

ORT Vertical Prosecution Grant Program

Local Evaluation Plan

San Francisco District Attorney Vertical Prosecution

Submitted by:
San Francisco District Attorney

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Project Period:
October 1, 2023 – December 31, 2026

Project Background

The city of San Francisco (CCSF) has seen a large and growing number of retailers closing the doors of their stores in Union Square and Mid-Market. One of the major reasons cited for closure is the lack of foot traffic in the once busy and premier Union Square shopping district. As organized retail crime (ORC) has increased, shoppers have turned to online shopping or shopping in nearby suburban malls. Shoppers are fearful of shopping in Union Square and Mid-Market due to viral videos, posted on social media, of groups of thieves entering stores and stealing large quantities of merchandise, both luxury and everyday items (such as deodorant and toothpaste), and running or walking out undeterred by anyone.

Major retailers such as Nordstrom, Old Navy, Whole Foods, Walgreen's and CVS have all closed stores in CCSF in recent years. The once busy and unique large shopping mall, Westfield Union Square was slated for possible closure when Westfield decided to default on its lease rather than continue to operate the mall which is experiencing a high vacancy rate (Nordstrom occupied a very large, multi-level space).

SFPD data indicates that there were 13,540 reported theft incidents from 2019- April 2023 with a reported loss of over \$13 million. This also translates into a loss of tax revenue for San Francisco. Moreover, a recent Chamber of Commerce survey found that 80% of San Francisco residents do not feel safe in their own city.

SFDA's General Felonies Team had been handling the majority of the retail theft cases and some of the more serious or prolific offenders were being prosecuted by the SFDA Major Crimes Unit (MCU). One ADA in the Special Prosecutions Unit (SPU) was handling ORC cases as well. Because most of the cases were not being handled vertically by ADA's with very large caseloads, dispositions were not as consistent as SFDA would like. And investigators were mainly serving subpoenas and triaging case investigations.

The grant has allowed us to assign one ADA and one investigator to vertically work ORC cases, specifically our most prolific offenders and we are attempting to focus on Union Square and Mid-Market. Prolific offenders can be any defendant who has multiple ORC cases in either a short span of time or a defendant with a long history of retail theft over multiple years. By having dedicated staff, we have been able to fashion more effective dispositions which address public safety first and foremost, while attempting to address rehabilitation. SFDA has also been able to coordinate and work more closely with SFPD to timely review and charge cases where SFPD has identified offenders in retail theft videos.

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SFDA has 3 goals:

Goal #1: Hold Retail Theft Offenders Appropriately Accountable for Their Conduct

Objectives: A.) Ensure consistency in charging decisions regarding retail theft by centralizing the decision making; B.) Appropriately triage retail theft defendants into appropriate outcomes, including diversion/treatment, probation with appropriate conditions; and/or incarceration, ultimately improving public safety and reducing the recidivism (i.e., a decrease in the number of future cases brought to the SFDA by law enforcement involving suspects who have previously been convicted or diverted in San Francisco). C.) Ensure restitution to victims whenever possible.

Goal #2: Reduce Incidences of Retail Theft in the Targeted Area and the City Generally

