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# Statutory Rape Known to Law Enforcement

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At the national level, the incidence of statutory rape is relatively unknown. The FBI's Uniform Crime Reporting Program (UCR) maintains national data on forcible rape and other sex offenses but does not isolate statutory rape crimes in its annual *Crime in the United States (CIUS)* report. In contrast to the *CIUS* report, the FBI's National Incident-Based Reporting System (NIBRS) captures a broad range of information on statutory rape incidents reported to participating law enforcement agencies throughout the country. What NIBRS can teach us about the victims and offenders in statutory rape incidents can assist investigators and decisionmakers in their policy development and program designs.

The findings that follow are based on an analysis of the NIBRS master files containing reports from law enforcement agencies in 21 states for the years 1996 through 2000 (see box on page 2). An analysis of these data characterize victim and offender attributes (e.g., age, gender, relationship) and law enforcement's response to the incident.

Highlights of the findings include:

- ◆ In 2000, there was 1 statutory rape for every 3 forcible rapes involving a juvenile victim reported to law enforcement.
- ◆ Most (95%) statutory rape victims were female.
- ◆ Regardless of victim gender, almost 3 of every 5 victims of statutory rape were age 14 or 15, with relatively equal proportions in each of these ages.
- ◆ More than 99% of the offenders of female statutory rape victims were male.
- ◆ Of all offenders of male statutory rape victims, 94% were female.
- ◆ Of all offenders of female statutory rape victims, 18% were younger than age 18.
- ◆ Of all offenders of male statutory rape victims, 70% were age 21 and older, while 45% of offenders of female statutory rape victims were 21 and older.
- ◆ The median age difference between female offenders and their male statutory rape victims was 9 years. The median age difference between male offenders and their female statutory rape victims was 6 years.
- ◆ Three of every 10 statutory rape offenders were boyfriends or girlfriends and 6 in 10 were acquaintances.
- ◆ An arrest occurred in 42% of statutory rape incidents with the probability of arrest declining as victim age increased.

### A Message From OJJDP

According to the 1997 National Longitudinal Survey of Youth, 27% of youth ages 14–17 were sexually active during the survey year. Although the age of consent varies by state, all states prohibit sex with a minor. This Bulletin defines statutory rape as nonforcible sexual intercourse with or between people who are younger than the age of consent.

*Statutory Rape Known to Law Enforcement* summarizes an analysis of data from the FBI's National Incident-Based Reporting System (NIBRS). Although national data are not available, NIBRS includes data on reported statutory rape crimes from 21 states. This Bulletin provides the first large-scale look at the patterns of and response to statutory rape.

For example, the analysis found that the median age difference between victims and offenders is great (between 6 and 9 years, depending on gender). It also found that as the age of a victim increased, the probability of arrest decreased, and that some reported incidents were not cleared by arrest due to lack of victim cooperation.

This analysis demonstrates how incident-based crime data can be used to better understand the profiles of victims and offenders and the justice system response. Law enforcement officials, advocates, and program planners can use available local analyses to develop strategies and educational materials to help reduce instances of this crime in their communities.

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## **NIBRS data provide insight into statutory rape**

The National Incident-Based Reporting System (NIBRS) administered by the Federal Bureau of Investigation (FBI) collects a wide range of data on a variety of crimes. NIBRS includes information on victims, offenders, and incident circumstances. Local law enforcement personnel collect information on crimes that come to their attention and submit these data for inclusion in NIBRS. For a crime to be included, the incident need only be reported; it does not have to be cleared or result in an arrest.

Since the FBI implemented NIBRS in 1988, voluntary state and local agency participation has grown steadily. Nevertheless, the NIBRS master files are limited by the number of contributing law enforcement agencies and therefore may not be nationally representative. Even though geographic coverage is limited, NIBRS data warrant systematic study to clarify the nature of statutory rape among victims and their offenders.

This Bulletin includes data reported for the years 1996–2000 from agencies in 21 participating states: Arkansas, Colorado, Connecticut, the District of Columbia, Idaho, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Nebraska, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, and West Virginia. The incidents included for analysis were those for which the most serious offense was forcible rape or statutory rape. The unit of count is the victim. The total number of victim records analyzed was 28,098. Of these victim records, 27% involved statutory rape. The analyses presented here include incidents with male and female victims ages 7–17 and male and female offenders age 7 and older. Statutory rape victims and offenders younger than age 7 were considered data entry errors and were excluded. Records with victims older than age 17 were also thought to be data errors (or possibly persons with disabilities) and were also excluded. Thus, the 1996–2000 NIBRS master files provide details for incidents involving 7,557 statutory rape victims ages 7–17.

