



## **THEFT OF RENTAL, LEASED OR LEASE-PURCHASED PROPERTY PROCEDURES**

Theft of Rented or Leased Property is an issue that is especially important to your business. The Kennewick Police Department and the local prosecuting authorities work hard to hold people accountable for these crimes. However, the first and most effective step toward making these cases prosecutable must be taken by you and your employees.

Please review the outlined procedures below to initiate a prosecutorial review for charges for Theft of Rental, Leased, or Lease-Purchased Property as defined in KMC 10.10.190. Each step must be followed carefully to ensure that your case has the best possible chance to be effectively prosecuted. In matters where today's replacement cost is less than \$750.00, your case should be referred to the Kennewick City Attorney's Office. In matters where today's replacement cost is \$750.00 or more, your case should be referred to the Benton County Prosecutor's Office.

For questions or concerns, please contact the Kennewick City Attorney's Office at (509) 585-4274 or the Benton County Prosecutor's Office at (509) 735-3591.

### **PROCEDURES AND PROCESS:**

1. Review the Rental or Lease-Purchase Agreement to ensure that either at least 72 hours has passed since the time for return of property expired OR that at least 30 days have elapsed since a periodic payment was due.
2. A written demand letter must be mailed **Certified or Registered Mail** to the renter or lessee. This letter must be mailed to the last known address of the renter or lessee as provided in writing to the owner or owner's agent. This letter must contain verbiage that allows a minimum of 72 hours from the date of receipt of the letter to return the property rented or leased. A copy of this letter and the return receipt from the U.S. Post Office must be provided with the prosecution request worksheet.
3. In addition to the letters, it is preferable, but not required that you attempt to make personal or telephone contact with the lessee and request payment or return of the property. Make detailed notes about the contact or attempted contact that includes date, time, who the contact was made with, and any statements the person contacted makes about the renter or lessee or the reason that the renter or lessee has not returned/paid for the property.
4. After five (5) days have elapsed from the mailing of the letter, you may submit the prosecution packet to the appropriate agency. The packet **MUST** include all of the items listed on the worksheet checklist or it will be returned to you unprocessed.
5. After submission, the prosecuting authority will review the file. If the prosecuting authority determines that the information provided is legally sufficient to proceed, the prosecutor will start a criminal action by filing a complaint in the proper court, either Benton County District Court or Benton County Superior Court.
6. The court will issue a summons on the complaint ordering the defendant to appear and answer to the charge of Theft of Rental, Leased, or Lease-Purchased Property. The defendant can either elect to have a trial on the matter, or the defendant can resolve the matter by way of a guilty plea. If the defendant fails to appear for court, a bench warrant will be issued and the matter will be adjudicated only after the defendant resolves the warrant. If the defendant opts for a trial, you will be summoned to testify during trial.
7. If you are contacted by the defendant after criminal charges have been filed, you may choose to make arrangements with him/her however you wish. However, payment of the restitution or return of the property to the victim does not result in automatic dismissal of the criminal case, nor does it relieve the defendant of his or her responsibility to appear in court. Never tell anyone that they may disregard a court notice or miss a court date!
8. Restitution will be requested as a result of any resolution short of dismissal/acquittal. You should be able to provide documentation proving the fair market value of the item(s) AND your replacement cost(s) for any item(s) that were the subject of prosecution. The Court traditionally does not award restitution in excess of the current fair market value of the item, less any payments the defendant made on the item.

### **For additional information, contact:**

Kennewick Police Department, Crime Prevention Unit: (509) 585-4208  
211 W 6<sup>th</sup> Avenue, Kennewick WA 99336

Kennewick City Attorney's Office: (509) 585-4274  
210 W 6<sup>th</sup> Avenue, Kennewick WA 99336

Benton County Prosecutor's Office (509) 735-3591  
7122 W Okanagon Place, Kennewick WA 99336

**THEFT OF RENTAL, LEASED, OR LEASE-PURCHASED PROPERTY WORKSHEET**

This form must be completed in its entirety or it will not be accepted.

A. **COMPLAINANT/BUSINESS/VICTIM**

Name of person submitting complaint: \_\_\_\_\_

Name of business or victim: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_

B. **RENTAL, LEASE, OR LEASE-PURCHASE AGREEMENT INFORMATION**

1. List property which is subject to the agreement: \_\_\_\_\_  
\_\_\_\_\_

2. Total dollar amount of payments received to date: \_\_\_\_\_.

3. Fair Market Value of property: \_\_\_\_\_.

4. Replacement Cost of property: \_\_\_\_\_.

5. Property Return Date or Date of Periodic Payment Due: \_\_\_\_\_.

C. **RENTER/LESSEE INFORMATION**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Identification State: \_\_\_\_\_ Identification No. \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Telephone No. \_\_\_\_\_

**ATTACHMENTS:**

- \_\_\_ Completed Theft of Stolen, Leased, or Lease-Purchased Property Worksheet (attached)
- \_\_\_ Copy of the Rental or Lease-Purchase Agreement
- \_\_\_ Rental or Lease-Purchase Agreement Summary (indicating payments made, how much owed, etc.)
- \_\_\_ Copy of Notes about Telephone and/or Personal Contacts or Attempted Contacts
- \_\_\_ Copy of the Letter Sent & the Return Receipts
- \_\_\_ Any Other Relevant File Information You Would Like Considered.

*I swear under penalty of perjury that the foregoing information and the attachments hereto are true and correct to the best of my knowledge.*

\_\_\_\_\_  
Complainant

\_\_\_\_\_  
Date