

2025 TRAINING MANUAL

**RESPONSE
TO RESISTANCE
SIMULATOR
INSTRUCTOR
TRAINING**



2025 KLC INSURANCE TRAINING MANUAL



Kentucky League of Cities Insurance is Kentucky’s largest insurer of cities and municipal agencies. Each year, KLC Insurance leases new simulators to ensure use of the latest technology and adds eight new training scenarios to address timely law enforcement challenges. KLC Insurance strongly supports and recommends the use of the Ti Training Lab™ Simulator System by police departments. This training is funded by KLC Insurance and is provided as a service to law enforcement insurance members. The use of the Ti Training Lab™ Simulator System can and will enable officers to make better decisions in emergency situations.

“KLC is proud to provide this training for our public safety officers and the communities they serve,” said KLC Executive Director/CEO J.D. Chaney. “We are committed to partnering with our members to build safer, more resilient communities.”

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After normal working hours or in case you are unable to reach your law enforcement consultant regarding questions on the simulator, call Ti Training direct at 800.634.1936.

Disclaimer

Kentucky League of Cities Insurance, Ti Training Lab™ Simulator System Training Program, training manual, presentations, and materials are offered to assist police agencies in conducting their own firearms training. The Kentucky League of Cities Insurance has no responsibility for the adequacy, implementation, or use. Departments are responsible for their individual firearms programs, including correction of any hazards identified in the course of training. This manual covers several areas of training, including safety, operation, and instruction relating to the Ti Training Lab™ Simulator System. No liability is assumed by reason of this manual, its contents, scenarios, or material presented within this training. All are advisory in nature and the final decision for training and implementation must be made by the individual department and firearms instructor.

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LAW ENFORCEMENT CODE OF ETHICS



As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement.

**International Association of Chiefs of Police



Safety



SAFETY BRIEFING

Remember, safety is our #1 priority!

Safety! Safety! Safety!

- ◆ No loaded weapons!
- ◆ No OC spray!
- ◆ No live ammunition!
- ◆ No magazines!
- ◆ No Tasers!

Safety – Host agencies are required to ensure safety and security standards are met to prevent injuries and reduce any preventable damage to the system.

- Host sites are responsible for providing a location for the projector screen that is capable of stopping a bullet, i.e, block or concrete wall, no windows. (See Blue Paper on Firearms Simulator Safety)
- Instructors are required to secure all weapons, including magazines of anyone entering the training site utilizing the KLC Insurance-provided safe. This procedure should also be utilized in securing instructor weapons and magazines during training.
- Host sites are responsible for providing a secure location for the weapons and equipment while the simulator is on site.

Weapons – Only KLC Insurance weapons are to be used in training and at no time will departments be permitted to remove the lasers from KLC Insurance weapons for use in other weapons

Lights – Only KLC Insurance lights, both weapon-mounted and hand-held, are to be used in training and at no time will departments be permitted to interchange these lights with department or personally owned lights.

*Any department altering or tampering with the system outside the normal use will be responsible for the cost of damage/repairs and loss of being a host agency. In addition, damage to the screen from accidental shots (bullet holes), Taser, or OC spray on the screen which requires replacement of the screen will be the responsibility of the agency.

SAFETY BRIEFING

Instructors cannot allow firearms in training scenarios.
Signs provided by KLC Insurance Services must be posted.



UNIVERSAL GUN HANDLING RULES

FINGER OUT OF TRIGGER GUARD



THE RULES:

Always treat all guns as if they are loaded.

Never cover anything with the muzzle that you are not willing to destroy.

Keep your finger off the trigger and outside the trigger guard until your sights are on the target and you have made the decision to shoot.

Be aware of what your target is, what is beyond it, what is around it, and what is between the firearm and it.

KLC BLUE PAPER

FIREARMS SIMULATOR SAFETY



BLUE PAPER

LAW ENFORCEMENT SAFETY ARTICLE

FIREARMS SIMULATOR SAFETY!

AN UPDATE TO KENTUCKY LAW ENFORCEMENT ON FIREARMS TRAINING SAFETY

Never have police officers been under more scrutiny by the public and media.

To help address this reality, the Kentucky League of Cities Insurance Loss Control Law Enforcement Program offers intensive firearms simulator training to law enforcement officers across Kentucky. While the objective is to enhance safety and decision-making skills in real-life situations, participants must also be vigilant with safety protocols during training.

The KLC Insurance program has been providing firearms simulator training to our participating police departments for more than 15 years. The virtual simulator provides realistic scenarios to which officers practice responses. We believe this program is largely responsible for our success in minimizing risk exposure and lowering officer injuries.

The program continues to develop and is grounded in a holistic approach to training. It utilizes Ti Training, an industry leader in firearms simulator training.



The program provides a variety of training scenarios. Ten new, timely scenarios are added annually to target specific training objectives which are based on actual responses to resistance situations. The scenarios are embedded with videos, policies, and legal talking points to ensure officers make ethical decisions when using force.

The training uses all the responses to resistance options and involves de-escalation using voice commands as well as the use of force to include OC, TASER, baton, pistol, shotgun, and rifle.

KLC Insurance partners with 45 host law enforcement sites across the state that agree to train agencies in their geographical area. The host sites are required to send an instructor to a yearly

instructor's course provided by KLC Insurance. Ti Training assists in the annual training and provides expert trainers in various specialty areas.



Shannon West (retired KSP), one of our state's leading use-of-force trainers and experts, teaches the instructor course. Shannon is currently a Branch Training Manager at the Department of Criminal Justice Training. Training instructors are provided with manuals, given talking points for all the scenarios, and briefed on safety protocols and system operations.

Safety First - On the Street and in the Classroom!

It is important to constantly reinforce safety at all training levels, whether during instructor training or training with officers and agencies. Safety is the responsibility of instructors and participants.

In 2015, a simulator in Kentucky not owned by KLC Insurance and an instructor not insured or trained by our program had an accidental shooting. The instructor had secured his weapon in the morning session. However, as with most training accidents, he failed to secure the weapon when he returned from lunch. When the instructor pulled his pistol, thinking it was a training weapon, he fired at the screen.

The bullet went through the screen, through a wall, into an unoccupied classroom, and an office

KLC BLUE PAPER

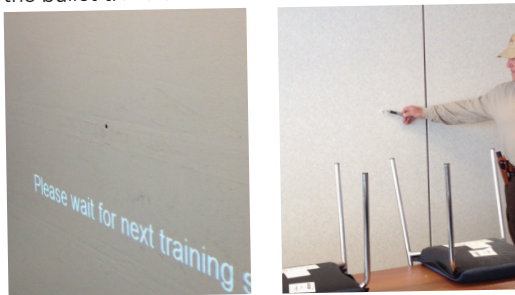
FIREARMS SIMULATOR SAFETY



FIREARMS SIMULATOR SAFETY!

AN UPDATE TO KENTUCKY LAW ENFORCEMENT ON FIREARMS TRAINING SAFETY

before striking a wall approximately three feet from a secretary sitting at her desk. Ironically, the bullet hole was just above a "Think Safety" sign. Ten minutes before the accidental discharge, a pregnant coworker had been standing in the direct path that the bullet traveled.



This accidental shooting resulted in KLC Insurance conducting a review of all safety protocols.

The first step was to review all simulator training accidental discharges and the reasons for the incidents. We reviewed incidents that occurred during KLC training, private simulator manufacturers, federal agencies, police, sheriffs, and independent contractors that provide simulators. There have been other incidents involving accidents.



Incident #1

Officers secured their weapons in a locked gun cabinet. The training area was in the underground of a government building, and the gun cabinet was located just inside the door.

The officer entered the room, secured his weapon, and completed the training with the training officer. After completing the training, the officer retrieved his weapon from the gun cabinet. He did not leave the room. He returned to the training area, intending to talk to the instructor until the next scheduled officer arrived.

When the next scheduled officer never arrived, the trainer allowed the officer to run through additional scenarios, forgetting that he had retrieved his service weapon and returned to the system.

One shot was fired through the screen. Fortunately, the screen was placed in front of a cinder block wall.

Incident #2

The second incident occurred as two trainers discussed the instructional points of the scenarios that would be used in their agency's training. The two intended to just view the scenarios without utilizing any system weapons. Neither officer had secured their service weapon.

During their review, one officer became so involved in the scenario that he pulled his pistol from the holster and fired one shot through the screen.

Incident #3

Several officers working the midnight shift were utilizing scenarios related to responding to active shooters. Signs prohibiting weapons in the training area had been placed on the entry doors.

The officers entered the room with their weapons, which were placed on a table near the simulator. An officer who had been firing the system's AR-15 mistook his or one of the other officers' pistols for a system pistol when going to another scenario. He fired one shot through the screen. Fortunately, the screen was against a block wall, as an occupied office was on the other side of the wall.

The Need for Ongoing Improvements

KLC Insurance has had several safety protocols in the past, but we can continue to learn from others. There were numerous documented incidents from across the country where instructors and/or students picked up a weapon in the training room, believing it was a training weapon, which resulted in the shooting of the screen. In several of the incidents,

KLC BLUE PAPER FIREARMS SIMULATOR SAFETY



FIREARMS SIMULATOR SAFETY! AN UPDATE TO KENTUCKY LAW ENFORCEMENT ON FIREARMS TRAINING SAFETY

there were no block walls, and rounds penetrated the training room walls, which could have resulted in someone being killed.

During another demonstration session for the public, an observer standing near the rifle case picked up the officer's actual pistol and pointed it at another observer thinking it was a training weapon. Luckily another officer on site responded before a tragedy occurred.

This incident required all pistols to be locked in patrol cars before entering the training area. However, we were informed that a department following the same protocol in another state had an active shooter at the training location, and the officers could not access their weapons.

This has resulted in KLC Insurance purchasing a handgun safe for each of our systems, which are taken to training sites. Officers are required to secure pistols, magazines, TASERS, and OC spray in the safety box. Even after implementing this protocol, an officer failed to secure his weapons and fired a round through the screen.



From reviewing numerous simulator accidental shootings, it is clear that accidents can happen regardless of the protocols established.

Updated KLC Insurance Requirements

The bottom line is that KLC Insurance constantly monitors safety at firearms safety events. One important step is requiring that the wall behind the simulator screen be capable of stopping a bullet (block wall).



With this in mind, we must continue to strive to make training safe.

KLC Insurance believes that firearm simulators are very valuable in assisting officers in making ethical decisions, using proper force, reducing the department's risk exposure, and increasing safety.

KLC Insurance has implemented the following requirements and reminders for all firearms simulator training:

- Instructors must review, emphasize, and follow training protocols.
- Locations are required to have a concrete wall behind the simulator screen.
- Instructors must not allow any weapons in the secure training area. Signage (provided by KLC Insurance) must be posted (see next page).
- Weapons must be locked in KLC Insurance-supplied pistol safes.
- There is an ongoing need for heightened vigilance, especially after lunch when most of the training accidents occur.

Contact John Clark or Brian Nunn with KLC Insurance at 800.876.4552 with questions or feedback.



Questions? KLC is here to help!

Please contact John Clark (jclark@klc.org) or Brian Nunn (bnunn@klc.org) with KLC Loss Control Law Enforcement at 800.876.4552 or visit klc.org for more information.



John Clark



Brian Nunn

klc.org

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Training



TRAINING SAFETY OFFICER PROGRAM (TSO) PROGRAM

Public safety work is dangerous enough — police officers and firefighters routinely bring control and order to chaos in the field — but now injuries are also on the rise for them in training.

The Problem

Training injuries to public safety responders is rising nationally and in Kentucky.

Fourteen percent of firefighter injuries and 22% of police injuries occur during training, a significant increase from 10% just a few years ago.

In addition to the injury itself, both the department and the injured must deal with “the rest of the iceberg” of an injury: covering shifts, light duty, personnel stress, potential re-injury, management time, higher premiums, medical and therapy appointments, physical deconditioning, and even disconnect from the department.

A Potential Solution

So how can your city reduce training injuries? Consider the Training Safety Officer (TSO) program, which is a low-cost way of building on the control that exists to make it safer without watering down good training.

This program recommends that departments implement a safety officer assignment during active training. The TSO’s role in training is very similar to the airfield control tower. The TSO provides oversight, control, and guidance while working with the instructor to ensure that all trainees have a professional and safe experience with reduced injuries.

There are six major components to the TSO program:

1. Planning Meeting - The training instructor and TSO integrate the safety plan into the training lesson plan.
2. Safety Plan—This plan outlines specific safety concerns for the training and identifies potential areas that could potentially produce safety problems or injuries ahead of time.
3. Site Inspection and Setup—The TSO inspects the training site for areas of safety concern, sets up protective training equipment, and makes emergency medical equipment available.
4. Safety Briefing - The TSO briefs training participants on the specific safety guidelines for that training.
5. Training Session -The TSO observes the entire training session, provides overall situational awareness, monitors compliance with the safety plan, and monitors the pre-identified areas for potential safety issues.
6. Clean-up, Check-in, and Documentation - The TSO makes a final check-in with the trainees and instructor to address any injuries or “near misses” and provide a report for review.

These six steps provide a framework for police and fire departments to build upon as they plan their training sessions to address their individual departments’ needs.

TRAINING SAFETY OFFICER PROGRAM (TSO) PROGRAM

Feedback on the TSO Program

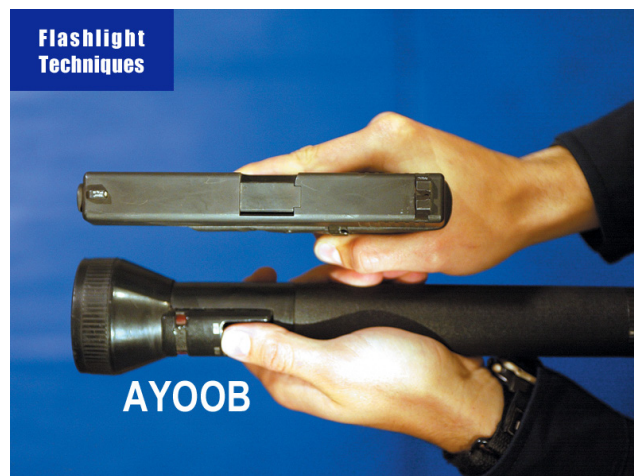
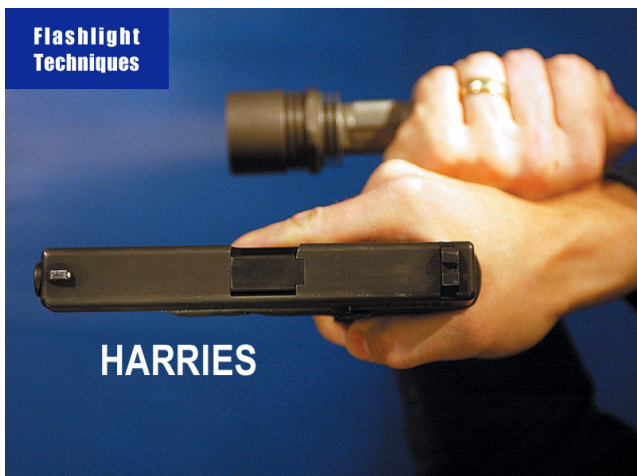
“We were doing some of this already, but the TSO program gave us a model to take it to a new and higher level. Because we expose our paid-on-call firefighters to more risk and danger than they ever face in their normal lives, we need to make it as safe as possible and start with their training. We have now taken the TSO program further, requiring the safety officer for all training and color-coding the level of risk and danger associated with that training. We are seeing a significant increase in firefighters’ situational awareness; we believe in the TSO program.”

-Jerry Streich, Andover Fire Chief

“This is a fabulous program. While risk is part of the job, these training injuries are preventable. We knew some of this, but implementing the TSO program is a leap forward. Because though we were starting to do some of this, the TSO program really formalized it and made it real. It works great for us.”

-Jeff McCormick, Cannon Falls Police Chief

FLASHLIGHT TECHNIQUES



TASER DEPLOYMENT

Tragically, officers across the commonwealth of Kentucky and the U.S. are shot or exposed to danger while deploying less lethal options during confrontations with suspects who are armed with lethal weapons or dangerous instruments. We feel that training should reinforce that less lethal options (TASER) should not be deployed when confrontations involve suspects armed with weapons unless the officer has a backup officer to provide lethal cover and can do so in a safe manner.

Instructors should reinforce the fact that if suddenly confronted by a suspect who has a knife or other lethal weapon or dangerous instrument, officers may not be able to respond in time to defend themselves. Therefore, officers should wait for backup before attempting less lethal options involving armed suspects. Officers have several force options that will be dictated by the suspect's actions upon any such encounter.

Officers may be limited in their options due to the circumstances and actions of a subject. For example, an officer who is suddenly confronted with a situation where he/she encounters a subject with a firearm (the officer perceives as unjustifiably) threatening another may be forced to respond with deadly force without considering other force options.

“Force continuums” were created as models to allow officers to better understand levels of resistance compared to levels of response in the use of force. However, there has been a lot of confusion about the proper application of such models. Just like a terrain map is not the terrain, such models cannot replicate the dynamic, rapidly evolving, uncertain, and violent nature of force encounters officers are often forced to confront during their duties. An officer is tasked with using the reasonable force necessary to make an arrest and/or protect themselves (or others) from assault or deadly assault.

Officers are justified in maintaining a level of force one level higher than the suspect's force/resistance “plus-one” concept.

COMMITMENT TO SAFE AND EFFECTIVE USE OF LESS-LETHAL TOOLS

Given the variety of departments insured by the Kentucky League of Cities, we know that officers are issued and trained with different models of Tasers, batons, OC spray brands, and other less-lethal weapon systems. We believe it is essential for officers to consistently train and practice the proper use of less-lethal weapons, handcuffs, and other restraint devices. This commitment to regular training is crucial for ensuring officer and public safety, increasing public confidence, and reducing officer and departmental liability.

Each officer and their department are responsible for maintaining ongoing training, recommended usage, and certifications for these tools to ensure proper use in the field. By doing so, departments help prevent misuse, which directly contributes to public trust and minimizes the risk of liability. Additionally, related departmental policies, such as KLC model policies, should be reviewed regularly to ensure alignment with manufacturer recommendations and to maintain consistency in proper use and follow-up actions.

S.T.O.P.S. TALKING POINTS

- Traffic Stops Training
- Remember to stay behind the “trailing edge” of the violator’s door.
- Watch for the violator’s hands.
- Be polite, but stay in control.

The Verbal Judo Eight Tactical Steps

1. Greeting
“Good morning (afternoon, evening) sir (madam).”
2. I.D.
“My name is officer (_____) of the (_____) Police Department.”
3. Reason
“The reason that I stopped you is (state reason).”
4. Justification
“Is there any justified reason for your violation of (_____)?”
5. Use your “non-gun hand” to retrieve the driver’s license, registration, and insurance.
“Do you have your driver’s license with you today? Where would your driver’s license be located?”
6. Registration & Insurance
“Do you have your registration and insurance cards with you today? “Where would your registration and insurance papers be located?” “Would you get those for me now? Thank you.”
7. Decision
“I am going back to my cruiser to review these documents. For your safety and mine, please remain in your vehicle.”
8. Close
“Thank you for your cooperation, and please drive carefully.”

S.T.O.P.S. FIREARMS RESPONSE THEORY



The officer should move, draw, take appropriate action, and move again to gain a position of cover. Moving should be the officer's first and foremost concern.

MOVE

DRAW

**TAKE APPROPRIATE ACTION
(Target Identification/Target Isolation)**

MOVE TO COVER!

**SCAN LEFT AND RIGHT FOR
ADDITIONAL SUSPECTS**

Bob Magnuson & Ron Hantz. (2015). "S.T.O.P.S." Police Instructor Manual Strategies & Tactics Of Patrol Stops (5th ed.). SR Enterprises, LLC.



Setup & Guidelines



SITE SPECIFICATIONS AND OPERATING REQUIREMENTS

- 1. Site Specifications**—Agencies are required to provide a secure, safe, clean, light- and climate-controlled space for the system (heating or air conditioning, depending on the time of year). The room needs to be at least **20' X 25' in size**, with the backstop for the projector screen being a concrete wall. The windows and doors must be blacked out to limit the lighting, with three tables, three chairs, electrical outlets, and a secure locking system for securing the room and system when not in use. The system can now be used on any floor regardless of whether the building has an elevator. The area must be clean to prevent dust accumulation or rodent damage to the equipment.
- 2. Site Preparation**—We request that the training locations be prepared before the arrival of the KLC Insurance representative to ensure adequate time for a briefing on the new system. Any department unable to secure a training site and have it prepared prior to the arrival of the system may lose the ability to be a host agency.
- 3. System Modifications Prohibited**—No modifications to the system are permitted. In the past, individuals with computer expertise have attempted to alter the system, leading to damage and downtime for repairs. This includes prohibiting the use of external media, the addition of new scenarios, or recording training scenarios onto the system's hard drive or disk. Departments wishing to record training must use their own external video equipment. Any damage to the system will be the host agency's financial responsibility.
- 4. Training Scenarios**—We recommend limiting training to each year's scheduled and planned scenarios. We have had departments play numerous scenarios with little training objectives in the past. With the assistance of participating department staff and use-of-force instructors, we have developed a lesson plan and scenarios for your use. This will enable the instructor to have clear learning objectives for each student, resulting in a more defined training program for court purposes. We will also provide a sign-in sheet to document which officers received the training.
- 5. Non-Host Member Agency Participation**—We are requesting greater participation in the program from our non-host member agencies. Departments hosting the system will be responsible for scheduling officers from both their agency and non-host member agencies.
- 6. Agency Access**—The Ti system is provided to the host agency to provide training for departments and is currently insured by the Kentucky League of Cities Insurance. Host agencies can provide this training to various groups with legitimate interests such as elected officials, etc. These demonstrations should also be documented on the training log and only considered after all non-host agencies have had the opportunity to use the system. Some of the scenarios may contain profanity which could be offensive to a civilian audience. It is the responsibility of the host agency to view the scenarios before using the system to ensure no one is offended by the training material. The host agency shall be responsible for determining appropriate scenarios for their specific target audience.
- 7. Equipment Breakdown**—Normal wear and tear and an occasional accident are reasonable costs for providing the system to our agencies. If members have breakdowns with the Ti Training Lab™ Simulator System, we ask that you contact us immediately so we can address the problems before they become larger. Damage from unauthorized modification to the system will be billed to the agency responsible.

TRAINING RECOMMENDATIONS

Kentucky League of Cities Insurance has developed this training manual to assist our departments with their Ti Training Lab™ Simulator System Training Program. No training can prepare any officer for the innumerable variables police officers encounter in every situation with which they are often faced during their careers. The guidance given in this manual serves to ensure that instructors are provided with an overview of solid training practices, well-defined training objectives, and an overview of each of the current scenarios along with branching options and other technical guidance. This will ensure each trainer has a resource to ensure every officer exposed to this training maximizes his/her retention and transfer of knowledge and skills to the field.

Law enforcement increasingly uses training simulators as technology rapidly improves over time. Many departments use this technology at the lowest level for shoot/don't shoot drills. However, our aim is to ensure officers are immersed in realistic simulations and allowed to test their ability to assess and respond to complex, tense, uncertain, dynamic, violent, and rapidly evolving situations. Such exposure allows officers to experience some of the effects of stress when rapid cognition and decision making is required. Training such as this and other realistic training methods allow officers an opportunity to experience “having been there before” when they encounter real-world scenarios that place them under similar pressures to perform. We believe such training can significantly improve officer performance in the field, increase officer survivability, improve public safety, and significantly decrease officer and agency liability.

Safety Briefing for Ti Firearms Scenario Training Simulator

Before officers or others engage in this training, instructors should ensure the following:

- The simulator screen is placed against a ballistic, cinderblock, concrete, or brick wall capable of stopping a handgun round.
- Proper signage (provided by KLC) is placed just outside the Ti simulator’s training area doorway. The signage should be visible to all.
- The firearms safe should be located just outside the Ti simulator training area. Officers should use this safe to secure all of their live firearms and other weapons.
- EVERYONE entering the training area is searched by the instructor or designated safety officer to ensure they do not possess ANY live firearms, ammunition, Tasers, OC, batons, etc.

Before training, the instructor should give each officer a safety briefing, including the information below.

1. Simulated Environment, Real Safety Standards

- Although we are in a simulated environment, we will treat this training with the same level of seriousness as we would in the field.
- Always maintain firearm safety protocols as though you were handling a live weapon, even if we’re using simulation tools.

TRAINING RECOMMENDATIONS



2. Firearm Handling

- Even though the firearms are simulation tools, treat them as if they were live. Do not point the training weapon at anyone unless the scenario dictates and keep your finger off the trigger until you are ready to engage.
- Always be aware of your muzzle discipline — never point the training firearm at anything you do not intend to engage.
- When transitioning between scenarios, maintain proper control over the training weapon at all times.

3. Movement and Situational Awareness

- Maintain spatial awareness. During scenarios, you will need to move quickly and dynamically. Watch your footing and be mindful of your surroundings to avoid tripping, slipping, or bumping into other participants or objects.
- Avoid backpedaling during scenarios unless absolutely necessary, as it increases the risk of falling. Instead, step to the side or reposition safely.

4. Communication

- If you feel unsafe or unsure at any point during the simulation or notice something potentially hazardous, call out “STOP” or “PAUSE” immediately. We will halt the scenario to address the issue.
- Clear and concise communication between you and your partner (if applicable) and between you and the instructor is critical for safety and effective training.

5. Instructor Control

- Your instructor will monitor the scenario closely. If he/she sees something that requires immediate attention, or if you need to adjust your actions, the instructor will pause the simulation and provide guidance.
- Follow the instructor’s commands and instructions promptly to ensure a safe environment is maintained for all participants.

6. Simulation Equipment and Surroundings

- Do not tamper with or adjust any of the simulation equipment without the instructor’s permission. This includes firearms, projectors, or any other system controls.
- Be aware that some scenarios may involve sudden sounds, flashing lights, or simulated gunfire. Stay focused and follow your training, but if you become overwhelmed or need a moment, inform your instructor immediately.

TRAINING RECOMMENDATIONS

7. Debriefing

- Once the scenario concludes, we will conduct a debrief to review performance and identify key lessons. Use this time to reflect on what went well and what could be improved. This is part of maintaining a safe and continuous learning process.

8. Injury or Discomfort

- If at any point you feel physical discomfort or sustain an injury, notify your instructor right away. We can pause or stop the simulation if needed.

Final Reminder

- Today's training is designed to encourage critical thinking under pressure while emphasizing safety and control. Stay aware of your actions, communicate clearly, and, above all, practice the safety principles you've been taught.
- Do you have any questions before we begin? Let's stay safe, stay focused, and make this a productive session.

Individual Instruction

We recommend that instructors train officers individually, one at a time. This approach ensures each officer has the opportunity to fully engage with the training without the influence of others, allowing them to concentrate on their own voice commands, decision-making, and marksmanship. Training individually also helps instructors better assess each officer's strengths and areas for improvement, providing more targeted feedback. Additionally, it allows officers to develop greater confidence and personal accountability in handling scenarios on their own. By focusing on individual performance, departments can ensure that every officer receives personalized attention to build critical skills effectively.

Training Components

We have divided the training into four sections:

- Warm-up/Familiarization
- Knowledge-based review
- Scenario Training
- Test Questions

TRAINING RECOMMENDATIONS

Warm-Up/Familiarization

It is recommended that instructors allow officers to familiarize themselves with the Ti simulator by utilizing any number of target training drills available in the Ti scenario training menu under the title “Graphic Scenarios.” Such drills will familiarize the officers with the function and feel of the non-lethal Ti Training weapons and allow the officers an opportunity to practice drawing and presenting firearms.

Movement and Cover

During these warm-up drills, it is critical to reinforce foundational tactics related to movement and taking advantage of cover (simulated brick wall or other cover options provided by the department). The aim of conducting a warm-up and familiarization period is to increase the officer’s familiarization with the system while reinforcing tactics that have been shown to increase officer survival during a sudden armed encounter. This section is based on applied research and the associated foundational principles of law enforcement tactics taught to recruits and police officers across the commonwealth of Kentucky. Various firearms and tactical training programs incorporate the tactical philosophy of the officers moving first when they see a threat, drawing their weapons, moving to cover, assessing the situation, firing their weapons when/if justified, scanning for additional threats, approaching officers, and/or better cover positions from which they can maintain a tactical advantage.

