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December 21, 2021

VIA ELECTRONIC TRANSMISSION

Hon. Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue NW
Washington, D.C. 20016

Dear Secretary Mayorkas:

This is to request a briefing on the status of organized retail crime throughout the nation, and the steps federal law enforcement are currently taking against organized retail crime, by the appropriate personnel at U.S. Immigration and Customs Enforcement and any other agency within the Department of Homeland Security responsible for that area of law enforcement.

Organized retail crime appears to be on the rise. According to the National Retail Federation, 69 percent of retailers said they have seen an increase in organized retail crime over the last year, and 78 percent of retailers believe that greater federal law-enforcement activity would effectively combat organized retail crime.¹ And various retail thefts have attracted the public's attention over the last few months. In November, what appears to be a flash mob of thieves ransacked at least 10 stores in San Francisco's Union Square neighborhood. The very next day, approximately 80 people attacked a Nordstrom department store in the suburban Bay Area, making off with up to \$200,000 worth of merchandise in what local police called "clearly a planned event."² Around the same time, similar mobs attacked retail locations in the Los Angeles area stealing around \$380,000 worth of merchandise, which police believe are planned attacks designed to acquire merchandise for the purpose of reselling it.³

I would like to know how the agencies under your authority are working on this important issue, what they are finding in terms of trends, which sections of the criminal code provide the best tools for enforcement, what initiatives they are undertaking on this issue, what additional legislative tools might be

¹ National Retail Federation, 2021 Retail Security Survey at 10, at <https://nrf.com/research/national-retail-security-survey-2021>.

² Jessica Lipscomb, *80 people simultaneously broke into a Nordstrom near San Francisco, police say: 'Clearly a planned event' in weekend filled with looting incidents*, WASHINGTON POST (Nov. 22, 2021), at <https://www.washingtonpost.com/nation/2021/11/22/san-francisco-organized-looting/>; Amy Graff, *Report: Police say mob made off with up to \$200K in items at Walnut Creek Nordstrom*, SFGATE (Nov. 23, 2021), at <https://www.sfgate.com/bayarea/article/Walnut-Creek-Nordstrom-robbery-smash-and-grab-16644094.php>.

³ Phil Helsel, *14 arrests made in Los Angeles smash-and-grab style crimes*, NBC NEWS (Dec. 3, 2021), at <https://www.nbcnews.com/news/us-news/14-arrests-made-los-angeles-smash-grab-style-crimes-rcna7495>.

necessary in that regard, and what further steps can be taken to combat organized retail crime. While ordinary retail theft is a matter best handled by local law enforcement, the recent spate of flash-mob attacks appear to rely on organized criminal rings and internet communication, both for coordinating attacks as well as for the resale of stolen goods,⁴ which invoke the jurisdiction of federal law enforcement.⁵ It is particularly troublesome if federal law enforcement, namely the Department of Justice, takes an interest in working to prevent an alleged “spike in harassment, intimidation, and threats of violence” against local school administrators,⁶ acts that are often minor violations of local law, or even noncriminal, but federal law enforcement is not able to devote sufficient resources to combatting organized criminal rings operating in cities across the country and the interstate transportation of stolen goods.

I ask that your Office of Legislative Affairs be in contact with my staff to set up such a briefing. If you have any questions, please contact John Schoenecker at (202) 224-5225.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Judiciary

⁴ Abha Bhattarai and Gerrit De Vynck, ‘Flash mob’ robberies roiling U.S. retailers, traumatizing workers, WASHINGTON POST (Dec. 3, 2021), at <https://www.washingtonpost.com/business/2021/12/03/retail-theft-organized-crime/>.

⁵ See, 18 U.S.C. §§ 1343, 2314 *et seq.* (prohibiting electronic communication made in furtherance of a scheme to defraud; prohibiting the interstate shipment of stolen property).

⁶ Memorandum from Attorney Gen. Merrick Garland, Partnership Among Federal, State, Local, Tribal, and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff (Oct. 4, 2021), at <https://www.justice.gov/ag/page/file/1438986/download>.