

**Organized Retail Theft Vertical Prosecution Grant Program  
Quarterly Progress Reports: Frequently Asked Questions  
April 2024**

### **SECTION C: Goals and Objectives**

1. **Question:** We want to modify one of our goals and its objectives after running the project for five months. What steps do we need to change our documentation?

**Answer:** Please reach out the Field Representative Dameion Renault ([dameion.renault@bscc.ca.gov](mailto:dameion.renault@bscc.ca.gov) ; [ORT-VP@bscc.ca.gov](mailto:ORT-VP@bscc.ca.gov)) to discuss any project or budget modifications. He will outline the steps needed to request a modification(s), determine if a meeting is necessary to discuss the proposed changes and what documentation will be required for any changes.

### **SECTION D: Staffing**

1. **Question:** Our grant supports overtime hours for staff assigned to the prosecution of ORT-related cases. Since FTE is based on the 40-hour work week how would we calculate the OT hours?

**Answer:** The overtime hours will be a fraction of a FTE. Calculate using the 40 hours fulltime work week to determine the fraction of a FTE (ex: 10 overtime hours is .25 FTE for a 40 hour week), then add all staff members' fractions together to get a sum total FTE for each column.

If a staff member(s) full-time hours are not grant funded, but are related to ORT cases, report 1.0 FTE in column three and if the overtime hours are grant funded report .25 FTE in column two. If full-time hours are not grant related, report only the overtime FTE within the metrics of either column two or three.

2. **Question:** Our department has 50 attorneys, who may work on ORT-related cases but are not paid through the grant. The number of staff and hours per case varies by quarter. How do we calculate their FTE?

**Answer:** Please only include FTE staff positions directly assigned to the prosecution of ORT cases. Include those staff regardless of the unit they are assigned to or office location, as long as it is within the County.

We recognize that specific staff aren't always only assigned to ORT-related cases, as assignments are more fluid depending on workload, severity and department assignment. In this area we are asking for those who did the work associated with the cases identified below, what is an estimated FTE total (by employee type) for each model. For example, for the 50 cases filed, the estimated FTE for those DDA's working that cases would be 10.5 FTE for the quarter, and DAI was 3.75, other Staff 4.0.

## SECTION E: Metrics

### Cases Filed and Convictions

1. **Question:** Our District Attorney's Office has multiple units who vertically prosecute theft offenses. Should "vertical prosecution" only include the cases done by the ORT prosecutor or all cases that are vertically prosecuted in our office?

**Answer:** When reporting in the Baseline and QPR, please report the total counts/metrics where the Vertical Prosecution Model was used in the County regardless of funding. As long as the cases are theft-related or ORT-related. If multiple units vertically prosecute theft offenses, include them all in the reporting. We focused on the model type instead of funding source due to the legislative language of focusing on the county-level (see below).

*"Provide the Board of State and Community Corrections with annual data on the number of organized retail theft cases **filed by that county**, the number of organized retail theft convictions obtained, and the sentences imposed for those convicted of organized retail theft in that county. The county shall also provide the number of instances where vertical prosecution was used to obtain those convictions and the sentences imposed. The county shall also provide the number of theft-related property crimes that were charged overall in the jurisdiction that did not use the vertical prosecution model and the resulting number of convictions."*

### Theft-related Property Crimes

1. **Question:** When reporting the number of charges within the theft-related property crimes cases filed (within E.1), should our office count all charges in the theft-related cases, including those that are not property theft-related?

**Answer:** Do not include the non-theft (or non-ORT) related charges in the total counts as they not the related to the focus of this grant for the purposes of the QPR. However, if that is information that may be interesting to track for your local evaluation.

2. **Question:** If there are two people charged with the same charges on a case, does our office count all the charges even if they are duplicative (i.e., Defendant 1 charges: PC 484, PC 496; Defendant 2 charges: PC 484, PC 496), does this count as four (4) total charges?

**Answer:** When reporting the number charges within the theft-related property crimes cases filed (within E.1), count all charges even if they are duplicative across defendants. For this example, report four (4) unique charges.

3. **Question:** For the number of theft-related property crime charges for which a conviction was obtained, does our office count all the conviction charges on the case or just the theft related property crimes charges?

**Answer:** Only report the theft (or ORT)-related charge convictions.

4. **Question:** If there are multiple defendants with the same conviction charges on a case (i.e. defendant 1 charge: PC 484, PC 496; defendant 2 charges: PC 484, PC 496), does this count as four (4) total charges?

