

Overview

Misconceptions about sexual violence and inconsistencies about the way reports are classified reflect gaps in the definition and understanding of a false allegation. This overview provides facts about sexual violence cases and reporting rates.

Reporting sexual assault

The majority of sexual assaults, an estimated 63 percent, are never reported to the police (Rennison, 2002). The prevalence of false reporting cases of sexual violence is low (Lisak, Gardinier, Nicksa, & Cote, 2010), yet when survivors come forward, many face scrutiny or encounter barriers. For example, when an assault is reported, survivors may feel that their victimization has been redefined and even distorted by those who investigate, process, and categorize cases.

Victim experience

Sexual assault victims commonly struggle with a range of emotions that make it difficult for them to report or disclose abuse. Often, victims who do report will delay doing so (Archambault & Lonsway, 2006) for a variety of reasons that are connected to neurobiological and psychological responses to their assault (D'Anniballe, 2010). For example, victims may struggle to remember precise details of the assault or experience negative feelings when doing so (D'Anniballe,

2010). Victims may worry about how reporting will affect their family or friends (Campbell, 1998). Further, they may be fearful of family fracture if the person sexually assaulting them is a family member (Campbell & Raja, 1999). In addition, completing the forensic exam or "rape kit," can be a struggle for victims. For example, answering personal questions, enduring an intensive physical exam and evidence collection prevents some victims from pursuing a criminal justice resolution. Some communities have developed procedures to ensure proper handling of cases. For example, Sexual Assault Response Team (SART) models can help improve thorough evidence collection and increase victim support throughout the criminal justice process.

Understanding victim behavior and its social context is critical to understanding the obstacles victims face in reporting. Incorrect ideas about rape, known as rape myths, are culturally ingrained. "Determining whether rapes are 'real' is intensely entangled in rape myths that blame victims, excuse rapists, and erroneously support that false rape claims are a common problem" (Belknap, 2010,



p. 1335). Oftentimes, law enforcement training on sexual violence is inadequate and perpetuates misinformation about false reporting (Archambault, 2005). Consequently, what may be typical behavior for a sexual assault victim is commonly misperceived as being contrived, inconsistent or untrue. These beliefs and biases help explain why the rate of false allegations tends to be inflated and why many inaccurately believe false reports are commonplace.

Definitions

Understanding the prevalence of false reporting is complicated by terminology that is often inaccurate and definitions that may vary from state to state.

Since 1929, crime data, such as reported rapes, has been submitted voluntarily by police departments regarding certain crimes. The data becomes a part of the federal report known as the *Uniform Crime Report (UCR)*. Through the *UCR*, the Federal Bureau of Investigation (FBI) issues guidelines and definitions related to processing sexual assault cases. Although not all police departments follow these guidelines, they do seek to process and clear cases from their active case log. *UCR* identifies three main ways to clear a case: cleared by arrest, cleared by exception, and unfounded (Archambault & Lonsway, 2007). Each category has subdivisions. The unfounded category has two subdivisions: false allegations and baseless.

Unfounded reports

An unfounded report is a case that is investigated and found to be false or baseless. The 'unfounded' classification is often confused with false allegations, in part because the definitions may seem similar. For example, unfounded cases include those that law enforcement believes do not meet the legal criteria for rape. It does not mean that some form of sexual assault may not have occurred, but only that from the legal perspective, in that jurisdiction, the case does not meet the legal criteria, or it is "baseless."

- **False report**

A false report is a reported crime to a law enforcement agency that an investigation factually proves never occurred.

- **Baseless report**

A baseless report is one in which it is determined that the incident does not meet the elements of the crime, but is presumed truthful.

Unsubstantiated report

This terminology is not generally used for *UCR* purposes, but is often used in regular language and child abuse reporting. To be unsubstantiated a report must "provide insufficient evidence to determine whether or not crime occurred" (Archambault, n.d.).

Review of research

To date, much of the research conducted on the prevalence of false allegations of sexual assaults is unreliable because of inconsistencies with definitions and methods employed to evaluate data (Archambault, n.d.). A review of research finds that the prevalence of false reporting is



between 2 percent and 10 percent. The following studies support these findings:

- A multi-site study of eight U.S. communities including 2,059 cases of sexual assault found a 7.1 percent rate of false reports (Lonsway, Archambault, & Lisak, 2009).
- A study of 136 sexual assault cases in Boston from 1998-2007 found a 5.9 percent rate of false reports (Lisak et al., 2010).
- Using qualitative and quantitative analysis, researchers studied 812 reports of sexual assault from 2000-2003 and found a 2.1 percent rate of false reports (Heenan & Murray 2006).

Many published reports do not clearly define false allegation, and often include data that falls outside of most accepted definitions (Lisak et al., 2010). The International Association of Chiefs of Police (IACP) upholds that, “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” (IACP National Law Enforcement Policy Center, 2005, pp. 12-13). The FBI and IACP have issued guidelines that exclude certain factors, by themselves, from constituting a false report (Lisak et al., 2010, p. 1320). These include:

- Insufficient evidence to proceed to prosecution
- Delayed reporting

- Victims deciding not to cooperate with investigators
- Inconsistencies in victim statement

While some police departments may follow these guidelines, it is not mandatory, and as a result, many do not. In addition, gaps in law enforcement training may inadvertently encourage identifying any of the following factors as indicators of a false report: delayed reporting, victim indifference to injuries, vagueness, or victim’s attempt to steer away from unsafe details, suspect description, or location of offense (Archambault, 2005). As a result, many reports are classified as “false.”

Conclusion

Research shows that rates of false reporting are frequently inflated, in part because of inconsistent definitions and protocols, or a weak understanding of sexual assault. Misconceptions about false reporting rates have direct, negative consequences and can contribute to why many victims don’t report sexual assaults (Lisak et al., 2010). To improve the response to victims of sexual violence, law enforcement and service providers need a thorough understanding of sexual violence and consistency in their definitions, policies and procedures.

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