

**Hearing on “Beyond the Smash and Grab: Criminal Networks and Organized Theft”**  
**Senator Grassley, Chairman**  
**Questions for the Record**  
**Hon. Summer Stephan**

1. An important feature of the Combatting Organized Retail Crime Act is allowing for criminal forfeiture of assets after a defendant is convicted of stealing from interstate or foreign freight (18 U.S.C. § 659), transporting stolen goods (18 U.S.C. § 2314), or sale or receipt of stolen goods (18 U.S.C. § 2315).
  - a. What is the purpose of criminal forfeiture?

Criminal forfeiture is an important tool to dismantle and disable organized crime rings by seizing any property, goods, or financial gains directly tied to the crimes that they are convicted of. Organized crime is driven by financial greed and resulting power. This is the reason that criminal forfeiture is not only a beneficial tool, but a critical component of deterring and dismantling organized crime syndicates and groups. Beyond its impact on the offender, criminal forfeiture can positively support victims as well. Seized assets can be used to compensate victims for their losses through restitution, and other victim services. Criminal forfeiture can also financially support the ability of law enforcement to conduct these complex investigations that inevitably require overtime and increased technological and people resources.

- b. For assets to be forfeited under criminal forfeiture statutes, must they be the assets stolen or connected to the proceeds of the defendant’s criminal activity?

Yes. Under federal criminal forfeiture any property, real or personal, that is directly related or is traceable to the profits acquired directly or indirectly as a result of the offense shall be forfeited.

- c. What protections against overreaching criminal asset forfeiture exist in statute or case law?

The first protection is that criminal forfeiture is an *in personam* sanction meaning it can only be triggered following a defendant’s conviction. The Supreme Court in *U.S. v. Bajakajian* (1998) held that forfeiture “grossly disproportional” to the offense violates the Excessive Fines Clause, creating a constitutional check on punitive forfeitures. *Timbs v. Indiana* (2019) extended this protection to state-level forfeitures. Federal statutes and Supreme Court precedents provide the necessary safeguards to ensure there are no abusive asset forfeitures.

- d. How does the criminal forfeiture described in the Combatting Organized Retail Crime Act help prosecutors address organized retail and supply chain crime?

The addition of interstate shipment theft, the transportation of stolen goods, and the sale of stolen goods to offenses that are applicable to criminal forfeiture provides prosecutors with the tools to make sure we are prioritizing organized crime rings, and depriving them of the ill-gotten gains that motivates the crimes in the first place.

2. In addition to establishing the Organized Retail and Supply Chain Crime Coordination Center, the Combatting Organized Retail Crime Act amends portions of Title 18 relating

to aggregating thefts that reach over \$5000 over 12 months. Why is aggregation an important component of the bill, especially in terms of differentiating ordinary shoplifters from organized theft groups?

Aggregation by its very nature targets repeat and habitual criminal conduct over a limited time period and thus helps prosecutors focus on this narrower criminal population rather than the individual who commits a one-time crime. Aggregation also allows us to connect the dots and prove the organizational aspect of organized theft and retail crime by demonstrating that specific items that are more suitable for resale like home improvement tools, designer jeans, or cosmetics are the targeted item for theft as opposed to an item of necessity due to hunger or poverty. Aggregation helps build the case and illustrate what an organized retail crime ring is—multiple perpetrators, repeated thefts, and shared fencing routes. This tool allows us to strategically focus on the most serious and organized thieves, leaving one-time shoplifters or petty theft outside of any federal prosecution.

3. At a federal level, the Racketeer Influenced and Corrupt Organizations (RICO) Act criminalizes certain acts by criminal enterprises. Many states have adopted similar statutes. However, prosecuting crimes under state and federal RICO statutes presents challenges. Why are RICO statutes not equipped to tackle organized retail and supply chain crime?

The RICO Act is an important law that allows the effective prosecution of established criminal enterprises such as the Sinaloa cartel or the Mexican Mafia (EME) but the elements of this law requires proof of the enterprise itself along with proof of the crimes committed. In my experience of my office prosecuting more than 200 criminal defendants under our state Organized Retail Crime statutes, these criminal groups appear to typically operate without the formal hierarchy that is seen in traditional RICO cases, and a specific criminal ‘enterprise’ is not identified. It’s possible that one of the outcomes of a national task force is the ability to identify some enterprises. Currently, organized retail crime rings will exploit online resale platforms and multiple stores making it difficult to trace the shipments and meet the RICO threshold of the enterprise affecting commerce. Building a RICO case also demands coordination, forensic support, wire-tap authorizations, and other resources many county prosecutors lack. Without specialized training in racketeering investigations, RICO cases can be difficult to carry out. RICO is an excellent tool to dismantle long-standing, high level traditional criminal enterprises, but it is too blunt to adequately address the decentralized, fast-moving organized retail crime rings.

