

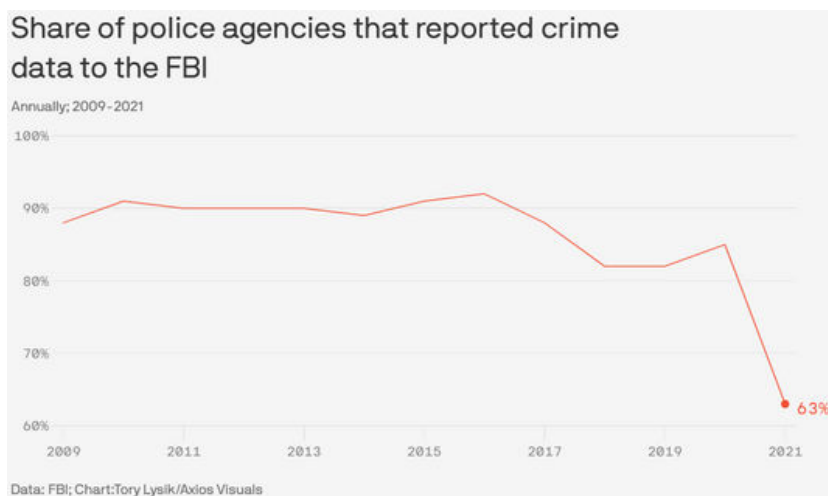


The FBI had set a goal for all U.S. law enforcement agencies to transition to NIBRS reporting by January 2021. As of today, only slightly more than half of them have done so. What are the ramifications of not reporting? Why has this happened?

Transitioning to NIBRS requires four key things including the following:

1. The state agency to which police agencies report crime data must be ready to accept NIBRS data.
2. Law enforcement records management/report writing software systems must be reconfigured and updated to enable NIBRS reporting.
3. The offense tables within these records management systems which list the state's laws must be updated to correlate with the NIBRS offense codes.
4. Your officers and records personnel must receive NIBRS training in order to correctly write and review reports according to NIBRS standards.

“Most departments in Florida, California, New York, Illinois, Pennsylvania failed to report data, according to the Marshall Project, which has been tracking the data for months. The two most populated cities in the country, New York and Los Angeles, also failed to deliver full reports to the FBI last year”, according to Fox News.[1]



The transition to NIBRS has been widely publicized since 2017, giving law enforcement agencies ample time to make the transition. But is the ability to do so entirely within their control, given the technological requirements? Not necessarily. In fact, we have found many agencies have been held back by their RMS vendor, putting them in a position of potentially losing grant money.

[1] <https://www.foxnews.com/us/fbis-national-crime-data-2021-incomplete-lacks-data-40-police-nationwide>

[2] <https://www.axios.com/2022/10/29/police-reform-surveillance-shootings-crime>



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Ed Claughton, a former police lieutenant, and founder and President of PRI, a consulting and training firm specializing in law enforcement information management says, “From what we have seen, based on having trained over 5000 personnel in 2022, and consulting with a number of different agencies in various states, our customers which have been unable to report NIBRS data indicate their vendor has failed to update their system, despite their requests to do so”.

The NYPD is facing a loss of \$3.9 million in grant funding due to non-compliance with NIBRS, according to the New York Post.[3] “An agency in Pennsylvania recently told us they lost a \$1 million grant for a new CAD/RMS because they were not yet reporting NIBRS”, said Ed Claughton. “If the vendor was at fault for that, there may be some standing for legal action”.

Agencies should closely review their vendor contracts to determine what responsibility the software company has to ensure the RMS is compliant with reporting standards. “In our experience, these contracts require the RMS vendor to maintain compliance with current state and federal reporting requirements. It is their proprietary software after all, and solely within their capacity and duty to do so”, says Ed Claughton. The governing language is typically found in the initial procurement contract, but sometimes is in the terms and conditions for ongoing support and maintenance.

One time-intensive aspect of converting to NIBRS centers around the offense table in an RMS. This table typically includes thousands of state statutes, each of which must have a corresponding NIBRS offense identifier. Many of the statutes must be listed several times to enable reporting of crimes which can be classified in more than one way under NIBRS, depending on the circumstances of the crime. Mistakes can lead an agency to unknowingly over-, or under-report crime, a reality which PRI has seen firsthand with many customers.

As one example, most states have criminal enhancement laws which make assaults/batteries against certain types of people (i.e. the elderly, government officials, pregnant women) a higher degree of crime. A minor assault against a pregnant female, such as a push or slap, that results in little to no injury, is automatically considered a more serious aggravated assault according to some states’ laws. Such is not the case in NIBRS. Regardless of the victim type, such minor assaults are reported as Simple Assaults under NIBRS, so long as a weapon was not used or threatened.

“We have audited agencies and found they were unknowingly over-reporting violent crime by upwards of 25% in some cases”, said Ed Claughton, leaving them in a position of defense against concerned constituents and elected officials concerned with the high rate of crime in their communities.

office 305.460.0096 | 150 Alhambra Circle, Suite 1270 | Coral Gables, FL 33134

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In 2018, the City of Tallahassee was incorrectly reported as having one of the highest rates of violent crime in the state due to this type of error.

The audit by PRI confirmed that aggravated assaults had been significantly over-reported.[4]

In 2013, the Milwaukee Police Department was accused of falsifying crime data, an allegation which was proven to be false after the audit revealed errors were prevalent in the NIBRS coding. [5]

The question remains, who is responsible for the tedious work involved in updating the offense table? Cloughton says, “A number of our projects where we were hired to assist with the management of and transition to NIBRS have been delayed due to problems with the RMS vendor. Some of our clients which use the Tyler system have been told by the vendor they are responsible, not Tyler, leaving them with many hundreds of hours of work to do. To add fuel to the fire, there have also been problems with the Tyler NIBRS update, leading to significant system errors, and unfortunately, there is not much we, or our customers, can do when it comes to proprietary software code problems”.

At the end of the day, police agencies have been put between a rock and a hard place when it comes to NIBRS. The failure to submit the data and the unreliability of 2021-2022 crime reporting it appears, may be the result of more than what gets reported in the news. Tyler is not the only company which has contributed to the delays. Other vendors too have been unable to successfully complete the conversion of their systems.

[3] <https://nypost.com/2022/10/10/nypds-failure-to-submit-crime-data-to-feds-could-cost-nyc-millions/>

[4] <https://policerecordsmanagement.com/15467/>

[5] <https://city.milwaukee.gov/ImageLibrary/Groups/cityFPC/Reports/MilwaukeeReportFinalwithAppend.pdf>



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ABOUT PRI:

Since 2008, PRI has been exclusively helping law enforcement agencies procure and manage their systems, records, and data, in the most cost-effective and efficient manner, while ensuring their compliance with the maze of governing public records, NIBRS, and technology standards.

To learn more about how we can support the needs of your agencies, contact us at info@policerecordsmanagement.com or call us at 305-460-0096.
