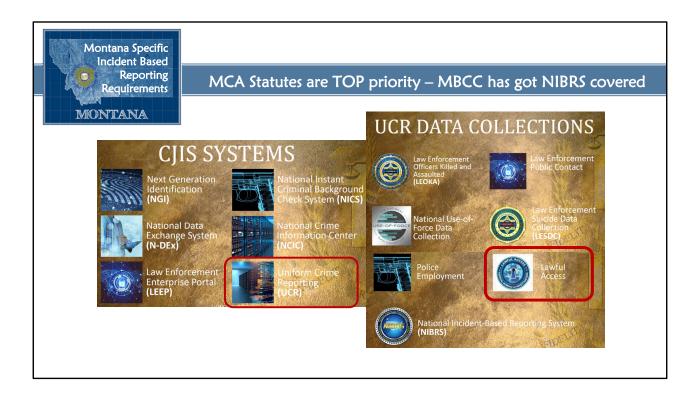


Follow-up to the Western Regional NIBRS Training With The FBI/Connectivity April 11-13, 2023



KW: MBCC collects all 7 UCR data sets

- LEOKA –
- Use of Force includes public contacts
 - Collected via our UoF portal requires monthly zero submissions which means consistent maintenance of LEEP if self reporting. Easier if we do those for agencies.
 - public contact is part of the UoF data collection to establish a baseline for Use of Force incidents.
- Law Enforcement employee survey done every November 2021 saw 100% participation no going back!
- NIBRS since 2004
- Suicide data collection take a look at the just the facts training on this data set
- Lawful Access upcoming data collection



When will MTIBRS differ from Crime Data Explorer?



- CDE will not include data submitted after the FBI cutoff
- CDE groups lesser included and mutually exclusive offenses -MTIBRS does not
- MTIBRS includes all information for Group B offenses such as DUI

KW

- Montana will work with agencies and vendors to submit annual NIBRS data within the
 FBI deadline. If there are difficulties that result in the agency data not being published
 by the FBI, it will be published in MTIBRS and on our dashboards as soon as it is
 available. This includes incidents that were corrected after the cutoff as well. We are
 going back sometimes three years to collect incidents that were not submitted primarily
 due to RMS programming issues.
- The FBI per NIBRS requirements group lesser included (Aggravated Assault with a
 Weapon and Partner Family Member assault by Intimidation) into one offense of
 Aggravated Assault. In Montana we collect all offenses reported. This is particularly
 important for PFMAs. Often there are other offenses charged with PFMAs
 (strangulation, assault with a weapon, intimidation, etc.) that get rolled up into either
 aggravated, simple or intimidation assaults and we lose the distinctions at the state level
 if we use the NIBRS rules.
- Montana also collects all information for Group B offenses such as DUI and disorderly conduct. On average, 30% of offenses were group b offenses. Obtaining all information for these offenses can help us to better identify trends across the state for these 25,000+ offenses 12% of which are DUIs.



Montana has collected NIBRS since 2004 - MTIBRS 2.0

After almost 20 years of collecting NIBRS data, Montana will improve NIBRS collection with the new XML file format version; particularly for drug data

NIBRS BENEFITS (3)

Identify drug/alcohol/computer involvement with crime.

- Suspected of using now entered by person
- Suspected drug involvement for incidents
- Ability to enter drug types for any crime as well as the above fields
- Expanded electronic device types

KW - 20 years of collecting NIBRS data has given us the opportunity to look for data disconnects. Drug data is one area where our data does not reflect what is occurring in your communities. We have made the following changes to improve the volume and quality of data we are able to receive.

- Suspected of using has been moved to where you enter data for persons. When
 submitting incidents with multiple offenses, sometimes the other offenses were
 not checked with suspected drug involvement. You can now enter suspected of
 using for at a minimum offender, arrestee and victim. Depending on your RMS,
 some can enter for others such as a witness. All offenses associated with that
 person will be submitted to the FBI for the offenders only.
- Some incidents there is suspected drug involvement burglary at a known METH house. This would not show up in the FBI data as there is no offender so we cannot assume they were using during the commission of the crime HOWEVER noting the drug involvement could be useful data to associate non-drug related crimes such as burglary, robbery, etc.

Jess:

 Records management systems often locked down reporting of drugs to only drug crimes. Using the suspected of using and suspected drug involvement, you can get select high level drug types so that you are able to identify suspected METH

- vs Opioid involvement for any incident or person. This data does not go to the FBI but will assist Montana law enforcement in better determining drug involvement in all Montana crimes as well as the type of drugs suspected.
- Montana has collected suspected use of a computer during the commission of the
 offense for years. For the XML upgrades tablet and cell phone options were
 added. We are seeing a huge increase in tampering with a communication device
 and fraud committed via phones.



New Updated Fields in XML

Additional XML file format version updates for NIBRS 2.0

NIBRS BENEFITS (4) Greater focus and ID of victim groups. Assists in establishing Modus Operandi records. Easy identification of weapons in crime.

- Hate crimes and cargo thefts will be collected differently in XML
- Montana will also add fields to be able to collect victim information for crimes against:
 - Educators
 - healthcare workers
 - or legal representatives
- The full menu of weapons will be available for both offender and arrestee

Jess - NEW XML STUFF -

While it used to be much more, in the past few years, over 50 hate crimes get submitted to MBCC. Of the exactly 50 hate crimes that were originally reported last year, only 23 were confirmed as actual hate crimes. I say only, as it is clearly, one too many.

Cargo theft and hate crimes will now be marked to be submitted to MBCC along with a narrative. Before the incident is submitted to the FBI, MBCC will read the narrative and determine if it meets the FBI criteria. If it does, MBCC staff will work with the agencies and FBI to ensure the correct information is reported before submitting the incident to the FBI. All incidents submitted to the FBI in XML format can be considered verified.

