

SPECIAL REPORT

False Allegations of Domestic Violence Cost Taxpayers \$20 Billion a Year

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False allegations of domestic violence have become so commonplace that they now threaten the integrity of the American legal system.

As a former domestic violence prosecutor in Georgia revealed:

“As politically incorrect as it is to say, many women file charges against boyfriends/spouses on a routine basis, and then recant the charges when the cases come to trial. Some of the alleged perpetrators are really guilty, and [a] *very large percentage (though not majority) are not guilty of anything except making the woman in their life angry.*”¹

Indeed, legal observers note that in four out of five cases, the person who calls for police assistance later recants or drops the charges.²

In addition, 2–3 million restraining orders for partner abuse are issued each year in the United States,³ many of which are false or unnecessary. One study conducted by the Massachusetts Trial Court found that less than half of restraining orders involved even an *allegation* of violence.⁴

Legal experts now acknowledge that non-meritorious claims are often made during a divorce proceeding to gain a legal edge:

- In California, the State Bar admits that protective orders are “almost routinely issued by the court in family law proceedings, even when there is relatively meager evidence and usually without notice to the restrained person...it is troubling that they appear to be sought more and more frequently for retaliation and litigation purposes.”⁵
- An article in the *Illinois Bar Journal* notes that allegations of abuse and restraining orders are often used as “part of the gamesmanship of divorce.”⁶
- Elaine Epstein, former president of the Massachusetts Bar Association, revealed, “Everyone knows that restraining orders and orders to vacate are granted to virtually all who apply....In many cases, allegations of abuse are now used for tactical advantage.”⁷

This report considers a claim or statement that is untrue or unnecessary to be a false allegation. Persons who knowingly make such accusations are almost never subject to legal sanctions. Casey Gwinn, a San Diego prosecutor and national authority on domestic violence, admits, “If we prosecuted everybody for perjury that gets on a witness stand and changes their story, everybody would go to jail,” adding that he never had any desire to have false accusers prosecuted.⁸

A previous RADAR report, “A Culture of False Allegations: How VAWA Harms Families and Children,” documents how a nexus of broad legal definitions, undue incentives, get-tough law enforcement and prosecution programs, child custody practices, and biased judicial education programs have created a climate that is ripe for legal abuse.

The report concludes, “There can be little doubt that VAWA has contributed to our culture of false allegations.”⁹

Even though false allegations are common, to date the financial impact has been unknown. This Special Report outlines the human impact and estimates the public costs associated with such accusations.

How Do Domestic Violence Programs Encourage False Allegations?

Domestic violence (DV) programs promote false allegations in at least eight ways:

1. State domestic violence coalitions lobby for broader definitions of domestic violence, weaker evidentiary requirements, and less attention to due process.
2. Domestic violence coalitions push for generous benefits to persons awarded restraining orders based on scant standards of proof.
3. Abuse shelters, sometimes referred to as “one-stop divorce shops,” dispense free legal advice.
4. Legal aid clinics script clients’ court testimony, which amounts to a form of suborning perjury.
5. Hotlines and websites encourage persons to seek restraining orders for abuse that is one-time, minor, or only emotional in nature.
6. Prosecutors refuse to sanction false allegations of abuse.¹⁰
7. Judicial education seminars advise judges to “play it safe” by issuing the restraining order.¹¹
8. Checklists instruct judges to “hold batterers accountable” and “increase safety for victims,” but say nothing about assuring due process or safeguarding the principle of “innocent until proven guilty.”¹²

Not surprisingly, VAWA-funded domestic violence programs are largely silent on the matter of false allegations. The term doesn’t even appear on the website of the ABA Commission on Domestic Violence.

“Sally” of Vallejo, California, had been ordered by the court to vacate the family home. But the day she was supposed to move out, she accused her husband, “Joe,” of pushing her. Joe spent the night in jail.

