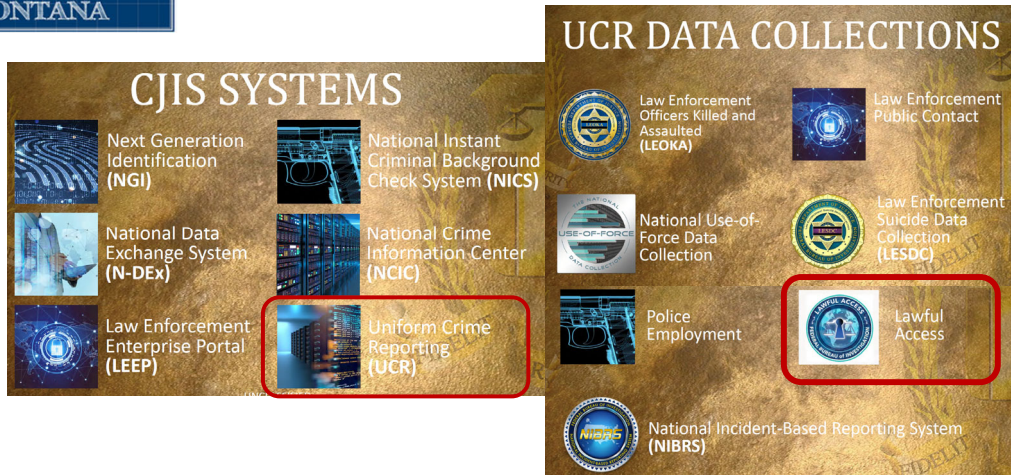




Follow-up to the Western Regional NIBRS Training With The FBI/Connectivity September 27-29, 2022



MCA Statutes are TOP priority – MBCC has got NIBRS covered



**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 PFMA's. Often there are other offenses charged with PFMA's (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. ***In 2021, 23% of offenses were group b offenses. Obtaining all information for these offenses can help us to better identify trends across the state for these 18,000+ offenses – 26% 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 – Jess** - 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.
- 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.





## 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. Only about 30% get validated as hate crimes that meet the FBI definition. 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.



## 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**

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 3<sup>rd</sup> bullet down - [CURRENT MCA-Bond Book 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)



## Attempted Homicide

**NOT INCLUDED IN 09A MURDER AND NONNEGLIGENT MANSLAUGHTER**

suicides      assaults to murder  
 traffic fatalities      attempts to murder  
 fetal deaths      accidental deaths

situations in which victims die of a heart attack as a result of a crime being committed against them

- 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

**Megan - 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.

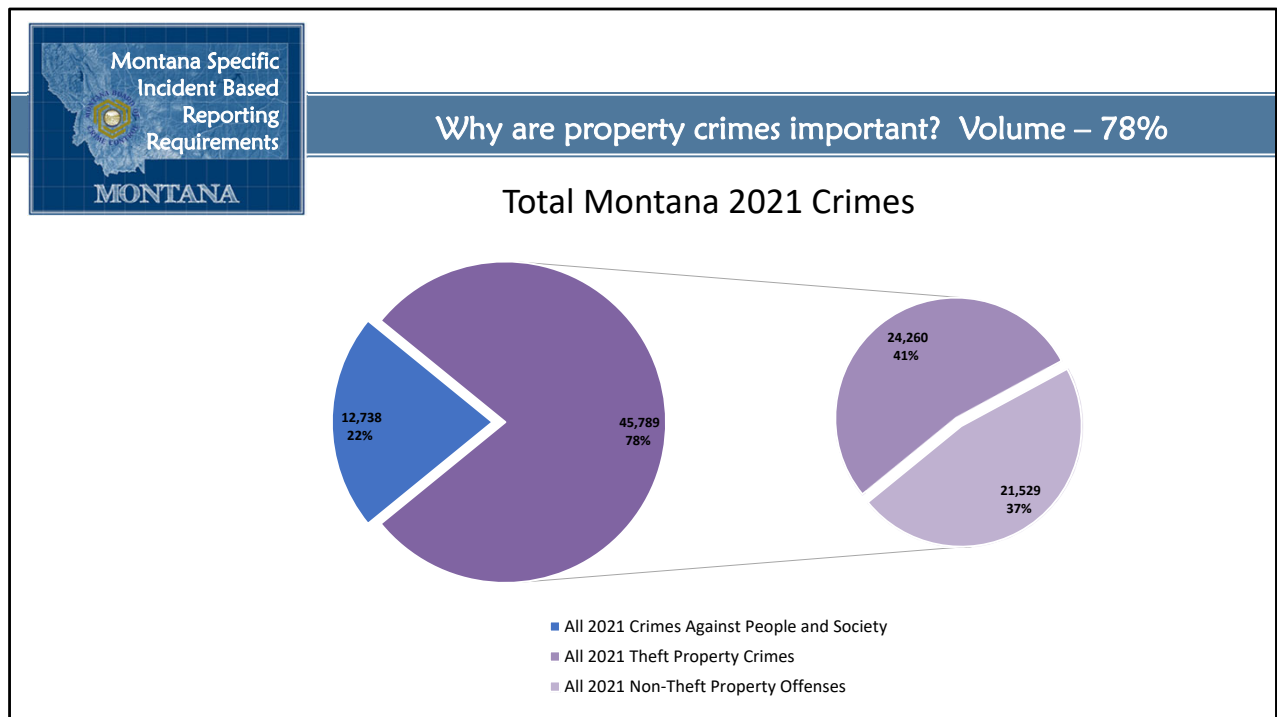
Megan - A person convicted of the offense of attempt shall be punished not to exceed the maximum provided for the offense attempted.

