



# Achieving best evidence in rape cases with complainants who were alcohol-intoxicated during the assault

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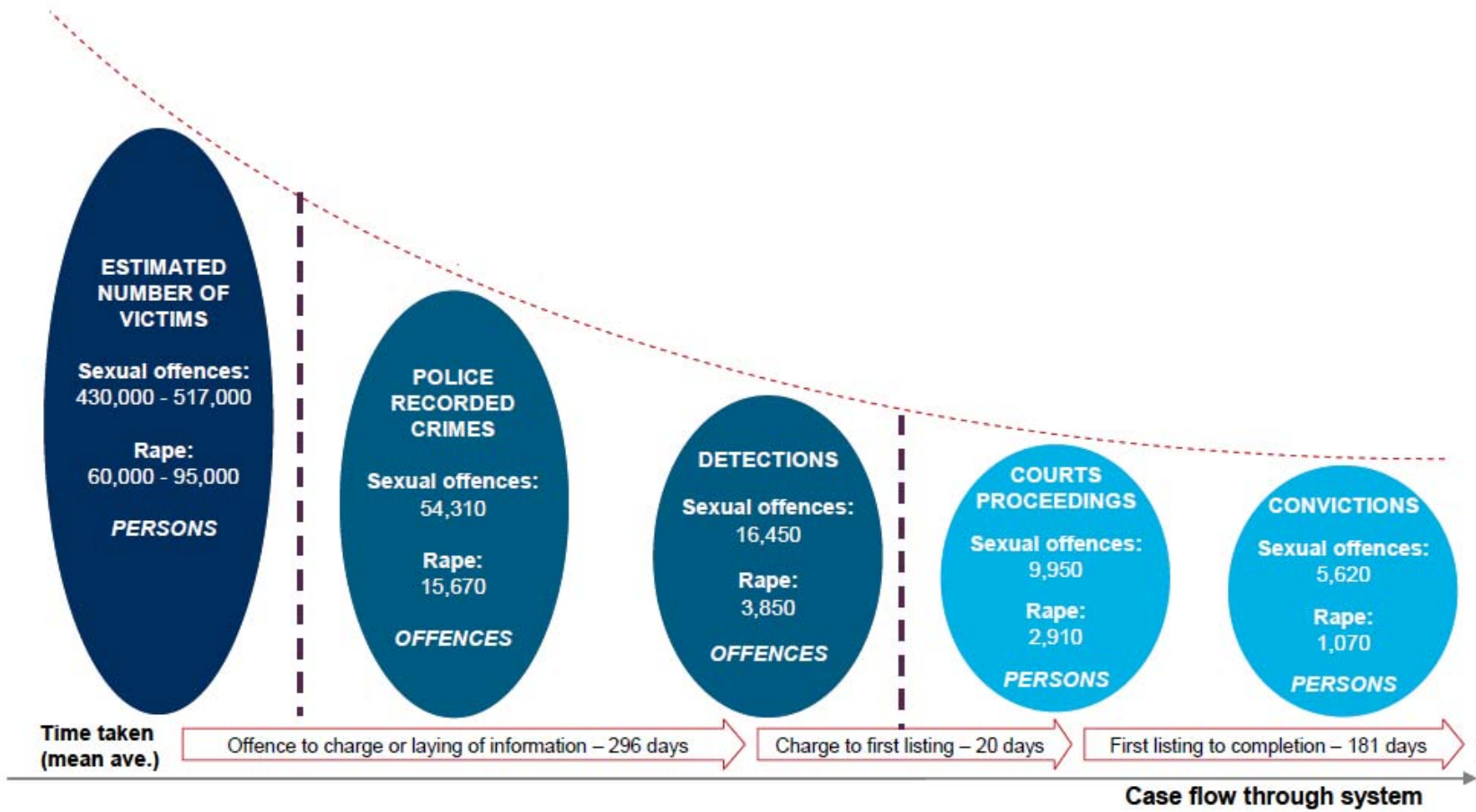


# Memory as Evidence

“Advocates and SANEs [Sexual Assault Nurse Examiners] get frustrated when we can’t move forward with an investigation, but sometimes we can’t because the victim doesn’t remember what happened or there are inconsistencies [in her story].”

