



# UCR Program

## Criminal Justice Information Services Division

Quarterly

### Program News

MARCH 2022

#### Section 1— Message to Program Participants

- Former Crime Statistics Management Unit renamed ..... 2
- Update on the transition to the National Incident-Based Reporting System ..... 2
- Data deadlines for 2022 ..... 3
- Timetable for 2022 data releases ..... 5
- FBI officially launched the Law Enforcement Suicide Data Collection ..... 7
- National Use-of-Force Data Collection achieves milestone; staff updates its interface ..... 8
- UCR staff preparing for launch of the Law Enforcement Public Contact Data Collection in 2023 ..... 9
- Electronic availability of the *UCR Program Quarterly* ..... 10

#### Section 2— Clarification to Policy and Procedures

- Results from the CJIS Advisory Policy Board meetings in 2021 ..... 11
- A correct *UCR Program Administrative/Questionnaire Interview* document is crucial to the audit process ..... 35
- Trainer Talk ..... 36

#### Section 3— On the Audit Trail

- Consider the separation of time and place when reporting multiple offenses ..... 38

State Program managers are encouraged to share the information in this document with their local agencies.

## Section 1— Message to Program Participants

### Former Crime Statistics Management Unit renamed

In August 2021, the Crime Statistics Management Unit of the Criminal Justice Information Services (CJIS) Division changed its name to the Crime and Law Enforcement Statistics Unit, or CLESU. The name change better reflects the broad data collected and presented by the Uniform Crime Reporting (UCR) Program since the work completed within the unit is not crime-data specific.

### Update on the transition to the National Incident-Based Reporting System

On January 1, 2021, the FBI retired the UCR Program's Summary Reporting System (SRS) in favor of the richer and more robust crime data collected via the National Incident-Based Reporting System (NIBRS).



Since then, state UCR Programs have continued to transition to NIBRS. Currently, California and Florida are testing their systems for certification, and the FBI expects that those state programs will be NIBRS-certified in the upcoming months.

More than 11,500 law enforcement agencies now submit crime data to the FBI via NIBRS.

That is more than 61 percent of the nation's law enforcement agencies and represents approximately 64 percent of the nation's population.

However, approximately 7,300 law enforcement agencies have not yet transitioned to NIBRS-only reporting. The FBI's UCR Program will not receive crime data, including law enforcement assault and hate crime data, from those agencies. Eight agencies with populations of 1 million or more inhabitants have not yet transitioned to NIBRS data. Data from this population group enables the UCR Program to produce crime trends and rates. Data missing from these largest agencies hinders the FBI's ability to release violent crime statistics.



The FBI continues to offer resources such as programming and technical support, training, outreach, and subject matter expertise at no cost to law enforcement agencies.

For more information, agencies should contact the FBI's UCR Program Office at:

NIBRS website: <https://www.fbi.gov/services/cjis/ucr/nibrs>

NIBRS e-mail: [UCR-NIBRS@fbi.gov](mailto:UCR-NIBRS@fbi.gov)

NIBRS contact: 304-625-9999

NIBRS training: [UCRtrainers@leo.gov](mailto:UCRtrainers@leo.gov)

## Data deadlines for 2022

Federal agencies, state UCR Program managers, and direct contributors should note the following deadlines for the FBI's CLESU to receive data. State Program managers should also inform their local agencies of these deadlines.

All federal agencies, state UCR Programs, and direct contributors must submit data by the established deadlines to be included in releases. Data received after the deadlines will not be released in the current year's annual report(s); however, it could be included on the Crime Data Explorer (CDE), which will be updated before the next release cycle.

All 2022 data releases will appear exclusively on the CDE. Previously released documents will continue to be available on the FBI's website at [www.fbi.gov](http://www.fbi.gov).

<b>Date</b>	<b>Information needed</b>
April 18, 2022	The data submission deadline for inclusion in the <i>National Use-of-Force Data Collection, January-March, 2022</i> . Data received after the deadline and questionable data will not be included in the release. However, the FBI may update data in the CDE during the next release cycle.
May 9, 2022	The data submission deadline for inclusion in the <i>Quarterly Uniform Crime Report, January-March, 2022</i> . Data received after the deadline and questionable data will not be included in the release. However, the FBI may update data on the CDE during the next release cycle.
July 18, 2022	The data submission deadline for inclusion in the <i>National Use-of-Force Data Collection, January-June, 2022</i> . Data received after the deadline and questionable data will not be included in the release. However, the FBI may update data on the CDE during the next release cycle.

Date	Information needed
August 8, 2022	<p>The data submission deadline for inclusion in the <i>Quarterly Uniform Crime Report, January-June, 2022</i>.</p> <p>Data received after the deadline and questionable data will not be included in the release. However, the FBI may update data on the CDE during the next release cycle.</p>
October 17, 2022	<p>The data submission deadline for inclusion in the <i>National Use-of-Force Data Collection, January-September, 2022</i>.</p> <p>Data received after the deadline and questionable data will not be included in the release. However, the FBI may update data on the CDE during the next release cycle.</p>
November 7, 2022	<p>The data submission deadline for inclusion in the <i>Quarterly Uniform Crime Report, January-September, 2022</i>.</p> <p>Data received after the deadline and questionable data will not be included in the release. However, the FBI may update data on the CDE during the next release cycle.</p>
December 30, 2022	<p>The deadline for making changes to an agency's current reporting status, name/address, or for adding new contributing agencies.</p>
January 31, 2023	<p>The deadline for 2022 police employee counts as of October 31, 2022.</p>

## Timetable for 2022 data releases

All 2022 data releases will appear exclusively on the CDE. Previously released documents will continue to be available on the FBI's website at [www.fbi.gov](http://www.fbi.gov). Agencies are reminded that the following quarterly data releases are preliminary and are subject to change in subsequent releases.

<b>Annual crime data releases</b>	
<b>Name of data release</b>	<b>Tentative timeframe of data release</b>
<b><i>LEOKA, 2021</i></b>	Released in two installments: May 2022 Fall 2022
<b><i>CIUS, 2021</i></b>	Fall 2022
<b><i>Hate Crime Statistics, 2021</i></b>	Fall 2022
<b><i>NIBRS, 2021</i></b>	Fall 2022
<b>Quarterly Uniform Crime Report releases</b>	
<b>Name of data release</b>	<b>Tentative date of data release</b>
<b><i>Quarterly Uniform Crime Report, January-December 2021</i></b> Monthly criteria: At least 50 percent of agencies that contribute data to the UCR Program, which covers at least 40 percent of the U.S. population.  Agencies must submit at least 6 or more common months of data for current and previous years for a valid comparison.	March 2022

### **Quarterly Uniform Crime Report releases**

<b>Name of data release</b>	<b>Tentative date of data release</b>
<p><b>Quarterly Uniform Crime Report, January-June, 2022</b></p> <p>Monthly criteria: At least 50 percent of agencies that contribute data to the UCR Program, which covers at least 40 percent of the U.S. population.</p> <p>Agencies must submit at least 3 or more common months of data for current and previous years for a valid comparison.</p>	September 2022
<p><b>Quarterly Uniform Crime Report, January-September, 2022</b></p> <p>Monthly criteria: At least 50 percent of agencies that contribute data to the UCR Program, which covers at least 40 percent of the U.S. population.</p> <p>Agencies must submit at least 5 or more common months of data for current and previous years for a valid comparison.</p>	December 2022

### **National Use-of-Force Data Collection releases**

<b>Name of data release</b>	<b>Tentative date of data release</b>
<p><b>National Use-of-Force Data Collection, January-December, 2021</b></p>	March/April 2022
<p><b>National Use-of-Force Data Collection, January-March, 2022</b></p>	June 2022
<p><b>National Use-of-Force Data Collection, January-June, 2022</b></p>	September 2022
<p><b>National Use-of-Force Data Collection, January-September, 2022</b></p>	December 2022

## **FBI officially launched the Law Enforcement Suicide Data Collection**

The FBI launched its Law Enforcement Suicide Data Collection (LESDC) on January 1, 2022. The data collection is the result of the President of the United States signing the LESDC Act into law in June 2020.

