

The Eau Claire, Wisconsin Metal Theft Initiative: Crime Facilitators – Where the Problem Meets the Solution

Eau Claire Police Department, Detective Division, 2008

- Scanning:** Investigators for the Eau Claire, Wisconsin Police Department were aware of an increase in instances of metal theft across the country. A few significant and time intensive investigations brought the issue home in 2006 and 2007. In May of 2006, \$32,000 in copper wire was stolen from an electrical supply company. The investigation led to a group of suspects who were operating across Minnesota and Wisconsin. An Xcel Energy power substation was targeted three times in 2006 and 2007 for theft of the copper ground cable, and manhole covers were stolen in the City of Eau Claire on two separate occasions.
- Analysis:** In the summer of 2007 investigation into a series of thefts of beer barrels, aluminum cans, and railroad material exposed the poor record keeping and an uncooperative demeanor of some local scrap metal yards. Police suspicions about the practices at the scrap yards were supported by reports from confidential informants who worked at, or did business with the scrap yards. Metal brought to local scrap yards could be quickly destroyed with very little or no record of the transaction. Some scrap yards continued to take in beer kegs even after they were told they should not accept them without permission from the distributor.
- Response:** Eau Claire Police worked with the State Legislature to draft legislation requiring scrap metal dealers to record certain information regarding the purchase of scrap metal from individuals and make that information available to police. They also worked with other area law enforcement and private stakeholders to coordinate an undercover sting operation designed to expose the inadequate efforts by local scrap yards to prevent stolen metal from entering their facilities. And they established channels of communication with scrap metal dealers.
- Assessment:** The local scrap yards are now taking identification from individuals who sell them scrap metal, documenting details of the transaction, making the information readily available to the police, and participating in an information sharing network designed to report suspicious activity at the scrap yards. The result was a 50% drop in incidents of metal theft over the next two quarters, and a drop of over 70% in the value of the metal stolen when comparing the fourth quarters of 2006 and 2008.
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INTRODUCTION

The Eau Claire, Wisconsin Police Department has a staff of 99 sworn officers serving a community of about 65,000 people. The City of Eau Claire is a hub city for a region of West Central Wisconsin commonly referred to as "The Chippewa Valley" with a population in excess of 150,000. Eau Claire has a diverse economic base in manufacturing, health care, information technologies, and retail trade.

Eau Claire and the Chippewa Valley had experienced an increase in metal theft for over two years. Investigators quickly realized that scrap metal recycling centers and junkyards facilitate metal theft by providing a place for the thief to exchange the stolen property for cash.

The Eau Claire Police Department Detective Division decided to lead a regional effort to call attention to the problem and reduce the incentive for stealing metal. Following a successful model they had used with pawnbrokers to address a theft from auto problem, investigators set the following objectives for this initiative:

- Influence the establishment of regulations governing record keeping by scrap metal dealers.
- Establish a network of communication between law enforcement and area scrap metal dealers.
- Convince scrap metal dealers to comply with the new regulations and participate in the communication network.

SCANNING

Investigators at the Eau Claire Police Department and other agencies in the area perceived an increase of incidents of metal theft in 2006. Their perceptions turned out to be accurate. The number of incidents increased dramatically during the last half of the year and remained high almost every month through the first half of 2007.

Investigators noticed that many incidents demonstrated complex organization or brazen disregard for community safety on the part of the suspects. Werner Electric Supply in Eau Claire was burglarized in May of 2006. 8,000 to 10,000 pounds of copper wire valued at \$32,000 was stolen. An investigation led by Eau Claire Police Department Detective Brian Schneider identified a group of suspects in Minnesota who were traveling throughout Minnesota and Wisconsin burglarizing businesses to steal copper.

In August 2006, and again in October 2007, manhole covers were stolen in the City of Eau Claire. In one case a hole was left unprotected on a busy downtown sidewalk. In August, and again in December, copper ground cable was stolen from an Xcel Energy power substation. The Eau Claire County Sheriff's Department took reports of thousands of feet of railroad switch signal wire stolen from track lines several times during 2006. Investigators in a neighboring county found that a suspect had rigged a spindle on his bicycle to make it easier for him to collect and transport stolen switch signal wire.

Investigators also noticed increased incidents of beer keg and aluminum can theft. Buffalo Wild Wings restaurant in Eau Claire was a repeated victim of theft of beer kegs that they had left in a gated storage area behind the business. And the local chapter of Fellowship of Christian Athletes was losing several bags of cans at multiple donation sites several times per week. They estimated \$1,500 in lost income. That amounted to an estimated 800 bags of cans during the spring of 2007.

Investigations into these cases were time consuming and costly beyond the value of the stolen property. Eau Claire Police Department Detective Terry Nicks set up covert video surveillance in the Buffalo Wild Wings storage area to capture images of the thief. An employee of a local scrap metal dealer identified the suspect.

Eau Claire Police Detective Dave Kleinhans and Eau Claire County Sheriff's Department Detective Allen Myren investigated the theft of copper ground cable. A confidential informant identified a suspect who was responsible for a series of metal thefts in the area. Several attempts to attach a GPS tracker to the suspect's vehicle were unsuccessful. Finally a witness provided information, which the detectives were able to use to resolve dozens of theft and burglary cases, including the ground cable thefts.

