

Domestic Violence Liability

BACKGROUND

Between 4:30 and 5:00 PM on November 14, the victim was stabbed multiple times by her estranged husband. At the time of the attack, the victim and her husband were in the process of a very contentious divorce. A protective order against the husband had been issued 30 days before the attack for an earlier harassment and disorderly conduct incident.

SCENARIO

Before the protective order was issued, the victim's husband had been harassing her by contacting her over 50 times a day – leaving voicemail messages and sending text messages. The estranged husband used a knife to puncture the victim's vehicle tires. The victim's attorney advised her to file a complaint with the local police department, which she did.

After taking the victim's statement for the protective order, and making copies of the voice mails and text messages, the officer informed her that he would contact her husband to obtain his version of what happened. The officer reviewed the protective order which was one of "no contact." His interpretation of the protective order was that it prohibited the husband from imposing any restraint, threats, harassments, or entering the family dwelling. **The officer stated in his deposition that he did not ask whether the victim was afraid of her husband or thought that he would hurt her.** After the victim left the police station, the officer made telephone contact with the husband and explained that his wife had filed a complaint against him, alleging harassment. The officer requested that the husband meet with him at the station to discuss the complaint, at which point the husband became agitated and made several off-color comments and refused to come down to the station. He commented, "Can't wait for her to see what will happen when I get out of prison," then hung up the phone. No further action was taken by the police department at that time.

On the day of the stabbing, the victim arrived home and was backing into her assigned parking space, when she noticed her husband waiting for her. The victim's husband began yelling and screaming at her for contacting the police. She immediately picked up her cell phone to call the police, at which point the husband smashed open her driver's side window, pulled out a large knife and began stabbing her. The victim managed to escape and ran inside her home. Her husband followed close behind and managed to force himself inside the dwelling. Once inside, victim's husband began violently attacking the victim's elderly mother, all the while continuing his assault on the victim, stabbing her several more times in the back and arms. The victim's son witnessed what was occurring and called 911. When police arrived on scene, the husband was sitting on the grass outside the dwelling in a daze. He was handcuffed and taken into custody without incident and charged with attempted murder. The responding officers administered first aid to the victim and her mother. Both were transported to the hospital and treated for serious injuries.

LESSONS LEARNED

- The officer taking the report did not follow the Lethality Assessment Protocol (LAP) or any SOP.
- The officer failed to create either a short or long term safety plan.
- The officer's interpretation of the protective order was questionable, at best.
- There was no action taken by the police department based on the husband's aggressive and off-color comments.

RECOMMENDED BEST PRACTICES

CIRMA recommends the following best practices:

- Police departments should review their Family and Domestic Violence Policy on a regular basis with command staff, officers, and dispatchers.
- Police departments should train all dispatchers, desk officers, and any other personnel who have responsibility for following policies and protocols associated with LAP.
- Police departments should consider conducting regular training on the key components of establishing a short and long term safety plan for victims and document their efforts.

Questions? Ask your Supervisor or contact your CIRMA Risk Management Consultant at (203) 946-3700.