Move first! Why? Based on research conducted by Force Science, it has been established that the average person in a sitting position (such as in a vehicle) can pull a handgun and fire it at an officer in .25 seconds, with the fastest time recorded being .15 seconds (Lewinski, William, PhD et al., 2013). In contrast, in laboratory settings, with no threat stimulus, officers have been shown to take an average of 1.5 to 1.8 seconds to draw, point, and discharge one round. During the traffic stop study cited above, a much more realistic scenario environment with numerous variables for officers to assess and respond to, officers took an average of just under 2.5 seconds to respond to a sudden, close ambush attack, draw, and fire their weapons.

Even when officers are alert and have the training and experience to anticipate sudden, unexpected threats, action will always outpace reaction. Whether standing at the door of a vehicle, near a doorway or window of a structure, or in close proximity to a suspect, officers can be vulnerable to a sudden ambush with a firearm, knife, or other deadly weapon. In such situations, the officer’s movement is critical — whether it’s moving to control the suspect or object within arm’s reach of the officer or stepping to the side or backward (though backpedaling is less ideal due to the higher risk of slipping, tripping, falling, and exposing vital areas to the threat). Moving to the nearest cover increases the time available to assess and respond to the threat.

Simultaneously drawing a handgun while moving to cover (slower) or moving to cover first, then drawing (faster), followed by re-assessing the situation and responding accordingly, is a fundamental principle in training officers to fight with a firearm (Lewinski, William, PhD et al., 2013).

TRAINING RECOMMENDATIONS

Low-Light Familiarization

Instructors should utilize target drills to manipulate the scenario environment by adjusting the light down in the program, allowing the officers to practice with the Ti simulator hand-held flashlights and weapons-mounted lights (WMLs). This will do two things: verify that the Ti simulator infrared (IR) flashlights are still working with the system and allow the officers to experience how the Ti lights work with it. The low-light familiarization drill should be layered or scaffolded into practicing movement and movement to cover drills. For many years, FBI Law Enforcement Officers Killed in the Line of Duty (LEOKA) data has shown that most officer-involved shootings occur in low-light situations. Most mistake-of-fact shootings (object identification errors) are made by officers who, among other factors, may be influenced by the officer's inability to identify a weapon due to low light. Threat identification in low-light situations and the proper utilization of hand-held versus WMLs are critical for both officer survival and public safety. Familiarization with low-light drills, assessment, and guidance related to the appropriate use of handheld versus WMLs and other related may allow instructors to identify issues that may be resolved during the familiarization and assist the officer with successful outcomes during the actual low-light scenario or one of the other current scenarios the instructor may opt to incorporate low-light.

Moving Target Drills

Instructors should incorporate scenarios and drills where officers can practice shooting at moving targets during the warm-up period.

Knowledge-Based Review

This section contains various documents that can be shown on the screen for review during the training session. We recommend that instructors show the KRS 503.090 regarding the use of force and review it with the officers before beginning the training session.

Instructors should also cover the most salient points related to the KLC model policies, court decisions, Kentucky use-of-force laws, and other topics listed on the activity sheet under Knowledge Base Review. This training is most effective when these topics are covered in the context of the scenarios in which they apply. Instructors should thoroughly know all these policies, court cases, other training, and tactical talking points to recognize the associated relevance in each scenario.

Scenario Training

We have developed scenarios that address a range of topics, including current trends and key training and liability issues. All officers participating in this training are required to complete all of the current year's scenarios. Instructors should review the talking points for each scenario and ensure that every scenario is completed by each officer, documenting their progress accordingly on the activity sheet.

TRAINING RECOMMENDATIONS



Recommendations for Scenario Training

Effective Training Strategies Using Training Simulators (VirTra, 2023)

1. **Broad Scope of Training:** Modern simulators go beyond firearms training, offering scenarios for de-escalation, duty to intervene, mental health calls, dealing with infectious diseases, and interacting with individuals with autism.
2. **Tailored Simulations and Design:** Simulators should be used in alignment with the specific training needs of the department, from use-of-force decisions to comprehensive skill-building in communication and crisis management. Each year, the Kentucky League of Cities law enforcement consultants gather data on trends in officer use of force cases across the commonwealth. These trends are key in developing new training scenarios in collaboration with Ti Training. Our goal is to incorporate the most relevant information from these trends to create scenarios that address the specific training needs of officers throughout the commonwealth.
3. **Simulation Design:** Effective training involves realistic scenarios with opportunities for decision-making, stress management, and leadership development, including scenarios involving chain-of-command roles when time and resources permit. We have designed these scenarios to maximize an officer's decision-making and stress-management opportunities during each training scenario.
4. **Instructor Role:** Instructors must craft training plans that match the trainee's skill level, using a crawl-walk-run approach, and ensure clear training objectives (talking points). Positive behaviors should be reinforced, and mistakes addressed immediately or during debriefs. The Ti Training manual has training objectives in the form of talking points laid out for each of the current scenarios. Instructors should ensure they thoroughly and effectively cover all of these talking points with each officer they train.
5. **Debrief Importance:** After simulations, debriefing is crucial for officer self-reflection and learning, allowing trainees to articulate their decisions and improve based on constructive feedback. For each scenario, a format is laid out to guide instructors in using the most effective forms of student-centered feedback. These feedback models are heavily influenced and informed by research, which indicates significant increases in student retention and transfer of knowledge and skills to real-world environments (Geisen et al., n.d.; Wulf et al., 2010).
6. **Maximizing Simulator Use:** Departments should make full use of the time they have the Ti simulators, ensuring frequent and serious training sessions based on the current year's scenarios to prepare officers for a wide range of challenges. We strongly recommend that all department officers complete the available Ti simulator scenarios as a priority. Additionally, it is beneficial to extend the opportunity to community leaders, prosecutors, media outlets, and participants in citizen police academies to experience selected, appropriate scenarios. The departments are responsible for informing the public about the potentially violent, graphic, or sensitive content of the simulations and ensuring that the chosen scenarios are appropriate for public engagement, effectively informing and educating all participants.
7. **Investment in Skill Building:** Simulators are most valuable when integrated into a well-rounded, continuous training regimen that builds critical thinking, stress management, and decision-making under pressure. To the extent possible, department instructors

TRAINING RECOMMENDATIONS

are encouraged to be creative in their continued training of officers to ensure that their officers are exposed to continued training to build skills that include real-world context with unknown and dynamic stimulus, such as what the officers experience utilizing the Ti simulator. This allows for integrating motor skills (e.g., firearms drawing performance, defensive tactics techniques, etc.) into real-world applications. Recent research has clearly shown that such skills, trained in isolation, bear little resemblance to how officers perform under the stress of the real world (Kantor et al., n.d.; Lewinski, William, PhD et al., 2013).

Other scenario training recommendations

Post Incident Considerations

Some of this training can be used by instructors, supervisors, or other command officers to incorporate the chain of command. In the talking points, you will note a header titled “Post Incident Considerations.” The recommendations for each scenario past this point will allow trainers to incorporate supervisors into the scenarios where they can work through post-incident priorities, decisions, and actions to be taken.

Instructor Preparation

Instructors should thoroughly review all of the current year’s scenarios and accompanying talking points before conducting the training. They should also become familiar with the branching options. Doing so will enable the instructor to provide more meaningful feedback and facilitate deeper discussions about the officers’ performance in each scenario. This preparation enhances the quality of the training by allowing instructors to offer valuable insights, address specific challenges, and guide officers through the learning process more effectively.

Pre-Briefing

At the beginning of each scenario, instructors will give a pre-briefing that provides the information necessary for the officer to know what type of call they are responding to. The way this information is given can (with some officers) challenge or bring up stress levels. When officers perceive they have more time and information, stress (or arousal) levels are likely to decrease. However, when officers are given less information and less time to process that information, stress will often trend upward, triggering some sympathetic nervous system (SNS) responses (e.g., rapid heart rate, increased breathing rate, muscle tension, sweating, voice inflection, etc.) Used properly, such stress has been shown to increase learning or memory of an event.

Debriefing (some additional guidelines)

Debriefing, or providing feedback, is essential for maximizing student learning when done correctly. Instructors should follow the feedback guidelines provided for each scenario. It’s important for student officers to actively engage by explaining their actions, identifying what they did well, considering what they could have done differently, and exploring alternative approaches. This process leads to better retention than when the instructor does most of the talking. Rather than giving officers the answers, challenge them to work through the questions themselves. Instructors should facilitate this by guiding discussions, reinforcing correct actions, making necessary adjustments, and prompting officers to find their own solutions.

TRAINING RECOMMENDATIONS

Verbal Communication by officers

During training sessions, officers should practice using appropriate verbal commands, such as “Police! Don’t move!” If officers use profanity, it should be addressed and corrected, as maintaining professionalism is crucial, even under stressful conditions. Profanity can negatively impact how juries perceive officers, and if not corrected in training, it is likely to occur in real situations. Instructors may elect to use the recording camera and playback system to review voice commands, allowing officers to hear themselves and improve their communication skills.

Test Questions

There are test questions (see pages 162-163) related to response-to-resistance, proper documentation related to the use of force, related Kentucky and Supreme Court case decisions related to the use of force and deadly force by officers, and other related topics and concepts. This test is to be administered verbally to each student. Instructors must review all of the test questions with each officer attending training. Each officer should be asked these questions and either be allowed to answer them from their own understanding (demonstrates a higher level of understanding) or given the related multiple-choice answers from which to choose. If an officer chooses the incorrect answer, the training officer must ensure that the officer is corrected and given feedback to ensure the officer understands the underlying concept, law, policy, etc. Each officer must demonstrate the knowledge and understanding necessary to correctly reply and/or explain the correct answer for all of the questions on this test.

Training officers will document on the Decision-Making Training Program Activity Sheet form that they went over all of this test’s questions and that each officer attending the training was ultimately able to answer all of the test questions with 100% accuracy at the end of the training session.

This is intended to reinforce each officer’s retention of use-of-force issues related to law, policy, and other fundamental tactics related to resistance decision-making. Further, the aim of this test is to increase the learning, retention, and transfer of knowledge and skills to the real-world environment (testing effect) (van Eersel et al., 2016).

Instructors who believe officers are not successfully meeting training objectives or are unfit for duty should follow standard departmental procedures for remedial training, documentation, or any other appropriate actions.

Documentation

With this manual, we have provided an activity sheet labeled Decision-Making Training Program Activity Sheet (see page 161) that must be completed by the instructor for each agency officer. This form will have a knowledge-based review with topics we recommend for each departmental Ti simulator trainer or another similarly qualified training officer to review, discuss, and ensure understanding with each officer attending the training. The activity sheet will also have a section that lists that year’s current training scenarios (example: “2025 Scenarios”). Each officer must be exposed to all the current training scenarios listed and checked off as completing each scenario on the activity sheet.

Our legal advisor recommends using this activity sheet to document Ti scenario training, with no additional entries in the officer’s file or written comments on the sheet. The activity sheet

TRAINING RECOMMENDATIONS

record that the instructor has covered the knowledge-based review, the officer has completed all current Ti simulator scenarios, and the officer has successfully passed the test by identifying or explaining answers with 100% accuracy.

References

- Geisen, M., Baumgartner, T., Riedl, N., & Klatt, S. (n.d.). *Real-time visual feedback on sports performance in an immersive training environment: Presentation of a study concept*. 5.
- Kantor, M. A., Bartz, D. E., Lewinski, W. J., & Pettitt, R. W. (n.d.). *Startle Response and Firearm Draw Performance in Law Enforcement Officers during a Lethal Force Simulated Domestic Assault*. 14.
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- Wulf, G., Chiviawosky, S., Schiller, E., & Ávila, L. T. G. (2010). Frequent External-Focus Feedback Enhances Motor Learning. *Frontiers in Psychology*, 1. <https://doi.org/10.3389/fpsyg.2010.00190>

BASIC SIMULATOR SYSTEM DEBRIEFING QUESTIONS

This is a list of possible debriefing questions for the debriefing process after a scenario has been completed. Remember to keep the questions as open-ended as possible to gather the students' understanding and recollection of the events in the scenario. These types of open-ended questions allow the instructor to lead the officer tactfully and explore and discover the takeaways from the scenario they just completed.

1. "What happened?"
2. "What did you see?"
3. "What did you hear?"
4. "What did you do?"
5. "What did the subject(s) do?"
6. "What did you say?"
7. "What did the subject(s) say?"
8. "Did you see a weapon?"

Graham Factor Questions - When the officer uses physical or (especially) deadly force

9. "What was the seriousness of the offense?"
10. "What was the immediacy of the threat?"
11. "Was the subject actively resisting arrest?"
12. "Was the subject trying to escape

Other use-of-force questions

13. "When did you feel justified to use your (force option)?"
14. "How many times did you use your (force option)?" "Did you take cover?"
15. "What pre-assaultive behaviors did you observe?"
16. "Do you remember what was behind the suspect when you fired (backdrop)?"

At this point, ask any questions you feel are appropriate. These may include questions about such things as the license plate numbers, description of vehicles, and other scenario-specific items.

Instructors must understand how human attention and memory work and how they do not work when working through these questions during debriefings. It should be noted that officers who perceive a threat (real or imagined) will not be able to attend to other things in their environment.

"We have a limited amount of attentional resources, and these can either be divided up in some limited way among many tasks or directed solely to one task with little or nothing left over for anything else. It should be noted that a significantly large and growing body of research in the area of visual cognition informs us that our attentional focus is what both permits

BASIC SIMULATOR SYSTEM DEBRIEFING QUESTIONS

us to acquire and then remember information. The opposite has also been confirmed. That is, when we intently attentionally focus on something, we can literally be attentionally blind to something else, even it is directly in front of us” (Lewinski, 2008).

“Why?” Questions

Instructors must be aware of the officers’ preconceptions about any given scenario. “Why” questions, tactfully asked, can allow the instructor to learn some of the underlying motives and perceptions that could make for devastating decisions. When police officers approach situations with preconceived notions, it can lead to bias, escalation, misinterpretation of intent, violation of rights, reduced policing effectiveness, and damaged community relations, ultimately undermining trust in law enforcement. Open-minded, fact-based approaches are essential to ensure fair and safe outcomes for all involved. Excellent instructors know how to ask these questions in such a way that they can elicit honest responses and help guide officers in more accurate ways of assessing many situations.

Good Outcomes vs. Good Decision-making

NOTE: One significant mistake instructors commonly make is debriefing an officer who performed well during any given scenario and not asking the officer to explain the “why” of what he/she did. It’s critical to probe these officers to ensure that they accurately perceived the situation. It is absolutely essential that instructors understand that good outcomes should never be assumed to result from good decision-making.

References

Lewinski, W. (2008). The Attention Study: A Study on the Presence of Selective Attention in Firearms Officers. *Law Enforcement Executive Forum*, 33.

UNIVERSAL THINGS TO WATCH FOR

Movement

- ◆ To cover
- ◆ To the side
- ◆ To a better “tactical position”

Weapons-Handling Skills

- ◆ Finger out of the trigger guard
- ◆ Muzzle direction (laser rule)
- ◆ Proper “low ready” positions (see the hands)
- ◆ Proper reloads
- ◆ Proper draws
- ◆ Proper re-holster
- ◆ Proper transition techniques
- ◆ Proper flashlight techniques

Target Identifications/Target Isolations Verbalization

- ◆ Tell suspects what you want them to do
- ◆ Concise
- ◆ Commanding/Directing
- ◆ Profanity
- ◆ “Attitude”

Stances

- ◆ Interview (hands at waist level or above)
- ◆ Combat (balanced platform)

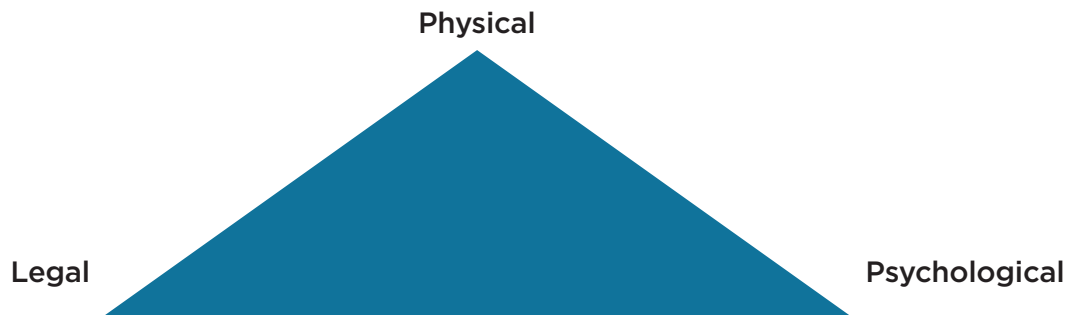
DEBRIEFING TEMPLATE

THIS TEMPLATE IS TO BE USED IN CONJUNCTION WITH YOUR DEPARTMENT’S POLICY, PROCEDURE, AND SOPs

This template is designed to be a guide to effective debriefing, and nothing in it is meant to supercede any policies, procedures, or standards as set forth by your individual department or state requirements.

The Survival Triangle

Many officers have heard of the first rule of police work, “Go home alive at the end of your shift.” All officers should be concerned about survival. However, when they think of officer survival, most often, they think only about the physical techniques and the use of their tools. Nevertheless, it’s critical that we remind officers that there are three things they need to consider, especially regarding the use of force. Dr. Alexis Artwohl calls all three of these the “survival triangle.”



Legal - Do officers possess a comprehensive grasp of laws and policies governing the use of force and (most importantly) their correct application in diverse situations commonly encountered in their duties?

Physical - Knowledge and skills centered upon physical abilities and the use of their tools.

Psychological - Will an officer be able to survive the emotional aftermath of a deadly force encounter?

Template

The session start screen offers a scenario overview but avoids sharing all details verbatim. Instead, gradually provide information, stressing preparation, planning, and careful consideration. Initially, minimal details are given. Trainers may give more information through dispatch or through the mobile data terminal (MDT). Participants are encouraged to ask questions to clarify the situation. Please note that participants may select weapons in this section. Refrain from providing them. Allow the participants to select the weapon. This phase allows learning through potential mistakes.

Evaluating the questions participants ask (or don’t) is key, reflecting their critical thinking and

DEBRIEFING TEMPLATE

planning abilities. If participants choose additional weapons like an AR, appropriateness is addressed here.

Typically, participants ask a few questions initially, prompting us to suggest helpful queries. Later, participants often ask many questions. In the dispatcher role, we avoid always giving all information, mirroring real-world dispatch limitations.

Encouraging questions aids intelligence gathering but maintains scenario integrity. Occasionally, we provide extra context, never revealing the entire scenario. This phase assesses participants' critical thinking.

What we are looking for is **Crisis Rehearsal and Planning**. Are they asking for a backing officer, location, criminal history, etc.?

Phase 1: Session Preparation

- Participants cannot backtrack once on the session start screen.
- No weapon selection, questions, or changes allowed at this point.
- Participants are compelled to act.
- Consider sound effects, ambient visuals, audio, role players, malfunctions, and lighting conditions.
- Verify weapon status (on/off).

Phase 2: Scenario Execution

- Upon playing the scenario, focus on your observation of the participant.
- 70-80% of training relies on your observation.
- Must watch participants closely to train effectively.
- Observe actions, words, movement, information processing, and necessary adjustments.

Phase 3: Scenario Control

- The scenario only ends when you decide it's over.
- Role-play, add layers, and introduce challenges as needed.
- Maintain control to adapt to the scenario.
- Post-scenario, ask questions like "Then what?" and "What is important now?"

DEBRIEFING TEMPLATE

Instruction on Layering Scenarios

1. Introduction to Layering:

- Layering involves adding more elements after the initial scenario ends.
- It's essential to remember that training continues beyond scenario completion.

2. Defensive Tactics Evolution:

- Incorporate a role-playing instructor in a red-man suit.
- Transition from compliance to resistance for a defensive tactics (DT) evolution.
- Practice procedures like handcuffing, felony stops, and rendering first aid.
- Ensure officers verbalize first aid steps and call for medical assistance.
- Consider having a mannequin for CPR, wound pressure, or tourniquet application.

3. Mock Interview Scenario:

- Set up a separate room for post-shooting interviews with supervisors or investigation teams.
- This provides valuable practice for both officers and supervisors.

4. Search Practice:

- Utilize parked cars in the training area for practical search exercises.
- Enhance depth perception and eliminate negative space in the training.

5. Expanding Scenarios:

- Emphasize that the video scenario is just one part of the broader training evolution.
- Encourage participants to view scenarios from different perspectives, including patrol, field training, and administration.
- Use scenarios to address gaps in logs and policies, ensuring comprehensive training and policy coverage.

DEBRIEFING TEMPLATE

Debriefing

Use the Student-Centered Feedback Model as illustrated in each scenario (next page).

Officer Pre-Brief - Describe details of the scenario

If the instructor chooses not to use the pre-recorded dispatch, they may skip it and instead describe the call for service. Provide as much or as little detail as needed to meet training objectives, adjusting the information based on the officer’s background, experience, competence, and confidence.

Observe Performance

- ◆ Evaluator Observations
- ◆ Performance Documentation

Identify Actions

- ◆ “What happened?”
- ◆ Trainer Reinforcement

Identify Strengths

- ◆ “What did you do well?”
- ◆ Trainer Reinforcement
- ◆ Correct Misconceptions

Areas for Improvement

- ◆ “If you had to do this again, is there anything you would do differently?”
- ◆ Trainer Reinforcement
- ◆ Correct Misconceptions

Alternate Solutions

- ◆ “What if you...?”
- ◆ Do you have any questions?

DEBRIEFING TEMPLATE

Feedback Guidelines

1. Importance of Articulation (Identify Actions):

- This is where the instructor asks the participant to explain “what happened?”
- Allow the participant to give a full narrative from the beginning to the end without interruption.
- If the participant stops, encourage them to continue by asking what happened next.
- Use open-ended questions to force participants to think through and describe what happened. (Forced recall is key to human learning, retention, and transfer.)
- After they finish, reinforce what you observed that they did well as is appropriate and natural given their statement.
- Comprehend the “why” behind their actions, whether “in policy” or not.
- Gain insight into their thought process and decision-making.

2. Encourage Self-Evaluation:

- Reduce instructor input as they develop self-evaluation skills.
- Ensure they don’t just go through the motions but actively evaluate scenarios.
- Emphasize report writing aligned with scenario actions to create a clear narrative for those not present and address potential legal questions.
- Remind them that the statement they give after a deadly force incident (or any use of force incident) may be the most important statement they ever give in their lives.
- Use this training to assist them in how to properly explain (articulate) their thoughts, perceptions, actions, or inaction(s).

3. Ask “What did you do well?”

- This is critical, as it forces them to assess their actions positively and allows you to either reinforce the actions and behaviors that were truly done well or correct any misconceptions.

4. Areas for Improvement:

- Avoid asking, “What did you do wrong?”
- Ask, “If you had to do this again, is there anything you would do differently?”
- This allows the participant to work through their thoughts (forced recall) and self-organize rather than someone else thinking for them.

DEBRIEFING TEMPLATE

- Correct any misconceptions by asking questions that lead them to think through their actions in light of the law, policy, or any other relevant factors you may identify to assist them in coming to correct conclusions.
- 99% of the time, students will identify their shortcomings in such training scenarios.

5. Force Evaluation:

- Assess their use of force, including type and justification.
- Evaluate the effectiveness of force and whether it ceased once effective.
- Encourage thorough articulation of the use-of-force incident.
- More is better. Any gaps they leave will be filled by others who may not have the officer's best interest in mind.

6. Leverage Legal Resources:

- Assist participants by referencing advanced debriefing legal sections, including federal court and department policies.
- Prepare them for the likelihood of criminal and/or civil litigation by emphasizing their understanding of the Graham factors and providing facts vs. conclusions in their statements.
 - o Facts
 1. "He pointed a gun at me, I thought he was going to shoot (or kill) me, so I shot him."
 2. "He clenched his fists, stepped toward me, and said he was going to kick my ____, so I (Tased, struck, used my baton, OC, etc.) to keep him from hurting me."
 - o Conclusions
 1. "I was in fear for my life, so I shot him."
 2. "He was acting (belligerent, aggressive, violent, etc.) so I..."

Following these guidelines will assist participants in learning by forcing recall, challenging assumptions, pointing out flaws in legal understanding related to the use of force, and introducing better models for explaining their perceptions, thoughts, and actions. The ultimate goal is to provide them with training experience that allows for critical thinking, problem-solving, and decision-making.

DEBRIEFING TEMPLATE

ALWAYS REVIEW THE TRAINING OBJECTIVE(S)!

1. Continuous Scenario Playback:

- Play the entire scenario without interruptions to provide real-time context.
- Evaluation within the context is essential for thorough assessment.

2. Understanding Time Compression:

- Emphasize the concept of “time compression.”
- Real-time actions occur rapidly, sometimes in fractions of a second.
- Encourage participants to identify missed details and evaluate their own performance on subsequent viewings.

3. Selective Scenario Playback:

- Consider replaying specific parts of the scenario to highlight key aspects.
- Evaluate the need to show participants their shots; it’s unnecessary if they meet training objectives.
- Tailor the session to achieve the desired training outcomes, even if it means omitting certain elements.

In your role as the instructor, you have the discretion to decide which aspects to emphasize during scenario playback, aligning with the training objectives and desired learning outcomes.

1

SCENARIOS

Autistic Man on Playground

SCENARIO DESCRIPTION #1

AUTISTIC MAN ON PLAYGROUND

Officer Pre-Brief - Either Play Pre-Recorded Dispatch or Describe Details of the Scenario

- ◆ If the instructor chooses not to use the pre-recorded dispatch, they may skip it and instead recorded dispatch will play prior to scenario

Observe Performance

- ◆ Evaluator observations
- ◆ Performance documentation

Identify Actions

- ◆ “What happened?”
- ◆ Trainer reinforcement

Identify Strengths

- ◆ “What did you do well?”
- ◆ Trainer reinforcement
- ◆ Correct misconceptions

Areas for Improvement

- ◆ “If you had to do this again, is there anything you would do differently?”
- ◆ Trainer reinforcement
- ◆ Correct misconceptions

Alternate Solutions

- ◆ “What if you...?”
- ◆ Do you have any questions?

SCENARIO DESCRIPTION #1

AUTISTIC MAN ON PLAYGROUND

Branching Options: This scenario is zoned for – Lethal, Taser, and OC Spray.

Model Policies: Response to Resistance, Body-Worn Video Recordings, Dealing with Diminished Capacity.

Talking Points – Autistic Man on Playground – If not covered or addressed during the feedback session above, address the following issues with each officer.

- Did the officer observe the object in the subject’s hands?
- What behaviors did the subject display?
- Did you notice the proximity of the reporting party or complainants?
- Did they appear to be afraid for their lives or safety?

- ◆ **What did you observe about the assailant’s demeanor, actions, and behaviors?** General examples of good descriptive language to describe actions or behaviors one might encounter with someone who is autistic.
 - **Repetitive Movements (Stimming):** These are self-soothing repetitive behaviors such as hand flapping, rocking, spinning, or finger flicking, often used to cope with sensory overload or stress.
 - **Unusual Gait or Posture:** Some autistic individuals may walk on their toes (toe-walking), have an awkward gait, or maintain unusual body postures.
 - **Lack of Eye Contact:** Many autistic individuals may avoid direct eye contact, though this varies and is not universal.
 - **Fine and Gross Motor Delays:** Difficulty with coordination and motor skills may result in delayed milestones like running, jumping, or grasping small objects. Some may have poor balance or clumsiness.
 - **Sensory Sensitivities:** Heightened or diminished responses to sensory stimuli can lead to physical reactions. For example, individuals may cover their ears or close their eyes in response to loud sounds or bright lights.
 - **Low Muscle Tone (Hypotonia):** Some individuals may exhibit lower-than-average muscle tone, affecting coordination and posture.
 - **Repetitive Play or Use of Objects:** A focus on specific objects, often using them in repetitive or unusual ways (e.g., lining up toys or spinning objects), may be noticeable.
 - **Unusual Facial Expressions or Limited Use of Gestures:** Facial expressions may not always match social or emotional contexts, or gestures like pointing may be limited or absent.