- MBCC gets numerous requests each year for data related to drug related assaults on healthcare workers such as EMTs, pharmacy personnel, doctor office staff, etc. With the recent focus on elder abuse, there is also an interest in provided information on offender who were healthcare aides or nursing care workers, and or for exploitation were they a legal representative. Bullying has also raised the question about what types of crimes are being committed on or by educators.
 - We have added the ability for law enforcement to note these types of involvement but also have added additional locations to better identify where these incidents are occurring. These new location types are noted later in this presentation.

- The FBI allows for 24 different weapon types to be entered for offenses where force is used. For an arrestee, that list was limited to firearms, cutting instruments or blunt objects. Montana will allow all weapon types to be reported for arrestees but will only send those three categories to the FBI.
- DO NOT CHOOSE 99 unknown for BIAS. We are having to clean up 5800 of these.



How do I know what to report to NIBRS/MTIBRS?



- The Montana bond book schedule identifies those MCA statutes that are NIBRS/MTIBRS reportable https://mbcc.mt.gov/Data/MTIBRS/MTIBRS-Standards
- Traffic stops other than DUI are not reportable
- DUI citations (even cite and release) are reportable
 - Make sure you know your RMS process for submitting these offenses

GROUP B OFFENSES WHEN TO REPORT? Only reported to NIBRS if an arrest was made. Includes summons served and citations issued.

KW

- The bond book schedule is typically published in January of every even year after a legislative session. Vendors will update the statute tables for all their customers for ease and consistency. The last four columns of this table show the NIBRS codes. If you click on the link above, the excel table is the 3rd bullet down - <u>CURRENT MCA-Bond Book</u> Crosswalk to NIBRS codes
- NIBRS is not duplicative or unnecessary...
- Citations cite and release count



Do I report misdemeanors?

PROSECUTION AND SEVERITY

The prosecution policies in a jurisdiction should not influence classification or reporting of LE offense data.

Reporting agencies should examine and classify the assaults in their respective jurisdictions according to the standard UCR definitions, regardless of whether the offenses are termed misdemeanors or felonies by local definitions.

- MBCC has taken care of this for you. The Montana bond book schedule identifies those MCA statutes that are NIBRS/MTIBRS reportable
- The bond book schedule updates will be provided to your RMS vendor who will update their customers.
- DO NOT make these updates locally (except for local statutes)

KW - the newest version is now on the website address given on the previous slide. The theft statute language more mirrors with law with the NIBRS categories added. It's best to know the subsection you are looking for, then you can choose from the NIBRS codes appropriate for that MCA and subsection if a modifier is needed.

Additional codes to be added not in the bond schedule

61-8-316 Fleeing

46-6-212 revocation of bail

45-6-301(7)(3) MVT over \$5000

45-2-302 accountability

45-4-101 solicitation

45-4-102 conspiracy

45-4-103 attempt

Currently NIBRS coded – remove from NIBRS

75-10-212 littering

46-6-210 Extra jurisdictional warrant

• Check the NIBRS statutes with Modifiers. The wording has been changed to help identify which subsection to use.



Attempted Homicide



- The FBI collects attempted homicides as aggravated assaults
- Montana has an attempted statute. For the following statutes you would send them to MTIBRS with the attempted box checked.
 MBCC will send an Aggravated Assault to the FBI
 - 45-5-102 Homicide, deliberate
 - 45-5-103 Homicide, mitigated deliberate
 - 45-5-104 Homicide, negligent
 - 45-5-106 Vehicular homicide while under the influence

Jess - Notes: 45-4-103. Attempt. (3) A person convicted of the offense of attempt shall be punished not to exceed the maximum provided for the offense attempted.

A person convicted of the offense of attempt shall be punished not to exceed the maximum provided for the offense attempted.

Homicide max by life imprisonment, or by imprisonment in the state prison for a term of not less than 10 years or more than 100 years, Agg Assault - (2)

A person convicted of aggravated assault shall be imprisoned in the state prison for a term not to exceed 20 years and may be fined not more than \$50,000, except as provided in $\frac{46-18-219}{46-18-222}$ and $\frac{46-18-222}{46-18-222}$.

46-18-219. Life sentence without possibility of release, MCA

****The important thing to take away from this is if its an attempt relating to any of these Montana statutes you should report the appropriate MCA with the attempted box checked or completed box UNCHECKED and we will do the final submission to the FBI as an AGG Assault per their guidelines.****



Jess - Because property is tied to the incident and not the offense, there is no way to determine which offenses result in the greatest loss of property when there are numerous theft offenses occurring for incidents. This table pulled all incidents involving a theft where there was only one offense reported. This gives a look at loss by specific offenses.

VICTIM information can now be collected for property crimes and society crimes too. This change to better identify victim data for domestic violence crimes – remember the old DV indicator checkbox? This is no longer needed due to these changes.

It is interesting to note numbers are highlighted in red

- The highest loss per offense/incident is for unlawful use of a computer yet there were only 8 offenses in 2021.
- Theft all other leads the individual offenses incidents with 6,645 and almost \$15 million in loss. Over \$2000 in loss per incident and yet we really can't tell because of this category what the makeup is of these crimes.
- The highest loss is MVT with an average loss of \$7,588 per crime.
- Stress to officers to obtain property value versus just the typical \$1 amount for unknown values



Jess

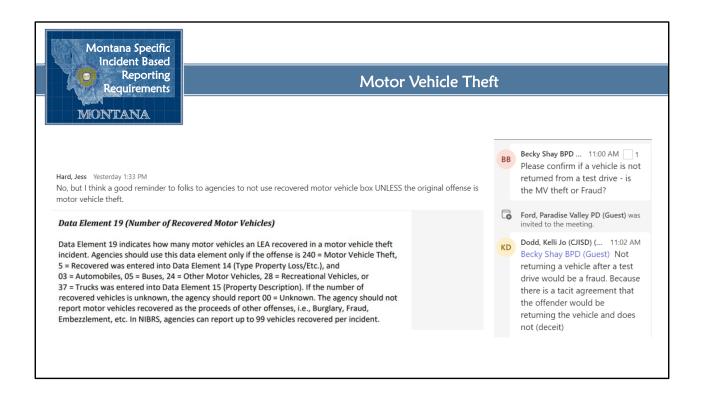
Whenever there is a conflict with an MCA statute and NIBRS – MCA wins for officers. We can get the FBI the data they require by extracting from good data.

