

Title	San Francisco District Attorney's Office	07/07/2023
	by tina Nunes Ober in Organized Retail Theft Vertical Prosecution Grant Program	id. 41335575
	tina.nunesober@sfgov.org	

Original Submission 07/07/2023

The Organized Retail Theft Vertical Prosecution Grant Program Application is divided into five sections as identified below: Background Information Contact Information Program Information Proposal Narrative and Budget Mandatory Attachments Each section has a series of questions that require a response. Applicants will be prompted to provide written text, select options from a drop down menu, select options from a multiple choice menu, or upload attachments. Questions with a red asterisk require responses. Applicants will not be able to submit the application until all questions with a red asterisk have been completed. Applicants may reference the Organized Retail Theft Vertical Prosecution Grant Program Proposal Instruction Packet for background information, key dates, rating factors, and other important information to aid in the completion of the Grant Program Application. The Proposal Instruction Packet is available on the BSCC website. NOTE: Applicants may start and stop their application but must select "Save Draft" at the bottom of the application before existing.

SECTION I - BACKGROUND INFORMATION This section requests information about the applicant's name, location, mailing address, and tax identification number.

Name of Applicant San Francisco District Attorney's Office

Applicant's Physical Address 350 Rhode Island St
North Building, Suite 400N
San Francisco
CA
94103
US

Applicant's Mailing Address (If different than physical address) n/a

Mailing Address for Payment 350 Rhode Island St
North Building, Suite 400N
San Francisco
CA
94103
US

Tax Identification Number 94-6000417

SECTION II -
CONTACT
INFORMATION

This section requests contact information for the individuals identified as the Project Director, Financial Officer, Day-to-Day Project Contact, Day-to-Day Fiscal Contact, and the Authorized Signature.

Project Director

**Matthew
McCarthy**

Project Director's Title
with

Chief Assistant District Attorney, White Collar Crime Division

Agency/Department/Organization

Project Director's
Physical Address

**350 Rhode Island St
North Building, Suite 400N
San Francisco
CA
94103
US**

Project Director's
Email Address

matthew.l.mccarthy@sfgov.org

Project Director's
Phone Number

+16286524171

Financial Officer

**Eugene
Clendinen**

Financial Officer's Title
with

Chief, Finance and Administration

Agency/Department/Organization

Financial Officer's
Physical Address

**350 Rhode Island St
North Building, Suite 400N
San Francisco
CA
94103
US**

Financial Officer's
Email Address

eugene.clendinen@sfgov.org

Financial Officer's
Phone Number

+16286524030

Day-To-Day Program
Contact

**Tina
Nunes Ober**

Day-To-Day Program
Contact's Title

Managing Assistant District Attorney, Economic Crimes Unit

Day-To-Day Program
Contact's Physical
Address

**350 Rhode Island St
North Building, Suite 400N
San Francisco
CA
94103
US**

Day-To-Day Program
Contact's Email
Address

tina.nunesober@sfgov.org

Day-To-Day Program Contact's Phone Number **+16286524190**

Day-To-Day Fiscal Contact **Eugene Clendinen**

Day-To-Day Fiscal Contact's Title **Chief, Administration and Finance**

Day-To-Day Fiscal Contact's Physical Address **350 Rhode Island St
North Building, Suite 400
San Francisco
CA
94103
US**

Day-To-Day Fiscal Contact's Email Address **eugene.clendinen@sfgov.org**

Day-To-Day Fiscal Contact's Phone Number **+16286524030**

Name of Authorized Officer **Eugene Clendinen**

Authorized Officer's Title with Agency/Department/Organization **Chief, Administration and Finance**

Authorized Officer's Physical Address **350 Rhode Island St
North Building, Suite 400N
San Francisco
CA
94103
US**

Authorized Officer's Email Address **Eugene.Clendinen@sfgov.org**

Authorized Officer's Phone Number **+16286524030**

Authorized Officer Assurances **checked**

SECTION III - PROGRAM INFORMATION **This section requests a Proposal Summary description and identification of the Funding Category.**

Project Title **Reducing Retail Theft in San Francisco's Union Square and Mid-Market Districts**

Proposal Summary

The San Francisco District Attorney's Office (SFDA) proposes a vertical prosecution program for the investigation, charging and prosecution of retail theft by repeat and group offenders in its primary shopping district- Union Square and the mid-Market area of San Francisco. SFDA will have one fully dedicated prosecutor and one investigator assigned to prosecute repeat and group offenders in San Francisco who prey on retail businesses in the city. The goals are to hold offenders appropriately accountable for their conduct, to reduce incidences of retail theft, and to increase public confidence in the safety of in-person shopping in the target area.

Funding Category Information

Applicants may apply for funding in a Small Scope OR Large Scope Category. The maximum an applicant may apply for is up to \$800,000 in the Small Scope category OR up to \$2,050,000 in the Large Scope category. Applicants may apply for any dollar amount up to and including the maximum grant amount identified in each category. Please reference pages 8-9 in the Proposal Instruction Packet for additional information.

Funding Category

Large Scope (Up to \$2,050,000)

SECTION IV - PROPOSAL NARRATIVE AND BUDGET

This section requests responses to the Rating Factors identified in the the Organized Retail Theft Vertical Prosecution Grant Program Instruction Packet.

