

A Statistical Brief

Domestic Violence in Tennessee Fiscal Year 1999-2000

**The Tennessee Bureau of Investigation
Administrative Office of the Courts**

July 2001

The Tennessee Incident Based Reporting System

In 1996, law enforcement agencies began reporting crime statistics to the TBI using the Tennessee Incident Based Reporting System. The system was implemented to collect crime statistics for the state of Tennessee as mandated in TCA §38-10-101 et seq. Prior to 1996 Tennessee had not had a statewide uniform crime reporting program since 1979. At that time Federal funds expired for the previous state uniform crime reporting system.

The TIBRS system was developed by the TBI and was based upon the FBI's National Incident Based Reporting System (NIBRS) format. Tennessee is one of 22 states that has become a certified NIBRS reporting state. NIBRS ensures that data collected can be compared from state to state. The TIBRS system was designed in cooperation with law enforcement agencies in Tennessee to include data needed in Tennessee that was not mandated by NIBRS. Input on the design was also requested from the Administrative Office of the Courts leading to the inclusion of data needed to fulfill the domestic violence reporting requirement by law enforcement agencies under TCA §36-3-619

Agencies that report to TIBRS are submitting domestic violence information with their monthly crime statistics provided to the TBI. As of June, 2001 415 out of 421 law enforcement agencies report crime statistics to the Tennessee Incident Based Reporting System. We anticipate the publication of the first Crime in Tennessee to be published in 2002 using 2001 data.

Domestic Violence Reporting Requirements

Effective July 1, 1993, law enforcement agencies were required to report domestic violence cases investigated on or after January 1, 1994. Tennessee Code Annotated §36-3-619 contains provisions for law enforcement officers to follow when responding to a domestic violence call. Subsection (f) requires the officer's supervisor to forward the domestic violence data to the administrative director of the courts on a monthly basis. Log sheets were developed by the Administrative Office of the Courts staff with input from law enforcement officials and were distributed to law enforcement agencies in December of 1993.

Domestic Violence Fiscal Year 1999-2000

Domestic violence was reported to the Administrative Office of the Courts and/or the Tennessee Bureau of Investigation in FY 1999-2000. Incidents of domestic violence were reported to the TBI using the TIBRS reporting

program. Incidents were reported to the Administrative Office of the Courts on the log sheets developed by the AOC staff. This report represents a cooperative effort between the TBI and the Administrative Office of the Courts to make available domestic violence data reported to either entity.

Future domestic violence reports will provide more demographic detail as the reporting methods are standardized. There has been a significant increase in the number of agencies that report TIBRS data to TBI and that includes the capacity to report domestic violence incidents. All college and university security or police departments are required to report to the TIBRS program and their numbers have been included in this report.

Statewide Statistics

For the purpose of this report, domestic violence cases are defined as cases involving violence between current or former household members. For reporting purposes, if an officer responds to a call alleging violence and the incident turns out to be only a bad argument, this is counted as an incident and is reported as verbal assault or intimidation in the assault category.