Our theft statute, as well as unauthorized use, include boat whereas the FBI does not include boats in their motor vehicle definition for theft offenses. Remember the mapping is there so you don't have to think about how it relates to a NIBRS reportable offense. Don't worry – we'll take of all this on the backend so you don't have to worry

Hoverboards -

https://leg.mt.gov/bills/mca/title_0610/chapter_0010/part_0010/section_0010/06 10-0010-0010-

0010.html#:~:text=(43)%20(a)%20%22,prescribed%20in%20chapter%209%3B%20or MCA definitions for MV



Jess

Motor Vehicle theft topics –

Per recovered vehicle: Let's say a vehicle is reported stolen in Idaho and the vehicle is later recovered in Montana. The vehicle was stolen in Idaho, therefore the Montana agency would NOT recover the vehicle — only the Idaho agency would recover the vehicle within their RMS. If the vehicle was abandoned and the Montana agency utilized subsection 3 under Montana's Theft, which is Possession of Stolen Property, the Montana agency would need to list the property loss as "none" but also adding the car as evidence within their RMS, or whatever way they conduct inventory in house. However, let's say the Montana agency arrested someone while in possession of the stolen vehicle and charge them for Possession of Stolen Property — then yes, the Montana agency could clear their own charges and take credit for the arrest. But they still would NOT recover that stolen vehicle, as the original crime occurred elsewhere. Confused?

Gregory S. Swanson - FBI Training Instructor

Criminal Justice Information Services Division

A great question that came from our Becky over at Billings – if someone test drives a vehicle and fails to return it, is it MV Theft or Fraud – Per the FBI, this considered Fraud!

Hoverboards -

https://leg.mt.gov/bills/mca/title_0610/chapter_0010/part_0010/section_0010/061 0-0010-0010-

0010.html#:~:text=(43)%20(a)%20%22,prescribed%20in%20chapter%209%3B%20or MCA definitions for MV



Document the case... MBCC will filter for the FBI

CRIMES AGAINST SOCIETY VICTIM NOTE

Include crimes that involve the detriment to a community of society.

Victim will always be listed as society—cannot add victim of individual.

- Most RMSs have programmed systems to not allow a victim for crimes against society
- For trespassing, disorderly conduct or endangerment the welfare of a child, violation of a protective order, destroying or tampering with a communication device are incidents that may have an individual or business victim. TELL THE STORY....
- The MTIBRS repository will receive all victims entered but will only send society for these crimes

Kathy

- This only pertains to users under XML
- Flat file NIBRS submitters were often blocked from being able to add victim information for society crimes. These types of NIBRS validations are frustrating if there is an obvious victim for the offense.



Drugs aren't just for drug offenses anymore...

35A-B DRUG/ NARCOTIC OFFENSES

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.

35A Drug/Narcotic Violations

35B Drug Equipment Violations

- Drugs can be entered for ANY offense using either...
 - Suspected drug involvement
 - · Or suspected of using drugs
- Suspected of using drugs, alcohol or a computer during the commission of the crime is now collected on the person.
- Minimally offenders, arrestees and victims can be associated with suspected drug/alcohol use.
- Some RMSs will allow any person to be noted with suspected drug/alcohol use

Jess- Repeat of slide 3 - This means that if you have a PFMA and both the victim and offender are under the influence of something, you can now indicate that. Unfortunately, such a high percentage of our calls involve drugs and/or alcohol and now, we'll now be able to collect this information.



Resisting Arrest joining Disorderly Conduct

90C DISORDERLY CONDUCT

Any behavior that tends to disturb the public peace or decorum, scandalize the community, or shock the public sense of morality.

- Montana has typically classified/mapped resisting arrest as a simple assault, even when there is no or minor injuries
- 45-7-301 Resisting Arrest will be default to a 90C Crime Against Society after moving to XML

Jess -

- This has been covered in the past by the FBI that if there was ANY physical involvement, assault offenses should be selected — I think this is a given, but often this is circumstantial
- Under the flat file system, Resisting Arrest was a Crimes against Person, mapped to a simple assault. However, in XML, it will now be a Crimes against Society meaning, adding any officer information is agency discretion.



Optional? Sort of....

OPTIONAL ENTRIES

The lack of a data value will not cause the report to be rejected.

There are 5 optional Data Elements
Ethnicity of: Victim/Offender/Arrestee
Resident Status of: Victim/Arrestee

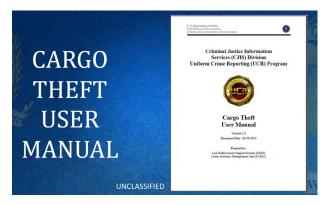
- Ethnicity is a required field in Montana for Victim, Offender and Arrestee
- Resident Status yes/no fields have been removed.
 - Resident status will now be determined by zip code at the state level.
 - NO DATA ENTRY REQUIRED

KW – transients/homeless who reside within jurisdiction should use a local zip code. If the transient is not local, use 99999

Zip codes are now required.