Proposal Narrative Instructions

The Proposal Narrative must address the Project Need, Project Description, Project Organizational Capacity and Coordination, and Project Evaluation and Monitoring Rating Factors as described in the Instruction Packet (Pages 17-21). A separate narrative response is required for each Rating Factor as described below: The Project Need narrative may not may not exceed 4,474 total characters (includes punctuation, numbers, spacing and any text). In Microsoft Word, this is approximately 2 (two) pages in Arial 12-point font with one-inch margins on all four sides and at 1.5-line spacing. The Project Description narrative may not may not exceed 8,948 total characters (includes punctuation, numbers, spacing and any text). In Microsoft Word, this is approximately 4 (four) pages in Arial 12-point font with one-inch margins on all four sides and at 1.5-line spacing. The Project Organizational Capacity and Coordination narrative may not may not exceed 4,474 total characters (includes punctuation, numbers, spacing and any text). In Microsoft Word, this is approximately 2 (two) pages in Arial 12-point font with one-inch margins on all four sides and at 1.5-line spacing. The Project Evaluation and Monitoring narrative may not may not exceed 4,474 total characters (includes punctuation, numbers, spacing and any text). In Microsoft Word, this is approximately 2 (two) pages in Arial 12-point font with one-inch margins on all four sides and at 1.5-line spacing. A character counter is automatically enabled that shows the number of characters used and the remaining number of characters before the limit for each response met. If the limit is exceeded, a red prompt will appear with the message "You have exceeded the character limit". Applicants will be prohibited from submitting the Organized Retail Theft Vertical Prosecution Grant Program Application until they comply with the character limit requirements. NOTE: It is up to the applicant to determine how to use the total word limit in addressing each section, however as a guide, the percent of total point value for each section is provided in the Proposal Instruction Packet (Page 17).

Project Need

"A growing number of retailers and businesses are leaving the area due to the unsafe conditions for customers, retailers and employees, coupled with the fact that these significant issues are preventing recovery of the area." - spokesperson for the Westfield Union Square Mall. Not long after Nordstrom announced its departure from Union Square, Westfield announced it was

abandoning the mall. Prior to these most current closures of major retail businesses in San Francisco's premier shopping district, several other retailers had closed stores in San Francisco (163 in the last 3.5 years), often blaming public safety issues tied to retail theft. Organized retail theft is causing a massive shift in the wrong direction. Many shoppers no longer feel safe in San Francisco and are driving to suburban shopping areas. The San Francisco Chamber of Commerce conducted a recent survey of San Francisco residents and 80% of the respondents indicated that they are feeling increasingly unsafe in their own city.

SFPD data indicates there were 13,540 reported retail theft incidents from 2019-April 2023. Retail theft causes massive economic losses in San Francisco. SFPD estimates that the value of stolen retail property, from January 2019 - April 2023 alone, totals over \$13 million. It also contributes to a lack of security and increased public fear of shopping or working in retail businesses, leading to closures.

SFDA attorneys carry very large caseloads which make focusing on retail theft cases challenging. Dedicating one prosecutor and one investigator to solely focus on retail theft will allow for more effective investigation and prosecution of these offenses. Because this is such a large problem in San Francisco, SFDA is already dedicating multiple attorneys part-time to vertically prosecute these cases. This grant would allow us the resources to dedicate 100% of an experienced attorney's time to charging and litigating these cases through to final disposition.

Vertical prosecution is an effective method as it allows for a specialized caseload to build expertise and accountability. The grant prosecutor would have a smaller caseload which creates the opportunity to work closely with SFPD to develop evidence and to successfully try cases when needed, without impacting resources in other critical areas.

SFDA would also assign an investigator who is 100% dedicated to investigation both before and after a case is charged. SFDA investigators assigned to the office's felony trial preparation unit are extremely busy due to the large volume of cases in the San Francisco court system. This grant would allow SFDA to assign one investigator who would work with the assigned ADA to prepare these cases and to further investigate, as needed. The investigator could assist in following up on any outstanding evidence that is needed to prove the case and make sure that all witnesses are served with subpoenas and are ready and available to testify.

San Francisco has been hit very hard by organized retail theft and it is no exaggeration to state that it is the national poster child for the increase in retail theft generally across California and the country. It is safe to say that practically every American with a tv or smart phone has seen at least one video of a shoplifter in San Francisco walking or running out with armloads of big-ticket luxury items from Saks or Luis Vuitton or basic goods from Walgreens or Safeway. These incidents create public safety concerns for customers and employees.

Approximately 163 retailers have closed stores across San Francisco, and many of them point to the level of retail theft and the loss of business due to public fear. Examples include Nordstrom, Nordstrom Rack, Walgreens, CVS and Whole Foods. The center of mid-Market shopping has long been the Westfield Shopping Mall. The Westfield Corporation recently opted to default on its lease and the mall may close entirely.

The loss of major retailers and also small businesses in Union Square is an economic hardship for San Francisco as it already faces a budget shortfall. The loss of tax revenues is devastating and may result in cuts to city services. The closing of these businesses also means job losses for the employees. The crimes are also costly to the criminal justice system.

The proposed program will allow SFDA to commit necessary resources to this pressing crisis.

Staffing

SFDA will use the grant to fund a full-time dedicated vertical prosecutor and a full-time dedicated district attorney investigator. Additional funds will be used to for data compilation and analysis.

SFDA currently assigns theft cases to prosecutors in various units. Under the proposed plan, these efforts will be concentrated through a grant-funded vertical prosecutor and investigator. SFDA will staff this grant-funded position with an attorney having significant felony prosecution experience (either by re-assignment of a currently-employed attorney or by hiring an experienced prosecutor from outside the Office).

