



CRIMES AGAINST PERSONS

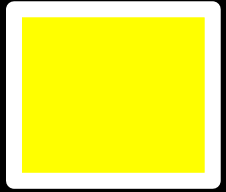
Objectives

- Identify when an incident involves Crimes Against Persons and interpret how those offenses, when reported, are counted in UCR data.
- Classify Group A Crimes Against Persons when occurring in an incident including:
 - 13 A-C Assault Offenses
 - 09 A-C Homicide Offenses
 - 64 A-B Human Trafficking Offenses
 - 100 Kidnapping/Abduction
 - 36 A-B Sex Offenses

Objectives

- Classify Group A Crimes Against Persons Offense 11 A-D Sex Offenses when occurring in an incident and identify all instances in which victims are incapable of giving consent.

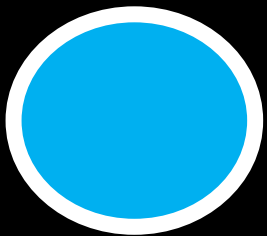
Offense Categories



CRIMES AGAINST PERSONS



CRIMES AGAINST PROPERTY



CRIMES AGAINST SOCIETY

CRIMES AGAINST PERSONS

Assault Offenses

Homicide Offenses

Human Trafficking Offenses

Kidnapping / Abduction

Sex Offenses - Forcible

Sex Offenses – Non-forcible

CRIMES AGAINST PERSONS

- ❖ **Offense** – a description of a crime being committed.
- ❖ **Incident** – one or more offenses committed by the same offender, or group of offenders acting in concert, at the same time and place.
- ❖ **Count** – One offense is counted for each victim.

CRIMES AGAINST PERSONS

A man goes to a party and rapes three women. How many counts?

Three men go to a party and rape the same woman. How many counts?

Assault Offenses 13A - 13C

An unlawful attack by one person upon another

Assault Offenses 13A - 13C

Careful consideration of the following factors should assist in classifying assaults:

- 1. The type of weapon employed or the use of an object as a weapon**
- 2. The seriousness of the injury**
- 3. The intent and capability of the assailant to cause serious injury**

Assault Offenses 13A - 13C

The weapons used or the extent of the injury sustained typically will be the deciding factors in distinguishing aggravated from simple assault.

In only a very limited number of instances should it be necessary to examine the intent and capability of the assailant.

Assault Offenses 13A - 13C

- ❖ **Prosecution policy in a jurisdiction should not influence classification or reporting of law enforcement offense data.**
- ❖ **Reporting agencies should examine and classify the assaults in their respective jurisdictions according to the standard UCR definitions, regardless of whether the offenses are termed misdemeanors or felonies by local definitions.**

Assault Offenses 13A - 13C

**By definition there can be no attempted assaults,
only *completed* assaults.**

Aggravated Assault 13A

An unlawful attack by one person upon another wherein the offender uses a dangerous weapon OR displays it in a threatening manner OR the victim suffers obvious severe or aggravated bodily injury, OR where there was a risk for serious injury/intent to seriously injure.

Serious injuries include apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness

Aggravated Assault 13A

It is not necessary for injury to result from an Aggravated Assault when an offender uses a gun, knife, or other weapon which could cause serious personal injury.

NOTE:

LEAs must report the circumstances of a aggravated assault in Data Element 31 (Aggravated Assault/Homicide circumstances).

Simple Assault 13B

An unlawful physical attack by one person upon another where neither the offender displays a dangerous 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

Intimidation 13C

To unlawfully place another person in reasonable fear of harm through the use of threatening words and/or other conduct without displaying a dangerous weapon or subjecting the victim to an actual physical attack

Intimidation 13C

This offense includes stalking. In addition, the offender can make the threats associated with intimidation in person, over the telephone, or in writing

Questions



- **13A Aggravated Assault**
- **13B Simple Assault**
- **13C Intimidation**

Learning Check 1

Jack came home drunk. During an argument with his wife, he hit her with his hand and broke her jaw. Jack was arrested on domestic violence charges, but his wife refused to prosecute.

What are the reportable NIBRS offense(s)?

Learning Check 2

Upon responding to a disturbance call at the local tavern, police found 5 people fighting. No determination could be made as to who started the fight. All 5 suffered abrasions and bruises. None of the injuries required medical attention. All 5 were arrested and charged with disorderly conduct.

What are the reportable NIBRS offense(s)?

Learning Check 3

George was arguing with his neighbor over the property line. George threatened to go get his gun and shoot the neighbor. George left the scene and never returned.

What are the reportable NIBRS offense(s)?

Homicide Offenses 09A – 09C

The killing of one human being by another

DO NOT report drug overdoses as homicides.

