

File No. 231222

Committee Item No. 5

Board Item No. 4

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee  
Board of Supervisors Meeting

Date January 17, 2024

Date January 30, 2024

#### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Grant Information Form                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Award Letter                                 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER (Use back side if additional space is needed)

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>DAT Statement on Retroactivity 11/28/2023</u> |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____  |
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Completed by: Brent Jalipa

Date January 11, 2024

Completed by: Brent Jalipa

Date January 18, 2024

1 [Accept and Expend Grant - Retroactive - State of California - Board of State and Community  
2 Corrections - Organized Retail Theft Vertical Prosecution Program - Amendment to the  
Annual Salary Ordinance - FY2023-2024 and FY2024-2025 - \$2,050,000]

3  
4 **Ordinance retroactively authorizing the Office of the District Attorney to accept and**  
5 **expend a grant in the amount of \$2,050,000 from the State of California, Board of State**  
6 **and Community Corrections, to fund the Organized Retail Theft Vertical Prosecution**  
7 **Grant Program; and amending Ordinance No. 145-23 (Annual Salary Ordinance File No.**  
8 **230645 for Fiscal Years (FYs) 2023-2024 and 2024-2025) to provide for the addition of**  
9 **one grant-funded position in Class 8177 Attorney-Civil/Criminal (FTE 1.0) and one**  
10 **grant-funded position in Class 8550 District Attorney’s Investigator-SFERS (FTE 1.0) at**  
11 **the Office of the District Attorney for the grant agreement period of October 1, 2023,**  
12 **through June 1, 2027.**

13 Note: Additions are *single-underline italics Times New Roman*;  
14 deletions are *strikethrough italics Times New Roman*.  
15 Board amendment additions are double underlined.  
16 Board amendment deletions are ~~strikethrough normal~~.

17 Be it ordained by the People of the City and County of San Francisco:

18  
19 Section 1. Findings.

20 (a) The Office of the District Attorney was awarded \$2,050,000 by the State of  
21 California Board of State and Community Corrections to support the Organized Retail Theft  
22 Vertical Prosecution Grant Program.

23 (b) The grant agreement service period is from October 1, 2023, to December 31,  
24 2026. The period of January 1, 2027, to June 1, 2027, is included in the term of the grant  
25 agreement for the completion of Final Local Evaluation Report and financial audit only.

1 (c) The Organized Retail Theft Vertical Prosecution Grant Program was established in  
2 the State Budget Act of 2022 (Assembly Bill 178, Chapter 45, Statutes of 2022).

3  
4 Section 2. Authorization to accept and expend grant funds.

5 (a) The Board of Supervisors hereby authorizes the Office of the District Attorney to  
6 accept and expend, on behalf of the City and County of San Francisco, State of California  
7 Board of State and Community Corrections grant funds in the amount of \$2,050,000 to  
8 support the Organized Retail Theft Vertical Prosecution Grant Program to address the  
9 increased levels of retail theft property crimes by using a vertical prosecution model.

10 (b) The District Attorney of the City and County of San Francisco is authorized,  
11 on behalf of the Board of Supervisors, to submit the attached proposal to the California Board  
12 of State and Community Corrections and is authorized to execute the Grant Agreement,  
13 included in Board of Supervisors File No. 231222, and to execute any amendments thereof.

14 (c) The grant funds received thereunder shall not be used to supplant expenditures  
15 controlled by this body.

16 (d) The Office of the District Attorney agrees to abide by the terms and conditions of  
17 the Grant Agreement as set forth by the State of California Board of State and Community  
18 Corrections.

19 (e) The Office of the District Attorney is required to complete a Local Evaluation Plan  
20 that will be used to evaluate the effectiveness of the project component(s), with the project  
21 goals and the project objectives clearly stated. The Local Evaluation Plan is due no later than  
22 April 1, 2024.

23 (f) The Office of the District Attorney is required to submit a Local Evaluation Report  
24  
25

1 to determine whether the overall project (including each individual component) was effective  
2 in meeting the goals laid out in the Local Evaluation Plan. The Local Evaluation Report is due  
3 no later than June 1, 2027.

4 (g) A financial audit is required to cover the service delivery period of the grant  
5 (October 1, 2023 - December 31, 2026). The audit report will be due no later than June 1,  
6 2027. The financial audit shall be performed by a Certified Public Accountant or a participating  
7 county or city auditor that is organizationally independent from the participating county or  
8 city's project financial management functions.

9 (h) The total personnel budget for the two (2) new positions (2.0 FTE) and one (1)  
10 current part-time position (0.25 FTE) is \$1,782,147 of the total grant award of \$2,050,000 for  
11 the term October 1, 2023, to June 1, 2027. The balance of the grant award is allocated to pay  
12 \$150,000 for data collection and evaluation contract, \$10,000 for audit expense, \$39,177 for  
13 facility rental, \$11,048 for travel/training, and \$57,628 for indirect costs.

14

15 Section 3. Grant funded positions: Amendment to Fiscal Year 2023-2024 and Fiscal  
16 Year 2024-2025 Annual Salary Ordinance.

17 The hereinafter designated sections and items of Ordinance No. 145-23 (Annual Salary  
18 Ordinance File No. 230645 for FYs 2023-2024, and 2024-2025) are hereby amended so that  
19 the same shall read as follows:

20 Department: DAT (229313) District Attorney

21 Program: DA Organized Retail Theft Vertical Prosecution

22 Fund: 13720

23 Project ID: 10040536

24

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<b>Amendment</b>	<b>No. of Positions</b>	<b>Class</b>	<b>Compensation Schedule</b>
Add in FY2023-2024	0.58 FTE	8177 Attorney (Civil/Criminal)	\$5,468 - \$9,580 Biweekly
Add in FY2024-2025	1.0 FTE	8177 Attorney (Civil/Criminal)	\$5,591 - \$9,796 Biweekly
Add in FY2023-2024	0.58 FTE	8550 District Attorney's Investigator-SFERS	\$4,680 - \$5,973 Biweekly
Add in FY2024-2025	1.0 FTE	8550 District Attorney's Investigator-SFERS	\$4,785 - \$6,107 Biweekly

1 APPROVED AS TO FORM:

2 David Chiu, City Attorney

3

4

5 By:  /s/ \_\_\_\_\_

6 Sarah Crowley

7 Deputy City Attorney

8

9 APPROVED:  /s/ \_\_\_\_\_

10 London N. Breed

11 Mayor

12

13 APPROVED:  /s/ \_\_\_\_\_

14 Ben Rosenfield

15 Controller

16

17 Recommended:

18

19  /s/ \_\_\_\_\_

20 Brooke Jenkins

21 District Attorney

22

23

24

25

APPROVED AS TO CLASSIFICATION

DEPARTMENT OF HUMAN RESOURCES

By:  /s/ \_\_\_\_\_

Carol Isen

Human Resources Director

**LEGISLATIVE DIGEST**

[Accept and Expend Grant - Retroactive - State of California - Board of State and Community Corrections - Organized Retail Theft Vertical Prosecution Program - Amendment to the Annual Salary Ordinance - FY2023-2024 and FY2024-2025 - \$2,050,000]

**Ordinance retroactively authorizing the Office of the District Attorney to accept and expend a grant in the amount of \$2,050,000 from the State of California, Board of State and Community Corrections, to fund the Organized Retail Theft Vertical Prosecution Grant Program; and amending Ordinance No. 145-23 (Annual Salary Ordinance File No. 230645 for Fiscal Years (FYs) 2023-2024 and 2024-2025) to provide for the addition of one grant-funded position in Class 8177 Attorney-Civil/Criminal (FTE 1.0) and one grant-funded position in Class 8550 District Attorney's Investigator-SFERS (FTE 1.0) at the Office of the District Attorney for the grant agreement period of October 1, 2023, through June 1, 2027.**

**Proposed Accept and Expend Ordinance**

The proposed ordinance would retroactively authorize the District Attorney to accept and expend a \$2,050,000 grant from the California Board of State and Community Corrections to support the District Attorney's use of a vertical prosecution model to address increased levels of retail theft property crimes.

