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*[Handwritten signature]*  
*12/10/15*

December 10, 2015

The Honorable Public Safety Committee  
City Council, c/o City Clerk, Room 395  
City Hall, 200 North Spring Street  
Los Angeles, California 90012

Honorable Members:

In August 2014, the *Los Angeles Times* reported that the Los Angeles Police Department had incorrectly categorized a significant number of crime reports during a one-year period ending in September 2013. The Office of the Inspector General began a review of the LAPD's crime classification practices. Following an extensive review, a report was prepared and submitted to the Los Angeles Board of Police Commissioners.

In response to an approved motion made by the Public Safety Committee, the report is being submitted for your review. I can be reached at (213) 482-6805 to provide any additional information.

Very truly yours,  
BOARD OF POLICE COMMISSIONERS

*Alexander A. Bustamante*  
ALEXANDER A. BUSTAMANTE  
Inspector General  
Police Commission

Enclosure

## **INTRADEPARTMENTAL CORRESPONDENCE**

December 2, 2015

BPC #15-0363

1.0

**TO:** The Honorable Board of Police Commissioners

**FROM:** Inspector General, Police Commission

**SUBJECT:** REVIEW OF CRIME CLASSIFICATION PRACTICES

### **RECOMMENDED ACTION**

REVIEW and APPROVE the Office of the Inspector General's (OIG) Review of Crime Classification Practices.

### **DISCUSSION**

In conducting this review, the Office of the Inspector General sought to determine the extent to which aggravated assaults had been misclassified over the past seven years in order to fully identify any issues that led to those misclassifications. The OIG also looked to see whether the Department had identified those same issues and examined the Department's efforts to develop safeguards to prevent misclassifications in the future. Finally, the OIG assessed those safeguards, using a sample of recent assaults, to determine whether they had the desired effect in ensuring the proper classification of aggravated assaults.

The OIG worked closely with the Department's Data Integrity Unit to develop a series of recommendations to improve crime classification at the LAPD. Many of these recommendations had already been implemented, or were being developed, by the Department. The OIG was also able to come to an agreement with the Department on additional recommendations designed to address ongoing issues and better institutionalize UCR classification concepts.

I am available to provide any information the Board may require.

### **E-Copy – Original Signature on File with the Police Commission**

ALEXANDER A. BUSTAMANTE  
Inspector General  
Police Commission

Attachment

# **LOS ANGELES POLICE COMMISSION**

## **REVIEW OF CRIME CLASSIFICATION PRACTICES**



Conducted by the

**OFFICE OF THE INSPECTOR GENERAL**

ALEXANDER A. BUSTAMANTE  
Inspector General

December 2, 2015

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## REVIEW OF CRIME CLASSIFICATION PRACTICES

### I. INTRODUCTION AND EXECUTIVE SUMMARY

In August 2014, the *Los Angeles Times* (*Times*) published the findings of its review of Los Angeles Police Department (LAPD or Department) crime statistics during a one-year period ending in September 2013. The study concluded that the classification of a significant number of crime reports did not comply with Uniform Crime Reporting (UCR) guidelines established by the Federal Bureau of Investigation (FBI).<sup>1</sup> According to the article, these misclassifications resulted in the significant undercounting of violent crime, particularly in the area of aggravated assaults. The *Times* estimated that if the misclassified cases had been properly classified, the number of aggravated assaults for the study period would have been 14 percent higher.

The Department reviewed a sample of 200 cases provided by the *Times* and, in consultation with the FBI, concurred that the majority of those cases had been improperly classified. In its response to the *Times*, the Department noted that its own audits had found similar error rates. It further noted that, because the error rate appeared constant over time, the misclassified cases would affect only the overall volume of those crimes, not necessarily the size of the decrease or increase in crime reported to the public.

Following these findings, the Department moved swiftly to identify and remedy any systemic or structural issues that led to the misclassification of crime and to ensure that all relevant personnel were fully trained in the UCR guidelines by the end of 2014. As these efforts were unfolding, the LAPD saw a sizeable increase in reported violent crime, particularly in aggravated assaults and rapes, for 2014. Crime continued to increase in 2015, again led by aggravated assaults.

#### *OIG Review*

In conducting this review, the Office of the Inspector General (OIG) sought to determine the extent to which aggravated assaults had been misclassified over the past seven years in order to fully identify any issues that led to those misclassifications. The OIG also looked to see whether the Department had identified those same issues and examined the Department's efforts to develop safeguards to prevent misclassifications in the future. Finally, the OIG assessed those safeguards, using a sample of recent assaults, to determine whether they had the desired effect in ensuring the proper classification of aggravated assaults.

The OIG's review of a stratified sample of 3,856 Part II crime reports found that a significant number of cases met the standard for an aggravated assault, a Part I crime.<sup>2</sup> Nearly all of these misclassified cases had been categorized by the Department as simple assaults. Based on its review, the OIG determined that an average of approximately 9 percent of cases classified as

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<sup>1</sup> "LAPD Misclassified Nearly 1,200 Violent Crimes as Minor Offenses," *Los Angeles Times*, August 9, 2014.

<sup>2</sup> While some Part II crimes (those not categorized as Part I) are reported to the FBI and the public, Part I crimes form the basis for the City's overall crime statistics. The OIG did not sample all Part II crime types. For an explanation of the sampling methods used, please see the Appendix.

simple assaults each year should have been classified as aggravated assaults. The OIG also identified a small number of cases that had been categorized as kidnappings, sexual assaults, or other Part II crimes but should have been classified as aggravated assaults. Had all of these assaults been properly classified, the OIG estimates that the number of aggravated assaults reported to the FBI and the public between 2008 and 2014 would have been an average of approximately 36 percent higher per year.<sup>3</sup> <sup>4</sup>

In examining these cases closely, the OIG determined that the errors were due to a combination of systemic issues, procedural deficiencies, Department-wide misconceptions about what constitutes an aggravated assault, and, in a small number of cases, individual officer error. In particular, the OIG noted that the written materials provided by the FBI appeared inconsistent in places and did not provide clear guidance as to how some types of assaults, such as choking or strangulation incidents, should be classified. The OIG's research into this issue elicited some conflicting information from the FBI, and found that these assaults are classified differently by various jurisdictions around the nation, with some agencies having recently made changes in how they classify assaults. These grey areas are further magnified by the fact that the UCR categories, which are designed to be independent from local statutes and penal codes, do not always neatly align with the California Penal Code (Penal Code). These differences complicate the process of converting the initial documentation of a crime report, which is based on the Penal Code, to its ultimate UCR-based classification in the Department's crime statistics.

The OIG also found that the Department, primarily through its newly established Data Integrity Unit (DIU), has taken a number of substantive steps to address the majority of the issues identified in this review. These steps include a detailed clarification of UCR guidelines and rules, extensive training of staff, changes to policy and procedure, the creation of positions focused on ensuring the integrity of crime data, and a body of training materials to assist in the classification of crime. As of this writing, the DIU's efforts have included the following components:

- Clarification of several areas of UCR guidelines through coordination with the FBI
- Development and dissemination of a body of user-friendly support materials, as well as the establishment of a "Help Desk," to assist personnel in classifying crimes
- In-depth training of 943 watch commanders and other staff tasked with classifying crimes

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<sup>3</sup> Annual estimated adjusted totals ranged from 30 to 45 percent higher, depending on the year. Each year's estimate is subject to a margin of error. For a full breakdown of how the OIG calculated these numbers, including margins of error, please see the Appendix.

<sup>4</sup> The OIG's review did not examine the extent to which aggravated assaults were overreported. A recent audit conducted by the Department found, however, that approximately 6 percent of 2014 aggravated assault reports should have been classified as simple assaults. This is consistent with its most recent prior audit of such crimes, which was conducted in 2011. More recently, the Data Integrity Unit found that approximately 4 percent of aggravated assault reports in early 2015 should have been classified as other types of crimes, generally simple assaults.

- Inspection of more than 6,000 crime reports
- Development of, and training for, the new Bureau UCR Coordinator program

The Department also added a UCR field to the crime report form, which must be filled out by the watch commander to ensure separation of the Penal Code and UCR Classifications. These efforts, as well as some policy changes and clarifications, began in earnest in November 2014 and are still in the process of being institutionalized on a Department-wide level. The OIG's review of assaults in the first quarter of 2015 found that although some issues still remained, the rate of misclassification had already begun to decrease. As a result, it appears that at least some of the rise in aggravated assaults in 2015 is due to improved classification rather than an actual increase in crime.

#### *Coordination with the Department*

Throughout this process, the OIG worked very closely with the DIU, including attending UCR trainings, sharing methodologies, and discussing identified issues, to develop a series of recommendations to improve crime classification at the LAPD. Many of these recommendations had already been implemented, or were in the process of being implemented, by the Department. The OIG was also able to come to an agreement with the Department on a series of additional recommendations designed to address outstanding issues and better institutionalize UCR classification concepts. These recommendations and their status are described at the end of this report. Overall, the OIG agrees with the DIU's approach and believes that, if the changes are properly supported and institutionalized, they will significantly improve the accuracy of the Department's crime numbers.

## **II. BACKGROUND**

### **A. The Uniform Crime Reporting (UCR) Program**

#### *1. Overview*

The Uniform Crime Reporting (UCR) program is a reporting program, established in 1930, that allows law enforcement agencies throughout the United States to submit monthly crime statistics from their jurisdiction to the FBI. These are then used to compile national crime statistics. Although the national program is voluntary, California law requires agencies in the state (including the LAPD) to submit their crime information to the California Department of Justice, which then forwards the statistics to the FBI. Since its inception, the number of agencies participating in the program has grown to over 18,000, including agencies in all 50 states and Puerto Rico.

As the name implies, the UCR program provides uniform offense definitions, independent from local statutes and penal codes, that allow the FBI to standardize crime rates across the nation and over time.<sup>5</sup> These offenses are broadly divided into Part I and Part II crimes:

- Part I crimes are reported to the FBI and include murder, rape, robbery, aggravated assault, burglary, motor vehicle theft, larceny-theft, and arson.
- Part II crimes include offenses not defined as Part I and are generally not reported to the FBI.<sup>6</sup> They include other (simple) assaults, forgery and counterfeiting, fraud, embezzlement, vandalism, weapon offenses, prostitution, drug abuse violations, gambling, liquor laws, and offenses against the family and children.