SCENARIO DESCRIPTION #1

AUTISTIC MAN ON PLAYGROUND

- ♦ **What did you hear?**
 - Reporting Parties?
 - * Do you recall what they said?
 - Suspect?
 - * Specific things he said?

If force was used during this scenario:

- ♦ **Go over Graham Factors** – Ask each officer the following questions related to the scenario. ***Not every factor is relevant or required for justification in every situation.** However, officers should be familiar with the Graham factors in every response to resistance as those factors will be used by the courts to assess the reasonableness of their actions.
 - **Seriousness of the offense?** – Have the officer describe the seriousness of the offense in terms of what violation of the law they observed when they decided to use force (make a seizure) of the offender.
 - **Immediacy of the threat** (to the officer, others, or himself/herself) **This is THE MOST IMPORTANT Graham factor in any officer’s response to resistance, especially when deadly force is used. See Graham, 490 U.S. at 397. “The calculus for reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in situations that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.”*

Officers tend to repeat or describe their actions in legal terms as they are taught in the academy regarding the use of force. Officers use such words as “imminent” (indicates that a threat or danger is likely to happen very soon, usually within a short period of time) or “exigent” (refers to a situation that demands swift actions due to its urgency or critical (IMMEDIATE) nature). The term “**Immediacy**” more clearly conveys such actions in a way most officers and others understand (Office of Chief Counsel, 2021).
 - **Actively resisting arrest?**
 - **Attempting to evade by flight?** (Sometimes flight by an offender constitutes an immediate threat to the public.)
- ♦ **Other factors** which the court has considered.
 - The number of suspects and officers involved.
 - The size, age, and condition of the officer and suspect.
 - The duration of the action.
 - Whether the force applied resulted in an injury.
 - Previous violent history of the suspect if known to the officer at the time.

SCENARIO DESCRIPTION #1

AUTISTIC MAN ON PLAYGROUND

- The use of alcohol or drugs by the suspect.
- The suspect's mental or psychiatric history is known to the officer at the time.
- The presence of innocent bystanders who could be harmed if force is not used.
- The availability of weapons, such as pepper spray, batons, Tasers, Bolo Wrap, less lethal munitions, etc.

Training guidelines for officers dealing with someone who is autistic – Follow-up talking points for trainers.

1. Provide Extra Time and Attention: Autistic individuals may need more time to process and respond to questions. Officers should be prepared for delays, understanding that a simple question like “What’s your name?” might take 15 seconds or more to respond, whether verbally, in writing, or through alternative communication methods such as picture-based systems or sign language.
2. Respect Personal Space and Use Positive Body Language: Officers should give autistic individuals extra personal space and be mindful of their own body language. Using calm, positive gestures, facial expressions, and a soft tone of voice can help create a safe and non-threatening environment.
3. Recognize and Adapt to Communication Needs: Training helps officers identify signs that an individual may be autistic, reducing the risk of misinterpreting behaviors such as defiance or aggression. Officers should learn to adjust their approach to de-escalate situations and ensure safety.

By emphasizing these talking points during training, officers can enhance their ability to effectively interact with autistic individuals, improving outcomes and ensuring the safety of everyone involved (Debbaudt et al., 2022).

References

Debbaudt, D., Melissa Sreckovic, Ph.D., & Christine Kenney, Ph.D. (2022, Oct. 4). *Autism and Law Enforcement: Strategies for Safer Interactions*. Organization for Autism Research. <https://researchautism.org/oaracle-newsletter/autism-and-law-enforcement-strategies-for-safer-interactions/>

2

SCENARIOS

Church Sanctuary Active Shooter

SCENARIO DESCRIPTION #2

CHURCH SANCTUARY ACTIVE SHOOTER

Officer Pre-Brief - Either Play Pre-Recorded Dispatch or Describe details of the scenario

- ◆ Recorded dispatch will play prior to scenario

Observe Performance

- ◆ Evaluator observations
- ◆ Performance documentation

Identify Actions

- ◆ “What happened?”
- ◆ Trainer reinforcement

Identify Strengths

- ◆ “What did you do well?”
- ◆ Trainer reinforcement
- ◆ Correct misconceptions

Areas for Improvement

- ◆ “If you had to do this again, is there anything you would do differently?”
- ◆ Trainer reinforcement
- ◆ Correct misconceptions

Alternate Solutions

- ◆ “What if you...?”
- ◆ Do you have any questions?

SCENARIO DESCRIPTION #2

CHURCH SANCTUARY ACTIVE SHOOTER

Branching Options: This scenario is zoned for – Innocent Lethal & Use of Force - Lethal.

Model Policies: Active Shooter, Response to Resistance, Body-Worn Video Recording.

Talking Points—Church Sanctuary Active Shooter—If the following issues were not addressed during the feedback model above, address them with each officer.

Establish Communication:

- **Did you announce your arrival on the scene to dispatch?**
- **Did you keep them informed of the following:**
 - Shots fired and where did they sound like they were coming from?
 - Your point of entry into the sanctuary?
 - Victims on the ground?
 - Did the officer give a warning when confronted with the offender?
 - * Ask the officer to explain why or why not.
 - * Was it feasible under these circumstances?
- **Did you note potential cover positions as you entered (cover awareness)?**
- **Did you announce your presence when you arrived?**
 - Why would you announce or not announce your presence? Why?
 - * Reasons to announce.
 - Notify victims of your presence.
 - Other officers (off-duty, retired but armed).
 - Armed civilians.
- **Did you observe anything or anyone in the backdrop?**
- **What did you see?**
 - Victims on the ground?
 - People running toward you, did you observe their hands?
 - Weapons – Can the officer describe what kind of weapon the offender had and what the offender was doing with the weapon?
- **What did you observe about the assailant’s demeanor, actions, and behaviors?**
 - Examples of general descriptive language to describe an assailant’s actions.
 - * Shouting or yelling loudly.
 - * Pointed a gun at me (or others).

SCENARIO DESCRIPTION #2

CHURCH SANCTUARY ACTIVE SHOOTER

- * Violent gestures, like forcing a firearm into the direction of the officer or others.
 - * Shooting at the officer or others.
 - * Threatening body language, such as closing the distance on a victim and/or officer. NOTE: If the offender closes the distance with an officer, it compresses the time an officer has for perception and reaction to a potential threat.
- **What did you hear?**
 - **Shooting?**
 - * Where from?
 - * How many shots?
 - **Victims?**
 - * Do you recall what the victims said to you as they exited the sanctuary?
 - * Cries for help?
 - * Screaming?
 - **Suspect?**
 - * Shouting or yelling loudly?
 - * Specific things he said?

If force was used during this scenario:

- **Go over Graham Factors** – Ask each officer the following questions related to the scenario. *Not every Graham factor is relevant to every situation. But officers should be familiar with the Graham factors in every use of force as those factors will be used to assess the reasonableness of their actions by the courts.
 - **Seriousness of the offense?** – Have the officer describe the seriousness of the offense in terms of what violation of law they observed when they decided to use force (make a seizure) of the offender.
 - **Immediacy of the threat** (to the officer or others) *This is often the most critical factor in any officer’s response to resistance, especially when using deadly force. Officers tend to parrot legal terms they are taught in the academy as it relates to the use of force such as “imminent” (indicates that a threat or danger is likely to happen very soon, usually within a short period of time) or “exigent” (refers to a situation that demands swift actions due to its urgency or critical (IMMEDIATE) nature). The term “Immediacy” more accurately conveys such actions in a way most officers understand.
 - **Actively resisting arrest?**
 - **Attempting to evade by flight?**

SCENARIO DESCRIPTION #2

CHURCH SANCTUARY ACTIVE SHOOTER

- **Other factors which the court has considered.**
 - The number of suspects and officers involved.
 - The size, age, and condition of the officer and suspect.
 - The duration of the action.
 - Whether the force applied resulted in an injury.
 - Previous violent history of the suspect if known to the officer at the time.
 - The use of alcohol or drugs by the suspect.
 - The suspect's mental or psychiatric history if known to the officer at the time.
 - The presence of innocent bystanders who could be harmed if force is not used.
 - The availability of weapons, such as pepper spray, batons, Tasers, Bolo Wrap, less lethal munitions, etc.

Post Incident Considerations

- **Render aid to victims/suspects**
 - **Priority of life considerations?** With limited EMS personnel availability, who gets care first under Priority of Life?
 - * Victims
 - * Bystanders
 - * First responders
 - * Suspects
- **Medical assessment of the officer involved in the shooting.**

Following any use of deadly physical force, several critical follow-up considerations must be addressed to ensure transparency, accountability, and adherence to legal and departmental procedures. These considerations include:

1. Safety and Scene Control:

- Ensure the safety of all individuals present at the scene, including officers and bystanders. Maintain control of the scene to preserve evidence and prevent interference.
- Once the suspect is secured, especially in deadly force situations, if there are bystanders (witnesses) in proximity, you might ask them individually, "Are you OK, did he hurt you?"

SCENARIO DESCRIPTION #2

CHURCH SANCTUARY ACTIVE SHOOTER

2. Medical Assistance:

- Provide immediate medical assistance to the injured party, if applicable, and request ambulance or medical personnel as needed. *What specific factors should the officer consider when deciding to leave cover, close distance, or otherwise give up a tactical advantage to render aid?* **See KLC Model Policies: Emergency Assistance and Response to Resistance.**

1. Is the subject still moving?
2. Is the subject still armed (have a deadly weapon or dangerous instrument in hand)?
3. Can the officer clearly see both hands?
4. Is there an obvious mortal wound that clearly indicates incapacitation?
5. Is the subject able to respond to any commands or instructions?
6. How far away is back-up?
7. Has the officer assessed himself/herself (TacMed Tng.)?

3. Agency policy regarding MOUs with other agencies who have agreed to investigate your agency's critical incidents.

- MOU with KSP or other agencies. Follow the guidelines outlined in your agency policy regarding public safety statements (information) and procedures as they relate to the guidelines below. **See KLC Model Policy – Critical Incident Investigation & Review OIS.**

4. Securing the Scene:

- Secure and protect the scene to preserve evidence.
- Limit access to authorized personnel only.

5. Public safety information:

- Armed suspect(s) at large?
- Are there potential weapons that may be unaccounted for?

6. Separating Witnesses and Involved Officers:

- Separate witnesses from involved officers to prevent contamination of witness statements. Ensure that officers involved in the incident do not discuss it with each other until they have provided statements.

7. Notification:

- Notify supervisory personnel and any specialized units responsible for investigating officer-involved shootings, such as internal affairs or a designated investigative team.

CHURCH SANCTUARY ACTIVE SHOOTER

8. Interviewing Witnesses:

- Interview all witnesses, including officers and civilians, as soon as possible while their recollections are fresh. Record these statements, if at all possible; otherwise, ensure statements are thoroughly documented.

9. Body-Worn Cameras and Evidence:

- Ensure that body-worn camera footage, dashcam recordings, and any other available evidence are secured and preserved for the investigation. **See KLC Model Policy - Body-Worn Video Recording.**

10. Preservation of Evidence:

- Preserve all physical evidence, including firearms, ammunition, clothing, and any other items relevant to the incident. **If another agency is investigating, make every effort NOT to move firearms from their original location unless there is a clear public safety concern or other circumstance that may necessitate the securing of a firearm or other weapon utilized by the suspect or officer. If so, ensure the weapon is properly photographed and secured according to your agency's evidence procedures.*

3

SCENARIOS

Church Shooter (Off Duty)

SCENARIO DESCRIPTION #3

CHURCH SHOOTER (OFF DUTY)

Officer Pre-Brief - Either Play Pre-Recorded Dispatch or Describe details of the scenario

- ◆ Recorded dispatch will play prior to scenario

Observe Performance

- ◆ Evaluator observations
- ◆ Performance documentation

Identify Actions

- ◆ “What happened?”
- ◆ Trainer reinforcement

Identify Strengths

- ◆ “What did you do well?”
- ◆ Trainer reinforcement
- ◆ Correct misconceptions

Areas for Improvement

- ◆ “If you had to do this again, is there anything you would do differently?”
- ◆ Trainer reinforcement
- ◆ Correct misconceptions

Alternate Solutions

- ◆ “What if you...?”
- ◆ Do you have any questions?

SCENARIO DESCRIPTION #3

CHURCH SHOOTER (OFF DUTY)



Branching Options: This scenario is zoned for – Innocent Lethal & Off-Duty Lethal.

Model Policies: Active Shooter, Response to Resistance, Body-Worn Video Recording.

Talking Points—Church Shooter (Off Duty)—If the following issues were not addressed during the feedback model above, address them with each officer.

1. Establish Communication:

- Did you announce your arrival on the scene to dispatch?
- Did you keep them informed of the following:
 1. Shots fired and where did they sound like they were coming from?
 2. Your point of entry into the sanctuary?
 3. Victims on the ground?
 4. Did the officer give a warning when confronted with the offender?
 - a. Ask the officer to explain why or why not.
 - b. Was it feasible under these circumstances?

2. Initial Response to Active Shooter Call

- **Did you maintain focus on the primary threat?** When responding to an active shooter situation, officers must prioritize neutralizing the immediate threat. The initial goal remains to locate and stop the shooter to prevent further harm to civilians.

3. Approach with Tactical Caution

- **Were you cover aware, taking note of your last and next available points of cover?**

4. Identifying and Assessing Individuals on the Scene

- **Did you maintain awareness that there may be multiple armed individuals?** In an active shooter scenario, officers must be aware that other armed individuals, including off-duty officers or legally armed civilians, may be on the scene.
- **Do you believe you were able to assess the situation quickly?** If an off-duty officer has just shot the shooter, it's critical to assess their position, weapon, and demeanor rapidly. Do not assume intent — act based on observation and communication.

5. Recognizing an Off-Duty Officer

- **Were you able to establish your identity calmly?** In the chaos of the situation, approach the off-duty officer cautiously. Use clear, calm commands like “Police! Drop your weapon!” to control the scene, ensuring no further threats are present.
- **Did you think about verifying the identity of the “off-duty officer?”** (When appropriate) Request identification from the off-duty officer, but be mindful that in the heat of the moment, they may be in shock or disoriented. Patience and clear communication are key here. Check for any verbal or visual cues (such as badges, identification cards, or uniform parts).

SCENARIO DESCRIPTION #3

CHURCH SHOOTER (OFF DUTY)



- **Were you able to de-escalate immediately when you felt it was safe?** Once the off-duty officer's identity is confirmed, de-escalate by calmly lowering tensions and ensuring they feel supported rather than threatened by arriving officers.

6. Communication and Command Presence

- **Did you take command of the situation?** One officer should take charge of the scene to prevent confusion. Communicate clearly to the off-duty officer that backup has arrived, that the scene is being secured, and to place their weapon down for safety until all threats are fully neutralized.
- **Did you ensure clear communication with dispatch:** Immediately update dispatch that an off-duty officer has been involved and relay the status of the active shooter to avoid confusion among incoming officers.

7. Handling the Shooter's Condition

- **Did you notice the shooter's condition?** Regardless of the shooter's condition, officers must ensure that the shooter is disarmed and poses no further threat. If alive, initiate proper restraint protocols and request medical attention.
- **Once you established it was safe what immediate actions should be taken? - Begin Triage for Injured:** If the shooter is deceased or neutralized, attention should immediately shift to providing aid to any injured civilians or the off-duty officer if necessary.

If force was used in this scenario:

Many officers will immediately freeze or stop if a "blue-on-blue" shooting occurs. Instructors must encourage officers to follow through with their assessment of the situation. Some of the objectives for the officer are as follows:

- **Assess the status of the shooter and secure him and his firearm.**
- **Maintain awareness of other potential threats.**
- **Immediately assess the officer's injuries, provide life-saving aid to the officer, and render aid as appropriate to the offender.**
- **Notify dispatch of what occurred (off-duty officer and suspect down), the location, that the scene is secured, and the need for emergency EMS response.**

Talking Points for "Blue-on-Blue Shooting Situation" – NOTE: Instructors should understand that these scenarios are designed to induce pressure on officers, which may produce mistakes in perception and performance. One of the most powerful experiences an officer can have in training is to make an error in deadly force decision-making. This is exactly where we want such errors to occur, and officers should be reminded of that very thing. It is critical that instructors DO NOT overreact or emotionally react to such errors in any way to shame an officer. These are the perfect opportunities for a professional debrief (using the student-centered feedback model) allowing an officer to explore and discover what they did and why. This is where the very best learning occurs. Refer to #5 below.

SCENARIO DESCRIPTION #3

CHURCH SHOOTER (OFF DUTY)

1. **Importance of Situational Awareness:** Emphasize the critical role of situational awareness during any high-stress scenario such as active-shooter encounters. Officers must always identify potential threats accurately and verify targets before engaging them to avoid blue-on-blue incidents.
2. **Communication:** Stress the importance of clear communication with other officers, especially in dynamic situations. Verbal cues, hand signals, and situational updates can prevent tragic misunderstandings. This is one of the reasons officers announce their presence upon arrival.
3. **Identification Techniques:** Discuss best practices for target identification, including visual markers like uniforms, positioning, green armbands, and other cues to distinguish between fellow officers and suspects.
4. **Slow is Smooth, Smooth is Fast:** Remind officers that speed in these situations should not compromise accuracy or decision-making. Taking the necessary extra second to ensure proper identification can save lives. Encourage officers to move at “their speed” of control; based on training, background, experience, etc., every officer should move at the speed of control.
5. **Learn from Mistakes:** To improve, address the need to analyze mistakes during simulations. Blue-on-blue scenarios are valuable learning experiences — use them to identify weaknesses and work towards improvement.
6. **Stress Management:** Highlight the importance of managing adrenaline and stress to maintain clarity of thought. Techniques like tactical breathing can be employed to reduce stress and increase cognitive control.
7. **Policy Awareness:** Reinforce the need to follow departmental protocols for deconfliction and blue-on-blue avoidance. Officers should be fully aware of policy standards regarding friendly fire incidents and best practices.
8. **Debriefing:** Stress the importance of post-incident debriefing. Honest discussions about what went well and what went wrong in the training scenario can help develop actionable steps to prevent blue-on-blue incidents in real-world settings.

Post Incident Considerations

- **Render aid to victims, off-duty officers, and suspects**
 - **Priority of Life considerations?** With limited EMS personnel availability, who gets care first under priority of life?
 - * Victims
 - * Bystanders
 - * First responders
 - * Suspects
- **Medical assessment of the officer involved in the shooting.**

SCENARIO DESCRIPTION #3

CHURCH SHOOTER (OFF DUTY)

Following any use of deadly physical force, several critical follow-up considerations must be addressed to ensure transparency, accountability, and adherence to legal and departmental procedures. These considerations include:

1. Safety and Scene Control:

- Ensure the safety of all individuals present at the scene, including officers and bystanders. Maintain control of the scene to preserve evidence and prevent interference.
- Once the suspect is secured, especially in deadly force situations, if there are bystanders (witnesses) in proximity, you might ask them individually, “Are you OK? Did he hurt you?”

2. Medical Assistance:

- Provide immediate medical assistance to the injured party, if applicable, and request ambulance or medical personnel as needed. *What specific factors should the officer consider when deciding to leave cover, close distance, or otherwise give up a tactical advantage to render aid?* **See KLC Model Policies: Emergency Assistance and Response to Resistance.**

1. Is the subject still moving?
2. Is the subject still armed (have a deadly weapon or dangerous instrument in hand)?
3. Can the officer clearly see both hands?
4. Is there an obvious mortal wound that clearly indicates incapacitation?
5. Is the subject able to respond to any commands or instructions?
6. How far away is back-up?
7. Has the officer assessed himself/herself (TacMed Tng.)?

3. Agency policy regarding MOUs with other agencies who have agreed to investigate your agency’s critical incidents:

- MOU with KSP or other agencies. Follow the guidelines outlined in your agency policy regarding public safety statements (information), and procedures as they relate to the guidelines below. **See KLC Model Policy – Critical Incident Investigation & Review OIS.**

4. Securing the Scene:

- Secure and protect the scene to preserve evidence.
- Limit access to authorized personnel only.

SCENARIO DESCRIPTION #3

CHURCH SHOOTER (OFF DUTY)

5. Public Safety Information:

- Armed suspect(s) at large?
- Are there potential weapons that may be unaccounted for?

6. Separating Witnesses and Involved Officers:

- Separate witnesses from involved officers to prevent contamination of witness statements. Ensure that officers involved in the incident do not discuss it with each other until they have provided statements.

7. Notification:

- Notify supervisory personnel and any specialized units responsible for investigating officer-involved shootings, such as internal affairs or a designated investigative team.

8. Interviewing Witnesses:

- Interview all witnesses, including officers and civilians, as soon as possible while their recollections are fresh. Record these statements if possible; otherwise, ensure statements are thoroughly documented.

9. Body-Worn Cameras and Evidence:

- Ensure that body-worn camera footage, dashcam recordings, and any other available evidence are secured and preserved for the investigation. **See KLC Model Policy – Body-Worn Video Recording.**

10. Preservation of Evidence:

- Preserve all physical evidence, including firearms, ammunition, clothing, and any other items relevant to the incident. If another agency is investigating, make every effort NOT to move firearms from their original location unless there is a clear public safety concern or other circumstance that may necessitate the securing of a firearm or other weapon utilized by the suspect or officer. If so, ensure the weapon is properly photographed and secured according to your agency's evidence procedures.

4

SCENARIOS

**(Dispatch Priming – Cell Phone
or Gun) Suspicious Male**

SCENARIO DESCRIPTION #4 (DISPATCH PRIMING - CELL PHONE OR GUN) SUSPICIOUS MALE

Officer Pre-Brief - Either Play Pre-Recorded Disptach or Describe details of the scenario

- ◆ Recorded dispatch will play prior to scenario

Observe Performance

- ◆ Evaluator observations
- ◆ Performance documentation

Identify Actions

- ◆ “What happened?”
- ◆ Trainer reinforcement

Identify Strengths

- ◆ “What did you do well?”
- ◆ Trainer reinforcement
- ◆ Correct misconceptions

Areas for Improvement

- ◆ “If you had to do this again, is there anything you would do differently?”
- ◆ Trainer reinforcement
- ◆ Correct misconceptions

Alternate Solutions

- ◆ “What if you...?”
- ◆ Do you have any questions?

SCENARIO DESCRIPTION #4 (DISPATCH PRIMING - CELL PHONE OR GUN) SUSPICIOUS MALE

Branching Options: Instructor – Dispatch (suspicious male) “with a gun;” “with a phone only;” suspicious male will “comply;” suspicious male with “attack;” suspicious male will “comply” and be detained by back-up officer. Use of Force Options – Lethal.

Model Policies: Body-worn Video Recordings, Response to Resistance, Stop, Arrest, and Search of Persons.

Talking Points – (Dispatch Priming) Suspicious Male – If not addressed during the feedback model above, address the following issues with each officer.

Purpose and use of this scenario for training – This scenario should be used to teach officers the powerful effects of “dispatch priming.” It has been shown that “officers rely heavily on dispatched information in making the decision to pull the trigger when confronted with an ambiguously armed subject in a simulated environment. When the dispatched information was erroneous, it contributed to a significant increase in shooting errors (Taylor, 2020).

Mistake-of-fact shootings, where objects are misidentified, are a serious reality for police officers. The consequences of these incidents can be devastating for the officer, the individual involved, and the broader community, undermining police legitimacy and public trust. Additionally, the legal and financial liabilities associated with such shootings can be significant.

This scenario is intended to expose officers to the significant influence of “dispatch priming” or pre-event information that can be relayed by fellow officers directly from citizens or other sources of information. If done properly, instructors can manipulate the information received by the officer (e.g., “Suspicious male with a gun” or “Suspicious male with a phone”) and gauge the officer’s reaction when one or the other is presented by the “suspicious male.”

The instructor should evaluate the following tactics:

- Did the officer move to cover to allow for extra time in decision-making?
- If the officer pulled his/her firearm, did they keep the firearm (muzzle position) low enough to actually see the suspect’s hands?
- Did the officer use effective communication and/or verbal de-escalation skills to establish contact with the male subject?

It is strongly recommended that instructors become familiar with two significant studies before running this scenario with their officers, “Dispatch Priming and the Police Decision to Use Deadly Force” and “Engineering Resilience” Into Split-Second Shoot/No Shoot Decisions: The Effect of Muzzle-Position” (Taylor, 2020, 2021). NOTE: Each study’s “abstract” and “conclusions” summarize the studies in a more easily read format.

Model Policies: Response to Resistance; Body-worn Video Recording; Stop, Arrest, and Search of Persons.

Talking Points – (Dispatch Priming - Cell Phone or Gun) Suspicious Male – If not addressed during the feedback model above, address the following issues with each officer.

- Do you recall what information the dispatcher gave you?
 - Was the subject reported to have a “cell phone” or a “gun”?

SCENARIO DESCRIPTION #4 (DISPATCH PRIMING - CELL PHONE OR GUN) SUSPICIOUS MALE

- What did you believe about whether the subject was armed when you arrived?
- Do you recall if you moved to cover when talking to this subject?
- If the officer pulls a firearm, ask if the officer remembered being able to see the suspect's hands the whole time. NOTE: Muzzle position was a factor in the diminishing officer error in the "engineering resilience" study.
- Do you recall if you moved (left, right, back, or cover) when you perceived the subject was reaching for something in his waistband area?
- Did the individual you encountered match the description dispatch gave you?
- Did you see anything in the subject's hands when you arrived?
- Did you attempt to make verbal contact with the individual?
- What did you see the individual doing?
- What do you recall the individual saying?
- Did you discover any violation of the law?
 - Can you describe the violation?
- What did you observe about the assailant's demeanor, actions, and behaviors?
 - Examples of good descriptive language to describe actions.
 - * Raised voice, angry tone.
 - * Not responding to verbal directions or commands.
 - * Refusing to answer questions.
 - * Clenching their fists or jaw.
 - * Violent gestures, like pounding on surfaces.
 - * Rapid, intense pacing.
 - * Intense, prolonged staring ("thousand-yard stare").
 - * Aggressive posturing such as standing, chest out, taking a "boxer" or "fighter's stance."
 - * Threatening body language like closing the distance on a victim and/or officer.
 - * Veins bulging in the face or neck.
 - * Flushed or red complexion.
 - * Throwing or smashing objects in frustration.

SCENARIO DESCRIPTION #4 (DISPATCH PRIMING – CELL PHONE OR GUN) SUSPICIOUS MALE

If force was used:

- **Go over Graham Factors** – Ask each officer the following questions related to the scenario. Not every factor is relevant to every situation. Officers should be familiar with the Graham factors in every use of force as those factors will be used to assess the reasonableness of their actions by the courts.
 - Seriousness of the offense? – Have the officer describe the seriousness of the offense in terms of what violation of law they observed when they decided to use force (make a seizure) of the offender. NOTE: In this instance, was there an offense committed?
 - Immediacy of the threat (to the officer or others) This is often the most critical factor in any officer’s response to resistance, especially when using deadly force. Officers tend to parrot legal terms they are taught in the academy as it relates to the use of force such as “imminent” (indicates that a threat or danger is likely to happen very soon, usually within a short period of time) or “exigent” (refers to a situation that demands swift actions due to its urgency or critical (IMMEDIATE) nature). The term “immediacy” more accurately conveys such actions in a way most officers understand.
 - Actively resisting arrest?
 - Attempting to evade by flight?
- **Other factors** that the court has considered:
 - The number of suspects and officers involved.
 - The size, age, and condition of the officer and suspect.
 - The duration of the action.
 - Whether the force applied resulted in an injury.
 - Previous violent history of the suspect if known to the officer at the time.
 - The use of alcohol or drugs by the suspect.
 - The suspect’s mental or psychiatric history is known to the officer at the time.
 - The presence of innocent bystanders who could be harmed if force is not used.
 - The availability of weapons, such as pepper spray, batons, Tasers, Bolo Wrap, less lethal munitions, etc.

SCENARIO DESCRIPTION #4 (DISPATCH PRIMING - CELL PHONE OR GUN) SUSPICIOUS MALE

Post Incident Considerations.

- **If Taser was deployed**

After a police officer deploys a Taser, it is crucial to follow specific aftercare protocols to ensure the well-being of both the officer and the individual who was subjected to the Taser discharge.

