



**REVIEW OF THE PHOENIX POLICE
DEPARTMENT'S 2008 KIDNAPPING STATISTIC
REPORTED IN DEPARTMENT OF JUSTICE
GRANT APPLICATIONS**

U.S. Department of Justice
Office of the Inspector General
Audit Division

Report GR-60-12-006
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REVIEW OF THE PHOENIX POLICE DEPARTMENT'S 2008 KIDNAPPING STATISTIC REPORTED IN DEPARTMENT OF JUSTICE GRANT APPLICATIONS

The Office of the Inspector General (OIG) has completed a review of the Phoenix Police Department (PPD) in Phoenix, Arizona, in order to verify the number of 2008 kidnapping incidents reported in the grant application materials submitted by the PPD under Office of Justice Programs (OJP) Grant Nos. 2009-SC-B9-0108 and 2010-DG-BX-0020.¹ In each of these grant applications the PPD stated that the City of Phoenix had over 300 kidnapping incidents in 2008.

Background

In 2009, various news outlets, politicians, and the PPD itself referred to the City of Phoenix as the, "Kidnapping Capital of America." In particular, one news source reported that the City of Phoenix had more incidents than any other city in the world outside of Mexico City and over 370 cases in 2008 alone. Contrary to this media coverage, the OIG received an allegation that although the City of Phoenix and PPD officials testified to Congress that there were 368 kidnappings in 2008, the actual number of kidnapping incidents was closer to 50.

As a result of this allegation, we reviewed the PPD's Office of Justice Programs (OJP) grant applications to determine whether the number of 2008 kidnapping incidents was accurately reported in the PPD's grant applications that were submitted in the pursuit of federal funding.² As shown in Table 1, we determined that PPD officials included the number of

¹ In our judgment, application materials are intended to provide reasonable assurance to the granting agency that the applicant is in need of the funding, that the goals and objectives are in line with the program's mission, and that management has the ability to sufficiently administer the grant. It is the responsibility of the applicant to provide complete and reliable data in the application materials, so that the granting agency has an opportunity to fairly assess each applicant for the final funding decision. With this aim in mind, it is essential for applicants to ensure that the data they provide to the granting agencies is generated consistently and accurately.

² We reviewed 17 of the 21 closed grant applications, and all 11 active grant applications awarded by the OJP from FY 1999 to FY 2010. Four of the PPD's closed grant application materials were not available in OJP's Grants Management System. However, these awards were funded prior to 2004, and as such, not vital to our review of the number of kidnapping incidents that occurred in 2008.

kidnapping incidents in their grant application materials for the following two OJP grants, which awarded the PPD over \$2.4 million in federal funding.³

**TABLE 1
GRANTS AWARDED THAT INCLUDE THE NUMBER OF
KIDNAPPING INCIDENTS IN THE GRANT APPLICATION MATERIALS**

Award Number	Award Amount	Purpose of Grant:
2009-SC-B9-0108 ⁴	\$1,725,349	To implement Operation Home Defense, which is intended to expand the city's capabilities to address the rise in border-related crime, in particular home invasion and kidnapping incidents.
2010-DG-BX-0020 ⁵	\$747,845	To implement Project Eagle Eye, which is intended to address home invasions and kidnappings within the City of Phoenix.
Totals:	\$2,473,194	

Source: OJP's Grant Management System (GMS)

Specifically, the grant application materials for both Grant Nos. 2009-SC-B9-0108 and 2010-DG-BX-0020, stated that the City of Phoenix had over 300 kidnapping incidents in 2008. As a result, the objective of this review was to verify the number of 2008 kidnapping incidents as reported in the grant application materials submitted for Grant Nos. 2009-SC-B9-0108 and 2010-DG-BX-0020.

In January 2011, we requested and were provided with the supporting documentation, including Departmental Reports and case management

³ In its response to our draft report dated January 3, 2012, OJP stated that "neither application was funded exclusively or even substantially because of the specific problem statements made by the PPD," and that "the volume of offenses was not seen as a primary factor in the award of grants."

⁴ Grant No. 2009-SC-B9-0108 was awarded to the PPD through fiscal year (FY) 2009 American Recovery and Reinvestment Act (Recovery Act) funds under the Edward Byrne Memorial Competitive Grant Program – Category I: comprehensive community-based, data-driven approaches to prevent and reduce violent crime.

⁵ Grant No. 2010-DG-BX-0020 was awarded to the PPD through FY 2010 Bureau of Justice Assistance Solicited Funds. According to the approved Assistant Attorney General (AAG) funding memorandum, due to limited resources in 2009 the BJA was not able to fund all applicants of the FY2009 competitive solicitation. As such, BJA staff reviewed all applications which scored a minimum of 70 or above in 2009 and considered these applicants in light of the funding priorities for FY 2010. The BJA continued funding in FY 2010 for projects that were previously competed because such projects continue to be critical to BJA's mission, address BJA's current strategic priorities, and serve as a strong investment in meeting the needs of the field. For this reason, the Phoenix Police Department was awarded money to implement Project Eagle Eye under the 5 percent set aside under the Edward Byrne Memorial Justice Assistance Grant Program (JAG) Program to address current or projected "precipitous increases in crime."

records, for the number of kidnapping incidents as reported in the grant application materials.⁶ From this request we were provided with a total of 358 purported kidnapping incidents. In our initial case review we identified a substantial number of cases that did not appear to be properly categorized as kidnapping incidents. We informed the PPD of our preliminary findings in January 2011. As a result, the PPD directed its Professional Standards Bureau, Inspections Unit, to conduct an internal review of the 2008 kidnapping incidents. During this review, the inspectors searched additional Departmental Reports, resulting in the PPD providing the OIG with an additional 175 purported kidnapping incidents in May 2011. Therefore, to accomplish our objective we reviewed a total of 533 case files.

Elements of a Kidnapping

PPD officials utilize the Arizona Criminal Code to define and categorize offenses. Accordingly, we first evaluated each of the provided case files to determine if a kidnapping incident occurred based on the elements of Arizona's kidnapping statute, which states:

A person commits kidnapping by knowingly restraining another person with the intent to:

1. hold the victim for ransom, as a shield or hostage; or
2. hold the victim for involuntary servitude; or
3. inflict death, physical injury or a sexual offense on the victim, or to otherwise aid in the commission of a felony; or
4. place the victim or a third person in reasonable apprehension of imminent physical injury to the victim or the third person; or
5. interfere with the performance of a governmental or political function; or
6. seize or exercise control over any airplane, train, bus, ship or other vehicle.⁷

⁶ The PPD utilizes Departmental Reports as the primary document for recording any crime or incident having occurred within the City of Phoenix, either reported to the PPD or observed by an officer. Departmental Reports convey information and intelligence to authorized persons other than the writer; therefore, according to PPD policy, the primary considerations of reporting are clarity, accuracy, and completeness of the information recorded.

⁷ Ariz. Rev. Stat. Ann. § 13-1304(A) (West 2011).

