



Division of Criminal Justice Services

ANDREW M. CUOMO
Governor

MICHAEL C. GREEN
Executive Deputy Commissioner

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>.

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.

Weapon Used	
handgun	asphyxiation
shotgun	explosives
rifle	fire
machine gun	narcotics
firearm (unknown type)	motor vehicle
cutting/stabbing instrument	neglect
blunt instrument	poison
hands, fists, feet, etc.	other
mixed weapons	unknown
strangulation	

Relationship of Victim to Offender	
spouse	in-law
ex-spouse	other family member
intimate partner (boyfriend/girlfriend)	friend
ex-intimate partner (ex-boyfriend/ex-girlfriend)	neighbor
parent	employee
sibling	employer
child	acquaintance
child of intimate partner	other - known to victim
step child	stranger
step parent	unknown

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

Circumstance preceding justifiable homicide See Attachment B for explanations
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 citizen
felon killed by private citizen - felon attempted flight from crime
felon killed by private citizen - felon killed in commission of 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 a civilian
felon killed by police - felon attempted flight from a 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

Circumstance preceding negligent manslaughter See Attachment B for definitions
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

If you have questions or concerns regarding the SHR, please contact the Crime Reporting Unit at infonysucr@dcjs.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.)

ORI/Agency ID# _____

Report Month/Year _____

Preparer's Name _____

Phone Number _____

Reporting Agency _____

Preparer's Email Address _____

Send report via email, fax or mail: Email: infonysucr@dcjs.ny.gov
 Fax: (518) 485-8039

Mail: **NYS Division of Criminal Justice Services - Crime Reporting Unit**
Alfred E. Smith Office Building - 6th Floor, 80 South Swan Street, Albany, NY 12210

Case Number	Situation Code	Victim Demographics				Offender Demographics				Weapon Used	Relationship of Victim to Offender	Circumstance Preceding the Homicide (If none of the options below fit, describe the circumstance in your own words.)	Inside/Outside	Date of Homicide (mm/dd/yyyy)
		Age	Sex	Race	Ethnic Origin	Age	Sex	Race	Ethnic Origin					

Situation (Use one situation code per incident)

- A - Single Victim/Single Offender
- B - Single Victim/Unknown Offender(s)
- C - Single Victim/ Multiple Offenders

- D - Multiple Victims/Single Offender
- E - Multiple Victims/Multiple Offenders
- F - Multiple Victims/Unknown Offender(s)

Age (Use 2 characters)

- 01 to 99 (If 100 or older use 99)
- NB - Newborn up to one week old
- BB - Over one week old, but less than than a year

Sex (Use one character only)

- M-Male F-Female

Race (Use one character only)

- W-White B-Black I-American Indian A-Asian O-Other

Ethnic Origin (Use one character only)

- H-Hispanic N-Non-Hispanic

Weapon Used

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

Relationship of Victim to Offender

- | | |
|---|-------------------------|
| spouse | neighbor |
| ex-spouse | acquaintance |
| intimate partner (boyfriend,girlfriend,etc.) | employee |
| ex-intimate partner (ex-boyfriend,ex-girlfriend,etc.) | employer |
| parent | other - known to victim |
| step parent | stranger |
| sibling | unknown |
| child | |
| child of intimate partner | |
| step child | |
| in-law | |
| other family member | |
| friend | |

Circumstance Preceding Murder/Non-Negligent Manslaughter

- For circumstance explanations, see Attachment A.**
- | | |
|---|------------------------------|
| argument over money/property | gambling |
| argument (influence of alcohol) | other |
| argument (influence of drugs) | rape |
| other argument | other sex offense |
| lovers' triangle | robbery |
| murder-suicide | burglary |
| inappropriate care-giving (abuse/neglect) | larceny |
| child killed by babysitter | motor vehicle theft |
| gang/organized crime related | arson |
| youth gang activity | other felony (not specified) |
| drug related transaction | unknown |
| prostitution/commercialized vice | |

Circumstance Preceding Negligent Manslaughter

- For circumstance explanations, see Attachment B.**
- 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

- Select the circumstance code that best describes the circumstance preceding the homicide.**
- | | |
|---|--|
| felon killed by private citizen - felon attacked a police officer | felon killed by police - felon attacked police officer |
| felon killed by private citizen - felon attacked fellow police officer | felon killed by police - felon attacked fellow police officer |
| felon killed by private citizen - felon attacked a civilian | felon killed by police - felon attacked a civilian |
| felon killed by private citizen - felon attempted flight from a crime | felon killed by police - felon attempted flight from a crime |
| felon killed by private citizen - felon killed in commission of a crime | felon killed by police - felon killed in commission of a crime |
| felon killed by private citizen - felon resisted arrest | felon killed by police - felon resisted arrest |
| felon killed by private citizen - not enough information to determine | felon killed by police - not enough information to determine |

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 put 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