



Case Two: "Mindy"

Writings on Workplace Violence

By J.R. Roberts

At 20 years of age, Mindy was more than pretty.

She was the daughter of middle class working parents who were much older when their only child arrived in the world. Mother and father both doted on Mindy. Even to the point of overprotection, according to many of her friends.

"High school was hard on her." One of them remembered. "She wasn't allowed to date until her senior year. They wouldn't let her drive until then, either. I mean, don't get me wrong. Her parents loved her. But they clung to her so much, always supervising and controlling her life. It made her different. She always was, well, afraid."

Two years out of high school and living at home, Mindy was attending a local junior college. After months of coercion and cajoling, she finally persuaded her reluctant parents to allow her to take a part time job at a family portrait studio at a mall near the house.

Mindy loved her work. She had an interest and talent in photography, and her shyness seemed to fall away when she worked with the children. Her parents called her every day when she worked, and her father brought her lunch in the afternoon.

Many evenings, he would drive to the mall when she got off work, and follow her home. The large strip mall was located near a gated residential community, and had no prior history of serious violent crime. Off duty police officers patrolled the mall and always made a point of coming in to the portrait studio to say hello and check on the beautiful young woman. Some of the other employees even joked that the officers seemed to pay special attention to Mindy.

It was not unusual during slow times at the studio for only one employee to run the tiny shop. On such occasions Mindy passed the time by taking photographs, scheduling appointments, or chatting on the phone with her girlfriends.

It was while she was on such a phone call on a Wednesday afternoon that a man entered the shop. Over 6'7", the man ducked his head to clear the doorway. The young woman kept her friend on the telephone while she tended to the customer. After some moments she returned to the phone, sounding shaken. "That was really weird." She reportedly related to her friend. "This huge guy came in and said he wanted some pictures taken of his family.

He asked what kind of backdrops we had, and then, he said he wanted to see the changing area in the back. He walked back there and looked around. Then he came back out and said he'd return later and left. It was really strange." The girls finished talking and Mindy prepared to close up for the day. The shop was hardly a cash business, with most clients paying by check or credit card. Her father arrived by the time she had prepared the deposit and escorted her home.

Mindy didn't discuss the unusual event with her parents, but she did phone the manager of the store later that evening. The family portrait industry was a fiercely competitive one, and the manager was at first concerned that a rival was attempting to evaluate their facilities.

Neither Mindy, nor her manager discussed or considered phoning the police. Something about the incident haunted Mindy, and still later in the evening she again spoke with a friend. "It was as though she had a premonition. I didn't pay as much attention as I might have because Mindy was always jumpy about something."

The next afternoon, Mindy was back at work.

Sgt. Rivera was completing his patrol rounds at the mall. He stuck his head into the photography studio to say hello and chatted briefly with Mindy. He then headed to the opposite end of the mall where he confirmed that the relief officer had come on duty.

Rivera changed into his uniform to prepare to go on shift for the police department. As he reached the edge of the parking lot in his police car, he heard a call broadcast to all unit advising them of a shooting. He did a double take when he heard the address.

It was the portrait studio he had left no more than ten minutes before.

"In 9 years on the police force, this crime scene was one of the saddest I have ever responded to." Rivera would testify at the criminal trial that followed.

The policeman arrived to find Mindy, dead on the floor. Her father was about 10 feet away. He had been shot in the face by a high caliber handgun. Miraculously, he survived his injuries. From eyewitnesses, investigators were able to piece together the deadly episode.

Mindy's parents arrived at the shopping center a little after 4 o'clock in order to bring her a sandwich. The mother stayed in the car. As her father entered the store, he saw a large man holding a gun. To one side stood Mindy, stripped to her undergarments. Crying out, the father started forward, at which point the assailant

shot Mindy twice, then turned the gun on the father and emptied it in his direction, hitting him several times. The perpetrator then fled out the back door of the studio.

A canvass of the area resulted in discovery of the murder weapon within two hours. Less than 30 minutes after that, police held a suspect in custody who was positively identified by eyewitnesses, tested positive for gunpowder residue, and whose fingerprints were on the weapon and at the scene.

After two years, and in order to avoid a death penalty prosecution, Mindy's murderer pled guilty and is currently serving a life sentence in prison. A year later, Mindy's parents filed a civil suit against a number of defendants, including the operators of the portrait studio.

Analysis:

Human nature rejects tragedy. We all want to believe that we have the power to avoid or prevent the kind of brutal, senseless, random act of violence that is described in this particular scenario.

As a security consultant, I have spent much of my adult life advising people of precautions and protective measures. The undeniable truth remains, that some things are beyond our control.

Consider the following:

- ? The mall was located in a "good" area of the community
- ? There was an absence of prior similar (or even serious) crime
- ? The assault took place in the middle of the afternoon
- ? The target was unlikely. A family portrait shop that did not carry cash and was located in the middle of a busy mall
- ? The shopping center was patrolled by off duty police officers who knew and regularly checked on the tenants
- ? The assailant had no previous criminal history or arrests
- ? The assailant used one of two guns that he legally owned and that were duly registered

Courts throughout the country have almost universally held that the owner and operator of a facility has an obligation to maintain "a reasonable standard of care" when it comes to providing for the safety, security, and well-being of tenants and patrons.

Sometimes those standards are more easily evaluated than others. It is the opinion of this author, that the events previously described were neither foreseeable nor preventable, but rather, the random, violent actions of a determined third party. This type of "intervening causation" is almost impossible to predict or deter.

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About the author

With 25 years of experience, J.R. Roberts offers specialized security consultation and services in three specific arenas:



Expert Testimony: plaintiff and defendant in a wide variety of civil suits have retained Mr. Roberts to provide consultation, analysis, and testimony across the United States (for a partial list of representative cases and attorney endorsements, [click here](#)).

In matters concerning premise liability, crime foreseeability, private security guard training, and industry standards of care, J. R. Roberts can make a significant difference in your case. To schedule an initial free confidential discussion of the fact pattern of your case, or to obtain additional information, including rates and a current Curriculum Vitae, call our LAN Line at: (912) 927-4669.



Seminars and Training: As the former Director of Risk Management for Valor Security Services, Inc. J. R. wrote, developed, and implemented the training program for that company. He has lectured Nationwide for trade associations, property management firms, and fortune 1,000 corporations.

To discover how J. R. Roberts Security Strategies, can assist you in providing the very latest training For your employees on such critical topics as employee theft/shoplifting prevention, Liability, or Comprehensive Security Guard Training visit our seminars and training page, or contact our Savannah, Ga. office.

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