In conducting our analysis we first determined whether, according to the allegations contained in the report, the suspect knowingly restrained the victim.⁸ If we determined that the allegations showed the suspect knowingly restrained the victim, we then determined whether any of the six criteria for intent under the Arizona kidnapping statute would be satisfied if the allegations were proven. If one or more of these elements could be satisfied, then we concluded that a kidnapping incident occurred. If the suspect did not knowingly restrain the victim, or none of the six criteria for intent existed, then we determined that a kidnapping incident did not occur. In instances where there was not enough information documented in the case file to confirm that the elements of a kidnapping were alleged, we determined that there was not sufficient evidence to conclude that a kidnapping incident occurred for purposes of reporting it on the grant application.

Coding and Classification of Incidents for Crime Reporting Purposes

During our review, PPD officials indicated that they generated the number of kidnapping incidents reported in the grant applications in a manner similar to the way their other crime statistics are generated under the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) guidelines. We also learned that the PPD's case management system was specifically designed to conform to UCR guidelines, and that the PPD's policies and procedures for Departmental Reports reflect the same guidelines. Therefore, we reviewed the FBI's *UCR Handbook* for generally accepted guidelines and guidance for crime reporting practices, in particular multiple offense situations and related offenses. Although kidnapping is not a reportable statistic under UCR guidelines, it is reasonable, in our judgment, to apply the same UCR guidelines and criteria for all offense statistics put forth by the PPD. By using this framework, the data and all crime statistics reported by the PPD would be consistently and uniformly generated, whether the offense is reportable or non-reportable under UCR.

Therefore, in addition to determining the number of kidnapping incidents based on our analysis of the case files in view of the Arizona kidnapping statute, we further evaluated the case files provided to us based

⁸ According to Arizona Criminal Code, unless the context otherwise requires in the chapter, "restrain" means to restrict a person's movements without consent, without legal authority, and in a manner which interferes substantially with such person's liberty, either moving such person from one place to another or by confining such person. Restraint is without consent if it is accomplished by: (a) physical force, intimidation or deception; or (b) any means including acquiescence of the victim if the victim is a child less than eighteen years old or an incompetent person and the victim's lawful custodian has not acquiesced in the movement or confinement. Ariz. Rev. Stat. Ann. § 13-1301(2)(a)(b) (West 2011).

on PPD policies and procedures as well as the UCR guidelines and criteria for crime reporting that existed at the time of our review.

PPD Policy and Procedures for Coding and Classifying Incidents

Throughout our review, PPD officials stressed that kidnapping is typically not a standalone offense, and more often than not, other related offenses are part of the incident. Because of this potential multiple offense situation, PPD policy requires incidents to be labeled by the primary crime, or highest offense based on Arizona statutes. Since PPD crime statistics are queried from the PPD's Police Automated Computerized Entry (PACE) case management system through the primary, or highest offense, labeled on each case file, the PPD relies on the officers to properly maintain and update the Departmental Report and case management record for each incident. This includes, but is not limited to, updating the PACE radio code, Arizona statute code, case status, disposition, assigned unit, suspect status, and case information.

During our review we determined that there are various offenses that can qualify as the same level of offense based on the Arizona Criminal Code. For example, the following offenses also have the potential to be classified as a class 2 felony - the same level of offense as a kidnapping: aggravated assault, sexual assault, theft by extortion, armed robbery, and attempted first and second degree murder.⁹ Therefore, we followed up with an official from the PPD's Crime Research and Analysis Unit regarding the policies and procedures an officer should follow when classifying and coding an incident involving two or more offenses classified at the same level. From this discussion, we learned that officers should follow their unit's policies and procedures in determining which offense should be reported as the primary offense for purposes of classifying the incident. The research and analysis unit official also noted that this unit-by-unit approach and lack of policy contributed to the level of inconsistency in the PPD's reporting processes, and that more stringent guidelines are needed in this area. Currently, officers with this responsibility have a lot of discretion on how to code and classify the Departmental Report by the primary or highest offense, based on Arizona statutes.

⁹ Ariz. Rev. Stat. Ann. § 13-1304 (B) (West 2011); Ariz. Rev. Stat. Ann. § 13-1204 (C), (D), and (E) (1) (West 2011); Ariz. Rev. Stat. Ann. § 13-1406 (B) (West 2011); Ariz. Rev. Stat. Ann. § 13-1804 (C) (West 2011); Ariz. Rev. Stat. Ann. § 13-1904 (B) (West 2011); Ariz. Rev. Stat. Ann. § 13-1105 (D) (West 2011) and Ariz. Rev. Stat. Ann. § 13-1001 (C) (1) (West 2011); and Ariz. Rev. Stat. Ann. § 13-1104 (C) and Ariz. Rev. Stat. Ann. § 13-1001 (C) (1) (West 2011).

Due to the previously mentioned complexities regarding the proper classification of incidents and because the information in the PACE case management system is queried for crime reporting purposes, it is imperative that the PPD provide additional guidance on how to determine the highest level offense for coding purposes and that the officers and supervisors properly update and manage the case files in order to limit statistical inaccuracies in crime reporting.

FBI's UCR Guidelines for Crime Reporting

As noted above, the PPD utilizes UCR guidelines and criteria to develop and report annual crime statistics for the City of Phoenix. Therefore, we reviewed the FBI's *UCR Handbook* for applicable guidelines and guidance for crime reporting. According to the *UCR Handbook*, in a multiple offense situation, the law enforcement agency must locate the offense that is the highest on the hierarchy list and report that offense and not the other offense(s). This is known as the *Hierarchy Rule*. The PPD policy that Departmental Reports should be classified as the primary, or highest, offense based on Arizona statutes is consistent with the *UCR Handbook's Hierarchy Rule*.

Kidnapping often includes the intent to engage in or the actual commission of some other criminal act. The PPD policy provides little guidance for the coding and classification of an incident when there are two or more offenses that qualify as the primary or highest offense based on Arizona statutes. Therefore, we consulted the *UCR Handbook* about how to treat such related offenses. For example, the *UCR Handbook* identifies assault as a related offense of robbery. It states that "because some type of assault is an element of the crime of robbery, an assault must not be reported as a separate crime as long as it was performed in the furtherance of the robbery."

In applying the guidelines in the *UCR Handbook*, an incident should be counted as a kidnapping when the movement or confinement of an individual was not an integral part of the separate offense or was not merely incidental to the commission of the other crime. Accordingly, we determined that the elements of a kidnapping are generally not separable or distinct from offenses such as armed robbery, carjacking, sexual assault, aggravated assault or homicide, for reporting purposes because the act of confinement, or restraint, facilitates the furtherance of these other offenses. We used this approach to analyze the proper coding and classification of Departmental Reports when two or more offenses of the same level felony occurred.

From our review of the incidents for which the elements of a kidnapping existed using the Arizona kidnapping statute, we identified

inconsistencies with the PPD's coding and classification process that could affect the PPD's ability to generate reliable statistics. Specifically, PPD policy, UCR guidelines, and criteria for crime reporting practices would not have resulted in some of these incidents being reported as kidnappings, despite the presence of each of the elements of kidnapping under the Arizona statute. Instead, these incidents should have been counted as a different, greater offense for crime reporting purposes.

