

Title	<b>Alameda County District Attorney's Office</b>	06/30/2023
	by Tara Anderson in Organized Retail Theft Vertical Prosecution Grant Program	id. 41275836
	tara.anderson@acgov.org	

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<b>Original Submission</b>	06/30/2023
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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.

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SECTION I - BACKGROUND INFORMATION	This section requests information about the applicant's name, location, mailing address, and tax identification number.
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Name of Applicant	Alameda County District Attorney's Office
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Applicant's Physical Address	1225 Fallon St Oakland CA 94612 US
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Applicant's Mailing Address (If different than physical address)	n/a
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Mailing Address for Payment **1225 Fallon St  
Dept  
Oakland  
CA  
94612  
US**

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Tax Identification Number **946000501**

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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.**

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Project Director **Otis  
Bruce**

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Project Director's Title with Agency/Department/Organization **Alameda District Attorney's' Office**

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Project Director's Physical Address **1225 Fallon St  
Dept  
Oakland  
CA  
94612  
US**

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Project Director's Email Address **Otis.Bruce@acgov.org**

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Project Director's Phone Number **+15102726222**

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Financial Officer **Royl  
Roberts**

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Financial Officer's Title with Agency/Department/Organization **Alameda District Attorney's' Office**

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Financial Officer's Physical Address **1225 Fallon St  
Oakland  
CA  
94612  
US**

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Financial Officer's Email Address **royl.roberts@acgov.org**

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Financial Officer's Phone Number **+15102726222**

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Day-To-Day Program **Tara**  
Contact **Anderson**

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Day-To-Day Program **Assistant Chief Administration and Operations**  
Contact's Title

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Day-To-Day Program **1225 Fallon St**  
Contact's Physical **Oakland**  
Address **CA**  
**94612**  
**US**

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Day-To-Day Program **tara.anderson@acgov.org**  
Contact's Email  
Address

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Day-To-Day Program **+15102726222**  
Contact's Phone  
Number

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Day-To-Day Fiscal **Dawn**  
Contact **DeMarcus**

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Day-To-Day Fiscal **Finance Director**  
Contact's Title

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Day-To-Day Fiscal **1225 Fallon St**  
Contact's Physical **Dept**  
Address **Oakland**  
**CA**  
**94612**  
**US**

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Day-To-Day Fiscal **Dawn.DeMarcus@acgov.org**  
Contact's Email  
Address

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Day-To-Day Fiscal **+15102726222**  
Contact's Phone  
Number

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Name of Authorized **Pamela**  
Officer **Price**

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Authorized Officer's **District Attorney**  
Title with  
Agency/Department/Organization

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Authorized Officer's **1225 Fallon St**  
Physical Address **Oakland**  
**CA**  
**94612**  
**US**

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Authorized Officer's Email Address	<b>pamela.price@acgov.org</b>
Authorized Officer's Phone Number	<b>+15102726222</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>Alameda County District Attorney's Office Organized Retail Crime Unit: Project ORCA</b>
Proposal Summary	<b>Organized Retail Theft cases are time intensive, complex, include multiple defendants and carry a heavy investigative burden. The vertical prosecution resources provide critical support to combat ORT. The intent of the proposed project is to address the low rates of case resolution and create more opportunity for evidenced based division and restorative justice.</b>
Funding Category Information	<b>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.</b>
<b>Funding Category</b>	<b>Large Scope (Up to \$2,050,000)</b>
SECTION IV - PROPOSAL NARRATIVE AND BUDGET	<b>This section requests responses to the Rating Factors identified in the the Organized Retail Theft Vertical Prosecution Grant Program Instruction Packet.</b>

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

Alameda County is a remarkably diverse community, not only in terms of its citizenry but also in terms of its geographic attributes and industrial base. Alameda County (AlCo) is the seventh most populous county in the state of California and home to approximately \$1.9 Million people who are 37.98% White, 31% Asian, 10% Black or African American, 0.7% Native American, 0.8% Native Hawaiian and Other Pacific Islander. An estimated, 46% of the population speaks a language other than English. The geographically diverse landscape covers 813 square miles with 14 incorporated cities; Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City and 6 unincorporated communities.

By any measure, AlCo is one of the central business and employment hubs of the state and a recreational and tourism destination. AlCo has a substantial business base involving the service industry, manufacturing, information technology, building trades, transportation and shipping, tourism, agriculture and professional

sports. In addition, AlCo is home to many universities, with students from all over the world.

