

# Rape Facts and Falsehoods

In this era of #MeToo and rampant sexual assault allegations, many media outlets, politicians, and scholars are misleading people about the prevalence of rape. They accomplish this by publicizing unscientific studies, mischaracterizing reliable ones, and making statements that have no basis in reality. Although precise figures on rape don't exist, credible data gathered from females in the U.S. indicates that:

- about 11.5% of women say they have been the victim of acts that fit the legal definition of forcible rape.
- each year, about 0.2% of women enrolled in college explicitly state that they have been raped, but this figure grows to 1.0% if they are prompted with graphic descriptions of acts that fit the legal definition of rape.
- each year, roughly 2.1% of college women say they have been the victim of acts that fit the legal definition of rape. However, only 1.0% consider these acts to be rape.
- college-age women who are not enrolled in college are about 50% more likely to be raped than women who are enrolled in college.
- about 40% of female rape victims were first raped before the age of 18, and 79% were first raped before the age of 25.
- cases that involve "date-rape drugs" appear to be a very small portion of all rapes, but the data is uncertain.

Contrary to the claims of some reporters and notable organizations, there are no sound estimates for the portion of rape claims that are false. In fact, a widely cited study alleged to show that only 2% of rape claims are false actually shows many times more than that.

Certain preventative measures appear to be very effective at

reducing the incidence of rape, but they chafe against notions of political correctness. Hence, many people ignore them, leaving more women vulnerable to rape.

Confirmation bias and poor critical thinking skills lead people to embrace or dismiss rape-related claims based merely on their personal experiences, assumptions, or prejudices. Coupled with false information that arises from across the political spectrum, there is ample opportunity for all sides to become misinformed. This article corrects the record by thoroughly documenting numerous facts about this horrid crime and ways to thwart it.

## **Defining Rape**

An essential part of measuring how often rape occurs is defining it. This is more complex than it may seem, because the definition of rape varies depending upon the source.

From a federal legal perspective, a law that governs the conduct of military personnel defines rape in ways that involve “force,” threats of “bodily harm,” “rendering” a victim “unconscious,” and giving someone “without the knowledge or consent of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of that other person to appraise or control conduct.” Beyond sexual intercourse, this also includes sexual “penetration, however slight, of the vulva or anus or mouth, of another by any part of the body or by any object.”

Others define rape in ways that are broader and more subjective. For example, a 2014 report by the Centers for Disease Control and Prevention (CDC) measures the prevalence of rape by including everyone who has had sex and later said they were “unable to consent” because they were “drunk” or “high.”

The same CDC report measures “sexual violence” by including all people who have engaged in any kind of sexual activity

(including kissing) because they felt “pressured in a nonphysical way.” In addition to situations like a boss “using their influence or authority over you,” this can also involve someone:

- “telling you lies.”
- “making promises about the future they knew were untrue.”
- “wearing you down by repeatedly asking for sex, or showing they were unhappy.”

Senator Dianne Feinstein (D-CA) cited this CDC report before the widely watched testimony of Christine Blasey Ford against Supreme Court nominee Brett Kavanaugh, claiming, “In the United States, it’s estimated by the Centers for Disease Control one in three women and one in six men will experience some form of sexual violence in their lifetime.” On the next day, Senator Cory Booker (D-NJ) said the same, while adding that “this toxic culture ”this pernicious patriarchy in this country ”has to stop.”

Prominent and influential people have muddled this issue by grouping together very different circumstances under blanket terms like “rape” and “sexual violence.” In contrast, this article primarily covers cases of sexual penetration that involve force, threats of force, and covertly administered drugs. This does not include situations like drunken hookups or kissing a liar.

### **Reports to Police Are Not Comprehensive**

The FBI collects and tabulates reported cases of rape from local law enforcement agencies, but these figures don’t account for all rapes, because rape victims often don’t report these crimes. Also, local law enforcement agencies sometimes fail to properly record them.

