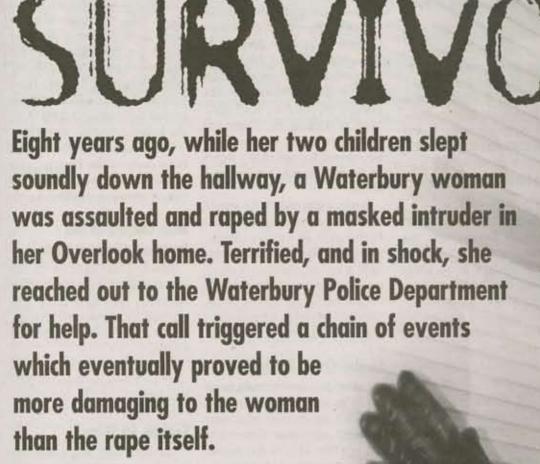


SURMOR

One woman's eight year quest to overcome rape, and a confrontation with Waterbury Police, ends with legal triumph in Waterbury Superior Court.



She tangled with corrupt police officers, battled with indifferent city officials, and weathered a barrage of insensitive and slanted reports published in the Republican-American newspaper.

Eventually the pain and hurt of the rape was dwarfed by her anger at a system that questioned her character, and threatened to destroy her with innuendo.

This is the story of a woman who had the courage to stand up and try and change a system that blamed her for being raped. Relying on a loving and supportive husband, she fought back. She jammed a flashlight into the darkened corner of police misconduct, and dragged the city of Waterbury into court.

Although the rapist remains at large, a legal victory this winter against two Waterbury police officers has allowed her to reclaim a part of herself that died that terrifying September night in 1993.

After winning her lawsuit against the police, Jane Doe – as she was referred to during the trial – approached the Observer to tell her side of the story. She was crushed at the Republican-American's trial coverage, which rehashed rumor, and overlooked key facts that won the case.

It is important that she remain anonymous. But who is Jane Doe?

She is a white, professional businessowner in greater Waterbury, and as credible an individual as this journalist has interviewed.

She met with me several times during the past two months and the following story was pieced together with the aid of court transcripts, police reports and more than 10 hours of direct interviews with the victim.

Although she and her husband were referred to as Jane and John Doe in legal proceedings, the Observer has given them the pseudonyms of Rachael and Bob in an attempt to humanize their devastating story.



THE ATTACK

It was late summer of 1993 and life was good.

Rachael was in her mid-thirties and had been happily married to Bob for 12 years. They had two young children, ages 7 and 5, and lived in a comfortable home in the prestigious Overlook neighborhood in Waterbury.

Although the neighborhood was no longer home to the industrial leaders of the brass industry, it remained the most affluent section of the city. Bob was from an influential family in Waterbury and had grown up in the Overlook.

Bob and Rachael both attended local high schools in the early-seventies. However they didn't meet until col-

Rachael, at Southern Connecticut College, traveled to UConn to spend a weekend with a girlfriend. They attended a party with other Waterbury students and Bob and Rachael were introduced.

They dated for several years before they got married in 1981. The couple decided to raise their family on familiar turf, and purchased a house smack in the heart of the Overlook neighborhood, Bob's old stomping grounds.

Family and friends were abundant and the couple's lives were rich and full. Rachael had helped launch a business on the outskirts of Waterbury a few years earlier, and like her young children, it was growing and expanding at a rapid rate.

She and Bob had been invited to a friend's wedding in Colorado in September 1993 - but the timing wasn't right and she had to stay home. One of her business partners was about to become a father, and she needed to stay and deal with business.

It was strange watching Bob pack for the trip because they had never been separated during their 12 years of marriage. Not for one night. Bob was very protective of Rachael - an exceptionally good looking woman and he wasn't sure he wanted to go.

One year earlier Rachael had been the target of obscene phone calls. The Waterbury police had tapped her phone and traced the calls to a young security guard working the late shift on Freight Street.

He told the police, who arrested him on harassment charges, that he had found Rachael's name scribbled inside a pornographic magazine in a guard shack. He said it wasn't his magazine and he hadn't written her name down

The caller wrote Rachael an apology letter and got off with probation. The incident had shaken the couple, and Bob, being cautious, would check in with Rachael periodically during the day. He wanted to know she was safe.

Despite Bob's reluctance, Rachael wanted Bob to go to Colorado and have fun. So he did. He flew out west on Wednesday and that night, someone called their home and hung-up on Rachael.

"I called my Dad to let him know,

but I wasn't overly concerned," Rachael said. "I was home alone with my kids, but the house was locked."

She felt safe.

Her business partner's baby was born on Friday and after work Rachael visited them at the hospital. She then took her children to a school concert and out for pizza and arrived home exhausted at 8:45 PM. She listened to her messages on the answering machine - Bob had called from Colorado - and then she went through the nightly ritual with her kids. Brushing teeth. Pajamas. Reading. Prayers. And then she kissed them goodnight and put them into bed.

It had been another busy day trying to keep her balance on the tightrope, juggling the needs of her young children and the demands of her business. She was wiped out.

Minutes after getting the kids into bed she had climbed into bed herself. She was sound asleep by 10 PM.

Three hours later Rachael was startled awake by the creaking sound of heavy footsteps outside her bedroom. She knew the sound was not the familiar patter of her children's footsteps on the bare wood floor.

"Who is it?" she called out.

A silhouette of a man appeared in her doorway. He was wearing a mask,

Fear crashed down like a hammer against her skull.

A predator had arrived, and she was the prey.

In an instant he was upon her. She struggled, but she had been lying on her stomach and her body was tangled beneath the sheets. She screamed. A gloved hand slammed down upon her mouth. She bit him. He cranked her arm behind her back and told her to cooperate or she would get hurt. His voice was strained.

He covered her head with a pillow and jammed her face into the bed. Breathless, she began to squirm. He slammed his knee into her back and snapped a pillow case over her head.

He bound her hands and eyes with nylons. Her only thought - "How am I going to survive?"

She told herself not to scream again because it might wake the children. What would he do if one of them wandered into the room?

She didn't want to find out.

He cut her underwear with a knife and she felt wetness on her back. He attempted to penetrate her, but was unsuccessful.

Rape is defined as carnal knowledge of an individual without their consent. It can be accomplished in a variety of ways. Unable to sexually function, the rapist penetrated her with his finger.

Despite common thought, sex is not the primary motivation of rape. Most rapists seek power and control. They are socially inadequate and unable to obtain their desires by normal means, so they take it by force.

The rapist must have been watching Rachael for weeks, maybe months. Most people believe the attack was carefully planned. He was clever enough to gain unforced entry into the home. He may have had a key, but one thing is certain - he knew Bob was out

"I can't identify you," Rachael said. "This is between you and me. There is cash in my pocketbook and jewelry on the dresser, take what you want, just please don't hurt me."

