

Participant Packet

MILO Firearms Simulator
Jails



Kentucky Association of Counties

MILO Firearms Simulator Participant Packet

The Kentucky Association of Counties (KACo) brings the MILO Firearms Training System to detention facilities, county sheriffs and county police agencies across the state.

KACo strongly supports and recommends the use of the MILO Firearms Simulator system by detention facilities, county sheriffs and police departments. This training is funded by KACo and is provided as a service to law enforcement insured members. The use of the MILO system enables law enforcement and detention personnel to make better decisions while in emergency situations.

Disclaimer

KACo's MILO Firearms Simulator Training Program, presentations and materials are offered to assist law enforcement in conducting their own firearms training.

KACo has no responsibility for adequacy, implementation or use. Departments are responsible for their individual firearms programs, including correction of any hazards identified in the course of training. The scenarios, including titles, were created by FAAC, Inc./MILO and cannot be altered by KACo.

Safety is the responsibility of every instructor and trainee regardless of rank, position or level of training.

MILO decision-making training program activity sheet

Officer: _____

Agency: _____

Date: _____

Location: _____

Warm Up and Familiarization

_____ Stance/movement

_____ Movement drills

_____ Grip

_____ Low light/flashlight drills

_____ Sight alignment

_____ Target drills

_____ Trigger finger placement/pull

_____ Use of cover

Knowledge Base Review

_____ KRS review of use of force

_____ Model Policy: Use of Force

_____ Finger out of trigger guard

_____ Use of continuum

_____ S.T.O.P.S.

_____ Flashlight technique

_____ Tennessee v. Garner

_____ IACP Mentally III

_____ Graham v. Connor

_____ Off-duty response

_____ Kingsley v. Hendrickson

_____ Persons of diminished capacity

_____ Model Policy: Pursuit

_____ Response to Active Resistance

Training Scenarios Completed

1. _____

5. _____

2. _____

6. _____

3. _____

7. _____

4. _____



Kentucky Association of Counties
**MILO FIREARMS SIMULATOR
TRAINING**

Test questions

1. Which best describes when an officer may use deadly force?
 - a. When a suspect is considered armed and dangerous.
 - b. When there is imminent danger of loss of life or serious physical injury to him / her or others
 - c. When all other means to affect the arrest have failed
 - d. When the suspect has committed a felony in the officer's presence and is attempting to flee from apprehension

2. Which best describes when a warning shot may be fired?
 - a. When the suspect(s) is/are fleeing
 - b. Warning shots pose an extreme hazard to innocent parties, so the utmost caution should be used when considering such an action
 - c. Only when the warning shot would not endanger innocent parties
 - d. Never

3. In a situation where a suspect is firing at an officer and the officer can see innocent persons behind the suspect, which of the following is the best course of action?
 - a. Return fire
 - b. Take cover and assess the situation
 - c. Take cover and return fire
 - d. Exercise extreme caution

4. In determining the appropriate level of force, officers should evaluate which factors?
 - a. Seriousness of the offense
 - b. Physical threat to the officers or others
 - c. Was the subject actively resisting or attempting to evade arrest by flight
 - d. All are factors

5. The TASER shall not be deployed as a compliance technique on a person who is passively or verbally non-complaint.
 - a. True
 - b. False

6. Firing at a fleeing suspect would not be considered justified unless that fleeing suspect:
 - a. Committed a felony
 - b. Is an escaped felon
 - c. Poses a threat of serious bodily harm or death to the officer or others
 - d. Is disregarding the officer's order to stop

7. Courts have acknowledged that a subject's mental state (when known) is considered in analyzing the reasonableness in the use of force.
 - a. True
 - b. False

8. All of the following are considered tactical responses when encountering a person of diminished capacity with the exception of:
 - a. Containment
 - b. Communication
 - c. Immediate weapon deployment
 - d. Time

9. If the suspect is armed with something other than a firearm (knife, pipe, broken bottle, etc.), and is attacking an officer, at what point (in distance) can the officer use force?
 - a. As soon as the suspect attacks, regardless of the distance
 - b. At the point where the suspect is close enough to pose an imminent threat of serious bodily harm or death
 - c. Fifteen yards
 - d. Seven yards

10. According to the S.T.O.P.S. Firearms Response Policy the officers first and foremost concern is to:
 - a. Move
 - b. Scan left and right
 - c. Engage the person in dialogue
 - d. Surrender

Officer's Name (Print)

Agency: _____

Officer's Signature

Date: _____

Instructor's Name (Print)

Agency: _____

Instructor's Signature

Date: _____

KRS 503.090 Use of physical force in law enforcement

- 1) The use of physical force by a defendant upon another person is justifiable when the defendant, acting under official authority, is making or assisting an arrest, and he:
 - a) Believes that such force is necessary to affect the arrest;
 - b) Makes known the purpose of the arrest or believes that it is otherwise known or cannot reasonably be made known to the person to be arrested; and
 - c) Believes the arrest to be lawful.

