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DMN Investigates: Dallas police's crime stats omit some car burglaries

By STEVE THOMPSON and TANYA EISERER / The Dallas Morning News

Someone broke into Nina Chawla's Mercedes and stole an iPod and two pairs of expensive sunglasses, she says. She called Dallas police to report it, though she figured officers probably wouldn't be able to catch the culprit. Also Online

She was right. But she was shocked to find out recently that as far as the Dallas Police Department is concerned, no crime was committed.

Chawla's is among hundreds of car burglary reports this year that Dallas police have labeled untrustworthy. In doing so, the department escapes reporting their existence to federal authorities who keep track of crime statistics.

The procedure, implemented last year, is one of several initiatives designed to bring down Dallas' crime numbers in relation to other cities – or as police officials have put it, to more accurately report the amount of crime actually taking place.

But a *Dallas Morning News* review of car burglary reports from April revealed a system that lets real crime fall through the cracks.

Dozens of people like Chawla expressed surprise at learning that Dallas police did not consider the car burglaries they reported real. Among them were a rabbi, an accountant and an ophthalmologist.

Almost uniformly, those reached by *The News* said they'd called the department, reported the burglaries, and were never given any indication that their claims were not believed.

In most cases in which reports were found not credible, officers failed to document why.

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Presented with the findings Wednesday, Chief David Kunkle said he was concerned. "If that's happening, that's a failure on our part," he said.

Since then, police commanders have begun looking into how to fix the flawed system and take stock of how many real crimes have been left uncounted. Some of the reports reviewed by *The News* have already been reclassified into crimes.

"It's a problem on our part that we need to solve if people don't understand the status" of their report, Kunkle said. "It's a problem on our part if our investigators aren't doing what's necessary to try to determine whether the person met the threshold to change it from a possible missing or lost property to a crime."

New policy, new rank

This year, Dallas shed its distinction as having the highest crime rate of U.S. cities with more than 1 million people. San Antonio claimed the top spot, and Dallas slipped to No. 2. The department's policy of labeling some crime reports untrustworthy and not counting them has played a significant role.

In the past, Dallas officers created a crime report almost any time a person claimed one had occurred, regardless of that person's credibility or whether the evidence supported his or her account.

Here's how the new policy works:

- The department directs officers to listen to the person's account, observe the scene and make their best professional judgment about whether a crime occurred.
- If officers find a person is not credible – perhaps he or she is intoxicated, acting deceptively, exhibiting signs of mental illness or simply mistaken – officers are directed to create what is called an "investigation of" report.
- The phrase "investigation of" is added to the report's heading, as in "investigation of burglary of motor vehicle."
- "Investigation of" cases will not be reported to national authorities unless an investigator later decides a crime actually occurred and reclassifies it.

Without this procedural change, Dallas' crime figures would have dropped about 7 percent last year, rather than the 10 percent that was recorded, police say. The city's crime numbers have continued to plunge in 2009.

Kunkle has said he became convinced more than three years ago that the department's previous offense reporting system was broken, with too many incidents that were not actual crimes being recorded as crimes. He also found that Dallas wasn't following reporting practices used by other police departments.

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In 2007, the department began requiring anyone reporting an auto theft to sign an affidavit. Dallas was among the last of the major departments to institute the practice.

The department began phasing in the "investigation of" reporting procedure in spring 2008 for car burglaries and thefts. This year, the department began directing officers to generate "investigation of" reports in other categories, such as robberies and assaults.

Cases go to expeditors

The News' review focused on car burglaries. So far this year, about 16,000 have been reported. About 8 percent of those carry the "investigation of" label and have not been recorded as part of the city's crime statistics.

The News looked into cases from April. Of the 241 "investigation of burglary of motor vehicle" reports created that month, 156 were not reclassified into real crime reports. This is the pool of reports that was analyzed, and patterns quickly began to emerge.

First, nearly all the reports were created by civilian call takers over the phone, rather than by officers who responded to the scene. These call takers are called expeditors.

The department directs expeditors to follow strict criteria in deciding whether a case becomes "investigation of." In most cases if a person says the car was left unlocked, for instance, the expeditor must make an "investigation of" report.

The expeditor is to instruct the car owner to call an assigned investigator who will finalize the report. The investigator receives the report and is obligated to try to call the car owner back. The investigator is tasked with determining whether the report should be reclassified as an actual crime.

In 81 of the cases, investigators indicated they were unable to contact the car owner. The investigator is required to make one phone call. If it is unsuccessful, they are allowed to suspend the report and move on without reclassifying it.

Many of the motorists contacted by *The News* said they were not aware that they had to call an investigator to finalize the report and said they never heard from one.

