

# 0632 SEXUAL VICTIMISATION AND LEGAL OUTCOME BY DOCUMENTATION OF SPERM AND ALCOHOL

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From a clinical forensic medicine point of view the trace evidence collected during the medical examination could have impact on the legal outcome. However, significant associations between successful prosecution and evidence of trauma, uses of weapons and severe coercion have been found, but inconsistently.

**Objective** To ascertain the legal aspects of sexual violence and determine associations between conviction and the medical findings of sperm and alcohol intoxication. **Method** In total, 307 cases were reported to the police in a well-defined geographical area of Denmark during 1999–2004.

**Results and Conclusion** Nineteen percent of all cases ended with sentencing of the defendant. Victims reported exposure to moderate/severe coercion in 20% of the cases and 46% reported consumption of alcohol prior to the assault. Sperm was detected in 35% of the examined cases. Injury documentation, intoxication and detection of sperm did not aid the prosecution. In 19% of cases, the forensic clinician did not find sperm detected later by the genetics laboratory. The correlation between self-reported and physician-estimated consumption showed disagreement regarding not reported drinking and estimated influence in 5%, and disagreement regarding reported drinking and estimated no influence in 34% of the cases. Disagreement with the physician-estimated intoxication and the toxicology report was found in 13% of the cases. The varying results of intoxication and sperm detection with missing association to conviction suggest sperm has poor sensitivity in predicting sexual assault. If medical examination should have impact on the legal outcome the examination protocol needs revision.