



California Senate Republican Caucus

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December 13, 2023

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

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

Dear Chairperson Nava:

Thank you for the Commission's commitment to investigating and addressing the pressing public safety issue of rampant retail theft.

In 2014, California voters approved Proposition 47, the "Safe Neighborhoods and Schools Act," a progressive criminal reform push that reduced theft under \$950 to a misdemeanor, drastically decreasing the penalties for theft. During the nine years since Proposition 47 passed, our justice system and the quality of life in our state have been significantly negatively impacted. While Prop 47 has its supporters, most would argue that its changes did not improve our communities and that, in fact, the initiative has been an unmitigated disaster on many fronts.

The justice system has been overwhelmed by the vast number of misdemeanor cases including those resulting from Prop 47 and changing attitudes toward theft. Just last month, Sacramento Sheriff, and former Democrat Assemblyman, Jim Cooper noted that "in Sacramento County alone, there are over 33,000 outstanding misdemeanor warrants," and "as a result of Proposition 47 individuals who repeatedly commit theft and drug crimes suffer no consequences." In addition to looking at statistics on law enforcement response, the commission should consider the resources that are needed for response, prosecution, and defense of individuals who commit theft.

Not only did the measure inherently decrease our ability to solve many violent crimes and allow public substance abuse and theft to proliferate, but it has also created a dramatic negative shift in public opinion and trust in our justice system. Californians now regularly witness rampant acts of theft and drug abuse on a daily basis without consequence. It seems as though not a day goes by without a report of another local store closure or a new video of an individual casually sweeping shelves only to walk out of the store without paying. These aren't just news reports, they are a reality of daily life for too many Californians that has led to a reputation that crime, in particular theft, is essentially "legal" in this state. One report indicates that consumers are paying an additional \$500 per year for products due to lost revenue from retail theft. At the same time, prior attempts to repeal or modify the initiative to address these issues have all been rebuffed in the legislature.

While there is some research on the impact of Prop 47, it has mostly been exploring Prop 47's impact on increasing property crime rates. In contrast, there has been little effort put into identifying the practical impact that this reduction in criminal penalties has had on related entities and systems. The members of our caucus have each heard from local communities and businesses about the increase in theft and the inability of law enforcement to timely respond or prosecute the high volume of cases. Further, when businesses do report these crimes, they are saddled with the cost of reporting, the stigma resulting from repeated reports, pressure from advocates or governmental officials, rising insurance costs, and potential lawsuits if there are injuries during a response to a theft. As a result, we know that many businesses and corporations simply don't contact law enforcement or report instances of theft. **Given this underreporting, we are concerned that reliance on criminal statistics alone may result in an inaccurate reflection of the impact. We urge the commission to consider this and ensure that these unreported/underreported cases of theft are actually considered when estimating the impact.**

Again, we appreciate the Commission's efforts in reviewing the initiative's impact on retail theft. We recognize that the task at hand is extremely broad in scope, but we look forward to gathering accurate statistics that will allow for a meaningful discussion and reform and/or repeal of this flawed measure.

Sincerely,



Brian W. Jones
Senate Minority Leader
40th Senate District



Rosilicie Ochoa Bogh
Vice Chair, Public Safety Committee
23rd Senate District



Brian Dahle
1st Senate District



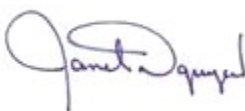
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