

JURISDICTION

Q: If a municipal police agency handles most of the incidents for a university/college within their jurisdiction, does the school still need to report NIBRS data?

A: If the municipality took over the incident, that agency should report it in NIBRS. If the university/college did not have any other incidents to report for a specific month, including any taken over by the municipality, the university should submit a zero report.

EXPUNGEMENTS

Q: When a court ordered expungement is received by an agency for either a juvenile or adult incident that was previously submitted to NIBRS, is the agency required to submit a delete command to take the incident out of the NIBRS repository?

A: You should not need to delete submitted NIBRS incidents if a case is expunged. NIBRS does not collect any directly identifying information and the expungement does not mean the crime did not happen. The agency can do what they need to do on a local level within their records to cover the expungement requirements but leave the incidents in the repository if possible.

AGENCY STATS

Q: If an Crime Against Person incident has more than one victim and/or offender, does NIBRS count these more than once in the agency statistics?

A: Any crime against person will be counted 1 per victim. If an incident of assault has 5 victims, that will show up in counts/stats as 5 assaults.

Q: If a Crime Against Property incident has items stolen, does NIBRS count these more than once in the agency statistics?

A: Any crime against property will be counted as 1 offense for each distinct operation of a Crime Against Property (except for Motor Vehicle Theft, where one offense is counted for each stolen vehicle). If an incident has 5 vehicles stolen, that will show up in counts/stats as 5 motor vehicle thefts.

GROUP B ARREST with UNKNOWN OFFENDER INFORMATION

Q: If an agency has a Group B offense where some of the offender information is unknown, NIBRS will not allow them to select unknown. How should this be reported?

A: Group B offenses are only reportable if an arrest is made, and therefore, the offender information would be known. If no arrest was made, it should not be reported to NIBRS. If an arrest is made in the future, it can be reported at that time and the agency will have the arrestee information. The main difference between Group A's and Group B's is that Group A's should be reported when they become

known to law enforcement. Group B's should only be reported when an arrest is made.

MARIJUANA GROW/ANNONYMOUS TIP

Q: A caller provided a tip about a marijuana grow. When LE arrived, all the plants had been harvested and all that was recovered was a CD with pictures of the grow. Should this be reported?

A: Because the LE agency is not seizing anything and it's an unknown offender(s), this would be non-reportable as well and would be treated almost like abandoned drugs. The agency knows a crime most likely happened, but there's no real way to figure out when, who, how, etc.

VEHICLES

STOLEN CATALYTIC CONVERTERS/MULTIPLE JURISDICTIONS

Q: An offender was arrested in another town and the State's Attorney is charging the offenders with 50 counts for converters stolen from several towns. Should this be classified "referred to other agency" or would the involved agencies only document the incident for converters stolen in their jurisdiction?

A: Agencies should be reporting the thefts of the catalytic converters stolen only within their own jurisdiction. It's common for a State's Attorney to combine all the charges and try them in court together, but for NIBRS reporting, each jurisdiction should be reporting their own. The agency where the offender was arrested would also likely be the jurisdiction where the offender stole some converters. This agency can clear their incident by arrest. The other agencies could clear their incidents exceptionally due to "in custody other jurisdiction" and meets the requirements for "cleared exceptionally: they know who the person is, where they are, have probable cause, but they can't go arrest the person because they've already been arrested and awaiting trial in a different jurisdiction.

STOLEN VEHICLE PARTS/ACCESSORIES (CATALYTIC CONVERTERS)

Q: We have several incidents where a catalytic converter was stolen from a vehicle. This offense and statute 625-5/4-102(a) used to map to IBR code 23F= THEFT FROM MOTOR VEHICLE. It is now mapping to IBR Code 290=DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY. When we try to list the catalytic converter as 'stolen' in the property segment, we receive an error stating the property segment must is not valid.

A: In order for a catalytic converter to be stolen from a vehicle, the offender must first damage the vehicle by sawing off the catalytic converter. The I-UCR Program recommends using statute 625-5/4-102(a), IBR code 290=DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY. The property segment must reflect this by listing the property loss type as 'damaged' and the

property description as the vehicle. If an agency also wants to list the theft of the catalytic converter in addition to the destruction charge, they may use statute 625-5/4-103(a)(1), IBR Code 23G= THEFT OF MOTOR VEHICLE PARTS OR ACCESSORIES and complete the property segment for that charge as 'stolen' 'vehicle parts/accessories.'

VEHICLE STOLEN in ANOTHER JURISDICTION

Q: An agency arrests an offender for being in possession of stolen vehicle and Agg Unlawful Possession of a firearm and FOID card violation. However, the vehicle was stolen in another jurisdiction. How should this be reported?

