

# Retail Theft Offense Data for Assembly Budget Subcommittee No. 6

Prepared February 2024 by the staff of the Committee on Revision of the Penal Code

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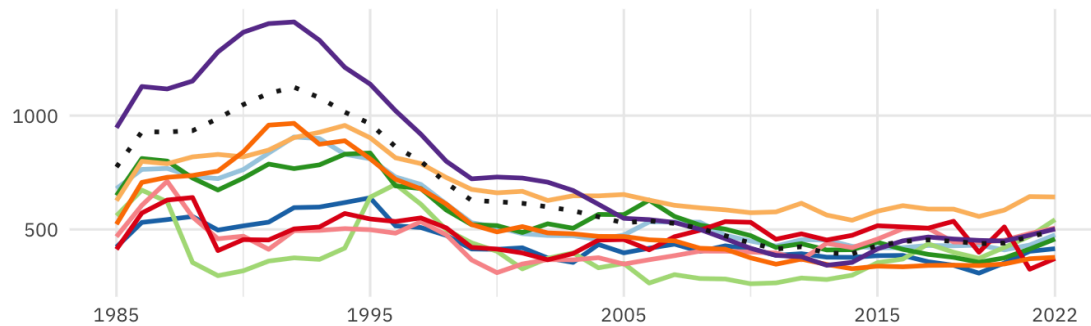
The crime data presented here comes from the California Department of Justice, which receives and publishes data from law enforcement agencies across California and covers 1985–2022. Data from 2023 will not be available until summer 2024.

## California is experiencing historic lows in its crime rates.

- The two charts below show the violent and property crimes for the entire state and regions within the state. The counties in each region are specified in the Appendix.
- Violent crime is homicide, rape, robbery, and aggravated assault. Property crime is burglary, theft, and car theft. Overall, violent crime was 55% lower in 2022 compared to the peak rate in 1992. Property crime was 66% lower compared to the peak rate in 1980. While there are variations between the different regions over time, crime rates generally follow the same pattern of decline.

### Violent crime rate (1985-2022)

Rate is per 100,000 population.

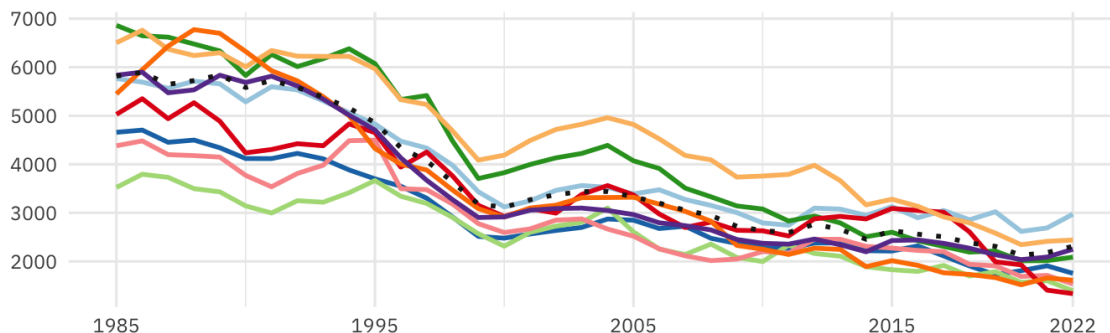


Region Bay Area Central Coast Central Sierra Greater Sacramento Northern California Northern Sacramento Valley San Joaquin Valley Southern Border Southern California Statewide

Source: California Department of Justice; California Department of Finance

### Property crime rate (1985-2022)

Rate is per 100,000 population.



