ORT
Vertical Prosecution Grant Program

Local Evaluation Plan

PLACER COUNTY DA VERTICAL PROSECUTION AND REGIONAL ORGANIZED RETAIL THEFT TEAM

Submitted by:

PLACER COUNTY DISTRICT ATTORNEY'S OFFICE

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Project Background

Placer County hosts a variety of large retail hubs that attract shoppers from throughout northern California. These retail hubs include the Roseville Galleria Mall, The Fountains of Roseville, the Rocklin Commons, and Rocklin Crossings. Placer County also holds a variety of vibrant small retail districts in the downtown areas of each city and town. Just as these retail centers attract shoppers, they also attract a significant amount of retail theft, which creates a negative impact on business finances, tax revenue, and community safety. The impact of retail theft on Placer County will continue to increase as the retail centers and population grow. According to the 2022 Placer County Economic Forecast report, “the population will expand at an annual average rate of 1.4% per year from 2022 to 2027. By 2027 the Placer County Population will approach 445,000 residents”.

A review of Roseville Police retail theft statistics [reports including shoplifting (459.5 PC), shoplift robberies (211 PC), and organized retail theft (490.4 PC)] from May 2020 to April 2023 showed an 82% increase in retail theft related reports and a 110% increase in retail theft related cases referred for prosecution to the DA's office. The total number of retail theft cases (many of which involved multiple suspects) submitted from all agencies to the Placer County DA increased from 401 in 2021 to over 670 in 2022; a 67% increase. This data from one city within Placer County, coupled with the number of reports submitted countywide, demonstrates the dramatic rise of retail theft within the Placer County region.

As our community grows, local law enforcement agencies are increasingly stressed for staffing. Local agencies respond to and investigate instances of retail theft primarily at the patrol level. Officers investigate only a single act of theft reported on a specific date, and frequently only investigate thefts that occurred within their jurisdictional limits. Organized retail thefts usually involve a group of repeat offenders working together over a period to steal from a variety of retailers in multiple jurisdictions. Local agencies rarely connect all the cases associated with a series of retail thefts due to cases being reported on different dates, from different retailers, and/or because the cases occurred outside their jurisdiction.

The DA’s Office acts as the repository for all agency reports with viable suspect information. As a result, the DA’s office is in a unique position to see patterns and trends between cases and individuals involved. An assigned Investigator and District Attorney in a vertical prosecution model would be in a position to regularly collaborate with outside law enforcement agencies, retailers, and connect repeat offenders and cases across jurisdictions.

Due to low staffing levels and an increase in criminal cases requiring review for prosecution and investigative follow-up, the Placer County DA’s Office has been unable to implement a vertical prosecution model or assign a DA Investigator to solely focus on conducting investigations to

connect retail thefts from multiple jurisdictions. Because of these hurdles, prosecution of retail theft cases often remain as individual cases. In some instances, a single defendant with multiple retail theft cases may have two or more attorneys handling the various cases. Cases must be spread across the Placer County's felony unit, rather than centralized in a vertical prosecution model. For the past several years, a District Attorney Investigator has tracked organized retail theft cases and attempted to identify cases that may link into organized retail theft; however, this was in addition to a full-time case load. When possible, this investigator coordinated with local retailers to attempt to identify serial retail thieves.

To date, the Placer County District Attorney's Office did not employ a Crime Analyst due to a lack of general funds for the position. To obtain data related to cases, staff must ask an IT employee to pull the statistics related to a specific request. The numbers are not routinely examined, nor are reports consistent across units. Many data points need to be tabulated manually. Retail theft represents a significant portion of the Placer County DA's Office caseload. An effective approach to addressing this issue requires extensive analysis related to case load, methodology, "hot spots", repeat offenders, and outcomes. Without a Crime Analyst, the Placer County DA's Office essentially operates in the dark. Addressing issues through prosecution, but with no real outcomes or performance measures.

