



Office of Inspector General

City of New Orleans

Report of Inquiry into Improper Classification of Crime Reporting by the New Orleans Police Department 8th District

**E. R. Quatrevaux
Inspector General**

Final Report

October 30, 2013

EXECUTIVE SUMMARY

The Investigations Division of the Office of Inspector General inquired into an allegation that the New Orleans Police Department (NOPD) improperly classified crime statistics in the 8th District.

The investigation concluded that the 8th District improperly and incorrectly classified at least 177 incidents during the time period January 01, 2013 to July 31, 2013. The 177 incidents stemmed from individuals having “lost” their wallets or purses and subsequently experiencing unauthorized charges on their credit cards or debit cards.

These incidents were classified as Signal 21 (Miscellaneous) or Signal 21L (Lost or Stolen) instead of properly being classified as Signal 67 (Theft). This incorrect classification resulted in underreported crime statistics because neither Signal 21 nor 21L is included in Uniform Crime Report (UCR) statistics while Signal 67 is included.

During this same time period, an additional 249 incidents were classified as Signal 21 or Signal 21L wherein individuals “lost” their wallets or purses with no unauthorized charges to their credit/debit cards reported.¹

The lack of information resulting from the misclassification deprived the leadership of the 8th District and NOPD with knowledge that would have revealed a pattern of crimes.

The NOPD agreed with the report’s findings, and stated that the classification policy would be changed effective January 1, 2014.

¹ Many of the reports state that there were no unauthorized charges. Many of the reports also state that the complainant canceled their credit/debit cards. At the time of this report, no follow-up investigations have been conducted to determine if unauthorized charges have appeared on any of these 249 cards after the initial reporting.

I. INTRODUCTION

The Investigations Division of the Office of Inspector General inquired into a complaint that the New Orleans Police Department (NOPD) 8th District improperly classified crime statistics. The complaint specifically alleged that the 8th District changed signals from those included in Uniform Crime Report (UCR) to a lesser crime not included in UCR statistics through use of Signal 21 (Miscellaneous) Report To Follow (RTF).

On August 15, 2013, the Assistant Inspector General for Investigations contacted the NOPD Superintendent and advised him of the complaint and this inquiry. Chief Serpas immediately arranged for the OIG to have access to all Signal 21s in the 8th District through the NOPD's Electronic Police Report (EPR) system.

The OIG reviewed all 803 Signal 21 RTFs and Signal 21L RTFs (Lost or Stolen) in the 8th District that were written during the time period January 1, 2013 to July 31, 2013. During this same time period, the 8th District generated an additional 3,395 item numbers bearing Signals 21 and 21L with the final dispositions of: Unfounded (UNF) - 311, Necessary Action Taken (NAT) 2,476, or Gone on Arrival (GOA) 177.²

II. ANALYSIS

A total of 426 (53%) out of the 803 incidents reviewed involved individuals who reportedly lost their wallets or purses in the area of Bourbon Street during a seven month period. Of those, 177 or 41% of the victims subsequently experienced unauthorized charges to their debit/credit cards. The vast majority of the complainants lived out of state (355 of 426, 83%). Of these 426 incidents in the area of Bourbon Street, only 6 (1.5%) were reclassified by NOPD to a Signal 67 (Theft).

At least 177 of the 426 reports reviewed involved crimes, because complainants reported that unauthorized charges were applied to the debit/credit cards following the incident. However, these were not classified as crimes although a crime clearly occurred. (Even if the card in question was indeed lost and not stolen, it would be illegal for anyone finding it to use that card without the owner's permission).

There were 249 instances wherein the complainants did not report any unauthorized charges on their credit or debit cards. Many of the complainants stated that they had canceled their cards. It is possible that unauthorized charges could have been applied after the complainants filed their initial report.

² No reports accompanied or followed these item numbers; therefore no analysis could be conducted.

The 8th District is aware that these 177 incidents should have been classified as a crime. On 6 occasions, the 8th District reclassified signals. An incident that was reported on July 8, 2013, was initially marked up as a Signal 21L (Lost or Stolen). This incident was reviewed on July 12, 2013 by a Detective assigned to the District Investigative Unit (DIU) who stated, “the Detective learned from the initial report that the victim did not know how his Visa debit card came to be missing, but he had unauthorized charges. The correct signal should be a 67F, theft by fraud, since the victim had unauthorized charges to his card in Orleans Parish.”

Although the NOPD does have discretion when classifying crimes,³ its discretion does not include ignoring facts such as unauthorized charges, nor does it absolve NOPD management from reviewing the reports and analyzing the data contained within.

The NOPD has an established procedure with multiple layers of review for their reports.⁴ Signal 21s; however, are not part of this process and are therefore not reviewed. The NOPD should require that officers provide sufficient data to review their classifications, and establish a procedure to review the Signal 21 classifications.

The OIG’s review has identified patterns and methods used by pickpockets operating in and around the French Quarter. That information has been shared with the NOPD.

The NOPD agreed with the report’s findings, and stated that the classification policy would be changed effective January 1, 2014. The complete NOPD response to the report is attached.

