

Proponents of the “women are lying” belief have a favorite particular article they like to cite. The article, from 1985, is McDowell CP, “False Allegations,” in *Forensic Science Digest*, vol. 11, no. 4. They claim that this article presents a conclusion that 60% of rape complaints made on air force bases in the 1980s were found to be false. The conclusion derives from extrapolation of certain traits from the 27% of women who recanted their allegation. By listing key descriptors of the women making the claims deemed “false,” it was assumed that recognizing these traits in other victims helps flag their accounts as false as well. By this logic, 60% of women reporting rapes were deemed to be making false accusations by the author of the article.

It’s not hard to see why this is a favorite study of the skeptics. It seems to support all the standard myths: many women are lying about rape, and a huge percentage of them will eventually admit it. The fact that they yielded tell-tale traits of dishonesty seems to prove that rape lies are not only common, but textbook—and thus identifiable. See for yourself: Google the author’s name “McDowell false allegations” or “Forensic Science Digest” and you’ll find dozens of hits—all on similar “women are lying” websites. *Forensic Science Digest* is so obscure that there are no online archives, it is not listed in Google Scholar, and the only Google hits for the name of the publication are found in “women are lying about rape” websites that recycle this one article. From a Google search, one might conclude this digest had never published anything *but* this one article.

There’s a problem, though. Look a little more closely and you’ll find that all of these website simply copy each others’ own summaries of the article. None of them actually provides the article itself. None of them quotes from the article. In fact, what they do quote is each other’s conclusions *about* the article, sometimes literally pasting in the identical text from one another’s websites. This is considered a poor practice in rigorous scholarship known as an “echo chamber”: a cluster of writers each cite one another as their supporting sources, forming a daisy-chain of self-supporting “research.” An article says what they claim it says, and how do they know it says that? Because someone else told them it did, despite neither having actually read the study.

I checked. First, I contacted nearly all of these websites to ask them directly for a copy of the study they were enthusiastically featuring as Exhibit A in the “women are lying” argument. Not one of them had a copy. Not one of them had ever read it. They had simply borrowed their allies’ claims about what the article really said. Citing a paper from 1985 that one has not actually read, or ever seen at all, is dishonest scholarship. If this topic were being discussed in a more scholarly forum, that alone would constitute academic fraud. And that’s before we even get to investigate whether McDowell found legitimate, valid, and reliable data to support the notion that 60% of rape allegations are false. Considering that bold claim, and the adoring devotion its advocates lavish on the McDowell article, it had better deliver the goods.

Again, I checked. The 27% figure, for starters, may grab peoples’ attention but it’s not a true reading of the article anyway. First, not all of the 556 allegations were actually allowed inclusion of the study. If the authors could not make a determination of truth or falseness outright, they were excluded. Consequently, 256 allegations were excluded out-of-hand. We simply don’t know if they were true or false. The 27% figure is derived from the 300 *remaining* cases; in fact, that means the 27% “false” cases represent 14% of the *entire* original number of allegations. At this point, once they’ve actually cut their sample nearly in half, the researchers devise an ingenious trick for

doubling the “false” percentage back up to 60%: by recruiting three unnamed “independent reviewers” to verify, by judgment alone, that the women McDowell claims are lying really are. And how would they know?

The study bases its judgment that victims are lying on a set of checklist criteria that Dr. McDowell regards as credible data. Unfortunately, the checklist reads like a list of outdated rape myths; this is not entirely Dr. McDowell’s fault, because the study was published in 1985 before tremendous strides in understanding sexual violence had been achieved. However, his checklist also includes outright bogus variables that any logical, reasonable scholar could spot from a mile away as sheer bias. It includes such items as:

