

Issue of false allegations accusations



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False Allegations/Accusations

Introduction

Allegations of every kind should be taken seriously. Allegations, no matter how small, one may be, should be taken with the same seriousness as what someone would consider a severe allegation. At this same time, the rights of all persons involved, should remain protected at the same time. This goes for the plaintiff and defendant. Whoever is being accused should not have the image in society as guilty until proven innocent. Just as this applies, the allegations should be taken seriously, however the accuser should not automatically be considered or treated automatically as the victim automatically. There are a number of different allegations that could be detrimental to one's career or mental well-being even if the end result is the accused persons innocence. When considering allegations specifically, I would like to remain focused strictly on false allegations. There is a difference between being falsely accused, lack of evidence, mistrial, and guilty. USLegal defines false accusation as, " An accusation that is contrary to fact or truth is a false accusation. Lack of evidence is defined as " lack of proof" by WordReference. A mistrial is defined as " when a judge cancels a trial, she declares a mistrial. In other words, she decides that some mistake has been made and the trial must begin again from the start, with a new jury" by vocabulary. com. Guilty is defined as " justly chargeable with or responsible for a usually grave breach of conduct or a crime" by Webster. Some of these allegations include but are not limited to rape, sexual assault, domestic violence, cheating, work related misconduct, treason, forgery, theft, breaking and entering, and robbery. Someone being falsely accused

happens more often than one may think. There is no proper way to account for all the false allegations of every different case and to give accurate statistics. Also depending on the source of information the factual information can be presented in a way that it favors one side or the other to another person. Accusations should be taken seriously from the moment of notification, while having the best interest of all parties involved and to be protected through the entire process.

After all, “ due process of law” is guaranteed in the 5th Amendment in the Constitution of the United States of America. This means that one may refuse to answer questions that might self-incriminate themselves. Under the 14th Amendment every person is authorized “ equal protection under the law”. This means that every person, regardless of gender, race, sex, religion and wealth no one person can be discriminated against when it comes to law and must be treated equally. Yes, the Constitution promises ones such rights which is great.

As an individual is presumed not guilty, they still face scrutiny moving forward. Why is this such a big problem? What is the best method to help individuals with the psychological issues in the aftermath of being falsely accused? Could this be an issue with our judicial system and lack of protection? If a false allegation presents itself, then whatever the issue is or event that supposedly happened is not the issue due to it never happened. Does this deem the individual that falsely accused has or is the issue? This leads me to the possible reasons one may make a false accusation. A Pew Research Study conducted resulted in 86 percent of women with a 4-year

degree believe all the sexual assault reports are more of a dilemma within society.

No matter what is being accused, when one is not guilty there is damage that is done that can never be undone. Once a person becomes accused there is more of a guilty until proven innocent verdict initially. This is very detrimental to one's life. Possible repercussions of being accused could, but are not limited to, leading to a person's loss of job, license, certifications, benefits, forfeiture of pay, being banned from certain locations and a loss of lifelong friendships. These are only examples of things that can happen to a person in their job or career. This does not include the psychological aspects one goes through. How often can an individual afford to seek medical attention to address such an issue. Some side effects of being falsely accused could be stress, depression, addiction, substance abuse and unstable relationships for the rest of one's life or for certain periods of time.

Being cleared of allegations is good however, this person now becomes a victim of the crime themselves due to being falsely accused. They become a victim of dealing with the consequences of such actions that they have fought so hard to prove their innocence. The person accused becomes victim of the crime itself when no crime was conducted.

Examples of false allegations include a case involving a student from Drew University by the name of Kevin Parisi. Kevin Parisi was accused of non-consensual sex with another female student. One source stated that, " Parisi was banned from his dorm and other places on campus. The accusation compounded Parisi's pre-existing medical conditions (anxiety and digestive)

and the stress interfered with his studies. By the time he was found not guilty — three months after being accused — he was on academic probation”. This is just one case of many that effected one person’s entire life. Since all has taken place Kevin Parisi has filed a lawsuit against the University claiming that it “ ruined” his “ entire academic career” stated by Ben Horowitz of the NJ. com.

Another example is a story of an 11-year-old female child reported to reporters that someone approached her from behind and cut her hijab on the way walking to school one day. A hijab is defined by BBC as the act of covering up generally but is often used to describe the headscarves worn by Muslim women. A new release stated “ this is being investigated as a hate crime”. Upon further investigation the child was lying and concern for her confidentiality afterwards grew. In this case keeping the rights preserved for the accuser and the accuse is very important due to that this case does not follow her through her whole life. This brings up another issue with once someone commits false allegations. What should be the repercussions after a person falsely accuses someone?

