



ISSUE BRIEF | Center for the American Worker and AFPI-California

PROTECTING CALIFORNIA'S RETAILERS FROM THEFT

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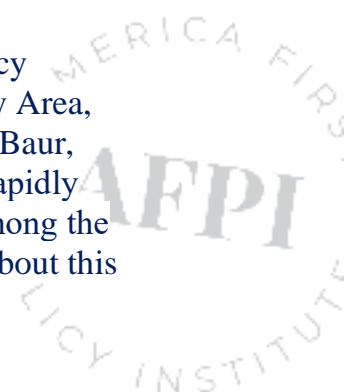
TOPLINE POINTS

- California retailers face an onslaught of theft that threatens their economic viability, places workers in dangerous situations, and damages Californians' sense of safety in their communities.
- This scourge of retail crime is particularly harmful in California's largest cities, Los Angeles and San Francisco, where prosecutors have neglected their duty to hold criminals accountable, and the local population has little confidence in the police.
- To combat this crisis, policymakers should crack down on rogue progressive prosecutors, pursue repeat offenders, raise police officer pay, hire more police officers, reform Proposition 47, and restore faith in local police.

Introduction

In late 2023, the California State Assembly Select Committee on Retail Theft held its first hearing to assess the impact of retail crime across the state ([California State Assembly, 2023](#)). In this hearing, stakeholders from across industries and political backgrounds described the destructive effects of retail crime, validating the concerns of millions of Californians that retail theft is a threat to their communities.

Magnus Lofstrom, a criminal justice policy expert at the California Public Policy Institute, demonstrated the stark year-over-year shoplifting increases in the Bay Area, including a 53 percent rise in San Mateo ([Lofstrom, M., 2024](#)). Amber Parrish Baur, representing the United Food and Commercial Workers Union, said that the “rapidly increasing prevalence of retail theft” has created “a workplace safety crisis” among the union’s members ([Fox 2 San Francisco, 2023](#)). Local leaders have spoken up about this



epidemic as well. A coalition of mayors from Southern California came to Sacramento in January 2024 to bring attention and find solutions to the rise in retail crime. The mayors held a press conference on the state capitol building steps, led by Representative Rick Chavez Zbur (D-51), who described retail crime in California as a “crisis” that is “becoming equal to the issue of unhoused individuals in California” ([KCRA 3 NBC, 2024](#)). Mayor John Erickson of West Hollywood said, “Our cities are facing unprecedented attacks by these smash-and-grabs and rise in retail crime theft taking place across our state” ([KCRA 3 NBC, 2024](#)).

Some retail store owners have become so inundated with theft that they can no longer survive. Evette Ingram, a Los Angeles beauty supply store owner, said she planned to shut down her shop after thieves stole \$25,000 worth of merchandise ([Chow, V. & Wolf, C., 2023](#)).

The retail industry in California includes more than 500,000 establishments, generates over 3.6 million jobs, and is responsible for \$5,624 in per capita GDP ([National Retail Federation, 2020a](#)). When the retail industry suffers, California suffers. Effects of retail theft include price increases by store owners seeking to compensate for losses and a decline in consumer foot traffic, which can further exacerbate crime and outright store closures ([Chang, T. & Jacobson, M., 2017](#)). This issue brief outlines the data showing the rise in retail theft in California, examines the causes of theft, and provides America First solutions to this crisis.

The Problem: Widespread Retail Theft

Multiple reliable studies and data sources point to a notable increase in retail theft across California, particularly in the Los Angeles and San Francisco metropolitan areas. Of note, retail crime is likely underreported, especially low-value theft—so the data likely represent a conservative estimate of theft rates.

San Mateo County and San Francisco had the highest per capita rates of shoplifting in the state in 2022. San Mateo has seen shoplifting increase by 53 percent and San Francisco by 24 percent between 2019 and 2022 ([Lofstrom, M., 2024](#)). From the middle of 2021 to the end of 2022, Los Angeles saw an uptick in shoplifting that left crime levels 10–15 percent above pre-pandemic levels ([Lofstrom, M., 2024](#)).

