



Legislation Details (With Text)

File #:	ID 23-1759	Version:	1	Name:	
Type:	Action Item	Status:		Passed	
File created:	11/28/2023	In control:		City Council	
On agenda:	12/14/2023	Final action:		12/14/2023	

Title: Actions pertaining to the Organized Retail Theft Prevention Grant program:

1. Authorize the Chief of Police to accept \$23,663,194 in grant funding for the Organized Retail Theft Prevention Grant awarded to the Fresno Police Department from the State of California, Board of State and Community Corrections (BSCC);
2. RESOLUTION - Adopt a Resolution authorizing acceptance of \$23,663,194 in grant funding from the State of California Board of State and Community Corrections (BSCC) for the Fresno Police Department's Organized Retail Theft Prevention grant;
3. ***RESOLUTION - Adopt the 6th Amendment to the Position Authorization Resolution (PAR) No. 2023-184 adding twenty-four full-time positions of sworn Police Officers and one full-time Police Sergeant to focus on organized retail theft, catalytic converter theft and vehicle theft at all levels and two full-time Police Support Services Technicians to focus on processing investigative reports related to organized retail theft and auto theft for the Police Department's Organized Retail Theft Prevention grant (Subject to Mayor's veto);
4. ***RESOLUTION - Adopt the 29th Amendment to the Annual Appropriation Resolution (AAR) No. 2023-185 appropriating \$9,049,000 for the Police Department's Organized Retail Theft Prevention Grant (requires five affirmative votes) (Subject to Mayor's veto);
5. Authorize the Chief of Police to enter into a Memorandum of Understanding (MOU) with the City of Clovis Police Department to hire personnel, obtain equipment and supplies, in accordance with the procurement process as required by the Fresno Municipal Code, to support program specific and dedicated operations for organized retail theft enforcement, investigations and administration in the amount of \$6,068,700 over the three-year performance period of the grant;
6. Authorize the Chief of Police to enter into a Memorandum of Understanding (MOU) with the Fresno County Probation Department for overtime for Deputy Probation Officers, obtain equipment and supplies, in accordance with the procurement process as required by the Fresno Municipal Code, and community awareness campaigns to collaborate with FPD to take a proactive approach in preventing and responding to organized retail theft, motor vehicle or motor vehicle accessory theft, or cargo theft in the amount of \$1,089,975 over the three-year performance period of the grant;
7. Authorize the Chief of Police to enter into a Memorandum of Understanding (MOU) with the Fresno County District Attorney's Office to hire part-time personnel, overtime for District Attorney Investigators, obtain equipment and supplies, in accordance with the procurement process as required by the Fresno Municipal Code, to exclusively dedicate to prosecuting specific offenders under this grant and enhance the capabilities of the regional Cyber and Forensic Lab thereby contributing to the aggressive prosecution of such offenders in the amount of \$854,519 over the three-year performance period of the grant;
8. Authorize the Chief of Police to enter into a Memorandum of Understanding (MOU) with California State University of Fresno, Foundation to prepare a pre-and post-Local Evaluation Report in the amount of \$75,000 over the three-year performance period of the grant;
9. Affirm the City Manager's determination that Flock Safety is uniquely qualified;
10. Approve the Agreement between the City of Fresno Police Department and Flock Safety, in an amount not to exceed \$1,498,690.41 for three (3) years for the subscription services of Automated License Plate Readers (ALPR), cameras, and software.

Sponsors: Police Department

Indexes:

Code sections:

Attachments: 1. Grant Agreement, 2. Resolution Authorizing Acceptance of \$23,663,194in Grant Funding, 3. 6th

Amendment to the Position Authorization Resolution No. 2023-184, 4. 29th Annual Appropriation Resolution No. 2023-185, 5. Memorandum of Understanding with Exhibits - City of Clovis Police Department, 6. Memorandum of Understanding with Exhibits - Fresno County Probation Department, 7. Memorandum of Understanding with Exhibits - Fresno County District Attorney's Office, 8. Memorandum of Understanding with Exhibits - California State University Fresno, Foundation, 9. Agreement Between City of Fresno Police Department and Flock Safety, 10. Uniquely Qualified Memo, 11. Public Comment Packet - 1-V ID 23-1759

Date	Ver.	Action By	Action	Result
12/14/2023	1	City Council	ADOPTED	Pass

REPORT TO THE CITY COUNCIL

FROM: PACO BALDERRAMA, Chief of Police
Police Department

BY: MICHAEL LANDON, Deputy Police Chief
Patrol Division

SUBJECT

Actions pertaining to the Organized Retail Theft Prevention Grant program:

1. Authorize the Chief of Police to accept \$23,663,194 in grant funding for the Organized Retail Theft Prevention Grant awarded to the Fresno Police Department from the State of California, Board of State and Community Corrections (BSCC);
2. RESOLUTION - Adopt a Resolution authorizing acceptance of \$23,663,194 in grant funding from the State of California Board of State and Community Corrections (BSCC) for the Fresno Police Department's Organized Retail Theft Prevention grant;
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6. Authorize the Chief of Police to enter into a Memorandum of Understanding (MOU) with the Fresno County Probation Department for overtime for Deputy Probation Officers, obtain equipment and supplies, in accordance with the procurement process as required by the Fresno Municipal Code, and community awareness campaigns to collaborate with FPD to take a proactive approach in preventing and responding to organized retail theft, motor vehicle or motor vehicle accessory theft, or cargo theft in the amount of \$1,089,975 over the three-year performance period of the grant;

