

**INSTRUCTIONS FOR PREPARING REPORT**

The Texas Department of Public Safety/Crime Records Service is mandated to collect information on family violence incidents. Uniform Crime Reporting is the section responsible for the collection of this information. In addition to the DPS requirements, all peace officers in Texas are mandated to report family violence to DPS. This report is the result of those mandates.

Section 411.042(b) of the Gov. Code states that the bureau of identification and records shall: (2) collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including a statistical breakdown of those offenses in which family violence was involved.

According to Code of Criminal Procedures, Art. 5.05 Reports and Records (e) A peace officer who makes a report under Subsection (a) of this article shall provide information concerning the incident or disturbance to the bureau of identification and records of the Department of Public Safety for its record-keeping function under Section 411.042, Gov. Code. The bureau shall prescribe the form and nature of the information required to be reported to the bureau by this article.

**INSTRUCTIONS:**

1. Incident Date - Enter the month, day and year of incident. Mark the appropriate ovals provided.

2. Agency Identifier - This is your Agency ORI or TX number. Mark the appropriate ovals provided.

3. County Code - Enter the code for the county in which the incident took place. Mark the appropriate ovals provided.

4. Incident Number - Agency incident or case number assigned by your agency. If you have several victims and/or offenders per incident, use the same incident number but prepare a separate form for each victim/offender.

5. Victim Information / Offender Information - Enter two characters (01-99). Newborn up to one week use NB (Oval provided for NB). If over one week, but less than one year enter BB (Oval provided). Unknown age, use 00; Sex - mark one oval; Race - mark one oval; Ethnic Origin - mark one oval;

Number of Victims/Offenders - enter the number of victims/offenders involved in the incident - use one sheet for each victim/offender. If number of victims/offenders is more than ten, enter the number in the blocks provided.

7. Relationship - Victim to Offender - mark one oval. (mark up to eight). See definitions listed below.

8. Weapons - The type of weapon or force used (mark up to three ovals).

9. Injury - Type of injury sustained by victim (mark up to five ovals).

10. Offense - Mark the offenses that apply to each incident (mark up to eight). See definitions listed below.

11. Law Enforcement Officers Assaulted - Mark whether any officers were assaulted during the incident. Mark oval to show how many officers were assaulted. If more than ten officers assaulted, enter number in blocks provided.

**STATUTORY TERMS**

Family Code, Chapter 71. Definitions

Family Code, Section 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; or

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

Family Code, Section 71.003, "Family" includes individuals related by consanguinity or affinity, as determined under Sections 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the biological parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together;

Family Code, Section 71.005 "Household" means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other.

Family Code, Section 71.006 "Member of a household" includes a person who previously lived in a household.

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**OFFENSE DEFINITIONS:**

According to National Uniform Crime Reporting Guidelines

**Aggravated Assault** - an unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious or aggravated bodily injury (i.e., broken bones, internal injury, stitches, etc.)

**Simple Assault** - an unlawful attack by one person upon another where the offender displays a weapon, nor the victim suffers serious injury.

**Intimidation** - to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Murder & Non-negligent Manslaughter** - the willful killing of one human being by another.

**Negligent Manslaughter** - the killing of another person through negligence. The killing of a perpetrator of a serious criminal offense by a peace officer in the line of duty; or the killing, during the commission of a serious criminal offense, of the perpetrator by a private individual.

**Kidnapping/Abduction** - 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.

**Robbery** - the taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or putting the victim in fear.

**Forcible Rape** - the carnal knowledge of a person, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

**Forcible Sodomy** - oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

**Sex Assault With An Object** - to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

**Forcible Fondling** - the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Incest** - nonforbidden sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** - nonforbidden sexual intercourse with a person who is under the statutory age of consent.

Family Code, Section 81.007, PROSECUTING ATTORNEY.

(a) The county attorney or the criminal district attorney is the prosecuting attorney responsible for filing applications under this subtitle unless the district attorney assumes the responsibility by giving notice of that assumption to the county attorney.

Family Code, Section 82.001, APPLICATION.

A proceeding under this subtitle is begun by filing "An Application for a Protective Order" with the clerk of the court.

Family Code, Section 43.01, penal code;

(C) Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;

(E) sexual conduct harmful to a child's mental, emotional, or physical welfare;

(G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, penal code;