The data collection will contain information on suicides and attempted suicides based on:

- ❖ The circumstances and events that occurred before each suicide or attempted suicide.
- ❖ The general location of each suicide or attempted suicide.
- ❖ The demographic information of each law enforcement officer who commits or attempts suicide.
- ❖ The method used in each suicide or attempted suicide.
- ❖ The occupational category—including criminal investigator, corrections officer, line-of-duty officer, or 911 dispatch officer—of each law enforcement officer who commits or attempts suicide.
- ❖ Health and wellness resources and training available at the submitting agency.

The occupational categories collected under the act are more expansive than the definition of law enforcement officer for the LEOKA Data Collection.

The LESDC Act defines a law enforcement officer as “any current or former officer (including a correctional officer), agent, or employee of the United States, a State, Indian Tribe, or a political subdivision of a State authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of the criminal laws of the United States, a State, Indian Tribe, or a political subdivision of a State.”

The definition of a law enforcement officer as detailed in the act also adds a requirement to collect the occupational category of corrections officers and 911 dispatch operators. These additional requirements are outside the existing structure of the LEOKA Data Collection; therefore, law enforcement agencies and/or state UCR Programs should not experience any additional impacts because system enhancements or additional resources in reporting these instances are not necessary.

The workflow for LESDC is:

- ❖ The law enforcement agency identifies an incident of death by suicide or attempted suicide.
- ❖ The agency logs into the Law Enforcement Enterprise Portal (LEEP) and accesses the LESDC application.
  - To apply for a LEEP account, go to [www.cjis.gov](http://www.cjis.gov) and complete the online application.

- After applying for a LEEP account, please alert the agency's human resources department or point of contact for awareness of the application. (This is needed due to an employment check/verification from LEEP.)
- Once an agency has applied for a LEEP account, please e-mail the LESDC staff at LESDC@fbi.gov.
- After obtaining a LEEP account, log in and click on the LESDC application icon.
- Apply for access to the LESDC application.
- ❖ The agency submits information about the incident. (If follow-up is needed, the FBI's UCR staff will contact the agency for clarification.)

The FBI will publish information about LESDC on the FBI's Law Enforcement Data Explorer, which is a subset of the CDE.

For additional information about LESDC, send an e-mail to LESDC@fbi.gov.

## **National Use-of-Force Data Collection achieves milestone; staff updates its interface**

The FBI's National Use-of-Force Data Collection now represents 60 percent of the estimated 860,000 federal, state, local, and tribal sworn officers nationwide.

Since the National Use-of-Force Data Collection achieved the 60 percent milestone, the FBI will release more comprehensive data that will include ratios and percentages at the national level for type of incident, reason for initial contact, type of force applied, and whether resistance was encountered.

The FBI is moving toward 80 percent participation to achieve the highest threshold set by the Office of Management and Budget to provide a more comprehensive data release. If nonparticipating states and law enforcement agencies do not take action and proactively begin releasing data to the FBI, the FBI may fail our partners by not providing a true picture of use-of-force incidents. When agencies do not submit incidents or zero reports, "hot spots" may appear because only certain agencies are providing the data, while others are not. The UCR Program continues to support the data collection by building participation through direct engagement with the law enforcement community. UCR Program staff is available to provide education and training on the data collection to law enforcement agencies.

In addition, in late January, the FBI updated the National Use-of-Force Data Collection to a cloud infrastructure. This enhances the user's experience as it eases the management of data. It also upgrades the Use-of-Force interface to be uniform with the UCR Program's other data collections. This makes it easier for users who navigate across multiple data collections.

The new National Use-of-Force Data Collection interface version 2.0 has a fresh, new look and streamlined data entry processes. Also, UCR staff is automating the manual process of



approving and releasing zero reports. (In the past, zero reports required that state Program managers manually select, approve, and release all zero reports to the FBI. However, in the very near future, zero reports will be accepted and released to the FBI automatically without human intervention.) Agencies can access the National Use-of-Force Data Collection interface through its portal on the Law Enforcement Enterprise Portal (LEEP).

Agencies with questions about the National Use-of-Force Data Collection are encouraged to visit its website at [www.fbi.gov/useofforce](http://www.fbi.gov/useofforce) or send an e-mail to [useofforce@fbi.gov](mailto:useofforce@fbi.gov).

## **UCR staff preparing for launch of the Law Enforcement Public Contact Data Collection in 2023**

Representatives from several federal, state, local, and tribal law enforcement agencies throughout the nation, as well as the major law enforcement organizations, requested that the FBI develop and manage a national collection regarding law enforcement uses of force. During the subsequent development of the National Use-of-Force Data Collection, law enforcement leaders communicated that it was critically important to place use-of-force incidents in the context of the total number of law enforcement interactions with the public.

In response to this request, the FBI's UCR Program deployed a pilot project for the Law Enforcement Public Contact Data Collection in fall 2020 and will launch the data collection beginning on January 1, 2023. Agencies may begin submitting annual counts for 2022 after that date.

The object of the Law Enforcement Public Contact Data Collection is to provide context for use-of-force and other law enforcement statistics already collected by the UCR Program. The Law Enforcement Public Contact Data Collection will collect the number of law enforcement contacts with the public in three categories:

- ❖ Citizen calls for service
- ❖ Unit/officer-initiated contact
- ❖ Court/bailiff activities

Agencies are not expected to create a data system to obtain this information. Instead, agencies are encouraged to use their computer-aided dispatch systems, or other existing systems, to obtain counts for law enforcement contacts with the public that fit into the listed categories. Agencies will have the option to submit an actual count, an estimated count, or note that the number of contacts with the public are not applicable or are unavailable.

All agencies currently enrolled in the National Use-of-Force Data Collection are eligible to participate in the Law Enforcement Public Contact Data Collection; agencies not enrolled in the National Use-of-Force Data Collection will not be able to submit data to the Law Enforcement Public Contact Data Collection. Agencies will electronically submit law

enforcement public contact information via the National Use-of-Force Data Collection's portal on the Law Enforcement Enterprise Portal (LEEP).

Law Enforcement Public Contact Data Collection information will be released alongside data from the National Use-of-Force Data Collection and the Law Enforcement Officers Killed and Assaulted Data Collection.

Agencies with questions about the Law Enforcement Public Contact Data Collection should contact the FBI's UCR staff at [useofforce@fbi.gov](mailto:useofforce@fbi.gov).

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

All editions of the *UCR Program Quarterly* are available on JusticeConnect.

To access the *UCR Program Quarterly* on JusticeConnect, you must have a LEEP account and be a member of the UCR Program community. To obtain a LEEP account, apply at [www.cjis.gov](http://www.cjis.gov). Once on LEEP, apply to the UCR Program community by clicking on the magnifying glass and searching for "Uniform Crime Reporting Program." Scroll down and click on the UCR Program logo to request joining the community. Members of the UCR Program community should:

- ❖ Log onto the LEEP portal at [www.fbi.gov/services/cjis/leep](http://www.fbi.gov/services/cjis/leep).
- ❖ Click on the JusticeConnect link and select I Agree under the terms and conditions.
- ❖ Select UCR Program Quarterly under the Publications and Files section.

Users with questions concerning access to LEEP should contact the Data Sharing Services Unit by telephone at 304-625-5555.

## Section 2— Clarification to Policy and Procedures

### Results from the CJIS Advisory Policy Board meetings in 2021

The CJIS Advisory Policy Board (APB) met twice in 2021. The first meeting was held in June in Orlando, Florida, and the second meeting was held in December in Atlanta, Georgia.

#### June 2021

The CJIS APB recommended 17 UCR changes for approval. The FBI Director approved these changes in August 2021. Seven of these changes affect some aspect of the UCR Program as a whole, while ten of these changes are related to specific data elements within the National Incident-Based Reporting System (NIBRS).