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8. Authorize the Chief of Police to enter into a Memorandum of Understanding (MOU) with California State University of Fresno, Foundation to prepare a pre-and post-Local Evaluation Report in the amount of \$75,000 over the three-year performance period of the grant;
9. Affirm the City Manager's determination that Flock Safety is uniquely qualified;
10. Approve the Agreement between the City of Fresno Police Department and Flock Safety, in an amount not to exceed \$1,498,690.41 for three (3) years for the subscription services of Automated License Plate Readers (ALPR), cameras, and software.

RECOMMENDATIONS

Staff recommends that Council authorize acceptance of \$23,663,194 in grant funding from the State of California, Board of State and Community Corrections (BSCC), allowing the Chief of Police to enter into and execute the agreement along with any amendments or modifications; adopt a Resolution of the Council of the City of Fresno, authorizing acceptance of \$23,663,194 from the California Board of State and Community Corrections (BSCC) for the Fresno Police Department's Organized Retail Theft Prevention grant; adopt the 6th Amendment to PAR No. 2023-184 adding twenty-four full-time sworn Police Officers, one full-time sworn Police Sergeant and two full-time Police Support Services Technicians; award a three (3) year contract not to exceed \$1,498,690.41 with Flock Safety, exclusive regional distributor for the subscription services of Automated License Plate Readers (ALPR), cameras, and software based on unique features specific to the needs of the Fresno Police Department and overall test results of major manufacturers; and adopt the 29th Amendment to AAR No 2023-185 to appropriate \$9,049,000 in funding into the FY 2024 budget. The remaining funds will be utilized over the three-year performance period of the grant.

EXECUTIVE SUMMARY

The City of Fresno has been awarded grant funds in the amount of \$23,663,194 from the State of California, Board of State Community Corrections (BSCC) to fund projects that support local law enforcement agencies in preventing and responding to organized retail theft, motor vehicle or motor vehicle accessory theft, or cargo theft within the cities of Fresno and Clovis. The grant period is from October 1, 2023 to June 1, 2027. It should be noted the 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.

BACKGROUND

The State Budget Act of 2022 (Senate Bill 154, Chapter 43, Statutes of 2022) established the Organized Retail Theft Prevention Grant Program. Funding is available to California city police departments, sheriff departments, and probation departments to support local law enforcement agencies in preventing and responding to organized retail theft, motor vehicle or motor vehicle accessory theft, or cargo theft.

In recent years, violent crime has emerged as the foremost concern for the FPD. The City of Fresno witnessed a distressing increase in shootings, setting a record for shootings of 732 and 74 murders (a 25-year high) in 2020. The following year, in 2021, there were 688 shootings, and another 74 murders. Police management prioritized violent crime, reallocating resources to address this pressing issue. District detectives received instructions to concentrate on investigating violent crime within specific violent areas. While this shift in focus was necessary to address the surge in violent crime, it had an adverse effect on theft investigations as many cases were not proactively investigated. The Career Criminal Auto Theft Team (CCATT) was redirected to tackle gun-related crimes. While this approach helped reduce violent crime, it also diminished the priority given to auto theft crimes. As a result, detectives assigned to Organized Retail Theft (ORT) and the CCAT unit now face overwhelming caseloads and inadequate staffing, which reduces their capacity to effectively combat these crimes, ORT's have had a profound impact in our area, affecting large retail stores and small locally owned retail spaces. ORT criminals have instilled fear and frustration within the community. These thefts cause significant damage to the local economy and contribute to other crimes including robberies, assaults, and incidents of gun violence. Many ORT criminals are affiliated with gangs that employ coordinated tactics to mask their identities and swiftly carry out their crimes, sometimes using firearms.

Apprehending these offenders has resulted in the recovery of stolen merchandise and the seizure of firearms, narcotics, and stolen vehicles. Disturbingly, offenders frequently exploit minors to commit these crimes, taking advantage of the lenient consequences they may face. The severity and breadth of these crimes highlight the urgent need for comprehensive measures to combat ORT and protect the community. The impact of ORT on employees has become a significant issue for retailers. Employees face frequent threats of violence, creating a hostile and dangerous working environment. Offenders are aware of store policies that prevent employees from intervening during in-progress thefts, and commonly threaten employees with termination or lawsuits if the employee takes any action against the ORT criminal. According to a 2022 survey conducted by the Loss Prevention Council, a staggering 81% of respondents stated that they did not report thefts, due to the belief that the police will not respond, investigate, or make arrests in such cases.

