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Filing false vice reports: Distinguishing true from false allegations of rape

André W.E.A. De Zutter^{a,*}, Robert Horselenberg^a, Peter J. van Koppen^{a,b}

^a Maastricht University, The Netherlands

^b VU University Amsterdam, The Netherlands

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ABSTRACT

False allegations constitute a problem since they may cause harm. To study the difference between true and false allegations we used a quasi-experimental approach. In the control condition likely true allegations were retrieved from criminal files. The victims, all female, were between the ages of 17 and 53 ($M = 28.0$, $SD = 10.6$). In the experimental condition women were invited to file a false allegation. Participants, all female, in the experimental conditions were between the ages of 18 and 52 ($M = 28.0$, $SD = 10.6$). We constructed a list of 187 variables based on our theory of fabricated rape. All items in the list were coded dichotomously. All variables that were coded as 'present' within cases were summed to obtain a total score; an independent t -test was used. The results of the control condition ($N = 30$) were compared with the experimental condition ($N = 35$) by use of chi-square tests. A Holm-Bonferroni method with Šidák correction was used to correct for the increased family-wise error rate. The independent t -test showed a significant difference between the mean number of present-coding of likely true allegations, ($M = 59.13$, $SD = 11.00$) and of false allegations ($M = 35.74$, $SD = 9.33$), $t(63) = 9.28$, $p < .0001$, $d = 2.34$. Thus, significantly more variables were coded 'present' in likely true allegations. Fabricated stories of rape lack pseudo-intimate behavior and a wide variety of sexual acts. Also, in almost all fabricated stories of rape the attack was completed in less than 15 minutes while in likely true allegations the attack sometimes took over 60 minutes before it was completed. In conclusion, true and false allegations diverge from each other in essentials of the story told by the complainant. The differences could be used to predict the true nature of a rape allegation.

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Prestar falsas declaraciones de delitos: la distinción entre alegaciones verdaderas y falsas de violación

RESUMEN

Las falsas alegaciones constituyen un problema dado que pueden causar daño. Para estudiar la diferencia entre alegaciones verdaderas y falsas utilizamos un enfoque cuasi-experimental. En la condición de control las alegaciones verdaderas se obtuvieron de los archivos policiales. Las víctimas, todas mujeres, tenían una edad entre 17 y 53 años ($M = 28.0$ y $DT = 10.6$). En la condición experimental se invitó a mujeres a presentar una falsa alegación. Los participantes de esta condición, todas mujeres, tenían una edad entre 18 y 52 años ($M = 28.0$ y $DT = 10.6$). Elaboramos una lista de 187 variables partiendo de nuestra teoría de la violación inventada. Todos los elementos de la lista se codificaron dicotómicamente. Se sumaron todas las variables codificadas como "presentes" en los casos para obtener una puntuación total; se utilizó una prueba t independiente. Los resultados de la condición control ($N = 30$) se compararon con los de la condición experimental ($N = 35$) mediante la prueba de chi-cuadrado. El método de Holm-Bonferroni con la corrección de Šidák se utilizó para corregir el error relativo a la familia. La prueba independiente t mostró una diferencia entre el número medio de alegaciones probablemente verdaderas codificadas como "presentes" ($M = 59.13$, $DT = 11.00$) y de falsas alegaciones ($M = 35.74$, $SD = 9.33$), $t(63) = 9.28$, $p < .0001$, $d = 2.34$.

Palabras clave:

Violación

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Características

* Corresponding author. Department of Criminal Law and Criminology. Faculty of Law. Maastricht University. P.O. Box 616. 6200 MD Maastricht, The Netherlands.
E-mail address: andre.dezutter@maastrichtuniversity.nl (A.W.E.A. De Zutter).

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Así, había más variables significativamente codificadas como “presentes” en las alegaciones probablemente verdaderas. Los relatos inventados de violación carecen de comportamiento pseudoíntimo y de una gran variedad de actos sexuales. Además, en casi todas las historias de violación inventadas el ataque se completaba en menos de 15 minutos, mientras que en las verdaderas alegaciones a veces tardaba en completarse más de 60 minutos. Como conclusión, las alegaciones verdaderas y falsas difieren en elementos fundamentales de la historia contada por el demandante. Las diferencias podrían utilizarse para predecir la verdadera índole de la alegación de violación

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Introduction

The Problem of False Allegations

'The trust of the innocent is the liar's most useful tool'. The quote from the novel *Needful Things* written by Stephen King in 1991 applies to all false allegations. It is the trust of police officers and the judicial system in alleged victims that protects the false complainant and keeps them undetected. Not all allegations of crimes are truthful. Especially false allegations of rape stir emotions (Dershowitz, 1994). Among scholars, the prevalence of false allegations of rape is at the heart of a heated debate with extreme and probably unjustified claims at both ends (Brownmiller, 1975; Kanin, 1994; Rumney, 2006). Some claim that almost all allegations are true (2% false allegations; Brownmiller, 1975) and others that all allegations are false (100% false allegations; Kanin 1985, in Kanin, 1994). Whereas Greer (1999) claims the 2% false rape figure is untrue since the figure was not based on sound research, the 100% figure has not been replicated either and was probably caused by methodological flaws. Besides that, it seems impossible that all allegations would be false.