- Does victim report receiving obscene phone calls prior to the assault? Y N Y=1.0
- If victim has received a written communication, was it a “cut and paste” note? Y N Y=3.0
- If victim has received written communication, does it contain any kind of rhyming scheme or take the form of poetry? Y N Y=3.0
- Does victim report being watched (surveilled) by her assailant prior to the assault? Y N Y=0.5
- Does the victim report being complimented by her assailant during the assault? Y N Y=0.5
- Does victim report engaging in high risk behavior prior to her assault? Y N Y=2.0
- Does victim have a history of alcohol abuse? Y N Y=3.0
- Does victim have a history of financial problems? Y N Y=1.0
- Does victim have a history of mental or emotional problems? Y N Y=3.0
- Does victim have a significant medical history? Y N Y=2.0
- Does victim report prior rapes or assaults? Y N Y=2.0
- Does victim have a history of work-related problems? Y N Y=2.0
- Does victim have problems in her interpersonal relationships (i.e., with her husband, boyfriend, or others)? Y N Y=3.0
- Does the allegation solve a problem for the victim? Y N Y=5.0
- Is victim reluctant to cooperate with law enforcement authorities? Y N Y=0.5
- When telling about the assault, does victim have difficulty explaining anomalies or inconsistencies? Y N Y=0.5
- Does victim demand to be treated by a female physician or interviewed by a female police officer? Y N Y=1.0
- Does victim express a desire to “drop” the whole matter or otherwise indicate she does not want it investigated? Y N Y=1.0
- Does victim become outraged when asked to corroborate her assault? Y N Y=1.0
- Does victim try to steer the interview into “safe” topics or those that will engender sympathy? Y N Y=0.5
- Does victim report being assaulted by multiple assailants? Y N Y=0.5
- Does victim report her assailant(s) as being of a different race or ethnic group? Y N Y=0.5
- Does victim report keeping her eyes closed during the assault (and therefore not able to identify her assailant)? Y N Y=0.5
- Does victim describe her assailant as having an unsavory appearance? Y N Y=0.5
- Does victim report her assailant wore a mask? Y N Y=0.5

- Does victim report her assailant wore gloves? Y N Y=0.5
- Does victim describe her assailant as a person she knows or who is familiar to her but can't provide a good physical description? Y N Y=3.0

SCORING SCALE:

0 - 15: EQUIVOCAL

16 - 35: ALLEGATION PROBABLY FALSE

36 - 75: FALSE ALLEGATION

76 + UP: OVERKILL

According to McDowell's checklist, any score higher than zero indicates accumulating evidence of falsehood.¹

Notice that not one of these checklist items has any bearing on whether the rape allegation is actually true or not. They do not represent any statistically-valid test. What they do measure, by contrast, is the degree to which a victim's account conforms to Dr. McDowell's own projections about women's dishonesty. If a woman really were stalked, or harassed, or assaulted by a perpetrator of another race, or was traumatically "numb" and wished to avoid the whole topic of rape afterward, every one of these attributes would earn her a higher "falsehood" score on the McDowell scale. Her score is not based on any weighted, peer-reviewed, replicable findings in any other literature. Rather, her score rises toward "false/overkill" simply because McDowell subjectively, personally, presumptively awards it a mark in the "false" column. Does McDowell have a bias? Considering that he described women who report rape as "narcissists, socio-paths and immature, impulsive, inadequate, types,"² one could wonder. (McDowell also went on to defend his findings by portraying certain types of injuries to the victim as implausible, "amounting to nothing," particularly if there was not convincing trauma to the lips, nipples, or vagina. Scratches and bruises, according to him, are evidence of fraud, not truth.)

Yes, that's correct: if a victim reports any of these details, her "score" increases and the study reviewers were entitled to rule her claim to be false. This remains true even though some of the items are cliché rape myths (notice the preponderance of victim-blaming items, such as her use of alcohol, mental health state, presence of work or relationship problems—none of which has *any* bearing on the truthfulness of a criminal allegation), or whether the items are logical, reasonable attributes of a genuine sexual assault, such as having been previously stalked, requesting a female physician or officer, a desire to drop the whole matter, a desire to avoid the topic of rape, uncertainty about details, or even reporting a rapist of another race than her own. All of these add up in the "false" column, per McDowell. If a woman has been raped and the rape results in pregnancy (which really does happen), then because the pregnancy is explained by the rape her "falsehood" score increases because her allegation "solves a problem for the victim." The consequence: a whopping five points (the maximum) are added to her "false" score. Clearly, the "false" score has nothing to do with valid determinations of

¹ See the complete checklist at http://www.stopmilitaryrape.org/mcdowell_checklist.html

² "Rape Nation: From prisons to barracks and from Iraq to Tennessee, military sexual abuse is running rampant." <http://www.utne.com/2004-07-01/RapeNation.aspx>

actual falseness, and everything to do with McDowell's own rape beliefs.³ It might be more of a challenge to design a hypothetical rape scenario that McDowell *would* believe, according to his checklist. Is there such thing?

