

TITLE 78 - NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

CHAPTER 5 - UNIFORM CRIME REPORTING PROGRAM

001 Purpose - To prescribe procedures governing the Nebraska Uniform Crime Reporting Program.

002 Scope - Applicable to all Nebraska law enforcement agencies.

003 Authority - Nebraska Statute 81-1426 authorizes the Commission to adopt and promulgate rules and regulations for the standardized collection, development, and maintenance of Uniform Crime Reports and to develop the forms to be used to collect Uniform Crime Reporting data. It also states that the Commission may obtain Uniform Crime Reports, and it shall be the duty of all public officers or agencies whose functions include the control, apprehension, trial, or correction of criminal offenders, to provide Uniform Crime Reports to the Commission.

004 Agencies to Report -

004.01 - Police department for offenses occurring within their city limits.

004.02 - Sheriffs' offices for offenses occurring within their respective counties excluding communities with a population of 1,501 or more with their own law enforcement agency.

004.03 - State Patrol for offenses occurring on state property where it has sole jurisdiction and any other offenses reported to them and investigated by them.

004.04 - State Fire Marshal for offenses involving arson.

005 Exempted Agencies - Communities, with or without a law enforcement agency, of 1,500 or less population or a community that contracts with its county for law enforcement service. These communities will furnish their crime statistics to the sheriff and the sheriff will submit them to the Commission.

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006 Offenses to be Reported - The Federal Bureau of Investigation's National Uniform

Crime Reporting Program establishes standard definitions of crime and divides crimes into two categories, Part I Offenses and Part II Offenses.

006.01 Part I Offenses: Law enforcement agencies shall submit crime statistics on the following offenses and resulting arrests as defined herein for the purpose of this regulation:

006.01A Homicide

006.01A1 Murder, Manslaughter - the willful killing of one human being by another.

006.01A2 Death by Negligence - the killing of another person through the gross negligence of another person.

006.01B Forcible Rape

The carnal knowledge of a female forcibly and against her will.

006.01C Robbery

The felonious and forcible taking of the property of another against his will, by violence or by putting him in fear.

006.01D Felony Assault

An attempt or offer, with unlawful force or violence, to do physical injury to another.

006.01E Burglary

An unlawful entry or attempted forcible entry of a structure to commit a felony or a theft.

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006.01F Larceny-Theft

The unlawful taking of the property of another with intent to deprive him of ownership.

006.01G Motor Vehicle Theft

The theft or attempted theft of a motor vehicle.

006.01H Arson

Include all violations of State laws and local ordinances relating to arson and attempted arson. Include any willful or malicious burning or attempts to burn, with or without intent to defraud, a dwelling house, church, college, jail, meeting house, public building or any other building, ship or other vessel, motor vehicle or aircraft, contents of buildings, personal property of another, goods or chattels, crops, trees, fences, gates, grain, vegetable products, lumber, woods, cranberry bogs, marshes, meadows, etc.

006.02 Part II Offenses: Law enforcement agencies shall submit the number of arrests for the following offenses as defined herein for the purpose of this regulation:

006.02A Misdemeanor Assault

Assaults and attempted assaults which are simple or minor in nature. Include simple assault, assault and battery, injury by culpable negligence, resisting or obstructing an officer, intimidation, coercion, hazing, and attempts to commit these offenses.

006.02B Forgery and Counterfeiting

All offenses dealing with the making, altering, uttering or possessing, with intent to defraud, anything false in the semblance of that which is true. Include altering or forging public or other records; making, altering, forging, or counterfeiting bills, notes, drafts, tickets, checks, credit cards, etc.; forging wills, deeds, notes, bonds, seals, trademarks, etc.; counterfeiting coins, plates, banknotes,

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checks, etc.; possessing or uttering forged or counterfeited instruments; erasures; signing the name of another or fictitious person with intent to defraud; using forged labels; possession, manufacture, etc., of counterfeited apparatus; selling goods with altered, forged, or counterfeited trademarks; and all attempts to commit any of these offenses.

006.02C Fraud

Fraudulent conversion and obtaining money or property by false pretenses. Includes bad checks, confidence games, etc., except forgeries and counterfeiting. Includes theft by deception and theft of services.

006.02D Embezzlement

Misappropriation or misapplication of money or property entrusted to one's care, custody or control.

006.02E Stolen Property: Buying, Receiving, Possessing

Include in this class all offenses of buying, receiving, and possessing stolen property, as well as all attempts to commit any of these offenses.

006.02F Vandalism

Vandalism consists of the willful or malicious destruction, injury, disfigurement, or defacement of any public or private property, real or personal, without consent of the owner or person having custody or control, by cutting, tearing, breaking marking, painting, drawing, covering with filth, or any other such means as may be specified by local law. This offense covers a wide range of malicious behavior directed at property such as cutting auto tires, drawing obscene pictures on public restroom walls, smashing windows, destroying school records, tipping over gravestones, defacing library books, etc.

