



NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS)

Frequently Asked Questions (FAQs)

Incident-Specific Information

All textual references are to the *Uniform Crime Reporting (UCR) Handbook*, NIBRS edition, (1992) unless otherwise noted.

MURDER

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). 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? In addition, 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 Nonnegligent 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). 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).

DRUG OFFENSES

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 FBI conducts periodic computer checks to ensure that the XX codes appearing on incident reports are eventually replaced by a specific measurement code.

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 judgement 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). . . . If the Incident Date is unknown, the date of report with the indicator R = Report should be entered" (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. In addition, contraband is not necessarily limited to drugs. Agencies should also report other forms of contraband, such as pornography/obscene material (370), drug equipment violations (35B), weapons law violations (520), cigarettes (90Z), and liquor law violations (90G).

STOLEN PROPERTY

A car is stolen in Chicago, Illinois, 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). 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, Chicago), the recovering agency (Hayward) must enter the property loss code of 1 = None. The entering agency in Chicago, Illinois, 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 Chicago.

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 as 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).

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).

When a motor vehicle theft occurs and other property is also stolen, if only the other property is recovered, why is it necessary to fill in Data Element 19?

As of January 1, 1997, the FBI discontinued this requirement. NIBRS reporting agencies should leave Data Element 19 (Number of Recovered Motor Vehicles) blank.

EXCEPTIONAL CLEARANCES

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).

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 grand jury returns a “no-bill,” which means there will be no arrest, can the incident be cleared by exception, prosecution declined?

An agency may exceptionally clear an incident provided that *each of the four conditions listed in the previous question and answer are met* (p. 34).

The circumstance of “prosecution declined” may be used to exceptionally clear an incident provided *that the prosecutor declines prosecution for a reason other than a lack of probable cause*.

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 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

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).

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.)

Our state does not have an embezzlement statute. If a person commits embezzlement they would be charged under a theft statute. We are looking for assistance in defining embezzlement. If a clerk at a local market is at work, then leaves work and takes home a loaf of bread and a gallon of milk, would this be considered embezzlement?

The NIBRS defines embezzlement 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" (p. 15). Since property of the store is deemed to be entrusted to the employee's care, custody, or control, this scenario is properly classified as embezzlement.

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). 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). 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/Narcotic 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 be 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). 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 Nashville, Tennessee. The Nashville Police Department should report the Larceny/Theft, Purse-Snatching, (23B). The checks were forged and passed later in Knoxville, Tennessee. The

Knoxville 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 Knoxville. If the checks had been forged and passed in Nashville, the Nashville Police Department should report an incident of Forgery (250) and Fraud (26A) for each check passed in a different location in Nashville (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.

JURISDICTIONAL RULES

We have sheriff's departments that are associated with each county. Within each county there may be multiple city jurisdictions. The first question concerns DUI arrests, the county officers can be inside a city jurisdiction and make a DUI traffic stop and arrest. The city agency will have nothing to do with the arrest. Is it correct for the county to report the arrest, as it did happen in the county?

The second question concerns drug cases. The county sheriff's department will do drug interdiction cases inside the city with no assistance from the city police department. Can the sheriff's department report those drug arrests?

The third question concerns sheriff's deputies working a part-time job inside the city for places like Walmart. The sheriff's department has been told that if an incident takes place at the Walmart, the city police need to report that offense, even if the sheriff's deputy makes the arrest.

Rules 1, 2, and 4 of the Jurisdictional Reporting Rules apply in these cases (p. 6):

1. City law enforcement agencies report offenses that occur within their city boundaries.
2. County and state law enforcement agencies report offenses which take place in the county outside the limits of the city.
4. When two or more Federal, state, or local agencies are involved in the investigation of the same offense and there is a written or oral agreement defining the roles of the investigating agencies, the agreement should designate which agency will report the offense.

According to the note on p. 9,

The purpose of reporting UCR data is to depict the nature and volume of crime in a particular community, not to claim or take 'credit' for the number of investigations, arrests, etc., or to serve as a measurement of workload. *Crime in the United States* and other UCR publications do not articulate who reported the crime, nor do they show who is investigating the crime. They simply depict what crimes have occurred and where. The jurisdictional guidelines, therefore, provide for 'most local' reporting, i.e., whenever possible, the local law enforcement agency of the geographical area in which the crime occurred reports the offense.

The incidents of drunk driving, illegal drugs, and incidents at Walmart all occurred within the city limits. Hence, for UCR purposes, the city police should, whenever possible, be reporting the offenses/arrests instead of the sheriff's department in all three of these circumstances.