Assault Categories

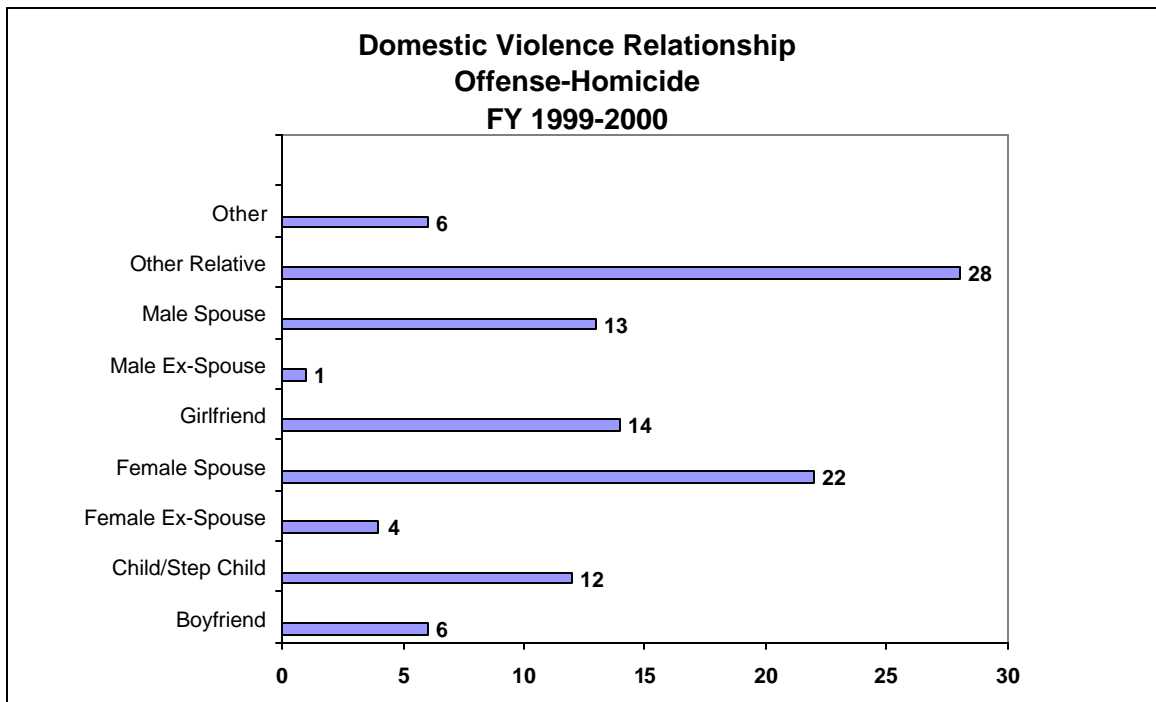
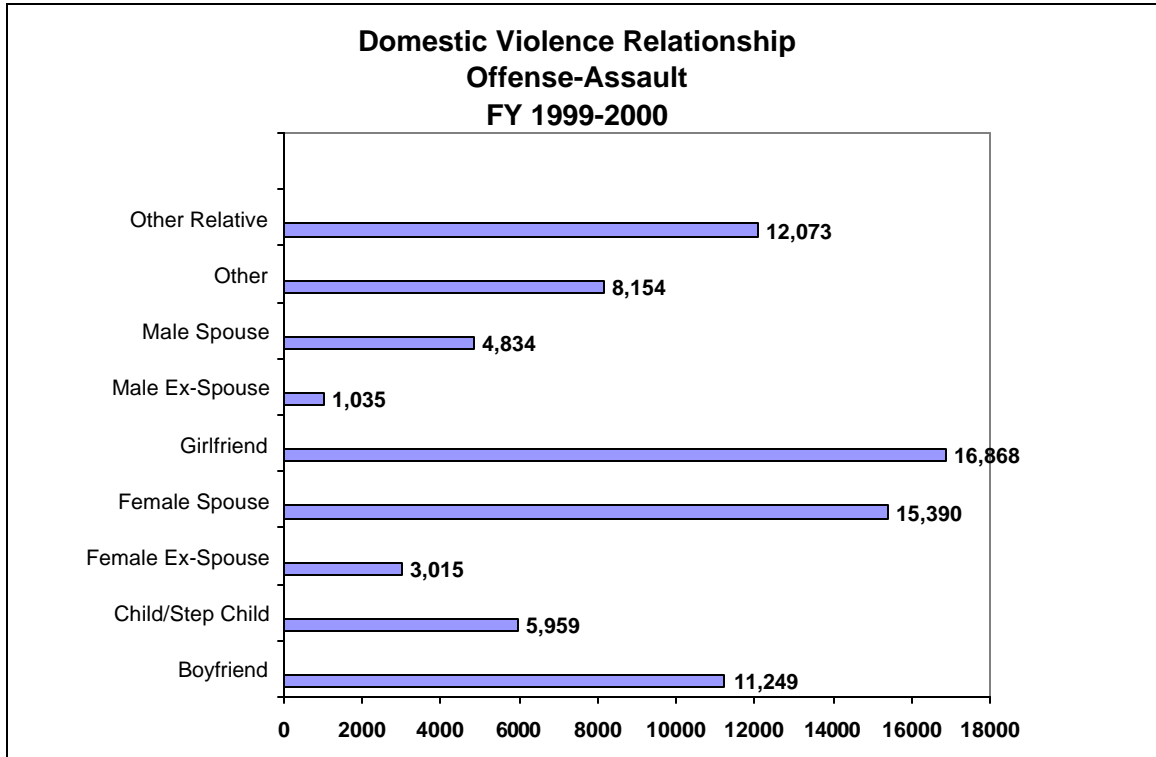
A breakdown of assault for Fiscal Year 1999-2000 indicated that simple assault was the most frequently reported¹ offense followed by verbal assault (intimidation).

Assault, Homicide and Sexual Offenses

Relationship types for the offenses of assault indicated that the most frequently reported type was girlfriend. Homicide offenses were reported most frequently by other relative as was sexual offenses. The other offense category includes the Administrative Office of the Courts 'category of child abuse as well as kidnapping and robbery as reported to the TBI. The other offense category had a relationship type of child/step child as the most frequently reported.

