

## Introduction

The Crime Statistics Unit of the Tennessee Bureau of Investigation (TBI) received funding through the Bureau of Justice Statistics State Level Statistical Analysis Center Program to analyze the Tennessee Criminal History Database.

This study was based on the information obtained from the Tennessee Criminal History database maintained by TBI. Information in the database is based on fingerprint card submissions by local and state law enforcement authorities.

The scope of this study was narrowed to include only arrests<sup>1</sup> made in the three-year period of 1996-1998. Further, the Statistical Analysis Center broke down the arrest into offense categories based on the Tennessee Incident Based Reporting System (TIBRS) program. Specifically, the Statistical Analysis Center concentrated on the following TIBRS offenses: Arson, Aggravated Assault, Simple Assault, Intimidation, Stalking, Bribery, Burglary, Counterfeiting/Forgery, Vandalism, Drug/Narcotics Violations, Drug Equipment Violations, Embezzlement, Fraud Offenses, Gambling Offenses, Homicide Offenses, Kidnapping, Larceny Offenses, Motor Vehicle Theft, Pornography/Obscene Material, Prostitution Offenses, Robbery, Forcible Sex Offenses, Incest, Statutory Rape, Stolen Property Offenses, Weapons Law Violations, Bad Checks, and Driving Under The Influence.<sup>2</sup> For analysis, the arrests were then broken down into the categories of violent crime and non-violent crime.<sup>3</sup>

TIBRS collects data on all crimes known to law enforcement in Tennessee. All law enforcement agencies are mandated to report their information by TCA §38-10-101, et seq. The statewide program is certified by the FBI under current standards for their National Incident Based Reporting System (NIBRS). TBI submits data on a monthly basis to the FBI. TIBRS data submissions address crime incidents and all the elements associated with them including administrative, offense, victim, offender, property loss, arrestee, and law enforcement officer killed or assaulted.

This study does not include a trend analysis due to a change in state law. TCA §8-4-115, requiring state law enforcement agencies to submit fingerprint cards took effect on July 1, 1998. This law caused a large increase in the number of fingerprint card submissions. It would be difficult to isolate increases due to the change in state law compared to increases in type of arrests only.

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<sup>1</sup> For the purposes of this study, unless otherwise stated, arrest is defined as a person arrested and a fingerprint card subsequently submitted to TBI.

<sup>2</sup> TIBRS provides for Fraud, Gambling, Homicide, Larceny, Prostitution, and Forcible Sex Offenses to be broken down into subcategories. Due to the nature of Tennessee law, breaking down these offenses based on fingerprint card submissions would present misleading information. For this reason, embezzlement is included in the Larceny Offense totals.

<sup>3</sup> All violent crimes except Robbery are crimes against person. Robbery is a crime against property, but is included as a violent crime because Robbery includes an element of Assault.

Table 1 indicates that 88.7% of arrests in Tennessee from 1996 to 1998 were for non-violent crimes.

<b>Total Arrests by Type</b>		
<b>Type</b>	<b>Total Arrests</b>	<b>% of Total Arrests</b>
Violent Crime	63,035	11.3%
Non-violent Crime	493,803	88.7%
All Crime	556,838	100.0%

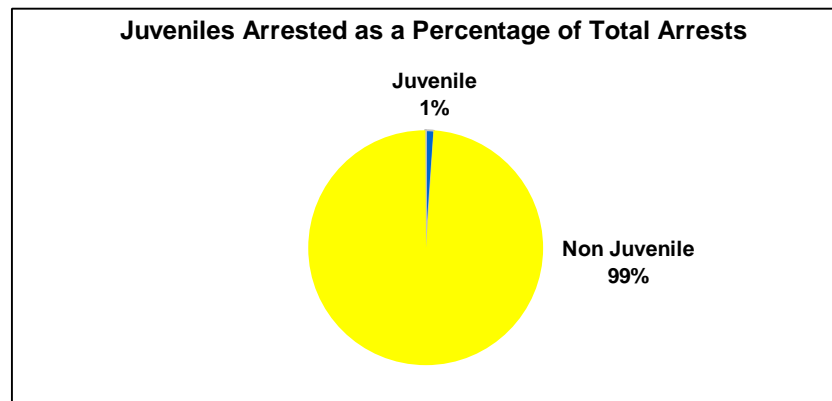
**Table 1**

Table 2 indicates that 77.23% of all offenders arrested were either white males or black males.

<b>Total Arrests by Race/Sex</b>		
<b>Race/Sex</b>	<b>Total Arrests</b>	<b>% of Total Arrests</b>
Asian Female	154	0.03%
Asian Male	637	0.11%
Black Female	49,061	8.81%
Black Male	217,658	39.09%
American Indian Female	59	0.01%
American Indian Male	88	0.02%
White Female	75,885	13.63%
White Male	212,384	38.14%
Unknown Race-Female	138	0.02%
Unknown Race-Male	536	0.10%
Unknown Race & Sex	238	0.04%

**Table 2**

Figure 1 indicates that 1% of all offenders arrested were under the age of 18.



**Figure 1**

## Executive Summary

- From 1996 to 1998, 556,838 arrests were made in Tennessee on one of the TIBRS offenses used in this study.<sup>4</sup>
  - Of those 556,838 arrests, 5,556 (1%) were juvenile offenders.
- A total of 63,035 arrests were made on violent crime offenses.<sup>5</sup>
  - This was 11.3% of all arrests made in Tennessee between 1996 and 1998.
  - Aggravated Assault comprised 63.0% of all violent crime arrests.
  - Juvenile offenders comprised 2.2% of all violent crime arrests.
- A total of 68,210 arrests were made on non-violent crimes against person.<sup>6</sup>
  - This was 12.2% of all arrests made in Tennessee between 1996 and 1998.
  - Simple Assault accounted for 91.7% of all arrests for non-violent crime against person.
- A total of 207,584 arrests were made on non-violent crimes against property.<sup>7</sup>
  - This was 37.3% of all arrests made in Tennessee between 1996 and 1998.
  - Larceny Offenses comprised 40.6% of all arrests made on non-violent crimes against property.
  - Juvenile offenders accounted for 1.3% of all arrests made on non-violent crimes against property.
- A total of 218,009 arrests were made on crimes against society.
  - Crimes against society comprised 39.2% of all arrests in Tennessee from 1996 to 1998.<sup>8</sup>
  - Nearly half (48.0%) of all arrests for crimes against society were for Drug/Narcotics Violations.
  - Drug/Narcotics Violations had the most arrests on any category (104,603) or 18.8% of all arrests made.
- The offenses with the highest percentage of juvenile offenders were
  - Pornography/Obscene Material (15.4% of all arrests)
  - Motor Vehicle Theft (5.0% of all arrests)
  - Homicide Offenses (3.8% of arrests made)

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<sup>4</sup> For a list of these offenses, see page 3.

<sup>5</sup> For a list of violent crimes, see page 7.

<sup>6</sup> For a list of non-violent offenses against person, see page 8.

<sup>7</sup> For a list of non-violent crimes against property, see page 10.

<sup>8</sup> For a list of crimes against society, see page 14.

## Violent Crime

Under TIBRS guidelines, Aggravated Assault, Forcible Sex Offenses, Homicide Offenses, Kidnapping, and, Robbery comprise the Violent Crime Index. Sixty-three thousand thirty-five (63,035) arrests were made for Violent Crimes between 1996 and 1998 in Tennessee. Violent Crimes comprised 11.3% of all arrests.

Table three indicates that Aggravated Assault was the offense with the greatest percentage of arrests (63%).

