

# Clery Act Crime Categories Requiring Reporting

The following provides information on the specific crimes that must be reported to University officials (University Police/Clery Compliance Coordinator) for statistical and safety review purposes as mandated by the Clery Act. If ever unsure of whether or not the crime is applicable or how it should be classified, get as much information as possible and report it using the category that is deemed most appropriate.

## Main Crimes

**Murder/Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another, which include deaths caused by injuries received in a fight, argument, quarrel, assault or the commission of a crime.

- Deaths caused by negligence (see below), attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

**Manslaughter by Negligence:** The killing of another person through gross negligence (i.e. by doing something a reasonable and prudent person would not do).

- Deaths caused by a person's own negligence and accidental deaths are excluded.

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

1. **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, and any victim, no matter the age, when no consent is given.
2. **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.
3. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent (16 in NE).

**Robbery:** The taking or attempting to take anything from value of 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 (must occur in the presence of a victim, where he/she is directly confronted by the perpetrator and threatened).

**Aggravated Assault:** 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. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon that could cause serious personal injury is used; can include personal weapons such as hands, feet and/or teeth when a serious injury is inflicted.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft (can be forcible or not forcible entry). For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses.

- Thefts from open areas, thefts by people with lawful access, and forcible entry for purposes of vandalism are excluded.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle (self-propelled vehicle that runs on land). Includes cases where vehicles are taken by persons not having lawful access, even though the vehicles are later abandoned (joy riding).

- Thefts *from* motor vehicles are excluded.

**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. (evidence must indicate a non-accidental/non-intentional cause for the fire).

**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. For the purpose of this definition:

- (i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse;
- (ii) Dating violence does not include acts covered under the definition of domestic violence.

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

- (i) By a current or former spouse or intimate partner of the victim;
- (ii) By a person with whom the victim shares a child in common;
- (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- (iv) By a person similarly situated to a spouse or the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- (v) 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 or 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:

- (i) Fear for the person's safety or the safety of others; or
- (ii) Suffer substantial emotional distress.

For the purpose of this definition:

- (i) 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.
- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- (iii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

## Hate Crimes

The following crimes must also be reported if there is evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The categories of bias include the victim's actual or perceived *race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and/or disability*.

**Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession (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) of another. Attempted larcenies are included.

**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.

**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. A person is assumed to be placed in “reasonable fear” if he/she reports the threatening words or conduct. This can include unintended victims, such as a person who sees anti-gay threats on a bathroom wall.

**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. Does not include incidents or burning for destruction; this is Arson.

## **Arrests and Referrals**

**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; all attempts to commit any of the aforementioned.

**Drug/Narcotic Violations:** Violations of 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, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations:** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned (drunkenness and driving under the influence are not included in this definition).