



State of California
Office of the Attorney General

ROB BONTA
ATTORNEY GENERAL

June 20, 2023

This Joint Statement of Principles is adopted by Attorney General Rob Bonta and the undersigned private sector industry stakeholders involved in retail and the sale of goods online (Stakeholders). It is the culmination of a collaborative effort by the Attorney General and Stakeholders to combat Organized Retail Crime.

Organized Retail Crime is a multifaceted problem that creates genuine threats to public safety and harms the economy. For purposes of this document, Organized Retail Crime (“ORC”) refers to large-scale theft and fraud by individuals or groups that steal merchandise from brick-and-mortar retail locations and goods from the retail supply chain with the intent to resell, distribute, or return stolen goods for financial gain. In recent years, ORC has had an increasing impact on Stakeholders operating in the state of California.

Together with our law enforcement partners, the undersigned will continue to engage in meaningful partnerships and open dialogue to develop solutions to address ORC. Together, we will continue to collaborate to address ORC comprehensively. To aid in the detection and prosecution of ORC and consistent with existing privacy, consumer, and other applicable laws and legal obligations, the undersigned Stakeholders commit to the following:

Commitments by Stakeholders with “brick-and-mortar” retailer locations (Retailers):

- Retailers commit to filing police reports for all incidents determined to be related to ORC with specific information relating to the theft—store location, suspect information, and details of the stolen items, including stock keeping unit (SKU) numbers and retail price. The reports should also include, where possible, details for potential witnesses, including contact information, and details on each witnesses’ role in the investigation.
- Retailers will maintain policies related to the retention of video of ORC-related incidents to aid in prosecution and keep internal rosters of individuals who can lay the foundation for the introduction of such video evidence during prosecution. These rosters should be kept up-to-date and, to the extent possible, be made available to law enforcement upon request.
- Retailers will ensure loss prevention personnel are trained on gathering, reporting, and retaining the evidence listed above to aid in the prosecution of ORC-related incidents.

- Retailers will maintain records of ORC-related thefts in a case management system.
- Retailers will communicate with Marketplaces to establish connections between ORC incidents and threat patterns across the retail ecosystem.
- Retailers will communicate with Marketplaces to stay updated on trends in ORC. Such communication should focus on sharing general intelligence gathered by retailers, online marketplaces, and law enforcement on how to detect and prevent common methods of ORC. This information should be shared through the establishment of regular industry meetings, either facilitated by Regional Organized Retail Crime Associations, by prosecutors and law enforcement, or independently.
- Retailers will collaborate to provide training to law enforcement on how to partner with retailers to identify, investigate, and resolve ORC investigations.

Commitments by Stakeholders who facilitate the online sale of goods via marketplaces (Marketplaces):

- Marketplaces will maintain staff responsible for addressing reports from law enforcement, retailers, and the public of ORC on their platforms.
- Marketplaces will maintain a dedicated webpage, online portal, or point of contact to ensure timely replies to law enforcement requests, including warrants, subpoenas, and other legal process.
- Marketplaces will maintain internal written policies, systems, and staff to monitor listings in order to affirmatively prevent and detect ORC.
- Marketplaces will maintain external policies defining marketplace rules and the consequences of violations. These policies should clearly prohibit the sale of stolen goods and violators should be penalized up to and including removal from future use of the marketplaces.
- Marketplaces will maintain internal written policies that guide collaboration and information-sharing with retailers and other marketplaces, facilitated through a webpage, online portal, or dedicated point of contact, in order to collectively combat ORC.
- Marketplaces will communicate with Retailers to stay updated on trends in ORC. Such communication should focus on sharing general intelligence gathered by retailers, online marketplaces, and law enforcement on how to detect and prevent common methods of ORC. This information should be shared through the establishment of regular industry meetings, either facilitated by Regional Organized Retail Crime Associations, by prosecutors and law enforcement, or independently.

- Marketplaces will maintain internal policies relating to referring identified ORC to the appropriate law enforcement agency.



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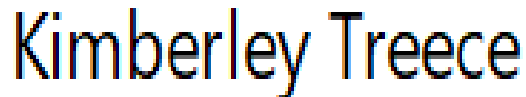
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June 20, 2023

Page 4



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