

‘DO FALSE ALLEGATIONS OF RAPE MADE BY WOMEN AFFECT THE WORKINGS OF THE CRIMINAL JUSTICE SYSTEM?’

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Abstract

This dissertation explores false and malicious allegations of rape made by women against men and the effect this has on the workings of the criminal justice system. Further objectives include examining the reasons why false claims are made, to what extent they contribute to the low conviction rate in rape cases which is currently only 6% (Home Office, 2010) and examining the role that alcohol and drugs may play in making a false allegation. These issues were investigated through both library based and primary research that took the form of semi-structured interviews with a convenience sample including a police officer specialising in the field of rape, a prosecuting barrister for the Crown Prosecution Service and someone who has recently been accused of rape.

The study found that false allegations of rape made by women do affect the workings of the criminal justice system, and professionals working within the field of rape are becoming more aware of them through their profession and due to high levels of media coverage detailing such stories. It concluded that false allegations of rape further feed into the ‘culture of scepticism’ by police and the judiciary as evidenced by previous research; suggesting that they are another rape myth that genuine victims must overcome for a conviction to be obtained. It also concluded that granting anonymity to someone who has been falsely accused of rape has many advantages, however is unlikely to be passed through government without research findings to warrant such a shift in policy.

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Introduction

Rape is often considered to be one of the most heinous crimes to be committed against an individual, be it male or female. It can, and has, presented unique challenges to the legal system as it is not the incident that has to be proved, but the intention.

The main aim of this dissertation is to establish whether false claims of rape made by women affect the workings of the criminal justice system. Gregory and Lees (1999: 62) state that, 'Views regarding false allegations of rape will inevitably influence that way that cases are processed'. This highlights the key objective of the study when exploring the effect of fabricated rape claims. Conviction rates suggest that the workings of the system may be flawed; it was reported by the government that between 2007 and 2008 only 6.5 per cent of recorded rapes in England and Wales resulted in a conviction, compared with 34 per cent of criminal cases in general (Hirsch, 2009). But how much do false allegations contribute to this low level of convictions?

The reporting of women making false accusations of rape to police is becoming more widespread within the British media, both locally and nationally. However, as yet, there is no systematically collated official statistics on the incidence of false allegations in rape as compared with non-sexual allegations. Baroness Vivien Stern, in her independent review, urged the Ministry of Justice to commission independent research to study the frequency of false allegations of rape compared with false allegations made in other offences (The Stern Review, 2010: 41), but those who have tried to investigate the prevalence of false claims have experienced many problems as will be discussed in Chapter one.

Aims and Objectives

This piece of primary research, using semi-structured interviews, aims to explore the views of professionals working within the field of rape about false allegations of rape made by women and questions whether they are becoming more aware of 'Rape-Revenge' within the criminal justice system, whether they believe these allegations impact on the overall conviction rates of rape, what can be done to address false allegations that enter the police/ courts process and what, if any, are the problems that they may cause. Primary research also aims to investigate the impact on someone who was falsely accused of rape whereby the complainant was subsequently tried for perverting the course of justice and sentenced to two years imprisonment. Particular attention will be paid to the recent dominance of media commentary and the views of professionals relating to false allegations of rape made by women and also the notoriety of injustice being done to men and to genuine rape claims.

For the purpose of this dissertation it is important to define what is meant by a false allegations of rape; this paper defines them as intentional reporting of a forcible rape by an alleged victim when no rape had occurred.

Whilst it is recognised and acknowledged that men may also concoct rape allegations, the focus of this project will be on false allegations of rape made by women only.

Chapter Outline

Chapter One: Literature Review of Published Academic Research

This chapter provides a critical analysis of the existing literature available and supplies an understanding of the topic area and outlines key areas in the context of sexual assault. Research into whether victims can be blamed for their actions, the existence of 'victim stereotypes' and possible reasons for low conviction rates of rape are examined. The idea of 'false allegations as a myth' will be explored and why this may no longer be the case. Finally, it will evaluate research conducted on the prevalence of false rape claims, and the results that were found.

Chapter Two: Methodology

The chosen methods to conduct the research are discussed and evaluated in this chapter, along with why these methods were selected. Reliability, validity, confidentiality and anonymity are all discussed in relation to both the primary and library-based research that took place, as well as ethical issues arising during the research process.

Chapter Three: Findings of Primary Research

Key findings of the primary research are analysed in this chapter to identify the most valuable responses and opinions of the professional and non-professional participants in relation to the research aims.

Chapter Four: Discussion

This chapter involves a detailed analysis of the findings from both primary research and library-based research in order to draw attention to similarities and points of difference between both aspects of the data. Information sourced from the primary research is explored in further detail and compared with the opinions of the professionals explored in the literature review.

Chapter Five: Conclusion

This chapter concludes by revisiting the aims and objectives of the research with recognition of the findings of the study. It gives an overview of the key issues found in the research, returns to the central issue of false allegations of rape made by women and their effect on the workings of the criminal justice system and future recommendations made by professionals.

Chapter 1- Literature Review

1.1 Introduction

This chapter will examine pre-existing research about rape, consent, and outlines academic research into victim provocation, intoxication and rape, and the suggested problems with conviction rates in the UK. It will explore false allegations of rape as a 'myth' and whether they are now becoming a recognised problem. Finally, research conducted on the prevalence of false rape claims will be looked at.

1.2 Rape

Section 1 of the 2003 Sexual Offences Act provides a new definition of rape, which includes oral and penile penetration but now notes a change to the mens rea to involve a reasonable belief in consent. Section 1(1) provides:

'A person (A) commits an offence if-

- (a) he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis,
- (b) B does not consent to the penetration, and
- (c) A does not reasonably believe that B consents' (McAlhane & Huxley-Binns, 2010: 174).

Rape is a very personal and distressing experience, and as Holmes (2009: 244) states, 'one of the most despicable crimes that may be committed against a human being'. It is important to identify the different types of rape that exist, even though the law does not distinguish between them; acquaintance, stranger and 'date' rape. Some victims will feel like they were to blame for their attack, that they were in the wrong place at the wrong time or that they provoked an assault by being intoxicated or what they were wearing. However, 'despite the words, actions, dress or location, there is no excuse for the rape. "No" means "no" in a shout or a whisper' (Holmes, 2009: 217).

1.3 Consent

Consent is of the utmost importance with regard to rape cases as it has the ability to transform a hideous criminal act into one that is of no significance to the criminal justice system whatsoever. The absence of consent is ultimately the defining factor. A major difficulty when trying to achieve a rape conviction is that it is frequently one person's word against another and the act can often take place in the absence of witnesses, between people who know each other, and provide no supporting evidence. Without this there isn't a realistic prospect of a conviction, and while the allegation may be true, it may be impossible to prove.

Legal changes to the 2003 Criminal Justice Act make matters of consent in rape very clear and it is important to acknowledge that the law does not say force has to be used for it to be defined as rape, nor is violence part of the definition (The Stern Review, 2010: 37).

Section 74 of the Sexual Offences Act (SOA) 2003 defines consent as follows:

‘... a person consents if he agrees by choice, and has the freedom and capacity to make that choice’ (McAlhone & Huxley-Binns, 2010: 197). It further states ‘Whether a belief is reasonable is to be determined having regard to all the circumstances, including any steps A has taken to ascertain whether B consents’ (Crown Prosecution Service, 2010). The inclusion of ‘reasonable belief’ is considered by some to be ‘one of the most significant changes brought in by the 2003 legislation, where an honest but *unreasonable* belief in consent can no longer result in the accused’s acquittal’ (The Stern Review, 2010: 37).

