

# Clery Crime Classifications and Definitions

## Definitions of Clery Act Crimes

Under the Clery Act, for the purposes of counting and disclosing Criminal Offense, Hate Crime, arrest and disciplinary referral statistics you must do so based on definitions provided by the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program. The definitions for *Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations, and Liquor Law Violations* are from the *Summary Reporting System (SRS) User Manual* from the FBI's UCR Program. The definitions of *Fondling, Incest and Statutory Rape* are from the FBI's *National Incident-Based Reporting System (NIBRS) Data Collection Guidelines* edition of the UCR. Hate Crimes are classified according to the FBI's *Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual*.

**Murder and Non-negligent Manslaughter** - The willful non-negligent killing of one human being by another. Exclude deaths caused by negligence, suicide, or accident; justifiable homicides; and attempts to murder or assaults to murder. Negligent manslaughter is the killing of another person through negligence. Justifiable homicide is limited to: (1) the killing of a felon by a law enforcement officer in the line of duty; and (2) the killing of a felon by a private citizen.

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

- **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.
- **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 their age or because of their temporary or permanent mental incapacity.
- **Incest:** sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** sexual intercourse with a person who is under the statutory age of consent. In Pennsylvania the age consent is sixteen years of age.

**Sex Offenses** - The Campus SaVE Act/VAWA adds the following offenses to the list of criminal offenses for which statistics must be reported:

- **Domestic Violence:** The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner 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 of violence occurred, or by 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 violence occurred.

- **Dating Violence:** The term "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 shall be determined based on a consideration of the following factors:
  - The length of the relationship.
  - The type of relationship.
  - The frequency of interaction between the persons involved in the relationship.
- **Stalking:** The term "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.

For the purposes of this definition:

- 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 about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to 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.

**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.

**Aggravated Assault** - An unlawful attack by the person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Attempts are included since it is not necessary that an injury result when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed. Exclude simple assaults.

**Burglary** - The unlawful entry of a structure to commit a felony or a theft. The use of force to gain entry is not required to classify an offense as a burglary. Burglary includes forcible entry, unlawful entry where no force is used, and attempted forcible entry.

**Motor Vehicle Theft** - the theft or attempted theft of a motor vehicle. Include the stealing of automobiles, trucks, buses, motorcycles, motor scooters, snowmobiles, and similar motor vehicles. Exclude motorboats, construction equipment, airplanes, and farming equipment.

**Arson** - 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. Include fires determined to have been willfully or maliciously set. Exclude fires of suspicious or unknown origin.

**Arrests and Referrals for Disciplinary Action Weapon 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.

**Arrests and Referrals for Disciplinary Action Drug Abuse 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).

**Arrests and Referrals for Disciplinary Action Liquor Law Violations** - the violation of laws or ordinances prohibiting the manufacture, sale, transportation, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned.

**Hate Crime** - is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Under the Clery Act, Hate Crimes include any of the following offenses motivated by bias: Murder and Non-negligent Manslaughter, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property. Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in your Clery Act statistics only if they are Hate Crimes (if the victim/survivor was intentionally selected because of actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability).

- **Larceny-Theft** - the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- **Simple Assault** - an unlawful physical attack by one person on 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** - to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or conduct, but without displaying a weapon or subjecting the victim to actual attack. Includes cyber-intimidation if victim is threatened on Clery geography.

- **Destruction, damage or 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 the property.

## **Geography/Locations**

**On Campus** - any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes; property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

**Non-Campus Building or Property** - any building or property owned or controlled by a student organization recognized by the institution; any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property** - all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to, the institution's educational purposes.

**Residence Hall** - or other residential facility for students on campus.