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## Police officers' perceptions of false allegations of rape

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## **Police Officers' Perceptions of False Allegations of Rape**

### **Abstract**

The idea that women lie about rape is a long standing rape myth with little or no supporting evidence. Previous research has demonstrated a belief in high levels of false allegations among police officers, despite no evidence to suggest rape is falsely reported more than other crimes. This has implications for complainants' willingness to report sexual violations, for the treatment of complainants within the justice system, and wider societal understandings about what constitutes rape.

The data that informs this paper comes from an ESRC-funded study that focussed on rape attrition and the institutional response to rape. Forty in-depth qualitative interviews were conducted with serving police officers in a UK force who regularly deal with reported cases of rape, and explored perceptions, practices and processes around rape.

The research found police officers' estimate of false allegations varies widely from 5% to 90%. The paper will discuss how police officers make judgements about perceived veracity of complainants in rape cases. This will demonstrate that whilst significant progress has been made in how police officers and police forces respond to rape, gender stereotypes about women as deceitful, vengeful and ultimately regretful of sexual encounters, continue to pervade the thinking of some officers. It will show that police officers differentiate between 'types' of reports they consider to be false, and operate with a notional 'hierarchy' of presumed false allegations that ranges from vengeful/malicious to mistaken/confused, with a corresponding reducing level of culpability attributed to women for the supposedly false allegation.

It concludes that this serves to reinforce a culture that both supports and reproduces gender inequality and its manifestation in the form of sexual violence, and that intervention, training and institutional and policy frameworks are not wholly successful in addressing sexual violence in this context.

### **Keywords:**

rape, sexual assault, false allegations, police, gender

## **Introduction**

There has, for some time, been considerable debate about the ‘problem’ of allegedly false allegations in reported rape cases. Previous research has consistently demonstrated criminal justice personnel believe rates of false allegations to be considerably higher than most research suggests is likely to be the case (see Rumney, 2006; Saunders, 2012). The myth that women are deceitful and are likely to lie about rape persists, and continues to impact upon the responses women receive from their communities as a whole. When rape is reported, a key part of that response comes from the criminal justice system, and the importance of a sympathetic response from police, who women are likely to have most, and at least initial contact with, has been well documented. Given this, it is important to more fully understand and interrogate the ways in which police officers understand false allegations of rape. Drawing from recent research, this paper explores four key aspects of police officers’ perceptions of allegedly false rape reports: the proportion of rape reports that officers believe to be untrue or false; what features of a reported rape contribute to officers’ tendency to see them as false; whether officers distinguish between different ‘types’ of allegations they consider false; and concludes by discussing the implications of the beliefs police officers hold have for complainants and their cases, the criminal justice process, and the persistence of gender inequality.

## **Background**

The spectre of false allegations of rape has a long legacy in both criminal justice and popular cultures. Rumney (2006) cites Sir Matthew Hale’s 17<sup>th</sup> century opinion that rape ‘is an accusation easily to be made and hard to be proved, and harder to be defended by the party accused...’. In doing so he draws attention to the suspicion of rape complainants that this view has engendered. Rumney (2006) also highlights the frequency with which many, including judges, legal practitioners and scholars, have claimed how easy it is for women, children and men to falsely claim rape, and the difficulties they assume there to be in refuting such claims. The criminal justice procedure, process, and apparatus that has developed in relation to this is also notable including particular evidentiary rules, burdens, and processes, including medico-legal intervention (Kelly, 2010; Temkin, 1997; Du Mont & White, 2007; McMillan & White, 2015).

In recent decades there has been significant legal and procedural reform around rape (McMillan, 2007; Corrigan, 2013). Despite this, Kelly (2010, p. 1345) argues 'Whilst the letter of the law has been reformed in many countries, legacies remain sedimented into institutional cultures and practices, creating a risk of over-identification of false allegations by police and prosecutors.' Research has demonstrated the persistence of certain rape myths among police officers (e.g. Kelly et al, 2005; Temkin, 1997, 1999). Even those who are specialists in rape investigation may have a 'culture of suspicion' (Kelly et al, 2005: 51), and whilst research shows some officers may be sympathetic to rape complainants, there is also evidence some hold more 'traditional views' of rape and may see reporting as attention seeking suspect a greater number of false allegations (Lea et al, 2003).

Research has investigated the rates at which police officers believe false allegations to be made, and whilst rates vary quite widely, no doubt as a consequence of how one defines 'false' in this context, most officers' estimates are considerably higher than those found in research using case reviews and similar methods. Temkin (1997) found half of all detectives believed 25% of rapes to be false allegations and several held stereotypical ideas about what constituted a genuine rape complainant with those women who reported late, knew their assailment and had no physical injuries being most likely to be regarded with suspicion.