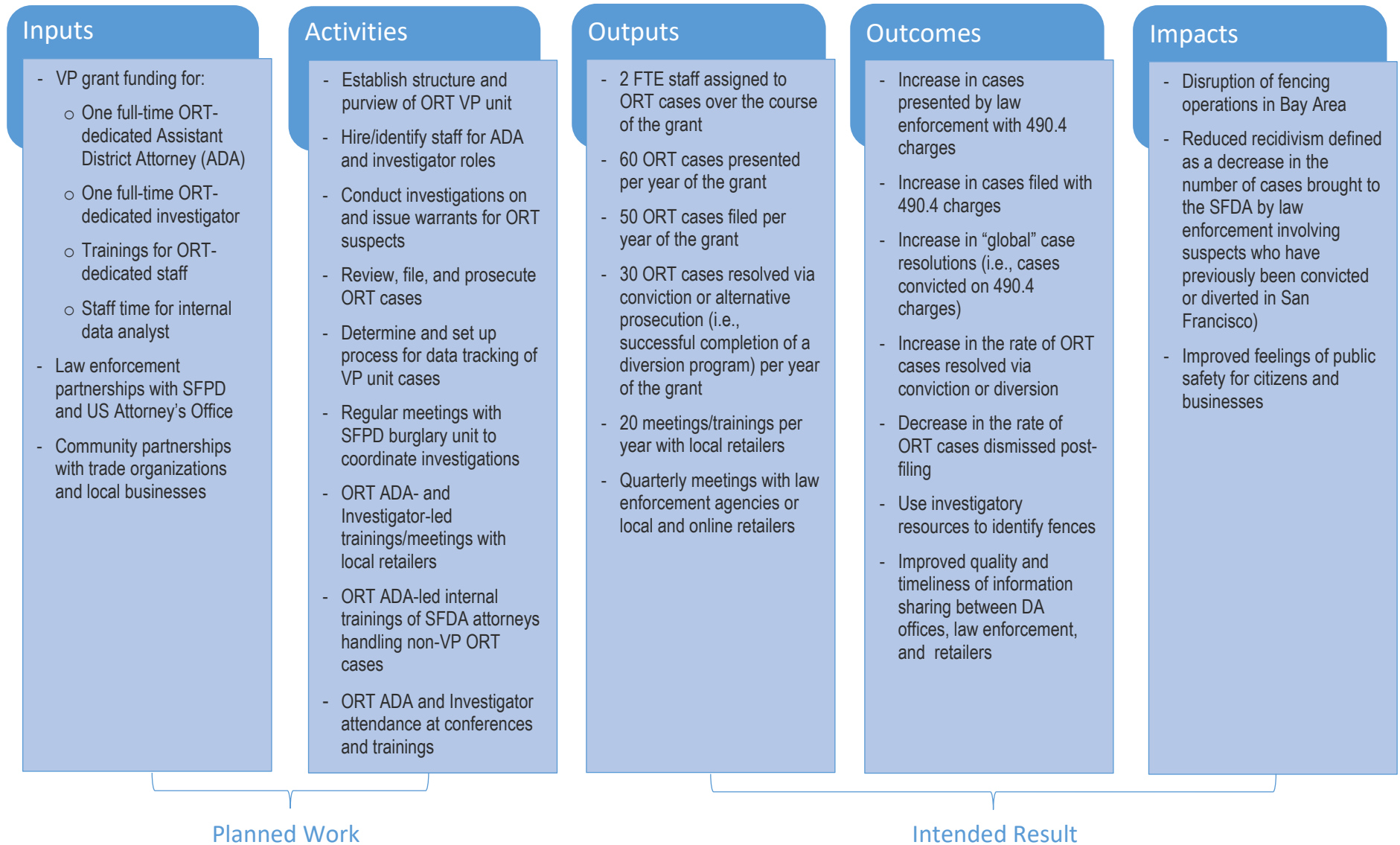
Objectives: A.) Reduce retail thefts committed by high frequency offenders through vertical prosecution; B.) Reduce retail thefts by group offenders through vertical prosecution; C.) Reduce retail theft by opportunist offenders; D.) Collaborate with retail partners on effective methods of deterrence and evidence gathering.

Goal #3: Increase Public Confidence in the Safety of In-Person Shopping in the Target Area

Objectives: A.) Inform the public of law-enforcement efforts to deter and prosecute theft offenses; B.) Collaborate with SFPD and retail partners to improve both the perception and the reality of safety and security in and around retail stores in Union Square and Mid-Market commercial core.

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Project Logic Model



Process Evaluation Method and Design

Input/Resource/Activity/Output	Data Element(s)	Data Source(s)	Frequency of Data Collection
Conduct investigations on and issue warrants for ORT suspects	# of ORT investigations and # of SFDA warrants issued for ORT suspects	Case management system	Each time a case referral occurs throughout duration of grant
Regular meetings with SFPD burglary unit to coordinate investigations	# of formal meetings held with SFPD burglary unit	Manual tracking by VP paralegal	Quarterly throughout duration of grant
ORT ADA- and Investigator-led trainings/meetings with local retailers	# of training and meetings held with local retailers	Manual tracking by VP paralegal	Quarterly throughout duration of grant
ORT ADA-led internal trainings of SFDA attorneys handling non-VP ORT cases/20 meetings/trainings per year with local retailers	# of ORT training and meetings held internally	Manual tracking by VP paralegal	Quarterly throughout duration of grant
ORT ADA and Investigator attendance at conferences and trainings	# of trainings and conferences attended by ORT staff	Manual tracking by VP paralegal	Quarterly throughout duration of grant
2 FTE staff assigned to ORT cases over the course of the grant	# of staff assigned to ORT	Manual tracking by VP paralegal	Annually throughout duration of grant
60 ORT cases presented per year of the grant	# of cases presented with 490.4 charges	Case management system	Each time a case is presented
50 ORT cases filed per year of the grant	# of cases filed with 490.4 charges	Case management system	Each time a case is filed
30 ORT cases resolved via conviction or alternative prosecution (i.e., successful completion of a diversion program) per year of the grant	# of cases filed with 490.4 charges that were ultimately convicted or dismissed via completion of a diversion program	Case management system	Each time a case reaches disposition

