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Uniform Crime Reporting (UCR)
State Program Bulletin 07-3

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SECTION 1—MESSAGE TO PROGRAM PARTICIPANTS

1.1 Advance Viewing of the *Preliminary Annual Uniform Crime Report, 2006*

In the past, the FBI has sent local law enforcement agencies and state Program managers advance printed copies of the *Preliminary Annual Uniform Crime Report* so that these agencies would have the data before the information was released to the public. Because this publication is no longer offered in printed format, the FBI had to devise an alternate way for agencies to have advance access to the information. Consequently, the FBI has constructed a beta site for the *Preliminary Annual Uniform Crime Report, 2006*, to which agencies will have access. The Web site, username, and password are case-sensitive.

Preliminary Annual Uniform Crime Report, 2006

Advance Viewing Date: Friday, May 25, 2007

Web Site: <http://www.fbi.gov/ucr/06prelim/>

Username: UCRcontr

Password: 06Annual

Public Release Date: Monday, June 4, 2007

State UCR Program managers are asked to apprise your local agencies of this information. Agencies are reminded that these data are embargoed until they are released to the public. Until then, they are for internal use only.

1.2 Electronic Availability of the *State Program Bulletin*

The UCR Program's *State Program Bulletin* is available electronically in Corel WordPerfect and Microsoft Word formats. State Program managers who wish to receive the *State Program Bulletin* via e-mail instead of receiving hard copies through the U.S. Postal Service should provide the Crime Statistics Management Unit's (CSMU's) staff at the FBI's CJIS Division with their e-mail addresses at <cjis_comm@leo.gov> and indicate *State Program Bulletin* in the subject line of the e-mail.

Please note that whether the *State Program Bulletin* is received electronically or in hard copy, it is the responsibility of the state UCR Program manager to disseminate the information as appropriate to their staff and local agencies. In order to serve our customers in the best manner possible, the national UCR Program would like to remind state Program managers to keep the CSMU informed of any changes in their e-mail addresses.

The current *State Program Bulletin*, as well as previous editions, is also available via the Law Enforcement Online (LEO) Intranet at <www.leo.gov/special_topics/stats/stats_home.html> (under Crime in the U.S.: Uniform Crime Reports Section). Users with questions concerning

access to the LEO should contact the LEO Program Office at (202) 233-9283 (telephone) or Mrs. Stacey C. Davis of the Advisory Groups Management Unit at (304) 625-2618 (telephone).

SECTION 2—CLARIFICATION OF POLICIES AND PROCEDURES

2.1 Clarification of UCR Offense Definitions and Classification Matters

In the course of training, answering policy questions, and conducting Quality Assurance Reviews, the staff of the FBI's UCR Program has noted conflicting interpretations of a few offense definitions and classification matters. These conflicts have led to inconsistencies among data submissions for law enforcement agencies that submit data via the Summary reporting system as well as those agencies that submit data via the National Incident-Based Reporting System (NIBRS). The following presents clarifications and resolutions to five such issues.

Issue # 1: Clarification of the Summary Definition of Theft From Buildings, a Subcategory of Larceny-theft

There is some discrepancy over the interpretation of the Summary definition of Theft from Buildings. That definition, as it appears in the most current handbook, follows:

Theft From Buildings (6Xg)

Definition: A theft from within a building that is open to the general public *and* where the offender has legal access. (Emphasis added.) (*UCR Handbook* [2004], page 34.)

The discrepancy exists over the word *and*. Some law enforcement personnel who literally interpret this definition feel that Summary agencies should ensure that *both* circumstances should be met before classifying an offense in this subcategory of Larceny. However, many law enforcement personnel who score UCR assert that *either* circumstance qualifies as an offense for this subcategory and that the word *and* is indicative of the definition having two alternatives, i.e., Theft From Building can be this, and it can also be that.

Though the language explaining Theft From Buildings changed somewhat between 1966 and 1979, the original intent of the Summary definition was to capture those offenses in which *either* circumstance (open to public or legal access) occurred. Therefore, law enforcement agencies should classify all offenses that meet *either* of the criteria in the definition as Theft From Buildings.

Issue # 2: Clarification of the Definition of Resident in NIBRS Data Elements 30 and 51, Resident Status (of Victim and Arrestee, respectively)

Though NIBRS Data Elements 30 and 51 are optional data elements, they are not always properly reported. Some law enforcement agencies have software that automatically defaults to the value of Nonresident whether or not the agency uses the data element, and other agencies erroneously report the status due to confusion over whether certain individuals should be counted as residents of their jurisdiction.

The intended use of the data elements that capture resident status is to assist law enforcement agencies in identifying whether the individuals involved in an incident are residents of their specific jurisdiction; they have no correlation to U.S. citizenship. These data elements enable agencies that have a high transient population to show that their population at risk is actually higher than their official resident population. When determining residential status, law enforcement should consider that “jurisdictional guidelines . . . provide for ‘most local’ reporting, i.e., whenever possible, the local law enforcement agency of the geographical area in which the crime occurred reports the offense.” (*UCR Handbook*, NIBRS edition [1992], page 9.)