The grant-funded personnel will be located in the Economic Crimes Unit (ECU) of the White Collar Crime Division (WCCD). ECU is a small team that currently handles investigation and vertical prosecution of various types of fraud. Most of the cases are governed by one or more grants. Because ECU already manages multiple grant-funded caseloads, it is well-suited to implement the goals of this Grant Program. Housing this project in ECU will allow for close supervision of the caseloads and the staff assigned to the grant project. It is expected that the number of retail theft cases prosecuted by the SFDA during the grant period will exceed the capacity of a single prosecutor, even one dedicated full-time to these cases. (SFDA currently has 374 open retail theft cases, and that number is expected to grow.) The proposed plan therefore expects that the grant-funded prosecutor will carry a full caseload of priority retail theft cases, and will also work with experienced vertical felony prosecutors to handle additional cases. These attorneys are expected to be located in the Office's Special Prosecutions Unit (cases involving fences and resellers), Major Crimes Unit (cases involving violence, high-frequency offenders, and group offenders), and General Felonies Unit (cases not handled by the above units).

Target Area

The target area for this grant proposal is Union Square and the adjacent mid-Market area of San Francisco. Union Square is San Francisco's prime commercial district in the heart of downtown. It has the highest density of retail stores, and as such, presents a very high density of retail theft victims. SFDA has selected this target area, in collaboration with our partners in SFPD, because of the prevalence of theft crimes and the impact that these crimes are having on retailers in the area. Between 2019 and mid-2023, there were 13,540 reported retail theft incidents in San Francisco. 5,827 of these (43%) occurred in the target area.

Targeting this area will allow SFDA to focus on the most impactful cases. We will work closely with SFPD assigned to patrol the target area so that we can identify individuals who are repeat offenders and are known to the officers who work there. Knowing repeat offenders and what their motives may be for committing theft will assist us in determining the best options for disposition. SFPD has already completed data analysis and produced a list of repeat offenders, as well as the retail stores where most of these thefts are occurring. Using the SFPD's list of the most serious offenders, the grant-funded vertical prosecutor will be able to focus SFDA resources on priority cases and defendants.

Finally, Union Square's vacant retail space has recently exceeded 30% for the first time in decades. Many of the departing retailers have pointed to retail theft and the concurrent lack of customer foot traffic as significant factors in their decision to close and/or relocate their stores. One of the project goals is to increase public confidence in the safety of shopping in the target area, in order to try to reverse the economic deterioration of recent years.

How the Proposed Project Will Address the Project Need and Reduce

Recidivism

As set forth in greater detail below and in the Project Work Plan (Appendix C), the proposed project will address the Project Need in several ways:

- Intake and rebooking of retail theft cases will be centralized in a team consisting of the grant-funded vertical prosecutor, the Managing Attorney of the ECU, and the Chief of WCCD, in order to ensure consistency in charging decisions regarding these cases.
- Retail theft offenders will be triaged early in the prosecution process in order to seek appropriate outcomes, including: diversion/treatment, probation with appropriate conditions, and/or incarceration, with the twin goals of ensuring public safety and reducing recidivism.
- Vertical prosecution of high-frequency and group offenders will be prioritized in order to reduce overall theft offenses. Such a result would not only reduce direct financial losses to retailer victims, but is also likely to increase consumer confidence, resulting in increased foot traffic and commercial activity.

Plans to Collaborate With Retailers

SFDA will collaborate with retailers in several ways as part of the proposed project:

First, SFDA will work with retail theft victims to ensure that their legally-entitled restitution is ordered in all appropriate cases and that, where possible, stolen items are returned in a timely manner.

Second, SFDA will collaborate with retail partners on methods that are effective at reducing or preventing thefts before or during theft activity (through deterrence, detection, and disruption).

Third, SFDA personnel will collaborate with retail partners (particularly loss prevention personnel) to discuss effective methods of gathering and sharing evidence of theft offenses to support prosecution efforts.

Alternatives to Incarceration

SFDA has long been a leader in promoting alternatives to incarceration, and currently has a variety of programs, collectively referred to as “Diversion and Collaborative Courts” that are set up to provide alternative dispositions in appropriate cases. As part of the proposed project, vertical prosecutors will work with the SFDA Collaborative Courts Unit to determine if charged individuals can benefit from any of the available programs. The goal is to reduce recidivism by providing rehabilitation programs and treatment that will assist these repeat offenders in living a crime-free life. Vertical prosecution allows the grant-funded prosecutor to tailor dispositions that can be more specific to the individual defendant and his or her needs, in accordance with the overall goals of promoting public safety and reducing recidivism.

Project Goals and Objectives

The proposed project goals and objectives, including details regarding project activities and staffing, are set forth in greater detail in the attached Project Work Plan (Appendix C). In summary, the proposed project has three primary goals, each with related objectives:

1. **Hold Retail Theft Offenders Appropriately Accountable for Their Conduct**
 - A) Ensure consistency in charging decisions regarding retail theft by centralizing charging/rebooking decisions
 - B) Appropriately triage retail theft defendants into appropriate outcomes, including diversion/treatment, probation with appropriate conditions, and/or incarceration, in order to ensure public safety and reduce recidivism
 - C) Ensure restitution to victims whenever possible
2. **Reduce Incidences of Retail Theft in The Targeted Area and The City Generally**

- 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

3. Increase Public Confidence in The Safety of In-Person Shopping in The Target Area

- 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 reality of safety in and around retail stores in the target area.

Rationale for the Proposed Project

SFDA believes that the intended goals and objectives set forth above and in the Project Work Plan are likely achievable in partnership with the SFPD and local retailers. The proposed focus on the target area will allow SFDA to dedicate its resources to a concentrated geographic region that accounts for nearly half of the retail theft offenses in the City. The vertical prosecution model will allow for consistent, high-quality prosecution efforts on the most impactful retail theft cases in the jurisdiction, while tailoring dispositions in individual cases in the manner most likely to reduce recidivism and ensure public safety. Efforts to publicize law-enforcement actions in and around the target area will likely improve public perception of the target area, resulting in increased foot traffic and commercial activity. Overall, the proposed project should serve to reduce criminal activity and improve quality of life in the target area.

