



# UCR Program

Criminal Justice Information Services Division

Quarterly

## Program News

APRIL 2015

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## Section 1— Message To Program Participants

### Contact information for the Crime Statistics Management Unit's Operations Group and the Criminal Justice Information Services Training and Advisory Process Unit's Outreach Team

The following list provides contact information for members of the Crime Statistics Management Unit's (CSMU's) Operations Group and the Uniform Crime Reporting (UCR) Program's trainers from the Criminal Justice Information Services (CJIS) Training and Advisory Process Unit's (CTAP's) Outreach Team.

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## Who's who in the Program Development Group

To keep users abreast of changes that have occurred in the Program Development Group (PDG) of the CSMU, the national UCR Program has updated contact information by program. The PDG supervisor is Brian L. Edgell, who can be contacted by telephone at (304) 625-3551 or by e-mail at <brian.edgell@ic.fbi.gov>.

### **Hate Crime**

Issues involving hate crime statistical policies and/or outreach should be directed to Kristi L. Donahue, who can be contacted by telephone at (304) 625-2972 or by e-mail at <kristi.donahue@ic.fbi.gov>.

The contact for hate crime data submissions, verification, and missing hate crime data in the CSMU is Peggy G. Riley. Contributors may contact her by telephone at (304) 625-3517 or by e-mail at <peggy.riley@ic.fbi.gov>.

### **Cargo Theft**

Issues involving statistical policies and/or outreach concerning cargo theft offenses should be directed to Lora L. Klingensmith, who can be contacted by telephone at (304) 625-4073 or by e-mail at <lora.klingensmith@ic.fbi.gov>.

The contact for cargo theft data submissions, verification, and missing cargo theft data in the CSMU is Jennifer K. Neely. Contributors may contact her by telephone at (304) 625-2959 or by e-mail at <jennifer.neely@ic.fbi.gov>.

### **Human Trafficking**

The contact for human trafficking data verification and missing human trafficking data as well as issues involving statistical policies and/or outreach concerning human trafficking offenses should be directed to Lora L. Klingensmith, who can be contacted by telephone at (304) 625-4073 or by e-mail at <lora.klingensmith@ic.fbi.gov>.

### **National Incident-Based Reporting System**

The National Incident-Based Reporting System (NIBRS) coordinator is Drema Fouch. Her duties include certification, 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. She can be contacted by telephone at (304) 625-2982 or by e-mail at <drema.fouch@ic.fbi.gov>.

## **Uniform Crime Reporting Redevelopment Project**

Issues concerning the UCR Redevelopment Project should be directed to Nelson Allen Ferry Jr. He can be contacted by telephone at (304) 625-2782 or by e-mail at <nelson.ferry@ic.fbi.gov>.

## **Electronic availability of the *UCR Program Quarterly***

The current *UCR Program Quarterly*, as well as previous editions, is available via the FBI's Internet site at <<http://www.fbi.gov/about-us/cjis/ucr/ucr-program-quarterly>> and the UCR Program's Special Interest Group (SIG) of the Law Enforcement Enterprise Portal (LEEP).

To access the *UCR Program Quarterly* on the UCR Program's SIG:

- ❖ Click on the LEO Special Interest Group icon under the Service column
- ❖ Scroll to the bottom of the page and click on the UCR logo
- ❖ Click on the UCR Program Quarterly folder

Users with questions concerning access to the LEEP should contact the Online Services and Operations Unit by telephone at (304) 625-5555.

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## Section 2— Clarification to Policy and Procedures

### **Special functions exception to the Law Enforcement Officers Killed and Assaulted Program**

On September 9, 2014, FBI Director James B. Comey approved adding a “special functions” exception to the criteria of officers for information collected in the Law Enforcement Officers Killed and Assaulted (LEOKA) Program. This exception includes individuals who are killed or assaulted while acting in a law enforcement capacity at the request of a law enforcement agency whose officers meet the current LEOKA criteria.

Currently, law enforcement officers must meet the following requirements for inclusion in the annual *Law Enforcement Officers Killed and Assaulted (LEOKA)* publication:

- ❖ Ordinarily wear or carry a badge
- ❖ Ordinarily carry a firearm
- ❖ Are duly sworn and have full arrest powers
- ❖ Are paid from government funds set aside specifically for payment of sworn law enforcement representatives
- ❖ Are acting in an official capacity, whether on or off duty, at the time of the incident
- ❖ Include deaths that are directly related to injuries received during the incident.

