

# TOO LITTLE, TOO LATE? THE CPD'S RESPONSE TO SEX CRIMES 2010-2019

Data Analysis and Recommendations for  
Making Critically Needed Changes



CHICAGO  
ALLIANCE  
AGAINST  
SEXUAL  
EXPLOITATION

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## A NOTE ABOUT LANGUAGE

Although “victim” is often used to describe a person who suffered a violent crime like sexual assault or abuse, CAASE gravitates towards using the term “survivor” to refer to people who have lived through sexual violation. “Victim” has a legal definition, is often used in the context of police response to violent crimes, and affords a person certain rights in the criminal legal system. Our general preference for the term “survivor” is rooted in our awareness of the strength and resilience of the individuals that we serve, and of the difficult journey towards healing and restoration walked by most people who have experienced sexual harm.

## INSPIRATION

We take inspiration for this report from a 2008 report titled, “Taking Rape Seriously: Addressing Sexual Assault in Cook County” by Jody Raphael, an attorney and researcher with the Schiller DuCanto & Fleck Family Law Center at DePaul University’s College of Law. Raphael’s report sought to determine the prevalence of rape in Cook County by evaluating reports from law enforcement data, measuring the number of reports that lead to criminal charges for sex offenses, as well as the number of survivors seeking services through rape crisis centers. Her report concluded: “... that sexual assault is an underestimated problem in Cook County, and responses are grossly inadequate.”<sup>2</sup> Our findings lend themselves to similar conclusions.

## PUBLICATION

The research and production of this report were conducted by the Chicago Alliance Against Sexual Exploitation. It was published in October 2020. More information and a digital version of the report are available at [caase.org](http://caase.org). To obtain printed copies, contact [policy@caase.org](mailto:policy@caase.org).

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<sup>2</sup> “Taking Rape Seriously: Sexual Assault in Cook County,” Jody Raphael; Schiller, DuCanto & Fleck Family Law Center at DePaul University. February 2008. <http://www.icasa.org/docs/misc/j%20raphael%20report%20rape%20in%20cook%20county.pdf>

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# Introduction

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Over the last three years, substantial attention has been paid to the #MeToo movement, started by Tarana Burke in 2006. There has been a surge of discussions about how to acknowledge and address sexual harm, and how to appropriately hold those who cause it accountable. Our country is bringing fresh eyes to the important work of evaluating how our culture, institutions, and individual behaviors support sexual violation. We at the Chicago Alliance Against Sexual Exploitation (CAASE) are encouraged to see that our society may finally be reckoning with the ways sexual harm is normalized and excused.

However, we have been deeply distressed by the way survivors of sexual violence are being used as a political shield to deflect urgent critiques of the United State's policing systems, including Chicago's. Questions like "What happens to rapists and abusers without police?" and "Won't sexual assault and domestic violence be more frequent if police aren't there to investigate and arrest offenders?" stem from a deep misunderstanding of how these crimes are being addressed.

For survivors seeking justice through the criminal legal system, current responses are grossly inadequate despite law enforcement and the public claiming that addressing sex crimes is a top priority. As this report reveals, there is a massive gulf between rhetoric and reality. Few understand that a staggering **80 to 90 percent of sexual harm reports to the Chicago Police Department (CPD) over the past 10 years did not result in an arrest.** In other words, **only 10 to 20 percent of survivors saw an arrest in their case and they had to wait weeks or months from the time of their assault to when their assailant was detained.**

CAASE offers this report to educate people about how CPD handles sexual crimes and as a caution against thinking that policing has ever been, or could ever be, a sufficient response to the problems of gender-based violence. Simply put, sexual harm cannot be solved through policing. **It's estimated that of all sexual assaults that occur nationally, just 32 percent are reported to law enforcement.**<sup>2</sup> Of those that are reported, 5 percent result in an arrest, and just 0.5 percent result in a felony conviction.<sup>3</sup> **This means the vast majority of people who cause sexual harm never have any engagement with the criminal legal system.**

For those concerned with the minority of survivors who choose to pursue accountability through the criminal system, this report serves as an opportunity to discuss the reality of how and when Chicago police respond to reported sex crimes and the likely outcomes. It also offers recommendations for improvement because survivors deserve a diverse array of options, remedies, and sources of healing. **As long as there are laws that criminalize sexual violation, survivors who report should be able to count on a high-quality response from law enforcement.** This report is the first in a three-part series assessing that response in Chicago. They will focus on:

- Report 1: How CPD responds to reports of sexual harm (this report).
- Report 2: How the CPD and the Cook County State's Attorney's Office (CCSAO) collaborate (or not) to prosecute acts of sexual harm in Chicago.
- Report 3: How policing and prosecutorial systems impact people living in Chicago's South Side specifically. It will seek to highlight the voices and stories of survivors who are disproportionately impacted by sexual harm, particularly Black survivors, and their lived experiences with the criminal legal system.

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2 "Criminal Victimization, 2015." Bureau of Justice Statistics. 2018. <https://www.bjs.gov/content/pub/pdf/cv15.pdf>

3 "The Criminal Justice System: Statistics." Rape, Abuse, & Incest National Network (RAINN) <https://www.rainn.org/statistics/criminal-justice-system>

# Definitions and Notes

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## DEFINING OFFENSES

In assessing CPD’s response to sexual harm, we selected four criminal offenses to examine: criminal sexual abuse, aggravated criminal sexual abuse, criminal sexual assault, and aggravated criminal sexual assault. We pulled police report and arrest data from 2010 through 2019 for these crimes from the Chicago Public Safety Data Portal<sup>4</sup>, which we accessed from April through June 2020. We excluded charges that are typically given when a child is the victim, choosing to focus on the response by Chicago police to adult survivors in particular. However, because some of the factors that lead to an “aggravated” offense involve the age of a victim, we cannot claim that the data we analyzed is exclusively limited to cases involving adult survivors.

Criminal sexual abuse cases typically involve sexual harm such as assault but without penetration. In contrast, criminal sexual assault cases must have facts that include penetration. Certain factors can be used to convert the charge from criminal sexual abuse or criminal sexual assault to aggravated criminal sexual abuse or aggravated criminal sexual assault. These factors often include the use of force or a weapon, the age of the victim in relation to the offender, and more.

## COMPARING CRIMES

To compare and contrast CPD’s responses to people reporting sex crimes with their responses to other violent crimes, we selected three other charges for police report and arrest data evaluation from 2010 through 2019: first-degree murder, aggravated battery, and armed robbery. This data was accessed from June to July 2020. These charges are examples of violent crimes that CPD has sought to reduce, according to the department’s latest strategic plan from 2019.<sup>5</sup> Also, these are some of the most common crimes against people that lead to incarceration in the Illinois Department of Corrections.<sup>6</sup>

## CALCULATING TIME

To calculate the length of time from incident to arrest by number of days, we accessed the CCSAO’s data portal<sup>7</sup>, pulled data by year for each of the four offenses, and compared the incident end date (or begin date, if the incident occurred on a single day), to the arrest date for each case ID. The Chicago Public Safety Data Portal does not list arrest dates in its data, although it does reflect whether an arrest was made. Neither database lists the date on which reports were made, so we cannot assess the speed of police responses in a way that distinguishes between cases which come to police attention quickly or after time passes. For now, and based on our experience working with survivors, we are assuming the majority of reports this analysis deals with were made within a relatively short period of time after the abuse or assault occurred.

