/STOLEN
 PROPERTY. BREWER ALSO HAD 2 DAYTON
 CAPIAS'S. TIPP CITY PD RESPONDED.
 RESIDENCE ADDR: 938 HARVARD BL APT.:
 CITY/ST: DAYTON OH ZIP: 45406- TELE: (937) 833-8601
 SCHOOL/GANG: EMPLOYER:
 VEH: MAKE.: CHEV CHEVROLET COLOR: BLK /BLU YR: 1988
 MODEL: S10 S10 VIN...:
 BODY.: TK TRUCK LIC.#: DKZ3288 OH 0000 TY: PC

 [FIC-20] INTEL / FIELD INTERVIEW CARD DATE: 06/01/2010
 TYPE.: FIC FIELD INTERVIEW CARD INTEL TYPE:
 DATE.: 03/21/2006 @ 1700 ENTER: 03/21/2006 25263 STIVER,WENDY H JUR: DA
 ADDRESS.....: 1939 E FIRST ST APT:
 CROSS STREET: ORC-RCGO:
 NAME (L,F MI): HOLBROOK,JONATHAN EDWARD SSN.: 285-76-2443
 NICKNAME.....: PAUL WAYNE HOLBROOK OL #: OH
 RACE/SEX/ETH.: W/M/N DOB: 01/16/1964 AGE: 42 HAIR: BRO BROWN
 HEIGHT (ft/in): 5 10 WGT: 170 EYE.: BLU BLUE
 NARRATIVE.....: WAS W/DAUGHTER JENNIFER HOLBROOK
 279849628, GF JANE CONLEY 295622288, AND
 DAVID RIHM 297440241, SELLING COPPER
 WIRE STOLEN FROM HOME DEPOT IN TROTWOOD.
 LIED ABOUT NAME AND WAS UNCOOPERATIVE.
 ARRESTED ON FEL PAROLE/RSP WARRANT.
 RESIDENCE ADDR: 229 SPRINGFIELD ST APT.:
 CITY/ST: DAYTON OH ZIP: 45403- TELE:
 SCHOOL/GANG: EMPLOYER:
 VEH: MAKE.: GMC GENERAL MOTORS CORP COLOR: BLU / YR: 1993
 MODEL: VIN...:
 BODY.: SW STATION WAGON LIC.#: DGG5749 OH 0000 TY: PC

[FIC-20] INTEL / FIELD INTERVIEW CARD DATE: 06/01/2010
TYPE.: FIC FIELD INTERVIEW CARD INTEL TYPE:
DATE.: 08/15/2006 @ 0827 ENTER: 08/15/2006 23041 HOWARD, JIMMY W JUR: DA
ADDRESS.....: 329 W WASHINGTON ST APT:
CROSS STREET: ORC-RCGO:
NAME (L, F MI): WHITE, ANTHONY L SSN.: 277-64-0904
NICKNAME.....: OL #: OH
RACE/SEX/ETH.: B/M/N DOB: 08/29/1956 AGE: 49 HAIR: BLK BLACK
HEIGHT (ft/in): 6 01 WGT: 185 EYE.: BRO BROWN
NARRATIVE.....: WARNED FOR TRYING TO CASH IN SCRAP
METAL AT A&B IRON WITH OUT ID OR PROOF
OF OWNERSHIP.

RESIDENCE ADDR: 332 EDGAR APT.:
CITY/ST: DAYTON OH ZIP: 45410- TELE: (937)
SCHOOL/GANG: EMPLOYER:
VEH: MAKE.: COLOR: / YR: 0000
MODEL: VIN.:
BODY.: LIC.#: OH 0000 TY:

[FIC-20] INTEL / FIELD INTERVIEW CARD DATE: 06/01/2010
TYPE.: FIC FIELD INTERVIEW CARD INTEL TYPE:
DATE.: 04/25/2006 @ 1215 ENTER: 04/25/2006 25335 LAMANNA, TONINA F JUR: DA
ADDRESS.....: 400 W WASHINGTON ST APT:
CROSS STREET: LONGWORTH ST ORC-RCGO:
NAME (L, F MI): SMITH, DEQUAN SSN.: 297-60-8798
NICKNAME.....: OL #: OH
RACE/SEX/ETH.: B/M/N DOB: 10/12/1982 AGE: 23 HAIR: BRO BROWN
HEIGHT (ft/in): 5 10 WGT: 150 EYE.: BRO BROWN
NARRATIVE.....: WAS STOPPED AT A & B IRON WITH ABOUT 15
LBS OF COPPER STATING SOMEONE ON THE ST
REET GAVE IT TO HIM WHO OWED HIM MONEY.
DID NOT KNOW THAT PERSONS NAME. PO JAME
S PARSONS

RESIDENCE ADDR: 2515 ATHENS APT.:
CITY/ST: DAYTON OH ZIP: TELE: (937)
SCHOOL/GANG: EMPLOYER:
VEH: MAKE.: COLOR: / YR: 0000
MODEL: VIN.:
BODY.: LIC.#: OH 0000 TY:

Appendix E

BY: Mr. Joseph

NO: 30580-06

AN ORDINANCE

Amending Sections 112.200, 112.201, 112.203, 112.205, 112.208 through 112.214, and 112.999 and Enacting Section 112.212.1 of the Revised Code of General Ordinances of the City of Dayton Relating to Salvage Yard Operators.

WHEREAS, The City seeks to continue to reduce crimes involving theft of scrap metal; and

WHEREAS, Amendments to the Revised Code of General Ordinances of the City of Dayton are necessary to reduce the theft of scrap metal; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That Sections 112.200, 112.201, 112.203, 112.205, 112.208 through 112.214, and 112.999 of the Revised Code of General Ordinances of the City of Dayton (“RCGO”) are amended to read as follows:

Sec. 112.200. Definitions.

For the purposes of §§ 112.200 to 112.214, the following words and phrases shall have the following meanings ascribed to them respectively, regardless of whether or not the words and phrases are capitalized:

Bulk Salvage Material. Salvage with a cumulative weight in excess of twenty-five (25) pounds, or a total area in excess of ten (10) square feet, or a total volume in excess of one (1) cubic yard.

Business premises or premises. The area of a salvage yard as described in a salvage yard operator's license or application for license, as provided for in §§ 112.200 to 112.214.

