

UNIVERSITY OF MONTANA

Clery Compliance Committee

CLASSIFYING AND COUNTING CRIME STATISTICS



UM CLERY NEWS | SUMMER 2021 QUARTERLY

The Clery Act requires our institution to include four general categories of crime statistics:

- Primary (Criminal) Crimes
- VAWA (Violence Against Women Act) Offenses
- Hate Crimes
- Arrests and Referrals for Drugs, Weapons and Alcohol

These crimes are tracked for students and employees of the institution.

Under the Clery Act, a crime is "reported" when it is brought to the attention of a Campus Security Authority (CSA), the institutions' police department or local law enforcement by the victim, witness, other third party or even the offender.

Once the crime is reported to a CSA, the crime must go on the Daily Crime Log within two business days of being reported to the police via a CSA report.

PRIMARY (CRIMINAL) CRIMES DEFINED

- **Criminal Homicide (including Murder and non-negligent Manslaughter)** - The willful (non-negligent) killing of one human being by another.
- **Manslaughter by negligence** - The killing of another person through gross negligence.
- **Sexual Assault**
 - **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 and/or because of his/her temporary or permanent mental incapacity.
 - **Incest** - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **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 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 is typically accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Burglary** - The unlawful entry of a structure to commit a felony or a theft; includes forcible entry.
- **Motor Vehicle Theft** - The theft or attempted theft of a motor vehicle, which is defined as self-propelled and runs on the surface and not on rails.
- **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. Only fires determined through investigation to have been willfully or maliciously set are classified as arsons.

VAWA OFFENSES DEFINED

Any incidents of:

- **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; 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** - 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 with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.
- **Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) 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.
- **Sexual Assault** is also a VAWA Offense but is already included in the Primary Crime portion.

HATE CRIMES DEFINED

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

Any of the above-mentioned offenses and any incidents of:

- **Larceny-Theft** - The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
- **Simple Assault** - An unlawful physical attack by one person on another when 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 conduct, but without displaying a weapon or subjecting the victim to an actual attack. This includes cyber-intimidation if the victim is threatened on Clery geography.
- **Destruction/Damage/Vandalism of Property that were motivated by bias** - 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 the property.



ARRESTS AND REFERRALS FOR DRUGS, WEAPONS AND ALCOHOL

Law violations for Drugs, Weapons and Alcohol are counted in this category. Policy violations are not counted.

- **Liquor law violations** - The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. Drunkenness and driving under the influence are not included.
- **Weapons Possession** - The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.
- **Drug Abuse Violations** - Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine), marijuana, synthetic narcotics (Demerol, methadone) and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Your responsibility as a Campus Security Authority is to report the information given to you. You are not required or asked to investigate, but purely report what you know through the Clery Crime Reporting Form or the CSA Crime Reporting Form. The Clery team will be responsible for properly classifying the crime.

Items to include in the CSA report:

- Type of crime
- Location of crime
- Date and time crime occurred
- Date and time the person reported the crime to you
- Name of victim
- Identities of the known suspects or witnesses
- Description of the incident or crime

If you are in doubt about whether a crime should be reported, report it and let the Clery team make that decision based on crime definitions. You submitting the report will not initiate police involvement.



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