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4 Chicago Public Safety Data Portal <https://data.cityofchicago.org/Public-Safety/Crimes-2001-to-Present/ijzp-q8t2/data>

5 Chicago Police Department Strategic Plan for 2019-2022. <https://home.chicagopolice.org/wp-content/uploads/2019/01/Chicago-Police-Department-Strategic-Plan-Plan-2019-January.pdf>

6 “2019 Prison Pies,” Sentencing Policy Advisory Council. [https://spac.icjia-api.cloud/uploads/2019\\_Prison\\_Pies-20191217T19452269.pdf](https://spac.icjia-api.cloud/uploads/2019_Prison_Pies-20191217T19452269.pdf)

7 “Cook County Government Open Data: Initiation.” <https://datacatalog.cookcountyil.gov/Courts/Initiation/7mck-ehwz/data>

## EVENTS THAT COULD IMPACT POLICE REPORTS AND ARRESTS

Certain events may have impacted the data we analyzed by way of influencing internal policy changes within the police department or state’s attorney office, affecting survivors’ willingness to come forward, or in other ways. These events, from 2010 to 2019, include but are not limited to the:

- Appointment of Garry McCarthy to CPD police superintendent in 2011
- Appointment of Eddie Johnson to CPD police superintendent in March 2016
- Amendments passed by the Illinois General Assembly to the Sexual Assault Survivors Emergency Treatment Act (SASETA) in 2016 and 2018
- Election of Kim Foxx as Cook County State’s Attorney, instead of Anita Alvarez, in December 2016
- Strong resurgence of the #MeToo movement in fall 2017
- Passage of the Sexual Assault Incident Procedure Act (SAIPA) in 2017, mandating all law enforcement agencies complete written police reports for all allegations of sexual harm they receive

## Data Analysis

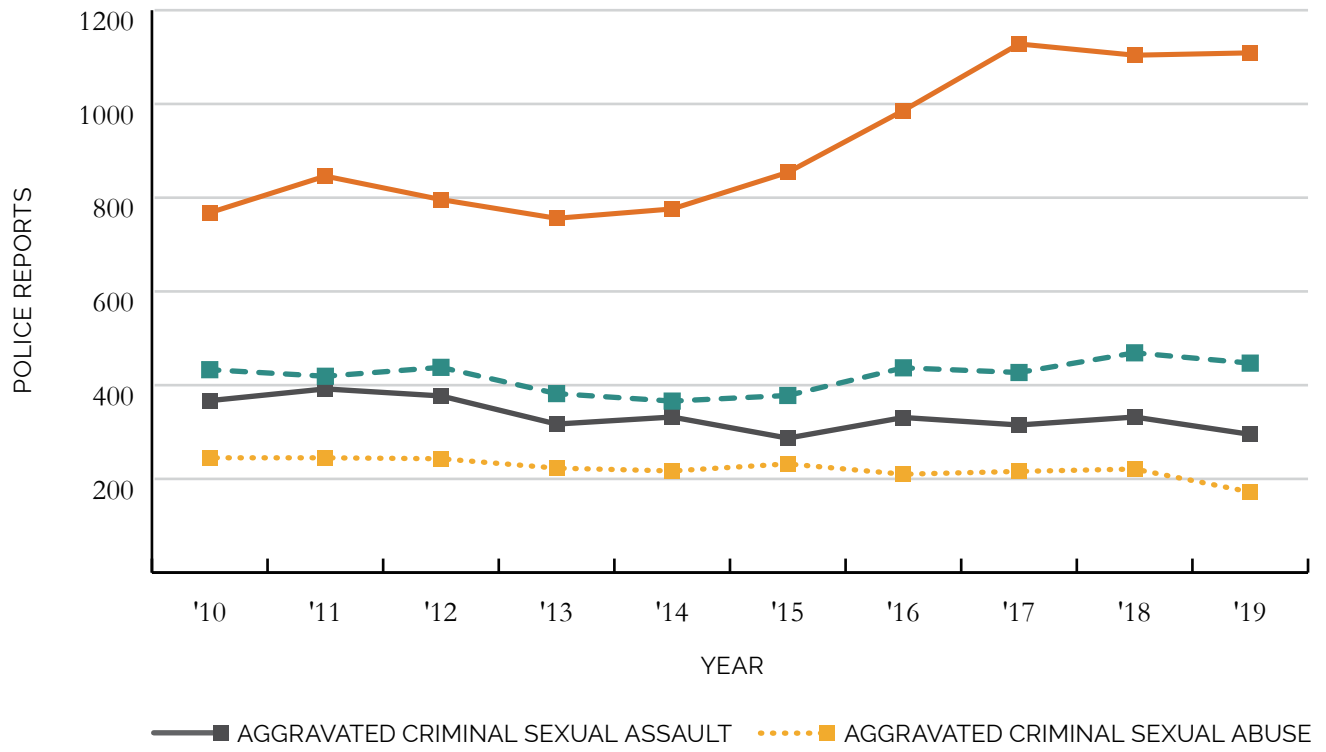
### REPORTS LARGELY FLAT OVER THE PAST DECADE, EXCEPT FOR CRIMINAL SEXUAL ASSAULT

While the number of reports for aggravated criminal sexual assault, aggravated criminal sexual abuse, and criminal sexual abuse have remained flat **over the past decade, the reports for criminal sexual assault have increased 44 percent.** The largest increase in reports of criminal sexual assault was from 2015 to 2016.

YEAR	AGGRAVATED CRIMINAL SEXUAL ASSAULT			CRIMINAL SEXUAL ASSAULT			AGGRAVATED CRIMINAL SEXUAL ABUSE			CRIMINAL SEXUAL ABUSE		
	Reports	Arrests	Rate	Reports	Arrests	Rate	Reports	Arrests	Rate	Reports	Arrest	Rates
2010	367	88	23.9%	768	71	9.2%	245	53	21.6%	433	95	21.9%
2011	392	71	18%	846	85	10%	245	62	25%	419	90	21.5%
2012	377	61	16.2%	796	79	9.9%	243	57	23.5%	438	89	20.3%
2013	317	74	23.3%	756	95	12.6%	223	57	25.6%	382	84	22%
2014	332	47	14.2%	776	79	10.2%	217	37	17%	366	72	19.7%
2015	287	44	15.3%	854	63	7.4%	232	45	19.4%	378	62	15.3%
2016	331	42	12.7%	986	57	5.8%	210	32	5.2%	437	66	15.1%
2017	315	29	9.2%	1128	55	4.9%	216	47	21.8%	427	64	15%
2018	332	45	13.6%	1104	59	5.3%	221	40	18.1%	469	73	15.5%
2019	295	25	8.5%	1109	50	4.5%	172	22	12.8%	447	43	9.6%

