

# The City Can Do More to Tackle Organized Retail Crime in Seattle

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# The City Can Do More to Tackle Organized Retail Crime in Seattle

## Report Highlights

### Background

In recent years, the characteristics of retail crime have shifted and become more sophisticated. There is some emerging evidence that organized retail crime (ORC) has increased due, in part, to an increased use of online marketplaces for selling stolen goods. This audit is focused on fencing operations related to ORC. "Fencing" is the practice of reselling stolen goods through online marketplaces, unregulated markets such as illegal street markets, storefronts that buy stolen goods, and by shipping goods for sale outside of the U.S.

### What We Found

This audit presents seven steps for the City to improve its approach to addressing the organized fencing operations that underpin ORC in Seattle:

1. Support City participation in collaborative efforts among agencies, including collaboration with the new Organized Retail Crime Unit in the Washington State Attorney General's Office.
2. Leverage federal and state crime analysis resources.
3. Use in-custody interviews of "boosters"—people who steal on behalf of fencing operations—to gather information on fencing operations.
4. Explore new uses of technology to address ORC.
5. Use place-based approaches to disrupt unregulated street markets.
6. Follow the King County Prosecuting Attorney's Office "prosecution checklist" for ORC cases.
7. Consider City support of legislation that addresses ORC.

### Recommendations

For each step, we have included specific recommendations for actions that the City could take to improve its approach to ORC. Given the City's current resource constraints, especially for the Seattle Police Department (SPD), our recommendations largely focus on leveraging new and existing collaborations, using existing expertise and resources, and exploring new technologies.

### Seattle Police Department Response

In their formal written response, SPD stated they will work with the City to implement the recommendations.



### WHY WE DID THIS AUDIT

Seattle City Councilmembers Andrew Lewis and Lisa Herbold requested that our office conduct an audit regarding retail theft in Seattle. We examined Organized Retail Crime (ORC), which involves organized efforts to steal and resell items, including sales through online marketplaces, unregulated markets, storefronts that buy stolen goods, and by the shipping of goods for sale outside of the U.S.

### HOW WE DID THIS AUDIT

To accomplish the audit's objectives, we worked with representatives from law enforcement, prosecution, and retail to identify the seven steps presented in this report. We attended collaborative meetings, including the Washington State Attorney General ORC Task Force and the Washington Organized Retail Crime Association. We reviewed Seattle Police Department records and case files; analyzed prosecution data; consulted with industry experts on best practices; and reviewed research literature.

### Seattle Office of City Auditor

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## INTRODUCTION

### Audit Overview

Seattle City Councilmembers Andrew Lewis and Lisa Herbold requested that our office conduct an audit regarding retail theft in Seattle. We examined organized retail crime, which involves organized efforts to steal and resell items, including sales through online marketplaces, unregulated markets, storefronts that buy stolen goods, and by shipping goods for sale outside of the U.S. This audit focuses on fencing operations associated with organized retail crime.

### Background

In recent years, the characteristics of retail crime have shifted and become more sophisticated. There is some emerging evidence that organized retail crime (ORC) has increased due, in part, to an increased use of online marketplaces for selling stolen goods.<sup>1</sup> ORC operations can involve millions of dollars of stolen merchandise and be linked with other serious crimes including narcotics trafficking, human trafficking, money laundering, and even terrorism.

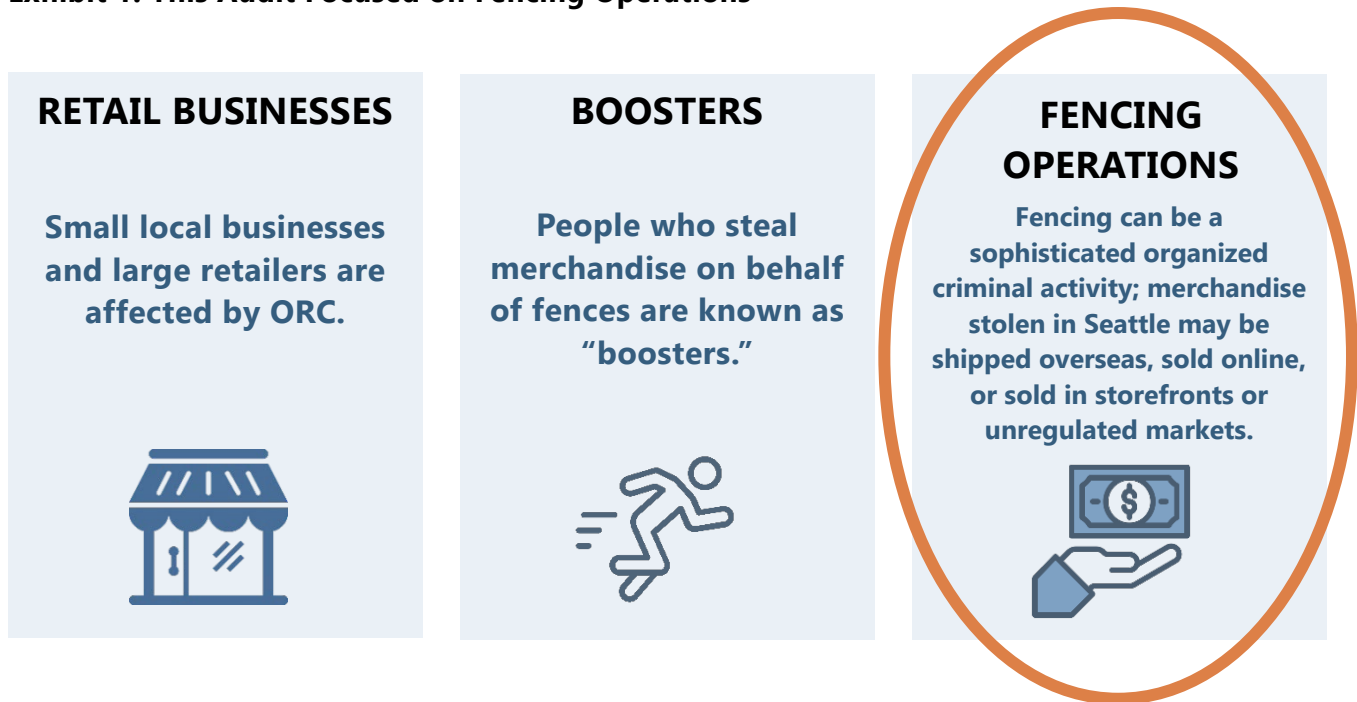
The newly-funded [Organized Retail Crime Unit in the Washington State Attorney General's Office](#) and a new program in the U.S. Department of Homeland Security called [Operation Boiling Point](#) will offer the City of Seattle (City) significant opportunities for collaboration and for leveraging resources to address ORC.

ORC is a complex, evolving problem that is intertwined with the growth of online retail and the housing and addiction crises, driving people who are homeless and people with substance use disorder to steal on behalf of organized retail crime rings. This audit does not address all aspects of ORC. Rather, based on preliminary fieldwork that we conducted in spring 2022, we decided to focus our analysis on fencing operations related to ORC. "Fencing" is the practice of reselling stolen goods through online marketplaces, unregulated markets such as illegal street markets, storefronts that buy stolen goods, and by shipping goods for sale outside of the U.S. (see Exhibit 1).

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<sup>1</sup> A [2021 report commissioned by the Retail Industry Leaders Association and the Buy Safe America Coalition](#) found that, from 2003-2019, the growth in online marketplaces was highly correlated (61 percent) to the number of shoplifting events.

Exhibit 1: This Audit Focused on Fencing Operations



Source: Seattle Office of City Auditor

**Definitions of organized retail crime.**

There is not currently a universally accepted definition of ORC. This is due in part to the fact that ORC tactics and circumstances can vary widely. ORC can involve highly sophisticated crime rings that systematically steal certain products, warehouse, and inventory the stolen products, then resell the products through legitimate physical or online businesses. ORC may also be perpetrated by individuals or small groups that steal and resell the items themselves, including smash-and-grab thefts and resale of high-value items.

**Working Definitions of ORC.** The [Loss Prevention Research Council](#)<sup>2</sup> is working to develop a definition of ORC that includes seven elements: 1) predatory crimes in which 2) one or more offenders 3) knowingly and intentionally 4) plan or coordinate criminal activities 5) on one or more occasion 6) with the intent of financially profiting themselves, a group, or a broader criminal enterprise with which they are associated 7) through the acquisition of cash, other financial instruments, or merchandise that can be resold, returned, exchanged, or otherwise used to generate a profit. The [Washington Organized Retail Crime Association \(WAORCA\)](#)<sup>3</sup> defines ORC as the theft/fraud activity conducted with the intent to convert illegally obtained merchandise, cargo, cash, or cash equivalent into financial gain when

<sup>2</sup> The [Loss Prevention Research Council](#) at the University of Florida supports the evidence-based needs of loss-prevention decision makers. Its membership includes over 70 major retail chains, and it has conducted over 300 loss-prevention research projects to date.

<sup>3</sup> The [Washington Organized Retail Crime Association \(WAORCA\)](#) assists law enforcement, retail investigators, and prosecutors in identifying, investigating, and prosecuting those involved in ORC.

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the following elements are present: it occurs over multiple occurrences OR in multiple jurisdictions, conducted by two or more persons or an individual acting in dual roles (booster and fence)<sup>4</sup>. The [Washington State Attorney General’s Task Force](#) focuses on ORC as involving a group of individuals who steal products in order to resell them for a profit; this does not include petty theft, shoplifting, or poverty-driven crimes.

**Prosecution of ORC.** In Washington state, prosecution of ORC may occur<sup>5</sup> under [Revised Code of Washington \(RCW\) 9A.56.350-Organized Retail Theft](#). This RCW applies to thefts of at least \$750 worth of merchandise and establishes organized retail theft as a felony in the first degree (Class B felony) if the property stolen has a value of \$5,000 or more. Per this RCW, a person is guilty of organized retail theft in the second degree if the stolen or possessed property has a value of at least \$750, but less than \$5,000. In addition, several sections of the Seattle Municipal Code (SMC) may apply to ORC misdemeanor offenses including [SMC 12A.08.060 Theft](#), [SMC 12A.08.160 Trafficking in stolen property](#), [12A.08.090 Possessing Stolen Property](#), and [SMC 12A.08.040 Criminal Trespass](#).

