

Classifying Crimes

Sgt. James Gallagher (retired)
Information Technology Division
Data Systems Section

Louisiana Revised Statutes (La. R.S.)

- Probable cause
- Elements of the crime
- Criminal intent
- Reasonable person doctrine

Probable Cause

Probable cause exists when the facts and circumstances *within the investigating officer's knowledge* are sufficient to warrant a prudent person to believe that a *particular crime* has been committed.

*When classifying a crime and determining the proper signal, the investigating officer should use his or her expertise and observations; evaluate the evidence presented, and consider all other information available to determine whether **probable cause** exists that a particular crime has been committed.*

Once the probable cause standard has been used to determine the crime(s) committed, the NOPD signal corresponding to the most serious crime, as defined by La. Revised Statutes, should be applied to the report.

Maximum Penalties in Louisiana

Murder – death or life imprisonment

Rape – death or life imprisonment

Armed Robbery – 99 years

Aggravated Burglary – 30 years

Carjacking – 20 years

Simple Burglary – 12 years

Aggravated Battery – 10 years

Theft – 10 years

Aggravated Assault – 6 month misdemeanor

Auto Theft – same penalty as theft

Louisiana Revised Statutes

Elements of the Crime

- Murder : Killing of a human being with specific intent or during enumerated crime
- Rape : Vaginal, anal or oral intercourse without the consent of the victim
- Robbery : Something of value taken
Possession or immediate control of victim
Force or intimation
(Armed) while armed with a dangerous weapon

Louisiana Revised Statutes

Elements of the Crime

Battery/Assault : Force or violence upon another
Dangerous weapon (Aggravated)

Burglary : Unauthorized entry
Intent to commit theft or felony

Theft : Taking anything of value
Without consent of owner

Criminal Intent is a necessary element of every crime

Criminal Intent LA. R.S. 14:10

Criminal intent may be specific or general:

Specific criminal intent is that state of mind which exists when *circumstances indicate* that the offender actively desired the prescribed criminal consequences to follow his act or failure to act.

Murder is the only crime under La. Revised Statutes that requires specific criminal intent.

General criminal intent is present when the circumstances indicate that the offender, *in the ordinary course of human experience*, must have known that criminal consequences to be reasonably certain to result from his act or failure to act.

Reasonable Person Doctrine

What would a reasonable person, when confronted with the same set of circumstances, believe the intent of the criminal to be ?

Things to consider when classifying crimes

- The most serious crime determines the signal
- The most serious crime is the one with the greatest penalty
- The value of the property is not considered in classifying crime
- Forcible entry and property loss are not elements of burglary
- Aggravated assault / battery requires a weapon
- If there was an arrest, how would the crime be classified?

Uniform Crime Reporting

The FBI's Uniform Crime Reporting Program was implemented in 1930 by the International Association Of Chiefs of Police, as a tool for operational and administrative purposes. Prior to its institution, there was no comprehensive system for gathering crime information on a national level. This was due, primarily, to the fact that criminal statutes vary greatly from state to state. To overcome this problem, a set of definitions for specific criminal actions was developed. With these definitions ensuring uniformity, statistics are gathered from participating states on eight "index crimes".

UCR Index Crimes

- Murder
- Rape
- Robbery
- Aggravated Assault
- Burglary
- Theft
- Auto Theft
- Arson

With the exception of murder, attempted crimes are included in crime totals. Attempted murder is counted as an aggravated assault.

UCR Reporting Program

Summary reporting system

- only the number of crimes is reported
- no specific incident information is provided

Hierarchy rule

- only the most serious crime is counted

Crimes against persons

- one offense counted for each victim

Crimes against property

- one offense counted for each distinct operation

UCR Definitions

Murder and Non-negligent homicide (manslaughter) –

“the willful (non-negligent) killing of one human being by another”

One offense is counted for each victim of murder and manslaughter

Justifiable homicide is not counted as an offense

Killing of a felon by a peace officer in the line of duty, or, by a citizen during the commission of a crime is not counted as an offense

Feticide is not counted as an offense

Victims of heart attack during the commission of a crime are not counted as an offense

UCR Definitions

Forcible Rape –

“the carnal knowledge of a **female**, forcibly and against her will”

One offense is counted for each victim of forcible rape

Attempts or assaults to rape are counted

The age of the victim is not considered

The number of offenders is not considered

Sexual attacks on males are counted as assault offenses

Oral Sexual Battery is counted as an assault offense, not a rape

UCR Definitions

Robbery –

“the taking of anything of value from the care, custody, or control of a person by force or threat of force or violence”

One offense is counted for each distinct operation

Attempts to commit robbery are counted as offenses

Number of victims is not considered

Number of offenders is not considered

Purse snatching is counted as a theft (unless force is used to overcome victims resistance)

Robberies committed with a firearm, knife or cutting instrument, **implied weapon**, or other dangerous weapon are considered armed robberies

UCR Definitions

Aggravated Assault –

“an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury”

Aggravated Assault usually involves the use of a weapon

UCR rules consider lacerations requiring stitches as severe injuries

Aggravated batteries and aggravated assaults are counted in this category

One offense is counted for each victim of the assault

Attempted murder is counted as an aggravated assault

Certain sexual attacks are counted as aggravated assault

UCR Definitions

Dangerous weapon –

dangerous weapons include any gas, liquid, or other substance or instrumentality, which, *in the manner used*, is calculated to produce death or serious injury.

