



Great Questions

From NIBRS Contributors in Washington State
Questions Submitted Between 2017 - 2019

Abstract

The following pages are a compilation of some of the great questions related to NIBRS submission that the WASPC CJIS team has received from our contributors. This information is provided as a resource in the interest of expanding everyone's knowledge about NIBRS.

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Administrative Segment

Cargo Theft: Yes or No (Data Element 2A)

Question: A victim moved from California to Washington and used a moving company to move her things. When she was at her home in Washington, she discovered a box containing electronics was missing. We don't know where the Theft actually occurred. Also, we don't know if the box was stolen off the truck or if it even made it to the truck. I used the Cargo Theft indicator but something tells me that's not right.

Answer: The situation you described would be 23H = All Other Larceny. And, you are correct: Cargo Theft is not appropriate for this situation. The key factors to the classification of Cargo Theft are "commercial shipment" and "in the supply chain". Since the items from the victim cannot be defined as goods for sale that are in transit as part of a store stock delivery, Cargo Theft does not apply.

Question: A victim ordered a computer on-line and the delivery service claimed delivery was made on a specific date and time. However, the victim stated that the video recording for the front door showed no one approached the door on that date or around this time. Is this a cargo theft?

Answer: No, thefts from the U.S. Postal Service, UPS, FedEx, pizza delivery, floral delivery vehicles, etc. are not considered cargo theft because the goods are already purchased by the consumer and being delivered.

Question: We have a case of a Commercial Burglary where thousands of dollars of merchandise was forklifted onto a truck and subsequently taken away. Does this constitute a Cargo Theft?

Answer: With the information given, this would not be considered Cargo Theft as the merchandise was not moving in commerce. Here are some key definitions regarding Cargo Theft:

- Cargo must be a part of a commercial shipment and must be in the supply chain (moving in commerce).
- Theft from mail, UPS, FEDEX, pizza delivery, floral delivery vehicles, etc. is not considered cargo because the goods have already been delivered to the end user (business) in the commercial shipment/supply chain.
- Cargo vs. Merchandise
 - The businesses are the end users of the cargo in commercial shipment/supply chain.
 - The personal deliveries are the end users of the merchandise received from the businesses.
 - If a truck arrives at a store, but the goods have not been received by the store before the theft occurred, this would be considered Cargo Theft (the cargo is a commercial shipment and is still in the supply chain).

- If there is a Bill of Lading reserved for a commercial shipment, it would be considered a Cargo Theft.

Incident or Report Date (Data Element 3)

Question: One of our deputies took a report of a sex crime that occurred in 2002. A detective investigated it and has now charged the suspect with 1st Rape of a Child and 1st Child Molestation. Since the crime occurred in 2002, would we still report it as though it occurred this year? If I report it as the incident date of 2002, I would receive an error stating “Incident date is outside the base date calculation” because it was pre-NIBRS.

Answer: In situations like this, you would use the report date instead of the incident date. That will allow it to be reported to NIBRS.

Question: For NIBRS submission, is it the “reported date” or the “occurred date” that is reported to you?

Answer: The “occurred date” is when you know the date that the incident happened. The “report date” is when you don’t know the exact date the incident occurred and you use the date the incident was reported to law enforcement.

An example is when a person is gone on vacation and when they arrive home, they discover their house has been burglarized. The date of the incident would be the date the owner reported the Burglary to the law enforcement agency.

Question: We have an Aggravated Assault case from 2010 that was reported via the Summary Reporting System (we are now converted to NIBRS). The victim has now died and the case will be investigated as a Homicide. How should I update this case? Should I build it directly in the repository so it’s available for any future updates?

Answer: Yes, you should build the case as a new incident in NIBRS. You can enter it as a Homicide and for the incident date, use the date that the death became known to your agency (reported date).

Question: Regarding NIBRS Incident Date and Hour: If a victim knows a time period in which an incident occurred (e.g., a Burglary between the dates he was on vacation or the car was prowled overnight), should the agency use that *time period* to determine the NIBRS Incident Date? Should the agency use the Reporting Date as the Incident Date since the victim doesn’t know exactly when during that time period (the actual day) that the crime occurred/began? For example: The victim left for vacation on August 21st and returned home on September 3rd to find his house burglarized; he files a police report on September 3rd. He knows the burglary occurred while he was on vacation but he doesn’t know on the exact date it actually occurred. Should this Incident Date be reported as August 21st or as the Reported Date of September 3rd?

Answer: In an incident like this, the Report Date should be used. Even though the timeframe in which the incident happened may be known, it did not become known to law enforcement until the date reported.

Cleared Exceptionally (Data Element 4)

Question: We have a question regarding the Exceptional Clearance Code D = Victim Refused to Cooperate. We have an incident where two males were fighting in the street and a passerby called it in. The men were contacted and admitted they were fighting but that only one threw a punch. The victim clearly has a minor swelling to the face but does not want to press charges. We will submit this as an Assault but since the victim isn't cooperating, does this qualify as an exceptional clearance or is it non-reportable?

Answer: The Exceptional Clearance Code D = Victim Refused to Cooperate (in the prosecution) does **not** apply to the situation you described. This data value is only used when the case has been referred to the prosecuting attorney and then the victim withdraws cooperation.

For the NIBRS submission on the incident you described, you would report the assault with the N = Not Applicable value entered in the Exceptional Clearance field.

Question: How are the following incidents reported as cleared? First incident: Two juveniles were fighting and it was discovered to be mutual combat. The school is going to handle the discipline of both students, and no arrests were made. Second Incident: A Robbery victim reported theft of property and minor injuries; she identified the suspect and our officer contacted him. Because the suspect was an elderly man with mental issues, the victim chose to not cooperate with the investigation. No arrest made and the case was never referred to the prosecutor.

Answer: As you know, arrest information automatically generates a clearance for an incident. The "Exceptional Clearance" indicator is mandatory and can be entered as "N" for Not Applicable (meaning it was not cleared exceptionally). Otherwise, in order to clear an incident by exceptional means, all of the following four (4) conditions must be met:

1. The investigation must have clearly and definitely established the identity of at least one offender.
2. Sufficient probable cause must have been developed to support arresting, charging, and prosecuting the offender.
3. The exact location of the offender must be known so that an arrest could be made.
4. There must be a reason outside the control of law enforcement which prevents the arrest.

In both of your examples below, it appears all four of these conditions exist for the juvenile case. However, in the Robbery case, the allowed entry for "Victim Refused to

Cooperate” relates to a decision by the prosecutor rather than the law enforcement agency. In other words, the prosecutor should have received the case and then failed to prosecute because the victim refused to cooperate.

Also, for the purposes of FBI UCR, the clearance of an incident should not be confused with closing an investigation nor does it include cases for which a law enforcement agency could not proceed with an investigation due to an uncooperative or unavailable witness or victim (as in the Robbery case).

Question: Our agency has an incident that was not sent to the prosecutor’s office due to the victim refusing to cooperate with our investigator. Can we clear this by exceptional means - victim refuses to cooperate?

Answer: The exceptional clearance of “Victim Refused to Cooperate” is used only when the victim refuses to assist in the prosecution of the case, not when they refuse to assist in the law enforcement investigation.

Question: A sex offense was reported with an unknown suspect. The victim has decided not to help with the investigation at this time. The officer closed the case out as exceptionally cleared/victim refused to cooperate; however, our records management system (RMS) is giving an error about Race, Sex and Age of the offender. We’ve been told that there must be an IDENTIFIED suspect in order to close exceptionally, is that accurate?

Answer: That is correct. There are four criteria which must be met for an exceptional clearance, one of which is that you must have established the identity of at least one offender. Here are the criteria for an exceptional clearance, according to the FBI NIBRS User Manual (p. 73):

1. The LEA investigation must have clearly and definitely established the identity of at least one offender.
2. The LEA must have sufficient probable cause to support arresting, charging, and prosecuting the offender.
3. The LEA must know the exact location of the offender so they could make an arrest if circumstances did not prevent it.
4. There must be a reason outside the control of the LEA preventing the arrest.

In addition, the victim not cooperating with law enforcement is not a valid reason to exceptionally clear an incident. If all four of the above circumstances exist, an incident can be cleared exceptionally only pursuant to the following reasons:

- Death of the offender
- Prosecution was declined for other than lack of probable cause
- The offender is in custody of another jurisdiction (this includes extradition denied)
- The victim refused to cooperate in the prosecution

- The offender was a juvenile and the incident was handled without taking him/her into custody, but rather by oral or written notice given to the parents or legal guardian in a case involving a minor offense

Hate Crime (Bias Motivation) (Data Element 8A)

Question: In reviewing the list of anti-bias codes, I didn't see codes for marital status, age, or parental status. Are these covered under a different bias code? In practice, how would an officer indicate these biases?

Answer: The biases you listed are not included in the NIBRS data; if an officer encounters one, the "Bias Motivation" is not reported.

Question: In the FBI NIBRS User Manual (p. 76) regarding Bias Motivation, it states that "incidents involving ambiguous facts (some facts are present 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."

We have two questions based on this: 1) What happens when in the follow-up, no suspect or further information is revealed? Do we change it to No Bias or do we leave it as Unknown forever? 2) In an incident where flyers were dropped or pasted onto poles with racially charged propaganda on them, is this should be listed as a hate crime?

Answer: 1) Change it to None (No Bias) (88 code); otherwise, you will continue to receive data quality questions from the FBI. The Unknown (99 code) is a temporary classification until the subsequent investigation reveals the specific bias motivation or that no bias was found. The FBI expects the Unknown (99) will always be updated. 2) Unless there is an offense related to this incident and victim(s) identified, there would be no need to report this via NIBRS.

Offense Segment

UCR Offense Code (Data Element 6)

Animal Cruelty (UCR Offense Code 720)

Question: We have animal control officers that are part of our department. They complete reports but until now, our records management system has not been updated to report animal crimes. Should we be submitting these in NIBRS and if so, are they reported separately from our normal NIBRS submission?

Answer: Yes, you should be reporting Animal Cruelty incidents via NIBRS and they should be submitted through your normal NIBRS batch upload procedures. Please confirm with your records management system vendor that Animal Cruelty incidents are included in your batch file uploads.

Question: We have a case where a police dog was assaulted by strangulation. Is this an Assault on a police officer?

Answer: This would be Animal Cruelty because police dogs are not considered law enforcement officers in NIBRS. You would enter the Victim Type as society and the Criminal activity as I = Intentional Abuse/Torture. Also, you can only report the Law Enforcement Officer Killed or Assaulted (LEOKA) information when it involves a person.

Question: Can you tell me what the offense of Harming a Police Dog (RCW 9A.76.200) should be reported as? Our system is sending it as an Assault (because it is a police dog) but I don't think this is correct.

Answer: This could be either a Group A Animal Cruelty offense (720) as there was the intentional act of harming an animal or a Group B Arrest-Only All Other Offense (90Z). If you choose Animal Cruelty, enter the Criminal Activity as "I – Intentional Abuse and Torture."

Here is a partial definition of the Intentional Abuse and Torture: "I = Intentional abuse and torture: These are crimes of animal cruelty that are active, or 'crimes of commission'. The animal suffered because someone or some people took action that caused harm to an animal. These would be non-accidental injuries such as (but not necessarily limited to) blunt force trauma, sharp force trauma, burns, drowning, strangulation, hanging, or bullet or arrow projectile wounding."

Arson (200)

Question: A suspect threw gasoline on the victim and had a lighter that he was clicking, but never lit the victim on fire. The deputy included the first-degree Assault offense with the weapon listed as fire/incendiary device and also listed first-degree Arson with a property entry of "None/Unknown". For NIBRS, would we report Arson in addition to the Assault?

Answer: For the NIBRS submission, you would want to report the completed Aggravated Assault only; Arson involves real or personal property, not humans.

Question: We have an arson case in which a suspect has been arrested for Arson 1st Degree; however, the suspect set fire to his own home. Because NIBRS requires a victim entry, how do I submit this one?

Answer: It is most likely that a financial institution holds a mortgage on the home, so the victim would be that entity. Also, if the offender was attempting to commit Insurance Fraud, there may be an additional offense with the insurance company as the victim.

Assault Offenses

Question: One of our officers responded to a report of a male who appeared to be sleeping or unconscious in his vehicle while his children were playing in a local park. The officer announced himself after opening the car door to check the man for consciousness and the subject looked at him, then punched the officer in the nose. For the purposes of NIBRS, would this be an Assault 3rd offense?

Answer: For the purposes of submitting this incident to NIBRS, the state statutory definition or the degree are not relevant. If the officer suffered serious injury, it would be an Aggravated Assault; if the injury was minor, it would be Simple Assault. The Type of Weapon would be “Personal Weapons” (hands, fist, feet, teeth, etc.). Although it’s not relevant for NIBRS, in state statute, the offense for assaulting an officer is Assault 3rd (RCW [9A.36.031](#)).

Question: We have a case in which a female was pushed by a male in a domestic violence (DV) incident; the female then shot the male in the leg. Should we report the Aggravated Assault for the shooting? Can we report one offense of Simple Assault (for the push) and one for the Aggravated Assault (for the shooting)?

Answer: In this incident, you should report both assaults and list both the female and male as victim and offender. There would be a different victim for each offense (the female is the victim of the Simple Assault and the male is the victim of the Aggravated Assault). As long as you don’t relate each victim to both assaults it should pass through the edits.

Question: A man, using a pellet gun, shot through a homeowner’s window and an elderly female resident inside was hit in the arm with a pellet; she suffered only a minor injury. I entered the offense code of Assault with a Firearm because the investigating officer noted the pellet gun can be used for small game hunting due to its high velocity. In NIBRS, Assault with a Firearm equates to Aggravated Assault (13A) but I’m receiving an error for the Type of Injury. We believe the weapon was an important element of this crime so we don’t want to downgrade it to a Simple Assault. How should we categorize an incident like this?

Answer: Because the FBI does not classify a pellet gun as a firearm and only minor injury occurred, this offense would be a Simple Assault (13B) and the Type of Weapon/Force Involved would be “Other” (90). The FBI NIBRS User Manual (p. 96) describes firearms as “weapons that fire a projectile by force of an explosion; handguns, rifles, shotguns, assault rifles, semiautomatics, homemade guns, flare guns, etc. ... This data value does not include ‘BB’, pellet, or gas-powered guns.”

Question: A victim reported that her vehicle was tagged with vulgar language and hot sauce was smeared all over the underside of the door handle. The victim unknowingly transferred the hot sauce from the handle into her eyes causing injury. Is this considered “Simple Assault” as the intent (which succeeded) was to injure the victim?

Answer: Correct! Since the hot sauce was placed with intent to cause injury, it should be Simple Assault (13B) with “Apparent Minor Injury”; Type of Weapon should be “Other”. If the injury was serious or potentially fatal (due to an allergy), it would be Aggravated Assault (13A).

[Aggravated Assault \(13A\)](#)

Question: During an incident where the suspect was DUI and eluding police, he hit one of our officers with his vehicle and then took off. The primary officer entered the offense as

Hit and Run - Injury. We are receiving an error that states that the UCR Offense code is not a valid code. The officer was injured in this case.

Answer: This should be submitted as an Aggravated Assault with Motor Vehicle entered as the Type of Weapon/Force Involved. Also, this is reported as a Law Enforcement Officer Killed or Assaulted (LEOKA) incident when you enter the Type of Victim as L=Law Enforcement Officer.

Question: We have quite a few offenses of Aggravated Assault where strangulation was involved. The officers are choosing a 13A offense (Aggravated Assault) with Personal Weapons. Do we need to add code 85 - Asphyxiation to these and submit an adjustment?

Answer: Yes, you need to add the Asphyxiation and submit as an update.

Question: Our agency frequently investigates Assault offense where the victim's breathing is partially or temporarily obstructed by the suspect's hands (no loss of consciousness). If we list the weapon in those cases as *asphyxiation* and the injury as *none*, would this result in an Aggravated Assault for NIBRS purposes?

Answer: Yes, you are correct ... the asphyxiation or "strangling" of another person is classified as an Aggravated Assault.

Question: Our officers responded to a shooting where the reporting party observed a vehicle drive slowly by a location and a subject in the front passenger seat started shooting towards an apartment complex under construction. The officers located shell casings but could not find anyone or anything that had been hit by the bullets. How is this reported in NIBRS - Drive-By-Shooting, Assault with a Firearm, or Reckless Endangerment?

Answer: In this case, if there were people at the construction site the offense should be a 13A = Aggravated Assault. However, if there were no people around and the shooter was arrested, it would be a Group B Arrest-Only 90Z =All Other Offenses.

Question: According to the FBI NIBRS User Manual (p. 21), if an offender uses a weapon with the potential to cause serious personal injury but does not cause injury or causes only minor injury, the offense is classified as an Aggravated Assault (13A). What if the offender uses personal weapons and causes serious injury; is this Aggravated Assault (13A) or Simple Assault (13B)?

Answer: If the offender uses personal weapons (defined as Hands, Feet, Teeth, etc.) and causes the victim to suffer obvious severe or aggravated bodily injury, the offense should be classified as Aggravated Assault (13A).

Question: In an incident where the son tried choking his dad and the dad stated he could not breathe, is this coded as an Aggravated Assault?

Answer: Yes, choking or strangulation is an Aggravated Assault; the Type of Weapon or Force Involved would be Asphyxiation.

Question: Please review this probable cause statement for one of our cases. What offenses should be included in the NIBRS submission?

I responded to an incident which had occurred the day prior. The victim stated that on the prior evening, her roommate's boyfriend said to her, "Look, I bought a gun!" and he pointed the handgun at her head, scaring her. The boyfriend told her not to worry because the safety was on. The boyfriend became angry when the victim asked him to leave the apartment; she is now afraid to go home and asked for an escort because the boyfriend texted her a message with a picture of the gun in his waistband. Upon escorting the victim to her apartment, I contacted the roommate's 19-year-old boyfriend; he had a semi-automatic handgun concealed in his front waistband. In addition, the boyfriend was in possession of Xanax without a prescription and marijuana; he admitted he had "waved the gun around" the prior evening.

Answer: In addition to the Weapon Law Violation and Drug/Narcotics Violation, an Aggravated Assault should be reported because he brandished the weapon and the victim felt threatened.

Question: We have a case where one subject lit the hat of another subject on fire while the person was wearing the hat. Would you code this as an Assault, Arson, or both? It seems as if the intent was to "Assault" and the method was fire. No injuries were sustained.

Answer: This would be counted as an Assault. Due to the weapon (fire) being used in a manner in which it could cause severe bodily harm. The offense would be Aggravated Assault – Other weapon – with no injury.

Question: We have a DV report where the suspect strangled the victim, pushed her down, and punched her. When she finally stood up to face him, he took her phone and told her she was not going to call the police. The officer wrote this up as Aggravated Assault, Robbery, and Interfering with Reporting DV. Is the Robbery reportable since the Assault was a separate offense - would they still be mutually exclusive since the two were unrelated?

Answer: For a NIBRS submission, this incident should be reported as a 13A=Aggravated Assault and a 90Z=All Other Offenses arrest for Interfering with the Reporting of DV offense. The circumstances of the incident do not meet the FBI's definition of Robbery so for the data submission, it would not apply. However, you can retain all offenses in your RMS and in the referral to the prosecutor.

Question: A female was taken to the hospital for a medical crisis. The blood work reveals that her boyfriend gave her Meth but it was unknown to her. Is this classified as an Assault? The victim is making a complaint that he gave it to her against her will and without her knowledge. She was hospitalized due to her irrational behavior (due to the Meth) and not necessarily a physical injury. Should we classify as Simple Assault or is the drug considered a weapon (for an Aggravated Assault)?