To complete this project, a Deputy District Attorney (DDA) and District Attorney Investigator (DAI) will be assigned to a vertical prosecution model focused on retail theft crimes from initial filing through sentencing. A Crime Analyst will be assigned to the project for continuous project evaluation and monitoring. This model gives retailers, law enforcement officers, and other agency representatives a central point of contact for retail theft crimes. The vertical prosecutor, with assistance from a DA Investigator and Crime analyst, will identify repeat offenders, identify connecting/associated cases, identify offenders eligible for collaborative courts, and file qualifying cases as organized retail theft (490.4 PC) versus multiple individual cases.

This project will also address the identified problems by creating the "Placer Regional Organized Retail Theft Team" which will be comprised of representatives from the Roseville Police, Rocklin Police, Placer County Sheriff, and Placer County District Attorney's Office. Each agency will provide staff and resources necessary to complete thorough retail theft investigations in support of the Placer County District Attorney's vertical prosecution of Organized Retail Theft. This team will work to enhance collaboration between law enforcement and retailers through information sharing, data evaluation, investigation training, and targeted enforcement to increase the quality of organized retail theft investigations in Placer County and the number of cases filed. The Deputy District Attorney assigned to the vertical prosecution of individuals charged with organized retail crime (490.4 PC) will seek to hold individuals accountable as

dictated by law using collaborative courts, probation, community service, diversion, electronic monitoring, and incarceration during the pre- and post-conviction processes.

As a repository for all cases filed for prosecution within Placer County, our office has seen retail theft investigations that lacked evidence, no follow-up was conducted on additional connected cases (especially those cases that occurred outside the jurisdiction where the crime was reported), and in some cases suspects were improperly identified by loss prevention and officers making arrests. As a part of this project, the District Attorney staff assigned to the vertical prosecution team will conduct training with local law enforcement officers and retailers regarding what is needed to properly report and investigate retail theft crimes. The DAI and Crime Analyst assigned to the vertical prosecution team will also improve investigations by obtaining the evidence necessary to identify connecting cases between jurisdictions within Placer County and the surrounding regions. This will be accomplished through improved communication with our local law enforcement and surrounding District Attorney's Offices due to regular meetings and joint enforcement actions. As the project progresses, the increased collaboration and improvement in investigation will increase prosecutions and the ability to hold individuals accountable for committing organized retail theft.

Throughout the program, in cooperation with the Roseville and Rocklin Police, the DA Investigator and Crime Analyst will compile reports from law enforcement and retailers, connect cases by identifying suspects, and utilize cell phone forensics to investigate retail theft. These efforts will help identify fencing operations and individuals that are organizing retail thefts with various individuals. In most instances of a criminal investigation, a high likelihood exists that individuals use cell phones to facilitate or communicate portions of the crime. This is especially true when investigating organized retail crimes involving multiple offenders working together. Criminals working as a group need to communicate with each other. Mobile devices used while committing organized retail theft produce a wide range of digital evidence relevant to the investigation and prosecution of these crimes. This evidence is used to identify defendants and co-conspirators, planning of crimes, future targeted locations, and it can be used to help place defendants at the scene of the crime as well as establish their intent and knowledge of the criminal behavior.

This project seeks to focus on the retail centers located within the jurisdictional boundaries of Placer County. These include the large retail centers located within the cities of Rocklin and Roseville that draw individuals from throughout the northern California Region. The DA vertical prosecution team will coordinate with retailers and law enforcement in all Placer County jurisdictions to ensure that retail theft crimes are properly investigated and equitably charged county-wide. While this project will focus on the retail centers located within Placer County, funds from this project will be used to collaborate with retailers and law enforcement in

surrounding counties to identify individuals crossing jurisdictional boundaries to commit retail theft related crimes.

This level of investigation will also assist in identifying those individuals appropriate for alternative sentencing. The Placer County DA's office has successfully used the collaborative court to deal with the harmful effects of drug addiction. This collaborative process has the support of the probation department, defense attorneys, and the court bench to combine supervision with rehabilitation services that are rigorously monitored and focused on recovery to reduce recidivism and improve offender outcomes. The expansion of this drug court to qualified retail theft candidates will help the successful growth of this program. Funds from this project will directly impact the ability of Placer County to identify appropriate individuals for these alternative courts. The target population for alternative sentencing will be individuals identified through investigation, collaboration with probation, and coordination with defense attorneys. Qualifying defendants will be identified with the help of the crime analyst based on legal requirements, past criminal history, statements from defendants indicating drug use as the root cause of the retail theft(s), and factors associated with the present case(s) being prosecuted.