These are not regarded as legitimate measures of a victim's credibility by *any other* scholarly publication, but because McDowell finds them useful in discounting 60% of claims as "false," they are beloved by the "women are lying" skeptics. Such skeptics often try to prop up McDowell's study by pointing to his three "independent reviewers," who verified his results. What the reviewers actually did was verify that the women he had evaluated truly had manifested the traits McDowell had ascribed to them, thus verifying that their score results matched his measurement methods. That is not the same as having three independent reviewers also conclude that 60% of rape reports are false, but that's exactly how skeptic websites present it. It would be like writing a study that argues that every woman who wears blue is lying, and that 60% of women are wearing blue; when three reviewers agree with me that 60% of women are indeed wearing blue, I can claim that my data was verified by three independent reviewers!

All that the McDowell study documents are that 60% of women who allege rape also experienced many of the common attributes of a rape experience, such as stalking, harassment, emotional numbness, superficial injuries, and a desire to have the whole trauma out of their minds. None of these traits indicates falseness of the allegation, and they may even substantiate it. Astoundingly, I found Doctors of Psychology citing the shabby, thoroughly-disgraceful McDowell article (again, not one of them who responded to my inquiries actually *had* a copy of it!), including trainers on forensic examinations.

In short, when "women are lying about rape" skeptics uplift the 1985 McDowell article as their key evidence, they are in fact supporting the notion that an allegation of rape that matches any of these criteria, regardless of whether they might actually be true, should be subjectively deemed "false." There is a huge difference between merely passing around a 25-year-old digest article's dramatic conclusions about false reports, and actually investigating the abominable methodology used to reach that conclusion (especially a digest article so obscure that even the people promoting it don't have a copy). One news article about the problem of sexual assault of women in the Air Force specifically referenced the McDowell Checklist, noting, "Considering the seeming irrelevance and bias of the questions, it is not surprising that the McDowell checklist turns up a 60 percent incidence of "false" rape reports, compared to a national average of about eight percent (according to FBI numbers)."⁴

McDowell himself has subsequently cautioned against using his own checklist as a method of discounting women's claims, so even *he* no longer supports the conclusion that skeptics pin to him. One forensic training manual for law enforcement which cites McDowell and (colleague) Hibler's 1987 text on rape investigation clarifies,

As *they* [McDowell and Hibler] caution, however, none of these characteristics is significant by itself and may not even indicate a false allegation when they appear

³ Of added interest may be McDowell's other studies, as well. For example, he also authored an article claiming that many murders are actually "Munchausen's syndrome" suicides disguised to appear as homicides. The article focuses on one case study as grounds for "the need for a reexamination of the dynamics of factitious allegations of criminal victimization" and "the issue of false claims of criminal victimization."

⁴ <http://www.november.org/stayinfo/breaking2/RapeNation.html>

in combination. Rather, when many of the indicators appear in a particular case this should simply be used as a caution to the investigator that the allegation could potentially be distorted or false.⁵ (emphasis mine)

What does modern scholarship from other forensic experts have to say about the matter? The same texts that cite McDowell (16 years subsequent to his study) go on to deconstruct nearly every rape myth his original checklist promoted. In their Training Manual for Law Enforcement, the National Center for Women and Policing offers these insights:

[M]any victims will give inconsistent or untrue information as part of their statement, but this should not be confused with a false allegation. For example, victims might give inconsistent or untrue information out of trauma or disorganization, discomfort relaying sexual details, fear of being doubted or blamed, or out of an attempt to make the assault sound more like the stereotypic "real rape" with which we are all familiar...

First, it is critically important that officers realize that these inconsistencies or untruths are understandable and should not be confused with a "false" allegation...

Given the many reasons for doing so, it is understandable and perhaps even inevitable that victims will often make inconsistent or untrue statements about their assault. However, many investigators and others have mistakenly concluded on this basis that the entire allegation is false...

The characterization of these cases as "false allegations" is not only incorrect but also troubling. In the first instance, the victim omitted details of certain sexual acts out of shame. In the second, she omitted details of her own drug use in order to bolster her perceived credibility, and in the third she failed to provide the identity of her assailant out of fear for her life. These case examples are not really false allegations. These are cases in which the victim omitted or distorted information about the assault, but they do not negate the reality that the assault happened.⁶

Ironically, at least one "women are lying about rape" website⁷ claims that the issue can be boiled down to feminists who insist that police simply fail to believe or support victims, versus law enforcement who intrinsically know that "rape complainants may be lying." Considering that precisely the opposite point of view has just been directly quoted from a law-enforcement training manual, we can see that the "women are lying about rape" skeptics not only misrepresented the issue; they got their source entirely backwards!

