

United States Senate

WASHINGTON, DC 20510

December 19, 2024

VIA ELECTRONIC TRANSMISSION

The Honorable Merrick Garland
Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Garland:

I write to request information on DOJ's efforts to combat organized retail crime (ORC) and to urge federal law enforcement to comprehensively respond to these criminal networks.

ORC threatens the safety of Georgia's retail workers and customers. According to industry-led surveys, stopping ORC is a priority for retailers.¹ Yet, according to a May 2024 Congressional Research Service report, "comprehensive data on the prevalence of ORC and the proportion of retail losses attributable to it are lacking, and estimates vary widely."² To effectively fight ORC, we must understand its scope and impact.

Therefore, I request information regarding the Department of Justice's efforts to identify, evaluate the impacts of, and stop ORC. Please respond in writing to the following questions, by January 30, 2024:

1. According to a Congressional Research Service report from this year, the FBI's National Incident-Based Reporting System (NIBRS) "does not collect data on theft in a manner that allows for an understanding of ORC separate from other types of theft."³
 - a. Why doesn't the NIBRS collect data in a manner that would improve our understanding of ORC separate from other types of theft?
 - b. What data would FBI need to collect for the NIBRS to accurately report on the prevalence and severity of ORC?
 - i. What steps has FBI taken to either collect this data or identify what data is needed to better understand ORC?

¹ *Criminal Justice Data: Organized Retail Crime (R48061)* 1, Cong. Rsch. Serv. (May 2, 2024), <https://crsreports.congress.gov/product/pdf/R/R48061/2>.

² *Id.* at 4.

³ *Id.* at 4.

- ii. What steps has FBI considered taking to enable law enforcement groups to identify thefts that appear to be associated with ORC?
 - c. Has DOJ internally evaluated whether and how it could collect and analyze information on ORC via other mechanisms and entities, including the Bureau of Justice Statistics and industry associations? If so, what was the outcome of that evaluation?
- 2. According to Deputy Assistant Director Jose A. Perez, because ORC is not “ordinarily reported to the FBI,” the FBI partners with law enforcement to share “intelligence on crime trends and patterns and create better networks to identify the criminal actors.”⁴
 - a. Please submit any internal policies or memoranda detailing how intelligence is and should be shared between the FBI and federal, state, and local law enforcement.
 - b. Does FBI have a policy on how federal law enforcement should respond to ORC? If so, what is it? If not, why not?
 - i. What actions does the FBI take when it becomes aware of a multi-jurisdictional ORC organization?
 - ii. How many of these situations have occurred?
 - iii. In how many instances did known ORC group members escape arrest?
 - iv. In how many of these situations were federal law enforcement officers involved in the investigation?
 - c. How many ORC organizations have been identified to date?
 - d. How many ORC organizations have been identified to date as a result of intelligence collaborations between the FBI and local law enforcement?
 - e. If any, how many times did FBI receive information from state or local law enforcement about incidents that were later found to be ORC, but which the FBI classified as another type of crime? In how many instances did the sharing of intelligence between FBI and state and local law enforcement result in the identification and arrest of ORC syndicate leaders?
- 3. How many FBI agents assigned to the Major Theft program work exclusively or primarily on organized retail crime?
 - a. If none, has the FBI considered dedicating manpower exclusively or primarily to ORC?

⁴ *From Festive Cheer to Retail Fear: Addressing Organized Retail Crime Before the House Subcomm. on Counterterrorism, Law Enforcement, and Intelligence*, 118th Cong. 1-4 (2023) (statement of Jose Perez, Deputy Assistance Director, Federal Bureau of Investigations).

- b. Please list the task forces the Major Theft program operates throughout the country that combat ORC.
 - c. How many ORC cases has the Major Theft program investigated that lead to prosecutions?
 - d. Does the Major Theft program have sufficient resources to properly address ORC?
- 4. Has the FBI undertaken any threat assessment to determine the state of ORC nationwide? If so, please provide a copy.
 - 5. Does DOJ partner with retailers and retail groups to offer support or coordination in addressing and/or reporting ORC?
 - 6. What additional resources or authorities does DOJ require to adequately address ORC, if any?

To promote transparency, I encourage the DOJ to respond in a manner that can be public, but should it be necessary, I am willing to accept confidential responses, as well.

Thank you for your attention to this matter and for your continued work to protect American workers, customers, and businesses.

Sincerely,



CC: Hon. Christopher Wray, Director, Federal Bureau of Investigations