

# CRIME IN NEBRASKA (2022)

FOR RELEASE: AUGUST 4, 2023

**NEBRASKA**

Good Life. Great Service.

---

**COMMISSION ON LAW ENFORCEMENT  
AND CRIMINAL JUSTICE**

## **CRIME IN NEBRASKA (2022)**

Issued by:

Nebraska Commission on Law Enforcement and Criminal Justice (Nebraska Crime Commission)

301 Centennial Mall South | P.O. Box 94946 | Lincoln, Nebraska 68509-4946

Phone: (402) 471-2194 | Fax: (402) 471-2837 | [ncc.nebraska.gov](http://ncc.nebraska.gov)

***PLEASE NOTE: Some agencies were excluded from these trends due to incomplete reporting/no reporting over the two-year period. Caution should be used when comparing the percent changes presented within this report. A slight shift in the volume of crimes or arrests may result in a large percent change for some offenses, arrests, and/or population groups. See Appendix at the end of this report for additional details.***

## STATEWIDE CRIME SUMMARY

The number of crimes reported to Nebraska law enforcement agencies in 2022 increased 1.89%. There were 23,083 crimes reported in 2022, compared to 22,655 crimes reported during the same period in 2021, resulting in an increase of 572 reported crimes. These numbers include only the crimes of Murder-Manslaughter, Forcible Rape, Robbery, Aggravated Assault, Burglary, Larceny-Theft, Motor Vehicle Theft, and Arson, which serve as the *Crime Index* used to measure crime statewide.

Reported violent crimes (Murder-Manslaughter, Forcible Rape, Robbery, and Aggravated Assault) decreased 4.84% in 2022. There were 2,614 violent crimes reported in 2022, compared to 2,747 reported in 2021, resulting in a decrease of 133 violent crimes.

Reported property crimes (Burglary, Larceny-Theft, Motor Vehicle Theft, and Arson) increased 2.82% in 2022. There were 20,469 property crimes reported in 2022, compared to 19,908 reported in 2021, resulting in an increase of 561 property crimes.

**Crime Index Offenses, 2021 – 2022**

	2021	2022	CHANGE
<b>VIOLENT CRIMES</b>	<b>2,747</b>	<b>2,614</b>	<b>-4.84%</b>
Criminal Homicide	49	49	0%
Forcible Rape	603	592	-1.82%
Robbery	241	240	-0.42%
Aggravated Assault	1,854	1,733	-6.53%
<b>PROPERTY CRIMES</b>	<b>19,908</b>	<b>20,469</b>	<b>+2.82%</b>
Burglary	2,379	2,218	-6.77%
Larceny-Theft	15,560	15,997	+2.81%
Motor Vehicle Theft	1,793	2,049	+14.28%
Arson	176	205	+16.48%
<b>COMBINED TOTAL</b>	<b>22,655</b>	<b>23,083</b>	<b>+1.89%</b>

PLEASE NOTE: Caution should be used when comparing the percent changes presented within this report. Some agencies were excluded from these trends due to incomplete reporting over the two-year period. A slight shift in the volume of crimes or arrests may result in a large percent change for some offenses, arrests, and/or population groups. See Appendix at the end of this report for further details.

## POPULATION GROUPS

The following population groups saw changes in their 2022 crime rates:

- \*\*Populations of 400,000 is blank due to data not being provided by the agency that meets that population criteria
- Populations of 399,999 to 100,000 increased 2.83% overall (violent -7.69% / property +4.31%)
- Populations of 99,999 to 5,000 increased 6.39% overall (violent -1.91% / property +7.52%)
- Populations of 4,999 and under increased 0.47% overall (violent +3.66% / property no change)
- County areas decreased 8.43% overall (violent -3.2% / property -9.08%)
- State properties had no change overall (violent -2.33% / property +2.17%)

