



TIBRS TRAINING TIPS

A large, faded seal of the Tennessee Bureau of Investigation (TBI) is centered in the background. The seal is circular with a sunburst border. It contains the text "TENNESSEE" at the top, "BRAVERY" in a red banner, "TRUTH" and "INTEGRITY" on either side of a scale of justice, and "BUREAU OF INVESTIGATION" at the bottom. The seal also features a map of Tennessee and a star.

***CLASSIFYING INCIDENTS
INVOLVING DRUG USE
DURING PREGNANCY***



TIBRS TRAINING TIPS

CLASSIFYING INCIDENTS INVOLVING DRUG USE DURING PREGNANCY

Recent changes made to TIBRS have made it necessary to revise this document.

Specifically, the changes are:

- 1) In certain situations, you may now report the death of a fetus.
- 2) Fetus (TIBRS Code FE) was added as an age group in the Victim Segment.

We'll use several examples of when to report, and when not to report incidents involving drug use during pregnancy.

You will notice that all of the examples are similar, but they are reported differently.





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EXAMPLE 1:

The mother used drugs during her pregnancy. The baby was born with a drug addiction. The mother was not charged with a crime.

TIBRS: NOT REPORTABLE

Why? You would have to show that she intended to cause her baby to be addicted. We realize that, at the very least, it is extremely negligent, but this example would not be reportable to TIBRS.





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EXAMPLE 2:

The mother used drugs during her pregnancy. The baby was born with a drug addiction. But in this case, The mother was charged with Reckless Endangerment.

TIBRS: ALL OTHER OFFENSES

What's the difference between this example and the previous example? All Other Offenses is a Group B offense. They are only reported when an arrest is made. Once she was arrested, it became reportable.





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EXAMPLE 3:

The mother used drugs during her pregnancy. The baby was stillborn.
The mother was charged with Murder, Non-Negligent Manslaughter.

IS THIS REPORTABLE TO TIBRS?

In order to report this as Murder, Non-Negligent Manslaughter, you would have to establish intent to show that she willingly took the drugs for the purpose of causing her baby to be stillborn.

Once again, it is extremely negligent, but without evidence of intent this example would not be reportable to TIBRS as Murder, Non-Negligent Manslaughter.

But we do have a “work around” on this one!





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EXAMPLE 3, CONTINUED:

Remember, intent is criteria for Murder, Non-Negligent Manslaughter, but not for Murder, Negligent Manslaughter. So, *regardless of the charge*, we would recommend that the agency report the incident to TIBRS as:

MURDER, NEGLIGENT MANSLAUGHTER

VICTIM AGE: FETUS, CODE FE





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EXAMPLE 4:

The mother used drugs during her pregnancy.

The baby was born, but died just 3 hours later.

The mother was charged with Aggravated Assault (TCA = Using Drugs While Pregnant). After the baby died, the charge was amended to Murder, Non-Negligent Manslaughter.





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EXAMPLE 4, CONTINUED:

Once again, intent is criteria for Murder, Non-Negligent Manslaughter, but not for Murder, Negligent Manslaughter. So, *regardless of the charge*, we would recommend that the agency report the incident to TIBRS as:

MURDER, NEGLIGENT MANSLAUGHTER

VICTIM AGE: UNDER 24 HOURS, CODE NN, NEONATE





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EXAMPLE 5:

The mother used drugs during her pregnancy.

The baby was born, but was addicted and/or tested positive for the drug.

The mother was charged with Aggravated Assault for using drugs while pregnant.

***TIBRS:
AGENCY DISCRETION
ALL OTHER OFFENSES OR NOT REPORTABLE***





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EXAMPLE 5, CONTINUED:

Once again, the mother was negligent, but Aggravated Assault is not reportable to TIBRS unless the agency can establish intent.

Sound familiar?

Regardless of the TCA charges (Assault, Murder, etc.), it is only reportable to TIBRS if the agency has established intent by the offender. If it is a Group B offense, such as All Other Offenses or Reckless Endangerment, it is only reported if she was charged.





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QUESTIONS?

If similar incidents occur in your jurisdiction and you are unsure of the TIBRS offense classification, please email or fax the entire report narrative to the CJIS Support Center. Our staff will review the incident and respond as quickly as possible.

CJIS SUPPORT CENTER FAX: 615-744-4555

DEBBIE LAMB (EAST REGION) 865-549-7853

THOMAS HUFFMAN (MIDDLE REGION) 615-744-4018

RANDALL HENDRIX (WEST REGION) 731-984-6677