Research by Kelly et al (2005) reported that some officers believed as many as half of cases to be false. Their analysis of reported rape case files indicated a likely false allegation rate of 3%; a figure in stark contrast to officer estimates. The authors argue that 'the most powerful and persistent cultural narratives are the notion of 'real rape' and that women frequently lie about rape' (Kelly et al, 2005). A number of reasons have been identified as contributing to officers' judgements as to whether cases may be false. Chambers and Millar's (1983; 1985) research in Scotland found that when complainants did not behave in the way they 'ought' to it brought doubt on the veracity of their complaint, and Temkin (1999) also found women may be disbelieved if their demeanour did not meet the expectations of the police. McMillan & Thomas (2009), discussing police interviewing, also reported that a lack of detail in complainant narratives, inconsistencies, and the lack of a linear story, often cast doubt on their claims. Others had demonstrated that those with learning difficulties and mental health problems were more likely to have difficulty being believed and treated as credible (Harris & Grace, 1999; Jordan. 2001; Kelly et al. 2005). The stereotypical false allegation also persists - women seeking revenge on a former lover or partner (Kelly, 2010).

Whilst some have questioned methodologically how we might establish the ‘true’ rate of false allegations, and the difficulty in doing so (see Rumney, 2006), what is clear from the previous research on false allegations, and the consistently demonstrated disparity between criminal justice personnel’s perceptions, and estimates by researchers (Saunders, 2012), is the myth that women are likely to be deceitful persists. It seems the historic view that ‘... for women deceit ... (is) ... a socially prescribed form of behaviour.’ (Pollak, 1950) is both an enduring and dangerous one.

Saunders (2012) examined why researchers and criminal justice personnel repeatedly report widely divergent estimates of false rape allegations. She concluded that ‘false allegations’ were thought of differently by each group, and reported that criminal justice personnel distinguished between what she calls the ‘false complaint’ and the ‘false account’. The former is an allegation that is fabricated in its entirety, and no rape took place, whereas the ‘false account’ is one where aspects of what is disclosed (by commission or omission) are in fact inaccurate or untrue. Whilst this is an interesting distinction, and goes some way to explain how criminal justice personnel make decisions about allegedly false reports, there is still a gap in our knowledge about precisely how and what police officers consider ‘false’ and crucially, why. Nor does Saunders reflect on the gender stereotypes at play in officers’ assessments.

In order to address this, using data recently collected from police officers regularly dealing with rape cases in a part of England, the research presented in this paper will demonstrate a more complex picture of police officers’ perceptions of false allegations. It will highlight the proportion of reports that police officers believe to be false, the factors that contribute to them believing a case is false, and presents a number of ‘types’ of false allegations the officers reveal in their narratives.

## **Methods**

This paper draws upon data from a larger study funded by the Economic and Social Research Council (ESRC) (Res-061-23-0138A) which investigated factors influencing attrition in rape cases in one English county. Data presented comes from in-depth qualitative interviews with police officers who regularly deal with rape cases. Ethical approval was granted by the University Ethics Committee.

Inclusion criteria for the research were police officers who had been involved in a rape case in the last 12 months as either the 'officer in charge' (OIC) investigating officer (detective) or as a specially trained officer – known in this force as Sexual Offence Liaison Officers (SOLO) - who are uniform officers deployed on the report of a rape, who have received specialist training in responding to rape complainants. The police force in question provided a list of all officers who met the inclusion criteria, and from this a purposive sample was drawn that accounted for geographical policing division and officer gender. Officers were contacted and invited for interview, resulting in a total sample 40 interviews.

Officers were aged 22 to 52 and had between 2 and 28 years' service in the police. Of the 40 officers interviewed, 13 were SOLOs (7 female and 6 male) and 27 were detectives (7 female and 20 male). Interviews were tape recorded and transcribed verbatim. Analysis took an inductive approach where data were analysed systematically, and each transcript read and re-read to identify analytic themes based on the data. All references to false allegations were coded, and subsequent analysis refined, revised and developed resulting in an overall conceptual framework centred on three categories: rates of false allegations; factors influencing police officers' decisions whether to consider a case false; and 'types' of false allegations in police officer narratives. All references in the data to these categories were identified and analysed systematically to establish patterns. The findings below are presented according to these three categories.

