

A photograph of the California State Capitol dome, featuring a large, ornate, light-colored dome with a dark, ribbed top. The dome is surrounded by a colonnade of white columns. The building is set against a clear blue sky with a few wispy clouds. Green trees are visible on the left and right sides of the frame. The image is divided into three vertical panels by thin white lines.

# **Organized Retail Theft Vertical Prosecution Data Reporting Guide**

**Instructions for Quarterly  
Data Reporting**

**February 2024**



## Table of Contents

|  |    |
|--|----|
| Background .....   | 3  |
| General Instructions .....   | 3  |
| QPRs, Due Dates, and Reporting Periods .....   | 4  |
| Grantee and Report Information .....   | 4  |
| Section A: Definitions of Key Terms .....  | 4  |
| Section B: Inputs & Implementation .....   | 6  |
| Section C: Goals and Objectives .....  | 7  |
| Section D: Staffing .....  | 7  |
| Section E: Metrics .....   | 8  |
| Cases Filed and Convictions: .....   | 8  |
| Theft-related Property Crimes .....  | 9  |
| ORT Crimes .....   | 9  |
| Sentence Type for People Convicted of an ORT Charge (of those in E.10 above): .....    | 10 |
| Offense Type for the People Convicted of an ORT Charge (of those in E.10 above): ..... | 10 |
| Section F: Challenges and Highlights .....   | 11 |
| Section G: Additional Narrative .....  | 11 |
| Baseline Data Report .....   | 11 |
| 1. Project Activities: .....   | 12 |
| 2. Alternatives to Incarceration: .....  | 12 |

## Background

This document is an instructional guide for completing the Quarterly Progress Report (QPR) for the Organized Retail Theft (ORT) Vertical Prosecution Grant Program. This guide covers each of the QPR sections and provides instructions and descriptions about the types of information requested. The information and data the BSCC collect from grantees through the QPRs may be used to develop dashboards and a statewide outcome report for the grant program. This may provide useful information to stakeholders regarding the grant program and to other agencies that are interested in implementing similar projects. It does not preclude grantees from gathering data specific to their individual project's goals and objectives, evaluating their individual project, or using data not requested through these reports to demonstrate the impact of their individual project.

Technical assistance with completing the QPR is available and can be requested by contacting the BSCC grant team at [ORT-VP@bscc.ca.gov](mailto:ORT-VP@bscc.ca.gov).

### General Instructions

The [QPR](#) was developed as a Microsoft Word template. Grantees will need access to Microsoft Word to open and complete each QPR. Completed reports are submitted using an [online form](#) in the SmartSheet platform. A SmartSheet account to use the form is not required. Grantees are required to complete all fields within the [online form](#) and provide the completed QPR Word document as an attachment.

A **one-time** Baseline Data Report is also required to be submitted as part of the quarter one (1) QPR. While this report was developed as a standalone form, also a Word template, it is considered part of the QPR for the first quarter. It is only requested with the first quarter QPR and requests information and data for the year leading up to the grant-funded project (October 1, 2022 through September 30, 2023). The first quarter submission will include two attachments – the standard QPR document and the Baseline Data Report.

Before completing and submitting required QPRs, and the Baseline Data Report, grantees are responsible for ensuring the accuracy of the information and data being submitted. Additionally, it is important to ensure consistency in the way data are collected and calculated across each reporting period. Grantees are encouraged to complete periodic data checks to ensure data accuracy.

The BSCC will review each QPR that is submitted and may reach out to the grantee with any data inquiries that may arise from the review process. Grantees are expected to respond to these inquiries within a reasonable time. Depending on the inquiry and any clarifications provided by the grantee, data corrections or a QPR resubmission by the grantee may be necessary.

