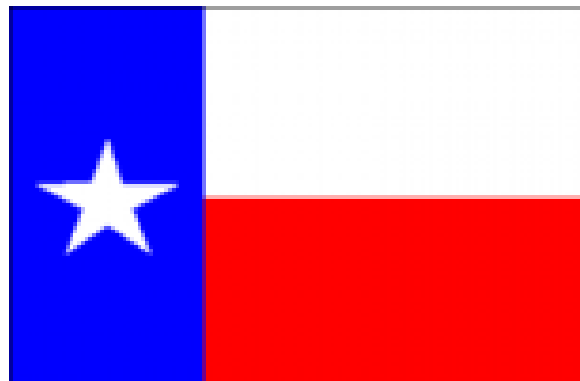


TEXAS DEPARTMENT OF PUBLIC SAFETY

Crime Records Service

Uniform Crime Reporting



Separate Sexual Assault Flat File Data Collection Guidelines

1/28/2020

Uniform Crime Reporting Sexual Assault Incidents Data Collection Guidelines

Texas Government Code

Sec. 411.042. BUREAU OF IDENTIFICATION AND RECORDS

(h) Information collected to perform a statistical breakdown of offenses under Sections 22.011 and 22.021, Penal Code, as required by Subsection (b)(2) must include information indicating the specific offense committed and information regarding:

- (1) the victim;
- (2) the offender and the offender's relationship to the victim;
- (3) any weapons used or exhibited in the commission of the offense; and
- (4) any injuries sustained by the victim.

(i) A law enforcement agency shall report offenses under Section 22.011 or 22.021, Penal Code, to the department in the form and manner and at regular intervals as prescribed by rules adopted by the department. The report must include the information described by Subsection (h).

DEFINITIONS:

To ensure uniformity in reporting statewide, the following definitions have been adopted for use in Sexual Assault Incident reporting:

Incident Date - The date the incident occurred or if it occurred in another reporting year, the date law enforcement became aware of the incident.

Agency Identifier - The seven digit agency ORI (or "TX") number.

Incident Hour - This is the hour the actual incident occurred, not the hour the incident was reported to law enforcement. Use military time format. If the hour is unknown, leave blank.

Incident Number - Agency incident number or case number assigned by the agency. If the agency has multiple victims/offenders per incident, use the same incident number but prepare a separate Sexual Assault report for each victim/offender information.

Victim - The person towards whom the sexual assault was directed at.

Victim Age - The age of the victim **at the time** of the incident.

Victim Sex - The gender of the victim.

Victim Race - White, Black, American Indian or Alaskan Native and Asian or Pacific Islander.

Victim Ethnicity - Ethnicity is either Hispanic or Not Hispanic.

Number of Victims - This is the total number of victims involved in each incident..

Offender - The person who commits or is involved with the sexual assault.

Offender Age - The age of the offender **at the time** of the incident. If unknown, use 00.

Offender Sex - The sex of the offender. If unknown, use 0.

Offender Race - White, Black, American Indian or Alaskan Native and Asian or Pacific Islander. If unknown, use 0.

Offender Ethnicity - Ethnicity is either Hispanic or Not Hispanic. If unknown, use 00.

Number of Offenders - This is the total number of offenders involved in each incident. If unknown, use 00.

Relationship - The relationship of the victim to offender. (Victim was...)

Spouse - Licensed married couples of the opposite sex.

Common-Law Spouse - Non-Licensed married couples of the opposite sex.

Parent - A person who is the caregiver of their birth or adoptive children.

Sibling - A brother or sister.

Child - The birth or adoptive children of parents.

Grandparent - The parent of one's father or mother.

Grandchild - The child of one's son or daughter.

In-Law - Related to by marriage.

Stepparent - A person who is married to the spouse of the birth parent but did not adopt or give birth to children.

Stepchild - A child of one's wife or husband by a former partner.

Stepsibling - A son or daughter of one's stepparent.

Other Family Member - A person who is related by blood or marriage and doesn't fit in any of the specific family relationships.

Friend - A person attached to another by feelings of affection or personal regard.

Acquaintance - A person known to one, but not a friend.

Neighbor - A person who lives near another.

Baby-sittee - A person who is baby sat by another person.

Boyfriend/Girlfriend - Persons who have a dating relationship with or without sexual relations.

Homosexual Relationship - A sexual relationship between persons of the same sex.

Ex Spouse - Former husband or wife.

