



# **BSCC ORT VERTICAL PROSECUTION GRANT LOCAL EVALUATION PLAN**

**Project Period: October 1, 2023 - December 31, 2026**

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## Background

### Project Need

Ventura County is a prime target for retail theft operations because of the access to high-end goods and its geographical location. Local retailers have experienced substantial losses due to the high value of goods sold at certain shopping locations (e.g., The Camarillo Premium Outlet, The Oaks Mall in Thousand Oaks, The Collection Mall in Oxnard, and several box store retailers across the county). Because these retailers serve a trusting local community, high-value merchandise is often kept on the store floor for the shoppers' convenience. As a result, retail theft operatives can acquire large amounts of expensive retail goods without going behind a counter, accessing a locked cabinet, or overcoming other theft prevention norms.

The county's geographical location makes it particularly enticing for crews traveling in from outside the area and provides an easy exit for offenders. Other major cities, including Los Angeles and Santa Barbara surround the county. High-end retail locations are located immediately adjacent to two large freeways, allowing retail theft operatives to effectuate a quick escape from the business and the area and reducing the window of opportunity for responding law enforcement agencies to apprehend the operatives. Offenders can exit the retailer, enter their vehicle, and be on the freeway leaving the county within seconds.

Organized retail theft (ORT) incidents have increased in Ventura County in recent years. Ventura County Sheriff's Office data shows that incidents in their jurisdiction increased by 35% from 2020 to 2022. Of the 225 ORT arrests in 2020, 181 arrestees (80%) resided outside Ventura County. ORT losses in each Ventura County city exceed six figures, and local chambers of commerce report substantial ORT losses for large retailers countywide.

The Ventura County District Attorney's Office (VCDA) prosecutes all felony and misdemeanor offenses for the county's 850,000 residents. In 2022, the office filed 209 felony ORT cases. Despite most ORT cases involving a team of individuals operating in a coordinated manner, only a third of cases include multiple defendants. The volume of work equals the caseload of three prosecutors, all handled by various individuals in the General Trials Unit.

Investigations for these cases have relied on the work of local agencies rather than an assigned District Attorney Investigator. However, local law enforcement has not had the capacity to investigate all leads, impacting the prosecution of these ORT cases. For example:

- Agencies often cannot link co-defendants to crimes because limited follow-up work can be done.
- Video evidence is often not adequately collected from stores, resulting in ORT cases being submitted to VCDA without original video surveillance footage included. Instead, agencies submit cellphone videos captured by patrol officers viewing the video on a store monitor.
- Non-Ventura County residents who commit ORT crimes are often not properly investigated for prior out-of-county ORT crimes, resulting in low bail amounts being set by local judges.
- Online retailers are infrequently contacted to recover stolen Ventura County merchandise, and online shoppers do not have a manner to report suspected ORT merchandise.

The increase in ORT crimes has led to substantial financial losses to local retailers, a surge in the manpower needed to investigate, prosecute, and bring ORT offenses to justice, and a rise in the public's concern for community safety in Ventura County. Through the current grant award, VCDA will expand its ability to systematically investigate and prosecute ORT crimes to deter future would-be offenders from committing these types of crimes in Ventura County.

### **Project Overview**

VCDA has developed a comprehensive plan to address the increased levels of ORT in the county. Through this initiative, VCDA will (1) create an ORT Vertical Prosecution Unit to investigate and prosecute the most serious ORT crimes and train and support GTU deputies in the investigation and vertical prosecution of other ORT crimes, (2) develop partnerships with law enforcement agencies and retailers, (3) increase awareness and education regarding ORT, and (4) utilize a restorative justice program for ORT-involved persons.

#### **1. ORT Vertical Prosecution Unit**

##### ***Staffing***

The VCDA General Trials Unit (GTU) currently uses a vertical prosecution model, which includes fielding pre-filing investigation issues, filing all ORT cases, and handling all court appearances and trials. Under this initiative, VCDA will create an ORT Vertical Prosecution Unit staffed with one Senior Deputy District Attorney (the ORT DDA) and one District Attorney Investigator III (the ORT DAI) to investigate and vertically prosecute the most serious ORT cases in Ventura County. By creating a unit specifically for these cases, VCDA will increase the vertical prosecution model's effectiveness and its capacity to investigate and prosecute these crimes.

