

Virginia State Police



Criminal Justice Information Services (CJIS) Division Newsletter

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Firearms Transaction Center (FTC) Disposition of Firearms (DOF) - Conducting Background Checks When Returning Firearms In Law Enforcement Possession

The State Police Firearms Transaction Center (FTC) is the federally designated contact for the National Criminal Instant Background Check System (NICS). NICS consists of NCIC, III, and the NICS Index. In Virginia, access to the NICS Index is limited to the Point of Contact (POC). Most law enforcement officials check NCIC and III, as well as, VCIN and Virginia criminal history records, prior to returning firearms in their inventory to the owner of the firearm in instances of confiscated or found firearms. Query of the NICS Index by this Agency is optional, and is offered as an addendum to that process. The NICS Index consists of individuals who are determined to be prohibited from possessing a firearm under federal law when the disqualifying information is not available through NCIC or III systems, including the search of state mental health-related firearms disqualifications.

A search of the NICS Index (DOF check) may be requested by FAX to the FTC at (804) 674-2791. Please contact the FTC at (804) 674-2786 for a recommended template for the request. The NICS Index is not supported by fingerprints; therefore, as much descriptive information as possible of the prospective recipient of the firearm(s) is recommended. The FTC anticipates processing DOF checks within 24 hours of receipt of the request; however, processing time may be extended during peak submission periods.

Detailed information on the lawful eligibility for the possession of a firearm pursuant to state and federal law is available on the State Police website at <http://www.vsp.state.va.us/Firearms.shtml>.

UCR Highlights

IBR Training

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Criminal Justice Information Services Division
Post Office Box 27472
Richmond, Virginia 23261-7472

Written and Edited by:

Captain Tricia W. Powers	804-674-2023
Lt. Keenon C. Hook	804-674-6719
Lt. Jeremy S. Kaplan	804-674-2643
F/Sgt. Jason Crowder	804-674-6759
F/Sgt. K. Scott Downs	804-674-2630
Ms. Mary Crawford	804-674-2150
Ms. Dana T. Adams	804-674-4616
Ms. Shannon K. Pounders	804-674-6746
Ms. Donna K. Tate	804-674-2210
Dr. Norm R. Westerberg	804-674-2143
Mr. Kai Wiggins	804-674-6751
Mr. J. Larry Howell	804-674-2200
Ms. Anita Miles	804-674-2449
Miss Keon Turner	804-674-4654
Ms. Robbie G. Wheat	804-674-6703

The state IBR Program conducted training sessions throughout the state this past summer. The training covered "Level 1," definitions and examples of offenses captured in IBR. Additional presentations covered different aspects of the database with special concentration on error identification and resolution.

A particularly important subject discussed was the General Assembly amendment to the Code of Virginia, adding §52-28.2 which specifies the reporting requirement for all Officer Involved Shootings.

§52-28.2. Reporting of officer-involved shootings; inclusion in annual Crime in Virginia report. The Department of State Police shall include any officer-involved shooting and whether such shooting was determined to be justified in the annual Crime in Virginia report. Any law-enforcement or public safety officer required to make such report shall receive training concerning such reporting requirement. For the purposes of this section, "officer-involved shooting" means the discharge of a firearm by a law-enforcement officer, as defined in §9.1-101, that results in the death or serious bodily injury of another.

In accordance with §52-28.2, Code of Virginia, notification sent June 8, 2016, along with in-person training fulfilled the requirement that law enforcement officers had been made aware of the training and reporting requirements of all officer involved shootings. The OFFICER-INVOLVED SHOOTING form was also reviewed and discussed. Agencies were advised that beginning July 1, 2016, this form will need to be completed and returned to the Virginia State Police, whenever their law enforcement

UCR Highlights

IBR Training - Continued

officers were involved in a shooting that resulted in the injury or death of another. To access this form go to the Virginia State Police website: <http://www.vsp.state.va.us/FormsPublications.shtm> - scroll down to "Incident Based Reporting (IBR)". Forms may be returned through U.S. Mail, e-mail, or FAX.

Anomaly Detection

An anomaly can be thought of as any data field or combination of data fields that initially appears to be 'out of the ordinary' or 'unusual.' It is important to keep in mind that an anomaly may indicate a data error OR there may be no error at all. Agencies need to review what is brought to their attention and make a determination as to whether a modification of the case is necessary. For example, an agency may have submitted a burglary and a larceny within a single incident. If, there was entry of a structure with the purpose of a theft or to commit a felony and there was a theft outside the structure as well, both of these offenses should be submitted. Because larceny is an element of a burglary, if there was a theft within the structure only, a larceny should not be included in the incident. Because we do not have detailed information about particular cases (i.e. the narrative), we have no way of knowing if both of these offenses should have been submitted or only the burglary or only the larceny. Therefore, we ask agencies to review the incidents that we have identified and resubmit any that need corrections. If after checking you determine an anomaly to be correct, nothing else needs to be done regarding that particular case. When you are contacted about an anomaly from the IBR Program, please do everything you can to review and correct these cases. This will help assure data quality.

