



# UCR Program

Criminal Justice Information Services Division

Quarterly

## Program News

JULY 2016

### Section 1— Message to Program Participants

Implementation of the “New UCR” System has begun ..... 2

Redesigned *CJIS Link* now on the Internet..... 3

Electronic availability of the *UCR Program Quarterly* ..... 3

### Section 2— Clarification to Policy and Procedures

Collection of data regarding law enforcement use of force..... 4

National UCR Program to begin collecting domestic and family violence data..... 7

Quality Assurance Review staff expands Statistical Review ..... 7

Trainer Talk..... 8

## Section 1— Message to Program Participants

### Implementation of the “New UCR” System has begun

In April, the staff of the national Uniform Crime Reporting (UCR) Program began implementing the “New UCR” System. Staff has entered crime data from law enforcement agencies in seven states into the new system. The national UCR staff will gradually incorporate data into the new system incrementally until all participants are included by the fall of 2016.

The seven states initially participating are: Arizona, Colorado, Kentucky, Massachusetts, South Carolina, Tennessee, and Wisconsin. The remaining states will follow in five groups.

Benefits of the “New UCR” System are:

- ❖ Updated hardware and software for greater efficiency in data collection, processing, and dissemination.
- ❖ Automated manual processes.
- ❖ Specialized reporting on an as-needed basis.
- ❖ Streamlined publication process that will give users quicker access to the data.

With the implementation of the “New UCR” System, some state programs and direct contributors may receive error messages they have not encountered previously. Staff of the national UCR Program will contact the state programs and direct contributors to discuss any issues encountered. Staff will also work with agencies to develop solutions to minimize the impact on them.

The national UCR Program staff will also develop processes and capabilities so that the legacy and incoming data will be compatible with the “New UCR” System.

The national UCR Program staff recommends that if an agency plans to install new software or make system upgrades, that the agency configure the software or upgrades in accordance with the latest version of the *NIBRS Technical Specification*. (Because the national UCR Program staff will no longer collect Summary Reporting System [SRS] data beginning in 2021, the national UCR Program staff encourages all agencies to migrate recordkeeping systems to the National Incident-Based Reporting System [NIBRS].)

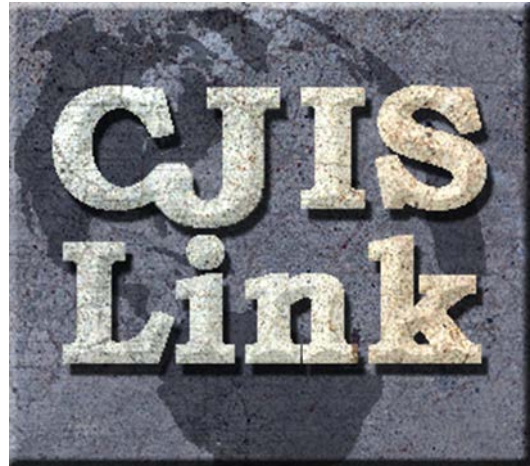
The FBI will continue to keep UCR stakeholders apprised of the status of the “New UCR” System. Agencies with questions should contact the national UCR Program staff by telephone at (304) 625-4830 or by e-mail at <crimestatsinfo@ic.fbi.gov>.

## Redesigned *CJIS Link* now on the Internet

The Criminal Justice Information Services (CJIS) Division staff has redesigned the *CJIS Link* into a blog-like format to better serve its law enforcement and criminal justice partners. The *CJIS Link* provides information about:

- ❖ How CJIS systems can help agencies solve crimes.
- ❖ New initiatives and technologies.
- ❖ Upgrades and changes regarding CJIS systems.
- ❖ The work of the CJIS Advisory Policy Board (APB).

Go to <https://www.fbi.gov/about-us/cjis/cjis-link> to visit the *CJIS Link* to search for specific information by topic from past issues and subscribe for notifications when new content is posted.



## Electronic availability of the *UCR Program Quarterly*

The current *UCR Program Quarterly*, as well as previous editions, is available via the FBI's Internet site at <http://www.fbi.gov/about-us/cjis/ucr/ucr-program-quarterly> and the UCR Program's Special Interest Group (SIG) of the Law Enforcement Enterprise Portal (LEEP).

To access the *UCR Program Quarterly* on the UCR Program's SIG:

- ❖ Click on the LEO SIG under the Service column.
- ❖ Scroll to the bottom of the page and click on the UCR logo.
- ❖ Click on the UCR Program Quarterly folder.

Users with questions concerning access to the LEEP should contact the Online Services and Operations Unit by telephone at (304) 625-5555.

