

UNITED STATES HOUSE OF REPRESENTATIVES  
HOUSE COMMITTEE ON THE JUDICIARY  
SUBCOMMITTEE ON CRIME AND FEDERAL GOVERNMENT SURVEILLANCE

STATEMENT OF JOHN MILHISER

HEARING: "THE RISE IN ORGANIZED RETAIL CRIME AND THE THREAT TO PUBLIC SAFETY"

JUNE 13, 2023

Chairman Jim Jordan, Chair Andy Biggs, Ranking Member Shelia Jackson Lee, and distinguished members of the committee, thank you very much for the opportunity to address you on this important topic, the rise in organized retail crime and the corresponding threat to public safety. I have spent the majority of my career as a state and federal prosecutor, working on these very issues and the main overriding issue of public safety and safe communities.

My name is John Milhiser. From 2018 to 2021, I served as the United States Attorney for the Central District of Illinois. Prior to that, from 2010 to 2018, I served as the State's Attorney, or local D.A., for Sangamon County, Illinois. In both positions, my goal was the same, to work each day to make my community safer.

At the outset, I recognize that this is a Congressional hearing, and as a former U.S. Attorney, I am fully aware that federal prosecutors and federal law enforcement agencies can be important partners in investigating and prosecuting organized crime. However, the bulk of the heavy lifting in prosecuting crime in the United States is performed by state and local prosecutors. The individuals on the front lines tasked with keeping our communities safe are the 2,500 or so prosecutors at the state and local level across this country. These prosecutors have a tremendous amount of discretion, and unfortunately, as we have seen in some jurisdictions, when they come in and fail to do their job, crime increases. It is a difficult job, but an incredibly important one. To have safe communities, we need to ensure that we have good prosecutors in every jurisdiction in the country and we need to ensure that these prosecutors have access to the resources necessary to successfully prosecute crimes which are becoming increasingly more sophisticated.

Organized retail crime has both national and international components. It has become a serious problem for nationwide retailers, and it can be devastating to small local businesses. Organized retail crime is distinguishable from ordinary retail theft given its large scale and focus on converting stolen goods to cash through resale or to gift cards through store returns. Theft can occur throughout the supply chain. Organized retail theft drives up costs, requires diversion of already scarce law enforcement resources, results in lost tax revenue, and significantly, puts individuals at risk.

To successfully combat this worsening trend, we need tools for law enforcement and local prosecutors and we need local prosecutors committed to preserving the rule of law and protecting the public. During my time as U.S. Attorney and State's Attorney, I participated in a number of topic specific task forces, which included state and federal prosecutors, law enforcement, and relevant government and private agencies. Coordination is key in dismantling criminal enterprises, whether it be human trafficking, illegal drugs, or organized retail theft. For example, while most crimes are prosecuted locally, the federal government is uniquely positioned to investigate on-line, multi-jurisdictional resale of stolen goods. Additionally, there is legislation being considered here on Capitol Hill that could help, including broadening the scope of cases in which the U.S. Attorney's Offices can be involved and federal charges can be filed and utilizing federal asset forfeiture to take away the proceeds from organized retail crime and to disrupt operations.

When considering the increase in organized retail theft, one must examine the rise in crime in general and how to address the overall problem. We need federal authorities to provide resources, expertise, and partnerships. But, at the end of the day, we need local prosecutors to step up and do their jobs. Earlier this year, I along with several other former U.S. Attorneys formed a bi-partisan organization to address this very issue, called the American Center for Law & Public Safety. We have identified five core principles needed by responsible prosecutors in order to be effective. These are prioritize public safety, respect for the rule of law, support victims' rights, collaboration with law enforcement, and support post-sentence reentry.

Being a modern day prosecutor is a difficult job, dealing with often limited resources and the rise in sophisticated criminal enterprises that span jurisdictions. Collaboration is needed and partnerships are vital to successfully prosecuting organized retail crime. A prosecutor's most important duty is to protect the public. Working together we can achieve the goal of safe communities and allow individuals and businesses to prosper.

Thank you for this opportunity and for raising awareness on this issue. I look forward to answering your questions.