The aluminum can theft cases were resolved by conducting manual surveillance at one of the donation sites. The suspect was identified but was not captured until he led police on two high-speed chases. Officers terminated the first pursuit in Eau Claire, but the suspect was identified and warrants were issued. He was finally captured in Saint Croix County when he crashed his vehicle trying to flee from officers a second time.

ANALYSIS

It was immediately apparent that the stolen metal would eventually be sold for cash at scrap yards or recycling centers. There was no other use for manhole covers, switch signal wire, copper ground cable, or aluminum cans. New electrical wire or beer kegs could possibly have other use, but investigation bore out that those too were stolen for their scrap value.

The perpetrators of metal theft seemed to have a common profile.

- Male
- Late teens to mid thirties
- Unemployed
- History of drug and alcohol abuse

The thefts and burglaries where the metal was taken also showed some common traits:

- Mostly rural or secluded locations
- Security measures at the site were non-existent or easily defeated
- Usually perpetrated after dark
- The stolen material was of little value to the thief other than sale as scrap metal

There are six locations in the Eau Claire area where metal can be sold for scrap. Three of them are small recycling centers, two are junk yards that do most of their business with scrap vehicles, one is a large scale metal processing operation where metal is reduced back to a raw material for sale to foundries or manufacturing plants.

Three separate confidential informants reported that area scrap metal dealers were indifferent to the fact that they were buying stolen metal. One informant reported that a scrap metal dealer told him he could dispose of metal as quickly as 20 minutes after he bought it if necessary. Another described a “don’t ask, don’t tell” policy with his customers. The employees were instructed not to ask where the metal came from and they were not to tell the police if they did know. A third informant described secretive behavior of another scrap metal dealer. He conducted business at a non-descript warehouse with video cameras on the outside. He would not allow customers to bring metal there; instead the dealer would pick the metal up and bring it to the warehouse himself. The metal stored inside included brand new rolls of copper wire, which would later be sold for scrap. He did not advertise and there were no signs on the warehouse. When an undercover officer went to the warehouse, the owner was agitated that he was there and wanted to know how he learned about the business.

Record keeping at some scrap yards was of little use to investigators. Detective Nicks examined transaction records of a scrap metal dealer looking for beer barrel sales as part of his theft investigation. The “records system” consisted of slips of paper bound with rubber bands and stored in a cardboard box. There was minimal information written on the slips. Detective Nicks used those slips and the scrap dealer’s checkbook register to document transactions of beer barrels by the suspect in his investigation.¹

Eau Claire Police Department Detective Jason Ruppert started meeting regularly with area law enforcement investigators and security personnel from the railroad industry and Xcel Energy. Many of them shared similar experiences with increased incidents of metal theft and suspicious, indifferent, or uncooperative behavior on the part of scrap metal dealers.

- Canadian National Railroad Police Detective Scott Burns reported that he investigated a theft of railroad track hardware in early 2006. He received a call from an Eau Claire salvage yard reporting that they thought they had hardware belonging to Canadian National. It turned out these were the stolen items. But when Detective Burns came to collect them, management was reluctant to release the hardware. They finally released the property after Chippewa Falls Police Department said they would apply for a search warrant. Thereafter when Detective Burns called that salvage yard looking for stolen property they denied having any useful information even though thefts of railroad material continued.
- Union Pacific Railroad Police Department Special Agent Mike Koscinski worked with Eau Claire County Sheriff’s Department Detective Allen Myren on an

¹ Appendix A

investigation. He reported that he recovered over 300 pounds of switch signal wire and hundreds of pounds of railroad track hardware on two occasions at the same salvage yard Detective Burns dealt with. Agent Koscinski spoke directly to the business owner. He was reluctant to release the stolen property, complaining that he had purchased the scrap and it would be difficult for him to recover his loss.

- Chippewa County Sheriff's Department Detective Chad Holum reported that he worked on a stolen truck case in which the victim checked at area scrap yards himself looking for his truck. He found a truck he believed was his at the same salvage yard but it was buried under several other vehicles. Detective Holum spoke with management there who insisted that they always document the identification of persons selling scrap vehicles, but in this particular transaction they had not. They said they did not know who sold the vehicle to them, but they offered the name of a suspect they thought Detective Holum should check out. That suspect later turned out to be correct.
- Eau Claire County Sheriff's Department Detective Allen Myren reported he was aware of theft victims who were refused assistance by another salvage yard when they went there looking for stolen metal. He learned from his own experience that this salvage yard had poor transaction records and rarely if ever offered information to investigators about their customers or what metal they had recently purchased.

Investigators also discovered there was an extra incentive to misappropriate beer barrels on loan from the retailer. The deposit at a liquor store for a barrel of beer is \$25, but the value of an empty stainless steel barrel at a scrap yard is about \$75. With a \$50 profit on the barrel, the beer is free. Investigators discussed the problem with beer distributors, but raising the deposit on their barrels was not an option they would consider.