From (Cole & Logan, 2010)









# Metacognition and Testimony



- Interviewees control whether they volunteer or withhold specific items of information (i.e., to respond “I don’t know”)
- Interviewees determine what to say based on likely accuracy of their answer (i.e., confidence)

**How does alcohol affect these strategies?**



# Research Questions



- Do participants who were acutely alcohol-intoxicated during the assault effectively monitor their memory?
- Are intoxicated compared to sober participants less accurate in their testimony?



# Participants



- 180 women between the ages of 18 and 32 (M = 20.38 years)



Stage 1

Screening

Stage 2:  
Quantity-Accuracy Profile

Stage 3

24 hours later

# Screening



- Medical conditions
- Medication
- Problem drinking behaviours
- Pregnancy



Stage 1

Screening

Beverage  
Manipulation

Rape Scenario



Stage 2:  
Memory Test



Stage 3

# Method: Session 1, Encoding Phase

ssvs

1. You decide to go to Vodka Revolutions, which is a bar with some of your friends. Whilst there you see the guy pictured below, sitting with a few friends. He is wearing a smart brown top and a pair of black jeans. You notice that he's quite tall, about 6'2". When he catches you staring, he smiles. About half an hour later, when Bruno Mars' latest song comes on, he walks casually towards you and introduces himself. His name is Michael Davies, he's 25 years old and he seems talkative. He says he wants to use the bathroom and that he'll catch you later.



A little later, you go to the old oak bar to get a drink. It is quite busy, and Michael is in front of you in the queue. He offers to buy you a drink. Michael says that he loves living in Leicester and asks whether you live nearby. Michael buys himself a beer and passes you your beverage.



You and Michael carry on chatting for a while. He asks you what you do for a living, and tells you that he is a data communications analyst. He says that he thinks you look stunning. He asks if you want to come and sit down with him for a while. You find a quiet area with a red sofa where you can sit together. Michael comments on the unusual glass lamp beside you. You talk for about three hours. Michael asks you whether you have any nobbies, and he tells you that he's really into surfing. He asks you what kind of films you like and says he loves comedies. He suggests maybe you should go out to the cinema with him sometime. He tells you that you are a very exciting person to be around and he'd like to get to know you more. Time flies by, and you realise it is 2.00am and the bar is closing. You look around, but you can't find the friends you came with. Michael says he can't find his friends either, and offers to take you home. Outside it is raining.

1. PLEASE INDICATE WHETHER OR NOT YOU WOULD STAY IN THIS SCENARIO ON YOUR SEPARATE RESPONSE SHEET.

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# Method: Session 1, Encoding Phase

03/13

2. On the way to his car he puts his arm around you.



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# Method: Session 1, Encoding Phase

SSV1

10. His hands begin wander, and start caressing your back.

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# Method: Session 1, Encoding Phase

Participant Number: \_\_\_\_  
PIN: \_\_\_\_\_

Michael looks angry.

He says that you were leading him on and tells you that you can't say no to him now.

He pushes you down onto the floor.

He says that it's too hard for him to stop. He can't resist you.

He says no one will hear you if you struggle.

He is on top of you and his shoulders are holding you down.

You have sexual intercourse.



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He is on top of you and his shoulders are holding you down.

You have sexual intercourse.

Please turn over the page.





