

## DEFINITIONS - REPORTABLE CRIMES

Under the *Clery Act*, for the purposes of counting and disclosing Criminal Offense, Hate Crime, arrest and disciplinary referral statistics UTHSC must do so based on definitions provided by the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program. The definitions for *Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations, and Liquor Law Violations* are from the *Summary Reporting System (SRS) User Manual* from the FBI's UCR Program. The definitions of *Fondling, Incest and Statutory Rape* are from the FBI's *National Incident-Based Reporting System (NIBRS) Data Collection Guidelines* edition of the UCR. Hate Crimes are classified according to the FBI's *Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual*. Note that, although the law states that institutions must use the UCR Program definitions, *Clery Act* crime reporting does not have to meet all of the other UCR Program standards.

For the categories of *Domestic Violence, Dating Violence and Stalking*, the *Clery Act* specifies that you must use the definitions provided by the *Violence Against Women Act of 1994* and repeated in the Department's *Clery Act* regulations.

*NOTE: Although the law states that institutions must use the UCR Program definitions, Clery Act crime reporting does NOT have to meet all of the other UCR Program standards.*

Primary Crimes ( <i>Criminal Offenses</i> )	Use Definitions	Impacted by Tennessee Law Definitions	Tennessee State Law Definitions
<b>Murder &amp; Nonnegligent Manslaughter</b>	<i>FBI UCR – Summary Reporting System</i>	NO	
	The willful (nonnegligent) killing of one human being by another.		
<b>Manslaughter by Negligence</b>	<i>FBI UCR – Summary Reporting System</i>	NO	
	The killing of another person through gross negligence		
<b>Rape</b>	<i>FBI UCR – Summary Reporting System</i>	NO	
	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.		
<b>Fondling</b>	<i>FBI UCR – National Incident-Based Reporting System</i>	NO	
	The touching or 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.		

<b>Incest</b>	<i>FBI UCR – National Incident-Based Reporting System</i>	YES	Consensual sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
	Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.		
<b>Statutory Rape</b>	<i>FBI UCR – National Incident-Based Reporting System</i>	YES	Consensual sexual intercourse with a person who is under the statutory age of consent.
	Sexual intercourse with a person who is under the statutory age of consent.		
<b>Robbery</b>	<i>FBI UCR – Summary Reporting System</i>	NO	
	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.		
<b>Aggravated Assault</b>	<i>FBI UCR – Summary Reporting System</i>	NO	
	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 a serious personal injury if the crime were successfully completed.)		
<b>Burglary</b>	<i>FBI UCR – Summary Reporting System</i>	NO	
	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.		

<b>Motor Vehicle Theft</b>	<i>FBI UCR – Summary Reporting System</i>	NO	
	The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned – including joyriding.)		
<b>Arson</b>	<i>FBI UCR – Summary Reporting System</i>	NO	
	Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public housing, motor vehicle or aircraft, personal property of another, etc.		

<b>Hate Crimes</b> <i>(Any of the Primary Crimes above, plus the four (4) crimes listed below)</i>	<b>Use Definitions</b>	<b>Impacted by Tennessee Law Definitions</b>	<b>Tennessee State Law Definitions</b>
<b>Larceny-Theft</b> <i>(Except Motor Vehicle Theft)</i>	<i>FBI UCR – Summary Reporting System</i>	NO	
	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</b>	<i>FBI UCR – Summary Reporting System</i>	NO	
	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.		
<b>Intimidation</b>	<i>FBI UCR – Summary Reporting System</i>	YES	(a) A person commits an offense who intentionally:  (1) Threatens, by telephone, in writing or by electronic communication, including, but not limited to, text messaging, facsimile transmissions, electronic mail or Internet services, to take action known to be unlawful against any person and by this action knowingly annoys or alarms the recipient;  (2) Places one (1) or more telephone calls anonymously, or at an hour or hours known to be inconvenient to the victim, or in an offensively repetitious manner, or without a legitimate purpose of communication, and by this action knowingly annoys or alarms the recipient;  (3) Communicates by telephone to another that a relative or other person has
	To unlawfully place another person in a 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.		

