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, 57th District

JUAN ALANIS
State Assemblymember, 22nd District

DAWN ADDIS
State Assemblymember, 30th District

REBECCA BAUER-KAHAN
State Assemblymember, 16th District
MARC BERMAN  
State Assemblymember, 23rd District

LAURIE DAVIES  
State Assemblymember, 74th District

JUAN CARRILLO  
State Assemblymember, 39th District

DIANE DIXON  
State Assemblymember, 72nd District

PHILLIP CHEN  
State Assemblymember, 34th District

BILL ESSAYLI  
State Assemblymember, 63rd District

DAMON CONNOLLY  
State Assemblymember, 12th District

HEATH FLORA  
State Assemblymember, 9th District

MEGAN DAHLE  
State Assemblymember, 1st District

VINCE FONG  
State Assemblymember, 32nd District
LAURA FRIEDMAN  
State Assemblymember, 44th District

CORY A. JACKSON, DSW, MSW.  
State Assemblymember, 60th District

JAMES GALLAGHER  
State Assemblymember, 3rd District

TOM LACKEY  
State Assemblymember, 34th District

TIMOTHY S. GRAYSON  
State Assemblymember, 15th District

EVAN LOW  
State Assemblymember, 26th District

CHRI$ HOLDEN  
State Assemblymember, 41st District

JOSH LOWENTHAL  
State Assemblymember, 69th District

JOSH HOOVER  
State Assemblymember, 7th District

DEVIN MATHIS  
State Assemblymember, 33rd District
AL MURATSUCHI
State Assemblymember, 66th District

STEPHANIE NGUYEN
State Assemblymember, 10th District

BLANCA PACHECO
State Assemblymember, 64th District

DIANE PAPAN
State Assemblymember, 21st District

JIM PATTERSON
State Assemblymember, 8th District

JOE PATTERSON
State Assemblymember, 5th District

GAIL PELLERIN
State Assemblymember, 28th District

JAMES C. RAMOS
State Assemblymember, 45th District

FREDDIE RODRIGUEZ
State Assemblymember, 53rd District

BLANCA E. RUBIO
State Assemblymember, 48th District
KATE SANCHEZ  
State Assemblymember, 71st District

CARLOS VILLAPUDUA  
State Assemblymember, 13th District

MIGUEL SANTIAGO  
State Assemblymember, 54th District

MARIE WALDRON  
State Assemblymember, 75th District

ESMERALDA SORIA  
State Assemblymember, 27th District

GREG WALLIS  
State Assemblymember, 47th District

TRI TA  
State Assemblymember, 70th District

AKILAH WEBER, M.D.  
State Assemblymember, 79th District

avelino valencia  
State Assemblymember, 68th District

LORI WILSON  
State Assemblymember, 11th District
RICK CHAVEZ-ZBUR
State Assemblymember, 51st District

ANNA M. CABALLERO
State Senator, 14th District

MARIE ALVARADO-GIL
State Senator, 4th District

DAVE CORTESE
State Senator, 15th District

BOB ARCHULETA
State Senator, 30th District

BRIAN DAHLE
State Senator, 1st District

JOSH BECKER
State Senator, 13th District

SHANNON GROVE
State Senator, 12th District

CATHERINE BLAKESPEAR
State Senator, 38th District

MELISSA HURTADO
State Senator, 16th District
TOM UMBERG
State Senator, 34th District

AISHA WAHAB
State Senator, 10th District