

**“JUST
THE
FACTS”**



MTIBRS
Training &
Technical
Assistance

Attempted Homicides, PFMA's & Strangulation

These particular offenses are truly where NIBRS limits the officer's capability to paint a more accurate picture.

Attempted Homicides

- ▶ MCA 45-4-103 Attempt (1) A person commits the offense of attempt when, with the purpose to commit a specific offense, the person does any act toward the commission of the offense.
- ▶ MCA 45-5-102 Deliberate homicide (1) A person commits the offense of deliberate homicide if:
 - ▶ (a) the person purposely or knowingly causes the death of another human being;
 - ▶ (c) the person purposely or knowingly causes the death of a fetus of another with knowledge that the woman is pregnant.

- Montana is unique with its “attempt” statute as it can be attached to just about every crime!
- The FBI doesn’t care about “attempts” and will not accept “Attempted Homicides” so under the flat file system, they have been reported to the FBI as aggravated assaults
- So how do you report this offense? The officer does select “Deliberate Homicide,” however make sure that the “Attempt” box is selected. In most RMSs, this field should be in the same area where you select your offense. Unless you select that “attempt” box, it will be submitted as a completed deliberate homicide and you’ll likely get an email from me!
- Until RMS systems convert to XML, agencies will be submitting an aggravated assault to the FBI. In the future (XML), they will be properly submitted as an “Attempted Deliberate Homicide”

MCA 45-5-206 Partner Family Member Assault (PFMA)

(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.

Injury Types: Apparent minor injury or None

- ▶ (b) *negligently* causes *bodily injury* to a partner or family member with a *weapon*.

Injury Types: Apparent broken bones, loss of teeth, possible internal injury, severe laceration, or unconsciousness

- ▶ (c) purposely or knowingly causes *reasonable apprehension* of bodily injury in a partner or family member.

Injury Types: Leave Blank (None) & Threat of Death or Injury (XML)

Weapon Type: Leave Blank (None)

- There are 3 subsections to Montana’s PFMA law, Subsection A - knowingly causes bodily injury. For the injury type, you’ll want to select “apparent minor injury” or none. If you select a more severe injury, you’ll get an error as it doesn’t align with the elements of a simple assault.
- Subsection B - negligently causes bodily injury with a weapon, you can select up to five injury types for this particular subsection, with the exception of apparent minor injury.
- Subsection C – purposely or knowingly causes reasonable apprehension of bodily injury - this is one that causes the most confusion (and the most errors). For both injury type and weapon type, you’ll want to leave the field blank. However, I have seen some RMSs insist the officer select “none,” which I then end up fixing on the backend. Also, many officers select “personal weapons” as the weapon because intimidation can take many forms but often, physical presence, which is why so many officers, myself included, select personal weapons, as it is the obvious choice for many circumstances. However, the FBI currently does not accept this weapon type so you’ll simply need to leave it blank.

MCA 45-5-215 Strangulation of a Family Member

(1) A person commits the offense of strangulation of a partner or family member if the person purposely or knowingly impedes the normal breathing or circulation of the blood of a partner or family member by:

- ▶ (a) applying pressure on the throat or neck of the partner or family member; or
- ▶ (b) blocking air flow to the nose and mouth of the partner or family member.

Injury Types: Apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

- One of Montana's newer laws - 2017
- Montana's Strangulation law also is reported to the FBI as an Aggravated assault
- However, due to the nature of strangulation, often there is no visible injury and selecting "minor injury" will result in a "1404" warning but as a warning, it will not prevent the incident from being reported, only errors prevent an incident from being report.

XML Montana Strangulation Injury Fields:

- ▶ Strangulation symptoms of neck pain or lesions (W)
- ▶ Strangulation symptoms of changes in one's voice, difficulty swallowing or breathing (X)
- ▶ Strangulation symptoms of ear pain, vomiting blood, tongue swelling (Y)
- ▶ Strangulation symptoms of vision change, bloodshot eyes, lightheadedness (Z)

Once your agency has transitioned to XML, these Strangulation injury fields will be located in a drop-down menu – these injury types are specific to Montana and not reported to the FBI. You'll continue to select the other NIBRS injury types which do get reported to the FBI.



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What's
coming
up?

Justifiable Homicides August 17, 2022

Theft 45-6-301 August 31, 2022

Hate Crimes & Cargo Thefts September 14, 2022

- **Go to <https://mbcc.mt.gov/Data/MTIBRS-Training> to register for all 2022 sessions. Make sure to bookmark this page.**
- Future Just the Facts Training:
 - Hate Crimes & Cargo Thefts - September 14, 2022
 - Educator/Healthcare Worker/Legal Representative - September 28, 2022
 - Victim/Offender Relationship - October 12, 2022
 - Property Values, Stolen and Recovered - XML additions - October 26, 2022
 - Stolen and Recovered - XML additions - November 9, 2022
 - Drugs - new XML fields, measurements, drug types and more - November 23, 2022
 - Multi Jurisdiction Incidents - December 7, 2022
 - Warrants - December 21, 2022