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Court Restores Verdict Against Negligent Sheriff

By Bob Anez, Associated Press Writer

HELENA (AP) – The Montana Supreme Court on Wednesday reinstated a jury verdict holding a sheriff responsible for failing to properly protect a woman whose abusive husband killed her and himself in 1997.

The unanimous decision of a five-judge panel said Broadwater County Sheriff Richard Thompson's negligence in handling the couple's repeated violent confrontations – which on more than one occasion included the husband pointing a gun at his wife, his children and himself – led to the woman's murder.

“Thompson should have arrested Ray Doggett, taken away his gun and advised Vickie Doggett of her rights as a victim of domestic abuse, the court said. Those mistakes violated state law and were a substantial factor in bringing about Vickie's death,” the court said.

The decision restored a \$358,000 judgment against Thompson and the county that was awarded to Vickie Doggett's three sons. A district judge had thrown out the verdict, after concluding the sheriff had no legal duty to protect Mrs. Doggett from her husband.

The jury had enough evidence to decide that Thompson violated laws designed to safeguard abuse victims like Mrs. Doggett, and Judge Dorothy McCarter's finding to the contrary was simply wrong, Justice Patricia Cotter said for the court.

Jim Hunt, attorney for Mrs. Doggett's sons, said the ruling sends an important reminder to law officers.

“What the Supreme Court is telling law enforcement is that they have a duty to domestic abuse victims to protect them,” he said Wednesday. “This isn't a new burden on law enforcement officials. This is confirming for them that this is what they need to do, look at the statutes and understand this is legislative policy that we are going to pay more attention to domestic abuse victims.”

Beth Baker, a Helena attorney representing Thompson and the county, said the decision will not have a sweeping effect on law enforcement because the justices stopped short of saying officers cannot use discretion in their work.

But, she added, the case is significant for Thompson.

“This was a tragic case and one of those situations where he exercised judgment that he thought was the best thing at the time,” Baker said. “To have a jury come back with perfect hindsight to say his judgment was wrong is difficult.”

The Doggetts had a tumultuous seven-year marriage, marked by drunken quarrels between the two. The Supreme Court chronicled seven instances where Thompson or his deputies responded to the Doggett house to deal with the couple’s arguments.

The events often featured Ray Doggett brandishing a .44-caliber Magnum revolver, sometimes pointing it at himself, his wife or the children. He frequently threatened his family and sometimes the officers who showed up.

On more than one occasion, Doggett held the gun to his wife’s head. In one incident, Thompson and a deputy had to wrestle the weapon away from Doggett.

Despite such incidents, Thompson never arrested Doggett and the pistol was confiscated only for a brief time in 1994 before being returned to Doggett, the court said.

The justices noted that state law gives officers some leeway in dealing with domestic violence cases. But it clearly says arrest is preferred, guns used to threaten must be seized, and victims must be given a written explanation of their legal rights and community assistance available.

Thompson failed to do all those things, providing jurors with plenty of reason for finding the sheriff negligent, the court said.

Mikel Moore, a Kalispell lawyer for the Montana Sheriffs and Peace Officers Association, said the court was careful not to impose a major new doctrine on law enforcement responsibilities. But this ruling will not go unnoticed, he said.

“Law enforcement can be expected to study this decision and derive lessons from it,” he said.

Hunt said the frequent fights between Vickie and Ray Doggett were traumatic for the boys, but Michael, James and Marcus Masee are doing well.

“This wasn’t about the money for these kids. This was about these kids making a statement that their mother didn’t have to be killed by their stepfather.”