The Fresno Police Department (FPD), Clovis Police Department (CPD), Fresno County Probation Department (FCPD), and Fresno County District Attorney's Office (FCDA) will establish the Fresno Metropolitan Area Organized Retail Task Force. This collaborative task force in the Central Valley, aims to combat and prevent organized retail theft, vehicle thefts and catalytic converter thefts through enforcement, education, training, and the implementation of advanced technology. By dedicating and focusing on the most prevalent offenders, the task force endeavors to effectively combat ORT and auto theft, safeguard the community, and reduce the financial and societal impact of these crimes. Over the course of the 3-year grant performance period it is anticipated that the task force will reduce retail theft 15% each year, will increase participation in the Merchant Shoplift program by 25% and will decrease auto theft by 15%.

The FPD will hire twenty-four full-time sworn Police Officers and one full-time sworn Police Sergeant. These new positions will be deployed as part of the Fresno Metropolitan Area Organized Retail Task Force. Three officers will be deployed in each of the five policing districts (for a total of 15); and nine officers and one sergeant will be assigned to the Career Criminal Auto Theft Team (CCAT). Adding these officers will enable the department to expand the Career Criminal Auto Theft Team (CCATT) thereby creating a second team. They will also add two full-time Police Support Services Technicians in the Records Department who will be specifically tasked with focusing on processing investigative reports and handling administrative tasks related to organized retail crime and auto theft

investigations. By adding these support services technicians, the department ensures that investigative reports and related to ORT and auto theft cases are processed efficiently. Funding will also be used for vehicles, equipment, supplies, public service awareness campaigns, the Local Evaluation Plan and financial audit, and travel and training expenditures.

All added positions will be existing classifications and all aspects of implementation of the grant will be fully compliant with existing MOU language.

Clovis Police Department will utilize this funding to support organized retail theft prevention operations for enforcement, investigations, and administration. They will hire personnel, build public awareness with public awareness campaigns, and purchase surveillance, deterrence, and comprehensive security equipment that will provide data collection of critical statistical and investigative information that will be shared with regional partners. Their goal is to build and employ a strategic program that will allow for the monitoring of persons involved in retail theft, vehicle theft, and vehicle accessory theft.

Fresno County Probation Department intends to utilize the grant funding for Deputy Probation Officer overtime for proactive operations, acquire vehicles and equipment, and promote community public awareness campaigns. They will collaborate with the FPD to take a proactive approach in preventing and responding to organized retail theft, motor vehicle or motor vehicle accessory theft, or cargo theft. Both agencies have a successful history of collaborative and proactive operations focusing on prevention and response to criminal activity in the City of Fresno. Along with FPD they have overseen more than eight (8) large-scale citywide operations involving more than one hundred and fifty (150) local, state, and federal personnel focusing on violent crime in the last three years, while also ensuring that Fresno's supervised population maintains compliance with their terms and conditions.

To support FPD's mission against ORT and auto theft, Fresno County District Attorney's Office will fund overtime for District Attorney Investigators, equipment, supplies and dedicate personnel exclusively to prosecuting these specific offenders. Furthermore, they will enhance the capabilities of the regional Cyber and Forensic lab, utilizing it to examine digital evidence gathered during ORT and auto theft crimes. This robust evidentiary support will contribute to the aggressive prosecution of such offenders.

All purchases of equipment, products, or supplies will go through the appropriate procurement process as required by the Fresno Municipal Code.

California State University Fresno, Foundation (CSUFF) will be contracted to provide a Local Evaluation Plan (LEP) and a final Local Evaluation Report (LER). The purpose of the LEP is to ensure that projects funded can be evaluated and is determined at the beginning of the project. The LER is created after project completion to determine whether the overall project was effective in meeting the goals listed in the LEP. In a process evaluation, both qualitative and quantitative research methodologies will be employed as part of a data triangulation strategy, while quantitative data analysis with statistical models will be emphasized in outcome evaluations to assess the impact of each program component.

ENVIRONMENTAL FINDINGS

This is not a “project” for the purposes of CEQA, pursuant to CEQA Guidelines Section 15378.

LOCAL PREFERENCE

Local preference was not considered because accepting grant funds does not include a bid or award of a construction or service contract.

FISCAL IMPACT

There will be no net impact to the general fund until after December 31, 2026, when the grant expires. The grant provides full cost recovery for all operations, training and supplies for this program during the period of the grant. There is no match. Expenses will be claimed and reimbursed on a quarterly basis. This funding will enable the Fresno Police Department to enhance its current capabilities and response to the impacts of organized retail theft, catalytic converter theft, and vehicle theft within the City of Fresno.

Attachments:

Grant Agreement

Resolution Authorizing Acceptance of \$23,663,194 in Grant Funding

6th Amendment to the Position Authorization Resolution No. 2023-184

29th Annual Appropriation Resolution No. 2023-185

Memorandum of Understanding with Exhibits - City of Clovis Police Department

Memorandum of Understanding with Exhibits - Fresno County Probation Department

Memorandum of Understanding with Exhibits - Fresno County District Attorney’s Office

Memorandum of Understanding with Exhibits - California State University Fresno, Foundation

Agreement Between City of Fresno Police Department and Flock Safety

Uniquely Qualified Memo