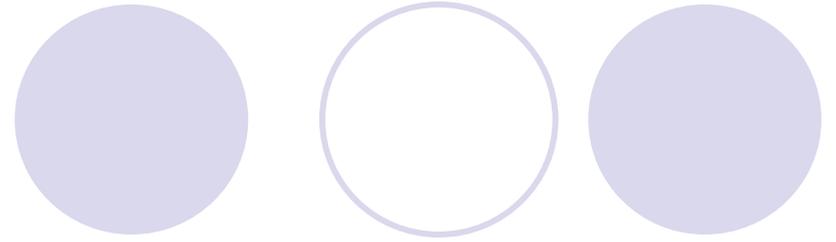
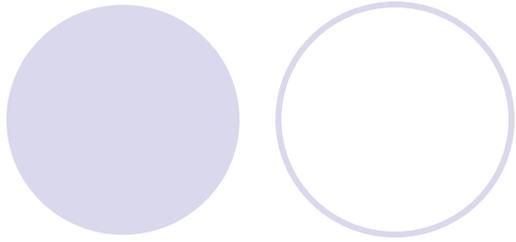


False Allegations of Rape

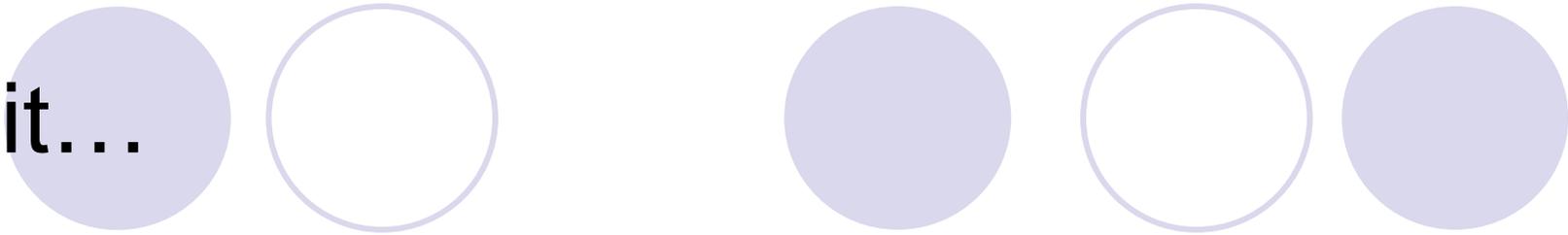
Detective (Ret) Sandy Hein

Adapted from content created by Mike Milnor & Judy Castele for *Trauma to Trial: Investigating and Prosecuting Adult Non-Stranger Sexual Assaults*, sponsored by the Commonwealth's Attorneys' Services Council.



What is a false allegation?

Is it...

- 
- a sincere report erroneously made (baseless)?
 - a purposeful lie with malicious intent?
 - an ambivalent report made in a confused circumstance?
 - a report made to address secondary psychological needs?
 - a valid report withdrawn (recant)?



Confusions in terminology/definition

- Case Unfounding
- Victim Recantations
- False Allegations



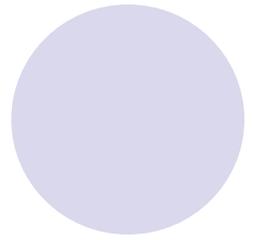
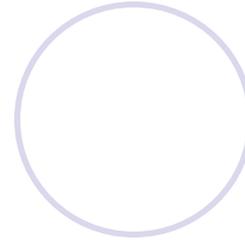
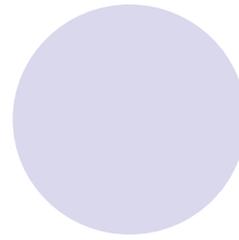
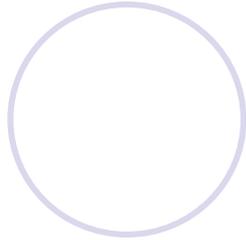
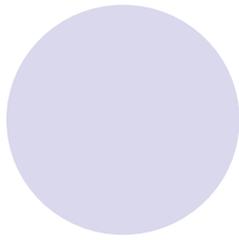
Uniform Crime Report

UCR states that a case can only be unfounded if it is “determined through investigation to be false or baseless.”

In other words, no crime occurred.

A working definition:

A false allegation is a statement that is unproven AND untrue, made in the spirit of deliberateness or deceit.