<sup>4</sup> Boosters are people who steal merchandise on behalf of fences. Fences resell stolen goods, sometimes through sophisticated methods.

<sup>5</sup> According to the King County Prosecuting Attorney’s Office (KCPAO), depending on the specific facts and circumstances, KCPAO may charge a theft from a retail establishment as one or more of the following felony crimes. The crimes in the left column are fairly specific to thefts from retail establishments. In other words, if that crime has been charged, it can be safely assumed that the factual scenario involves a theft from a retailer. The crimes in the right column are much less specific. In other words, if that crime has been charged, there cannot be any assumption as to whether or not it involved a theft from a retailer.

<b>Fairly specific to thefts from retail establishments.</b>	<b>Less specific to thefts from retail establishments.</b>
<ul style="list-style-type: none"> <li>• Organized Retail Theft in the First Degree, RCW 9A.56.350(2).</li> <li>• Organized Retail Theft in the Second Degree, RCW 9A.56.350(3).</li> <li>• Retail Theft with Special Circumstances in the First Degree, RCW 9A.56.360(2).</li> <li>• Retail Theft with Special Circumstances in the Second Degree, RCW 9A.56.360(3).</li> <li>• Retail Theft with Special Circumstances in the Third Degree, RCW 9A.56.360(4).</li> <li>• Theft with Intent to Resell in the First Degree, RCW 9A.56.340(2).</li> <li>• Theft with Intent to Resell in the Second Degree, RCW 9A.56.340(3).</li> </ul>	<ul style="list-style-type: none"> <li>• Assault in the Third Degree, RCW 9A.36.031(1)(a).</li> <li>• Burglary in the Second Degree, RCW 9A.52.030.</li> <li>• Theft in the First Degree, RCW 9A.56.030.</li> <li>• Theft in the Second Degree, RCW 9A.56.040.</li> <li>• Robbery in the First Degree, RCW 9A.56.200.</li> <li>• Robbery in the Second Degree, RCW 9A.56.210.</li> <li>• Trafficking in Stolen Property in the First Degree, RCW 9A.82.050.</li> <li>• Trafficking in Stolen Property in the Second Degree, RCW 9A.82.055.</li> </ul>

## How Organized Retail Crime Groups Operate

**Organized retail crime (ORC) groups generally include individuals serving in one of two main capacities: boosters or fences.**

“Boosters” steal or illegally obtain merchandise for fences.<sup>6</sup> “Fences” pay boosters for stolen goods and then resell them to witting or unwitting consumers and businesses. Boosters work either alone or in groups to steal goods that they will later sell to fences for a fraction of the value or trade for drugs. Boosters often use lists provided by fences that itemize the goods fences desire. Boosters sometimes use high-powered magnets, modified clothing, or modified shopping bags lined with aluminum foil to conceal merchandise and circumvent electronic article surveillance or security tag technology. They may also simply fill up a shopping cart and push it out the door without making payment.

Fencing operations can be simple or operationally complex. Low-level fences, or “street fences,” will sell the stolen goods directly to the public through unregulated street markets, flea markets, swap meets, or online. Boosters may also sell the merchandise to mid-level fences who run “cleaning operations.” Cleaning operations remove security tags and store labels and repackage stolen goods to make them appear as though they came directly from the manufacturer. This cleaning process may even involve changing the expiration date on perishable goods, which creates public health and safety concerns. The “clean” goods may then be sold to the public or to higher-level fences, who operate illegitimate wholesale businesses. Through these businesses, the fences can supply merchandise to retailers, often mixing stolen merchandise with legitimate goods. In addition, fences selling goods via online marketplaces, or “e-fencing,” may ship stolen goods across state or national lines. E-fencing is more profitable than fencing at physical locations.<sup>7</sup>

**ORC groups target vulnerable individuals to serve as boosters.**

Vulnerable individuals, including people who are homeless and people with substance use disorders, often serve as boosters in ORC, stealing from stores in exchange for drugs or a small payment. [Boosters recently interviewed](#) in New York City stated that boosting was a safer alternative to other crimes, including catalytic converter theft and prostitution. Many Seattle boosters, especially those who have been identified by the Seattle City Attorney’s [High Utilizer Initiative](#),<sup>8</sup> are people with substance use disorders. Our analysis of 2021 and 2022 data of ORC cases referred by the Seattle Police Department and

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<sup>6</sup> In some cases, boosters do not use a fence. Rather, they resell (i.e., fence) their own stolen merchandise through online marketplaces or unregulated street markets.

<sup>7</sup> While fences may profit about 30 cents on the dollar by selling goods at physical fencing locations, they can make about 70 cents on the dollar via e-fencing. (Finklea, 2012)

<sup>8</sup> The Seattle City Attorney’s [High Utilizer Initiative](#) is a collaborative effort to identify and reduce the impact of individuals responsible for repeat criminal activity across Seattle. In total, the initiative included 168 individuals who were responsible for almost 3,500 misdemeanor referrals since 2017.

prosecuted by the King County Prosecuting Attorney indicated that boosters frequently were people who were homeless and/or people with substance use disorders. In addition, according to a [report by the Association of Certified Anti-Money Laundering Specialists and Homeland Security Investigations](#), undocumented immigrants who are labor-trafficked into the U.S. may also be forced to serve as boosters for ORC rings to pay off a debt.

## Note: Evidence-Based Treatment Could Help Address Underlying Issues for Boosters

While this audit does not specifically address ORC boosters, it should be noted that new efforts in Seattle are underway to address substance use disorders through evidence-based treatment. These could potentially help reduce the number of people who are drawn to serve as boosters for ORC.

Our October 2022 audit report, [Action is Needed to Explore Ways to Offer an Evidence-Based Treatment for People Who Use Methamphetamine](#), recommended that government, including the City of Seattle, should act with urgency to provide evidence-based treatment for people who use methamphetamine. Further, Mayor Bruce Harrell's April 2023 [Executive Order](#) outlines steps to address the public health and safety impacts of the fentanyl crisis in Seattle, including advancing evidence-based policies and programs to help people get treatment for substance use disorder.



## ORGANIZED RETAIL CRIME IN THE CITY OF SEATTLE

### Section Summary

Organized retail crime (ORC) is a concern for Seattle retailers of all sizes. While it is important to report ORC to the police for data-gathering and investigative purposes, Seattle Police Department (SPD) responses to calls for service from retailers in 2022 consumed significant resources. ORC fences can be involved with additional serious crimes, and they exploit vulnerable individuals to steal goods and shoulder the legal risks associated with ORC. Our report identifies seven steps the City can take to improve its approach to addressing the organized fencing operations that underpin ORC in Seattle.

### ORC adversely affects Seattle retailers.

According to a 2022 National Retail Federation report, ORC rose by 60 percent since 2015, and nearly 70 percent of retailers nationwide reported an increase in ORC in 2021. Among the top U.S. cities affected by ORC, Seattle was 10th in 2020 and 8th in 2021, according to the [2022 National Retail Security Survey](#) (Appendix B). The Washington Retail Association indicated that within the past year, more than half of Washington state retailers have reported an increase in theft, resulting in \$2.7 billion in losses in the state.

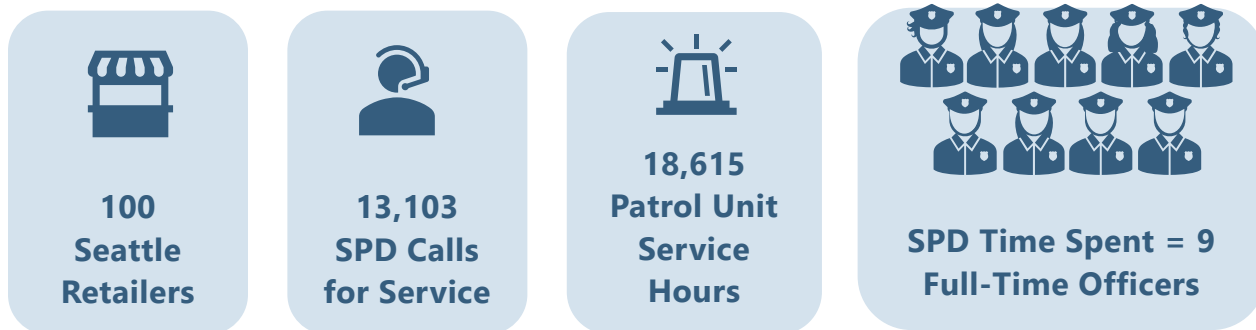
ORC has become an increased concern for retailers of all sizes and in all areas of Seattle. On February 9, 2022, Councilmember Sara Nelson convened the Seattle City Council's Economic Development, Technology, and City Light Committee to hear from small business owners and neighborhood business representatives from around the city who expressed concerns about increased thefts, the safety of their staff and customers, and their ability to stay in business. A [written statement](#) delivered at that meeting by representatives from Seattle's neighborhood business districts stated, "Seattle's commercial districts are the heart of our neighborhoods and the center of all public life in our city. However, with the uptick in crime and behavioral health issues across the city, neighborhood business districts are getting hit hard and need help from our city leaders."

As community members and businesses expressed to the committee, ORC in Seattle can jeopardize the viability of small businesses, including those owned by Black, Indigenous, and People of Color (BIPOC). It can harm the fabric of neighborhoods, such as Little Saigon, and adversely affect the safety and perception of safety of hourly wage retail workers and their customers.

