NIBRS Info, Updates, and Frequently Asked Questions…

Compiled from FBI correspondence with Darrin Moor, FBI Trainer

Cargo Theft

When determining if cargo theft applies to an incident, two key phrases to consider for the collection process and in the training of Cargo Theft are **"Commercial Shipment"** and **"In the Supply Chain."** If a shipment is being sent from a commercial establishment to a retailer, it should be considered a cargo theft if it is stolen. Shipments sent from a retailer or commercial establishment to an individual should not be considered cargo theft, if stolen. The dollar amount and the number of items taken are not to be a deciding factor when determining Cargo Theft.

Do not regard "Pizza Delivery and Flower Delivery: type of activities as grounds for inclusion in the Cargo Theft data collection. Most thefts occurring during deliveries from a commercial establishment to a residence should not be included as Cargo Thefts. Do not count thefts of Fed-Ex or USPS deliveries as Cargo Thefts.

Examples below might help to clarify Cargo Theft:

> *A tractor trailer containing a load of kitchen appliances is being delivered to a commercial establishment from a manufacturing facility are taken. For example, a tractor trailer load of dishwashers being delivered to Home Depot are stolen. This should be considered Cargo Theft as the items are a "Commercial Shipment and "In the Supply Chain." Home Depot making a delivery to your residence of the same appliance(s) should not be considered as Cargo Theft, as the appliance(s) are no longer a "Commercial Shipment" and are no longer "In the Supply Chain."*
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> *A truck load of flowers (or any item) from a warehouse or distribution center are taken in transit. They are being delivered to a florist. This should be considered Cargo Theft. The flowers being delivered from a florist to the end user/customer is not to be reported as Cargo Theft.*
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> *A truck load of pizza sauce, cheese, and pizza dough being transported to a Pizza Hut are taken in transit from the processing/manufacturing facility. This should be reported as Cargo Theft. The double cheese, extra pepperoni pizza you ordered from Pizza Hut being delivered to your residence or business should not be considered Cargo Theft.*
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> *A truck load of U.S. Postal mail and packages from a sorting/distribution point is taken in transit. It was to be delivered to your local post office. This should be considered Cargo Theft. The letter carrier delivering mail to your residence or business should not be considered as Cargo Theft. The same holds true for Fed-ex and UPS shipments.*

In short, if the "cargo" item(s) are being transported from a commercial establishment/business to the end user/customer, it is not to be considered as a Cargo Theft. A theft of item(s) in transit to the commercial establishment/business should be considered Cargo Theft.

Location and Property Types

Question: "I have an incident that was reported that took place at a government-owned recreational cabin. It was submitted as residence (20), but I know that is incorrect. What would we classify this as?"

Answer: *The best choice for the location mentioned above would be 14=Hotel/Motel/Etc. for this specific scenario. Our definition for 14=Hotel/Motel/Etc., includes other temporary lodgings.*

Question: For the best Property Description, would a garage that is attached to a single family residence (it even has a door leading from the garage into the house) be coded as "34=Structures-Storage" or "29=Structures-Single Occupancy Dwelling"?

Answer: *In instances such as this, it is best to use the most descriptive data value of the property that was vandalized. In this instance, 34=Structures-Storage (barns, garages, storehouses, warehouses, etc.) is more accurate. Our 29=Structures - Single Occupancy Dwellings are residential dwellings that are occupied by a single person, family, housemates, or other group. Occupied implies that some person(s) lives in the dwelling to meet the criteria for a Structure - Single Occupancy Dwellings. See page 84 of the NIBRS Data Collection Guidelines, Vol. #1.*

Question: For the best Location Type, if a burglary occurs in an attached garage, (the offender did not enter the residence), would the offense location type be "20=Residence/Home" or "18=Parking Lot/Garage"?

Answer: *The Location Type of 20=Residence/Home (includes apartment, condominium, and nursing home) would be the correct data value in the instance. The 18=Parking/Drop Lot/Garage data value is used for when a commercial type property is involved.*

Question: I own a handheld GPS that I use when I am hiking. Should I code this as a "75=Portable Electronic Communications"? Previously, it was recommended that it be under "77=Other."

Answer: *A GPS device used for hiking would best fit in our new data value of 76=Recreational/Sports Equipment (equipment and materials used for recreational purposes or during sports activities.) I would also include in this category GPS devices used for Golf.*

A GPS device used for boating would best fit into our new data value of 79=Watercraft Equipment/Parts/Accessories (watercraft equipment or accessories that are used for the craft's maintenance or operation).

A GPS devices used in an aircraft would best fit into our new data value of 41=Aircraft Parts/Accessories (parts or accessories of an aircraft, whether inside or outside.)

