



CASE CLASSIFICATIONS

Criminal and Non Criminal Categories that are to be utilized for all Incident Reports generated by University of Hawaii Community College Hilo Security:
Crimes listed as Clery Act are depicted in red.

ASSAULT (criminal) – The intentional striking or hitting of another person with the intent to hurt or injure.

- SIMPLE ASSAULT (**criminal/Clery/Hate Crime**) – 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.

AGGRAVATED ASSAULT (**criminal/Clery**) – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually involves 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 or probably would result in a serious potential injury if the crime were successfully completed.

ABUSE OF HOUSEHOLD MEMBER (criminal) – A domestic situation where one or more of the parties displays some sort of injury. This is an automatic arrest situation by the PD.

ARSON (**criminal/Clery**) – 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 of another. Only fires *determined through investigation* to have been willfully or maliciously set, and which occur on the institution's "Clery geography" are to be reported as arson, including attempts to burn, incidents where an individual burns his or her own property, and where determined to meet the UCR definition of arson regardless of property damage. Fires investigated and determined to be of unknown or suspicious origin are **not** classified as arson.

BURGLARY (**criminal/Clery**) – The unlawful entry into a structure/dwelling to commit a felony and/or theft therein (tents, storage sheds, trailers, motor homes, house trailers or other mobile units used for recreational purposes are not considered structures). For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking;

safecracking; and all attempts to commit any of the aforementioned. An incident must meet **three conditions** to be classified as a Burglary:

- There must be evidence of unlawful entry (trespass). Both forcible entry and unlawful entry – no force are counted.
- The unlawful entry must occur within a structure, which is defined as having four walls, a roof, and a door.
- The unlawful entry into a structure must show evidence that the entry was made in order to commit a felony or theft. If the intent was not to commit a felony or theft, or if the intent cannot be determined, the proper classification is **Larceny**.

CAR TROUBLE ASSISTS (non criminal) – Assistance provided to start, open or otherwise provide assistance to a motorist documented as a Misc. Assist Case.

CRIMINAL PROPERTY DAMAGE (criminal) – The intentional, malicious and deliberate damage of another's property or things.

DISORDERLY (criminal) – Behavior that is loud, disruptive, repetitive and aggressive and that will cause concern or alarm for another person or individual.

DOMESTIC (non criminal) – Argument between related parties where no intervention is required or injury has occurred.

DRUG ABUSE VIOLATIONS (**criminal/Clery**) – 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).

DRUG PARAPHENALIA (criminal) – Possession of these items is treated as contraband and the case referred to PD. Non-Possession (non criminal) would be classified as Misc. Public and items either turned over to the PD for disposal and if they don't accept then destruction is required and to be noted.

FIRE (non criminal) – Any incident that results in the damage to a building, land, property, and other material items and is not arson related.

FIRE ALARM (non criminal) – The activation of any smoke or sprinkler device where notification has been made to the fire alarm panel.

FORGERY/COUNTERFEITING (criminal) – The unauthorized use of someone's signature to receive money or goods/the duplication of US Currency or other negotiable item used to obtain goods or services.

FOUND PROPERTY (non criminal) – Items that are located and found by or turned in to security for safekeeping.

HARASSMENT (criminal) – Behavior that involves an intent to annoy, harass, or alarm another in-person, by telephone, computer, other communication device or touches another person in an offensive manner.

HATE CRIMES (**criminal & non criminal/Clery**) – Any behavior motivated by hate based on race, gender, religion, sexual orientation, ethnicity/national origin and/or disability. Depending on the nature of the actions the case can be either criminal or non criminal but in each case must be reported as a Clery Category Offense. **If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.** (A “bias related” (hate) crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender’s bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim’s race, sexual orientation, etc., the assault is then **also** classified as a hate crime. The type of crime shall be classified from the list below, as well as, the type of bias noted: ***Race, Religion, Ethnicity/National Origin, Gender, Sexual Orientation, Disability***

- Murder/Non-Negligent manslaughter
- Negligent manslaughter
- Sex offenses (forcible and non-forcible)
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Liquor law violations
- Drug abuse violations
- Weapons law violations
- Larceny/theft
- Destruction/damage/vandalism of property
- Intimidation
- Simply Assault

INDECENT EXPOSURE (criminal) – The intentional and wanton display of one’s genitals to another person or persons.

INTIMIDATION (**criminal/Clery/Hate Crime**) – 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.

INTOXICATED PERSON (non criminal) – If behavior has not resulted in the commission of some other criminal offense this should be classified as a Misc. Public Case.

LARCENY (**criminal/Clery/Hate Crime**) – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is defined as a situation where one does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

LIQUOR LAW VIOLATIONS (**criminal/Clery**) – 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; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are **not** included in this definition.)