4. The National District Attorneys Association and the Retail Industry Leaders Association came together to create the Vibrant Communities Initiative, a public-private partnership that mirrors the Organized Retail and Supply Chain Crime Coordination Center the Combatting Organized Retail Crime Act calls for. Why is public-private coordination valuable to combat organized retail and supply chain crime?

Public-private partnerships are invaluable to addressing organized retail and supply chain crime. NDAA and the Retail Industry Leaders Association (RILA) created the first-of-its kind national partnership in 2022 to unify prosecutors and retailers in the fight against organized retail crime.

The partnership has successfully opened lines of communication, raised awareness of the issue, and elevated the response to organized retail crime. Through the partnership, retailers and prosecutors collaborate to share insights, build understanding, and identify ways to ensure community safety. Retailers have the opportunity to explain their approach to deterring crime, highlight their biggest challenges, and present opportunities for collaboration. District Attorneys' offices can offer their expertise on organized retail theft cases, share resource capabilities, and learn how their teams can be the most helpful and efficient. Public-private partnerships ensure that we are combating organized retail crime with as much accurate information available including the on the ground observations of private retailers combined with the law enforcement and prosecutor lens on the requirements of the laws.

We also see this private-public task force model successfully working in our San Diego and California Organized Retail Crime Task Forces. The large challenge that we are unable to meet is the proliferation of organized theft groups that operate across state lines and even transnationally including the key obstacle of stolen products being sold online in any state across our nation. This is where duplicating the proven wins of having public-private task forces expanded to a national level as proposed by this legislation is necessary.

5. The Organized Retail and Supply Chain Crime Coordination Center led by Homeland Security Investigations brings together multiple players to solve this problem. At a federal level, Customs and Border Protection, Secret Service, Postal Inspection Service, ATF, DEA, FBI, and the Federal Motor Carrier Safety Administration are all to staff the Organized Retail and Supply Chain Crime Coordination Center.
  - a. Why is it important to have the federal government coordinate the response to organized retail crime?

A federal coordination center would ensure effective communication and evidence sharing that would improve investigations at the local, state, and federal level. Federal agencies contributing their resources and subject matter experts to combating organized retail crime would greatly help in dismantling the complex networks of the organized crime rings. By elevating the response to organized retail crime to the federal level we would have more coordinated investigations with more effective prosecutions that can reach the higher level of the criminal organization.

- b. How would federal coordination of law enforcement help detect and punish nationwide criminal organizations that state law enforcement alone cannot address?

Organized theft crime rings are increasingly operating at a national and trans-national level which requires that we meet this threat with federal coordination that can connect the dots and develop investigations and prosecutions that can reach the higher-level criminal heads and organizers. I described in my written and oral testimony examples of multimillion dollar commercial and residential thefts where the criminal syndicates operate in multiple states and there is clear indications that the stolen property (Rolexes in one incident) were quickly transferred transnationally. This is evidence that organized retail crime rings currently exploit the gaps between jurisdictions, moving the stolen items and their financial laundering through multiple states to avoid prosecution. Coordination at the federal level would thwart this with consistent authority as they move state to state, and the ability to develop thorough investigations

regardless of where the criminals are operating at the time. I believe that if we had a functioning federal task force working hand in hand with state and local law enforcement and prosecutors, we would have received a national alert about the tactics of the criminal transnational group, in the latest case, a South American criminal syndicate targeting commercial jewelry stores and high end homes. A federal coordination center would also be an excellent tool because no single agency has all the investigative tools or resources needed to properly address the evolution of organized theft that is impacting small and large businesses at the heart of each community across America. A federal task force would be able to take on the challenges of these crimes that have resulted in harm that impacts the economy and the personal security of employees, customers and community.

The evolution of organized retail crime. Like any illicit crime ring, the networks, sophistication and ever-increasing willingness to use force and violence to achieve their goals is constantly evolving. Long gone are the days of retail crime being the work of isolated lone criminals. Instead, it has evolved into highly elaborate operations, often conducted by well-organized networks and coordinated across multiple locations, making identification and prosecution much more challenging. Another area that organized criminal groups are operating in across the United States goes beyond commercial properties like retail stores to brazen residential homes targeting very specific resaleable items such as jewelry and designer bags. Organized retail crime is a multi-billion-dollar illicit industry, and the criminals are willing to do what it takes to protect their investments.