**ORC created a significant body of work for the Seattle Police Department in 2022.**

In Seattle, retailers can report theft to SPD by calling 911 or through [SPD's Retail Theft Program](#), which allows participating retailers to file misdemeanor theft cases without an officer's involvement. SPD indicates that there has been declining participation in its Retail Theft Program in recent years, and they have noticed a rise in SPD calls for service from retailers. We found that calls for service from retail locations created a significant body of work for SPD in 2022. SPD data indicates that, in 2022, there were 13,103 SPD calls for service from the top 100 retail locations, and the large majority of these calls for service, according to SPD, were related to retail theft. SPD tracks the time spent on each call by "Patrol Unit Service Hours," and each patrol unit may include one or more responding officers. For 2022, SPD patrol response to these 100 repeat retail locations totaled 18,615 Patrol Unit Service Hours. From our conservative calculations, SPD's time spent on these 100 retail locations in 2022 is equivalent to the annual work performed by nine full-time SPD patrol officers (see Exhibit 2).

**Exhibit 2: SPD Patrol Response to ORC was Equivalent to Nine Full-Time Officers in 2022**



Source: Seattle Office of City Auditor

Reporting retail crime to law enforcement is important because it can help investigators link evidence and build ORC cases for prosecution. Law enforcement uses crime reporting data to allocate resources, and law enforcement cannot respond to and investigate incidents that are not reported. However, nationally, the Loss Prevention Research Council found that about 50 percent of retail crime is reported to law enforcement.

SPD officials indicated that in the first quarter of 2023, they did not receive any theft reports (neither through 911 nor through SPD's Retail Theft Program) from some large downtown retailers because those businesses have increased their use of security guards and off-duty officers and are choosing not to report ORC to the police. However, some retailers cannot afford extra security, and some retailers choose not to use or increase security to avoid the risk of lawsuits from

shoppers injured by security guards in the process of apprehending thieves or from the alleged thieves themselves.

Exhibit 3 shows the top 10 of the 100 retail locations that generated the most SPD Patrol Unit Service Hours in 2022. These 10 retail locations were in each of SPD’s five precincts and represent a variety of retail sectors (e.g., grocery, home goods, clothing, and hardware). In 2022, there were 3,360 total SPD calls for service that generated 5,375 Patrol Unit Service Hours from these locations. Together, that is the equivalent of more than two-and-a-half full-time SPD patrol officers’ work for just 10 retail locations in 2022.

Despite SPD’s significant patrol response to retail crime, SPD officers often do not arrive at the retail location until long after the theft has occurred. For example, SPD 2022 case files document a suspect who entered a Target store, gathered over \$1,000 in merchandise, yelled obscenities, and threatened to harm staff. The suspect told staff that police would probably not respond and stayed in the store for about two-and-a-half hours. SPD arrived after the suspect had left the store.

**Exhibit 3: Top 10 Retail Locations Accounted for Over 5,000 SPD Patrol Unit Service Hours in 2022**

SPD Precinct	Retail Location	2022 SPD Patrol Unit Service Hours	2022 SPD Calls for Service
South	Rainier Valley Square	963	681
Southwest	Westwood Village Shopping Center	816	518
North	Target-Northgate	584	643
North	Northgate Shopping Center	494	434
Southwest	Target-Westwood Village	469	171
West	Target-Downtown	468	169
West	Nordstrom-Downtown	420	177
East	Safeway-Central District	419	198
South	Safeway-Othello	391	231
South	Lowe’s Rainier Avenue	351	138



**SPD has limited capacity to pursue investigations of major ORC fencing operations.** In 2022, SPD indicated that they were aware of at least four major fencing operations that sell goods stolen from Seattle retailers through unregulated markets and online marketplace, and by shipping overseas. However, SPD indicated that due to staffing

**ORC is associated with other crimes.**

constraints, especially in SPD investigative units, the department's ability to investigate these fencing operations is extremely limited. SPD officials indicated that the department has prioritized investigations of violent crimes over property crimes, including ORC.

The Washington Retail Association indicated that, in the past year, 80 percent of Washington state retailers have reported a rise in violence and aggression towards their frontline workers. Seattle retailers we interviewed reported that ORC boosters have increasingly made verbal and physical threats to their workers. Further, our analysis of 2021 and 2022 data for Seattle ORC cases prosecuted by the King County Prosecuting Attorney indicated that boosters were sometimes armed with weapons including knives and guns. Of the 49 cases prosecuted by the King County Prosecuting Attorney's Office (KCPAO) Economic Crimes Unit, 11 involved the use of weapons and/or physical assault by boosters.<sup>9</sup>

Seattle's experience is consistent with national data. For example, according to the [2022 Retail Security Survey by the National Retail Federation](#), 81 percent of retailers nationally reported that ORC offenders are somewhat or much more violent when compared with 2021.

The U.S. Department of Homeland Security acknowledges that ORC groups can also be involved in other crimes including narcotics trafficking, human trafficking, money laundering, and even terrorism. Therefore, in October 2022, the department's Homeland Security Investigations (HSI) launched a national program called [Operation Boiling Point](#) to address ORC by supporting investigations, conducting outreach, and coordinating with public and private sector partners.

**Why is it important to focus on disrupting fencing operations in Seattle?**

ORC fences routinely and systematically monetize stolen goods for their profits. They are often involved with other financial crimes including money laundering and Electronic Benefits Transfer (EBT) fraud. Some fences also perpetrate serious crimes like narcotics and human trafficking. Fences can also exploit vulnerable people to serve as their boosters. There is precedent for efforts to address ORC by focusing on fencing operations. For example, in 2019 the Auburn, Washington Police Department, area retailers, and the King County Prosecuting Attorney's Office worked together to investigate and prosecute a fencing case valued over \$18 million. Afterward, Auburn-area retailers reported at least a 30 percent drop in ORC. Also, in the wake of [publicized](#) ORC increases in San Francisco's commercial corridors in the summer of 2021, the San Francisco Police Department created a new three-person investigative unit focused on fencing operations within their Major Crimes Division. This unit works to

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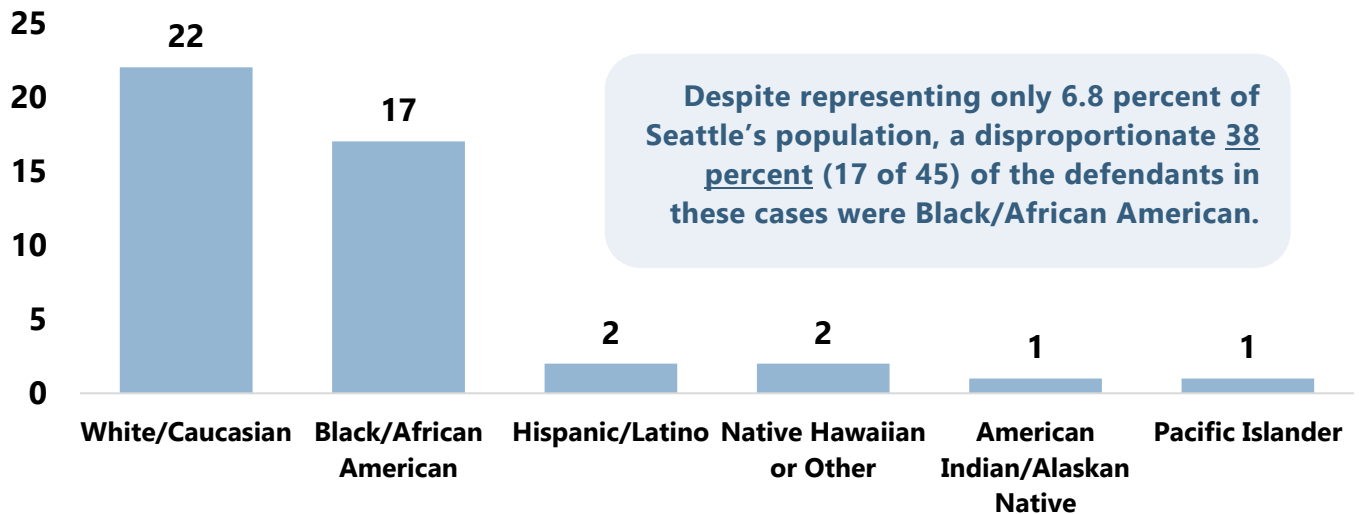
<sup>9</sup> KCPAO notes that cases involving retail theft that include more violent encounters would be prosecuted by the Violent Crimes Unit (e.g., as assault) rather than the Economic Crimes Unit.

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disrupt street-level marketplaces, research and investigate local online sellers of stolen goods, and collaborate with other agencies like the FBI on ORC cases in which goods stolen in San Francisco are transported and resold internationally.

Further, in [a meeting of the Seattle City Council's Public Safety and Human Services Committee](#), Councilmember Andrew Lewis identified that, in our current system, ORC fences face little legal risk. He noted that, "most of the risk (of ORC) is borne with potential misdemeanor exposure by the people going into the store to steal, and the people fencing the goods have a plentiful supply of people that they can just churn through the system to go and steal things for them." Our analysis of the 49 ORC cases referred to the King County Prosecuting Attorney in 2022 indicated that only four<sup>10</sup> of them indicated how the goods were fenced. The remaining 45 other ORC cases did not indicate how the goods were fenced, but they involved thefts that exceeded the \$750 felony threshold. SPD case reports indicate that some of the defendants in these cases were people who were homeless<sup>11</sup> and had substance use disorders. Compared to Seattle's population,<sup>12</sup> a disproportionate 38 percent (17 of 45 total) of the defendants were Black (see Exhibit 4).

**Exhibit 4: Race/Ethnicity of ORC Booster Cases in 2021-2022**



Source: Seattle Office of City Auditor

<sup>10</sup> For these cases, two of the individuals resold the items they stole themselves on OfferUp; one individual resold tools he stole on an unidentified online platform; and one individual resold liquor he stole to businesses in Pioneer Square.

<sup>11</sup> For example, 18 of the 49 case files listed the defendant's address as a homeless shelter.

<sup>12</sup> [According to the 2020 U.S. census](#), 6.8 percent of Seattle's population is Black or African American.

**Seven steps for improving the City's approach to ORC.**

The following sections of this report present seven steps for the City to improve its approach to addressing the organized fencing operations that underpin ORC in Seattle:

1. Support City participation in collaborative efforts among agencies (including collaboration with the new Organized Retail Crime Unit in the Washington State Attorney General's Office).
2. Leverage federal and state crime analysis resources.
3. Use in-custody interviews of boosters to gather information on fencing operations.
4. Explore new uses of technology to address ORC.
5. Use place-based approaches to disrupt unregulated street markets.
6. Follow the King County Prosecuting Attorney's Office "prosecution checklist" for ORC cases.
7. Consider City support of legislation that addresses ORC.

