



# FULLERTON POLICE DEPARTMENT

## TRAINING BULLETIN

ROBERT DUNN, CHIEF OF POLICE

July 20, 2022

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TB # 22-01

### **Regulation and Prohibition of Unlawful Possession of Catalytic Converters**

#### **SUMMARY**

Introduction of an ordinance to establish regulations and prohibit the unlawful possession of catalytic converters in the City of Fullerton. **This Ordinance will go into effect on July 21, 2022.**

#### **DISCUSSION**

Catalytic converters convert most of a vehicle's emissions into less harmful forms, improving air quality and vehicle performance. They are an external component of a vehicle, accessible from the underside of a parked car and made of valuable materials such as platinum, palladium and rhodium - rare metals that command ever-increasing prices on the recyclables market, currently ranging between \$1,000 and \$17,000 per ounce.

The City has seen a rise in catalytic converter thefts. Individuals commit catalytic converter thefts for multiple reasons including, but not limited to:

- the ease and undetectable nature of committing such thefts, potentially in a matter of seconds and through the use of common tools such as a reciprocating saw
- the ability to recycle catalytic converters at scrap metal yards for high dollar returns
- loopholes in legislation protecting criminals from prosecution unless a victim is identified.

Catalytic converter thefts have increased nationwide over the past several years. Fullerton has also seen an increase in the number of catalytic converter thefts, as noted in the following table:

**City of Fullerton Catalytic Converter Thefts**

Year	Number of Thefts
2018	22
2021	304
2022 (January through March)	83

Solving reported cases of catalytic converter theft is a challenge. The following table provides breakdown of the disposition of cases:

Year	Catalytic Converter Thefts	Attempted Thefts	Total	DISPOSITION			
				No Leads/ Inactive	Lack of Pros/Victim	Active	Arrest
2018	22	-	22	20	2	-	-
2021	285	19	304	278	24	2	-
Jan to Mar 2022	81	2	83	67	14	2	-

The City has no City, State or Federal legislation applicable to define and punish catalytic converter thefts absent an identifiable victim. Additionally, no current City, State or Federal legislation applicable within the City of Fullerton requires individuals to provide proof to law enforcement as to how they obtained catalytic converters. This limits law enforcement's ability to protect the public by preventing catalytic converter thefts and seizing suspected stolen catalytic converters without an identifiable victim present. Preventing and punishing these crimes at present is nearly impossible due to the ease and speed with which individuals can commit catalytic converter thefts and the difficulty of tracing a particular catalytic converter back to its prior owner (the victim) because catalytic converters typically have no identifying markers.

By criminalizing the possession of an unattached catalytic converter absent proof of ownership or lawful possession, the proposed ordinance would combat this criminal practice by:

- achieving deterrence by establishing zero-tolerance for catalytic converter thefts
- establishing sanctions for possessing stolen catalytic converters
- 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 for the reasons discussed above
- minimizing the fiscal and personnel impact on the City of Fullerton and the Fullerton Police Department by reducing the time invested in deterring and investigating catalytic converter thefts.

## **RESOLUTION**

### ***FMC 7.161.010 - Unlawful possession of a catalytic converter prohibited***

- a. *It is unlawful for any person, other than a Core Recycler as defined in California Business and Professions Code Section 21610, to possess a catalytic converter that is not attached to a vehicle, unless the possessor has valid documentation or other proof to verify that they are in lawful possession of the catalytic converter.*
- b. *This section does not apply to a detached catalytic converter that has been tested, certified, and labeled or otherwise approved for reuse, and being bought or sold for purposes of reuse in accordance with the federal Clean Air Act (42 U.S.C. §§ 7401 et seq.) and regulations under the Clean Air Act, as they may, from time to time, be amended.*