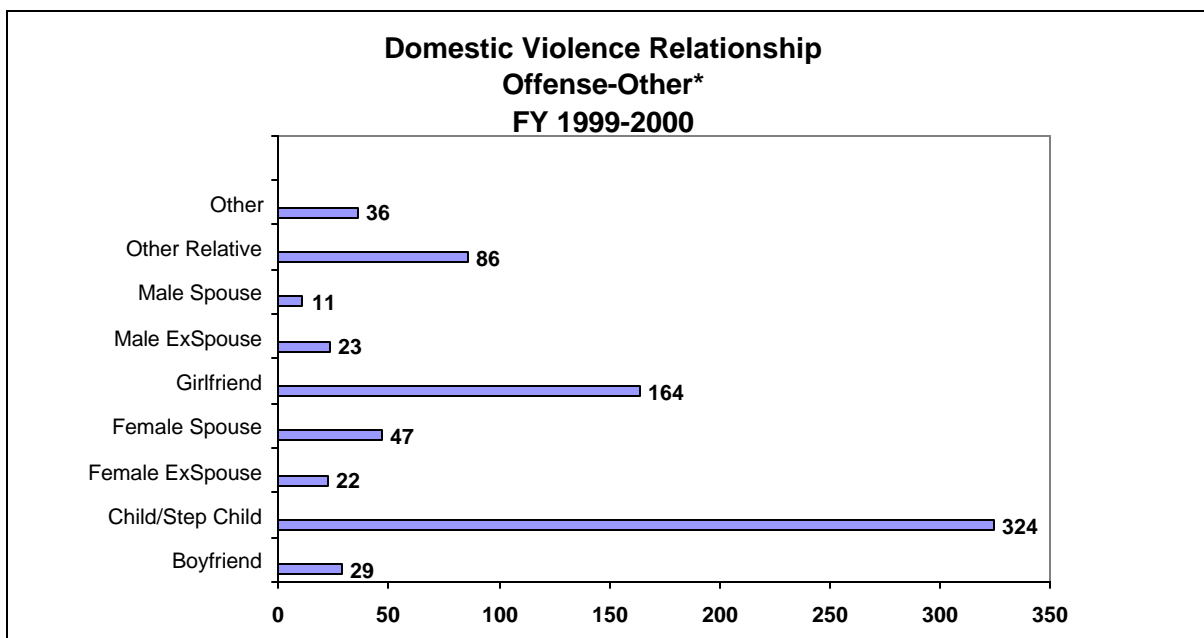
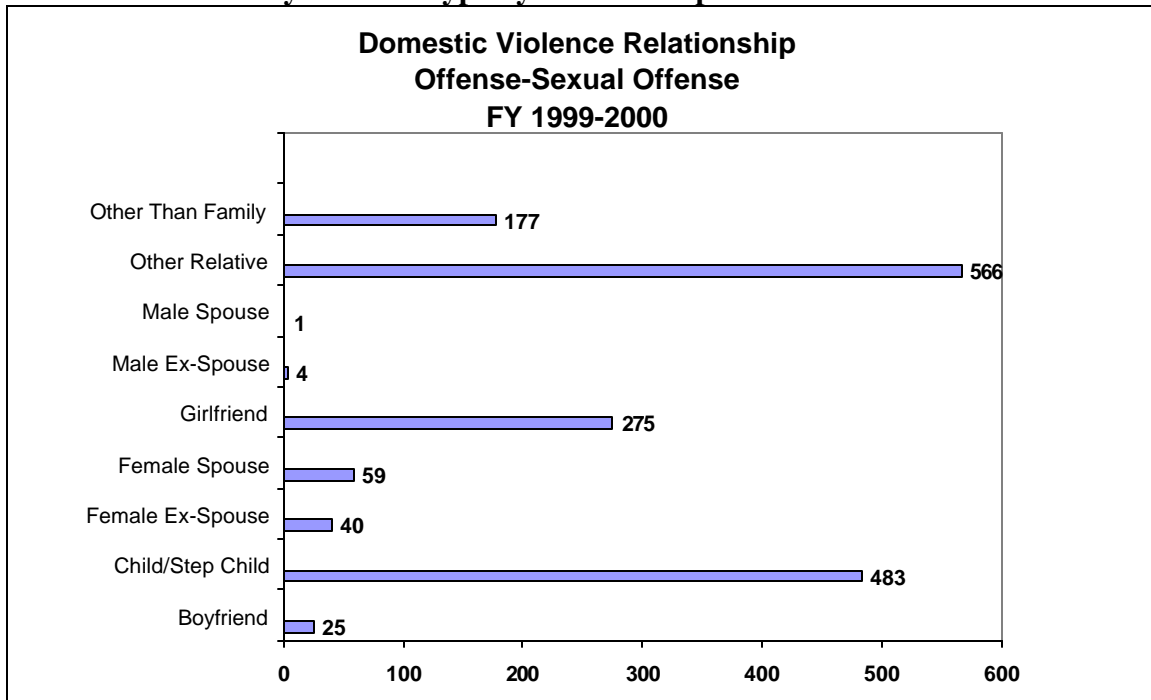
¹ The domestic violence statistics are self-reported by the various law enforcement agencies and may or may not indicate actual increases in a particular type of crime.

