End Violence Against Women International
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Raped, Then Jailed: The Risks of Prosecution for Falsely Reporting Sexual Assault

Sergeant Joanne Archambault (Ret.)
Kimberly A. Lonsway, PhD

With contributions by Lisa Avalos, JD, PhD

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Authors

Sgt. Joanne Archambault (Retired, San Diego Police Department) is the Chief Executive Officer for EVAWI. In 2003 prior to founding EVAWI, Sgt. Archambault worked for the San Diego Police Department for almost 23 years, in a wide variety of assignments. During the last 10 years of her service, she supervised the Sex Crimes Unit, which had 13 detectives and was responsible for investigating approximately 1,000 felony sexual assaults each year. Sgt. Archambault has provided training for tens of thousands of practitioners, policymakers and others – both across the country and around the world. She has been instrumental in creating system–level change through individual contacts, as well as policy initiatives and recommendations for best practice.

Dr. Kimberly A. Lonsway has served as the Director of Research for EVAWI since 2004. Her research focuses on sexual violence and the criminal justice and community response system, and she has written over 60 published articles, book chapters, technical reports, government reports, and commissioned documents – in addition to numerous training modules, bulletins, and other resources. Over her career, she has trained thousands of professionals across the country and around the world, in a diverse array of disciplines and settings, and volunteered for over 15 years as a victim advocate; in 2012, she was awarded the first-ever Volunteer of the Decade Award from the Sexual Assault Recovery and Prevention (SARP) Center in San Luis Obispo, CA. She earned her PhD in the Department of Psychology at the University of Illinois, Urbana-Champaign.

Dr. Lisa Avalos is an Assistant Professor at Louisiana State University who works with international nongovernmental organizations to develop policy solutions to gender-based human rights violations such as rape, child marriage, and honor-based violence. Dr. Avalos has conducted in-depth interviews with numerous rape victims who have been prosecuted for false reporting, and her work on the prosecution of rape complainants has appeared, or is forthcoming, in several law journals. She has also served as an expert witness in cases involving mishandled rape investigations and has advocated for rape victims in both the US and Britain. Her research and teaching interests focus on criminal law and international human rights with an emphasis on women's human rights, gender-based violence, and sexual violence.

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Introduction

In 2018, the media documented that over the last five years, at least 127 American women were charged with falsely reporting a sexual assault, or other crimes associated with false reporting (Kingkade, 2018). This is in addition to more than 200 women who have been similarly prosecuted in the UK; many of these women were imprisoned for two years or more (Baker & Bradley, 2018). Without examining the case materials, it is impossible to make a determination about the legitimacy of these charges. However, we urge caution when pursuing this course of action, given the many misconceptions about sexual assault, and the devastating consequences of being wrong.

Women charged with these crimes have received prison sentences of up to ten years, and girls have been sent to juvenile detention facilities, setting their lives on a difficult and dangerous course. Severe consequences are also seen at work and school, in families and communities. At least one woman who was charged with falsely reporting committed suicide days before her trial was scheduled to begin, and many more have done so after facing the torment of skepticism and blame following a sexual assault.

In a prior Training Bulletin (*Interviews with Victims vs. Suspects: Start by Believing and the Question of Bias*), we explored the bias that sexual assault victims[1] often face, based on unjustified suspicions that their report is a false allegation. We also described the all-too-common situation where someone reports a sexual assault, but the information they provide during the investigation is used against them. For example, victims who report their sexual assault may end up facing disciplinary action or criminal charges for underage drinking, recreational drug use, or involvement in the sex trade.

In this article, we focus on the scenario where victims summon the courage to report a sexual assault, only to be disbelieved, mistreated, and later charged (often erroneously) with false reporting or associated crimes such as obstruction of justice, interfering with law enforcement, or providing false statements.[2] Some have even been charged with a felony crime of evidence tampering, for obtaining a medical forensic examination. In other words, the evidence they are accused of tampering with is *their very own body*.[3]

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[1] We use the word *victim* in our training materials, because it is a term of art used at every stage of the criminal justice process. Federal victims' rights and services laws, many state laws and victims' rights constitutional amendments, confer victim status on a person at the time a crime is reported or charged. It is also the word used in crime report forms, to label the person reporting the crime. This is similar to the way witnesses and suspects might be identified at the point that a report is made, a preliminary investigation is conducted, and a crime report is being completed. The use of this term is therefore consistent with criminal justice practices at the federal, state, tribal, and local agency level.
[2] While the criminal offenses associated with false reporting go by different names across the country, and they carry different penalties, they generally include: filing a false report, providing false information, false statements, false swearing, obstruction of justice, interfering with a law enforcement investigation, and disorderly conduct. Other charges include fabricating or tampering with evidence, misuse of emergency communications systems (911), and fraudulent claims to Crime Victim Compensation. Most of these crimes are misdemeanors, but some are felonies, depending on the specific offense and the state.
[3] 375 Mont. 164, 334 P.3d 345, 2014 MT 135; Publicly available materials in the case of *State of Connecticut v. Nikki Yovino*.

Case Examples

Consider the case of 18-year old Marie [not her real name], which we described in a previous Training Bulletin (*Gender Bias in Sexual Assault Response and Investigation*). Marie was prosecuted for filing a false report, despite compelling physical evidence that she had been bound, gagged, and raped by a stranger who broke into her home. After being extensively interrogated, she gave in and recanted her story in writing. She pled guilty to the criminal offense of False Reporting (a gross misdemeanor charge) and was fined $500, sent to counseling for lying, and placed on supervised probation. Her name was only cleared after the rapist was captured for a series of sexual assaults committed in another state; Marie's camera and photograph were found among other items the rapist took from his many victims. Marie's rapist was ultimately sentenced to 327 ½ years in prison, and the police department apologized to Marie and returned her $500.

A Pultizer-prize winning article and book have been written about Marie's case,[4] which Netflix adapted into a hard-hitting series called *Unbelievable.* The series launched in September 2019 and is available on the Netflix streaming service.