Effective immediately, the LEOKA Program has a special functions role, which is defined as:

“An individual serving in the capacity of a law enforcement officer at the request of a law enforcement agency whose officers meet the current collection criteria. The individual must be under the supervision of a certified law enforcement officer from the requesting agency at the time of the incident but is not required to be in the physical presence of the officer while he/she is working an assigned duty.”

This special functions exception will allow officers who do not meet all of the LEOKA criteria, but who are acting in the capacity of a law enforcement officer who does meet the criteria, to be included in the annual *LEOKA* publication. Examples include reserve officers, correctional officers, and campus officers who do not already meet the current requirements. Two examples follow.

#### **Example 1**

An unpaid reserve officer responded to a structure fire along with a sworn officer. As the reserve officer exited his patrol unit, he was immediately confronted in an ambush-style attack and was fatally shot by an offender.



The reserve officer met all of the current criteria of a law enforcement officer, with the exception of being paid from government funds. In the past, the reserve officer would not qualify for inclusion in the *LEOKA* publication. However, because the reserve officer was under the supervision of a sworn officer and was working in the capacity of a law enforcement officer, the reserve officer would be included in the *LEOKA* publication.

### **Example 2**

A correctional officer was fatally shot while assisting local law enforcement agencies that were tracking a man who was wanted for shooting his parents. The officer was a canine handler at a local correctional facility and was asked to assist during the incident because of the need for the canine.

The correctional officer did not meet most of the criteria for law enforcement officers because of the nature of his position. However, he was acting at the request of local law enforcement agencies whose officers do meet the criteria. Therefore, the correctional officer's information should be included in the annual *LEOKA* publication.

If an officer is feloniously killed or assaulted and meets the special functions exception, the officer's agency should report the felonious killing or assault on the *LEOKA* Program Analysis of Officers Feloniously Killed and Assaulted form and submit it to the *LEOKA* Program.

If the officer is accidentally killed and meets the special functions exception, the officer's agency should report the death on the *LEOKA* Program Analysis of Officers Accidentally Killed form and submit it to the *LEOKA* Program.

Agencies with questions on this matter should contact the *LEOKA* Program at (304) 625-3521 or e-mail <leoka-statistics@leo.gov>.

## **Offense code and data values for animal cruelty offenses and arrests**

Pending approval from the Office of Management and Budget (OMB), beginning January 1, 2016, the national UCR Program will add the offense of animal cruelty to the NIBRS as a Group A offense and as a Crime Against Society with an offense code of 720 Animal Cruelty. In association with this change, Data Element 12 (Type Criminal Activity/Gang Information) will expand to include four data values about the type of abuse. The four types of abuse (and their codes) will be:

A = Simple/Gross Neglect (failure to provide food, water, shelter, veterinary care, or intentionally or knowingly withholding food or water)

I = Intentional Abuse and Torture

F = Organized Abuse (dog fighting and cock fighting)

S = Animal Sexual Abuse (bestiality)

The definition of animal cruelty will be:

Intentionally, knowingly, or recklessly taking an action that mistreats or kills any animal without just cause, such as torturing, tormenting, mutilation, maiming, poisoning, or abandonment. Included are instances of duty to provide care, e.g., shelter, food, water, care if sick or injured; transporting or confining an animal in a manner likely to cause injury or death; causing an animal to fight with another; inflicting excessive or repeated unnecessary pain or suffering, e.g., uses objects to beat or torture an animal. This definition does not include proper maintenance of animals for show or sport; use of animals for food, lawful hunting, fishing, or trapping.

Changes will be forthcoming in 2015; the national UCR Program will begin to collect these data on January 1, 2016.

Agencies with questions should contact Drema Fouch. You can reach her by telephone at (304) 625-2982 or by e-mail at <drema.fouch@ic.fbi.gov>.

## **Proper use of Automatic Weapon Indicator "A" in Data Elements 13 and 46**

The staff of the national UCR Program has been reviewing the use of the Automatic Weapon Indicator "A" in Data Element 13 (Type Weapon/Force Involved) and Data Element 46 (Arrestee Was Armed With) in the NIBRS. They have found that agencies have been incorrectly inserting the letter "A" in these data elements.

