



SJ24: Study of Sexual Assault in Montana

Data on Sexual Assault

Presentation to Law & Justice Interim Committee

September 29, 2015



Data Mapping

- ▶ MTIBRS - Montana Incident Based Reporting System
- ▶ Incident-based crime data is reported by local law enforcement agencies using MTIBRS codes that are mapped to their local records management systems
- ▶ The MBCC conducts onsite compliance monitoring to improve data quality; reviewing MTIBRS entries against police reports and incident documentation
- ▶ MTIBRS codes are mapped to Montana Statute
 - ▶ More than one code may map to a single statute
 - ▶ More than one statute may map to a single code
- ▶ MTIBRS codes are mapped according to the FBI Uniform Crime Reporting criteria
- ▶ The MBCC maintains a Data Dictionary and Cross Code Review for all agencies



Categories of Crime Incidents

- ▶ Offenses are grouped into Index and Non-Index Crimes
- ▶ Index Crimes include: homicide, rape, robbery, aggravated assault, burglary, larceny/theft and motor vehicle theft
 - ▶ Arson was added as an index crime to NIBRS (national) but is not counted as an index crime in Montana
- ▶ Index crimes are chosen because they are the highest in severity and would be most commonly reported to law enforcement
- ▶ The seven index crimes are further subcategorized into violent crimes and property crimes.
- ▶ The sum of the seven index crimes is the crime index
- ▶ The crime index is used as a measure to gauge the level of crime in a particular geographic region



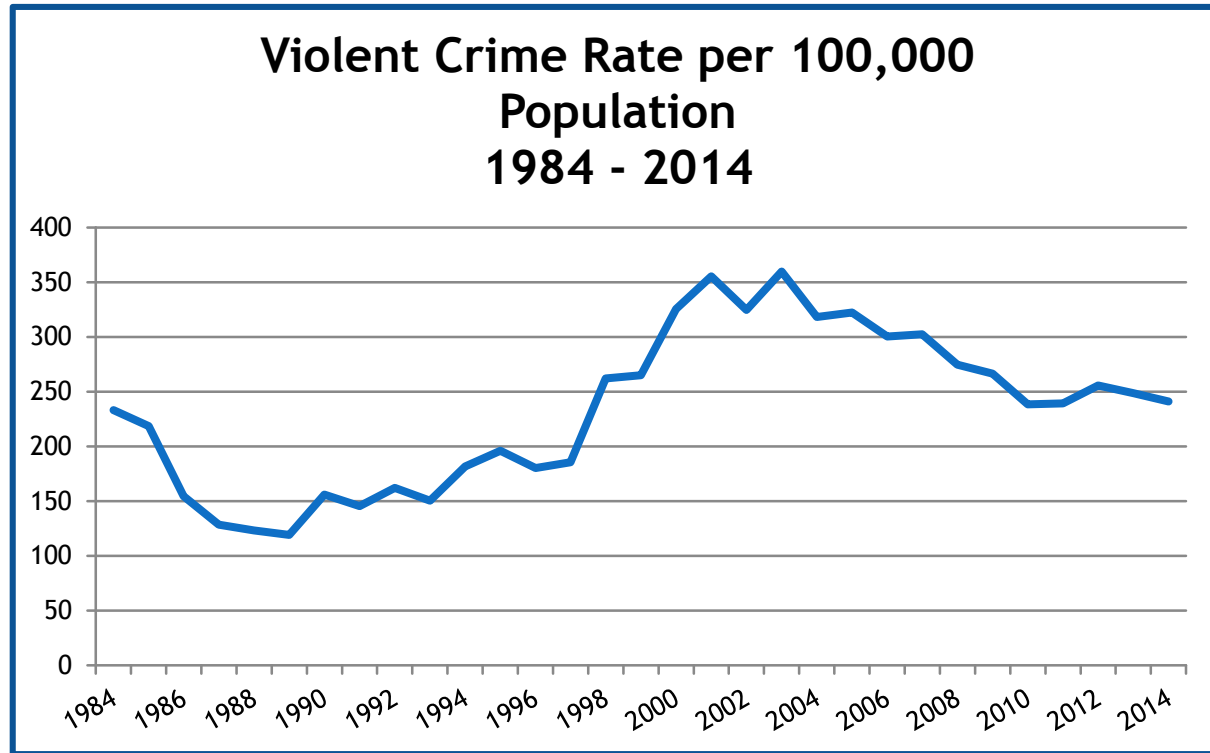
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Index Violent Crime in Montana

Index violent crimes include homicide, rape,
robbery and aggravated assault



The index violent crime rate dropped through the late 1980s to a low of 119.1 violent crimes per 100,000 population in 1989. Then, violent crime increased through the 1990s and early 2000s by 198% to 355.4 violent crimes per 100,000 population in 2001.



Violent Crime Rate per 100,000 Population: 1984-2014

Year	Number of Offenses	Rate per 100,000
1984	1,796	233.2
1994	1,488	181.5
2004	2,907	318.1
2013	2,428	248.6
2014	2,381	240.9

The violent crime rate dropped slightly in 2002, and then reached its peak in 2003 with 359.7 violent crimes per 100,000 population. After 2003, the violent crime rate steadily dropped. In 2014 the violent crime rate decreased 3% from 2013.