Although controversy concerning the prevalence of false allegations persists (Belknap, 2010; Lisak, Gardinier, Nicksa, & Cote, 2010; Saunders, 2012), no one seems to refute the existence of false allegations of rape (see Rumney, 2006, for an overview). Police officers seem to believe that false allegations of rape are ubiquitous (Saunders, 2012). In the Netherlands police officers appear to share that opinion (Schaafsma, 2006). Police officers, however, sometimes hold the wrong end of the stick when judging allegations of rape with obvious negative consequences for the true victim who is treated as a false complainant (Ebisch, 2010).

Identifying false allegations of rape is important, as false allegations of rape exist and are by no means harmless. False positives, allegations perceived as true while the allegations are in fact false (Friedrichsen, 2013) as well as false negatives, allegations perceived as false while the allegations are in fact true lead to undesired, negative consequences (Ebisch, 2010). In the present study we investigate how true allegations of rape can be distinguished from false allegations based on the story told by the complainant.

Definition of True and False Allegations of Rape and Ground Truth

A true allegation of rape is the actual unlawful compelling of a person through physical force or duress to have sexual intercourse. Sexual intercourse is defined as an event that involves penetration. In the current study rape is defined as penetration under coercion of the victim's vagina or anus by penis, tongue, fingers, or object or the penetration of the victim's mouth by penis. French kissing under coercion is not considered rape.

Criminal justice professionals tend to judge an allegation as false when the account of the rape is not entirely true, in the sense that at least some part of the story of the complainant is not true, either because she lied or made a mistake (Saunders, 2012). That is an

imperfect definition, because victims who have in fact been raped but, for instance, lied about the manner she met the rapist, are treated as false complainants. Kanin (1994) probably proposed the best workable definition of false allegations of rape: 'The intentional reporting of a forcible rape by an alleged victim when no rape had occurred' (p. 82).

Another concept, which is closely related to the definition of a false rape allegation, is the concept of ground truth. To know the ground truth is to establish what actually happened (Horowitz, 2009). Ground truth is a term commonly used to assess correct categorization. On the one hand, it means that allegations classified as false are in fact false. Accordingly such allegations correspond to the aforementioned definition of false allegations. On the other hand, it means that allegations classified as true may not actually be undetected false allegations. However, the endeavour is not straightforward because, for example, sometimes consensual sex is taken for rape (Veraart, 1997). Some researchers claim that sometimes rape is misclassified as consensual sex by the victim (Fisher, Daigle, Cullen, & Turner, 2003).

An experimental design in which participants are asked to file a false claim of rape might be the least controversial solution to solve the problems associated with ground truth. In an experimental design true allegations cannot pollute the sample of false allegations. The problem of false allegations polluting the sample of true allegations, however, persists. Other measures should be taken to solve the problem as much as possible. The current study used files of convicted rapists who confessed the rape. To exclude false confessors as much as possible in the current study at least one extra piece of evidence linking the rapist to the rape was required to be included in the study. Because a system of plea bargaining is absent in the criminal justice system of the Netherlands, a confession does not automatically lead to a reduction in sentence severity (Brants-Langeraar, 2007). Thus, to a certain extent, it is not a fallacy to assume independence between the different pieces of evidence. The extra pieces of evidence were a DNA match, identification by the victim in a valid line-up, caught in the act, the confession contained strong guilty knowledge, or possessions of the victim were retrieved from the defendant.

The Theory of Fabricated Rape

We propose a new theory based on the literature, the theory of fabricated rape. The theory of fabricated rape predicts that differences between the story of a false complainant and a true victim will arise because a false complainant has to fabricate an event that was not experienced and a true victim can rely on recollections of the event. On the one hand, the false complainant is lying and will behave as liars do. On the other hand, she is constructing a story based on her own experiences and her beliefs concerning rape. If the experiences do not resemble rape and the beliefs concerning rape are not valid, detectable differences between a true story of rape and a false story of rape, a fabricated rape, will arise. The current study will test the validity of a list

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