A: The agency may report a "280-Possession of Stolen Property" for the stolen vehicle, but they should not be reporting the recovery of the vehicle on this incident since it was not originally stolen within their jurisdiction. This information should be forwarded on to the original jurisdiction where the car was reported stolen and they will handle reporting the recovery of the vehicle. The agency who arrested the offender should have a type loss of "none" for the completed 280 offense. Also, the agency will only be able to report one of the two weapons law violations due to these offenses having the same IBR code and should only report the Agg Unlawful Possession of a firearm.

THEFT from TRAILERS & SEMI-TRAILERS

Q: Several semi-trailers and trailers were broken into. Some attached to a power unit (truck) and some not attached. Also, some of them are awaiting transport to another location and some are not. How is this reported?

A: Both the semi-trailers and trailers that are broken into should be classified as theft from motor vehicle, whether attached or not.

THEFT of TRAILERS & SEMI-TRAILERS

Q: We had several trailers and semi-trailers stolen. How should this be reported?

A: If the trailer was attached to the truck and then detached from the truck by the offenders, it would be theft of motor vehicle parts and accessories. If these were already detached from the truck, then it should be all other larceny/theft. Trailer (78 = Trailers) is the property description (Data Element 14) in both cases.

CARGO THEFTS

THEFT of ITEMS from VEHICLE / HOUSE (CARGO THEFT)

Q: If items are stolen from inside a motor vehicle or from a house, garage or other structure, should it be reported as a Cargo Theft?

A: No. A cargo theft is defined as "the criminal taking of any cargo including, but not limited to, goods, chattels, money, or baggage that constitutes, in whole or in part, a

commercial shipment of freight moving in commerce, from any pipeline system, railroad car, motor truck, or other vehicle, or from any tank or storage facility, station house, platform, or depot, or from any vessel or wharf, or from any aircraft, air terminal, airport, aircraft terminal or air freight station, warehouse, freight distribution facility, or freight consolidation facility. For purposes of this definition, cargo shall be deemed as moving in commerce at all points between the point of origin and the final destination, regardless of any temporary stop while awaiting transshipment or otherwise.”

Q: What if items were stolen from a delivery service, such as FedEx or UPS, and the items were being delivered to a private residence?

A: Since cargo theft requires the items to be part of a commercial shipment, this would not be considered a cargo theft since it is being delivered to a person at a residence. However, if the person is operating a business out of their residence and the item(s) were ordered by the business, then it would be considered a cargo theft.

Other Cargo Theft Examples

- If the shipment was received/ accepted by the buyer, then it is no longer in the chain of supply, even if the truck has not been unloaded.
- Trailers stolen w/o cargo inside is not a cargo theft. Trailers w/cargo are included if it is a commercial shipment moving in commerce between stops up to the destination. Once received by the end user, it is no longer cargo theft. Trailers do not need to be attached to the cab (power unit).
- Investigation should review truck log/bill of lading to make that determination.
- If pallet loads are in a warehouse and have not reached their destination and will be parceled out to future customers in shipments, they would be deemed to be cargo theft if stolen.
- LEAs should consider thefts of goods being delivered to a business from United Parcel Service (UPS), Federal Express (FedEx), the U.S. Postal Service, etc., to be cargo until the items arrive at the business, or final distribution point.

PROVIDING FALSE NAME vs FALSE IDENTIFYING INFORMATION

Q: Officer conducts a traffic stop, the driver gives a false name and was arrested for obstructing justice. Is the victim the officer or the police department?

A: The FBI recommends reporting the providing of a false name only as a 90Z if an arrest is made and not a 26C (Obstruction Identification). However, if the offender gave more than just a name (name, DOB, ID of a fictitious person etc.) it could be elevated to a 26C. In this case, the victim should be the person/entity being deceived. Since the law enforcement agency is the one being deceived, list the victim as G=government. The property is a stolen identity-intangible because the offender is receiving a benefit (or rather avoiding a detriment) by using the fake name, DOB, etc. The benefit, for example, is avoiding law enforcement knowing they

have an outstanding warrant. Therefore, the FBI recommends the 26C, Completed, with a type loss of stolen and 66=Identity-Intangible be reported in these situations.

HANDHELD DEVICE (PHONE)

Q: For data element 8 “suspected of using” field, is a phone considered Computer Equipment (Handheld Devices)? i.e. an offender text someone to say they were going to kill them.

A: Yes, a phone is considered a hand-held device. If it is used during the commission of a crime, an agency may report the Offender Suspected of Using as C=Computer.

