

Organized Retail Crime:

Challenges, Opportunities & Solutions— A Prosecutor's Perspective

October 2026



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National District Attorneys Association

The National District Attorneys Association (NDAA) is the oldest and largest national organization representing state and local prosecutors in the United States. As a nonpartisan, nonprofit association, NDAA provides training, technical assistance, and resources to prosecutors in their pursuit of justice. With over 7,000 members, NDAA's mission is to be the voice of America's prosecutors and to support their efforts to protect the rights of individuals and the safety of communities.

From rural districts to major metropolitan offices, NDAA supports prosecutors through in-person conferences, live and on-demand webinars, customized trainings, publications, and case-specific technical assistance. NDAA's programs address a broad range of issues facing the profession, including traffic safety through the National Traffic Law Center, elder justice, juvenile justice, trial advocacy, military justice, recruitment and retention, and prosecutor wellbeing. NDAA also represents prosecutors before Congress, ensuring their perspective is heard in national policy discussions on public safety.

In partnership with the Retail Industry Leaders Association (RILA), NDAA works to strengthen collaboration among prosecutors, retailers, and law enforcement in combatting organized retail crime. This partnership includes the Vibrant Communities Initiative, the annual National Store Walk Month, a national webinar series, and sample resources such as evidence checklists, report templates, and business records affidavits to help offices build stronger retail crime cases.

For additional information, visit www.ndaa.org.





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Welcome

On behalf of the National District Attorneys Association (NDAA), I am pleased to present a national network of perspectives from state and local prosecutors on organized retail crime. This publication reflects the collective experience of prosecutors from more than a dozen jurisdictions, urban and rural, large and small offices. This resource is written for our colleagues in prosecutor offices, our partners in law enforcement and the retail industry, and the policymakers who shape the laws we enforce.

As the chair of the working group, and a career prosecutor, I have seen firsthand how organized retail crime has evolved. What once appeared to be isolated shoplifting is now the visible faction of coordinated enterprises that recruit boosters, move merchandise through layered fencing operations, and resell the stolen goods online at scale. These criminal rings are not only stealing from retailers, but they endanger the employees, raise prices for consumers, and erode the neighborhoods we serve.

This paper is practical and rooted in data-driven facts and professional experience. It describes the current landscape, identifies the legal and evidence gaps that allow the illicit networks to thrive, highlights the programs and task forces that are producing results and offers legislative, resource, and collaboration recommendations. The success models and recommendations share one thing in common that is mentioned throughout the resource—no single office, agency or retailer is equipped to solve this problem alone.

I want to thank each member of this working group for their time, and expertise, along with NDAA staff and our public-private partners in law enforcement and the retail community. We hope this publication serves as both a resource and a call to action.

Richard J. Montecalvo

Chair, NDAA Organized Retail Crime Working Group
Chief Assistant State Attorney, 20th Judicial Circuit, Fort Myers, FL





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Disclaimer: *Organized Retail Crime: Challenges, Opportunities, and Solutions—A Prosecutor's Perspective* represents the National District Attorneys Association's stance on the issue as a whole and *does not* reflect the policy views of the individual members of the Organized Retail Crime Working Group.



Executive Summary

Organized Retail Crime (ORC) has grown from a series of isolated theft incidents into a sophisticated, often multi-state criminal enterprise that inflicts damage far beyond the value of the stolen merchandise. ORC is expected to reach a financial loss totaling over \$53B in 2027.¹ 76 percent of retail asset protection managers report their employees have suffered violence at the hands of organized retail criminals.² Cargo theft compounds the problem, disrupting supply chains and placing inflationary pressure on everyday goods.

While retailers are facing these crimes daily, the repercussions are just as consequential in prosecutors' offices, where cases that should be treated as coordinated criminal enterprises are often forced into the same charging framework as a single shoplifting incident. Without aggregation authority, expanded venue provisions, or reliable mechanisms to share evidence across jurisdictions, prosecutors are frequently left charging for one piece of a much larger operation. This allows the organizers and financiers driving ORC to continue operating largely unchecked. Closing these gaps is not simply a matter of holding individual offenders accountable; it is essential to protect retail workers from violence, consumers from rising prices, and communities from the broader criminal networks that ORC proceeds often help fund.

Without aggregation authority, expanded venue provisions, or reliable mechanisms to share evidence across jurisdictions, prosecutors are frequently left charging for one piece of a much larger operation.

Prosecutors across the country are confronting this problem that is plaguing our communities most often without the full set of legal tools that they require. Theft thresholds, aggregation, and multi-jurisdictional coordination mechanisms are used by several states, but these tools and collaboration need to be expanded so every jurisdiction in the country can utilize these tools.

This resource paper draws on the direct experience of prosecutors from more than a dozen jurisdictions to lay out the current landscape of ORC, the legal and evidentiary obstacles to effective prosecution, what successful prosecution actually requires in practice, and models that are already working. It closes with a set of legislative and operational recommendations for NDAA members and partners to pursue. The throughline across every section is the same: addressing ORC effectively requires consistent collaboration between prosecutors, law enforcement, and retailers. Legislative and resource recommendations that aim to combat the issue also reflect how these criminal networks operate not only store to store, but increasingly from jurisdiction to jurisdiction.

¹ Pinkerton, Retail Theft Crisis, *How ORC is Reshaping Security & Retail Operations*, Jun. 22, 2026, available at [Retail Theft Crisis: \\$53B by 2027 | Insights | Pinkerton](#).

² National Assoc. of Attorneys General, *Bipartisan Coalition Urges Congress to Take Action Against Rise in ORC*, Feb. 24, 2025, available at [Bipartisan Coalition Urges Congress to Take Action Against Rise in Organized Retail Crime – National Association of Attorneys General](#).



Current Landscape & Trends in Organized Retail Crime

Growth and Evolution of ORC Networks

Young prosecutors are usually assigned low level retail petit theft cases to provide them experience in the courtroom on more straightforward offenses. While these cases still exist, the explosion of ORC networks now require deep dives into the offenders to determine if they are acting alone, on a whim, or a part of a much larger organized group of actors whose activities implicate larger geographic areas and multiple corporate entities.

To address an issue and dismantle a criminal enterprise, we first need to understand its structure. “Boosters” are individuals who carry out the physical theft, sometimes traveling regionally and hitting multiple stores in a single day. “Fences” are the ones who convert the stolen merchandise into cash. Fencing operations often run in a hierarchy of their own, with lower-level fences removing security tags and identifying markings before repackaging merchandise and moving it to a higher-level operator who will resell in volume. The individuals who are orchestrating the illicit activity at the highest level rarely enter a store. Arresting the booster does little to interrupt the ORC’s operations. The ring leaders simply recruit a replacement and keep business as usual.