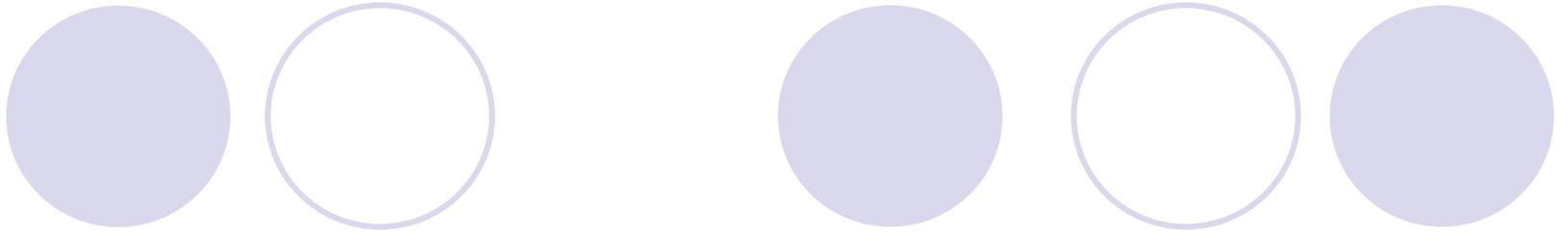
Does the whole story have to be untrue to constitute a false report of sexual assault?

Why might a victim give inconsistent statements or recant?

- Trauma—disrupted memory storage and recall
- Drug or alcohol use
- Discomfort in describing sexual acts
- Afraid they won't be believed or will be blamed
- Omit details of their own unlawful activity

Why might a victim give inconsistent statements or recant?

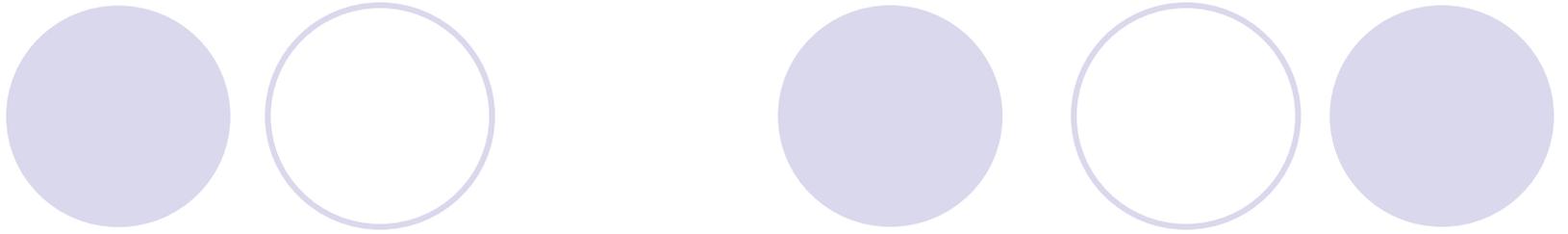
- To protect the perpetrator
- To protect immigration status
- To protect their cultural group
- To create a more believable story



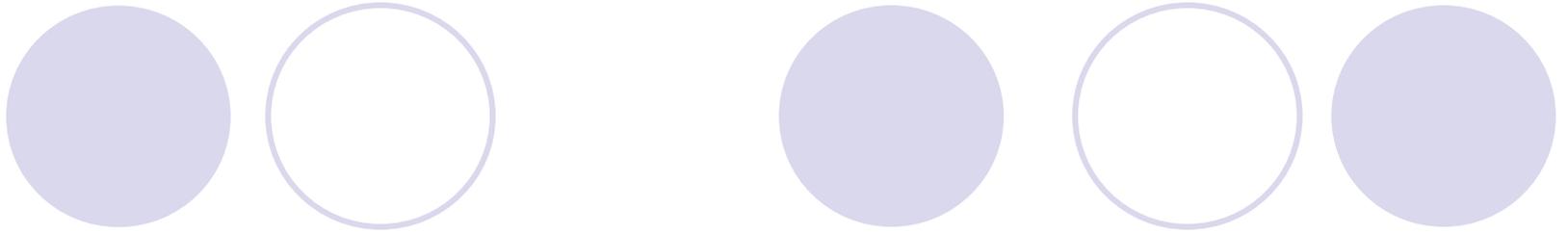
How many allegations
are false?

Note about the data...

- 20 published studies, however, most profoundly flawed
 - Rely on un-scrutinized police data—for ex. Assuring a uniform set of criteria for reviewing data and classifying as false
 - Inappropriate sampling
- Small number provide credible estimates:
 - Clark and Lewis (1977): Analyzed 116 rapes investigated by Metro Toronto police. 12 cases (10%) false. Of those, only seven (6%) were made by the victim
 - Kelly, Lovett & Regan (2005): Largest and most comprehensive study to date. Applied police classification rules, found 2,643 rape cases reported, 67 (2.5%) could be classified as false.
 - Lisak et al., (2009): Analyzed all 136 sexual assaults reported to police at a major University over 10 yr period. (5.9%) met the IACP criteria and were classified as false.