Other Reporting Issues

- In the UCR/IBR program, there is no attempted murder/non-negligent manslaughter. If a murder/non-negligent manslaughter was attempted, but not completed, the offense must be coded as an aggravated assault (13A). If you select a statute/offense code that has an associated IBR code of 09A (homicide), the offense will be submitted as 'completed' and the incident will be counted an actual homicide.
- There appears to be some confusion between automatic and semi-automatic firearms.
- An automatic firearm is defined as a firearm that continuously fires as long as the trigger is pressed; an example would be a machine gun, also known as a 'fully automatic' weapon. A 'semi-automatic' firearm fires one round with each individual trigger pull and release. In most situations, firearms should NOT be classified as an automatic firearm; therefore agencies must not include the 'A' as a suffix. For example, if a semi-automatic firearm was used, the appropriate code is 11; if an automatic rifle was used then the code should be 11A.
- The FBI defines cargo theft as the taking of any cargo in transit from the point of origin to the final destination. To be considered cargo, the items must be part of a commercial shipment and in the supply chain. An example would include freight on a truck being transported from warehouse to an individual retail store. More detailed information can be found on the IBR website under IBR Publications by selecting 'Cargo Theft-One Page Summary'.

UCR - Highlights

Other Reporting Issues - Continued

- If the “victim” is not an individual, do not use “I” – doing so will result in the missing values for demographics of age, sex, race, ethnicity and residency. Rather, use a “G” (government) or “B” (business); this will alleviate the issues of this type of missing information.
- In LEAMS, Virginia State Police is automatically assigned as the “Lead Agency.” If, however, State Police is not the lead agency, but is serving in the capacity as an “assist,” the agency that is the actual lead agency needs to be selected with State Police as an assisting agency (see the entries just before File Synopsis in the “Overview” tab).
- If you are detaining an individual and become aware that there is an outstanding warrants on that person, do not re-enter the charges (in LEAMS, it is under the “Event” tab). By doing so, it will have the effect of counting an offense twice, as it has already been entered into the system.
- You cannot charge someone with a motor vehicle theft if it occurred outside of the jurisdiction where he was stopped. The only appropriate charge that can be made is possession of stolen property. Please also be aware that the jurisdiction where the motor vehicle was stolen needs to be notified so that they can clear the case.
- Weapon Law Violations are being submitted with “no weapon” or “unknown weapon” being reported under some circumstances. For example, while you may have type of weapon listed in the property section (of LEAMS), in order for it to be recorded in the IBR database, it needs to be listed under: Events > Weapon/Force Used > [then select type of weapon, such as handgun].

UCR Highlights

Group A Offenses

Statewide, the Group A offense nine month preliminary data figures for 2015 and 2016 are as follows:

Group A Offenses			
Nine Months	2015	2016	Percent Change
Murder/Non-negligent	270	328	21.5
Kidnapping/Abduction	1,119	1,110	-0.8
Forcible Rape	1,096	1,171	6.8
Other Forcible Sex Offenses	2,591	2,741	5.8
Robbery	3,136	3,178	1.3
Aggravated Assault	6,928	7,375	6.5
Simple Assault & Intimidation	65,613	64,490	-1.7
Arson	684	599	-12.4
Extortion/Blackmail	152	223	46.7
Burglary	15,294	14,010	-8.4
Larceny Theft	93,785	91,180	-2.8
Motor Vehicle Theft	5,930	6,585	11.0
Counterfeiting/Forgery	4,797	5,096	6.2
Fraud Offenses	26,799	25,859	-3.5
Embezzlement	1,897	1,810	-4.6
Stolen Property Offenses	861	957	11.1
Damage/Vandalism of Property	43,076	41,731	-3.1
Drug/Narcotic Offenses	41,241	44,583	8.1
Non-Forcible Sex Offenses	106	87	-17.9
Pornography/Obscene Material	856	916	7.0
Gambling Offenses	20	31	55.0
Prostitution Offenses	865	707	-18.3
Bribery	15	11	-26.7
Weapon Law Violations	6,889	7,618	10.6
TOTAL	324,020	322,396	-0.5

UCR Highlights

Group A and Group B Arrests

Statewide, the Group B arrest nine month preliminary data figures for 2015 and 2016 are as follows:

Arrests Nine Months	Adult	Juvenile	Adult	Juvenile	Adult Percent Change	Juvenile Percent Change
	2015		2016			
Group A	85,515	8,087	86,557	7,766	1.2	-4.0
Group B	112,227	7,494	103,264	6,227	-8.0	-16.9
TOTAL	197,742	15,581	189,821	13,993	-4.0	-10.2

Comparing preliminary nine months' data for 2015 and 2016, For adults, Group A Arrests experienced a slight increase (1.2%) while Group B arrests showed a moderate decline (-8.0%). Juvenile arrests also decreased. Group A juvenile arrests decreased 4.0 percent during this period of time, while Group B juvenile arrests decreased by 1.7 percent.

Year-End Considerations

The final date for submitting 2016 data that will be included in 'Crime in Virginia' and 'Crime in the U.S.' is quickly approaching. Based on prior years, mid-March of 2017, will most likely be the deadline to submit any revisions, updates, and/or corrections to 2016 crime and arrest data that are published in the state and federal annual reports. As always, these crime figures are based on data that agencies submit that are error-free. Incidents with unresolved or outstanding errors are not counted in statistical information.

Although State Police do not have this ability, we suggest that for all other agencies on the day after you submit each IBR file, you check back on the website and view the 'error report.' The 'error report' includes descriptions of any errors. It is also important to verify that data intended to be submitted was actually included in the IBR file and accepted. Occasionally, an IBR file may appear on the website as 'processed.' However, the error report will show that no data was accepted because the IBR file contained a fatal error with no incidents being processed. It's also a good idea to verify that you've submitted the appropriate monthly IBR file. We've seen cases where an agency has submitted the same IBR monthly file multiple times in error and while they thought their submission files were current, in reality, they were several months behind.

Please contact the state IBR Program office with any questions or concerns. As always, thank you all for your efforts to make the state's crime data as complete and accurate as possible.