Project Organizational Capacity and Coordination

SFDA's Ability to Administer the Project

SFDA is requesting funding for one full-time vertical prosecutor and one full-time district attorney investigator. In addition, we are seeking funding for 25% of one administrative data analyst for the project.

The grant-funded prosecutor and investigator will reside in the Economic Crimes Unit (ECU), a unit with long experience in managing grant-funded projects. SFDA will re-assign or hire a prosecutor and an investigator with a minimum of 5 years' experience in felony prosecution and investigation, respectively. The Managing Attorney of the ECU will supervise the day-to-day operations of the project in conjunction with the Chief of the White Collar Crime Division (WCCD), who together have nearly 50 years of experience. Intake of cases will be handled by a team consisting of the grant-funded prosecutor, the Managing Attorney of ECU, and the Chief of WCCD. Because SFDA expects that there will be far too many retail theft cases for one prosecutor to handle, the Office will staff cases with additional, non-grant funded, personnel as needed.

The existing SFDA data team will work with the grant-funded personnel to monitor statistics related to the program, which will allow us to make any necessary changes rapidly and effectively. The data analyst will also work with SFPD's data staff, as it is important for us to know what is happening on the ground level from SFPD.

Partner Agency and Coordination

SFDA will work with SFPD on all aspects of investigation and prosecution. SFDA and SFPD have already agreed to work jointly to attain the goals and objectives contained in their respective retail theft grant applications. We will share information with SFPD as our closest law enforcement partner. Grant-funded personnel will have regular communication with SFPD on all vertically prosecuted cases; and they will be available to train and provide assistance to SFPD so that both agencies can learn best practices and secure the best

outcomes.

Timeline of Contracts and Readiness to Proceed

SFDA's Data Team has extensive experience contracting with independent evaluators to assess the effectiveness of new initiatives and grant-funded activities. To evaluate the efficacy of the proposed vertical prosecution model, SFDA will identify a researcher with experience evaluating law enforcement interventions, with a particular focus on our local academic institutions. Potential research collaborators include UC Berkeley, the University of San Francisco, and Stanford University, all of which are currently engaged with SFDA. This evaluation period is tentatively scheduled to begin after at least one year of project data is available for review, likely in early 2025.

SFDA is ready to proceed with grant-funded activities immediately. Much of the staffing and structure necessary for the prosecution of retail theft is already in place, and grant-funds will be quickly used to fund full-time positions to staff the project.

Management Structure and Decision Making Process

The Project Director will be Matthew McCarthy, Chief of the White Collar Crime Division.

The day-to-day management of the project will be handled by Tine Nunes Ober, the Managing Attorney of the Economic Crimes Unit.

The Financial Officer will be Eugene Clendinen, the Chief of Finance and Administration for the SFDA.

The grant-funded prosecutor will have discretion to charge cases under criteria which SFDA will establish. He or she will report to the Managing Attorney for ECU and will seek guidance as necessary from the Chief of WCCD.

The grant-funded investigator will be supervised by the Lieutenant for ECU investigators, who has significant experience in managing grant-funded investigators.

Plans to Sustain the Project

As the grant is a one-time, three year grant, SFDA must ensure that we can continue with the best practices learned over the three years. The grant-funded personnel are committed to the project for the grant term, and will train other attorneys and investigators in the office on how to investigate and prosecute these cases. We plan to build a model retail theft prosecution program that will carry forward beyond the grant period.

SFDA will have some retail theft cases housed in other vertical prosecution units during and after the grant period. We are confident that these prosecutors will be able to vertically prosecute retail theft cases using the experience gained during the grant period.

Project Evaluation and Monitoring

The Data, Research, and Analytics Team (Data Team) within SFDA promotes a culture of data collection, metrics tracking, information sharing, and adoption of innovative approaches to increase public safety. The Team analyzes data from SFDA's case management system as well as administrative data from other criminal justice system agencies to provide internal decision-makers with information on day-to-day office operations as well as to help facilitate the research and evaluation of SFDA's performance and policies.

SFDA's Data Team has extensive experience contracting and partnering with independent evaluators to assess the effectiveness of new initiatives and grant-funded activities. To evaluate the efficacy of the proposed vertical prosecution model, SFDA will identify a researcher with experience evaluating law enforcement interventions, with a particular focus on our local academic institutions. Potential research collaborators include UC Berkeley, the

University of San Francisco, and Stanford University, all of which are currently engaged with SFDA.

Nora Gregory is the Director of the Data, Research, and Analytics Team. Ms. Gregory has a master's degree in Public Policy and over 10 years of experience managing complex data systems, performing statistical analyses, and engaging with researchers analyzing criminal justice data. Before coming to the SFDA, Ms. Gregory conducted data and research projects for the Cook County State's Attorney's Office. She also has previous experience running randomized evaluations of government and social programs with researchers at Yale University, Dartmouth College, and the University of Chicago.

Ms. Gregory will oversee the process of competitively bidding out and selecting the independent research institution for the evaluation of the Organized Retail Theft Vertical Prosecution Program. Ms. Gregory will also oversee the collection of data for monitoring the project as well as for the outcome evaluation. The grant funds will cover 25% time of an SFDA Administrative Data Analyst, who will also support project monitoring and data collection efforts.

