

# Decisions forthcoming in shooting case

Kevin Boneske

NORTHWOODS MEDIA STAFF

The Forest County civil case filed by the families of several young people killed Oct. 7, 2007, by off-duty police officer Tyler Peterson returned to a courtroom in Rhinelander on Tuesday.

Forest County and the city of Crandon, the case's defendants, have asked Oneida County Judge Mark A. Mangerson, who has been assigned to the case, to dismiss the lawsuit.

Mangerson, who stated at the beginning of Tuesday's hearing he would not be making any rulings until a later date, questioned lawyers representing both the plaintiffs and the defendants related to their arguments contained in legal filings.

The plaintiffs have asked that a jury be allowed to decide whether Forest County and the city of Crandon violated their so-called "ministerial duty" under the state's

administrative code that establishes the standards for hiring police officers, to ensure Peterson was "free from any physical, emotional, or mental condition" that might adversely affect his performance of duties as a law enforcement officer.

In the early morning hours of Oct. 7, 2007, Peterson, 20, showed up at the Crandon home of his estranged girlfriend, Jordanne Murray. She was hosting a post-homecoming party and had several friends over for the evening. The two argued and Murray asked Peterson to leave. He left, but later returned with an assault rifle and started shooting.

Bradley Schultz, 20, Lindsey Stahl, 14, Lianna Thomas, 17, Katrina McCorkle 18, and Aaron Smith, 20, died with Murray, 18, in the incident. A seventh victim, Charlie Neitzel, 23, survived the attack by pretending to be dead.

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## Shooting

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Following a manhunt, Peterson shot himself later that day in a wooded area in the town of Argonne.

Neitzel is also listed as a plaintiff, while the Smith and Murray families are not participating in the lawsuit.

The plaintiffs claim Peterson suffered from Narcissistic Personality Disorder, a condition they argue probably would have been discovered had he been examined by a mental health professional prior to being hired as a police officer.

A plaintiff attorney, James A. Olson, argued in court that there was negligence in Peterson's hiring as an officer because no determination of his mental condition had been done beforehand as required in the state's administrative code.

"If it is later determined by a jury that, at the time they hired that person, he had a mental condition, they have violated the code provisions," Olson said.

Mangerson questioned Olson as to what a municipality would have to do to determine whether a police officer applicant would be free of a mental condition.

Olson said Peterson should have been screened like "90 percent of the other police organizations do" by being examined by a psychologist and a psychiatrist and undergoing psychological evaluations.

While Olson conceded that determining whether a police officer applicant is free of a mental condition is "discretionary," he argued that no determination of Peterson's mental condition had been made before he was hired.

"It does not mean that any time you see a code provision that permits some discretion as to how it's carried out that you have the authority, or you have the ability, to ignore it," he said. "It was done here. Here it was ignored. There was no determination as to the mental condition of Tyler Peterson."

When asked by Mangerson how detailed an inquiry a municipality would have to make to determine an applicant's mental condition, Olson said, "You have to make enough of an inquiry to determine what the person's mental condition is."

Mangerson further questioned Olson about a municipality's responsibility for determining whether an officer would remain mentally fit after being hired.

"It doesn't matter then if a person develops a mental illness and he's still carrying a weapon?" Mangerson asked.

"That I think puts it into a discretionary position, and there we wouldn't be arguing there was a ministerial duty," Olson said. "There we would be arguing it was a discretionary duty."

Charles Bohl, who represented Forest County at the hearing, disputed Olson's arguments alleging negligence in Peterson's hiring.

"The county had Mr. Peterson examined by a Wisconsin-licensed physician" as required, Bohl said. "The county required that Mr. Peterson produce a complete medical history, a copy of which was submitted to this physician."

He said the long-time Crandon physician, Dr. Rebecca Perry, certified that Peterson was "capable of enduring verbal and mental abuse when confronted with hostile views and the opinions of suspects and other people encountered in an antagonistic environment."

Bohl said Forest County evaluated Peterson to make sure he was "appropriate before he was hired as a deputy sheriff."

When asked by Mangerson about whether the county would be responsible if an officer became mentally unstable after being hired, Bohl said the plaintiffs' argument would require a municipality to guarantee a police officer's mental fitness for his or her entire career.

"Your honor, that demonstrates the absurdity of the plaintiffs' argument," Bohl said.

Written decisions will be forthcoming in the case on the motions up for consideration Tuesday, but no specific date has been set as to when those decisions will be issued, according to Mangerson's judicial assistant.