



Reporting a Sexual Assault to Law Enforcement

The decision to report to law enforcement is entirely yours. Some survivors say that reporting and seeking justice helped them recover and regain a sense of control over their lives. Understanding how to report and learning more about the experience can take away some of the unknowns and help you feel more prepared.

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How do I report sexual assault?

You have several options for reporting sexual assault:

- **Call 911.** If you are in immediate danger, dial 911. Help will come to you, wherever you are.
- **Contact the local police department.** Call the direct line or visit the station in person. If you are on the University of Montana campus you can contact campus-based law enforcement.
 - Missoula County Sheriff's Office: 406-258-4810
 - Missoula Police Department: 406-552-6300
 - University of Montana Police: 406 243-6131
- **Visit a medical center like First Step in Missoula 406-329-5776.** If you are being treated for injuries resulting from sexual assault, tell a medical professional that you wish to report the crime. You can also choose to have a sexual assault forensic exam also known as a rape kit.

Who will I be talking to?

Law enforcement officers receive training to assist sexual assault survivors. Different agencies can connect you to these officers, and a trained advocate can accompany you through the reporting process, if you like.

Our law enforcement agencies participate in Sexual Assault Response Teams (SARTs), which provide a survivor-centered, coordinated response to sexual assault. They work together to organize the investigation, reduce repetition of questions and interviews, and facilitate communication among all agencies involved.

What can I expect?

A great deal of effort has gone into training law enforcement to create and operate [a] survivor-centered process. Knowing what to expect and when to speak up can help you feel more comfortable and in control.

- **You should have privacy.** When you discuss what happened to you with law enforcement, it should happen in quiet area away from others. If you feel that the situation is too public, ask to be relocated to a more private space.
- **It may take a while.** When you first report, the process may take a few hours. This is normal. Additional interviews with law enforcement may last a while as well, and they may occur over an extended period of time.
- **You can take a break.** If you need water, a snack, or just a minute to breathe, you can ask for a break.

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Crime Victim Advocate Program ▪ Missoula City-County Department of Grants and Community Programs
500 N. Higgins, Missoula, MT 59802 ▪ (406) 830-3830 ▪ cva@co.missoula.mt.us

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- **Some questions may feel uncomfortable.** Because of the nature of sexual assault, some questions can feel uncomfortable or intrusive. Use whatever terms or phrases make you most comfortable. It can help to remember that law enforcement officers are professionals, just like doctors and teachers, and are prepared to listen to what happened.
- **You may hear the same question more than once.** Law enforcement may ask the same questions several times or several different ways. It's not because they don't trust you—after a trauma it can be difficult to describe the details. Repeating a question or asking in a different way may prompt you to remember something you forgot the first time.

You can have support. It can be helpful and comforting to have support when communicating with law enforcement. The following people can accompany you when you make a report.

- **A trained advocate.** Victims have a right to an advocate. The primary role of an advocate is to assist and support victims of sexual violence by providing critical information, services, and follow-up care.
- **Someone you trust and/or** a supportive person in your life accompany you as well, including an attorney. This person may be asked to wait outside during the interview to preserve the investigation.

What should I know about law enforcement's process?

You may be asked to speak with law enforcement several times throughout an investigation. Some questions can seem personal, invasive, or simply annoying. You may feel more comfortable if you understand the goals behind law enforcement's process.

- **Proving lack of consent is a priority.** The majority of sexual assaults are committed by someone known to the victim. Because of this, the difficulty in prosecuting is rarely about identifying a suspect—it's about proving a lack of consent.
- **They are trying to counter the defense.** Law enforcement officers are trained to anticipate common defenses used by perpetrators in sexual assault cases. According to the International Association of Chiefs of Police (IACP), "the following are four common sexual assault defenses and strategies to counter these defenses in the written case."
 1. Denial: Collect and document evidence to establish that (nonconsensual) sexual contact did occur.
 2. Identity: Collect and preserve DNA samples from the victim and suspect, and other physical evidence from the crime scene(s); document witness statements.
 3. Consent: Document fear, force, threat, coercion and/or inability to consent.
 4. Impeachment by Contradiction: Document any changes in victim/witness statements, especially as additional details are recalled following the initial trauma/shock of the assault.