After raping her he got up and walked around the room. She lay still on the bed and listened to him going through her things. He asked for her car keys and she told him where to find them. Her hands were still bound behind her back and the pillow case covered her head.

She told him that she would never tell a soul. "You haven't hurt me and I know you are a kind person," she said. "This is just between us."

He returned to Rachael and shoved a cold metallic object through the pillow case and against her her mouth. It was a gun. A wave of heat washed through her head. She thought her head was on fire. He removed the gun from her mouth and pressed it against her temple. She imagined the horror of

She told herself not to scream again because it might wake the children.



her children finding her dead in the morning. She waited for him to pull the trigger. Then she began to pray out loud and asked God for absolution.

He flipped her over, stuck the gun into her back, and said "If you call the pigs I'll come back and kill you."

It was the first moment during the attack that Rachael thought she might live. "This is between you and me," she assured him. "I won't tell anyone."

She listened hard to his footsteps going down the stairs and out the front door. She began wiggling free of the nylons.

The attack had lasted 20 minutes.

The rapist ditched a bag of jewelry outside the bedroom door and left the car keys untouched. All he swiped was cash, and a piece of Rachael's mind.

Minutes passed before she worked free of the nylons and was able to rip the pillow case from her head. In shock she ran into her children's bedrooms and found them sound to sleep.

She fell to her knees. "Oh my God" she said. "I'm alive. I made it."

CRY FOR HELP

After she knew her children were okay, Rachael reached for the telephone. It was dead.

She tried another phone. It was dead.

She needed help, but the image of the rapist lurking outside in the darkness was paralyzing. The kids were still sleeping and she couldn't carry them. Torn between maternal instinct, and the need for help, she waited five minutes – or was it five years – before fleeing into the night.



She threw on a bathrobe and ran – with nylons hanging from her neck and wrists – towards the closest house with a light on.

Four houses away she banged on a neighbor's door. When he opened the door he stared into the face of terror. Rachael said she had been assaulted, her children were home sleeping and she needed to call the police. She was afraid the rapist would return and kill her.

The violation of Rachael's body was over, the assault on her mind had just begun.

Her neighbor dialed 911 and Rachael told a male police dispatcher, Sgt. Phil Rinaldi, "I have just been attempted rape and burglarized. I'm at a neighbor's. My children are home sleeping. I want to have....I don't know what to do. The gentlemen that did this said he..."

Sgt. Rinaldi: Do you know the guy?
Rachael: No. I don't know him at
all. I, I... he covered my head. Thank
God he left me alive. He just said that
if I killed... if I called the cops he
would kill me and I am very afraid."

Sgt. Rinaldi: Oh, well, listen to me. The kids are in the house?

Rachael: Yes

Sgt. Rinaldi: Okay. You stay on the line. Okay hon?

Rachael: Okay.

Sgt. Rinaldi : and I'm gonna dispatch...

Rachael: But listen, He told me if I called the cops he would kill me. I don't want...

Sgt. Rinaldi: He can't kill you. You're not there. You're not there are you?

Rachael: No.

Sgt. Rinaldi: Okay. Aren't you concerned about your kids?

Rachael: Of course I am.

Sgt. Rinaldi: Okay. Let me get some police up to your address or your home so they can get in there. You're sure that you live in this house?

Rachael: (Sigh) Yes.

Moments later Rachel told Sgt. Rinaldi that her telephone lines had been cut and her neighbor had gone to the house with an axe to protect the children until the police arrived. Rinaldi asked if the assailant was gone, and she said yes.

Sgt. Rinaldi: You don't know this gentlemen? He just came into your house?

Rachael: I couldn't get a look at him. He came in when I was sleeping and put a thing over my head.

Sgt. Rinaldi: Okay. Do you know if he was white, black or anything?

Rachael: He smelled like grease and

I don't know if he was black. It was

dark. He had kind of a black

serious.

talk to the other cop on the pr

Are ... did you get my children?

Sgt. Rinaldi: Is she all tied up?

Sgt. Rinaldi: Is she all tied up?

Officer: Yeah. I know it is.

Sqt. Rinaldi: Okay. This sounds real

Officer on the scene: Hello?

you get my children?

Officer: What?

Officer: Yeah.

Sgt. Rinaldi: Okay.

(Jamaican) accent.

Rachael: But I, I, I... that's very vague. I just... wouldn't be able to tell.

Sgt. Rinaldi : Okay.

Rachael: My main concern is my children. He did not harm me.

Sgt. Rinaldi : Alright.

Rachael: I begged and pleaded with him for my life.

Sgt. Rinaldi: Okay.

Rachael: And he was kind.

Sgt. Rinaldi : Okay.

Rinaldi told her not to change her clothes, remove anything, or wash.

Rachael: I know.

Sgt. Rinaldi: Okay let's try to stay calm. There's nothing you can do in the next few seconds.

Rachael: I just want my children to be safe.

Sgt. Rinaldi: I understand. I have children too. We're going to get them safe for you.

Rachael: This is the most frightening thing I've ever...

Sgt. Rinaldi : I'm sure it is.

Rachael: I'm just so grateful. I can't tell you how glad I am that he left me alive.

Sgt. Rinaldi continued to ask Rachael questions and she began to sob.

Rachael: Oh dear God...

Sgt. Rinaldi: Okay. Try to stay calm. Rachael: Oh dear God I can't believe... It's a nightmare. Sgt. Rinaldi: Okay.

Rachael: Oh thank God he left my children alone.

As Sgt. Rinaldi continued to talk to Rachael on the telephone the police arrived at the neighbor's house.

Rachael: The police are, the police are here. (She called out to them) I'm the victim.

Sgt. Rinaldi: Okay, all right. Why don't you go out and meet the police?

Rachael: Okay, all right. I'm gonna meet the cops.

Sgt. Rinaldi: Why don't you have them come in and talk to me. Okay?

Rachael: All right. Sir could you talk to the other cop on the phone? Are...did you get my children? Did you get my children?

Officer on the scene: Hello? Sgt. Rinaldi : Is she all tied up?

Officer: What?

Sgt. Rinaldi: Is she all tied up? Officer: Yeah.

Sgt. Rinaldi: Okay. This sounds real serious.

Officer: Yeah. I know it is.

The officer asked Rachael for the key to her house and told her to stay put. She was alone in the neighbor's house and paced back and forth thinking who to call. She reached her cousin in Watertown and he said he would be right over. Unable to stand being away from her children another minute she grabbed a kitchen knife and ran back towards her house.

The violation of Rachael's body was over; the assault on her mind had just begun.

THE HOUSE

Rachael doesn't remember much about the first few minutes back at the house. The police were asking her questions and she was embarrassed and felt disgusting.