Employer - A person that employs people for wages or salary.

Employee - A person that works for an employer.

Otherwise Known - A person that is known but doesn't fit into other specific categories.

Stranger - A person with whom one has had no personal acquaintance.

Unknown - An unknown relationship.

Firearm - Weapons that fire a shot by force of an explosion (No BB or pellet guns).

Knife/Cutting Instrument - Any instrument used to cut or stab.

Blunt Object - A dull edged or rounded object.

Personal Weapon - A body part used as a weapon (hands, fists, feet, penis, mouth)

Asphyxiation - Strangulation, suffocation, etc.

Other Weapons - Anything else used as a weapon that is not a specific category.

Apparent Minor Injury - An injury which does not require immediate medical attention.

Apparent Major Injury - An injury which requires immediate medical attention.

OFFENSE DEFINITIONS:

§ 21.02. CONTINUOUS SEXUAL ABUSE OF YOUNG CHILD OR CHILDREN. (a) In this section, "child" has the meaning assigned by Section 22.011(c).

(b) A person commits an offense if:

- (1) during a period that is 30 or more days in duration, the person commits two or more acts of sexual abuse, regardless of whether the acts of sexual abuse are committed against one or more victims; and
- (2) at the time of the commission of each of the acts of sexual abuse, the actor is 17 years of age or older and the victim is a child younger than 14 years of age.

§ 21.11. INDECENCY WITH A CHILD. (a) A person commits an offense if, with a child younger than 17 years and not the person's spouse, whether the child is of the same or opposite sex, the person:

- (1) engages in sexual contact with the child or causes the child to engage in sexual contact; or
- (2) with intent to arouse or gratify the sexual desire of any person:
 - (A) exposes the person's anus or any part of the person's genitals, knowing the child is present; or
 - (B) causes the child to expose the child's anus or any part of the child's genitals.

§ 22.011. SEXUAL ASSAULT. (a) A person commits an offense if the person:

- (1) intentionally or knowingly:
 - (A) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
 - (B) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
 - (C) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
- (2) intentionally or knowingly:
 - (A) causes the penetration of the anus or sexual organ of a child by any means;
 - (B) causes the penetration of the mouth of a child by the sexual organ of the actor;
 - (C) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
 - (D) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
 - (E) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor.

§ 22.021. AGGRAVATED SEXUAL ASSAULT. (a) A person commits an offense:

(1) if the person:

(A) intentionally or knowingly:

- (i) causes the penetration of the anus or sexual organ of another person by any means, without that person's consent;
- (ii) causes the penetration of the mouth of another person by the sexual organ of the actor, without that person's consent; or
- (iii) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or

(B) intentionally or knowingly:

- (i) causes the penetration of the anus or sexual organ of a child by any means;
- (ii) causes the penetration of the mouth of a child by the sexual organ of the actor;
- (iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;
- (iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or
- (v) causes the mouth of a child to contact the anus or sexual organ of another person, including the actor; and

(2) if:

(A) the person:

- (i) causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode;
- (ii) by acts or words places the victim in fear that death, serious bodily injury, or kidnapping will be imminently inflicted on any person;
- (iii) by acts or words occurring in the presence of the victim threatens to cause the death, serious bodily injury, or kidnapping of any person;
- (iv) uses or exhibits a deadly weapon in the course of the same criminal episode;
- (v) acts in concert with another who engages in conduct described by Subdivision (1) directed toward the same victim and occurring during the course of the same criminal episode; or
- (vi) administers or provides flunitrazepam, otherwise known as rohypnol, gamma hydroxybutyrate, or ketamine to the victim of the offense with the intent of facilitating the commission of the offense;

(B) the victim is younger than 14 years of age; or

(C) the victim is an elderly individual or a disabled individual.

§ 43.25. SEXUAL PERFORMANCE BY A CHILD. (a) In this section:

- (1) "Sexual performance" means any performance or part thereof that includes sexual conduct by a child younger than 18 years of age.
- (2) "Sexual conduct" means sexual contact, actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sado-masochistic abuse, or lewd exhibition of the genitals, the anus, or any portion of the female breast below the top of the areola.
- (3) "Performance" means any play, motion picture, photograph, dance, or other visual representation that can be exhibited before an audience of one or more persons.
- (4) "Produce" with respect to a sexual performance includes any conduct that directly contributes to the creation or manufacture of the sexual performance.
- (5) "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise or to offer or agree to do any of the above.
- (6) "Simulated" means the explicit depiction of sexual conduct that creates the appearance of actual sexual conduct and during which a person engaging in the conduct exhibits any uncovered portion of the breasts, genitals, or buttocks.
- (7) "Deviate sexual intercourse" and "sexual contact" have the meanings assigned by Section 43.01.