## **Findings**

### ***Perceptions of the Proportion of False Rape Reports***

Police officers were asked what proportion of reported rapes they believed were false allegations. Not all officers offered a numeric response, but of those who did, answers ranged from 5% of reports to as high as 90%, with an overall mean response of 53%. It was clear that officers were somewhat polarised, between those who thought false reporting was a major problem to those who thought very few were false. Of those who believed false reporting to be a significant problem, officers responded with statements such as:

I can't hit you with facts and figures but if you want my opinion – probably about 80% 85% of the actual sexual assaults investigations I have dealt with – if you had to ask my opinion probably more 90 [per cent] would be – they have just not happened -

because what they are saying doesn't make sense, the circumstances around it don't make sense ... (P5 Senior Detective, male)

Some officers were reluctant to provide a numeric answer and instead responded with a verbal indicator that they thought a large proportion were false. These responses included:

I would say the small percentage would be the genuine ones. (P39 SOLO, female)

Because we get quite a number of false allegations. I couldn't say, I wouldn't like to say. ... I would say a significant percentage. (P2 Detective, male)

One officer went as far as to say that she believed the underreporting of rape - which is acknowledged to be a widespread problem – happened on a lesser scale than false reporting:

There's more people that report being raped to the police who actually haven't been raped, than the people that genuinely have been raped who didn't report it to the police, does that make sense? (P16 Detective, female)

This is considerably out of line with the extant research literature which suggests around 5% of rapes of college women are reported to the police (Fisher, Cullen & Turner 2000; Warshaw, 1988), and as few as 8-10% of rapes of women in the population as a whole are reported (Russell, 1984).

In contrast however, and in line with the wide spectrum of views reported by those who provided a numeric percentage, there were also officers who believed a very small number, if any at all, were false, indicating they did not believe it to be a widespread problem. For example:

Unfortunately you've got a very small group of people who make false allegations. (P26 Detective, female)

I think people often say that people cry rape but I haven't heard of many, I don't think I have heard of anyone in my two years that there has been someone that has reported a rape and it hasn't happened, so I just think that fact on its own. (P3 SOLO, female)

These findings are distinct in comparison to previous research on officers' estimates of false allegations, in that most have reported fairly consistent levels (Chambers & Millar, 1985; Gregory & Lees, 1999; Harris & Grace, 1999; Kelly et al, 2005) whereas the officers in this study were clearly more polarised in their views. This may suggest that specialist training may be having an impact on some officers, and may constitute evidence of a culture change, but only amongst some officers. The views some officers held that a high proportion of allegations were false does mirror previous research that indicates the glaring disparity between officers' high estimates and the rates found in research. A review of rape case files included in the same research project which found that only 3.9% (16) of cases were not in fact rapes (McMillan, 2010). It is important to note that there were many reasons for these being categorised as 'false', and few were malicious. Therefore this 3.9% figure stands in direct contradiction to the views of many officers that false allegations are a 'significant' problem.

What was striking in the narratives of those officers who perceived the rates of false allegations to be on the higher end, was an explicitly stated belief in the old adage that rape is easy to allege but difficult to prove, or disprove, as Rumney (2006) noted. For example, officers commented:

... and in my opinion it's the easiest thing to allege, and the hardest thing to prove ...  
(P28 Detective, female)

... it's a hard offence to investigate, it's an easy allegation to make, but a hard one to prove ... (P20 Senior Detective, male)

Given that many of those who experience rape often have difficulties disclosing their assaults (McMillan, 2013), with as many as 91% of those in Painter's (1991) research telling no one prior to taking part in her research, the fact the myth that rape is easy to allege and disclose persists is concerning, as it suggests not all officers fully understand both the difficulties inherent in reporting, and the gravity of the decision to do so.

What is evident in the perceptions of those police officers who reported higher levels of false allegations is an implicit belief that women are deceitful – that they lie about rape. The lack of an explanation as to why they would go to the length of reporting a supposedly false allegation to the police was also notable in the data. However what was most striking was



that perceptions of false rape reporting was an explicitly gendered phenomenon. In the forty interviews analysed, officers made only three single references to men making false allegations. It is of course the case that the vast majority of reports of rape are from women; in the quantitative case review from the same study 7.6% (n=31) of the 408 reports analysed were from males. Therefore whilst one might expect fewer references to males in officer narratives, the consistent use of female pronouns, and examples involving female complainants, is striking, but perhaps not surprising given the myths and stereotypes that surround women, their bodies, and their sexuality.

### ***Police Officers' Explanations for Their Perceptions***

Police officers' explanations about why they believe so many reports of rape to be false centre around two main categories: firstly, specific aspects of policing practice and training and their role and purpose as a police officer that create a tendency towards suspicion; and secondly, specific features of reported rape cases they believe indicate a lack of veracity.