POLICE CALLED TO ASSISTED LIVING/MENTAL HEALTH FACILITY

Q: An agency is called to an assisted living/mental health facility for a report of battery from a resident/patient. Do these need to be reported since the facility only called for assistance and was not looking for charges.

A: Absolutely, these should be reported if they become known to law enforcement and they believe a crime is/has happened.

DOCUMENTING THC PRODUCTS

Q: When entering drug seizures in NIBRS, how should THC Cartridges, THC edibles, and THC Oils, Wax, Butter etc., be entered?

A: The lab at Quantico advised to report THC cartridges, edibles, and oils as marijuana. The measurement depends on what form it’s in and if you’re able to determine the level of THC in the substance. Since this is difficult to determine, the FBI recommends dosage units be used for items where an agency is unable to clearly establish an amount of the drug itself (vape cartridges, edibles, etc.). This will trigger a warning but will go through without any errors.

In addition, the lab advised that since dabs, wax, butter/budder normally have a higher concentration of THC, this is best reported in the hashish category. This will be revised in the drug list and quantities and these changes will likely occur around June 2023. The FBI is hopeful the changes will allow for easier reporting of these instances.

UNAUTHORIZED VIDEO RECORDING

Q: We have a report in which the offense is 1261-Unauthorized Video Recording/Transmission in Restroom where a Juvenile took a photo of an athletic director without consent. The offense is listed with Crimes Against Society; therefore, we are unable to add the athletic director as the victim since the offense is connected to society and not a person. Any suggestion on what IBR code can be utilized for it to be connected to a crime against a person to allow the victim to be added?

A: The FBI trainers discussed this and determined a 90Z to be the most appropriate NIBRS code. Because of this, we will not collect any victim information on the FBI side.

MURDER/SUICIDE

Q: We have a case involving a murder/suicide. It appears NIBRS wants the suicide to have a victim. Who is the victim? Are they both victims and is one also an offender?

A: The FBI does not collect information on suicides within NIBRS. In the murder/suicide situation, the agency would report the homicide and the person who died by suicide as the offender, then clear the incident by exceptional means-death of the offender.

FOUND DRUGS

Q: An agency found a baggie of Methamphetamine, no victim and no suspect, does this need a NIBRS report?

A: The agency would not need to report seizing illegal drugs that are not associated with any suspect.

OFFENDERS ACTING in CONCERT & VICTIM WAS OFFENDER (VO)

Q: An agency had an incident where two officers (each a single-man car) responded to a disturbance call. One officer was physically pushed/struck (no apparent injuries) and the other was shot but sustained minor injuries. There were two offenders. One offender is being charged with Agg Assault to LE and the other Agg Battery to LE. The error being generated is 085, stating that each officer must have both offenders related to them. What is the reason for this?

A: It sounds like the offenders are acting in concert even though one officer was the victim of a simple assault and one officer was the victim of an aggravated assault. Because of this, the report will list the offenders as 01 and 02. All offenders listed on the same report are assumed to be responsible, in whole or in part, to ALL offenses in the incident. When you tie it all together, you have to put relationships for these offenders to all victims (because we're saying they're acting in concert and not just responsible for the actions they took themselves) in Data Element (DE) 35-relationship of victim to offender, then also list the offender number to be related in DE 34 (normally matches the offender sequence number to the victim sequence number). DE's 34-36 all need to have the right numbers and relationships listed to pass error 085.

Q: Husband comes home from work after finding out his spouse has cheated on him with a neighbor. Husband is out of control and confronts the spouse and punches her in the face leaving visible injury. The husband then proceeds to his bedroom and locks himself in the room. The female never contacts 911 emergency services and

approximately 15 minutes later approaches the male with a knife and threatens to stab him. The husband contacts 911. How should this be reported?

A: This should be reported as two separate incidents, simple assault in the first and aggravated assault in the second.

Q: Husband comes home from work after finding out his spouse has cheated on him with a neighbor. Husband is out of control and confronts the spouse and punches her in the face leaving visible injury. The wife then retaliates and begin punching and kicking the husband. The husband contacts 911. How should this be reported?

A: This should be reported as one incident since the offense is the same (Domestic Battery or Agg Domestic Battery. Both the husband and wife would be a victim and offender. The additional relationship code beyond the husband/wife would be VO-Victim was Offender.

GENDER IDENTITY

Q: An agency has a sexual assault where the offender is biological male but identifies as a female. They have not had any sex change surgeries nor taking any hormonal medication to assist with the binary change. How should their sex be classified in NIBRS?

A: For the offender, the FBI still has the option of unknown which could be utilized in the situation of a transgendered offender. However, for the arrestee information, the agencies are limited to only M or F. The FBI recommends making the decision based off biological gender since the system forces one of these options. The FBI is aware this is a problem and are still looking into the best way to change this that will accommodate all CJIS systems.