OIG Case Review of the Original 358 Incidents

Elements of a Kidnapping Based on Arizona Statute

For the purpose of assessing the accuracy of the PPD's grant applications, we first determined whether the elements of a kidnapping under the Arizona kidnapping statute were present. Based on our review of the original 358 incidents provided to the OIG by the PPD in January 2011, we determined that the elements of a kidnapping were satisfied in only 208 of the 358 incidents, which represents 58 percent of the 358 case files. However, as we describe in the following section, based on PPD policy and procedures and generally accepted crime reporting criteria, many of these cases would not qualify as kidnappings under crime reporting guidelines.¹⁰ In 9 additional incidents, although we identified the elements of a kidnapping, 7 of these incidents did not occur within the PPD's jurisdiction, and 2 incidents did not occur in 2008. For the remaining 141 incidents, we determined that the elements of a kidnapping did not exist or there was not enough information documented in the case file to substantiate the elements of a kidnapping based on the Arizona kidnapping statute. Therefore, when analyzed against the elements of the offense of kidnapping, the case files provided to us by the PPD for the initial 358 purported kidnapping incidents on which the statements made in the DOJ grant applications were based did not support the statement that there were over 300 kidnapping incidents in Phoenix during 2008.

Incidents Qualifying as Kidnappings Based on Crime Reporting Guidelines

We further evaluated the original 358 case files based on PPD policies and procedures, as well as the UCR guidelines and criteria for crime reporting. Using this approach, we determined that only 195 of the 358 incidents, or 54 percent, should have been classified as kidnappings for

¹⁰ Under this methodology, PPD kidnapping incidents include: homicides, sexual assaults, aggravated assaults, and robberies, where the suspect knowingly restrains the victim with the intent to cause physical injury, a sexual offense, or to otherwise aid in the commission of a felony.

crime reporting purposes. These incidents should have been classified as kidnappings for the PPD's 2008 kidnapping statistic because:

- the incident occurred in 2008;
- the incident occurred within the PPD's jurisdiction;
- the elements of a kidnapping existed based on the Arizona kidnapping statute;
- the movement or confinement of the individual was not an integral part of a separate offense or was not merely incidental to the commission of another crime; and
- kidnapping was the primary or highest offense, based on Arizona Criminal Code.¹¹

OIG Case Review of the Subsequently Provided 175 Incidents

After we informed the PPD that our review of the 358 case files provided did not support the statement made in the grant applications that the City of Phoenix had over 300 kidnapping incidents in 2008, PPD officials notified us that it had conducted an additional search of its case management system and identified an additional 175 kidnapping incidents for 2008. In May 2011, the PPD provided us case files for those 175 purported kidnapping incidents. Although the second set of case files did not contribute to the PPD's statements in its grant applications that the City of Phoenix had over 300 kidnapping incidents in 2008, we analyzed them to determine whether the kidnappings statistics cited by the PPD could be supported by Departmental Reports of incidents occurring in 2008.

Elements of a Kidnapping Based on Arizona Statute

Based on our review of these 175 incidents and the Arizona kidnapping statute, we determined that the elements of a kidnapping were satisfied in 150 incidents, or 86 percent of the total 175 case files gathered by the PPD in May 2011. However, as we describe in the following section, based on PPD policy and procedures and generally accepted crime reporting criteria, many of these cases would not qualify as kidnappings under crime reporting guidelines. For the remaining 25 incidents we determined that the elements of a kidnapping did not exist or there was not enough information available

¹¹ According to PPD policy, and in line with the *UCR Handbook's Hierarchy Rule*, incidents are to be classified as their primary, or highest, offense based on Arizona Criminal Code.

to substantiate the elements of a kidnapping based on the Arizona kidnapping statute.

Incidents Qualifying as Kidnappings Based on Crime Reporting Guidelines

By applying PPD policy, UCR guidelines and criteria for the coding and classification of offenses to these 175 incidents, we determined that only 59 of these incidents, or 34 percent, should have been classified as a kidnapping for crime reporting purposes.

Summary of OIG Analysis

The results of our analysis for the initial 358 case files provided in January 2011, and the subsequent 175 case files provided in May 2011, is shown in Table 2:

**TABLE 2
SUMMARY OF OIG ANALYSIS OF THE 533 PURPORTED
KIDNAPPING INCIDENTS PROVIDED BY THE PPD**

	Arizona Kidnapping Statute Elements Satisfied	Percent	PPD Crime Reporting Requirements Satisfied	Percent
Original 358 incidents provided in January 2011 as basis for statement in grant application	208	58	195	54
Subsequent 175 incidents provided in May 2011	150	86	59	34
Totals	358	67	254	48

Source: OIG Analysis of the case files provided by the PPD.

As the table above shows, the PPD’s statement in its grant applications that the City of Phoenix had over 300 kidnapping incidents in 2008 was not supported by the original 358 records provided to us, which the PPD relied upon in making the statement in its grant application. Only 208 of these incidents, 58 percent, met the elements of a kidnapping pursuant to the Arizona kidnapping statute, and only 195, 54 percent, would properly have been classified as kidnappings under PPD policy and UCR guidelines and criteria for crime reporting.

When the PPD performed its subsequent, after-the-fact case management file search and provided us with an additional 175 purported incidents, we found that 150 of these incidents, 86 percent, contained the

elements of a kidnapping pursuant to the Arizona kidnapping statute and only 59 of the incidents, 34 percent, should have been classified as kidnappings for crime reporting purposes per the PPDs internal reporting requirements. As a result, we concluded that the PPDs subsequent search for kidnapping incidents yielded enough additional incidents to ultimately support its statement in the grant applications when the counting criterion was whether the elements of a kidnapping were present. However, we note that even with the subsequent search, the PPD did not provide us with more than 300 incidents that should be classified as kidnapping for crime reporting purposes when the counting criterion was the PPDs internal reporting requirements.

Based on the discrepancies previously mentioned with the PPD's coding and classification of crimes, we found that applying the elements of the Arizona kidnapping statute to the PPD's case files may overstate the number of kidnapping incidents for crime reporting purposes because cases could be counted as kidnappings when a different, greater offense may also have occurred.

Other Issues Identified During Case Review

During our case review, we identified additional issues with the PPD's coding and classification of incidents, as well as the PPD's management of case files. Specifically, we found:

- 74 incidents that should be coded and classified as an offense other than kidnapping;¹²
- 39 incidents that do not have enough information to substantiate that the elements of a kidnapping were satisfied;
- 17 unsubstantiated eyewitness accounts that should not be counted for crime reporting purposes;¹³

¹² In our judgment, these incidents were not coded and classified as the primary, or highest offense based on Arizona Criminal Code. In particular, 1 incident should be coded and classified under homicide, 3 under domestic violence, 2 under custodial interference, 20 under carjacking, 28 under human smuggling, 8 under extortion, and 12 under unlawful imprisonment. As such, these 74 incidents would not qualify as a kidnapping for the PPD's crime reporting purposes.

- 7 incidents were not properly coded and classified as unfounded;¹⁴
- 5 incidents that occurred outside the PPD's jurisdiction;¹⁵
- 24 duplicative reports;¹⁶ and
- the PPD's use of related reports is not consistent with their policy, no policy exists for the generation of certain reports, and that in most of these occurrences a single incident is counted under more than one offense for crime reporting purposes.¹⁷

In regards to the PPD's coding and classification of incidents, these issues have the potential to affect the PPD's ability to generate reliable statistics for the City of Phoenix.