Answer: It would be an Aggravated Assault and the Meth would be considered the weapon.

Question: A suspect pointed a gun at the victim - the victim was scared and ran away. In the process of running, items fell out of his baggy pants pockets and the suspect then picked up some of the contents and left. Is this Robbery? The offender did not initially intend to rob him, just assault him. The wallet fell out of the victim's pocket and the offender took it.

Answer: It would be reported as an Aggravated Assault (13A) with a weapon and Theft - All Other Larceny (23H).

Simple Assault (13B)

Question: Should an Assault 4th degree with sexual motivation be submitted to NIBRS? Our records management system isn't including it in the NIBRS submission.

Answer: Yes, the offense should be submitted as 13B – Simple Assault. Your RMS vendor needs to address this in their offense conversion table.

Question: If a report is taken for a Simple Assault but the victim doesn't want to pursue charges, should this be submitted via NIBRS?

Answer: Yes, this should be reported to NIBRS because it was a crime that became known to law enforcement.

Intimidation (13C)

Question: Our police department is working with the local school district to start the "See Something, Say Something" campaign. It doesn't appear there is a consistent procedure for reporting school threats through NIBRS. How should a school threat be reported?

Answer: Unfortunately, for the purposes of NIBRS, the FBI has not provided a data element specifically for reporting "school threats". Regardless of the method of the threat (via phone, written note, text, social media, etc.), it is reported in NIBRS as "Intimidation"; the victim is whoever received the threat (student, custodian, secretary, etc.). The only data element that would identify the "Intimidation" offense as a potential school threat is if the threat was actually received by the victim at the school location. There is nothing to preclude your agency from maintaining internal documentation of school threats; however, at this time these are not specifically identified for NIBRS.

Question: How do we classify an incident when a student with mental illness problems threatens to kill his school classmates?

Answer: This would still be coded as an Intimidation. A person's mental health status is not a factor in NIBRS submissions.

Bribery (510)

Question: Is bribery completed once the money is offered or is it attempted until money is accepted? Is the victim the person to whom the bribe was offered?

Answer: The completion of the bribery is once the transaction has been completed; the victim would be person to whom the bribe is offered.

Burglary (220)

Question: We have a case where a suspect was found to be temporarily living in a locked room on campus. The suspect was not caught and there is no evidence that he stole anything. There was no damage to the exterior of the door but the interior locking system was broken/removed. The officer wrote this up as a Trespass and Vandalism, but we're wondering if this should be classified as a Burglary?

Answer: For NIBRS purposes this would be classified as a Burglary with forcible entry.

Question: What offense would be used for theft of a lawnmower from a city building with no forced entry?

Answer: If the building was not open to the general public and the offender did not have legal access to it, the offense would be Burglary and the victim would be Government.

Question: In a Burglary where nothing is stolen, is this considered a completed but no property is involved? Also, do we enter a recovery of a vehicle that was stolen in another jurisdiction?

Answer: Yes, you can submit a completed Burglary when no property is stolen. After entering the Burglary offense, enter the Property Loss code as 1 = None in the Property Segment. Regarding the stolen vehicle that is recovered in your jurisdiction, your department does not submit anything to NIBRS for this crime. Only the agency where the theft occurred should report the recovered vehicle which is done by updating the original stolen vehicle report.

Question: We have a Burglary and a Vehicle Prowl that occurred in the same incident. Do we list both offense codes?

Answer: Yes, you can list both if there was a separation between where the vehicle was located and the building that was burgled. For example, if the vehicle was in an attached garage, it could be considered part of the Burglary. However, if the vehicle was parked outside the garage, you would report it as a Theft from Motor Vehicle or Theft of Motor Vehicle Parts or Accessories - whichever is appropriate.

Question: A suspect unlawfully entered a boat, broke the door and lock, and ransacked the inside but didn't take anything. Is this offense a Burglary or Theft - All Other Larceny? The

FBI NIBRS User Manual states that theft from boats should be considered All Other Larceny; however, Burglary mentions ships as an example of a burglary.

Answer: As you know, the FBI User Manual (p. 22) defines Burglary as “the unlawful entry into a building or other structure with the intent to commit a felony or a theft”. A structure is defined as having four walls, a ceiling, a floor, and a door (examples include a vessel or ship). This offense should be a Burglary.

Question: A subject entered a store that had a trespass notice against him; the subject stole a bottle of beer and fled the scene. What is the appropriate offense classification for NIBRS?

Answer: This is classified as “Burglary” (220) because the suspect had a trespass order against him by the store, thus he did not have the legal right to enter the establishment.

Question: In reviewing cases of commercial burglaries, I found one that is to the manager’s office of a residential building. Should this be a Residential Burglary?

Answer: It would be a nonresidential Burglary as the main use is an office rather than a residence.

Question: We have a case where a home is for sale and still occupied by the owner. The homeowner is assuming that a theft occurred when a realtor visited with potential buyers; however, we cannot verify this. There was no forced entry and a lockbox is on the front door. Someone took the pills out of prescription containers and left the empty containers in the home. Would this be Theft from a Building or Burglary?

Answer: Because it is unknown that it happened when the realtor was there, it should be classified as a Burglary.

Question: Currently, when a Burglary of any sort occurs and something was stolen, our officers enter the offenses of Burglary and Theft into the case; later, I go back into our records management system (RMS) and remove the Thefts from the NIBRS submission. When I look at other cases from departments on our RMS system, I notice that they delete or do not even put the Theft in their offenses. Are any other agencies entering like we do or are they deleting/not entering the Theft?

Answer: While you can have both offenses shown in your RMS, when your system creates your NIBRS file it should show only the Burglary. We understand the officers have to include certain offenses in their charges in an incident for local reasons.

Theft is inherent of a Burglary, therefore when a Burglary is reported it should not include the offense of Larceny-Theft. The items stolen within structure would connect to the offense of Burglary. The only time a Larceny would be reported is when something is stolen outside the structure that is burglarized. For example:

Someone breaks into a home and steals jewelry and cash; when they leave the home, they steal a bicycle that is outside the house. You would enter one offense of Burglary and one of Theft.

Many other agencies are handling this within their RMS file extraction. We recommend your contact your RMS vendor and explain this issue with them. There should be a programmatic fix for allowing both Burglary and Theft to be entered and retained locally but the Theft removed for the NIBRS submission.

Question: If a Burglary resulted in the theft of a car from inside an attached garage, should we list both Burglary and Theft of a Motor Vehicle, or just the Burglary?

Answer: In this instance, you would count only the Burglary. If the vehicle is within a structure (four walls, a roof, and a door) then it is considered a burglary. However, if the offender leaves the structure and steals a car parked at the neighbor's curb, you would submit the Motor Vehicle Theft as well.

Question: During a Burglary, offenders stole a driver license and credit cards then used the credit card and forged the signature. We've entered the driver license and credit card as stolen but we're receiving an error in our system those items aren't listed as seized, forged, or recovered. How do we enter the offenses and property loss?

Answer: You should enter the following:

- Burglary: Property = Stolen; Description= Identity Document (for the driver license) and credit card(s); Value = \$0 value
- Counterfeiting/Forgery: Property = Counterfeited/Forged; Description = Identity-Intangible (signature); Value = \$0 value
- Fraud-False Pretense/Swindle/Confidence Game: Property = Stolen (for what they purchased with the credit card); Value = \$ amount of wholesale value

Counterfeiting/Forgery (250)

Question: A rather large box of business checks was delivered to a front porch and then stolen. One check was used and cashed by a third party for \$1,321.00. The checks cost the business \$199.00 to purchase but since unsigned checks are considered non-negotiable and do not allow a value greater than \$0, how do I record the loss of the checks? On the check that was used, the person signed a scrawl that is fairly illegible but it is not a forged signature of a person. Would the check be considered a Forgery or an Impersonation of a representative of the business?

Answer: For the stolen checks, the value would be zero for NIBRS purposes. For the signed check, submit a Forgery and a Fraud for the money/goods received from the third party. Please refer to the note in the FBI NIBRS User Manual (p. 26).

Question: A woman wrote a personal check to her grandson for \$100 as a gift but he said he never received it. She contacted her bank and received a copy of the check which had a signature indicating her grandson's name but also "pay to the order of" another person. The grandson stated he knew the other person because she was the girlfriend of his former roommate. What offenses should be reported?

Answer: For NIBRS submission, there would be two offenses: Counterfeiting/Forgery (250) for the altered check and All Other Larceny (23H) due to the grandson stating that he never received the check in the mail. If it is determined that the check was not stolen, this can be updated later.

Question: How would we report an incident where a subject is contacted and found to be in possession of a counterfeit \$100 bill? He knew it was counterfeit but hadn't tried passing it and nobody suffered property loss. When we report the Counterfeiting/Forgery (250) offense, what is the Type of Property Loss and who is the Victim?

Answer: This would be a completed Counterfeiting/Forgery offense with the Property Loss of 3 = Counterfeited/Forged and the Criminal Activity of P = Possessing/Concealing. As the offender was only in possession of the bill and did not try to pass it, there is no Individual or Business victim; in this situation, the Victim Type would be Government.

Question: A person goes to a restaurant, orders food, and pays for it with a counterfeit bill. The employee recognizes that the currency is counterfeit, keeps the counterfeit bill, and does not give the suspect the food. Is this offense considered attempted or committed?

Answer: This Counterfeiting/Forgery offense is completed. According to the FBI User Manual (pp. 25-26): "If the offense of Counterfeiting/Forgery is completed, the Type Property Loss/Etc. can only be 3 = Counterfeited/Forged, 5 = Recovered, or 6 = Seized.... LEAs do not report items the offender(s) obtained as the result of passing a forged or counterfeit instrument. When incidents occur involving the passing of a forged or counterfeited instrument to obtain items, an additional Fraud offense should accompany the Counterfeiting/Forgery to allow the capture of fraudulently obtained items."

Question: What is the proper offense, property loss, and property type for a forged resident alien card?

Answer: The proper offense to report is Counterfeiting/Forgery; the Property Loss = Counterfeited/Forged; Property Type = Identity Document; Value = \$0 value, and; Victim = Government.

Question: Our agency has a guideline for using the Forgery offense classification that contains just one portion of the full UCR definition: The agency addition is "the signature is witnessed" which does not appear in the UCR definition of the crime. Is witnessing the signature a requirement for using a Forgery offense for UCR/NIBRS?

Answer: The signature in a Forgery offense does not need to be witnessed. For example, if an individual has stolen a prescription pad from a doctor's office, forged the doctor's signature for a prescription, and then handed it to the pharmacy, the doctor's forged signature would be on the prescription prior to the exchange.

Question: A victim discovered that there was a check for \$3500.00 taken from her account. The check was not one of her checks but had all her banking info on it and the signature on the check was not hers. The officer has listed the offense as Financial Fraud. Should there also be a Counterfeit/Forgery for the check being forged?

Answer: Yes, this is correct. You would have both offenses: Counterfeiting/Forgery (250) and Fraud (26A) for this incident.

Destruction/Damage/Vandalism of Property (290)

Question: In reviewing the Data Quality Report, we have an incident of Malicious Mischief where the tires were slashed on a vehicle. The officer listed the vehicle as having \$200 in damage and "vehicle parts" are also listed with \$200 damage. Should we be sending only the vehicle as damaged and not the parts?

Answer: When Damage/Destruction/Vandalism occurs to a vehicle and the "attached" vehicle parts are what was damaged, the appropriate description would be the vehicle. If the parts are not attached to the vehicle at the time of the incident, then you would show vehicle parts and accessories.

It appears that the total loss was \$200; if you reported both the vehicle and vehicle parts as the property loss, you would be dual reporting the loss and this could cause a jump in the crime statistics.

Question: We have a case where a single gunshot was fired into a dorm room on campus but there were no injuries. The bullet went through the window and embedded into the wall. No suspect was identified so we don't know what the actual intent was. The officer indicated two offenses, "Drive By Shooting" and "Vandalism". Should there be two offenses reported or just one?

Answer: You should report the Destruction/Damage/Vandalism only if your agency deems the amount of damage to be substantial. Your agency determines the dollar amount of what to report. If someone was in or near the dorm room, you would also have an Aggravated Assault for the Drive-By Shooting.

Question: A subject parked his car in a parking lot and went into a business; while in the business, he heard what sounded like gun shots. When he went out to his car later, there were bullet holes in it. It appears that the offenders were driving down the highway randomly shooting at things. The officer listed the offense of Drive-By Shooting which equates to the NIBRS offense Aggravated Assault. It doesn't seem like it would be an Aggravated Assault if the victim was not in the immediate vicinity or in danger. There was no one in the parking lot at the time and there are no other victims/witnesses. We have

him listed as a victim of Destruction/Damage/Vandalism for the vehicle. Should we report the Aggravated Assault offense as well?

Answer: Because the victim was neither near the vehicle nor received personal threat or injury, the Drive-By Shooting would not be reported in NIBRS as an Aggravated Assault. Since the vehicle was damaged, and if it meets your agency's damage threshold, report only the Destruction/Damage/Vandalism offense.

Question: We have a case where the complainant discovered someone had used heavy equipment to clear an area of his wooded property and create a firearms range without the owner's knowledge or permission; the suspect is a neighbor. There was obvious damage to his property and shell casings were found. Would this be a vandalism case since it was intentional?

Answer: Yes, the offense in this situation would be Destruction/Damage/Vandalism of Property (290). The FBI definition is "to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or person having custody or control" of the property. This offense is reported to NIBRS only if your agency deems that substantial damage to property has occurred. Page 26 in the FBI NIBRS User Manual provides more information regarding determination of substantial damage.

Question: If there is a vehicle prowl and a window is broken to gain access into the vehicle, do we submit the Malicious Mischief as an offense?

Answer: You should show an offense of Destruction/Damage/Vandalism of Property (290) when substantial property damage occurs. Your agency should set the amount it considers to be substantial.

Any Destruction of Property offense involving a bias motivation should be submitted regardless of the amount or type of damage.

Question: If a key is broken in the ignition of a vehicle during an Attempted Vehicle Theft, is it categorized as a Malicious Mischief of the destruction of vehicle as parts & accessories, or the vehicle itself?

Answer: It would be considered a Malicious Mischief (NIBRS offense = Destruction/Damage/Vandalism of Property) of the vehicle parts and accessories.

Question: A vehicle was prowled, items taken, and the vehicle sustained \$600 worth of damage. For NIBRS, would we submit offenses to cover the damage to vehicle as well as the items stolen?

Answer: Yes, you should submit an offense of Theft from a Motor Vehicle (stolen items) as well as Destruction/Damage/Vandalism (damage to vehicle).

Drug/Narcotic Violations (35A)

Question: We have a report where the suspect had multiple drug violations and the officer listed four different offenses separately under 35A because there were four different RCWs that the suspect was violating. We keep receiving the NIBRS error that the “victim cannot be associated to duplicate offense codes”. We are unsure of how to capture the four different RCWs.

Answer: You can list them as four offenses (with the associated RCWs) in your records management system; however, for the NIBRS submission, you would send a single Drug/Narcotics Violation (35A) and list each drug type as attached to the single 35A offense.

You can report up to three types of drugs/narcotics per incident; if more than three are involved, the two most important should be reported under their applicable drug types and the remaining drugs/narcotics should be entered as a single X = Over 3 Drug Types entry. Please read the FBI NIBRS User Manual (p. 109) for the explanation. Also, you can list up to three criminal activity types for a single 35A offense as well.

Question: We have a case where juveniles were contacted on school grounds with marijuana; the officers contacted the parents and the juveniles were released to the parents. The marijuana was taken home by one of the parents as it was legal for them to have. NIBRS is requiring property be entered but what would we use since the property was released to a parent?

Answer: This would be reported as the NIBRS offense Drug/Narcotics Violation (35A) with the Suspected Drug Type of Marijuana and 1=None as the Type of Property Loss code.

Question: We have a case where a father was taking/stealing his son’s prescription medication. The mother reported the theft of the medicine. The officer has Theft 3 and VUCSA-Possession listed as the offenses. The pills taken are listed as stolen. NIBRS is requiring VUCSA property - how do I enter this?

Answer: The FBI requires that a property segment for a Drug/Narcotics Violation. If no drugs were seized, enter the Property Loss as 1 = None and enter a suspected drug type.

Question: We have a case with two people arrested on drug charges: one person for Possession of Heroin and one person for Delivery of Methamphetamine; the victim is the State of Washington (Society). I’m receiving a NIBRS error that if more than one victim is connected to a UCR offense code is entered, it cannot be a duplicate. How do resolve the error situation when both the Possession and Delivery need to be reported?

Answer: There should only be one offense code submitted for the Drug / Narcotic Violations, include both drugs as separate property entries, and connect both

suspects to the offense. Both activities can be submitted because up to three of the following Types of Criminal Activity can be included for this offense:

B = Buying/Receiving

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

D = Distributing/Selling

E = Exploiting Children

O = Operating/Promoting/Assisting

P = Possessing/Concealing

T = Transporting/Transmitting/Importing

U = Using/Consuming

Question: We have an incident where a minor suspect was contacted for smoking marijuana in a public area but the marijuana was not seized; no citation was issued. Our records management system will not accept the Drug/Narcotics offense without seized drugs. Can a Drug/Narcotic Offense be reported to NIBRS without a seized drug in the property module? With an offense of this type, the drug would normally be seized, but it was unknown why it wasn't for this specific incident.

Answer: You should be able to put in a Property Loss of "None" and then a suspected drug type.

Question: We have a "Minor in Possession" (MIP) arrest for a minor with marijuana in which we seized both marijuana and related paraphernalia. If we code for the drugs, how will it reflect that those crimes were cleared by arrest?

Answer: You should code this with the Drug/Narcotic Violation and Drug Equipment Violation. Even though the arrest was for an MIP, the incident still includes a drug offense for NIBRS. After entering the drug-related offenses in the incident, you can add the arrest for a lesser offense (MIP) to clear an incident.

Drug Equipment Violations (35B)

Question: Our officers have been frustrated having to report a Drug Equipment Violation offense (35B) with nearly every Drug/Narcotic Violation offense (35A) in order to report that the drugs were stored in a baggie or container of some kind. Is there a broad definition of drug equipment and from where did it originate? From the FBI NIBRS User Manual, it appears that we don't have to report a container used to store drugs.

Answer: As you know, the Washington State statute has a wide definition for drug paraphernalia:

RCW 69.50.102 Drug paraphernalia—Definitions.

(a) As used in this chapter, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing,

packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance.

The ultimate procedural decision is with your agency. Most likely, the majority of agencies report the Drug Equipment Violation for baggies or other containers if that is the only thing the offender had in his/her possession. The FBI recommends reporting the Drug Equipment Violation only if the container has drug residue.

Question: Is the charge “Use Building for Drugs” (RCW 69.53.010) reportable in NIBRS?

Answer: It is reportable *if the building is being used as an illegal lab*; the appropriate offense code should be “Drug Equipment Violations” (35B). If the building is being used as a place where drugs can be used (also known as a “drug house” or “drug den”), then it is reportable only if an arrest has been made and as a Group B Arrest Offense, “All Other Offenses” (90Z) or “Disorderly Conduct” (90C), if you believe it’s a public nuisance.

