

## Kelly's Panel Reports

# Find NYPD Isn't Vigilant Against Stat Manipulation

By MARK TOOR

The NYPD's crime-reporting program "is indeed robust and professional," attorney David N. Kelley said July 2 in announcing the results of a long-awaited independent review, "and I would not dispute those who say it's the most robust in the country," even as his report unearthed some head-scratching omissions.

In a press conference at Police Headquarters, Mr. Kelley—a former U.S. Attorney—noted that "no reported crime rate is going to be fixed with absolute certainty." Factors that can cause error, he said, include the failure of some victims to report crimes, clerical mistakes in counting and classifying offenses, subjectivity among well-meaning officers who may classify the same crime in different ways, and manipulation by police officers seeking to affect the statistics.

### Signs of Cooking Stats

Concerns over manipulation were apparently what sparked the independent review. Based on anecdotal reports and tapes made surreptitiously by police officers, a picture emerged in the past few years of a department where some supervisors used eBay to downgrade the value of stolen items to make the theft a misdemeanor rather than a felony, threw complainants out of station houses or put up policies that made it difficult for people to report crimes. Some officers in the street also downgraded crimes or simply refused to accept reports of them.

A Detective in Manhattan's 33rd Precinct reported that uniformed bosses had improperly labeled six sexual assaults as criminal trespass with the goal of keeping felony rape statistics down.



**ELI SILVERMAN:** 'System full of loopholes.'

That allowed a lone rapist to continue a six-month spree until he was caught in the act.

Critics charged that such manipulation resulted from demands by top commanders at the department's crime-reporting Compstat meetings—and ultimately from Mayor Bloomberg—looking for constant declines in crime figures month after month, year after year. In January 2011, Police Commissioner Raymond W. Kelly appointed three private attorneys with prosecutorial backgrounds—Mr. Kelley, Sharon L. McCarthy and Robert Morvillo, who died at the end of that year—to review the Compstat auditing process.

### Confirms Misdeeds At 81st

Mr. Kelley said the only instance of widespread manipulation that he and Ms. McCarthy found had already been widely reported. In the 81st Precinct in Brooklyn, Police Officer Adrian Schoolcraft taped his bosses demanding illegal arrests and discouraging people from refusing to take crime reports.

The precinct commander was replaced and an internal NYPD review found Mr. Schoolcraft justified, but he has been suspended without pay since 2010. He is suing the city, charging that among other things his bosses had him unjustly confined to the Jamaica Hospital psychiatric ward for nearly a week.

But a longtime critic of the way the NYPD employs Compstat, John Jay College Professor Emeritus Eli Silverman, said that based on his own studies of the department, "I don't find that believable" that there was only one major case of manipulation. He said a close reading of the report shows "the system is full of loopholes" that allow crimes to be downgraded.

### Numbers 'Manipulation'

Mr. Silverman, who has advised police departments around the world, and his research partner John Eterno, a retired NYPD Captain who teaches at Molloy College, conducted a study of 2,000 retired police officers in all ranks that found that the department's heavy emphasis on numbers has caused officers to exaggerate the decline in crime by manipulating reports of it. In 2012, the pair published a book about their conclusions, "The Crime Numbers Game: Management by Manipulation."

In an interview with THE CHIEF-LEADER, he pointed to sections of the report he says echo criticisms he and Mr. Eterno have made.

While conceding that Compstat can be "an extremely useful tool," the report says that "the focus of the NYPD and the general public on the year-over-year declines in crime as reported by the NYPD can, if overemphasized, serve to undermine the integrity of the statistics and compromise Compstat as an effective law-enforcement tool."

"That's exactly what we've been saying for years," Mr. Silverman said.

"The documentation does not reflect that [the NYPD

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The Chief-Leader/Kate Perotti

**LITTLE DISINCENTIVE TO DOWNGRADE:** With a grim-looking Police Commissioner Raymond W. Kelly to his right, former U.S. Attorney David N. Kelley discusses the findings by a panel that also included Sharon L. McCarthy (left) of flaws in the NYPD's monitoring of precinct crime statistics. Their report stated, 'The persistence of "egregious" errors in certain precincts. . . may be construed to support the conclusion that complaint reports are not meaningfully or at least proficiently reviewed at the precinct level—or, in the worst light, that the supervisors are complicit in the downgrading.'

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Quality Assurance Division] adequately pursues patterns that may indicate downgrading practices by a precinct or particular officers," the report said. "... [T]he patterns of misclassified reports support in some measure the anecdotal accounts of downgrading of certain types of incidents, including that certain types of incidents may be downgraded as a matter of practice in some precincts. . . [T]he persistence of 'egregious' errors in certain precincts. . . may be construed to support the conclusion that complaint reports are not meaningfully or at least proficiently reviewed at the precinct level—or, in the worst light, that the supervisors are complicit in the downgrading."

## Reading Bosses' Minds?

A footnote to the report said that "in one instance, a

Detective admitted manipulating complaint reports—not because of an express instruction from anyone to do so but because he thought he was supposed to do so."

"The question in my mind," Mr. Silverman said, "is why does someone think he is supposed to do it? Did it have something to do with the pressures from above?"

He questioned whether the review was really independent, saying, "This was done by individuals appointed by the Commissioner."

The report also questioned discipline issues. "Given the difficulty of proving intentional downgrading or suppression [of crime reports], it is not surprising that QAD investigations have not had more serious consequences such as referral to criminal prosecutors or termination of employment—although some officers have resigned or retired rather than face charges . . . [I]ncreased internal in-

vestigations might provide a deterrent effect. . ."

## Kelly: We'll Clean Up Act

Most of the recommendations in the report dealt with technical aspects of the auditing process. Commissioner Kelly said the department would comply with international standards for professional internal auditing. "To my knowledge we will be the first and only police department to do this," he said.

The report said that "QAD investigations and enforcement have increased in recent years and, according to those NYPD officers the committee interviewed in the precincts and in QAD, enforcement is making a difference in the complaint-reporting culture. Officers are taking their obligations with respect to complaint reporting more seriously and with greater awareness that abuses will be addressed internally."