Boosters and fences have increasingly used online marketplaces to move stolen merchandise quickly and anonymously, often listing items below retail price to sell in volume, which has made this resale infrastructure a major contributor to the billions in annual losses attributed to ORC.

Many states and local communities are a microcosm of what’s happening across the nation when it comes to ORC. Enormous population growth, the suburbanization of once rural areas combined with the growth of communication technologies have afforded ORC rings a market and sophistication to expand their footprint beyond county and circuit jurisdictions, often leaving local law enforcement and circuit prosecutors’ offices “piecemealing” incidents.

In response to the rise of ORC networks, state legislatures have moved aggressively to give prosecutors the tools to combat widespread and organized schemes coordinated by travelling boosters. In Florida, aggregation flexibility and penalty enhancements are legislated to cover a wide range of aggravated fact patterns and recidivism.³ While quick acting legislatures assist prosecutors and law enforcement, it is paramount that retailers are included early in the collaboration for success to occur.

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³ Section 812.015(8) Florida Statutes, Section 812.015 (7), Chapter 812 Florida Statutes, Chapter 775 Florida Statutes.



Retailer Cooperation

Strong retail partners are vital to the collaborative approach that is necessary to fully address the ORC issues within our communities. One of the most important exchanges to ensure an effective ORC investigation and prosecution is the transfer of information between retailers and law enforcement.

If there is no reporting, or inaccurate reporting, then the scope of the problem goes undetected. The average shoplifter is arrested only once out of every 49 incidents, and 64% of retailers were reporting less than half of their theft incidents to law enforcement.⁴ A 2024 study commissioned by the Retail Industry Leaders Association (RILA) revealed that external theft events from 2019 to 2023 from a surveyed group of retailers rose from 49,376 to 105,877, a 114.4% increase.⁵ However, the number of these events reported to law enforcement did not follow this same dramatic rise. The reporting events only rose from 9,967 in 2019 to 11,547 in 2023, a mere 15.85% increase.⁶ In 2023, only 10.9% of thefts were reported.⁷ This shows that there is a disconnect between the theft that is happening at retailers and the cases that are being provided to prosecutors. To address this gap, stakeholders across the ORC ecosystem must work collaboratively to strengthen information sharing, increase incident reporting, and improve case clearance and referral rates.

Seamless evidence sharing is paramount to building strong investigations. Case management systems have proven effective at identifying trends and offenders. Another helpful tool is the utilization of real-time communication systems. An active Signal chat group permits users to almost instantaneously communicate thefts and warn nearby merchants of a threat. When monitored by law enforcement and prosecutors, it also creates a vast community of information and intelligence sharing, effective at both preventing crime and prosecuting it.

Evidence sharing first requires networking among retailers, law enforcement officers, and prosecutors. Highlighted later, the NDAA partnership with RILA to conduct local store walks is a strong recommendation to lay the foundation for improved evidence sharing.⁸

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⁴ Capital One Shopping Research, Retail Theft Statistics (2026), (last accessed Sept. 29, 2026) *available at* [Shoplifting Statistics \(2026\): Retail Theft Data by State](#).

⁵ Retail Industry Leaders Association, Trends in Recording and Reporting External Theft, Julie Hibdon, Southern Illinois University Carbondale, Aug. 2024, *available at* [Retail Theft Underreporting Study | RILA Report](#).

⁶ *Id.*

⁷ *Id.*

⁸ Retail Industry Leaders Association, Store Walk Initiative, accessed Sept. 25, 2026, *available at* [Store Walk Initiative](#).



Emerging Threats

ORC networks present fluid and real-time challenges for law enforcement and prosecutors. As ORC rings change their tactics, prosecutors and law enforcement must be nimble enough to keep pace and address these issues. Here are some of the emerging threats that are gaining traction.

Gift Card Fraud

The United States Federal Trade Commission (FTC) estimates that 25% of consumers who report fraud were victimized by gift card scammers.⁹ Scammers will often insist:

- that they represent a government agency and failure to comply will result in arrest
- that the individual has won a prize, but the consumer must pay the “fee” or “tax” first
- that the individual purchases a specific gift card and load an amount of money on it
- that the individual purchases multiple gift cards at multiple store locations¹⁰

Along with these practices, ORC rings also tamper with the cards and packaging while the items remain on the rack and ready for purchase. Once the consumer purchases the card and loads money onto it, the scammers skim the money off the card before the consumer can enjoy the funds. This has increased to such a volume of incidents with aggregated dollar amounts that it can be classified as money laundering.¹¹

RILA recently formed the Gift Card Fraud Prevention Alliance to educate lawmakers and the public about gift card fraud. To learn more, go to: [Stop Gift Card Fraud | Gift Card Fraud Prevention Alliance](#).

It is incumbent upon retailers, governments, and retail associations to connect with consumers to make them aware that these scams exist. News organizations report on these problems but rarely devote the time and depth required to focus the consumer on the problem. Additionally, policymakers must recognize and understand the problem and give prosecutors the means to combat these criminals in the courts.

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⁹ Federal Trade Commission, Explore Data, *Featured Infographics*, (2026), available at [Explore Data | Federal Trade Commission](#).

¹⁰ Federal Trade Commission, Consumer Advice, *Avoiding and Reporting Gift Card Scams*, available at [consumer.ftc.gov/articles/avoiding-and-reporting-gift-card-scams#howwork](#) (last visited Sept. 29, 2026).

¹¹ U.S. Immigration & Customs Enforcement, Homeland Security Investigations, *Tackling the Rise in Gift Card Fraud*, Mar. 19, 2026, available at [Tackling the Rise in Gift Card Fraud | ICE](#).



At the federal level, Senator Moody (R-FL) introduced the Saving Wallets and Increasing Penalties for Elder Scams (SWIPES) Act, which targets gift card fraud, and classifies gift cards to the definition of “monetary instruments” for purposes of money laundering.¹² Enhanced penalties are included for offenders who target older adults.¹³ These efforts combined with raised attention and education at the local level can help ensure that consumers are aware of gift card fraud attempts before they fall victim.

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Fraudulent Returns

Fraudulent returns constitute a massive financial stressor for retailers. Appriss Retail surveyed 150 retail executives revealing the most common types of return fraud:

- used merchandise;
- gift cards shoplifted merchandise;
- counterfeit receipts.

