



CSAC Administration of Justice Policy Committee Meeting

• CSAC Legislative Conference

Thursday, April 18, 2024 • 9:30 to 11:00 a.m.

SAFE Credit Union Convention Center • Ballroom B3

1400 J Street • Sacramento, CA • 95814

Supervisor Rich Desmond, Sacramento County, Chair

Supervisor Bruno Sabatier, Lake County, Vice Chair

Supervisor Eddie Valero, Tulare County, Vice Chair

9:30 a.m.

I. Welcome and Introductions

Supervisor Rich Desmond, Sacramento County, Chair

Supervisor Bruno Sabatier, Lake County, Vice Chair

Supervisor Eddie Valero, Tulare County, Vice Chair

9:40 a.m.

II. Local Responses to Retail Theft

Sacramento County District Attorney Thien Ho

Yolo County Chief Public Defender Tracie Olson

10:40 a.m.

III. Questions & Discussion

10:50 a.m.

V. Administration of Justice Legislative Update

Ryan Morimune, Legislative Advocate

Michaela Schunk, Legislative Analyst

11:00 a.m.

VII. Adjournment

Access CSAC 2024 Legislative Conference Materials via the QR code below



ATTACHMENTS

Retail Theft Background Materials

Attachment One

California State Assembly Select Committee on Retail Theft

- [Legislative Analyst's Office Overview of State Law Related to Retail Crime](#)
- [Crime Data on Retail Theft and Robberies in California, Public Policy Institute of California](#)

Attachment Two

Little Hoover Commission Study on Retail Theft

Attachment Three

Board of State and Community Corrections Proposition 47 Grant Program

- [Proposition 47 Cohort II Statewide Evaluation](#)

Attachment Four

Sacramento County District Attorney Thien Ho Biography

Attachment Five

Yolo County Chief Public Defender Tracie Olson Biography

Attachment Six

Administration of Justice Legislative Update

Attachment One

California State Assembly Select Committee on Retail Theft

Legislative Analyst's Office Overview of State Law Related to Retail Crime

Crime Data on Retail Theft and Robberies in California, Public Policy Institute of California



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Bruce Gibson
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1st Vice President

Jeff Griffiths
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Susan Ellenberg
Santa Clara County

Past President

Chuck Washington
Riverside County



CEO

Graham Knaus

April 18, 2024

To: Members of the Administration of Justice Policy Committee

From: Ryan Morimune, CSAC Legislative Advocate, Administration of Justice
Michaela Schunk, CSAC Legislative Analyst, Administration of Justice

RE: California State Assembly Select Committee on Retail Theft

The California State Assembly's Select Committee on Retail Theft was announced by Speaker Robert Rivas in late 2023. Committee members were asked to act with urgency to address concerns relating to retail theft, with an overall goal of addressing both root causes and protecting those impacted.

Committee Chair Assembly Member Rick Chavez Zbur described the committee as being composed of bipartisan members and is dedicated to engaging stakeholders, including but not limited to law enforcement, large and small businesses, and more, to identify policy solutions.

On December 19, 2023, Magnus Lofstrom, Ph.D., Policy Director & Senior Fellow at the Public Policy Institute of California (PPIC), a nonpartisan nonprofit dedicated to independent and objective research, provided testimony to the Select Committee on Retail Theft on crime data on retail theft and robberies in California. The report presented by Mr. Lofstrom included but was *not limited to* the following details:

- Rates of retail theft and robbery have risen in recent years (Slide 3)
- Commercial burglary was up in 14 of California's 15 largest counties, but down in smaller counties (Slide 5)
- Changes in shoplifting also vary widely in select cities across the nation (Slide 9)
- Retail theft has increased in urban areas, according to data (Slide 10)

Resources:

