

CLERY CRIME OFFENSES AND DEFINITIONS

CRIMINAL HOMICIDE

Murder and Non-negligent Manslaughter is the willful (non-negligent) killing of one human being by another. This offense includes any death caused by injuries received in a fight, argument, quarrel, assault, or the commission of a crime. This offense does NOT include traffic fatalities, suicides, accidental deaths, or justifiable homicide as defined by law.

Manslaughter by negligence is the killing of another person through gross negligence. This offense includes any death caused by the gross negligence of another. This offense does NOT include death of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities.

AGGRAVATED ASSAULT

Aggravated Assault is an unlawful attack by one 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. Examples of Aggravated Assault include, but are not limited to, poisonings (including the use of date rape drugs), assault with disease (as in cases when the offender is aware that he or she is infected with a deadly disease and deliberately attempts to inflict the disease). If an attack results in broken bones, loss of consciousness or significant blood loss, or requires medical treatment or hospitalization, such as stitches or castings (regardless of whether the victim accepts such assistance), the incident must be classified as an Aggravated Assault.

SEXUAL ASSAULT (SEX OFFENSES)

Rape is 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.

Fondling is 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 or physical incapacity.

Statutory Rape is sexual intercourse with a person who is under the statutory age of consent. If force was used or threatened, or if the victim was incapable of giving consent because of his/her age or temporary or permanent mental impairment, the offense is Rape, not Statutory Rape. In Wisconsin, the age of consent is 18 years old. In the United States, the age of consent is the minimum age at which an individual is considered legally old enough to consent to participation in sexual activity. Individuals aged 17 or younger in Wisconsin are not legally able to consent to sexual activity.

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

BURGLARY

Burglary is the unlawful entry of a structure to commit a felony or a theft. This includes all offenses that are classified by local law enforcement agencies as Burglary, as well as all offenses where force of any kind is used to unlawfully enter a structure for the purpose of committing a theft or felony; unlawful trespass of a structure with no force such as through an unlocked door or window for the purpose of committing a theft or felony; and attempted forcible entry where the totality of the facts indicate that a Burglary was in fact attempted. Examples of offenses that are NOT classified as Burglary include thefts from automobiles, shoplifting, thefts from areas of open access, and robbery.

ROBBERY

Robbery is 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. To be classified as Robbery, the offense must be committed in the presence of the victim; the victim must be directly confronted by the perpetrator; the victim must be threatened with force or put in fear that force will be used; and the offense must involve a theft or larceny.

MOTOR VEHICLE THEFT

Motor Vehicle Theft is the theft or attempted theft of any self-propelled motor vehicle that runs on a land surface and not on rails. This offense includes all incidents where a vehicle is taken by person(s) not having lawful access even if the vehicle is later abandoned, such as "joyriding." This offense does NOT include theft of farm equipment, bulldozers, airplanes, construction equipment, or watercraft.

ARSON

Arson is 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. Arson includes incidents where an individual willfully or maliciously burns his or her own property. Accidental fires such as a cooking fire are not included in this offense.

HATE CRIMES

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

HATE CRIMES BIAS CATEGORIES

Carroll University is required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny, vandalism, intimidation, and simple assault. Under the Clery Act, the possible bias categories are:

Race: 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.

Religion: 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.

Sexual Orientation: A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex.

Gender: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender.

Gender Identity: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g. bias against transgender or gender non-conforming individuals).

Ethnicity: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term “race” in that “race” refers to grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

National Origin: A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

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

HATE CRIMES – OFFENSES

Larceny: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Vandalism: To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

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.

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.

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document. A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, etc., the assault is then also classified as a hate/bias crime.

VAWA OFFENSES

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.

Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include acts covered under the definition of domestic violence.

DOMESTIC VIOLENCE

A felony or misdemeanor crime of violence committed by:

- a current or former spouse of intimate partner of the victim;
- a person with whom the victim shares a child in common;
- a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- 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;
- 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.

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; or suffer substantial emotional distress.

- 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 professional treatment or counseling.

ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION

Under the Clery Act, institutions must report arrests and referrals for disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

- Arrest: Persons processed by arrest, citation or summons.
- Referred for disciplinary action: The referral of any person to any official who initiates a disciplinary action of which a record is established, and which may result in the imposition of a sanction. This includes only alleged violations of law, not violations of your institution's policies.

LIQUOR LAW VIOLATIONS

Liquor Law Violations are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness. This offense does include, amongst other violations, underage possession, furnishing liquor to a minor or intemperate person, using a vehicle for illegal transportation of liquor, and any attempts to commit these offenses.

DRUG LAW VIOLATIONS

Drug Law Violations are defined as the violation of 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. This offense includes illegally obtaining prescription drugs; however, it does NOT include use of legally obtained personal prescription drugs used by the owner in a manner that is not consistent with the instructions provided by the prescribing physician.

WEAPON LAW VIOLATIONS

Weapon Law Violations are defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.