<b>Violent Crime by Offense</b>		
<b>Offense</b>	<b>Total Arrests</b>	<b>% of all Violent Crime Arrests</b>
Aggravated Assault	39,714	63.0%
Forcible Sex Offenses	4,234	6.7%
Homicide	2,663	4.2%
Kidnapping	1,726	2.7%
Robbery	14,698	23.4%

Table 3

<b>Violent Crimes by Race/Sex</b>					
<b>Race/Sex</b>	<b>Aggravated Assault</b>	<b>Forcible Sex Offenses</b>	<b>Homicide</b>	<b>Kidnapping</b>	<b>Robbery</b>
American Indian Female	0	0	0	0	0
American Indian Male	6	1	1	0	0
Asian Female	21	4	0	1	7
Asian Male	58	19	15	11	21
Black Female	5,127	18	155	63	1,217
Black Male	18,341	2,104	1,683	991	10,474
White Female	2,693	43	151	66	589
White Male	13,410	2,049	656	591	2,375
Unknown Female	6	0	0	0	2
Unknown Male	37	6	2	3	4
Unknown Race & Sex	15	0	0	0	9
Totals	39,714	4,234	2,663	1,726	14,698

Table 4

Table 5 indicates that the average age for the offenders of violent crimes ranges from 27 to 33.

<b>Average Age of Violent Crime Offenders by Offense</b>	
<b>Offense</b>	<b>Average Age</b>
Aggravated Assault	32
Forcible Sex Offenses	33
Homicide	28
Kidnapping	29
Robbery	27

**Table 5**

Table 6 indicates the following:

- Juveniles committed 2.2% of all violent crimes
- The violent crime with the highest percentage of juvenile offenders was Homicide (3.8%)
- The violent crimes involving lowest percentage of juvenile offenders were Aggravated Assault and Forcible Sex Offenses (1.6%)

<b>Juvenile Violent Crime by Offense</b>			
<b>Offense</b>	<b>Total Arrests</b>	<b>Juvenile Arrests</b>	<b>% of all Juvenile Arrests vs. All Arrests Made</b>
Aggravated Assault	39,714	635	1.6%
Forcible Sex Offenses	4,234	68	1.6%
Homicide	2,663	102	3.8%
Kidnapping	1,726	54	3.1%
Robbery	14,698	500	3.4%
Total	63,035	1,359	2.2%

**Table 6**

## Non-violent Crimes Against Person

Non-violent crimes against person include the TIBRS offenses of:

1. Incest
2. Intimidation
3. Simple Assault
4. Stalking
5. Statutory Rape

There were 68,210 arrests made in Tennessee for non-violent crimes against person from 1996-1998. Non-violent crimes against person comprised 12.2% of all arrests made.

Table 7 indicates that over 90% of all arrests for non-violent crimes against person were made for Simple Assaults.

<b>Non-violent Crime Against Person by Offense</b>		
Offense	Total Arrests	% of all non-violent Crime Against Person Arrests
Incest	134	0.2%
Intimidation	3,130	4.6%
Simple Assault	62,573	91.7%
Stalking	1,632	2.4%
Statutory Rape	741	1.1%

Table 7

<b>Non-violent Crime Against Person by Race/Sex</b>					
Race/Sex	Incest	Intimidation	Simple Assault	Stalking	Statutory Rape
American Indian Female	0	0	25	0	0
American Indian Male	0	0	13	0	0
Asian Female	0	1	22	0	0
Asian Male	0	5	68	0	3
Black Female	0	307	4,315	56	10
Black Male	1	580	20,229	395	311
White Female	7	743	7,607	193	42
White Male	126	1,489	30,188	982	374
Unknown Female	0	2	9	0	0
Unknown Male	0	3	73	5	1
Unknown Race & Sex	0	0	24	1	0
<b>Total</b>	<b>134</b>	<b>3,130</b>	<b>62,753</b>	<b>1,632</b>	<b>741</b>

Table 8

Table 9 indicates that the average age for the offenders of non-violent against person crimes ranges from 27 to 36.

<b>Average Age of Non-violent Crime Against Person Offenders by Offense</b>	
<b>Offense</b>	<b>Average Age</b>
Incest	36
Intimidation	32
Simple Assault	32
Stalking	34
Statutory Rape	27

**Table 9**

Table 10 indicates the following:

- Juveniles committed 0.2% of all non-violent crimes against person
- The non-violent crime against person with the highest percentage of juvenile offenders was Incest (1.5%)
- The non-violent crimes against person involving lowest percentage of juvenile offenders were Stalking and Statutory Rape (0.1%)

<b>Juvenile Non-violent Crime Against Person by Offense</b>			
<b>Offense</b>	<b>Total Arrests</b>	<b>Juvenile Arrests</b>	<b>% of all Juvenile Arrests vs. All Arrests Made</b>
Incest	134	2	1.5%
Intimidation	3,130	9	0.3%
Simple Assault	62,573	141	0.2%
Stalking	1,632	2	0.1%
Statutory Rape	741	1	0.1%
Total	68,210	155	0.2%

**Table 10**

## Non-violent Crimes Against Property

For the purposes of this study, non-violent property crimes are broken down into the following categories:

1. Arson
2. Bad Checks
3. Bribery
4. Burglary
5. Counterfeiting/Forgery
6. Extortion/Blackmail
7. Fraud Offenses
8. Larceny Offenses<sup>9</sup>
9. Motor Vehicle Theft
10. Stolen Property Offenses
11. Unauthorized Use of Vehicle<sup>10</sup>
12. Vandalism

There were 207,584 arrests made in Tennessee for non-violent crimes against property from 1996 to 1998. Non-violent crimes against property comprised 37.3% of all arrests made.

Table 11 indicates that Larceny (40.6%) comprised the most arrests in Tennessee from 1996-1998 in the category of non-violent crime against property.

<b>Non-violent Crime Against Property by Offense</b>		
<b>Offense</b>	<b>Total Arrests</b>	<b>% of all Non-Violent Crime Against Property Arrests</b>
Arson	1,014	0.5%
Bad Checks	23,793	11.6%
Bribery	132	0.0%
Burglary	31,962	15.4%
Counterfeiting/Forgery	15,010	7.2%
Extortion/Blackmail	1,569	0.8%
Fraud	12,242	5.9%
Larceny	84,252	40.6%
Motor Vehicle Theft	16,224	7.8%
Stolen Property	2,953	1.4%
Unauthorized Use of Vehicle	144	0.0%
Vandalism	18,289	8.8%

**Table 11**

<sup>9</sup> Includes the TIBRS Larceny Offenses and Embezzlement.

<sup>10</sup> This offense may include Robbery, Motor Vehicle Theft and Larceny-information provided on the fingerprint card submissions did not provide enough information to determine which category would best fit the offense.



<b>Non-violent Crime Against Property by Race/Sex<sup>11</sup></b>						
	<b>Arson</b>	<b>Bad Checks</b>	<b>Bribery</b>	<b>Burglary</b>	<b>Counterfeiting Forgery</b>	<b>Extortion</b>
American Indian Female	0	4	0	1	0	0
American Indian Male	0	0	0	3	0	0
Asian Female	0	15	0	3	3	0
Asian Male	0	24	0	44	19	0
Black Female	121	2,675	2	1,107	2,733	7
Black Male	312	2,692	75	15,736	3,790	98
White Female	134	9,850	14	1,698	4,243	12
White Male	447	8,494	41	13,338	4,194	1,451
Unknown Female	0	9	0	0	13	0
Unknown Male	0	22	0	28	7	0
Unknown Race & Sex	0	8	0	4	8	1
<b>Totals</b>	<b>1,014</b>	<b>23,793</b>	<b>132</b>	<b>31,962</b>	<b>15,010</b>	<b>1,569</b>

Table 12

<sup>11</sup> Due to the number of offenses included in non-violent crime against property, race/sex data is included in Tables 12 & 13.