NOTE:

LEAs must report the circumstances of a homicide in Data Element 31 (Aggravated Assault/Homicide circumstances).

Murder and Nonnegligent Manslaughter 09A

The willful (nonnegligent) killing of one human being by another

Generally, any death due to injuries received in a fight, argument, quarrel, assault, or commission of a crime is classified in this category

Suicides, accidental deaths, traffic fatalities, and attempted murders are excluded.

Law Enforcement Officers Killed and Assaulted(LEOKA)

Type of Victim = Law Enforcement Officer

Data Elements:

(Conditional/Mandatory when Victim Type “L” reported)

25A = Type of Officer Activity/Circumstance

25B = Officer Assignment Type

25C = Officer – ORI Other Jurisdiction

Victim Type “L” can ONLY be reported for Offenses:

09A = Murder and Nonnegligent Manslaughter

13A = Aggravated Assault

13B = Simple Assault

13C = Intimidation

In all other offenses, officers are reported as an I = Individual.

Negligent Manslaughter 09B

The killing of another person through negligence

Include killings resulting from:

Hunting Accidents

Gun Cleaning

Children playing with guns

Traffic Accidents associated with DUI

Distracted Driving

Reckless Driving

Justifiable Homicide 09C

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

Justifiable Homicide 09C

DO NOT COUNT a killing as justifiable or excusable solely on the basis of self-defense or the opinion of a coroner, prosecutor, grand jury, or court

Justifiable Homicide 09C

The crime that was being committed when the Justifiable Homicide took place must be reported in a **separate incident**

NOTE:

LEAs must report the circumstances of a justifiable homicide in Data Element 32 (Additional Justifiable Homicide circumstances).

Questions



- **09A Murder and Nonnegligent Manslaughter**
- **09B Negligent Manslaughter**
- **09C Justifiable Homicide**

Learning Check 4

While two juveniles were playing with a gun, one “playfully” pointed the gun at the other. The gun fired, and the other juvenile was killed. At the time of the arrest, the juvenile claimed no knowledge of the gun being loaded.

What are the reportable NIBRS offense(s)?

Learning Check 5

Hunters were walking through the woods and discovered a body at the base of a tree. Police were called to the scene. A forensic examination determined that the male had been shot several times in the back of the head. The location of the wounds eliminated the possibility of suicide.

What are the reportable NIBRS offense(s)?

Human Trafficking 64A – 64B

The inducement of a person to perform a commercial sex act, or labor, or services, through **force, fraud, or coercion.**

Also, if a person under 18 years of age has been induced, or enticed, regardless of **force, fraud, or coercion, to perform a commercial sex act.**

Force – Fraud - Coercion

FORCE

Physical restraint, bodily harm (physical or sexual), or confinement

FRAUD

Deceitful employment offers or work conditions, false promises, or withholding wages

COERCION

Threats of serious or bodily harm against any person, abuse of legal process, withholding legal documents, creating a climate of fear

Human Trafficking

Commercial Sex Acts 64A

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 64B

The obtaining of a 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)**

Questions



- **64A Human Trafficking, Commercial Sex Acts**
- **64B Human Trafficking, Involuntary Servitude**

Learning Check 6

A doctor was arrested for falsely promising a juvenile from a foreign country a home, education, and work in the United States. Once there, she was forced to do domestic work for the doctor's family while being denied schooling and payment.

What are the reportable NIBRS offense(s)?

Kidnapping / Abduction 100

**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**

**Includes hostage and parental
abduction situations**

Kidnapping / Abduction 100

**This is the only crime against persons where
LEAs must report property information**

**Property information is necessary so LEA's
can report information regarding any ransom
paid for the victim's release**

**If no ransom paid,
Type of Property Loss is 1 = None.**

Kidnapping / Abduction 100

**Count only those persons actually
kidnapped, abducted or detained
against their will as victims**

NOT those persons or organizations
paying ransom

Questions



- **100 Kidnapping/Abduction**

Learning Check 7

A six-year-old child was picked up from school by the non-custodial parent. Police investigation disclosed that the child had been taken out of state in violation of court ordered custodial agreement. The non-custodial parent has been located.

What are the reportable NIBRS offense(s)?

Sex Offenses 11A - 11D - Forcible

Any sexual act directed against another person, **without the consent of the victim, including instances where the victim is incapable of giving consent**

Sex Offenses 11A - 11D - Forcible

**Situations where people are incapable
of giving consent:**

- **Drugs/Alcohol**
- **Mental/Physical Capacity**
 - **Age**

Rape 11A

**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**

Rape 11A

- **Carnal Knowledge** – the act of a man having sexual bodily connections with a woman or sexual intercourse.
- **Must be between opposite sexes**

Rape 11A

How do you count rape when an individual was raped multiple times over a period of time by the same person?

