

LOS ANGELES POLICE COMMISSION

**INVESTIGATION OF THE
LOS ANGELES POLICE DEPARTMENT'S
HOMICIDE CLEARANCE RATES**



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

ALEXANDER A. BUSTAMANTE

Inspector General

July 15, 2015

**OFFICE OF THE INSPECTOR GENERAL'S
INVESTIGATION OF THE LOS ANGELES POLICE DEPARTMENT'S
HOMICIDE CLEARANCE RATES**

I. INTRODUCTION

The Federal Bureau of Investigation (FBI) collects crime-solving statistics from law enforcement agencies across the country. The FBI requires these agencies to adhere to specified guidelines when reporting their clearance or closing data. The FBI makes this information available to the public. Citing some of this data, on June 28, 2014, the Los Angeles Daily News reported that the Los Angeles Police Department's (LAPD or Department) homicide clearance numbers were below the state and national average for major cities.¹ Specifically, the article determined the following LAPD clearance rates for murders: 58% in 2009; 38% in 2010; 39% in 2011; and 60% in 2012. In response, the Department provided the following updated clearance rate numbers for those same years: 83% in 2009; 74% in 2010; 71% in 2011; and 81% in 2012.²

Based on this article, the Department requested the Office of the Inspector General (OIG) to examine how the Department calculates its homicide clearance rates. The OIG reviewed the Department's methods for calculating these rates and also examined whether these methods affected murder investigations. Although the OIG identified several administrative concerns with the process, the OIG found no evidence that homicide statistics were manipulated. The OIG also found no evidence that detectives were closing cases without proper investigation or justification.

The OIG's concerns stem primarily from the Department's current method for tracking clearance rates. Until recently, the Department recorded homicide clearances in two different databases, the Consolidated Crime Analysis Database (CCAD) and the Detective Case Tracking System (DCTS).

The Department would pull the clearance rate from one database, CCAD, and provide that information annually to the FBI for their statistics. The CCAD did not, however, capture all clearance data. The Department reconciled the differences between all databases and the various reporting divisions by manually cross-referencing all clearance data. The results of these hand counts were then provided to the public. In an effort to eliminate many of these issues, the Department also recently prohibited individuals from closing cases in DCTS.

¹ According to FBI statistics, the average national homicide clearance rate for 2009 through 2013 was 64.56%. This includes a high of 66.6% in 2009 and a low of 62.5% in 2012.

² The corrected clearance rates were a product of a Department "hand count," which attempted to verify all homicide closing data from both systems.

Notwithstanding these changes, the OIG noted that the current system of tracking closing data is decentralized and each police division, or reporting unit, may close or record key information differently. The OIG therefore recommends, and the Department agrees, to centralize the process to close "Cleared Other" homicide cases in CCAD exclusively by Robbery-Homicide Division (RHD). The Department will distribute a Special Order detailing this change along with greater specificity for the required close out documentation.

II. INVESTIGATION AND FINDINGS

The Department previously used two databases for recording homicide clearance rates: CCAD and DCTS. The Department's detectives use DCTS to record details and information for most investigations, including homicides. The CCAD is the official Department source for statistics that personnel use to close out cases.³ The homicide case information that is entered into DCTS does not automatically upload into CCAD. Conversely, CCAD information is automatically transferred to DCTS. There was, however, no requirement that Department employees record closed cases in both of these databases. This practice caused the CCAD homicide clearance data to be incomplete because data entered only into DCTS was not transferred to CCAD. The DCTS potentially captured all of the homicide data, provided that all such data was entered into CCAD or DCTS.

During the investigation, the OIG learned that for several years homicides were closed in DCTS but not CCAD. It was this incomplete clearance data from CCAD that was produced annually to the FBI. As a result, the homicide clearance rates reported by the FBI were inaccurate and underreported the number of cleared homicide cases.⁴ Even when information was entered separately into both systems, the Department and the OIG found differences in the closure dates entered into each system for a single case. Recognizing these discrepancies, in June 2014, the Department prevented its personnel from closing cases in DCTS, leaving CCAD as the only database for recording homicide clearances.^{5,6}

A. Homicide Clearance Rate Calculation

The FBI requires that homicide clearance rates be calculated in a particular manner. According to these standards, departments that report their clearance rates to the FBI must report the total number of homicides that occurred in a year as well as the total number of homicides closed in

³ Office of Operations Order No. 7, June 3, 2005.

⁴ The FBI does not retroactively adjust crime analysis statistics. Once submitted at the beginning of the year, the Department has a limited window to submit corrections after which the year's statistics are "locked in" by the FBI and cannot be changed.

⁵ According to the LAPD Infoweb, effective June 4, 2014. "The ability to update crime report case status (i.e., *Cleared by Arrest*, *Cleared Other*, *Report Unfounded*) from DCTS will be eliminated." Clearing a case can only be effected through CCAD.