*Note: Data points are associated with the year the offense occurred, or when the final offense incident over multiple years ended. For example, an assault that occurred in 2011 is counted as a report for 2011, and abuse that occurred from 2008 to 2012 would be counted as a report for 2012. The "Reports" column lists the total number of offenses that were reported to have occurred for the given year. The "Arrests" column lists the number of offenses occurring in the given year that led to an arrest. For example, an assault that occurred in 2011 and resulted in an arrest in 2012 would be counted as an arrest for 2011. The "Rate" column lists the percentage of offenses that occurred in the given year and resulted in an arrest.*

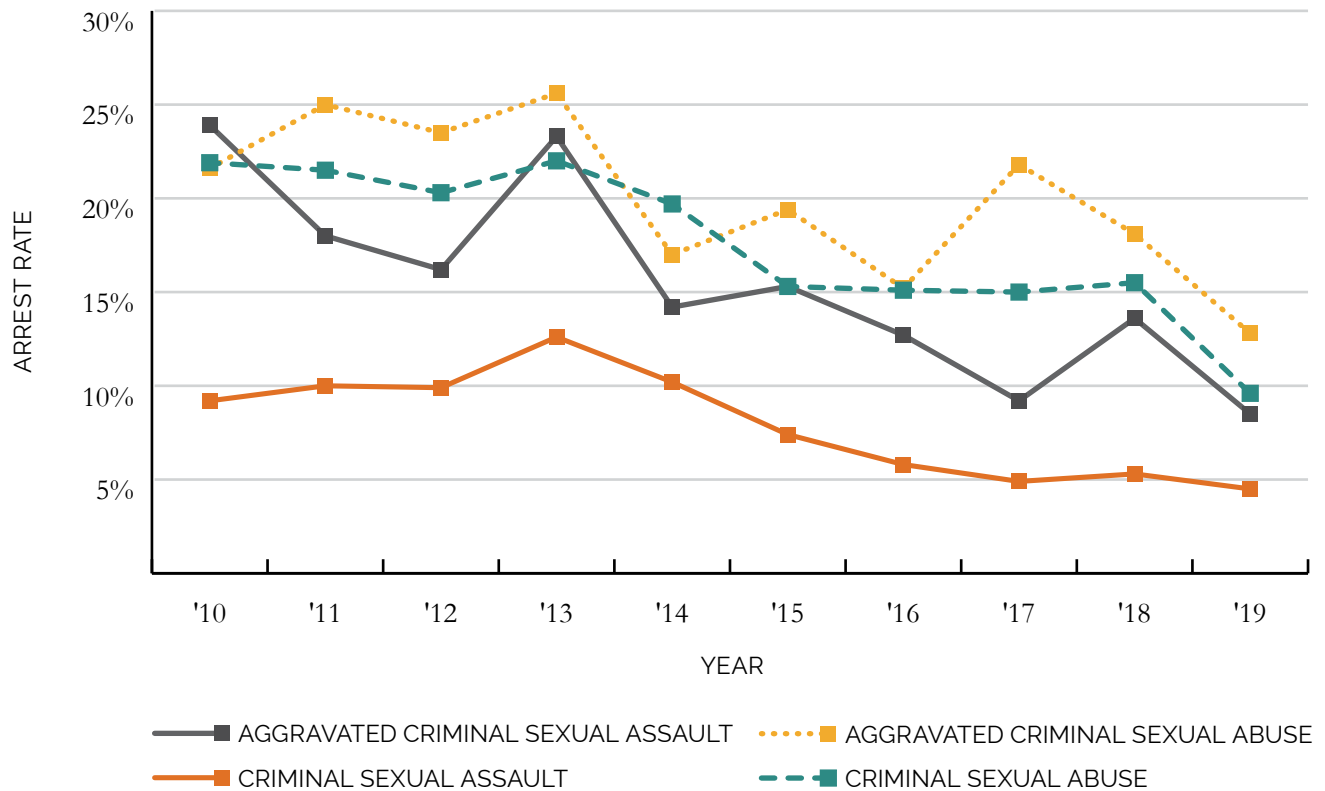
Police Reports for Sex Offenses, 2010-2019



## ARRESTS OCCURRED IN ABOUT 10% TO 20% OF SURVIVORS' REPORTS

The likelihood of whether these reports lead to an arrest varies depending on the offense. For criminal sexual assault, the rate of arrest hovers between 5 percent and 13 percent. However, for aggravated offenses, the rates of arrest are higher, typically ranging from 15 percent to 25 percent.

### Arrest Rates by Sex Offense, 2010-2019



Although the rate of arrest has decreased over the decade, the data cannot answer why. It's possible that investigations into these reports are ongoing and could lead to an arrest in the coming years, especially for reports made in recent years. The decrease may also be related to the resources and capacity of police work, like whether there are staffing issues that could be hindering investigations and arrests, or other reasons.

National research also indicates that police officers often believe as many as 20 percent of all reports of sexual assault are false. That means many reports will never move forward because of officers' false beliefs.<sup>8</sup> In reality, research indicates that false reports of sexual assault to law enforcement make up as little as 2 to 8 percent of all reports (the same likelihood as other crimes).<sup>9</sup>

Criminal sexual assault reports and arrests are also an outlier when compared to the other three offenses. There are continually more reports, while the number of arrests stemming from those reports remains stable.