The judge later dismissed the charges. “Even the cop was apologetic,” said Joe. “She told me she didn’t believe [my wife], but that she had to arrest me because the accusation had been made.”¹³

So whatever came of the notion of “probable cause” as a requirement for arrest?

The Human Cost of False Allegations

Consider this scenario:

You and your spouse are having marital problems and one night you get into an argument. Your spouse gets angry and calls the police. The police arrive with a restraining order. They force you to vacate the house and refrain from any contact with your partner for two weeks.

You feel devastated, since there had been no physical violence. At the hearing, the judge asks, "Can you prove that your spouse was not fearful during the argument?" How would you demonstrate your innocence?

It is difficult to overestimate the impact of a false accusation of partner violence. A false claim stigmatizes and humiliates the person and may require him to spend substantial sums to clear his good name.

He may lose his security clearance and his job. Even if he is found innocent of the charges, a record of the incident may remain on the books, harming his reputation and career. And the children may become caught up in a series of claims, counter-claims, and eventual parental alienation.

The tragic case of Emily Hindle illustrates the complex dynamics of these cases:¹⁴

Karl Hindle and Sheila Fuith had a baby girl while the two were living in England. Born in early 2002, Emily was diagnosed with lazy eye (amblyopia), which required that she wear an eye patch several hours each day to save her eyesight.

Less than a year after Emily's birth, Fuith tired of the relationship and decided to return to the United States. In order to bolster her custody claim, she accused Hindle of domestic violence. With no evidence or due process, the U.S. State Department granted a visa and authorized Emily's removal.

Back in the United States, without warning, Fuith terminated Emily's eye patch therapy and then attempted to place her with a family that included a convicted pedophile.

When the father learned of these developments, he resorted to every available channel to reinstitute his daughter's therapy and have her returned to his care.

Fuith moved from state to state, continuing to accuse Hindle of stalking, harassment, and domestic violence. But police investigations and court findings repeatedly found Hindle innocent of the allegations.

As of 2008, Hindle had not seen his daughter for two years. Emily is now blind in one eye. “Emily has paid a terrible price and continues to do so—as do we all,” laments the heartbroken dad.¹⁵

False allegations take a financial toll, as well. To estimate the financial cost of false allegations of abuse, we must calculate:

1. The total sum spent on domestic violence programs in the United States
2. The frequency of false allegations and their impact on family fragmentation.

These questions are addressed in the following two sections.

What Does the Nation Spend for Domestic Violence Programs?

A previous RADAR report concluded that the federal government spends \$1 billion annually for domestic violence programs.¹⁶ This is a conservative estimate, because it does not include the millions of dollars spent on VAWA-mandated housing and immigration programs, including public benefit programs for persons who engage in immigration fraud by falsely claiming to be a domestic violence victim.^{17,18}

That \$1 billion estimate does not include financial support by state and local governments, by charities, or by individual donors. The amounts from those sources can be estimated by examining the public costs in one state—West Virginia—and then extrapolating to the national level.

Projected Expenses

A. According to a recent analysis by Dr. Benjamin Foster, state and local governments in West Virginia pay for these DV-related programs:¹⁹

- Law enforcement: \$11.0 million
- Family and magistrate courts: \$4.4 million
- Public defender: \$0.5 million
- West Virginia Coalition Against Domestic Violence: \$6.9 million

These four cost categories total \$22.7 million annually.¹

B. Other DV-related expenses include the following:

- Costs to hire 10 additional family court judges: \$2.7 million²⁰
- Costs for incarceration in state prisons: \$4.8 million. (see Appendix, Calculation #1)

¹ Figures do not add to \$22.7 million due to rounding error.

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- Costs for supervision of parolees and probationers: \$1.8 million.
(see Appendix, Calculation #2)

These three cost categories total \$9.3 million annually.

