



UNIFORM CRIME REPORTING (UCR) SUMMARY REPORTING

Frequently Asked Questions (FAQs)

Incident-Specific Information

All textual references are to the *UCR Handbook* (2004) unless otherwise noted.

MURDER

A witness and/or a victim of a crime dies as a result of a heart attack. Is this incident classified and scored as a murder?

No. The UCR Program defines a criminal homicide as “The willful (nonnegligent) killing of one human being by another.” The *UCR Handbook* (2004) contains the policy governing the classification of criminal homicide (pp. 15-18).

A 9-month pregnant woman is stabbed in the stomach. As a result, the fetus is killed. The mother survives. Is this a murder?

No. Suicides, traffic fatalities, and *fetal deaths* are excluded from the UCR Program. Agencies must score this incident as one aggravated assault (p. 17).

A firefighter dies as a result of fighting a fire. It is later revealed the fire was an arson. Is this a murder?

No. The UCR Program does not classify arson-related deaths and injuries (unless willful murders or assaults) of police officers and firefighters as murders due to the hazardous natures of their professions (p. 74).

FORCIBLE RAPE

A husband assaults his wife and forces her against her will to have sexual intercourse. Is this a rape?

Yes. According to UCR Program guidelines, the relationship of the offender and victim (in this case, husband and wife) does not affect the classification of the offense (p. 19).

If a male slips a date rape drug into a female's drink with the *intention* of having intercourse with her but was not able to get the victim away from her friends, would the classification of the crime be aggravated assault?

No. If police determined that the male had intended to rape her, then the proper classification must be attempted forcible rape. The UCR Program defines forcible rape as "The carnal knowledge of a female forcibly and against her will." Further, the *Handbook* states "'Against her will' includes instances in which the victim is incapable of giving consent because of her temporary or permanent mental or physical incapacity (or because of her youth)" (p. 19).

In this scenario, the suspect administered a date rape drug to a victim with the intent to incapacitate and rape her. However, the suspect was not able to lead the victim away from her friends and therefore did not complete the crime.

ROBBERY

A juvenile enters a convenience store and tells the attendant that he is holding up the store. The juvenile keeps his hand in his pocket and demands money. The juvenile receives the money from the attendant and flees the store. No weapon is observed. How is this classified?

This incident should be classified as an armed robbery. In cases involving pretend weapons or those in which the weapon is not seen by the victim, "reporting agencies must classify crimes involving pretend weapons or those in which the weapon is not seen by the victim, but the robber claims to possess one, as armed robbery (3a, 3b, and 3c)" (p. 21).

A store owner shoots at a robber, misses, and kills an innocent bystander. Would this be classified as a criminal homicide?

Possibly. Criminal homicide is either murder and nonnegligent manslaughter or manslaughter by negligence. Law enforcement personnel must determine if the incident

was manslaughter by negligence or an accidental death based on the facts of the investigation. If the law enforcement agency determines the incident was manslaughter by negligence, that is the only offense the agency should report, pursuant to the Hierarchy Rule. If the law enforcement agency determines the incident was an accidental death, the agency must report only the robbery to the national UCR Program. (Accidental deaths are not collected in the UCR Program.)

How would the following be classified? A homeowner returns home and surprises a burglar. The burglar physically attacks the homeowner, steals his property, and flees.

Based on the facts that the homeowner was physically attacked and his property stolen, law enforcement officials must classify the incident as a robbery.

Given the same set of circumstances, with the exception that the homeowner was not physically confronted by the burglar and merely observed the burglar exiting the residence, police must classify the incident as a burglary, even if the burglar fled the residence empty-handed (p. 21).

AGGRAVATED ASSAULT

How should an incident be classified when an individual intentionally drives a motor vehicle into another occupied motor vehicle?

Police must classify the incident as an aggravated assault (more specifically, an aggravated assault type 4c—other dangerous weapon) regardless of the extent of injury sustained by the victim or amount of damage caused to the vehicles. In this case, the weapon is the vehicle. If the victim dies as a direct result of the incident, law enforcement agencies must classify the death as a homicide (p. 24).

What factors are used to distinguish aggravated from simple assault?

