Office of the District Attorney

Office of the Sheriff

July 15, 2016

Brian Addington
Chief of Police
Pittsburg Police Department
65 Civic Drive
Pittsburg, CA 94565

Re: Audit of 2015 PPD "Suspicious Circumstances" Reports

Dear Chief Addington:

In May of this year, you made a request of the District Attorney's Office to conduct an examination of all Pittsburg police reports that had been classified as "Suspicious Circumstances" during the 2015 calendar year. You asked that we provide you with an opinion as to whether or not these reports had been properly classified. We agreed to conduct the audit in partnership with the Sheriff's Office.

Specifically, you sought our opinion as to whether or not the classification of the reports was consistent with the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program guidelines. As you're aware, the UCR Program has been in existence since the 1930's and tracks certain crimes throughout the United States.

Annually, the FBI publishes a "Crime in the United States" report based on the data provided by local law enforcement agencies. The UCR divides crimes into two classifications; eight of the most serious offenses are Part I crimes (murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson). Certain other crimes are tracked as Part II offenses.

I assigned Lieutenant of Inspectors Craig Ojala from my staff to conduct the examination and Contra Costa County Sheriff David Livingston assigned Lieutenant Melissa Klawuhn from his staff to participate in the audit. Lieutenant Craig Ojala has 35 years of experience in law enforcement. He previously worked at the Alameda Police Department starting as a police officer, and promoting through the ranks until ultimately he was the interim Chief of Police for an extended period. He is well versed in the UCR reporting requirements.

Sheriff's Lieutenant Melissa Klawuhn has 13 years of experience in law enforcement including the past 3 years in the Office of the Sheriff's Internal Affairs Unit. She also is very knowledgeable regarding Uniform Crime Reporting.

You determined through your record management system that there had been 209 incidents classified as "suspicious circumstances" during 2015. Of those 209 incidents, 5 report numbers had been "issued in error"; resulting in a total number of 204 actual "Suspicious Circumstances" reports being generated. You provided each of these reports in full to our offices for the purpose of this examination.

The Lieutenants initially examined each of the 204 police reports separately; a process which took several days to complete. Upon completion of the initial examination, the Lieutenants met to discuss their findings and realized that without actually discussing the reports with each other, they were in agreement on 198 of the 204 reports as to how those reports should have been classified.

Over the next three days, the Lieutenants thoroughly reviewed together each of the 204 police reports. They determined that 103 of the reports should not have been classified as "Suspicious Circumstances," instead; they should have been documented as crimes.

Of these 103 incorrectly classified police reports, 40 should have been reported as Part I crimes, while 63 should have been reported as Part II crimes.

Interestingly, on 101 of the 103 police reports, the correct type of crime was listed as a "Possible" crime on the face sheet of the reports under the category "Classification." However, under the category of "Code Section" also contained on the face sheet of the police reports, the words "Suspicious Circumstances" were listed. (Attachment A is an example of this practice.) Although the police reports listed the applicable crime, apparently your department did not report the 103 incidents as crimes to the FBI.

The Lieutenants agreed that some of the 103 crime reports may have ultimately ended up with a disposition of "unfounded"; however, the details outlined in those reports clearly provided the elements of criminal offenses and should have been initially reported as crimes to comply with proper UCR procedures. (You indicated that your department later determined that 25 of the 103 crimes reported were in fact unfounded.)

Prior to finalizing this report, the Lieutenants discussed their examination with a recognized Public Safety Records Compliance organization. That organization reviewed each of the 103 reports identified as being incorrectly classified. Their findings were consistent with those of the Lieutenants.

Your department has informed us that of the 103 police reports, the crimes described in 69 of those reports are currently under further investigation by your department.

It should be noted that during the 2015 calendar year, the Pittsburg Police Department wrote 9,975 police reports. Thus, the 103 police reports we have discussed are only 1% of all the police reports written that year.

With 7,729 police reports submitted as UCR statistics for 2015, the addition of 103 reports results in the following changes:

Crime Rate with Originally Reported Statistics:

Part I:	2,655	39.4 per 1,000
Part II:	5,074	75.0 per 1,000

Crime Rate after 103 Unreported Crimes are Included:

Part I:	2,695	39.9 per 1,000
Part II:	5,137	76.0 per 1,000

This chart shows that had the 103 Suspicious Circumstances cases been correctly classified as crimes and reported to the FBI, there would have been a minimal impact on the city's crime rate. This fact clearly undermines the allegation that the police department deliberately falsified or misclassified crimes. The fact that nearly all of the face sheets of the reports actually listed the correct crimes also undermines the allegation of intentional deception.