During the grant period, Ms. Gregory and the Administrative Data Analyst will work closely with the Chief of WCCD and the dedicated vertical prosecution staff to ensure that the components of the vertical model are being implemented as intended. The Data Analyst will prepare regular reports on organized retail theft cases received, filed, and resolved by SFDA as well as reports on broader retail crime trends downtown. The Data Team will meet regularly with the internal project stakeholders to present on these trends as well as strategize on any components of the implementation that needs adjustment.

Once SFDA has selected an external evaluation partner, Ms. Gregory and the Chief of WCCD will work with the partner to fully define research design and outcome measures. As it currently stands, the SFDA's case management system allows the Office to collect and track:

- Filing decisions on cases presented to the SFDA by law enforcement
- Referrals to and outcomes from diversion programs
- The Unit and attorney responsible for prosecuting a case
- Case outcomes (convictions, acquittals, dismissals, etc.)
- Sentence type (probation, county jail, state prison, etc.)

Since SFDA's proposed model for the grant would entail having a single attorney oversee all vertical Retail Theft cases, it will be easy to identify in the data which cases are and are not being prosecuted via the vertical model.

SFDA's primary goal in implementing the Retail Theft vertical prosecution model is the sustained reduction in property crime in San Francisco, with particular focus on Union Square and the mid-Market area. To evaluate the impact of the vertical model, the Administrative Data Analyst will collect and compile the above data points on a regular basis and ensure these data are securely transmitted to the external evaluator to analyze. The results of this analysis will form the basis for the outcome evaluation. While we will work with our external evaluation partner to ultimately define the research design, at this moment, we propose a difference-in-differences design, examining temporal and geographic variation to estimate the effect of the vertical prosecution model on organized retail theft incidents in San Francisco.

Budget Instructions **Applicants are required to submit a Proposal Budget and Budget Narrative (Budget Attachment). Upon submission the Budget Attachment will become Section 5: Budget (Budget Tables & Narrative) making up part of the official proposal. The Budget Attachment must be filled out completely and accurately. Applicants are solely responsible for the accuracy and completeness of the information entered in the Proposal Budget and Budget Narrative. The Proposal Budget must cover the entire grant period. For additional guidance related to grant budgets, refer to the BSCC Grant Administration Guide. The Budget Attachment is provided as a stand-alone document on the BSCC website.**

Budget Attachment

[DAT_Organized-Retail-Theft-Vertical-Prosecution-Grant-Program-Budget_07.06.2023.xlsx](#)

SECTION V -
MANDATORY
ATTACHMENTS

This section list the attachments that are required at the time of submission. Project Work Plan (Appendix B) Grantee Assurance for Non-Governmental Organizations (Appendix D) Letter(s) of Commitment If Applicable (Appendix E) Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement (Appendix F) Governing Board Resolution Optional (Appendix G)

Project Work Plan (Appendix B)

[Project-Work-Plan-ORT-VP.SFDA.docx](#)

Grantee Assurance for Non-Governmental Organizations (Appendix D)

[Grantee-Assurance-for-Non-Governmental-Organizations-ORT-VP_for_EVCs_signature.pdf](#)

Letter(s) of Commitment, (Appendix E)

[Letter_of_committment.SFPD.pdf](#)

Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft, and Embezzlement (Appendix F)

[Certification-of-Compliance-with-BSCC-Policies-on-Debarment_-Fraud_-Theft_-and-Embezzlement-ORT-VP_for_EVCs_signature.pdf](#)

OPTIONAL: Governing Board Resolution (Appendix G)

[2023.6.28_Designating_District_Attorneys_Office_as_the_main_applicant_entity_with_the_BSCC.pdf](#)

OPTIONAL:
Bibliography

n/a

CONFIDENTIALITY
NOTICE:

All documents submitted as a part of the Organized Retail Theft Vertical Prosecution Grant Program proposal are public documents and may be subject to a request pursuant to the California Public Records Act. The BSCC cannot ensure the confidentiality of any information submitted in or with this proposal. (Gov. Code, § 6250 et seq.)

Appendix B: Project Work Plan

Applicants must complete a Project Work Plan. This Project Work Plan identifies measurable goals and objectives, process and outcome measures, activities and services, responsible parties for those activities and services, data sources and estimated timelines. Completed plans should (1) identify the project's top goals and objectives; (2) identify how the goal(s) will be achieved in terms of the activities, responsible staff/partners, and start and end dates, process and outcome measures; and (3) provide goals and objectives with a clear relationship to the need and intent of the grant. As this grant term is for three (3) years, the Project Work Plan must attempt to identify activities/services and estimate timelines for the entire grant term. A minimum of one goal and corresponding objectives, process measures, etc. must be identified.

Applicants must use the Project Work Plan provided below. You will be prompted to upload this document to the BSCC-Submittable Application.

(1) Goal:	Hold Retail Theft Offenders Appropriately Accountable for Their Conduct
Objectives (A., B., etc.)	<p>A) Ensure consistency in charging decisions regarding retail theft by centralizing charging/rebooking decisions</p> <p>B) Appropriately triage retail theft defendants into appropriate outcomes, including diversion/treatment, probation with appropriate conditions, and/or incarceration, in order to ensure public safety and reduce recidivism</p> <p>C) Ensure restitution to victims whenever possible</p>
Process Measures and Outcome Measures:	<p><u>Process Measures:</u></p> <p>A) Staff have been hired and/or assigned into their roles for charging/rebooking of retail theft cases; staff have been trained to appropriately assess and charge retail theft cases</p> <p>B) Cases are being assessed as early as possible to determine prosecution goals for each case/defendant</p> <p>C) Staff have been trained and given appropriate resources to obtain financial restitution for victims; procedures have been designed and implemented to return stolen property to victims as efficiently as possible, while preserving necessary evidence for prosecution</p> <p><u>Outcome Measures:</u></p> <p>A) Cases are being charged/rebooked consistently and in keeping with Office policies</p>