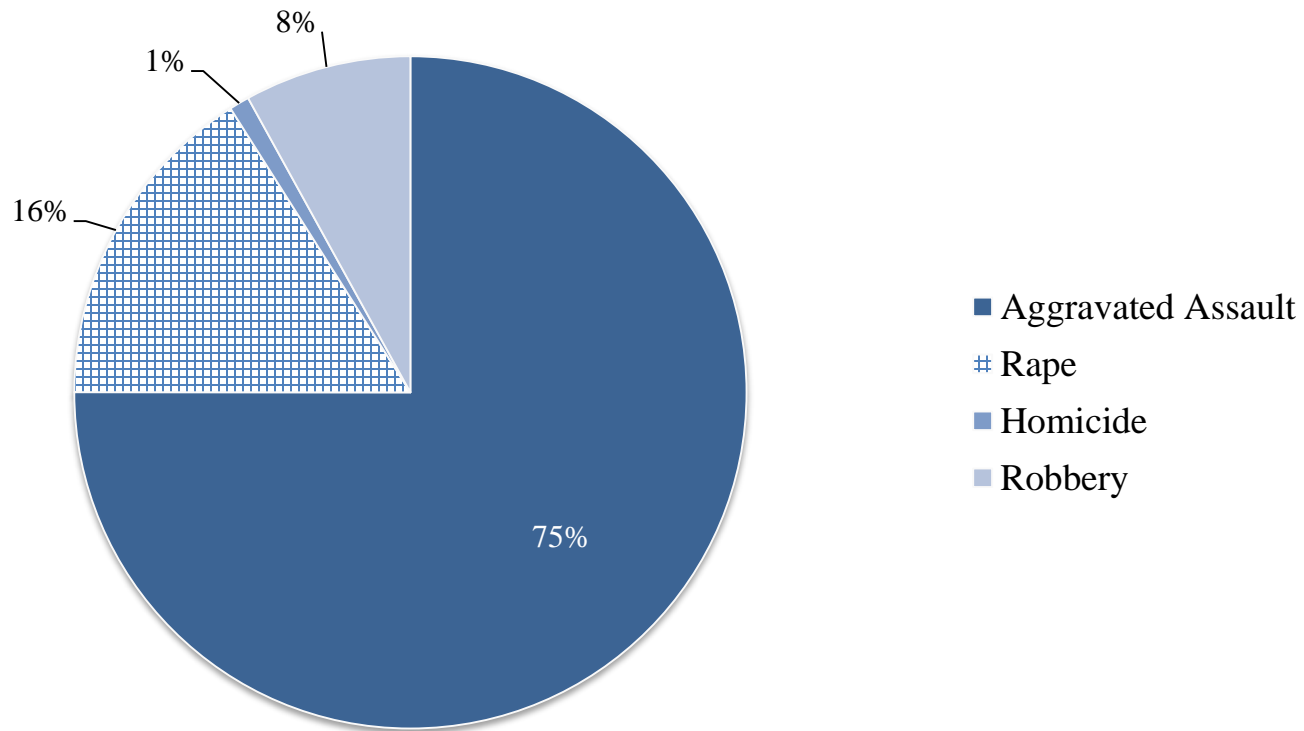
Distribution of Violent Crime 2014

Percentage of Index Violent Crimes by Offense by Year

Year	2010	2011	2012	2013	2014
Aggravated Assault	78%	78%	78%	76%	75%
Rape	14%	14%	13%	14%	16%
Homicide	1%	1%	1%	1%	1%
Robbery	7%	7%	8%	9%	8%



Distribution of Violent Crime 2014





Sexual Assault Data Collected by MBCC

- ▶ Montana Incident Based Reporting System (MTIBRS)
 - ▶ Reported to the FBI Uniform Crime Report (UCR)
 - ▶ All incidents known to law enforcement, regardless of arrest, charges filed or outcome of pending charge
- ▶ Automated Victim Information Database (AVID)
 - ▶ Program data from agencies awarded grant funding from MBCC
 - ▶ Basic demographics, types and units of service, utilization of shelter care



Limitations of the Data

- ▶ MTIBRS Data submission is voluntary for local law enforcement jurisdictions
 - ▶ 100 of 110 local agencies do report to MBCC
 - ▶ This geographically represents approximately 97% of the state population
- ▶ No tribal or state law enforcement agency data is included in MTIBRS at this time
- ▶ AVID data is collected only from those agencies currently receiving grant funding from MBCC and may not provide a representative sample of data statewide
 - ▶ The agencies funded vary from year to year through a competitive grant process
- ▶ AVID data is collected to meet federal reporting requirements by funding source
 - ▶ Performance measures and data required is determined by federal funding partners and may not align with Montana statute or other data collection resources

AVID data is not included in this presentation due to the limitations



Considerations of the Data

- ▶ Sexual assault is one of the most under reported crimes
 - ▶ 68% go unreported (Justice Department, *National Crime Victimization Survey: 2008-2012*)
- ▶ Increased numbers may be an indication of increased trust and communications with law enforcement within the community
- ▶ Increased numbers may be a result of heightened awareness or reductions in stigma associated with reporting sexual offenses



Sexual Crimes by Statute

5 Years of Data

2010 - 2014



MCA TITLE 45. CRIMES

CHAPTER 5. OFFENSES AGAINST THE PERSON

PART 5. Sexual Crimes

- ▶ 45-5-501. Definitions.
- 45-5-502. Sexual assault.
- 45-5-503. Sexual intercourse without consent.
- 45-5-504. Indecent exposure.
- 45-5-505. Renumbered (to 45-8-218 Deviate sexual conduct).
- 45-5-506. Renumbered (to 45-5-511 Provisions generally applicable to sexual crimes).
- 45-5-507. Incest.
- 45-5-508. through reserved.
- 45-5-511. Provisions generally applicable to sexual crimes.
- 45-5-512. Chemical treatment of sex offenders.