Retail sales topped \$5.19 trillion and \$685 billion in merchandise was returned, \$103 billion being identified as fraudulent.¹⁴ These criminal actions by individual fraudsters, and ORC networks, help to drive up retail costs which translate into higher prices for the consumer.

In Florida, multiple statutes address fraudulent returns, including the use of false identification to procure a refund and use of a forged, altered, stolen or fake receipt to procure a refund.¹⁵ Both statutes constitute misdemeanors punishable by up to one (1) year in jail.

Many states, including Florida, treat return fraud as a misdemeanor. For cases that involve an individual returning a single item, this makes sense. For ORC however, fraudulent returns with minimal risk exposure is the fastest way to turn stolen merchandise into cash or store credit. With returns usually being smaller monetarily, these offenses are often overlooked when charged one at a time. Prosecutors should look at return activity as potential evidence of a larger scheme. Retailers’ return records and data can be some of the strongest evidence connecting individual boosters to the network behind them.

¹² S.5229, SWIPES Act, 119th Congress (as introduced), available at [S.5229 – 119th Congress \(2025-2026\): SWIPES Act | Congress.gov | Library of Congress](#).

¹³ Saving Wallets and Increasing Penalties for Elder Scams Act, S.5229, 119th Cong. (2026).

¹⁴ Appriss Retail, *What is Return Fraud: 8 Types Retailers Should Know*, Mar. 10, 2025, available at [What Is Return Fraud: 8 Types Retailers Should Know](#).

¹⁵ §817.037 Fla. Stat. (2026), §812.017 Fla. Stat. (2026).



Legal Framework & Enforcement Gaps

With ORC networks consistently finding new ways to exploit the current landscape, prosecutors and law enforcement attempt to respond accordingly but are frequently met with structural gaps. This section examines the barriers that are most encountered:

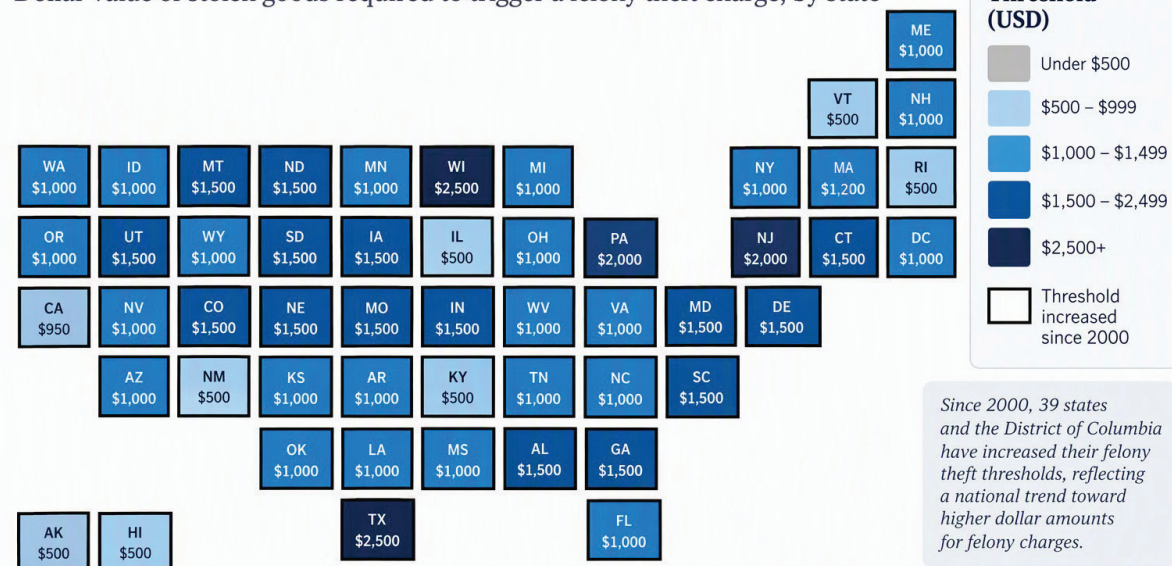
- theft thresholds and charging limitations that let value-based offenders evade felony exposure;
- aggregation and multi-jurisdictional coordination challenges; and the authentication and chain of custody demands of digital evidence.

Theft Thresholds

One of the first steps prosecutors must take in assessing a retail theft case is to determine the value of the goods stolen. How the value is assessed differs from state to state. Currently there is no national standard felony threshold for organized retail crime. States vary from as low as \$250 all the way up to \$2,500. For ORC, thresholds can also create a target monetary amount that ORC crews will stay below, resulting in a string of misdemeanors that understate the scale of the operation behind the thefts. Prosecutors in every region report a similar pattern—whatever their state’s threshold is—offenders stay just under that number. This is why consistent reporting and communication is vital, especially on thefts that result just below legal thresholds.

State Felony Theft Thresholds (2026)

Dollar value of stolen goods required to trigger a felony theft charge, by state



Sources: National Conference of State Legislatures (NCSL), state criminal codes (current through 2026), The Pew Charitable Trusts (2018), and additional state legislative updates.

Note: Dollar amounts are rounded to the nearest \$50. Some states have multiple thresholds based on the type of property or prior convictions. Map reflects general felony theft thresholds for non-vehicle property.





Under California Penal Code § 487(a), grand theft is committed when the money, labor, real property, or personal property taken is of a value exceeding \$950.¹⁶ Meanwhile, North Carolina establishes the offense of larceny of personal property and separate offenses for larceny from merchants. Shoplifting by concealing merchandise or by substitution of prices is misdemeanor with the punishment escalating with repeated offenses.

California and North Carolina both demonstrate a common practice of establishing theft thresholds to bring ORC cases forward with concrete violations and evidence that this instance of stealing is not simple shoplifting, but part of a large illicit network in action.

Organized Retail Theft Statutes

States have begun to recognize that repeated retail theft is often not an isolated, petty incident, and that offenders often work within a criminal web. In response to that, state legislatures have passed legislation to enhance penalties for perpetrators. While broader state theft laws are statutes that law enforcement and prosecutors have often relied on to investigate and prosecute ORC, over 30 states have enacted ORC-specific laws.¹⁷

[California Penal Code § 490.4](#) creates the distinct offense of organized retail theft, under which a person who commits specified acts is guilty of organized retail theft and shall be punished pursuant to subdivision (b) of that section.¹⁸ Organized retail theft is punishable on a tiered basis depending on the conduct and value involved. Notably, in a prosecution under § 490.4, the prosecutor shall not be required to charge any other coparticipant of the organized retail theft.