Cargo Theft – turning the page with XML



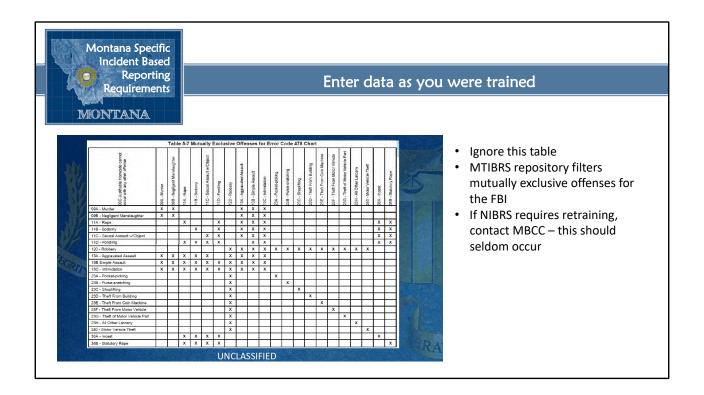
- In XML Cargo Theft will default to NO
- If you select "yes" a narrative will be sent to MBCC and the incident will be held in MTIBRS until validated
- After reviewing the narrative, MBCC will consult with the agency and FBI if needed
- If a valid Cargo Theft, the incident will be sent to the FBI
- If not, the agency will be asked to deselect no on Cargo Theft and resubmit

- Jess
- How many of you have read and committed to memory the 67 pages of this cargo theft manual?
- Montana averages one cargo theft every other year out of the 80,000 offenses submitted annually
- In 2022, 31 incidents were reported as Cargo Thefts all but three were errors. So yes, we actually had 3 confirmed cargo thefts in 2022. These were incidents where goods, like beer, were taken off the distribution truck prior to being released to the store, so we're looking at less than \$20



Kathy - The FBI per NIBRS requirements group lesser included (Aggravated Assault with a Weapon and Partner Family Member assault by Intimidation) into one offense of Aggravated Assault. In Montana we collect all offenses reported. In 2021, Montana submitted 3,465 Aggravated Assaults to the FBI. MTIBRS shows a total of 3,712 Aggravated Assaults for 2021 when you add in all statutes that map to the FBI aggravated statute. 208 incidents have 2 AAs, 18 had 3 AA offenses and one reported 4 AAs. This is just one example of lesser included and mutually exclusive and the primary reason the Montana dashboards do not match the FBI CDE data. **Both are still accurate** but are used for entirely different purposes.

The thinking can be related to how court's view charges with the most serious being listed first and then the lesser charges appearing after. The FBI only wants the most serious offense to be reported but we want all of them regardless. So don't limit your offenses in your incidents because we can filter them!



IGNORE! This chart outlines the mutually exclusive offenses but at the state level we filter these, so the FBI receives the required incident/offense. Again, just remember to enter all data about the incident and we will take care of the rest!



Drugs Drugs Drugs

- **OF USING** Allowed Entries: A = Alcohol C = Computer Equipment (Handheld Devices) D = Drugs / Narcotics N = Not Applicable
- Per slide 15, suspected of using will be collected on the person segment for offender, victim and arrestee
- Some vendors will allow it for any person
- You can select up to 9 broad categories of drug types
- And 3 types of electronic devices
- This is different than drug involvement

KW - Redundancy – redundancy- redundancy!



MCA Statutes are TOP priority – MBCC has got NIBRS covered.

Montana Specific Location Types added for XML:

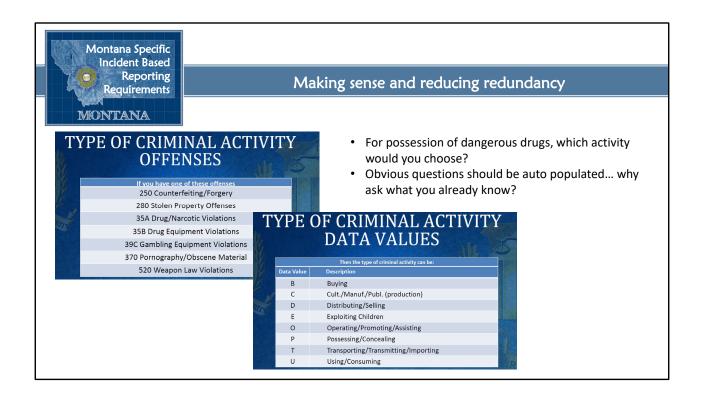
LOCATION TYPE

Enter only one location for each offense.

Use the location where the offense was initiated and best describes the circumstances of the crime.

- · Pre-release facility
- Residence: Assisted Living/Nursing Home
- · Residence: Apartment/Condominium
- Religious Facility
- School-college/university
- School-alternative
- School-grade
- School-high
- School-middle
- School-pre-school
- Drug Store
- Emergency services mobile (EMT)
- Hospital
- · Pharmacy/Drug Store
- · Gym/Health Club
- Marijuana sales/home
- Marijuana dispensary

Kathy - With the addition of victim/offender types of healthcare workers, educators and legal representatives it was appropriate to also expand incident location types to coincide with those new person data elements. This will assist in the future with tracking where these types of incidents are more likely to occur.

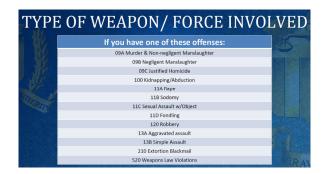


KW

- Vendors were required Per the XML IEPD to default criminal activity for the statutes listed in this slide
- You are still able to enter up to 3 total circumstances if more are appropriate
- You may also remove the default if appropriate, however it is unlikely you will need to.



One weapons list...