### ***FMC 7.161.020 - Definitions***

- a. *For purposes of this section, "lawful possession" includes (1) being the lawful owner of the catalytic converter or (2) in possession of the catalytic converter with the lawful owner's written consent. It is not required to prove the catalytic converter was stolen to establish the possession is not a "lawful possession."*
- b. *For purposes of this section, "documentation or other proof" means written document(s) that clearly identify the vehicle from which the catalytic converter originated based on the totality of the circumstances, and includes, but is not limited to, the following types of documents:*
  - 1. *The license plate number and vehicle identification number of the car from which the catalytic converter was removed.*
  - 2. *The name, address, and telephone number of the owner of the vehicle from which the catalytic converter was removed.*
  - 3. *The signature of the vehicle owner authorizing removal of the catalytic converter.*
  - 4. *The name, address, and telephone number of the owner of the catalytic converter.*

***FMC 7.161.030 - Violations***

- a. *Each and every violation of this section shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Fullerton Municipal Code. Each and every catalytic converter unlawfully possessed is a separate violation of this section.*
- b. *The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law."*
- c. *Any person who violates any provision of this section shall be guilty of a misdemeanor punishable by a fine not to exceed \$1,000, imprisonment in the county jail for a term not exceeding six months, or both.*

Attachments:

- **Attachment 1 - Ordinance No. 3314**

This Training Bulletin can also be accessed through the Police Department Network.

- Go to & click on **COMMON** on S: Drive"
- Click on the **TRAINING** folder
- Click on **TRAINING BULLETINS** folder - **2022 TRAINING BULLETINS** folder
- Click on **TB 22-01 CATALYTIC CONVERTER - ORDINANCE NO. 3314**

## ORDINANCE NO. 3314

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADDING FULLERTON MUNICIPAL CODE TITLE 7 (PUBLIC SAFETY AND MORALS), CHAPTER 161 (UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER PROHIBITED) ESTABLISHING REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS IN THE CITY

WHEREAS, the citizens of Fullerton have experienced catalytic converter thefts from automobiles over the past several years.

WHEREAS, the City of Fullerton currently has applicable no City, State or Federal legislation to define and punish catalytic converter thefts absent an identifiable victim.

WHEREAS, the City of Fullerton currently has no applicable City, State or Federal legislation requiring individuals to provide proof to law enforcement as to how they obtained catalytic converters, thus limiting law enforcement's ability to (1) protect the public by preventing catalytic converter thefts and (2) seize suspected stolen catalytic converters without a victim present.

WHEREAS, catalytic converters contain expensive precious metals including platinum, palladium and rhodium, which currently cost between \$1,000 and \$17,000 per ounce.

WHEREAS, the victim generally pays an average cost of over \$2,000 to replace a stolen catalytic converter and repair the damage to the vehicle.

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

WHEREAS, catalytic converter thefts are on the rise because individuals feel incentivized to commit catalytic converter thefts for multiple reasons including, but not limited to: (1) the ease and undetectable nature of committing such thefts, potentially in a matter of seconds and through the use of common tools such as a reciprocating saw, (2) the ability to recycle catalytic converters at scrap metal yards for high dollar returns and (3) loopholes in legislation protecting criminals from prosecution unless law enforcement can identify a victim.

WHEREAS, preventing these crimes at present is nearly impossible due to the ease and speed with which individuals can commit catalytic converter thefts and the difficulty of tracing a particular catalytic converter back to its prior owner (the victim), because catalytic converters typically have no identifying markers.

WHEREAS, due to lack of legislation defining and prosecuting these thefts, 100% of all catalytic converter theft cases in the City of Fullerton have gone unsolved, which is fundamentally unacceptable for the citizens of the City of Fullerton.

WHEREAS, the citizens of Fullerton and the Fullerton Police Department need legislation criminalizing mere possession of catalytic converters absent proof of ownership or lawful possession, for multiple reasons including, but not limited to: (1) achieving deterrence by establishing zero-tolerance for catalytic converter thefts, (2) establishing sanctions for possessing stolen catalytic converters, (3) preventing criminals from profiting from the sale and recycling of stolen catalytic converters, (4) providing indirect justice to the victims of catalytic converter theft cases that have gone or will go unsolved for the reasons discussed above and (5) minimizing the fiscal and personnel impact on the City of Fullerton and the Fullerton Police Department by reducing the time invested in deterring and investigating catalytic converter thefts.