As a center of culture and entertainment, AlCo has a robust retail economy, accounting for more an estimated \$22 billion in taxable retail sales in 2023. According to the Economic Forecast for AlCo published in 2021, the retail sector was decimated in 2020, declining by 10 percent and losing 7,100 jobs. Losses were largest at clothing stores, and big box department stores. As economic recovery continues it is important, now than ever, to ensure that adequate resources are devoted toward the protection of small and large retailers, consumers and community members. The ease of online shopping and the consolidation of distribution activities with warehousing and fulfillment centers create an environment primed for the fencing of stolen goods, at the expense of lawful retailers. Although the individuals who steal items from retail businesses are the most visible and attention-garnering component of these operations, they are often just one actor in a large scheme. Complex networks drive theft in our retail outlets, acquiring these stolen items and reselling them across geographic boundaries, often via well-established non-criminal venues such as Amazon Marketplace, Craigslist, and eBay.

Annually, the ACDAO Alameda County District Attorney's Office (ACDAO) receives approximately 40,000 incident reports from twenty-two arresting agencies for review. When evidence supports the charges alleged and the office can meet the ethical burden to prove the case beyond a reasonable doubt, prosecutorial actions include but are not limited to filing new criminal charges, proceeding with revocation and modification of community supervision. According to the ACDAO case management system, from 2019 to date just over 1800 incidents of theft for conduct alleged under PC 490.4 Organized Retail Theft; PC 490.2 Petty Theft and PC 182 Conspiracy; and PC 666 Repeat Petty Theft, hereafter referred to as ORT cases, were presented to the ACDAO for review. Of those, 99 specifically alleged PC 490.4. The top eight arresting agencies for these crimes serve Alameda, Berkeley, Dublin, Fremont, Hayward, Livermore Oakland and San Leandro. Each of these cities is home to major retail centers. ACDAO was able to take action on 1286 of the ORT cases. From 2019 to date ORT case outcomes have varied. Of the cases resulting from a new criminal charge, 159 resulted in a conviction or other action taken, 52 were dismissed. Leaving a large pool of pending and unresolved cases.

To this end, in 2022 ACDAO joined an alliance between bay area prosecutors, law enforcement, and state agencies to combat ORT and pledged a prosecutor position to collaborate and participate in the joint effort. The ACDAO has not been able to devote resources exclusively to ORT. These cases are handled as a part of a general felony or misdemeanor case load. Absent the investment from the state budget AlCo would not have the resources to advance an ORT specific caseload under a vertical prosecution model. The combined proposal provides the staffing pattern necessary to maintain time

sensitive communication with law enforcement partners, leverage data to connect incidents and ultimately resolve cases appropriately through conviction and/or diversion.

## Project Description

No agency or industry will solve this complex problem alone. ORT cases are time intensive, complex, include multiple defendants and carry a heavy investigative burden. Anecdotal evidence suggests that the low resolution of these cases is the result of the case more often than not prosecutors having average felony case load of 190 cases per attorney. Historically, that same caseload is then served by different attorney's from arraignment to preliminary hearing to trial or case resolution. The vertical prosecution resources provide critical support to combat ORT. The intent of the proposed project is to address the low rates of case resolution and create more opportunity for evidenced based division and restorative justice.

**Target Area.** The proposed target area for the ACDAO ORT Unit is the entire county with additional focused efforts in the communities where organized retail crimes are most prevalent; Alameda, Berkeley, Dublin, Fremont, Hayward, Livermore Oakland and San Leandro. These community are also connect by a robust transportation infrastructure. The county is accessible by three deep-water shipping ports, three international airports, a national rail system, four bridge spans linking AlCo with four contiguous counties, and an extensive highway system that connects AlCo to the entirety of the state. This combined with the proposed focuses on warehouses and online marketplaces means that regular data analysis is essential to support target interventions that will lead to the greatest impact.

**Vertical Prosecution Model.** If successful in securing the BSCC funding, the newly created ACDAO ORT unit will utilize major stage vertical prosecution for the cases selected for the focused caseload. The work of the unit will be driven by data analysis and coordination with law enforcement. Cases will be flagged at the intake and charging unit based on the criteria set during the implementation period. After the defendant and the circumstances of the case meet the necessary criteria, The same prosecutor makes the first appearance and all significant appearances, such as: preliminary hearing, trial, sentencing, contested motions affecting bail, admissibility of evidence, dismissal of charges, change of venue, motions to sever or consolidate, discovery, setting aside the verdict or motions concerning search warrants. One Deputy District Attorney (DDA) and one Inspector II will be assigned to the unit. There primary roles will be the investigation and prosecution of organized retail theft crimes.