[Legislative Analyst's Office Overview of State Law Related to Retail Crime](#)
[Crime Data on Retail Theft and Robberies in California, Public Policy Institute of California](#)
[Select Committee on Retail Theft – Committee Members](#)
[Select Committee on Retail Theft Agenda: "Retail Crime: Community Impacts and Solutions", December 19, 2023](#)
[Select Committee on Retail Theft, Tuesday, December 19, 2023 – Video Recording](#)
[Select Committee on Retail Theft and Assembly Committee on Public Safety Agenda: "Retail Crime: Exploring Solutions That Work", February 9, 2024](#)

CSAC Staff Contacts:

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Attachment Two

Little Hoover Commission Study on Retail Theft



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To: Members of the Administration of Justice Policy Committee

From: Ryan Morimune, CSAC Legislative Advocate, Administration of Justice
Michaela Schunk, CSAC Legislative Analyst, Administration of Justice

RE: **Little Hoover Commission Study on Retail Theft**

The Little Hoover Commission is an independent state oversight agency dedicated to investigations into state government operations and policy to make recommendations to the Governor and Legislature. Importantly, the Commission is responsible for reviewing and providing recommendations on all proposed government reorganization plans.

In June 2023, the Commission received a request from the California State Legislature to look at issues surrounding state retail theft data. The Commission has held several hearings to examine how retail theft and corresponding arrests, filings, and convictions are reported and monitored, as well as whether improvements could be made to better inform evidence-based decision-making.

Mr. Magnus Lofstrom, Ph.D., Policy Director & Senior Fellow, Public Policy Institute of California, provided testimony to the Little Hoover Commission on January 25, 2024. The full testimony transcript is linked below. As referenced in Attachment One, Mr. Lofstrom also provided testimonial to the California State Assembly Select Committee on Retail Theft in late 2023.

Resources:

[Hearing on Retail Theft \(Part 1\)](#)

[Hearing on Retail Theft \(Part 2\)](#)

[Hearing on Retail Theft \(Part 3\) \(links forthcoming\)](#)

[Testimony: Retail Theft in California](#)

CSAC Staff Contacts:

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Attachment Three

Board of State and Community Corrections Proposition 47 Grant
Program

Proposition 47 Cohort II Statewide Evaluation



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RE: Board of State and Community Corrections Proposition 47 Grant Program

Proposition 47 requires that these funds be awarded to public agencies to provide mental health services, substance use disorder treatment and/or diversion programs for those in the criminal justice system. Additional legislation (AB 1056, Chap. 438, Stats. of 2015) requires that the grants be awarded competitively, specifies that funds may serve both adults and juveniles and allows funds to be used for housing-related assistance and other community-based supportive services, including job skills training, case management or civil legal services. The BSCC further requires that at least 50 percent of the award made to grantees is passed through to community-based service providers.

- *Board of State and Community Corrections (BSCC)* – Receives 65 percent to provide mental health and substance-use disorder treatments to individuals who are or were justice involved, with an emphasis on reducing recidivism.
- *Department of Education* – Receives 25 percent to fund truancy and dropout prevention programs.
- *Victim Compensation and Government Claims Board* – Receives 10 percent to fund trauma recovery centers for victims of crime.

An evaluation of the Board of State and Community Corrections’ Proposition 47 grant program suggests participants who received services made available by the 2014 voter-approved initiative are substantially less likely to recidivate compared to those traditionally incarcerated in California.

Following Cohort 1 (June 2017 to August 2021), Cohort 2 of the Proposition 47 grant program (August 2019 to May 2023) saw awards totaling \$92,779,390. Grantees provide wide-reaching services, including but *not limited to* support services such as legal services and housing, with the most frequently reported service being mental health treatment. Cohort 3 (September 2022 to June 2026) saw \$124,907,667 awarded; upon Board approval, the BSCC will release the Prop 47 Cohort 4 Request for Proposals (RFP). The Prop 47 Cohort 4 RFP has an anticipated release date of April 12, 2024, and will make \$152 million in competitive grants available.

Resources:

[Proposition 47 Cohort II Statewide Evaluation](#)

[Proposition 47 FAQs](#)

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Attachment Four
Sacramento County District Attorney Thien Ho Biography

Sacramento County District Attorney Thien Ho

Biography

Thien Ho was elected District Attorney of Sacramento County in 2022, and officially took office in January 2023. Prior to the election, District Attorney Ho served in executive management as the Sacramento County Assistant Chief Deputy D.A. over the Justice and Community Relations Bureau, which handles post-conviction litigation, training, community prosecution and media outreach.