An earlier case followed a similar pattern. A visually impaired woman named Patty was raped and sodomized at knifepoint, also by a stranger who broke into her home. Again, there was compelling evidence of the sexual assault, including significant physical injuries, yet when she reported the crime, it was clear the detective did not believe her. Patty was coercively interrogated and given false (indeed, nonsensical) information about the evidence in her case. She eventually "confessed" to filing a false report. Almost four years later, DNA identified her attacker as a convicted sex offender, and he was subsequently convicted and sentenced to 50 years imprisonment for the crime.[5]

In a third case, 19-year old Sara Reedy reported that she was robbed and raped at gunpoint by a stranger, while she was working at a convenience store. She fought to have her report fairly investigated, but the detective assigned to her case believed it was a false report. He thought she had stolen cash from the convenience store and fabricated the rape and robbery to cover up the theft. During his interview – which would again more accurately be described as an interrogation – the detective told Sara that "things would go a lot easier" if she confessed, and that her ''tears would not save [her]." Sara ended up spending five days in jail (despite being five months pregnant), on misdemeanor charges of theft, receipt of stolen property, and filing a false report. Seven

[4] This case was documented in a Pulitzer Prize-winning article written by T. Christian Miller and Ken Armstrong (2015), called *An Unbelievable Story of Rape.* It was later developed into a book, called *A False Report: A True Story of Rape in America* (Miller & Armstrong, 2018), and Netflix is now producing a television series called *Unbelievable* that is scheduled to air later this year.
[5] Bill Leuders (2007) wrote a book documenting the details of this case, called *Cry Rape: The True Story of One Woman's Harrowing Quest for Justice*.

months after her arrest, the man who robbed and raped her confessed to the crime, along with ten other attacks involving sexual assault and other crimes across the state.[6]

A final example involves a 13-year old who was disbelieved when she reported being sexually assaulted and prosecuted for filing a false report. Two months later, she was raped again by the same man; this time, she took photos and video of the assault. The suspect pled no contest to sexual battery of a child, and he was sentenced to 17 years in prison and designated a sex offender. The girl's probation was vacated, but the Judge in the defendant's case called this case "a failure of the criminal justice system."[7]

Double Bind for Victims

Victims such as these are placed in a heartbreaking double bind. The only way to have their sexual assault investigated is to engage with the criminal justice process and provide investigators[8] with information and evidence – including information about their own behavior that may be embarrassing or even illegal. All too often, these factors lead investigators to begin doubting the victim's credibility, and the legitimacy of the report.

Suspicion is further fueled when victims behave in ways the investigator does not understand or expect, or the victim provides statements that are inconsistent, implausible, or even untrue. Without an understanding of sexual assault dynamics, and the impact of trauma on behaviors and memories, these responses are frequently misinterpreted as signs of deception, and seen as evidence that the report is false.

Some investigators respond to this suspicion by switching to interrogation mode, with questions designed to "break" victims and catch them in a lie, or "poke holes" in their statements. This, in turn causes victims additional distress, which only increases the likelihood of potential issues with the statements being provided. Most victims will not be able to provide detailed information that is accurate and consistent unless they feel safe, and they have developed some level of trust and rapport with the investigator.

Even when victims feel increasingly uncomfortable or threatened in an interview, they will often continue to participate, and investigators will continue to collect information as if they are still investigating the sexual assault report. Yet unbeknownst to the victim, the investigator may have begun investigating *them* for a criminal offense associated with

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[6] Joanne Archambault served as an expert witness in this case, so some of the information provided here was drawn from case materials and other documentation that were reviewed in that capacity. The victim also testified before the Senate Judiciary Committee, in a hearing entitled, *Rape in the United States: The Chronic Failure to Report and Investigate Rape Cases* (2011). (Hearing before the Subcommittee on Crime and Drugs of the Committee on the Judiciary, 111th Congress, Serial No. J-111-107, 1-276)

[7] Teen once convicted for false report vindicated as rapist gets 17-year sentence, by Suzie Schottelkotte *The Ledger*, February 20, 2019.

[8] We use the term *investigator* to refer to sworn law enforcement personnel who have responsibility for conducting sexual assault investigations. In smaller agencies, this may be a patrol officer. Others may have detectives assigned to a General Investigations Unit, or larger agencies may have a Specialized Sex Crimes Unit or Special Victims Unit. We also recognize that agencies use different terms for their sworn personnel, including *officer, deputy, trooper,* etc. We therefore use *investigator* as a general term.

false reporting, or some other crime (e.g., theft) the investigator has come to believe they committed. Obstruction of justice is particularly easy to charge, because it doesn't require proving the original report is false. In most jurisdictions, someone can be charged with obstruction of justice for acts broadly defined as resisting, delaying, or obstructing police in the performance of their duties. This could include, for example, giving a false name to law enforcement or providing other information that is false.

In fact, this switch to an interrogation mode may take place outside the conscious awareness of investigators, because in their minds they believe they're just trying to get to "the truth." They may not be consciously thinking that the information obtained in the interview will be used to charge the victim with a crime. On the other hand, they may take pride in the belief that they are pursuing justice by "proving" the report is false. Regardless, this practice represents a form of trickery, which can have devastating consequences for victims and their loved ones, as well as communities as a whole.

To see how this might look in practice, the Canadian *Globe and Mail* produced this 13-minute video depicting a college student being interviewed by a detective with a predetermined theory about what happened, based on a flawed understanding of human behavior and memory. Although the student was not prosecuted for filing a false report, her report was unfounded, and the video powerfully illustrates how such biases can derail a victim interview.

Once an investigator starts down this path, any meaningful inquiry into the sexual assault typically comes to an end. The report may be unfounded, because it is deemed to be false or baseless. Or it could be exceptionally cleared, if there is probable cause to arrest the suspect, but the victim is seen as "uncooperative." Alternatively, the investigation may simply die when it is suspended or inactivated. Or the victim may be the one who disengages from the investigation or ends up charged with a crime. In any of these scenarios, investigators may walk away feeling their initial suspicions were confirmed. Their skepticism will then carry over to the next case, and the cycle repeats.

Contrast this scenario with a suspect interview conducted by law enforcement in Tuscaloosa, Alabama. The 34-year old suspect was from a powerful local family, and a 20-year old university student reported being raped by him. No charges were filed, and the young woman ended up tragically taking her own life.

False Confessions

In several of the cases described here, victims of sexual assault confessed to filing a false report, even signing a written statement to that effect. Yet the evidence later proved they were not guilty of the crime they confessed to; it proved they were in fact sexually assaulted. Why would someone make such a false confession?

A considerable body of research documents the characteristics of a law enforcement interview that increases the chance of producing a false confession. These include:

- A presumption of guilt typically based on suspect behaviors rather than evidence;
- An interrogation conducted with an accusatorial or suggestive tone;
- An interrogator who dominates the interaction;
- The use of deceptive, manipulative, and/or coercive methods;
- A goal of obtaining incriminating statements, not the truth; and
- Deception about the evidence available, including DNA or witness statements.[9]

Many of these factors were seen in the cases described here. Research also documents that young people are more likely to falsely confess than adults, in part because they are more likely to view a confession as the only way to stop an interrogation or to improve their situation. They often do not understand the implications of confessing; in fact, they are sometimes *misled* about what will happen as a result.

Yet the experience of falsely confessing is best described by those who have lived through it. Drizin and Leo (2004) researched 125 cases where people falsely confessed to a crime based on coercive interrogation techniques yet were later proven to be innocent based on evidence. The following explanations were given by juveniles in the study who confessed to crimes up to, and including, murder.[10]

"Eventually, they wear you down to where you don't even trust yourself. You can't trust your memory anymore."