LOST PROPERTY (*non criminal*) – Undermined location where the item was lost or misplaced and the case will be classified as a Misc. Public Case.

MEDICAL CASES (Injured and Sick) (non criminal) – Cases where a person is either sick and/or injured and where security and medical assistance has been requested. This will also be classified as a Misc. Asst. Case.

MISCELLANEOUS PUBLIC (non criminal) – Cases that are basically non criminal in nature where security services or assistance was provided. A sub-heading of the case or type of assistance provided shall be included.

MISSING STUDENTS (non criminal) – Cases where students are reported missing for an extended period of time (usually more than 24 hours) and either security or the PD has been notified. This is also a Misc. Public Case.

MOTOR VEHICLE ACCIDENT (non criminal) – Incidents involving motor vehicles or other motorized devices where damages or injuries are caused to the vehicles or other property.

MOTOR VEHICLE THEFT (**criminal/Clery**) – The theft or attempted theft of a motor vehicle. (Any self-propelled vehicle i.e. automobiles, sport utility vehicles, trucks, buses, motorcycles, motor scooters, mopeds, all terrain vehicles and snowmobiles).

MURDER/NON-NEGLIGENT MANSLAUGHTER (**criminal/Clery**) – The willful (non-negligent) killing of one human being by another (does not include suicides, fetal deaths, traffic fatalities, accidental deaths, assaults to murder and attempts to murder, situations in which a victim dies of a heart attack as a result of a crime, justifiable homicide (defined and limited to *the killing of a felon by a peace officer in the line of duty, or the killing of a felon by a private citizen during the commission of a felony*))

NEGLIGENT MANSLAUGHTER (**criminal/Clery**) – The killing of another person through gross negligence (*the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another*). Do not include deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, traffic fatalities.

PROPERTY DAMAGE (non criminal) – Any damage caused to property or things of an unintentional or non-malicious nature. Acts of God would be included and the case reported as a Misc. Public. Case.

RAPE (**criminal/Clery**) – See SEX OFFENSES-FORCIBLE

ROBBERY (**criminal/Clery**) – The taking or attempting to take anything from value of the care, custody or control of a person or persons by force or threat of force or violence and/or p\by putting the victim in fear.

SEX ASSAULT-FORCIBLE (**criminal/Clery**) – Any sexual act directed against another person, forcible and/or against that person's will or against someone incapable of giving consent.

- FORCIBLE RAPE (**criminal/Clery**) – The carnal knowledge of a person, forcibly and/or 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 temporary or permanent mental or physical incapacity (or because of his/her youth)
- FORCIBLE SODOMY (**criminal/Clery**) – Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly 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.
- SEXUAL ASSAULT WITH AN OBJECT (**criminal/Clery**) – 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/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 youth or because of his/her temporary or permanent mental or physical incapacity.
- FORCIBLE FONDLING (**criminal/Clery**) – The touching of the private body parts of another person for the purpose of sexual gratification, 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 youth or because of his/her temporary or permanent mental incapacity.

SEX OFFENSES-NON-FORCIBLE (**criminal/Clery**) – Unlawful, non-forcible sexual intercourse.

- INCEST (**criminal/Clery**) – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- STATUTORY RAPE (**criminal/Clery**) – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

STUDENT CONDUCT CODE (non criminal/Clery) – Any student behavior or activity that is expressly prohibited by the HawCC. Although non-criminal, the activity will be documented as a Misc. Pub. Case and reported in Clery Stats, if disciplinary action is taken.

(Arrests and Referrals for Disciplinary Action – Any case involving illegal weapons possession and violation of drug and liquor laws. (A referral or arrest must take place and a disciplinary action must be initiated and a record kept of the action taken and disclosed by location).

STUDENT HOUSING VIOLATION (non criminal) – Any student behavior or activity that is contrary to UHH student housing policies or procedures. These cases will be reported as Misc. Pub. Cases. (Applicable only to University of Hawaii at Hilo, HawCC has no student housing.)

ATTEMPTED THEFT (criminal) – Any attempt to take or possess the property of another without that person's consent.

THEFT (criminal) – The taking and or use of another's property without that person's permission or consent.

TRESPASS (criminal) – The illegal occupying or presence in or on the premises of a location from which a person or individual has been specifically warned to stay away from and where an arrest is made.

TRESPASS WARNING (non criminal) – This is the initial phase of the trespass process where the person is put on notice that their behavior has necessitated that they no longer will occupy or be present at a specific location or locations for a period of one year.

VANDALISM (**criminal/Clery/Hate Crime**) – The willful or malicious destruction, injury, disfigurement, or defacing of any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

WEAPON LAW VIOLATIONS (**criminal/Clery**) – 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; all attempts to commit any of the aforementioned.

If there are any questions regarding the proper classification of a case, a specific inquiry is to be made with the HawCC Campus Security Office for advice and/or clarification. Call 934-2760.