Pursuant to Administrative Code §10.170-1(b), the ordinance also amends the Annual Salary Ordinances for FYs 2023-2024 and 2024-2025 to reflect the addition of one grant-funded position in Class 8177 Attorney-Civil/Criminal and one grant-funded position in Class 8550 District Attorney's Investigator-SFERS. The remaining grant funds would be used to fund one existing part-time position, and to cover data collection and evaluation, the cost of an external audit required under the grant terms, facility rental, travel and training, and \$57,628 in indirect costs.

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**File Number:** 231222  
(Provided by Clerk of Board of Supervisors)

**Grant Ordinance Information Form**  
(Effective July 2011)

Purpose: Accompanies proposed Board of Supervisors ordinances authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: **Organized Retail Theft Vertical Prosecution Program**
2. Department: **Office of the District Attorney**
3. Contact Person: **Lorna Garrido** Telephone: **(628) 652-4035**
4. Grant Approval Status (check one):  
 Approved by funding agency                       Not yet approved
5. Amount of Grant Funding Approved or Applied for: **\$2,050,000**
6. a. Matching Funds Required: **n/a**  
b. Source(s) of matching funds (if applicable): **n/a**
7. a. Grant Source Agency: **State of California Board of State and Community Corrections**  
b. Grant Pass-Through Agency (if applicable): **n/a**

8. Proposed Grant Project Summary:

**To support the Organized Retail Theft Vertical Prosecution Program to address the increased levels of retail theft property crimes by using a vertical prosecution model. 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.**

9. Grant Project Schedule, as allowed in approval documents, or as proposed:  
Start-Date: **October 1, 2023**                      End-Date: **June 1, 2027**

10. Number of new positions created and funded: **Two (2) new positions**

11. Explain the disposition of employees once the grant ends? **Positions shall be coded "G" for grant funded and only exist during the duration of this grant program.**

12. a. Amount budgeted for contractual services: **\$150,000 for data collection and evaluation contract.**  
b. Will contractual services be put out to bid? **Yes**  
c. If so, will contract services help to further the goals of the Department's Local Business Enterprise (LBE) requirements? **N/A**  
d. Is this likely to be a one-time or ongoing request for contracting out? **One-time**
13. a. Does the budget include indirect costs?

Yes       No

b. 1. If yes, how much? **\$57,628**

b. 2. How was the amount calculated? **10% of salaries and benefits, \$1,782,147 x 10% = \$178,215, only charging grant \$57,628 to maximize use of grant funds on direct services.**

c. 1. If no, why are indirect costs not included? **N/A**

Not allowed by granting agency       To maximize use of grant funds on direct services

Other (please explain):

c. 2. If no indirect costs are included, what would have been the indirect costs? **N/A**

**14. Any other significant grant requirements or comments:**

A Board Resolution is required to fully execute the grant Standard Agreement.

**\*\*Disability Access Checklist\*\***

15. This Grant is intended for activities at (check all that apply):

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Existing Site(s) | <input type="checkbox"/> Existing Structure(s)      | <input checked="" type="checkbox"/> Existing Program(s) or Service(s) |
| <input type="checkbox"/> Rehabilitated Site(s)       | <input type="checkbox"/> Rehabilitated Structure(s) | <input type="checkbox"/> New Program(s) or Service(s)                 |
| <input type="checkbox"/> New Site(s)                 | <input type="checkbox"/> New Structure(s)           |   |

16. The Departmental ADA Coordinator or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local access laws and regulations and will allow the full inclusion of persons with disabilities. These requirements include, but are not limited to:

1. Having staff trained in how to provide reasonable modifications in policies, practices and procedures;
2. Having auxiliary aids and services available in a timely manner in order to ensure communication access;
3. Ensuring that any service areas and related facilities open to the public are architecturally accessible and have been inspected and approved by the DPW Access Compliance Officer or the Mayor's Office on Disability Compliance Officers.

If such access would be technically infeasible, this is described in the comments section below:

Comments:

Departmental ADA Coordinator or Mayor's Office of Disability Reviewer:

Jessica Geiger

(Name)

Facilities Manager

(Title)

Date Reviewed: Oct 10, 2023

Jessica Geiger

Jessica Geiger (Oct 10, 2023 14:12 PDT)

(Signature Required)

Overall Department Head or Designee Approval:

Eugene Clendinen

(Name)

Chief Administrative & Financial Officer

(Title)

Date Reviewed: Oct 10, 2023

Eugene Clendinen

(Signature Required)

# DAT - Organized Retail Theft Vertical Prosecution Program Ordinance Information Form

Final Audit Report

2023-10-10

Created:	2023-10-10
By:	Lorna Garrido (lorna.garrido@sfgov.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAKst3qVmWT_-lrdAiEmPohBUeeOqZNym4

## "DAT - Organized Retail Theft Vertical Prosecution Program Ordinance Information Form" History

-  Document created by Lorna Garrido (lorna.garrido@sfgov.org)  
2023-10-10 - 7:05:01 PM GMT- IP address: 208.121.33.97
-  Document emailed to jessica.geiger@sfgov.org for signature  
2023-10-10 - 7:08:12 PM GMT
-  Email viewed by jessica.geiger@sfgov.org  
2023-10-10 - 9:11:59 PM GMT- IP address: 104.47.64.254
-  Signer jessica.geiger@sfgov.org entered name at signing as Jessica Geiger  
2023-10-10 - 9:12:28 PM GMT- IP address: 208.121.33.97
-  Document e-signed by Jessica Geiger (jessica.geiger@sfgov.org)  
Signature Date: 2023-10-10 - 9:12:30 PM GMT - Time Source: server- IP address: 208.121.33.97
-  Document emailed to Eugene Clendinen (eugene.clendinen@sfgov.org) for signature  
2023-10-10 - 9:12:31 PM GMT
-  Email viewed by Eugene Clendinen (eugene.clendinen@sfgov.org)  
2023-10-10 - 9:13:17 PM GMT- IP address: 40.94.29.156
-  Document e-signed by Eugene Clendinen (eugene.clendinen@sfgov.org)  
Signature Date: 2023-10-10 - 11:38:31 PM GMT - Time Source: server- IP address: 208.121.5.37
-  Agreement completed.  
2023-10-10 - 11:38:31 PM GMT

**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	\$0.00
4. Non-Governmental Organization (NGO) Subcontracts	\$0.00
5. Data Collection and Evaluation	\$150,000.00
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
<b>TOTAL</b>	<b>\$2,050,000.00</b>

**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
<b>TOTAL</b>		<b>\$1,782,147.00</b>

**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
<b>TOTAL</b>		<b>\$0.00</b>

**2b. Services and Supplies Narrative:**





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 <b>does not have</b> 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>	<b>\$0</b>	
2) Indirect costs not to exceed 20 percent (20%) of the total grant award. Applicable if the organization <b>has</b> 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>	<b>\$0</b>	
<i>Please see instructions tab for additional information regarding Indirect Costs. If the amount exceeds the maximum allowed and/or turns <b>red</b>, please adjust it to not exceed the line-item noted.</i>	<b>TOTAL</b>	<b>\$57,628</b>
	<b>\$57,628</b>	<b>\$57,628</b>

**9b. Indirect Costs Narrative:**

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

**STANDARD AGREEMENT**

STD 213 (Rev 03/2019)

AGREEMENT NUMBER

**BSCC 1134- 23**

PURCHASING AUTHORITY NUMBER (If Applicable)

1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME

**BOARD OF STATE AND COMMUNITY CORRECTIONS**

CONTRACTOR NAME

**San Francisco District Attorney's Office**

2. The term of this Agreement is:

START DATE

**OCTOBER 1, 2023**

THROUGH END DATE

**JUNE 1, 2027**

3. The maximum amount of this Agreement is:

**\$2,050,000.00**

4. The parties agree to comply with the terms and conditions of the following exhibits, attachments, and appendices which are by this reference made a part of the Agreement.