## QPRs, Due Dates, and Reporting Periods

For each QPR, the table below identifies the due date and reporting period (timeframe for which the information and data reported shall represent).

| Quarter | Reporting Period  | Due no later than: |
|---------|---|--------------------|
| 1.      | Baseline: Oct. 1, 2022 – Sept. 30, 2023<br>Standard QPR: Oct. 1, 2023 – Dec. 31, 2023 | March 18, 2024     |
| 2.      | January 1, 2024 – March 31, 2024  | May 15, 2024       |
| 3.      | April 1, 2024 – June 30, 2024   | August 15, 2024    |
| 4.      | July 1, 2024 – September 30, 2024   | November 15, 2024  |
| 5.      | October 1, 2024 – December 31, 2024   | February 15, 2025  |
| 6.      | January 1, 2025 – March 31, 2025  | May 15, 2025       |
| 7.      | April 1, 2025 – June 30, 2025   | August 15, 2025    |
| 8.      | July 1, 2025 – September 30, 2025   | November 15, 2025  |
| 9.      | October 1, 2025 – December 31, 2025   | February 15, 2026  |
| 10.     | January 1, 2026 – March 31, 2026  | May 15, 2026       |
| 11.     | April 1, 2026 – June 30, 2026   | August 15, 2026    |
| 12.     | July 1, 2026 – September 30, 2026   | November 15, 2026  |
| 13.     | October 1, 2026 – December 31, 2026   | February 15, 2027  |

## Grantee and Report Information

This section is for the collection of general information related to the grantee and the reporting period for which the QPR was completed. Please complete each item.

1. **Grantee:** Use the text box provided to enter the official name of the grantee for which the QPR was completed and submitted.
2. **BSCC Grant Award Number:** Use the text box to enter the number assigned to the grantee's specific project by BSCC. This number can be found on the grant agreement.
3. **Reporting Period:** Use the dropdown menu to select the corresponding reporting period and due date for which the QPR was completed and submitted. Refer to the table above for the reporting periods and due dates that are available within the dropdown menu.

## Section A: Definitions of Key Terms

The QPR form was designed to collect information, data and associated outcomes related to grantees' ORT vertical prosecution projects and to collect the data outlined within Assembly Bill 178. To appropriately use the information and data provided, it is critical to know the definitions used for two key terms – (1) theft-related property crimes and (2) organized retail theft. For each key term, each grantee has the flexibility to determine whether to use the definition provided (see below) or one that is specific to their department or project. For each, whichever definition is used, it shall remain consistent across all subsequent reports. Once used, the definition shall not change.

This section includes two questions:

1. Which theft-related property crime definition was used?
2. Which ORT definition was used?

For each question, the responses options are consistent.

- Select “definition provided” if, for the respective term (i.e., theft-related property crime or ORT), the definition below was used.
- Select “department specific definition” if, for the respective term (i.e., theft-related property crime or ORT), an alternative definition was used. If this option is selected, use the text box provided to report the definition and indicate how it differs from the definition provided.

To avoid repeating this step for each QPR submission, it is recommended to create a custom QPR template. After completing this section for the quarter one (1) QPR, save the Word document as a template. For future QPR submissions, utilize this saved template to for a pre-filled Section A. *Please confirm each quarter that the key definitions have remained consistent, and the data collected and reported are done so with these definitions in mind.*

### Definitions Provided for Key Terms

- ***Theft-related property crime*** – theft-related property crimes include any crimes described in Chapter 5 of Title 13 of Part 1 of the PC (commencing with Section 484). In addition, theft-related property crimes include violations of PC sections 211-215 (robbery, train robbery, and carjacking), 459 (burglary), and 459.5 (shoplifting). Finally, theft-related property crime does include ORT (see below; PC section 490.4).
- ***Organized retail theft (ORT)*** – The definition is adopted from Penal Code (PC) section 490.4. ORT is defined as acting in concert with one or more persons to steal merchandise from one or more merchant’s premises or online marketplace with the intent to sell, exchange, or return the merchandise for value, acting in concert with 2 or more persons to receive, purchase, or possess merchandise knowing or believing it to have been stolen, acting as the agent of another individual or group of individuals to steal merchandise from one or more merchant’s premises or online marketplaces as part of a plan to commit theft, or recruiting, coordinating, organizing, supervising, directing, managing, or financing another to undertake acts of theft.