As documented by the National Academy of Sciences in a 2014

report on rape and sexual assault, "There is ample evidence that the crimes of rape and sexual assault are substantially undercounted through police reports." The authors cite an array of evidence for this, such as:

- a 2012 report from the U.S. Department of Justice, which found that 65% of rapes and sexual assaults were not reported to the police during 2007-2010. This figure is based on a nationally representative sample of people who said they were raped or assaulted but did not report it. Among their most important reasons for not reporting:
  - 28% said they feared reprisal or getting the offender in trouble.
  - 20% said they dealt with it in another way or considered it a personal matter.
  - 13% said they thought the police wouldn't help.
  - 6% said they felt the incident was not important enough to report.
  - 33% gave another reason or said they didn't have a single most-important reason.
- a joint university/law enforcement investigation that began in 2009 and found thousands of untested sexual assault kits in Detroit Police storage facilities
- a 1998 Philadelphia Inquirer article, which quoted Philadelphia police officers and other sources to show that "downgrading major offenses to minor ones to polish the image of commanders and police commissioners and make the city look safer "has been a reflex in police station houses for decades."

The bottom line is that many sexual assaults go unrecorded and unreported. Thus, contrary to President Trump, the fact that Christine Blasey Ford or her parents didn't "immediately" file charges with "local law enforcement" doesn't mean that the alleged attack was not "as bad as she says."

## Scientific Surveys Can Be Accurate

Some believe that surveys can never be accurate, due to various notable failures. Others tend to believe any poll that tells them what they want to hear. Surveys are indispensable tools to discovering the truth, but an understanding of their inner workings is necessary to assess their accuracy and usefulness. The detailed facts in this section provide that knowledge for the skeptical and interested.

Because it is expensive and frequently impossible to collect information on every person in the United States, governments, scientists, and scholars often obtain such data through scientific surveys. This is true of frequently quoted government data on crime, education, employment, the economy, and an enormous array of Census data.

An important benefit of such surveys is that they can achieve considerable accuracy while polling only a tiny portion of the population. As the book *Statistics for K-8 Educators* states, "a national random sample of 1,000 people can accurately represent 200 million people." The textbook *Statistics: Concepts and Controversies* explains why this is so:

*Imagine sampling harvested corn by thrusting a scoop into a lot of corn kernels. The scoop doesn't know whether it is surrounded by a bag of corn or by an entire truckload. As long as the corn is well mixed (so that the scoop selects a random sample), the availability of the result depends only on the size of the scoop.*

A vital and widely unknown fact is that a small number of positive responses to a certain question does not undermine a poll's validity. For example, if only 20 respondents in a survey of 1,000 women say they were raped, this result is no less credible than if 500 respondents in another survey of 1,000 women say they have been whistled at. In fact, the

textbook *Mind on Statistics* shows that mathematical confidence in survey results actually increases when the portion of people who answer a poll question in a certain way is well below or above 50%.

More specifically, a poll with only 20 out of 1,000 respondents who say they were raped has a  $\pm 0.9$  percentage point margin of sampling error with 95% confidence, while a poll with 500 out of 1,000 respondents who say they have been whistled at has a  $\pm 3.1$  percentage point error. This is something that certain reporters and “fact checkers” don’t seem to understand.

However, surveys can be highly inaccurate if they don’t use random samples of respondents. This is often true of internet and mail surveys, because the people who respond to them typically differ in material ways from the people who don’t. As explained in *Mind on Statistics*: “Surveys that simply use those who respond voluntarily are sure to be biased in favor of those with strong opinions or with time on their hands.” The textbook then analyzes a poll of scientists that had a 34% response rate and states that “with only about a third of those contacted responding, it is inappropriate to generalize these findings” to most scientists.

A key point to realize about that poll is even though it surveyed scientists, was conducted by scientists, and was published in a prestigious journal named *Science*, it is not a scientific poll. In the words of a book about polling published by Pennsylvania State University Press: “Scientific polls use sampling procedures where random samples are used, that is, where each individual in the group has an equal chance of being selected into the sample, or where some variation on this pattern is used to account” for any differences.