Licensing Board. The Salvage Yard Operator Licensing Board established pursuant to § 112.203.

Salvage or salvage materials. Ferrous and non-ferrous metals, scrap iron, steel, brass, copper, tin, lead, aluminum or other base metals; old cordage, ropes, rags, fibers, or fabrics; old bottles or other glass; bones, paper, plastic, discarded construction materials, and other waste or discarded material used for recycling or reclamation, or processed for reuse in some other form; motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; and those materials commonly or customarily referred to as "junk."

Salvage yard. Any facility where salvage or salvage materials, in whole units or by parts, for a business or commercial purpose, or for personal use, is purchased, kept, stored, dismantled, sold, exchanged, traded, or offered for sale, processed or prepared for sale, or reuse for any purpose.

Salvage yard operator. Any person, sole proprietor, partnership, corporation, and any employee thereof, that operates a salvage yard.

Sec. 112.201. License required; exceptions.

(A) No person shall act as a salvage yard operator whether personally, by agents, or employees, or along with some other business or enterprise, without a valid license.

Sec. 112.203. Salvage yard operator licensing board.

(A) A Salvage Yard Operator Licensing Board is created. The members of the Licensing Board shall consist of the Director of Finance, the Director of Building Services, the Director of Police, and the Director of Fire or their duly authorized representatives. The Director of Building Services shall serve as the Chairman of the Licensing Board. Except where otherwise provided, a majority of the members of the Licensing Board shall constitute a quorum. The Licensing Board shall appoint a secretary for itself from among the employees of the city, adopt its own procedural rules, and keep a record of its proceedings and transactions.

Sec. 112.205. Application for license; contents.

(A) An applicant for a salvage yard operator license shall obtain an application from the Department of Finance. The application shall be completed by the applicant and filed with the Department of Finance together with the required fee. The application shall be signed by the applicant, if an individual, by all partners, if a partnership, or by the president or chief officer, if a corporation or other organization. The application shall be sworn to by each of its signers before a notary public or other officer authorized by law to administer oaths.

(B) All salvage yard operator applications shall contain the following information:

- (1) Name and residence address of each individual owner, partner or, if a corporation, each officer, and the name and residence address of the manager or person responsible for the operation of such salvage yard if different from the individual owner, partner, or officer;
- (2) Trade names used during the previous five (5) years by the applicant and each person signing the application, along with the locations of prior business establishments in the state during the previous five (5) years;
- (3) Names and addresses of employers during the previous five (5) years of each person signing the application;
- (4) The trade name, business address and telephone number of the business on behalf of which application is made;
- (5) A plot plan, drawn to scale, showing the location of all buildings on the business premises, together with a description of the type of construction of such buildings and their uses, and showing adjoining streets, roads, and property lines; and

(6) Such other information as the Licensing Board shall find reasonably necessary to effectuate the purposes of §§ 112.200 to 112.214 and to arrive at a fair determination of whether the requirements of these sections are met.

Sec. 112.208. Period of license; renewal procedure.

(A) All applications for a license or renewal of a license to be issued under the provisions of §§ 112.206 shall be filed with the Department of Finance not less than sixty (60) days prior to the date the applicant desires the license to become effective.

(B) Any license or renewal of a license issued hereunder shall be effective as of the date of its issuance and shall expire on December 31 next following the issuance of the license.

(C) An applicant for renewal of a license shall file with the Department of Finance an application on forms provided by the Department of Finance, signed and sworn to in the same manner as required in the case of an original application, together with the required fee. The application shall contain such information about the applicant and the conduct and operation of the licensed business during the preceding license period as is reasonably necessary to enable the Licensing Board to determine the applicant's eligibility for renewal of the license.

Sec. 112.209. License fees.

(A) The annual fees for licenses issued under §§ 112.200 through 112.214, are as follows:

(1) For a salvage yard operator license:

(i) One hundred twenty-five dollars (\$125) for each salvage yard containing less than fifty thousand (50,000) square feet of land area;

(ii) One hundred seventy-five dollars (\$175) for each salvage yard containing fifty thousand (50,000) or more square feet of land area;

(iii) Of the fees stated in (A)(1) and (2) above, the sum of fifty dollars (\$50) will be treated as an "application fee" and shall be paid by the applicant at the time the application for a license or renewal of a license is filed with the Chairman of the Licensing Board. This application fee will be used by the city to defray the

costs of investigation and processing the application and is not refundable. The balance of the fees stated in (A)(1) and (2) above shall be paid at the time a license is issued to the applicant.

(B) If the license is issued, or is to become effective on or after July 1 in any given year for the remainder of that year, the license fee shall be one-half of the above stated fees, but in all cases the application fees shall remain as set forth herein and shall not be abated or proportionately reduced.

Sec. 112.210. License not transferable.

(A) No license issued under § 112.206 shall be transferred or assigned or used by any person other than the one to whom it was issued, and no salvage yard operator's license shall be used for any premises other than those described in the application upon which it was issued.

Sec. 112.211. Prohibited acts.

(A) No person shall use a public sidewalk to carry, move or transport bulk salvage materials within the city. Sec. 112.211(A) is intended to impose strict criminal liability. No culpable mental state is required to commit an offense of § 112.211(A).

(B) No person shall knowingly use, display, furnish or present the identification of another as proof of identification required by § 112.212(A)(17).

(C) No person shall use, display, furnish or present proof of identification required by § 112.212(A)(17) knowing the same to be fictitious or altered.

Sec. 112.212. General operating requirements.

