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**TO:** All Members of the California Legislature

**FROM:** California Police Chiefs Association, Peace Officers Research Association of California

**RE:** Proposed Amendments to Retail Theft Legislation

**DATE:** June 11, 2024

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On behalf of the California Police Chiefs Association (CPCA) and the Peace Officers Research Association of California (PORAC), we write to respectfully share our concerns with proposed amendments to the packages of retail theft bills currently moving through the Senate and Assembly. These amendments include an inoperability clause tied to a pending initiative to reform Proposition 47 (the Homelessness, Drug Addiction, and Theft Reduction Act), which could effectively negate the collective work put forward this year on legislation to address a myriad of issues surrounding the increase in theft-related crimes. Instead, we believe both the legislation and the initiative are needed to address the scope of the problems we are facing, and therefore the bills should not present an either-or decision.

Among our organizations, we support nearly all of the bills within the proposed collection of theft-related legislation. While most of these measures target various facets of retail theft, others focus more broadly – including on car burglary. The bills specific to retail theft primarily increase penalties for organized crimes and strengthen sanctions and protections against the sale of stolen goods. These are pragmatic measures that will help combat the organized criminal element and/or those stealing as part of a scheme to profit from the sale of stolen goods.

However, and despite these positive and collaborative measures, we strongly feel that to meaningfully impact the rampant theft crisis in our state, we must restore the penalties removed by Proposition 47 for those who steal again and again and again but for *personal gain*, and not necessarily with an intent to sell or profit. This is the single biggest issue law enforcement is facing in respect to theft crimes – those taking out of personal want, not for need, without desire to sell but doing so because there is a lack of consequence that is all too well understood. The only way to restore these penalties is to reform Proposition 47, which is a primary reason we are in support of the initiative. Without addressing this critical component, we do not believe we will be ultimately successful in creating long-lasting policy solutions to the problems we have all identified.

We appreciate the bipartisan work accomplished by the Assembly and Senate, and for the attention leadership has given this critical issue. It is our sincere hope that the legislative package and the initiative can work in tandem to correct the evident problems created by the massive shifts that have

occurred throughout our criminal justice system in the last decade. It will take a collaborative effort by all to ultimately be successful in improving the safety of our communities, whether it is dealing with theft or more violent crimes.

Lastly, while this is not something in the direct control of the Legislature but is a concern raised to our organizations, we must state definitively that any use of the inoperability clauses by the Attorney General in Title and Summary for the initiative is inappropriate and outside the parameters set forth in existing law. California election law requires those descriptions and labels to be “true and impartial” and “neither be an argument, nor be likely to create prejudice, for or against the proposed measure.” As such, any reference to these inoperability clauses we believe will violate this legal standard. Again, this is not something the Legislature can fully control, but nonetheless we feel it necessary to state our position on the matter as it is being highlighted as justification to oppose the legislation.

These are complex issues, yet our organizations are solely focused on finding solutions that make California safer for all. Towards that effort, we stand ready to continue collaborating wherever we can, and are grateful for your attention to the matters outlined above.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Avelar". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tracy Avelar  
President CPCA

A handwritten signature in black ink, appearing to read "Brian Marvel". The signature is bold and stylized, with a prominent horizontal line across the bottom.

Brian Marvel  
President, PORAC