

The Effects of Jurisdictional Variances on Rates of Rape Offenses: How Differing
Jurisdictional Definitions Contribute to America's Rape Culture


by
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Abstract

The Effects of Jurisdictional Variances on Rates of Rape Offenses: How Differing Jurisdictional Definitions Contribute to America's Rape Culture. David Lopez-Herrera, 2024: Applied Dissertation, Nova Southeastern University, Abraham S. Fischler College of Education and School of Criminal Justice. Keywords: rape definitions, jurisdictional variances, rape offense rates, rape culture, federal legal standardization.

This study examines the relationship between jurisdictional definitions of rape and rape offense rates across various states in the U.S., with the goal of proposing a standardized federal definition to enhance consistency in data collection and improve the efficacy of legal responses. Despite extensive research on rape, no prior studies have explored the impact of jurisdictional definition variances on state rape offense rates. This seminal study aimed to fill this gap by analyzing the correlation between state-specific rape definitions and reported rape offenses, utilizing a theoretical breakdown of definitions into eight components and a rubric for evaluation.

The analysis revealed a generally weak positive correlation between state definition scores and rape offense rates, suggesting that higher definition scores may be associated with higher offense rates. This trend varied year by year, with some years showing stronger correlations than others. The findings suggest that while a correlation exists, it is not yet statistically significant with the current model. Although the results did not achieve statistical significance overall, certain components of the model showed significant results in specific years. Notably, the model's explanatory power was limited, and its predictive value was low, indicating that while there is a potential link between definition scores and rape rates, the current model requires refinement. Future research should address these limitations by incorporating more comprehensive data sources, refining the definition components, and exploring alternative methodological approaches. Accurate rape definitions are crucial for improving legal responses, enhancing reporting, and ultimately reducing rape offenses, highlighting the need for continued research in this area.

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Chapter 1: Introduction

The function of criminal law is clear cut on its surface – to punish those who commit crimes. The reality is that cases, and thus the system as a whole, is nuanced, so while fairness and justice are both the purpose and goals of the criminal justice system, they are arguably not always the result. One specific area where fairness and justice appear not to take place as often as it should is where the crime relates to sexual violence. Despite the rate of sexual assault in the United States falling by 63% since 1993 (Rape, Abuse & Incest National Network, 2019a), a sexual assault occurring every 98 seconds (Department of Justice, 2016) is still quite an alarming rate, especially when considering the incredibly low rates of reporting, arrest, conviction, and incarceration of such an invasive crime. Additionally, while the decrease in any crime is a good thing, in the area of sexual violence, it is difficult to know if the noted decrease is truly one of decreased occurrences or a byproduct of the continually high rate of such offenses going unreported. After all, only one out of every three sexual assaults are reported to the police (RAINN, 2019b).

There are several known factors that contribute to low reporting rates, some of which include fear of retaliation, fear of not being believed, fear of public judgement or ostracism, self-blame or guilt, and a lack of trust in the criminal justice system (Rennison, CM., 2002; DuMont, J., Miller, K. L., & Myhr, T. L., 2003). While these factors all have merit, many are arguably subjective in nature. The "lack of trust in the criminal justice system", however, appears objectively justified as it relates to sexual assault; specifically rape offenses. According to RAINN (2019b), only 5.7% of 1,000 reported rapes result in arrest, with 0.7% leading to felony conviction, and only 0.6% of the rapists being

incarcerated. While there may be a few theories as to why reporting, arrest, conviction, and incarceration rates are so low, there does not appear to be any substantiated in research. Though this study would like to examine this issue in full, meaning the breadth of sexual assault offense types and rates, the lack of research specific to this arena requires that a firm foundation be set first. Setting that firm foundation would require more specific, concentrated efforts on each of the various aspects of this broader issue. To that end, to seek out an objective, observable and measurable factor that may contribute to understanding this issue more fully, this study will endeavor to examine, from a legislative angle, the jurisdictional differences in how rape is defined and how those differences affect offense rates within that jurisdiction. If the findings prove to be significant, this may serve as an argument for establishing a much-needed federal definition and standard for handling rape cases in the United States.

Nature of the Problem

A core tenet of the criminal justice system, and arguably the most important one, is fairness, or equality. Just as it is pointed out in the Fourteenth Amendment of the United States Constitution, everyone should receive equal protection of the laws. That begs the question: how can all American citizens receive equal protection if the definition of a crime can be so diversely applied from one jurisdiction to another?

Historically, the universally accepted definition of rape – not by federal mandate or law, but merely most widely accepted - was oversimplified and quite limited, simply defined as "an offence in having unlawful and carnal knowledge of a woman by force, against her will..." (Brooke, 1818, p. 549). As time, crime, and society have all evolved,

the definition of rape has been updated to be more encompassing of the various acts of a sexual nature toward an unwilling victim, regardless of relationship (see *Table 1*).

<i>Author</i>	<i>Definition</i>	<i>Issue(s)</i>
Edward Coke (1600s)	"an offence in having unlawful and carnal knowledge of a woman by force, against her will..." (Brooke, 1818, p. 549)	Restricted to intercourse; only women (but usually not wives) can be victims.
FBI (1927)	"forcible male penile penetration of a female vagina." (FBI, 2012)	Restricted to intercourse; only women can be victims.
Model Penal Code (1962)	"A male who has sexual intercourse with a female not his wife is guilty of rape if: (a) he compels her to submit by force or by threat of imminent death, serious bodily injury, extreme pain or kidnapping, to be inflicted on anyone; or (b) he has substantially impaired her power to appraise or control her conduct by administering or employing without her knowledge drugs, intoxicants or other means for the purpose of preventing resistance; or (c) the female is unconscious; or (d) the female is less than 10 years old" (American Law Institute, 1985)	Restricted to intercourse; only women (but not perpetrators' wives) can be victims; focused on victim's consent rather than offenders' forcible conduct; It graded rape offenses: acquaintance rape < stranger rape, rape of men < rape of women (Kilpatrick, 2000). It was also not universally accepted or respected.
Michigan (1975)	"Sexual assault is any form of unwanted sexual contact obtained without consent and/or obtained through the use of force, threat of force, intimidation, or coercion.	Included male victims & penetration other than vaginal penetration by a penis; Distinguished sexual abuse by degree of force or threat of force used. Acknowledged incapacitated victims, to include mentally ill and those under influence of drugs/alcohol (Kilpatrick, 2000)
Illinois (1984)	"A person commits criminal sexual assault if that person commits an act of sexual penetration and: 1. uses force or threat of force; 2. knows the victim lacks capacity to give consent; 3. is a family member of the victim and the victim is under 18 years old; 4. is at least 17 years old, holds a position of authority or trust over the victim, and the victim is between 13 and 18 years old.	Included male victims & penetration other than vaginal penetration by a penis; Distinguished sexual abuse by degree of force or threat of force used. Acknowledged incapacitated victims, to include mentally ill and those under influence of drugs/alcohol (Kilpatrick, 2000)
FBI (2012)	"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." (DOJ, 2012)	

Table 1: Evolution of the definition of Rape in the literature

However, the definition of rape is inconsistent between governmental health organizations, law enforcement, health providers, and legal professions (Maier, 2008). In fact, federal law does not even use the term “rape” in its definition, instead just grouping it with all forms of non-consensual sexual acts, simply titled “Aggravated Sexual Abuse” (18 U.S.C. § 2241 – 2248). Under this Sexual Abuse Act of 1986, enacted by Congress, should a person be convicted of sexual abuse constituting “rape”, the penalty can range anywhere from a fine with no imprisonment all the way to life imprisonment, based on any number of aggravating factors such as the use and extent of violence during the crime, whether it was a repeat offender, whether drugs or other intoxicants were used, and the age of the victim (18 U.S.C. § 2241 – 2248, 1986; Sexual Assault Statutes in the United States Chart, 2016).

Additionally, there are no known studies in the available literature that test any of these definitions, or the many variations of them, for their practical impact on their specific communities or on society as a whole. This is a major problem, as, aside from the more subjective causes of under-reporting (e.g., social stigma, fear of not being believed, etc.), inconsistencies in legal definitions inherently means inconsistencies in police and judicial responses and outcomes, which in turn shakes the public's trust in the justice system. No one wins when justice is not served, and as time and rape offenses and clearance rates have all shown, justice is not being served here, at least not to an acceptable degree. The U.S. justice system needs reform in this area, but it should begin with a well-overdue federal standardization of how rape is defined, so that we may all see the degree of the problem in the same way and work together toward a universal solution proposal.

Background and Significance

Acts of sexual violence, of which rape is arguably the most clear-cut, are illegal across the country, regardless of jurisdiction, yet rape is the most underreported crime in the country (Kilpatrick, 2000). It appears plausible that the cause for the underreporting of such a heinous crime may be rooted in society's perception of the criminal justice system's handling of such offenses, and as such offenses are defined differently from one jurisdiction to the next, it appears that jurisdictional differences have led to inconsistent case outcomes that in turn have helped perpetuate a rape culture in the U.S. To improve case outcomes - and subsequently, the reporting, arrest, conviction, and incarceration rates - a more consistent, more standardized definition of rape must be established and applied. This may be more likely if lawmakers, politicians, and law enforcement agencies are able to see how case outcomes are affected by inconsistent legislation and laws regarding rape.

The FBI updated the definition of rape only once in 85 years (from 1927 to 2012), but it was not to set an applicable federal standard within law enforcement agencies, but rather, merely to “lead to a more comprehensive statistical reporting [in the Uniform Crime Report] of rape nationwide” (FBI, 2012). That may still prove to be an arduous task, as police data are often incomplete and limited (Krug, Mercy, Dahlberg & Zwi, 2002), especially since sexual violence crimes remain some of the most underreported crimes in the U.S. Additionally, although considerable advances in definition have arguably been made over the years, they still noticeably differ; thus, the definitions used in research have varied considerably as well. This begs the question, how can the available data from inconsistently defined (from state to state) and highly underreported

crimes be reliable and, more importantly, useful in both research and in practical use in our justice system?

There is no denying that there is a rape culture in America. The larger view of statistical data already discussed paints that picture for us, anyway. The larger societal questions would be of how we got to this point and why it has remained this way for so long. “Rape culture”, coined in the 1970’s by feminists in the United States, was a term intended to highlight society’s tendency to blame the victims of sexual assault, thereby contributing to the normalization of sexual violence (Women Against Violence Against Women, 2014). Although the Michigan Criminal Sexual Conduct Statute in 1975 (see *Table 1*) had the effect of raising the arrest and conviction rates for rape, the focus of the rape remained on the victim's behavior (Epstein & Langenbahn, 1994). Additionally, since removing “forcible” in 2012 from the FBI’s definition (see *Table 1*), for the Uniform Crime Report data collection in 2013, rape offense rates have only increased, 16.9% in 2016 and another 2.5% in 2017 (19.4% total; Department of Justice, 2018). Rape Culture remains perpetuated through the use of misogynistic language, the objectification of the human body, and the glamorization of sexual violence (Me Too Movement, n.d.), and with today’s technology, the components of this culture appear less avoidable due to our ever-present and on-demand accessible social media and pop culture sites.

Aside from the statistics, there are also philosophical (or cultural, or societal) arguments that have been made that may perpetuate the rape culture despite efforts to the contrary. Namely, in a letter to the White Houses’ task force to protect students from sexual assault, RAINN was specific in noting that while it is helpful to point out the

systemic barriers, it's important to not lose sight of the fact that rape is caused by the conscious decisions of a small percentage of the community, and not by cultural factors. The point of the statement - focusing on individual accountability of the offenders – is certainly of paramount importance throughout every point of the judicial process, since the perpetrator(s) deserves to bear the brunt of accountability; however, the scientific community would be remiss in ignoring the environmental, to wit the cultural/societal, impact on how and why these offenders offend and how or why jurisdictions treat the same offenses differently based on geography (community). Now, this is not to suggest in the slightest that RAINN would consciously do anything contrary to its mission – to prevent sexual violence, help survivors, and ensure that perpetrators are brought to justice – but to disregard the potential impact of sexual assault cases on their communities is highly problematic, especially if cases are perceived by the community as mishandled or result in outcomes where it appears victims are not heard or are dismissed, or even worse, the perpetrator is either glorified or somehow turned into a victim.