## Section 2— Clarification to Policy and Procedures

### Collection of data regarding law enforcement use of force

Currently, the UCR Program collects the number of justifiable homicides reported by police as well as information about the felonious killings and assaults of law enforcement officers. These data are available in the annual *Crime in the United States* and *Law Enforcement Officers Killed and Assaulted* publications.

To provide an even broader picture of law enforcement incidents, the CJIS APB recommended, and Director James B. Comey approved, the collection and reporting of use of force by law enforcement to the FBI. This includes use of force that results in the death or serious bodily injury of a person, as well as when a law enforcement officer discharges a firearm at or in the direction of a person. The national UCR Program defines “serious bodily injury” as “bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental facility.” This definition is based, in part, on Title 18 *United States Code*, Section 2246 (4).

Further, the APB recommended, and Director Comey approved, the creation of a separate mechanism for the CJIS Division to collect use-of-force data. The national UCR Program will maintain the new data collection separately from the criminal incident and offense information, and it is working to build a collection management system for this purpose on the LEEP. CJIS Systems Officers, in consultation with state UCR Program managers, will determine if agencies within their respective jurisdictions may submit use-of-force data directly to the FBI. State UCR Programs will have timely and ongoing access to all data submitted directly to the FBI.

The APB also recommended the creation of a Use of Force Task Force (which was subsequently formed) to make decisions regarding the content of the new data collection. Members of the Use of Force Task Force include representatives from the:

- ❖ International Association of Chiefs of Police.
- ❖ National Sheriffs’ Association.
- ❖ Major Cities Chiefs Association.
- ❖ Major County Sheriffs’ Association.
- ❖ Police Executive Research Forum.
- ❖ Association of State Criminal Investigative Agencies.
- ❖ National Association of Black Law Enforcement Executives.
- ❖ Association of State UCR Programs.

In May, members of the Use of Force Task Force approved collecting the following information:

### **Incident Information**

Incident information will include:

- ❖ Date and time of the incident.
- ❖ Total number of officers who applied actual force during the time of the incident.
- ❖ Number of officers from your agency who applied actual force during the time of the incident.
- ❖ Location of the incident (physical location through an address or latitude/longitude)
- ❖ Location type of the incident (using location codes from the NIBRS).
- ❖ Did the officer(s) approach the subject(s)? (Options are yes, no, pending, or unknown.)
- ❖ Was this an ambush incident? (Options are yes, no, pending, or unknown.)
- ❖ Was supervisor or a senior-level officer acting in a supervisory capacity present or consulted at any point in the incident? (Options are yes, no, pending, or unknown.)
- ❖ Reason for the initial contact between the subject and the officer. (Options are response to unlawful or suspicious activity; medical, mental health, or welfare assistance; routine patrol other than traffic stop; traffic stop; warrant service; service of a court order; mass demonstration; follow up investigation; other; or unknown.)
  - ❖ If this was due to unlawful or criminal activity, what were the most serious reported offenses committed by the subject prior to or at the time of the incident (using NIBRS offense codes)?
  - ❖ If applicable, NIBRS (or local) incident number of report detailing criminal incident information on subject and/or assault or homicide of law enforcement officer.
- ❖ If incident involved multiple law enforcement agencies, case numbers for the local “use of force reports” at the other agencies.

### **Officer information**

Officer information will include:

- ❖ Age, sex, race, ethnicity, height, and weight of the officer(s).
- ❖ Officer’s years of service as a law enforcement officer (total tenure).
- ❖ Full-time? (Options are yes, no, pending, or unknown.)
- ❖ Was the officer readily identifiable? (Options are yes, no, pending, or unknown.)
- ❖ Was the officer on duty at the time of the incident? (Options are yes, no, pending, or unknown.)

- ❖ Did the officer discharge a firearm? (Options are yes, no, pending, or unknown.)
- ❖ Officer(s) injured. (Options are yes, no, pending, or unknown.)
- ❖ Officer injury type. (Options are gunshot wound; apparent broken bones; possible internal injury; severe laceration; loss of teeth; other major injury; unconsciousness; or death.)