¹³ PPD policy states that if an employee is in doubt as to whether a crime has occurred, or if the incident did not occur within the jurisdiction of the City of Phoenix, a Departmental Report will be classified as an *Information Received/Non-Crime Report*, and thereby not counted for the purpose of generating statistics. In our judgment, there was not enough information or evidence documented in the case file of these 17 eyewitness accounts to substantiate that the elements of a kidnapping were satisfied, and that another offense of a more serious level or an offense that is specifically excluded from this statistic occurred. As such, these incidents would not qualify as kidnappings for the PPD's crime reporting purposes.

¹⁴ Unfounded cases arise when the police officer is unable to obtain enough corroborating evidence to ensure that a crime occurred, or during their investigation it is determined that a crime did not occur. In these seven incidents, the officer was able to determine that a crime did not occur. As such, these cases should have been reclassified as unfounded and would not qualify based on crime reporting guidelines.

¹⁵ In these five cases, we determined that the elements of a kidnapping were not articulated in these cases. Also, we found that in one incident the PPD was unable to determine the location of the purported incident, one incident did not occur within the City of Phoenix, and three incidents where the case was taken over by another agency. As such, these incidents would not qualify as kidnappings for the PPD's crime reporting purposes.

¹⁶ According to the *UCR Handbook's* guidelines and criteria and PPD policy, each incident should only be counted once for crime reporting purposes and not counted under multiple offenses. These 24 incidents were found within the original set of 358 incidents and were duplicative of other kidnapping incidents, or incidents classified under another offense.

¹⁷ In our judgment, these occurrences have the potential to allow a single incident to be counted under more than one offense for crime reporting purposes. Also, some of these occurrences were identified from the documentation provided by the PPD during our follow-up requests for additional supporting documentation, and not solely within the original set of 358 incidents or within the subsequently provided 175 incidents.

Conclusion

The City of Phoenix has touted itself as the "Kidnapping Capital of America." In two grant applications that resulted in the award of over \$2.4 million in Department of Justice law enforcement grant funding, the PPD stated that it had over 300 kidnapping incidents in 2008. Subsequent news accounts reported that Phoenix kidnapping statistics were inflated, and the OIG received a complaint making similar allegations. We therefore, reviewed the initial 358 case files provided to us by the PPD as the basis for the PPD's statement in its grant applications. We concluded that those case files did not support that the City of Phoenix experienced over 300 kidnappings in 2008. When we informed the PPD of our preliminary findings, they subsequently produced 175 additional records of purported kidnapping incidents in 2008. Following our review of these additional records, gathered approximately 2 years after submission of the grant applications, we determined under one manner of counting cases that the PPD's statements could be supported. However, as we describe below, this type of counting was problematic because many of these cases would not qualify as kidnappings under crime reporting guidelines.

Although we found that the PPD was able to support the statement in its grant applications based on the elements of kidnapping under the Arizona statute (after performing its subsequent case file review for 2008 cases), we also found, based on our analysis of the cases under the crime reporting criterion, that the elements method likely overstates the number of kidnappings by counting as kidnappings incidents that should be counted as a different, greater offense. Based on the discrepancies we identified, we believe that the PPD has significant problems with its coding and classification of cases and, consequently, with the accuracy of reports from its case management system. We believe that the inaccuracies noted in this report about the PPD's gathering of kidnapping statistics for its grant applications and otherwise are the result of insufficiently clear guidance to officers and managers on coding and classification of offenses and an outdated system used by the PPD to collect and retrieve its crime statistics.

According to PPD officials, police officers have not received the proper training to accurately document and account for incidents in the PPD's antiquated case management system. This issue is further compounded by a lack of adequate policies and procedures or system quality control reviews. The City of Phoenix's Review Panel also found that the error rate for kidnapping cases reporting in 2008 was due to a departmental culture at the level of line officers and lower supervisory officials that does not understand the significance of the reporting and case management function while the

PPD Executive Management permits this culture to exist.¹⁸ In our judgment, if these concerns are not addressed, the validity and accuracy of future crime reporting information put forth by the PPD will be negatively affected.

Even though the PPD utilizes an outdated case management system, proper system controls and processes will help ensure that the data generated from the system would be sufficiently reliable, consistent, and uniformly inputted and maintained. This will provide assurance that the likelihood of significant errors or incompleteness is minimal for all key elements, and that the use of the data would not lead to an incorrect or unintentional message or decision, given the intended use of the data. If these concerns are not addressed, the validity and accuracy of future crime reporting information put forth by the PPD will be negatively affected.



As described previously, our review was performed in line with our limited objective and would not necessarily disclose all weaknesses in the PPD's overall internal controls, operating procedures, accounting practices, and compliance with policy.

¹⁸ Shortly after the OIG's initial review of the PPD's 2008 kidnapping incidents in January 2011, Phoenix's City Manger appointed a review panel to conduct an inquiry into the questions surrounding the PPD's kidnapping statistics for 2008. That panel issued its final report in May 2011, which concluded, in part, that an audit conducted by the PPD's Professional Standards Bureau, which reviewed more than 1,700 cases files and found that at least 668 separate incidents occurred in Phoenix in 2008 that met the statutory criteria for kidnapping, was credible. We did not analyze and do not offer an opinion on the Professional Standards Bureau audit. However, as stated previously in this report, we reviewed each of the 533 provided case files to determine if the kidnapping incident met the statutory criteria for kidnapping, and further evaluated each case file based on PPD policies and procedures as well as the UCR guidelines and criteria for crime reporting that existed at the time of our review to determine if an incident should have been classified as a kidnapping for crime reporting purposes.



U.S. Department of Justice

Office of Justice Programs

Office of Audit, Assessment, and Management

Washington, D.C. 20531

03 JAN 2012

MEMORANDUM TO: David M. Sheeren
Regional Audit Manager
Denver Regional Audit Office
Office of the Inspector General

FROM: Maureen A. Henneberg
Director *MA Henneberg*

SUBJECT: Response to the Draft Audit Report, *Review of the Phoenix Police Department's 2008 Kidnapping Statistic Reported in Department of Justice Grant Applications*

The Office of Justice Programs (OJP) appreciates the opportunity to review and comment on the Office of the Inspector General's (OIG's) draft report, entitled "Review of the Phoenix Police Department's 2008 Kidnapping Statistics Reported in Department of Justice Grant Applications," dated December 12, 2011. The draft report indicates that the OIG review was conducted to validate the number of 2008 kidnapping incidents reported in the grant application materials submitted by the Phoenix Police Department (PPD) under Office of Justice Programs (OJP) grant numbers 2009-SC-B9-0108 and 2010-DG-BX-0020. The draft report also indicates that in each of these grant applications, the PPD stated that the City of Phoenix had over 300 kidnapping incidents in 2008. Further, the draft report indicates that the OIG had received an allegation that the actual number of kidnapping incidents was closer to 50 and that the review was conducted in response to this allegation.