Reporting agencies should insert the letter "A" in these data elements to indicate an automatic weapon was involved in an incident. Reporting agencies should leave those data elements blank if an automatic weapon was not involved in the incident.

The national UCR Program defines an automatic weapon as:

"Any firearm which shoots, or is designed to shoot, more than one shot at a time by a single pull of the trigger without manual reloading," *NIBRS Technical Specification, Version 1.1*, September 17, 2014, p. 36.

Many firearms are called “automatic,” which means it is an automatic self-loader or, as it is more commonly referred, semi-automatic. This means that as a round is fired, another round automatically fills a chamber in the weapon but does not fire without another pull of the trigger. Therefore, these types of weapons do not meet the UCR definition of an automatic weapon. Actually, a very small number of firearms manufactured for the civilian market, especially handguns, are truly automatic weapons by UCR standards.

The national UCR Program staff is asking state program managers and direct contributors to review incident reports with an “A” in Data Elements 13 and/or 46 to ensure that the firearms involved meet the Program’s definition of automatic firearms.

Additional information about Data Elements 13 and 46 and the Automatic Weapon Indicator is available in the *NIBRS User Manual*, Version 1.0, January 17, 2013, pp. 84-85, and 124, and in the *NIBRS Technical Specification*, Version 1.1, September 17, 2014, pp. 36-37 and 76.

Agencies with questions regarding the use of “A” in Data Elements 13 and 46 should contact their state representatives in the UCR Program’s CSMU, their state trainer in the CTAP Unit, or send an e-mail to <CRIMESTATSINFO@ic.fbi.gov>.

## **Trainer Talk**

Each quarter, Trainer Talk features questions that the trainers from the national UCR Program have received about classifying and scoring offenses in the UCR Program. The trainers answer questions for both the NIBRS and the Summary Reporting System (SRS). The information they provide is for UCR Program reporting purposes and may not reflect the manner in which an offender(s) is charged. When requesting the classification and scoring of incidents, law enforcement agencies and state program personnel are asked to provide the entire incident report so that the UCR trainers can provide the most accurate assessment. Agencies may submit incident reports by e-mail to <UCRtrainers@leo.gov> or by facsimile to (304) 625-5599. Agency staff with questions should contact the trainers e-mail at <UCRtrainers@leo.gov>.

### **Question**

Four subjects exited a bar and got into a fight with four other subjects. During the fight, one person from the first group sustained a cut on his face from a bottle that was hit against his head. He retaliated against his attacker in the second group by throwing him to the ground, breaking his leg on the curb. The other six subjects (three from the first group and three from the second group) then fought amongst themselves. The police detained and charged all the individuals. The victim with the cut face and the victim with the broken leg are both victims of Aggravated Assault. However, there were cross-assaults going on, and the police could not determine who was assaulting who. How should this incident be reported in the UCR Program?

**Answer**

For NIBRS reporting agencies: The agency should report this incident in one incident report using the offense codes of both 13A = Aggravated Assault and 13B = Simple Assault. Both are crimes against persons, and the unit of count is one for each victim. All eight offenders are also victims, and the agency should use the code VO = Victim Was Offender for each of the eight individuals.

In Data Element 24 (Victim Connected to UCR Offense Code), the two victims (with the facial cut and with the broken leg) should be connected to the 13A = Aggravated Assault; the other six victims should be connected to the 13B = Simple Assault. There should be eight Arrestee Segments, and the arrest offense code should be either 13A = Aggravated Assault or 13B = Simple Assault, depending upon which offender committed either an aggravated assault or a simple assault. If police investigation cannot determine who did what, the agency can use the arrest offense code of 13A = Aggravated Assault for each arrestee. This should have no bearing on the manner in which you have charged the offenders; that is completely irrelevant to the UCR program.

For SRS reporting agencies: The agency should score six Simple Assaults (4e) Other– Simple, Not Aggravated offenses on the Return A—Monthly Return of Offenses Known to Police. In addition, agencies should score one Aggravated Assault—Other Dangerous Weapon (4c) for the victim who was hit on the head with a bottle which resulted in a severe laceration on the Return A—Monthly Return of Offenses Known to Police. The agency should also score one Aggravated Assault (4d)—Hands, Fists, Feet, Etc. for the victim who was thrown to the ground resulting in the broken leg.

