

# ADMINISTRATIVE PROCEDURES



Procedure Number: 30-28

Effective Date: 07/27/2012

Revision Date: 08/27/2012

*C. Danube*  
County Administrator

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SUBJECT: Vandalism and Theft of Pima County Property

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DEPARTMENT RESPONSIBLE: Finance and Risk Management

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## 1. STATEMENT

There has been an increase in vandalism, destruction, and theft of property in the County, including County-owned property. Such acts can create dangerous conditions and blight within Pima County that can result in the deterioration of property values, business opportunities, and enjoyment of life for its residents. Unless the destruction and theft are quickly resolved, it encourages more vandalism and other properties soon become the targets of vandalism.

Pima County has a no tolerance policy regarding vandalism, destruction, and theft of County property. Any person who engages in acts of vandalism or theft of County property shall be held personally liable for any and all costs the County may incur in connection with the repair or replacement of damage or theft, including attorney's fees and court costs incurred in connection with the prosecution, as permitted by law.

## 2. PURPOSE

This procedure outlines the activities associated with reporting damage and theft of County property, obtaining recovery and restitution payments from perpetrators at fault for damage and theft of County property, and providing financial rewards to persons who assist in the arrest and conviction of the perpetrators of such vandalism and property destruction.

## 3. APPLICATION

This procedure is applicable to all County-owned and -maintained property including, but not limited to, buildings, natural objects, and structures within the incorporated and unincorporated boundaries of Pima County.

## 4. DEFINITION

- A. Theft: the unlawful taking and removing of property with the intent to deprive the rightful owner of it.

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- B. Vandalism: intentional, willful, or malicious destruction or defacement of public property.

5. **PROCEDURE**

A. Internal Reporting of Damage or Theft of County Property

1. Department Responsibilities:

- a. Departments shall have an internal procedure that describes how vandalism, destruction, and theft of County property shall be tracked. Procedures shall be developed in conjunction with Risk Management reviews and recommendations.
- 1.) In the event of vandalism, destruction, or theft of County property, the employee who discovers the damage or theft or their supervisor will complete a Theft/Vandalism Incident Form (Attachment 1) that day.
  - 2.) Departments shall create a Property Damage and Theft Tracking Form if they average five (5) or more events a month. The form shall be completed in Microsoft Excel and submitted to Risk Management for review and input into the County's Vandalism database. Please refer to Attachment 2 for a sample tracking form. This sample form is available on Risk Management's intranet website.
  - 3.) Departments shall enter the required information into the tracking form within five (5) business days of the incident.
  - 4.) Departments shall email all Theft/Vandalism Incident Forms and the Microsoft Excel Property Damage and Theft Tracking Form (if applicable) to their Risk Management Safety and Health Loss Control Officer by the 5<sup>th</sup> day of each month.
- b. If vandalism, destruction, or theft of County property is **over \$1000**, Departments must immediately report the incident to the prevailing law enforcement agency and send a copy of the law enforcement report to Risk Management within five (5) business days.
- c. For losses **over \$5,000**, Departments shall call Risk Management the same day to report the loss and shall obtain estimates for repair or replacement of the damaged or stolen property and submit to Risk Management.

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- 1.) All estimates submitted by Departments to Risk Management must be formal and official. This means they must be on official letterhead of the vendor providing the estimate.
  - 2.) When a Department is providing the estimate, it must be on County letterhead or by work order.
- d. In the event of vandalism, destruction, or theft of County property **over \$5,000**, a Property Loss Claim Form (Attachment 3) must be completed by the Department that sustained property damage or theft and submitted to Risk Management within five (5) business day of the incident. The Property Loss Claim Form can be found on the Risk Management intranet website.
  - e. Departments shall include vandalism, destruction, or theft of County property **over \$5,000** on the Property Damage and Theft Tracking Form.
  - f. Departments are to take pictures of the property damage and submit the pictures to Risk Management when they submit their written report.
2. Risk Management Responsibilities:
    - a. Risk Management shall: review all submitted Property Loss Claim Forms and tracking forms for accuracy and completeness. Risk Management will also determine if a third party (e.g., perpetrator) has damaged or stolen County property and if restitution can be pursued. Risk Management will use the information provided by the Department and may request additional information including law enforcement reports.
    - b. Risk Management shall contact the Department for any follow-up if there are any questions or if additional information is required.
    - c. Risk Management shall provide the County Administrator and Departments with a quarterly and annual report of damage and theft of County property to assist in identifying high risk areas across the County.
    - d. Risk Management shall provide the Sheriff's Department or prevailing law enforcement agency with monthly reports of damage and theft of County property to assist in identifying high risk areas across Pima County in a timely manner.
    - e. Risk Management shall facilitate, at minimum, semi-annual meetings with the Sheriff's Department or prevailing law enforcement agency and Departments that sustained damage or theft of County property. The purpose of these

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meetings will be to discuss incidents, provide updates, review the restitution process, develop action plans, monitor trends, and evaluate the implementation of action plans.