- Ever wonder why the list of weapons for offenders is different than the list for arrestees? Us too.
- The FBI only collects the following for arrestees
 - Firearms
 - Cutting instruments
 - Blunt objects
- The list for offender and arrestee weapons is now the same in your systems in XML – the MTIBRS repository will only send the above weapon types for arrestees

Kw



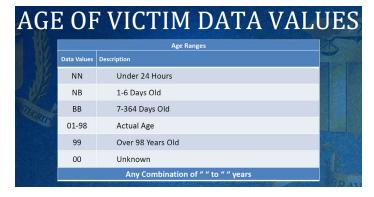
Lucky number 7 additional drug types added

- E3 Marijuana-Plants E
- E2 Marijuana-Flower E
- F2 Morphine F
- H4 Other Narcotics H
- H3 Prescription Opioids (Oxycotin, oxycodone, suboxone, hydrocodone, codeine) H
- H2 Prescription Benzodiazepines (Anti-Anxiety-Xanax, Clonazepam, Klonipin) H
- K6 Z Other Hallucinogens K
- K5 Synthetic Hallucinogens (DMT, STP, GHB, etc)
- K4 Synthetic Cannabinoids (Spice, Mamba, K2) K
- K3 Psilocybin Mushrooms K
- K2 Mescaline or Peyote K
- M4 Z Other Stimulants M
- M3 Synthetic Cathinones (Bath Salts) M
- M2 Prescription Stimulants (Adderall, Ritalin) M
- P2 Prescription Tranquilizers (Diazepam, Valium, etc.)

Jess – Any time you use "other," (whether it be drugs, location, weapon, etc.) we do track them on the backend in case we need to add an additional drug type



Top age-related NIBRS errors



- Majority of age errors are often a result of simple typos or tab overs
- Remember when LEO is involved to include an age or select unknown
- Confirm victim/offender relationship so that age is sensical

Jess -

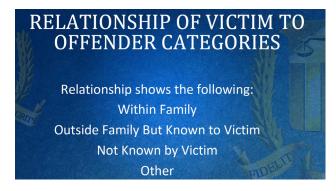
Majority of age errors are often a result of simple typos or tab overs – remember, fast is slow and slow is fast!

Remember when a LEO is involved in the incident to include the officer's age or select unknown – it cannot be left blank.

Also remember to confirm victim/offender relationship so that the age is sensical



Domestic Violence, Relationships and Offenses



- FBI expanded relationships to include ex-relationship types:
 - Victim Was Ex-Spouse
 - Victim Was Ex-Relationship (Ex-boyfriend/ex-girlfriend)
- Montana added Victim refused to identify suspect (family member assumed)
- DV Indicator removed

KW Our of 5,211 Partner family offenses in 2021, 354 (7%) show the victim to offender relationship as stranger, acquaintance, or unknown.

Jess – the previous dv indicator has been removed due to these changes – we at the state will be collecting all MT familial relationships for ALL offenses – if a federal definition is created, we can add that as a category to be submitted if different than the MT law. This is definitely something to pass onto your officers so that they can try to collect these relationships while on scene of an incident.



Victim Was Offender



Relationship is required unless the offender is unknown.

While a rare occurrence, dual arrests do occur.

Errors related to VO (Victim was Offender) are usually RMS specific, as some require you to add an individual twice, listing them separately as a victim then as an offender.

Jess

Relationship is required unless the offender is unknown.

While a rare occurrence, dual arrests do occur. Errors related to VO (Victim was Offender) are usually RMS specific, as some require you to add an individual twice, listing them separately as a victim then as an offender.

Like I mentioned before, remember to confirm the age so that the victim/offender relationship is sensical.

Primarily a CS issue



Citations for NIBRS Offenses – They COUNT!



REMINDER!

- NIBRS collects summoned/cited NIBRS offenses
- Particularly DUI
- Verify your RMS process for ensuring these incidents are being submitted

Jess - Remember this concerns many of those Group B offenses but for Montana, DUI's are especially important when reporting as they are stackable offenses. In our state and we recognize it is an ongoing problem... as we are usually in the top five statistically of having the most DUI's per capita

Each RMS is programmed differently to report these offenses, ensure you know your agency's process so it is reported and COUNTS!

We must account for our DUIs, even if it was just a cite and release – remember to complete the arrest form! When everyone goes XML, this will be mandatory as you must include offender & arrest information



Jess - This slide is simply here to emphasize that we at the state do not discriminate against any data — while the FBI may not take all data, we at the State do, so keep sending us what you've been sending us for the past 20 years! Better data means better tools to make you and your agency successful.



Questions that came up....

- If a shed, detached garage and house are burglarized, how many offenses are submitted? Can the hotel rule be used (not transient lodging)?
- Substantial definition for Montana EVERYTHING is collected!
- Not returning a vehicle after a test drive would be a fraud. Because there is a tacit agreement that the offender would be returning the vehicle and does not (deceit). Pretty sure if in New World we list a robbery with a vehicle as the property we will get an error wanting MV theft.
- How does Montana feel about adding trespass when the offense is theft of belongings from a MV?
- Wire Fraud: at the end of this PowerPoint, I've attached an email string from the FBI trainers. We are scheduling a call to clarify the advice. Those notes will be added when completed.

Questions that came up during last year's training -



Questions? Comments? Give us a shout

Montana Board of Crime Control

Statistical Analysis Center Staff

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Kathy Wilkins

Statistical Analysis Center Director Office: 406-444-4298 | Email: <u>kwilkins@mt.gov</u>

Jess Hard

Data Integrity AnalystOffice: 406-444-2084 | Email: <u>jess.hard@mt.gov</u>

Wilkins, Kathy

To: sthompson@ci.missoula.mt.us

Cc: Hard, Jess
Subject: FW: Wire Fraud

Starla – below is the correspondence we have had with the FBI regarding wire fraud. I don't believe we have our questions answered and were going to circle back with them to nail one down. It would help to have you and Jen in on that conversation. I'll have Jess set up a meeting with Kelly in the next week or two. Thanks for your question! With FBI year end, this got lost in the shuffle.