(A) The following general operating requirements shall apply to all salvage yards and salvage yards operators:

- (1) The license required by § 112.201 shall be plainly displayed on the business premises at all times;
- (2) The salvage yard, together with things kept therein, shall at all times be maintained so as not to create a public nuisance;
- (3) Any space of land area not described in the license shall not be used in the licensed business;
- (4) No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes;
- (5) Weeds and vegetation on the premises, other than trees, shrubs, or other ornamental vegetation, shall be kept at a height of not more than six (6) inches;
- (6) No garbage or other waste liable to give off a foul odor or attract vermin shall be kept or permitted to remain on the premises; nor shall any refuse of any kind be kept on the premises, unless such refuse is salvage as defined in § 112.200 and is used in the licensed business;
- (7) No salvage shall be allowed to rest upon or protrude into any public right-of-way or become scattered or blown off the business premises;
- (8) All salvage, when in open storage, shall be stored in piles in such a manner as to insure that none of the material will fall outside of the salvage yard in the event of the collapse of the pile;
- (9) No combustible material of any kind not necessary or beneficial to the licensed business shall be kept on the premises nor shall the premises be allowed to become a fire hazard;
- (10) Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises;
- (11) No salvage shall be burned on the premises except in an incinerator approved by the appropriate air pollution control agency;
- (12) No processing of salvage in the normal and customary course of business shall be carried on in connection with the licensed business between the hours of 9:00 p.m. and 6:00 a.m.;
- (13) The area on the premises where salvage is kept (other than indoors) shall be enclosed with a nontransparent wall or fence of uniform material and uniform height with a minimum height of six (6) feet measured from ground level. This wall or fence shall be maintained so as to obscure the salvage in the enclosure from the ordinary view of persons passing the salvage yard upon any public street or highway upon which the salvage yard abuts. The wall or fence shall be kept in good order and repair, and no advertisement shall be permitted thereon other than the name of the person under

whose name the license has been issued and the nature of the business conducted therein. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the licensed business;

(14) The licensee shall permit inspection of the business premises and the inspection of any salvage materials on the premises by any member or representative of a member of the Licensing Board at any reasonable time;

(15) No salvage yard operator licensed under § 112.201, or his agent or employee, shall knowingly purchase or receive any salvage for use in the licensed business from any person under the age of eighteen (18) years without the written consent of a parent or guardian of such person. Such written consent shall be held available for inspection by any member, or representative of a member of the Licensing Board, for a period of at least one (1) year from the date of purchase or receipt;

(16) Every transaction for the purchase or receipt of salvage shall be recorded in English in a permanent pre-numbered electronic or written register. The salvage yard operator shall record the following information in the register:

- (i) The person's name, address or residence;
- (ii) The person's driver's license number or government issued photo identification number;
- (iii) A description of the salvage;
- (iv) The date and time of the transaction; and
- (v) The person's vehicle license plate number, when reasonably obtainable.

This register shall be retained on the business premises of the salvage yard operator for a period of two (2) years from the date of the transaction and made available for inspection by any member or representative of a member of the Licensing Board.

(17) For each transaction for the purchase or receipt of salvage, the salvage yard operator shall require the person to provide the following:

- (i) His or her name, address or residence;
- (ii) A valid driver's license or government issued photo identification;

(18) The salvage yard shall be operated in such a manner that all loading, unloading, and working of the salvage piles, and the equipment involved therein, shall be done entirely within the confines of the salvage yard.

(B) The Director of Police or his representative, with the assistance of the director of such other department or departments as may be appropriate, shall conduct inspections to insure compliance with the general operating requirements herein provided. Upon request the operator shall provide to the Director of Police or his representative a written or electronic copy of the pre-numbered register.

Sec. 112.212.1. Stolen Property.

(A) No salvage yard operator, agent or employee, shall knowingly purchase or receive stolen property as salvage for use in the licensed business. It shall be prima facie evidence that the salvage yard operator knew or should have known the property is stolen at the time of the purchase or receipt of the property where the police department informed the salvage yard operator in writing and provided a description of the stolen property and the name of the true owner seventy-two (72) hours prior to the time of the transaction.

(B) No salvage yard operator licensed under § 112.201, nor his agent or employee, shall knowingly change, alter, deface, recycle or reclaim property after written notification of stolen property for a law enforcement agency.

Sec. 112.213. Suspension and revocation of license.

(A) In addition to any other penalties provided by this chapter, the license of a salvage yard operator may be suspended or revoked by the Licensing Board for failure to comply with the provisions of § 112.212. However, such suspension or revocation shall not take place until the Chairman of the Licensing Board shall have first notified the salvage yard operator calling specific attention to the infractions of § 112.212 and affording a reasonable time and opportunity to correct said infractions. Such notice shall:

- (1) Be put in writing on an appropriate form;
- (2) Include a list of violations, referring to the subsections violated, and order remedial action which, if taken, will effect compliance with the provisions of said section;
- (3) Specify a reasonable time for compliance, except in the case of an emergency order as hereinafter provided;
- (4) Advise the salvage yard operator of the procedure for appeal; and

(5) Be served upon the salvage yard operator in person. Such notice and order shall be deemed to be properly served upon such operator or dealer if a copy thereof is sent by certified or registered mail to said operator or dealer at the address on file with the Chairman of the Licensing Board or as stated in his application and, in the case of a salvage yard operator, a copy of said notice is posted in a conspicuous place in or on the salvage yard premises.

(B) Whenever the Chairman of the Licensing Board finds that an emergency exists which requires immediate action to protect the health and safety of the public or of the employees of a salvage yard operator, he may issue an order reciting the existence of the emergency and suspend forthwith the license of a salvage yard operator. Notwithstanding any other provision hereof, any such order or orders shall be effective immediately and complied with in the time and manner prescribed in the emergency order.

Sec. 112.214. Hearings.

(A) Any salvage yard operator whose license is suspended or revoked as provided in § 112.213 may request and shall be granted a hearing before the Licensing Board. However, such person shall file in the office of the Chairman of the Licensing Board a written request for such hearing and set forth the name and address and telephone number of the operator and a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Chairman of the Licensing Board. The written request shall be filed within ten (10) days after the date of the notice and order of the Chairman of the Licensing Board. Upon receipt of such a request, the Chairman of the Licensing Board shall set a time and place for hearing before the Licensing Board and shall give the operator written notice thereof. The hearing shall be commenced within a reasonable time after a request has been filed. At such hearing, the operator shall be given an opportunity to be heard and to show cause why any item appearing on such notice and order should be modified or withdrawn. The failure of the operator or his representative to appear and state his case at such hearing shall have the same effect as if no request was filed.

(B) After a hearing, the Licensing Board may sustain, modify or withdraw any item appearing on the notice and order by majority vote, depending upon its findings as to whether the provisions of § 112.212 have been complied with, and the operator shall be notified in writing of such findings.

(C) The proceedings at such hearings, including the findings and decisions of the Licensing Board, and reasons therefore, shall be summarized and reduced to writing and entered as a

matter of public record in the office of the Director of Finance. Such record shall also include a copy of every notice and order issued in connection with the matter.

