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*Uniform Crime Reporting (UCR)
Newsletter 12-2*

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SECTION 1—MESSAGE TO PROGRAM PARTICIPANTS

1.1 Data submission deadlines

In preparation for the migration of UCR data from FBI Headquarters to the CJIS Division, the national UCR Program requires that agencies submit their final 2011 crime data by **Monday, December 3, 2012**.

The deadline for agencies to submit their police employee data (i.e., the number of police employees as of October 31, 2012) is **Friday, December 14, 2012**. The deadline to change an agency's name or address or to change an agency's current reporting status is **Monday, December 31, 2012**.

1.2 New NIBRS Coordinator

Mr. William F. See has assumed the responsibility as the national UCR Program's National Incident-Based Reporting System (NIBRS) coordinator. As the NIBRS coordinator, his duties include developing a strategic vision for NIBRS growth, identifying and assessing resources that are available to support the NIBRS, and developing a strategy that maximizes the use of those resources.

Agencies with questions about implementing the NIBRS or the NIBRS certification process should contact Mr. See by telephone at (304) 625-3092 or by e-mail at <william.see@leo.gov>.

1.3 Electronic availability of the *UCR Newsletter*

The current *UCR Newsletter*, as well as previous editions, is also available via the Law Enforcement Online (LEO) at <https://www.leo.gov/http://leowcs.leopriv.gov/lesig/cjis/programs/crime_statistics/newsletters/newsletters.htm>. Users with questions concerning access to the LEO should contact the LEO Operations Unit by telephone at (304) 625-5555.

SECTION 2—CLARIFICATION TO POLICY AND PROCEDURES

2.1 Changes to the definition of rape and other related sex offenses

Since 1929, in the Summary Reporting System (SRS), forcible rape has been defined as “the carnal knowledge of a female forcibly and against her will,” (*UCR Handbook*, 2004, p. 19). However, at the fall 2011 CJIS Advisory Policy Board (APB) meeting, the APB recommended, and FBI Director Robert S. Mueller, III, approved, changing the definition of rape.

The new definition will be **“Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”** A date that the new definition takes effect has not yet been determined.

As a result of changing the SRS definition of rape, the APB recommended, and Director Mueller approved, that the national UCR Program continue to collect historical rape data along with rape data using the revised definition during the transition period. The FBI is developing reporting options for law enforcement agencies to meet this requirement.

In addition to approving the new definition of rape, the APB and Director Mueller approved removing the words “forcible” and “against the person’s will.” This affects the definition of rape and other sex related offenses in the SRS, the NIBRS, the Hate Crime Statistics Program, and Cargo Theft.

The changes are provided below by the type of collection. If a definition is provided, the original definition is given first. The revised definition is in bold with any use of the words “forcibly” and “against the person’s will” removed.

Summary Reporting System

Return A-Monthly Return of Offenses Known to the Police form

Rape (data entry code 20, offense classification 2) (the word “Forcible” will be dropped, and the column should be Rape Total)

Current rape definition: “The carnal knowledge of a female forcibly and against her will.” (*UCR Handbook*, 2004, p. 19)

Updated rape definition: **“Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”**

Age, Sex, and Race of Persons Arrested, (ASR) Under 18 Years of Age form and the *Age, Sex, and Race of Persons Arrested, (ASR) 18 Years of Age and Over* form

Rape (data entry code 02) (the word “Forcible” will be dropped, and the offense will be called Rape)

Current definition: “The carnal knowledge of a female forcibly and against her will.”
(*UCR Handbook*, 2004, p. 19)

Updated rape definition: **“Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”**

Sex Offenses (Except Rape and Prostitution) (data entry code 17)

Current definition: “Offenses against chastity, common decency, morals, and the like.” Sexual attacks on males are included in this classification. However, depending on the nature of the crime and the extent of injury, agencies could classify this offense as an assault. This classification includes all sex offenses except forcible rape, prostitution, and commercialized vice. Agencies must include adultery or fornication, buggery, seduction, sodomy or crimes against nature, incest, indecent exposure, indecent liberties, statutory rape (no force) and attempts to commit any of the above in this classification. (*UCR Handbook*, 2004, pp. 142-143)