1.4 Rape, Alcohol and Victim Precipitation

Published research acknowledges the links between alcohol and sexual assault and research in the UK and internationally has been well established. There is an accepted problem between alcohol and consent to sexual intercourse, since ‘men and women use it to ‘get into the mood’ for legitimate sexual interactions’ (McGregor, 2005: 147). A rise in the number of accusations made against acquaintances, which are said to often involve alcohol, has increased the focus on consent which is difficult to assess (BBC, 2007).

Recent studies reveal the tendency of the general public to incorporate a variety of extra-legal factors in their perceptions of rape victims, such as sexual history or whether the complainant has already been a victim of rape (Schult & Schneider, 1987: 7). Prosecution counsel’s frequently discredit rape allegations on the basis of the victim’s alcohol and /or drug use (Lees, 1996: 145), thus making the jury consider the prospect that the complainant did consent to sexual intercourse but her intoxication or drug misuse has merely caused her to forget doing so. This question over female rape victims and intoxication is being frequently discussed in the British media and some commentators believe the increase in alcohol consumption among women in the past 20 years has helped shape public perception of rape victims (BBC, 2007). An opinion poll by ICM (2005) found that ‘one third of respondents agreed that women who act flirtatiously or are drunk should be held partly or fully responsible if they were sexually assaulted’ (cited in Horvath & Brown, 2009: 128).

Alcohol is known to have a range of effects on individuals and impairs cognitive and motor skills (Hindmarch et al, 1991 cited in Horvath & Brown, 2009: 127). It is therefore not surprising to find evidence that ‘the involvement of intoxication in sexual consent scenarios often influences the way in which observers assign responsibility to the parties involved’ (Finch et al, 2007: 592). A recent study by the women’s support group Platform 51, found that more than a quarter of the women admitted to ‘regularly drinking enough to get drunk’ and ‘sleeping with several different partners in a short period of time’ (The Telegraph, 2011). Furthermore, Lees (1996: 146) suggests that a cocktail of drink and drugs is dangerous and ‘under the influence of alcohol [she] would be more likely to act irrationally or vindictively and make a false complaint’. The victim blaming viewpoint contends that there are ‘certain kinds’ of women who go around ‘asking for trouble’ and eventually ‘get themselves raped’ (Gibbs, 1991 cited in Karmen, 2004: 124).

Research from The Office for National Statistics showed that the proportion of women drinking more than the recommended levels has risen by a fifth in recent years (The Telegraph, 2011). In 2006, a judge sitting a rape trial warned against the risks of binge-drinking and sexual intercourse and said, ‘there is a very good lesson to be learnt to

everybody about the dangers of over-consumption of alcohol. Drink is not regarded as mitigation, but it can explain why he may have behaved in this way' (London Evening Standard, 2006). A major study by the Association of Chief Police Officers (ACPO) found that most women who claim to be victims of date-rape drugs such as Rohypnol are in fact 'rendered helpless by binge-drinking or recreational drugs' (Daily Mail, 2006).

There are many myths and stereotypical beliefs about both the criminal act of rape and the victim. Rape myths are effectively 'stereotypic beliefs about rape that blame the victim and exonerate the offender' (Bohner et al, 1998: 258). It has been suggested that public attitudes and the legal treatment of rape are shaped by widely shared misconceptions about the offence and in particular, the victim's role in it (Temkin & Krahe, 2008: 33).

1.5 Conviction Rates

Rape conviction rates in the UK have faced overwhelming criticism in recent years due to the low 6 per cent figure which is frequently quoted. It was reported by the government that between 2007 and 2008 only 6.5 per cent of recorded rapes in England and Wales resulted in a conviction, compared with 34 per cent of criminal cases in general (Hirsch, 2009). However, Baroness Stern who carried out a 6 month review into tackling rape explains that the figure is 'based on calculations not used for any other offence' (The Telegraph, 2010). She stated,

'It is clear to us all that the way the six per cent conviction rate figure has been able to dominate the public discourse on rape, without explanation, analysis and context, is extremely unhelpful. Once a rape case reaches the courts, almost 60 per cent of defendants are convicted- a higher rate than some other violent attacks (ibid)'.

Rape attrition is the process whereby reported cases are 'lost' from the legal process; a development which has been termed by Jennifer Temkin (2008) as 'the justice gap'. Baroness Stern finds fault in the way the figure of 6 per cent is reached, whereby it 'compares the number of convictions against the total reports to the police' and 'there is anecdotal evidence that it may well have discouraged some victims from reporting'. She added, 'some have found it misleading and deeply unhelpful in building confidence in victims and increasing the number of cases reported to the police that could possibly go forward to prosecution' (The Stern Review, 2010: 10; The Telegraph, 2010). She demanded that the figure no longer be used.

1.6 False Allegations of Rape: A Myth

Much of the published research on false allegations of rape refers to them only as a myth and that the problem with low conviction rates lie with women who are genuinely raped but do not report it to police. 'The problem is not that women falsely report being raped but that most women do not report rape at all, and those who do are subjected to a process of character assassination which leaves them bewildered' (Lees, 1996: 124). This is emphasised by Belknap (2010) where he believes that 'empowering victims to report is a far larger problem than false allegations'. Where false allegations do get referred to in published research, there is often thought to be 'no evidence that fabrication occurs more often in rape cases than in other crimes' (Temkin, 2002: 5).

Feminist professor, Wendy Murphy, strongly dismisses the problem of women concocting lies about being rape and calls it 'an ugly myth', and calls for 'boiling rage activism' to address what she believes as the 'anti-woman bias of the criminal justice system' (Sacks, 2004). This highlights the view of many feminists who virtually deny the existence of false rape allegations as the agents of the justice system simply do not believe them. They fail to see falsely accused men as victims and believe 'the concept itself constitutes discriminatory harassment toward women' (Grano, 1990 cited in Kanin, 1994: 83).

1.7 False Allegations of Rape: A Reality

In reality, false rape charges have probably been in existence as long as the concept of rape (Kanin, 1994: 82), and are in fact evidenced in the bible, Genesis Chapter 39: The Potiphar's Wife. The Potiphar's slave, Joseph, is falsely accused of raping his masters' wife when he refuses to be seduced by her, she feels scorned and tells her husband of this and Joseph is imprisoned. Kanin (1994: 82) comments that in the 20th century 'false accusations became a reflection of a unique condition of women'. Baroness Vivien Stern, writing her independent review on rape complaints, comments that 'the image of the rejected woman seeking revenge by making a false accusation is to be found far back in history and literature' (The Stern Review, 2010: 39). On writing about rape myths and rape stereotypes, she believes 'juries are full of prejudice and express common sense excuses when they do not convict, for example, if a woman who has got into bed with a man but then not consented to sex' (The Stern Review, 2010: 33- 34). The myths that she refers to in her report include wearing revealing clothing, drinking too much alcohol and the belief that women will not be believed and be thought to be 'crying rape' and out rightly lying. Stern adds that 'views are held by the public and professionals... about acceptable behaviour and where blame and responsibility lie' (ibid).