The ACDAO escribes to a four-prong approach to combat organized retail theft; Dismantle, Disrupt, Deter and Divert. This model approach has been embraced by the California District Attorney's Association, California Chiefs of Police, Californians for Safe Stores and Neighborhoods, League of California Cities and California Retailers Association, and was profiled at the February 23, 2022 meeting of the Committee on the Revision of the Penal Code.

The assigned DDA, Inspector II, and Senior Program Specialist will aim to dismantle the infrastructure behind these crimes through partnerships with law enforcement throughout the county and bay area prosecutors from neighboring counties; through shared data collection, crime analytics, as well as pooled investigative tools to successfully prosecute those involved with organized retail theft schemes. In addition to the shared resources within AICo and between counties, the ACDAO will continue to collaborate with local retailers to understand trends, enhance prevention efforts, and improve safety for consumers. A key strategy in these efforts is to focus on the drivers of organized retail crimes by investigating money laundering, tax evasions, and other tax law violations. In addition, these strategies provide the opportunity to disrupt the digital black market. Partnerships like the signed Collaborative Agreement announced by Attorney General Bonta with Retailers, Online Marketplaces ensure that we are all better equipped to combat organized retail crime as they strengthen efforts to minimize the use of non-criminal online retail platforms for the purpose of fencing. The agreement announced on June 20th indicates that will help advance information-sharing and detection regarding loss of items from various stages of the supply chain, including cargo and retail goods, that may end up for sale in online marketplaces.

In addition, Attorney General Rob Bonta has implemented a new online reporting portal to improve reporting of retail crime. The ACDAO ORT Unit will establish a key point of contact for the AG's Office initiatives with online retailers and consumers, in order to connect cases and coordinate efforts throughout the county and the state. The vertical prosecution team will work with not only the AG's Office but also regional law enforcement to deter serial theft. This will be achieved by encouraging responsible and responsive interventions from law enforcement. As of the submission of this report the cities of Hayward and Pleasanton are submitting ORT prevention applications and we anticipate that there will be additional proposals to the BSCC. Regardless of the successful funding of our law enforcement partners we will work collaboratively as we have and continue to as a part of other violence prevention and theft related crimes. In addition, the ACDAO -where and when appropriate- will divert people and cases to alternatives to incarceration. In fact, recent research published by California Policy Lab in their publication entitled, The Impact of Felony Diversion in San Francisco, has shown that a simple referral to a collaborative court program can result in lower recidivism rates and the effect on recidivism persists for five years post referral.

**Alternatives to Incarceration.** The ACDAO will leverage the robust portfolio of Specialty and Collaborative Court Programs in order to address the nature and prevalence of ORT in AICo. While each program has unique components centered on the needs driving people to engage in unlawful conduct, all have demonstrated success in linking people to services and reducing recidivism. Court based programs include Early intervention Court, The Collaborative



Courts help people with drug, alcohol, and co-occurring conditions. The goal is for participants to enter treatment and exit the justice system. All participating agencies are committed to legal relief for people struggling with addiction and related issues. After initial intake of case consideration for filing, the grant assigned vertical prosecutor will assess each named defendant for referral to collaborative court program. Not all cases will be appropriate for referral to these programs, making case by case assessment important. In addition, the ACDAO will make referrals to restorative community conferencing and services for select cases. The office anticipates that cases of retail theft involving a person-to-person related harm will be most appropriate referrals. Criteria will be developed in the implementation phase of the initial grant period.

**Collaboration.** In addition to the collaborative efforts discussed in the description of the vertical prosecution model, the ACDAO host and convene the Alameda County Regional Auto Theft Task Force (ACRATT). The ACRATT was created to reduce the incidents of vehicle theft in Alameda County through proactive enforcement efforts, officer training, and public awareness. ACRATT is governed by a Task Force Oversight Committee which consists of the Chiefs of the participating local agencies, or their designees, and the Commanders of the participating California Highway Patrol (CHP) entities, or their designees. ACRATT comprises of five agencies, CHP – Golden Gate Division, CHP – Oakland Area, CHP – Hayward Area, Oakland Police Department, and Alameda County Probation Department. These partners are critical to supporting the identification of linked incidents of organized retail theft and identifying the use of a stolen vehicle in the commission of those crimes.

**Project Goals, Objectives, and Impact.** The Following 4 goals have been identified to measure the success of the ACDAO ORT project and to demonstrate the value of using data to ensure the fair and effective administration of justice, (1) Improve the quality, efficiency, and timely disposition of ORT cases with an emphasis on reducing racial and ethnic disparities, (2) Encourage collaboration and formalize existing and emerging cross system law enforcement partnerships to combat ORT, (3) Use technology tools to analyze caseloads and prioritize case review and (4) Increase the capacity of diversion and restorative justice programs to address ORT. The Project Work Plan provides additional detail on the scope of the objectives aimed toward meeting these goals. Ultimately the work of the ACDAO ORT Unit will increase public safety, increase consumer safety and reduce recidivism.