For example, in the cases of Brock Turner or Jameis Winston, how often their athletic prowess as a Stanford Swimmer and starting NFL quarterback, respectively, were noted in news headlines and stories, on television and in print, and seemingly focused more on what was at stake for them rather than why they should be held accountable like everyone else. Their young ages and bright futures were conveyed as mitigating factors for the degree of their culpability. How might this look to an impressionable young athlete looking up to them? Or what does it say about general culpability if you are a celebrity, be it locally, nationally, or world-wide? These issues and cases matter and may lead to negative trends in communities (Choi & Berger, 2010; Cohan, 2001) if would-be

perpetrators perceive low probability of being caught, arrested, or convicted (National Institute of Justice, 2016), and community members feel greater barriers in reporting and subsequent lack of faith in the criminal justice system (Department of Justice, 2019).

In the most basic sense, laws are generally ethics-based rules placed on and accepted by society. They exist to keep general order; to keep citizens safe and with the ability to thrive, arguably holding all citizens to the same standard. Thus, logically, when an ethical standard has not kept up with societal evolution, or is no longer keeping an acceptable ethical standard, that standard is reviewed and evolved to better fit with the current society (e.g. state or federal statute amendments; see Table 1). In the area of rape, in addition to underreporting, low arrest and conviction rates indicate continued problems with rape laws (The Advocates for Human Rights, 2009). Clearly, the ethical standard has not kept up to the degree essential for maintaining proper order, fairness, and justice. In fact, the rapid and loud outcry of the “Me Too” movement in 2018, demanding a change to the rape culture in America, may be indicative of a tipping point. The “Me Too” movement was founded in 2006, with a goal of being at the forefront of creating solutions to interrupt sexual violence in their communities (Me Too Movement, n.d.), but really gained heavy traction in 2018, as women around the world, encouraged by celebrity women doing the same, wrote or told of experiences of sexual abuse, harassment, and assault on social media for the world to see.

A continued look at the high rates of offenses and low arrest, conviction, and incarceration rates of sexually violent offenders justifies both the underreporting of the victims and the exasperation displayed by so many American citizens. As will be more thoroughly discussed in the literature review section, sexual assault undoubtedly

negatively impacts the victims, with the impacts also being much farther reaching, negatively impacting communities, and even society as a whole. Returning to a previous example of Brock Turner, the “Stanford Swimmer”, a larger impact can be seen by looking at the aftermath of the case. In 2015, Brock Turner was a student athlete at Stanford University who sexually assaulted an unconscious woman behind a fraternity house, near a dumpster. He was found guilty in 2016 but was sentenced to only months in jail and three years of probation, prompting much public outcry that little, if any, justice was served to the victim and the public by his sentence (Vitiello, 2018). Aside from the individual impact to the victim, in the wake of this case, Santa Clara County, where the crime and trial occurred, reported a rise in incidents of rape and sexual assault. The district attorney claimed that “victims are seemingly more likely to alert authorities about their assailant or rapist than they have in the past” (Moore, 2019). This may be true, but likely because after the angry outpouring by citizens in response to Turner’s six-month sentence, eventually reduced to three months before he was released, the Governor of California signed two new bills into law, one of which expanded the state’s definition of rape beyond the use or threat of physical force (California Penal Code AB-701, 2016).

Barriers and Issues

Evidence-informed research and data are essential to creating better public policy around societal issues to know both the impact of the issue and potential of the solutions (Pomeroy & Sanfilippo, 2015). The scientific method, however, informs that evidence-informed data would be potentially conflated when key variables or their operational definitions cannot be controlled. While *Table 1* addresses the temporal evolution of the definition of rape in the U.S. for seemingly large periods of time, it is important to note

that throughout that depicted evolution, there remained differences in definition from one jurisdiction to another jurisdiction throughout the U.S. Additionally, a review of the literature produced no known specific research on the effects of jurisdictional differences in how rape is defined on rates of rape offenses, nationally or by state.

Because there is no federal standard, and components of the U.S. government's and each state's definitions differ, including whether the word "rape" is even included, there is no firm ground from which to launch a sound research examination.

Additionally, considering that arrest, conviction, and incarceration rates stem from enforcement of legislation, any of those rates may not be equitable in comparison from one state to another simply because the standard (definition) is variable. Lastly there is the issue of data collection. Because requisite data would be collected based on the criterion in definitions, the variation in those definitions means that while one case might be included in data collection in one jurisdiction, it might be excluded in another.

Purpose Statement

Rape is a major cause of fear, distress, injury, and even death for all who are victimized by it in this country, as it crosses the lines of ethnicity, economic status, sexual orientation, and age (Koss, Goodman, Browne, Fitzgerald, Keita, & Russo, 1994). The impact of rape can also notably impact those around the victim, and even be felt by entire communities. To better address this pervasive issue, research needs to begin taking place from a sturdier platform in the form of a standardized definition of rape. The purpose of this seminal exploratory study will be to better understand the impact that rape legislation in the U.S. has on the number of rape offenses within a given jurisdiction (state to state).

Operational Definitions

Jurisdictional definitions. This will account for the differences in written definitions - state statutes and their components - between each of the U.S. states that are highlighted individually by this study, and in comparison, to the UCR and WHO definitions.

Sexual assault. The main focus of this research is rape offenses; however, with jurisdictional definition variances, “sexual assault” may be included to mean rape, any indicated subtypes of rape (i.e. sodomy, oral), or other sexual violence/assault offenses (e.g. sexual assault with an object) - as defined by the Uniform Crime Report (UCR) and NIBRS. If possible, any instances of sexual assault where penetration was not specified – i.e. fondling, groping, touching or similar behavior of a non-penetrative sexual nature – will not be used in this study.

Rates of rape/sexual assault. This will focus more on the number of incidences reported – per year and listed per 100,000 people - rather than prevalence or any specified details of any cases themselves.

Components (of rape/sexual assault definitions). This study will break down an “ideal” definition (using the UCR and WHO definitions) into components that can be universally applied to all other definitions. Specifically, the components are:

- 1) victim-/perpetrator-focused wording:
 - a. W.H.O.: (*victim*) physically forced or otherwise coerced...
 - b. U.C.R.: (*perpetrator*) penetration, no matter how slight...without consent of the victim...

- 2) gender-specific/gender neutral wording: Example, "...carnal knowledge of a female forcibly against her will..."
- 3) forcible/non-forcible/coercion: acts of physical force, threats of force (e.g. death or physical bodily harm), or mental coercion/intimidation
- 4) consent (lack of): non-physical coercion/threats or incapacitated, impaired, drug-facilitated offenses
- 5) wording of penetration and degree: Example, "penetration – even if slight..." or "penetration, no matter how slight..."
- 6) penetration type: vulva, vagina, anus, oral
- 7) penetration mode: body part (penis, finger, mouth, etc.) or object
- 8) Marital Rape Exemption: Example, "Knowingly engaging in sexual contact with a person, other than the actor's spouse..."

Chapter 2: Literature Review

Rape is a violent crime that violates not only a person's physical body, but also their general sense of trust and feelings of safety (National Sexual Violence Resource Center, 2016). The breadth of research on rape (sexual violence) shows that victims can be of all genders, sexual orientations, races, ethnicities, religions, professions, social economic statuses, and ages. And while the definitions of rape continue to evolve and improve, there remain varying degrees of differences from one jurisdiction to another, and the reporting rates continue to remain quite low. The most glaring questions may be of how these differences came to be and why they remain that way, and while the reality is that it is historically nuanced, the issue it presents today merits a more intense focus on a universal solution. This is especially important now because of the magnitude of the impact that rape offenses can have, obviously to the victims, but also to the victim's families, friends, and community. Additionally, there is the potentially wider impact to social resources and public-to-law enforcement relationships, be it local, state-wide, or even nationally (see National Sexual Violence Resource Center, 2016).

Historical context

Rape originated, in law, as a crime against property rather than a crime against a person (Anderson, 2003). More specifically, the chastity and reproductive capacity of women was considered property and was essential to establishing patriarchal inheritance rights (Anderson, 2010). Because of this, rape laws throughout most of documented history were not concerned so much with bodily integrity, but rather were simply underpinned by two basic principles: 1) only unmarried virgins could be considered to have been raped; and 2) unwanted sexual activity toward a married women by her spouse

were not a crime because marriage brought with it a broad notion of consent of all of a wife's sexual activity with her husband via the wedding vows (Anderson, 2010).

In the earliest iterations of rape laws, men could not be raped, penetration of orifices other than a vagina were not legally recognized (Tracy et al., 2012), and women were not recognized as potential rape offenders. These omissions would still exist in 1962 when the Model Penal Code (American Law Institute, 1985) came about as the widely accepted standard, and while rape would now be considered a crime against a person rather than against property, it focused on victim's consent rather than the perpetrator's forcible conduct. That distinction would prove significant because it would kickstart a seeming automatic jurisprudential inclination toward victim blaming.

Rape prosecution cases would be subjected to special rules of evidence such as stringent corroboration and/or proof of resistance requirements and inclusion of women's prior sexual history and would also include cautionary instructions to jurors about the difficulties defendants faced in disproving a rape charge (Koss et al., 1994). These special rules of evidence promoted the use of information about the victim's status, character, and relationship to the defendant in making rape case dispositions (Berger, Searles, & Neuman, 1988; Estrich, 1987; Lagen, 1988). The special caution regarding the plight of the offender's task of proving his innocence, along with putting only the victim's sexual history on record often worked against the victim, beginning to promulgate the notion that women lie about being raped (Tracy et al., 2012).

It would not be until the late 1970s that sexual assaults against wives would be considered more than misdemeanors, even when the same actions perpetrated against a stranger or acquaintance would be considered a felony (Koss et al., 1994). Partially in

response to feminist activism, most states expanded the definitions of sex crimes to eliminate disparities based on gender or marital status, rescinded the requirements of resistance, corroboration, need for a prompt complaint, and victim's sexual history, and also included penetration of orifices other than the vagina as a felony (M.C.L.A., 1975; Belknap, 2001; Tracy 2012). While the evolution in legal definition was identifiably evolving, acknowledging incapacitated victims, to include mentally ill and those under influence of drugs/alcohol, the widely accepted Michigan Penal Code (1975) standard markedly required that if the victim maintained their mental faculties the distinction of sexual abuse (including rape, sexual assault) would be via evidence of degree of force or threat of force used (Kilpatrick, 2000).

The evolution continued when in 1984 Illinois set a new legal standard by including penetration with an object, which was not previously covered under any laws, and removing "against her will" from the state sex crimes (now dubbed so because the word "rape" was also removed) statutes, which took the onus of the crime off the victim (Illinois Revised Statutes, 1984). The intent to reduce undue trauma to victims by not having to prove that they resisted was commendable; however, the requirement of proving use and degree of force or threat of force remained prominently the task of the prosecutor, and ergo the victim. This does not sound like an insurmountable task on its face except that most rape offenses do not involve physical force or the use of a weapon (Tjaden & Thoennes, 2006; Black, Basile, Breiding, Smith, Walters, Merrick, Chen, & Stevens, 2011).

Over time, the definition of force has been broadened to include various forms of coercion instead of relying solely on overt physical force, and consent has been

broadened to consist of “words or overt actions by a person indicating... agreement to perform a particular sexual act” (Minn. Stat., 2000) instead of relying solely on overt physical resistance as the absence of consent. While the FBI’s 2012 update to their rape definition, stated as “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” (DOJ, 2012) is arguable the most concise in the U.S., it is only for statistical purposes and does not affect any criminal laws. Thus, state laws remain as they were, and despite over 40 states having passed some level of rape reform legislation since the early 1970s (Lawson, 1984), there are still vast differences from one jurisdiction to another regarding what constitutes rape, what type of rape, and the ongoing grapple with elements of “force” and “consent”.

The Main Issue with Rape Law Reform

The major objective behind rape law reform is to increase the number of convictions (Lawson, 1984). Despite many states instituting comprehensive penal code reform over the last several decades, a look at the research will highlight that still too few rape (and sexual assault) cases are successfully prosecuted in the U.S. criminal justice system. In fact, findings from a National Violence Against Women Survey estimated that only 37% of reported rapes are prosecuted, with only 18% of those cases leading to conviction (Tjaden & Thoennes, 2006). Only about approximately 5% of all rapists ever spend a day in jail, and even fewer spend any significant time there (Salter, 2003).

Considering that these rates are documented well after (over 20 years) the Illinois Criminal Sexual Assault Act (Illinois Revised Statutes, 1984) – arguably one of the boldest efforts at comprehensive rape law reform throughout the evolution in how rape

and sexual assault have come to be defined - it is clear that the overall effect of rape law reform has been quite limited. Criminal justice centers and rape crisis centers have noted that victims experience less maltreatment than in past (Koss et al., 1994), but that reforms have had little effect on the reporting or processing of rape cases (Horney & Spohn, 1991). The expansion of the definition from the very limited “carnal knowledge of a female, forcibly and against her will” (FBI, 2012) standard to the more inclusive, non-gender-specific, consent-based “penetration, no matter how slight... without the consent of the victim” (FBI, 2012) standard, despite being only for data collection purposes, was absolutely a necessary evolution. However, it and other state-level iterations overall have failed to result in increased likelihood of convictions (Koss et al. 1994).