- **If OC was deployed**

After a police officer deploys Oleoresin Capsicum (OC) spray, specific aftercare protocols must be followed to ensure the well-being of both the officer and the affected individual.

- **Ambulance**

- Under what circumstances would you call an ambulance for evaluation?

- **Reporting**

- Should the supervisor be notified and requested to respond to the scene?
- Would you report this incident?
- Under what specific circumstances should such an intervention need to be reported?
 - * Agency policy
 - Who would you notify?
 - Documentation?
 - Use-of-force reporting requirements?



Building Resilience Into Split Second Decision Making

This study examined whether adjusting weapon muzzle position could improve police decision-making during potential deadly force encounters. In a controlled experiment with 313 officers using a firearms simulator, researchers found that a lower muzzle position improved shoot/no-shoot accuracy without slowing response times, especially when confronting individuals with concealed hands. These findings suggest that simple adjustments may enhance decision-making in high-stakes situations. To read more about this study, scan the QR code.



Dispatch Priming

This study used a randomized controlled experiment with a police firearms simulator and 306 active officers to examine how dispatch information affects decisions to use deadly force. The findings reveal that officers rely heavily on dispatched information, leading to increased shooting errors when that information is incorrect. This research highlights the role of cognitive heuristics and human error in police decision-making regarding the use of force. To read more about this study, please scan the QR code.

5

SCENARIOS

Domestic Garage Incident

SCENARIO DESCRIPTION #5

DOMESTIC GARAGE INCIDENT

Officer Pre-Brief - Either Play Pre-Recorded Dispatch or Describe Details of the Scenario

- ◆ Recorded dispatch will play prior to scenario

Observe Performance

- ◆ Evaluator observations
- ◆ Performance documentation

Identify Actions

- ◆ “What happened?”
- ◆ Trainer reinforcement

Identify Strengths

- ◆ “What did you do well?”
- ◆ Trainer reinforcement
- ◆ Correct misconceptions

Areas for Improvement

- ◆ “If you had to do this again, is there anything you would do differently?”
- ◆ Trainer reinforcement
- ◆ Correct misconceptions

Alternate Solutions

- ◆ “What if you...?”
- ◆ Do you have any questions?

SCENARIO DESCRIPTION #5

DOMESTIC GARAGE INCIDENT

Branching Options: Reporting Party Response Loop, Suspect Response Loop, Early Comply, Escalation, Attack. Use of Force Options: Lethal, OC Spray, Taser.

Model Policy: Domestic Violence, Response to Resistance.

Talking Points – Domestic Violence – If not addressed during the feedback model above, address the following issues with each officer.

INSTRUCTOR NOTE: This simulation has numerous branching options to allow the officer to interact with common questions the officer might ask a victim under such circumstances. The most important information is related to safety, establishing probable cause that an offense has occurred, and the location of the suspect. Regarding the location of the suspect. If the officer asks the victim, prompt the response, “I don’t know.” However, later, the instructor can advise the officer that they learned the suspect was in the garage located at the rear of the property. (The next scene will be the officer encountering the suspect inside a garage.” If the officer asks about visible injuries, the instructor should tell the officer that the victim has red marks on her neck and a large knot on the back of her head.

- **Ask the officer what information he/she can recall from the dispatched information.**
 - The call – domestic violence
 - Location – Baldwin Road
 - Caller’s name – Sheryl
 - Boyfriend’s name – Nathaniel
 - Assaulted her
 - The situation is escalating
 - Suffered head injury
 - EMS is on stand-by until you clear the scene
 - No weapons reported
 - Back up en route
- **When you arrived on the scene, what did you see?**
- **Can you remember the questions you asked the victim and her answers? Explain.**
 - Did you ask about the location of the suspect? (Victim should be prompted to respond, “I don’t know”) **NOTE:** If the officer asks, the instructor will inform the officer that the suspect is in the garage located at the rear of the property.
 - Did you ask her name?
 - Did you ask what happened?
 - Did you discover that an alleged offense had occurred?
 - Did you ask or otherwise find out about her injuries? **NOTE:** She will provide the information about the assault in the response loop titled “RP Explains the Incident.”

SCENARIO DESCRIPTION #5

DOMESTIC GARAGE INCIDENT

The instructor will advise that she has red marks around her neck and a large knot on the back of her head.

- **Suspect Encounter (Inside Garage)**
 - Ask the officer to explain what he/she saw and heard when they first encountered the suspect.
 - * Did the officer scan for and/or observe any available weapons, dangerous instruments, etc. (e.g., Samari Sword hanging on the upper shelf on the left side of the garage; other items?)
 - Ask the officer to explain what happened from that point. (open-ended questions)
- **What did you observe about the assailant's demeanor, actions, and behaviors?**
 - Examples of good descriptive language to describe actions.
 - * Pacing and agitated demeanor
 - * Standing with fists clenched
 - * Appearance of being tense, rigid posture
 - * Specific verbal threats
 - * Non-compliance with officer's directions/orders
 - * Clenching their fists or jaw.
 - * Rapid, intense pacing.
 - * Intense, prolonged staring ("thousand-yard stare")
 - * Aggressive posturing such as standing, chest out, taking a "boxer" or "fighter's stance."
 - * Threatening body language like closing the distance on a victim and/or officer.
 - * Vein bulging in the face or neck.
 - * Flushed or red complexion.
 - * Throwing or smashing objects in frustration.
- **What did you hear?**
 - **What did the suspect say?**
 - * Can the officer accurately describe the suspect's tone of voice, demeanor, and behavior(s)?
- **Describe any actions you might have taken.**
 - Actions to take the suspect into custody?
 - Response to resistance?

SCENARIO DESCRIPTION #5

DOMESTIC GARAGE INCIDENT

- **Ask the officer to describe his/her probable cause for arrest.**
- **Arrest?** (Ask the officer what he/she would charge the suspect with)
 - **What charges?**
 - * **Domestic Violence - Assault in the First Degree / KRS 508.010 / Class B Felony**
 - Intentionally
 - Causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument, OR
 - Under circumstances manifesting extreme indifference to the value of human life, he wantonly engages in conduct...
 - Which creates a grave risk of death to another and thereby causes serious physical injury to another person.
 - * **Domestic Violence - Assault in the Second Degree / KRS 508.020 / Class C Felony**
 - Intentionally
 - Causes serious physical injury to another person OR
 - Causes physical injury to another person by means of a deadly weapon or dangerous instrument OR
 - Wantonly causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument.
 - * **Domestic Violence - Assault in the Fourth Degree / KRS 508.030 / Class A Misdemeanor**
 - Intentionally OR Wantonly
 - Causes physical injury to another person OR
 - With recklessness causes physical injury to another person by means of a deadly weapon or dangerous instrument.
 - * **Strangulation in the Second Degree / KRS 508.175 / Class D Felony**
 - A person is guilty of strangulation in the second degree when the person, without consent, wantonly impedes the normal breathing or circulation of the blood of another person by:
 - Applying pressure on the throat or neck of the other person; or
 - Blocking the nose or mouth of the other person.

SCENARIO DESCRIPTION #5

DOMESTIC GARAGE INCIDENT

If any force is used during this scenario:

- **Go over Graham Factors** – Ask each officer the following questions related to the scenario. *Not every factor is relevant to every situation. But officers should be familiar with the Graham factors in every use of force as those factors will be used to assess the reasonableness of their actions by the courts.
 - **Seriousness of the offense?** – Have the officer describe the seriousness of the offense in terms of what violation of law they observed when they decided to use force (make a seizure) of the offender.
 - **Immediacy of the threat** (to the officer or others) This is often the most critical factor in any officer’s response to resistance, especially when using deadly force. Officers tend to parrot legal terms they are taught in the academy as it relates to the use of force such as “imminent” (indicates that a threat or danger is likely to happen very soon, usually within a short period of time) or “exigent” (refers to a situation that demands swift actions due to its urgency or critical (IMMEDIATE) nature). The term “immediacy” more accurately conveys such actions in a way most officers understand.
 - **Actively resisting arrest?**
 - **Attempting to evade by flight?**
- **Other factors** that the court has considered:
 - The number of suspects and officers involved.
 - The size, age, and condition of the officer and suspect.
 - The duration of the action.
 - Whether the force applied resulted in an injury.
 - Previous violent history of the suspect if known to the officer at the time.
 - The use of alcohol or drugs by the suspect.
 - The suspect’s mental or psychiatric history is known to the officer at the time.
 - The presence of innocent bystanders who could be harmed if force is not used.
 - The availability of weapons, such as pepper spray, batons, Tasers, Bolo Wrap, less lethal munitions, etc.

Post Incident Considerations:

- **If Taser was deployed**

After a police officer deploys a Taser, it is crucial to follow specific aftercare protocols to ensure the well-being of both the officer and the individual who was subjected to the Taser discharge.

SCENARIO DESCRIPTION #5

DOMESTIC GARAGE INCIDENT



- **If OC was deployed**

After a police officer deploys Oleoresin Capsicum (OC) spray, specific aftercare protocols must be followed to ensure the well-being of both the officer and the affected individual.

- **Ambulance**

- Under what circumstances would you call an ambulance for evaluation?

- **Reporting**

- Should the supervisor be notified and requested to respond to the scene?

- Would you report this incident?

- Under what specific circumstances should such an intervention need to be reported?

- * Agency policy

- Who would you notify?

- Documentation?

- Use-of-force reporting requirements?

6

SCENARIOS

Restraining Order Traffic Stop

SCENARIO DESCRIPTION #6

RESTRAINING ORDER TRAFFIC STOP

Officer Pre-Brief - Either Play Pre-Recorded Dispatch or Describe Details of the Scenario

- ◆ Recorded dispatch will play prior to scenario

Observe Performance

- ◆ Evaluator observations
- ◆ Performance documentation

Identify Actions

- ◆ “What happened?”
- ◆ Trainer reinforcement

Identify Strengths

- ◆ “What did you do well?”
- ◆ Trainer reinforcement
- ◆ Correct misconceptions

Areas for Improvement

- ◆ “If you had to do this again, is there anything you would do differently?”
- ◆ Trainer reinforcement
- ◆ Correct misconceptions

Alternate Solutions

- ◆ “What if you...?”
- ◆ Do you have any questions?

SCENARIO DESCRIPTION #6

RESTRAINING ORDER TRAFFIC STOP

Branching Options: Suspect Verbal Responses, Comply to Show Hands, Reach for Registration, Escalate to Gun Attack / Use of Force Options: Lethal

Model Policies: Body-worn Video Recordings; Response to Resistance; Stop, Arrest, and Search of Persons.

Talking Points—Restraining Order Traffic Stop—If the following issues were not addressed during the feedback model above, address them with each officer.

Purpose and use of this scenario for training – This scenario should be used to teach officers some of the principles of high-risk vehicle stops. In an encounter such as this, officers should initially utilize high-risk vehicle stop tactics to better assess the suspect’s demeanor and behaviors from a vantage point of cover that has been shown to give officers excellent ballistic protection (“stacking the pillars” which are constructed with super-high-strength steel, and keeping such a position between them and potential assailant) while assessing the compliance and intent of the subject sitting in the vehicle. This gives the officer the gift of time due to cover and distance from which the officer can make better assessments and achieve better outcomes in the event of a sudden ambush.

If utilized properly by the instructor, this scenario will allow officers to communicate effectively and verbally de-escalate (if necessary) to bring this situation to a successful conclusion. Instructors should initially use more aggressive suspect responses to see if officers will escalate or attempt to calm the subject with verbal de-escalation tactics. Instructors are encouraged to manipulate suspect responses based on the officer’s tone and demeanor. If the officer escalates the situation, the instructor can escalate the verbal and behavioral responses all the way to a lethal response (least desirable outcome) to prompt more voluntary compliance (ultimate goal) when officers engage the suspect with a calm, professional, emotionally mature dialogue, instructors have the branching options for compliance and custody (most desirable outcome).

- Do you recall what information the dispatcher gave you?
 - Name of “boyfriend” – Jerry Watts
 - Location: Southside Daycare
 - He is parked in the parking lot of the daycare where she works.
 - Mr. Watts has an active domestic violence restraining order.
 - * No contact or communication
 - * Not to be within 1,000 yards of the petitioner
 - * Not to be in possession of firearms
 - Description – 28 YOA, Hispanic Male, 6’0”, 180lbs.
 - Sitting in the driver’s seat of a late model, white, RAM 2500 pickup truck
 - The vehicle is registered to Watts.
- What did you see when you arrived on the scene?
- What did you observe about the subject when he exited the truck?

SCENARIO DESCRIPTION #6

RESTRAINING ORDER TRAFFIC STOP

- Do you recall if you moved to cover when talking to this subject?
- If the officer pulls a firearm, ask if the officer remembered being able to see the suspect's hands the whole time. NOTE: Muzzle position was a factor in the diminishing officer error in the "Engineering Resilience" study.
- Do you recall if you moved (left, right, back, or cover) when you perceived the subject was reaching for something in the vehicle?
- Did the individual you encountered match the description dispatch gave you?
- What did you observe about the assailant's demeanor, actions, and behaviors?
 - Examples of good descriptive language to describe actions.
 - * Angry, agitated, frustrated tone of voice.
 - * Not responding to verbal directions or commands.
 - * Refusing to answer questions.
 - * Clenching their fists or jaw.
 - * Violent gestures, like pounding on surfaces.
 - * Rapid, intense pacing.
 - * Intense, prolonged staring ("thousand-yard stare").
 - * Aggressive posturing such as standing, chest out, taking a "boxer" or "fighter's stance."
 - * Threatening body language like closing the distance on a victim and/or officer.
 - * Veins bulging in the face or neck.
 - * Flushed or red complexion.
 - * Throwing or smashing objects in frustration.

If force was used:

- **Go over Graham Factors** – Ask each officer the following questions related to the scenario. Not every factor is relevant to every situation. But officers should be familiar with the Graham factors in every use of force as those factors will be used to assess the reasonableness of their actions by the courts.
 - **Seriousness of the offense** – Have the officer describe the seriousness of the offense in terms of what violation of law they observed when they decided to use force (make a seizure) of the offender. **NOTE: In this instance, was there an offense committed?**
 - Immediacy of the threat (to the officer or others) This is often the most critical factor in any officer's response to resistance, especially when using deadly force. Officers

RESTRAINING ORDER TRAFFIC STOP

tend to parrot legal terms they are taught in the academy as it relates to the use of force such as “imminent” (indicates that a threat or danger is likely to happen very soon, usually within a short period of time) or “exigent” (refers to a situation that demands swift actions due to its urgency or critical (IMMEDIATE) nature). The term “immediacy” more accurately conveys such actions in a way most officers understand.

- **Actively resisting arrest?**
- **Attempting to evade by flight?**
- **Other factors that the court has considered:**
 - The number of suspects and officers involved.
 - The size, age, and condition of the officer and suspect.
 - The duration of the action.
 - Whether the force applied resulted in an injury.
 - Previous violent history of the suspect if known to the officer at the time.
 - The use of alcohol or drugs by the suspect.
 - The suspect’s mental or psychiatric history is known to the officer at the time.
 - The presence of innocent bystanders who could be harmed if force is not used.
 - The availability of weapons, such as pepper spray, batons, Tasers, Bolo Wrap, less lethal munitions, etc.

Post Incident Considerations.

- **If Taser was deployed**

After a police officer deploys a Taser, it is crucial to follow specific aftercare protocols to ensure the well-being of both the officer and the individual who was subjected to the Taser discharge.

- **If OC was deployed**

After a police officer deploys Oleoresin Capsicum (OC) spray, specific aftercare protocols must be followed to ensure the well-being of both the officer and the affected individual.

- **Ambulance**

- Under what circumstances would you call an ambulance for evaluation?

- **Reporting**

- Should the supervisor be notified and requested to respond to the scene?

SCENARIO DESCRIPTION #6

RESTRAINING ORDER TRAFFIC STOP

- Would you report this incident?
- Under what specific circumstances should such an intervention need to be reported?
 - * Agency policy
 - Who would you notify?
 - Documentation?
 - Use-of-force reporting requirements?

7

SCENARIOS

Suicidal Veteran in Park

SCENARIO DESCRIPTION #7

SUICIDAL VETERAN IN PARK

Officer Pre-Brief - Either Play Pre-Recorded Dispatch or Describe Details of the Scenario

- ◆ Recorded dispatch will play prior to scenario

Observe Performance

- ◆ Evaluator observations
- ◆ Performance documentation

Identify Actions

- ◆ “What happened?”
- ◆ Trainer reinforcement

Identify Strengths

- ◆ “What did you do well?”
- ◆ Trainer reinforcement
- ◆ Correct misconceptions

Areas for Improvement

- ◆ “If you had to do this again, is there anything you would do differently?”
- ◆ Trainer reinforcement
- ◆ Correct misconceptions

Alternate Solutions

- ◆ “What if you...?”
- ◆ Do you have any questions?

SCENARIO DESCRIPTION #7

SUICIDAL VETERAN IN PARK



Branching Options: Verbal Responses, Escalation, Comply, Suicide. Use-of-Force Options: Taser, Lethal

Model Policies: Body-worn Video Recordings, Response to Resistance, Dealing with Diminished Capacity.

Talking Points—Suicidal Veteran in Park—If the following issues were not addressed during the feedback model above, address them with each officer.

- Do you recall what information the dispatcher gave you?
 - Location - City parks playground area
 - Subject description - Middle-aged, white male, wearing glasses, possible military attire
 - Subject reported to be holding a handgun
 - Sitting at a picnic table
 - No one else around
 - Subject appears to be suicidal
- What did you see when you arrived at the scene?
- What did you observe about the subject sitting on the picnic table?
- Do you recall if you moved to cover when talking to this subject?
- If the officer pulls a firearm, ask if the officer remembered being able to see the suspect's hands the whole time. NOTE: Muzzle position was a factor in the diminishing officer error in the engineering resilience study.
- Do you recall if you moved (left, right, back, or cover) when you perceived the subject armed with a handgun?
- Did the individual you encountered match the description dispatch gave you?
- What did you observe about the assailant's demeanor, actions, and behaviors?
 - Examples of good descriptive language to describe actions.
 - * Head down, low tone of voice.
 - * Not responding to verbal directions or commands.
 - * Refusing to answer questions.
 - * Slumped over posture
 - * Sad facial expressions

SCENARIO DESCRIPTION #7

SUICIDAL VETERAN IN PARK

Other tactical considerations and talking points for officers responding to a suicidal subject with a handgun in a situation such as this.

- **Did the Officer Maintain Distance Use Cover?** Ask the officer to explain the importance of maintaining distance and cover in such situations. Some responses should be as follows:
 - Gives the officer the gift of time for better decision-making and critical thinking.
 - Significantly increases the officer's survivability if the subject suddenly ambushes the officer.
 - Builds resilience (flexibility) into the officer's decision-making abilities.
- **Did the officer contact dispatch before arrival or (from cover) and request backup to assist with containment?** If the officer failed to consider this. Ask the officer to describe why setting up a perimeter is important. Some responses should be as follows:
 - Setting up a perimeter to contain the subject in one area. An armed suicidal subject must not be allowed to roam anywhere he/she pleases in such a diminished capacity with a firearm.
 - Ensure other individuals in the area are moved to safety and prevent additional people from entering the scene to control the situation and prevent escalation.
- **Did the officer (from a position of cover) attempt to make verbal contact with the subject?** If the officer fails to communicate verbally with this subject, ask the officer to describe why establishing communication is important. Some responses should be as follows:
 - Communication is a key and critical component of such encounters if there is any hope of successfully de-escalating such a situation.
 - Verbal engagement in a calm, empathetic tone of voice and demeanor is critical for building rapport with the subject.
 - Officers should avoid aggressive or confrontational language and focus on de-escalation.
- **Did the officer contact dispatch to obtain resources for this situation?** If the officer fails to consider this, ask the officer if he/she can describe any potential resources that may assist in successfully resolving such a situation. Some responses should be as follows:
 - Crisis Intervention Team (CIT) officers or mental health professionals to help defuse the situation. If available, a negotiator may be beneficial in these circumstances.
 - Less-lethal options – One other officer with a Taser or other less-lethal weapon may allow for the successful resolution of a situation such as this.

SCENARIO DESCRIPTION #7

SUICIDAL VETERAN IN PARK

Other talking points for officers responding to suicidal subjects

- **Avoid Overwhelming the Subject:** Discuss the importance of limiting the number of officers visible to the subject. *Too many officers or tactical displays can heighten anxiety and escalate the situation.*
- **Time is on Your Side:** Remind officers that there is often no rush in these situations. The more time officers take to communicate, the more likely a peaceful resolution can be achieved. Time can work in favor of de-escalation.
- **Subject's State of Mind:** Acknowledge that the subject may be experiencing extreme emotional distress. Officers should be patient and understanding and avoid making any sudden movements or demands that could be misinterpreted as a threat.
- **Safety of All Parties:** Reiterate the need to prioritize everyone's safety. Officers should ensure their actions do not increase the threat to themselves, bystanders, or the subject. They should remain vigilant to the subject's behavior and any sudden changes that indicate a shift toward aggression.
- **Debrief and Mental Health Support:** After the situation, stress the importance of a thorough debrief. Officers involved should have the opportunity to discuss the incident and be offered mental health support if needed, as these situations can be emotionally taxing.
- **Policy Adherence:** Remind officers of the importance of adhering to departmental policies on suicidal subjects. This ensures that actions taken align with best practices and limits liability for both the officer and the department.
- **Express Empathy:** Emphasize the importance of conveying empathy. Let the subject know that they are not alone, and that help is available. Simple statements like "I want to help you" can significantly affect the outcome.

If force was used during this scenario:

- **Go over Graham Factors** – Ask each officer the following questions related to the scenario. Not every factor is relevant to every situation. Officers should be familiar with the Graham factors in every use of force as those factors will be used to assess the reasonableness of their actions by the courts.
 - **Seriousness of the offense** – Have the officer describe the seriousness of the offense in terms of what violation of law they observed when they decided to use force (make a seizure) of the offender. **NOTE: In this instance, was there an offense committed?**
 - **Immediacy of the threat** (to the officer or others) This is often the most critical factor in any officer's response to resistance, especially when using deadly force. Officers tend to parrot legal terms they are taught in the academy as it relates to the use of force such as "imminent" (indicates that a threat or danger is likely to happen very soon, usually within a short period of time) or "exigent" (refers to a situation that demands swift actions due to its urgency or critical (IMMEDIATE) nature). The term "immediacy" more accurately conveys such actions in a way most officers

SCENARIO DESCRIPTION #7

SUICIDAL VETERAN IN PARK

understand.

- Actively resisting arrest?
- Attempting to evade by flight?
- **Other factors that the court has considered:**
 - The number of suspects and officers involved.
 - The size, age, and condition of the officer and suspect.
 - The duration of the action.
 - Whether the force applied resulted in an injury.
 - Previous violent history of the suspect if known to the officer at the time.
 - The use of alcohol or drugs by the suspect.
 - The suspect's mental or psychiatric history is known to the officer at the time.
 - The presence of innocent bystanders who could be harmed if force is not used.
 - The availability of weapons, such as pepper spray, batons, Tasers, Bolo Wrap, less lethal munitions, etc.

Post Incident Considerations

- If Taser was deployed
 - After a police officer deploys a Taser, it is crucial to follow specific aftercare protocols to ensure the well-being of both the officer and the individual who was subjected to the Taser discharge.
- If OC was deployed
 - After a police officer deploys Oleoresin Capsicum (OC) spray, specific aftercare protocols must be followed to ensure the well-being of both the officer and the affected individual.
- Ambulance
 - Under what circumstances would you call an ambulance for evaluation?
- Reporting
 - Should the supervisor be notified and requested to respond to the scene?
 - Would you report this incident?
 - Under what specific circumstances should such an intervention need to be reported?
 - * Agency policy

SCENARIO DESCRIPTION #7

SUICIDAL VETERAN IN PARK

- Who would you notify?
- Documentation?
- Use-of-force reporting requirements?

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Legal & Corresponding Model Policies



KENTUCKY STATUTE

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 in making an arrest, and he:
 - (a) Believes that such force is necessary to effect 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 police officer;
 - (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.

Effective: Jan. 1, 1975

History: Created 1974 Ky. Acts ch. 406, sec. 34, effective January

TENNESSEE V. GARNER, 471 U.S. 1 (1985)

In 1985, the U.S. Supreme Court limited use of deadly force to seize a person in *Tennessee v. Garner*. In 1974, a Memphis officer shot and killed a person he believed was 17 or 18 years old and unarmed as he fled the site of a nighttime (felony) burglary. The person ran from the back of the house and continued running after the officer shouted, “Police, halt.” As the suspected burglar (Garner) began to climb over the fence, the officer shot him because he would have escaped otherwise. Garner was hit in the back of the head and died shortly thereafter.¹⁵ The officer was acting under authority of Tennessee statutory law and department policy, which allowed the use of “all necessary means” (including deadly force) to prevent escape.

The responding officers, including the officer who shot Garner, were not charged or disciplined by reason of the incident. Garner’s father sought damages in federal court by suing the Memphis Police Department and those involved under 42 U.S.C. §1983, alleging that the shooting violated the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments of the U.S. Constitution. On appeal, the Court of Appeals for the Sixth Circuit affirmed the trial court, noting with regard to the shooting officer that he acted in good faith and was entitled to qualified immunity.

The matter was appealed to the U.S. Supreme Court, which ruled that deadly force may be used to seize a person only if an officer has probable cause to believe the suspect poses a threat of serious bodily harm to the officer or others. The court held that:

Whenever an officer restrains the freedom of a person to walk away, he or she has seized the person, and there can be no question that the use of deadly force is a seizure of a person subject to the reasonableness requirement of the Fourth Amendment.

To determine the constitutionality of a seizure, the court must balance the nature and quality of the intrusion on the individual’s Fourth Amendment interests against the importance of the governmental interests alleged to justify the intrusion.

Notwithstanding probable cause to seize a suspect, an officer may not always do so by killing the suspect. The intrusiveness of a seizure by means of deadly force is unmatched. It impacts the suspect’s interest in his own life. It frustrates society’s interest in obtaining a judicial determination of guilt and punishment. The court indicated that it was not convinced “that the use of deadly force is a sufficiently productive means of accomplishing” society’s goals “to justify the killing of nonviolent suspects.”

The use of deadly force to prevent the escape of all felony suspects is unreasonable. “When a suspect poses no immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend him or her does not justify the use of deadly force to do so A police officer may not seize an unarmed, non-dangerous suspect by shooting him dead.”

“Where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he or she has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.”

TENNESSEE V. GARNER, **471 U.S. 1 (1985)**



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The court indicated that the Memphis officer could not reasonably have believed that Garner— young, slight, and unarmed—posed any threat. The sole articulated justification was simply to prevent Garner’s escape. The court remanded to determine whether the Memphis Police Department and the City of Memphis would be held liable for damages. It also indicated that the Tennessee statute was invalid insofar as it purported to give police authority to act as the Memphis officer did but would be valid if applied within the guidelines the court had articulated.

GRAHAM V. CONNOR, 490 U.S. 386 (1989)

In 1989, the U.S. Supreme Court established considerations to be taken into account in determining whether an officer's use of force was constitutionally appropriate (i.e., was "reasonable use of force"). The case was *Graham v. Connor*, and any law enforcement officer investigating lawfulness of the use of force by another law enforcement officer must understand the standards articulated by the Supreme Court.

Briefly, the facts in *Graham* were that Mr. Graham was a diabetic and felt the onset of an insulin reaction. He had a friend drive him to a convenience store. He "hastily" ran into the store to get some orange juice but found the line to be too long. He then "hastily" ran back to his friend's car and they drove off. These actions at the store were seen by Officer Connor. Believing the actions might indicate a robbery, Connor conducted a stop of the friend's vehicle. Connor was not convinced by the friend's explanation of Graham's condition. He made them wait while another officer went to the store to see if anything was amiss. While waiting, Graham exited the car and ran around it a couple of times, then sat on the curb and passed out. Backup officers arrived.

They cuffed Graham and shoved his face to the car hood before throwing him "headfirst" into the backseat of a patrol car. A friend brought Graham some orange juice, but the officers, who did not believe he was having an insulin reaction, refused to let him drink it. Finally, the officer who went to the store reported nothing was amiss. The officers drove Graham home, where he was released.

