



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Mayor Matt Mahan
Councilmember David Cohen
Councilmember Pam Foley

SUBJECT: SEE BELOW

DATE: November 30, 2023

Approved

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Matt Mahan David Cohen Pam Foley

Subject: Prohibiting the unlawful possession of catalytic converters in San José

Recommendation:

1. Direct the City Manager and City Attorney to:
 1. Draft an ordinance to prohibit the unlawful possession of catalytic converters in San José.
 2. Draft a resolution amending the 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 within twelve months from the date of an administrative citation.
 3. Return to City Council for consideration of the draft ordinance and resolution in early 2024.

Background:

Catalytic converter theft has become a widespread problem, affecting thousands of San José residents in recent years. Since 2021, the San José Police Department (SJPD) has filed 4,123 reports of stolen catalytic converters across our city. This indiscriminate crime extends across virtually every neighborhood, impacting residents' livelihood and wellbeing and causing financial strain and inconvenience for many. In the worst cases, victims have been physically harmed or killed attempting to interrupt the crime.

Key components of catalytic converters include valuable metals like platinum, palladium, and rhodium, which have increased in value in the global market, making catalytic converters lucrative targets for thieves looking to profit from the resale of precious metals. According to SJPD, thieves receive an average of \$250 per catalytic converter in the black market, while victims are stuck footing up to a thousand dollars to replace the unit.

Recently, the California State Legislature imposed stricter regulations on core recyclers, dismantlers, and other licensed businesses that may reasonably generate, possess, or sell catalytic

converters. These regulations place strict penalties on core recyclers who engage in the acquisition of stolen catalytic converters. Locally, SJPD's "Etch and Protect" Program provides residents with free etching of license plate numbers on their catalytic converters, aiding in the identification of stolen catalytic converters and allowing SJPD to cite individuals responsible for theft.

However, current law allows SJPD to search and seize a catalytic converter that is suspected to be stolen only if it has an identifier such as a license plate number connecting the converter to a victim. Just this week, an SJPD officer stopped a stolen vehicle that contained 14 stolen catalytic converters, but charges may only be filed for the two that were marked. If the ordinance and proposed resolution were in effect, charges could be filed and fines levied for all 14 catalytic converters individually, serving as a deterrent for future thefts.

Ordinances barring unlawful possession of an unattached catalytic converter without proof of ownership have curbed the frequency of catalytic converter theft in cities like Los Angeles, where a similar ordinance was approved by their City Council in 2022. Since then, the city has seen a steady decline in theft, and while many factors have contributed to the decline, it is undeniable that focused and proactive attention and stringent consequences for thieves have been crucial to their success.

The combination of state laws that make it difficult for core recyclers to purchase stolen converters and local ordinances that apply civil fines are an effective tool to deter future thefts. The assessment of both criminal and civil fines will financially disincentivize habitual thieves from committing the crime and improve safety in San Jose.

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.