





Refusing to acknowledge "no," or taking it as a challenge.  
Assuming that wearing certain clothes, flirting, or kissing are an invitation for anything more.  
Able to be provided by someone being under the legal age of consent, as defined by the state.  
Able to be provided by someone who is asleep.  
Able to be provided by someone being incapacitated because of drugs or alcohol.







It does not always correlate to a specific BAC and could be a result



If we are trying to determine incapacitation, the investigation must also focus on:

- Did the respondent know the other person was incapacitated?
- Would a reasonable person know the other person was incapacitated?