Captain Kathleen Wilson was in charge of the patrol that evening, and heard the 911 call come over the radio while she was driving home for break.

Wilson was the rape crisis trainer at the Waterbury Police Department and was called to the scene because she was the only female on duty that evening. In the previous decade she had investigated more than 1000 sexual assault cases in Waterbury, and was skilled at handling victims.

When Wilson arrived at the house she found Rachael standing in the living room "walking around like a lost soul."

She still had the nylons around her wrist and neck - the dispatcher told her not to remove any clothing - and was reluctant to go the hospital. Rachael told Wilson she wasn't raped because the attacker had been unable to penetrate her.

Rachael didn't believe she needed any medical attention.

Her concern continued to be on her children's welfare.

Wilson went upstairs and shined a police flashlight in the children's faces. They were still sound to sleep.

In a second conversation, Rachael repeated to Captain Wilson that she had not been raped. She told-Wilson that she believed the rapist had been unable to maintain an erection but had rubbed up against her.

Captain Wilson told Rachael that she probably had evidence on her body and should go directly to the hospital where it could be collected in a sex crime kit.

Family members were now on the scene. Rachael's mother-in-law and brother-in-law, her cousin and his wife were all walking around the house in

By this time Rachael's right eye was beginning to throb. She agreed to go to the hospital after plans were made to bring the kids to her in-laws. Her cousin brought her to the hospital where her body was combed and examined for evidence, and her right eye treated and patched. The hospital report also noted lacerations on her wrists.

While Rachael was contemplating whether or not to go the hospital, the police had already botched the crime scene. Instead of calling in forensic specialists – as is standard police practice for any major crime - several officers and family members (14 total) wandered about the house looking for clues.

Patrol officers picked up evidence without gloves on and placed it in bags. No fingerprints were taken, no photographs or video made, no measurements determined, no time log recorded and the crime scene was never secured.

And that was just the beginning of

Rachael's experience with the Waterbury Police Department.

THE HOSPITAL

At Waterbury Hospital medical personnel brought out a sex crime kit and gathered evidence off Rachael's body. A urinalysis test confirmed semen had been on the rapist's finger when it penetrated her.

It was also determined by the DNA evidence collected that night that the rapist was white.

Throughout the examination in the emergency room, Rachael felt overwhelming disgust.

I felt so dirty all I wanted to do was

take a shower and wash everything away," she said. "It was so embarrassing and humiliating."

Aware that there was no contraception, a concerned nurse asked Rachael where she was in her menstrual cycle. The nurse then suggested Rachael take a morning after pill, which she did.

As if the physi-

cal and emotional trauma weren't enough, the morning after pill caused Rachael to vomit for hours the next day.

By the time the exam was finished the sun was crawling up the horizon. Her cousin drove her to her mother-in-laws and she went straight to the shower and scrubbed so hard it seemed she might tear the skin from her body.

After staying with Rachael for the hospital exam, her cousin and his wife drove across the state to tell Rachael's parents about the assault.

When her parents arrived from their vacation home on the shore, reality smacked Rachael like an 18 wheeler colliding with a carton of eggs.

She had been raped. A gun had been jammed in her mouth. She was in shock and a state of disbelief.

As friends and family gathered around to love and support her, she was jumpy and skittish.

Every sound and movement rattled her, but she was already determined not to let the rape ruin her life.

Life had been good before and it would be good again.

Rachael and her family made the decision not to tell Bob about the assault until he returned home from Colorado. They didn't want him travelling alone after his world had been

When he walked to his front door Sunday evening he saw a deadbolt lock that hadn't been there when he

left. Bob flung open the door and ran to the kitchen where he found Rachel surrounded by family and friends. His heart sunk like a rock in a pond.

Stricken with grief and guilt, Bob wanted to find the rapist and kill him. Rachael's entire family felt helpless.

Speculation began to swirl around a missing house key that had recently disappeared from a hook inside Bob's mother's house. Was the rapist a friend, or family member? The thought was shocking.

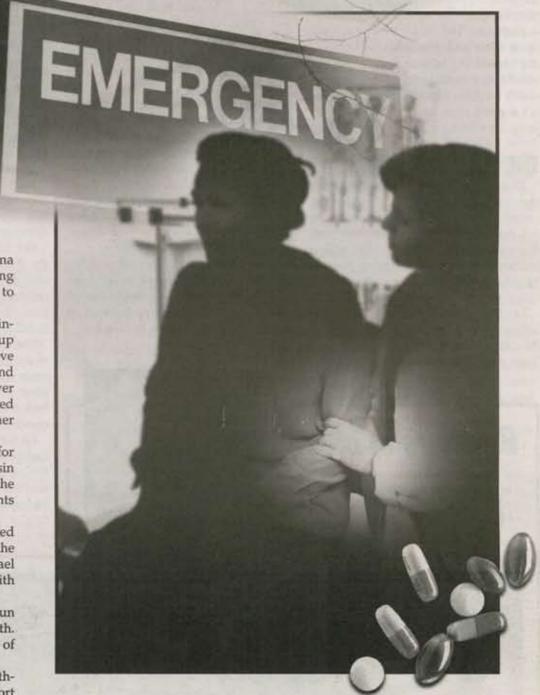
THE INVESTIGATION

Waterbury detective Lou Cote was in charge of the investigation and took

sex crime kit. Moran told her that lab results take time, but police had another suspect who was believed to be a serial rapist. Police had taken a blood sample and were waiting on those lab results as well.

One week later Lt. Moran called with preliminary lab results. Semen had been found inside the back of Rachael's T-shirt, on her underwear and sheets, and on a vaginal swab. Lt. Moran asked Rachael to consider going under hypnosis. Confused by the request, she said she would talk the idea over with Bob.

The following afternoon Rachael's sister, Ann, had an unexpected visitor



an official statement from Rachael Tuesday, three days after the assault.

The police had two initial suspects. One was the obscene phone caller who had harassed Rachael a year before. The other was a black man arrested two weeks prior to the assault who smelled of oil and was carrying wire cutter. Both men had rock solid alibis.

Lieutenant D.J. Moran joined Cote on the case in early October and met with Rachael at her business. Moran asked some questions and Rachael asked about the lab results from the at her apartment in Town Plot. It was a man she and Rachael knew when they were all teenagers, but she wasn't dressed, and didn't answer the door.

He returned the next day and she let him in. Within minutes he became sexually aggressive, and although Ann had allowed him to kiss her hello, she told him she didn't feel right about his advances. He was married.

During their brief encounter he told Ann he carried a gun. Ann also noticed the smell of mechanical oil.

Moran told Rachael a story about a woman who had never done anything wrong her whole life except tell a little white lie. Now because of that lie DCYS was going to take her children and she was going to jail. Then he asked Rachael if there was anything she wanted to tell him.