With conviction rates being constantly scrutinised, a suggested way to help rectify them has been to improve public perception about rape myths and rape stereotypes. Professionals working within the field of rape are also thought to hold strong beliefs about certain 'criteria' that is needed in order for a rape charge to stick. This is evidenced by Temkin (2002: 4) where in a Scottish study, the views expressed by victims of sexual assault when being interviewed by Scottish police officers noted 'the unsympathetic and tactless manner in which interviewing was conducted'. Temkin comments that the reason for the less than sympathetic behaviour towards rape victims 'is the belief shared by many of them that complaints of rape are frequently false' (ibid). In Temkin and Krahe's study of perceived problems in rape trials, whereby they conducted semi-structured interviews with 17 judges, false allegations are evidenced as a reality and not just a myth. Judge 17 in this study commented, 'I think it's very easy to make a false allegation. It's increasingly easy. Particularly as now you no longer have the corroboration rule. I think there are many more cases now in which there are false allegations' (Temkin and Krahe, 2008: 139). Baroness Stern points out that it is 'not possible to establish an *exact* figure into how common false allegations of rape are and the research available gives a wide range of suggested percentages' (The Stern Review, 2010: 40). It is now more readily accepted that false accusations of rape are becoming a more common and a troublesome reality. Crime statistics in the UK claim levels of false reporting that range from a low of 2 per cent to as high as 10-12 per cent. Prosecuting barristers and detectives in the police force involved in investigating

rape and in defending those accused of it believe the level to be much higher (Hawkes, 2010).

The dominance of media commentary in relation to this issue is demonstrated by Horvath and Brown (2009: 82) who argued that, 'The media now often pay more attention to supposedly false allegations. 'Date rape', 'false memory syndrome' and contested allegations against celebrities have all fed into a new discourse of scepticism.' Many stories in the news have expressed the growing concern about women lying out of spite and using rape as the ultimate tool in reaping revenge on someone who has upset them or ended a relationship suddenly which cannot be deemed as a sexual assault (Rape- Revenge). 'People who make false allegations undermine the criminal justice system' (The Sun, 2009). For example, Kerry Saunders from Essex was jailed in 2008 for one year after admitting making a false rape claim which resulted in a young student being held in custody for 22 hours. She blamed this accusation as a 'knee-jerk reaction to get attention from her family which spiralled out of control' (The Daily Mail, 2008). Stern (2010: 39) quotes a police officer as stating, 'they devalue the other cases and the tabloids love it', when discussing a case of a false allegation of rape.

The Criminal Injuries Compensation Authority (2009, cited in Wolchover & Heaton-Armstrong, 2010) throws an intriguing light on the issue of making a false allegation of rape.

'In the year of 2008/09, nearly 8,000 claims were made for compensation in relation to sexual offences, of which by November 2009 about 4,500 had been successful and involved a total of over 40 millions pounds in awards- an average of just over £9,000 per claim. Of the thousand or so disallowed claims, one per cent failed on evidential insufficiency grounds'.

What message does this give to false claimants when they find out that of the 13,000 or more rape complaints that are made to the police each year, only 800 ends in conviction? However when they make a claim for compensation, regardless of the prospect of any conviction, it is a safe bet as long as one sticks to one's guns and has the police support (Wolchover & Heaton-Armstrong, 2010).

There is also now the notoriety of injustice being done to men which derives from the false accusations that result in the 40 per cent acquittal rate. And what fuels those untrue claims is that the women who make them know they will maybe never be held to account (Phillips, 2010). A Lord Judge recently pointed out that such allegations involved more than the individual victim and said 'Every false allegation of rape increases the plight of those women who have been victims of this dreadful crime' (The Telegraph, 2010). Not to mention the stigma that is then attached to the men accused making their life after a trial extremely difficult and perhaps a reputation tarnished. Howard Becker's labelling theory can be explicitly applied here,

'Societal reactions could range from the informed responses of public opinion, families or the mass media. Labelling theory highlights social reaction. In its narrowest version it asks what happens to people after they have been labelled' (Carrabine and Iganski, 2004: 70).

As such, an additional matter of false allegations of rape is that of the idea of granting anonymity to the accused until found guilty, a proposal supported by the Home Affairs Select Committee in 2003. At present, it is only complainants that are offered anonymity throughout the legal process and their names cannot be published from when they initially make that first allegation, for the rest of their lives. Baroness Stern, in her report, quoted a legal practitioner who stated, 'it would be a serious advance if we did provide anonymity to both parties' (The Stern Review, 2010: 41). On the other hand, one could suggest that no recommendation on anonymity is given for defendants in any other case, so why should anonymity for the accused only be granted during a rape case.

1.8 Research Conducted on the Prevalence of False Allegations of Rape

Research that is available on false allegations of rape gives a wide range of figures for how many there are (The Stern Review, 2010: 13). For example, reports set the figure from 'lows of 0.25 per cent (O'Reilly, 1984) and 1 per cent (Krasner et al., 1976) to highs of 80-90 per cent (Comment, 1968) and even 100 per cent (Kanin, 1985)' (Kanin, 1994: 84). The current problem with determining how prevalent false accusations really are is said to due to several factors such as 'jurisdictional variation in definition, criteria, and reporting practices, as well as the fact that not all rapes are reported' (Gross, 2009: 67). It is important to make the point that almost all published research recognises the problem with defining what means 'false' in a false allegation. Most refer to 'false' as implying that the accusation is 'malicious'; but currently there is very little evidence to support the belief that most false allegations involve malice on the part of the complainant (Adshead, 1996: 98). Due to this problem with definition, studies present notable limitations such as possible non-representative samples which preclude generalisability (Gross, 2009: 67).

The most insightful piece of research on false allegations of rape came from Eugene Kanin (1994). The study looked at 109 forcible rapes that were disposed of in one small midwestern town in the USA between 1978 and 1987; cases were only determined to be false if and when the accuser admitted that no rape had occurred (Gross, 2009: 67). The study involved using polygraphs to ascertain whether a complainant was lying, and the results found that 41 per cent of all of the forcible rape complaints were found to be false, and a follow up study where polygraphs were *not* used showed that 50 per cent of the complaints were false (ibid). Furthermore, the study led to the conclusion that making a false allegation of rape was able to serve three major functions for the complainants: 'providing an alibi, a means of gaining revenge, and a platform for seeking attention/ sympathy' (Kanin, 1994: 85). Of course, one cannot assert that these functions are mutually exclusive or exhaustive. Kanin highlights the act of seeking revenge by making a false allegation of rape as, in his opinion, the most serious. He states that 'because the suspect is always identified, these false allegations potentially pose the greatest danger for the miscarriage of justice' (ibid). Unfortunately, this piece of research, by its own admission, lacked generalisability as the findings came from a single police agency handling a small number of cases (Kanin, 1994: 89).

Much more research is needed to understand such allegations and Baroness Stern, writing her independent review, called for the Ministry of Justice to commission and publish an independent research study into the frequency of false allegations of rape

compared with other offences, and the nature of such allegations (The Stern Review, 2010: 41). From these recommendations, the government has appointed an independent research company to conduct a case file review of a large sample of serious sexual and violent crimes in order to assess the prevalence and circumstances of false allegations; the report will be published in the second half of 2011 (Home Office, 2011).

This report was commissioned by the government in March 2011 after primary research has been conducted, and as such the investigator was unable to question professional participants on their thoughts.