**Answer:** When reporting theft-related property crime charges for which a conviction was obtained, report all convictions across defendants that are theft-related. For this example, report four (4) unique convictions.

5. **Question:** If there are multiple co-defendants within a single case, how do we report them in items E.3, E.5?

**Answer:** For every unique person charged or convicted, report that unique person, regardless of the number of cases, charges or convictions. For example, if there are five (5) codefendants on one (1) case, report one (1) unique case in E.1 and report five (5) unique people in E.3. If all five (5) were convicted of a total of twenty theft-related charges, report twenty charges in E.2, twenty charges convicted in E.4 and five (5) people in E.5.

6. **Question:** Items E.4 and E.5 seem to overlap, how should our office report?

**Answer:** When reporting on item E.4 (the number of theft-related property crime charges for which a conviction was obtained), for all the individual crimes charged, we want to know how many of those charges were convicted. If there was one (1) person and they had four (4) theft-related property crimes charges against them, then they were convicted of three (3) of them, report three (3) in E.4. Data reported in E.4 and E.5 is dependent on the definition of Theft-Related Property Crime that was selected in Section A.1: Definition of Key Terms. If your office selected the BSCC definition provided, include data from those cases with a PC charge(s) identified within the Data Reporting Guide. We recognize that departments that select the BSCC definition may have totals that are the same number in E.4 and E.5, this is acceptable.

When reporting on item E.5 (the number of people convicted of theft-related property crime charges (count of unique number of people within E.4)), this relates to the number of unique people who were charged with theft-related property crimes in E.4. For the example above, you would report one person. If a case had three (3) co-defendants, and they all have convictions, for E.5 report three (3) unique people, even if they were co-defendants on the same case and regardless of the number of charges that they were convicted with.

## ORT Crimes

1. **Question:** When reporting the number of charges within the ORT cases filed (within E.6), should our office count all charges in the ORT-related cases, including those that are not ORT or property theft related?

**Answer:** Do not include the non-ORT (or non-theft) related charges in the total counts as they are not related to the focus of this grant for the purposes of the QPR. However, if that is information that may be interesting to track for your local evaluation.

2. **Question:** For the number of ORT-related property crime charges for which a conviction was obtained, does our office count all the conviction charges on the case or just the ORT-related property crimes charges?

**Answer:** Only report the ORT-related charge convictions.

3. **Question:** If there are multiple defendants with the same conviction charges on a case (i.e. defendant 1 charge: PC 484, PC 490.4; defendant 2 charges: PC 484, PC 490.4), does this count as four (4) total charges?

**Answer:** When reporting theft-related property crime charges for which a conviction was obtained, report all convictions across defendants that are theft and ORT-related. For this example, report four (4) unique convictions.

4. **Question:** For metrics reported in questions E.6 - E.10, should our office only include those cases and people that have a PC 490.4 charge?

**Answer:** Within the E.6 - E.10 metrics, include data from those cases that fit the definition of ORT that was selected in Section A.2: Definition of Key Terms. If your office selected the BSCC definition provided, include data from those cases with a PC 490.4 charge.

5. **Question:** If there are multiple codefendants within a single case, how do we report them in items E.8, and E.10?

**Answer:** For every unique person charged or convicted, report that unique person, regardless of the number of cases, charges or convictions. For example, if there are five (5) codefendants on one (1) case, report one (1) unique case in E.6 and report five (5) unique people in E.8. If all five (5) were convicted of a total of twenty theft/ORT-related charges, report twenty charges in E.7, twenty charges convicted in E.9 and five (5) people in E.10.

6. **Question:** Items E.9 and E.10 seem to overlap, how should our office report?

**Answer:** When reporting on item E.9 (the number of ORT charges for which a conviction was obtained), for all the individual crimes charged, we want to know how many of those charges were convicted. If there was one (1) person and they had four (4) ORT charges against them, then they were convicted of three (3) of them, report three (3) in E.9. Data reported in E.9 and E.10 is dependent on the definition of ORT that was selected in Section A.2: Definition of Key Terms. If your office selected the BSCC definition provided, include data from those cases with a PC 490.4 charge. We recognize that departments that select the BSCC definition may have totals that are the same number in E.9 and E.10, this is acceptable.

When reporting on item E.10 (the number of people convicted of ORT charges (count of unique number of people within E.9)), this relates to the number of unique people who were charged with ORT-related crimes in E.9. For the example above, you would report one person. If a case had three (3) co-defendants, and they all have convictions in Quarter 1, report there (3) unique people, even if they were co-defendants on the same case and regardless of the number of charges that they were convicted with.