"It's like having an 18-wheeler driving on your chest and you believe that the only way to get that weight off your chest is to tell the police whatever they want to hear … even admitting to a murder."

"They told me that, you know, 'You just go ahead and cooperate, and we'll let you go home.' I thought I was going home, but it turns out I was – I've been here ever since then."

"I didn't understand exactly what I was getting myself into once I signed that statement."

Similar dynamics are seen here. Specifically, lawyers and advocates in Britain have compiled 170 cases where people were prosecuted for falsely reporting sexual assault

[9] For a review of this research, see Kassin et al. (2010), Leo & Drizin (2012), and Drizin & Leo (2004).
[10] These quotes were drawn from a slide presentation of these research findings: *Inside Interrogation: Why People Confess,* by Saul Kassin, John Jay College of Criminal Justice.

between 1996 and 2018. In the UK, this charge is called Perverting the Course of Justice, and it carries a potential sentence of *up to life in prison.*[11] Of these 170 cases, all the people charged were girls or women, and most of them were young or vulnerable in other ways, including having mental health issues and/or prior victimization.[12] This is not to say that all the cases involve a false confession, but given how vulnerable young people are to these pressures, it is critical for police and prosecutors to take extra precautions to ensure they are not coercing a recantation or creating a false confession.

Interviews with Suspects vs. Victims

Another factor at play is the difference between victim and suspect interviews. There are many constitutional protections afforded to suspects during a criminal investigation, yet these are often not extended to victims once they are viewed as suspects.

We can probably agree that most investigators would not interview a suspect in a criminal investigation without notifying them of their Miranda rights (when applicable) and protecting other constitutional rights such as the Fourth Amendment prohibition against unreasonable search and seizures. It is also well understood that statements or evidence obtained without following these procedures will likely be inadmissible in court. What is not as well understood is that sexual assault victims are often interrogated as suspects (under the guise of investigating their sexual assault report), without following procedural safeguards normally seen with suspects in a criminal investigation.

Custodial vs. Non-Custodial Interviews

There is also a question of whether these interviews are custodial versus non-custodial. If an officer intends to conduct a non-custodial interview with any suspect in a criminal investigation (i.e., the suspect is not under arrest), it must be clear that the suspect is speaking with the investigator voluntarily, and he/she can stop cooperating any time. This could include allowing the suspect to drive to the police station independently or explaining to the suspect that he/she can leave the police department or other interview location at any time (or ask the investigator to leave). Any allegation of coercive contact by law enforcement then requires evaluating these factors, as well as how many officers were involved in the interview, whether they were in uniform or visibly armed, etc.

Yet in many of the cases described here, it is reasonable to assume that victims *did not feel free to leave or to terminate their interview with law enforcement.* In Patty's case, for example, the detective set up a meeting to obtain hair samples, which she believed was good news and meant there was a break in the case. Not so. She was taken to a tiny room in the building's basement (actually a former jail cell), with cement block walls and no windows. The detective began the interview by saying, "I know who did this." "You did." "I know you made this up." He interrogated Patty for hours, lying to her about

[11] Between 1996 and 2019, the longest sentence in the UK for Perverting the Course of Justice in relation to a rape complaint thought to be false, is 10 years (Lisa Avalos, personal communication, April 2019).
[12] Lisa Avalos, personal communication (April 2019), based on materials compiled for legal filings.

the evidence in the case, and denying her request to go outside to smoke. Patty was confused, exhausted, and frightened – particularly after the detective threatened to issue a press release to notify the public that her report was false, and told her she would be transported to a mental health facility for a 72-hour hold to evaluate whether she was a danger to herself or others. At various points throughout the interrogation, Patty said: "If you're going to drop this, I'll say whatever you want." "Yeah, okay, I'm lying." "I'm just saying this to get out of here." "I wish I were dead."

Are They In Custody?

If these girls and women are being prevented from leaving, or terminating the interview, an argument could be made that they are actually in custody. Keep in mind they are often young and vulnerable. Is it reasonable to believe they would feel free to leave, or to ask the investigator to leave? Would they know they could refuse to answer any of the investigators' questions? And even if they did, is it realistic to think they would be capable of asserting their rights without the advice or assistance of a trained victim advocate, attorney, or other support person (e.g., a parent)?

Then if they are in police custody, the law clearly requires that these girls and women are advised of their *Miranda* rights. At that point, they are not free to leave, but they have a right to remain silent and to consult with an attorney before questioning. Perhaps most important in these scenarios, they must also be advised that anything they say to the investigator may be used against them as part of a criminal prosecution. Again, this is a critical difference between victim and suspect interviews. Victims are often unaware that they are entitled to protections, when the focus of an investigation has changed, and they are now being viewed as a suspect in a criminal investigation.

Critical Need for Victim Advocacy

This discussion highlights how important it is for victims to have the support of a trained victim advocate, particularly during a detailed interview by law enforcement. In most of the cases discussed so far, the victim did not have an advocate present. It would have been the advocate's role to monitor for any abuse and take steps to ensure that victims are informed of their rights. Hopefully, an advocate would have called for a break after the interview switched into an interrogation mode, to discuss this development with the victim and evaluate the options available, including seeking the advice of an attorney.

Crime Victims' Rights

It is also worth remembering that – even if they are still being viewed as the victim of a sexual assault, not the suspect in a criminal investigation – they still have a set of basic rights that must be respected by criminal justice professionals and others. Some of these rights are listed below (particularly regarding the law enforcement investigation), but there are many others encoded in state and federal law across the country:

- The right to be treated with fairness and with dignity and respect for the victim's privacy.
- The right to information about the criminal justice process and victims' rights, and the right to referrals for appropriate services.
- The right to reasonable protection from the accused and those acting on behalf of the accused.
- The right to standing (which is the right to independently stand up in court and assert one's rights) and remedies (which is the ability to have redress when one's rights are not afforded).

Crime victims also have the right to their own legal representation (National Crime Victim Law Institute, 2014). This means investigators, prosecutors, and victim advocates need to work together to make sure the victim's attorney is accommodated in any investigative interview and other investigative or prosecutorial procedures.

For more information, please see EVAWI's 3-part Training Bulletin series on *Crime Victims' Rights*. Part 1 focuses on *Protecting Crime Victims' Rights*, Part 2 on *Implementation and Enforcement*, and Part 3 on *Examples and Innovations*.

Who am I Interviewing?

All this is to say that, when any law enforcement professional is interviewing a person, it needs to be very clear *who this person is*, in terms of the criminal investigation.

Is this person being interviewed as the *victim of a reported crime?* If so, the purpose of the interview is to gather information, with the goal of advancing the investigation, and possibly identifying a suspect as well as potential witnesses and additional evidence in the case. Any interview with a crime victim must be perceived as completely voluntary, and the person must be afforded the basic rights outlined in the US Constitution as well as state and federal law. This includes the right to legal representation, and in many jurisdictions, the right to have an advocate and/or personal support person present.

