



Rhode Island State Police

Uniform Crime Reporting Unit

NIBRS Questions - Answers and Facts



Welcome to the Rhode Island State Police NIBRS Question and Answer page. This page is updated regularly to reflect changes in NIBRS guidelines and policies. We hope you find this page helpful and informative.

What is NIBRS?

NIBRS is an incident-based reporting system through which data are collected on each single crime occurrence. NIBRS data are designed to be generated as a by-product of local, state, and federal automated records systems. An agency can build a system to suit its own needs, including any collection/storage of information required for administrative and operational purposes, in addition to reporting data required by NIBRS to the national UCR Program. NIBRS collects data on each single incident and arrest within 22 offense categories made up of 46 specific crimes called Group A offenses. For each of the offenses coming to the attention of law enforcement, specified types of facts about each crime are collected. In addition to the Group A offenses, there are 11 Group B offense categories for which only arrest data are reported. (*UCR Handbook, NIBRS Edition, pp. 1-2*)

What crimes are reported in NIBRS?

The following offense categories, known as Group A offenses, are those for which extensive crime data are collected in NIBRS:

1. Arson
2. Assault Offenses-Aggravated Assault, Simple Assault, Intimidation
3. Bribery
4. Burglary/Breaking and Entering
5. Counterfeiting/Forgery
6. Destruction/Damage/Vandalism of Property
7. Drug/Narcotic Offenses-Drug/Narcotic Violations, Drug Equipment Violations
8. Embezzlement
9. Extortion/Blackmail
10. Fraud Offenses-False Pretenses/Swindle/Confidence Game, Credit Card/Automatic Teller Machine Fraud, Impersonation, Welfare Fraud, Wire Fraud
11. Gambling Offenses-Betting/Wagering, Operating/Promoting/Assisting Gambling, Gambling Equipment Violations, Sports Tampering
12. Homicide Offenses-Murder and Non negligent Manslaughter, Negligent Manslaughter, Justifiable Homicide
13. Kidnapping/Abduction
14. Larceny/Theft Offenses-Pocket-picking, Purse-snatching, Shoplifting, Theft from Building, Theft from Coin-Operated Machine or Device, Theft from Motor Vehicle, Theft of Motor Vehicle Parts or Accessories, All Other Larceny
15. Motor Vehicle Theft
16. Pornography/Obscene Material
17. Prostitution Offenses-Prostitution, Assisting or Promoting Prostitution
18. Robbery
19. Sex Offenses, Forcible-Forcible Rape, Forcible Sodomy, Sexual Assault With An Object, Forcible Fondling
20. Sex Offenses, Non forcible-Incest, Statutory Rape
21. Stolen Property Offenses (Receiving, etc.)
22. Weapon Law Violations

The following 11 additional offenses categories, known as Group B offenses, are those for which only arrest data are reported.

1. Bad Checks
2. Curfew/Loitering/Vagrancy Violations
3. Disorderly Conduct
4. Driving Under the Influence
5. Drunkenness
6. Family Offenses, Nonviolent
7. Liquor Law Violations
8. Peeping Tom
9. Runaway
10. Trespass of Real Property
11. All Other Offenses (*UCR Handbook, NIBRS Edition, pp. 5-6*)

What are the benefits of participating in NIBRS?

The ability to precisely identify when and where crime takes place, its form, and the characteristics of its victims and perpetrators is an indispensable tool in the war against crime. NIBRS provides law enforcement with that tool because it is capable of producing more detailed, accurate, and meaningful data than that produced by the traditional summary UCR Program. Armed with such information, law enforcement can better make a case to acquire the resources needed to effectively fight crime. Many individual law enforcement agencies have very sophisticated records systems capable of producing a full range of statistics on their own activities.

NIBRS allows common denominator links among agencies which enables them to identify common issues so that they can work together to develop possible solutions or proactive strategies for addressing these issues. Law enforcement is a public service and requires a full accounting from the agency's chief, or director for the administration of that agency. Full participation in NIBRS will provide statistics to enable a law enforcement agency to fulfill this responsibility. (*UCR Handbook, NIBRS Edition, p. 3*)

What are the requirements for submitting data into NIBRS?

Submission guidelines are outlined in the Uniform Crime Reporting National Incident-Based Reporting System, Volume 1: Data Collection Guidelines, and Volume 2: Data Submission Specifications and the Rhode Island IBR Guideline Book.

Participation in NIBRS necessitates that an agency have the data processing and other resources needed to meet all of NIBRS' reporting requirements. . . . Because data to be extracted from the reports for national purposes are more detailed in NIBRS than in the traditional UCR Program, increased data entry and data processing burdens are involved. Therefore, agencies wishing to participate should have sufficient data processing and other resources to fulfill all of the reporting requirements set forth in Volume 2: Data Submission Specifications.