#### *'Copper's Nose' or Gender Stereotype?*

Interestingly, with a few exceptions, police officers believe that as a result of their training and skill they can 'just tell' if a case is a true or false account, and this is despite the acknowledgement by some that they are not meant to pre-judge. The officers refer to what has often been colloquially termed the 'copper's nose':

... you can identify what is really a true victim and what isn't and she was. (P28 Detective, female)

... there was just something about her situation that didn't ring true, and this is where the sort of policeman's gut feeling come in... (P39 SOLO, female)

These comments raise concern, as police officers admit to making judgements, often before even meeting a complainant or hearing their story first hand. It is likely then, that what is guiding this judgement is the 'common sense' myths and stereotypes clearly identified by research, that surround not only gender but social class (Phipps, 2009), mental health, and other vulnerabilities (Harris & Grace, 1999; Jordan. 2001; Kelly et al. 2005; Stanko &

Williams, 2009), held by criminal justice personnel as well as the general public (Amnesty International, 2005).

### *Cynicism Versus Belief*

There is also strong evidence in some police officers' narratives that they are struggling with two competing moral and professional discourses; between cynicism and belief. This was evident both between, and within, officers. For example, some clearly stated the struggle they have between being trained to believe the complainant, and feeling disbelief about the allegation, leading to ambivalence for many:

As police officers you're trained that you doubt everything you ever hear ... so it's really quite hard because your first training is as a police officer and everybody becomes very doubting, very cynical, very quickly in the police ... you know there's always somebody lying, and that's like your basic day one of police training, never believe a single word that anyone says to you until you've investigated it, and then of course you go along, day one of SOLO training is this is your victim's story, don't doubt it, and it's so hard, and inevitably, and I do it myself, if somebody comes to me with a case, I'm like what do you think, is it true, can it be believed, and it's one of the first questions I ask, right what do you think, how credible is this victim, and it's so hard not to judge, so hard to sit there with them, especially when there's bits of it that don't ring true. (P38 Detective, female)

Others were able to reflect on the implications if such disbelief was communicated to complainants:

... you've got to believe her because I think if you didn't believe her and you went into it thinking, even half way through this isn't, she's lying, she's not telling the truth, I suppose you'd be less inclined to want to be there and maybe it would affect how you deal with it, it might not be the first account, the way it probably should be done, you might not do the medical how it's supposed to be done, because at the back of your mind you're thinking well, she's lying, it's not going to go anywhere, what's the point in me putting the effort in, whereas like I said, if you don't put the effort in, then you know, it might turn out to be true and if you're thinking all the time it's not

true and you do do a shoddy job and it later goes to court you've got to explain in court, or you might even lose the job, you know, it's like that. (P11 SOLO, male)

Other officers were more dichotomised, and either largely disbelieved complainants, or believed them. For example, for those who tended towards cynicism about rape reports, the following comments are indicative of their perspective:

I think every rape allegation that comes into the office I would say, I think the first day, the question everyone asks is 'is it a genuine allegation' is it a job? Is what people ask. So .. 'cause there are quite a number that are spurious. (P2 Detective, male)

The following exchange also illustrates this:

... most of the allegations CID will sort of come up to you and say 'we have heard the initial report, it sounds crap', so.....

*What do they mean by 'it sounds crap'?*

Just, there's either they do checks on the victim and say the victim's got pre-convictions or they're a known drug user or something like that so it can't possibly be true, some CID are a lot worse than others, it does make a huge difference who's on. (P23 SOLO, female)

In contrast however, some officers clearly made a commitment to believing complainants, and these were the same officers who tended to estimate a small number of allegations were false. Comments included:

... you obviously treat everyone like you think they are telling the truth, because if you didn't you would go in and you wouldn't treat them like you are supposed to, and they would pick up on that. (P3 Detective, female)

... not trying to prove the story's correct, but trying to support their story, so we then need to look into supporting them, because we know that we can't just turn round and

say don't believe you, you've got to believe them, take people at face value, but at the same time, it's our job to investigate impartially ... (P24 Detective, male)

Further, some officers who were more inclined to believe complainants were also critical of their colleagues who tended to doubt their stories as a matter of course, reflecting on the potential implications of this disbelieving approach. For example:

I went back to the [NAME] police station to update the sergeant this is what's happened, and before I'd opened my mouth he said what was it then, she'd got drunk, slept with him, regrets it now, you know, it's like it's a crap job it's not a proper rape, before knowing any facts, and I thought if that's your attitude it's really unhelpful to any, because there's no other kind of crime where, you know if some says I got assaulted and you went to that, you wouldn't come back and say well, hit themselves over the head with a bottle. .... It's always the thing when you come back from a rape or like the next day, people would be is it a proper job, like I say there's no other type of crime where you say but is it a proper assault, is it a proper burglary, so the general opinion is that they're more often misreported than not. (P37 SOLO, male)

These findings are particularly important as recent research had indicated the importance complainants place on being treated sensitively, sympathetically, and being believed and that it is vital to women's experience of reporting rape and may influence the extent to which they cooperate further with the process (Jordan, 2001; Kelly et al., 2005; McMillan & Thomas, 2009; Temkin, 1997; 1999).