The North Carolina response has been similar: under [N.C.G.S. 14-86.6](#), organized retail theft covers three types of conduct:

- conspiring with another individual to steal from retailers;
- knowing receiving property stolen in that way;
- conspiring with two or more others as an organizer, financier, leader, or manager of a scheme to sell stolen merchandise.¹⁹

Punishment is based on the value stolen, aggregated over 90 days and measured at the Manufacturer's Suggested Retail Price. The third conduct, needing at least two co-conspirators, is aimed squarely at the individuals running these entities.

¹⁶ California Penal Code § 487, available at [California Penal Code section 487 \(2025\)](#).

¹⁷ Congressional Research Service, *Criminal Justice Data: Organized Retail Crime*, May 2, 2024, available at [Criminal Justice Data: Organized Retail Crime](#).

¹⁸ California Penal Code § 490.4, available at [California Penal Code section 490.4 \(2025\)](#).

¹⁹ N.C.G.S. 14-86.6, available at [G.S. 14-86.6](#).



Nevada takes the approach a step further by measuring the enterprise as a whole rather than the individual defendant. Under [Nevada state law](#), individual participants that are guilty of ORC receive felony charges for all of the related crimes.²⁰ The penalty depends on the combined value of all thefts committed in the scheme over a 120-day period. A participant who personally handled little merchandise can therefore be held accountable for the full scope of the operation.

While state laws are helping address complex ORC rings, jurisdictional coordination is paramount to trigger a lot of these statutes and effectively go after the leaders of the ORC group.

Aggregation and Multi-Jurisdictional Coordination

When prosecutors approach theft cases as individual instances, they lose potential higher charges and more impactful prosecutions. One way to overcome this is to bring multiple offenses together. Several states have statutes that allow prosecutors to aggregate multiple theft offenses committed by the same person together. This can turn multiple low-level charges into a higher-level charge. A practical challenge to this is that thieves often don't stick to one jurisdiction. This makes it vital that prosecutors and law enforcement work with neighboring jurisdictions.

Colorado and Alaska allow aggregation when a person commits theft twice or more within a period of six months. Theft aggregation laws are usually tailored to include a 60- or 90-day window. Florida and Kansas recently enacted bills giving law enforcement up to 12 months to aggregate the total value of thefts, greatly expanding this window, allowing law enforcement more time to build a case.²¹

California has a statutory aggregation mechanism that allows prosecutors to combine the value of stolen property across multiple theft incidents into a single charge, directly enabling felony-level prosecution of repeat retail thieves and organized retail theft rings that previously evaded grand theft thresholds through small-value takings. This section in CA law has proven successful in accurately targeting the serial ORC thefts that were occurring across the state and ensuring the totality of criminal activity was included in the investigation and prosecution.

Aggregation addresses thefts spread over time; venue addresses thefts spread across locations. Many states allow related thefts in different counties to be grouped together under one scheme and combined into one case to be prosecuted. Without this authority, a crew that hits stores in several counties may face several separate misdemeanor charges. As later discussed in Section IV, these provisions are powerful but induce heavy demands on the office that takes lead.

²⁰ NRS: Chapter 205 – Crimes Against Property, *available at* [NRS: Chapter 205 – Crimes Against Property](#).

²¹ ICSC, Government Relations & Public Policy, *State Lawmakers Enact a Range of Solutions to Combat ORC in 2024*, Nov. 14, 2024, *available at* [State Lawmakers Enact a Range of Solutions to Combat ORC in 2024 | ICSC](#).



Digital Evidence Authentication

Under California law, the party offering evidence over a chain of custody objection bears the burden of showing to the satisfaction of the trial court that, taking all the circumstances into account including the ease or difficulty with which the particular evidence could have been altered, it is reasonably certain that there was no alteration.²² The requirement of reasonable certainty is not met when a vital link in the chain of possession is not accounted for. If this is the case, then it is as likely as not that the evidence analyzed was not the evidence originally received. In this scenario, the court must exclude the evidence.²³

In federal court, the Ninth Circuit applies a parallel standard: the prosecution must introduce sufficient proof so that a reasonable juror could find that the items are in substantially the same condition as when they were seized, and the district court may admit the evidence if there is a reasonable probability the article has not been changed in important respects.²⁴ In the absence of any evidence of tampering, a presumption exists that public officers properly discharged their official duties.

Surveillance video is a cornerstone of ORC prosecutions. In *People v. Portillo*, surveillance footage was central to establishing a defendant's participation in a coordinated theft, with the video provided by the warehouse manager to law enforcement.²⁵ Authentication of such footage requires establishing that the recording accurately depicts what it purports to show, and any gap in the custody of digital files—from the retailer's system to law enforcement storage to trial—can form the basis of an admissibility challenge under [California Evidence Code §§ 1400–1401](#).²⁶

The Ninth Circuit has held that the authentication requirement under [Federal Rule of Evidence 901\(a\)](#) is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims, and that for objects connected with the commission of a crime, the proponent must also establish the chain of custody.²⁷ For digital surveillance footage, this means documenting the download, transfer, and storage of video files without alteration.

Although there are differences in each jurisdiction, the same standard under 901(a) is broadly accepted across the country. The analysis becomes stricter when evidence is easily altered, like video, which can be edited, re-coded, clipped, etc. As a result, courts have been requiring documentation on how footage was exported, transferred, and stored. Having a digital evidence standard of practice that both retailers and law enforcement abide by can address a lot of the questions and uncertainty that may be brought to the case as it unfolds.

²² *People v. Catlin*, 26 Cal.4th 81 (2001), available at [People v. Catlin \(2001\) :: Supreme Court of California Decisions :: California Case Law :: California Law :: U.S. Law :: Justia](#).

²³ *Id.*, *People v. Hall*, 187 Cal.App.4th 282 (2010), available at [People v. Hall :: 2018 :: California Courts of Appeal Decisions :: California Case Law :: California Law :: U.S. Law :: Justia](#).

²⁴ *U.S. v. Harrington*, 923 F.2d 1371 (1991).

²⁵ *People v. Portillo*, 91 Cal.App.5th 577 (2023).

²⁶ California Evidence Code § 1400–1401, available at [California Evidence Code section 1401 \(2025\)](#).