			<p>been injured, killed or is ill when the communication is known to be false; or</p> <p>(4) Communicates with another person by any method described in subdivision (a)(1), without legitimate purpose:</p> <p>(A) (i) With the malicious intent to frighten, intimidate or cause emotional distress; or</p> <p>(ii) In a manner the defendant knows, or reasonably should know, would frighten, intimidate or cause emotional distress to a similarly situated person of reasonable sensibilities; and</p> <p>(B) As the result of the communication, the person is frightened, intimidated or emotionally distressed.</p> <p>(b) (1) A person convicted of a criminal offense commits an offense if, while incarcerated, on pre-trial diversion, probation, community correction or parole, the person intentionally communicates in person with the victim of the person's crime if the communication is:</p> <p>(A) Anonymous or threatening or made in an offensively repetitious manner or at hours known to be inconvenient to the victim;</p> <p>(B) Made for no legitimate purpose; and</p> <p>(C) Made knowing that it will alarm or annoy the victim.</p> <p>(2) If the victim of the person's offense died as the result of the offense, the provisions of this subsection (b) shall apply to the deceased victim's next-of-kin.</p> <p>(c) A violation of subsection (a) is a Class A misdemeanor.</p>
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			A violation of subsection (b) is a Class E felony.
<b>Destruction/Damage/Vandalism of Property</b>	<i>FBI UCR – National Incident-Based Reporting System</i>	NO	
	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.		

<b>VAWA Offenses</b> <i>(Sexual Assault is also a VAWA offense, but for reporting purposes is included in the Primary Crimes)</i>	<b>Use Definitions</b>	<b>Impacted by Tennessee Law Definitions</b>	<b>Tennessee State Law Definitions</b>
<b>Domestic Violence</b>	<i>VAWA/Clery Act Definition &amp; Jurisdictional Definition</i>	YES	<p><b>Domestic Assault:</b> Any assault committed against a "domestic abuse victim," which includes:</p> <p>(1) Adults or minors who are current or former spouses;</p> <p>(2) Adults or minors who live together or who have lived together;</p> <p>(3) Adults or minors who are dating or who have dated or who have or had a sexual relationship, but does not include fraternization between two (2) individuals in a business or social context;</p> <p>(4) Adults or minors related by blood or adoption;</p> <p>(5) Adults or minors who are related or were formerly related by marriage; or</p> <p>(6) Adult or minor children of a person in a relationship that is described in (1)-(5).</p>
	<p>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. Regardless of state domestic assault laws, Clery does not include violence between roommates in this definition.</p>		
<b>Dating Violence</b>	<i>VAWA/Clery Act Definition</i>	NO	<p>Tennessee does not have a specific statute pertaining to dating violence that does not meet the definition of domestic violence above.</p>
	<p>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 based upon the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between persons involved in the relationship.</p> <p>For the purpose of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.</p>		
<b>Stalking</b>	<i>VAWA/Clery Act Definition</i>	NO	

	<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>A willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.</p> <p>"Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that actually causes the victim to suffer emotional distress.</p> <p>"Unconsented contact" includes, but is not limited to, any of the following:</p> <ul style="list-style-type: none"><li>(A) Following or appearing within the sight of that person;</li><li>(B) Approaching or confronting that person in a public place or on private property;</li><li>(C) Appearing at that person's workplace or residence;</li><li>(D) Entering onto or remaining on property owned, leased, or occupied by that person;</li><li>(E) Contacting that person by telephone;</li><li>(F) Sending mail or electronic communications to that person; or</li><li>(G) Placing an object on, or delivering an object to, property owned, leased, or occupied by that person;</li></ul>
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Arrests and Referrals for Disciplinary Action	Use Definitions	Impacted by Tennessee Law Definitions	Tennessee State Law Definitions
<b>Weapons Law Violations</b>	<i>FBI UCR – Summary Reporting System &amp; State Laws/Local Ordinances</i>	YES	
	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.		
<b>Drug Law Violations</b>	<i>FBI UCR – Summary Reporting System &amp; State Laws/Local Ordinances</i>	YES	
	The violation of laws prohibition the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, especially those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.		
<b>Liquor Law Violations</b>	<i>FBI UCR – Summary Reporting System &amp; State Laws/Local Ordinances</i>	YES	
	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.		