



Welcome!

Thank you for being here today.

Class will begin promptly at the scheduled time.





TX Mandated Reporting

To recognize the guidelines for reporting:

Hate Crime

Drugs Seized

Family Violence

Sexual Assault

Background

- [Texas Legislature](#) identified hate crime, drugs seized, family violence and sexual assault as the areas in which the State would collect more data than the standard information collected as part of UCR. These mandates assigned DPS the role of collecting and storing hate crime, drug seized, family violence and sexual assault data.
- [Health and Safety Code 481.185](#)
- [TX Code of Criminal Procedure 5.05](#)
- [Government Code 411.042](#)

When an agency submits their NIBRS data to the State, they are also submitting the data for the TX mandated reports:

TX Mandated Reporting in NIBRS

- Hate Crime: Offense Segment (Segment 2)
- Drugs Seized: Property Segment (Segment 3) and TX Segment 8
- Family Violence: TX Segment 8
- Sexual Assault: TX Segment 9 (check with vendor) OR manual submission. *Not all agencies have Segment 9 at this time.*



Hate Crime

Hate Crime Definition

- A committed criminal offense that is motivated, in whole or in part, by the offender's bias(es) against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.
- Hate Crimes are not separate, distinct crimes, but rather traditional offenses motivated by the offender's bias.
- Definitions from: [FBI Hate Crime Data Collection Guidelines and Training Manual](#)

NIBRS HATE CRIME OFFENSES

- 09A-B Murder
- 11A-D Forcible Sex Offenses
- 36A Incest
- 13A-C All Assaults
- 64 A-B Human Trafficking
- 40A-C Prostitution Offenses
- 220 Burglary
- 290 Destruction/Vandalism of Property
- 200 Arson
- 23A-H Larceny/Theft Offenses
- 26A-E Fraud Offenses
- 510 Bribery

These are examples and not an exhaustive list

Hate Crime Bias Motivation Categories

Race/Ethnicity/Ancestry Bias

Religious Bias

Sexual Orientation Bias

Gender Bias

Gender Identity Bias

Disability Bias

88 = None (No Bias)

99 = Unknown (motivation not known, placeholder value)

CAUTIONS

- 1. Case by Case-** Reporting agencies must examine each case for facts which clearly provide evidence that the offender's bias motivated him/her to commit the crime.
- 2. Misleading Facts-** Agencies must be alert to misleading facts.
- 3. Feigned Facts-** Agencies must be alert to evidence left by the offenders which is meant to give the false impression that the incident was motivated by bias.

CAUTIONS

4. Offender's Mistaken Perception-Even if the offender was mistaken about the victim's race, religion, disability, sexual orientation, ethnicity, gender, or gender identity, the offense is still a hate crime as long as the offender was motivated, in whole or in part, by bias against that group.

5. Changes in Findings of Bias-If, after an initial incident report was submitted, a contrary finding regarding bias occurs, during the course of the investigation, the FBI UCR Program file must be updated with the new finding.

NIBRS Warnings - Hate Crime Bias

Important Reminders!

- Agencies must use 88=None, not 99=Unknown when an incident is NOT a hate crime
- Value 99=Unknown indicates the incident may be a hate or bias crime but the offender's motivation is not known until further investigation is conducted

Hate Crime Reporting

For a more thorough understanding of Hate Crime, and the NIBRS Errors and Warnings associated with this mandate, the DPS UCR Training Team offers a separate course, *Hate Crime: Data Collection Guidelines*.

The logo features the words "HATE" and "CRIME" stacked vertically in a bold, red, sans-serif font. The text is overlaid on a white background that has a cracked glass effect, with numerous white lines radiating from a central point, creating a shattered appearance.

**HATE
CRIME**



Drugs Seized



Drugs Seized Offenses Definitions

35A – 35B Drug/Narcotic Offenses The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.

35A Drug/Narcotic Violations

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

35B Drug Equipment Violations

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

In addition to capturing actual drug offenses, LEAs using NIBRS can identify suspected offenders of various other offenses of having used drugs or narcotics during or shortly before the commission of the crime(s).

Drugs Seized

The codes for drugs seized as well as the reporting requirements for the FBI standards and Texas standards are the same and are outlined in the [2021.1 FBI NIBRS User Manual](#).

DRUG SEIZED: TEXAS REPORTING VS FBI REPORTING

The FBI mandates the first 3 drugs seized must be reported. In order to get a more accurate picture, the State of Texas wants the first 17 drugs seized reported.

