Crime Definitions

(Except where otherwise noted, the definitions listed below are applicable to both Acts and are excerpted from the Federal Bureau of Investigation’s Uniform Crime Reporting Program Uniform Crime Reporting Handbook; the specific wording of the definitions in the Minger Act may differ slightly from the federal definitions. The definitions for crimes specific to the Clery Act are also excerpted from the Uniform Crime Reporting Handbook. The definitions for crimes specific to the Minger Act are excerpted from the Kentucky Revised Statutes. Crime classifications specific to either Act are noted below.)

Arson
Any willful or malicious burning or attempt to burn, with or without the intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Aggravated Assault (Clery Act)
An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually 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.)

Assault (Minger Act)
Intentionally or wantonly causing physical injury to another person; intentionally, wantonly or recklessly causing physical injury to another person by means of a deadly weapon or a dangerous instrument; or manifesting extreme indifference to the value of human life by engaging in wanton conduct which creates a grave risk of death to another and thereby causes serious physical injury to another person. (This includes attempts.)

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. In Kentucky, a burglary may also occur when one unlawfully remains in a building or dwelling.

Criminal Homicide (Clery Act)
\[\text{a. Manslaughter by Negligence} - \text{The killing of a person through gross negligence.}\]
\[\text{b. Murder and Nonnegligent Manslaughter} - \text{The willful (nonnegligent) killing of one human being by another.}\]

Criminal Damage to Property (Minger Act)
The intentional or wanton defacing of, destruction of or damage to (or the attempt to deface, destroy or damage) the property of another.

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).
\[\text{a. The Clery Act requires the reporting of arrests and referrals for disciplinary actions for these violations.}\]
\[\text{b. The Minger Act requires the reporting of arrests for these violations.}\]
\[\text{c. Drug/narcotic violations referred for campus disciplinary action under the Student Conduct Code do not need to be reported to the University of Kentucky Police Department.}\]
Liquor Law Violations
The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; an all attempts to commit any of the aforementioned.

a. The Clery Act does not require the reporting of drunkenness or driving under the influence offenses.
b. The Clery Act requires the reporting of arrests and referrals for disciplinary actions for these violations.
c. The Minger Act requires the reporting of arrests for these violations.

Manslaughter (Minger Act)
The intent to cause serious physical injury to another person resulting in the death of such person or a third person. Manslaughter can also occur when one wantonly operates a motor vehicle and causes the death of another person.

Menacing (Minger Act)
The intentional placement of another person in reasonable apprehension of imminent physical injury.

Murder (Minger Act)
The intent to cause the death of another person resulting in the death of such person or a third person.

Motor Vehicle Theft
The theft or attempted theft of a motor vehicle. (This does not include thefts from motor vehicles.) This includes all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned – including joyriding.

Reckless Homicide (Minger Act)
Conduct which is reckless and causes the death of another person. One acts recklessly with respect to a result when he fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstances exists. The risk is of a nature and a degree that failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

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.

Sex Offenses as defined by the National Incident-Based Reporting System Edition of the Uniform Crime Reporting System

A. Sex Offense (Forcible)
Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent. (This includes attempts.)

a. Forcible Rape – The carnal knowledge of a person, forcibly and/ or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
b. Forcible Sodomy – Oral or anal sexual intercourse with another person; forcibly and against the person’s will; or not forcibly or against the person’s will where the victim is
incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

c. Sexual Assault With An Object – The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person; forcibly and against the person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

d. Forcible Fondling – The touching of the private parts of another person for the purpose of sexual gratification, forcibly and against the person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

B. Sex Offense (Nonforcible)

Any unlawful, nonforcible sexual intercourse. (This includes attempts.)

a. Incest – Nonforcible sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.

b. Statutory rape – Nonforcible sexual intercourse with a person who is under the statutory age of consent. In Kentucky the age of consent is eighteen (18) years old.

Stalking

Engagement in an intentional course of conduct that is directed at a specific person or persons, which seriously alarms, annoys, intimidates, or harasses the person or persons and serves no legitimate purpose. The course of conduct is that which would cause a reasonable person to suffer substantial mental distress.

Terroristic Threatening

The threat to commit a crime that is likely to result in the death or serious injury to another person or is likely to result in substantial property damage. It is also the intentional making of a false statement for the purpose of causing the evacuation of a building, place of assembly, or facility of public transportation.

Theft

The taking of or the exertion of control over the property of another with the intent to deprive the owner of the property or with the intent to benefit oneself or another not entitled to such benefit. Obtaining property or services of another by deception with the intent to deprive the person thereof. (This also includes attempts.)

Wanton Endangerment

The wanton engagement in conduct which creates a substantial danger of death or physical injury (serious or otherwise) to another person. One acts wantonly with respect to a result when he is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstances exists. The risk is of a nature and a degree that its disregard constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation.

Weapon Law Violation (Clery Act)

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.

a. The Clery Act requires the reporting of arrests and referrals for disciplinary actions for these violations.
Weapons Possession (Minger Act)
The unlawful possession or control of any booby trap device, destructive device, deadly weapon, firearm or handgun, while on University of Kentucky property, except as required in the lawful course of business, instruction or as authorized by the University of Kentucky Police Department.

Hate Crimes Involving Bodily Injury (Clery Act)
Any crime that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias. This category includes all applicable crimes with the exception of Aggravated Assault, which is a separate crime category. It is the perception of the perpetrator, not the perception of the victim that determines whether a crime is classified as a Hate Crime. The categories of bias are:

a. 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., Asians, blacks, whites).

b. Gender – a preformed negative opinion or attitude toward a group of persons because those persons are male or female. Gender bias is also a Clery Act-specific term, not found in the FBI's Hate Crime Data Collection Guidelines.

c. 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).

d. 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).

e. Ethnicity/national origin – a preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).

f. 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.

The Clery Act Definition of Campus Security Authority (CSA)

a. A member of a campus police department or a campus security department of an institution.

b. 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., an individual who is responsible for monitoring the entrance into institutional property).

c. 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.

d. 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. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

The Minger Act Definition of Campus Security Authority (CSA)
Campus police, security officers, and any official at a postsecondary education institution who has significant responsibility for student and campus activities, including student discipline, student housing, student judicial affairs, and student life administration. Professional mental health, pastoral, and other licensed counselors when functioning in that capacity are not considered campus security authorities.