To account for such differences, pollsters often use a process called weighting. Per the textbook *American Government and*

Politics Today: Essentials, this involves “adding extra” weight’ to the responses of underrepresented groups,” For example, if 40% of respondents for a poll of registered voters are females, the pollster may place more mathematical weight on the responses of these women, because 53% of registered voters are women. Pollsters also perform weighting based on age, race, education, income, and many other variables.

Weighting, however, does not guarantee that a poll’s results are accurate. This is because respondents may differ in ways that transcend the factors that are weighted. For instance, because of their experiences, rape victims may be more apt to respond to an internet survey about sex crimes than those who have not been raped. Weighting for race, income, etc. will not necessarily correct for this.

Finally, even scientific surveys with perfectly random samples can still be inaccurate if respondents have a motive to lie and then do so. For example, unauthorized immigrants who participate in polls sometimes claim they are citizens in order to conceal the fact that they are in the U.S. illegally. This was proven by a 2013 paper in the journal Demographic Research, which compared Census Bureau survey data on citizenship to the number of naturalized citizens recorded by the U.S. Office of Immigration Statistics. The study found that certain groups of immigrants, including Mexican men of all ages, Mexican women aged 40 years and older, and immigrants who have been in the U.S. for less than five years, frequently misrepresent themselves as citizens.

## **Forcible Rape**

The 2014 CDC report mentioned above presents the results of a 12,727-person telephone survey of noninstitutionalized adults during 2011. For phone surveys, a key indicator of their randomness is their cooperation rate, which is the portion of “persons contacted who agreed to participate in the interview and who were determined to be eligible.” For this poll, the

weighted cooperation rate was 83.1%.

Despite the solid methodology used for this survey, the CDC's report of it is written in a way that can easily deceive. This is because the abstract uses the word "rape" 10 times without a hint that this includes everything from violent rapes to regretted drunken stands. Even the full report doesn't make this clear. Instead, it uses the term "alcohol- or drug-facilitated penetration" without defining it. Does this only mean cases where predators secretly spiked the drinks of victims with alcohol or date-rape drugs? The report doesn't say, but a file of supplementary information discloses that it includes all situations where people later felt they were "unable to consent" because they "were drunk, high, drugged, or passed out."

Readers must dig four pages into this report before it reveals that about 11.5% of adult females say they have been the victim of acts that constitute forcible rape. Accounting for the margin of sampling error with 95% confidence, this result ranges from 10.3% to 12.7%. The study identifies cases of forcible rape by positive responses to questions about vaginal, oral, or anal sex acts done unwillingly because of physical force or threats of physical harm. These all fit with the definition of rape under federal law.

Like all surveys, this one has limitations. Among the most noteworthy are these:

- A "telephone survey might be less likely to capture some populations that could be at higher risk for victimization (e.g., persons living in nursing homes, military bases, prisons, or shelters, or those who are homeless)."
- "Victims who are involved in violent relationships or who have recently experienced severe forms of violence might be less likely to participate in surveys or might not be willing to disclose their experiences because of



unresolved emotional trauma or concern for their safety, among other reasons.”

- It does not address the subject of false rape reports.
- It does not account for the fact that some younger respondents will be victimized later in life. Per correspondence from the CDC to Just Facts, “the estimates provided in the report were estimates at a single point in time and do not adjust for the possibility of future victimization.”
- This study’s definition of forcible rape doesn’t include surreptitious drugged rapes, which are arguably forcible, because victims do not willingly consume these substances.

Even so, the results of this CDC study are in the same ballpark as a 1987 study by the U.S. Department of Justice. This study used data from the National Crime Victimization Survey (NCVS) during 1973 through 1982. It found that about 8% of females aged 12 years and older will be the victim of a completed or attempted rape at some point during those years. This study defined rape as “carnal knowledge through the use of force or the threat of force, including attempts. Statutory rape (without force) is excluded.” For reasons detailed below, the results of the study almost certainly underestimate the rate of rape as defined by federal law.

## **College Rape**

The prevalence of rape among college students is a hotly debated topic, and different studies about it have come to very different conclusions. The results of two nationally representative scientific surveys shine a great deal of light on the reasons for these differences and help sort out the big picture.

