

## Criminal Offense and Hate Crime Definitions

### *Criminal Homicide*

**Murder and Non-Negligent Manslaughter:** the willful (non-negligent) kills 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 the consent of the victim, including instances where the victim is incapable of giving consent. There are four Clery sex offenses:

**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. Consult Sgt. Geiger for specific advice when reporting Incest.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. In North Carolina, the statutory age of consent is 16 and the actor must be at least 4 years older than the victim. For victims under 13, the laws are different. Consult Sgt. Geiger for specific advice if the victim is under 12.

**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 or probably would result in a serious potential injury if the crime were successfully completed.

**Burglary:** The unlawful entry of a structure to commit a felony or theft. Burglary requires three conditions to be met: (1) evidence of unlawful entry. (2) entry within a structure, (3) the structure was unlawfully entered to commit a felony or theft (for example, breaking into a structure to write graffiti on the walls is not burglary).

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. 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 joyriding.

**Arson:** The willful or malicious burning or attempts to burn with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

**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. Dating violence includes, but is not limited to, sexual or physical abuse or threats of such. Under Clery, dating violence does not include acts covered under the definition of domestic violence. If the victim and perpetrator fit one of the relationship categories defined under domestic violence, report the incident as domestic violence, not dating violence.

**Domestic violence:** A felony or misdemeanor crime 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, or (e) 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.

**Stalking:** Engaging in a course of conduct 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. Course of conduct means two or more acts, including but not limited to acts in which the talker 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 the person's property.

**Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Larceny and theft mean the same thing under Clery.

**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 to 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.

### **Hate Crime Categories of Bias Definitions**

**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 (e.g. Asian, black, white)

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

**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 (e.g. Catholics, Jews, Protestants, atheists).

**Sexual orientation:** A 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)

**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 (often including a shared religion) 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.

**Disability:** 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.

**National Origin:** A preformed negative opinion or attitude toward a person or group of people based upon their country of origin.

**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. A transgender person may express their gender identity through gender characteristics, such as clothing, hair, voice, mannerisms, or behaviors that do not conform to the gender-based expectations of society. A transgender person does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

### **Disciplinary Referral Definitions**

**Weapons Violation:** 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.

**Drug Violation:** 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.

**Liquor Law Violation:** 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.