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 [46-18-219](#) and [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 and we will do the final submission to the FBI as an AGG Assault per their guidelines.\*\*\*\***



**Megan** - Property offenses account for 78% of all 2021 offenses. Historically, property offenses have run between 65 to 75% of all offenses. Of those NIBRS property crimes, theft accounts for 41% of all 2021 offenses. Our statute makes it difficult to determine which property crime offenses are the most prevalent.

Non-theft Montana property crimes such as burglary, vandalism, robbery,

**Megan** - Property offenses account for 78% of all 2021 offenses. Historically, property offenses have run between 65 to 75% of all offenses. Of those NIBRS property crimes, theft accounts for 41% of all 2021 offenses. Our statute makes it difficult to determine which property crime offenses are the most prevalent.

The FBI breaks down theft into 8 categories with a 9<sup>th</sup> being separate for motor vehicle theft and 23H encompassing “all other larceny.” Our statute MCA 45-6-301 is also rather all inclusive as each subsection defines a particular type of theft. As an agency you select theft as the chargeable offense but to report it to the FBI it then must be converted to one of their reportable offenses. The nice thing about this is that we have done the mapping for you, but this at least gives you an idea of why its difficult to determine the most prevalent theft crimes in the state **using only our statute**.

Non-theft Montana property crimes such as burglary, vandalism, robbery, make up 37% of property crimes.





## \$102,829,529 Stolen Property Loss for 2021




Incidents with ONLY One UCR Theft Offense (this allows us to see loss per type of theft)	Total 2021 Stolen Value	# Incidents	Per Incident Cost
26G - Unlawful use of a computer	\$109,370	8	<b>\$13,671</b>
270 - Embezzlement	\$807,463	71	\$11,373
240 - Motor Vehicle Theft	<b>\$17,900,228</b>	2,359	\$7,588
26C - Fraud - marijuana cardholder or provider	\$14,000	2	\$7,000
280 - Illegal handling of stolen property	\$903,603	133	\$6,794
26E - Wire fraud	\$69,064	12	\$5,755
26A - Fraud	\$3,907,786	768	\$5,088
200 - Arson	\$56,540	21	\$2,692
26F - Identity Theft	\$1,780,258	670	\$2,657
290 - Vandalism	\$3,958,910	1,500	\$2,639
23H - Theft All other	<b>\$14,603,837</b>	<b>6,645</b>	<b>\$2,198</b>
26B - Credit card fraud	\$533,350	261	\$2,043
26D - Welfare or Workers Comp fraud	\$9,218	5	\$1,844
250 - Counterfeiting	\$535,421	292	\$1,834
220 - Burglary	\$2,080,192	1,221	\$1,704
23D - Theft from buildings	\$779,429	786	\$992
23F - Theft of belongings from motor vehicles	\$1,531,800	1,587	\$965
23G - Theft of motor vehicles parts and accessories	\$691,529	1,017	\$680
210 - Extortion/Blackmail	\$1,576	4	\$394
23A - Pickpocket	\$3,983	12	\$332
23E - Theft from coin-operated machines	\$4,777	17	\$281
23C - Shoplifting	\$582,616	<b>3,380</b>	\$172
23B - Purse snatch	\$952	8	\$119