“Without Consent”

45-5-501. Definitions

- ▶ (1) (a) As used in [45-5-503](#), the term "without consent" means:
 - (i) the victim is compelled to submit by force against the victim or another; or
 - (ii) subject to subsections (1)(b) and (1)(c), the victim is incapable of consent because the victim is:
 - (A) mentally defective or incapacitated;
 - (B) physically helpless;
 - (C) overcome by deception, coercion, or surprise;
 - (D) less than 16 years old;
 - (E) incarcerated in an adult or juvenile correctional, detention, or treatment facility or is on probation or parole and the perpetrator is an employee, contractor, or volunteer of the supervising authority and has supervisory or disciplinary authority over the victim, unless the act is part of a lawful search;
 - (F) receiving services from a youth care facility, as defined in [52-2-602](#), and the perpetrator:
 - (I) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and
 - (II) is an employee, contractor, or volunteer of the youth care facility; or
 - (G) admitted to a mental health facility, as defined in [53-21-102](#), is admitted to a community-based facility or a residential facility, as those terms are defined in [53-20-102](#), or is receiving community-based services, as defined in [53-20-102](#), and the perpetrator:
 - (I) has supervisory or disciplinary authority over the victim or is providing treatment to the victim; and
 - (II) is an employee, contractor, or volunteer of the facility or community-based service.
 - (b) Subsection (1)(a)(ii)(E) does not apply if the individuals are married to each other and one of the individuals involved is on probation or parole and the other individual is a probation or parole officer of a supervising authority.
 - (c) Subsections (1)(a)(ii)(F) and (1)(a)(ii)(G) do not apply if the individuals are married to each other and one of the individuals involved is a patient in or resident of a facility, is a recipient of community-based services, or is receiving services from a youth care facility and the other individual is an employee, contractor, or volunteer of the facility or community-based service.
- (2) As used in subsection (1), the term "force" means:
 - (a) the infliction, attempted infliction, or threatened infliction of bodily injury or the commission of a forcible felony by the offender; or
 - (b) the threat of substantial retaliatory action that causes the victim to reasonably believe that the offender has the ability to execute the threat.



Forcible vs. Non-Forcible Offenses by FBI classification

▶ Forcible

- ▶ Rape - 11A
- ▶ Sodomy - 11B
- ▶ Sexual Assault with an Object - 11C
- ▶ Fondling - 11D