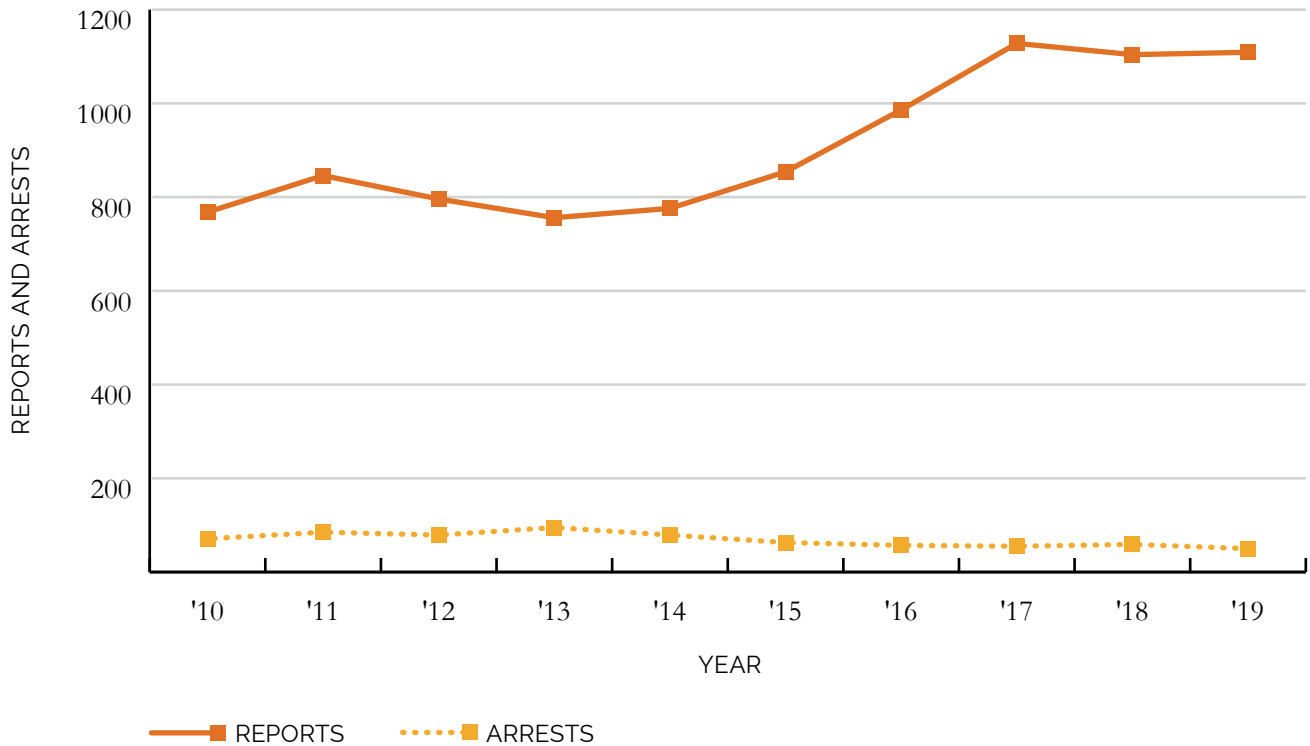
8 "True Colors: Police Officers and Rape Myth Acceptance," Amy Dellinger Page, *Feminist Criminology*. October 2010. [https://pdfs.semanticscholar.org/2d88/1ec827f6df24769ac0276c75f1a8ce4e5932.pdf?\\_ga=2.250762950.1317748747.1595439225-1772264816.1595031344](https://pdfs.semanticscholar.org/2d88/1ec827f6df24769ac0276c75f1a8ce4e5932.pdf?_ga=2.250762950.1317748747.1595439225-1772264816.1595031344)

9 "False Allegations of Sexual Assault: An Analysis of Ten Years of Reported Cases," Lisak, D., Gardinier, L., Nicksa, S. C., & Cote, A. M., *Violence Against Women*. 2010. <https://cdn.atixa.org/website-media/atixa.org/wp-content/uploads/2016/03/12193336/Lisak-False-Allegations-16-VAW-1318-2010.pdf>



Again, this could be the result of multiple influences. The number of reports has likely increased in response to the #MeToo movement, and our culture and legal systems' expanding understanding of rape beyond those that are committed by a stranger, forcibly, at night, etc. The stagnant arrest rate, however, could be the result of a lack of interest from police and their leaders in making arrests in these cases, low staffing levels to investigate and arrest people who cause harm, or other reasons.

### Reports and Arrests for Criminal Sexual Assault, 2010-2019

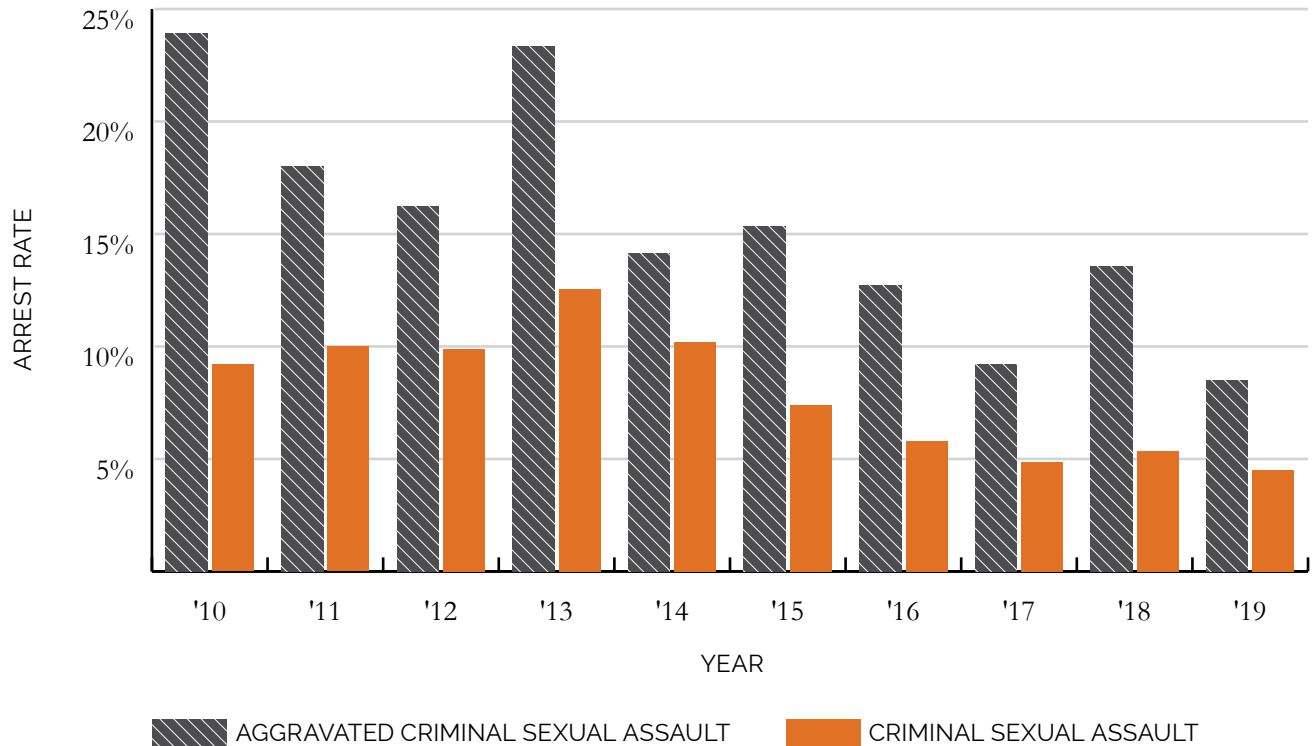


## AGGRAVATED OFFENSES OFTEN HAD HIGHER ARREST RATES

Our findings also conclude that **aggravated offenses were more likely to lead to an arrest than non-aggravated offenses**. Unfortunately, the higher likelihood of arrest for rape crimes with aggravating factors like using a weapon likely relates to the continuing beliefs that certain rapes are more “real” and deserve greater prioritization from law enforcement. National surveys of female victims found that just 11 percent of rapes or sexual assaults involved a weapon, such as a gun or a knife.<sup>10</sup>

Criminal sexual assault, which likely accounts for incidents in which the victim and perpetrator know one another (commonly referred to as acquaintance or date rape), is frequently depicted in our society as bad sex, a misunderstanding between friends, or a hazy evening clouded by intoxication or other factors, rather than what it is: rape. Instead, our society, and thus **law enforcement, continues to only address certain forms of sexual assault**, like when there is a weapon involved, when the victim and perpetrator are strangers to one another, etc.

