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**Accused of Rape/Sexual abuse – but you didn’t do it?**

Has someone falsely accused you of rape or sexual abuse whether recently or quite some time ago? You may feel some of the following:

* Bewildered/Confused
* Angry
* Scared/Fear
* Despair
* Dirty
* Depressed

This leaflet aims at helping those who have been falsely accused of the above offences to cope with what has happened and try to find a positive way forward. This may seem impossible to hope for, and even ludicrous, but please read and apply the appropriate actions for your circumstances and in time you may be surprised at the outcome.

**How can a person make such a false allegation against me/my friend/partner?**

By asking this question we are really asking “Why” There may be no simple single reason, but experience has shown some of the following motives.

* **Revenge** or **vindictiveness** due to anger toward the accused.
* **Confusion** of the accuser – either as a result of mental illness or the effects of **drugs** (including alcohol) or **stress**
* **Financial –** there is circumstantial evidence showing that some people have made false allegations of rape and applied for compensation from the Criminal Injuries Compensation Authority (CICA)\* <http://www.justice.gov.uk/about/criminal-cases-review-commission> a minimum claim is £1000 rising to over £500,000 per claim (in 2006) (**Note:** This is not reclaimed by the authority if a conviction fails or the allegation is proved to be false)

\*Under ‘The Freedom of Information Act’ the accused can find out if their name has been mentioned in a compensation claim by sending a brief letter requesting this and a cheque for £10 to CICA (subject Access Request), Tay House, 300 Bath Street, Glasgow G2 4LN (Tel. 0300 003 3601)For NI check the Compensation Agency, sixth floor Millenium House, 25, Great Victoria St., Belfast BT2 7 AQ 0300 200 7887

* **“Displaced “anger** Here the accuser is angry about someone or something else, but chooses either consciously or subconsciously to direct the anger to the accused in this way (possibly seen as an easy target).
* As a result of **bad counselling.** Unfortunately, as a result of poor counselling instead of finding the truth, reality and healing, some people get false memories/pictures of what has happened in their pasts. This has led to family break-ups and false allegations of abuse.

**You have been accused falsely – what can you do?**

* Firstly, you are not alone, call FASO on 0844 335 1992 Mon to Fri 6pm to 10pm. Carefully find supportive people.
* Don’t panic! (Easier said than done!) Be proactive; document everything (ties, dates, names, organisations). Try to have a witness with you in any important interview or conversation.
* Check out the allegation (if given it) and compare with reality i.e. where you really were and what you were doing at the time(s) of the alleged abuse/raps. Write all this down chronologically (in date time and place order) and use it for your defence case. You may know that you haven’t done what you have been accused of but you need to prove this to others who may doubt your innocence. Use this information as strongly as possible: i.e. send any evidence to your solicitor as soon as possible, especially before the CPS makes a decision. (Few solicitors will face CPS if the evidence provided is overpowering, as told to us by those who call us. Do not assume justice will be carried out without help from you.
* Get legal help when required. Take time to find the right solicitor (not all are suitable) FASO can help with this as they hold a list of recommended solicitors given to them by those who have used them. Note you may not necessarily qualify for legal aid (except for the visit with you to the police station) and if you were it pays little and therefore some solicitors will naturally do little for it (they are not charities and need to balance their own budgets. So it is not personal)

**You have now been arrested**. Normally bail is given, until the police have completed their investigations – after which they will do one of three things. (Sometimes you will be imprisoned if the allegation puts the accuser in danger or there is a flight risk etc)

1. **Charge** \*you and the problems continue, The chronological list will prove invaluable to your solicitor in putting your case together, only you know the history so get family to help write it, and go over the evidence provided by the police (if they provide any at this stage) thoroughly in order to answer the questions posed. Ensure the solicitor is doing what you want as you are the ‘employer’, but there are some issues they cannot take to court because of the court protocol – ask questions and get answers.

2. **Re-bail** you to another date (this has no time limit so one can be re-bailed many times) when the police have ‘completed their investigations’ they will then give you a decision. This is the most frustrating as it can take a long time and jobs and health and family life are at risk during this period. Seek medical advice if necessary – Solicitors can do nothing at this point, however some can face CPS with conclusive evidence that would drop proceedings against you. Keep in contact with FASO to support and answer questions.