The UCR program also collects statistics on arrests, law enforcement officers assaulted and killed, hate crimes, and cargo theft. Collectively, these statistics are considered indicators of the level of crime occurring in the United States.

Many agencies, including the LAPD, also use the UCR definitions and reporting structure to form the basis for their own crime tracking and reporting programs.

## *2. Classifying and Scoring Crimes*

Along with each offense definition, there are a number of UCR-specific rules that attempt to assist agencies in properly classifying and scoring (counting) offenses. These rules may not be intuitive and add a layer of complexity to classifying some crimes. For example:

- Crimes against persons (murder, rape, and assault) are counted on a per-victim basis, while property crimes (robbery, burglary, theft, etc.) are counted on a per-incident basis.<sup>7</sup>
- With a few exceptions, each “crime” is counted only once, with only the highest-ranking Part I crime – based on the UCR hierarchy – being reported. For example, if a particular person is both robbed and murdered during the same incident, that crime is reported as a single murder. The robbery would not be counted. The UCR ranks Part I crimes in the following order:<sup>8</sup>

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<sup>5</sup> The UCR Program cautions users against ranking agencies or cities based solely on these statistics. See “Uniform Crime Reporting Statistics: Their Proper Use.” Federal Bureau of Investigation, January 2011.

<sup>6</sup> Simple assaults are reported to the UCR program for quality control purposes but are not included in Part I crime statistics published by the FBI or the Department.

<sup>7</sup> The guidelines also include specialty rules about when a series of crimes may be counted as one incident.

<sup>8</sup> The UCR also tracks arsons, but the reporting responsibility for these crimes rests with the Los Angeles Fire Department rather than the LAPD.

1. Criminal Homicide

2. Rape<sup>9</sup>

3. Robbery

4. Aggravated Assault

5. Burglary

6. Larceny-Theft

7. Motor Vehicle Theft

- In general, attempts to commit a Part I crime are placed in the same UCR category as completed crimes. This means that, for example, an attempted robbery will be counted as a robbery in the LAPD's crime statistics. The exception to this rule is the UCR category of Criminal Homicide, which includes only completed crimes. An attempted murder would instead be classified as an aggravated assault.

The LAPD has devised a number of systems to accommodate these rules, including a process for associating multiple reports with one incident, a built-in computer hierarchy that selects the highest-ranking offense, and a system for assigning a variety of offense types to a larger UCR reporting category. These processes, as well as some associated issues, are described in the following sections.

*3. Assault Categories*

Although the OIG looked at the Department's overall systems for the classification of crimes, the primary focus of its review was the underreporting of aggravated assaults. Both the *Times* and the Department have identified assaults as the most problematic crimes to classify. This difficulty is due in large part to the fact that, unlike other types of crimes, assaults are separated into two groups based on their severity. Only the most serious assaults, or aggravated assaults, are reported as Part I crimes.

As described below, assaults are classified based on three factors: the type of weapon used or the use of an object as a weapon, the seriousness of any reported injury, and/or the intent of the assailant to cause serious injury. As the OIG found in its review, this category of crimes can be challenging to classify due to the variety of weapons or methods used, as well as the injuries sustained.

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<sup>9</sup> This category was expanded by the FBI in 2013; the LAPD began reporting rapes using the new definition starting in 2014. The agency also added reporting categories for human trafficking crimes, but California has not yet begun including these in its reporting program.

a. Aggravated Assault

An aggravated assault is defined as: “An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.”<sup>10</sup>

According to the FBI, the determination as to whether an assault should be classified as an aggravated assault is based on a three-prong test:

**1. Was a dangerous weapon used?**

Any assault during which the assailant uses, or threatens to use, a dangerous weapon is automatically categorized as an aggravated assault. Dangerous weapons may include firearms, knives or cutting instruments (scissors, broken bottles, ice picks, etc.), or any other object used as a weapon from which serious injury does or could result.<sup>11</sup>

**2. If no weapon was used, was there a serious or aggravated injury?**

Any assault resulting in a serious injury, such as an apparent loss of consciousness, fracture, loss of teeth, laceration requiring stitches, or other serious injury, is also automatically categorized as an aggravated assault.

**3. If there was no dangerous weapon and no serious injury, was there intent to cause a serious injury?**

According to the UCR guidelines, in “only a limited number of instances should it be necessary for the agency to examine the intent of the assailant.”<sup>12</sup> Crimes in this category may include strangulation, intense attacks by multiple suspects, or other crimes where there is an apparent intent to cause serious injury, but no such injury is identified.

b. Other (Simple) Assault

An “Other Assult” or “Simple Assult” is defined as: “An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other

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<sup>10</sup> “Summary Reporting System (SRS) User Manual,” Criminal Justice Information Services Division, Uniform Crime Reporting (UCR) Program, 2013, page 37.

<sup>11</sup> Examples of these objects, according to the FBI, include: Mace, pepper spray, clubs, bricks, jack handles, tire irons, bottles, blunt instruments used to club or beat victims, explosives, acid, lye, poison, scalding or burning instruments, BB guns, pellet guns, Tasers, and other stun guns.

<sup>12</sup> *Id.*, page 41.

conduct, but without displaying a weapon or subjecting the victim to actual physical attack (e.g., intimidation).<sup>13</sup>

This category includes all assaults that are not considered to be aggravated. Assaults in this category generally include those that involve only physical force or an object that is not considered to be dangerous, and where there is no injury greater than abrasions, minor lacerations, or bruises.

These assaults are classified as Part II crimes but are reported to the UCR for quality control purposes in assessing assaults as a whole.

## **B. The LAPD's Crime Classification Process**

### *1. Initial Crime Report*

Initial crime reports at the LAPD are documented by the reporting officer(s) on either an Investigative Report (IR) or a Consolidated Crime and Arrest Report (Arrest Report), depending on whether arrests were made at the time the crime was reported. Each document is “titled” based on the Penal Code offenses reported.<sup>14</sup>

Each crime receives a unique identification number, known as a Division of Records or DR number. Reports that include more than one “crime” -- generally as the result of the existence of multiple victims -- will receive one DR number for each victim or incident to ensure that each offense is properly counted for the purposes of the UCR. Each of these DR numbers should be listed on the form to ensure that the reports are entered and linked together.

Following its completion, the report is signed by the reporting officer and approved by a watch commander. Reports are completed on paper and eventually scanned into the Department’s Integrated Crime and Arrest Records System (ICARS).

### *2. Crime Coding*

All crime reports are entered into the Department’s records management system, the Consolidated Crime Analysis Database (CCAD), which maintains a unique record for each DR number. A records clerk is responsible for coding the form into a series of fields in the database.

Any relevant crime types are recorded using up to four “Crime Class Codes” or CC Codes, which indicate what offenses are being alleged or reported. The computer then automatically translates the selected CC Code(s) into a Part I or Part II crime category, which will determine how the crime will be reported according to the UCR.

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<sup>13</sup> *Id.*, page 160.

<sup>14</sup> For domestic violence and child abuse reports, the reporting officers are also required to indicate whether the assault was aggravated or simple based on the UCR guidelines. This requirement is discussed later in the report.

The records clerk and personnel from the Crime Analysis Detail will also enter any relevant “MO Codes” based on information contained in the report. These standardized codes, which refer to the term “Modus Operandi,” describe distinguishing characteristics of the suspect, the victim, their relationship, and/or the crime itself that can be used for trend analysis and pattern recognition.

Once a report has been entered into CCAD and, if appropriate, automatically classified by the computer as a Part I offense, it becomes part of the Department’s crime statistics. The Department forwards the aggregate number of crimes in each Part I category to the California Department of Justice, which sends these on to the FBI.<sup>15</sup> Those numbers are also tracked by the Department for its internal COMPSTAT program and for the purpose of public reporting.

A crime report may be reclassified after it is initially reported if it is determined that, based on the investigation, it should be placed in another category. According to Department policy, any such reclassification should be documented on a Follow-Up Investigation Form. Crime clearances and determinations that a crime report was unfounded are also reported on this form. Crime reports that were determined to be unfounded are removed from the City’s Part I statistics.<sup>16</sup>

### **III. OIG REVIEW**

The OIG’s review was designed to determine the extent to which aggravated assaults were underreported over the past seven years (2008-2014) and to identify the reasons for any misclassifications. The OIG also selected a sample from the first quarter of 2015 to evaluate the extent to which the reforms implemented by the Department had been effective in addressing any misclassification issues. Finally, the OIG analyzed the resulting data in order to develop a series of recommendations to address any outstanding issues.

In order to complete this task, the OIG selected a stratified random sample of 3,895 crime reports and, using the ICARS database, reviewed any available reports associated with each case. The OIG’s sampling strategy (detailed in the Appendix) focused more heavily on those reports that were more likely to have been misclassified. This approach was designed to develop and test a way to quickly identify potentially misclassified aggravated assaults in CCAD and to increase the pool of misclassified cases for the OIG’s qualitative review.<sup>17 18</sup>

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<sup>15</sup> As noted, Part II simple assaults are also reported to the UCR program for quality control purposes.

<sup>16</sup> Crime numbers reported to the FBI are generally not revised or corrected after the reporting year has closed.

<sup>17</sup> The OIG shared its approach with three university professors who are experts in empirical research to ensure that it was methodologically sound. The OIG thanks those experts for their useful feedback and insight into these issues.

<sup>18</sup> The size of each subsample was selected to ensure a margin of error of no more than approximately ±5 percent. Because the population of aggravated assaults for each year was much smaller than the population of Part II crimes sampled, the impacts of the OIG’s findings, as well as the margin(s) of error, were magnified when placed into the context of aggravated assaults.

Each case was reviewed to see how it was originally titled, how it was classified in the computer, and whether that classification was appropriate based on the facts detailed in the report narrative and the UCR guidelines. Reports associated with 39 cases (about 1 percent) were unavailable for review, leaving a total of 3,856 cases. The OIG also reviewed any reclassifications and, to the extent they were provided, the associated rationale for making these changes.

Upon completion of the case review, the OIG worked to develop an estimate of the number of Part II cases that should have been classified as Part I assaults each year by extrapolating the results of each subsample. The OIG then estimated the potential impact those additional cases would have had on the overall total of aggravated assaults for each year.