The main issue with rape law reform may not be with reform efforts as a whole, but rather, the fact that rape law reform is so vastly different from one state to the next. To truly address the rape in the U.S., there is a need to measure and understand it, and use the data to implement useful and necessary legislation aimed at minimizing if not eliminating its occurrence. Measuring and understanding crimes of rape are very difficult, however, because crimes of rape and sexual assault fall under state rather than federal criminal statutes, and the statutes are not uniform across jurisdictions (Panel on Measuring Rape and Sexual Assault in Bureau of Justice Statistics Household Surveys, 2014). The remedy for rape law reform’s failure is statutory uniformity for sex crimes and more flexible sentences (Illinois Revised Statutes, 1984).

Jurisdictional Differences and the Need for a Federal Standard

A review of the literature produced no known specific empirical research on the effects or correlation of jurisdictional differences in rape and/or sexual assault definition

on rates of offenses, prosecutions, or convictions, which makes it even more prudent that this seminal study launches this much needed examination. Ideally, research on the efficacy of law should conform as much as possible to existing legal definitions, so that fair comparisons can be made based purely on the rates of occurrences from one jurisdiction to the next. However, the differences in how each jurisdiction (state) defines rape (and/or sexual assault) are not only nonuniformed, but in some cases vastly different. To wit, though the intent of this study is to focus on rape, terms such as “sexual assault” or “sexual battery” and the like must be used interchangeably because many states have chosen not to directly define “rape” in their statutes.

Not only does each state create its own definition of rape (or sexual assault, or sexual battery, etc.), but each state also differs in what qualifies as a specific criminal sexual act. For instance, according to information provided by RAINN (2020), only 25 states legally define “rape” with eight of those states defining all forms of criminal sexual penetration (be it vaginal, oral, anal, penile, digital, or foreign object) as rape (under one penal code section), and the other 17 states classifying forms of criminal sexual penetration other than penile-vaginal penetration as separate crimes (separate penal code sections). Of the other 25 states that do not legally define “rape”, three of those states classify all forms of criminal sexual penetration as separate crimes and 22 states classify all forms of criminal sexual penetration as the same crime. While this may not appear too big an issue, it can be quite impactful. For states with a single penal code section, a person may be assigned to review all a law enforcement agencies cases to determine which ones meet the criteria for reporting to the FBI (Uniformed Crime Report, or UCR), and states with separate penal code sections submit only the sections meeting the criteria

for reporting based on the FBI's definition (which, prior to 2012 only included forcible penile-vaginal penetration); a process which has led to inconsistencies in the UCR data for the crime of rape (Archambault & Lonsway, 2007).

As can be imagined, prior to 2012 (when the FBI finally changed its definition of rape), the data submitted to the UCR must have been quite limited with such a narrow definition. In fact, it was estimated that offenses reported to the UCR using the old definition represented only 39% of all the sexual assaults reported to law enforcement (Archambault & Lonsway, 2007). And this so far is only covering the broad strokes. Getting further into the types of sexual offenses that are defined as separate crimes, and what actions constitute those crimes also differs greatly. There can be arguments made on the jurisdictional differences for almost all types of rape (or sexual assault) offenses covered (or not covered) in state statutes. Those differences will not all individually be broken down and explored here, but for the purpose of continuing to highlight the struggle with disparity in rape legislation from one jurisdiction to the next, the form of rape that is most likely to occur - intimate partner rape - will be more thoroughly discussed.

Intimate Partner Rape. Approximately 9.4% of all women (not enough data in research for overall figures on males) in the U.S. at some point in their lifetime have been raped by an intimate partner, including forced penetration, attempted forced penetration, or drug/alcohol facilitated completed penetration (Finkelhor & Yllo, 1985; Bachman & Saltzman, 1995; Randall & Haskell, 1995; Black et al., 2011; Breiding, Chen, & Black, 2014). After that, things get trickier with the data, partly because different studies define intimate partner violence slightly differently, some including acquaintances and/or dates,

and some not. This, in turn, comes from the previously discussed variances in how different jurisdictions define and then report rape offenses.

As best can be gleaned from research literature, between 40.8% - 46.7% of females and 44.9% - 52.4% of males who were raped were victimized by acquaintances, and of those offenses, between 45.4% - 51.1% of females and between 8.2% - 17.1% of males were raped by intimate partners - that is, by spouses, ex-spouses, boyfriends, or ex-boyfriends (Tjaden & Thoennes, 2000; Anderson 2002; Black et al., 2011; Breiding et al., 2014; Smith, Chen, Basile, Gilbert, Merrick, Patel, Walling, & Jain, 2017; Smith, Zhang, Basile, Merrick, Wang, Kresnow, & Chen, 2018). Another statistic that is both part of and separate from this data is specifically that of marital rape. Marital rape is an issue that would be partially addressed in addressing intimate partner violence; however, it is also a stand-alone issue needing more intense focus in similar future research regarding legislative effects specifically because of the special circumstances brought on by marital rape exemptions in state statutes.

Marital Rape Exemptions. In the seventeenth century, jurist Matthew Hale, without other explicit supporting legal authority, laid the foundation for the common law marital rape exemption when he declared that a husband cannot be guilty of raping his lawful wife (Pracher, 1981; Lemon, 1996). Marital rape historically included rape offenses where couples were legally married, married but separated, or divorced, but later (twentieth century) began including couples that were cohabiting since the dynamics of a long-term relationship (including sex and any sexual violence) were considered similar to those of married couples (Mahoney & Williams, 1998; Bergen, 2006). In terms of offense rates, research estimates indicate that between 10% - 14% of married women

experience rape perpetrated by their husbands (Finkelhor & Yllo, 1985; Russell, 1990). But that is not the full extent of it. Research also indicated that of most wives who reported, they admitted being raped more than once, with at least 1/3 of the women reporting being raped more than 20 times over the course of their relationship (Finkelhor & Yllo, 1985; Russell, 1990; Mahoney, 2000).

The first legal case in the U.S. to invoke Hale's marital rape exemption, using marriage as an agreement of "ongoing consent" was in the late nineteenth century (Commonwealth v. Fogerty, 1857), but there were no serious legal challenges to it until the 1970s (Anderson, 2003). It would not be until 1993, however, that marital rape finally became a crime in at least one section of the sexual offense codes in all 50 States, and by 1996, 16 states had completely repealed their marital rape exemptions (Bennice & Resick, 2003). This, however, would not be the end of the issue, but rather, the complication of the matter brought on marital rape exemptions and legal loopholes. But before discussing these jurisdictional differences, there are issues regarding research on males as victims and same sex couples that are worth noting.

Males as victims. Data on males as victims of rape is sparse, and what data there is, is not highly corroborated or is unclear. This can be from a multitude of reasons, including that males as rape victims are not an area that has much research and that subtypes of sexual violence slightly differ from that of females, especially as it relates to "made to penetrate" offenses. Perhaps research is sparse because these offenses make up only approximately 9% of rape offenses as opposed to 91% of rape offenses with female victims (Rennison, 2002). Nonetheless, as best can be gleaned from the literature, of the 1.5% of males in the U.S. who are raped (Smith et al., 2017), and the 8.2% - 17.1% raped

by intimate partners (mentioned above), these offenses include rape, being made to penetrate someone else, sexual coercion, and/or unwanted sexual contact (Black et al., 2011; Beiding et al., 2014; Smith et al., 2017; Smith et al. 2018).

Same-sex couples. Data on same sex intimate partner violence, especially on this more specific violent act of rape, is even more sparse than data on males as victims. What little data exists is also not highly corroborated or is unclear. Whether it is because the widespread cultural perception is that intimate partner violence is mostly limited to male perpetrators abusing female victims, or the long-standing discriminatory biases against the LGBTQ community and same-sex relationships (the U.S. Supreme Court only legalized same sex marriages in 2015; Georgetown Law Library, 2021), there were no published studies of marital rape within cohabitating same sex couples that could be located.

Issues of male rape victims and same sex couple data limitations aside, the jurisdictional differences as it relates to marital rape are plentiful in state statutes. The good news is that Hale's "ongoing consent" is mostly dead as a defense since all 50 states and the District of Columbia have some provisions in their statutes that criminalize penetration if it is accompanied by force or threat of (Tract et al, 2012). "Mostly" is, unfortunately, the best it can be described as since there are still nine jurisdictions that require that the force inflict physical injury other than the rape (penetration) itself (Tracy et al., 2012, pg. 20). The bad news is that 26 states still allow marital immunity in one form or another. Here are some of the major highlights, as noted by (Anderson, 2003):

- 15 states require prompt complaint, evidence of extra force, or that the parties were divorced or legally separated at the time of the offense in order to nullify marital immunity as a defense (pg. 1472).
 - Prompt complaint: some states give as much as a year to report while others give as little as 30 days. The only exception to this timeframe is if the wife's allegation is corroborated by independent, admissible evidence. This temporal standard only seems to apply in cases of marital rape (pp. 1493 – 1494).
 - Extra force: violence resulting in substantial injuries, duress above what would be necessary for stranger rapes, or threats of great bodily harm such as when a weapon is present. These, too, are merely categorical, as these states even differ some on how they define each of these elements (pp. 1495 – 1496).
- 12 states grant men immunity when they commit various nonconsensual sexual offenses against their wives, including gross sexual imposition, sexual abuse, sexual assault, sexual battery, sexual contact, and sexual misconduct (pg. 1489).
- 6 states have statutes that separate rape or sexual assault by spouses from rape or sexual assault committed by others, to give lesser penalties for spousal rape regardless of the force used or injury caused (pg. 1490).
- 20 states give men immunity from sexual offenses when their wives are “mentally incapacitated” (so drugged or intoxicated that one cannot give valid consent) or “physically helpless” (e.g. unconscious, even due to drugging, or a coma; pg. 1486).

- 3 states give men immunity from sexual offenses when they administered the drug, intoxicant, and/or controlled substance that rendered their wives mentally incapacitated (pg. 1488).
- 8 states give men immunity from sexual offenses when they administered the drug, intoxicant, and/or controlled substance without consent that rendered their wives “mentally incapacitated” (pg. 1488).
- 17 states have sexual offense laws that are silent on immunities based on marital status between the two parties, which means that they have specifically chosen not to keep or include a specific marital rape exemption in their statutes, but also does not preclude them from using it (pp. 1528 – 1529).

All of this information regarding intimate partner rape and the marital exemption illuminates a few things: 1) that the majority of reported rape offenses (intimate partner rape offenses) have been handled with a standard that had no legal authority or support, but has somehow maintained a stronghold on the jurisprudence of rape and sexual violence; 2) aside from forcible rape being generally criminalized by all 50 states and the District of Columbia, there is agreement on little else; 3) Laws, even more inclusive and more thorough laws, lose effectiveness with exemptions, especially if the exemptions are on the types of crimes that constitute the majority of those offenses; 4) it is difficult to see corroboration in rape law research because when there is no uniformity in the variables studied or how they are defined, analyses cannot appropriately account for or control for variances in the variables, and results will vary.

Current rape laws, while still evolving, have remained inadequate at eliminating the long-standing effect of the ongoing consent ideology, and while legislatures in the

1970s and 1980s, at the behest of the feminist movement, made more efforts to ensure that the rapist was on trial rather than the complainant, via rape shield laws, it may have unwittingly perpetuated the ongoing consent defense by still putting women's sexual histories with their offenders on display (Anderson, 2003). And research literature, despite having unequal footing in terms of data based on similar definitions (jurisdictional differences), does clearly expound on the impacts that rape offenses have on victims/survivors of rape and sexual assault, the surrounding communities, and even the criminal justice system, culminating in what now is termed a rape culture.

