

# Clery Act Crime Definitions

## CRIMINAL OFFENSES

**Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of a human being by another.

**Manslaughter by Negligence:** The killing of another person through gross negligence.

**Sexual Assault:** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- a. **Rape:** 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. This offense includes the rape of both males and females.
- b. **Fondling:** 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 capacity.
- c. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. **Statutory Rape:** Sexual intercourse with a person who is under the age of consent (18 years old).

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

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. (Includes attempts, and whether or not an injury occurred.) This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary:** The unlawful entry of (or attempt to enter) a structure to commit a felony or theft. (Excludes vehicle burglary, shoplifting, and thefts from open areas.)

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Includes joy-riding.)

**Arson:** The willful or malicious burning or attempt to burn, with or without the intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

## HATE CRIMES

A hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Categories of bias are **race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability**. Hate crimes include all Criminal Offenses listed above as well as Larceny-Theft, Simple Assault, Intimidation, Destruction /Damage/Vandalism of Property.

- a. **Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or 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 a thing.) Classify as Larceny: thefts of bicycles or automobile accessories; shoplifting; pocket-picking; stealing of property not taken by force, violence, or fraud; attempted larcenies.
- b. **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.
- c. **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 attack.
- d. **Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### **VIOLENCE AGAINST WOMEN ACT (VAWA) OFFENSES**

**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. The existence of such a relationship shall be determined based on:

- the reporting party's statement and with consideration of the length of the relationship,
- the type of relationship, and
- the frequency of interaction between the persons involved in the relationship.

**Domestic violence:** A felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner 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 in which the crime of violence occurred; 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 in which the crime of violence occurred.

**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
- suffer substantial emotional distress.