**Crime Index Offenses by Population Group, 2021 – 2022**

POPULATION GROUP		YEAR	Murder- Man- slaughter	Forcible Rape	Robbery	Agg. Assault	<b>Violent (Total)</b>	Burglary	Larceny – Theft	Motor Vehicle Theft	Arson	<b>Property (Total)</b>	<b>Grand Total</b>
POLICE DEPARTMENTS	400,000 AND OVER	2021											
		2022											
		CHANGE											
	399,999 TO 100,000	2021	10	211	138	811	<b>1170</b>	922	6,598	630	61	<b>8211</b>	<b>9,381</b>
		2022	18	175	147	733	<b>1,080</b>	885	6,744	852	85	<b>8,566</b>	<b>9,646</b>
		CHANGE	+80%	-17.06%	+6.52%	-9.62%	<b>-7.69%</b>	-4.01%	+2.21%	+35.24%	+39.34%	<b>+4.31%</b>	<b>+2.83%</b>
	99,999 TO 5,000	2021	20	254	79	642	<b>995</b>	820	5711	670	55	<b>7,256</b>	<b>8,251</b>
		2022	12	254	73	637	<b>976</b>	783	6212	748	59	<b>7,802</b>	<b>8,778</b>
		CHANGE	-40%	0%	-7.6%	-0.78	<b>-1.91%</b>	-4.51%	+8.77%	+11.64%	+7.27%	<b>+7.52%</b>	<b>+6.39%</b>
	4,999 AND UNDER	2021	0	18	4	60	<b>82</b>	83	423	50	2	<b>558</b>	<b>640</b>
		2022	0	24	4	57	<b>85</b>	84	416	53	5	<b>558</b>	<b>643</b>
		CHANGE	0%	+33.3%	0%	-5	<b>+3.66%</b>	+1.21%	-1.66%	+6%	+150%	<b>0%</b>	<b>+0.47%</b>
OTHER	COUNTY AREAS	2021	15	108	21	293	<b>437</b>	545	2532	426	23	<b>3,526</b>	<b>3,963</b>
		2022	12	135	12	264	<b>423</b>	450	2354	384	18	<b>3,206</b>	<b>3,629</b>
		CHANGE	-20%	+25%	-42.9%	-9.9%	<b>-3.2%</b>	-17.43%	-7.03%	-9.86%	-21.74	<b>-9.08%</b>	<b>-8.43%</b>
	STATE AREAS	2021	4	2	0	37	<b>43</b>	0	10	3	33	<b>46</b>	<b>89</b>
		2022	7	1	1	33	<b>42</b>	1	5	4	37	<b>47</b>	<b>89</b>
		CHANGE	+75%	-50%	NA	-10.8%	<b>-2.33%</b>	NA	-50%	+33.3%	+12.12%	<b>+2.17%</b>	<b>0%</b>

<b>TOTAL</b>	<b>2021</b>	49	593	242	1,843	2,727	<b>2,370</b>	15,274	1,779	174	19,597	22,324
	<b>2022*</b>	49	589	237	1,724	2,606	2,203	15,731	2,041	204	20,179	22,785
	<b>CHANGE</b>	<b>0%</b>	<b>-0.67%</b>	<b>-2.07%</b>	<b>-6.46%</b>	<b>-4.44%</b>	<b>-7.05%</b>	<b>+2.99%</b>	<b>+14.73%</b>	<b>+17.24%</b>	<b>+2.97%</b>	<b>+2.07%</b>

\*PLEASE NOTE: Some agencies were excluded from these trends due to incomplete reporting over the two-year period. Caution should be used when comparing the percent changes presented within this report. A slight shift in the volume of crimes or arrests may result in a large percent change for some offenses, arrests, and/or population groups. See Appendix at the end of this report for further details

## ARRESTS

There were 38,027 arrests made in 2022, compared to 38,149 in 2021, resulting in an overall decrease of 0.32%. The five categories with the highest number of arrests in 2022 were: Drug Abuse Violations (7,446); Driving Under the Influence (4,807); Simple Assault (3,858); Larceny (3,193); and Liquor Law Violations (2,206).

The number of adult arrests (age 18 and over) in 2022 was 33,117, compared to 33,921 in 2021, resulting in a decrease of 2.4%. The number of juvenile arrests (age 17 and under) in 2022 was 4,910, compared to 4,228 in 2021, an increase of 16.1%.

