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False Reporting Of Sexual Misconduct Understanding the Myths

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Some Causes

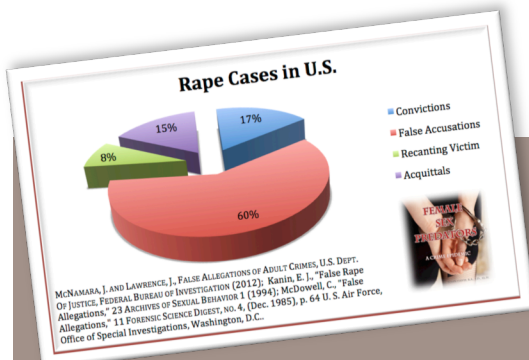
- False Memories False memories of a sexual encounter or distorted memories from anger
- Revenge & Power A desire for revenge against a former lover and a desire for power
- Money Financial incentives provided by governments and other institutions
- Misandry Anger, rage, hatred of men, and a desire for notoriety

Truth & Myths

False accusations of rape are a gendered crime. There are no known criminal cases of men making false accusations of sexual misconduct against women. On the other hand, statistics show that about 90% of the accusations of criminal misconduct made against men in the US, by women, are false accusations.

Rape advocacy groups will often distort information and statistics about false accusations to make it easier for women to accuse men of sexual misconduct. Rape advocacy groups often promulgate pseudo-scientific myths and speculation about the phenomenon of rape and the prevalence of false accusations.

A careful analysis of official crime statistics, however, shows that criminal sexual misconduct by men is rare, and, that most accusations of rape, or, rumors about rape being prevalent, are based on hysteria instead of reality.



60-90 percent of rape accusations are false

We know from scientific studies in the 1980's and 1990's that about 60% of rape accusations were false at that time. With mass media creating and perpetrating myths about rape, the percentage has increased to 90%.



False Accusations Create Serious Harm

False accusations of sexual misconduct, in our culture, are as harmful to their victims as sexual misconduct itself.

A crime with real victims

Falsely accusing someone of sexual misconduct is not a victimless crime.

The most serious effect of accusing someone of sexual misconduct, falsely, is to create almost universal hatred for the falsely accused. This leads to a loss of employability for most falsely accused, ostracism, as well as personal severe emotional and psychological injury to the falsely accused, false imprisonment, and, in some cases, physical injury or death to the falsely

accused.

In addition to the injury false accusations impose on the falsely accused, false accusations also create rape hysteria in our culture. The rape hysteria impacts everyone.

Rape hysteria imposes burdens on law enforcement, first responders, the medical system, taxpayers, institutional administration, and, leads to unhealthy attitudes and emotional experiences in our society.

Rape occurs. That is very unfortunate

but it is a fact of life. It is a fact of life equally for men as victims of women who rape, as it is for women who are victims of men who rape. [Sexual Victimization Perpetrated by Women - Dr. Lara Stemple UCLA](#)

Exaggerating the problem, however, and permitting abuse of our legal system, by tolerating false accusations, will not solve the problem of sexual assault.

Our culture needs to begin treating

False Accusations are as serious as rape itself.

false accusations of sexual misconduct as seriously as we treat the crimes of sexual assault themselves.

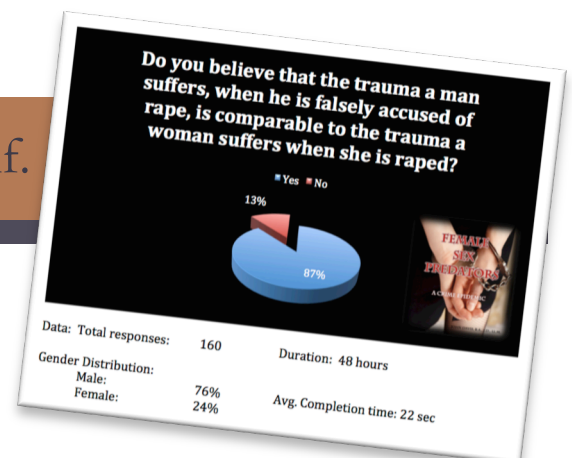
False accusations of rape place a serious psychological and emotional injury on a man that is equal to the emotional and psychological injury of rape.