**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.



## MCA vs. NIBRS

### 23H ALL OTHER LARCENY EXAMPLES

Examples include:	
Theft from fenced enclosures	Illegal entry of a tent
Boats (Not Houseboats)	Tent trailers
Airplanes	Travel trailers used for recreational purposes

### 240 MOTOR VEHICLE THEFT NONEXAMPLES

The definition does not include:

Farm Equipment

Bulldozers

Airplanes

Construction Equipment

Boats

Montana Code Annotated 2021

TITLE 45. CRIMES  
CHAPTER 6. OFFENSES AGAINST PROPERTY  
Part 3. Theft and Related Offenses

### Unauthorized Use Of Motor Vehicles

45-6-308. **Unauthorized use of motor vehicles.** (1) A person commits the offense of unauthorized use of motor vehicles if the person knowingly operates the automobile, airplane, motorcycle, quadricycle, motorboat, or other motor-propelled vehicle of another without the other's consent.

- MCA WINS!**
- Where MCA differs from NIBRS, LE will default to MCA.
- MBCC will work with our MTIBRS repository to send the proper code to the FBI


**Megan – 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 includes the theft of a 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.

**Hoverboards -**

[https://leg.mt.gov/bills/mca/title\\_0610/chapter\\_0010/part\\_0010/section\\_0010/0610-0010-0010-0010.html#:~:text=\(43\)%20\(a\)%20%22,prescribed%20in%20chapter%209%3B%20or](https://leg.mt.gov/bills/mca/title_0610/chapter_0010/part_0010/section_0010/0610-0010-0010-0010.html#:~:text=(43)%20(a)%20%22,prescribed%20in%20chapter%209%3B%20or)  
MCA definitions for MV



## Motor Vehicle Theft

### Montana Code Annotated 2021

TITLE 45. CRIMES  
CHAPTER 6. OFFENSES AGAINST PROPERTY  
Part 3. Theft and Related Offenses

### Unauthorized Use Of Motor Vehicles

45-6-308. **Unauthorized use of motor vehicles.** (1) A person commits the offense of unauthorized use of motor vehicles if the person knowingly operates the automobile, airplane, motorcycle, quadricycle, motorboat, or other motor-propelled vehicle of another without the other's consent.

Hard, Jess Yesterday 1:33 PM  
No, but I think a good reminder to folks to agencies to not use recovered motor vehicle box UNLESS the original offense is motor vehicle theft.

**Data Element 19 (Number of Recovered Motor Vehicles)**

Data Element 19 indicates how many motor vehicles an LEA recovered in a motor vehicle theft incident. Agencies should use this data element only if the offense is 240 = Motor Vehicle Theft, 5 = Recovered was entered into Data Element 14 (Type Property Loss/Etc.), and 03 = Automobiles, 05 = Buses, 24 = Other Motor Vehicles, 28 = Recreational Vehicles, or 37 = Trucks was entered into Data Element 15 (Property Description). If the number of recovered vehicles is unknown, the agency should report 00 = Unknown. The agency should not report motor vehicles recovered as the proceeds of other offenses, i.e., Burglary, Fraud, Embezzlement, etc. In NIBRS, agencies can report up to 99 vehicles recovered per incident.

**BB** Becky Shay BPD ... 11:00 AM ☐ 1  
Please confirm if a vehicle is not returned from a test drive - is the MV theft or Fraud?

Ford, Paradise Valley PD (Guest) was invited to the meeting.