Or is this person a *possible suspect*, in the investigation of a criminal offense? In that case, it must be very clear that they are speaking to the officer voluntarily – assuming the interview is non-custodial. In other words, it must be clear that the person is free to leave, and terminate the interview at any time (or ask the officer/s to leave). If there is any reason to believe that the interview is not voluntary, and the person is not able to leave (or ask the officer/s to leave), then they are actually in custody (i.e., the interview is custodial). At that point, the person should be notified – immediately – of their Miranda rights as a suspect in a criminal investigation, including the right to not answer any of the officer's questions and the right to have an attorney present.

If at any point in the process, someone who was originally viewed as a victim is now being viewed as a suspect – it is the responsibility of law enforcement to recognize this shift, and respond accordingly, ensuring that the person is afforded all the legal rights they are entitled to, as a victim *or* suspect in a criminal investigation.

Is Prosecution Ever Appropriate?

In the US, prosecutors have an ethical responsibility to pursue charges only when (1) there is evidence to support the charges, and (2) prosecution is in the interest of the community they serve. This obligation is clearly spelled out by the American Bar Association in their *Criminal Justice Standards for the Prosecution Function*.[13] It is also expanded in some state laws that highlight the public interest factors in prosecution.[14] The ABA Standards go on to note that a prosecutor is "not obliged to file or maintain all criminal charges which the evidence might support" (Standard 3-4.4). In other words, prosecutors should consider both the evidence and public interest in charging decisions, and they are not required to file charges *just because they have the evidence to do so.*

These same general principles hold in the UK, where the Crown Prosecution Service (CPS) published guidance for prosecutors specifically considering a charge of false reporting for sexual assault or domestic violence. This guidance was produced in response to a case where a 28-year old mother of four was prosecuted for recanting a rape report against her violent husband, because he threatened her. In other words, rather than prosecuting her for falsely reporting a rape, she was prosecuted for falsely *recanting* her report. After being sentenced to eight months in prison, with custody of the children granted to her abusive husband, she was eventually released by the court of appeal which concluded that there should be a "broad measure of compassion for women who had already been victimised" (Bowcott, 2011; cited in Avalos, 2018, p. 820). Public outcry led to the publication of the CPS guidance on prosecution.

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[13] *A prosecutor should seek or file criminal charges only if the prosecutor reasonably believes that the charges are supported by probable cause, that admissible evidence will be sufficient to support conviction beyond a reasonable doubt, and that the decision to charge is in the interests of justice* (Standard 3-4.3).
[14] For example, a Washington State criminal code provision on evidentiary sufficiency states that: *A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.* Revised Code of Washington (RCW) 9.94A-411.

Evidence Phase: Is It a False Report?

The main thrust of the CPS guidance is that charging decisions should be made in two stages. First, there should be an *evidence phase*, and then a *public interest phase*.

In the first phase of decision-making, the question is whether there is evidence to support the charge being pursued. In this context, this means someone should only be charged with falsely reporting a sexual assault if there is evidence that the sexual assault did not happen, and the information they provide to law enforcement about the crime is false. This is to avoid the scenario where someone is prosecuted for falsely reporting, when there is no evidence to support the charge; it is simply based on stereotypic assumptions and misconceptions about sexual assault crimes and victims.

To illustrate, it is well known that victims of sexual assault often have no visible physical injuries. Indeed, some assailants know exactly how to apply force without leaving any visible sign. So, victims without visible injuries may not have been physically harmed, or their injuries may have healed by the time they report their sexual assault. Still other victims may have physical injuries that can only be seen using specialized techniques or procedures (e.g., magnification, alternate light sources, staining dye, X-ray, MRI).

For all these reasons, a lack of visible injuries should not – on its own – be seen as a reason to doubt the legitimacy of a sexual assault report. It certainly should not be seen as proof the report is false, in the absence of other information.[15] Depending on the facts of the case, a sexual assault forensic examiner (SAFE) might even testify that no visible physical injuries are *consistent* with the victim's account of the sexual assault.[16]

The same logic holds for a host of other assumptions. A sexual assault report should never be deemed false based solely on a factor like delayed reporting, gaps in memory, "inappropriate" affect, or a continued relationship with the perpetrator. Such factors often trigger doubt, but they are common behaviors of sexual assault victims.

[15] Even if the lack of injury appears to contradict the victim's account – for example, the victim describes being bitten or cut with a knife to the point that blood was drawn, but no similar injury is observed – this would still only be one piece of information in support of the theory of false reporting. It would not, on its own, prove the report is false. That determination can only be made on the basis of supporting evidence, which will typically come from a variety of sources, not a single piece of information or evidence.
[16] In the UK, it is common for women and girls who are charged with Perverting the Course of Justice (PCJ) to be accused of self-inflicting injuries, with injury experts called to testify at trial (Lisa Avalos, personal communication, April 2019). We are not aware of this dynamic in any U.S. cases (yet), but we reiterate our caution against making any determination about the legitimacy of a sexual assault report based solely on the presence, absence, or type of injuries. In fact, even if the injuries are self-inflicted, this does not necessarily mean the report is false. Some victims of sexual assault self-inflict injuries, stage evidence, or provide false information about their sexual assault (for example, about the degree of force used, weapons, or injuries), to make their report sound more believable. Again, we reiterate our caution against making determining the legitimacy of a sexual assault report based solely on the presence, absence, or type of injuries – or any other *single* piece of information or evidence.

While this is not the focus of this Training Bulletin, there are many additional resources on the common, yet often misunderstood, behaviors of sexual assault victims. For more information, please see the OnLine Training Institute (OLTI) modules on *Dynamics of Sexual Assault: What Does Sexual Assault Really Look Like* and *Victim Impact: How Victims are Affected by Sexual Assault*.

"Nothing to Show What She Was Saying Was Untrue"

To evaluate whether prosecutors in the UK were truly making their decisions based on the evidence, the Crown Prosecution Service (CPS) analyzed 121 rape cases where charges were considered for false reporting. They concluded that many of these reports were not actually false – or even if they were, they were not made with deliberate intent.

- For example, just over half (51%) of the cases involved young people, many of whom "showed a clear failure to think about (or even awareness of) the seriousness of making an allegation of rape" (Levitt & CPS, 2012, p. 26).

- Almost one in five (19%) of these individuals also had "mental health difficulties." In some of these cases, it was clear that the person "did not understand the legal definition of consent" (p. 31).

- In addition, almost half (46%) of the reports were made by a third party; more than half of which also involved a victim who was under 18 years old. In many of these cases, the person "later reported that the whole thing had spiraled out of control, and he or she had felt unable to stop the investigation" (p. 14).

- Alcohol and drug use were particularly common in these cases, including those where the person said they "might have been raped, but could not recall" (p. 32).

The bottom line is this: In many of the cases examined by the CPS, where someone was prosecuted for false reporting, "There was nothing to show that what she was saying was untrue" (p. 31). This was also true for the case examples described here.