Project  
Organizational  
Capacity and  
Coordination

**Management Structure and Decision Making.** District Attorney Price's Executive Leadership Team includes Chief Assistant District Attorneys (ACDA). ACDA Otis Bruce Jr leads all matters related to criminal prosecution. The Vertical Prosecution Team's day to day activities including investigations, enforcement actions and prosecution fall under the direction of ACDA Bruce. The District Attorney Investigations Bureau reports to ACDA Bruce and is led by

**Chief Inspector Eric Lewis who has over 30 years professional law enforcement experience in planning and managing complex investigation, training and instructions and tactical field operations. Chief Inspector Lewis will provide oversight and support to the Inspector II for peace officer duties. This management structure accounts for a total of over 60 years' experience in prosecution and law enforcement. All unit decision making will be guided by unit case criteria set during the initial launch phase of the grant period. All decision making will be made in compliance with the Constitutions of the United States and the state of California. Guidelines will be set to comply with the ethical duties of the prosecutor and in accordance with the Racial Justice Act.**

**Ability to Administer the Proposed Project. The grants administration, executing contracts and completing reporting requirements will be fulfilled by the Administration and Operations Bureau led by ACDA Roberts. The grant management team is comprised of a Grants Director, and fiscal department staff. The Grants Director is lead representative for the pre- and post-award grant administration and ensures regulatory compliance and reports to the Assistant Chief of Administration and Operations, who has over 20 years' experience in grants administration. The Director of Finance oversees approval from the Board of Supervisors, tracking expenditures, invoicing, and responding to audits. The ACDAO proposed vertical prosecution staffing pattern fulfills the statutory required positions and evaluation activities- including an experienced prosecutor, inspector and program specialist. The ACDAO has significant experience with lateral hire and promotional opportunities to advance project specific work. The positions will begin in January 2024, the launch of the service delivery period. The non-grant funded Assistant Chief of Administration and Operations and Grants Director will lead the implementation period activities, including but not limited to hiring, procurement, design of vertical prosecution draft guidelines and draft local evaluation plan. These key staff will be responsible for the project period five-month closeout.**

**Coordination with Partner Agencies. As described in the Project Description, the ACDAO will leverage and grow many existing law enforcement partnerships including but not limited to ACRATT. In addition, the ACDAO is proposing to expand capacity to refer cases, when appropriate to Restorative Justice programming. Community Works will receive suitable case referrals from ACDAO and facilitate appropriate interventions, for people who have been directly harmed and those responsible for causing that harm in the commission of organized retail theft crimes. Per AB 178 the investment in resources directed toward CW is in part, how ACDAO plans to use alternatives to incarceration, including diversion or restorative justice programs, to reduce organized retail theft and help reduce recidivism. Restorative community conferencing is an evidenced based diversion program that facilitates restorative conferencing for victims, youth offenders, and their communities.**

**Timeline for Execution of Contracts. The ACDAO secured prior**

approval by way of resolution from the Alameda County Board of Supervisors to apply for and execute grant related agreements. Any agreements require approval as to form from County Counsel and appropriations from the county Administrators Office. The ACDAO is ready as required to complete the execute agreements by January 2024.

**Plan for Sustainability.** Without the Organized Retail Theft Vertical Prosecution Grant Program, the ACDAO could not afford a specific ORT inspector and prosecutor with a reduced caseload, focused on complex time intensive investigations. The robust data and local evaluation plan and reports will be used in grant year two to advocate for continued financial support for the activities beyond the expiration of the grant funds.

#### Project Evaluation and Monitoring

The ACDAO is committed to data driven interventions that advance public safety and center victim/survivor wellbeing. The ACDAO will collect, maintain, analyze, and report on all required data for the project. Data collection and analysis will be guided by a local evaluation plan focused on the efficient and equitable pursuit of justice through fair and just prosecution, diversion and restorative justice. The ACDAO will ensure that the workplan is aligned with evidenced based practice and that the measurable objectives have clear methods for data collection and reporting.

**Qualified Internal Staff and External Partners.** The ACDAO Assistant Chief of Administration and Operations, Tara Anderson, has over twenty years of experience in program process and impact evaluation. The last twelve of those years have been in a prosecutor's office directing the creation of databases, evaluation plans and rigorous research. The most notable of these is the development and implementation of the Randomized Control Trial (RCT) for a prosecutor-led Restorative Justice Division program for Juveniles which was found to produce better public safety outcomes than incarceration at a fraction of the cost. Mrs. Anderson will supervise the creation of the research design and all aspects of data collection and reporting.