From the FBI NIBRS User Manual (p. 25):

35B Drug Equipment Violations: The unlawful manufacture, sale, purchase, possession, or transportation of equipment or devices utilized in preparing and/or using drugs or narcotics.

This offense covers those cases involving drug paraphernalia, equipment, chemicals, illegal labs, etc. Various statutes and/or codes may vary in the description of unlawful equipment or paraphernalia involved with drugs/narcotics.

Question: If a deputy seizes drug paraphernalia and destroys it instead of entering it into evidence, should it still be reported for NIBRS as seized property? For example: seized needles that are put in a sharps container instead of evidence.

Answer: Yes, it should still be reported as seized drug paraphernalia.

Question: We are receiving an error on a case where the officer entered a Drug/Narcotic Violation (35A) but did not include a Drug Paraphernalia (35B) offense. When my batch uploaded, my RMS put the paraphernalia into the property and it is now erring out. Should I delete the paraphernalia in this case?

Answer: For a NIBRS submission, a property entry of drug/narcotic equipment must be accompanied by a Drug Equipment Violation. You will need to add the Drug Equipment Violation as an offense or completely remove the property entry (paraphernalia) related to the Drug/Narcotic Violation.

Embezzlement (270)

Question: Our officer contacted the Loss Prevention Manager at a large store. They started investigating a sales associate after they received notice of a missing refund slip; there was

no customer or product on the slip. Upon reviewing the sale on video, the Loss Prevention Manager saw the sales associate sell two tool items but they were not actually rung up; the sales associate's transaction history indicated there were nine instances of him not ringing up items that he allowed the customer to leave with. The items were not purchased at another register and the inventory count verified the store was missing those items. The sales associate would scan some items and would not scan others. The total estimated value of the stolen items was over \$3100.00. Is this an Embezzlement, Theft, or Fraud?

Answer: This would be an Embezzlement: "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."

Fraud Offenses

Question: How do we report Fare Evasion (bus, train or light rail)? Is it a Fraud or a Larceny offense?

Answer: A method of determining if an offense is Fraud or Larceny/Theft is to remember that it is the method used to steal that differentiates the two. According to the FBI NIBRS User Manual (pp. 26-27): "Fraud is achieved through deceit or lying, whereas larceny is the physical taking of something. By definition, fraud involves either the offender receiving a benefit or the victim incurring a detriment. The benefit or detriment could be either tangible or intangible."

In the case of Fare Evasion, the offender made a tacit agreement to pay for services rendered (a transit ride) and failed to pay for it. Therefore, this offense should be classified as Fraud.

Question: We have a number of incidents where a victim reported that Deputy Sheriff Smith called them and said there is an active warrant and the victim needs to pay money to take care of the warrant. Our call takers are classifying this as a Criminal Impersonation offense; however, if the caller states only that they are with XYZ Company and no role is being impersonated, is this a Criminal Impersonation or a Fraud-Swindle/Con Game?

Answer: If the offender is identifying himself or herself in a role such as a law enforcement officer, it should be classified as an Impersonation offense. According to the FBI User Manual (p. 28), Impersonation is: "Falsely representing one's identity or position and acting in the character or position thus unlawfully assumed to deceive others and thereby gain a profit or advantage, enjoy some right or privilege, or subject another person or entity to an expense, charge, or liability that would not have otherwise been incurred".

If the offender does not assume a role, the offense should be classified as Fraud-False Pretenses/Swindle/Confidence Game. The definition on page 27 of the FBI User Manual states 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.” If the victim did not believe the caller and send money, the offense would be “Attempted” rather than “Completed”.

Fraud - False Pretenses/Swindle/Confidence Game (26A)

Question: A woman received a check in the mail for \$1900.00 and was told it was to hire her to be a marketing auditor. She was asked to deposit the check into her bank account, buy an Apple gift card for \$1650.00, and keep the remaining \$250.00 for herself. After she deposited the check and bought the card, she was instructed to text another person with the Apple card’s serial number. She said the man was pushy so she looked up the company and found out it was a scam. She didn’t give them the card number and notified the bank of the fraudulent check; she believes she’ll be able to return the Apple card so she will not be out money. Our deputy entered this as a Business Opportunity Fraud Violation (RCW 19.110.120). What is the NIBRS offense code for this?

Answer: For the purposes of NIBRS, since the victim received the fraudulent check via mail, it should be classified as an Attempted Fraud – False Pretenses/Swindle/Confidence Game (26A). If this activity had occurred via e-mail or other electronic means, it would be classified as an Attempted Wire Fraud (26E).

Question: A person changed the name on a check and deposited it through a mobile app. The check was issued by our city and the original check cleared the system under the intended payee. Since the bank caught it prior to dispersing the money, do we report the \$2000 as Stolen/Recovered or the entire thing as attempted?

Answer: This should be classified as an Attempted Fraud (False Pretenses/Swindle/Confidence Game - 26A) because the person used an intentional misrepresentation of existing fact or condition (by changing the name on the check) to obtain the money. The Type of Property Loss for an Attempt would be “None” or “Unknown”.

Question: A suspect paid for product to be delivered to their catering company. The vendor received a check for the merchandise and waited for the check to clear before shipping the product. The check never cleared the bank and the product was not shipped. What would the offense be?

Answer: This would be an Attempted Fraud (False Pretenses/Swindle/Confidence Game - 26A). Because the check did not clear the bank and the merchandise was not sent to the catering company, the Type of Property Loss would be “None”.

Question: When entering the offense False Pretenses/Swindle/Confidence Game for a rental car that is not returned but the car is recovered later during a collision, do we also enter the offense Motor Vehicle Theft and note the vehicle as stolen then recovered in the property field?

Answer: This is a 26A - False Pretenses/Swindle/Confidence Game for the rental transaction as the person did not return the vehicle once the time frame of the

rental was completed. Because the vehicle was damaged in a collision, an additional offense of 290 – Destruction/Damage/Vandalism can be entered.

Question: How do we submit a Fraud offense that originates from Selling Controlled Substances Without a License to the Public, such as a cannabinoid-type oil used in vaping. Our detective considers it Fraud because it's being sold illegally as well as not actually being what it's proclaiming to be.

Answer: The first offense would be "Attempted Fraud - False Pretense/ Swindle/ Confidence Game" with a Property Loss of "None"; the second offense would be "Counterfeiting / Forgery" for the "fake" cannabinoid oil. The victim for both of these offenses can be "Other".

Question: How do we quantify a certain theft of services charge? The suspect faked a medical problem and the officer is charging him with Theft of Services for the following: taking an aid car, engine, and 5 firefighters/EMTs out of service for treatment plus the hours he spent in the ER taking up bed space and being evaluated when there was nothing wrong. How should the property be entered and what is the monetary value?

Answer: For NIBRS purposes, this would be False Pretenses/Swindle/Confidence Game – the intentional misrepresentation of existing fact or condition or some other deceptive scheme or device to obtain money, goods, or other things of value. Fraud is achieved through deceit or lying, whereas larceny is the physical taking of something. The property would be Other (services) and the value would be a \$1 (for the services rendered).

Question: An individual purchased books from an eBay seller and received an empty box in the mail but the funds had been transferred already with the sale complete. Is this offense classified as a Theft-All Other (23H) or is it more similar to a Fraud?

Answer: If the eBay seller intentionally sent the empty box, the offense would be Fraud-False Pretense/Swindle/Confidence Game (26A).

Question: In an apparent grandparent scam, the victim sent money after being told his grandson was in a head-on collision, was in a stolen car, and there were drugs found with a bail set at \$7,700. In total, the offender received \$33,000 from the victim. What is the proper way to report these types of incidents?

Answer: This incident correlates to the Fraud - False Pretenses/ Swindle/ Confidence Game offense code of 26A.

Credit Card/Automated Teller Machine (ATM) Fraud (26B)

Question: If a card skimmer was found in a convenience store on the device that people scan their card and enter a pin, would this be classified as a Fraud with the store as the victim? There was no property taken so how would this be submitted?

Answer: The installation of a credit card skimmer that is either located prior to use, or prior to the credit card data being fraudulently sold or used, would be reported as Attempted Credit Card/ATM Fraud (26B).

Question: How do we report finding a skimming device on an ATM machine? The bank has no idea who or if anyone was affected by the skimmer and the device has now been turned over to the FBI so we no longer have it in our possession. Would it be Fraud or possibly Counterfeiting? What would the loss be?

Answer: The installation of a credit card skimmer that is either located prior to use or prior to the credit card data being fraudulently sold or used, would be reported as Attempted Credit Card/ATM Fraud (26B). The property loss would be "None".

Question: We have a case where someone's credit card account was used but the victim never lost possession of the card. The suspect successfully charged \$220.19. The officer used a "Forgery" offense but didn't indicate any property loss. It looks like the offense should be a Fraud and the property entered as "stolen", but what should the property description be?

Answer: The incident you describe should be reported to us as a Credit Card Fraud (26B), the Property Loss code of "Stolen", the Property Description would be "Money", and the Property Value would be the \$220.19.

Question: We have a case of Credit Card/ATM Card Fraud with stolen property of the credit/debit card. The victim's card was stolen and the suspect attempted to use it several times with no success; therefore, there was no monetary loss. How do we enter this for NIBRS?

Answer: If the credit card was stolen in your jurisdiction, report the theft of the card (under the appropriate offense), as well as the attempted fraudulent use of it. The "attempted" fraudulent use of the card would have a Property Loss = None (1).

Question: We have a case where an occupant of a home stole two watches and a couple of credit cards; the offender pawned the watches and used the credit cards with a loss to the owner of over \$10,000. The officer listed Identity Theft (26F) but I believe it should this be reported as Theft from Building (23D) for the watches and credit cards and Fraud-Credit Card/ATM (26B) for the use of the credit cards.

Answer: Yes, you are correct. The fraudulent use of the credit cards is UCR code 26B; it is not Identity Theft (26F).

Fraud - Impersonation (26C)

Question: We are trying to classify a case in which a suspect placed a vacation hold on mail. The unauthorized hold was discovered prior to the suspect obtaining any mail. Is this Attempted Theft of Mail or Fraud? We're assuming that the suspect pretended to be an authorized party when he/she filled out the mail hold form, so is this False Pretenses?

Answer: This situation should be reported as Fraud - Impersonation (26C). The definition of Impersonation in the FBI NIBRS User Manual (p. 29) reads:

Falsely representing one's identity or position and acting in the character or position thus unlawfully assumed to deceive others and thereby gain a profit or advantage, enjoy some right or privilege, or subject another person or entity to an expense, charge, or liability that would not have otherwise been incurred.

Wire Fraud (26E)

Question: We have a case where a victim was selling his phone on eBay and a buyer supposedly sent \$1500 through PayPal so the victim mailed his phone. Later, the buyer said PayPal double charged him and asked the victim to send him \$1500; however, the buyer had never sent any money through PayPal.

Is this classified as a False Pretenses/Swindle/Confidence Game (26A) since the buyer was using a deceptive scheme to get money or Wire Fraud (26E) since it was through PayPal?

Answer: This incident should be reported as a Wire Fraud (26E). The FBI definition in the NIBRS User Manual (p. 30) states: "The use of an electric or electronic communications facility to intentionally transmit a false and/or deceptive message in furtherance of a fraudulent activity."

Fraud - Identity Theft (26F)

Question: We have a case report in which a suspect was in possession of another person's ID - he was picked up on a warrant and the search of his person located an ID that he said he found. At this time, we have no evidence that he used the ID and we don't have a victim statement indicating the ID was stolen. What would be the correct classification of this offense?

Answer: This would be a 26F – Identity Theft even though there is no report from the person to whom the ID belongs.

Question: We have an incident where the suspect verbally gave his brother's name to avoid going to jail on his felony warrant; he did not possess identification documents belonging to his brother. For NIBRS, would this be Fraud-Impersonation (26C) or Fraud-Identity Theft (26F)?

Answer: The offense should be Fraud-Identity Theft (26F); Identity Theft involves a real person while Impersonation does not involve a real person as the victim.

Fraud - Hacking/Computer Invasion (26G)

Question: An accounting firm had someone hack into their computer system and steal \$80,000 worth of tax return funds. None of the employees who access the system were on the site when this happened. Would the offense be Fraud-Hacking/Computer Invasion (26G) with the dollar amount stolen?

Answer: Yes, you are correct; you would report it as Fraud-Hacking/Computer Invasion (26G). However, because the property description should be Documents/Personal or Business, the property value must be zero (0) for this offense. A second offense of Fraud-False Pretenses/Swindle/Confidence Game should be submitted to report the \$80,000 taken.

Homicide Offenses

Question: How do other agencies report investigative deaths? For example, our agency starts with a death investigation and the investigation can then lead to a homicide, suicide, natural death, or justifiable homicide. However, there may be no determination within the reporting year. If three years later it's discovered that it's a justifiable homicide, that's well outside the reporting period. How do other agencies reconcile deaths at the end of the year?

Answer: Most other agencies report what their responding or investigating officers believe it to be at the time of the incident. If it appears to be a Justifiable Homicide, they report it immediately (within the month); however, once the investigation is done, they may have to correct the submission if it is found to be a different circumstance. Because NIBRS data are submitted from the officer's perspective and based on a response to an incident, the findings of the prosecutor, coroner, or court are not relevant at the time of the submission.

It is best that the agency submit the incident involving a death as soon as the responding officer completes the incident report; for example, the death may appear to be a Murder but later found to be a Negligent Manslaughter. NIBRS is incident-based reporting ... it's the initial call to service that the officer is reporting. Otherwise, waiting too long may be too late to submit incident and the agency's data will be incomplete or inaccurate.

Negligent Manslaughter (09B)

Question: I'm attempting to enter a Vehicular Homicide but NIBRS won't validate the entry. What do I need to do to get it to validate?

Answer: Until January 1, 2019, for NIBRS purposes, a vehicular homicide is not a reportable Group A offense unless it was intentional.

However, starting January 1, 2019, the definition for the Group A offense of Negligent Manslaughter will be expanded to (emphasis added) "the killing of another person through negligence. This offense includes killings from hunting accidents, gun cleaning, children playing with guns, and *arrests associated with driving under the influence, distracted driving (using cell/smartphone), and reckless driving traffic fatalities.*" Please ensure your records management system vendor accommodates this change.

Justifiable Homicide (09C)

Question: When there is an officer-involved shooting that results in injury or death, does the officer need to be listed as the offender for NIBRS reporting? The FBI NIBRS User Manual states that Justifiable Homicide (09C) is reportable but not a crime. However, it does also state that “Offender Number(s) to be Related” is a required data element. Also, how we would report a shooting where the suspect survives?

Answer: For NIBRS submission, the officer’s or private citizen’s information would be listed as the “offender” for 09C - Justifiable Homicide. It is not a crime; however, the only method to report Justifiable Homicide is via NIBRS, using the terminology “offender” and “victim”.

In reference to an officer-involved shooting where the individual was not killed, this information is not reported to NIBRS. This would be reported through your agency’s Use of Force process.

Kidnapping/Abduction (100)

Question: Does Unlawful Imprisonment crimes fall under Kidnapping?

Answer: Yes, Unlawful Imprisonment is classified as Kidnapping. You can find an offense look-up table with RCWs on our website under the Training, Manuals, and Reference page, Quick Reference Guides, at <https://waspc.org/cjis-training--manuals---reference>

Question: Please review the narrative of this report and help us make a determination as to what the reported offense should be. Is there no offense, an attempted abduction, or an assault?

An unknown male stopped a woman outside the women’s bathroom, grabbed her by the arm, and asked her to go to his car with him. She told him "no" and pulled away from him; he then ran from the area heading in an unknown direction.

Answer: This should be reported as an Attempted Kidnapping/Abduction (100).

Larceny/Theft Offenses

Question: What type of offense is classified if a money order has been stolen and used at a local store? Would it be a Forgery because the offender may made it out to himself to cash it?

Answer: This situation would be reported in NIBRS as a Theft.

Question: We have an incident where a suspect was attempting to steal a bike from a bike rack; the victim walked up to him and told him that it was his bike and the suspect turned around, pepper sprayed him, and ran off. He did not try to take the bike after the pepper spray attack. Initially, this was classified as an attempted Robbery, but now we think it should be two separate offenses: an Assault and Attempted Bike Theft.

Answer: For NIBRS purposes, this would be an Attempted Theft and an Assault. The offender used the pepper spray to aid in his escape, not the Theft.

Question: We have an incident where a gentleman reported checks were stolen from his mail box and one of the checks was altered and deposited into an ATM with a written value of \$1000. What offenses are reported for this?

Answer: For NIBRS, you should report a completed Theft, a completed Counterfeit/Forgery, and if no funds were obtained, an attempted Fraud. If the Fraud was only attempted, there would be no Property Loss and the entry should be 1 = None.

Question: If a company has a former employee who uses knowledge of the company's financial data to access the company credit accounts for purchases, would that be considered Embezzlement or not since they are no longer employed there?

Answer: Because the person is no longer employed and therefore, did not have anything entrusted into his/her care, custody, or control, this would be considered a Larceny-Theft and not an Embezzlement offense.

Theft - Shoplifting (23C)

Question: After a suspect placed items in her bag at a grocery store, she went through an empty check stand to customer service. She "returned" the items she had not purchased and received money for them. She used the money to buy cigarettes. Is this a Fraud-False Pretenses (26A), Theft-Shoplifting (23C), or both?

Answer: For the NIBRS submission, you would report both a Theft-Shoplifting (23C) (physically stealing the items) and a Fraud-False Pretense/ Swindle/ Confidence Game (26A) (using deception to obtain the money).

Question: In an incident where a suspect stole food from a grocery market and was caught right outside the store (she hadn't eaten any of the items and gave them all back to the officers), would the offense be Trespass or Shoplifting?

Answer: This would be Group A incident of Theft-Shoplifting with the items stolen and recovered; the arrest offense can be submitted as Trespass.

Question: A suspect was caught shoplifting by a business. The victim business representative detained the suspect, recovered the stolen items, and secured a video of the theft. The representative called the police department to issue a No Trespass Notice to the subject; however, the business did not want to "press charges". The officer issued trespass notice and did not arrest the suspect. Do we still submit a Theft-Shoplifting offense for NIBRS? Can we clear this exceptionally since the victim refused to cooperate?

Answer: This would still be a Theft-Shoplifting incident. Although the store didn't want to press charges, you cannot clear the incident exceptionally. When clearing a case exceptionally, it has to be meet the four questions:

1. The LEA investigation must have clearly and definitely established the identity of at least one offender.
2. The LEA must have sufficient probable cause to support arresting, charging, and prosecuting the offender.
3. The LEA must know the exact location of the offender so they could make an arrest if circumstances did not prevent it.
4. There must be a reason outside the control of the LEA preventing the arrest.

In this case, law enforcement knows who the offender/suspect is, they have probable cause, they may know the location, but there isn't anything reason outside the control of preventing an arrest. Regarding the issue of a victim refusing to help in the investigation versus prosecution: *The investigation isn't up to the victim, it is up to the law enforcement agency.* We can clear exceptionally only when the victim refuses to cooperate in the prosecution of the offender/suspect.

Theft from Building (23D)

Question: A suspect at our local Walmart "bought" 3 laptops. When he counted out the cash for the cashier, he used a slight-of-hand trick to pocket some of the money, giving the cashier only a portion of the amount owed. The money was never in Walmart's custody - the suspect counted out the money by laying it in stacks, talked to the cashier, then counted another bill but only handed part of the cash to the cashier. Would this be Theft-Shoplifting or Fraud-Confidence Game?

