

CITY OF PALM DESERT STAFF REPORT

MEETING DATE: April 25, 2024

PREPARED BY: Daniel Hurtado, Public Safety Analyst

REQUEST: INTRODUCE AN ORDINANCE ADDING CHAPTER 9.71 TO TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE PALM DESERT MUNICIPAL CODE, ESTABLISHING REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS

RECOMMENDATION:

Introduce an Ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ADDING CHAPTER 9.71 (UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER PROHIBITED) TO TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE PALM DESERT MUNICIPAL CODE, ESTABLISHING REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS IN THE CITY."

BACKGROUND/ANALYSIS:

A catalytic converter is an exhaust emissions control device located between the exhaust manifold and the muffler of an automobile. The purpose of a catalytic converter is to convert most of a vehicle's emissions into less harmful byproducts, which ultimately improves both air quality and vehicle performance. As part of their construction, catalytic converters contain valuable materials such as platinum, palladium, and rhodium, some of which are valued at several thousand dollars per ounce on the recyclables market.

In 2023, the City of Palm Desert experienced an average of 6 catalytic converter thefts per month, which is a decrease from the 13 thefts per month in 2022. Although the number of thefts has decreased, the victims of catalytic converter theft are still greatly inconvenienced. The victims are often left to bear high repair costs and are left without a functioning vehicle until after these repairs have been made.

Catalytic converter thefts have been on the rise because individuals are incentivized to commit catalytic converter thefts for multiple reasons. These reasons include: (1) the ease and undetectable nature of committing such thefts, potentially taking place in a matter of seconds and through the use of common tools; (2) the ability to recycle catalytic converters at scrap metal yards for high dollar returns ranging from \$200 to \$1,200 per catalytic converter; and (3) loopholes in legislation protecting criminals from prosecution, unless a victim can be identified.

While there have been legislative attempts in Sacramento to crack down on catalytic converter theft, local agencies in California have begun to pass ordinances to assist law enforcement in holding these thieves accountable for their crimes. Some of these agencies include the County of Riverside, and the cities of Corona, Eastvale, Palm Springs, and Cathedral City.

City of Palm Desert
(Unlawful Possession of Catalytic Converters Ordinance)

By criminalizing the mere possession of an unattached catalytic converter absent proof of ownership or lawful possession, this ordinance would combat this criminal practice and increase deterrence by establishing zero-tolerance for catalytic converter theft through:

- Establishing criminal penalties for the possession of stolen catalytic converters.
- Prohibiting the falsification of information in documents and records used to verify ownership or lawful possession of a catalytic converter;
- Preventing criminals from profiting from the sale and recycling of stolen catalytic converters;
- Providing indirect justice to the victims of catalytic converter theft cases that have gone or will go unsolved; and
- Minimizing the fiscal and personnel impact on the Riverside County Sheriff's Department by reducing the time invested in deterring and investigating catalytic converter thefts.

Under the ordinance, “documentation or other proof” could include the following types of documents:

- Bill of sale from the original owner with the signature of the vehicle owner authorizing the removal of the catalytic converter, as well as the name, address, and telephone number of the vehicle owner;
- Documentation from an auto-body shop or similar business proving that the owner relinquished the catalytic converter to the auto-body shop or similar business;
- Verifiable electronic communication from the previous owner to the possessor relinquishing ownership of the catalytic converter; or
- Photographs of the vehicle from which the catalytic converter originated, clearly showing the license plate number and vehicle identification number (VIN) of the car from which the catalytic converter was removed.

The proposed ordinance also makes it unlawful to falsify or cause to be falsified any information in any documentation or other proof intended to show valid proof of ownership or possession of a catalytic converter.

Legal Review:

This report has been reviewed by the City Attorney's office.

Strategic Plan:

The recommendation aligns with the Public Safety and Emergency Services section of the Palm Desert Strategic Plan.

Priority 2: Increase methods of preventing crime.

Appointed Body Recommendation:

This item was brought forward to the Public Safety Committee at the April 9, 2024, 3:30 pm meeting, with the Public Safety Committee voting to move forward with a recommendation to the City Council.

Environment Review:

The requested City Council action is not subject to the California Environmental Quality Act (CEQA), as it is not a “Project” as defined by CEQA. (CEQA Guidelines 15060(c)(3)). Pursuant to Section 15378(a), a “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. The requested action is to amend the Municipal Code to create a new criminal offense and is exempt from CEQA under the “common sense” exemption (CEQA Guidelines 15061(b)(3)), as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The requested action is further exempt under Section 15060(c)(2), as it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

FINANCIAL IMPACT:

Approval of this ordinance will not, by itself, cause any fiscal impact on the City.

ATTACHMENT:

1. Draft Ordinance
2. Presentation