**KD** Dodd, Kelli Jo (CJISD) (... 11:02 AM  
**Becky Shay BPD (Guest)** 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)

- 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.
- And if Montana passes that separate statute where motor vehicle theft is an automatic felony...that opens up a new can of worms.

**Per recovered vehicle:** A motor vehicle theft occurred in Idaho. Idaho should've reported that motor vehicle theft. Car is recovered in Montana.

Conclusion-When Montana agency recovers the vehicle I'm assuming standard protocol is followed and notification by the Montana agency was made to Idaho agency to confirm the hit on the stolen vehicle. Once that notification is made and confirmed it is the stolen vehicle the Idaho agency is the **ONLY** agency that should be showing the 5= Recovered vehicle. The Montana agency has an offense in their jurisdiction called stolen property. They can report that stolen property offense which would be the vehicle using a type Property loss as 1=None. Why is it a type property loss of 1=None because the recovery again goes back to the Idaho agency who's vehicle was reported stolen by them. Now, I will say the Montana agency again has a Stolen Property Offense in their jurisdiction and they can show the arrest if an arrest was made and clear that incident. You absolutely should not be reporting a recovery a property that was not originally stolen from your jurisdiction.

Lastly, I did not address the other property that apparently was in the vehicle because I'm not sure if there is a theft report of that property from another jurisdiction such as the Idaho agency. Because my response would be the same as above that the agency who reported that stolen property is the only one that should show the recovery of that property.

Gregory S. Swanson - FBI Training Instructor  
Criminal Justice Information Services Division



## 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 criminal endangerment incidents there may be a victim. **TELL THE STORY....**
- The MTIBRS repository will receive all victims entered but will only send society for these crimes

Jess



## 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 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 – KW:

If there are injuries, use simple assault not resisting arrest.

- [REDACTED]
- [REDACTED] that if there was ANY physical involvement, assault offenses should be selected -



## Optional? Sort of....

### OPTIONAL ENTRIES

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

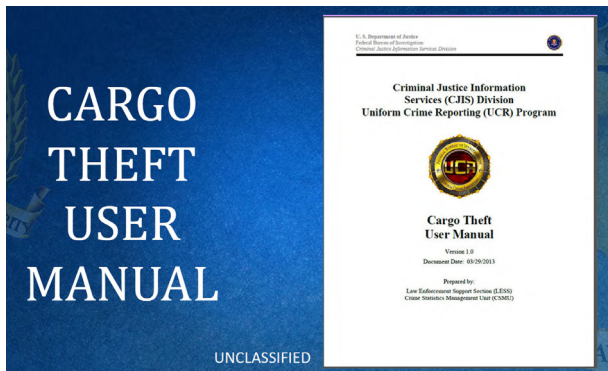
There are 5 optional Data Elements  
Ethnicity of: Victim/Offender/Arrestee  
Resident Status of: Victim/Arrestee

- 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




## 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. Average value of property stolen is less than \$20. Case of beer and a watermelon were the most recent crimes.
- A little bit of history on the topic since I have been here - In 2021, 41 cargo thefts were submitted, none were legit cargo thefts with the majority being errors. This year, there have been 16 reported, with two being a confirmed cargo theft, but all others, once again were mostly errors.



## You do you... We'll take care of NIBRS

### LESSER INCLUDED

Offenses where one offense is an element of another offense and cannot be reported as having happened to the victim along with the other offense.

EX: Robbery / Assault

- Montana will continue to receive all offenses
- The MTIBRS repository will filter offenses for the FBI submission

### MUTUALLY EXCLUSIVE

Offenses that cannot occur to the same victim according to UCR Definitions.

EX: Murder & Non-negligent Manslaughter/ Negligent Manslaughter

### Megan

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!