For each step, we have included specific recommendations for actions that the City could take to improve its approach to ORC. Given the City's current resource constraints, especially for SPD, our recommendations largely focus on leveraging new and existing collaborations, using existing expertise and resources, and exploring new technologies.

## STEP 1: CONTINUE TO SUPPORT CITY PARTICIPATION IN ORC COLLABORATIONS

### Section Summary

Effectively addressing organized retail crime (ORC) requires collaboration among law enforcement agencies, retailers, and prosecutors. Since SPD resources are currently constrained, it is especially important for the City to continue to participate in ORC collaborations that will minimize the burden on SPD and capitalize on the resources available from other agencies at the federal, state, and local levels. There is a need for internal City structures to ensure coordination of strategies and information-sharing among various City staff who participate in the ORC collaborations.

### The City currently participates in new and existing ORC collaborations.

City of Seattle staff and officials currently participate in collaborations that can help address ORC, including dismantling fencing operations. These collaborations include a new Homeland Security Investigations program, the new Washington State Attorney General's ORC Task Force, the Washington Organized Retail Crime Association (WAORCA), and the Downtown Security Forum.

**Homeland Security Investigations Program.** Homeland Security Investigations (HSI) is the principal investigative arm of the U.S. Department of Homeland Security tasked with investigating, disrupting, and dismantling transnational criminal organizations and terrorist networks that threaten or seek to exploit the customs and immigration laws of the United States. In October 2022, HSI launched a national program called [Operation Boiling Point](#) to address ORC by supporting investigations, conducting outreach, and coordinating with public and private sector partners. SPD is well-positioned to collaborate with HSI. A detective from SPD's Intelligence Unit is detailed to work exclusively with HSI under a Supervisory Special Agent for the Seattle region. Recently, this SPD detective collaborated with HSI, the U.S. Attorney's Office, and regional law enforcement agencies [to indict an ORC team](#) that victimized 190 stores across 23 states, including 10 in Western Washington.

**Washington State Attorney General ORC Task Force and ORC Unit.** In July 2022, the [Washington State Attorney General created a statewide Organized Retail Crime Theft Task Force](#). The task force has held three public meetings to look at ORC from various vantage points including online and brick-and-mortar retailers; large and small businesses; owners, employees, and security personnel; and local, state, and federal law enforcement. Representatives shared concerns, needs, resources and best

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practices. The taskforce has also gathered information on current approaches and systems used by law enforcement and prosecution and opportunities for improvement. Subsequently, in April 2023, the Washington State Legislature funded a centralized [Organized Retail Crime Unit in the Attorney General's Office](#) to coordinate, investigate, and prosecute multi-jurisdictional retail crime statewide. The 10-person<sup>13</sup> Organized Retail Crime Unit will include investigators, prosecutors, a data analyst, and support staff. The unit will be able to assist with investigations, including coordinating them across multiple jurisdictions and prosecuting cases referred to the office by county prosecutors. City officials have been participating in the task force meetings, and the newly funded state unit will offer the City of Seattle new opportunities for collaboration and for leveraging resources to address ORC.

**Washington Organized Retail Crime Association.** There are 35 statewide Organized Retail Crime Associations (ORCAs) in the U.S., including the [Washington Organized Retail Crime Association \(WAORCA\)](#). The primary purpose of an ORCA is to assist law enforcement, retail investigators, and prosecutors in identifying, investigating, and prosecuting those involved in ORC. WAORCA sponsors a number of quarterly and monthly meetings around the state, including a King County meeting and a virtual meeting. Participants at these local meetings share intelligence, coordinate investigations, identify suspects,



Image: The Economic Crimes Unit from the King County Prosecuting Attorney's Office presents at a WAORCA meeting. Source: WAORCA

identify fencing operations, and build working relationships. Businesses of any size may apply to participate in WAORCA, and WAORCA also provides free training for small businesses (see Step 5: Use Place-Based Approaches to Disrupt Street Markets in our report). Staff from the City Attorney's Office and from the SPD North Precinct attend WAORCA meetings and provide updates on SPD ORC cases.

<sup>13</sup> The Legislature funded half of these positions to start on July 1, 2023, and the other half to start on July 1, 2024.



**The Downtown Security Forum.** An example of SPD’s leadership in ongoing problem-solving among agencies is the Downtown Security Forum (DSF) that brings together property managers and security and loss-prevention professionals with SPD West Precinct command to share updates and problem solve crime and other issues negatively impacting people and assets in West Precinct business districts. The DSF was established over four years ago, and there are currently over 180 contacts on the DSF distribution list. The DSF is co-hosted by the SPD West Precinct Crime Prevention Coordinator and the Downtown Seattle Association’s Metropolitan Improvement District’s Safety Services Manager. The DSF meets six times a year or as needed. In addition, the DSF hosts educational forums<sup>14</sup> that allow more time to discuss topics that affect crime and safety in West Precinct business districts.

**Vibrant Communities Initiative.** In May 2023, the King County Prosecuting Attorney’s Office (KCPAO) was selected as a pilot agency for a new program sponsored by the Retail Industry Leaders Association and National District Attorneys Association called the [Vibrant Communities Initiative](#). This program is intended “to address root drivers of habitual theft, violence, and other unlawful activity in and around retail establishments—mental health issues, substance use, homelessness, and other complex societal challenges.” KCPAO’s national leadership on this new program will provide the City of Seattle with an opportunity to collaborate with KCPAO on innovative systems changes.

**Centralized coordination from the City is needed.**

Currently, City of Seattle representatives participate in all the collaborative efforts described above. However, we observed that the City staff participation is diffuse (see Exhibit 5), and there is no City structure in place for communication and coordination among City staff involved with ORC. The City might be better positioned to make more effective use of City participation in these collaborations if there were centralized coordination from the City. This might include a designated central point of contact for the City on ORC, a shared list of City contacts on ORC, and a central City repository (e.g., SharePoint site) for ORC information.

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<sup>14</sup> DSF educational forum topics for 2023 include: best practice tips for security camera systems and video evidence; crime prevention through environmental design for safer places; place-based crime prevention; tips for exterior lighting in urban business districts.

**Exhibit 5: City Staff Participation in ORC Collaborations is Diffuse**

Collaborative Group	City Staff Participation Noted
Homeland Security Investigations	<ul style="list-style-type: none"> <li>SPD Intelligence Unit</li> </ul>
Attorney General’s ORC Task Force	<ul style="list-style-type: none"> <li>SPD Command staff</li> <li>SPD Major Crimes Unit</li> <li>City Attorney leadership</li> </ul>
WAORCA	<ul style="list-style-type: none"> <li>SPD North Precinct Patrol staff</li> <li>SPD Southwest Precinct Crime Prevention staff</li> <li>City Attorney North Precinct Liaison</li> </ul>
Downtown Security Forum	<ul style="list-style-type: none"> <li>SPD West Precinct staff</li> </ul>

Source: Seattle Office of City Auditor.



Central coordination could help the City make the best use of its current staff involvement in these collaborations so that information gathered at these meetings can be operationalized into the City’s work on ORC.

Central City coordination could also help the City more effectively set and communicate its priorities for ORC. For example, in December 2022, New York City Mayor Eric Adams convened more than 70 stakeholders “to collaborate on policy and find creative solutions to the prevalent increases in retail theft.” A [subsequent report](#) (left) published by the Mayor identified six priorities for addressing retail theft in New York City:

1. Creating targeted retail theft diversion programs
2. Bringing support services closer to our retail communities
3. Building stronger, safer unified retail communities
4. Prioritizing the use of precision enforcement when appropriate
5. Launching a strategic task force against retail theft
6. Advocating for stronger online marketplace authentication procedures to ensure consumer safety and deter organized theft rings.

**Recommendation 1**

**The City should explore ways to improve coordination among City staff who participate in organized retail crime (ORC) collaborations, including designating a central point of contact on ORC, creating a shared list of City contacts on ORC, and developing a central City repository for ORC information.**

## STEP 2: LEVERAGE FEDERAL AND STATE CRIME ANALYSIS RESOURCES

### Section Summary

Applying crime analysis to organized retail crime (ORC) investigations could help the City identify fencing operations and gather evidence for prosecution. The City of Seattle can seek support with crime analysis from the U.S. Department of Homeland Security's Homeland Security Investigations (HSI), which offers analytic services for local law enforcement for ORC, as well as from the Washington State Attorney General Office's new ORC unit. In addition, the City should consider using federal technical assistance to build its capacity to use the problem-oriented-policing model to address ORC fencing operations.

### Crime analysis can support ORC investigations.

SPD has indicated that staffing constraints prevent the organization from investigating fencing operations and conducting thorough analysis of ORC. Crime analysis<sup>15</sup> involves analyzing the identified crime problem in-depth using a variety of data sources so that appropriate responses can be developed. Law enforcement and industry experts note the importance of crime analysis to help identify trends and patterns that could lead to successful ORC investigations. This type of crime analysis might include mapping ORC locations, identifying trends in frequently fenced items, analyzing data from interviews, phones, and social media to collect evidence on fencing operations, and analyzing financial data related to fencing operations. For example, the San Francisco Police Department monitors and analyzes online resale platforms like eBay and OfferUp to identify local fences.

### Washington State Attorney General's ORC Unit and Homeland Security Investigations can offer crime analysis assistance for ORC.

The City can request assistance with ORC crime analysis from the Washington State Attorney General's Office and HSI. The new ORC unit in the Washington State Attorney General's Office will include a data analyst and several investigators. This unit may have some capacity to provide crime analysis assistance to SPD regarding fencing operations.