In 2014, the U.S. Department of Justice published a study of rapes and sexual assaults of college-age females during 1995

to 2013. It found that during each year an average of 0.2% of women enrolled in a college, university, trade school, or vocational school said they were raped. For college-age women not enrolled in school, the rate was 0.3%, or 50% higher than those who were enrolled.

The study was based on data from the NCVS, which polls a nationally representative sample of about 90,000 households and 160,000 people twice per year. Respondents are first interviewed in person and then via phone every 6 months for 3.5 years. The overall response rate for this study was 74%.

Unlike the CDC's survey, this one directly asked people if they were raped. An advantage of this is that it straightforwardly measures people's perceptions about what happened to them. A disadvantage is that people's perceptions of rape appear to be more narrow than federal law. This may be because some people think rape only involves intercourse, while federal law states that it also covers situations like forced oral sex and penetration with a finger.

This is illustrated by a scientific survey of 4,446 college females conducted during 1997 by researchers from the U.S. Department of Justice and National Institute of Justice. The survey had a response rate of 86%, and it defined rape in precise terms, asking women if since the start of the school year someone had used force or the threat of force to sexually assault them in any of the following ways: penile-vaginal, mouth on your genitals, mouth on someone else's genitals, penile-anal, digital-vaginal, digital-anal, object-vaginal, and object-anal. About 1.7% of the women said that others had done such things to them, but when they were asked, "Do you consider this incident to be a rape?" only 46.5% answered "Yes."

The researchers who designed this survey also conducted a comparison survey with the same methodology except that it used the sexual assault questions posed by the NCVS. This

survey found that only 0.16% of the respondents said they were raped, or about one-fifth as many who said they were raped in the primary survey. Based on these conflicting results, the authors concluded that their use of graphic questions in the primary survey “likely prompted more women who had experienced a sexual victimization to report this fact to the interviewer.” These graphic questions, which were asked before the direct question about rape, were:

- Has anyone made you have sexual intercourse by using force or threatening to harm you or someone close to you? Just so there is no mistake, by intercourse I mean putting a penis in your vagina.
- Has anyone made you have oral sex by force or threat of harm? By oral sex, I mean someone’s mouth or tongue making contact with your vagina or anus or your mouth or tongue making contact with someone else’s genitals or anus.
- Has anyone made you have anal sex by force or threat of harm? By anal sex, I mean putting a penis in your anus or rectum.
- Has anyone ever used force or threat of harm to sexually penetrate you with a foreign object? By this, I mean for example, placing a bottle or finger in your vagina or anus.

In other words, the survey described actions that fit the legal definition of rape before it asked respondents if they had been raped.

Combining the results of the studies above and assuming that the 1997 data is still roughly correct, several points emerge about the annual prevalence of rape among college-age females:

- When not prompted with graphic descriptions of acts that fit the legal definition of rape, about 0.2% of women in college say they were raped.

- When prompted with such graphic descriptions, roughly 1.0% of college women say they were raped.
- Approximately 2.1% of college women say they have been the victim of acts that fit the legal definition of rape, but only 46.5% of these women consider these acts to be rape.
- College-age women who are not enrolled in college are about 50% more likely to be raped than women who are enrolled.

Given the last of these facts, the media's focus on college rape appears misplaced, because this issue is primarily about age, not the safety or culture of universities. Other studies point to the same conclusion. For instance, CDC's 2014 report on sexual assault found that 40% of female rape victims were first raped before the age of 18, and 79% were first raped before the age of 25.

Likewise, a 2000 U.S. Department of Justice study of crimes reported to law enforcement in 12 states from 1991 to 1996 found that the incidence of forcible rape peaked at the ages of 14 and 15 years and remained relatively high through the age of 25:

### **Drink Spiking**

"Date-rape drugs" or "club drugs" are a class of recreational and prescription drugs that sexual predators covertly give to their victims to disable them. They go by street names such as Roofies, Easy-Lay, Liquid X, and Special K.

These drugs are readily available in the U.S. and are often odorless, colorless, and tasteless. Hence, they can be easily slipped into drinks. Given the nature of these attacks and high-profile cases like that of Bill Cosby, the press has devoted significant attention to such crimes.