Enter data as you were trained

Table 5-7 Mutually Exclusive Offenses for Error Code 478 Chart

Offense	90A - Murder	90B - Negligent Manslaughter	11A - Rape	11B - Sodomy	11C - Sexual Assault w/Object	11D - Peeping	120 - Robbery	13A - Aggravated Assault	13B - Simple Assault	13C - Intimidation	23A - Pocket-picking	23B - Purse-snatching	23C - Shoplifting	23D - Theft From Building	23E - Theft From Coin Machine	23F - Theft From Motor Vehicle	23G - Theft of Motor Vehicle Part	23H - All Other Larceny	240 - Motor Vehicle Theft	35A - Incest	35B - Statutory Rape
90A - Murder	X	X						X	X	X											
90B - Negligent Manslaughter	X	X						X	X	X											
11A - Rape			X					X	X	X										X	X
11B - Sodomy				X				X	X	X										X	X
11C - Sexual Assault w/Object					X			X	X	X										X	X
11D - Peeping						X															
120 - Robbery				X	X	X	X	X	X	X										X	X
13A - Aggravated Assault	X	X	X	X	X		X	X	X	X											
13B - Simple Assault	X	X	X	X	X		X	X	X	X											
13C - Intimidation	X	X	X	X	X		X	X	X	X											
23A - Pocket-picking											X										
23B - Purse-snatching												X									
23C - Shoplifting							X						X								
23D - Theft From Building								X						X							
23E - Theft From Coin Machine								X							X						
23F - Theft From Motor Vehicle								X								X					
23G - Theft of Motor Vehicle Part								X									X				
23H - All Other Larceny																		X			
240 - Motor Vehicle Theft																			X		
35A - Incest				X	X	X	X													X	
35B - Statutory Rape			X	X	X	X															X

UNCLASSIFIED

- Ignore this table
- MTIBRS repository filters mutually exclusive offenses for the FBI
- If NIBRS requires retraining, contact MBCC – this should seldom occur

**Megan** - 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!





## Attempted Homicide

### OFFENSE ATTEMPTED/COMPLETED

Allowed Entries:

A = Attempted

C = Completed

Homicides and Assaults must be completed.

- Per slide 9, attempted homicides are allowed
- The repository will send an Aggravated Assault to the FBI

**Jess** – Attempted's are a rare occurrence, but that doesn't mean that they don't happen. In my 12 years, I only had one and that was for criminal trespass as I spotted a kid checking car doors.

In XML, the Attempted Homicide issue that has been a problem for a while, will have been resolved, as some RMSs end up submitting completed homicides as opposed to attempt deliberate homicides.



## Drugs Drugs Drugs

### OFFENDER(S) SUSPECTED 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** - Redudancy – redundancy- redundancy!



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

## BIAS MOTIVATION DEFINITION

A criminal offense that is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.

- Similar to Cargo Theft, in XML – Bias Motivation will default to 88 or none
- If you suspect offender bias, select 99 unknown and a narrative will be sent to MBCC
- After reviewing the narrative, MBCC will consult with the agency and FBI if needed
- If a bias is validated, the incident will be sent to the FBI
- If not, the agency will be asked to select 88/none for bias and resubmit

Jess



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-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

**Megan** - 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.



## Making sense and reducing redundancy

### TYPE OF CRIMINAL ACTIVITY OFFENSES

If you have one of these offenses
250 Counterfeiting/Forgery
280 Stolen Property Offenses
35A Drug/Narcotic Violations
35B Drug Equipment Violations
39C Gambling Equipment Violations
370 Pornography/Obscene Material
520 Weapon Law Violations

- For possession of dangerous drugs, which activity would you choose?
- Obvious questions should be auto populated... why ask what you already know?

### TYPE OF CRIMINAL ACTIVITY DATA VALUES

Then the type of criminal activity can be:	
Data Value	Description
B	Buying
C	Cult./Manuf./Publ. (production)
D	Distributing/Selling
E	Exploiting Children
O	Operating/Promoting/Assisting
P	Possessing/Concealing
T	Transporting/Transmitting/Importing
U	Using/Consuming

- **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...

### TYPE OF WEAPON/ FORCE INVOLVED

If you have one of these offenses:
09A Murder & Non-negligent Manslaughter
09B Negligent Manslaughter
09C Justified Homicide
100 Kidnapping/Abduction
11A Rape
11B Sodomy
11C Sexual Assault w/Object
11D Fondling
120 Robbery
13A Aggravated assault
13B Simple Assault
210 Extortion Blackmail
520 Weapons Law Violations

- 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



## Property Crimes

### PROPERTY SEGMENT 15

#	Data Element
14	Type Property Loss/Etc.
15	<b>Property Description</b>
16	Value of Property
17	Date Recovered
18	Number of Stolen Motor Vehicles
19	Number of Recovered Motor Vehicles
20	Suspected Drug Type
21	Estimated Drug Quantity
22	Type of Drug Measurement

Some vendors limited the number of properties entered per property category – those limits have been removed.