#### **IV. OIG FINDINGS**

Based on its review, the OIG estimates that an average of about 3,700 aggravated assaults were misclassified as Part II crimes each year over the past seven years.<sup>19</sup> If added to the number of aggravated assaults currently reported, these additional crimes would have made the actual number of aggravated assaults an average of about 36 percent higher per year than the number currently reported.

The OIG's results are consistent with a recent audit conducted by the Department, which found that approximately 8 percent of crimes classified as simple assaults should have been classified as Part I aggravated assaults.<sup>20</sup> The OIG's review similarly determined that approximately 9 percent of simple assault reports, on average, should have been classified as aggravated assaults. It is important to note that the total number of simple assault reports is 3 to 4 times larger than that of aggravated assaults. Therefore, these misclassified cases, while a relatively small percentage of cases reported as simple assaults, actually represent a much larger proportion of actual aggravated assaults.

The OIG also found that a small number of crimes classified in other Part II categories, such as kidnapping or sexual assault, should have been categorized as aggravated assaults. All combined, these identified misclassifications resulted in a substantial underreporting of Part I aggravated assaults, approximately a quarter of which were misclassified into other categories.

The OIG's review did not specifically examine misclassifications in the other direction -- the extent to which simple assaults were misclassified as aggravated assaults. Recent audits conducted by the Department, however, have found that approximately 6 percent of crimes reported as aggravated assaults should have been classified as simple assaults. Assuming this rate is constant for each year, these "overreported" crimes would result in aggravated assaults being a net 30 percent higher than reported (36 percent underreported less the estimated 6 percent overreported).

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<sup>19</sup> Please see the Appendix for the relevant calculations and the associated margins of error. The OIG also found a small group of cases that should have been classified as other Part I crimes, primarily Robbery/Attempted Robbery or Rape/Attempted Rape. The majority of these cases also included the offense of aggravated assault.

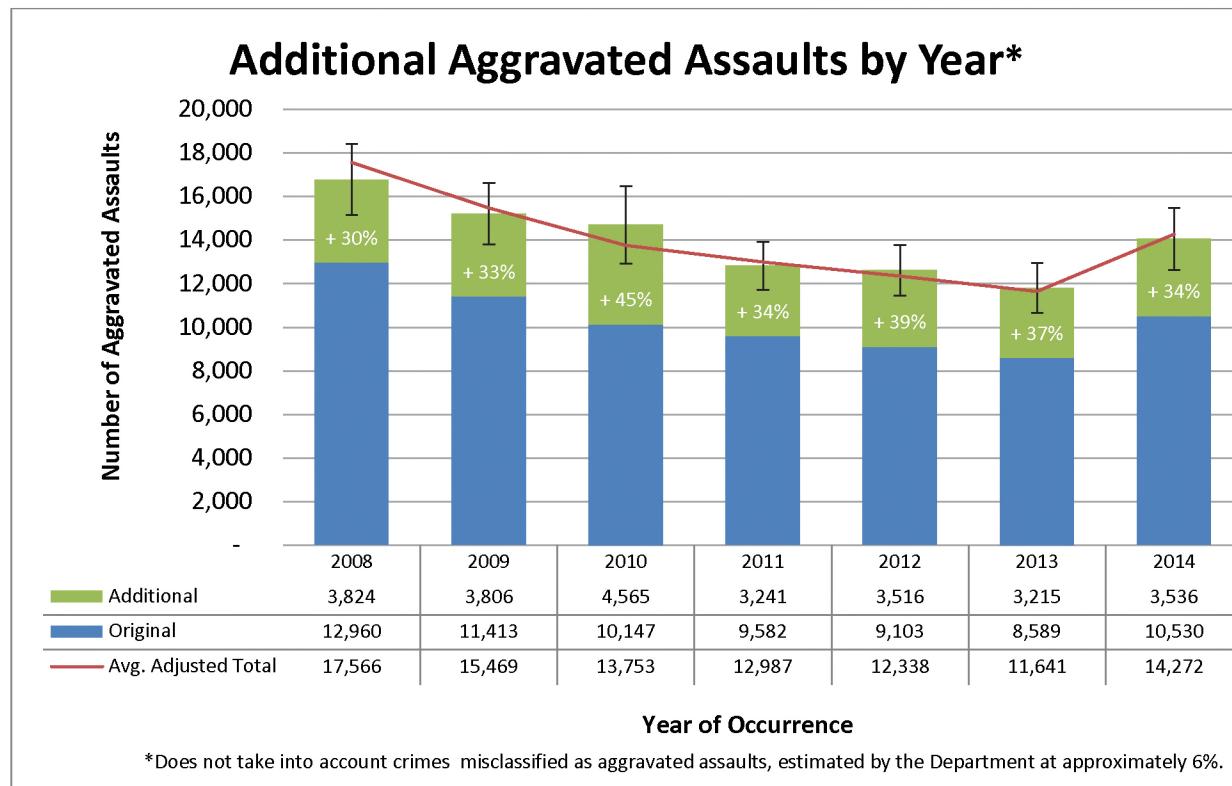
<sup>20</sup> "Crime Classification Audit (AD No. 15-040)," Los Angeles Police Department, October 8, 2015.

## Review of Crime Classification Practices

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The chart below indicates the estimated additional aggravated assaults for each year between 2008 and 2014. The blue portion for each year indicates the number of crimes classified as aggravated assaults, categorized by year of occurrence, in the LAPD's crime database at the time of the OIG's review.<sup>21</sup> The green portion indicates the estimated number of additional aggravated assaults that were misclassified as Part II crimes, with the black bars indicating the margin of error.<sup>22</sup> Finally, the red line indicates an adjusted total number of aggravated assaults each year based on the estimated average increase of 36 percent.



Overall, the OIG did not find statistically significant differences by year in the proportion of aggravated assaults that were misclassified as Part II crimes during this period. Rather, a large proportion of errors appeared systemic, as described in the following sections.<sup>23</sup> Because the

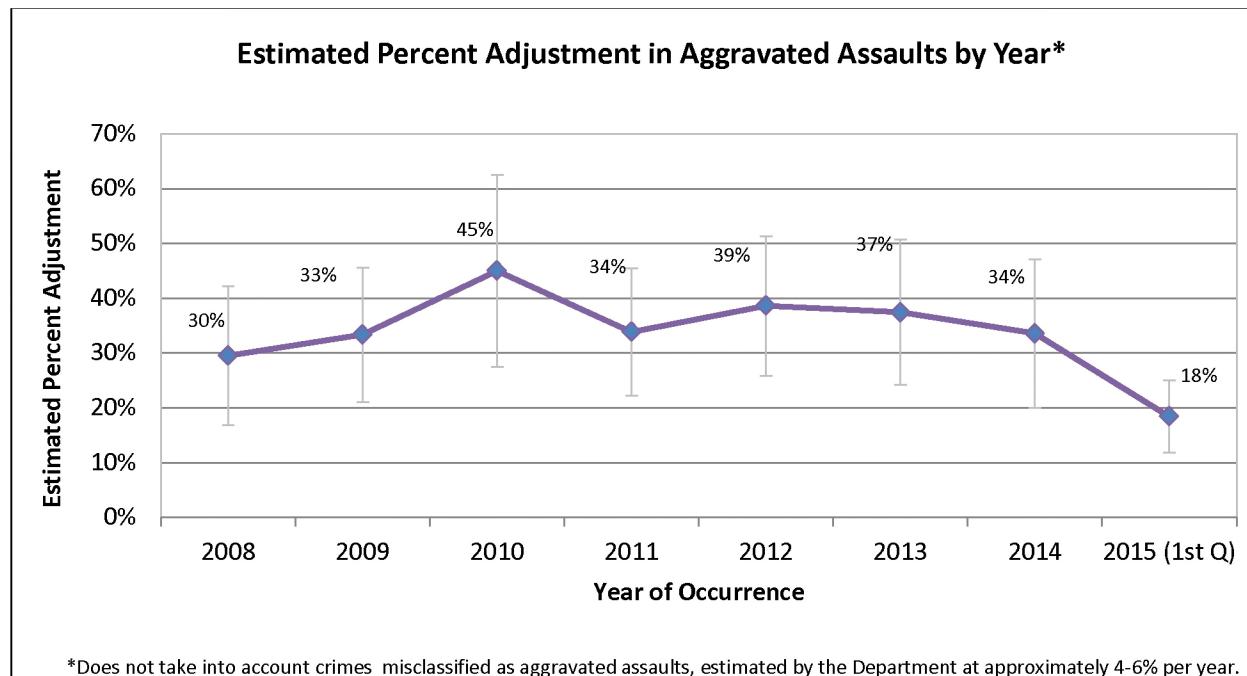
<sup>21</sup> Due to ongoing reclassifications and differences in how crimes are reported, these totals may differ somewhat from numbers reported publicly by the Department. UCR numbers and end-of-year crime statistics are tabulated by year the report was made, while mid-year statistics and COMPSTAT progress are based on year of occurrence. These two totals differ only slightly for aggravated assaults. The above numbers also reflect the inclusion of the “Brandishing” category, which was not reported publicly or to the FBI as an aggravated assault prior to 2015. This change is discussed in greater detail in following sections of this report.

<sup>22</sup> As shown in the chart, the number of estimated additional aggravated assaults appeared notably higher in 2010. Taking into account the margin of error, however, this difference does not appear to be statistically different from other years. It is not clear whether the increase was due to sampling error or whether it reflects a difference in how crimes were classified.

<sup>23</sup> In a small number of cases, there was no clear explanation why an aggravated assault was misclassified or reclassified.

misclassification rate was generally constant over this period, it appears that the volume of aggravated assaults was underreported. However, the overall crime trend through 2014 -- which indicates decreases or increases from year to year -- appears relatively accurate.

The OIG also reviewed a stratified sample of Part II reports during the first quarter of 2015 and found that the underreporting of aggravated assaults appears to have diminished substantially. Based on the OIG's review, approximately 540 Part I aggravated assaults that occurred during this period were misclassified as Part II crimes. These additional cases would represent an increase of 18 percent over the reported total of 2,920 aggravated assaults, just half as much as previous years, as shown in the chart below.<sup>24</sup>



The OIG finds that these improvements are likely due to the Department's sustained efforts to address systemic classification issues and better train personnel in the UCR guidelines. Assuming that this trend has continued, the apparent improvements in accuracy may partially account for the Department's reported increase in aggravated assaults for 2015. These findings are discussed in greater detail later in this report.