<b>Non-violent Crime Against Property by Race/Sex</b>						
	<b>Fraud</b>	<b>Larceny</b>	<b>Motor Vehicle Theft</b>	<b>Stolen Property</b>	<b>Unauthorized Use of Vehicle</b>	<b>Vandalism</b>
American Indian Female	0	5	0	0	0	1
American Indian Male	0	13	0	0	0	2
Asian Female	0	38	1	0	0	2
Asian Male	9	103	41	8	0	25
Black Female	1,915	11,762	1,096	87	8	1,107
Black Male	5,233	29,910	10,253	571	38	3,658
White Female	2,241	15,272	1,430	172	19	1,159
White Male	2,819	26,990	3,374	2,110	79	12,303
Unknown Female	3	29	1	1	0	5
Unknown Male	9	82	18	2	0	19
Unknown Race & Sex	13	48	10	2	0	8
Totals	12,242	84,252	16,224	2,953	144	18,289

Table 13

Table 14 indicates that the average age for the offenders of non-violent property crimes ranges from 28 to 36.

<b>Average Age of Non-violent Property Crimes Offenders by Offense</b>	
<b>Offense</b>	<b>Average Age</b>
Arson	33
Bad Checks	32
Bribery	32
Burglary	30
Counterfeiting/Forgery	31
Extortion/Blackmail	36
Fraud	31
Larceny	31
Motor Vehicle Theft	28
Stolen Property	30
Unauthorized Use of Vehicle	31
Vandalism	29

**Table 14**

Table 15 indicates the following:

- Juveniles committed 1.3% of all non-violent property crimes
- The non-violent property crime with the highest percentage of juvenile offenders was Motor Vehicle Theft (5.0%)
- The non-violent property crimes involving lowest percentage of juvenile offenders were Bribery and Unauthorized Use of a Vehicle (0.0%)

<b>Juvenile Non-violent Crime Against Property by Offense</b>			
<b>Offense</b>	<b>Total Arrests</b>	<b>Juvenile Arrests</b>	<b>% of all Juvenile Arrests Vs All Arrests Made</b>
Arson	1,014	34	3.4%
Bad Checks	23,793	15	0.1%
Bribery	132	0	0.0%
Burglary	31,962	597	1.9%
Counterfeiting/Forgery	15,010	39	0.3%
Extortion/Blackmail	1,569	1	0.1%
Fraud	12,242	82	1.0%
Larceny	84,252	839	1.0%
Motor Vehicle Theft	16,224	818	5.0%
Stolen Property	2,953	27	1.0%
Unauthorized Use of Vehicle	144	0	0.0%
Vandalism	18,289	146	0.8%
Total	207,584	2,598	1.3%

**Table 15**

## Crimes Against Society

Crimes against society<sup>12</sup> include the following TIBRS offenses:

1. Driving Under the Influence (DUI)
2. Drug Equipment Violations
3. Drug Narcotics Violations
4. Gambling Offenses
5. Pornography/Obscene Material
6. Prostitution Offenses
7. Weapons Law Violations

There were 218,009 arrests made in Tennessee for crimes against society from 1996 to 1998. Crimes against society comprised 39.2% of all arrests made.

Table 16 indicates that nearly half (48.0%) of all crimes against society were Drug/Narcotics Violations. Drug/Narcotics Violations had the highest number of arrests of any category comprising 18.8% of all arrests made in Tennessee from 1996 to 1998.

<b>Crime Against Society by Offense</b>		
<b>Offense</b>	<b>Total Arrests</b>	<b>% of all Crime Against Society Arrests</b>
Driving Under The Influence	58,363	26.8%
Drug Equipment Violations	30,475	14.0%
Drug/Narcotics Violations	104,603	48.0%
Gambling Offenses	1,632	0.7%
Pornography/Obscene Materials	26	0.0%
Prostitution	3,455	1.6%
Weapons Law Violations	19,455	8.9%

**Table 16**

<sup>12</sup> All crimes against society are non-violent crimes and will be referred to as crimes against society.

<b>Crimes Against Society by Race/Sex</b>							
	<b>DUI</b>	<b>Drug Equipment</b>	<b>Drug Narcotics</b>	<b>Gambling</b>	<b>Pornography</b>	<b>Prostitution</b>	<b>Weapons Law Violations</b>
American Indian Female	2	6	15	0	0	0	0
American Indian Male	30	6	11	0	0	1	1
Asian Female	12	5	10	0	0	9	0
Asian Male	75	20	51	1	0	1	26
Black Female	931	3,829	7,519	188	2	1,621	1,083
Black Male	6,966	11,704	58,516	1,096	0	279	11,622
White Female	9,763	4,666	11,116	132	3	1,165	662
White Male	40,452	10,190	27,219	210	21	377	6,035
Unknown Female	21	10	22	0	0	1	4
Unknown Male	97	16	85	3	0	0	13
Unknown Race & Sex	14	23	39	2	0	1	9
<b>Totals</b>	<b>58,363</b>	<b>30,475</b>	<b>104,603</b>	<b>1,632</b>	<b>26</b>	<b>3,455</b>	<b>19,455</b>

Table 17

Table 18 indicates that the average age for the offenders of crimes against society ranges from 29 to 43.

<b>Average Age of Crime Against Society Offenders by Offense</b>	
<b>Offense</b>	<b>Average Age</b>
Driving Under The Influence	35
Drug Equipment Violations	32
Drug/Narcotics Violations	30
Gambling Offenses	37
Pornography/Obscene Material	43
Prostitution	34
Weapons Law Violations	29

Table 18

Table 19 indicates the following:

- Juveniles committed 0.7% of all crimes against society
- The crime against society with the highest percentage of juvenile offenders was Pornography/Obscene Material (15.4%)
- The crime against society with the lowest percentage of juvenile offenders was Driving Under The Influence (0.0%)

<b>Juvenile Crime Against Society by Offense</b>			
<b>Offense</b>	<b>Total Arrests</b>	<b>Juvenile Arrests</b>	<b>% of all Juvenile Arrests Vs All Arrests Made</b>
Driving Under The Influence	58,363	24	0.0%
Drug Equipment Violations	30,475	31	0.1%
Drug/Narcotics Violations	104,603	1,119	1.1%
Pornography/Obscene Materials	26	4	15.4%
Gambling Offenses	1,632	17	1.0%
Weapons Law Violations	19,455	220	1.1%
Prostitution	3,455	4	0.1%
<b>Total</b>	<b>218,009</b>	<b>1,419</b>	<b>0.7%</b>

**Table 19**

## **TIBRS Group A Offense Definitions**

### **1. Arson (200)**

*Definition To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.*

Only fires determined through investigation to have been unlawfully and intentionally set are to be classified as Arson. Attempts to burn should be included, but fires of suspicious or unknown origin should not be reported. One incident should be scored for each distinct arson operation originating within the reporting jurisdiction. If arson was perpetrated in one locale and spreads to another, it would be reported by the jurisdiction in which the fire originated.

Incidents in which persons are killed as a direct result of arson involve both homicide and arson. Similarly, the number of persons injured during arson should be reported as assaults along with the arson. Arson-related deaths and injuries of police officers and firefighters, unless willful murders or assaults, are excluded from the TIBRS Program due to the hazardous nature of these professions.

### **2. Assault Offenses**

*Definition An unlawful attack by one person upon another.*

#### **A. Aggravated Assault (13A)**

*Definition 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 severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.*

For purposes of Aggravated Assault reporting, a weapon is a commonly known weapon (a gun, knife, club, etc.) or any other item which, although not usually thought of as a weapon, becomes one when used in a manner that could cause the types of severe bodily injury described in the above definition. A severe laceration is one which should receive medical attention. A loss of consciousness must be the direct result of force inflicted on the victim by the offender.

