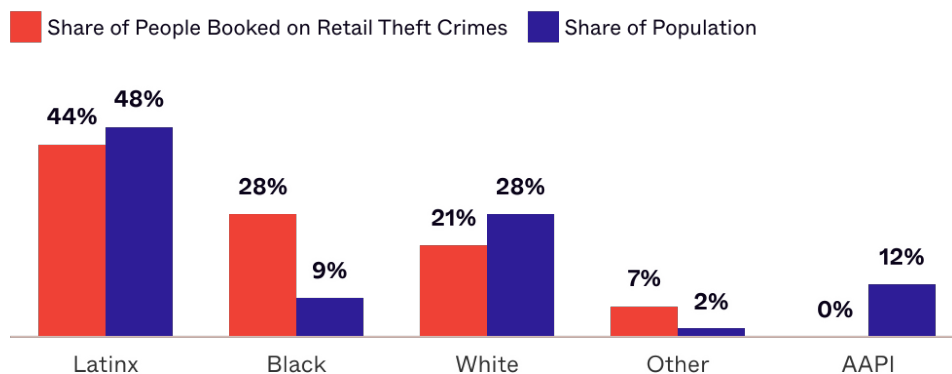


Retail Theft Crackdown Will Increase Mass Incarceration, Worsen Racial Disparities, and Harm Youth in Los Angeles

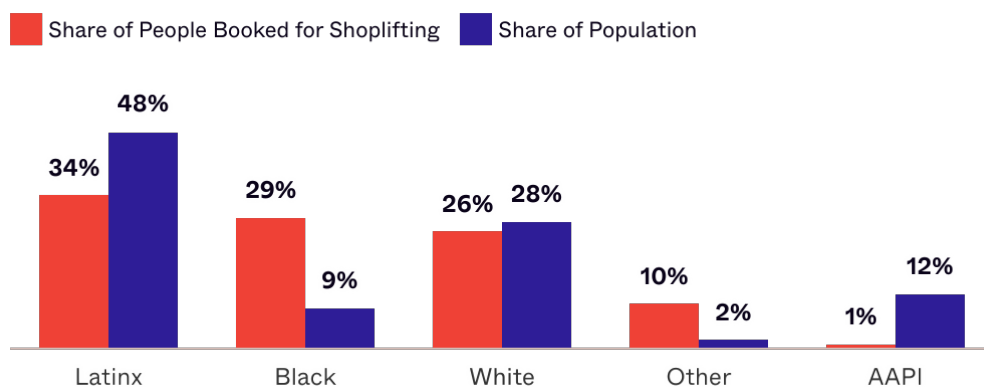
A Vera analysis of nearly 14,000 jail bookings across the City of Los Angeles from 2020 to 2023 found that proposals to increase penalties for retail theft, such as the upcoming Proposition 36, will disproportionately harm Black people in Los Angeles, driving up mass incarceration and increasing racial disparities in the criminal legal system.¹ The data shows that these penalties will also disproportionately harm children and young adults.

The majority of people booked for retail theft in Los Angeles are Black and Latinx



