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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](#)

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NIBRS Mandated Reporting-TX HB 4879

In June 2023, the 88th Legislature passed House Bill 4879, ushering in a new era of incident-based reporting.

HB 4879 modifies Government Code 411.054 to make NIBRS (National Incident-Based Reporting System) submissions to the Uniform Crime Reporting (UCR) program mandatory.

As of 9/01/2023, ALL local law enforcement agencies MUST:

1. Adopt a NIBRS-compliant RMS (Records Management System).
2. Submit monthly NIBRS data to DPS UCR program using their ORI or file a 'zero report' for months with no reportable NIBRS incidents.

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

Hate Crime: Offense Segment (Segment 2)

Drugs Seized: Property Segment (Segment 3) and TX Segment 8

Family Violence: TX Segment 8

TX Specific Reporting in NIBRS

Sexual Assault: TX Segment 9 (check with your vendor) OR manual submission. *Not all agencies have Segment 9 at this time.*

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Segment 8 & 9

The Texas-centric Technical Specifications and Errors Codes is available on the [IBR Learning corner](https://www.dps.texas.gov/section/crime-records/compliance-and-training-bureau) (<https://www.dps.texas.gov/section/crime-records/compliance-and-training-bureau>) and the [DPS website](#). This is also where the RMS vendors will get the technical specifications and layouts for NIBRS data.

This data is not forwarded to the FBI but is reported in [Crime in Texas Online](#) and published annually in [Crime in Texas](#).

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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

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Hate Crime Background

In response to a growing concern about hate crimes, on April 23, 1990, Congress passed the Hate Crime Statistics Act. This law required the Attorney General (AG) to collect data "about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, ethnicity."

The AG delegated the responsibilities of developing the procedures for implementing, collecting, and managing hate crime data to the Director of the FBI, who in turn assigned the tasks to the FBI UCR Program.

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COMMON NIBRS HATE CRIME OFFENSES

- 09A-B Murder
- 11A-D and 36A Sex Offenses
- 13A-C All Assaults
- 100 Kidnapping
- 220 Burglary
- 290 Destruction/ Vandalism of Property
- 200 Arson

Reporting Hate Crimes are not limited to these offenses. Please review the Hate Crime Data Collection Guidelines and Training Manual

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Objective
NOT
Subjective
Evidence

- There must be Objective evidence that the crime was motivated by BIAS.
- The offender's criminal act must have been motivated, in whole or in part, by his/her BIAS.
- Objective facts must be present to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by BIAS.

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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)

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NIBRS Warnings

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 has a hate or bias crime, but the offender's motivation is not known until further investigation is conducted

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99=Unknown MUST be changed to the specific hate bias value when known

**Reporting of bias code 99 will result in Quality Control checks from DPS IBR Staff
You will be required to send a correction**

88 = None If the investigation determines the offender had no hate bias

Agencies must NOT hard code or default their RMS to 99=Unknown

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Hate Crime

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.

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Hate Crime

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 investigation, the FBI UCR Program file must be updated with the new finding.

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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*.

**HATE
CRIME**

[hate-crime-manual-2022](#)

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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.

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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

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Drugs Seized Reporting

The codes for drugs seized and the reporting requirements for the FBI and Texas standards are the same and outlined in the [2023.0 FBI NIBRS User Manual](#).

DRUG SEIZED: TEXAS REPORTING VS FBI REPORTING

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

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Drugs Seized-Type of Drugs

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

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Drugs Seized-Type of Drugs

J = PCP; Ketamine; Special K
K = Other Hallucinogens: MDMA 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

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Drugs Seized-Type of Drugs

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

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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 deadliness.”. This order of importance is *to be determined by the reporting agency*.

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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

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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 error **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.

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Common Quality Control Issues

Seized Drugs over 3

If more than three drugs/narcotics are seized, the quantities of the two most important should be entered first.
In the third field, the LEA should enter X = Over 3 Drug Types.
The quantity field will be left blank.
This triggers the Segment 8 (TX seized drug report) to open for the agency to enter the rest of their seized drugs.
Property type of 10 = Drugs/Narcotic

1. Drug type: H	2. Drug type: M	3. Drug type: X
Drug quantity: 60	Drug quantity: 30	
Drug measurement: DU	Drug measurement: DU	

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Common Quality Control Issues

Unknown Drug Type

Your Officer seized a bag with a substance that he can not identify.
The substance is sent to a lab to verify what it is.
He should report the
35A Drug/Narcotic Violation
Property loss code of 6 = seized
Property type of 10 = Drugs/Narcotics
Drug type is U = Unknown
Drug quantity 1 = none
Drug measurement = XX

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Family Violence

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Family Violence Definition

Texas Family Code 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.

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Family Violence Data Guidelines

An incident should be flagged as family violence when the incident involves Crimes Against Persons OR Robbery and at least one of the victim-to-offender relationship pairings is:

SE = Victim was Spouse	IL = Victim was In-Law
CS = Victim was Common-Law Spouse	SP = Victim was Stepparent
PA = Victim was Parent	SC = Victim was Stepchild
SB = Victim was Sibling (Brother or Sister)	SS = Victim was Stepsibling
CH = Victim was Child	XS = Victim was Ex-Spouse
OF = Victim was Other Family Member	GC = Victim was Grandchild
GP = Victim was Grandparent	XR = Ex-Relationship (Ex-boyfriend/girlfriend)
BG = Victim was Boyfriend/Girlfriend	

*OK = Victim was Otherwise Known (Roommates)

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XR = Ex-Relationship

The 2019 NIBRS specifications were updated to include **XR** (ex-relationship) as a victim/offender relationship choice.