Aggravated Assault includes: assaults or attempts to kill or murder; poisoning; assault with a dangerous or deadly weapon; maiming, mayhem, assault with explosives; and assault with disease (as in cases when the offender is aware that he/she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.). All assaults by one person upon another with the intent to kill, maim, or inflict severe bodily injury with the use of any dangerous weapon are classified as Aggravated Assault. It is not necessary that injury result

from an aggravated assault when a gun, knife, or other weapon is used which could cause serious personal injury. By definition, there can be no attempted assaults.

On occasion, it is the practice to charge assailants in assault cases with assault and battery or simple assault even though a knife, gun, or other weapon was used in the incident. For TIBRS purposes, this type of assault is to be classified as aggravated.

Example relating T.C.A. to TIBRS

1. An intoxicated motorist runs up on the sidewalk causing serious injury to a pedestrian. The motorist is charged with Vehicular Assault<sup>13</sup> (T.C.A. '39-13-106). For TIBRS purposes the only thing reported is a DUI, not an assault.
2. A child was shot in the stomach by a parent and rushed to the hospital. The parent was arrested and charged with Aggravated Child Abuse<sup>14</sup> (T.C.A. '39-15-402). For TIBRS purposes this offense is reported as an Aggravated Assault.

### **B. Simple Assault (13B)**

*Definition*      *An unlawful physical attack by one person upon another where neither the offender displays a 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.*

Included are offenses such as minor assault, hazing, assault and battery, and injury caused by culpable negligence. As with Aggravated Assault, there are no attempted Simple Assaults.

### **C. Intimidation (13C)**

*Definition*      *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.*

Intimidation involves an offender making some type of threat to the victim without actually using or displaying a weapon. Such threats can be made in person, over the telephone, or in writing.

Example relating T.C.A. to TIBRS

The wife of a defendant threatens to harm a witness after a guilty verdict is rendered to her husband. The wife is arrested and charged with Retaliation for Past Action<sup>15</sup> (T.C.A. '39-16-510). In TIBRS this is reported as Intimidation.

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<sup>13</sup>**Section 39-13-106. Vehicular Assault** (a) A person commits vehicular assault who, as the proximate result of the person's intoxication (alcohol, drug or both) recklessly causes serious bodily injury to another person by the operation of a motor vehicle.

<sup>14</sup>**Section 39-15-402. Aggravated Child Abuse.** (a) A person is guilty of the offense of aggravated child abuse who commits the offense of child abuse ... (1) The act of abuse results in serious bodily injury to the child or (2) A deadly weapon is used to accomplish the act of abuse ...



### **D. Stalking (13D)**

*Definition To intentionally and repeatedly follow or harass another person in such a manner as would cause that person to be in reasonable fear of being assaulted, suffering bodily injury or death.*

Example relating T.C.A. to TIBRS

A woman observed that her ex-boyfriend was following her to work and waiting for her to leave. He has made verbal threats on her life on several different occasions. He confronted her and was arrested and charged with Stalking<sup>16</sup>(T.C.A. '39-17-315). For TIBRS purposes report as Stalking

### **Aid in Classifying Assaults**

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; and/or
3. The intent and capability of the assailant to cause serious injury.

Usually, the weapons used or the extent of the injury sustained 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.

Prosecutive policy in a jurisdiction should not influence classification or reporting of law enforcement offense data. It is necessary that assaults in each jurisdiction be examined and classified according to the standard TIBRS definitions, regardless of whether they are termed felonies by local definitions.

### **3. Bribery (510)**

*Definition The offering, giving, receiving, or soliciting of any thing of value (i.e., a bribe, gratuity, or kickback) to sway the judgement or action of a person in a position of trust or influence.*

This offense excludes sports bribery, i.e., changing the outcome of a sporting contest or event, which is covered in the offenses dealing with gambling. The phrase, “The offering, giving, receiving, or soliciting of any thing of value”, includes such things as gratuities, kickbacks, favors, or anything else used illegally to influence the outcome of something that is governed by law, fair play, contractual agreement, or any other guideline. The bribe would bring the outcome

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<sup>15</sup>**Section 39-16-510. Retaliation for Past Action.** (a) A person commits the offense of retaliation for past action who harms or threatens to harm a witness at an official proceeding, judge, juror or former juror by any unlawful act in retaliation for anything the witness, judge or juror did in an official capacity as witness, judge or juror.

<sup>16</sup>**Section 39-17-315. Stalking.** (a) (1) A person commits the offense of stalking who intentionally and repeatedly follows or harasses another person in such a manner as would cause that person to be in reasonable fear of being assaulted, suffering bodily injury or death.

of an event outside any realm of reasonableness, the result of which could be predicted based on the offering or influence given to the person(s) in a position to render decisions.

Example relating T.C.A. to TIBRS

A public servant is offered a bribe from a representative of a local company. The representative was arrested and was charged with Bribery of Public Servant<sup>17</sup> (T.C.A. '39-16-102). This is classified as Bribery in TIBRS.

#### **4. Burglary/Breaking and Entering (220)**

*Definition*        *The unlawful entry into a building or other structure with the intent to commit a felony or a theft.*

For TIBRS purposes, offenses locally known as burglary (any degree); unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; and safecracking should be classified as burglary. Burglary almost always includes some type of larceny offense. Because, however, burglary is defined in terms of theft, only the burglary is to be reported not the accompanying larceny.

Note: A structure is defined for TIBRS purposes as four walls and a roof.

In the TIBRS standard definition of burglary, a structure is considered to include, but not be limited to, the following:

Apartment	Condominium
Barn	Dwelling House
Cabin	Factory
Church	Garage
House Trailer or Houseboat	Public Building
(if used as a permanent	Railroad Car
dwelling)	Room
Mill	School
Office	Vessel (Ship)
Other Building	Warehouse
Outbuilding	

Any house trailer or other mobile unit that is permanently fixed as an office, residence, stable or storehouse should also be considered a structure.

Whenever a question arises as to whether a type of structure comes within the purview of the burglary definition, the law enforcement officer should look to the nature of the crime and be

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<sup>17</sup>**Section 39-16-102. Bribery of Public Servant.** (a) A person commits an offense who offers, confers or agrees to confer any pecuniary benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, exercise of discretion or other action in the public servant official capacity.

guided by the examples set forth. If a question remains, contact the TBI's Crime Statistics Unit. The illegal entry of a tent, tent trailer, motor home, house trailer, or any other mobile unit that is being used for recreational purposes, followed by a theft, felony, or attempt to commit a felony or theft, should NOT be classified as burglary, but as larceny.

Burglaries of hotels, motels, lodging houses, or other places where lodging of transients is the main purpose or burglaries of temporary rental storage facilities, i.e., mini-storage and self-storage buildings, can pose reporting questions. If a number of units under a single manager are burglarized and the offenses are most likely to be reported to the police by the manager rather than the individual tenants/renters, the burglary should be reported as a single incident. Examples are burglaries of a number of rental hotel rooms, rooms in flophouses, rooms in a youth hostel, units in a motel, and storage units in a commercial self-storage building. If the individual living areas in a building are rented or leased to the occupants for a period of time, which would preclude the tenancy from being classified as transient, then the burglaries would most likely be reported separately by the occupants. Such burglaries should be reported as separate incidents. Examples of this latter type of multiple burglary would be the burglaries of a number of apartments in an apartment house, of the offices of a number of commercial firms in a business building, of the offices of separate professionals within one building, or of a number of rooms in a college dormitory.

NOTE: Remember that offenses should be classified according to TIBRS definitions and not according to state, local, or Federal codes. Some jurisdictions might, for example, categorize a shoplifting or a theft from an automobile as burglary. These offenses are not classified as burglaries in TIBRS and must be considered larcenies for reporting purposes. Thefts from automobiles (whether locked or not); shoplifting from commercial establishments; and thefts from telephone booths, coinboxes, or coin-operated machines do not involve unlawful entry of a structure; thus, no burglary occurred.