The changes affecting the UCR Program as a whole are:

- ❖ Geolocation in NIBRS
- ❖ Lawful access
- ❖ Creation of a NIBRS crosswalk
- ❖ Gender codes in the UCR Program
- ❖ Common units for drug quantities
- ❖ Replacement of the offense of fondling with criminal sexual contact
- ❖ Addition of injury information for homicide victims

The changes affecting specific data elements in NIBRS are:

- ❖ Addition of location codes for Data Element 9 (Location Type)
- ❖ Mandating Data Element 12 (Type Criminal Activity/Gang Information) for all NIBRS offenses
- ❖ Addition of the data values of Abetting and Conspiracy to Data Element 12 (Type Criminal Activity/Gang Information)
- ❖ Addition of a data value to Data Element 12 (Type Criminal Activity/Gang Information) to indicate that a stolen firearm was used in an incident
- ❖ Addition of a data value to Data Element 13 (Type Weapon/Force Involved) to indicate that a firearm was discharged during an incident
- ❖ Addition of the data values of Intellectual Property and Utilities and Services to Data Element 15 (Property Description)
- ❖ Modification of Data Element 20 (Suspected Drug Type) and creation of a process for keeping it up to date
- ❖ Modification of Data Element 22 (Type Drug Measurement)
- ❖ Addition of the data value of Gunshot Wound to Data Element 33 (Type Injury)

- ❖ Addition of the data values of Foster Parent/Foster Child and Cohabitant (nonfamily/nonintimate) to Data Value 35 (Relationship of Victim to Offender)

All of these changes, except for using common units for drug quantities, will require changes to computer programming and updates to current NIBRS documentation. UCR Program staff is working to establish a plan to implement these changes, and additional details will be provided in future editions of the *UCR Program Quarterly*.

## **GEOLOCATION IN NIBRS**

Currently, agencies report the type of location of an incident using 1 of 58 data values in Data Element 9 (Location Type). However, this data element provides only general information (convenience store, restaurant, industrial site, etc.) about where an incident occurred.

Since the implementation of NIBRS, various entities have discussed adding more specific location information to incidents reported via NIBRS. Capturing geolocation information can have many uses—from developing tactical information that can lead to the arrest of an individual responsible for a series of crimes to better allocating personnel and patrol areas.

However, using coordinates such as latitude and longitude to identify the location of an incident can pose some risks to privacy, especially for juvenile offenders, victims of sexual offenses, informants, or undercover personnel. To limit these risks, the CJIS APB voted for the UCR Program to collect geolocation information in an aggregated format such as a Census tract. (Census tracts are small, relatively permanent subdivisions of a county that are uniquely numbered in each county with a numeric code.)

The UCR Program will implement the collection of geolocation data in NIBRS no later than January 2023.

## **LAWFUL ACCESS**

Society has undergone a fundamental shift in the communications and personal data device industries, resulting in increased encryption of electronic information. The increased use of strong encryption inhibits law enforcement's ability to lawfully access data on electronic devices and platforms in connection with criminal and national security investigations. In response to law enforcement's description of these challenges to lawmakers, Congress routinely requests a quantitative assessment of the issue. However, a nationally representative count of how often this occurs does not currently exist.

The effects of strong encryption on law enforcement investigations can be broken into three categories:

Data at rest—law enforcement is unable to access the plain text data stored on a commercial consumer device, system, or cloud due to encryption (e.g., mobile devices/phones, encrypted hard drives, or thumb drives).

Data in motion—law enforcement is unable to access the plain text data in transit (intercepted) due to impenetrable encryption (e.g., services such as WhatsApp, Signal, Telegram, or others).

Noncompliant providers—these entities have no apparent technical means of assisting law enforcement or processes that result in significant or indefinite delays to accessing potential evidence for investigations.

The FBI, and other federal, state, and local law enforcement agencies, collects qualitative case examples that highlight lawful access challenges, but these are very resource intensive and oftentimes cannot be released until after adjudication—sometimes years later.

The FBI established a group of subject matter experts to assist with the analysis and finalization of a topic paper to present options for adding the collection of lawful access data to NIBRS. Initially, the group determined that adding three data elements to both the victim and offender segments of NIBRS was the best possible solution. However, it could take up to 2 years to implement and involves a great deal of complexity in terms of business rules and programming changes. Therefore, the CJIS APB voted for the UCR Program to identify a way to collect the information outside of NIBRS but that uses the UCR Program’s data collection infrastructure, such as an application similar to the National Use-of-Force Data Collection on LEEP.

### **CREATION OF A NIBRS CROSSWALK**

The CJIS APB voted for the UCR Program to create a NIBRS offense crosswalk repository that state UCR Programs will maintain containing state-level information mapped to NIBRS offense codes.

The mission of the UCR Program is to produce a nationwide view of crime statistics, based on state statute-level data. This can, at times, be problematic because state statutes define crimes according to specific situations, but the definitions of the offenses captured in NIBRS are generic to allow for the capture of as many state offenses as possible. Data contributors must “map” state statutes to specific NIBRS offenses to submit data to the UCR Program for inclusion in national data releases. Mapping is an extended translation process that correlates criminal offenses with varying state codes and titles to NIBRS offense definitions. Mapping state statutes helps achieve the common language of the UCR Program that is necessary for national views of crime data.

Since states base their criminal statutes on common-law definitions, many offense codes directly align with a corresponding NIBRS offense classification or easily fit within one offense category. However, some criminal statutes do not map to the same NIBRS offense classification as they do within the state. For example, some state statutes require law enforcement agencies to record thefts from motor vehicles as burglaries, but for NIBRS purposes, these incidents must be mapped to larcenies. Also, some NIBRS offenses may not have a corresponding state statute. For example, many states do not have statutes for

embezzlement but must map applicable state statutes to those NIBRS offense classifications based on NIBRS definitions.

A crosswalk “translates” state offenses into NIBRS offense categories. The goal of a NIBRS offense crosswalk is to enhance uniformity among state UCR Programs. In addition, it could provide guidance on incidents that do not clearly fit within NIBRS offense definitions and allow state UCR Programs to share information on how specific state statutes are mapped to NIBRS offense classifications.

The UCR Program will implement a NIBRS crosswalk repository no later than January 2023.

## **GENDER CODES IN THE UCR PROGRAM**

The Association of State Uniform Crime Reporting Programs requested that the FBI address a nonbinary gender classification within the UCR Program, and state Program managers have asked for a recommendation from the FBI regarding how to report nonbinary identifications.

**According to the American Psychological Association (APA), gender expression is defined as an individual’s presentation, including physical appearance, clothing choice and accessories, and behavior that communicates aspects of gender or gender role. Gender expression may or may not conform to a person’s gender identity. The APA defines gender identity as one’s sense of oneself as male, female, or transgender. Since gender identity is internal, a person’s gender identity may not necessarily be visible to others.**

Currently, for most data segments in the UCR Program, agencies may report a gender of M for male, F for female, or U for unknown. However, for the Arrestee Segment of NIBRS, agencies must report a gender of either M for male or F for female. If an agency attempts to enter a code other than M or F in Data Element 48 (Sex of Arrestee), the UCR Program rejects the information as an error and does not accept the submission. Law enforcement agencies that encounter individuals who do not identify as males or females are underreporting crime data because of the rejected information.

The CJIS APB voted to implement the code of U to indicate unknown/unspecified to be defined to include nonbinary gender.

In addition, the CJIS APB voted to have the UCR Program implement a new optional data element

for gender identity in which man (code to be determined), woman (code to be determined), X for nonbinary transgender male, transgender female (code to be determined), or U for unknown/unspecified is permitted.

## **COMMON UNITS FOR DRUG QUANTITIES**

As part of discussions on NIBRS drug information, the Beyond 2021 Task Force (a task force of UCR staff and stakeholders which began in February 2019 to create enhancements to crime data following the transition from the legacy SRS to NIBRS), consulted with staff at the Drug Enforcement Administration (DEA) on how drug offense information is collected at a national

level. Based on this research, the Beyond 2021 Task Force recommended, and the CJIS APB approved, converting drug measures to common measures for publication and analytical purposes to ensure consistency. The UCR Program will use conversion tables established by the DEA as a reference for data users. The recommended common measures are:

- ❖ Measures of mass/weight = grams
- ❖ Measures of volume/capacity = milliliters
- ❖ Measures of quantity = dosage units

This would not require changes on an agency's part; any data conversions will occur at the national UCR level.

### **REPLACEMENT OF THE OFFENSE OF FONDLING WITH CRIMINAL SEXUAL CONTACT**

In previous CJIS APB Working Groups and UCR Subcommittee meetings, stakeholders requested that the Beyond 2021 Task Force explore the most appropriate terminology to replace the terms "fondling," "incest," and "statutory rape."

Currently, the UCR Program defines fondling as:

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 incapability. (2021.1 NIBRS User Manual, dated April 15, 2021, p. 40)

Stakeholders felt that the term fondling is often not viewed as a crime, but that the term "unwanted sexual contact" illustrated a forcible sexual offense. During the fall 2020 UCR Subcommittee meeting, members recommended using the term "criminal sexual contact" in place of "fondling" and asked the UCR Program to determine an appropriate definition for the offense.