EXAMPLES:

1. An 8 year old female tells her Mother that her Father left her with his friend, who is “bad”. When the mother asked her what she meant, she stated that the “bad” friend touched her “down there”. The Mother called the police. This incident should be reported as 21.11(a)(1)Indecency with a Child by Contact.
2. A 21 year old woman called the police to report that six years ago when she was fifteen, an acquaintance from school raped her during a party. The woman thinks the offender put something in her drink. The offender was 18 and drunk at the time. This incident should be reported as 22.021 Aggravated Sexual Assault. The report date should be used, also the age of the victim and offender at the time of the incident.
3. A mother calls the police after her two year old daughter has been diagnosed with a sexually transmitted disease. This should be reported as 22.021 Aggravated Sexual Assault. Since the offender information is unknown, the offender information should be left blank, or if the law enforcement agency enters the information in the TXDPS secure site, it should be entered with zeroes.
4. An irate father calls the police to report that his 14 year old son is having consensual sex with his girlfriend, who is 18. This should be reported as 22.011 Sexual Assault.
5. A teacher at the local high school is arrested for having consensual sexual relations with a 17 year old student. This incident should not be reported as a 22.011 Sexual Assault.
6. A 14 year old male tells the school counselor that he has been “pimping” himself out for drug money. He has had seven different encounters with both men and women. If all seven incidents occurred during the same reporting year, then seven different incidents (reports) should be submitted, all with the offense of 22.011 Sexual Assault.
7. A 16 year old girl tells the police that she went over to the neighbor’s house where he took a picture of her with no clothes on. She said that she wanted to do it at first because she thinks he’s “cute”. After she did it, she started feeling guilty. This should be reported as 43.25 Sexual Performance by a Child.
8. A 20 year old college student reports to the campus police that she went to a party and got really drunk. She woke up in a man’s dorm room with no clothes on and used condoms in the trash. She did not remember consenting to have sex with the man because when she is sober, she doesn’t like him. This should be reported as 22.011 Sexual Assault.
9. A group of five middle school students were walking home from school when they passed a vehicle with a man in it who was masturbating. This would be one incident with five victims. The offense is a 21.11(a)(2) Indecency by Exposure.
10. A 15 year old male told his Grandmother that his Step-Mother had come into his bedroom and fondled his penis four times in a two month period. This is a 21.02 Continuous Sexual Abuse of Young Child or Children.

SUBMITTING SEXUAL ASSAULT INCIDENTS DATA TO THE TEXAS UCR PROGRAM

There are three (3) formats for reporting Sexual Assault Incidents data to the UCR Program: manually entering the incidents on the UCR Online Reporting System, submitting Sexual Assault Incidents electronically in a separate flat file, and including Sexual Assault Incidents in an NIBRS submission.

Monthly Sexual Assault Incidents Report

The monthly report is to be submitted in addition to other UCR Program requirements; i.e., the Return A, Supplement to Return A, Supplemental Homicide Report, etc.

Who submits Monthly Sexual Assault Incidents Reports?

Those who submit monthly Sexual Assault Incidents reports are (a) agencies participating in the Summary reporting system, and (b) agencies participating in NIBRS. Some agencies may have software that is able to extract the Sexual Assault Incidents eventually. Until then, NIBRS agencies have to complete the form on paper.

How are the data transmitted?

(a) Agencies may submit hardcopy forms;
(b) The Texas IBR Program will disseminate data specifications in order to collect Sexual Assault Incidents data as a separate collection from their regular IBR submissions; or (c) individual agencies using personal computers for the collection and storage of Sexual Assault Incidents data may obtain data specifications from the Texas UCR Program for the purpose of submitting data electronically.

What does the Monthly Report look like?

A sample of the form titled Sexual Assault Report is included in Appendix II. It consists of a monthly summary report and an incident report for each incident.

What offenses are to be reported?

The form is to be used to report the following offense categories:

- 21.02 Continuous Sexual Abuse of Young Child or Children
- 21.11(a)(1) Indecency with a Child By Contact
- 21.11(a)(2) Indecency with a Child By Exposure
- 22.011 Sexual Assault
- 22.021 Aggravated Sexual Assault
- 43.25 Sexual Performance by a Child

The definitions of these offenses can be found on pages 5, 6 & 7.