²⁷ Federal Rule of Evidence 901(a), available at [Rule 901. Authenticating or Identifying Evidence | Federal Rules of Evidence | US Law | LII / Legal Information Institute](#); *Supra* at 25.



Necessities for Successful Prosecution

Prosecutors should establish and build relationships with local law enforcement and retailers to enhance success on ORC cases. Creating an Organized Retail Crime task force comprised of a prosecuting agency, law enforcement, and retailers creates an open dialogue, builds trust, and establishes what is necessary for successful prosecution.

Even with the appropriate legal framework that supports an ORC charge, winning cases in court demands more than a strong statute. Prosecutors must be supported by trial-ready loss-prevention witnesses and thorough business records that typically need to span across multiple jurisdictions. Most importantly, prosecutors are tasked with presenting the full impact ORC has on their community, the detriment it has on the economy, and its citizens' quality of life. ORC's impact far outweighs the product value lost.

Trial Readiness Requirements

Like any prosecution, an ORC case is only as strong as the evidence gathered and witness testimony available at the trial. Unlike most cases where police officers may be a primary witness, ORC cases heavily depend on retail employees and staff. When a case spans multiple jurisdictions, coordinating witnesses becomes that much harder. Fostering trial readiness and communication at the beginning of a case is key and may be what separates a successful prosecution from a reduced plea or dismissal.

Importance of Loss Prevention Personnel Appearing in Court

In ORC prosecutions, loss prevention or asset protection employees are usually the most vital witnesses in the case. Loss prevention employees typically lay the foundation for surveillance video, identify the defendant, and explain the retailer's digital records and storage. When loss prevention personnel can't appear, or the store doesn't have anyone in this role, even a well-built case can collapse. The absence of a loss prevention witness is often the leverage that drives a case towards a misdemeanor resolution.

Loss prevention roles typically have high turnover, so the employee who handled an incident may have left the company by the time of the trial. Some retailers limit how much time staff may spend in court, and subpoenas sent to a store rather than the correct corporate contact may go unanswered. To reduce these issues here are a few suggestions:

- Have retailers designate a point of contact for court matters
- Prosecutors—involve loss prevention staff early so they are aware of what is required
- Decide in advance how subpoenas will be served and travel arranged

These expectations are best set before a case exists and can be an excellent checklist to go over during a store walk.



Managing Loss Prevention Personnel from Multiple Locations in Multi-Jurisdictional Cases

Maryland law, as is the case in many states, specifically allows for charges stemming from a case involving thefts from multiple jurisdictions within the state to be brought in any one of those jurisdictions. As mentioned previously, in theory this is excellent, but in practice this creates a heavy burden on the jurisdiction that ends up bringing the charges. This onerous responsibility is labor-intensive and can drain a lot of the lead prosecutor office's time and resources.

Massachusetts also provides flexibility in the prosecuting jurisdiction. Under Massachusetts law, crimes committed in different counties may be joined for trial and may be charged and prosecuted in any court having jurisdiction of at least of the crimes.²⁸

Choosing a jurisdiction to charge the crimes could be decided on anything from the stores in that jurisdiction being more diligent than the others, or the jurisdiction's increased proactive law enforcement regarding ORC cases. No matter the reason, this burden of additional resources being spent by the charging jurisdiction can be a real strain on smaller county prosecutor's offices. It's paramount that not only retailer—prosecutor discussions are being had where multi-jurisdiction charges can be applied but also between the counties, to ensure seamless collaboration on these multi-jurisdiction cases is successful.

Regional Asset Protection Management Coordination

Regional asset protection managers and dedicated ORC investigators often oversee tens of stores that typically span state lines. These investigators are usually the first to recognize a pattern of thefts that are linked together and part of a larger criminal enterprise. With tools and store oversight across states, they can often link offenders to cases across county lines, compile case packages, and calculate losses across the full scheme of thefts. For prosecutors, regional asset protection management can be the difference between charging one theft and charging an entire enterprise. In some cases, a regional investigator can also present summaries of voluminous records at trial, reducing the number of store-level witnesses required in larger cases. When conducting a store walk through, prosecutors should request contact info of the retailer's regional asset protection management if possible.

Balancing Diversion Opportunities with Community Safety

ORC is not simple shoplifting. It involves individuals working together to steal merchandise and put it back into commerce for resale. Yet judges, defense attorneys, the public, and even some prosecutors still treat the two as equivalent. Maintaining credibility with courts and retail partners requires that ORC cases not be handled like routine shoplifting. Diversion and treatment-based programs have a legitimate role. Some retail theft is driven by substance use disorder, and problem-solving courts can address that underlying cause more effectively than incarceration. The appropriate outcome depends on the facts of each case. Prosecutors should consider:

- the defendant's role in the enterprise;

²⁸ Massachusetts General Laws, Ch. 266 § 60B: Venue for Charge and Prosecution of Crimes Committed in Different Counties or Territorial Jurisdiction of Different Courts.



- whether the goods were stolen for resale rather than personal use;
- the defendant's prior theft history;
- whether violence or threats were involved.

A defendant charged with ORC under Massachusetts would not qualify for or be afforded diversion. Massachusetts law mirrors many of the state laws in Section III with established thresholds and a specific timeframe for aggregation.²⁹ Massachusetts also targets ORC leaders by increasing penalties if they are co-conspiring with others.³⁰

This is a different approach than what we see in Maryland. Maryland courts encourage the increased use of Drug Court Programs.³¹ According to the Maryland Problem-Solving Courts Annual Report for Fiscal Year 2025, twenty-three out of twenty-four Maryland counties received over \$8M in Problem-Solving Court Grant/Budget Request Awards for the 2025 Fiscal Year alone.³² In the same fiscal report, Maryland counties are highly encouraged to increase their participation in Problem-Solving Courts like the Drug Court and Mental Health Court Programs.³³ While there are no statutorily prohibited offenses, MD counties typically disqualify violent crimes, sex crimes, and crimes involving minors as victims.

With a list of disqualified crimes, Maryland courts will usually look towards defendants facing charges of drug possession, drug paraphernalia possession, and DUI/DWIs. In 2026, however, these charges typically do not come with enough threat of incarceration for individuals to voluntarily sign up for the Drug Court Program.

This results in the Drug Courts looking into other crimes that have some correlation to substance abuse issues. Defendants in ORC cases constantly state in front of the Court that they only stole from the various retail stores to support their own drug habit. This combined with the reality that the victims in retail theft cases are typically seen as large corporations, the Drug Courts tend to consistently accept defendants of ORC into the Drug Court Program.

