

# Achieving Best Evidence

in interviews with rape complainants who were intoxicated during the assault



Rape complainants often were alcohol intoxicated during the alleged attack, raising concerns about whether they can accurately remember information about the crime and perpetrator.

Further, there is currently little guidance on how the police should interview complainants in such cases. This research addresses these issues, and provides guidance for police and other legal professionals on interviewing rape complainants who were intoxicated during the alleged crime.

# What do we know about interviewing rape complainants who were intoxicated during the assault?



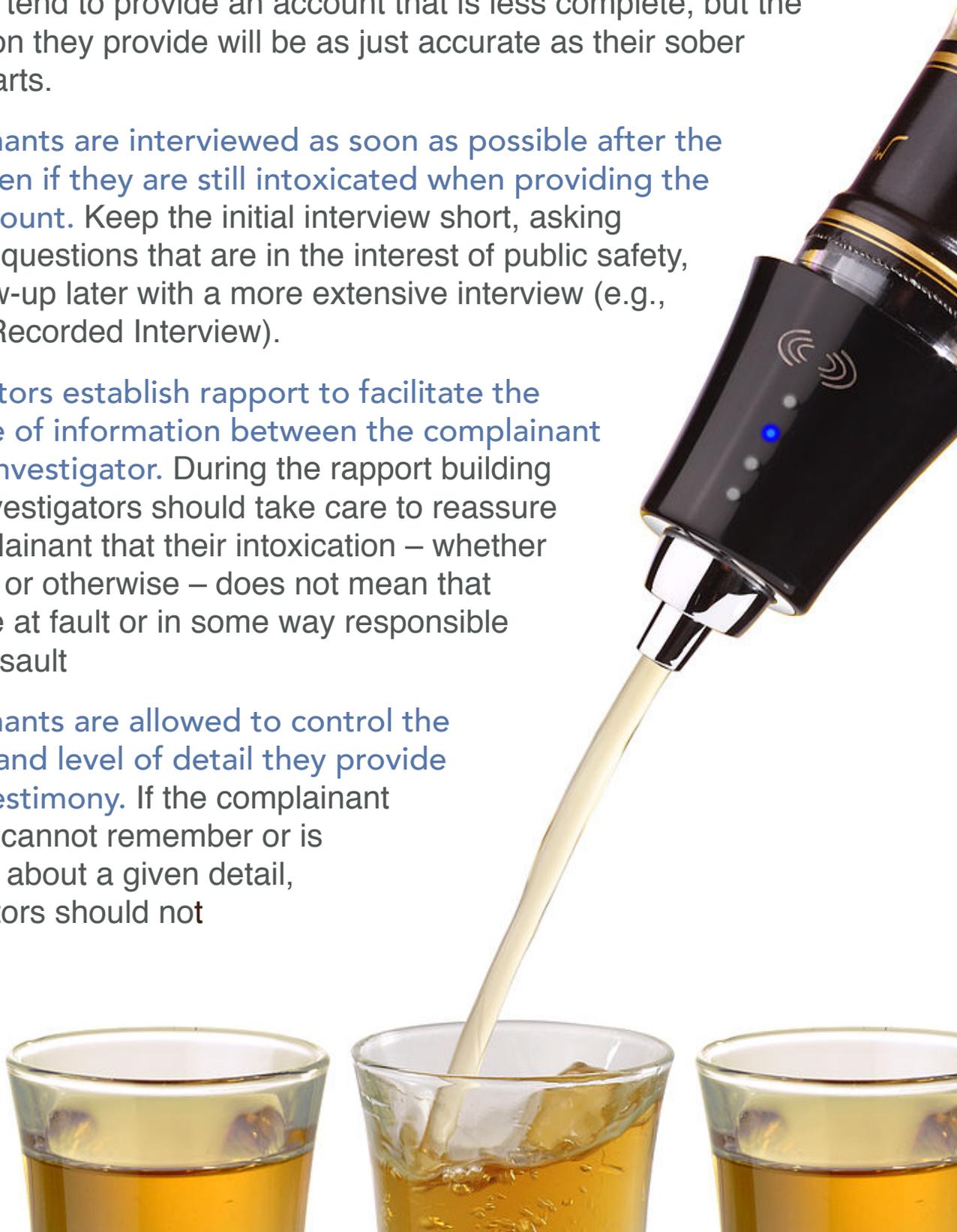
Research funded by the Economic and Social Research Council, the British Academy/Leverhulme Foundation and Alcohol Research UK has found that intoxicated individuals:

- Often blame themselves for sexual assault and are likely to feel higher levels of shame compared to those who were sober at the time of the crime
- Recall less information about a crime, but the accuracy of the information they recall does not differ from people who were sober
- Are more likely to remember central rather than peripheral details about the crime
- Recall more information if they are interviewed relatively soon after the crime
- Do not demonstrate reduced recall accuracy if they are repeatedly interviewed
- Are no more likely to report inconsistent information across interviews than their sober counterparts
- Can show enhanced accuracy for events that they experienced before they became inebriated
- Are similarly affected by suggestible influences and in some cases, may be less vulnerable

# 6 changes to investigative interviews that can deliver better outcomes in cases with complainants who were alcohol intoxicated:

More beneficial outcomes in rape case investigation will result if:

- Investigators do not avoid interviewing complainants because they were alcohol intoxicated. People who were intoxicated during the crime will tend to provide an account that is less complete, but the information they provide will be as just accurate as their sober counterparts.
- Complainants are interviewed as soon as possible after the crime, even if they are still intoxicated when providing the initial account. Keep the initial interview short, asking essential questions that are in the interest of public safety, and follow-up later with a more extensive interview (e.g., a Video-Recorded Interview).
- Investigators establish rapport to facilitate the exchange of information between the complainant and the investigator. During the rapport building stage, investigators should take care to reassure the complainant that their intoxication – whether voluntary or otherwise – does not mean that they were at fault or in some way responsible for the assault
- Complainants are allowed to control the quantity and level of detail they provide in their testimony. If the complainant says she cannot remember or is uncertain about a given detail, investigators should not



repeatedly ask her to try to remember the information. Doing so can lead to inconsistency in the account and serve to undermine the whole of the complainant's testimony in terms of its credibility.

- **Investigators avoid focusing on peripheral factors during the interview.** Testimony about peripheral factors (e.g., bystanders and other things in the surrounding environment) is more likely to be incomplete relative to more central, forensically relevant factors (e.g., information about the perpetrator.)
- **Investigators probe for information about events occurring prior to intoxication.** This information may be especially well-remembered and serve to develop investigative leads, such as corroborating witnesses.

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