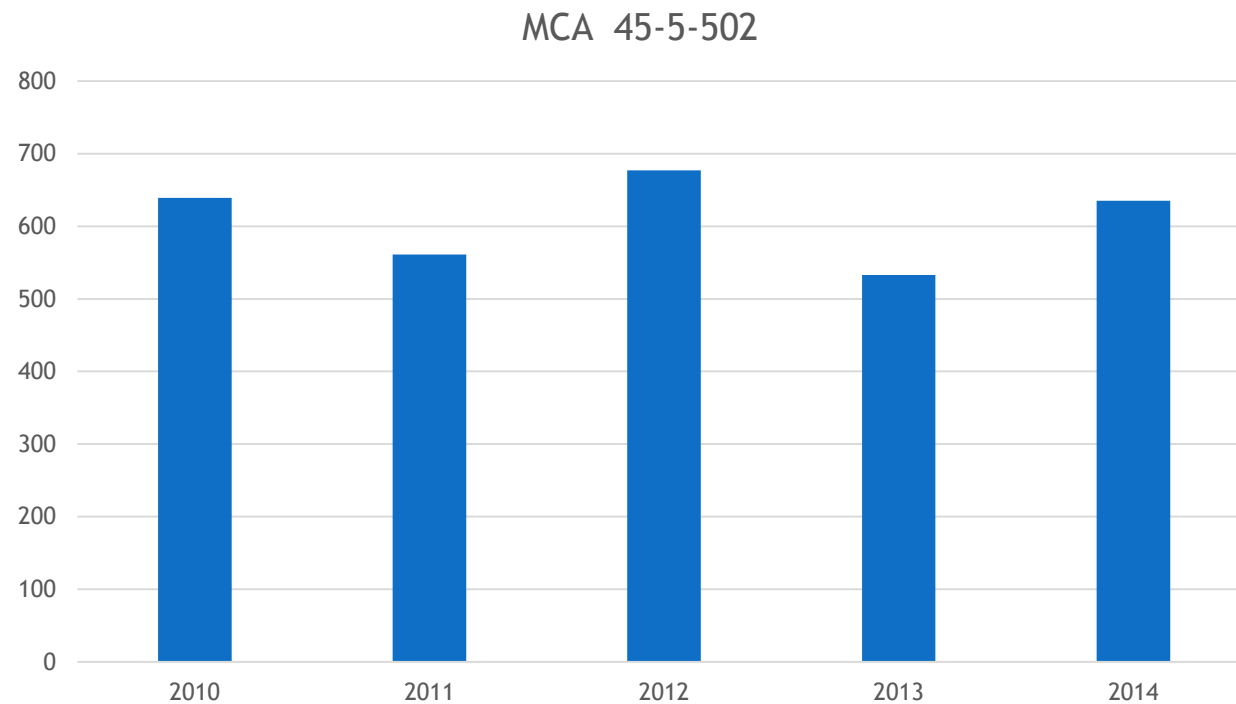
▶ Non-Forcible

- ▶ Incest - 36A
- ▶ Statutory Rape - 36B



Sexual Assault MCA 45-5-502

► 11D: Sexual Assault





Sexual Assault

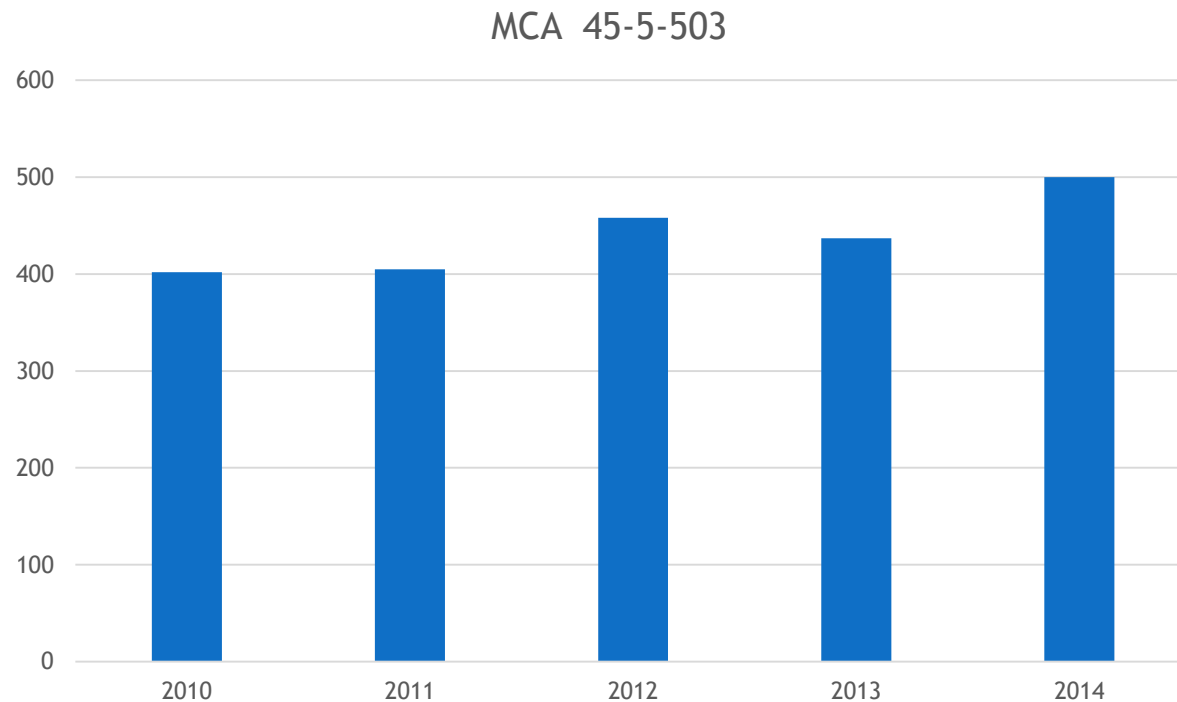
MCA 45-5-502

- ▶ MTIBRS Offense code 11D
- ▶ 11A - 11D Sex Offenses
 - ▶ Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent
- ▶ 11D Fondling
 - ▶ The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
 - ▶ Because there is no penetration in fondling, this offense will not convert to the Summary Reporting System (SRS) as Rape.



Sexual Intercourse without Consent: MCA 45-5-503

▶ MTIBRS Offense codes 11A, 11B, 11C, 36B



Incident Date	MCA 45-5-503
2010	402
2011	405
2012	458
2013	437
2014	500



Sexual Intercourse without Consent: MCA 45-5-503

- ▶ MTIBRS Offense codes 11A, 11B, 11C, 36B
 - ▶ 11A - Sexual Intercourse without consent
 - ▶ 11A - 11D Sex Offenses
 - ▶ Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent
 - ▶ 11B - Sexual intercourse (forcible sodomy) without consent
 - ▶ 11B Sodomy/ Same-sex forcible rape
 - ▶ Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
 - ▶ If the offender both raped and sodomized the victim in one incident, then LEAs should report both offenses.