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Inputs, Activities, and Outputs

SFDA attorneys carry very large caseloads which makes focusing on complex organized retail theft cases challenging. The theory of change behind establishing the vertical prosecution unit within the SFDA is that having a dedicated attorney and investigator for organized retail theft will lead to stronger investigations, more efficient prosecution of cases, and better relationships with the local businesses and the community.

The process evaluation matrix provided on the above page details the data elements and sources for the inputs, activities, and outputs listed in our logic model. Specifically, grant funds are being put toward the following “inputs”: two full-time staff positions (i.e., one ORT-dedicated assistant district attorney and one ORT-dedicated investigator), staff time for an internal analyst to track data related to the vertical unit, as well as attendance at professional conferences, meetings with local retailers, and facilitating internal trainings. The “activities”, and subsequent “outputs”, fall into four buckets: operations (e.g., establishing the structure of the unit, etc.), law enforcement (e.g., investigating, reviewing, filing, and prosecuting ORT cases), data tracking, and community engagement (e.g., meetings with local retailers, etc.).

Data Collection

Most data elements will come from SFDA case management system, e-Prosecutor, which tracks information on investigations initiated, warrants created, cases presented, cases filed, and case outcomes at disposition. The SFDA Data Team updates case-level datasets and reports from e-Prosecutor on a weekly basis. We have additionally asked the paralegal supporting the ORT vertical unit to track the meetings, trainings, and conferences attended or led by the dedicated attorney and investigator.

The SFDA has previously struggled to identify which theft cases (PC 459, PC 487, PC 490.2, etc.) were related to retail crimes (versus other commercial crimes, auto crimes, etc.). Since implementing the grant, the SFDA Data Team has worked with our IT Team, Intake Unit, and ORT vertical unit to come up with a specific retail-crime tagging system in e-Prosecutor. We further developed a system to track cases specifically handled by the vertical unit. These tags have been added to our datasets, making it easy to build regular reports with the elements listed in the evaluation matrix.

Project Implementation, Monitoring, and Evaluation

The ORT vertical unit is located within the Economic Crimes Unit (ECU) which is part of the White-Collar Crime Division (WCCD). Project-level decisions are made by the Managing Attorney (MA) of ECU and the Chief of WCCD. Day-to-day operations such

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as the review and filing of cases are handled by the dedicated-vertical attorney, in consultation with the MA and the Chief when appropriate. Plea offers will be determined by the Chief, the MA, and the dedicated attorney in consultation together.

To ensure project fidelity, activities will be monitored with data from the case management system. The Data Team will provide regular reports of the data elements listed in the process evaluation matrix, such as the number of cases presented for review. The Office will employ an adaptive-feedback approach; the Managing Attorney of ECU and the Chief of WCCD will adjust the project as necessary based on data reports, conversations with the unit staff, law enforcement partners, and local retailers.

Our process evaluation will mainly utilize a descriptive approach. The quantitative data elements listed in the process evaluation matrix will be collected through our case management system. Additional data on meetings and trainings will be collected in a spreadsheet by a WCCD paralegal. Every quarter of the project, the Data Team will provide the ORT vertical unit with a report that includes descriptive summaries on the elements listed in the process evaluation matrix. The data will be extracted, analyzed, and prepared using a combination of SQL and R programming tools. At the end of the project, we plan to complement the descriptive analysis with some qualitative data which will be gathered through interviews with unit staff, law enforcement partners, and local retailers to gain insights into what facilitated the implementation process, challenges faced, and the perceived impact of the unit's activities.

Outcome Evaluation Method and Design

Outcome	Definition	Data Source(s)	Frequency of Data Collection
Increase in cases presented by law enforcement with 490.4 charges	Increase in cases presented by law enforcement with 490.4 charges	Case management system	Each time a case is presented
Increase in cases filed with 490.4 charges	Increase in the number of ORT cases filed with 490.4 charges	Case management system	Each time a case is filed
Increase in “global” case resolutions	Increase in the number of cases convicted on 490.4 charges	Case management system	Each time a case is closed
Increase in the rate of ORT cases resolved via conviction or diversion	Increase in the number of cases convicted (on any charge) or successfully completing diversion	Case management system	Each time a case is closed
Decrease in the rate of ORT cases dismissed post-filing	Decrease in the number of ORT cases that are dismissed post-filing	Case management system	Each time a case is dismissed
Use investigatory resources to identify fences	Number of cases filed with fencing suspects	Case management system	Each time a case is filed
Improved quality and timeliness of information sharing between DA offices, law enforcement, and retailers	Number of meetings held with external partners	Manual tracking by VP paralegal	Quarterly throughout duration of grant

Outcomes and Impacts

Outcome data elements and definitions can be found in the Outcome Evaluation matrix above. Impact data elements will likely not be observable during the grant period.