Example relating T.C.A. to TIBRS

A home was broken into. An elderly lady was pistol-whipped and suffered serious bodily injury. The suspect took her money and some belongings. The suspect was caught and arrested. He was charged with Especially Aggravated Burglary<sup>18</sup> (T.C.A. '39-14-404). For TIBRS purposes this is reported as a Burglary and a Robbery. Since the suspect took something the robbery would be reported; however if the lady was assaulted and the suspect did not take anything then burglary and assault would be reported. (Remember assault is an element of robbery.)

## 5. Counterfeiting/Forgery (250)

*Definition*            *The altering, copying, or imitation of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine; or the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud.*

In most states, forgery and counterfeiting are treated as allied offenses. Included in this category are offenses such as altering and forging public and other records; making, altering,

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<sup>18</sup>Section 39-14-404. Especially Aggravated Burglary (a) Especially aggravated burglary is (1) burglary of a habitation or building other than a habitation; and (2) where the victim suffers serious bodily injury.

forging or counterfeiting bills, notes, drafts, tickets, checks, credit cards, etc.; forging wills, deeds, notes, bonds, seals, trademarks, etc.; counterfeiting coins, plates, banknotes, checks, etc.; possessing forged or counterfeited instruments; erasures; signing the name of another or fictitious person with intent to defraud; using forged labels; possession, manufacture, etc., of counterfeiting apparatus; and selling goods with altered, forged, or counterfeited trademarks. Although Counterfeiting/Forgery offenses can involve elements of fraud, they are treated separately due to their unique nature.

Example relating T.C.A. to TIBRS

A person is manufacturing and selling academic documents. He is charged with Falsifying of Educational and Academic Records<sup>19</sup> (T.C.A. '39-14-136) For TIBRS purposes the classification is Counterfeiting/Forgery.

## 6. *Destruction/Damage/Vandalism of Property (290)*

*Definition To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.*

The offense includes a broad range of injury to property, i.e., from deliberate, extensive destruction of property at one extreme to mischievous, less extensive damage at the other extreme. It does not include destruction or damage to property caused by arson.

As a general rule, the offense is to be reported only if the reporting agency deems that substantial damage to property has occurred. However, any offense suspected to have been motivated by the offender's bias against the victim's race, religion, ethnicity, or sexual orientation is to be reported regardless of the amount or type of damage. Incidental damage resulting from another offense (e.g., burglary, robbery) is to be reported in this offense category only if the reporting agency deems the amount of damage to be substantial. For example, insubstantial damage, such as a broken window, forced door, etc., should not be reported; but, substantial damage, such as where a truck is backed into a storefront to gain admittance and major structural damage is caused, should be reported. For the crime of arson, however, incidental damage resulting from fighting the fire should be included as part of the loss caused by burning. The determination of whether the damage was A substantial is left to the discretion of the reporting law enforcement agency and should not require burdensome damage assessments.

Example relating T.C.A. to TIBRS

An abandoned house had been spray painted with gang slogans. Three people were arrested and charged with Vandalism<sup>20</sup> (T.C.A. '39-14-408). This would be classified for TIBRS purposes as Vandalism.

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<sup>19</sup>**Section 39-14-136. Falsifying Educational and Academic Records.** (a) A Person commits the offense of falsifying educational and academic documents who buys, sells, creates, duplicates, alters, files to obtain a diploma, academic record, certificate of enrollment or other instrument which purports to signify merit or achievement conferred by an institution of education with the intent to use fraudulently that document or to allow the fraudulent use of the document.

<sup>20</sup>**Section 39-14-408. Vandalism.** (a) Any person who knowingly causes damage to or the destruction of any or personal property of another or of the state, the United States, any county, city or town knowing that he does not have the owner's effective consent is guilty.

## 7. Drug/Narcotic Offenses

*Definition* 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.

### A. Drug/Narcotic Violations (35A)

*Definition* The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance.

### B. Drug Equipment Violations (35B)

*Definition* The unlawful manufacture sale, purchase, possession, or transportation of equipment or devices utilized in preparing and/or using drugs or narcotics.

This offense covers those cases involving drug paraphernalia, equipment, chemicals, illegal labs, etc. Various statutes and/or codes may vary in the description of equipment or paraphernalia involved with drugs/narcotics. If any difficulty arises in determining whether or not a particular item, tool, chemical, etc., is applicable to this offense, contact the TBI's Crime Statistics Unit for clarification.

Example relating T.C.A. to TIBRS

A man was cultivating marijuana. He was charged with Unlawful Drug Paraphernalia Uses and Activities<sup>21</sup> (T.C.A. '39-17-425). For TIBRS purposes this might be classified as Drug Narcotic Violation for the cultivating and Drug Equipment Violation for the possession of illegal drug paraphernalia.

## 8. Embezzlement (270)

*Definition* The unlawful misappropriation by an offender to his/her own use or purpose of money, property, or some other thing of value entrusted to his/her care, custody, or control.

Generally, the victims of embezzlement offenses are businesses, financial institutions, etc.

Example relating T.C.A. to TIBRS

A computer company employee takes a computer design and sells it to another company. The employee is arrested and charged with Theft of Trade Secrets<sup>22</sup> (T.C.A. '39-14-138). For TIBRS purposes the offense is reported as Embezzlement.

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<sup>21</sup>Section 39-17-425. **Unlawful Drug Paraphernalia Uses and Activities.** ...It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation to the part ...

<sup>22</sup>Section 39-14-138. **Theft of Trade Secrets.** Steals or embezzles an article representing a trade secret or ...without authority makes or causes to be made a copy of an article representing a trade secret.

## **9. Extortion/Blackmail (210)**

*Definition To unlawfully obtain money, property, or any other thing of value, either tangible or intangible, through the use or threat of force, misuse of authority, threat of criminal prosecution, threat of destruction of reputation or social standing, or through other coercive means.*

Even though persons are involved or victimized in extortion/blackmail cases, this offense is considered a crime against property. Like robbery, which is also a crime against property, the object or target of extortion/blackmail is to obtain money or property; therefore, it is classified as such.

Extortion includes offenses where threats are made in non-confrontational circumstances and the victim is not in fear of immediate harm. If during a demand for money, property, etc., there is a personal confrontation between the victim and offender and the threat of force or violence could be carried out immediately, the offense should be reported as Robbery.

## **10. Fraud Offenses**

*Definition The intentional perversion of the truth for the purpose of inducing another person or other entity in reliance upon it to part with some thing of value or surrender a legal right.*

By definition, fraud involves either the offender receiving a benefit or the victim incurring a detriment. The benefit or detriment could be either a tangible or an intangible object. For example, if a person impersonates a doctor to gain entrance to a restricted area of a hospital, the benefit to the offender (entry to the restricted area) is intangible object. Intangibles are anything which cannot be perceived by the sense of touch. They can be benefits, e.g., a right or privilege, a promotion, enhanced reputation, etc.; or a detriment, e.g., loss of reputation, injured feelings, etc.

The most specific subcategory of fraud should be reported whenever the circumstances fit the definition of more than one of the subcategories listed below. For example, most frauds would fit the definition of False Pretenses/ Swindle/Confidence Game. But, if a credit card were used to perpetrate the fraud, the offense would be classified as Credit Card/Automatic Teller Machine Fraud.

The only fraud-related violations that would not be reported under the Fraud Offenses category are counterfeiting, forgery, and bad checks. These offenses are reported under their own specific offense classifications.

When classifying fraud cases other than the most obvious ones, i.e., con games, swindles, etc., care should be used in applying the facts of the case to the definition of fraud. Often questions arise as to whether or not the facts of a case describe a fraud or a larceny. Whereas both offenses can involve theft, it is the method used to steal that makes the difference between the

two. Fraud is achieved through deceit or lying, whereas larceny is the physical taking of something.