An ORT case can include multiple charges but at least one of the charges must be for PC section 490.4 and a coparticipant does not have to be charged. Note that ORT cases do fall within the definition of theft-related property crime above and counts of ORT cases using this definition are therefore a subset of theft-related property crime cases.

## Section B: Inputs & Implementation

This section requests information about five specific project implementation activities (see list below). For each activity, two pieces of information are requested:

- **Status of the implementation activity** – using the dropdown menu provided select the status of this activity. The options within the dropdown menu and their definitions are below. Select only one status per activity.
  - Not Started: Have not yet been able to focus on this project activity.
  - Planning: Have started preparations and plans to begin the implementation activity.
  - Implementation Started: Initiated implementing this component, but it may not yet be fully developed and/or need refinement.
  - Complete/Established: Project activity is fully in place/completed and supporting project goals.
  - N/A: Does not apply to the project.
- **Description of progress** – using the text box provided, provide a narrative description of progress, accomplishments, and/or challenges the project has encountered in the current reporting period. Use as much space as needed within each of the description boxes to provide details about the status (the reporting boxes will expand as necessary).

When an activity is “complete/established,” document the quarter in which that occurred. For the remaining quarters note the date of completion. For example, if hiring all staff for the essential positions of the project was “Complete/Established” in Quarter 4, please continue to select “Complete/Established” selection in future QPRs, starting with Quarter 5 QPR, and include the date of completion in the description.

1. **Partnerships:** Formal relationships between agencies, retailers, online marketplaces, and/or other entities to support project goals. Include descriptions of MOUs with established and new partners.
2. **Staffing:** Hiring/retaining people for positions needed to complete the project.
3. **Training:** Training provided to staff, personnel, and/or external collaborators to support project goals.
4. **Data Collection/Evaluation:** The systematic, ongoing data collection for the local and statewide evaluation. This includes the Local Evaluation Plan (LEP) for the BSCC, the securing of evaluator(s) if applicable, and the data collection method(s) for the QPR and Local Evaluation Report (LER).
5. **Quality Assurance:** Methods in place to ensure the project is being delivered as intended, and with fidelity to the proposed model(s).

## Section C: Goals and Objectives

This section requests information about the progress made during the reporting period toward each goal and its associated objectives the project was intended to address.

To use this section, first use the space provided to enter each goal and its associated objectives for the project. These are the goals and associated objectives included in the proposal's Project Work Plan, which were included in the grant contract and are part of the Local Evaluation Plan (LEP). These goals will remain the same across the grant period. While space is provided for five (5) goals and their associated objectives, if the project has fewer goals, enter N/A for the remaining goals. To avoid repeating this step for each QPR submission, it is recommended to create a custom QPR template. Input the goals and objectives and save the Word document as a template. For future QPR submissions, utilize this saved template to have pre-filled goals and objectives.

For each goal and its associated objectives, narrative responses are requested to describe the progress achieved and challenges encountered during the reporting period.

- **Progress:** Use the text box to provide a narrative response that describes progress towards the goal **and** its objectives.
- **Challenges:** Use the text boxes to provide narrative responses that describe (1) any challenges encountered while working towards the goal and its objectives (2) how they were addressed. A table format is used to list each challenge and how it was addressed in separate rows.

Each text box will expand as necessary so that as much space as needed is available to ensure sufficient detail is provided to describe the progress and challenges during the reporting period.

## Section D: Staffing

In this section information is requested to understand the staff positions assigned to the prosecution of ORT cases during the reporting period.