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006.02G Weapons: Carrying, Possessing, etc.

Includes violations of weapons laws such as manufacture, sale or possession of deadly weapons; carrying deadly weapons; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the above.

006.02H Prostitution and Commercialized Vice

Includes the sex offenses of a commercialized nature such as prostitution; keeping a bawdy house, disorderly house or house of ill repute, pandering, transporting or detaining women for immoral purposes, etc., and all attempts to commit any of the above.

006.02I Sex Offenses

Includes all sex offenses other than forcible rape, prostitution and commercialized vice. Encompasses offenses against chastity, common decency, morals and the like, such as adultery and fornication, buggery, incest, indecent exposure, sodomy, carnal abuse (no force) and all attempts to commit any of these offenses.

006.02J Drug Abuse Violations

Includes all arrests for violations of state and local ordinances, divided into sale/manufacturing and possession. Four types of drugs are recognized: Opium, cocaine and their derivatives; marijuana; synthetic narcotics; and non-narcotic drugs. The growing of marijuana would be considered sale/manufacturing of marijuana.

006.02K Gambling

Includes all charges relating to promoting, permitting or engaging in gambling. This classification is divided into three divisions: bookmaking (horse and sports books); numbers and lottery; and all other gambling.

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006.02L Offenses Against Family and Children

Includes all charges of nonsupport and neglect or abuse of family and children, such as desertion, abandonment, or nonsupport of wife or child; neglect or abuse of child (if injury is serious, score as felony assault); nonpayment of alimony; and all attempts to commit any of these offenses.

006.02M Driving Under the Influence

Limited to driving or operating any vehicle while drunk or under the influence of liquor or narcotic drugs.

006.02N Liquor Laws

All state or local liquor law violations are placed here. Include manufacturing, selling, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; advertising and soliciting orders for intoxicating liquor; bootlegging; operating still; furnishing liquor to a minor or intemperate person; using a vehicle or illegal transportation of liquor; drinking on train or public conveyance; and any attempts to commit any of these offenses.

006.02O Disorderly Conduct - Disturbing the Peace

Include all charges of committing a breach of the peace. Include affray, unlawful assembly, disturbing the peace, disturbing meetings, disorderly conduct in State institutions, at court, at fairs, on trains, or public conveyances, etc.; prize fights; blasphemy, profanity, and obscene language, desecrating the flag; refusing to assist an officer; and any attempts to commit any of these offenses.

006.02P Vagrancy

Include persons prosecuted on the charge of being a "suspicious character or person, etc." Include vagrancy, begging, loitering (age 18 and over) and vagabondage.

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006.02Q All Other Offenses

Include all violations of state and local laws not otherwise classified in offenses 006.01 and 006.02.

006.02R Suspicion

While "suspicion" is not an offense, it is the ground for many arrests in those jurisdictions where the law permits. After examination by the police, the prisoner is either formally charged or released. Those formally charged are

entered in one of the Part I or Part II offense classifications. This classification is limited to "suspicion" arrests where persons arrested are released by the law enforcement agency.

006.02S Curfew and Loitering Laws (Juveniles)

All arrests for violations of local curfew or loitering ordinances.

006.02T Runaways (Juveniles)

For purposes of the Uniform Crime Reporting program, report in this category apprehensions for protective custody as defined by your local statutes. Count arrests made by other jurisdictions of runaways from your reporting jurisdiction. Do not include protective custody actions with respect to runaways you take for other jurisdictions.

007 Reporting Forms - The Commission shall furnish reporting forms and return envelopes to law enforcement agencies that are required to submit reports.

008 Due Dates - Completed reports shall be submitted within seven working days following the end of the month reported.

009 Data Dissemination - The Commission will compile and analyze data submitted as follows:

009.01 A magnetic tape containing required Uniform Crime Reporting data will be submitted to the Federal Bureau of Investigation monthly for national compilation.

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009.02 A semi-annual report on Nebraska crime trends will be prepared. The report will be released to law enforcement agencies, local and state governments, and to the public.

009.03 A preliminary annual report on crime in Nebraska will be prepared and released to law enforcement agencies, local and state governments, and to the public.

009.04 An annual report on crime in Nebraska will be prepared and released to law enforcement agencies, local and state governments, and to the public.

010 Non-Complaint Agencies - When any agency willfully does not submit Uniform Crime Reports for three consecutive months, that agency shall be considered out of compliance and the following will apply:

The Commission will send a notice of non-compliance by certified mail to the agency head advising of the non-compliance and that the agency head has 30 days to file the delinquent reports.

If reports are not received within 30 days after notice of non-compliance, the Attorney General will be notified to file a civil suit against the agency or agency head, assessing a penalty of up to one-hundred dollars for each day of non-compliance after the 30 days.

Effective Date: November 20, 1989
Revised from September 23, 1981