EXHIBITS	TITLE	PAGES
Exhibit A	Scope of Work	3
Exhibit B	Budget Detail and Payment Provisions	4
Exhibit C	General Terms and Conditions (04/2017)	4
Exhibit D	Special Terms and Conditions	5
Attachment 1*	Organized Retail Theft Vertical Prosecution Grant Program Request for Proposals	*
Attachment 2	Organized Retail Theft Vertical Prosecution Grant Program Grant Proposal	24
Appendix A	Organized Retail Theft Grant Program Scoring Panel Roster	1
Appendix B	Grantee Assurance for Non-Governmental Organizations	2

\* This item is hereby incorporated by reference and can be viewed at: <https://www.bsc.ca.gov/organized-retail-theft-vertical-prosecution-grant-program/>

IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.

**CONTRACTOR**

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.)

**San Francisco District Attorney's Office**

CONTRACTOR BUSINESS ADDRESS

350 Rhode Island Street, North Building, Suite 400N

CITY

San Francisco

STATE

CA

ZIP

94103

PRINTED NAME OF PERSON SIGNING

Brooke Jenkins

TITLE

District Attorney

CONTRACTOR AUTHORIZED SIGNATURE



DATE SIGNED

9/21/23

**STATE OF CALIFORNIA**

CONTRACTING AGENCY NAME

**BOARD OF STATE AND COMMUNITY CORRECTIONS**

CONTRACTING AGENCY ADDRESS

2590 Venture Oaks Way, Suite 200

CITY

Sacramento

STATE

CA

ZIP

95833

PRINTED NAME OF PERSON SIGNING

COLLEEN CURTIN

TITLE

Deputy Director

CONTRACTING AGENCY AUTHORIZED SIGNATURE



DATE SIGNED

## EXHIBIT A: SCOPE OF WORK

### 1. GRANT AGREEMENT – Organized Retail Theft Vertical Prosecution Grant Program

This Grant Agreement is between the State of California, Board of State and Community Corrections (hereafter referred to as BSCC) and San Francisco District Attorney's Office (hereafter referred to as the Grantee).

### 2. PROJECT SUMMARY AND ADMINISTRATION

- A. The Organized Retail Theft Vertical Prosecution Grant Program was established in The State Budget Act of 2022 (Assembly Bill 178, Chapter 45, Statutes of 2022). 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.
- B. Grantee agrees to administer the project in accordance with Attachment 1: Organized Retail Theft Vertical Prosecution Grant Program Request for Proposals (incorporated by reference) and Attachment 2: Organized Retail Theft Vertical Prosecution Grant Program Grant Proposal, which is attached and hereto and made part of this agreement.

### 3. PROJECT OFFICIALS

- A. The BSCC's Executive Director or designee shall be the BSCC's representative for administration of the Grant Agreement and shall have authority to make determinations relating to any controversies that may arise under or regarding the interpretation, performance, or payment for work performed under this Grant Agreement.

- B. The Grantee's project officials shall be those identified as follows:

**Authorized Officer** with legal authority to sign:

Name: Brooke Jenkins

Title: District Attorney

Address: 350 Rhode Island Street, North Building Suite 400N, San Francisco CA 94103

Phone: 628-652-4319

Email: brooke.jenkins@sfgov.org

**Designated Financial Officer** authorized to receive warrants:

Name: Eugene Clendinen

Title: Chief, Administration and Finance

Address: 350 Rhode Island Street, North Building Suite 400N, San Francisco CA 94103

Phone: 628-652-4030

Email: Eugene.Clendinen@sfgov.org

**Project Director** authorized to administer the project:

Name: Tina Nunes Ober

Title: Managing Assistant District Attorney

Address: 350 Rhode Island Street, North Building Suite 400N, San Francisco CA 94103

Phone: 628-652-4190

Email: tina.nunesober@sfgov.org

- C. Either party may change its project representatives upon written notice to the other party.

## EXHIBIT A: SCOPE OF WORK

D. By signing this Grant Agreement, the Authorized Officer listed above warrants that he or she has full legal authority to bind the entity for which he or she signs.

### 4. DATA COLLECTION

Grantees will be required to comply with all data collection and reporting requirements as described in Attachment 1: Organized Retail Theft Vertical Prosecution Grant Program Request for Proposals and Attachment 2: Organized Retail Theft Vertical Prosecution Grant Program Grant Proposal.

### 5. REPORTING REQUIREMENTS

A. Grantee will submit quarterly progress reports in a format prescribed by the BSCC. These reports, which will describe progress made on program objectives and include required data, shall be submitted according to the following schedule:

#### Quarterly Progress Report Periods

1. October 1, 2023 to December 31, 2023
2. January 1, 2024 to March 31, 2024
3. April 1, 2024 to June 30, 2024
4. July 1, 2024 to September 30, 2024
5. October 1, 2024 to December 31, 2024
6. January 1, 2025 to March 31, 2025
7. April 1, 2025 to June 30, 2025
8. July 1, 2025 to September 30, 2025
9. October 1, 2025 to December 31, 2025
10. January 1, 2026 to March 31, 2026
11. April 1, 2026 to June 30, 2026
12. July 1, 2026 to September 30, 2026
13. October 1, 2026 to December 31, 2026

#### Due no later than:

- February 15, 2024  
May 15, 2024  
August 15, 2024  
November 15, 2024  
February 15, 2025  
May 15, 2025  
August 15, 2025  
November 15, 2025  
February 15, 2026  
May 15, 2026  
August 15, 2026  
November 15, 2026  
February 15, 2027

#### B. Evaluation Documents

1. Local Evaluation Plan
2. Final Local Evaluation Report

#### Due no later than:

- April 1, 2024  
June 1, 2027

#### C. Other

- Financial Audit Report

#### Due no later than:

- June 1, 2027

Grantees that are unable to demonstrate that they are making sufficient progress toward project goals and objectives and show that funds are being spent in accordance with the Grant Agreement could be subject to a withholding of funds.

### 6. PROJECT RECORDS

A. The Grantee shall establish an official file for the project. The file shall contain adequate documentation of all actions taken with respect to the project, including copies of this Grant Agreement, approved program/budget modifications, financial records and required reports.

## EXHIBIT A: SCOPE OF WORK

- B. The Grantee shall establish separate accounting records and maintain documents and other evidence sufficient to properly reflect the amount, receipt, and disposition of all project funds, including grant funds and any matching funds by the Grantee and the total cost of the project. Source documentation includes copies of all awards, applications, approved modifications, financial records, and narrative reports.
- C. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under the grant, whether they are employed full-time or part-time. Time and effort reports are also required for all subcontractors and consultants.
- D. The grantee shall maintain documentation of donated goods and/or services, including the basis for valuation.
- E. Grantee agrees to protect records adequately from fire or other damage. When records are stored away from the Grantee's principal office, a written index of the location of records stored must be on hand and ready access must be assured.
- F. All Grantee records relevant to the project must be preserved a minimum of three (3) years after closeout of the grant project and shall be subject at all reasonable times to inspection, examination, monitoring, copying, excerpting, transcribing, and auditing by the BSCC or designees. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the three-year period, the records must be retained until the completion of the action and resolution of all issues which arise from it or until the end of the regular three-year period, whichever is later.

## 7. CONFLICT OF INTEREST

- A. Existing law prohibits any grantee, subgrantee, partner or like party who participated on the Organized Retail Theft Vertical Prosecution Grant Program Scoring Panel from receiving funds awarded under the Organized Retail Theft Vertical Prosecution Grant Program RFP. Applicants who are awarded grants under this RFP are responsible for reviewing the Organized Retail Theft Vertical Prosecution Grant Program Scoring Panel roster (*Appendix A*) and ensuring that no grant dollars are passed through to any entity represented by the members of the Organized Retail Theft Vertical Prosecution Grant Program Scoring Panel.
- B. In cases of an actual conflict of interest with a Scoring Panel member, the Board may revoke the grant award and legal consequences could exist for the parties involved, including, but not limited to, repayment of the grant award.

## EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS

### 1. INVOICING AND PAYMENT

- A. The Grantee shall be paid quarterly in arrears by submitting an invoice (Form 201) to the BSCC that outlines actual expenditures claimed for the invoicing period.

<b>Quarterly Invoicing Periods:</b>	<b>Due no later than:</b>
1. October 1, 2023 to December 31, 2023	February 15, 2024
2. January 1, 2024 to March 31, 2024	May 15, 2024
3. April 1, 2024 to June 30, 2024	August 15, 2024
4. July 1, 2024 to September 30, 2024	November 15, 2024
5. October 1, 2024 to December 31, 2024	February 15, 2025
6. January 1, 2025 to March 31, 2025	May 15, 2025
7. April 1, 2025 to June 30, 2025	August 15, 2025
8. July 1, 2025 to September 30, 2025	November 15, 2025
9. October 1, 2025 to December 31, 2025	February 15, 2026
10. January 1, 2026 to March 31, 2026	May 15, 2026
11. April 1, 2026 to June 30, 2026	August 15, 2026
12. July 1, 2026 to September 30, 2026	November 15, 2026
13. October 1, 2026 to December 31, 2026	February 15, 2027

<b>Final Invoicing Periods*:</b>	<b>Due no later than:</b>
14. January 1, 2027 to March 31, 2027	May 15, 2027
15. April 1, 2027 to June 1, 2027	August 15, 2027

*\*Note: Project activity period ends December 31, 2026. The period of January 1, 2027, to June 1, 2027, is for completion of Final Local Evaluation Report and financial audit only.*

- B. All project expenses must be incurred by the end of the project activity period, December 31, 2026, and included on the final invoice due February 15, 2027. Project expenditures incurred after December 31, 2026 will not be reimbursed.
- C. The Final Local Evaluation Report is due to BSCC by June 1, 2027. Expenditures incurred for the completion of the Final Local Evaluation Report during the period of January 1, 2027, to June 1, 2027, must be submitted during the Final Invoicing Periods, with the final invoice due on August 15, 2027. Supporting fiscal documentation will be required for all expenditures claimed during the Final Invoicing Periods and must be submitted with the final invoice.
- D. The Financial Audit Report is due to BSCC by June 1, 2027. Expenditures incurred for the completion of the financial audit during the period of January 1, 2027, to June 1, 2027, must be submitted during the Final Invoicing Periods, with the final invoice due on August 15, 2027. Supporting fiscal documentation will be required for all expenditures claimed during the Final Invoicing Periods and must be submitted with the final invoice.
- E. Grantee shall submit an invoice to the BSCC each invoicing period, even if grant funds are not expended or requested during the invoicing period.
- F. Upon the BSCC's request, supporting documentation must be submitted for project expenditures. Grantees are required to maintain supporting documentation for all

## **EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS**

expenditures on the project site for the life of the grant and make it readily available for review during BSCC site visits. See Exhibit A. Scope of Work, Item 6. Project Records.

### **2. GRANT AMOUNT AND LIMITATION**

- A. In no event shall the BSCC be obligated to pay any amount in excess of the grant award. Grantee waives any and all claims against the BSCC, and the State of California on account of project costs that may exceed the sum of the grant award.
- B. Under no circumstance will a budget item change be authorized that would cause the project to exceed the amount of the grant award identified in this Grant Agreement. In no event shall changes be authorized for the Administrative Salaries and Benefits line item that would result in that item exceeding ten percent (10%) of the grant award.

### **3. BUDGET CONTINGENCY CLAUSE**

- A. This grant agreement is valid through Organized Retail Theft Vertical Prosecution Grant Program funding generated from the General Fund. The Grantee agrees that the BSCC's obligation to pay any sum to the grantee under any provision of this agreement is contingent upon the availability of sufficient funding granted through the passage of Assembly Bill 178 (Chapter 45, Statutes of 2022), also known as the California Budget Act of 2022. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Grant Agreement does not appropriate sufficient funds for the program, this Grant Agreement shall be of no further force and effect. In this event, the BSCC shall have no liability to pay any funds whatsoever to Grantee or to furnish any other considerations under this Agreement and Grantee shall not be obligated to perform any provisions of this Grant Agreement.
- B. If Organized Retail Theft Vertical Prosecution funding is reduced or falls below estimates contained within the Organized Retail Theft Vertical Prosecution Request for Proposals, the BSCC shall have the option to either cancel this Grant Agreement with no liability occurring to the BSCC or offer an amendment to this agreement to the Grantee to reflect a reduced amount.
- C. If BSCC cancels the agreement pursuant to Paragraph 3(B) or Grantee does not agree to an amendment in accordance with the option provided by Paragraph 3(B), it is mutually agreed that the Grant Agreement shall have no further force and effect. In this event, the BSCC shall have no liability to pay any funds whatsoever to Grantee or to furnish any other considerations under this Agreement and Grantee shall not be obligated to perform any provisions of this Grant Agreement except that Grantee shall be required to maintain all project records required by Paragraph 6 of Exhibit A for a period of three (3) years following the termination of this agreement.

### **4. PROJECT COSTS**

- A. The Grantee agrees to comply with the BSCC Grant Administration Guide requirements as posted on the BSCC website (currently the BSCC Grant Administration Guide July 2020) including any updated version that may be posted during term of the grant

## **EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS**

agreement. BSCC will notify grantees whenever an updated version is posted. The BSCC Grant Administration Guide is available at:

[https://www.bscc.ca.gov/s\\_correctionsplanningandprograms/](https://www.bscc.ca.gov/s_correctionsplanningandprograms/)

- B. The provisions of the BSCC Grant Administration Guide are incorporated by reference into this agreement and Grantee shall be responsible for adhering to the requirements set forth therein. To the extent any of the provisions of the BSCC Grant Administration Guide and this agreement conflict, the language in this agreement shall prevail.
- C. Grantee is responsible for ensuring that statements of expenditures submitted to the BSCC claim actual expenditures for eligible project costs.
- D. Grantee shall, upon demand, remit to the BSCC any grant funds not expended for eligible project costs or an amount equal to any grant funds expended by the Grantee in violation of the terms, provisions, conditions or commitments of this Grant Agreement.
- E. Grant funds must be used to support new program activities or to augment existing funds that expand current program activities. Grant funds shall not replace (supplant) any federal, state and/or local funds that have been appropriated for the same purpose. Violations can result in recoupment of monies provided under this grant or suspension of future program funding through BSCC grants.

### **5. PROMPT PAYMENT CLAUSE**

Payment will be made in accordance with, and within the time specified in, Government Code Chapter 4.5, commencing with Section 927.

### **6. WITHHOLDING OF GRANT DISBURSEMENTS**

- A. The BSCC may withhold all or any portion of the grant funds provided by this Grant Agreement in the event the Grantee has materially and substantially breached the terms and conditions of this Grant Agreement.
- B. At such time as the balance of state funds allocated to the Grantee reaches five percent (5%), the BSCC may withhold that amount as security, to be released to the Grantee upon compliance with all grant provisions, including:
  - 1) submittal and approval of the final invoice;
  - 2) submittal and approval of the final progress report; and
- C. The BSCC will not reimburse Grantee for costs identified as ineligible for grant funding. If grant funds have been provided for costs subsequently deemed ineligible, the BSCC may either withhold an equal amount from future payments to the Grantee or require repayment of an equal amount to the State by the Grantee.
- D. In the event that grant funds are withheld from the Grantee, the BSCC's Executive Director or designee shall notify the Grantee of the reasons for withholding and advise the Grantee of the time within which the Grantee may remedy the failure or violation leading to the withholding.

### **7. EXECUTIVE ORDER N-6-22 – RUSSIA SANCTIONS**

**EXHIBIT B: BUDGET DETAIL AND PAYMENT PROVISIONS**

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (the EO) regarding Economic Sanctions against Russia and Russian entities and individuals. “Economic Sanctions” refers to sanctions imposed by the U.S. government in response to Russia’s actions in Ukraine, as well as any sanctions imposed under state law. The EO directs state agencies to terminate contracts with, and to refrain from entering any new contracts with, individuals or entities that are determined to be a target of Economic Sanctions. Accordingly, should the State determine Contractor is a target of Economic Sanctions or is conducting prohibited transactions with sanctioned individuals or entities, that shall be grounds for termination of this agreement. The State shall provide Contractor advance written notice of such termination, allowing Contractor at least 30 calendar days to provide a written response. Termination shall be at the sole discretion of the State.