Sec. 112.999. Penalty.

The penalties stated are punishable as provided in § 130.99.

(A) A person who violates any provisions of §§ 112.01 through 112.14, 112.55, 112.56, 112.90 through 112.102, 112.150 through 112.153, 112.160 through 112.168, 112.215, or 112.221 is guilty of a minor misdemeanor.

(B) A person who violates §§ 112.211 or 112.212 is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of section 112.211 or 112.212, subsequent violations is a misdemeanor of the fourth degree.

(C) A person who violates any of the provisions of §§ 112.20 through 112.30 is guilty of a misdemeanor of the third degree for the first offense, a misdemeanor of the second degree for any subsequent offense and, in the case of a licensee under these sections, the license shall be cancelled and revoked for a second or subsequent offense.

(D) A person who shall violate any of the provisions of §§ 112.60 through 112.79 is guilty of a minor misdemeanor for a first offense and a misdemeanor of the third degree for a second or subsequent offense, and, in addition, the registration under which such person operates may be revoked either on a first or subsequent offense and such person declared ineligible for a period of not more than one year following such conviction.

(E) A person violating any provisions of §§ 112.115 through 112.130 or 112.135 through 112.148 is guilty of a misdemeanor of the third degree.

(F) A person violating any provisions of §§ 112.200 through 112.210, 112.213, 112.214, 112.240 through 112.246, or 112.261 through 112.281 is guilty of a misdemeanor of the fourth degree.

(G) A violation of the provisions of §§ 112.181(A), (B), (C), and (D) and §§ 112.191 and 112.192(A) constitutes a misdemeanor of the fourth degree, punishable as provided in § 130.99, and each day such violation is continued constitutes a separate offense.

(H) A person who violates any of the provisions of § 112.216 is guilty of a minor misdemeanor for the first offense and a misdemeanor of the fourth degree for second and subsequent offenses.

Section 2. That Sections 112.200 through 112.203, 112.205 and 112.208 through 112.999 of the Revised Code of General Ordinances as previously enacted by the City Commission be, and are hereby repealed.

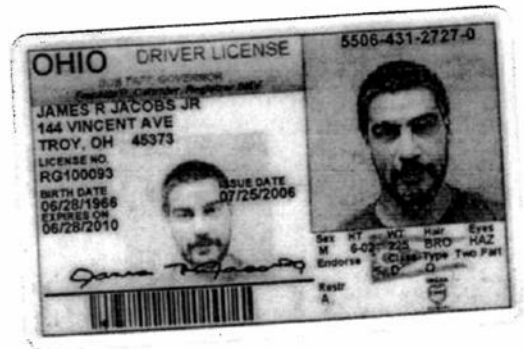
Appendix F

FIRST STREET RECYCLING INC.
1321 E. FIRST STREET
DAYTON, OHIO
937-223-7231
DATE 05/27/2010 THU TIME 12:31

68X	@ 0.65	
AL CLIP		-44.20
165X	@ 0.55	
AL CANS		-90.75
TOTAL		-134.95
1		-134.95

SIGNATURE

CLERK 1 121718 00000
** REPRINT **



DK 51 BT

SEE
BHP. Ti
Carbide



VALLEY METAL
RECYCLING, INC.

2449 VALLEY STREET
DAYTON, OHIO 45414
PHONE (937) 233-4880

1032292

BOUGHT FROM Reynolds, Edward 4-13-2010

SOLD TO _____
ADDRESS _____
13-04-10A03:07 PAID

DESCRIPTION	WEIGHT	UNIT PRICE	TOTAL PRICE
ALUMINUM CAV			
ALUMINIUM			
RADIATORS			
COPPER <u>(2)</u>	<u>16</u>	<u>2.70</u>	<u>43.20</u>
BRASS			
WIRE			
ELEC. MOTORS			
CARBIDE			
LEAD			
STAINLESS	<u>28</u>	<u>1.85</u>	<u>23.80</u>
IRON			
MSC.			
TOTAL			67.00

This Material Is Mine and/or I Have Permission To Sell This Material

SIGNATURE Reynolds

Appendix G



Final Analysis
Phil Mullin Legislative Service Commission

Am. Sub. S.B. 171
127th General Assembly
(As Passed by the General Assembly)

**Sens. Stivers, Jacobson, Schuring, Schuler, Mumper, Amstutz, Buehrer,
Harris, Schaffer, Wagoner, Padgett, Goodman, Faber
Reps. Daniels, Hite, Domenick, Flowers, Carmichael, Boyd, Chandler, Collier,
DeBose, DeGeeter, Dodd, Dyer, Evans, Fende, Garrison, J. Hagan,
R. Hagan, Hottinger, Koziura, Letson, Luckie, Mallory, J. McGregor,
Oelslager, Okey, Sayre, J. Stewart, Szollosi, Ujvagi, B. Williams,
S. Williams, Yuko, Zehringer**
Effective date: *

ACT SUMMARY

- Establishes record-keeping requirements for scrap metal dealers separate from the record-keeping requirements for dealers in other types of secondhand goods.
 - Establishes additional requirements scrap metal dealers must satisfy when purchasing or receiving special purchase articles as defined in the act.
 - Prohibits a scrap metal dealer from purchasing or receiving any article from a person who refuses to show the dealer the person's personal identification card.
 - Requires the law enforcement agency that serves the jurisdiction in which a scrap metal dealer is located to provide a list, as that agency determines appropriate, of the names and descriptions of persons known to be or who are suspected to be thieves or receivers of stolen property and grants
- * The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.
- Legislative Service Commission -2- Am. Sub. S.B. 171*
immunity from liability to law enforcement officers involved in preparing the list.
- Prohibits a scrap metal dealer from purchasing or receiving articles from any person included in the list provided by a law enforcement agency.
 - Prohibits any scrap metal dealer from purchasing or receiving any special purchase articles from any person who is under 18 years of age.