Chapter 2 - Methodology

2.1 Introduction

The chosen methods of data collection and analysis for the purpose of this research were both qualitative, which took the form of semi-structured interviews, and library based research. Both were used to gain an objective and detailed perspective on how false allegations of rape made by women impact on the workings of the criminal justice system. In order to address the research aim, interviewees were selected using purposive or convenience sampling. This means that the research is not representative of the population as the information gathered has been chosen from a narrow and selective group of participants. It was, therefore, decided that to gain more valid findings, data triangulation of both primary and library based research was needed as it 'is a more direct check on the validity of observations by cross checking them with other sources of data' (Sapsford & Jupp, 2006: 89).

2.2 Ethics

There are many ethical implications and limitations with the research as rape is an extremely sensitive subject. The researcher submitted a research proposal for approval from the SREC which conforms with the British Society of Criminology ethical guidelines before any fieldwork took place. The researcher was granted approval to conduct the interviews with professionals working in the field of rape and to conduct an interview with someone who was recently falsely accused of rape. Whether conducting research on a sensitive subject area or not, it is important to not just to gain consent from participants, but to gain *informed* consent.

Jupp et al, (2011: 167) state that 'for consent to be fully informed it is incumbent upon the researcher to explain as fully as possible, and in terms meaningful to participants, the questions of... what the research is about, who is undertaking and financing it, why it is being undertaken, how it is to be promoted and how any research findings are to be disseminated'. Participants were therefore informed of the research aims and objectives, asked to sign a form consenting to take part in the study and supplied with a copy of the interview schedule. This gave them the opportunity to express any concern over planned questions or decide not to divulge information about certain issues that they do not feel comfortable with. The interviewees were informed by the researcher that they could leave the interview at any stage without giving reason. Their permission was sought to tape record the interview and they were assured that their identity would remain anonymous and that all data would be kept in a secure environment and destroyed after graduation.

2.3 Anonymity and Confidentiality

Confidentiality 'is a promise that you will not be identified or presented in an identifiable form, while anonymity is a promise that even the researcher will not be able to tell which responses came from which respondent' (Sapsford & Jupp, 2006: 295). Jupp (2011: 153) suggests that the 'reassurance of water-tight confidentiality is arguably the make or break of sensitive research'. Names and places of work of participants were kept confidential; however, for the purpose of the aims and objectives of the research, it was an important factor to explain where the opinions were accessed (i.e. the organisation). The main aim of the research was to determine

whether false rape claims have an impact on the workings of the criminal justice system, so the participants are a direct link to the proposed question and this needed to be made clear. Due to the nature of the study, therefore, complete anonymity could not be assured and all participants were aware of this before the interviews took place.

2.4 Primary Research

In order to explore false and malicious allegations of rape made by women, semi-structured interviews were undertaken with a police officer who is specialised in the field of rape, a prosecuting barrister for the Crown Prosecution Service and someone who has recently been accused of rape. This type of interview was the desired method as a 'major advantage of the interview is its adaptability' (Bell, 1999: 135) and flexibility. The semi-structured interview enables analysis not only of the written responses, but also further information can be collected in response to the reactions and tones of the interviewees, which yields rich, detailed and specific data. It allows the researcher 'to explore in depth some aspects of the respondent's feelings, motives meanings and attitudes' (Jupp, 2000: 61).

One of the risks of conducting primary research in the form of semi-structured interviews is the threat of interview bias, as Bell (1993: 95) points out 'there is always the danger of bias creeping into interviews, largely because, as Selltitz et al. (1962: 583) point out 'interviewers are human beings and not machines', and their manner may have an effect on the respondents'. The way in which the questions are delivered to the participant becomes a significant factor as 'even with standardised questions the issue of interviewer bias comes into play- does the interviewer ask the questions in the same way and with the same tone of voice with all respondents?' (Gray, 2004: 219- 220) and this may ultimately have an impact on the reliability of the results.

Interviews enable the researcher to go straight to the source for the information and 'a skilful interviewer can follow up ideas, probe responses and investigate motives and feelings' (Bell, 1993: 91). Interviews are, however, time-consuming and 'consequently a costly activity and a well-planned and realistically timetabled research project will need to take account of this' (Jupp et al, 2011: 175). The researcher, for that reason, selected key quotations from all participant interviews rather than them transcribing in full to try to eliminate this problem as much as possible.

2.5 Question Design

The interview schedule included 12 semi-structured questions for both the professional and non-professional participants that allowed for flexibility and '[had] the advantage of allowing the respondent to answer freely without being confined by a set of answers' (Jupp et al, 2011: 149). It was of utmost importance not to include any leading questions as the answers given may be skewed and would therefore not be reliable or valid.

Particular attention had to be paid to the fact that the research topic of rape is a sensitive area, especially for the participant who has recently been accused of rape. Therefore the questions were drafted several times with emphasis on, not only the wording, but the structure of the interview itself to maintain the sensitive tone needed for this type of interview. As Noaks et al (2004: 84) point out, 'the interviewer should seek to ensure that sensitive issues are embedded in the interview procedure and begin by asking about less emotive issues'. Awareness of the sensitivity required for the

research was not just applied to the interview process but continued throughout its development, as Renzetti and Lee (cited in Jupp, 2011: 147) propose that 'when the topic or the population to be researched are defined as sensitive, a further level of complexity is added as sensitivity affects almost every stage of the research process'.

2.6 Reliability and Validity

Reliability refers to whether the research concepts and measures were consistent and repeatable and 'is the extent to which a test or procedure produces similar results under constant conditions on all occasions' (Bell, 1993: 64) and 'must consistently measure what it set out to measure' (Gray, 2004: 219). According to this definition, the research project may be seen to lack reliability as the opinions offered a range of different responses. This does not necessarily mean that it is unreliable, however, as it did measure what it set out to measure.

Validity on the other hand is a far more complex concept, but in the case of semi-structured interviews 'it can be directly addressed by attempting to ensure that the question content directly concentrates on the research objectives' (Gray, 2004: 219) and as the desired research was produced the research project was therefore valid.

2.7 Library Based Research

For this research project, analysis of library based sources was conducted in conjunction with primary research. Library based research was used as a critical review of the existing literature on this topic, however, as there is a lack of published research in this specific area of sexual assault and not frequently discussed, this meant that many sources had to be accessed through online media sources, focusing on newspapers, and journals.

By reviewing the existing literature, it allowed for the investigation into unanswered questions in relation to the controversies that surround why women make false allegations of rape. It identified what was already known about this area and the concepts and theories relevant which were then incorporated into the final interview structure. As Wakefield (2011 cited in Jupp, 2011: 21) points out, '...doing a literature review enables the criminologist to identify relevant questions to ask, themes to include, methodologies to follow, as well as allowing for the development of conceptual or theoretical frameworks, and the framing of empirical research findings'.

2.8 Conclusion

The methods used for this research project suited all the requirements needed for a small scale student study. Primary research allowed for the opinions of professionals working within the field of rape to be examined and gave a detailed account of how one may feel after being accused of rape. Critical literature reviews provided background knowledge on the topic and the lack of published research that was experienced allowed for a basic structure of what questions to include in the interviews.

Even though data triangulation of these methods provided a considerable amount of information there were limitations to the research findings. It was difficult to make generalisations to the population as the sampling method chosen was purposive or convenience which meant that it was not representative, possibly affecting the reliability and validity of the findings. The findings from the primary research will be discussed in the next chapter.