#### **Issues Identified - 2008-2014**

In the following sections, the OIG describes a number of classification issues identified through its review, as well as its evaluation of the steps the Department has taken to ameliorate these

<sup>24</sup> Based on total cases classified as aggravated assaults in CCAD, using date of occurrence, at the time of the OIG's review. This estimate does not take into account any potential overreporting of assaults, but a recent inspection by the Department found that approximately 4 percent of aggravated assaults during early 2015 had been overreported and should have been categorized as Part II crimes.

issues. It is important to note that because the OIG’s sample was stratified; all proportions have been weighted based on their prevalence in the overall population of cases sampled. The report also offers a number of additional recommendations, developed in collaboration with the Department, to address these issues.

### *1. Conflicts Between the California Penal Code and the UCR*

As identified by the Department’s 2014 survey, one of the primary and overarching issues with misclassification of crime lies in the fact that while officers “title” crime reports based on the California Penal Code, crimes are publicly reported and tracked based on the UCR guidelines. While these two sets of standards are neatly aligned in many places, making the conversion seamless, there are other areas -- particularly in the category of assaults -- where there are significant differences. The OIG found that these differences appeared to have an impact on the accuracy of assault classifications.

#### a. Lack of Alignment Between Offense Categories

One of the biggest issues noted by the OIG is the fact that some assault-related Penal Code sections may actually fall into more than one UCR category, depending on the circumstances of the assault. For example, a battery (without the use of weapons) that results in Serious Bodily Injury -- known as “Felony Battery” -- would properly be classified as an aggravated assault based on UCR parameters. Because there is no CC Code specifically for Felony Battery, however, a records clerk is likely to code such a report as a “Battery,” which would therefore be categorized as a simple assault by the computer. The OIG noted 21 cases in its sample meeting this criterion, in which the officer titled the case as a “Felony Battery” but it was classified as a simple assault. In the majority of these cases, the OIG determined that, based on the UCR guidelines, the crime should have been classified as an aggravated assault due to the seriousness of the injury.<sup>25</sup> <sup>26</sup>

The OIG also noted other cases where the Penal Code section was properly titled as “Battery” -- and coded by the records clerk as such -- but the circumstances of the crime indicated that it should have been classified as an aggravated assault for UCR purposes due to the use of a weapon, a resulting serious injury, or intent to cause death or serious injury.<sup>27</sup>

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<sup>25</sup> The issue is made more confusing by the fact that the generic code for “Aggravated Assault” is the same as that for “Assault with a Deadly Weapon.” This circumstance makes the use of that code appear counter-intuitive for those aggravated assaults that are not, in fact, “Assaults with a Deadly Weapon” under the Penal Code.

<sup>26</sup> Another problematic, though rare, offense type was that of “Mayhem,” a Penal Code section that refers to serious assaults resulting in permanent disfigurement or mutilation. According to the UCR guidelines, these assaults should always be classified as aggravated assaults due to their severity. Because there is no CC Code specifically for “Mayhem,” however, the OIG reviewed a few such cases that were coded as “Other Miscellaneous Crimes,” a catch-all category that is not reported to the UCR program or tracked by the Department in its COMPSTAT program.

<sup>27</sup> See also the UCR guidelines, which note: “It is the practice of local jurisdictions to charge assailants in assault cases with assault and battery, disorderly conduct, domestic violence, or simple assault even though a knife, gun, or

b. Domestic Violence and Child Abuse

The issue of alignment is particularly pronounced in the areas of domestic violence and child abuse, which made up about 30 percent of simple assaults. Because domestic violence assaults are classified under specialized Penal Code Sections, they are classified as “Spousal/Cohabitant Abuse” in CCAD. Depending on the facts of the crime, such assaults may be either aggravated or simple in nature. The Department therefore created two separate crime codes for this offense -- one aggravated and one simple -- and requires reporting officers to list on the report which type applies.<sup>28</sup> A similar scheme is used for child abuse cases.

The OIG’s review found, however, that between 2008 and 2013, more than three-quarters of these reports did not state in the title whether the assault was aggravated or simple. In those cases, it appears that the person entering the crime often defaulted to the code indicating a simple assault, meaning that a large majority of domestic violence cases were tracked as simple assaults. This problem appears to have improved in recent years; for example, in the first quarter of 2015 just 29 percent of domestic violence/child abuse reports did not include the UCR designation.

Overall, the OIG found that about a fifth of misclassified assaults between 2008 and 2014 were domestic violence cases where the person filling out the report did not indicate whether the assault should be coded as simple or aggravated. As described in a following section, this issue was compounded by a general lack of understanding by the reporting officers regarding the classification of assaults.

c. Multiple Offenses

As mentioned earlier, the UCR classification is determined by the most serious crime, based on the UCR hierarchy, that was reported during the incident. The OIG has noted that it is also the practice of many officers to put only the most “serious” crime in the report title. In many cases, the most serious crime -- murder, robbery, rape, etc. -- will be the same under both sets of standards. Because the UCR program is more limited in the crimes it tracks, however, there may be instances where the two hierarchies do not align. In instances where the records clerk simply transfers the report title into CCAD, this may result in a misclassification of the crime according to the UCR standards.

An example would be a case where a victim was kidnapped by a suspect who brandished a gun and threatened to kill or seriously injure the victim. Such a crime would include elements of both kidnapping and brandishing/aggravated assault. Under the Penal Code, however, the kidnapping would be considered the primary crime, with the assault being an aggravating

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other weapon was used in the incident. This type of offense is reported to the UCR Program as Aggravated Assault.” *Id.*, page 38.

<sup>28</sup> See “Reporting Spousal & Child-Abuse-Related Assualts” LAPD Intradepartmental Correspondence, January 13, 2005.

element of that crime. In such cases, officers generally title this type of incident as a “Kidnap” on the crime report.

In contrast, this same crime would be classified as an aggravated assault under the UCR guidelines. As the UCR program does not track kidnapping, it is the assault that becomes the highest-ranking crime based on the UCR hierarchy. If the crime is entered into the computer solely as a “Kidnap,” however, it will not be reported as a Part I crime to the FBI or to the public.

As noted, CCAD can hold up to four CC Codes per incident, which can be entered in any order. The system then uses a built-in, UCR-based hierarchy to determine which crime is the highest-ranked for UCR reporting purposes. For example, a crime (based on a single victim) that includes CC Codes for “Rape,” “Murder,” and “Burglary” will be reported, for the purposes of the UCR, as a single Part I Criminal Homicide.<sup>29</sup> In the kidnapping case above, had all of the elements been entered – the assault/brandishing as well as the kidnapping – the report would likewise have been properly categorized by the system as an aggravated assault.

The OIG noted, however, that in nearly all misclassified cases, it appeared that only the primary Penal Code title was entered into the computer rather than all the offenses reported during the incident. This included a relatively small proportion (about 5 percent) of serious crimes, including rape, robbery, and aggravated assault, that were not reported to the UCR due to their having been classified as another non-UCR crime such as Kidnap or Other Sex Crimes. The OIG also noted a larger proportion of misclassified cases (about 26 percent) classified as Criminal Threats despite the presence of an aggravated assault.<sup>30</sup>

## *2. Clarifications to Classification Practices*

The OIG also noted some areas where the UCR guidelines themselves were not being properly applied. While a small proportion of these mistakes appeared due to individual officer error, the majority appeared to be due to systemic failures of the system.<sup>31</sup> Following the *Times* story, the Department conducted substantial research and consulted closely with the FBI to ensure that the parameters of each crime were properly understood and distributed. These efforts resulted in substantial changes to how the Department classified assaults in three primary areas: brandishing of a weapon, strangulation, and, to a lesser extent, crimes resulting in serious injury.

The following chart describes the overall breakdown of misclassified cases by type of assault. As shown, approximately 36 percent of the errors involved either the strangulation of the victim or a brandishing or display of a dangerous weapon, or a combination of both. Approximately 35

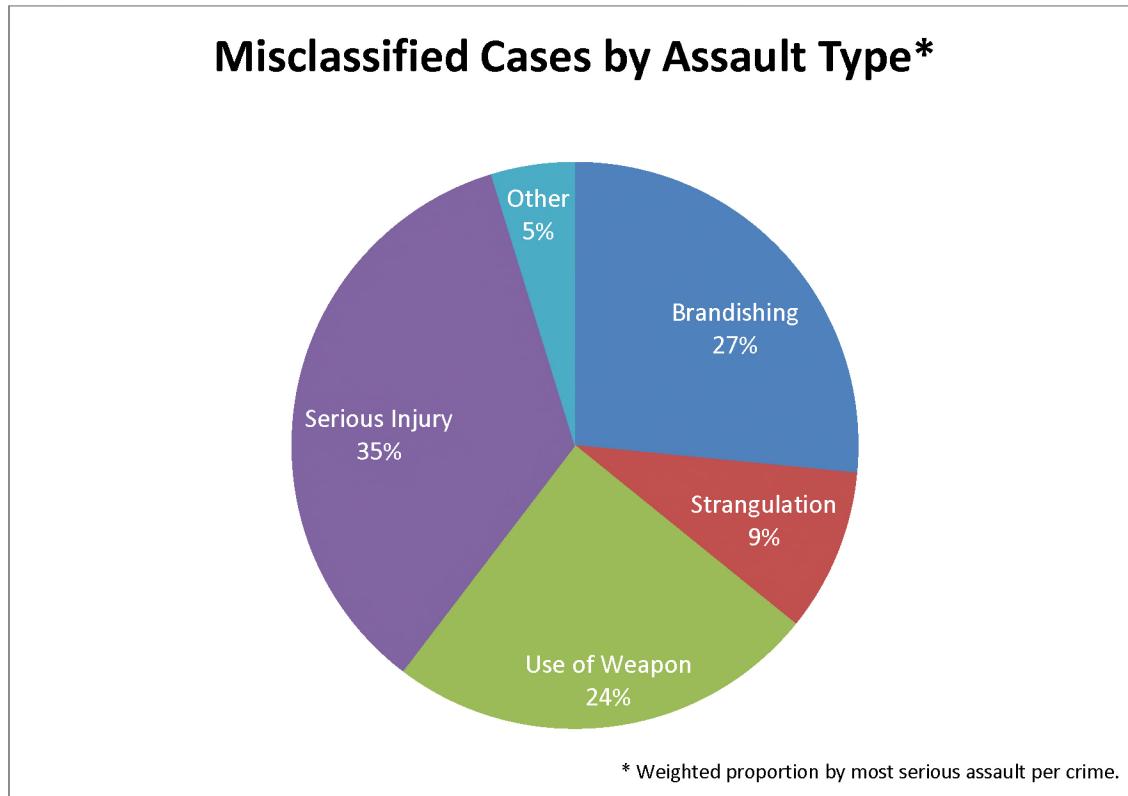
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<sup>29</sup> This system was originally based on a simple numerical hierarchy, with lower numbers outranking higher codes. With recent changes to the UCR, however, as well as additional guidance from the FBI, some higher crime codes -- such as those classifying forcible sodomy and other types of rape -- now “outrank” lower ones. To address this issue, CCAD operators must manually reorder the hierarchy until the built-in hierarchy can be recoded.