Working with the Beyond 2021 Task Force, the UCR Subcommittee arrived at the definition of "criminal sexual contact" as:

- ❖ The intentional touching of the clothed or unclothed body parts without the consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
- ❖ The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

This includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

In discussions about the definition, CJIS APB members agreed that the word “intoxication” refers to all forms of intoxication and is not limited to intoxication due to alcohol.

The CJIS APB approved the definition of criminal sexual contact.

In addition, the CJIS APB voted to not change the definition of incest because of the variety of ways the states define incest and because the change would not provide a significant benefit to users. The CJIS APB also voted to not change the definition of statutory rape because the offense is already in many states’ definition of rape.

### **ADDITION OF INJURY INFORMATION FOR HOMICIDE VICTIMS**

Currently, when an agency reports a victim type of I = Individual in Data Element 25 (Type of Victim) and the offense is one of the 11 offenses listed below, the agency must enter at least one data value (and may enter up to five data values) in Data Element 33 (Type Injury) to report the type of injury sustained.

- 100 = Kidnapping/Abduction
- 11A = Rape
- 11B = Sodomy
- 11C = Sexual Assault With An Object
- 11D = Fondling
- 120 = Robbery
- 13A = Aggravated Assault
- 13B = Simple Assault
- 210 = Extortion/Blackmail
- 64A = Human Trafficking, Commercial Sex Acts
- 64B = Human Trafficking, Involuntary Servitude

The valid data values are:

- N = None
- B = Apparent Broken Bones
- I = Possible Internal Injury
- L = Severe Laceration
- M = Apparent Minor Injury
- O = Other Major Injury
- T = Loss of Teeth
- U = Unconsciousness



However, agencies cannot report injury information for homicide victims. The Beyond 2021 Task Force recommended, and the CJIS APB approved, adding the offenses of 09A = Murder and Nonnegligent Manslaughter, 09B = Negligent Manslaughter, and 09C = Justifiable Homicide to the list of offenses for which agencies can report victim injury information.

**ADDITION OF LOCATION CODES FOR DATA ELEMENT 9 (LOCATION TYPE)**

When reporting an incident to the UCR Program, agencies use Data Element 9 (Location Type) to indicate the type of location where each offense took place. Agencies may enter only one location type for each NIBRS offense. Currently, there are 58 valid data values for Data Element 9 (Location Type). If more than one of the data values could apply to the situation, the agency should use the data value that most specifically applies to the incident.

However, the UCR Program found that agencies most often report a location type that is more general or use the generic data value of 25 = Other Unknown. More exact crime location options could provide enhanced accuracy and assist criminal justice agencies in creating user-friendly data visualization projects and publicly available crime trend analyses.

The CJIS APB approved adding the following locations as valid data values for Data Element 9 (Location Type):

<b>Code</b>	<b>Valid Data Value</b>	<b>Descriptor</b>	<b>Comments</b>
9	Drug Store/ Pharmacy	Store where the Food and Drug Administration approved medicinal drugs are dispensed and sold.	Exists in <i>NIBRS Technical Specification</i> with other valid data values under the same code.
59	Auto Salvage/ Junkyard	Location where unusable vehicles or vehicle parts can be bought, sold, or stored. A place where scrap is collected before being recycled or discarded.	
60	Carport/Garage/ Driveway	An area around residential space not constituting a residential structure.	
61	Cemetery	An area set apart which contains graves, tombs, or funeral urns.	

<b>Code</b>	<b>Valid Data Value</b>	<b>Descriptor</b>	<b>Comments</b>
62	Doctor's Office	A medical facility in which one or more medical doctors, usually general practitioners, receive and treat patients.	
63	Gym/Fitness Club	Indoor club, building, or large room where people exercise or participate in indoor sporting activities to enhance physical fitness.	
64	Golf Course	Outdoor areas of land where golf is played.	
65	Hospital	An institution providing medical and surgical treatment and nursing care for sick or injured people.	Routine, preventative, and scheduled care would be included in Doctor's Office.  This would include urgent care facilities and inpatient behavioral health centers.
66	Library	Room or building containing collections of books, periodicals, software programs, films, or recorded music for people to read, borrow, or utilize as reference.	
67	Loan/Cash Advance/Check Cashing Facility	Commercial business where individuals obtain financial services over the counter for a clear fee.	Specialty Store denotes "retail" element. These stores are not considered retail stores and are becoming more prevalent.

<b>Code</b>	<b>Valid Data Value</b>	<b>Descriptor</b>	<b>Comments</b>
68	Marijuana Dispensary	Establishment primarily used for selling medical or recreational marijuana.	Specialty Store denotes “retail” element. These stores are not considered retail stores and are becoming more prevalent.
69	Marijuana Facility	Indoor or outdoor site used for the commercial production and harvesting of cannabis for recreational or medicinal use.	This is a facility for the manufacture of the product—not a sales facility.
70	Movie Theater	Venue where movies are shown for public entertainment.	
71	Museum	Building in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited.	
72	Pawnshop	Commercial establishment for lending money in exchange for personal property which can be sold if the loan is not repaid by a predetermined time.	
73	Public Transportation	Buses, trains, subways, and other forms of transit which charge set fares, run on fixed rates, and are available to the public.	Incidents which happen on public modes of transportation cannot be considered a static location.
74	Tattoo Parlor	Place in which the primary function is professional tattooing.	

Code	Valid Data Value	Descriptor	Comments
75	Zoo	Indoor or outdoor establishment which maintains a collection of wild animals for study, conservation, or display to the public.	

### **MANDATING DATA ELEMENT 12 (TYPE CRIMINAL ACTIVITY/GANG INFORMATION) FOR ALL NIBRS OFFENSES**

Currently, if an agency reports 1 of the following 18 offenses in Data Element 6 (UCR Offense Code), the agency must enter at least one (and may enter up to three) data value(s) for the type of criminal activity in Data Element 12 (Type Criminal Activity/Gang Information):

- 250 = Counterfeiting/Forgery
- 280 = Stolen Property Offenses
- 30C = Smuggling Illegal Aliens\*
- 35A = Drug/Narcotics Violations
- 35B = Drug Equipment Violations
- 39C = Gambling Equipment Violations
- 370 = Pornography/Obscene Material
- 49A = Harboring Escapee/Concealing Arrest\*
- 520 = Weapon Law Violations
- 521 = Violation of National Firearms Act of 1934\*
- 522 = Weapons of Mass Destruction\*
- 526 = Explosives\*
- 58A = Import Violations\*
- 58B = Export Violations\*
- 61A = Federal Liquor Violations\*
- 61B = Federal Tobacco Violations\*
- 620 = Wildlife Trafficking\*
- 720 = Animal Cruelty

\*Denotes offenses for federal and tribal law enforcement agency reporting only.

## Valid data values for Data Element 12 (Type Criminal Activity/Gang Information)

- A = Simple/Gross Neglect (unintentionally, intentionally, or knowingly failing to provide food, water, shelter, veterinary care, hoarding, etc.) (applies only to 720 = Animal Cruelty)
- B = Buying/Receiving
- C = Cultivating/Manufacturing/Publishing (i.e., production of any type)
- D = Distributing/Selling
- E = Exploiting Children
- F = Organized Abuse (Dog Fighting and Cock Fighting) (applies only to 720 = Animal Cruelty)
- I = Intentional Abuse or Torture (tormenting, mutilating, maiming, poisoning, or abandonment) (applies only to 720 = Animal Cruelty)
- O = Operating/Promoting/Assisting
- P = Possessing/Concealing
- S = Animal Sexual Abuse (applies only to 720 = Animal Cruelty)
- T = Transporting/Transmitting/Importing
- U = Using/Consuming

Law enforcement agencies also use Data Element 12 (Type Criminal Activity/Gang Information) to describe the type (or lack) of an offender's gang activity for 11 offenses in NIBRS (murder and nonnegligent manslaughter, negligent manslaughter, kidnapping/abduction, robbery, rape, sodomy, sexual assault with an object, fondling, aggravated assault, simple assault, and intimidation). For 7 other offenses in NIBRS (counterfeiting/forgery, stolen property offenses, drug/narcotic violations, drug equipment violations, gambling equipment violations, pornography/obscene material, weapon law violations), agencies use Data Element 12 (Type Criminal Activity/Gang Information) to report the type of criminal activity.