Chapter 3- Findings from Primary Research

3.1 Introduction

Primary research for this study consisted of three semi-structured interviews which were conducted with a police officer who is specialised in the field of rape, a prosecuting barrister for the Crown Prosecution Service and someone who has recently been accused of rape.

The two professional interviewees were asked the same series of 12 questions (the question schedule is included in the appendices); the key areas were split into six sections: conviction rates, the issue of 'truth' when reporting a rape claim, knowledge about possible increases in the number of false allegations of rape and any implications they may have, the outcome of a false allegation, victim precipitation and the idea of granting anonymity to the accused. The participant who was recently falsely accused of rape was asked a similar series of 12 questions; the last 2 questions were the same as on the professional interview schedule. The key areas were also split into six sections: initial reaction and background of the false allegation, press coverage, public reaction, feelings towards women who lie about being raped and any notification of an increase, victim precipitation and granting anonymity to the accused.

This chapter will bring to together the key issues emerging from the interviews. Firstly, it will compare the answers given by the professional participants and then detail the answers given by the non-professional participant.

Interviews with Professional Participants Working Within the Field of Rape

3.2 Conviction Rates

Both professional interviewees accepted that there is a problem with the conviction rates in rape cases in the UK. For instance, the prosecuting barrister remarked that there is a 'grave concern' about them being so low. However, the police officer argued that now they are consistently seen as being in 'crisis', there is a lot more emphasis being put on the police force to rectify the 'frequently quoted low rate of 6 per cent'; this supports what is evidenced in published research. The prosecuting barrister provided some insight into why she thinks the conviction rates might be so low; she explains that

women can often be misled as to what constitutes as rape- in other words, they are often not aware that the man MUST NOT be able to say he could reasonably believe in her consent for the charge to stick. So if she has made no clear sign that the sexual intercourse is NOT what she wants, e.g. by saying nothing, prosecution counsel certainly won't be able to get a conviction.

The police officer suggested that,

rape is an exceptionally difficult crime to report to the police and somewhat even more difficult for the police to investigate; it is a 'private' crime and with no evidence, almost impossible to prove.

The barrister expanded on this theme, adding that,

the main difficulty is that it is one person's word against another. In the absence of any supporting evidence, there isn't a realistic prospect of conviction and while the allegation may be true, it may be impossible to prove to the criminal standard.

Also, she added that the UK was just about the only European country that attempts to prosecute acquaintance rapes, so 'the conviction rate looks rather worse than it is'.

3.3 The Issue of 'Truth' When Reporting a Rape Claim

The question as to whether women are always truthful when reporting a rape to police was described as 'obviously not' by the prosecuting barrister, 'otherwise there would be no convictions for perverting the course of justice'. Although there was no opinion given as to why women may make a false allegations of rape, the barrister did say that the Crown Prosecution Service will only prosecute against an individual if the false allegation is deemed 'malicious'. The police officer explained that rape commonly occurs by way of the use of alcohol or drugs and police are 'subconsciously aware that it will be difficult to prove that the victim isn't filling in the gaps and making things up'. Where there is now more of an emphasis on the investigation of false allegations due to trying to tackle the low conviction rates, she adds 'we know much more about false allegations than we used to and this can sometimes put a subconscious doubt in one's mind'. This supports the research of Temkin (2002) in her study which found there was a shared belief among the police that complaints were frequently false.

3.4 Knowledge of an Increase in False Allegations of Rape and the Implications

Both the prosecuting barrister and the police officer acknowledged that they had become more aware of false allegations of rape made by women, both through their working life and through stories reported in the press; the barrister's view was that 'there is a perceived increase as newspaper accounts of such lies are much more common nowadays'. This highlights the existing literature on media commentary of this issue and how the media now pay more attention to these types of stories and in turn created a new discourse of scepticism. The police officer said, however, that although she had noticed this increase in terms of the publication of stories detailing false rape claims, she considered this to be because 'these sorts of stories make good news copy' and that some of the facts about the case 'may be over-the-top'. As mentioned before, the police officer explained that she had noticed more of an emphasis on the investigation of rapes in order to improve conviction rates, and subsequently a lot more was now known about false allegations of rape made to the police. This, she had noticed, can sometimes 'put a subconscious doubt in one's mind' over the victim's claims. She went on to explain, however, that 'every rape claim is believed, and everything possible is done to get a conviction for that individual'. She added that, 'the police are unaware of the actual number of complaints that turn out to be false'. The prosecuting barrister said that she

personally feels very strongly that false allegations of rape are a dreadful offence, in that they undermine genuine rape cases and thus do a great disservice to women in general.

She referred to a recent case when a complainant was tried at court twice, firstly for making a malicious false allegation of rape and hence perverting the course of justice, and on a second occasion because the first trial resulted in a hung jury. She held the belief that the Crown Prosecution Service held a re-trial to

make an example of this woman, a woman who was quite clearly lying and had the audacity to keep lying in the courtroom. A custodial sentence shows that this is not an acceptable way of behaving, in this case after a relationship breakdown.

She directed attention to the case of R v McKenning [2008] EWCA 2301 LCJ, which is the leading sentencing case law on making a false allegation of rape. The man was held in custody for 27 hours and left in suspense for three months. Two years imprisonment for perverting the course of justice was upheld.

3.5 The Outcome of a False Allegation of Rape

The prosecuting barrister and the police officer both acknowledged that the most serious outcome or penalty for making a false allegation of rape, in law, was a custodial sentence. The barrister explained that she personally considered the most serious outcome of a fabricated allegation is the effect on genuine rape claims, and the disservice they do to women in general.

3.6 Victim Precipitation

Reference to a culture of 'binge drinking' was made by both the prosecuting barrister and the police officer, and both accepted that certain behaviours will have an impact on people's judgement about the victim's credibility and reliability. The police officer explained that 'certain men will go for certain women and you can't help but think this is because she is drunk, and therefore in a vulnerable position'. The prosecuting barrister explained that this 'shouldn't have an effect on the judicial system but unfortunately it does'. It was not acknowledged by either participant how often they think alcohol is involved when making a false allegation of rape. The police officer did point out, however, that

alcohol can be seen to lower one's inhibitions, it may be possible that she can wake up in the morning and regret what she has done and decide report it to the police. Regret is not rape.

3.7 The Idea to Grant Anonymity to the Accused

The prosecution barrister did not comment on the idea of granting anonymity to men who have been accused of rape, only to say that she thought it was 'a ludicrous idea and would never happen'. The police officer explained that there would have to be 'more proof of the perceived high rate of false allegations of rape before anything actually happened', she added 'that if men got special conditions for the right to anonymity, it would reinforce the idea that lots of women make up lies about being raped. We simply do not know enough about this yet.'

