Rise in ‘false rape’ charges in Scotland

There has been a marked rise in the number of women charged with wasting police time after withdrawing rape allegations, campaigners claim.

Rape Crisis Scotland said at least four women were currently facing charges, while five more have been threatened with prosecution or had faced charges that were later dropped. All of the cases have been reported within the past few months.
Sandy Brindley, national co-ordinator at Rape Crisis Scotland, said that in some of the cases the women asked to withdraw their complaint but were told the only way to do that was by saying they had made it up. Having done that, the women were charged with wasting police time, she said.

The nine cases that Rape Crisis Scotland has reported so far this year compares with one case in 2011, four in 2010 and five in 2009.

Both the police and Crown Office insisted there has been no change in policy and said it was unclear what has driven the rise in cases.

“It’s been absolutely devastating for these women,” said Brindley. “They feel betrayed and violated by the system. Women already feel let down by the justice system if the case does not get to court. This is a further level of violation and trauma.”

The latest reported cases came as the police and the Crown Office are working to improve Scotland’s poor rape conviction rate, which is among the lowest in Europe.

The Sexual Offences Act, which came into force in December 2010, widened the definition of rape and has resulted in a higher proportion of cases ending in guilty verdicts. At the same time the police have tried to encourage victims to come forward, through publicity campaigns, in a broad approach well received by Rape Crisis Scotland.

But campaigners argue that the sensitivity surrounding rape cases can make it difficult for a women to press ahead with charges after an initial allegation. In some cases the woman is too afraid of her attacker to stand up to him in court and in others she cannot face making public the details of the assault.

However, the gravity of making a false accusation of rape means dropped cases are subject to further investigation.

A Crown Office spokesman said: “We do not take proceedings for wasting police time simply on the basis that an allegation has been ‘dropped’. Before the Crown will consider prosecuting there must be sufficient credible and reliable evidence that the allegation was false.

“Every case involving a false allegation of rape is reviewed by specialist prosecutors in our National Sexual Crimes Unit, and a decision is made on the basis of the individual facts and circumstances and a consideration of whether it would be in the public interest to take criminal proceedings.

“The making of false allegations of any sort, especially when they result in innocent parties being made subject to a criminal investigation, is a serious offence and will continue to be treated as such.”

Assistant chief constable Graham Sinclair, of the Association of Chief Police Officers in Scotland, said the specially trained officers who deal with cases of serious sexual assaults were aware of the difficulties faced by the victims in coming forward.
“In my experience, where a person has been found to have lied or admitted lying, officers will only consider charging them where it is merited and after careful consideration of all the facts,” he said. “This can be a complicated balancing act particularly where any falsehoods pertain to only part of the complaint and not the allegation as a whole. Only in the most serious circumstances and where a police investigation has been misdirected or resources wasted, would I expect charges might be brought.

“Regrettably, there will be genuine cases of false allegation and we have a responsibility to investigate these fully.”

Sinclair added that for police officers to suggest to a rape victim that they should lie in any way, let alone in order to influence the outcome of a criminal investigation, was “wholly inappropriate”. Brindley believes a greater cultural shift is required to stop some women feeling compelled to lie about details of rape allegations, even when they do contact the police. “Women worry about being believed,” she said. “So they are not honest about how much they have had to drink, or whether there was some consensual [activity] before it happened.”

She called for action from the Crown Office to make sure women can complain in confidence, without fear of the justice system turning on them.

“A woman should never be told that the only way to withdraw is to say it didn’t happen,” she said.

Home Office research from 2005 found that, out of 2,643 allegations of rape, 216 were classed as false allegations, about 8 per cent. Just six of these cases resulted in the alleged victim being arrested, and charges were brought against just two women – the equivalent of 0.07 per cent.

However, Rape Crisis Scotland said some police officers had told them they believed up to 80 per cent of rape complaints were false.

It is feared that a culture where women do not expect to be believed would lead to fewer rapes being reported.

A Victim Support Scotland spokesman said: “There is still a regrettable reluctance among people who are raped to go through the ordeal of the case going to court.

“There has to be a great deal of understanding given to people who lodge complaints of such a serious nature. And it cannot be that the only way someone can withdraw is by saying they’ve not been telling the truth.”

Graeme Pearson MSP, a former Strathclyde assistant chief constable, said: “I would hope the Crown Office and Scottish Government would want to see why there is such a disparity in numbers, and ascertain all is well in the way these things are handled.”