However, to collect as much information as possible on each incident, the CJIS APB approved designating Data Element 12 (Type Criminal Activity/Gang Information) a mandatory data element for use with all NIBRS offenses.

### **ADDITION OF DATA VALUES OF ABETTING AND CONSPIRACY TO DATA ELEMENT 12 (TYPE CRIMINAL ACTIVITY/GANG INFORMATION)**

Currently, UCR policy states that agencies report crimes involving either aiding/abetting or conspiracy as an arrestee-only record under the crime category of 90Z = All Other Offenses. To capture more complete information on criminal incidents involving aiding/abetting or conspiracy, the CJIS APB voted to allow for the reporting of the substantive offense connected to the incident. Offenses involving aiding/abetting and conspiracy will be

identified with a modification to data value O and the addition of data value W in Data Element 12 (Type Criminal Activity/Gang Information).

The updated valid data values for Data Element 12 (Type Criminal Activity/Gang Information) are listed below with the new information in **bold**.

A = Simple/Gross Neglect (unintentionally, intentionally, or knowingly failing to provide food, water, shelter, veterinary care, hoarding, etc.) (applies only to 720 = Animal Cruelty)

B = Buying/Receiving

C = Cultivating/Manufacturing/Publishing (i.e., production of any type)

D = Distributing/Selling

E = Exploiting Children

F = Organized Abuse (Dog Fighting and Cock Fighting) (applies only to 720 = Animal Cruelty)

I = Intentional Abuse or Torture (tormenting, mutilating, maiming, poisoning, or abandonment) (applies only to 720 = Animal Cruelty)

O = Operating/Promoting/Assisting/**Abetting**

P = Possessing/Concealing

S = Animal Sexual Abuse (applies only to 720 = Animal Cruelty)

T = Transporting/Transmitting/Importing

U = Using/Consuming

**W = Conspiracy**

### **ADDITION OF A DATA VALUE TO DATA ELEMENT 12 (TYPE CRIMINAL ACTIVITY/GANG INFORMATION) TO INDICATE A STOLEN FIREARM WAS USED IN AN INCIDENT**

The Beyond 2021 Task Force recommended, and the CJIS APB approved, creating a new data value within Data Element 12 (Type Criminal Activity/Gang Information) to indicate when a stolen firearm was used in an incident.

If known to law enforcement, an agency can obtain additional information on whether a firearm was stolen by accessing the Gun File within the National Crime Information Center (NCIC) or potentially through local records. If a weapon was used and was logged into the NCIC Gun File or local records as stolen, the agency will be able to include this information in the agency's record management system and submit it to the UCR Program.

It will be up to the UCR Program to provide guidance and send information to data consumers that the information reported regarding stolen firearms within NIBRS depends on whether the weapon was reported to law enforcement as stolen and included in the NCIC Gun File or local records.

## **ADDITION OF A DATA VALUE IN DATA ELEMENT 13 (TYPE WEAPON/FORCE INVOLVED) TO INDICATE A FIREARM WAS DISCHARGED DURING AN INCIDENT**

Currently, when an agency reports at least 1 of 13 offenses (murder and nonnegligent manslaughter, negligent manslaughter, justifiable homicide, kidnapping/abduction, rape, sodomy, sexual assault with an object, fondling, robbery, aggravated assault, simple assault, extortion/blackmail, and weapon law violations), the agency may report up to three types of weapons or force used (or no weapons or force if applicable) by the offender. The agency can report that a firearm was used during the commission of a crime, but it is unknown if the weapon was brandished, used as a blunt object, or discharged.

The Beyond 2021 Task Force recommended, and the CJIS APB approved, the creation of a new data value within Data Element 13 (Type Weapon/Force Involved) to indicate when a firearm was discharged during the commission of a crime.

The Beyond 2021 Task Force proposed, and the CJIS APB approved, the definition of a discharge of a weapon as:

Includes the intentional, unintentional, accidental, or negligent discharge of a firearm during the commission of a criminal incident, or to advance a criminal incident. Discharge requires the deliberate or unintentional pulling of a trigger or other action that results in the discharge of the weapon.

Additional information about weapons involved in an offense and how those weapons were used will provide more context to incidents and further information that can be analyzed to furnish added information on crimes involving firearms.

## **ADDITION OF THE DATA VALUES OF INTELLECTUAL PROPERTY AND UTILITIES AND SERVICES TO DATA ELEMENT 15 (PROPERTY DESCRIPTION)**

Data Element 15 (Property Description) allows law enforcement agencies to provide information on the type and value of property involved in incidents. Agencies may select from 82 data values when entering property information.

However, the Beyond 2021 Task Force examined a study from the National Academy of Sciences. The task force determined that the addition of data values for intellectual property and utilities and services within Data Element 15 (Property Description) would give additional insight to crimes across the nation, as these property values are often recorded under the data value of O = Other.

The CJIS APB voted to add data values of intellectual property and utilities and services to Data Element 15 (Property Description). In the future, the UCR Program will determine the numeric value of the data values and provide guidance on what is included with those data values.

## **MODIFICATION OF DATA ELEMENT 20 (SUSPECTED DRUG TYPE) AND CREATION OF A PROCESS FOR KEEPING IT UP TO DATE**

The Beyond 2021 Task Force reviewed information collected within NIBRS drug-related incidents to ensure the data collected is relevant and valuable to law enforcement as well as to ensure the data collected aligns with the inclusion of federal drug offenses.

Agencies use Data Element 20 (Suspected Drug Type) to indicate the type of drugs or narcotics seized in a drug case. Law enforcement agencies may report up to three types of drugs or narcotics per incident.

The current data values for Data Element 20 (Suspected Drug Type) are:

A = Crack Cocaine

B = Cocaine (all forms except Crack)

C = Hashish

D = Heroin

E = Marijuana

F = Morphine

G = Opium

H = Other Narcotics: Codeine; Demerol; dihydromorphine or Dilaudid; Hydrocodone or Percodan; Methadone; Pentazocine; Propoxyphene or Darvon, etc.

I = LSD

J = PCP

K = Other Hallucinogens: MDMA or White Acid; DMT; MDMA; Mescaline or Peyote; Psilocybin; STP; Spice; Dronabinol; Marinol; etc.

L = Amphetamines/Methamphetamines (includes Methcathinone)

M = Other Stimulants: Adipex, Fastine, and Ionamin (Derivatives of Phentermine); Benzedrine; Didrex; Khat; Bath Salts; Methylphenidate or Ritalin; Phenmetrazine; Tenuate, etc.

N = Barbiturates

O = Other Depressants: Glutethimide or Doriden, Methaqualone or Quaalude, or Talwin; etc.

P = Other Drugs: Antidepressants (Elavil, Triavil, Tofranil, etc.) Aromatic Hydrocarbons; Tranquilizers (Chlor diazepoxide or Librium, Diazepam or Valium, etc.); Steroids; etc.

U = Unknown Type Drug

X = Over 3 Types

The Beyond 2021 Task Force, along with subject matter experts and representatives from the DEA, focused on updating the NIBRS drug type information to ensure it meets the needs of



modern law enforcement and aligns with data collected by the DEA to ensure uniformity among law enforcement agencies.

The existing list of drug types has not been substantially updated since the NIBRS data collection was established in the late 1980s. To align with modern policing, the Beyond 2021 Task Force recommended, and the CJIS APB approved, modifying the list of drug types for Data Element 20 (Suspected Drug Type) to include substances previously not captured and to expand drug type information in some drug categories.

Updated categories for use in Data Element 20 (Suspected Drug Type) will be:

- ❖ Amphetamine
- ❖ Benzodiazepine
- ❖ Cannabis/Marijuana
- ❖ Miscellaneous Depressants
- ❖ Fentanyl (and its generics)
- ❖ GHB/GBL/BD (and GHB Analogues)
- ❖ Hashish and Synthetic Cannabinoids
- ❖ Miscellaneous Hallucinogens
- ❖ Cocaine, Crack, etc.
- ❖ LSD
- ❖ Methamphetamine
- ❖ Heroin
- ❖ Oxycodone and other Licit Opioids
- ❖ Precursor Chemicals
- ❖ Khat and other Cathinones
- ❖ Steroids
- ❖ MDA/MDMA/MDE, "Ecstasy"
- ❖ Other Drug Types
- ❖ Unknown Drug Types
- ❖ Over 3 Drug Types

Specific data values for each drug will be presented in future editions of the *UCR Program Quarterly*.

