

What do we Know about False Reporting?

THE DEFINITION

A false report can only occur when evidence from an investigation **proves** that no crime was committed or attempted.

A key distinction in the definition

A false report is different from an investigation that cannot prove an assault occurred based on the available evidence.

THE PROBLEM

“False report” is a category or designation that is often misused by law enforcement on sexual assault cases. The overuse of this designation is fueled by widely-held beliefs about the prevalence of false reporting. These beliefs often dictate the general discourse around rape and sexual assault in the United States; such beliefs also influence political and social support for initiatives to examine reporting standards or victim services. However, this discourse is often grounded in controversy and dominant social ideas of gender and sexuality, rather than actual data or analysis.

THE RESEARCH

The range of false report rates of sexual assault and rape found by rigorous and reliable research most consistently falls within a **range of 2 to 10%**. This is consistent with the range of false reporting of other crimes. After reviewing available literature on false allegations and retrospectively studying false rape allegations at a major northeastern university, Lisak, et al., 2010 concluded that false rape allegations occur relatively infrequently.

“Since false reports are rare occurrences, making a false report determination must be based on clearly established proof that the report was false. Similarly, we must remember that the absence of evidence does not mean the sexual assault report is false. Sadly, too often sexual assault reports are deemed false based on the belief that the victim’s behavior did not match the expectations of the investigating authority. Equally troubling are those instances in which a case is believed false because the report cannot be independently corroborated with evidence.”

Chief Paul Schnell, Maplewood Police Department, Minnesota

STOP Administrators can Influence Change

Encourage law enforcement to identify patterns of gender bias

- Encourage and support efforts by law enforcement agencies to assess current coding practices, apply new guidelines, and greater scrutiny to classifications.
- Promote training on consistent application of definitions for classifying sexual assault data. Identify technical assistance providers that can recommend strategies to improve consistency and reliability.
- Encourage the development of protocols for victim interviews that are based on the neurobiology of trauma.
- Encourage the development of specific investigative strategies for non-stranger sexual assault cases.
- Thoroughly investigate every case by treating it as valid as any other report.
- Discourage law enforcement from asking victims to sign statements declining investigation of their case.
- Encourage regular referrals and involvement with community-based advocacy programs.

Promote the examination and development of guidelines for handling recantations

- Revise grant standards to include a commitment from law enforcement to eliminate the practice of threatening to charge a victim with false reporting.
- Recantations are often miscoded as false reports. Include in RFPs, the assessment of practices and revision of policies regarding recantations in sexual assault cases.

Case Classification Makes a Difference

UNCERTAINTIES IN THE LAW ENFORCEMENT CLASSIFICATION DATA

Law enforcement agencies classify rape cases based on guidelines provided by the [FBI's Uniform Crime Reports \(UCR\) Handbook](#). Despite this guidance however, Lisak, et al., 2010 note that numerous studies have found routine misclassification of rape cases by law enforcement agencies.

Misclassification and weak investigations stop cases in their tracks Much of the misclassification is linked to the improper use of the “unfounded” and “baseless” classifications. They are often used to code cases that are believed to be false, rather than actually proven false. An unfounded complaint is a determination through investigation that no crime occurred. When an investigation finds that a crime occurred, but does not meet the legal definition of sexual assault or that insufficient information was collected, it can be classified as baseless. When an investigation fails to prove a sexual assault occurred, it can be coded as unsubstantiated.

INADEQUATE INVESTIGATIONS SHAPE THE CLASSIFICATION OF CASES

The dynamics and characteristics of non-stranger sexual assault can lead to case misclassification. In these cases, physical injury is rare, a victim may not have a medical/forensic exam, alcohol is often used, and because of these factors, judgments are made about victim credibility. These factors may influence practitioners' perception that a crime occurred. Investigation practice based on facts and innovative techniques, such as the [Forensic Experiential Trauma Interview](#), increase the likelihood of accurate case coding.

Gender Bias Plays a Role

BIASES IN THE APPLICATION OF THE CLASSIFICATION PROCESS

Allegations of rape are also labeled as “false” due to law enforcement personal bias, resulting from pervasive myths and stereotypes about rape victims and perpetrators, which influence perception and ultimately classification of rape cases.

These biases often influence how cases are classified when: the victim is labeled as uncooperative with law enforcement; insufficient evidence exists to proceed with prosecution; inconsistency in victim statements; intoxication at the time of the assault; and/or delay in reporting after the incident. It is important to note that the FBI has specifically identified the above as circumstances that do not imply a false allegation on their own.

THREATENING TO CHARGE VICTIMS WITH FALSE REPORT CREATES A CHILLING EFFECT

Sexual assault is the only violent crime where the honesty of victim is regularly questioned. Beliefs related to how a victim should have behaved before, during, and after the assault can cloud the facts of a case and create a road block to a fair and full investigation and consideration for prosecution. In addition, investigation and prosecution interview techniques (often used with suspects) and the threat of a false report charge can intimidate the victim, leading to recantations. A threat of criminal charges can have a chilling effect on a victim's willingness to engage with law enforcement. It is not uncommon for victims to withdraw their statements to police because they do not feel supported or believed. This compounds the underreporting problem that is prevalent with this crime.

Resources

The United States Department of Justice has published guidance for law enforcement agencies in their efforts to reduce sexual violence entitled, *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence* (Dec 16, 2015). It is available at: <http://www.justice.gov/ovw/identifying-and-preventing-gender-bias>

End Violence Against Women International has developed an online training curriculum to help law enforcement agencies improve their practices of classifying cases and addresses the technical and psychological aspects of investigations. The On-line Training Institute for Sexual Assault Investigators and other advanced trainings, such as the Forensic Experiential Trauma Interview, are available at: www.evawintl.org.

International Association of Chiefs of Police's [Sexual Assault Response Policy and Training Content Guidelines \(2005\)](#) provides guidance of the development of investigative strategies for non-stranger sexual assaults.

The Marshall Report and **ProPublica** recently published a case study that reveals how law enforcement and society responded to reports of rape in *An Unbelievable Story of Rape* (Dec 16, 2015). Access it here: [An Unbelievable Story of Rape](#)

References

Lisak, D., Gardinier, L., Nicksa, S.C., and Cote, A.M. (2010). False allegations of sexual assault: An analysis of ten years of reported cases. Violence Against Women, 16(12), 1318-34.

Archambault, J., Lisak, D., Lonsway, K (2009). False Reports: Moving beyond the issue to successfully investigate and prosecute non-stranger sexual assault.

Contact us with questions or technical assistance requests

Sexual Violence Justice Institute @ Minnesota Coalition Against Sexual Assault
161 St. Anthony Avenue
Suite 1001
Saint Paul, MN 55103
p. 651.209.9993
f. 651.209.0899
e. info@svji.org
w. www.svji.org

This publication is supported by Grant Number 2012-TA-AX-K014 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the DOJ, Office on Violence Against Women.