**Plan for Data Collection.** The ACDAO maintains an independently developed case management system, DALITE, RD3. The case management system is used by all prosecutors in their daily criminal caseload management, from intake to post conviction review. RD3 includes functionality to file a case electronically with the Court's Odyssey system and to manage the complete lifecycle of the case. Due to the homegrown nature of the case management system it is easy to integrate grant tracking data fields and automate system improvements. To measure project performance, IT staff will produce a specific interface to ensure the tracking of cases for ORT review, and prosecution. In the case of new investigative leads, no active or ongoing investigative case information will be shared outside of law enforcement. This information will be tracked in the aggregate reporting purposes. The proposed Senior program specialist position will extract, analyze, and summarize data for performance measures

reporting. The proposed Senior program specialist position will be responsible for quarterly review of data, including implementation and impacts on outcomes and will report performance and outcome data through the Local Evaluation Plan and Local Evaluation Report. This data will include but not be limited to: data on the number of organized retail theft cases filed in AICo, the number of the number of organized retail theft convictions obtained, and the sentences imposed for those convicted of organized retail theft number of instances where vertical prosecution was used to obtain those convictions and the sentences imposed, the number of theft-related property crimes that were charged under the vertical prosecution model and the resulting number of convictions, the number of cases referred to diversion, buy type of diversion. Well over 5% of the total grant award is devoted to the Senior Program Specialist position which is responsible for data collection and evaluation efforts. The position is funded at \$605,692, or 30% of the total project budget.

**Project Plan Monitoring.** The ACDAO ORT Unit team will meet weekly to review cases presented and the action taken on each case, pending cases and diversion updates. On a quarterly basis the ACDAO ORT Unit Team will convene law enforcement partners and assigned ORT leads to discuss trends and operations. These meetings will be coordinated with CHP and include liaisons with the Auto Theft Task force, also hosted by ACDAO.

**Research Design.** The Local Evaluation plan research design will consider all available data from both CRIMS and RD3. The implementation period will allow for the thoughtful design of the plan and incorporation of any necessary improvement to data collection. ACDAO staff are primed to work with any evaluator identified by the state to access impact of the program. Ultimately all data collected will inform the development of new policy and practice which will be integrated into the ACDAO case management system, RD3.

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#### 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.**

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#### Budget Attachment

[ORT-Grant-Program-Budget-Attachment\\_FINAL\\_6.30.23.xlsx](#)

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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)**

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Project Work Plan (Appendix B)

[ACDAO\\_Project-Work-Plan-ORT-VP\\_6.29.23.docx](#)

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Grantee Assurance for Non-Governmental Organizations (Appendix D)

[ACDAO\\_Grantee-Assurance-for-Non-Governmental-Organizations-ORT.docx.pdf](#)

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Letter(s) of Commitment, (Appendix E)

[CW\\_Letter\\_of\\_Commitment\\_BSCC\\_ORT.pdf](#)

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

[ACDAO\\_Certification-of-Compliance-with-BSCC-Policies-on-Debarment\\_-Fraud\\_-Theft\\_-and-Embezzlement-OR.pdf](#)

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OPTIONAL: Governing Board Resolution (Appendix G)

[6.27.23\\_Board\\_Agenda\\_ORT.pdf](#)

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OPTIONAL:  
Bibliography

n/a

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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.)**

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## Appendix B: Project Work Plan

**Alameda County District Attorney’s Office  
Organized Retail Theft Unit  
The ORCA Project**

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>To improve the quality, efficiency, and timely disposition of ORT cases with an emphasis on reducing racial and ethnic disparities</b>		
Objectives (A., B., etc.)	A. Increase the number of ORT cases resulting in resolution B. Minimize unnecessary punitiveness. C. Reduce racial and ethnic disparities in the criminal system, whether they stem from victim or defendant identity.		
Process Measures and Outcome Measures:	Case resolution rates increase. Diversion Rates increase. Time from arrest to case resolution decreases.		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
1. Finalize approval of appropriation and hire key grant funded staff. 2. Create and launch ORT Unit with vertical Prosecution model. 3. Develop case criteria and guidelines including referral to Diversion and RJ.	Grant Director, Grant funded Deputy District Attorney, Inspector II, and Senior Program Specialist	October 2023	June 2027