An agency should abide by jurisdictional reporting rules. In scenarios as those above, law enforcement agencies are strongly encouraged to cooperate with other agencies so that overreporting and/or underreporting does not occur.

DATA ELEMENTS AND DATA VALUES

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 employees 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.

For Data Element 31 (Aggravated Assault/Homicide Circumstances), which codes are used for Drive-by Shootings, both 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 data value is 09 = Other Circumstances (NIBRS Volume 1: *Data Collection Guidelines*, August 2000, p. 94).

A question was raised during a recent audit 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.

GROUP B OFFENSES

A sheriff's deputy stops a person and arrests them for DUI. When he brings them down to the jail for booking, the jailer discovers a warrant for violation of probation from the same county. That is a 90Z. Does the agency report two arrests or just one?

Agencies must report arrests made only for offenses committed within their own jurisdictions. In this particular case, one physical arrest has taken place for DUI, a Group

B offense. A warrant for violation of probation (also a Group B offense) exists from the same jurisdiction. Following the guidelines on reporting arrests, the agency should report the most serious of the two Group B offenses. Most likely, one arrest for DUI should be reported in this particular situation, although under certain circumstances, violation of probation may be considered more serious. Generally, only one arrest should be reported involving Group B offenses committed within the same jurisdiction unless the offender is arrested for one offense, released, and arrested for the second offense (hence, two physical arrests).

A city police officer stops a person and arrests him for DUI. When the officer brings him to the county jail for booking, the jailer finds a county warrant for violation of probation, 90Z. Does each agency then report an arrest?

In this particular case, one physical arrest has taken place for DUI, a Group B offense, 90D. This should be reported by the jurisdiction in which the offense occurred, the city police department. The other Group B offense from the county (violation of probation, 90Z) can be reported by the county law enforcement agency when the warrant has been served. In addition, if the county had an outstanding warrant on the individual for a Group A offense, the county agency would report one arrest for the Group A offense, negating the need to report any arrest for Group B offenses in that county. The DUI arrest, of course, would still be reported by the city police.

The State Wildlife Resources Agency 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 or not?

The offenses you describe—hunting without a license, fishing without a license, poaching, etc.—are considered Group B offenses and fall into the category of “Fish and Game Law Violations/B/All Other Offenses” (p. 78). 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.

MISCELLANY

Please clarify the property description of pickup trucks.

The Summary reporting system defines trucks and buses (category 7b) as:

The category Motor Vehicle Theft—Trucks and Buses (7b) includes the theft of those vehicles specifically designed (but not necessarily used) to commercially transport people and cargo. Pickup trucks and cargo vans, regardless of their use, are included in this category. The UCR Program considers a self-propelled motor home to be a truck (*UCR Handbook, 2004, p. 36*).

The NIBRS uses the following definition for trucks within the motor vehicle property description values listed on p. 31 of NIBRS Volume 1: *Data Collection Guidelines, August 2000*.

Trucks—motor vehicles that are specifically designed (but not necessarily used) to transport cargo

However, the proper assignment of certain types of motor vehicles within the NIBRS definitions, e.g., pickups, pickups with campers, vans, minivans, and some automobile derivative vehicles, such as Ranchero, El Camino, Caballero, Brat, etc., has been problematic. Because of this, the FBI developed the following guidelines to aid in the selection of the proper motor vehicle property description value, according to the *UCR State Program Bulletin 01-2, August 2001, p. 3*:

Pickup trucks and pickup trucks with campers should be classified as 37 = Trucks, as they meet the definition *specifically designed, but not necessarily used, to transport cargo*.

Full-size vans, both regular wheelbase and extended wheelbase, may be classified into either 05 = Buses, 28 = Recreational Vehicles, or 37 = Trucks *depending upon their configuration, i.e., vans with rows of seats (buses), custom vans with temporary lodging accommodations (recreational vehicles), and work vans with primarily cargo area (trucks)*.

Minivans should be classified as 03 = Automobiles, as they meet the definition *that serve the primary purpose of transporting people*. This classification also includes automobiles used as taxis; sport-utility vehicles, such as Blazers, Broncos, Suburbans, etc.; and automobile derivative vehicles, such as Ranchero, El Camino, Caballero, Brat, etc.

Agencies should note that larger sport-utility vehicles such as Hummers, Tahoes, Expeditions, Explorers, and the like should be classified as 03 = Automobiles.

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).

When an arrest is made for an earlier reported 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). 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).