

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Councilmember Peter Ortiz
Councilmember Domingo Candelas
Councilmember Dev Davis
Councilmember Sergio Jimenez
Councilmember Bien Doan

SUBJECT: SEE BELOW

DATE: February 2, 2024

Approved:



SUBJECT: PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS IN SAN JOSÉ.

RECOMMENDATION

Accept staff recommendations with the following amendments:

1. Direct staff to create a standard training for officers to properly identify catalytic converters, as they vary between brands, makes, and models, and distinguish them from other car parts.
2. Amend the staff recommendation regarding a 12-month timeframe to instead reflect a 36-month timeline in which violations need to occur to be considered a subsequent violation(s) from the first initial violation.
 - a. Therefore, all subsequent violations by repeat offenders will continue to be fined at \$4,000 per stolen catalytic converter for 3 years.
3. Amending the proposed Administrative Citation Schedule of Fines to establish civil fines for unlawful possession of a catalytic converter specifying increased fines for repeat violations of the same code provision by the same person to the following amounts:
 - a. \$2,000 per stolen catalytic converter for a first offense,
 - b. \$4,000 per stolen catalytic converter for a second offense within a 36-month period from the date of the first violation,
 - c. \$6,000 per stolen catalytic converter for a third and subsequent violations within a 36-month period from the first violation.

BACKGROUND

This ordinance will fill a gap that exists in current local laws and act as a deterrent to stop a crime that often affects some of San José's most vulnerable communities. As the staff memo mentions, catalytic converter theft is a serious crime that is becoming increasingly common in San José. The theft of this car part not only poses physical harm to the vehicle owner but also has significant financial consequences. In an age where a family's livelihood heavily relies on their vehicle for work, school, and other daily activities, a theft can leave them anywhere from days to weeks without a means of transportation. The financial burden caused by the theft and the associated repair costs can create significant hardship for our families who already may be struggling to make ends meet, as a theft forces families to choose between car repair or essential household expenses.

Staff Training

We want San José Police officers to be properly trained in identifying catalytic converters. The complexity of these thefts lies in the fact that catalytic converters vary significantly between brands, makes, and models of vehicles (Attachment A). It is crucial for law enforcement to possess knowledge to accurately identify stolen catalytic converters. This will empower our police force with the expertise needed to distinguish stolen catalytic converters, swiftly and effectively. Officers will be provided with insights into the diverse characteristics of these components, enabling them to make informed judgments during routine patrols or investigations.

Escalation of Fines for Repeat Violations

Recommended fine amounts are based on a consideration of similar offense types and offense severity contained in the administrative citation schedule of fines, as well as indirect factors related to encouraging compliance. Additionally, to deter repeated violations, we recommend a stiffer escalation of fines for repeat offenses.

Extend time period to 36 months

Catalytic converter theft has become an increasingly prevalent issue in recent years due to the high value of the device and the ease with which it can be stolen. Thieves can get underneath a vehicle within a matter of seconds and remove the converter, which is then sold or recycled for its precious metals. This has become a nationwide problem, with many major city police departments reporting similar incidents.

For example, the Bakersfield police department has stated that many of the thieves are repeat offenders who continue to steal converters despite being arrested multiple times. This is because the converters contain valuable metals such as platinum, palladium, and rhodium, which goes for a high price on the black market. On top of financial setbacks for the vehicle owner, the theft of the catalytic converter also leads to environmental pollution, as the devices are critical in reducing harmful emissions from vehicles. As such, it is essential that authorities take strict measures to prevent such thefts and apprehend the offenders.

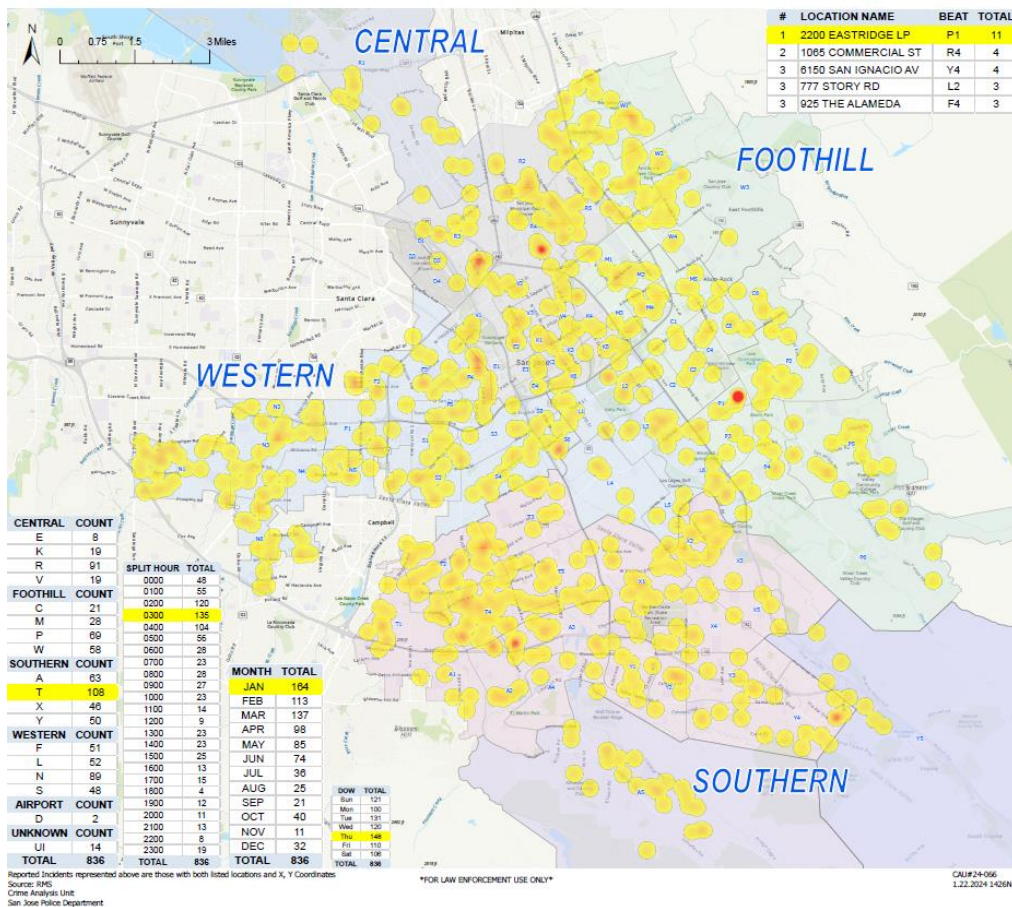
Attachment A – Different types of Catalytic Converters:



Attachment B – Citywide Map of Reported Catalytic Converter Incidents:



Citywide Reported Incidents for Catalytic Converters by Occurred Date and Time
Time Period: 01.01.2023 - 12.31.2023



The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.