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## PORTLAND FALSE RAPE REPORT- THESE THINGS HAPPEN.

Posted By Edmund Folsom

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On Wednesday, August 12, 2015, a 34-year old woman (who at this point remains publicly unnamed) reported that she was raped at midday on Portland's Back Cove trail. According to press reports yesterday and in the morning paper today, the woman reported that she was forced into an area of tall grass near I-295, where she was raped by a white man, late 20's or early 30's, average build, 6' 1" to 6' 3", dark hair and a goatee, wearing shiny red shorts and a black or navy blue tank top. The woman reported that 2 passers-by shouted at her attacker, causing him to flee. Afterward, the woman drove herself to the hospital and reported the rape. But if she was raped in the tall grass, and if the passers-by shouted at the attacker, causing him to flee, the passers-by must have witnessed the rape in progress. How odd it is, then, that the passers-by did not speak to the victim and/or report to police that they just witnessed a rape on the Back Cove trail at 12:30 p.m.; and yet no passers-by made any such report.

The public expressed shock at the brazenness of the attack. Portland Police Chief Michael Sauschuck tried to calm them by pointing out that stranger rapes are not common in Portland, and especially not on Back Cove Trail. In fact, Sauschuck has been with the Portland P.D. for 18 years, and in all that time there have only been 2 sexual assaults reported on the Back Cove Trail, and one was a false report... HOLD ON! WAIT A MINUTE! Make that 2 out of 3. This one is also a false report. Asked today to try to reconcile her version of events with the statements of others who were in the area at the same time, the unnamed woman fessed-up that she made the whole thing up. This is sad, but thankfully, unlike other false report cases, this one didn't progress to the point where an innocent person was accused, charged, placed on trial, and (as sometimes occurs) convicted and made to serve years in prison for a crime he did not commit.

I don't want to beat on the woman who made this report. She is obviously troubled. But I think it's especially important for people to stop and reflect on what happened here. It takes me back to a case that has stuck in my craw now for 20-some years. Back in the 90's, another young woman reported a rape in Portland. To my knowledge, the woman remains publicly unnamed. I am certain she never faced charges for what she did. This woman reported that she was grabbed in a parking garage and raped after spending time in an Old Port bar. A "Take Back the Night" assembly was held to express outrage and to, well, take back the night from vicious, rapist predators. A composite sketch was made of the woman's attacker based on the description she provided to police. Copies of the sketches were

posted on utility poles in the Old Port and one was printed on the front page of the Portland Press Herald.

One local guy got out of bed on the morning his composite sketch showed up on the front page of the paper and realized he was the target of the Old Port stranger-rapist story. The guy went to a local attorney and told him about a woman he met at an Old Port bar on the night of the alleged rape. He said the two of them left the bar together and went to a local motel where they had sex before parting amicably. But, at this point, he realized he was the subject of this woman's stranger-rapist tale. The attorney took his client to the Portland Police Department to tell his story. The desk clerk at the motel remembered a man and a woman approaching the desk in a state of smoochiness that night. They stayed in the room for a while, and then left, apparently on good terms with each other. Surveillance video bore him out. As I recall, the woman was motivated to make the false report when she was asked by relatives about her disheveled appearance upon returning home. And so ended that rape investigation... quietly. The story was allowed to simply die. It was never reported in the press that the woman's story was a lie, and I'm quite sure her name was never disclosed. It has always bothered me that the real story didn't become public, but I know why it didn't. The prevailing thinking was that if the report was revealed as a lie that would increase the likelihood that people would disbelieve the next women who reported a rape. After all, if you want people who are accused of rape to be punished, you can't expose the public, potential jurors all, to too many examples of demonstrably false (and even high profile) rape accusations. That might give people the wrong idea, and it might also dissuade women who truly are victims of sexual assault from reporting their own rape out of fear they'll be disbelieved— better to bury the story than to let it out to carry such negative consequences. Ah, but you dismiss my example as merely anecdotal, do you? Well, I could recite others, and I could point to the utter lack of skepticism that recently caused Rolling Stone magazine to print a fabricated tale of rape culture manifested at a University of Virginia fraternity, or nearly led to the steam-rolling of a bunch of innocent white frat boys in the Duke Lacrosse rape-lie case, but I digress.

A central problem of the criminal justice system— a central problem of humanity— is our inability to achieve perfection. People will act reprehensibly, both accused and accuser, and the criminal justice system will err as surely as the sun will rise in the east; so in which direction should it err? Given that we are forced to choose one form of error over the other, is it preferable to allow some guilty people to escape punishment, to minimize the chances that we might otherwise punish the innocent, or to accept the punishment of the innocent as necessary to maximize the chances that the guilty cannot escape? There are some who, especially when it comes to sexual assaults, prefer the latter over the former. Where they prevail, we see the falling away of the skepticism required to minimize punishment of the innocent.

Keep in mind the August 12, 2015, false report of a rape on the Back Cove Trail, and keep in mind that now two out of the three sexual assaults reported on the Back Cove Trail in the last 18 years are false reports. Keep it in mind not because it means that most sexual assault reports are not true— far from it— but because it means that people sometimes make these things up, and that they will sometimes, for reasons that are difficult to explain, run a substantial self-destructive risk that their lies will be exposed to the public. Hold it as a reminder of why it serves justice to be skeptical in these matters. Given our options, it's better to set our bias in favor of letting some guilty escape punishment than to allow innocents to be personally destroyed and imprisoned in a misguided attempt to ensure that no guilty can escape.

Update, 8/20/15. The heretofore unnamed woman from the August 12, 2015, false report now has a name . The name is Sarah Dodge, and she has been summonsed for false public report or alarm, Class D. The one from the way-back days remains anon.

<http://www.pressherald.com/2015/08/20/portland-police-charge-woman-with-filing-false-report-of-rape-at-back-cove/>

ADDENDUM 2/13/16.

Another, more recent, news story of a false sexual assault claim appears at the link below. On July 17, 2014, Lindsay Anderson, a 34-year-old Sebago woman, showed up at Portland's Mercy Hospital claiming she had been car-jacked and forced to drive to a remote location by 2 men who sexually assaulted her. The Cumberland County Sheriff's Department investigated the case at length, resulting in a recent misdemeanor charge against Ms. Anderson for filing a false police report. This story didn't get the front-page splash of the story above. In fact, it appears in a single column, on page 3 of the Local section of the Saturday paper, but at least it appears, unlike the day when it would have been buried for a greater good.

<http://www.pressherald.com/2016/02/12/sebago-woman-who-reported-sex-assault-charged-with-making-false-report/>