CRIME CAUGHT ON VIDEO-NO OFFENDER or VICTIM

Q: The police received a call from two neighbors who reported shots fired at a gas station near their residence. When the police arrived both the victim and offender had left the scene. The officers were able to view a video from the gas station cameras and observed a male/blk fire a gun three times at another male/blk. Officers found shell casings at the scene. Should this be reported?

A: Since a crime occurred and became known to law enforcement, this should be reported. We would recommend reporting the information based on what the agency knows right now, which appears to be the race and gender and the incident would likely be an aggravated assault. This incident can be updated when/if an investigation uncovers additional information.

ANNONYMOUS TIP

Q: A high school has a speak up line and a program called Gaggle which allows anonymous people to report crimes. We have a case where an anonymous person

reported a sexual assault on behalf of a third party stating it happened in town but not at the school. The reported address in the case is the school since the agency did not have an address. The witness, offender, and victim all refused to speak to the school officer and the case was closed. Do we submit this crime to NIBRS?

A: If the agency believes a sexual assault occurred, they may report it with the details that are known. If they have probable cause (which is doubtful based on the details), know the identity of at least one offender and their exact location, the agency could exceptionally clear it based on victim refusal to cooperate, but that's ONLY if they have all the requirements for exceptional clearance.

ANNONYMOUS SEXUAL ASSAULT VICTIM

Q: A sexual assault victim completed the sexual assault kit at a hospital and wished to remain anonymous, providing no sex, age, or race for themselves and no offender information. Should this be reported?

A: Since the victim remains anonymous an investigation cannot take place which is nonreportable to NIBRS. The agency can create an internal information only report. They can keep a case number for this and if or when the victim is identified and an investigation can proceed, it can be reportable at that time.

REPORTING AN INCIDENT WHICH OCCURRED IN THE PAST

Q: A person reported a sexual assault that occurred 10 years ago. What date should we use for the incident date and what ages should we use for the offender and victim?

A: When a victim reports an incident, which occurred several months or years in the past, the agency should use the date the incident is being reported and the "Report Date Indicator" button should be set to "Yes". This indicates the date entered is the Report Date rather than the Incident Date. The age of the offender and victim should be the age they were at the time of the incident 10 years ago.

MULTIPLE OFFENDERS: GROUP A & B OFFENSES

Q: An officer stops a vehicle with four occupants. The driver is arrested on a Group A offense and the three passengers are arrested on Group B's. Besides creating the Group A incident with an arrest segment, does an agency create three separate Group B arrest reports for each offender?

A: It depends on whether the offenders are acting in concert. If they are, then all offenders would be listed in the Group A. If not, the agency should create one Group A for the driver and separate Group B arrest report for the three others. The Group B reports would have the same arrest transaction number but three different arrestee sequence numbers for each arrestee.

MULTIPLE OFFENSES COMMITTED OVER SEVERAL DAYS

Q: On Nov 1 an offender commits a Group A & B offense but is not caught so a warrant is issued. On Nov 6 & 13 the same offender commits separate Group B offenses. During a subsequent crime on Nov 13, the offender is arrested. The original Group A incident from Nov 1 should be updated with an arrest segment. but is the UCR offense code entered for the Group A or B offense? If the agency creates two separate Group B arrest reports for the other two incidents the system will not allow this since the same arrest transaction number is used and it sees it as a duplicate arrest report.

Since the second two Group B incidents were separated by a few days, would this fall under the same time and place concept? Since NIBRS is incident based reporting, I am not understanding why the incidents on Nov 6 & 13 are not reported separately.

A: This should be reported with one Group A incident with the arrest offense to be determined by the agency, either A or B (most likely A). No other Group B arrest reports to be submitted and offender will be arrested once and charged with all offenses.

It comes down to the fact that the individual was only arrested once. Since Group B Arrest reports are specifically focused on the number of arrests and not necessarily the number of offenses happening, you would be duplicating the number of arrests if you submit both a Group A arrest segment on the original group A incident report as well as Group B arrest reports. Ultimately, we'd prefer the Group A arrest be reported to clear that incident and the Group B's would fall away. You can list one as the arrest offense code in the group A incident report.

SAME TIME and PLACE CONCEPT

Q: Scenario 1 - an individual steals items from three cars on the same street in a residential area. Shortly after, the individual travels to a different residential area several blocks away and steals items from motor vehicles from two cars on the same street.

A: The agency should report two incidents of 23F = Theft from Motor Vehicle because the thefts occurred at locations that were several blocks apart.

