

Suggested Questions for Drug/Alcohol Facilitated Sexual Assault

The following questions should be considered a guide to be used when interviewing victims, witnesses, and suspects in cases involving drugs and/or alcohol. This should not be considered all-inclusive. Case facts may indicate the need for additional and/or different questions as well as follow-up and clarifying questions.

**It is important to be familiar with these questions as some of the questions may be answered during the victim, witness, and suspect's original narrative.*

VICTIM QUESTIONS

1. How does the victim know the suspect?
2. Is there an appreciable size differential between the victim and suspect?
3. Is there a power differential between the victim and suspect?
4. What did the victim consume? Ask specific questions regarding the following:
 - A. Alcohol
 - B. Prescription drugs
 - C. Illicit drugs
 - D. Supplements
 - E. Marijuana (Ask separate from illicit drugs)
 - F. Over the counter medications
5. How much did the victim consume? Ask specific questions as indicated below.

Alcohol:

 - A. Who made the drinks?
 - B. What size were the drinks? Were they single or double shots; 12 oz. versus 32 oz. beers; 8 oz. versus 24 oz. glasses; etc.
 - C. What type of alcohol was used to make the drinks?
 - D. What were the mixers (if any) used in the drinks?
 - E. Did the victim observe the drinks being made?
 - F. What was the time frame of the drinking?
 - G. Does the victim have the cups or containers drank from as well as the bottles of alcohol and mixers used to make the drink(s)?
 - H. What did the victim eat and when?
 - I. When did the victim sleep last and for how long? (i.e., is the victim sleep deprived?)
 - J. What did the victim observe the suspect to consume?
 - K. Did the victim ever leave his / her drink unattended?

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Illicit drugs:

- A. What types of drugs were used? Were they voluntarily consumed?
- B. Did the victim observe the drugs being prepared? For example, in the case of marijuana did the victim see the joint rolled?
- C. What did the victim observe the suspect to consume?
- D. Does the victim have prior experience with consuming alcohol while using this type of drug? (when applicable)

Supplements:

- A. What did the victim take? And when?
- B. Where did the victim obtain the supplements?
- C. Did the victim observe the suspect consuming any supplements?
- D. Does the victim have prior experience consuming alcohol while using this type of supplement? (when applicable)

Over the counter medications:

- A. What did the victim take? And when?
- B. Has the victim consumed this OTC medication prior to this incident?
- C. Did the victim observe the suspect consuming any OTC medications?
- D. Does the victim have prior experience with consuming alcohol while taking this OTC medication? (when applicable)

Prescription medications:

- A. What did the victim take? And when?
- B. What condition is the medication used to treat?
- C. How long has the victim been taking this medication?
- D. Does the victim have prior experience with consuming alcohol while taking this medication? (when applicable)

Marijuana:

- A. How much did the victim smoke?
- B. What is the victim's experience with marijuana?
- C. Who prepared the marijuana for smoking?
- D. Does the victim have prior experience with consuming alcohol while using marijuana? (when applicable)

- 6. What is the victim's history and experience with whatever was consumed? For example, does the victim regularly consume alcohol or is this their first time?

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7. What is the victim's sleeping pattern? How long has the victim been awake prior to the interview (if being conducted immediately after the assault)? How long had the victim been awake prior to the assault?
8. What had the victim eaten the day of the assault? Had the victim not eaten but consumed a large amount of alcohol?
9. What is the history between the victim and the suspect (if any)?
10. How did the victim get to the location of the assault? If they are not aware of how they got to the location of the assault how did they get to the last place they remember?
11. How did the victim leave the location of the assault?
12. Did the victim respond to the hospital for a forensic examination?
13. Who did the victim first tell about what occurred?
14. If the victim describes this experience with drugs/alcohol as "different" ask them to elaborate.

Has the victim ever consumed the amount of drugs/alcohol (or combination) described before this incident? Additional follow-up questions to consider:

Headache

- A. Have you ever experienced a headache after consuming _____ ?
- B. Describe the headache.

