

# Crime Definitions Under Clery

## Criminal Offense Classification Guidance for CSAs

INSTRUCTIONS: Campus Security Authorities (CSAs) must use the below summarized definitions of criminal offenses when classifying and reporting such crimes pursuant to the Jeanne Clery Act (“Clery Crimes”) to the USF Police Department’s Clery Coordinator.

Crime	Definition
<b>Aggravated Assault</b>	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.
<b>Arson</b>	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.  <i>Note: Do not classify fires of suspicious or unknown origin.</i>
<b>Burglary</b>	The unlawful entry of a structure or conveyance to intent to commit a crime therein.
<b>Dating Violence</b>	Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim
<b>Destruction or Damage or Vandalism of Property</b>	<b>Only report this crime if it was motivated, in whole or in part, by the offender’s bias. Consult the definition of HATE CRIMES for more information.</b>  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.
<b>Domestic Violence</b>	Crimes of violence committed by a current/former spouse of the victim; person with whom the victim shares a child in common; person who is cohabitating with or has cohabitated with the victim as a spouse; or person similarly situated to a spouse of the victim.

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## Crime

## Definition

### Hate Crimes

A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias.

*Note: All of the criminal offenses defined in this document must be reported as a "Hate Crimes" if the crime was motivated, in whole or in part, by the offender's bias.*

**Bias** is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation, or ethnicity/national origin. These categories of bias are further defined below:

**Disability Bias** is a preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

**Ethnicit Bias** is a preformed negative opinion or attitude toward a group of persons of the same race who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).

**Gender Bias** is a preformed negative opinion or attitude toward a group of persons because those persons are male or female.

**Race Bias** is a preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).

**Religion Bias** is a preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).

**Sexual Orientation Bias** is preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).

**National Origin Bias** is a preformed negative opinion or attitude toward a national origin who share common or similar traits, languages, customs and traditions (e.g., Middle Eastern, Haitian).

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## Crime

## Definition

### Intimidation

**Only report this crime if it was motivated, in whole or in part, by the offender's bias. Consult the definition of HATE CRIMES for more information.** 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

**Only report this crime if it was motivated, in whole or in part, by the offender's bias. Consult the definition of HATE CRIMES for more information.** 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.

### Motor Vehicle Theft

The theft or attempted theft of a motor vehicle.

*Note: 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 and Non-negligent Manslaughter

The willful (non-negligent) killing of one human being by another. This includes any death caused by injuries received in a fight, argument, quarrel, assault, or commission of a crime.

*Note: Murder/Non-negligent Manslaughter does not include deaths caused by negligence, assaults/attempts to murder, suicides, fetal deaths, traffic fatalities, accidental deaths, or justifiable homicides (defined as and limited to the killing of a felon by a peace officer in the line of duty, or the killing of a felon during the commission of a felony, by a private citizen).*

### Negligent Manslaughter

The killing of another person through gross negligence (defined as the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another).

*Note: Negligent manslaughter does not include deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, or traffic fatalities.*

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## Crime

## Definition

### Robbery

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

### Sex Offense

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females. There are four types of Forcible Sex Offenses and their definitions are provided below:

**Rape** is the carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females.

**Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

**Incest** is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** is non-forcible sexual intercourse with a person who is under the statutory age of consent.

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## Crime

## Definition

### Simple Assault

**Only report this crime if it was motivated, in whole or in part, by the offender's bias. Consult the definition of HATE CRIMES for more information.**

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.

**Stalking**

Engaging 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.

SOURCE: The definitions contained herein (excluding those for dating violence, domestic violence, and stalking) are based on the definitions provided in Chapter 3 of The Handbook for Campus Safety and Security Reporting (the “Clery Handbook”) published by the U.S. Department of Education, Office of Postsecondary Education, Washington, D.C., 2011, and is available on the Department’s website at: <http://www.ed.gov/admins/lead/safety/campus.html> . The definitions of dating violence, domestic violence, and stalking are based on the definitions cited in the Violence Against Women Act of March 2013. A link to this resource will be provided once the U.S. Department of Education completes its final rule making process anticipated to be completed by the end of the 2013 calendar year.