### **Subject information**

Subject information will include:

- ❖ Name (collected only in instances of death).
- ❖ Age, sex, race, ethnicity, height, and weight (with a range of values) of the subject(s).
- ❖ Injury/death of subject(s). (Options are gunshot wound; apparent broken bones; possible internal injury; severe laceration; loss of teeth; other major injury; unconsciousness; death; pending; or unknown.)
- ❖ Type(s) of force used connected to serious bodily injury or death. (Options are firearm; electronic control weapon [Taser]; explosive device; pepper or oleoresin capsicum spray; baton; impact projectile; blunt instrument; hands-fists-feet; canine; other; pending; or unknown.)
- ❖ Subject(s) resisted? (Options are yes, no, pending, or unknown.)
- ❖ Was the threat by the subject(s) directed to the officer or to another party? (Options are officer; other party; pending; or unknown.)
- ❖ Type(s) of resistance/weapon involvement. (Options are threatened officer; threatened others; threatened self; active aggression; edged weapon; firearm; vehicle; chemical; electronic; verbal; passive resistance; resist being handcuffed or arrested; attempt to escape or flee from custody; or none.)
- ❖ Apparent or known impairment/physical conditions of subject? (Options are yes, no, pending, or unknown.)
  - ❖ If yes, indicate which. (Options are mental health; alcohol; drugs; or unknown.)
  - ❖ At any time during the incident, was the subject(s) armed or believed to be armed with a weapon? (Options are yes, no, pending, or unknown.)

## National UCR Program to begin collecting domestic and family violence data

The national UCR Program will begin collecting domestic and family violence data on January 1, 2018, via the NIBRS. This change will not affect those agencies that submit crime data via the SRS.

The APB approved the definition of Domestic and Family Violence as:

“The use, attempted use, or threatened use of physical force of a weapon; or the use of coercion or intimidation; or committing a crime against property by a current or former spouse, parent, or guardian of the victim; a person with whom the victim shares a child in common; a person who is or has been in a social relationship of a romantic or intimate nature with the victim; a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian; or by a person who is or has been similarly situated to a spouse, parent, or guardian of the victim.”

As a result, in Data Element 31 (Aggravated Assault/Homicide Circumstances), data value 06 = Lovers’ Quarrel will change to 06 = Domestic Violence. In addition, the national staff will make the following changes to Data Element 35 (Relationship of Victim to Offender):

- ❖ Will be mandatory for all Crimes Against Property offenses (Currently, robbery is the only offense that requires agencies to include the relationship of the victim to the offender.)
- ❖ Will be mandatory when one or more offenses entered in Data Element 24 (Victim Connected to UCR Offense Code) is a Crime Against Person or a Crime Against Property and Data Element 36 (Offender Sequence Number) is anything other than 00 = Unknown Offender
- ❖ Will include the new code XR = Ex-Relationship

The *National Incident-Based Reporting System (NIBRS) User Manual* will be updated in 2017 to reflect these changes.

Agencies with questions should contact Kristi L. Donahue by telephone at (304) 625-2972 or by e-mail at <kristi.donahue@ic.fbi.gov>.

## Quality Assurance Review staff expands Statistical Review

The April 2016 *UCR Program Quarterly* included an item about recent modifications to the UCR Program’s Quality Assurance Review (QAR). That document outlined three QAR options: the Statistical or Quantitative Review, the Service or Qualitative Review, and the Special Review.

However, the CJIS Division’s QAR staff has expanded the Statistical or Quantitative Review to include the Probability Sampling Method. If a state program is unable to collect local agency records in support of the Statistical Review methodology, the QAR staff will implement the Probability Sampling Method. This method will remove the burden of the state UCR Program

collecting local agency records. Instead, the CJIS Audit Unit (CAU) staff will evaluate the local agency records from a sample of local agencies.

Effective October 1, 2016, each of these QAR components will be available by request, which will allow the CAU staff to conduct each QAR tailored to each agency's needs.

Agencies with questions about the QAR process should contact Christopher A. McIntosh, QAR Program manager, by telephone at (304) 625-2871 or by e-mail at <christopher.mcintosh@ic.fbi.gov> or Nancy E. Carnes, QAR Program supervisor, by telephone at (304) 625-2995 or by e-mail to <nancy.carnes@ic.fbi.gov>.

## Trainer Talk

**Editor's Note: The FBI's CJIS Division fully supports the transition of all agencies to submit crime data via the NIBRS. Because of this, effective October 1, 2016, CJIS Division trainers will focus their efforts on the NIBRS and will no longer provide SRS training. The trainers will continue to answer SRS-related questions via e-mail and facsimile.**

Each quarter, Trainer Talk features questions that the trainers from the national UCR Program have received about classifying and scoring offenses in the UCR Program. The trainers answer questions for both the NIBRS and the SRS. The information they provide is for UCR Program reporting purposes and may not reflect the manner in which an offender(s) is charged. When requesting the classification and scoring of incidents, law enforcement agencies and state program personnel are asked to provide the entire incident report so that the UCR trainers can provide the most accurate assessment. Agencies may submit incident reports by e-mail to <UCRtrainers@leo.gov> or by facsimile to (304) 625-5599. Agency staff with questions should contact the trainers e-mail at <UCRtrainers@leo.gov>.