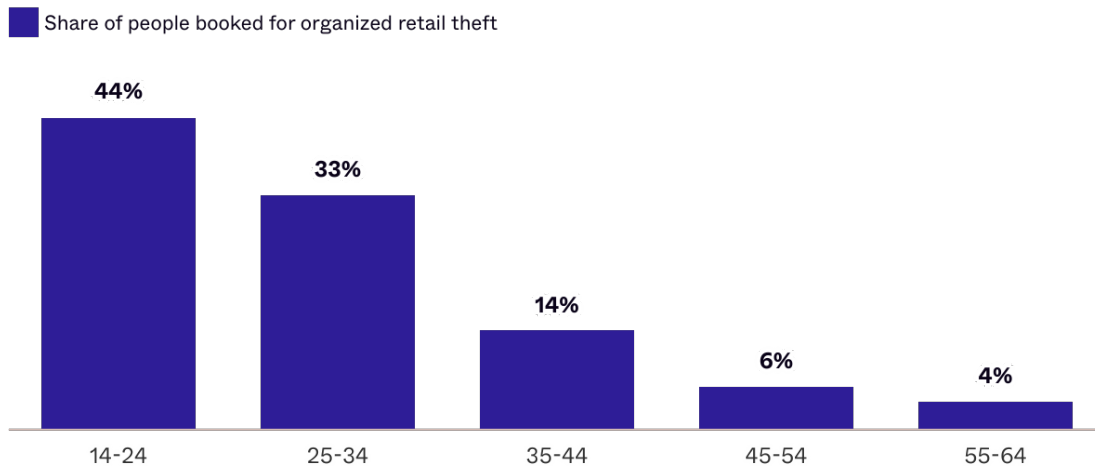
Black people in particular are dramatically overrepresented among people booked on retail theft charges. Increasing incarceration penalties for retail theft crimes will send more Black and Latinx people to prison and jail (and for longer periods of time), without addressing the root causes of retail theft.

Black people in Los Angeles are much more likely to be booked on shoplifting charges than white people



Black people in Los Angeles are much more likely to be arrested for shoplifting (which California defines as theft under \$950) than their white neighbors, despite national research showing that the lifetime prevalence of shoplifting is higher among white people than Black people.² Increased incarceration for shoplifting will disproportionately harm Black people and communities.

Children and young adults are most likely to be booked for organized retail theft in Los Angeles



Children and young adults between the ages of 14 and 24 make up just 13 percent of California’s population, but make up close to half of people in Los Angeles booked in jails on organized retail theft charges, which carry harsher sentences than shoplifting and generally constitutes theft involving more than one person with intent to sell the stolen goods.³ Within that age group, **81 percent of those arrested were Black despite making up less than roughly 8 percent of the city’s young people**, meaning that Black children and transition-age youth will be disproportionately harmed by crackdowns on organized retail theft.⁴ This finding is consistent with studies showing that Black people are more likely to be charged with upgraded charges of organized retail theft.⁵ The evidence is clear that attempts to punish so-called “professional theft rings” will harm young people of color, with harsh penalties likely to derail their lives. The legislature has already recently imposed harsher penalties for organized retail theft, and Prop 36 would only add more ineffective punishment on top.⁶

Los Angeles needs solutions that work, not mass incarceration

By imposing harsher penalties for theft, Prop 36 would send many more people to prison and jail for longer, marking a return to mass incarceration in California that will cost billions in public dollars and do nothing to address the root causes of retail theft.⁷ It would also drain hundred of millions of dollars from community-based programs that hold people accountable by helping them change their behavior.⁸ This new data shows in addition how California’s communities of color and young people will bear the brunt of this wave of costly, ineffective punishment.

Instead, we know what can reduce retail theft: support solutions that address why people shoplift, promote accountability for those who profit most from organized retail theft operations, and regulate online marketplaces to prevent the sale of stolen goods.⁹

Notes

¹ This analysis used jail booking data from 2020 to 2023 from the Los Angeles Police Department, employing the widely accepted definition of retail theft as commercial burglary, petty theft, grand theft, shoplifting, and organized retail theft. Arrest data for Los Angeles is publicly available at https://data.lacity.org/Public-Safety/Arrest-Data-from-2020-to-Present/amvf-fr72/about_data. Arrest data for the remaining counties in this analysis is available by request at <https://jaildatainitiative.org>. Unless otherwise noted, population share data is taken from United State Census Bureau, “2020 Decennial Census,” <https://data.census.gov/table/DECENNIALPL2020.P1?g=160XX00US0644000>.