The Impacts of Rape Offenses

Impacts on victims/survivors. “Whether the crime of rape is best described as a sexual act motivated by sexual drives or a violent act motivated by drives to humiliate, dominate, or control ... has been a particular source of contention in the literature” (Koss et al., 1994, pg. 29). Regardless of the direction for literature on motivation for the perpetrators, there can be little, if any, doubt that the result of rape offenses inflict trauma to victims that manifest in physical and/or psychological effects. In fact, empirical research regarding the psychological status in the aftermath of rape offenses indicate higher likelihood – even many years after the offense - of generalized anxiety, major depression, alcohol and/or drug abuse/dependence, obsessive-compulsive disorder, PTSD, eating disorders, sexual dysfunction, and interpersonal difficulties (Burnam, Stein, Golding, Siegel, Sorenson, Forsythe, & Telles, 1988; Ellis, 1983; Hanson, 1990; Holmes & St. Lawrence, 1983; Lurigio & Resick, 1990; McCann, Sakheim, & Abrahamson, 1988; RAINN, 2019c; Resick, 1987, 1990; Roth & Lebowitz, 1988; Winfield, George, Swartz, & Blazer, 1990). Aside from the more obvious potential physical impacts such as

wounds or bodily injuries (even chronic injuries) from the offense, victims may sustain internal injuries, sexually transmitted diseases or infections, and/or pregnancy. And then there are the emotional impacts such as guilt, shame, fear, anger, numbness, or lack of control (see National Sexual Violence Resource Center, 2010 for a list of physical, psychological, and emotional reactions).

Ultimately, each victim reacts to sexual violence in their own unique way and may display any combination of short-term and/or long-term emotional, physical, and/or psychological effects. Despite the Violence Against Women Act establishing discretionary grant programs to assist victims, potential victims, and their communities to fund support services (United States, 1996), relatively few victims seek mental health treatment immediately after rape, choosing to cope on their own and not be seen as emotionally disturbed, especially since it stemmed from something done to them against their will (Koss et al., 1994). Giving an empathic view of the victims' plight, one can see the potential magnitude that the crime of rape and sexual assault might have, from physical to mental health, the difficulty in returning to business as usual in home and/or work life, or in social and familial relationships (even more so when the offender is a family member or friend).

Due to the severity of impact to rape and sexual assault victims, in the year following their victimization, 51% of those victims were forced to quit or leave their jobs (Ellis, Atkeson, & Calhoun, 1981; Lyon, 2002). Except for child sexual abuse, rape is the costliest of all crimes to its victims, totaling approximately \$127 billion a year (National Institute of Justice, 1996). The estimated lifetime financial impact of each rape victim, including medical expenses and time off from work was \$122,461 - \$241,600

depending on the study (DeLisi, 2010; Peterson, DeGue, Florence, & Lokey, 2017; MacMillan, 2000).

Impact on communities and society. The effects of rape and sexual assault crimes, as can be seen from a multitude of angles, is far-reaching and chronic. This is because the impact of rape and sexual assault crimes does not stop with the impact on the victim, but rather, carries over to partners, family, friends, co-workers, and the community. Those close to the victims may experience similar emotional reactions to the victim, such as guilt, anger, distrust (in community members or in law enforcement) or fear (National Sexual Violence Resource Center, 2010). Crimes of sexual violence can also negatively impact societal structures – schools, workplaces, religious communities, or even whole neighborhoods – not just through such shared feelings of disbelief, anger, fear, distrust (in community members or in law enforcement), but also financially, through increased medical, mental health, and criminal justice services that may result or be necessary (National Sexual Violence Resource Center, 2010).

When the financial estimates of physical and mental trauma, loss of work (or ability to even complete household necessities), reduced quality of life, and risk of death from victimization are assessed, the costs of personal crime in the United States approaches \$450 billion annually, with rape crimes, as mentioned previously, accounting for \$127 billion of that (National Institute of Justice, 1996). In 2008, costs associated with violence and abuse in the United States constituted up to 37.5% of total health care costs, or approximately \$750 billion (Dolezal, McCollum, & Callahan, 2009). Those figures are indeed alarming and do not even cover the costs of incarcerating and/or treating these sex offenders, which, on average, can cost up to \$96,000 per offender per

year (CBS News, 2010). Keeping perspective, that only 5.7% of 1,000 reported rapes result in arrest, with 0.7% leading to felony conviction, and only 0.6% of the rapists being incarcerated (RAINN, 2019b), society, with these alarming rates as it is, appears to be feeling a big impact from only a small percentage of the actual problem of sexual assault in America.

Impacts to and from the criminal justice system. When magnified to account for the collective impact of rape and sexual assault offenses on communities, to varying degrees, the effects can be seen in and across the local, state, and even federal government levels. That is because, ultimately, how rape and sexual violence cases are handled matters on multiple fronts that impact the whole of our society: re-offense rates, financial implications, even how such cases are policed, how they are viewed by the public, which can both impact the outcomes of cases and influence the relationships between law enforcement and the public. There is a lot at stake in how our judicial system handles this issue that is now that of a rape culture.

Depending on the study, somewhere between 12.7 – 24% of U.S. women have been raped (Salter, 2003), and that's only what can be garnered from the crimes we are aware of via reporting. Only approximately 40% of rapes and sexual assaults were reported to police in 2017, and only 25% in 2018 (Morgan & Oudekerk, 2019). There are several known factors that contribute to low reporting rates and can be found through much of the research literature, such as fear of retaliation, fear of not being believed, fear of public judgement or ostracism, self-blame or guilt, and a lack of trust in the criminal justice system (Rennison, CM., 2002; DuMont, J., Miller, K. L., & Myhr, T. L., 2003). However, the disconnect between law and the dynamics of rape and sexual assault may

have created an issue that many may be less inclined to consider, and that is whether the victims perceive or know if they were victims of a crime (Rand & Rennison, 2005). As stated in Tracy et al. (2012):

The historical context influences the way sex crime laws are written by law makers and enforced by law enforcement, and, in cases arising under those laws, how police decide whether to arrest, how prosecutors decide whether to take the cases to court, and how judges and juries make ultimate decisions as to whether to convict. The system's response in turn impacts whether victims perceive themselves as crime victims and whether they view the criminal justice system as one that recognizes them as crime victims (pg. 2).

The legal history of rape (e.g. Hale's "ongoing consent") remained a significant legal influence all the way into the twentieth century, effecting how jurists handled cases, thus influencing how police handled reports of rape and whether and how prosecutors pursued the cases (Brunson & Miller, 2006; Tracy et al., 2012). Police may interrogate victims as if they are suspects (Tracy et al., 2012) or doubt and revictimize them (Patterson, 2011), and whether intentional or not, represent a system offering them more adversity than support (Department of Justice, 2019). When victims do not feel supported or believe that their case is being taken less seriously than it should, they are less likely to report the crime to law enforcement (Department of Justice, 2019; Meloy & Miller, 2011; Tracy et al., 2012).

To paint the whole picture, consider that in 2018, only 25% of rape and sexual assault cases were reported to police (Morgan & Oudekerk, 2019), and of those cases,

only approximately 37.8% are cleared by arrest (FBI, 2016), only 37% are prosecuted with 18% leading to conviction (Tjaden & Thoennes, 2006), and only 5% being incarcerated (Salter, 2003). Now consider that there are, on average, 463,634 victims of rape and sexual assault each year in the United States (Department of Justice, 2020). Statistically, only 23, 181 offenders, if we consider a separate offender for each offense, would ever see jail time. Unfortunately, it is worse than that. Research indicates that repeat offenders commit most rapes - an average of 5.8 rapes each (Lisak & Miller, 2002). It is plausible that police mishandling lead to reduced reporting, which allows repeat offenders to remain undetected longer and re-offending. Additionally, research shows that the chance of being caught is the best deterrent, even better than the punishment (National Institute of Justice, 2016).

This starts with policing, as law enforcement are usually the first ones present on scenes, and their efforts make them, to some degree, the gatekeepers of the public trust. “Police deter crime when they do things that strengthen a criminal’s perception of the certainty of being caught” (NIJ, 2016), and that means better community engagement and understanding of the severity and sensitivity to crimes of sexual violence. While law enforcement has come a long way in its approach to sex crimes investigations, it is not uncommon for the victims to report that officers, even if unintentionally, re-victimize or treat the victim as if the crime is less serious than it is, especially in intimate partner offenses (DOJ, 2019). This, like the rest of the long history of rape and sexual violence, arguably remains the influence of the theory of “ongoing consent”, which is only exacerbated by variations in how these crimes are legally defined (DOJ, 2019).

There have been numerous attempts across the country to help move society forward in a better direction. An example might be the bill put forward in California that mandated a minimum three-year sentence for the sexual assault of an unconscious person in the wake of the Brock Turner case outcome and subsequent public outcry. However, not all states and jurisdictions have made similar attempts or strides. The solution to sexual violence in America, according to Gavin de Becker, is not more laws, more guns, more police, or more prisons (Salter, 2003). To a considerable degree, this statement is justified, as a review of the literature will show that mandatory or harsher sentences do not deter crime (DOJ, 2016). The solution will not be in adding more of what's already in place, but rather, adding to it, as in substance. Deterrence theory, first put forth by Cesare Beccaria in 1764, posits that punishments should be swift, certain, and proportionate to the crime in order to appropriately deter individuals from violating the law (Tomlinson, 2016). However, Beccaria also specifically noted that laws and the corresponding punishments should be clearly written and known to the public, so people would be well informed about the consequences of their behavior. Considering the degree to which the definition and punishment of crimes of rape and sexual assault varies from one jurisdiction to another in the U.S., the U.S. falls quite short of being clearly written or defined.

The effects of not having a standardized definition are far reaching, not only because the law is enforced and adjudicated inconsistently, but also because the research that one would hope to guide our governance is conducted from a varying platform. In other words, differences in criteria used to define what constitutes "rape" or "sexual assault" are an obvious explanation for variations in research findings (Koss et al., 1994),

and ultimately make solution-finding more challenging than it should be. Research, victims, potential victims, the criminal justice system, and communities (society) could all benefit from a federally standardized definition of rape and sexual assault.

Conclusion/Summary

In short, rape laws in the U.S. can be complex and confusing. This confusion can be largely attributed to such terms as rape, sexual assault, sexual abuse, sexual battery, and even consent being defined differently in each state (Tracy, Fromson, Long, & Whitman, 2012). The addition of varying exemptions to these state statutes not only adds complexity to the adjudication of existing cases, but also risks the public and law enforcement not seeing eye to eye on what constitutes rape or sexual violence and how to handle it appropriately. The question of how the U.S. got to this point can be informed by reviewing the genesis of rape laws (as previously discussed). The harder question – one that this study is exploring – is how the U.S. can become clearer in its commitment to resolve this issue that affects so many. Current rape laws and rape law reform up until now have not worked. This issue needs more data to help find solutions, but how to do that with any semblance of level playing field, in terms of definition, is the major endeavor of this study, with the hopes of future research building upon this study.

Research Questions

Specifically, the proposed dissertation study will seek to answer two main questions:

- 1) Is there a relationship between the rape definition components and the offense rates in each jurisdiction?

- 2) Are there identifiable components of a definition of rape that correlate more with either higher or lower rape offense rates?

The goals of this study will be to illuminate the shortcoming of allowing variable definitions of rape from jurisdiction to jurisdiction and to proffer a more effective definition of rape to set as a federal standard, to positively impact the U.S. by decreasing rates of rape offenses nationally, and aid in overturning the rape culture that plagues our current society.

Chapter 3: Methodology

Participants

This study did not use any specific demographic or number of participants, per se, but rather, relied on the aggregate data of the whole U.S., as well as the data of each U.S. state separately, regarding the number of recorded rape offences per year, from 2013 – 2019. The offenses are those that were committed in the U.S. (50 states) and recorded, in aggregate, from law enforcement agency reports (submitted to the FBI; NIBRS). Thus, the requisites for “participant” inclusion in this data were defined as any offender reported to a law enforcement agency within the U.S. for committing the crime of rape (or sexual assault, where necessary, based on how states categorized these offenses in statute) between 2013 - 2019. No additional restrictions or considerations were given for participant inclusion.

The rationale for starting the data collection for this study in 2013 is because that is the first year that the FBI began using the new, updated definition of rape for the UCR (and NIBRS) instead of the “legacy” definition of rape. The initial rationale for ending the data collection for this study in 2017 was because that was the year that the “Me Too” movement was popularized, and because of the magnitude of that movement, there was inherent risk of 2018 reporting (via UCR) rates and beyond skewing the data, and thereby the premise of this study by including it. However, this research instead decided to note the “Me Too” Movement and measure passed it to see if a visible difference occurred.

Instruments

Rape offense data. The data for this research was taken from the Uniform Crime Reporting Program’s National Incident-Based Reporting System (NIBRS). NIBRS is an

incident-based reporting system managed by the FBI's UCR Program, which collects data on each single crime occurrence, provided by local, state, and federal automated records systems, and is one of the most commonly used sources of U.S. crime statistics (National Institute of Justice, 2009). Data collected by NIBRS are within 23 crime categories made up of 49 specific crimes known as Group A offenses (United States Federal Bureau of Investigation, 2013). Additionally, there are 10 Group B offense categories for which only arrest data are reported. The data in this study was that of rape offenses, which are Group A offenses. No specific case information or identifiers were used including names of victims, suspects, offenders, officers, departments, and correctional agencies. The focus was on reporting aggregate data solely for research purposes.

