

Appendix A: Incident Definitions

Jurisdiction

The purpose of establishing appropriate jurisdiction is to depict the nature and amount of crime in a particular community. To ensure that law enforcement with overlapping jurisdictions are not reporting duplicate data (offense or arrest), the FBI UCR Program developed the following guidelines:

1. Local, county, state, tribal, and federal law enforcement agencies should report offenses that occur within their jurisdictions.
2. When two or more local, county, state, tribal, or federal law enforcement agencies are involved in the investigation of the same offense, the agency with investigative jurisdiction based on local, county, state, tribal, and federal law and/or applicable interagency agreements or memorandums of understanding should report the offense. If there is uncertainty as to the lead or primary agency, the agencies must agree on which agency should report the offense.
3. Law enforcement will report only those arrests made for offenses committed within their own jurisdictions.
4. The recovery of property should be reported only by law enforcement who first reported it missing and/or stolen regardless of which agency recovered it.

Referrals from Other Agencies

If a reporting agency refers the investigation of an incident to another local, state, or federal agency after submitting the data to MTIBRS, the original reporting agency must delete its report. The agency receiving the referral would then report the incident as if it were an original submission.

Definition of an Incident

With regard to the MTIBRS/NIBRS, the definition of an incident is one or more offenses committed by the same offender, or group of offenders acting in concert, at the same time and place.

The Concept of Acting in Concert

Acting in concert requires all of the offenders to actually commit or assist in the commission of all of the crimes in an incident. The offenders must be aware of, and consent to, the commission of all of the offenses; or even if non-consenting, their actions assist in the commission of all of the offenses. See Example (1), Acting in Concert.

This is important because MTIBRS considers all of the offenders in an incident to have committed all of the offenses in an incident. The arrest of any

offender will clear all of the offenses in the incident. If one or more of the offenders did not act in concert, then law enforcement should report more than one incident. See Examples (2) and (3), Acting in Concert.

The Concept of Same Time and Place

The fundamental concept of Same Time and Place presupposes if the same person or group of persons committed more than one crime and the time and space intervals separating them were insignificant, all of the crimes make up a single incident. Normally, the offenses must have occurred during an unbroken time period and at the same or adjoining locations. However, incidents can also be comprised of offenses which by their nature involve continuing criminal activity by the same offenders at different times and places, as long as law enforcement deems the activity to constitute a single criminal transaction. See Example (4), Same Time and Place.

Examples of Acting in Concert and Same Time and Place

Because it is not possible to provide instructions covering all of the situations possible, the reporting agency should use its best judgment in determining how many incidents were involved in some cases.

Example (1): Acting in Concert

During a robbery scenario, one offender began to rape a victim in a bar. The other offender told the rapist to stop and only rob the victim. In this example, there was only one incident with two offenses, i.e., robbery and rape. Although the other robber did not consent to the rape, by displaying a gun he prevented someone from coming to the victim's assistance and thereby assisted in the commission of the crime. Law enforcement should report one incident with two offenses; both offenders are connected to both victims.

Example (2): Acting in Concert

A domestic argument escalated from a shouting match between a husband and wife to an aggravated assault during which the husband began beating his wife. The wife, in her own defense, shot and killed the husband. Law enforcement should report this information via the MTIBRS as two separate incidents because the husband could not have been acting in concert with the wife in his own killing. Law enforcement can submit one incident involving the aggravated assault perpetrated by the husband and the second incident involving the killing. This would allow the maintenance of the original incident number for record keeping purposes at the local level and simultaneously satisfy reporting requirements for MTIBRS.

Example (3): Acting in Concert

Two offenders robbed a bar, forcing the bartender to surrender money from the cash register at gunpoint. The robbers also took money and jewelry from three customers. One of the robbers, in searching for more customers to rob, found a female customer in the rest room and raped her there without the

knowledge of the other offender. When the rapist returned, both robbers left. In this example, there were two incidents: one involving robbery and the other involving rape, because the offenders were not acting in concert in both offenses. Law enforcement should report two incidents, each with one offense.

Example (4): Same Time and Place

Over a period of 18 months, a computer programmer working for a bank manipulated the bank's computer and systematically embezzled \$70,000. The continuing criminal activity against the same victim constituted a single incident involving the crime of embezzlement.