Over District Attorney Ho's 23-year career as an attorney, he successfully prosecuted sexual assault, gang, and homicide cases. He was the supervisor of the Gang and Hate Crime Unit and has personally charged and prosecuted hate crimes. Most notably, he successfully prosecuted the East Area Rapist/Golden State Killer, who committed 13 murders and over 50 sexual assaults in 11 different jurisdictions throughout California. Michelle McNamara wrote about the case in her book, "I'll be Gone in the Dark." The case has also been featured on CNN, HBO, 20/20 and countless news outlets across the world.

District Attorney Ho has previously taught for the California District Attorneys Association (CDAA) on "Voor Dire in Sexual Assault and Homicide Cases," P.O.S.T instruction for peace officers and is currently an adjunct professor for trial advocacy at McGeorge School of Law. He helped to build a nationally ranked trial advocacy program at McGeorge, winning multiple regional and national mock trial competitions. He recently sat as a panelist for a NAPABA/NAPIPA hate crimes virtual discussion. Additionally, he has met with numerous local API groups to discuss hate crimes and incidents.

District Attorney Ho is the former Vice President of the National Asian Pacific Islander Prosecutors Association (NAPIPA)'s Northern California Chapter. In 2017, he was presented with both the NAPIPA and Sacramento District Attorney's Office Prosecutor of the Year Award.

Attachment Five
Yolo County Chief Public Defender Tracie Olson Biography

Yolo County Chief Public Defender Tracie Olson

Biography

In 2009, Tracie Olson was appointed Chief Public Defender of Yolo County, the first woman in the history of the county to hold the position. Chief Public Defender Olson leads over 50 attorneys, investigators, and other advocates dedicated to providing individuals the highest quality legal representation through a model of interdisciplinary representation in upwards of 4,000 criminal actions per year.



For poor people accused of crimes, Chief Public Defender Olson has long recognized that the criminal case is not the only issue with which they struggle. Chief Public Defender Olson's office promotes the life success of every client, thereby strengthening the health of the communities it serves. Chief Public Defender Olson created an adolescent defense team that brings its understanding of the latest neuroscience about brain development to the representation of children; a post-conviction unit that corrects sentences that are overly punitive or no longer serve the interests of justice; and an immigration unit that assists noncitizens accused of crime to avoid adverse immigration consequences which can lead to the destabilization of entire families. Chief Public Defender Olson developed a Record Mitigation Clinic to assist rehabilitated individuals to clear criminal convictions; a mitigation unit that works with individuals to address outstanding behavioral health needs; and a mental health unit that focuses on advocating for problem-solving alternatives to traditional prosecution when demonstrable mental illness is connected to a person's illegal behavior.

With a keen understanding of the importance of advocating not only for individuals, but also for communities, Chief Public Defender Olson's office hosts the Defenders of Tomorrow program aimed at exposing underrepresented high school and community college students to the legal profession to prepare them for higher education and employment opportunities, and the Holiday Toy Shoppe to provide free toys to system impacted people, helping them to alleviate financial stressors exacerbated by the consequences of criminal legal system involvement. Her office spearheads voter education and registration events, clothing drives, and warrant clearing projects.

Since 2018, Chief Public Defender Olson is a Board Member of the California Public Defenders Association (CPDA) and the current Vice President. She is President of Yolo Public Defender CARES, a non-profit corporation organized to assist justice involved individuals. In 2020, Chief Public Defender Olson proudly led her staff as they marched in solidarity with the Black Lives Matter movement. In 2022, Chief Public Defender Olson's office was the co-recipient of the CPDA Defender Program of the Year award for its partnership with Partners for Justice.