I've also posted this email string along with the PowerPoint slides for yesterday's zoom.



Kathy Wilkins
Statistical Analysis Center Director
Montana Board of Crime Control
Office: 406-444-4298 | Email: kwilkins@mt.gov

From: Kelli Dodd <KJDODD@fbi.gov>

Sent: Wednesday, November 23, 2022 11:00 AM

To: Wilkins, Kathy <000010214dee1556-dmarc-request@LISTSERV.leo.gov>; UCRtrainers@leo.gov

Cc: Hard, Jess <Jess.Hard@mt.gov>; Martin, Megan <megamartin@mt.gov>

Subject: [EXTERNAL] RE: Cyberspace

Kathy,

Since 26A is essentially the catch all for frauds, we would want the most specific fraud category being reported. Is it possible to allow other frauds be manually selected for these statutes (i.e. if the false/deceptive message in furtherance of a fraudulent activity was over an electronic communications facility – be able to select 26E Wire Fraud instead of a 26A)? All of the fraud offenses allow a location code of Cyberspace.

Glancing through the statutes below, it looks like the majority of them have the potential to be a wire fraud (depending on the circumstances) and some could be Identity Theft (both of which are more specific than 26A Fraud).

If for some reason, you are unable to add the options of additional frauds for the statutes below, a workaround could be to utilize the cyberspace location as mentioned and also to use the Offender is Suspected of Using C=Computer for the wire fraud example you provided; however, just keep in mind that this is not the recommendation since the NIBRS manual states to report the most specific fraud.

Please let me know if you have any other questions or we can help in any way.

Kind regards,
Kelli Dodd
Training Instructor
FBI | CJIS Division | CJIS Audit Unit
304-625-8166 (desk) | 304-844-2989 (mobile)

The UCR training team provides support regarding the FBI Criminal Justice Information Services Division's *Uniform Crime Reporting Program's application of UCR policies. The support is limited to only the sharing of* information regarding how the UCR trainers would view a set of facts if applying UCR policies. The information provided in this training session is not and should not be used as a substitute for your own analysis, judgment, or conclusions. It is recommended that you consult your State UCR program regarding application of UCR policies specific to your state. Any variance in the substance of the information you are provided, either by adding, modifying, or omitting any detail, may change the accuracy of this response as it applies to your request.

From: owner-ucrtrainers@listserv.leo.gov <owner-ucrtrainers@listserv.leo.gov > On Behalf Of Wilkins, Kathy

Sent: Wednesday, November 23, 2022 9:10 AM

To: Dodd, Kelli Jo (CJISD) (FBI) < KJDODD@fbi.gov; UCRtrainers@leo.gov Cc: Hard, Jess <Jess.Hard@mt.gov>; Martin, Megan <megamartin@mt.gov>

Subject: [EXTERNAL EMAIL] - Re: [UCRTRAINERS] Cyberspace

Kelli – thanks for your (as always) speedy response. Crud – we don't really have a law that is mapped to Wire Fraud. We mapped our Money Laundering offense (see below) to a 26A, not 26E. 26A will allow for cyberspace but is that accurately capturing the offense?

I've included all of our statutes mapped to 26A-G. They are in the table below. I can provide the full description if needed. We may have FUBARed the mapping for these codes.

Could this be more confusing?



Money Laundering

45-6-341. Money laundering. (1) A person commits the offense of money laundering if the person knowingly:

- (a) receives or acquires the proceeds of, or engages in transactions involving proceeds of, any activity that is unlawful under the laws of the United States or the state in which the activity occurred;
- (b) gives, sells, transfers, trades, invests, conceals, transports, or otherwise makes available anything of value that the person knows is intended to be used for the purpose of committing or furthering the commission of any activity that is unlawful under the laws of the United States or the state in which the committing or furthering of the commission of the activity occurs;
- (c) directs, plans, organizes, initiates, finances, manages, supervises, or facilitates the transportation or transfer of proceeds that the person knows are derived from any activity that is unlawful under the laws of the United States or the state in which the activity occurred; or
- (d) conducts a financial transaction involving proceeds that the person knows are derived from any activity that is unlawful under the laws of the United States or the state in which the activity occurred when the transaction is designed in whole or in part to conceal or disguise the nature, location, source, ownership, or control of the proceeds or to avoid a transaction reporting requirement under federal law.
- (2) A person convicted of money laundering shall be fined an amount not to exceed \$1,500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. If the money laundering is part of a common scheme or if the value of the proceeds or item of value exceeds \$1,500, the person shall be fined not to exceed \$50,000 or be imprisoned in the state prison for a term not to exceed 20 years, or both.
- (3) (a) Upon conviction, the court shall order the following property possessed by a person convicted of money laundering to be forfeited:

- (i) money, including digital currency, and raw materials, products, equipment of any kind, and any other personal property involved in the money laundering;
- (ii) personal property constituting or derived from proceeds obtained directly or indirectly from the money laundering; and
- (iii) real property, including any right, title, and interest in any lot or tract of land and any appurtenances or improvements, that is directly used or intended to be used in any manner to commit or facilitate the commission of, or that is derived from or maintained by the proceeds resulting from, the money laundering.
- (b) The sheriff of the county where forfeited property is located shall sell the property at auction. The proceeds of the sale must be deposited in the state general fund.
- (4) For purposes of this section, "digital currency" means money represented by digital information that is stored, spent, and transferred electronically by a person as part of a financial transaction.

