

b) **Sex Offenses—Non-forcible** is defined as *unlawful, non-forcible sexual intercourse*.

There are two types of Non-forcible Sex Offenses:

- **Incest** is *non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law*. **Count one offense per victim.**
- **Statutory Rape** is *non-forcible sexual intercourse with a person who is under the statutory age of consent*. **Count one offense per victim.**

The statutory age of consent differs by state. For example, in Maryland, the statutory age of consent is 14 years of age (which means the victim must be under 14), and the offender must be at least four years older than the victim. In Nevada, a victim is someone under age 16, and an offender is someone 18 or older. We recommend that you consult your state's statutes to determine the statutory age of consent. **Remember, if force was used or threatened, or the victim was incapable of giving consent because of his/her youth or temporary or permanent mental impairment, classify the offense as forcible rape, not statutory rape.** The ability of the victim to give consent must be a

professional determination by a law enforcement agency.

Remember, do not classify as Non-forcible Sex Offenses:

- Date or acquaintance rape. (These are Forcible Sex Offenses.)
- Any offense other than incest or statutory rape.

Examples of Non-forcible Sex Offenses

Scenario 1: A 21-year-old student has sex with a 15-year-old juvenile in the student's on-campus apartment. There is no use of force or threat of force (the statutory age of consent is 16). Classify this as one Non-forcible Sex Offense in the on-campus category and one Non-forcible Sex Offense in the on-campus student housing facility category.

Scenario 2: Campus police respond to a call from the dean reporting that an unknown man exposed himself to a group of female students on campus. Do not include a statistic for this incident in your disclosures as it is not a Clery Non-forcible Sex Offense.

We recommend that you double-check all reports of non-forcible sex offenses to confirm that they fit the *UCR NIBRS* definition. This does not mean that the offense must be investigated by law enforcement before the statistic is disclosed. Just confirm that the description of the offense in the report fits the definition of either incest or statutory rape.