There was also evidence in the interviews of police officers using 'persuasion' to facilitate the withdrawal of a rape complaint when they felt it may be a false allegation:

Because I'm challenging what she's saying, you're bloody lying to me is what I want to say, you're telling me lies, stop lying ... (P15 Senior Detective, female)

And then you find out the next day that CID have gone round in the morning and possibly been a bit firmer with them than maybe I was, dealing with the victim on the night it was supposed to have happened, and they've said 'look we will be checking this, that and the other, are you *sure* this has happened, are you *sure*?' you know,

‘Are you was of the implications of making a serious allegation?’ and a lot of the time they will say ‘actually no, I made it all up’. (P3 Detective, female)

These types of practices are reminiscent of those seen decades ago when women were ‘persuaded’ to withdraw their complaints of rape as it was clear the police did not believe them. Such practices are likely to lead to retractions on the part of complainants, and actually increase rates of withdrawal, which we already know to be high (Frazier & Haney, 1996; Spohn et al., 2001), and as high as 34% (McMillan, 2010). Further, this is likely to reinforce police officers’ views, as they are likely to adopt an attitude or belief that they were right to doubt the complainant in the first place, rather than consider that their treatment of her may provoke her withdrawal.

What emerges here is a pattern where officers can be very different in their approach to rape cases, with some evidence of polarisation. Some officers clearly struggle with the competing discourses around believing complainants, and their tendency as police officers to disbelieve reports of rape, whereas others sit more firmly at one end of the spectrum – either disbelieving or believing. What is important is that those complainants encountering those who tend towards ambivalence or disbelief, may have this communicated to them either explicitly or implicitly (Frohmann, 1991, 1997, 1998; Kerstetter, 1990; LaFree, 1989; Spohn, Beichner & Davis-Frenzel, 2001) through ‘word, gesture or tone’ (McMillan & White, 2015) which may therefore impact on their ability to disclose and cooperate (McMillan, 2013).

#### *Indicators of a Lack of Veracity*

Police officers spoke of a number of areas they believed to be indicators that an allegation may be false. These centred on a number of areas but the predominant characteristic mentioned by most officers was inconsistency. This was common across all complaints they believed to be false and could be thought of as the ‘entry point’ to being considered false:

Inconsistencies in their story. So you will ask them something and they will give an answer and then you will rephrase it a bit differently and ask them the same question again and you’ll get a different answer. And sort of timing of things will be inconsistent. (P3 Detective, female)

Inconsistencies were routinely interpreted as false allegations despite the fact consistent stories in such circumstances are quite unlikely due to the impact of trauma itself (Coffey, 1998), the difficulties of taking and recording statements (Milne & Bull, 2006), inadequate questioning styles on the part of police officers (Clarke & Milne 2001; McLean 1995; Milne & Bull 2006) and a mis-match between the level of details expected by police officers and that which complainants feel able to provide (McMillan & Thomas, 2009).

Police officers also highlighted a number of other indicators of falsity. These included a lack of detail in the story, as has been reported elsewhere (McMillan & Thomas, 2009), a lack of co-operation with criminal justice procedures including the forensic medical examination (Corrigan et al, under review), the amount of alcohol a woman had consumed, and in a few cases, a lack of injury on the complainants body. What is clear, is that these indicators largely mirror the myths and stereotypes we know surround rape, and research has shown the damaging attitudes that surround women's alcohol consumption in cases of rape (Finch & Munro, 2007; Gunby, Carline & Beynon, 2012) and the persistence of the myth that rape scenarios are typically seen as committed by strangers and causing significant physical damage (Du Mont, Miller & Myhr, 2003; Du Mont & White, 2007; Kelly et al, 2005), when in the most part rapes leave few or no marks (Gray-Eurom et al, 2002; White & McLean, 2006; Wiley, Sugar, Fine & Eckhart, 2003). If these supposed indicators are used by some police officers, they are undoubtedly going to perceive high levels of false allegations.