RESPONSE

The response to this problem was a collaborative effort between several public and private organizations in the Chippewa Valley led by the City of Eau Claire Police Department. Each of the following organizations played a significant role in the effort:

- Eau Claire Police Department
- Eau Claire County Sheriff Department
- Chippewa County Sheriff Department
- Altoona Police Department
- Wisconsin State Patrol
- Xcel Energy
- Park Ridge Distributing
- Union Pacific Railroad
- Canadian National Railroad

The Eau Claire Police Department had previous experience with pawn transaction reporting that seemed to indicate that increasing risk for the offender to profit from theft has a positive impact on the theft problem. In the case of scrap metal theft, the opportunity to profit presents itself at the scrap yard. Following a successful model used with pawnbrokers, the Eau Claire Police Department sought to accomplish three primary goals with the metal theft initiative:

1. Influence the establishment of regulations governing record keeping by scrap metal dealers.
2. Establish a network of communication between law enforcement and area scrap metal dealers.
3. Convince scrap metal dealers to comply with the new regulations and participate in the communication network.

In August 2007, Eau Claire Police Deputy Chief Eric Larsen searched for Wisconsin legislators who might be willing to address the issue. He found that State Assembly Representative Phil Montgomery from Green Bay was beginning to explore a legislative proposal. Deputy Chief Larsen met with Representative Montgomery's staff and a coalition of private interests affected by the problem. He also testified at an Energy and Utilities Committee hearing on the bill. Deputy Chief Larsen's input in the process was instrumental to the inclusion of several provisions in Act 64, including the following:

- The law applies to "scrap metal dealers" instead of the narrower application to "scrap metal processors" in the original version.
- A requirement was added that scrap metal dealers must obtain a signed statement from the seller that they are the owner of the metal.
- The law requires that the scrap metal dealers maintain the original record of the transaction, which can be presented in court instead of just a hand written ledger required in the original version.
- A provision was added that allows a local municipality to pass an ordinance requiring transaction information to be reported to law enforcement electronically.
- A privacy provision was added that restricts law enforcement from disclosing transaction information to anyone except other law enforcement.

Once the proposal was finalized, Deputy Chief Larsen lobbied support for the bill from the Wisconsin Chiefs of Police Association, the Badger State Sheriff's Association, and the Wisconsin Professional Police Association. Governor Jim Doyle signed 2007 Act 64 into law on March 11, 2008.

As the legislative proposal was moving forward, investigators also wanted to test their theory that scrap metal dealers were willing to accept metal that they should know was stolen. Detective Dave Kleinhans met with a local beer distributor, a railroad, and a local power company in September 2007 to explore partnerships with them for a police sting operation. All three of the private companies agreed to partner with law enforcement in the operation. The goal of the operation was not to punish scrap metal dealers. Rather, investigators wanted to expose the procedures employed by scrap metal dealers that left them vulnerable to metal thieves who would use them to profit from their crime.

The beer distributor provided beer kegs to be sold for scrap, the railroad provided rail material and switch signal wire, and the power company provided new copper wire. The power company also purchased body worn video recording equipment and loaned it to investigators to record the scrap metal transactions. Before the undercover operation began, the beer distributor met with each of the scrap metal dealers and warned them not to accept beer barrels as scrap metal.

Detectives Kleinhans and Myren worked with drug task force undercover officers to complete sales of scrap metal at six area scrap yards. Over fifty sales were made between November 2007 and May 2008. During those sales, scrap yard employees and managers accepted the purchase of beer barrels and railroad material that were labeled with the name of the owner. On one occasion after the railroad material was unloaded an employee asked the undercover officer whether they had permission from the railroad to have the material. The officer told them he did not. The scrap yard accepted the metal, but they did not call the police to report the transaction.

Several scrap yards accepted brand new rolls of copper wire on spools that were labeled with the name of the power company. In some cases the scrap yard required the undercover officer to remove the wire and take the spool with them so the ownership label would not be left at the business.

In April 2008, Deputy Chief Larsen twice met with managers from all of the area scrap yards who were under investigation in the sting operation. He did not reveal the existence of the operation, but he did review with them the provisions of the new law that had been signed by the Governor in March. He explained the criminal penalties for failing to properly document each transaction and offered an example of a paper transaction report that would comply with the requirements of the new law.² Over 1,000 copies of the document were distributed to scrap yards that did not already have methods of documentation that met the new requirements.

Deputy Chief Larsen reminded the scrap dealers that they should not accept beer barrels for sale as scrap. One of the scrap dealers mentioned that stolen beer barrels had been recovered from his business in the past. He said he was warned not to accept beer barrels and has not accepted them since then. He suspected none of the other dealers present were taking them either. The undercover operation proved that almost

² Appendix B

all of the scrap dealers were accepting beer barrels before and after the meeting, including the one who said he was not.

More undercover sales were made after the meeting. One business called the police after a transaction and reported the identity of the "customer" along with the license plate of the vehicle. But officers found that most scrap yards were still not requiring identification from customers and they were not properly documenting the transactions.

Search warrants were executed at five of the six scrap yards on June 4, 2008. Investigators from ten different local law enforcement agencies in the Chippewa Valley, the Wisconsin State Patrol, and several private industry security agencies assisted in the execution of the warrants. Local law enforcement conducted the searches, Wisconsin State Patrol conducted inspection of records pertaining to the purchase of salvaged vehicles, and private industry security provided expertise in identification of materials used exclusively by their respective industries. Investigators identified many items of property that were confirmed or suspected to be stolen, including:

- Copper and aluminum power distribution line.
- Copper ground cable from power substations.
- Excel Energy aluminum utility pulleys
- Beer kegs.
- Railroad switch signal wire.
- Catalytic converters that were reported stolen in Chippewa County.
- A truck that was confirmed stolen in Chippewa County.

