

State Program Bulletin - June 1999 (99-2)  
**U.S. Department of Justice**  
Federal Bureau of Investigation  
*Criminal Justice Information Services (CJIS) Division*

**Uniform Crime Reporting  
State Program Bulletin**

**NIBRS Recommendations Adopted**

The FBI is adopting five recommendations which were submitted and accepted through the CJIS Advisory Process concerning the National Incident-Based Reporting System (NIBRS). The recommendations are directed toward easing implementation at the local level for agencies encountering difficulties complying with the full NIBRS requirements. Based upon the impact to their individual systems, state Uniform Crime Reporting (UCR) Program managers may elect to adopt none, some, or all of the recommendations. Those agencies who opt to use the modifications can implement them on an agency-by-agency basis. Those agencies who choose to retain full NIBRS compliance need make no system changes. Following are the recommendations and the planned approaches to implementation. Recommendation 1: Allow agencies to report as few as two (2) victim-to-offender relationships per victim.

Approach for Recommendation 1: NIBRS edits will be adjusted to permit recording of relationships for only two (2) offenders for each victim of crimes against persons or robbery. That is, reports showing three (3) or more offenders in the offender segment will be rejected only if fewer than two (2) relationships are reported for any victim. The requirement for information for all offenders, however, will be retained for the offender segment.

Should this method of reporting be adopted, reporting agencies should relate the two primary offenders for each victim. The choice of primary offenders should be based on their degree of involvement in the offense against the designated victim. Accomplices should be reported last even though they may be close relatives of the victims. The primary offenders may be different for each victim.

Recommendation 2: Allow agencies to impute the value of Location Type (Data Element 9) to individual offenses.

Recommendation 3: Allow agencies to impute the value of Bias Motivation (Data Element 8a) to individual offenses.

Recommendation 4: Allow agencies to impute the value of Offenders Suspected of Using (Data Element 8) to individual offenses.

Approach for Recommendations 2, 3, & 4: This is a policy clarification; therefore, no system changes to NIBRS are necessary. Reporting guidelines for NIBRS will be revised to allow imputing values for offenses from the incident. These recommendations address situations in which local records systems capture only one location or bias motivation per incident or those that capture offender alcohol/drug/computer usage only at the incident or offender level. In such situations, assigning the known value to each offense comprising an incident is permissible. Because illogical combinations can sometimes result from these types of imputations, agencies should be alert for invalid report values.

Recommendation 5: Allow agencies to treat the following Group A offenses as if they were Group B offenses, reporting only information on persons arrested (plus an incident number):

Drug/Narcotic Offenses

\* Drug/Narcotic Violations (35A) - Would require agencies to report Data Element 12 Type Criminal Activity and Data Element 20 Drug Type.

\* Drug Equipment Violations (35B)

Gambling Offenses

- \* Betting/Wagering (39A)
- \* Operating/Promoting/Assisting Gambling (39B)
- \* Gambling Equipment Violations (39C)
- \* Sports Tampering (39D)

Pornography/Obscene Material (370)

Prostitution Offenses

- \* Prostitution (40A)
- \* Assisting or Promoting Prostitution (40B)

Weapon Law Violations (520)

Approach for Recommendation 5: A new segment level will be established to accommodate this recommendation which is intended to address Stand Alone Arrests unaccompanied by an offense report. The new segment, "S," will be similar to the Time Window, or "W," and will provide for reporting Stand Alone Arrests for the designated offenses. All of the designated offenses will require an arrestee segment plus an incident number. Drug Narcotic Offenses will also require Type Criminal Activity and Suspected Drug Type (Data Elements 12 and 20). This approach will allow either submitting the entire Group A Incident Report or only the Stand Alone Arrest report. The offenses will remain Group A offenses and the desired level of submission will be the complete Group A Incident Report.

The FBI will begin accepting NIBRS submissions in the modified format beginning January 1, 2000. Revised reporting guidelines and data submission specifications are forthcoming.

