

SEIU California



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The Honorable Kevin McCarty
Chair, Assembly Committee on Public Safety
1020 N Street, Suite 111
Sacramento, CA 95814

Re: AB 1990 - OPPOSE

Dear Assemblymember McCarty:

On behalf of SEIU California and our over 700,000 members, we would like to express our **opposition to AB 1990** (Carrillo), which would allow a police officer to, without a warrant, arrest a person for shoplifting not committed in the officer's presence if the officer has "reasonable cause" to believe that the person has committed shoplifting. This bill would also prohibit the use of citations in lieu of custodial arrest for individuals arrested for shoplifting regardless of the circumstances.

Our members, the majority of which are people of color, are not only workers in various sectors across the state but they are also members of the community that are concerned about policies that disproportionately impact people of color as it relates to the criminal legal system. We represent security officers who are directly impacted by retail theft and policies aimed at reducing it. We also represent county jail employees who would be faced with an increase of individuals taken into custody. AB 1990 is not only unfair but can harm black and brown communities and have an impact on various workforces.

Existing law provides effective procedures for the detention and arrest of shoplifters. Current law provides shopkeepers and their agents, including security officers, the power to detain individuals for shoplifting. Current law also gives shopkeepers and their agents the power to make citizen arrests and turn the arrestee over to the police for processing and criminal prosecution. This applies equally to shoplifting crimes witnessed through video surveillance and those witnessed in person. This procedure has been used effectively for decades in shoplifting cases, and other misdemeanor offenses that do not occur in an officer's presence. In addition, in the event that shoplifting is captured on video and the person is not immediately apprehended in the store, current law also provides the district attorney the ability to charge and prosecute the person based on the evidence captured in the video. If a police officer or a district attorney feels that it is appropriate to take the person into custody, they can also seek an arrest warrant.

This bill would allow an officer to take any person arrested for shoplifting into physical custody, regardless of whether any of the circumstances which currently provide a basis for physical arrest on a misdemeanor are present. As a general matter, persons arrested for a misdemeanor offense are issued a citation and allowed to remain out of custody to appear in court. This general rule recognizes two facts: (1) jail space is limited and should be used for individuals who pose an immediate safety risk, and (2) custodial arrest has a significant negative impact on the individual. It also reflects our deeply held value that people charged but not convicted of a crime should be presumed innocent and not subject to unnecessary detention.

This bill is unfair and believed to be unconstitutional. For these reasons, we strongly oppose this bill and request your "NO" vote. Should you have any questions, please reach out to me at twhiten@seiucal.org or 916-621-9846. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Tiffany Whiten". The signature is written in a cursive, flowing style.

Tiffany Whiten
Senior Government Relations Advocate
SEIU California

CC: The Honorable Members of the Assembly Committee on Public Safety