

## **APPENDIX B**

### **Definitions of Crime Categories**

“The following definitions are not meant to be used for charging persons with crimes. To the contrary, they are meant to be “receptacles” or “pigeonholes” for reporting crimes throughout the United States. State statutes must be very specific in defining crimes so that persons facing prosecution will know the exact charges being placed against them. On the other hand, the definitions used in NIBRS must be generic in order not to exclude varying state statutes relating to the same type of crime.”

### **GROUP “A” OFFENSES**

#### **ARSON - 200**

To unlawfully and intentionally damage, or attempt to damage any real or personal property by fire or incendiary device.

#### **ASSAULT OFFENSES**

An unlawful attack by on person upon another.

##### **Aggravated Assault – 13A**

An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, sever laceration, or loss of consciousness.

##### **Simple Assault – 13B**

An unlawful physical attack by one person upon another where neither the offender displays a weapon, not the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

##### **Intimidation – 13C**

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

## BRIBERY (Except “Sports Bribery”) - 510

The offering, giving, receiving, or collecting of anything of value (i.e., a bribe, gratuity, or kickback) to sway the judgment of action of a person in a position of trust or influence.

## BURGLARY/BREAKING AND ENTERING - 220

The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

In the NIBRS standard definition of burglary, a “structure” is considered to include, but not be limited to, the following: apartment, barn, cabin, church, condominium, dwelling house, factory, garage, housetrailer or houseboat (used as permanent dwelling), mill, office, other building, outbuilding, public building, railroad car, room, school, stable, vessel (ship), or warehouse.

## COUNTERFEITING/FORGERY - 250

The altering, copying, or imitation of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine; or the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud.

## DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY (Except Arson) - 290

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## DRUG/NARCOTIC OFFENSES (Except “Driving Under the Influence”)

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.

### Drug/Narcotic Violations – 35A

The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance.

### Drug Equipment Violations – 35B

The unlawful manufacture, sale, purchase, possession, or transportation of equipment or devices utilized in preparing and/or using drugs or narcotics.

### EMBEZZLEMENT - 270

The unlawful misappropriation by an offender to his/her own use or purpose of money, property, or some other thing of value entrusted to his/her care, custody or control.

### EXTORTION/BLACKMAIL - 210

To unlawfully obtain money, property, or any other thing of value, either tangible or intangible, through the use or threat of force, misuse of authority, threat of criminal prosecution, threat of destruction of reputation or social standing, or through other coercive means.

### FRAUD OFFENSES (Except “Counterfeiting/Forgery” and “Bad Checks”)

The intentional perversion of the truth for the purpose of inducing another person, or other entity, in reliance upon it to part with something of value or to surrender a legal right.

### False Pretenses/Swindle/Confidence Game – 26A

The intentional misrepresentation of existing fact or condition, or the use of some other deceptive scheme or device, to obtain money, goods, or other things of value.

### Credit Card/Automatic Teller Machine Fraud – 26B

The unlawful use of a credit (or debit) card or automatic teller machine for fraudulent purposes.

### Impersonation – 26C

Falsely representing one’s identity or position, and acting in the character or position thus unlawfully assumed, to deceive others and thereby gain a profit or advantage, enjoy some right or privilege, or subject another person or entity to an expense, charge, or liability which would not have otherwise been incurred.

#### Welfare Fraud – 26D

The use of deceitful statements, practices or devices to unlawfully obtain welfare benefits.

#### Wire Fraud – 26E

The use of an electric or electronic communications facility to intentionally transmit a false and/or deceptive message in furtherance of a fraudulent activity.

### GAMBLING OFFENSES

To unlawfully bet or wager money or something else of value; assist, promote, or operate a game of chance for money or some other stake; possess or transmit wagering information; manufacture, sell, purchase, possess, or transport gambling equipment, devices or goods; or tamper with the outcome of a sporting event or contest to gain a gambling advantage.

#### Betting/Wagering – 39A

To unlawfully stake money or something else of value on the happening of an uncertain event or on the ascertainment of a fact in dispute.

#### Operating/Promoting/Assisting Gambling – 39B

To unlawfully operate, promote, or assist in the operation of a game of chance, lottery, or other gambling activity.

#### Gambling Equipment Violations – 39C

To unlawfully manufacture, sell, buy, possess, or transport equipment, devices, and/or goods used for gambling purposes.

#### Sports Tampering – 39D

To unlawfully alter, meddle in or otherwise interfere with a sporting contest or event for the purposes of gaining a gambling advantage.

## HOMICIDE OFFENSES

The killing of one human being by another.

### Murder and Nonnegligent Manslaughter – 09A

The willful (nonnegligent) killing of one human being by another.

### Negligent Manslaughter – 09B

The killing of another person through negligence.

### Justifiable Homicide – 09C

The killing of a perpetrator of a serious criminal offense by a peace officer in the line of duty; or the killing, during the commission of a serious criminal offense, of the perpetrator by a private individual.

Justifiable homicide is not an actual “offense” and is not included in an agency’s crime counts. For NIBRS purposes, crime determinations and counts are based on law enforcement investigations (not solely on the action of a coroner, prosecutor, grand jury, or court). In NIBRS, the offenses will be recorded as justifiable homicides initially and will be tallied separately and maintained apart from the murder counts.

## KIDNAPING/ABDUCTION - 100

The unlawful seizure, transportation, and/or detention of a person against her/his will, or of a minor without the consent of his/her custodial parent(s) or legal guardian.

