


W. G. A.
SUPPLEMENTAL MATERIAL

AGENDA COVER MEMO

AGENDA DATE: July 26, 2006
TO: LANE COUNTY BOARD OF COMMISSIONERS
DEPT.: Lane County Sheriff's Office
PRESENTED BY: Russel Burger, Sheriff 
AGENDA ITEM TITLE: ORDINANCE NO. 7-05/IN THE MATTER OF AMENDING CHAPTER 3 OF LANE CODE REGARDING REGULATION OF AND REPORTING BY USED MERCHANDISE DEALERS AND ELIMINATING THE SECONDHAND BUSINESS LICENSE REQUIREMENT (LC 3.600-3.990) Supplemental Material

Supplemental Material From Sheriff Burger

I would like to take this opportunity to ask the Board to adopt this ordinance and give Lane County an additional tool to combat the rising incidence of property crime. As you know, property crime is high - in 2005 we averaged more than 200 property crimes per month in unincorporated Lane County, we have an ordinance on the books that the county cannot enforce, and we don't have the means for researching the quantities of paper pawn slips generated by used merchandise dealers.

On behalf of the Sheriff's Office, the City of Eugene Police Department has been collecting and processing the pawn slip reports for years from several stores located in Lane County and the one store in one of our contract cities, Creswell. They discontinued this voluntary service on July 1 as they implemented the automated reporting system that their Council adopted by ordinance in February. (See attached letter from Eugene Police Department). Springfield City Council has not taken action on this issue. The City of Portland is trying to develop a regional system using the same model, but it may not be implemented for a year or more. We have been working on these changes for three years. I urge you to move forward and not wait any longer.

Lane County, Eugene, and Springfield have had ordinances regulating secondhand business dealers since the late 1970s. This minor amendment to Lane Code will streamline our current ordinance and make our regulations consistent with the City of Eugene's. Among other changes this will establish an electronic reporting system that makes much more sense technically, than writing out and collecting stacks of paper slips.

We need to assist victims of property crime in Lane County any way we can and you know that within our current budget limitations, we are not able to do so at an optimum level. We are encouraged with the dedication of one detective to property crime, however, his workload is much larger than one person can manage effectively, so we need to find cost-effective ways to enhance service delivery and crime-fighting.

Streamlining this ordinance will help us discourage property crime in Lane County, help us return property to crime victims and will not add any additional expenses to the Sheriff's Office at this time.

In review, outlined below are the effects the suggested amendments have on the current ordinance. Please note change 8 in particular.

1. The definitions section (LC 3.600) provides greater detail as to what type of property is regulated and what is not. It reflects what the police officers and deputies have indicated are the primary areas of concern in terms of significant stolen property.

2. The recording section (proposed LC 3.605; formerly 3.610) makes only minor changes. It does limit the length of time the business must keep the record.

3. The reporting requirements section (LC 3.610) is new in that it requires delivery of the recording form as the County directs. This is accomplished through an electronic reporting system approved by the County.

4. LC 3.615 provides that there shall be fees established and the fees will reflect the costs associated with providing electronic automated reporting system services to the dealers. The fee shall be set by order of the Board. At the time of the second reading and public hearing on the ordinance, an order will be presented for Board consideration. The fees were presented to the Finance and Audit Committee on November 8, 2005.

5. LC 3.620 makes some relatively minor changes in the limitations on the business purchasing regulated property; proposed LC 3.625 carries forward the earlier limitation that a business must hold the property for 7 days before reselling. New language permits the Sheriff to provide written notice to a business to hold a particular piece of property up to 180 days.

6. LC 3.635 permits the Sheriff to adopt procedures to deal with the release of property seized by peace officers and to provide for appropriate due process hearings regarding the release.

7. LC 3.990 changes the penalties for violation from a Class A to a Class B, in order to be consistent across the jurisdictions. Class A violation fines are up to \$720; Class B are up to \$360.

8. The Ordinance also eliminates the requirement that a business obtain a secondhand business license. This is a portion of the existing Code that does not appear to have been heavily used by the businesses; in fact, the business license requirement has not been utilized for several years. No one in the Sheriff's office who was asked can remember the last time a license was issued.

I am urging the Board to help the Sheriff's Office by giving us a property crime fighting tool to add to our small property crime toolbox and adopt this ordinance so we can better help victims in Lane County. Thank you.



**City of Eugene
Police Department**

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Sheriff Russell Burger
Lane County Sheriff's Office
125 E. 8th Street
Eugene, OR 97401

Dear Sheriff Burger:

For the past several years, on behalf of the Lane County Sheriff's Department, the Eugene Police Department has been collecting and processing Used Merchandise Dealer reports from several of the Lane County secondhand stores. Providing Lane County with this assistance has been beneficial to both the citizens of Lane County who have had their stolen property recovered from these stores, and the Lane County Sheriff's Office whose limited resources and staffing could be redirected to other areas of need.

For three years Eugene, Springfield and Lane County law enforcement agencies have jointly worked on the development of a used merchandise dealer ordinance that would authorize the implementation of automated reporting of used merchandise dealer transactions. The goal of this joint collaboration was to develop an efficient, economical and uniform method of reporting used merchandise dealer transactions that would reduce the labor intensive tasks of collecting and hand entering the transactions into a database and increase law enforcements' efficiency in identifying and recovering stolen property and identifying individuals involved in selling stolen property.

In October 2005, the Lane County Sheriff's Office brought the matter of the proposed Used Merchandise Dealer Ordinance before the Lane County Commissioners. Although there have been several Commission meetings regarding this ordinance, as of this date it has not been approved or moved for a vote of approval or rejection.

On February 15 2006, the Eugene City Council adopted the proposed Used Merchandise Dealer Ordinance. It is anticipated that in the near future, the Eugene Police Department will be implementing the automated reporting aspect of the ordinance.

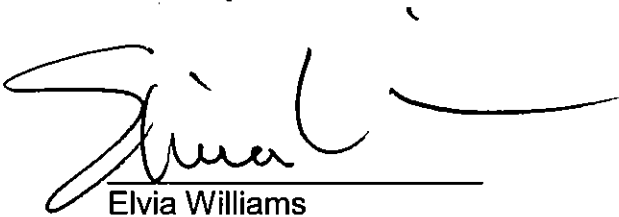
With the move to full integration of automated reporting, it is anticipated that there will be additional demands placed on our officers and data entry staff in identifying and recovering stolen property sold to Used Merchandise dealers. Although the Eugene Police Department continues to be a committed partner with the Lane County Sheriff's Department in the identification and recovery of stolen property sold to Used

Merchandise Dealers, it will no longer be practical for our officers and data entry personnel to hand collect and hand enter Used Merchandise Dealer reports from Used Merchandise Dealers located in Lane County.

As of July 1, 2006 the Eugene Police Department will no longer be able to collect or enter Used Merchandise Dealer reports from Used Merchandise Dealers located within the jurisdiction of the Lane County Sheriff's Office. It is my hope that you will take the steps that you deem necessary to continue to provide this valuable service to the public.

In the event that Lane County chooses to adopt a Used Merchandise Dealer Ordinance and automated reporting system that is compatible with Eugene's, we will make every effort to assist you in its implementation and success.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elvia Williams', with a horizontal line underneath it.

Elvia Williams
Investigations Captain