NIBRS User Manual Changes

The following information was added to the *National Incident-Based Reporting System User Manual*. The page numbers where these changes can be found have been provided and all changes are listed in red.

Cargo Theft Fraud Offenses

Page 29

26F Identity Theft

Wrongfully obtaining and using another person's personal data (e.g., name, date of birth, Social Security number, driver's license number, credit card number).

This offense does not apply to impersonation (falsely acting in the character or position to unlawfully deceive others to gain a profit or advantage; when impersonating another person, the offender would not be in possession of another person's personal data, such as, Social Security number, driver's license number).

Pages 69 – 70

Data Element 2A (Cargo Theft)

Data Element 2A indicates whether or not the incident involved a cargo theft. The national UCR Program has defined Cargo Theft as "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, motor truck, 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 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."

Two key phrases in the classification of cargo theft are "commercial shipment" and "in the supply chain." For LEAs to classify an incident as a cargo theft, the items must be part of a commercial shipment and must be in the supply chain (i.e., moving in commerce).
LEAs should consider thefts from United Parcel Service (UPS), Federal Express (FedEx), the U.S. Postal Service, etc., to be cargo until the items arrive at a final distribution point. Once the business receives the items (i.e., personnel at the company sign for the goods), the goods are no longer considered cargo because they are outside of the supply chain. Therefore, LEAs should not consider deliveries from UPS, FedEx, to individuals or other businesses (e.g., flowers, pizza, electronics, appliances, etc.) to be cargo because they are outside of the supply chain.
Cargo theft-related offenses are:

120 = Robbery
210 = Extortion/Blackmail
220 = Burglary/Breaking and 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/Automated Teller Machine Fraud
26C = Impersonation
26E = Wire Fraud
26F = Identity Theft
26G = Hacking/Computer Invasion
270 = Embezzlement
510 = Bribery

Valid Data Values

Y = Yes
N = No

Example 1

Four men wearing ski masks conducted armed robbery at a trucking facility (UCR Offense Code 120 Robbery). Two of the men held the guards at gunpoint while the other two men jumped into an idling truck nearby and drove off with the cargo.

Example 2

Five suspects entered a slow-moving freight train, which was transporting cargo from the freight yard to numerous destinations. The suspects used various tools to break into the shipping containers. The merchandise was then thrown off the train and accomplices on the ground gathered the stolen merchandise (UCR Offense Code 220 Burglary/Breaking and Entering)

Example 3

A man, posing as an indirect air carrier employee (UCR Offense Code 26C Impersonation) picked up a truck and trailer from a consolidation facility, which was slated for delivery to an airport sorting center (UCR Offense Code 240 Motor Vehicle Theft and 23H All Other Larceny).

Example 4

An employee used the Internet to gain unauthorized access to the shipping records for Company ABC (UCR Offense Code 270 Embezzlement). The employee then obtained corporate credit card information and pre-paid the freight fees for a shipment of imported wines (UCR Offense

Code 26B Credit Card/Automated Teller Machine Fraud). Via computer, the suspect illegally diverted the shipment to an alternate address (UCR Offense Code 26E Wire Fraud).

Example 5

A subject used a stolen commercial driver's license with like characteristics to enter a trucking company (UCR Offense Code 26F Identity Theft). Once gaining unlawful access to the building, the suspect drove away with the vehicle and the cargo within the trailer (UCR Offense Code Motor Vehicle Theft and 23H Other Larceny Theft).

Example 6

An unknown subject hacked into a shipping company's computer system (UCR Offense Code 26G Hacking/Computer Invasion). Upon obtaining entry into the system, the subject redirected the shipment to an alternate location (UCR Offense Code 26E Wire Fraud). The cargo was unlawfully seized, by a group of unknown subjects on the docks of the alternate location across town. (UCR Offense Code 23F Theft from Motor Vehicle).

Additional cargo theft information and scenarios can be found in the *Cargo Theft User Manual*. (I added the first 4 scenarios from the *Cargo Theft User Manual*. The note above preciously read "Detailed cargo theft information and scenarios can be found in the *Cargo Theft User Manual*." The new cargo theft scenarios (examples 5 and 6) can't be added to the CT User Manual as these changes only pertain to NIBRS.)