Where is the Evidence?

In all the cases described so far, investigators never produced evidence to establish that the sexual assault report was false (apart from recantations elicited during coercive interrogations). In fact, we know based on the evidence and subsequent convictions of the offenders that the assaults actually *did* occur. Yet in each of these cases, the investigators *believed* they had evidence of a false report, based on misconceptions about sexual assault and perceived inconsistencies or false statements by the victim.

It is difficult to understand how these prosecutions are proceeding, because there is often more evidence to support the charge of sexual assault committed by the suspect, than there is to support the charge of false reporting by the victim, especially since the crime of false reporting typically has an element of knowledge and/or intent. In other words, the crime requires that the person who is making the false report *knows that it is false* and is doing so *deliberately or intentionally*.[17] These are such important points they are worth unpacking, using two of the case examples.

First, let's return to the case involving 18-year old Marie. As noted previously, Marie was prosecuted for filing a false report of sexual assault, despite physical evidence that she had been bound, gagged, and raped. After extensive interrogation, she recanted her report in a written statement. Within a few days, Marie attempted to retract her recantation, re-asserting her original statement that she had been raped. She even asked if she could take a lie detector test. Nonetheless, she was prosecuted under Washington state law for False Reporting, which is a gross misdemeanor requiring that the person who is filing the false report *knows that it is false*.[18]

We know that Marie's prosecution could not have been based on evidence that the crime did not occur, or evidence that she knowingly or intentionally made a false report, because the sexual assault was later proven to be true. In fact, Marie's prosecution was based on her written recantation, which was credited to the exclusion of any other evidence, including her subsequent retraction of the recantation, and physical evidence of both injuries and forced entry through her patio door. We question how this evidence was viewed as meeting the elements of the crime for which she was prosecuted.

Equally egregious is the case where 19-year old Sara Reedy was robbed and raped at the convenience store where she was working. In this case, the victim never recanted her report. Instead, the detective simply made up his mind that the report was false, and he drafted an Affidavit to obtain a warrant for her arrest.[19] The detective sent this draft to an Assistant District Attorney who reviewed it, and responded by requesting

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[17] Some of these issues were addressed in *State v. L.S.*, where a young woman was convicted of filing a false report based on the fact that she lied about the location of her reported sexual assault and whether she knew the suspect. However, the trial court prohibited her from presenting evidence that the sexual assault took place, as a defense against the charge of false reporting. The Appellate Court reversed her conviction, stating that "the evidence was insufficient to convict [the defendant] of violating [New Jersey's false reporting statute] absent a finding, beyond a reasonable doubt, that no sexual assault or other offense had occurred," *State v. L.S.,* 444 N.J. Super. 241, 251, 132 A.3d 938 (N.J. App. Div. 2016).

[18] According to Washington state law: *A person is guilty of false reporting if with knowledge that the information reported, conveyed, or circulated is false, he or she initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a fire, explosion, crime, catastrophe, or emergency knowing that such false report is likely to cause evacuation of a building, place of assembly, or transportation facility, or to cause public inconvenience or alarm.* Revised Code of Washington (RCW) 9A.84.040 (2008), subsequently amended by 2011 c. 336 § 411 to include the female pronoun.

[19] As in Washington state, the offense of False Reporting in Pennsylvania (where this crime occurred) includes an element of intent. Specifically, a person commits the crime of False Reporting to Law Enforcement Authorities if he/she: *Reports to law enforcement authorities an offense or other incident within their concern knowing that it did not occur.* 18 Pa.Conn. Stat. § 4906 (b)(1) (2002).

additional work because in his opinion, the draft did not establish probable cause (PC) with evidence that the report was false (i.e., the sexual assault did not occur.[20]

> "If you want to re-draft the PC and include a description of the evidence that makes out the elements, I would be glad to review that. My thinking is that the PC needs to set forth that a report of a crime was made and what information you have, in brief, [that] shows that the event reported did not occur."

This Assistant District Attorney articulated exactly the same point we are making here. To prosecute someone for filing a false report, evidence should be required to establish that the report *was in fact false* – in other words, that the sexual assault did not happen.

Evidence should also be required to establish that the person made the false report *deliberately* or *knowingly.* In this case, the prosecutor felt there was no such evidence. Yet the detective went around the prosecutor and presented the Affidavit directly to a judge, who signed the warrant. Sara ended up spending five days in jail on misdemeanor charges, because the detective argued she was a flight risk.

"Disintegrating Mentally, Physically, Financially"

It is difficult to imagine how devastating it must be for someone who is sexually assaulted to report the crime to law enforcement, only to end up being wrongfully prosecuted, convicted, and even incarcerated for charges associated with false reporting. Returning to Patty's case, she was described as "disintegrating – mentally, physically, financially" after being charged with falsely reporting her sexual assault.

> "She was drinking more than ever. She was gaining weight … She was paying rent on two apartments, which was at least one more than she could afford … And Patty's businesses were still struggling" (Leuders, 2006, p. 73).

> "After the meeting, Marie started walking to a friend's place. On her way, she crossed a bridge. She considered jumping. 'Probably the only time just wanted to die in my life,' she says" (Miller & Armstrong, 2015).

Marie was threatened with losing her subsidized housing unless she "confessed" her false report to peers in the housing complex. They were all called together at a meeting and gathered in a circle, where she faced "awkward, excruciating silence."

[20] *Reedy v. Evanson*, 615 F.3d 197, 208 (3rd Cir. 2010), citing email from Assistant District Attorney William Fullerton in Butler County, Pennsylvania to Detective Frank Evanson of the Cranberry Township Police Department, Pennsylvania, dated January 11, 2005.

Then there is the case of an 11-year old child who was gang-raped in Washington, DC. Despite the demonstrable fact of her age, and medical evidence corroborating the sexual assault, her report was not believed, and she was arrested for false reporting. Media pressure ultimately led to a new inquiry and an apology from the police chief, but the damage had already been done; this victim's childhood had been "stolen from her" (Avalos, 2018, p. 808).

> "She spent time in juvenile detention centers and residential treatment facilities, she ran away from home, she failed to complete high school, and she became a mother at age fifteen. The trauma of not being believed when she reported her rape likely contributed substantially to these outcomes" (Avalos, 2018, p. 808).

Teens often face particularly distressing reactions from peers, when they turn to social media to harass the victim in a public way. They may discover photos or videos of their sexual assault have been passed around via text or other digital means, often before they have had time to identify what happened to them as a sexual assault. All too often, these young women have taken their own lives, while rapists remain free to re-offend.[21]

Clearly, the risks associated with prosecuting someone for falsely reporting a sexual assault are high. Particularly when there is no accountability mechanism, so "victims have no recourse when police choose to turn the tables on them (Avalos, 2018, p. 811).