B. Working with the Pima County Attorney's Office:

1. Risk Management shall represent the County Departments as the victim in this process. For Departments that sustained damage and theft of County property, Risk Management shall work with the County Attorney's Office to prepare the case for trial and provide testimony, if necessary.
2. After the arrest of a perpetrator for damage or theft of County property, the County Attorney's Office shall contact Risk Management for information regarding the case. If the Attorney's Office does not contact Risk Management, Risk Management shall contact the County Attorney's Office within 10 business days for a status update.
3. Risk Management shall provide the County Attorney's Office with all the documentation regarding the property damage or theft received from the Department and make a formal request that a restitution award be included as part of the perpetrator's sentence. Risk Management shall provide all necessary documentation for this process.

C. Restitution

1. Awarded:
  - a. The County Attorney's Office shall notify Risk Management that restitution is awarded by the Court.
  - b. Risk Management shall complete a Pima County Restitution Award Notice and submit it to Revenue Management, Revenue & Collections, with all supporting documents.
  - c. Risk Management shall send a copy of the Restitution Award Notice to the Department that sustained the damage or theft.
  - d. The Clerk of the Court shall send all payments to Revenue & Collections. Revenue & Collections shall process all payments and deposit them with the Treasurer.
  - e. Revenue & Collections shall monitor payments. Departments shall be able to track payments in the PimaCore system.
  - f. Risk Management shall update the Property Damage and Theft Tracking Database with payment information upon

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notification of receipt from Revenue & Collections, and close the case when full payment is received.

2. Not awarded:
  - a. The County Attorney's Office shall notify Risk Management that restitution is not awarded by the Court.
  - b. Risk Management shall complete a Pima County Restitution File Closure Notice and submit it to Revenue & Collections and the Department that sustained the damage or theft. By doing this, the case is closed as a restitution file, but turned over to Revenue & Collections to pursue by other means.
  - c. Risk Management shall update the Property Damage and Theft Tracking Database with this information, and notify Revenue and Collections that all documents have been transferred to them.
  - d. Revenue & Collections may still pursue collection of damages.
3. Repair and Replacement of Property:
  - a. In most cases, damaged or stolen property will need to be repaired or replaced before restitution is received. Even if restitution is not awarded by the Court, damaged or stolen property will need to be repaired or replaced.
  - b. In the event of a loss, the Department shall be compensated by Risk Management after all documentation has been received with the Property Loss Claim Form and as outlined on the Form.

## **6. PARENTAL OR LEGAL GUARDIAN LIABILITY**

Any parent(s) or legal guardian(s) having custody and control of a minor who engages in acts of vandalism or theft of County property shall be held personally liable for any and all costs to the County incurred in connection with the repair or replacement of damage or theft caused by actions of said minor. Subsequently, they will be held responsible for all attorney's fees and court costs incurred in connection with the prosecution of any claim for damages or reimbursement for each violation of the minor, as permitted by law.

## **7. REWARD FOR INFORMATION**

- A. Pima County may offer a reward in an amount to be established by resolution of the Board of Supervisors for information leading to the arrest and conviction of any person who willfully damages or destroys County property within the unincorporated boundaries of Pima County. In the

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event of multiple contributors of information, Pima County shall divide the reward amount in a manner deemed appropriate. Diversion of the perpetrator to a community service program or a plea bargain to a lesser offense shall constitute a conviction.

- B. Claims for rewards shall be filed with Pima County in the manner specified by the Board of Supervisors.
- C. No claim for a reward shall be allowed unless Pima County investigates and verifies the accuracy of the claim and recommends the award be awarded.
- D. The perpetrator shall be liable for any rewards paid. If the perpetrator is a minor, the parent(s) or legal guardian(s) having custody and control of said minor shall reimburse Pima County for any reward paid.
- E. No law enforcement officer, County officer, official, employee of Pima County, or family member of the aforementioned shall be eligible for a reward.

