

# University of California, Irvine

## Federal Clery Act Crime Offense Definitions

### Part 1 Crimes

**Murder/Non-Negligent Manslaughter:** The willful killing of one human being by another.

**Negligent Manslaughter:** The killing of another person through gross negligence.

**Sex Offenses:** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. This definition includes male and female victims.

- a. Rape: 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, including when the victim is incapable of giving consent because of temporary or permanent mental/physical incapacity. This definition includes any gender of victim or perpetrator. This definition of Rape now includes "Sodomy" and "Sexual Assault with an Object" definitions.
- b. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim, including instances where
- c. the victim is incapable of giving consent because of his/her age or temporary or permanent mental or physical incapacity.

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

- d. Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**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 (includes attempts).

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury (includes attempts and whether or not an injury has occurred).

**Burglary:** The unlawful entry of a structure to commit a felony or a theft (excludes burglary from vehicles). An incident must meet three conditions to be classified as a burglary: (1) There must be evidence of unlawful entry (trespass). Both forcible entry and unlawful entry - no force are counted; (2) The unlawful entry must occur within a structure (four walls, a roof and a door); and (3) The unlawful entry into a structure must show evidence that the entry was made in order to commit a felony or theft. If the intent was not to commit a felony or theft, or if the intent cannot be determined, the proper classification is "Larceny" (which is not a Clery reportable crime).

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. This applies to automobiles, trucks/buses, motorcycles, motorized carts, and other vehicles (include all joy-riding incidents and attempts).

**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 or personal property of another (includes attempts). Only fires that have been determined through an official arson investigation to have been willfully or maliciously set are counted as arson.

### Other Clery Reportable Crimes - VAWA Crimes

**Domestic Violence:** The term "domestic violence" includes felony or misdemeanor crimes of violence committed by (a) a current or former spouse or intimate partner of the victim, (b) by a person with whom the victim shares a child in common, (c) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, (d) 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 (e) or 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:** The term "dating violence" means violence committed by a person (acts that are considered "Domestic Violence" are excluded here):

- A. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- B. where the existence of such a relationship shall be determined based on a consideration of the following factors and on the reporting party's statement:
  - The length of the relationship.
  - The type of relationship.
  - The frequency of interaction between the persons involved in the relationship.

**Stalking:** The term "stalking" means engaging in a course of conduct (two or more acts) directed at a specific person that would cause a reasonable person to: (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.

**Hate Crime:** A hate crime is a criminal offense committed against a person or property (any Part 1 Crime and additional crime below) which is 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, gender identity, religion, sexual orientation, ethnicity/national origin, disability based upon the perception that the person or group has one or more of those characteristics. Hate Crimes must be collected and reported according to the category of bias for all Clery Part 1 Crimes as well as Additional Crimes noted below. Hate crimes are not reported for Arrests/Disciplinary Referrals for Liquor, Drug, and Weapon law violations nor Dating Violence, Domestic Violence and Stalking:

- A. **Clery Part 1 Crimes:** Murder, Manslaughter, Sex Offenses, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, and Arson
- B. **Additional Crimes** that only apply to Clery statistics IF there is a finding of a hate crime bias:
  - a. Larceny-Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples include pocket picking, purse snatching, shoplifting, theft from building, and theft from motor vehicles.
  - b. 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.
  - c. 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.
  - d. Destruction/Damage/Vandalism of Property: 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.

### Arrests and Disciplinary Referrals

**Drug/Narcotic Violations:** The unlawful possession, sale, use, transportation, growing, cultivation, manufacturing, making, distribution, purchase, importation of any controlled drug or narcotic substance. Also, violations of laws prohibiting use of the equipment or devices utilized in their preparation and/or use.

**Alcohol Violations:** The unlawful possession, sale, transportation, manufacturing, purchase, use of alcoholic beverages as well as furnishing alcohol to a minor (under 21 years), maintaining unlawful drinking places, bootlegging and operating a still, using a vehicle for illegal transportation of liquor, and attempts to commit any of the above.

**Weapon Violations:** The unlawful possession or control of any firearm, deadly weapon, (including nunchakus or billy club) illegal knife or explosive device while on the property of the University of California, Irvine except as required in the lawful course of business or as authorized by the UCI Chief of Police. Additionally, the unlawful manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.