

The Rate of False Allegations of Partner Violence

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Abstract A key controversy surrounding partner violence (PV) concerns false allegations. It is related to various disputes regarding gender differences with respect to PV. The rate of false PV complaints has been in dispute for decades. Some argue that it is marginal, others that it is significant. The article shows that the controversy has ramifications for the estimation of the prevalence of PV and for the measures police and welfare agencies should take when receiving such complaints. The article suggests methods for examining the scope of the phenomenon of false allegations and stresses the importance of such studies.

Keywords Partner violence · Intimate partner violence · Domestic violence · PV · IPV · DV · False allegation

Two unresolved controversies about partner violence (PV) concern its prevalence and the proper response on the part of enforcement and other agencies to complaints about it. Both issues are significantly related to the debate over the rate of false allegations of PV. As part of the broader scope of this volume, which addresses current controversies regarding PV, the present paper focuses on the controversy over false allegations of PV.

The issue of false allegations has been widely discussed, primarily in other contexts, such as rape (Rumney 2006) and child abuse (Johnston et al. 2005; Trocme and Bala 2005). False

allegations are often made in the course of a broader conflict between the parties, at times at the bitter end of a relationship (Austin 2000). The motivation for these allegations may be anger, revenge, or removing the other party from the marital home and gaining the sole custody of the children (Jaffe et al. 2008; Scott and Emery 2014; Sorensen et al. 1995).

The rate of false PV complaints has been disputed for decades. Some argue that false allegations are extremely rare (Behre 2015; Bolotin 2008; Hunter 2006); others claim that the phenomenon is quite prevalent (Austin 2000; Cook 2009; Douglas et al. 2012; Hines et al. 2007). Lack of empirical findings on the prevalence of false allegations of PV (Haselschwerdt et al. 2010; Sorensen et al. 1995) fuels the debate.

Jaffe et al. (2008) claimed that “[t]here is virtually no research on the extent to which spousal abuse allegations are clearly false and maliciously fabricated” (p. 508), but at the same time stated that “it is critical to emphasize that the making of false allegations of spousal abuse is much less common than the problem of genuine victims who fail to report abuse.” It is not clear how the authors reached this conclusion. Studies are needed to examine the scale of the phenomenon.

Another controversy concerns gender differences with respect to false allegations of PV. Some argue that false allegations are primarily used by women against men. For example, Henning et al. (2006), and Hines et al. (2007) suggested that false allegation of PV, or the threat of making false allegation, are often used by women to dominate their male partners. Cook (2009), Douglas et al. (2012), and Scott and Emery (2014) claimed that when male victims of PV file complaints against their female partner, in many instances the women file a false allegation against their abused partners, which usually leads to their arrest.

With regard to false allegations of child abuse, Trocme and Bala (2005) have argued that men are significantly more likely to falsely accuse the mother than women are likely to falsely

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accuse the father. Although this observation has been criticized by Dutton et al. (2009) for being unsupported by empirical data, others such as Bolotin (2008) relied on Trocme and Bala (2005), claiming that “[i]n fact, fathers are far more likely to make intentionally false accusations of abuse than mothers are” (p. 295). Bancroft et al. (2011) Goodmark (2004) described false allegation of PV as a significantly masculine phenomenon, perpetrated by abusive men who not only use physical violence against their female partners, but in order to gain control over them, also falsely accuse them of being violent (Ver Steegh 2005).

Implications of the Controversy

In addition to its potential effect on the quantification of PV, the controversy over false allegations of PV has practical implications for another contested issue that needs the response of enforcement and other agencies when receiving a complaint of PV. Some argue that when receiving a complaint of PV, immediate measures must be taken against the complaine, including restraining orders and removal from the shared residence, and in appropriate cases also arrest (Behre 2015; Goodmark 2004). Although applying these measures without a thorough investigation violates the rights of the complaine, it is argued that these measures are necessary because of the risk that the complaine will harm the complainer, especially after being informed of the complaint. The fact that many victims of PV do not report the violence, among others because of fear of the perpetrator, is cited to justify these immediate measures (Bolotin 2008; Hunter 2006).

The counter-argument is that the fact that a complaint has been made does not necessarily mean that its content is true. For example, non-violent conflict between spouses, especially against the background of possible separation litigation, might lead people to file false complaints of PV (Austin 2000; Scott and Emery 2014; Sorensen et al. 1995). Therefore, the mere fact that a person has filed a complaint against a spouse should not result in immediate measures against the complaine, unless there are objective indications in support of the allegation. Discretion and caution should be used (Henning et al. 2006; Ver Steegh 2005).

