

Search TCW

Search



Twice As Well

By [Cassandra A. Gaddo](#) / 04/07/11 [RSS feed](#) [Like](#) 2

A Look Into Sexual Assault Legalities with CAASE

Fighting for women and their rights can at times be an uphill battle, but this is the battle that [Kaethe Morris Hoffer](#), Legal Director at [Chicago Alliance Against Sexual Exploitation](#) (CAASE), fights every day. She gives a voice to the women and men who have survived sexual assault.

Interview by Ana Valentine.

TCW: What legal services does CAASE provide to survivors?

Ms. Morris Hoffer Through our new Sexual Assault Justice Project, we offer free legal counsel for survivors of sexual assault who want to explore their legal options. Mostly, what rape survivors actually want is for the legal systems that exist to believe them, to acknowledge what was done to them, and to do something that holds the perpetrator accountable. We have a lot of laws that allow survivors to take action, but many survivors aren't always aware of these choices. For example, the [Civil No Contact Order Act](#) allows survivors of sexual assault to file a lawsuit in order to prove that rape occurred, even if police or the prosecutors decided they didn't want to pursue the case.



Acquaintance rape is overwhelmingly the most common rape. It happens without witnesses and is mostly accomplished with the kind of force that does not leave significant bodily injury. Usually perpetrators claim, after the fact, that they had consent from the victim. That is a very difficult kind of case to prosecute, and frequently police and prosecutors feel like they don't have enough evidence to prosecute. We don't always agree. We think the police and prosecutors should be more aggressive even if all they have is the testimony of the survivor. If what the survivor wants is to have a day in court and to have someone acknowledge that she was raped, then the civil no contact order is the perfect tool.

If a survivor is raped by a college classmate and wants to use the student judiciary system to file a complaint about the assault, we are available to represent her through the process. A lot of times, I represent clients who are attempting to get police and prosecutors to investigate their cases and charge their rapes. We advocate for these victims with police and prosecutors. We help educate victims about their rights to take unpaid time off work. We work with clients who need to have their landlords educated on why is it they are trying to get out of their lease. Sometimes we have clients come to us simply to file a police report for something that happened to them a long time ago. We try to do anything we think would be helpful to a survivor.

Can you define rape and sexual assault and define what the difference is?

Rape is essentially the layperson's term for sexual assault. Sexual assault is the legal term in Illinois for sexual penetration or serious sexual contact that is accomplished by force or without the consent of the victim.

What are some of the current problems in the legal system with regards to sexual assault in Illinois?

Police and prosecutors' practices haven't yet caught up with the status of the law. The Illinois Supreme Court in 1991 made it very clear that a person could be convicted of felony sexual assault, even if the only evidence against them was the victim's testimony. Literally, under the law until 1991, believing a woman wasn't enough. Fortunately, in 1991 the Illinois Supreme Court decided that assault wasn't only forcible sex that is also witnessed, or that it had to be forcible sexual assault that also leaves someone with a broken bone. The law just says forcible sexual assault. If her testimony convinces a judge and a jury beyond reasonable doubt, then that's all you need.

Unfortunately, it appears to be the case that the state's attorney's office doesn't want to charge sexual assault as a felony unless they have corroborative evidence, which mostly you are not going to get. Now, the state's attorney's office doesn't admit that this is their official policy to do this, but it appears to be the case. The easiest cases, the one that fit the stereotypes of rape, are the ones that get prosecuted. Stereotypes of rape are that it always happens in a dark alley, or that people are most often raped by strangers. The most common

More by Cassandra A. Gaddo

After 22 Years, Justice and Hope
How Liz Seccuro went from rape victim to justice-seeking survivor [More »](#)

YWCA Reaches Out To Survivors of Sexual...

Jeanette Castellanos Butt, Director of Sexual Violence and Support Services at... [More »](#)

Angela Rose "Shatters the Silence"

Founder of PAVE works to empower victims [More »](#)

On a Mission for Survivors

Denise Rotheimer fights for legislation to help sexual violence victims [More »](#)

When It Comes to Charlie Sheen, We're...

Why does Sheen's violent past get a pass? [More »](#)

Related Blogs

Most Commented



After 22 Years, Justice and Hope
By [Cassandra A. Gaddo](#)



YWCA Reaches Out To Survivors of Sexual Violence
By [Cassandra A. Gaddo](#)



Angela Rose "Shatters the Silence"
By [Cassandra A. Gaddo](#)



Sexual Assault Awareness Month Interview Series
By [Cassandra A. Gaddo](#)



Women's History Month: What's Left to Fight For?
By [Cassandra A. Gaddo](#)

[PURCHASE DIGITAL ISSUES](#)

rape scenario, however, is the one where there has been some drinking, or the woman didn't think she was going to get raped, or the woman interpreted the situation that she was with someone who was a nice person who wouldn't refuse to take no for an answer. All of those decisions that she made generally tend to get held against her.