Because of the significant number of ORT cases generated in Ventura County, the ORT DDA will vertically prosecute ORT cases exclusively. The ORT DDA will concentrate on the most serious ORT cases involving multiple locations and/or defendants. When possible, conspiracy charges will be filed in addition to traditional theft charges (e.g., grand theft, commercial burglary, organized retail theft).

ORT cases not handled by the ORT Vertical Prosecution Unit will be assigned to the GTU for vertical prosecution. The ORT DDA will train and support those prosecutors to determine the best charges and path for a successful outcome.

The ORT DAI will also focus exclusively on ORT cases, assisting the ORT DDA and the GTU by helping prepare and thoroughly investigate ORT cases. The ORT DAI will investigate suspects connected to ORT operations and investigate all property to identify the source of thefts and charge as many counts as provable. Investigations may occur within and outside Ventura County and may include surveillance techniques. As part of this work, the ORT DAI will write and execute search warrants in partnership with local law enforcement agencies in and around Ventura County (for example, to obtain video footage from retailers).

##### ***Technology***

Technology will be used, when possible, to support the effective investigation and prosecution of ORT cases. For example, the ORT DAI will consult with investigators in the Bureau's High Tech Task Force to maximize the efficacy of ORT investigative work in video evidence collection, including

cellphone, computer, and online retail investigative and surveillance methods. In addition, technology will be used to enhance trial presentations and prosecutions, including necessary digital media displays and editing equipment. VCDA will coordinate with its Digital Media Unit to prepare improved video evidence presentations in ORT prosecutions.

## **2. Partnerships**

As part of this ORT initiative, the ORT Vertical Prosecution Unit will establish effective partnerships with local and surrounding law enforcement agencies. VCDA will coordinate the vertical prosecution grant with county law enforcement partners that work on ORT cases and promulgate ORT trends and investigative strategies through the Ventura County Law Enforcement Coordinating Committee. In addition, because Ventura County is often targeted by offenders who reside outside the county, VCDA will develop partnerships with neighboring law enforcement agencies.

Partnerships will also be developed and maintained with local retailers, loss prevention and security professionals, and online retail marketplaces. The ORT DAI and DDA will create and foster these partnerships to help monitor and identify potential merchandise targets, assist in returning stolen merchandise, and generally support awareness regarding ORT crime trends, proper reporting, and prevention techniques.

## **3. Awareness and Education**

The ORT Vertical Prosecution Unit will train law enforcement, retailers, and other partners on topics such as trial preparation, evidence gathering, testimony, curbing resale of stolen merchandise, and ORT prevention. VCDA personnel will also receive training to incorporate the best practices in prosecution and investigation in all current and future ORT cases.

In addition to training opportunities, VCDA will utilize the Attorney General Public Portal and conduct a public awareness campaign to encourage the public's use of the portal.

## **3. Restorative Justice Partner Program**

A local community-based organization will provide restorative justice programming for adult ORT defendants. Programming will be offered in English and Spanish, and in addition to core offerings, participants will be linked to third-party services.

The restorative justice program will:

- Focus on addressing harms, needs, and causes of wrongdoing
- Orient toward victims' needs to remedy the harm inflicted
- Encourage accountability of those who cause harm to encourage them to take personal responsibility for their actions
- Include all relevant stakeholders
- Ensure participation is voluntary
- Promote healing and prevention of future harm

The ORT DDA will also use existing services offered through the Ventura County Court mental health court, mental health diversion, Veterans' court, and court-supervised diversion programming. Using

these existing resources, coupled with the planned restorative justice program, will guide ORT offenders away from recidivism and toward constructive community behavior.

### **Target Area**

All ORT cases in Ventura County will be prosecuted using a vertical prosecution model. The ORT Vertical Prosecution Unit will focus on those cases considered the most serious, involving multiple locations and/or multiple defendants. The unit will also target ORT crews that do not reside in Ventura County but instead enter with the specific purpose of committing theft. These cases are particularly challenging to investigate and will, therefore, benefit from having the support of the dedicated ORT DAI.

The target population for the restorative justice program is ORT defendants identified by the ORT DDA and the Courts. Criteria for those who will be referred to this program are currently being developed.