In addition to the stolen property, Wisconsin State Patrol Inspectors found that some of the scrap yards were routinely violating statutes that regulate the purchase of salvage vehicles.

A press release was done simultaneous with the execution of the search warrants. The investigation became the subject of considerable local media attention for several days. The private corporations who had been victimized by metal theft took the opportunity to make public statements about the extent of the problem. Public scrutiny of the issue prompted some scrap yard managers to make public commitments about helping police identify stolen metal brought to their businesses in the future.

During subsequent conversations with the management of the scrap yards involved, investigators set up a communication network with the scrap yards. Investigators can alert scrap yards to stolen metal, and scrap yards now make their transaction records available through electronic access, email, and fax.

ASSESSMENT

Scrap yard managers proved that they could make changes to their operation that would discourage metal thieves from trying to turn stolen metal into cash. Some of them credited the police sting operation and the subsequent media attention for their newfound acceptance to change.

One salvage yard owner confessed to Detective Kleinhans that until the police searched his scrap yard and announced the results of the investigation to the public, he had no intention of changing his procedure or complying with the new state statute. He sent one of his supervisors to the two meetings in April, but he did not attend himself. He didn't think the information was that important. His family owned scrap yard has been a part of the community for two generations. He now recognizes that his reputation in the community is important to his business success. He built a new check-in station at his facility and hired more employees to help with the extra work.

Another owner has been in business for over forty years. He has never used a computer or had a need to maintain organized records. He was afraid that if he asked for identification or asked too many questions about where the metal came from he would lose customers to other scrap yards. Once he was shown how easy it was to sell stolen metal at his business, and that all the other scrap yards would be required to follow the same record keeping rules that he was asked to follow; then he was willing to make some hard changes to his operation. He invested over \$8,000 in a new computer system to keep electronic records and make them available to police.

Five scrap yards now participate in an information-sharing network. Investigators in the area routinely email or fax information regarding potential suspect names or stolen articles for the scrap yards to watch for. Three of the businesses use the same software company for their inventory records. They convinced the company to provide a read only client to the police department so investigators can view and search their transaction reports from police headquarters.

Some businesses have occasionally called with information about suspicious transactions. One such phone call resulted in the recovery of several hundred dollars worth of stolen copper from a business in Chippewa Falls. The business was not even aware that one of their employees was stealing the material.

Investigators have done discreet checks on the procedures followed at the scrap yards since the sting operation was completed. They found that the businesses are complying with the requirements of the new statute. Vehicle information was properly documented, each individual that brought scrap metal to the business was asked for identification, and some customers were turned away because they did not have proper identification.

Based on the positive reaction from the scrap yards, the District Attorney elected not to issue criminal charges. The scrap yards were put on notice that they need to be more diligent about preventing the receipt of stolen property and that the new statutory requirements would be enforced. Some administrative warning letters and citations were issued by the Department of Transportation for violations of state reporting requirements regarding the purchase of salvage vehicles. Some scrap yards that regularly purchase salvage vehicles changed their policy to accept scrap vehicles only from licensed dealers. Subsequent to the new policy, the local Department of Transportation office received a large influx of dealer license applications.

Most importantly, incidents of metal theft immediately began trending downward after the sting operation became public and the scrap yards changed their procedures. The quarterly incident statistics from 2006 to 2008 show that reported incidents were trending upward in the first two quarters. The project began in the fourth quarter of 2007 and finished at the end of the second quarter of 2008. Trends in the third and fourth quarters are now moving down. The fourth quarter trend shows the steepest downward trend. Metal theft incidents in Eau Claire County dropped from 33 during the fourth quarter of 2006 to 15 during the same time period in 2008 a reduction of over 50%.³

It is also noteworthy that the total value of the metal stolen after the initiative dropped significantly. August and October of 2008 were the only two months during the last half of 2008 in which the total value exceeded \$2,000. One incident in each month brought the value over the \$2,000 mark. There was a drastic reduction in the value of metal stolen in the fourth quarter of each year from 2006 to 2008. Over \$22,000 worth of metal was stolen during the fourth quarter of 2006. Under \$7,000 was stolen during the same time period in 2008, a reduction of over 70%.⁴

It appears from the analysis that crime displacement has not been a factor in the wake of the initiative. Metal theft incidents began increasing in 2006 shortly after a new pawnbroker regulation in the city helped reduce incidents of minor property theft and theft from vehicles. Assuming that part of the reason for increased metal theft was the result of displacement from the other crimes, investigators checked minor property theft and theft from vehicle cases from 2006 to 2008 to see if crime was displaced back after the scrap metal initiative. They found that the annual number of incidents decreased in 2007 and again in 2008.⁵

There is some evidence that there has been diffusion of benefit from the initiative. Minor property theft and theft from vehicle incidents have historically had a pronounced seasonal fluctuation in the Chippewa Valley. In checking the quarterly statistics for these crimes, investigators found that all four quarters show a downward trend.⁶

CONCLUSION

Investigators in the Chippewa Valley of west central Wisconsin faced huge obstacles in their attempt to change the paradigm for dealing with the problem of metal theft. Scrap metal dealers weren't used to thinking about the community impact of doing business the way they had for generations. Some private businesses that had been losing assets to metal theft were looking for help from law enforcement and the legislature, but they weren't used to thinking about how to prevent crime beyond adding locks or security video. Some legislators were reticent to consider what they viewed as an

³ Appendix C

⁴ Appendix D

⁵ Appendix E

⁶ Appendix F

onerous regulation of the scrap industry. Even some in law enforcement were not used to a problem-solving paradigm that has a vision beyond solving each crime as it occurs.

