

# Crime Definitions

## FBI Crime Definitions

Under the Clery Act, universities use the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program. The following are FBI crime definitions.

### Murder and Non-Negligent Manslaughter

The willful (non-negligent) killing of one human being by another.

### Negligent Manslaughter

The killing of another person through gross negligence.

### Sexual Assault (Sex Offenses)

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent

### 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.

### Statutory Rape

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.

### 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 and probably would result in serious personal injury if the crime were successfully completed.)

### Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

### Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. For reporting purposes, this definition includes all cases where automobiles are taken by persons not having lawful access—even if the vehicles are later abandoned (including joyriding).

### 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, the personal property of another, etc.

### Hate Crimes

A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

### Disability

A preformed negative opinion or attitude toward a group of persons based on their physical or mental

impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

### **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.

### **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 nonconforming individuals.

### **Gender**

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

### **National Origin**

A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

### **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.

### **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.

### **Sexual Orientation**

A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

### **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.

### **Larceny-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.

### **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 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.

### **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; 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 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. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

## Stalking

Engaging in a course of conduct [two or more acts such as following, monitoring, observing, surveilling, threatening, communicating or interfering] 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.

## Illegal Weapons Possession

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. Included in this classification are the following: the manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

## Drug Law 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. This includes the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance, as well as any arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. Included in this classification are the following: all drugs, without exception, that are illegal under local or state law; and all illegally obtained prescription drugs.

## 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 and drunkenness. The following are included in this classification: 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; and drinking on a public conveyance.

## Utah Definitions Relating to Consent, Dating Violence, Domestic Violence Sexual Assault, and Stalking

BYU’s educational programs to prevent and raise awareness about consent, dating violence, domestic violence, sexual assault, and stalking include and refer to the following state law definitions.

### Consent

Under Utah law, sexual acts are without consent under any of the following circumstances:

- The victim expresses lack of consent through words or conduct.
- The actor overcomes the victim through physical force or violence.
- The actor overcomes the victim through concealment or by the element of surprise.
- The actor coerces the victim to submit by threatening to retaliate in the future against the victim or any other person and the victim perceives or believes at the time that the actor is able to execute the threat.
- The actor knows that the victim is unconscious, unaware that the act is occurring, or physically unable to resist.
- The actor knows or reasonably should know that the victim has a mental disease or defect that renders the victim unable to understand the nature of the act, or resist it, understand possible consequences to the victim’s health or safety, or understand the nature of the relationship between the parties.
- The actor knows that the victim submits or participates because the victim erroneously believes that the actor is the victim’s spouse.
- The actor intentionally impaired the power of the victim to appraise or control his or her conduct by administering any substance without the victim’s knowledge.
- The victim is younger than fourteen years of age.
- The victim is younger than eighteen years of age and at the time of the offense the actor was

the victim's parent, stepparent, adoptive parent, or legal guardian or occupied a position of special trust in relation to the victim.

- The victim is fourteen years of age or older, but younger than eighteen years of age, and the actor is more than three years older than the victim and entices or coerces the victim to submit or participate, under circumstances not amounting to force or threat.
- The actor is a health professional or religious counselor and the act is committed under the guise of providing professional diagnosis, counseling, or treatment, and at the time of the act the victim reasonably believed the act was for medically or professionally appropriate diagnosis, counseling, or treatment.

Utah Code Ann. § 76-5-406 (2018).

### **Dating Violence**

Under Utah law, dating violence is any criminal offense involving violence or physical harm, or threat of violence or physical harm, when committed by a person against a dating partner. Any attempt, conspiracy, or solicitation to commit such a crime also qualifies as dating violence. Utah Code Ann. § 78B-7-402(4) (2018).

### **Domestic Violence**

Under Utah law, domestic violence is any criminal offense involving violence or physical harm (or threat of violence or physical harm) when committed against a person sixteen years of age or older by a cohabitant—someone also sixteen years of age or older who is the person's current or former spouse (in reality or by appearance), a relative of the person to the second degree (by blood or marriage), the parent of the person's child (even an unborn child), someone who has resided at the same residence as the person, or in a consensual sexual relationship (currently or formerly) with the person. The definition of domestic violence also includes any attempt, conspiracy, or solicitation to commit a crime of violence or physical harm. Any of the following crimes committed or attempted by a cohabitant against a cohabitant constitute the crime of domestic violence:

- Aggravated assault
- Assault
- Criminal homicide
- Harassment

- Electronic communication harassment
- Kidnapping, child kidnapping, or aggravated kidnapping
- Mayhem
- Sexual offenses
- Stalking
- Unlawful detention or unlawful detention of a minor
- Violation of a protective order or ex parte protective order
- Any offense against property
- Possession of a deadly weapon with criminal intent
- Discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle
- Disorderly conduct (if a result of a plea agreement where domestic violence was charged)
- Child abuse
- Threatening use of a dangerous weapon
- Threatening violence
- Tampering with a witness
- Retaliation against a witness or victim
- Unlawful distribution of an intimate image
- Sexual battery
- Voyeurism
- Damage to or interruption of a communication device
- Offenses against a child or vulnerable adult (child abandonment; domestic violence in a child's presence; abuse or neglect of a child with a disability; and abuse, neglect, or exploitation of a vulnerable adult)

Utah Code Ann. §§ 77-36-1(1), (4), 78B-7-102(2) (2018).

### **Sexual Assault**

Under Utah law, sexual assault is defined as any criminal conduct constituting a sexual offense (including, but not limited to, rape, object rape, sodomy, forcible sexual abuse, sexual abuse of a child, aggravated sexual assault, and other nonconsensual sexual offenses). Utah Code Ann. §§ 26-21b-102(8), 76-5-401 to -406 (2018).

### **Stalking**

Under Utah law, stalking occurs when a person intentionally or knowingly engages in a course of conduct

(two or more acts) that is directed at a specific person and knows or should know that the course of conduct would cause a reasonable person to fear for their own safety or the safety of a third person or to suffer emotional distress. Intentionally or knowingly violating a stalking injunction also constitutes stalking.

Acts that may constitute stalking in Utah include following, monitoring, observing, photographing, surveilling, threatening, communicating to or about a person, or interfering with a person's property. Stalking may also occur by engaging in any of the following acts or causing someone else to engage in any of these acts:

- Approaching or confronting a person
- Appearing at a person's workplace or residence, or contacting a person's employer, coworkers, or neighbors
- Entering property owned, leased, or occupied by a person
- Sending material by any means to the person
- Sending material to the person's family, household, employer, coworker, friend, or associate for the purpose of obtaining or disseminating information about or communicating with the person
- Placing an object on or delivering an object to property owned, leased, or occupied by a person, or to the person's place of employment with the intent that the object be delivered to the person
- Using a computer, the Internet, text messaging or any other electronic means to commit an act that is a part of the course of conduct

Utah Code Ann. § 76-5-106.5(1)(b), (1)(f), (2), (3) (2018).

### **Spousal Abuse**

One of the most common forms of domestic abuse is spousal abuse. Some warning signs of domestic abuse include the following:

- One spouse's social relationships have narrowed.
- One spouse makes all the rules.
- One puts the other down.
- One is afraid.
- One has been physically injured.