## Goals and Objectives

Four goals and objectives have been established for the project:

**Goal 1: Reduce ORT crews targeting Ventura County through the staffing of one deputy district attorney and one investigator to vertically prosecute felony ORT cases.**

### Objectives

- A. Staff one DDA and one DAI in the VCDA ORT Vertical Prosecution Team by December 2023.
- B. Improve filings against ORT crews traveling into Ventura County and set bail as needed to secure future attendance in criminal court proceedings.
- C. The VCDA ORT team will file felony theft charges and include conspiracy where appropriate
- D. Achieve guilty pleas or case dispositions that include felony probation using a vertical prosecution methodology. Sentence defendants to appropriate prison or jail time to properly resolve cases.

**Goal 2: To complete comprehensive investigations on all ORT participants that result in filed charges on all provable criminal conduct to strengthen case outcomes.**

### Objectives

- A. Investigate all property in defendants' possession and identify source of thefts.
- B. Conduct investigations into all suspects connected to ORT operation.
- C. Identify members of ORT operation using intel gathered by justice partners.

**Goal 3: To establish effective law enforcement partnerships within Ventura County and outside the county and to enhance trial preparation and strengthen awareness programming with county retailers and citizens.**

### Objectives

- A. Create effective liaisons with neighboring county law enforcement departments state and federal law enforcement agencies, and retailers operating in Ventura County by 2026.
- B. Utilize Attorney General Public Portal and conduct awareness campaign to support public's use of portal by December 2024.
- C. Train law enforcement, retailers, and online marketplace partners throughout 2024 through 2026. Topics will include trial preparation, evidence gathering, testimony, curbing resale of stolen merchandise, and ORT prevention.

**Goal 4: To develop and implement restorative justice programming for ORT involved persons.**

### Objectives

- A. Create a restorative justice program with a community-based organization, such as Interface Children & Family Services. The Ventura County RFP will be completed by January 2024.
- B. Offer diversion, restorative justice programming, and conferences with court approved ORT involved persons.
- C. Offer continuation services and link individuals with third party services.
- D. Offer classes and services in English and Spanish.

## Project Logic Model

### Inputs

#### Funding

**Grant Awards:** ORT Prevention financial resources allocated for the project

#### People

##### **Staffing:**

**ORT Vertical Prosecution Unit:** Senior Deputy District Attorney, District Attorney Investigator III

**Other VCDCA Personnel:** General Trials Unit (GTU), Project Administrator, Crime Analysts, Public Information Officer, High Tech Task Force, Digital Media Unit

**External Partners:** Local retailers, online marketplaces, local law enforcement agencies, third-party restorative justice program CBO, EVALCORP

#### Tools

**Law Enforcement Technology:** computer for surveillance camera, surveillance program, external hard drives, vehicle tracker, radio earpieces, amped FIVE, Axion Investigate

**Equipment:** Surveillance van

**Community engagement tools** for public education campaigns

**Training Materials:** trainings for VCDCA personnel, law enforcement partners, and retail partners

**Restorative Justice Program resources**

### Activities

#### ORT Vertical Prosecution Unit:

Hire one DDA and one DAI

Prepare improved video evidence presentations in ORT prosecutions

Consult with High Tech Task Force to maximize efficacy of ORT investigative work

Conduct thorough investigations in collaboration with local agencies

Conduct post-prelim follow-up investigations

#### Education and Awareness:

Develop partnerships with local and neighboring law enforcement agencies

Develop partnerships with local retailers, loss prevention professionals, and online marketplaces

Issue ORT-related press releases to promote awareness and success of the grant

Provide LE and retail partners with training and education regarding ORT

#### Restorative Justice Programming:

Provide programming for adult ORT defendants in English and Spanish.