The mailman arrived at the front door and spooked Rachael was confused and told Moran the visitor. He said he had to go, but that Detective Cote never did that would stop back from time to time to when they talked. check on Ann. She told him that was-

THE CONFRONTATION

keep his visit a secret.

That night Ann told her sister about the visitor. The next day Rachael called Lt. Moran to set up a meeting to tell him about the incident. Ann and Rachael went down to the police station the following morning to supply the police with information about this possible suspect.

n't a good idea, and he asked her to

Lt. Moran met the sisters in the lobby and asked Ann to wait there, so he could talk with Rachael in private. They rode the elevator to the second

floor and entered children and she was going to jail. a small office with Then he asked Rachael if there was a desk and two anything she wanted to tell him. chairs. On top of the

No, she said, I've told you everything I remember.

Then Moran came at her.

He told her that he had listened to her tapes over and over and had 100% proof that she was lying. He told her he had rock solid evidence - countless photographs and interviews - that proved she hadn't been telling the

What evidence, Rachael said, what are you talking about?

Moran asked her to confess.

Rachael began to tremble and asked him to stop because he was scaring her. She said she would take a lie detector test.

But Moran pushed on telling her if she didn't admit the lie right now she was going to lose her husband, her children, her career and her reputation. She would be arrested and sent to jail.

She asked how he could accuse her of such a thing, and he said he could

She told him the lab results proved there had been a crime, and he told her that he had purposefully given her misinformation to catch her in a lie.

Rachael begged Moran to stop, but he pressed on trying to break her.

How could she sleep at night, Moran wondered, her lie had scared all her neighbors, including a pregnant woman.

Rachael said she was terrified too, and that the rape had happened to her. She asked Moran why he was doing

Moran said he hadn't called 911 that night, she had.

Confused and weak, Rachael couldn't cope with this sudden turn of events. Completely caught off guard she had come to bring new information to the police - the room began to spin and she thought she was going to

She was now the suspect. Accused of fabricating the whole rape incident, Moran told her to confess or she would be arrested and lose her chil-

Her mind began to warp and spin. What was he saying?

Reality blurred. She was terrified.

We have proof, Moran hammered, we have absolute proof. Confess and he would close the case and forget the whole thing. Otherwise, she would be placed under arrest.

Rachael asked Moran what he was thinking of. She later recalled that he looked at his watch and said he was thinking of "what he was going to have for lunch."

The battering continued until she began to question her sanity. Had she dreamed the rape. Was it a nightmare?

What was real anymore? Who could she trust? She came to the police for help - to a place she was taught to trust - and now they were going to arrest her.

Rape is a life altering event. Some women take years to heal, some never do. The key to recovery is the initial response an individual receives from family, friends and society. The extraordinary support Rachael received from her family after the rape had helped her regain her balance. But she was still wobbly, on thin ice.

Dr. David Johnson, an expert in Post Traumatic Stress Disorder, from Yale University, testified at the trial that the badgering Rachael took from Lt. Moran was more devastating than the rape itself. Vuinerable and confused,



desk was a tape recorder.

Moran took out a small

piece of paper and began read-

Rachael her Miranda rights.

Moran started the tape rolling and

Rachael told him all about Ann's visi-

tor and his odd behavior. Rachael said

Moran was completely uninterested in

her information and rolled his eyes a

When she had finished, Moran told

Then Moran told Rachael a story

her that new information had been

obtained and police now had a sus-

about a woman who had never done

anything wrong her whole life except

tell a little white lie. Now because of

that lie DCYS was going to take her

pect, and it wasn't Ann's visitor.

few times in disbelief.



State's Attorney John Connelly reassigned the rape investigation to the criminal division of the Waterbury Police Department, and out of the hands of Doug and Robert Moran.

she completely lost her footing. She felt like a butterfly having its wings ripped off.

Moran told her he had 27 cases waiting on his desk and he was going to close this one today one way or another. She could admit the lie and he would let her walk out the door. He would forget the whole incident. Because she was from a prominent family he would stuff the tape in a drawer and tell everyone he had screwed up, and the case was closed.

Rachael said she couldn't have imagined the attack.

Moran told her an insanity plea wouldn't work.

She pleaded with him that there was nothing more to tell.

Disoriented, and fearing imminent arrest, Rachael told Moran she needed time to think.

The confrontation had lasted 75 minutes and was tape recorded by Lt. Moran. He then escorted her - trembling and crying - back down to the lobby.

Ann was shocked at her sister's appearance and in stunned disbelief when Rachael told her what had happened.

"She was trembling and distraught when she left the police station," Ann said. "She thought she was going to jail that afternoon. She thought her children were going to be taken away from her."

When Rachael told her parents what had happened her father immediately went to find Bob, and within an hour they were at police headquarters demanding to see Lt. Moran.

Moran informed them - in a busy hallway - that Rachael's story was full of holes. There was an imminent threat of an arrest. Bob told Moran that was impossible, that Rachael was a wonderful wife and mother.

Moran was disinterested, they said. Infuriated, they left police headquarters Friday afternoon determined to pursue this outrageous behavior with Lt. Moran's superior on Monday.

Rachael was distraught over the weekend. She couldn't eat or sleep. The confrontation had blindsided her. What evidence did the police have?

Bob had never questioned his wife's fidelity. They had a great relationship. But when he returned from police headquarters Friday afternoon he had to ask Rachael the hardest question of his life. Was there anything she needed to tell him?

No, she said, there was nothing. He hugged her trembling body and they cried.

THE BROTHER

On Monday morning Rachael and Bob sat down across the desk from Lt. Moran's superior - Captain Robert Moran - his brother. Sitting in on the meeting was Lt. Phil Post, who was later fired from the police department for offering to lose crack cocaine evidence during an incident at Mayor Phil Giordano's first inauguration in January 1996.

Bob and Rachael expressed their disgust at Lt. Moran's interrogation, and his threat to arrest Rachael. Captain Moran remained largely silent for the first 20 minutes of the meeting and allowed Rachael and her husband the chance to tell their story.

Rachael said she had never cheated on her husband and for the Waterbury Police Department to infer she had was degrading and humiliating. Bob told Captain Moran that he felt his wife had now been raped twice.

Captain Moran listened patiently and said the police department was not in the business of breaking up marriages. He then explained that in certain cases this line of questioning was legitimate. He called his brother's actions an investigative method.

Bob and Rachael pressed him for the "100% rock solid proof" and challenged him to produce it, and arrest her. They demanded to listen to the tape of Lt. Moran's verbal assault on Rachael. He refused.

Captain Moran said they had enough evidence against Rachael to have a judge sign an arrest warrant, but they weren't going to do it at that

Bob and Rachael implored Captain Moran to get the investigation back on track. Go after the lead they were supplying, they said, and check into the obscene phone call angle again. The kid who was arrested for the harassing phone calls had gotten her name out of a pornographic magazine.