The Eau Claire Police Department Detective Division provided leadership for a public and private partnership to think beyond hardening targets and chasing criminals. By analyzing the problem, investigators were able to identify a stakeholder in the process who could have the most impact in solving it. Scrap metal dealers were facilitating the profit motivation for stealing metal. By working collaboratively with private industry and other law enforcement in the area, the Eau Claire Police Department was able to influence legislation at the state level, put in place a system of regional information sharing, and convince a reluctant scrap metal industry to share responsibility for solving the problem.

The Eau Claire Police Department and their partners in this project believed that increasing the risk of detection, and reducing the opportunity for profit, would reduce the number of metal thefts in the Chippewa Valley. Their theory was proved correct once the facilitators in the process, the scrap yards, were convinced to be part of the solution. This new paradigm for protecting the Chippewa Valley from the threat of metal theft is more than a temporary adjustment to appease the police and the public. New laws were enacted in the state. Scrap metal dealers have invested money in equipment and personnel, and they are practicing new policies designed to be part of the solution rather than part of the problem of metal theft. There will be more work to do on this issue, but a new course has been set in the Chippewa Valley, and the stakeholders are all rowing in the same direction.



Appendix A - One scrap dealer's transaction records

Scrap Metal / Junk Dealer Transaction Report

Compliant with Wisconsin Statute 134.405

SCRAP METAL DEALER INFORMATION

DATE / /	TIME	BUSINESS NAME	BUSINESS ADDRESS	PHONE NUMBER
EMPLOYEE AUTHORIZING TRANSACTION				

SELLER'S INFORMATION

LAST	FIRST	MIDDLE
D.O.B. / /		SELLERS ADDRESS
CITY	STATE	ZIP CODE

IDENTIFICATION

DRIVERS LICENSE #	STATE
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AND / OR

I.D. CARD NUMBER	STATE
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VEHICLE INFORMATION

LICENSE PLATE NUMBER	STATE
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NOTICE TO SELLER:

The information contained in this transaction report will be made available to Law Enforcement.

By signing this document the seller declares that he or she is the owner of the property described above, or that the seller has provided documentation to the scrap metal dealer establishing that the seller lawfully possessed any proprietary articles listed above.

SELLER'S SIGNATURE _____

DATE _____

NOTICE TO PURCHASER:

Attach a copy of any documents establishing that the seller has legal possession of any proprietary articles listed in the transaction report.