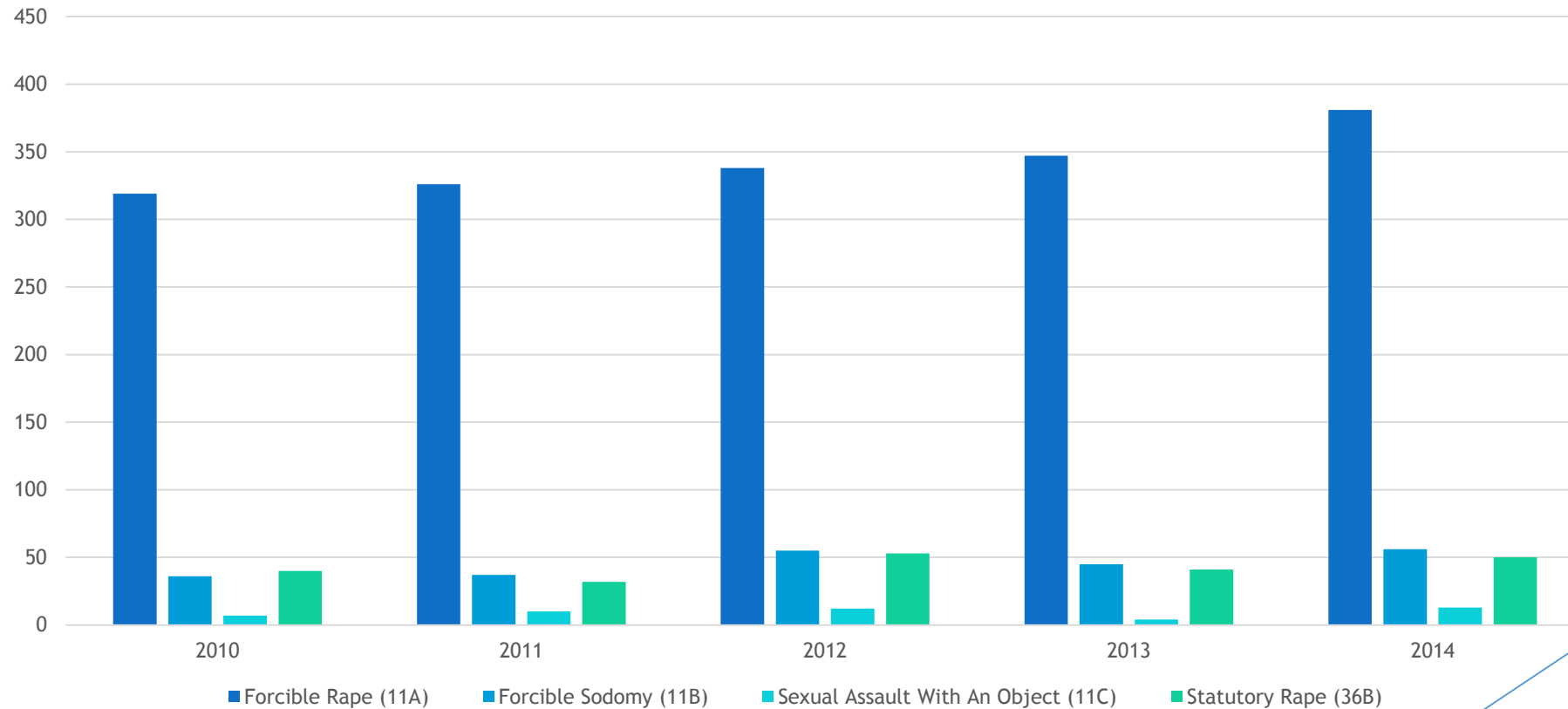
Sexual Intercourse without Consent: MCA 45-5-503 (cont.)

- ▶ MTIBRS Offense codes 11A, 11B, 11C, 36B (cont.)
 - ▶ 11C - Sexual intercourse (with object) without consent
 - ▶ 11C Sexual Assault With An Object
 - ▶ To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
 - ▶ An “object” or “instrument” is anything used by the offender other than the offender’s genitalia, e.g., a finger, bottle, handgun, stick.
 - ▶ 36B - Statutory Rape
 - ▶ Nonforcible sexual intercourse with a person who is under the statutory age of consent
 - ▶ If the offender used or threatened the use of force or the victim was incapable of giving consent because of his/her youth or mental impairment, either temporary or permanent, law enforcement should classify the offense as Rape, not Statutory Rape.