Of course, all GPS navigation devices used in motor vehicles should still be listed in 38=Vehicle Parts/Accessories.

NIBRS agencies not utilizing the new additional property data values should record all non-motor vehicle GPS devices (Hiking, Golf, Boat, and Aircraft, etc.) in the category of 77=Other.

Question: How would you code the property description for a home confinement communication system? (the box and/or ankle bracelet)

Answer: *An ankle monitor, commonly called a tether, is a device that individuals under house arrest are often required to wear. At timed intervals, the ankle monitor sends a radio frequency signal containing location and other information to a receiver. If an offender moves outside of an allowed range, the police will be notified.*

Incident-based reporting agencies, who have implemented the additional Property Data Values, should use data value ***75=Portable Electronic Communications*** *for this property description. The definition includes "electronic devices used to communicate audible or visual messages."*

Incident-based reporting agencies, who have not yet implemented the additional Property Data Values, should use ***77=Other*** *for this property description.*

Question: Would a robbery or attempted robbery of a check-cashing business be classified as a robbery of a bank (f) or a commercial house (b)"?

Answer**:** *NIBRS reporting agencies should use the Location Type of 24=Specialty Store as opposed to 02=Bank/Saving and Loan for Check Cashing and Pay-Day Lenders. This is a change from previous information provided and is now more accurate due to the Conversion of NIBRS to Summary Data. These types of businesses should have a Type of Victim of B=Business is the correct data value.*

Question: What property description should be used when a vehicle is vandalized? Should it be 38=Vehicle Parts/Accessories or the property description of the motor vehicle itself?

Answer**:** *The damage of a motor vehicle, i.e., breaking of a window or keying of a motor vehicle property description that is more accurate to report is the Motor Vehicle itself (03, 04, 24, 28, or 37) for Data Element 15 - Property Description, not 38=Vehicle Parts/Accessories when a motor vehicle is damaged for this offense. It can be assumed that all motor vehicles are made up of motor vehicle parts.*

Drug Offenses

Khat (pronounced Cot) is a flowering plant native to tropical East Africa and the Arabian Peninsula. Khat that is abused and sold is usually just the leaves, twigs, and shoots of the Khat shrub. It is usually chewed like tobacco. The fresh leaves, twigs, and shoots of the Khat shrub are chewed and then retained in the cheek and chewed intermittently to release the active drug. Dried plant material can be made into tea or a chewable paste. Khat can also be smoked and even sprinkled on food. Khat side effects are anorexia, tachycardia, hypertension, insomnia, and gastric disorders. Chronic Khat abuse can result in physical exhaustion, violence, and suicidal thoughts.

Other names/street names for Khat are: Abyssinian tea, African salad, Oat, Kat, Chat, and Catha.

Bath Salts are a designer drug. They are a synthetic stimulant that contain mephedrone or MDPV. They are an amphetamine. They can be snorted, injected, or mixed with food or drink or inserted into a body cavity.

Other names/street names are: White Lightening, Zoom 2, Aura, Ivory Snow, Vanilla Sky, Red Dove, Ivory Wave, and Hurricane Charlie.

Both Khat and Bath Salts, for NIBRS reporting agencies, should be reported within the "M=Other Stimulants" in the "Suspected Drug Type" Data Element - Our Data Element 20. See pages 88 of the Volume 1: Data Collection.

Fraud Offenses

Question: A person was attempting to pass a $20 counterfeit bill at retail establishment but after arrest he was determined to have another counterfeit $50 in his wallet. So is the amount in the offense going to be $20 or $70"?

Answer: *The National Program would view this scenario has having two distinct offenses for reporting purposes.*

What should be reported is an offense of ***Fraud - False Pretense/Swindle/Confidence Game****, shown as "Attempted," with a Type Property Loss/Etc. of 1=None. This offense is reported due to the fact the offender attempted to pass the money at the retail establishment. The definition of Fraud - False Pretense/Swindle/Confidence Game is "The intentional misrepresentation of existing fact or condition or the use of some other deceptive scheme or device to obtain money, goods, or other things of value." Please see page 27 of The FBI Vol. #1 Data Collection Guidelines.*

Also, the agency should report an offense of ***Counterfeiting/Forgery*** *and show this offense as "Completed" with this particular scenario. The Type Property Loss/Etc. should be 3=Counterfeited/Forged. This offense will allow for the collection of the Property Description and Value of Property of the money to be reported to the National Program. The entire amount of $70.00 should be used. The Type Criminal Activity/Gang Information data element for the Counterfeiting/Forgery offense could be both P=Possessing/Concealing and U=Using/Consuming.*

The definition of Counterfeiting/Forgery is: The altering, copying, or imitation of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine or the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud. Please see page 24 of Vol. #1 Data Collection Guidelines.

