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The Truth Behind False Rape Cases



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Abstract

There is a belief that women lie about sexual assaults. We examine the nature of investigation of rape cases in the US and UK and then look at data of actual cases investigated in Faridabad, India, to know about the number of reported cases found false in police investigations. The results indicate that the categorization of the cases as false/no crime/baseless by the police is itself erroneous and it inflates the truthful figures of false rape. These erroneous statistics are harmful to the cause of justice, obstruct support services for the victim and provide a narrative of support for the men accused of rape.

Abbreviations: IACP: Indian Association of Clinical Psychologists; DNA: Deoxyribonucleic Acid; FBI: Federal Bureau of Investigation; NCRB: National Crime Records Bureau

Introduction

It is believed by many individuals that most or many rape cases are false and that these cases are reported by women for some ulterior motive [1]. Inaccurate perceptions are commonly held by members of the public, prosecutors, and police officers. Many of them view that false reports are common and may be as high as 30 to 40% [2]. Some police officers place the false allegation rate at 50% or even higher [3]. It has been reported that officers who harbor such inaccurate views of rape and /or sexual assault, treat their victims with this bias [4]. Such inaccurate beliefs result in harmful consequences for victims of rape including denying justice and restricting support services.

These erroneous beliefs by the functionaries of the criminal justice system are responsible for faulty investigations and prosecution of cases of sexual assault. There is also a lack of clearly defined guidelines for investigating officers as to when should a case be classified as false or otherwise. These factors result in recording an inflated number of false rape cases in police statistics.

Most of the current studies on false rape cases are rhetorical and express concern at the practice of not giving weight to women's statement. Very few studies report numbers and go into the analysis of case files to study police investigations. A deeper analysis of cases where police officers have investigated

rape cases and erroneously concluded that a genuine rape case was a false allegation is required. The current study examines the investigation of false rape cases and manner of their recording in police statistics in the United States, the United Kingdom and India. A case study of district Faridabad in India is described which presents the result of an examination of investigation files of 144 rape cases reported to the police.

What is a False Case?

Police investigations into crimes against women, particularly rape, sometimes conclude that the case brought by the victim is not borne out by facts. The words of a woman are disbelieved in the police investigation and the case is closed as being false. Kanin [5] defined a false case as the intentional reporting of a forcible rape by an alleged victim when no rape had occurred. When such cases are reported in the media, there is a belief that the victim has fabricated a false case to misuse the criminal justice system. While there are some cases where the victim deliberately fabricates a case knowing that no crime has occurred, there are other categories where police incorrectly classify the crime as false, even though the crime has occurred. This inflates the figure of false rape cases.

There may be several situations when police incorrectly classify a crime as false. One could be the case when the crime

is not immediately reported. The delay in reporting may cause the police officer investigating the case to believe that the victim may be embellishing her account. Second instance could be when victims are under the influence of alcohol or drugs. This may cause the victim's statement to be incoherent or that she may have been a consenting partner. The third reason may be inconsistencies in the victim's account or version of the event. The fourth instance arises out of victim's non-cooperation. It could be refusal for a medical exam or any other procedure considered normal by the investigating officer. The fifth reason may be the retraction of statement by the victim. Sixth reason may be the investigation officers' own myths and misconceptions [1,2,6].

Overidentification of False Rape Cases

A series of studies identifying the false rate of rape cases is now available. Dr Lisak, in his excellent review has examined several studies using various methodologies and samples. According to him, most studies report a rate of 2 to 8% of false reported cases [7]. The number of false rape cases are no higher than for other categories of crimes [3]. In fact, rate of false rape cases is considerably lower than some crimes (e.g., thefts) and is around 8-10% in the US and Europe [8]. Yet either these findings have not reached the mass of general population or they have been dismissed as just statistics. One reason for the disbelief in even well-designed studies could be just world beliefs. Those who believe in a just world are certain that good things happen to good people and you must have done something wrong if something bad happens to you [9]. These people would argue that if someone experiences a sexual assault in the world, which is essentially a fair place, he or she must be at fault. There is evidence that just world beliefs are associated with judgments of rape victims [10].

Negative consequences of overidentification of false allegations presents several negative consequences. It promotes impunity for the accused and greater proclivities for continued perpetuation of sexual violence [7,11]. It discredits the victim. It leads to lack of support services for the victims of crime and increases barriers to justice for sexual assault victims [11]. Once the victim's case is disbelieved by the police, it is likely that prosecutors and courts also believe the version of the investigator. The entire criminal justice system may get biased in this way.

The following case represents a typical scenario where erroneous police investigation resulted in miscarriage of justice. The police in Queens, New York, disbelieved the statement of the victim in a rape case and charged her with bringing a false case. The victim was sentenced to pick up garbage for three days. The perpetrator of the crime was eventually arrested when DNA evidence surfaced [8]. The accused was serving a 15-year sentence for raping two other teenage girls after this sexual assault. It is difficult to imagine the harassment and shame the victim would have undergone while serving the sentence. There are other similar cases too. The effects of trauma usually experienced after a sexual assault on the victim are well documented. The victim may

give inconsistent or partially untrue account (due to her mental and physical condition), which can be construed as a problem from the investigator's standpoint, but entirely possible from the victim's perspective [6].

False Allegations in the United Kingdom

Guidelines have been framed in the UK called 'counting rules' to determine the official levels of crime and crime rates. However, it has been found that the rules for 'no crime' category vary from one police force to another within the UK. The rules are themselves complex and include a variety of situations [12]. Police agencies as well as political functionaries have an inherent vested interest in portraying lower figures of crime. Guidelines are not followed in many cases and "no criming" is used in many more cases than required and where there is a lack of corroborating evidence [13]. Thus, 'no criming' often becomes an easy way to manipulate crime figures and project a supposedly nicer picture in the media [14]. Thus, cases where corroborative evidence is not available, or the victim's statement is not believed many times end up in the no crime category. This artificially inflates the false rape figures.