³ “When classifying a crime and determining the proper signal, the investigating officer should use his or her expertise and observations, evaluate the evidence presented, and consider all other information available to determine whether probable cause exists that a particular crime has been committed. Once the probable cause standard has been used to determine the crime(s) committed, the NOPD signal corresponding to the most serious crime, as defined by La. Revised Statutes, should be applied to the report.” NOPD training power point presentation entitled, “Classifying Crimes”.

⁴ “District officer completes an official police report on paper or via Electronic Police Report (EPR); Police report is submitted for approval to platoon supervisor (district sergeant); Copy of report is sent to District Commander & District Investigative Unit.” Id.

III. CONCLUSION

The investigation concluded that the NOPD 8th District improperly classified and did not report accurately a minimum of 177 incidents between January 1, 2013 and July 31, 2013. Lack of data made it impossible to determine other instances of improper classifications, including over 3,000 complaints which state only Unfounded, Necessary Action Taken or Gone on Arrival without providing any details.

The OIG reviewed 803 reports written by NOPD 8th District Officers. Most of these reports were well written and contained sufficient information that could be used by Detectives to conduct further investigations should NOPD determine that it is necessary. The 177 instances with unauthorized charges to credit or debit cards should be considered a crime, and reclassified and investigated. Although the NOPD does have discretion in the classification of crimes, that discretion is not unlimited. NOPD should implement a process whereby Signal 21s and 21Ls are reviewed.

A comprehensive analysis could result in some of those incidents being reclassified and subjected to further investigation. The purpose of collecting data is to produce information useful in combating crime. The improper classification of crimes to “miscellaneous” resulted in those reports’ exclusion from consideration by the leadership of the districts and the NOPD. The exclusion meant that NOPD could not detect this pattern of crimes, and thus was unable to combat them.

IV. OFFICIAL COMMENTS FROM THE NOPD

City Code Ordinance 2-1120 section (8)(b) “Reporting the results of inspector general findings” provides that an entity that was the subject of a report “shall have 30 days from the transmittal date of the report to submit a written explanation or rebuttal to the findings before the report is finalized, and such timely submitted written explanation or rebuttal shall be attached to the finalized report or recommendation.”

This report was distributed to the NOPD to provide an opportunity to comment on the report prior to the public release of the Final Report; the NOPD’s comments are included in their entirety behind this Section.

CITY OF NEW ORLEANS



DEPARTMENT OF POLICE

P.O BOX 51480
New Orleans, Louisiana 70151



"to protect and to serve"

Mitchell J. Landrieu
MAYOR

Ronal W. Serpas, Ph.D.
SUPERINTENDENT

October 29, 2013

Ed Quatrevaux, Inspector General
City of New Orleans
Office of the Inspector General
525 St. Charles Avenue
New Orleans, LA 70130-3049

RE: **Report of Inquiry into Improper Classification of Crime Statistics by the New Orleans Police Department 8th District**

Dear Inspector General Quatrevaux:

Following is our formal response to the *'Report of Inquiry into Improper Classification of Crime Statistics by the New Orleans Police Department 8th District'* prepared by your office.

As a result of your investigation, the New Orleans Police Department shares the concerns raised by your office regarding when it is appropriate and proper to assign a signal "21L" reporting code to incidents where property has either been lost or stolen. The department has therefore decided to abandon its 30 year practice of classifying incidents using this confusing, overlapping designation. Effective January 1st, 2014, we will implement a new policy specific to property loss reporting which we believe will provide clear guidelines for documentation and review. Additionally, controls have been included to require follow-up investigation for the purpose of assessing if there has been possible criminal activity associated with the loss subsequent to an initial report being filed. We have attached a copy of our policy draft for your consideration and would welcome any suggestions you may wish to provide.

Based on the OIG's findings, we have also directed the 8th District to review all cases subject to the time frame of your report where a wallet or purse had been reported lost or stolen under a signal '21L' for the purpose of gathering any additional information or leads into possible criminal misconduct.

However, there are some observations made in these findings we believe warrant clarification. First, the term discretion as used in this report is not reflective of the NOPD training as referenced. When it comes to classifying crime, our members are taught to base their decision on whether probable cause exists that a particular crime has been committed. If the original incident as reported meets the probable cause standard of a crime, an officer is expected to document the offense using the NOPD signal which corresponds to the most serious crime as defined under Louisiana Revised Statutes. Discretion does not play a role in this assessment.

"an equal opportunity employer"

Secondly, with millions of visitors frequenting the Vieux Carré annually, expectations of crimes of opportunity occurring in such a confined space are a real and viable consideration. With reported thefts in the 8th District up 16.6% over last year, our enforcement approach in the French Quarter towards pickpocketing and other related offenses is targeted and constant. For the same time period covered by this report, there have been 22 arrests for pickpocketing in the 8th District, as well as 247 arrests for aggressive solicitation/cheating and swindling.

In closing, we appreciate the time and effort your staff has devoted to this investigation and believe that changes proposed to our reporting policy will alleviate the inherent ambiguity of any possible misclassification of an incident under a '*lost or stolen*' category.

Thank you for providing us with the opportunity to respond.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ronal W. Serpas', with a long horizontal flourish extending to the right.

Ronal W. Serpas
Superintendent of Police