### Total Arrests in Nebraska, 2021 – 2022

	ADULT ARRESTS			JUVENILE ARRESTS			ALL ARRESTS		
	2021	2022	CHANGE	2021	2022	CHANGE	2021	2022	CHANGE
Murder-Manslaughter	19	29	+52.6%	3	1	-66.7%	22	30	+36.4%
Manslaughter by Negligence	7	4	-42.9%	0	0	0	7	4	-42.9%
Forcible Rape	93	85	-8.6%	7	17	+143%	100	102	+2%
Robbery	62	51	-17.7%	29	15	-48.3%	91	66	-27.5%
Aggravated Assault	1,394	1,316	-5.6%	71	82	+15.5%	1,465	1,398	-4.6%
Burglary	188	205	+9.04%	74	35	-52.7%	262	240	-8.4%
Larceny	1,993	2,601	+30.5%	414	592	+43%	2,407	3,193	+32.7%
Motor Vehicle Theft	124	121	-2.4%	95	126	+32.6%	219	247	+12.8%
Simple Assault	2,794	2,739	-1.97%	931	1,119	+20.2%	3,725	3,858	+3.6%
Arson	33	24	-27.3%	18	37	+105.6%	51	61	+19.6%
Forgery and Counterfeiting	144	151	+4.9%	1	2	+100%	145	153	+5.5%
Fraud	251	114	-54.6%	36	35	-2.8%	287	149	-48.1%
Embezzlement	14	8	-42.9%	9	6	-33.3%	23	14	-39.1%
Stolen Property Offenses	237	294	+24.1%	18	27	+50%	255	321	+25.9%
Vandalism	974	912	-6.4%	442	478	+8.1%	1,416	1,399	-1.2%
Weapons	597	556	-6.9%	45	54	+20%	642	610	-4.9%
Prostitution	34	6	-82.4%	0	0	0	34	6	-82.4%
Sex Offenses	96	91	-5.2%	50	34	-32%	146	125	-14.4%
Drug Abuse Violations	7,360	6,656	-9.6%	646	790	-22.3%	8,006	7,446	-7%
Offense Against Family and Children	395	363	-8.1%	245	344	+40.4%	640	707	+10.5%
Driving Under the Influence	5,066	4,736	-6.5%	69	71	+2.9%	5,135	4,807	-6.4%

Liquor Law Violations	1,827	1,840	+0.7%	290	366	+26.2%	2,117	2,206	+4.2%
Disorderly Conduct	1,486	1,481	-0.34%	99	117	+18.2%	1,585	1,598	+0.82%
Curfew/Loitering/Vagrancy	*620	752	+21.3%	*95	54	-43.2%	715	806	+12.7%
All Other Offenses (except traffic)	8,113	7,982	-1.6%	541	508	-6.1%	8,654	8,490	-1.9%
<b>TOTAL</b>	<b>33,921</b>	<b>33,117</b>	<b>-2.4%</b>	<b>4,228</b>	<b>4,910</b>	<b>+16.1%</b>	<b>38,149</b>	<b>38,027</b>	<b>-0.32%</b>

PLEASE NOTE: Some agencies were excluded from these trends due to incomplete reporting over the two-year period. Caution should be used when comparing the percent changes presented within this report. A slight shift in the volume of crimes or arrests may result in a large percent change for some offenses, arrests, and/or population groups. See Appendix at the end of this report for further details. \*Adjusted data.

## A REVIEW OF HATE CRIMES

With the passage of Legislative Bill 90 in 1997, commonly referred to as the Hate Crime Bill, the Nebraska Crime Commission (NCC) developed a system to report hate crimes. The FBI has defined a hate crime as a “criminal offense against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.” Nebraska law enforcement agencies voluntarily submit quarterly reports to the NCC which document the details of hate crimes that have been committed within the jurisdictions of those reporting agencies. Some of the details documented include: the type of crime committed, a general description of the location in which it occurred, and the type of bias or motivation of the offender.