Data Collection & Analysis

As discussed in the Process Evaluation section, most data elements will come from our case management system, e-Prosecutor. The SFDA Data Team updates case-level datasets and reports from e-Prosecutor on a weekly basis. Additional data on external meetings and conferences, as well as internal SFDA trainings, will be tracked by a paralegal supporting the ORT vertical unit.

The SFDA has previously struggled to identify which theft cases (PC 459, PC 487, PC 490.2, etc.) were related to retail crimes (versus other commercial crimes, auto crimes, etc.). Since implementing the Vertical Prosecution grant, the SFDA Data Team has worked with our IT Team, Intake Unit, and ORT vertical unit to come up with a specific retail-crime tagging system in e-Prosecutor. We further developed a system to track cases specifically handled by the ORT vertical unit. These tags have been added to our datasets, making it easy to build regular reports with the elements listed in the evaluation matrix. To identify baseline data for the pre-post-implementation comparison described in the Methodology section below, the Data Team underwent an exercise to identify all retail theft cases in the 12 months prior to the start of the grant, using a combination of charging data, victim data, and incident data from the police.

The project data will be extracted, analyzed, and prepared using a combination of SQL and R programming tools. At the end of the project, we plan to complement the descriptive analysis with some qualitative data will be gathered through interviews with unit staff, law enforcement partners, and local retailers to gain insights into what facilitated the implementation process, challenges faced, and the perceived impact of the unit's activities.

Evaluation Methodology

We plan to conduct a descriptive analysis at the end of the grant period to answer the following evaluation questions:

1. Has the implementation of the ORT vertical unit affected the number of 490.4 retail theft cases investigated and prosecuted by the SFDA?
2. Has the prosecution of cases by the vertical unit resulted in more "global" case resolutions (i.e., has the prosecution of cases by the vertical unit resulted in more cases being convicted on 490.4 charges)?
3. Has the prosecution of cases by the unit led to an increase in the rates of conviction and diversion of retail theft cases overall?

4. To what extent has the unit's engagement with law enforcement agencies and retailers influenced the number and quality of cases presented with 490.4 retail charges?
5. To what extent has the unit contributed to the identification of prolific offenders and fences.

For this descriptive analysis we plan to do a pre-post comparison, looking at differences in outcomes between the 12 months before implementation and during the grant period. We will calculate summary statistics for each outcome variable, such as means, medians, and standard deviations, for both the pre- and post-implementation periods. We will also visualize the data using charts or graphs to illustrate any patterns over time. We will compare the summary statistics and visualizations between the pre- and post-implementation periods to assess any changes or differences in the outcome variables. Similarly, we plan to do a comparison of outcomes during the grant period between cases handled by the ORT vertical unit and other horizontal units. Since the volume of ORT cases filed by the Office exceeds the capacity of vertical unit, some cases will be handled by our General Felonies, Major Crimes, and Misdemeanors units.

Specifically, towards goal #1, holding retail theft offenders appropriately accountable, we will be able to compare the charging decisions (i.e., the number of cases filed, returned to law enforcement for further investigation, or discharged) of the vertical unit to the charging decisions of our intake unit in the 12 months before implementation of the grant. In terms of appropriately triaging defendants, we will be able to compare the rates of conviction and diversion by the vertical unit to the rates in the 12-month prior period. Additionally, since the vertical unit will not be able to handle the full volume of ORT cases, we will also be able to compare the resolutions rates of the vertical unit to the resolution rates of other horizontal units during the grant period.

The obvious drawback to a descriptive analysis is that causal conclusions cannot be made about the project's impact. However, this method still can offer valuable insights, allowing us to identify correlations that signal the efficacy of the unit. Additionally, the ongoing descriptive analyses we plan to conduct throughout the course of the project will allow us to monitor the implementation of the project (as discussed in the Process Evaluation section). Further, the qualitative interviews we plan to conduct at the conclusion of the project will supplement our quantitative findings.