

CLERY CRIMES

These crimes must be reported to the designated law enforcement office.

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.

Arson

Arson is any 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. Only law enforcement may determine that a fire is arson; therefore, you must report all fires.

Burglary

Burglary is the unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft

Motor Vehicle Theft is the theft or attempted theft of a motor vehicle (cars, trucks, van, buses, golf carts, motorcycles, motor scooters, etc.). Motor vehicle theft includes what is commonly called a "joy ride."

Murder and Non-negligent Manslaughter

Murder and Non-negligent Manslaughter is the willful (non-negligent) killing of one human being by another.

Negligent Manslaughter

Negligent Manslaughter is the killing of another person through gross negligence.

Robbery

Robbery is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Sex Offenses and Sexual Assault

Sex offenses are separated into two categories: forcible and non-forcible.

- A *forcible sex offense* is any sexual act directed against another person, forcibly and/or against that person's will; or not forcible or against the person's will where the victim is incapable of giving consent. This includes:
 - **Forcible Rape:** Carnal knowledge of a person forcibly and/or against the person's will, or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
 - **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will, not forcibly or against that person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity
 - **Sexual Assault with an Object:** Use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will, or not forcibly or against that person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
 - **Forcible Fondling:** Touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will, or not forcibly or against that person's will where the victim is incapable of giving consent because of his/her youth or because of his/her mental incapacity.
 - **Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by:
 - a current or former spouse of the victim,
 - a person with whom the victim shares a child in common,
 - a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
 - a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under VAWA], or
 - any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
 - **Dating Violence:** Means 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 will be determined based on a consideration of the following factors:
 - the length of the relationship;

- the type of relationship; and
 - the frequency of interaction between the persons involved in the relationship.
- **Stalking:** Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - fear for his or her safety or the safety of others; or
 - suffer substantial emotional distress.
- A *non-forcible sex offense* is defined as unlawful, non-forcible sexual intercourse and includes only incest and statutory rape.
 - **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory rape:** Non-forcible sexual intercourse with a person who is under the age of consent.

Hate/bias crimes

A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias.

The term hate crime is a designation that may be applied to an underlying criminal offense, such as assault, vandalism, etc., that was motivated by the offender's bias. For the purposes of Clery, hate crimes do not exist as stand-alone criminal incidents.

If, however, an offense such as simple assault is determined to have been committed because of an offender's bias, the simple assault would be categorized as a hate crime.

CLERY DEFINITION OF BIAS

Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, sexual orientation, gender identity, ethnicity or national origin, or disability. These are the only bias categories recognized by the Clery Act.

RACE BIAS

- Bias based upon race is a preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).

GENDER BIAS

- Bias based on gender is a preformed negative opinion or attitude toward a group of persons because those persons are male or female.

RELIGION BIAS

- Bias based upon religion is a preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).

SEXUAL ORIENTATION BIAS

- Bias based upon sexual orientation is a preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).

GENDER IDENTITY BIAS

- Bias based on gender is a preformed negative opinion or attitude toward a group of persons because of actual or perceived gender-related characteristics

ETHNICITY/NATIONAL ORIGIN BIAS

- Bias based upon ethnicity or national origin is a preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common of similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).

DISABILITY BIAS

- Bias based upon disability is a preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

In addition to the Clery crimes defined above, incidents that are, or may be, motivated by bias include Larceny-theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property.

- **LARCENY-THEFT**

Larceny-theft is the unlawful taking, carrying, leading, or riding away of property from the possession of constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over the property.

- **SIMPLE ASSAULT**

Simple Assault is the 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.

- **INTIMIDATION**

Intimidation is defined as unlawfully placing 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 attack.

- **PROPERTY DAMAGE, DESTRUCTION, and VANDALISM**

These property crimes are defined as willfully or maliciously destroying, damaging, defacing, or otherwise injuring real or personal property without the consent of the owner or the person having custody or control of it.

The Clery Act also requires the disclosure of data regarding the number of arrests and the number of persons referred for disciplinary action for the following law violations:

Weapons Violations

Weapons Violations are defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

Examples include:

- Manufacture, sale, or possession of deadly weapons
- Carrying deadly weapons, concealed or openly
- Using, manufacturing, etc., of silencers
- Furnishing deadly weapons to minors

Drug Abuse Violations

Drug Abuse violations are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.

All drugs, without exception, that are illegal under local or state laws where your institution is located are included in this category; as well as all illegally obtained prescription drugs.

Liquor Law Violations

Liquor law violations are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

Examples include:

- The illegal manufacture, sale, furnishing or possessing of intoxicating liquor

- Furnishing liquor to a minor or intemperate person
- Underage possession