Further, page 93 of NIBRS Volume 1: *Data Collection Guidelines* (August 2000), states:

A Resident is a person who maintains his/her permanent home for legal purposes in the locality (town, city, or community) where the crime took place. Concerning university/college campuses, only persons living on campus (in dormitories, etc.) would be considered residents if victimized within the confines of the school property; the crime should be reported by a campus law enforcement agency.

Note: Reporting agencies should base their determinations of residency on the town, city, or community where the crime occurred rather than their broader geographical jurisdictions.

The FBI requests all law enforcement agencies that submit data elements 30 and 51, whether through system default or intentional use, be more vigilant in reporting the correct resident status of victims and arrestees.

Issue # 3: A Clarification Regarding the Reporting of Arson-related Deaths of Police Officers and Firefighters

An inconsistency exists between the 1984 and 2004 editions of the *UCR Handbook* with regard to reporting the arson-related deaths of firefighters and police officers.

The 1984 edition of the *UCR Handbook* states that “Arson-related deaths and injuries of police officers and firefighters, *unless willful murders or assaults*, are excluded from the Program due to the hazardous nature of their professions.” (Emphasis added.) (Page 30.)

However, page 74 of the 2004 edition of the *Handbook* states:

Because of the hazardous nature of the professions of police officers and firefighters, arson-related deaths and injuries of these individuals are excluded from the *Return A* and *SHR* but law enforcement officer deaths and injuries should be reported on the appropriate [Law Enforcement Officers Killed or Assaulted] *LEOKA* forms (see pages 109-111).

Program representatives note that the 1984 edition of the *Handbook* was incorrect in stating that arson-related deaths and injuries of police officers and firefighters are excluded from the Program. The 2004 edition rectifies the issue by instructing law enforcement to report the line-of-duty deaths of law enforcement officers via forms discussed in the LEOKA section of the *Handbook*. The 2004 edition also addresses the issue on page 39: “Incidents in which persons are killed as a direct result of arson are classified as both criminal homicides and arson. Similarly, the number of persons severely injured during an arson must be reported as aggravated assaults along with the arson.”

The FBI requests that all law enforcement agencies be vigilant in reporting the arson-related deaths of law enforcement officers on the appropriate forms.

Issue # 4: Contradiction in the Classification of Burglary versus Vandalism

The last sentence of the paragraph that discusses burglary and vandalism on page 29 of the *UCR Handbook* (2004) contradicts information previously provided:

Thefts from automobiles, whether locked or not; shoplifting from commercial establishments; and thefts from telephone booths, coin boxes, or coin-operated machines are all classified as larceny-theft offenses. If the area entered was one of open access, thefts from the area would not involve an unlawful trespass and would be classified as larceny-theft. A forcible entry or unlawful entry in which no theft or felony occurs but acts of vandalism, malicious mischief, etc., are committed is not classified as a burglary provided investigation clearly established that the unlawful entry was for a purpose other than to commit a felony or theft. (For information about vandalism as a Part II offense, see page 141.) *Of course, if the offender unlawfully entered the structure, a multiple offense exists and the agency must classify the offense as a burglary.* (Emphasis added.)

Because of the apparent contradiction, the FBI is asking law enforcement agencies to strike the last sentence, which is italicized above.

Issue # 5: Clarification Regarding the Definition of Forcible Rape in the Summary system and the NIBRS

It is well known that the NIBRS definition of Forcible Rape allows for the possibility of a male victim and a female offender, which is not permissible in the Summary system. However, there are additional, albeit subtle, differences in reporting forcible rape between the NIBRS and Summary system as well.

In the Summary system, forcible rape is defined as “The carnal knowledge of a female forcibly *and* against her will.” (Emphasis added) (*UCR Handbook* [2004], page 19.) In the NIBRS, forcible rape is defined as “The carnal knowledge of a person, forcibly *and/or* against that

person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity." (Emphasis added) (NIBRS Volume 1: *Data Collection Guidelines* [August 2000], page 33.)

The discrepancy exists with the *and/or* wording of the NIBRS definition. Literal interpretations of the definitions indicate that Summary agencies should ensure that *both* circumstances should be met before classifying an offense as a Forcible Rape and NIBRS agencies need only *one* circumstance to meet the classification. However, the national Program staff do not discern a substantive difference between the two definitions outside of gender; the change in language reflects a clarification of the intent of the collection of this offense rather than a modification. There is not a substantive difference between the Summary and NIBRS definitions on this particular point, i.e., in either system, the carnal knowledge is obtained forcibly *and/or* against the respective victim's will.

The FBI requests that all law enforcement agencies, whether the agencies submit data via the Summary system or the NIBRS, report forcible rapes as appropriate.