

Welcome to this edition of BOLO News. BOLO News is a monthly newsletter for law enforcement to share success stories and other information that may be pertinent in the ongoing fight against metals theft.

Using Federal Law to Prosecute Metals Theft

All 50 states have enacted metals theft legislation to combat metals theft crimes even when they involve federally regulated utilities and other interstate enterprises. These state laws however do not preclude federal charges from being brought against thieves. In fact, federal charges may be appropriate when considering thieves often target critical infrastructure. Though the words *metals theft* do not appear in the title or even in the body of the statute, there are in fact more than a few statutes than can be used to prosecute metals thieves at the federal level. Of course, the investigation must have a federal nexus and meet the prosecutorial guidelines established by the U.S. Attorney's Office in each judicial district.

Electrical substations remain a favorite target of thieves due to the large quantities of copper on site. As is typical in many metals theft cases, damages to these facilities often far exceed the value of the stolen property. Title 18 USC 1366 – *Destruction of an energy facility*, addresses damages or attempts to damage property of an energy facility. In 2013, seven people were indicted in the Northern District of Ohio for stealing approximately \$15,000 worth of copper from multiple facilities with damages estimated at over \$100,000. All seven pled guilty to federal charges.

Similar to damage done to energy facilities is destruction of railroad equipment. The theft of copper wire resulting in the loss of power to signal systems not only creates an economic loss, but also puts lives at risk. Investigators wishing to pursue federal charges in these cases might consider 18 USC 1992 – *Terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air*.

Metals thieves, especially those operating near bordering states, have been known to transport stolen property across state lines in order to avoid local scrutiny or stiffer compliance requirements. When the value of the stolen metal exceeds \$5,000, investigators (especially those assigned to cargo theft task forces) should examine 18 USC 2314 – *Transportation of stolen goods*.

Other sections of the U.S. Code which might be applicable in metals theft cases, especially when occurring on federal property or against federal systems, can be found in Chapter 65 – *Malicious Mischief*. Many factors come into play when considering what charges to file and where. Whether federal or state, prosecution of thieves to the fullest extent possible is key to fighting metals theft.



Reader Poll

Have you ever filed federal charges or facilitated the filing of federal charges in a metals theft case?

VOTE

Last month we asked readers **Has there been a decrease in incident of metals theft investigated by your department over the last three reporting years?**

Here are the results:

Yes	67%
No	17%
Don't know	17%

Look for ISRI at Upcoming Law Enforcement Gatherings

As part of ISRI's ongoing effort to build awareness and work with law enforcement on metals theft, ISRI will be participating at the following upcoming law enforcement conferences:

Minnesota Chiefs of Police Association Law Enforcement Expo

April 18-19, St. Cloud, MN

National Sheriffs' Association Annual Conference

June 25-29, Minneapolis, MN

Pennsylvania Chiefs of Police Association Annual Conference

July 10-11, Erie, PA

In the News

[Copper Thieves Hitting Street Lights as Soon as They're Repaired](#)

Hawaii News Now, March 10, 2016

[RPD says Stiffer Penalties Needed for Copper Thieves](#)

KOLOTV.com, March 2, 2016

[Mexico Radioactive Material Theft Prompts Multi-State Alert](#)

HNGN.com, February 29, 2016

Questions?

Contact ISRI Director of Law Enforcement Outreach [Brady Mills](#) or call (202) 662-8526 for more information.



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