Graham sued the officers under 42 U.S.C. §1983, alleging they had used excessive force in making the investigatory stop (the seizure of his person), in violation of the "rights secured to him under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. §1983."²⁵ But the U.S. Fourth Circuit dismissed the case, applying the standard in law at the time, stating that there was no proof the officers acted maliciously or sadistically. The U.S. Supreme Court reviewed the case and reversed the Fourth Circuit, with orders to evaluate whether the officers' actions were objectively reasonable under the Fourth Amendment. In its opinion, the Supreme Court articulated important factors to take under consideration when evaluating an officer's use of force to effect a seizure of a person.

The court indicated that claims of excessive force in the course of an arrest, an investigatory stop, or other seizure of a person are governed by the Fourth Amendment standard of objective reasonableness. Reasonableness is judged from the perspective of a reasonable officer on the scene with allowances for the need for split-second decisions and without regard to the officer's underlying intent or motivation. An officer's right to arrest or stop carries with it the right to use reasonable physical coercion.

The opinion identified three major elements important in applying the objective reasonableness test:

1. The severity of the crime at issue
2. Whether the suspect poses an immediate threat to the safety of the officers or others
3. Whether he or she is actively resisting arrest or attempting to evade arrest by flight

These three "Graham factors" guide the court in determining whether the "totality of the circumstances" justifies a particular use of force applied in a particular situation. This "objectively reasonable" test makes an officer's actual intent when using force irrelevant in determining whether the force was excessive. An objectively reasonable use of force will not become a Fourth Amendment violation because the officer acted maliciously or sadistically. Nor will an officer's good intentions make an objectively unreasonable use of force constitutional.

GRAHAM V. CONNOR, 490 U.S. 386 (1989)



In *Graham*, Chief Justice William Rehnquist wrote:

The test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application 27. . . 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 . . . The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.

While there may be more than one way to resolve an encounter that is “tense, uncertain, and rapidly evolving,” and while one option may be better than another, the *Graham* test does not demand that only one option be found objectively reasonable. There may be a range of alternatives that would have been reasonable. If an officer uses force that is objectively unreasonable, the use of force is unlawful.

The *Graham* analysis may require a review of factors such as whether the officer was armed, any physical size differences between the officer and the other person, and (when deadly force was used) whether options short of deadly force could have been reasonably considered. The underlying question to be resolved is whether a reasonable officer, faced with the exact same situation, having the same training and physical build, conditioning, etc., would reasonably have made the decision to use the force in the same way the subject officer used it.

This is why, for example, an officer’s decision to shoot a person who appeared to be aiming a gun at the officer in a dimly lit alley can be found to be a reasonable use of deadly force even when it turns out that the person was pointing a cell phone at the officer and not a gun. If a reasonable officer faced with the same situation would have made the same conclusion that the person was threatening the officer with a gun, the use of deadly force may be deemed reasonable, not excessive. On the other hand, if a reasonable officer would not have used deadly force, the officer’s conduct would violate the Fourth Amendment.

Evaluating an officer’s decision-making process at the time he or she used force means that the officer’s assessment of the situation and the person against whom force was used is very important. The officer’s post-event report should provide a narrative of what occurred and include all relevant facts and circumstances. Follow-up questioning of the involved officer may be necessary to fill in any gaps.

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Policy # Active Shooter	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third-party civil claims against employees. A violation of this policy, if proven, can only be for the basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline. (This model policy was adopted using the IACP model policy)</i>	
Applicable State Statutes:	
Date Implemented: 12/18/2019	Review Date: Nov. 15, 2022

I. PURPOSE

The purpose of this policy is to provide protocols for assessing the threat and immediately responding during active shooter situations to limit serious injury or loss of life. While the term “active shooter” is used throughout, this policy applies to all situations where an active assailant poses an ongoing deadly threat, including, but not limited to, those from firearms, vehicles, explosives, and knives.

II. POLICY

It is the policy of this agency in active shooter situations where ongoing deadly force is reasonably likely to be employed by a suspect - and delay in taking law enforcement action could result in injury or death - that immediate action by officers at the scene is necessary when such actions are deemed reasonable to prevent further injuries or loss of life.

III. DEFINITIONS

Active Shooting: An incident in which one or more armed persons have used, or are reasonably likely to use, deadly force in an ongoing manner, and where persons have been injured, killed, or are under imminent **threat of death or serious physical injury.**

Casualty Collection Point (CCP): A forward location where victims can be assembled for movement from areas of risk. Based upon incident dynamics, such as the number and location of victims, multiple CCPs may be required.

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Cold Zone: A geographic area where first responders can operate with minimal threat to personal safety or health.

Contact Officer or Team: The first officer(s) at the scene of an active shooting tasked with locating the suspect(s) and stopping the threat.

Hot Zone: A geographic area consisting of the immediate incident location with a direct and immediate threat to personal safety or health. All violent incidents are considered hot until law enforcement determines otherwise. Only law enforcement should operate in the hot zone.

Immediate Action: Rapid response by one or more officers to an active shooting based on a reasonable belief that failure to swiftly seek out and address the threat would result in death or serious injury.

Incident Commander (IC): The individual responsible for all incident activities, including the development of strategies and tactics, and the ordering and release of resources. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all operations at the incident site. Responsibilities of the IC can be assumed by the officer handling the original call to the chief executive of the agency and any additional qualified officers, depending on the size, scope, and complexity of the incident or event.

Inner Perimeter: An area established to keep the threat contained to a specified location.

Outer Perimeter: An area established to keep the inner perimeter secured and to prevent outside elements from entering the incident.

Rescue Task Force (RTF): A team consisting of fire/emergency medical services (EMS) personnel, paired with law enforcement officers. Fire/EMS personnel are tasked with initial treatment and triage of victims in the warm zone. Law enforcement officers are assigned as the protection for this team and should not separate from the fire/EMS personnel.

Staging Area: An area or location near the incident where outside resources respond and are quickly inventoried for utilization and assignment at the incident. There may be more than one staging area per incident.

Unified Command (UC): An incident command system used when there is more than one agency with incident jurisdiction, or when incidents cross political jurisdictions. Agencies work together through designated members of the UC, often the senior person(s) from agencies and/or disciplines participating in the UC, to establish a common set of objectives and strategies. The IC responsibility is shared within the UC, with the function most important at the time taking the lead role. The lead responsibility may shift as the incident progresses.

Warm Zone: An area where law enforcement has either cleared or isolated the threat to a level of minimal or mitigated risk; can be considered clear, but not secure.

IV. PROCEDURES

A. Situational Assessment

1. Based on available information, dispatched responders or officers already at the incident scene may verify that an active shooter situation exists through information provided by communications personnel; from persons

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confined within or exiting the target location; from witnesses; by reports of or sounds of gunfire; or through related means.

2. When available and as time permits, witnesses or others should be asked about the location and number of suspects, the suspects' weapons, persons injured, the number and location of persons in possible jeopardy, and the use or location of improvised explosive devices (IEDs).
 3. Upon completion of the initial assessment, the first arriving officer(s) shall
 - a. Advise communications and request resources as deemed necessary, and
 - b. Determine whether to take immediate action alone or with another officer or wait until additional resources are available.
- B. Individual Officer Intervention**
1. In some instances, an individual officer may be present within or near the active shooting location, such as a mall or school. Whether on or off duty, in uniform or civilian clothes, he or she may determine that immediate action is necessary and reasonable to stop the threat. That decision may take into consideration the officer's capability to effectively intervene based on their training or experience.
 2. As soon as practical, officer(s) shall notify communications that an active shooter situation exists. The officer(s) should provide the following information and updates as available:
 - a. The identity, location, manner of dress, and proposed actions of the officer(s) at the scene;
 - b. Information about the suspect including a physical description, weapons, equipment such as body armor, and current location and actions; and
 - c. Available information on persons injured or under threat, their locations, emergency resources required, and recommended points of entry.
 3. When displaying firearms while in plain clothes, officers shall verbally identify themselves as law enforcement officers and conspicuously display their badges and/or other law enforcement identification to alert security personnel, arriving officers, or civilians who may be armed.
- C. Contact Officer or Team Response**
1. The mission of the contact officer or team is to locate and stop the threat. Even if the threat seemingly has been terminated, contact officers or teams are required to render the location safe, assist in screening and the orderly evacuation of persons to a designated area, and locate any other persons still in hiding.
 2. Normally, only one contact officer or team shall be deployed at any given time. Additional officers or teams may be deployed at the direction of the IC to provide tactical advantage. The IC shall ensure that each team is aware of the other officers' or teams' locations and actions.
 3. The contact officer or team shall be provided a clear communications channel to supply the following types of information:
 - a. The officer or team's progress and location.

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- b. The location and number of victims and their medical needs.
 - c. The estimated number of suspects involved.
 - d. The suspect's description and weapons, if known.
 - e. The location of any booby traps or explosives. If discovered, the contact officer or team leader shall determine whether to post an officer near it, report it, or mark it for later removal.
 4. The contact officer or team shall locate the suspect(s) in the most expeditious manner possible to stop the threat. In doing so, officers should not stop to render aid or assistance to victims, but may, where reasonably possible, inform them that RTFs are forthcoming and direct them to a safe point of egress or hiding if they are ambulatory and it is deemed safe for them to do so.
 5. The contact officer or team should not attempt to conduct a thorough clearing of the location, but should follow sounds, such as gunfire, yelling, and screaming; observations of victims and bystanders; and related information to help locate the suspect(s) as soon as possible.
 6. Once the location of the suspect(s) is known and any immediate threat is eliminated, the contact officer or team should proceed to clear all portions of the location in case more suspects are in hiding. If victims are encountered who require immediate trauma care, the contact officer or team shall provide care prior to continuing to clear the location. Arriving tactical or other officers should be called upon to help clear the location of potential suspects, locate and evacuate persons in hiding, and render safe any dangerous munitions or armament.
 7. The contact officer or team shall switch its focus to providing trauma care as necessary when the primary mission is completed.
- D. Rescue Task Force (RTFs)
1. Once the contact officer or team is deployed and as officers and resources arrive at the incident scene, the IC should ensure that RTFs are formed to provide trauma care and help evacuate victims.
 2. RTFs shall be organized under a team leader, deploy in tactical formations consistent with agency training, and be prepared to respond to hostile action as rapidly changing circumstances may place them in contact with suspects. In such instances, the RTF shall be prepared and equipped to serve as the contact team.
 3. RTFs shall be deployed only after the contact officer or team has made entry, provided a status report, notified the command post of the location of victims, established warm zones, and determined that rescue efforts may begin.
 4. Wounded and injured persons shall be quickly searched, if reasonable, for weapons, quickly treated for obvious life-threatening injuries, and removed to the designated CCPs with cover and movement of such persons provided by RTF members. If emergency medical personnel are not yet in place, basic trauma care shall be the responsibility of RTF members until they are relieved by medical personnel.

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5. Rescue and recovery operations shall continue until the IC has declared the scene clear and safe.
- E. Unified Command
1. Unified incident command shall be established as soon as possible.
 2. The IC shall ensure that the following actions are accomplished:
 - a. Organize and establish unified interagency communication.
 - b. Establish an inner perimeter to control access to and egress from the area of risk.
 - c. Establish an outer perimeter.
 - d. Establish staging areas in the cold zone for the following purposes and notify communications of their locations:
 - (1) For responding officers and other emergency personnel (An officer should be assigned to this staging area to brief arriving personnel, maintain communication with the contact officer or team, and assign duties as directed by the IC.);
 - (2) For treatment of the injured and evacuation by EMS or medevac (CCP);
 - (3) Where individuals without injuries should be directed for identification and debriefing (evacuation area);
 - (4) To accommodate arriving family members of persons at the incident scene (notification center); and
 - (5) For the media. (This area should be staffed with appropriate personnel, such as public information officers.)
 - e. Ensure that officers assigned to the notification center maintain custody and control of all persons and document their identities until they can be reunited with family or others. Victims and witnesses suffering from emotional and/or physical trauma or shock should be kept under the observation of medical personnel until they may be safely transported to a hospital or home in the care of family or friends.
 - f. Request mutual aid if necessary.
 - g. Establish traffic control and management for the ingress and egress of public safety vehicles. Special consideration should be given to maintain open routes for rapid transport of the injured.
 - h. Contact appropriate aviation resources to control air space for possible medical evacuation resources and to establish restricted air space for law enforcement use only.
 - i. Request emergency medical assistance.
 - j. Initiate intelligence gathering on possible suspects.
 - k. Summon chaplains and peer support officers to provide information to relatives of victims.
 - l. Coordinate with owners or officials of the target location for floor plans, site layout, and a roster, including emergency contact information as available for employees, students, residents, visitors, or others believed to be on-site.
 - m. Assign a recorder to document actions at the command post.

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3. When available on the scene, a tactical team may be assigned as appropriate to:
 - a. Contain the location;
 - b. Assist RTFs;
 - c. Help locate the suspect(s) or relieve the contact officer or team;
 - d. Help locate and safeguard explosives pending removal; and
 - e. Provide special weapons and equipment as needed.
 4. Additional officers shall be deployed to control access to the location and monitor the perimeter.
- F. Community Notification
- The PIO or other designated individual(s) shall be responsible for ensuring appropriate information is distributed in a timely manner to the community. This may include:
1. Shelter-in-place warnings for nearby locations during active shooter situations;
 2. Alerts to avoid the area due to heavy law enforcement activity and potential road closures; and
 3. Specific directions for individuals who elect to visit the scene.
- G. Debriefing
- As soon as reasonably possible after the incident, the agency shall conduct a debriefing of essential personnel involved in the incident. The debriefing shall identify areas of potential improvement and determine whether changes in operational protocols, policy, or training may be warranted.
- H. Training
- This agency shall provide active shooter training to all sworn and civilian personnel, including simulation exercises conducted in schools and other facilities and partnering first response agencies, where appropriate.

BODY-WORN VIDEO RECORDING



Policy # Body-Worn Video Recording (BWV)	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third-party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Kentucky Statutes: KRS Chapter 600-645	
KACP Standard:	
CALEA Standard:	
Date Implemented: Updated June 6, 2019	Review Date: Oct. 12, 2022

Purpose: The purpose of this policy is to direct officers and supervisors in the proper use and maintenance of **body-worn video recorders (BWV)** as well as directing how video will be utilized as a quality control mechanism and evidence.

- I. **Policy:** The policy of this department/office is to provide officers with body-worn video recording devices in an effort to collect evidence to be used in the prosecution of those who violate the law, for officer evaluation and training, and to provide accurate documentation of law enforcement and citizen interaction. The use of a BWV system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Officers assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein to maximize the effectiveness and utility of the BWV and the integrity of evidence and related video documentation.

- II. **Procedure:** It is the intent of this policy that all officers who will be using BWV equipment shall be trained on how the BWV shall be tested, maintained, used, and how the recorded events will be properly documented and maintained as evidence in future judicial proceedings.
 - A. It shall be the responsibility of each individual officer to test the BWV equipment at the beginning of each tour of duty. Officers equipped with the BWV will ensure that the batteries are charged prior to the beginning of their shift or special event. If the equipment is found to be functioning improperly, the officer shall report the problem immediately to their immediate supervisor so the information can be documented and arrangements made for repair.

- III. Uniformed officers assigned body-worn video cameras will wear them at all times while on duty in any type of uniform. BWV will be worn according to the manufacturer's specifications and/or recommendations. Officers will make every reasonable effort to ensure that the BWV recording equipment is capturing events by positioning and adjusting the BWV to record the event. Officers are authorized to utilize body-worn video recorders during law enforcement events when the officer is a party to the conversation.

A. Officers should activate body cameras when receiving a call for service and prior to arrival at the scene of a self-initiated response: (example) backing up another officer. It is the policy of this agency to record with audio and video the following incidents:

1. All calls for service in which citizen contact is made
2. All traffic stops
3. All citizen transports (excluding ride-alongs)
4. All investigatory stops
5. All foot pursuits

Examples of these incidents include, but are not limited to:

1. Arrest of any person
2. Searches of any kind
3. Seizure of any evidence
4. Request for consent to search
5. Miranda warnings and response from in custody suspects
6. Statements made by citizens and suspects
7. K-9 searches of vehicles
8. Issuances of written violations
9. Arriving at law enforcement events and/or citizen contacts initiated by other officers
10. Other incidents the officer reasonably believes should be recorded for law enforcement purposes

- B.** The recording shall continue until the law enforcement event or citizen contact is completed and the citizen involved departs, or until the officer who is recording the event through a BWV discontinues participation in the law enforcement event or citizen contact by leaving the scene. In the event an officer deems it necessary to stop recording, he or she will make a verbal statement of their intent to stop the recording and the reason.
- C.** When a BWV recording is being entered into the property and evidence storage and management area of the agency it should be done according to existing agency policy governing the retention of evidence.
- D.** If an officer assigned BWV equipment participates in a law enforcement event or citizen contact and becomes aware that the event was not recorded using the BWV equipment, the officer shall notify their supervisor that the stop was not recorded and should notify

them of the reasons. The notification to the supervisor shall be in writing and shall be forwarded through the chain of command.

IV. Issues Related to Privacy:

- A.** The BWV should not be activated when the officer is on break or otherwise engaged in personal activities or when the officer is in a location where there is a reasonable expectation of privacy, such as a restroom or locker room.
- B.** For safety and confidentiality reasons, encounters with undercover officers or confidential informants should not be recorded.
- C.** Undercover contacts or plainclothes contacts are exempt from this policy where utilizing a camera may create a dangerous situation or otherwise diminish the investigative success of the operation.
- D.** BWV activation is limited to situations involving official police activities authorized by law or court order, including consensual citizen encounters and investigation of law violations.
- E.** The intentional activation of BWVs during personal conversations between officers and between officers and supervisors involving counseling, guidance sessions, or personnel evaluations is prohibited by this policy unless all parties present agree to be recorded.

V. Supervisory Responsibility - Tapes or other storage media

- A.** The original digital files from body-worn video recorders will be downloaded and stored in a designated storage location to prevent destruction. Officers will make every reasonable attempt to download video and audio files before the end of each shift.
- B.** Non-evidentiary video and audio recordings will be maintained on the designated storage location according to KRS and/or the applicable records retention schedule after their creation.
- C.** This media will be subject to the same restrictions and chain of evidence safeguards as detailed in the agency evidence control procedures.
- D.** Media will be released to another criminal justice agency for trial or other reasons by having a duplicate copy made. All recording media, recorded images, and audio recordings are the property of this agency. Dissemination outside the agency, other than for court proceedings, is strictly prohibited without specific authorization of the agency head or designee.
- E.** To prevent damage to or alteration of the original recorded media, it shall not be copied, viewed, or otherwise inserted into any device not approved by the office BWV technician or forensic media staff.
- F.** Unauthorized and/or malicious destruction, editing, or deletion of video and audio files is prohibited.
- G.** All digital video and audio files are subject to open records request as allowed by Kentucky law. Recordings that are the subject of a denied open records request must

be maintained until the dispute between the agency and the person or entity requesting the recordings is resolved.

- H. Digital media from the BWV shall be stored on a secured server with access limited to supervisory personnel designated by the chief/sheriff.
- I. At least once every 60-day period, supervisors should review a taped event of each officer. The supervisor will document this review under the officer's name.
- J. Supervisors should use these reviews as a quality control measure. Following such a review, the supervisor will hold a meeting with the officer and provide the officer with either positive reinforcement or constructive criticism with respect to the activity reviewed. Constructive criticism may relate to officer safety issues, demeanor, policy issues, or legal issues related to the stop, as well as any other supervisory observation relative to performance.
- K. In cases of infractions the agency head or his/her designee shall determine proper disciplinary or corrective action.

VI. Use of BWV Recordings as Evidence in Criminal/Motor Vehicle Prosecutions

- A. When an officer makes a recording of any action covered by this policy and a citation is issued or an arrest is made, the officer shall note on the uniform citation that a video has been made.
- B. Where there is any indication that the BWV may contain "*Brady*" material, that recording must be saved and turned over to the prosecutor assigned to the case in accordance with the "Duty to Disclose" policy of this department.
- C. Civilians shall not be allowed to review recordings except as: approved by the sheriff/chief of police or their designee; through the process of evidentiary discovery; and/or by proper public records request.

VII. Special Considerations

A. School Resource Officers/Recording in Schools and/or Educational Facilities:

1. Video/audio captured by an SRO implicates a number of privacy issues related to juveniles.
2. An SRO shall not release any audio/video recordings to school personnel.
3. All requests for audio/video recordings captured by an SRO will be submitted to the custodian of records.
4. The custodian of records will not release without a proper review by legal authority. (KRS Chapter 600-645)

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DEALING WITH PERSONS OF DIMINISHED CAPACITY



Policy #	Related Policies:
Dealing with Persons of Diminished Capacity	
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third-party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable State Statutes: K.R.S. 202A.026-181; K.R.S. 202B.010-050; K.R.S. 210.270; K.R.S. 645.020-040; K.R.S. 503.050-100, KRS 202A.041	
KACP Accreditation Standard: 30.8	
Date Implemented:	Revision Date: June 12, 2024

- I. **Purpose:** To provide field officers with the essential tactical and processing skills necessary to effectively deal with persons of diminished capacities and to provide the required professional assistance these persons need to protect the community, to safeguard the officers involved in the encounter, and to enhance the agency's risk management.
- II. **Policy:** Every community can expect its law enforcement officers to encounter persons of diminished capacities. This group of special needs persons presents field officers with different and often complex issues. These types of persons, whether from intoxication, suicidal potentials, medical complications, or mental illness, present field officers with a wide range of behaviors usually different than those exhibited by other members of the community or **persons involved in criminal activities**. Persons of diminished capacities may display conduct that is bizarre, irrational, unpredictable, and threatening. They may not receive or comprehend commands or other forms of communication in the manner the officer would expect. They often do not respond to authoritative persons or the display of force. It is the primary task of the field officers confronting these special needs persons to resolve the encounter in the safest manner. It is the task of the officer to bring these types of persons to professional resources when necessary. It is not the mission of the field officer to diagnose the root cause of the person's behavior. Every officer can expect to encounter these types of special needs persons while performing their official duties. Officers are expected to control the incident. Proper tactical and intervention techniques can assist in resolving the immediate field implications of the encounter and hasten the intervention by professional resource persons.

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DEALING WITH PERSONS OF DIMINISHED CAPACITY



III. Definitions:

- A. Persons of diminished capacity: This refers to a segment of the community officers will be expected to encounter. It encompasses all persons encountered in the field who exhibit unusual behaviors commonly referred to as irrational, bizarre, unpredictable, or weird. These outward observable symptoms could be the result of intoxication, drug use, suicidal indications, mental illness or medical complications, intellectually and developmentally disabled (IDD), autistic, dementia, and Alzheimer's.
- B. Mental Illness: This policy does not require officers to make a clinical diagnosis of whether the subject is mentally ill or what form of mental illness the subject may have, but rather to use reasonable judgment to recognize behavior outside the norm where a person poses a danger to themselves or others.
- C. Mentally Ill Person: A person with substantially impaired capacity to use self control, judgment, or discretion in the conduct of the person's affairs and social relations associated with maladaptive behavior or recognized emotional symptoms where impaired capacity, maladaptive behavior, or emotional symptoms can be related to physiological, psychological, or social factors.
- D. Professional resources: Resources available to the police agency such as mental health professionals, emergency medical facilities, and detoxification centers.
- E. Voluntary and involuntary commitments: Provisions within the state the agency can use for the civil commitment of persons requiring professional psychological intervention.

IV. Procedure: Field control tactics: The ultimate mission of law enforcement when encountering a person of diminished capacity is to control the encounter and then determine the best course of action for the person. This field tactical response can be segmented into four distinct tactical responses: containment, coordination, communication, and time.

- A. Containment: Before any reasonable control and defusing techniques can be used, the subject must be contained.
 - 1. Two officers shall be dispatched to an incident involving a person of diminished capacity. **Should an officer find himself or herself in a situation with such a person, the officer shall request backup before attempting to intercede.**
 - 2. Responding officers should avoid the use of emergency lights and sirens when responding to this type of call. Experience shows that this may agitate the subject's response.
 - 3. The officers shall devise a plan that separates the subject from other civilians. This containment should respect the comfort zone of the subject to reduce any unnecessary agitation. Officers should convince the subject that they do not have to move. Officers should continuously evaluate this comfort zone.
 - 4. It is important for officers to ensure that onlookers and family members are not in a position to become involved either verbally or physically in the control methods.

5. Effective containment reduces the elements of agitation, such as large groups of people (including officers), emergency vehicle equipment, loud police radio transmissions, and multiple people directing communications to the subject. Containment is meant to reduce outside influences and sources of agitation.
 6. Officers should use time to their advantage when dealing with a person of diminished capacity as long as the person is not presenting an imminent threat to themselves or others.
 7. Officers should use all available tactics to de-escalate the situation when possible. However, if they face a dynamic and violent situation that poses a threat to the officers or other persons present, the officers should utilize their law enforcement control tactics outlined under the “Response to Resistance” policy to gain control.
- B. Coordination:** This is essential for control of the encounter and is the foundation for the development of an effective plan and use of personnel and resources.
1. When two officers are responding, contact/cover tactics should be employed.
 2. Contain the person with diminished capacity to ensure that outside persons and/or family members do not interfere.
 3. Officers should:
 - a. Continually gather information about the subject being encountered. This information can come from persons at the scene, neighbors, and/or family.
 - b. Determine what resources should be requested, including additional police personnel, specialized weapons, professional resources, and staged medical personnel.
 - c. Designate the location for a command post and staging area. This should be out of sight of the location of the encounter.
- C. Communication:** Communication with a person of diminished capacity should be planned and controlled.
1. Prior to engaging the subject in communication, the initial responder should wait for the arrival of a cover officer when practical. When dealing with edged weapons, officers should maintain a zone of safety when possible, allowing for reaction if the subject decides to attack.
 2. One officer shall be designated as the “contact” officer responsible for direct communication with the person of diminished capacity. Other officers should assist with containment and coordination of other resources (medical personnel, assist family members, etc.)
 3. Verbal communication should be non-threatening. Whenever possible, use open-ended questions designed to facilitate the subject’s participation. If the subject does not respond, use other communication techniques. It may be necessary to change the person designated as the command voice and determine whether that might be beneficial.
 4. Officers should use calming communicative attempts when possible. Sharp, authoritative commands should be avoided unless necessary.

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5. It has been found that threats to arrest or use of force are not productive when dealing with persons of diminished capacities. Reassure the subject that the police are there to help them.
 6. Be as truthful as possible.
 7. Officers must constantly analyze the effect their efforts are having on the subject, if any. This is essential to identify areas that appear to agitate the subject that should then be avoided.
 8. Normally, family members should not be used to establish communications. This frequently exacerbates the situation.
- D. Time:** The concept of elongating the encounter rather than hastening it.
1. History has shown that the longer the encounter is allowed to occur, the better the chance of a successful and safe resolution.
 2. Increasing the time of the encounter and using defusing techniques allows the subject to reflect on their predicament.
 3. Creating time also allows the field units to be supported by the deployment of additional police personnel, specialized equipment, and medical support personnel.
 - d.** Time encourages the ability to communicate and create a relationship between the subject and the command voice.
- V. Commitment Procedures:** The primary purpose of police response to an incident involving a person of diminished capacities is to control the situation and ensure that the person receives the most appropriate form of professional resources.
- A. In determining if a commitment or voluntary referral is appropriate, officers should evaluate the information provided by professional resource persons and family members.
 - B. It is important for the officers on the scene to determine what, if any, ongoing threat potential the subject poses to themselves, their family, the community, and the officers. This threat potential may necessitate an involuntary commitment procedure to ensure the person of diminished capacity is evaluated by a qualified mental health professional (QMHP).
- C. KRS 202A.041 Warrantless arrest and subsequent proceedings (1)** Any peace officer who has reasonable grounds to believe that an individual is mentally ill and presents a danger or threat of danger to self, family, or others if not restrained may take the individual into custody and transport the individual without unnecessary delay to a hospital or psychiatric facility designated by the cabinet for the purpose of an evaluation to be conducted by a qualified mental health professional. Upon transport of the person to the hospital or psychiatric facility, the peace officer shall provide written documentation that describes the behavior of the person that caused the peace officer to take the person into custody. If, after evaluation, the qualified mental health professional finds that the person does not meet the criteria for involuntary hospitalization, the person shall be released immediately and transported back to the person's home county by an appropriate means of transportation as provided in KRS 202A.101. If, after evaluation, the qualified mental health professional finds that the person meets the criteria for involuntary hospitalization, appropriate proceedings under this chapter shall be initiated. The

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person may be held pending certification by a qualified mental health professional and implementation of procedures as provided in KRS 202A.028, 202A.031, or 202A.051 for a period not to exceed 18 hours. (2) If, after the evaluation, the qualified mental health professional finds that the person does not meet the criteria for involuntary hospitalization and the peace officer has probable cause to believe that the person has committed a criminal offense, the peace officer may swear out a warrant and take the arrested person without unnecessary delay before a judge.