But what about the troubling statistics from those other studies, in which large numbers of women recanted their own rape allegations? The most potent of these studies is EJ Kanin's 1994 review of 109 rape allegations made between 1978 -1987. Kanin concluded that 41-50% of these reports were false, and he based this on criteria that would seem airtight: these women actually recanted their accounts and admitted their claims were bogus. When self-described rape victims "out" themselves as liars, the case is closed, right?

Kanin's study is quoted almost as often as McDowell's by skeptic websites, which usually endorse Kanin as a researcher without any apparent bias or agenda. At first glance, Kanin's study seems troublingly-airtight in its methodology: only cases in which women confessed to the falseness of their allegations were counted as "false reports;" there was no subjective evaluation by Kanin or other confederates of the study. As skeptics point out, this

⁵ The National Center for Women and Policing, 2001. Successfully Investigating Acquaintance Sexual Assault: A National Training Manual for Law Enforcement

⁶ *ibid*, pp4-5.

⁷ <http://www.anandaanswers.com/pages/naaFalse.html>

makes Kanin's findings very conservative; the benefit of the doubt weighs in favor of the victim's allegations. He found that women who made false reports tended to be white, lower socioeconomic status, educated, and in their early 20s. It was unclear whether this also coincided with the standard community demographic, because the community was not identified.

But there are some problems. Kanin has never identified the community or police department that provided him with his data, which makes the study impossible to verify. This precludes the notion of "peer-reviewed" validity by fiat. Nor did Kanin ever meet or interview a single one of the "victims" who recanted her account. There is no context for the withdrawal of the claim. Kanin suggests that the women were warned they could be charged with filing false police reports, but he never offers subsequent data to substantiate that this ever happened, which would have been an excellent external proof of Kanin's report. Furthermore, the data that documented the quantity of "false reports" came to Kanin only through law enforcement contacts themselves; this presents a methodological breach in the study. When data must pass through a bottleneck source, the risk of contamination of data by bias, mistake, or sheer dishonesty compounds. We have no idea whether the officer(s) who contacted Kanin to offer their data had their own agendas or hostile presumptions about women who report rape, and since the details of the study have not been disclosed no researcher can replicate the study to screen for this problem.

The women who recanted their allegations almost always did so just prior or subsequent to taking a polygraph test. Today, that would be considered a flawed study methodology because polygraph tests are not always admissible in court, and the application of them to an alleged rape victim *reverses* the intent of the test by evaluating the victim of a crime. In every other criminal investigation a polygraph test is used to evaluate the accused perpetrator—but not with rape. In rape cases of years gone by, the skepticism is reserved for the alleged victim. It is for this reason that federal law now prohibits a polygraph test to be required of an alleged victim of rape as a precondition for investigation, and the International Association of Chiefs of Police disapproves of polygraph testing during rape investigations because "victims often feel confused and ashamed, and experience a great deal of self-blame because of something they did or did not do in relation to the sexual assault. These feelings may compromise the reliability of the results of such interrogation techniques. The use of these interrogation techniques can also compound these feelings and prolong the trauma of a sexual assault."⁸ Polygraph tests of rape victims are known to result in the victims feeling intimidated and ashamed, thus increasing their probability of reacting their allegations in order to disengage from a hostile criminal justice system. But in the Kanin study the police department—contrary to establish police protocol—imposed polygraph testing on *every single rape victim*.

Other researchers have noted the problems with the Kanin study, and some even refer to it with the word "research" in quotes because it does not offer sound methodology and cannot be regarded as true research, or even a study, at all. Dr. David Lisak, a renowned specialist in sexual assault research, comments:

Kanin describes no effort to systemize his own "evaluation" of police reports—for example, by listing details or facts that he used to evaluate the criteria used by police to draw their conclusions. Nor does Kanin describe any effort to compare his evaluation of those reports to that of a second, independent research—providing a "reliability" analysis. This violates a cardinal rule of science, a rule

⁸ Lisak, D. (2007). False allegations of rape: A critique of Kanin. *Sexual Assault Report* 11, no. 1, 1-2, 6, and 9. As Dr. Lisak points out, Kanin's article is not a research study, but a report on the opinions of police officers in one unidentified department, with no further investigation on Kanin's part.

designed to ensure that observations are not simply the reflection of the bias of the observer.⁹

In other words, using those methods an author could claim anything he wants without presenting any verifiable data, description of how he came to possess that data, or how any other researchers could verify the data for themselves. It is simply claimed to be. In reality, no investigator can make a legitimate determination of the truth or falseness of an allegation when no investigation has taken place.

