

## CLERY CRIME DEFINITIONS

### Criminal Homicide (Manslaughter by Negligence)

The killing of another person through gross negligence. (Attempts are classified as aggravated assaults)

### Criminal Homicide (Murder and Non-negligent Manslaughter)

The willful (non-negligent) killing of a human being by another. (Attempts are classified as aggravated assaults)

### Robbery

The taking or attempting to take anything of value from the care, custody, or control of a person(s) by force or threat of force or violence and/or by fear

### Aggravated Assault

An unlawful attack of another for the purpose of inflicting severe or aggravated bodily injury accomplished by the use of a weapon or means likely to produce death or great bodily harm. It is not necessary that an injury results when a gun, knife or other weapon was used, but which could have resulted in serious injury. (Includes attempts)

### Burglary

The unlawful entry (or attempt to enter) into a defined structure with the intent to commit a theft or any felony. (Includes attempts, but excludes vehicle burglary.)

### Motor Vehicle Theft

Taking of a motor vehicle (as defined) without the consent of the owner with the intent to either permanently or temporarily deprive the owner of the vehicle. (Includes attempts and joyriding)

### Arson

The willful or malicious burning or attempt to burn (w/o the intent to defraud) a dwelling house, public building, motor vehicle or aircraft, or personal property of another, etc. (Includes attempts)

### Sex Offense (Rape)

Any sexual act directed against another person without their consent or against an incapacitated person (Includes attempts)

- 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.
- Incest (sexual intercourse between persons who are related to one another within the degrees wherein marriage is prohibited by law)
- Statutory rape (Sexual intercourse with a person who is under the statutory age of consent - 18 yrs)

### Sexual Battery (Fondling)

Sexual battery (the touching of the intimate parts: sexual organ, anus, groin, or the breast of a female) 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

### Domestic Violence (Sec. 40002(a), VAWA (42 USC 13925(a)(8))

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 (Sec. 40002(a), VAWA (42 USC 13925(a)(10))

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 a such a relationship shall be determined based on the reporting party's statement and with consideration of: (i) length of the relationship, (ii) type of relationship (iii) frequency of interaction between the persons involved in the relationship

### Stalking (Sec. 40002(a), VAWA (42 USC 13925(a)(30))

The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for his/her safety or the safety of others; or
- suffer substantial emotional distress

### Hazing

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:

- is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- 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

**Submit Clery reports:** [clery@csulb.edu](mailto:clery@csulb.edu), fax to (562) 985-5982, or in person to the Office of Equity & Compliance in Foundation 160. Questions about this report or the Clery Act should also be directed to 562-985-8256.

### Clery Crimes Continued

### Hate Crime

A criminal act involving one/more of the previous or below listed crimes which was motivated by bias against any person or group of persons, or the property of any person or group of persons because of the race, religion, gender, gender identity, sexual orientation, disability, national origin or ethnicity of the person or group, or bias based upon the perception that the person or group has one or more of those characteristics.

#### a. *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.

#### 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, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### Weapons Law Violations

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.

### Drug Abuse Violations

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.

### Liquor Law Violations

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 or drunkenness.

## REPORTING INSTRUCTIONS

- If the reported incident constitutes a threat to the safety of the CSULB community, the CSA shall immediately telephone the University Police Department at (562) 985-4101. If the reporting party is a victim of a sex offense, the victim should be encouraged to report the crime directly to the University Police Department. The CSA must file a Clery Report.
- "Good faith" confidential, second hand or anonymous reports must be accepted and the CSA must file a Clery Report.
- The potential for duplication of reported crimes is not to be a factor in determining whether or not a report is received.
- This reporting form does not replace or change any existing reporting requirements or procedures established for disciplinary referrals for student or employee misconduct.
- Hate crimes present a special reporting challenge, because Clery also requires the recording of a "category of bias" that is associated with the reported hate crime incident.

## DEFINITION OF CAMPUS SECURITY AUTHORITY (CSA)

- A campus police department or a campus security department of an institution
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g. parking enforcement staff, community service officers, contract security).
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses
- An official of an institution who has significant responsibility for student and campus activities**, including, but not limited to, student housing, student discipline and campus judicial proceedings (e.g. Dean of Students; Student Judicial Affairs Officer; Directors of Campus Community Centers; Director of Student Housing; ACs; RCs; RAs; Director of Athletics and team coaches; Coordinators, Directors and/or advisors to student organizations,