False Allegations in the United States

In the US, the category *unfounded* is used. This includes both *false* and *baseless*. Cases are referred to as *baseless* if the reported activity does not meet the legal definition of sexual assault (e.g., an individual makes a report believed to be true but no evidence a crime occurred). It is called *false* if an individual deliberately fabricates the story despite the knowledge that no such crime occurred [15]. According to the Uniform Crime Report (UCR; [15]), the *unfounded* rate is 8.4% (1989) for rape and 2.3% for other crimes. However, some including police officers believe this to be as high as 50%. The FBI does not require law enforcement agencies to report *baseless* and *false* cases separately. This arrangement makes the data look as if a larger number of victims were making false allegations than really are.

Analysis of Data from India

The National Crime Records Bureau (NCRB) compiles data from all the police agencies in India and has been used to source the data in the present study. The data from Faridabad was requested from the Commissioner of Police, Faridabad. The National Crime Records Bureau (NCRB) data has *two fields* for false cases. First, '*cases declared false because mistake of law or fact*', and second, '*cases in which charge sheets were not laid but final report was filed*'. No definition of these categories or any guidelines for investigating officers are provided by the NCRB and no guidelines for police officers have been enumerated.

According to Crime in India 2013, published by the NCRB, there were 24,923 cases of rape registered across India in 2012 [16]. Out of these cases 1833 (7.4%) cases were due to mistake of law or fact, and in 991 (3.9%) cases a final report was submitted. A charge sheet was not submitted in these 2824 (11.3%) cases. In

other words, the offenders were not charged in these 11.3% cases. This percentage slightly fell to 11.1% in 2013, and further to 10.8% in 2014. These figures are similar to the false rape figures of US and UK.

In contrast, Haryana state presents a different picture. Haryana is a north Indian state which is primarily agricultural but rapidly industrializing now. Haryana is adjacent to the national capital New Delhi and is considered a well-developed state [17]. The crime data for Haryana has also been obtained from NCRB even though it does not present a complete picture of the variety of crimes committed against women [18]. The Haryana police reported 20.4% cases found false in investigation in the year 2012 [16]. This figure fell to 18.2% in 2013 and further to 17.7% in 2014. The percentage of false cases in Haryana (20.4%) is thus a little less than two times the national average of India (11.3%) for the year 2012. The reasons for this discrepancy could lie in the prevalence of rape myths or in the (lower) social status of women in Haryana.

Study of District Faridabad, India

An analysis of all cases of rape registered in the year 2016 in Faridabad was carried out. Faridabad is the largest urban conglomeration in the state of Haryana with a population of 1.8 million as per the last census of 2011 [19]. The total number of rape cases reported in the year 2016 in Faridabad was 144, out of which 116 cases were sent for trial in courts after completion of investigations, while five cases were still under investigation. The total number of cases cancelled in police investigations was 23 (16%). This figure of 16% is reported in police statistics and in the media as *cancelled cases*. The implication is that the case was cancelled by the police as it was based on false allegations. No distinction is made between cancelled and false cases and it is believed that cases are cancelled because they were found false. A closer examination of case files and interviews of investigating officers showed that cancelled cases consist of two categories – cases *cancelled by police on being found false* and cases *withdrawn by the victims*. The cases cancelled by police because of false or fabricated statements were 10 (or 6.9%). The cases which were withdrawn by the victim numbered 13 (or 9%).

The reasons for withdrawal of the cases by victims were examined. It was found that in many cases victims were forced to withdraw their complaints by parents or family due to their perceived honor in the society. Sometimes, the accused were influential and could pressurize the victim to retract her statement. Other social circumstances also made victims retract her statement, especially in view of the paucity of victim support services. This shows that the true cancellation figure is closer to 6.9%. These are the cases in which police determined that the statement was fabricated. This figure is in line with the world-wide average of 2 to 8% suggested by Lisak and his colleagues. Thus, instead of the true figure of 6.9% false cases, the figure of 16% is recorded in statistics and then played by the media.

Findings and Suggestions

There does not appear to be clear definitions of false, baseless, unfounded, no crime, and other conclusion categories of investigation of rape cases. This results in errors in counting of offenses in various categories of sexual assault cases. The bias in conducting police investigations results in erroneous conclusions and this means that much reliance cannot be placed on the false allegations numbers projected by police agencies. This grey area around investigations of rape cases affects the quality of investigation and prosecution. Police officers frequently harbor rape myths, and this affects their treatment of victims [4]. Overidentification of false rape cases in India was found to be similar to that in the United States, and United Kingdom.

This study focused on one district in one state of India and that limits its generalizability. Future studies may examine rape cases in other districts and states of India and other Asian countries to effectively contrast them with the studies based in western nations. However, based on the limited data, the current study would recommend creation of appropriate crime data categories including false cases, baseless, unfounded, no crime and others. The second suggestion would be to conduct more research about the nature and prevalence of rape myths especially in areas where false rape cases (as reported by the police) are relatively higher, not only among police, but also among prosecutors, judicial officers, correctional officers, and other care givers who interact with victims of sexual assault. This would enable a rational and unbiased investigation, trial, and correctional treatment. Thirdly, there must be clear guidelines for police as to when can a case be classified into the false allegation category and in other categories. Fourthly, more research is needed on the various categories of false cases as they exist in law enforcement agencies and on the biases harbored by functionaries of the criminal justice system which result in misclassification of offenses. This would be a noteworthy step towards ensuring justice for victims of this ghastly crime.

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