But aside from these methodological problems, there are other good reasons to approach Kanin's findings with caution—as Kanin himself reminds his readers. Rather than merely waving the article to disparage feminists or prop up an agenda, a more thoughtful person might be led to wonder, “if there are indeed many women who recant their rape accounts, why might they be doing this? At no point am I suggesting that confessing to a false report isn't one of those reasons; false reports of rape *do* happen, and they do happen for all the reasons they are said to happen.

But more recent investigations into the problem have unearthed some amazing insights into the motives of women—not to bring forth false reports, but to recant *true* reports.

One common objection to findings like Kanin's is that women recant quickly to avoid the “second trauma” of the criminal justice process. Kanin addresses this, though, and notes that the recantations happened early in the process, usually before any prolonged interrogations or medical examinations. He also found that the details of the recantations tended to dovetail the details of the suspect's defenses, making the recantations convincing. Finally, none of the women who recanted ever retracted their recantation. To “women are lying about rape” skeptics, these details close the debate.

There are some cases that he examines in detail that truly do appear to have been absolutely false reports, such as a case of a teen girl who attempted to extort a house boarder following a three-month liaison with him. He notes the problem of rape allegations as a potential means of exacting revenge against a suspect, who is always identified, and thus “potentially poses the greatest danger for a miscarriage of justice.” Every single false report omitted any claim of non-vaginal forms of sexual assault, such as forced anal or oral sex, which differentiates them from “valid” rape allegations which commonly include such details. To Kanin, this is a red flag of problematic falseness, suggesting that women who contrive false reports tend to adopt a stereotyped “script” to describe an imaginary rape. Paradoxically, Kanin's explanation for this red flag also serves as a possible defense of these women's accounts: having been so humiliated by their victimization, they excluded details in order to minimize the event. Thus, the omission of certain details that tend to accompany “valid” rape reports may indicate falseness, or it could be the tell-tale hint that the original rape allegation was absolutely true and that the victims were so desirous to escape their humiliation that they discarded their entire prior disclosure.

But little attention is given to the problems of victim intimidation by their perpetrators, family pressure, religious and cultural pressure, self-blame/shame on the part of the victim, the normal Post-Traumatic Stress Disorder symptom of seeking to avoid reminders of the trauma altogether, the impending physical pain of a forensic examination, the anxiety about possible legal proceedings, a personal knowledge of the assailant, and a frustrated reaction to being treated like a suspect herself by the justice system. Might those all explain the very logical, reasonable choices many women would make to withdraw a complaint in the hope of regaining homeostasis?

In short, nobody is claiming that there are never false reports of rape; even the FBI's conclusion 2-8% of all rape allegations are unfounded adds up to tens of thousands of intentionally-false reports per year. Thus it is not the premise of the findings that rape victim

⁹ Lisak, D. (2007). Op. cit.

advocates dispute, but rather the quantity. Even Kanin himself doesn't allow researchers to leap to the same conclusions:

Most problematic is the question of the generalizability of these findings from a single police agency handling a relatively small number of cases. Certainly, our intent is not to suggest that the 41% incidence found here be extrapolated to other populations, particularly in light of our ignorance regarding the structural variables that might be influencing such behavior and which could be responsible for wide variations among cities.

And yet that is precisely what the “women are lying about rape” skeptics have done. Here is a sample of headlines for articles that refer to the Kanin article:

“Most Rape Allegations are False”¹⁰

“About half of Rape Allegations are False, Research Shows”¹¹

“Professor Eugene Kanin show [sic] that between 27% and 50% of rape allegations are false...”¹²

“Conservative numbers show that 41% rape accusations are false!!!”¹³

“Half of all Rape Charges May Be False”¹⁴

Notice that *not one* of these headlines actually represents what the Kanin study said. Not *one* of these headlines reflects Kanin's own words, in his own study, that these results must not be extrapolated from a single small, unidentified police department to a generalization about all rape charges. And yet that is precisely what the skeptics do, because personal bias, not methodological accuracy, guides their presentation of Kanin's findings—over Kanin's own objections.

