

**FALSE ALLEGATIONS OF SEXUAL ASSAULT: AN ANALYSIS OF TEN YEARS OF
REPORTED CASES**

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ABSTRACT

One of the most controversial disputes affecting the discourse related to violence against women is the dispute about the frequency of false allegations of sexual assault. In an effort to add clarity to the discourse, published research on false allegations is critiqued, and the results of a new study described. All cases (N = 136) of sexual assault reported to a major northeastern university over a ten year period were analyzed to determine the percentage of false allegations. Of the 136 cases of sexual assault reported over the ten year period, eight (5.9%) were coded as false allegations. These results, taken in the context of an examination of previous research, indicate that the prevalence of false allegations is 2% to 10%.

Rape is unique. No other violent crime is so fraught with controversy, so enmeshed in dispute and in the politics of gender and sexuality. For example, despite decades of careful social science research, prevalence rates are still frequently challenged on political grounds, and bold assertions are made in the absence of any data (e.g., Roiphe, 1993; MacDonald, 2008). And within the domain of rape, the most highly charged area of debate concerns the issue of false allegations. For centuries, it has been asserted and assumed that women “cry rape,” that a large proportion of rape allegations are maliciously concocted for purposes of revenge or other motives. Most famously, Sir Matthew Hale, a chief justice of the court of the King’s bench of England, expressed this view in a form that became the basis for special jury instructions that would be used late into the 20th century (Schafran, 1993). Hale wrote:

It is true rape is a most detestable crime, and therefore ought severely and impartially to be punished with death; but it must be remembered, that it is an accusation easily to be made and hard to be proved, and harder to be defended by the party accused, tho never so innocent (Hale, 1847; p. 634).

The heated public discourse about the frequency of false rape allegations often makes no reference to actual research. When the discourse does make reference to research, it often founders on the stunning variability in research findings on the frequency of false rape reports. A recently-published comprehensive review of studies and reports on false rape allegations listed 20 sources whose estimates ranged from 1.5% to 90% (Rumney, 2006). However, when the sources of these estimates are examined carefully it is clear that only a fraction of the reports represent credible studies, and that these credible studies indicate far less variability in false reporting rates.

Before examining the sources of these varying estimates of the frequency of false rape allegations, it is important to identify the key methodological issues that make this a uniquely challenging area of research.

Key Methodological Issues

Before examining this literature, it is important to highlight the key methodological issues that must be addressed by any study that focuses on false rape allegations.

The Definition of a False Allegation

As in any domain of research, you cannot accurately measure what you cannot reliably define. Unfortunately, many published reports either do not explicitly define what constitutes a false rape allegation, or they rely on data that demonstrably include many cases that fall outside the parameters of accepted definitions. To classify a case as a false allegation, a thorough investigation must yield evidence that a crime did not occur. This definition has been most clearly and explicitly articulated by the International Association of Chiefs of Police (IACP) in its comprehensive model policy and accompanying issues paper on the investigation of sexual assault cases (IACP, 2005a; IACP, 2005b):

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** (IACP, 2005b, p. 12-13; emphasis in original).

“Evidence that the assault did not happen” might include, for example, physical evidence and/or statements from credible witnesses that contradict key aspects of a victim’s account. Such evidence would be distinct from more general “credibility” evidence – e.g., a delayed report; an apparent inconsistency in the victim’s statement – that has often been used by police investigators to discount a rape victim’s report (e.g., Kelly, Lovett & Regan, 2005; Lea, Lanvers & Shaw, 2003).