In addition to the modified list of substances collected, the CJIS APB approved that the UCR Program collaborate with stakeholders to create a process and schedule for assessing the drug types for potential future modifications. The UCR Program will create a crosswalk to translate the older drug codes and categories with the revised codes and categories to maintain analytical utility.

## MODIFICATION OF DATA ELEMENT 22 (TYPE DRUG MEASUREMENT)

Law enforcement agencies use Data Element 22 (Type Drug Measurement) to indicate the type of measurement used to quantify drugs and narcotics seized in a drug case. Data Element 22 (Type Drug Measurement) may contain up to three entries that should correlate with the data values reported in Data Element 20 (Suspected Drug Type).

The current values for Data Element 22 (Type Drug Measurement) are:

<b>Weight</b>	<b>Capacity</b>	<b>Units</b>
GM = Gram	ML = Milliliter	DU = Dosage Unit (number of capsules/pills/tablets, etc.)
KG = Kilogram	LT = Liter	NP = Number of Plants (ex. marijuana plants)
OZ = Ounce	FO = Fluid Ounce	
LB = Pound	GL = Gallon	

To ensure the data collected is relevant to modern policing and aligns with the information law enforcement is capturing within records management systems, the Beyond 2021 Task Force recommended, and the CJIS APB approved, changing the data values for Data Element 22 (Type Drug Measurement) to:

<b>Weight</b>	<b>Capacity</b>	<b>Units</b>
MG = Milligram	ML = Milliliter	DU = Dosage Unit
GM = Gram	LT = Liter	PC = Pills, Capsules, etc.
KG = Kilogram	FO = Fluid Ounce	NP = Number of Plants (ex. marijuana plants)
OZ = Ounce	GL = Gallon	O = Other
LB = Pound		
TN = Ton		
MT = Metric Ton		

## ADDITION OF THE DATA VALUE OF GUNSHOT WOUND TO DATA ELEMENT 33 (TYPE INJURY)

Currently, when an agency reports a victim type of I = Individual in Data Element 25 (Type of Victim) and the offense is 1 of the 11 offenses listed below, the agency must enter at least one data value (and may enter up to five data values) in Data Element 33 (Type Injury) to report the type of injury sustained.

- 100 = Kidnapping/Abduction
- 11A = Rape
- 11B = Sodomy
- 11C = Sexual Assault With An Object

11D = Fondling  
120 = Robbery  
13A = Aggravated Assault  
13B = Simple Assault  
210 = Extortion/Blackmail  
64A = Human Trafficking, Commercial Sex Acts  
64B = Human Trafficking, Involuntary Servitude

The current valid data values for Data Element 33 (Type Injury) are:

N = None  
B = Apparent Broken Bones  
I = Possible Internal Injury  
L = Severe Laceration  
M = Apparent Minor Injury  
O = Other Major Injury  
T = Loss of Teeth  
U = Unconsciousness

However, law enforcement agencies cannot report if the victim of an offense sustained a gunshot wound. If the victim suffers a gunshot wound during an incident, the agency captures that information using the codes available, such as I = Possible Internal Injury or O = Other Major Injury. But the fact that a victim sustained a gunshot wound is not easily evident using current methods.

Gunshot wound is an option for injury information collected in the LEOKA Data Collection and in the National Use-of-Force Data Collection, but it is not currently an option within NIBRS. To provide uniformity across all of the UCR Program's data collections, the Beyond 2021 Task Force recommended, and the CJIS APB approved, adding the injury code of G = Gunshot Wound to Data Element 33 (Type Injury). The revised data values (with new information in **bold**) are:

N = None  
B = Apparent Broken Bones  
**G = Gunshot Wound**  
I = Possible Internal Injury  
L = Severe Laceration  
M = Apparent Minor Injury  
O = Other Major Injury

T = Loss of Teeth

U = Unconsciousness

The UCR Program will begin implementing this change in 2022, and states will begin implementing this change in 2023.

**ADDITION OF THE DATA VALUES OF FOSTER PARENT/FOSTER CHILD AND COHABITANT (NONINTIMATE/NONFAMILY RELATIONSHIP) TO DATA ELEMENT 35 (RELATIONSHIP OF VICTIM TO OFFENDER)**

Data Element 35 (Relationship of Victim to Offender) is mandatory when one or more of the offenses reported in Data Element 24 (Victim Connected to UCR Offense Code) is a Crime Against Person or a Crime Against Property and Data Element 36 (Offender Sequence Number) is a data value other than 00 = Unknown. If a law enforcement agency identifies more than ten offenders in an incident, the agency should enter the ten offenders most closely related to the victim.

Law enforcement agencies record the relationship of the victim to the offender using one of 26 data values in Data Element 35 (Relationship of Victim to Offender). These data values are grouped into four categories: Within Family, Outside of Family But Known to Victim, Not Known By Victim, and Other.

However, the current data values do not account for foster families or for those cohabitating but not in an intimate relationship.

In the case of foster families, law enforcement agencies may report a crime committed by a foster parent against his/her child with a victim-to-offender relationship of CH = Victim was Child, OF = Victim Was Other Family Member, or OK = Victim Was Otherwise Known. Similarly, law enforcement agencies may report a crime committed by a foster child against his/her foster parent with a victim-to-offender relationship of PA = Victim Was Parent, OF = Victim Was Other Family Member, or OK = Victim Was Otherwise Known.

These codes do not accurately reflect the relationship between a foster parent and a foster child. A data value for foster child and foster parent would allow the UCR Program to use the specificity of NIBRS to ensure the proper interpretation of this scenario. It also creates uniformity with other data values in Data Element 35 (Relationship of Victim to Offender) such as SP = Victim Was Stepparent, SC = Victim Was Stepchild, and SS = Victim was Stepsibling.

In addition, some states may consider crimes against foster children as domestic related. Some states use the data values in Data Element 35 (Relationship of Victim to Offender) to filter out domestic-related incidents and thus do not consider the data value of OK = Victim Was Otherwise Known" to indicate domestic-related incidents.

Therefore, the Beyond 2021 Task Force recommended, and the CJIS APB approved, creating the data values of FP = Victim Was Foster Parent and FC = Victim Was Foster Child to the list of valid data values for Data Element 35 (Relationship of Victim to Offender).

Also, while the data values of OK = Victim Was Otherwise Known, AQ = Victim Was Acquaintance, FR = Victim Was Friend, or NE = Victim Was Neighbor vaguely reflect the relationship between housemates living together, those data values do not make use of the specificity of NIBRS data.

The Beyond 2021 Task Force recommended, and the CJIS APB approved, creating the data value of CO = Cohabitant (nonintimate/nonfamily relationship) with the understanding that the data value reflects nonfamily members who live together but who are not intimate with each other.

The revised list of valid data values for Data Element 35 (Relationship of Victim to Offender) with the new information in **bold** is:

#### Within Family

SE = Victim Was Spouse

CS = Victim Was Common-Law Spouse

PA = Victim Was Parent

SB = Victim Was Sibling (brother or sister)

CH = Victim Was Child

GP = Victim Was Grandparent

GC = Victim Was Grandchild

IL = Victim was In-law

SP = Victim Was Stepparent

SC = Victim Was Stepchild

SS = Victim Was Stepsibling (stepbrother or stepsister)

OF = Victim Was Other Family Member

**FP = Victim Was Foster Parent**

**FC = Victim Was Foster Child**

#### Outside of Family But Known To Victim

AQ = Victim Was Acquaintance

FR = Victim Was Friend

NE = Victim Was Neighbor

BE = Victim Was the Baby/Child in the care of a Babysitter

BG = Victim Was Boyfriend/Girlfriend

CF = Victim Was Child of Boyfriend or Girlfriend

XS = Victim Was Ex-Spouse

XR = Ex-Relationship (Ex-boyfriend/ex-girlfriend)

EE = Victim Was Employee

ER = Victim Was Employer

OK = Victim Was Otherwise Known

**CO = Cohabitant (nonintimate/nonfamily relationship)**

Not Known By Victim

RU = Relationship Unknown

ST = Victim Was Stranger

Other

VO = Victim Was Offender

Information, including a timeline for implementing these changes and specific data values, will be presented in future editions of the *UCR Program Quarterly*.