Prospective Studies

The above controversies would benefit from studies examining false allegations of PV. If false allegations turn out to be rare, the view that immediate measures must be taken when receiving a complaint receives support. But if false allegations are common, perhaps a more balanced approach to these measures is justified (Hines et al. 2007; Jaffe et al. 2008).

It is also possible that assessing the prevalence of false allegations will help identify the types of cases in which false

allegations are more common. For example, there may be differences in the prevalence of false allegations made to the police than those made to child custody officials. Identifying the circumstances in which false allegations are more common could make it possible to narrow the instances that require the authorities to apply scrutiny before issuing restraining orders, and enable enforcement agencies to act more rapidly in other cases.

A range of methods can be used in conducting such studies. The question of false allegations has been examined in various studies of rape (Rumney 2006) and child abuse. Trocme and Bala (2005), for example, examined the result of a national study, asking social workers who were involved in the evaluation of child abuse allegations for their opinion about the allegations. The limitation of this study is that it reflects the opinion of social workers, which, although valuable of itself, may have been right or wrong (Haselschwerdt et al. 2010).

In an earlier study, Shaffer and Bala (2003) examined the outcome of legal proceedings involving allegation of PV. Their findings were that 26 % of the allegations were found to be either false or unsubstantiated. Sorensen et al. (1995) conducted a study that examined court cases in Florida and found a substantiation rate of PV allegation of between 2 % and 10 %. But as the authors of both studies pointed out, it is not clear how many of the unsubstantiated cases were false, and how many were true but labeled as unsubstantiated because of lack of support from an external source.

In their thorough study, Johnston et al. (2005) examined court-referred custody cases. They interviewed each family member, examined the family history and other documents related to the family, and compared their independent assessments with the view of the counselor or custody evaluator who had been appointed by the court to handle the case. The study defined substantiation of an allegation broadly to include any evidence or external support that backs up the allegation, which had not been dismissed as entirely unfounded. The findings were that allegations of domestic violence (DV) were made against the mother in 30 % of the cases and against the father in 55 %. Substantiation was 15 % for the allegations against mothers and 41 % for allegations against fathers. This implies that 50 % of the DV allegations against mothers and only 25 % of the claims against fathers were unsubstantiated.

As noted above, however, lack of substantiation does not necessarily mean that the allegation had been false, but rather that no evidence had been found to support the allegation. To assess the phenomenon of false allegations, studies must set the parameters and define the thresholds according to which an allegation is regarded as false, and determine whether these criteria have been met in the cases they examine. To a certain degree, this has been done in the context of child abuse, for example, by Trocme and Bala (2005), and the US Department of Health (2002).

Based on the studies examined above, prospective studies could collect data from police records (Rumney 2006), court

files (Shaffer and Bala 2003; Sorensen et al. 1995), and other professionals who handle PV allegations (Johnston et al. 2005), but unlike some of the other studies, they should examine whether and to what degree there were indications of the allegations being false, as opposed to looking merely for lack of substantiation. Although studies of this nature may be valuable, they do not solve the problems raised by a significant portion of cases where there is neither positive nor negative indication whether the allegation is true or false.

Anonymous surveys could also be conducted among the general population and within targeted groups, ideally, complainers and complainees of PV. Although the answers in these surveys should be used with caution, they could shed some light on the prevalence and characteristics of false allegations of PV, and possibly on whether there are significant gender differences.

These studies are not expected to reach a definitive answer with respect to the exact prevalence of false allegations of PV, nor would they produce a litmus test to determine with precision which complaints are true and which are false. Their purpose is to develop means for assessing the scale of the phenomenon and identifying its characteristics. As noted above, various methodological challenges lie ahead. But the results would make it possible to assess the degree to which complaints of PV are reliable indicators of actual PV; whether the number of false complaints is significant or marginal; whether specific types of complaints are more likely to be false than others; and whether there are gender differences. The results would also assist in creating justifiable procedures for responding to complaints, which would strike an appropriate balance between protecting victims of PV and not causing undue harm to innocent complainers. Understanding the prevalence of false allegations could lead to an informed debate on whether false accusers should be penalized, and if so, how (Mazeh 2016). Finally, the results would contribute to developing methods for distinguishing between false accusers and genuine victims. These methods would help enforcement and welfare agencies provide better support and remedies for victims of PV.

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