OJP agrees with the statement in the OIG draft report that "application materials are intended to provide reasonable assurance to the granting agency that the applicant is in need of the funding, that the goals and objectives are in line with the program's mission, and that management has the ability to sufficiently administer the grant." It is the responsibility of the applicant to provide complete and reliable data in the application materials, so that the granting agency has an opportunity to fairly assess each applicant for the final funding decision. With this aim in mind, it is essential for applicants to ensure that the data they provide to the granting agencies is generated consistently and accurately. Additionally, we are pleased to learn that PPD was eventually able to support the statements made in its initial grant application.

However, it should be noted that, based on a review of the peer reviewer comments on the initial, competitive application, and the funding recommendation memoranda, neither application was funded exclusively or even substantially because of the specific problem statements made by PPD, or the volume of reported offenses, per se. Specifically, the funding solicitation, to which PPD applied, was seeking applications for projects that would address a serious or violent crime problem through a data-driven approach. Thus, the volume of offenses was not seen as a primary factor in the award of the grants, although the existence of a problem, which was clearly demonstrated, did aid in their scoring.

We appreciate the OIG's efforts in this review and have shared the draft report with officials at OJP's Bureau of Justice Statistics and the Federal Bureau of Investigation's Uniform Crime Reporting Program for informational purposes.

If you have any questions or require additional information, please contact Jeffery A. Haley, Deputy Director, Audit and Review Division, on (202) 616-2936.

cc: James H. Burch, II
Deputy Assistant Attorney General
for Operations and Management

Jeffery A. Haley
Deputy Director, Audit and Review Division
Office of Audit, Assessment, and Management

Denise O'Donnell
Director
Bureau of Justice Assistance

Tracey Trautman
Acting Deputy Director for Programs
Bureau of Justice Assistance

Amanda LoCicero
Budget Analyst
Bureau of Justice Assistance

Melanie Davis
Grant Program Specialist
Bureau of Justice Assistance

Tahitia Barringer
Grant Program Specialist
Bureau of Justice Assistance



City of Phoenix
OFFICE OF THE POLICE CHIEF

January 12, 2012

Norman K. Lau
Special Agent in Charge
U.S. Department of Justice
Office of the Inspector General
Denver Regional Audit Office
1120 Lincoln Street, Suite 1500
Denver, Colorado 80203

David M. Sheeren
Regional Audit Manager
U.S. Department of Justice
Office of the Inspector General
Denver Regional Audit Office
1120 Lincoln Street, Suite 1500
Denver, Colorado 80203

Re: Audit Response – Review of the Phoenix Police Department's 2008 Kidnapping Statistic Reported in Department of Justice Grant Applications

Dear Mr. Lau and Mr. Sheeren:

The Phoenix Police Department appreciates the opportunity to review and comment on the Office of the Inspector General's (OIG) draft report entitled, "**Review of the Phoenix Police Department's 2008 Kidnapping Statistic Reported in Department of Justice Grant Applications.**" The Phoenix Police Department is committed to the highest standards of public safety service and we believe the inspections process is an important function that helps us to improve the level of service we provide to the community.

The draft report concluded that from 533 case files reviewed, 358 cases contained the elements of kidnapping and includes no finding related to intentional inflation of kidnapping statistics. This supports the Phoenix Police Department's statements in both grant applications that kidnapping incidents within Phoenix in 2008 topped over 300 incidents. This is also consistent with independent findings of our City Auditor, City Prosecutor and an outside panel of experts appointed by the City Manager.

These three external reviews were performed on the Police Department's 2008 kidnapping cases. Specifically, one of the external reviews was conducted by an independent panel whose members are notable experts in Arizona law and in the criminal justice field. Panelists included a retired associate justice of the Arizona Supreme Court, a retired judge with the Arizona Court of Appeals, a retired Federal Bureau of Investigation (FBI) Special Agent in Charge, a former

620 West Washington Street, Phoenix, Arizona 85003 602-262-6747

¹⁹ The Phoenix Police Department appended the following documents to its response: (1) excerpts from the FBI's website, including "UCR Frequently Asked Questions" and "NIBRS General FAQs"; (2) the FBI's National Incident Based Reporting, Volume One: Data Collection Guidelines; and (3) the City of Phoenix Kidnapping Statistics Review Panel's Final Report. These documents were not included in this final version of the report.

Mr. Lau and Mr. Sheeren
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January 12, 2012

Tucson Assistant City Manager and current President and Chief Operating Officer of a national non-profit organization dedicated to improving local government, and an Associate Professor in the School of Criminology and Criminal Justice at Arizona State University (the Panel's report is attached for reference purposes).

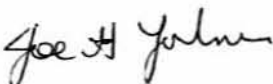
Through their evaluation, the Panel concluded the City of Phoenix had a serious kidnapping and home invasion problem in 2008. The Panel also concluded that more than 600 separate incidents of kidnapping occurred in 2008. More importantly, they specifically reviewed and ultimately disproved the allegation that the 2008 kidnapping figures used in our grant application materials were intentionally inflated. The Panel stated in their final report they found "no credible evidence to indicate that the 2008 kidnapping numbers were intentionally inflated" (Report page 11). Moreover, their review concluded the number of kidnapping cases in 2008 was actually under-reported and "there were, at a minimum, 668 separate incidents that met the statutory criteria for kidnapping" (Report page 11).

We appreciate the work done by the OIG reviewers. However, the Phoenix Police Department is concerned with some of the methodology utilized in this draft report to validate the number of kidnapping incidents. Specifically, numerous incidents were excluded by your audit team's counts where defendants have been charged with kidnapping, convicted, and are serving prison sentences.

Throughout the OIG review, the Phoenix Police Department has been forthright and transparent with your audit team. We have openly conceded to the coding and classification errors identified with the original kidnapping cases, and in the months since this finding, we have been diligent in our efforts to correct the deficiencies. However, we are concerned with some of the findings contained in this draft report and have attached a detailed audit response from our Inspections Unit. I respectfully request consideration of our responses for a revised report. Overall, I am pleased to note that your audit confirmed our independent assessments that the Phoenix Police Department did not intentionally inflate the kidnapping numbers that were listed in our grant application materials.

I am proud of the improvements that have been made by the Phoenix Police Department concerning our reporting procedures and methods. I am more than willing to have our Inspections Unit staff meet with your audit team in an effort to resolve the noted concerns contained within this draft or address any further questions.

Sincerely,



JOSEPH G. YAHNER
Acting Police Chief

Attachments

620 West Washington Street, Phoenix, Arizona 85003 602-262-6747

ATTACHMENT

**PHOENIX POLICE DEPARTMENT
PROFESSIONAL STANDARDS BUREAU
INSPECTIONS UNIT**

Audit Response

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Audit Response – Phoenix Police Department Professional Standards Bureau Inspections Unit

OIG Review of the Phoenix Police Department's 2008 Kidnapping Statistic Reported in Department of Justice Grant Applications

Background

The OIG Draft Report “Review of the Phoenix Police Department’s 2008 Kidnapping Statistic Reported In Department of Justice Grant Applications” forwarded to Phoenix Police Acting Chief Joseph Yahner on December 12, 2011 documents the following:

“The Office of the Inspector General (OIG) has completed a review of the Phoenix Police Departments (PPD) 2008 kidnapping incidents reported in grant application materials submitted by the PPD under Office of Justice Programs (OJP) Grant Nos. 2009-SC-B9-0108 and 2010-DG-BX-0020. In each of these grant applications the PPD stated that the City of Phoenix had over 300 kidnapping incidents in 2008.”