Q: Scenario 2 - an offender stole a wallet from a convenience store. Later that day, the offender used credit card(s) from the stolen wallet to make purchases at a different location.

A: The agency should submit two separate reports—one for theft and one for fraud.

Q: Scenario 3 - An agency had two residential break-ins(burglary) and a burglary to auto during the same evening. Each incident occurred during a short time frame and

along the same block of houses. Is this considered one incident for NIBRS purposes, or still three separate incidents?

A: The agency would have at least two reports (and possibly 3). The burglaries would need to be reported separately because the FBI treats the entering of a structure as separate distinct operations. If the motor vehicle was at the same location as one of the homes and the agency knows that the same offender who burglarized the home also stole from the vehicle sitting outside, then they can report the theft from motor vehicle on one of the reports with the Burglary (220). If the agency isn't sure if it was all done by the same offender/group of offenders acting in concert, we recommend three separate incidents.

OFFENDER and/or VICTIM AGE

Q: If I do not know the exact age, should I put a minimum and maximum range of 1-98?

A: No. If the age is unknown, then an entry of "00 – Unknown" should be selected. If it was reported that a male offender was between 20-29 then that should be entered as the minimum/maximum age. Entering a minimum/maximum age of 1-98 will produced a warning that the offender/victim was under the age of 10.

UNKNOWN OFFENDER (possible 1607 Warning)

Q: If I do not have all the identifying information for an offender, how should this be entered?

A: The information regarding an unknown offender is covered on pages 126, 130 & 131 of the 2021.1 NIBRS User Manual. When there is nothing known about the offender, even the number of offenders, 00 is entered in the Offender Sequence Number field and all other fields must be blank. If the number of offenders is known then the offender sequence number is entered for each offender (01, 02 etc.), however, there must be data in at least one of the fields and the remaining can be unknown.

THEFT INVOLVING CRYPTOCURRENCY

Q: How should I report a theft in trading cryptocurrency; I am not sure if the victim is the Individual or Financial Institution Fraud.

A: Generally, the victims are Individuals when dealing with cryptocurrency. The agency could report this as 26A Fraud and report "Offender was suspected of using a Computer" as the scheme started in person. Another option is reporting it as a Wire Fraud since it transitioned into an online scheme. The correct property description for cryptocurrency is 77 = Other for Data Element 15 (Property Description). Agencies should convert the value of the cryptocurrency into U.S. dollars and report the current market value in Data Element 16 (Value of Property).

IDENTITY THEFT

Property Segment - All Identity Theft incidents require a Property Segment to be completed. The Type of Loss of 7=Stolen and Property Group Description of 66=Identity – Intangible

Deceased Victim - The FBI recommends a 26F Identity Theft offense and use the deceased victim's information. Also, if the spouse/descendant incurred any loss you may report them as a victim as well.

RANSOMWARE ATTACK

Q: A criminal group hacks into a Law Enforcement network or RMS, encrypts all LE records, then demands a ransom is paid in Bitcoin or wire transfer to release the documents. Do I document a ransomware attack and what should I use for information such as Location Type, Property Loss, etc.?

A: The offenses associated with this would be 26G=Hacking/Computer Invasion & 210=Extortion/Blackmail. The other information would be:

- Location Type: 11=Government/Public Building would be more specific. The FBI can infer cyberspace was involved due to the offense of hacking/computer invasion and can also glean this information from Data Element 8=Offender Suspected of Using C=Computer.
- Property Loss Type(s): If ransom WAS paid, you would have one property segment with 7=stolen because both offenses would be C=Completed (the money taken for the 210 and "stealing" access to the files/keeping the LE from accessing the records). If ransom was NOT paid, you would have two property segments: one with 7=stolen for the C=completed computer hacking and one with 1=None for the A=Attempted 210 Extortion/Blackmail.
- Property Description: Because we must list property for a 7=stolen for the computer hacking, we would advise reporting this as a 77=other for stealing access to the records with a value of \$1.00=unknown. For the ransom paid (if it was), we would recommend listing 20=Money with the amount they paid as the property value. If ransom was paid in bitcoin, we would leave that to the agency to calculate the conversion based on the market value at that time
- Offender: The offender's information will likely be unknown including the number of offenders. If this is true, "00" should be entered for Offender Sequence Number and no other information.

Credit Card Fraud

Q: When a person has their credit card information stolen which results in unauthorized charges, but the bank issuing the credit card does not hold them liable for the charges, who is the victim. The card holder or the bank?

A: The direction from the FBI is the primary victim is whomever surrendered property (e.g. business/bank) to the offender by the unauthorized use of the card. The property is

whatever was gained, usually some type of merchandise. As you may have up to 999 victims, you may include the person and/or bank as additional victims, but that is almost redundant information. What we really need is the primary victim and what was gained through the credit/debit card fraud.