	<p>B) Case dispositions are being obtained in keeping with the goals set forth at the time of charging; overall reduction in retail theft observed in target area; reduction in recidivism among charged defendants</p> <p>C) Restitution is ordered in all appropriate cases; up-front restitution is paid to victims prior to sentencing where possible; stolen property is being returned to victims more quickly</p>		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
<p>A) A rebooking team will be created consisting of, at least initially, the grant-funded vertical retail theft prosecutor, the Managing Attorney of the Economic Crimes Unit, and the Chief of the White Collar Crime Division, this rebooking team will be adjusted as necessary over the life of the grant; criteria for evaluating and charging retail theft cases will be developed by and discussed among members of the rebooking team</p> <p>B) Rebooking team members will work with existing SFDA Collaborative Courts staff to determine appropriate candidates for diversion and treatment programs, and will work with justice partners in those programs to reduce recidivism and obtain restitution for victims.</p> <p>The grant-funded prosecutor and other felony prosecutors in the office will work to obtain convictions with appropriate terms of probation to reduce recidivism and obtain restitution for victims.</p> <p>Where necessary, the grant-funded vertical prosecutor and other experienced felony prosecutors in the office will work to incarcerate repeat and/or violent offenders to support public safety.</p> <p>C) The grant-funded vertical prosecutor will work to ensure that victims in vertically-prosecuted cases are ordered to pay restitution as appropriate.</p>	<p>A) Grant-funded vertical prosecutor, Managing Attorney of Economic Crimes Unit, Chief of White Collar Crime Division</p> <p>B) Grant-funded vertical prosecutor and district attorney investigator, Managing Attorney of Economic Crimes Unit, Chief of White Collar Crime Division, SFDA Collaborative Courts staff; other SFDA felony prosecutors as needed</p> <p>C) Grant-funded vertical prosecutor and district attorney investigator, Managing Attorney of Economic</p>	<p>10/1/23</p> <p>4/1/24</p> <p>4/1/24</p>	<p>12/31/23</p> <p>12/31/26</p> <p>12/31/26</p>

<p>The grant-funded vertical prosecutor will provide training and advice to other prosecutors in the Office handling retail theft cases relating to restitution issues.</p> <p>The Office will develop procedures to ensure that stolen property is returned to victims as quickly as possible while preserving necessary evidence for prosecution.</p> <p>The grant-funded vertical prosecutor will work with other prosecutors in the office and SFPD to ensure that these procedures are being used appropriately.</p>	<p>Crimes Unit, Chief of White Collar Crime Division; other SFDA felony prosecutors; SFPD personnel with custody of recovered stolen goods</p>		
<p>List data and sources to be used to measure outcomes:</p> <p>Qualitative review of the creation and implementation of policies and procedures will be conducted by the Managing Attorney of the Economic Crimes Unit and the Chief of the White Collar Crime Division.</p> <p>Quantitative review of the charging and disposition of cases will be conducted by the SFDA's internal Data and Research team using our internal eProsecutor case management system as well as information obtained from the Superior Court through the JUSTIS computer system.</p>			

(2) Goal:	Reduce Incidences of Retail Theft In The Targeted Area And The City Generally
Objectives (A., B., etc.)	<p>A) Reduce retail thefts committed by high-frequency offenders through vertical prosecution</p> <p>B) Reduce retail thefts by group offenders through vertical prosecution</p> <p>C) Reduce retail theft by opportunist offenders</p> <p>D) Collaborate with retail partners on effective methods of deterrence and evidence gathering</p>
Process Measures and Outcome Measures:	<p><u>Process Measures</u></p> <p>A) Cases involving identified high-frequency offenders are being prosecuted by the grant-funded vertical prosecutor or by other experienced vertical felony prosecutors in the Office.</p>

	<p>B) Cases involving group offenders are being prosecuted by the grant-funded vertical prosecutor or by other experienced vertical prosecutors in the office.</p> <p>C) Increased vertical prosecution of high-frequency and group offenders is resulting in the ability of loss prevention officers to focus on opportunist offenders who do not have a record of theft offenses and are not working with groups of thieves.</p> <p>D) Formal and informal meetings are held with retail partners to discuss best practices in deterring and prosecuting retail thefts.</p> <p><u>Outcome Measures</u></p> <p>A) Number of reported retail thefts committed by high-frequency repeat offenders in the Union Square and Mid-market commercial core are reduced.</p> <p>B) Number of reported retail thefts committed by group offenders in the Union Square and Mid-market commercial core are reduced.</p> <p>C) Number of reported retail thefts committed by opportunist offenders are reduced.</p> <p>D) Number of cases discharged (pre-filing) or dismissed (post-filing) for lack of evidence are reduced.</p>
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Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
<p>A) SFDA personnel will coordinate with SFPD counterparts to identify high-frequency offenders.</p> <p>Cases involving high-frequency offenders will be vertically prosecuted by grant-funded vertical prosecutor as well as experienced vertical prosecutors in SFDA's Major Crimes Unit and General Felonies Unit.</p> <p>Vertical prosecutors and their managing attorneys will identify and implement prosecution methods to deter or inhibit future criminal activity of high-frequency offenders through a combination of diversion, treatment, or incarceration, as appropriate.</p>	<p>A) Vertical prosecutors (grant-funded and in SFDA Major Crimes Unit and General Felonies Unit), grant-funded district attorney investigator, Managing Attorneys of Economic Crimes Unit and Major Crimes Unit, Lieutenant and Sergeants in SFPD Burglary detail.</p>	10/1/23	12/31/26

