

NUMBER 07 - 409

COURT OF APPEAL, THIRD CIRCUIT

STATE OF LOUISIANA

WOODROW WILSON, ET AL.

VERSUS

THE TOWN OF MAMOU, ET AL.

AMY, J., concurring in the result.

I respectfully concur in the result. This is an instance in which the legislature has provided instruction to law enforcement to use “all reasonable means to prevent further abuse.” However, the question of what particular actions constitute “all reasonable means” remains an open one for the courts. This is particularly true where the police are not exercising custodial control over the victim.

Here the trial court was faced with a situation in which the police officer offered medical treatment or assistance with contacting a shelter, but the victim either refused or decided not to pursue further assistance. Nevertheless, given the testimony surrounding Miss Wilson’s time at the police department and her return to her mother’s home, the trial court could have concluded that the police officer’s assistance was simply inadequate. The record supports a determination that the officer failed to explain the immediacy and danger of not reporting to the shelter to either the victim or her mother. It also supports a finding that the department could have reasonably offered further protection in transport to the shelter and that the failure to do so was a cause of Miss Wilson’s death. Thus, I find that the imposition of liability on the Town of Mamou must be affirmed.

I join in the majority’s determinations regarding statutory immunity, apportionment of fault, and assessment of damages.