**8. PROJECT BUDGET**

<b>BSCC Budget Line Item</b>	<b>A. Grant Funds</b>
1. Salaries and Benefits	\$1,782,147
2. Services and Supplies	\$0
3. Professional Services or Public Agency Subcontracts	\$150,000
4. Non-Governmental Organization (NGO) Subcontracts	\$0
5. Data Collection and Evaluation	\$0
6. Equipment/Fixed Assets	\$0
7. Financial Audit (Up to \$25,000)	\$10,000
8. Other (Travel, Training, etc.)	\$50,225
9. Indirect Costs	\$57,628
<b>TOTALS</b>	<b>\$2,050,000</b>

**EXHIBIT C: GENERAL TERMS AND CONDITIONS (04/2017)**

1. **APPROVAL:** This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Contractor may not commence performance until such approval has been obtained.
2. **AMENDMENT:** No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.
3. **ASSIGNMENT:** This Agreement is not assignable by the Contractor, either in whole or in part, without the consent of the State in the form of a formal written amendment.
4. **AUDIT:** Contractor agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Contractor agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Contractor agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).
5. **INDEMNIFICATION:** Contractor agrees to indemnify, defend and hold harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by Contractor in the performance of this Agreement. This obligation shall survive any termination of this agreement.
6. **DISPUTES:** Contractor shall continue with the responsibilities under this Agreement during any dispute.
7. **TERMINATION FOR CAUSE:** The State may terminate this Agreement and be relieved of any payments should the Contractor fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State shall be deducted from any sum due the Contractor under this Agreement and the balance, if any, shall be paid to the Contractor upon demand.

**EXHIBIT C: GENERAL TERMS AND CONDITIONS (04/2017)**

- 8. INDEPENDENT CONTRACTOR:** Contractor, and the agents and employees of Contractor, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the State.
- 9. RECYCLING CERTIFICATION:** The Contractor shall certify in writing under penalty of perjury, the minimum, if not exact, percentage of post-consumer material as defined in the Public Contract Code Section 12200, in products, materials, goods, or supplies offered or sold to the State regardless of whether the product meets the requirements of Public Contract Code Section 12209. With respect to printer or duplication cartridges that comply with the requirements of Section 12156(e), the certification required by this subdivision shall specify that the cartridges so comply (Pub. Contract Code §12205).
- 10. NON-DISCRIMINATION CLAUSE:** During the performance of this Agreement, Contractor and its subcontractors shall not deny the contract's benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Contractor shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12900 et seq.), the regulations promulgated thereunder (Cal. Code Regs., tit. 2, §11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code §§11135-11139.5), and the regulations or standards adopted by the awarding state agency to implement such article. Contractor shall permit access by representatives of the Department of Fair Employment and Housing and the awarding state agency upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or Agency shall require to ascertain compliance with this clause. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. (See Cal. Code Regs., tit. 2, §11105.)
- Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.
- 11. CERTIFICATION CLAUSES:** The CONTRACTOR CERTIFICATION CLAUSES contained in the document CCC 04/2017 (<https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/Standard-Contract-Language>) are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.

## EXHIBIT C: GENERAL TERMS AND CONDITIONS (04/2017)

**12. TIMELINESS:** Time is of the essence in this Agreement.

**13. COMPENSATION:** The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel, per diem, and taxes, unless otherwise expressly so provided.

**14. GOVERNING LAW:** This contract is governed by and shall be interpreted in accordance with the laws of the State of California.

**15. ANTITRUST CLAIMS:** The Contractor by signing this agreement hereby certifies that if these services or goods are obtained by means of a competitive bid, the Contractor shall comply with the requirements of the Government Codes Sections set out below.

A. The Government Code Chapter on Antitrust claims contains the following definitions:

1) "Public purchase" means a purchase by means of competitive bids of goods, services, or materials by the State or any of its political subdivisions or public agencies on whose behalf the Attorney General may bring an action pursuant to subdivision (c) of Section 16750 of the Business and Professions Code.

2) "Public purchasing body" means the State or the subdivision or agency making a public purchase. Government Code Section 4550.

B. In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. Government Code Section 4552.

C. If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. Government Code Section 4553.

D. Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. See Government Code Section 4554.

**16. CHILD SUPPORT COMPLIANCE ACT:** For any Agreement in excess of \$100,000, the contractor acknowledges in accordance with Public Contract Code 7110, that:

**EXHIBIT C: GENERAL TERMS AND CONDITIONS (04/2017)**

- A. The contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and
- B. The contractor, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

**17. UNENFORCEABLE PROVISION:** In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

**18. PRIORITY HIRING CONSIDERATIONS:** If this Contract includes services in excess of \$200,000, the Contractor shall give priority consideration in filling vacancies in positions funded by the Contract to qualified recipients of aid under Welfare and Institutions Code Section 11200 in accordance with Pub. Contract Code §10353.

**19. SMALL BUSINESS PARTICIPATION AND DVBE PARTICIPATION REPORTING REQUIREMENTS:**

- A. If for this Contract Contractor made a commitment to achieve small business participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) report to the awarding department the actual percentage of small business participation that was achieved. (Gov. Code § 14841.)
- B. If for this Contract Contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) certify in a report to the awarding department: (1) the total amount the prime Contractor received under the Contract; (2) the name and address of the DVBE(s) that participated in the performance of the Contract; (3) the amount each DVBE received from the prime Contractor; (4) that all payments under the Contract have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841.)

**20. LOSS LEADER:** If this contract involves the furnishing of equipment, materials, or supplies then the following statement is incorporated: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code. (PCC 10344(e).)

## **EXHIBIT D: SPECIAL TERMS AND CONDITIONS**

### **1. GRANTEE'S GENERAL RESPONSIBILITY**

- A. Grantee agrees to comply with all terms and conditions of this Grant Agreement. Review and approval by the BSCC is solely for the purpose of proper administration of grant funds, and shall not be deemed to relieve or restrict the Grantee's responsibility.
- B. Grantee is responsible for the performance of all project activities identified in Attachment 1: Organized Retail Theft Vertical Prosecution Grant Program Request for Proposals (incorporated by reference) and Attachment 2: Organized Retail Theft Vertical Prosecution Grant Program Grant Proposal.
- C. Grantee shall immediately advise the BSCC of any significant problems or changes that arise during the course of the project.

### **2. GRANTEE ASSURANCES AND COMMITMENTS**

#### **A. Compliance with Laws and Regulations**

This Grant Agreement is governed by and shall be interpreted in accordance with the laws of the State of California. Grantee shall at all times comply with all applicable State laws, rules and regulations, and all applicable local ordinances.

#### **B. Fulfillment of Assurances and Declarations**

Grantee shall fulfill all assurances, declarations, representations, and statements made by the Grantee in Attachment 1: Organized Retail Theft Vertical Prosecution Grant Program Request for Proposals (incorporated by reference) and Attachment 2: Organized Retail Theft Vertical Prosecution Grant Program Grant Proposal, documents, amendments, approved modifications, and communications filed in support of its request for grant funds.

#### **C. Permits and Licenses**

Grantee agrees to procure all permits and licenses necessary to complete the project, pay all charges and fees, and give all notices necessary or incidental to the due and lawful proceeding of the project work.

### **3. POTENTIAL SUBCONTRACTORS**

- A. In accordance with the provisions of this Grant Agreement, the Grantee may subcontract for services needed to implement and/or support program activities. Grantee agrees that in the event of any inconsistency between this Grant Agreement and Grantee's agreement with a subcontractor, the language of this Grant Agreement will prevail.
- B. Nothing contained in this Grant Agreement or otherwise, shall create any contractual relation between the BSCC and any subcontractors, and no subcontract shall relieve the Grantee of his responsibilities and obligations hereunder. The Grantee agrees to be as fully responsible to the BSCC for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the Grantee. The Grantee's obligation to pay its subcontractors is an independent obligation from the BSCC's obligation to make

## **EXHIBIT D: SPECIAL TERMS AND CONDITIONS**

payments to the Grantee. As a result, the BSCC shall have no obligation to pay or to enforce the payment of any moneys to any subcontractor.