What is your opinion on the HR3?

I thought that Kristin Schaal's satire on [The Daily Show](#) was one of the most brilliant pieces of satire I have ever seen. I think it is incredibly good news that the effort to attack abortion rights in that way was dialed back. I think that it's not just police and our prosecutors who haven't caught up with the law. For as much as people recognize that most sexual assault is committed by acquaintances, I think our culture is very reluctant to let go of the myth that "real" rape only involves strangers and severe violence. If a woman willingly has previously engaged in sexual activity, our culture doesn't want to believe her or stand with her when she says that she has been raped. False accusations of rape are actually very rare, as few as two percent of all reported rapes are found to be untrue. It's much more common that women are raped and remain silent.

Tell me more about the Sexual Assault Justice Program.

I believe we are the first organization to provide free, direct legal services to any and all sexual assault survivors in Chicago who want to have a lawyer, to either assist them as they work with the criminal justice system or to help them pursue any other civil ways of proving the rape and getting safety for themselves. CAASE is collaborating with [Illinois Coalition Against Assault](#) and five other rape crisis centers to provide services in Chicago and to make sure that every person who is raped knows that they can call us. They will get advice and consultation about their legal rights and, if they are interested, potentially representation when they interact with the criminal justice system.

One of the reasons we know that we're pioneers is that virtually every time I contact a police officer or a state's attorney and explain that I am working with a survivor, they tend to be surprised and flummoxed. I just got off the phone with a sergeant who reacted this way. I said that our client wanted to come in and talk, because they are doing an investigation into the very bad treatment she received from the first police officer she reported her rape to, and that she wants to have an attorney next to her. He said he had never heard of this before and needed to ask his boss how to proceed. I have had a lot of detectives refuse to conduct an interview with my client with me present. Survivors don't usually show up with representation. We are pushing the envelope.

Our job is not to be antagonistic, but to be supportive. Prosecutors and police will frequently say that rape can be difficult to prosecute because it is difficult to keep the victims invested in working on the case. That is frequently my role: to help represent a victim so that she has the information and support so that she feels comfortable continuing in the process.

Displaying page 1 of 2 1 2 »

Share:



Cassandra A. Gaddo is managing editor and electronic media editor of Today's Chicago Woman. She is also involved in Step Up Women's Network as a member and volunteer, is a member of the Young Women's Leadership Council of the Chicago Foundation for Women and a member of the CARE Chicago Media Initiative. Find her on Twitter at <http://www.twitter.com/cassandragaddo>.

Comments (0)

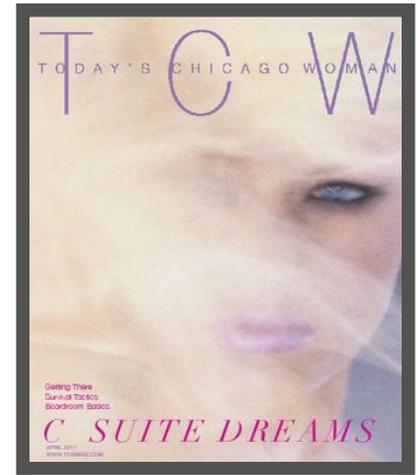
Add your comment

Name (required)

Email Address (required)

Website

Comment



Advertising

For information regarding advertising, please [contact us](#)

Download the 2011 Media Kit [Our Advertisers](#)

Today's Chicago Woman
 You like this.

@TCWmag on Twitter

RT @mmlanep: Great @chrislockgarcia blog about #TraverseCity, MI! RT @tcwmag: How We Survived Our #SpringBreak #RoadTrip.
<http://chicagonow.com/3mbl> (Tue, 19 Apr 2011 03:12:12) [More»](#)

Great @chrislockgarcia blog about #TraverseCity, MI! RT @tcwmag: How We Survived Our #SpringBreak #RoadTrip.
<http://chicagonow.com/3mbl> (Mon, 18 Apr 2011 22:43:16) [More»](#)

Dealing with Emotional Ups and Downs @ <http://www.tcwmag.com/blog/dealing-with-emotional-ups-and-downs> @tcwmag (Mon, 18 Apr 2011 22:23:38) [More»](#)

Dealing with Emotional Ups and Downs <http://lnkd.in/Wx-WNi> (Mon, 18 Apr 2011 22:23:16) [More»](#)

This Thurs 4/28, @DineOut4Life celebrates its 18th anniversary! Dine @ participating restaurants & fight HIV/AIDS <http://on.fb.me/gdFe02>
(Mon, 18 Apr 2011 20:16:43) [More»](#)

issue: **ivory**

 stop spam.
read books.

Notify me when new comment is posted

© 2011 Today's Chicago Woman

Submit Comment



RÄ DI MARTINO, FINALIST FOR THE 2005 FURLA AWARD

Discover the project at www.furla.com

106 Oak Street, Chicago

FURLA

CW Magazine
by **doejo**