According to the NIBRS definitions, this relationship is considered "outside the family but known."

For Texas Family Violence reports, XR is considered "within family" and would therefore require a Segment 8 for crimes against person/robbery and will produce a family violence report.

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OK = Otherwise Known

For TX family violence reporting purposes, a roommate, whether platonic or romantic, is considered family.

Since ‘Otherwise Known’ could mean a roommate or someone who is literally known with no other relationship, it can be both familial or non-familial

Any assaultive 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

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Family Violence:

Common Quality Control Issues

Multiple Weapons/Injuries selected, one of which is “none”.

Selecting more than one assault offense per relationship pairing (should only report the most serious).

For Texas Family Violence reporting purposes, a roommate, whether platonic or romantic, is considered family.

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Family Violence:

Common Quality Control Issues

Agencies will receive a QC warning for reporting the relationship of the offender to the victim, rather than the victim to the offender relationship

NIBRS Rules state you MUST report the relationship of the Victim to the Offender.

Age ranges should be 3 to 5 years and no more than 10 years.

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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: [2023.0 National Incident-Based Reporting System User Manual](#)

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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 individual sexual assault reports

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Sexual Assault Reporting

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

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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 Type

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)

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Considerations in Sexual Assault

Group A or 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 with 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 22.01(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.

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Texas Warning 1872

- Agencies who submit an electronic submission but do not yet have Segment 9 programmed must manually enter their Sexual Assault Reports into the UCR system.
- Agencies who have Segment 9 but receive Warning 1872, check the incident OR contact your RMS vendor since Segment 9 is missing.

▲1872			Missing Sexual Assault Report for Offenses 11A, 11B, 11C, and/or 11D. A Texas-mandated Sexual Assault Report must be submitted by one of the following methods (1) manual entry, (2) separate sexual assault flat file, or (3) Segment 9 with NIBRS submission, if any of the following Texas Sex Offenses are reported: 01 = Continuous Sexual Abuse of Young Child or Children, 02 = Indecency with a Child By Contact, 04 = Sexual Assault, 05 = Aggravated Sexual Assault, 07 = Indecent Assault - Group A (11D), 09 = Sexual Assault Donor w/o Consent.
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Things to Consider



Depending on the circumstances, some incidents will need to be reported as Family Violence and Sexual Assault.

Remember you are to report the relationship of the victim to the offender.

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

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Learning Check

T/F NIBRS and Texas Specific reporting are mandated in the State of Texas.



True

Per HB 4879, effective 9/01/2023, mandated all law enforcement agencies to report NIBRS, which includes the Texas Specific reports, to the DPS UCR Program

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Learning Check

Two friends, one 16 and the other 17 years old, walk past an abandoned building when they hear someone call out to them. They instinctively turn around and see an adult male who is naked and leaning against the building.

1. What NIBRS offense is this?
90C Disorderly Conduct (indecent exposure)
2. Does this require a Texas Sexual Assault Report?
Yes, but only for the 16-year-old victim



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Learning Check

How many specific reports are there for the State of Texas? Can you name them all?

Four – they include:

- Hate Crime
- Drugs Seized
- Family Violence
- Sexual Assaults



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Learning Check

Multiple Choice: What agencies are required to submit hate crime, drug seized, family violence, and sexual assault reports monthly?

- a. Sheriff Offices and Police Departments
- b. ISD and College Police Departments
- c. ALL Texas law enforcement agencies
- d. Only agencies that investigate these types of offenses

C. All Texas Law enforcement agencies



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Learning Check

An agency arrests a man after his employer reports him for using his work computer to share images of child pornography with other employees.

1. What NIBRS offense is this?

370 Pornography

2. Does this require a Texas Sexual Assault Report?

Yes, the offender is promoting Sexual Performance by a Child (TX PC 43.25)

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Learning Check

T/F If a Texas NIBRS rule differs from an FBI NIBRS rule, Texas agencies should always follow the Texas Specific when reporting.

True

For Data Quality purposes, DPS has added Texas-Specific validations that supersede the NIBRS guidelines

True

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Learning Check

Multiple Choice: In what order should drugs be submitted?

- A. In the order they were discovered
- B. In alphabetical order
- C. In numerical order
- D. In order of "importance" as determined by the LEA
- D. In order of "importance" as determined by the agency



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Learning Check

T/F
Texas drug codes in Segment 8 follow the same NIBRS drug codes for reporting

True

The Texas and FBI codes are the same



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Learning Check

T/F An incident should be reported as family violence when it includes a familial relationship involving Crimes Against Persons or Robbery.

TRUE



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NIBRS & Other IBR Trainings

Crimes Against Persons	Texas Specific Reports
Crimes Against Property	Texas "T" Errors
Group B Offenses	Molly Jane's Law /VICAP
Hate Crimes	LEEP Overview & Agency Administrative Duties
Cargo Theft	N-DEx Overview & Audit
NIBRS Overview	Use of Force Overview & Manual Entry
NIBRS Overview for ISDs	NIBRS Errors & Warnings

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