

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/proposed-change-in-the-fbis-definition-of-rape-highlights-underreporting-in-federal-statistics>

Public Facing Advocacy Writing

On December 6, the [FBI's Criminal Justice Advisory Board](#) voted to update the definition it uses for rape, last modified in 1929.

The existing definition excludes drug- and alcohol-facilitated assaults, leaves out male victims, and does not take into account assaults involving anal or oral penetration or penetration with an object. Not only does this narrow definition send a horrible message to victims who do not fit within the current definition that their assault does not count but it creates a vicious cycle of underreporting of rape in federal statistics that can result in fewer resources being devoted to support rape victims.

Every year, the FBI publishes [crime statistics](#) from data provided by approximately 17,000 law enforcement agencies throughout the country. However, law enforcement agencies cannot report all the rapes they prosecute to the federal agency because most state and local jurisdictions use a broader definition of rape than the FBI uses. For example, in 2010 the Chicago Police Department recorded almost 1,400 sexual assaults, but according to a [recent New York Times article](#), none of these appeared in the FBI's statistics.

The FBI's 2010 [Uniform Crime Report \(UCR\)](#) reported a 5 percent drop in sexual assaults from the previous year. Although it is unclear whether or not there was an actual drop in sexual assaults, what is clear is that the discrepancy in definitions causes thousands of rapes to be excluded from federal statistics.

Underreporting unleashes a variety of negative consequences: it misleads the public about the prevalence of rape, it can damage the credibility of law enforcement agencies tasked with responding to these assaults; and it makes it difficult to accurately demonstrate the need for services and supports for rape victims. These distortions can have a significant negative impact on public awareness and the resources dedicated to addressing the problem of sexual violence nationwide.

In [recent op-ed in the Hill](#), Representative Lucille Roybal-Allard (D-CA) wrote that the Uniform Crime Report data plays a crucial role in the allocation of resources for crime prevention, treatment for victims, and law enforcement, and points out the need to include all types of rape in the UCR as "we face a tough fight to preserve funding for critical programs that aid victims and help put their assailants behind bars."

Sexual assault is likely one of the most underreported crimes. The FBI's new definition is one step toward assuring that more accurate data is available, resources are appropriately allocated, and, above all else, rape victims count.

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