Sexual Intercourse without Consent: MCA 45-5-503

by reporting code

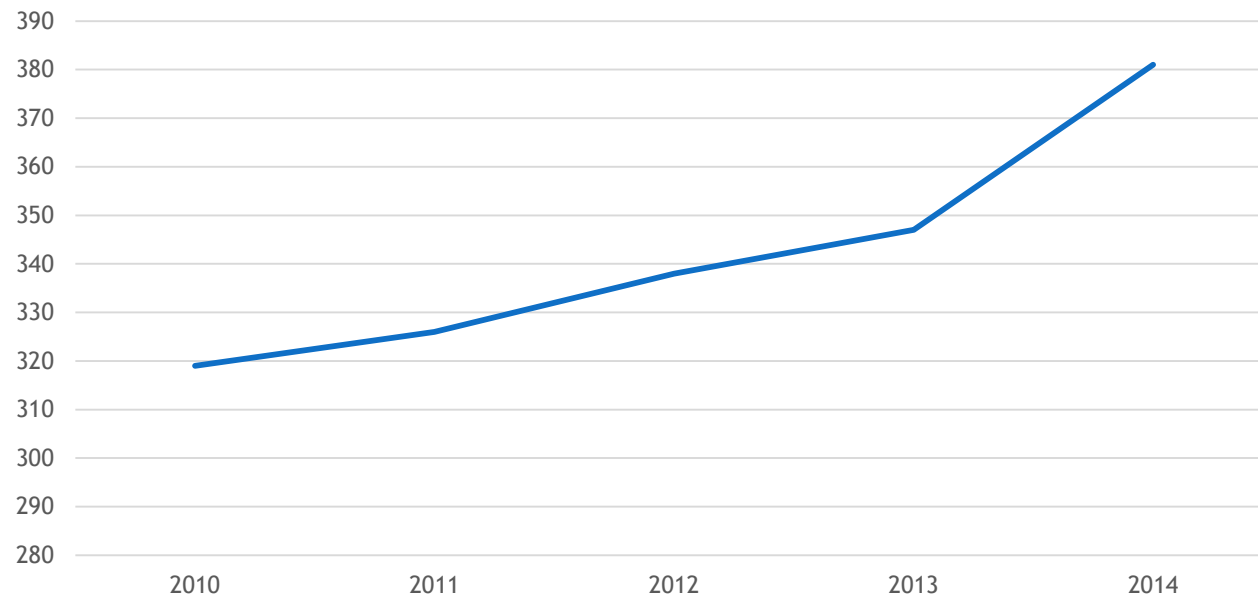




Sexual Intercourse without Consent: MCA 45-5-503

by reporting code

11A Forcible Rape



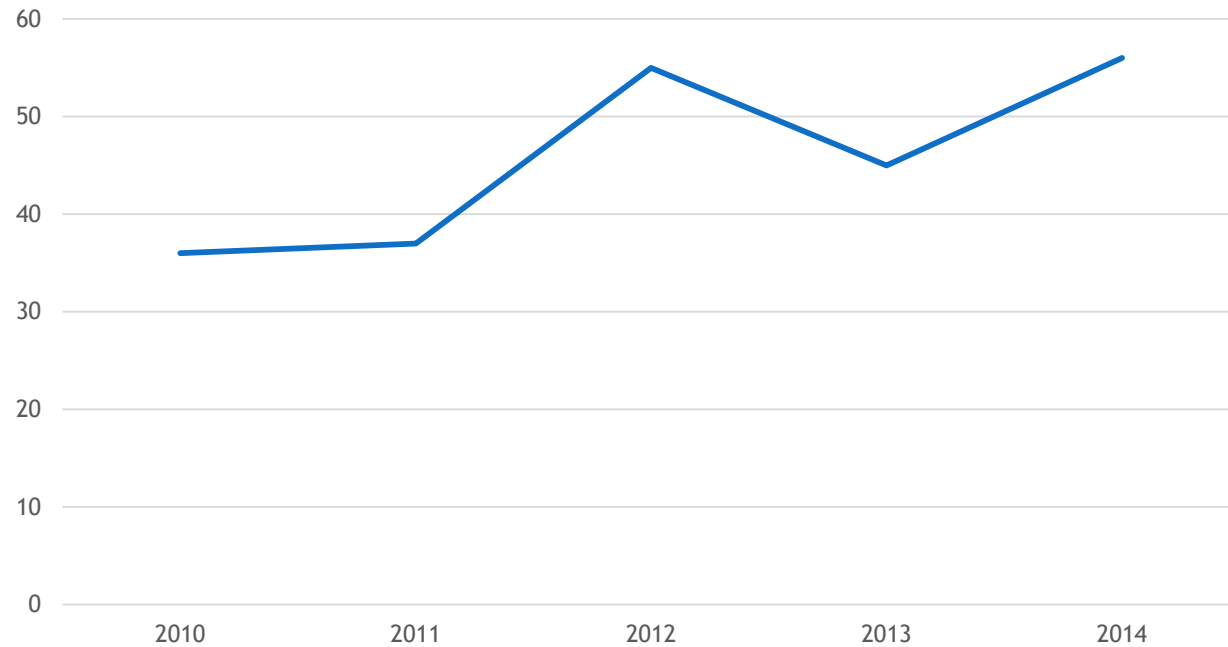
Incident Date	Forcible Rape (11A)
2010	319
2011	326
2012	338
2013	347
2014	381



Sexual Intercourse without Consent: MCA 45-5-503

by reporting code

Forcible Sodomy (11B)



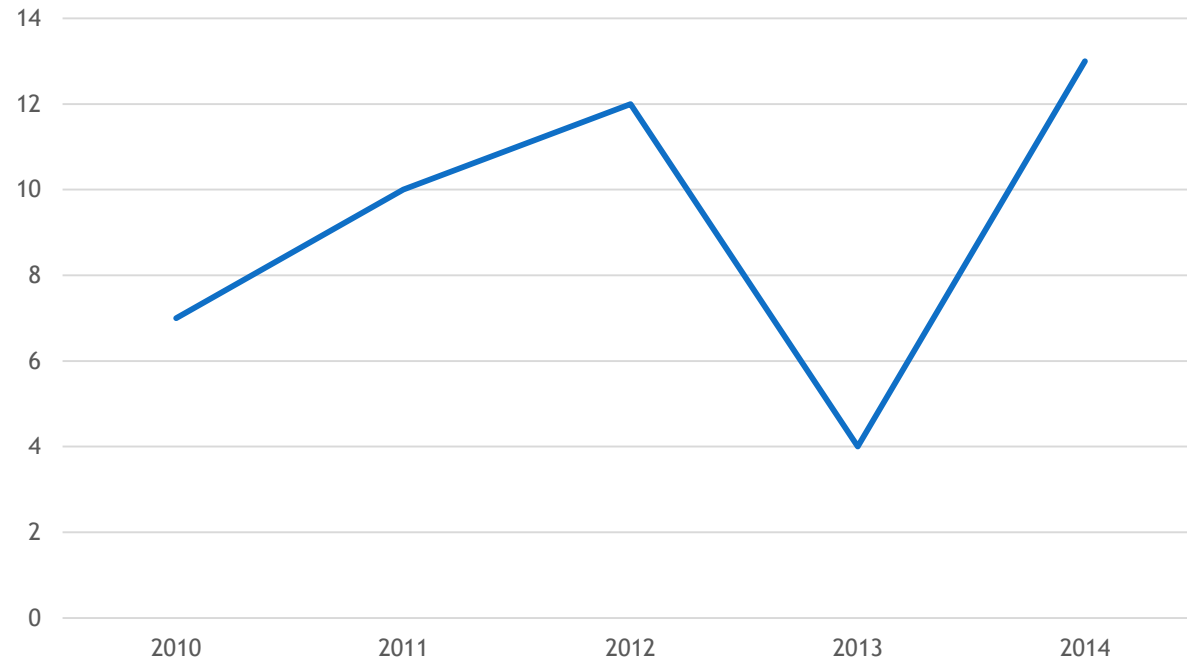
Incident Date	Forcible Sodomy (11B)
2010	36
2011	37
2012	55
2013	45
2014	56