HSI has a team that can lend analytical assistance to SPD for ORC fencing cases. In 2022, HSI's National Lead Development Center (NLDC) began acting as an information and analytics clearinghouse for HSI's [Operation Boiling Point](#). NLDC accepts leads on ORC cases from a wide range of sources that include federal, state, and local law

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<sup>15</sup> The [U.S. Department of Justice Community Oriented Policing Services \(COPS\) Office](#) defines crime analysis as "the qualitative and quantitative study of crime and law enforcement information in combination with socio-demographic and spatial factors to apprehend criminals, prevent crime, reduce disorder, and evaluate organizational procedures."

enforcement contacts; foreign law enforcement; and retail loss-prevention professionals.<sup>16</sup>

NLDC analytical resources are available to SPD and could be useful for addressing the known major fencing operations, especially those with international ties. SPD is particularly well-positioned to request analytical services from the NLDC because an SPD detective from the SPD Intelligence Unit is detailed to and co-located with HSI and could liaise with the NLDC as needed.

**Free technical assistance from the U.S. Department of Justice could help.**

In addition, the federal government has resources, including free technical assistance, that could help the City build its capacity to apply [problem-oriented-policing \(POP\)](#) strategies to address ORC fencing operations. Analysis is an important component of POP. Decades of research has shown strong and consistent evidence that POP is an effective strategy for reducing crime and disorder. POP requires police to use problem-solving to address chronic problems, rather than using traditional reactive efforts. POP interventions commonly use the SARA (scanning, analysis, response, assessment) model to identify problems, carefully analyze the conditions contributing to the problem, develop a tailored response to target these underlying factors, and evaluate outcome effectiveness. POP has been effectively<sup>17</sup> used to address a range of crime types, including violent crimes and property crime, including [retail theft](#).

Although POP has existed since the 1980s, SPD has not systematically implemented it. In fact, SPD's lack of experience with POP was seen as a limiting factor in a federally funded pilot project designed to address two downtown Seattle crime hot spots (Gill, et al., 2018).

SPD is aware of four major fencing operations in Seattle, including one that is operating out of a fast-food business. SPD indicated that due to staffing constraints, especially in SPD investigative units, the department's ability to investigate these fencing operations is extremely limited. However, POP would be well-suited to address ORC fencing operations, especially those with a known location.

Free technical assistance from the U.S. Department of Justice could help SPD build its capacity to apply POP techniques to address ORC

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<sup>16</sup> The NLDC is responsible for producing high-quality criminal referrals and case support for the various HSI field offices across the country. The NLDC is comprised of trained special agents, criminal analysts, and task force officers who evaluate referrals and develop investigative case materials for ORC cases. Some of the analytic tools they use include financial analysis, forensic auditing, and open-source analytics. Once they have received and evaluated the case lead and developed case materials, the NLDC shares the materials with the local HSI office and works to ensure the case is accepted by a U.S. Attorney. The NLDC then tracks and supports the case through prosecution. The NLDC has existing agreements with many foreign-based law enforcement agencies and can help local law enforcement identify organized retail crime rings from foreign countries that are operating in U.S. cities.

<sup>17</sup> A 2020 meta-analysis of 34 studies of POP found a statistically significant 34 percent reduction in crime and disorder in the POP treatment areas compared to the control sites (Hickle, Weisburd, Telep, & Peterson, 2020).

fencing operations. For example, the [Community Oriented Policing Services \(COPS\) Office maintains a clearinghouse of information](#) on POP. In addition, the Bureau of Justice Assistance offers [consultation and short-term technical assistance](#) to local governments and law enforcement agencies that includes implementing evidence-based programs, such as POP.

## **Recommendation 2**

**The City should make a coordinated and prioritized request(s) to the Washington State Attorney General and Homeland Security Investigations for assistance with organized retail crime fencing crime analysis.**

## **Recommendation 3**

**The City should consider using free technical assistance from the U.S. Department of Justice to begin to apply problem-oriented-policing techniques to address known organized retail crime fencing operations.**

## STEP 3: USE IN-CUSTODY INTERVIEWS OF BOOSTERS TO GATHER INFORMATION ON FENCES

### Section Summary

Interviews with boosters are an important source of information for identifying and investigating fencing operations. However, SPD does not currently conduct in-custody interviews with boosters due to resource constraints. We learned that staff from other law enforcement agencies are available to assist SPD with booster interviews.

### Interviews with boosters can provide important information about fencing operations.

Many retailers have adopted policies that prohibit staff from detaining and questioning people who steal merchandise. Therefore, there are fewer opportunities for retail staff to gather information about how stolen goods are resold. Consequently, police interactions with these suspects have taken on new importance for gathering information, particularly information about how the goods are intended to be resold. Even if a booster is initially reluctant to provide information about the fencing operations, there are proven techniques that can yield helpful intelligence for investigators, such as asking open-ended questions (e.g., “Could you tell me about what happens with the product after you leave the store?”).<sup>18</sup>

Law enforcement staff from other jurisdictions stressed the importance of gathering information from boosters regarding fencing operations. One police sergeant from a jurisdiction in Snohomish County who has experience conducting ORC interviews said:

*“Every (retail theft) is an opportunity to get law enforcement pointed in the right direction, or at least to confirm information. One conversation between an individual (booster) and a patrol officer can have a huge impact. This information can then be passed on to investigators or crime analysis.”*

### SPD does not conduct interviews with boosters to obtain information on fencing operations.

In addition, several law enforcement staff from other jurisdictions indicated that they are often able to obtain data from the boosters’ phones as another source of information to help identify the ORC network and fencing operations.

Our analysis of the 49 Organized Retail Theft cases referred by SPD to the King County Prosecuting Attorney in 2021-2022 indicated that very little information is gathered about how the stolen goods are resold. Except for the four cases in which the boosters were themselves selling

<sup>18</sup> The [Problem-Oriented Policing Guide on Stolen Goods Markets](#), produced by the U.S. Department of Justice Community Oriented Policing Services (COPS) Office, includes an appendix containing ORC interview questions.

the stolen goods, there were no indications in the case files that SPD collected information on the fencing operations related to these cases. SPD has indicated that it lacks resources to conduct in-custody interviews for ORC.

By not conducting interviews with boosters, the City is missing opportunities to learn more about the fences these boosters work for. This information could be helpful in investigations and prosecutions of fencing operations. In addition, the City is missing opportunities to learn more about Seattle businesses that are buying stolen goods<sup>19</sup> wittingly or unwittingly. This information would better help the City target certain businesses or areas to provide educational outreach about the risks associated with purchasing and reselling stolen items (for example, items with altered expiration dates could pose public health problems).

**Other law enforcement agencies can assist SPD with interviews.**

We learned from our interviews that Homeland Security Investigations personnel are available to assist with interviews with boosters. In addition, other local law enforcement agencies might also be available to conduct interviews with boosters. For example, in 2022, at the urging of a loss-prevention staff person from a Northgate mall retailer, a sergeant from the Lynnwood Police Department was brought in to conduct in-custody interviews of boosters to learn more about the fencing operations underpinning the thefts at their store.

**Recommendation 4**

**The City should explore opportunities for other law enforcement agencies to assist with conducting and documenting booster interviews for the purpose of gathering information on organized retail crime fencing operations.**

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<sup>19</sup> For example, in one of the cases prosecuted in 2022 involved a person who was stealing liquor from downtown retailer and reselling the liquor to businesses in Pioneer Square for \$10 per bottle.

## STEP 4: EXPLORE NEW USES OF TECHNOLOGY TO ADDRESS ORC

### Section Summary

Retailers' use of SPD's current Retail Theft Program has declined in recent years, and there are barriers to participation in the program by small businesses and retailers without dedicated loss-prevention staff. As the City considers replacing its existing Retail Theft Program, it will be important to consider potential new technologies, such as rapid video response. Retailers have made investments in technology that could be helpful to the City in investigating ORC fencing.

### SPD's current Retail Theft Program is ineffective and inefficient for both retailers and SPD.

Reports of retail crime to law enforcement are crucial to the City's ability to address ORC, including fencing operations. However, retailers' use of SPD's current Retail Theft Program has declined in recent years, and there are barriers to participation in the program by small businesses and retailers without dedicated loss-prevention staff.

[SPD's Retail Theft Program \(RTP\)](#) was developed in 1989 to allow retailers to file misdemeanor theft or criminal trespass cases without patrol involvement. In lieu of reporting a misdemeanor theft or criminal trespass to SPD, the RTP participants notify SPD in writing by filing a [Security Incident Report](#). There is one detective in SPD's General Investigations Unit assigned to the RTP whose duties include following up on the reports from retailers, referring cases for prosecution, conducting additional data gathering in the field, providing technical assistance to the loss-prevention staff, and participating in collaborative groups including the Washington Organized Retail Crime Association (WAORCA) and the Downtown Security Forum.

According to SPD, the program was intended to save time for the retail companies, eliminating the need to wait for police follow-up at the scene, and free up police resources for other types of response. SPD acknowledges that there has been a decline in participation in RTP in recent years, and a rise in SPD calls for service from retailers. SPD's [2022 RTP report to the City Council Public Safety and Human Services Committee](#) indicated that (as of February 2022) there were 63 store chains signed up for the program, and 158 retail loss-prevention officers had recently submitted reports through RTP.

SPD indicated a potential reason for the decline in use of the RTP is that, due to liability issues, some retailers' policies preclude staff from interacting with individuals who are stealing merchandise. Indeed, due to legal concerns and safety concerns for employees, it has become common among many retailers to prohibit employees from interacting



with or detaining an individual who is stealing. Further, SPD's [Security Incident Report](#) includes fields for information on the suspect—including name, address, and driver's license number—which would require retail staff to interact with the suspect. While it is possible for retailers to submit a Security Incident Report without identifying the suspect, this may not be a worthwhile time investment for retailers. Our review of 2021-2022 ORC case files indicates that, in lieu of identifying suspects by detaining them, some loss-prevention staff identify suspects by comparing store video footage with previous jail booking photos. In addition, loss-prevention staff, law enforcement, and prosecutors work together during WAORCA meetings to try to identify unknown suspects based on retail video footage.

