

Theft of Service

401.1 PURPOSE AND SCOPE

The purpose of this order is to establish guidelines for personnel of the Washington Suburban Sanitary Commission Police Department (WSSC PD) in the investigation and enforcement of incidents of "Theft of Service."

The Washington Suburban Sanitary Commission Police Department (WSSC PD) will investigate and enforce specific provisions of the Maryland Public Utilities Article, Section 29-101 of the Annotated Code of Maryland as they apply to Theft of Service defined under the Plumbing & Fuel Gas Code of the Washington Suburban Sanitary Commission.

401.2 DEFINITIONS

Theft of Service is defined as tampering with, installing, tapping, removing, displacing or making any connection with any pipe, valve, fire hydrant, meter, fitting, connection, or other fixture or equipment of the Commission, with the intent to obtain water or sewer service; dumping or discharging, directly or indirectly into the Commission's sanitary sewer or at a non-controlled place without permission or payment thereof.

401.3 RELEVANT LAW

Maryland Criminal Law, Utilities, Section 6-305 C (1) establishes that a person may not wrongfully and maliciously connect, disconnect, tap, interfere or tamper with, or make a connection with water equipment that belongs to a company, municipal corporation, county, or unit of State or local government that uses or supplies water for domestic, agricultural, or manufacturing purposes; or (2) tamper with a meter used to register the water consumed.

WSSC Plumbing & Fuel Code, Theft of Services, Section 110.1, Intent to Obtain Services Without Payment-Tampering establishes that unless otherwise allowed by law or by prior written permission of the Commission, a person shall not tamper with, install, tap, remove, displace, or make any connection with any pipe, valve, fire hydrant, meter, fitting, connection or other fixture, appurtenance, or equipment of the Commission with the intent to obtain water or sewer service without payment therefor.

WSSC Plumbing & Fuel Code, Theft of Commission Services, Section 110.2, Intent to Divert Services establishes that unless otherwise allowed by law or by prior written permission of the Commission, a person may not make or cause to be made any pipe, tube, or other instrument or contrivance or connect the same or cause it to be connected with any water or sewer main, service connection, or other pipes for conducting or supplying water in such manner as to be calculated to supply water around or without passing through a meter provided by the Commission for the measuring and registering of the quantity of water and/or sewer usage.

WSSC Plumbing & Fuel Code, Theft of Commission Services, Section 110.2.2, Illegal Sewer Connection or Discharge prohibits water from any source that has not first been measured and

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registered through a Commission water meter shall not be discharged to the Commission's sanitary sewer system, unless specifically allowed by this Code.

401.4 PROCEDURES

- (a) Upon receiving a complaint of or observing a theft of service allegation, Police Officers of the WSSC Police Department shall:
1. Make every effort to respond promptly and conduct a thorough preliminary investigation of any Theft of Service allegation.
 2. The preliminary investigation may include but is not limited to examination of the site for evidence of a theft of service; interview of witnesses to determine facts and expertise in the violation; Interview of the violator/suspect of the theft of service.
 3. When appropriate, cite the violator using a State of Maryland Uniformed Civil Citation, utilizing the appropriate Theft of Service or Illegal Discharge of Septic Waste section outlined, in accordance with Maryland Public Utilities Article, Section 29-101, Annotated Code of Maryland.
 4. Complete the Maryland Uniform Civil Citation in accordance with procedures delineated in Commission Regulation Chapter 2.15.
 5. Utilize the rear of the court copy to summons any needed witnesses to the event.
 6. Complete an Incident Report outlining all pertinent facts and evidence supporting any charge(s), including estimation of the loss of services and/or water stolen in gallons.
 7. If any property is found; seize and recovery of evidence should be handled in accordance with Property policy.
 8. Violations not witnessed by a charging officer requires the issuance of an "affidavit of facts" with the citation detailing the evidence and witnesses supporting an event.
 9. Civil Fines for Theft of Service or Illegal Waste Dumping are as follows:
 - (a) First Offense: \$250.00
 - (b) Second Offense: \$500.00
 - (c) Third Offense: \$750.00
 - (d) Fourth and Subsequent Offenses:\$1000.00
 1. Progressions of fines apply only if the same violator commits another offense on a subsequent day or if the same infraction remains uncorrected after a reasonable time to correct has lapsed.
- (b) In those cases, where it is unclear if the violation has been committed, all facts and evidence should be documented in a WSSC Police Department Incident Report for possible follow-up by the Investigative Unit of the WSSC Police Department.

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- (c) The guidelines set forth in this order shall not preclude an officer from utilizing reasonable discretion in the enforcement of Theft of Services.
- (d) All citations issued shall be turned in at the close of the officer's shift and shall be forwarded without unnecessary delay to their respective Commander or designee.

401.5 INVESTIGATIVE RESPONSIBILITY

- (a) Responsibility for conducting follow-up investigations into Theft of Service and/or Illegal Waste Dumping cases that are complex or prolonged in nature, shall rest with the Investigative Unit.
- (b) Upon receiving notification from a Commission member or other person that an individual(s) or business is receiving Commission water or sewer services without paying for use, the Investigative Supervisor will initiate and assign an investigation into the matter in an effort to determine if the alleged allegation is true.
- (c) In addition, an Incident Report for each instance of Theft of Service or Illegal Waste Dumping shall be prepared by the assigned investigator outlining the investigative steps and conclusion of their investigation.
- (d) The Investigative Supervisor will be responsible for ensuring that each Theft of Service or Illegal Waste Dumping case assigned is appropriately documented to indicate what was done during the follow-up phase of the investigation.