

# California Legislature



June 14, 2023

The Honorable Pedro Nava  
Chair, The Little Hoover Commission  
925 L Street, Suite 805  
Sacramento, CA 95814

## **RE: Request to Research and Report on Retail Theft in California**

Dear Chair Nava:

We respectfully request that the Little Hoover Commission investigate retail theft, shoplifting, and organized retail theft in California, and publish a report detailing its findings. Rising crime rates in 2021 led to increased criticism of Proposition 47 including claims that it leaves law enforcement and prosecutors unable to do their jobs. However, a lack of aggregated data makes it difficult to substantiate these claims. In order for the Legislature to best address retail theft it must have a better understanding of what is actually occurring from a data-driven viewpoint.

In 2014, California voters approved Prop. 47 which reclassified certain drug possession offenses and property offenses less than \$950 from felonies or wobblers to misdemeanors, and created the misdemeanor offense of shoplifting. Reports of increased theft post-Prop. 47 have led to heightened scrutiny of law enforcement's ability to respond effectively with agencies and prosecutors arguing that Prop. 47 restricts their ability to arrest and prosecute perpetrators and leaves them unable to adequately address the rise in crime.

In contrast, supporters of Proposition 47 point to substantially reduced prison populations and historically low crime rates in 2020 as some of the successes of the legislation, and research in other states has shown that raising the felony theft threshold has no impact on crime. Others still feel that while there are ample laws on the books to arrest and prosecute individuals for theft, law enforcement may not be as motivated to make arrests when felony charges are not an option. With convincing arguments from both support and opposition as well as a lack of concrete information on retail theft, it is difficult to ascertain the actual impact of Prop 47.

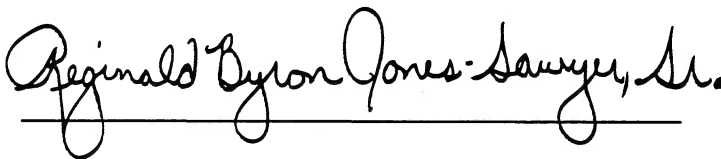
We recognize the Commission's long standing reputation as a trusted provider of independent research to the Legislature. This is why we request that the Commission shed light on this multi-faceted issue by investigating retail theft, shoplifting, and organized crime and publishing a report including specific data on the number of reported thefts, the value of thefts, and the responses made by law enforcement and prosecutors. Specifically, we request a report which provides:

- Information including the number of reported retail thefts, shoplifting, and organized retail thefts, the size of the business, the type of property reported stolen, and monetary value of the property reported stolen.
- Information on law enforcement's response to reports of retail theft, shoplifting, and organized retail theft, including, the average amount of time taken by the law enforcement agency to respond, whether the report was investigated by law enforcement, whether an arrest was made in response to each report, whether a citation was made in response to each report, and, if so, which, and whether the investigating law enforcement referred the case to the district attorney for prosecution.
- Information on whether the district attorney who received reports of retail thefts, shoplifting, and organized retail thefts from law enforcement agencies filed criminal charges in each case, and, if charges were not filed, the extent to which this was due to the district attorney's determination that there was insufficient evidence to prosecute the offense, due to policies relating to the prioritization of filing charges in these types of cases, or due to some other reason for declining to file criminal charges in these cases.
- Countywide statistical information, including the amount of reports of theft, shoplifting, and organized retail theft made to law enforcement in each county as well as the corresponding response, the amount of citations given, the number of cases referred to the district attorney for prosecution, and the disposition of each case referred to the district attorney in each county.

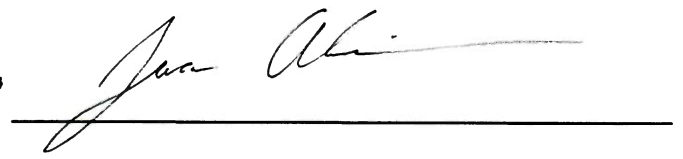
This information will allow lawmakers to gain a better understanding of retail theft and the effects of Proposition 47.

Thank you for your consideration of this request.

Sincerely,



REGINALD BYRON JONES-SAWYER, SR.  
State Assemblymember, 57<sup>th</sup> District



JUAN ALANIS  
State Assemblymember, 22<sup>nd</sup> District



DAWN ADDIS  
State Assemblymember, 30<sup>th</sup> District



REBECCA BAUER-KAHAN  
State Assemblymember, 16<sup>th</sup> District



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MARC BERMAN  
State Assemblymember, 23<sup>rd</sup> District



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LAURIE DAVIES  
State Assemblymember, 74<sup>th</sup> District



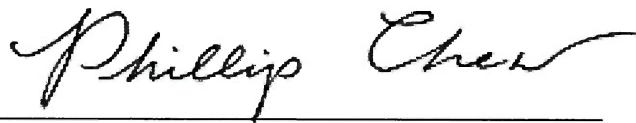
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JUAN CARRILLO  
State Assemblymember, 39<sup>th</sup> District



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DIANE DIXON  
State Assemblymember, 72<sup>nd</sup> District