In looking for the most reliable data source for offense rates, many aspects required consideration. Of paramount importance, the source needed to be a nationally recognized and nation-wide source of offense data in the U.S. that specifically measured rape (as opposed to simply lumping them into sex-based offenses or general sexual assault categories). Additionally, the method of collecting the data (i.e. case reports vs surveys) as well as the target population limitations (e.g. only women victims) were equally vital.

Because there are so many elements involved in survey design that affect the quality of data that comes out of a survey (Jang, 2020) and that definitional constructs of what was being measured were inconsistent across sources (National Research Council, 2014), several sources such as National Intimate Partner and Sexual Violence Survey (NISVS) and National Crime Victimization Survey (NCVS) were not used. Also,

demographic and temporal (short, specific time period) limitations led to National Women's Study (NWS, 1989-1990), National Violence Against Women Study (NVAWS, 1995), National College Women Sexual Victimization Study (NCWSV, 1997) were not used. Ultimately, NIBRS was chosen because it is managed by the FBI's UCR Program, uses the 2012 revised, more comprehensive definition of rape for all data collection, collects the data from law enforcement agencies around the U.S. directly, collects the data without regard to gender (limitations or bias), is not survey-based, and is widely regarded as a detailed, accurate, and meaningful data source because of the depth of data being recorded about each single incident (FBI, 2013).

Rape/sexual assault definitions. There are three sources used in this study for defining rape/sexual assault: The Uniform Crime Report (U.C.R.); the World Health Organization (W.H.O.); and Rape, Abuse, & Incest National Network (R.A.I.N.N.). The reasons for using 3 sources were threefold: 1) This study sought to use the most broadly recognized rape definition in the U.S.; 2) This study wanted a non-U.S. definition of rape that is internationally recognized and respected; 3) This study wanted a non-governmental U.S. rape advocacy group for diversity of perspective, reporting of data, purpose or mission for their existence, and desired outcome.

The Uniform Crime Report (UCR) served this study as the source for the most broadly recognized definition of rape in the U.S. The UCR, as of 2012, defines rape as "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" (DOJ, 2012). The 2012 revisions to the FBI's rape definition made it more accurately reflect what the public understands to be rape (e.g. not restricting gender, adding

incapacitation element) and considering that law enforcement agencies who participate in nation-wide crime data reporting in the U.S report their data to the FBI, this is a logical starting point for this seminal study. As previously discussed, while jurisdictions across the U.S. vary greatly in defining rape, the UCR consistently uses its rape definition across the country to collect its data, making it one of the most reliable U.S. sources of rape data (Burke, Carter, Fedorek, Morey, Rutz-Burri, and Sanchez, 2022).

The World Health Organization (WHO) served this study as the non-U.S. definition of rape that is internationally recognized and respected. While the focus of this study and research is in the U.S., this researcher felt that having an outside definition would assist in highlighting where the U.S. stands in defining and understanding the components and issues of rape via a global perspective comparison and not simply in a vacuum. Many international organizations had components of rape but were largely focused on human trafficking and sex trafficking, which is outside the scope of this study, and thus, were not used. The two most applicable sources were from the United Nations (UN) Women and the World Health Organization (WHO). Despite the UN Women and WHO organizations both specifically advertising violence against women and girls, their definitions lend themselves to either gender being the perpetrator or the victim, which makes them still a good fit for the purpose of this research.

The UN Women (n.d.) defines rape as “any non-consensual vaginal, anal or oral penetration of another person with any bodily part or object. This can be by any person known or unknown to the survivor, within marriage and relationships, and during armed conflict”. The issue this researcher had with the definition is regarding oral penetration. Because the oral penetration was left open to constitute “any...object”, gagging a victim,

for example, even for any number of non-sexual offenses could potentially, technically be viewed as rape.

The World Health Organization defines rape as “physically forced or otherwise coerced penetration – even if slight – of the vulva or anus, using a penis, other body parts or an object” (World Health Organization, 2002). The issue that this researcher had with this definition is that oral penetration of any type was omitted. This omission could potentially exclude offenses that might be forms of rape offenses; however, in pitting the UN Women’s definition versus the WHO’s definition, the WHO definition is closer to a greater distinction of offenses that constitute the crime of rape than the UN Women, whose definition left the door open to non-rape and even non-sexual offenses.

Lastly, the Rape, Abuse & Incest National Network (RAINN) served this study as a non-governmental U.S. rape advocacy group. RAINN is the nation's largest anti-sexual violence organization, that works in partnership with more than 1,000 local sexual assault service providers across the country, and carries out programs to prevent sexual violence, help survivors, and ensure that perpetrators are brought to justice (Rape, Abuse, & Incest National Network, 2022). As part of its advocacy, RAINN maintains a State Law Database so that the general public may look up and better understand how their state defines rape and/or sexual assault without the complexities of legalese. It is because RAINN uncomplicates the definitions of all 50 states in the same way on the same site that this researcher chose to use the website. Once this study’s data indicated the 10 states with the highest rape offense rates and 10 states with the lowest rape offense rates, the State Law Database was utilized to obtain the specific state by state definitions of rape and/or sexual assault.

Procedures

First, this study collected NIBRS data from 2013 – 2019 to compare all 50 states' rape offense rates and indicate the 10 states with the highest rape offense rates and 10 states with the lowest rape offense rates in each of those seven years (20 states per year). Second, this study used RAINN's State Law Database to obtain the state definitions of rape (and/or sexual assault and the like) for the 20 states indicated per year via the NIBRS data. Thirdly, the rape definitions from both the World Health Organization and the Uniform Crime Report were overlaid to identify as many components as could be garnered (see Table 2 below for the breakdown process). The components list, as operationally defined in chapter 1, are: 1) victim-/perpetrator-focused wording, 2) gender neutral wording, 3) forcible/non-forcible/coercion, 4) consent (lack of), 5) wording of penetration included, 6) three penetration types (vaginal, anal, oral), 7) two penetration modes (body part or object), and 8) marital rape exemption.

<p style="text-align: center;">(5. penetration and degree) (6. penetration type) (7. penetration mode)</p> <p>U.C.R.: penetration, no matter how slight, of the vagina or anus with any body part or (6. penetration type) (7. penetration mode) object or oral penetration by a sex organ of another person, without the (3&4. Force/coercion/lack of consent) consent of the victim."</p> <ol style="list-style-type: none"> 1. This is perpetrator-focused definition: "(perpetrator) penetration (of the victim) , no matter how slight...without consent of the victim. 2. This definition does not include gender-specific wording.
<p style="text-align: center;">(3. Force/non-forcible coercion) (5. penetration and degree)</p> <p>W.H.O.: "physically forced or otherwise coerced penetration – even if slight – (6. penetration type) (7. penetration mode) of the vulva or anus, using a penis, other body parts or an object."</p> <ol style="list-style-type: none"> 1. This is a victim-focused definition: "(victim) physically forced or otherwise coerced..." 2. This definition does not include gender-specific wording. 4. This definition does not cover incapacitated, impaired, drug-facilitated offenses, or other instances where there is an inability to consent.

Table 2. Component breakdown of the UCR & WHO definitions of rape

Next, the established eight components were used to create a Rape Definition Efficacy Assessment scoring rubric, as follows:

- 1) Victim-/perpetrator-focused wording:
 - a. Examples:
 - i. W.H.O.: “(*victim*) physically forced or otherwise coerced...”
 - ii. U.C.R.: “(*perpetrator*) penetration, no matter how slight...without consent of the victim...”
 - b. Rationale: It is important to define crime as the responsibility of the perpetrator for committing the crime, instead of the implication that any victim put themselves in a position to be perpetrated against.
 - c. Scoring: Perp-focused = 1pt; Victim-focused = 0pt
- 2) Gender-specific/gender-neutral wording:
 - a. Examples:
 - i. Gender-specific: Georgia: “...carnal knowledge of a female forcibly against her will...”
 1. “Carnal knowledge” most commonly refers specifically to penile penetration, meaning specifically a male perpetrator against a female victim.
 - ii. Gender-neutral: Arizona: “A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.”

b. Rationale: Male-only perpetrators to female-only victims is no longer reflective of the dynamics of modern-day crime where any person can commit any crime against any other person. Gender-neutral language allows for the recording of the crime itself regardless of the genders of the perpetrators and victims. We cannot expect to thoroughly address all the intricacies of this crime without knowing all elements, which includes gender; however, we must first know the overall extent of the crime itself.

c. Scoring: gender-neutral = 1pt; gender-specific = 0pt

3) Forcible/coercion: acts of physical force, threats of force (e.g., death or physical bodily harm), or mental coercion/intimidation

a. Rationale: Some states use “force” as a general way of stating that consent was not given, be it through physical force or through a presumed unwanted (therefor forced) act from an incapacitated person, for example. Some states use “force” as being more specific to physical force, threats/coercion and separately mention consent. Therefore, though “force” technically falls under the umbrella of “consent”, for this study’s purpose, this nonconsenting variable is specific to a fully aware and capable person who was perpetrated against “forcibly and/or against one’s will.” That is, as opposed to an incapacitated or impaired victim’s ability to physically or verbally not consent. That will be covered in #4.

b. Scoring: If “force” or implied force (“against one’s will...”) = 1pt

- i. Because this is a minimal requirement, without which there would arguably be no crime of rape/sexual assault, every state would receive this point; therefore, the minimum score any state can receive is 1pt.
- 4) Consent (lack of): non-physical elements such as being physically incapacitated (e.g., coma), mentally impaired or incapacitated, drug-facilitated impairment or incapacitation, and trickery (posing as another).
 - a. Rationale: this variable is considered the umbrella under which forcible and/or coercive offenses would also be included. If a definition uses “consent” in its verbiage, then any happenings where specific permission is not explicitly granted freely would be covered.
 - b. Scoring: “consent”-specific = 1; force-specific only = 0
 - i. Because “force”-only was covered in #3, there would be no additional points awarded here unless the use of “consent” went beyond physical force, threats, or coercion.
- 5) Wording of penetration (or lack of):
 - a. Examples:
 - i. Present: Michigan: “Sexual penetration with another person...”
 - ii. Not present: Maine: Sexual act with another person...”
 - b. Rationale: language regarding penetration is the essential hallmark of sexual assault offenses most closely related to rape. Not including language of penetration often creates a meta-categorical definition,

meaning crimes such as groping, fondling, etc. are lumped in with more severe levels of sexual assault.

- i. The various terms used within this study regarding penetration language (or lack of) are listed and defined below.
- c. Scoring: present = 1; not present = 0
- 6) Penetration type: vulva, vagina, anus, oral
 - a. Rationale: This variable is tied to #5 above. At their historical base, rape and its variants (e.g., sexual intercourse, penetration, carnal knowledge) include penetration of the vulva/vagina. Therefore, any definition that stops there is at baseline. Points will only be awarded for going beyond that, specifically mentioning anus, oral, or both (e.g., orifice).
 - b. Scoring: “anus” = 1; “oral/mouth” = 1; both/ “orifice” = 2; absence of these = 0
 - 7) Penetration mode: body part (penis, finger, mouth, etc.) or object
 - a. Rationale: This variable is tied to #5 above. At their historical base, rape and its variants (e.g., sexual intercourse, penetration, carnal knowledge) include penetration by a penis. Since that is a body part, the mention of any body part (e.g. penis, finger, digit) in the definition will be considered baseline. Therefore, a point will only be awarded for the specific mention of foreign object.
 - b. Scoring: foreign object = 1; no mention of foreign object = 0

- 8) Marital Rape: marital rape has been illegal in all fifty states since 1994. In other words, every state must have language in their legislation that makes marital rape a crime. However, several states have established exceptions or loopholes that treat marital rape differently than non-marital rape.
- a. Example: South Dakota: Knowingly engaging in sexual contact with a person, other than the actor's spouse, who is capable of consenting but has not consented to such contact, where the actor is 15 or older."
 - i. So, if the actor is at least 15 years old and married, the actor will not be liable for acts the state defines under sexual contact.
 - ii. See below for a definition of "sexual contact."
 - b. Rationale: because any loopholes or exceptions cause distortions or undue leeway in enforcement and convictions, they are more problematic and add to rape culture perpetuation.
 - c. Scoring: absence of exemption/loophole = 1; presence = 0

There was varying language used throughout the research to define the nature of the crime. However, some were more specific to penetrative language while others used language that implied more meta-categorical sexual assault behavior and were not specific enough to imply that penetration was essential. The definitions of the various terms around rape and sexual assault found in state-level definitions are listed below. Numbers 1-6 below are considered "penetrative" language while 7-10 are considered "meta" language and included rationales for that categorization. They are as follows:

- 1) Carnal knowledge: sexual intercourse between a male and female in which there is at least some slight penetration of the woman's vagina by the man's penis (Hill & Hill, 2002).
- 2) Rape: the crime of sexual intercourse without consent and accomplished through force, threat of violence or intimidation, such as a threat to harm a woman's child, husband or boyfriend (Hill & Hill, 2002).
- 3) Ravish: Unlawful carnal knowledge of a female by a male by force, against her will and without her consent (Ravishment, n.d.).
- 4) Sexual intercourse: Sexual union between a male and female involving insertion of the penis into the vagina, or sexual activity that includes insertion of the penis into the anus or mouth (Sexual Intercourse, n.d.).
 - a. Above is the base definition. Some states opted to be more specific, such as with Utah, stating, "...penetration, however slight, of the genital or anal opening of another person...by foreign object, including a part of the human body other than the mouth or genitals..."
- 5) Sexual penetration: A forensic term for acts which include sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any body part or of any object into the genital or anal openings of the victim's, the perpetrator's, or any other person's body (Sexual penetration, n.d.).
- 6) Sexual intrusion: Any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as

being for the purposes of sexual arousal, gratification or abuse (WY Stat § 6-2-301, 1997).

