Blacked Out vs. Passed Out

Lawyers, witnesses and even experts will often use the terms "*blacked out*" and "*passed out*" interchangeably. These are two completely different cognitive states. You'll need to make sure the witness defines what they mean for each phrase and be prepared to suggest corrections during the course of testimony. Members will also need to be educated on these terms.

- Blackout is…
  - Things a person does while drunk
  - They are CONSCIOUS!
  - The person is capable of carrying out complex and goal-directed behaviors (including sexual behaviors)
- Passed out is...
  - A person falling asleep or becoming unconscious.
  - They are NOT CONSCIOUS!
- You can have a blackout and then pass out.
  - "*Blackout*" tends to occur during *ascending* BAC. (Goodwin 1970; White 2003, p.6)
  - "*Pass out*" tends to occur during *descending* BAC.
- People can't tell the individual is in a blackout state. They just see the behaviors the person is doing.

Blackout versus pass out in allegations of alcohol-involved sexual assault: Why knowing the difference matters.

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Abstract:

It is common for not only laypersons but also courts, witnesses, attorneys, and even some experts involved in a criminal sexual assault investigation to confuse the terms 'blackout' and 'pass out' when referring to the memory, consciousness, and other behavioral ramifications of alcohol intoxication. A typical alcohol-involved sexual assault allegation often includes the partial or total absence of memory for events of the alleged incident. The etiology and behavioral presentations of the types of alcohol-induced memory deficiency evidenced are not all created equal and understanding the differences is crucial to understanding the reasonableness of the potential perceptions or misperceptions of an accused. By improving our understanding of these terms, we can assist the legal process with proper and more accurate history gathering and documentation if we become a party to such an investigation.