- 2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) only when:
 - a) The defendant, in effecting the arrest, is authorized to act as a peace officer; and
 - b) The arrest is for a felony involving the use or threatened use of physical force likely to cause death or serious physical injury; and
 - c) The defendant believes that the person to be arrested is likely to endanger human life unless apprehended without delay.

- 3) The use of physical force, including deadly physical force, by a defendant upon another person is justifiable when the defendant is preventing the escape of an arrested person and when the force could justifiably have been used to effect the arrest under which the person is in custody, except that a guard or other person authorized to act as a peace officer is justified in using any force, including deadly force, which he believes to be necessary to prevent the escape of a person from jail, prison, or other institution for the detention of persons charged with or convicted of a crime.

KRS 503.050 Use of physical force in self-protection - Admissibility of evidence of prior acts of domestic violence and abuse.

- 1) The use of physical force by a defendant upon another person is justifiable when the defendant believes that such force is necessary to protect himself against the use or imminent use of unlawful physical force by the other person.

- 2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) only when the defendant believes that such force is necessary to protect himself against death, serious physical injury, kidnapping, sexual intercourse compelled by force or threat, felony involving the use of force, or under those circumstances permitted pursuant to KRS 503.055.

- 3) Any evidence presented by the defendant to establish the existence of a prior act or acts of domestic violence and abuse as defined in KRS 403.720 by the person against whom the defendant is charged with employing physical force shall be admissible under this section.

- 4) A person does not have a duty to retreat prior to the use of deadly physical force.

Tennessee v. Garner, 471 U.S. 1 (1985)

The use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable. It is not better that all felony suspects die than that they escape. Where the suspect poses no immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend him does not justify the use of deadly force to do so. It is no doubt unfortunate when a suspect who is in sight escapes, but the fact that the police arrive a little late or are a little slower afoot does not always justify killing the suspect. A police officer may not seize an unarmed, non-dangerous suspect by shooting him dead.

Graham v. Connor, 490 U.S. 386 (1989)

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. As in other Fourth Amendment contexts, however, the "reasonableness" inquiry in an excessive force case is an objective one: the question is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

Kingsley v. Hendrickson, 135 S. Ct. 2466 (2015)

Regarding the standard that a pretrial detainee must show only that the force purposely or knowingly used against him was objectively unreasonable, a court (judge or jury) cannot apply this standard mechanically. Rather, objective reasonableness turns on the facts and circumstances of each particular case. A court must make this determination from the perspective of a reasonable officer on the scene, including what the officer knew at the time, not with the 20/20 vision of hindsight. A court must also account for the legitimate interests that stem from the government's need to manage the facility in which the individual is detained, appropriately deferring to policies and practices that in the judgment of jail officials are needed to preserve internal order and discipline and to maintain institutional security.

IACP Dealing with the Mentally Ill

The International Association of Chiefs of Police (IACP) implemented a model policy on "Dealing with the Mentally Ill" in 1997. The policy asserts:

Given the unpredictable and sometimes violent nature of the mentally ill, officers should never compromise or jeopardize their safety or the safety of others when dealing with individuals displaying symptoms of mental illness.

Should the officer determine that an individual may be mentally ill and a potential threat to himself, the officer, or others, may otherwise require law enforcement intervention for humanitarian reasons as prescribed by statute, the following responses may be taken.

1. **Request a backup officer**, and always do so in cases where the individual will be taken into custody.
2. **Take steps to calm the situation.** Where possible, eliminate emergency lights and sirens, disperse crowds, and assume a quiet non-threatening manner when approaching or conversing with the individual. Where violence or destructive acts have not occurred, avoid physical contact and take time to assess the situation.
3. **Move slowly and do not excite the disturbed person.** Provide reassurance that the police are there to help and that he will be provided with appropriate care.
4. **Communicate with the individual in an attempt to determine what is bothering him.** Relate your concern for his feelings and allow him to ventilate his feelings. Where possible, gather information on the subject from acquaintances or family members and/or request professional assistance if available and appropriate to assist in communicating with and calming the person.
5. **Do not threaten the individual with arrest** or in any other manner as this will create additional fright, stress and potential aggression.
6. **Avoid topics that may agitate the person** and guide the conversation toward subjects that will help bring the individual back to reality.
7. **Always attempt to be truthful with a mentally ill individual.** If the subject becomes aware of a deception, he may withdraw from the contact in distrust and may become hypersensitive or retaliate in anger.

Points to Remember

- While the force continuum does not change due to a subject's mental status, officers should take this status into account [where the status is known] in their approach of the subject in an effort to de-escalate the possibility of a violent outburst by the subject.
- Once a mentally disturbed or emotionally disturbed person has been controlled, officers should consider whether common restraint tactics may be more dangerous to the individual due to the subject's mental status.
- As with any use of force, officers should always provide an immediate medical response to individuals who are exhibiting signs or complaining of injury or illness following a use of force.