Chief Public Defender Olson speaks at community events and has been featured in the UC Davis School of Law's Racial Justice Speaker Series. She provides training to practitioners throughout the state and is a current member of the California Workload Advisory Board. Chief Public Defender Olson is a CSAC Credentialed California County Senior Executive and a graduate of the National Association of Counties' High Performance Leadership Academy.

Attachment Six
Administration of Justice Legislative Update

CSAC Administration of Justice Policy Committee Priorities

Felony Incompetent to Stand Trial (IST) Growth Cap and Penalty Program

- Counties are in Year 2 of the Administration's IST Growth Cap and Penalty Program but are still in the process of closing out the penalty process for Year 1. This program, which was part of the state's IST solutions package, establishes a cap on the number of IST commitments from each county. CSAC will continue to assist with implementation, support local planning efforts for counties facing a penalty, as well as advocate for additional changes to the program that better reflect the shared goal of reducing the number of individuals who are deemed IST.

Division of Juvenile Justice (DJJ) Realignment Implementation

- CSAC will continue to focus on fully funding the juvenile justice continuum and advocating for legislation that prevents additional barriers to successful DJJ realignment implementation. This includes preserving local authority over mandated responsibilities and preventing the redirection of funding guaranteed under DJJ Realignment and 2011 Realignment. The ultimate goal is to help ensure the delivery of individualized services and specialized treatment necessary for rehabilitation, reentry, and positive youth outcomes.

Public Defense Pilot Program

- The Public Defense Pilot Program is a three-year grant program, which is currently in its third and final year. CSAC is advocating to retain funding for this program, which was cut by \$10 million last year to a total of \$40 million and is again proposed to be cut in its entirety. This is one of the only state sources of funding for county public defense, which not only has a significant return on the state's investment but helps ensure counties are meeting the spirit and intent of recently enacted legislation that provides various services in over 30 counties. Since 2021-2022, through the pilot, the state has dedicated between \$40 and \$50 million per year to support resentencing workloads and the delivery of other critical post-conviction services. This investment has already yielded over \$90 million in cost-savings, with potential for significant additional savings close to \$800 million.

2024 Legislation

AB 1956 (Reyes) Victim services – Support

This bill would require the Office of Emergency Services to allocate funds, upon appropriation by the Legislature, to fill the gap in the federal Victims of Crime Act (VOCA) funding and to prioritize continuity and stability of crime victim services if the federal grant funding that is awarded to the office is 10% or more lower than the amount awarded in the prior year.

AB 2882 (McCarty) California Community Corrections Performance Incentives – Oppose

This measure would change the composition of local Community Corrections Partnerships (CCP) and the CCP Executive Committee; specify new plan development and processing requirements at the local level; and add considerable new CCP data collection and reporting requirements with the goal of redirecting community corrections subaccount funding.

SB 1057 (Menjivar) Juvenile justice coordinating council – *Oppose*

This bill would significantly change the composition and leadership of juvenile justice coordinating councils, the components and development of comprehensive juvenile justice plans, the RFP process for funds, and reporting with the goal of redirecting Juvenile Justice Crime Prevention Act (JJCPA) funding.

Retail Theft and Fentanyl Legislation:

Senate President pro Tempore Mike McGuire and a bipartisan coalition of Senate members announced a comprehensive legislative package, “*Working Together for a Safer California*,” aimed at addressing the fentanyl crisis and retail theft and community-based crime impacting communities in late February, which includes the following measures:

Increasing Access to Treatment

- SB 1319 (Wahab): Expedites approval of projects that expand the continuum of substance use disorder rehab facilities.
- SB 1320 (Wahab): Requires health plans to develop a mechanism to reimburse providers who provide primary care and behavioral health integrated services.
- SB 1385 (Roth): Supports navigators in hospital emergency departments and in the criminal justice system to ensure patients and justice-involved individuals are connected to evidence-based treatment for opioid use disorder and to ongoing treatment services.
- SB 1442 (Ochoa Bogh & Skinner): Builds upon the state’s CalRX initiative to supply California with vital United States Food and Drug Administration (USFDA) approved testing and health assessment equipment, which will help increase access to affordable fentanyl testing strips for diagnostics purposes.
- SB 1468 (Ochoa Bogh & Roth): Educates and encourages providers to make use of the new federal Drug Enforcement Agency (DEA) rule to allow practitioners to dispense a three-day supply of narcotic medication to start detoxification treatment or maintenance treatment for people who use opioids.
- SB 909 (Umberg): Addresses physician shortages in underserved areas by eliminating the cap on the Steven M. Thompson loan repayment program for physicians who agree to provide direct patient care in an underserved area for 36 months.