### ***Police Officers' Categorisations of 'Types' of False Rape Reports***

Analysis of police officers' narratives reveal officers identify a range of 'types' of false allegations, largely premised on the behaviour, perceived motivations, and presentation of the complainant. These 'types' ranged from malicious and vengeful at one end, to 'amnesia' and being unsure at the other. Many officers, when asked, offered a number of 'types' or explanations for what they believed were false allegations, and the following extract is indicative of those officers identified:

I mean in the last year there's the woman that's been on the hen night, the girl that wanted a lift home, I've had a prostitute with a client that wouldn't pay, you know which technically isn't rape, there just making off without payment really, you know,

there's lots and lots of reasons, there's the Munchausen by proxy woman, the reasons are just so vast, so vast, that if I had to pin the tail on the donkey I'd say it's usually women who go out, have too much to drink, end up with somebody who's not their boyfriend and have to explain to their boyfriend, a lot of them, I'd say that was the majority. (P16 Detective, female)

The similarity to data presented by Gregory and Lees (1999: 61) from more than a decade earlier is striking, where they quoted officers who said: 'the woman who has a row with her boyfriend, the prostitute who has not been paid, the young woman who becomes pregnant or stays out all night and wishes to escape parental wrath.'. This suggests that much of the reforms, including training, introduction of specialist officers, and procedural reform has made few inroads for some officers. It is important to note that it is *some* officers, and the research did, as discussed, include officers who were more progressive in their thinking, which raises issues as to why these myths and stereotypes persist for some officers but not others.

Further analysis of police officer narratives reveals officers perceive six distinct types of false allegation. These include: malicious allegations; regretful encounters; doesn't add up or partial truths; mental health problems; withdrawal; and amnesia. The following section will discuss each of these types in turn before presenting a typology of false allegations based on these data, with each type sitting on a continuum of perceived culpability by officers on the part of the complainant.

### *Malicious Allegations*

A common explanation police officers held for false allegations was that of malice and vengeance on the part of women. They frequently made reference to women wanting revenge against former lovers or partners, or to cause harm to what they believed to be an unfairly targeted man. For example:

I think she was being vindictive and trying to get him back, because he said he was taking her to court for a share of the house because he'd done work and stuff on the house, and she was just using it to try and get the house back from him. (P38 Detective, female)

Kelly (2010) argues this is the ultimate false rape stereotype, and others have argued that women are often constructed as vindictive (see for example Rees & White's (2012) discussion of the Rape-aXe condom). Women who were perceived as making malicious allegations were thought of as being highly culpable, having made their allegation deliberately and knowingly.

### *Regretful Encounters*

A further common type in police officers' narratives was what can be called regretful encounters. Police officers talked of women regretting what they believed to be consensual sexual activity and perceived women were reporting rape falsely in an attempt to cover up their behaviour:

... they're not taking responsibility for their own behaviour, they'd rather say that they'd been raped than accept that perhaps they'd been a little bit loose with their morals. (P15 Senior Detective, female)

.. but we get a few where people have sex and they have a dose of the seconds, you know they have a boyfriend and they're afraid of people finding out. (P30 Detective, male)

Again, this has been demonstrated in other research where Burton et al (1998) found that 74% of young people believed women were likely to claim they were raped when in fact they had second thoughts about a sexual encounter. For police officers in this study, alcohol was often implicated in the regretful encounter. What is never fully explained in officers' narratives is *why* women would go to the length of reporting a rape to the police, and why they would not just keep quiet about any sexual encounters they did not wish others to know about. Again, officers discerned a high level of accountability on the part of women for these false reports, and whilst not seen as gravely as malicious reports, they reported that these and malicious reports would most likely result in a charge of wasting police time if a false allegation could be proven.

### *Doesn't add up or partial truths*



A third category evident in how police officers understood what they thought of as false allegations mirrored to some extent the inconsistency ‘entry point’ to false allegations; those reports officers thought of as not ‘adding up’ or involving partial truths.

My own personal opinion is that the large majority of them are not made up but aren’t what they think. (P16 Detective, female)

... I think for most people something has happened, there is an incident, we’ll find forensic evidence of intercourse but I think, I’m not saying nothing has happened in those situations, but ones like this I don’t know ... but there is insufficient information, or rather this contradictory information from 2 people that just doesn’t add up, that doesn’t form any form of independent evidence. (P22 Senior Detective, male)

The inherent problem in officers’ categorising these reports as false is what we already know there can be several explanations for inconsistencies in complainants’ stories, and that many of those categorised like this may in fact have been assaulted. It has also been highlighted by previous research that complainants might not volunteer information they believe could lead to them being blamed (Kelly 2010). Whilst police officers in the study expressed irritation about reports they perceived this way, they often allotted less culpability to the complainant than those where malice or regret was perceived.

