



DEFINING SEXUAL ASSAULT | What is your definition?

WHAT IS YOUR DEFINITION?

"As you know, it's the legislators that make the laws and decide how to define crimes and what punishments will be. But, you are actually in the community, dealing with victims and criminals. Based on your work as a [police officer, nurse, prosecutor, advocate, Title IX administrator], how do you define rape/sexual assault?"¹

¹ CAMPBELL, M., & SHANKS, C. (1995). POLICE OFFICER'S PERCEPTIONS OF RAPE. JOURNAL OF INTERPERSONAL VIOLENCE, 10(2), 205-211.

WHAT IS YOUR DEFINITION?

How other Police Officers responded:

- "Rape is unwanted sex"
- "Rape is an act of penetration without a woman's consent and is done through the use of force"
- "It all comes down to her word against his on consent – if she gave it, OK, if she didn't, it's rape. It's hard to figure out sometimes if she gave consent."¹

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WHAT IS YOUR DEFINITION?

How other Police Officers responded:

- "Rape is a crime of violence. It is the forcible penetration of the sexual organs of one person by another. In my opinion, this is to achieve dominance and violation of the victim, not sexual gratification."
- "Rape is any forced, coerced, or unconsented sexual contact. Sex contact is defined as an oral, anal, or vaginal contact with the sex organs of either the same or different gender."¹

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WHAT IS YOUR DEFINITION?

How other Police Officers responded:

- "I do not believe that consensual sex that is later regretted and reported as nonconsensual sex is rape. The 'man in the bushes' is a much bigger threat to the community than the date that got carried away."
- "I can tell you what rape isn't: an individual going on a date and getting into foreplay and then finally consenting after being verbally persuaded."
- "Sometimes a guy can't stop himself. He gets egged on by the girl. Rape must involve force – and that's really rare."¹

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WHAT IS YOUR DEFINITION?

In this study,

- The first set of answers fit in a "Consent Definition of Rape"
- The second set of answers fit in a "Force Definition of Rape"
- The third set of answers fit in a "Mixed Definition of Rape"¹

¹ CAMPBELL, M., & BIRNBAUM, C. (1985). POLICE OFFICERS' PERCEPTIONS OF RAPE. JOURNAL OF INTERPERSONAL VIOLENCE, 1(2), 203-211.

WHAT IS YOUR DEFINITION?

Code of Virginia, §18.2-61

If any person has sexual intercourse with a complaining witness, whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will by force, threat or intimidation of, or against the complaining witness or another person or (ii) through the use of the complaining witness's mental incapacity or physical helplessness or (iii) with a child under age 13 as the victim, he or she shall be guilty of rape.

WHAT IS YOUR DEFINITION?

Of course, Virginia has other statutes that cover other forms of sexual assault:

- 18.2-63 Carnal Knowledge of a child between 13 and 15 years of age
- 18.2-64.1 Carnal knowledge of certain minors
- 18.2-64.2 Carnal knowledge of an inmate, parolee, probationer, detainee, or pretrial or posttrial offender

WHAT IS YOUR DEFINITION?

And more statutes that cover other forms of sexual assault:

- 18.2-67.1 Forcible sodomy
- 18.2-67.2 Object sexual penetration
- 18.2-67.3 Aggravated sexual battery
- 18.2-67.4 Sexual battery
- 18.2-67.4.1 Infected sexual battery
- 18.2-67.4.2 Sexual abuse of a child under 15 years of age
- 18.2-67.5 Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery and sexual battery

WHAT IS YOUR DEFINITION?

And yet, even more statutes that cover even more forms of sexual assault:

- 18.2-361 Crimes against nature
- 18.2-366 Adultery and fornication by persons forbidden to marry; incest
- 18.2-370 Taking indecent liberties with children
- 18.2-370.6 Penetration of mouth of child with lascivious intent
- 18.2-371 Causing or encouraging acts rendering children delinquent, abused, etc.

WHAT IS YOUR DEFINITION?

Buried within these laws are words and phrases that must be defined, such as:

- Sexual intercourse
- Anal intercourse
- Cunnilingus
- Felatio
- Anilingus

WHAT IS YOUR DEFINITION?

And more words and phrases that must be defined, like:

- Sodomy
- Sexually molest
- Arouse
- Gratify
- Lascivious

WHAT IS YOUR DEFINITION

And yet more words and phrases that must be defined including:

- Complaining witness
- Intimate parts
- Sexual abuse
- Mental incapacity
- Physical helplessness

WHAT IS YOUR DEFINITION?

What is the one word missing from this list?

■ **CONSENT**

CONSENT

IT'S SIMPLE AS TEA

WHAT IS YOUR DEFINITION?

Let's agree for today's discussion, Rape / Sexual Assault is:

- Touching or penetration of sexual genitalia of another person through the use of threats, force, intimidation, coercion, physical helplessness or incapacity of the victim.
- With this broad mindset, "Consent" in this definition is not an element and keeps the investigatory and prosecutorial focus on the offender, not the victim. "Nonconsensual" is implied in this definition.