## LARCENY/THEFT OFFENSES

The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another person.

### Pocket-Picking - 23A

The theft of articles from another person’s physical possession by stealth where the victim usually does not become immediately aware of the theft.

#### Purse-Snatching – 23B

The grabbing or snatching of a purse, handbag, etc., from the physical possession of another person.

#### Shoplifting - 23C

The theft, by someone other than an employee of the victim, of goods or merchandise exposed for sale.

#### Theft From Building – 23D

The theft from within a building which is either open to the general public or where the offender has legal access.

#### Theft From Coin-Operated Machine or Device – 23E

A theft from a machine or device which is operated or activated by the use of coins.

#### Theft From Motor Vehicle (Except “Theft of MV Parts/Accessories”) -23F

The theft of articles from a motor vehicle, whether locked or unlocked.

#### Theft of Motor Vehicle Parts or Accessories – 23G

The theft of any part or accessory affixed to the interior or exterior of a motor vehicle in a manner which would make the item an attachment of the vehicle, or necessary for its operation.

#### All Other Larceny – 23H

All thefts which do not fit any of the definitions of the specific subcategories of Larceny/Theft listed above.

Among the offenses that would fit into this category is the theft of gas from a self-service station where the offender leaves the station without paying for gas. The offender must have personally filled the vehicle with gas, not an employee of the station.

## MOTOR VEHICLE THEFT - 240

The theft of a motor vehicle.

A “motor vehicle” is a self propelled vehicle that runs on the surface of land and not on rails, and which fits one of the following property descriptions: automobiles, buses, recreational vehicles, trucks, other motor vehicles (motorcycles, motor scooters, trail bikes, mopeds, snowmobiles, golf carts, etc., whose primary purpose is to transport people).

## PORNOGRAPHY/OBSCENE MATERIAL - 370

The violation of laws or ordinances prohibiting the manufacture, publishing, sale, purchase, or possession of sexually explicit material, e.g., literature, photographs, etc.

## PROSTITUTION OFFENSES

To unlawfully engage in or promote sexual activities for profit.

### Prostitution - 40A

To unlawfully engage in sexual relations for profit.

### Assisting or Promoting Prostitution – 40B

To solicit customers or transport persons for prostitution purposes; to own, manage, or operate a dwelling or other establishment for the purpose of providing a place where prostitution is performed; or to otherwise assist or promote prostitution.

## ROBBERY - 120

The taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

Robbery involves the offender taking or attempting to take something of value from a victim, aggravated by the element of force or threat of force. Because some type of assault is an element of the crime of robbery, an assault should not be reported as a separate crime as long as it was performed in furtherance of the robbery.

## SEX OFFENSES, FORCIBLE

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

### Forcible Rape – 11A

The carnal knowledge of a person, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

This offense includes the forcible rape of both males and females. In cases where several offenders rape one person, one count of forcible rape is reported (number of offenders are not counted). At least one offender must be of the opposite sex.

### Forcible Sodomy – 11B

Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

### Sexual Assault With An Object – 11C

To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

### Forcible Fondling – 11D

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

SEX OFFENSES, NONFORCIBLE (Except “Prostitution Offenses”)

Unlawful, nonforcible sexual intercourse.

Incest - 36A

Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein law prohibits marriage.

Statutory Rape – 36B

Nonforcible sexual intercourse with a person who is under the statutory age of consent.

STOLEN PROPERTY OFFENSES - 280

Receiving, buying, selling, possessing, concealing, or transporting any property with the knowledge that it has been unlawfully taken, as by Burglary, Embezzlement, Fraud, Larceny, Robbery, etc.

WEAPON LAW VIOLATIONS - 520

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

**GROUP “B” OFFENSES**

BAD CHECKS – 90A

Knowingly and intentionally writing and/or negotiating checks drawn against insufficient or nonexistent funds.

CURFEW/LOITERING/VAGRANCY VIOLATIONS – 90B

The violation of a court order, regulation, ordinance, or law requiring the withdrawal of persons from the streets or other specified areas; prohibiting persons from remaining in an area or place in an idle or aimless manner; or prohibiting person from going from place to place without visible means of support.

DISORDERLY CONDUCT – 90C

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

DRIVING UNDER THE INFLUENCE – 90D

Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic.

DRUNKENNESS (Except for “Driving Under the Influence) – 90E

To drink alcoholic beverages to the extent that one’s mental faculties and physical coordination are substantially impaired.

FAMILY OFFENSES, NONVIOLENT – 90F

Unlawful, nonviolent acts by a family member (or legal guardian) which threaten the physical, mental or economic well-being or morals of another family member, and which are not classifiable as other offenses, such as Assault, Incest, Statutory Rape, etc.

LIQUOR LAW VIOLATIONS - 90G

(Except “Driving Under the Influence” and “Drunkeness”)

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages.

PEEPING TOM – 90H

To secretly look through a window, doorway, keyhole, or other aperture for the purpose of voyeurism.

RUNAWAY – 90I

A person under 18 years of age who has left home without the permission of his/her parent(s) or legal guardian.

TRESPASS OF REAL PROPERTY – 90J

To unlawfully enter land, a dwelling, or other real property.

ALL OTHER OFFENSES – 90Z

All crimes which are not Group “A” Offense and not included in one of the specifically name Group “B” crime categories listed above.