For each position category (see below), two metrics are requested. Specifically, the number of full-time equivalent (FTE) positions assigned to the prosecution of ORT cases during the reporting period:

1. utilizing the vertical prosecution model (column two). Presumably these are grant-funded positions but could be funded with other sources as well.
2. utilizing any other prosecution models (column three); that is other than vertical prosecution. Report all FTE positions regardless of the funding source.

The three position categories for which the number of FTE positions assigned the prosecution of ORT cases is requested are:

- Deputy district attorney positions



- District attorney investigator positions
- Other staff positions - other than deputy district attorneys and district attorney investigators, who may include, but are not limited to, paralegals, legal assistants, law clerks, or legal interns providing direct client or case legal support for ORT cases.

### **About the Calculation of FTE Positions**

The calculation of a full-time equivalent (FTE) is an employee's scheduled hours divided by the employer's hours for a full-time work week. If the employer considers 40 hours to be a full-time workweek, then an employee working 40 hours per week would have an FTE value of 1.0. In contrast, a part-time employee working only 20 hours per week would have an FTE of 0.5—which shows that their hours worked are equivalent to half of a full-time employee.

For this metric, the calculation of an employee's FTE requires an additional step. That is, consideration of the average amount of time each week dedicated to the prosecution of ORT cases. For example, if an employee working 40 hours per week generally dedicates 20 hours per week to the prosecution of ORT cases, then that employee is assigned .50 FTE to the prosecution of ORT cases.

As a final step to calculate the requested metric, sum the FTE of all staff within the position category assigned to the prosecution of ORT cases. For example, assume three (3) Deputy District Attorneys are assigned to ORT prosecution activities as follows:

- Staff member A works .50 FTE.
- Staff member B works .75 FTE.
- Staff member C works .25 FTE.

In this example, the FTE that should be reported is 1.5 FTE (.50 + .75 + .25).

For the calculation of this metric the general scheduled hours for each staff member may be used. Also, as the actual hours per week may vary based on a variety of factors and circumstances, estimates are acceptable.

## **Section E: Metrics**

For questions 1 through 18, report the requested metrics for the reporting period. For each metric, report the number utilizing vertical prosecution (column two) and **NOT** utilizing vertical prosecution (column three).

### **Cases Filed and Convictions:**

In this section report the requested metrics for the reporting period.



## Theft-related Property Crimes

1. **Number of theft-related property crime cases filed:** Total number of theft-related property cases filed by the county during the reporting period. Refer to Section A for the definition of theft-related property crime. If a case has multiple co-defendants, report one case for every defendant charged. For example, one theft-related property crime case had five co-defendants, report five cases under the appropriate prosecution model column.
2. **Number of charges within the theft-related property crimes cases filed (within E.1 above):** Total number of charges filed for theft-related property crimes cases, regardless of the number of unique people and cases.
3. **Number of people charged within the theft-related property crimes cases filed (count of unique number of people within E.1 above):** Total number of unique people who were charged with theft-related property crimes, regardless of the number of cases or charges.
4. **Number of theft-related property crime charges for which a conviction was obtained:** Total number of theft-related property crime charges that resulted in convictions by the county during the reporting period. Refer to Section A for the definition of theft-related property crime. Count all charges that each person was convicted of across all cases.
5. **Number of people convicted of the theft-related property crime charges (count of unique number of people within E.4):** Total number of unique people who were convicted with theft-related property crimes, regardless of the number of cases or charges.

## ORT Crimes

6. **Number of ORT cases filed (subset of E.1 above that include PC section 490.4 as a charge):** Total number of ORT cases filed by the county during the current reporting period. Refer to Section A for the definition of ORT. This total should be a subset of the total reported for theft-related property crime cases (#1 above). The total number of ORT cases filed should not exceed the total number of theft-related property cases filed. If a case has multiple co-defendants, report one case for every defendant charged. For example, one ORT case had five co-defendants, report five cases under the appropriate prosecution model column.
7. **Number of charges within the ORT cases filed (within E.6 above):** Total number of charges within the ORT cases filed, regardless of the number of unique people or cases.
8. **Number of people charged within the ORT cases filed (within E.6 above):** Total number of people who were charged within the ORT cases filed, regardless of the number of cases or charges.
9. **Number of ORT charges for which a conviction was obtained:** Total number of ORT charges that resulted in a conviction by the county during the reporting period. Count all charges that each person was convicted of across all cases.
10. **Number of people convicted of the ORT charges (count of unique number of people within E.9 above):** Total number of unique people who were convicted with ORT charges, regardless of the number of cases or charges.