Rape 11A

- ❖ If the victim **knows** the exact dates, you can report each rape as a separate incident.
- ❖ If the exact dates are **unknown**, you will use the report date and only have one incident.

Sodomy 11B

Oral or anal sexual intercourse with another person, **without the consent of the victim, including instances where the victim is unable to give consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity**

Sexual Assault with an Object 11C

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 unable to give consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity**

Rape 11A v2023.0

Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (include due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

Fondling 11D

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

Questions



- **11A Rape**
- **11B Sodomy**
- **11C Sexual Assault with an Object**
- **11D Fondling**

Learning Check 8

A woman was attacked on the street by a man who attempted to have sexual relations with her. The attacker was frightened away by a pedestrian before he could complete the attack.

What are the reportable NIBRS offense(s)?

Learning Check 9

A 7-year-old boy disappeared from the front yard of his home. After several hours, the parents notified the police. A two-day search by police and community volunteers ended when the youngster was found wandering by a highway. Investigation determined that the boy had been forced to engage in anal intercourse.

What are the reportable NIBRS offense(s)?

Sex Offenses 36A – 36B

Nonforcible

Unlawful sexual intercourse

If force was used or threatened or the victim was incapable of giving consent, classify as a forcible sex offense 11A, 11B or 11C

Incest 36A

**Nonforcible sexual intercourse
between persons who are related to
each other with the degrees wherein
marriage is prohibited by law**

Statutory Rape 36B

Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Texas Penal Code states that person under 17 years of age is considered a child and cannot give consent making the offense forcible.

Texas agencies CANNOT report this offense.

Statutory Rape 36B

There is no Texas CJIS code for this offense.

These offenses should be reported as forcible sex offenses against a child.

***Error T203 – Statutory Rape (NIBRS offense code 36B) is not reportable in Texas.**

Questions



- **36A Incest**
- **36B Statutory Rape**

Learning Check 10

First cousins get married, and they have a child.

What are the reportable NIBRS offense(s)?

Mutually Exclusive Offenses

Table 5-7 Mutually Exclusive Offenses for Error Code 478 Chart

[illegible]

Mutually Exclusive Offenses

Table 5-7 Mutually Exclusive Offenses for Error Code 478 Chart

09C Justifiable Homicide cannot occur with any other offense	09A - Murder	09B - Negligent Manslaughter	11A - Rape	11B - Sodomy	11C - Sexual Assault w/Object	11D - Fondling	120 - Robbery	13A - Aggravated Assault	13B - Simple Assault	13C - Intimidation	23A - Pocket-picking	23B - Purse-snatching	23C - Shoplifting	23D - Theft From Building	23E - Theft From Coin Machine	23F - Theft From Motor Vehicle	23G - Theft of Motor Vehicle Part	23H - All Other Larceny	240 - Motor Vehicle Theft	36A - Incest	36B - Statutory Rape
09A - Murder	X	X						X	X	X											
09B - Negligent Manslaughter	X	X						X	X	X											
11A - Rape			X			X		X	X	X										X	X
11B - Sodomy				X		X		X	X	X										X	X
11C - Sexual Assault w/Object					X	X		X	X	X										X	X
11D - Fondling			X	X	X	X			X	X										X	X
120 - Robbery							X	X	X	X	X	X	X	X	X	X	X	X	X		
13A - Aggravated Assault	X	X	X	X	X		X	X	X	X											
13B Simple Assault	X	X	X	X	X	X	X	X	X	X											
13C - Intimidation	X	X	X	X	X	X	X	X	X	X											
23A - Pocket-picking							X				X										
23B - Purse-snatching							X					X									
23C - Shoplifting							X						X								
23D - Theft From Building							X							X							
23E - Theft From Coin Machine							X								X						
23F - Theft From Motor Vehicle							X									X					
23G - Theft of Motor Vehicle Part							X										X				
23H - All Other Larceny							X											X			
240 - Motor Vehicle Theft							X												X		
36A - Incest			X	X	X	X														X	
36B - Statutory Rape			X	X	X	X															X

Mandatories

Example 1: For all Crimes Against Persons (Assault Offenses, Homicide Offenses, etc.), Type of Victim (I) or (L) means that the submitting agency must enter I = Individual or L = Law Enforcement Officer into Data Element 25 (Type of Victim) of the Victims relating to those offenses. If any other type of victim code is entered into the victim submitted for one of these offenses (B = Business or S = Society/Public), the FBI's computer will reject the report as containing an error.

