



## Legislation Text

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File #: 22-683, Version: 1

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### **TITLE:**

INTRODUCTION OF AN ORDINANCE ADDING CHAPTER XV (UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER) TO TITLE 11 (OFFENSES-MISCELLANEOUS) OF THE COSTA MESA MUNICIPAL CODE TO ESTABLISH REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS IN THE CITY

**DEPARTMENT:** POLICE DEPARTMENT

**PRESENTED BY:** BRYAN WADKINS, LIEUTENANT

**CONTACT INFORMATION:** BRYAN WADKINS, LIEUTENANT, (714)754-5292

### **RECOMMENDATION:**

Staff recommends the City Council:

Introduce for first reading, by title only, Ordinance No. 2022-xx, adding Chapter XV (Unlawful Possession of a Catalytic Converter) to Title 11 (Offenses-Miscellaneous) of the Costa Mesa Municipal Code to establish regulations prohibiting the unlawful possession of catalytic converters in the City.

### **BACKGROUND:**

In recent years, the residents of Costa Mesa have been the victims of hundreds of catalytic converter thefts. Unsuspecting victims park their cars and while they are away, criminals quickly remove the catalytic converter from their vehicles using power tools. The theft of catalytic converters is one of the fastest growing crimes in Costa Mesa, having increased from 26 in 2019 to 318 in 2021, a 1,223% increase in two years.

Catalytic converter thefts are on the rise statewide because individuals are incentivized to commit catalytic converter thefts for multiple reasons including, but not limited to:

- The ease and undetectable nature of committing the thefts in a matter of seconds using common tools.
- The ability to recycle catalytic converters at scrap metal yards for high dollar returns ranging from \$200 to \$1,200 per catalytic converter.
- Loopholes in current laws protecting criminals from prosecution unless a victim can be identified.

The individuals who are in possession of stolen catalytic converters recycle them for substantial profit, while victims of these thefts suffer consequences of paying thousands of dollars in repairs, the inconvenience of repairing their vehicles and feeling unsafe in their community.

Based on current laws, if a suspect is found to be in possession of numerous catalytic converters, police have the burden to prove the catalytic converters are stolen. Law enforcement must do this by identifying the specific victim associated with the stolen catalytic converter. This task can be nearly impossible due to catalytic converters not having identifying serial numbers that can be traced. Currently, there are no City, State or Federal laws that punish the possession of unlawfully obtained catalytic converters without identifying the associated victim. Nor are there any laws that require individuals to provide proof to law enforcement as to how they obtained a catalytic converter. These issues limit law enforcement's ability to protect the public by preventing law enforcement from seizing suspected stolen catalytic converters when no victim can be identified.

In order to help address the rise in catalytic converter theft issues, the Costa Mesa Police Department has used multiple means to educate the public to this emerging crime and increased directed patrol, even employing bait cars and drones in an effort to catch catalytic converter thieves in the act. The Costa Mesa Police Department has also organized events with a local automotive business to etch identifying information on catalytic converters to assist in their recovery if stolen. Although etching crime prevention outreach is helpful, accounting for nearly fifty catalytic converter etchings in Costa Mesa, it is not enough to significantly reduce this crime.

### **ANALYSIS:**

The residents of Costa Mesa and the Costa Mesa Police Department are in need of legislation regarding these issues in order to:

- Deter crime by establishing zero-tolerance for catalytic converter thefts.
- Establish sanctions for possessing stolen catalytic converters.
- Prevent criminals from profiting from the sale and recycling of stolen catalytic converters.
- Provide justice to the victims of catalytic converter thefts whose cases would otherwise go unsolved.
- Reducing Part 1 crime statistics, which have been substantially increased by catalytic converter thefts.
- Minimizing the fiscal and personnel impact that the City of Costa Mesa invests in deterring and investigating catalytic converter thefts.

The proposed ordinance would add a new Chapter XV (Unlawful Possession of a Catalytic Converter) to Title 11 (Offenses-Miscellaneous) of the Costa Mesa Municipal Code. The proposed ordinance makes it unlawful for any person to possess any catalytic converter that is not attached to a vehicle unless the person has valid documentation or other proof to verify that the person is in lawful possession of the catalytic converter. It also makes it unlawful for any person to knowingly falsify, or cause to be falsified, any information in any documentation or other proof intended to show lawful possession of a catalytic converter. Violations of the chapter are deemed misdemeanors.

Other cities in Orange County, including Irvine, Huntington Beach and Mission Viejo, have adopted similar ordinances.

The adoption of the proposed ordinance will provide the Costa Mesa Police Department with clearly established legal authority to assist in protecting the public and deterring this criminal activity.

**ALTERNATIVES:**

City Council could elect to not introduce the proposed ordinance, leaving enforcement of catalytic converter thefts as they are today, absent future changes to State law.

**FISCAL REVIEW:**

There is no fiscal impact to the Introduction of the Ordinance.

**LEGAL REVIEW:**

The City Attorney's Office has reviewed this report and approved it as to form.

**CITY COUNCIL GOALS AND PRIORITIES:**

This item supports the City Council Goal:

- Strengthen the public's safety and improve the quality of life.

**CONCLUSION:**

Staff recommends that the City Council:

Introduce for first reading, by title only, Ordinance No. 2022-xx, adding Chapter XV (Unlawful Possession of a Catalytic Converter) to Title 11 (Offenses-Miscellaneous) of the Costa Mesa Municipal Code to establish regulations prohibiting the unlawful possession of catalytic converters in the City.