Negligent Manslaughter Additions

Pages 31 – 32

09B Negligent Manslaughter

The killing of another person through negligence

This offense includes killings resulting from hunting accidents, gun cleaning, children playing with guns and arrests associated with driving under the influence, distracted driving (using a cell/smartphone) and reckless driving traffic fatalities.

Note: It does not include deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and accidental traffic fatalities.

Data Element 8 (Offender Suspected of Using)

LEAs should use Offender Suspected of Using to indicate whether any of the offenders in the incident were suspected of consuming alcohol or using drugs/narcotics during or shortly before the incident, or using computer equipment to perpetrate the crime. LEAs can enter up to three types of activity per offense type in Data Element 8.

Valid Data Values

A= Alcohol
C= Computer Equipment/Handheld Devices
D= Drugs/Narcotics
N= Not Applicable

Example 1

A driver swerved out of her lane into oncoming traffic, striking another vehicle. A passing motorist stopped and called 911. The responding officer asked the driver that caused the accident why she swerved into the other lane. She didn't recollect why she swerved into oncoming traffic. One of the passengers in the other vehicle passed away at the scene due to the injuries received during the crash. The officer observed the driver that caused the crash talking and texting on her cell phone at the scene. He asked the driver if she had a hands-free device and the driver responded that she didn't own a hands-free device. The officer was able to obtain the phone records of the driver and found a series of texts were sent and received immediately prior to the accident. The driver was arrested for negligent manslaughter due to driving distracted while using a cell/smartphone. The offender suspected of using data value should be C = Computer Equipment (Handheld Devices).

Example 2

A police officer is stationed on the highway in a location known for speeding. He measures a vehicle travelling 12 miles over the posted limit and attempts to pull the vehicle over. The vehicle attempts to evade the officer, increasing its speed and passing other vehicles on the left and right, to include driving on the shoulder of the road. During the pursuit, several vehicles attempting to enter the highway were required to pull off onto the shoulder to avoid striking the evading vehicle. During the pursuit, the vehicle exceeds 100 mph, which is 30 miles over the speed limit. The pursuit ends in an accident with another vehicle willing the driver in that vehicle. The accident is assessed to be the fault of the evading vehicle. The evading driver was injured but survived and was subsequently charged with Negligent Manslaughter as a result of reckless driving. The offender suspected of using data value should be N = Not applicable.

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Data Element 13 (Type Weapon/Force Involved)

Valid Data Values

11 = Firearm
12 = Handgun
13 = Rifle
14 = Shotgun
15 = Other Firearm
20 = Knife/Cutting Instrument (knives, razors, hatchets, axes, cleavers, scissors, glass, broken bottles, ice picks, etc.)
30 = Blunt Object (baseball bats, butt of handgun, clubs, bricks, jack handles, tire irons, bottles, etc.)
35 = Motor Vehicle/Vessel
40 = Personal Weapons (hands, fist, feet, arms, teeth, etc.)
50 = Poison
60 = Explosives
65 = Fire/Incendiary Device
70 = Drugs/Narcotics/Sleeping Pills
85 = Asphyxiation
90 = Other (BB guns, pellet guns, tasers, pepper spray, stun guns, etc.)
95 = Unknown
99 = None

Example 1

Three robbers held up a bank. One offender brandished a revolver, the second had a sawed-off shotgun, and the third had an automatic machine gun. The weapon data values should be 12 = Handgun, 14 = Shotgun, and 15A = Automatic Other Firearm.

Example 2

The driver of one boat struck another while boating on a lake. The driver was determined to be intoxicated after failing a battery of Field Sobriety Tests. The driver was charged with Negligent Manslaughter because a passenger in the other boat died as a result of the injuries received from the incident. The weapon data value should be 35 = Motor Vehicle/Vessel.

Domestic Violence and Negligent Manslaughter Additions

Pages 117 – 119

Data Element 31 (Aggravated Assault/Homicide Circumstances)

Data Element 31 describes the circumstances of either an Aggravated Assault or a Homicide. Therefore, LEAs should use it only with offenses of 13A = Aggravated Assault and 09A-09C = Homicide Offenses.