### *Mental health problems*

Police officers frequently made reference to a category of false allegations they believed were as a result of the complainants’ mental health problems:

And also we do have to deal with quite a lot of mental health patients – generally in our jobs – and a lot those report rapes – and actually you spend a lot of time disproving it – proving it hasn’t happened rather than proving it has, which is what you might not expect, but you do. (P3 Detective, female)

... the things that may indicate or enhance your degree of scepticism are things like multiple reports or reports from people who are in mental health institutions ... (P10 Senior Detective, male)

Whilst some recognised that those with mental health problems, substance use problems, and other vulnerabilities were more likely to be victimised and repeat-victimised, which is in line with current research, it was more rarely expressed by officers. One officer commented:

Now there are people who are uniquely vulnerable because of various factors and we have one ongoing case, a woman I've had and I think she's reported 11 rapes now over her adult life and [sighs] obviously there's *enormous* scepticism about them. I don't know - because nobody does, and she's also got mental health problems, but I think that if anybody is going to be raped 11 times it's probably her, she forms relationships with dangerous lunatic men who she invites back to her house at the drop of a hat and then starts living with them and she's enormously vulnerable so..... (P10 Senior Detective, male)

Similarly to Kelly (2010), officers also highlighted repeat reporters and indicated they were more likely to be suspicious of subsequent reports. Stanko and Williams (2009) have reported similar findings where complainants may be doubted if previous reports did not result in a conviction.

### *Withdrawal*

Police officers also talked of cases where the complainant either withdrew her cooperation from criminal justice processes, or withdrew her complaint altogether. These were most often interpreted as indicators of a false complaint.. Officers commented:

Most do. I mean some don't. Some obviously have genuine reasons, but when they don't you tend to become suspicious. (P2 Detective, male)

Yeh it did happen but I don't want to go through with this because it's too traumatic, well there's not much you can do about that so in my experience, they're normally the ones that actually that didn't quite happen did it or not as you told us and now you're looking for a way out, so you're telling your boyfriend or husband oh yes it did happen to me darling but it's just so awful and traumatic for me I can't go through the

court process so it's better for my health if I make a statement saying I don't want to know, that's, call me a cynic, the women's groups out there going oh terrible. (P7 Senior Detective, female)

Officers were in the most part suspicious about retractions and refusals to cooperate, even when it was not clear if it is a withdrawal of the complaint was voluntary, or under 'persuasion' by police (as we saw above), or a loss or withdrawal of trust in the criminal justice process (Kelly, 2010, 1349). What we see is that withdrawal from all, or part (Corrigan et al, under review), of the process is deemed to equate to a false allegation, when their treatment may have contributed to the withdrawal, making police complicit in the outcome and subsequent false allegation designation.

#### *Amnesia or being unsure*

The final category identified by police officers was that where complainants were unsure what had happened or could not remember. Sometimes this was attributed to alcohol, and other times to third parties making reports based on limited information.. Officers commented;

... let's say she was really really drunk and genuinely thought she'd been raped but actually really wasn't, you just file it. (P16 Detective, female)

... maybe they're naïve or they're young, they wake up and think oh what am I doing here I would never have done this and I don't remember getting here so this person who's in the bed or in this room with me must have raped me ... (P7 Senior Detective, female)

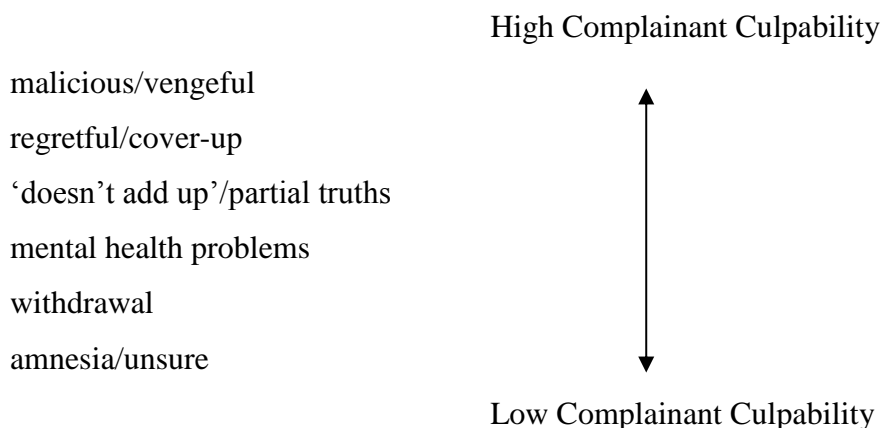
Kelly et al (2005), found similar findings in their study where a number of cases were deemed false when those reporting were unsure what had happened, could not remember events, or where a third party had reported. These, they argue, are not in fact allegations at all, and once cleared up, should not therefore be considered false. The officers in this study did however consider such cases to be 'false', and used the same categorisation as they would an allegation they perceived to be motivated by revenge or malice, but did not accord the same culpability to the complainant – in fact very little, if any culpability was attributed.