Drugs Seized

A = Crack Cocaine

B = Cocaine (all forms except Crack)

C = Hashish; **Dabs**

D = Heroin

E = Marijuana; **THC Oil, Edibles**

F = Morphine

G = Opium

H = Other Narcotics: Codeine, Demerol;

Dihydromorphinone or Dilaudid; Hydrocodone or Percodan; Methadone, Pentazocine; Propoxyphene or Darvon; **Oxycontin; Vicodin, Lortabs; Fentanyl, Suboxone;** etc.

I = LSD

Drugs Seized

J = PCP; **Ketamine; Special K**

K = Other Hallucinogens: BMDA or White Acid; DMT; MDA; MDMA; Mescaline or Peyote; Psilocybin; STP; Spice; Dronabinol or Marinol; Ecstasy; K2; etc.

L = Amphetamines/Methamphetamines (includes Methcathinone); Adderall

M = Other Stimulants: Adipex, Fastine, and Ionamin (Derivatives of Phentermine); Benzedrine; Didrex; Khat; Bath Salts; Methylphenidate or Ritalin; Phenmetrazine or Preludin; Tenuate; **Naphthoylindol; Flakka; Pseudoephedrine; Focalin;** etc.

N = Barbiturates

Drugs Seized

- O = Other Depressants: Glutethimide or Doriden, Methaqualone or Quaalude, or Talwin; **Benzodiazepines (Klonopin); Xanax; etc**
- P = Other Drugs: Antidepressants (Elavil, Triavil, Tofranil, etc.); Aromatic Hydrocarbons; Tranquilizers (Chlordiazepoxide or Librium, Diazepam or Valium, etc); Steroids; etc
- U = Unknown Type Drug
- X = Over 3 Drug Types

Drugs Seized – Order of Reporting



- What Order Are Drugs Reported In?
- Agencies should report them in the order of importance, by “taking into account their quantity, value, and deadlines,”. This order of importance is **to be determined by the reporting agency.**

Additional Texas Drug Information

Type Marijuana Fields and Gardens

- Indicate gardens, wild fields, cultivated fields or greenhouses along with how many seized

Type of Drug Manufactured and Number of Clandestine Labs Seized

- Indicate the type of drug manufactured and number of clandestine labs seized

Quantity of Precursor Chemical Seized and Type of Measurement for Precursor Chemical

- Indicate the quantity of precursor chemical and type of measurement

Common Quality Control Issues

Example: 35A Drug Violation was reported in an incident, and 10 = Drugs/Narcotics and 11 = Drug Equipment property descriptions were listed. The agency received a 387 error.

Solution: The agency will need to add or change a drug offense or drug property description.

If an agency reports 35A Drug Narcotic Violation, it will have to report 10 = Drugs as the property type.

If an agency reports 35B Drug Equipment Violation, it will have to report 11 = Drug Equipment.

Segment 8: Texas Only

Segment Level 8 should be submitted as part of a complete incident under the following four circumstances:

- (1) when the incident involves family violence; or,
- (2) when there are more than three types of drugs involved in a drug seizure case; or,
- (3) when marijuana plants were seized from a garden, wild field, cultivated field, or greenhouse; or,
- (4) when clandestine labs or precursor chemicals were seized as part of an incident.



Top Violence

Family Violence

Family Violence Definition

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- Sec. 71.004. FAMILY VIOLENCE. "Family violence" means:

(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;

(2) abuse, as that term is defined by Sections 261.001(1)(C), (E), (G), (H), (I), (J), (K), and (M), by a member of a family or household toward a child of the family or household; or

(3) dating violence, as that term is defined by Section 71.0021.

Texas Family Violence Data Guidelines

An incident should be flagged as family violence when the incident involves the offenses of: Assault, Homicide, Kidnapping/Abduction, Robbery and Forcible Sex Offenses and **at least one** of the victim to offender relationship pairings is:

SE = Victim was Spouse

CS = Victim was Common-Law Spouse

PA = Victim was Parent

SB = Victim was Sibling (Brother or Sister)

CH = Victim was Child

OF = Victim was Other Family Member

GP = Victim was Grandparent

BG = Victim was Boyfriend/Girlfriend

IL = Victim was In-Law

SP = Victim was Stepparent

SC = Victim was Stepchild

SS = Victim was Stepsibling

XS = Victim was Ex-Spouse

GC = Victim was Grandchild

XR = Ex-Relationship (Ex-boyfriend/girlfriend)

*OK = Victim was Otherwise Known (Roommates)

OK =

Otherwise Known

- For TX family violence reporting purposes, a roommate, whether platonic or romantic, is considered family.
- Since 'Otherwise Known' could mean a same-sex relationship or roommates, or someone who is literally known with no other relationship, it can be both familial or non-familial.
- Any offense that involves a relationship of 'OK' MUST include a Segment 8 and will require either a Y (yes it was a family member) or N (no, it was not a family member).