NIBRS data are to be generated as a by-product of state and local Incident-based Reporting (IBR) Systems. This means that a local agency may build its IBR System to suit its individual needs; i.e., it can have a different file structure than that used by the National UCR Program and include additional data elements and data values. However, when it is time to report to the National UCR Program, the agency should extract from its IBR System only the data required by NIBRS and record it onto electronic media in NIBRS' format. Before an agency begins submitting data, the agency will be asked to demonstrate its ability to meet NIBRS' reporting requirements by submitting test [data].

How does the NIBRS differ from the traditional Summary UCR reporting system?

The NIBRS has much more detail in its reporting system than the traditional Summary reporting system. In the NIBRS, agencies collect offense information on 46 crimes known as Group A offenses; in the Summary system, agencies collect offense information on eight crimes known as Part I offenses. In the NIBRS, an updated definition of rape includes both male and female victims; in the Summary system, only females can be reported as rape victims. The Summary system does not differentiate between attempted and completed offenses. The NIBRS does.

In the Summary reporting system, the "Hierarchy Rule" governs multiple offense reporting. If more than one crime was committed by the same person or group of persons and the time and space intervals separating the crimes were insignificant, then the crime highest in the hierarchy is the only offense reported. Agencies do not use the Hierarchy Rule in the NIBRS. If more than one crime was committed by the same person or group of persons and the time and space intervals were insignificant, all of the crimes are reported as offenses within the same incident.

The Summary reporting system has two crime categories: Crimes Against Persons (e.g., murder, rape, and aggravated assault) and Crimes Against Property (e.g., robbery, burglary, and larceny-theft). In the NIBRS, a third crime category was added, Crimes Against Society, to represent society's prohibitions against certain types of activities (e.g., drug or narcotic offenses).

Murder Questions

Many times there is confusion regarding the reporting of Negligent Manslaughter versus accidental death. What is the Program's policy in these cases?

The UCR Program defines negligent manslaughter as "The killing of another person through negligence" (p. 17). UCR Handbook, NIBRS Edition. Established policy within the UCR Program states that if there is a question as to whether or not an incident is a negligent manslaughter, the national Program would prefer that the police department rule in favor of accidental death and not record the incident in their UCR reports.

How do you classify an incident when you have a murder and the subject commits suicide? Both the victim and the subject are on medication for depression. The investigation could not determine if the victim had asked subject to kill her. Is this a "Mercy Killing" or "Other Circumstances?"

The classification is 09A Murder and non negligent manslaughter, one victim. The UCR Program does not collect data on suicide victims. The Handbook states that "selections of circumstances should be based on information known to law enforcement following their investigation, not decisions of a grand jury, coroner's inquest, or other agency outside law enforcement" (p. 49). UCR Handbook, NIBRS Edition. As the investigation did not determine that the victim had asked the subject to kill her, the agency should use "other circumstances" to best describe the situation.

What is the definition of mercy killing?

Black's Law Dictionary, sixth edition, defines mercy killing as: "Euthanasia. The affirmative act of bringing about immediate death allegedly in a painless way and generally administered by one who thinks that the dying person wishes to die because of a terminal or hopeless disease or condition" (p. 988).

For Data Element 31 (Aggravated Assault/Homicide Circumstances), which codes are used for Drive-by Shootings, whether juvenile gang or non juvenile gang related?

For Drive-by Shootings (juvenile gangs), the code is 05 = Juvenile Gang. For Drive-by Shootings (non juvenile gangs), the code is 09 = Other Circumstances. (*Volume 1: Data Collection Guidelines, p. 91*)

Drug Questions

In drug seizure situations, determining drug weight and type presents a problem in terms of time and logistics for most police officers. How precise do measurement and type determination have to be?

Determining the nature and extent of the illicit drug problem and the law enforcement response is one of NIBRS' many objectives. However, NIBRS' policy requires the seizing officer/agency to report only the "Suspected Drug Type" and "Estimated Quantity."

In 1991, the FBI modified the NIBRS' procedures to give reporting agencies the option of entering code XX = Not Reported as an authorized data value for the drug quantity data element (p. 45). This modification gives reporting agencies time to send suspected substances to a laboratory for assessment before entering measurement data into the report. The XX code is for interim purposes only and must later be replaced with a specific measurement. The periodic quality control checks are made to ensure that the XX codes appearing on incident reports are eventually replaced by a specific measurement code. *UCR Handbook, NIBRS Edition.*

Drugs purchased by undercover agents or drug task force members pose a problem for reporting as separate incidents. What is the best method for reporting drug violations from undercover drug operations?