Offer third-party services to restorative justice program participants



## ORT Prevention Grant Program

### Outputs

Number of bench warrants related to ORT cases  
Number of felony theft charges filed  
Number of conspiracy charges filed  
Number of successful ORT case outcomes  
Number of defendants in charged cases  
Number and type of sentences for convicted ORT offenders  
Number of investigations conducted by the DAI  
**Number cases for which seized property was investigated by the DAI**  
Number of suspects investigated by the ORT DAI  
Agencies contributing intel to ORT cases  
Number of partnerships established with law enforcement agencies  
Number of partnerships established with local or online retailers  
Number of training sessions completed  
Number of awareness campaigns or news releases completed  
Number of ORT defendants offered and enrolled in restorative justice programming  
Number of third-party services offered to restorative justice program participants  
Number of restorative justice program services offered in English and Spanish

### Outcomes

Dismantle ORT crews targeting Ventura County  
Decreased rate of open bench warrants for ORT defendants  
Increased rate of ORT cases that include felony and/or conspiracy charges  
Increased rate of successful case outcomes  
Number of defendants charged in ORT cases  
Increased partnerships with LE agencies, retailers, and online retail marketplaces  
Number of ORT-involved persons enrolled in the restorative justice program  
Recidivism rate among restorative justice participants (see page 13 for the project's definition of recidivism)

### Impacts

**Safer Community Environment:** Successful prosecution of ORT deters future crime, contributing to safer environments for businesses and residents

**Strengthened Investigative Capabilities:** Enhanced and more efficient investigative strategies and training improve long-term response effectiveness

**Sustainable Crime Prevention:** With the ORT Vertical Prosecution Unit, an establishment of a sustainable model for prosecution and law enforcement collaboration that can be adapted and applied in other contexts.

**Increased Public Confidence:** Awareness of activities and successes improve the public's confidence in the county's ability to effectively prosecute cases and deter ORT crime

**Improved Collaboration:** Liaisons and partnerships with VC law enforcement and retailers sustain beyond the grant period for more effective collaboration in future years.

**Restorative Justice Programming:** A sustainable operation will be established that can maintain beyond the grant period, supporting reduced recidivism and improved constructive community behavior.

## Evaluation Method and Design

VCDA has contracted with EVALCORP to conduct a comprehensive evaluation of the project, including both process and outcome components, described together in this section. The process evaluation documents the activities conducted under this grant, and the outcome evaluation assesses whether those activities had measurable impacts on the intended goals.

### Evaluation Framework

#### Goals

The goals for the proposed evaluation are to:

1. Document the implementation of the project and the extent to which proposed activities were carried out as intended;
2. Measure the degree to which the project's goals or objectives were achieved; and
3. Identify successes, challenges, and lessons learned.

#### Approach

A mixed-methods evaluation approach that includes qualitative and quantitative data collection activities will be implemented to assess the process and outcome measures established for the VCDA ORT VP project.

The planned robust evaluation uses multiple data collection approaches and sources to assess the impact of the work carried out as part of this grant. Specific strategies are described below:

- A pre/post comparison methodology that contrasts baseline data collected before project activities with data collected during the project period will be used to determine the ORT VP program's overall effectiveness on the outcomes established.
- The project will also implement a formative evaluation approach. Evaluation metrics will be compiled and reviewed consistently, tracking implementation and progress toward identified outcomes. This monitoring throughout the project period allows for learning and adjusting the project's strategies as needed.
- Qualitative enhancements will be used to supplement quantitative data. Stakeholder Interviews with key personnel will be conducted at the end of the project period. These interviews, alongside observations and written narratives, will inform the Local Evaluation Report by providing context, success stories, and descriptions of how any unanticipated challenges were overcome.

#### Coordination and Oversight

The VCDA Project Director is Chief Deputy of Criminal Prosecutions, Paul Nuñez. Paul Nuñez will work with the head of fiscal and administrative services, Special Assistant Chuck Hughes, to ensure the project goals are the grant's focus from implementation until 2028. Rafael Orellana, the supervisor of GTU, will supervise ORT DDA Brandon Ross and, in collaboration with Mr. Nuñez, monitor the ORT vertical prosecution unit through the implementation process and service delivery period.

Supervising Senior District Attorney Investigator Terry Dobrosky will oversee the ORT DAI, Dennis Bopp. Eric Ek and Craig Myers, from the County of Ventura Information Technology Services Department, will assist with data collection and monitoring activities.

Project-related decisions will be made collaboratively by the VCDA team, with consultation by EVALCORP when appropriate. Any changes requiring BSCC approval will be forwarded to the relevant party prior to implementation.

