TO: All Uniform Crime Reporting Agencies

FROM: Adam Dean, Chief, New York State Crime Reporting Program

DATE: February 13, 2015

SUBJECT: Justifiable Homicide and Negligent Manslaughter Reporting

REPORTING ALERT:
REPORTING JUSTIFIABLE HOMICIDES AND NEGLIGENT MANSLAUGHTERS

Effective immediately, DCJS is requiring that those crime reporting agencies participating in the Summary Uniform Crime Reporting (UCR) Program start using the revised Supplementary Homicide Report (SHR) form (attached).

The new form must be used by Summary reporting agencies to report the following three types of homicides as required by the Federal Bureau of Investigation (FBI) UCR program:

- Murder/Non-Negligent Manslaughter
- Negligent Manslaughter
- Justifiable Homicides

Murder/Non-Negligent Manslaughter

The FBI UCR program defines murder and non-negligent manslaughter as the willful (non-negligent) killing of one human being by another. In general, this includes any death caused by injuries received in a fight, argument, quarrel, assault or commission of a crime.

Justifiable Homicide

The FBI UCR program defines justifiable homicide as the killing of a felon by a law enforcement officer in the line of duty or the killing of a felon, during the commission of a felony, by a private citizen. For the purposes of justifiable homicide, the FBI defines a felon as an offender who is in the act of committing a felony offense that puts the victim(s) in danger of immediate fatal injuries.

Negligent Manslaughter

The FBI UCR program defines negligent manslaughter as the killing of another person through gross negligence. Deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence and traffic fatalities are not included in the category Manslaughter by Negligence.
DCJS will send the data collected through the state program to the Federal Bureau of Investigation (FBI). Both New York State and the FBI will retain the information and use it for publications, analysis and data requests.

Attached is a copy of the new SHR form, instructions and a list of definitions for *Circumstances Preceding the Homicide* for murder/non-negligent manslaughter, justifiable homicide and negligent manslaughter. The form can also be found at: [http://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/ucr.htm#ucrforms](http://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/ucr.htm#ucrforms).

We appreciate your assistance and cooperation in collecting this important information. Please call the Crime Reporting Unit at (518) 457-8381 or email infonysucr@dcjs.ny.gov if you have any questions or need assistance when completing the form.

Attachments
**INSTRUCTIONS FOR PREPARING THE SUPPLEMENTARY HOMICIDE REPORT**

The Supplementary Homicide Report (SHR) is designed to collect victim and offender demographic information, the relationship of the offender to the victim, the weapon used, and the circumstance preceding the homicide, for murder/non-negligent manslaughter, negligent manslaughter, and justifiable homicide.

- For murder/non-negligent manslaughter, record the details of all willful (non-negligent) killings, excluding justifiable homicide.
- For negligent manslaughter, enter violations of PL 125.15 and PL 125.20 wherein a person causes the death of another through reckless behavior. Exclude deaths due to a victim’s own negligence as these are not recorded by the FBI.
- For justifiable homicide, enter any killing of an offender committing a felony that put the victim(s) (citizen or officer) in danger of immediate fatal injuries. Note: A justifiable homicide must be scored on the Return A report form as a non-negligent homicide and as an unfounded non-negligent homicide in the same report month (See pages 6 and 7 of the NYS Supplement to the UCR Handbook for detailed instructions).

***Please note the Crime Reporting Program does not collect data for Vehicular Manslaughter cases.***

When completing a Supplementary Homicide Report, please use the applicable Weapon Used, Relationship of Victim to Offender, and Circumstance Preceding Homicide from the lists below. Please note that there are distinct circumstance lists for each homicide type.