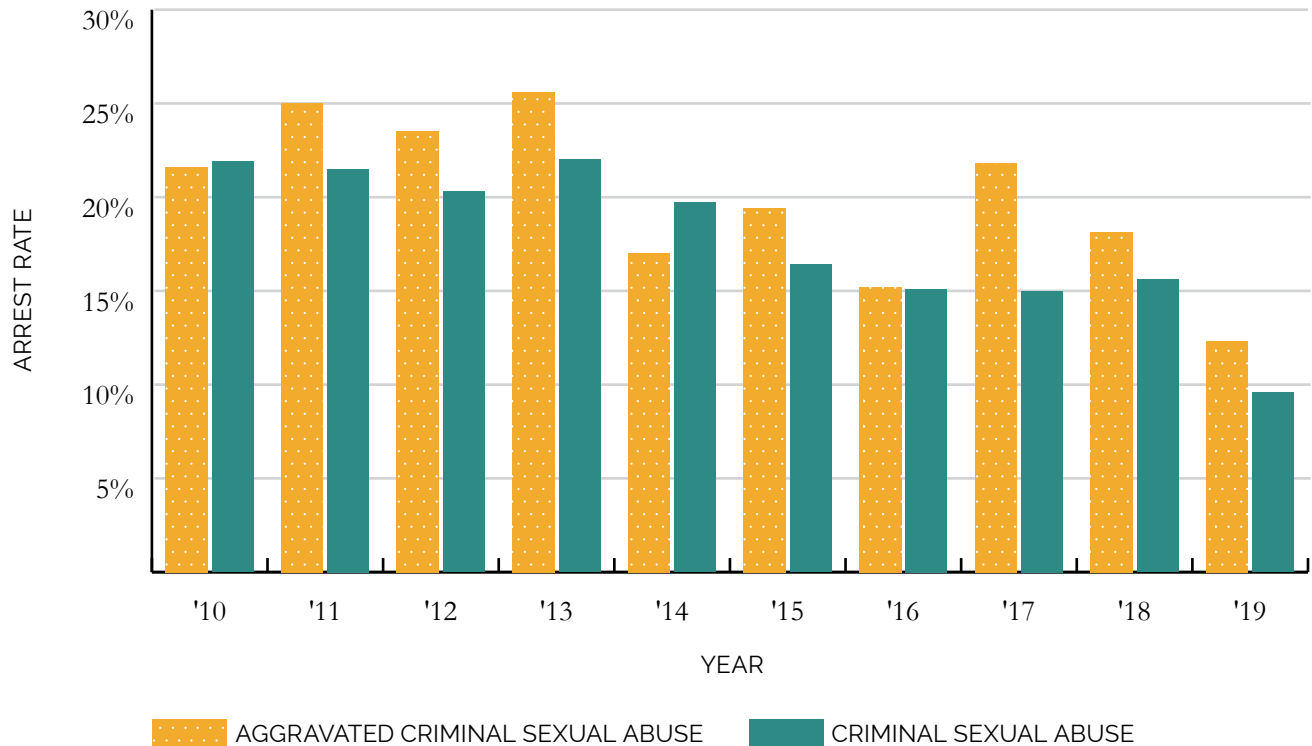
### *Arrest Rates for Aggravated Criminal Sexual Assault and Criminal Sexual Assault , 2010-2019*



<sup>10</sup> “Female Victims of Sexual Violence,” Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. 2013. <https://www.bjs.gov/content/pub/pdf/fvsv9410.pdf>

This trend also plays out when comparing aggravated criminal sexual abuse and criminal sexual abuse, except for two years where the aggravated offense did not have a higher arrest rate (2010, 2014), and one year where the rates were almost equal (2016).

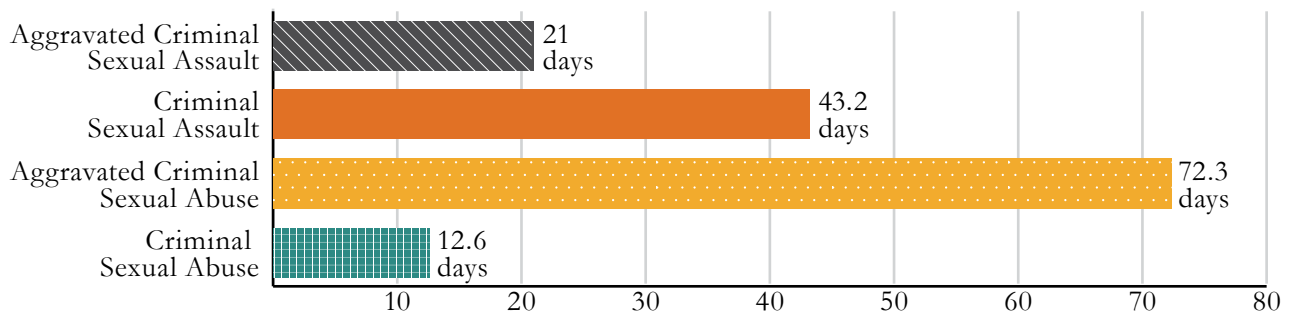
### Arrest Rates for Aggravated Criminal Sexual Abuse and Criminal Sexual Abuse, 2010-2019



### SURVIVORS WAITED 13 TO 72 DAYS FOR ARREST...IF THEY SAW ONE AT ALL

For all incidents that led to an arrest between 2010 and 2019, survivors waited 13 to 72 median days for an arrest to be made in their case. However, the public safety data portal does not list a report date, making it more difficult to assess the actual length of time between a report and an arrest, as some survivors come forward many months or years after the harm occurred. Arrest dates are also not tracked in the city’s public safety database—only in the state’s attorney’s database.