Serious Injury –

serious injury is defined by UCR Guidelines as internal injuries, broken bones or teeth, and lacerations that require stitches.

Non-serious injuries include abrasions, contusions, and minor lacerations.

UCR Definitions

Burglary –

“the unlawful entry into a structure to commit a felony or theft”

Attempted burglaries are counted

One offense is counted for each distinctive act

Entry made into a tent or mobile home being used for recreation is not counted

Theft from the interior of a vehicle (auto burglary) is counted as a theft.

Burglaries of multiple transient dwellings under a single manager are counted as one offense

Burglaries of multiple apartments or offices are counted as separate offenses

UCR Definitions

Larceny/Theft –

“the taking, carrying, leading, or riding away of any property from the possession or constructive possession of another”

Attempted thefts are counted

One offense is counted for each distinctive act

Embezzlements, frauds, counterfeiting, and forgeries are not counted thefts

Pickpockets, purse-snatching, shoplifting, auto burglary, theft of auto accessories, theft of bicycles, theft from buildings, theft from coin operated devices, and other non-specific thefts are counted as thefts

Auto Theft

There is no separate Auto Theft statute

Auto Thefts are classified using U.C.R. guidelines

Auto Thefts are over reported in New Orleans

- Towed vehicles listed as stolen and recovered
- Misplaced vehicles listed as stolen and recovered
- Unauthorized use entered as Auto Theft

UCR Definitions

Motor Vehicle (Auto) Theft –

“the theft or attempted theft of any self-propelled vehicle designed to run on land surface (not rails) whose primary purpose is to transport persons or cargo from one place to another”

One offense is counted for each vehicle stolen

Attempts to steal a motor vehicle are counted

If a motor vehicle is stolen in conjunction with another offense, classification is determined using the hierarchy rule

Examples of motor vehicles are : automobiles, trucks, buses, motorcycles, motor scooters, mopeds, and golf carts.

Thefts of farm equipment, bulldozers, bush-hogs, construction equipment, tractors, boats, trailers, outboard motors, and airplanes are counted as larceny thefts, not as auto thefts

UNIFORM CRIME REPORTING PROCESS

Communications Division

- Complaint is received at the NOPD communications center
- Initial crime classification is made by NOPD complaint operator
- Complaint is sent to Dispatcher electronically via Computer Aided Dispatch (CAD)
- Call is dispatched to NOPD officer via radio or Mobile Data Terminal

Operations Bureau

- Patrol Officer arrives on the scene and investigates the complaint
- Most UCR Crimes require notification of Supervisors and District Investigative Unit
- Major Crimes require notification of Bureau of Investigations Detectives and Command Staff personnel

Operations Bureau

- District officer completes an official police report on paper or via Electronic Police Report (EPR)
- Police report is submitted for approval to platoon supervisor (district sergeant)
- Copy of report is sent to District Commander & District Investigative Unit
- The original report is then forwarded to NOPD Record Room via District Administrative Officer
- EPR reports are electronically submitted to Record Room

Records & Identification Division

- Record Room receives a report of all calls marked up Report to Follow (RTF)
- Notification is made to District Commanders of any reports not received within required time frame
- All written reports are scanned into the records management system (EPR reports are entered electronically)

Information Technology Division

- Scanned and EPR reports are then entered into the NOPD Offense System by the Data Entry Section
- Information Technology Officer (ITO) receives a computer generated list of all calls for service from the preceding month, where the call for service corresponds to a UCR crime, and the reporting officer completed a report
- ITO periodically compares RTF listings to reports entered into the Offense system and reports scanned into the Records Management System. This process will help in generating a “missing report” list to district and division commanders

Information Technology Division

- When 95% of RTF listings have been accounted for, ITO orders a series of preparatory reports from City MIS and other units

Listing of all reported Homicides (Homicide Division)

Listing of all reported Rapes (Sex Crimes Unit)

Listing of all reported Aggravated Burglaries (City MIS)

Listing of all reported Assaults (City MIS)

Listing of all reports generated by District Attorney economic crime unit

Information Technology Division

- ITO then reviews Homicide, Rape and Aggravated Burglary report entries for proper UCR classification and disposition.
- ITO then reviews Assault, Auto Theft and Economic Crime reports for accuracy, and making any necessary changes in the Offense system.
- After review, changes will be made to any crime that have not been classified correctly.
- Crime are re-classified to higher or lower categories when required

Technology Division is currently working on a process to generate a list of random reports

- The victims of these reports will be called back by the Compliance Division to verify the information in those reports

Information Technology Division

- When at least 98% of all reports contained in CFS listings for each month in the quarterly reporting period have been accounted for (entered into ADUP system, disposition changed to unfounded or signal changed to non-UCR crime), ITO requests a tally of UCR reportable crimes in the ADUP system from City MIS

Information Technology Division

- ITO prepares and submits quarterly UCR (reported by individual month) to the UCR Division of Louisiana Commission on Law Enforcement
 - When reporting UCR crimes, one offense is counted for each victim in the categories of Homicide, Rape and Aggravated Assault. All other categories are reported as one offense for each incident.
 - With the exception of Homicide, attempted crimes are counted as actual crimes. Attempted Homicide is counted as Aggravated Assault

Uniform Crime Report

- The submitted Uniform Crime Report consists of:
 - Monthly Return A form (Offenses Known to Police)
 - Monthly Supplemental to Homicide Report
 - Arson Report
 - Hate Crime Report
 - Law Enforcement Officers Killed or Assaulted Report