LEAs should base selections of circumstances on information known following their investigation, not decisions of a grand jury, coroner's inquest, or other agency outside law enforcement. LEAs should always select the most appropriate circumstances as determined by investigation.

Traffic fatalities associated with driving under the influence, distracted driving (using a cell/smartphone), and reckless driving traffic fatalities are included as negligent manslaughters. Accidental traffic fatalities, accidental deaths, or deaths of victims due to their own negligence are not to be included as negligent manslaughters. LEAs should report Information regarding all other negligent manslaughters regardless of actions to prosecute.

Note: Data Element 06 now represents "Domestic Violence" data (see the definition of "Domestic and Family Violence" below).

Valid Data Values for 13A = Aggravated Assault and 09A = Murder and Non-Negligent Manslaughter
LEAs can enter up to two circumstances per victim segment:

01 = Argument
02 = Assault on Law Enforcement Officer
03 = Drug Dealing
04 = Gangland (Organized Crime Involvement)
05 = Juvenile Gang
06 = Domestic Violence
07 = Mercy Killing (Not applicable to Aggravated Assault)
08 = Other Felony Involved
09 = Other Circumstances
10 = Unknown Circumstances

Valid Data Values for **09B = Negligent Manslaughter**

LEAs can enter one circumstance per victim segment:

30 = Child Playing With Weapon
31 = Gun-Cleaning Accident
32 = Hunting Accident
33 = Other Negligent Weapon Handling
34 = Other Negligent Killing

Note: When negligent manslaughter offenses are reported due to the offender driving under the influence, driving distracted while using a cell/smartphone, or driving recklessly, the data value 34 = Other Negligent Killing should be used.

Valid Data Values for **09C = Justifiable Homicide**

LEAs can enter one circumstance per victim segment:

20 = Criminal Killed by Private Citizen
21 = Criminal Killed by Police Officer

Data Value Definition

06   Domestic and Family Violence

The use, attempted use, or threatened use of physical force or 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.

Example 1

Two juvenile street gangs fought over "turf rights" to sell drugs and a member of one gang killed a member of the other gang. Possible entries are 01 = Argument, 03 = Drug Dealing, and 05 = Juvenile Gang. Even though all three would apply, there is a limit of two entries. Since the agency should report the two most descriptive data values, it should report 03 = Drug Dealing and 05 = Juvenile Gang.

Example 2

While resisting an arrest, a fugitive pulled a gun and fired twice in the direction of two police officers who were attempting to take him into custody. Neither officer sustained injury, but both drew their weapons and returned fire, killing the fugitive. Because this was a justifiable homicide, the agency should enter 21 = Criminal Killed by Police Officer should be entered.

Example 3

A police officer responded to a night time disturbance call at a single family residence. Upon arriving at the scene, the officer knocked on the door. The door is answered by a man and a woman. Over the course of several minutes of questioning, the officer learns the women is the renter of the home and the man is her ex-boyfriend. They had been arguing because the ex-boyfriend wanted to take the victims lap top. When the victim said no, the ex-boyfriend began throwing several objects around the house and struck the woman with a table lamp, causing severe lacerations. Because this incident is domestic related and the offense was aggravated assault, the agency should enter 06 = Domestic Violence.

Example 4

A police officer responded to a report of gunshots at a convenience store. Upon arrival, the officer found a crowd in front of the convenience store. He then entered the store to find a male gunshot victim and the store clerk. The clerk reported the victim and a female entered the store and had an argument that lasted several minutes. The female then shot the victim with a handgun and fled the store. The victim was pronounced dead at the scene. The female was apprehended several hours later and identified as the victim's wife. Because this incident is domestic related and the offense was murder, the agency should enter 06 = Domestic Violence.

