

DETERMINE SEXUAL ASSAULT



AGE OF THE SURVIVOR

Under the age of 16: Under Montana law, a person under the age of 16 is unable to consent.

Under the age of 12: Follow the Multi-Disciplinary Team protocol (MCA 52-2-211).

Under the age of 18: Report the matter to Centralized Intake at 1-866-820-5437.

CONSENT



Following the MCA 45-5-501's definition of consent, was the encounter consensual?

If force was used, and it meets the statutory element, then consent is deemed to have not been given. The offense now becomes an aggravated offense in violation of MCA 45-5-508.



SEXUAL CONTACT

MCA 45-5-101 defines Sexual Contact as directly or through the clothing, causing bodily injury, humiliation, harassment, degradation, arousal, or gratification of either the suspect or survivor.

BODILY INJURY



Injury includes the feeling of pain, not just physical evidence of contacts such as bruising, swelling, or redness. Bodily injury can include illness, such as sexually transmitted disease.



HUMILIATION, HARASSMENT, OR DEGRADATION

How does the survivor feel about the contact? Ask the survivor to describe their feelings about the contact and document the observations.

AROUSAL OR GRATIFICATION



Sexual offenders seek to satisfy psychological and physical desires. Ask the survivor to describe how the suspect reacted to the sexual assault. Did the suspect show signs of arousal or gratification: heavy breathing, fondling of genitals, facial expressions, erection, ejaculation, comments or vocalizations made during the conduct, or other sexual responses.