More recent data suggest that theft rates continue to accelerate. An analysis of crime data by Crosstown, an independent non-profit news outlet, found that shoplifting rose 81 percent in Los Angeles throughout 2023, with 11,945 reported incidents ([Regardie, J., 2024](#)). This dramatic rise means the county is encountering almost twice as much shoplifting as it did pre-pandemic. Shoplifting in Los Angeles County has risen almost two and a half times since 2014.



While larceny shoplifting, which includes non-violent theft of items under \$950, has increased, commercial burglary and commercial robbery have also risen across the state. Commercial burglary, which is when a person enters a premise with the intent to steal more than \$950 worth of merchandise, increased in 14 of California's largest 15 counties from 2019 to 2022 ([Lofstrom, M., & Martin, B., 2023](#)). Statewide, commercial burglary incidents in California have increased by 15.7 percent since 2019, including a 5.8 percent increase in 2022. Fresno, Los Angeles, and San Francisco saw commercial burglary increase by 38 percent, 29 percent, and 26 percent, respectively, from 2019 to 2022. Over the same period, Alameda County and Orange County witnessed a 65 percent and 54 percent increase, respectively, in commercial burglary.

Commercial robberies, which involve the use of force or fear to steal from a commercial establishment such as a gas station or department store, went up by 13.3 percent from 2019 to 2022, including a 9.1 percent uptick in 2022 alone. In Los Angeles and San Diego, commercial robberies increased 13 percent and 19 percent, respectively, between 2019 and 2022. Sacramento saw an astonishing 29 percent increase in commercial robberies over the same period ([Lofstrom, M., & Martin, B., 2023](#)).

The Causes: Ineffective Prosecutors, Weak Laws, and Police Mistrust

This documented rise in retail theft has many possible causes. Rogue prosecutors, laws that reduce the probability and severity of punishment for offenders, and a distrust of law enforcement all contribute to the increase over the last few years.

In some large cities, liberal prosecutors have used their prosecutorial discretion to decline to charge shoplifters, including in San Francisco and Los Angeles. Prominent prosecutors engaging in this practice include George Gascón in Los Angeles and Pamela Price in Alameda County, which includes Oakland. Former prosecutor Chesa Boudin in San Francisco also exemplified this trend until he was recalled by voters in 2022 ([Kashinsky et al., 2023](#)). All three of these prosecutors have argued that most misdemeanors should not be prosecuted and that cash bail should be eliminated ([Smith, Z. & Stimson, C 2022](#)).

Police are discouraged from arresting criminals when they know prosecutors often only charge repeat shoplifting offenders with a misdemeanor at best—meaning criminals can quickly get back on the street with just a citation ([Thompson, D., 2021](#); [Smith, Z & Stimson, C, 2022b](#)). Shoplifters, who are aware of the weak prosecutors and laws, have been known to ask officers when caught if they can “just get a ticket,” according to the chief of police in Valencia, California ([CBS News Sacramento, 2019](#)). Rogue prosecutors should instead follow the example set by their counterparts who charge criminals and protect crime victims to the extent the law will allow them, including Orange County District Attorney Todd Spitzer and San Diego District Attorney Summer Stephan.



Between 2019 and 2022, shoplifting in Orange County and San Diego fell by 24 percent and 21 percent, respectively, but rose by 24 percent and 53 percent, respectively, in San Francisco and San Mateo ([Lofstrom, M., & Martin, B., 2023](#)).

Weak prosecutors, when combined with weak laws, do not dissuade criminals from committing retail theft. In 2014, California voters passed Proposition 47, which reclassified theft under \$950 as a misdemeanor rather than a felony. The previous cap for a felony charge was \$450. Higher thresholds allow shoplifters to steal more items with lower penalties. Criminals have even been reported to use calculators to ensure they do not breach the \$950 felony threshold while they are robbing a store ([Levine, M. et al., 2023](#)).

Prosecutors must also pursue repeat offenders, even those who are non-violent, in order to crack down on theft. In New York City, one-third of all retail thefts were committed by just 327 people, who were collectively arrested and rearrested 6,000 times throughout 2022 ([Meko, H., 2023](#)). In Chicago, one-third of all shoplifting arrests involved just 195 people in 2022, according to an analysis of Chicago Police Department data ([CWB Chicago, 2023](#)). Allowing retail criminals to be given just a citation for theft under \$950 and quickly released makes it likely that a similar proportion of California's theft is committed by a small set of individuals in major cities.

