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Police reports conceal looting

New code could obscure level of crime in Katrina's aftermath

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Just as ubiquitous as the debris mounds and ruined cars littering Katrina-ravaged New Orleans are the looting stories: homeowners hit two or three times, businesses ransacked, construction workers sneaking off with people's valuables. Yet the problem, while acknowledged by police, is not reflected in official crime statistics compiled by the New Orleans Police Department.

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Five months after the storm, police are still recording more than half of the city's looting complaints under a special code, 21K, developed shortly after the hurricane, internal police statistics show. The K stands for Katrina, and the 21 signifies "lost or stolen," a standard prestorm designation used mostly in cases in which criminal activity is not clear-cut, such as when there's no forced entry or a victim can't recall when he or she last saw the missing property. More significantly, "lost or stolen" cases do not show up in publicly released crime reports.

Police said the 21K code was developed as Katrina's floodwaters receded and residents returned to their waterlogged and windblown property, many of their homes and businesses ripped open to the elements or broken into by rescue crews. The chaotic landscape made it difficult to separate legitimate looting complaints from storm losses and, to a lesser extent, false insurance claims, Police Superintendent Warren Riley said.

But now, even after most homeowners and merchants have inventoried and secured their

property, police are using the "lost or stolen" classification throughout the city, including areas that didn't flood. The practice is beginning to draw critics, including some high-ranking police supervisors, who say the 21K designation has outlived its purpose.

"If we're not seeing an understandable rise in burglary and looting since the storm, then there's a big problem in how the Police Department is conducting its business," said Anthony Radosti, vice president of the Metropolitan Crime Commission, a nonprofit watchdog group. "Creating a category for the hurricane might have been a good idea, but there has to be a cut-off date. Now it just looks like they're cooking the statistics."

Not so, Riley said.

"If they walked in a month later and their home was in disarray, a lot of people automatically assumed looting because it looked ransacked. But it was really caused by the storm," he said. "It's a natural thing to think if it looks like your place was turned upside down by King Kong."

Obscuring the picture

In three months, from Oct. 14 to Jan. 16, New Orleans residents filed 2,682 complaints about missing property, but the Police Department classified 62 percent of those complaints -- 1,652 of them -- as 21K, or lost or stolen because of Katrina, department figures show.

The rest of the looting complaints show up under code 62, for burglary, a category that is reported to the FBI and released to the public. Under Louisiana law, looting is any burglary in which someone takes advantage of an emergency such as hurricane, flood or fire.

The percentage of missing property complaints classified as "lost or stolen" since Katrina has been edging down each month, the numbers show. But during the first two weeks of January, four months after the storm inundated the city, that percentage stood at 54 percent. Radosti, a former New Orleans police officer, said cases classified under code 21 before Katrina generally made up less than 10 percent of missing property complaints.

The Police Department has been using the 21K code so often it even developed a quick fill-in-the-blanks police report to log 21K complaints, sparing officers from writing a full case narrative but leaving a limited investigative trail in case property is recovered.

"Unfortunately, they're using this 21K as a catchall in the flooded areas, even though we know there is mass looting going on in a lot of these neighborhoods," Radosti said. "It really clouds the true crime picture, and it's insulting to the public's intelligence."

Accuracy questioned

University of New Orleans criminologist Peter Scharf said the wholesale use of the 21K classification could reverberate far beyond the immediate post-Katrina crime picture.

"We really need an accurate picture of post-disaster looting so we can plan for future hurricanes and other catastrophes," Scharf said. "This isn't just for academic purposes, but you need this for future disaster planning. It's unfortunate that they're categorizing things this way because we may never know the full extent of the looting situation."

Radosti and Scharf, as well as NOPD officers who are privately questioning the 21K policy, said one simple fact shows that something is amiss: On paper, the poststorm burglary rate appears to be significantly lower than prestorm levels. If all post-Katrina missing property complaints were classified as burglaries, the rate would be about twice the pre-Katrina average. Instead, the use of 21K is keeping the burglary rate at about half the pre-Katrina average.

"It's a way to keep a lid on the stats, plain and simple," said an NOPD lieutenant who declined to be identified, citing the department's public information policies. "I've had arguments with several people about it."

"It's really misleading," Scharf said. "As we've learned, the best way to reduce crime is to change the definition of the crime. It looks like that's what going on here."

Scharf said the issue echoes previous questions about the reliability of the Police Department's crime statistics. The most recent controversy erupted in 2003, when five ranking officers were fired and a sixth demoted for allegedly doctoring crime figures in the 1st District, which includes neighborhoods above the French Quarter and stretching as far as Carrollton Avenue. The six officers were reinstated after the city got bogged down trying to prove its case during extensive civil service appeals.