List data and sources to be used to measure outcomes:  
 Data List:  
 1. Investigations started and completed.  
 3. Charges at Arrest  
 4. Filing Decision  
 5. Charges Filed  
 6. Dates: Arrest, present, filing and major court events  
 7. Race and Ethnicity  
 8. Case Diverted  
 Source: RD3, CRIMS and Odyssey

<b>(2) Goal:</b>	<b>To increase collaboration and formalize existing and emerging cross system law enforcement partnerships to combat ORT</b>		
Objectives (A., B., etc.)	A. By the end of the project period ACDAO will have held 10 or more County ORT meetings. B. From the launch of the project law enforcement partners and retail community will have a single key point of contact at ACDAO to facilitate successful investigation and prosecution.		
Process Measures and Outcome Measures:	Implementation of regular ongoing meeting schedule. Changes in policies and practice result in increased coordination and connection of ORT cases.		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
1. Convene justice partners to explore full implementation of ORT Unit Dismantle, Disrupt, Deter, and Divert strategies 2. Develop recommendations focused on improved case investigations and system coordination	Grant funded Deputy District Attorney, Inspector II, and Senior Program Specialist	January 2024	December 31, 2026
List data and sources to be used to measure outcomes: Data List: Number of meetings held, number of partners engaged, Number of policies and protocols developed directly linked to ORT, Number of multi-jurisdiction cases. Source: Senior Program Specialist files including agendas, contact lists etc.			

<b>(3) Goal:</b>	<b>To use technology tools to analyze caseloads and prioritize ORT case review</b>		
Objectives (A., B., etc.)	Increase the use of data to Dismantle, Disrupt, Deter and Divert organized Retail theft. Increase the use of data to identify evidenced based practice in prosecutorial decision making.		
Process Measures and Outcome Measures:	Development of Dashboards used as a part of unit decision making. Implementation of legacy solutions integrated into the case management system-ie. Early Case flagging		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
1. Survey staff to establish summary list of local best practices for effective case resolution. 2. Make necessary improvements to case management system, RD3 3. Leverage technology tools to connect cases and generate case flags.	Senior Program Specialist, Assistant Chief of Administration and Operations	November 2023	June 2027
List data and sources to be used to measure outcomes: Data list: Number of technology tools implemented (e.g. management dashboards, case flags) Source: RD3 and ORT Unit Files			
<b>(4) Goal:</b>	<b>Increase the capacity of diversion and restorative justice programs to address ORT.</b>		
Objectives (A., B., etc.)	A. Increase the number of ORT cases resulting in successful resolution via restorative Justice B. Minimize unnecessary punitiveness. C. Reduce racial and ethnic disparities in the criminal system, whether they stem from victim or defendant identity.		
Process Measures and Outcome Measures:	Case resolution rates Diversion Rates Time from arrest to case resolution		
Project activities that support the identified goal and objectives:	Responsible staff/partners	Timeline	
		Start Date	End Date
1. Draft and successfully execute the standard Services Agreement with Community Works for increased restorative justice community conferencing capacity. 2. Develop referral criteria.	Grants Director and ORT Deputy District Attorney	January 2024	December 2026



3. ACDAO refers cases and tracks progress.			
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List data and sources to be used to measure outcomes:  
 Data List:  
 1. Referrals made by type  
 2. Cases found suitable  
 3. Cases with conference held  
 4. Agreements completed  
 Successful Program completion  
 Sources: RD3 and CW Case management System

**Organized Retail Theft Prevention Grant Program - Project Budget and Budget Narrative**

**Name of Applicant:** Alameda County District Attorney's Office  
(i.e., County Sheriff's Office, County Probation Department, or City Police Department)

**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	\$1,725,255.00
2. Services and Supplies	\$0.00
3. Professional Services or Public Agencies	\$0.00
4. Non-Governmental Organization (NGO) Subcontracts	\$300,000.00
5. Data Collection and Evaluation	\$0.00
6. Equipment/Fixed Assets	\$0.00
7. Financial Audit (Up to \$25,000)	\$24,745.00
8. Other (Travel, Training, etc.)	\$0.00
9. Indirect Costs	\$0.00
<b>TOTAL</b>	<b>\$2,050,000.00</b>