Through additional enforcement/prevention activities, community awareness campaigns, the identification of individuals qualifying for alternative sentencing, and tracking of data related to organized retail theft, Placer County seeks to identify those responsible for retail theft and ultimately reduce the issue within our community. Through thorough investigation and increased prosecution of retail theft/ PC 490.4 crimes, more individuals will be held accountable for their actions and qualified individuals will be given opportunities via the Collaborative Courts to make better life decisions. By the end of the program, our objective is that retail thieves will recognize the consequences of retail theft through the placement of qualified offenders in rigorous supervision programs that ensure offender accountability and community safety. Additionally, the DA's Office will have identified best practices for investigating and prosecuting organized retail theft which will continue after the grant funding period.

The goals of our project are to (1) increase collaboration with local law enforcement and the retail community on theft cases, (2) increase the investigation and filing of PC 490.4 cases, and (3) utilize Collaborative Courts as a sentencing alternative in Placer County.

Goal # 1: Increase collaboration with local law enforcement and the retail community on theft cases
Objectives:

1) Work with the Roseville Police, Rocklin Police, and retailers to increase coordinated investigation of retail crimes via the formation of "The Placer Regional Organized Retail Theft Team".
2) Identify those responsible for retail theft and ultimately reduce the issue within our community through the use of:
    a. Enforcement/prevention activities,
    b. Community awareness campaigns,
    c. Retail theft data tracking, and
    d. Identification of individuals qualifying for alternative sentencing.

Goal # 2: Increase the investigation and filing of PC 490.4 cases
Objectives:

1) Throughout the program, in cooperation with the Roseville and Rocklin Police, the DA Investigator and Crime Analyst will compile reports from law enforcement and retailers, identify suspects, and connect cases by identifying conspiring suspects.
2) The Crime Analyst, Investigators, and Detectives will utilize cell phone forensics to investigate retail theft to identify fencing operations and individuals that are organizing retail thefts.
3) By the end of the program, the DA's Office will have identified best practices for investigating and prosecuting organized retail theft which will be continued past the grant funding period.

Goal # 3: Utilize Collaborative Courts as a sentencing alternative in Placer County
Objectives:

1) Identify defendants during the grant period that qualify for collaborative courts, diversion, and alternative sentencing through investigation, collaboration with probation, coordination with defense attorneys, and with the help of the crime analyst based on legal requirements, past criminal history, statements from defendants indicating drug use as the root cause of the retail theft(s), and factors associated with the present case(s) being prosecuted.
2) Ensure offender accountability, recognition of the consequences of their actions, and community safety through the placement of qualified offenders in rigorous supervision programs associated with the Placer County Collaborative Courts.

Project Logic Model

Inputs

- Financial support via ORT VP Grant funding

- Use of Placer County DA general fund budget

- Staff time dedicated to ORT cases, loss prevention and local law enforcement ORT investigation training, and community outreach/awareness

- Case management system to track cases and collect data

- Investigative Databases/Resources (e.g. License Plate Readers, local LE Databases, Accurint, CLETS)

- Cell phone forensic extraction equipment and cell phone data analysis tools

- Roseville Police, Rocklin Police, Placer County Sheriff, Placer County Probation, and CHP Detectives and /or Patrol Officers

- Loss prevention investigators from local retailers

- Placer County DA's website and social media

Activities

- Establish structure and functions of ORT VP unit

- Utilization of Vertical Prosecution Model

- Hiring of staff for ORT VP team/unit to include a FTE prosecutor, investigator, and crime analyst

- ORT case filing, investigation, and prosecution training for ORT VP unit and local law enforcement agencies

- Utilization of Collaborative Courts, diversion, community service, probation, and electronic monitoring programs

- Database managing case referrals, prosecution status/updates, and data collected related to ORT

- Establish analytical and investigative processes to identify and aid in ORT case filings

- Data extraction and analysis from cell phones collected from retail theft suspects