- Imposes criminal penalties for failure to comply with certain requirements or violations of certain prohibitions concerning purchasing or receiving scrap metal or special purchase articles.
- Exempts certain government and business entities from the act's requirements concerning the purchase or receipt of scrap metal and special purchase items.
- Requires a scrap metal dealer to post a notice in a conspicuous place on the dealer's premises notifying persons who may wish to transact business with the dealer of the penalties applicable to any person who commits specified offenses.
- Requires a scrap metal dealer to provide a copy of the dealer's records to any law enforcement agency that requests the records or to the Director of Public Safety or Director's representative, upon request.
- Allows a person who claims to own a stolen article included in the records a scrap metal dealer submits to a law enforcement agency who has proof of filing a stolen property report with the appropriate law enforcement agency, to request those records.
- Requires a law enforcement agency to provide those records upon request, but requires the agency to redact information that reveals the name of the seller of any article and the price the dealer paid for any article the dealer purchased or the estimated value of any article the dealer received.
- States that a municipal corporation or other political subdivision is prohibited from enforcing any regulation regulating the purchase or sale of scrap metal by a scrap metal dealer that is in conflict with the provisions of the act regulating secondhand and scrap metal dealers, and *Legislative Service Commission -3- Am. Sub. S.B. 171* prohibits the enactment or enforcement of a regulation or ordinance requiring a scrap metal dealer to individually identify and retain any scrap metal purchased or received.
- Requires a dealer in specified secondhand goods to obtain a copy of a person's personal identification card when the dealer purchases or receives the goods.
- Prohibits the sale or purchase of a plastic crate or tray used for the carrying of retail containers or milk or baked goods and that has embossed upon it a company logo.
- Creates a joint select committee to study the act's effectiveness.

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CONTENT AND OPERATION

Overview of the Secondhand Dealers and Junk Yards Law

The Secondhand Dealers and Junk Yards Law (R.C. Chapter 4737.) generally places the following duties on persons subject to the portion of the law governing the sale and purchase of specified secondhand goods, subject to changes the act makes and that are described below under "*Changes to the duties of*

secondhand dealers":

(1) A dealer in secondhand articles of any kind, scrap iron, old metal, canvas, rope, branded bottles, junk or lead pipe, except plow irons, old stoves, and furniture, must: (a) keep a separate book, open to inspection by any law enforcement officer, written in English, (b) record in this book, at the time of purchasing or exchanging articles, a description of the articles, the name, description, and residence of the person from whom the articles were purchased and received, and the day and hour when the purchase or exchange was made, and (c) consecutively number each entry in the book, commencing with number one (R.C. 4737.01(A)).

(2) Any person, prior to purchasing any secondhand article of furniture or secondhand electrical or gas appliance or equipment for the purpose of resale to the general public, must (a) demand to examine the seller's driver's or commercial driver's license or state identification card and one additional type of card typically used for identification purposes, (b) keep a written record of the date of the purchase, the name and address of the seller, the number and type of the license or identification card presented, and a description of the article purchased, and (c) retain the record for at least one year during which the record is made available for inspection by any law enforcement officer at all reasonable times (R.C. 4737.01(B)).

(3) Every dealer in scrap iron, metal, and waste materials must (a) maintain a book of records, in which the dealer must keep an accurate and complete record of all articles purchased or received by the dealer in the course of the dealer's daily business, (b) include in the records the name, description, and residence of the person from whom the articles were purchased or received and the date and hour when such purchases or exchanges were made, and (c) keep those records open for inspection by the representative of any law enforcement agency at all business hours (R.C. 4737.04).

(4) A dealer must hold all journal brasses and other railroad metals, other than purchases and sales involving railroad scrap metal, for a period of 30 days after being purchased or acquired (R.C. 4737.04).

The Secondhand Dealers and Junk Yards Law prohibits any person from purchasing or receiving by sale, barter, exchange, or otherwise, specified articles, from a minor or apprentice, knowing or having reason to believe that the person is a minor or apprentice, or from any person between the hours of 9 p.m. and 7 a.m. (R.C. 4737.03, not in the act). The provisions of the Secondhand Dealers and Junk Yards Law governing secondhand goods do not apply to the business of purchasing articles that are made of or that contain gold, silver, platinum, or other precious metals or jewels (R.C. 4737.011, not in the act).

The Secondhand Dealers and Junk Yards Law also generally requires an operator of a junk yard to obtain a license from the appropriate local authority unless an exception applies. A "junk yard" under continuing law is an establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk, and includes scrap metal processing facilities that are located within 1,000 feet of the nearest edge of the right of way of a highway in the interstate or primary system. "Junk," under continuing law, means old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, and other old or scrap ferrous or nonferrous materials, but does not include scrap tires as defined under continuing law. (R.C. 4737.05, not in the act.)

Generally, whoever violates the Secondhand Dealers and Junk Yards Law is fined not less than \$25 nor more than \$1,000 and is liable to reimburse the costs of prosecution (R.C. 4737.99(A)).

Purchase or sale of scrap metal in general

The act removes old metal, canvas, rope, branded bottles, and junk or lead

pipe from the list of items to which the requirements specified in (1) under "**Overview of the Secondhand Dealers and Junk Yards Law**" apply and modifies the current law duties applicable to scrap metal dealers when purchasing or receiving "special purchase articles," as defined in the act, and scrap metal. (R.C. 4737.01.) A "scrap metal dealer" under the act, is the owner or operator of a business that purchases or receives scrap metal (R.C. 4737.04(A)(1)).

Under the act, every scrap metal dealer must maintain a record book or electronic file, as added by the act, in which the dealer must keep an accurate and complete record of all articles purchased or received by the dealer in the course of the dealer's daily business. On and after the act's effective date, every entry in the record book or electronic file must be numbered consecutively. The act requires every dealer to maintain the record for each article purchased or received for a minimum period of one year after the date the dealer purchases or receives the article. (R.C. 4737.04(B).)

The act expands the list of the information that a scrap metal dealer must maintain in the dealer's records. In addition to the information described in (3)(b) under "**Overview of the Secondhand Dealers and Junk Yards Law**" above, the act requires a scrap metal dealer to obtain a copy of that person's personal identification card.¹ However, a scrap metal dealer may use an electronic device that decodes and records information contained in the metallic strip on a personal identification card to record a person's name, address, and photograph in lieu of 1 The act defines a "personal identification card" as a current and valid driver's license, military identification card, or state identification card, or as a state identification card issued by another state so long as the card contains information substantially similar to the information contained on an Ohio state identification card and also contains a photograph of the person to whom the card is issued (R.C. 4737.01(A)).