In 2022, 176 law enforcement agencies participated in submitting hate crime data to the Crime Commission (101 all 12 months, 75 partial months). In total, there were 43 incidents reported by 17 agencies statewide that involved crimes motivated by hate or bias. In comparison, 2021 had 179 agencies participate in submitting hate crime data, reporting a total of 45 incidents from 21 agencies statewide, resulting in an overall decrease of 4.44%.

**Types of Bias/Motivations in Hate Crimes, 2021 – 2022**

	2021	2022
<b>RACIAL</b>	<b>27</b>	<b>22</b>
Anti-White	10	5
Anti-Black or African American	13	12
Anti-American Indian/Alaska Native	1	3
Anti-Asian	0	0
Anti-Arab	0	1
Anti-Multiple Races / Groups	3	1
<b>ETHNICITY / NATIONAL ORIGIN</b>	<b>3</b>	<b>7</b>
Anti-Hispanic or Latino	2	6
Anti-Other Race / Ethnicity / Ancestry	1	1
<b>RELIGIOUS</b>	<b>4</b>	<b>2</b>
Anti-Jewish	2	0
Anti-Catholic	0	0
Anti-Islamic (Muslim)	1	0
Anti-Protestant	0	0
Anti-Other Religion	0	2
Anti-Multiple Religions, Group	1	0
<b>SEX/GENDER</b>	<b>6</b>	<b>9</b>
Anti-Gay (Male)	3	1



Anti-Lesbian, Gay, Bisexual or Transgender (Mixed Group)	2	6
Anti-Bisexual	0	0
Anti-Lesbian	1	2
<b>DISABILITY</b>	<b>3</b>	<b>0</b>
Anti-Physical Disability	1	0
Anti-Mental Disability	2	0
<b>GENDER IDENTITY BIAS</b>	<b>2</b>	<b>3</b>
Anti-Transgender	2	3
Anti-Gender Non-Conforming	0	0
<b>TOTAL</b>	<b>45</b>	<b>43</b>

. \*\*Bias motivation, location and offense counts will not match as one incident may contain more than one victim and offense.

## A REVIEW OF HATE CRIMES

The general locations where hate crimes occurred in 2020-2021 are provided in the table below:

**Location of Hate Crimes in Nebraska, 2021 – 2022**

	2021	2022
Government/Public Building and other	3	4
Commercial (bar, restaurant, store, etc.)	10	8
Public Area (street, park, etc.)	16	10
Residence/Home	19	16
School / College	14	6
Cyberspace	1	1
Church/Synagogue/Temple/Mosque	1	0
Other/Unknown	3	0
Construction/Industrial/Farm	0	1
<b>TOTAL</b>	<b>67</b>	<b>46</b>

\*\*Bias motivation, location and offense counts will not match as one incident may contain more than one victim and offense.

The types of offenses used in hate crimes in 2020-2021 are provided in the table below:

**Types of Offenses Used in Hate Crimes in Nebraska, 2021 – 2022**

	2021	2022
<b>CRIMES AGAINST PEOPLE</b>	<b>18</b>	<b>28</b>
Kidnapping	0	0
Rape	0	0
Aggravated Assault	2	4
Simple Assault	8	11
Intimidation	8	13
<b>CRIMES AGAINST PROPERTY</b>	<b>30</b>	<b>20</b>
Burglary	0	1
Larceny-Theft	5	5
Motor Vehicle Theft	0	0
Fraud Offenses	2	0
Destruction / Damage / Vandalism of Property	19	13
Arson	1	0
Other	3	0
Robbery	0	1
<b>TOTAL</b>	<b>48</b>	<b>48</b>

\*\*Bias motivation, location and offense counts will not match as one incident may contain more than one victim and offense.