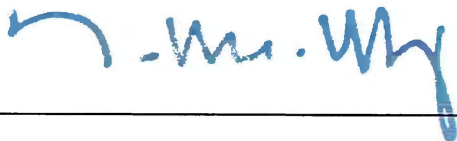
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PHILLIP CHEN  
State Assemblymember, 34<sup>th</sup> District



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BILL ESSAYLI  
State Assemblymember, 63<sup>rd</sup> District



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DAMON CONNOLLY  
State Assemblymember, 12<sup>th</sup> District



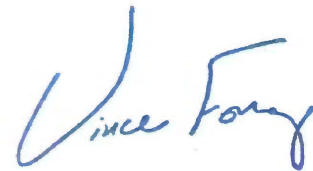
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HEATH FLORA  
State Assemblymember, 9<sup>th</sup> District



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MEGAN DAHLE  
State Assemblymember, 1<sup>st</sup> District



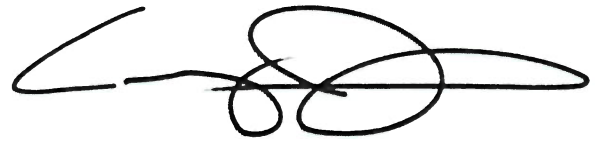
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VINCE FONG  
State Assemblymember, 32<sup>nd</sup> District



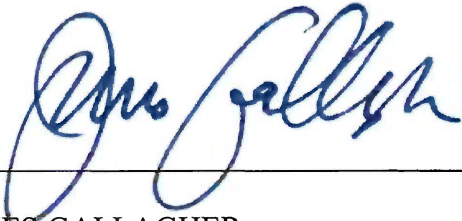
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LAURA FRIEDMAN  
State Assemblymember, 44<sup>th</sup> District



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CORY A. JACKSON, DSW, MSW.  
State Assemblymember, 60<sup>th</sup> District



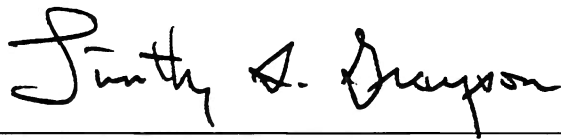
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JAMES GALLAGHER  
State Assemblymember, 3<sup>rd</sup> District



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TOM LACKEY  
State Assemblymember, 34<sup>th</sup> District



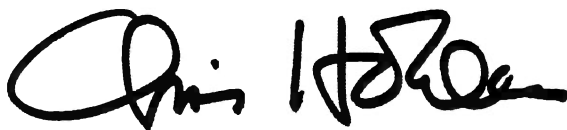
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TIMOTHY S. GRAYSON  
State Assemblymember, 15<sup>th</sup> District



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EVAN LOW  
State Assemblymember, 26<sup>th</sup> District



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CHRIS HOLDEN  
State Assemblymember, 41<sup>st</sup> District



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JOSH LOWENTHAL  
State Assemblymember, 69<sup>th</sup> District



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JOSH HOOVER  
State Assemblymember, 7<sup>th</sup> District



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DEVIN MATHIS  
State Assemblymember, 33<sup>rd</sup> District



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AL MURATSUCHI  
State Assemblymember, 66<sup>th</sup> District



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JOE PATTERSON  
State Assemblymember, 5<sup>th</sup> District



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STEPHANIE NGUYEN  
State Assemblymember, 10<sup>th</sup> District



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GAIL PELLERIN  
State Assemblymember, 28<sup>th</sup> District



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BLANCA PACHECO  
State Assemblymember, 64<sup>th</sup> District



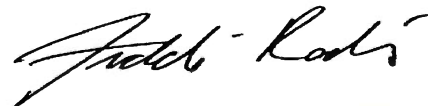
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JAMES C. RAMOS  
State Assemblymember, 45<sup>th</sup> District



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DIANE PAPAN  
State Assemblymember, 21<sup>st</sup> District



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FREDDIE RODRIGUEZ  
State Assemblymember, 53<sup>rd</sup> District



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JIM PATTERSON  
State Assemblymember, 8<sup>th</sup> District



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BLANCA E. RUBIO  
State Assemblymember, 48<sup>th</sup> District





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KATE SANCHEZ  
State Assemblymember, 71<sup>st</sup> District



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CARLOS VILLAPUDUA  
State Assemblymember, 13<sup>th</sup> District



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MIGUEL SANTIAGO  
State Assemblymember, 54<sup>th</sup> District



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MARIE WALDRON  
State Assemblymember, 75<sup>th</sup> District



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ESMERALDA SORIA  
State Assemblymember, 27<sup>th</sup> District



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GREG WALLIS  
State Assemblymember, 47<sup>th</sup> District



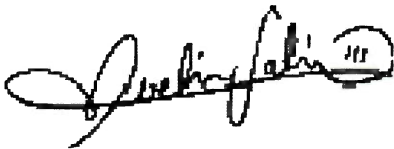
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TRI TA  
State Assemblymember, 70<sup>th</sup> District



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AKILAH WEBER, M.D.  
State Assemblymember, 79<sup>th</sup> District