**Sentence Type for People Convicted of an ORT Charge (of those in E.10 above):**

In this section, report the total number of people convicted of an ORT charge, by sentence type. This is a unique count of people. Meaning, if a person is convicted and receives multiple sentences, report them only once for the highest-level sentencing type. For example, if a person received a fine in addition to Probation, report them in #13 Probation.

- 11. Prison:** Total number of unique people who were sentenced to prison. Prison is defined as a long-term confinement facility run by the State or the Federal government. Prisons are operated by the California Department of Corrections and Rehabilitation or the Federal Bureau of Prisons (BOP).
- 12. Jail:** Total number of unique people who were sentenced to jail. Jail is defined as a confinement facility run by a county government agency, usually the sheriff's office or a county department of corrections.
- 13. Probation:** Total number of unique people who were sentenced to probation only. Probation refers to offenders who courts place on supervision in the community through a county probation agency in lieu of incarceration. Probationers can have different supervision statuses, including formal (supervised) and informal (unsupervised) probation.
- 14. Probation with Jail:** Total number of unique people who were sentenced to a combined term of incarceration in jail immediately followed by a term of probation (split sentence).
- 15. Fine:** Total number of unique people who were sentenced to pay a fine only. This may include court costs, restitution, forfeitures, penalty assessments, etc.
- 16. Other:** Total number of unique people who had no sentence given, a sentence was suspended, or a sentence was stayed.

**Offense Type for the People Convicted of an ORT Charge (of those in E.10 above):**

In this section report the requested metrics for the reporting period.

- 17. Number of people convicted of misdemeanor charges:** The total number of people convicted of an ORT charge where the conviction was a misdemeanor. This is a unique count of people. Meaning, if a person is convicted of multiple charges, report them only once for the highest-level of conviction. For example, a person is convicted of three misdemeanors, using the Vertical Prosecution Model. Report one person (plus all other unique people) in the misdemeanor row under "Total Number utilizing Vertical Prosecution Model" column.
- 18. Number of people convicted of felony charges:** The total number of people convicted of an ORT charge where the conviction was a felony. This is a unique

count of people. Meaning, if a person is convicted of multiple charges, report them only once for the highest-level of conviction. For example, a person is convicted of one felony and two misdemeanors, using the Vertical Prosecution Model. Report one person (plus all other unique people) in the felony row under “Total Number utilizing Vertical Prosecution Model” column.

## Section F: Challenges and Highlights

This section includes two text boxes to provide narrative responses to describe any challenges and any project highlights that occurred during the reporting period.

1. **Challenges:** Use the text box provided to describe the challenges encountered during the reporting period, as well as any efforts to overcome the challenges.
2. **Project Highlights:** Use the text box provided to describe any highlights and/or accomplishments that occurred during the current reporting period.

Each text box will expand as necessary so that as much space as needed is available to ensure sufficient detail is provided to describe the progress and challenges during the reporting period. If stories about people are shared, generally it is best to NOT include personal identifying information. The descriptions provided should focus on the challenges or highlights for the reporting period.

## Section G: Additional Narrative

This section includes a text box to report any additional information necessary to detail the project’s progress during the reporting period. If providing additional details in reference to a section within this report, please cite the relevant sections. Any additional data that are project specific, which may help inform project progress, may be included here.

1. **Additional Narrative.** Use the text box provided to share any additional information necessary to explain the project’s progress during the reporting period.