**1a. Salaries & Benefits**

Description of Salaries & Benefits	(% FTE or Hourly Rate) & Benefits	Total
Deputy District Attorney	1040 hours per year/0.5 FTE, Benefits at 42%. Year 1 Salary (\$82.02 X 1040/hrs X 1 position)=\$85,301, Year 2 Salary (\$86.94 X 1040/hrs X 1 position)=\$90,418, Year 3 Salary (\$92.16 X 1040/hrs X 1 position)=\$95,846 Benefits (\$85,301 + \$90,418 + \$95,846 X 42%)=\$114,057, Total Salary and Benefits (\$88,301 + \$90,418 + \$95,846/Salary plus \$114,057/Benefits) = \$385,622	\$385,622.00
Inspector II	1664 hours per year/0.8 FTE, Benefits at 90%. Year 1 Salary (\$70.09 X 1664/hrs X 1 position)=\$116,630, Year 2 Salary (\$77.10 X 1664/hrs X 1 position)=\$128,294, Year 3 Salary (\$84.81 X 1664/hrs X 1 position)=\$141,124 Benefits (\$116,630 + \$128,294 + \$141,124 X 90%)=\$347,443, Total Salary and Benefits (\$116,630 + \$238,294 + \$141,124/Salary plus \$347,443/Benefits) = \$733,491	\$733,941.00
Senior Program Specialist	2080 hours per year/1.0 FTE, Benefits at 56%. Year 1 Salary (\$52.88 X 2080/hrs X 1 position)=\$109,990, Year 2 Salary (\$54.47 X 2080/hrs X 1 position)=\$113,298, Year 3 Salary (\$56.10 X 2080/hrs X 1 position)=\$116,688, Year 4 (close out) Salary (\$56.10 X 860.75/hrs X 1 position)=\$48,288, Benefits (\$109,990 + \$113,298 + \$116,688 + \$48,288 X 56%)=\$217,428, Total Salary and Benefits (\$109,990 + \$113,298 + \$116,688 + \$48,288/Salary plus \$217,428/Benefits) = \$605,692	\$605,692.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
<b>TOTAL</b>		<b>\$1,725,255.00</b>

**1b. Salaries & Benefits Narrative:**

The 0.50 FTE Deputy District Attorney will be responsible for conducting the major stage vertical prosecution functions outline in the program narrative. The 0.80 FTE Inspector II will be responsible for supporting the development of complex investigations of Organized retail crimes and liaison with key law enforcement partners. The 1.0 FTE Senior Program Specialist will be responsible for the evaluation and research include data collection and reporting required. Well over 5% of the total grant award is devoted to the Senior Program Specialist position which is responsible for the Local Evaluation Plan and Final local Evaluation Report. The position is funded at \$605,692 or 30% of the total project budget. In addition this position will be responsible for coordinating convenings and meetings with law enforcement and retail industry partners. The proposed staffing pattern fulfills the statutory required positions and evaluation requirements. The salary reflect cost of living adjustment and if applicable merit increases. Salary paid bi weekly at 80 hours. For 80 hours, Vacation accrual starts at 3.080 hours per pay period, Sick Leave accrual is 4.00 hours per pay period. There are 26 pay periods in each calendar year and for each calendar year there are 7 paid leave days, 4 floating holidays, 10 holidays. Standard benefits are included in all positions: health, dental, social security, SDI; worker's comp is provided and charged to the department as a whole, not broken down by position and not charged to the grant. Retirement is provided for all positions.

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

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

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

**3a. Professional Services**

Description of Professional Service(s)	Calculation for Expenditure	Total
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
<b>TOTAL</b>		<b>\$0.00</b>

**3b. Professional Services Narrative**

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

**4a. Non-Governmental Organization (NGO) Subcontracts**

Description of Non-Governmental Organization (NGO) Subcontracts	Calculation for Expense	Total
Community Works	\$100,000 per year for 3 years	\$300,000.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
<b>TOTALS</b>		<b>\$300,000.00</b>

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

Community Works (CW) will receive suitable case referrals from ACDAO and facilitate appropriate interventions, including diversion and restorative justice programming, for people who have been directly harmed and those responsible for causing that harm in the commission of organized retail theft crimes. A Standard Services Agreement including budget detail and full scope of work will be advanced and executed upon award notification. Per AB 178 this investment in resources directed toward CW is in part, how ACDAO plans to use alternatives to incarceration, including diversion or restorative justice programs, to reduce organized retail theft and help reduce recidivism. CW is a non-profit organization transforming justice at both the individual and systemic levels through a combination of direct services and client-centered advocacy. Grounded in restorative justice principles, CW offers various programs such as reentry case management, pre-charge youth diversion, in-custody family strengthening, peer-led violence prevention education, survivor support, empowerment, and youth-led leadership development for children with incarcerated parents. By shifting the focus from a systems-centered paradigm of justice to a community-centered approach that emphasizes accountability, relationships, and restoration, CW aims to prevent people from entering systems and improve outcomes for any who do.

