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District Attorney Ramps Up Efforts to Prosecute Organized Retail Theft Rings

DA Stephan Calls for Provision in Retail Theft Law to be Restored

San Diego County District Attorney Summer Stephan said today that her office took a tough stance early last year against organized retail thieves and is continuing to explore additional ways to hold these criminals accountable amid high-profile ‘smash and grab’ thefts across California.

Today, Stephan and her team met with retailers, business association representatives, retail industry employee representatives, law enforcement and others to discuss the scope of the problem in San Diego County, steps law enforcement is taking to stop and prosecute these crimes and talk about possible future prevention strategies. The meeting was also held to develop a deeper understanding of the issues and possible solutions.

Beginning in 2019, with the passage of California’s Organized Retail Theft Law (PC 490.4), the San Diego DA’s Office began a partnership with the California Highway Patrol’s Organized Retail Theft team of special investigators. Since that time, a number of successful prosecutions have occurred. Crews of thieves coming to San Diego from other parts of the California have been prosecuted in a single case for all crimes they committed against retail stores up and down the state.

“By building strong cases here in San Diego, the message we’re delivering is that if you come to our county to steal, you will be investigated, caught and prosecuted to the fullest extent of the law for all of the thefts you have committed in other counties,” said DA Stephan. “We’ve been a leader in the state when it comes to holding these organized crime rings accountable through enforcing the rule of law and are continuing to fight on behalf of businesses, their employees, customers and the community to be safe and protected from harm in our county.”

In a recent case, two thieves were prosecuted for 42 felony counts of looting, grand theft and burglary for breaking into ULTA Beauty, Nordstrom Rack and other stores during nighttime hours. These thieves caused over \$700,000 in loss after destroying locked glass doors. The defendants were prosecuted by the San Diego DA’s Office for crimes occurring in four additional counties.

National retail groups estimate retail theft losses to be in the tens of billions of dollars each year. Locally, San Diego County has not yet seen any of the larger “smash and grab” incidents, but instead thefts are increasingly carried out by organized crews of thieves who are travelling around the state and hitting store after store of whatever they specialize in or whatever is in demand like fragrances,

tools and electronics. Law enforcement is arresting some thieves who are San Diego residents but say at least half of them are not local residents and only come to San Diego is to steal.

In other cases, robbers hop the counter or enter a pharmacy area to steal prescription medication. Prosecutors also say thieves often strike when stores are open, knowing that sales associates have been directed to leave the crooks alone for safety and liability reasons. With these kinds of robberies on the increase, organized retail theft represents a significant problem in San Diego County.

Another challenge to holding repeat thieves accountable is a change in the law under Prop 47 that says any loss under \$950 cannot be charged as a felony no matter how many times the crime is repeated. Currently the law doesn't distinguish between a person who steals on one occasion and those who steal repeatedly harming small businesses and their employees.

In addition, currently misdemeanor retail theft cases are not bookable offenses and thieves are just issued citations (like a traffic ticket) and told to leave the store. This is due to the need for the jail to allow capacity for serious and violent offenders to address COVID concerns that have been taken advantage of by repeat criminals who have used the zero bail as a vehicle to continue preying on the community.

DA Stephan is also calling on the legislature to restore a key provision of the state's Retail Theft Law. When the law lapsed recently, the legislature put the law back in place after the shocking images of smash and grab thefts emerged in the media, but without the provision that allows one DA's Office to combine cases from other counties into one prosecution.

Arresting and prosecuting thieves is important but can't happen without early reporting from stores. Oftentimes, the crews hit multiple stores per day and the evidence from one store can help prove the thefts in another store. Store video surveillance is particularly valuable, including outside cameras that may capture vehicle information. When arrests are made and property is recovered, police reports are the only way victims can be identified and stolen property returned.

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About the San Diego County District Attorney's Office

The San Diego County DA's Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.