## **What is statutory rape?**

Statutory rape is a general term used to describe an offense that takes place when an individual (regardless of age) has consensual sexual relations with an individual not old enough to legally consent to the behavior. Stated another way, statutory rape is sexual relations between individuals that would be legal if not for their ages. In accordance with the FBI definition, this Bulletin characterizes statutory rape as nonforcible sexual intercourse with a person who is younger than the statutory age of consent.

Each state has laws that prohibit sex with a minor. The offender may be an adult or a juvenile. The age of consent varies from state to state as well as the label of and the punishment for the crime. In addition to individual ages, some state laws specifically address sexual contact with a minor by a person who is a defined number of years older than the minor or by a person of authority, such as an athletic coach or teacher.

Statutory rape literature has focused primarily on female victims. Recent high profile cases of educator sexual misconduct involving female teachers and their teenage male victims bring into question the commonly held statutory rape offender/victim stereotype in which predatory older men prey on young female victims. Statutory rape incidents recorded in NIBRS present both of these patterns along with other characteristics of male and female offenders and victims across age ranges and represent only those incidents that have been reported as crimes.

## **For every 1 statutory rape there were 3 forcible rapes of juvenile victims**

For every statutory rape victim identified in the NIBRS data, there were approximately 3 juvenile victims of forcible rape. While some attributes of statutory and forcible rape were similar, some were very different.

The vast majority of victims had only one offender (90% of statutory rape victims and 89% of forcible rape victims). Law enforcement coded the location of the crime as a residence in 85% of statutory rape incidents and 83% of forcible rape incidents. The residence could have been that of the victim, the offender, or another

individual. The other statutory rapes occurred (from most frequent to least frequent) in hotels/motels, in fields/woods, on streets/highways, in parking lots, and in schools.

Statutory rapes and forcible rapes differ in that a substantial proportion (about two-thirds) of forcible rapes involve the use of a weapon (e.g., firearm, fist), and in one-fifth of forcible rapes, law enforcement reported that the victim was physically injured. Weapon use and bodily injury were not attributes of statutory rapes.

## **3 of every 10 statutory rape offenders were boyfriends or girlfriends**

NIBRS classifies the relationship between the statutory rape victim and the offender as a boyfriend or a girlfriend in 29% of statutory rapes. Another 62% were classified as acquaintances. A small percentage of offenders (2%) were strangers to the victim and 7% were coded as family members.

In comparison, 11% of the offenders in forcible rapes of juvenile victims were classified as a boyfriend or a girlfriend and 62% were classified as acquaintances. Family members were more involved in forcible than statutory rapes, with 22% of the offenders in the forcible rapes of juvenile victims being a family member. As with statutory rape, a relatively small proportion (5%) of the offenders in the forcible rapes of juveniles were strangers to the victim.

## **A comparison of counts in UCR and NIBRS can provide a rough annual estimate of statutory rapes**

The FBI's *Crime in the United States 2000* report estimates there were 90,186 forcible rapes known to law enforcement. Law enforcement agencies in the 2000 NIBRS sample reported 13,862 forcible rapes that are consistent with the UCR definition of forcible rape. Therefore, the agencies in NIBRS had 15% of all the forcible rapes in the United States in 2000. Assuming that they also had 15% of all the statutory rapes, the 2,414 statutory rapes in the 2000 NIBRS sample would imply there were about 15,700 statutory rapes reported to all law enforcement agencies in the United States in 2000.

## Male and female victims had similar age profiles

Males accounted for 5% of statutory rape victims between ages 7 and 17. Even though the numbers of such incidents are relatively small, they warrant systematic study to clarify the nature of statutory rape among all victims.

Regardless of victim gender, almost 3 of every 5 victims of statutory rape were age 14 or 15, with relatively equal proportions in each of these age groups.

Victim Age	Victim	
	Female	Male
7-11	4%	5%
12	7	4
13	17	11
14	31	27
15	28	29
16	8	15
17	4	8
Total	100	100

**Note:** Totals may not equal 100% because of rounding.

In comparison, 2 of every 5 juvenile victims of forcible rape were ages 14 and 15. In fact, the peak ages for all victims (i.e., juvenile and adult victims) of forcible rape were also ages 14 and 15.