While most Drug Court programs have an assigned Assistant State's Attorney who screens each applicant, usually their determination is not binding on the Court's decision on entry. A defendant could have several theft convictions and still be accepted into the Drug Court Program if accepted by the Court. In practice, this means that there will be cases that prosecutors spend time preparing for trial and prepping with loss prevention employees, just to have to turn around and tell the store that the defendant was put into the Drug Court Program instead of jail. This leads to disappointment on the part of the store employees, which then leads to resentment towards the criminal justice system, which results in those employees putting forth less effort or even disregarding the prosecution of subsequent retail theft cases occurring at their store.

²⁹ M.G.L. c.266 §30D.

³⁰ *Id.*

³¹ MD Courts, Maryland Judiciary, Drug Court, (2026), available at [What is a Drug Court? | Maryland Courts](#); MD. Code Ann., Cts. & Jud. Proc. § 13-101.1.

³² Maryland Judiciary, Administrative Office of the Courts, *Fiscal Year 2025 Problem-Solving Courts Annual Report*, Nov. 2025, available at [PSC Annual Report FY 2019](#).

³³ *Id.*



We see similar actions in mental health diversion initiatives as well. California's mental health diversion statute, [Penal Code § 1001.36](#), allows courts to postpone or permanently divert criminal prosecution for defendants with qualifying mental disorders if they meet two criteria.³⁴ First, the defendant has been diagnosed with a mental disorder in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.³⁵ Second, the defendant's mental disorder was a significant factor in the commission of the charged offense. If the defendant has been diagnosed with a mental disorder, *the court shall find* that the defendant's mental disorder was a significant factor in the commission of the offense unless there is clear and convincing evidence that it was not a motivating factor, casual factor, or contributing factor to the defendant's involvement in the alleged offense.

The California Legislature has excluded defendants charged with specified offenses—including murder—from the diversion program under [§ 1001.36, subdivision \(b\)\(2\)\(A\)–\(H\)](#).³⁶ Often, defendants that have committed organized retail theft are granted mental health diversion over the People's objection. This is an ongoing issue for all property crimes because defendants aren't considered to be a danger within the meaning of the statute; however, in [People v. Sacco \(2026\) 121 Cal. App 5th 229](#), the Second District appellate affirmed the trial court's ruling that a defendant who engaged in a complex, goal-oriented bank scheme to financially benefit himself does not qualify for mental health diversion.³⁷ Sacco was charged with a series of financial crimes involving opening bank accounts under false pretenses and taking money from a local non-profit organization. The trial court denied Sacco's mental health diversion motion, due to the defendant's calculated and intentional manipulation of bank records and documents to complete his fraud.³⁸ While appropriate in some instances, ORC diversion should be assessed on a case-by-case basis with the totality of the crime, defendant history, and public interest in mind.

Impact Beyond Product Value Loss

While the immediate thought of ORC theft may be the loss the store incurs and the retailer being the only victim, Homeland Security Investigations highlights the nexus and broader effect of ORC.

In September of 2023, Target announced the closing of nine stores in New York City, Seattle, Portland, San Francisco, and Oakland due to theft and organized retail crime.³⁹ In a statement, Target announced that "[they] cannot continue operating these stores because theft and organized retail crime are threatening the safety of our team and guests and contributing to unsustainable business performance. We know that our stores serve as a key role in communities, but we can only be successful if the working and shopping environment is safe for all."⁴⁰

³⁴ California Penal Code § 1001.36 available at [California Penal Code section 1001.36 \(2025\)](#).

³⁵ American Psychiatric Association. (2013). Diagnostic and statistical manual of mental disorders (5th ed.) available at [Diagnostic and Statistical Manual of Mental Disorders | Psychiatry Online](#).

³⁶ *Supra* at 34.

³⁷ *People v. Sacco* (2026), available at [People v. Sacco \(2026\) | FindLaw](#).

³⁸ *Id.*

³⁹ WPTV, West Palm Beach, Maruf Ramishah, Parija Kavilanz, and Cheri Mossberg, *Target Closing 9 Stores in Major Cities Across 4 States Citing Theft, Organized Crime*, Sept. 27, 2023, available at [Target closing 9 stores ... citing theft, organized crime](#).

⁴⁰ *Id.*



Necessities for Successful Prosecution



It is no secret that Organized Retail Crime raises the prices for all consumers. In February 2025, Maryland Attorney General Brown stated that “Organized retail crime harms businesses and devastates entire communities that rely on these retailers for groceries, medications, and everyday household items. When these stores are forced to charge higher prices or close altogether, Marylanders end up paying the price.”⁴¹

Many of the smaller mom-and-pop store owners or rural stores can’t survive frequent retail theft instances. They are forced to increase their already higher prices to offset their losses, and this drives more consumers to bigger retail stores. This typically results in smaller stores having to close down, which again has a direct impact on the community’s economy.

⁴¹ Anthony G. Brown, Attorney General of MD, *AG Brown Joins 38 State and Territory Bipartisan Coalition Urging Congress to Take Action Against Rise in Organized Retail Crime*, Feb. 25, 2025, available at [Attorney General Brown Joins 38-State and Territory Bipartisan Coalition Urging Congress to Take Action Against Rise in Organized Retail Crime – News – Office of the Attorney General of Maryland](#).



Promising Practices & Successful Models

ORC criminal actors count on police dedicating resources elsewhere, prosecutors viewing shoplifting cases in isolation, and stores writing off regular theft as merely the cost of doing business. Thankfully, in recent years, new practices have emerged as models of success for retailers and practitioners alike. The programs vary, tailored—as they ought to be—to the unique circumstances, challenges, stakeholders and conditions of a particular jurisdiction.

Local Programs

Innovative programs across the country have proven that retail theft can be interrupted when prosecutors treat retail theft with the seriousness it deserves while marshalling the private intelligence and resources already in place at many large retailers. Through efforts highlighted below, we can make better use of law enforcement resources and reduce the impact ORC has on our local well-being and economy.