- Searches of individuals on parole or probation for retail theft

- Partnering with local LE and retailers to conduct directed enforcement operations of retail centers

- Community awareness (e.g. Create signs, billboard displays, social media posts, and website that inform the community of the ORT VP project)

Outputs

- 3 FTE staff assigned to ORT VP cases over the course of the grant (1 DDA, 1 DAI, 1 Crime Analyst)

- Bi-Monthly meetings with Placer County law enforcement officers and detectives

- Monthly meetings with regional law enforcement agencies, district attorneys, and retailers

- Defendants provided alternatives to incarceration via Collaborative Courts

- Presentations to Placer County Chamber of Commerce and community groups

- Social media posts, distribution of retailer warning signs, display of billboards signs

- 200 ORT referrals received and processed per year of the grant

- 100 ORT cases filed per year of the grant

- 80 ORT investigations involving the DA Investigator per year of the grant

- 60 cell phones analyzed per year of the grant

- 4 directed enforcement operations per year of the grant

- 1 multi-agency probation/parole search operation per year of the grant

Outcomes

Short-Term:

- Increase in prosecutable ORT cases referred

- Increase in ORT cases filed

- Increase in ORT convictions

- Improved ORT data analysis

- Increased number of search warrant reviews for ORT cases

- Improved quality and timeliness of ORT information sharing between DA offices, law enforcement, and local retailers

- Increase in reported ORT incidents from businesses to local LE

- Increased community awareness of the vertical prosecution model being used for ORT

- Increase in cell phones being collected as evidence and analyzed

Medium-Term:

- Increased identification and investigation of ORT, fencing operations, and recovery of stolen merchandise

- Increase in number of defendants utilizing and completing Collaborative Courts programs for ORT crimes

- Improved ORT investigations submitted by local law enforcement and retailers

Impacts

- Improved economic outcomes
  - ~ Business decrease in shrink/loss
  - ~ Business stay in Placer County
  - ~ Business seek to open or expand in Placer County

- Continued investigation of ORT, fencing operations, and recovery of stolen merchandise

- Improved investigations completed by local law enforcement and retailers

- Reduced recidivism

- Safer community through increased accountability for ORT crimes

- Improved data analysis of cases referred thru final disposition

- Improved quality of information sharing between DA offices, law enforcement, and community

Planned Work

Intended Result

Process Evaluation Method and Design

The Placer County District Attorney's Office will use quantitative research methodologies during this project for process evaluation. Placer County DA's Office is collaborating with the Rocklin and Roseville Police to share relative quantitative data and have agreed to continue sharing data as the project moves forward. Additionally, the Placer County DA's grant proposal requested funds obtained via the BSCC ORTVP grant to be used to modify our case management system to allow the gathering of required metrics. Additional metrics and statistics are being maintained via excel spreadsheets by the Supervising Investigator.

During the startup period and continuously through the grant period, the Chief Investigator will monitor the activities of this project to ensure that staff is hired (to include a DDA for vertical prosecution, a DA Investigator, and a Crime Analyst), appropriate training to implemented, that project resources are obtained (cell phone forensic hardware and software), and that project activities are completed. The DA's Financial Officer, Chief Investigator, and Chief Assistant DA will have ultimate oversight over the various segments of this project. Day-to-day project management will be completed by a Supervising Investigator and a Supervising DDA. Those in charge of oversite and management of the project will ensure that the project is implemented as intended by monitoring data collected associated with the project's goals and objectives. Decisions surrounding this project will follow the chain of command established within the DA's office. Decisions will be directed to the Supervising Investigator or Supervising DDA and ultimately signed off by the Chief Investigator, Chief Assistant DA, or elected District Attorney. Placer County DA Management will utilize data collected by the assigned Crime Analyst, information from successful cases, and feedback from collaborative partners to evaluate the programmatic success. This evaluation will occur continuously during startup, implementation, and within the delivery period.