NIBRS Volume 1: Data Collection Guidelines, August 2000, states: ". . . incidents can also comprise offenses that by their nature involve continuing criminal activity by the same offender(s) at different times and places, as long as the activity is deemed to constitute a single criminal transaction. . . . in some cases the reporting agency will have to use its best judgment in determining how many incidents were involved" (pp. 17-18).

Undercover operations involving drugs may be reported as a single incident as long as the activity is deemed to constitute a single criminal transaction. In a "single" incident, all drugs purchased during the investigation should be reported as seized and totaled with any other drugs seized in a search or arrest situation for reporting purposes. The agency is to report ". . . when the incident occurred or started or the beginning of the time period in which it occurred (as appropriate). . . .*NIBRS Volume 1: Data Collection Guidelines, August 2000, p. 69.*

How do we classify when there are drugs being smuggled (contraband) in prison or jail? Is this an "All Other" (90Z) or "Drugs/Narcotics" (35A)?

The Offense Lookup Table lists Smuggling/Contraband as a Group B/All Other Offenses (90Z) with the caveat (Other offenses may have been committed, e.g. Drug-Narcotic Offenses). If the smuggled drugs are "illegal" drugs, then two offenses have actually occurred, 35A = Drug/Narcotic Violations and 90Z = All Other Offenses (Smuggling/Contraband). In this case, law enforcement should report the Group A offense 35A = Drugs/Narcotic Violations as the offense in the offense segment of the incident. Although a Group A offense should usually take precedence over the Group B Offense, it is up to the reporting agency's discretion to determine which was the most serious offense to be reported as the Arrest Offense Code. The Group B offense 90Z = All Other Offenses (Smuggling/Contraband), most likely would not be reported.

Stolen Property Questions

A car is stolen in Providence, Rhode Island, and the offender (with the vehicle) is stopped in Hayward, Wisconsin. Hayward has, obviously, a possession of stolen property offense to report, but it makes little sense to report a property recovery since the car was not stolen from its jurisdiction. Is this car "seized" rather than "recovered?"

Only the agency that first reported property missing or stolen, regardless of who or which agency recovered it, should report the property's recovery (p. 6). *UCR Handbook, NIBRS Edition*. This does not apply, of course to offenses for which property can be recovered without being stolen within the same incident, i.e. Counterfeiting/Forgery and Stolen Property Offenses (*NIBRS Volume 4: Error Message Manual, December 1999, p. 31*). In this particular situation for Hayward, Data Element 14 Type Property Loss/Etc., must be entered. If the recovering agency can determine that the stolen property came from another jurisdiction (in this case, Providence), the recovering agency (Hayward) must enter the property loss code of 1 = None. The entering agency in Providence, Rhode Island, would submit a Type of Property Loss code of 5 = Recovered to update the original incident report (with a type property loss of 7 = Stolen) following the actual physical recovery of the property from Hayward by Providence.

A police officer stopped a car and found several television sets in the back seat. The police department began to investigate. Several victims reported their televisions missing over the next few days. The state UCR Program would argue that reporting the televisions first as "seized" for Offense 280 (Stolen Property Offense) and later as stolen and "recovered" (for thefts and burglaries) is appropriate. Is it true that if the stolen property offense category has recovered property, the televisions are counted as recovered twice?

Under Offense 280 (Stolen Property Offense), an agency can record property as "recovered" only if the agency knows the property had been stolen. Agencies cannot record property that had not been previously stolen (i.e., items had been seized or confiscated) under Offense 280. The example gives no indication the police knew for certain the televisions were stolen until days later. If the police were not certain at least one of the televisions was stolen, the offense could not be "Possession of Stolen Property." Again, if the police knew one television was stolen in a burglary, the value of that television must be recorded in the original Group A Theft report and not in the Stolen Property Offense (280) incident. Again, if the stolen property in a Stolen Property Offense (280) can be traced back to being stolen in another jurisdiction, the type of property loss code entered must be 1 = None.

When the location of an incident is a motel, hotel, or self-storage unit, and several rooms/units are broken into, is that counted more than one burglary?

No. The Hotel Rule, which applies in this instance, states, "If a number of units under a single manager are burglarized and the offenses are most likely to be reported to the police by the manager rather than the individual tenants/renters, the burglary should be reported as a single incident" (p. 13). *UCR Handbook, NIBRS Edition*. Examples are burglaries of a number of rental hotel rooms, rooms in flop houses, rooms in a youth hostel, units in a motel, and storage units in a commercial self-storage building. If the individual living areas in a building are rented or leased to the occupants for a period of time, which would preclude the tenancy from being classified as transient, then the burglaries would most likely be reported separately by the occupants. Such burglaries should be reported as separate incidents. Examples of this latter type of multiple burglaries would be the burglaries of a number of apartments in an apartment house, of the offices of a number of commercial firms in a business building, of the offices of separate professionals within one building, or of a number of rooms in a college dormitory. (*UCR Handbook, NIBRS Edition, p. 13*)

In the NIBRS, the FBI expanded this rule to include mini-storage/self storage facilities. The number of rooms, units, suites, storage compartments, etc., which were broken into is reported in Data Element 10 (Number of Premises Entered) (*NIBRS Volume 1: Data Collection Guidelines, August 2000, p. 15*).

