

OpTac International News Bulletin

South Carolina Supreme Court Decision and Tabletop Exercise

Kamell Evans killed his ex-girlfriend's brother, a Greenville County, South Carolina Sheriff's Deputy, and her father after holding them hostage inside their residence. He was convicted on two counts of murder, two counts of kidnapping, two counts of possession of a weapon during a violent crime, and one count of first degree burglary. Evans was sentenced to death, but on appeal, was granted a new sentencing hearing by Circuit Court Judge D. Garrison Hill. Hill ruled that Evans' trial attorney was deficient by failing to object to the trial court's erroneous jury instruction. As a result, South Carolina Attorney General Alan Wilson then appealed Hill's ruling to the South Carolina Supreme Court.

This edition of the OpTac International News Bulletin presents the 2015 South Carolina Supreme Court decision along with the reprint of a previous News Bulletin tabletop exercise based on the original incident. It is one of six case studies examined in the book, "SWAT Operations and Critical Incidents: Why People Die," written by Stuart A. Meyers.

The judge at Evans' initial trial advised the jury with regard to sentencing: "You may recommend a sentence of life imprisonment for any reason or for no reason at all other than as an act of mercy." Evans' attorney did not object, and the jury sentenced Evans to death; however, the jury's instruction should have been "...for any reason or for no reason at all including as an act of mercy." The South Carolina Supreme Court reversed the Greenville County Circuit Court ruling, stating that Evans' trial attorney did not meet the legal standard of deficient by failing to object to one sentence of the jury instructions and that "Evans has not proven that he was prejudiced by the defective instruction." Evans' only remaining legal option is an appeal to the U.S. Supreme Court.

The below tabletop exercise is based on the actual events surrounding Evans' hostage-taking incident and examines the direct impact use of force decisions can have on the lives of hostages. A law enforcement officer's decision to use deadly force or a commander's order to employ it are one of the most critical decisions that either will ever have to make.

Tabletop Exercise: A 26-year old man is upset over his ex-girlfriend moving out of their apartment and returning home to live with her parents and brother. Armed with two handguns, he waits outside of her parents' home for her brother, a deputy sheriff, to return from work. He then takes her brother and father hostage, restraining them inside the single family residence. The man calls his ex-girlfriend (who was not home at the time) to inform her of his actions. She calls the local police, who subsequently request the County Sheriff's Office SWAT team respond to the scene. Negotiations are established and negotiators advise that "negotiations are going well." The suspect is now standing alone in a window of the residence, providing the SWAT sniper with a clear shot to end the incident.

Sniper Questions: Does this situation meet your department's deadly force policy? Do you immediately shoot the suspect or first notify the command post of your observations and request confirmation of authority to employ deadly force? What are your concerns, if any, with respect to either decision?

Command Questions: Do you instruct the sniper to shoot the suspect if he/she contacts you requesting authorization? Justify your decision. Are there any potential ramifications for shooting a suspect who is actively talking with police negotiators early in the incident, knowing that "negotiations are going well?"

Tabletop exercises similar to the one presented in this News Bulletin should be part of every tactical team's training curriculum. Anyone interested in receiving our answers to these questions should email a request to: info@optacinternational.com.