Enhance Substance Use Disorder-Related Services within the Criminal Justice System

- SB 910 (Umberg): Establishes statewide standards used by collaborative courts to improve programming, drug testing, and medication-assisted treatment for individuals moving through the criminal justice system.

- SB 950 (Skinner): Expands the number of re-entry hubs to provide more warm hand-offs and treatment options to individuals returning home from the criminal justice system.

Preventing Fentanyl Trafficking of Xylazine

- SB 1502 (Ashby): Prevents illicit use and trafficking of Xylazine (aka “tranq”), an animal tranquilizer with no approved human use that is increasingly being found in the illicit drug supply and has been linked to rising overdose deaths nationwide.

Preventing Criminal Activity in The First Place

- SB 1144 (Skinner): Disrupts the sale of stolen goods on online marketplaces by requiring that third-party sellers be certified, and bans sellers suspected of criminal activity from operating through online marketplace platforms.

Deterring Repeat Offenders and Cracking Down on Sophisticated Large-Scale Professional Thieves

- SB 1416 (Newman): Increases penalties on professional organized retail theft in particularly significant large-scale resale schemes.

Strengthening Tools for Law Enforcement to Make Arrests and Prosecute Brazen Criminal Activity

- SB 905 (Wiener): Addresses the loophole in current law, as it relates to the definition of forcible entry, for automotive property thefts.
- SB 982 (Wahab): Cements the work California has done on organized crime by making the law on organized retail theft permanent.
- SB 1242 (Min): Requires courts to impose higher penalties on criminals who create fires in order to engage in retail theft. The higher penalties do not impact Proposition 47.

Assembly Speaker Robert Rivas appointed Assemblymember Rick Zbur and others to convene a Select Committee on Retail Theft. The Speaker is a joint author to Assemblymember Zbur’s bill (AB 2943) to address some of the related issues. On April 9, 2024, Speaker Rivas, Attorney General Rob Bonta, and others announced a bipartisan legislative package addressing retail theft and crime; the bills in the package include:

AB 2943 (Zbur) Crimes: shoplifting

Prohibits the possession of unlawfully acquired property that is acquired with the intent to sell, exchange, or return; allows for the aggregation of such acquired property within any other property possessed with that intent within the prior three years; and authorizes a peace officer to make a warrantless arrest if probable cause that shoplifting occurred is present.

- AB 1779 (Irwin): Returns authority, currently limited to the Attorney General, to district attorneys to coordinate and prosecute organized retail theft and other theft crimes.
- AB 1794 (McCarty): Allows theft crimes by the same perpetrator to be aggregated between different places and victims; and streamlines process of reporting shoplifting incidents directly to prosecutors.
- AB 1802 (Jones-Sawyer): Makes permanent the crime of organized retail theft and the operation of the California Highway Patrol (CHP) property crimes task force.

- AB 1960 (Soria): Re-enacts and strengthens previously lapsed statute providing enhanced penalties when an individual takes or destroys property during the commission of a felony, when property value is exceptionally high. Authorizes specified sentencing enhancements when property loss is more than \$50,000.
- AB 1972 (Alanis): Expands CHP's property crimes task forces to support identified counties with increased levels of cargo theft.
- AB 3209 (Berman): Provides a new enforcement tool by authorizing a court to impose a Retail Crime Restraining Order for a theft offense, vandalism within the store, or battery on an employee within a store.

