

**CLERY REPORTABLE CRIME DEFINITIONS:**

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned – including joy riding.)

**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. Note: DO NOT INCLUDE suicides, fetal deaths, traffic fatalities, accidental deaths, assaults with intent to murder and attempts to murder or justifiable homicides.

**Manslaughter by Negligence:** The killing of another person through gross negligence. Gross negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.

**Robbery:** 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. The taking of personal property in the possession of another, from his/her immediate presence, and against his/her will, accomplished by means of force or fear (includes attempts).

### **Sexual Assault (Sex Offenses)**

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

**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 incapacity.

**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. This offense includes the rape of both males and females.

**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 statutory age of consent.

**Stalking:** The term “stalking” means eying in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others; or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in 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 with the victim, or stalks or follows the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

**Weapon Law Violations:** Arrests and referral for disciplinary action for violation of laws or ordinances prohibiting the 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. This type of

## HATE CRIMES

SU is also required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, sex offenses (rape, fondling, incest, and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above) and intimidation, larceny-theft, destruction/damage/vandalism of property, and simple assault (see definitions below).

A hate or bias related crime is not a separate, distinct crime, but it is the commission of a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, gender, religion, ethnicity, national origin, gender identity, or disability, then the assault is also classified as a hate/bias crime.

If a hate crime occurs where there is an incident involving destruction/damage/vandalism of property, intimidation, larceny-theft, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

## DEFINITIONS:

**Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface or otherwise injure any public or private property, real or personal, without the consent of the owner or person having custody or control. This malicious behavior directed at property such as cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

**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.

**Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Larceny and theft are the same for purposes of Clery Act reporting. Constructive possession is the condition in which a person does not have physical control of the property but has the right to control it. (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)