



Rape addendum

Uniform Crime Reporting Program Changes Definition of Rape

For the first time in the more than 80-year history of the Uniform Crime Reporting (UCR) Program, the FBI has changed the definition of a Part 1 offense. In December 2011, then FBI Director Robert S. Mueller, III, approved revisions to the UCR Program's definition of rape as recommended by the FBI's Criminal Justice Information Services (CJIS) Division Advisory Policy Board (APB), which is made up of representatives from all facets of law enforcement.

Beginning in 2013, rape is defined for Summary UCR purposes as, "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." The new definition updated the 80-year-old historical definition of rape which was "carnal knowledge of a female forcibly and against her will." Effectively, the revised definition expands rape to include both male and female victims and offenders, and reflects the various forms of sexual penetration understood to be rape, especially nonconsenting acts of sodomy, and sexual assaults with objects.

"This new, more inclusive definition will provide us with a more accurate understanding of the scope and volume of these crimes," said Attorney General Eric Holder. Proponents of the new definition and of the omission of the term "forcible" say that the changes broaden the scope of the previously narrow definitions by capturing (1) data without regard to gender, (2) the penetration of any bodily orifice, penetration by any object or body part, and (3) offenses in which physical force is not involved. Now, for example, instances in which offenders use drugs or alcohol or incidents in which offenders sodomize victims of the same gender will be counted as rape for statistical purposes.

It has long been the UCR Program's mission to collect and publish data regarding the scope and nature of crime in the nation, including those for rape. Since the FBI began collecting data using the revised definition of rape in January 2013, program officials expected that the number of reported rapes would rise. According to David Cuthbertson, former FBI Assistant Director of the CJIS Division, "As we implement this change, the FBI is confident that the number of victims of this heinous crime will be more accurately reflected in national crime statistics."

How the changes affect rape data in *Crime in the United States*

The UCR Program collects data through two reporting systems: the traditional Summary Reporting System (SRS) and the National Incident-Based Reporting System (NIBRS).¹ The change to the rape definition applies only to the SRS because the NIBRS already captures the broader sex offense information reflected in the revised definition. Therefore, the CJIS APB requested that the UCR Program make only minor changes to the sex offense definitions in the NIBRS (i.e., the phrase “forcibly or against the victim’s will” would be changed to “without the consent of the victim”). In addition, no changes were made to the reporting requirements in the NIBRS. For trending purposes, the UCR Program will convert the NIBRS offenses of rape, sodomy, and sexual assault with an object to the SRS revised definition of rape for publication in *Crime in the United States*.

Because of the changes to the definition, readers will see some differences in this year’s *Crime in the United States* publication. First, although the revised definition for rape was approved in 2011 and implemented in 2013, not all state and local agencies have been able to effect the change in their records management systems. The UCR Program is encouraging law enforcement agencies to use the revised definition; however some agencies currently can report the offense based only on the legacy definition. Therefore, rape data collected under both definitions are used in this publication. Footnotes for tables in *Crime in the United States* indicate which (or both) definition(s) of rape is being used in each of the tables.

Second, as this is the first year for publishing rape data collected by the UCR Program under the revised definition, showing 2-, 5-, and 10-year trends with these data is not possible.

Third, because the revised definition, unlike the legacy definition, includes offenses of rape, sodomy, sexual assaults with objects, and offenses in which males were the victims, the number of rape offenses may appear to increase for various agencies or in certain aggregations. Except where comparisons are made based on the same definitions of rape, readers are cautioned against assuming increases in rape numbers are due to an increase of violence or number of sexual assaults, but rather, the increase may simply be a reflection of the more inclusive definition.

¹ In 2013, 6,328 law enforcement agencies, out of the nation’s 18,415 total UCR reporting law enforcement agencies (38.4 percent) reported in the incident-based NIBRS format. For more information on the NIBRS, please refer to <<http://www2.fbi.gov/ucr/faqs.htm>>.

To estimate how much rape numbers might be expected to increase in agencies and states based on the revised definition, the UCR Program made a comparison of sex offenses in the NIBRS, which includes male victims and the additional offenses mentioned above. As the table below shows, this change may yield as much as a 41.7 percent increase in the number of sex offenses.²

Table 1: Comparison of Legacy Rape to Revised Rape Using NIBRS Data

2013 NIBRS Sex Offenses	Legacy	Revised
Rape Females	26,994	26,994
Rape Males		611
Sodomy		7,602
Sexual Assault With an Object		3,043
Totals	26,994	38,250

Increase in Reported Rape	11,256
Percent Increase	41.7%

Offense Definitions in the NIBRS

The following text provides definitions of the offenses collected in the NIBRS that relate to rape.

- Rape (except incest and statutory rape - NIBRS Offense Code 11A)

The carnal knowledge of a person, 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 or physical incapacity

² Individual states and agencies will likely experience unique percent increases in their rape numbers based on their specific jurisdictional crime characteristics. However, while the NIBRS has not been shown to be a statistically representative sample of crime in the United States, a current partnership of the FBI's UCR Program and the Bureau of Justice Statistics is working to develop such a sample. Until then, the 41.7 percent increase can be used to generally understand how sex offense numbers are likely to increase for agencies and states reporting rape by the new definition.