HUMAN TRAFFICKING-FICTITIOUS VICTIM

Q: How should an agency report the demographics of a fictitious victim in a human trafficking sting?

A: Agencies should report the fictitious demographics that the law enforcement officer used during the communications with the offender. For example, an undercover law enforcement officer posed as a 14-year-old female while communicating with an individual who was coercing the fictitious victim to perform a commercial sex act. Current procedures do not allow for the reporting of L = Law Enforcement Officer in Data Element 25 (Type of Victim) for the offense of 64A = Human Trafficking, Commercial Sex Act in Data Element 6 (UCR Offense Code). The agency should report a victim type of I = Individual in Data Element 25 (Type of Victim), a data value of 14 in Data Element 26 (Age of Victim), and F = Female in Data Element 27 (Sex of Victim).

DRUG INVESTIGATIONS-CONTROLLED BUYS

Q: We have a drug investigation case that involves controlled buys over several days. The drugs purchased but not seized. Is this reported as separate incidents?

A: You may report one incident totaling all drugs types, quantities, and drug measurements at the conclusion of the investigation.

OFFICER INVOLVED SHOOTING-JUSTIFIABLE HOMICIDE

Q: The scenario is, an on-duty officer is called to the scene of a man with a gun. When the officer arrives on the scene the offender begins shooting at the officer. The officer returns fire and fatally wounds the offender, but the officer had minor injuries. How is this reported?

A: It should absolutely be reported, and this is why we have an offense code of 09C (Justifiable Homicide) to utilize. This would require two separate incidents reported to NIBRS. One for the aggravated assault against the officer and one for the justifiable homicide of the offender. We want to stress that while justifiable homicides ARE reportable, the FBI does not view them as crimes (even though they will have to list the officer as the “offender” in the incident to get the data to us).

Regarding the two separate incidents, an agency must create two separate Group A incident reports. Placing both IBR codes in the same incident will create an error and the incident report will be rejected:

Data Element 6 (UCR Offense Code)

When a Justifiable Homicide is reported, no other offense may be reported in the Group A Incident Report. These should be submitted on another Group A Incident Report.

OFFICER INVOLVED SHOOTING/USE of FORCE REPORTING – OFFICER OFF DUTY

Q: An off-duty officer was getting out of his personal vehicle at their residence when a car drove by and shot at them. The officer returned fire but missed the vehicle and all occupants. Is this reportable as a Use of Force incident?

A: If the officer was in uniform, it would be reportable as a use of force incident even if they were off duty. If the officer was not in uniform and off duty, then it would not be reportable.

NIBRS SUBMISSION

Intimidation / Assault / Agg Assault - INJURY

Type of Injury (Data Element 33):

- Severe Lacerations includes any injury receiving medical attention. These include injuries requiring a stitch/stitches and/or super glue to close the wound. When this occurs, the incident should be classified as a 13A-Aggravated Assault.
- Loss of consciousness must be the direct result of force inflicted on the victim by the offender and can include loss of consciousness from choking/strangling.
- Loss of consciousness caused by the offender punching the victim during an assault and knocking the victim unconscious is always reported as an 13A-Aggravated Assault
- Simple Assault (13B) consist of injuries that are not serious (abrasions, minor lacerations, or contusions) and require no more than usual first-aid treatment.

CORRECTION of PREVIOUS SUBMISSIONS

Q: Do I need to correct my submission errors and resubmit the reports to the live/production site?

A: Yes. That is a mandate of the program. If you do not correct the errors and resubmit, your data will not be accepted into the State repository and will not be sent to the FBI. This will likely cause audit findings during periodic audits conducted by the FBI. Also, if the issue(s) causing the error is not corrected, it will continue to affect incidents submitted in the future and have a compounding effect on the error rate. If, after an agency is notified of three consecutive months with an error rate above 4%, the agency remains above the 4% error rate threshold for three additional

consecutive months, their RMS will be decertified, and they will be sent back to the test site.

UNABLE TO MANUALLY CORRECT XML INCIDENT

Q: Why am I unable to manually edit or delete items in the repository?

A: Based on the NIBRS guidelines, having both XML Manual/WebService and manual entry data submission permissions is not allowed since it has the potential of causing data integrity issues between an agency's RMS and the State repository. If your agency uses XML Manual/WebService for your submissions, your manual data permissions have been removed.

In order to make corrections to previously submitted reports, you will need to resubmit the corrected reports through your RMS on your next NIBRS submission through a Prior Month Adjustment (PMA).

DUPLICATE INCIDENT ERROR (Error 056)

Q: I edited a previously submitted report but am now receiving an 056 error. What is the proper way to correct/delete the original arrest report?

