

False Reporting of Sexual Assault Cases: Moving beyond the issues

(2.0 Hours)

This presentation addresses issues of false reporting. Not recognizing a true false report of sexual assault may be one of the most important barriers to successfully investigating sexual assault, especially with cases involving non-strangers.

To illustrate, consider the following scenario from a traditional law enforcement training program: Instructors provide training on how to successfully investigate sexual assault cases while police officers and investigators listen attentively and take notes. The training covers such subjects as: victim sensitivity, suspect profiles, and evidence collection procedures. All the while, everyone in the room secretly shares the view that the training material is only relevant for the “real rape” cases that are reported.

Everyone “knows” that the training material is not going to be useful in the majority of cases they handle – cases involving a victim and perpetrator who know each other, that do not involve a weapon, physical violence, or evidence of injury. All those cases are probably just false reports, anyway, they think to themselves. The training thus fails to challenge participants to examine the distinction between the stereotype of “real rape” and the vast majority of their cases – which are of course “real” but unfairly suspected of being false.

These cases have a number of “red flags” that are actually the realistic dynamics of sexual assault. Clearly, one of the most important challenges for law enforcement training in sexual assault investigation is the idea that many – or even most – reports are false. As long as this belief is accepted by participants, the training program will have only a very limited impact because they will assume that it only relates to “real rape” cases and not the majority of cases they see on a daily basis.

Yet, these “red flags” that typically raise suspicion, are actually the realistic dynamics of sexual assault. Difficult cases that law enforcement professionals see every day are real rapes; that is, sexual assault as it happens in the real world and not in criminal justice textbooks.

Learning Objectives

- Identify the “red flags” that raise suspicion of a sexual assault report.
- Recognize our gut reaction to these “red flags.”
- Recognize that these “red flags” are based on cultural stereotypes of “real rape.”
- Define a false report.

- Recognize that some information provided by the victim may not be accurate, but this does not necessarily mean it is a false report.
- Recognize how law enforcement professionals can create a “false report.”
- Reverse the cycle of suspicion that creates a “false report.”
- Identify how many sexual assault reports are actually false.
- Effectively handle the frustrating reality of “real” false reports.

This Presentation’s History

April 2009 – End Violence Against Women International, “Investigating Difficult Sexual Assault Cases” – **Anaheim, CA**

October 2009 – California District Attorneys Association, Chapman University School of Law
“Innovative Investigative Responses to Sexual Assault Cases”

April 2010 – Naval Criminal Investigative Service/JAG Corps Officers, United States Naval Base 32Nd Street, *“Innovative Investigative Responses to Sexual Assault Cases”*

April 2010 – San Diego County Sexual Assault Investigator’s Association, *“Innovative Investigative Responses to Sexual Assault Cases”*

September 2010 – 15Th International Conference of Violence, Abuse & Trauma, *“Innovative Investigative Responses to Difficult Sexual Assault Cases”*

March 2011 – California Sexual Assault Investigator’s Association Spring Training, *“Innovative Investigative Responses to Difficult Sexual Assault Cases”*

July 2011 - California Sexual Assault Investigator’s Association Training, *“Innovative Investigative Responses to Difficult Sexual Assault Cases” “Sexual Assault Victimology” “Pre-Text Phone Calls”*

April 2014 – End Violence Against Women International, “Investigating Difficult Sexual Assault Cases” “Contesting the “He said, She said” defense, False Reports” – **Seattle**

April 15, 2015 – End Violence Against Women International, “Investigating Difficult Sexual Assault Cases” “Contesting the “He said, She said” defense, “False Reports” – **New Orleans**

April 22, 2015 – West Virginia State’s Attorney’s Office, 15Th Annual West Virginia Sexual Assault & Stalking Symposium, “Investigating Difficult Sexual Assault Cases” and “False Reporting” – **West Virginia**

June 2016 – Live Violence Free – “Sexual Assault Investigations” & “False Reports” one-day training for local law enforcement and Domestic Violence & Sexual Assault advocates.
South Lake Tahoe County

April 17, 2018 – Conference on Crimes Against Women, “False Reporting; Moving Beyond the Issues” “Investigating Sexual Assault by Intoxication” “In Their Own Words, Practical Tools & Techniques for Obtaining Post-Arrest Communications in Cases of Intimate Partner Violence & Human Trafficking.” – **Dallas**

April 17, 2018 – Conference on Crimes Against Women, “False Reporting; Moving Beyond the Issues” “Investigating Sexual Assault by Intoxication” “In Their Own Words, Practical Tools & Techniques for Obtaining Post-Arrest Communications in Cases of Intimate Partner Violence & Human Trafficking.” – **Dallas**

June 26, 2018 – End Violence Against Women, “False Reporting – Moving Beyond the Issues” Webinar

October 15, 2018 – Campus Sexual Assault Victims Unit of the New York State Police annual training, “False Reporting; Moving Beyond the Issues” – **Albany, New York**

January 28, 2019 – Iowa Sexual Assault Investigator’s Association Annual Training, “Investigating Sexual Assault by Intoxication Cases” “False Reporting; Moving Beyond the Issues” “Pre-text Phone Calls as an Investigative Tool” – **Des Moines, Iowa**

May 6, 2019 – International Association of Chiefs of Police, “Investigating Sexual Assault by Intoxication Cases” “False Reporting; Moving Beyond the Issues” – **Denton, Texas**

June 10, 2019 – United States Army Reserve Special Victims Command Training, “Investigating Sexual Assault by Intoxication Cases” “False Reporting; Moving Beyond the Issues” – **United States Air Force Academy, Colorado Springs, Colorado**

September 26, 2019 – 17th Judicial VALE, Adams County SART Team “Investigating Sexual Assault by Intoxication Cases” “False Reporting; Moving Beyond the Issues” – **Brighton, Colorado**

October 23, 2019 – Sexual Assault Awareness Training, Union County Ohio, “Investigating Sexual Assault by Intoxication Cases” “False Reporting; Moving Beyond the Issues” – **Union County, Ohio**

Presenter’s History

I have presented this presentation, in full or in part, for the following law enforcement agencies, Department of Defense (All branches of the United States military) and civilian organizations; Center for Community Solutions in San Diego, (SAVI & SARC Programs) for the United States Military, Sexual Assault Examiner Training for Health Care Professionals Training, Sexual Assault Examiner Training for Healthcare Professionals, National Sexual Assault Institute, *“Pursuing Justice through Civil Legal Remedies*, *“Sexual Assault by Intoxication, Credibility & Consent,”*

October 2001 – Present – San Diego Police Regional Law Enforcement Academy as an instructor for 16 years for the following menu classes, Sex Crimes Investigations, Victimology of Sex Crimes, First Responders to Sex crimes, Crime Scene Investigations, Cold Case

Sexual Assault Investigations (CODIS Hits), Stalking, California Sex Crimes Laws and Drug Facilitated Sexual Assaults, Investigations 101 and Basic Interviewing & Interrogations.

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