The lack of coordination among all parties affected by organized retail crime has been exploited by criminals. The lack of coordination and information-sharing among retailers, law enforcement agencies, and other stakeholders hinders our ability to combat organized retail theft effectively. A continuous, collaborative and multi-teamed approach is necessary to address organized retail crime theft comprehensively. Organized crime rings easily traverse jurisdictions and state lines to evade detection and to continue their nefarious operations. Without a coordinated response, theft incidents get siloed within jurisdictions and justice is never fully achieved. This results in local law enforcement focusing only on individual cases, retailers tightening security in isolation, and it being more difficult for prosecutors to thread the needle and charge the most serious offenders. A unified and coordinated effort ensures that patterns and offenders aren't lost when crimes cross geographic, jurisdictional or organizational boundaries. This is one of the challenges where a coordinated national center as proposed in CORCA can be beneficial.

**Questions for the Record for Summer Stephan**  
**Hearing on “Beyond the Smash and Grab: Criminal Networks and Organized Theft”**  
**Submitted July 22, 2025**

**QUESTIONS FROM SENATOR WHITEHOUSE**

**Please answer each question and sub-question individually and as specifically as possible.**  
**Where indicated, please provide only yes or no answers.**

1. You testified that your colleagues in the National District Attorneys Association have had success prosecuting organized retail crime cases.
  - a. Have your colleagues in states with RICO laws successfully prosecuted organized retail crime enterprises using such laws? If not, why?

There are 33 States along with Puerto Rico and the U.S. Virgin Islands have state RICO laws but in the context of the National District Attorneys Association and our initiatives prioritizing organized retail crime, it appears that prosecutors are relying on specific Organized Retail Theft statutes that now exist in over 30 states because they are more tailored to fit the crimes we are seeing and easier to prove without requiring proof of the existence of an enterprise. There may very well be prosecutions under state RICO laws that I’m not aware of. I’m relying on the discussion and trainings in partnership with the Retail Industry Leaders Association that we’ve had with me and my office presenting along with other regions where conspiracy and organized retail theft laws were the central focus.

Yes, state RICO laws can help elevate crimes to enterprise-level racketeering and can be a helpful tool in combating organized crime. The cases are few and far between though due to the nature of these investigations being very resource heavy. Building a RICO case demands coordination, forensic support, wire-tap authorizations, and other resources.

The RICO Act is an important law that allows the effective prosecution of established criminal enterprises such as the Sinaloa cartel or the Mexican Mafia (EME) but the elements of this law requires proof of the enterprise itself along with proof of the crimes committed. In my experience of my office prosecuting more than 200 criminal defendants under our state Organized Retail Crime statutes, these criminal groups appear to typically operate without the formal hierarchy that is seen in traditional RICO cases, and a specific criminal ‘enterprise’ is not identified. One of the potential positive outcomes of a national task force is the ability to learn more about the higher-level criminals in the organized crimes and identify some enterprises. Building a RICO case also demands coordination, forensic support, wire-tap authorizations, and other resources.

RICO is an excellent tool to dismantle long-standing, high level traditional criminal enterprises, but currently seems too restrictive to adequately address the decentralized, fast-moving organized retail crime rings. One of the reasons that I see a benefit in a federal task force is the ability to align federal, state and local resources and build stronger cases that address the national and transnational parts of the criminal organizations.

- b. Have you or your colleagues in states without RICO laws successfully worked with U.S. Attorneys to prosecute organized retail crime enterprises using federal RICO laws? If not, why?

I have not worked with our U.S. Attorney's office to prosecute organized retail crime enterprises using federal RICO laws. I have worked with our U.S. Attorney's office on many other areas of crime that benefit from a RICO prosecution including elder scam solved through our unique Elder Justice Task Force run by the FBI in partnership with local law enforcement and my DA's office. Other areas of partnership focused on the Mexican Mafia and West Coast Crips for a few examples. This collaboration was even more important since California does not have a state side RICO. As to the why portion, in this crime category, there has not been much engagement by what is an outstanding U.S. Attorney's Office. One explanation may be that the federal RICO cases that we've collaborated with the U.S. Attorney on, involve investigations that are complex by a federally led task force that my office participates in that developed the evidence to allow a prosecutor to bring the RICO action. There is no established federal task force for organized theft and retail crime which is the gap that the proposed legislation could close.