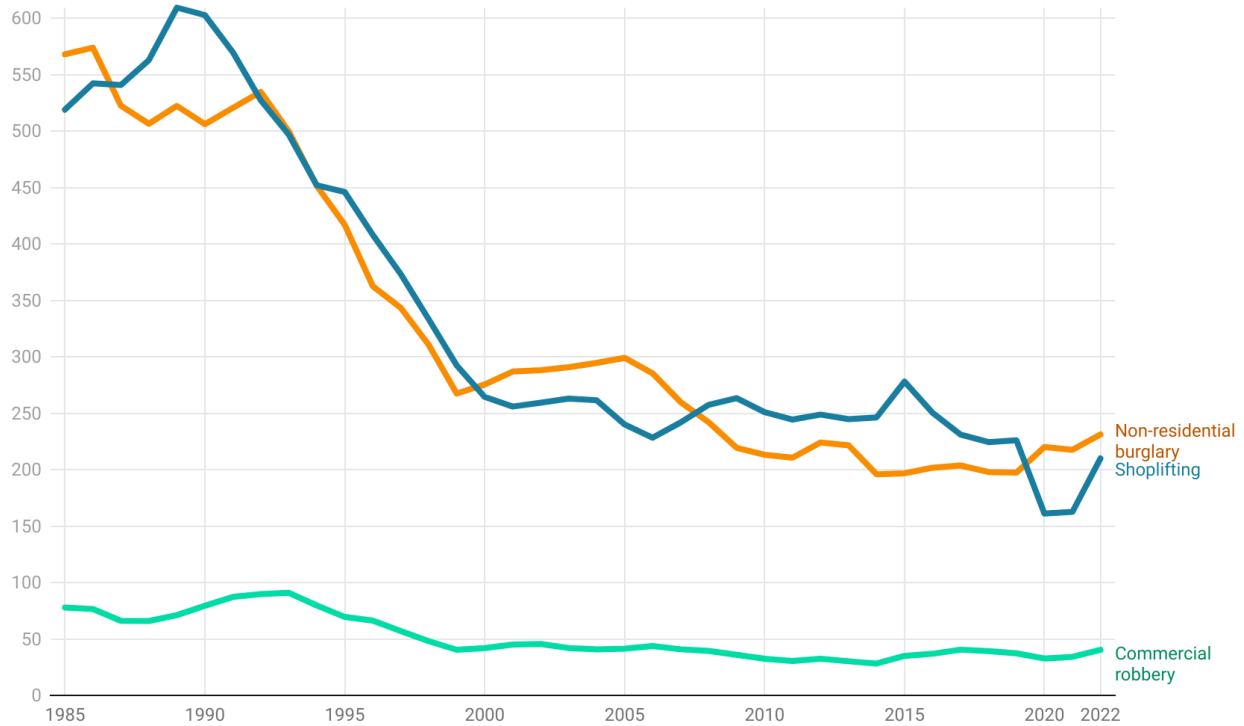
Region Bay Area Central Coast Central Sierra Greater Sacramento Northern California Northern Sacramento Valley San Joaquin Valley Southern Border Southern California Statewide

Source: California Department of Justice; California Department of Finance

- The next four charts present statewide data on offenses that often occur at retail establishments: shoplifting, non-residential burglary, and commercial robbery, which are all at similarly low levels compared to decades past.<sup>1</sup>

### Shoplifting, non-residential burglary, and commercial robbery rates (1985–2022)

Rate is per 100,000 California population



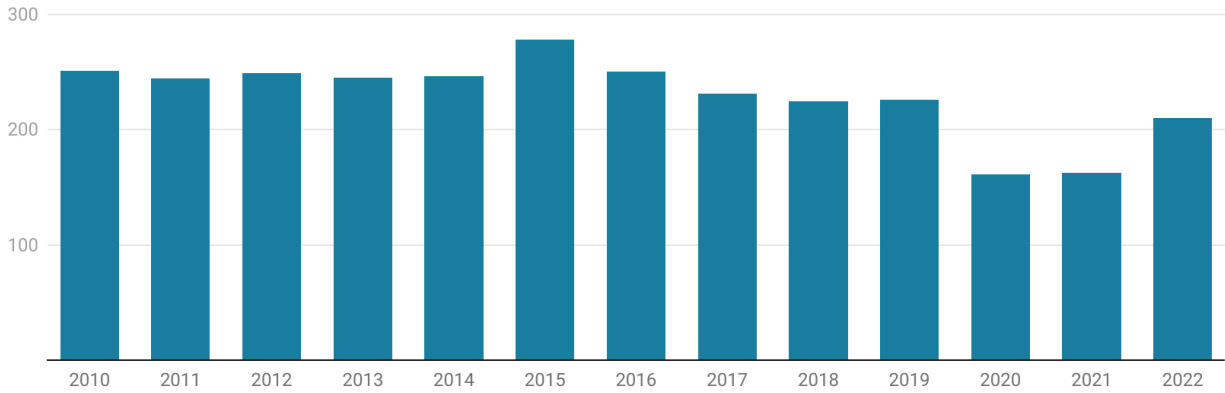
Commercial robbery includes commercial houses, gas stations, and convenience stores.