Law enforcement organizations have also issued guidelines on what does not constitute a false allegation (FBI, 2004; IACP, 2005). Examples of factors that **do not**, by themselves, mean that a case is a false allegation include:

- A case in which the victim decides not to cooperate with investigators. Victims make such decisions for many reasons (Jordan, 2004; Lea, Lanvers & Shaw, 2003).
- A case in which investigators decide that there is insufficient evidence to proceed towards a prosecution. Rape cases, particularly non-stranger cases, are very difficult to investigate and prosecute and many investigations are aborted because of these difficulties, and because of the perception that successful prosecution is unlikely (Clark & Lewis, 1977; Frazier & Haney, 1996; Frohmann, 1991; Spohn, Beichner, & Davis-Frenzel, 2001).
- A case in which the victim appears to make inconsistent statements, or even lies about certain aspects of the incident. Traumatized individuals tend to recall events in a fragmented fashion which makes apparent inconsistencies likely (Halligan, Michael, Clark & Ehlers, 2003); victims may well try to hide certain facts – use of an illegal drug;

a particularly humiliating act they suffered – out of a fear that they will be treated with suspicion or simply because of the intense shame they experience (Jordan, 2004).

- A case in which a victim makes a delayed report of the incident, or in which a victim was extremely intoxicated. Delayed reporting is extremely common in rape cases (National Victim Center, 1992), and there is evidence that intoxicated individuals are at increased risk of being targeted by sexual predators (Abbey et al., 2004; Macy, Nurius & Norris, 2007; Ullman, 2003).

Any of the circumstances listed above can be present in a case that is ultimately determined to be a false allegation, but the presence of any of these circumstances does not by itself mean that a case can be so classified.

Uncertainties in the Law Enforcement Classification Process

Law enforcement agencies in the U.S. and in other countries classify rape cases according to set guidelines – in the U.S., these guidelines are provided by the FBI's Uniform Crime Reports (UCR) Handbook (FBI, 2004). For example, the UCR stipulates that the category "unfounded" is reserved for "...a complaint that is determined through investigation to be false or baseless. In other words, no crime occurred. If the investigation shows that no offense occurred nor was attempted, UCR Program procedures dictate that the reported offense must be unfounded..." (FBI, 2004, p. 77). The Handbook stipulates that the refusal of a victim to cooperate, or the failure to make an arrest do not constitute reasons to classify a case as unfounded. The UCR guidelines also makes clear that the category of "unfounded" is broader than the category of false allegation, since "unfounded" includes cases that are determined to be "baseless." A case can be classified as "baseless" if, for example, a victim reports an incident

that, while truthfully recounted, does not meet – in the eyes of investigators – the legal definition of a sexual assault. For example, if a victim reports to the police that she was raped while she was intoxicated, and truthfully states that she cannot clearly recall whether there was penetration, investigators might classify such a case as “baseless/unfounded.” This classification is clearly distinct from a case in which a victim deliberately fabricates an account of being raped, yet the “unfounded” category is very often equated with the category of “false allegation.” Similar guidelines govern the classification of cases in Great Britain, where the category “unfounded” is termed “no crime” (Rumney, 2006).

Despite these guidelines, numerous studies have discovered that the misclassification of cases by law enforcement agencies is routine. Cases in which the victim is unable or unwilling to cooperate, in which evidence is lacking, in which the victim makes inconsistent statements or in which the victim was heavily intoxicated frequently get classified as “unfounded” or “no-crime” (e.g., Gregory & Lees, 1996; IACP, 2005b; Kelly, Lovett & Regan, 2005; Rumney, 2006).

This confusion about the classification of rape cases and about what actually constitutes a false report is addressed directly in the IACP’s policy statement (IACP, 2005b). The IACP policy paper states:

The term “unfounded” is commonly defined as “lacking a sound base, groundless, unwarranted.” It is synonymous with another term often used by law enforcement in child abuse cases: “unsubstantiated.” Both terms are used to code and administratively clear sexual assault cases **that are often mislabeled as “false allegations”** ... Police departments routinely administratively clear a number of

reports of sexual assault, perhaps mistakenly, in one combined category of “unfounded OR false.” Because of these varying definitions of “unfounded” among reporting agencies and the UCR, law enforcement professionals may have similar misunderstandings and inaccurately place false and unfounded reports in the same category. (IACP, 2005b, p. 13, emphasis added)

Biases in the Application of the Classification Process

Some of the misclassification of rape cases stems from biases and stereotypes that are still quite prevalent among law enforcement personnel. Researchers who have studied the content of police reports and/or examined police attitudes through interviews or questionnaires have found evidence of longstanding rape myths and stereotypes that influence how rape victims are perceived and how cases are classified. Victims of non-stranger assaults, victims who are intoxicated, victims who delay reporting the assault, and victims who report assaults by intimates all are frequently viewed with greater suspicion by some police officers (Heenan & Murray, 2006; Jordan, 2004; Kelly, Lovett & Regan, 2005; Lea, Lanvers & Shaw, 2003; Clark & Lewis, 1977; Schuller & Stewart, 2000).