- D. Officers shall not use a jail as a holding facility for meeting the criteria of this policy unless the person also has criminal charges pending.
 - E. No officer shall place criminal charges against a person who is mentally ill and in need of hospitalization solely for the purpose of avoiding transporting the person to an appropriate medical or psychiatric facility. This does not preclude officers from placing appropriate criminal charges for any criminal offense based upon probable cause in accordance with KRS. People who are a danger to themselves or others should be taken into custody and transported without delay to a hospital/designated psychiatric facility. Criminal charges, a summons, or arrest warrant(s) can be obtained by the officer in relation to any/all criminal offenses subsequent to the primary objective of appropriate medical and/or psychiatric treatment.
 - F. Use of restraints when dealing with persons of diminished capacities: These persons may present officers with conflicting considerations in determining the best means for restraint and transportation. The ultimate mission is to safeguard the interests of the subject and transporting officers. In some cases, an ambulance may be required. Officers shall use only those restraining devices for which they have been trained.
- VI. Reporting requirements:** Officers shall prepare all required reports whether the subject of the call is arrested, committed, or released. This can provide valuable information for future contacts and, when available, allows the agency to provide information to the statewide data system.

VII. Special Circumstances:

Excited Delirium: Excited delirium is a term used to describe a state of extreme mental and physiological excitement characterized by extreme agitation, hyperthermia, epiphoria (excessive tears), hostility, exceptional strength, and endurance without fatigue. While not a medical diagnosis, this should be considered a true medical emergency and emergency medical attention should be provided as soon as practical.

A. Possible Causes of Excited Delirium

1. Hypoxia: An inadequacy in the oxygen reaching the body's tissues
2. Hyperthermia: Unusually high body temperature
3. Hypoglycemia: Lower than normal level of blood glucose
4. Drug use
5. Stroke
6. Intracranial bleeding
7. Severe mental illness

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B. Persons Suffering from Excited Delirium may exhibit one or more of the following:

1. Irrational speech/speaking in gibberish
2. Shouting, yelling, or screaming
3. Confusion
4. Sudden changes in behavior, i.e., raging followed by sudden calmness
5. Paranoia, belief that someone is after them
6. Frightened/panicky
7. Hallucinating/delusional/hearing voices
8. Violent/destroying property
9. Unexplained strength/endurance
10. High level of pain tolerance
11. Sweating profusely/high body temperature
12. Difficulty breathing
13. Foaming at the mouth
14. Drooling
15. Dilated pupils
16. Evidence of self-inflicted injuries
17. Removing clothing
18. Completely naked
19. Resisting violently during and post restraint
20. Unable to follow commands or directions
21. Gravitation toward “shiny objects” such as lights or mirrors
22. Grandiose delusions

C. Procedures:

1. Initial Response (CALMS)

- a. **Containment** - Attempt to contain the subject in a manner that protects all persons, including the officer(s) and the subject.
- b. **Announcement** - Advise over the radio/dispatcher that the officer believes he/she is dealing with an excited delirium subject.
- c. **Lots of Backup** - Even in small agencies, mutual aid should be immediately sought to enable the officers to effectively deal with the subject. Extra officers are recommended to deal with custody/control procedures that are extremely difficult. In situations where the subject is outside, extra officers will also be necessary for the containment perimeter. If there are specially trained crisis intervention officers or trained negotiators available, they should be called.

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- d. **Medical Attention** – Medical personnel shall provide immediate medical attention to the subject once they are controlled and it is safe to do so.
- e. **Slow Down** - If the safety of the subject, the public, or third parties is not in danger, take your time. Remember that people suffering from excited delirium may become more agitated by a triggering event, i.e., closing in on their body space or touching them.

2. Tactical Response

- a. When feasible, pre-plan with assignments, i.e., which officer(s) will be responsible for direct communication with the person of diminished capacity (contact) and assist with coordination/control (cover).
- b. When utilizing an electronic control device/TASER in the probe mode to accomplish restraint, if possible, use a single deployment coupled with immediate restraint to decrease the likelihood of a drawn-out confrontation that may further diminish the subject's respiration levels.
- c. A four-officer approach contemplates at least one officer for each limb. An officer assigned to each limb has been found to be effective for control during the restraint process.
- d. Assign an officer to protect the head during the restraint process and speak calmly to the subject in an effort to reduce agitation.
- e. **Do not take the person to jail until medically cleared.** Pass the person to medical personnel as soon as possible upon accomplishing control/restraint. Immediately notify medical personnel that you have a subject exhibiting signs of excited delirium.

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DOMESTIC VIOLENCE



Policy #	Related Policies:
Domestic Violence	
<i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third-party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable State Statutes: KRS 403.715-785; KRS 456, KRS 431.005, 431.015, 431.064, KRS 209, KRS 209A, KRS 600-645	
KACP Accreditation Standard: 30.1	
Date Implemented: June 27, 2019	Review Date: Aug. 18, 2023

I. Purpose

The purpose of this policy is to provide officers and support personnel with clear definitions, directions, and guidelines for providing and promoting a consistent, effective response to domestic violence crimes to accomplish the following goals.

- A. Make an arrest for assault in the fourth degree in a domestic or dating violence situation.
- B. Make an arrest for any violation of a protective order, any violation of a foreign protective order, or any violation of a condition of release or bond when authorized by state law.
- C. Reduce the incidence and severity of domestic violence crime.
- D. Assist victims of domestic or dating violence in obtaining emergency protective orders or temporary interpersonal protective orders, which are available 24 hours a day, seven days a week, 365 days a year.
- E. Afford maximum protection and support to adult and child victims of domestic violence through coordinated services of law enforcement and victim assistance.
- F. Reduce the risk of civil liability for officers, supervisors, administrators, and the employing unit of government.

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II. Policy

It shall be the policy of this agency to view complaints of domestic violence as alleged criminal conduct. Agencies shall respond to such complaints and investigate them accordingly. To accomplish the purpose of this policy, every officer **should:**

- A. Make an arrest when authorized by state law as the preferred response, instead of using dispute mediation, separation, or other police intervention techniques.
- B. Treat all acts of domestic or dating violence as criminal conduct.
- C. Respond with the same protection and sanctions for every domestic or dating violence incident regardless of race, religion, creed, national origin, gender, sexual orientation, disability, and socioeconomic status, including cases where any of the alleged parties may be a law enforcement officer, public official, or prominent citizen.
- D. Immediately report all known or suspected cases of domestic or dating violence and abuse, adult abuse, or child abuse as required by law ([KRS 209A.120](#)).
- E. Receive training on domestic violence as required by law.

III. Definitions

- A. **Domestic Violence Call:** A call where an adult, child, family member, or member of an unmarried couple is alleged to be the victim of:
 - 1. Physical injury or in fear of imminent physical injury (explicit or implied threats).
 - 2. Serious physical injury or fear of imminent serious physical injury.
 - 3. Sexual abuse or in fear of imminent sexual abuse.
 - 4. Strangulation or in fear of imminent strangulation.
 - 5. Assault between family members or members of an unmarried couple.
 - 6. Unlawful imprisonment and/or kidnapping.
 - 7. Property crime.
 - 8. Stalking.
 - 9. Violation of terms or conditions of a protective order by the other party.
 - 10. Violation of terms or conditions of a pretrial release order issued under KRS 431.064.

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B. Domestic Violence and Abuse

1. **Domestic Violence and Abuse:** Physical injury, serious physical injury, stalking, sexual abuse, strangulation, or assault between family members or members of an unmarried couple, but also causing fear of such imminent physical injury, serious physical injury, sexual abuse, strangulation, or assault. KRS 403.720(2A)
 - a) Any conduct prohibited by KRS 525.125, 525.130, 525.135, or 525.137 (cruelty, torture, or sexual crimes against an animal) or the infliction of fear of such imminent conduct, taken against a domestic animal when used as a method of coercion, control, punishment, intimidation, or revenge directed against a family member or member of an unmarried couple who has a close bond of affection to the domestic animal. KRS 403.720(sb)
 - b) Domestic Animal: means a dog, cat, or other animal that is domesticated and kept as a household pet, but does not include animals normally raised for agricultural or commercial purposes. KRS 403.720(1)
 - c) The court may award possession of any shared domestic animal to the petitioner KRS 403.740 (1e4)
2. **Family Member:** A spouse, including a former spouse, grandparent, grandchild, parent, child, **adult sibling**, stepchild, or any other person living in the same household as a child if the child is the alleged victim. KRS 403.720(2).
3. **Member of an Unmarried Couple:** A member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couple who are living together or have formerly lived together. KRS 403.720 (5).
 - a. Courts consider six factors to determine whether a couple lives together, as stated in *Barnett v. Wiley*, 103 S.W.3d 17 (Ky. 2003), which officers should clearly articulate:
 - (1) Existence of a sexual relationship
 - (2) Sharing income or expenses
 - (3) Joint ownership or use of the property
 - (4) Holding themselves out as a couple
 - (5) Length of the relationship
 - (6) Continuity of the relationship

C. Dating Violence Call: A call where persons who are or have been in a dating relationship are alleged to be the victim of:

1. Physical injury or fear of imminent physical injury (explicit or implied threats);
2. Sexual abuse or in fear of imminent sexual abuse;
3. Strangulation or in fear of imminent strangulation;
4. Unlawful imprisonment and/or kidnapping;
5. Property crime;
6. Stalking;
7. Violation of terms or conditions of a protective order by the other party.; or

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8. Violation of terms or conditions of a pretrial release order issued under KRS 431.064.

Note: These calls are the types of cases which, by statute, must be reported to the Department of Social Services on the JC-3 form in cases where the victim is a child or a vulnerable adult.

D. Dating Violence and Abuse

1. **Dating Relationship:** The relationship between individuals who have or have had a relationship of a romantic or intimate nature. It does not include a casual acquaintance or ordinary fraternization in a business or social context. The following factors may be considered in addition to any other relevant factors in determining whether the relationship is or was of a romantic or intimate nature:
 - a. Declarations of romantic nature;
 - b. The relationship was characterized by the expectation of affection;
 - c. Attendance at social outings together as a couple;
 - d. The frequency and type of interaction between the persons, including whether the persons have been involved together over time and on a continuous basis during the course of the relationship;
 - e. The length and recency of the relationship; and
 - f. Other indications of a substantial connection that would lead a reasonable person to understand that a dating relationship existed. KRS 456.010(1)
2. **Dating Violence and Abuse:** Physical injury, serious physical injury, stalking, sexual assault, strangulation, or the infliction of imminent physical injury, serious physical injury, sexual abuse, strangulation, or assault occurring between persons who are or have been in a dating relationship. KRS 456.010 (2A)
 - a) Any conduct prohibited by KRS 525.125, 525.130, 525.135, or 525.137 (cruelty, torture, or sexual crimes against an animal) or the infliction of fear of such imminent conduct, taken against a domestic animal when used as a method of coercion, control, punishment, intimidation, or revenge directed against a family member or member of an unmarried couple who has a close bond or affection to the domestic animal. KRS 456.010(2b)
 - b) Domestic Animal: means a dog, cat, or other animal that is domesticated and kept as a household pet, but does not include animals normally raised for agricultural or commercial purposes. KRS 456.010(3)
 - c) The court may award possession of any shared domestic animal to the petitioner. KRS 456.060(1) (E3)

E. Exigent Circumstances: Those circumstances or emergencies which authorize officers with probable cause to enter a dwelling without consent or a warrant in responding to a domestic violence or dating violence call.

F. Imminent: Impending danger in the context of domestic violence and abuse, as defined by KRS 403.702(1), belief that danger is imminent can be inferred from a past pattern of repeated abuse. KRS 503.020(3).

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G. Peace Officer: For the purpose of this policy means:

1. A full-time sworn officer of the Kentucky State Police, a full-time sworn officer of the Kentucky Horse Park, a commissioned full-time state park ranger, a full-time state water patrol officer, a full-time city policeman, a full-time county policeman, a full-time university safety and security officer appointed purpose to KRS 164.950 to KRS 164.970 and KRS 15.380, a full-time city/county policeman, a duly elected sheriff, or a full-time paid deputy sheriff; or
2. A part-time law enforcement officer, or a special paid deputy who has completed a Kentucky Law Enforcement Council approved education and training program referred to in KRS 15.334.

H. Physical Injury: Substantial physical pain or any impairment of a physical condition. KRS 500.080(13).

I. Probable Cause: To justify an arrest means facts and circumstances within the officer's knowledge that are sufficient to warrant a prudent person, or one of reasonable caution, in believing in the circumstances shown, that the suspect has committed, is committing, or is about to commit an offense. Probable cause means more than a simple suspicion or a hunch. The officer must have concrete facts or reliable information giving the officer a reasonable belief that the suspect probably committed the crime. Probable cause is frequently referred to in cases and statutes as "reasonable grounds."

Note: The victim's statement is a factor that should be considered in determining whether probable cause exists. The officer shall use the JC-3 form (Child Abuse, Adult Abuse, and Domestic Abuse Standard Report) to document the evidence giving the officer probable cause to make the arrest and/or report suspected abuse.

J. Self-protection or Protection of Another: A person's justifiable use of physical force upon another person when the person believes such force is necessary to defend themselves or a third person from the use, or imminent use of unlawful physical force by such other person. KRS 503.050 and KRS 503.070.

K. Serious Physical Injury: Physical injury which creates a substantial risk of death, or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ. For a child 12 years of age or less, it includes but is not limited to:

1. Bruising near the eyes or on the head, neck, or lower back overlying the kidneys;
2. Any bruising severe enough to cause underlying muscle damage as determined by elevated creatine kinase levels in the blood;
3. Any bruising or soft tissue injury to the genitals that affects the ability to urinate or defecate;
4. Any testicular injury sufficient to put fertility at risk;
5. Any burn near the eyes or involving the mouth, airway, or esophagus;

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6. Any burn deep enough to leave scarring or dysfunction of the body;
 7. Any burn requiring hospitalization, debridement in the operating room, IV fluids, intubation, or admission to a hospital's intensive care unit;
 8. Rib fracture;
 9. Scapula or sternum fractures;
 10. Any broken bone that requires surgery;
 11. Head injuries that result in intracranial bleeding, skull fracture, or brain injury;
 12. A concussion that results in the child becoming limp, unresponsive, or results in seizure activity;
 13. Abdominal injuries that indicate internal organ damage regardless of whether surgery is required;
 14. Any injury requiring surgery;
 15. Any injury that requires a blood transfusion; and
 16. Any injury requiring admission to a hospital's critical care unit.
- KRS 500.080(15)

L. Sexual Abuse: Subjecting another person to sexual contact without their consent and/or under the following conditions:

1. Sexual abuse in the first degree:
 - a. Subjecting another person to sexual contact by forcible compulsion
 - b. Subjecting another person to sexual contact who is incapable of consent because the individual:
 - (1) Is physically helpless.
 - (2) Is less than 12 years old.
 - (3) Is mentally incapacitated.
 - (4) Is an individual with an intellectual disability.
 - c. Being 21 years old or more, they:
 - (1) Subject another person who is less than 16 years old to sexual contact.
 - (2) Engage in masturbation in the presence of another person who is less than 16 years old and knows or has reason to know the other person is present.
 - (3) Engage in masturbation while using the internet, telephone, or other electronic communication device while communicating with a minor who the person knows is less than 16 years old, and the minor can see or hear the person masturbate.
 - d. Being a person in a position of authority or position of special trust, as defined in KRS 532.045, they, regardless of their age, subject a minor who is less than 18 years old, with whom they come into contact as a result of that position, to sexual contact or engage in masturbation in the presence of the minor and knows or has reason to know the minor is present or engages in masturbation while using the internet, telephone, or other electronic communication device while communicating with a minor who the person knows is less than 16 years old, and the minor can see or hear the person masturbate. KRS 510.110.
2. Sexual abuse in the second degree:
 - a. A person is guilty of sexual abuse in the second degree when:

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- (1) They are at least 18 years old but less than 21 years old and subjects another person who is less than 16 years old to sexual contact;
 - (2) Being a jailer, or an employee, contractor, vendor, or volunteer of the Department of Corrections, Department of Juvenile Justice, or a detention facility as defined in KRS 520.010, or of an entity under contract with either department or a detention facility for the custody, supervision, evaluation, or treatment of offenders, they subject a person who is at least 18 years old and who they know is incarcerated, supervised, evaluated, or treated by the Department of Corrections, Department of Juvenile Justice, detention facility, or contracting entity, to sexual contact; or
 - (3) Being a peace officer, while serving in their official capacity, they subject a person who the officer:
 - (a) Arrested, held in custody, or investigated for commission of a traffic or criminal offense; or
 - (b) Knew or should have known was under arrest, held in custody, or being investigated for commission of a traffic or criminal offense to sexual contact.
- b. In any prosecution under subsection (1)(a) of this section, it is a defense that:
- (1) The other person's lack of consent was due solely to incapacity to consent by reason of being less than 16 years old;
 - (2) The other person was at least fourteen (14) years old; and
 - (3) The actor was less than five (5) years older than the other person. KRS 510.120.
3. Sexual abuse in the third degree:
- a. A person is guilty of sexual abuse in the third degree when:
- (1) They are at least eighteen (18) years old but less than twenty-one (21) years old and subjects another person who is less than sixteen (16) years old to sexual contact;
 - (2) Being a jailer, or an employee, contractor, vendor, or volunteer of the Department of Corrections, Department of Juvenile Justice, or a detention facility as defined in KRS 520.010, or of an entity under contract with either department or a detention facility for the custody, supervision, evaluation, or treatment of offenders, they subject a person who is at least eighteen (18) years old and who they know is incarcerated, supervised, evaluated, or treated by the Department of Corrections, Department of Juvenile Justice, detention facility, or contracting entity, to sexual contact; or
 - (3) Being a peace officer, while serving in their official capacity, they subject a person who the officer:
 - (a) Arrested, held in custody, or investigated for commission of a traffic or criminal offense; or
 - (b) Knew or should have known was under arrest, held in custody, or being investigated for commission of a traffic or criminal offense to sexual contact.
- b. In any prosecution under subsection (1)(a) of this section, it is a defense that:

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- (1) The other person's lack of consent was due solely to incapacity to consent by reason of being less than 16 years old;
- (2) The other person was at least 14 years old; and
- (3) The actor was less than five years older than the other person.
KRS 510.130.

M. Sexual Assault: Conduct prohibited as any degree of rape, sodomy, or sexual abuse under KRS Chapter 510 or incest under KRS 530.020, or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, or sexual abuse. KRS 403.720(8); KRS 456.010(7).

N. Sexual Contact: The touching of a person's intimate parts or the clothing or other material intended to cover the immediate area of a person's intimate parts, if that touching can be construed by a reasonable person as being done:

1. For the purpose of sexual arousal or gratification of either party;
2. For a sexual purpose; or
3. In a sexual manner for the purpose of:
 - a. Exacting revenge or retribution;
 - b. Humiliating or degrading; or
 - c. Punishment. KRS 510.010(7)

O. Stalking: An intentional course of conduct directed at a specific person which seriously alarms, annoys, intimidates, or harasses; which serves no legitimate purpose; and which would cause a reasonable person to suffer substantial mental distress. KRS 508.130(1)(a).

1. **Course of Conduct:** A pattern of conduct composed of two or more acts, evidencing a continuity of purpose; it does not include constitutionally protected activity. KRS 508.130(2).

P. Strangulation: Conduct that, without consent, intentionally or wantonly impedes the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person; or blocking the nose or mouth of the other person. KRS 508.170 and 508.175.

Q. Victim: An individual who is or has been abused by a spouse or former spouse or an intimate partner who meets the definition of a member of an unmarried couple as defined in KRS 403.720, or a member of a dating relationship as defined in KRS 456.010. KRS 209A.020(6)

Q. Protective Orders:

1. **Emergency Protective Order (EPO):** An ex parte order (an order issued at the request of one party without a hearing) issued under the provision of KRS 403.730 against a family member or member of an unmarried couple who has been determined to present an immediate and present danger and which is valid for up to 14 days. The date of the expiration should appear on the order.

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2. **Temporary Interpersonal Protective Order (TIPO):** An ex parte order (an order issued at the request of one party without a hearing) issued under the provision of KRS 456.040 against a person who is or has been in a dating relationship, the alleged perpetrator of sexual assault or stalking (where a relationship may not exist between the perpetrator and victim) who has been determined to present an immediate and present danger, and which is valid for up to 14 days. The date of the expiration should appear on the order.
3. **Domestic Violence Order (DVO):** A court order issued under the provisions of KRS 403.750 following a hearing against a family member or member of an unmarried couple where the court has found domestic violence and abuse has occurred and is likely to occur in the future. In Kentucky, a DVO is valid for up to three years. The date of expiration should appear on the order.
 - a. The court may order, at the request of the petitioner,
 - (1) Limited contact or communication between the parties that the court finds necessary; or
 - (2) The parties to remain in a common area, which may necessitate them being closer than 500 feet under limited circumstances with specific parameters set up by the court. KRS 403.740(1b)
4. **Interpersonal Protective Order (IPO):** A court order issued under the provisions of KRS 456.060 following a hearing against a person who is or has been in a dating relationship, a victim of sexual assault or stalking where the court has found dating violence and abuse, a sexual assault, or stalking has occurred and is like or occur in the future. In Kentucky, an IPO is valid for up to three years. The date of expiration should appear on the order.
 - a. The court may order, at the request of the petitioner,
 - (1) Limited contact or communication between the parties that the court finds necessary; or
 - (2) The parties to remain in a common area, which may necessitate them being closer than five hundred (500) feet under limited circumstances with specific parameters set up by the court. KRS 403.740(1b)
5. **Foreign Protective Order (FPO):** Any judgment, decree, or order of protection issued by a court of any state of the United States or tribal court which is entitled to full faith and credit in this state pursuant to 18 U.S.C. sec 2265. KRS 4037521(1) and KRS 403.120(1). POs shall be enforced as written.

Note: FPOs may not have an expiration date and may contain provisions which could not otherwise be issued by a Kentucky court.

6. **Mutual Orders of Protection:** Orders of protection that may be issued only if (a) separate petitions have been filed by both parties; and (b) the orders are written with sufficient specificity to allow any peace officer to identify which party has violated the order. KRS 403.745(4) and KRS 456.070(4).
 - a. When the term “protective order” is used in this policy, it includes EPOs, DVOs, TIPOs, IPOs, FPOs, and mutual orders of protection.
 - b. The officer seeking to enforce a protective order needs to determine that certain conduct has been prohibited on the order form or in the LINK system. The officer cannot assume that any particular provision is in force.

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- c. The officer must also determine whether service or notice of the order has been completed.

The Federal Violence Against Women's Act Crimes Definitions

1. **Interstate Domestic Violence:** Crossing a state line in order to commit domestic violence and subsequently committing the act. This crime occurs when:
 - a. A person travels between states, or enters or leaves Indian country, with intent to violate the portion of a valid protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to another person. Must show the perpetrator had the specific intent to engage in the conduct that violates the order of protection and that a violation actually occurred; or
 - b. A person with a protection order to travel across state lines or enter or leave Indian country by force, coercion, duress, or fraud and during, or as a result of, or to facilitate such conduct or travel, to engage in conduct that violates the portion of the order of protection that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to another person. Does not require proof of specific intent to travel across state lines but does require proof that the travel resulted from force, coercion, duress, or fraud. Also requires proof that the person violated the protective order to facilitate the travel. 18 U.S.C. sec 2261(a)(1-2).
2. **Interstate Violation of a Protection Order:** Travel across a state line and engage in conduct that constitutes a violation of a protection order that protects against violence, or harassment against, contact or communication with, or physical proximity to, another person or the pet, service animal, emotional support animal, or horse of that person. This crime occurs when:
 - a. A person travels across a state line or enters or leaves Indian country with the specific intent to engage in conduct that violates the protection order or would violate the protection order if the conduct occurred in the jurisdiction in which the order was issued, and the person subsequently engages in conduct in violation of the protective order; or
 - b. Cause another person to travel across state lines or to enter or leave Indian country by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that would violate the protection order or would violate the protection order if the conduct occurred in the jurisdiction in which the order was issued. 18 U.S.C. sec. 2262(a)(1-2).

IV. Procedure

A. On-scene Investigation, Arrest, and Post-Arrest Procedures

1. **General responsibilities at the scene:**
 - a. Respond promptly to the call, utilizing two officers when available.
 - b. Establish control.
 - c. Assess the situation for risks to all parties, including children.
 - d. Attend to the emergency medical needs of those involved.

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- e. Interview parties/witnesses separately and away from the line of sight and hearing of the perpetrator; use direct quotes of witnesses about their fears and concerns.
- f. Effect an arrest of the perpetrator as the preferred response, if legally possible.
- g. Seize any weapons used in the incident.
- h. Inform the victim of rights.
- i. Provide victim information on legal remedies and community services available for protection.
- j. Remain at the location of the call for assistance so long as the law enforcement officer reasonably suspects there is a danger to the physical safety of individuals there without the presence of a law enforcement officer.
- k. Assist the victim in securing medical attention which shall include arranging for the transporting of the victim to obtain medical attention.
- l. Assist the victim in securing legal protection (warrant, protective order) which may include transporting the victim to obtain the legal protection, if appropriate.
- m. Report any actual and suspected incidents of abuse to the Cabinet of Families and Children, Department for Social Services, using the “Child Abuse, Adult Abuse, and Domestic Abuse Standard Report” for (JC-3) when the victim is a child or a vulnerable adult.
- n. If the exigent circumstances have ceased, obtain a consent to search or obtain a search warrant when appropriate.
- o. Collect and photograph all relevant evidence required for successful prosecution (use body map with checklist to document injuries).
- p. Arrange for follow-up photographs of the victim in order to demonstrate the extent of the injuries that may later become more obvious.
- q. Attend to any children or dependent adults.
- r. Check LINK and NCIC for outstanding warrants, history file on protective orders, and whether there are any active protective orders in place. (For various reasons, not all valid domestic violence orders may be in the LINK system.)
- s. The following fact shall not be considered as an independent compelling reason not to arrest the perpetrator. These facts may be used as background information to complete a domestic violence investigation for prosecution.
 - (1) The marital status of the suspect and the victim
 - (2) Whether or not the suspect lives on the premises with the victim (except as may be necessary to qualify the parties as “members of an unmarried couple” or if the victim is a child)
 - (3) Whether the victim has not obtained a protective order against the perpetrator
 - (4) The potential financial consequences of arrest
 - (5) Whether there have been previous law enforcement responses to domestic calls at this address
 - (6) Verbal assurances that the violence will cease
 - (7) The victim’s emotional status
 - (8) Whether or not physical injuries suffered by the victim can be personally observed at the time of the law enforcement response

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- (9) The location of the incident (i.e., public or private)
- (10) Speculation that the victim may not follow through with the prosecution, or that the arrest may not lead to a conviction
- (11) The victim's initial reluctance regarding an officer-initiated arrest
- (12) The fact that the victim and suspect are of the same gender
- (13) The use of alcohol or drugs by either or both parties

2. Arrests

- a. Arrest is the preferred response to domestic violence or dating violence incidents involving assault in the fourth degree.
- b. Warrantless arrests for domestic violence-related felonies are the preferred response.
- c. Arrest authority
 - (1) If there is probable cause to believe an offender has intentionally or wantonly caused a physical injury to a family member, member of an unmarried couple or another person with whom the person is or was in a dating relationship, the officer may arrest for Assault Fourth Degree. KRS 431.005(2)(a).
 - (a) If the misdemeanor assault charge is a third or subsequent offense, the penalty for the arresting offense can be enhanced by one degree. In order for the enhancement of the penalty, it is not necessary that the victim be the same person. KRS 508.032.
 - (b) The officer should make a reasonable effort to determine if there is a prior history.
 - (2) If the officer has probable cause to believe the respondent has intentionally violated the terms of the protective order, he shall arrest the respondent as having violated a protective order. KRS 403.763, KRS 456.180 and KRS 431.015(1)(c).
 - (3) If there is probable cause to believe that any condition of a bond or pretrial release has been violated and the officer has verified that the offender has had notice of the conditions, he shall arrest the offender without a warrant. KRS 431.005(5).
 - (4) If a law enforcement officer has probable cause to believe that a person has violated a restraining order issued under KRS 508.155, then the officer shall, without a warrant, arrest the alleged violator whether the violation was committed in or outside the presence of the officer.
- d. EPOs
 - (1) Emergency protective orders are effective and binding on the respondent when the respondent is given notice of the existence and terms of the order by a peace officer or the court or upon personal service of the order, whichever is earlier.
 - (2) The law enforcement officer should check through the LINK domestic violence file to verify service of the emergency protective order.
 - (3) If personal service has not occurred, the officer shall immediately give the respondent notice of the contents of the emergency protective order.