A 2016 paper in the journal *Psychology of Violence* notes that

there are “frequent media reports and discussions of drugging on college campuses,” but knowledge of this issue is “based almost exclusively on anecdotal data.” Various scholars, including the authors of this paper, have conducted studies on this issue using data that is not nationally representative and possibly not random, because some are based on web surveys. Thus, they cannot determine the prevalence of such crimes. Nonetheless, such studies have found that:

- 7.8% of students at three U.S. colleges said they suspected or knew they were unwillingly drugged, and 14.5% of these students “experienced either unwanted sexual touching” or were “forced to have sexual intercourse” while under the influence of these drugs. This amounts to a drugged sexual assault rate of 1.1%. (Psychology of Violence, 2016)
- 19% of emergency room patients at an urban/rural hospital in England who were alleged victims of drink-spiking tested positive for drugs that they said they did not knowingly take. None of them tested positive for common date-rape drugs, and the authors determined that their “symptoms are more likely to be a result of excess alcohol.” (British Medical Journal, 2007)
- 0.6% of women at two universities said they were certain someone had sexually assaulted them after slipping them a drug, and 1.7% said they suspected this happened. (Journal of American College Health, 2010)
- 4.9% of female sexual assault complainants at four U.S. clinics tested positive for typical date-rape drugs. Most of these women had prescriptions for the drugs and had taken them “by their own accord and not received them surreptitiously.” However, it “is possible that some of the subjects who believed they were given a drug did not report to the clinic quickly enough for our analysis to detect” it. (University of Illinois, Department of Biopharmaceutical Sciences, 2005)

The imperfect evidence above suggests that a very small portion of rape cases involve secretly administered date-rape drugs. Similarly, a 2008 paper in the journal *Trauma, Violence, & Abuse* reviewed 11 studies on covert drugging and concluded:

- All but one of the studies “failed to remove voluntary consumption of alcohol and drugs in their interpretation of results.”
- “The only robust estimate,” which was a study conducted in the U.K., “shows that only 2% of instances of alleged drug-facilitated sexual assault were due to covert drug administration.”
- “Although public health campaigns focusing only on covert drug administration are laudable, they are detracting attention from the much greater risk of being sexually assaulted following voluntary drug and/or alcohol consumption.”

## **False Reports**

As a battle has raged over the nomination of Brett Kavanaugh to the Supreme Court, many prominent people have stated or implied that Christine Blasey Ford and the other women who have accused him of sexual assault are probably telling the truth, because false sexual assault accusations are extremely rare. Such claims appear in a broad range of articles and commentaries from media outlets like *Time*, *ABC News*, *USA Today*, the *New York Times*, the *Los Angeles Times*, and *Vox*.

To support their assertions, every one of those pieces appeals to one of two organizations:

- The American Psychological Association, which states, “Research demonstrates that false claims of sexual assault are very low, between 2 and 7 percent.”
- The National Sexual Violence Resource Center, which says

that “the prevalence of false reporting is low between 2% and 10%.”

Tracing these claims back to the sources on which they depend reveals that the studies don't state what these organizations declare. For instance, the “2%” figure comes from a study of rapes reported to police during 2000 to 2003 in Victoria, a state in southeastern Australia. Starting with the obvious, this study does not represent the U.S. or even all of Australia. Also, this is a study of rapes reported to the police, which as detailed above, are small portion of all alleged rapes. Moreover, these tend to be the most brutal cases. A 2002 study by the U.S. Department of Justice found that “59% of female rape victims whose victimization was reported to police received medical treatment, compared to 17% of victims whose crime went unreported.”

Most importantly, the Australian study says that the figure of 2% only counts cases that were “clearly categorized as a false report and the alleged victim was either charged” or warned that “she would be charged unless she dropped the complaint.” The study then states:

*While this represents only a fraction of the sample, the findings will show a much larger proportion of cases where police were confident, or reasonably confident, that the allegations were false but there was no attempt to institute charges against the alleged victim.*

How much larger? Beyond the 2% of rapes reported to police where the accusers were charged or threatened with charges for making false allegations, the study found that in 9.5% of the cases, members of the Criminal Investigation Unit “were confident or reasonably confident that the victim was making a false report.” The study also found that:

15.1% of the allegations were withdrawn.