Example of common fraud cases are where something of value, e.g., a VCR or automobile, is rented for a period of time but is not returned. This offense, conversion of goods lawfully possessed by bailees, is classified as fraud and not larceny. In such cases, the offenders originally had lawful possession of the property (the property was either rented, loaned, or the person was in some way entrusted with its possession) and through deceit (they promised to return it) kept the property.

A common classification problem is the taking of gasoline without paying for it. If an offender takes gasoline from a self-service gas station without paying for it, the offense is classified as larceny. In this case, no contract was entered into nor agreement made for payment. This would be the same as taking a can of oil off of the station's rack. However, if a station attendant is asked to fill the tank, there is a tacit agreement that he will be paid for the gas, and the offender, never having the intention to pay for it in the first place, utilized deception and stole the gas. This, then, is classified as a fraud.

Example relating T.C.A. to TIBRS

Two persons have dinner in a restaurant and leave without paying the check. They are charged with Theft of Services<sup>23</sup> (T.C.A. '39-14-104). For TIBRS purposes this is recorded as Fraud - False Pretenses/Swindle/ Confidence Game.

**A. False Pretenses/Swindle/Confidence Game (26A)**

*Definition The intentional misrepresentation of existing fact or conditions, or the use of some other deceptive scheme or device, to obtain money, goods, or other things of value.*

**B. Credit/Card Automatic Teller Machine Fraud (26B)**

*Definition The unlawful use of a credit (or debit) card or automatic teller machine for fraudulent purposes.*

This offense does not apply to the theft of a credit/debit card but rather its fraudulent use.

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<sup>23</sup>**Section 39-14-104. Theft of Services...**(1) Intentionally obtains services by deception, fraud, coercion, false pretense or any other means...(2) Having control over the disposition of service to others, knowingly diverts those services to the person's own benefit or the other benefit to another not entitled thereto; (3) Knowingly absconds from establishments where compensation for services is ordinarily paid immediately upon the rendering of the service, including, but not limited to hotels, motels and restaurants, without payment or a bonafide offer to pay.

**C. Impersonation (26C)**

*Definition* *Falsely representing one's identity or position, and acting in the character or position thus unlawfully assumed, to deceive others and thereby gain a profit or advantage, enjoy some right or privilege, or subject another person or entity to an expense, charge, or liability which would not have otherwise been incurred.*

**D. Welfare Fraud (26D)**

*Definition* *The use of deceitful statements, practices, or devices to unlawfully obtain welfare benefits.*

**E. Wire Fraud (26E)**

*Definition* *The use of an electric or electronic communications facility to intentionally transmit a false and/or deceptive message in furtherance of a fraudulent activity.*

This classification applies to those cases where telephone, teletype, micro-relay facilities, etc., are used in the commission or furtherance of a fraud.

**11. Gambling Offenses**

*Definition* *To unlawfully bet or wager money or something else of value; assist, promote, or operate a game of chance for money or some other stake; possess or transmit wagering information; manufacture, sell, purchase, possess, or transport gambling equipment, devices, or goods; or tamper with the outcome of a sporting event or contest to gain a gambling advantage.*

**A. Betting/Wagering (39A)**

*Definition* *To unlawfully stake money or something else of value on the happening of an uncertain event or on the ascertainment of a fact in dispute.*

**B. Operating/Promoting/Assisting Gambling (39B)**

*Definition* *To unlawfully operate, promote, or assist in the operation of a game of chance, lottery, or other gambling activity.*

**C. Gambling Equipment Violations (39C)**

*Definition* *To unlawfully manufacture, sell, buy, possess, or transport equipment, devices, and/or goods used for gambling purposes.*



**D. Sports Tampering (39D)**

*Definition* To unlawfully alter, meddle in, or otherwise interfere with a sporting contest or event for the purpose of gaining a gambling advantage.

This offense includes engaging in bribery for gambling purposes. For example, if a jockey was bribed to lose a horse race, it would be reported as Sports Tampering, not Bribery.

Note: While explicit definitions are provided for most Group A crimes, some, such as Gambling Offenses, depend on the violation of locally established statutes.

**12. Homicide Offenses**

*Definition* The killing of one human being by another.

**A. Murder and Non-negligent Manslaughter (09A)**

*Definition* The willful (non-negligent) killing of one human being by another.

As a general rule, any death due to injuries received in a fight, argument, quarrel, assault, or commission of a crime is classified in this category. Although offenders may be charged with lesser offenses, e.g., manslaughter, if the killing was willful or intentional it must be reported as Murder and Non-negligent Manslaughter. The findings of a court, coroner's inquest, etc., do not affect the reporting of offenses in this category; these are law enforcement statistics.

Suicides, accidental deaths, assaults to murder, traffic fatalities, and attempted murders are not classified as Murder and Non-negligent Manslaughter. Situations where a victim dies of a heart attack as a result of a robbery or witnessing a crime likewise do not meet the criteria for inclusion in this classification. An offender cannot in fact, cause a heart attack at will. Even in instances where an individual is known to have a weak heart, there is no assurance that an offender can cause sufficient emotional or physical stress to guarantee the victim will suffer a fatal heart attack. Suicides, traffic fatalities, and fetal deaths are totally excluded from the TIBRS Program, while some accidental deaths are counted as Negligent Manslaughter. Assaults to murder and attempted murders are classified as Aggravated Assaults.

**B. Negligent Manslaughter (09B)**

*Definition* The killing of another person through negligence. Included in this offense are killings resulting from hunting accidents, gun cleaning, children playing with guns, etc. Not included are deaths of persons due to their own negligence; accidental deaths not resulting from gross negligence; and accidental traffic fatalities. Again, the subsequent findings of a court, coroner's inquest, etc., do not affect the reporting of offenses in this category; these are law enforcement statistics.

Example relating T.C.A. to TIBRS

A person was cleaning his gun when it went off and killed another person in the room. The person was charged with Reckless Homicide<sup>24</sup> (T.C.A. '39-13-215). This is classified as Negligent Manslaughter for TIBRS purposes.

**C. Justifiable Homicide (09C)**  
*Definition 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.*

Justifiable homicide is not an actual offense and is not included in an agency's crime counts. A serious criminal offense is a felony or high misdemeanor. Do not count a killing as justifiable or excusable solely on the basis of self-defense or the action of a coroner, prosecutor, grand jury, or court. The willful killing of one individual by another is being reported, not the criminal liability of the person or persons involved. For TIBRS purposes, crime determinations and counts are based on law enforcement investigations.

In the original or summary UCR system, justifiable homicides were reported as murders and then unfounded. In TIBRS, since the offenses are recorded as justifiable homicides initially, they should not be unfounded. They will be tallied separately and maintained apart from the murder counts.

Justifiable homicide, by definition, often occurs in conjunction with other offenses. The crime that was being committed when the justifiable homicide took place must be reported as a separate incident. These guidelines are based on the definition of an incident which requires that all of the offenders act in concert. It cannot be said that the criminal killed justifiably acted in concert with the police officer or civilian who killed him; nor that the police officer or civilian who killed the criminal acted in concert with the criminal in committing the offense that gave rise to the justifiable homicide. Therefore, justifiable homicide cases involve two criminal incidents rather than one.

If the justified killer (officer or civilian) committed another offense in connection with the justifiable homicide (e.g., illegal possession of the gun he/she used) that offense would constitute a third incident.

### **13. Kidnapping/Abduction (100)**

*Definition 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.*

This offense includes not only kidnapping and abduction, but hostage situations as well. Although the object of a kidnapping may be to obtain money or property, this category is intended to capture information only on the persons actually kidnapped or abducted, not those

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<sup>24</sup>Section 39-13-215. Reckless Homicide. (a) Reckless homicide is a reckless killing by another.

persons or organizations paying ransoms. Therefore, for each kidnapping incident, report as victims only those persons taken or detained against their will.