3**. Charges are dropped**. However you will need to check your CRB certificate. There is no compensation for those whose cases are dropped. The CICA tell FASO that those who have their cases dropped are not victims and cannot claim against the accuser. But FASO suggest you try and apply, so that we can show how many people are affected with false allegations, and maybe the rules will then get changed.

\* Having had your interview taped at the police station you may purchase a copy of the tape from the Chief Constables office of your police district. (The fee is usually £10, but check for a change in prices).

**You have been convicted and are trying to appeal or are appealing**

Again FASO may be able to help by giving contact details of solicitors as you go through this time. Try not to change solicitors/barristers unless you need to – particularly if you are on legal aid, as the legal aid board do not like moving legal aid between solicitors. Still speak with FASO for support.

**What about the law – Can they get away with false allegations?**

Currently when an allegation of rape or sexual abuse is made to them the police are obliged to take this very seriously and usually arrest the accused, even where there is no evidence or witnesses to support the allegation. This record of arrest will remain on police computer records (from the moment of arrest\*) for the rest of the accused’s life. It is damming in its wording and will not be removed even if the allegation is not followed by conviction or later proved to be false (Oct 2011 the Government are still in the process of making this a less draconian ruling. Check the CRB web site) As a result the accused may experience difficulties and restrictions in finding employment or involvement in some voluntary organisations. These restrictions on employment contravene EU and UN Human Rights principles (see <http://www.un.org/en/rights/> ) also refer to [www.humanrightsinitiative.org](http://www.humanrightsinitiative.org)

 \*To obtain a copy of the police computer record of your arrest, etc. go to a police station and ask for the Subject Access request Form, complete it and send if off with a £10 Cheque (always check with your local police station the current price for this) to the address on the form. You will need to tick the boxes for both types of police records against you (the first will only give details of convictions only)

* Where a person has made a false allegation leading to or putting another at the risk of arrest or imprisonment they have committed a crime of ‘perverting the Course of Justice’ against the state. This is found in our common law as an offence against public justice (see <http://www.cps.gov.uk/legal/p_to_r/> ). The current police attitude and policy (unfortunately usually supported by the independent Police Complaints Commission (IPCC) is to protect those who make the allegations of abuse even when it can be shown that he allegation is false. Whilst one can understand the need to protect genuine victims of abuse the police and IPCCC don’t see to seem to differentiate between allegations which are true or false. As a result few counter claims of perverting the course of justice are taken seriously or lead to convictions. So, the accused must decide whether or not to battle against these attitudes and policies to try and get a just outcome of their situation (also fighting for access their families at the same time) It is not for FASO to tell the reader what to do, or the course of action to follow, but to inform him/her of possible options.

**You wish to claim that the allegation made against you is false and that the accuser has ‘Perverted the Course of Justice’**

