
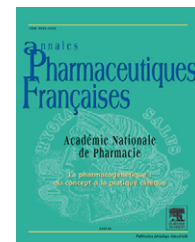




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GENERAL REVIEW

Drug-facilitated crimes: Definitions, prevalence, difficulties and recommendations. A review

La soumission chimique : définitions, prévalence, difficultés et recommandations. Revue

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Summary Drug-facilitated crimes are not a new phenomenon but rather an age-old practice. However, reports of drug-facilitated crimes have significantly increased since the mid-1990s. Victims of these crimes or offences report that they were robbed or assaulted while incapacitated by a drug. Most often, these cases have involved strong central nervous system depressant drugs, which have the capability of preventing individuals from consenting to the action of the perpetrator or fighting off their attackers. For all intents and purposes, the drug acts as the offender's weapon, therefore many jurisdictions require analytical proof of its presence, which helps substantiate the alleged victim's claim. This review was undertaken to identify the evolutionary process in the current understanding of allegations of these crimes or offences, so that whoever works in this field may gain a better understanding of the complexities involved in such cases. This review provides several definitions of drug-facilitated crimes, their prevalence in European and English-speaking countries, a list of intoxicating substances, which have so far been incriminated or been suspected to be involved in these crimes or offences, some of the more common difficulties encountered in the investigation, and recommendations to improve detection of the drugs through toxicological analyses.

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MOTS CLÉS

Soumission chimique ;

Résumé L'administration d'une substance psychoactive à l'insu d'un individu permettant de le soumettre à la volonté d'un agresseur n'est pas un phénomène nouveau mais plutôt une pratique ancienne. Cependant, les rapports de ces pratiques ont augmenté de façon significative

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depuis le milieu des années 1990. Les victimes de ces crimes ou délits rapportent qu'elles ont été volées ou agressées alors qu'elles étaient sous l'effet d'une substance. Le plus souvent du temps, ces substances sont des déprimeurs du système nerveux central qui empêchent le sujet de repousser les attaques des agresseurs. La substance agit donc comme l'arme d'un agresseur, et en conséquence, les autorités judiciaires demandent des preuves analytiques de leur présence qui aidera à conforter la plainte de la victime. Cette revue a pour but de démontrer le progrès dans la compréhension des allégations des crimes ou délits dans ce domaine. Elle donnera plusieurs définitions de l'administration d'une substance psychoactive à l'insu d'un individu, la prévalence en Europe et dans les pays anglophones, une liste des substances psychoactives incriminées, les difficultés les plus courantes rencontrées lors de l'investigation et les recommandations pour améliorer la détection des substances au niveau des analyses toxicologiques.

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Introduction

Drug-facilitated crime (DFC) is a relatively new term for an old practice. According to legend, "Slipping a Mickey" relates to a practice made infamous by Chicago saloon owner Mickey Finn in the late 1890s. Finn secretly laced the drinks of his patrons with drugs in order to knock them unconscious. After which he and his wife would strip them of their valuables. Victims would awaken later, remembering nothing! [1].

However, over the past few years, the increase in reports of DFCs has caused alarm in the general public [2]. The drugs implicated in DFCs are wide-ranging and include recreational drugs of abuse, prescription medications, or over-the-counter (OTC) pharmaceuticals [1]. Because of the effects of these drugs, in particular the anterograde amnesia, the prosecution may be deprived of one of the most powerful sources of evidence – the victim's testimony. Thus, the importance of forensic evidence is potentially important in DFC cases because it may have to substitute for victim testimony [3].

Definitions

When a person is subjected to a criminal act through the incapacitating effects of alcohol or drugs, it is termed a drug-facilitated crime [4]. The most prevalent of DFCs are drug-facilitated sexual assault (DFSA), but robberies, homicides, and drug smuggling have also been committed with drugs serving as the perpetrator's "weapon" [2]. The criminal use of psychoactive products, first described in 1983 by the term "chemical submission", or "submission by medication" or as DFSA in 1990, corresponds to the following definition in France: "The administration of a psychoactive product for criminal purposes without the victim's knowledge aiming to induce incapacitation (to render the victim passive, submissive, and unable to resist) and thus facilitate robbery or rape". This definition excludes the victim's voluntary consumption even if the perpetrator is aware of this fact, or indeed even if he provides the drugs but they are voluntarily consumed (this obviously restricts the possible prosecution and limits the practical application) [5,6].

DFSAs have been defined as offences in which victims are subjected to non-consensual sexual acts, while they are incapacitated or unconscious due to the effects of alcohol and/or drugs and are therefore prevented from resisting or are unable to consent [7]. LeBeau and Mozayani identified three different sets of circumstances relevant to the understanding of allegations of sexual assaults of this nature. These were: involuntary ingestion of incapacitating substances by the victim; voluntary and involuntary ingestion of incapacitating substances by the victim; and voluntary ingestion of incapacitating substances by the victim [2]. Stated simply, DFSA is sexual activity occurring where consent is invalid or absent due to the effects of drugs, including alcohol [8]. To date, toxicologists have preferred the definition of the use of a drug, noxious substance or chemical agent to facilitate sexual contact [9]. However, following the most recent investigation of DFSA in England through the combined efforts of the Association of Chief Police Officers (ACPO), the Forensic Science Service (FSS) and Sexual Assault Referral Centers (SARCs), it has been suggested that DFSA should be divided into proactive DFSA (the covert or forcible administration to a victim of an incapacitating or disinhibiting substance by an assailant for the purpose of sexual assault) and opportunistic DFSA (sexual activity by his or her own actions to the point of near or actual unconsciousness) [10].

On the other hand, since the 1980s, the media have adopted the term "date-rape" to describe DFSA cases although many of these cases are clearly not "dates". The term "date-rape" has been commonly used as awareness of the phenomenon increased exponentially. From this time, definitions such as "rape perpetrated by the victim's social escort", or "rape in which the rapist is known to the victim" (as when they are on a date together) have existed in association with a perception that drink-spiking has played a pivotal role in the perpetration of this offence [11].

Prevalence

Although DFCs have likely occurred for centuries, a notable increase has recently occurred in the frequency of reports of DFCs. At the same time, an increase in the number

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