# Sexual Violence Information

### What is sexual violence?

Sexual Violence is any form of unwanted, unwelcome or coercive sexual behavior. Sexual violence exists on a continuum from sexual harassment to rape and can include anything from stalking/sexual stalking on the internet to inappropriate touching to penetration without the victim’s (a) consent or (b) with a victim who is unable to consent. A victim who is unable to consent is someone:

* Under the age of 13
* At least 13, but less than 16 years old and the actor is at least four years older than the victims
* At least 16, but less than 18 years old and
	+ The actor is related to the victim by blood or affinity to the third degree
	+ The actor has supervisory or disciplinary power over the victim by virtue of the actor’s legal, professional or occupational status
	+ The actor is a resource family parent, a guardian, or stands in loco parentis within the household
* With diminished mental capacity - the victim is one whom the actor knew or should have known was physically helpless, mentally incapacitated, or had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the nature of his conduct, including, but not limited to being incapable of providing consent. This includes a victim who is drunk, drugged, high, unconscious, or has a developmental disability.

### What is sexual assault?

Sexual Assault, often referred to as rape, is legally defined differently in each state. In New Jersey, the law defines sexual assault as "the penetration, no matter how slight, in which physical force or coercion is used or in which the victim is physically or mentally incapacitated". For the full definition of sexual assault please refer to NJSA 2C:14-1.

The law in New Jersey, which is gender neutral, does not specify male or female, but uses the words "actor" and "victim" to describe the persons involved.

Consent: According to New Jersey law, age, physical impairment and mental impairment all contribute to a person's ability to give consent. A person must be 16 years of age to legally consent to sexual activity. A person cannot give consent to sexual activity with someone who has "the duty to care" for them unless they are over the age of 18. Individuals that fall into "the duty to care" category would include parents or guardians, and those in any type of formal supervisory role. If individuals are at least 13 years old, but less than 16 years old they can legally consent to sexual activity with a partner who is not more than 4 years older than themselves.

An individual who is physically or mentally impaired, generally, cannot give consent to sexual activity. Physical or mental impairment includes: visual, speech or hearing impaired, a person with a cognitive impairment; a person who is unconscious or sleeping; or a person who is voluntarily or involuntarily under the influence of alcohol or other substance(s).

Criminal Sexual Contact is legally defined as "intentional, non-consensual touching by the victim or actor, either directly or through clothing, of a victim's or actor's sexual organs, genital area, anal area, inner thigh, groin, buttock or breast, for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor" (NJSA 2C:14-3).

Sexual Violence can happen to anyone regardless of employment or educational level, race or ethnic background, religion, marital status, physical ability, age or sexual orientation.

### If you have been Sexually Victimized

* Get to a safe place.
* Don’t bathe, shower, douche, change your clothes, eat, drink, smoke, urinate, brush your teeth, gargle or anything else that might destroy or wash away evidence, including evidence of a drug facilitated assault.
* Contact your county Sexual Violence Agency for emotional support, information and to learn about your options.
* Seek medical attention for injuries, sexually transmitted infections, HIV and possible pregnancy. Hospitals and satellite emergency departments are required to provide care and information to sexual assault victims about emergency contraception and the contraceptives upon request.
* Have your Sexual Assault Response Team (SART) activated if you wish to have forensic evidence collected by calling your local police department or dialing 911.

### What is a Sexual Assault Response Team (SART)?

The Sexual Assault Response Team consists of a forensic nurse examiner, a confidential sexual violence advocate (CSVA) and a law enforcement officer. The SART uses a team concept in providing the compassionate and all-inclusive medical care, emotional and informative support, along with the gathering of crucial evidence of the sexual assault incident. For the most part and significantly, the SART will help to support victims in order to formulate knowledgeable resolutions concerning their care and healing.

### When is the Sexual Assault Response Team activated?

The SART can be activated 24 hours a day and 7 days a week providing:

* The victim is 13 years of age or older.
* The assault occurred within the last 5 days.
* The victim chooses to utilize SART services.

### Options available to you if you become the victim of sexual violence:

* A confidential sexual violence advocate from the county Sexual Violence Agency is available to victims, 12 years of age and older, 24 hours-a-day to accompany you through all medical, legal and court procedures. A confidential sexual violence advocate is someone who has received specialized training in the dynamics of sexual violence and is knowledgeable about assisting victims through the aftermath of a sexual assault. The confidential sexual violence advocate can provide emotional support and information to you and your significant others, as well as explain your options.
* Individual and group counseling is available at each county Sexual Violence Agency.
* All services and fees are confidential, and are available regardless of when the assault occurred or whether a victim reports the crime.
* If the assault happened within the past five days and you are over the age of 13, the county Sexual Assault Response Team (SART) can be activated.