Convictions Remain on the Record

Even when a report of sexual assault is later proven true, the conviction for false reporting will remain on the victim's record unless they go through the legal process of expunging the conviction or seeking a pardon from the governor of the state where the prosecution took place. These complex processes are different in each state, and they require a considerable amount of time, effort, and potentially money – and there is no guarantee they will ultimately be successful.

While prosecutors can (and should) initiate this process or, at the very least, advise victims of their legal rights, the burden will often fall primarily to the victim to compile the paperwork, provide evidence, and pay legal fees. Even if the conviction is expunged or pardoned, victims may continue to suffer the ramifications of an arrest and wrongful conviction for the rest of their lives.

[21] Alleged victim who committed suicide felt betrayed by investigators, parents say. *CBS News,* July 5, 2017. Canadian teen commits suicide after alleged rape, bullying, by Paula Newton, *CNN,* April 10, 2013; Questions swirl in Notre Dame student's rape claims, later death, *2 CBS Chicago,* November 22, 2010. Audrie Pott suicide: Details of online chats emerge a year after teen killed herself following alleged assault and cyberbullying, by Beth Stebner, New York Daily News, September 18, 2013.

Investigations are "Flawed and Incomplete"

All this would be appalling enough if it was just a few case examples. But we know these issues are far more common than we would like to believe. Although we do not know how many people are prosecuted for false reporting, numerous sources document the fact that sexual assaults are reported every day in the US where victims are not believed, and cases are closed without ever being meaningfully investigated.[22]

> "The evidence is gone. It can never be used to lock up a rapist or set free the wrongfully convicted" (CNN series, *Destroyed*, 2018).

To illustrate, almost two decades of media coverage document the problem of untested evidence in sexual assault cases.[23] But on November 29, 2018, CNN released a stunning series revealing how law enforcement agencies have often destroyed evidence before the statute of limitations expired or when there was no time limit to prosecute.[24] As in the cases described here, many of these investigations were "flawed and incomplete." The destruction of evidence ensures that they will remain that way.

Given that sexual assault disproportionately affects female victims,[25] any failures in police response and accountability will have a profoundly negative impact on women and girls. In 2015, the US Department of Justice published guidance on *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence.* Millions of dollars were then awarded to support implementation of this guidance in law enforcement agencies across the country. This has the potential to benefit all survivors of gender-based crimes in the US.

Public Interest: Weighing the Risks

Returning to the guidance published by the Crown Prosecution Service (CPS), any prosecutor considering charges for false reporting should first answer the question of the evidence. Is there evidence that the report is false (i.e., no sexual assault occurred)

[22] Tragic failures in police response to sexual assault have been detailed by investigative journalists (Dissell, 2009; Krakauer, 2015; Stevick & Hefley, 2011; Walters, 2012) and non-profit advocacy organizations (Amnesty International, 2007; Human Rights Watch, 2009, 2010, 2013), as well as the US Department of Justice, where Civil Rights Division Attorneys have led investigations to improve practices in communities as diverse as Baltimore, Maryland and New Orleans, Louisiana, among others.
[23] "Tens of thousands of rape kits go untested across USA: Exclusive nationwide count by USA Today reveals abandoned rape evidence," by Steve Reilly, July 16, 2015.
[24] *Destroyed,* by Ashley Fantz, Sergio Hernandez & Sonam Vashi for *CNN*, November 29, 2018.
[25] The National Violence Against Women Study (NVAWS) found that 85% of the victims of either completed or attempted sexual assault were female (Tjaden & Thoennes, 2000). More recently, the National Intimate Partner and Sexual Violence Survey (NISVS) similarly documented that 93% of rapes are committed against female victims (Black et al., 2011).

– and that the person made the false report knowingly or intentionally? The research clearly indicates that many of these cases should never have passed this first hurdle.

Only when there is sufficient evidence to prove that a sexual assault did not occur should decision-making move on to the second stage: the public interest phase. The question at this point is not whether the person *can be* prosecuted (based on the evidence), but whether they *should be* prosecuted (to serve community interests).

This complex decision should include the consideration of many different factors:

- Was the investigative process prolonged over a period of time?
- Was a suspect identified, detained, arrested, charged, or even prosecuted?
- Was any evidence fabricated to support the false report?
- Was the complainant actually the victim of another related crime?
- Is the complainant young?
- Does she/he have mental health issues?
- Was the false report motivated by malicious intent?

The CPS guidance particularly highlights the need to consider whether domestic violence may have led to a recantation of the report. The dynamics of recantation are well understood in the context of child abuse and domestic violence. But often these same dynamics are at play in sexual assault cases as well.

In the US, the ABA Standards list additional factors for prosecutors to consider in charging decisions, not just for false reporting. These are important, because many would have weighed against prosecution in the cases described here. They include:

- The extent or absence of harm caused by the offense [of false reporting]
- The impact of prosecution or non-prosecution on the public welfare
- Whether the authorized or likely punishment or collateral consequences are disproportionate in relation to the particular offense or offender
- Any improper conduct by law enforcement
- Unwarranted or disparate treatment of similarly situated persons
- Possible influence of any cultural, ethnic, socioeconomic or other improper biases
- The fair and efficient distribution of limited prosecutorial resources, and
- Whether the public's interest in the matter might be appropriately vindicated by available civil, regulatory, administrative, or private remedies (Standard 3-4.4)

The ABA Standards also emphasize that prosecutors should consider noncriminal dispositions, deferred prosecution, or other diversionary dispositions and "should be familiar with services and resources of other agencies" that might assist in the evaluation for diversion or deferral from the criminal process" [ABA Standard 3-4.4 (f)]. It is important to keep in mind that criminal prosecution is not the only available path.

To this long list of factors, we would like to add other considerations based on the known dynamics of sexual assault cases. For example, we know that many sexual assault reports are either made – or pushed – by third parties other than the victim, particularly by parents or other family members. In addition, many people don't actually report that they were sexually assaulted; they contact law enforcement because they are unsure of what happened and suspect they may have been sexually assaulted. This is often true for victims who were under the influence of drugs or alcohol at the time, whether consumed voluntarily or administered without their knowledge or consent. Yet it hardly seems appropriate to pursue charges of false reporting against someone who didn't report a sexual assault in the first place, either because it was reported or pushed by someone else, or because they don't know what happened, if anything.

We are especially concerned by the cases where people have been charged with the felony crime of evidence tampering, based on the fact that they had a medical forensic examination. Again, regardless of whether there is evidence to support these charges, it underscores the public interest question of whether such prosecutions are appropriate. It is hard enough for victims to worry about negative consequences after reporting to law enforcement, but it seems particularly treacherous for victims to face criminal prosecution after seeking a medical forensic examination of their own body.