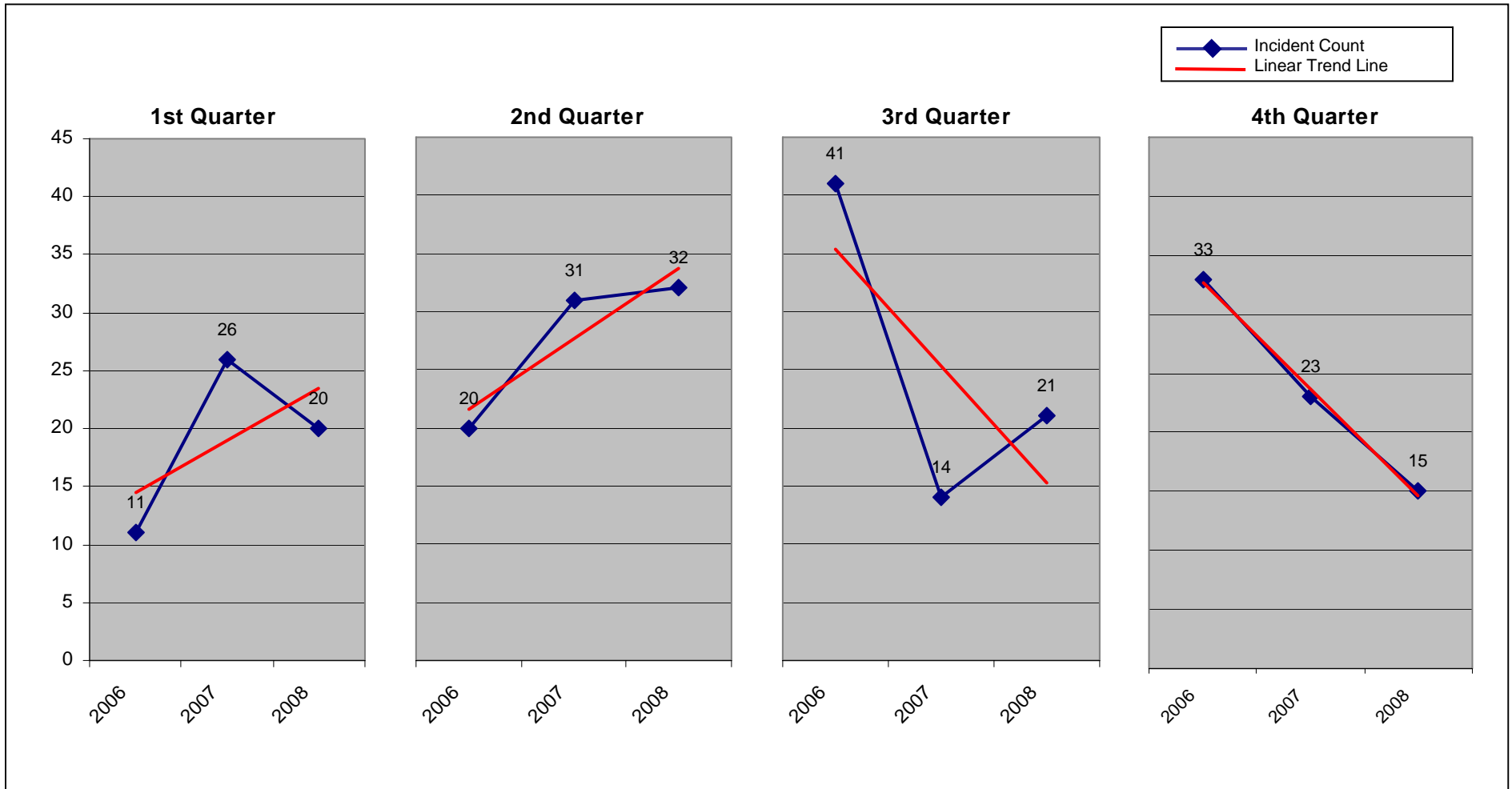
TRANSACTION RECORD

TYPE	FORM	WEIGHT
DESCRIPTION		
TYPE	FORM	WEIGHT
DESCRIPTION		
TYPE	FORM	WEIGHT
DESCRIPTION		
TYPE	FORM	WEIGHT
DESCRIPTION		

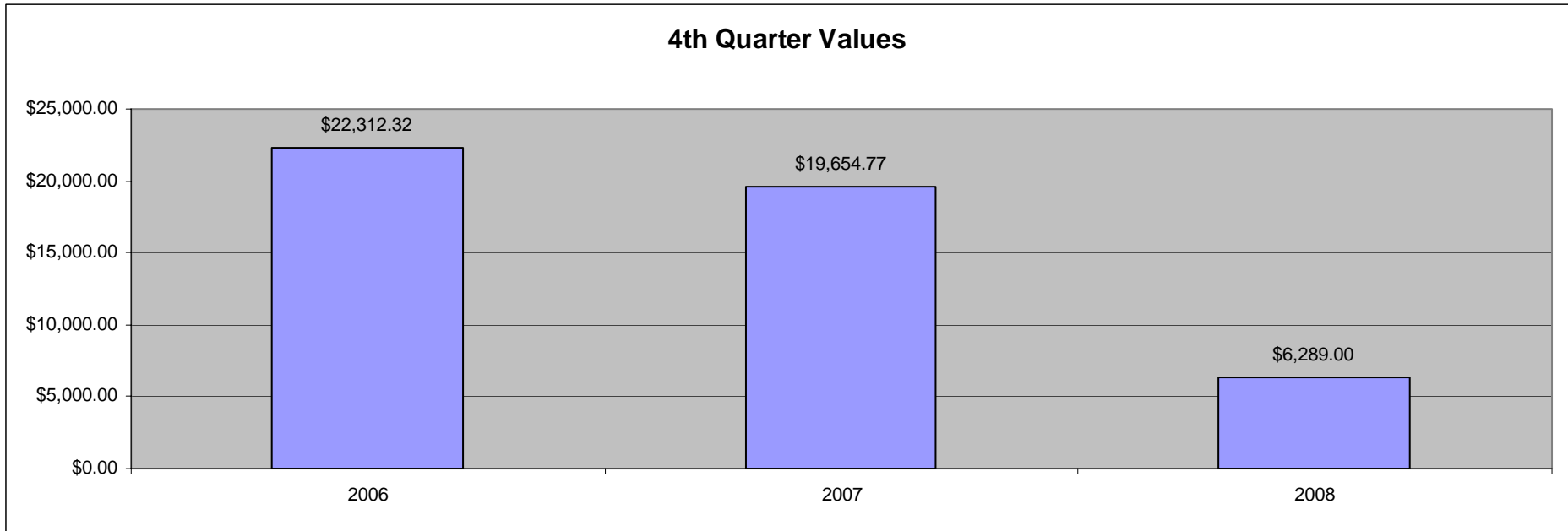
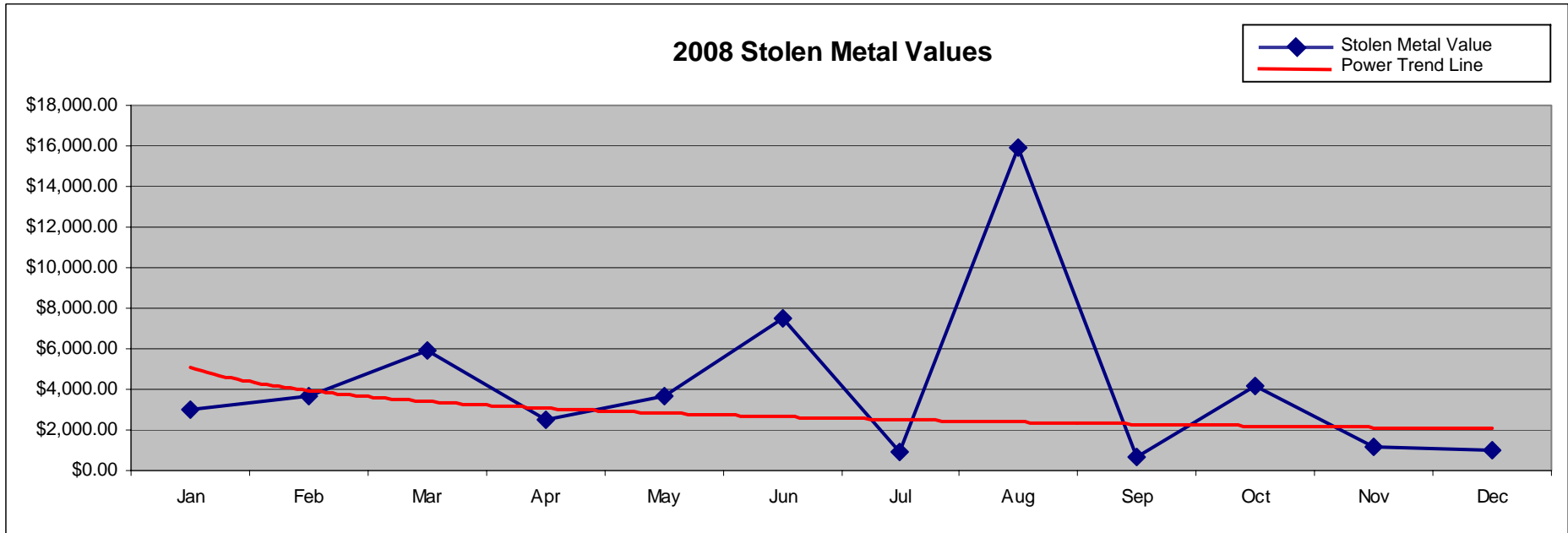
TRANSACTION CODES

