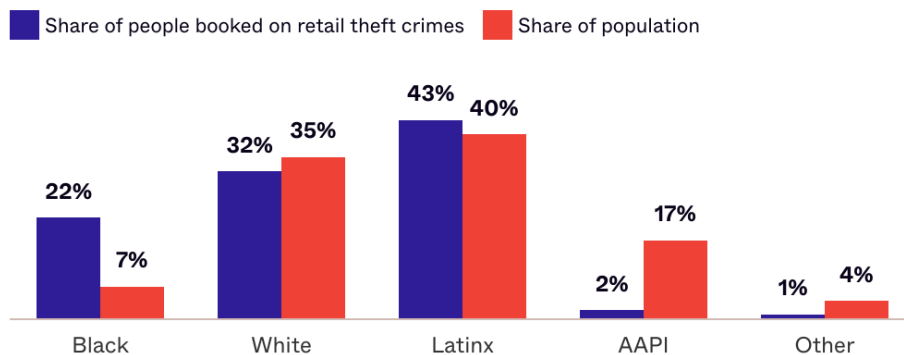


Retail Theft Crackdown Will Increase Mass Incarceration, Worsen Racial Disparities, and Harm Youth

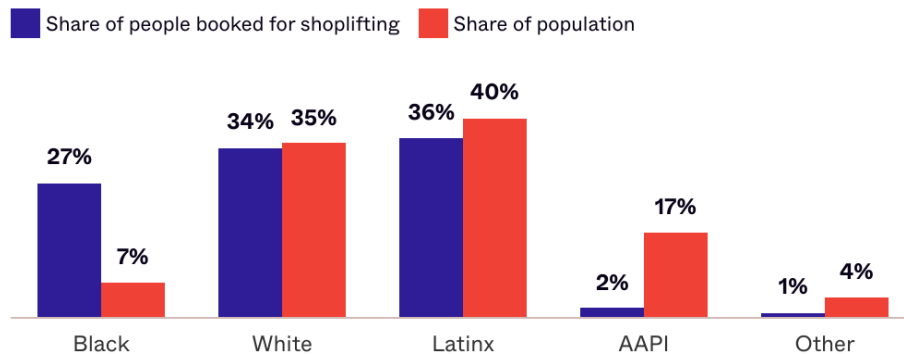
A Vera analysis of nearly 44,000 jail bookings across the state from 2020 to 2023 found that proposals to increase penalties for retail theft, such as those moving through the legislature and in the upcoming ballot initiative, will disproportionately harm Black and Latinx Californians, driving up mass 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 California 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 are much more likely to be booked on shoplifting charges than white people in California



Black people in California are much more likely to be arrested for shoplifting (theft under \$950) than their white neighbors, despite national research showing that white people are more likely to engage in shoplifting than Black people.² Increased incarceration for shoplifting will disproportionately harm Black people and communities.

Children and young adults are among those most likely to be booked for organized retail theft



Children and young adults between the ages of 14 and 24 make up just 13 percent of California’s population, but are among those most often booked in jails on organized retail theft charges.³ Within that age group, **84 percent of those arrested were Black**, meaning that Black children and transition-age youth will be disproportionately harmed by crackdowns on organized retail theft. This finding is consistent with studies showing that Black people are more likely to be charged with upgraded charges of organized retail theft.⁴ 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.

California needs solutions that work, not mass incarceration

The proposals under discussion could send many more people to prison and jail, marking a return to mass incarceration in California that will cost millions in public dollars and do nothing to address the root causes of retail theft.⁵ 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: solutions that address why people shoplift, promote accountability for those who profit most from organized retail theft operations, and improve in-person shopping by investing in workers.⁶

Notes

- ¹ This analysis used jail booking data from 2020 to 2023 from the NYU Public Safety Lab Jail Data Initiative and 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. The data includes Amador, Calaveras, Fresno, Inyo, Kings, Lake, Madera, Marin, Mariposa, Mendocino, Merced, Mono, Napa, Riverside, San Mateo, Santa Cruz, Shasta, Siskiyou, Sutter, and Tulare counties, as well as the city of Los Angeles. 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>. Population share data from United State Census Bureau, “2022 ACS 1-year Estimates,” <https://www.census.gov/programs-surveys/acs/technical-documentation/table-and-geography-changes/2022/1-year.html>.
- ² Carlos Blanco, Jon Grant, and 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), <https://doi.org/10.1176/appi.ajp.2008.07101660>.
- ³ United State Census Bureau, “2022 ACS 1-year Estimates,” October 26, 2023, <https://www.census.gov/programs-surveys/acs/technical-documentation/table-and-geography-changes/2022/1-year.html>.
- ⁴ 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* (Dallas, TX: SMU Cox School of Business, 2018),

<http://dx.doi.org/10.2139/ssrn.2959076>. For the broad body of research showing 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>.

⁵ Current proposals around increasing penalties for retail theft include changing misdemeanors to felonies and creating new felonies, as well as introducing a number of sentencing enhancements. All these changes could increase the risk of incarceration as well as the length of time people can be incarcerated for conviction of retail theft crimes.

⁶ 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).