### *A Typology of Perceived False Rape Reports*

Collectively these ‘types’ of perceived false allegations form a typology with an associated continuum of complainant culpability that can be expressed visually, thus:

*Figure 1: Typology of Officers’ Perception of False Rape Reports*

Perceived Type



Those cases falling at the top of the continuum would be those where officers were most likely to suggest a charge of wasting police time/perverting the course of justice, or a fixed penalty fine. Also, the further up the continuum the greater they perceived the damage to what was often referred to as ‘real’ or ‘genuine’ or ‘proper’ complainants; those they perceived to have been ‘really raped’.

Whilst officers did express some sympathy with those on the lower end of the continuum, they felt particularly strongly about those at the top. Officers indicated that it was rare to take legal action against those making what were thought to be false allegations, but indicated they did consider it on some occasions:

I only do it on the ones that have admitted that they have lied to us, and sometimes there’s been sort of other circumstances, mental health problems and stuff, so then I’ll say look, so you do need to weigh up all the pros and cons before doing that ... (P32 Senior Detective, female)

Where this process is used and reported publicly, it may in fact deter other women from reporting as they may fear being disbelieved and punished. There are serious questions to ask here about when such charges would be in the public interest. Further, given the extent to which existing myth and stereotype is evident in some of the officers' narratives, and the extent to which non-evidential, and essentially largely gender-based credibility markers, are used to suggest a false allegation, taking legal action on this basis would be on very shaky ground.

## **Conclusion**

The research provides an in-depth consideration of how police officers understand false allegations. Supposedly 'false' allegations are not a monolith for officers, but they construct a number of ways of understanding them. These findings speak to wider structural issues such as police organisational culture, and societal views about rape. 'Myths are not lies. Nor are they detached stories. They are imaginative patterns, networks of powerful symbols that suggest particular ways of interpreting the world. They shape it's meaning.' (Midgely, 2003), and the salience of rape myths continues to both reflect and determine how rape is viewed and understood, and we see their prevalence in the general population (Amnesty International, 2005) and popular (Edwards et al, 2011; Rees & White, 2012) and legal cultures (Jordan, 2004).

Further, the informal structure of norms and values that operate within the more rigid hierarchy of the police organisation (Holdaway, 1983) reinforces a predominately masculine culture where 'rape work' does not generally fit well (McMillan, 2014). As such judgements about gender, sexuality, deceit, regret, women's bodies, and the truthfulness of women's accounts are likely to flourish in this climate of hegemonic masculinity (Fielding, 1994). The attitudes and beliefs expressed by officers to a great extent mirror those found among society as a whole; whilst we would have hoped that rigorous training and intervention with officers might have challenged some of these views, it seems they are as ingrained for some officers as they are in the wider population. As such anything that may indicate a false allegation may be seized on at an early stage, at the expense of thorough investigative practice (Kelly, 2010; Stanko & Williams, 2009).

When making the decision to report a rape, complainants must consider whether criminal justice personnel, and ultimately juries, will believe they were raped (Orenstein, 2007).

These entrenched views about rape not only impact on women's decision to report in the first

place, but their experiences when they do (Cohn, Dupuis & Brown, 2009; Franiuk, Seefelt, Cephress & Vandello, 2008; McMillan, 2013; McMillan & White, 2015; Norton & Grant, 2008). The widespread belief that rape is falsely reported more than other crimes has led to a range of legal practices including rigorous cross examination and the use of women's sexual history evidence (Temkin, 2002), and whilst reforms have sought to curb these, other more recent developments suggest the fear of false allegations continues to drive calls for changes in criminal justice procedure. Calls to introduce anonymity for those accused of rape are based precisely on the assumption that false allegations are a significant problem (Almandras, 2010).

It is important to emphasise that officers were polarised in their views, and that some did not believe false allegations to be widespread. However a tendency towards disbelief was noted in many, suggesting that training and reform has worked for some officers, but not all. There are further questions here as to why this is the case. Simply providing more training is not likely to be the answer, but wider social change to address how rape is understood and responded to, given it is most clearly a gender issue. Within policing, there are further interventions to consider, for example the thorough and regular vetting of officers involved in rape work, intense case review and consistent challenges to masculine cultures that predominate. Further, as Kelly et al (2005, p.85) have argued, 'Perhaps the greatest challenge to the CJS [criminal justice system] is to rethink what rape is, and from this to then develop new understandings of how to approach, investigate and prosecute it'.

It is clear from these findings that the persistence of high levels of belief in false allegations among criminal justice personnel serves to reinforce a culture that both supports and reproduces gender inequality and its manifestation in the form of sexual violence. To date, whilst intervention, training and institutional and policy frameworks have undoubtedly improved, and these are evident in the perceptions of some officers, they have not been wholly successful in addressing sexual violence in this context.

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