<sup>30</sup> This issue was further exacerbated by a widespread practice of misclassifying brandishing as a non-Part-I crime.

<sup>31</sup> The OIG did not attempt to disentangle errors based on systemic issues from those due to individual errors but noted a small number of cases for which there was no apparent explanation for an incorrect report title or inappropriate downgrade.

percent involved cases resulting in a serious injury to the victim. The following sections describe clarifications to the UCR guidelines in these areas.



#### a. Brandishing of a Weapon

Prior to 2015, the Department generally did not classify an assault in which a weapon was brandished as an aggravated assault. In the section on aggravated assaults, however, the UCR Manual states that any crime in which a dangerous weapon “*is used or is threatened to be used*” should be classified as an aggravated assault.<sup>32</sup> The guidelines further distinguish these crimes from Simple/Other Assaults by explaining that Simple Assualts include instances where a person unlawfully places another “in reasonable fear of bodily harm [...] without *displaying a weapon* or subjecting the victim to actual physical attack.” [Emphasis added.]<sup>33</sup>

Further research by the Department has clarified that, contrary to previous Department practice, any case involving the brandishing or display of a dangerous weapon should be classified at least as an aggravated assault. As such, beginning in 2015, the Department now assigns any crimes for which the primary crime code is “Brandishing” as an aggravated assault.

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<sup>32</sup> *Id.*, page 38.

<sup>33</sup> *Id.*, page 160.

Approximately 27 percent of the misclassified aggravated assaults identified by the OIG between 2008 and 2014 involved a brandishing or threat to use a dangerous weapon. These brandishing offenses primarily occurred in the following contexts:

- Crimes classified as “Criminal Threats”: These cases generally included a person threatening to kill or hurt the victim while brandishing a weapon. Criminal threats are currently categorized as Other Assaults in CCAD, and this classification should only be used when no weapon is displayed.
- Crimes classified as “Spousal/Cohabitant Abuse – Simple”: These cases generally involved a suspect grabbing and/or threatening to use a knife or other dangerous weapon as part of a domestic violence assault. In many of these cases, the assault would have been properly classified as simple assault had it not been for the brandished weapon.

b. Strangulation

The OIG’s review revealed that LAPD personnel generally did not classify cases involving the strangulation of a victim as an aggravated assault unless the victim lost consciousness. During the period of 2008-2014, about 20 percent of assaults coded as involving an element of “choking” were classified as aggravated assaults.

The UCR Manual does not explicitly reference strangulation or choking anywhere in its guidelines for classifying assaults and primarily emphasizes cases involving a weapon or resulting in a serious injury (such as loss of consciousness). It does, however, include in its definition of aggravated assault any assault “by means likely to produce death or great bodily harm.”<sup>34</sup> It further states that while the weapon used or injury sustained will generally be the deciding factor, the “intent of the assailant to cause serious injury” might need to be examined in a “limited number of instances.”

Exploration of this issue by the DIU and the OIG has yielded guidance from the FBI that strangulation (defined as a deliberate restriction of blood or air flow) may, in fact, fall within the parameters of an aggravated assault when there is an apparent intent to cause death or serious injury. According to the guidance received, indications of such intent or potential serious injury may be present when the victim states that they had difficulty breathing, were losing consciousness, felt dizzy, or were blacking out or “seeing stars.” Intent is also indicated by accompanying threats to kill or seriously injure the person.

The OIG found that 11 percent of misclassified cases between 2008 and 2014 involved some degree of strangulation, with accompanying detail -- such as the victim stating she could not breathe -- indicating that the crime was, in fact, an aggravated assault.

The OIG also noted a number of cases -- an estimated 3 percent of cases reviewed -- in which the narrative stated that the victim was “choked,” sometimes for a significant length of time, but did

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<sup>34</sup> *Id.*, page 37.

not include additional detail about the manner and impact of the choking.<sup>35</sup> Based on the information provided, it was difficult to fully evaluate the suspect's intent. Per FBI guidance, however, these were not included in the OIG's aggravated assault estimate because they lacked the required level of detail. To ensure that all strangulations are being properly classified, the OIG has recommended that the Department improve its preliminary investigations of these cases to ensure that there is sufficient information for watch commanders to properly classify each assault.

c. Serious Injury

An additional clarification made following consultation with the FBI was a slight broadening of the definition of "serious injury." It appears that personnel may have been using the California Penal Code definition of Serious Bodily Injury (SBI) to determine whether a crime was an aggravated assault -- which includes, for example, "a wound requiring extensive suturing."<sup>36</sup> This definition appears somewhat more restrictive than does the UCR definition for serious injury in the case of an aggravated assault, which includes, for example, an injury requiring any suturing at all, a loss of teeth, and any internal injury.<sup>37</sup>

The OIG found that approximately 35 percent of misclassified aggravated assaults between 2008 and 2014 resulted in serious injury, as defined by the UCR guidelines.<sup>38</sup> While the majority of these injuries also qualified under the SBI standard, a small number did not.

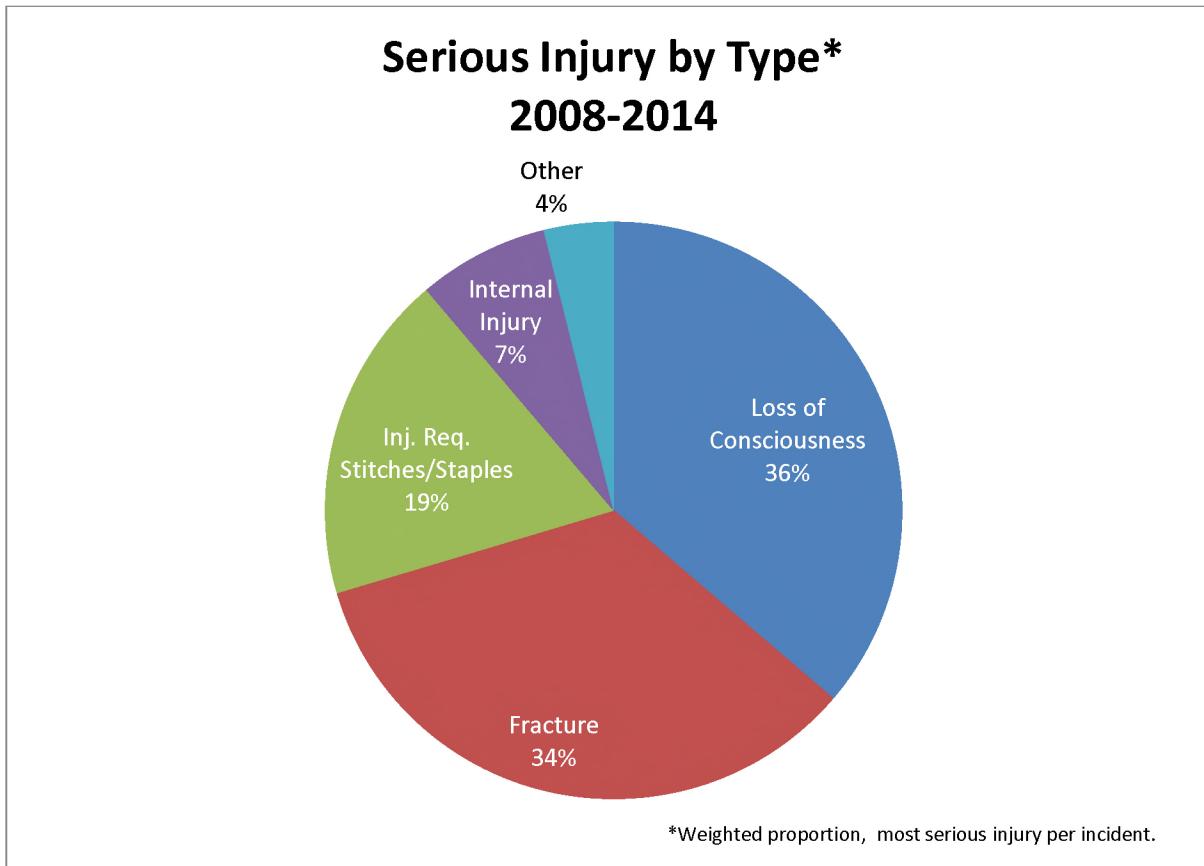
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<sup>35</sup> The OIG excluded cases where the victim said they were choked but that there was no restriction of their airway, or where any strangulation appeared inadvertent. Cases where the narrative indicated only that the neck or throat was grabbed were also excluded from this category.

<sup>36</sup> "'Serious bodily injury' means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement." California Penal Code 243(f)(4).

<sup>37</sup> *Id.*, pages 40 and 160.

<sup>38</sup> Weighted proportion. The OIG also identified a small number of crimes resulting in serious injury that should have been classified as robberies or rapes.



### *3. Other Identified Issues*

Along with the major issues listed above, the OIG noted a number of smaller factors that appeared to contribute to the misclassification of crimes, including the following:

#### a. Inadequate Intake

The OIG found that approximately 3 percent of the cases did not contain adequate information to classify the crime, including cases that did not include adequate information about the weapon or object used, how it was used, or the resulting injury and/or treatment. In these cases, the OIG defaulted to a Part II crime due to a lack of qualifying detail.