Need for Multidisciplinary Process

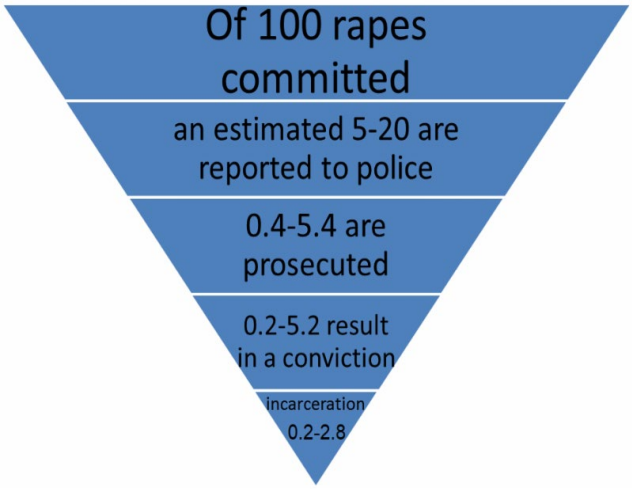
Given how complex and challenging these decisions are, they are best made with multidisciplinary input from law enforcement, prosecutors, victim advocates, and health care providers, among others. This helps ensure that the potential costs and benefits of prosecution are carefully weighed, along with alternative courses of action, such as referrals for mental health services or restitution for resources expended by law enforcement as a result of the false report. It also slows down the process, so a thorough investigation can be conducted before making any such decision.

Photo Credit: Sergeant Richard Mankewich

What Are We Doing?

Many victims decide it isn't worth the risk to report their sexual assault. Research suggests that only about 5-20% of sexual assault victims report the crime,[26] and many efforts are underway to reduce barriers to reporting and other forms of help-seeking.[27]

Even when a sexual assault is reported, few cases progress through the stages of an investigation, prosecution, conviction, and incarceration of the perpetrator.[28] With such high rates of attrition, why are we using scarce resources to charge women and girls with false reporting when we have not even proved the sexual assault did not occur, or that there was any specific intent? And why is this so much more likely for sexual assault reports, compared with other types of crime, such as burglary and arson, where insurance fraud is often a motive?



When balancing the public interest, the presumed gain of prosecution is to avenge harms done to the person who was falsely accused, and to deter others from falsely reporting in the future. These are legitimate concerns, because a false report can significantly harm the person named as a suspect, particularly if the investigation proceeds beyond the initial steps and/or is reported publicly in the media. Even if no suspect is named, false reports can cast aspersions on other members of the same group. For example, when a false report is made against an African-American man in a stranger sexual assault case, suspicion will often fall on innocent men based solely on their race. African-American men may even be stopped, questioned, or detained, further fueling prejudice, fear, and discrimination.

[26] For a review of this research literature, please see Lonsway & Archambault (2012).
[27] For example, the Violence Against Women Act (VAWA) requires states, territories and tribes to offer medical forensic examinations for all victims of sexual assault – without cost, and regardless of whether they participate in the criminal justice process. Many law enforcement agencies are working to implement alternative reporting options, so victims have a variety of ways to provide information to law enforcement without triggering a full investigation. In many ways, the US military led the way on alternative reporting methods with procedures for "restricted" versus "unrestricted" reporting. Meanwhile, programs such as Start by Believing and Seek Then Speak are improving responses victims receive from family members and friends, as well as professionals, partly to increase reporting and other forms of help-seeking.
[28] Research estimates that of every 100 forcible rapes committed in the US, about 5 to 20 will be reported; 0.4 to 5.4 will be prosecuted; 0.2 to 5.2 will result in a conviction; 0.2 to 2.9 will yield a felony conviction; and only 0.2 to 2.8 will result in incarceration of the defendant, with 0.1 to 1.9 in prison and 0.1 to 0.9 in jail (Lonsway & Archambault, 2012; the graphic pictured here originally appeared on p. 157).

However, the problem may call for a solution other than criminal prosecution. False reports are less common than many people believe,[29] which means the likelihood of being sexually assaulted – for both men and women – is far higher than the chance of being falsely accused of sexual assault. False reports are also frequently made as a result of mental illness, or to elicit sympathy and compassion, rather than malice or revenge. We question whether prosecuting these individuals is in the best interest of the communities that law enforcement professionals are sworn to protect and serve.

> "Some officials argue that they prosecute suspected false reporters in order to show the public how seriously they take rape. But this argument is fallacious. The way to take rape seriously is to investigate rape cases thoroughly and to prosecute rapists" (Avalos, 2018, p. 872).

A Cautionary Tale

On the surface, the guidance published by the UK's Crown Prosecution Service (CPS) might seem consistent with the US Department of Justice's emphasis on identifying and preventing gender bias in these cases. By outlining the two-pronged criteria for prosecution based on the evidence as well as public interest, it would seem that CPS was offering guidance for prosecutors in the UK to carefully weigh the legal merits of any such charge, as well as the community interests served. Yet the fact that such guidance was published only for sexual assault and domestic violence implies that false reporting for these two crimes is particularly concerning (Avalos, 2018).

Perhaps more troubling, Avalos (2018) argues that prosecutors in the UK are not following the guidance, and that it has actually encouraged – rather than discouraged – these prosecutions. While the original intent may have been to avoid harm for victims, the actual impact may be to put police and prosecutors "on notice" that they should be actively seeking to identify false reports and prosecute those making them.

> "Once that suspicion is fueled, it is easy for officials to quickly press ahead with a prosecution without due regard for some of the questions raised in the policy that are designed to safeguard victims of sexual assault" (Avalos, 2018, p. 863).

In fact, the CPS guidance does not offer a definition of what constitutes a false report. It also fails to acknowledge the fact that actual victims have been prosecuted, or to offer any safeguards to prevent the wrongful prosecution of future victims of sexual assault. For these and other reasons, the CPS guidance offers a cautionary tale for the US.

[29] Research estimates place the percentage of false rape reports around 2-8%. For review, please see Lisak, Gardinier, Nicksa, & Cote (2010); also Spohn, White, & Tellis (2014).

Rather than developing similar guidance for the US, we believe sufficient guidance is already available in the ABA's *Criminal Justice Standards for the Prosecution Function.* Prosecutors are already advised to consider both the evidence and the public interest in *any* charging decision. Any additional focus on false reporting for these particular crimes is likely to exacerbate the unwarranted scrutiny described in this Training Bulletin.

Recommended Policies and Practices

Sexual assault victims have nowhere else to turn other than law enforcement, when they seek to hold their offenders accountable within the criminal justice system. Also, communities are less safe when sexual predators are left free to re-offend. We therefore offer several recommendations to improve law enforcement responses to sexual assault and ensure that investigations are thorough, professional, and fair.

1. **Give responding officers, investigators, and supervisors the clear directive that all sexual assault reports are assumed to be legitimate unless the investigative findings establish otherwise.** This means that all sexual assault cases will be documented with a written report and investigated to the extent possible – where this reflects the victim's wishes.[30] By approaching all sexual assault reports from this starting point, investigators will find that victims respond with an increased openness and trust that facilitates a thorough investigation.

