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## Licensed to Fear

A Commentary by the JPFO Liberty Crew

### DIAL 911 AND DIE?

James Davidson abused and harassed his wife, Catherine Ford, after their separation. Catherine got a court order against James to stop him. A court order is merely a piece of paper until the police enforce it, so Catherine delivered it the same day to the Grafton, Massachusetts police station and have it served on James.

Knowing James's history of violent conduct, a Grafton police officer told Catherine then that the police could not baby-sit her 24 hours a day. The officer advised her to "buy a gun because the only way to deal with violence is violence."

Catherine did not take that advice. Over the next 15 months, James harassed and stalked Catherine, repeatedly threatening to kill her and her family. Trying to use the court order, Catherine continually reported these threats to the Grafton police. The police told her that they could not do anything until James caused her some actual physical harm. To respond to James' telephonic terrorism, the police suggested that Catherine "get a gun or call the telephone company."

Catherine and others of her family called the Grafton police dozens of times to report James' stalking, threatening and harassing behavior. One time James threatened to kidnap Catherine's infant niece, but the police did nothing. James' own psychiatrist also warned Catherine that James planned to kill her.

Several times James came to Catherine's or her family's residence to terrorize her. He attacked her at her workplace. He was caught once sneaking in the backyard and admitted that he had violated the court order. Despite all of his vicious and unlawful behavior, the police never arrested James for violating the court order.

James issued his final death threat; Catherine alerted the police. At about 6:00 p.m. the next evening, James starting kicking down Catherine's back door. When she ran out the front door, James saw her and chased her even as she streaked through moving traffic on the street. She pounded on a neighbor's door, but no one would let her inside. As she ran to the next house, James caught her and shot her three times in the face and neck. He then shot himself. Catherine was totally paralyzed for life.

Catherine's lawyers sued the town of Grafton for failing to protect her, arguing that the police owed a legal duty to stop James and to protect Catherine. A Massachusetts statute required the police to arrest James for his repeated violations of the court order, but the police had failed to arrest him.

The result? The Massachusetts courts applied an immunity statute—a "no duty to protect citizens" rule—to shield the city from liability. The court order that was supposed to restrain James and protect Catherine did not amount to an "assurance of safety or assistance" from the police department. The fact that the police advised Catherine "to get a gun for protection" showed that the police were unable to assure her safety or protect her, the courts said. Eleven years later, the case was dismissed entirely.

Meanwhile, Massachusetts makes it legally difficult and risky to get personal defense firearms. The law effectively disarmed Catherine while the law enforcement system failed to protect her.

This true story comes from a chapter in *Dial 911 and Die*, available at [www.jpfo.org](http://www.jpfo.org). These "no duty to protect citizens" cases crop up all across the country. "Gun control" ideas combined with the "no-duty" rules produce horrific results for victims who have no legal recourse. Show these facts to every CCW holder you know.