Unlike, rape, however, a false accusation of rape imposes lifelong

injuries on a man.

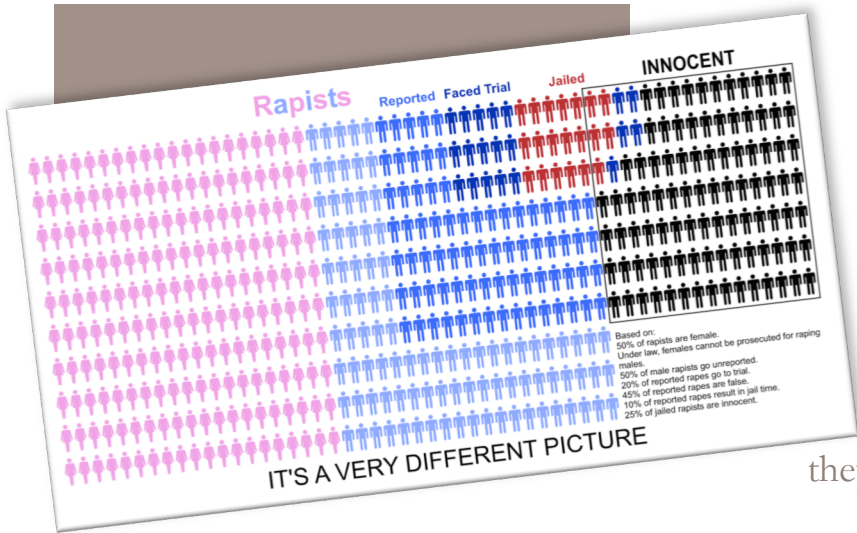
Those injuries usually include:

- Lifetime un-employability
- Intense ostracism
- Clinical depression/suicide
- Violence
- Insolvency



- Ruinous legal fees

It is important that we begin institutional support for men who have been falsely accused.



False Rape Cases Are Very Common

The mass media promotes a myth that false accusations of rape are rare. This myth serves the purpose of “*weaponizing*” false accusation so that they may be used to attack prominent people, and others who are vulnerable to false accusations of rape or sexual misconduct.

An Emotional Issue

Rape and sexual misconduct are intensely emotional subjects in our culture. We unanimously and strongly condemn rape and sexual misconduct. Unfortunately, our strong feelings often lead to incorrect assumptions about the guilt of the accused.

The Need for Due Process

To overcome human nature to act first, and ask questions later, we developed the concept of “due process of law” over a period of at least 5,000 years.

A concept known as “the presumption of innocence,” which is an important part of “due process,” protects everyone in our civilization from savagery and mob mentality. The presumption of innocence means that we do not harm anyone simply based upon an accusation.

The presumption of innocence means that accusations are easy to make and we need to ask questions before we act against anyone who is accused. We need to ask questions because many accusations are not true.

Many accusations are motivated by:

- craving for power to hurt another
- hate,
- anger,
- fear,
- spite,
- the desire for revenge,
- the desire for attention,
- false memories
- and sometimes people make accusations for personal or monetary gain.

Myths promoting false accusations

Many people want to do away with due process because of myths about false accusations.

Myth: Believe the victim: This myth is the ultimate disregard of due process. There is no “victim” until the accused has been afforded due process to bring out the truth. Due Process not only protects the accused, it also protects accusers. Without due process, no one has any confidence in accusations. With due process, people are more inclined to believe that the

accuser has told the truth (if the accuser has been truthful). Without due process, no one knows if an accusation is true or false.