Reliance on Un-scrutinized Law Enforcement Classifications

All of the methodological issues outlined above underscore the necessity to scrutinize law enforcement classifications of sexual assault cases. However, such scrutiny requires access to confidential information, and few studies have either attempted or succeeded in obtaining such information. As a result, many published studies on false rape allegations have relied on the classifications made by law enforcement agencies. As such, they are unable to determine whether those classifications adhere to IACP and UCR guidelines, and whether they are free of

the biases that have frequently been identified in police investigations of rape cases. Indeed, given the widespread misclassification of cases by reporting law enforcement agencies, the UCR data themselves are suspect. A frequently cited statistic for false rape reports is the 8% figure reported by the FBI in its 1997 Uniform Crime Reports (FBI, 1997). However, that 8% is actually the percentage of rape cases classified as “unfounded” by police departments across the country, a category that includes “baseless” cases. It is abundantly clear that many departments include as “unfounded” cases that do not meet the IACP or the UCR definition of a false report (IACP, 2005b).

Evaluating the Research

Given these serious limitations in the literature on false rape reports, there are actually very few studies that provide meaningful data on the frequency of false reports. Among the 20 sources listed in a recent review article (Rumney, 2006), only a handful provided clear definitions and used systematic methods to evaluate their data. In fact, Rumney concluded: “Given its inadequacies, much of the current research literature cannot be used to determine the rate of false rape allegations” (Rumney, 2006, p. 155). Most of the sources report data – ranging from 1.5% to 90% -- that cannot be relied upon because they are based on un-scrutinized police classifications. There is considerable evidence of widespread misclassification by police departments and enormous disparities among police agencies in how cases are classified. (e.g., Gregory & Lees, 1996; HMCPSI/HMIC, 2002). A number of the sources cited by Rumney are simply personal assessments by individuals who obtained access to police files or who interviewed a selection of police investigators. One study (Lea, Lanvers & Shaw, 2003) reported a rate of false allegations of between 10 and 20 percent based on police investigators’ accounts.

However, their data were based on only 171 of the 471 cases that were originally targeted for analysis. The loss of 64% of their sample was left largely unexplained.

Another source, cited by Rumney and widely referenced in the literature on false allegations, is a study conducted by the New York City police department and originally referenced by Susan Brownmiller in her book, *Against Our Will: Men, Women and Rape* (Brownmiller, 1975). According to Brownmiller, the study found a false allegation rate of 2%. However, the only citation for the study is a public remark made by a judge at a bar association meeting, and therefore no information is available on the study's sample or methodology.

Rumney includes in his listing a study by Jordan (2004) that reports a false allegation rate of 38%. However, that figure is actually the percentage of false reports among cases that had been classified as unfounded. Since the researcher does not provide the total number of cases of rape in her sample, it is impossible to determine the actual rate of false allegations.

