



# **TX Specific Reporting**

Objectives = To recognize the guidelines for reporting:

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**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](#)

# 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:

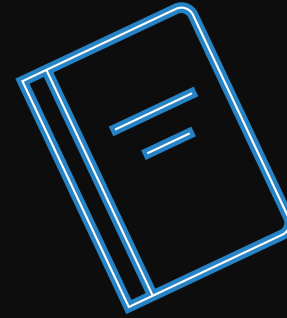
1. Adopt a NIBRS-compliant RMS (Records Management System).
2. Submit monthly NIBRS data to DPS UCR program using their ORI or file a 'zero report' for months with no reportable NIBRS incidents.

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

## TX Specific 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 your vendor) OR manual submission. *Not all agencies have Segment 9 at this time.*

- The current TX Segments 8 and 9 manual is available on 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.



## Texas Specific Segments (8/9) Documentation

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# 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](#)



## 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.

# 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*

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**.

# Hate Crime Bias Motivation Categories

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Race/Ethnicity/Ancestry Bias

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Religious Bias

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Sexual Orientation Bias

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Gender Bias

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Gender Identity Bias

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Disability Bias

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88 = None (No Bias)

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99 = Unknown (motivation not known, placeholder value)

# 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

## NIBRS Important Reminders- Continued

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

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

# 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.

# 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.



# 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-manual-2022](#)



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

# 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.

# 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

# Drugs Seized-Type of Drugs

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-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

# 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.



# Pop Violence

Family Violence



# Family Violence Definition

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- 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.

# 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

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)

# XR = Ex-Relationship

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- The 2019.1 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.

# OK = Otherwise Known

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- 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*



# Family Violence: Common Quality Control Issues

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- 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.

# Family Violence: Common Quality Control Issues

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- 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 5 years and no more than 10 years.



# 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: [2023.0 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 individual sexual assault reports

# 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**

# 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)

# Considerations in Sexual Assault Continued

## 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 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.



# 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	[REDACTED]	Missing Sexual Assault Report for Offense(s) 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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A person with curly hair is sitting on a dark couch, hunched over with their face buried in their arms. The image is overlaid with a dark blue, semi-transparent filter. The word "SCENARIOS" is written in white, bold, uppercase letters across the center of the image.

# SCENARIOS

# Scenario One

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



## Scenario Two

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)**



# Things to Consider

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- 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.*



**REVIEW**



## Review— Texas Specific Reporting

True or False: 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

# Review— Texas Specific Reporting

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



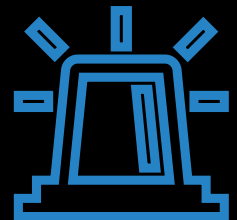


# Review— Texas Specific Reporting

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



# Review— Texas Specific Reporting

True or False: NIBRS agencies stay in compliance by submitting their monthly NIBRS data on or before the 10<sup>th</sup> of the following month along with their Texas sexual assault reports into the UCR Online Repository.

TRUE, following this direction ensures that your agency stays compliant with Texas specific reporting.



## Review— Texas Specific Reporting

True or False: 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.

# Review— Drugs Seized

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**



# Review— Drugs Seized

Yes or No: Do Texas drug codes in Segment 8 follow the same NIBRS drug codes for reporting?

Yes. The Texas and FBI codes are the same



# Review— Family Violence

True or False: An incident should be reported as family violence when it includes a familial relationship involving Crimes Against Persons or Robbery.

TRUE





FINAL QUESTIONS |



Compliance & Training Team



# **NIBRS & Other IBR Trainings**

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

**Email IBR Training at [IBR.Training@dps.Texas.gov](mailto:IBR.Training@dps.Texas.gov)**

# Uniform Crime Reporting IBR

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