### Days Between Incident and Arrest for Sex Offenses



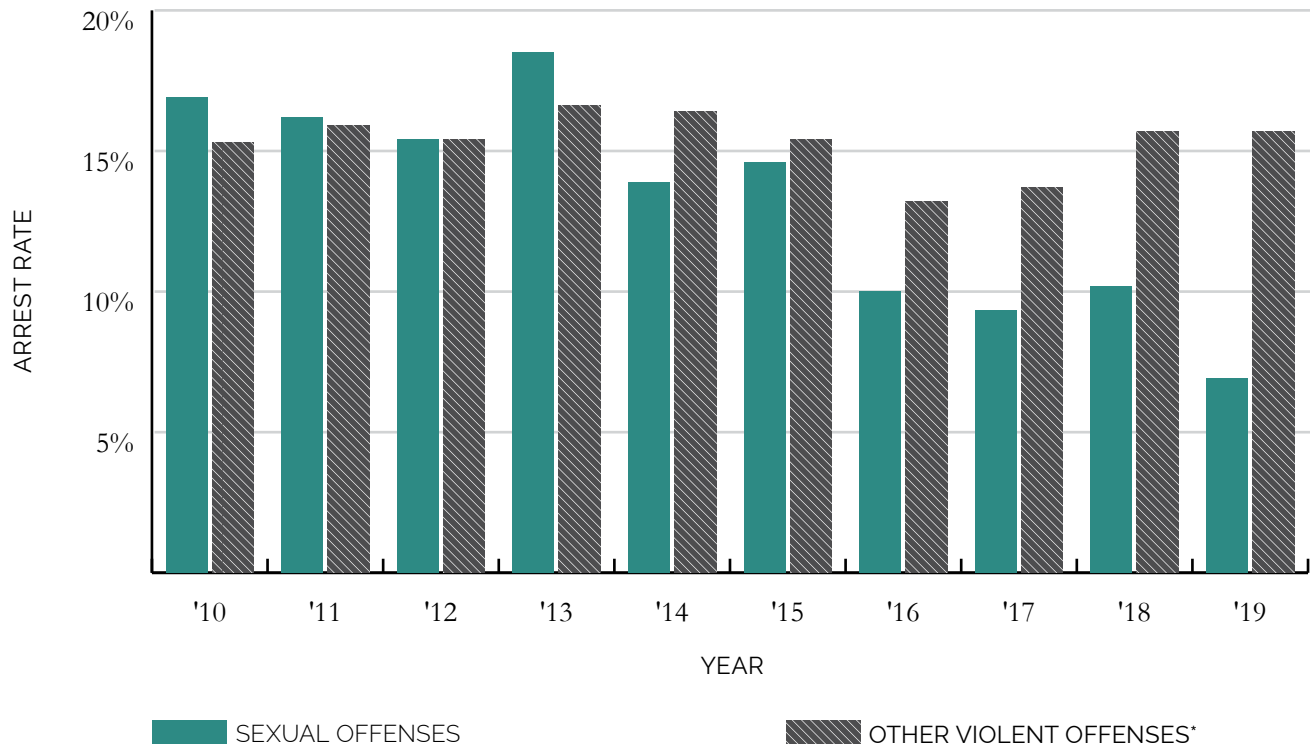
## ARREST RATES FOR SEX OFFENSES LOWER THAN OTHER VIOLENT CRIMES IN RECENT YEARS

**Sexual offenses typically have lower arrest rates than other crimes against people**, such as first-degree murder, aggravated battery, and armed robbery—despite these crimes being reported in higher numbers. One may think that police resources for investigating these other crimes would be spread thin and therefore lower the arrest rate, but that isn't the case. Arrest rates for sexual offenses still lag in comparison (except for three years: 2010, 2011, 2013).

YEAR	FIRST DEGREE MURDER			ARMED ROBBERY			AGGRAVATED BATTERY			SEX OFFENSES*		
	Reports	Arrests	Rate	Reports	Arrests	Rate	Reports	Arrests	Rate	Reports	Arrest	Rates
2010	438	204	46.6%	6156	412	6.7%	9033	1771	19.6%	1813	307	16.9%
2011	437	192	43.9%	6143	435	7.1%	8031	1695	21.1%	1902	308	16.2%
2012	514	226	44%	6090	504	8.3%	7786	1483	19.1%	1854	286	15.4%
2013	428	187	43.7%	5124	370	7.2%	6430	1428	22.2%	1678	310	18.5%
2014	424	187	44.1%	4346	308	7.1%	6332	1330	21%	1691	235	13.9%
2015	496	190	38.3%	4653	341	7.3%	6729	1299	19.3%	1751	214	14.6%
2016	784	262	33.4%	5791	362	6.3%	7803	1272	16.3%	1964	197	10%
2017	670	183	27.3%	5608	352	6.3%	7581	1370	18.1%	2086	195	9.3%
2018	588	208	35.4%	4429	326	7.4%	7429	1421	19.1%	2126	217	10.2%
2019	495	130	26.3%	3379	239	7.1%	7581	1420	18.7%	2023	140	6.9%

\*Sex offenses include: Aggravated Criminal Sexual Assault, Criminal Sexual Assault, Aggravated Criminal Sexual Abuse and Criminal Sexual Abuse

### Arrest Rates for Sexual Offenses and Other Violent Offenses , 2010-2019

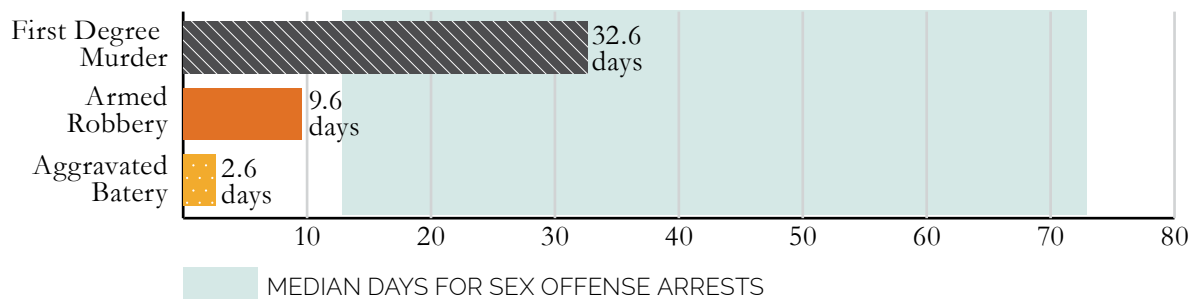


\*Other violent offenses include: First Degree Murder, Armed Robbery, Aggravated Battery

## ARRESTS FOR OTHER VIOLENT CRIMES TOOK LESS TIME

In comparison to sexual offenses, where the median time length ranges from about 13 days to 72 days, the other violent crimes CAASE evaluated consistently had shorter time lengths, ranging between 3 and 33 days.

### *Days Between Incident and Arrest for Other Violent Crimes*



## Data Limitations

There are limitations to what we can understand about the full response of CPD to sex crimes due to gaps in the available data. First and foremost, we largely cannot answer the question of, “why?”. Why are criminal sexual assault cases—which are, broadly speaking, commonly occurring rape cases—not producing similar arrest rates compared to other crimes? Why are aggravated sex offenses producing higher arrest rates and quicker arrests than other sex offenses? Other qualitative and quantitative research could reveal further insights.

More specifically, the public safety data portal is limiting because:

- Information about the arrest field is not included on the data portal website to clarify its meaning for users. However, according to the CPD, if the arrest field is coded as ‘true’ then an arrest was made and the case was closed. If the field shows as ‘false’ the case is still considered open, but we do not know whether officers are still actively investigating this case.
- It does not include the date when a survivor reported the harm against them to the police. Including a “report date” would greatly improve our understanding of how long it takes for police to investigate and arrest a perpetrator.
- It does not include a field that specifies the “policing unit” or area detective group that investigated the case. This information is critical as some “policing units” have specialized training for investigating sex crimes. Knowing which unit investigated the case allows us to better assess if particular units are more likely to see arrests in their cases. Right now, only the CCSAO data form includes this field, but it is regularly blank and only accounts for cases that lead to an arrest and charges rather than the majority of reports.
- It does not list arrest dates for each case (row). Instead, we had to pull arrest and incident dates from the CCSAO data to better account for the median length of time for cases to result in arrests depending on the offense.