Interview with Someone who has Recently been Falsely Accused of Rape

3.8 Initial Reaction to Being Accused of Rape and Background

The participant described the initial reaction to being told he was being arrested for rape as a 'complete shock', and that he would 'always remember every detail of what happened from that moment until release the next day'. He explained what happened to him the evening that he was arrested and how the arresting police officers 'rifled through everything in the house'. He explained that by this point, he could see his neighbours coming out of their homes and 'trying to get a good look at what was going on' but that he 'would probably have done the same'. Whilst items from his home were put into evidence bags, he was led outside into a police van and driven to the police station. He was then questioned for 3 hours and held in custody for another 18 hours. When discussing the background of the rape allegation, the participant explained that he had received a message from the complainant's friend accusing him of rape a few days prior to the arrest. When he contacted the complainant in response to this message, she disclosed that it 'may have slipped out about you raping me, but I wasn't being serious'. On arrest, the participant made it clear that he had not raped the complainant and could prove that she was lying by showing officers this message. Consequently, the participant was then released immediately having spent a total of 21 hours in custody. It is true that the complainant and the participant were in a relationship for around three months, but the participant was not happy and asked her to not contact him again. He explained that, in his opinion, she had reacted badly to being told this and decided to 'get him back'. The complainant was eventually charged with perverting the course of justice and sentenced to two years imprisonment.

3.9 Press Coverage

The participant explained that the false rape allegation was reported by both local and national newspapers. Although he was not charged with rape, he said that 'even the word and your name in the same sentence is enough, enough to ruin you'. He explained that he thought the press had decided to publish details of the case because the complainant's father was a police officer and it made good news copy, as well as showing the public that falsely accusing someone of rape is not something that is dealt with lightly. His picture was printed in 4 of the 6 newspapers that reported on the trial and his name was always printed in full.

3.10 Public Reaction

Although he described his friends and family being 'supportive and never in doubt' of his innocence, he explained that he lives in a very small town and 'everyone knows everyone'. He described a time when he was in the local public house about a week after the arrest, and thought everyone was looking at him and talking about him. He explained that this was not actually the case but 'people are quick to judge and think what they want to think'. This quote supports existing literature and draws on the conclusions made by Becker about labelling theory and 'societal reactions'. He explained that he did not lose his job because of the allegation, but did take a considerable amount of leave due to stress. He also explained that he lost a lot of weight and was unable to sleep and prescribed sleeping tablets.

3.11 Feelings Towards Women who make False Allegations of Rape and Knowledge of an Increase

The participant explained that women who falsely accuse men of rape 'make a joke out of women that are genuinely raped'. He added that he 'doesn't understand how someone can lie about something so awful'. When discussing whether he had noticed

an increase in the number of false allegations of rape published in newspapers, he said he had but was not sure whether this was because his attention was drawn to them because of his own experience.

3.12 Victim Precipitation

The participant did not provide an opinion of whether he thought women could 'provoke' rape through their dress or behaviour. He said only that some men would try to 'take advantage perhaps'.

3.13 The Idea to Grant Anonymity to the Accused

The participant agreed with the idea to grant anonymity when one is accused of rape and explained that he would have 'felt much less of a victim' himself had his name not been 'thrown about as a rapist' in the papers. Although agreeing with this idea, he can see why this is not the case as yet, and added that

it's controversial, and you'll always get people criticising it so it'll never go ahead. I was lucky, I wasn't falsely branded a rapist, but others have and that's just not fair.

This supports existing literature in whilst agreeing that granting anonymity to the accused may pose a good idea, does cause controversy and for this reason may not come into force.

3.14 The next chapter will bring together the findings from both library based research and primary research in a discussion of relevant key issues.

Chapter 4 - Discussion

4.1 Introduction

The study aimed to discover whether false allegations of rape made by women effect the workings of the criminal justice system whilst examining the views of professionals working within the field of rape and someone who was falsely accused of rape. This chapter will revisit the key focus areas in relation to the findings from both primary research and library based research.

4.2 False Allegations of Rape as a Reality- Revisited

Legal doctrine and its enforcement has been said to have been significantly influenced by the spectre of false allegations of rape. The fear of false accusations has been used to justify such evidential rules such as the corroboration rule, and as established in this study, continues to influence police and prosecutorial decision making. As referred to in Chapter 1, false allegations of rape are now becoming a real and troublesome reality, as was evidenced by professionals working within the field of rape. They are now more aware of false accusations during their working life and through media coverage which express a growing concern with women who lie out of spite and use rape as the ultimate tool in reaping revenge. This study has found that police are now much more aware of the emphasis being put on tackling the low conviction rate of rape, and consequently a lot more is known about false accusations. Studies into a 'complainant disbelief' (Kelly et al., 2005, Temkin, 2002) revealed that 'despite a focus on victim care, a culture of scepticism remains with the police' (Rumney, 2006: 136). Primary research supports results from these studies as it was established that 'false allegations can sometimes put a subconscious doubt in one's mind over the victim's claims', thus certainly affecting the workings of the criminal justice system.

Media coverage have been evidenced in this study to portray an increased number of false allegations (The Times, 2001); whereas existing literature suggests that they are no more common than in any other crime (Temkin, 2002). In the absence of official crime statistics and Home Office information, it makes it extremely difficult to estimate how many claims of rape are false and how far the criminal justice system accept that this is problem. One is left to read into the media commentary and the dominance of such stories, which can suggest that they are more common than they are. Primary research can confirm this observation as it was stated that there is a 'perceived increase as newspaper accounts of such lies are much more common nowadays'. As evidenced in Chapter 1, law professionals are quoted in the media as stating false allegations of rape are 'undermining the criminal justice system'. It was established in this study that professionals also believe they undermine genuine rape cases and do a great disservice to women in general. Primary research also established that the Crown Prosecution Service (CPS) is intent on making an example of women who lie about being raped and hope a custodial sentence will show that this is not an acceptable way of behaving after a relationship breakdown, for example.

Rumney (2006: 129) states that 'judges, legal practitioners and scholars have commented upon the ease with which women, children and sometimes men fabricate an allegation of rape'. However, as yet, there is no systematic research on the prevalence of false rape claims and the motivation remains unclear. Primary research

found that the CPS only prosecute for perverting the course of justice if the allegation is deemed 'malicious', although levels of malice are subjective and certainly differ from person to person. This is one of the perceived problems associated with conducting research into false rape claims, as what does constitute as a malicious accusation? At its basic level, a false allegation is the description of an event that the complainant knows never actually happened, but also suggests a conscious and/or malicious motive- could it be that some false allegations fall outside this definition and dismissed?? Incorrect and unreliable assumptions about false accusations provide a poor foundation upon which to develop appropriate policy responses to rape (Rumney, 2006: 129). Such inadequacies have been noted and consequently the government have commissioned independent research into the prevalence and circumstances of false allegations.

In recent times the issue of false allegations and suspect and defendant rights has caused debates over whether to grant limited anonymity to those involved in sexual offences. Primary research has demonstrated the emotions of an individual who was falsely accused of rape and the difficulties faced after the allegation was made. It clearly confirms Becker's (1963) labelling theory on how the identity of an individual is influenced by society. During the passage of the Sexual Offences Bill in 2003, the amendment to anonymity was introduced by the House of Lords, but was later defeated. It was in favour of granting anonymity to the accused for fear of causing a miscarriage of justice.

This study has shown that the idea of granting anonymity for the accused is advantageous to the defendant, however also illustrates that if any further action into this issue to proceed, there is a great need for research to be conducted into the prevalence and circumstances of false allegations.