Also included in Rumney's listing is a study by Kanin (1994), one of the very few U.S.-based studies of false allegations that is both widely-referenced and criticized (Lisak, 2007; Rumney, 2006). Kanin reported that 41% of 45 consecutive rape cases investigated by the police department of a small, Midwestern city over a nine year period were determined to be false reports. Unfortunately, Kanin provides little information about the methods used to evaluate the police department's system for classifying cases. The study did not appear to employ a definition of a false report. Rather, Kanin asserted that a rape allegation was classified as a false report if the complainant "admitted they are false" (Kanin, 1994, p. 82). Kanin recorded a case as a false report when he was notified by the police department that a case had been so classified. Kanin reported that he was given access to police files and given the opportunity to ask follow-up

questions, but he provided no details about what if any questions he asked nor how he scrutinized the police department's decision-making process. He apparently used no systematized method for analyzing the police reports (e.g., a coding system), nor any system of independent raters or coders to guard against bias. These are particularly important limitations, given that the police department he was studying used procedures that are now specifically discouraged by the U.S. Department of Justice and denounced by the IACP. According to Kanin, the police department always made a "serious offer" to polygraph the alleged victim, a procedure that is now widely viewed as an intimidation tactic that frequently persuades already hesitant rape victims to drop out of the criminal justice process. This procedure is so frowned upon that the 2005 re-authorization of the Violence Against Women Act stipulates that any state in which agencies use the polygraph on sexual assault victims jeopardizes its eligibility for certain grants, and a number of states have passed laws prohibiting the use of the polygraph to determine whether charges should be filed in a sexual assault case (IACP, 2005b).

Further, the IACP expressly criticized the type of procedure used by the police department that furnished Kanin with his information:

Based on the misperception that a significant percentage of sexual assault reports are false, some law enforcement agencies use polygraphs or other interrogation techniques ... when interviewing victims... Some states have even enacted laws prohibiting the police from offering a polygraph examination to sexual assault victims or from using the results to determine whether criminal charges will be filed ... Law enforcement agencies should establish policies to clearly state that officers should not require, offer, or suggest that a victim take a polygraph

examination or submit to SCAN or voice stress analysis during the investigation stage” (IACP, 2005b, p. 13).

In sum, the lack of any articulated or systematized method of analysis, the lack of a clear definition of what constitutes a false report, and dependence on the classifications made by a police department that was using investigative procedures that are now widely rejected all render Kanin’s findings extremely suspect. Finally, his finding that 41% of rape cases were false reports is at least four times higher than the estimates found by studies that used systematic methods to determine the frequency of false rape allegations (Heenan & Murray, 2006; Jordan, 2004; Kelly, Lovett & Regan, 2005; Lonsway & Archambault, 2008).

What follows are summaries of studies that used methodologies that permit some degree of scrutiny of their findings: by clearly defining what constitutes a false report; by clearly explaining the source of data used; by making some effort to evaluate the data they receive from law enforcement agencies. It is notable that most of the studies to date that provide credible data on false reporting were conducted outside of the U.S. There are multiple reasons for this, including wide variation in the degree to which U.S. agencies track sexual assault cases and the systems they use to categorize them. In addition, there is the difficulty of gaining access to the necessary law enforcement and prosecution data. As a result, researchers attempting such a study confront significant obstacles in the de-centralized and politicized American criminal justice system.

The Toronto Study

Clark and Lewis (1977) obtained access to data pertaining to all 116 rapes investigated by the Metropolitan Toronto police department in 1970. Only 42 cases (36.2%) were classified by

the police as “founded;” the remaining 74 cases were classified as “unfounded” but these included cases in which the police decided that the victim was an unsuitable witness, in which the police could not or did not produce corroborating evidence, in which the victim stopped cooperating with the investigation, or in which the investigating officers seemed to be prejudiced against the victim. When these cases were separated out, there remained 12 cases (10.3%) in which there appeared to be evidence that a rape did not occur. Of those 12 cases, only seven (6%) were false reports actually made by alleged victims themselves; the other five were filed by someone other than the victim (e.g., a relative or boyfriend).

