

ND NIBRS OFFENSE DEFINITIONS

Below is a list of all reportable Group A and Group B offenses for the North Dakota Incident-Based Reporting (IBR) Program along with brief definitions.

GROUP “A” OFFENSES:

ANIMAL CRUELTY

(Crime Against **Society**)

Intentionally, knowingly, or recklessly taking an action that mistreats or kills any animal without just cause, such as torturing, tormenting, mutilation, maiming, poisoning, or abandonment. Included are instances of duty to provide care, e.g., shelter, food, water, care if sick or injured; transporting or confining an animal in a manner likely to cause injury or death; causing an animal to fight with another; inflicting excessive or repeated unnecessary pain or suffering, e.g., uses objects to beat or injure an animal. This definition does not include proper maintenance of animals for show or sport; use of animals for food, lawful hunting, fishing or trapping.

ARSON

(Crime Against **Property**)

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

ASSAULT – AGGRAVATED

(Crime Against **Person**)

An unlawful attack by one person upon another wherein the offender uses or displays a weapon in a threatening manner, or 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.

ASSAULT – SIMPLE

(Crime Against **Person**)

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor 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.

ASSAULT – INTIMIDATION

(Crime Against **Person**)

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.

ASSAULT – STALKING

(Crime Against **Person**)

To engage in an intentional pattern of conduct consisting of two or more acts directed at a specific person which frightens, intimidates, or harasses that person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to experience fear, intimidation, or harassment.

BRIBERY (Except Sports Bribery) (Crime Against **Property**)

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

BURGLARY/BREAKING AND ENTERING (Crime Against **Property**)

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

COUNTERFEITING/FORGERY (Crime Against **Property**)

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 (Crime Against **Property**)

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 VIOLATIONS (Except "DUI") (Crime Against **Society**)

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

DRUG EQUIPMENT VIOLATIONS (Crime Against **Society**)

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

EMBEZZLEMENT (Crime Against **Property**)

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 (Crime Against **Property**)

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 – FALSE PRETENSES/SWINDLE/CONFIDENCE GAME (Crime Against **Property**)

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.

FRAUD – CREDIT CARD/AUTOMATIC TELLER MACHINE FRAUD (Crime Against **Property**)

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

FRAUD – HACKING/COMPUTER INVASION (Crime Against **Property**)
Wrongfully gaining access to another person’s or institution’s computer software, hardware, or network without authorized permissions or security clearances.

FRAUD – IDENTITY THEFT (Crime Against **Property**)
Wrongfully obtaining and using another person’s personal data (e.g., name, date of birth, Social Security Number, driver’s license number, credit card number).

FRAUD – IMPERSONATION (Crime Against **Property**)
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 that would not have otherwise been incurred.

FRAUD – WELFARE FRAUD (Crime Against **Property**)
The use of deceitful statements, practices, or devices to unlawfully obtain welfare benefits.

FRAUD – WIRE FRAUD (Crime Against **Property**)
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 – BETTING/WAGERING (Crime Against **Society**)
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.

GAMBLING – OPERATING/PROMOTING/ASSISTING GAMBLING (Crime Against **Society**)
To unlawfully operate, promote, or assist in the operation of a game of chance, lottery, or other gambling activity.

GAMBLING – GAMBLING EQUIPMENT VIOLATIONS (Crime Against **Society**)
To unlawfully manufacture, sell, buy, possess, or transport equipment, devices, and/or goods used for gambling purposes.

GAMBLING – SPORTS TAMPERING (Crime Against **Society**)
To unlawfully alter, meddle in, or otherwise interfere with a sporting contest or event for the purpose of gaining a gambling advantage.

HOMICIDE – MURDER AND NON-NEGLIGENT MANSLAUGHTER (Crime Against **Person**)
The willful (non-negligent) killing of one human being by another.

HOMICIDE – NEGLIGENT MANSLAUGHTER (Crime Against **Person**)
The killing of another person through negligence. The offense does not include “Vehicular Manslaughter”.

HOMICIDE – JUSTIFIABLE HOMICIDE(Crime Against **Person**)

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

HOMICIDE – SUICIDE¹ (Attempted/Completed)

(This is not a crime)

The taking of, or attempted taking of, one's own life.

HOMICIDE – VEHICULAR MANSLAUGHTER¹(Crime Against **Person**)

Recklessly causing the death of an individual while operating a motor vehicle.