Attachment 1

<b>PIMA COUNTY</b>		RISK MANAGEMENT DIVISION 130 W. CONGRESS ST., 9 <sup>TH</sup> FLOOR TUCSON, ARIZONA 85701-1317 (520) 243-4477 FAX (520) 798-1407	
<b>DEPARTMENT OF FINANCE &amp; RISK MANAGEMENT</b>			
<b>Theft/Vandalism Incident Form</b>			
(To be completed by Supervisor or Employee who Discovered Damage)			
Department:		Division:	
Department Contact:		Phone:	
Date of Incident:		Time:	<input type="checkbox"/> AM <input type="checkbox"/> PM
Address:			
Type of Damage:	Exact Location of Damage:		
Item(s) Stolen, Damaged or Destroyed:			
Statement of Incident (including how incident was discovered):			
Action Taken by Staff:			
Estimated Repair or Replacement Cost:			
Are you going to repair? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Witnesses:	Name:	Address:	Phone:
Law Enforcement Agency Notified:	Q	Case Number and Agency (if applicable):	
Photographs: <input type="checkbox"/> Yes <input type="checkbox"/> No (Included with report or to be sent separately)			
Material Damaged by Graffiti/Vandalism:			
<input type="checkbox"/> Asphalt <input type="checkbox"/> Block <input type="checkbox"/> Brick <input type="checkbox"/> Bridges <input type="checkbox"/> Cement <input type="checkbox"/> Concrete <input type="checkbox"/> Culvert <input type="checkbox"/> Drainage <input type="checkbox"/> Plastic <input type="checkbox"/> Sign <input type="checkbox"/> Soil <input type="checkbox"/> Stucco			
Other (describe):			
Repair Method:			
<input type="checkbox"/> Chemical <input type="checkbox"/> Graffiti Removal Service <input type="checkbox"/> Paint <input type="checkbox"/> Pressure Wash <input type="checkbox"/> Other: _____			
Report Completed By: _____		Date: _____	
Approved By: _____		Date: _____	
Repair/Replacement Completed: Date: _____			
Revised 07/26/2012			

Attachment 2 – Property Damage Tracking Sheet, header and one example

Left Side

Department Name:						
Division	Date of Incident	Address	Law Enforcement Agency Notified	Pictures Taken	Type of Incident (Vandalism or Theft)	Statement of Incident
NRPR	1/11/12	4502 N. 1st Avenue	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Who: PCSD Case Number: 123456789000	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Theft	Copper wire pulled from field box. Approximately 300 feet.

Right Side

Action Taken	Material Damaged (see codes below)	Estimated Cost to Repair or Replace	Abatement Method (see codes below)	Report Completed by	Date Sent to Risk Management	
					Month	Year
Called Supervisor for further instruction.	11	\$3,000	E	John Smith	May	2012

Attachment 3

**PIMA COUNTY  
DEPARTMENT OF FINANCE & RISK MANAGEMENT**

**RISK MANAGEMENT DIVISION  
130 W. CONGRESS ST., 9th FLOOR  
TUCSON, ARIZONA 85701-1317  
(520) 724-4477 FAX (520) 222-1407**

**Property Loss Form  
Fire Damage, Theft/Vandalism or Other Property Loss**

Loss Involves:  County Building  County-Owned Property  
 Department: \_\_\_\_\_ Division: \_\_\_\_\_  
 Person to Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

> **FACTS**  
 Date of Loss: \_\_\_\_\_ Time: \_\_\_\_\_  AM  PM Photos:  No  Yes (Please send any photos)  
 Address: \_\_\_\_\_ Exact Location of Damage: \_\_\_\_\_  
 Description of Events: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Fire Extinguisher Use:  Yes  No If yes, what type? \_\_\_\_\_  
 Facilities Management Notified:  Yes  No Contact Name: \_\_\_\_\_  
 Supervisor Notified: \_\_\_\_\_ Phone: \_\_\_\_\_

> **PROPERTY** (Include manufacturer and replacement cost)  
 Person(s) who discovered loss: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
 Description of property and damage involved: \_\_\_\_\_  
 \_\_\_\_\_

Asset Tag #: \_\_\_\_\_ Estimated Replacement Cost: \$ \_\_\_\_\_ Related Costs: \$ \_\_\_\_\_  
 Manufacturer: \_\_\_\_\_

> **PARTY RESPONSIBLE FOR LOSS**  
 Name (if known): \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_

> **WITNESSES**  
 1. Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 2. Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_

> **LAW ENFORCEMENT NOTIFICATION:** Agency: \_\_\_\_\_  
 Date Reported: \_\_\_\_\_ Report #: \_\_\_\_\_ Copy of Report included \_\_\_\_\_

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Report Completed By: \_\_\_\_\_ Date: \_\_\_\_\_

Approved By (Authorized Supervisor): \_\_\_\_\_ Date: \_\_\_\_\_

**MAIL COMPLETED FORM TO: Risk Management, 130 West Congress, DT-ABS-109, 9<sup>th</sup> Floor, Tucson, AZ 85701  
 FAX COMPLETED FORM TO: 222-1407**

Is loss amount under department deductible?  Yes  No (see below description of department deductible)

In the event of a loss, departments pay the first \$5,000 of loss and 20% of the next \$20,000 for a maximum expenditure of \$5,000 per loss. Any loss in excess of \$5,000 shall be paid from the Self Insurance Trust Fund.