⁶ Although DCTS can no longer be used to enter a change of case status for an investigation, it will still be used for data entry of other case-related information and for retrieval of case information that was never entered into CCAD.

the same year, regardless of the year the homicides actually occurred.^{7,8} The Department adheres to these requirements. The FBI's requirements, however, may create the appearance that all of the homicides cleared in a particular year actually occurred in that year. In some cases, these requirements can also result in police departments reporting clearance rates in excess of 100%.

The OIG reviewed several of the Department's annual homicide reports, which provided the Citywide clearance rates and an analysis of homicides cleared by each police division.⁹ The OIG noted that certain police divisions had a yearly homicide clearance rate that was above 100%.¹⁰

For example, the Harbor Division detectives cleared a total of 11 homicides in 2014. Five of those 11 homicides were committed and cleared in 2014. The remaining 6 homicides were cleared in 2014 but actually occurred in prior years. Based upon the FBI's clearance guidelines, Harbor Division reported a 160% clearance rate for 2014. In a similar example, Newton Division detectives reported 16 homicides committed in 2014. Using the same mathematical formula, Newton Division factored in 7 homicides committed prior to 2014, totaling 17 closed homicides, for a clearance rate of 106%.

The OIG determined that there were no improprieties in the Department's calculations of these clearance numbers, as those calculations were dictated by FBI criteria. Although those guidelines do not require agencies to explain how their clearance percentages were calculated, the Department has agreed to provide additional information regarding these percentages in public reports so that it is clear when particular murders occurred in prior years.

B. Homicide Clearance Rate Hand Count

The Department recognized that the CCAD data was incomplete and was also uncertain whether all homicide data from the reporting divisions were entered into either database. Beginning in 2012, the Department began hand counting closing data from all of the police divisions and then compared this information to the data entered into CCAD and DCTS. Specifically, the Department compared the closing date and case status of each investigation submitted by the police divisions to the corresponding closing data from CCAD and DCTS. Any disparity in information was reviewed to confirm that a closed case should have been counted toward the clearance rate. This process begins in early December each year and continues until the last day of the month. The final count of closed cases is a product of manual calculation.¹¹

⁷ This was confirmed by the FBI in a reply email to the OIG, dated August 26, 2014.

⁸ The FBI requires no distinction as to which year the closed investigations were first opened. Similarly, the FBI does not differentiate between homicide cases closed due to the arrest of a suspect(s) or those closed without an arrest being made.

⁹ The Department is divided in to 21 geographical police divisions, also referred to by the Department as "Areas."

¹⁰ LAPD 2014 Homicide Report, page 10; LAPD 2013 Homicide Report, page 9.

¹¹ The hand count results are published in the annual Department Homicide Report, which is distributed every January. According to the Department, RHD did not generate, and the Department did not post, Annual Homicide Reports for the years 2008-2012.

C. OIG Hand Count and Comparison

The OIG's investigation began with a hand count of all murder clearances for 2012 through 2014. The OIG requested that each police division provide a list of all homicides opened and closed for each of these years. Using this information, in addition to the CCAD database provided by the Application Development and Support Division (ADSD), the OIG conducted the same type of review as the Department and calculated the clearance rates, pursuant to the FBI-approved criteria.¹²

In each of the last three years, the Department reportedly closed no more than 204 homicide cases per year.¹³ Despite the relatively low numbers, the OIG and the Department had difficulty in clarifying which cases were properly closed within the reporting years because there is no uniform method for recording homicide information. For example, the closing dates recorded in police division spreadsheets often reflected the date a detective considered the case closed, whereas the CCAD closing date was when the case status was updated from an open to closed investigation.¹⁴ This resulted in the production of a large amount of conflicting data.

Focusing on 2014, the OIG compared its results to the Department's numbers.¹⁵ The OIG determined that 12 of the 21 police divisions reported different numbers for their closed homicide cases to the OIG and the Department. Personnel from the OIG and the Department met and compared the respective lists of closed cases from each of the 12 police divisions to determine which cases were accurately included in the 2014 clearance rate. The Department and the OIG were ultimately able to agree to the number of closed cases for that year but the effort was time intensive. It was determined that there were 187 closed homicides for 2014.

D. OIG Review of "Cleared Other" Cases

In certain situations, detectives close cases under the category "Cleared Other" when there is no arrest made. A case may be closed "Cleared Other" if it has progressed to a point where no further action can reasonably be taken in the case and all four of the following criteria are satisfied: (1) The identity of the perpetrator has definitely been established; (2) a location where the perpetrator could be arrested is known; (3) there is sufficient, admissible information and/or evidence to support an arrest, the filing of a complaint, and submission of the case to a court for

¹² ADSD is under the command of the Information Technology Bureau (ITB).

¹³ According to the OIG's hand count, the Department closed 204 cases in 2012, 167 in 2013, and 187 in 2014.