Generally, police must consider the weapon used and/or the extent of the injury sustained as the deciding factors in distinguishing aggravated from simple assault. In only a very limited number of instances should it be necessary to examine the intent of the assailant (pp. 26-27).

Law enforcement agencies must carefully consider the following factors in classifying assaults:

1. The type of weapon employed or the use of an object as a weapon.
2. The seriousness of the injury.
3. The intent of the assailant to cause serious injury.

ASSAULTS ON LAW ENFORCEMENT OFFICERS

How should an agency report an incident when a law enforcement officer is assaulted while responding to another crime?

When a law enforcement officer suffers an aggravated assault while responding to another crime, the officer's employing agency must report the officer's assault on the Law Enforcement Officers Killed and Assaulted (LEOKA) Form 1-705. The agency should report the aggravated assault on the Return A Form only if it is the most serious offense within the incident. On page 110 of the *UCR Handbook*, it states:

In the section of the *LEOKA* Form 1-705 labeled **OFFICERS ASSAULTED**, agencies must record assaults on sworn officers. Reporting agencies must count all assaults that resulted in serious injury or assaults in which a weapon was used that could have caused serious injury or death. They must include other assaults not causing injury if the assault involved more than mere verbal abuse or minor resistance to an arrest. In other words, agencies must include in this section all assaults on officers, whether or not the officers sustained injuries.

NOTE: Agencies must follow the Hierarchy Rule in reporting those incidents involving aggravated assaults on law enforcement officers while they are responding to or taking necessary action at the scene of a crime. For example, if an officer is assaulted at the scene of a robbery, the agency must score only the robbery on the *Return A*; the agency must record the assault on the *LEOKA* Form 1-705. However, if the officer is assaulted during a burglary incident, the agency, following the Hierarchy Rule, must score only the assault on both the *Return A* and the *LEOKA* forms.

BURGLARY

How is the illegal entry of several rooms in a hotel classified and scored?

Burglaries of hotels, motels, lodging houses, or other places where lodging of transients is the main function of the facility are scored under provisions of the Hotel Rule. This principle of scoring dictates that if a number of dwelling 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, the burglaries should be scored as one offense. Examples of the Hotel Rule are burglaries of a number of rental hotel rooms, rooms in flop houses, rooms in a youth hostel, and units in a motel. 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 be reported separately by the occupants. Such burglaries must be scored as separate offenses (pp. 28-29).

Three individuals are robbed in three separate motel rooms. Does the Hotel Rule apply?

No. The Hotel Rule may only be applied to the offense of burglary. Robbery of individuals in three separate motel rooms must be scored as three offenses of robbery.

Five rooms in my college dormitory were broken into. How would that be classified and scored?

The Hotel Rule does not apply to dormitories, so the agency must classify and score five offenses. The Hotel Rule is explained as:

Burglaries of hotels, motels, lodging houses, and other places where lodging of transients is the main purpose are scored under provisions of the Hotel Rule. This principle of scoring dictates that if a number of dwelling 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, the burglary must be scored as one offense (p. 62).

An individual enters an open garage and steals several items. Would this be classified as a burglary or a larceny?

Law enforcement agencies must classify this incident as "Burglary—Unlawful Entry—No Force" (p. 30). The entry in this burglary situation involves no force and is achieved by use of an unlocked door or window. The element of trespass to the structure is essential

in this classification, which includes thefts from open garages, open warehouses, open or unlocked dwellings, and open or unlocked common basement areas in apartment houses where entry is committed other than by the tenant who has lawful access. *If the area entered was one of open access, thefts from the area would not involve an unlawful trespass and police must score the incident as a larceny.*

When an unlawful break-in of a structure, such as a cabin or summer home which is occupied for only part of a year, occurs, and a theft or felony is committed, how is this crime classified and scored?

When unlawful entry of a cabin or another summer home occurs, police must score a burglary provided there is the intent to commit a felony or theft, and the building itself is, in fact, a structure (p. 28). The duration of occupancy is not a factor in the consideration of the burglary offense.

An individual places his illegal drugs inside an abandoned building. The sale of these drugs occurs on the street, usually in various small quantities to avoid having a large quantity on their persons at any one time. The activity regarding the building does not contain any felony or theft inside the structure. It appears that the burglary intent may not be met in instances such as this. Would this be scored as a burglary?