The rise in shoplifting has also coincided with political attitudes in large cities that demonize the police. The American public's trust in police has declined in recent years, along with their trust in other institutions of civil society and government. According to Gallup, Americans' confidence in the police hit a three-decade low in 2022, with 45 percent of respondents that year indicating that they had a great deal or quite a lot of confidence ([Jones, J., 2022](#)). This is the first time that confidence in the police has dipped below 50 percent (excluding polls in the aftermath of the George Floyd murder in 2020). In addition, a Washington Post-ABC News poll found that only 39 percent of American adults and only 20 percent of Democrats, who disproportionately dominate large cities, were confident that the police are properly trained in the appropriate use of force—another new low ([Berman, M., & Clement, S., 2023](#)).

When the public loses confidence in the police's ability to function, they may feel more willing to engage in behavior they previously thought would be counteracted by the police. Nonetheless, it appears the public in some large cities that have seen spikes in retail theft and general lawlessness are beginning to feel buyer's remorse. In San Francisco, voters recently passed Proposition E, which expands police authority, particularly with regard to surveillance, and Proposition F, which requires city welfare recipients to undergo drug testing and treatment if they are reasonably suspected of being addicted to illicit drugs ([Wiley, H., 2024](#)). It is yet to be seen whether these actions coincide with more positive feelings toward law enforcement.



Correcting Newsom: Texas Punishes Criminals, California Does Not

During a recent press conference, California Governor Gavin Newsom recounted a story in which he witnessed a theft at Target and the store clerk did not stop the thief from exiting. The clerk instead blamed the governor without realizing that it was the governor to whom she was speaking. According to Newsom, she referenced Proposition 47, stating that there is “no accountability” for theft after the felony threshold was raised to \$950 ([ABC7, 2024](#)). The governor pushed back, stating that California had tough punishments for retail theft and, in fact, had the tenth-lowest felony threshold for theft in America. The governor has repeated this line often and has compared California to Texas, which has the highest felony threshold in the nation at \$2,500 ([The Epoch Times, 2024](#)). The governor claims California’s struggles with retail crime are not related to Proposition 47.

A closer examination shows that Texas has much stronger punishments for retail crime than does California. Unlike California, Texas has a multi-tiered misdemeanor charging system that holds criminals accountable with arrest, jail time, and fines for even low-level offenses. In Texas, theft between \$100 and \$750 qualifies as a Class B misdemeanor, which carries up to a \$2,000 fine and six months in jail ([The Epoch Times, 2024](#)). In addition, theft between \$750 and \$2,500 qualifies as a Class A misdemeanor, which carries up to a \$4,000 fine and a year in jail ([The Epoch Times, 2024](#)).

In comparison, most thefts under \$950 in California will result in a citation, no fine, and no jail time at all ([The Epoch Times, 2024](#)). Under Proposition 47, repeat offenders who steal less than \$950 cannot be prosecuted for a felony, meaning criminals can steal over and over again and face little punishment ([Grow SF, 2023](#)). Before Proposition 47, police officers could arrest shoplifters for burglary, a felony, which helped ensure that those who were repeat offenders would face serious consequences. To top it off, although one of the primary goals of Proposition 47 was to reduce recidivism rates, evidence suggests there has been scant success ([Bird, M et al., 2018](#); [Smith, S., 2023](#)).

America First Solutions for California

America First solutions to retail theft center around keeping communities safe and ensuring criminals face the consequences of their actions. Without sufficient deterrence of retail crime, the scourge will continue unabated.

1. Remove Prosecutors Who Do Not Prosecute

When prosecutors do not charge non-violent thieves for the crimes they have committed, these criminals are essentially given a hall pass to continue harassing businesses. California voters have the option to pursue recall elections or have



their governor forcibly remove prosecutors for “neglect of duty” or “malfeasance” ([California Secretary of State, n.d.](#)). Voters successfully recalled San Francisco District Attorney Chesa Boudin in 2022 after he failed to prosecute many thefts ([White, J., 2022](#)).

