

CASE BRIEF

THURMAN V. CITY OF TORRINGTON

595 F. Supp. 1521 (D. Conn. 1985)

FACTS

Charles and Tracey Thurman, estranged husband and wife, had a violent separation. In October 1982, Charles attacked Tracey and, using physical force took Charles Thurman, Jr., from the residence. At the time, Tracey went to the Torrington Police Department. The department refused to accept the complaint. On November 9, 1982, Charles broke the windshield of Tracey's car while she was sitting in it. He was convicted of breach of the peace, and received a suspended sentence of six months in jail and a two year "conditional discharge." During the two-year period, he was to stay completely away from Tracey and commit no further crimes.

During the period of conditional discharge, Tracey called the police department several times complaining that Charles was violating the terms of the discharge. The police refused to do anything about Tracey's complaints. At one point, Charles threatened to kill Tracey. At that time, Tracey attempted to get Charles arrested for violating his conditional discharge. The police department refused to help Tracey. Officers repeatedly asked her to return to the police station at a later date. Tracey pursued her attempts to get Charles arrested, but to no avail. On June 10, 1983, Charles appeared at the residence where Tracey was staying. Tracey, remaining indoors, called the police department and asked that Charles be arrested for violation of the conditional discharge. After about 15 minutes, Tracey went outside to persuade him not to take her or hurt Charles, Jr. Soon thereafter, Charles began to stab Tracey in the chest, neck, and throat. Approximately 25 minutes after Tracey's call, a single police officer arrived at the scene. When the officer arrived, Charles dropped the knife, and in the officer's presence, kicked Tracey in the head and ran into the house. Charles returned from the house holding Charles, Jr., and dropped the child on his wounded mother. Charles then kicked Tracey in the head a second time. Soon thereafter, three more police officers arrived at the scene, but continued to let Charles wander about the crowd and to continue to threaten Tracey. Finally, when Charles approached Tracey again (this time, she was lying on a stretcher) Charles was arrested and taken into custody.

ISSUE

Did the conduct of the Torrington Police Department deprive Tracey of her right to equal protection?

HOLDING

Yes.

REASONING

The court found that Tracey was discriminated against because the violence was a domestic dispute. The evidence showed that police protection was fully provided to persons abused by someone with whom the victim had no domestic relationship, but the police consistently afforded lesser protection when the victim was a woman abused or assaulted by a spouse or boyfriend or when a child was abused the a father or stepfather. The court awarded Tracey \$2.3 million.