

- a) **Sex Offenses—Forcible** is defined as *any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.* **Count one offense per victim.** In cases where several offenders commit a Forcible Sex Offense against one person, count one Forcible Sex Offense. Do not count the number of offenders.

There are four types of Forcible Sex Offenses:

- **Forcible Rape** is *the carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).* This offense includes the forcible rape of both males and females. **Count one offense per victim.**

If force was used or threatened, classify the crime as forcible rape regardless of the age of the victim. If no force or threat of force was used and the victim was under the statutory age of consent, classify the crime as statutory rape. The ability of the victim to give consent must be a professional determination by a law enforcement agency.

- **Forcible Sodomy** is *oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her*

temporary or permanent mental or physical incapacity. Count one offense per victim.

- **Sexual Assault With an Object** is the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. An object or instrument is anything used by the offender other than the offender's genitalia. Examples are a finger, bottle, handgun, stick, etc. **Count one offense per victim.**
- **Forcible Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity. **Count one offense per victim.**

Examples of Forcible Sex Offenses

Scenario 1: A female student reports that she was forcibly raped by an unidentified male while jogging along a campus trail. Classify this as one on-campus Forcible Sex Offense.

Scenario 2: A female student reports that her ex-boyfriend had sex with her in her campus residence hall room while she was unconscious after a night of drinking alcohol. Classify this as one Forcible Sex Offense in the on-campus category and one Forcible Sex Offense in the on-campus student housing facility category.

Scenario 3: A male student reports that another male student fondled him in a campus building. Classify this as one on-campus Forcible Sex Offense if it's determined that the offender's intent was sexual gratification.

Scenario 4: A female student reports to the campus police that she was forcibly raped in her car in a parking lot on her school's campus by students from another college. Classify this as one on-campus Forcible Sex Offense.

Scenario 5: Three female students report that they were each raped by five male students at an off-campus fraternity house owned by the fraternity. Each male raped each of the female students. Classify this as three noncampus Forcible Sex Offenses.

Scenario 6: A female student reports that an unknown male attempted to rape her on a city-owned sidewalk outside a classroom building on campus, but that he was frightened away by another pedestrian before completing the attack. Classify this as one public property Forcible Sex Offense.

Scenario 7: A male student slipped a date rape drug into a female student's drink at a noncampus fraternity house. Before he could lure the victim away from her friends, however, someone noticed what he had done and summoned the police. A police officer found the drug and identified the suspect. He determined that the suspect had administered the date rape drug with the intent to incapacitate the woman and commit a sexual assault. Classify this as one noncampus Forcible Sex Offense.

Scenario 8: A male student slipped a date rape drug into a female student's drink at a noncampus fraternity house. Before he could lure the victim away from her friends, however, someone noticed what he had done and summoned the police. A police officer ascertained that a student had slipped a date rape drug into another student's drink, but the officer was unable to determine the perpetrator's intent. Because the investigating officer was unable to determine intent, the incident cannot be counted as a Forcible Sex Offense. The *UCR* program considers a date rape drug a poison; therefore, classify this as one noncampus Aggravated Assault (defined in criminal offense no. 4 later in this chapter.)

Scenario 9: A woman is walking on a public sidewalk in front of your campus and a male pinches her buttocks as he runs by her. Classify the incident as one Public Property Forcible Sex Offense *if* it's determined that the man's intent was sexual gratification.