#### **NIBRS Certification Process**

In order for a state UCR Program to be certified for NIBRS data submission, the Program must be approved by the NIBRS Certification Board. The Board consists of representatives from the FBI's Automated Operations Support Section; Crime Analysis, Research and Development Unit; Communications Unit; Education/Training Services Unit; and the Statistical Unit. The Board is required to review and approve particular elements of the state Program including system description/compatibility, error rates, statistical reasonableness, and the updating capability and responsiveness of the submitting state. In order to further ensure the statistical reasonableness of all test data being submitted for certification purposes, the Board has elected to employ the national UCR Program's Quality Assurance Review (QAR) team to assist in this check. In general, the mission of the QAR is to assess the validity of the reported data through the review of local agency case reports. Currently, the QAR team analyzes the reporting methods of local and state agencies to ensure uniform reporting through consistent application of the reporting guidelines for NIBRS and Summary data. Using the QAR team as a tool to assist in the NIBRS certification process will help to assure that the test data being submitted for certification are being classified and reported appropriately to the national UCR Program. It will also determine whether there are any discrepant reporting trends within the state Program. For further information regarding the QAR process, please contact the FBI's QAR team at 304-625-2941.

#### **Scoring UCR Offenses in NIBRS and Summary Systems**

It has come to the attention of the national UCR Program that some law enforcement agencies who report to the Program are classifying crimes according to state statutes or local/municipal ordinances. It is understood that a local agency's primary concern is to ensure that the individual who perpetrates a crime is properly charged under the appropriate local, state, or federal ordinances for adjudication purposes. Of secondary importance, however, is the classifying and scoring of crimes for UCR purposes. When the same agency reports crime information to the state or national UCR Program, strict adherence to the established UCR guidelines for crime data reporting should be followed in order to obtain uniformity of crime statistics among different states, as well as different local agencies within the same state.

Uniform Crime Reporting Handbook, NIBRS Edition, page 11, states, "The purpose for UCR, as developed by law enforcement, is to provide a 'common denominator' language which transcends varying local and state laws."

Uniform Crime Reporting Handbook, page 5, further stipulates, "The Uniform Crime Reporting (UCR) Program collects and reports crime offense data for the Nation . . . . Essential to the maintaining of uniform and consistent data is the utilization of standard definitions of the offenses used in the Program. . . . " Another concern of the national Program is local agencies who report UCR data based on the adjudication of the incident or the charge to which the prosecutor/district attorney plea bargained the case. Again, this type of information should not be considered when reporting crime data to the national UCR Program.

Uniform Crime Reporting Handbook, NIBRS Edition, page 28, states, "Law enforcement should classify and report offenses after preliminary confirmation of a call for service or a complaint establishes that a crime was, in fact, committed. Offenses known to law enforcement are to be recorded, not findings of a court, coroner, jury, or decision of a prosecutor since crime statistics generated from NIBRS are intended to assist in identifying law enforcement problems."

#### **NIBRS Motor Vehicle Theft, Fraud, and Embezzlement Offenses**

Regarding NIBRS, it has come to the attention of the staff of the national UCR Program that there are differing opinions among reporting agencies regarding the reporting of the theft of motor vehicles and interpretations defining the differences between fraud and embezzlement.

There exists a misconception among some NIBRS contributors that in every incident in which a motor vehicle is unlawfully taken that an offense of 240 = Motor Vehicle Theft must be entered into an offense segment. Some vendors have created edits to this effect. The FBI has not created an edit to this effect as this assumption is not valid in all cases. Some examples demonstrating the error of this assumption are, but are not limited to, the following proper procedures: 1. For NIBRS purposes, the incidence of a carjacking is correctly reported as an offense of 120 = Robbery, and the type of vehicle taken (automobile, truck, etc.) is properly identified in the property description. The offense of 240 = Motor Vehicle Theft is not to be identified as an additional offense, as the motor vehicle that is stolen is the proceeds of the offense of robbery, and not a separate, distinct operation. Consequently, Data Element 18 Number of Stolen Motor Vehicles and Data Element 19 Number of Recovered Motor Vehicles are not used.