Additional Instructions:

The following additional instructions are applicable to agencies submitting Monthly Reports. All categories must be completed with the exception of Offender information (Age, Sex, Race, Ethnicity and number of Offenders).

Incident Date - The incident date should be the date the incident occurred. If the date is not in the current reporting year, use the date the incident became known to law enforcement.

Non-applicability of the Hierarchy Rule - In the summary UCR system under the Hierarchy Rule, only the most serious offense in a multiple-offense incident is to be reported. However, for Sexual Assault Incidents reporting purposes, all of the offenses listed in number 2 above should be reported on the Sexual Assault Incidents reporting form.

Multiple-page Submission - It will be necessary to submit multiple pages for one incident in order to list more than one victim or offender the Texas UCR Program will relate the pages by the common incident number and the "Number of Forms Associated with this Incident".

Updating - For updating purposes, a copy of the report should be retained by the agency. Corrections/updates should be accomplished by submitting a photocopy of the original form with changes shown and "adjustment".

Unfounded incidents - If a law enforcement agencies' investigation has determined that an incident was unfounded, the agency needs to contact the UCR section by phone or email so that we can mark it unfounded for that agencies monthly count of incidents. We will make the adjustment in the repository. If an incident is unfounded prior to sending the reports to DPS/UCR, we still need the incident number that is being unfounded. It is required for us to collect both actual and unfounded incidents.

INSTRUCTIONS:

1. Enter the month, day and year of incident if known, or use the date the incident was reported to law enforcement if not in the current year.
2. Enter the Agency ORI or TX number.
3. Enter the hour the incident occurred, not the hour the incident was reported to law enforcement.
4. Enter the agency incident or case number assigned by your agency.
5. Enter the Age, Sex, Race, Ethnic Origin, and Number of Victims.
6. Enter the Age, Sex, Race, Ethnic Origin, and Number of Offenders if known.
7. Enter the relationship of the victim to the offender.
8. Enter the type of weapons or force used.
9. Enter the injury that applies to each victim.
10. Enter the offenses that apply to each victim.
11. Enter the location where the incident occurred.
12. Enter whether the offender was under the influence of drugs or alcohol.

Remember **ALL** categories should have information in them with the exception of incident hour and offender information. Unknown offender information should be used cautiously. Ex: if an infant has been sexually abused, but because the infant cannot relay offender information, that would be truly unknown. If a 5 year old child is a victim and tells police that it was a “bad man”, then the sex of the offender should be reported and everything else left blank.

Military Time

Military time is an unambiguous, concise method of expressing time used by the military, emergency services (law enforcement, firefighting, paramedics), hospitals, and other entities. The following sections provide a detailed description of the difference between regular and military time, how military time is written, and several time conversion examples.

Regular versus Military Time

The main difference between regular and military time is how hours are expressed. Regular time uses numbers 1 to 12 to identify each of the 24 hours in a day. In military time, the hours are numbered from 00 to 23. Under this system, midnight is 00, 1 a.m. is 01, 1 p.m. is 13, and so on. Regular and military time express minutes and seconds in exactly the same way. When converting from regular to military time and vice versa, the minutes and seconds do not change. Regular time requires the use of a.m. and p.m. to clearly identify the time of day. Since military time uses a unique two-digit number to identify each of the 24 hours in a day, a.m. and p.m. are unnecessary.

The following table summarizes the relationship between regular and military time.

Regular Time	Military Time	Regular Time	Military Time
Midnight	00	Noon	12
1:00 a.m.	01	1:00 p.m.	13
2:00 a.m.	02	2:00 p.m.	14
3:00 a.m.	03	3:00 p.m.	15
4:00 a.m.	04	4:00 p.m.	16
5:00 a.m.	05	5:00 p.m.	17
6:00 a.m.	06	6:00 p.m.	18
7:00 a.m.	07	7:00 p.m.	19
8:00 a.m.	08	8:00 p.m.	20
9:00 a.m.	09	9:00 p.m.	21
10:00 a.m.	10	10:00 p.m.	22
11:00 a.m.	11	11:00 p.m.	23

What about Midnight?

The question sometimes arises whether midnight is written as 24 or 00. Military and emergency services personnel refer to midnight both ways. However, digital watches and clocks that display time in a 24-hour format and computer equipment treat midnight as the start of a new day and express it as 00.