- a. Can also include sexual intercourse, cunnilingus, fellatio, analingus or anal intercourse, with or without emission.

7) **Sexual battery:** non-consensual contact with intimate parts of another person's body (genitals, anus, buttocks, or groin, breasts) in a sexual way, whether they are fully clothed or naked, for the purpose of arousal, gratification, or abuse (The Difference Between Sexual Battery, Sexual Assault, & Rape, n.d.).

- a. This one is considered by this research study to be a meta-categorical definition because it allows a larger array of behaviors that are both penetrative and not.

8) **Sexual abuse:** any sexual activity that occurs without consent, including unwanted sexual touching, forced oral sex, and rape, among other sexual acts (Sexual Abuse, n.d.).

- a. This one is considered by this research study to be a meta-categorical definition because it allows a larger array of behaviors that are both penetrative and not.

9) **Sexual contact (incl. oral):** the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person (18 USC § 2246(3)).

- a. This one is considered by this research study to be a meta-categorical definition because it allows a larger array of behaviors that are both penetrative and not.

10) Sexual acts: (a) contact between the penis and the vulva, or the penis and the anus, that involves penetration, however slight, (b) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; (c) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; (d) intentional touching, not through clothes (18 USC § 2241 – 2245).

- a. This one is considered by this research study to be a meta-categorical definition because it allows a larger array of behaviors that are both penetrative and not.

The maximum point total that any definition can receive is 9 points and the lowest possible score would be 1 point since, at minimum, every state has a law against rape/sexual assault. With the rubric established, it would then need to be used against each of the highlighted entities' definitions (UCR, WHO, 10 states with highest offense rates, and 10 states with lowest offense rates). As examples of the rubric in practice, the scores and breakdowns of the UCR's and Georgia's rape definitions:

UCR score: 8 points, as follows:

- 1) 1 point for perpetrator specific language: “(perpetrator) Penetration, no matter how slight...”
- 2) 1 point for gender-neutral wording

- 3) 1 point “without the consent of the victim”
- 4) 0 points for only generally stating without consent; no mention of impairment
- 5) 1 point for penetration “Penetration, no matter how slight...”
- 6) 2 points: type: “...of the vagina or anus...” and “...or oral penetration...”
- 7) 1 point: mode: “...with any body part or object...”
- 8) 1 point for no mention of marital exemption

The state of Georgia, according to the RAINN State Law Database, defines rape as “Carnal knowledge of a female forcibly and against her will; or a female who is less than 10 years of age” would get a score of 4 points, as follows:

- 1) 1 point for perpetrator specific language: “(perpetrator’s) carnal knowledge...”
- 2) 0 points for gender-specific wording: “...of a female...”
- 3) 1 point for force/non-consent: “...forcibly and against her will...”
- 4) 0 points for only generally stating without consent; no mention of impairment
- 5) 1 point for penetration language: “Carnal knowledge...”
- 6) 0 points: only vaginal penetration implied via “carnal knowledge”
- 7) 0 points: only penile penetration implied via “carnal knowledge”
- 8) 1 point: no marital exemption

Next, the offense rates and definition components (score) of those 10 highest offense rate states and 10 lowest offense rate states were analyzed for existence, direction, and strength of a correlation. Lastly, additional correlational analyses will be conducted to explore whether any of the 7 identified component(s) of rape definitions posited by this study correlate more with either lower or higher offense rates. For example, looking at whether there is a difference between the 10 highest and 10 lowest

offending states with regard to whether their definitions are more victim-focused on their verbiage.

Data Analysis

Using SPSS, a statistic-based software used to test theories and study complex data relationships, this study employed a correlational design to explore the existence of the relationship between states' jurisdictional definitions and rape/sexual violence offense rates within those states. A correlational research design investigates relationships between variables – including strength and direction - without the researcher controlling or manipulating any of them. Using a simple linear regression analysis first allowed for a simplified, less convoluted view of these states' offense rates and how their definitions may or may not be a contributing factor (correlated). For this linear regression analysis, the independent variable (IV) was each state's definition score, and the dependent variable (DV) was the state's rape offense rates. In effect, as an example, if the 10 states with the highest definition scores (most components) have the lowest rape offense rates, and the 10 states with the highest rape offense rates have the lowest definition scores (least components), then the sought after correlation between the variables would be substantiated (strong positive relationship). This study's use of this design was meant as a firm starting point. Since there are no prior studies of this kind, simplifying the design to first assess for existence, direction, and strength of a relationship was paramount to establish a firm platform for future research in this area.

A subsequent multiple linear regression was run to seek to determine if any identifiable individual components of a rape/sexual assault definition correlate more with lower or higher offense rates. Multiple linear regression (MLR) is a statistical technique

that uses two or more independent variables (IVs) to predict the outcome of a dependent variable (DV), enabling researchers to determine the relative contribution (correlation) of each independent variable in the total variance (outcome; DV). In this analysis, the rate of offense was still used as the DV, and all eight variables from the definition rubric along with each state's definition score were used as the IVs. The rationale here was that if the overall model did not simply correlate states' definitions with rape offense rates, a sharper look into any identifiable variable with statistically significant correlational relationship with the outcome would be taken.

Chapter 4: Results

Research Question 1

Research question 1 aimed to determine whether there is a relationship between the components of rape definitions and the offense rates in each jurisdiction. A simple linear regression was employed to assess whether state-level rape definition scores significantly predicted rape offense rates within each state. This analysis was conducted annually from 2013 - 2019, as follows:

2013. The overall regression was not statistically significant ($R^2 = .15$, $F(1, 18) = .278$, $p = .604$). The fitted regression model was:

$$\text{State rape offense rate} = 94.678 - 3.169 * (\text{state rape definition score})$$

It was found that state-level rape definition scores had no predictive value on rape offense rates within each state ($\beta = -3.169$, $p = .604$).

2014. The overall regression was not statistically significant ($R^2 = .25$, $F(1, 18) = .470$, $p = .502$). The fitted regression model was:

$$\text{State rape offense rate} = 103.115 - 4.209 * (\text{state rape definition score})$$

It was found that state-level rape definition scores had no predictive value on rape offense rates within each state ($\beta = -4.209$, $p = .502$).

2015. The overall regression was not statistically significant ($R^2 = .000$, $F(1, 18) = .003$, $p = .957$). The fitted regression model was:

$$\text{State rape offense rate} = 76.643 + 0.381 * (\text{state rape definition score})$$

It was found that state-level rape definition scores had no predictive value on rape offense rates within each state ($\beta = .381$, $p = .957$).

2016. The overall regression was not statistically significant ($R^2 = .002$, $F(1, 18) = .27$, $p = .871$). The fitted regression model was:

$$\text{State rape offense rate} = 147.505 - 5.077 * (\text{state rape definition score})$$

It was found that state-level rape definition scores had no predictive value on rape offense rates within each state ($\beta = -5.077$, $p = .871$).

2017. The overall regression was not statistically significant ($R^2 = .004$, $F(1, 18) = .077$, $p = .785$). The fitted regression model was:

$$\text{State rape offense rate} = 98.589 - 2.326 * (\text{state rape definition score})$$

It was found that state-level rape definition scores had no predictive value on rape offense rates within each state ($\beta = -2.326$, $p = .785$).

2018. The overall regression was not statistically significant ($R^2 = .015$, $F(1, 18) = .276$, $p = .606$). The fitted regression model was:

$$\text{State rape offense rate} = 117.803 - 4.355 * (\text{state rape definition score})$$

It was found that state-level rape definition scores had no predictive value on rape offense rates within each state ($\beta = -4.355$, $p = .606$).

2019. The overall regression was not statistically significant ($R^2 = .036$, $F(1, 18) = .681$, $p = .420$). The fitted regression model was:

$$\text{State rape offense rate} = 126.642 - 6.601 * (\text{state rape definition score})$$

It was found that state-level rape definition scores had no predictive value on rape offense rates within each state ($\beta = -6.601$, $p = .420$).

All Years Combined. Due to the limited data available per year ($n = 20$), which constrained the model, an additional simple regression analysis was performed using data from all years combined ($n = 140$). The overall regression analysis was not statistically

significant ($R^2 = 0.006$, $F(1, 138) = 0.765$, $p = 0.383$). The regression model obtained was:

$$\text{State rape offense rate} = 112.640 - 4.157 \times (\text{state rape definition score})$$

The analysis found that state-level rape definition scores did not have a significant predictive value for rape offense rates within each state ($\beta = -4.157$, $p = 0.383$).

Summary. The year with the highest proportion of variance in rape offense rates explained by state definition scores is 2014, at 25% ($R^2 = 0.25$). The second highest is 2013, at 15% ($R^2 = 0.15$), followed by 2019 with 3.6% ($R^2 = 0.036$). The variance explained in the other six years is notably lower. All years studied, except for 2015, exhibited negative beta coefficients, indicating that an increase in the state definition score was associated with a decrease in the state rape offense rate.

Research Question 2

Research question 2 aimed to determine whether specific components of a rape definition (as outlined in the scoring rubric in the Methodology section) correlate with a state's rape offense rates. To address this question, a multiple linear regression analysis was conducted to examine whether factors such as victim-focused versus perpetrator-focused wording, gender-specific versus gender-neutral wording, the presence of force or coercion, the specific and separate presence of consent, penetration language, penetration type, penetration mode, and the marital rape loophole (items 1-8 in the scoring rubric) significantly predicted rape offense rates across states. This analysis was performed annually from 2013 to 2019, as detailed below:

2013. The overall regression analysis was not statistically significant ($R^2 = .181$, $F(6, 13) = .479$, $p = .812$). The fitted regression model was: State rape offense rate =

45.638 – 22.451*(perp/victim wording) + 37.968*(consent wording) +
 40.029*(penetrative language) – 8.415*(penetration type) – 16.864*(penetration mode) –
 16.446*(marital rape loophole).

The analysis revealed that victim-focused versus perpetrator-focused wording was not a significant predictor of state rape offense rates ($\beta = -22.451$, $p = 0.537$). Consent-specific wording also did not significantly predict state rape offense rates ($\beta = 37.968$, $p = 0.406$). Similarly, penetration language ($\beta = 40.029$, $p = 0.235$), penetration type ($\beta = -8.415$, $p = 0.616$), penetration mode ($\beta = -16.864$, $p = 0.586$), and the marital rape loophole ($\beta = -16.446$, $p = 0.504$) did not significantly predict state rape offense rates. Additionally, two independent variables—gender-specific versus gender-neutral wording and force or coercion—were omitted from the regression analysis output because they were constants.

2014. The overall regression analysis was not statistically significant ($R^2 = .395$, $F(7, 12) = 1.119$, $p = .411$). The fitted regression model was: State rape offense rate = -81.363 + 5.151*(perp/victim wording) + 49.979*(gender neutral vs specific) + 53.429*(consent wording) + 68.799*(penetrative language) – 17.616*(penetration type) – .690*(penetration mode) + .905*(marital rape loophole).