C. Additional costs associated with domestic violence programs, based on conservative estimates:

- Buildings, vehicles, and other capital expenses for criminal and civil justice courts and law enforcement departments:² Estimated expense: \$1 million
- Costs for incarceration in local jails: Estimated expense: \$4 million³
- Personnel involved in prosecuting criminal DV cases, including prosecutors, judges, bailiffs, and their assistants: Estimated expense: \$3 million
- Circuit Court and higher courts involved in processing domestic violence cases: Estimated expense: \$1 million
- Non-personnel operations for family and magistrates courts: Estimated expense: \$0.5 million
- Other expenses associated with criminal DV cases such as building maintenance: Estimated expense: \$0.5 million
- Offender treatment programs: Estimated expense: \$0.5 million

These seven cost categories total \$10.5 million annually.

Adding the amounts from A, B, and C, the annual public expense associated with domestic violence in West Virginia is an estimated \$42.5 million.

Projected Income

The federal government pays these amounts for domestic violence programs in West Virginia:

- Violence Against Women Act:²¹ \$8.9 million
- Victims of Crime Act: \$1.8 million (see Appendix, Calculation #3)
- Family Violence Prevention and Services Act:²² \$0.2 million

These federal funds total \$10.9 million annually.

Assuming that these programs are not operating at a deficit, the difference between \$42.5 million and \$10.9 million—\$31.6 million—must come from non-federal sources, including state and local governments and private and charitable contributions.

² In 2005, Cook County, Ill. renovated its Domestic Violence Courthouse at a cost of \$51 million. Cook County Information Center. Press Release, 2005. <http://www.friendsofdowntown.org/events.html>

³ The Administrative Office of the United States Courts estimates that in FY2004, the following annual costs per inmate: Imprisonment: \$23,206; Community correction centers: \$20,103. <http://www.uscourts.gov/ttb/may05ttb/incarceration-costs/index.html>

Thus, non-federal sources represent about three-quarters (see Appendix, Calculation #4) of the total costs for domestic violence programs in West Virginia.

These figures are summarized in the table below (numbers are in millions of dollars):

<i>Projected Expenses</i>		<i>Projected Income</i>	
Foster analysis:	\$22.7	VAWA:	\$ 8.9
Other expenses:	9.3	VOCA:	1.8
Estimated costs:	10.5	FVPSA:	0.2
<hr/>		<u>Non-federal:</u>	<u>31.6</u>
Totals	\$42.5		\$42.5

Estimated National Expenditure for Domestic Violence

We know that the federal government spends about \$1 billion a year for domestic violence programs. If we extrapolate the three-quarters fraction calculated from West Virginia to the national level, we conclude that *each year approximately \$4 billion is spent for domestic violence programs.*

Because of the exclusion of VAWA-mandated costs related to housing and immigration, the \$4 billion is a conservative estimate.

False Allegations and Their Impact on Family Fragmentation

One of the most important consequences of an allegation of domestic violence is the award of child custody to the accusing parent. One-third of American children grow up in single-parent households, placing these children at far higher risk of poverty, child abuse, and a broad range of social pathologies.²³ So how many children are involved in false allegations of abuse, and what is the financial impact on society?

These calculations answer that question:

1. Each year more than one million American children experience the divorce⁴ of their parents.²⁴
2. About one-fourth²⁵ of divorces involve an allegation of intimate partner violence.⁵

⁴ Many children in single-parent households have parents who did not marry. There is no known data available on the rate of allegations of domestic violence or the percentage of false allegations among such couples. Therefore, this analysis extrapolates data from divorcing couples to all separated couples.

⁵ It is unknown what percentage of separations by cohabiting, unmarried adults involve an allegation of DV. For purposes of this analysis, we assume the same percentage among married and unmarried couples who separate.