Input For Sexual Assault Reports

I. Victim Record

Columns	Data
1	The character 'V' (One character)
2-6	Agency ORI or "TX" number. (Five characters, do not include "TX")
7-18	Incident Number (up to twelve characters) Agency incident/case number assigned by your agency. If you have several victims per incident, use the same incident/case number for all the victims in the same incident.
19-22	BLANKS – Must be blank.
23-24	Incident Hour (two characters) Use military 24 hour time. If the incident occurred on or between midnight and 1 a.m., the hour would be reported as "00". If it occurred between 1 a.m. and 1:59 a.m., the hour would be reported as "01". If the hour is unknown, leave blank.
25-30	Incident Date (Six characters: MMDDYY) This is the month, day, and year of incident or the date it was reported to Law Enforcement.
31-32	Number of Victims (Two characters) Number of victims involved in this incident
33-34	Number of Offenders (Two characters) Number of offenders involved in this incident.
35-36	Victim's Age (Two characters: 01 to 99) If 100 or over, use 99. Newborn up to one week use NB. If over one week, but less than one year use BB. Unknown use 00.
37	Victim's Sex (One character) 1 for Male, 2 for Female.
38	Victim's Race (One character) 1 for White, 2 for Black, 3 for American Indian or Alaskan Native, 4 for Asian or Pacific Islander.
39	Victim's Ethnicity (One character) 1 for Hispanic, 2 for Non-Hispanic.
40	Injury (One character) 1 for None, 2 for Apparent Minor Injury and 3 for Apparent Major Injury.

II. Offender Record

Columns	Data
1	The character 'O' (One character: Alpha-NOT NUMERIC ZERO)
2-6	Agency ORI, or "TX" number. (Five characters, do not include "TX")
7-18	Incident Number (up to twelve characters) Agency incident/case number assigned by your agency. If you have several victims per incident, use the same incident/case number for all the victims in the same incident.
19-22	BLANKS – MUST BE BLANK
23-24	Offender's Age (Two characters: 01 to 99) If 100 or over, use 99. Unknown use 00.
25	Offender's Sex (One character) 0 for Unknown, 1 for Male, 2 for Female
26	Offender's Race (One character) 0 for Unknown, 1 for White, 2 for Black, 3 for American Indian or Alaskan Native, 4 for Asian or Pacific Islander.
27	Offender's Ethnicity (One character) 1 for Hispanic, 2 for Non-Hispanic or blank for unknown.
28-29	Relationship (Two characters) Refers to relationship of victim to offender. 01 for Spouse, 02 for Common-Law Spouse, 03 for Parent, 04 for Sibling, 05 for Child, 06 for Grandparent, 07 for Grandchild, 08 for In-Law, 09 for Stepparent, 10 for Stepchild, 11 for Stepsibling, 12 for Other Family Member, 13 for Friend, 14 for Acquaintance, 15 for Neighbor, 16 Baby-sittee, 17 for Boyfriend/Girlfriend, 18 for Homosexual Relationship, 19 for Ex-Spouse, 20 for Employer, 21 for Employee, 22 for Otherwise Known, 23 for Stranger and 24 for Unknown.
30-32	Weapons (One character) Choose up to three: 1 for Firearm, 2 for Knife/Cutting Instrument, 3 for Blunt Object, 4 for Personal Weapons (Hands, fist, feet, etc.), 5 for Drugs/Narcotics/Sleeping Pills, 6 for Asphyxiation and 7 for Other.
33-38	Offenses (One character) Use all that apply. 1 for Offense 21.02, 2 for 21.11(a)(1), 3 for 21.11(a)(2), 4 for 22.011, 5 for 22.021 and 6 for 43.25.
39-40	Location (Two Characters) 01 for Bar/Night Club, 02 for Church/Synagogue/Temple, 03 Commercial/Office Building, 04 for Construction site, 05 for Convenience store, 06 for Drug Store/Dr's Office/Hospital, 07 for Field/Woods, 08 for Government/Public Building, 09 for Highway/Road/Alley, 10 for Hotel/Motel, 11 for Jail/Prison, 12 for Lake/Waterway, 13 for Parking Lot/Garage, 14 for Residence/Home, 15 for School/College and 16 for Other/Unknown.
41-42	Offender Used (One Character) Use up to two. Enter 1 for None, 2 for Alcohol and 3 for Drugs.