

# Clery Act Crime Categories

The following provides information on the specific crimes that must be reported to University officials for statistical and safety review purposes as mandated by the Clery Act to help aid in the understanding of the types of incidents that are identified in the statistics (see [Applicable Clery Act Crime Locations](#) for more information on where these crimes must occur to be applicable for reporting). These crimes are included in the University's *Annual Campus Security and Fire Safety Report* and submitted to the Department of Education's [website](#), as well as immediately reviewed upon report for the potential issuance of a Timely Warning notification (see elsewhere on UNLPD website for information).

## Main Clery Act Crimes

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

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

**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 from the statistics.

**Sex Offenses:** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent; each one is separately identified in UNL's Clery statistics. These offenses include:

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. UNL includes physical assaults that lead to the need for medical attention, whether or not a weapon was involved.

**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 clearly for the

purposes of vandalism are excluded.

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

- Thefts *from* motor vehicles are not included in the Clery statistics.

**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

In addition to crimes previously identified, 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 (above-noted crimes can be hate crimes). 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

The statistics for arrests and referrals include arrests made for the following law violations. “Arrest” means the person was cited/lodged for the incident by law enforcement; referrals mean the person was a student or employee and referred to the applicable University officials for disciplinary action (does not mean someone had to have been disciplined). The statistics provided by UNL are provided in a manner such that arrests and referrals are not duplicated; if someone was arrested and referred both, they will only appear in the “arrest” statistics. In addition, if someone is arrested or referred for multiple law violations, they will only appear in one category (i.e. if cited/referred for both drugs and alcohol, they will only show up in the “drug law violation” category; if all three are involved, weapons law violations will take precedent).

**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).

## Unfounded Crimes

Any of the above crimes can be “unfounded” but only by a sworn police officer. Any crimes unfounded by the UNL Police Department will be identified in the annual security report. Crimes can only be unfounded when evidence shows that the crime **clearly did not occur**, or the person confessed that the report was false. A crime **will not be** unfounded simply because there is not enough evidence to effect an arrest or prove the crime did occur. As long as a report is provided in good faith, the incident will remain in the statistics as having occurred.