

'Deadly delay': Police wait while mother, sons slain

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The District police department policy on forcible entry caused a "deadly delay" as officers waited for a supervisor outside an apartment while a mother and her two young sons were being stabbed to death inside, according to a lawsuit filed by the woman's family.

The policy that led to police taking nearly an hour to finally bust down the door and find the murdered family is at the center of a \$60 million wrongful death lawsuit against the city and the officers involved.

The District legal team has not contested the facts in the case, many of which were pulled from official police documents. But the city has sought to have it thrown out of court on legal grounds.

"In general, officers should seek the approval of an official prior to making any forcible entry," police spokeswoman Gwendolyn Crump told *The Washington Examiner*.

That's just what officers did on March 21, 2009, when 38-year-old Erika Peters and her two sons, 10-year-old Dakota Peters and 11-year-old Eric Harper, were slain.

Joseph R. Mays, Peters' 46-year-old boyfriend, pleaded guilty last month to three counts of second-degree murder. He faces up to 46 years in prison when he is sentenced Nov. 12.

The officers who went to 2000 Maryland Ave. NE, Apartment 104, were responding to a 911 call.

"The caller, who was obviously a child, could be heard screaming for several seconds directly into the phone before becoming silent," the lawsuit states. "After which, a man's voice could be heard saying, 'I told y'all to quit [expletive] with me.' " The 911 operator tried to get someone to speak into the phone and can be repeatedly heard saying "Hello," but no one answered, documents said.

When police arrived at the apartment they could hear a voice saying "No, stop," from just beyond the door, police records say. An officer spoke to the 911 dispatcher, who advised that the caller was "a child screaming on the phone, possibly playing."

The first to arrive was a sergeant, who waited 45 minutes for a captain to arrive and approve the forced entry, police records show. It took another five minutes for the fire department to arrive and a few more minutes for firefighters to bust down the apartment's barricaded steel door.

Inside, they found the family already murdered. Mays was in the bathroom with minor self-inflicted wounds.

Crump said when officers consider forcing entry, they "may use their own discretion" in situations "where an obvious emergency is apparent." But, she said, often police need the Fire Department's help to gain access, she said.

Even in apparent emergency situations, though, officers typically choose to play it safe, said defense attorney David Benowitz, who is not involved in this case.

"The officers know it's a bureaucracy," Benowitz said. "They know they have to cover themselves. ... Officers generally do a good job of asking for a supervisor."

Police union chief Kris Baumann said officers on the street aren't aware that forcing entry can be their judgment call.

In the Peters case, Baumann said, the officers "neither had the tools [to break down the door] nor the discretion," he said. "These are the types of incidents that should cause the administration to review its policies."

Crump would not say whether the department changed the policy after the murders or whether the officers had been disciplined. She also did not provide The Examiner a written copy of the policy, as requested.

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