TYPE	FORM	
A = ALLOY	B = BARS	R = RR RAIL
AL = ALUMINUM	K = KEGS	RS = RR SWITCH
BR = BRASS	C = CABLE	COMPONENTS
B = BRONZE	I = INGOTS	SP = RR SPIKES
C = COPPER	R = RODS	RB = RR BOLTS
S = STAINLESS STEEL	T = TUBING	RT = RR TIE PLATES
R = RAILROAD	W = WIRE	RA = RR ANGLE
MA = METAL ARTICLES	CL = CLAMPS	
NF = NONFERROUS	CO = CONNECTORS	
PA = PROPRIETARY	O = OTHER (DESCRIBE)	
ARTICLE		
O = OTHER (DESCRIBE)		

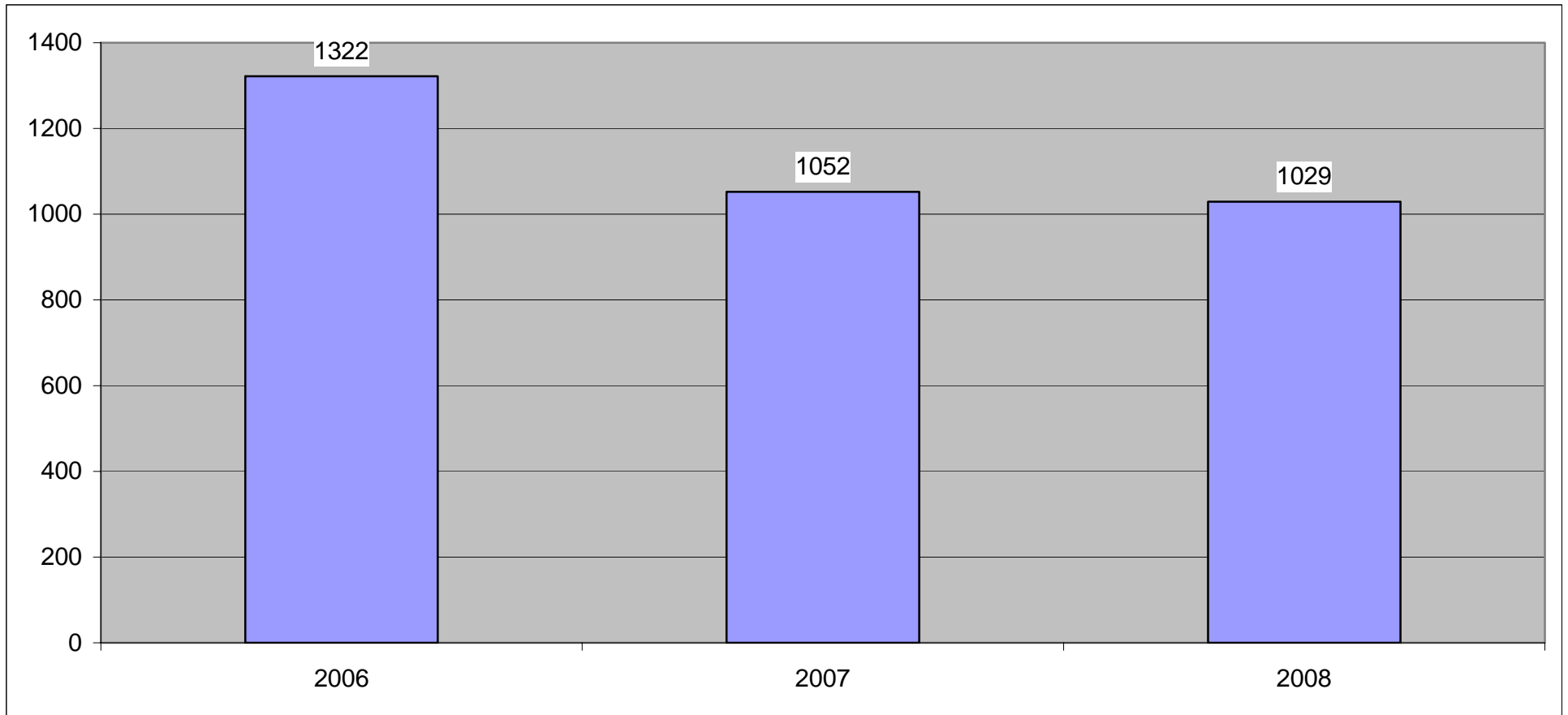
Appendix B - Transaction report form offered to the scrap metal dealers



