

LearningNetwork Brief 20

Drug Facilitated Sexual Assault

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Drug Facilitated Sexual Assault

One in five victims, who reported sexual assault to a sexual assault treatment centre were found to have experienced Drug Facilitated Sexual Assault.¹

What is Drug Facilitated Sexual Assault?

Drug Facilitated Sexual Assault (DFSA) occurs when alcohol or other drugs are used to intentionally sedate or incapacitate a person in order to perpetrate non-consensual sexual assault. “In essence, a person utilizes incapacitating substances as a weapon to facilitate the sexual assault.”²

The Criminal Code of Canada (section 273.1) defines consent as a “voluntary agreement of the complainant to engage in the sexual activity in question.” Consent cannot be obtained if the person is incapable of consenting to the activity (i.e., the person is drunk, stoned, unconscious) (see Consent Infographic).

Most often the perception of how DFSA occurs is when a perpetrator puts a drug into an unsuspecting victim’s drink. This is considered a ‘proactive’ DFSA. A ‘proactive’ DFSA also includes supplying someone with large quantities of alcohol with the intent to perpetrate sexual assault. An ‘opportunistic’ DFSA occurs when a perpetrator specifically targets an already intoxicated victim. Police most often deal with an ‘opportunistic’ DFSA.²

Types of Drug Facilitated Sexual Assault

Proactive – a perpetrator puts a drug into a victim’s drink or gives a victim alcohol until she becomes inebriated and incapacitated

Opportunistic – a perpetrator targets an already intoxicated or incapacitated victim

What is Known about Victims/Survivors of DFSA?

Almost all victims of DFSA are women. The majority are between the ages of 16 and 24. Victims are often employed with about one third being students. In half of reported DFSA cases, the victim was assaulted by a friend or acquaintance. Most often the victim was socializing at a club, bar, lounge, restaurant, party, or

other social event immediately before the assault. Compared to other victims of sexual assault, DFSA victims were more likely to drink alcohol, use over-the-counter medicine (cough syrup) and street drugs (marijuana) prior to the assault. The majority of DFSA victims suspected that they were drugged through a drink. [Learn more.](#)

It is important for women to be aware that certain substances (e.g., alcohol, over-the-counter medications, street drugs), alone or in combination, can cause incapacitation (e.g., dizziness; weakness; lightheadedness) and may put them in a more vulnerable situation for DFSA. However, the voluntary use of these substances is in no way a form of consent or permission to engage in sexual activity.

What drugs are used in Drug Facilitated Sexual Assault?

Many drugs can be used in DFSAs. The most common drug known to be used is alcohol. Other types of drugs include illegal/street drugs (e.g., marijuana; cocaine; amphetamines; MDMA/MDA also known as 'ecstasy' or 'molly'); over-the-counter medications (antihistamines; cough syrup); prescription drugs (e.g., anti-depressants; analgesics); and what are commonly known as 'date rape drugs' (e.g., flunitrazepam, otherwise known as Rohypnol used to treat severe insomnia; gamma-hydroxybutyrate, otherwise known as GHB).

MEDICAL CENTER

NAME _____ AGE _____
ADDRESS _____ DATE _____

R Alcohol
Marijuana
Cocaine
MDMA/MDA
Rohypnol
Muscle relaxants
GHB
Antihistamine
Anti-depressants
Pain medication

LABEL
REFILL 0 1 2 3 4 5 PRN NR

SIGNATURE _____

What are the signs that a woman has experienced a Drug Facilitated Sexual Assault?

The majority of victims who experienced DFSA reported total or partial amnesia of the assault. Many victims also stated that they lost consciousness or “blacked out”; had hangover symptoms inconsistent with the amount of alcohol or drugs used; experienced confusion, dizziness, and/or drowsiness; and/or was nauseous or vomiting. Many victims have a vague sensation that something sexual happened and would often wake up to find they were not wearing clothes or that their clothes were in disarray.³ Just under half of victims who experienced DFSA were injured in the assault. [Learn More.](#)

3 out of 4 victims delay seeking help for over 12 hours.³

Reasons for delayed help-seeking include:

- ◆ the effects of the drugs/alcohol used
- ◆ a lack of knowledge of services available
- ◆ confusion over what happened
- ◆ self-blame

[Learn more.](#)

How to respond to and prevent Drug Facilitated Sexual Assault

As a society, we often put the onus of safety on the woman. However, preventing DFSA and all other forms of sexual assault should be a societal issue. The public needs to be educated on sexual assault and how to take action to help women at risk and prevent sexual violence in general.

First Responders

It is important for first responders to be educated on DFSA and the impact on victims. First responders should be able to recognize the symptoms or circumstances related to being drugged and sexually assaulted. First responders can encourage and/or accompany victims to a treatment centre or emergency department. They can help preserve any forensic evidence by advising the victim not to eat, drink, shower, change clothes etc. Most importantly, first responders can provide emotional support to the victim and let her know that *it is not her fault*. [Learn more.](#)

Criminal Justice Response

The Making a Difference Canada Project helped to develop a guide to assist sexual assault support workers, investigators, medical examiners, and prosecutors in responding to DFSA. The guide states that the Criminal Justice System should work under these three principles when investigating and prosecuting DFSA:

- 1) Use an integrated approach among community professionals;
- 2) The investigation should not be influenced by personal biases or value judgments but rather led by what the evidence indicates; and
- 3) The investigation should be 'victim driven' to ensure that the needs of the victim come before the needs of the investigation and to make sure the victim feels safe and protected from further victimization.

The guide also provides information around collecting evidence, investigative tools, evidence preservation, and prosecuting DFSAs.

[Learn more.](#)

For more information on sexual violence, see [Overcoming Barriers and Enhancing Supportive Responses: The Research on Sexual Violence Against Women. A Resource Document.](#)

¹ Du Mont, J., Macdonald S., Rotbard, N., Bainbridge, D., Asllani, E., Smith, N. & Cohen, M.M. (2010). Drug-facilitated sexual assault in Ontario, Canada: Toxicological and DNA findings. *Journal of Forensic and Legal Medicine*, 17(6), 333-8. <http://www.octevaw-cocvff.ca/sites/all/files/pdf/reports/Drug-FacilitatedSA.pdf>.

² Jolly, D., O'Brien, D., Jeffery, W., Janzen, K.E., & Soltys, K. (2008). Drug Facilitated Sexual Assault: A Guide for Canadian Sexual Assault Investigators, Forensic Medical Examiners, and Prosecutors. The Making a Difference Canada Project. http://makingadifferencecanada.ca/user_files/pdf/DFSA%20Guidelines%20FINAL.pdf.

³ Du Mont, J., Macdonald, S., Rotbard, N., Asllani, E., Bainbridge, D. & Cohen, M.M. (2009). Factors associated with suspected drug-facilitated sexual assault. *Canadian Medical Association Journal*, 180(5), 513-519. <http://www.cmaj.ca/content/180/5/513.full>