Answer: The difference between Larceny/Theft and Fraud is the method of stealing: Larceny/Theft is the physical taking of something while Fraud is achieved through deceit or lying.

This would be a Theft from Building with money as the property stolen because the offender physically took the money from the victim rather than promising to pay through deceit. You could list the laptops as stolen property as well; however, the offender partially paid for the merchandise and the transaction was completed by the victim, therefore no Shoplifting.

The offender and victim laid out the money and the transaction was completed; however, the offender then stole the cash from the victim.

Another way of looking at this would be if the offender and victim completed the transaction but while the victim was distracted, the offender reached into the till and stole some of the money back.

Question: We have a case where three employee lockers at a restaurant were broken into and each locker had credit cards, purses, etc. Would this be three counts of Theft from Building (23D) or All Other Larceny (23H)?

Answer: It would be one offense of “Theft from Building” (23D) listing the three employees as victims along with their stolen property. If the room was accessed by a person who was not authorized to be in the employee locker room, then the offense would be reportable as “Burglary”; again, only one offense with each employee listed as a victim. If the damage to the lockers is deemed to be substantial, also report an offense of “Destruction / Damage / Vandalism” (290) and list the restaurant as a victim for the incident.

Question: A daughter, who is a known drug addict, had been staying at her parents’ house; she has a key. Recently, the daughter was in jail so the parents didn’t expect her at the house. When the parents went to bed, they locked the doors to their home. The daughter was released from jail and she went to the parents’ house, stole her mother’s cell phone and debit card; subsequently, there was a \$400.00 withdrawal at a bank ATM. Is the offense a Burglary, Theft from a Building, Credit Card/ATM Fraud, or a Fraud-Identity Theft?

Answer: This would not be a Burglary because she has a key to the house and prior consent to enter; it appears there were no protection orders or “do not trespass” orders against her entering. It should be Theft From Building (23D) for taking the debit card and Credit Card/ATM Fraud (26B) for taking the money.

Question: How do we classify a theft of a purse from a shopping cart? I remember it was something different than a purse snatching.

Answer: This should be classified as Theft from Building (23D). For it to be Purse-Snatching (23B), the purse must be in physical control of the victim. Also, if the offender used more force than necessary to snatch the purse from the grasp of the victim, or if the victim resists the theft in any way, then the offense would be Robbery (120).

Theft from Motor Vehicle (23F)

Question: A taco truck was parked in a parking lot of a furniture store (not permanent placement) and the suspect reaches up, steals the tip jar, and then runs off. The suspect was located and the cash recovered. The tip jar was in the window where customers order/pay but it is undetermined if the tip jar was within the unit’s threshold or not (behind the counter vs on the counter scenario). What would be the offense and the incident location?

Answer: This incident should be reported as a Theft from Motor Vehicle and the Location Type would be Parking Lot.

Question: For a Vehicle Prowl 2nd and no property was taken, do we submit this offense for NIBRS or is there was way to fix the property error without having stolen property?

Answer: This should be reported as an Attempted Theft from Motor Vehicle with a Property Loss Type of “None”. This should fix the error you are receiving.

Question: For an incident of Vehicle Prowl, our deputy has listed three offenses: Vehicle Prowl, Theft 3rd, and Theft of a Firearm. How do we submit this incident for NIBRS?

Answer: If the Theft of a Firearm occurred during the Vehicle Prowl, then submit the incident as a Theft from a Motor Vehicle offense (23F), Type of Property Loss = Stolen (7), Property Description = Firearm (13), and include the appropriate value of the firearm. Do not submit any separate offenses for this case.

Question: A suspect entered the fenced backyard area of a business where work trucks are stored; the tool truck was parked under a covered open-ended garage and tools were taken from the truck. Because an "open ended garage" is not a building, would this offense be Theft rather than Burglary?

Answer: Correct, this is Theft From Motor Vehicle (23F). The FBI defines Burglary as the "unlawful entry into a building or other structure with the intent to commit a felony or a theft ... a structure has four walls, a ceiling, a floor, and a door"

Question: If a bicycle was stolen from a bike rack attached to the back of a vehicle that was parked in a public parking garage, what is the NIBRS offense? The rack was damaged in the course of Theft. What offenses would be reported?

Answer: The offense should be reported as Theft from a Motor Vehicle because the bicycle was secured to the car. If the damage to the bike rack was substantial, you can submit an additional offense of Destruction/Damage/Vandalism with a Property Description of Motor Vehicle Parts and Accessories.

Question: The officer is submitting an incident with both Theft *of* a Motor Vehicle and Theft *from* a Motor Vehicle; the victim has provided a list of items that were in the vehicle when it was stolen. Do we submit both offenses at the time of Theft or just add the Theft from a Motor Vehicle after the vehicle recovery if the objects in the vehicle are missing at that point?

Answer: Submit both offenses: If items were taken from the vehicle as well as the vehicle itself, include the Theft from a Motor Vehicle offense.

Question: For Theft from Motor Vehicle (23F), the FBI NIBRS User Manual (p. 36) states, "The theft of articles from a motor vehicle, locked or unlocked." We are wondering if this would include theft of an article from an open bed of a truck.

Answer: Yes, articles from a bed of a truck should be classified as Theft from Motor Vehicle (23F).

Question: A car was broken into in the gated parking garage under a condo building; is this considered Burglary?

Answer: This would be Theft from a Motor Vehicle. In order to be a Burglary, it must be a structure with four walls, a roof, and door.

Question: When a purse is stolen from a vehicle and the credit cards are then used by the offender, is this Vehicle Prowl, Theft 2-Access Device, or both?

Answer: Regardless of how we would charge an individual in our state, for the purposes of NIBRS submission to the FBI, the Vehicle Prowl equates to Theft from Motor Vehicle (23F) and the property is the credit cards with zero value.

When the offender unlawfully uses the credit cards, the NIBRS offense is Credit Card Fraud (26B) and the property is what was the offender received from the fraud (gas, merchandise, etc.). The difference is the Theft *of* credit cards versus Fraud *by* credit cards.

Theft of Motor Vehicle Parts or Accessories (23G)

Question: A suspect stole wheels and tires off a vehicle and replaced them with wheels and tires of significantly lesser value. Is this a Theft of property where I show property stolen or a Vandalism of the vehicle where I show damage to the vehicle?

Answer: This would be a Theft of Motor Vehicle Parts or Accessories with the appropriate value of the wheels and tires that were stolen.

Question: A hose was cut to the gas line and 10 gallons of gas stolen from a vehicle. Should the NIBRS offense be Theft of Motor Vehicle Parts or Accessories (23G)?

Answer: Yes, the offense would be Theft of Motor Vehicle Parts or Accessories (23G); the Property Loss Type would be Stolen and the Property Description would be Fuel (64) with a value of what the fuel would cost.

Theft - All Other Larceny (23H)

Question: In the parking lot of our post office, mail drop boxes were broken into and all the mail stolen. The Postmaster estimated that 500-800 pieces of mail were stolen. How do I report this? Is this considered a Cargo Theft? Is the location "Government/Public Building" or "Parking Lot"?

Answer: This would be Theft-All Other Larceny (23H) with the victim listed as "Government"; if individuals come forward because their mail is missing, they can be added as victims. It would not be a Cargo Theft because the mail was not in transport (moving in commerce). The Property Description is Documents/Personal or Business with a zero value and the Location Type should be Parking/Drop Lot/Garage.

Question: What is the NIBRS offense for a theft of a trailer with an excavator on the trailer?

Answer: This would be All Other Larceny (23H) and the property descriptions would be Heavy Construction/Industrial Equipment (15) and Trailer (78).

Question: There was an old brass bell stolen off of a train car. Is this classified as Theft of Vehicle Parts/Accessories? Does it matter what type of vehicle as long as the stolen item was attached/installed?

Answer: Since a train is not included in the definition of Motor Vehicle (Motor Vehicle = a self-propelled vehicle that runs on land surface and not rails) and Vehicle Parts/Accessories are defined items attached to the inside or outside of a motor vehicle, this offense should be classified as All Other Larceny (23H). The property description could be either Metals, Non-Precious (71) or Other (77) ... brass is included in the "Metals" definition.

Question: We have a Theft report where an unknown person stole three Christmas yard displays from the victim's front yard. The officer indicated Theft-All Other Larceny (23H) and Trespass (90J). Is this correct or should it just be the Theft Offense? The offender is unknown.

Answer: For a NIBRS submission, this incident should just include the Theft offense with the three Christmas items listed as the property. Trespass (90J) is a Group B Arrest-Only offense and only reported if the offender was arrested.

Motor Vehicle Theft (240)

Question: Our agency has a case with "Taking Motor Vehicle Without Owner's Permission" listed as the offense. The officer contacted a suspect at a gas station and the male admitted that he does not have permission to be driving the vehicle. The registered owner is the grandfather who confirmed that the grandson does not have permission to drive his vehicle and then the grandfather came and picked up the vehicle. The vehicle was never entered into ACCESS as stolen. Does the vehicle need to be listed as stolen/recovered for NIBRS?

Answer: Yes, you should still submit the NIBRS incident as a Motor Vehicle Theft with a stolen and recovered motor vehicle.

Question: A teenage girl stole a vehicle and while she was driving, she took a corner too fast, ran into a tree, and the vehicle caught on fire, totaling the vehicle. The officer entered the offenses as Motor Vehicle Theft and Malicious Mischief. How should this be submitted for NIBRS?

Answer: For NIBRS, it should be reported as a Motor Vehicle Theft. In the Property details, it would be indicated as "Stolen" with the value of the vehicle at the time it was stolen, i.e. a \$35,000 truck. Then, enter the "Recovery" with the value of the vehicle at the time it is found: \$0.

Question: We have an incident where a motor vehicle that contained \$48,000 of equipment was stolen. Would this just be classified as a Motor Vehicle Theft (240) or would we include All Other Larceny (23H) in addition to the Motor Vehicle Theft?

Answer: You would classify as these two offenses:

- Motor Vehicle Theft (240), Property Description and Property Value of the vehicle (auto, bus, truck, etc.)
- Theft from a Motor Vehicle (23F), Property Description and Property Value of the equipment stolen

Pornography/Obscene Material (370)

Question: We have an incident where someone anonymously turned in a phone with possible child pornography. The subject who turned in the phone stated that he found photos and videos of children in swimsuits posing. The officer wrote this as a Police Information without an offense or suspect and victim. Since the phone was not in any person's possession at the time it was found and no suspect has been located yet, is this a Child Pornography offense for NIBRS even though there is no suspect and it's still an open investigation?

Answer: Yes, you can have an unknown offender for a Crime Against Society, such as with a Pornography/Obscene Material - 370 offense. Remember to update any applicable information discovered during further investigation.

Question: If an adult offender electronically transmitted nude photos to a juvenile victim and requested photos from the unwilling victim, would this be a Pornography case?

Answer: Yes, this is considered a Pornography/Obscene Material (370) offense. Please see page 37 of the FBI NIBRS User Manual for more information regarding Pornography/Obscene Material.

Question: Two teenagers sent photos and video of a sexual nature to one another; what NIBRS offense would this be? Would it be a different offense if one forwarded those photos or video to other people?

Answer: In both cases, the NIBRS offense is Pornography/Obscene Material.

Question: We have a case where the offense used is Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct (RCW 9.68A.050). The investigating officer listed the juvenile that is in the video as a victim. A NIBRS error is indicating that an individual cannot be listed as a victim for this offense and that the State of Washington should be. The involved a male who recorded a sexual act between him and a female without consent and then sent it to a friend without the victim's knowledge/consent. Is there a different offense that should be used so she can be listed as a victim?

Answer: For NIBRS purposes, this offense is considered Pornography and "Society" is the only victim that can be listed. The female victim can be included in your local records management system; however, for NIBRS, Society is the victim.

Question: What is the correct NIBRS code we should be using for Possession of Child Pornography cases?

Answer: Possession of Child Pornography would fall under the UCR offense code for Pornography-Obscene Material (370).

Robbery (120)

Question: The offender forced the victim out of his vehicle and drove off. Is this Robbery and Theft of a Motor Vehicle?

Answer: The FBI NIBRS User Manual (p. 38) states, "Agencies should report incidences of carjacking as 120 = Robbery, with the type of vehicle taken (automobile, truck, etc.) identified in the property description. The offense of 240 = Motor Vehicle Theft is not to be identified as an additional offense, as the stolen motor vehicle is the proceeds of the offense of robbery, and not a separate, distinct operation."

Question: Our officer responded to an incident at Home Depot where a suspect stole two expensive drills. When confronted by the loss prevention officer (LPO), the suspect assaulted the LPO, fled the scene, but left the merchandise behind. Should this be coded as only an Assault since the suspect didn't take anything?

Answer: It should be submitted as an Attempted Robbery. Assault is an inherent element of a Robbery; the intent was to take the merchandise and then the assault happened to LPO when confronted.

The victims should be both the LPO (Individual) and the business; injuries to the LPO should be included, and; the property would be reported as "None".

Question: A man went inside a store and stole a bunch of items. In the parking lot, the security officer stopped him and the suspect pulled a knife and made physical threats. Do we have two crimes here? The officer listed Robbery as the only offense with the victims being the security guard and store. Or should this be a Theft of the merchandise where the business is the victim and the security guard is a victim of the Robbery?

Answer: For a NIBRS submission, you would report a Robbery. Per the FBI, every Robbery includes elements of an Assault and Theft; so the incident you described would be classified as a Robbery only. Also, for NIBRS purposes, you need to list both the business and the security guard as victims of the Robbery.

Question: Two offenders entered a pharmacy, jumped over the counter, stole two bottles of promethazine with codeine syrup off the shelf, and fled the scene. Is this a Burglary or a Robbery? Would an offense for Drug/Narcotics be submitted?

Answer: To classify this incident, review the circumstances of the event and the definitions of the offenses:

- Burglary is the unlawful entry into a building or other structure with the intent to commit a felony or theft; the person did not have a legal right to be there.

- Robbery is the taking or attempt to take anything of value under a confrontational circumstance from the control, custody, or care of another person by force or threat of violence and/or putting the victim in fear of immediate harm.
- Theft from a Building is a theft from within a building which is either open to the general public or to which the offender has legal access.

Based on the circumstances of the incident, the offense would most likely be a Robbery because the drugs were behind the counter and under the control of the pharmacist. The Property Description would be Drugs/Narcotics with the stolen value of the drugs. It would not be necessary to report a "Drug/Narcotic Violation".

Question: A suspect shoplifted items from a store and while walking out the door, the store security officer stopped the suspect. The suspect still had the items in his hands and threatened the security officer with "If you don't let me go right now, I will come back and shoot you!" The investigating officer indicated the offense as Robbery-Gun. Would this be a Robbery-Gun if a gun isn't displayed and the suspect only threatened to come back with it later?

Answer: This should be a Robbery but since no gun was displayed or present, it should not be included.

Sex Offenses

Question: We have an incident where a male babysitter is being charged with Rape 1st and Child Molestation 1st and the victim is male also. When I tried enter it for NIBRS, I receive an error that the "VICTIM'S SEX CANNOT BE SAME FOR ALL OFFENDERS FOR OFFENSES OF RAPE". How do we get this charge validated with this situation?

Answer: The FBI NIBRS User Manual (p. 41) indicates that the Rape offense can be used for either male or female victims but only if "at least one of the offenders is the opposite sex of the victim". For NIBRS purposes, when the victim and the offender are the same gender in a forcible sex offense, the offense can be either Sodomy or Sexual Assault with an Object.

Question: I have received several data quality warnings or errors about sex offenses on my NIBRS submissions. How can I determine what the FBI UCR Offense Code should be for a Washington State statute, for example: Sexual Misconduct with a Minor?

Answer: We have created a new "Quick Reference Guide" with a list of the Washington State sex offenses and to what FBI UCR offense code they refer; also, the February 2017 Tip of the Month refers to this question. Both the Quick Reference Guide, "NIBRS Sex Offense Coding Grid", and the February Tip of the Month can be found on the CJIS Training, Manuals, & Reference webpage at <http://www.waspc.org/training-manuals-reference>.

The Tip of the Month explains that there are only six FBI NIBRS codes for sex offenses: four are considered forcible and two are non-forcible. To equate the Washington State statutes to the NIBRS offense codes, there must be enough details about the incident to determine 1) if the offenses if forcible or non-forcible; 2) if there was sexual intercourse versus sexual contact, and; 3) if the ages of the victim and offender, their genders, or their familial relationships affect the offense classification.

Question: One of our detectives is using the state statute for “Sexual Misconduct with a Minor 1st Degree” but entry into NIBRS is resulting in an error. The case is a teacher/coach having sexual relations with a student; the student is 18 and both the victim and offender are females.

Answer: You will want to look further into the circumstances of the incident to determine if there was sexual intercourse or sexual contact. Further, the FBI does not allow the victim and offender to be the same sex for the offense of Rape. For NIBRS reporting purposes, if sexual intercourse took place, the reportable offense could be “Sodomy” or “Sexual Assault with an Object” (due to same sex victim/offender). If there was no sexual intercourse, you could report as “Fondling”.

Rape (11A)

Question: A victim was forced to have sex unwillingly with her ex-spouse. On numerous occasions, he wouldn’t let her see the kids unless she had sex with him. Would this be Rape, Extortion, or both? If it’s Extortion, what property do we need to add?

Answer: This should be counted as both Rape and Extortion. You would show “Stolen” for the type of property loss, “Identity-intangible” for the property description, and a value of zero.

Sodomy (11B)

Question: A female reported that a male forced her head to his crotch with the intent of his sexual gratification. Both were fully clothed and the act was not completed. What is the NIBRS offense for this incident?

Answer: This would be classified as an Attempted Sodomy.

Question: Are Sodomy (11B) offenses restricted to same-sex situations? Can we use it to report sexual assaults between opposite sexes that include oral and/or anal sex but not “carnal knowledge?”

Answer: Yes, you can report Sodomy (11B) with opposite sexes involved.

Fondling (11D)

Question: I have a question regarding the sex offense crime codes. The NIBRS manual says you can report both a Rape (11A) and Sodomy (11B) together and our RMS error check supports that. What about a Rape (11A) and Fondling (11D)? Our RMS gives a “mutually

exclusive offense error” with them both checked to submit. Would we report the Rape only?

Answer: You cannot report a Fondling (11D) offense with a Rape (11A) offense because Fondling is a lesser included offense of Rape (an inherent element) (FBI NIBRS Technical Specification Manual, p. 72). The FBI advises that Fondling (11D) should be reported only if it is the sole offense; so, yes, report only the Rape (11A).

Question: We have a case with unwanted touching - the offender and victim are adults who work together. The female has asked the male numerous times to stop grabbing her breasts and buttocks, but it has continued. Does Fondling (11D) only apply to children? If so, would this be considered a Simple Assault (13B) or other offense?

Answer: The Fondling offense (11D) applies to both adults and children. The incident you describe should be reported to NIBRS as Fondling (11D).

Statutory Rape (36B)

Question: How is an incident reported when a 17-year-old student victim and a 24-year-old teacher suspect are involved in a consensual sexual relationship? The prosecutor is charging Sexual Misconduct with a Minor in the first degree. In our RMS, this statute is mapped to a 36B crime code; however, it is flagging it as an error due to the victim being over the age of consent (16). Is there another NIBRS offense code that would apply?