Question: Larceny or Fraud? A Suspect walks into Ralph's Super Market, walks up to the Deli and orders a sandwich and chips. He ate the food then walked out without paying. The officer coded it as Commercial Burg...is this correct?

Answer: *The correct answer to this scenario is:* ***Fraud.***

The definition of fraud for Incident-Based Reporting agencies is: The intentional perversion of the truth for the purpose of inducing another person or other entity in reliance upon it to part with something of value or to surrender a legal right. Please see page 27 of Vol.#1 - Data Collection Guidelines.

Incident-Based Reporting agencies should use the offense of Fraud: "False Pretenses/Swindle/Confidence Game" for this particular scenario. The officer coded this offense as "Commercial Burglary." Generally, agencies view this type of criminal activity as "Theft of Services." However, due to the fact that the offender entered into a tacit agreement with the business for the items, it is not a theft offense, but a fraud, for UCR reporting purposes.

Larceny Offenses

The following scenario was asked to determine the proper offense to report for UCR:

Question: "The offender walks by the victim and snatches a $5 bill from the victim's hand and runs away. No direct confrontation. Should this be considered "purse-snatching"?

Answer: *No, it should not be considered "purse-snatching". If we allow for items, other than purses and handbags, etc., to be included in the Purse-snatching offense, it will populate the Purse-snatching offense category with too many items that are not directly related to this offense and their definitions. We would not want to have the above scenario classified as Purse-snatching when items such as food, money, or cell phones are obtained in this manner. The proper offense crime classification would be "All Other Larceny" for NIBRS reporting agencies.*

Sex Offenses:

Question: We have run across an unusual incident on our end. At this time we have a young woman who was raped. One male had sex with the female, one male videotaped the sex, and one female assisted in getting the drunk/passed out victim to the bedroom.

All three subjects listed above were arrested. How do we input this for NIBRS?

Answer: *It should be coded as a Forcible Rape. All persons arrested should be listed as offenders in the rape, including the female. While you would not show a female as a sole offender in a rape offense unless the victim is a male, you can do this if they assist a male. Her arrest should be coded as a 90Z – All Other Offenses, since she was aiding and abetting in the forcible rape. The male that was videotaping should have an arrest code of either 370 – Pornography or 90Z – All Other Offenses. The male that had sex with the victim, should have an arrest code of 11A – Forcible Rape.*

Misc. Offenses

Question: The victim in a domestic w/her husband reports at a later date that her husband pawned or "forced her to pawn" items over a period of time, since July 2010. She indicates the items were pawned w/her knowledge, but under threat from her husband. The property falls under marital property, as they are currently husband/wife. Is this scenario reportable to the state?"

Answer: *Proper NIBRS reporting of this specific incident should be an offense of 210 = Extortion/Blackmail for reporting purposes, due to the threat element. The definition of Extortion/Blackmail for NIBRS is: To unlawfully obtain money, property, or any other thing of value, either tangible or intangible, through the use or threat of force, misuse of authority, threat of criminal prosecution, threat of destruction of reputation or social standing, or through other coercive means.*

Question: A vehicle repair shop owner that has been charged several times in the last few weeks by theft pursuant to a repair agreement. He and his buddies at the shop have been using vehicles brought to them for repair for personal use, driving them for days at a time. Would this be stolen vehicles or fraud?

Answer: *The offense should not be classified as either a stolen motor vehicle or a fraud offense. The State and National program would view this type of criminal activity by the shop owner and other workers ("buddies") as an embezzlement. Embezzlement is the unlawful misappropriation by an offender to his/her own use or purpose of money, property, or some other thing of value entrusted to his/her care, custody, or control.*

This cannot be motor vehicle theft due to the fact that the motor vehicles were given or turned over to the owner of the repair shop. MV theft involves taking, carrying, leading, or riding away of property from the possession or constructive possession of another person. This has not occurred for crime reporting purposes. Also, Fraud involves the intentional perversion of the truth to obtain something of value or to surrender a legal right. Again, the criminal activity by the shop owner has not met this type of activity.

Even though the agency charged the shop owner with a theft-related offense (possibly a local criminal offense?), this is why it is important for law enforcement agencies to read their incident reports and classify and score according to UCR definitions for either of the crime reporting collection processes and not what the offender is charged with by the officer.

Offense Change: Indecent Exposure should now be classified in the category of Group B offense of 90C - Disorderly Conduct, rather than 90Z – All Other Offenses. This has been a change in the National Program, as well as for the State NIBRS Program.