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*Uniform Crime Reporting (UCR)  
Newsletter 09-4*

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## SECTION 1—MESSAGE TO PROGRAM PARTICIPANTS

### 1.1 Advance viewing of *Law Enforcement Officers Killed and Assaulted (LEOKA), 2008* and *Hate Crime Statistics, 2008*

On Monday, October 19, 2009, the national UCR Program will publish *Law Enforcement Officers Killed and Assaulted (LEOKA), 2008*, and on Monday, November 23, 2009, the UCR Program will publish *Hate Crime Statistics, 2008* on the FBI's Web site. Direct contributors will have advance access to the information via beta sites. Please note that the Web sites, usernames, and passwords are all case sensitive.

#### *LEOKA, 2008*

Advance viewing date: Tuesday, October 13, 2009  
Web site: [www.fbi.gov/ucr/killed/2008/index.html](http://www.fbi.gov/ucr/killed/2008/index.html)  
Username: UCRcontr  
Password: data42008  
Public release date: Monday, October 19, 2009

#### *Hate Crime Statistics, 2008*

Advance viewing date: Monday, November 16, 2009  
Web site: [www.fbi.gov/ucr/hc2008/index.html](http://www.fbi.gov/ucr/hc2008/index.html)  
Username: UCRcontr  
Password: data42008  
Public release date: Monday, November 23, 2009

Agencies are reminded that these data are embargoed until the public release date. Until then, they are for internal use only.

### 1.2 Data deadlines

The national UCR Program would like to remind direct contributors that **Friday, December 18, 2009**, is the deadline to submit 2009 police employee counts as of October 31, 2009, to the FBI. In addition, **Thursday, December 31, 2009**, is the deadline for an agency to report a change to its name, address, or current reporting status to the FBI.

The staff of the national UCR Program would like to thank all contributors for their participation and submitting data in a timely manner. The FBI could not publish UCR data without agencies' continued support.

### **1.3 Electronic availability of the *UCR Newsletter***

The current *UCR Newsletter*, as well as previous editions, is also available via the Law Enforcement Online (LEO) Intranet at <[https://www/leo.gov/http://leowcs.leopriv.gov/lesig/cjis/programs/crime\\_statistics/newsletters/newsletters.htm](https://www/leo.gov/http://leowcs.leopriv.gov/lesig/cjis/programs/crime_statistics/newsletters/newsletters.htm)>. Users with questions concerning access to the LEO should contact the LEO Program Office at (304) 625-5555 or Mrs. Stacey C. Davis of the Advisory Groups Management Unit at (304) 625-2618.

## SECTION 2—CLARIFICATION TO POLICY AND PROCEDURES

### 2.1 Beginning in January 2010, the UCR Program will accept cargo theft data from National Incident-Based Reporting System (NIBRS) agencies

Beginning January 1, 2010, law enforcement agencies that contribute data to the national UCR Program via the NIBRS will be able to report information regarding cargo thefts. As background, the USA Patriot Improvement and Re-authorization Act of 2005 mandated that the FBI's UCR Program capture cargo theft data collected by local, state, and federal agencies. In response to this congressional mandate, the CJIS Advisory Policy Board approved a definition for cargo theft. It was developed, not as a legal definition for prosecutorial purposes, but to capture the essence of the national cargo theft crime problem and its negative effect on the economy of the United States. For UCR Program reporting purposes, cargo theft is defined as:

**Cargo Theft** is the criminal taking of any cargo including, but not limited to, goods, chattels, money, or baggage that constitutes, in whole or in part, a commercial shipment of freight moving in commerce, from any pipeline system, railroad car, motortruck, or other vehicle, or from any tank or storage facility, station house, platform, or depot, or from any vessel or wharf, or from any aircraft, air terminal, airport, aircraft terminal or air navigation facility, or from any intermodal container, intermodal chassis, trailer, container freight station, warehouse, freight distribution facility, or freight consolidation facility. For purposes of this definition, cargo shall be deemed as moving in commerce at all points between the point of origin and the final destination, regardless of any temporary stop while awaiting transshipment or otherwise.

