



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** District Attorney  
**Department No.:** 021  
**For Agenda Of:** October 17, 2023  
**Placement:** Administrative  
**Estimated Time:**  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** 4/5

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**TO:** Board of Supervisors  
**FROM:** Department Director John T. Savrnock, District Attorney (805-568-2308)  
Contact Info: Michael Soderman, Chief Financial & Administrative Officer  
(805-568-2303)  
**SUBJECT:** Acceptance of Board of State and Community Corrections (BSCC) Award for an  
Organized Retail Theft (ORT) Vertical Prosecution Program

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence: Risk Management, Human Resources, CEO Budget**

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

- a. Adopt a Resolution (Attachment A) authorizing the District Attorney to execute a multi-year grant agreement with the Board of State and Community Corrections (BSCC) for the Organized Retail Theft Vertical Prosecution Program (ORTVPP) grant accepting \$800,000 for the grant agreement term of October 1, 2023 through June 1, 2027;
- b. Approve, ratify, and authorize the District Attorney, or designee, to execute the multi-year grant agreement with the BSCC (Attachment B) accepting \$800,000 for the County of Santa Barbara to create an Organized Retail Theft Vertical Prosecution Program for the 44-month grant agreement term of October 1, 2023 through June 1, 2027;
- c. Approve Budget Revision Request No. 0009341 (Attachment C) to increase appropriations of \$197,400 in the District Attorney General Fund for Fiscal Year 2023-24 for Salaries and Employee Benefits (\$141,100) and Services and Supplies (\$56,300), funded by unanticipated revenues from the BSCC ORT program;
- d. Approve and authorize the District Attorney, or designee, to execute subsequent reports pursuant to the BSCC Grant Agreement (Attachment B), or make immaterial amendments that do not change the total agreement amount, do not extend the term of the agreement, or change any other substantive terms

of the BSCC Grant Agreement and subject to the Board's ability to rescind this delegated authority at any time;

- e. Adopt a Resolution (Attachment D) amending the Salary Resolution to allocate one (1) additional full-time equivalent (1.0 FTE) position to the Office of the District Attorney, effective October 16, 2023; and
- f. Determine that the above recommended actions are not the approval of a project that is subject to environmental review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15378(b)(4), finding that the project is a creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

**Summary Text:**

This item is on the agenda to request approval of the recommended actions authorizing the Office of the District Attorney (SBDA) to execute an agreement with the Board of State and Community Corrections (BSCC) accepting grant funds totaling \$800,000 for the Organized Retail Theft Vertical Prosecution Program (ORTVPP) grant. This grant will enable SBDA to implement a new vertical prosecution program. SBDA's proposed Organized Retail Theft (ORT) Unit represents a comprehensive approach to combatting organized retail theft in Santa Barbara County. By dedicating specialized personnel to investigate and prosecute organized retail theft cases, prioritizing prevention efforts through community outreach, and implementing a robust vertical prosecution strategy, SBDA's ORT Unit will aim to reduce retail theft, increase successful prosecutions, and protect the interests of victims and the community.

**Background:**

The ORTVPP was established in 2022 via Senate Bill 178. Funding must be awarded through a competitive grants process for district attorneys to address increased levels of retail theft property crimes by using a vertical prosecution model. For the purposes of this request for proposals, vertical prosecution means that a prosecutor is assigned to an organized retail theft case from beginning to end (i.e, initial hearing/arraignment to sentencing). Under this model, the victim(s), witness(es), and impacted law enforcement official(s) have a single point of contact throughout the process. In addition, projects must dedicate at least one Deputy District Attorney and one District Attorney Investigator whose primary role is the investigation and prosecution of organized retail theft crimes. SBDA's ORT Unit will consist of one full-time Deputy District Attorney and one extra help District Attorney Investigator who will be dedicated to actively investigating theft cases. Felony burglary and theft referrals have increased by 70% from 2019 to 2022. According to recent crime statistics released by the Santa Barbara County Sheriff's Office (SBSO), theft is Santa Barbara County's most common serious crime. 1,758 reports of theft occurred in 2022, along with 403 reports of burglary. These two offenses represent 95% of the serious crimes reported by the SBSO. These statistics are significant because the SBSO contributes over one-third of the criminal reports reviewed annually by SBDA.

SBDA will be using a vertical prosecution approach to combat organized retail theft in Santa Barbara County. This approach will streamline interactions with victims, witnesses and related individuals, providing more effective and efficient service to the public. Vertical prosecution models have been shown to improve conviction rates, reduce victim trauma, and ensure more consistent and appropriate sentencing. The Unit's main focus will be deterring, investigating, and prosecuting organized retail theft crimes. Prevention efforts will also be a key focus, and the Unit will regularly participate in community outreach events to educate the public and increase awareness of common signs of organized retail theft to prevent victimization. Organized retail theft crimes typically involve careful planning, deliberate targeting of retailers, and high-level coordination among perpetrators. SBDA's ORT Unit will coordinate with local law enforcement agencies and statewide taskforces to develop a robust campaign to address retail theft prevention with local retailers.