The OIG received an allegation that although the City of Phoenix and PPD officials testified to Congress that there were 368 kidnappings in 2008, the actual number of kidnapping incidents was closer to 50. As a result, the objective of the OIG review was to verify the number of 2008 kidnapping incidents as reported in the grant applications and determine if they were intentionally inflated.

OIG Methodology

The OIG utilized two separate approaches in their review of the 2008 reports submitted to indicate if a kidnapping incident occurred. The first methodology was based on applying appropriate Arizona Revised Statute codes and guidelines to each case to determine if the elements of a kidnapping were present. This review specifically focused on the following factors:

- The incident occurred in 2008
- The incident occurred within PPD's jurisdiction
- The elements of a kidnapping existed based on the Arizona Kidnapping Statute
- The movement or confinement of the individual was not an integral part of a separate offense or was not merely incidental to the commission of another crime
- Kidnapping was the primary or highest offense based on Arizona Criminal code

The OIG concluded that from the 533 case files they reviewed, 358 cases contained the elements of a kidnapping. This supports the Phoenix Police Departments statement in both grant applications that kidnappings within Phoenix in 2008 topped over 300 incidents. This finding also disproves the allegation that the actual number of kidnapping incidents was closer to 50.

The second methodology used to review the submitted departmental reports was based on the incident being categorized for statistical reporting purposes. In the draft report, the OIG states the PPD's case management system was specifically designed to conform to the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) guidelines and that the PPD's policies and procedures for departmental reports reflects the same guidelines. This review was based on the following:

- FBI's UCR Handbook for generally accepted guidelines and guidance for crime reporting practices, in particular multiple offense situations;

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Audit Response – Phoenix Police Department Professional Standards Bureau Inspections Unit

OIG Review of the Phoenix Police Department's 2008 Kidnapping Statistic Reported in Department of Justice Grant Applications

- Phoenix PD policies and procedures (PPD policy requires incidents to be labeled by the primary crime or highest offense based on the Arizona Revised Statutes).

In the draft report, the OIG states, *"Although kidnapping is not a reportable statistic under UCR guidelines, it is reasonable, in our judgment, to apply the same UCR guidelines and criteria for all offense statistics put forth by the PPD. By using this framework, the data and all crime statistics reported by the PPD would be consistently and uniformly generated, whether the offense is reportable or non-reportable under UCR."*

Through the application of this second methodology, the OIG concluded that of the 533 case files reviewed; only 254 cases should be classified as a kidnapping for statistical reporting purposes. Under this method, the OIG audit team discounted cases where a suspect was charged and convicted of kidnapping. The PPD requests that this methodology be revised to allow inclusion of a charged, convicted case by the appropriate investigative unit as identified in the grant application materials.

PPD Concerns Regarding the OIG Methodology

The PPD questions the second methodology applied by the OIG in their review of the Phoenix Police Department's 2008 kidnapping incidents. Subsequent to the release of the OIG audit team's preliminary findings, the Department's 2008 kidnapping reports were subject to four separate reviews (information pertaining to the reviewers and their findings are detailed in the following section).

With respect to the statistical reporting procedures referenced in OIG's second methodology, according to the FBI website there are two methods for tracking crime data within the UCR Program; the traditional Summary Reporting System and the National Incident Based Reporting System (see addendum A). Under the traditional Summary Reporting System, kidnapping is not a reportable offense and would not be tracked. The NIBRS Handbook viewed from the FBI website states on page 13:

"In the Summary Reporting System, offense reporting is governed by the "Hierarchy Rule" that works in the following manner: If more than one crime was committed by the same person or group of persons and the time and space intervals separating the crimes were insignificant, then the crime highest in the Crime Index hierarchy is the only one reported. Consequently, in multiple-crime incidents the lower listed, less serious Part I offenses are not reported.

The Hierarchy Rule is not used in NIBRS. Therefore, if more than one crime was committed by the same person or group of persons and the time and space intervals separating them were insignificant, all of the crimes are reported as offenses within the same incident" (see addendum B).

An important point of clarification is that the incidents of reported 2008 kidnappings used in the PPD's grant applications were extracted from the PPD's case management data contained within the Department's records management system (known as Police Automated Computerized Entry or PACE) based on the Arizona Revised Statute (ARS) code assigned to the case. The ARS code is based on the initial classification of the incident by the responding officer, or any updates made by the assigned investigative unit as the investigation progresses.

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Audit Response – Phoenix Police Department Professional Standards Bureau Inspections Unit

OIG Review of the Phoenix Police Department's 2008 Kidnapping Statistic Reported in Department of Justice Grant Applications

This approach differs fundamentally from the primary method utilized by the PPD for reporting crime statistics.

The majority of the crime statistics produced by the PPD utilize the UCR Summary Reporting System managed by the FBI. These UCR standards are also used by the majority of law enforcement agencies throughout the country. As stated previously, under the UCR Summary Reporting System, incidents are reported based on a hierarchy rule, which captures the most severe or highest offense in an incident based on established guidelines. Kidnapping is not captured under the UCR Summary Reporting System and would be encompassed under crimes that are considered higher in severity based on the UCR criteria. Therefore, utilizing UCR was not an option for the reporting of kidnapping statistics in Phoenix.

The UCR Summary Reporting System has some of the same inherent limitations as utilizing the incidents classified by the ARS code in the PPD's PACE case management system. One of the most significant issues is that based on the hierarchy rule, UCR only captures the highest offense in an incident and in most cases, additional offenses are not included when reporting counts by crime type. The FBI recognized this limitation and has been encouraging law enforcement agencies to make the transition to NIBRS for crime reporting. NIBRS captures multiple offenses in each incident, enabling the tracking, reporting, and analysis of more detailed information on crime events. For example, although a homicide incident that also involved kidnapping, sexual assault, and motor vehicle theft would be captured as a homicide under the UCR Summary Reporting System, under NIBRS these distinct offenses would be counted. The PPD took steps to move in this direction from late 2002 through mid-2005, but due to system limitations inherent with the current records management system, the transition was placed on hold.

Additional Reviews of PPD 2008 Kidnapping Statistics

After the OIG's initial review was completed in January of 2011 and preliminary findings and concerns were discussed with PPD Executive Management officials, the Police Chief had the Police Professional Standards Bureau Inspections Unit conduct an internal audit of the kidnapping reports and associated reporting processes and procedures. In addition, the Phoenix City Managers Office initiated three separate external reviews. These reviews were performed by:

- A City of Phoenix Deputy City Prosecutor
- The City Auditor Department
- City of Phoenix Independent Kidnapping Statistics Review Panel

Each review group utilized a similar methodology used by the OIG to determine if an incident contained the elements of a kidnapping in accordance with Arizona Revised Statutes and that the crime occurred within the City of Phoenix in 2008.