<table>
<thead>
<tr>
<th>Weapon Used</th>
<th>Relationship of Victim to Offender</th>
</tr>
</thead>
<tbody>
<tr>
<td>handgun asphyxiation</td>
<td>spouse in-law</td>
</tr>
<tr>
<td>shotgun explosives</td>
<td>ex-spouse other family member</td>
</tr>
<tr>
<td>rifle fire</td>
<td>intimate partner (boyfriend/girlfriend) friend</td>
</tr>
<tr>
<td>machine gun narcotics</td>
<td>ex-intimate partner (ex-boyfriend/ex-girlfriend) neighbor</td>
</tr>
<tr>
<td>firearm (unknown type) motor vehicle</td>
<td>parent employee</td>
</tr>
<tr>
<td>cutting/stabbing instrument neglect</td>
<td>sibling employer</td>
</tr>
<tr>
<td>blunt instrument poison</td>
<td>child acquaintance</td>
</tr>
<tr>
<td>hands, fists, feet, etc. other</td>
<td>child of intimate partner other - known to victim</td>
</tr>
<tr>
<td>mixed weapons unknown</td>
<td>step child stranger</td>
</tr>
<tr>
<td>strangulation</td>
<td>step parent unknown</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Circumstance preceding murder/non-negligent manslaughter</th>
<th>See Attachment A for definitions</th>
</tr>
</thead>
<tbody>
<tr>
<td>argument over money/property</td>
<td>gang/organized crime related</td>
</tr>
<tr>
<td>argument (influence of alcohol)</td>
<td>youth gang activity</td>
</tr>
<tr>
<td>argument (influence of drugs)</td>
<td>murder-suicide</td>
</tr>
<tr>
<td>other argument</td>
<td>lovers' triangle</td>
</tr>
<tr>
<td>rape</td>
<td>child killed by babysitter</td>
</tr>
<tr>
<td>robbery</td>
<td>other felony</td>
</tr>
<tr>
<td>burglary</td>
<td>prostitution/commercialized vice</td>
</tr>
<tr>
<td>motor vehicle theft</td>
<td>gambling</td>
</tr>
<tr>
<td>other sex offense</td>
<td>unknown</td>
</tr>
<tr>
<td>drug related transaction</td>
<td>other</td>
</tr>
<tr>
<td>inappropriate care-giving (abuse/neglect)</td>
<td>unknown</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Circumstance preceding justifiable homicide</th>
<th>See Attachment B for explanations</th>
</tr>
</thead>
<tbody>
<tr>
<td>felon killed by private citizen - felon attacked a police officer</td>
<td>felon killed by private citizen - felon attacked fellow police officer</td>
</tr>
<tr>
<td>felon killed by private citizen - felon attacked a citizen</td>
<td>felon killed by private citizen - felon attacked a citizen</td>
</tr>
<tr>
<td>felon killed by private citizen - felon attempted flight from crime</td>
<td>felon killed by private citizen - felon killed in commission of crime</td>
</tr>
<tr>
<td>felon killed by private citizen - felon resisted arrest</td>
<td>felon killed by private citizen - felon resisted arrest</td>
</tr>
<tr>
<td>felon killed by private citizen - not enough information to determine</td>
<td>felon killed by private citizen - not enough information to determine</td>
</tr>
<tr>
<td>felon killed by police - felon attacked police officer</td>
<td>felon killed by police - felon attacked police officer</td>
</tr>
<tr>
<td>felon killed by police - felon attacked fellow police officer</td>
<td>felon killed by police - felon attacked fellow police officer</td>
</tr>
<tr>
<td>felon killed by police - felon attacked a civilian</td>
<td>felon killed by police - felon attacked a civilian</td>
</tr>
<tr>
<td>felon killed by police - felon attempted flight from a crime</td>
<td>felon killed by police - felon killed in commission of a crime</td>
</tr>
<tr>
<td>felon killed by police - felon killed in commission of a crime</td>
<td>felon killed by police - felon killed in commission of a crime</td>
</tr>
<tr>
<td>felon killed by police - felon resisted arrest</td>
<td>felon killed by police - felon resisted arrest</td>
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<tr>
<td>felon killed by police - not enough information to determine</td>
<td>felon killed by police - not enough information to determine</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Circumstance preceding negligent manslaughter</th>
<th>See Attachment B for definitions</th>
</tr>
</thead>
<tbody>
<tr>
<td>victim shot in hunting accident</td>
<td>gun-cleaning death - other than self-inflicted</td>
</tr>
<tr>
<td>gun-cleaning death - other than self-inflicted</td>
<td>child/children playing with gun</td>
</tr>
<tr>
<td>child/children playing with gun</td>
<td>other negligent gun handling</td>
</tr>
<tr>
<td>other negligent gun handling</td>
<td>all other negligent killing except traffic deaths</td>
</tr>
</tbody>
</table>