Nausea/Vomiting/Other Gastrointestinal Complaints

- A. Have you ever experienced this after consuming _____ ?
- B. Describe the _____ (nausea, etc.)
- C. Did anyone witness this?
- D. Do you still have the clothing/bedding/towel (questions to determine if there is any evidence location to consider)?
- E. Did the suspect witness the vomiting?

Loss of time (Black-out versus Anterograde Amnesia)

- A. Have you ever experienced a loss of time after consuming _____?
- B. What is the last thing you remember?
- C. What do you remember next?
- D. Who was with you during your last memory?
- E. Who was with you during the next memory?

15. Friends and Family

- A. Who was there with you (at any point in the evening)?
- B. When did they leave? Who did they leave with?
- C. Are you Facebook friends with any of them?
- D. Is the suspect a Facebook friend with any of your friends and family?

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16. Ask the victim to describe what they remember about the sexual encounter in detail.
 - A. How did the sexual encounter begin?
 - B. How did the victim/suspect's clothing get removed?
 - C. What did the suspect say? How did the victim respond?
 - D. What did the victim say? How did the suspect respond?
*Remember the absence of words/actions/resistance does not automatically equal consent.
 - E. How did the encounter end?

17. Electronic Evidence. Have they communicated with the suspect, friends, or family via:
 - A. Facebook
 - B. Text Message
 - C. E-mail
 - D. Snap-chat

18. Photographs and Videos.
 - A. Do you have a phone equipped with a camera? Did you take any photos or videos?
 - B. Did you observe the suspect taking any photos or videos with their phone or other camera?
 - C. Did you observe any friends or family taking any photos or videos with their phone or other camera?
 - D. Is your phone backed up or connected to drop box or a similar automatic backup/upload service (iCloud etc.).

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WITNESS QUESTIONS

1. Is there an appreciable size differential between the victim and suspect?
2. Is there a power differential between the victim and suspect?
3. What did the witness observe the victim and suspect to consume? Ask specific questions regarding the following:
 - A. Alcohol
 - B. Prescription drugs
 - C. Illicit drugs
 - D. Supplements
 - E. Marijuana (Ask separate from illicit drugs)
 - F. Over the counter medications
4. How much did the witness observe the victim and suspect to consume? Ask specific questions similar to the questions mentioned under “victim questions.”
5. Did the witness observe the victim leaving their drink unattended or accept a drink from another party?
6. Ask the witness to describe the victim and suspect’s behavior and level of impairment.
*Because interpretation of impairment can differ among witnesses it is important to ask witnesses to be descriptive in their observations not just cite the witness’ opinions.
7. What does the witness know about the victim and suspect’s experience with whatever was consumed?
 - A. Has the witness observed the victim and/or suspect under the influence on previous occasions?
 - B. Was the behavior observed similar to previous experience(s) or was this time different?
 - C. If the behavior observed was different ask witnesses to explain in more detail.
8. What knowledge of history between the victim and the suspect (if any) does the witness have?
 - A. Is there a prior romantic connection between the victim and suspect?
 - B. Is there a history of a sexual relationship?
9. What is the witness’ history with the victim? Suspect?
10. Did the witness see the victim leave? If so, how and with whom did the victim leave?
 - A. Was the victim being assisted?
 - B. Did the witness see the victim and suspect leave together?
 - 1) What was the manner in which they left?
 - 2) Who opened the door of the location, car, etc?
 - 3) Did either party appear to have any coordination issues?
 - C. If the victim and suspect left separately, did the witness see the suspect leave?