**5a. Data Collection and Evaluation**

Description of Data Collection and Evaluation	Calculation for Expense	Total
Senior Program Specialist	This expense is represented in 1a. Salaries and Benefits. As a result the 5a. Calculation is \$0.	\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
<b>TOTALS</b>		<b>\$0.00</b>

**5b. Data Collection and Evaluation Narrative**

Well over 5% of the total grant award is devoted to the Senior Program Specialist position which is responsible for data collection and evaluation efforts. This includes the local evaluation plan and Final local evaluation Report. The position is funded at \$605,692, or 30% of the total project budget. The proposed changes to the ACDAO case management system are currently included in the FY-23-24 operating budget for the agency, resulting in a net neutral fiscal impact. Applicants are encouraged, but not required, to use outside evaluators to ensure objective and impartial evaluations. The ACDAO anticipates leveraging exiting and emerging research partnerships as a part of the Local Evaluation Plan which will be submitted no later than April 1, 2024.

**6a. Equipment/Fixed Assets**

Description of Equipment/Fixed Assets	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>

**6b. Equipment/Fixed Assets Narrative**

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

**7a. Financial Audit**

Description	Calculation for Expense	Total
Independent Audit	Estimated cost of \$7,500/per year plus, 10% County Administration Fee for independent audits. (\$7,500 X 3/yr X 10%)=\$22,500+\$2,250= \$24,750. charging less. charging \$24,745	\$24,745.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
<b>TOTAL</b>		<b>\$24,745.00</b>

**7b. Financial Audit) Narrative:**

The cost of \$24,745 is included to meet the mandatory requirement for a financial audit that covers the service period of 10/1/2023 to 12/31/2026 from an independent Certified Public Accountant who will perform the audit and produce an audit report no later than 6/1/2027.

**8a. Other (Travel, Training, etc.)**

Description	Calculation for Expense	Total
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
		\$0.00
<b>TOTAL</b>		<b>\$0.00</b>

**8b. Other (Travel, Training, etc.) Narrative:**

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

**9a. Indirect Costs**

For this grant program, indirect costs may be charged using only <b>one</b> 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.	\$0	\$0
<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>	
<p><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></p> <p style="text-align: right;"><b>TOTAL</b></p>	<b>\$0</b>	<b>\$0</b>

**9b. Indirect Costs Narrative:**

*Enter narrative here. You may expand cell height if needed. If using a federally approved indirect cost rate, please include the rate in the narrative.*

June 28, 2023

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

**Re: Letter of Commitment for the Organized Retail Theft Vertical Prosecution Grant Program**

To Whom It May Concern:

This letter is being submitted to document that Community Works (CW) agrees to partner on the Organized Retail Theft Vertical Prosecution Grant Program proposal being submitted by the Alameda County District Attorney's office.

As a part of this grant, CW agrees to support this proposal by the Alameda County District Attorney's office to address organized retail theft and reduce recidivism. We are prepared to receive suitable case referrals and facilitate appropriate interventions, including diversion and restorative justice programming, for people who have been directly harmed and those responsible for causing that harm in the commission of organized retail theft crimes.

CW is a non-profit organization transforming justice at both the individual and systemic levels through a combination of direct services and client-centered advocacy. Grounded in restorative justice principles, CW offers various programs such as reentry case management, pre-charge youth diversion, in-custody family strengthening, peer-led violence prevention education, survivor support, empowerment, and youth-led leadership development for children with incarcerated parents. By shifting the focus from a systems-centered paradigm of justice to a community-centered approach that emphasizes accountability, relationships, and restoration, CW aims to prevent people from entering systems and improve outcomes for any who do.

Our longstanding partnership with the Alameda County District Attorney's office, which spans over a decade, has been instrumental in our joint efforts to implement successful initiatives. Notably, our pre-charge restorative justice youth diversion program has yielded remarkable results, and we are pleased to submit this joint application today. As we continue to expand our work to other jurisdictions and collaborate with various system partners, the Alameda County District Attorney's office remains a crucial and reliable connection. Their involvement in identifying eligible cases at the outset of the traditional adjudication process and initiating conversations with harmed individuals is vital to the successful implementation of programs throughout the county.

Under the leadership of Pamela Y. Price, who assumed office a few months ago, the Alameda County District Attorney's office is poised to make an even greater impact in our community. By addressing the impact of retail crimes on our community, we can achieve a dramatic reduction in overall retail theft and harm in our community, while creating opportunities, when appropriate, for diversion and restorative justice.

For these reasons, CW commits to collaborative implementation for this proposal to the Organized Retail Theft Vertical Prosecution Grant Program by the Alameda County District Attorney's office.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Magallanes'.

Kyle Magallanes Castillo  
Co-Executive Director