### **December 2021**

The CJIS APB voted on three topics at the December meeting in Atlanta, Georgia. Implementation of these topics is pending approval from the FBI Director.

- ❖ Possible creation of new definitions for the LEOKA Data Collection of felonious killing and accidental death of a law enforcement officer.
- ❖ Revision of weapons and circumstance codes for violent crimes and juvenile disposition codes in NIBRS.
- ❖ Add case dispositions in NIBRS.

### **POSSIBLE CREATION OF NEW DEFINITIONS FOR THE LEOKA DATA COLLECTION OF FELONIOUS KILLING AND ACCIDENTAL DEATH OF A LAW ENFORCEMENT OFFICER**

Currently, the definition of a felonious killing of a law enforcement officer is “an incident type in which the willful and intentional actions of an offender result in the fatal injury of an officer who is performing his or her official duties.”

The definition of an accidental killing of a law enforcement officer is “an incident type in which an officer was fatally injured as a result of an accident or negligence that occurred while the officer was acting in an official capacity. Due to the hazardous nature of the law enforcement profession, deaths of law enforcement officers are considered accidental if the cause of death is found not to be a willful and intentional act of another.”

Under the current definitions, for a killing to be categorized as felonious, a law enforcement officer must have suffered a fatal injury that was the result of both a willful and intentional action of the offender while performing his or her official duties. However, for a killing to be accidental, it must be shown that an officer acting in his or her official capacity was fatally injured as a result of an accidental or negligent act.

Examples of accidental deaths include:

- ❖ A law enforcement officer died of injuries sustained when struck by a car while directing traffic.
- ❖ A law enforcement officer was struck and killed by a vehicle during the pursuit of a stolen vehicle.
- ❖ A law enforcement officer was deploying spike strips for the apprehension of a suspect in a vehicle and was struck and killed by the suspect.

When a law enforcement officer dies as a result of actions of an intoxicated driver, a willful and intentional action by the offender must exist to classify the incident as a felonious killing. If the incident occurred as a result of a reckless or negligent act, the incident falls within the definition of an accidental death.

Examples of impaired driver-related deaths classified as accidental include:

- ❖ A law enforcement officer was struck and killed by a drunk driver who fled at a high rate of speed after a sheriff's sergeant attempted to stop him.
- ❖ A law enforcement officer was killed when a chemically-impaired, wrong-way driver struck the officer's occupied patrol car head-on.

After a great deal of discussion on the topic during the UCR Subcommittee meeting in October, the subcommittee opted to not change the definitions. However, at the CJIS APB meeting, members voted to have the LEOKA subject matter experts within the Beyond 2021 Task Force and staff in the CLESU explore new definitions and submit those results through the CJIS APB process in the future.

### **REVISION OF WEAPONS AND CIRCUMSTANCE CODES FOR VIOLENT CRIMES AND JUVENILE DISPOSITION CODES IN NIBRS**

In most cases, NIBRS gives more details on criminal incidents than the retired SRS. However, a few key areas exist where NIBRS provides less detail than was available in SRS.

The following table furnishes an overview of the information formerly available in SRS data collections and how those data are currently collected within NIBRS.

<b>Data Element</b>	<b>Data Value in SRS</b>	<b>Data Value in NIBRS</b>
Supplementary Homicide Report Data Collection		
Weapon Code	Pushed or Thrown	Collected in Weapon/Force Type as <i>Personal Weapons</i>
	Drowning Strangulation	Collected in Weapon/Force Type as <i>Asphyxiation</i>

<b>Data Element</b>	<b>Data Value in SRS</b>	<b>Data Value in NIBRS</b>
Circumstance Code	Abortion Argument Over Money or Property Sniper Attack Suspected Felony Type	Not collected in the Aggravated Assault/Homicide Circumstances in NIBRS
Age, Sex, Race, and Ethnicity of Persons Arrested Under 18 Years of Age Data Collection		
Juvenile Disposition Code	Referred to Juvenile Court or Probation Department Referred to Welfare Agency Referred to Other Police Agency Referred to Criminal or Adult Court	Collected in <i>Juvenile Disposition as Referred to Other Police Agency, Criminal, or Adult Court</i>

The CJIS APB voted for the Beyond 2021 Task Force to look into the need to reinstate the codes previously available in SRS into NIBRS. If the law enforcement community determines the changes are desirable, the proposed changes would be brought to the CJIS APB for consideration along with any technical impacts and a proposed timeline for implementation.

### **ADD CASE DISPOSITIONS IN NIBRS**

Currently, there are four possible outcomes to crimes in the UCR Program. An agency may:

- ❖ Determine the case is unfounded
- ❖ Clear the case with at least one arrest
- ❖ Clear the case by exceptional means
- ❖ Not clear the offense

### **Unfounded**

In the UCR Program, the definition of unfounded offenses are false or baseless complaints. An offense initially comes to the attention of law enforcement, but the law enforcement investigation determines that no crime actually occurred.



## **Cleared by arrest**

An offense is cleared by arrest when at least one person is arrested, charged with the commission of the offense, and turned over to the court for prosecution (whether following arrest, court summons, or police notice). An agency can claim an offense is cleared by arrest when the offender is under the age of 18 and is cited to appear in juvenile court or other juvenile authorities, even though the agency did not make a physical arrest. The arrest of one person may clear several crimes, and the arrest of multiple people may clear only one crime. If several people are involved in the commission of a crime and only one person is arrested and charged, the law enforcement agency reports the incident as cleared by arrest.

## **Cleared by exceptional means**

All clearances center on the concept of arrest. Clearance by exceptional means allows an agency to qualify why a reporting agency is unable to arrest the offender. When an offense is cleared by exceptional means, the law enforcement agency knows who committed the offense and where the individual is, but the agency cannot make the arrest due to means outside of its control. To clear a crime by exceptional means, an agency must meet all four of the following conditions:

- ❖ The law enforcement investigation must have clearly and definitely established the identity of at least one offender.
- ❖ The law enforcement agency must have sufficient probable cause to support arresting, charging, and prosecuting the offender.
- ❖ The law enforcement agency must know the exact location of the offender so that law enforcement could make an arrest if circumstances did not prevent it.
- ❖ There must be a reason outside of law enforcement control preventing the law enforcement agency from arresting, charging, and turning over an individual for prosecution.

Examples of clearances by exceptional means include the suicide of the offender, a double murder in which the offender kills another person before killing himself or herself, a deathbed confession, or an offender who is killed by police or a citizen.

## **Not clear the offense**

All remaining offenses not cleared by arrest or exceptional means fall into this category. For example, an agency receives the report of a burglary and discovers that property was stolen. However, there is no available information about the offender, no fingerprints, no evidence, and no additional leads to follow up.

Currently, NIBRS does not permit agencies to indicate an offense has been unfounded. Agencies must delete an incident to unfound the offense. However, agencies also delete incidents for other reasons. For example, to modify an incident, an agency may delete it and resubmit it with the modifications. The inability for agencies to indicate that an offense has

been unfounded in NIBRS creates skepticism about the appropriate use of exceptional clearances and deleted incidents for each agency.

Agencies use Data Element 4 (Cleared Exceptionally) to report incidents that were cleared by exceptional means. However, NIBRS does not provide a way for agencies to report the number of incidents and offenses that are unfounded or crimes that law enforcement cannot investigate due to a lack of available resources or evidence.

Some agencies have established their own definitions of offenses that were suspended or administratively closed in specific, explicit conditions. These statuses apply when the agency has exhausted every reasonable avenue of investigation. Although active work on these suspended or administratively closed cases is discontinued, if an agency encounters additional information (i.e., new evidence, the arrest of a suspect on a subsequent case, etc.), it will pursue the information at that time, thus changing the investigative status of the incident.

The addition of case status within NIBRS will allow agencies to report incidents determined not to be a crime (unfounded) and include the option for administratively closed cases, thus giving agencies the opportunity to measure the usage of exceptional clearances against unfounded and administratively closed incidents. The purpose of this measurement is not to gauge the effectiveness of law enforcement but to focus on the ability to build confidence in the completeness and quality of data provided to the UCR Program.

