

**“JUST
THE
FACTS”**



MTIBRS Training & Technical Assistance

Intimidation, Assault & PFMA Key Points

Intimidation, Assault & PFMA

- ▶ Frequently utilized Person crimes → Fluid issues!
- ▶ Montana Statutes → Mapped to FBI UCR Codes
- ▶ Our job at the state is to map each statute appropriately
 - ▶ Utilize Montana Supreme Court Bondbook
 - ▶ Review MCA statutes annually with LEAs
 - ▶ Supply bondbook to vendors annually
- ▶ 13A, 13B, 13C - What does it all mean?
 - ▶ 13A: Aggravated Assault - 12 MCAs
 - ▶ 13B: Simple Assault - 8 MCAs
 - ▶ 13C: Intimidation - 5 MCAs

- Nationwide, Intimidation, Assault & PFMA are some of the most frequently utilized person crimes within law enforcement - and Montana is no different
- And because of this, the issues surrounding these offenses, are ever changing – and what I mean by this is that behind the scenes action, such as the mapping of any new laws or updates to existing laws and then mapping them appropriately. We at the state, along with agency participation, also need to revisit some older statutes and how they are mapped depending on any FBI changes – we cannot do this without your support and input - however, ultimately it is our responsibility at the State to ensure that laws are mapped as they should be!
- As most of you are aware, we do utilize the Supreme Court Bondbook nowadays and yes, it is supplied to RMS vendors
- We try to spare you guys too much NIBRS lingo, but since we're touching on statute mapping, we'll need to review some UCR codes – specifically 13A, 13B, 13Cs
- 13As – our Aggravated Assault, Assault with a Weapon
- 13Bs – our Simple Assault, Assault w/ Bodily Fluid
- 13C – our Intimidation, Stalking

Intimidation, Assault & PFMA

- ▶ 45-5-203 Intimidation
 - ▶ (1) A person commits the offense of intimidation when, ***with the purpose to cause another to perform or to omit the performance of any act***, the person communicates to another, under circumstances that reasonably tend to ***produce a fear that it will be carried out***, a ***threat*** to perform without lawful authority any of the following acts:
 - ▶ (a) inflict physical harm on the person threatened or any other person;
 - ▶ (b) subject any person to physical confinement or restraint; or
 - ▶ (c) commit any felony
- ▶ All Subsections are mapped to the FBI's 13C - Intimidation

- Speaking of Intimidation...a little review of our own statutes
- Example – a man telling his wife that unless she shoplifts, he will assault her
- This offense is commonly used in DV cases

Intimidation, Assault & PFMA

- ▶ Simple Assault 45-5-201
 - ▶ (a) purposely or knowingly causes bodily injury to another;
 - ▶ (b) negligently causes bodily injury to another with a weapon;
 - ▶ (c) purposely or knowingly makes physical contact of an insulting or provoking nature with any individual; or
 - ▶ (d) purposely or knowingly causes reasonable apprehension of bodily injury in another. *(This was originally mapped to 13C but then changed to 13B, but after some internal discussion, we have decided to map it back to a 13C next year)*
 - ▶ Currently, all subsections mapped to the FBI's 13B - Simple Assault

- ▶ Aggravated assault
 - ▶ 45-5-202 (1) A person commits the offense of aggravated assault if the person purposely or knowingly causes serious bodily injury to another or purposely or knowingly, with the use of physical force or contact, causes reasonable apprehension of serious bodily injury or death in another.
 - ▶ Mapped to the FBI's 13A - Aggravated Assault

- In the past, under the flat file system, our Agg Assault was mapped a bit differently, as in, not all the elements under our Agg Assault were mapped to the FBI's 13a. However, currently, the entire statute is mapped to a 13A

Intimidation, Assault & PFMA

▶ 45-5-206 Partner Family Member Assault

- ▶ (1) A person commits the offense of partner or family member assault if the person:
 - ▶ (a) *purposely or knowingly causes bodily injury* to a partner or family member (mapped to 13B);
 - ▶ (b) *negligently causes bodily injury* to a partner or family member with a *weapon* (mapped to 13A); or
 - ▶ (c) *purposely or knowingly causes reasonable apprehension of bodily injury* in a partner or family member (mapped to 13C)

PFMA Odds & Ends:

- ▶ New in XML:
 - ▶ Domestic Violence Indicator gone!
 - ▶ Victim Offender Relationship - “Victim refused to identify suspect, assumed family member”
- ▶ Victim was Offender (VO) Relationship
 - ▶ Every RMS varies in regard to VO entries - some require a person entry twice (once as offender & second as victim)
- ▶ “Family member” - Parents, siblings & children but *not* uncles, aunts or cousins
- ▶ “Partners” - spouses, former spouses, persons who have a child in common, & persons who have been or are currently in a dating or ongoing intimate relationship.

- This new relationship was added due to reluctant victims refusing to identify the offender – and believe it or not, we actually have past data that have strangers listed as offenders in PFMA!
- VO relationship – ensure you chat with your vendor ref this topic
- Some definitions - Family members – this includes adopted & children through marriage. Also, these relationships continue regardless of ages of parties & whether the parties reside in same household.

Mutually Exclusive Rule

- ▶ According to the FBI, Mutually Exclusive offenses are offenses that cannot occur to the same victim, such as a Homicide & Aggravated Assault within the same incident
- ▶ Since 2004, Montana State Repository has accepted ALL offenses submitted within an incident, but not all will be submitted to the FBI per their guidelines, such as the “lesser included” offenses
 - ▶ Scenario: Case involving a Simple Assault *and* Intimidation
 - ▶ FBI views Intimidation as lesser offense from Simple Assault
 - ▶ In MT you *can* submit Intimidation, Assault & PFMA within one case!

- Can you have a simple assault in the same incident as an aggravated assault? Yes! And you can include the two offenses as long as both offenses occurred during an unbroken time period and at the same or adjoining locations.
- Remember to follow the FBI’s Same Time & Place rule – for it to be considered one incident, offenses must occur during an at the same time and location (or adjoining)

Upcoming Training

- ▶ August 2, 2023 - XML Grant Reimbursement and Match Requirements
- ▶ August 16, 2023 - Agency XML Verification Zoom Meetings
- ▶ August 30, 2023 - XML Scheduled Submissions

- ▶ <https://mbcc.mt.gov/Data/MTIBRS-Training>

Do you have suggestions for future session topics? We'd love to hear them! Please email your ideas to MBCcdata@mt.gov

Questions?

MBCC Contact Information



Montana Board of Crime Control

Statistical Analysis Center Staff

5 S. Last Chance Gulch | PO Box 201408 | Helena, MT 59620 | MBCCdata@mt.gov

Kathy Wilkins

Statistical Analysis Center Director

Office: 406-444-4298 | Email: kwilkins@mt.gov

Jess Hard

Data Integrity Analyst

Office: 406-444-2084 | Email: jess.hard@mt.gov

Autumn Frey

Data Integrity Analyst

Office: 406-444-3651 | Email: autumn.frey@mt.gov