EVALCORP will work collaboratively with VCDA to develop and implement the appropriate data collection methodologies, tools, and protocols. The evaluation team will foster open communication with VCDA project staff to ensure evaluation findings are communicated periodically and that high-quality, consistent data collection practices are employed. Meetings between VCDA and EVALCORP will occur quarterly or as needed to ensure opportunities to address issues and discuss successes as they arise. Data collection concerns will be coordinated between the EVALCORP team, VCDA, and the Information Technology Services Department staff.

### Evaluation Tools

A series of data collection tools and standardized processes will track and monitor the project's success. Primary data collection tools will be developed to collect information specific to grant activities, and secondary data (i.e., data already collected for another use) will be used, when possible, to reduce the burden on staff.

#### Primary Data Collection Tools

- **Restorative Justice Program (RJP) Tracking Log:** A tracking log will be used with the community-based organization implementing the restorative justice program for this project. The log will track information regarding program referrals, participants, and services.
- **DAI Tracking Log:** The ORT DAI will track his involvement in various grant-funded activities, including training sessions with retailers, contacts with loss prevention professionals, investigations, etc.
- **Key Stakeholder Interviews:** To further assess implementation activities, the evaluation team will conduct key stakeholder interviews with primary project staff at the end of the grant period. These interviews will inform the extent to which the project was carried out as planned and identify successes, challenges, and lessons learned.

#### Secondary Data Sources

- **Law Enforcement Records:** VCJIS, DDA files, DAI investigative reports, court dockets, and plea forms will be used to track data on every ORT case from investigation through filing and conviction. VCJIS will also be used to assess re-offending among restorative justice program participants.
- **Payroll Records:** To determine the number of FTE staff assigned to various ORT VP project activities, payroll data will be used.

- **Administrative Records:** Administrative records will be used to document the partnerships established and agency participation in collaborations.
- **Public Information Office Records:** Records from the VCDA Public Information Office will document news releases and awareness campaigns related to the project.

The evaluation team will collaborate with VCDA personnel to ensure all requisite data are obtained, maintained, and reviewed for accuracy/validity on a consistent basis.

## Data Analysis

Project data will be obtained and reviewed quarterly and annually to ensure accurate and consistent information (frequency depends on the specific metric). Data will be aggregated and validated before conducting all required quantitative and qualitative analyses.

### Quantitative Analysis

Quantitative data will be analyzed using Excel, R, or SPSS analytic software. Descriptive statistics will be run to characterize investigations, filings, sentences, agencies engaged in partnerships, and other relevant indicators. Crosstabs and inferential statistics (e.g., chi-square, *t*-tests) will be implemented to support descriptive findings and ensure data are interpreted appropriately.

### Qualitative Analysis

Qualitative analysis will include data collected via open-ended survey items, observations, and key stakeholder interviews. It will involve coding, categorizing, and interpreting data to identify key themes. Information may be quantified as a part of this process. The overarching goal of these analyses is to gain a deeper understanding of the impact of the grant activities and perspectives on the extent to which the project is carried out as intended, including what challenges, if any, were experienced and the strategies used to overcome them.

## Reporting

The following is a list of anticipated reports and/or presentations EVALCORP will be responsible for or aid in developing:

- **Quarterly Progress Reports:** EVALCORP will support VCDA in developing the BSCC Quarterly Progress Reports.
- **Final Local Evaluation Report:** EVALCORP will develop a Final Local Evaluation Report summarizing the 3-year grant activities and the extent to which the goals and measurable objectives were achieved. This report will be submitted to the BSCC by June 1, 2027.
- **Annual Brief:** In addition to the two mandated reporting requirements described above (i.e., Quarterly Progress Reports and the Final Local Evaluation Report), EVALCORP will develop a summary brief that outlines progress toward the grant's goals and objectives on an annual basis (i.e., end of calendar year).

These periodic reporting events, alongside ongoing grant meetings, allow VCDA a formal process by which to monitor project progress and adjust activities as needed.

## Evaluation Metrics

In addition to the data required in the BSCC Quarterly Progress Reports, metrics have been identified to evaluate the implementation and success of the VCDA ORT VP project. To support accurate, valid, and consistent evaluation metrics tracking throughout the grant term, a VCDA ORT VP Data Collection Matrix was developed for both the process and outcome evaluations (see Appendices A and B). Each matrix was designed to ensure that evaluation planning, coordination, and implementation meet funding requirements and the needs for information among the BSCC and VCDA. They include the list of metrics to be tracked, where the data will be pulled from (i.e., data source), and how each relates to the identified project goals.