Updated sex offenses definition: **“Sex offenses that involve sexual penetration and consent or involve no sexual penetration and no consent. Depending on the nature of the crime and the extent of injury, agencies could classify this offense as an assault. This classification includes all sex offenses except rape (as newly defined), prostitution, and commercialized vice. Agencies must include in this classification any sex offense not included in rape, (e.g., fondling, adultery).”**

Supplementary Homicide Report form

There are no changes to this form. However, the form allows for agencies to report additional information (e.g., circumstance) on each murder incident. Since Rape and Other Sex Offense are murder circumstances, any murder circumstance that meets the updated rape definition should be reported as rape. Any murder circumstance that was a sex offense not meeting the updated rape definition should be reported as an Other Sex Offense.

National Incident-Based Reporting System

When the FBI begins to publish rape data using the updated definition, the NIBRS offenses of rape, sodomy, and sexual assault with an object will be converted to rape, which entails expanding the current procedures for converting NIBRS data into SRS data. Previously, only incidents in which a male raped a female were converted from the NIBRS to the SRS.

In the NIBRS, the offense of fondling does not meet the revised SRS definition of rape, and fondling offenses will not convert from the NIBRS to the SRS. For SRS reporting purposes, fondling will remain a Part II arrest category.

Sex Offenses, Forcible (Crime Against Person)

Current definition: “Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will in instances where the victim is incapable of giving consent.” (*UCR Handbook, NIBRS Edition, 1992, p. 21*)

Updated sex offenses definition: **“Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”**

Forcible Rape

Current definition: “The carnal knowledge of a person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).” (*UCR Handbook, NIBRS Edition, 1992, p. 21*)

Updated rape definition: **“The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.”**

Agencies should classify the crime as rape, regardless of the age of the victim, if the victim did not consent or if the victim was incapable of giving consent. If the victim consented, the victim was not forced or threatened, and the victim was under the statutory age of consent, agencies should classify the crime as statutory rape.

Forcible Sodomy

Current definition: “Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.” (*UCR Handbook, NIBRS Edition, 1992, p. 21*)

Updated sodomy definition: **“Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.”**

Sexual Assault With An Object

Current definition: “To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.” (*UCR Handbook, NIBRS Edition, 1992, p. 21*)

Updated sexual assault with an object definition: **“To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.”**

Forcible Fondling

Current definition: “The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against that person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.” (*UCR Handbook, NIBRS Edition, 1992, p. 21*)

Updated fondling definition: **“The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.”**

Because there is no penetration in fondling, this offense will not convert to the SRS as rape.

Hate Crime Statistics Program

In the Hate Crime Statistics Program, agencies should use the updated definition of rape to report a rape as a hate crime if it occurred as the result of an offender's bias.

Cargo Theft

Agencies that report their crime data via the NIBRS should use the updated definition of rape to report a rape that occurred in conjunction with another offense that could include cargo theft (e.g., robbery or motor vehicle theft). For example, if, at a truck stop, an individual rapes the driver of a tractor-trailer who is hauling pizza sauce and cheese to a warehouse for distribution and then steals the tractor-trailer, an agency would classify this as a motor vehicle theft (UCR Offense Code 240), indicate the cargo theft by inserting a Y into Data Element 2A, and report the rape.

In the upcoming months, the national UCR Program staff will update the various manuals (i.e., the *UCR Handbook*, the *Conversion of NIBRS Data to Summary Data*, *Hate Crime Data Collection Guidelines*, the *Cargo Theft Electronic Data Submission Specifications*, etc.) to reflect the revised rape definition.

Agencies with questions should contact the Crime Statistics Management Unit (CMSU) by telephone at (304) 625-4830.

2.2 Collecting human trafficking offenses and arrests

In January 2013, the national UCR Program will begin collecting offense and arrest data regarding human trafficking in two categories: commercial sex acts and involuntary servitude. Human trafficking/commercial sex acts and human trafficking/involuntary servitude will be Part I offenses in the SRS and Group A offenses in the NIBRS. The offenses will be defined the same in both collection methods.

Human trafficking/commercial sex acts is defined as "Inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such act(s) has not attained 18 years of age."