qry_FINALBondTableWithSurcharge					
UCR	MCA-NO SPACES	MCA or CFR Description			
26A	30-10-201	Acting As Broker/Dealer - Unregistered			
26A	30-10-202	Offering Or Selling Unregistered Securities			
26A	30-10-301	Fraudulent & Other Prohibited Practices (Sale Of Securities)			
26A	30-10-306	Violation Of The Securities Act Of Montana			
26A	30-10-325(2)	Operating Pyramid Promotional Scheme Unlawful			
26D	45-6-301(4)[1]	Theft - Obtains or Exerts Unauthorized Control Over Public Assistance - 1st Offense			
26D	45-6-301(4)[2]	Theft - Obtains or Exerts Unauthorized Control Over Public Assistance - 2nd Offense			
26D	45-6-301(4)[3]	Theft - Obtains or Exerts Unauthorized Control Over Public Assistance - 3rd Offense			
26D	45-6-301(5)[1]	Theft - Obtains or Exerts Control Over Work Comp Benefits - 1st Offense			
26D	45-6-301(5)[2]	Theft - Obtains or Exerts Control Over Work Comp Benefits - 2nd Offense			
26D	45-6-301(5)[3]	Theft - Obtains or Exerts Control Over Work Comp Benefits - 3rd Offense			
26D	45-6-301(4)[4][1st]	Theft - Obtains or Exerts Unauthorized Control Over Public Assist Exceed \$1500 Less Than \$5000 -1st			
26D	45-6- 301(4)[4][2nd]	Theft - Obtains or Exerts Unauthorized Control Over Public Assist Exceed \$1500 Less Than \$5000 -2nd			
26D	45-6- 301(4)[4][3rd]	Theft - Obtains or Exerts Unauthorized Control Over Public Assist Exceed \$1500 Less Than \$5000 -3rd			
26D	45-6-301(4)[5]	Theft - Obtains or Exerts Unauthorized Control Over Public Assistance Exceeding \$5000			
26D	45-6-301(5)[4][1st]	Theft - Obtains or Exerts Control Over Work Comp Benefits Exceeding \$1500 but Less Than \$5000 - 1st			
26D	45-6- 301(5)[4][2nd]	Theft - Obtains or Exerts Control Over Work Comp Benefits Exceeding \$1500 but Less Than \$5000 - 2nd			
26D	45-6- 301(5)[4][3rd]	Theft - Obtains or Exerts Control Over Work Comp Benefits Exceeding \$1500 but Less Than \$5000 - 3rd			
26D	45-6-301(5)[5]	Theft - Obtains or Exerts Control Over Work Comp Benefits Exceeding \$5000			
26D	45-6-301(4)[7]	Theft - Obtains/Exerts Unauthorized Control Over Public Assist Emergency Exit Less than \$1500 - 1st			
26D	45-6-301(4)[8]	Theft - Obtains/Exerts Unauthorized Control Over Public Assist Emergency Exit Less than \$1500 - 2nd			
26D	45-6-301(4)[9]	Theft - Obtains/Exerts Unauthorized Control Over Public Assist Emergency Exit Less than \$1500 - 3rd			
26D	45-6-301(5)[7]	Theft - Obtains or Exerts Control Over Work Comp Benefits Use of Emergency Exit Less than \$1500 -1st			

qry_FINALBondTableWithSurcharge				
UCR	MCA-NO SPACES	MCA or CFR Description		
26D	45-6-301(5)[8]	Theft - Obtains or Exerts Control Over Work Comp Benefits Use of Emergency Exit Less than \$1500 -2nd		
26D	45-6-301(5)[9]	Theft - Obtains or Exerts Control Over Work Comp Benefits Use of Emergency Exit Less than \$1500 -3rd		
26A	45-6-305(a)[1]	Theft Of Labor Or Services Or Use Of Property		
26A	45-6-305(a)[2]	Theft Of Communication Services With Intent To Defraud		
26A	45-6-307	Aiding Avoidance Of Telecommunication Charges		
26A	45-6-309[1]	Failure To Return Leased/Rented/ Personal Property - Value Not Exceeding \$1,500 In Value		
26A	45-6-309[2]	Failure to Return Leased/Rented/Personal Property - Value Exceeding \$1,500 In Value		
26A		Failure to Return Leased/Rented/Personal Property - Value exceeding \$1500 but less than \$5000 - 1st		
26A	45-6- 309[FEL][2nd]	Failure to Return Leased/Rented/Personal Property - Value exceeding \$1500 but less than \$5000 - 2nd		
26A		Failure to Return Leased/Rented/Personal Property - Value exceeding \$1500 but less than \$5000 - 3rd		
26A	45-6-309[FEL]	Failure to Return Leased/Rented/Personal Property - Value exceeding \$5000 or Part of Common Scheme		
26G	45-6-311[1]	Unlawful Use Of A Computer - Value Not Exceeding \$1,500 In Value		
26G	45-6-311[2]	Unlawful Use Of A Computer - Value Exceeding \$1,500 In Value		
26D	45-6-312[1]	Unauthorized Use Of Food Stamps - Value Not Exceeding \$1,500 In Value		
26D	45-6-312[2]	Unauthorized Use Of Food Stamps - Value Exceeding \$1,500 In Value		
26D	45-6-313(4)(a)[1st]	Medicaid Fraud - Value Not Exceeding \$1,500 In Value - 1st Offense		
26D	45-6- 313(4)(a)[2nd]	Medicaid Fraud - Value Not Exceeding \$1,500 In Value - 2nd Offense		
26D	45-6- 313(4)(a)[3rd]	Medicaid Fraud - Value Not Exceeding \$1,500 In Value - 3rd Offense		
26D	45-6-313(4)(b)	Medicaid Fraud - Value Exceeding \$1,500 In Value		
26A	45-6-315	Defrauding Creditors		
26B, 26A	45-6-317[1st]	Deceptive Practices Less Than \$1,500 - 1st Offense		
26B, 26A	45-6-317[2nd]	Deceptive Practices Less Than \$1,500 - 2nd Offense		
26B, 26A	45-6-317[3rd]	Deceptive Practices Less Than \$1,500 - 3rd or Subsequent Offense		
26B, 26A	45-6-317[FEL][1st]	Deceptive Practices \$1,500 - \$5,000 - 1st Offense		
26B, 26A	45-6- 317[FEL][2nd]	Deceptive Practices \$1,500 - \$5,000 - 2nd Offense		
26B, 26A	45-6-317[FEL][3rd]	Deceptive Practices \$1,500 - \$5,000 - 3rd Offense		
26B, 26A	45-6-317[FEL]	Deceptive Practices Over \$5,000 - All Offenses		
26A	45-6-318	Deceptive Business Practices		
26A	45-6-319	Chain Distributor Scheme		

