



# Wyoming IBRS The NIBRS Transition

## WYOMING NIBRS STATUS UPDATE

Happy Holidays!!! The State of Wyoming received their NIBRS Certification as a contributing state from the FBI on December 10, 2018. Currently we have one agency reporting. We anticipate more agencies will be certifying in the first quarter of 2019, depending on their respective vendors programming. Now that the certifications for both NIBRS and Summary Reporting have been received from the FBI, this will change how the Summary and NIBRS files are delivered to DCI. We will be sending instructions out as agency's come on board.

## TRAINING CORNER

Recent question – How should choking and/or strangulation be coded in NIBRS? As simple or aggravated assault?

Per the FBI training team – it depends. See below:

Choking/Strangulation is a troublesome one for agencies to report and is something that we get a lot of questions on. First, there does NOT have to be injuries related to a choking/strangulation in order for it to be called Aggravated Assault. Secondly, I would say that most often when you have choking/strangulation event that for UCR purposes it should be an aggravated assault. But, not always. Example: Person A gets in argument with Person B and puts his hands around Person B neck but released within a second or two. I really do not see that as aggravated assault unless there was injuries in the example. Now, let me change that example around just a little where I do see an aggravated assault. Same exact thing happens in the example but while doing the quick grab around the neck Person A says I am going to kill you. So, you have to at times look at the intent of the offender to cause serious injury and this is the case here. Almost always, you are going to be able to determine simple versus aggravated assault with injuries and weapons in the crime. But, there are times the intent must be looked at as well.

## NIBRS CORNER

Now that Wyoming has certified as a NIBRS contributor, we will cover how the process to contribute to the FBI works. The process is the same whether your agency is currently a NIBRS agency or a Summary Reporting agency.

In order to set up users in Crime Insight, we need each agency to email the name, title, phone number and email address so they can be added to the program. This should be done as soon as possible so agencies can begin submitting data. Upon receiving and adding the user to Crime Insight we will email the Quick Start Guide to Crime Insight that will explain how to log in and upload files.

Beginning January 1, 2019 report submission, the user agency will no longer be emailing their Summary workbook, NIBRS XML files or Domestic Violence reporting forms to DCI. Reports should be submitted to DCI between the 10<sup>th</sup> and 15<sup>th</sup> of the month following the reporting period. (Example; January 2019 reports should be uploaded between February 10<sup>th</sup> and 15<sup>th</sup>, etc.) The user will be responsible for uploading their files into our “Crime Insight” program. Once uploaded, any programming errors that are noted will need to be corrected and then the corrected file will need to be uploaded again. Once the file upload is complete with no programming errors noted, that file is then sent to the FBI for processing by DCI. The FBI then returns the EDS/WDS, which is an errors and warnings report. These EDS/WDS reports will be uploaded to Crime Insight and we will notify the user agency of the EDS/WDS report. The user agency will have 10 days from notification to correct those errors.

It is important to note that errors that were corrected in the same month as the submission and resubmitted to the FBI in the same month, will change the error score. If the error is not corrected until after the month of submission, the error score will remain unchanged from the original submission. In order to improve an error score it is imperative that the user agency corrects errors in a timely fashion. For NIBRS agencies to remain certified, they must not have an error rate greater than 4% for three consecutive months.

The QUICK START guide is posted on the DCI webpage at the following link:

<https://docs.google.com/a/wyo.gov/viewer?a=v&pid=sites&srcid=d3lvLmdvdxkY2ktLS1wdWJsaWN8Z3g6N2U4YzUzYWJhNDYzMTBkNw>

VerDeanne will be sending a procedure out to all reporting agencies on how to generate the Summary and Domestic Violence flat files that will be uploaded to Crime Insight.

## **New NIBRS collections to begin in 2019**

Beginning on January 1, 2019, the FBI’s UCR Program will begin collecting several new offenses in NIBRS. These changes will not affect agencies that currently submit data to the national UCR Program using SRS.

The new/revised offenses include:

- Fraud offenses of identity theft and hacking/computer invasion as part of cargo theft.
- Domestic and family violence.
- Driving under the influence, distracted driving, and reckless driving traffic fatality incidents as negligent manslaughter.

### **Identity theft and hacking/computer invasion**

The national UCR Program staff began collecting identity theft and hacking/computer invasion offenses in 2016; however, these offenses were not included in the list of offenses that could occur in conjunction with cargo theft.

Identity theft (offense code 26F) is defined as “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).” Hacking/computer invasion (offense code 26G) is defined as “Wrongfully gaining access to another person’s or institution’s computer software, hardware, or networks without authorized permissions or security clearances.”

Currently, according to page 26 of the *2019.1 National Incident-Based Reporting System (NIBRS) Technical Specification*, dated July 31, 2018, cargo theft-related offenses include:

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  
510 = Bribery  
270 = Embezzlement

Beginning January 1, 2019, the UCR Program will collect 26F = Identity Theft and 26G = Hacking/Computer Invasion for cargo theft incidents.

### **Domestic and family violence data**

The national UCR Program was slated to begin collecting domestic and family violence data in NIBRS as of January 1, 2018. However, to give states and agencies a full 12 months to make program technical changes to their NIBRS, the UCR Program has delayed the start of the data collection to January 1, 2019.

In December 2016, the CJIS Advisory Policy Board (APB) approved the definition of domestic and family violence as:

“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.”

### **Driving under the influence, distracted driving, and reckless driving traffic fatality incidents as negligent manslaughter**

Currently, on pages 32 and 33 of the *2019.1 National Incident-Based Reporting System User Manual*, dated July 31, 2018, the definition of negligent manslaughter (offense code 09B) is “The killing of another person through negligence.”

The *2019.1 National Incident-Based Reporting System User Manual* also states, “This offense includes killings resulting from hunting accidents, gun cleaning, children playing with guns, etc. It does not include deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and accidental traffic fatalities.

**Note:** This offense does not include Vehicular Manslaughter, which agencies should report as Murder and Non-negligent Manslaughter if not accidental or All Other Offenses if accidental.”

However, beginning January 1, 2019, the clarifying statement will be modified to “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 cell/smartphone), and reckless driving traffic fatalities.

As a result, in Data Element 8 (Offender Suspected of Using), data value C will be modified from C = Computer Equipment to C = Computer Equipment (handheld devices). In addition, Data Element 13 (Type Weapon/Force Involved) will change from 35 = Motor Vehicle to 35 = Motor Vehicle/Vessel.

*The 2019.1 National Incident-Based Reporting System User Manual and the 2019.1 National Incident-Based Reporting System (NIBRS) Technical Specification* have been updated to reflect these changes.

**We at DCI hope that everyone has a safe and joyful holiday season. Bring on 2019!**