The PPD Inspections Unit audit found that **222** of the initial 358 (62%) cases reviewed met the elements of a kidnapping. An additional review of 192 identified cases after a search of the case management system revealed that **186** of 192 (97%) met the elements of a kidnapping. A total of **408** of 550 (74%) cases reviewed met the elements of a kidnapping. In reviewing numerous separate home invasion reports, the Inspectors found an additional **260** incidents that contained

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Audit Response – Phoenix Police Department Professional Standards Bureau Inspections Unit

OIG Review of the Phoenix Police Department's 2008 Kidnapping Statistic Reported in Department of Justice Grant Applications

the elements of a kidnapping. These reports were not accepted by the OIG audit team in order to avoid issues that could be interpreted as "double dipping" by using a home invasion incident that also contained the elements of a kidnapping. However, under the FBI NIBRS method of collecting crime data, the PPD could produce 668 police reports from 2008 that contained the elements of a kidnapping.

The City Prosecutor conducted a review of the initial 358 cases and found that 218 (61%) met the elements of a kidnapping. The City Prosecutor was not tasked with reviewing the additional cases identified in the case management system. The City Prosecutor reported that in overlaying his results with the PPD's review, the findings were consistent in 338 of the initial 358 (94.4%) cases in determining whether or not the elements of a kidnapping were present.

The City Auditor Department Personnel conducted a review of 89 cases from the initial 358 and 39 of the additional 192 cases. The City Auditors agreed with the PPD Inspectors findings in 122 of 128 (95%) cases in determining whether or not the elements of a kidnapping were present. The City Auditor concluded that the PPD's Inspections process of validating reports for kidnapping elements appears reasonable, accurate and supported by adequate documentation. The City Auditor further documented that the Department of Justice OIG audit will conclude whether statistics used to obtain grant funds were intentionally misrepresented. However, they noted they found no evidence that supports the allegation that kidnapping or home invasion statistics within the PACE system were intentionally inflated.

In March of 2011, the Phoenix City Manager appointed a Kidnapping Statistics Review Panel to conduct an independent inquiry into questions surrounding the PPD's kidnapping statistics for 2008. The panel was comprised of the following individuals:

- Hon. Michael D. Ryan, Justice (ret.), Arizona Supreme Court
- Hon. Cecil Patterson, Judge (ret.) Arizona Court of Appeals
- Larry McCormick Retired FBI Special Agent in Charge (Kansas City)
- Karen Thoreson, President, Alliance for Innovation and former Tucson Assistant City Manager (panel chair)
- Michael White, PhD, Associate Professor, ASU School of Criminology and Criminal Justice

In the final report, the Panel concluded:

"Based on the evidence presented by line detectives, supervisors and agents of federal agencies, that Phoenix had a significant kidnapping and home invasion problem in 2008, and that this problem was closely linked to the drug trade and human smuggling. It is, however, nearly impossible to determine the precise number of kidnappings that occurred in 2008, given the complexities of these crimes and the reporting and case management issues. Nevertheless, the findings of the PSB audit indicate that at least 668 separate incidents occurred in Phoenix in 2008 that met the statutory criteria for kidnapping. The panel concludes that this number appears credible.

Allegations were made in media reports and by employees testifying before the Panel, that the kidnapping statistics for 2008 were intentionally inflated to obtain federal resources for the Police Department. Through interviews and documented reviews, the Panel found no

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Audit Response – Phoenix Police Department Professional Standards Bureau Inspections Unit

OIG Review of the Phoenix Police Department's 2008 Kidnapping Statistic Reported in Department of Justice Grant Applications

convincing evidence to indicate that the kidnapping numbers from 2008 were intentionally inflated to secure grant funding."

The information regarding the findings from each review was provided to the OIG audit team.

Closing

The Phoenix Police Department applied for two federal grants in an attempt to obtain federal funding to help combat a significant and unique crime issue occurring within the City of Phoenix. In 2008, Phoenix had a significant kidnapping and home invasion problem that was closely linked to the drug trade and human smuggling. Armed robbery, kidnapping, human smuggling, and home invasion occurrences are often complex; multiples of these crimes may be committed in a single incident; and sometimes these crimes require significant police resources in order to provide a safe response and to investigate properly. In recent years, multi-jurisdictional task forces have been developed utilizing local and federal partners to combat the influx and severity of this criminal activity.

In total there were five reviews completed regarding the 2008 kidnapping numbers utilized by the PPD for the two grant applications. The reviews were conducted by the following:

- Phoenix Police Department Professional Standards Bureau Inspection Unit
- City of Phoenix City Prosecutors Office
- City of Phoenix City Auditor Department
- City of Phoenix Kidnapping Statistics Review Panel
- U.S. Department of Justice Office of the Inspector General (OIG)

Each review was consistent regarding the methodology pertaining to the elements of a kidnapping being present. The outcome of each of these reviews was also consistent. Although cases within the Phoenix Police Department were not always properly coded and classified, the number of kidnapping incidents documented in each grant is supported. In addition, there is no indication within any of the reviews that the PPD intentionally inflated the number of 2008 kidnapping incidents contained within the grant applications.

The OIG conducted the only additional review that utilized a methodology to determine how an incident should be counted as a statistic. As stated throughout the response, the PPD requests a revision to this methodology, given the factual data provided that disputes the OIG findings contained in this review. The PPD respectfully requests that the OIG revise their draft report to:

- Include only those observations that are based on a more defensible methodology for determining whether an incident should be included in the kidnapping statistics
- Conclude on the OIG's investigation into the allegation that the kidnapping statistics were intentionally inflated.

**OFFICE OF THE INSPECTOR GENERAL
ANALYSIS OF RESPONSES TO THE REPORT**

The Office of the Inspector General (OIG) provided a draft of this report to the Office of Justice Programs (OJP) and to the Phoenix Police Department (PPD), and their responses are incorporated in Appendices I and II. The following sections outline these responses.

OJP's Response

In response to our report, OJP agreed that it is the responsibility of the applicant to provide complete and reliable data in the application materials, so that the granting agency has the opportunity to fairly assess each applicant for the final funding decision. OJP also agreed that it is essential for applicants to ensure that the data they provide to the granting agencies is generated consistently and accurately.

In addition, OJP stated that, "neither application was funded exclusively or even substantially because of the specific problem statements made by PPD, or the volume of reported offenses, per se." As such, according to OJP, the volume of the kidnapping incidents reported by the PPD in its grant applications were "not seen as a primary factor in the award of the grants, although the existence of a problem, which was clearly demonstrated, did aid in their scoring."

PPD's Response

In its response, the PPD noted that the OIG's analysis of its case files pursuant to the Arizona kidnapping statute was consistent with reviews conducted by the PPD's Professional Standards Bureau, City of Phoenix Prosecutor's Office, City of Phoenix City Auditor, and the City of Phoenix Kidnapping Statistic Review Panel. The PPD also concurred with the OIG's findings regarding the coding and classification issues identified in our report. However, the PPD expressed concerns with the OIG's additional analysis of the reviewed case files for crime reporting purposes. The following provides the OIG's response to the PPD's concerns with this additional analysis performed by the OIG.

Use of UCR Guidelines and Criteria

In its response, the PPD disagreed with the OIG's application of the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) guidelines and criteria. Specifically, it stated that "utilizing UCR was not an

option for the reporting of kidnapping statistics in Phoenix," because kidnapping is not a reportable statistic under UCR.