Domestic Violence by Offense Type by Relationship for Fiscal Year 1999-2000



Other Relative includes parent, grandparent, siblings, grandchildren, in-laws, step-parents, and step sibling. Other includes other relationships e.g. homosexual relationships and other than family relationships

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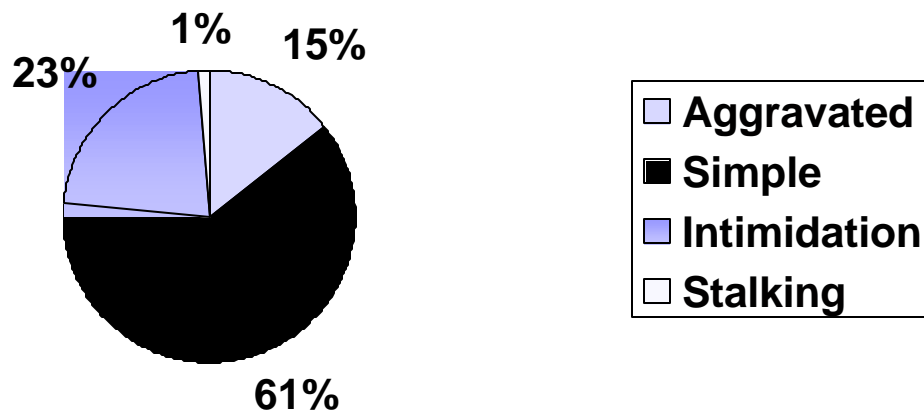
Domestic Violence by Offense Type by Relationship for Fiscal Year 1999-2000

	Grand Assault Total	Grand Homicide Total	Grand SO Total	Grand Other* Total
Boyfriend	11,249	6	25	29
Child/Step Child	5,959	12	483	324
Female Ex-spouse	3,015	4	40	22
Female Spouse	15,390	22	59	47
Girlfriend	16,868	14	275	164
Male Ex-Spouse	1,035	1	4	23
Male Spouse	4,834	13	1	11
Other Relative	12,073	28	566	86
Other	8,154	6	177	35
Total	78,577	106	1,630	676

*Other category includes the Administrative Office of the Courts category of child abuse as well as kidnapping and robbery as reported to the TBI.

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Domestic Violence Assault Breakdown by Type Fiscal Year 1999-2000



Source: TBI and AOC

Violation of Order of Protection

Violation of Order of Protection	
Relationship	Number
Male Spouse	43
Female Spouse	369
Male ExSpouse	17
Female ExSpouse	122
Girlfriend	314
Boyfriend	41
Child/Step Child	16
Other Relative	62
Other Than Family	19
Elderly victims	14
Total	1,017
*Number includes Assaults and Sexual Offense	

*Violation of Order of Protection was obtained by using TIBRs data. In Fiscal Year 1999 there was not sufficient data to report this category.

Tennessee Incident Based Reporting System Definitions That Pertain To Domestic Violence As Defined by The Federal Bureau of Investigations National Incident Based Reporting System

Assault Offenses

Definition—An unlawful attack by one person upon another.

A. Aggravated Assault

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.

Note: 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 UCR purposes, this type of assault is to be classified as aggravated .

B. Simple Assault

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

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.

D. Stalking

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.

An 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
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 UCR definitions, regardless of whether they are termed felonies by local definitions.

Homicide Offenses

Definition—The killing of one human being by another.

A. Murder and Nonnegligent Manslaughter

Definition—The willful (nonnegligent) 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 Nonnegligent 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 Nonnegligent 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. A heart attack cannot, in fact, be caused at will by an offender. 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 UCR Program, while some accidental deaths are counted as Negligent Manslaughter. Assaults to murder and attempted murders are classified as Aggravated Assaults.

B. Negligent Manslaughter

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.

C. Justifiable Homicide

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 UCR 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 NIBRS, 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.

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

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

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.

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

C. Sexual Assault With An Object

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 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.

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

D. Forcible Fondling

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.

Forcible fondling includes "indecent liberties" and "child molesting." Because Forcible Fondling is an element of Forcible Rape, Forcible Sodomy, and Sexual Assault With An Object, it should be reported only if it is the sole forcible sex offense committed against a victim.

Sex Offenses, Nonforcible

Definition— Unlawful, nonforcible sexual intercourse.

A. Incest

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

B. Statutory Rape

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.