Wary of insurance fraud

Like Riley, other high-ranking officers in the department defended the use of the new code.

Assistant Chief James Scott said suspicions of insurance fraud has made officers wary of immediately logging every complaint as a burglary. For example, one resident who reported the looting of a big-screen television tried to convince an officer that it was perched atop a dainty side table. Another person, Scott said, told an officer that an intruder killed a tank of tropical fish that obviously sat without electricity for more than a month after the storm.

"A lot of these complaints are being made for insurance purposes," Scott said. The Police Department, however, has not announced any insurance fraud arrests.

There is a mechanism to revise the statistics, Riley said, particularly for homeowners who don't have a precise count of missing items but are convinced something was stolen. Those people should call police a second time with an itemized list of the stolen goods and ask for a supplemental police report, he said.

Some cases, however, appear to be obvious misclassifications, Radosti said. He said he has received several complaints from owners of two-story houses whose ground floors were turned into waterlogged jumbles, but their second floors were pristine -- until looters hit. Even under that scenario, their complaints are being logged as 21K, he said.

"We are receiving a number of calls from people who are telling us that their homes are being broken into two, three, four times -- and they end up getting in a debate with officers who are suggesting that maybe their stuff washed away in the flood," Radosti said.

One case sparked a heated internal debate among officers, according to those familiar with the case. City Wholesale Liquor on Washington Avenue reported missing inventory after the storm, a ranking officer said. A patrol officer responding to the complaint noticed that one of the exterior walls had collapsed and chalked up the case as 21K. But another officer protested that the missing alcohol was taken from an area where an interior wall and a metal gate had been broken into.

Even so, a manager at the liquor outlet said he had no problem with the classification. "Why split hairs?" he said. "Isn't that what it is: lost or stolen?"

Sticking to the rules

Stringent police reporting requirements also seem to be skewing the looting statistics, several victims said. Mary Howell, a local lawyer, said she reported a break-in at her South Dorgenois Street law office, but officers refused to write up identical break-ins of her immediate neighbors.

"The doors were kicked in, the windows were busted open. But they said they couldn't take the report because I wasn't the owner," Howell said.

Other victims said they tried to report burglaries to police by telephone, only to be told that they had to be physically present at their property to report the crime. While the reporting requirement adheres to Police Department policy, some have questioned whether it is reasonable with so many residents still displaced.

Scott Claiborne, a French Quarter tour guide, said he returned to his flooded Mid-City home and discovered that his antique knife collection, an assortment of exotic martial arts weapons and a rare Vietnam-era Ithaca-37 12-gauge shotgun were missing. He said he called the police to report the stolen weaponry, but they couldn't tell him when they could meet him at his home. No problem, he thought. He simply called back from his temporary home in Houston, even looking up the serial number of his missing gun.

"They said they couldn't take the report over the phone," Claiborne said. "They said I had to physically return to New Orleans and sit in my rubble to wait for a unit. I was appalled. They just didn't care about dealing with this crime."

Beyond the classification of complaints, Scharf said the real looting picture is further diluted because many homeowners haven't been able to return to find out if they are missing any property, and others have simply absorbed the losses without calling police.

One measure that nobody can argue with, Riley said, is the number of looting complaints, which dropped more than 40 percent from December to January. The resumption of regular district patrols, buttressed by some undercover operations, seems to be tamping down the poaching, he said.

Even more important as a deterrent, police said, is the return of residents. As more and more people come back to rebuild, they bring back vehicle and foot traffic, electricity, repaired fences and other security measures, the natural buffers to illegal activity.

People are talking

Whatever the crime statistics say, there is still a steady barrage of anecdotal evidence that looting continues to plague the city, especially in the hardest-hit areas, such as Lakeview, Gentilly and eastern New Orleans. Orleans Parish Criminal Sheriff Marlin Gusman said the frequency of complaints, along with the more than 100 looting suspects that have passed through his prison, indicate that there are still criminals out there trying to take advantage of the disaster.

As a result, Gusman has committed some of his deputies to looting patrols to supplement the city police presence. He declined to give details on the patrols to avoid disclosing enforcement strategy, but he said they include mounted deputies in the Hollygrove and Carrollton areas as well as a steady presence in eastern New Orleans.

"I've been listening to a lot of people," Gusman said, "and I hear a lot of them saying they come back and a ladder is missing, tires are missing from their car, their second floor has been ransacked. It's a crime of opportunity and the opportunity is there. We thought we'd be proactive and supplement and help give people more confidence as they rebuild."

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