### Stage 1

Screening

Beverage Manipulation

Rape Scenario

### Stage 2: Memory Test



Quantity

Quality

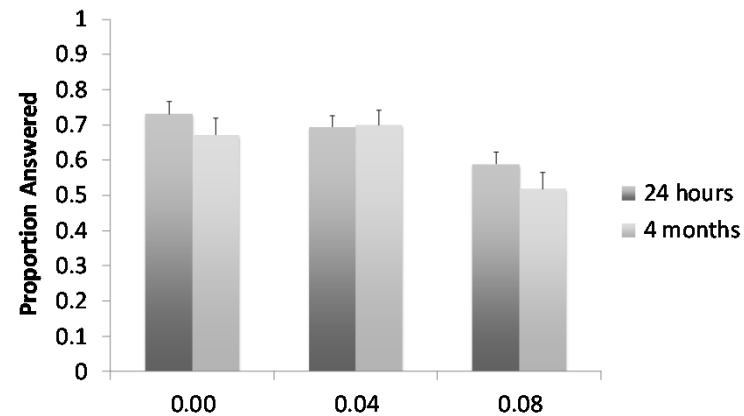
24 hours – 4 months later

### Stage 3



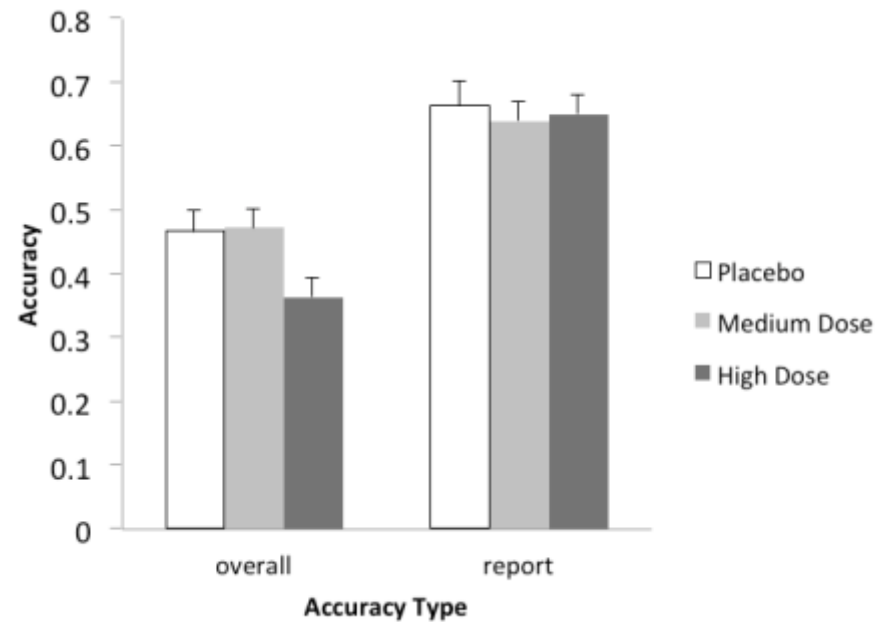
# Quantity of information volunteered

- Women who had consumed the highest dose of alcohol reported fewer answers than their counterparts



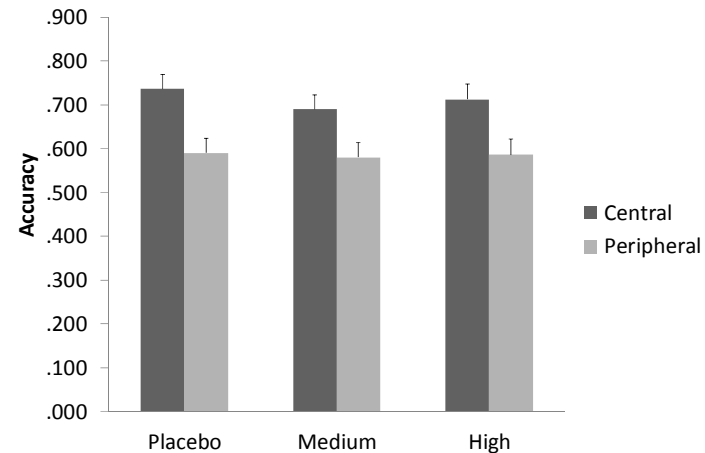
# Quantity of information volunteered

- Women who had consumed the highest dose of alcohol were just as accurate in the memories they reported



# Quantity of information volunteered

- Women most accurate about the central (i.e., perpetrator) details compared to peripheral (e.g., bystanders) details they reported