Legislative Service Commission -6- Am. Sub. S.B. 171

making a copy of a person's personal identification card to comply with this requirement, so long as the dealer retains that recorded information and makes it available in accordance with the requirements to make copies available under the act (see below). (R.C. 4737.042.)

The act also requires the dealer to record the date, rather than the hour as under prior law, when the scrap metal dealer purchased or received the articles. (R.C. 4737.04(B)(1) and (2).)

And, if the seller or provider of the articles arrives at a dealer's place of business in a motor vehicle,² the dealer must include the license plate number of that motor vehicle along with the state that issued the license plate in the records (R.C. 4737.04(B)(3)).

And, for metal articles that are not recyclable materials,³ the records also must include a full and accurate description of each article purchased or received by the dealer that includes identifying letters or marks written, inscribed, or otherwise included on the article and the name and maker of the article if known. For the purchase or receipt of recyclable materials that are not special purchase articles (see "**Special purchase articles**," below), a scrap metal dealer must use the following category codes to identify in the dealer's records the recyclable materials that the dealer receives:

- "Number one copper," which includes clean copper pipe, clean copper wire, or other number one copper that does not have solder, paint, or coating;
- "Number two copper," which includes unclean copper pipe, unclean copper wire, or other number two copper;
- "Sheet copper," which includes copper roofing, copper gutters, copper downspouts, and other sheet copper;
- "Insulated copper wire";

² The act defines "motor vehicle" to mean any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or

power collected from overhead electric trolley wires (R.C. 4737.04(A)(6)).

3 The act defines "recyclable materials" to mean the metal materials for which a category is specified under "**Purchase or sale of scrap metal in general**" below, so long as those metal materials are not special purchase articles (R.C. 4737.04(A)(5)).

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- "Aluminum or copper radiators," which includes aluminum radiators, aluminum copper radiators, and copper radiators;
- "Red brass," which includes red brass valves and other red brass;
- "Yellow brass," which includes yellow brass fixtures, yellow brass valve and fitting, ornamental brass, and other yellow brass;
- "Aluminum sheet";
- "Aluminum extrusions," which includes aluminum bleachers, aluminum benches, aluminum frames, aluminum pipe, and other aluminum extrusions;
- "Cast aluminum," which includes aluminum grills, lawnmower decks made of aluminum, aluminum motor vehicle parts and rims, and other cast aluminum;
- "Clean aluminum wire";
- "Unclean aluminum wire";
- "Aluminum exteriors," which includes aluminum siding, aluminum gutters and downspouts, aluminum shutters, aluminum trim, and other aluminum exterior items;
- "Contaminated aluminum";
- "Stainless steel," which include, sinks, appliance housing, dishes, pots, pans, pipe, and other items made out of stainless steel;
- "Large appliances," which includes consumer and other appliances;
- "Miscellaneous steel," which includes steel grates, steel farm machinery, steel industrial machinery, steel motor vehicle frames, and other items made out of steel;
- "Sheet irons," which includes bicycles, motor vehicle body parts made of iron, and other items made using sheet iron;
- "Motor vehicle nonbody parts," which includes motor vehicle batteries, radiators, and other nonbody motor vehicle parts;
- "Catalytic converters";

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- "Lead";
- "Electric motors." (Sec. 4737.04(B)(4) and (5).)

In addition to keeping the records open for inspection by the representative of any law enforcement agency during all business hours, as under continuing law, the act requires a scrap metal dealer also to keep those records open for inspection by the Director of Public Safety or the Director's designated representative during all business hours. Under the act, a scrap metal dealer must provide a copy of the records to any law enforcement agency that requests the records or to the Director or Director's representative, upon request. Records submitted to any law enforcement agency under the act are not considered public records for purposes of the Public Records Act (R.C. 149.43, not in the act). A person who claims to own a stolen article that may be identified in those records, or an agent of that person, who provides proof of having filed a stolen property report with the appropriate law enforcement agency, may request the records. The law enforcement agency must provide those records upon a request made by such a person or that person's agent, but the law enforcement agency must redact information that reveals the name of the seller of any article and the price the dealer paid for any article the dealer purchased or the estimated value of any article the dealer received. The law enforcement agency must determine which records to provide, based upon the time period that the alleged theft is reported to have taken place. A law enforcement agency may charge or collect a fee for

providing records as required by the act. (R.C. 4737.04(D).)

Prohibitions

The act prohibits a scrap metal dealer from purchasing or receiving any articles from a person who refuses to show the dealer the person's personal identification card (R.C. 4737.04(E)(1)). Additionally, the act prohibits a scrap metal dealer from purchasing or receiving more than one catalytic converter per day from the same person, except from a motor vehicle dealer as defined in the Motor Vehicle Law. (R.C. 4737.04(E)(5).)

The law enforcement agency that serves the jurisdiction in which the dealer is located must provide a list, as that agency determines appropriate, of the names and descriptions of persons known to be or who are suspected to be thieves or receivers of stolen property. The act prohibits any scrap metal dealer from purchasing or receiving articles from any person identified on the list the dealer receives from the law enforcement agency. (R.C. 4737.04(E)(2).) The act grants immunity from liability in a civil action, including an action for defamation, libel, or slander, to recover damages for injury, death, or loss to persons, property, or reputation allegedly caused by an act or omission in connection with compiling and providing the list to the following law enforcement personnel: (1) a chief of *Legislative Service Commission -9- Am. Sub. S.B. 171* police, marshal, or other chief law enforcement officer, (2) a sheriff, constable, or chief of police of a township police department or police district police force, or (3) a deputy, officer, or employee of the law enforcement agency served by the marshal or the municipal or township chief, the office of the sheriff, or the constable. This immunity does not apply in relation to an act or omission if the act or omission was manifestly outside the scope of the person's employment or official responsibilities or was done with malicious purpose, in bad faith, or in a wanton or reckless manner, or if liability for the act or omission is expressly imposed by a section of the Revised Code. (R.C. 4737.04(G).)

Notice

The act requires every scrap metal dealer to post a notice in a conspicuous place on the dealer's premises notifying persons who may wish to transact business with the dealer of the penalties applicable to any person who (1) provides a false personal identification card to the dealer, (2) with purpose to defraud, provides any other false information to the dealer in connection with the dealer's duty to maintain the records described above, or (3) commits theft (R.C. 2913.02).4 (R.C. 4737.04(F).)

