

Arrest and stop under the fourth amendment

Law



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The Public Duty Doctrine was set into place in order to prevent the death of an individual or individuals who have come to the police officers for help due to previously related crimes or violent acts, as in the case of Domestic Abuse. Its primary purpose, is to allow police officers to protect a person from another if they have a strong basis to suspect the possibility that the life of one is in danger from the other. In the case presented in the study, *Town of Castlerock v. Gonzales*, it is clear that the police officers were remiss in their duty when it came to enforcing an existing restraining order upon the suspect. The failure of the police in this instance, to not only enforce the restraining order, but to protect the children, makes them civilly liable for the outcome of their negligence. The Supreme Court decision that reversed the Tenth Circuit court ruling was their successful attempt at limiting the criminal and civil liability of law enforcers. The court had to do this in order to ensure that the police officers could continue to do their jobs of protecting the public, without having to worry about any legal repercussions on their part. Enforcing a restraining order in this case was a judgement call since there were no set rules for its enforcement in the state of Colorado.

Therefore, the police officers acted within the parameters of their state laws and police jurisdiction. In my opinion, the police officers should be held liable because they were informed by the mother of the children of every action the husband had been taking and could have very well prevented the death of the children had they chosen to react when the signs of danger for the children became obvious (“ Arrest and Stop Under the 4th Amendment”).