



## NIBRS Rape vs. SRS Rape

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

Beginning in 2013, the FBI UCR Program defines Rape for SRS 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, the FBI UCR Program will count instances in which offenders use drugs or alcohol and incidents in which offenders sodomize victims of the same gender 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 Rape definition change affects sex offense data in the NIBRS*

The UCR Program collects data through two reporting systems: the traditional SRS and the NIBRS<sup>1</sup>. 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” was changed to “without the consent of the victim”). In addition, the FBI UCR Program made no changes to the reporting requirements in the NIBRS. For trending purposes, the UCR Program converts 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*. The program publishes the sex offense data in *NIBRS 2013* as reported by law enforcement.

To estimate how much users might expect SRS rape numbers 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 NIBRS sex offenses, Sodomy and Sexual Assault With An Object. As the table below shows, this change may yield as much as a 42.7 percent increase in the number of sex offenses.<sup>2</sup>

Table 1: Comparison of Historical Rape to New Rape Using NIBRS Data

2013 NIBRS Sex Offenses	Historical Rape <sup>3</sup>	New Rape	
Rape, Female victim	26,383	26,383	} Total NIBRS Rape Offenses: 26,994
Rape, Male victim		611	
Sodomy		7,602	
Sexual Assault With an Object		3,043	
Total	26,383	37,639	

  

Increase due to Reporting New Rape vs. Historical Rape	11,256
Percent Increase	42.7%

<sup>1</sup> In 2013, 6,328 law enforcement agencies, out of the nation’s 18,415 UCR participating agencies (34 percent) reported in the incident-based NIBRS format. For more information on the NIBRS, please refer to the resource documents in the *NIBRS 2013* publication.

<sup>2</sup> Individual states and agencies will likely experience unique percent increases in their rape numbers based on their specific jurisdictional crime characteristics.

<sup>3</sup> The FBI UCR Program uses only rape offenses connected to female victims when converting the NIBRS Rape to SRS Historical Rape for *Crime in the United States*.



### *Offense Definitions in the NIBRS*

The following text provides definitions of the NIBRS sex offenses which 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*

- 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*