The police should find out who wrote that number in the magazine and who that magazine belonged to. There were leads to follow, and it was a waste of time to threaten Rachael.

Captain Moran admitted the investigation was stalled and asked to interview the couple's children. After experiencing Lt. Moran's interviewing

techniques, both Rachael and Bob thought it was a bad idea to involve their children, so they declined.

The meeting ended and Bob and Rachael both believed the police were going to pursue the other leads. Captain Moran and Lt. Post said they would listen to the tape of Lt. Moran's confrontation with Rachael, and get back to them.

Unbeknownst to Bob and Rachael, the entire meeting with Captain Moran had been secretly taped. An action that would come back to haunt the police years later.

LEGAL ADVICE

Two weeks passed and Rachael heard nothing more from the police. She called to see if Captain Moran had listened to the tape of his brother's interrogation. He said he had not.

There was no more talk about arresting Rachael. The tactic hadn't elicited a breakthrough in the case and Lt. Moran never explained his rock solid 100% proof.

There was none.

In early November the police ruled out the man who had been sexually aggressive towards Rachael's sister. He was eliminated as a suspect by the Waterbury police without undergoing blood analysis, or taking a lie detector test. The police told Rachael she had nothing to worry about from him, he was ruled out.

Police records state there was a lack of probable cause to suspect the man because he had responded favorably during a physiological response inter-

No blood tests were done due to the "intrusive nature of blood tests, and the embarrassment for the man and his family."

Captain Moran told Rachael the only avenue left for police to investigate was to interrogate her children.

She refused. The children had slept through the entire incident and she had no intention of allowing her children to be traumatized by some new police tactic.

In mid-November Rachael contacted Attorney Maureen Norris for assistance in dealing with the investigation. There was no follow up on leads and Rachael and Bob believed a lawyer might help push a few hot buttons and get things moving. Contact was made with state's attorney John Connelly who agreed to meet with Rachael, Bob and Attorney Norris.

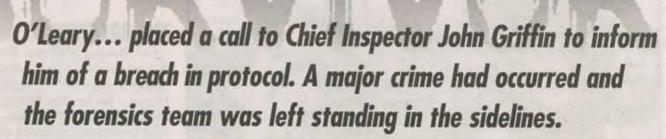
The meeting took place in early December and Connelly told the couple that Lt. Moran had received information provided by a police snitch.

Someone had come forward and said they hated to see police waste their energy and manpower. The individual claimed to have heard a rumor that Rachael had been engaged in an affair, and that the oldest of her two children had interrupted the lovers.

The informant said Rachael had concocted a false rape complaint in the event the child remembered, and repeated, what she had seen. The



What was real anymore? Who could she trust? She came to the police for help - to a place she was taught to trust - and now they were going to arrest her.



Waterbury Detective Neil O'Leary was assigned to the investigation eight months after the rape. The trail was cold and he started over with blood tests, interviews, and a door to door canvas of the victim's neighborhood.

inform-

ant said Rachael had put the

child back to sleep, cut the telephone lines, and then ran to the neighbor's house to call police.

Shocked at the new twist, Rachael wanted to know who the informant was, and why they weren't being considered a possible suspect.

Now Rachael and Bob knew why Lt. Moran behaved the way he had during the confrontation. He had believed the informant, and was trying to close the case. But Moran had confronted Rachael without any attempt to corroborate the information.

Bob and Rachael asked Connelly to retrieve the taped confrontation from police headquarters, and listen to it.

He agreed. But when Connelly asked for the tape, Lt. Moran said he had screwed up, and the recording had never been made. Moran was in charge of all the surveillance equipment in police headquarters and had set the record switch in the wrong position.

Connelly ordered a blood test on the individual who hassled Rachael's sister, but the results – which were delivered to Meriden by Lt. Doug Moran – didn't match the DNA taken at the hospital.

Outraged at the lack of progress in the case, Bob and Rachael filed a complaint against the police department in April of 1994. In the complaint they requested an internal affairs investigation into the police.

At about the same time Connelly transferred the case out of Vice and Intelligence and into the Criminal Investigation division. The Moran brothers were taken off the case, and now Captain Kathy Wilson, who was at the scene the night of the rape, and Sergeant Neil O'Leary, one of the force's best detectives, had the task of overcoming months of sloppy police work.

Inspector John Maia was also assigned to the investigation from the state's attorney's office.

O'Leary had been concerned about the investigation just days after the rape occurred. In reading through a patrolman's report the Monday after the assault he was surprised that the forensic team hadn't been called out to collect and process evidence. He had immediately placed a call to Sergeant James Griffin – who was in charge of the crime scene that night – and asked him why he hadn't called forensics.

Griffin told him 'that he had collected what he felt was pertinent evidence and didn't think forensics was needed."

O'Leary was appalled.

No fingerprints, no photographs. Nothing but bedsheets, nylons and what was gathered off Rachael in the hospital.

O'Leary then placed a call to Chief Inspector John Griffin to inform him of a breach in protocol. A major crime had occurred and the forensics team was left standing on the sidelines.

The chief inspector did nothing to Sergeant Griffin – his son.

On the night of the rape Sergeant James Griffin hadn't done his job. Now eight months later the case was getting dumped in O'Leary's lap and the trail was cold.

O'Leary, Wilson and Maia did the only thing they could – they started over. They met with Rachael and Bob at their home, they canvassed the neighborhood door to door, they interviewed friends and family,

and began taking blood tests. Nearly 30 in all.

The focus of the investigation concentrated on those

individuals who knew Bob

would be away in Colorado at a wedding.

Rachael wrote a letter to Dr. Henry Lee asking for help. He responded and ordered a re-sampling of the physical evidence using new DNA technology.

The new evidence was entered into state and national databases. "If Dr. Lee hadn't gotten involved the DNA information would have sat down at the FBI in Washington DC," Rachael said.

Now if the rapist is ever arrested his DNA can be matched through data bases and Rachael's case can be solved. Dr. Lee also consulted with Rachael about the policy and procedure recommendations she was trying to get the Waterbury police department to consider.

It was Dr. Lee's belief, Rachael said, that every victim should be treated with respect and compassion.

THE REPORT

Thirteen months passed before the Internal Affairs report was released by the Waterbury Police Department. Rachael and Bob held out hope that at last the truth would be known.

The Internal Affairs officers Captain Joe Cass and Lt. Guerriero interviewed Rachael and Bob, Lt. Moran, Capt. Moran and Lt. Post. The three officers then had to submit a written response to the complaint.

Captain Moran's written statement said "I felt that Ms. Doe and Lt. Moran basically concurred as to what was said during the interview in question, making review of the tape a futile, time consuming exercise. I feel it is unfortunate that the tape does not exist, but that is a moot point."