2. For NIBRS purposes, the incidence of a house that is burglarized and a motor vehicle being taken from the garage of that house is correctly reported as an offense of 220 = Burglary/Breaking & Entering, and the type of vehicle taken (automobile, truck, etc.) is properly identified in the property description. The offense of 240 = Motor Vehicle Theft is not to be identified as an additional offense, as the motor vehicle that is stolen is the proceeds of the offense of Burglary, and not a separate, distinct operation. Consequently, Data Element 18 Number of Stolen Motor Vehicles and Data Element 19 Number of Recovered Motor Vehicles are not used.

3. For NIBRS purposes, the incidence of an individual who test drives a new car from an automobile dealership and does not return it is correctly reported as a fraud offense of 26A = False Pretenses/Swindle/Confidence Game, and the type of vehicle taken (automobile, truck, etc.) is properly identified in the property description. The offense of 240 = Motor Vehicle Theft is not to be identified as an additional offense, as the motor vehicle that is stolen is the proceeds of the offense of Fraud, and not a separate, distinct operation.

4. For NIBRS purposes, the incidence of a chauffeur that steals a car entrusted to his care is correctly reported as 270 = Embezzlement, and the type of vehicle taken (automobile, truck, etc.) is properly identified in the property description. The offense of 240 = Motor Vehicle Theft is not to be identified as an additional offense, as the motor vehicle that is stolen is the proceeds of the offense of Embezzlement, and not a separate, distinct operation.

The second issue deals with the differences between Fraud and Embezzlement. Uniform Crime Reporting Handbook, NIBRS Edition, page 15, defines fraud as "the intentional perversion of the truth for the purpose of inducing another person or other entity in reliance upon it to part with some thing of value or to surrender a legal right." Fraud is achieved through deceit or lying. On the same page of that publication, embezzlement is defined as "the unlawful misappropriation by an offender to his/her own use or purpose of money, property, or some other thing of value entrusted to his/her care, custody, or control." Generally, the victims of embezzlement offenses are businesses, financial institutions, etc. Blacks Law Dictionary, Sixth Edition, page 522, provides further insight by specifying, "The elements of 'offense' are that there must be relationship such as that of employment or agency between the owner of the money and the defendant, the money alleged to have been embezzled must have come into the possession of defendant by virtue of that relationship and there must be an intentional and fraudulent appropriation or conversion of the money." (Emphasis added.)

### **NIBRS Volume 3: Approaches to Implementing an Incident-Based Reporting System**

As NIBRS is implemented in an increasing number of local and state law enforcement agencies nationwide, many software systems have been created for this data collection method. Currently, there are incident-based reporting systems developed by individual agency computer personnel, as well as those generated by software vendors, available to the NIBRS newcomer. Since there are so many different systems currently in place, the FBI's UCR Program is considering phasing out NIBRS Volume 3: Approaches to Implementing an Incident-Based Reporting System. If the publication is phased out, the July 1, 1992, edition will be the last printing of Volume 3; it will not be reprinted once the current supply has been depleted. The FBI's UCR Program is soliciting feedback regarding the discontinuation of NIBRS Volume 3. Please send comments and concerns via facsimile to the FBI's Communications Unit at 304-625-5394, by September 30, 1999.

## **NIBRS Error Oversight**

NIBRS Volume 4: Error Message Manual did not contain error number 64. The following additions will be included in the Data Element Edit and Error Message sections in the upcoming revision of Volume 4.

### **41.1 ARREST SEGMENTS SUBMITTED AS "TIME-WINDOW" CANNOT ALREADY EXIST ON THE FBI'S DATABASE**

Arrest Segments (Level 6) submitted with a Segment Action Type of W = Time-Window Submission will be added to the FBI's database if not already on file. Submitting an Arrest Segment with the same ORI Number, Incident Number, and Arrestee Sequence Number (Data Element 40) will result in an "Arrestee Already on File" error message.

### **064 ARRESTEE ALREADY ON FILE**

When an Arrest Segment is submitted with a Segment Action Type of W = Time-Window Submission, the identifying information (ORI Number, Incident Number, and Arrestee Sequence Number) must be unique. When error number 064 appears, an arrestee was already on file with this identifying information.

### **NIBRS Error Modification**

Error number 480 on page 43 of NIBRS Volume 4 has been modified as follows:

7) When 08 = Other Felony Involved is entered, a minimum of two offenses must be entered for Data Element 6 (UCR Offense Code) or a minimum of two individual victims must be submitted for the incident.