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- (4) After notice has been given to the respondent, its terms are binding and enforceable for subsequent acts.
- (5) The law enforcement officer shall then make arrangements for personal service of the EPO if possible and make notification to the communications center of this department and notification to the responsible agency for LINK entry of the orders.

Note: Information regarding notice and arrangements for service shall be marked on the JC-3 form.

e. DVOs

- (1) DVOs are effective and binding on the respondent when the respondent is given notice of the existence and terms of the order by a peace officer or the court or upon personal service of the order, whichever is earlier.
- (2) The officer should make sure that the conditions for which an arrest is made are prohibited in the DVO.
 - a) All law enforcement officers should be aware that pursuant to the carrying a concealed deadly weapon statute, "...when a domestic violence order or emergency protective order is issued pursuant to the provision of KRS Chapter 403 against a person holding a license issued under (the law), the holder of the permit shall surrender the license to the court or to the officer serving the order." KRS 237.110(13).

f. TIPOs

- (1) TIPOs are immediately enforceable only if the respondent has been served or given notice of the contents.
- (2) The law enforcement officer should check through the LINK domestic violence file to verify service of the emergency protective order.
- (3) If personal service has not occurred, the officer shall immediately give the respondent notice of the contents of the temporary interpersonal protective order.
- (4) After notice has been given to the respondent, its terms are binding and enforceable for subsequent acts.
- (5) The law enforcement officer shall then make arrangements for personal service of the TIPO if possible and make notification to the communications center of this department and notification to the responsible agency for LINK entry of the orders.

Note: Information regarding notice and arrangements for service shall be marked on the JC-3 form.

g. IPOs

- (1) IPOs are effective and binding on the respondent when the respondent is given notice of the existence and terms of the order by a peace officer or the court or upon personal service of the order, whichever is earlier.
- (2) The officer shall make sure that the conditions for which an arrest is made are prohibited in the IPO.

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- (a) All law enforcement officers should be aware that pursuant to the Carrying a Concealed Deadly Weapon Statute, “...when a Domestic Violence Order or Emergency Protective Order is issued pursuant to the provision of KRS Chapter 403 against a person holding a license issued under (the law), the holder of the permit shall surrender the license to the court or to the officer serving the order.” KRS 237.110(13).
- h. FPOs
 - (1) General
 - (a) All out-of-state protective orders should be enforced as written including provisions which grant relief not available in Kentucky.
 - (b) All foreign protective orders are presumed valid upon presentation to the law enforcement officer. Foreign protective orders do not have to have been entered into the LINK system to be valid and enforceable.
 - (c) Some foreign protective orders may have been filed or recorded and may be verified through LINK.
 - (2) Arrest procedures
 - (a) When a foreign protective order is presented to the law enforcement officer by the complainant, the officer should determine whether the order is current, has been served, and determine whether the conduct complained of is prohibited by the order.

Note: For different reasons, some foreign protective orders do not have expiration dates on them. Even though no expiration date is contained on the order, the order may still be in effect as long as step (a) has been completed.

- (b) The officer should inquire of the complainant whether the protective order has been filed with the circuit clerk’s office. If it has not, the officer should advise the complainant to register the foreign protective order with the circuit court clerk in the county of residency.
- (c) If the order has been filed with the clerk’s office, it can be further verified through the LINK system.

Note: Even if the order has not been filed with the court clerk and is not available on LINK, it is still a valid order of protection as long as step (a) is completed.

- (i) If the officer has probable cause to believe the respondent has intentionally violated the terms of the protective order, he shall arrest the respondent as having violated a protective order. KRS 403.763 and KRS 456.180.

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- (ii) All peace officers shall make arrests for a violation of a foreign protective order in the same manner as a violation of an emergency protective order, domestic violence order or interpersonal protective order as if it had been entered by a Kentucky court. The charge shall be a violation of a protective order.

Note: This shall not preclude officers from arresting the perpetrator for other violations of the Kentucky Penal Code. Law enforcement officers are not expected to be aware of any changes of a foreign protective order that are not clearly on the order itself, or if the order is on LINK, the changes are not indicated on LINK. It is the obligation of the victim to notify the court of changes in the order.

i. Mutual violence

- (1) Where the officer has probable cause to believe that two or more persons committed a misdemeanor or felony, or if two or more persons make complaints to the officer, the officer should try to determine who the primary aggressor was and whether one party acted in self-defense.
- (2) The officer should arrest the primary aggressor.
- (3) Where there is probable cause to believe that all parties are equally responsible, the officer should contact their immediate supervisor for assistance in a resolution.
- (4) Officers should not use mutual arrests as a substitute for a thorough investigation.

Note: Arresting both parties is not the preferred response.

- (5) Factors to consider in mutual violence situations to determine the primary aggressor:
 - (a) The history of domestic disputes/violence between the persons;
 - (b) The degree of injury inflicted upon each person keeping in mind that many injuries to the head and body may not be visible at the time;
 - (c) Objective and testimonial evidence from the parties and other persons at the scene including children;
 - (d) Whether one person acted in self defense;
 - (e) The presence of fear of the parties involved and the level of fear (who is afraid of whom); and
 - (f) The likelihood of future injury.

Note: An injury inflicted in self-defense is not a basis for an arrest for a violation of a mutual protection order.

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- j. Obtaining arrest warrants
 - (1) When a crime associated with domestic violence has allegedly been committed, and the officer is unable to arrest the alleged perpetrator under the provisions discussed above, the officer should assist the victim in obtaining an arrest warrant.
 - (a) The officer may apply for an arrest warrant when the officer has sufficient information to establish probable cause;
 - (b) The officer may consult with his supervisor;
 - (c) Prosecution is the preferred response even if the officer has to take the initiative;
 - (d) The victim's noncooperation shall not be considered when seeking warrants;
 - (e) If the offense occurs after normal working hours, this department will follow the 24-hour access policy established by the court.

Note: Each law enforcement agency should insert its local court's 24-hour policy for obtaining warrants.

3. Post-Arrest Procedures

- a. Responding officers, after establishing control of the situation, shall complete the JC-3 (victim statement) and any offense/report forms required by their department.
- b. A motion/petition for an order of protection should be offered to the alleged victim for completion. Upon completion, the petition must be signed by the person seeking protection and must be verified by the law enforcement officer present at the scene. KRS 421.500 (3), 403.725 and KRS 456.030.
- c. After hours, the arresting officer should follow local court procedures for obtaining an order and providing service of the order.
- d. The alleged perpetrator shall be lodged in jail, pending bond.
- e. The victim should be informed by the peace officer that the order has been signed, entered into LINK and that a copy is available to them. KRS 421.500 (3) and (4).
- f. Within 48 hours, the law enforcement agency initiating the report shall report the suspected violence and abuse to the Cabinet for Human Resources, Department for Social Services, by use of the JC-3, in cases where the victim is a child or a vulnerable adult. In cases where the victim is an adult, the officer shall keep a copy of the JC-3 in their investigative file.

B. No Arrest Made

- 1. Responding officers, after establishing control of the situation, shall complete the JC-3 (victim statement) and any offense/report forms required by their department.
- 2. A motion/petition for order of protection should, if possible, should be given to the alleged victim for completion. Upon completion, the petition must be signed

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- by the person seeking protection and must be verified by the law enforcement officer present at the scene. KRS 421.500 (3), 403.725 and KRS 456.030.
3. If the court is not in session, the peace officer should follow local court procedures for obtaining an order and providing service of the order. The peace officer should attempt to serve a copy of the signed order and petition upon the alleged perpetrator. If this is not accomplished within a reasonable time, the peace officer should attempt to give notice of the existence and terms of the order to the alleged perpetrator. The time and place of service or notice shall be set out on the order. A copy of the order shall be filed with the district court clerk.
 - a. If the peace officer is unable to serve the alleged perpetrator within a reasonable time, a copy of the order, the notice setting the hearing and a copy of the petition shall be forwarded to the sheriff for personal service.
 - b. Within 48 hours, the law enforcement agency initiating the report shall report the suspected violence and abuse to the Cabinet for Human Resources, Department for Social Services, use of the JC-3, in cases where the victim was a child or a vulnerable adult. In cases where the victim is an adult, the officer shall keep a copy of the JC-3 in their investigative file.

C. Procedure for Obtaining Protective Orders and Verification of Petitions

Note: Each law enforcement agency should insert their local court's 24-hour policy for obtaining protective orders and its own policy for transporting victims.

D. Additional Considerations of Officers in Response to Domestic or Dating Violence Calls

1. Whether or not an arrest has been made, if the officer has reason to suspect that a family member or member of an unmarried couple, or persons who are or have been in a dating relationship, has been the victim of domestic violence, dating violence, sexual assault, or stalking, the officer is required by KRS 403.785 (2) (for family members or members of an unmarried couple) or KRS 456.090(2) (for persons of a dating relationship, victim of sexual assault, or stalking), to use all reasonable means necessary to prevent further domestic violence, including but not limited to:
 - a. Remaining at the scene as long as the officer reasonably suspects there is danger to the physical safety of the individuals present without the presence of an enforcement officer.
 - b. Assisting the victim to obtain medical treatment, including offering to transport or arranging for the transportation of the victim to the nearest medical treatment facility capable of providing the necessary treatment.
 - c. Advising the victim of rights and services available.

Note: These "rights and services" include information about criminal complaint procedures, availability and enforcement of civil protective orders, availability of emergency shelter services, protective services of DSS, and other community resources. Many of these rights and services are printed on the "Victims' Rights

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Information” section of the JC-3 form. Providing the victims’ rights information portion of the JC-3 form to a victim may not fully satisfy this duty. The responding officer should also ensure that the victim can read and understand the form.

2. In order to protect the victim and provide access to a safe environment, the officer should, when possible:
 - a. Inform the person of local procedures for victim notification; and
 - b. Provide the victim with the women’s crisis center in their area for crisis intervention counseling; information and referral, emergency shelter for victims of abuse (women and children), speakers on issues of rape, child sexual assault, family violence support groups, and the court advocacy program, which works toward communication, networking, support in legal process, and referrals.
3. Upon the issuance of an ex parte protective order, the court order shall allow either party to retrieve his or her personal belongings from the parties’ shared residence and direct law enforcement to assist, if requested. KRS 403.720 (2a3)
4. Whether or not an arrest has been made, the officer shall report any known or suspected vulnerable adult or child abuse, neglect, or exploitation immediately, or any known or suspected domestic violence or abuse where the victim is a child or a vulnerable adult within 48 hours, to the Cabinet for Families and Children, Department for Social Services using the JC-3 form.
 - a. Death of an adult or child does not relieve the officer of the responsibility to report the circumstances surrounding the death related to abuse or neglect.
5. When an officer receives a report from a professional, who believes the death of a victim with whom he or she has a professional interaction is related to domestic violence and abuse of dating violence and abuse, the officer shall indicate the report was made by a professional on the JC-3 or equivalent document. KRS 209A.110(1)
6. A professional includes a physician, osteopathic physician, coroner, medical examiner, medical resident, medical intern, chiropractor, nurse, dentist, optometrist, emergency medical technician, paramedic, licensed mental health professional, therapist, cabinet employee, child-care personnel, teacher, school personnel, ordained minister or the denominational equivalent, victim advocate, or any organization or agency employing any of these professionals, KRS 209A.020

E. Service of Protective Orders

1. Emergency protective order (EPO) or temporary interpersonal protective orders (TIPO) assigned by the district or circuit court for service by this agency should receive high priority response. These orders shall be segregated from other warrants to be served.
2. Upon service of the order on the respondent, the officer should immediately notify the communications center of this agency and in turn, the law enforcement agency in the issuing jurisdiction responsible for entry of domestic violence protective orders or interpersonal protective orders on the LINK-domestic violence file.

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3. The officer should promptly arrange for a copy of the order with the verified service to be delivered to the entering agency for modification to the LINK-domestic violence file record.

F. Offender or Victim Has Left the Scene

1. If probable cause exists that an alleged perpetrator has committed an assault on a family member, member of an unmarried couple, or persons who are or have been in a dating relationship or has violated a protective order or a foreign protective order, but the perpetrator has left the scene, the responding officer should interview all available witnesses, record or document these interviews, and collect all available physical evidence.
2. If the officer is unable to arrest the alleged perpetrator within a reasonable time, the officer should assist the victim in seeking an arrest warrant and/or protective order to deter future domestic violence.
3. If probable cause exists that there has been an assault on a family member, or a member of an unmarried couple, or another person with whom the person was or is in a dating relationship or that a protective order has been violated, but the victim has left the scene, the responding officer should, in addition to investigating the offense at the scene, attempt to locate the victim, determine whether the victim needs medical assistance, and continue the investigation where the victim is located.
4. Effecting an arrest consistent with state law is the preferred response even when one party or the other has left the scene. This may include an arrest based on probable cause or the officer applying for an arrest warrant.
5. If an officer is unable to execute a probable cause arrest due to not being able to identify the location of the suspect in a reasonable time frame and only if the offense alleged committed was a misdemeanor, the officer should:
 - a. Provide the victim with a copy of the JC-3, in cases where the victim is a child or a vulnerable adult, along with any other completed police reports. The officer will provide a copy of the victim's rights from the JC-3 to all victims, regardless of age or status. KRS 209A.120.
 - b. Direct the victim to respond to the county attorney's office as soon as they open for business to secure a complaint for said charges. However, if exigent or special circumstances exist, nothing in this section shall preclude the investigating officer from securing a complaint themselves on behalf of the victim.
6. If probable cause exists that a felony was committed, the police officer should take it upon themselves to secure a complaint.

G. Domestic Violence Perpetrator is a Juvenile

1. Officers will handle juvenile perpetrators of domestic violence in the same manner as when the alleged perpetrator is an adult perpetrator.
2. If a juvenile is taken into custody, officers should process the juvenile under the provisions of the Juvenile Code (KRS Chapters 600-645).
3. Officer should not release juvenile perpetrators at the scene.
4. Officers should contact the court designated worker (CDW) for an alternative placement for the juvenile perpetrator.

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H. Marital Rape/Sexual Assault

1. Responding officers shall follow all procedures relating to investigation and evidence collection (including comprehensive rape examinations) where a sex offense is reported, regardless of the relationship, including the marriage of the victim to the alleged perpetrator.

NOTE: There is no exemption for marital rape, KRS 508 and KRS 510.

I. Domestic Violence or Dating Violence Stalking

1. Officers should complete a full report and investigation where a domestic violence, dating violence, or any other victim alleges that they have been stalked.
2. Officers should offer the motion/petition for order of protection to victims of stalking, whether it be domestic violence, dating violence, or when no relationship exists between the victim and the perpetrator, in accordance with KRS 456.
3. Officers should advise stalking victims to notify this agency of subsequent incidents.

J. Domestic or Dating Violence Call Involving Law Enforcement Personnel

1. A responding officer should notify their supervisor when they respond to a domestic violence or dating violence call involving law enforcement personnel, whether the person is the victim or the perpetrator.
2. An agency supervisor will respond to the scene and will be responsible for the investigation.
3. Should an agency supervisor not be available, an outside agency will be requested to respond to the call.
4. When a law enforcement officer is investigating a member of another law enforcement agency, that investigating officer should notify the highest-ranking officer on duty of the agency with whom the officer under investigation is employed.

K. Victim Notification

1. Officers who receive warnings from mental health professionals under the provisions of KRS 202A.400 of threatened violence against an identifiable victim or victims should attempt to contact the intended victim or victims.
2. Officers should inform the victim or victims of the threatened violence, advise them of all available legal remedies, and assist the victim or victims in accessing those legal remedies.
3. Officers should provide transportation to a safe location if necessary and give other indicated assistance.
4. Officers and supervisors should decide what further investigation or action is indicated (e.g., increased patrol, alert to all shift officers, etc.).
5. Officers and supervisors should fully document the report of threatened violence, all attempts by officers to contact the intended victim or victims, and all further recommendation investigations or actions.

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L. Involuntary Hospitalization

1. If the officer believes the domestic violence perpetrator has a mental health condition which indicates that the person is an imminent danger to self or others, the officer needs to follow the provisions set forth in KRS 202A.
2. This statute should not be used as substitute for an arrest.

Note: Check local procedures for the placement of this individual in an appropriate facility.

M. Other Related Matters

1. Confidentiality
 - a. The location of a spouse abuse center or emergency shelter should not be shared with the alleged perpetrator.
2. Training
 - a. KRS 15.334(3) requires that each officer receive initial KLEC-approved domestic violence training, followed at least every two years by continuing education courses.

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RESPONSE TO RESISTANCE



Policy #	Related Policies:
Response to Resistance	Duty to Intervene, Ethics, Excited Delirium
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third-party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Kentucky Statutes: K.R.S. 503.090	
KACP Accreditation Standards: 1.3,1.8,1.9,1.10,1.11,1.12, 30.8.	
Date Implemented:	Review Date: Aug. 21, 2023

I. **Purpose:** The purpose of this policy is to direct officers in the appropriate response to resistance.

II. **Policy:** The policy of this department is to protect and serve all citizens while at the same time respecting the rights of suspects and balancing the need for officer safety in response to resistance events. It is the policy of this department that officers will use de-escalation skills, techniques, and tactics in all law enforcement operations where doing so does not compromise the safety of officers or other persons, or where there is a danger of significant property damage. Officers will only use reasonable force to bring an incident or event under control. Reasonable force is the force deployed to accomplish lawful objectives. All responses to resistance must be objectively reasonable. The agency and all officers recognize that the sanctity of human life serves as the guiding principle in response to resistance decisions.

III. **Definitions:**

- A. **Deadly Physical Force:** Federal courts have defined deadly force as any force which creates a substantial likelihood of death or serious bodily harm. The Kentucky legislature has further defined deadly force in KRS 503.010: "Deadly physical force" means force used with the purpose of causing death or serious physical injury, or which the defendant knows to create a substantial risk of causing death or serious physical injury.
- B. **Imminent:** Imminent has a broader meaning than immediate or instantaneous. The concept of imminent should be understood to be elastic, involving an ongoing period

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- depending on the circumstances rather than a moment in time under the definition of immediate.
- C. **Immediate:** The officer is faced with an instantaneous or presently occurring threat of serious bodily harm or death.
 - D. **Chokehold:** Applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. "Chokehold" does not include any holding involving contact with the neck that is not intended to reduce the intake of air.
 - E. **Neck Restraint:** A method of rendering a person unconscious by restricting the flow of blood to the brain by compressing the sides of the neck where the carotid arteries are located.
 - F. **Intervene:** To come between, whether verbally or physically, to change the course of events that clearly violate the law or agency policy.
 - G. **De-escalation:** Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force that is reasonable.
 - H. **Objectively Reasonable:** The amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances that the officer using the force is presented with.
 - I. **Reasonable Belief:** Reasonable belief means that the person concerned, acting as a reasonable person, believes the prescribed facts exist.
 - J. **Serious Physical Injury:** "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.
 - K. **Physical Injury:** Substantial physical pain or any impairment of a physical condition.
 - L. **Electronic Control Device:** Electronic control devices, TASER, or stun guns (electronic control weapons) that disrupt the central nervous system of the body.
 - M. **Active Resistance:** A subject actively resists when they take affirmative action to defeat an officer's ability to take them into custody.
 - N. **Active Aggression:** Verbal or physical behavior that creates an imminent risk of physical injury to a subject, officer, or third party, but would not lead a reasonable officer to perceive a risk of serious physical injury or death.
 - O. **Excessive Force:** Force that is not objectively reasonable from the perspective of a reasonable officer in similar circumstances. Excessive force will not be tolerated.
 - P. **Physical Force:** Force used upon or directed toward the body of another, including confinement.

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- Q. Chemical Spray:** Any chemical agent deployed to overcome subject resistance.
- R. Impact Tools/Strikes:** Any tools, object, or body part deployed to strike a subject.
- S. Electronic Tools:** Any electronic equipment deployed on a subject being controlled.
- T. Wrapping Device:** A hand-held restraint device intended to immobilize and control a resistive/non-compliant person(s).
- U. Show of Force:** The pointing, aiming, or directing a weapon at an individual(s) with the intent of gaining their compliance. This does not include maintaining a weapon at a low ready.

IV. Procedure:

A. De-escalation:

1. When feasible, officers will use de-escalation to reduce the immediacy of threats to public safety and to stabilize incidents. Not every situation can be de-escalated, and officer safety should not be compromised.
2. The first consideration in any event is whether immediate intervention or action is necessary.
3. Officers should treat every contact as an opportunity to show professionalism and care for the people they serve.
4. When time and circumstances reasonably permit, officers should consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors, including but not limited to:
 - a. Medical conditions
 - b. Mental impairment
 - c. Developmental disability
 - d. Physical limitation (deafness, blindness, mobility, etc.)
 - e. Language barrier
 - f. Cultural barrier
 - g. Situational stress
 - h. Drug interaction
 - i. Behavioral crisis
5. When department resources and circumstances reasonably permit, tactical options for mitigating the immediacy of threat include:
 - a. Assess the need for additional officers and request assistance.
 - b. If the situation appears to involve a subject with diminished capacity or excited delirium, provide notification and request a CIT or officer trained in negotiations if one is available.
 - c. The officer should consider safe positioning.

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- d. Move from a position that exposes officers to potential threats to a safer position.
 - e. Place barriers between an uncooperative subject and an officer.
 - f. Plan an escape route.
 - g. Attempt to contain subject(s) in a manner that protects all persons, including officer(s) and subject(s).
 - h. Create distance to include retreating to a safer distance.
 - i. Cover
 - j. Concealment
 - k. Less-lethal options
 - l. Use short-term disengagement to extend the time for observation and planning.
 - m. Slow down if the safety of the subject, public, or third parties is not in danger. Take your time.
 - n. Request additional resources, including medical services and specialty units, if needed.
 - o. Complete disengagement due to no law enforcement necessity.
6. Officer Conduct
- a. Calm appearance: Calm is contagious (body language and demeanor).
 - b. Non-threatening
 - c. Avoid yelling and profanity.
 - d. Avoid invading the subject's personal space unless necessary to protect an officer or others.
 - e. Avoid bluffing with a threat the officer lacks the authority to carry out or would not be justified in carrying out.
 - f. Maintain personal self-control. Do not act out of emotion.
 - g. If practicable, allow the subject the opportunity to speak and tell their story.
 - h. Consider any available steps that would not compromise law enforcement safety or priorities but would extend time.
7. Communication Strategies: Officers should, when practical, communicate from a safe position and speak in a manner designed to calm. Useful approaches may include:
- a. Introduce yourself.
 - b. Communicate with empathy.

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- c. Actively listen.
 - d. Verbal persuasion
 - e. Build a rapport.
 - f. Allow the subject time to vent frustration, if practical.
 - g. Advise the subject of their options to resolve the situation.
 - h. Warnings
 - i. Try to determine the cause of agitation and try to remove or distract the subject from the cause.
- B. Response to Resistance:**
1. In determining the appropriate level of force, officers should apply the levels of force under the department's trained force options along with the following three-factor test:
 - a. How serious is the offense the officer/deputy suspected at the time the force is used?
 - b. What was the physical threat to the officer or others?
 - c. Was the subject actively resisting or attempting to evade arrest by flight?
 2. Officers may sometimes be required to take custody or otherwise control an individual who is a danger to themselves or others due to a medical or mental health emergency. In these cases, an officer may be required to use objectively reasonable force. In determining whether force is appropriate and proper under the department's trained response to resistance options, the officer should consider the following three-factor test:
 - a. Was the person experiencing a medical emergency that rendered him incapable of making a rational decision under circumstances that posed an immediate threat of serious harm to himself or others?
 - b. Was some degree of force reasonably necessary to ameliorate or reduce the immediate threat?
 - c. Was the force used more than reasonably necessary under the circumstances (i.e., was it excessive)?
 3. **Force Options:** Officers have several force options that will be dictated by the actions of the suspect upon the appearance of the police officer. Officers may be limited in their options due to the circumstances and actions of the subject. For example, an officer who immediately observes a subject with a firearm unjustifiably threatening another may immediately respond with deadly force without considering other force options.
 4. **Command Presence:** Visual appearance of an officer where it is obvious to the subject due to the officer's/deputy's uniform or identification that the officer has the authority of law.

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5. **Verbal Commands:** Words spoken by the officer directing the subject as to the officer's expectations.
 6. **Soft Empty Hand Control:** An officer's use of hands on the subject to direct the subject's movement; Techniques that have a low potential of injury to the subject.
 7. **Wrapping Device:** When a subject exhibits resistance, a wrapping device may be utilized in cases where the officers believe the use of the device would be reasonable to immobilize or control an individual.
 8. **Chemical Spray:** When a subject exhibits some level of active resistance/active aggression, officers may use chemical spray to temporarily incapacitate the subject.
 9. **Electronic Control Device:** When a subject exhibits some level of active resistance/active aggression an officer may use an electronic control device to temporarily incapacitate the subject.
 10. **Hard Hand Control:** Punches and other physical strikes, including knees, kicks and elbow strikes that have the possibility of creating mental stunning and/or motor dysfunction.
 11. **Impact Weapons:** Batons, ASP/Expandable Baton may be utilized in cases where the officers believe the use of these weapons would be reasonable to bring the event under control. Examples would be where other options have been utilized and failed, or where based on the officer's perception at the time, the other options would not be successful in bringing the event to a successful conclusion.
 12. **Canine:** Use of a canine to bite and hold a subject to prevent escape or to gain control of a subject who is actively aggressing toward officer(s). Prior to deploying a canine, a warning in the form of an announcement shall be made. Use of a canine will be reported on a special form regardless of whether contact is made.
 13. **Deadly Force:** Federal courts have defined deadly force as any force when employed may bring about serious bodily injury or death. The Kentucky legislature has further defined deadly force in KRS 503.010: "Deadly physical force" means force which is used with the purpose of causing death or serious physical injury, or which the defendant knows to create a substantial risk of causing death or serious physical injury.
- C. Deadly Force:** The use of deadly force is objectively reasonable when the officer is faced with an immediate threat of serious physical injury or death to himself/herself, or some other person who is present.
- D. Kentucky statutory law provides:**
1. The use of physical force by an officer upon another person is justifiable when the officer, acting under official authority, is making or assisting in making 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

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- c. Believes the arrest to be lawful.
 2. The use of deadly physical force by a defendant upon another person is justifiable only when:
 - a. The officer, 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 officer believes that the person to be arrested is likely to endanger human life unless apprehended without delay.
- E. In all deadly force events, officers should warn the subject prior to using deadly force when feasible.
- F. Once the subject's active resistance has ceased and control has been gained, an officer is no longer authorized to use force. If any person is injured and requires medical attention, officers of this agency shall request medical assistance and provide safe access to the injured person for emergency medical services as soon as safe and practical. Officers should render aid when safe to do so in accordance with their training.
- G. Discharge of Firearms Restrictions:
 1. Warning shots are prohibited.
 2. Discharge of firearms is prohibited when the officer is presented with an unreasonable risk to innocent third parties.
 3. When a moving vehicle is involved, the use of deadly force by discharging a firearm is dangerous, can be ineffective, and should not occur when there is an unreasonable risk to the safety of persons other than the subject. Whenever possible, officers should avoid placing themselves in a position where the use of deadly force is the only alternative.
 4. Even when deadly force is justified, firearms shall not be discharged at a vehicle unless:
 - a. The officer has a reasonable belief that an occupant of the vehicle poses an imminent threat of death or serious physical injury to the officer or another person, or
 - b. The officer has a reasonable belief that an occupant is using the vehicle in a manner that poses an imminent threat of death or serious physical injury to the officer or another person, and there is no avenue of escape.
- H. **Chokeholds & Neck Restraints:** An officer shall not use a chokehold or neck restraint in the performance of his or her duties unless deadly force is justified.
 1. Officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. Officers shall not intentionally use any technique that restricts blood flow to the head, restricts respiration, or creates a reasonable likelihood that blood flow to the head or respiration would be restricted for the purpose of seizing evidence or preventing the destruction of evidence by ingestion.