- [“FastPass to Prosecution”](#) (Yolo County, California) began in 2023 as a partnership with major national retailers, enabling their employees to report non-emergency crimes to the District Attorney’s Office, which in turn can file criminal complaints;
- The Maricopa County (AZ) Attorney’s Office has partnered with the Arizona Retailers Association to combat organized retail crime and promote public awareness through the [Safe Shopping](#) campaign;
- Seattle’s [High Utilizer Initiative](#) targets the relatively small number of offenders responsible for a disproportionately high number of misdemeanor offenses, including but not limited to retail theft;
- RILA’s [Vibrant Communities Initiatives](#) bring retailers and prosecutors together in New York City, Atlantic City (NJ) to maximize information and resource sharing;
- Stockton, California’s [STAART program](#) brings together San Joaquin County prosecutors and the local Chamber of Commerce for countywide workshops, a police reporting app, public awareness campaign, camera grants for small businesses;
- Queens County (NY) District Attorney’s Office joined with the New York State Police in the wide-ranging [Operation Self Checkout](#), which charged thirteen defendants for \$2.2 million in stolen merchandise, which spanned across 9 states.

Diverse programs like these are interrupting criminality that has previously gone unchecked, often at no cost to taxpayers, with the ultimate benefits going to the public and retailers.



Multi-Agency Task Forces

Criminals participating in ORC rarely respect jurisdictional boundaries. In fact, it has become increasingly common for ORC enterprises to exploit these lines and operate across multiple counties and states, utilizing sophisticated fencing operations and online marketplaces to monetize the stolen goods. Individual theft incidents that may appear isolated at the local level can sometimes be components of a larger criminal enterprise that is operating across county and state lines, requiring coordinated information sharing and joint investigations to address.

For that reason, one of the most successful models for combating ORC has been multi-agency task forces that bring together local law enforcement, prosecutors, state investigative agencies, federal partners, retailers, and financial crime experts.

Task forces across the country may vary in scope, and make up, but many share the following structural features:

- **Formal Governance Instrument.** A memorandum of understanding (MOU), executive order, or statute that defines participating agencies, information sharing protocols, and venue or lead-agency arrangements before cases arise. Having a protocol in place is a lot smoother than negotiating each instance case by case.
- **A Dedicated Prosecutorial Role.** Whether an assigned economic-crimes unit, a rotating liaison, or a full-time funded position for the task force, there needs to be consistent legal input to establish charging strategy and aggregation decisions from the investigative stage rather than handed off cold at filing.
- **A Defined Channel for Retail Loss-Prevention Intelligence.** Shared platforms and regular case review meetings so that private sector data supplements rather than substitutes law enforcement investigations.

Task force operations should emphasize intelligence-driven investigations that focus on identifying and dismantling the organizers, financiers, fences, and resellers behind ORC schemes rather than solely arresting individual theft crews. Examples of effective regional and statewide task forces include:

State	Task Force	Description
Florida	FL Organized Retail Crime Exchange (FORCE)	Former FLAG and now Senator Ashley Moody created FORCE as a means of coordinating a statewide strategy and repository of info for prosecutors and LE. Statewide communication has led FL to tackle large ORC networks around the state.
Illinois	Attorney General's Organized Retail Crime Task Force	This task force places career investigators and attorneys from the AG's Criminal Enforcement Division alongside the USSS, DHS, IL State Police, Cook County Sheriff's Office, the IL Association of Chiefs of Police, and the IL State's Attorneys Association.
Michigan	The Force Team	Michigan's dedicated ORC unit was built specifically to solve the multi-jurisdictional handoff problem. The team's statewide jurisdictional authority lets it work cases local departments can't, and its establishment was led by direct retailer's advocacy and resource support.



State	Task Force	Description
Ohio	F.O.R.C.E. (Fraud & Organized Retail Crime Engagement)	Launched this year under the OH AG's Organized Crime Investigation Commission, this task force unites local LE, prosecutors, and retailers. Also, it already coordinates with counterpart agencies in MI, PA, KY, and IN, proving that even newer task forces can quickly engage regionally.
Oregon	DOJ-Led Organized Retail Crime Task Force	This task force treats funding as part of its design rather than an afterthought. Task force grant dollars have directly funded a dedicated prosecutor position, DOJ research analyst, and criminal investigators who coordinate with local LE, prosecutors, and loss-prevention teams. Participating agencies report that the grant-funded prosecutor role produced measurably greater collaboration among retailers, and LE.

Education & Outreach

NDAA and RILA see the detrimental effects of ORC and are working to bring prosecutors, law enforcement and retailers together through a variety of programs aimed at education, outreach and overall awareness.

- RILA and NDAA have partnered with prosecutors and businesses across the country to provide [dozens of webinars](#) covering local initiatives and promoting public-private alliances while also providing [sample resources](#);
- Developed and promoted by the [RILA Communities Foundation](#) in cooperation with NDAA, the nationwide [Gift Card Fraud Prevention Alliance](#) provides the emerging threats in the gift card space;
- Through [National Store Walk Month](#), NDAA and RILA encourage prosecutors to meet local retailers on site to develop strategies to deter and address crime.



Recommendations

Every recommendation in this resource depends on prosecutor offices and their law enforcement partners having the personnel, means, and tools to utilize them. Legislative fixes alone will not close the enforcement gap if the offices asked to use this new authority are understaffed and under-equipped. Combating ORC requires sustained investments, and due to ORC frequently crossing jurisdictional and state lines, the funding and resource responsibilities must be shared among those same local, state, federal, and private-sector lines.

Legislative Suggestions

- **Establish Current Theft Thresholds.** States should ensure felony thresholds reflect current retail prices, sales tax and resale value in the total. 13 states opened their 2026 legislative sessions with 22 active bills addressing organized retail crime, many of which included provisions on theft thresholds or the treatment of repeat offenders.⁴² As discussed in Section III, California's fair-market value test and its \$950 threshold illustrate one approach. NDAA supports model legislation that ties felony thresholds to a periodically updated fair-market value standard rather than a fixed dollar figure that quickly falls out of date.
- **Clarify Aggregation Authority.** Law enforcement not being able to link multiple, coordinated low-value thefts into a single felony charge has historically allowed organized crime rings to evade grand theft exposure. NDAA recommends that states allow prosecutors to aggregate the value of stolen property across multiple incidents into a single charge when evident. Similar to Maryland's [criminal law § 7-103](#), which permits aggregation of thefts committed across multiple counties under one continuing scheme, NDAA recommends adopting a statutory aggregation mechanism along these lines rather than leaving the question to case-by-case judicial interpretation.⁴³
- **Enhance Penalties for Organized Schemes.** NDAA believes penalties for ORC should scale proportionately to the offender's role in the enterprise and not solely be based on the value of what they personally handle. Imposing tiered, escalating penalties tied to aggregated value and reaching the organizers and financiers behind a scheme, not only the individuals who steal the merchandise and fencers is vital. North Carolina's [ORC statute](#) creates a distinct more serious tier for anyone who conspires with two or more people as an organizer, supervisor, financier, leader, or manager of a resale scheme. NDAA suggests states adopt a leader/financier specific enhancement within its ORC statute.⁴⁴

⁴² ICSC, Government Relations & Public Policy, Thirteen States Start 2026 with More Targeted Bills Combating ORC, Jan. 29, 2026, *available at* [Thirteen States Start 2026 with More Targeted Bills Combating ORC | ICSC](#).