I wanted to see whether San Diego County was an exception and if organized retail crime has been an area of partnership and focus by federal prosecutors elsewhere and it appears that what is happening in San Diego is a common thread nationally. The FBI staff that have tackled Organized Retail Crime stated that this type of crime is usually initiated and investigated by local law enforcement and cited 3 examples of federal prosecutions across the nation. A Congressional Research Service (CRS) report also noted that combating retail theft has primarily been handled by state and locals.<sup>1</sup> One of the relevant discussion points in the CRS report was that data documenting federal prosecutions don't fall neatly within a particular statute. Having a designated federal clearinghouse to coordinate these efforts would be a positive.

Again, there may very well be some cases where a local prosecutor who does not have RICO statute worked with the U.S. Attorney to bring an organized retail theft enterprise prosecution, but these examples have not been a part of our organized theft trainings and discussions at NDAA with local prosecutors from across the nation.

- c. Can existing conspiracy laws be used to prosecute high-level actors who orchestrate organized retail crime? If not, why?

Existing federal and state conspiracy laws can reach high-level individuals in retail crime rings. We've used conspiracy laws alongside our Organized Retail Theft statutes to reach higher level actors but the prosecutions have stopped at the fence level. In some cases, we know that there's a national and transnational connection but are not able to effectively proceed under our state laws. The basis of an effective conspiracy prosecution in my experience relies on an effective task force that can thoroughly investigate and connect the dots and conduct wiretap and other investigative techniques to bring a provable beyond a reasonable doubt case to a state or federal prosecutor. This is why we've had success fighting fentanyl and elder scams through joint task forces that can support complex prosecutions of higher-level criminals. Since we have California

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<sup>1</sup> Kristin Finklea, Congressional Research Service, *Criminal Justice Data: Organized Retail Crime*, May 2, 2024, available at [Criminal Justice Data: Organized Retail Crime | Congress.gov | Library of Congress](https://www.congress.gov/criminal-justice-data/organized-retail-crime).

and San Diego task forces that fight organized retail crime, we've been able to bring many prosecutions but have not been able to get to the higher-level criminals when the evidence points to the criminal ring having a national and/or transnational scope. Specific examples of this challenge, including a recent multi-million-dollar jewelry heist are in my written testimony. In practice there are significant legal, and evidence hurdles that make it extremely difficult to target and take down the leaders of these crime rings. High-level orchestrators typically avoid committing or even directing any traceable, overt illicit act, insulating themselves from any liability through several mediaries such as "fences" that will interact with the boosters that are often committing the theft.

2. Are there gaps in federal criminal law that prevent federal law enforcement from investigating and prosecuting high-level actors who orchestrate organized retail crime? Please provide examples of how any such gaps impede the work of federal law enforcement.

There currently are no standalone federal crime statutes that address organized retail crime. As a 35-year county prosecutor, I can say that when we developed state specific organized retail crime laws that matched the rampant crime we saw, it allowed me and my colleagues to increase investigations and prosecutions. In San Diego County (the fifth largest county in the U.S.) my prosecutions climbed to bringing 218 criminal actors to justice in two years. Recently, I worked on further improving these laws through proposition 64 which passed in California. The CORCA bill amends existing statutes to update the reality of organized theft crimes utilizing gift cards and addressing cargo theft related crimes. However, the biggest gap I see is the lack of a federal task force that is focused on these criminal groups that can investigate and provide the cases to federal prosecutors. My state side Organized Retail Crime Alliance task forces have been critical in putting our cases together along with a specialized DA team within my office. Building the conspiracy cases and tracking the bad actors across our large county and other counties in our state has been the key. Where our efforts are diluted is when trying to follow the trail and prosecute nationally and transnationally. Organized retail crime is increasingly happening at a larger scale, and the necessary communication and data sharing is needed to connect the dots between these cross-state and transnational schemes. I respectfully believe that an expert federal prosecutor would better know the exact laws that could help them close the gaps and increase what appears to be very limited federal prosecution of organized theft groups.

3. How would aggregation of theft values to reach the \$5,000 threshold under 18 U.S.C. §§ 2314 and 2315 help federal law enforcement hold accountable high-level actors who orchestrate organized retail crime?