To implement this cargo theft data collection within the NIBRS, the UCR Program recently adopted a revised record layout containing a new data element, 2A Cargo Theft. This data element is located in the Administrative Segment of NIBRS as follows:

- 1 ORI Number
- 2 Incident Number
- 2A Cargo Theft**
- 3 Incident Date/Hour
- 4 Cleared Exceptionally
- 5 Exceptional Clearance Date

Because cargo theft has been defined as “the criminal **taking of** any cargo . . .,” this data element will be mandatory for specific crimes against property that are applicable to cargo theft. The applicable crimes against property include:

- 120 = Robbery
- 23D = Theft From Building
- 23F = Theft From Motor Vehicle

23H	=	All Other Larceny
26A	=	False Pretenses/Swindle/Confidence Game
26B	=	Credit Card/Automatic Teller Machine Fraud
26C	=	Impersonation
26E	=	Wire Fraud
210	=	Extortion/Blackmail
220	=	Burglary/Breaking & Entering
240	=	Motor Vehicle Theft
270	=	Embezzlement
510	=	Bribery

If an agency uses the new Data Element 2A Cargo Theft, the agency must also report at least one of the previously noted UCR Offense Codes; otherwise, the NIBRS will generate an error message. This method will flag the entire incident as a cargo theft. As a result, all applicable offenses, as well as all stolen/recovered property values within the incident, will be associated with the cargo theft. In addition to physical theft, “criminal taking” may include cyber theft as well as documentation fraud where the ownership, destination, or contents of a cargo shipment is altered. Further, incidents of cargo theft may involve employees as perpetrators; therefore, offenses such as embezzlement have also been included.

Beginning January 1, 2010, the FBI will begin accepting test data that captures this new data element. Once the national UCR Program staff validates and certifies these data, it will be processed and be available for dissemination in the NIBRS Flat File. Although the FBI is mandated to collect cargo theft data, local and state law enforcement agencies are not required to report cargo theft data to the national UCR Program. The FBI must rely on the good faith reporting efforts of its contributors that voluntarily participate in the program to make the cargo theft data collection a reality. The national UCR Program encourages all agencies submitting NIBRS data to update their software to incorporate this new data element for identifying incidents of cargo theft. The FBI anticipates that it could potentially take 18 to 24 months for agencies to implement these software changes. Participating agencies should note that implementation of the new NIBRS data element must be consistent among all reporting agencies within a state. Therefore, either all or none of the agencies that report NIBRS data within a state must report cargo theft data via the new NIBRS data element.

The national UCR Program staff has developed a technical document, *NIBRS Addendum for Submitting Cargo Theft Data* (January 2010), which defines the new data element, entry requirements, error messages, and programming changes to collect cargo theft data within the NIBRS. A copy of the document will be accessible on the FBI’s Web site at [www.fbi.gov/ucr/ucr.htm#nibrs](http://www.fbi.gov/ucr/ucr.htm#nibrs).

The document is also available in printed format by contacting the CJIS Division's Multimedia Productions Group, Module D3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306-0157; telephone (304) 625-4995; facsimile (304) 625-5394; or by e-mail <cjis\_comm@leo.gov>.

The implementation of the cargo theft data collection within the UCR Program's Summary Reporting System will be addressed at a later date.

## **2.2 Clarification regarding Data Element 26 Age (of Victim) in the NIBRS**

It has come to the attention of the national UCR Program that law enforcement agencies are not reporting Data Element 26 Age (of Victim) uniformly in the NIBRS. The data value used for this element should be the age of the victim **when the crime occurred** and not the age of the victim when the crime was reported.

Some NIBRS vendors are using the date of birth of the victim to populate Data Element 26 Age (of Victim) field. Although this is feasible in most cases, agencies should not use the date of birth to calculate the age of the victim.

For example, a 20-year-old female tells police that she was raped when she was 15 years old. The correct age value for Data Element 26 should be 15. If the date of birth was used to establish the age of the victim, the victim would be reported as 20 years of age, which was not the age of the victim at the time of the offense.

In another example, a 5-year-old was reported as missing in 1998. The child's body was found in 2009. Law enforcement investigation determined that the child was a victim of criminal homicide. The correct reporting age in Data Element 26 should be 5 years of age. If the date of birth had been used to establish the age of the victim, the victim would be 16 years old, which was not the true age of the victim at the time of the offense.

As stated on page 69 of Volume 1: *Data Collection Guidelines* (August 2000), if the incident date is unknown, an agency should enter the date of the report (with the indicator R = Report) as the date of the offense. If the incident hour is unknown, the hour should be left blank.