That depends on the determination by the local agency. The UCR Program defines burglary as "The unlawful entry of a structure to commit a felony or a theft" (p. 28). Further, "A forcible entry or unlawful entry where no theft or felony occurs but acts of vandalism, malicious mischief, etc. are committed is not classified as a burglary provided investigation clearly established that the unlawful entry was for a purpose other than to commit a felony or theft" (p. 29).

In order to classify and score a burglary according to UCR guidelines, all three elements included within the definition must exist. First, there must be evidence of unlawful entry (trespass). Second, the unlawful entry must occur within a structure, which is defined as having four walls, a roof, and a door. Last, the unlawful entry into a structure must show evidence that the entry was made in order to commit a felony or a theft.

An individual's entering an abandoned building to hide drugs may or may not qualify as a burglary, by definition, depending on the extenuating circumstances. An individual's simply finding illegal drugs within an abandoned building does not meet the UCR definition of burglary. However, unlawful entry into an abandoned building, evidenced by trespassing or forcible entry, combined with possession or sale of drugs in the quantity that constitutes a felony, are all criteria required to meet the UCR definition for burglary.

Therefore, it is the responsibility of the investigating officer to determine if and when all three criteria within the definition of burglary have occurred based on the totality of the circumstances surrounding the investigation. Once an officer determines that an offense meets the burglary definition, agencies must classify and score the incident accordingly.

LARCENY-THEFT

An individual drives into a gasoline station and requests gasoline be pumped into his motor vehicle. He then leaves the station without paying. What type of crime is this? In addition, would the crime be classified or scored differently if the individual took gasoline from a self-service station and left without paying?

By asking for the gasoline, the individual enters into an implied contract. His departure without paying constitutes the offense of fraud. Fraud is a Part II offense, and if an agency made an arrest, the agency must score the arrest on the Age, Sex, and Race of Persons Arrested form.

“The UCR Program considers only incidents in which an individual leaves a **self-service gas station** without paying for gasoline as a larceny-theft. Purchasing gasoline from a full-service gas station implies a tacit agreement with the service attendant. Therefore, agencies must classify incidents in which a driver leaves a **full-service gas station** without paying the attendant as fraud, not larceny-theft” (p. 35).

An individual who takes gasoline from a self-service gas station without paying commits a larceny-theft (no implied contract), sub-classified as an “All Other Larceny.” Law enforcement agencies must classify gasoline taken from a parked vehicle (such as a full gas can that was taken from the bed of a truck) as a larceny-theft, sub-classified as “Theft From Motor Vehicles” (p. 33). However, if gasoline was siphoned from the vehicle’s tank, agencies should report the offense as a larceny-theft, sub-classified as “Theft of Motor Vehicle Parts and Accessories” because the gasoline was necessary for the operation of the vehicle.

An owner of a residential mobile home dealership, upon opening the business in the morning, learns that five of the mobile homes for sale on the lot were broken into during the night. Kitchen appliances were taken from all five mobile homes. How would this crime be classified and scored?

Since the homes are not considered permanent structures (because they are on a lot for sale and are not permanently affixed), police must classify this incident as a larceny,

sub-classified as “Theft from Buildings,” and scored as one offense. In order to fit the description of a structure, which police must then classify as a burglary, a mobile home must qualify as a permanent dwelling (pp. 28 and 34).

A store detective sees a customer remove the price tag on an item, replace it with a price tag showing a lower price, and attempt to purchase the item; police arrest the customer. This customer is not an employee nor is he/she authorized to change price tags. What type of crime is this?

Police must consider this incident to be a Part II crime and report the offense under the fraud category. The UCR Program defines fraud as “fraudulent conversion and obtaining of money or property by false pretenses” (p. 151).

What is the definition of the term “constructive possession” and how should the term be applied to larceny-theft situations?

“Constructive possession” is an integral part of the larceny-theft definition. The UCR Program defines larceny-theft as “the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another” (p. 31). The UCR Program defines constructive possession as “the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing” (p. 150).