HUMAN TRAFFICKING – COMMERCIAL SEX ACTS(Crime Against **Person**)

Inducing a person by force, fraud, or coercion to participate in commercial sex acts, or in which the person induced to perform such act(s) has not attained 18 years of age.

HUMAN TRAFFICKING – INVOLUNTARY SERVITUDE(Crime Against **Person**)

The obtaining of person(s) through recruitment, harboring, transportation, or provision, and subjecting such persons by force, fraud, or coercion into involuntary servitude, peonage, debt bondage, or slavery (not to include commercial sex acts).

KIDNAPPING/ABDUCTION(Crime Against **Person**)

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

LARCENY/THEFT – POCKET-PICKING(Crime Against **Property**)

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

LARCENY/THEFT – PURSE-SNATCHING(Crime Against **Property**)

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

LARCENY/THEFT – SHOPLIFTING(Crime Against **Property**)

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

LARCENY/THEFT – THEFT FROM BUILDING(Crime Against **Property**)

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

¹ North Dakota specific offense reported only to state.

LARCENY/THEFT – THEFT FROM COIN-OPERATED MACHINE OR DEVICE

(Crime Against **Property**)

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

LARCENY/THEFT – THEFT FROM MOTOR VEHICLE (Except “Theft of Motor Vehicle Parts or Accessories) (Crime Against **Property**)

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

LARCENY/THEFT – THEFT OF MOTOR VEHICLE PARTS OR ACCESSORIES

(Crime Against **Property**)

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.

LARCENY/THEFT – ALL OTHER LARCENY

(Crime Against **Property**)

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

MOTOR VEHICLE THEFT

(Crime Against **Property**)

The theft of a motor vehicle, including automobiles, buses, recreational vehicles, trucks, and other motor vehicles.

PORNOGRAPHY/OBSCENE MATERIAL

(Crime Against **Society**)

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

PROSTITUTION

(Crime Against **Society**)

To unlawfully engage in sexual relations for profit.

PROSTITUTION – ASSISTING OR PROMOTING

(Crime Against **Society**)

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.

PROSTITUTION – PURCHASING

(Crime Against **Society**)

To purchase or trade anything of value for commercial sex acts.

ROBBERY

(Crime Against **Property**)

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.

SEX OFFENSES – RAPE (Except “Statutory Rape”) (Crime Against **Person**)

The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

SEX OFFENSES – SODOMY (Crime Against **Person**)

Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. (This includes members of the same sex.)

SEX OFFENSES – SEXUAL ASSAULT WITH AN OBJECT (Crime Against **Person**)

To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

SEX OFFENSES – FONDLING (Crime Against **Person**)

The touching of the private body parts of another person for the purpose of sexual gratification, without consent of the victim including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

SEX OFFENSES, NON-FORCIBLE – INCEST (Crime Against **Person**)

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

SEX OFFENSES, NON-FORCIBLE – STATUTORY RAPE (Crime Against **Person**)

Non-forcible sexual intercourse with a person who is under the statutory age of consent. “With the consent of the victim” is an element of Statutory Rape. In addition, there is no force or coercion used in Statutory Rape; the act is not an attack.

STOLEN PROPERTY OFFENSES (Crime Against **Property**)

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

WEAPON LAW VIOLATIONS (Crime Against **Society**)

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 (Except counterfeited or forged checks)

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

CURFEW/LOITERING/VAGRANCY

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

DISORDERLY CONDUCT

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

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. This offense includes being in “Actual Physical Control.”

DRUNKENNESS (Except DUI)

(This is not a crime in ND)

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

FAMILY OFFENSE, NON-VIOLENT

Unlawful, nonviolent acts by a family member (or legal guardian) that threaten the physical, mental, or economic well-being or morals of another family member, and that are not classifiable as other offenses, such as Assault, Incest, Statutory Rape, etc. This offense includes: Abandonment; Desertion; Neglect; Nonsupport; Nonviolent Abuse; or Non-Violent Cruelty to other family members. It also includes the nonpayment of court-ordered alimony, as long as it is not considered Contempt of Court within the reporting jurisdiction. Does not include victims of these offenses who are taken into custody for their own protection.

LIQUOR LAW VIOLATIONS (Except DUI and Drunkenness)

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

PEEPING TOM

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

TRESPASS ON REAL PROPERTY

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

ALL OTHER OFFENSES

All crimes that are not Group "A" offenses and not included in one of the specifically named Group "B" crime categories listed above. (Traffic offenses, except for Hit and Run, are excluded)