- C. Grantee shall ensure that all subcontractors comply with the eligibility requirements stated in the ARG Rehabilitation of Existing Property or Building Project RFP and described in Appendix B.
- D. Grantee assures that for any subcontract awarded by the Grantee, such insurance and fidelity bonds, as is customary and appropriate, will be obtained.
- E. Grantee agrees to place appropriate language in all subcontracts for work on the project requiring the Grantee's subcontractors to:

### **1) Books and Records**

Maintain adequate fiscal and project books, records, documents, and other evidence pertinent to the subcontractor's work on the project in accordance with generally accepted accounting principles. Adequate supporting documentation shall be maintained in such detail so as to permit tracing transactions from the invoices, to the accounting records, to the supporting documentation. These records shall be maintained for a minimum of three (3) years after the acceptance of the final grant project audit under the Grant Agreement, and shall be subject to examination and/or audit by the BSCC or designees, state government auditors or designees, or by federal government auditors or designees.

### **2) Access to Books and Records**

Make such books, records, supporting documentations, and other evidence available to the BSCC or designee, the State Controller's Office, the Department of General Services, the Department of Finance, California State Auditor, and their designated representatives during the course of the project and for a minimum of three (3) years after acceptance of the final grant project audit. The Subcontractor shall provide suitable facilities for access, monitoring, inspection, and copying of books and records related to the grant-funded project.

## **4. PROJECT ACCESS**

Grantee shall ensure that the BSCC, or any authorized representative, will have suitable access to project activities, sites, staff and documents at all reasonable times during the grant period including those maintained by subcontractors. Access to program records will be made available by both the grantee and the subcontractors for a period of three (3) years following the end of the grant of the project.

## **5. ACCOUNTING AND AUDIT REQUIREMENTS**

- A. Grantee agrees that accounting procedures for grant funds received pursuant to this Grant Agreement shall be in accordance with generally accepted government accounting principles and practices, and adequate supporting documentation shall be maintained in such detail as to provide an audit trail. Supporting documentation shall permit the tracing

## **EXHIBIT D: SPECIAL TERMS AND CONDITIONS**

of transactions from such documents to relevant accounting records, financial reports and invoices.

- B. The BSCC reserves the right to call for a program or financial audit at any time between the execution of this Grant Agreement and three years following the end of the grant period. At any time, the BSCC may disallow all or part of the cost of the activity or action determined to not be in compliance with the terms and conditions of this Grant Agreement or take other remedies legally available.

### **6. DEBARMENT, FRAUD, THEFT OR EMBEZZLEMENT**

It is the policy of the BSCC to protect grant funds from unreasonable risks of fraudulent, criminal, or other improper use. As such, the Board will not enter into contracts or provide reimbursement to grantees that have been:

1. debarred by any federal, state, or local government entities during the period of debarment; or
2. convicted of fraud, theft, or embezzlement of federal, state, or local government grant funds for a period of three years following conviction.

Furthermore, the BSCC requires grant recipients to provide an assurance that there has been no applicable debarment, disqualification, suspension, or removal from a federal, state or local grant program on the part of the grantee at the time of application and that the grantee will immediately notify the BSCC should such debarment or conviction occur during the term of the Grant contract.

BSCC also requires that all grant recipients include, as a condition of award to a subgrantee or subcontractor, a requirement that the subgrantee or subcontractor will provide the same assurances to the grant recipient. If a grant recipient wishes to consider a subgrantee or subcontractor that has been debarred or convicted, the grant recipient must submit a written request for exception to the BSCC along with supporting documentation.

All Grantees must have on file with the BSCC a completed and signed Certification of Compliance with BSCC Policies on Debarment, Fraud, Theft and Embezzlement (Required as Appendix E of the original Proposal Package).

### **7. MODIFICATIONS**

No change or modification in the project will be permitted without prior written approval from the BSCC. Changes may include modification to project scope, changes to performance measures, compliance with collection of data elements, and other significant changes in the budget or program components contained in the Attachment 1: Organized Retail Theft Vertical Prosecution Grant Program Request for Proposals and Attachment 2: Organized Retail Theft Vertical Prosecution Grant Program Grant Proposal. Changes shall not be implemented by the project until authorized by the BSCC.

### **8. TERMINATION**

## **EXHIBIT D: SPECIAL TERMS AND CONDITIONS**

- A. This Grant Agreement may be terminated by the BSCC at any time after grant award and prior to completion of project upon action or inaction by the Grantee that constitutes a material and substantial breach of this Grant Agreement. Such action or inaction includes but is not limited to:
- 1) substantial alteration of the scope of the grant project without prior written approval of the BSCC;
  - 2) refusal or inability to complete the grant project in a manner consistent with Attachment 1: Organized Retail Theft Vertical Prosecution Grant Program Request for Proposals and Attachment 2: Organized Retail Theft Vertical Prosecution Grant Program Grant Proposal, or approved modifications;
  - 3) failure to meet prescribed assurances, commitments, recording, accounting, auditing, and reporting requirements of the Grant Agreement.
- B. Prior to terminating the Grant Agreement under this provision, the BSCC shall provide the Grantee at least 30 calendar days written notice stating the reasons for termination and effective date thereof. The Grantee may appeal the termination decision in accordance with the instructions listed in Exhibit D: Special Terms and Conditions, Number 9. Settlement of Disputes.

### **9. SETTLEMENT OF DISPUTES**

- A. The parties shall deal in good faith and attempt to resolve potential disputes informally. If the dispute persists, the Grantee shall submit to the BSCC Corrections Planning and Grant Programs Division Deputy Director a written demand for a final decision regarding the disposition of any dispute between the parties arising under, related to, or involving this Grant Agreement. Grantee's written demand shall be fully supported by factual information. The BSCC Corrections Planning and Grant Programs Division Deputy Director shall have 30 days after receipt of Grantee's written demand invoking this Section "Disputes" to render a written decision. If a written decision is not rendered within 30 days after receipt of the Grantee's demand, it shall be deemed a decision adverse to the Grantee's contention. If the Grantee is not satisfied with the decision of the BSCC Corrections Planning and Grant Programs Division Deputy Director, the Grantee may appeal the decision, in writing, within 15 days of its issuance (or the expiration of the 30-day period in the event no decision is rendered), to the BSCC Executive Director, who shall have 45 days to render a final decision. If the Grantee does not appeal the decision of the BSCC Corrections Planning and Grant Programs Division Deputy Director, the decision shall be conclusive and binding regarding the dispute and the Contractor shall be barred from commencing an action in court, or with the Victims Compensation Government Claims Board, for failure to exhaust Grantee's administrative remedies.
- B. Pending the final resolution of any dispute arising under, related to or involving this Grant Agreement, Grantee agrees to diligently proceed with the performance of this Grant Agreement, including the providing of services in accordance with the Grant Agreement. Grantee's failure to diligently proceed in accordance with the State's instructions

## EXHIBIT D: SPECIAL TERMS AND CONDITIONS

regarding this Grant Agreement shall be considered a material breach of this Grant Agreement.

- C. Any final decision of the State shall be expressly identified as such, shall be in writing, and shall be signed by the Executive Director, if an appeal was made. If the Executive Director fails to render a final decision within 45 days after receipt of the Grantee's appeal for a final decision, it shall be deemed a final decision adverse to the Grantee's contentions. The State's final decision shall be conclusive and binding regarding the dispute unless the Grantee commences an action in a court of competent jurisdiction to contest such decision within 90 days following the date of the final decision or one (1) year following the accrual of the cause of action, whichever is later.
- D. The dates of decision and appeal in this section may be modified by mutual consent, as applicable, excepting the time to commence an action in a court of competent jurisdiction.