Project components will be monitored by the Crime Analyst and Supervising DA Investigator as activities are completed and quantitatively documented. The Supervising DA Investigator is documenting and keeping records of project activities that are not maintained by the Placer County DA's case management system. These project components will be determined effective based on increases in organized retail theft case referrals, filed cases, convictions, sentence types, and follow-up investigations being completed. In the long term, a decrease in retail theft crimes and a decrease in defendant recidivism and probation violations in Placer County will also be a sign that project components have been effective. If project components require adjustment, the Chief Investigator, Supervising DDA, and Supervising DAI will discuss and implement procedure changes with DA staff and our local law enforcement partners as necessary. These adjustments will also be communicated with BSCC if the adjustments affect the goals or objects originally proposed to BSCC.

Many of the elements of this proposed project are new (i.e.: implementation of a vertical prosecution model, regular meetings with local law enforcement, use of collaborative courts as a sentencing alternative for retail theft cases, and increasing PC 490.4 filings), the baseline to start with is zero.

Quantitative data will be analyzed using descriptive statistics techniques such as averages, frequency, and percentages. For example, with the data obtained we will be able to determine the frequency at which Collaborative Courts was offered to defendants based on their eligibility and the percentage of defendants that successfully completed Collaborative Court programs. Monthly, quarterly, and/or annual increases, plateaus, or decreases in project activities using line graphs or bar charts will assist with analyzing the data and determining whether the program was implemented and continuing as designed. This includes the data provided in the quarterly progress reports.

See the following Evaluation Method and Design matrix which includes the following information associated with this project's evaluation method and design:

- Project inputs/resources, activities, and outputs
- Data element(s)
- Data source(s)
- Frequency of data collection.

Process Evaluation Method and Design Matrix

Input/Resource/Activity/Output	Data Element(s)	Data Source(s)	Frequency of Data Collection
3 FTE staff assigned to ORT VP cases over the course of the grant (1 DDA, 1 DAI, & 1 Crime Analyst)	# of staff assigned to ORT	Employment records, Case management system	Annually throughout duration of grant
Meetings & training with regional law enforcement, district attorneys, retailers, and community groups	# of meetings and/or trainings that occur	Meeting/Training sign-in sheets	Each time a meeting and/or training occurs
Utilization of Collaborative Courts	# of individuals prosecuted via Collaborative Courts	Case management system	Each time an individual is offered Collaborative Courts throughout duration of grant
200 ORT referrals received and processed per year of grant	# of case referrals	Case management system	Each time a case referral occurs throughout duration of grant
100 ORT cases filed per year of the grant	# of ORT cases filed	Case management system	Each time a case is filed
80 ORT investigations involving the DAI per year of the grant	# of ORT investigations	Case management system (investigative service requests)	Each time a DAI assists with a different/new ORT case investigation
60 cell phone data extractions and analyzed per year of the grant	# of cell phones downloaded and analyzed	Cell phone forensics GrayKey usage chart	Each time a cell phone is downloaded using GrayKey
4 directed retail theft enforcement operations per year of the grant	# of directed retail theft enforcement operations that occur	Operation plans	Each time a directed operation occurs
1 multi-agency probation/parole search operation per year of the grant	# of multi-agency probation/parole search operations that occur	Operation plans	Each time a directed operation occurs

Outcome Evaluation Method and Design

The Placer County District Attorney's Office will use quantitative research methodologies during this project for outcome evaluation. Placer County DA's Office is collaborating with the Rocklin Police, Roseville Police, and Placer County Probation to share relative quantitative data to evaluate outcomes of this project. Quantitative data will be analyzed using descriptive statistic techniques such as averages, frequency, and percentages. For example, with the data obtained we will be able to determine the frequency at which Collaborative Courts was offered to defendants based on their eligibility and the percentage of defendants that successfully completed Collaborative Court programs. Monthly, quarterly, and/or annual increases, plateaus, or decreases in project activities using line graphs or bar charts will assist with analyzing the data and determining the program's outcomes and impacts. Long-term impacts, such as improved economic outcomes, will not be able to be measured during the grant period as it is common for an economy to take several years to change after policy changes or implementation of new programs. Additionally, permitting, building, and opening new businesses (due to economic growth) can also take years to complete.

This project has three evaluation questions. These questions include:

1) Was collaboration with local law enforcement and the retail community increased.
2) Were the investigations and the number of ORT (490.4 PC) cases filed improved.
3) Was using Collaborative Courts in Placer County a successful sentencing alternative.