It should be noted that these crime rates are very low for a city the size of Pittsburg.

Our recommendation would be to provide updated UCR training to your personnel, and to construct new report writing policies and procedures that reflect current industry standards.

Very truly yours,

Mark A Peterson
District Attorney

David Livingston
Sheriff

PITTSBURG POLICE DEPARTMENT
PITTSBURG, CALIFORNIA

INCIDENT REPORT

- [ ] Domestic Violence
- [X] Info/Miscellaneous
- [ ] Misdemeanor
- [ ] Felony
- [ ] Juvenile Involved

Case No. **C15-6584**
Incident No. [redacted]

Code Section	Crime	Classification	Beat
Suspicious Circumstance	---	**Possible PC 211**	3

Date and Time Occurred – Day	Date and Time Reported	Location of Occurrence
8/23/2015 – 0240 hrs – Sunday	**8/23/2015 – 0251 hrs**	**IFO 2201 Oak Hills Circle, Pittsburg**

Victim's Name - Last, First, Middle (Firm if Business)	Residence Address	Residence Phone
[redacted]	[redacted]	[redacted]

Occupation	Race - Sex	Age	Date of Birth	Business Address (School if Juvenile)	Business Phone
711 Employee	**O – M**	**20**	[redacted]	[redacted]	[redacted]

Victim Vehicle - License No. - ID No. - Year - Make - Model - Colors (other identifying characteristics)
N/A

- [ ] Check if More Names In Continuation

Name - Last, First, Middle CDL #	Code	Residence Address	Residence Phone
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Occupation	Race - Sex	Age	Date of Birth	Business Address (School if Juvenile)	Business Phone

Name - Last, First, Middle CDL #	Code	Residence Address	Residence Phone
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Occupation	Race - Sex	Age	Date of Birth	Business Address (School if Juvenile)	Business Phone

Describe characteristics of premises and area where offense occurred:

- [ ] Residential
- [ ] Commercial
- [ ] Vehicle
- [ ] Street
- [ ] Sidewalk
- [X] Parking Lot
- [ ] Other:

Describe briefly how offense was committed:

On the above date and time, the victim was in front of the Oak Hills Apartments waiting for an unknown female to respond to his vehicle. He doesn't know the females name and was hesitant to explain why he was meeting her in the parking lot. While he was in the parking lot an unknown suspect approached him with a firearm and demanded his money. The victim provided the suspect $300 cash and fled the scene and called the police. The unknown suspect fled in an unknown direction. See narrative for further details.

Weapon:
- [ ] None
- [X] Firearm
- [ ] Knife
- [ ] Hands/Feet
- Other:

Prints: N
Physical Evidence: Y

Estimated Loss Value/Extent of Injuries:
Victim: None

Suspect Vehicle - License No. - ID No. - Year - Make - Model - Colors (other identifying characteristics):
Unknown

Suspect No. 1 (Last, First, Middle)	Race - Sex	Age	Height	Weight	Hair	Eyes	ID No. or DOB	Arrested
Unknown	**W – M**	--	---	---	---	---	---	Yes [ ] No [X]

Address, clothing or other identifying marks or characteristics:
Wearing Black shirt, black jacket, and black pajama pants

Suspect No. 2 (Last, First, Middle)	Race - Sex	Age	Height	Weight	Hair	Eyes	ID No. or DOB	Arrested
Unknown								Yes [ ] No [X]

Address, clothing or other identifying marks or characteristics:

- [ ] Check if More Names in Continuation

Investigating Officer	Assisting Officer/s	Reviewed by	Date and Time
[redacted]		[redacted]	8/31/15 c 0400
Comments		Processed by AK	Date and Time 8-31-15 0800

Assigned: [ ] Patrol Inves. [ ] Traffic Juv. Copies to: [/] Patrol Inves. [ ] Adm. Ser. Chief [ ] D.A. [/] Other: N.P.T. [X] Case Closed [ ] Inves. Review

[ ] RMS [ ] STATS