### 10. UNION ACTIVITIES

For all agreements, except fixed price contracts of \$50,000 or less, the Grantee acknowledges that applicability of Government Code §§16654 through 16649 to this Grant Agreement and agrees to the following:

- A. No State funds received under the Grant Agreement will be used to assist, promote or deter union organizing.
- B. Grantee will not, for any business conducted under the Grant Agreement, use any State property to hold meetings with employees or supervisors, if the purpose of such meetings is to assist, promote or deter union organizing, unless the State property is equally available to the general public for holding meetings.
- C. If Grantee incurs costs or makes expenditures to assist, promote or deter union organizing, Grantee will maintain records sufficient to show that no reimbursement from State funds has been sought for these costs, and that Grantee shall provide those records to the Attorney General upon request.

### 11. WAIVER

The parties hereto may waive any of their rights under this Grant Agreement unless such waiver is contrary to law, provided that any such waiver shall be in writing and signed by the party making such waiver.

Title

## San Francisco District Attorney's Office

07/07/2023

id. 41335575

by **tina Nunes Ober** in **Organized Retail Theft Vertical Prosecution Grant Program**

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)

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	<b>+16286524190</b>
Day-To-Day Fiscal Contact	<b>Eugene Clendinen</b>
Day-To-Day Fiscal Contact's Title	<b>Chief, Administraton and Finance</b>
Day-To-Day Fiscal Contact's Physical Address	<b>350 Rhode Island St North Building, Suite 400 San Francisco CA 94103 US</b>
Day-To-Day Fiscal Contact's Email Address	<b>eugene.clendinen@sfgov.org</b>
Day-To-Day Fiscal Contact's Phone Number	<b>+16286524030</b>
Name of Authorized Officer	<b>Eugene Clendinen</b>
Authorized Officer's Title with Agency/Department/Organization	<b>Chief, Administration and Finance</b>
Authorized Officer's Physical Address	<b>350 Rhode Island St North Building, Suite 400N San Francisco CA 94103 US</b>
Authorized Officer's Email Address	<b>Eugene.Clendinen@sfgov.org</b>
Authorized Officer's Phone Number	<b>+16286524030</b>
Authorized Officer Assurances	<b>checked</b>
SECTION III - PROGRAM INFORMATION	<b>This section requests a Proposal Summary description and identification of the Funding Category.</b>
<b>Project Title</b>	<b>Reducing Retail Theft in San Francisco's Union Square and Mid-Market Districts</b>

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.

## Vertical Prosecution Methodology

### 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

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.**

<b>(1) Goal:</b>	<b>Hold Retail Theft Offenders Appropriately Accountable for Their Conduct</b>
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>			

<b>(2) Goal:</b>	<b>Reduce Incidences of Retail Theft In The Targeted Area And The City Generally</b>
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>
--	--

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>			

<b>(3) Goal:</b>	<b>Increase Public Confidence In The Safety of In-Person Shopping In The Target Area</b>
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).



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
<b>TOTAL</b>		<b>\$150,000.00</b>

**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
<b>TOTALS</b>		<b>\$0.00</b>

**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
<b>TOTALS</b>		<b>\$0.00</b>



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 <b>does not have</b> 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>	<i>\$0</i>	
2) Indirect costs not to exceed 20 percent (20%) of the total grant award. Applicable if the organization <b>has</b> 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>	<i>\$0</i>	
<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>	<b>TOTAL</b>	
	<b>\$57,628</b>	<b>\$57,628</b>

**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 3<sup>RD</sup> 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

**APPENDIX A: Organized Retail Theft Grant Program Scoring Panel Roster**

	<b>Name</b>	<b>Title</b>	<b>Organization / Agency</b>
1	Ryan Allain	Director	Government Affairs, California Retailers Association
2	Chesa Boudin	Executive Director	Criminal Law & Justice Center – UC Berkeley School of Law
3	Michelle Brown	Retired Chief Probation Officer	San Bernardino County
4	Derek Casebeer	Chief Deputy	Sacramento County Probation Department
5	Tracie Cone	Public Information Officer	Board of State and Community Corrections
6	Jason Craven	Officer	CA Highway Patrol Organized Retail Crime Task Force & Sacramento County Auto Theft Suppression Task Force
7	Jason Daugherty	Retired CHP Captain	Commander of Field Support Section
8	Sandra Dinong	Associate Governmental Program Analyst	Board of State and Community Corrections
9	Evonne Garner	Retired Deputy Director	Board of State and Community Corrections
10	Mary Jolls	Retired Deputy Director	Board of State and Community Corrections
11	Nicole Kirkaldy	Restorative Justice and Diversion Program Director	Yolo County District Attorney's Office
12	Mercedes Morales	Associate Governmental Program Analyst	Board of State and Community Corrections
13	Ryan Okimura	Staff Services Manager I	Board of State and Community Corrections
14	Nancy O'Malley	Retired District Attorney	Alameda County
15	Chelsea Paez	Staff Services Manager I	Board of State and Community Corrections
16	Bao Phan	Associate Governmental Program Analyst	Board of State and Community Corrections
17	Rodney Rego	Captain	Elk Grove Police Department
18	Michelle Solorzano	Sr. Project Manager	City of El Monte
19	Ashley Taylor	Associate Governmental Program Analyst	Board of State and Community Corrections
20	Eric Taylor	Sheriff	San Benito County

## APPENDIX B: Grantee Assurance for Non-Governmental Organizations

The Organized Retail Theft Vertical Prosecution Grant Program Request for Proposals (RFP) includes requirements that apply to non-governmental organizations (NGOs)<sup>1</sup> providing services with grant funds. Grantees are responsible for ensuring that all contracted third parties continually meet these requirements as a condition of receiving funds. The RFP describes these requirements as follows:

Any non-governmental organization that receives Organized Retail Theft Vertical Prosecution Grant Program Grant funds (as either a subgrantee or subcontractor) must:

- Have been duly organized, in existence, and in good standing for at least six (6) months prior to the effective date of its fiscal agreement with the BSCC or with the Organized Retail Theft Vertical Prosecution Grant Program grantee;
  - Non-governmental entities that have recently reorganized or have merged with other qualified non-governmental entities that were in existence prior to the six (6) month date are also eligible, provided all necessary agreements have been executed and filed with the California Secretary of State prior to the start date of the grant agreement with the BSCC or the start date of the grantee subcontractor fiscal agreement;
- Be registered with the California Secretary of State's Office, if applicable;
- Have a valid Employer Identification Number (EIN) or Taxpayer ID (if sole proprietorship);
- Have a valid business license, if applicable;
- Have no outstanding civil judgments or liens;
- Have any other state or local licenses or certifications necessary to provide the services requested (e.g., facility licensing by the Department of Health Care Services), if applicable; and
- Have a physical address within California. (An agent for service of process with a California address is insufficient.)

### Completing the NGO Assurance (Following Page)

1. Provide the name of the Applicant Agency (the Grantee),
2. List all contracted parties (if known),
3. Check Yes or No to indicate if each contracted part meets the requirements
4. Sign and Submit to the BSCC

**NOTE:** If the name of the contracted party is unknown or if there will be no contracted parties. Write N/A in the "Name of Contracted Party" field and sign the document.

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<sup>1</sup> For the purposes of this RFP, NGOs include nonprofit and for-profit community-based organizations, faith-based organizations, evaluators (except government institutions such as universities), grant management companies, and any other non-governmental agency or individual.

**APPENDIX B: Grantee Assurance for Non-Governmental Organizations**

Provide your agency name and in the table list information for all contracted parties.

Grantee:

Name of Contracted Party	Address	Email / Phone	Meets All Requirements
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

\*Grantees are required to update this list and submit it to BSCC any time a new third-party contract is executed after the initial assurance date. Grantees shall retain (on-site) applicable source documentation for each contracted party that verifies compliance with the requirements listed in the RFP. The BSCC will not reimburse for costs incurred by any third party that does not meet the requirements listed above and for which the BSCC does not have a signed grantee assurance on file.