Attorneys General have a reluctant approach to the Kanin study because it is solely based on recantation, not complete investigation, and there are scores of studies that find that women recant their allegations of rape for many understandable reasons. Oregon's Attorney General's Office published its critique of the “false allegation” issue, referring specifically to Kanin's study:

Unfortunately, the study most often quoted is based entirely on victim recantations, instead of complete investigations... By definition, a false report would not include an incident where the investigation was unable to corroborate or substantiate a sex crime, nor would it include a situation in which the victim recants. Because recantation is used so frequently by victims to halt criminal justice involvement, it should never be seen, in and of itself, as an indication of a false report. Victim statements are often inconsistent and may also include partial truths and omissions. It is the investigator's responsibility to piece together a factual account of the assault—including an explanation of why there may be inconsistencies, partial truths and omissions. Finally, there may be situations in which a motive for falsifying a police report is legitimately

¹⁰ <http://www.angryharry.com/esMostRapeAllegationsAreFalse.htm>

¹¹ http://www.mediaradar.org/research_on_false_rape_allegations.php

¹² <http://www.antimisandry.com>

¹³ <http://engforum.pravda.ru>

¹⁴ <http://www.falserape.net/false-rape.htm>

identified; motive alone is not sufficient to prove that a sex crime was not committed or attempted.¹⁵

Considering that Kanin's data comes from law enforcement, it ought to be just as credible to skeptics when other police departments provide their data as well. The problem is that these data vary wildly; some departments conclude that 90% of rape reports are false, and others that 2% are false. So what is it about police data that makes the Kanin results sacrosanct?

For more recent data, we can look to the FBI, which finds a meager 5.4-8% "unfounded" rate for rape allegations. "Unfounded" does not mean "false;" conflating the terms is a common mistake (or tactic) of skeptics. An "unfounded" case is merely one in which the case does not proceed through the criminal justice process.¹⁶ Even Kanin notes, "unfounded rape can and does mean many things, with false allegation being only one of them, and sometimes the least of them." Since "unfounded" is a broader term than "false," the FBI's data ranks false allegations of rape at *below* 5.4%, as a proportion of all unfounded allegations. Since FBI statistics are drawn from self-reported police department data, this too offers a massive bulk of data refutation of the small Kanin study sample. Yet skeptics who embrace Kanin's study (because they love to highlight its law enforcement source) then discard the FBI's findings, derived from *all* law enforcement data cumulatively.¹⁷ That would be analogous to finding a needle in a haystack, and then proclaiming it proves that the entire haystack is needles. What we're witnessing is the ease with which "women are lying about rape" skeptics are able to make false allegations about research into false allegations.

So we see that Kanin's study is small and limited—a fact that Kanin acknowledges—and yet it has become the default "silver bullet" to repudiate the notion that rape allegations tend to be true. Skeptics turn aside from mountains of data that don't support Kanin's findings, and continue to evangelize for the claim that "research finds that half of all rape allegations are false." But in answer to this kind of mythology, the Sexual Assault Task Force for the State of Oregon observed,

Victim Recantation is a retraction or withdrawal of a reported sexual assault. Recantations are routinely used by victims to disengage the criminal justice system and are therefore not, by themselves, indicative of a false report... Recantation is most often used by victims to disengage the criminal justice, or

¹⁵ Attorney General's Sexual Assault Task Force Report: "False Allegations, Case Unfounding and Victim Recantations in the Context of Sexual Assault." January 10, 2008. <http://calcasa.org/wp-content/uploads/2010/10/OR-SATF-Paper-on-False-Reports-1.pdf>. Also reprinted in Heather J. Hutanen. *Family and Intimate Partner Violence Quarterly*, 3:2, Fall 2010, pp137-142.

¹⁶ "As defined earlier, unfounding is a method of investigative case closure (or clearance) intended to denote a specific outcome of an investigation. While both the DHS definition and the FBI definition include reports determined to be false, the unfounded category is not solely limited to cases determined to be false. It is critical to bear in mind that a report determined to be unfounded is not synonymous with a false allegation or report. This distinction is important enough that it is worth repeating – a report that has been unfounded is not the same as a false report (or false allegation)." Attorney General's Sexual Assault Task Force Report, op. cit.

