

Tuesday, February 7, 2023

Testimony of the Collective Action to Protect our Stores (CAPS) Coalition

Before the

**New York State Senate Committee on Finance
New York State Assembly Committee on Ways and Means**

Regarding

The Fiscal Year 2024 Executive Budget Proposal on Public Protection

To the esteemed Members of the Senate Finance and Assembly Ways and Means Committees,

Thank you for the opportunity to provide written testimony on the New York State Proposed Fiscal Year 2024 Budget, specifically relating to the area of Public Protection. We are the Collective Action to Protect our Stores Coalition, also known as CAPS. Our coalition is comprised of over 5,000 diverse small businesses throughout New York City and New York State who have come together to advocate for both greater protections for retail workers who are victims of assault and for stronger statutory provisions to tackle the pervasive issue of retail theft, particularly as it relates to repeat offenders.

New York State's independent supermarkets, bodegas, and local mom and pop retail shops are the backbones of our communities. From hiring our local residents to providing access to healthy, fresh foods and daily necessities for families, our workers keep neighborhoods running 24 hours a day, 7 days a week. We take pride in being essential workers and take our responsibility seriously, risking our lives at the height of the COVID-19 pandemic and stepping up in the 70's and 80's, ensuring that underserved communities were not without access to food and other essentials.

With the foregoing as a backdrop, our jobs are made even harder due to a marked increase in retail theft and violence against retail employees. According to the [New York Times](#), "Surges in robbery, burglary and other crimes drove a 22 percent increase in overall major crime in New York City last year." This rise in crime has hit independent supermarkets hard. Indeed, some have hired private security. Some [robberies](#) have been as high as \$72,000. New Yorkers expect and deserve to feel safe when they shop— but right now, for too many, they simply do not. This impacts the stores that lose money, workers who are harmed, and consumers who are worried about feeling safe to shop.

By the Numbers

- Local stores lost an estimated \$300 million in revenue due to theft.
- Repeat Theft is on the rise: 327 offenders account for 30% of New York City's 22,000 retail theft arrests in 2022. Recidivists were arrested nearly 6,600 times - averaging about 20 times each.
- Robbery, burglary, and other crimes have increased more than 22%.
- Merchants have made approximately 63,000 complaints - most going unresolved. As a result, shoplifting is vastly underreported and shopkeepers are putting themselves in harm's way to resolve altercations.

This is an entirely untenable situation, and something must be done to rectify it before more stores close or workers are harmed. We need your help, and time is of the essence. In our efforts to address these issues, we have engaged in productive dialogue with local district attorneys who are working diligently to bring these offenders to justice and preserve the safety of our businesses and communities. In our discussions, one thing became clear: district attorneys and other law enforcement entities, while doing their best to tackle the issue of repeat retail theft, much of which is organized retail theft, do not have the necessary resources, both financial and statutory (i.e. discretion to combine repeat petit larceny offenses into a grand larceny charge, and prohibiting the resale of stolen goods), to adequately combat and prosecute these crimes, especially in light of recent upticks. We applaud Governor Hochul's proposal to allocate \$52 million for all 62 district attorneys' offices in our State, in addition to the \$40 million in funding to support discovery reform implementation, and we hope the Legislature will support our Governor in her efforts to ensure our law enforcement agencies have what they need to protect everyday New Yorkers and the institutions that make up the fabric of our communities.

All of this being said, we do see additional opportunities for investment in the safety and security of our neighborhoods throughout the State, particularly in New York City. Along with enhancements to discovery laws and aid to prosecutors' offices, we ask that the Legislature call upon the Governor to allocate additional, baselined funds in the FY2024 budget to create dedicated units in both the district attorneys' offices and law enforcement agencies like the New York City Police Department to combat retail theft, in an effort to expedite response times and increase communication and coordination between these entities to deter repeat offenders. We also ask that funds be set aside in the FY2024 budget to create a statewide public service announcement and public awareness campaign against retail theft to send a strong message that such crimes and violence against our retail workers cannot and will not be tolerated in New York State. Lastly, we ask that the Legislature and the Governor consider funding enhancements to direct shoplifters experiencing mental health and substance abuse issues to the care they need and deserve, and away from the criminal justice system where appropriate.

Again, the Collective Action to Protect our Stores Coalition thanks the New York State Senate Committee on Finance and the Assembly Committee on Ways and Means for the opportunity to testify on the topic of Public Protection for the FY2024 Executive Budget. We look forward to a continued, good faith dialogue and collaborative relationship with you and the Governor's Office to improve our State's safety, and to ensure the longevity of a beloved, critical piece of our State's economic engine: our small businesses.