

Hate Crime Guidance

A **hate crime** is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. **Bias** is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability.

Although there are many possible categories of bias, under the Clery Act the following categories are reported:

- Race
- Gender
- Religion
- National Origin
- Sexual Orientation
- Gender Identity
- Ethnicity
- Disability

For Clery purposes, hate crimes include any offense in the following two groups that is motivated by bias.

Group A*

- Murder and Non-negligent manslaughter
- Forcible sex offenses
- Non-forcible sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson

Group B*

- Larceny-theft
- Simple assault
- Intimidation
- Destruction/damage/vandalism of property

** The terms "Group A" and "Group B" are used for the purposes of discussion only and are not HEA-related terms.*

The offenses in Group A include all of the Clery Act offenses with the exception of Negligent Manslaughter and Weapons: Carrying, Possessing, Etc., Drug Abuse Violations, and Liquor Law Violations which cannot be classified as hate crimes. In addition to those offenses, the Group B offenses, i.e., larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property, should only be included in the Clery statistics if they are hate crimes.

Crime Definitions:

Larceny-Theft is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) 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.

Simple Assault is 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. (*Include all assaults which do not involve the use of a firearm, knife, cutting instrument or other dangerous weapon and in which the victim did not sustain serious or aggravated injuries.*)

Intimidation is 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 is 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.

Further and more in-depth information on hate crimes are located in [the crime handbook](#).