¹⁷ In 1996—two years after the Kanin study—the FBI placed the "unfounded" rate for rape at 8%, and yet no skeptic that I'd found ever gives that data preferential prominence over the Kanin study, even though the FBI data has been available for fifteen years (and counting) now. When British researchers used similar methodology, they too found an unfounded rate of just 8%, which is a strong confirmation of the reliability of the findings. See: <http://www.homeoffice.gov.uk/rds/pdfs05/hors293.pdf>

other systems, because they no longer wish to participate. Victims may not realize the toll that a criminal investigation and trial will take on them mentally, emotionally, physically, and financially. As a result they may want their involvement in the process to end. Moreover, since most cases of sexual assault are committed by someone known to the victim, pressure from the offender or concern for the offender's well being may also be a factor.¹⁸

What does current research say about the matter?

The National Center on Domestic and Sexual Violence published a 2007 study, "False Reports: Moving Beyond the Issue to Successfully Investigate and Prosecute Non-Stranger Sexual Assault"¹⁹, in which they specifically address the problem of "gut reactions" to suspicions about rape allegations, warning that "the suspicion is often misplaced" and that it "interferes with a thorough investigation" and "is based on inappropriate personal assumptions" (pay attention, McDowell!). The study points out that there is a stereotype of what constitutes "real rape," and that uninformed people tend to discount allegations that do not conform to clichés. In a statement with implications for both the McDowell and Kanin articles, this article says, "In reality, law enforcement investigators cannot determine that the sexual assault did not happen, simply because they suspect that the report is false, view it with suspicion, or because the victim changes his or her account of what happened... In other words, investigators cannot determine that the sexual assault did not happen just because any of the 'red flags' are present in a sexual assault case." The cycle of suspicion that pervades the McDowell and Kanin articles is even diagrammed:

EXCERPT FROM: *False Reports: Moving Beyond the Issue*
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The Cycle of Suspicion

Investigator
doesn't believe
the victim

Communicates
this suspicion
to the victim



"See, I knew
it was a false
report!"

Victim withdraws
and/or becomes
non-cooperative

¹⁸ Attorney General's Sexual Assault Task Force Report, op. cit.

¹⁹ [http://www.ncdsv.org/images/False Reports_Excerpt 05_14_07.pdf](http://www.ncdsv.org/images/False%20Reports_Excerpt%2005_14_07.pdf)

In literature, the actual estimates of false reports vary so widely that it would be irresponsible to isolate one or two studies and highlight those to prop up an ideological agenda. Unfortunately, that is exactly what the “women are lying about rape” skeptics do. For example:

- Estimates provided over the years have ranged from lows of **0.25%**²⁰, **1%**²¹, and **2%**²² to highs of **80-90%**^{23, 24}
- In one survey conducted at the Denver Metropolitan Area Police Department, detectives from within the same agency provided estimates for the percentage of false reports ranging from **5% to 65%**²⁵
- In another informal survey of conference participants including law enforcement, victim advocates, and other criminal justice personnel, the participants’ estimates varied even more widely, from **0% to 98%**²⁶

In contrast, when sex crimes investigators actually try to determine the number of sexual assault reports that are false – based on the evidence from a thorough investigation – the picture is quite different. In that situation, the determination that a sexual assault report can be made with much greater confidence and the estimates begin to converge around 2-8%.

- For example, the Portland, Oregon police department examined 431 complaints of completed or attempted sexual assault in 1990, and found that **1.6%** were determined to be false. This was in comparison with a rate of 2.6% for false reports of stolen vehicles²⁷
- Similarly, Sgt. Joanne Archambault of the Sex Crimes Division of the San Diego Police Department routinely evaluated the rate of false reports over several years and found them to be around **4%**
- Interestingly, the statistics even appear to converge internationally. In a recent study of 2,643 sexual assault cases reported to British police, **8%** were initially classified as false allegations. Yet when the researchers applied the actual criteria for establishing a false allegation, this figure dropped to **2%**. These criteria specified

²⁰ O'Reilly, H.J. (1984). Crisis intervention with victims of forcible rape: A police perspective. In J. Hopkins (Ed.), *Perspectives on Rape and Sexual Assault*. Harper & Row: London (p.89-103).