## Male victims had older offenders than did female victims

The age profile of offenders varied with the gender of the victims. Offenders of male victims tended to be older than those of female victims: 18% of the offenders of female victims were juveniles, compared with 12% of the offenders of male victims. Of the offenders of female victims, 45% were age 21 and older, compared with 70% of the offenders of male victims. In fact, 45% of the offenders of male victims were older than age 24, compared with 25% of the offenders of female victims.

Offender Age	Victim	
	Female	Male
7-11	<1%	1%
12-14	2	4
15-17	16	7
18-20	36	18
21-24	21	25
25-34	16	33
35 and older	8	12
Total	100	100

**Note:** Totals may not equal 100% because of rounding.

## The vast majority of statutory rapes involved victims and offenders of opposite sexes

Few male victims of statutory rape were victimized by male offenders (6%). Male offenders were involved in almost all statutory rape incidents with female victims (more than 99%).

## The younger the female victim, the more likely her male offender was a juvenile

Opposite-Sex Offender Age	Female Victim Age					Male Victim Age	
	7-13	14	15	16	17	7-17	7-17*
Younger than 18	32%	16%	13%	2%	1%	18%	8%
18-20	30	43	38	28	22	36	19
21-24	14	21	24	28	29	21	26
25 and older	24	20	25	42	48	25	47
Total	100	100	100	100	100	100	100

- ◆ One-third (32%) of male offenders of female victims younger than age 14 were juveniles.
- ◆ About 5 of every 6 male offenders of 14-year-old females were at least age 18.
- ◆ Rarely were the male offenders of 16- and 17-year-old female victims themselves juveniles (i.e., younger than age 18).
- ◆ For 16-year-old female victims, 7 out of 10 of their male offenders were age 21 or older.

## 7 out of every 8 male statutory rape offenders of female victims were more than 2 years older than their victims, regardless of victim age

Opposite-Sex Offender Age	Female Victim Age					Male Victim Age	
	7-13	14	15	16	17	7-17	7-17*
Same age or younger	1%	1%	1%	0%	1%	1%	1%
1-2 years older	5	6	12	11	13	8	3
3-5 years older	32	43	38	28	29	37	19
6-9 years older	32	27	24	23	19	27	30
10 or more years older	30	23	25	38	38	27	46
Total	100	100	100	100	100	100	100

- ◆ For female victims younger than age 14, 30% of their male offenders were at least 10 years older than the victims.
- ◆ At least half of the male offenders of female victims were 6 or more years older than their victims.
- ◆ More than 75% of female offenders of male victims were at least 6 years older than their victims.
- ◆ Compared with female offenders of male victims, male offenders of female victims tended to be closer in age to that of their victims. On average, male offenders of female statutory rape victims were about 6 years older than their victims, while female offenders of male victims were about 9 years older.

\* There were too few male victims to obtain reliable percentages by male victim age.

**Note:** Totals may not equal 100% because of rounding.

**Data source:** Federal Bureau of Investigation. *National Incident-Based Reporting System Master Files* for the years 1996, 1997, 1998, 1999, and 2000 [machine-readable data files].



## Age influences the probability of arrest

Overall, an arrest occurred in 42% of statutory rape incidents (compared with an arrest rate of 35% in forcible rape incidents). In general, as the age of a statutory rape victim increased, the probability of arrest in the incident decreased.

Victim Age	Percentage of Incidents Involving Arrest
7-11	40%
12	50
13	46
14	42
15	42
16	35
17	30

The probability of arrest was related to the victim-offender relationship. Persons coded as boyfriends and girlfriends were the least likely to be arrested. Of offenders

classified as boyfriend or girlfriend, 37% were arrested, compared with 44% of acquaintances, 47% of family members, and 47% of strangers.

Juvenile offenders in statutory rape incidents were less likely to be arrested than were adult offenders.

Offender Age	Percentage of Incidents Involving Arrest
12-14	28%
15-17	37
18-20	42
21-24	45
25-34	44
35 and older	46

About one-third (36%) of all statutory rapes were cleared by the arrest of an adult and 6% were cleared by the arrest of a juvenile. In the NIBRS data, 44% of statutory rapes were not cleared by law

enforcement. The remaining incidents were cleared when the victim refused to cooperate or when prosecution was declined.

## Data source

Federal Bureau of Investigation. *National Incident-Based Reporting System Master Files* for the years 1996, 1997, 1998, 1999, and 2000 [machine-readable data files]. Washington, DC: Federal Bureau of Investigation.

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