

Intoxication and Jury Decision Making in Rape Trial

Research Summary

Research by Drs Emily Finch and Vanessa Munro used focus groups and simulated trials to examine the impact of various types and extents of intoxication, affecting victim, defendant or both, on jury decisions as to whether or not consent was given to intercourse.



Impact

Dr Finch and Dr Munro have been consulted by the Home Office review team considering a further update of the Sexual Offences Act. The review is ongoing, but Dr Finch is confident that their findings have influenced both public and policymakers' attitudes on issues of intoxication. While 'rape myths' as shown in the attitudes of the simulated juries remain pervasive, there is an increasing awareness of the role of alcohol, and other less common intoxicants, in rape cases.

Drs Emily Finch and Vanessa Munro presented a number of papers at academic conferences and to university legal departments. These included the law schools at Victoria and Auckland universities in New Zealand. Their research has been widely cited, not only in legal journals, but in those published in allied academic trades. There has also been considerable media interest in the research, not least because it was completed at a time when

there was a great deal of discussion of date rape and the role of drugs.

Both researchers advised in the preparation of a BBC 'Panorama' documentary on rape and Dr Finch was interviewed on BBC Radio 4's Today programme.

There has been considerable interest in the research in New Zealand. The research was cited in the New Zealand Court of Appeal, in the case of Crown v Sturm. The researchers were invited to present their findings to New Zealand's Ministry of Justice.



Further Information

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**From Sobriety to Stupor :
Intoxication and Jury Decision-
Making in Rape Trials**

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Key Findings

- A significant methodological finding is that, given the prohibition on the interviewing of jurors under the Contempt of Court Act, simulated trials provide an effective method of examining the operation of juries.
- An early test of likely jury behaviour following the introduction of the Sexual Offences Act 2003, which accepts 'reasonable' rather than 'honest' doubt as a defence, suggests that this would have little impact.
- A double standard continues to operate under which the more intoxicated the defendant is, the less likely he is to be regarded as culpable, while a drunk victim is far likelier to be regarded as having contributed to what happened. This applied even in cases where drinks had been spiked. Dr Finch says: "It took a lot of bad behaviour on the part of the defendant before there was much sympathy for the victim". This applied as much to female as male jurors.
- The significant exception was where Rohypnol, known from media publicity as 'the date rape drug', had been administered, with a hard line taken towards defendants in such cases.

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