The aggregation clause in the Combatting Organized Retail Crime Act is a low threshold but it is still helpful to easily identify and distinguish the repeat and habitual so prosecutors can focus on this narrower population rather than the individuals that commit one-time crime. Aggregation also allows us to connect the dots and prove the organizational aspect of organized crime by demonstrating that specific items that are more suitable for resale such as home improvement tools, cosmetics and designer jeans were the target of the habitual theft as compared to items of necessity driven by hunger or poverty. It allows prosecutors to focus on a more targeted group of

bad actors who most likely interacted with higher levels of the criminal organization. Obtaining search warrants, locating storage locations, and tracking travel can and does lead to identifying the higher-level actors. Aggregation by itself is not the conduit but the narrowing effect that it has can lead to more strategic investigations leading to organized crime.

4. Would it help state and local law enforcement fight organized retail crime if the Department of Justice designated specific prosecutors and FBI investigators to investigate, share information with respect to, and coordinate private sector and law enforcement responses to multi-jurisdictional organized retail crime?

Yes, having a specialized unit within the Department of Justice to help coordinate would be an excellent resource and step forward. We have proven results in San Diego of working with the FBI and U.S. Attorneys on combating organized criminal groups in the area of Elder Fraud through an Elder Justice Task Force led by the FBI with my office as a partner and in the area of fighting established criminal enterprises that use local gangs to commit murder and other crimes. I can say that having a specialized team within my office has advanced our efforts in organized theft and retail crime. Having such a specialized federal team of investigators and prosecutors would advance the fight to help address national and transnational organized crime. Dedicating DOJ prosecutors and FBI investigators would not only assist in the successful number of investigations and charges, but it would also send a message to organized crime rings that this is a national priority and something we will not tolerate in our communities.

5. The New England State Police Information Network (NESPIN), New England's Regional Information Sharing Systems (RISS) Center, has improved coordination, information-sharing, and best practices with respect to responses to organized retail crime in New England. As part of that effort, NESPIN created dedicated personnel specifically to organized retail crime issues.
  - a. Have you or your colleagues in the National District Attorneys Association coordinated with your RISS Centers to discuss the role that RISS can play in improving coordinated responses to organized retail crime?

Yes, there are similar productive partnerships with my office and NDAA colleagues including the Western States Information Network (WSIN) and also the Regional Law Enforcement Coordination Center, otherwise known as a Fusion center of which there are about 80 across the United States. WSIN does a good job of collecting and disseminating data on theft patterns, suspects travel and fencing operations. This has become an invaluable partnership when investigating organized retail crime rings that traverse county and state lines. By helping with communication and the de-confliction of separate investigations, WSIN helps us orchestrate coordinated efforts and can help highlight seemingly isolated thefts that are in actuality apart of a larger organized crime ring. Many of the organized retail crime cases we pursue would not be in play without leveraging state and local resources, and the data sharing and coordination provided by WSIN.



**Questions for the Record from Senator Alex Padilla**  
**Senate Judiciary Committee**  
**“Beyond the Smash and Grab: Criminal Networks and Organized Theft”**  
**Tuesday, July 15, 2025**

**Questions for Ms. Summer Stephan**

1. In your work leading prosecutions across San Diego County, how do you differentiate between organized retail crime networks and individuals driven by economic desperation or survival theft?

It is very important that justice and accountability are commensurate with the crime requiring prosecutors to accurately differentiate between organized crime networks driven by greed as compared to individuals driven by economic desperation, mental health, or substance abuse issues. In my experience, an objective and thorough investigation provides clarity as to the person committing retail theft. As an example, we're able to look at what the person did, what time of items did they steal, the level of planning and sophistication that was involved, whether other individuals were part of the plan, prior criminal history, the type of item stolen and whether it's an item of necessity or whether it is one that is for resale- For example, whether it's a coat for warmth or ten designer jeans for resale. The investigations are able through search warrants to discover links to a criminal group including a fence, a storage facility, other evidence linking the person to other similar crimes. Understanding whether it's part of a coordinated network or an isolated act of desperation is critical for tailoring enforcement and just consequences from prison sentence for the sophisticated criminal groups to appropriate treatment courts and support strategies for the individual who made a mistake.

2. What lessons from California's ORC task forces can inform federal efforts to ensure that enforcement does not criminalize poverty or disproportionately impact communities of color?