19. Human Trafficking Offenses

Offense Codes Commercial Sex Acts (64A) and Involuntary Servitude (64B) – Crime Against Persons

Mandatory Elements/Values:

1. Offense Attempted/Completed = Attempted or Completed
2. Type Weapon/Force Involved/Automatic Indicator
3. Type of Victim = Individual
4. Type Injury
5. If Offender Sequence Number does not = Unknown
 - a. Offender Number to be Related
 - b. Relationship of Victim to Offender
6. If Offender Sequence Number = Unknown
 - a. Offender Number to be Related = Unknown

Common Data Quality Issues

- ❖ **Victim to Offender Relationship is CH = Victim was Child, but age difference is less than 11 yrs**
- ❖ **Use of ages 01, 02 and 99**
- ❖ **Warning 1407 Unknown Victim Information**
- ❖ **True Unknown Offenders**

Summary

- ❖ **Victims are always individuals which includes law enforcement officers.**
- ❖ **The count of offenses is based on the number of victims.**
- ❖ **Crimes Against Persons are assaults, homicides, human trafficking, kidnapping/abduction, and sex offenses – forcible and nonforcible.**

Questions





Classifying Crimes Against Persons

Scenarios

Offenses

- **13A Aggravated Assault**
- **13B Simple Assault**
- **13C Intimidation**
- **09A Murder & Nonnegligent Manslaughter**
- **09B Negligent Manslaughter**
- **09C Justifiable Homicide**
- **64A Human Trafficking, Commercial Sex Acts**
- **64B Human Trafficking, Involuntary Servitude**
- **100 Kidnapping/Abduction**
- **11A Rape**
- **11B Sodomy**
- **11C Sexual Assault with an Object**
- **11D Fondling**
- **36A Incest**
- **36B Statutory Rape – *Not Applicable in Texas***

Scenario 1

**Three girls were attacked, assaulted, and raped by four boys. Each boy raped each of the girls.
No arrests have been made.**

**What are the reportable NIBRS offense(s)?
How many count(s)?**

Scenario 2

An elderly woman was being pistol whipped. A passing police officer observed the assault and confronted the man as he fled the scene. The police officer and man exchanged gunfire. The police officer was shot and suffered major injuries. The suspect was killed.

What are the reportable NIBRS offense(s)?

Scenario 3

A target shooter was practicing in a wooded area near a crowded subdivision. One shot missed the target and killed a resident of the subdivision. The police arrested the shooter.

What are the reportable NIBRS offense(s)?

Scenario 4

Two men were engaged in a fight on the second floor of a building. As a direct result of the fight, one male was knocked through a window and killed. No arrest has been made.

What are the reportable NIBRS offense(s)?

Scenario 5

While an officer was attempting to serve a warrant, the individual ran. The subject turned and fired on the officer, severely wounding him. The officer died on the way to the hospital. The subject was caught and arrested.

What are the reportable NIBRS offense(s)?

Scenario 6

During an argument, Barney picked up a tire iron and hit both of his neighbors, Archie and Edith. Archie suffered a minor bruise, but Edith had a concussion from a blow to the head. The police arrested Barney.

What are the reportable NIBRS offense(s)?

Scenario 7

An employee of a local retail establishment received numerous email messages on her phone from her ex-boyfriend, whom she had a restraining order. The email messages contained threats of violence to her. She turned them over to the police. Police were unable to make contact with her ex-boyfriend.

What are the reportable NIBRS offense(s)?

Scenario 8

Darlene claims that Tom attempted to rape her in his automobile. After law enforcement contacted Tom, Darlene admitted that she made up the story because she was angry at Tom and that he really did not attempt to rape her.

What are the reportable NIBRS offense(s)?

The background of the slide is a vibrant, abstract composition of overlapping circles and squares in various colors including yellow, orange, red, purple, blue, green, and brown. The shapes are semi-transparent, creating a layered effect. The entire slide is framed by a white border, and the top edge features a decorative wavy pattern in orange, yellow, and blue.

Any Questions?



Compliance and Training Bureau Training Team

NIBRS and Other IBR Trainings

- **Crimes Against Property**
- **Crimes Against Society**
- **Group B Offenses**
- **Hate Crimes**
- **Cargo Theft**
- **Texas Specific Reports**
- **Human Trafficking**
- **Errors and How to Fix Them**
- **How to Read a Flat File**
- **NIBRS Overview**
- **Texas Specific or “T” Errors**
- **Molly Jane’s Law & ViCAP**
- **LEEP/NDEx/Data Broker**
- **Use of Force**

Email IBR Training at IBR.Training@dps.Texas.gov

Uniform Crime Reporting

Texas Department of Public Safety

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