The analysis found that victim-focused versus perpetrator-focused wording was not a significant predictor of state rape offense rates ($\beta = 5.151$, $p = 0.877$). Similarly, gender-neutral versus specific wording did not significantly predict state rape offense rates ($\beta = 49.979$, $p = 0.215$); consent-specific wording ($\beta = 53.429$, $p = 0.187$); penetration language ($\beta = 68.799$, $p = 0.097$); penetration type ($\beta = -17.616$, $p = 0.278$); penetration mode ($\beta = -0.690$, $p = 0.981$); and the marital rape loophole ($\beta = 0.905$, $p =$

0.966) were also not significant predictors. One independent variable—force/coercion—was omitted from the regression analysis output because it was a constant.

2015. The overall regression analysis was not statistically significant ($R^2 = .211$, $F(5, 14) = .749$, $p = .600$). The fitted regression model was: State rape offense rate = $20.470 + 36.522*(\text{consent wording}) + 44.755*(\text{penetrative language}) - 4.000*(\text{penetration type}) + 4.684*(\text{penetration mode}) - 21.045*(\text{marital rape loophole})$.

The analysis showed that consent-specific wording did not significantly predict state rape offense rates ($\beta = 36.522$, $p = 0.393$); penetration language was not a significant predictor ($\beta = 44.755$, $p = 0.160$); penetration type did not significantly predict state rape offense rates ($\beta = -4.000$, $p = 0.771$); penetration mode was not a significant predictor ($\beta = 4.684$, $p = 0.865$); and the marital rape loophole did not significantly predict state rape offense rates ($\beta = -21.045$, $p = 0.353$). Three independent variables—victim-specific versus perpetrator-specific wording, gender-specific versus gender-neutral wording, and force/coercion—were omitted from the regression analysis output because they were constants.

2016. The overall regression analysis was not statistically significant ($R^2 = .099$, $F(6, 13) = .238$, $p = .956$). The fitted regression model was: State rape offense rate = $-96.720 + .374*(\text{perp/victim wording}) + 131.005*(\text{consent wording}) + 90.440*(\text{penetrative language}) - 59.320*(\text{penetration type}) + 21.024*(\text{penetration mode}) + 50.526*(\text{marital rape loophole})$.

The analysis revealed that victim-focused versus perpetrator-focused wording was not a significant predictor of state rape offense rates ($\beta = 0.374$, $p = 0.999$). Consent-specific wording did not significantly predict state rape offense rates ($\beta = 131.005$, $p =$

0.541); penetration language was not a significant predictor ($\beta = 90.440$, $p = 0.494$); penetration type did not significantly predict state rape offense rates ($\beta = -59.320$, $p = 0.544$); penetration mode was not a significant predictor ($\beta = 21.024$, $p = 0.914$); and the marital rape loophole did not significantly predict state rape offense rates ($\beta = 50.526$, $p = 0.618$). Two independent variables—gender-specific versus gender-neutral wording and force or coercion—were omitted from the regression analysis output because they were constants.

2017. The overall regression analysis was not statistically significant ($R^2 = .429$, $F(7, 12) = 1.289$, $p = .333$). The fitted regression model was: State rape offense rate = $190.808 - 184.966*(\text{perp/victim wording}) + 42.654*(\text{gender neutral vs specific}) + 41.044*(\text{consent wording}) + 19.093*(\text{penetrative language}) - 114.020*(\text{penetration type}) + 173.936*(\text{penetration mode}) - 19.499*(\text{marital rape loophole})$.

The analysis found that victim-focused versus perpetrator-focused wording was not a significant predictor of state rape offense rates ($\beta = -184.966$, $p = 0.143$). Gender-neutral versus specific wording did not significantly predict state rape offense rates ($\beta = 42.654$, $p = 0.322$); consent-specific wording was also not a significant predictor ($\beta = 41.044$, $p = 0.340$); penetration language did not significantly predict state rape offense rates ($\beta = 19.093$, $p = 0.464$); penetration type was not a significant predictor ($\beta = -114.020$, $p = 0.062$); penetration mode did not significantly predict state rape offense rates ($\beta = 173.936$, $p = 0.073$); and the marital rape loophole was not a significant predictor ($\beta = -19.499$, $p = 0.381$). One independent variable—force/coercion—was omitted from the regression analysis output because it was a constant.

2018. The overall regression analysis was statistically significant ($R^2 = .605$, $F(6, 13) = 3.322$, $p = .033$). The fitted regression model was: State rape offense rate = $81.171 + 69.365*(\text{gender neutral vs specific}) - 61.288*(\text{consent wording}) + 25.900*(\text{penetrative language}) - 121.732*(\text{penetration type}) + 185.370*(\text{penetration mode}) - 11.135*(\text{marital rape loophole})$.

The analysis found that gender-neutral versus gender-specific wording was a significant predictor of state rape offense rates ($\beta = 69.365$, $p = 0.022$). In contrast, consent-specific wording did not significantly predict state rape offense rates ($\beta = -61.288$, $p = 0.161$); penetration language was not a significant predictor ($\beta = 25.900$, $p = 0.403$); penetration type significantly predicted state rape offense rates ($\beta = -121.732$, $p = 0.018$); penetration mode also significantly predicted state rape offense rates ($\beta = 185.370$, $p = 0.043$); and the marital rape loophole did not significantly predict state rape offense rates ($\beta = -11.135$, $p = 0.595$). Two independent variables—victim-focused versus perpetrator-focused wording and force/coercion—were omitted from the regression analysis output because they were constants.

2019. The overall regression analysis was not statistically significant ($R^2 = .450$, $F(7, 12) = 1.400$, $p = .290$). The fitted regression model was: State rape offense rate = $98.078 - 13.724*(\text{perp/victim wording}) + 44.072*(\text{gender neutral vs specific}) - 16.520*(\text{consent wording}) + 5.421*(\text{penetrative language}) - 125.326*(\text{penetration type}) + 191.290*(\text{penetration mode}) - 28.941*(\text{marital rape loophole})$.

The analysis found that victim-focused versus perpetrator-focused wording was not a significant predictor of state rape offense rates ($\beta = -13.724$, $p = 0.812$). Gender-neutral versus gender-specific wording did not significantly predict state rape offense

rates ($\beta = 44.072$, $p = 0.181$); consent-specific wording was not a significant predictor ($\beta = -16.520$, $p = 0.655$); penetration language did not significantly predict state rape offense rates ($\beta = 5.421$, $p = 0.880$); penetration type significantly predicted state rape offense rates ($\beta = -125.326$, $p = 0.046$); penetration mode was not a significant predictor ($\beta = 191.290$, $p = 0.076$); and the marital rape loophole did not significantly predict state rape offense rates ($\beta = -28.941$, $p = 0.285$). One independent variable—force/coercion—was omitted from the regression analysis output because it was a constant.

All Years Combined. Due to the limited data available per year ($n = 20$), which constrained the model, an additional simple regression analysis was conducted using data from all years combined ($n = 140$). The overall regression analysis was not statistically significant ($R^2 = 0.081$, $F(7, 132) = 1.651$, $p = 0.127$). Gender-neutral versus gender-specific wording was a significant predictor of state rape offense rates ($\beta = 87.256$, $p = 0.007$); consent-specific wording was a marginally significant predictor ($\beta = 53.261$, $p = 0.097$); and penetration language was a significant predictor ($\beta = 59.821$, $p = 0.023$). One independent variable—force/coercion—was omitted from the regression analysis output because it was a constant.

Summary. The only year where the overall multiple linear regression was statistically significant and where the proportion of variance in the dependent variable explained by the independent variable exceeded 50% was 2018 ($R^2 = .605$, $F(6, 13) = 3.322$, $p = .033$). 2018 was also one of only two individual years (also 2019) where any individual components were statistically significant. In 2018, three components showed statistical significance: gender-neutral vs gender-specific wording, penetration type, and penetration mode. In 2019, only penetration type was statistically significant. When

analyzing all years together, gender-specific vs gender-neutral wording, consent-specific wording, and penetration language were statistically significant.

Chapter 5: Discussion

There are no known research studies at the local, state, or federal levels that explore the effects of jurisdictional definitions on rape/sexual violence offense rates within those jurisdictions. Consequently, this seminal study aimed to compare these variables for any correlational statistical significance. The results were analyzed with the objective of proposing a new federal standard for the definition of rape, designed to minimize jurisdictional variances. This research-based standard would serve as a consistent basis for data collection by UCR, NIBRS, and similar organizations, provide future researchers in this field with a solid platform for further study, and contribute to reducing the number of rape offenses while improving the enforcement, prosecution, conviction, and incarceration of rape cases.

Given the absence of prior studies on the impact of jurisdictional definition variances on state rape offense rates, this study introduced both a theoretical breakdown of definition wording into eight components and a rubric for analyzing and grading state definitions based on the presence or absence of these components. Although the presented model was not statistically significant, it may still hold potential for future use with some adjustments.

Interpretation of Results

To achieve statistical significance in correlational research, there must be sufficient evidence to conclude a significant linear relationship between variables x and y , meaning that the correlation coefficient (R) should be significantly different from zero. A robust model would show either a significantly strong positive correlation (with R between 0 and 1, closer to 1) or a significantly strong negative correlation (with R

between 0 and -1, closer to -1), allowing the null hypothesis (no relationship) to be rejected. In this specific study, a significantly strong negative correlation would be preferred, as it would suggest that an increase in a state's definition score is associated with a decrease in the number of rape offenses within that state. Unfortunately, this was not observed.

Correlational Coefficient (R). The model revealed varying degrees of correlation across different years. In 2016, the correlation was weakly positive ($R = .314$). In 2013 ($R = .426$) and 2015 ($R = .459$), the correlations were moderate and positive. In 2014 ($R = .629$), 2017 ($R = .655$), 2018 ($R = .778$), and 2019 ($R = .670$), the correlations were strong and positive. When combining data from all years (2013-2019) in a single analysis, the overall relationship was weakly positive ($R = .284$). This result suggests that as the state definition score increases, the number of rape offenses also tends to increase, with varying degrees of strength depending on the year. Despite these findings, the null hypothesis (H_0) was not rejected for either of the two research questions posed by the study. Consequently, a more detailed examination of the model, including an assessment for potential Type II errors, was conducted.

Impact of Independent Variables (IVs) on Dependent Variable (DV) (R^2 & Adjusted R^2). This aspect is crucial because the theoretical model anticipates that: 1) the IVs will have a statistically significant impact on the DV, and 2) this impact will align with the theoretical model, specifically showing a strong negative correlation for this study. To evaluate this, we analyzed R^2 , which represents the explanatory power of the IVs on the DV as a percentage, and Adjusted R^2 , which indicates the strength of the model's predictive value. The results, listed by year, are as follows:

- 2013: $R^2 = .181$ (18%); Adjusted $R^2 = -.197$
- 2014: $R^2 = .395$ (39.5%); Adjusted $R^2 = .042$
- 2015: $R^2 = .211$ (21%); Adjusted $R^2 = -.071$
- 2016: $R^2 = .099$ (10%); Adjusted $R^2 = -.317$
- 2017: $R^2 = .429$ (43%); Adjusted $R^2 = .096$
- 2018: $R^2 = .605$ (60.5%); Adjusted $R^2 = .423$
- 2019: $R^2 = .450$ (45%); Adjusted $R^2 = .128$

In four of the seven years (2013–2016), the IVs accounted for less than 40% of the variance in the DV, suggesting that the model was not a good fit for those years. The Adjusted R^2 values for these years confirmed this interpretation: three years (2013, 2015, 2016) had no predictive value (Adjusted $R^2 \leq 0$), and 2014 had a predictive value just above zero. In 2017 and 2019, although the IVs had a moderate impact on the DV (R^2), the predictive value (Adjusted R^2) remained low (around 0.1 out of a maximum of 1.0). The only year where the model showed a good fit was 2018, with a 60% impact of IVs on the DV; however, the predictive value was only .423 out of 1.0 (a value greater than .7 is preferred to indicate a good fit).

Interestingly, the first four years (2013–2016) had lower R^2 and Adjusted R^2 values. To address potential issues related to low sample sizes ($n = 20$ per year) or variations in state offense rates (ranging from 70,142 offenses in 2013 to 121,271 offenses in 2019), an analysis combining all years was conducted. However, this did not significantly alter the results, as the impact of the IVs on the DV remained very low ($R^2 = .081$ or 8%) with a low predictive value (Adjusted $R^2 = .032$), confirming that the model is not a good fit.

Multicollinearity and Heteroskedasticity. Research question 2 was addressed using a multiple linear regression model. In such models, accuracy issues can arise if the predictor variables (IVs) are highly correlated with one another, a condition known as multicollinearity. To assess this, collinearity diagnostics were conducted in SPSS. The variance inflation factor (VIF) results indicated no multicollinearity among the IVs. The VIF scores ranged from 1.070 to 2.487, with scores above 5.0 suggesting moderate issues and scores above 10 indicating considerable issues. Since all VIF scores were below these thresholds, there were no concerns with multicollinearity among the predictor variables.