When more than one car is stolen in a single incident, how is the actual number of motor vehicle offenses generated?

Agencies should use Data Element 18 (Number of Stolen Motor Vehicles) to generate offense counts for Motor Vehicle Theft (*NIBRS Volume 1: Data Collection Guidelines, August 2000, p. 87*).

Exceptional Clearances Questions

Can the exceptional clearance codes be expanded to include a code for cleared by warrant? A majority of agencies have requested this code, as many times the individuals responsible for entering the NIBRS are not notified when a warrant has been executed that would clear a NIBRS incident.

No. In order for law enforcement to clear an offense by exceptional means, each of the following four conditions must be met:

1. The investigation must have clearly established the identity of at least one offender.
2. Sufficient probable cause must have been developed to support the arrest, charging, and prosecution of the offender.
3. The exact location of the offender must be known so that an arrest could be made.
4. There must be a reason outside the control of law enforcement which prevents the arrest (p. 34).

An agency must not clear an offense based solely on the fact that an agency issued an arrest warrant for an offender. When an agency issues an arrest warrant for an offender whose identity is known to law enforcement and no further action has occurred, the above criteria are not sufficiently satisfied. Offenses can be "cleared by arrest" when the police serve the arrest warrant on the offender.

This information could be easily transmitted through channels with the completion of a supplemental report, within an agency, notifying the individuals responsible for entering NIBRS that service of the arrest warrant has occurred (p. 34). *UCR Handbook, NIBRS Edition*.

The fact that an arrest occurred is sufficient for the clearing of the offense. It is the responsibility of participating agencies to monitor the status of their criminal investigations, as well as to notify the involved agencies.

If the victim refuses to identify a suspect for whatever reason then that scenario should fall under the "Refusal to Cooperate" exception. It would be a great help if the NIBRS program were modified in such a way so that having a known suspect is not a requirement. If this is not possible, what is the reason for the requirement?

The Committee on Uniform Crime Records of the International Association of Chiefs of Police developed and initiated the UCR Program's procedures in 1929, and those rules continue to govern the Program today. In the publication *Uniform Crime Reporting, A Complete Manual for Police, Revised, (1929)*, the Committee asserted unequivocally, "Detection of the offender is an essential of every exceptional clearance In all cases if the offense is to be considered cleared, he must be identified as the offender and an attempt made to obtain him" (pp. 47-48). The fact that a victim may know the identity of the offender but be unwilling to divulge the information to investigators does not satisfy or negate the first condition.

Fraud/Counterfeiting/Forgery/Embezzlement Questions

A vehicle is rented with false identification and/or stolen credit cards, what offense is reported?

The offense reported would be fraud. If a credit card was used to perpetrate the fraud, the offense would be classified as credit card/automatic teller machine fraud (p. 15). *UCR Handbook, NIBRS Edition.*

An 18-year-old college student borrows a driver's license from someone who is 21 years of age and uses the license to purchase beer or liquor. His intent is only to be able to purchase alcohol. In most cases the 18-year-old will be arrested for underage drinking. Should we include the offense of impersonation, which would turn a Group B arrest report into a Group A offense report?

Yes. Should the police determine that the buyer used someone else's driver's license to make the purchase, the police must report a Fraud-Impersonation (26C) incident.

A person gave a friend an item, such as a car, to borrow or use. The friend decided to sell the car for money. He was entrusted with the item and then misused it. Is that embezzlement?

No. The scenario you describe would be classified as fraud because the offender originally had lawful possession of the property (the property was either rented or loaned or the person was in some way entrusted with its possession) and through deceit (there was an implicit promise to return the car), kept the property. With the offense of embezzlement, the victim to offender relationship is generally that of employer to employee (p. 15). (See the following question.) *UCR Handbook, NIBRS Edition.*

How do you classify an incident involving forged prescriptions?

At the very least, this incident would be classified as counterfeiting/forgery, which is defined as "The altering, copying, or imitation of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine . . ." (p. 14). *UCR Handbook, NIBRS Edition.* However, incidents involving forged prescriptions may also contain additional offenses depending on the circumstances of the incident.

Which offense classification(s) should be used to enter prescription fraud?

"Since in NIBRS all Group A offenses occurring in an incident are to be reported, care must be taken to identify all such offenses involved in an incident" (p. 37). *UCR Handbook, NIBRS Edition.* An incident in which a fraud is perpetrated in order to obtain a controlled drug or narcotic substance may involve an offense of Fraud (26) and possibly Drug/Narcotic Violations (35A). The circumstances of the incident will dictate the type of fraud, whether an additional offense of Counterfeiting/Forgery (250) was committed, if the incident involved additional offenses of drug/narcotics violations (35A), and/or whether the incident was attempted or completed.