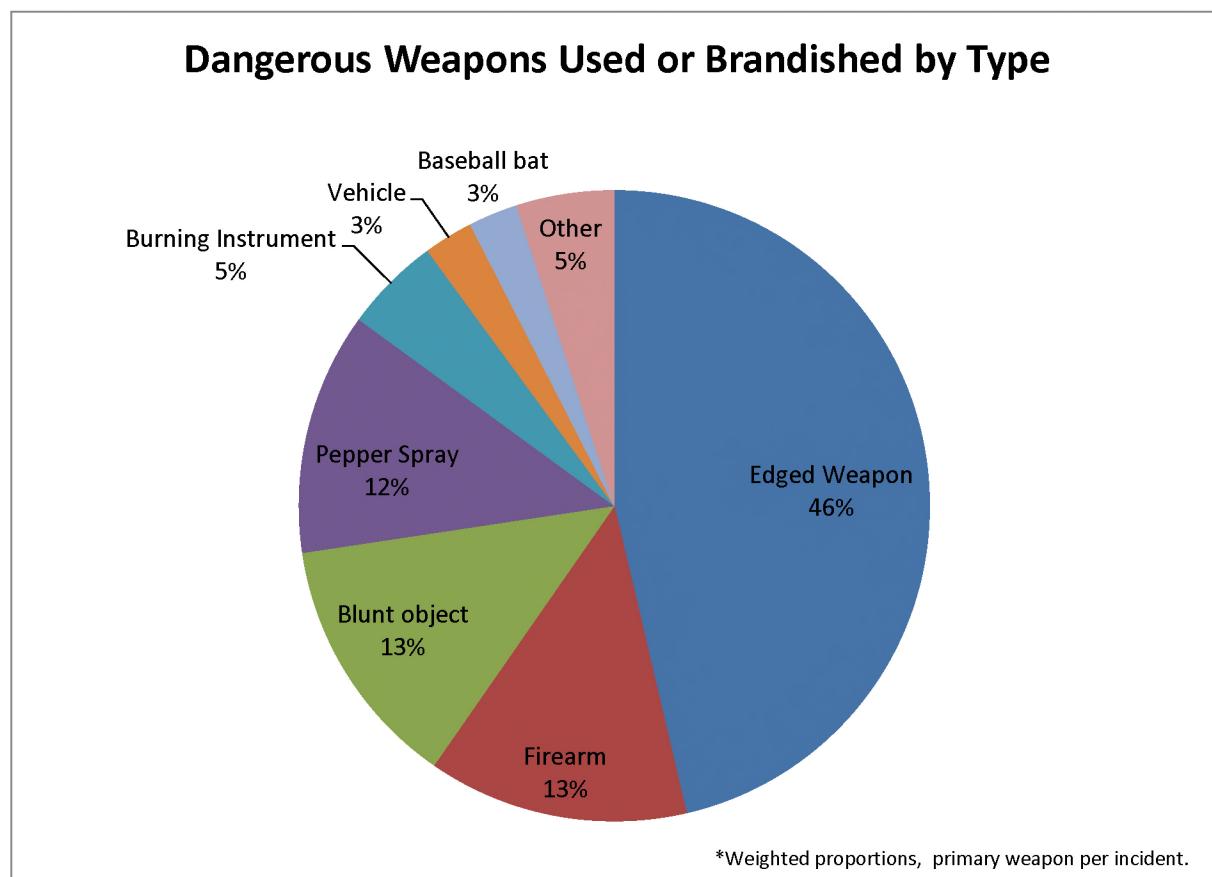
These details are crucial to classifying an assault. The OIG noted cases, for example, where a victim was “struck” with a “stick.” Without information that described the physical exertion used, the size and heft of the weapon, and the assailant’s intent, it proved very difficult to classify the assault. Likewise, a narrative that states only that a person “received treatment” for an injury such as a laceration, or that indicates that a person was transported to a hospital without any follow-up, made it difficult to know whether the injury was serious. The OIG also noted, as described earlier, a significant proportion of cases that indicate a person was “strangled” or “choked” without providing the level of detail required to determine the intent of the suspect.

b. Categorization of Dangerous Weapons

According to the UCR Manual, the UCR Program considers a dangerous weapon to be “a commonly known weapon (a gun, knife, club, etc.) or any other item which, although not usually thought of as a weapon, becomes one in the commission of a crime.” It further includes the use of “any object as a weapon in which serious injury does or could result.”<sup>39</sup> The UCR guidelines explicitly include in this category weapons such as stun guns, pepper spray, and BB guns that would not necessarily be considered deadly weapons under the Penal Code.

The OIG found that 51 percent of misclassified aggravated assaults between 2008 and 2014 involved the brandishing or use of an object or a weapon that could cause serious injury.

Additionally, as noted, there were cases where there simply wasn’t enough information to determine whether the object was dangerous or whether it was used in a manner that could have resulted in serious injury.



<sup>39</sup> *Id.*, page 39.

c. Other

The OIG noted a small proportion of cases that were appropriately classified upon intake but later reclassified in error. While later-year reclassifications were generally accompanied by a Follow-up Investigation Form in ICARS, earlier reclassifications often were not, making it difficult to determine why the reclassification was made or who authorized the change. To the extent that such information was available, the OIG reviewed those reclassifications and found that the majority of changes were made due to a mistaken or misapplied guideline relating to the UCR, such as those listed above.

Other potential factors leading to errors included classification of crime reports based on arrest charges or charging decisions rather than the offenses reported;<sup>40</sup> incorrect scoring of incidents involving multiple victims; and errors made by officers in titling the report. The last instance included a small group of crimes that clearly should have been classified as an Assault with a Deadly Weapon due to the actual use of a dangerous weapon. The OIG also noted domestic violence cases that should have been classified as aggravated assaults due to the injuries sustained but were classified as simple assaults by the reporting officer.

Finally, the OIG noted approximately 42 assault incidents during which items were taken from the victim through force or fear. Many of these were domestic violence incidents, and these items included money, keys, purses and, most commonly, cell phones. While the intent may have been to prevent the victim from leaving and/or contacting the police or others, according to the FBI, the fact that items were taken indicates that these crimes should have been classified as robberies.

## V. DEPARTMENT RESPONSE TO CLASSIFICATION ISSUES

The Department has taken a number of steps to remedy the issues identified above. The most significant component of this effort was the development of the Data Integrity Unit (DIU), which is designed to be the single point of contact for UCR clarification in the Department. Since its inception, the DIU has been engaged in training personnel, creating support materials, and conducting inspections of crime reports to address any ongoing issues. Other components include targeted audits, the development of new policies and procedures, and the establishment of the Bureau UCR Assessor program to shore up the work of the DIU.

### A. Department-Wide Survey

Following the *Times* article, the Department's Internal Audits and Inspections Division<sup>41</sup> (IAID) conducted a survey of each of the LAPD's 21 Areas to determine whether responsible personnel

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<sup>40</sup> Although the OIG did not include sexual assault cases as part of its structured review, this issue was particularly of concern for those types of cases. The Department is currently developing a protocol for the classification of rapes and other sexual assaults in consultation with the FBI.

<sup>41</sup> This division is now called Audit Division.

had been properly trained in the UCR guidelines and to assess the procedures for classifying and reclassifying assault crimes in CCAD.

The survey found that approximately 70 percent of personnel interviewed -- including Watch Commanders, Principal Records Clerks, Detective Table Coordinators, and Detective Commanding Officers -- had received little to no training in the UCR, though some had received copies of the UCR handbook.<sup>42</sup> The report also noted that watch commanders generally determine crime “titles” based on the California Penal Code rather than the UCR guidelines. The report found that there was some confusion about whose responsibility it was to select the UCR classification for entry into CCAD.

Overall, IAID found significant difficulty among personnel in distinguishing between Penal Code classifications and UCR classifications. As a result, it recommended a number of improvements -- including a clearer bifurcation between UCR and the Penal Code, new procedures and forms for classifying and approving crimes, and Department-wide training on UCR assault guidelines.

## **B. Establishment of the Data Integrity Unit**

Following the survey, the Department created the Data Integrity Unit (DIU), a unit of six detectives, one police officer, and one crime analyst. The unit was formed in October 2014 and is incorporated as part of the larger COMPSTAT Division.

The DIU is tasked with sharpening the accuracy of crime statistics, providing training to personnel, and offering guidance to those responsible for coding crime reports. The DIU is also charged with conducting regular inspections of crime reports to ensure that they are properly classified.

In the year since its inception, the DIU has launched a sizeable and sustained effort to identify and address issues related to how the Department classifies crimes. This work has included the following:

- Development of Training Materials: Decision Trees and Frequently Asked Questions (FAQ)  
To aid watch commanders and others in classifying crimes, the DIU has developed a set of training materials that provide detailed guidance about the UCR guidelines. The first component is a set of decision trees for each crime category that provides a clear map of how each crime should be coded, as well as the relevant crime codes. These trees are designed to help watch commanders, records clerks, detectives, and officers-in-charge to determine the best CC Code in light of the narrative provided in the crime report. Because UCR guidelines provided by the FBI are necessarily broad in order to capture crime statistics from 50 different jurisdictions, the Department often finds itself asking the FBI to clarify. As such, the decision trees are constantly updated by the DIU and distributed to Department personnel responsible for classifying crimes.

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<sup>42</sup> “Department Survey of Crime Classification on Simple/Aggravated Assaults.” Conducted by Internal Audits and Inspections Division, Fiscal Year 2013/14.

The second component is a “Frequently Asked Questions” (FAQ) document, which details guidance about some of the more confusing or detailed aspects of crime classification. These materials are considered “living documents” and are constantly updated based on questions received by the DIU as well as guidance received from the FBI.

Following discussions with the OIG and FBI about the parameters for the classification of strangulation/choking cases, the DIU added additional detail to the decision tree for Assault to further assist in classifying such cases. The revised decision tree has been distributed to all staff who attended the UCR course.

The DIU is also currently in the process of developing a hyperlink-based online decision tree tool to assist officers in classifying crimes. When completed, this will be included on the internal network, where it can be updated as needed.

- **Mandatory Training for all Watch Commanders and Responsible Personnel**

Beginning in November 2014, the DIU undertook a massive training effort to train all watch commanders in the new procedures, as well as in the specifics of the UCR guidelines, by the end of the year. This was accomplished through a five-hour training to explain the crime classification process, clarify who is responsible for coding crimes, and instruct employees on how to convert California Penal Codes to UCR crime categories.

Following the initial push in 2014, the DIU has continued to conduct regular training to all relevant personnel -- including detectives, records clerks, and watch commanders who did not attend the original course. As of September 2015, the DIU had trained 943 employees, totaling over 4,700 hours of UCR training.

