Rape is second only to murder as the most serious crime a police officer faces. The responsibility of the police in a rape case is twofold: first, to protect and support the victim, with the ultimate goal of facilitating her complete psychological recovery; second, to apprehend and successfully prosecute the culprit. These are complementary objectives. Rape is one of the few crimes that require the full cooperation of the victim to bring about a successful prosecution.

In spite of the seriousness of the crime, many police officers in the past treated the victim in a way that was unprofessional. Unless the victim sustained obvious physical injury, many officers felt that the victim was probably "looking for it" and regarded the report as unfounded. This attitude was supported by the Massachusetts State statute that defined rape as "whoever ravishes and carnally knows a female by force and against her will."1 Threats of violence were not considered use of force. The victim could sense that she was not believed by the police, and her cooperation with them would diminish or disappear.

In order to develop a bond of trust, the officer must be sympathetic and must be prepared to invest a lot of time in the investigation. The victim who is given the time to get herself back together after the initial trauma and to get to know the investigating officers will feel that the officers are really interested in her well-being and will be likely to continue the legal process.

In 1974, the Massachusetts Legislature passed two major pieces of legislation concerning rape. The first piece amended Chapter 265, Section 22, of the General Laws by redefining the criminal act of rape as "whoever

1Massachusetts General Laws Annotated. Chapter 265, Section 22.
has sexual intercourse or unnatural sexual intercourse with a person, and compels such person to submit by threat of bodily injury, shall be punished by imprisonment in the state prison for life or for any term of years." This legislation involved three major changes in the statute that should help both the victims and the police. The first is that force no longer has to be proved; the threat of bodily injury is sufficient. The second change is that unnatural sexual intercourse is now included in the statute. Before this change, the culprit who forced a victim to submit to unnatural intercourse (anal or oral intercourse) was charged with unnatural acts, a lesser crime, or possibly assault with intent to rape. The third change is that the law now recognizes that the victim may be male as well as female.

The second piece of legislation passed in 1974 is also of major significance. The Rottenberg Bill forced reform within the police departments of every city and town in the commonwealth. The most important part of the bill requires that each department establish a rape reporting and prosecution unit. The units must be staffed by officers who have completed an approved course of training in the counseling of victims and the prosecution of the perpetrators. A second point of the bill is that each rape reporting and prosecution unit must establish a special telephone exchange for the reporting of rape. Third, the bill requires that all reports of rape, sexual assault, or attempts to commit those crimes and all conversations between police officers and victims shall not be public reports and shall be maintained in a manner that will assure their confidentiality.

Since the Rottenberg Bill was made law, the Massachusetts Criminal Justice Training Council has been training officers throughout the commonwealth to staff the units. The objectives are better treatment of rape victims and more successful prosecutions. These reform measures may be taken as models for other states working to improve the police investigation of rape cases.

The police who respond to the rape call consist of three groups: the police clerk, the patrol unit, and the detective unit. Each has a sequential role in the protection of the victim and in the apprehension and prosecution of the rapist.

When a victim calls the police to report that she has been raped, the clerk is generally the first person to whom she speaks. It is the duty of the clerk to determine if the call is an emergency (almost all are). A rape that has just occurred, one where the victim is injured, or one where the victim is in obvious emotional distress is classified as an emergency. This type of call requires an immediate response by the patrol division. Complaints that are delayed several days after the rape may be investigated entirely by the

2Ibid.