Myth: Rape trauma causes poor memory: The police are now refusing to refer rape accusations to prosecutors in 84% of reports made to the police. Opponents of due process try to excuse this high rate of false



The “presumption of innocence” is vital to our system of justice and to our civilization

accusations by accusing the police of being poorly trained, or, biased against women. Modern investigative techniques, however, have improved and that means police are able to detect false accusations much earlier in the process. Accusers who cannot

“remember” details such as the date or place of the sexual encounter are not traumatized. Their inability to give details arises because the event never really happened. This is a common form of hysteria the police have learned to detect. Sometimes accusers confuse memories with memories of fantasies. Sometimes, rape hysteria and opponents of due process “hack” the accuser’s memory so that they seem to have a “memory” of something that did not happen. This is known as “*false memory syndrome*.”

Myth: Accusers have no reason to lie: Usually, accusers make false accusations for a number of reasons. The most common reason is that they are angry with a former sex partner after a sexual relationship is terminated.

Myth: Many women are drugged by rapists: This false accusation (fueled by false media reports) occurs frequently when the accuser had a “hookup” and was drinking alcohol. Even small amounts of alcohol can lead to *alcoholic induced amnesia*, in many cases, an accusers will falsely report to the police that a man drugged them and raped them. What really happened is that they had fully consensual sex with the man, but, don’t remember giving consent, or anything else, because of the *alcoholic induced amnesia* – no drugs were involved and they were fully conscious – they just don’t remember.

Myth: Women are the primary victims of sexual perpetrators: This myth is medieval in origin. Modern science has proven that women victimize men at a slightly higher rate than men victimize women.

Denov, Miram S., *Perspectives on Female Sex Offending: A Culture of Denial* (2004) This myth is so ingrained in our culture that we have a “blind spot” about women committing sexual assault against men. The myth that women are usually victims of rape is a myth commonly used to support the notion that women should be believed because men are rapists and women are victims.

Women are encouraged to report sexual assault by men. Men are highly discouraged from reporting sexual assault by women. The result is that women make most reports of sexual assault made to the police. It does not mean that women are the majority of victims of sexual assault, or, that men are the majority of perpetrators. It does not mean that we should “believe the women.” It simply means that women are usually the only ones to make accusations of rape.

We Need New Laws to Punish False Accusers

Much of our system of justice is built around medieval superstitions about sex and sex crimes.

For example, many people think that only men can commit rape, and, that only women are victims of rape.

Many people think that all men are rapists.

The result is that our legal system often discriminates against men, in favor of women, and relieves women of legal responsibility. (*hypo-agency*)

A new law to punish false accusers

The law would punish false accusers with a minimum prison sentence equal to any jail time served by the victim of the false accusation.

Such a statute might look like this:

18 Stat. § 101: False Accusations of sexual misconduct.

(a) Any person who makes any utterance, publication or statement

that states or implies that another person is guilty of rape or sexual assault, knowing that the utterance, publication or statement is false, or, having reason to know that the utterance, publication or statement is false, shall be guilty of a Felony.

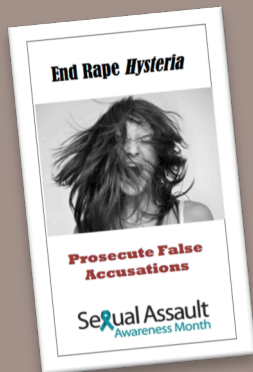
(c) There shall be no immunity or privileges asserted in response to a charge under subsection (b).

(d) Any person who violates the provisions of subsection (a) shall serve a term in prison not less than any amount of time, including pre-



Many False Accusations are made because there is no real accountability

In most states, falsely accusing someone of sexual misconduct usually only results in misdemeanor charges for false reporting. There are no real legal consequences for false accusations. This contributes to the epidemic.



We need new laws to discourage false accusations and help real victims.

New laws, such as the proposed model statute to the right, would serve the purpose of deterring false accusations and the harm and injury they cause to their victims, and the public.