When circumstances indicate that the property was in a position where someone exercised dominion or control and that property was unlawfully taken, then law enforcement agencies must report a larceny-theft. Police must consider other circumstances, such as the subsequent actions of the offender, the perception of the victim, and the factors of sequence and time, i.e., how long had the property been left unattended. Therefore, when the investigative evidence clearly establishes that the property, by definition, has been lost or mislaid, law enforcement must not classify the occurrence as larceny-theft.

When determining if a larceny-theft occurred, the investigating officer must consider and evaluate each of the factors listed above to determine whether the property is lost, missing, forgotten, unattended, or unlawfully taken from the possession or constructive possession of another. In the event that the investigating officer determined that property was in the constructive possession of another and was unlawfully taken, then a larceny-theft has occurred and the agency must report the offense to the UCR Program. It is the investigating officer’s responsibility to determine if and when constructive possession has been relinquished based on the circumstances surrounding the investigation.

MOTOR VEHICLE THEFT

A pickup truck with a camper containing camping equipment is stolen. Police recovered the truck and camper, but the equipment was missing. How would this be scored?

When it is necessary to choose between larceny-theft and motor vehicle theft, as in this case, law enforcement officials must classify and score the offense as motor vehicle theft. Motor vehicle theft is a special type of larceny-theft. It is a separate classification because of the volume of such thefts and the prevailing law enforcement need for specific statistics on this offense (pp. 35-37).

HIERARCHY RULE

A gunman entered a store and attempted to rob the proprietor, but the owner shot and killed the gunman. What offenses would be reported?

The agency would report one justifiable homicide and one robbery that was cleared by exceptional means. Justifiable homicide, by definition, occurs in conjunction with other offenses. Therefore, the attempted robbery is reported along with the justifiable homicide.

A car is reported stolen in front of an apartment building during the night. Later the next day, the car is recovered across town with its tires missing. How many offenses would be reported?

The crimes of motor vehicle theft and larceny-theft are involved in this incident. An agency would report only the motor vehicle theft and not count the larceny-theft (theft of motor vehicle parts and accessories). Although larceny-theft is higher on the Hierarchy Rule, motor vehicle theft takes precedence over larceny-theft (p. 10).

RECOVERED PROPERTY

When police recover a number of stolen items that can be traced to offenses committed in both a recovering agency's jurisdiction and another jurisdiction(s), how should the agencies handle that situation?

The original jurisdiction from which the property was stolen must report the property as recovered following the usual UCR Program guidelines (p. 9).

When an agency recovers property that officers know is stolen but cannot be traced back to the jurisdiction from which it was stolen, should that recovered property be included in the monthly UCR report by the recovering agency, without affirmation that it was stolen in that particular jurisdiction?

Agencies should withhold reporting the recovered property until it can be traced to a particular jurisdiction. In this case, the stolen property must not be reported by any agency as recovered until the original agency covering the jurisdiction from which the property was stolen has been identified.

CLEARANCES

With regard to warrants, can a clearance be counted when a warrant has been issued for an arrest?

Issuing a warrant, in and of itself, is not sufficient to clear an offense. Part I offenses can be cleared either by arrest or exceptional means. An offense "is cleared by arrest" or solved for crime reporting purposes when at least one person is: 1) arrested; 2) charged with the commission of the offense; 3) and turned over to the court for prosecution (whether following an arrest, court summons, or police notice) (pp. 79-81). To clear offenses solely on the issuance of a warrant is not in keeping with the long-established intent of the UCR Program to capture the number of offenses and the number of arrests related to those offenses.

If a clearance cannot be counted when a warrant has been issued for an arrest, can an agency count clearances for warrants sent through the mail or an agency issuing a mail order summons?

UCR Program guidelines do not permit law enforcement to clear an offense solely on the fact that an arrest warrant has been issued for an offender. An agency can claim a clearance by arrest when the accused receives a summons by mail and turns himself or herself over to a court for prosecution. In addition, the clearing of the offense is not permitted based solely on the fact that a mail order summons has been issued; the offender must also present himself or herself to the prosecutorial authorities. To accept data based on a warrant by mail or on the issuance of mail order summonses would produce misleading statistics as to the actual number of clearances produced by an agency.