Answer: It doesn't matter if the sexual relationship was consensual or not. If the victim is at least age 16 but less than age 18 and the offender is at least 60 months older than the victim, this is Sexual Misconduct with a Minor 1st Degree. This offense is appropriately mapped to the NIBRS offense of Statutory Rape (36B). It appears your records management system (RMS) vendor needs to make an adjustment regarding “age of consent”.

Stolen Property Offenses (280)

Question: We have an incident where a juvenile was found in possession of and booked for a stolen firearm. The firearm is one of 16 listed as stolen in a Burglary from another agency; the juvenile is suspected of being involved in that Burglary. Should this be entered with the offense Weapons Law Violation or Stolen Property Offenses?

Answer: In this instance, the Stolen Property Offense (UCR Code 280) is the appropriate offense classification; the other agency that reported it stolen will report the recovery.

Question: A subject was caught with property that was reported stolen on another case; however, the officer wasn't able to prove the subject is actually the person that stole the property. The person was arrested and charged with Possession of Stolen Property. Should the Possession charge be added to the original stolen property report so that it clears it or should the Possession charge be on a separate report leaving the actual theft open?

Answer: The Possession of Stolen Property should be submitted as a separate incident from the Theft. Submit an arrest or clearance when an arrest for the actual Theft is made.

Traffic Offenses

Question: We have a case where the offense is Hit and Run but we're receiving errors for this through NIBRS. Is this not a reportable offense?

Answer: Traffic offenses (e.g., parking, moving violations, or Hit and Run-property damage only) are not collected by the state or FBI UCR Programs. The only traffic-related offenses reported in NIBRS as of January 2019 are:

- Group A Vehicle Manslaughter if the killing of another person is associated with driving under the influence, distracted driving (using a cell or smartphone), or reckless driving
- Group B-Arrest Only offense of Driving Under the Influence
- Per the FBI NIBRS User Manual (p. 45): "Hit and Run (of a person) ... could be Group A or Group B offenses depending on the circumstances of the incidents."

Weapon Law Violations (520)

Question: We have an incident where the suspect (inmate) had a sharpened mop handle that he planned to use to assault the corrections officer. He never took a swing at the officer. Would this be an Assault even though he never had a chance to act on it?

Answer: Because the offender had possession of the weapon but did not assault anyone, it would be classified as a Weapon Law Violation. According to the FBI NIBRS User Manual (p. 42), a Weapon Law Violation is 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."

Question: We have a case where the offense listed is Possession of Stolen Firearm (RCW 9A.56.380) and the owner of the firearm is listed as the victim. The firearm was later recovered in a hotel room. When attempting to associate the offense to the victim, the NIBRS error states that the offense is a crime against society and society must be the victim.

Answer: That is correct: Stolen Property Offenses are Crimes Against Society and cannot be associated with a victim other than "Society". Remember to return to the original case where the firearm was reported stolen and enter the recovery there. Any previously stolen item that is recovered should be reported as recovered in the incident in which it is stolen.

Question: We have a case that an officer is sending to the prosecutor for "Unlawful Possession of Firearm 2nd/Order Violation"; the suspect has a restraining order out of

Colorado with a prohibition from owning or purchasing a firearm. The firearm was released from evidence in Colorado, shipped to an FFL here in our city, and then released to the suspect. The officer entered the firearm in the "Property Module" and now I get the error message: "Invalid Property Data; Invalid to submit property for offense type 520". What do I need to do to fix the error? Do I take the firearm out of the property?

Answer: Because the NIBRS offense "Weapon Law Violation" is a Crime Against Society, it should not have a property segment. Delete the NIBRS property entry for the firearm and the incident should validate. For local RMS purposes, the firearm can be entered as evidence and your RMS should exclude it from the NIBRS submission.

Violation of No Contact/Protection/Anti-Harassment Order (500)

Question: The Extreme Risk Protection Order (ERPO) is a new thing for us. We received an ERPO on a subject and he surrendered a couple guns to us at the time. At a later contact with him, we found numerous additional guns. It seems like this is a violation of the order but we don't have any individual victim, which is required to validate for NIBRS.

Answer: This would be a Violation of No Contact/Protection Order (500); a Weapon Law Violation (520) should be reported as well. You can have a victim of "Unknown" in NIBRS: Enter "Unknown" for everything with the age as "00".

Question: How do we submit a Violation of No Contact/Protection Order when our officer has listed both spouses as victims and suspects in the same case?

Answer: For a Violation of No Contact/Protection Order, only the respondent of the order can be the offender. You should enter one individual as the victim, note that the relationship is SE-Spouse, and ensure that the Domestic Violence field is marked Y (Yes).

Question: In the 2017 legislative session laws, there are new crime codes that need to be classified for NIBRS purposes:

RCW 7.94.120(1): Firearms-Extreme Risk Protection Orders; Materially False Petition or Intent to Harass

RCW 7.94.120(2): Firearms-Extreme Risk Protection Orders; Custody, Control, Purchases, Possesses, or Receives Firearm When Prohibited

Is this classified for NIBRS as a Violation of No Contact/Protection Order (500), a Weapon Law Violation (520), an arrest-only All Other Offense (90Z), or something else?

Answer: RCW 7.94.120(1) is equal to False Swearing or False Report so it would be a Group B Arrest-Only All Other Offenses (90Z). RCW 7.94.120(2) would be the Washington offense of Violation of No Contact/Protection Order (500).

Attempted or Completed (Data Element 7)

Question: What is the difference between a “committed” versus “attempted” Forgery and/or Counterfeiting? For example, if I forge a signature on a check with the intent to defraud, would that act alone make the forgery committed or do I have to pass the check for it to become committed? What if a person is picked up on a Burglary and is found to possess a counterfeit bill?

Answer: We checked with the FBI UCR Trainers and they state that the possession or passing of a forged check would both be considered Completed. Possession of the equipment to commit Forgery would be Attempted. If an individual has a counterfeit bill in his/her possession, determining whether it is Attempted or Completed depends on if the offender knew it was counterfeited. If he/she did not know the bill was counterfeit, there is no offense; if he/she knew it was counterfeit, it would be Completed.

Location Type (Data Element 9)

Question: We have a case in which two inmates from our local county jail called up the victim and advised that she was going to get beat up once one of the suspects was released. Is it more accurate to use the victim’s location or the suspects’?

Answer: In this case, you would use the location of where the threats were received. It is somewhat like a bomb threat at the local high school where the school is the location that would be used.

Question: What is the Location Type for an offense of 500 - Violation of No Contact Order if the suspect is calling or texting the victim? Would the location be “Cyberspace”?

Answer: The definition of cyberspace is “a virtual or Internet-based network of two or more computers in separate locations, which communicate either through wireless or wire connections” (FBI NIBRS User Manual, p. 86). Because a phone is considered a Portable Electronic Communications device rather than a computer, the location would be where the victim was at the time the text was received.

Question: Is the Location Type for a Les Schwab Tire Store described as a “Service/Gas Station” or a “Specialty Store”?

Answer: A Les Schwab Tire Store would be a Specialty Store.

Question: Is the location for a community swimming pool classified as Amusement Park (38) or a Park/Playground (50)? The definition for Lake/Waterway/Beach (16) indicates it includes shorelines, lakes, streams, canals, or bodies of water other than swimming pools. However, it doesn’t list what the location description for swimming pool would be.

Answer: If the swimming pool is a commercial enterprise, it should be described as an Amusement Park; it provides entertainment to the public.

Number of Premises Entered (Data Element 10)

Question: If there is an incident at an apartment complex where multiple detached garages are broken into and vehicles prowled in the lot, do we report everything under the same incident? Also, if multiple cars are prowled in the lot of an apartment complex, would this be reported in the same incident as they were all at the same location or separately as each apartment is technically a different address? What about multiple detached garages that are broken into, would this be one Burglary with the number of premises entered number?

Answer: This incident involves the concept of Same Time and Place. If the same person or group of persons committed more than one crime and the time and space intervals separating them were insignificant, all of the crimes make up a single incident (FBI NIBRS User Manual, p. 10). Also, detached garages do not fall under the Hotel Rule in a Burglary; the Hotel Rule applies only to 14-Hotel/Motel or 19-Rental Storage Facility locations (FBI NIBRS User Manual, p. 23 and p. 81).

Type of Weapon/Force Involved (Data Element 13)

Question: If an offender is arrested with a multi-tool on his person that contains a knife or small blade, would that need to be listed as being armed with a lethal cutting instrument under the arrest? Another question, would an arrest for Obstructing a LEO (no Assault) be reported as a Group B Arrest, 90Z – All Other Offenses?

Answer: If the weapon was not being used, then no, it should not be entered. Please see the FBI NIBRS User Manual (p. 134) stating in part:

“Because LE does not generally consider a small pocket knife to be a weapon (unless used in that manner), the LEA should not report it.”

Yes, the Obstructing without Assault would be considered a 90Z – All Other Offenses.

Question: One of our officers has a question regarding the offenses “Weapons Prohibited in Certain Places” and “Carrying Concealed”. When choosing one of these offenses under the offense tab in our RMS, there is a drop down box titled “Weapon”. In reading the FBI NIBRS User Manual (p. 91) under Weapon Law Violations, there is a requirement for entry of Type Weapon/Force Involved. With the two offenses, should the Type of Weapon be “Handgun” or should it be “None”?

Answer: For the Weapon Law Violations you describe, indicate the weapon the offender had even if he/she did not brandish it or threaten anyone with it. Selecting Handgun from the options is the correct entry.

Question: What’s the difference between the Type of Weapon of “Firearm (Data Value 11)” and “Other Firearm (Data Value 15)”?

Answer: The FBI requests that items be classified as specifically as they can be. If a firearm does not meet the definition of “weapons that fire a projectile by force of an explosion”, it should be placed in a category that most closely identifies it.

Question: In an Aggravated Assault-Domestic Violence incident, the offender brandished what looked like a handgun, then threatened and chased the victim. After the victim escaped, the offender went to the victim’s car, broke out the rear window (Vandalism/Destruction), and tossed the weapon in the car. When the officer responded, it was determined the weapon was a PX4 Storm BB Gun, which looks very much like a real pistol. For the Weapon Type on the Aggravated Assault offense, should the weapon be listed as Handgun or Other Firearm?

Answer: A BB gun should be classified under “Other - 90”. A firearm is defined as a weapon that fire a projectile by force of an explosion. Because a BB/pellet gun usually is gas-powered, it is classified as “Other”.

Question: One of our officers recently confiscated a homemade 12-gauge loaded and working zip shotgun, an illegally modified handgun (serial number obscured), and an illegal length (sawed-off) shotgun. Do illegal modifications change the Type of Weapon classification?

Answer: If the weapon fires a projectile by the force of an explosion, it should be reported as a firearm. For the homemade weapon, we would suggest you use the category of “Firearm” because this type of weapon does not have a specific category. Illegal modifications do not change the weapon designations for NIBRS purposes.

Question: Is Type of Weapon/Force Involved (data element 13) a required field for Violation of No Contact/Protection Order (500)?

Answer: Type of Weapon/Force Involved is an optional field for a Violation of No Contact/Protection Order - you only enter it if it applies. Please see the Washington State NIBRS User Manual (p. 18) for the reference.

Property Segment

Type of Property Loss/Etc. (Data Element 14)

Question: Does UCR-NIBRS require that property that is stolen be associated to a subject in the case? Currently, we enter this association in our RMS so I’m thinking it was at one time a UCR requirement; however, I can’t find in the NIBRS manuals that this association is required.

Answer: NIBRS tracks property in relation to the offense not the victim or offender. Your RMS may track it to help ensure that recovered property is returned to the proper person but it is not a NIBRS requirement.

Question: What is the Property Loss code for the offense of 39B - Operating/

Promoting/ Assisting Gambling?

Answer: If the offense was attempted, the property loss should be “None” or “Unknown”. If the offense was completed, the property loss should be “Seized” and the property description and value added.

Question: In a case report where juveniles are seen smoking marijuana but nothing was left to add for property evidence seized, how should we list the property?

Answer: Indicate “None” in the Property Loss Type and a suspected drug type of “Marijuana.”

Question: What do we use for the Type of Property Loss for Kidnapping/Abduction (UCR Offense 100)?

Answer: If no property was stolen or a ransom paid, the appropriate Type of Property Loss will be “None” (1). If a ransom was paid, then you would use a Type of Property Loss as “Stolen” (7) and a Property Description of “Money” (20).

Question: We have a question about marijuana edibles. The officer indicated an offense for Chapter 69.50 RCW - Distributing of a Marijuana-Infused Product. What do we enter into the property section? There wasn’t anything seized because it was ingested.

Answer: The NIBRS offense should be Drug/Narcotic Violation (35A) with the Suspected Drug Type of Marijuana. The Property Loss Type should be “None”.

Question: We have a case where the offense is Residential Burglary. The officer entered into property a damaged door, damaged window, and a damaged phone charger as well as a stolen pellet gun. I’m receiving a property error message, “Property record found with invalid status; A property record with something other than NONE, RECOVERED, STOLEN OR UNKNOWN HAS BEEN FOUND.” I believe this has to do with the damaged property. Should I add the offense of “Destruction/Damage/Vandalism of property” and link it to the damaged property?

Answer: Yes, add an offense of Damage/Destruction/Vandalism; only the stolen pellet gun is property related to the Burglary.

Property Description (Data Element 15)

Question: What happens when there are more than ten types of properties to report? The FBI NIBRS User Manual (p. 93) states if there are more than ten, you should report the most serious 9 with a 10th combined “other” entry. However, this is not user-friendly for our needs because a lot of this property is potentially recoverable so we would want it listed individually for record-keeping purposes. How can these cases be submitted?

Answer: For a NIBRS submission, the FBI allows only 10 property entries. However, there is no issue with your RMS storing more than 10 property entries; the RMS should forward only ten for NIBRS but retain the total entries

locally. Your RMS vendor should be able to take any entries over the NIBRS property entry allowance and combine them into a 10th entry marked "other" for the NIBRS submission.

Question: For items that come through the mail or packages that are stolen from the porch, what is the appropriate Property Description? Is it "Merchandise"?

Answer: Merchandise would not be used in this situation. Most of the time, the victim should know what they were expecting in the mail and a description of that item should be used or you can enter 77 - Other. If the victim is going to get a list of what is missing, you can indicate 88 - Pending Inventory; this is a placeholder only until the items identified. It is best to be as specific as possible to make the crime statistics meaningful.

Question: What property type is appropriate for cattle fences, fencing in general, road signs/electrical poles?

Answer: As the items you have listed do not fit in the specific property descriptions listed in the FBI NIBRS User Manual (pp. 80-86), you would list them under the "77= Other" property type.

Question: Are car keys and/or a key fob reported as a Property Type of Vehicle Parts/Accessories (Data Value 38) or Other (Data Value 77)?

Answer: Keys and key fobs should be classified as 77 = Other. The FBI NIBRS User Manual (p. 100) describes Vehicle Parts/Accessories as "items that are attached to the inside or outside of the vehicle"; this includes vehicle batteries, engines, transmissions, heaters, hubcaps, tires, radios, CD/DVD players, GPS navigation devices, radar devices, etc.

Question: We need clarification on what Property Type to classify for Parking Passes and Receipts. We've been using "Non-Negotiable Instruments" but are starting to question if that is correct. The FBI NIBRS User Manual states that Non-Negotiable Instruments are "documents requiring further action to become negotiable; unendorsed checks, money orders, traveler's checks, stocks, bonds, blank checks, etc."

Answer: Because these items do not fit into any specific property description type, they should be entered as "77 = Other" with the value of the item.

Question: What Property Description should be used for "Paint" that was stolen from our local Sherwin Williams Paint store?

Answer: This should be entered as Property Description "19 = Merchandise"; this is an item or goods which are exposed or held for sale.

Question: A bill payer's check (for \$15,000) was stolen from a mailbox: Is that negotiable or non-negotiable?

Answer: Here are the definitions of negotiable and non-negotiable instruments:

Negotiable instruments – documents, other than currency, that are payable without restriction; an unconditional promise or order of payment to a holder upon issue, possession, on demand, or at a specific time; endorsed checks (including forged checks that have been endorsed), endorsed money orders, endorsed traveler’s checks, bearer checks, and bearer bonds

Non-negotiable Instruments – documents requiring further action to become negotiable; unendorsed checks, money orders, traveler’s checks, stocks, bonds, blank checks, etc.

In this case, if the check had not yet been endorsed, it is a non-negotiable instrument. The value would be zero.

Question: We have an incident where a trailer was stolen with model airplanes in it. What is the property description for the model airplanes?

Answer: For model or toy airplanes, please use the property description of Other (77). On page 94 of the FBI NIBRS User Manual, there is a ‘Note’ under the property description of Aircraft that states: “This data value does not include toy planes; LEAs should classify these as 19 = Merchandise or 77 = Other, as appropriate.”

Question: What is the appropriate Property Description for “Gift Cards”? I know they have zero value regardless of the value assigned by the victim.

Answer: Gift Cards go under the category of “Other” (UCR Code 77).

Question: Are tires an actual part of the automobile or parts and accessories?

Answer: Tires are vehicle parts and accessories when stolen. The exception is when they are damaged, then they should be counted as damage to the automobile.

Question: Is a stolen Apple Watch a watch (jewelry), computer hardware/software, or some other property description?

Answer: The appropriate property description category for a “Smart Watch” is “Portable Electronic Communications” (UCR Code 75).

Question: A Burglary of a marijuana retail shop occurred and paraphernalia was stolen. The submission is generating an error that I can only report drug paraphernalia as “seized”. Any suggestions?

Answer: You should be able to show that 11 – Drug equipment (this would include the paraphernalia) as stolen. This appears to be an issue with your records management system (RMS); please contact your RMS vendor to correct the problem.

Question: Someone broke into the storage area of a department store and stole 17 propane tanks that belonged to the business (not merchandise). What Property Description should be used for the propane tanks? (We don't know if the tanks were full or not).

Answer: Since propane is liquefied petroleum gas commonly used as fuel for engines, lighting, or heating, it would be classified as "Fuel" (UCR Code 64). However, if the business is unable to confirm whether or not the tanks contained any propane, you are safe with coding the stolen property as "Other" (Code 77).

Question: For property entries of "None", does NIBRS require a description? Our system gives an error when this description is omitted; I know that in the state NIBRS repository, I don't receive an error if in this instance.

Answer: For a Type Property Loss/Etc. of None and Unknown, you do not need a Property Description. In the FBI's NIBRS Technical Specifications, on page 46, under Data Element 15 – Property Description it states that it is a conditional element. This means that it is mandatory for some, but not all Type Property Loss/Etc.

The specification states: "This data element is Mandatory when Data Element 14 (Type Property Loss/Etc.) is 2 = Burned, 3 = Counterfeited/Forged, 4 = Destroyed/Damaged/Vandalized, 5 = Recovered, 6 = Seized, or 7 = Stolen/Etc." You should discuss this with your records management system (RMS) vendor if you are entering "None" with no property description and the RMS is generating an error.

Question: A number of blank checks were stolen from a business. What would we classify the Property Description and Value as if they are blank checks?

Answer: They would be considered Non-Negotiable Instruments (22) because they are documents requiring further action to become negotiable; the Value is \$0. If the checks were signed, they would be considered Negotiable Instruments (21).

Question: What is the Property Description code for a Bluetooth speaker? Is there a "lookup" table anywhere that would allow us to search by a common description?

Answer: Unfortunately at this time, there isn't a look-up table for property. The best fit for Bluetooth speakers is 26=Radio/TVs/VCRs/DVD Players as they are part of stereo equipment.