The Philadelphia Sexual Assault Victim Study

McCahill, Meyer and Fischman (1979) undertook a major study of sexual assault cases in Philadelphia from 1972 to 1975. All of the 1,401 victims who comprised the study sample were medically evaluated and interviewed by the police. However, in 709 cases, the victims were also interviewed by social workers as part of their aftercare. The Philadelphia police classified cases as “unfounded” if they believed the report to be a false allegation, or if they believed the reported crime did not meet the legal criteria for rape (i.e., it was “baseless”), or if they were skeptical about the victim for any of a variety of reasons (e.g., because she was a drug addict, or had had prior sexual contact with the perpetrator). Thus, it was not possible to determine a rate of false allegations on the basis of police classifications. Of the 709 cases for which both police and social worker reports were available, 15% were classified by the police as “unfounded,” but only 3% were classified as false allegations by social workers who applied the UCR definition, “investigation shows that no offense occurred nor was attempted (McCahill, Meyer & Fischman, 1979, p. 120).

The 1992 British Home Office Study

Grace, Lloyd and Smith (1992) examined all rape cases reported to law enforcement departments in England and Wales during the first three months of 1985. Of 348 cases, 302 had sufficient information to be included in the study. The researchers relied on the information contained in the reports, but they attempted a degree of scrutiny of the police classifications by also examining reports from medical examiners and the statements of victims and alleged perpetrators. Of the 302 cases, 24% were “no-crime” by the police for various reasons, but only 34% of those “no-crime” cases were classified as false allegations. Thus, 8.3% of the sample of 302 cases were false allegations.

The 1999 British Home Office Study

Spurred by a decline in the proportion of rape cases that were resulting in convictions, the British Home Office sponsored a study of 483 rape cases reported to the police in England and Wales in 1996 (Harris & Grace, 1999). Although the researchers conducted a number of interviews of victims and criminal justice personnel, the quantitative data were derived directly from police classifications. Unlike the later Home Office study described below (Kelly, Lovett & Regan, 2005), there was no mechanism for scrutinizing those classifications. Of the 483 cases examined, 123 were classified as “no-crime” by the police, and 53 (10.9%) were categorized as false allegations.

The 2005 British Home Office Study

In what is the largest and most comprehensive study of false reports currently available, the British Home Office commissioned another major study of attrition in rape cases in response to the continuing decline in the conviction rate for rape (Kelly, Lovett & Regan, 2005). Six

regions within Great Britain were selected and 2,643 cases were analyzed over a 15-year period. The researchers collected multiple forms of data that went far beyond a reliance on police reports: case files; forensic reports; medical examinations; questionnaires completed by police investigators; interviews with victims; interviews with victim service providers; and content analyses of victim and witness statements. On the basis of these analyses, the researchers concluded that there was rampant misuse of the “no-crime” classification, referring to it as a “dustbin” category.

Of the 2,643 rape cases reported to the police, 216 (8.2%) were classified by the police as false allegations. However, some of these classifications were based on police skepticism about victims who were mentally ill, about victims whose statements contained inconsistencies, and about victims who had been drinking or using drugs. Classifying a case as a false allegation on these bases, the researchers noted, violated the police agencies’ own classification rules. Those rules stipulate that a case can only be classified as a false allegation if “there is a clear and credible admission by the complainants, or where there are strong evidential grounds” (Kelly, Lovett & Regan, 2005, p. 50). Applying those agency rules, the researchers re-calculated the frequency of false allegations and found that 67 of the 2,643 (2.5%) cases actually met the criteria.

The researchers concluded:

There is an over-estimation of the scale of false allegations by both police officers and prosecutors which feeds into a culture of skepticism, leading to poor communication and loss of confidence between complainants and the police...

There is some evidence of poor investigation and understanding of the law, and in

some cases, there has been an emphasis on discrediting features only, by the police and CPS... Categorization of cases by the police is internally inconsistent within and between force areas. (Kelly, Lovett & Regan, 2005, p. xii)

The Australian Study

In a large-scale study similar to that conducted by the British Home Office (Kelly, Lovett & Regan, 2005), the state of Victoria in Australia commissioned a study of 850 rapes reported to the police over a three year period (Heenan & Murray, 2006). The researchers used both quantitative and qualitative methods. The qualitative analyses were “designed to identify the attitudes and perceptions that guide police and/or victim decision-making on whether to proceed with an investigation or whether charges will be laid” (Heenan & Murray, 2006, p. 14). Of the 812 cases for which data were available, the researchers noted that investigators were skeptical about the veracity of 77 (9.5%) cases that were classified as “No Further Police Action.” However, only 17 (2.1%) cases were classified by the police as false reports and in each of these cases the complainants were either charged with filing a false report or threatened with charges.