- ² Cal. Penal Code §487 separates grand theft from petty theft. For prevalence of shoplifting by race see Carlos Blanco, Jon Grant, Nancy M. Petry, et al., “Prevalence and Correlates of Shoplifting in the United States: Results From the National Epidemiologic Survey on Alcohol and Related Conditions (NESARC),” *American Journal of Psychiatry* 165, no.7 (2008), 905-913, 909, <https://doi.org/10.1176/appi.ajp.2008.07101660>.
- ³ United State Census Bureau, “2020 Decennial Census.” For California’s definition of organized retail theft, see Cal. Penal Code §490.4.
- ⁴ United States Census Bureau, “American Community Survey 2022 5-Year estimates,” Table S0101, <https://data.census.gov/table/ACSST1Y2022.S0101?q=Los%20Angeles%20city,%20California>; and U.S Census Bureau, “American Community Survey 2022 5-Year estimates,” Table B01001B, [https://data.census.gov/table?q=B01001B:%20Sex%20by%20Age%20\(Black%20or%20African%20American%20Alone\)&g=160XX00US0644000](https://data.census.gov/table?q=B01001B:%20Sex%20by%20Age%20(Black%20or%20African%20American%20Alone)&g=160XX00US0644000). Note that while Vera’s analysis of arrests uses the age bracket 14 to 24, the Census Bureau’s data only allows calculation of the age bracket 15 to 24, making it a rough but relatively accurate comparison.
- ⁵ On organized retail theft specifically, see Michael Braun, Jeremy Rosenthal, and Kyle Therrian, “Police Discretion and Racial Disparity in Organized Retail Theft Arrests: Evidence from Texas,” *Journal of Empirical Legal Studies* 15, no. 4 (2018), 916-950, <https://doi.org/10.1111/jels.12201> (paywall-free pre-publication version available at <http://dx.doi.org/10.2139/ssrn.2959076>). For a broader look at racial disparities with respect to charge severity, see for example Emily Owens, Erin M. Kerrison, and Bernardo Santos Da Silveira, *Examining Racial Disparities in Criminal Case Outcomes among Indigent Defendants in San Francisco* (Philadelphia: Penn Law and Quattrone Center for the Fair Administration of Justice, 2017), <https://perma.cc/U2J2-LYLV>; and The Pew Charitable Trusts, *Racial Disparities Persist in Many U.S. Jails* (Philadelphia, The Pew Charitable Trusts, 2023), <https://perma.cc/WN2G-WRFK>.
- ⁶ Governor Gavin Newsom, “Governor Newsom Signs Landmark Legislative Package Cracking down on Retail Crime and Property Theft,” Press release, August 16, 2024, <https://perma.cc/R4HM-YZXE>.
- ⁷ Legislative Analyst’s Office, *Proposition 36* (Sacramento: Legislative Analyst’s Office, 2024), <https://perma.cc/QV34-JRTH>.
- ⁸ Vera Institute of Justice, “Prop 36: California’s 2024 Ballot Proposition to Recall Prop 47 Explained,” June 21, 2024, <https://www.vera.org/explainers/prop-36-californias-ballot-proposition-to-recall-prop-47-explained>; and Monica Davalos and Scott Graves, *Understanding Proposition 36 Why Prop. 36 Fails Californians: Escalating Costs, Deepening Disparities, and Ineffective Solutions* (Sacramento, CA: California Budget & Policy Center, 2024), <https://perma.cc/E33U-NYBJ>.
- ⁹ Vera Institute of Justice, *Californians Deserve Solutions to Retail Theft, Not Misinformation and Ineffective Policies* (Los Angeles: Vera, 2024), [https://vera-advocacy-and-partnerships.s3.amazonaws.com/Vera%20CA_Fact%20Sheet%20on%20Retail%20Theft%20\(with%20endnotes\).pdf](https://vera-advocacy-and-partnerships.s3.amazonaws.com/Vera%20CA_Fact%20Sheet%20on%20Retail%20Theft%20(with%20endnotes).pdf).