

OpTac International Tabletop Exercise

This edition of the OpTac International News Bulletin presents information and a tabletop exercise on the use of deadly force.

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. 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. The only possible exception to this statement would be if a "Special Relationship" is created between a person and a law enforcement agency.

A Special Relationship is created when a person is given an actual promise of safety, such as an informant assisting undercover officers during a drug transaction, transporting a prisoner in custody, or if a negotiator mistakenly promises to protect a hostage. Under these circumstances, a law enforcement agency has a legal obligation to protect that person, although an argument can be made as to whether this obligation extends to the use of deadly force. Nevertheless, outside of this possible exception, law enforcement personnel are not legally required to employ deadly force even if someone is in imminent danger of death. For this reason the vast majority of law enforcement agencies in the U.S. have a deadly force policy stating, "Officers *may* employ deadly force when someone's life is in imminent danger of death or serious bodily injury," and not, "officers *will* employ deadly force."

Understanding both the legal and moral implications relating to the use of deadly force in hostage situations are vital. **Tabletop Exercise:** Your initial intelligence states that multiple armed suspects are holding multiple hostages inside of a bank. The Tactical Commander and a sniper are the first SWAT team members to arrive on-scene. One of the suspects states that he will come out of the bank and execute a hostage in five minutes. The sniper quickly establishes a final operational position 60 yards away with an unobstructed view of the bank's front door. The remaining members of the tactical team are still in route, so a sniper-initiated entry is not possible.

Five minutes later, one suspect comes out of the bank and places the barrel of his handgun against a hostage's head. The sniper has a clear shot to engage the suspect, but the lives of the remaining hostages inside the bank could be at an even greater risk if a shot is taken.

- Questions:**
- 1) Do the lives of the many outweigh the lives of the few, or in this case, the life of one person---should the sniper shoot the suspect?
 - 2) Is the sniper legally required to shoot the suspect?
 - 3) If you are the Tactical Commander, do you instruct the sniper to shoot the suspect or do you tell the sniper not to shoot? *Note* - This should NOT be interpreted to mean that a SWAT sniper must receive command authorization to discharge his/her weapon; however, a Tactical Commander should communicate his/her preferred course of action.
 - 4) What are the moral implications of your decision?
 - 5) Would any of your answers change if this was a terrorist incident instead of a bank robbery?

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: optacemail@optacinternational.com.