Later in his report Captain Moran referred to a second taped interview – the one he had conducted with Bob and Rachael - and quoted Bob verbatim.

The couple was unaware they had been taped, and Atty. Norris immediately sought, and received, a copy of the tape.

That tape would prove crucial to Bob and Rachael's lawsuit because it eliminated the "he said-she said". There was now proof of a confrontation. In his Internal Affairs statement Captain Moran had corroborated Rachael's version of it.

Lt. Doug Moran's statement to Internal Affairs is also enlightening. In it he explained how he utilized all his training and experience to identify the inconsistencies, or "flags" in Rachael's story.

He wrote that Detective DiStiso, an officer at the scene, had noted how calm and composed she was as she "continued to wear the panty hose wrapped around her wrists for a half an hour after the police arrived like a stage prop."

Lt. Moran also wrote that Rachael's quote of the assailant using the term "pig" was an outdated expression which hasn't been used on the streets for years, but was popular around the time Rachael was in high school and college.

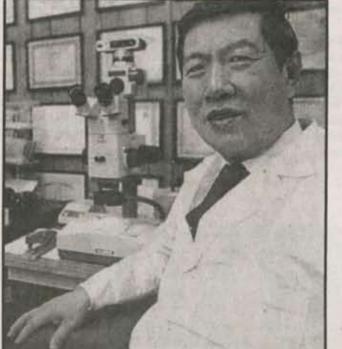
Moran also found it curious that Rachael fled her home in panic and had known that her phone lines had been "cut".

Without a tape of the confrontation to listen to, the Internal Affairs officers were left with a he said – she said, stalemate. It was Moran's word versus hers, and all things being equal, a cop is going to protect a cop. The Internal Affairs investigation exonerated Lt. Moran's conduct in questioning Rachael.

The report said that physical evidence gathered at the scene contradicted Rachael's statements and gave Lt. Moran sufficient reason to suspect she was lying.

Nothing on the report said what that evidence, or contradiction, might be.

"Also to be considered is the personality of Lt. Moran," the report stated. "He is known to



Dr. Henry Lee testified during the trial about proper crime scene protocol and the rape victim sought his advice on suggested policy changes for the Waterbury Police.

have a somewhat dry and droll sense of humor, his serious side of his personality is just that, serious. He can appear to be stern and unbending especially in matters of a serious nature. Perhaps Ms. Doe misinterpreted the intent of Lt. Moran."

The report concluded that Lt. D.J. Moran would have been derelict in his duties if he hadn't sought the truth and questioned Rachael's story.

When Rachael read the report she felt "like someone stuck a knife in my stomach. I had gone to the police for help and now they were lying and trying to turn me into the criminal.

I was sick. Their behavior was disgusting."

The only portion of Rachael's complaint that was substantiated by the Internal Affairs report was that Lt. Moran did have a problem using the tape recorder.

Waterbury Police Chief Edward F. Bergin was so satisfied with the thoroughness and professionalism of the Internal Affairs report that he wrote Attorney Norris a letter stating he had personally complimented the two I.A. officers. Bergin had concluded that no Waterbury police officer had acted improperly during the investigation.

Determined to get at the truth, Bob and Rachael decided to fight back. They sued for damages due to the negligence and carelessness of the City of Waterbury, and named D.J. Moran and Robert Moran in the suit. They hoped by stepping forward they could prevent the police from retraumatizing another victim.

The lawsuit literally listed violations against the city from A to Z, 26 in all. They ranged from:

 The Waterbury Police Department failed to provide adequate training to officers investigating sexual assaults.

- · The procedure used by the Waterbury Police Department in handling sexual assault cases - in particular Rachael's case - is in contradiction to accepted principles of psychology and is injurious to victims of sexual
- The Waterbury Police Department does not have a specialized unit to deal with sexual assaults and does not have adequate female police officers to handle the investigations.

 Lt. Moran engaged in a system of threat, intimidation and harassment which violated Rachael's state and federal civil constitutional rights.

· Lt. Moran's accusation that Rachael had fabricated the sexual assault is a persistent pattern by municipal officials of intimidating and harassing sexual assault victims into not pressing their claims.

 Capt. Moran aided and abetted his brother's violation of Rachael's constitutional rights.

Some of the injuries listed in the lawsuit included nervousness, nausea, sleep disturbance, mental anguish, psychological disorders, humiliation, depression, headaches, weight loss, post traumatic stress disorder, anxiety, weakness, trembling, nightmares and loss of appetite.

FIGHTING FOR CHANGE

Rachael's suggestions for policy and procedure changes at the Waterbury Police Department

1. Every victim should be treated with dignity, respect and compassion.

- 2. The initial responding officers should secure the scene of every major crime and forensics should be called. Photographs and fingerprints should be taken care of immediately and evidence should be gathered properly. A comprehensive neighborhood canvass should occur within a week of the crime.
- 3. A policy should be implemented to turn any assailant's DNA evidence, as soon as it is available, over to the state laboratory to be input into the state and national (CODIS) database for cross-reference against convicted criminals.
- 4. There should be a mandated policy which requires the police department to contact the Waterbury Sexual Assault Crisis Service (SACS) when a victim contacts the police. The police should meet with the director of Waterbury SACS to establish protocol, practice and expectations from both parties. There should be a position created for a Victim Representative who serves as a liaison between the police and the various service organizations (e.g. SACS, support groups, healthcare, etc.)
- 5. A sexual assault victim should be assigned a specially trained officer in the dynamics of sexual assault, rape trauma syndrome, sexual assault law, evidence collection, interviewing and investigation. If the victim requests that the trained officer be a female, the department should make every effort to make that provision.
- 6. Proper Training of Police Officers with regard to Sexual Assault. Officers should have initial training of 6 hours followed by a minimum of 2 hours of enhanced training per year on the proper treatment of a victim. This training should be mandatory and verifiable.

- 7. There should be a database within the department so that an officer investigating the crime can determine whether there were reports of any suspicious persons, vehicles, etc. in the area of the crime scene.
- 8. A victim should be updated on the progress of his or her case. In the event that a victim knows the identity of a possible suspect, he or she should be made aware that the suspect has been ruled out, and have access to view the written report and testing data which led to the result.
- 9. The internal procedure to review an officer(s) conduct is inadequate. In order to ensure that these investigations are meaningful they need to be conducted outside of the Police Department by a qualified impartial party that is paid by and reports to the city, not the police.
- 10. In the event that a person allegedly unconnected to the sexual assault comes forth with information purported to be relevant to the assault, the officer should question the motivation of this person and take every step to ensure the veracity of the information before confronting the victim.
- 11. A police officer's direct supervisor should not be a relative of the officer.
- 12. The victim in this case should be given an acknowledgement that she was telling the truth and an apology.
- 13. These policies and procedure changes should be documented, accounted for in the budget, and provide measurable results with an outcomes review in 2 years.