Estimates for the percentage of
false reports begin to converge
around 2 – 10 %

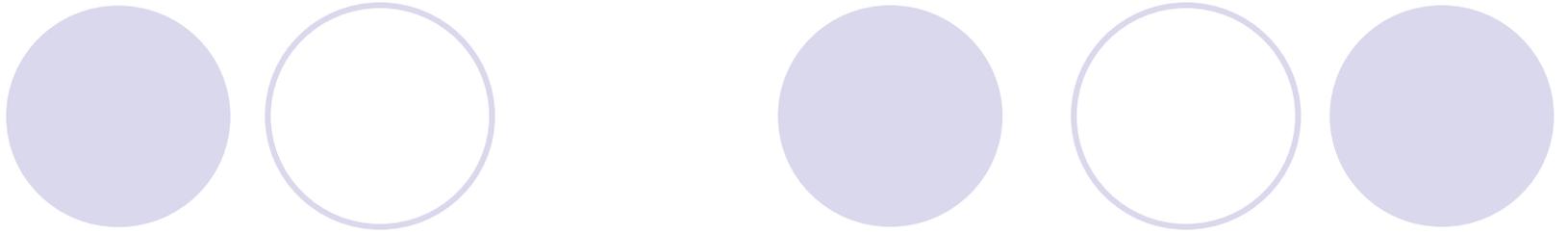


False reports are rare.

The wide held belief that false allegations are common is one of the primary elements of rape mythology in our society.

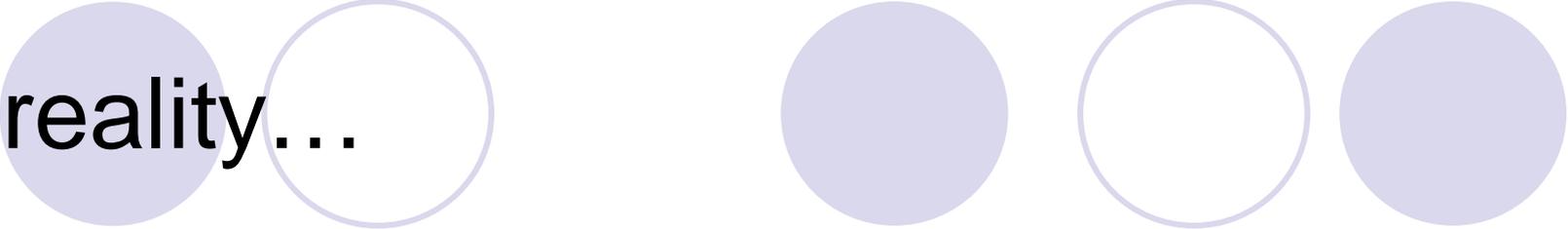
In “real rape” we expect...

- Corroborating physical evidence
- The victim to actively participate in the criminal justice system
- The victim’s story to remain consistent
- The victim to remember every detail
- The victim will not recant
- The victim to tell the whole truth and nothing but the truth



How many cases resemble
this stereotype?

ALMOST NONE!

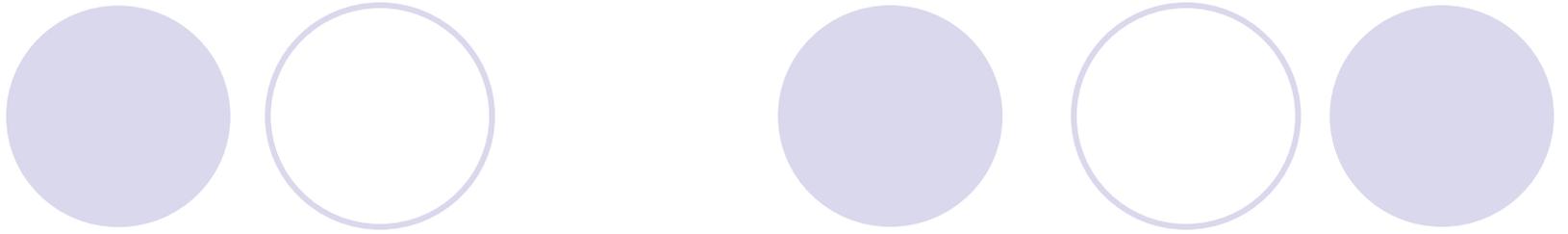


In reality...