WHEREAS, the City of Fullerton and the Fullerton Police Department need this Ordinance to provide clear legal authority to better protect the public and deter this criminal activity.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and incorporated herein.

SECTION 2. City Council hereby adds the following to the Fullerton Municipal Code TITLE 7 (PUBLIC SAFETY AND MORALS), Chapter 161 (UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER PROHIBITED) to read in its entirety as follows:

Chapter 161 (UNLAWFUL POSSESSION OF A CATALYTIC  
CONVERTER PROHIBITED) OF TITLE 7 (PUBLIC SAFETY  
AND MORALS)

7.161.010 - Unlawful possession of a catalytic converter prohibited.

- a. It is unlawful for any person, other than a Core Recycler as defined in California Business and Professions Code Section 21610, to possess a catalytic converter that is not attached to a vehicle, unless the possessor has valid documentation or other proof to verify that they are in lawful possession of the catalytic converter.
- b. This section does not apply to a detached catalytic converter that has been tested, certified, and labeled or otherwise approved for reuse, and being bought or sold for purposes of reuse in accordance with the federal Clean Air Act (42 U.S.C. §§ 7401 et seq.) and regulations under the Clean Air Act, as they may, from time to time, be amended.

7.161.020

Definitions

- a. For purposes of this section, "lawful possession" includes (1) being the lawful owner of the catalytic converter or (2) in possession of the catalytic converter with the lawful owner's written consent. It is not required to prove the catalytic converter was stolen to establish the possession is not a "lawful possession."
- b. For purposes of this section, "documentation or other proof" means written document(s) that clearly identify the vehicle from which the catalytic converter originated based on the totality of the circumstances, and includes, but is not limited to, the following types of documents:
  1. The license plate number and vehicle identification number of the car from which the catalytic converter was removed.
  2. The name, address, and telephone number of the owner of the vehicle from which the catalytic converter was removed.
  3. The signature of the vehicle owner authorizing removal of the catalytic converter.
  4. The name, address, and telephone number of the owner of the catalytic converter.

7.161.030.                      Violations

- a. Each and every violation of this section shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Fullerton Municipal Code. Each and every catalytic converter unlawfully possessed is a separate violation of this section.
- b. The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law."
- c. Any person who violates any provision of this section shall be guilty of a misdemeanor  
punishable by a fine not to exceed \$1,000, imprisonment in the county jail for a term not  
exceeding six months, or both.


SECTION 3. This Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines because there is no possibility that this Ordinance or its implementation would have a significant negative effect on the environment. (14 Cal. Code Regs. § 15061(b)(3).)

SECTION 4. If any court of competent jurisdiction holds any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of the Ordinance. City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.



SECTION 5. The City Clerk shall certify to the passage of this Ordinance and publish this Ordinance as required by law. This Ordinance shall take effect as provided bylaw.

ADOPTED BY THE FULLEROTN CITY COUNCIL ON JUNE 21, 2022.

  
Fred Jung  
Mayor

ATTEST

  
\_\_\_\_\_  
Lucinda Williams, MMC  
City Clerk

  
\_\_\_\_\_  
Date

City of Fullerton  
ORDINANCE CERTIFICATION

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) SS  
CITY OF FULLERTON     )

## ORDINANCE NO. 3314

I, Lucinda Williams, City Clerk and ex-officio Clerk of the City Council of the City of Fullerton, California, hereby certify that the whole number of the members of the City Council of the City of Fullerton is five and that the City Council introduced by title only and waived further reading of the above and foregoing Ordinance No. 3314 at the June 7, 2022 City Council regular meeting and adopted the Ordinance at the June 21, 2022 City Council regular meeting by the following vote:

COUNCIL MEMBER AYES: Jung, Whitaker, Dunlap, Silva, Zahra

COUNCIL MEMBER NOES: None

COUNCIL MEMBER ABSTAINED: None

COUNCIL MEMBER ABSENT: None

Lucinda Williams, MMC  
City Clerk