Example relating T.C.A. to TIBRS

A victim is kidnapped and beaten severely with a blunt object. The offender is arrested and charged with Especially Aggravated Kidnapping<sup>25</sup> (T.C.A. '39-13-305). For TIBRS purposes the offenses of both Kidnapping and Assault will be reported since assault is also involved.

#### **14. Larceny/Theft Offenses**

*Definition*        *The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another person.*

Larceny and theft mean the same thing in TIBRS. Motor vehicle theft is not included and is counted separately because of the great volume of such thefts. Local offense classifications such as grand theft, A petty larceny, felony larceny, or misdemeanor larceny have no bearing on the fact that each distinct operation of larceny is reported as one offense for TIBRS purposes. Also, all larceny offenses are reported regardless of the value of the property stolen.

Do not classify embezzlement; fraudulent conversion of entrusted property; conversion of goods lawfully possessed by bailees; counterfeiting; obtaining money by false pretenses; larceny by check; larceny by bailee; and check fraud as larceny offenses. Each of the aforementioned crimes falls within other offense categories.

##### **A.        Pocket-Picking (23A)**

*Definition*        *The theft of articles from another persons physical possession by stealth where the victim usually does not become immediately aware of the theft.*

This type of theft includes removal of such items as wallets from women's purses and men's pockets and usually occurs in a crowd, public conveyance, or other similar situation to disguise the activity. Theft from a person in an unconscious state, including drunks, should also be classified as Pocket-Picking. However, if the victim is manhandled or force beyond simple jostling is used to overcome the resistance of the victim, the offense becomes strong-arm robbery.

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<sup>25</sup>**Section 39-13-305. Especially Aggravated Kidnapping.** (1) Accomplished with a deadly weapon or by display of any article used or fashioned to lead the victim to reasonably believe it to be a deadly weapon; (2) Where the victim was under the age of 13 at the time of removal or confinement; (3) Committed to hold the victim for ransom or reward, or as a shield or hostage; or (4) Where the victim suffers serious bodily injury.

**B. Purse-Snatching (23B)**

*Definition* The grabbing or snatching of a purse, handbag, etc., from the physical possession of another person.

If more force is used than is actually necessary to snatch the purse from the grasp of the person, or if the victim resists the theft in any way, then robbery has occurred. Also, cases in which a purse or some other item of value is left unattended and is stolen should not be classified as a Purse-Snatching. This offense would be properly classified as a theft from a building, from a motor vehicle, or other appropriate larceny category.

**C. Shoplifting (23C)**

*Definition* The theft, by someone other than an employee of the victim, of goods or merchandise exposed for sale.

This violation assumes that the offender had legal access to the premises, and thus, no trespass or unlawful entry was involved. This offense includes thefts of merchandise displayed as part of the stock-in-trade outside buildings, such as department stores, hardware stores, supermarkets, fruit stands, gas stations, etc.

**D. Theft from Building (23D)**

*Definition* A theft from within a building which is either open to the general public or where the offender has legal access.

Do not include shoplifting and thefts from coin-operated devices or machines within open buildings; these are other specific larceny types. Thefts from buildings include those from such places as churches, restaurants, schools, libraries, public buildings, and other public and professional offices during the hours when such facilities are open to the public. A theft from a structure, accompanied by a breaking or unlawful entry (trespass) without breaking, should be reported as burglary and not larceny.

**E. Theft from Coin-Operated Machine or Device (23E)**

*Definition* A theft from a machine or device which is operated or activated by the use of coins.

Some examples of such machines are candy, cigarette, and food vending machines; telephone coin-boxes; parking meters; pinball machines; or washers and dryers located in Laundromats where no breaking or illegal entry of the building is involved.

If a building was broken into or illegally entered and a coin-operated machine in the building was rifled for money and/or merchandise, the matter would be classified as burglary.

**F.            *Theft from Motor Vehicle (23F)***

*Definition            The theft of articles from a motor vehicle, whether locked or unlocked.*

This type of larceny includes thefts from automobiles, trucks, truck trailers, buses, motorcycles, motor homes, or other recreational vehicles. It also includes thefts from any area in the automobile or other vehicle, e.g., the trunk, glove compartment, or other enclosure. Some of the items stolen in this type of theft are cameras, suitcases, wearing apparel, packages, etc., which are not an integral part of the vehicle. Do not include items that are automobile accessories, as they fall under Theft of Motor Vehicle Parts or Accessories.

**Note:**    **Certain state statutes might interpret thefts from motor vehicles as burglaries. For TIBRS purposes, these thefts must be classified as larcenies.**

If a theft from a motor vehicle occurs in conjunction with a motor vehicle theft, the incident will most often be reported as a motor vehicle theft with the stolen property recorded within the appropriate property-type categories. If, however, the reporting jurisdiction determines that the real object of the theft was the contents, rather than the vehicle, two offenses can be reported, the vehicle theft and the theft from the vehicle. For example, if an automobile with a coat in the back seat is stolen, the offense would be reported as Motor Vehicle Theft and the coat accounted for as property stolen in connection with the automobile theft. The theft of a tractor-trailer (truck) containing a shipment of televisions can, however, be reported as two offenses if in the judgement of the reporting agency the real object of the theft was the televisions, e.g., the truck is found abandoned and empty not far from the scene of the theft.

In larceny situations where both motor vehicle parts and accessories and articles from the motor vehicle are stolen, report the offense resulting in the greatest value of property loss. Report all of the property stolen.

**G.            *Theft of Motor Vehicle Parts or Accessories (23G)***

*Definition            The theft of any part or accessory affixed to the interior or exterior of a motor vehicle in a manner which would make the item an attachment of the vehicle or necessary for its operation.*

Thefts of motors, transmissions, radios, heaters, hubcaps and wheel covers, manufacturers emblems, license plates, radio antennas, side-view mirrors, gasoline, tape decks, CB radios, radar detectors, etc., are included in this larceny type. If items being transported in the vehicle are stolen, the offense should be classified as Theft From Motor Vehicle.

**H. All Other Larceny (23H)**

*Definition* All thefts which do not fit any of the definitions of the specific subcategories of Larceny/Theft listed above.

This offense includes thefts from fenced enclosures. Thefts of bicycles, boats, bulldozers, airplanes, animals, lawn mowers, lawn furniture, hand tools, and farm and construction equipment are also included where no breaking or entering of a structure is involved.

Additionally, the illegal entry of a tent, tent trailer, or travel trailer used for recreational purposes, followed by a theft or attempted theft, should be counted as All Other Larceny. Yet another example is the taking of gasoline from a self-service gas station and leaving without paying.

**15. Motor Vehicle Theft (240)**

*Definition* The theft of a motor vehicle.

A motor vehicle is defined for TIBRS purposes as a self-propelled vehicle that runs on land surface and not on rails and which fits one of the following property descriptions:

Automobiles - Sedans, coupes, station wagons, convertibles, taxicabs, or other similar motor vehicles, which serve the primary purpose of transporting people.

Buses - Motor vehicles which are specifically designed (but not necessarily used) to transport groups of people on a commercial basis.

Recreational Vehicles - Motor vehicles which are specifically designed (but not necessarily used) to transport people and also provide them temporary lodging for recreational purposes.

Trucks - Motor vehicles which are specifically designed (but not necessarily used) to transport cargo on a commercial basis.

Other Motor Vehicles - Any other motor vehicles, e.g., motorcycles, motor scooters, trail bikes, mopeds, snowmobiles, golf carts, whose primary purpose is to transport people.

Classify as Motor Vehicle Theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned; including joyriding.