The DIU has also been in the process of developing an eight-hour course that will be POST certified. This course is discussed in further detail in the recommendations section of this report.<sup>43</sup>

- **Help Desk**

The DIU runs a Help Desk for officers with questions about crime classifications. The desk is staffed by a DIU employee from 9 am to 5 pm, five days a week; officers may leave voicemails over the weekend. Officers may also email the DIU with queries. As of September, the Help Desk had responded to over 175 emails and 210 phone calls.

- **Review of Reclassifications**

The Department has clarified that all crime reclassifications must be documented on a Follow-Up Investigation Form approved by the Area commanding officer to ensure that there is an appropriate level of accountability for such changes.

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<sup>43</sup> California Commission on Peace Officer Standards and Training.

The DIU conducts regular review of reclassification reports to flag any potential areas of concern. Reclassifications are also reviewed during the COMPSTAT inspection process, where commanding officers are asked to discuss the reasons for notable reclassifications.

- Inspections

The DIU has been tasked with conducting regular inspections of UCR classifications to ensure that they are being done properly. In early 2015, with the assistance of personnel from each Area assigned to the “Audit Cadre,” the DIU conducted two large inspections of reports classified into the Robbery, Aggravated Assault, or Burglary categories. Overall, the inspection found that most crimes were classified properly, but there were still some watch commanders who were not filling out the required CC Code box on the crime report.

The DIU recently completed an inspection of reports of sexual crimes against children and another of Part II assaults that occurred in the first quarter of 2015. The second inspection is based on query settings provided by the OIG and has mirrored the OIG’s own review of those crimes. Although the DIU’s inspection is still being finalized, its results appear similar to those of the OIG.

Finally, the DIU manages and oversees ongoing inspections conducted by the Bureau UCR Assessor Program, discussed further in the recommendations section of this report.

### C. Other Changes

The Department has also made a number of procedural and policy changes in the area of crime classification:

- Watch Commander Responsibility for UCR Classification

Until recently, records clerks were responsible for determining the correct CC Codes for each report and entering them into CCAD. As noted, this was generally accomplished by transferring the report “title” into a crime code, despite the fact that this might not translate into the appropriate UCR category. These errors were often not corrected by the relevant detective desk.

At the beginning of 2015, the Department instituted a new procedure requiring the shift watch commander, who is already tasked with reviewing and approving crime reports, to enter the appropriate CCAD crime code onto the report.<sup>44</sup> The two crime report face sheets have been modified to include a small box labeled “UCR CCC.” The watch commander is required to review the report and, based on the UCR guidelines, select the crime code for the highest-ranking UCR crime reported during the incident.

By doing this, the Department has deliberately separated the crime title from the relevant UCR classification to reduce confusion and emphasize the differences between the two sets of standards. This policy also clarifies the chain of responsibility for the correct

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<sup>44</sup> “Uniform Crime Reporting Responsibilities and Procedures – Established,” Office of the Chief of Police Notice, December 30, 2014.

classification of each crime, noting that the assigned detective table coordinator is also responsible for an additional level of review.

- Recategorization of Brandishing

As noted above, the Department moved all crimes classified as “Brandishing” into the Aggravated Assault crime group beginning in 2015.<sup>45</sup> Crimes coded in this way were previously categorized as Part II crimes. When applied retroactively, this change would increase the overall number of such assaults by approximately 750 cases per year over the past few years -- an average increase of about 8 percent in the volume of aggravated assaults over the past 7 years.

Because statistics reported to the UCR are generally not revised after the year has closed, the inclusion of “Brandishing” in 2015 will have the effect of making it appear as though such crimes have increased. The OIG recommends that year-end statistics be clearly marked to indicate any adjustments made to prior-year numbers.

## VI. REVIEW OF FIRST QUARTER 2015

The OIG conducted a review of assaults occurring in the first quarter of 2015 in an attempt to evaluate the extent to which the Department’s efforts had successfully improved the classification of assaults. Although the first quarter occurred very soon after the Department implemented its changes, this was selected because it was the only quarter for which crime reports had been uploaded to the ICARS database at the time of the OIG’s review. The OIG notes, however, that this period was likely too soon to evaluate the full impact of the Department’s efforts to improve crime classification, which are ongoing. It is likely that the improvements noted in the first quarter continued to increase throughout the year.

The OIG’s review found that, although some issues remained, classification of assaults appears to have improved. Based on this review, approximately 6 percent of the Part II cases reviewed should have been classified as aggravated assaults, down from a previous estimated average of 9 percent. Had these cases been included in the overall total of aggravated assaults during the first quarter of 2015, the adjusted number of assaults would have been an estimated 18 percent higher than reported.<sup>46</sup> This estimated adjustment is about half as high as that of prior years (2008-2014), which saw an average estimated increase of 36 percent.

The chart on the next page indicates revised year-to-year estimates for each year reviewed by the OIG, as well as a projected estimate for 2015.<sup>47</sup> The blue portion for each year indicates the total

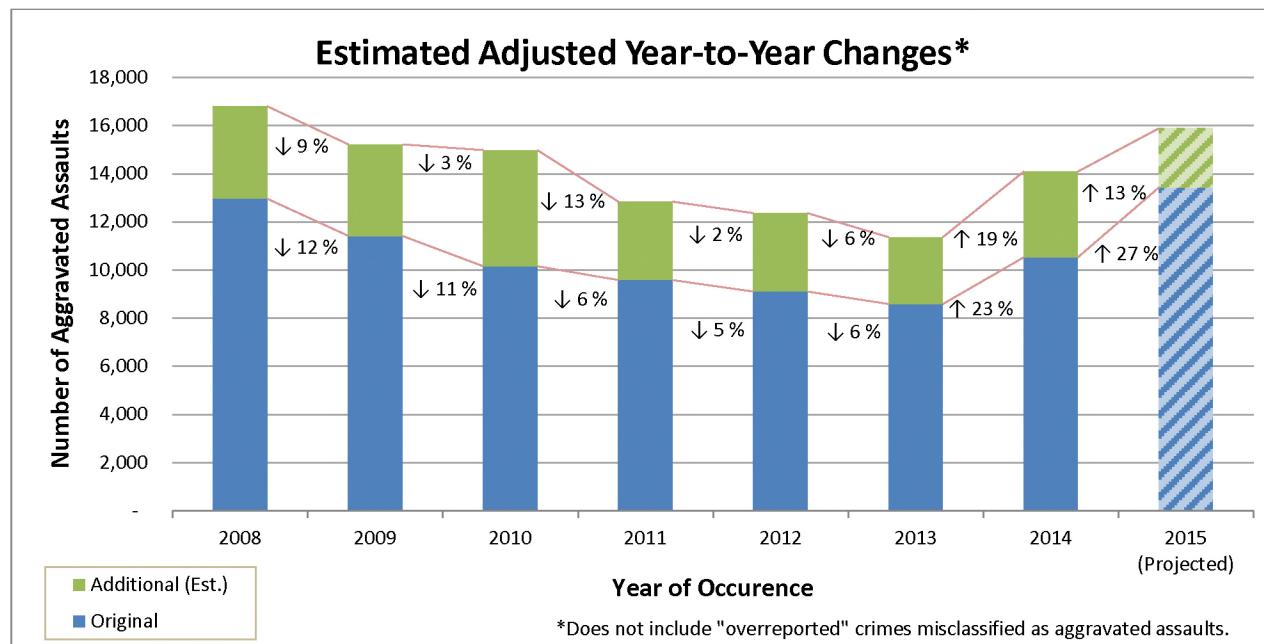
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<sup>45</sup> Another adjustment was made to the crime code for “Trainwrecking,” which was also moved to the Aggravated Assault category. The OIG did not come across any instances of Trainwrecking or of this code during its review.

<sup>46</sup> Not including any “overreported” assaults. A Department inspection for the first part of 2015 found that approximately 4 percent of aggravated assault reports should have been classified as Part II crimes.

<sup>47</sup> The 2015 projection is based on average reported crimes year-to-date as of October 26, 2015.

number of aggravated results reported in the system at the time of the OIG's review.<sup>48</sup> The green portion indicates the estimated additional cases per year based on the OIG's findings, with an 18 percent projected increase used for 2015. The red lines indicate original and adjusted year-to-year increase or decrease. As shown on the chart, other than volume, the additional cases appear to have had a minimal effect on year-to-year crime trends for most years between 2008 and 2014. For 2015, however, when the misclassified aggravated assaults are added to those already reported, the projected increase in aggravated assaults between 2014 and 2015 appears to fall from the 27 percent currently reported by the Department to 13 percent. As such, it appears that improvements in assault classifications may partially account for at least some of the crime increase in 2015.



## Ongoing Issues

In reviewing these cases, the OIG found that common patterns of misclassification continued to occur. Of those cases found to be misclassified, the most common types were strangulation cases, followed by those involving the use or brandishing of a dangerous weapon.

It was not clear whether these errors were made because the personnel involved had not attended the DIU's training or whether they were due to other issues. Based on its findings, however, the OIG identified a series of additional recommendations to address the patterns and trends identified during its review. In many cases, the DIU identified the problem and was already in the process of implementing a solution. In the remaining cases, the OIG collaborated with the DIU to develop an agreed-upon path forward.

<sup>48</sup> Includes recategorized "Brandishing" cases. These statistics may differ somewhat from statistics previously reported by the Department due to reclassification of crimes, the inclusion of Brandishing, and tabulation by year of occurrence rather than year of report.

## VII. STATUS OF OIG RECOMMENDATIONS

The following section describes the recommendations made by the OIG to address the issues identified during its review of crime classification. Each recommendation is followed by the Department's response as well its current status.

### A. Training

- 1) Continue to develop scenario-based guidance to assist personnel with classifying crimes. Sample scenarios should be based on circumstances that are not clearly explained in UCR guidelines and/or are identified as commonly-misclassified case types during audits and inspections.

Status: In progress. The DIU has re-worked its training into a hands-on workshop and has provided samples of common mistakes for participants to work through. The OIG attended this training and found it to be very informative. The DIU will continue to refine the training and adapt it to issues and trends.

The DIU has also continued to revise its Frequently Asked Questions (FAQ) document that addresses many of the questions it receives or issues identified during inspections, along with guidance from the UCR Manual or FBI consultations. The DIU considers this a “living document” and will continue to add to it as needed.

- 2) Develop a mechanism for ensuring training that participants have grasped the UCR concepts.