The Making a Difference (MAD) Study

To date, the only U.S. based study of false reporting that has used a methodologically rigorous approach is the multi-site “Making a Difference Project” undertaken by the non-profit organization, End Violence Against Women (EVAW), International. In the eight U.S. communities participating in the project, law enforcement personnel received training in the use of a common system for classifying sexual assault cases, and detailed data were collected on all sexual assault reports received over an 18 to 24 month period (Lonsway & Archambault, 2008). Technical assistance was provided to data gatherers to help ensure consistency and reliability,

and a random selection of cases was checked for data entry errors. To record their final disposition, cases were classified in one of six defined categories, and agency personnel were trained on the application of these definitions. The classifications included “cleared by arrest” and “closed as an informational report (elements of a sexual assault offense not met).” Most pertinent to this discussion, one classification was, “Unfounded/False (based on investigative findings that a crime did not occur, according to UCR criteria).” This category was defined to include only cases that were determined, on the basis of evidence collected, to be false allegations. A separate category, “Unfounded/Baseless (elements of the crime were not met, but not false, according to UCR criteria)” was created for cases that do not meet the UCR criteria for a false report, but where the events do not constitute a crime according to the state’s penal code. The MAD data, analyzed but not yet published, are included here with permission of the researchers (K. Lonsway & J. Archambault, personal communication, August 19, 2008). Of the 2,059 cases analyzed from law enforcement agencies in the participating communities, 140 (6.8%) were classified by law enforcement as false reports (Lonsway & Archambault, 2008).

The present Study

The present study was designed to contribute another credible estimate of the rate of false rape reporting by using systematic methods to analyze a 10-year sample of cases of sexual assault reported to a university police department. While there has been considerable research on the prevalence and characteristics of sexual assault in university settings, none of the major studies of false reporting specifically sampled a university population. University communities are known to have high rates of sexual assault and college students fall within the age range of those who are most vulnerable to this crime (Fisher, Cullen & Turner, 2000).

METHOD

The police department of a major university in the northeastern U.S. agreed to provide access to case summaries of every sexual assault reported to the department over a ten year period, from 1998 to 2007. The protocol for this study was reviewed and approved by the university's institutional review board. The case summaries were compiled by a senior, supervising investigator, and all identifying information in the summaries was removed. The senior investigator compiled the summaries based on the materials contained in each of the case files: investigators' notes detailing interviews with victims, alleged perpetrators, witnesses, and all other actions taken in the course of the case investigation. The summaries varied in detail, depending on the extent of the investigation that was pursued. Typically, they included: a description of the alleged assault as provided by the victim; information gleaned from interviews with the alleged perpetrator (if identified) and witnesses; other evidence collected by investigators; and a chronology of the investigation and summary of its conclusions.

The coding system used in this study was based on three sources: 1) a review of the literature on false rape reporting and a review of procedures used by police departments to classify rape cases; 2) discussions with senior members of the university police department regarding its methods for classifying and investigating rape reports; and 3) the IACP policies on classifying rape cases, including its definition of a false rape report. The categories, "Case Did Not Proceed" and "Case Proceeded" were derived based on discussions with the university police department to provide a very general overview of what proportion of rape reports resulted in some form of adjudication.

A team of four researchers designed a coding system comprised of four categories:

False Report

Applying IACP guidelines, a case was classified as a false report if there was evidence that a thorough investigation was pursued, and that the investigation had yielded evidence that the reported sexual assault had in fact not occurred. A thorough investigation would involve, potentially, multiple interviews of the alleged perpetrator, the victim and other witnesses; and where applicable, the collection of other forensic evidence (e.g. medical records, security camera records). For example, if key elements of a victim's account of an assault were internally inconsistent and directly contradicted by multiple witnesses, and if the victim then altered those key elements of his/her account, investigators might conclude that the report was false. That conclusion would have been based not on a single interview, or on intuitions about the credibility of the victim, but on a "preponderance" of evidence gathered over the course of a thorough investigation.