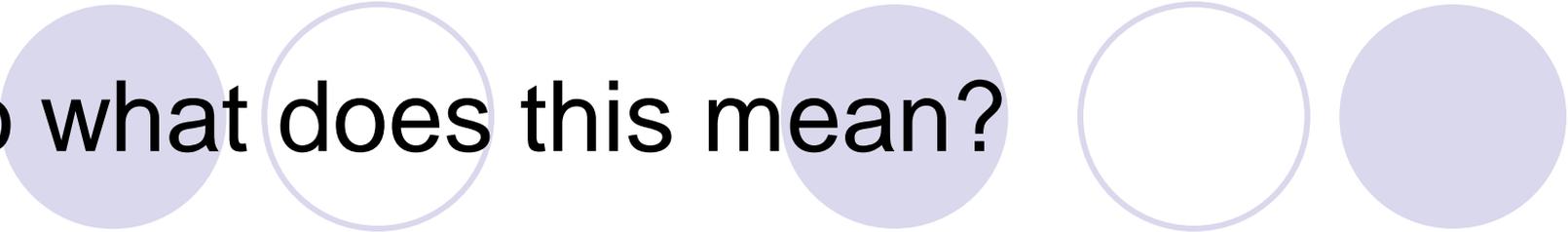
- Most sexual assaults are perpetrated by someone the victim knows
- Very few victims immediately report to law enforcement
- Many victims have factors that limit their perceived credibility
- Victims may omit, exaggerate or fabricate parts of their story

Potential Indicators of a False Report

- Stranger or vaguely described perpetrator
- Physical resistance to the max
- Use of a weapon, serious physical injury
- Only penile-vaginal penetration
- Escalating life or personal problems
- History of mental health or emotional problems
- “Copycat” of highly publicized crime



The best way to identify a false report is to uncover evidence that actually contradicts the victim's accounts of the events.



So what does this mean?

- False allegations do occur; but heightened concern is based on myths and misconceptions
- There is no credible evidence that false allegations are widespread
 - The best study indicates that a small percentage are false ~or~ most allegations are true
- It remains a task for trained investigators to make the determination



The best way to get the job done

- Treat every case as valid
- Expect high standards of investigation
- Encourage broader thinking in sexual assault cases
- Discontinue the use of interrogation tactics with alleged sexual assault victims
- Use appropriate clearance labels/methods

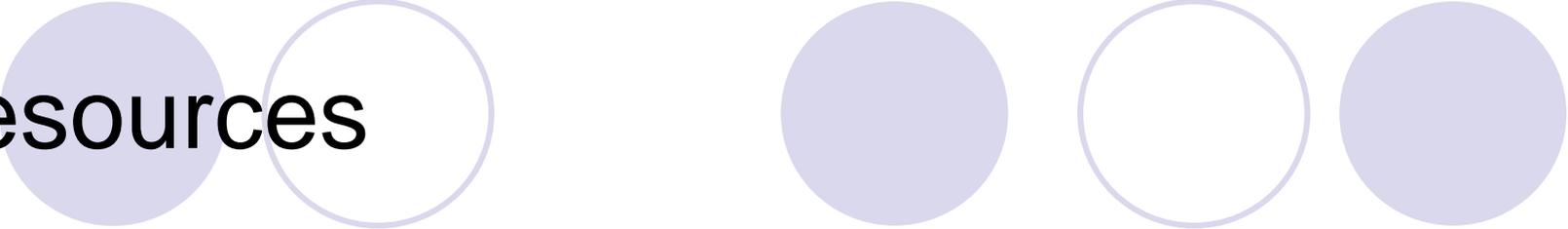
Tips for encouraging truthfulness

- Establish a good working relationship with your local Sexual Assault Crisis Center
- Think about your language and terminology
- Be sensitive to victim blaming
- Create an atmosphere that encourages truth telling
- Be open and upfront about your goal

Tips for encouraging truthfulness

- Be aware of your own biases
- Remember that you play an important role in a survivor's healing
- Communicate - be honest and open about your next step
- Expect new and conflicting information may surface later
- Get some good press!

Resources



- False Allegations, Case Unfounding, and Victim Recantations: Presentation by Deputy Chief Bellshaw, Salem Police Department and Christine Herman, JD, Oregon Attorney General's Task Force.
- Oregon Attorney General's Task Force Position Paper, False Reports and Case Unfounding: Recommendations for Law Enforcement (2009)
- Lonsway, K.A., Archambault, J., & Lisak, D. (2009). False Reports: Moving Beyond the Issue to Successfully Investigate and Prosecute Non-Stranger Sexual Assault. The Voice, Vol. 3, No. 1. Alexandria, VA; The National Center for Prosecution of Violence Against Women, American Prosecutors Research.