A: If you are editing a previously submitted report, your RMS vendor needs to ensure that the XML file type is set to "R" for replace so the original file can be replaced by the new XML file which has the updated information. If the XML file type is set to "N" new, then the system thinks you are submitting a new file, and since we cannot accept two separate files with the same incident number, the submission will error out with 056 "Duplicate Incident".

The 056 error occurs when an incident is submitted with the same incident numbers as an existing incident within the repository. When this occurs, in most cases, it means there is an issue within the RMS that needs to be addressed by an agency's vendor and involves two issues. First, the RMS should not allow a previously submitted and validated incident to be resubmitted. Second, if a corrected incident file is being submitted to edit a previously submitted incident, there should be a specific command in the file header designating the action. This is outlined below in information provided in the NIBRS developer's guide:

4.1.2 Report Header

This area of the schema provides the type of report being provided and the action being performed by the report (Incident Report, Delete, Replace, and Add). Note: "Replace" completely replaces the submission similar to what a delete and add/insert would do.

5.3.3 Report Action

The Report Action Category Code differentiates between Incident Report, Add, Replace, and Delete. This applies to the entire submission and indicates if this is

a new submission (I and A), a replace to an existing submission (R), or a deletion of a submission (D). “I” is used for Group A incident reports. “A” is used for Group B and Zero Report. “R” is used for Group A and Group B reports. “D” is used for all types of reports. “Replace” completely replaces the submission similar to what a delete and add/insert would do.

Data Values:

- I Incident Report
- A Add
- R Replace
- D Delete

DUPLICATE ARREST TRANSACTION NUMBER [ATN] (Error 088)

Q: Why am I getting this error – “A Group A Incident Report and a Group B Arrest Report cannot have the same data values entered in Data Element 41 (Arrest Transaction Number), within the same ORI”?

A: The Arrest Transaction Number (ATN) uniquely identifies the arrest report. Since the same ATN is being used to report an arrest in a Group A and Group B, the validation within the NIBRS repository is seeing this as a duplicate arrest report, causing the error. There are two ways to report an arrest for an incident that contains a Group A and Group B offense:

1. Create a separate arrest report for the Group B offense. The agency can add a letter to the end of the ATN if the total characters do not go over twelve.
2. The agency can add only the Group B offense to the arrest segment of the Group A incident. The arrest will close out the entire incident and all offenses within.

*NOTE: Since an arrest closes an entire incident and all offenses within, the agency statistics will reflect an arrest for each offense in the incident. If an agency does not want a Group A incident closed, option 1 above would be the best way to report the arrest.

NIBRS USERNAME and PASSWORD LINKED to RMS

Multiple Failed Logins/Locked account: this always occurs with XML web submission agencies and is caused by the RMS not having the most current password associated with the user’s NIBRS account used for submissions. Each time a password for a user’s account is changed, it must be updated in the agency’s RMS prior to any further submissions.

RMS can’t submit incidents via Web submission: this is usually caused by the RMS not having the most current password associated with the user’s NIBRS account used for submissions. The user may still be able to log in and show failed

login attempts. They will get an 'access denied' message because the RMS username and Password do not match. The user will need to ask their vendor to update the info.

RMS can't submit incidents via Web submission, but user can still log in to NIBRS account:

This is usually caused by the RMS not having the correct user name for the user's NIBRS account used for submissions. The user will still be able to log in to their NIBRS account and no failed login attempts will be received.

DATA SUBMISSION WARNINGS

1203 - WEAPONS LAW VIOLATION WITH PERSONAL WEAPONS

Q: Scenario - Weapon Law Violations (520) are defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

A: some agencies are reporting the data values of 40 = Personal Weapons or 99 = None when reporting 520 = Weapon Law Violations in Data Element 6 (UCR Offense Code). These data values are incorrect when reporting weapon law violations, because it is not illegal to possess or conceal personal weapons (hands, fists, feet, etc.); if the agency reports a weapon of 99 = None, an individual would not be violating a law.

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Acceptable responses are:

11=Firearm

12=Handgun

13=Rifle

14=Shotgun

15=Other Firearm

20=Knife/Cutting Instrument

60=Explosives

65=Fire/Incendiary Device

1220 - HATE CRIME / BIAS MOTIVATION CODE 99=UNKNOWN

Q: Should I select 99 – Unknown for this if there is no bias involved in an incident?

A: No. If there is no indication of a bias, LE should report this as data value 88 = None. Incidents involving ambiguous facts (some facts are present that a bias occurred but are not conclusive) should be reported as data value 99 = Unknown. When an offense is initially classified as bias motivation 99 = Unknown and subsequent investigation reveals the crime was motivated by bias or no bias was found, the agency must update its original submission to the appropriate bias code.