## Appendix

### **Overview and Implications of the Omaha Police Department's (OPD) Delayed Compliance with the National Incident-Based Reporting System (NIBRS) Mandate**

#### **THE NIBRS MANDATE**

##### **Uniform Crime Reporting (UCR): The Shift from Summary Reporting to NIBRS**

Under the previous approach, summary data reporting, based on a few basic fields of data, was reported to meet UCR requirements. The NIBRS mandate added significant detail and depth to the captured information, requiring agencies to modify or develop records management and reporting systems capable of handling the increased sophistication. The last five years have been a challenge for some agencies to address data collection, modify processes, and engineer systems capable of compliance.

##### **UCR Compliance Structure in Nebraska**

The Federal Bureau of Investigation (FBI) Criminal Justice Information System (CJIS) manages the UCR Programs for the FBI and relies on certain entities in each state to manage criminal justice information across their areas of responsibility so that the data reported is complete and accurate. The Nebraska State Patrol (NSP) serves as this state's CJIS Systems Agency (CSA) and houses the CJIS Systems Officer (CSO). The program is administered by the Commission. Further, the Commission is audited triennially by the FBI CJIS Division, with involvement from the CSO. To summarize, both NSP and the Commission have responsibility and oversight for the NIBRS program.

#### **THE OMAHA POLICE DEPARTMENT'S DELAYED-COMPLIANCE**

##### **Action Taken by the Commission**

The Systems and Research Division of the Commission worked closely with OPD's team in hopes the agency would attain NIBRS compliance. By mid-2021, it was clear OPD was struggling with vendor engagement and responsiveness and might not be compliant by the end of 2021, thus significantly impacting the *Crime in Nebraska Report* for 2021.

The Executive Director of the Commission and the Director of the Systems and Research Division reported the status of OPD's non-compliance to the Commission at its August 20, 2021 meeting. The members directed the Executive Director and the SRD Director to meet with OPD and offer whatever assistance possible to ensure the agency became NIBRS compliant in time to be included in the *Crime in Nebraska Report* for 2021.

### **Commission Directive**

On August 23, 2021, the Executive Director contacted Chief Todd Schmaderer via email explaining the report given to the Commission at its meeting and the directive to meet to offer assistance in attaining compliance. The purpose was clearly stated as: “Please understand that the purpose of this meeting is not punitive—we want to make sure OPD has access to appropriate resources and supports, and offer any assistance or guidance that we can in order to get OPD compliant as soon as possible.” The Executive Director suggested a representative from the Omaha Mayor’s office also attend.

On September 2, 2021, Commission staff met with OPD representatives, including a staff member from the Omaha Mayor’s Office, regarding concerns the Commission had on OPD’s ability to attain NIBRS compliance by the U.S. Department of Justice deadline of January 1, 2021.

OPD focused on the collection and production of quality data, but, as a large department, experienced similar system-build issues as other similar sized departments nationwide. The main issue involved submission of a testable data set. OPD prioritized correcting records that had errors or omissions. While this is clearly a best practice and something OPD should be commended for, the NIBRS mandate error rate test requires testing of uncorrected data. Testing found that OPD’s error rate appeared to meet the NIBRS mandate of less than 4%, but also identified some errors and warnings in the data.

Per OPD, its efforts to comply with the NIBRS reporting requirements have been hampered by its field reporting vendor’s inability to provide a NIBRS compliant field reporting application to OPD. From time of the NIBRS project inception, members from OPD, the DOJ, the FBI, and the Commission were conducting monthly meetings to track project progress. Beginning in September of 2019, these meeting focused heavily on the failure of OPD’s vendor to engage and make meaningful progress on updates to this critical piece of software. The DOJ actively engaged the vendor, who received DOJ funds, in an independent effort to get meaningful progress made on the remaining issues.

In a September 23, 2021 email briefing to the Commission (and subsequent update at the October 15, 2021 Commission meeting), the Executive Director and staff expressed optimism that OPD would be NIBRS compliant by the end of the year. OPD had success in meeting the error rate thresholds, with the errors and warnings encountered appearing to be minor issues involving a small coding error, drug measurement item, and a date issue (an error due to our testing environment and not OPD data). Compliance appeared so certain that discussions were underway on how to load data from the rest of the year so that OPD is both NIBRS compliant and current by the end of 2021.