The injuries, the lawsuit said, have effected Rachael's ability to carry on life's activities as she had before.

Bob was also part of the lawsuit because he had been "deprived of the society and companionship of his wife and his marital relationship with his wife has been affected as a result of the actions of the police officers."

Bob and Rachael were now going after the police.

LEGAL WRANGLING

Taking on the city of Waterbury is a daunting task. Depositions and legal maneuvers made the months and years fly past like migratory birds heading south for the winter.

An attempt to file the case in Federal Court in March 1994 created a delay. Atty. Norris' effort to have the case heard in Litchfield County also failed.

The lawsuit was eventually filed in Waterbury Superior Court in October 1995. Atty. Norris tried mediating the case for two years with the city in an attempt to keep it out of trial.

The major stumbling block in the negotiations was a list of policy changes Rachel wanted to be be implemented by the city. (see list of policies and procedures in sidebar story).

Both Rachael and Bob had successful careers and said they weren't looking for the lawsuit to provide money. The legal action was an attempt to force change upon a system that traumatized victims at their most vulnera-

Rachael wanted the police to improve their sexual assault training and implement procedures that insured future victims would be treated with dignity and compassion.

She also asked for an apology, and an acknowledgement that she had been telling the truth.

The apology was never given.

In August 1999 the case, in an attempt to resolve it, went to arbitration in West Hartford. Both sides put on a mini-version of their arguments before a judge, who then gave a nonbinding decision as to how the case would probably shake out if it went to trial.

The judge said Rachael and Bob had a very strong case and the city of Waterbury should take them seriously. He placed a monetary figure of damages on the case and advised the city to implement her policies and procedures.

But the city addressed neither.

Eight months later the city asked to repeat the arbitration process and the judge came back with the same result - listen to Bob and Rachael, they have a serious and legitimate claim.

The recommendation continued to fall on deaf ears.

The case was heading to trial and the date was set for jury selection to

In mid-summer 2000 Waterbury



Mayor Phil Giordano and the city offered to settle the case the day before trial. The victim was already mentally prepared for trial and told the city its offer was too late.

Mayor Phil Giordano asked to meet with Rachael. Tired of repeating her story, she was initially reluctant to talk with him.

A meeting was set up, but the morning of the meeting Giordano called to cancel. He was apologetic, but something important needed his prompt attention.

She reluctantly agreed to another scheduled appointment with Giordano, and she told him her story. She said the mayor appeared sympathetic, and she left him with the list of her recommendations.

When the city's response came back ensnarled in legalese, Rachael had no confidence anything would actually be implemented.

There was no acknowledgement of wrong doing and no apology. She decided to press ahead with the law suit

Months later, on the afternoon before the trial was scheduled to begin, the city offered to settle the case. They offered a couple hundred thousand dollars over a period of years, and agreed to work with her on her recommendations.

Rachael was skeptical. After what she had already been through, she didn't trust that the city was suddenly going to do the right thing. She envisioned her policy and procedure changes getting lost in a sea of legal red tape.

Rachael was mentally prepared for trial and said she was "like a steamroller that couldn't be stopped."

To her, the city's offer was too late.

Rachael's lawyers advised her to accept the city's generous offer, and Bob, who was reluctant to have her endure a lengthy trial, also advised her to settle.

She refused. "This is my life and my reputation they messed with," Rachael said. "I wanted to set the record straight."

Rachael said that if she had settled the case at that late date her head would have burst into a million pieces. The city had pushed her around like a rag doll for seven years, and she needed the trial now, it had become part of the healing process.

THE TRIAL

Rachael expected the trial to be difficult. She expected the city to blame her emotional distress on the rape, and would try to deflect any responsibility away from the cops.

But the trial was worse than she expected. Rachael spent two days on the stand. At one point she said her ears felt like they were on fire and she thought she was going to faint.

Corporation Counsel Cheryl Hricko – whose job was to defend the Moran brothers – went after Rachael's character.

While Hricko's daily courtroom demeanor was described as professional and sensitive by Rachael's attorneys, her opening and closing arguments were devastating.

Hricko's job was to advocate for the Morans and attempt to minimize damages to the city of Waterbury. In doing so she minimized Rachael's life.

Hricko told the jury she wasn't there to personally criticize anyone, or to personally attack anyone. Then she challenged Rachael's account of the rape and told jurors it hadn't been a rape at all.

Hricko questioned why Rachael had described an alleged rapist as a "gentleman," who was "kind" to spare her life

The most painful part of Hricko's closing argument to Rachael was a challenge to her motherhood.

"Despite that brutal attack where you know that this perpetrator has a gun and a knife...you leave your two little children alone in the house to go

five houses away to report the incident." Hricko said. "Two helpless little children are

left alone. Again, how, as a mother, can you absolutely be sure he has left the inside of the premises."

In many ways Rachael was back in

the interrogation room being confronted by Lt. Doug Moran all over again. Hricko told the

Hricko told the jurors that if there was no rape there can be no damages.

But Rachael's attorneys, Robert Kolesnik and Maureen Norris, had dismantled that argument with direct testimony from police officers.

Neil O'Leary, now head of the detective bureau, told the courtroom that anyone listening to the 911 tape would know Rachael was credible. "All you have to do is listen to the 911 tape and I don't think you could have any doubts after

that, unless she's some kind of miraculous actress that we don't know about."

O'Leary testified that "he had found not a shred of evidence to support anything at all, that she was involved with anyone other than her husband and her children. Nothing. Zero."

O'Leary went on to say that "anyone I talked to about her told me she was one of the finest people that they have ever known, including clergy, friends and family."

O'Leary, who was now a Lieutenant, also shed light on the source of the rumors surrounding Rachael's private life. The police snitch had first approached O'Leary with the information about the alleged affair. O'Leary told the man to contact Lt. Moran, who was in charge of the investigation.

Which he did.

Months later, when O'Leary took over the investigation, he interviewed the informant. O'Leary testified at the trial that the informant said he had overheard that it hadn't been a rape. That Rachael had a boyfriend.

The informant told O'Leary he was upset at the subsequent turn of events in the investigation. The informant said he had told Lt. Moran that his information was very unreliable. He said he had told Lt. Moran that the person had psychiatric problems and "was nuts."

Kathy Wilson, now retired from the Waterbury Police Department, rendered damaging testimony to the Morans when she explained in detail the rape crisis training that was in place in 1993.

Every officer was trained to keep an open mind and to be sensitive to Rape Trauma Syndrome. Wilson said the male officers had been trained not to confront rape victims. She also testified that Moran's behavior with Rachael was the only male confrontation with a female victim that she was aware of during her years as sexual assault specialist at the Waterbury Police Department.