Regarding heteroskedasticity—unequal variability or scatter in the residuals of the predictor variables relative to the DV—several analyses were performed in SPSS. One key assumption of linear regression is that the residuals should be evenly distributed without any discernible pattern. Violations of this assumption can undermine the reliability of the statistical results and the dependability of the model. Tests conducted included White's Test for Heteroskedasticity ($p = .616$), the Breusch-Pagan Test for Heteroskedasticity ($p = .892$), the Modified Breusch-Pagan Test for Heteroskedasticity ($p = .910$), and the F Test for Heteroskedasticity. All tests indicated no statistically significant violations of the assumption ($p < .05$), suggesting that heteroskedasticity was not an issue.

Variables. As noted in the "Impact of IVs on DV" section, the model was not a good fit in its current form. However, this does not mean the model cannot be improved with modifications to the variables, provided that the Lack of Fit Test does not indicate otherwise. The Lack of Fit Test, which assesses whether

the model is inappropriate for the data, yielded a result of $p = .523$, suggesting no statistically significant issues.

Although Research Question 1 (the correlation between states' definition scores and states' rape offense rates) did not show overall statistical significance, negative beta coefficients were observed for all years studied except 2015. This indicates that an increase in the state definition score is associated with a predicted decrease in the state rape offense rate. While the relationship exists, it is not statistically significant with the current model. With modifications (discussed further in the "Implications" section), a retest may yield more significant results.

Similarly, Research Question 2 did not achieve overall statistical significance. However, the only statistically significant result was for 2018, which may have been influenced by the "Me Too" Movement. While it is not definitive that the "Me Too" Movement is the sole explanation, the coincidence warrants further investigation. Additionally, in 2018, NIBRS consolidated six "Sex Offenses" categories into a single category, which may have affected data variability (discussed further in the "Limitations" section).

Regarding specific variables, in 2018, only three components showed statistical significance: gender-neutral vs. gender-specific wording ($p = .022$), penetration type ($p = .018$), and penetration mode ($p = .043$). In 2019, only penetration type ($p = .046$) was statistically significant. However, a subsequent Test of Between-Subjects Effects in SPSS revealed no significant interactions (all $p > .05$) between these variables and their interactions with the DV.

Conclusion

Based on the analysis conducted beyond the regression analyses in this study, it appears that neither a Type I nor a Type II error occurred. The findings suggest that while there is a correlation between states' definitions and their rape offense rates, this relationship is not statistically significant with the current model. The overall interpretation of the correlation coefficient shows a strong positive correlation, but it does not align with the theoretical model's intended direction of a strong negative relationship.

Furthermore, the R^2 and Adjusted R^2 values indicate that the model, as it stands, is not a good fit for the data, despite the absence of statistically significant violations related to multicollinearity or heteroskedasticity. Overall, the evidence suggests a correlation exists that warrants further exploration, but the model requires adjustments (as discussed in the "Implications" section below) to better capture this relationship.

Limitations

Reliability. Reliability refers to the consistency of a measure, specifically whether the results can be reproduced under the same conditions. In this study, which employed a correlational design with no manipulated variables (as opposed to experimental designs), there were no issues with reliability.

Validity. Validity encompasses both internal and external types. Typically, as one increases, the other decreases due to the trade-off between greater specificity (internal validity) and broader generalizability (external validity). In this study, because no variables were manipulated and the study aimed to reflect real-world conditions, internal validity was lower. However, this lack of manipulation contributed to high external

validity, making the findings generalizable to various contexts. Therefore, validity was not a significant concern.

Instead, the limitations of this research, broadly, were two-fold: first, the lack of consensus in rape research and specific limitations of NIBRS; and second, the challenges associated with studying a vastly underreported crime.

Lack of consensus in rape research. Despite extensive research on rape offenses, there are no known studies examining the effects of jurisdictional definitions on rape offense rates. Much of the existing research is inconclusive due to variability in definitions. This variability partly motivated the current study, which introduced a theoretical breakdown of definitions into eight components and a novel rubric. While the overall study did not show significant results, elements of the theoretical model discussed in the "Implications" section suggest potential.

NIBRS Limitations as a data source. Although NIBRS was the best available data source, it presented several issues that may have contributed to the study's non-significant findings. Key issues included limited national coverage, data inequities, and categorical changes.

Limited national coverage. In 2013, only 36 states had agencies reporting data to UCR/NIBRS. Of the 18,415 UCR participating agencies, only 6,328 (34%) reported data (U.S.F.B.I., 2013), leading to underrepresentation of parts of the U.S. population. The percent participation in the remaining years of this study were as follows:

- 2014: 37 states with 6,519 (35%) reporting agencies participated
- 2015: 37 states with 6,647 (36%) reporting agencies participated
- 2016: 38 states with 6,848 (37%) reporting agencies participated

- 2017: 39 states with 6,997 (38%) reporting agencies participated
- 2018: 42 states with 7,282 (39.5%) reporting agencies participated
- 2019: 45 states with 8,496 (46%) reporting agencies participated.

While participation increased each year, major states like California, Florida, and New York did not participate in any of the years studied, and other states like Georgia and North Carolina joined only in 2018 and 2019, respectively.

Inequities in the data. Regarding data inequities, there were notable disparities. In 2014, Michigan had the most reporting agencies (602) and the fourth highest offense rate (105.82 per 100,000) while Illinois had the highest offense rate (159.11 per 100,000) but with only 1 reporting agency. Michigan's data covered a population of 9,743,907, whereas Illinois's reporting data covered just 149,586. Such disparities can skew results, even when converting true population numbers to per 100,000 rates.

There were 25 instances in the reported data where a state with five or fewer reporting agencies was listed in either the top 10 states with the highest rape offense rates or the top 10 states with the lowest rape offense rates. In any given year, the number of reporting agencies can range from 1 – 637 and the population covered can range from 43,878 – 9,968,870. True population numbers were converted to per 100,000 rates to mitigate population size differences; however, it did not have the desired impact when considering that inequities like the example above remained. Thus, future research should consider creating sub-categories based on population sizes or reporting agency ranges to address these issues.

Categorical changes. Significant changes in categorical definitions also impacted the data. In 2013, the first reporting year using the updated FBI definition for rape

offenses, “Sex Offense Types” included categories like rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape. Incest and statutory rape were sub-categorized as “nonforcible,” implying consensual sex. This categorization aligned well with the study’s focus. However, in 2014, the categories were reduced to “Sex Offenses” and “Sex Offenses, Nonforcible”, which may have inflated offense rates by combining offenses like fondling with other sex offenses. By 2018, the nonforcible sex offense category was eliminated and only the “Sex Offenses” category remained, potentially further skewing data by consolidation all sex offenses into one category. This categorization did not align well with the study’s focus. Future research should consider either a meta-data approach, to find as much sub-categorization of sex offenses as possible or take a wider view (less rape-specific and more general sex offenses) to explore whether the relationship proffered by this model is statistically significant.

Implications

Why conduct such extensive analysis—addressing reliability, validity, Type I and Type II errors, and checking for multicollinearity and heteroskedasticity—for a theoretical model that is not statistically significant? The goal is to underscore that while the model itself may be structurally sound, its content may require refinement. Here are specific recommendations for similar future research:

Data source. Consider using an alternative data source to NIBRS or explore a combined meta-data source. Although other data sources, as discussed in Chapter 3, have limitations, they might not significantly affect the results (e.g., a two-year time frame may not necessarily impact the explanatory power of independent variables on the dependent variable in the study). Moreover, they might provide more consistent data,

potentially closing gaps in time periods, offense rates, and reporting agencies. Meta-data sources could offer a larger sample size and a more comprehensive view of offense rates within states.

Participants. Start by including all 50 states to increase the sample size. Then, analyze the top states that show the strongest correlations. To minimize the impact of population size differences while examining all the data, consider categorizing states into population ranges (e.g., municipalities with approximately 45,000 people versus those with 1-5 million) and/or ranges of the number of reporting agencies (e.g., states with fewer than five reporting agencies versus those with 300+). Alternatively, population size and the number of reporting agencies could be added as independent variables to see if they correlate with offense rates. Significant findings could help focus efforts on specific municipalities, thereby enhancing the impact on those areas, society, and the field of study.

Definition components and rubric. The model could be improved by making the following changes:

- Remove the "force-only" component, as it is a minimum standard already met by the original data to classify an offense as sexual assault/rape. This component is constantly present in every offense within the study.
- Eliminate the “perpetrator-specific vs victim-specific wording” and “gender-specific vs gender-neutral wording” variables. In all cases examined, regardless of high-offense or low-offense states, 95% were perpetrator-specific and 94% were gender-neutral, indicating that they were too predominantly present to be useful for this model. Additionally,

the definitions didn't appear to be making overt attempts to be biased (no direct gender biased language in any updated definitions), but rather, simply seemed to be more outdated (...carnal knowledge of a woman...).

- Adjust the grading structure to be more substantive. For instance, for the “consent wording” variable, assign weights for each element of consent: 25 points for using “consent” broadly; 25 points for addressing drug-facilitated offenses; 25 points for mental/intellectual barriers to consent; and 25 points for trickery or impersonation. The maximum score for this variable would be 100.

Policy and practice. The implications of this study's findings for policy and practice, particularly regarding how differing jurisdictional definitions contribute to America's rape culture, could include:

Standardization of Definitions. Despite a non-significant finding overall, the analyses do indicate that a correlation does exist. The difference in significance may lie in the refinement of the model. This study highlights the need for a standardized federal definition of rape. By harmonizing definitions across jurisdictions, our legal system can ensure consistency in data collection and reporting, which is crucial for understanding and addressing rape rates more accurately.

Enhanced Data Accuracy. Consistent definitions will improve the reliability of data on rape offenses, enabling better analysis of trends and patterns. This can help policymakers and practitioners design more targeted interventions and allocate resources more effectively. Refinement of this model for retesting, along with other forms of

research focused on standardization and data accuracy, is essential for making informed progress.

Improving Legal Responses. A unified definition could lead to more uniform legal responses to rape, reducing disparities in how cases are prosecuted and adjudicated across different states. This would contribute to fairer and more equitable treatment of survivors. Refining the study's model, particularly the components of an effective rape definition, may provide a foundation for standardizing a federal rape definition.

Educational and Training Programs. Recognizing the impact of definition variances on rape culture can lead to the development of educational and training programs for legal professionals, law enforcement, and the public. These programs could emphasize the importance of consistent definitions and their broader implications for rape culture.

Advocacy and Reform. The findings can support advocacy efforts aimed at reforming rape laws to ensure they are comprehensive and inclusive. This can help combat rape culture by addressing gaps and inconsistencies in how rape is defined and prosecuted. A refined model and subsequent research in this area could highlight the need and justification for consistency and/or standardization.

Future Research Directions. Limitations and areas where this study's model falls short have been identified. By addressing these gaps, researchers can refine their approaches and contribute to more effective solutions for reducing rape rates and improving responses. Future research should consider creating sub-categories based on population sizes or reporting agency ranges to address these issues. Additionally, future research could take either (or both) a meta-data approach (in efforts to close data gaps) or

a more macro view, to find statistical significance in sex offenses altogether before then focusing on sub-categories (i.e. rape, sodomy, sexual assault with an object, etc.).

Policy Development. This study provides information that indicates there is relationship between jurisdictional legislation differences and rape offense rates. Once a refined model and/or other additional research indicates more statistical significance, policymakers may be more compelled to develop policies that promote a more consistent approach to defining and addressing rape. This could include legislative efforts to standardize definitions at the federal level and initiatives to improve data collection and analysis.

Summary of Overall Impact

Overall, the findings of this study underscore the need for a more cohesive approach to defining rape, which can have far-reaching effects on policy, practice, and the broader societal response to sexual violence. Despite varied results from different studies examined, one consistency emerges: the reporting of rape offenses in the U.S. is generally below 40%. This is significant because even if this seminal study had shown significant findings, it would only represent a portion of the broader picture due to severe underreporting. The nature of rape, with its complex elements, and underreporting leave much unknown.

Accurately defining rape is crucial, as it influences how offenses are investigated by law enforcement, how judges and juries handle cases, and, consequently, affects conviction and incarceration rates. These factors impact victims, their families, and communities, influencing public trust, financial costs (including legal, medical, and mental health expenses), and constitutional factors across the U.S. Continued research is

essential to build a robust foundation for increasing knowledge, improving reporting, ensuring justice, and reducing, if not eliminating, the rape culture in this country.

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