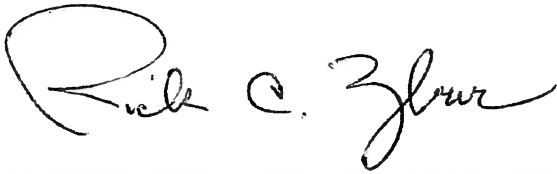
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AVELINO VALENCIA  
State Assemblymember, 68<sup>th</sup> District



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LORI WILSON  
State Assemblymember, 11<sup>th</sup> District




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RICK CHAVEZ-ZBUR  
State Assemblymember, 51<sup>st</sup> District



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ANNA M. CABALLERO  
State Senator, 14<sup>th</sup> District



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MARIE ALVARADO-GIL  
State Senator, 4<sup>th</sup> District



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DAVE CORTESE  
State Senator, 15<sup>th</sup> District



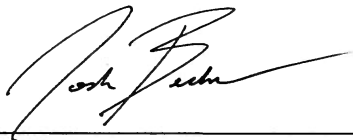
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BOB ARCHULETA  
State Senator, 30<sup>th</sup> District



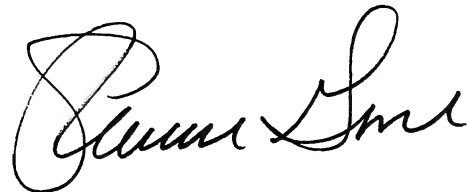
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BRIAN DAHLE  
State Senator, 1<sup>st</sup> District



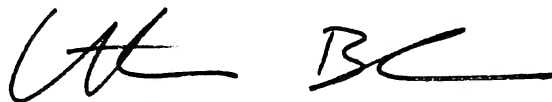
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JOSH BECKER  
State Senator, 13<sup>th</sup> District



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SHANNON GROVE  
State Senator, 12<sup>th</sup> District



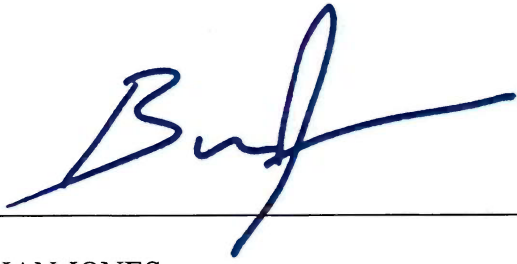
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CATHERINE BLAKESPEAR  
State Senator, 38<sup>th</sup> District



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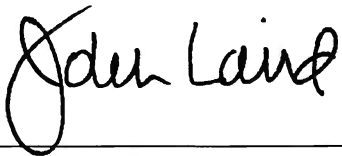
MELISSA HURTADO  
State Senator, 16<sup>th</sup> District



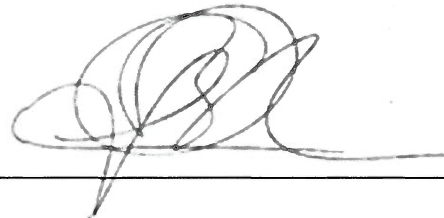
BRIAN JONES  
State Senator, 40<sup>th</sup> District



ROGER NIELLO  
State Senator, 6<sup>th</sup> District



JOHN LAIRD  
State Senator, 17<sup>th</sup> District



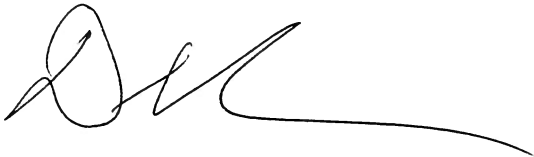
ROSILICIE OCHOA BOGH  
State Senator, 23<sup>rd</sup> District



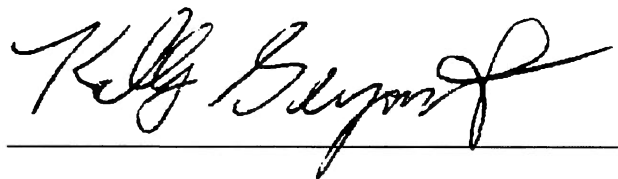
MONIQUE LIMON  
State Senator, 19<sup>th</sup> District



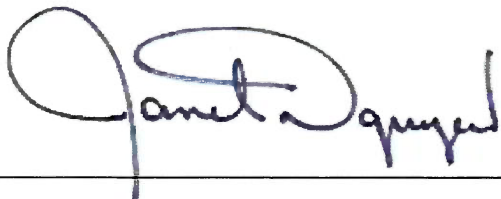
SUSAN RUBIO  
State Senator, 22<sup>nd</sup> District



DAVE MIN  
State Senator, 37<sup>th</sup> District



KELLY SEYARTO  
State Senator, 32<sup>nd</sup> District



JANET NGUYEN  
State Senator, 36<sup>th</sup> District



HENRY STERN  
State Senator, 27<sup>th</sup> District





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TOM UMBERG  
State Senator, 34<sup>th</sup> District



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AISHA WAHAB  
State Senator, 10<sup>th</sup> District