

Fact Sheet: False Reporting Of Rape

What is False Reporting?

According to the International Association of Chiefs of Police, a false report is an allegation of rape that evidence proves did not occur:

“The determination that a report of sexual assault is false can be made only if the evidence establishes that no crime was committed or attempted. *This determination can be made only after a thorough investigation.* This should not be confused with an investigation that fails to prove a sexual assault occurred. In that case the investigation would be labeled unsubstantiated. *The determination that a report is false must be supported by evidence that the assault did not happen.* (italics in original). (1)

Prevalence of False Reporting

A comprehensive analysis of the research studies on false allegations of sexual assault conducted with adequate methodology indicates that the prevalence of false reporting is between 2% and 10%.

What Are Not Indicators of a False Report?

Societal beliefs about “real rape” sometimes cause responders to question victims’ credibility if factors are present that go against how we think “real” victims would act. The following factors should not be assumed to contribute to the likelihood of false reporting:

- Delayed report by days, weeks or even years
- Lack of physical injury or DNA evidence
- No weapon was used
- Victim is young, homeless or has a mental illness
- Victim used drugs or alcohol at the time of the attack
- Victim knows the perpetrator
- Victim was believed to be working in prostitution at the time of the assault
- Victim was engaged in other “risky” behavior at the time of the assault
- Lack of cooperation by the victim

In reality, the above factors are actually typical of sexual assault and the response to it by victims.

What if Part of the Report Is False?

Sometimes investigators may find that some of the information victims provide is exaggerated, omitted, inconsistent with other statements or untrue. There are a variety of reasons why this may be the case, but unless the investigation proves that *no crime was committed or attempted*, it still cannot be deemed a false report.

Reasons victims may exaggerate, omit or alter the account of the assault:

- The victim may omit what they consider embarrassing details such as oral or anal penetration.
- The victim’s memories may be disorganized and inconsistent due to psychological trauma of the assault, or memories may be impaired from drug or alcohol use.
- The victim may omit details such as drug or alcohol use or illegal behavior if they think they will be blamed for the assault.

- The victim may alter their account or leave out information because of their immigration status and fear of authorities or reprisal by the perpetrator.
- The victim may exaggerate details of a rape to make it sound more “believable” to responders, such as saying there was a weapon when there wasn’t or saying there was no prior sexual relationship when there was.

How to Overcome the Challenges

There are a number of techniques investigators and prosecutors can use to get the most accurate account from victims, avoid inconsistencies and gain victim cooperation.

- Minimize the number of interviews with victims to avoid differing accounts. When possible, use the same law enforcement and prosecutorial personnel throughout the case and make sure follow up interviews are to gather new information rather than review previous information.
- Develop a trusting rapport with the victim that makes them feel safe to divulge unflattering information or even their own illegal activities related to the assault.
- Corroborate the details of the victim’s account of events, highlighting the accuracy of other facts of the case.

What to Do in the Case of an Actual False Report

While the incidence is low, investigators may encounter cases at some point where the crime has been fabricated, and no assault was attempted or committed. These false reports are frustrating to responders and can influence how they and the public will view future victims.

Prosecutors and investigators should only act upon the suspicion of a false report if these concerns are very serious and are based on the evidence uncovered in the investigation. Wrongly accusing a victim of a false report can have devastating consequences.

It is recommended that the tone of any challenge be supportive and based on the information provided by the victim.

In some cases, a false report is a cry for help by someone with grave emotional or personal issues, and it is important to connect them with appropriate mental health or social services.

There are legitimate reasons to prosecute someone for a false report. However, such a prosecution will likely be remembered by future victims who fear they won’t be believed and by future jurors who use it as justification for their beliefs that all rape reports are false.

References

1. International Association of Chiefs of Police (July, 2005). Investigating Sexual Assaults: Model Policy and Concepts and Issues Paper. Published by the IACP National Law Enforcement Policy Center, Alexandria, VA.
2. Lisak, D., Gardinier, L., Nicksa, S. & Cote, A. (2010). False allegations of sexual assault: An analysis of ten years of reported cases. *Violence Against Women*, 16(12), 1318-1334.
3. Lonsway, K., Archambault, J. & Lisak, D. (2009). False reports: Moving beyond the issue to successfully investigate and prosecute non-stranger sexual assault. *The Voice*, 3(1), 1-11.