Other Related Bills¹

- AB 1772 (Ramos): Requires the Department of Justice (DOJ) to report to the Legislature on the amount of misdemeanor convictions for theft from a retail establishment during the COVID-19 pandemic.
- AB 1787 (Villapudua): Reduces the threshold amount for petty theft and shoplifting to \$450 and would make a person guilty of aggregated theft if the person commits two or more offenses of shoplifting within a 12-month period.
- AB 1842 (Reyes): Expedites access of overdose reversal drugs and MAT by prohibiting a medical service plan and a health insurer from subjecting naloxone or other FDA-approved opioid antagonists.
- AB 1845 (Alanis): Would require the Board of State and Community Corrections (BSCC) to establish a grant program to county district attorneys' offices and law enforcement agencies to assist in the investigation and prosecution of stolen goods and criminal profiteering.
- AB 1915 (Arambula): Expands access to overdose reversal drugs in schools requiring school districts, county offices of education, and voluntary charter schools to make naloxone hydrochloride or another opioid antagonist available on campus.
- AB 1990 (Carrillo): Authorizes a peace officer to make a warrantless arrest for a misdemeanor shoplifting offense with probable cause, even if the act was not committed in the officer's presence.
- AB 1996 (Alanis): Expands access to overdose reversal drugs by requiring each stadium, concert venue, and amusement park to ensure that the naloxone hydrochloride or other opioid antagonist is easily accessible and requires the department to develop an opioid overdose training program.
- AB 2115 (Haney): Expands access to medication assisted treatment (MAT) by aligning state and federal regulations on opioid treatment programs, allowing nonprofit or free clinics to dispense MAT while pending referral for treatment.

¹ Not intended to be a comprehensive list. (Please note: Bills are actively getting amended; information and content is subject to change).

- AB 2136 (Jones-Sawyer): Encourages more jurisdictions, research institutions and community-based organizations, such as harm reduction organizations, to offer critical drug checking services in their local communities and jurisdictions.
- AB 2215 (Bryan): Adds clear language to the penal code empowering law enforcement with additional prebooking diversion tools that codify their discretionary authority to connect people to supportive services in the interest of community safety.
- AB 2406 (Davies): Would make it a crime to cause, promote, employ, use, persuade, induce, or coerce a minor under 18 years of age to engage in specified theft-related offenses.
- AB 2438 (Petrie-Norris): Enhances sentencing for any organized efforts to commit theft or incur damages related to property crimes.
- AB 2790 (Pacheco): Expands the definition of organized retail theft.
- AB 3109 (Muratsuchi): Would, if a person has one theft-related conviction, make a second or subsequent conviction punishable by imprisonment, and would authorize a city or county prosecuting authority or county probation department to create a diversion program for persons who commit theft or repeat theft offenses.
- SB 923 (Archuleta): Revises the definition of shoplifting to require an intent to steal property or merchandise and would require a person convicted of petty theft or shoplifting, if the person has two or more prior convictions for specified theft-related offenses, to be punished by imprisonment.
- SB 928 (Niello): Extends the operation of the crime of organized retail theft from the end date of January 2026 to indefinitely.
- SB 999 (Cortese): Expedites authorization for substance use disorder treatment by requiring that a health care service plan and a disability insurer – and an entity acting on a plan’s or insurer’s behalf – ensure compliance with specific requirements for utilization review.
- SB 997 (Portantino): Expands access to overdose reversal drugs and testing strips in schools by requiring school districts, county offices of education, and charter schools to develop and adopt a policy that allows pupils in middle schools and high schools to carry a federally approved naloxone hydrochloride nasal spray.
- SB 1282 (Smallwood-Cuevas): Expands the use of diversion by requiring every county to have a diversion program for theft cases and allowing judges to grant diversion in any case they deem appropriate.
- SB 1381 (McGuire): Expands regional property crime task forces to include the sale of stolen goods as a property crime in efforts to identify geographic areas that witness high amounts of property crimes.
- SB 1446 (Smallwood-Cuevas): Ensures there is a safe level of staffing in retail stores, limits the number of items that can be taken through self-checkout, and requires employers to provide worker and consumer impact assessments when automation is expanded and introduced in the workplace.