For instance, Charles King, a plumber, reported that someone stole his iPod, two hats, hand tools and a drill set from his pickup, which was parked in front of his Far North Dallas home. He said he thought he locked the doors, but must not have.

"They didn't actually do any damage," he said. "They ransacked it."

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He said he never received a call from an investigator.

King had reported his truck burglarized in a similar way a year before. In that case also, he said, he was never contacted by an investigator.

Both times he said he tried to contact the investigators, "and I was never called back," he said. "I just had a very bad taste in my mouth. They didn't follow up on anything."

The News found that in both cases, the investigator assigned to his reports was the same civilian crime technician.

The technician's name turned up in 40 reports *The News* examined. In only one did she say she successfully contacted the car owner. In two others, she noted they left her messages with serial numbers. And in all the rest, she said she could not contact them.

Among the reported victims the technician listed she was unable to contact was a Dallas police officer, who had reported a hat stolen from his car. Another was Rabbi Ari Perl of Congregation Shaare Tefilla, a North Dallas synagogue.

"I don't recall seeing any numbers that would have been the Dallas Police Department, and certainly no one left me a message to that effect," the rabbi said.

He reported a Garmin GPS and \$25 cash stolen from his 2007 Honda Accord parked in his driveway.

Because of a lack of damage, the clerk made an "investigation of" report. Perl said she gave him no indication he needed to get in touch with an investigator to make it count as a crime. He said he asked her if he should avoid driving the car until an officer could come out and look at it.

"She said, 'No, we're not going to send anybody out, you filed this report over the phone, and if we need anything more or if anything develops, someone will give you a call,' or something to that effect," Perl said.

Lack of details

In cases where an investigator did make contact with a car owner reporting a burglary, only rarely did the investigator put any explanation in the report of why it was not reclassified as a crime.

Victor Kang says someone got into his car and ripped out his center console, complete with his air conditioner, iPod and radio. He said he thought he had locked it.

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An "investigation of" report was created. The assigned investigator wrote this in his report: "Contacted the complainant on 04/07/09 at 8:19 a.m., who had no additional information. Show this offense suspended."

The report was not reclassified, but there is no indication why. Kang was dismayed to hear his report was discounted.

"I didn't let the guy into my car," he said. "To think the Police Department isn't going to consider that a crime, that's a complete outrage."

When presented with such reports, Kunkle said they are inadequate.

"I was wrong because I have said over and over again that I thought there were quality controls in the system," the chief said.

Reviewing reports

Lt. Rob Sherwin, who has supervised the creation of the department's "investigation of" procedures, has received praise from commanders for this and other reporting changes he has implemented. He has a staff assigned to making sure they are carried out properly.

Tuesday, the lieutenant and his staff reviewed reports brought to their attention by *The News*. While agreeing a handful of the reports should be reclassified, they were much more skeptical of others.

Seven reports reviewed by *The News* indicate the callers said their cars were slim jimmed.

"Cars now, you can't slim jim them," Sherwin said. "When someone says, 'My car was locked, and I don't know how they got it in, but they got in it,' I'm already suspect of it."

One report that mentioned slim jimming was Chawla's. She reported her Mercedes was burglarized while parked outside her Far North Dallas apartment. *The News* asked her what made her think the car had been slim jimmed.

"Because I had my window cracked, somehow they could get in," she said. "I've done it before to one of my cars where you get like a hanger with the hook at the end."

So how did the words "slim jim" come up? Chawla said the police call taker mentioned it.

"When I was kind of describing what happened, she said that," Chawla said.

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The expediter who handled Chawla's report also created the six others that refer to slim jimming.

Another case Sherwin commented on was that of Dr. Linda Burk, an ophthalmologist. She reported that someone stole the rear seats out of her Cadillac Escalade, parked in front of her Northwest Dallas home.

"There wasn't any forced entry that I could tell," Burk said. "They didn't touch anything in the first two seats. They just took the seats. That's what's so bizarre."

The report notes Burk's laptop was left untouched inside. This set off Sherwin's alarm bells.

"This is a good one, I like this," Sherwin said, noticing the detail.

"They're real heavy," he said of such seats, which can be taken out to add storage space to a sport utility vehicle. "You can't really carry them around real far. But if you were going to put something in the back of it, and maybe you forget and put them down somewhere and drove off without them."

Burk was disturbed to learn her report wasn't counted as a crime.

"That's outrageous," she said. "I'm insulted that they wouldn't take that seriously. What am I going to do with the two seats?"

Fraud factor

Burk said her insurance eventually paid to replace the seats. Several others whom reporters spoke with said insurance covered their losses as well.

"I'm sure my insurance company would find that very interesting, because that would mean I created insurance fraud, which is not the case at all," said 37-year-old Kerry Higgins, when told that police did not record her report as a crime. She said a GPS, a camera and other items were stolen from her unlocked 2007 Jeep.