Question: If there is a theft of services like parking at the airport and then not paying the bill and just leaving, what property description is used?

Answer: In this instance, the Property Description should be Other (77).

Question: If an offender uses a smart phone to hack someone's account and change passwords, it would be Hacking/Computer Invasion (26G); however, what would the property type be?

Answer: If the offender fraudulently obtained something after they changed the password on the account, the items falsely obtained would be reported property in addition to a property type of "Identity-Intangible" with a zero value (changing the person login information).

Value of Property (Data Element 16)

Question: We have a business that lost over 3 million dollars in a fraud case. We're receiving an error that the loss amount exceeds the threshold amount. How should we process this one?

Answer: What you are receiving is actually just a warning. Since it is unusual to have such a large dollar amount, the system is asking you to verify the amount. You can ignore this warning message if the dollar amount is correct.

Question: We are receiving a NIBRS error for not having a property entry for a Criminal Impersonation. The incident involves a female verbally giving the officer someone else's name and date of birth. We've entered "Identity-Intangible" but the system is requiring a value.

Answer: You are correct in listing the Property Description as Identity-Intangible; for the value, enter zero (0). The property descriptions that require a mandatory zero in value include:

- 09 = Credit/Debit Cards
- 22 = Nonnegotiable Instruments
- 48 = Documents-Personal or Business
- 65 = Identity Documents
- 66 = Identity-Intangible

Question: I have been looking through all of your helpful hints because there is some question if \$1 dollar or \$2 dollars should be the amount listed on drug paraphernalia.

Answer: When a dollar amount of \$1 is used, the FBI assumes that the actual value of the item is being determined. The FBI NIBRS User Manual (p. 106) states "if the value of a property is unknown, the agency should enter the value one dollar (\$1), which means unknown".

Question: Do we need to enter a property value dollar amount for a stolen social security card?

Answer: A social security card is considered an Identity Document and for NIBRS, Identity Documents have a mandatory zero value. Here are the properties that have a mandatory zero value:

- 09 Credit/Debit Cards
- 22 Non-Negotiable Instruments
- 48 Documents – Personal or Business
- 65 Identity Documents
- 66 Identity – Intangible

Question: Can you please give me some guidance on how “pills” should be reported? For example, the officer indicated in his report:

Drug Code: SEIZED/NONE
 Drug Type: DRUGS/NARCOTICS
 Value: “0” when illegal
 Qty: 3 for example
 Measurement: Pills
 Style: Other Drugs

Answer: According to the FBI training materials, the street value of drugs/narcotics seized is difficult to determine and therefore, no data value is entered in Data Element 16 - Value of Property. The type of drug/narcotic should be reported in Data Element 20 - Suspected Drug Type as well as the quantity in Data Element 21 - Estimated Drug Quantity and the type of measurement (kilograms, liquid ounces etc.) in Data Element 22 - Type Drug Measurement.

Offense	= Drug/Narcotics Violation (35A)
Type of Property Loss	= Seized
Property Description	= Drugs/Narcotics
Value of Property	= Zero (0)
Suspected Drug Type	= If unknown, enter U
Estimated Drug Quantity	= 3 (whole units)
Type of Measurement	= Dosage Units/Items (DU)

Question: Does WASPC have recommended values for vehicles based on the Year of the Vehicle?

Answer: WASPC doesn’t have a set value for vehicles; the FBI NIBRS User Manual (pp. 106-108) provides guidelines for property valuation:

Guidelines for Property Valuation

1. Round values to the nearest whole dollar.
2. Use the fair market value for articles subject to depreciation because of wear and tear, age, or other factors causing the value to decrease with use.
3. Use the victim’s valuation (in most instances) of items such as jewelry, watches, and other similar goods that decrease in value slightly or not at all with use or age.
4. Use replacement cost or actual cash cost to victim for new or almost new clothes, auto accessories, bicycles, etc.
5. Use the current market price at the time of the theft, seizure, etc. for negotiable instruments such as bonds payable to the bearer, etc.

6. Score the theft of nonnegotiable instruments such as traveler's checks, personal checks, money orders, stocks, bonds, food stamps, etc., but do not record a value.
7. Use the cost to the merchant (wholesale cost) of goods recovered, seized, stolen, etc., from retail establishments, warehouses, etc. In other words, use the dollar value representing the actual cash loss to the victim without any markup or profit added.
8. When the victim obviously exaggerates the value of stolen/destroyed/damaged property for insurance or other purposes, LEAs should use common sense and good judgment to determine the value reported for the stolen items.
9. Often the condition of the property is different at recovery than it was when stolen. LEAs should use the market value at the time of recovery even though it is less than the value reported at the time of the theft. If the value has increased by the time law enforcement recovers the property, the recovery value should not exceed its initial stolen value. Hair-splitting refinements are unnecessary.

Note: LEAs can use any type of resource to determine the value of property including the Internet, Craigslist, eBay, Kelley Blue Book, etc.

Question: We've received an error that the value of property is greater than \$1 million. In this particular case the return states: "Warning: Value of property exceeds FBI threshold. Please check if this is an error or intentional." Our response would be "it is intentional." The victim had three or four tool chests emptied out along with welders and other tools; we listed the items separately in case they are recovered.

Answer: On any dollar amount over one million, you will get a warning message; it is intended to warn that you should verify the dollar amount. A warning is not an error; it is only a request for confirmation. If the dollar amount is true, then you may ignore this message. Please verify the dollar amount and make any changes if necessary.

Question: In an incident with Theft from Motor Vehicle, the officer entered stolen property (spare change from ashtray) with a value of \$0.75. NIBRS is returning Error 351 (value cannot be 0 for item category). The FBI NIBRS User Manual (p. 107) states that property loss values should be entered in whole dollars, but for accurate reporting (public records), we need to show actual values.

Answer: It appears your RMS vendor will need to make a programmatic change so when you enter an exact value (for public disclosure purposes), it maintains that value in the RMS but for the NIBRS submission, the RMS will round up or down a fraction into whole dollars.

Question: Someone used stolen credit cards to make purchases at various stores at the mall, totaling \$6,165. Each business was listed as a victim as well as the owner of the credit cards (an individual). Under the stolen property, the report writer included each individual purchase with the dollar amount, connecting each value to the appropriate store (victim) and then also made an entry for the full amount, connecting that to the victim. Wouldn't this be double reporting the amount stolen?

Answer: Yes, that would be double reporting. There are two offenses in this incident: Theft of the credit card from the individual should have a \$0 (zero) property value. The Credit Card/ATM Fraud should list the businesses as victims and the property descriptions should describe the goods received to show total value of \$6,165.

Date Recovered (Data Element 17)

Question: A moped was stolen in our jurisdiction and the owner later found it posted for sale on an on-line sales site. The officer responded to the call for service and confirmed the moped listed on the site was the one reported stolen. Do we submit a property recovery for the original stolen report and enter a second case report for the Possession of Stolen Property?

Answer: Correct, you should report the recovery under the original incident and create a new NIBRS submission report for the Stolen Property Offense.

Question: When we recovered another agency's stolen vehicle, the registered owner told our deputy that certain items were missing from the vehicle. Does our agency report those items as stolen or do we leave it for the agency that handled the reporting of the stolen vehicle to process?

Answer: This should all be handled in the jurisdiction in which the vehicle was stolen.

Suspected Drug Type (Data Element 20)

Question: Can you advise what the most appropriate "Drug Type" code would be for Fentanyl? We are seeing an increase in this drug and would like to put it in appropriate code for tracking as well as being able to pull the most accurate statistical information from our RMS.

Answer: Fentanyl is a synthetic narcotic so it would fall under H = Other Narcotics drug type.

Estimated Drug Quantity (Data Element 21)

Question: What is the best practice when entering unknown quantities for drugs on an incident? Our officers are unsure how to enter the estimated quantity in their field reports because it hasn't been weighed and can fluctuate depending on packaging/liquid form, etc. We understand that they are able to report drugs as "SEIZED" or "NONE" with "Not Reported" as a quantity; however, according to the FBI NIBRS User Manual (p. 111), we as an agency are supposed to go in later and update that information with the weighed or actual quantity.

The officers drop drugs off at Property and Property staff then weighs these and puts the information into an Evidence Management System that is separate from our Records Management System. If we leave all the quantities as "Not Reported" on our submissions due to our departments work flow, will that reflect negatively on our agency?

Answer: Leaving the drug quantity as “None” will not necessarily reflect negatively on your agency; however, it is important to be as specific as possible when entering crime statistic information so trends can be determined. If temporary a “placeholder” is used frequently, you may receive data quality questions from the FBI or it may flag your agency for audits. It is recommended you develop a procedure for updating any and all temporary placeholder data elements.

Question: Does NIBRS reporting need to have Marijuana weight?

Answer: There should be a weight reported for all Drug/Narcotics that are seized. If the drug/narcotic was stolen, then you do not report a weight. For trace amounts, you can enter .001.

Victim Segment

Victim Connected to UCR Offense Code (Data Element 24)

Question: A teen was charged with a sex offense against a child. In addition, the child’s mother was charged with Tampering with a Witness (Intimidation in NIBRS). The child is the victim in both the Sex Offense and the Intimidation. NIBRS has Intimidation listed as a lesser included offense with the Sex Offense so it cannot be entered separately; this means the mother would need to be included as an offender in the Sex Offense, which isn’t accurate. How should this be handled?

Answer: In this case, in order to report both offenses, you will need to report as a separate incident with a separate incident number.

Type of Victim (Data Element 25)

Question: We have a case where the offender has admitted to sex offense crimes but only the first name of the victim has been revealed. Should I create a name page with only the information we know?

Answer: We don’t know what your local records management system (RMS) requires to create the incident – you’ll need to check with someone who has the same RMS. However, you can submit an unknown victim with the incident ... just complete what is known such as Victim Type = Individual and whatever the offender shared such as sex, approximate age, etc.

Question: Deputies responded to a report of juveniles spray painting old buildings and a car in the parking area. The car owner was the reporting party. No report came from the building owner. Do we enter both the vehicle and building as damaged property? Or just the vehicle since we only heard from the vehicle owner.

Answer: NIBRS doesn’t track who reported a crime. In this situation, you should report the damage done to the building despite the building owner’s lack of involvement.

Question: Two men were engaging in a fight and when the officers arrived on scene, they couldn't determine who was the primary aggressor because both people were engaging in mutual combat. The officer indicated Assault on the report and listed the two men as involved persons; for NIBRS, how do we submit if we can't determine who the primary aggressor is? Can we put both people as both a suspect and a victim?

Answer: For this situation, you would report the Assault offense and list each individual as the offender and the victim. For relationship type, enter VO = Victim was Offender.

Question: What is the Victim Type for "Civil Air Patrol": government or other?

Answer: It would be listed under O = Other. Civil Air Patrols are not administered by any governmental agency, so it would not fit the government definition.

Question: We have an incident where a suspect abused his dog. Who is the victim for this offense?

Answer: Animal Cruelty is a Crime Against Society and should have the victim listed as society.

Question: If someone banged on the door of a house and yelled, "This is the police", who is submitted as the victim of this impersonation?

Answer: The victim(s) would be the people inside the house.

Question: We had an incident where an offender robbed a coffee stand at knifepoint; who is the victim: the barista or the coffee stand? Also, if we don't have information for race or ethnicity, is it allowable to put "U" for both?

Answer: Both the barista and the coffee stand should be listed as victims of the Robbery. Because this is a Robbery, an individual must be listed as a victim. Regarding the race and ethnicity question: Yes, you can use the code "U" (Unknown) if you did not receive this information.

Question: We investigated a reported Theft but no victim has come forward. Can I report a Theft with no victim?

Answer: You will need to enter "Unknown" for the victim data values; for example, the age of the victim would be 00 = Unknown.

Question: How would you report the victim of the crime of Arson to a residence if the suspect who set the fire is the owner of the home as well?

Answer: The financial institution that holds a mortgage on the home would be the victim of the Arson. If the offender was attempting to collect insurance, there may be an additional offense of Fraud with the insurance company listed as the victim.

LEOKA (Data Elements 25A-C)

Question: We have a case with an Assault 2nd, Assault 3rd, and Assault 4th - one defendant and 3 victims. How do I submit all of these via NIBRS?

Answer: First, you'll need to determine what the Assault 2nd and 3rd degree offenses translate to as NIBRS offenses (either Aggravated Assault or Simple Assault) – the key is whether or not there was serious injury or a weapon involved. The Assault 4th is typically a Simple Assault – no weapon and minor or no injury.

If both the Assault 2nd and 3rd offenses are Aggravated Assault, then you enter only one Aggravated Assault with two victims. The degree of the offense doesn't matter for NIBRS: Based on the elements of the crime, you have to translate those degrees into NIBRS offenses.

Question: How are Assault offenses against an officer submitted for NIBRS? I thought they were always considered Aggravated Assaults but I get an error when the injury is only minor.

Answer: When classifying an assault, whether for an individual or an LEO, you should consider these three questions:

1. Was a type of weapon employed or an object used as a weapon?
2. What was the seriousness of the injury?
3. Was there intent and capability of the assailant to cause serious injury?

There can be an Aggravated Assault, Simple Assault, or Intimidation against an officer - which offense depends on the answers to the three questions above.

Question: One of our sergeants is asking how to submit NIBRS data for Law Enforcement Officer Killed or Assaulted (LEOKA) information regarding a line-of-duty death of a police officer responding to a domestic violence call or other specific types of calls?

Answer: The FBI NIBRS User Manual (p. 115) provides information on Data Element 25A (Type of Officer Activity/Circumstance) which “describes the type of activity that the officer was engaged at the time he/she was assaulted or killed in the line of duty.”

The valid data values for this element are:

- 01 = Responding to Disturbance Call (family quarrels, person with firearm, etc.)
- 02 = Burglaries in Progress or Pursuing Burglary Suspects
- 03 = Robberies in Progress or Pursuing Robbery Suspects
- 04 = Attempting Other Arrests
- 05 = Civil Disorder (riot, mass disobedience)
- 06 = Handling, Transporting, Custody of Prisoners
- 07 = Investigating Suspicious Persons or Circumstances
- 08 = Ambush, No Warning
- 09 = Handling Persons with Mental Illness

10 = Traffic Pursuits and Stops

11 = All Other

There is no specific data value for a domestic violation situation so you would indicate this as “Responding to Disturbance Call”.

Question: Our agency received a call regarding a disorderly subject but the neighboring agency was closer so we asked for assistance. Before we arrived, the subject assaulted that agency’s officer. Do we report the LEOKA or does the other agency?

Answer: When an incident occurs in your jurisdiction, you submit the LEOKA under your ORI; however, there is a data field for “Officer-ORI Other Jurisdiction” where you should enter the officer’s agency ORI.

Question: If there is a case with a 13C – Harassment/Intimidation against an officer, would the data elements for Law Enforcement Officer Killed or Assaulted (LEOKA) apply?

Answer: Yes, LEOKA applies to Homicide and all Assault offenses. According to the FBI, when the Type of Victim is L = Law Enforcement Officer, the offense should be one of the following:

09A = Murder & Non-negligent Manslaughter

13A = Aggravated Assault

13B = Simple Assault

13C = Intimidation

Question: In the last NIBRS training with the FBI trainer, I thought he instructed us to report every obstruction of a law enforcement officer as an Assault with LEOKA stats. We have a case in which the officer struggled with a subject on the ground to get him into custody after a foot chase; the officer listed the offense as obstruction. Our RMS is not configured to allow the input of LEOKA stats with the obstruction statute; it will allow LEOKA data to be entered only with an assault statute. Do we need to reconfigure our RMS?

Answer: The FBI trainer was describing an incident where an offender assaults an officer while resisting arrest or obstructing. In these types of incidents, if the offender makes physical contact with the officer and/or assaults the officer, the offense should be classified as an Assault offense.

In the types of incidents where the offender does not assault the officer and the offense is simply “Resisting Arrest” or “Obstructing a Law Enforcement Officer”, the offense is reportable only if an arrest occurs and as the Group B offense “All Other Offenses” (90Z).

The LEOKA (Law Enforcement Officer Killed or Assaulted) information can be submitted only with the Group A incident offenses of Murder, Non-Negligent Manslaughter, Aggravated Assault, Simple Assault, or Intimidation.

The only adjustment you need to make to your RMS is to map the offenses appropriately: Resisting or Obstructing an Officer with assault on the officer = an Assault offense; Resisting or Obstructing an Officer without an assault = All Other Offenses (reportable only if there is an arrest).

Question: Our jail frequently has Assault 3 or Custodial Assault reports when corrections officers are attacked and/or injured. Does the FBI want these cases to be treated as assaults on law enforcement and include a LEOKA form?

Answer: The LEOKA report is for commissioned/sworn law enforcement officers who have full arrest powers. If the corrections officers are commissioned (and have arrest powers), then you would report a LEOKA. If the correction officers are not fully commissioned, then an assault on the correction officer would be considered an Assault of an individual. The LEOKA data are elements included in the NIBRS method of submission; there are no separate forms or paperwork to complete.

Although it may be a Custodial Assault in state statute (RCW 9A.36.100), for NIBRS purposes, it can be only one of three types of Assault: Aggravated Assault (13A), Simple Assault (13B), or Intimidation (13C).

Question: Do we report crimes that we investigate at the State Correctional Facility? Should we be reporting assaults on correctional officers as LEOKA?

Answer: Yes, you would report the offenses that are under your jurisdiction to investigate. Only report LEOKA if the correctional officers are sworn law enforcement officers with full arrest powers and their salaries are paid from law enforcement funds. It does not appear that assaults on State Corrections Officers would be reported as LEOKA.

Race of Victim (Data Element 28)

Question: According to our officers, we have individuals who insist that their “race” is Hispanic. I realize that for NIBRS reporting, we would designate “Hispanic” as their ethnicity but what race should be entered?

Answer: The person’s race should be listed as white or the race they most closely represent. If the officer is unable to determine the race, “U” for Unknown can be entered. Ethnicity is a separate and optional data element that can be entered:

H = Hispanic or Latino

N = Non-Hispanic or Latino

U = Unknown

Resident Status of Victim (Data Element 30)

Question: Would a homeless person living on the streets be considered a “Resident”? They have no permanent address but they do live in the city.

Answer: A transient person living within your city should be listed as a resident. According to the FBI NIBRS User Manual (p. 137), “Resident Status does not refer to the immigration or national citizenship status of the individual. Instead, it identifies whether individuals are residents or nonresidents of the jurisdiction in which the incident occurred. It also enables agencies having a high transient population to show their population at risk is actually higher than their official resident population”.

Aggravated Assault/Homicide Circumstances (Data Element 31)

Question: We had a case that was a drug deal gone wrong. The offenses in the incident are Murder 2, Robbery 1, and Possession of Controlled Substance (marijuana). Can we enter the Murder and Robbery in the same case? The Murder and Robbery charges are against two different people.

Answer: You can enter all the offenses that you have listed: Murder, Robbery, and Drug/Narcotics Violation. For the Murder, you can enter up to two “Aggravated Assault/Homicide Circumstances” per victim: Drug Dealing (UCR Code 03) and Other Felony Involved (UCR Code 08).

