

# Clery Crime Definitions

The Clery Act requires institutions to include four general categories for crime statistics:

Criminal Offenses, Hate Crimes, VAWA Offenses, Arrest and Referrals for Disciplinary Action

## Definitions

### Criminal Offenses

1. **Murder & Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. Any death caused by injuries received in a fight, argument, quarrel, assault, or commission of a crime is classified as murder and non-negligent manslaughter.
2. **Manslaughter by Negligence:** Is defined 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.
3. **Robbery:** The taking, or attempted taking, of anything of value from one person by another, in which the offender uses force or the threat of violence.
4. **Aggravated Assault:** Aggravated assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
5. **Burglary:** The unlawful entry into a building or other structure with the intent to commit a felony or a theft.
6. **Motor-Vehicle Theft:** The theft or attempted theft of a motor vehicle, including automobiles, trucks, motorcycles, and mopeds.
7. **Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, or aircraft, personal property of another, etc.

### Sex Offenses

1. **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."
2. **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
3. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. (Because there is no penetration in fondling, this offense will not convert to the SRS as Rape)
4. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**5. Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent

**VAWA Offenses**

- 1. Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that persons acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- 2. Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and, where the existence of such a relationship shall be determined by the victim with consideration of the following factors: (1) The length of the relationship, (2) The type of relationship, (3) The frequency of the interaction between the persons involved in the relationship.
- 3. Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or to suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
  - o Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
  - o Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Arrest and Disciplinary Referrals for violations of weapons, Drug Abuse and Liquor Laws**

- 1. Liquor-Law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned offenses.
  - a. Drunkenness and driving under the influence are not included in this definition.
- 2. Drug-Law Violations:** Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
- 3. Weapons-Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned offenses.

## **Hate Crimes**

Hate Crime is defined as a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability.

CSAs report the following crimes only if they occurred as a hate crime:

1. **Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
2. **Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.
3. **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attach.
4. **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**For Clery Act reporting purposes, hate crimes include any offense in the following list that is motivated by bias:**

- Murder and Non-negligent manslaughter
- Sex Offense
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Destruction/Damage/Vandalism to Property
- Intimidation
- Larceny/Theft
- Simple Assault

## **Hate Crime Bias:**

- Race
- Gender
- Religion
- National Origin
- Sexual Orientation
- Gender Identity
- Ethnicity
- Disability