Research Study

The research study that I chose to look at assessed the fine details of true and false statements over a six-month period of time. The hypotheses are “ truthful allegations containing more detail relative to false allegations at each of the assessment intervals” which was true and “ decrease in detail would be similarly reflected across truths and lies” which was partially true. The study uses what is called a memory assessment procedure (MAP). This

system is derived from a point system based upon number of details, facts, and false statements. The statements after being recorded and are analyzed by undergraduate research assistants who know and understand the coding system used. The ones analyzing the investigation were said that the “ Coders were blind to the narrative type (truth versus lie) that they were assessing, as well as the hypotheses of the current study.” If this is true, this is a definite good consistent way of analyzing the data collected. The study shows that truthful statements start around 225 details and after six months are around 134. The false statements start around 179 details and after six months the average is around 107. These numbers are all based upon averages of undergraduate students who were said to have experience with trauma of 147 narratives. The number of narratives addressed is good that it is multiple accounts. The availability of a bigger source of individuals may be challenging due to wanting to comply with the investigation. Two strengths of this research study are the ones reviewing the data are supposed to be blind to the experience, not knowing whether it is true or false initially, and that the high number of narratives looked at. The narratives look could have been more, but due to resources, possibly this was a good enough sample for the research they wanted to test. Two weaknesses of the study are that the means for the detailed coding variables remained more consistent with the false statements compared to the truthful statements when referring to the number of consistent details. This may have been due to the guidelines of what the false statements had to follow throughout causing this similar result. The other weakness, in my opinion, was the lack of release of the type of undergraduates used in the study. The study refers to the 147 different allegations that they used, but does not say how many people participated.

This leaves room for a question of who. The only who the research refers to is that the undergraduates that were used had background experiences of trauma.

Polling and Opinion

Polling to find the public opinion is a valuable tool to see how the public perceives certain issues depending on the source of information. Morning Consult conducted a survey among 2, 201 people between 4-8 October 2018. This revealed that 57 percent of people are worried about both men and women equally. This refers to men being accused of false allegations and women filing the allegations. This is a little over a year after the #MeToo movement started. President Donald Trump stated that it was “ a very scary time for young men in America, when you can be guilty of something that you may not be guilty of”. This addresses the issue of sexual assault allegations; however, it is specifically directed at just females accusing men. This is not the only type of sexual assault that occurs or the only false accusations. Sexual misconduct is the most heard about false allegations over any other different category. One study by Pew Research Center stated 74 percent of society thinks that the issue of sexual assault is, “ very important”; while 86 percent of women with a 4-year degree believe all the sexual assault reports are more of a dilemma within society. Another article by Fortune stated, “ 31% of respondents say that women making false claims about being sexually harassed or assaulted is a major problem in today’s workplace. Another 45% think baseless allegations are a minor problem”. This is only one source for a public opinion out of 6, 251 adults that were interviewed. This leads an individual to feel for both parties

involved not just the apparent victim. No matter what the result someone will be a victim.

Future Projections

There is no safe way to address this issue for it to be suitable for both sides. The most important thing for future projections is to protect all parties until an investigation is complete. This would mean that both people, if work-related, unless they work for the same company, keep their jobs. If an individual is removed prior to a conviction then they must be reinstated once the allegations come back false, if that is the result of an investigation. Reactions from employers should be held to a minimum to help protect the one accused. There should be revised policies at the workplace to help protect both individuals. No matter whether this employer or coworker feels there should be no immediate action against the accused. This could result in some employers abiding by such new regulations and some may not. This could be a possible point of conflict. If there are only certain organizations or corporations that are apart of a certain group that makes these changes, it is a start. The rights of everyone are laid out in our Constitution and should be exercised accordingly, as well. This is not about what personal beliefs and one being opinionated about possible charges one may be under, it is about the rights for the one who is falsely accused. The protection of their rights, freedoms and how they function in society should not be changed for something they did not do. Also, through each state, should make available counseling services from social workers and psychologist to help the effected individual with psychological damages from false allegations.

Conclusion

In summary, this is a big problem no matter what one deems the reason. The rights of the accuser and the rights of the accused should remain protected until the proper investigation occurs. The rights of the individuals should also be protected through an appeal just as it would through the normal investigation in all fairness. In the end, the more false allegations that come about the more harm this does to future victims than help in any circumstance. This could possibly be due to a weakened legal system that this country is in now and thus removing the credibility of the accused. All individuals that remain not guilty not for lack of evidence should immediately have their name cleared along with reinstating anything taken away from them. Counseling services should be rendered to individuals who have been falsely accused for the psychological well being of the innocent. Another thing that should be addressed is punishment for a person who makes legitimate false allegations. One lawyer in the United Kingdom by the name of Nigel Richardson stated, “ It’s as though lying to the police, as they would see it, demands a really heavy reaction.” This could be a problem or this could help with addressing the amount or number of false allegations across the board. In other words, protect all parties, along with each of their individual interests, and take all allegations with a sense of urgency.

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