

# Rape is always a crime, even when it's hard to prove

By Keri Procnier McLain  
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Rape is a horrible occurrence. It is demeaning; it is traumatic; it is dangerous. And it is oftentimes hard to prove. But it is always a crime.

Our community should be up in arms over the fact that in the De Anza case there are 10 young men walking around who were at the crime scene and immediately took refuge when the investigation began, and are now in a code-of-silence mode. That should make our blood boil.

For more than 30 years, our YWCA has operated a 24-hour, seven-days-a-week Rape Crisis Center hotline that helps victims report and receive services once a sexual assault crime has been committed.

I say a "crime" because rape *is* a crime, yet many victims are hesitant to report their assault. Any sexual violation to another human being, against their will, is a crime. No one has the right to sexually assault another person - even if the victim is too intoxicated to remember what happened, even if the perpetrator is an athlete.

Rape is not OK. But proving it, absolutely and unequivocally, can sometimes be one of the biggest challenges.

Everyone wishes an arrest had happened. The victim could have had her day in court to face the young men who were party to changing her life forever, and our community could say we took care of business. But the reality is that we are not privileged to all the information that the investigators and the District Attorney's Office hold that could prove or disprove the case "beyond reasonable doubt."

We must not lose sight that the district attorney's decision not to file charges is not a proclamation of innocence. Still, we at the YWCA certainly share the frustration that many have with our legal system. At the same time, we are grateful that if the district attorney isn't marginally assured she can be successful in court, the young victim is not facing the horrific trauma of a trial.

Mercury News Columnist Sue Hutchison quoted our Rape Crisis Center's director, Sandy Davis, as saying: "We're worried that the message this case sends to the next victim is 'Why bother filing a report?'" Why file a report? Because rape is a crime.

We continue to hold out hope that one or more of the young men will choose to break their codes of silence and step up to a higher moral ground.

I pray our community makes it clear that it will not tolerate violence and disrespect of another human being no matter the age, gender or ethnicity.

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