Do not include the taking of a vehicle for temporary use when prior authority has been granted or can be assumed, such as in family situations; or unauthorized use by chauffeurs and others having lawful access to the vehicle. Other Group A offenses may, however, have occurred in these situations. For example, if a chauffeur steals a car entrusted to his care, embezzlement should be reported.

**16. Pornography/Obscene Material (370)**

*Definition* The violation of laws or ordinances prohibiting the manufacture, publishing, sale, purchase, or possession of sexually explicit material, e.g., literature, photographs, etc.

## 17. Prostitution Offenses

*Definition* To unlawfully engage in or promote sexual activities for profit.

### A. Prostitution (40A)

*Definition* To unlawfully engage in sexual relations for profit.

### B. Assisting or Promoting Prostitution (40B)

*Definition* To solicit customers or transport persons for prostitution purposes; to own, manage, or operate a dwelling or other establishment for the purpose of providing a place where prostitution is performed; or to otherwise assist or promote prostitution.

## 18. Robbery (120)

*Definition* 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 by putting the victim in fear of immediate harm.

Robbery involves the offender taking or attempting to take something of value from a victim, aggravated by the element of force or threat of force. The victim, who usually is the owner or person having custody of the property, is directly confronted by the perpetrator and is threatened with force or is put in fear that force will be used. If there is no direct confrontation and the victim is not in fear of immediate harm, extortion should be reported. In pocket-pickings or purse-snatchings, direct confrontation does occur, but force or threat of force is absent. However, if during a purse snatching or other such crime, force or threat of force is used to overcome the active resistance of the victim, the offense is to be classified as robbery.

Cases involving pretend weapons or where the weapon is not seen by the victim but the robber claims to possess one are also classified as Robbery and the alleged weapon reported. If an immediate on-view arrest proves that there was no weapon, the offense is classified as Robbery, but the weapon is reported as none

Because some type of assault is an element of the crime of robbery, an assault should not be reported as a separate crime as long as it was performed in furtherance of the robbery. However, if the injury results in death, a homicide offense must also be reported.

In any instance of robbery, report one offense for each distinct operation. As in the case of other crimes against property, only one offense is reported regardless of the number of victims involved. The victims of a robbery include not only those persons and other entities (businesses, financial institutions, etc.) from whom property was taken, but also those persons toward whom the robber(s) directed force or threat of force in perpetrating the offense. Therefore, although the primary victim in a bank robbery would be the bank, the teller toward whom the robber pointed a

gun and made a demand should also be reported as a victim, as well as any other person upon whom an assault was committed during the course of the robbery.

Example relating T.C.A. to TIBRS

During the course of robbery the victim as shot and seriously injured. The robber fled with the victim's jewelry. The offender was arrested and charged with Especially Aggravated Robbery<sup>26</sup> (T.C.A. '39-13-403). For TIBRS purposes this would be classified as a Robbery.

## 19. *Sex Offenses, Forcible*

*Definition* Any sexual act directed against 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.

### A. *Forcible Rape (11A)*

*Definition* 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 (or because of his/her youth).

This offense includes the forcible rape of both males and females. In cases where several offenders rape one person, report one Forcible Rape. Do not count the number of offenders.

If force was used or threatened, the crime should be classified as Forcible Rape regardless of the age of the victim. If no force or threat of force was used and the victim was under the statutory age of consent, the crime should be classified as Statutory Rape. The ability of the victim to give consent must be a professional determination by the law enforcement agency.

The age of the victim, of course, plays a critical role in this determination. Individuals do not mature mentally at the same rate. Certainly, no 4-year-old is capable of consenting, whereas victims aged 10 or 12 may need to be assessed within the specific circumstances.

### B. *Forcible Sodomy (11B)*

*Definition* 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 youth or because of his/her temporary or permanent mental or physical incapacity.

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<sup>26</sup>Section 39-13-403. **Especially Aggravated Robbery.** Especially aggravated robbery is robbery...(1) accomplished with a deadly weapon; and (2) where the victim suffers serious bodily injury.



Example relating T.C.A. to TIBRS

A person is forced to participate in an act of sodomy. The offender is charged with Rape<sup>27</sup> (T.C.A. '39-13-503). For TIBRS purposes since an act of sodomy was involved, Forcible Sodomy is the offense.

If a victim is raped and sodomized in one incident, then both offenses should be reported.

**C. Sexual Assault With An Object (11C)**

*Definition 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 persons will; or not forcibly or against the persons 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.*

An object or an instrument is anything used by the offender other than the offender's genitalia. Examples are a finger, bottle, handgun, stick, etc.

**D. Forcible Fondling (11D)**

*Definition 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 incapacity.*

**20. Sex Offenses, Non-forcible**

*Definition Unlawful, non-forcible sexual intercourse.*

**A. Incest (36A)**

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

**B. Statutory Rape (36B)**

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

If force was used or threatened or the victim was incapable of giving consent because of his/her youth or mental impairment, either temporary or permanent, the offense should be classified as Forcible Rape, not Statutory Rape.

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<sup>27</sup>**Section 39-13-503. Rape.** (a) Rape is unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances; (1) Force or coercion...(2) The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent; (3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or (4) The sexual penetration is accomplished by fraud.

Note: The victim must be between ages 13 - 17 and the offender must be at least four years older for an offense to be classified as Statutory Rape. If these conditions are not met, the offense would be classified as Rape if force was involved or not reported if it was consensual sex.

### **21. Stolen Property Offenses (280)**

*Definition*            *Receiving, buying, selling possessing, concealing, or transporting any property with the knowledge that it has been unlawfully taken, as by burglary, embezzlement, fraud, larceny, robbery, etc.*

### **22. Weapon Law Violations (520)**

*Definition*            *The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. Include violations such as the manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., silencers; and furnishing deadly weapons to minor.*

## TIBRS Group B Offense Definitions

### 1. *Bad Checks (90A)*

*Definition*                      *Knowingly and intentionally writing and/or negotiating checks drawn against insufficient or nonexistent funds.*

This offense includes fraudulent checks and insufficient funds checks but not counterfeited checks or forged checks.

### 2. *Driving Under the Influence (90D)*

*Definition*                      *Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic.*

This offense includes driving while intoxicated and operating a bus, train, streetcar, boat, etc., while under the influence.

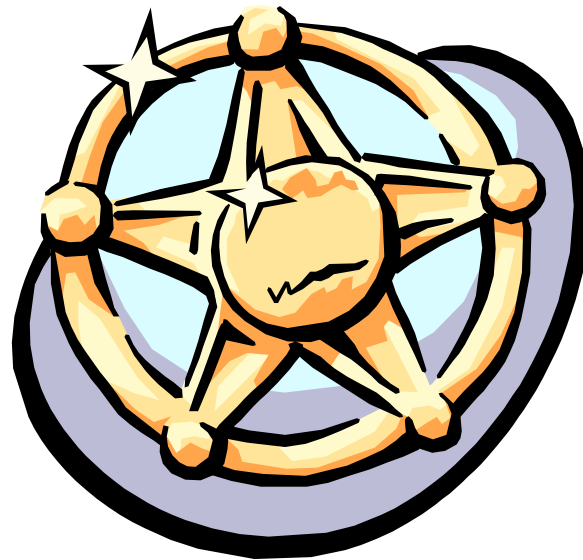
The following Group B offenses categories were excluded from this study:

1. Curfew/Loitering/Vagrancy Violations
2. Disorderly Conduct
3. Drunkenness
4. Family Offenses, Non-violent
5. Liquor Law Violations
6. Peeping Tom
7. Runaway
8. Trespass of Real Property
9. All Other Offenses

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**TENNESSEE  
CRIMINAL HISTORY  
DATABASE  
ANALYSIS**



**PREPARED BY  
THE TENNESSEE  
BUREAU OF INVESTIGATION'S  
CRIME STATISTICS UNIT**

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