**Question**

Three offenders, one male and two females, forcibly entered the front door of a victim's residence. The two female offenders stole cash from the victim while the male offender held the victim at gunpoint. The male offender took the victim's cellphone. The victim said he did not know the offenders; no arrest has been made. How should this incident be reported in the NIBRS? Should the agency report an Aggravated Assault as well because the offenders used a firearm?

**Answer**

For NIBRS reporting agencies: The agency should report the incident on one Group A Incident Report with two offenses—Robbery and Burglary. Because the offenders acted in concert (which requires all of the offenders to actually commit or assist in the commission of all crimes in an incident), the agency doesn't need to complete an additional incident report. To act in concert, the offenders must be aware of, and consent to, the commission of all the offenses; or even if nonconsenting, their actions assist in the commission of all of the offenses. In addition, the agency doesn't need to report an Aggravated Assault because that offense is a lesser, included offense of the Robbery. Every Robbery includes some type of assault, but

because the assault is an element integral to the crime of robbery, the agency should only report the robbery.

For SRS reporting agencies: The agency should score one Robbery—Firearm (3a) on the Return A—Monthly Return of Offenses Known to Police form. In addition, the agency should report the amount of money taken from the victim under the (A) Currency, Notes, Etc. category and the value of the cellphone under the (K) Miscellaneous category on the Property by Type and Value portion of the Supplement to the Return A.

### **Question**

What is the best NIBRS property description for a “Fitbit?”

### **Answer**

A “Fitbit” is an activity tracker that measures steps taken and combines it with user data to calculate distance walked, calories burned, steps climbed, and activity duration and intensity. It also measures sleep quality by tracking periods of restlessness, how long it takes the wearer to fall asleep, and duration of sleep. It is a small device that can be worn on the wrist or clipped to the wearer’s clothing.

For NIBRS reporting agencies: The FBI’s UCR Program recognizes that there may be more than one possible choice for property descriptions. After investigating the crime and considering the circumstances surrounding the incident, law enforcement personnel should use their best judgment in reporting the property description. As such, the UCR Program staff recommends that agencies place Fitbit products into Data Element 15 (Property Description) as 76 = Recreational/Sports Equipment.

For SRS reporting agencies: The agency should report the value of Fitbit products on the (K) Miscellaneous category on the Property by Type and Value portion of the Supplement to the Return A form.

## Section 3— Publication Updates And Notifications

### Change to Error 560 in the National Incident-Based Reporting System

Agencies that report crime data via the NIBRS may receive an error code, Error 560, when reporting a rape incident. The error message states that at least one offender in a rape or a statutory rape must be a different sex than the victim. This error code is described in the *NIBRS Technical Specification, Version 1.1, September 17, 2014, p. 14*. Error 560 indicates “Segment Level 5 (Offender Segment) must contain a data value for at least one offender in Data Element 38 (Sex of Offender) that is not the same sex that is entered in Data Element 27 (Sex of Victim) when Data Element 6 (UCR Offense Code) is 11A = Rape or 36B = Statutory Rape.”

In an attempt to make the sex offenses in the NIBRS more gender neutral, the national UCR Program is removing Error 560 as it applies to statutory rape, pending OMB approval. The national UCR Program has not removed the error as it applies to rape because the change would cause the lines between the offense classifications of rape and sodomy to blur.

The description of Error 560 will change to “Segment Level 5(Offender Segment) must contain a data value for at least one offender in Data Element 38 (Sex of Offender) that is not the same sex that is entered in Data Element 27 (Sex of Victim) when Data Element 6 (UCR Offense Code) is 11A = Rape” when the *NIBRS Technical Specification* is updated.

Error 560 applies only to rape. It does not apply to the other sex offenses in NIBRS, such as sodomy, sexual assault with an object, fondling, incest, and statutory rape.

Agencies with questions should contact Alicia R. Wetzel in the CSMU by telephone at (304) 625-3513 or by e-mail at <[alicia.wetzel@ic.fbi.gov](mailto:alicia.wetzel@ic.fbi.gov)>.

### Correction to *UCR Program Quarterly 15-1*

A relationship code on pages 14 and 15 of the *UCR Program Quarterly 15-1* was cited incorrectly. It should have been:

The BE = Victim Was the Baby/Child in the Care of a Babysitter relationship code is located in the *NIBRS User Manual, Version 1.0, January 17, 2013*.

We apologize for any inconvenience this may have caused.