1. Go to your local police station and inform them that you wish to make a claim that the offence of Perverting the Course of Justice has been committed because you have been falsely accused. A false statement has been made putting you at risk of or led to arrest/conviction (see
2. <http://www.cps.gov.uk/legal/p_to_r/> ) see also MANKIND web re Perjury. They will most likely try to brush you off or say that no such law exists (this is a lie). You need to insist that they take a statement from you and the necessary steps (investigating into your claim, or if you are in a different part of the UK to where the allegation and/or arrest was made they **must** pass on your statement and claim to the relevant police force called the ‘owning force’ (see National Crime Reporting Standard Annex’s A – C (as at 2011) which is part of NCS 2002 (put NCRS UK into search engine)(SCRS 2002 for Scotland). You may need to threaten to make a complaint of dereliction of duty against the police officer(s) if they do not co-operate and/or request to see the senior officer in charge at the police station. It may be helpful to take along with you copies of the appropriate legislation and police policy which the leaflet has mentioned. If you hope to have success you need. To provide the police with as much concrete evidence and possibly signed statements of witnesses if possible to prove that the allegation against you was false. You may wish to get legal help (check carefully the suitability of the solicitor and costs involved – you may not be entitled to legal aid)
3. The ‘owning force’ must contact you within 7 days maximum (NCRS 202 – Annex A). If they do not you can contact that force’s Professional Standards Department or the IPCC [www.ipcc.gov.uk](http://www.ipcc.gov.uk) Tel. 0300 020 0096 or e-mail: [www.ipcc.org.uk/complaints](http://www.ipcc.org.uk/complaints) **Note**: this is the head office in London’s details. They will probably refer you to a *‘Casework Manager’* at one of the regional offices.
4. Go through the process of the complaint until you get to speak to an officer at the ‘owning force’ (county constabulary).
5. The police officer dealing with your statement that the crime of ‘Perverting the Course of Justice’ has been committed will eventually write you a letter confirming what action (if any) they will take. If you are unhappy with the outcome, contact the IPCC again. Various forms may be filled out and appeals made including making a complaint against a police officer and Professional Standards police officers for not following correct procedures or inaction in following up your complaint(s). Please be aware that all of this can take long time! All initiative is left to the complainant i.e. yourself. It is important to know that IPCC is limited in what it can or will do and they may well support the police officers you may complain about since many IPCC Professional Standards police officers actually work from the same offices as the officers you may have made a complaint against.
6. On receipt of the final verdict of the IPCC this is the end of the line as far as our justice system is concerned. If you wish to pursue matters to the European Court of Human Rights look up [www.echr.coe.int](http://www.echr.coe.int) (see under headings)
7. Of course you might be successful in getting a just outcome in your situation. Whatever the result the following may be useful

**Either you choose not to pursue a counter claim of perverting the /course of Justice or you were unsuccessful in the attempt.**

You may be asking yourself what now? Or how can I cope with what is/has happened to me? You may feel like a victim of injustice and quit helpless and despairing. As someone who has been through this myself I fully appreciate the pain and anger you might feel. There are some things that you can do however which may improve things or at least how you feel. These points may seem common sense and you may be doing them anyway.

1. Look after yourself physically, emotionally and mentally by trying to ensure that you have a supportive a situation as is possible with those of your friends and family who you know and trust to be on your side and helpful (many people believe that there is no smoke without fire’ and so may not believe in your innocence entirely). You may wish to avoid sharing with such people ad limit yourself to the few who you that you can trust. This is very important to your own survival at this difficult time and requires careful consideration and communication with those around you.
2. Try to continue to do normal things – routines and family life.
3. Find ways to unwind and relax – both on your own and with your partner/family. This is vital in trying to **stay sane.**
4. Refuse to be a ‘victim’ in yours or others viewpoint. This is why it might be helpful to contact your local MP/MSP/MEP (be warned though – they may not be very helpful), write a letter of complaint to your local police chief or the Home Office (Home secretary) voicing your concerns/feelings about the injustice you are/have experienced. Do what you can to make your life as good as possible under the circumstances. A false allegation may have been made against you and some people may even believe it, but this doesn’t alter what is the truth of the matter! You know your own innocence.
5. Get help and support – don’t let your feelings get the better of you. Speak to your trusted few and of course FASO on 0844 335 1992.
6. If you feel stronger and wish to help others then you may talk to Margaret at FASO about the possibility and process of becoming a helpline volunteer or financially give to help FASO continue its service to others.

**Further Information and contacts**

1. If there has been a change in the outcome with the police your computer file may need updating. This will not necessarily be done automatically. For instance if you have been to court and acquitted or the allegation against you dropped/rescinded or the accuser found to be guilty of perverting the course of justice. To get the record changed you will need to write to the following with official letter/evidence to indicate the change

a. Available from your local police station on form 133/1: Application for access to your Personal Data held on (local county police name) police Information Systems. See www. <http://www.acro.police.uk/subject_access.aspx>

**B. Important for Anyone facing Conviction on 'Hearsay Evidence'**

**I** Even though your counsel will not be able to question the absent witness, counsel can and must put to the jury a list of questions they would have asked if the witness were present!

Stay strong Margaret FASO helpline 0844 335 1992 open Mon to Fri November 2011 (written by a previous helpline worker with personal experience) As the legislation has been rapidly changing this year (2012) please check contact webs for latest updates.

Websites updated by FASO on 27 Nov 2013