

**Organized Retail Theft Vertical Prosecution Grant Program  
Request for Proposals (RFP) Instruction Packet  
Frequently Asked Questions (FAQs)**

**1. Can a District Attorney apply for the Organized Retail Theft Vertical Prosecution Grant directly?**

District Attorneys are eligible applicants. However, applications must be submitted from the Governing Body (e.g., Board of Supervisors or the Chief County Administrative Officer). The District Attorney's Office can be listed on the application as the Lead Public Agency.

**2. The "Organized Retail Theft Prevention Grant Program" states that eligible agencies are "city police, county sheriffs' departments, and probation departments" - however one agency can act as a managing agency. Are District Attorney's Offices eligible to apply under this funding proposal? Are District Attorney's Offices limited to the "Organized Retail Theft Vertical Prosecution Grant Program"?**

Eligibility for the Organized Retail Theft Prevention Grant Program is limited to California police departments, sheriff departments, and probation departments per Senate Bill 154 (SB 154). However, a District Attorney can participate in the Organized Retail Theft Prevention Grant. The Budget Attachment includes a Professional Services of Public Agencies line item. The District Attorney's Office could be listed on that budget line item and the applicant would be required to provide a narrative explanation of the services that would be provided.

**3. If District Attorney's Offices and municipal agencies cannot apply under the same program, can they cite regional applications submitted, to show a collaborative effort in the approach to retail theft? If so, what is the best way to cite them (through mutual letters of support, references to proposals, etc.)?**

The Organized Retail Theft Prevention Grant Program has a Project Organizational Capacity and Coordination Section (RFP Instruction Packet, Page 23). Rating Factor 3.2 in pertinent part states:

Describe any partner agency(ies) or coordination with other agencies necessary to implement the proposed project. If partners are to be selected after the grant is awarded, specify the process and criteria for selecting the partner agency(ies). The description of partners should include:

- their involvement/role that is aligned with the proposed project.
- their credentials, involved personnel, experience and capability to conduct the project, and the value the partners add to the proposed project.
- the plan to coordinate with these partners.
- key partners' letters of commitment provided as attachments (Attachment G).

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Applicants could consider expounding on regional or collaborative approaches in this section. In addition, consider reviewing the Local Impact Letter(s) and Letter(s) of Commitment as additional place to show a uniform approach to organized retail theft (RFP Instruction Packet, Pages 9, 37, and 38).

**4. Can either program be used to pay for a department "crime analyst" position (not law enforcement officer, district attorney staff)?**

Yes. The Organized Retail Theft Vertical Prosecution Grant and the Organized Retail Theft Prevention Grant Program can pay for a Crime Analyst position. However, all proposed expenses must have a link to the Grant Program(s) as described in the authorizing legislation and the RFP Instruction Packet.

**5. If a regional approach is taken - but under multiple funding proposals, is it best for agencies to handle their own funding for overtime related to enforcement operations?**

For ease of tracking and future reporting to the BSCC, each agency may wish to track its own overtime. As needed, the BSCC will request supporting documentation for expenses invoiced to the Grant Program(s). In those instances, the BSCC will contact the Lead Public Agency. Please remember that any expenses billed to the grant must have a link to the authorizing legislation and the RFP Instruction Packet.

**6. If a District Attorney's Office applied - could they write in an overtime budget to reimburse regional law enforcement agencies for overtime related to enforcement operations?**

Per Assembly Bill 178 (AB 178), funding is available to address increased levels of retail theft property crimes by using a vertical prosecution model. Specifically, counties receiving funding must:

- a) Employ a vertical prosecution methodology for organized retail theft crimes.
- b) Dedicate at least one deputy district attorney and one district attorney investigator whose primary role is the investigation and prosecution of organized retail theft crimes. And
- c) Provide the Board of State and Community Corrections with annual data on the number of organized retail theft cases filed by that county, the number of organized retail theft convictions obtained, and the sentences imposed for those convicted of organized retail theft in that county. The county shall also provide the number of instances where vertical prosecution was used

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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 Organized Retail Theft Vertical Prosecution Grant does not appear to be a good fit for overtime reimbursement as currently described.

**7. For the auditing requirement - is the elected county auditor sufficient, or does it have to be a separate entity from the administering agency?**

The financial audit shall be performed by a Certified Public Accountant or a participating county or city auditor that is organizationally independent from the participating county or city's project financial management functions (RFP Instruction Packet, Page 11).

**8. Is the grant criteria specifically geared towards bringing cases associated with Penal code 490.4 (a) pc or can the program focus on the overall uptick in retail theft that has been occurring in our jurisdiction?**

The Organized Retail Theft Vertical Prosecution Grant Program was established in Assembly Bill 178 (AB 178). AB 178 does not cite a specific focus on Penal code 490.4 (a). Per AB 178, funding is available to address increased levels of retail theft property crimes by using a vertical prosecution model.

**9. The small project amount does not cover the entire deputy district attorney (DDA) and a district attorney investigator, but the RFP language requires one of each to be dedicated to [the] prosecution of retail theft. What should we do if the funds don't cover the total cost of both a DDA and [an] Investigator?**

Funding categories are not restricted by the size of an applicant's county. An applicant may apply in either the Small or Large Scope Category. If the Small Scope Category does not cover the costs of an applicant's proposal, then in that case, the applicant may apply for any dollar amount up to the maximum amount in the Large Scope Category.

**10. Do grant funds cover only the prosecution of specific organized retail theft charges/statutes or can all retail theft cases be part of the assigned deputy district attorney and a district attorney investigator (DDA/DAI) team caseload and be considered as a part of the caseload applicable to the grant?**

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AB 178 does not specify statutes or charges. Rather, it states that the purpose of the Organized Retail Theft Vertical Prosecution Grant Program is to address “increased levels of retail theft property crimes by using a vertical prosecution model.”

Additionally, AB 178 is silent on whether types of theft are excluded. Grant funds may be used for activities tied to the intended purpose.

**11. Are any types of retail theft excluded (e.g., marijuana dispensaries)?**

No.

**12. For DDA/DAI to have ORT as “primary role” does that mean at least, for example 50% of time dedicated to that role?**

No. While AB 178 requires that grant funds be used to employ a vertical prosecution model and to dedicate at least one deputy district attorney and one district attorney investigator whose primary role is the investigation and prosecution of organized retail theft crimes, there is no minimum percentage of time that is required to be allocated to the positions.

**13. Can DA’s Offices apply for vehicle theft, or is that limited to the law enforcement side?**

The topic of vehicle theft is not within the purview of the Organized Retail Theft Vertical Prosecution Grant Program. Rather, it comes under the other Organized Retail Theft Prevention Grant program, which can be accessed at this link: <https://www.bscc.ca.gov/organized-retail-theft-grant-program/>

For the Organized Retail Theft Vertical Prosecution Grant Program, while eligible applicants are California District Attorneys, the applications must be submitted by the Board of Supervisors or the Chief County Administrative Officer. (RFP, Eligibility, page 5).

For the Organized Retail Theft Prevention Grant Program, Senate Bill 154 limits eligibility to California city police departments, sheriff departments, and probation departments. A local District Attorney’s Office may not apply directly for the Organized Retail Theft Prevention Grant Program. But a local DA Office can still perform work under the grant and receive funding if it works collaboratively with an eligible entity and is listed as a Professional Agency or Public Agency in an eligible entity’s proposal and budget.