If you have questions or concerns regarding the SHR, please contact the Crime Reporting Unit at info@ny.gov or 1-800-262-3257.
# New York State Division of Criminal Justice Services - Supplementary Homicide Report

(Report murder/non-negligent manslaughter, negligent manslaughter, and justifiable homicide on this form.)

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Situation Code</th>
<th>Victim Demographics</th>
<th>Offender Demographics</th>
<th>Weapon Used</th>
<th>Relationship of Victim to Offender</th>
<th>Circumstance Preceding the Homicide</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Age</td>
<td>Sex</td>
<td>Race</td>
<td>Ethnic Origin</td>
<td>Age</td>
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</tr>
</tbody>
</table>

**Weapon Used**

- handgun
- shotgun
- rifle
- machine gun
- firearm (unknown type)
- cutting/stabbing instrument
- blunt instrument
- hands, fists, feet, etc.
- mixed weapons
- strangulation
- asphyxiation
- explosives
- fire

**Relationship of Victim to Offender**

- spouse
- ex-spouse
- intimate partner (boyfriend, girlfriend, etc.)
- ex-intimate partner (ex-boyfriend, ex-girlfriend, etc.)
- parent
- step parent
- sibling
- child
- child of intimate partner
- step child
- in-law
- other family member
- friend

**Circumstance Preceding Murder/Non-Negligent Manslaughter**

- argument over money/property
- argument (influence of alcohol)
- argument (influence of drugs)
- other argument
- lovers' triangle
- murder-suicide
- inappropriate care-giving (abuse/neglect/carcency
- child killed by babysitter
- gang/organized crime related
- youth gang activity
- drug related transaction
- prostitution/commercialized vice

**Circumstance Preceding Negligent Manslaughter**

- victim shot in hunting accident
- gun-cleaning death - other than self-inflicted
- child/children playing with gun
- other negligent gun handling
- all other negligent killing except traffic deaths

**Circumstance Preceding Justifiable Homicide**

- felon killed by private citizen - felon attacked a police officer
- felon killed by private citizen - felon attacked fellow police officer
- felon killed by private citizen - felon attacked a civilian
- felon killed by private citizen - felon attempted flight from a crime
- felon killed by private citizen - felon killed in commission of a crime
- felon killed by private citizen - felon resisted arrest
- felon killed by private citizen - not enough information to determine

For circumstance explanations, see Attachment B.
Attachment A

SHR CIRCUMSTANCE DEFINITIONS

Murder/Non-Negligent Manslaughter Circumstance Definitions

Circumstance refers to the conditions that lead up to a homicide such as victim was arguing with suspect over money. Note: circumstance is NOT the medical cause of death.

**argument over money/property**: A dispute, quarrel, or conflict over money or property led to the homicide.

**argument (influence of alcohol)**: A dispute, quarrel, or conflict where impairment of the offender and/or the victim by alcohol led to homicide.

**argument (influence of drugs)**: A dispute, quarrel, or conflict where impairment of the offender and/or the victim by drugs led to homicide.

**other argument**: A quarrel or other interpersonal conflict (such as abuse, insult, grudge, or personal revenge) precipitated the killing. Exclude arguments over money, property, or drugs; arguments where impairment of the suspect and/or the victim by alcohol or drugs led to the homicide; and lovers’ triangle.