¹⁴ In August 2014, the Department created a new field in CCAD for the actual date a case is closed in an effort to resolve some of these discrepancies. See Chief of Detectives, Notice 1.8, August 14, 2014, CRIME CLEARANCES IN CONSOLIDATED CRIME ANALYSIS DATABASE.

¹⁵ The 2014 Homicide Report Draft was completed 01/07/15 by Detective Bureau/OCOP Graphics. The other documents provided to the OIG included spreadsheets submitted to the Department by the Division homicide units, along with hand-written notes and tallies from the Department's hand count team.

prosecution; and (4) the reason no further action can be taken is outside of police control.¹⁶ There are several circumstances that qualify as being “outside of police control,” the most common of which is the district attorney declining to file murder charges against the suspect(s).¹⁷ The FBI refers to this category as “Cleared by Exceptional Means.” The criteria for closing a case under this status are identical to LAPD requirements for closing a case as “Cleared Other.”

Even though a detective believes that a case qualifies to be closed under the “Cleared Other” category, that detective must still obtain a series of approvals from the detective’s chain of command with the concurrence of the Commanding Officer of RHD before a case can be closed. These approval requirements are set forth in the Department’s Operations Order No. 15 and Special Order No.13.¹⁸

The OIG examined this category of cases starting in 2009 through 2014.^{19,20} The OIG’s hand count revealed that not all of the 21 police divisions were closing cases in accordance with the two corresponding Orders. The OIG identified 128 “Cleared Other” cases through CCAD for this time period. The OIG found 3 of the 128 that were erroneously closed “Cleared Other” in CCAD, when the cases were in fact open. This did not impact the integrity of the investigations. The OIG could only find documentation that 4 of the 128 cases were closed in CCAD before RHD reviewed and approved the clearances. However, in 97 of the 128 cases reviewed (76%), the OIG could not determine whether the necessary approvals occurred. In addition, the OIG reviewed RHD’s tracking system for “Cleared Other” cases and found the spreadsheets to be largely incomplete, preventing the OIG from verifying exactly how many cases were closed before RHD’s review and approval.

Notwithstanding these administrative issues, when the OIG conducted its analysis of these cases, it did not identify any cases that should not have been closed under this category.

¹⁶ Detective Operation Manual Section I/152.20.

¹⁷ Id.

¹⁸ Operations Order No. 15, May 5, 2006-REVISED PROCEDURE TO REVIEW “CLEARED OTHER” MURDER INVESTIGATIONS & Special Order No. 13, May 2, 2013-PROCEDURE TO REVIEW “CLEARED OTHER” MURDER INVESTIGATIONS-ESTABLISHED. These two Orders prescribed identical requirements for the closing process of “Cleared Other” cases. However, Special Order No. 13 establishes the Chief of Detectives as the final reviewing authority for “Cleared Other” murder Follow-Up Investigations.

¹⁹ The hand count was not performed for the same five-year period because, according to the Department, the hand count review has only been in use since 2012.

²⁰ The cases reviewed were derived from the data provided by ADSD, which comes from CCAD. As stated, the Department believes CCAD to be inaccurate. Nevertheless, the OIG’s review of 128 “Cleared Other” cases found in the data was sufficient to obtain a clear understanding for patterns and practices. This review was done for the five-year period of 2009 through 2014 because the homicide data originally requested from ADSD was for this time period.

III. CONCLUSION

As mentioned previously, the OIG found no evidence that the Department was manipulating homicide clearance data or failing to properly investigate homicides. The Department adheres to the FBI's method for calculating homicide clearance numbers. The OIG, however, noted several administrative concerns with the system of tracking and closing homicides. Based upon this investigation, the OIG recommends the following actions to improve this system:

1. The OIG recommends that the Department centralize the process to close "Cleared Other" homicide cases in CCAD exclusively by Robbery-Homicide Division.

On July 13, 2015, the OIG met with the Department and agreed that RHD will not only continue to review all "Cleared Other" Follow-Up Investigations but will also take full and exclusive responsibility for entering all approved "Cleared Other" cases into CCAD.

As noted above, this change will be detailed in a revised version of Special Order No. 13, to be recommended by Detective Bureau. Additionally, Detective Bureau will recommend modifications to the Department's current Homicide Manual, Chapter V, Section 4.1-Murder Book Dividers, to include a checklist for "Cleared Other" approval criteria, which will ensure the signatures, names, ranks, serial numbers, dates of approval, and the RHD stamp are included. This checklist will also be reinforced on the Follow-Up Investigation (Form 3.14), all of which must be reviewed and approved by RHD before being entered into CCAD.

2. The OIG recommends that the Department provide an explanation or notation when reporting the annual homicide clearance rate.

The Department will note that the clearance rate in a specific year includes homicides reported and closed in that year but also includes the closure of homicides reported in previous years. The Department will continue to use the FBI-approved method for calculating homicide clearance rates.