We have had several different scenarios with prescription fraud. We have had offenders steal the pads, forge them, and pass them. We have had offenders create prescriptions on the computer, and then pass them at the pharmacy. We have also had them call the pharmacy pretending to be the doctor and request prescriptions are filled and then the offender goes to the pharmacy, pays for medication and leaves. How should these be reported?

If an offender calls a pharmacy pretending to be a doctor, the police must classify the incident as Fraud-Impersonation (26C) with the doctor being the victim. If the offender (posing as a physician) ordered the prescription using the name of another individual, then forgery will take place when the offender signs for the medication; in that case, law enforcement must classify the incident as Counterfeiting/ Forgery (250) as well. Even if the medication has been paid for, the pharmacy (victim) is considered to have been defrauded; hence, the proper coding would be 7=Stolen/Etc. in Type of Property Loss and 10=Drugs/Narcotics in Property Description. Police must also enter the dollar value of the controlled substance.

A person alters a prescription that was actually filled out by their physician. They changed the number of pills from 4 to 40 by adding a zero or 40 to 90 by altering the four to a nine.

The NIBRS defines Counterfeiting/Forgery (250) as "altering . . . without authority or right" (p. 14). *UCR Handbook, NIBRS Edition.* Police must consider changing the number of pills as altering the prescription

without authority or right; therefore, police must classify the incident as Counterfeiting/Forgery. In addition, passing the prescription constitutes Fraud-False Pretenses/Swindle/Confidence Game (26A). Finally, police must also record the instance of Drug/Narcotic Violations (35A).

A victim comes to the police department with his/her bank statement and states that some of his checks have been stolen and passed. The victim has been to the bank and signed an affidavit that he did not write these checks. The police department is responsible for reporting the theft of the checks. Multiple jurisdictions were involved. How is this information reported to the NIBRS? Can the agency where the victim is located report the 250 = Counterfeiting/Forgery and/or 26A = Fraud False Pretenses/Swindle/ Confidence Game?

The theft of the checks should be reported by the most local agency having jurisdiction over the location of the offense. Each check that is forged and passed should be reported by the most local agency having jurisdiction over the location of those offenses. For example, checks were stolen as a result of a purse-snatching that occurred in Warwick, Rhode Island. The Warwick Police Department should report the Larceny/Theft, Purse-Snatching, (23B). The checks were forged and passed later in Woonsocket, Rhode Island. The Woonsocket Police Department should report an incident of Forgery (250) and Fraud (26A) for each check passed in a different location (separation of time and place) in Woonsocket. If the checks had been forged and passed in Warwick, the Warwick Police Department should report an incident of Forgery (250) and Fraud (26A) for each check passed in a different location in Warwick (again using separation of time and place as criterion for an incident).

A clerk works in a department store and a friend of the clerk comes in to make a purchase. When the friend gets to the check-out, the clerk rings up the merchandise at a lesser price. What is the proper classification for this scenario?

The offense category is fraud. The classification is 26A = False Pretenses/Swindle/ Confidence Game.

If a person displayed a revoked or suspended license to an officer during a traffic stop and tried to pass it off as a valid license, should this be classified as a 26A False Pretenses/Swindle/Confidence Game, or should the offense be treated as a traffic offense and not reported to the UCR Program?

The UCR Program considers this a traffic offense, and law enforcement agencies are not to report the incident to the UCR Program.

Problems arise in scoring Counterfeiting/Forgery offenses for UCR purposes when forged checks or counterfeited money are used to obtain items such as cash, groceries, stereo equipment, etc. NIBRS Volume 4: Error Message Manual, page 7, indicates that if the offense of Counterfeiting/ Forgery is completed, the Type Property Loss/Etc. can only be code 3 = Counterfeited/Forged, code 5 = Recovered, or code 6 = Seized. Therefore, items that are obtained as the result of passing a forged or counterfeited instrument are not captured for statistical purposes.

Although Counterfeiting/Forgery offenses can involve elements of fraud, they are treated separately due to their unique nature. Therefore, when incidents involving the passing of a forged or counterfeited instrument to obtain items occur, an additional offense should accompany the Counterfeiting/Forgery to allow the capture of the fraudulently obtained items.

