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Uniform Crime Reporting (UCR)
State Program Bulletin 11-5

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SECTION 1—MESSAGE TO PROGRAM PARTICIPANTS

1.1 Data submission deadline

The national UCR Program would like to remind state UCR Program managers that **Saturday, December 31, 2011**, 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.

1.2 Contact information for the Crime Statistics Management Unit's (CSMU's) Operations Group and the Training and Systems Education Unit's (TSEU's) Outreach Team

The following list provides contact information for the CSMU's Operations Group and the UCR Program's trainers from the TSEU's Outreach Team.

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1.3 Electronic availability of the UCR *State Program Bulletin*

The UCR Program's UCR *State Program Bulletin* is available electronically in Corel WordPerfect and Microsoft Word formats. State UCR Program managers who wish to receive the UCR *State Program Bulletin* via e-mail must provide their e-mail addresses to the FBI's Multimedia Productions Group (MPG) staff at <cjis_comm@leo.gov> and indicate "UCR *State Program Bulletin*" in the subject line of the e-mail.

Please note that it is the responsibility of the state UCR Program managers to disseminate the information as appropriate to their staffs and local agencies. In order to serve our customers in the best manner possible, the national UCR Program would like to remind state UCR Program managers to keep the MPG informed of any changes in their e-mail addresses.

The current UCR *State Program Bulletin*, as well as previous editions, is also available via the LEO Intranet at <https://www.leo.gov/http://leowcs.leopriv.gov/lesig/cjis/programs/crime_statistics/state_program_bulletins/state_program_bulletins.htm>. Users with questions concerning access to the LEO should contact the LEO Operations Unit by telephone at (304) 625-5555.

SECTION 2—CLARIFICATION TO POLICY AND PROCEDURES

2.1 Cargo Theft resources for classification and submission

The national UCR staff has prepared a 35-page document, *Cargo Theft Electronic Submission Specifications* (Version 1.0, dated September 27, 2011), which is available electronically at <www.fbi.gov/about-us/cjis/ucr/Cargo_Theft_Elec_Submission_Specs_2011.pdf> to provide the programming requirements for submitting cargo theft data in an electronic format.

Agencies that submit data to the national UCR Program via the Summary Reporting System (SRS) should report cargo thefts on the Cargo Theft Incident Report, which is available electronically at <www.fbi.gov/about-us/cjis/ucr/reporting-forms/CargoTheftIncidentReportfillable.pdf> or by using the record layout that is available in the *Cargo Theft Electronic Submission Specifications*. Agencies that submit data to the national UCR Program via the National Incident-Based Reporting System (NIBRS) should report cargo thefts using Data Element 2A in the Administrative Segment of the incident.

In both the SRS and the NIBRS, cargo theft is not considered an offense by itself; cargo theft should be reported in conjunction with at least 1 of 13 offenses to indicate that cargo was taken. The 13 offenses (and their UCR Offense Codes) are:

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

The national UCR Program staff has furnished the following guidelines regarding the classification and reporting of cargo theft incidents and arrests.

- Two key phrases in the classification of cargo theft are “commercial shipment” and “in the supply chain.” To be considered cargo, the items must be part of a commercial shipment and must be in the supply chain (that is, moving in commerce).
- Thefts from United Parcel Service (UPS), Federal Express (FedEx), the U.S. mail, etc., are considered to be cargo until items are received at a final distribution point. Once the

business receives the items (that is, personnel at the company sign for the goods), the goods are no longer considered cargo because they are outside of the supply chain. Therefore, **deliveries from UPS, FedEx, to individuals or other businesses (e.g., flowers, pizza, electronics, appliances, etc.) are not considered to be cargo because they are outside of the supply chain.** (Emphasis added.)

- If a truck arrives at a store but the store has not received the items (no one has signed a bill of lading for the goods) and the items are stolen, the incident is considered to be cargo theft because the commercial shipment is still in the supply chain.
- If there is a bill of lading reserved for a commercial shipment and the theft occurs before the shipment can be delivered or it is not possible for the receiver to acknowledge the receipt of goods, it is considered cargo theft.
- The dollar amount and the number of items taken are not factors in determining whether a cargo theft occurred.

The following examples **are** cargo theft, and agencies that submit data via the NIBRS should put a Y = Yes into Data Element 2A to indicate that the incident involved cargo theft. Because SRS agencies submit their data on the Cargo Theft Incident Report or via the record layout in the *Cargo Theft Electronic Submission Specifications*, it is not necessary for SRS agencies to specify that the offense included cargo theft.