Sexual Intercourse without Consent: MCA 45-5-503

by reporting code

Sexual Assault With An Object (11C)



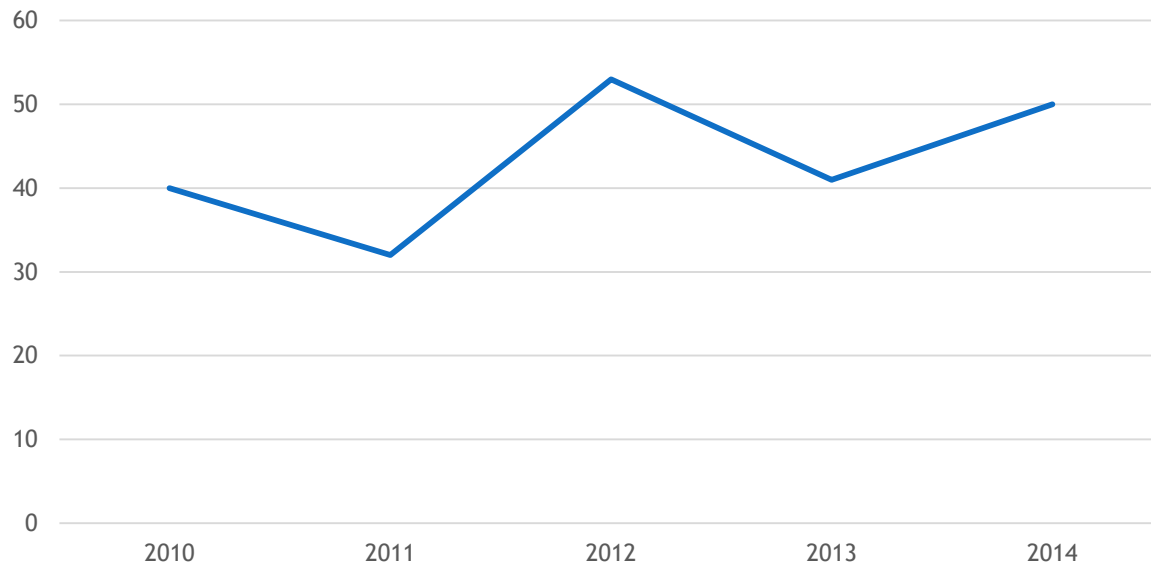
Incident Date	Sexual Assault With An Object (11C)
2010	7
2011	10
2012	12
2013	4
2014	13



Sexual Intercourse without Consent: MCA 45-5-503

by reporting code

36B Statutory Rape



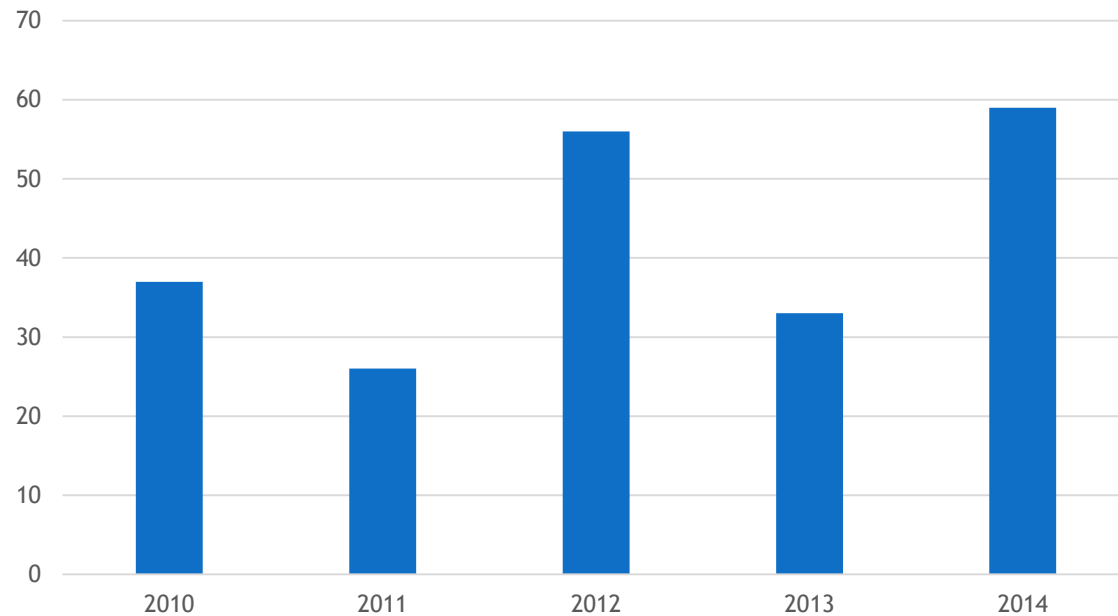
Incident Date	Statutory Rape (36B) 45-5-503
2010	40
2011	32
2012	53
2013	41
2014	50