Case did not Proceed

This classification was applied if the report of a sexual assault did not result in a referral for prosecution or disciplinary action because of insufficient evidence, or because the victim withdrew from the process or was unable to identify the perpetrator, or because victim mislabeled the incident (e.g., gave a truthful account of the incident, but the incident did not meet the legal elements of the crime of sexual assault).

Case Proceeded

This classification was applied if, after an investigation, the report resulted in a referral for prosecution or disciplinary action or some other administrative action by the university (e.g.,

the victim elected not to pursue university sanctions but the alleged perpetrator was barred from a particular building).

Insufficient Information to Assign a Category

This classification was applied if a report lacked basic information (e.g., neither the victim nor the perpetrator was identified and there was insufficient information to assign a category).

After designing the coding system, the four researchers were grouped into two teams with two coders each. Each team then analyzed all of the 136 sexual assault report summaries and independently assigned classification codes to each of the cases by applying the criteria set out in the coding system. After these initial codes were assigned, all four researchers met with two senior police department investigators who were familiar with all of the cases and who brought to the meeting the complete case files, including police reports, reports of victim and witness interviews, and other documents. During this meeting, researchers asked whatever questions they deemed necessary to obtain the information required to accurately assign a code to each case. For example, questions were asked to determine whether the investigation was thorough (Were collateral witnesses identified and interviewed? If the victim's account contained inconsistencies, were alternative explanations for those inconsistencies considered?); and to determine whether biases and stereotypes might have influenced investigators' conclusions about a victim's credibility. Following this meeting, each of the teams assigned final codes to each of the cases.

RESULTS

Coding reliability was established by comparing the classifications made by the two teams across all 136 cases and four coding categories. Of the 136 "decisions," there was

disagreement on only seven, yielding a 94.9% rate of agreement. None of the seven disagreements pertained to cases classified as false reports.

In addition to classifying the cases, basic information about the 136 reported sexual assaults was recorded. Frequencies are provided in Table 1. The characteristics of the assaults are for the most part similar to those reported in other studies. Most assaults were perpetrated by non-strangers; most involved a single perpetrator; the majority of victims were female; and many of the victims were intoxicated at the time of the assault. Assaults occurred both on and off campus. Almost all of the victims, but less than half of the perpetrators, were students enrolled at the university.

Table 1 about here

Of the 136 cases of sexual assault, eight (5.9%) were coded as false reports, 61 (44.9%) did not proceed to any prosecution or disciplinary action, 48 (35.3%) were referred for prosecution or disciplinary action, and 19 (13.9%) contained insufficient information to be coded (see Table 2). It should be noted that in no case did the research team “override” the classification of a false report made by the police department. The eight cases that were described as false reports by the police investigators were also categorized that way by the coders.

Table 2 about here

Of the eight false reports, three involved clear admissions from complainants that they had fabricated the report for ulterior motives, and a fourth investigation yielded a partial admission, combined with other evidence that facts had been fabricated. Three cases were coded

as false reports after extensive police investigation – multiple witness interviews; careful fact checking – yielded evidence that the reports were fabricated, even though the complainant did not ultimately state that her report was false. A final case was coded as a false report even though it was complex and ambiguous. The complainant recanted her report but the facts yielded by the investigation suggested that her initial report was as much a mislabeling of the incident as a deliberate effort to fabricate.