Chart: Committee on Revision of the Penal Code • Source: California Department of Justice OpenJustice • Created with Datawrapper

<sup>1</sup> These offenses are defined according to definitions from the FBI, which sometimes do not map onto how the offenses are defined in California’s Penal Code. See FBI UCR Crime Reporting Program, Summary Reporting System (SRS) User Manual, 48, June 2013.

### Shoplifting rate in California (2010–2022)

Rate is per 100,000 population



*Shoplifting is theft from a store regardless of value.*

Chart: Committee on Revision of the Penal Code • Source: California Department of Justice OpenJustice • Created with Datawrapper

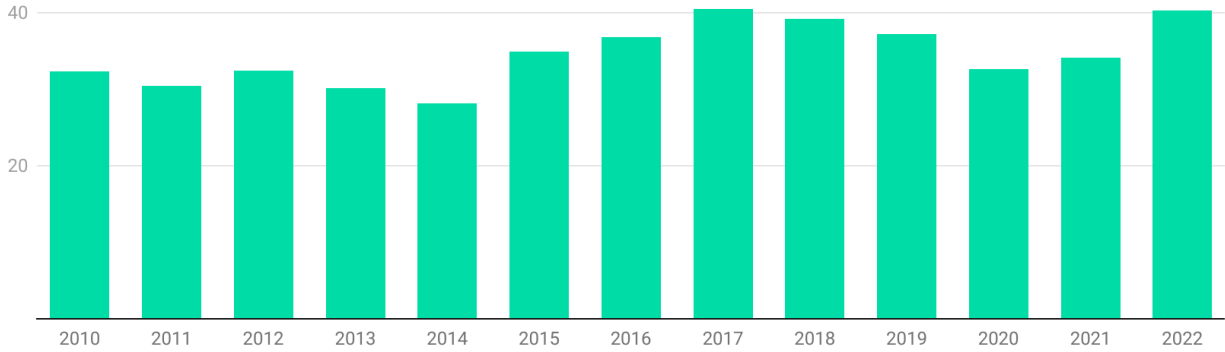
- In this data, shoplifting is theft from a store regardless of value.<sup>2</sup>
- The shoplifting rate in 2022 was 7% lower than pre-pandemic levels in 2019.

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<sup>2</sup> SRS User Manual at 47.

## Commercial robbery rate in California (2010–2022)

Rate is per 100,000 population



*Commercial robbery is whenever force or fear is used while stealing something from a commercial establishment, including retail stores, gas stations, convenience stores, restaurants, hotels, and other places.*

Chart: Committee on Revision of the Penal Code • Source: California Department of Justice OpenJustice • Created with Datawrapper

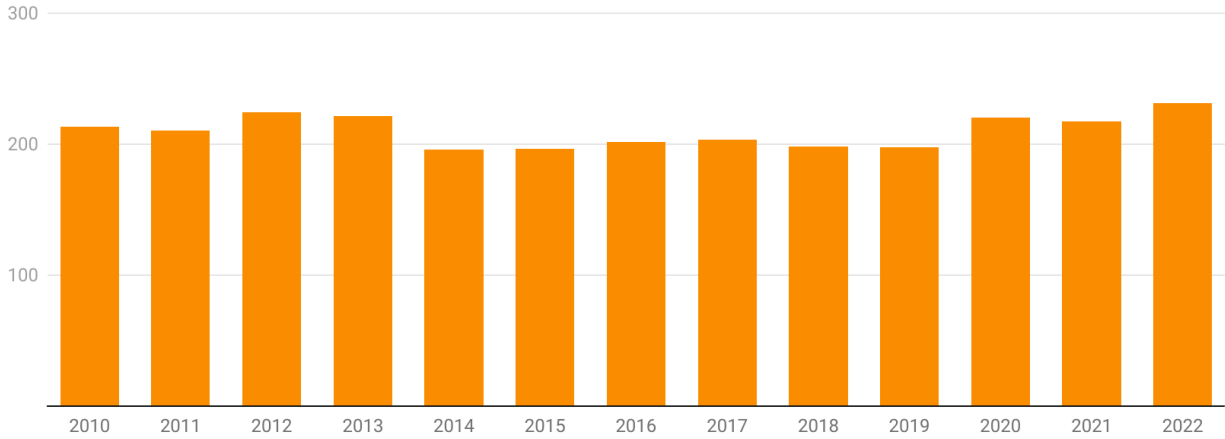
- Commercial robbery is whenever force or fear is used while stealing something from a commercial establishment, including retail stores, gas stations, convenience stores, restaurants, hotels, and other places.<sup>3</sup>
- The commercial robbery rate in 2022 was 8% higher than pre-pandemic levels in 2019, but around the same rate it was in 2017, and less than half the rate it was in the 1990s

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<sup>3</sup> SRS User Manual at 35, 128.