Example: A lone male enters the Sears department store to purchase a \$400 TV and \$300 radio (retail value) with a forged check. Later, the store manager was notified that the purchase was made with a forged check. The manager then summoned the police to file a report. The incident should be reported as Offense Code 250 = Counterfeiting/Forgery; Type Property Loss/Etc., code 3 =Counterfeited/Forged; Property Description, code 21 = Negotiable Instruments with a value of \$700 since the check was signed (even though it was a forged signature. Additionally, Offense Code 26A = False Pretenses/Swindle/Confidence Game; Type Property Loss/Etc., code 7 = Stolen/Etc.; Property Description, code 26 = Radios/ TV/VCRs; Value of Property, \$550 (wholesale value) should be reported.

Reporting Crimes in Correctional Facilities

Are crimes in correctional facilities currently being reported, should they be reported, and, if so, which agency should do the reporting?

Crimes that occur in correctional facilities, state penitentiaries, prisons, or jails should be reported by the law enforcement agency having jurisdiction. Concerning jurisdiction, the Uniform Crime Reporting Handbook states, "To be certain that an offense or arrest is not counted more than once by overlapping jurisdictions, the following guidelines have been developed:

1. Police report offenses that occur within their city jurisdiction.
2. County and state law enforcement agencies report offenses which take place in the county outside the jurisdiction of the city.
3. Agencies report only those arrests made for offenses committed within their own jurisdictions.
4. Likewise, the recovery of property is reported only by the jurisdiction from which it was stolen.

Data Elements and Data Values Questions

Please define property description 19 = Merchandise.

The NIBRS Volume 1: Data Collection Guidelines, August 2000 explains Data Element 15 (property description), which includes Data Value 19 = Merchandise (items for sale) (pp. 83-84). For a definition of merchandise, the UCR Program uses Black's Law Dictionary, sixth edition, which defines merchandise as- All goods which merchants usually buy and sell, whether at wholesale or retail; wares and commodities such as are ordinarily the objects of trade and commerce. But the term is generally not understood as including real estate, and is rarely applied to provisions such as are purchased day by day for immediate consumption (e.g., food) (pp. 986-987).

Agencies should use Data Value 19 when merchandise is the most specific description for the property involved in the incident. Often, agencies incorrectly use 77 = Other instead of the more appropriate 19 = Merchandise. For example, employees at a music store reported that an individual shoplifted a guitar. In the NIBRS, no specific data value exists in the property description for guitar or musical instrument. Because the guitar is an item held for sale, 19 = Merchandise is the most specific descriptor. In reporting this offense, agencies should use Data Value 19 = Merchandise not Data Value 77 = Other.

An auto parts store employee reported that someone took a set of windshield wipers. Even though the windshield wipers are merchandise or "items held for sale," 38 = Vehicle Parts/Accessories should be used as the most specific descriptor.

However, compare the previous example to the following: A musician told police that three guitars were taken from his apartment. In this case, the reporting agency should use Data Value 77 = Other because it is "all other property not fitting the above descriptions."

Please clarify the Data Values 04 = Gangland and 05 = Juvenile Gang within Data Element 31, Aggravated Assault/Homicide Circumstances.

Both the UCR Handbook, NIBRS edition, 1992, and NIBRS Volume 1: Data Collection Guidelines, August 2000, p. 94 include organized crime involvement in Data Value 04 = Gangland. Organized crime usually carries the connotations of the Mafia. However, in the context of Data Value 04, this is meant to include not only the Mafiosi and Cosa Nostra affiliations, but other organized crime rings such as motorcycle gangs, the Russian Mafia, the Tong, etc. In fact, organized crime should be viewed in the most general sense and differentiated from 05 = Juvenile Gang, which may also include organized crime involvement of participants under age 18.

Data Value 05 = Juvenile Gang is meant to include affiliation with any formal juvenile gang that is known to police or discovered during the course of the investigation.

Law enforcement should use these data values to explain the circumstances of aggravated assault or homicide when they believe that the offense was perpetrated in the furtherance of activities of either of these groups. Membership or affiliation alone may not necessitate choosing either of these data values, as the following example illustrates.

A known Mafia member used a knife to slash the face of a man who ogled the Mafia member's girlfriend at a nightclub. In this case, the best description of the circumstances is 01 = Argument. The mere fact that the perpetrator is a member of the Mafia does not justify 04 = Gangland as the best description of the circumstances of the offense.

A question was raised concerning the proper classification of vandalism of an auto including breaking of the windshield and "keying" the car. Should the property classification be the actual vehicle i.e., automobile, truck, etc., or should it be vehicle parts and accessories?

The best property description is the actual vehicle (03 = Automobiles, 05 = Buses, 24 = Other Motor Vehicles, 28 = Recreational Vehicles, or 37 = Trucks) as opposed to 38 = Vehicle Parts/Accessories. By using the actual vehicle type as the property description when a vehicle is vandalized, a logical inference can be made specifically that vehicle parts of an automobile, bus, other motor vehicle, recreational vehicle, or truck were vandalized. Should 38 = Vehicle Parts/Accessories be used as the property description, the same cannot be said. There could be no inference that the parts and accessories vandalized were specifically from an automobile, truck, bus, recreational vehicle, or other motor vehicle. Hence, the most specific vehicle description is preferred to the description of 38 = Vehicle Parts/Accessories.