### Process Evaluation

The process evaluation will document and measure the degree to which grant activities were implemented as intended. The planned process metrics to be tracked in the assessment of project activities include:

- Number of VCDA personnel assigned to ORT cases
- Number of open bench warrants for ORT defendants
- Number of ORT cases that include conspiracy charges and/or felony theft charges
- Number of ORT cases for which the ORT DAI was involved
- Number of ORT cases for which seized property was investigated by the ORT DAI
- Number of ORT suspects investigated by the ORT DAI
- Agencies contributing intel to ORT cases
- Number of partnerships established with local and neighboring law enforcement agencies
- Number of partnerships established with local retailers or online retail marketplaces
- Number of public awareness campaigns/news releases implemented regarding ORT efforts
- Number of training sessions conducted with law enforcement, retailers, or other partners
- Number of ORT-involved persons offered the restorative justice program
- Number of continuation and/or third-party services offered to program participants
- Number of restorative justice program services offered in English and Spanish
- Successes, challenges, and lessons learned

### Outcome Evaluation

The outcome evaluation will assess the extent to which the project successfully met each of the project's established goals (see page 7). Planned outcome evaluation metrics for the project are:

- Number of ORT cases filed
- Rate of open bench warrants for ORT defendants
- Rate of ORT cases that include conspiracy charges and/or felony theft charges
- Number of successful case outcomes using a vertical prosecution model
- Number of defendants charged in ORT cases
- Contacts with law enforcement agencies regarding ORT
- Contacts with retailers and online retail marketplaces
- Number of ORT-involved persons enrolled in the restorative justice program

## ORT Prevention Grant Program

- Recidivism rate among restorative justice participants, defined as being re-arrested within six months after completing participation in the program for a crime that results in a conviction, within Ventura County

## Appendix A. Process Evaluation Data Matrix

Goal	Metric	Data Source
Goal 1	Number of VCDA personnel assigned to ORT cases	Payroll Records
	Number of open bench warrants for ORT defendants	VCJIS
	Number of ORT cases that include conspiracy charges and/or felony theft charges	VCJIS
Goal 2	Number of ORT cases for which the ORT DAI was involved	DAI Tracking Log
	Number of ORT cases for which seized property was investigated by the ORT DAI	DAI Tracking Log
	Number of ORT suspects investigated by the ORT DAI	DAI Tracking Log
	Agencies contributing intel to ORT cases	DAI Tracking Log, VCJIS
Goal 3	Number of partnerships established with local and neighboring law enforcement agencies	Administrative Records
	Number of partnerships established with local retailers or online retail marketplaces	Administrative Records
	Number of public awareness campaigns/news releases implemented regarding ORT efforts	Public Information Office Records
	Number of training sessions conducted by VCDA with law enforcement, retailers, or other partners	Administrative Records
Goal 4	Number of ORT-involved persons offered the restorative justice program	RJP Tracking Log
	Number of continuation and/or third-party services offered to restorative justice program participants	RJP Tracking Log
	Number of restorative justice program services offered in English and Spanish	RJP Tracking Log
All	Successes, challenges, and lessons learned	Key Stakeholder Interviews

## Appendix B. Outcome Evaluation Data Matrix

Goal	Metric	Data Source
Goal 1	Number of ORT cases and charges filed	VCJIS
	Rate of open bench warrants for ORT defendants	VCJIS
	Rate of ORT cases that include conspiracy charges and/or felony theft charges	VCJIS
Goal 2	Number of defendants charged in ORT cases	VCJIS
	Number of successful case outcomes for ORT cases	VCJIS
Goal 3	Contacts with law enforcement agencies regarding ORT	DAI Tracking Log
	Contacts with retailers and online retail marketplaces	DAI Tracking Log
Goal 4	Number of ORT-involved persons enrolled in the restorative justice program	RJP Tracking Log
	Recidivism rate among restorative justice participants, defined as being re-arrested within six months after completing participation in the program for a crime that results in a conviction, within Ventura County	RJP Tracking Log