- A tractor-trailer loaded with kitchen appliances is en route from a manufacturing facility to a commercial establishment when the tractor-trailer is stolen at a rest stop. Agencies should report the incident as a Motor Vehicle Theft (UCR Offense Code 240).
- A truckload of pizza sauce, cheese, and pizza dough were being transported from the processing/manufacturing facility to a chain pizzeria store when the items were removed from the truck. Agencies should report the incident as a Theft From a Motor Vehicle (UCR Offense Code 23F).
- A delivery of fruit is in transit from a warehouse to a local business where it will be processed and made into an arrangement for purchase. The fruit, however, is taken during transit. This should be reported as a Theft From a Motor Vehicle (UCR Offense Code 23F).
- A truck driver is hauling appliances from a distribution center to a local store and stops to refuel the vehicle at a rest stop. He is confronted by an armed individual who takes the keys to the truck and drives away with the vehicle. Agencies should report the incident as a Robbery (UCR Offense Code 120).

- A driver is supposed to pick up a truck that is full of mail from a distribution center and take it to a local post office. However, another individual, using false identification and posing as a postal employee, takes the truck and drives away. Agencies should classify the incident as an Impersonation (UCR Offense Code 26C).
- A distribution point for a national electronics chain is broken into and 75 flat-screen televisions are taken. Agencies should report the incident as a Burglary/Breaking & Entering (UCR Offense Code 220).

The following incidents are **not** considered cargo theft. Agencies that report their data via the NIBRS should put an N = No into Data Element 2A; agencies that report their data via the SRS should not use the Cargo Theft Incident Report form or the record layout in the *Cargo Theft Electronic Submission Specifications* to report these incidents.

- A letter carrier is delivering mail in a neighborhood when the mail is stolen from the carrier's vehicle. This is **not** a cargo theft. Once the U.S. mail has left a final distribution point, it is no longer considered cargo because it is no longer in the supply chain. The agency should report the incident as a Theft From a Motor Vehicle (UCR Offense Code 23F), but the incident is not considered to be cargo theft.
- A truck is delivering a refrigerator for installation into a individual's home. The driver of the truck is carjacked while stopped at a traffic light. The agency should report the incident as a Robbery (UCR Offense Code 120), but the incident is **not** considered cargo theft because the refrigerator is not in the supply chain.

Additional examples are provided in the *NIBRS Addendum for Submitting Cargo Theft Data* (January 2010), which is available electronically at <http://www.fbi.gov/about-us/cjis/ucr/nibrs/addendum-for-submitting-cargo-theft-data/nibrs_cargo_theft>.

2.2 Change to National Incident-Based Reporting System (NIBRS) Volume 2: Data Submission Specifications

Currently, agencies that submit hate crime data to the national UCR Program by using NIBRS Data Element 8A can only collect one bias motivation. (See NIBRS Volume 2: *Data Submission Specifications* [November 2001], Offender Segment, page 43.) However, beginning on January 1, 2013, the UCR Program will start collecting up to five bias motivations per offense type in the NIBRS using the expanded bias categories of race, religion, ethnicity/national origin, sexual orientation, disability, gender, and gender identity.

Because all NIBRS agencies currently use Data Element 8A, Bias Motivation #1 in record positions 62-63, Bias Motivation #1 will be a mandatory data element as of January 1, 2013, for all agencies that report their data via the NIBRS. Reporting additional hate crime motivations in Bias Motivation #2-#5 will be optional.

<u>Data Element</u>	<u>Record Position</u>	<u>Type/Field Length</u>	<u>Description</u>
8A	62-63 64-71	A2 A8	BIAS MOTIVATION #1 BIAS MOTIVATION #2-#5 Valid Codes: 11 through 16, 21 through 27, 32, 33, 41 through 45, 51, 52, 61, 62, 71, 72, 88, and 99. Bias Motivation #1 is a mandatory data element. Reporting agencies must submit data for positions 62 and 63. Agencies that have not adopted Bias Motivation #2 through #5 will not be required to submit data in these positions. These two positions on the record can be ignored by writing the record as 63 bytes instead of 71.

2.3 Hate Crime Incident Report undergoing revision

The national UCR Program staff is revising the Hate Crime Incident Report form to capture additional information. The revision includes:

- Expanding the list of location types.
- Collecting the number of victims under the age of 18 and the number of victims over the age of 18.
- Collecting the number of offenders under the age of 18 and the number of offenders over the age of 18.
- Reporting bias motivations of gender and gender identity.
- Expanding the sexual-orientation bias motivation to include lesbian, gay, bisexual or transgender (mixed group).
- Expanding the race categories and adding the collection of ethnicity of offender or offender group.

The proposed revised form is currently under review in the Office of Management and Budget. Once approved, the national UCR Program staff will furnish more detailed information. Until then, agencies should continue to use the current Hate Crime Incident Report form, which is available electronically at <www.fbi.gov/about-us/cjis/ucr/reporting-forms/hate-crime-incident-report-pdf>. The national UCR Program anticipates that agencies will be able to use the new form to report the additional data beginning on January 1, 2013.

In addition, the national UCR staff is updating the *Hate Crime Data Collection Guidelines*. The updates will include how to report the additional information and to include new training scenarios provided by the Human Rights Coalition working group at the Anti-Defamation League.