## **CONTINUED DELAYED-COMPLIANCE ISSUES**

### **Resolving Errors and Warnings**

Work after the meeting focused on resolving the errors and warnings found in the test data. Commission staff provided a report of 100 errors and 1,227 warnings in an October 8, 2021 email to OPD to assist in resolving the issues. In addition, OPD did a deep-dive into all errors and

warnings to further solidify their attempts to address the ongoing issues. Despite meeting the error rate, the warnings and errors were a hurdle to attaining compliance with the system technical specification which was needed to be NIBRS certified.

On October 7, 2021, the Executive Director informed Chief Schmaderer that if OPD did not become NIBRS compliant, it could be found no longer eligible, per grant conditions, for JAG funding. On October 9, 2021, Chief Schmaderer responded and asked that any decision be delayed because OPD was working with the Department of Justice on its NIBRS issues.

### **“Unknown” Data Response Value**

Concerns arose regarding the accuracy of the data submitted and OPD’s ability to fix the errors and warnings within its data. While OPD had met the 4% error threshold with certain data sets, the data used to meet this level had large proportions of information omitted and/or missing. Analysis of this concern discovered that OPD had simply mapped several items to an “unknown” value in an attempt to pass the technical 4% error rate threshold.

Since “unknown” is an acceptable value, these instances do not trigger a ‘missing information’ error flag but instead just cause a warning in the repository queue. However, the Nebraska State UCR Program has always operated under the direction that the “unknown” data response values are reserved for instances when the agency logically cannot ascertain the details regarding an incident, or should only be used when any data element ‘does not fit’ one of the other defined data values. In OPD’s case, missing information includes hate crime, gang activity, arrestee race, location, property loss, and weapon information, to name a few.

## **ASSESSING OPD’S STATUS**

### **Consultation with the FBI**

Based on the issues experienced with OPD’s data, the Director of the Systems and Research Division advised against certifying OPD. Before making a final decision, on December 1, 2021, the Director, at the direction of the Executive Director of the Commission, sought an opinion from the FBI on the NIBRS compliance status of an agency exhibiting the data issues that OPD had (OPD was not named in the email) and if the FBI had encountered similar issues with other agencies, including the issuance of alternate processes, timelines, or workarounds regarding NIBRS certification and compliance.

On December 2, 2021, the NIBRS Coordinator for the FBI Uniform Crime Reporting Program responded that the program relies on its state partners to collect data and deferred the Commission to the state’s CSO, this being NSP. While it deferred for the time being, the FBI also offered assistance to make sure Nebraska’s data was complete and accurate should it be needed.

### **NIBRS Certification Requested by OPD**

In a letter dated December 6, 2021, OPD requested receipt of a letter denoting its NIBRS certification. On December 10, 2021, the Executive Director of the Commission responded to Chief Schmaderer that the issue was under review and the letter would be responded to as soon as possible.

## **NIBRS CERTIFICATION DENIED**

### **Certification Denied**

In a December 14, 2021 letter, the Executive Director of the Commission declined to issue OPD a NIBRS certification letter and stated that OPD was not in compliance with the NIBRS mandate.

### **Basis for the Decision**

The FBI UCR Programs depend on certain entities in each state to manage criminal justice information across their areas of responsibility so that the data reported is complete and accurate. The Nebraska State Patrol serves as this state's CJIS Systems Agency (CSA) and houses the CJIS Systems Officer (CSO). The program is administered by the Commission. Consultation between the Colonel of the Nebraska State Patrol and the Executive Director of the Commission determined that given the FBI's stated directive for complete and accurate data, the issues associated with OPD's data did not meet thresholds for certification.

The noted omissions were significant and critical to the accuracy of the data. Using the "unknown" entry as a placeholder for several instances of missing data was concerning and evidenced issues with the design and process of the records management system in use. What was once thought not to be a system functionality issue is just that. The fields mapped to "unknown" should have been correctly mapped to data elements during identification of business requirements years ago during planning for the records management system's compliance with NIBRS reporting. At that time, gaps would have been identified and resolved. These gaps persist.