Type of Injury (Data Element 33)

Question: Our officers responded to a domestic violence call in which the intoxicated husband had punched his wife in the face several times; the wife, in what has been determined to be an acceptable use of self-defense, pepper-sprayed her husband, then called 911. Because the husband is well-known to our department and has assaulted our officers in the past, we asked for assistance from another department. Although the suspect was handcuffed, he attempted to escape by jumping through a closed window; this caused a laceration to his head. During the attempt to escort the suspect to the ambulance for treatment, the suspect continued to resist and had to be carried by his arms, shoulders, and feet to the ambulance. As they neared the ambulance and brought him to his feet, the suspect head butted one of the officers before he could be loaded and transported to the hospital. The officer sustained a fairly severe concussion, missed several days of work, and continues to have headaches. For NIBRS purposes, my two questions are 1) does the self-defense pepper spraying get reported and 2) how is the officer’s concussion described in the Type of Injury field?

Answer: 1) No, the self-defense pepper spraying would not be reportable to NIBRS.
2) The injury to the officer would be reported as “Other Major Injury”.

Relationship of Victim to Offender (Data Element 35)

Question: We have a case with Assault 4-DV between boyfriends, but we’re receiving an error because they are the same sex. How do we fix this error?

Answer: If the case was prior to January 2019, the error is because the Victim to Offender Relationship should have been HR=Homosexual Relationship. After January 2019, the BG=Boyfriend/Girlfriend relationship code is acceptable for same

sex relationships. The HR relationship code was retired as of January 2019. Please contact your records management system (RMS) vendor to ensure the changes have been made to your system.

Question: We have a domestic violence (DV) assault between a married couple who are both women. NIBRS rejected it because the listed genders don't match the relationship code of Spouse. We changed the relationship to "Other Family Member" but I'm not sure that is the best solution. How should we handle this?

Answer: The Victim to Offender Relationship through 2018 should be HR = Homosexual Relationship. As of January 1, 2019, the same gender is allowed for the Victim to Offender Relationship of SE = Victim Was Spouse.

Question: In a case in which the tenant assaulted the landlord but there are no familial ties, is the landlord entered as an acquaintance or otherwise known?

Answer: Acquaintance would be the most accurate relationship category to classify that situation.

Question: If a patient assaults a caretaker, what would the relationship be?

Answer: If the caretaker is employed by the patient, then the victim's relationship to the offender is Employee. If the caretaker is employed by someone else, the relationship is Otherwise Known.

Question: We have a case where four people were assaulted by four other people. NIBRS is warning that all four suspects listed must have a relationship code for all four victims. Not all offenders were involved with all victims.

Answer: When there is Crime Against Persons offense, all offenders will need to be related to each victim. You will need to enter a relationship, even if it is "Unknown", between each victim and each offender.

Offender Segment

Age of Offender (Data Element 37)

Question: When entering an incident into the state NIBRS repository, I receive an error when certain descriptors for a known suspect were not entered, such as age. In our new local records management system (RMS), I don't receive those same errors; I'm wondering if that's an error that just isn't built into our RMS. Are there certain standards/offenses that require the suspect age or age range be entered?

Answer: For the victim or the offender, you can enter either the exact age, an age range, or "00" indicating unknown. When using an age range, we prefer these be within a ten year range (the FBI and we will average the age ranges at the end of the year for publication).

If the offender is known, enter as much information as possible for NIBRS submission. In the FBI User Manual (p. 130), it displays the correct values for offender ages; in the FBI NIBRS Technical Specification Manual (pp. 92-93), the errors are displayed related to the offender age data element. Please discuss this data element with your RMS vendor to determine why you are not receiving errors in the RMS.

Sex of Offender (Data Element 38)

Question: In January 2018, Washington State adopted a rule that allows people to list gender as either Male, Female, or X. Our records management system (RMS) vendor is making a change to add X to the drop down list for gender. Will this change be incorporated into NIBRS submission?

Answer: We will incorporate only changes mandated by the FBI CJIS-UCR Program. At this time, the FBI has not indicated any plan to include different gender codes in the submission of NIBRS.

Any local RMS gender codes will need to be “interpreted” to the FBI guidelines for NIBRS submission. For example, if your RMS indicates an individual’s gender as “X”, the submission for NIBRS will need to be changed to “U” for Unknown. The state repository is being updated to allow “U” for Arrestees.

Arrestee Segment

Type of Arrest (Data Element 43)

Question: How do we report a warrant arrest when the jail refuses to book the offender? We’ve taken the person into custody and transported them but the jail sometimes refuses to book them in.

Answer: Even if your jail does not book an individual for the warrant arrest, you should still report it as an arrest for NIBRS purposes. Based on NIBRS criteria, a person taken into custody based on a warrant or previously submitted incident is still counted as an arrest regardless of whether or not the jail takes subsequent custody of the individual.

Question: In the FBI NIBRS training this week, it was stated that if someone was read their rights, advised they were under arrest, but only given a citation to appear in court (and not taken to jail), the Arrest Type was classified as Summoned/Cited. The officers do this because they know the jail is too full. Is this considered a Summoned/Cited Type of Arrest rather than an On-View Arrest because the offender was not taken into custody?

Answer: Yes, unless the officer is going to take the person to the jail, it should be submitted as a Summoned/Cited arrest.

Multiple Arrestee Segments Indicator (Data Element 44)

Question: The FBI NIBRS manuals clearly explain exceptional clearances but not the single vs multiple cases clearances. When would we use single vs multiple cases clearance for those cases that are cleared exceptionally?

Answer: If an incident was not cleared by either an arrest or exceptional means by the time an initial Group A Incident Report is submitted regarding it, then N = Not Applicable should be entered.

If, after a Group A Incident Report was submitted, an offender is arrested, the previously submitted report should be updated with an Arrestee Segment. Submitting an Arrestee Segment will automatically clear the incident.

In a multiple-offense incident, the exceptional clearance of one offense clears the entire incident. An incident cannot be cleared exceptionally if it was previously or concurrently cleared by an arrest, i.e., if an Arrestee Segment is submitted.

Multiple Arrestee Segments Indicator is used to ensure that an arrestee is counted only once when the arrestee's apprehension causes the reporting agency to submit two or more Arrestee Segments concerning separate Group A Incident Reports.

When the arrestee was involved in more than one crime and is arrested, enter C = Count Arrestee in one of the Arrestee Segments and enter M = Multiple in all of the remaining Arrestee Segments. When the arrest does not cause the reporting agency to submit multiple Arrestee Segments for the same arrestee, N = Not Applicable should be entered.

Note: If the offender was submitted as "Unknown" in a previous case, please update the information with the person arrested for the "Multiple Arrest" incidents.

Question: We have two cases of a home invasion robbery. The robberies happened the same day at two separate addresses because the offenders went to the wrong address on the first one. All three offenders were arrested. Do the arrests need to be entered on both incidents?

Answer: Yes, this would be a Multiple Arrestee Clearance type of situation. Enter the arrest in one of the incidents and link or relate the second incident number to the arrest; this will clear the case but not show the arrest. Your records management system (RMS) should have a method to accommodate entering one arrest and linking multiple incidents to it.

Arrestee Was Armed With (Data Element 46)

Question: We need to add a Taser as a weapon under the arrest tab. What is the appropriate entry for the data element "Arrestee Was Armed With" to describe a Taser?

Answer: The FBI NIBRS User Manual (p. 134) indicates that only commonly known weapons should be entered for an arrest such as firearms or knives; therefore, a Taser would not be entered. The entry should be 01 = Unarmed.

Age of Arrestee (Data Element 47)

Question: We have a case where a juvenile was arrested for a crime but the court determined he turned 18 so they charged him as an adult. Our records management system doesn't deal easily with this change; should we leave the person as a juvenile or change them to an adult now?

Answer: You would leave him as a juvenile; for the purposes of NIBRS, it should be the age of the person when arrested.

Sex of Arrestee (Data Element 48)

Question: In the Department of Licensing's announcement of the new "X" gender option, they indicated that the WSP ACCESS system will not accept sex/gender = "X" and to submit "U =Unknown" instead. Is WASPC's guidance for NIBRS similar: submit "U" instead of "X"?

Answer: Yes, a gender indicated as "X" should be submitted as "U".

The FBI UCR program has not changed their gender codes. For now, the FBI advises that the "X = Non-Binary Gender" gender code must be converted to "U = Unknown" for FBI submissions (including NIBRS). This will not be a problem for submitting incident data but there is a problem with submitting arrest data. At the moment, the only acceptable gender codes on an arrest are Male or Female. Listing "Unknown" for a gender on an arrest will cause an error.

The state system will accept the error; however, the FBI will reject the entire incident if there is an error so it won't be accepted or counted at the federal level.

As of the end of 2019, the State UCR Program is working with their state-level NIBRS repository vendor to remove the edit and allow the "U" gender for arrestees. The FBI is working on the possibility of relaxing their edit as well. We will send out a listserv message to let everyone know when those changes are in place.

Resident Status of Arrestee (Data Element 51)

Question: We have not been indicating on case reports whether a suspect/victim was a resident or non-resident of our jurisdiction. Is it something that is a requirement?

Answer: This is an optional data element and will not indicate an error if it is not completed.

Disposition of Arrestee Under Age 18 (Data Element 52)

Question: If a juvenile is released to parents but the charges are forwarded to juvenile court, is that considered referred to other authorities or is that only if they are booked into juvenile detention?

Answer: When a juvenile is released to his/her parents then the entry should be H = Handled within Department; what occurs subsequently with the courts is not relevant. When a juvenile is arrested and physically turned over to the courts, juvenile detention, probation department, child welfare department, or other police, it should be coded as R = Referred to Other Authorities.

Miscellaneous

Citizenship

Question: Is citizenship included in the NIBRS data that is collected and/or published? Our RMS has a field for the information; however, it is not consistently used by our department.

Answer: No, citizenship is not a data element for NIBRS. The only thing close is “Resident” and that only denotes if the person is a resident of your jurisdiction, not of the country.

Clearance by Arrest

Question: We have a 2016 case for which a defendant was just arrested. We were able to enter only one charge in the NIBRS repository; however, there are three reportable charges. How do we add multiple arrest charges?

Answer: You would add just one arrest offense for which that the person was arrested. Even though there may be multiple charges, the arrest will clear the entire incident. According to the FBI NIBRS User Manual (p. 66), agencies “clear incidents rather than individual offenses. This means a clearance by arrest ... of one offense in a multiple-offense incident clears the entire incident. Therefore, the first Arrestee Segment reported in connection with an incident automatically clears the incident.”

Question: We have a DUI arrest that is associated with Malicious Mischief; the offender was charged on both counts. NIBRS will not allow the entry of the Destruction/ Damage/ Vandalism offense. The error states that Group A and Group B reports cannot have the same incident number. Do I just enter the DUI arrest and not enter the destruction incident?

Answer: First enter the Group A Destruction/Damage/Vandalism offense and then enter the arrest for DUI. The arrest will clear both offenses.

Question: We have cases which are referred to a jail diversion program: offenders may be eligible if they have committed a lower grade crime, such as Theft 3rd or Trespassing, and have some sort of drug/alcohol addiction abuse issues or mental issues. In lieu of charges, the offender agrees to enter the crisis center for rehabilitation. Do we submit NIBRS on these cases or are the cases closed due to the diversion? The offenders are arrested but there is no jail booking if they agree to the diversion treatment.

Answer: Yes, the incidents should be submitted for NIBRS purposes and cleared by the arrest. The jail diversion program reflects the disposition of offenses after arrest; it is the law enforcement perspective that is submitted for NIBRS rather than the resulting disposition through diversion, prosecution, or other court proceedings.

Conspiracy to Commit

Question: Two offenses were submitted by an officer: “Conspiracy to Kidnap” and “Conspiracy for Assault 1st”. My RMS doesn’t differentiate between conspiracy to commit and actual commit so I submitted it for NIBRS as if it occurred. Is this correct or is there a better way to report this?

Answer: You submitted it correctly. As long as there is a substantive offense associated with “conspiracy-type” incidents, you should submit it under the corresponding Group A offense for NIBRS. If there was an arrest only for “conspiracy”, “accessory”, or “aiding/abetting” without an underlying substantive offense, it would be submitted as “All Other Offenses” (90Z). Please see the FBI NIBRS FBI User Manual (p. 45).

Counting Offenses

Question: We had a Robbery incident with two offenders who stole items from a store and then fought with the store security guard; one of the offenders attempted to pull out a knife. The officer counted a Robbery offense per person and also listed an offense of 23C for the Shoplifting. I removed the Theft as it is implied in the Robbery. Can you clarify how we report multiple counts of offenses in one case for NIBRS?

Answer: In NIBRS reporting, you may report an offense only once in an incident but there can be multiple victims and/or offenders. You may report up to ten different offenses in one incident; however, they must be separate distinct offenses.

Direct Entry to State NIBRS Repository

Question: When manually entering an arrest report in NIBRS, I entered the wrong arrest number. Is there a place or way in the arrest report module to correct the number or delete the arrest report and start over?

Answer: Unfortunately, there is not a way to edit the case number for incidents or arrests. You must delete the arrest with the incorrect number and re-enter the arrest with the correct arrest number.

File Submission

Question: Due a personnel shortage, we fell behind on submitting our NIBRS files and now we have multiple files to submit. Can we upload all the months together in one batch file or do we have to break them down and submit each month separately?

Answer: All the months’ data can be submitted in one batch file upload; once our system runs the file, it will place everything in the correct order for submission to

the FBI. If you choose to submit the files separately (by month), please remember to submit them sequentially in case there is an update to an earlier submission.

Question: I am going on vacation after the 4th of the month for 12 days. Is it okay if I submit my batch file before I go?

Answer: Yes, you can upload your agency's report anytime during the month. If you submit between the 1st and the 15th of the month, it will be included in that month's file submission to the FBI; if you submit after the 15th of the month, it will be included in the following month's file submission to the FBI.

Group B Arrest-Only Offenses

Disorderly Conduct (90C)

Question: How do we classify Aggressive Panhandling?

Answer: Aggressive Panhandling should be Disorderly Conduct (90C), which is a Group B arrest-only offense. If there was an element of intimidation, it could be classified as Harassment; an offense of Harassment in your records management system would equate to the FBI Group A offense of Intimidation.

Question: How is Indecent Exposure or Lewd Conduct submitted if there is no suspect yet?

Answer: As you know, Indecent Exposure or Lewd Conduct would be classified as the Group B Arrest-Only offense of Disorderly Conduct (90C). Since you have no suspect yet and therefore no arrest, it is not reportable at this time.

Question: Our agency has a case with the offense of Indecent Exposure: The suspect flashed the victim in front of the victim's house. Our RMS is indicating a NIBRS error regarding the victim entry.

Answer: This is a Group B Arrest-Only offense and should be submitted as "Disorderly Conduct" (90C). For Group B offenses, only arrestee information (no victim information) is necessary for NIBRS.

Question: Is "urinating in public" a NIBRS reportable crime?

Answer: Yes, it is reportable. The offense would be reported as the arrest-only offense of Disorderly Conduct (90C).

Driving Under the Influence (DUI) (90D)

Question: If someone is arrested for DUI with suspicion of drug use, do we still enter this in NIBRS as a DUI even though the toxicology report has not come back?

Answer: Yes; if the person is cited or arrested for the DUI, you should show the arrest even if the toxicology report has not yet been returned.

Liquor Law Violations (90G)

Question: Do we report Minor in Possession (MIP) citations as non-custody bookings?

Answer: Yes, you will report the MIP citation as an arrest for Liquor Law Violation (90G). The Type of Arrest should be Summoned/Cited (not taken into custody). If the minor is a juvenile, it should have the juvenile disposition of Handled within Department (released to parents, released with warning, etc.).

Question: Would voyeurism be considered pornography?

Answer: Voyeurism is an Arrest-Only Group B offense. It is reported as Peeping Tom (90H).

All Other Offenses (90Z)

Question: We have a case involving a 10-year-old boy who was playing X-box Live and was solicited for sex by another player. The child did not understand what was happening at first and the person became more graphic in their solicitation. The victim reported the solicitation to his parent who stopped the game and reported the player. Since the victim is a child, there was potential for exploitation as well as an attempt at other sexual offenses. What should the NIBRS offense be?

Answer: The situation you described would fall under Communication with a Minor for Immoral Purposes which is a Group B-Arrest Only "All Other Offenses" (90Z). In this instance, the offender is "soliciting to commit" as described in the FBI NIBRS User Manual (p. 45); however, the 90Z would be reported only if there was an actual arrest.

Question: A grandmother found her grandson's journal and he had written threats to shoot students at the school so she called 911 to report her grandson's activity. He was arrested before he could follow through with anything. Would this be Attempted Murder for the alleged plot or Intimidation with no specific victim?

Answer: We contacted the FBI Training Unit and the trainers indicated this would be the Group B Arrest-Only "All Other Offenses - 90Z". The offender was conspiring to commit the crime but he had not done anything yet.

Question: What offense do we classify a threat of property damage if there is no fear of injury or bodily harm to the victim?

Answer: It would be reported as a Group B-Arrest Only "All Other Offenses" (90Z).

Question: How is Solicitation of a Minor (soliciting, enticing, or otherwise communicating with a child under the age of 18 years for immoral purposes) classified for NIBRS purposes?

Answer: Solicitation of a Minor or Communication with a Minor for Immoral Purposes are classified and submitted as the Group B Arrest-Only “All Other Offenses (90Z)”.

Question: What is the correct crime code classification for violations of the Tax on Tobacco Products statutes (chapter 82.26 RCW)?

Answer: These violations would be reported as the Group B Arrest-Only “All Other Offenses (90Z)”.

Question: We have a case where parents were found doing drugs in a car with their 7 year-old son in the vehicle. The officer wrote this as a Reckless Endangerment with the juvenile boy as the victim; however, we’re receiving an error on the NIBRS check.

Answer: Reckless Endangerment is a Group B Arrest-Only offense: 90Z - All Other Offenses. The Group A offense in this incident would be a Drugs/Narcotics Violation with Society as the victim.

Question: The officer arrested an individual, chose state statute RCW 9.47A.030 (Inhale fumes, possess toxic glue for sniffing), and placed two aerosol cans into property. Is this reportable?

Answer: As it isn’t illegal to be in possession of the aerosol cans (only to be ingesting the toxic fumes), this should be submitted as arrest-only Group B offense of All Other Offenses.

Question: When a person violates a non-domestic violence court order, who is the victim? We have an “Order to Surrender Weapons” which people are starting to violate. When we attempt to classify the offense as “Violation of a Court Order”, a victim is required.

Answer: This is reportable as an arrest only under the Group B Arrest Only offense of “All Other Offenses” (90Z).

Question: An individual threw trashcans from an overpass onto the freeway below; he was charged with Reckless Endangerment (RCW 9A.36.050). Our records management system is giving an error stating that the victim must be an “Individual” (I) or “Law Enforcement Officer” (L). Currently, we have the State of Washington listed as the victim because there were no individual victims in the case. How should this be entered?

Answer: This offense should be mapped to an arrest-only “All Other Offenses” (90Z).

Question: How would we classify a person attempting to grab an officer’s gun from his/her duty belt?

Answer: Disarming a Law Enforcement/Correction Officer is a Group B Arrest-Only offense: All Other Offenses (90Z).

Question: If someone is calling multiple times but never making a threat to do harm (it's just irritating) and the agency makes an arrest based on that, would it be reported as an Intimidation (13C), All Other Offenses (90Z), or is it non-reportable?

Answer: It isn't Intimidation because there was no fear of bodily harm through the use of threatening words and/or other conduct (displaying a weapon or physical attack). If there is an arrest, it would fall under All Other Offenses (90Z).