⁴³ Md. Code Ann., Theft & Related Crimes, § 7-103, *available at* [Maryland Criminal Law Code Section 7-103 \(2025\) – Determination of Value :: 2025 Maryland Code :: U.S. Codes and Statutes :: U.S. Law :: Justia](#).

⁴⁴ N.C. Gen. Stat. § 14 -86.8, *available at* [G.S. 14-86.6](#).



- **Cross-jurisdictional Investigations.** Having an expanded venue provision, similar to states like California and Maryland, allows ORC charges to be consolidated into any county with a connection to the ORC scheme. At the federal level, NDAA strongly supports the Combating Organized Retail Crime Act (CORCA). CORCA would create a national Organized Retail and Supply Chain Crime Coordination Center to align federal, state, and local investigations. As of this publication, CORCA has passed the House and is pending in the Senate. NDAA encourages prosecutors to reach out to their U.S. Senators to urge the passage of CORCA this Congress.

Resource & Training Needs

- **Investment in Digital Evidence Tools and Forensic Capabilities.** ORC prosecutions rely on surveillance video and other digital evidence that must be authenticated and tracked through a chain of custody spanning multiple agencies and storage systems. Offices need support and training for secure digital evidence management systems and forensic video tools.
- **Enhanced Training for Prosecutors, LE, and Retailers.** With ORC enterprises continually evolving and changing their tactics, the training for prosecutors, law enforcement and retailers must be constant and reflect these emerging trends. NDAA and RILA's existing [webinar series](#) and [sample resources](#), along with the annual National Store Walk Month, are a strong foundation to start with.
- **Legal Training for Retail Staff and Law Enforcement.** Prosecutors can benefit from investing time into regularly training retailers and law enforcement on matters pertinent to retail crime. This could include:
 - Identifying common retail-related crimes, such as Robbery, Theft, Trespassing, Burglary, Possessing Anti-Theft Defeating Devices, and Receipt Forgery.
 - Discussing common legal options such as aggregation of crimes, definitions of value, jurisdictional questions, and other regularly used tools.
 - Explaining legal standards, emphasizing Proof Beyond a Reasonable Doubt and what that standard entails.
 - Educating on legal processes, such as search and arrest warrants, arrest procedures, court procedures and plea negotiations.
 - Report writing tips, including the four C's (clear, concise, complete, correct) and the six W's (who, what, where, when, why, how). This should include helpful examples of good and bad report writing.
- **Dedicated and Sustained Funding for ORC Prosecutors and Investigators.** Prosecutors should pursue the following funding opportunities to help support and supplement their ORC operations.
 - At the federal level, the Edward Byrne Memorial Justice Assistance Grant (JAG) program is the largest flexible source of federal criminal-justice funding to states and localities and can fund prosecutor, analyst, and investigator positions directly (BJA); CORCA would further direct DHS and DOJ to evaluate existing federal grant, training, and technical-assistance programs specifically for their applicability to organized retail and supply-chain crime.



- At the state level, establishing an ORC task force grant program like Oregon which directly funds a prosecutor, analyst, and investigator to solely focus on ORC is a model that has shown remarkable success.
- On the public-private front, retailers have moved beyond information sharing to direct investment in task force capacity. Home Depot has been a leading retailer in this space, often supporting dedicated ORC units.

Public-Private Collaboration Improvements

- **Standardized Reporting and Documentation Practices.** Prosecutors and retailers should adopt a common intake standard specifying exactly what a usable ORC report contains—incident timeline, footage retention and export format, itemized loss valuation sufficient to support the fair-market-value, and a designated loss-prevention point of contact available to testify or provide a business-records declaration. The NDAA-RILA store-walkthrough program is a natural vehicle for rolling this out jurisdiction by jurisdiction, since it puts prosecutors and retail staff in the same room to align expectations and responsibilities.
- **Formalized Partnerships Between Prosecutors and Retailers.** Where jurisdictions have moved from informal cooperation to a written MOU—defining reporting channels, evidence-sharing timelines, and points of contact on both sides—retailers and prosecutors report smoother case handoffs and fewer cases lost to stale evidence.
- **Shared Intelligence and Data-Sharing Platforms.** Tools such as Auror and ThinkLP, and industry-built infrastructure like the Law Enforcement Retail Partnership Network (LERPnet) already give retailers and law enforcement a shared view of cross-store and cross-jurisdiction patterns. NDAA encourages members to look into these platforms within task force MOUs and to train new prosecutors and investigators to use the resulting data as investigative leads, not only as supporting exhibits at trial.
- **National Coordination.** If enacted, CORCA's proposed Organized Retail and Supply Chain Crime Coordination Center would give that public-private model a national counterpart, aligning federal, state, local, and private-sector resources under one roof. NDAA is urging Congress to pass CORCA as it would advance the national coordination on ORC to the appropriate level as we are seeing more criminal enterprises become more transnational.



Closing Remarks

ORC can no longer be measured by one store, one theft, or one jurisdiction. As seen, the criminal networks behind the thefts recruit, coordinate, and resale merchandise at scale. The harm has reached well beyond the monetary value taken, with retail workers facing violence, consumers paying higher prices for worse shopping experiences, and neighborhoods losing the stores they depend on for economic stability.

Prosecutors stand ready to address this challenge head on, but we can't do it alone. Legal authority is not enough. Every successful model and recommendation described relies on partnership: prosecutors who know their regional asset protection leaders, retailers who preserve evidence and make witnesses available, and law enforcement that shares information across department lines.

NDAA urges its members, their partners in law enforcement and the retail industry, and policymakers at every level of government to act on the recommendations and prioritize ORC. State legislatures should review and modernize their theft and ORC statutes. Prosecutors' offices and law enforcement agencies should coordinate task forces with retailers. Congress should pass the Combating Organized Retail Crime Act to provide the national coordination that interstate and transnational networks demand. Organized retail crime is a coordinated threat, and it requires a coordinated response. America's prosecutors are prepared to lead it.