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They've been trained on the impact of trauma. Law enforcement officers are trained not to label an assault as a false report based on an initial interview, a victim's response to the trauma, a statement that was taken back or recanted, or a victim's refusal to participate in the investigative process. They understand that trauma can impact how a victim behaves, and may schedule follow-up interviews to help break up the process and confirm details. Furthermore, they know that perpetrators sometimes target a person who they think will be an "unreliable witness."

What goes into the report?

When law enforcement files a report, it includes the case tracking number and a written narrative based on the interview(s) with the victim. Some aspects of the report will include:

- **Description of the assault:** Details about what occurred; sensory experiences, such as what the victim saw, smelled, tasted, heard or felt at the during the assault; the victim's exact words or phrases, quoted directly; details of voluntary alcohol or drug use that demonstrate why this is an issue of increased victim vulnerability rather than fault.
- **Indication of lack of consent:** An expression of lack of consent through words or conduct means there is no consent. A lack of consent may be inferred based on all of the surrounding circumstances and must be considered in determining whether a person gave consent. What "no" looked or felt like for the individual victim— noting that silence is not consent and "no" or resistance is communicated through more than just words; any details that show how a consensual encounter turned nonconsensual.
- **Timeline and victim response:** A timeline to show trauma behavior in context of previous behavior, such as weight loss or gain, changes in routine, mood, social activities, school performance, etc.; documentation of the victim's condition as observed.

Is there a time limit on reporting to the police?

In short, yes. This window of time you can report a crime is called the statute of limitations. Statutes of limitation vary by type of crime, age of the victim, and various other factors.

What are some common concerns about reporting?

If you have questions or concerns about reporting, you're not alone. The list below may have answers to some common questions that are on your mind.

- **The perpetrator got scared away or stopped before finishing the assault.**
Attempted rape is a serious crime and can be reported. Reports of attempted rape and other assault are taken seriously.
- **I know the person who hurt me.**
It can be unnerving to be violated by someone you know. Regardless of who the perpetrator is, sexual assault is against the law.

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- **I've been intimate with the perpetrator in the past, or am currently in a relationship with the perpetrator.**

Sexual assault can occur within a relationship. Giving someone consent in the past does not give them consent for any act in the future.

- **I have no physical injuries, and I'm worried there's not enough proof.**

Most sexual assaults do not result in external physical injuries. It's important to receive medical attention to check for internal injuries. You can also choose to have a sexual assault forensic exam to check for DNA evidence that may not be visible on the surface. A lack of physical injuries does not mean a case is not prosecutable.

- **I'm worried law enforcement won't believe me.**

Law enforcement has had extensive training on what happens in the brain after a traumatic event like sexual assault. The majority of law enforcement officers take sexual assault very seriously. If you do encounter someone who isn't taking your case seriously, you may: 1) Discuss the situation with your advocate; 2) If you don't have an advocate, contact the Crime Victim Advocate Office for assistance; 3) If you are comfortable doing so, ask to speak to the officer's supervisor.

- **I don't want to get in trouble.**

Sometimes victims are afraid of being disciplined, either by the law or by their parents (if they are minors), because they were doing something illegal when the abuse occurred. It's important to remember that sexual assault is a crime—no matter the circumstances. Nothing you did caused this to happen. It is not Missoula Law Enforcement policy to cite victims for underage alcohol use or illegal drug use when the victim is reporting a sexual assault.

Do I have to report to law enforcement to get a rape kit?

By law, you are not required to report to law enforcement in order to receive a sexual assault forensic exam, commonly referred to as a "rape kit." In some cases, if you are considering reporting but have not made a decision yet, it may be beneficial to have an exam performed anyway. *If you choose to report later, the investigator may then include that evidence in the case information.*

Will I have to pay for the sexual assault forensic exam?

No, the exam is free of charge. If you have insurance and give permission, First Step may bill your insurance.

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