Question: Is our local ordinance for Solicitation a reportable Group B offense? The ordinance states a person is guilty of Solicitation if, in a public place, the person aggressively solicits or solicits without a business license. Also, the ordinance indicates the person would be guilty of a misdemeanor and punishable by a fine or by imprisonment, or by both fine and imprisonment.

Answer: As long as it's a criminal offense and there was an arrest, it should be reported as a Group B arrest-only offense of "All Other Offenses" (90Z). The ordinance you cited does state "Solicitation" is a misdemeanor with criminal penalties, so it should be reported.

Jurisdiction

Question: With the implementation of our new regional records management system (RMS), we want to ensure we are reporting incidents properly. With agencies' geographic boundaries overlapping or one agency within another agency's borders (for example, a city within a county), how do we decide who should report which incident in the RMS?

Answer: The definition for jurisdiction is defined in the FBI NIBRS User Manual (pp. 9-10) (<https://ucr.fbi.gov/nibrs/nibrs-user-manual>):

Excerpt from that definition: "To ensure LEAs with overlapping jurisdictions are not reporting duplicate data (offense or arrest), the FBI UCR Program developed the following guidelines:

1. Local, county, state, tribal, and federal LEAs should report offenses that occur within their jurisdictions.
2. When two or more local, county, state, tribal, or federal LEAs are involved in the investigation of the same offense, the agency with investigative jurisdiction based on local, county, state, tribal, and federal law and/or applicable interagency agreements or memorandums of understanding should report the offense. If there is uncertainty as to the lead or primary agency, the agencies must agree on which agency should report the offense.
3. LEAs will report only those arrests made for offenses committed within their own jurisdictions.
4. The recovery of property should be reported only by the LEA who first reported it missing and/or stolen regardless of which agency recovered it."

Regarding your questions on agencies that are nested within each other's jurisdiction and which agency reports: For the most part, it will depend on whether or not a municipal (or other) agency contracts with the county agency or another agency to submit their data. There are a variety of arrangements in our state (and across the country).

Question: If a vehicle prowl occurs within my jurisdiction and a credit card is stolen from the vehicle but fraudulently used in another jurisdiction, who reports the Credit Card Fraud (26B)?

Answer: Your agency should report the Theft from Motor Vehicle (23F) with the Property Description of Credit/Debit Card (09). The jurisdiction where the card was used fraudulently would report the fraud offense.

In some circumstances, the agency where the victim of Fraud lives will be the one to report an offense of fraud, even though it occurs in another jurisdiction (typically another state or country). For example: a person's credit card number was obtained and used in Nigeria; the victim reports the Fraud to the jurisdiction of residency and that agency submits the NIBRS incident even though the Fraud occurred elsewhere.

Question: We have several cases where a victim's identity has been stolen and used to open consumer accounts, such as a cable company, in other states. It is unknown exactly how or where the victim's identity was compromised, but it is know where the identity was used. Should we report the Identity Theft (26F) from our agency or should we refer the entire report to the jurisdiction where the accounts were opened?

Answer: When the victim of Identity Theft files a complaint with your agency, your agency submits the NIBRS data on the Identity Theft. The jurisdictions or states where the theft of services or accounts occurred should report the actual thefts.

Question: An outside agency contacted our department and requested we arrest a suspect on their probable cause for Assault 4th Degree; there was no warrant. We transported the suspect to the outside agency and they took her into custody. Does our agency report this?

Answer: In a case like this, you would not report anything. The other agency should report the arrest.

Mutually Exclusive

Question: There was a case at one of our hotels where a victim was robbed of his cell phone and some money. When the suspects ran away, the victim ran after them; the suspects began to shoot a gun in the victim's general direction and bullets hit random cars and two hotel rooms. The officer entered the offenses of Drive-By Shooting (13A), Robbery (120), and Malicious Mischief (290); no arrests were made. NIBRS is giving us an error regarding the Drive-By Shooting and Robbery but our department will want to track both of these offenses.

Answer: While you can list all three offenses in your local records management system (RMS) and forward them in the case file to the prosecutor's office, for the purpose of NIBRS submission, the FBI considers Assault to be inherent element in a Robbery and therefore, they are mutually exclusive offenses. In this incident, you can report only the Robbery (120) and the Malicious Mischief (290) for NIBRS. The victims of the Malicious Mischief offense would include the registered owners of the vehicles and the hotel.

Non-Reportable Incidents

Question: We have a case where four people ran away together so we have one case number issued with the four separate people listed. Is this acceptable for NIBRS or should there have been four separate case numbers issued?

Answer: A "runaway" incident is not reportable to NIBRS.

Question: We have local ordinances (related to marijuana) in our records management system that are non-traffic infractions. I'm not sure how to interpret these into the NIBRS offense codes.

Answer: Because these are civil infractions rather than criminal offenses, they are not reportable to NIBRS.

Question: We have a Neighbor Dispute incident where a chicken was killed but the officer cannot determine if the neighbor killed it or it was killed by an animal. If the neighbor did kill the chicken, would be Vandalism or Animal Cruelty? There have been no arrests or follow-up reports so we don't have enough information to support an occurrence of crime. Is this reportable to NIBRS?

Answer: Until you get can more definitive information from the officer on this incident or an arrest is made, this would not be reportable for NIBRS. If the officer does find that the neighbor killed the chicken, it should be classified as Animal Cruelty. Damage/Destruction/Vandalism would be reportable only for significant damage or if a Hate Crime was involved.

Question: We have a NIBRS question about holding an individual for another agency. If someone has a warrant for another county and we arrest them in our county, do we submit a NIBRS incident for this?

Answer: You do not submit the arrest for the other agency's warrant ... that originating agency should submit it. Jurisdiction is described in the FBI NIBRS User Manual on pages 9 and 10.

Question: How would we classify a case for NIBRS when a family returned home to find a bullet hole in their house and the bullet lodged in their kitchen wall? There are no leads and we don't know if it was an accidental or purposeful incident. No one was home at the time.

Answer: Because there is not enough known, no one was in the house, and there was no significant damage, this would not be reportable.

Question: A wallet was found and there were drugs inside it. Due to this being listed as a found property, is it reportable to NIBRS?

Answer: No, this would not be something that you would submit for NIBRS. It would be entered as “recovered” only if it had been stolen from your jurisdiction.

Question: How do we submit a NIBRS incident for an unauthorized absence or escape from a mental health facility to which a subject has been committed/ordered?

Answer: For the purposes of reporting any type of “Escape” to UCR/NIBRS, it is reportable only if it is a criminal incident and, according to the FBI guidelines, only if there is an arrest and as a Group B offense of “All Other Offenses – 90Z”. For example, if an offender escapes prison pursuant to chapter 9A.76 RCW (Sexually Violent Predator) or if an individual assists the escape of a patient pursuant to RCW 72.23.170. For a person who has been involuntarily committed for a non-criminal purpose, an “escape” is not a criminal offense.

Question: Is a physician-assisted suicide reportable in NIBRS? The person was not coerced, deceived, or threatened into the suicide.

Answer: If no criminal act was involved in this incident, it is not reportable to NIBRS; if an act is allowed under state law, it is not reportable to NIBRS. Under the Washington Death with Dignity Act, chapter 70.245 RCW, physician-assisted suicide is regulated by the State Department of Health. The criminal offenses under this Act are:

RCW 70.245.200(1): A person who without authorization of the patient willfully alters or forges a request for medication or conceals or destroys a rescission of that request with the intent or effect of causing the patient's death is guilty of a class A felony.

(2) A person who coerces or exerts undue influence on a patient to request medication to end the patient's life, or to destroy a rescission of a request, is guilty of a class A felony.

When applicable for NIBRS purposes, RCW 70.245.200(1) would equate to Counterfeiting-Forgery (250) and RCW 70.245.200(2) would equate to Coercion = Intimidation (13C). For the incident you described, there is no reportable NIBRS submission.

Question: We have an “agency assist” report for another county; it was turned over to us because of a conflict of interest. The originating county completed an incident report and included the stolen property in their report; the case is being handled by our prosecutor and court. Do we submit the NIBRS data for this incident?

Answer: Your department will not report this to NIBRS as it did not occur in your reporting jurisdiction.

Question: A complainant contacted us after finding a large Ziplock bag of marijuana at her home after a visitor left due to a medical emergency. Prior to the visitor leaving for the medical emergency, he disclosed that he had stolen the marijuana but not from whom or where it was stolen. Is this a Group A Incident with an unknown victim?

Answer: This is not reportable for NIBRS purposes.

Question: We have a case of voyeurism and they did not arrest the suspect. Am I correct in assuming that this would not be NIBRS reportable since they did not arrest him, as Voyeurism is a Group B Arrest-Only offense only?

Answer: Yes, you are correct ... a Group B offense is reportable only if an arrest is made. However, remember that there are three types of arrest:

On View: Subject taken into custody on scene.

Summoned or Cited: Subject not taken into custody, but issued a summons/citation to appear in court.

Taken Into Custody: Used for warrant arrests or when the subject is arrested after the crime was reported to police.

If the subject was given a citation (but not taken into custody), that is considered an arrest.

Question: Our records management system categorizes Attempt to Elude (RCW 46.61.024) as a NIBRS Arrest-Only offense of "All Other Offense" (90Z). Is this correct or should it be noted as non-reportable?

Answer: This would be non-reportable because it is a traffic offense.

Question: We have a case where an officer pulled over a vehicle and discovered the driver was Driving with License Suspended (DWLS). The passenger in the vehicle was her boyfriend and there was a current, valid protection order in place. The officer arrested the female for the DWLS charge and the passenger for the order violation. I'm receiving a NIBRS error when I enter two arrests and only one victim.

Answer: The DWLS is not a reportable arrest in NIBRS because it is a traffic violation. Enter only the Violation of No Contact/Protection Order (500) incident and arrest.

Question: An officer was dispatched to a scene for a found property report and contacted the owner of the business, Acme Products. She reported that the postal worker returned a package to her with the return address for Acme Products. The package had been sent to an address in Texas but it was returned undeliverable. The business owner opened the package and discovered someone had used her business address as the sender of a package

of marijuana (67.2 grams). The owner called the police to take the marijuana and provided a statement that someone is using her business address to send marijuana through the mail. Is this a Fraud offense or some other offense?

Answer: It should just be entered as found property for your agency and not be reported in NIBRS. Even though the business address was used, it isn't considered an offense of Fraud.

Question: We had an incident of Criminal Trespass where the suspects were juveniles and the victim decided they didn't want charges filed. Since Criminal Trespass only gets reported if there is an arrest, we didn't submit it via NIBRS.

Answer: You are correct, it shouldn't be reported. You would have submitted only if the juveniles had been arrested.

Question: We have an offense listed as Motor Vehicle - Possess Fictitious/Altered license (Chapter 46.20 RCW). This is triggering the requirement of property. The officer listed the copied trip permits as evidence. How should they be listed?

Answer: This is a traffic-related offense and therefore, is not reported to NIBRS.

Race Codes

Question: Recently, we received an e-mail advising that the Administrative Office of the Courts (AOC) is adding two race codes for SECTOR ticket purposes: M = Multiracial and R = Refused. Are these valid race codes that must be added for NIBRS submissions?

Answer: No, the AOC or SECTOR updates do not affect NIBRS. According the FBI Technical Specifications, the valid race codes for NIBRS are:

W = White

B = Black or African American

I = American Indian or Alaska Native

A = Asian

P = Native Hawaiian or Other Pacific Islander

U = Unknown

Neither the State nor the FBI UCR Programs have plans to update or change the NIBRS race codes. We suggest you map your records management system to ingest returned SECTOR data with an "M" or "R" to be "U" (for Unknown) for NIBRS purposes.

Same Time and Place

Question: When submitting incidents of vehicle prowl, should they be entered as separate incidents or all under one incident? For example, the same neighborhood was hit throughout the evening at separate homes. We usually enter these all under one case number.

Answer: You appear to be doing this correctly. This has to do with the concept of "same time and place." Here is an excerpt from the FBI NIBRS User Manual (p. 11):

Normally, the offenses must have occurred during an unbroken time period and at the same or adjoining locations. However, incidents can also be comprised of offenses which, by their nature, involve continuing criminal activity by the same offenders at different times and places, as long as LE deems the activity to constitute a single criminal transaction.

Question: A suspect broke into a building on campus overnight and burglarized different offices inside the building. The officer wrote up the Burglary as four separate incidents with separate case numbers. Given the time and place concept, should these all be on one case number? The FBI NIBRS User Manual states that “Time and Space” is based on the premise that if more than one crime was committed by the same person and the time and space intervals separating them were insignificant, all of the crimes make up a single incident.

Answer: Yes, this should all be under one case number.

Question: We have an issue where several people became angry at a local store’s policy; 14 people called and made threats against the store - only one person took the calls. For this offense of Intimidation (13C), do we have one case with one victim and 14 offenders? Thirteen of the suspects are named and but one suspect is unknown.

Answer: Each call should be treated as a separate incident rather than just one incident. This has to do with the FBI guidelines regarding the separation of time and place.

Question: We have a Burglary incident but later found out that the victim reporting the Burglary lied about his real name. He completed a statement using another name because he had an outstanding felony warrant. We are going to charge him for making a false statement at this point. Should it be a new case report or an addition to the existing Burglary?

Answer: For a NIBRS submission, you will need to report two separate incidents. Per the FBI NIBRS User Manual (pp. 10-11), an incident is “one or more offenses committed by the same offender, or group of offenders acting in concert, at the same time and place”. Since the Burglary was committed by one offender and the False Statement was committed by another offender, at a different time and place, then two separate incidents occurred.

Question: The FBI NIBRS User Manual gives the example of a laptop and a car stereo being stolen from a vehicle and states it would be two separate offense types: “Theft from a Motor Vehicle” (23F) and “Theft of Motor Vehicle Parts or Accessories” (23G). What if there are thefts of stereos from three separate vehicles at a car dealership? Is this just one incident of 23G with three counts or are these reported as three separate incidents? All happened at the same location/same time.

Answer: For NIBRS, you can only have one offense referring to all three counts in this instance.

Question: We had a case where a woman's identification and credit cards were stolen from a business, then later used at various businesses to purchase things. The following year, the victim found out her identity was used at a hospital nearby because she got a call to pick up her prescription. The officer added it as a follow up to the original case from the prior year. I am questioning this because of the separation of time and place. Would you suggest a new report or leave it as a supplemental to the original case?

Answer: Due to the separation of time and place, this should be reported as a new incident.

Question: We have a question regarding the rule for Time and Place of an Incident and if/when incidents would need to be reported separately. In a case of Fondling that occurred in multiple locations by the same offender to the same victim but in different locations (which crossed jurisdictional boundaries), would there need to be two incidents reported or would the city report both? For example, the victim was assaulted at the offender's home in one of our contract cities but also in the offender's car while in the unincorporated county at a park.

Answer: For this type of incident, only one offense of Fondling would be reported. Because this is a continuing crime against one victim, it should be listed as just one offense. For the location of the crime, the FBI NIBRS User Manual (p. 79) states: "The FBI UCR Program recognizes that for many incidents, there is more than one possible choice for reporting a location. Therefore, LE personnel should use their best judgment in reporting the most specific location type after investigating the crime and considering the circumstances surrounding the location and the offender's intent during the commission of the crime."

Although the offense may have occurred in more than one jurisdiction, the primary/lead jurisdiction doing the investigation should report the crime. If more than one jurisdiction reports the same crime, it would result in dual reporting of the incident.

Question: If there is a series of Thefts from Vehicles in a neighborhood and there is more than one report written by deputies, is there a reporting problem with leaving them separate?

Answer: There isn't a problem with leaving them separate but just note that it may cause an inflated number in the Larceny-Theft category due to "same time and place" concept.

Unfounded

Question: How is the status of "unfounded" sent for an incident that was reported via NIBRS?

Answer: For now, to “unfound” an incident that has been reported in NIBRS, you would send an update deleting that incident. The FBI is considering new clearance codes for agencies to submit “unfounded” and “administratively closed”; however, these changes are still in the development stage and will not occur until after January 2021 at the earliest.

Question: A Vehicle Prowl was reported; however, a supplemental came in after the person stated they put their belongings in the wrong car, thus there was no vehicle prowling. What is the best practice to unfound the incident or should let it stand?

Answer: In an incident like this, if it is found that a theft did not occur, send a “Delete” action for NIBRS purposes. The Delete function is the equivalent of making the case unfounded.

Question: A crime was reported as occurring in our jurisdiction; however, we investigated and found it did not occur in our jurisdiction; we referred that case to the appropriate agency. Do we submit NIBRS data for the incident or not?

Answer: You should report only incidents that occur within your jurisdiction. If you had reported the incident via NIBRS and then found it belonged to another jurisdiction, it is considered “unfounded”. You should flag that incident in your RMS to delete from NIBRS; your batch upload will submit the deletion with your next file submission.

Question: Our officer took a report on the theft of a cell phone and it was entered into NIBRS. After the officer did a follow up with the victim, it was determined the phone was never stolen: She left it in the bathroom and someone turned it into lost and found. The phone was returned to her; she just never bothered to let us know. Would I delete this incident from NIBRS?

Answer: Yes, you should delete this incident because it was unfounded.

Question: We have a case listing the offense of Child Molestation; however, the investigating detective does not believe that this offense occurred but is referring it to the prosecutor for them to decline. Should this incident be reported via NIBRS?

Answer: This should be reported until it is determined to be unfounded.

Vendors and Consultants

Question: We were contacted by a contractor offering help with our NIBRS submission errors. Have you heard of these types of groups? Is this one part of WASPC?

Answer: This is a private consulting company. It is not part of WASPC and it is not endorsed by WASPC. Errors from the State and FBI UCR Programs are pretty straight-forward - only certain data elements are caught and flagged as “errors” or “warnings” for the agency to correct or verify. We encourage you to contact the WASPC staff if you ever have a question about an error or warning.

Question: A records management system (RMS) vendor is providing us a demo on their system and they are telling us that they “NIBRS-certified”. Does the State UCR Program certify vendors for reporting NIBRS?

Answer: No, the State UCR Program does not certify vendors – we certify the agency only. If your agency acquires a new or replacement RMS, you should choose a system that is NIBRS compliant. The procedure for certifying or re-certifying your agency includes attending mandatory training provided by WASPC or FBI staff, submission of test files with a sustained error rate of less than 4%, and dual reporting during the test period for the purpose of statistical comparison.

Question: One of our neighboring agencies is hosting NIBRS training that’s being provided by a private company. Is this training worth attending since it isn’t being given by WASPC or the FBI? Does it count toward my mandatory training to be certified?

Answer: If you choose to attend a NIBRS training that is not provided by the WASPC or FBI staff, please be aware that it may be based on that trainer’s or company’s interpretation of the federal or state NIBRS guidelines. It will *not* count toward the mandatory training for certification and it may lack information from the state’s additional technical specifications. If you need Washington State-based NIBRS training in your area and would like to host a session, please contact the State UCR Program at cjis@waspc.org.

Warrants

Question: In reference to warrants, do we submit misdemeanor warrants or felony warrant arrests for NIBRS?

Answer: For NIBRS purposes, the reportable offense is not dependent on whether it is a felony, misdemeanor, or a non-compliance (Fail to Appear, Fail to Pay, or Fail to Comply with Court Order) warrant. An arrest must have a unique incident/arrest number or an existing Group A Incident needs to be updated with the arrest data. The submitting agency must review the circumstance of the warrant arrest to determine if it will be submitted as an update to an existing Group A Incident or reportable as a new incident and/or arrest.