4.3 Conviction Rates

The fear about conviction rates of rape being so low referred to in Chapter 1 has been shown to be present in this study, having been considered a 'grave concern' by one of the professional participants. The study also found that the 6 per cent figure is now frequently quoted to the police force, and as such there is emphasis being put on them and other criminal justice agencies to rectify this problem as they are seen as being considered in 'crisis'. It has been suggested in this study by the prosecuting barrister that women can often be misled as to what constitutes rape, for example that the man *must not* be able to say that he reasonably believed in her consent. This suggests that there is some need to educate women to demonstrate that although their allegation may be true, it must be able to be proved to a criminal standard.

False allegations of rape have been evidenced by professionals in this study to further feed into the 'culture of scepticism' by police and the judiciary; suggesting that they are another rape myth that genuine victims must overcome for a conviction to be obtained (Kelly et al., 2005). This is also supported by the Metropolitan Police's Assistant Commissioner who blamed police for 'often greeting complainants with scepticism and inertia' (Dyer, 2008). As stated by a police officer specialised in the field of rape, she feels 'a subconscious doubt can be put in one's mind' and thus certainly places doubt over the victim's claims. Financial motives for concocting allegations of rape referred to in Chapter 1 gives some indication for motivation for

making a false accusation, but at what cost? This study has shown that professionals working for the criminal justice system feel women who lie about being raped do a great disservice to women in general and that it is a dreadful offence. Many would argue that it is difficult enough for a female to enter a police station in order to report a sexual assault. But this does not mean it is difficult for a determined liar to do so; 'whether it be to exact revenge, to cover up for a feared pregnancy or to gain celebrity and cash by alleging she was raped by a famous footballer' (Wolchover & Heaton-Armstrong, 2010), making a false allegation of rape is easy. To explain away the absence of any signs of violence, she must only explain that she was too intimidated to resist and it is her word against the defendant's.

4.4 Consent and the Role of Alcohol

This study conformed to previous research findings that consent was the most essential aspect of any rape case. It established that although the allegation from the victim may be true, in the absence of any supporting evidence it is almost impossible to prove that allegation to a criminal standard. It can be suggested that the consent defence is often used by defendants as it is considered to be a useful strategy as rape myths are now believed and acted upon by members of the jury, both male and female. (Barnes, 2005: 267).

The role of alcohol was found to be a contributing factor when considering public judgment about the victim's credibility and statement reliability. Primary research established that certain behaviours do have an impact on jurors, particularly when the victim is drunk and/or has ingested drugs. Both professional participants referred to a culture of 'binge drinking' among females and that they can put themselves in a vulnerable position by drinking alcohol in large quantities. The police officer pointed out that alcohol does lower one's inhibitions, and it can be suggested that the complainant may wake up in the morning and regret what she has done and report it, but regret is not rape. The barrister adding that alcohol should not have an effect on the judicial system, but unfortunately it does. They did not, however, make any reference to the 'victim blaming' viewpoint as referred to in Chapter 1 that contends 'certain kinds' of women go around 'asking for trouble' and 'eventually get themselves raped' (Gibbs, 1991 cited in Karmen, 2004: 124). Conversely, the opinion poll by ICM (2005) that found one third of respondents agreed that women who act flirtatiously or are drunk should be held partly or fully responsible if they were sexually assaulted (cited in Horvath & Brown, 2009: 128), this shows that the attitudes of criminal justice professionals differ from those of the public.

To quote jurist Sir Matthew Hale over three centuries ago, 'rape is an accusation easily to be made and hard to be proved, and harder to be defended by the party accused, though never so innocent' (Hale, 1736 cited in Edelstein, 1998: 351). When faced with the guilt and shame of being unfaithful to a partner and where alcohol is blamed by the complainant, fabricating a rape claim may seem like a forgiving idea. It allows for an excusable alibi, placing all fault onto the man and diverting attention away from the complainant's misbehaviour. No evidence exists to suggest that something unique or defective in the female condition prompts such behaviours, so how much can alcohol be blamed for causing women to concoct lies about being raped? It is a problematic question, and as yet, no such data is available.

4.5 Research Revisited and Future Policy Recommendations

The key recommendation established in this study is for academics to study the incidence of false allegations of rape systematically and to compile reliable statistical estimates into how prevalent they really are, and their effects. This research will in turn sufficiently advise criminal justice professionals on law making policy.

Prior to the Criminal Justice and Public Order Act 1994, in all sexual offence cases, the jury had to be warned of the danger of uncorroborated evidence and that it was dangerous to convict on the evidence of the complainant alone because experience had shown that female complainants has told false stories (Wolchover & Heaton-Armstrong, 2010). These compulsory warnings were abolished by s.32 of the 1994 Act, however s.32 provides that a judge may still give a discretionary warning if he sees it as necessary (ibid). The cautions were said to form stereotypical views with jurors when assessing the victim's credibility and were too readily believed just because her behaviour matched the stereotype. Arguably, academics have stated that juries still need to be alert to the possibility that the complainant may be feigning stereotypical behaviour in order to conceal a manufactured story (ibid).

Rape is said to be among the most distressing of crimes to be subjected to, and because it is a 'private crime' where there may be no witnesses, often one that is difficult to investigate (Gibson, 1998 cited in Parker & Brown, 2000: 238). In recent years, the focus of research into rape has been on evaluation of police policies and few studies have attempted to examine aspects of police decision-making in the assessment of the veracity of allegations (ibid). Andrew Parker and Jennifer Brown (2000) conducted a study into statement validity as a means of determining truthfulness or falsity of rape allegations. Their investigation included the use of Content Based Content Analysis (CBCA) comparing the statement's content against general, specific (motivation related) and offence specific characteristics, use of a validity check and a careful review of relevant case information (Parker & Brown, 2000: 240). Statement validity testing was found to be a 'significant aid in the assessment of complex and emotional victim and witness testimony' (Parker & Brown, 2000: 254). This potential adaptation to police detective work could prove vital if false allegations continue to trouble the criminal justice system.

Primary research demonstrates that professionals working within the field of rape are now readily aware of false allegations of rape and feel strongly about how they may influence the workings of the criminal justice system, for genuine rape victims, and for the men who are falsely accused. The most common motives for concoction as evidenced by Wolchover & Heaton-Armstrong (2010) are 'attention or notoriety seeking, fear of partner or parental wrath, revenge or reaction to rejection and financial gain'. This highlights the fundamental difficulty by all involved- police, prosecutors, judges, jurors, medical professionals and researchers; in assessing whether a complaint of sexual assault is accurate and truthful, especially in the absence of supporting evidence (ibid).

Conclusion

This research set out to establish whether false allegations of rape made by women affect the workings of the criminal justice system. It can be concluded that false allegations of rape are becoming a real and troublesome reality, but due to the emphasis placed on tackling the low conviction rate for rape cases, the criminal justice system are now much more aware of them. This study has concluded that false accusations do affect the working of the criminal justice system and that there is still a 'culture of scepticism' among criminal justice professionals, as is also evidenced in previous research (Adler, 1987; Gregory & Lees, 1996; Lees & Gregory, 1993; Smith, 1987; Temkin, 1987, 1999; Kelly et al., 2005). Stories of women making false allegations of rape have been evidenced in this study to contribute to a raised awareness among the public. For as long as there is the media dominance of such stories in the UK press, one can experience a cynical view of genuine rape victims and it can be suggested that this contributes to legitimate rape victims reporting their sexual assault.