- Sodomy (NIBRS Offense Code 11B)

Oral or anal sexual intercourse with another person, 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 or physical incapacity

- Sexual assault with an object (NIBRS Offense Code 11C)

To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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 or physical incapacity

- Incest (NIBRS Offense Code 36A)

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

- Statutory rape (NIBRS Offense Code 36B)

Non-forcible sexual intercourse with a person who is under the statutory age of consent

Table-by-Table Explanation of Rape Statistics

Table 1: Only data with the legacy definition of rape are shown in this table. (Calculating rape trends with the data provided under the revised definition of rape is not possible, as there is only one year of data available.)

Table 2: This table shows the estimated totals for rape provided under the legacy definition and the revised definition in separate columns. The totals in the violent crime column were calculated using only the revised definition of rape. Agencies reporting rape data using the legacy definition are shown, but not included in the violent crime total.

Table 3: Although both legacy and revised definition columns are included in this percent distribution table, the totals of violent crime were calculated using only data contributed under the legacy definition of rape.

Tables 4 and 5: Estimates with the legacy definition of rape and the revised definition of rape are shown in two separate columns. Both definitions are used for presenting violent crime rates

by geographic region and division. Estimates using the revised definition of rape for states reporting rape under the legacy definition were derived by adding to those states' rape values the percentage of male rape victims, sodomy victims, and victims of sexual assault with an object that were reported in the 2013 NIBRS incidents involving sex offenses. The violent crime column in Table 4 includes only rape data reported with the legacy definition because it is a two-year trend table, and only one year of data reported with the revised definition of rape has been collected. The violent crime column in Table 5 includes one year of data reported with the revised definition of rape. Two violent crime rates can be calculated from these tables, and the data will vary depending on the definition of rape used in the calculations.

States that had some agencies reporting rape using the legacy definition and some agencies reporting rape using the revised definition used a combined rape total for the state. However, for publication in these tables, the rape totals for these states were adjusted and presented according to the rape definition used by the majority of agencies within the state. For states with a majority of agencies reporting rape using the legacy definition, the rape counts for agencies using the revised definition were reduced proportionally by the percentage of male rape victims, sodomy victims, and victims of sexual assault with an object that were reported in the 2013 NIBRS incidents involving sex offenses. That percentage represents the number of offenses that would not have been submitted as rape offenses had all of the agencies within the state reported via the legacy rape definition. For states with a majority of agencies reporting rape using the revised definition, the legacy rape total was increased proportionally by the percentage of male rape victims, sodomy victims, and victims of sexual assault with an object that were reported in the 2013 NIBRS incidents involving sex offenses. In this case, that percentage represents the number of additional offenses that would have been submitted as rape offenses had all of the agencies within the state reported via the revised rape definition.

Table 6: The rape column presents the total number of rape offenses (legacy and/or revised definition) reported by each agency. Because of the technical limitations of the UCR Program's legacy system (i.e., the SRS), under which all UCR data processing occurs, it was not possible to separate rape data with the legacy definition from rape data with the revised definition by MSA. For example, if one agency is in two different MSAs and one MSA used the legacy definition and the other used the revised, they could not be reconciled. In these instances, an aggregated total for all rape offenses (regardless of which definition was used within the agency) is included.

Table 7: This table shows estimates for rape with the legacy definition and the revised definition.

Tables 8-11: Figures with the legacy definition of rape and the revised definition of rape are provided in separate columns. Agency rape counts are presented in the appropriate column based on the definition the agency used to report the data. Agencies that switched from reporting data under the legacy definition to the revised definition sometime throughout the year were considered revised for the entire year. Both definitions were included in the combined violent crime columns as reported by agencies.

Tables 12-15: Because these tables present trends, only data reported with the legacy definition of rape are shown. (Calculating rape trends with the data provided under the revised definition of rape is not possible as there is only one year of data available.)

Tables 16-19: Data with both the revised and the legacy definitions of rape are presented. The violent crime column includes the figures from both the revised and the legacy definitions of rape.

Table 23: The Supplement to the Return A data shown in this table include rape data contributed under both the legacy or the revised definitions.

Tables: 25-28: In the Clearance tables, rape totals collected under both the revised definition and the legacy definition are presented. Totals in the violent crime column include the figures from both the revised and the legacy definitions of rape.

Tables 29-69: Except the arrest trend tables that only use the legacy definition, the rape data presented in these tables include the total number of arrests for rape (using both the legacy and/or the revised definition) reported by each agency. Because of the technical limitations of the UCR Program's SRS, under which all UCR data processing occurs, it was not possible to separate the data with the legacy definition of rape from the data with the revised definition for agencies that transitioned to the revised definition *during* the reporting year. In these instances, an aggregated total for all arrests for rape made by the agency is reported.

Expanded Homicide Tables: The expanded homicide tables include aggregate totals of combined legacy and revised rape circumstance tallies.