NIBRS Data Element 13

There are often questions around Data Element 13, Type Weapon/Force Involved. Some agencies entering code 99 = None rather than code 40 = Personal Weapons for incidents in which the offender uses hands, fists, feet, teeth, etc., in the commission of an Aggravated Assault (13A)? Concern for this issue stems from situations similar to the following example:

A boyfriend places both hands around his girlfriend's neck and begins to choke her while he screams, "I'll kill you." The police respond and pull the male off the female and place him under arrest. The female has red marks on her neck. The Type Weapon/Force Involved is erroneously coded as 99 = None when it should have been coded as 40 = Personal Weapons.

Group B Offenses

The DEM deals mostly with offenses such as hunting without a license, fishing without a license, poaching, etc. These crimes are misdemeanor offenses by state statute. Should the agency report these offenses to the NIBRS program or not?

The offenses described are considered Group B offenses and fall into the category of "Fish and Game Law Violations/B/All Other Offenses" (p. 78). UCR Handbook, NIBRS Edition. As such, they are reportable offenses in the NIBRS. However, the Handbook notes, "only arrestee data (or Group B Arrest Reports) are reported for Group B crimes" (p. 23). Pages 56 through 58 of the publication detail the arrest information to be reported, including the arrestee (sequence) number; arrest (transaction) number; arrest date; type of arrest; arrest offense code; what type of weapon the arrestee was armed with; age, sex, and race of arrestee; and disposition of arrestee under the age of 18.

What about instances where someone has a rifle or shotgun in their possession when the citation is written such as for a hunting violation? If the incident is reportable, is the person considered armed at time of arrest?

Black's Law Dictionary, sixth edition, defines armed as "Furnished or equipped with weapons of offense or defense" (p. 108). A hunter who is arrested, summoned, or cited with a weapon(s) on his or her person is to be regarded as armed. This includes hunting violations. In addition, when an arrestee does not have a weapon(s) on his or her person but there is a weapon(s) in the immediate proximity or in the constructive possession of the person, the individual is to be considered armed. This is meant to include the circumstances of an offender who is pulled over for a violation and has a weapon in his or her car.

Miscellaneous

Are harassment and intimidation the same offense in the NIBRS? If not, please explain the difference between them.

Black's Law Dictionary, sixth edition, defines harassment as ". . . words, gestures and actions which tend to annoy, alarm and abuse (verbally) another person" (p. 717) and intimidation as "Unlawful coercion; extortion; duress; putting in fear. To take, or attempt to take, 'by intimidation' means willfully to take, or attempt to take, by putting in fear of bodily harm" (pp. 821-822).

The key here is "fear of bodily harm." A person calling another individual and repeatedly hanging up or making obnoxious sounds, etc. is harassing that person. In contrast, a caller repeatedly stating "I'm going to kill you" is intimidating that individual.

When we try to report a bomb threat against a school, we cannot complete the entry without the computer rejecting it. How are we to enter a bomb threat?

A bomb threat (absent any actual device) in the NIBRS is regarded as an offense of intimidation, which is considered a crime against a person, requiring at least one entry of "Individual" as the Type of Victim in the victim segment of the Group A Incident Report. A building (structure) cannot logically be intimidated. The UCR Program requirement entails reporting the person who received the bomb threat as the victim. The agency must determine how many individual victims (up to 999) it should report. Of course, if the threat turns out to be real (a bomb, or any device assimilating a bomb, is discovered), the agency must classify the incident as 13A Aggravated Assault.

A bomb is found inside a building. The bomb does not go off. Is everyone inside the building a victim of 13A Aggravated Assault or only those people who come into contact with the bomb?

Technically, everyone inside the building is a victim of aggravated assault (bomb), and an agency could report up to 999 victims. However, in the case of a building where hundreds or thousands of people work or reside, reality dictates that an agency will not count everyone. In such cases, the reporting agency must determine the number of victims to be reported, e.g., the number of victims interviewed, the number of persons aware that a bomb was present, etc.

Criminal Impersonation is listed as a property crime. When there is no property loss/theft involved can this be entered with the type of loss as 1 = None? And if so, what would be used in the property description field?

For Criminal Impersonation when nothing is lost or the loss is an intangible(s) such as an advantage, the data value for the type of loss is 1 = None and for the property description is 77 = Other, which includes intangibles (NIBRS Volume 1: Data Collection Guidelines, August 2000, pp. 82 and 85). Attempted Criminal Impersonation would constitute no loss of property, None. The type of loss is 1, requiring Data Elements 15 through 22 to be left blank.

