

There are four general categories of crimes that are included in Clery Statistics. The following information is from the 2016 Clery Handbook and to be used as a reference while completing the Campus Security Authority Reporting Form.

1. Criminal Offenses

Crime	Definition	Note	Example
<p>Murder and Non-negligent Manslaughter</p>	<p>The willful (non-negligent) killing of one human being by another. Willful means the killing is intentional, deliberate, done on purpose, conscious, premeditated, or planned.</p>	<p>Any death caused by injuries received in a fight, argument, quarrel, assault or the commission of a crime.</p>	<p>Two groups of students get into an argument in a campus parking lot. Jim punches Joe and causes him to hit his head on the pavement, resulting in severe head trauma. Two days later, Joe dies from his injuries.</p>
<p>Negligent Manslaughter</p>	<p>The killing of another person through gross negligence.</p>	<p>Any death caused by the gross negligence of another. This means it is something that a reasonable and prudent person would not do.</p>	<p>Two students, Jim and Mike, are handling a gun at an on-campus fraternity house owned by a university, and Jim “jokingly” points the gun at Mike. Jim fires the gun, and Mike is killed. Jim claims no knowledge of the gun being loaded.</p>

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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 their consent.	This includes instances when the victim did not consent or the victim was incapable of giving consent. It also includes the rape of both males and females.	A female student reports that her ex-boyfriend had sex with her in her campus residence hall room while she was unconscious after a night of drinking alcohol.
Fondling	The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim.	Include instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.	A male student reports that another male student fondled him in a campus building while telling him that he was glad they could finally be alone.
Incest	Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.		
Statutory Rape	Sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in Massachusetts is 16.	This means that a person engaged in sexual intercourse with the victim, who was under 16 years of age at the time of the offense.	A 21-year-old student has sex with a 15-year-old in the student's dorm room. There is no use of force or threat of force, but the statutory age of consent is 16.

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Crime	Definition	Note	Example
<p>Robbery</p>	<p>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</p>	<p>Essential Elements:</p> <ul style="list-style-type: none"> a) Committed in the presence of a victim. b) Victim is directly confronted by the perpetrator. c) Victim is threatened with force or put in fear that force will be used. d) Involves a Theft or Larceny 	<p>Two students returning to campus from a night at a local bar are approached by three armed men on a city sidewalk outside their residence hall and told to hand over their wallets. The students comply, and the three armed men leave without harming the students.</p>
<p>Aggravated Assault</p>	<p>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.</p>	<p>Assaults or attempts to kill or murder, poisoning (this includes date rape drugs), assault with a dangerous or deadly weapon, maiming, mayhem, assault with explosives, and assault with disease.</p>	<p>Sarah and Anne have a heated argument at a party on campus. Sarah grabs a lacrosse stick and repeatedly beats Anne, breaking several of Anne's ribs. A male student slips a date rape drug into a female student's drink at a party. Before he can lure the victim away from her friends, someone notices what he had done.</p>

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Burglary	The unlawful entry of a structure to commit a felony or a theft.	An incident must meet these 3 conditions to be classified as a Burglary. 1. There must be evidence of unlawful entry (trespass). 2. The unlawful entry must occur within a structure, which is defined as having four walls, a roof, and a door. 3. The structure was unlawfully entered to commit a felony or a theft.	A room in an on-campus dormitory is broken into and a laptop is stolen by a student living down the hall. Someone enters an unlocked dorm room on campus and steals a student's wallet. Because no one else had lawful access to the dorm room at the time the wallet was taken, it had to have been taken by someone who did not have lawful access.
Motor Vehicle Theft	The theft or attempted theft of a motor vehicle	Any self-propelled vehicle that runs on land, such as sport utility vehicles, cars, trucks, buses, motorcycles, scooters, mopeds, ATVs, golf carts, motorized wheelchairs, snowmobiles. This also includes incidents when someone takes the vehicle and then abandons it (joyriding).	A faculty member's car is reported stolen from a campus parking lot and later recovered a block off campus.

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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 or another, etc.	Fires determined to have been willfully or maliciously set. This means that the fire was set on purpose and intended to cause harm or damage. Also include attempts to burn. This includes seemingly minor fires such as burning wastebaskets or bulletin boards.	A resident student sets fire to his couch on the lawn in front of his dorm in celebration of a school athletic victory. A student is seen setting fire to a paper advertisement on an on-campus dormitory bulletin board.

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2. Hate Crimes

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. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, disability.

For Clery Act purposes, Hate Crimes include any of the seven offenses defined above. There are four additional offenses that should only be reported if they are determined to be a Hate Crime. Those four additional offenses are as follows:

Crime	Definition	Include	Example
Larceny-Theft	The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.	Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.	A student with known anti-gay sentiments steals books by LGBTQ authors from a campus library and leaves a note that reads, “Gay and lesbian books don’t belong in our library.”
Simple assault	An unlawful physical attack by one person upon another.	The offender does not display a weapon. The victim does not suffer obvious severe or aggravated bodily injury, involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.	A white student causes a disturbance in a class during a discussion on race relations. The student begins shouting racial epithets while pointing at black students. When a black student confronts him, the white student starts shoving the black student.

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Crime	Definition	Include	Example
Intimidation	Unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct.	The offender does not display a weapon or subject the victim to actual physical attack.	A gay faculty member gets a series of phone calls in his office. The caller says that she hates gay people and hangs up. During one call the caller says that the faculty member should be careful because something terrible was about to happen to gay people at the school
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.	Includes a wide range of malicious behavior directed at property.	Cutting auto tires. Drawing obscene pictures on restroom walls. Smashing windows. Destroying school records. Defacing library books.

Note: It is the perception of the offender, not the perception of the victim that determines whether a crime is classified as a Hate Crime. Also, knowing that the offender is prejudiced is not enough to classify a crime as a Hate Crime. There must be evidence that the offender was motivated by that prejudice to commit the crime.

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3. VAWA Offenses (Crimes added to the Clery Act by the Violence Against Women Act)

Crime	Definition	Include	Example
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.	Sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under t domestic violence.	A female student cuts her ex-boyfriend with a knife during an altercation in an on-campus dining hall. A female student reports that her boyfriend forced her into nonconsensual sex in her on-campus dorm room.
Domestic Violence	A felony or misdemeanor crime of violence committed by one of the following: a. Current or former spouse or intimate partner of the victim b. Person with whom the victim shares a child in common c. Person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner d. 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. Any other person, against an adult or youth victim who is protected from that person's acts under the domestic violence laws of the jurisdiction in which the crime of violence occurred.	To categorize an incident as Domestic Violence, the relationship between the perpetrator and the victim must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.	A father argues with his son while dropping him off at his dorm room. He eventually hits his son, causing injury.

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Crime	Definition	Include	Example
<p>Stalking</p>	<p>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.</p>	<p>Need 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.</p> <p>Includes acts committed electronically (e.g. emails, texts, or social media).</p>	<p>A female student reports that she is afraid for her safety because her ex-boyfriend has been sending harassing emails to her school email account over the past several weeks.</p> <p>A male student reports that he is being followed by a female he met at his job at a cafe on campus. She begins showing up at the cafe and would not leave him alone. He fears for his safety.</p>

4. The fourth category included in Clery Statistics includes arrests and disciplinary referrals for violation of weapons, drug abuse, and liquor laws. Reports that fall into this category are submitted by the Merrimack College Police Department and the Merrimack College Office of Community Standards.