

Clery Act Crime Categories and Definitions

Criminal Homicide

- Manslaughter by Negligence -The killing of another person through gross negligence.
- Murder and Nonnegligent Manslaughter-The willful (nonnegligent) killing of one human being by another.

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.

- **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 his/her age or because of his/her 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 the state of California, the age of consent is 18 years, and there is no leeway given. Even if the person is a week away from their 18th birthday, this is still considered a violation of the law. However, to be classified as Statutory Rape, the sexual intercourse would have to be consensual, otherwise it is classified as Rape, regardless of the age of the parties involved.

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 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 is used which could and probably would result in serious personal injury if the crime were successfully completed.)

- **Aggravated Assault** is differentiated from simple assault, in addition to the weapon and intent considerations in the definition, by the extent of injury. Generally broken bones, internal injuries, stitches, loss of teeth, severe laceration(s), or a loss of consciousness indicate an aggravated assault. Simple assault would result in injuries needing only minor first aid.

Burglary The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

- **Structure** for the purposes of burglary, a structure is defined as having four walls, a roof, and a door.

Motor Vehicle Theft The theft or attempted theft of a motor vehicle. All cases where automobiles are taken by persons not having lawful access to the vehicle even though the vehicles are later abandoned are classified as motor vehicle thefts, including Joyriding. Any motorized device, such as an e-scooter, is classified as motor vehicle for Clery purposes.

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.

Arrests or Disciplinary Referrals for ORC Weapons Control Law Violation Carrying, Possessing, Etc. The violation of California state laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Arrests or Disciplinary Referrals for ORC Drug Law Violation The violation of California state laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Arrests or Disciplinary Referrals for ORC Liquor Control Law Violation The violation California state laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages; does not including driving under the influence or public drunkenness (although these are still violations of the law, we would not include such incidents in Clery statistics).

Hate Crimes: Any of the following, if the victim is intentionally selected because of the offender's bias¹

- **Larceny-Theft** (Except Motor Vehicle Theft) The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.
- **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.
- **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.

Domestic Violence A felony or misdemeanor crime 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 crime of violence occurred

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 crime of violence occurred

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.

¹ Bias based on Race, Religion, Sexual Orientation, Gender, Gender Identity, Disability, Ethnicity, and National Origin

Stalking Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others
- 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

Hazing: Statistics shall be compiled per each single hazing incident and if the same person or persons commit more than one hazing act, and the time and place intervals separating each such act are insignificant, such acts shall be reported as a single hazing incident

The term 'hazing' means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that—

1. is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization (*See "Student Organization" Below*); and
2. causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including—
 - a. whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
 - b. causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
 - c. causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
 - d. causing, coercing, or otherwise inducing another person to perform sexual acts;
 - e. any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
 - f. any activity against another person that includes a criminal violation of local, State, Tribal or Federal law; and
 - g. any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

For the purposes of this definition

- *Student Organization* means an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

Clery Geography

- **On-Campus:** (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor). State ownership constitutes control for state institutions.
 - ***Controlled by*** means that your institution (or an institution-associated entity as described below) directly or indirectly rents, leases or has some other type of written agreement (including an informal one, such as a letter or an e-mail) for use of a building or property, or a portion of a building or property. Even if there is no payment involved in the transaction, for Clery Act purposes, a written agreement for the use of space gives your institution control of that space for the time period specified in the agreement.
 - ***At Sacramento State***, on-campus properties include all buildings, such as the Welcome Center and PS 5 at the north end of campus through Napa and Modoc Halls at the south end of campus (excluding the public roadway separating the main campus from Napa/Modoc Halls).
- **On-campus Student Housing Facility:** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility (*Official Greek chapter houses OWNED by the University within a mile of campus fall here*)
 - ***Reasonably contiguous*** refers to a building or property your institution owns or controls that's in a location that you and your students consider to be, and treat as, part of your campus.
 - ***At Sacramento State***, on-campus student housing facilities include the North Village and Hornet Commons.
- **Non-campus:** Any building or property owned or controlled by a student organization that is officially recognized by the institution; **or** any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. (*Official Greek chapter houses that are OWNED BY THE CHAPTER or other official Student Organization owned residential properties fall here*)
 - ***At Sacramento State***, non-campus properties include the Aquatic Center, downtown S Street property, and the Julia Morgan House.
- **Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.
 - ***At Sacramento State***, public property includes all roadways and sidewalks that run through campus, the American River levee, the Guy West Bridge, and Hornet Crossing.