

Friday, January 9, 2015

Attorney General Eric Holder Announces Revisions to the Uniform Crime Report's Definition of Rape

Data Reported on Rape Will Better Reflect State Criminal Codes, Victim Experiences

Attorney General Eric Holder today announced revisions to the Uniform Crime Report's (UCR) definition of rape, which will lead to a more comprehensive statistical reporting of rape nationwide. The new definition is more inclusive, better reflects state criminal codes and focuses on the various forms of sexual penetration understood to be rape. The new definition of rape is: "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." The definition is used by the FBI to collect information from local law enforcement agencies about reported rapes.

"Rape is a devastating crime and we can't solve it unless we know the full extent of it," said Vice President Biden, a leader in the effort to end violence against women for over 20 years and author of the landmark Violence Against Women Act. "This long-awaited change to the definition of rape is a victory for women and men across the country whose suffering has gone unaccounted for over 80 years."

"These long overdue updates to the definition of rape will help ensure justice for those whose lives have been devastated by sexual violence and reflect the Department of Justice's commitment to standing with rape victims," Attorney General Holder said. "This new, more inclusive definition will provide us with a more accurate understanding of the scope and volume of these crimes."

"The FBI's Criminal Justice Information Services (CJIS) Advisory Policy Board recently recommended the adoption of a revised definition of rape within the Summary Reporting System of the Uniform Crime Reporting Program," said David Cuthbertson, FBI Assistant Director, CJIS Division. "This definitional change was recently approved by FBI Director Robert S. Mueller. This change will give law enforcement the ability to report more complete rape offense data, as the new definition reflects the vast majority of state rape statutes. 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."

The revised definition includes any gender of victim or perpetrator, and includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity, including due to the influence of drugs or alcohol or because of age. The ability of the victim to give consent must be determined in accordance with state statute. Physical resistance from the victim is not required to demonstrate lack of consent. The new definition does not change federal or state criminal codes or impact charging and prosecution on the local level.

"The revised definition of rape sends an important message to the broad range of rape victims that they are supported and to perpetrators that they will be held accountable," said Justice Department Director of the Office on Violence Against Women Susan B. Carbon. "We are grateful for the dedicated work of all those involved in making and implementing the changes that reflect more accurately the devastating crime of rape."

The longstanding, narrow definition of forcible rape, first established in 1927, is "the carnal knowledge of a female, forcibly and against her will." It thus included only forcible male penile penetration of a female vagina and excluded oral and anal penetration; rape of males; penetration of the vagina and anus with an object or body part other than the penis; rape of females by females; and, non-forcible rape.

Police departments submit data on reported crimes and arrests to the UCR. The UCR data are reported nationally and used to measure and understand crime trends. In addition, the UCR program will also collect data based on the historical definition of rape, enabling law enforcement to track consistent trend data until the statistical differences between the old and new definitions are more fully understood.

The revised definition of rape is within FBI's UCR Summary Reporting System Program. The new definition is supported by leading law enforcement agencies and advocates and reflects the work of the FBI's CJIS Advisory Policy Board.

[Click here to read a blog post from Director Carbon on the importance of the new definition of rape to our nation's law enforcement, and for survivors of rape and their advocates.](#) [Click here to listen to the FBI's podcast.](#)