Indecent Exposure MCA 45-5-504

► 90C - Indecent Exposure

Indecent exposure (90C/2667)



Incident Date	Indecent exposure (90C/2667)
2010	37
2011	26
2012	56
2013	33
2014	59



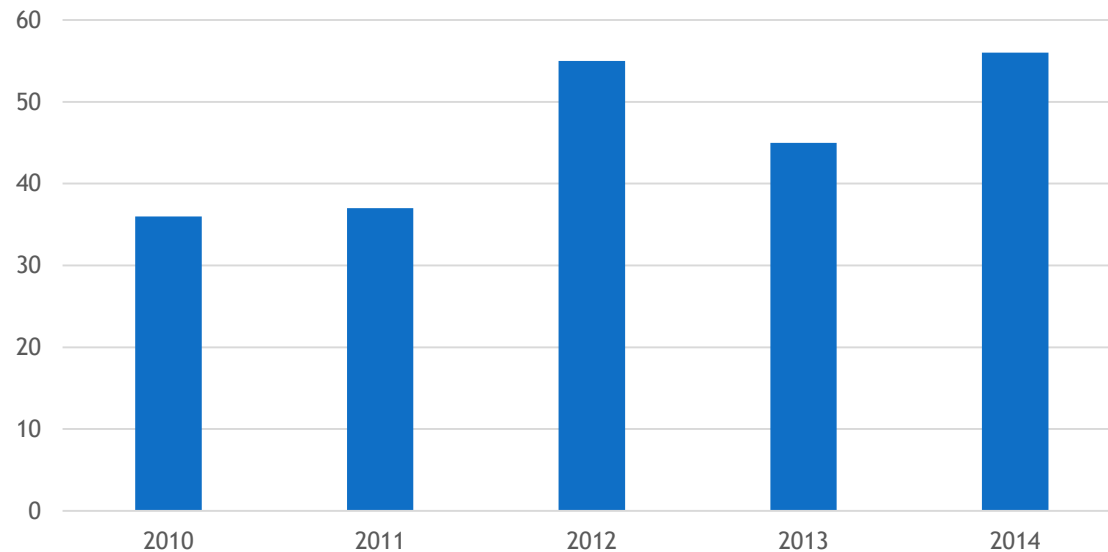
Deviate Sexual Conduct

MCA 45-8-218

(renumbered from 45-5-505)

- ▶ 11B - Sexual intercourse (forcible sodomy) without consent
- ▶ 11B - Same-sex forcible rape

Forcible Sodomy (11B)



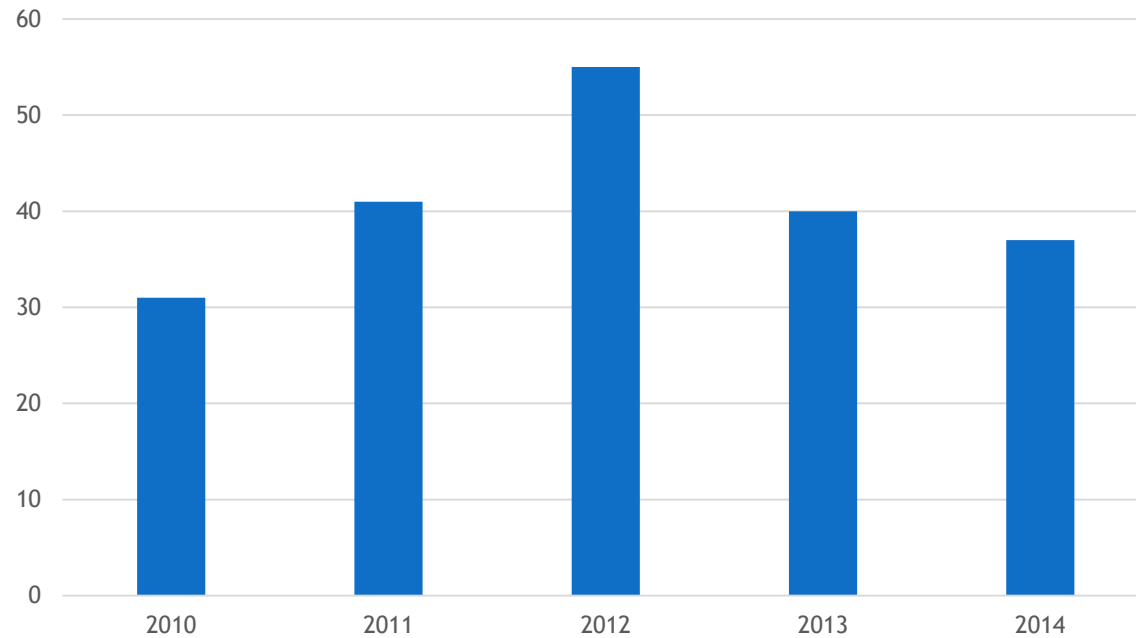
NOTE: This code is also included in MCA 45-5-503 viewed previously



Incest MCA 45-5-507

► 36A: Incest

Incest (36A)



Incident Date	Incest (36A)
2010	31
2011	41
2012	55
2013	40
2014	37



Questions?

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