With such a statute in place, false accusers would think twice before trying to harm anyone with a false accusation. The serious nature of the proposed law would give actual victims more credibility.

Continued

trial confinement that any falsely accused served as a result of the false accusation.

(e) Any person who violates the provisions of subsections (a) or (b) shall be strictly liable for any damages the falsely accused victim incurs as a result of the false utterance, publication or statement.

(f) Any court entering judgment against a false accuser under this provision shall award full restitution to any falsely accused, including restitution or damages that arise or become known after any hearing on restitution. A victim of a false accusation of rape or sexual assault may re-open the issue of restitution in any criminal proceeding under this provision, at any time, to seek additional compensation for restitution of damages or injuries.

(g) There shall be no statute of limitations for any charge brought under this provision.

(h) Any person who violates the provisions of subsection (a) or (b) of this provision shall be required to register as a sex offender under any applicable state or federal laws.

(i) Punishment under this provision shall be the minimum prison sentence as specified in subsection (d) up to and including twenty-five years in prison, plus a fine of up to \$500,000 or both.

This proposed statute is meant to deter false accusations, and, increase the credibility of real rape victims. The proposed statute accomplishes the following:

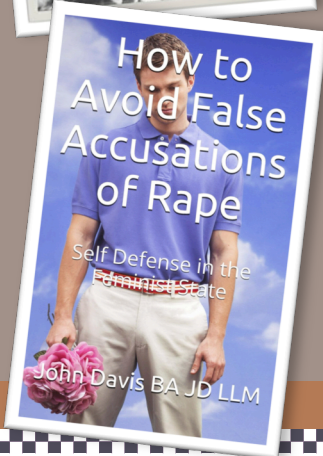
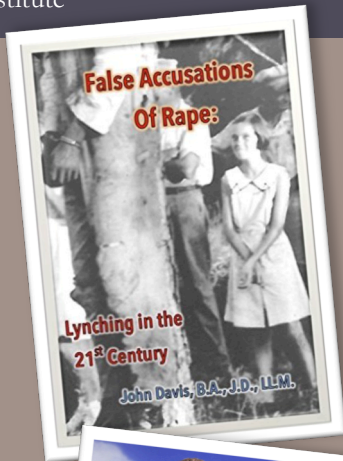
- A mandatory minimum sentence that encourages the false accuser to recant at an early state;
- The statute makes false

accusations a felony;

- The statute removes any immunity from government officials for “leaking” the identity of the accused;
- The statute imposes strict liability on a false accuser for any lawsuit for damages;
- The statute requires a court to enter an open restitution order to compensate the victim;
- The statute removes any statute of limitations so that injuries sustained by the victim over a lifetime may be addressed;
- The statute requires a false accuser to register as a sex offender to alert the public, and, law enforcement of their history of false accusations;
- The criminal and civil sanctions in the statute are adequate to address the severity of false accusations in their impact on victims and the public.

At the present time, there is no serious deterrent to women who wish to falsely accuse a man. This not only leads to many false accusations, it diminishes the confidence that the public has in substantiated accusations of rape, and accusations of rape that are based upon real occurrences of the crime.

This statute provides the deterrent necessary for truthful accusations of rape to be taken seriously, as it would be less likely for someone to falsely accuse a man if they knew they faced serious consequences for doing so.



Learn More Help is available to sort through the puzzling myths

John Davis is a retired trial lawyer with 35 years of experience, including three tenures as a prosecutor and post-doctoral degrees in law.

His books on false accusations have been on best-seller lists for years.

His explanations are clear and concise and rely as much as possible on plain, easy-to-understand language

A MUST READ for the 21st Century

Available at [Amazon.com](https://www.amazon.com)



“False accusations of rape are not about sex like the crime of rape itself, false accusations of rape are about power.” John Davis, B.A., J.D., LL.M.