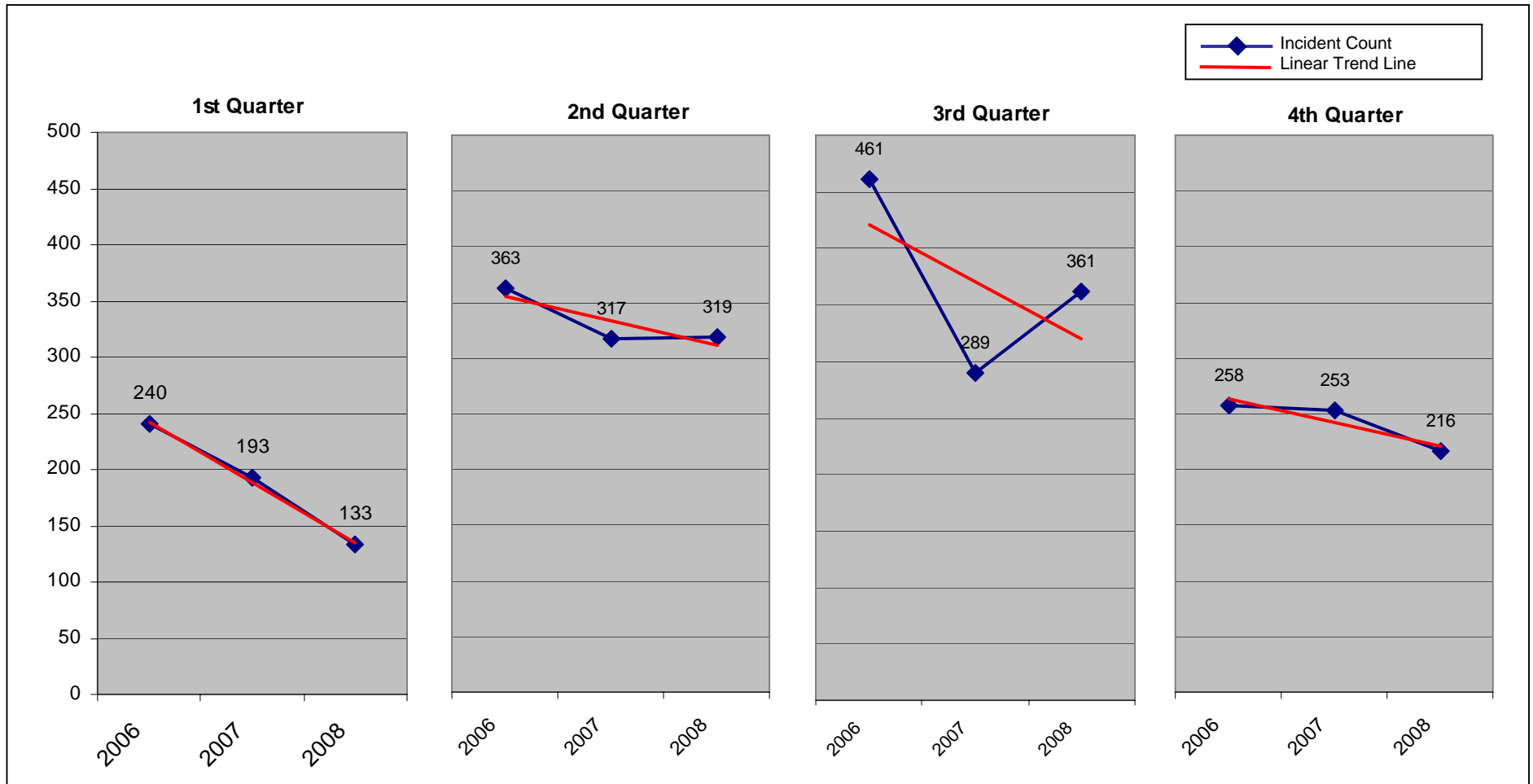
Appendix C – Metal theft Incident trends by quarter 2006 - 2008



**Appendix D – 2008 monthly stolen metal values
2006 through 2008 4th quarter stolen metal values**



Appendix E – Minor property theft incidents 2006 - 2008



Appendix F – Minor property theft incident trends by quarter 2006 - 2008