



(Last updated 2013)

The purpose of the *Truth About False Accusation* graphic is to compare (primarily men's) fear of being falsely accused of being a rapist to the many challenges around reporting, prosecuting, and punishing rapists. It's designed to be a conversation-starter, and a provocative one at that.

Two key figures drive the visual representation a variety of data sources:

- A reporting rate of 10%
- A false reporting rate of 2%

This graphic reflects data that falls within documented ranges, rather than reflecting the findings of a particular report, because of the inherent challenge in collecting data on this issue. Said another way: at the moment, an argument could be made that *every* source is flawed in some way. The reason we pursued a composite approach instead of relying on one study was exactly to spark discussion about the underlying data and definitions, and – perhaps most importantly – the current challenges in data collection.

For example – here are a handful of challenges that we encountered while putting together the infographic and, as a result, some limitations of the infographic itself. When used as a discussion tool, there are a number of questions worth exploring:

- **What is rape? What is sexual violence?**
  - The federal data provides arrest, conviction, and incarceration rates on forcible rape only, NOT other forms of sexual violence.
  - Until 2012, the federal definition of rape was limited to penetration of a vagina by a penis. Therefore, 100% of rapists would have to be men.
- **What is a false report? What really happens when a false report is made? What's the difference between a false report and a false accusation?**
  - There is a difference between a false report (how data is counted and being falsely accused (the fear at the individual level). Lonesway, Archembault, and Lisak, the authors of the article from The National Center for the Prosecution of Violence Against Women, use the following definition: A false report is a report of a sexual assault that did not happen (i.e., it was not completed or attempted).” The report goes on to discuss the challenges of defining whether the assault in fact didn't happen or whether investigators or prosecutors decide that it did not happen based “simply on their own views of the victim, the suspect, and their credibility.” Individuals

who are falsely accused of rape outside of the justice system would not be counted in this figure.

- **How can we accurately count unreported rapes?**
  - As you can see from the reports collected, there is a range of statistics on how many rapes and sexual assaults are actually reported. The data varies from year to year and from country to country. At the end of the day, this figure is incredibly hard to estimate, but we do know a lot about the barriers to reporting rape and sexual assault – and there are things we can all do to eliminate these barriers.

Despite these data challenges, here's what's not disputable:

- Rape and sexual violence continue to impact men, women, and children across the country and around the world.
- Fewer than 100% of rapes are reported to the police because social, emotional, and legal barriers still exist.
- Sexual violence has an enormous emotional and financial cost to our society, and many bystanders don't even know they are being affected by it when in reality, they are.
- Individuals, foundations, employers, and the government do not invest deeply enough in awareness, prevention, intervention and recovery.
- Our justice system isn't perfect. Sometimes innocent people are charged. And sometime guilty people go free. That doesn't mean that men and women aren't being raped and sexually assaulted. It means there are improvements that can be made all around.

Finally, there is something that this graphic does NOT represent. And that is the impact of false accusation on an individual's life. The purpose of the graphic was to put the FEAR of false accusation in perspective, not to discount the very real impact that a false report or false accusation has on someone's life.

We hope that you will use the data, the graphic, and this discussion guide to spark new conversations about sexual violence in your classroom, your workplace, and your living room. We look forward to hearing about discussions, dialogue, and debate on this important issue.

## Breakdown of Graphic and Statistics

*1,000 Rapists (technically 1,000 rapes as pointed out by many, a distinction we did not capture effectively in this graphic.)*

*Of those 1,000 rapes, we applied a 10% reporting rate (100)*

- Source: <http://www.hmic.gov.uk/media/without-consent-20061231.pdf> Page 8: "Estimates from research suggest that between 75 and 95 per cent of rape crimes are never reported to the police."
- Source: <http://bjs.ojp.usdoj.gov/index.cfm?ty=dcdetail&iid=245> (2011 Criminal Victimization Survey): Reported to the police (US): 27% in 2011, 49% in 2010

*Of those 100 reported rapes, we show 30 faced trial (this includes those that were jailed). This is 30%. Faced trial, for the purpose of this graphic, uses composite data reflecting the terms prosecution, arrested, and faced trial.*

- RAINN (<http://www.rainn.org/get-information/statistics/reporting-rates>) lists for 46 rapes, 9 get prosecuted. This is 19.5%.
- Tjaden, P., & Thoennes, N. (2006). Extent, nature and consequences of rape victimization: Findings from the National Violence Against Women Survey. Washington, DC: U.S. Department of Justice. – 37% of reported rapes are prosecuted
- Patterson, D., & Campbell, R. (2010). Why rape survivors participate in the criminal justice system. *Journal of Community Psychology*, 38(2), 191-205. – 14-18% of reported rapes lead to prosecution
- <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2010/crime-in-the-u.s.-2010/clearances> – 40% clearance rate in 2010 (arrested or cleared by exceptional means)

*Of the 100 rapes brought to trial, 10 are jailed. This is 10%. Or, of the 30 rapes prosecuted, 10 are jailed. This is 33.3%.*

- When considered 10% of the 100 reported rapes: <http://www.ncpa.org/pub/st229?pg=11Table A-4> in 1997, Probability of prison for rape is 9%.
- When considered 10% of the 100 reported rapes: <http://bjs.ojp.usdoj.gov/content/pub/pdf/fdluc06.pdf> page 11 in 2006: 62% of felony rape defendants are convicted, 50% of a felony page 12 in 2006: most severe sentence of convicted offenders For rape: 80% incarcerated. Combining these,  $0.62 * 0.8 = 0.496$  (49.6%)
- When considered as a portion of prosecuted rapes that are jailed: RAINN (<http://www.rainn.org/get-information/statistics/reporting-rates>) lists for 9 prosecuted rapes, 3 are jailed. This is 33.3%.

*Of the 100 rapes reported, 2 are false accusations. The 2% false accusation rate was applied only to the number of reported rapes.*

Source: [http://www.ndaa.org/pdf/the\\_voice\\_vol\\_3\\_no\\_1\\_2009.pdf](http://www.ndaa.org/pdf/the_voice_vol_3_no_1_2009.pdf) page 2: "when more methodologically rigorous research has been conducted, estimates for the percentage of false reports begin to converge around 2-8%."