

No one said,
'We don't believe you'

By Lee Provost

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Now that the fourth and final former Bradley-Bourbonnais Community High School wrestler has taken a plea bargain, ending the court charges against the upperclassmen who were accused in connection with the sexual assault of a freshman, it's time to ask if the outcome was good, bad or made a difference.

In this case, felony charges were actually filed in 2009 by Logan County State's Attorney Michael McIntosh following an investigation by the Lincoln Police Department. The four were originally charged with a felony, unlawful restraint, although one of the four, **Colton Beaupre**, was also initially charged with aggravated battery.

The charges against Beaupre — the last student who pleaded guilty to misdemeanor battery in court Thursday — were upgraded in 2010 to criminal sexual assault and attempted criminal sexual assault.

One legal expert said people should consider the convictions a victory.

Said Kaethe Morris Hoffer, legal director of the Chicago Alliance Against Sexual Assault: "The fact they believed him is very important and meaningful.

"The fact the prosecutor was willing to proceed is very significant. This case beat the odds. ... No one said, 'We don't believe you' or 'We are not going to proceed.' "

In fact, charges actually being filed, she said, is one of the most difficult obstacles in a case such as this one. In Illinois, there is an 11 percent arrest rate on reported sexual assaults, she said.

"If prosecutors get a guilty plea — even to a lesser charge — victims appreciate when the state's attorney comes forward," Morris Hoffer said. "What matters most to these victims even more than the outcome is that it went through the process."

According to the Illinois Coalition Against Sexual Assault, as many as 1 in 6 boys might be sexually abused at least once before age 18. The group's study, the Third National Incidence Study, found that girls are sexually abused three times more often than boys.

After accepting the final plea deal, McIntosh said with the way things were panning out, "this was the way to go at this time."

Jody Raphael, a DePaul University professor and expert on violence against women, was less optimistic about the plea deal.

"These situations are all too predictable," Raphael said. "The outcomes, as well, are too predictable. ... Most often all we are left with is questions. ... All too often these situations are not dealt with appropriately."

Adding to the difficulty of the case was that the assault took place in December 2008, but wasn't reported until the following March when the student was questioned by a coach regarding a change in his behavior.

Lyn Schollett, general counsel for the Illinois Coalition Against Sexual Assault, said a rule of thumb is that nationally only 3 or 4 of every 10 sexual assaults are reported.

Declining to report the incident is "the norm, not the exception," she said.

While not familiar with the BBCHS incident, she said school-age victims are fearful because they don't want classmates to learn of it. But, like Morris Hoffer, Schollett said the victim can take some consolation in the battery convictions. The certainty of a conviction is better than no conviction, Schollett said, which might explain why the victim's family agreed to these pleas.

"Plea agreements are not all bad. ... This is not an unfamiliar path. Certainty can be a good trade-off at times," Schollett said.

And what about the school? Have any procedures changed as a result of this case? Are there different supervision policies for students on overnight trips? Asked to discuss any changes, BBCHS Superintendent Mike Hogan responded via email, saying, "there really is nothing new to add to the information provided then" to The Daily Journal regarding the school's response, review process and practices.

The entire email can be viewed on The Daily Journal's website, daily-journal.com.