3. In 60%–80% of cases,^{26,27} the allegation is deemed to be unnecessary or false.
4. Each year, about 175,000 children are involved in a divorce with a false allegation of domestic violence.⁶ (See Appendix, Calculation #5)
5. In all but two states, divorce judges are required to consider allegations or findings of intimate partner violence in the award of child custody. These children grow up in single-parent households with restricted or no contact with the other parent, usually the father.
6. The annual taxpayer costs for federal poverty programs arising from fatherlessness and family fragmentation are conservatively estimated at \$100 billion²⁸ to \$112 billion.²⁹

Thus by conservative estimates, the U.S. taxpayer pays \$20 billion annually to support single-parent families that have been harmed by a false allegation of domestic violence. (See Appendix, Calculation #6)

The \$20 billion figure excludes other significant costs associated with false allegations, including:

1. The direct personal costs of divorce and lost productivity, estimated to be \$14,364 per couple.³⁰
2. The legal costs of defending oneself from a false allegation, a process that can be financially and emotionally devastating.
3. The non-monetary costs arising from loss of a normal parent-child bond and its psychological impact on children.
4. The additional taxpayer burden arising from VAWA-supported immigration fraud, estimated at \$170 million a year.³¹

False Allegations: A National Crisis

Our nation’s legal system was founded on a series of protections, enumerated in the Bill of Rights, that assure due process for any citizen accused of an offense. But in the past 20 years, those protections have been whittled away in the name of “holding batterers accountable” and “assuring the safety of victims.” It is no surprise, then, that false allegations have become commonplace.

⁶ It is recognized that allegations of domestic violence may be more common in divorces involving children. However, no data is available on this point. Therefore we make the assumption that the rate of false allegations is the same in divorces with and without children.

This Special Report makes three key findings:

1. Each year our nation spends \$4 billion for domestic violence programs.
2. Each year, about 175,000 children are involved in a divorce with a false allegation of domestic violence.
3. These claims, in turn, contribute to \$20 billion in public costs and taxpayer burden associated with fragmented families.

We have reached the point where false allegations represent a personal, family, financial, and legal crisis in our society. In the long term, false claims harm the true victims of violence:

Judge Rucker Smith of Georgia was assaulted by his ex-girlfriend. Even though she had instigated the incident and he did not retaliate, he was charged with battery. A jury later acquitted Smith of all charges.

The judge subsequently opined, "For someone to falsely accuse another out of anger and vengeance silences the voices of the many real victims."³²

Legal reforms must be instituted so that the real victims of violence can get the help they need, so persons are no longer falsely accused, so families are safeguarded, and so our children are protected.

Calculations

Calculation #1:

1. In 2005, the West Virginia correctional population was 5,312, of whom 56% (2,975 inmates) were incarcerated for a violent crime.³³
2. Of these 2,975 inmates, an estimated 7% (208 persons) were imprisoned for a crime against an intimate partner.³⁴
3. The annual cost for imprisonment is \$23,206 per inmate.³⁵
4. Calculation: 208 inmates x \$23,206 = \$4,826,848

Calculation #2:

1. In 2003, there were 6,430 probationers and 999 parolees in West Virginia, of whom an estimated 7% (520 persons) had been imprisoned for domestic violence.³⁶
2. The annual costs for supervision by probation officers are \$3,453 per person.³⁷
3. Calculation: 520 persons x \$3,453 = \$1,795,560

Calculation #3:

1. Number of DV victims served in 2002: 16,293
2. Number of victims of adult sexual assault (SA) served: 1,406
3. Total victims served: 33,899
4. Percentage DV and SA: $(16,293 + 1,406) \div 33,899 = 52.2\%$ ³⁸
5. Total VOCA expenditures for domestic violence and sexual assault: \$1.8 million³⁹

Calculation #4:

\$31.6 million ÷ \$42.5 million = 74.4%

Calculation #5:

1,000,000 children x 0.25 DV allegation rate x 0.70 rate of false allegations = 175,000 children

Calculation #6:

\$112 billion x 0.25 DV allegation rate x 0.70 false allegation rate = \$19.6 billion

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