

Good morning. My name is Kimberly Esack, and currently I am an Assistant District Attorney in the Philadelphia District Attorney's Office. I have been a prosecutor for over 23 years in total. I began my career as a prosecutor in 2001, where from 2001-2003 I was employed with the Montgomery County District Attorney's Office. In 2003 I moved back to Philadelphia and switched over to the Philadelphia District Attorney's Office, and have remained in this office ever since.

While I have worked as a prosecutor in various units over the years, including Municipal Court, Juvenile, Felony Waivers, Major Trials, Economic Crime, Pre-Trial and IT as an acting Supervisor for a time, currently I am the Supervisor of the Economic Crimes Division, as well as the Elder Justice, Carjacking Enforcement and Auto Theft Units. In total, I oversee 8 units, including the Insurance Fraud Unit, the Unemployment Compensation/Welfare Fraud Unit, the Financial Crimes Unit, the Elder Justice Unit, the Labor Crimes Enforcement Unit, the Organized Retail Theft and Deed Theft Task Force, the Carjacking Enforcement Unit and the Auto Theft Unit.

Historically, the Economic Crimes Division did not handle anything related to Retail Theft as crimes of this nature would generally be handled by the Trial Division in the Office. The units I oversee are, for the most part, Investigative units or a hybrid of Investigative and Trial, so retail theft cases would generally be handled almost exclusively by the Municipal Court Unit and Felony Waiver Assistant District Attorneys. That is until 2019, when I was brought in to consult on what was slowly becoming recognized as a growing trend of Organized Retail Theft, something different than what we had experienced in the past with retail theft crimes. That trend appeared to be increasing exponentially, not only in Philadelphia but across the county, as more and more cities became plagued by rushes of mass looting, extremely organized smash and grabs and a rise in retail theft related crimes we had not seen or experienced before.

As a result of this, so began the creation of the Organized Retail Theft Task Force in the Philadelphia District Attorney's Office. In order to adequately address the growing issue of retail theft, we first had to figure out what was actually happening out in the various business communities. We set out to meet with as many retailers as possible who had already contacted us for help in order to determine what was happening in their stores, what they and their employees

were experiencing on a day to day basis. To say that what we learned was shocking is an understatement. While the statistics being expounded across the country made it seem as if retail theft was not really a problem at all, the information we gathered from the retailers was completely inconsistent with what was actually happening in reality. There was a breakdown and inconsistency in what stores were doing when it came to what we consider prolific retail theft offenders, and many decisions to act or not to act were being made based on a misperception regarding police response or the assumed lack thereof, as well as a misperception as to whether or not we at the District Attorney's Office were going to prosecute. These misperceptions led to decisions by retailers not to call the police, and then many police officers also had the completely incorrect perception that our office was not going to prosecute these crimes, which in turn led to a vicious cycle of failure to report. All of this contributed to what we now believe to be inaccurate statistics on how much this crime was actually happening.

My role here was to try to break that cycle and get to the heart of what was going on, and for the past few years I have done that with the full support of the District Attorney as well as the Philadelphia Police Department and the various retailers in Philadelphia who have been willing to work with us along the way. I attended conferences with the National Retail Industry Leaders Association and the National District Attorney's Association, and even became a member of the Board for the first ever RILA/NDAA Crime Advisory Board dealing with Organized Retail Theft. It is through these meetings I learned that Philadelphia was not alone in dealing with a wave of Organized Retail Theft being committed by prolific offenders, a few who seem to be committing a disproportionate majority of the crime. Through attendance at these conferences with other law enforcement agencies, I was able to share our knowledge and our experiences in order to develop a plan to try to combat this growing trend in Philadelphia. In collaboration with the Philadelphia Police Department, specifically Inspector Raymond Evers and a team of his creation, we started with a pilot program in Central Division to target the most prolific retail theft offenders in the city. From this collaboration, we created the blueprint for what would ultimately become the Organized Retail Theft Offenders Task Force here at the District Attorney's Office.

Our original goal in this task force was to deal with prosecuting the most prolific retail theft offenders in Philadelphia first, as a small portion of those offenders were committing the majority of the crimes. But in February of 2024, after receiving support from City Council in Philadelphia in terms of funding, the District Attorney announced that we would be expanding this task force citywide from the original pilot. We would begin opening up intake for offenders with various levels of criminality as well additional crimes against retailers in Philadelphia such as Burglary or Robbery. With the support of the newly installed Police Commissioner, Commissioner Kevin Bethel, the Philadelphia Police Department has also agreed to expand their own internal task force along with us. They have dedicated resources citywide and continue to collaborate with us to identify offenders and engage in vertical prosecution once adopted into the unit. While we are still in the very early stages of this citywide collaboration as it is just now being rolled out to all city divisions, we do believe the implementation of our vision has been successful thus far and have received very positive feedback from various stores across the city.

The misperception that people are just free to steal, from the big box stores right down to your mom and pop shops, is over. The fact that I am here today testifying regarding this task force and the work we have been doing for years to put this together is proof of that fact. Crime in our city, in particular organized retail theft crime, has and will continue to be one of our top priorities here at the Philadelphia District Attorney's Office. We firmly believe that this crime plays a significant role in determining the quality of life in Philadelphia neighborhoods, in particular with the smaller businesses who will not be able to survive if the stealing continues. Citizens have the right to feel secure in their neighborhoods, knowing they have a place to go to in order to purchase the items they need for their families. Employees want to feel safe in their place of work without the constant fear that someone could come in to steal and pierce that veil of security. Our office is fully committed to continuing to work with the Philadelphia Police Department and the community through outreach in a collaborative effort, through store walks and block walks and town halls in order to spread the message that we are here and we are working together for our residents.

By working together with the police and the business community to review best practices, identify hot spots, prolific offenders and potential areas in the system

where criminals could seek an opening to commit more retail theft, we have learned the ways in which these crimes are being committed, and also how the items are being sold in the open market and the online marketplaces. The goal is to deal with every aspect of this offense, from low level offenders all the way up the food chain to those fencing the items and profiting by taking advantage of the most vulnerable in our city, often addicted to drugs with nowhere else to go for help. With more resources we can expand our efforts with the police and the community, to attain the same goal of bringing a safer Philadelphia to ALL— from the large retailers to the small business owners and mom and pop shops, to the employees working in the stores so they can feel secure in their workplace, to the community members, our residents, the patrons who need these stores, both large and small, in their neighborhoods, so they can continue supporting their families, buying the things they need without the threat of violence when they do, rather than worrying about losing yet another local store in their neighborhood.

We are better together when we speak with one voice towards a common goal, which always has been and remains the same goal: the betterment of life for ALL Philadelphia residents, regardless of where you live within city limits. Their safety has been and remains our HIGHEST PRIORITY. This is about maintaining the best quality of life for all of Philadelphia, and working TOGETHER we can and will restore faith and trust in our Philadelphia communities.

Thank you for allowing this testimony, and I will be happy to answer any questions.