**A signature below is an assurance that all requirements listed above have been met.**

<b>AUTHORIZED SIGNATURE</b> (This document must be signed by the person who is authorized to sign the Grant Agreement.)			
NAME OF AUTHORIZED OFFICER	TITLE		TELEPHONE NUMBER
STREET ADDRESS	CITY	STATE	ZIP CODE
EMAIL ADDRESS			
SIGNATURE X			DATE

Title

# San Francisco District Attorney's Office

07/07/2023

id. 41335575

by **tina Nunes Ober** in **Organized Retail Theft Vertical Prosecution Grant Program**

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)

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, Administraton 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.

## Vertical Prosecution Methodology

### 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

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.)**

**From:** [Renault, Dameion@BSCC](mailto:Renault.Dameion@BSCC)  
**To:** [Renault, Dameion@BSCC](mailto:Renault.Dameion@BSCC)  
**Cc:** [Vlavianos, Jessica@BSCC](mailto:Vlavianos.Jessica@BSCC); [Fields, Christy@BSCC](mailto:Fields.Christy@BSCC); [Escobar, Eddie@BSCC](mailto:Escobar.Eddie@BSCC)  
**Subject:** BSCC Organized Retail Theft Vertical Prosecution Grantees: Next Steps  
**Date:** Thursday, September 14, 2023 11:40:50 AM  
**Attachments:** [Agenda ORT - ORTVP Grantee Orientation Days 1 - 3.pdf](#)

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good morning.

On behalf of the Board of State and Community Corrections (BSCC) and the Organized Retail Theft Vertical Prosecution (ORTVP) Scoring Panel, ***congratulations*** on your new grant with the BSCC! Today, the BSCC Board unanimously passed the agenda item which approved funding for your grant application.

I'd like to provide some next steps and forthcoming requests for documents. First let me introduce our team that will support your success throughout your grant period:

Jessica Vlavianos - Associate Governmental Program Analyst (day to day contact)

Michael Lee - Research Data Supervisor II (data collection & evaluation contact)

Christy Fields - Staff Services Manager I

Dameion Renault – Field Representative (modification, technical assistance, major support)

- The contract documents (Standard Agreement) will be forwarded to your team over the next week. These will be emailed (with instructions for submittal) to the individual listed as the Authorized Officer on the grant application with a cc to all other individuals listed on the Applicant Information Form.
- If you have not submitted a Resolution from your Governing Board, we will need this document in order to fully execute your contract/Standard Agreement. Please note: the language provided in Appendix E of the Request for Proposals (attached for your convenience) must include, at a minimum:
  - Language that delegates authority to the individual/position authorized to execute the grant agreement including any amendments or provide sufficient documentation indicating that the signer has been vested with plenary authority to execute grant agreements (e.g., a City Council or County Board of Supervisors delegating such authority to an Agency head);
  - A non-supplantation declaration; and
  - Agreement to abide by all terms and conditions of the contract/Standard Agreement.
- If you will be subcontracting with a non-governmental organization (NGO) with ORTVP funds, additional forms may be required, if you have not already completed and submitted these form with your application.

The BSCC will be providing a mandatory virtual **Grantee Orientation on October 17 & 19**. The agenda for those days is attached and includes days that both ORTVP and the grantees from the Organized Retail Theft Prevention grant program. ORTVP **does not** have to attend all three days. Please pay close attention to the dates in the agenda. **ORTVP grantees must attend the orientation on October 17 and October 19 only.**

- All projects will be required to develop a Local Evaluation Plan (LEP). It is recommended that projects begin thinking about their Plan now using the sample provided in Appendix I of the RFP. We will be discussing this in greater detail at the Grantee Orientation, with our Research Data Supervisor II Michael Lee. Typically, the LEPs are due 45 days after the Orientation. In addition, it is advised that the individual evaluating the ORTVP grant project is onboard at the beginning of the project and part of the LEP development process (i.e., not brought on at the end of the grant term to evaluate project data).
- Please note: although your application has been recommended for funding by the ESC and awarded by the Board, staff will be reviewing your budget section carefully to ensure all proposed costs listed within the budget narrative are actually allowable and eligible for reimbursement with ORTVP funds. In addition, any single item purchase more than \$3,500 will need pre-approval by me before the actual item(s) is procured (even if in your original budget). We will work with projects on any issues that may arise. Regardless of any narrative updates that may need to be addressed, we will be using the figures provided in your application budget table as your starting budget for the reimbursement invoices and the total amount requested for your contract/Standard Agreement.

It is my pleasure to serve as the Field Representative for this grant program. Staff at the BSCC are currently teleworking so we ask for your patience during this contracting period. If you have any question or think we can be of assistance, please do not hesitate to contact me, or Jessica Vlavianos, Associate Governmental Program Analyst.

Again, congratulations on your award. We look forward to working with you.

Your time is appreciated,

**Dameion Renault**

Field Representative – Corrections Planning and Grant Programs Division

BOARD OF STATE AND COMMUNITY CORRECTIONS

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LEADERSHIP ★ EXCELLENCE ★ SUPPORT



Brooke Jenkins  
District Attorney

November 28, 2023

Connie Chan  
Chair, Budget and Finance Committee  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Dear Chair Chan:

Attached please find a copy of the proposed Ordinance for the Board of Supervisors approval, which retroactively authorizes the Office of the District Attorney to accept and expend an Organized Retail Theft Vertical Prosecution Grant Program grant in the amount of \$2,050,000 from the State of California, Board of State and Community Corrections for the grant agreement period October 1, 2023, through June 1, 2027.

The purpose of the grant is to support the Organized Retail Theft Vertical Prosecution Program to address the increased levels of retail theft property crimes by using a vertical prosecution model. 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. This grant is being submitted currently as it is the earliest the Department can submit due to the timeframe it takes to process this grant for Board submission. Below is the timeline of activities leading up to the point of submission:

**Timeline:**

- 09/19/2023 received standard agreement from grantor.
- 09/27/2023 completed internal administrative review;
- 09/27/2023 sent A&E documents to City Attorney for review;
- 09/28/2023 City Attorney review completed;
- 10/1/23 OFFICIAL GRANT START DATE
- 10/04/2023 sent ordinance to DHR for review;



Brooke Jenkins  
District Attorney

- 10/10/2023 DHR review completed;
- 10/12/2023 sent A&E documents to Controller for review;
- 10/24/2023 Controller review completed;
- 10/24/2023 forwarded A&E documents to MBO for review;
- 11/16/2023 received MBO approval.

The following is a list of accompanying documents:

- Grant Information Form
- Grant Budget
- Grant Application
- Grant Award Letter

We thank you for your consideration of this item. If you have any questions, please contact Eddie McCaffrey at [Edward.McCaffrey@sfgov.org](mailto:Edward.McCaffrey@sfgov.org).

Brooke Jenkins  
District Attorney

Eugene Clendinen  
Chief, Administration &  
Finance

**TO:** Angela Calvillo, Clerk of the Board of Supervisors  
**FROM:** Lorna Garrido, Grants and Contracts Manager  
**DATE:** October 12, 2023  
**SUBJECT:** Accept and Expend Ordinance for Subject Grant  
**GRANT TITLE:** Organized Retail Theft Vertical Prosecution Program

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Attached please find the following documents:

- Proposed grant ordinance signed by Department, Mayor, Controller
- Grant information form, including disability checklist
- Grant budget
- Grant application
- Grant award letter from funding agency
- Ethics Form 126 (if applicable)
- Contracts, Leases/Agreements (if applicable)
- Other (Explain): Legislative Digest prepared by the City Attorney's Office

**Special Timeline Requirements:**

Please schedule at the earliest available date.

**Departmental representative to receive a copy of the adopted resolution:**

Name: Lorna Garrido

Phone: (628) 652-4035

Interoffice Mail Address: DAT, 350 Rhode Island Street, North Building, Suite 400N

**Certified copy required Yes**

No

(Note: certified copies have the seal of the City/County affixed and are occasionally required by funding agencies. In most cases ordinary copies without the seal are sufficient).