Criminal penalties

A violation of a prohibition or failure to comply with a requirement described in this part of this analysis is a third degree misdemeanor. If the offender one time previously has violated such a prohibition or failed to comply with such a requirement, the violation or failure is a second degree misdemeanor. If the offender two or more times previously has violated such a prohibition or failed to comply with such a requirement, the violation or failure is a first degree misdemeanor. (R.C. 4737.99(C).)

Special purchase articles

The act specifies additional requirements a scrap metal dealer must follow when purchasing or receiving special purchase articles. "Special purchase article" means all of the following:

4 Continuing law prohibits any person, with purpose to deprive the owner of property or services, from knowingly obtaining or exerting control over either the property or services in any of the following ways: (1) without the consent of the owner or person authorized to give consent, (2) beyond the scope of the express or implied consent of the owner or person authorized to give consent, (3) by deception, (4) by threat, or (5) by intimidation. A violator of this prohibition is guilty of theft, and the penalties for theft vary based on the property stolen, the quantity of the property stolen, and the value of the property stolen. (R.C. 2913.02, not in the act.)

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- Beer kegs;
- Cable, wire, electrical components, and other equipment used in providing cable service or any utility service, including, but not limited to, copper or aluminum coverings, housings, or enclosures related thereto;
- Grave markers, sculptures, plaques, and vases made out of metal, the appearance of which suggest that the articles have been obtained from a cemetery;
- Guard rails for bridges, highways, and roads; highway and street signs; street light poles and fixtures; manhole covers, water meter covers, and other similar types of utility access covers; traffic directional and control signs and light signals, metal marked with the name of a political subdivision of the state, and other metal articles that are purchased and installed for use upon authorization of the state or any political subdivision of the state;
- Historical, commemorative, and memorial markers and plaques made out of metal;
- Four-wheel metal carts, commonly referred to as "grocery carts," that are generally used by individuals to collect and transport consumer goods while shopping;
- Four-wheel metal carts, commonly referred to as "metal bossies," that are used to transport or merchandise food products that are stored in crates, shells, or trays. (R.C. 4737.04(A)(2).)

A scrap metal dealer who purchases or receives special purchase articles not only must comply with the requirements specified under "**Purchase or sale of scrap metal in general**" above with respect to each special purchase article but also must do all of the following with respect to each special purchase article:

- (1) Take a photograph of each special purchase article;
- (2) Obtain from the seller or provider of the special purchase article proof that the seller or provider owns the special purchase article;
- (3) If payment is rendered for the special purchase articles, issue a check for the purchase of the special purchase articles; and

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- (4) Withhold payment for the purchase of the special purchase articles for a period of two days after the day the articles are purchased. (R.C. 4737.041(A) to (E).)

If an asserted owner of stolen special purchase articles or that owner's agent provides proof of having filed a stolen property report with the appropriate law enforcement agency, the scrap metal dealer must make records describing the special purchase articles the scrap metal dealer purchased or received after the alleged date of the theft available for inspection to the asserted owner or owner's agent for a period of six months after the alleged date of theft of the articles, except that the scrap metal dealer must withhold the name of the person from whom the special purchase articles were purchased or received and the amount paid for the special purchase articles. (R.C. 4737.041(F).)

The act prohibits any scrap metal dealer from purchasing or receiving any special purchase article without complying with the record-keeping requirements described under "**Purchase or sale of scrap metal in general**" above or with the requirements described under (1), (2), and (3) immediately above (R.C. 4737.04(E)(4)). Additionally, the act prohibits any scrap metal dealer from purchasing or receiving any special purchase articles from any person who is under 18 years of age. (R.C. 4737.04(E)(3).)

A violation of a prohibition or failure to comply with a requirement described in this part of this analysis is a third degree misdemeanor. If the offender one time previously has violated such a prohibition or failed to comply

with such a requirement, the violation or failure is a second degree misdemeanor. If the offender two or more times previously has violated such a prohibition or failed to comply with such a requirement, the violation or failure is a first degree misdemeanor. (R.C. 4737.99(C).)

Exceptions

Under the act, the requirements specified under "**Purchase or sale of scrap metal in general**" and "**Special purchase articles**" above do not apply with respect to any of the following:

(1) The donation of articles to nonprofit organizations or to any other person, on the condition that the person donating the articles receives no payment or any other valuable consideration in exchange for or due to donating the articles;

(2) The sale or donation of common recycled matter;⁵

⁵ The act defines "common recycled matter" to mean bottles and other containers made out of steel, tin, or aluminum and other consumer goods that are metal that are recycled
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(3) Sales transacted between a scrap metal dealer and an organization that is exempt from federal taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 285, 26 U.S.C. 501(c)(3), as amended, and that collects, for its own fundraising purposes, scrap ferrous and nonferrous metals for recycling rather than disposal;

(4) Sales transacted between a scrap metal dealer and a person whose primary business is to create products that result in bulk quantities of ferrous and nonferrous metal used for recycling rather than disposal;

(5) Sales transacted between a scrap metal dealer and a government unit or another business, including a demolition company, public utility company, or another scrap metal dealer, on the condition that the government unit or business satisfies the following criteria:

(a) In the course of providing the government unit's or business's services to others or maintaining the government unit's or business's property, whether onsite or offsite, the government unit or business generates scrap ferrous and nonferrous metals for recycling rather than disposal.

(b) If the sales transaction involves a government unit, reference to the government unit as a bona fide unit of government can be readily found by the public.

(c) If the sales transaction involves a business, the business satisfies one of the following criteria: the business is registered with the Secretary of State; the business has been issued a vendor's license to collect the retail sales tax; or the business advertises its services in a newspaper of general circulation once a week for not less than six consecutive months or provides a receipt showing payment for such advertising, in a telephone book, in electronic media that is available to the public, or in some other type of media that is owned and operated by a person other than the business and, if an individual operates a business, the individual by individual consumers and not in the bulk or quantity that could be supplied or recycled by large business establishments. "Common recycled matter" does not include a metal tray used by a product producer, distributor, retailer, or agent of a product producer, distributor, or retailer as a means for the bulk transportation, storage, or carrying of retail containers of milk, baked goods, eggs, or bottled beverage products (R.C. 4737.04(A)(3)). "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes (R.C. 4737.04(A)(4)).

