

## Special Edition: Follow-Up - Deadly Force Tabletop Exercise

Yesterday, the OpTac International News Bulletin presented information and a tabletop exercise on the use of deadly force. One day prior, the *Pittsburgh Post-Gazette* reported that a police officer from the Weirton, West Virginia Police Department had been fired for not employing deadly force against a suicidal individual.

In general, there is no law or case precedent requiring a law enforcement officer to employ deadly force or for a commander to order it. However, as an "at-will" employee in the State of West Virginia, the officer could be fired even though he did not break the law.

A summary of the *Post-Gazette* article includes the following chain of events: Officer Stephen Mader, a U.S. Marine who had served a tour of duty in Afghanistan, communicated with an armed suicidal man in an attempt to get him to put his gun down. Mader described what happened after he arrived on-scene: "I then saw the gun, but it was not pointed at me...I told him 'put the gun down' and he's like 'Just shoot me.' And I told him 'I'm not going to shoot you brother.' Then he starts flicking his wrist to get me to react to it. I thought I was going to be able to talk to him and deescalate it. I knew it was a suicide-by-cop situation."

Two additional officers subsequently arrived on-scene, and one, shot and killed the suicidal suspect; the suspect's handgun was then found to be unloaded. Officer Mader was placed on administrative leave per department policy, but was fired when he returned to work. The termination letter stated that he "failed to eliminate a threat" and mentioned issues involving two other incidents as grounds for the termination. Officer Mader contacted an attorney who advised that he could be fired for any reason because he was a probationary employee in an "at-will" state; although, the incident is currently being investigated by the West Virginia Civil Liberties Union.

An analysis of Officer Mader's particular situation is impossible without all of the evidence from the incident in question along with the two other incidents mentioned in his termination letter. Either Mader put his fellow officers at risk, and thus his termination was justified, or he was unjustly punished for taking the most prudent course of action in not killing a suspect who clearly wanted to die.

Nevertheless, officers and their agencies should recognize that policing is a "results-driven" profession and that consequences for "undesired" results can occur even without a violation of the law. As stated in the last News Bulletin, "A law enforcement officer's decision to use deadly force or a commander's order to employ it are one of the most impacting decisions that either will ever have to make." As such, departments must provide officers with innovative training programs in order to test and improve situational assessments and decision-making skills.

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