**lovers’ triangle**: Jealousy or distress over a current or former intimate partner’s relationship or suspected relationship with another person leads to the homicide.

**murder-suicide**: An individual murdered another individual and then killed him or herself.

**inappropriate care-giving**: Homicide precipitated by abuse or neglect of a victim who requires care. Include all care-givers (e.g., babysitter, nursing home worker, home health aide, parent, etc.).

**gang/organized crime related**: Suspected organized crime or gang activity resulted in the homicide.

**youth gang activity**: Youth gang activity is suspected to have led to this homicide.

**drug related transaction**: Drug dealing (buying or selling) is suspected to have played a role in the homicide.

**prostitution/commercialized vice**: Prostitution or other commercialized vice led to the homicide (e.g., a pimp or john kills a prostitute).

**gambling**: Illegal gambling is suspected to have played a role in the homicide.

**other (provide description)**: Use if none of the other choices fits the situation.

**rape**: The homicide was preceded a sex offense that is classified under the FBI definition of rape.

**other sex offense**: The homicide was preceded by a sex offense that is not classified under the FBI definition of rape.

**robbery**: The homicide occurred during the commission of a robbery.

**burglary**: The homicide occurred during the commission of a burglary.

**larceny**: The homicide occurred during the commission of a larceny.

**motor vehicle theft**: The homicide occurred during the commission of a motor vehicle theft.

**arson**: The homicide resulted from an act of arson.

**other felony – not specified**: The homicide occurred during the commission of a suspected felony that is not listed above.

**unknown**: The circumstance that precipitated the homicide is unknown (e.g., a body is discovered underneath an embankment and foul play is suspected).
Attachment B

SHR CIRCUMSTANCE DEFINITIONS & CODES

Negligent Manslaughter Circumstance Definitions

Circumstance refers to the conditions that lead up to a homicide such as child was playing with a gun. Note: circumstance is NOT the medical cause of death.

victim shot in hunting accident: Homicide is the result of gross negligence by someone who is hunting. Deaths of persons due to their own negligence and accidental deaths not resulting from gross negligence are not included.

gun-cleaning death - other than self-inflicted: Homicide is the result of gross negligence by someone cleaning a gun. Deaths of persons due to their own negligence and accidental deaths not resulting from gross negligence are not included.

child/children playing with a gun: Homicide is the result of a child handling a gun.

other negligent gun handling: Homicide is the result of gross negligence by someone handling a gun.

all other negligent killing except traffic deaths: Homicide is the result of gross negligence by someone other than the victim and the death is not the result of a traffic accident.

***The Crime Reporting Program does not collect data for Vehicular Manslaughter

Justifiable Homicide Circumstance Codes

The FBI provides the following circumstances for reporting justifiable homicides. Select the circumstance code that best describes the circumstance preceding the homicide. The killing of an offender can only be defined as justifiable when the offender is in the act of committing a felony that puts the victim(s) (citizen or officer) in danger of immediate fatal injuries.

Note: due to the nature of the offense, PL 120.14 sub 1 would also meet the threshold of a justifiable homicide if there was reasonable fear of death and the weapon displayed was determined to be a deadly weapon.

felon killed by private citizen - felon attacked police officer
felon killed by private citizen - felon attacked fellow police officer
felon killed by private citizen - felon attacked a civilian
felon killed by private citizen - felon attempted flight from a crime
felon killed by private citizen - felon killed in commission of a crime
felon killed by private citizen - felon resisted arrest
felon killed by private citizen - not enough information to determine
felon killed by police - felon attacked police officer
felon killed by police - felon attacked fellow police officer
felon killed by police - felon attacked civilian
felon killed by police - felon attempted flight from crime
felon killed by police - felon killed in commission of a crime
felon killed by police - felon resisted arrest
felon killed by police - not enough information to determine