- **KW** Theft from storage lockers created difficulties entering property multiple times



## Lucky number 7 additional drug types added

### SUSPECTED DRUG TYPE 1

Enter up to 3 Drug Types	
Data Value	Description
A	Crack Cocaine
B	Cocaine (all forms except Crack)
C	Hashish; <b>Dabs*</b>
D	Heroin
E	Marijuana; <b>THC oil*</b>
F	Morphine
G	Opium
H	Other Narcotics: Codeine; Demerol; Dihydromorphinone or Dilaudid; Hydrocodone or Percodan; Methadone; Pentazocine; Propoxyphene or Darvon; <b>Oxycontin*</b> , <b>Vicodin*</b> , <b>Lortabs*</b> , <b>Fentanyl*</b> , <b>Suboxone*</b> , etc.
I	LSD
J	PCP; <b>Ketamine*</b> , <b>Special K*</b>

Montana added the following options for drug types:

- DRUG\_DESC
- Marijuana-Flower
- Marijuana-Plants
- Morphine
- Prescription Benzodiazepines (Anti-Anxiety-Xanax, Clonazepam, Klonopin)
- Prescription Opioids (Oxycotin, oxycodone, suboxone, hydrocodone, codeine)
- Other Narcotics





## Top age-related NIBRS errors

### AGE OF VICTIM DATA VALUES

Age Ranges	
Data Values	Description
NN	Under 24 Hours
NB	1-6 Days Old
BB	7-364 Days Old
01-98	Actual Age
99	Over 98 Years Old
00	Unknown
Any Combination of " " to " " years	

- 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

### RELATIONSHIP OF VICTIM TO OFFENDER CATEGORIES

Relationship shows the following:

- Within Family
- Outside Family But Known to Victim
- Not Known by Victim
- Other

- 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 OF VICTIM TO OFFENDER	
	Offenders
	01 John Doe    02 Jane Doe
001 John Doe	VO    SE
Victims	
002 Jane Doe	SE    VO

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

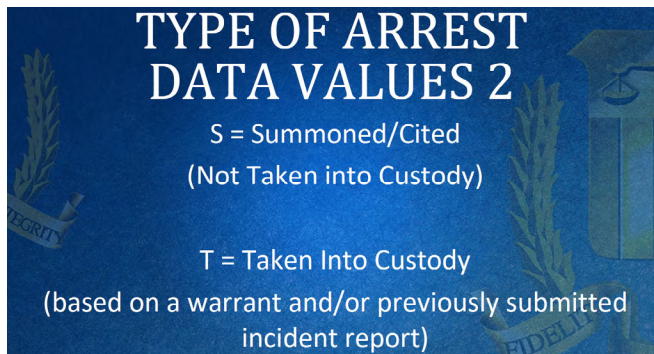
Relationship is required unless the offender is unknown.

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.



## 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

**Megan:** 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

**NERD FACT:** A study conducted in 2021 revealed that Montana placed 3<sup>rd</sup> in the most dangerous drunk driving states but placed 2<sup>nd</sup> in the highest fatality rate in the country related to drunk driving...not that we want to take 1<sup>st</sup> place in either of those competitions but if we don't report it, stats are skewed and opportunities for funding solutions or changes in legislation cannot occur!

- Wyoming
- North Dakota
- Montana
- Idaho
- Maine

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



## All data elements submitted for all NIBRS offenses

### GROUP B ARREST REPORT 1

#	Data Element
01	ORI Number
41	Arrest Transaction Number
40	Arrestee Sequence Number
42	Arrest Date
43	Type of Arrest
45	UCR Arrest Offense Code
46	Arrestee Was Armed With

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
- 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?





Questions? Comments? Give us a shout



**Montana Board of Crime Control**

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