The proposed project aims to reduce retail theft, increase successful prosecutions of organized retail theft, and improve case adjudication and disposition times. Potential metrics to measure the effectiveness of SBDA’s ORT Unit include the number of organized retail theft cases referred to SBDA, the percentage of cases with digital evidence and its impact on successful prosecution, improvements in positive case closure rates, and increases in successful prosecutions or plea agreements.

**Performance Measures:**

SBDA will be required to report data and outcomes to the BSCC through measurable goals and objectives. SBDA will work with the designated program evaluator, Dr. Greg DeAngelo of the Computational Justice Lab at Claremont Graduate University, to address the measurable goals and objectives identified below:

<b>(1) Goal:</b>	<b>Effectively combat organized retail theft in Santa Barbara County through a vertical prosecution approach.</b>
Objectives	<ul style="list-style-type: none"> <li>a) Screen significant theft cases for ties to organized retail theft.</li> <li>b) Track theft case closure rates to demonstrate successful resolution.</li> <li>c) Strive to expedite case adjudication and disposition times to prevent delays and provide timely justice for victims of retail theft.</li> </ul>
<b>(2) Goal:</b>	<b>Establish a countywide Organized Retail Theft Task Force.</b>
Objectives	<ul style="list-style-type: none"> <li>a) Work with local retailers and law enforcement agencies to strengthen the County of Santa Barbara’s response to and prevention of organized retail theft.</li> <li>b) Participate in community outreach events to educate retailers regarding organized retail theft, and increase awareness of the common signs of organized retail theft.</li> <li>c) Coordinate with the Santa Barbara County Sheriff’s Office and other local law enforcement agencies to develop a robust retail theft prevention campaign.</li> </ul>
<b>(3) Goal:</b>	<b>Use available diversion and/or restorative justice programs to address the increase in theft cases throughout Santa Barbara County.</b>
Objectives	<ul style="list-style-type: none"> <li>a) Address the underlying causes of criminal behavior, including theft.</li> <li>b) Prevent future criminal activity.</li> <li>c) Encourage retailers to participate in the restorative justice process.</li> </ul>

**Fiscal and Facilities Impacts:**

Budgeted: No.

**Fiscal Analysis:**

<b>Costs by Object Level</b>	<b>Year 1 FY 2023-24</b>	<b>Year 2 FY 2024-25</b>	<b>Year 3 FY 2025-26</b>	<b>Year 4 FY 2026-27</b>	<b>44-Month Total</b>
Deputy District Attorney	\$ 120,006	\$ 160,008	\$ 160,008	\$ 146,674	\$ 586,696
DA Investigator	21,105	28,140	28,140	25,795	103,180
<i>Total Salaries &amp; Benefits</i>	141,111	188,148	188,148	172,469	689,876
Outside Evaluation	40,000	-	-	-	40,000
Training Conference	5,000	-	-	-	5,000
Financial Audit Report	-	-	-	10,000	10,000
Indirect Costs	11,276	15,035	15,035	13,778	55,124
<i>Total Services and Supplies</i>	56,276	15,035	15,035	23,778	110,124
<b>Total Project Cost</b>	<b>\$ 197,387</b>	<b>\$ 203,183</b>	<b>\$ 203,183</b>	<b>\$ 196,247</b>	<b>\$ 800,000</b>

The grant will provide \$689,876 in funding for Salaries and Employee Benefits, which will fund 1.0 FTE Deputy District Attorney and 0.25 Extra-Help District Attorney Investigator. The grant will also provide \$110,142 in funding for Services and Supplies, including an initial training conference and a financial audit report that will be completed at the end of the 44-month period. The Computational Justice Lab at Claremont Graduate University will provide external evaluation services for the ORT Vertical Prosecution program, equaling approximately 5% of the overall project cost or \$40,000.

**Staffing Impacts:**

<b>Legal Positions:</b>	<b>FTEs:</b>
Add 1.0	Add 1.0

Adoption of the attached Salary Resolution will allocate the following one (1) additional legal position to the District Attorney’s Office:

- a) One (1) 1.0 FTE Deputy District Attorney I/II/III/IV/SR

**Special Instructions:**

- a) Please return the following items to John DeAlba, DA Department Business Specialist:
  - i. One (1) Minute Order
  - ii. One (1) copy of the fully executed Board Resolution to accept the BSCC Grant Award
- b) Please email the following items to Tracy Rogers, Workforce Planning Analyst, Human Resources Department at [trogers@countyofsb.org](mailto:trogers@countyofsb.org):
  - i. One (1) Minute Order
  - ii. One (1) copy of the fully-executed Salary Resolution

**Attachments:**

- Attachment A: Board Resolution to accept the BSCC Grant Award
- Attachment B: BSCC Grant Award Agreement
- Attachment C: Budget Revision Request No. 0009341
- Attachment D: Salary Resolution

**Authored by:**

John DeAlba, Department Business Specialist; (805) 568-2434