When an arrest is made for an old offense and at the time of apprehension the subject is now a year older, is it correct to leave the original age on the suspect screen, or must the suspect age match the arrestee age?

Ages do not have to match for current NIBRS' edits; moreover, the UCR Program would like the offender's age at the time of the incident to be as accurate as possible. The arrestee's age should be as of the date of arrest.

Several agencies take issue with reporting trespassing as a Crime Against Society. It is understood that the FBI only gets the arrest, but how can a victim whose property has been trespassed upon be entered?

An agency can change the edits within its own system to accommodate that kind of entry. However, when the agency submits the information to the FBI, the edits must conform to UCR Program edit standards.

Should an agency report the offense for which an individual is arrested or the offense for which the individual is found guilty in court when the two differ?

The agency should report the offense for which the arrestee was apprehended. If the arrestee was apprehended for more than one offense, the reporting agency should determine which is the most serious offense and enter it as the arrest offense.

Three 13- to 15-year-old males on bicycles grab a woman's buttocks as they pass her. They are not apprehended. Is this Forcible Fondling or Simple Assault?

The answer to this question depends on the reporting agency's investigation. The intent of the crime would determine the classification.

One male attacks another with his fists. The victim defends himself, and in response, the attacker reaches into his pocket and removes a handgun. The attacker orders the victim to leave, and the victim complies. How would this incident be classified using the NIBRS?

This incident would be reported as an aggravated assault. The UCR Program defines aggravated assault as "An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner . . ." (p. 12). UCR Handbook, NIBRS Edition. Law enforcement personnel may also score a second offense, a weapons law violation.

Why are food stamps considered a non-negotiable instrument? Anyone can use them, and further action is not required for the food stamp to become negotiable.

Food stamps are considered non-negotiable because their use is restricted. For example, the holder of a food stamp cannot use the stamp to buy gasoline. Because of this restriction, food stamps are not considered negotiable instruments. In addition, Black's Law Dictionary, seventh edition, does not define food stamps as negotiable instruments (p. 1059).

Recently, an incident occurred, in which two individuals became involved in a physical altercation. One of the individuals pulled a canister of mace from his pocket and sprayed his combatant in the face causing him severe discomfort. The victim fled the scene and sought medical attention which consisted of cleansing the affected area. The question is whether the use of mace against another person would constitute the offense of Aggravated Assault?

Uniform Crime Reporting Handbook specifically defines Aggravated Assault as "an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm" (page 16).

Black's Law Dictionary, Sixth Edition, defines Mace as "Chemical liquid which, when sprayed in face of person, causes dizziness and immobilization" (page 950).

Black's Law Dictionary, Sixth Edition, defines Weapon as "An instrument of offensive or defensive combat, or anything used, or designed to be used, in destroying, defeating, threatening, or injuring a person" (page 1593).

Uniform Crime Reporting Handbook states, "on occasion, it is the practice of local jurisdictions to charge assailants in assault cases with assault and battery or simple assault even though a knife, gun, or other weapon was used in the incident. For Uniform Crime Reporting purposes, this type of assault is to be classified as aggravated" (emphasis added) (page 16). Therefore, the correct classification for the scenario presented above would be Aggravated Assault because mace is considered a weapon.

NIBRS Motor Vehicle Theft, Fraud, and Embezzlement Offenses

Regarding NIBRS, it has come to the attention of the 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 chauffer 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, 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" (page 15). 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, 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) (page 522).

A common classification problem is the taking of gasoline without paying for it. What is the proper classification in such cases?

If an offender takes gasoline from a self-service gas station without paying for it, the offense is classified as larceny. In this case, no contract was entered into nor agreement made for payment. This would be the same as taking a can of oil off of the station's rack. However, if a station attendant is asked to fill the tank, there is a tacit agreement that he will be paid for the gas, and the offender, never having the intention to pay for it in the first place, utilized deception and stole the gas. This, then, is classified as a fraud. (*Uniform Crime Reporting Handbook, NIBRS Edition, p. 15*)

Often questions arise as to whether or not the facts of a case describe a fraud or a larceny. What distinguishes the two?

Whereas both offenses can involve theft, it is the method used to steal that makes the difference between the two. Fraud is achieved through deceit or lying, whereas larceny is the physical taking of something.

Examples of common fraud cases are where something of value, e.g. a DVD, library book, or automobile is rented, loaned, or borrowed for a period of time but is not returned. This offense, conversion of goods lawfully possessed by bailees, is classified as fraud and not larceny. In such cases, the offenders originally had lawful possession of the property (the property was either rented, loaned, or the person in some way entrusted with its possession) and through deceit (they promised to return it) kept the property. (*Uniform Crime Reporting Handbook, NIBRS Edition, p. 15*)