# Intoxicated participants engage in a quantity-accuracy trade-off



*Applied Cognitive Psychology, Appl. Cognit. Psychol.* **30**: 270–281 (2016)  
 Published online 11 January 2016 in Wiley Online Library (wileyonlinelibrary.com) DOI: 10.1002/acp.3209

## Intoxicated Witnesses: Testing the Validity of the Alcohol Myopia Theory

DEBORAH CROSSLAND\*, WENDY KNELLER and RACHEL WILCOCK

The University of Winchester, Winchester, UK

**Summary:** In an assessment of the Alcohol Myopia Theory (AMT), the effects of alcohol on an eyewitness's recall of high-salience and low-salience details were investigated. In a laboratory, Study 1 participants watched a staged videotape theft whilst either sober (control or placebo), above ( $M_{BAC} = 0.09\%$ ) or below ( $M_{BAC} = 0.06\%$ ) the UK drink-drive limit. A week later, a free recall and recognition tests were completed. Intoxication was not found to reduce recall accuracy using either recall task. In Study 2, whilst on a night out, participants watched the videotape theft with high ( $M_{BAC} = 0.14\%$ ) or low ( $M_{BAC} = 0.05\%$ ) blood alcohol concentrations (BACs). A week later, the free recall and recognition tests were attempted. High BACs were seen to impair recall when memory was assessed through free recall but not with the recognition test. Neither study found the attention narrowing predicted by AMT using either recall technique, although poor recall for low-salience details in all groups may have contributed to this result. Copyright © 2016 John Wiley & Sons, Ltd.

*Applied Cognitive Psychology, Appl. Cognit. Psychol.* **26**: 82–90 (2012)  
 Published online 2 May 2011 in Wiley Online Library (wileyonlinelibrary.com) DOI: 10.1002/acp.1799

## The Effects of Alcohol on Crime-related Memories: A Field Study

KIM VAN OORSOUW\* and HARALD MERCKELBACH

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**Summary:** This field study investigated to what extent memory of criminally relevant details is affected at (close to) zero ( $M_{BAC} = 0.00\%$ ), moderate ( $M_{BAC} = 0.06\%$ ), and high ( $M_{BAC} = 0.16\%$ ) levels of alcohol intoxication. Participants ( $N = 76$ ) were approached in bars and concentration levels. After crime. Compared with crime details, recalling  $u$  produced  $n$  res. Implicat