Nonetheless, missing information regarding suspects can hamper investigations and is problematic for SPD data reporting. SPD officials indicated that even when retailers complete the Security Incident Reports and include suspect information, there is a lack of consistency in the information provided, rendering it unusable for SPD reporting purposes.

Some retailers we interviewed indicated that the RTP was very cumbersome to use, especially for their loss-prevention staff who are transferred in and out of Seattle store locations or whose positions turn over regularly. It is important to note that participation in the RTP is limited to retailers large enough to have loss-prevention staff.<sup>20</sup> We found that SPD's [47-page RTP Manual](#) has not been updated since January 2013,<sup>21</sup> and it contains outdated information including contact information for the SPD Retail Theft Program Detective. While SPD indicated that they have updated the RTP to include online reporting, our analysis of 2021-2022 case files referred to the King County Prosecuting Attorney for prosecution showed that some retail loss-prevention staff continue to provide evidence (e.g., sending a USB flash drive with photos, witness statements, and video footage) via U.S. mail.

The Mayor's Office and SPD leadership have indicated that they are considering replacing all of SPD's online reporting systems, including the Retail Theft Program. As SPD explores alternatives for replacing the Retail Theft Program, it should consider emerging technologies, such as rapid video response, which would allow near-instant response to retail crimes, provide greater consistency in reporting, and could

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<sup>20</sup> This precludes small Seattle businesses from participation. As noted by one small business owner at the November 20, 2022 Attorney General ORC Task Force meeting, filling out police reports is time-consuming and there might be a language barrier for some small businesses that prevents online reporting. SPD has indicated that the RTP has not yet been analyzed with the City's Racial Equity Toolkit. SPD noted that this type of analysis may be difficult to perform because participating RTP retailers do not consistently include information on race and ethnicity in their reports.

<sup>21</sup> SPD has indicated that there is a 2017 update for this manual. However, the 2017 updated manual was not made available to us in time for publication of this report.

potentially lead to efficiencies in ORC investigations, including information-gathering on fencing operations.

**Rapid video response is an emerging technology that could be helpful to ORC reporting and investigations**

Rapid video response is an emerging technology that allows 911 callers, for certain non-urgent calls, to be connected to a police officer or medic through a virtual platform rather than receiving the traditional in-person response. Rapid video response was pioneered by the Kent Police Department in England<sup>22</sup> and is now being deployed throughout England.

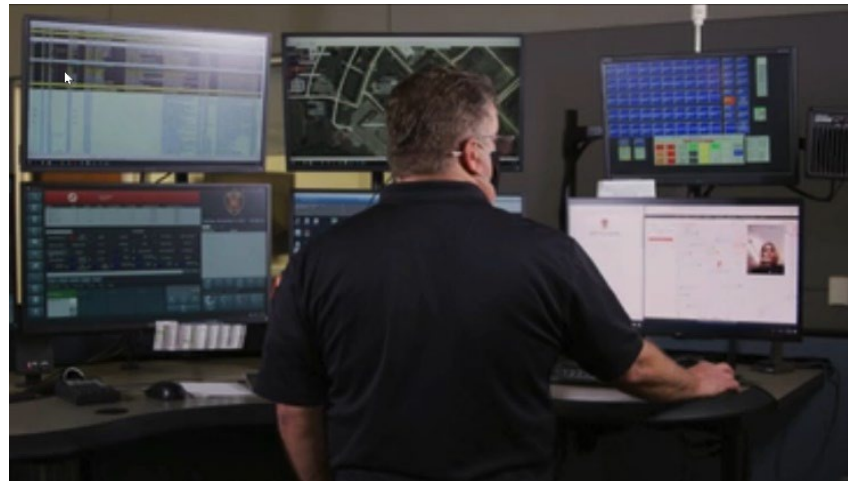


Image: The San Antonio Fire Department is currently using rapid video response to respond to low-priority medical calls for service. See this [video description](#). Source: San Antonio Fire Department

In the U.S., rapid video response has been deployed by the San Antonio Fire Department for low-priority medical calls for service. The goals of the rapid video response program are to provide callers with the appropriate amount of care while conserving valuable fire department equipment and vehicles and keeping emergency responders available for critical incidents.<sup>23</sup>

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<sup>22</sup> Kent Police is a large county force in the southeast of the United Kingdom. It protects and serves an estimated population of 1.87 million across metropolitan centers, towns, villages, and rural hamlets with approximately 7,000 police officers and civilian staff. Kent Police used rapid video response to respond to domestic abuse calls. A [rigorous impact evaluation](#) found that the average rapid video response time of three minutes was 656 times faster than the average patrol response time. Rapid video response resulted in significantly greater victim satisfaction and resulted in higher arrest rates of offenders. The evaluation also found that trust and confidence in the police improves more for victims receiving rapid video response versus those who received the patrol response. Based on these positive evaluation findings, rapid video response is now being deployed throughout England.

<sup>23</sup> San Antonio Fire dispatchers follow a protocol for referring callers with mild complaints to a clinical dispatcher who then verifies the non-critical nature of the call. If the call is verified as non-critical, the clinical dispatchers send the caller a link to an app that allows for audio and video, allowing the clinical dispatcher to see the caller and retrieve the caller's pulse rate from the app. The clinical dispatcher assesses whether the patient should go to the hospital and offers guidance but can still call for an ambulance if the patient requests one. They can also offer the patient a taxi voucher to go to the emergency room later.

Retail theft calls for service that are not urgent might be a good application for rapid video response in Seattle. It could shorten response times and potentially reduce the amount of SPD Patrol Unit Service Hours spent responding to calls for service from retailers. Further, the rapid video response technology could also allow retailers to easily upload their video and images at the time of the call. Since reporting would be done through the police, there could also be greater consistency in reporting metrics under rapid video response.

Greater consistency in reporting and faster police response to retail theft calls could help the City gather evidence more quickly and efficiently to support investigations of ORC fencing. A rigorous impact evaluation of rapid video response, like the one conducted in the U.K., could help the City understand the potential benefits of rapid video response for addressing ORC.

## Recommendation 5

**As the City considers replacing the current Retail Theft Program technology, it should consider using emerging technology, such as rapid video response to help address organized retail crime.**

**Large retailers have invested in technology that could be beneficial to the City to gather evidence on ORC fencing operations.**

In the past two decades, large retailers have made significant investments in their loss-prevention departments, including investments in technology. The City of Seattle could benefit from some of these investments by collaborating with retailers to investigate ORC fencing operations.

For example, [Walmart and Target run digital forensic laboratories](#) that are accredited by the American Society of Crime Laboratory Directors. Target has two labs staffed with forensic professionals, including former law enforcement officers. The labs can perform analyses that could be helpful to ORC fencing investigations, including video, image, and audio analysis, and latent fingerprint analysis. In fact, some of Target's forensic work is done pro bono on behalf of local law enforcement.

In addition, some retailers have invested in RFID (Radio Frequency Identification) technology. RFID technology allows retailers to track individual products from the point of manufacture to the point of sale. This can help retailers identify and track stolen merchandise and prevent it from being resold on the black market. Further, Homeland Security Investigations' National Lead Development Center has the ability to inspect outbound international shipments for known RFID tags that are associated with stolen merchandise.

## Recommendation 6

The City should explore leveraging pro bono technology services from retailers in its investigations of organized retail crime fencing.

### Note: New Technology to Discourage Product Theft and Validate Authentic Purchases



While this audit does not specifically address advances to deter certain types of retail theft, it should be noted that some retailers are making investments in technology that could make stolen products unusable. For example, [Lowe's](#) has begun installing RFID (Radio Frequency Identification) chips in power tools that make them inoperable unless they are legitimately purchased. Lowe's is also using blockchain technology to create an anonymous public record of purchase that can be used by retailers and law enforcement to validate authentic purchase of the product.

## STEP 5: USE PLACE-BASED APPROACHES TO DISRUPT STREET MARKETS

### Section Summary

Research shows numerous place-based strategies are effective in reducing crime. Place-based strategies can be led by non-police agencies and can be applied to address illegal street markets where organized retail crime (ORC) fences sell stolen goods. The City has experience with community-led, place-based crime prevention that could be applied to locations where illegal street markets occur. Local retail organizations can provide guidance and training to small businesses and neighborhood businesses on place-based strategies to address ORC.

### Some ORC fences sell stolen goods at illegal street markets in Seattle.

Goods stolen by ORC boosters are sometimes resold by ORC fences and/or their associates at illegal street markets. SPD indicated that in recent years, they have run operations to disrupt street markets in Belltown and at 12<sup>th</sup> and Jackson. However, these street markets often return, including at the same location.

The criminal activity in and around these illegal street markets is problematic for local businesses and community members. For example, Quynh Phan, the executive director of Friends of Little Saigon, expressed concerns about 12<sup>th</sup> and Jackson during a February 2022 meeting of the Seattle City Council's Economic Development, Technology, and City Light Committee.

*"The issues at 12<sup>th</sup> & Jackson are very complex. I have to say it's a combination of various people from very diverse backgrounds from places outside of the neighborhood, but also people from our community, and so we feel like we're in this place where we don't know what to do anymore, and businesses want to take matters into their own hands, and I fear for their lives." - Quynh Phan, Friends of Little Saigon*

### The City Has experience with community-led, place-based crime prevention.

SPD indicated that illegal street markets where stolen goods are sold occur repeatedly along certain streets in neighborhoods including Belltown, Little Saigon, and downtown. Since these illegal street markets are place-based, it would be appropriate for the City to leverage its experience with place-based crime prevention by supporting community-led, place-based efforts directed at these specific areas.

Place-based crime prevention involves disrupting crime at small geographic locations, like intersections or parks, by making changes to

the physical environment such as increasing street lighting, remediating a vacant lot, or by implementing strategies to change the behavior patterns among the people who use the space. Place-based interventions also can include increasing guardianship at a location, such as schools and parking lots. By their very nature, many place-based interventions require collaboration among property owners, community members, government agencies, and other stakeholders.



Image: Members of the Safe Passage Team from the Boys and Girls Clubs of King County provide extra guardianship around schools in Rainier Beach, ensuring that youth get safely to their after-school destinations. Source: Annie O'Neal for [Rainier Beach: A Beautiful Safe Place for Youth](#).