2. Crack Down on Repeat Non-Violent Offenders

As documented in New York City and Chicago, it is often a small group of perpetrators who account for a large portion of retail crime committed in cities. To combat this problem, Ann Davison, the city attorney of Seattle, pioneered an approach that placed more attention on repeat offenders. Davison’s “high utilizer initiative” first identified 168 people who contributed to 3,500 misdemeanor referrals in 2017. Then, when those “high utilizers” committed crimes, they faced an expedited review of cases, faster-charging decisions, and increased coordination with the county’s prosecutor and police offices, among other measures. The number of misdemeanor criminal referrals for “high utilizers” to the city attorney’s office dropped from 6.3 per offender per year before the initiative to 2.7 per offender per year during the initiative. For those who were eventually removed from the initiative’s list because they stopped committing theft, the average was 0.6 per year ([Seattle Attorney’s Office, 2023](#)). Prosecutors can also use conspiracy charges—conspiracy being defined as an agreement between two or more people to commit a criminal act—against those who are repeat group offenders.

3. Reaffirm Support for Law Enforcement

As the media and anti-police activists harm the public’s perception of law enforcement, the attractiveness of becoming or remaining a police officer has declined. Officer morale is repeatedly cited as a key driver of police officer resignations ([Police Executive Research Forum, 2021](#)). Public leaders, from governors to mayors, should reiterate their respect and gratitude for law enforcement.

In addition, raising wages and benefits for police officers, creating meaningful career development opportunities, and supporting officers’ mental health would make the profession more attractive to new recruits, ensuring that law enforcement agencies were attracting the best possible candidates ([Erickson, 2023](#)). Higher pay also has the potential to help hold police officers to the highest standards, attract quality applicants, and improve the public’s perception of the profession ([University of North Dakota, 2020](#)).



4. Reform Proposition 47

Proposition 47 has made it difficult for law enforcement and prosecutors to arrest and prosecute criminals who steal less than \$950 from retailers, knowing that they are likely to face no jail time. Proposition 47 could be reformed by either lowering the felony threshold or following Texas' example and creating new misdemeanor charges to ensure criminals are held accountable for thefts below \$950. In addition, Proposition 47 could be repealed so that the felony threshold is lowered back to \$450.

5. Increase Police Budgets and Hire More Law Enforcement Officers

The California legislature should supplement the law enforcement budgets of cities and counties for the specific purpose of hiring more police officers. California is currently hemorrhaging police officers and police department staff. The state lost 3,600 sworn officers and 1,200 police department staff between 2020 and 2022 ([Lofstrom, M et al., 2024](#)). To make matters worse, the number of patrol officers in California per 100,000 people is at its lowest level since 1991 ([Lofstrom, M. et al., 2024](#)). Research shows that the presence of more police officers in high-crime areas leads to less crime ([Yglesias, M., 2019](#); [Mello, S., 2019](#)).

New Mexico recently exemplified this by signing into law House Bill 68, which creates a \$40 million dollar fund to recruit police officers ([Office of the Governor of New Mexico, 2022](#)). In the same vein, Florida awarded \$5,000 bonuses to new police officer recruits with the passage of House Bill 3, which enabled the Law Enforcement Recruitment Bonus Payment System ([Holland, C., 2022](#)).

6. Pass Legislation to Increase Penalties for Retail Theft

The California legislature must also take action to combat retail theft. Legislators should consider amending California law so that retail criminals' repeat offenses can be counted together, ensuring that they face real consequences. Another reform would be requiring online marketplaces to confirm the identity of third-party sellers on their platforms, helping crack down on the sale of stolen goods by removing a major incentive for retail theft. Lastly, the legislature could create additional penalties for thieves who work with criminal gangs and often store employees to steal merchandise, a practice known as organized retail theft.



Conclusion

The health of California’s local economies, communities, and workers depends on the success of small and large retailers. Protecting these establishments against crime requires prosecutors who prosecute and laws that provide deterrence and hold criminals accountable. It also requires community leaders to reaffirm their support for police, as well as more funding for local law enforcement for the specific purpose of hiring more police officers. Implementing these recommendations is critical to ensure not only that retailers can survive but also that communities can thrive.



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