My office has worked closely with California's ORC task force led by the California Highway Patrol and with our local San Diego ORC with multi agency involvement along with the private retail sector to improve communication and investigation. There is a clear understanding that the focus is on organized theft networks that are not only economically devastating businesses but also causing insecurity and fear in the hard-working employees in those small and large retail operations. My office was able to bring 218 defendants to justice under our organized retail theft statutes that by the nature of their elements distinguish between sophisticated theft crimes that are organized and individuals who steal out of necessity and desperation. By remaining focused on the mission of the task force and applying enforcement and prosecution in a fair and equal manner, we've been able to make a difference and operate fully within the spirit and the letter of organized retail and theft crime laws. I formed a specialized organized retail crime prosecution team within my office that communicates clearly about our mission of pursuing fair and equal justice for all through ethical prosecution of crime in partnership with the community we serve.

3. How has California integrated civil liberties protections into its response to organized retail crime, particularly around avoiding racial profiling and immigration entanglement?

California's Racial and Identity Profiling Act of 2015 (RIPA) bars law enforcement from considering race, ethnicity, or national origin when deciding to stop, search, detain or investigate an individual, unless those characteristics are part of a *specific* suspect description. RIPA requires officers to record the perceived race and ethnicity of everyone they stop, and the statewide RIPA Advisory Board annually reviews that data to flag and correct any enforcement disparities. Several communities have also included community feedback as part of their ORC task forces.

4. How should federal efforts be structured to avoid duplicating or overriding successful state task force models like those in California?

The goal for a federal task force is to augment and align resources and data to fill a clear gap that we see in several large-scale organized theft rings. While I'm so proud of the work of our State and local task forces, they are not equipped to combat the theft rings that operate nationally and transnationally. During our investigations, we learn that the same criminal group is operating in multiple states, but we are not able to reach the higher up part of the criminal structure past our state lines. In a case recently, we know that an 8-million-dollar heist from a retail jewelry store had Rolexes transferred transnationally but our jurisdiction cannot reach the transnational portions. A federal task force should not replace our effective local task forces, rather it would help us connect the dots nationally and transnationally and help provide alerts and education as to what is taking place across the nation so we can be prepared locally to meet the threat to our community. Federal efforts should reflect what has been successful at the state and local level. Increased collaboration and information-sharing among retailers, federal, state, and local law enforcement is foundational to addressing organized retail crime. When confronted with organized retail theft operations, we must utilize all legal options and appropriately align the punishment with the culpability and societal harm of the crime. The ability to apply clear and just charges, distinguishing petty theft from sophisticated criminal ring leaders, ensures prosecutors have the tools to properly assess and try each case as a direct and fair review of the facts, circumstances, and consequences at play.

5. Are there potential downsides to housing ORC enforcement within DHS instead of DOJ—particularly in terms of transparency, accountability, or prosecutorial discretion?

I believe that in order for our nation to properly combat and dismantle organized theft and retail crime, an appropriate federal agency should lead the task force with state and local partnerships and engagement. In San Diego County, we have worked with DHS as the lead agency combatting the scourge of fentanyl in the Fentanyl Abatement Suppression Taskforce (FAST) with excellent results and with no legal or due process issues. My office also worked with DOJ led task forces such as our model Elder Justice Taskforce (EJTF) led by the FBI also with good outcomes in combatting elder scams with local, national and transnational bad actors. DHS has the resources for tackling the shipments of stolen goods and transnational aspects. Of course, every public safety effort relies on incorruptible justice systems that abide by the rule of law and the principles of our constitution.

6. How can Congress ensure that new federal tools focus on dismantling high-level networks rather than targeting low-level actors or frontline employees?

The Combating Organized Retail Crime Act has several provisions that ensure high-level ORC individuals are the focus of the federal law. The bill distinguishes organized retail crime from isolated or minor incidents by defining organized retail crime as multi-episode or multi-jurisdictional theft. The bill also establishes a threshold aggregate of \$5,000, again making the focus on strategic, organized theft that is part of a larger enterprise.

7. Should federal enforcement initiatives be required to include community oversight mechanisms or data transparency standards to ensure they don't perpetuate discriminatory enforcement patterns?

There should be transparent reporting of outcomes of investigations and prosecutions which will demonstrate whether the clear intent to combat organized criminal groups rather than individuals who commit low level crimes or individuals due to any particular demographic are publicly shared. Our systems of accountability now include the powerful role Congress has for oversight of DHS proposed in CORCA as the lead agency for the task force with the Senate Committee on Homeland Security and Governmental Affairs. There is also the role that the Inspector General is supposed to have on oversight and accountability. I'm not certain about the efficacy of an official community oversight as it may lack resources or legal tools to review the pertinent data and information. Ultimately, the People will want to see transparent results that advance public safety, equality, and the rule of law. Another powerful checks and balance is found in our judiciary as these cases are brought to court where any violations of due process can be litigated.