²¹ Krasner, W., Meyer, L., & Carroll, N. (1976). *Victims of Rape*. U.S. Government Printing Office: Washington, DC.

²² Hecht-Schafran, L. (1993). Writing and reading about rape: A primer. *St. John's Law Review*, 66, 979-1045.

²³ Bronson, F.R. (1981). False allegations of rape. *Am. J. Urol. Sex* 14, 509-510.

²⁴ Comment (1968). Police discretion and the judgment that a crime has been committed. *University of Pennsylvania Law Review*, 118, 227-322.

²⁵ McNally, M., Bennett, J., & Munch, A. (1999). Presentation to the Colorado Organization of Victims' Assistance (COVA).

²⁶ Ibid.

²⁷ Oregon Attorney General's Office (2006). *SART Handbook (Version II)*. Sexual Assault Task Force. Available at <http://www.oregonsatf.org/SART/handbook.html>.

that there must be either “a clear and credible admission by the complainant” or “strong evidential grounds”²⁸

One report by the Department of Justice states:

“Some police officers believe that there is an unusually high rate of false rape reports... The FBI does not separately track false reports; it tracks only the total number of unfounded reports. The category of “unfounded” consists of both baseless cases—in which the elements of the crime were never met—and false reports. In 1998, unfounded rape reports accounted for 8 percent of total reported rapes; however, this number is questionable. Some police officers incorrectly think that a rape report is unfounded or false if any of the following conditions apply:

- the victim has a prior relationship with the offender (including having previously been intimate with him);
- the victim used alcohol or drugs at the time of the assault;
- there is no visible evidence of injury;
- the victim delays disclosure to the police and/or others and does not undergo a rape medical exam; and/or
- the victim fails to immediately label her assault as rape and/or blames herself.”

That 8% figure includes a LOT of cases that are not false allegations at all, but only situations that were initially reported as rape but which either turned out not to be rape at all – for a range of reasons – or which were “no-crimed” (unfounded) by police officers acting on the basis of rape myths or other dubious criteria.

Nobody really knows how many reports are false, but when careful analysis of case files by police experts in investigation and coding is accomplished, the data narrows toward a range of 2-8%. It is striking that skeptics who laud the Kanin and McDowell studies for their inclusion of law enforcement data make no mention of the dozens of subsequent studies, also based on law enforcement data, or even the FBI’s analysis of *all* law enforcement data combined, which corroborate a false report percentage in the single digits.

In an article cautioning against the use of flawed studies to ascertain false reports, the National Center for the Prosecution of Violence Against Women (NCPVAW²⁹) says,

A very comprehensive review article documented estimates in the literature ranging from 1.5% to 90%. However, very few of these estimates are based on research that could be considered credible. Most are reported without the kind of information that would be needed to evaluate their reliability and validity. A few are little more

²⁸ Kelly, L., Lovett, J., & Regan, L. (2005). *A gap or a chasm? Attrition in reported rape cases*. Home Office Research Study 293. Home Office Research, Development and Statistics Directorate. Available at <http://www.homeoffice.gov.uk/rds/horspubs1.html>.

²⁹ NCPVAW is part of the National District Attorneys Association, and is not an advocacy group. Therefore, their findings also represent law-enforcement data sources.

than published opinions, based either on personal experience or on a non-systematic review (e.g., of police files, interviews with police investigators, or other information with unknown reliability and validity).³⁰

Then what of the methodologically-sound, verifiable studies? “In contrast,” says NCPVAW, “when more methodologically rigorous research has been conducted, estimates for the percentage of false reports begin to converge around 2-8%.” Since these studies can be replicated by other researchers and found to have similar results each time, they are regarded as reliable. This cannot be said of *a single one* of the articles claiming high percentages of false reports; not one of them provides data that any researcher has been able to verify through study replication.

Not one.

(For a good analysis of current rape statistics based on law enforcement data, see “Making Sense of Rape in America: Where Do the Numbers Come From and What Do They Mean?”³¹)

³⁰ Lonsway, Kimberly A., Ph.D., Archambault, Sgt. Joanne, and Lisak, David, Ph.D. “False Reports: Moving beyond the issue to successfully investigate and prosecute non-stranger sexual assault.” *The Voice*, vol. 3, no. 1, pp1-11.

³¹ http://new.vawnet.org/Assoc_Files_VAWnet/MakingSenseofRape.pdf