The error message for error number 480 on page 116 of NIBRS Volume 4 has been modified as follows:

480 WHEN ASSAULT/HOMICIDE (31) IS 08, INCIDENT MUST HAVE TWO OR MORE OFFENSES Data Element 31 (Aggravated Assault/Homicide Circumstances) has

08 = Other Felony Involved but the incident has only one offense. For this code to be used, there must be an "other felony." Either multiple entries for Data Element 6 (UCR Offense Code) should have been submitted, or multiple individual victims should have been submitted for the incident report.

## **NIBRS Video Available**

Videos are available to law enforcement agencies to better acquaint them with the capabilities of the NIBRS as an enhanced information-gathering and crime-reporting tool. The NIBRS video has the unanimous support of the CJIS Advisory Policy Board and includes an introduction by Mr. Louie C. Caudell, Chief of the Little Rock Police Department and former Chairman of the UCR Subcommittee, and concluding remarks by Mr. Patrick S. Fitzsimons, Chairman Emeritus of the Major Cities Chiefs' Association and current Chairman of the UCR Subcommittee. Agencies interested in obtaining a copy of the NIBRS video may contact the FBI's Communications Unit at telephone 304-625-4995; facsimile 304-625-5394.

## **States Encouraged to Submit 1-701s for National UCR Program**

The national UCR Program encourages all state UCR Programs to submit the 1-701 "Analysis of Law Enforcement Officers Killed and Assaulted" (LEOKA) questionnaire in the event that an officer is assaulted and injured with a firearm or a knife or other cutting instrument. Not only will the data enhance

future editions of the publication Law Enforcement Officers Killed and Assaulted, but they will also become a valuable resource in the prevention of further line-of-duty deaths, assaults, and injuries. During the past year, assault incidents involving injury from a firearm or a knife or other cutting instrument were reported to the national Program with more frequency. This effort is appreciated by the staff of the LEOKA Program, and it is hoped that more agencies will complete the report so that the assault portion of the annual publication can be expanded in the future. Data collected for assaults with injuries will not appear in the 1998 edition due to the limited amount of 1998 data received. However, the LEOKA Program staff requests that any outstanding 1998 assault with injury data be forwarded to the national UCR Program since the data are still needed to develop multiple-year tables.

#### **Help Available for UCR State Program Managers**

The FBI's Education/Training Services Unit has established an e-mail address to facilitate questions, ideas, concerns, or suggestions from UCR State Program managers with regard to UCR. All unit Training Instructors have access to the site enabling a more expeditious conduit for the transfer of information. The e-mail address is [etsu@leo.gov](mailto:etsu@leo.gov).

#### **NIBRS Supplement Proposed for Crime in the United States**

As the UCR Program evolves from summary reporting to incident-based reporting, there is an ever-growing need for a publication that outlines what can be discerned from reported NIBRS data. In response to this need, Roland Chilton, University of Massachusetts at Amherst, and Victoria Major and Sharon Prophet, FBI, presented the attached paper at the 1998 annual meeting of the American Society of Criminology in Washington, D. C. Using incident-based data from participating agencies, a report of this nature could supplement the UCR Program's annual publication Crime in the United States, focusing on victim and offender information. Since participating agencies are the foundation of the Program, the FBI's Communications and Technology Branch welcomes comment from state Programs across the Nation. Agency Program managers may provide feedback on the supplement of NIBRS data by sending via facsimile their comments to the Communications and Technology Branch at 202-324-3364 or e-mailing them to [vmajor@leo.gov](mailto:vmajor@leo.gov) or [sprophet@leo.gov](mailto:sprophet@leo.gov). The paper will also be available on Law Enforcement OnLine for the review of law enforcement agencies nationwide.

#### **Numbering of the UCR State Program Bulletin**

It was suggested to the FBI's Communications Unit that numbering the UCR State Program Bulletin will facilitate the identification of current and future editions. This idea has a great deal of merit; therefore, we have begun to number the bulletin with a year indicator followed by an issue number. Since the first bulletin for this year was released on January 27, this issue is **99-2**.