Police officials have said one of the reasons they created the "investigation of" system was to reduce fraud.

"A lot of people were using the Dallas Police Department expediter unit to fraudulently produce reports to use for various means," Sherwin said. "That was an open system by which I started to close off."

But the reports often contain no indication of doubt, other than the label "investigation of burglary of motor vehicle."

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One insurance industry official said he didn't think the "investigation of" label alone would raise any eyebrows – and that it in fact might do just the opposite.

"I think that would probably indicate to an insurer that it's an ongoing investigation," said Jerry Johns, president of the Southwestern Insurance Information Service, a nonprofit industry trade association based in Austin. "Now if that report said doubtful, or we question whether it even occurred, that's altogether different."

Label may change

After being told of the likely confusion to insurers, Kunkle said he will look into changing the label.

"I never thought that it was confusing," he said. "But I can understand how people, complainants and insurance companies may not know exactly what that meant."

Sherwin said he thinks most of the problems with the "investigation of" procedures are confined to car burglary reports. He said similar flaws may exist with other types of thefts, though to a lesser extent.

But he said he feels confident the system is on very solid ground when it comes to violent crimes, which are handled on the scene by skilled detectives.

"It's just a better-run group," he said. "It's more seriously done."

Kunkle said to fix the system for car burglaries, he and his commanders have begun considering major changes. They are brainstorming a procedure in which, when there is no broken car window or other sign of forced entry, car owners would receive letters with detailed questions about what was taken and the circumstances surrounding the theft.

When the department receives the letter back, another letter or card would go out to the person explaining whether their report was counted as a crime.

"People should have very specific feedback on what the status of their complaint is," the chief said, "and also very specifically what they need to do to satisfy us that a crime has occurred."

AT A GLANCE

The findings

The Dallas Morning News uncovered many legitimate car burglary cases that police failed to count as crimes.

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Why it's important

Misclassified cases mean Dallas may be reporting an artificially low crime rate.

The result

Dallas Police Chief David Kunkle has launched an effort to fix what he acknowledged is a flawed system.

THREE EXAMPLES

Case No. 1: Seeing it as a 'statistic game'

The incident: On April 3, 64-year-old Donald Thieme reported that hand tools, two pairs of glasses, a radar detector and other small items had been taken from his unlocked van, which was parked behind his home on Lochwood Boulevard.

How it was handled: Police records show that two different police investigators spoke to Thieme. One noted that there were no "workable leads."

The problem: The case remained in "investigation of" status and was not classified as a crime. Neither police investigator gave any explanation in their reports as to why they did not reclassify Thieme's case.

What the victim says: "It's a statistic game to make the crime look better. They're probably not the only ones that do it. Statistics can be played with."

What police say: A police official initially said he thought Thieme's case should have been classified as a crime since he spoke to investigators. The official later changed his mind, saying that there was nothing wrong with the way Thieme's case was handled.

Case No. 2: Man asks, 'What's the point?'

The incident: On April 4, Robert Murphy reported that thieves rummaged through his unlocked Ford pickup in a driveway in Kessler Park, taking a small amount of change. Murphy says the thieves left the doors and the glove compartment open, and threw his insurance papers to the floor.

How it was handled: A police detective contacted Murphy, writing that the only property taken was 75 cents and that there was no suspect information.

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The problem: The incident remained classified as an "investigation of" report and was not counted as a crime. Department policy requires that reports of vehicle break-ins in which the person reports that the vehicle has been ransacked or rifled through be classified as a crime.

What the victim says: "If it's not a crime, then there's really no more that they have to do. Then they can close the book on it. It makes them look like they're doing a better job than they are. This is now the third time that someone had just tried to break into my car and now I just leave it open. If they're not following up, what's the point?"

What police say: The department now says it should have been classified as a crime.

Case No. 3: 'How could it not be an offense?'

The incident: On April 6, Cary Johnston reported that her cellphone, charger and insurance card had been stolen from her 2008 Lexus, which was parked in the driveway of her home in Northeast Dallas.

How it was handled: On the same day, a man was arrested while driving a stolen 1994 Grand Marquis. Her phone was found inside the car. Johnston, a real estate broker, subsequently retrieved her phone from the police property room. A civilian clerk assigned to the case wrote that she could not reach Johnston.

The problem: Even though there was evidence of a crime, the incident remained classified as an "investigation of" report and was not counted as a crime.

What the victim says: "That is so weird. How could it not be an offense? Maybe because my car door wasn't locked?"

What police say: The department now says it should have been classified as a crime.

Compiled by Tanya Eiserer and Steve Thompson

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