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advertising the business has a specific place of business that is not the individual's permanent home address.

(d) The government unit provides proof of compliance with (b) immediately above or the business provides proof of compliance with (c) immediately above to the scrap metal dealer with whom the government unit or business transacts business.

(6) Sales of catalytic converters transacted between a scrap metal dealer and a motor vehicle dealer as defined in the Motor Vehicle Dealers Law. (R.C. 4737.043.)

Authority of municipal corporations and other political subdivisions

The act states that no municipal corporation or other political subdivision can enforce any regulation that is in conflict with the provisions of the act governing the receipt or purchase of scrap metal and special purchase articles. The act further states that, consistent with the power of municipal corporations to the exercise of their rights of local self-government under Article XVIII, Section 3 of the Ohio Constitution (home rule), and recognizing the need for uniform commercial practices across Ohio, by analogy to *Am. Financial Servs. Assn. v. Cleveland*, 112 Ohio St.3d 170, 2006-Ohio-6043, citing *Canton v. State*, 95 Ohio St.3d 149, 2002-Ohio-2005, syllabus, no municipal corporation or other political subdivision may enact or enforce a regulation or ordinance applicable to a scrap metal dealer requiring a scrap metal dealer to individually identify and retain any scrap metal purchased or received, a practice otherwise known as "tag and hold." (R.C. 4737.044.)

Changes to the duties of secondhand dealers

The act requires a dealer in secondhand goods to make and keep a copy of the personal identification card of a person from whom the dealer receives or purchases the secondhand goods (R.C. 4737.01(B)). The act permits a person who purchases, sells, exchanges, or receives secondhand articles to use an electronic device that decodes and records information contained in the metallic strip on a personal identification card to record a person's name, address, and photograph in lieu of making a copy of a person's personal identification card to comply with the act's requirements, so long as the secondhand dealer retains that recorded information and makes it available in accordance with the requirements to make copies available. (R.C. 4737.042.)

The act also modifies a secondhand dealer's duties with respect to any secondhand articles the dealer receives other than special purchase articles, scrap iron, or scrap metal. The act requires the secondhand dealer to maintain either a record book, as under continuing law, or an electronic file, as added by the act, in which a description of secondhand articles purchased or exchanged, and the name and residence, and a description of, the person from whom the purchase or exchange was received must be maintained. Additionally, the act requires a secondhand dealer to record the time, instead of the hour as under prior law, that the purchase or exchange of a secondhand article was made. And the act requires a secondhand dealer to retain the record book or electronic file and copies of personal identification cards for at least one year after the purchase or exchange date and must make all of that information available for inspection by any law enforcement officer at all reasonable times. (R.C. 4737.01(B).)

Creation of a joint select committee to study act's effectiveness

The act requires that during the first year of the 129th General Assembly (2011), the House Speaker or Senate President must initiate creation of a joint select committee of the House and Senate, in accordance with the Joint Rules for the 129th General Assembly, to consider the effectiveness of the act in deterring crime and the costs of compliance to industries affected by the act.

The joint select committee must hold public hearings at which representatives of the Ohio Municipal League, the Ohio Prosecuting Attorneys Association, the Ohio Sheriff's Association, representatives of the scrap metal

recycling industry, and other interested parties may present testimony on the effect of the act on metals theft rates, theft deterrence, criminal enforcement and prosecution, and economic and administrative burdens on industry. The joint select committee must provide advance notice of its hearings to, and must solicit comments in advance of its hearings from, these organizations and other interested parties that the committee determines should receive notice.

The joint select committee must issue a report summarizing the effectiveness and impacts of the act. The joint committee must submit the report to House Speaker and Senate President. The Legislative Service Commission must assist the joint select committee in preparing and finalizing its report. (Section 3.)

Prohibition on sale of certain plastic crates and trays

The act prohibits any person from selling or purchasing a plastic crate or tray that is used for the carrying of retail containers of milk or baked goods and that has embossed upon it a company logo (R.C. 1333.71). A violation of this prohibition is a fourth degree misdemeanor (R.C. 1333.99).

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Severability clause

The act declares that the provisions of law contained in it, and their applications, are severable. If any such provision, or application of such a provision, is held invalid, the invalidity does not affect other provisions contained in the act and their applications that can be given effect without the invalid provision or application. (Section 4.)

HISTORY

ACTION DATE

Introduced 05-15-07

Reported, S. Insurance, Commerce, & Labor 02-07-08

Passed Senate (24-8) 03-12-08

Reported, H. State Gov't & Elections 05-12-08

Passed House (94-2) 05-21-08

Senate refused to concur in House amendments (0-33) 05-22-08

House requested conference committee 05-22-08

Senate acceded to request for conference committee 05-22-08

Senate agreed to conference committee report (32-0) 05-28-08

House agreed to conference committee report (93-2) 05-29-08

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Appendix H

Police unit heavy metal detectives

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By [Lucas Sullivan](#)

Staff Writer

Friday, June 27, 2008

Photos



Dayton Police Detective Jamie Bullens (left) gets information from Darren Ferguson and Peggy Powell, both of Dayton, as they stand at the customer service counter of First Street Recycling Inc, located at 1321 E. First St in Dayton. They both were interviewed at the business after turning in commercial grade copper for cash. The case is still under investigation. Bullens is on the Metal Theft Unit of the Dayton Police Department.

DAYTON — Dayton police Detective Jamie Bullens was looking through a bin of suspicious scrap metal at First Street Recycling when he saw a couple walk in carrying a bag of copper pipes.

Darren Ferguson pulled out seven large pipes with pinched ends and placed them on the floor scale.

"Plumbers don't usually break the pipes off," said Bullens, on Thursday, June 26. "And they don't usually walk in off the street carrying a bag of copper pipes."

Ferguson brought his girlfriend, Peggy Powell along to sign for the scrap metal because she had a valid driver's license. Workers said Powell had been at the center six times.

As Bullens patted Ferguson down, the man said he didn't have valid identification, a violation of a city ordinance passed in July 2006.

The ordinance hasn't worked. Copper thefts have increased so rapidly that Dayton police have created a metal theft unit. Bullens and Detective Jennifer Godsey visit five Dayton-area scrap yards every day. Since Jan. 1, the detectives have recovered more than \$250,000 in stolen metal and made nearly 100 arrests.

