

Sex Assault, Sexting & Staying Safe

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Areas to Cover

- Victimization
- Dangerous situations to avoid
- Perpetration and consequences
- Who can be held responsible?
- Minors in the Adult Criminal and Juvenile Criminal Systems
- RESPECT and PROTECT yourself

What is Domestic Violence?

- Legal Definitions
- Common circumstances and what we understand it to be
- Where have we all seen some kind of domestic violence? At home? Friends house? T.V? Movies? Videos? U tube?

Defining Domestic Violence

Penal Code Section 13700

- Abuse committed against:
 - ◆ Spouse or former spouse
 - ◆ Cohabitant or former cohabitant
 - ◆ Person with whom the suspect has had a child
 - ◆ Person with whom suspect is having or had a dating relationship
 - ◆ Other close family members defined in Family Code Section 6211

What is abuse?

- Abuse can be physical or verbal – either can be a crime
- Abuse can also be emotional or mental – not necessarily a crime – but it is still abuse
- Neither is “o.k.” or acceptable
- Dating Relationship – can be boy/girl, girl/boy, girl/girl, or boy/boy

Physical Abuse

- Hitting
- Punching
- Kicking
- Hair Pulling
- Biting
- Pushing/Slapping
- Scratching
- Any kind of physical violence is against the law
- It is never acceptable for someone to put their hands on you against your will or for you to do that to someone

Verbal Abuse

- Threats to kill, hurt or seriously harm a person or their immediate family
- Language and a pattern of behavior that puts you in reasonable fear

Dealing with Domestic Violence...

- ◆ If you are a victim of dating violence – you need to report it
- ◆ Tell your parent/guardian
- ◆ Tell a teacher/counselor
- ◆ Contact law enforcement

When someone physically assaults you and promises it won't happen again, they are lying. It will happen again if you do not get help and stop the conduct.

Common Excuses

- You made me mad
- I was drunk
- I was high
- I'm just stressed out
- I didn't mean to hurt you

What's the real problem? Jealousy, insecurity, anger management problems, violent behavior issues

Sexual Violence

Types of crimes that can occur:

Forcible Rape

Rape of an Intoxicated/Unconscious person

Unlawful Sex with a Minor

Sexual Battery

Other sexual conduct that is against a person's will or unlawful by statute

Rape is

- ◆ Sexual intercourse against a person's will by force, violence, duress, menace or fear of immediate harm
- ◆ A person can say NO at any time
- ◆ A person must give consent – Consent means positive cooperation in an act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act.

What else can be Rape?

- Where a person is incapable of giving consent because of a mental or developmental disability
- Where a person is preventing from resisting by an intoxicating substance (alcohol or drugs) and this condition was known or should have been reasonably known by the suspect
- Person is unconscious or asleep

Scenario

At a house party. Everyone is drinking alcohol. Boy suspect enters a bedroom where a female is passed out on a bed. Boy and girl had been flirting earlier at the party. Boy knows girl had a lot to drink and so did he. Boy slides down girl's pants and has sex with her. Girl starts to wake up but is very groggy and unaware of what is happening.

Is this rape?

Unlawful Sex with a Minor

The law says anyone under 18 cannot legally consent to have sex. This does not mean that minors do not voluntarily engage in sex.

Any person who engages in act of sexual intercourse with a minor (a person under the age of 18) is guilty of a crime. If there is 3 years or less age difference – misd. If more than 3 years age difference – felony.

What else can happen?

- An adult 18 or over having sex with someone under 18 can be prosecuted
- One or more people under the age of 18 having sex with each other can be prosecuted
- Penalties can increase if there is a pregnancy or disease/HIV
- Pressure by suspect

Sexual Battery

- The touching of the intimate part of another person when the touching is against the will of the person touched and is for the purpose of sexual gratification – misdemeanor
- When the touching is done while a person is unlawfully restrained (any kind of force is used) it is a felony.

What is the bottom line here?

- No one is allowed to touch your intimate body parts without your consent
- Grabbing someone's breast, genitals or buttocks without their consent is against the law
- An adult is never allowed to touch a minor in a sexual manner – even if the minor “agrees” to the touching!

Dangerous Situations to Avoid

- Drinking alcohol
- Using Drugs
- Drinking or taking anything that you don't know what it is
- Sleeping over at someone's house you don't know very well
- Accepting a ride in a car from someone you don't know very well
- Having sex with an adult
- Agreeing to meet with a stranger you met "online"

More Situations

- Lying about your age
- Lying to your parents about where you are and who you are with
- Sneaking out of house (the people you run into during the night do not usually have your best interest at heart)
- Accepting gifts from someone you don't know very well

Making Poor Choices

- What happens if you put yourself in a bad position and are sexually victimized?
- You still need to tell someone right away and report it!
- You need to be honest about what happened
- Do not lie about it because you are embarrassed or think you will get into trouble
- Even if you did things you should not have done- it does not excuse criminal conduct for the perpetrator

Protect yourself

- Listen to your intuition
- Make sure you let someone know where you are
- Turn on your location
- Keep yourself in a public setting
- Don't do anything because you feel pressured

“Sexting”

- Taking naked or sexual pictures of yourself or someone else and sending them to others
- You think it is private, but it's not
- You think it is just between you and your boyfriend or girlfriend, but it's not
- These pictures end up on everyone's cell phone and on the internet

“Sexting”

- Taking naked or sexual pictures of yourself or someone else and sending them to others
- Asking you for pictures
- Sending you pictures of them and then asking for ones in return
- Telling you they aren't for anyone but him

Guess What?

- It's a crime!
- You can become a victim or a perpetrator or BOTH!
- Child pornography/obscenity laws apply to this kind of conduct
- You can get in trouble for making, sending or merely possessing material that depicts a person under 18 engaged in an act of sexual conduct

Who Can Be Held Responsible?

- When a minor gets a citation for a crime, the parent also gets a citation and has to come to court
- Depending upon the seriousness of the crime and the perpetrator's age and criminal history, a minor could be treated as an adult
- Lots of penalties – jail/juvenile hall, group homes, house arrest, probation, fines \$\$\$, community service

Respect Yourself

- Think through your choices before you make them . . . Will I think this was cool tomorrow? Will I be embarrassed? What would I do if my parents found out?
- You deserve to be with someone who respects you and who you respect

Protect Yourself

- Do not associate with people who do not make your life better
- Be aware of dangerous situations
- Listen to that feeling....
- Do not allow others to physically, mentally emotionally or sexually abuse you – tell someone – even if you don't want to go to the police!

Success

- Each one of you, by participating in this program program, have the ability to be successful people and leaders in your community
- You can accomplish your goals and dreams
- Stay in school, work for what you what, take care of yourself and don't let anyone tell you that you can't be successful