Texas warning 1863

T850:
Family
Violence
Indicator
inconsistent
with
Relationship
code.

Relationship code OK =
Victim was Otherwise
Known (Roommate) was
used, and the Family
Violence indicator is
blank. Please indicate a
Y or N for Family
Violence.



Sexual Assault

Sex Offenses Definition

- Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- Definition from: 2021.1 National Incident-Based Reporting System User Manual

Sexual Assault Reporting

- Currently, agencies can report Sexual Assault data in one of two ways:
 - Inclusion in the NIBRS file as Segment 9
 - Manual entry of the individual sexual assault reports

T Errors in Texas Segment 9

T914: Victim must be less than 14; Offender 17 or older

T915: Victim must be less than 17 for Indecency

T916: Victim must be less than 18 for Sexual Performance

Sexual Assault Reporting and the Penal Code

- This is the **ONLY** area of UCR that is based on Penal Code.
- Collects data on nine specific offenses:
 - PC 21.02 Continuous Sexual Abuse of Young Child or Children
 - PC 21.11(a)(1) Indecency with a Child by Contact
 - PC 21.11(a)(2) Indecency with a Child by Exposure
 - PC 22.011 Sexual Assault
 - PC 22.021 Aggravated Sexual Assault
 - PC 43.25 Sexual Performance by a Child
 - PC 22.012(a)(1) Indecent Assault
 - PC 22.012(a)(2, 3 or 4) Indecent Assault
 - PC 22.011(f)(2) Sexual Assault Donor without Consent

A Warning about Penal Code and NIBRS Codes

Because Penal Codes and NIBRS codes are not exact matches, some of these TX Penal Code offenses will result in NIBRS Group B Offenses that require a TX mandated sexual assault report.

The TX Penal Code 21.11(a)(2) is age-specific, but the NIBRS codes is not always guaranteed to require a TX sexual assault report.

In other words, it is not a reciprocal relationship where the use of a NIBRS code always means there will be a TX mandated sexual assault report.

For example, Indecency with a Child by Exposure would be reported as a 90C Disorderly Conduct. But, 90C is a broad category that also includes profanity, noise complaints, and disturbing the peace.

Crimes against Persons:

11A = Rape

11B = Sodomy

11C = Sexual Assault with an Object

11D = Fondling

Crimes against Society and Group B Offenses:

PC 43.25 = Sexual Performance by a Child

370= Pornography/Obscene Material

PC 21.11(a)(2) = Indecency with a Child (Exposure)

PC 22.012(a)(2, 3 or 4) Indecent Assault

90C= Disorderly Conduct

Considerations in Sexual Assault Reporting

Age of victim

- Some offenses only require reporting if the victim of the offense is under the age of 17

NIBRS Victim

- In NIBRS, the victim in some offenses is Society, however there must be a person as a victim for the Texas sexual assault report.
- As a result, the incident will require more data than is typically submitted for these offenses (extended Segment 9)

Considerations in Sexual Assault Continued

Group B offense

- In Group B offenses, the information is only reported if there is an arrest, however the TX reporting mandate must be met regardless of arrest
 - The agency would submit a 'solo' extended Segment 9

36B Statutory Rape

- Is not a valid NIBRS code to translate from the Texas Sexual Assault penal codes. The Texas Penal Code 22.011(c)(1) defines a child as a person younger than 17 years of age. In the State of Texas, a child cannot give consent. If someone is unable to consent, any action would be considered forcible and would fall under 11A Rape, 11B Sodomy, or 11C Sexual Assault with an Object.

Manual Entry of Sexual Assault Report

- In order to manually enter a Texas Sexual Assault Report, the incident **MUST** first be uploaded with no errors into the DPS Repository.
- Once the incident is uploaded with no errors, and you receive Warning 1872, you will select the **SEARCH** button from the Data Center, and **SEARCH** by incident number in order to edit/enter.
- For further assistance as needed, reach out to **NIBRS@dps.Texas.gov** or 512-424-2091

Things to Consider



- Depending on the circumstances, some incidents will need to be reported as Family Violence (within the NIBRS flat file) and Sexual Assault (through one of the two modes of reporting them).
- Remember, that you are to report the relationship of the victim to the offender.

NIBRS is reported from the victim's point of view.



Learning Checks



Learning Checks

1. How many reports are mandated by the State of Texas? Can you name them?

Answer: Four

Learning Checks

2. Yes or No,

Are only NIBRS participating agencies required to submit the Texas Mandated reports?

Answer: No

Learning Checks

3. True or False. Agencies should report Drugs in the order of importance by taking into account their quantity, value, and deadliness.

Answer: True



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