Commission Systems and Research Division teammates have sought additional data submissions that evidence the errors and warnings have been corrected, but they have not been corrected. The error threshold versus error correction analysis has been interpreted as shifting parameters, but logic dictates that the data must pass error rates and do so in a manner that allows the data to be complete and useful.

## **COMPLIANCE STRATEGY**

### **Suggested Path to Compliance**

The December 14, 2021 letter also provided OPD with a path toward compliance. Tackling the highlighted issues with the data needed to leverage OPD's stated commitment to producing data with the highest levels of data integrity, which means both error free and accurate/usable data. It was understood that OPD is trying to address issues with its records management system and related applications and supporting functions. OPD suggested improvements with its field reporting application, vendor responsiveness, and testing should address several of the NIBRS compliance issues noted.

According to OPD, it is in the final stages of testing the field reporting application that they finally received from their vendor. After several years of continued pressure from both OPD and the DOJ working in concert, their field reporting vendor has finally delivered a NIBRS compliant version. This version of the application provides many of the more expanded and in-depth data elements

that were previously not collected under the UCR guidelines, and which have been problematic for many of the larger law-enforcement agencies impacted by the NIBRS reporting requirements.

## CONTINUED NON-COMPLIANCE

### FBI Follow-up

On February 11, 2022, the NIBRS Coordinator for the FBI Uniform Crime Reporting Program contacted the Commission’s UCR Program Manager to get an assessment of OPD’s progress toward certification.

Consultation between the Executive Director and the UCR Program Manager found that while the Commission sought additional data submissions that evidence the errors and warnings have been corrected, they have not and that OPD was still not eligible for certification. The Commission responded as such to the FBI on February 14, 2022.

### No Test Site Activity

Commission staff continue to monitor the test site and have found no OPD activity since January 31, 2022. While the 4% threshold was theoretically met, the data issues detailed previously remain. Since no activity has registered on the test site, that means that OPD is not testing any solutions to the data integrity issues. Estimating a potential date of compliance is not possible at this time.

OPD expects to resume submitting test data as they deploy the new field reporting application. This deployment will address many of the missing data elements previously identified with the previous test submissions. In addition, this deployment will allow OPD to make more meaningful progress toward identifying and fixing the expanded and more in-depth data collection issues mandated by NIBRS.

## NON-COMPLIANCE IN CONTEXT

### Other Agencies

NIBRS compliance is not an easy task for any entity and large agencies nationwide struggle with compliance.

### *Nebraska*

In Nebraska, 18 agencies are not compliant and reporting with NIBRS. Except for Omaha, these agencies are very small.

	<u>Police Departments</u>			<u>Sheriff’s Offices</u>	
Beemer	Crofton	Fairmont	Omaha	Blaine	
Bancroft	Dodge/Snyder	Friend	Sargent	Loup	
Cedar Bluffs	Ewing	Hooper	Shelton		
Ceresco	Exeter	Neligh	Yutan		

### Nationwide

OPD is not alone in having issues meeting compliance with the NIBRS mandate. Per the FBI, counting Omaha and the 90 agencies larger than OPD, 39 total are not reporting including two federal agencies. The issue has garnered national attention. In an article titled “The FBI’s Next Set of Crime Data Is Going to Be a Big Mess” that appeared in *The Atlantic* in May 2022, compliance with the standard looks like this:

- “of the nation’s nearly 19,000 law-enforcement agencies, more than 7,000 are not yet reporting data to NIBRS”
- “32 of the 72 largest agencies will not report a full year’s worth of NIBRS data for 2021”
- “Eight agencies covering 1 million or more people each will not report NIBRS data, including both the NYPD and LAPD.”

Source citation:

The FBI’s Next Set of Crime Data Is Going to Be a Big Mess: National crime estimates in the next few years will carry more uncertainty than ever before.

By Jeff Asher

*The Atlantic*, May 10, 2022.