### Non-residential burglary rate in California (2010–2022)

Rate is per 100,000 population



*Non-residential burglary is unlawful entry of any structure that is not a residence to commit a felony or theft.*

Chart: Committee on Revision of the Penal Code • Source: California Department of Justice OpenJustice • Created with Datawrapper

- Non-residential burglary is unlawful entry of any structure that is not a residence to commit a felony or theft.<sup>4</sup> This data covers break-ins to retail stores as well as other structures such as offices, storage facilities, and warehouses.<sup>5</sup>
- In 2022, the non-residential burglary rate was the highest it had been since 2008 but less than half the rate it was in 1995. Unlike shoplifting and commercial robbery, non-residential burglary rose during the early years of the pandemic.

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<sup>4</sup> SRS User Manual at 42.

<sup>5</sup> SRS User Manual at 42–43.

### **Recent actions by the Legislature and Governor addressing retail theft.**

- In 2018, AB 1065 (Jones-Sawyer):
  - Created the crime of “organized retail theft.”<sup>6</sup>
  - Added repeat retail-theft exception to the misdemeanor cite-and-release law.<sup>7</sup>
  - Expanded the prosecutors’ jurisdiction to prosecute theft across counties.
  - Required the California Highway Patrol and Department of Justice to convene a regional property crimes task force to assist local law enforcement in counties that have elevated levels of property crime.<sup>8</sup>
  - This law sunset in 2021.<sup>9</sup>
- In 2021, AB 331 reestablished the crime of organized retail theft.<sup>10</sup>
- In 2022, AB 1613 (Irwin), reestablished the authority to prosecute thefts from multiple counties but gave the authority to the Attorney General.<sup>11</sup>
- In 2022, AB 2356 (Rodriguez), codified existing caselaw to specify that the value of property stolen over the course of distinct but related acts can be aggregated to reach the \$950 threshold.<sup>12</sup>
- In 2023, a program was created to allocate more than \$250 million to 55 local law enforcement agencies across California to increase arrests and prosecutions for organized retail crime.<sup>13</sup>

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<sup>6</sup> Penal Code § 490.4.

<sup>7</sup> Penal Code § 853.6(i)(12).

<sup>8</sup> Penal Code § 13899.

<sup>9</sup> AB 1065 (Jones-Sawyer 2018).

<sup>10</sup> AB 331(Jones-Sawyer 2021).

<sup>11</sup> AB 1613 (Irwin 2022).

<sup>12</sup> AB 2356 (Rodriguez 2022). See *People v. Bailey*, 55 Cal.2d 514, 518–519 (1961).

<sup>13</sup> See Office of Governor Gavin Newsom, *California Approves Hundreds of Millions to Crack Down on Organized Retail Crime*, September 14, 2023.

## **Appendix**

The nine regions in the charges on page 1 are from the California Regional Economies Employment Series and include the below counties:

**Bay Area** (2022 population = 7,913,240)

Alameda, Contra Costa, Marin, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma

**Central Coast** (2022 population = 1,156,871)

Monterey, San Luis Obispo, Santa Barbara

**Central Sierra** (2022 population = 189,841)

Alpine, Amador, Calaveras, Inyo, Mariposa, Mono, Tuolumne

**Greater Sacramento** (2022 population = 2,575,545)

El Dorado, Placer, Sacramento, Sutter, Yolo, Yuba

**Northern California** (2022 population = 539,662)

Del Norte, Humboldt, Lake, Lassen, Mendocino, Modoc, Nevada, Plumas, Sierra, Siskiyou, Trinity

**Northern Sacramento Valley** (2022 population = 502,737)

Butte, Colusa, Glenn, Shasta, Tehama

**San Joaquin Valley** (2022 population = 4,316,763)

Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare

**Southern Border** (2022 population = 3,454,280)

Imperial, San Diego

**Southern California** (2022 population = 18,429,735)

Los Angeles, Orange, Riverside, San Bernardino, Ventura