<p>B) SFDA personnel will coordinate with SFPD counterparts and retail partners to identify offenders working in concert.</p> <p>These cases will be assigned to either the grant-funded vertical prosecutor or experienced vertical prosecutors in SFDA's Major Crimes Unit.</p> <p>Vertical prosecutors and their managing attorneys will identify and implement prosecution methods to deter and prevent such coordinated criminal activity, including the use of conspiracy, aiding-and-abetting, and accomplice liability theories of prosecution.</p>	<p>B) Vertical prosecutors (grant-funded and in SFDA Major Crimes Unit), grant-funded district attorney investigator, Managing Attorneys of Economic Crimes Unit and Major Crimes Unit, Lieutenant and Sergeants in SFPD Burglary detail.</p>	<p>10/1/23</p>	<p>12/31/26</p>
<p>C) SFDA will publicize the arrest and prosecution of theft offenders, including the consequences of theft convictions.</p> <p>SFDA, in concert with SFPD counterparts and retail partners, will work to increase the public perception of safety and security in retail environments by reducing the incidence of overt, high-visibility thefts by high-frequency and group offenders.</p> <p>SFDA, in concert with SFPD counterparts, will work to increase the efficacy of retail partners' loss-prevention resources by reducing the number attention-draining thefts committed by high-frequency and group offenders, thereby allowing loss prevention personnel to focus their efforts on opportunist offenders.</p>	<p>C) Vertical prosecutors (grant-funded and in SFDA Major Crimes Unit), grant-funded district attorney investigator, Managing Attorneys of Economic Crimes Unit and Major Crimes Unit, SFDA communications staff, Lieutenant and Sergeants in SFPD Burglary detail, loss prevention personnel from retail partners.</p>	<p>7/1/24</p>	<p>12/31/26</p>
<p>D) SFDA personnel will meet with retail partners (either individual entities or advocacy groups) to discuss tactics that are effective at reducing or preventing completed thefts before or during theft activity (through deterrence, detection, and disruption).</p> <p>SFDA personnel will meet with retail partners (particularly loss prevention personnel) to discuss effective methods of</p>	<p>D) Grant-funded vertical prosecutor and district attorney investigator, Managing Attorney of Economic Crimes Unit.</p>	<p>1/1/24</p>	<p>12/31/26</p>

gathering, preserving, and sharing evidence of attempted and completed theft offenses to support prosecution efforts.			
<p>List data and sources to be used to measure outcomes:</p> <p>Qualitative review of the creation and implementation of policies and procedures will be conducted by the Managing Attorney of the Economic Crimes Unit and the Chief of the White Collar Crime Division.</p> <p>Quantitative review of the charging and disposition of cases will be conducted by the SFDA's internal Data and Research team using our internal eProsecutor case management system as well as information obtained from the Superior Court through the JUSTIS computer system.</p> <p>Quantitative review of the incidence of theft crimes will come from data analysis conducted by the SFPD, relying on incident reports taken by SFPD officers and/or complaints filed by retail partners and other civilian sources.</p>			

(3) Goal:	Increase Public Confidence In The Safety of In-Person Shopping In The Target Area
Objectives (A., B., etc.)	<p>A) Inform the public of law-enforcement efforts to deter and prosecute theft offenses.</p> <p>B) Collaborate with SFPD and retail partners to improve both the perception and reality of safety and security in and around retail stores in the Union Square and Mid-market commercial core.</p>
Process Measures and Outcome Measures:	<p><u>Process Measures:</u></p> <p>A) SFDA is using communications resources to publicize efforts by SFDA and SFPD to combat and prevent retail theft.</p> <p>B) SFDA is coordinating efforts with SFPD and retail partners to improve safety and security in the target area, and is working to inform the general public of these efforts.</p> <p><u>Outcome Measures:</u></p> <p>A) Public perception of the safety and desirability of in-person shopping in the target area is improved, as reflected in opinion polls (frequently reported by local media) and foot traffic in the target area.</p> <p>B) Reported incidents of criminal activity in and around retail stores in the target area are reduced, with an emphasis on violent crimes and theft offenses.</p>

Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
<p>A) SFDA communications personnel will issue press releases and engage in related media efforts to publicize efforts by SFDA and SFPD to arrest and prosecute theft offenders, with an emphasis on the consequences of these offenses to the offenders and the harm inflicted on victims.</p> <p>SFDA personnel, including the grant-funded vertical prosecutor and district attorney investigator, will attend community engagement meetings to educate the public on SFDA and SFPD's efforts to combat and deter theft offenses.</p>	<p>A) SFDA communications staff, grant-funded vertical prosecutor and district attorney investigator, Managing Attorney of Economic Crimes Unit</p>	10/1/23	12/31/26
<p>B) SFDA personnel, including the grant-funded vertical prosecutor, grant-funded investigator, and appropriate supervisory attorneys, will meet periodically with SFPD counterparts to coordinate efforts in investigation and prosecution of crimes in and around retail stores in the target area.</p> <p>SFDA personnel, including the grant-funded vertical prosecutor and investigator, will attend community engagement meetings to educate the public on SFDA and SFPD's efforts to combat and deter theft offenses, and will provide data-driven information regarding public safety in the target area.</p>	<p>B) Grant-funded vertical prosecutor and district attorney investigator, Managing Attorney of Economic Crimes Unit, Chief of the White Collar Crime Division, SFPD counterparts in the Burglary Detail.</p>	10/1/23	12/31/26
<p>List data and sources to be used to measure outcomes:</p> <p>Qualitative review of the creation and implementation of policies and procedures will be conducted by the Managing Attorney of the Economic Crimes Unit and the Chief of the White Collar Crime Division.</p> <p>Quantitative review of the incidence of theft crimes will come from data analysis conducted by the SFPD, relying on incident reports taken by SFPD officers and/or complaints filed by retail partners and other civilian sources.</p> <p>Quantitative review of the public perception of the safety and desirability of shopping in the target area will be obtained from the review of publicly-reported opinion polls (which are commonly reported in local</p>			

media in San Francisco), as well as foot traffic and sales data from retail partners (whether publicly reported or directly shared).