<https://www.theatlantic.com/ideas/archive/2022/05/fbi-crime-data-nibrs-2021/629797/>

## **RAMIFICATIONS OF OPD’S NON-COMPLIANCE**

### **Ramifications**

Given OPD’s non-compliant status with the NIBRS mandate, the *Crime in Nebraska Report* for 2022 and all associated datasets are missing more than 60% of the crime volume in Nebraska. This missing data leads to an inaccurate picture of crime in our state. Further, the lack of complete data causes significant issues with projecting crime trends, crime rates, and analysis of violent crime patterns. All of this can cause eligibility and fund level issues for state and federal grant programs.

### **Possible Statutory and Regulatory Options Available to the Commission**

#### Fines

Neb. Rev. Stat. §81-1426(3) provides the following:

“Willful or repeated failure by any public officers and agencies, the functions of which include the control, apprehension, trial, or correction of criminal offenders in this state, to submit the prescribed information, records, or reports, including the Uniform Crime Report, prescribed in this section shall subject the agency or the administrator of the agency to a civil penalty of up to one hundred dollars per day for each day of violation. Such penalty shall be recoverable by way of a civil suit brought against such agency or individually against the administrator.”



This authority is procedurally clarified in Nebraska Administrative Code Title 78 Chapter 5 (010), which states:

“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.”

It appears the Commission has never sought to file a civil suit against an agency or administrator, most likely due to the fact that fining agencies is not supportive of public safety and fines could impact victim-focused services.

#### Withholding Grant Funds

Another option available, per grant conditions, is withholding certain grants funds from agencies that are not compliant. This only works for agencies receiving grant funding, which is a relatively low percentage of all Nebraska agencies. For those agencies that receive funding, such funds often support Victim Witness Units, community outreach, and other activities. While technically an option, withholding these funds could unfairly affect victims and other citizens.

However, eligibility for grant funding will come into play for grants awarded in 2023. Per LB51 (2021), law enforcement agencies in Nebraska are required to be accredited under a program established by the Commission by January 1, 2023 [Neb. Rev. Stat. §81-1414.18(1)(a)]. If an agency fails to achieve accreditation, the following penalty is leveraged:

“A law enforcement agency that is not accredited as required by this subsection shall be ineligible to receive loans, grants, funds, or donations administered by the commission until the commission determines that such agency has been properly accredited.” [Neb. Rev. Stat. §81-1414.18(1)(c)].

A requirement under the Commission’s program, for both nationally accredited agencies and those with no current accreditation, is compliance with the NIBRS mandate. Failure to be compliant with the mandate will disqualify the agency from accreditation and thus said agency will not be able to receive funds from the Commission as noted above.

## **CONCLUSION**

Without data from OPD, the *Crime in Nebraska Report* for 2022 and all associated datasets will have severe and significant limitations, missing upwards of 60% of the crime volume in Nebraska. While the Commission may be able to create two reports, with one especially for OPD data, that data will lack the detail associated with the NIBRS mandate and would be at a level commensurate with the previous UCR Summary data structure.

According to coverage of the NIBRS compliance issue nationwide, there could be additional national data issues for Nebraska. Per one article:

“The FBI said in an email that state estimates “will not be published if there is less than 80 percent population coverage”—in other words, if the law-enforcement agencies that do report their data to NIBRS represent less than 80 percent of a state’s population, the FBI won’t estimate that state’s overall crime figures.”

Source citation:

The FBI’s Next Set of Crime Data Is Going to Be a Big Mess: National crime estimates in the next few years will carry more uncertainty than ever before.

By Jeff Asher

*The Atlantic*, May 10, 2022.

<https://www.theatlantic.com/ideas/archive/2022/05/fbi-crime-data-nibrs-2021/629797/>

National datasets may be lacking any data from Nebraska due to the incomplete nature of the data submitted. As previously noted, this lack of data will make projecting crime trends, crime rates, and analysis of violent crime patterns all but impossible and could cause issues with eligibility for state and federal grant programs that require data submissions to validate need and/or potential project impact. This impact is difficult to immediately discern due to the delay between data reporting years and grant program cycles.