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11. If the suspect is unknown, did the witness observe anyone acting unusual at the party/bar/etc?
 - A. Did the witness see anyone watching the victim or other women (or men) who appeared impaired?
 - B. Did the witness see anyone follow or guide the victim away from the group?
12. Electronic Evidence. Has the witness communicated with the victim, suspect, other friends and family regarding this incident via:
 - A. Facebook
 - B. Text Message
 - C. E-mail
 - D. Snap-chat
 - E. Facetime (or similar program)
13. Photographs and Videos.
 - A. Does the witness have a phone equipped with a camera? Did the witness take any photos or videos?
 - B. Did the witness observe the victim or suspect taking any photos or videos with their phone or other camera?
 - C. Did the witness observe any friends or family taking any photos or videos with their phone or other camera?
 - D. Is the witness' phone backed up or connected to drop box or a similar automatic backup/upload service (iCloud etc.).
14. If the victim was served in a bar, talk to the bartender, waitresses, bouncers/security, and doormen.
 - A. Do they remember the victim? If so, why?
 - B. Do they remember the suspect? If so, why?
 - C. Is the victim or suspect a "regular" in the bar?
 - D. Did they observe the victim and suspect's interactions? If so, describe in detail.
 - E. How did the victim and/or suspect pay? Are there any bar receipts?
 - F. How was the bartender trained? How do they measure the alcohol? Counting or a shot glass?
 - G. Do they have surveillance?

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SUSPECT QUESTIONS

19. How does the suspect know the victim?
20. Is there an appreciable size differential between the victim and suspect?
21. Is there a power differential between the victim and suspect?
22. What did the suspect observe the victim to consume? What did the suspect consume?
Ask specific questions regarding the following:
 - A. Alcohol
 - B. Prescription drugs
 - C. Illicit drugs
 - D. Supplements
 - E. Marijuana (Ask separate from illicit drugs)
 - F. Over the counter medications
23. How much did the suspect observe the victim to consume? How much did the suspect consume? Ask specific questions similar to the questions mentioned under “victim questions.”
24. Did the suspect provide the victim with any drinks/drugs/etc?
25. Ask the suspect to describe the victim’s behavior and level of impairment.
26. What does the suspect know about the victim’s experience with whatever was consumed?
 - A. Has the suspect observed the victim under the influence on previous occasions?
 - B. Was the behavior observed similar to previous experience(s) or was this time different?
 - C. If the behavior observed was different ask suspect to explain in more detail.
27. What type of history exists between the victim and the suspect (if any)?
 - A. Is there a prior romantic connection between the victim and suspect?
 - B. Is there a history of a sexual relationship?
28. Did the suspect leave with the victim? Ask the suspect to describe how they left. What was the manner in which they left?
 - A. Who opened the door of the location, car, etc?
 - B. Did the victim appear to have any coordination issues?
 - C. If they left in a vehicle, who drove?

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29. Ask the suspect to describe the sexual encounter in detail.

- F. How did the sexual encounter begin?
- G. How did the victim/suspect's clothing get removed?
- H. What did the suspect say? How did the victim respond?
- I. What did the victim say? How did the suspect respond?
- J. What made the suspect believe the victim was a consenting partner?
 - 1) Words
 - 2) Actions
 - 3) Other?

*Remember the absence of words/actions/resistance does not automatically equal consent.

- K. If there is evidence the victim vomited or lost bowel/urinary control, did the suspect observe this? If so, did the suspect kiss the victim during the sexual encounter? If the answer is yes, ask if the victim rinsed their mouth or brushed their teeth before the kiss.
- L. How did the encounter end? Ask the suspect to be very detailed in their description.

30. Electronic Evidence. Has the suspect communicated with the victim or any other parties regarding this incident via:

- A. Facebook
- B. Text Message
- C. E-mail
- D. Snap-chat
- E. Facetime (or similar program)

31. Photographs and Videos.

- A. Does the suspect have a phone equipped with a camera? Did the suspect take any photos or videos?
- B. Did the suspect observe the victim or witness(es) taking any photos or videos with their phone or other camera?
- C. Did the suspect observe any friends or family taking any photos or videos with their phone or other camera?
- D. Is the suspect's phone backed up or connected to drop box or a similar automatic backup/upload service (iCloud etc.).