## Baseline Data Report

The template for the Baseline Data Report includes the four (4) sections identified below from the QPR which request information for the baseline period; that is, **representative of the time period of October 1, 2022 through September 30, 2023**. For completion, please refer to the instructions provided for each respective section within this *Data Reporting Guide*.

- Definitions of Key Terms
- Staffing
- Metrics
- Additional Narrative

Note: The BSCC recognizes that the requested metrics may not have been tracked at

this level of detail during the baseline period due to systems not being in place, therefore estimates are acceptable if the metrics would otherwise be unavailable.

The Baseline Data Report also includes one additional section, **Grant Funded Project**, which request information about the activities that are being funded by the ORT Vertical Prosecution Grant and whether alternatives to incarceration will be used for the prosecution of ORT cases. The information provided should be **representative of the activities that will be funded by the grant program and plans to use alternatives to incarceration for ORT cases during the grant period (October 1, 2023 through December 31, 2026).**

## **Completing the Grant Funded Project Section**

- 1. Project Activities:** Select the activities that reflect components of the project (check all that apply).
  - **Case Management Systems:** Activities or resources related to development, maintenance, utilization, and/or expansion of case management systems in support of ORT criminal investigations and vertical prosecutions.
  - **Collaborative Courts:** Collaborative courts focusing on integrating rehabilitative services with judicial supervision. Examples of collaborative courts may include mental health courts, drug courts, DUI courts and veterans' courts. Collaborative courts may utilize incarceration in addition to rehabilitative services.
  - **Community Engagement:** Meetings with and awareness raised for the community about ORT, vertical prosecution, laws, consequences of ORT and how to report crimes.
  - **Partnership Development:** Activities to establish and build partnerships (with agencies, retailers, community-based organizations, etc.) for the purpose of improving relationships, increasing ORT vertical prosecution case capacity, or increasing successful ORT vertical prosecutions.
  - **Training:** Training staff, law enforcement, partners and/or stakeholders in vertical prosecution methods/processes, penal codes, investigations, etc., with a focus on ORT.
  - **Other (describe below):** Describe any project activities occurring that have not been identified above.
- 2. Alternatives to Incarceration:** Does the county plan to utilize alternatives to incarceration (pre- and/or post-conviction) with the prosecution of organized retail theft cases?

If yes, select the alternatives to incarceration that may be imposed pre- or post-conviction (check all that apply).

- **Asset Forfeiture:** The seizure of cash or other items suspected of being tied to the crime and the transfer of those items to government ownership.
- **Collaborative Courts:** Collaborative courts focusing on integrating rehabilitative services with judicial supervision. Examples of collaborative courts may include mental health courts, drug courts, DUI courts and veterans' courts. Collaborative courts may utilize incarceration in addition to rehabilitative services.
- **Community Service:** Acts of involuntary, unpaid service completed by community-based individuals released from jail or prison.
- **Diversion:** Programs established to help offenders avoid a criminal record and/or in-custody sentences by requiring the offender to complete specific tasks such as restitution or avoiding certain behaviors.
- **Day Reporting Center:** A community-based probation center where individuals released from jail or prison are supervised, provided case management, counseling, treatment and education.
- **Electronic Monitoring:** A tool used to track and monitor compliance of community-based offenders. Examples of electronic monitoring may include ankle monitoring, home detention, SCRAM devices, and GPS.
- **Probation:** The release of an offender from detention to community-based supervision, pending good behavior.
- **Restorative Justice:** The theory and practice of focusing on repairing harm done through criminal behavior by bringing together victims, offenders and community members together. Examples of restorative justice may include family group conferences, victim-impact panels and victim-offender mediation.
- **Work Furlough:** Work furlough programs are community-based custodial settings where inmates (sentenced and/or under custody supervision) are able to work or search for jobs outside of jail. Participants must return to the facility each day once their workday is finished.
- **Other (describe below):** Describe any alternatives to incarceration utilized that were not identified above.