Those working within the field of rape are aware of the problems that false allegations of rape made by women create but acknowledge that research must be conducted in order for any kind of policy recommendations to be made. The idea of granting anonymity to the accused has been shown to have advantages for the defendant accused but poses many questions as to actually why it should only be in rape cases that this happens. This shows that the House of Lords are now aware of the miscarriages of justice being done to men who are falsely accused of such a heinous crime. Unfortunately this Bill was not passed, but in light of future research, certainly has a chance.

Of the controversies surrounding rape, no more thorny issue arises than dealing with false allegations (Kanin, 1994). False allegations of rape raise the possibility of miscarriages of justice and divert attention away from the genuine victims of rape and help to create a dangerous and unjustifiable scepticism among criminal justice professionals to *all* allegations. Research into the prevalence and circumstances of false allegations of rape has already been commissioned by the Ministry of Justice which will be published in the second half of 2011. This certainly shows that there is a genuine need for these results, which cannot come soon enough.

Appendix A – Participant Information and Consent Form for Professional Participants

The purpose of this research is to examine the views of professionals working within the field of rape about whether they are aware of a rise in the number of false allegations made by women and whether they believe these false claims have an impact on the workings of the Criminal Justice System.

The research also includes an interview with someone who has been recently falsely accused of rape.

The interview will last approximately one hour, in which time you will be asked a series of questions about your professional role and your own opinions on whether you believe there has been a rise in the number of false allegations of rape made by women, and if so, their effect on the Criminal Justice System.

The interview will take place in your workplace and will be arranged at a time convenient to yourself. I would like to ask your written permission to tape the interview to ensure that the information you give me is accurately recorded.

During the interview please let me know if you would rather not answer some of the questions put to you.

Data collected from this interview will be confidential and anonymous. You have the right to withdraw without giving a reason to do so. If you wish to withdraw from the research you should contact me (or Chris Crowther-Dowey, research supervisor) and ask for your data to be withdrawn from the study. The data can be withdrawn at any time until 11th March 2011. After this date it will be too late to withdraw data as the dissertation has to be submitted in May 2011.

Due to the nature of the research, extracts from the interview will be used in the final dissertation. To protect your anonymity all names, places and organisations will be changed to code names. Only the interviewer and supervisor will have access to recordings. All recordings will be destroyed after publication of research.

Participation is voluntary and greatly appreciated. If you are happy to take part in this research please sign and date the Agreement to Consent form. If you have any questions or concerns before, during or after your participation in this research my contact details are on the bottom of the Agreement to Consent form.

Agreement to Consent

I have read and understand the purpose of this research and my part in it.

I have asked questions if needed and understand that I can contact the investigator at any time with queries or concerns.

I give permission for the interview to be tape-recorded by the investigator on the understanding that the tape will be destroyed at the end of the project.

I have the right to withdraw my data at any point during or after the interview and all materials will be destroyed.

I voluntarily agree to take part in this study.

Name of Participant:

Signature of Participant:

Date:

Investigator contact details:

Claire Willoughby

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Appendix B – Participant Information and Consent Form for Non-Professional Participant

The purpose of this research is to examine the views of professionals working within the field of rape about whether they are aware of a rise in the number of false allegations made by women and whether they believe these false claims have an impact on the workings of the Criminal Justice System.

The research also includes an interview with someone who has been recently falsely accused of rape.

The interview will last approximately one hour, in which time you will be asked a series of questions about how it felt to be falsely accused of rape and if any difficulties were faced when going about day- to- day life after being arrested. The interview will also question the idea of anonymity granted for the accused until found guilty.

The interview will take place in a public place neutral to both participant and interviewer and will be arranged at a time convenient to yourself. I would like to ask your written permission to tape the interview to ensure that the information you give me is accurately recorded.

During the interview please let me know if you would rather not answer some of the questions put to you.

Data collected from this interview will be confidential and anonymous. You have the right to withdraw without giving a reason to do so. If you wish to withdraw from the research you should contact me (or Chris Crowther-Dowey, research supervisor) and ask for your data to be withdrawn from the study. The data can be withdrawn at any time until 14th March 2011. After this date it will be too late to withdraw data as the dissertation has to be submitted in May 2011.

Due to the nature of the research, extracts from the interview will be used in the final dissertation. To protect your anonymity all names, places and organisations will be changed to code names. Only the interviewer and supervisor will have access to recordings. All recordings will be destroyed after publication of research.

Participation is voluntary and greatly appreciated. If you are happy to take part in this research please sign and date the Agreement to Consent form. If you have any questions or concerns before, during or after your participation in this research my contact details are on the bottom of the Agreement to Consent form.

Agreement to Consent

I have read and understand the purpose of this research and my part in it.

I have asked questions if needed and understand that I can contact the investigator at any time with queries or concerns.

I give permission for the interview to be tape-recorded by the investigator on the understanding that the tape will be destroyed at the end of the project.

I have the right to withdraw my data at any point during or after the interview and all materials will be destroyed.

I voluntarily agree to take part in this study.

Name of Participant:

Signature of Participant:

Date:

Investigator contact details:

Claire Willoughby

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Appendix C – Interview Questions for Professional Participants

1. How long have you been working for the CPS/ POLICE?
2. What is your role within the organisation?
3. What is your opinion on rape conviction rates in the UK?
4. In terms of prosecution, how is rape different from other crimes?
5. Do you think women always tell the ‘truth’ when they report to the police that they have been raped?
6. Have you noticed an increase in the amount of ‘false allegations of rape’ made by women appearing in the COURTS/ POLICEWORK?
7. In your experience, do you believe ‘false rape claims’ have any implications for the workings of the Criminal Justice System?
8. In your experience, do you believe ‘false allegations’ of rape have any impact on genuine rape claims made by women?
9. If women are tried for perverting the course of justice for making a ‘false allegation of rape’, what, in your experience, has been the most common outcome?
10. There is a view held by some that women can ‘provoke’ rape through their dress and behaviour. Have you seen any evidence of such attitudes?
11. What is your opinion on the new government’s proposal for granting men who are accused of rape with anonymity until they are found guilty?
12. Is there anything else that you would like to add?

Appendix D – Interview Questions for Non- Professional Participant

1. What was your initial reaction to being told you had been accused of rape?
2. How long were you held in police custody before being released without charge?
3. Briefly, please can you explain how it came to light that this was a false allegation of rape and why the woman was tried for perverting the course of justice?
4. Was the allegation reported in the press?
5. How did you feel about this?
6. Did you feel any animosity from individuals when going about your day-to-day life after you had been accused and it had been reported?
7. Have you suffered any long-term effects after being falsely accused?
8. What are your general feelings about women who falsely accuse men of rape?
9. Have you noticed an increase in the amount of false allegations of rape made by women?
10. There is a view held by some that women can ‘provoke’ rape through their dress and behaviour, what is your opinion on this attitude?
11. What is your opinion on the new government’s proposal for granting men who are accused of rape with anonymity until they are found guilty?
12. Is there anything else you would like to add?

Appendix E – British Newspaper Article Headlines Exemplifying the Prevalence in the Reporting of False Allegations of Rape in the Last Six Years

- “Teenager lied about ‘rape’ by churchman”, The Times (2006) April 28.
- “Mother and daughter are guilty of false rape claim”, The Times (2006) April 28.
- “Tears of ‘sex film’ teacher”, Metro (2006) June 9.
- “One third of foster parents suffer false abuse claims”, The Times (2006) June 17.
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