1314 - DRUG EQUIP VIOLATIONS

This warning does not always relate to a drug offense but rather occurs for incidents where Data Element 12 (Type Criminal Activity) is reported as P = Possessing/Concealing with Data Element 14 (Type Property Loss) 1 = None. Typically, with this Type of Criminal Activity, the Type of Property Loss is 5 = Recovered or 6 = Seized. Although this warning does not prevent the data file from being accepted by the NIBRS repository, it will likely produce an audit finding with the FBI.

According to the NIBRS technical specification document page 188 (PDF page 202):

Data Element 12 (Type Criminal Activity) is reported as P = Possessing/Concealing with Data Element 14 (Type Property Loss) 1 = None. Typically, with this Type of Criminal Activity, the Type of Property Loss is 5 = Recovered or 6 = Seized.

1404 - ASSAULT/BATTERY to LE OFFICER

Q: When an offender commits assault/battery against a LE Officer, is this always submitted as an Aggravated Battery to a Police Officer?

A: In order to be classified as an aggravated assault federally, there must be severe injuries and/or the use of a dangerous weapon. Since the FBI classifies these as assaults and does not break down the offenses into assault or battery like Illinois does, these will fall under three separate assault categories within NIBRS: Intimidation, Simple Assault or Aggravated Assault. Choosing the correct option depends on the circumstances of the incident and any injury to the LE officer including the severity of that injury. Below are examples:

- Aggravated Assault based only on the person being a LE officer:
I-UCR 0516/13C Intimidation
- Aggravated Battery – no injuries:

I-UCR 0434/13B Simple Assault

- Aggravated Battery – Great Bodily Harm/Permanent Disability/Disfigurement: I-UCR 0412/13A Aggravated Assault

Q: We have an Aggravated Domestic Battery incident that involved the victim being struck by the suspect's hand and choked/strangled. We entered Person Weapons (hand) for Type of Weapon and Apparent Minor Injuries for Type of Injury. Why are we getting the 1404 warning - WARNING - AGGRAVATED ASSAULT WITH MINOR OR NO INJURY AND PERSONAL OR NO WEAPONS?

A: An agency can report up to 3 weapon types for Data Element 13 (Type Weapon/Force Involved). If the agency uses 85 = Asphyxiation for the choking\strangulation event in addition to the 40 = Personal Weapons, the warning should clear.

1405 – SIMPLE ASSAULT WITH NO WEAPON

Q: Why am I getting this warning – “WARNING - SIMPLE ASSAULT WITH INJURY AND NO WEAPON”?

A: In Illinois, Simple Assault maps back to such offenses as Battery, Domestic Battery, Hazing with Bodily Harm, etc. The warning is questioning how the victim could have minor injuries without the use of a weapon. At the very least, the weapon reported should be 40 = Personal Weapons.

1407 – WARNING- UNKNOWN VICTIM INFO

If a victim is known and has a victim number, then the system is expecting data for the sex, race & age (or an age range). If nothing is known about the victim(s) then the “unknown” victim type is a better representation of the incident.

1413 - CHILD/PARENT OR GRANDPARENT RELATIONSHIPS WITH POSSIBLE AGE PROBLEMS

Age difference between the victim and the offender was less than 11 yrs

1501 - WARNING - AGE OF OFFENDER LESS THAN 3

Occurs when age range is entered from 1 up to 97

1508 – WARNING - FONDLING WITH OFFENDERS UNDER AGE 13

The reason you received this warning is because the offense used maps to Fondling (certain sex offenses), but per the definition of Fondling, an offender must be at least 13 years of age to commit this offense with the purpose of sexual gratification. Since the offender is not at least 13, the FBI does not believe someone of this age would have the intent of receiving sexual gratification. This will also occur when the age of the offender is entered as unknown.

1541 - WARNING - OFFENDER HAD AGE OVER 98

Age of 99 entered instead of 00-Unknown. Although it is possible to have 99-year-old (and older) offenders, when there is an abundance of them for any particular agency, the FBI’s UCR Program requests verification of these incidents. Some vendor software erroneously defaults to 99=unknown, instead of the correct 00=Unknown.

1551 - OFFENDER AGE RANGE 1-98 OR 1-99

Age of offender was submitted with an unreasonable range span from the youngest age of 01 to the oldest age of 98 or 99. Although it is possible to have 98/99-year-old, when there is an abundance of them for any particular agency, the FBI’s UCR Program requests verification of these incidents. Please narrow the age range to 10 years (maximum) when the exact age is unknown.