As stated in our report, and as explained to the OIG by an official from the PPD's Crime Analysis and Research Unit (CARU), the number of kidnapping incidents reported in the grant applications was generated in a manner similar to the way other crime statistics are generated under the FBI's UCR guidelines.²⁰ We also learned that the PPD's Police Automated Computer Entry (PACE) case management system was specifically designed to conform to UCR guidelines, and that the PPD's policies and procedures for Departmental Reports reflect the same guidelines. Even though kidnapping is not a reportable statistic under UCR guidelines, the application of UCR guidelines and criteria on all offense statistics put forth by the PPD would ensure that statistics are consistently and uniformly generated and in accordance with PPD's policies and procedures, whether the offense is reportable or non-reportable under UCR.

Conversely, the PPD suggested in its response that the FBI's National Incident-Based Reporting System (NIBRS) would be a more accurate indicator of the number of kidnapping incidents in Phoenix. NIBRS is an incident-based reporting system in which law enforcement agencies collect more comprehensive data on a single crime occurrence than UCR reporting.²¹ However, as the PPD recognizes in its response, although the FBI has been encouraging law enforcement agencies to make the transition to NIBRS for crime reporting, "due to system limitations inherent with the current records management system, the transition was placed on hold."²² Because the NIBRS reporting method was unavailable to the PPD, and because the PPD compiled the number of 2008 kidnapping incidents reported in the grant application materials using a methodology similar to UCR, we also used UCR guidelines and criteria in our additional analysis.

²⁰ The PPD's Crime Analysis and Research Unit (CARU) is responsible for the coding of crime data entered through the PPD's computerized reporting system, responding to both internal and external requests for statistical data and for conducting administrative, strategic, and tactical analysis of crime data, which includes counts based on UCR criteria.

²¹ NIBRS enables law enforcement agencies to report more than one offense for a single incident for crime reporting purposes, as opposed to the UCR guidelines of reporting an incident by a single and primary offense.

²² During our review, we were informed by an official of CARU that the PPD worked on the transition to NIBRS from late 2002 until mid 2005. However, due to the constraints of the PPD's antiquated PACE case management system and the extensive resources required, the PPD was unable to complete the transition. The long-term plan for the PPD is to eventually move to NIBRS when they obtain a new record management system. As such, the PPD currently uses UCR data to report their annual crime statistics since they do not have the system capabilities to generate the information necessary for NIBRS reporting.

Exclusion of Charged Kidnapping Cases

The PPD stated in its response that we “discounted,” or excluded from our case count, some “cases where a suspect was charged and convicted of kidnapping.” In its response, the PPD suggested that it believes that these cases should be classified as kidnappings for crime reporting purposes. As such, the PPD requested that the OIG revise its methodology to allow inclusion of charged and convicted cases of kidnapping that were not already included in our case count. We disagree with the PPD’s assessment that we “discounted” these cases and do not believe a revision to our methodology is required.

These PPD statements refer to our exclusion of certain cases, for crime reporting purposes, for which a perpetrator was charged with both kidnapping and other, related offenses. As noted in the report, the UCR Handbook states that in a multiple offense situation, a law enforcement agency must locate the offense that is the highest on the hierarchy list and report that offense. As is also explained in the report, in multiple offense situations that involved kidnapping and another equal offense, we followed UCR guidance and determined that the incident should be counted as a kidnapping when the movement or confinement of an individual was not an integral part of the separate offense or was not merely incidental to the commission of the other crime.

We also note that the UCR guidelines state that “crime statistics are intended to assist law enforcement in identifying the crime problem,” and “participants must record offense counts, not the findings of a court.” Ultimately, the only cases where kidnapping was charged but not counted by the OIG in the crime reporting analysis were cases that involved attempted murder, armed robbery, and other sexual offenses.²³

Exclusion of Home Invasions

In its response, the PPD stated that during its review it identified an additional 260 home invasion incidents that contained the elements of a kidnapping and that “these reports were not accepted by the OIG audit

²³ For example, two of the excluded cases were attempted homicides, in which the perpetrators were charged with kidnapping, armed robbery, and attempted first and second degree murder. Even though the elements of a kidnapping occurred in both of these cases, they were incidental and performed merely in the performance of the attempted homicide. Under UCR guidelines and PPD policy, incidents are to be classified by their primary, or highest, offense. As such, these cases would be classified under attempted first and second degree murder and not counted for the purposes of the PPD’s 2008 kidnapping statistic.

team.”²⁴ According to the PPD, combining these home invasion cases with the cases identified in the initial and subsequent case reviews (per the NIBRS method) increases the total number of cases for 2008 that included the elements of a kidnapping.

The OIG’s additional review was not intended to determine the number of cases in which the elements of a kidnapping existed, or the number of cases for which kidnapping was charged. Rather, this additional analysis analyzed how many of the 533 cases should be *reported* as kidnappings pursuant to UCR guidance and PPD policy for *crime reporting purposes*. It identified 254 such cases. Even though the NIBRS method may lead to additional cases being reported as kidnappings, the PPD states clearly in its response that the PPD has not adopted the NIBRS method due to system limitations inherent with its current records management system.²⁵ Moreover, we emphasize that our decision not to review these home invasion cases for the elements of a kidnapping did not impact the OIG’s final determination that the number of kidnapping incidents reported in the grant applications for 2008 was ultimately supported.

Additional Reviews

Finally, the PPD noted in its response that reviews were also conducted by the City Prosecutor, the City Auditor, and the Kidnapping Statistics Review Panel, and emphasized that the PPD’s own review was consistent with the findings of these other reviews. However, it is important to note that the OIG, the PPD, the City Prosecutor, the City Auditor, and the Kidnapping Statistics Review Panel did not all review the same case files, and that the number of case files reviewed by each entity varied.²⁶ Moreover, the PPD was the only entity to review a large number of the case

²⁴ These cases were properly classified under the Arizona Criminal Code for armed robbery, and would have been identified during the data gathering process for the PPD’s 2008 armed robbery statistic, a reportable statistic under UCR. Reporting these cases as both armed robbery and kidnapping would be inconsistent with UCR guidance and PPD policy, which state that each incident should only be counted once for crime reporting purposes.

²⁵ In addition, we believe that including reported home invasions in the number of reported kidnapping incidents would be misleading. Home invasions and kidnapping were presented by the PPD in its grant applications as distinct and separate issues affecting the City of Phoenix, and the grant application materials included numbers for both home invasions and kidnappings.

²⁶ The OIG reviewed the original 358 cases and 175 additional cases, which totaled 533 cases; the PPD reviewed approximately 1,700 cases; the City Prosecutor reviewed the original 358 incidents only; the City Auditor sampled the cases by reviewing 128 cases; and the Kidnapping Statistics Panel also “selected and reviewed a number of departmental reports” but relied heavily on the PPD’s and the City Prosecutor’s analyses.

files in question, such as the home invasion case files and many of the additional cases identified in the case management system. We acknowledge the Kidnapping Statistics Review Panel's conclusion that the result of the PPD's review "appears credible," but we also note that the Panel relied heavily on the PPD's and the City Prosecutor's analyses and did not conduct its own comprehensive review of the case files. In light of the important methodological differences between the external reviews, we cannot conclude that the other reviews can be relied on to support the credibility of the PPD's findings.