DISCUSSION

An analysis of all 136 cases of sexual assault investigated by a university police department – using a coding system and independent raters, scrutinizing the classifications of the police, and applying a definition of false reports promulgated by the IACP – determined that 5.9% of the cases were false reports. These results are consistent with those of other studies that have used similar methodologies to determine the prevalence of false rape reporting. Among the seven studies that attempted some degree of scrutiny of police classifications and/or applied a definition of false reporting at least similar to that of the IACP, the rate of false reporting, given the many sources of potential variation in findings, is relatively consistent:

- 2.1% (Heenan & Murray, 2006);
- 2.5% (Kelly, Lovett & Regan, 2005);
- 3.0% (McCahill, Meyer & Fischman, 1979)
- 5.9% (the present study);
- 6.8% (Lonsway & Archambault, 2008);
- 8.3% (Grace, Lloyd and Smith, 1992)
- 10.3% (Clark & Lewis, 1977); and

- 10.9% (Harris & Grace, 1999).

It is notable that, in general, the greater the scrutiny applied to police classifications, the lower is the rate of false reporting detected. Cumulatively, these findings contradict the still widely promulgated stereotype that false rape allegations are a common occurrence.

In the emotionally-charged public discourse about sexual violence, it is often the case that assertions are made without reference to research data. Such assertions not only undermine rational discourse, they also damage individual victims of sexual violence. The stereotype that false rape allegations are a common occurrence, a widely held misconception in broad swaths of society, including among police officers, has very direct and concrete consequences. It contributes to the enormous problem of under-reporting by victims of rape and sexual abuse. It is estimated that between 64% and 96% of victims do not report the crimes committed against them (Fisher, Cullen & Turner, 2000; Perkins & Klaus, 1996), and a major reason for this is victims' belief that their report will be met with suspicion or outright disbelief (Jordan, 2004).

The stereotype also contributes to negative responses to victims who do report, whether by family members or by personnel within the criminal justice system. When law enforcement personnel believe that half or more of rape reports are fabricated (Jordan, 2004), their approach to victims can easily become more akin to hostile interrogation than to fact-finding (IACP, 2005b). In an effort to fight this tendency, EVAW International has published what is perhaps the most comprehensive set of training curricula, designed especially for law enforcement, that specifically address the issue of false reporting, as well as the criteria for formally reporting (Lonsway, Archambault & Berkowitz, 2007) and "clearing" (Archambault & Lonsway, 2007) sexual assault cases. The online training materials address both the technical aspects of rape

investigation and classification, as well as its more psychological aspects, including the “cycle of suspicion” that can quickly intimidate and alienate victims and ultimately undermine a rape investigation.

Given the intense debates and controversies that mark the public discourse on sexual assault, it is remarkable how little research has been done in the U.S. on how rape cases are handled in the criminal justice system. Commonwealth countries, notably Great Britain, have generated major, government-funded studies designed to track rape cases from their initial report to law enforcement through to their ultimate disposition within the system. These so-called “attrition” studies are complex, labor-intensive, require the cooperation of multiple agencies, and need to be repeated over time to track changes in the criminal justice system. However, they provide the clearest window into how our society is responding to sexual violence. When properly designed, studies of attrition can also provide crucial data on the rate of false reporting in rape cases. It would seem imperative that support of such attrition studies be a major funding priority of agencies charged with fostering needed research in the domain of sexual violence.

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Table 1

Characteristics of Reported Sexual Assaults (N = 136)

<u>Assault Type</u>		<u>No. of Perpetrators</u>		<u>Victim Sex</u>	
Stranger:	32	Single:	109	Male:	8
Non-stranger:	90	Multiple:	17	Female:	129
Unknown:	15	Unknown:	11		
<u>Assault Location</u>		<u>Victim Intoxicated</u>		<u>Student Victim</u>	
Campus:	70	Yes:	48	Yes:	121
Off campus:	56	No:	65	No:	16
Unknown:	11	Unknown:	24	Unknown:	0
<u>Student Perpetrator</u>		<u>Victim Medically Evaluated</u>			
Yes:	52	Yes:	40		
No:	63	No:	78		
Unknown:	22	Unknown:	19		

Table 2

Classification of Cases (N = 136)¹

<u>Category</u>	<u>Number</u>	<u>Percent</u>
False report	8	5.9
Case did not proceed	61	44.9
Case proceeded	48	35.3
Insufficient information	19	13.9

¹ See Method for definitions of classification categories.

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