Scandinavian Journal of Psychology, 2013, 54, 188–195

DOI: 10.1111/sjop.12035

## Cognition and Neurosciences

### Bottled memories: On how alcohol affects eyewitness recall

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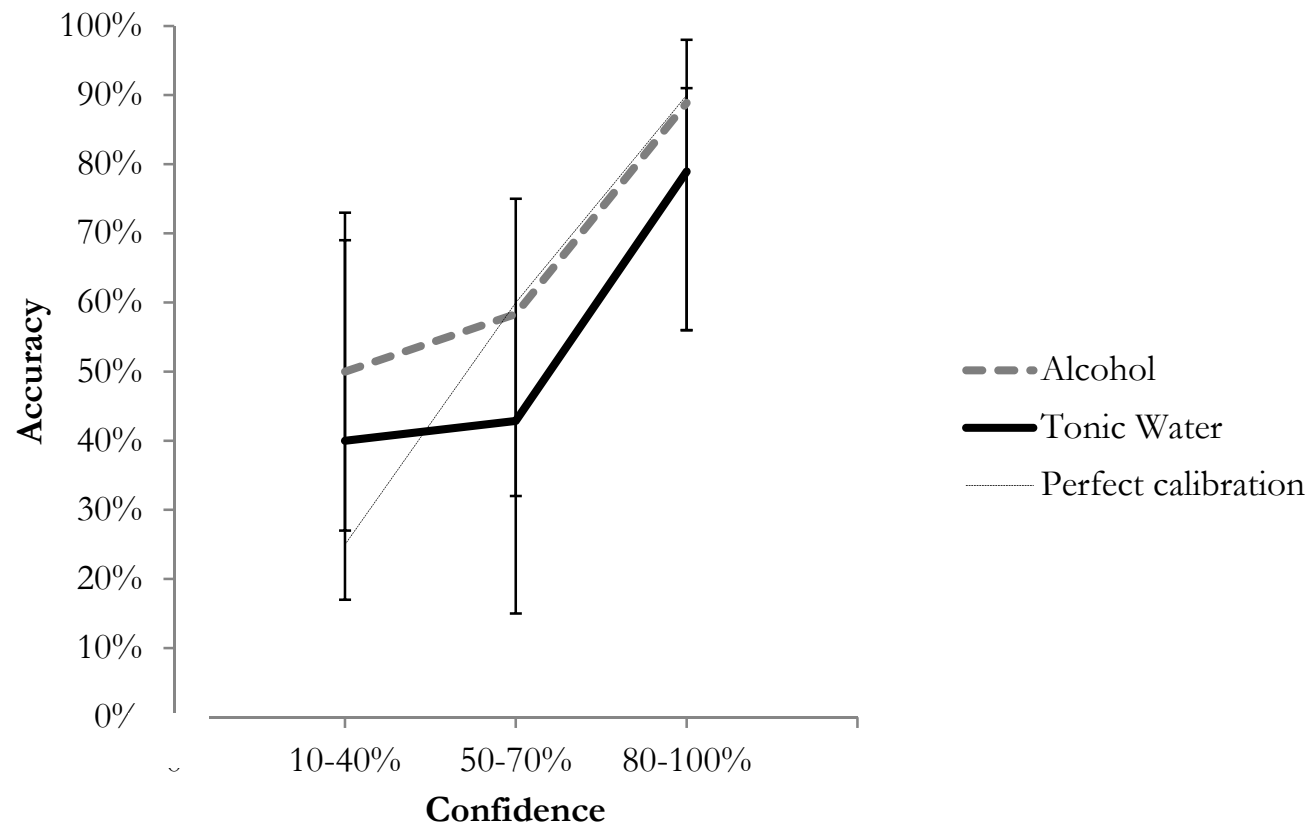
Hagsand, A., Hjelmsäter, E. R. A., Granhag, P. A., Fahle, C. & Söderpalm-Gordh, A. (2013). Bottled memories: On how alcohol affects eyewitness recall. *Scandinavian Journal of Psychology* 54, 188–195.

This study investigated how different doses of alcohol affected eyewitness recall. Participants ( $N = 126$ ) were randomly assigned to three groups with different blood alcohol concentration (BAC), either a control group (mean BAC 0.00%,  $N = 42$ ), a lower alcohol dose group (mean BAC 0.04%,  $N = 40$ ), or a higher alcohol dose group (mean BAC 0.06%,  $N = 44$ ). After consumption, participants witnessed a movie of a mock crime and were interviewed one week later. The main results showed that witnesses with the higher intoxication level recalled fewer details compared to witnesses with the lower intoxication level. The amount of alcohol consumed did not have an impact on the accuracy rate. No sex differences were found. The results are discussed in the light of past research. We conclude that more studies are needed before recommendations can be made to an applied setting.

**Key words:** Alcohol, eyewitness memory, recall, delayed interview, intoxicated witnesses.

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# Confidence-Accuracy Calibration



# Implications and Future Directions



- Alcohol does not necessarily affect the quality of memory reports
- Embrace interviewees who say 'I don't know'
- Repeated interviews do not result in worse quality evidence
- Expect fewer peripheral details to be reported and accurately remembered
- Immediate interviews can protect memory evidence
- Protect victims/witnesses from suggestible influences

# Recommended National Guidelines for Interviewing Intoxicated Victims of Rape



Coevolving guidance with Leicestershire Police and CPS, and others, such as Rape Crisis, Jasmine House, Free from Violence and Abuse, ACPO, College of Policing, University Student's Unions

Conference:

- *Interviewing Intoxicated Victims: Evidence for Practice*
- July 17<sup>th</sup> @ Leicester Police HQ

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