

Florida Forcible Sex Offense/Rape Definitions

1971-1987

Forcible rape is the carnal knowledge of a female forcibly and against her will. For the purposes of the Uniform Crime Reports rape is divided into two categories: (1) rape by force; and (2) attempted rapes. Carnal abuse without force (statutory rape), and other sex offenses are not counted.

1988-2012

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

FORCIBLE RAPE

The Carnal knowledge of a female, by a male, forcibly and against her will or where a victim is incapable of giving consent because of her youth or because of her temporary or permanent mental incapacity.

FORCIBLE SODOMY (Previously found under aggravated assault)

Oral or Anal sexual intercourse with another person, using either personal sex organs or objects to commit the act, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/ her temporary or permanent mental incapacity.

FORCIBLE FONDLING/INDECENT LIBERTIES/CHILD MOLESTATION (Previously found under aggravated assault)

The touching of the private body parts of another person, using either an object or human contact to commit the act, for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Clarifying Notes

The element of force or threat of force is necessary before a sexual offense is reported in this category. Any sexual act or attempt accomplished by force is classified as a Forcible Sex Offense regardless of the age of the victim or the relationship of the victim to the offender. Statutory rape is not counted in the Forcible Rape category as no force was used.

2013 to present

SEX OFFENSES

Any sexual act directed against another person, forcibly and/or against that person's will or not forcibly or against the person's will, where the victim is incapable of giving consent.

Rape – Committed

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 or object, without the consent of the victim.

This definition includes either gender of victim or offender and instances where 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. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

The following scenarios illustrate incidents known to law enforcement classified as Rape, Committed:

1. A young man was reentering his apartment from a night out when he was attacked by an unidentified man and forced into his apartment. The young man was held down by the attacker and was sodomized.
2. A female high school student was drinking with a male classmate at her house. The young man gave her a pill that he said would make her feel "really good." After taking the pill, the young woman did not recall what happened. A rape kit indicated semen from sexual penetration.
3. A man worked as an aide at a residential facility for adults with a range of mental disabilities. He asked a woman in his care who had a severe mental disability to go for a walk with him in the woods behind the facility. Once alone, he instructed her to do what he said or he wouldn't be her friend anymore. He fondled her and sexually penetrated her. Because of the woman's disability, she was unable to understand and consent to the sexual act.
4. One night, a woman's husband was very drunk, and he accused her of sleeping around. He became enraged, pushed her onto the bed, and sexually penetrated her with an object. She was too afraid to struggle.
5. A woman broke up with her ex-boyfriend three months earlier, but he showed up at her workplace and followed her home. Once there, he intimidated her and told her he wouldn't leave until she had sex with him. He forced her to perform oral sex.
6. After a first date, two men were kissing and had removed their clothes. One man had initially consented to having sex, but changed his mind once they began. He told the other man he did not want to have sex, but the man held him down and sodomized him.
7. A woman took her young son to a secluded park. She told him they would have special time together, convinced him to remove his pants, and penetrated him with her fingers. She told the boy that she would go to jail if he told anyone and that his father would not love him anymore.
8. A 17-year-old boy coerced his 10-year-old sister into having sexual intercourse with him.
9. A college freshman attended an off-campus party. She drank heavily until she had difficulty standing and was slurring her speech. Two older male students offered to walk her home. Once in her dorm room, she passed out. She awoke the next day in pain, found used condoms in her bed, and reported she was raped to her local police department.

10. A man who owned a restaurant threatened to fire a waitress if she would not consent to sexual acts with him. When she refused, he threatened her. She was afraid to resist, and he performed oral sex on her.
11. Two women had been dating for a few months. After an argument, one woman became violent, held the other woman down, fondled her, and forcibly penetrated her mouth with a sex object.

Rape – Attempted

The attempted 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 or object, without the consent of the victim.

This definition includes either gender of victim or offender and instances where 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. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

The following scenarios illustrate incidents known to law enforcement classified as Rape, Attempted:

1. A man attacked a woman on the street, knocked her down, and attempted to rape her. A pedestrian frightened the man away before he could complete the attack.
2. At a local bar, a man slipped a sedative drug, into his date's drink. However, the man could not convince the woman to leave her friends and go home with him. After an investigation, detectives concluded that the man intended to rape the woman.

General Rule

The element of force or threat of force is necessary (unless the victim is unable or too young to give consent) before a sexual offense is reported in this category. Any sexual act or attempt involving force is classified as a forcible sex offense regardless of the age of the victim or the relationship of the victim to the offender.

Special Instructions

The Rape classification falls under the State's sexual battery statute (Chapter 794.01). This statute covers many sexual acts that do not meet the criteria of rape for UCR purposes. It is recommended that each case of sexual battery be reviewed to determine whether or not a rape (as defined by the UCR Program) has occurred.

Sexual acts covered by the sexual battery statute that should **not** be reported under this classification include:

1. Adultery and fornication where no force is used;
2. Incest where no force is used, and the victim is of legal age to consent to the act;
3. Sodomy (anal intercourse, either male to female, female to female, or male to male). If force or a weapon is used or if the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity it should be classified in the Rape category;
4. Sexual abuse where no force or threat of force can be determined; of the victim to the offender.

5. Fellatio (Oral intercourse). If force or a weapon is used in the commission of this act, it should be classified in the Rape category;
6. Cunnilingus (Oral intercourse, either male to female or female to female). If force or a weapon is used in the commission of this act, it should be classified in the Rape category;
7. Statutory Rape - Do not count statutory rape in this category. Statutory Rape is defined as the carnal knowledge of a female by a male where no force is used, and where the female victim is under the legal age of consent.

Note: When a law enforcement officer is the victim of a Rape, a Law Enforcement Officer Killed/Assaulted Report Supplement is required.

Sodomy (As of January 1, 2013 offenses of Sodomy shall be reported as RAPE.)

Fondling/Indecent Liberties/Child Molesting

The touching of the private body parts of another person, using either an object or human contact to commit the act, for the purpose of sexual gratification, forcibly and/or against that person's will or, not forcibly or against the person's will, where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Private body parts are considered to be, whether clothed or unclothed, the breasts, buttocks, genital area, groin, and inner thighs.

The following scenarios illustrate incidents known to law enforcement classified as Forcible Fondling:

1. A man approaches a woman from behind in a store. Reaching around her body he grabs both of her breasts without her consent. The woman freed herself from the man's grasp and called for store security. The man was not found.
2. A female college student, intoxicated after drinking for several hours at a local bar, asked a female friend to give her a ride home. On the way she fell asleep. She awoke to find her friend rubbing her groin area. She immediately told her friend to stop and let her out of the car. The next day she reported the incident to the police.
3. A worker at a daycare center was observed by other staff members touching the buttock and groin area of several children. The worker later admitted to police officers that she had told the 3- and 4-year-old children they would get into trouble if they did not allow her to touch them.

When a law enforcement officer is the victim of Fondling a Law Enforcement Officer Killed/Assaulted Report Supplement is required.