Human trafficking/involuntary servitude is defined as "The obtaining of a person(s) through recruitment, harboring, transportation, or provision, and subjecting such persons by force, fraud, or coercion into involuntary servitude, peonage, debt bondage, or slavery (not to include commercial sex acts)."

Summary Reporting System

Both human trafficking/commercial sex acts and human trafficking/involuntary servitude are exceptions to the Hierarchy Rule, which states that agencies should report only the most serious offense in a multiple-offense situation. (See page 10 of the *UCR Handbook*, 2004)

For agencies that report data to the national UCR Program via the SRS, the national UCR Program has developed a form, *Monthly Return of Human Trafficking Offenses Known to Law Enforcement*, to report human trafficking/commercial sex acts and human trafficking/involuntary servitude offenses.

The national UCR Program has modified the juvenile and adult versions of the *Age, Sex, and Race of Persons Arrested* forms to include reporting arrests for human trafficking/commercial sex acts and human trafficking/involuntary servitude for those agencies that submit data via the SRS.

In addition, the *Supplementary Homicide Report* and the *Cargo Theft* forms have been modified to include the human trafficking offenses. All of the forms are awaiting approval from the Office of Management and Budget (OMB). Once the OMB approves the forms, they will be available electronically at <www.fbi.gov> and at <www.leo.gov>.

National Incident-Based Reporting System

To report human trafficking/commercial sex acts and human trafficking/involuntary servitude offenses via the NIBRS, agencies should use Offense Code 64A for human trafficking/commercial sex acts and Offense Code 64B for human trafficking/involuntary servitude in Data Element 6 (UCR Offense Code). To report arrests for those offenses, agencies should use the same codes in Data Element 45 (UCR Arrest Offense Code).

Agencies with questions should contact Mr. William F. See of the UCR Program Office by telephone at (304) 625-3092.

2.3 Reminder about clearances

The staff at the national UCR Program has recently received several questions regarding clearances by arrest and exceptional means. For UCR Program purposes, reporting a case as closed is not the same as clearing a case by arrest or exceptional means. Cases may be closed when they are no longer being investigated and are not assigned to an investigator. Cases are cleared only by arrest or by exceptional means.

As stated on pp. 80-81 of the *UCR Handbook* (2004), in order to clear a case by exceptional means, agencies must be able to answer yes to the following four questions:

- 1) Has the investigation definitely established the identity of the offender?
- 2) Is there enough information to support an arrest, charge, and turning over to the court for prosecution?
- 3) Is the exact location of the offender known so that the subject could be taken into custody now?
- 4) Is there some reason outside of law enforcement control that precludes arresting, charging, and prosecuting the offender?

Some examples of exceptional clearances include, but are not limited to, the suicide of the offender, double murder (two people kill each other), the offender was killed by police or a citizen, or extradition was denied.

In addition, “The UCR Program recognizes that departmental policy in various law enforcement agencies permits discontinuing an investigation and administratively closing cases for which all investigation has been completed. The administrative closing of a case or the clearing of it by departmental policy does not permit exceptionally clearing the offense for UCR unless all four questions mentioned earlier can be answered *yes*. Additionally, the recovery of property does not clear a case. Clearances in accordance with UCR procedures should have no effect on whether an agency has internal policies as to closing a case or discontinuing active investigation” (p. 81).

Agencies with questions about clearances by arrest or exceptional means should call the CJIS Training and Advisory Process Unit (CTAP) by telephone at (888) 827-6427.

2.4 Correction to Vehicle Parts/Accessories code in Data Element 15

The staff of the national UCR Program would like to notify agencies that submit their crime data via the NIBRS of a change to 38 = Vehicle Parts/Accessories in Data Element 15 (Property Description).

In the *NIBRS Addendum for Submitting Additional Location and Property Values* (March 2010), under Data Element 15 (Property Description) 38 = Vehicle Parts/Accessories, it states “items attached to the inside or outside of a vehicle.” That verbiage should be removed because vehicle parts or accessories do not have to be attached to a vehicle for the code to apply.

For example, if an individual enters an auto parts store and steals wiper blades, the agency should report the incident with an Offense Code of 23C = Larceny-theft and 38 = Vehicle Parts/Accessories in Data Element 15 (Property Description).

Agencies with questions should contact the CTAP by telephone at (888) 827-6427.