In addition, without more thorough data gathering and recording, we are blind to patterns that might emerge, like whether race, gender identity, relationship to the perpetrator, or other demographic data impacts a victim’s case. For example, we cannot see whether Black and/or LGBTQ+ victims see fewer arrests compared to their white and/or heterosexual/cisgender counterparts. We also cannot compare the treatment of cases where the victim and perpetrator know each other with cases involving strangers. We do not know which cases were handled by the Chicago Children’s Advocacy Center (CCAC), or how many cases with older child victims are being handled by regular police units.

By improving data gathering and practices, as well as actively participating in the upcoming National Incident-Based Reporting System (NIBRS), we would be closer to identifying the trends that impact cases and better understand how Chicago police respond to sex crimes.<sup>11</sup>

11 “National Incident-Based Reporting System.” Federal Bureau of Investigation. <https://www.fbi.gov/services/cjis/ucr/nibrs>

# 5 Ways Chicago Leaders Can Improve Responses To Sexual Assault

Nationally, an estimated 32 percent of survivors report their assault to police.<sup>12</sup> In Chicago, 80 to 90 percent of the survivors that reported over the last decade didn't even see an initial arrest in their case. From this, **the best inference we can make is that only 3 to 6 percent of all sexual assaults that occur in Chicago lead to any intervention by Chicago law enforcement. It's a massive indicator that our community is failing survivors.**

We have specific recommendations that would clarify and improve the criminal justice system's response to sexual assault, but we must first acknowledge this: **If we focus only on the criminal system, we are ignoring the vast majority of survivors who seek support elsewhere.** We must collectively agree that this is a crisis, that police intervention must improve but it cannot be the only way we respond, and that more resources and alternative forms of justice are needed. This includes restorative and transformative justice programs, free legal services, rape crisis centers, community-based mental health services, no-contact orders in the civil legal system, accommodations from schools or workplaces, and more.

To better respond to sexual assault in our community, Chicago leaders, specifically Mayor Lori Lightfoot and all 50 aldermen, must:

## 1. ACCOUNT FOR THE SEXUAL HARM CRISIS IN OUR COMMUNITY.

Our city and its leadership must first conclude this is a crisis that's worth addressing, and **our law enforcement must account for the 80 to 90 percent of incidents that come to their attention but appear to get no further than an initial report.** Only then can we work together to identify solutions, and engage directly with survivors about what their needs are. To move forward, the city's leaders and law enforcement must acknowledge the harm that has been done by inaction to the vast majority of survivors who sought their help and received none.

## 2. FUND COMMUNITY-BASED SERVICES FOR SURVIVORS AND PREVENTION EDUCATION SERVICES FOR YOUTH.

Right now, the Chicago Children's Advocacy Center is the only entity to receive any sexual assault-related funding from the city. **The Network: Advocating Against Domestic Violence is campaigning to reallocate one week of police funding—about \$35 million—towards services for gender-based violence survivors.<sup>13</sup> We support this ask, and press city leaders to commit to this funding.** Prevention initiatives are the only way to stop gender-based violence, including sexual harm and domestic violence, from occurring in the first place and help survivors heal if it occurs.

12 "Criminal Victimization, 2015." Bureau of Justice Statistics. 2018. <https://www.bjs.gov/content/pub/pdf/cv15.pdf>

13 "Shifting Resources and Saving Lives: Funding Domestic and Sexual Violence Services in Chicago." The Network: Advocating Against Domestic Violence, 2020. <https://the-network.org/wp-content/uploads/2020/07/FundingDVServicesNetwork.pdf>

To provide more clarity about how Chicago addresses sexual assault and improve its response in the criminal legal system, we recommend:

### 3. IMPROVE THE CITY'S PUBLIC SAFETY DATA PORTAL WITH MORE FIELDS.

The portal should **include "report date", "arrest date", and "investigating unit" fields.** Without a report date, we cannot accurately evaluate how long it takes for a survivor to see an arrest in their case. Likewise, a unit field will help us evaluate which units are leading the most successful investigations that result in arrests.

### 4. EXAMINE FACTORS MOST LIKELY TO LEAD TO AN ARREST THROUGH DATA ANALYSIS.

Analysts with CPD and other city departments should **compile and examine data about the relationship of the victim to the offender, age of the victim, any aggravating factors,** etc. Having those cross-tabulations would offer better insight into what cases are likely to see an arrest and get us past the point where we are now: hypothesizing based on general studies about the impact of rape culture and victim-blaming on the policing of sex offenses.

### 5. ENSURE CPD SUBMITS THEIR DATA TO THE NIBRS SYSTEM

The National Incident-Based Reporting System (NIBRS) is set to launch across the country in 2021.<sup>14</sup> It will capture more information about crimes—such as victim and offender demographics, as well as the relationship between the victim and offender—allowing us all to learn which types of cases tend to lead to arrest, which do not, and more. While the CPD's public safety portal contains basic facts about crimes, **NIBRS will improve the overall quality of crime data collected by law enforcement.** That's why it's crucially important for NIBRS data to be publicly accessible.

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14 "National Incident-Based Reporting System." Federal Bureau of Investigation. <https://www.fbi.gov/services/cjis/ucr/nibrs>

# 5 Ways IL Lawmakers Can Improve Responses to Sexual Assault

On the state level, the Illinois General Assembly has a role to play in how law enforcement and communities respond to sexual assault. Laws like SASETA and SAIPA have already had an impact on police practices towards sexual assault and offered more support to survivors when they seek forensic medical exams and other resources.

However, for far too long, lawmakers have relied too heavily on policing and criminal systems to address sexual harm. **Instead, lawmakers must pay attention to the fact that a minority of survivors report to law enforcement in the first place. Therefore, it is incumbent on them to promote all pathways that can and should exist for survivors to rebuild their lives.**

To improve our state's response to sexual assault, inside and outside of the criminal justice system, state lawmakers should:

## 1. ENSURE ILLINOIS PROCESSES RAPE KITS IN A TIMELY AND EFFECTIVE MANNER.

Arrests are often not made until DNA evidence has been tested and confirmed. The state's ineffective system for testing and tracking rape kits can cause cases to be continually delayed, damaging survivors' well-being and causing them to disengage from their cases.<sup>15</sup> While a new rape kit tracking system is a step in the right direction and will provide survivors with the status of their kit, it will not improve wait times on its own.<sup>16</sup> **Stakeholders must uncover what is causing delays and make changes to ensure timely and effective evidence processing.** The tracking system's data may help accomplish this goal.

## 2. PASS THE ENSURING SUCCESS IN SCHOOL LAW (ESSL)<sup>17</sup>

ESSL would guarantee that K-12 students who have experienced gender-based violence are accommodated by schools so they can continue their education and stop the harmful sexual abuse to prison pipeline.<sup>18</sup> This bill—*which does not mandate additional tax dollars*—**gives schools clear parameters about what they must do to support survivors, and ensure survivors have options to seek resources and request help** from the school.