At its spring UCR Subcommittee meeting, members asked the FBI to explore including additional case dispositions within NIBRS. After conducting outreach and research, the Beyond 2021 Task Force and other stakeholders recommended the addition of a new case status denoting that a case is not being actively worked. Adding this new case status allows law enforcement agencies to quantify the number of cases not being actively investigated because all reasonable avenues of investigation have been exhausted. However, should additional information be made available, these cases can be reopened for further investigation.

UCR Program staff developed two possible recommended terms for new cases statuses: *Administratively Closed/Suspended* and *Inactive*. However, subcommittee members feared the term administratively closed could be confused with the term exceptionally cleared and proposed the following definition for *Inactive*:

Applicable when a case is deemed closed or suspended for reasons of unsolvability, statutes of limitations, or did not meet federal/state guidelines. Every reasonable avenue of investigation has been pursued and exhausted. Under such circumstances, the case shall not be considered "cleared." Although active work on the case is discontinued, should additional information (e.g., new evidence, arrest of a suspect on a subsequent case) be forthcoming, it would be pursued at that time.

The task force also recommended the addition of a case status of *Transferred* to collect information on cases in which investigative authority is transferred to another agency. Current UCR Program policy states, "If a reporting agency refers the investigation of an incident to another federal, state, local, or tribal agency after submitting the data to the UCR Program, the original reporting agency must delete this report. The agency receiving the referral would then report the incident as if it were an original submission."

The addition of a case status of *Transferred* requires a change in current policy, because continuing to delete cases that are transferred to another agency will cause an inability to quantify such instances. The UCR Program will be required to retire the policy dictating the deletion of transferred/referred offenses to ensure the information is accurately captured. The FBI's UCR Program will also be required to modify how case statuses are presented on the CDE and to ensure incidents that are transferred are not included in the crime counts and rates for data contributors.

These changes will also require modifications to the UCR Program's documentation, current training, and audit procedures.

The CJIS APB voted to approve the case statuses of *Inactive* and *Transferred*. The CJIS APB also voted to have the Beyond 2021 Task Force evaluate the most effective manner of implementation and data element location.

The next CJIS APB meeting will be held in June 2022. Agencies with questions should contact the UCR Program at [ucr@fbi.gov](mailto:ucr@fbi.gov).

### **A correct *UCR Program Administrative/Questionnaire Interview* document is crucial to the audit process**

Before CJIS Audit Unit (CAU) staff conduct a Quality Assurance Review (QAR), they contact that state's UCR Program staff to gather information relevant to the review and to provide them with the *UCR Program Administrative/Questionnaire Interview* document.

The 13-page fillable Word document asks the state UCR Program to furnish state statutes that define crime differently than federal UCR Program guidelines. For example, some states have legalized marijuana, and in some states, it is not a crime to possess drug equipment.

It is imperative that the agency complete the *UCR Program Administrative/Questionnaire Interview* as completely and correctly as possible before auditors conduct the QAR. Otherwise, during an audit, auditors may determine that an offense is underreported (auditors identified additional information available in the case file that was not reported). This can affect the agency's error rate and possibly result in auditors notifying the state's CJIS Systems Officer (CSO) of the findings.

**Example:**

Auditors visited a state where it is not a crime to have drug equipment, but that information was answered incorrectly in the *UCR Program Administrative/Questionnaire Interview*. Auditors examined a case file in which an offender was in possession of marijuana, a pipe, and a bong. The agency reported only the possession of marijuana (because possession of a pipe or bong is not illegal in that state), and the auditors reported a discrepancy that a drug equipment violation offense was underreported. This raised the agency's error rate and resulted in correspondence to that state's CSO.

Agencies with any questions regarding the *UCR Program Administrative/Questionnaire Interview* should contact the CAU auditor who will be conducting the review.

**Trainer Talk**

Each quarter, Trainer Talk features questions the trainers from the UCR Program have received about classifying offenses in UCR. The information the UCR trainers provide is for UCR Program reporting purposes only and may not reflect the charges filed against an offender(s).

When requesting assistance with the classification of offenses, the UCR trainers ask law enforcement agencies and state Program personnel to provide the entire incident report so that UCR trainers can provide the most accurate assessment. Agencies may submit incident reports by e-mail to [UCRtrainers@leo.gov](mailto:UCRtrainers@leo.gov). Agency staff with questions should contact the trainers' e-mail at [UCRtrainers@leo.gov](mailto:UCRtrainers@leo.gov).

**Question**

What is the correct property description for e-mail and electronic files?

**Answer**

Agencies should use the data value of 48 = Documents/Personal or Business when reporting incidents involving e-mails and electronic files in Data Element 15 (Property Description). This includes stolen, deleted, counterfeited, forged, or damaged electronic personal files, electronic business files, and e-mails.

**Question**

An individual broke into a screened-in porch and stole several items. What should the agency report as the offense code?

**Answer**

The agency should use the offense code 220 = Burglary/Breaking and Entering in Data Element 6 (UCR Offense Code). Burglary is defined as "The unlawful entry into a building or some other structure to commit a felony or a theft" (page 18, *NIBRS User Manual*, dated April 15, 2021). In addition, on page 19 of the *NIBRS User Manual*, dated April 15, 2021, "a structure

has four walls, a roof, and a door...” In the UCR Program, a screened-in porch qualifies as a structure because it has four screened walls, a roof, and a door.

### **Question**

How should an agency calculate the Age of Offender and the Age of Arrestee?

### **Answer**

An agency should report the age of the offender as the person’s age as of the incident date. An agency should report the age of the arrestee as the person’s age on the date of arrest.

For example, if an offender committed a burglary at the age of 19 but was not arrested until the age of 21, the agency should enter 19 in Data Element 37 (Age of Offender) and 21 in Data Element 47 (Age of Arrestee).

In addition, an agency should report the age of the victim as the person’s age when the crime occurred. For example, if a 20-year-old individual told police of a rape that occurred when the individual was 15 years old, the agency should report 15 in Data Element 26 (Age of Victim).

### **Question**

In addition to complementary live virtual training, what online training is available?

### **Answer**

The UCR training instructors have an array of training materials and resources available in the UCR Training Community on JusticeConnect, which can be accessed through LEEP.

Resources include:

- ❖ **NIBRS eLearning Series**—a set of computer-based training modules provide a comprehensive introduction to NIBRS reporting.
- ❖ **Scenario Practice**—multiple scenario examples and an answer key.
- ❖ **Trainer Talks**—a condensed, searchable document contains the Trainer Talk portions of previous editions of the UCR Program Quarterly.
- ❖ **NIBRS User Manual and NIBRS Technical Specifications**—links to the most up-to-date editions of NIBRS documents.
- ❖ **Q&A Log**—a document that provides answers to questions frequently asked during training sessions.
- ❖ **Common Errors**—a presentation that identifies data quality issues and potential red flags associated with reporting NIBRS data.

For detailed instructions on how to access JusticeConnect or for NIBRS-related training questions, contact the UCR trainers at [UCRtrainers@leo.gov](mailto:UCRtrainers@leo.gov).

To apply for a LEEP account, go to [www.cjis.gov](http://www.cjis.gov).

## Section 3— On the Audit Trail

### **Consider the separation of time and place when reporting multiple offenses**

Agencies are reminded to take the concept of Same Time and Place into consideration when reporting multiple offenses that may have occurred near each other or within a brief period of time.

Page 5 of the 2021.1 *NIBRS User Manual*, dated April 15, 2021, states “The fundamental concept of Same Time and Place presupposes that if the same person or group of persons committed more than one crime and the time and space intervals separating them were insignificant, all the crimes make up a single incident. Normally, the offenses must have occurred during an unbroken time period and at the same or adjoining locations.”

A separation of time and place means the offender(s) who is committing the crime is doing so over significant time periods and at different locations. This means the agency must report separate incidents.

The CAU staff reviewed the incident below and determined it should have been reported as two separate incidents:

Around 9 a.m., a woman received an alert on her phone from her credit card company. She realized that her purse was in her vehicle, so she went outside and found her purse was missing from the front seat. She also noticed that a radar detector had been stolen from her husband’s truck. She monitored her credit card activity and statements and determined that two credits cards were used to make unauthorized purchases at various businesses.

Based on the officer’s narrative, because breaking into the vehicles and the credit card fraud occurred at separate times and locations, this scenario fulfills the concept of separate time and place. CAU audit staff determined the credit card/automated teller machine fraud offense was overreported and should have been reported as a separate incident.