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California #8

**Resolution to expand the definition of rape under the FBI Uniform crime Report (UCR)**

Whereas, California LULAC supports The Women's Law Project, San Fernando Valley/Northeast Los Angeles Chapter of NOW and the California Association of Licensed Investigators (CALI) who have endorsed a campaign to change the FBI's Uniform Crime Report (UCR) definition of rape because the current definition and the use of UCR statistics by the media present the public with an inaccurate picture of the incidence of sexual assaults in America, affects the police response to rape by setting the standard for "real rape" as opposed to supposedly "lesser" crimes like date rape and forced incest and consequently creates poor police response diminishing public confidence and reducing victim reporting of sexual assault to law enforcement;

And whereas, the current UCR definition of rape, which is the only sex crime included in UCR Part I" crimes, limits the definition of rape to "the carnal knowledge of female, forcibly and against her will:"

And whereas, this definition fails to include: non-forcible rape (without consent), on-vaginal/penile rape (anal, oral, digital, and with a foreign object), rape of males by males and females, and rape by a blood relative;

And whereas, the definition in use is more than 70 years old, and has not been updated to incorporate modern social values;

And whereas, the UCR definition counts only vaginal/penile penetration as rape in spite of the fact that oral rape, anal rape, digital rape, and rape with a foreign object are just as serious;

And whereas, more than 75% of the states have expanded the definition of rape beyond vaginal/penile penetration so that UCR is reporting only a segment of what state laws classify as rape, thus presenting an inaccurate picture of the incidence of this crime;

And whereas, this definition and the use of UCR statistics by the media present the public with an inaccurate picture of the incidence of sexual assaults in America, affects the police response to rape by setting the standard for "real rape" as opposed to supposedly "lesser" crimes like date rape and forced incest and consequently creates poor police response diminishing public confidence and reducing victim reporting of sexual assault to law enforcement;

And whereas, redefining UCR "rape" will take non-forcible rape into proper consideration including the use of other types of coercion or other means of control of the victim such as in (a) many acquaintance rapes where the offender uses a high level of verbal coercion but little physical force, (b) many rapes of children which are perpetrated without force or even threat of force, (c) rape of other particularly vulnerable victims such as mentally disabled, physically disabled or unconscious persons which also may occur without actual force and without the victim's consent;

And whereas, many rape victims are boys and men with the finding by the National Violence Against Women Survey done in 1995-96 by the Centers for Disease Control and the National Institute of Justice that 15% of all victims of attempted or completed rape are male;

*urges National LULAC to support California efforts to*

Therefore be it resolved that California LULAC endorse the call of the Women's Law Project that the UCR definition of rape be changed to "the vaginal, oral or anal penetration of a person with a part of the offender's body or a foreign object without that person's freely and affirmatively given consent;"

And be it further resolved that this issue be raised at the National Level of LULAC, including but not limited to a request that Attorney General Alberto Gonzales direct the Federal Bureau of Investigation to change its UCR definition of rape to incorporate the Women's Law Project proposed language, *as requested by California's Women's Co.*

Submitted by Carlos Torres, Contra Costa County Council # 3071 (Zenaida Burgos, Vice-President for Women Council #3071).