To answer the first question, this project will look at whether the Placer Regional Organized Retail Theft Team was established, the number of meetings conducted and attended with local law enforcement and retailers, the number of joint operations with local law enforcement and retailers, and the number of ways the District Attorney's office can engage the community via awareness campaigns though social media, website, and/or other media sources. The success and completion of collaboration will be evaluated throughout the course of the grant period. It will be considered successful based on participation in monthly meetings, at least 5 joint operations per year, and completing meetings with Placer County Chamber of Commerce organizations.

To the second question of whether investigations and the number of ORT (490.4 PC) cases filed improved, this project will look at the recruitment and hiring of project staff (DDA, DAI, and Crime Analyst), the number of investigations conducted by the DAI, the number of ORT cases referred, the number of ORT cases filed, and the number of times cell phone data is extracted using a forensic device (GrayKey). It will be considered a success based on an instant increase in those areas. For example, 1 DDA, 1 DAI, and 1 Crime Analyst being hired and assigned to the

vertical prosecution team, 80 investigations conducted by the DAI per grant year, 200 ORT referrals received and processed by the DA's Office per grant year, 100 ORT cases filed per year of the grant, and 60 cell phones downloaded and analyzed using forensic extraction tools such as GrayKey. Reaching those metrics would indicate that this goal was successfully completed.

The third question asks if the use of Collaborative Courts is successful as a sentencing alternative. The objectives associated with this question are to identify defendants that qualify for Collaborative Courts and ultimately having individuals successfully complete the programs; by being held accountable and recognizing the consequences of retail theft. Although Collaborative Courts will be offered to those that qualify, the activity will be considered a success after at least one defendant successfully completing the Collaborative Court programs.

The strategy for determining whether outcomes are due to the project versus factor(s) unrelated to the project will be a comparison via statistical analysis between ORT cases utilizing vertical prosecution and ORT cases that were not prosecuted vertically. This will be completed by analyzing the number of cases filed, offenses charged, the case dispositions, and sentence types from the ORT VP team and ORT cases not prosecuted vertically. In addition, the individuals successfully completing Collaborative Court programs will be evaluated to determine how many reoffended after completion in comparison to the level of reoffending by individuals that declined or did not complete Collaborative Court programs.

See the following Outcome Method and Design matrix which includes the following information associated with this project's outcome method and design:

- Outcome
- Definitions
- Data source(s)
- Frequency of data collection.

Outcome	Definition	Data Source(s)	Frequency of Data Collection
Increase in ORT cases referred	Increase in the number of ORT cases referred to the DA for review	Case management system	Each time a case is referred for prosecution
Increase in ORT cases filed	Increase in the number of ORT cases filed by ORT VP team versus those not prosecuted vertically	Case management system	Each time a case is filed
Increase in ORT convictions	Increase in the number of ORT cases that are prosecuted and convicted of ORT in accordance to the relative ORT penal codes	Case management system	Each time a case is closed
Improved ORT investigations submitted by local LE and retailers	Increase in the number of ORT cases filed in relation to the number declined, dismissed, or charges changed from ORT	Case management system	Annually throughout duration of the grant
Improved quality and timeliness of information sharing between DA offices, law enforcement, and local retailers	Increase in collaboration between agencies in gathering information and evidence to file ORT cases	Case management system, Excel data sheets documenting joint operations & meetings	Each time a case is filed or when training and meets occur
Increased community awareness of ORT	Increase in the number of community presentations, press releases, social media, online presence	Excel data sheets maintaining records of occurrences	Each time an evaluated process occurs
Increased identification and investigation of ORT, fencing operations, and recovering stolen merchandise	Increase in number of follow-up investigations completed by DAI and local LE to identify individuals involved, fencing operations, and additional crime	Case management system; local LE crime data	Annually throughout duration of the grant
Increase in number of defendants successfully utilizing collaborative courts for ORT crimes	The number of defendants offered collaborative courts that accepted and completed programs in comparison to those that declined or did not qualify.	Case management system, probation reports, local and state record checks	Each time case is evaluated to identify whether defendants qualify and annually throughout the duration of the grant