

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 9.05
		Issue Date: March 21, 2005
		Revision Date:
CHAPTER: Traffic Operations		Related Policy: G.O. 9.03 (Issuance of Multiple UTCs), G.O. 9.08 (Vehicle Tow/Impound), G.O. 11.04 (Property/Evidence)
SUBJECT: Cutting and Transporting Forest Products		Related Laws: ORS 164.813, ORS 164.825

POLICY: Employees must act reasonably and within the limits of their authority as defined by statute and judicial interpretation, insuring that the rights of both the individual and society are protected.

RULE: None

PROCEDURE:

I. Vehicle Stops

- A. Vehicle stops under these laws involve illegal cutting, selling, or the transporting of minor forest products. "Special forest products" means firewood, posts, poles, shake boards, shake or shingle bolts, or split products, excluding mill ends, driftwood, and artificially fabricated fireplace logs.
- B. USE DISCRETION in stopping vehicles to prevent perceived abuse of this law. Things to consider for making vehicle stops or investigations:
 - 1. Consider the load. Most permits do not allow the cutting of green or standing hardwood or fir trees.
 - a. Suspects will often cut wood in long lengths (6'-8') in order to leave an area quickly.
 - b. Almost any vehicle coming out of the woods at night carrying wood should be stopped.
 - 2. Determine presence of violation.
 - a. Check for permit.
 - b. Insure the suspect is the permittee. One cannot lend wood cutting permits to another.
 - c. The permittee must be present.
 - d. A bill of sale will be adequate if not carrying a permit.

- e. The load of firewood must exceed one (1) cubic yard to be in violation (Cord Measure).
- C. Stops involving a suspect claiming ownership of the Land from which the wood has been removed:
1. Note the geography.
 2. Is the suspect cooperative and helpful?
 3. Attempt to pinpoint the location from which the wood was reportedly removed.
 4. Request to substantiate the claim of property ownership.
 5. If possible, and convenient, with the suspect's permission, respond and investigate the cutting site from which the wood had been removed.
 6. If not satisfied with the suspect's claim of ownership, you may cite the suspect for the violation.

NOTE: You cannot enter the suspect's property without his permission to investigate his claim. However, if he/she denies you access, you may cite for the violation which leaves the burden of proof for him to substantiate ownership later during a trial.

II. Exemptions

The cutting or transportation of special forest products by the owner of the land from which they were taken, or by the owner's agent, or the transportation of minor forest products by a common contract carrier is a noted exemption.

III. Evidence

- A. Photograph the vehicle with license number.
- B. Photograph the wood in the vehicle and/or trailer.
- C. If possible, photograph the cutting site during your investigation.
- D. If the suspect does not object, photograph him with his vehicle or the cutting site.
- E. Secure at least one (1) piece of wood for real evidence.
- F. Note and document the types of wood involved, the dimensions, and size of load.

- G. Photograph tools involved.
- H. Secure serial number from chain saw(s) or tool(s) used.

IV. Disposing of Wood Involved

- A. If the suspect is caught cutting minor forest products at the scene:
 - 1. Have him unload the wood from his vehicle at that location.
 - 2. Notify, if possible, the landowner and advise of the location.
 - 3. Have the property owner respond and secure the evidence.
 - 4. If the owner does not wish to respond, advise him that the wood will be left at the scene.
- B. If the suspect is caught in violation of transporting or selling of minor forest products only, and if the owner of the wood is known:
 - 1. Have the suspect transport the wood to the owner's facility (within reason) or have the owner respond to secure the wood.
 - 2. If the prior options are not practical, allow the suspect to retain the wood and advise him that he may have to produce the wood for trial purposes and/or return it to the rightful owner.
- C. If the suspect is caught in violation of transporting or selling of minor forest products and the owner is not known and cannot be determined:
 - 1. Allow the suspect to retain the wood.
 - 2. Advise the suspect that he may have to produce the wood at a later time for trial purposes or return it to the rightful owner, if determined.