qry_FINALBondTableWithSurcharge				
UCR	MCA-NO SPACES	MCA or CFR Description		
26A	45-6-319(4)	Chain Distributor Scheme - 2nd Offense		
26F	45-6-332[1st]	Identity Theft - No Economic Benefit Gained Or Attempted/Economic Benefit Of Less Than \$1,500 - 1st		
26F	45-6-332[2nd]	Identity Theft - No Economic Benefit Gained Or Attempted/Economic Benefit Of Less Than \$1,500 - 2nd		
26F	45-6-332[3rd]	Identity Theft - No Economic Benefit Gained Or Attempted/Economic Benefit Of Less Than \$1,500 - 3rd+		
26F	45-6-332[FEL][1st]	Identity Theft -No Economic Benefit Gained Or Attempted/Economic Benefit \$1,500 - \$5000 - 1st Offense		
26F	45-6- 332[FEL][2nd]	Identity Theft -No Economic Benefit Gained Or Attempted/Economic Benefit \$1,500 - \$5000 - 2nd Offense		
26F	45-6-332[FEL][3rd]	Identity Theft -No Economic Benefit Gained Or Attempted/Economic Benefit \$1,500 - \$5000 - 3rd Offense		
26F	45-6-332[FEL]	Identity Theft - No Economic Benefit Gained Or Attempted/Economic Benefit Over \$5000 - All Offenses		
26A	45-6-333	Elder Exploitation		
26A	45-6-341[1]	Money Laundering - Committing The Offense Involving A Value Less Than \$1,500		
26A	45-6-341[2]	Money Laundering - Committing The Offense Involving A Value More Than \$1,500		



Kathy Wilkins Statistical Analysis Center Director Montana Board of Crime Control Office: 406-444-4298 | Email: kwilkins@mt.gov

From: Kelli Dodd <KJDODD@fbi.gov>

Sent: Wednesday, November 23, 2022 6:48 AM

To: Wilkins, Kathy <000010214dee1556-dmarc-request@LISTSERV.leo.gov>; UCRtrainers@leo.gov

Cc: Hard, Jess < Jess. Hard@mt.gov >; Martin, Megan < megamartin@mt.gov >

Subject: [EXTERNAL] RE: Cyberspace

Good morning Kathy,

Since the theft was by using deceptive means through an electronic communications (the Facebook Messenger app/internet), we would recommend this be a 26E Wire Fraud. You may use cyberspace for the location.

Please let us know if you have any questions. I hope you have a safe and happy Thanksgiving!

Kind regards,
Kelli Dodd
Training Instructor
FBI | CJIS Division | CJIS Audit Unit
304-625-8166 (desk) | 304-844-2989 (mobile)

The UCR training team provides support regarding the FBI Criminal Justice Information Services Division's Uniform Crime Reporting Program's application of UCR policies. The support is limited to only the sharing of information regarding how the UCR trainers would view a set of facts if applying UCR policies. The information provided in this training session is not and should not be used as a substitute for your own analysis, judgment, or conclusions. It is recommended that you consult your State UCR program regarding application of UCR policies specific to your state. Any variance in the substance of the information you are provided, either by adding, modifying, or omitting any detail, may change the accuracy of this response as it applies to your request.

From: owner-ucrtrainers@listserv.leo.gov <owner-ucrtrainers@listserv.leo.gov > On Behalf Of Wilkins, Kathy

Sent: Wednesday, November 23, 2022 8:43 AM

To: UCRtrainers@leo.gov

Cc: Hard, Jess <Jess.Hard@mt.gov>; Martin, Megan <megamartin@mt.gov>

Subject: [EXTERNAL EMAIL] - Re: [UCRTRAINERS] Cyberspace

Forgot to include the decryption: It was through FB Msger some sports cards were sent to an individual and never paid for



Kathy Wilkins
Statistical Analysis Center Director
Montana Board of Crime Control
Office: 406-444-4298 | Email: kwilkins@mt.gov

From: Wilkins, Kathy

Sent: Wednesday, November 23, 2022 6:25 AM

To: UCRtrainers@leo.gov

Cc: Hard, Jess < Jess. Hard@mt.gov>; Martin, Megan < megamartin@mt.gov>

Subject: Cyberspace

Lord – it seems like these questions are tricky. We have a case where there was a theft using Facebook. Since theft offenses don't allow cyberspace as a location type, what location type do we use? Residence where the victim's computer/phone/tablet resides? It would be difficult to note if the theft actually occurred while they were at a Starbucks, shopping or at home. I know we can note suspected of using a computer during the commission of a crime, but the location is difficult.

FYI: MTIBRS specifications: https://mbcc.mt.gov/Data/MTIBRS/MTIBRS-Standards [usg02.safelinks.protection.office365.us] [usg02.safelinks.protection.office365.us]



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