15 "Illinois rape kit backlog persists despite years of promises," Alison Bowen, Chicago Tribune, 2020. <https://www.chicagotribune.com/lifestyles/ct-life-illinois-rape-kit-tracking-system-backlog-20200416-paegm7uokzaxpskb3tz2ldj5m-story.html>

16 "Illinois State Police Division of Forensic Services" <https://isp.illinois.gov/Forensics>

17 Senate Bill 449 <https://www.ilga.gov/legislation/billstatus.asp?DocNum=449&GAID=15&GA=101&DocTypeID=SB&LegID=116386&SessionID=108>

18 "The Sexual Abuse to Prison Pipeline," Georgetown Law Center on Poverty and Inequality. 2019. <https://www.law.georgetown.edu/poverty-inequality-center/wp-content/uploads/sites/14/2019/02/The-Sexual-Abuse-To-Prison-Pipeline-The-Girls%E2%80%99-Story.pdf>



### 3. ENSURE CONFIDENTIALITY WITHIN RESTORATIVE JUSTICE PRACTICES

Passing HB 4295 would ensure that dialogue from restorative justice practices are privileged and cannot be used in future proceedings.<sup>19</sup> Choosing a restorative justice practice can allow survivors to seek healing for the harms inflicted on them and invites perpetrators to take accountability for their actions. This bill would incentivize perpetrator participation and **offer another option for a survivor seeking justice outside the criminal justice system.**

### 4. ADD A PRIVATE RIGHT OF ACTION TO THE PREVENTING SEXUAL VIOLENCE IN HIGHER EDUCATION ACT.

In a recent national study, 19 percent of young women in college reported experiencing completed or attempted sexual assault since starting college.<sup>20</sup> Schools can be an important mechanism to ensure survivors have access to resources and support—like changing classes or housing, access to mental health services, and more—to allow survivors to continue their education. While Illinois was ahead of other states by passing the Preventing Sexual Violence in Higher Education Act (PSVHEA) to address this crisis on college campuses, it does not have any enforcement mechanism.<sup>21</sup> **PSVHEA needs a private right of action so survivors can access relief if their university fails to follow the law** by inadequately responding to their sexual assault claims or requests for accommodations.

### 5. IMPROVE THE ILLINOIS VICTIMS' RIGHTS STATUTE

Illinois was among the first in the nation to provide constitutional rights for victims, but our statute does not have an enforcement mechanism. **Victims need a way to seek recourse if those rights are violated.** HB 4788 would clarify when a victim should be consulted or notified about their case, determine the pathway to enforcement when a right is violated, and develop remedies that can be accessed when a victim's rights are violated.<sup>22</sup>

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19 House Bill 4295 <https://www.ilga.gov/legislation/BillStatus.asp?DocNum=4295&GAID=15&DocTypeID=HB&LegID=123383&SessionID=108&GA=101>

20 “Sexual Violence, Title IX, and College Women’s Enrollment.” Institute for the Study of Labor. 2016. <https://www.ue.org/uploadedFiles/Sexual%20Violence%20Title%20IX%20and%20Women's%20College%20Enrollment.pdf>

21 PA 99-426 passed by the Illinois General Assembly and signed by Gov. Bruce Rauner in 2015. <https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3672&ChapterID=18>

22 House Bill 4788 <https://ilga.gov/legislation/billstatus.asp?DocNum=4788&GAID=15&GA=101&DocTypeID=HB&LegID=124735&SessionID=108>

# Conclusion

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Sexual harm is a crisis in our community, yet we do not see a crisis-level response from our city and state leaders or law enforcement. Our findings indicate only 10 to 20 percent of survivors who reported in Chicago saw an arrest in their case. If the purported purpose of law enforcement is to investigate and arrest people who have caused harm, **Chicago police are failing and changes must be made.** And, we will all fail survivors if we only address sexual violence through police work.

**We need a vigorous response to sexual assault at all intersections within our community. It must include school systems, social service agencies, political systems, and more** because we know the vast majority of survivors never report to law enforcement. Additionally, policing is reactive, only engaging after a crime. Our current systems don't promote violence prevention but we have the power to change that. To move forward, we have to prioritize the funding of programs that work to end gender-based violence.

We are in a moment marked by a new police superintendent at the helm of CPD, renewed interest in combating sexual harm globally, and growing demands to divert funds away from policing toward programs that prevent crime. **We must rise to the moment by acknowledging that sexual violence is a crisis in Chicago, and we must account for how survivors have been failed by our current leaders, system, and practices. Then, we must commit to providing the best options for survivors of sexual harm, while working to prevent it.** That has to include ensuring they can pursue healing and restoration in more ways than one.

# Acknowledgements

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We would also like to thank our many agency partners in Chicago working towards a world free of all forms of gender-based violence, particularly the work of The Network: Advocating Against Domestic Violence. The Network is leading a citywide campaign to divert one week of Chicago police funding to services for survivors of domestic violence and sexual harm. This funding, which would total \$35 million, would provide support and resources for survivors across the city. The Network’s campaign is one we hope Chicago leaders recognize and support as one that improves the lives of all Chicagoans, and must be implemented.

Finally, we’d like to thank the city of Chicago, CPD, and the CCSAO for having publicly accessible databases on public safety and prosecutions. While there are many improvements we’d like to see, the availability of these databases demonstrates a commitment to transparency and public accountability. We hope these remain public, and continuously develop to ensure the city’s residents and advocates can best understand these systems.

# Methodology

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In gathering the data on reports of sexual harm crimes to CPD, we filtered data in the Chicago Police data system by year, primary type, and description for each charge:

- I. Criminal sexual assault
  1. Primary Type is: CRIM SEXUAL ASSAULT, CRIMINAL SEXUAL ASSAULT
  2. Year is: (fill in year)
  3. Description is: NON-AGGRAVATED
- II. Aggravated criminal sexual assault
  1. Primary Type is: CRIM SEXUAL ASSAULT, CRIMINAL SEXUAL ASSAULT
  2. Year: (fill in year)
  3. Description does not contain NON-AGGRAVATED, does not contain PREDATORY, does not contain ATTEMPT
- III. Criminal sexual abuse
  1. Primary Type is: SEX OFFENSE
  2. Year: (fill in year)
  3. Description is CRIMINAL SEXUAL ABUSE, CRIM SEXUAL ABUSE
- IV. Aggravated criminal sexual abuse
  1. Primary Type is: SEX OFFENSE
  2. Year: (fill in year)
  3. Description is AGG CRIMINAL SEXUAL ABUSE, AGG CRIM SEXUAL ABUSE

In gathering the data on arrests, we pulled the data above and looked to the column on arrests for each report (row). If the field for arrests was listed as “false,” an arrest had not been made in response to that report. If the field for arrests was listed as “true,” an arrest had been made in response to that report.

The CPD data does not include a date for when an arrest is made.





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