A significant body of research<sup>24</sup> has shown that these place-based approaches are effective for responding to and preventing violent crime and property crime. The City of Seattle has gained experience in place-based community-led approaches to reducing crime through a decade of work in Seattle's Rainier Beach neighborhood. Evaluations<sup>25</sup> of the community-led, place-based efforts in Rainier Beach have also been shown to be effective in reducing crime at the specific locations where the interventions were directed. In spite of the City's experience with place-based approaches in Rainier Beach, the City has not systematically implemented place-based approaches in other Seattle neighborhoods.

### **An SPD report identified 68 place-based strategies for 12<sup>th</sup> and Jackson.**

An excellent candidate for the City to consider for supporting another community-led, place-based approach to crime prevention is at the 12<sup>th</sup> and Jackson intersection. In September 2022, at the request of community organizations, the Seattle Police Department prepared a [Crime Prevention Through Environmental Design \(CPTED\)<sup>26</sup> report for the 12<sup>th</sup> and Jackson intersection](#) of the Little Saigon neighborhood that provided 68 recommendations to reduce incidents of crime and disorder, including illegal street markets (See Exhibit 6). Three<sup>27</sup> of the 68 items have been completed to date. More attention and

<sup>24</sup> See, for example, (Eck & Guerette, 2012) and (Hohl, et al., 2019).

<sup>25</sup> See the quasi-experimental [2016 evaluation of Rainier Beach: A Beautiful Safe Place for Youth](#) (Gill, Vitter, & Weisburd, 2016) and the [2023 evaluation of the Rainier Beach Campus Safety Continuum](#) (Gill, McPherson, Zheng, & Gross Shader, 2023).

<sup>26</sup> Crime Prevention Through Environmental Design (CPTED) is an often-implemented place-based strategy for preventing crime and reducing fear of crime that focuses on the design of or changes to the built environment. See this [description of CPTED on SPD's website](#).

<sup>27</sup> Follow-up action items to date for [the 12<sup>th</sup> and Jackson CPTED report](#) include: City Light repaired 13 out streetlights, added four streetlights to under-lit street/sidewalk segments to improve visibility and safety. The Seattle Department of Transportation (SDOT) urban forestry pruned low tree canopies and cleared brush from the pedestrian right of way to improve sight lines and safety. SDOT partnered with Friends of Little Saigon to wrap utility cabinets that are repeatedly hit by graffiti taggers, moved traffic signs obstructed by trees, and addressed multiple pedestrian hazards.

coordination from the City are needed to complete the remaining items. For example, some of these items will require collaboration with business owners and with other agencies (e.g., Seattle Parks and Recreation, King County Metro).

**Exhibit 6: SPD’s Crime Prevention Through Environmental Design (CPTED) Report for 12<sup>th</sup> and Jackson Includes Recommendations That Will Require City Coordination**



Figure 4: Observed areas of concentrated criminal and nuisance activity: Purple outline indicates locations where drug use and sales and other nuisance behaviors was concentrated in 2021 and early 2022. After Chu Minh building owners fenced off their property in late summer 2021 (SW corner of 12<sup>th</sup> Ave S/S Jackson), the open drug market activity migrated to the SE corner of the intersection, adding to the milieu of black market street vending in front of Khang Hoa Duong Grocery, Ding How Center and the adjacent bus stop and public sidewalk. KC Metro Transit relocated the bus stop (orange bus icon) for transit rider and operator safety to the SW corner of S Jackson in Feb 2022

Note how the drug nuisance behaviors overlaps with Metro Transit stops (Yellow Metro Bus Shelter icon. Street car icon also in yellow). The blue outline shows areas where open drug sales and use persists.

Source: SPD Crime Prevention Through Environmental Design (CPTED) Report. Sept. 2022

**Recommendation 7**

**The City should leverage its experience with place-based crime prevention to address illegal street markets where stolen goods are fenced. This should include supporting the completion of Seattle Police Department’s place-based recommendations for the 12<sup>th</sup> and Jackson intersection.**

**There are some resources available to Seattle retailers that may be helpful with place-based strategies to address ORC.**

There are some resources available to Seattle retailers that may be helpful with place-based strategies to address ORC. For example, retailers can schedule a security assessment with SPD to receive practical ideas on burglary/theft prevention and workplace safety.

In addition, the [Washington Retail Association recently published a Guide to Navigating Public Safety and Retail Crime](#) that includes information on recognizing the signs that a business is being surveilled for a potential retail crime, implementing best practices to discourage thieves from targeting a business, protecting staff, customers, and inventory, and the steps to take in the aftermath of a retail crime. [The Washington Organized Retail Crime Association](#) offers free training for small businesses that includes:

- Investigation basics (e.g., building a case, filing cases with police, witness statements)
- Employee safety
- Environmental site hardening (e.g., product protection, camera selection and placement)

For some small businesses, there may be barriers to accessing these resources. Some potential ways to reduce these barriers might include providing translation, coordinating trainings for multiple businesses, and identifying resources to offset business costs for staff time to participate in these trainings.

## **Recommendation 8**

**To help address organized retail crime, the City should explore ways to reduce barriers for small businesses to participate in crime prevention trainings.**



## STEP 6: FOLLOW THE “PROSECUTION CHECKLIST” FOR ORC CASES

### Section Summary

Successful prosecution of organized retail crime (ORC) cases requires good communication about the details of a case between the prosecutor and law enforcement. Despite recent efforts by the King County Prosecuting Attorney’s Office (KCPAO) to identify for SPD the elements needed for prosecution of ORC cases, some SPD ORC investigation reports are missing those elements. This creates process delays and could affect case outcomes.

### Some SPD ORC investigation reports are missing information needed for prosecution.

While the KCPAO has always prosecuted retail crimes as part of its general felony prosecution practice, in June 2021 the office designated a specific Deputy Prosecuting Attorney to work full time on these cases.<sup>28</sup> In 2022, the KCPAO indicated that they filed more than 140 felony cases involving retail theft, a significant increase over previous years. These cases often involve multiple codefendants and/or multiple incidents per defendant. KCPAO prosecutors, including the full-time Retail Crimes Deputy Prosecuting Attorney, regularly attend ORC collaborations (see Step 1 of this report) and are available to provide trainings to law enforcement on ORC cases and the use of the checklist. As the King County Prosecuting Attorney recently noted, “economic crimes are often very difficult to prove, and they’re often very difficult to investigate. We can be a resource to law enforcement, and we can be on the same page with law enforcement so that we can get better outcomes.”

Case files submitted by law enforcement must clearly communicate the details of the case and sufficiently document evidence. However, interviews with KCPAO staff indicated that ORC cases referred to them by SPD were often missing information required for successful prosecution. To address the issue of information missing from ORC case files, in November 2022, KCPAO developed a [checklist](#) of information needed from law enforcement for successful prosecution of ORC cases. KCPAO circulated the checklist to the law enforcement agencies in King County, including SPD. The checklist includes detailed guidance on what would constitute sufficient proof of the defendant’s identity, what the defendant stole or attempted to steal, and the value of the items as well as additional information that would be helpful for prosecution.

We reviewed five Organized Retail Theft cases that SPD had filed after receiving the KCPAO checklist (i.e., between December 1, 2022 and April

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<sup>28</sup> The full-time Retail Crimes Deputy Prosecuting Attorney position was initially housed in the Economic Crimes Unit within the Criminal Division. However, in early 2023, KCPAO created a new Economic Crimes and Wage Theft Division to provide a unified focus and approach to economic crimes cases—including retail crimes—and to bring greater accountability to those who commit them. KCPAO’s Economic Crimes Unit is now housed within that new division.

5, 2023) and found that all five cases were missing information described in the checklist. Further, the KCPAO database showed that all five cases were on hold pending receipt of missing information. KCPAO indicated that they would be willing to meet with and train SPD detectives in the use of the checklist or to create an online training module for SPD.

## Note: Forthcoming SPD Investigations Study Could Inform Approach to ORC

While this audit did not include an in-depth review of SPD's ORC investigations, a forthcoming study of SPD's investigative practices could inform further opportunities for improved ORC investigations. In 2022, the Executive engaged a team from the [Center for Evidence-Based Crime Policy at George Mason University](#) to conduct an evidence-assessment of SPD's investigative work. This study will include ORC investigations. The purpose of the study is to see if SPD investigative practices are aligned with the research and offer opportunities for improvement. The report is scheduled to be completed in mid-2023.

### Recommendation 9

**The City should request that King County Prosecuting Attorney's Office train Seattle Police Department (SPD) Detectives and their supervising Sergeants in the use of the organized retail crime prosecution checklist. This should include soliciting any feedback from SPD on obstacles faced in using the checklist or ideas for process improvements.**

## STEP 7: CONSIDER CITY SUPPORT OF LEGISLATION THAT ADDRESSES ORC

### Section Summary

Legislation at the federal and state levels could help address ORC fencing operations by regulating online marketplaces and by dedicating more resources to ORC enforcement, investigations, and prosecution. Opportunities for strengthening ORC-related legislation will not occur unless there's political support from stakeholders, such as the City of Seattle.

### Federal and state legislation can help the City address ORC fencing operations.

**Federal legislation.** The [Integrity, Notification, and Fairness in Online Market Retail Marketplaces for Consumers Act \(INFORM Act\)](#) is intended to help deter the online sale of counterfeit goods by anonymous sellers and prevent ORC rings from stealing items from stores to resell those items online. INFORM became law on December 29, 2022 and has a compliance deadline for online marketplace operators and sellers of June 27, 2023. INFORM imposes new requirements on online marketplaces to collect, verify, and disclose certain information<sup>29</sup> from high-volume third-party sellers<sup>30</sup>. In addition, INFORM requires that online marketplace operators must provide a reporting mechanism that allows for electronic and telephone reporting of suspicious marketplace activity to the online marketplace. The Federal Trade Commission (FTC) is charged with enforcing the INFORM Act's requirements, and violations by an online marketplace will be treated as an unfair or deceptive act or practice under U.S. Code. The INFORM Act also authorizes state attorneys general to bring civil actions for any violation of INFORM that affects residents of their state.