Organized Retail Theft Vertical Prosecution Grant Program - Project Budget and Budget Narrative

Name of Applicant: *San Francisco District Attorney's Office*

44-Month Budget: October 1, 2023 to June 1, 2027

Note: Rows 7-16 will auto-populate based on the information entered in the budget line items (Salaries and Benefits, Services and Supplies, etc.)

Budget Line Item	Total
1. Salaries & Benefits	\$1,782,147.00
2. Services and Supplies	\$0.00
3. Professional Services or Public Agencies	\$150,000.00
4. Non-Governmental Organization (NGO) Subcontracts	\$0.00
5. Data Collection and Evaluation	\$0.00
6. Equipment/Fixed Assets	\$0.00
7. Financial Audit (Up to \$25,000)	\$10,000.00
8. Other (Travel, Training, etc.)	\$50,225.00
9. Indirect Costs	\$57,628.00
TOTAL	\$2,050,000.00

1a. Salaries & Benefits

Description of Salaries & Benefits	(% FTE or Hourly Rate) & Benefits	Total
8177 Attorney	1.0 FTE at average hourly rate of \$99.39 with 31.86% fringe benefits	\$890,097.00
8550 District Attorney's Investigator	1.0 FTE at average hourly rate of \$84.20 with 28.46% fringe benefits	\$734,647.00
1822 Administrative Analyst	0.25 FTE at average hourly rate of \$60.58 with 35.76% fringe benefits	\$157,403.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
TOTAL		\$1,782,147.00

1b. Salaries & Benefits Narrative:

Enter narrative here. You may expand cell height if needed.

2a. Services and Supplies

Description of Services or Supplies	Calculation for Expenditure	Total
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
TOTAL		\$0.00

2b. Services and Supplies Narrative:

Enter narrative here. You may expand cell height if needed.

3a. Professional Services

Description of Professional Service(s)	Calculation for Expenditure	Total
		\$150,000.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
TOTAL		\$150,000.00

3b. Professional Services Narrative

Budget for an outside evaluator to analyze data. This allows for a neutral evaluation of the program data which we can use to measure successes and make any modifications to the program to ensure we are attaining our goals.

4a. Non-Governmental Organization (NGO) Subcontracts

Description of Non-Governmental Organization (NGO) Subcontracts	Calculation for Expense	Total
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
TOTALS		\$0.00

4b. Non-Governmental Organization (NGO) Subcontracts Narrative

Enter narrative here. You may expand cell height if needed.

5a. Data Collection and Evaluation

Description of Data Collection and Evaluation	Calculation for Expense	Total
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
TOTALS		\$0.00

The facility rental is at an annual rate of \$27,588 per FTE.

9a. Indirect Costs

For this grant program, indirect costs may be charged using only one of the two options below:	Grant Funds	Total
1) Indirect costs not to exceed 10 percent (10%) of the total grant award. Applicable if the organization does not have a federally approved indirect cost rate.	\$57,628	\$57,628
<i>If using Option 1) grant funds allocated to Indirect Costs may not exceed:</i>	\$0	
2) Indirect costs not to exceed 20 percent (20%) of the total grant award. Applicable if the organization has a federally approved indirect cost rate. Amount claimed may not exceed the organization's federally approved indirect cost rate.	\$0	\$0
<i>If using Option 2) grant funds allocated to Indirect Costs may not exceed:</i>	\$0	
<i>Please see instructions tab for additional information regarding Indirect Costs. If the amount exceeds the maximum allowed and/or turns red, please adjust it to not exceed the line-item noted.</i>		
TOTAL	\$57,628	\$57,628

9b. Indirect Costs Narrative:

Use for indirect general administration, Finance, Payroll, Human Resources, Information Technology, and Executive Management costs.



LONDON N. BREED
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158



WILLIAM SCOTT
CHIEF OF POLICE

July 7, 2023

Board of State and Community Corrections
2590 Venture Oaks Way, Suite 200
Sacramento, CA 95833

Re: The Organized Retail Theft Vertical Prosecution Grant Program

To Whom It May Concern:

This letter is being submitted to document that the San Francisco Police Department (SFPD) agrees to partner on the Organized Retail Theft (ORT) Vertical Prosecution Grant Program proposal being submitted by the San Francisco District Attorney (SFDA).

SFDA and SFPD have a long history of cooperation and already have an established and extensive relationship. SFDA is the prosecuting agency for the City and County of San Francisco, responsible for the filing and prosecution of cases presented by SFPD. SFDA has numerous previous and ongoing prosecutions for ORT that were presented for charging by SFPD's Major Crimes, Burglary Detail.

SFPD is applying for the BSCC Organized Retail Theft Prevention Grant Program, and SFPD and SFDA are already collaborating on each other's BSCC ORT grant applications, including sharing ORT data sets and analysis, and have designed their proposed grant activities to be mutually supportive in combatting ORT.

As a part of this grant, SFPD agrees to zealously pursue ORT offenders in partnership with SFPD's prosecutors, collaborate on strategic planning to combat ORT, share data and intelligence, conduct joint operations with SFDA's prosecutors and investigators, and promote the shared goals and messaging of combatting ORT in San Francisco.

Sincerely,


WILLIAM SCOTT
Chief of Police