

## House Party Scenario: Part 2 of 3



Distraught and confused, Robyn got up from the bed to find Kara; finding her sleeping in an adjoining bedroom, she woke her to tell her what had happened. Kara was upset and felt guilty that she hadn't looked out for Robyn; comforting her, she suggested that they call the Police. Robyn was scared but agreed with Kara that she should report it.

**Read what happens next; discuss and record your group's views before answering the question at the end.**

Robyn explained to Kara how she and Dan got along really well but that she would never have agreed to have sex with him. Kara described how she'd seen them both kissing at several points during the night; she thought nothing of it other than they were happily getting along.

Robyn confessed to taking M-Cat with Dan; Kara wasn't happy about this and said she should have said something about drugs being bought into her house. Robyn felt bad but told Kara she should've been aware that people might bring drugs to the party, especially when inviting people from her social network who she didn't really know.

Kara responded by telling Robyn that she shouldn't have taken drugs in the first place, especially from a stranger; Robyn pleaded with Kara not to argue, she apologised and hugged her.

Police attended and took brief details from Robyn about what had taken place; based on what she said, officers identify that an offence had taken place. As part of the process for gathering evidence of a sexual offence, officers seized Robyn's clothing, the bedding and obtained a urine sample for forensic examination.

Robyn agreed to be taken to a Sexual Assault Centre (SARC) where she was cared for by a specialist support workers; it was here that further forensic evidence was to be taken which included swabs from her body to test for bodily fluids such as semen and saliva.

Robyn gave her statement at a video interview suite; an environment more comfortable than a police station. The content of her interview acts as her account of what happened and forms part of the case evidence; other people were identified as witnesses and statements were obtained from them to add to the case evidence.

From the details gathered from statements, officers identified Dan; they located his address and attended to arrest him on suspicion of committing a sexual offence. He was taken to a police custody centre where his DNA, fingerprints and photograph was taken; swabs were taken for forensic examination, and his clothing and mobile phone were seized as evidence for forensic examination.

Dan was interviewed under caution and asked to give his account of what had happened; he admitted that he and Robyn had both drank a lot of alcohol and willingly taken drugs which he had supplied. He added that although 'out of it' himself, he was sure that Robyn had consented to having sex with him in an upstairs bedroom. When asked to describe how Robyn gave consent, he explained how she went upstairs with him, allowed him to undress her and have sex with her with no resistance; although she was out of it, he claimed that he did not force her and so in his view had not committed any offences other than supply her drugs.

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 Dan and with what offence.

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

Consider points & discussion from Part 1 regarding **intent, consent, capacity, freedom and choice**

