

Night Club Scenario: Part 2 of 3



Aware she has had a sexual encounter, but unable to remember what happened, Carrie knows she would never have consented had she had been sober. Distraught, embarrassed and confused about what she should do; she explains to Sophie how she feels that she has been taken advantage of and decides to report it to the Police.

Read what happens next; discuss and record your group's views before making a decision at the end.

Sophie feels bad about what's happened to Carrie and is determined to support her; feeling a certain amount of guilt and responsibility for what happened, she can't help feeling annoyed at Carrie for refusing to leave with them when they wanted her to and feeling annoyed at herself for not staying with her or doing more to make sure she left with them.

Trying to understand, be sympathetic, and not blame Carrie for what happened, Sophie also feels that Carrie put herself at risk by choosing to stay with a stranger and continue drinking alcohol. Standing by her opinions but not wanting to upset her, Sophie decides not to express her thoughts at this stage; she wants to support Carrie through the process that lies ahead.

Police attend Sophie's house to speak with Carrie in brief about what happened; based on what she said, officers identify that an offence may have taken place. As part of the process to gather evidence for a sexual offence case, officers seize Carrie's clothing and obtain a urine sample for forensic examination. Carrie agrees to be taken to a Sexual Assault Centre (SARC) where she was cared for by specialist support workers; here, further forensic evidence was taken from Carrie which included swabs from her body to test for bodily fluids such as semen and saliva.

Carrie gave a full statement to officers at a video interview suite, an environment more comfortable than a police station. The content of the interview acts as her account of what happened and forms part of the case evidence; other people identified as witnesses also provided statements which were added to the case evidence. The evidence obtained identified other lines of inquiry which could help officers piece together what had taken place; this evidence also helped officers identify Stu and locate where he lives.

Officers attend Stu's home and arrest him on suspicion of committing a sexual offence. He is taken to a police custody centre where his DNA, fingerprints and photograph were taken; his clothing and mobile phone were seized, and swabs were also taken from him for forensic examination. He was interviewed under caution and asked to give his account of what had happened; he admitted being with Carrie, explaining how they were both out of it having drunk a lot of alcohol. He told officers that he recalled leaving the club with her and explained how they couldn't get a taxi; they decide to walk. Carrie asks him to have sex in a local park, he agrees and did so with her consent.

The next stage of the investigation is to review all the evidence in order for a decision to be made by the Crown Prosecution Service (CPS) whether to charge Stu with an offence

Discuss in your groups what you think the decision should be in this case? Give your rationale.

As in **Part 1**, consider all points relating to **intent, consent, capacity, freedom and choice**