In addition, the [Combating Organized Retail Crime Act](#), was introduced in the U.S. House and Senate earlier this year. It would establish an ORC Coordination Center in the Department of Homeland Security's Homeland Security Investigations. The ORC Coordination Center will coordinate all federal law enforcement activities related to ORC, establish relationships with state and local law enforcement agencies, retailers, and retail organizations, and assist state and local law enforcement agencies with their investigations of ORC groups.

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<sup>29</sup> For example, online marketplace operations must collect and verify bank account numbers, contact information, tax ID, email address, and phone numbers for high volume sellers.

<sup>30</sup> High volume sellers are defined as vendors with more than 200 transactions and \$5,000 in sales revenue in a year.

**State legislation.** A proposed [Washington State Senate bill 5259 – 2023-24](#),<sup>31</sup> which sets certain guidelines for the Retail Theft Task Force in the Attorney General’s Office includes new requirements for reporting ORC to law enforcement agencies, and provides tax relief for retailers and cannabis shops to pay for physical security improvements. For retailers, the proposed Business and Occupation Tax Credit equals the amount the business spent on physical security improvements<sup>32</sup> in the previous four quarters, up to \$3,000. This bill was initiated by the State Senate Labor and Commerce Committee and was referred to the State Senate Committee on Ways and Means in February 2023, but it did not pass out of committee during the recent legislative session.

## Recommendation 10

**The City should advocate for new state and federal legislation that could help address organized retail crime investigations and should seek opportunities for funding, technical assistance, or collaboration resulting from the legislation.**

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<sup>31</sup> The proposed bill would require the Attorney General’s ORC Task Force to work with retailers and retail associations to collect and aggregate data on incidents of organized retail theft. Further, it would require the Attorney General’s Office to transmit this data to the Washington Association of Sheriffs and Police Chiefs (WASPC), which must, in turn, transmit that information to the appropriate law enforcement agencies.

<sup>32</sup> Under this proposed bill, "physical security improvements" means physical improvements, additions, or other similar changes to a mercantile establishment exclusively for the purposes of preventing the theft of merchandise, including, but not limited to: security cameras; antitheft mirrors and signage; merchandising security equipment; locking display cases or display locks; electronic article surveillance; and storefront crash barriers or safety bollards.

## OBJECTIVES, SCOPE, AND METHODOLOGY

### Objectives, Scope, and Methodology

This audit does not address all aspects of ORC. Rather, based on preliminary fieldwork that we conducted in the spring of 2022, we decided to focus our analysis on fencing operations related to ORC (e.g., reselling stolen goods through online marketplaces, unregulated markets such as illegal street markets, storefronts that buy stolen goods, and shipping goods for sale outside of the U.S., etc.)

To accomplish the audit’s objectives, we worked with representatives from law enforcement, prosecution, and retail to identify the seven steps presented in this report; we attended collaborative meetings, including the Washington State Attorney General ORC task force, and the Washington Organized Retail Crime Association; we reviewed Seattle Police Department records and case files; we analyzed prosecution data; we consulted with industry experts on best practices and reviewed research literature.

This audit was written by Claudia Gross Shader, PhD, with input from IB Osuntoki, Melissa Alderson, Nhi Tran, and David G. Jones. We received and incorporated input on this audit from reviewers in: the Seattle Police Department, Mayor’s Office, King County Prosecuting Attorney’s Office, Washington State Attorney General’s Office, U.S. Department of Homeland Security – Homeland Security Investigations, Washington Organized Retail Crime Association, and Washington Retail Association.

We would especially like to acknowledge Dr. Cynthia Lum, Director of the [Center for Evidence-Based Crime Policy](#), at George Mason University, and Dr. Cory Lowe, Senior Research Scientist, at the [Loss Prevention Research Council](#), at the University of Florida, for their review and comments on a draft of this report.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## APPENDIX A

### Seattle Police Department Response



July 7, 2023

Mr. David Jones, City Auditor  
PO Box 94729  
Seattle, WA 98124-4729

Dear Mr. Jones:

Thank you for including the Seattle Police Department in your review of the City of Seattle's Organized Retail Crime response. We appreciate your constructive recommendations and your acknowledgement that law enforcement, while essential, is only one part of the City's response to organized retail crime.

Many, if not most, of your recommendations call for action or collaboration in other city departments to increase place-based crime prevention, centering around CPTED principles, and development of technological solutions.

We agree this is the proper focus, especially as current staffing levels have greatly decreased SPD capacity to respond fully to this critical public safety need, and look forward to working with the City to implement these recommendations.

Sincerely,



Adrian Z. Diaz  
Chief of Police

HM:lt

## APPENDIX B

### Top Cities/Metropolitan Areas Affected by Organized Retail Crime

Rank Order	FY 2021	FY 2020	FY 2019	FY 2018	FY 2017
1	CA – Los Angeles	CA – Los Angeles	CA – Los Angeles	CA – Los Angeles	NY – New York
2	CA – SF/Oakland	CA – SF/Oakland	IL – Chicago	NY – New York	CA – Los Angeles
3	NY – New York	IL – Chicago	FL – Miami	TX – Houston	FL – Miami
4	TX – Houston	NY – New York	NY – New York	IL – Chicago	IL – Chicago TX – Houston (tie)
5	FL – Miami	FL – Miami	CA – San Francisco	FL – Miami	CA – SF/Oakland
6	IL – Chicago	TX – Houston	MD – Baltimore	CA – SF/Oakland GA – Atlanta (tie)	GA – Atlanta
7	CA – Sacramento	GA – Atlanta	GA – Atlanta	MD – Baltimore PA – Philadelphia TX – Dallas Ft. Worth (tie)	MD – Baltimore
8	WA – Seattle	CA – Sacramento	Washington D.C.	CA – Sacramento	FL – Orlando
9	GA – Atlanta	MD – Baltimore	PA – Philadelphia	CA – Orange Co. NV – Las Vegas (tie)	NJ – Northern New Jersey Washington D.C. PA – Philadelphia TX – Dallas Ft. Worth (tie)
10	TX – Dallas Ft. Worth	NV – Las Vegas WA – Seattle (tie)	CA – Sacramento	CA – San Diego	FT – Ft. Lauderdale WA - Seattle

Source: [2022 National Retail Security Survey](#).



## APPENDIX C

### List of Recommendations

**Step 1:** Support City participation in collaborative efforts among agencies (e.g., including collaboration with the new Organized Retail Crime Unit in the Washington State Attorney General’s Office).

#### Recommendation 1

The City should explore ways to improve coordination among City staff who participate in organized retail crime (ORC) collaborations, including designating a central point of contact on ORC, creating a shared list of City contacts on ORC, and developing a central City repository for ORC information.

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**Step 2:** Leverage federal and state crime analysis resources.

#### Recommendation 2

The City should make a coordinated and prioritized request(s) to the Washington State Attorney General and Homeland Security Investigations for assistance with organized retail crime fencing crime analysis.

#### Recommendation 3

The City should consider using free technical assistance from the U.S. Department of Justice to begin to apply Problem-Oriented-Policing techniques to address known organized retail crime fencing operations.

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**Step 3:** Use in-custody interviews of boosters to gather information on fencing operations.

#### Recommendation 4

The City should explore opportunities for other law enforcement agencies to assist with conducting and documenting booster interviews for the purpose of gathering information on organized retail crime fencing operations.

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**Step 4:** Explore new uses of technology to address ORC.

#### Recommendation 5

As the City considers replacing the current Retail Theft Program technology, it should consider using emerging technology, such as rapid video response to help address organized retail crime.

#### Recommendation 6

The City should explore leveraging pro bono technology services from retailers in its investigations of organized retail crime fencing.

**Step 5:** Use place-based approaches to disrupt unregulated street markets.

**Recommendation 7**

The City should leverage its experience with place-based crime prevention to address illegal street markets where stolen goods are fenced. This should include supporting the completion of Seattle Police Department's place-based recommendations for the 12<sup>th</sup> and Jackson intersection.

**Recommendation 8**

To help address organized retail crime, the City should explore ways to reduce barriers for small businesses to participate in crime prevention trainings.

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**Step 6:** Follow the King County Prosecuting Attorney's Office 'prosecution checklist' for ORC cases.

**Recommendation 9**

The City should request that King County Prosecuting Attorney's Office train Seattle Police Department (SPD) Detectives and their supervising Sergeants in the use of the organized retail crime prosecution checklist. This should include soliciting any feedback from SPD on obstacles faced in using the checklist or ideas for process improvements.

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**Step 7:** Consider City support of legislation that addresses ORC.

**Recommendation 10**

The City should advocate for new state and federal legislation that could help address organized retail crime investigations and should seek opportunities for funding, technical assistance, or collaboration resulting from the legislation.

## APPENDIX D

### Seattle Office of City Auditor Mission, Background, and Quality Assurance

**Our Mission:**

To help the City of Seattle achieve honest, efficient management and full accountability throughout City government. We serve the public interest by providing the City Council, Mayor and City department heads with accurate information, unbiased analysis, and objective recommendations on how best to use public resources in support of the well-being of Seattle residents.

**Background:**

Seattle voters established our office by a 1991 amendment to the City Charter. The office is an independent department within the legislative branch of City government. The City Auditor reports to the City Council and has a four-year term to ensure their independence in deciding what work the office should perform and reporting the results of this work. The Office of City Auditor conducts performance audits and non-audit projects covering City of Seattle programs, departments, grants, and contracts. The City Auditor's goal is to ensure that the City of Seattle is run as effectively, efficiently, and equitably as possible in compliance with applicable laws and regulations.

**How We Ensure Quality:**

The office's work is performed in accordance with the Government Auditing Standards issued by the Comptroller General of the United States. These standards provide guidelines for audit planning, fieldwork, quality control systems, staff training, and reporting of results. In addition, the standards require that external auditors periodically review our office's policies, procedures, and activities to ensure that we adhere to these professional standards.

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