2. **Use trauma-informed interview strategies.** Investigators should also be equipped with trauma-informed interviewing strategies, and an understanding of victim behaviors that may seem counterintuitive. This can yield increased victim cooperation, better information, and more investigative leads, all of which helps to distinguish reports that are false from those that are true but described with some omissions, inconsistencies, inaccuracies, or even false statements.

3. **Identify whether a person being interviewed is a victim or suspect.** While this might seem obvious, the case examples described here reveal that there is often a lack of clarity in the mind of investigators about the purpose of these interviews and/or a lack of transparency to the person being interviewed. If the person is being interviewed as the victim of a reported crime, they must be afforded all the rights and protections encoded in federal and state law. If the person is a possible suspect in a criminal investigation (e.g., for false reporting or associated crimes), procedural safeguards must be followed to ensure that

[30] There is a national trend toward alternative reporting options for sexual assault, allowing victims a variety of ways to engage with law enforcement. This includes non-investigative reporting, where victims can provide law enforcement with as much, or as little, information about their sexual assault as they choose, without triggering a full investigative process. For detailed information on the philosophy and implementation, please see our OLTI module on *Opening Doors: Alternative Reporting Options for Sexual Assault Victims*.

the interview being conducted is non-custodial – or, if the person is in custody, that they are informed of this fact, and read their Miranda rights.

4. **Improve investigations with a teamwork approach.** Law enforcement can work with other professionals to improve services for victims that will facilitate their cooperation with the criminal justice process, increase access to other services, and ultimately improve their recovery. This requires collaboration with victim advocates, forensic examiners, prosecutors, and others involved in the multidisciplinary community response to sexual assault. It also provides a way for investigators to reach out for assistance and support, thereby reducing the risk of deficient investigations or inappropriate case determinations.

5. **Take a clear stance against pressuring or coercing victims to recant or threatening to arrest them if they do not "confess" to filing a false report.** This recommendation should go without saying, but these examples suggest that it still happens in some agencies, and supervisors must put a stop to it. Investigators should also be alert to the possibility that friends, and family may pressure victims to recant, and take steps to counteract this pressure.

6. **Ensure that victims have support throughout the process.** Of course, many victims recant on their own volition, in an effort to stop the investigative process and make the investigator "go away." Participation in an investigation is always difficult and disruptive for crime victims, but this can be especially true for sexual assault. Law enforcement can help to address these concerns, by ensuring that victims have the support they need, including access to trained victim advocates.

7. **A recantation alone should not be used as the basis for charging a sexual assault victim with filing a false report or obstruction of justice.** This is especially true given what we know about how often victims are subjected to internal and external pressure to coerce a recantation. The determination that a report is false can only be made when the evidence from a thorough, fair, and professional investigation establishes that no sexual assault occurred.

8. **Supervisors should review all case clearances, particularly for reports that are unfounded or exceptionally cleared based on a lack of "cooperation."** An unusually high (or frankly low) percentage of unfounded or exceptionally cleared reports could be a sign that investigators are not conducting thorough, and fair sexual assault investigations. Without high quality investigations, there is a heightened risk that any prosecution for false reporting will be wrongful.

9. **Consider the public interest.** Many law enforcement agencies are working to encourage sexual assault victims to come forward, to increase reporting rates, hold offenders accountable, and enhance community safety. Prosecuting someone for false reporting can be a setback to these efforts, even if the

charges are warranted. Before making any such decision, investigators and supervisors should seek input from other multidisciplinary partners in the community, and carefully weigh the public interest factors outlined in this article.

Restoring Trust

In October 2018, New York Police Commissioner James P. O'Neill wrote a poignant letter of apology to the survivor in the 1994 Prospect Park rape case. In that case, the woman's report was not believed, and the media predicted she would be arrested for false reporting. In his apology letter, Commissioner O'Neill stated he was "deeply and profoundly sorry" for letting her down "in almost every possible way." He concluded with a reminder of how law enforcement can meet their noble mission to protect and serve.[31]

> "Respect is the cornerstone of policing. It goes hand-in-hand with believing survivors, launching honest and thorough investigations, bringing comfort, and caring for those in need. That is why people join the law enforcement profession: to help others. It will always be fundamental to how we safeguard our city – and essential to restoring and building trust, and strengthening relationships with all the people we serve, in every community."
>
> - New York Police Commissioner James P. O'Neill, October 2018

As we move forward, we must continue striving to achieve the ideals espoused by Commissioner O'Neill, to ensure that sexual assault reports are investigated thoroughly and professionally – and all victims are provided with support and a voice in the process. This will help reduce the number of reports that are incorrectly viewed as false, and the number of victims who are prosecuted for crimes associated with false reporting despite a lack of evidence to prove the charges against them. It will also help to exclude suspects, when the evidence establishes that no crime was committed, or the suspect was not the person who did it. Perhaps most important, these efforts will help to hold perpetrators accountable, enhance victim well-being, and increase community safety.

For More Information

EVAWI offers a wealth of training and technical assistance resources to assist law enforcement in sexual assault response and investigation. This includes the following.

Training Bulletins

Understanding the Neurobiology of Trauma Implications for Victim Interviewing

[31] Police Commissioner James P. O'Neill's Apology to the Survivor of the 1994 Prospect Park Rape Case, New York Police Department, October 28, 2018.

Becoming Trauma Informed: Learning and Appropriately Applying the Neurobiology of Trauma to Victim Interviews

Trauma-Informed Interviewing and the Criminal Sexual Assault Case: Where Investigative Technique Meets Evidentiary Value

And a three-part series entitled: *Important Things to Get Right about the Neurobiology of Trauma (Part 1: Benefits of Understanding the Science, Part 2: Victim Responses During the Assault, and Part 3: Memory Processes)*

OnLine Training Institute (OLTI) Modules

Effective Victim Interviewing: Helping Victims Retrieve and Disclose Memories of Sexual Assault

False Reports: Moving Beyond the Issue to Successfully Investigate and Prosecute Nonstranger Sexual Assault

Webinars

A two-part series on the *Neurobiology of Sexual Assault* (*Part 1: Experience and Behavior,* and *Part 2: Experience and Memory).*

Domestic and Sexual Violence: Trauma-Informed Victim Contact and Interviewing

Other Resources

In addition to EVAWI's materials, two other valuable resources are worth highlighting.

AEquitas published a short but very helpful training bulletin entitled, *Truth-Detection Devices and Victims of Sexual Violence: A Shortcut to Injustice.* It offers a brief history of the polygraph, and explains why it is inappropriate for use with sexual assault victims.

Professionals in Chittenden County, Vermont issued a policy statement to reduce the chance of erroneously prosecuting sexual assault victims for false reporting, and avoid discouraging other victims from reporting their sexual assault to law enforcement. It can serve as a starting point for other jurisdictions to develop similar policy guidance.

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