46.4% of the allegations resulted in No Further Police Action.

21.3% of the allegations “werestill ongoing” or could not be determined on the basis of the information in the case records.”

Adding together only those cases where (1) the accusers were legally imperiled for making false allegations, (2) the complaints were withdrawn, and (3) the Criminal Investigation Unit was reasonably confident that the accusers made false reports, this amounts to 27% of the reported rapes.

Adding together all cases of false, likely false and unsubstantiated rape allegations, the total rises to 85%. Put another way, the report directly states that only 15% of rape reports resulted in charges against the accused, much less convictions. This, of course, does not mean that only 15% of the reported rapes actually occurred. By the same token the fact that only 2% of the accusers were legally jeopardized for making false allegations does not mean that these were the only false reports.

In evaluating this “2%” claim, an academic work about “False Allegations of Sexual Assault” calls it a “myth” and states:

*There is no shortage of politicians, victim’s advocates, , and news articles claiming that the nationwide false report rate for rape and sexual assault is almost nonexistent, presenting a figure of around 2%. This figure is not only inaccurate, but also it has no basis in reality. Reporting it publicly as a valid frequency rate with any empirical basis is either scientifically negligent or fraudulent.*

So what is the actual rate of false rape allegations? A 2006 paper in the Journal of Investigative Psychology and Offender Profiling states “there is currently no way of knowing, ” because:



*Determining whether allegations are true or false can be extremely difficult. And, at times, the investigator will simply not have enough evidence to deem with any sufficiently small margin of error that the charges are in fact true or false.*

With flagrant disregard for these facts, Snopes, an organization that claims to be “engaged in the battle against misinformation, ” states that “the most recent and credible research on this topic suggests that around 5% of rape or sexual assault allegations are false.” Snopes bases this claim on a 2016 meta-analysis of seven studies which allegedly shows that “5.2% of rape allegations were false.”

However, the meta-analysis does not say that. Instead, it states that “at least 5%” of sexual assault allegation are “confirmed false reports” and “potentially many more false report cases” exist. In fact, this paper lists four different studies that measure the frequency of “suspected” false allegations and “found false reporting rates above 40%.”

Ironically, the very first study examined in this meta-analysis is the Australian one detailed above, and the meta-analysis does not accurately represent it. The analysis says that this study found that beyond the 2% of false reports, “several more” cases were “in question” by investigators. In contrast, the study says that the number of such cases is “much larger” and doesn’t use a mealy phrase like “in question” to describe them. Again, it states that these are cases where investigators “were confident or reasonably confident that the victim was making a false report.” The analysis also mischaracterizes the 2% as “confirmed false reports of rape.” Once more, this figure only applies to cases where the accusers were charged or threatened with charges for making false allegations.

To summarize the nature of all this disinformation, media

outlets and so-called fact checkers are mischaracterizing their sources and in turn, their sources are mischaracterizing the relevant studies. This is a prime example of how the press and scholars mislead the public. It also highlights the importance of digging back to primary sources which are those that provide "direct or firsthand evidence."

Another common fiction surrounding the Kavanaugh nomination is that his accusers have "no motive" to lie. This is belied by academic literature and law enforcement professionals who have identified numerous reasons why people make false allegations of rape.

For example, Linda Fairstein, former head of the Manhattan District Attorney's sex crimes unit and "one of America's foremost legal experts on violent crimes against women, " wrote a book titled *Why Some Women Lie About Rape*. In it, she details real-world cases where false accusers were motivated by "pure and simple greed, " the desire to "get back at a man for something, " and other reasons. She also notes that "sometimes there's no real motive all, and the allegations seem to come out of thin air. Often in these cases the woman making the charges is psychologically unstable."

Going into greater depth, a 2006 paper in the *Journal of Investigative Psychology and Offender Profiling* identifies "14 possi