Status: In progress. The DIU is currently in the process of certifying training with the California Commission on Peace Officer Standards and Training (POST), which will include testing that students will have to pass. The POST training also includes a “Control Note Handout,” which will contain key learning points and contact information for the DIU. It is expected that final certification will be completed in approximately February of 2016, when the first 3-day course will be held.

- 3) Incorporate training into the month-long Supervisor School to better institutionalize UCR/crime classification concepts. Priming supervisors with information about the UCR process will assist in ensuring better reports and better classification once those supervisors take a role in classifying crimes.

Status: Under consideration. The Department is considering the possibility of creating a block of at least four hours during this school to ensure that sufficient time is provided to learn the applicable concepts.

- 4) Emphasize the need for better intake of crime reports to include more detail on:
  - a) Any object or weapon used during the incident, including information about the weapon's size, heft, and other factors.
  - b) The assault itself or the way in which the weapon was used, swung, thrown, etc. To the extent possible, the report should describe where the suspect was aiming and the speed and strength with which items were used as a weapon.
  - c) Any description of choking or strangulation. The narrative should describe the length of time such actions occurred and in what manner, as well as whether there was difficulty breathing, or other indications of an intent to cause serious injury.

Status: In progress. This issue is currently being emphasized during DIU training. The Department is also looking at ways to emphasize this during roll call and other trainings, and the Office of Operations has indicated that it plans to begin exposing patrol officers to the UCR concepts by providing them with the decision tree materials.

The DIU has also been attending supervisor meetings and other meetings in the field to discuss this and other issues that come up during their inspections and trainings. Each DIU Detective is assigned to act as a resource for a specific geographic Bureau.

- 5) Clarify parameters for classifying robbery in domestic violence situations. Further clarify considerations when classifying cases involving possible strangulation.

Status: In progress. The DIU has added strangulation considerations directly to the Assault decision tree and will provide additional guidance on the classification of robbery in a domestic violence incident. It will also work with relevant detective tables at the Areas to ensure that these concepts are being institutionalized.

## B. Inspection

- 1) Identify and fix as many assault-related mistakes as possible to ensure that 2015 is an appropriate benchmark going forward.

Status: In progress. Using the parameters provided by the OIG, the DIU has inspected a sample of approximately 239 cases in 2015 and is currently validating and finalizing its results, which are so far consistent with those of the OIG. Based on its findings, the DIU will be expanding its review to all cases meeting these parameters during this period.

The Department, through the UCR Assessor Program, has developed an ongoing inspection process, as described in the next recommendation.

- 2) Develop standardized, proactive response to addressing mistakes by auditing, cross-checking, and inspecting data and reports, and by communicating feedback directly to the Area or person responsible (e.g., Watch Commander/Commanding Officer).

Status: In progress. The Department has recently implemented a new Bureau UCR Assessor program, which created two Assessor positions and one Coordinator position for each geographic Bureau. The current operations of the program are as follows:

- a. Every other Monday, the DIU conducts a targeted query for a certain class of reports. For aggravated assaults, it is currently using the parameters provided by the OIG.
- b. DIU selects 13 random cases per Area to be reviewed over that two-week period and refers them to the Assessors for inspection.
- c. The Bureau Coordinators enter the results of these inspections into a worksheet as well as Bureau-specific matrix showing reporting compliance.
- d. The results will also be referred to the Area command for follow-up. The Area command will be responsible for providing training and feedback to those responsible for any misclassifications that are identified.
- e. The DIU tracks errors by watch commander and cross-references these results with training records. Where necessary, watch commanders responsible for classification errors will be referred for training (or re-training) on the UCR process.

### C. Systems

- 1) Develop more intuitive systems, both computerized and paper-based, for the classification of crimes. This is particularly important for cases where the most serious offense under the Penal Code is different from the most serious reportable UCR offense or for cases where there are multiple victims of different UCR crimes.

Status: In progress. The DIU is taking this under consideration and will consider whether a checklist will be added to prompt personnel to clearly list all of the elements in order to determine which should be listed as the primary title and UCR Code.

The Department is also in the process of putting out a request for bids on a new Records Management System (RMS) to replace CCAD.

- 2) Develop a process for tracking and analyzing crime reclassifications to replace the current system, which has limited utility for analysis.

Status: In progress. The Department has begun importing reclassification data into an Access database to assist in identifying trends and possible problem areas. Evaluation of reclassifications is also included in the COMPSTAT inspection process.

The DIU agrees on the importance of including a change log mechanism in the new RMS to allow for better accountability and tracking of changes made to reports.

## **APPENDIX**

The OIG's review sample was selected from two primary subgroups, stratified by year, taken from the larger Part II crime population:

- **Group 1:** The Group 1 subgroup is made up of Part II crimes that, based on a query of CCAD parameters, appear to have a higher likelihood of having been misclassified. As mentioned earlier, CCAD includes a number of fields that provide additional information about the incident and the characteristics of the assault. The OIG used these to develop a subgroup of cases that appeared to have characteristics of aggravated assault -- such as the use or brandishing of a weapon or the use of a chokehold -- but had been placed into a Part II category.

The Group 1 parameters were designed to accomplish two objectives: 1) To develop and test a reliable way to quickly identify potentially misclassified aggravated assaults in CCAD and 2) To develop more precise estimates of the number of misclassified/unreported aggravated assaults.

Using these parameters, the OIG identified an average of approximately 2,500 cases per year that fell into the "Group 1" population. The OIG selected a random sample from each year for further review. Each sample size was determined using an acceptable margin of error of 5% and a 95% confidence level, for a total of 2,345 cases.

The subgroup was selected using the following fields:

- **Crime Group:** The subgroup was selected from the following Part II Crime Groups: Other Assault, Kidnapping, Other Sexual Assault, Weapons Offenses, Crimes Against Family/Child, and Other Crimes.
- **MO Code:** Cases were selected using specialized "MO (Modus Operandi) Codes," which are entered by Records Clerks and describe the characteristics of the crime. Selected MO Codes included "Aimed Gun," "Brandishes Weapon," "Brutal Assault," "Burned Victim," "Choked/Uses Chokehold," "Cut/Stabbed," "Gun in Waistband," "Hit with Weapon," and "Suspect Swung Weapon."
- **Weapon Used:** This field was used to limit weapons-related cases to those involving potentially dangerous weapons.

- **MO (Modus Operandi)/Summary:** The subgroup was further limited to include only those choking cases where a word search identified a variation of “choked,” “strangled,” “squeezed,” or “throat” in the summary.
- **Group 2:** Because the Group 1 parameters may not have captured all misclassified aggravated assaults, the OIG also selected a random sample from each year’s remaining “Other (Simple) Assault” reports. Like the Group 1 sample, these samples, totaling 1,550 cases, were selected using an acceptable margin of error of 5% and a confidence level of 95%.

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## OIG REVIEW RESULTS

	COMBINED TOTALS (GROUPS 1 and 2)									
	2008	2009	2010	2011	2012	2013	2014	Total	Avg	2015 Q1
<b>Total Annual Part II Population (Groups 1 and 2)</b>	<b>42,531</b>	<b>42,681</b>	<b>40,398</b>	<b>38,985</b>	<b>38,978</b>	<b>36,707</b>	<b>37,906</b>	<b>278,186</b>	<b>39,741</b>	<b>9,165</b>
% Misclassified Aggravated Assaults*	8.99%	8.92%	11.30%	8.31%	9.02%	8.76%	9.33%		9.23%	6%
# Estimated Additional Aggravated Assaults	3,824	3,806	4,565	3,241	3,516	3,215	3,536	25,703	3,672	538
Margin of Error*	± 3.86%	± 3.29%	± 4.39%	± 2.86%	± 2.97%	± 3.10%	± 3.77%		± 1.33%	± 2.10%
Range of Additional Cases	2,184	2,403	2,792	2,125	2,357	2,078	2,106	16,046	2,080	0,345
	- 5,464	- 5,209	- 6,338	- 4,357	- 4,674	- 4,352	- 4,966	- 35,360	- 5,259	- 0,730
<b>Reported Aggravated Assaults**</b>	<b>12,960</b>	<b>11,413</b>	<b>10,147</b>	<b>9,582</b>	<b>9,103</b>	<b>8,589</b>	<b>10,530</b>	<b>72,324</b>		<b>2,920</b>
% Estimated Adjustment to Reported Agg Assaults	30%	33%	45%	34%	39%	37%	34%		36%	18%
<b>Total Estimated Aggravated Assaults (Adj)</b>	<b>16,784</b>	<b>15,219</b>	<b>14,712</b>	<b>12,823</b>	<b>12,619</b>	<b>11,804</b>	<b>14,066</b>	<b>98,027</b>		<b>3,458</b>
% Aggravated Assaults Underreported/ Misclassified	23%	25%	31%	25%	28%	27%	25%		26%	16%
<b>Estimated Overreported (Assumes 6% Rate)</b>	<b>-778</b>	<b>-685</b>	<b>-609</b>	<b>-575</b>	<b>-546</b>	<b>-515</b>	<b>-632</b>	<b>- 4,339</b>		<b>-175</b>
Net Total Aggravated Assaults	16,007	14,534	14,103	12,248	12,073	11,289	13,434	93,687		3,282
Net % Adjustment to Reported Agg Assaults	24%	27%	39%	28%	33%	31%	28%		30%	12%
Net % Aggr Assaults Underreported/Misclassified	19%	21%	28%	22%	25%	24%	22%			11%
<b>Total Reported Simple Assaults</b>	<b>42,415</b>	<b>42,585</b>	<b>40,253</b>	<b>38,857</b>	<b>38,808</b>	<b>36,563</b>	<b>37,789</b>	<b>277,270</b>		<b>9,154</b>
% Misclassified Aggravated Assaults	8.88%	8.81%	11.10%	8.15%	8.71%	8.57%	9.26%		9.07%	5.85%
<b>Year to Year Changes in Agg Assault</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>Total</b>	<b>Avg</b>	<b>2015 (Proj)</b>
% Change Year-to-Year (Reported)		-12%	-11%	-6%	-5%	-6%	23%	-0.19		27%
% Change Year-to-Year (Adjusted)		-9%	-3%	-13%	-2%	-6%	19%	-0.16		13%

\* Weighted Average. Due to rounding, calculations may not be exact.

\*\* In CCAD at the time of the OIG's review. All statistics calculated by year of occurrence.