



City Auditor's Office
PO Box 490, Station 17
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www.cityofgainesville.org

Date: July 11, 2016
To: City Manager
From: City Auditor, Carlos L. Holt
Subject: Hotline Complaint Message #10, #17, CASE 2016-002

Source of Allegations

The City Auditor's Office received several hotline complaints between February 11, 2016 and May 12, 2016 via the *InTouch* third-party hotline; all from an anonymous source. Another complainant came into the City Auditor's Office to provide a complaint and requested confidentiality in accordance with Florida Statute 112.3187-112.31895, otherwise known as the "Whistle-blower's Act."

Investigator Assigned

Carlos L. Holt, CPA, CFF, CIA, CFE, CGAP
Eileen Marzak, CPA, CFE

Purpose of Investigation

The purpose of this or any investigation is to determine the facts concerning allegations made by a complainant. For findings indicating possible fraud or other crimes, the matter would then be referred to the Gainesville Police Department (through the City Manager and in consultation with the City Attorney) or the State Attorney's Office. Findings of employee misconduct warranting possible corrective or disciplinary action would be forwarded to management, who is responsible for administering such actions. Findings of waste or lack of efficient or effective operations would also be referred to management.

Standards

We conducted the investigation and created the report using the standards of the Association of Certified Fraud Examiners (ACFE) as a guide. Both investigators are Certified Fraud Examiners (CFE).

Background

Police departments across the country furnish crime data to state agencies that use the information to compile state crime reports. The state information is then required to be forwarded to the Federal Bureau of Investigation (FBI) for their annual compilation of the Uniform Crime Report, commonly referred to as the UCR. This report covers crime nationwide but can be broken down into particular areas. The UCR is classified as a *summary* report rather than an *incident* report format since multiple crimes at the same time by the same



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persons are reported as only the most serious crime, except that arson is always reported. This is referred to the Hierarchy Rule. Crimes are divided into two types: Part I and Part II crimes.

Part I crimes (most serious) are: homicide, forcible rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, arson.

Part II crimes are: forgery/counterfeiting, fraud, embezzlement, stolen property, vandalism, weapons charges, prostitution, sex offenses, drugs, gambling, DUI, traffic violations, and all other crimes not classified as Part I.

Obvious to even the casual observer is that motor vehicle theft is a more serious Part I crime while fraud and sex offenses are Part II crimes (less serious). This is due to the classifications being created in the late 1920s. It should be noted that the US Department of Justice and many states are moving toward a more detailed *incident* based reporting system rather than the summary based method developed in the 1920s. The incident based system doesn't use a hierarchy rule to summarize crimes and is known as the National Incident Based Reporting System (NIBRS).

Summary and Outcome of Investigation

After performing a thorough investigation of the above allegations, enough information was obtained to determine that the complainant had limited knowledge of the processes and methodologies being used, indicating their knowledge was all second or third hand information. Further, after a thorough review of the process, an inspection of hundreds of crime reports and classifications, and interviews with key members of the police department (civilian and sworn), we were able to conclude that the allegation was **not substantiated**. The Gainesville Police Department also conducted their own internal investigation and found no credibility to the allegations.

Allegations, Facts, Analysis and Conclusions

Allegation A

That the Gainesville Police Department is systematically and intentionally misclassifying crimes so that the crimes are classified as UCR Part II crimes (less serious) rather than more serious Part I crimes.

Facts

- 1) On February 11, 2016 an anonymous caller first contacted the City of Gainesville *InTouch* Fraud, Waste, and Abuse hotline with allegations that crime incidents were being misclassified by changing Part I crimes to Part II crimes or other misdemeanors. The caller stated that the improper misclassification had been going on for three years 2013 - 2015.



- 2) The anonymous caller further stated that they had brought their concerns to Major Rick Hana previously but that he failed to act on the information.
- 3) On May 23, 2016, a complainant (wishing to remain confidential) came into the City Auditor's Office to discuss claims related to the improper classification of Part I crimes as Part II crimes over the past several years.
- 4) Records show that during 2015, numerous emails were sent throughout the GPD clarifying the various particulars associated with properly classifying a crime and verifying previous incident reports. All changes required a supplemental report be created, approved by a supervisor, and sent to the records division for further scrutiny and entering into the system.
- 5) Records technician Leslie Pace stated some officers at GPD took a personal interest in getting the classifications properly understood and interpreted from the narrative section of the incident report.
- 6) Interviews indicate that Lt. Robert Koehler took a proactive role in 2013 to improve the classification of crime reports and the information contained on them so that the reports fully met standards of federal UCR requirements.
- 7) Various email communications repeatedly highlighted that no one should feel pressure to reclassify an incident; rather, to research the matter and determine if proper or improper classification occurred.
- 8) Crime classifications are outlined by classification standards that can be subjective in many instances. Both the classification of the crime and the status may change several times during the course of the report's history.
- 9) Process analysis indicates that changing either the status or the classification requires a supplemental report and update of the narrative section, which must then be approved by a supervisor, then scanned by the records technician for errors or conflicts.
- 10) Interviews with Deputy Chief Major Hanna, Shift Commander Jamie Kurnick, and records technician Leslie Pace indicate that Captain Ferrara was in charge of a 2016 GPD internal review of crime incident reports in response to the information received from the City Auditor's Office.
- 11) Beginning June 7, 2016, Records Technician Leslie Pace and Carlos Holt examined the incident report process in detail and also reviewed in excess of 200 incident reports for completeness and correctness.
- 12) For the internal review by GPD, records technician Leslie Pace reviewed approximately 2,000 reports to include all reports that had been updated/revised/changed via a supplemental report.

Analysis

The process used by the Gainesville Police Department to create incident reports requires that several persons play a role in each report. For changing or updating a report, the process requires a supplemental report to be approved by a supervisor. This indicates that for a scheme of any size to succeed in changing crime classifications to lower Part II crimes, multiple persons within the police department would have to be involved. Creating fictional narratives would also generate attention since there would be no emergency calls or other police witnesses to support the narrative described. Further, a review of random incident reports by the City Auditor and another review by the records technician of all reports with a supplemental change found no evidence of intentional misclassification. No indicators were found of what might be systematic altering of



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incident reports. The process was found to be reasonably designed to limit influence of this type without multiple parties taking part in the scheme.

Conclusion

The allegations that the Gainesville Police Department was systematically and intentionally misclassifying crimes so that the crimes were re-classified as UCR Part II crimes (less serious); rather than more serious Part I crimes was **unsubstantiated**.

End of Report