

MEETING DATE: September 14, 2023

AGENDA ITEM: F

TO: BSCC Chair and Members

FROM: Helene Zentner, Field Representative, Helene.Zentner@bscc.ca.gov

SUBJECT: Organized Retail Theft Vertical Prosecution Grant Program Funding Recommendations: **Requesting Approval**

Summary

This agenda item requests Board approval of the Organized Retail Theft (ORT) Vertical Prosecution grant awards as recommended by the ORT Scoring Panel (Attachment F-1). If the proposed list of award recommendations is approved, 13 California District Attorneys offices are eligible to receive approximately \$24.9 million to help carry out the Governor's crackdown on retail theft through a vertical prosecution model. The list of proposals recommended for funding is provided in Attachment F-2 and corresponding proposal summaries are provided in Attachment F-3.

Background

The State Budget Act of 2022 (Assembly Bill 178, Chapter 45, Statutes of 2022) established the ORT Vertical Prosecution Grant Program (Attachment F-4). Grant funding is available to California District Attorneys for the purpose of addressing increased levels of retail theft property crimes by using a vertical prosecution model. Assembly Bill 178 states, in part:

- In awarding the funds, the BSCC shall, at minimum, require the grantee to demonstrate the following requirements on its application for the competitive grant:
 - How the additional funds will meaningfully address the increase in ORT in the jurisdiction and the existing hurdles of implementing a vertical prosecution model in their jurisdiction to prosecute these crimes without this grant.
 - How the funding will be used in facilitating collaboration with online marketplaces and retailers to address the increase in property crimes in the jurisdiction.
 - How the jurisdiction plans to use alternatives to incarceration, including diversion or restorative justice programs, to reduce ORT and help reduce recidivism.
 - How the jurisdiction will be able to sustain this program upon the expiration of this one-time grant funding.
- The county receiving the competitive grant shall do the following:
 - Employ a vertical prosecution methodology for ORT crimes.

- Dedicate at least one deputy district attorney and one district attorney investigator whose primary role is the investigation and prosecution of ORT crimes.
- Provide BSCC with annual data on the number of ORT cases filed by that county, the number of ORT convictions obtained, and the sentences imposed for those convicted of ORT in that county. The county shall also provide the number of instances where vertical prosecution was used to obtain those convictions and the sentences imposed. The county shall also provide the number of theft-related property crimes that were charged overall in the jurisdiction that did not use the vertical prosecution model and the resulting number of convictions.

The ORT Vertical Prosecution RFP was released on April 14, 2023, making \$28,500,000 available competitively to District Attorneys located in the State of California (Attachment F-5). This amount reflects three (3) fiscal years of appropriations, at almost \$10 million per year, less BSCC administration costs. Applicants could apply for up to \$800,000 for Small Scope projects or up to \$2,050,000 for Large Scope projects.

ORT Vertical Prosecution proposals were due on July 7, 2023. The BSCC received 13 proposals requesting \$24,868,293 in funding. After a technical review to ensure the proposals met BSCC's submission criteria, all 13 proposals were provided to the ORT Scoring Panel. Once all scores were submitted, BSCC staff generated a ranked list of proposals that met the minimum scoring threshold. All 13 proposals met that threshold.

If the Board approves the funding recommendations listed in Attachment F-2, \$24,868,293 would be appropriated in grant contracts and a total of \$3,631,707 would remain unallocated from the RFP.

Recommendation/Action Needed

On behalf of the ORT Scoring Panel, staff recommends that the Board:

- Fully fund 12 Large Scope proposals and one (1) Small Scope proposal totaling \$24,868,293 for the purpose of addressing increased levels of retail theft property crimes by using a vertical prosecution model.
- Authorize staff to continue to make awards from the rank-ordered list if staff determine during the follow-up award-making process that an applicant recommended for funding is ineligible, if a grantee becomes ineligible during the grant cycle, or if the grant award is relinquished during the grant cycle.
- Dissolve the ORT Scoring Panel upon approval of the funding recommendations.

Attachments

- F-1: ORT Scoring Panel Roster
- F-2: List of Funding Recommendations
- F-3: Proposal Summaries
- F-4: Assembly Bill 178
- F-5: ORT Vertical Prosecution Request for Proposals