After three weeks of testimony the case went to the jury. From the questions the jury was asking it was clear to Attys. Norris and Kolesnik that within hours Rachael and Bob had won the lawsuit. Now it was a matter of placing a price on the damages.

Rachael and Bob's attorneys had asked for \$2.5 million.



"This was never just about money," Rachael said. "I wanted the negligence acknowledged, an apology, and change."

Attorney Robert Kolesnik agreed the case had little to do with money. "She needed to have a jury tell that guy he was wrong," he said. "She did get vindication when the jury found Moran guilty."

Rachael's other attorney, Maureen Norris, said "This was a difficult and emotional process but hopefully something good can come out of it."

Atty. Norris knew Rachael before the rape occurred and knew how she lived. "If they could do this to her they can do it to anyone. God only knows what they could do to someone who hadn't lived such a stellar life."

TRIED IN THE PRESS

But Rachael's victory was dampened by the Republican-American newspaper's coverage of the trial.

"We don't try our cases in the press," Atty. Kolesnik said. "But the paper's coverage raped her all over again."

Republican-American reporter Darlene McCormick was assigned to the trial. McCormick's job at the newspaper is to cover the police department and courts. Rachael and her attorneys said McCormick's coverage was weighted heavily towards the cops.

It was the behavior of the Waterbury Police Department – specifically Doug and Robert Moran – that was on trial in the courtroom. But the majority of damaging testimony against the cops never made it into the newspaper.

McCormick's coverage at the start of the trial was balanced, but during the proceedings her objectivity took a hard twist.

Where was it written that Dr. Henry Lee testified about the proper handling of a crime scene? That the perimeter of the house should have been secured, photographs taken, fingerprints lifted and sketches made.

The Waterbury Police Department had botched the crime scene, but that information was not reported in the daily newspaper.

Where was it written that Lt. Moran had taken unreliable information from a "nut" as the basis to confront a traumatized rape victim?

Where was it written that the top detective in the police department found not "one shred of evidence" that there had been, or ever was, an extra-marital affair?

Where was it written?

No where.

Instead, the paper repeatedly published articles that listed unsubstantiated innuendo. When in fact the rumors were proven in court to be just that – rumors. To Rachael and her family the newspaper's coverage amounted to a public character assassination.

Lt. Moran used rumor as a battering ram in October 1993, Attorney Hricko picked it up and pounded Rachael with it during the trial, and the city's daily newspaper spread the rumors even further into the community.

"I had to stop reading the paper," Rachael said. "It was brutal."

The paper's headline writers joined the act. "Alleged rape victim wants \$2.5 million, City Attorney claims story dubious."

Or "Jury still undecided on woman's claim of rape."

The newspaper and McCormick weren't questioning the credibility of the police – who the jury found guilty – it was Rachael, the victim of a violent sexual assault, who was hoisted up for examination.

But the tone of the Republican-American coverage never let the reader consider Rachael a viable – or credible – human being. Rachael was always cast under a cloud of suspicion.

McCormick wrote in the paper that the case revolved around the question of whether Rachael was ever raped.

Although that was the defense's argument, McCormick missed the point. The case revolved around police misconduct of a victim, and the readers of the Republican-American were not provided a balanced account of that information.

Strangely, in the newspaper's final report on the case, McCormick closed out her article by mentioning several oddities Hricko brought out during trial. Then she proceeded to list the oddities by bullet point, further casting aspersion on a women who just won the trial.

Republican-American readers following the trial

would have no clue why Rachael and Bob emerged victorious – those facts never saw the light of day in the newspaper.

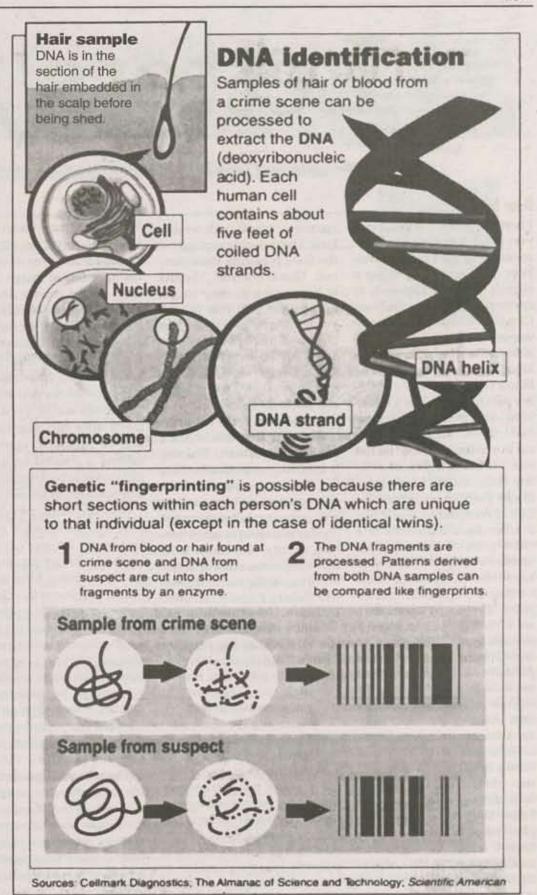
"Maybe this was some kind of game to a lot of people," Rachael said. "But this is my life, Isn't there some responsibility the reporter and the paper have to print the truth?"

WHAT NOW?

The rapist was never caught. The file remains open down at police headquarters and the assailants DNA is listed in an international DNA bank.

Lt. Doug Moran is still an active member of the Waterbury Police Department. Since his devastating confrontation with Rachael eight years ago, Moran was promoted to the rank of Captain.

Captain Robert Moran has retired from the department and was subse-



Karl Tate AP

quently appointed to the Connecticut State Parole Board.

Detective Neil O'Leary is still in command of the Waterbury Detective Bureau.

Attorney Cheryl Hricko still works in corporation counsel representing the interests of the city of Waterbury.

Bob, who was supportive of Rachael's efforts to seek justice, is now hoping she can let go a little, and get on with the rest of her life.

Rachael believes her quest for closure is nearing an end. "I believe I went through all this for a reason," she said. "If my experience can prevent this from happening to just one innocent victim, it won't have been in vain."

She has vowed to remain active behind the scenes in a continuing effort to assure victims are treated properly. Rachael has an acute interest in DNA and will be working with Dr. Henry Lee on a project to create awareness and hope for victims of crime.

Doctors and therapists have worked with Rachael to help her deal with post traumatic stress disorder, a condition she will deal with for the rest of her life. But she is a fighter, and is battling anxiety and emotional distress through exercise, diet and a tremendous support system..

The smell of oil or the sight of a police car still can trigger a wave of anxiety, but with family support, and her strong faith in God, she believes her future is bright.

Her eight year struggle with the Waterbury Police Department is over, but Rachael refused to stop battling until she set the record straight. There was no way she was going to allow the last words of an eight year battle to be more rumors.

She wants it to be - hope.