### Question

Marijuana has been decriminalized in my state. How does that affect reporting offenses and arrests for drug abuse violations in the UCR Program?

### Answer

For NIBRS agencies: If an agency cites an individual, the agency should report the incident on the Group A incident report using the NIBRS Offense Code of 35A (Drug/Narcotic Violations), marijuana as the drug type in Data Element 20 (Suspected Drug Type), the quantity of marijuana in Data Element 21 (Estimated Drug Quantity), and the type of measurement (e.g., kilograms,



pounds) in Data Element 22 (Type Drug Measurement). The agency should also report the incident as cleared by arrest because of the issuance of a citation. If an agency issues a citation that requires an individual to pay a fine, the UCR Program considers that a violation of the law.

In states where marijuana has been completely decriminalized, the agency will not issue a citation, and therefore, will not report any information to the UCR Program.

For SRS agencies: In the SRS, if an individual receives a citation for a Part II offense (such as drug abuse violations), the UCR Program considers that an arrest, and the agency should capture that arrest on the appropriate Age, Sex, Race, and Ethnicity of Persons Arrested report. Therefore, if an agency issues a citation that requires an individual to pay a fine, the UCR Program considers that a violation of the law, and the agency should report the arrest on the appropriate Age, Sex, Race, and Ethnicity of Persons Arrested report.

However, in states where marijuana has been completely decriminalized, the agency will not issue a citation, and therefore, will not report any information to the national UCR Program.

## Question

Officers with Agency A conducted a traffic stop and discovered that the vehicle had been stolen from another jurisdiction (Agency B). In addition, the car's occupants were in possession of property that was stolen from another jurisdiction (Agency B). How should we report this incident to the national UCR Program?

## Answer

For NIBRS agencies: In the NIBRS, "the recovery of property should be reported only by the LEA (law enforcement agency) who first reported it missing and/or stolen regardless of which agency recovered it." (page 9, *National Incident-Based Reporting System [NIBRS] User Manual*, Version 1.0, dated January 17, 2013).

Therefore, Agency A should report the Group A offense of Stolen Property Offenses (NIBRS Offense Code 280). Agency A should also contact Agency B where the vehicle and items were taken from to inform them of the physical recovery. Agency A should report the type of property loss (Data Element 14) as 1 = None because, in this case, the stolen property can be traced back to Agency B's jurisdiction.

Agency B should report the recovery of property for UCR reporting purposes, as the property was originally stolen from its jurisdiction.

For SRS agencies: "The purpose of establishing jurisdiction is to depict the nature and volume of crime in a particular community, *not* for an agency to claim or take credit for the number of investigations, arrests, etc., or to serve as a measurement of agency workload," (*Summary*

*Reporting System [SRS] User Manual, Version 1.0, dated June 20, 2013, page 22).* In addition, “The recovery of property should be reported only by the agency from whose jurisdiction it was stolen, regardless of who or which agency recovered it” (page 22).

Agency A should report an arrest for the Part II offense of Stolen Property: Buying, Receiving, Possessing on the appropriate Age, Sex, Race, and Ethnicity of Persons Arrested report. Agency A should also contact Agency B where the vehicle and items were taken from to inform them of the physical recovery.

Agency B should report the recovery of property for UCR reporting purposes, as the property was originally stolen from its jurisdiction.

### **Question**

A male individual asked a female juvenile to expose her breasts for cash, and she agreed. Is this an offense of Human Trafficking—Commercial Sex Acts (HTCSA)?

### **Answer**

For NIBRS agencies: This incident would not be an HTCSA offense. An HTCSA requires that a sex act occurs, and a sex act requires physical contact between individuals. Because there was no physical contact, a sex act did not occur; therefore, the offense would not be considered an HTCSA. However, if the agency arrested an individual in connection with the incident, the agency could report a Group B offense of 90C Disorderly Conduct.

For SRS agencies: This incident would not be considered an offense of HTCSA. An HTCSA requires that a sex act occur, and a sex act requires physical contact between individuals. Because there was no physical contact, a sex act did not occur; therefore, the offense would not be considered an HTCSA. However, if the agency arrested an individual in connection with the incident, the agency could capture the arrest as the Part II offense of Sex Offenses (Except Forcible Rape and Prostitution) on the appropriate Age, Sex, Race, and Ethnicity of Persons Arrested report.