Pages 121 – 124

Data Element 34 (Offender Number to be Related)

LEAs should use Offender Number to be Related to enter the Offender Sequence Number (found in Data Element 36) of each offender to be identified in Data Element 35 (Relationship of Victim to Offender). Enter 00 = Unknown when Data Element 36 (Offender Sequence Number) is 00 = Unknown Offender. When more than ten offenders are identified, LEAs should enter the ten most closely related to the victim. This data element is mandatory when one or more of the offenses reported in Data Element 24 (Victim Connected to UCR Offense Code) is a Crime Against Person or a Crime Against Property:

09A = Murder and Non-Negligent Manslaughter
09B = Negligent Manslaughter
09C = Justifiable Homicide
100 = Kidnapping/Abduction
11A = Rape
11B = Sodomy
11C = Sexual Assault With An Object
11D = Fondling
120 = Robbery
13A = Aggravated Assault
13B = Simple Assault
13C = Intimidation

200 = Arson
210 = Extortion/Blackmail
220 = Burglary/Breaking & Entering
23A = Pocket-picking
23B = Purse-snatching
23C = Shoplifting
23D = Theft From Building
23E = Theft From Coin-Operated Machine or Device
23F = Theft From Motor Vehicle
23G = Theft of Motor Vehicle Parts or Accessories
23H = All Other Larceny
240 = Motor Vehicle Theft
250 = Counterfeiting/Forgery
26A = False Pretenses/Swindle/Confidence Game
26B = Credit Card/Automated Teller Machine Fraud
26C = Impersonation
26D = Welfare Fraud
26E = Wire Fraud
26F = Identity Theft
26G = Hacking/Computer Invasion
270 = Embezzlement
280 = Stolen Property Offenses
290 = Destruction/Damage/Vandalism of Property
36A = Incest
36B = Statutory Rape
510 = Bribery
64A = Human Trafficking, Commercial Sex Acts
64B = Human Trafficking, Involuntary Servitude

Valid Data Values

01 – 99
00 = Unknown Offender

Data Element 35 (Relationship of Victim to Offender)

The agency should use Data Element 35—Relationship of Victim to Offender—along with Data Element 34 (Offender Number to be Related), to report the relationship of the victim to the offender(s) who perpetrated a Crime Against Person or a Crime Against Property.

When the LEA identifies more than ten offenders, the LEA should enter the ten most closely related to the victim.

This data element is mandatory when one or more of the offenses reported 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 other than 00 = Unknown:

09A = Murder and Non-Negligent Manslaughter
09B = Negligent Manslaughter
09C = Justifiable Homicide
100   = Kidnapping/Abduction
11A = Rape
11B = Sodomy
11C = Sexual Assault With An Object
11D = Fondling
120   = Robbery
13A = Aggravated Assault
13B = Simple Assault
13C = Intimidation
200   = Arson
210   = Extortion/Blackmail
220   = Burglary/Breaking & Entering
23A = Pocket-picking
23B = Purse-snatching
23C = Shoplifting
23D = Theft From Building
23E = Theft From Coin-Operated Machine or Device
23F = Theft From Motor Vehicle
23G = Theft of Motor Vehicle Parts or Accessories
23H = All Other Larceny
240   = Motor Vehicle Theft
250   = Counterfeiting/Forgery
26A = False Pretenses/Swindle/Confidence Game
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26D = Welfare Fraud
26E = Wire Fraud
26F = Identity Theft
26G = Hacking/Computer Invasion
270   = Embezzlement
280   = Stolen Property Offenses
290   = Destruction/Damage/Vandalism of Property
36A   = Incest
36B = Statutory Rape
510   = Bribery
64A = Human Trafficking, Commercial Sex Acts
64B = Human Trafficking, Involuntary Servitude

LEAs should enter up to ten per victim:

Within Family

SE = Victim Was Spouse
CS = Victim Was Common-Law Spouse
PA = Victim Was Parent
SB = Victim Was Sibling (brother or sister)
CH = Victim Was Child
GP = Victim Was Grandparent
GC = Victim Was Grandchild
IL = Victim Was In-law
SP = Victim Was Stepparent
SC = Victim Was Stepchild
SS = Victim Was Stepsibling (stepbrother or stepsister)
OF = Victim Was Other Family Member

Outside Family But Known to Victim

AQ = Victim Was Acquaintance
FR = Victim Was Friend
NE = Victim Was Neighbor
BE = Victim Was the Baby/Child in the care of a Babysitter
BG = Victim Was Boyfriend/Girlfriend
CF = Victim Was Child of Boyfriend or Girlfriend
XR = Ex-Relationship (ex-boyfriend/ex-girlfriend)
XS = Victim Was Ex-Spouse
EE = Victim Was Employee
ER = Victim Was Employer
OK = Victim Was Otherwise Known