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I. **Post-Restraint:**

1. Officers restraining a subject should be cognizant of and avoid positional asphyxia. This agency prohibits prolonged face-down prone restraint.
2. As soon as practicable after the subject stops resisting, monitor the subject's condition. If the subject has difficulty breathing, exhibits other obvious signs of medical distress identifiable by any layperson, or requests medical assistance, officers of this agency shall request medical assistance and provide safe access to the injured person for emergency medical services as soon as safe and practical. Officers should render aid when safe to do so in accordance with their training.
3. If the subject is being lodged in a correctional facility or taken to a medical facility, advise the intake personnel that the subject was rendered unconscious or subjected to a chokehold (deadly force) during restraint.

J. **Less-Lethal Weapons/Tactics:** Prior to deployment of any less-lethal weapon, officers/deputies must be trained and certified through this agency or the manufacturer in a recognized training program covering the proper use of the weapon from both the technical and legal aspects. All deployments must be consistent with departmental response to resistance training and policy.

1. **Chemical Spray:**

- a. Chemical spray shall not be deployed as a compliance technique for a person who is passively or verbally non-compliant. Active resistance/active aggression shall be required.
- b. Chemical spray shall never be used as a punitive measure.
- c. Officers should never spray from a pressurized can directly into a subject's eyes from a close distance due to the potential for eye injury as a result of the pressurized stream. Officers should never spray directly into a subject's eyes from closer than three feet or the distance recommended by the manufacturer of the spray (whichever is shorter) unless deadly force would be justified.
- d. Officers shall consider alternatives to chemical spray when attempting to control a subject in a crowded or enclosed area due to the innocent overspray that may cause the onset of panic.
- e. Officers shall consider alternatives to chemical spray when the event is inside a building, particularly where the building has a closed ventilation system due to the potential impact on innocent persons who may have to be evacuated (temporarily) from the locations.
- f. Once control is gained, officers should provide for the decontamination of the subject as soon as practicable.
- g. If the person shows any signs of physical distress or does not recover in a reasonable amount of time, officers should immediately direct an emergency medical response and render first-aid to the degree for which they are trained.

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2. Electronic Control Devices

- a. An electronic control device as a force option is the same level of force as chemical spray.
- b. Electronic control devices must be worn on the weak side in either a weak-hand draw or cross-draw position.
- c. Electronic control device deployment shall not be considered for the passively resistant subject. Active resistance or active aggression shall be required.
 - (1) Flight from an officer, standing alone, is not a justification for the use of an electronic control device. Officers should consider the nature of the offense suspected, the level of suspicion with respect to the person fleeing, and the risk of danger to others if the person is not apprehended immediately. Additionally, officers should consider the type of area, i.e., asphalt, railroad tracks, grass, etc.
 - (2) Officers must be trained concerning the ability of electrical charge to act as an ignition for combustible materials. (Note: Officers have been seriously injured and or killed after deploying an electronic control device in the presence of open natural gas during a suicidal person call.)
 - (3) Multiple electronic control device deployments against an individual may increase the likelihood of serious injury when the individual is suffering from other symptoms such as cocaine intoxication. Policy and training should encourage officers to minimize the successive number of discharges against an individual when possible.
 - (4) The agency recognizes, however, particularly where back-up officers are unavailable, that multiple applications may be necessary to gain or maintain control of a combative individual.
 - (5) No more than one officer should deploy an electronic control device against a single individual at the same time.
 - (6) A contributing factor to serious injury or death is the level of a subject's exhaustion. Studies recommend that when an officer believes that control of a subject will be necessary and met with resistance, deployment of the electronic control device should be considered early in the event so that the person has not reached a level of exhaustion prior to the electronic control device's use.
 - (7) In cases where a subject is actively resisting an officer's attempt to take them into custody but not threatening the officer with an assault, it is recommended that the electronic control device be used in the "push [drive] stun mode."
 - (8) The preferred target is the center mass of the subject's back. However, it is recognized that it is not always possible to get behind the subject.

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- (9) Where back-targeting is not possible, frontal targeting should be lower center mass. Intentional deployments to the chest shall be avoided when possible.
- (10) Officers who are aware that a female subject is pregnant shall not use the electronic control device unless deadly force would be justified due to the danger created by the secondary impact or the possibility of muscle contractions leading to premature birth.
- (11) Officers shall make all reasonable efforts to avoid striking persons in the head, neck, eyes, or genitals.
- (12) Officers are prohibited from using the device as a punitive measure.
- (13) Electronic control devices shall not be used against a person who is in physical control of a vehicle in motion unless deadly force would be justified based on an existing imminent threat.
- (14) A warning prior to discharge is preferred but not always necessary for this type of force to be considered reasonable. Model policies and courts have noted that giving a subject who is assaultive toward the officer a warning may enhance the danger to the officer and the subject by giving the subject time to avoid the deployment. See: *Draper v. Reynolds*, 369 F.3d 1270 (11th Cir. 2004).
- (15) Officers shall make all efforts to warn other officers that a deployment is about to occur.
- (16) The device shall never be used on a handcuffed person to force compliance unless the subject is actively resistant and control cannot be otherwise accomplished.
- (17) Officers should consider the location and environment of the subject. Is the subject at the top of a stairwell such that when incapacitated by the electronic control device they may fall down the stairs causing a collateral injury? Officers shall avoid using electronic control devices in cases where the subject is elevated, i.e., a roof, fire escape, tree, bridge, stairwell, etc., such that the secondary impact may cause serious injury.
- (18) Officers should be aware that a subject's heavy clothing may impact the effectiveness of the electronic control device.
- (19) Officers should consider whether the subject has been exposed to combustible elements that may be on their person such as gasoline. The use of an electronic control device on such persons may cause an ignition and fire.
- (20) Officers should consider the subject and any vulnerabilities they may have. A person who is small in stature or very frail will be more dramatically impacted. Some agencies have been criticized as well as sued for use on pregnant women, the very young, and the elderly.
- (21) Alternative tactics shall be utilized when the officer has prior information that the subject suffers from a disability that would

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increase the danger to that person by using the electronic control device, i.e., a person at the scene tells an officer that the subject has a heart condition.

- (22) Deployed probes that have been removed from a suspect should be treated as a biohazard.
- (23) When EMS is available, their services may be utilized for the removal of darts that have penetrated the skin as long as such removal can be accomplished without causing further injury or pain to the subject.
- (24) All persons who have been the subject of an electronic control device deployment shall be monitored for a period with a focus on symptoms of physical distress. Any person who appears to be having any form of physical distress following the deployment of an ECD shall be transported to a medical facility for a medical examination. It should be noted that studies indicate that people who suffer from excited delirium may not be immediately impacted, and the onset of difficulty may occur a period after police control the event.
- (25) Mandatory Medical Clearance at a Hospital:
 - (i) Persons struck in a sensitive area, including eyes, head, genitals, female breasts.
 - (ii) When the probes have penetrated the skin and officers/EMS cannot safely remove darts in accord with this policy.
 - (iii) Persons who do not appear to have fully recovered after a short period. Model policies use a 10-minute time limit, however officers who observe unusual physical distress should immediately call for medical assistance and should not wait the 10-minute recovery period recommended by some of the model policies.
 - (iv) Persons who fall into one of the vulnerable classes such as juveniles, pregnant women, persons who are small in stature, persons who officers become aware have a pre-existing medical condition that increases danger, and the elderly.
 - (v) Subject who requests medical assistance.
- (26) Documentation:
 - (i) All deployments of an electronic control device shall be documented, including those cases when a subject complies once threatened with such a device. By documenting the non-discharge uses, an agency establishes officer judgment and control, as well as the deterrent effect of this tool.
 - (ii) Photographs of the affected area shall be taken following the removal of darts from the subject to document any injury. When the push-stun method has been used, photographs are extremely important due to the increased potential for this method to cause scarring.
 - (iii) Supervisory personnel shall be notified and review all electronic

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control device deployment for consistency with policy and training.

- (iv) Darts/Cartridges shall be properly stored and maintained as evidence following a discharge.
- (v) The supervisor will complete the RCAR prior to completing their shift and submit it to their chain of command.
- (vi) All deployments shall be reviewed by the agency, as well as training personnel.
- (vii) When there is any indication of lasting injury, claim, or complaint, internal data from the device shall be maintained.
- (viii) All ECD units will be audited monthly to ensure that all deployment/activations have been reported as required.

3. **Impact Weapons:** Batons, Expandable Baton

- a. Impact weapons may be utilized in cases where the officers believe the use of these weapons would be reasonable to bring the event under control.
- b. Examples would be when other options have been utilized and failed, or when based on the officer's perception at the time, the other options would not be successful in bringing the event to a successful conclusion.
- c. Officers shall not intentionally strike a person in the head with an impact weapon unless deadly force would be justified.

4. **Wrapping Device:**

- a. Wrapping devices may be utilized in cases where the officers believe the use of the device would be reasonable to immobilize or control an individual.
- b. Targeting should be aimed at the lower extremities and/or lowered arms. Head, neck, chest, and groin should be avoided.
- c. When the person is properly restrained and under control, the wrapping device should be removed prior to transporting the subject and collected as evidence.
- d. EMS may be utilized for the removal of hooks that have penetrated the skin.

V. **Duty to Intervene:**

In accordance with the agency's duty to intervene policy, officers of this agency have an affirmative duty to intervene if they witness a response to resistance that is clearly unreasonable. Any officer present and observing another officer using force that is clearly beyond that which is reasonable under the circumstances shall, when in a position to safely do so, intervene to prevent the use of unreasonable force. An officer who observes another employee's response to resistance that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

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VI. Reporting Control to Active Resistance:

- A. Purpose (Reporting):** It is the purpose of this policy to provide police employees and supervisors with guidelines for reporting control to active resistance. The department will develop a Report to Control Active Resistance (RCAR) form to capture all required information described in this policy.
- B. Policy (Reporting):** Police officers are given the authority to use force to overcome a subject's resistance to the officer's order to comply, effect arrest, defend against assault, and prohibit flight. It is incumbent that officers be held accountable to safeguard the rights of members of the public. This policy mandates that members of the department accurately, completely, and timely report subject control of active resistance and a supervisor conducts a prompt investigation and reports the investigation's findings.
- C. Procedures (Reporting):**
1. Officers who become involved in an incident that requires reportable force are required to immediately notify their supervisor. The involved officer will provide detailed documentation of the response to resistance utilized in the official police report prepared for the incident involved. In cases where no supervisor is working, the officer will also be responsible for completing the RCAR report identified below prior to the end of their shift.
 2. An RCAR form shall be prepared by a supervisor whenever an officer of this agency utilizes reportable force **or show of force**, as described in the definition of this policy, in the performance of their duties.
 3. The RCAR form will be completed in detail, including a narrative account of the following:
 - a. The actions of the subject that necessitated that force as a response to overcome the active resistance of the subject;
 - b. The reasons why force was required and the type of force the officer utilized in overcoming the resistant subject; and
 - c. Any injuries or complaint of injuries of either the subject or the officer and any medical treatment received.
- D. Supervisory Responsibilities:** Once notified of an incident in which an officer has utilized force, the supervisor will immediately respond to the scene to investigate the incident. If the involved officer's supervisor is not available to respond, another supervisor will be dispatched to complete the RCAR. The supervisor will take the following steps in conducting the investigation:
1. Interview the involved subject, if they are cooperative, to determine their account of the incident and if they have a complaint. If they have a complaint the supervisor shall complete a public service report. If they have any type of injury, internal affairs or the designated departmental IA person will be notified. Additionally, should the supervisor determine that unreasonable force was utilized, the internal affairs designated investigator will be notified and assume control of the investigation.

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2. If a crime scene exists or police equipment exists that may contain forensic evidence, the supervisor shall ensure that the scene and evidence are processed, photographed, and preserved.
3. Take photographs of the involved officer(s) and subject(s) depicting any potential injuries or documenting the lack of any injuries to the parties involved.
4. Interview, preferably audio-recorded/audio-visually recorded, all witnesses to the incident and document their description of the event.
5. Ensure that a qualified health care provider handles any injuries or other medical condition experienced by the involved person.
6. The supervisor shall review any video recording of the incident, if available, prior to the completion of the RCAR and the approval of the officer's reports.
7. The supervisor investigating the use of reportable force shall be responsible for the review and approval of the officer's reports of the incident when practicable.
8. The supervisor will complete the RCAR prior to completing their shift and submit it along with the officer's report to their chain of command for review.
9. **Exceptions: The following do not require the completion of an RCAR unless otherwise required by the above policy:**
 - a. Handcuffing or escorting a compliant, cooperative subject
 - b. Physical removal of peaceful demonstrators who do not resist

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STOP, ARREST, AND SEARCH OF PERSONS



Policy #	Related Policies:
Stop, Arrest, and Search of Persons	
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third-party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable State Statutes: K.R.S. 431.005; K.R.S. 431.15; K.R.S. 630.010	
KACP Accreditation Standard: 1.4	
Date Implemented:	Review Date: 5-13-24

- I. **Purpose:** The purpose of this policy is to direct the members of this agency on the lawful limits of authority with respect to contacts with persons.
- II. **Policy:** The policy of this department is to protect and serve the constitutional rights of all citizens when stopping, arresting, or searching individuals while balancing the needs of law enforcement in solving crime for the protection of the community.
- III. **Definitions:**
 - A. **Probable Cause: (search):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of a crime exists and that the evidence exists at the place to be searched.
 - B. **Probable Cause: (arrest):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that a crime has been or is being committed and the person to be arrested is the one who is or has committed the crime.
 - C. **Reasonable Suspicion (temporarily detain):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that criminal activity is afoot.
 - D. **Reasonable Suspicion (frisk):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that a person who is lawfully stopped is in possession of a weapon.

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- E. **Frisk (weapon):** A limited type of search, the limit being to those areas capable of holding a weapon and located within the subject's immediate area of control.
- F. **Strip search:** The removal or rearrangement of clothing that results in the exposure or observation of a portion of a person's body where that person has a reasonable expectation of privacy.
- G. **Consensual Contact:** An interaction between a member of law enforcement and the public that is voluntary in nature. The law enforcement member has shown no authority that would cause a reasonable person to believe that they had no choice but to respond or comply with the officer's efforts. Under this type of contact, an officer has no power to detain an individual who chooses not to participate in the contact.

IV. Procedures:

- A. **Consensual Contact** - An officer may approach anyone and attempt a consensual contact.
 - 1. Officers are not required to have reasonable suspicion for this type of contact.
 - 2. Officers may not take any steps through words or conduct to stop the person's movement under this type of stop.
 - 3. A person cannot be compelled in any way to participate in the stop.
- B. **Reasonable Suspicion Based Stops/Terry Stops** - An officer who is aware of facts and circumstances that would lead a reasonable police officer to conclude that criminal activity is afoot, may stop a person using reasonable force short of deadly force and detain the person for a reasonable amount of time to investigate further.
 - 1. Officers may detain the person for a reasonable amount of time at the location of the stop while a diligent investigation is conducted such that the officer has an opportunity to confirm or dispel their suspicion.
 - 2. Anonymous tips that merely describe a person's location and physical/clothing description without providing a prediction of the subject's future actions that can be corroborated by the police prior to contact are insufficient to justify a stop or frisk.
 - 3. The duration of the stop should not exceed the amount of time that it would normally take to investigate the conduct that the officer suspected at the time the stop was made.
 - 4. Officers may not frisk every person who is stopped in accordance with this policy. An officer may only frisk those individuals for whom the officer has reasonable suspicion to believe are armed with a weapon.
- C. **Reasonable Suspicion-Based Frisk** - An officer may conduct a limited frisk/pat-down of a person's outer clothing when the officer has reasonable suspicion to believe that a person who has been lawfully stopped is in possession of a weapon that poses a danger to the officer or others present.
 - 1. Items that may support reasonable suspicion:
 - a. The type of crime for which the stop is based is one that would lead a reasonable officer to conclude generally involves a weapon.
 - b. The officer observes a bulge in the subject's clothing that has the appearance of a weapon.

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- c. The officer has information (anonymous tip merely providing description and location is not enough) indicating that a person is armed.
 - d. The officer is aware of the subject's history of carrying weapons.
 - e. The officer observes the subject reach as if reaching for or reaching to hide a weapon (furtive movements).
2. The frisk is limited to a pat-down of the outer clothing and does not include reaching into pockets, etc., unless the officer feels an item during the frisk that the officer reasonably believes is a weapon.
- D. Plain View Seizure: Officers may seize, without a warrant, items of evidence and contraband that are in plain view subject to the following conditions:¹**
- 1. The officer must be lawfully located in an area protected by the 4th Amendment when an officer lawfully sees the item in plain view. The officer must immediately have probable cause to believe the item is evidence or contraband without making any further search. The officer must have lawful right of access to the item itself.**
 - 2. Any movement or manipulation to determine if the item is evidence or contraband will constitute a "further search" and invalidate the plain view seizure. The finding of the evidence need not be "inadvertent."**
- E. Arrest: An officer may arrest an individual if the officer has probable cause to believe that a crime has been committed and probable cause to believe that the person to be arrested is the person who committed that crime. Once probable cause is established an officer may take custody of the subject and involuntarily transport the subject.**
1. **NOTE:** If the person to be arrested is in a dwelling, refer to the home search policy. If the person to be arrested is in a vehicle, refer to the vehicle search policy.
 2. Under Kentucky law officers may make an arrest with or without a warrant:
 - a. In obedience to a warrant; or
 - b. When a felony has been committed in their presence; or
 - c. When they have probable cause to believe the person to be arrested has committed a felony; or
 - d. When a misdemeanor as defined by K.R.S. § 431.060 has been committed in their presence; or
 - e. An officer may also arrest without a warrant for the commission of offenses enumerated in K.R.S. § 431.005 (1) (e); or
 - f. When the officer has probable cause to believe that the person has intentionally or wantonly caused physical injury to a family member or member of an unmarried couple.
 3. Under K.R.S. § 431.15 an officer may issue a citation in lieu of an arrest for enumerated offenses under this statute.

¹ Horton v. California, 496 U.S. 128 (1990).

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4. The sources of probable cause include:
 - a. Officer observations through five senses
 - b. Officer background and experience
 - c. Specialized training
 - d. Information received
 - (1) Good citizens
 - (2) Government
 - (3) Paid informants
 - (4) Anonymous
 - e. Physical evidence
 - (1) At the scene
 - (2) On the suspect
 - f. Circumstantial evidence
 - (1) Description of subject
 - (2) Time and place relationship between crime scene and stop
 - (3) Suspect history
 - (4) Suspect flight
 - (5) Type of area, i.e., high-crime area
 - g. Juvenile arrest procedures: Juveniles may be taken into custody for non-criminal offenses under the following conditions:
 - (1) Pursuant to an order from a court for failure to appear before the court for a previous status offense; or
 - (2) If there are reasonable grounds to believe that the child has been a habitual runaway from his parent or person exercising custodial control or supervision of the child.

F. Search Incident to Arrest of a Person:

1. When an officer arrests a person on the street, the officer may conduct a thorough search of the subject's person (not strip search).
2. Cross-gender searches
 - a. If the arresting officer and prisoner are of the opposite sex, this search should be observed, if possible, by a witness or in front of the vehicle video camera.
 - b. When possible and practicable, an agency member of the opposite sex should be requested for these types of searches.
3. The purpose of this search is the following:
 - a. Protecting the officer from attack;
 - b. Preventing the person from escaping;

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- c. Discovering or seizing the fruits of the crime for which the person has been arrested; or
 - d. Discovering or seizing any instruments, articles, or things that are being used or which may have been used in the commission of the crime for which the person has been arrested.
 4. This search may include the subject's pockets as well as any items they are in possession of at the time of the arrest. For search incident to arrest in a home, see the home search policy. For incident to arrest search in a vehicle see the motor vehicle contacts policy.
 5. When the peace officer is in the process of affecting a lawful search, he may discover or seize any stolen or embezzled property, any item, substance, object, thing, or matter, the possession of which is unlawful, or any item, substance, object, thing, or matter other than the private papers of any person, which is tangible evidence of the commission of a crime against the laws of this state.
- G. Privilege from Arrest:**
 1. Legislative Privilege
 - a. A member of the general assembly, while going to, attending, or returning from any session of the house to which he belongs, shall not be arrested, menaced, or disturbed at any place in the Commonwealth of Kentucky except on legal process for treason, felony, or breach or surety of the peace.
 - b. It is declared to be the legislative intent of the general assembly to prohibit the arrest of any member of the general assembly at any place within the commonwealth while going to, attending, or returning from any session of the house to which he belongs, except for treason, felony, or breach or surety of the peace.
 2. National Guard/State Militia
 - a. No officer, warrant officer, or enlisted man of the Kentucky National Guard or Kentucky active militia shall be arrested, except in case of a felony, while going to, remaining at, or returning from a place where he is ordered to attend for state active duty.

H. Diplomatic and Consular Immunity

1. Background. Diplomatic immunity is a principle of international law by which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official and, to a large extent, their official and personal activities. It should be emphasized, however, that even at its highest level, diplomatic immunity does not exempt diplomatic officers from the obligation of conforming with national and local laws and regulations.
2. Categories of persons entitled to diplomatic immunity are as follows:
 - a. Diplomatic Agent: Enjoys the highest degree of privileges and immunity. Diplomatic agents may not be handcuffed (except in extraordinary circumstances), arrested, or detained for any criminal offense. Generally, they are immune from any civil suits, but are not immune from receiving a citation/summons. Family members of these persons enjoy identical privileges and immunity.

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STOP, ARREST, AND SEARCH OF PERSONS

- b. Diplomatic Administrative and Technical Staff: Enjoy privileges and immunity similar to diplomatic agents. Diplomatic administrative and technical staff may not be handcuffed, arrested, or detained for any criminal offense. They enjoy immunity from civil suits arising in connection with the performance of their official duties. Officers may issue a citation for a motor vehicle violation. Family members enjoy identical privileges or immunity.
 - c. Diplomatic Service Staff: They are accorded few privileges and immunities. Diplomatic service staff may be arrested or detained for criminal offenses. They enjoy immunity from civil suits arising in connection with the performance of their official duties. Officers may issue a citation for traffic violations. Family members enjoy no privileges or immunities.
 - d. Consular Officers: Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Consular officers may be arrested or detained, pursuant to an arrest warrant, for felony offenses. They may be prosecuted for misdemeanors but may not be arrested or detained prior to trial or other disposition of charges. Officers may issue a citation for traffic violations. Family members generally enjoy no privileges or immunity.
 - e. Consular Employees: Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Consular employees may be arrested or detained for criminal offenses. Officers may issue a citation for traffic offenses. Family members enjoy no privileges or immunity.
 - f. Honorary Consuls: Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Honorary consuls may be arrested or detained for criminal offenses. Officers may issue a citation for a traffic offense. Family members enjoy no privileges or immunity.
3. Procedure for notification when a foreign national is arrested:
- a. Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport or other travel documents the foreign national travels.
 - b. All foreign nationals must be told of their right to consular notification.
 - c. If the foreign national's country is not on the mandatory notification list:
 - (1) Offer, without delay, to notify the foreign national's consular officials of the arrest/detention.
 - (2) If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay.
 - d. If the foreign national's country is on the list of mandatory notification countries:
 - (1) Notify that country's nearest consular officials, without delay, of the arrest/detention. Tell the foreign national that you are making this notification.
 - e. Keep a written record of the provision of notification and actions taken.

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I. Strip Search: In order to conduct a strip search of an individual two threshold issues must be met:

1. The person must first be arrested based upon probable cause to believe that person has committed or is committing a crime.
2. Field: The officer must have probable cause to believe that the arrestee is concealing evidence, contraband, or weapons on their person. These searches shall be conducted at the police station or jail, unless exigent circumstances exist that make the search necessary to protect the officer or others from serious bodily harm or death. In such a case, the officer shall obtain supervisory authorization before making this search unless no supervisor is available. In all cases the officer must seek a private area to conduct the search which is out of view of the public and other persons.
3. Booking: Strip searches during the booking process may only be conducted when officers can articulate reasonable suspicion to believe that the subject is concealing weapons or contraband.
4. Cross-gender strip searches are prohibited unless exigent circumstances exist that would justify such a search.
5. In all cases where a strip search has been conducted, the officer will document the following:
 - a. The offense the suspect was arrested for.
 - b. Facts and circumstances that led the officer to believe that the suspect was hiding weapons or contraband on his or her person.
 - c. The manner in which the search was conducted.
 - d. The persons who were present during the search.
 - e. The location where the search occurred.
 - f. The items that were recovered as a result of the search.



Resources



SAMPLE NEWS RELEASE

Most media prefer email notifications. It is best to cut and paste the below copy into the body of an email, filing in the highlighted areas with your information. Do not send the advisory as an attachment; many newsroom spam filters strip or block attachments. You can also call a day or two before your event to remind them of the upcoming event and to confirm they received the email.

INSERT CITY OR POLICE DEPARTMENT LOGO

Media Advisory

Date:

Contact:

(Contact person's name

position

email and phone number)

City of (Name) Hosts Law Enforcement Officers for Response to Resistance/ Decision-Making Training

Who: Police officers from (list participating departments)

What: The (City Police Department) is hosting law enforcement officers from the region for one of the nation's most realistic and sophisticated firearms decision-making training systems. The Ti Firearms System projects scenarios onto a screen, and officers respond using the appropriate levels of force. Participants are filmed and provided feedback on their actions, including de-escalation (verbal commands) and proper use of weapons such as batons, TASER, pistols, rifles, and shotguns.

When: (date and time)

Where: (location)

Kentucky League of Cities Insurance provides the response to resistance simulation training to its insured police departments at no cost. KLC Insurance trains hundreds of officers at dozens of locations across the state every year. All training courses are open to area police and sheriff's departments, Kentucky State Police, Kentucky Department of Fish & Wildlife officers, and federal agencies that wish to participate.

DECISION-MAKING TRAINING PROGRAM ACTIVITY SHEET

Officer: _____

Instructor: _____

Date: _____

Knowledge Base Review	✓
Safety Brief & Tactics (e.g., movement, cover, use of handheld lights vs. WMLs, etc.)	
Flashlight Techniques	
Code of Ethics and KLC Ethics Model Policy	
Use of TASER	
KRS 503.090 Use of Force	
Graham v. Conner	
Tennessee v. Garner	
Hill v. Miracle & Armstrong v. Village of Pinehurst	
KLC Model Policy - Response to Resistance	
KLC Model Policy - Domestic Violence	
KLC Model Policy - Stop, Arrest, and Search of Persons	
KLC Model Policy - Active Shooter	
KLC Model Policy - Duty to Intervene	
KLC Model Policy - Body-worn Video Recording (BWV)	

2025 Scenarios	✓	Branching Options
Autistic Man on Playground		
Church Sanctuary Active Shooter		
Church Shooter (Off Duty)		
(Dispatch Priming) Suspicious Male		
Domestic Garage Incident		
Restraining Order Traffic Stop		
Suicidal Veteran in Park		

Test Questions	✓
The instructor verbally administered the test, covering all test questions. The instructor corrected errors (if any) with the officer, ensuring 100% accuracy in the officer's understanding of the content covered.	

TEST QUESTIONS (*Indicates correct answers.)

When an officer must describe the circumstances in which they believe the use of force was necessary to affect an arrest or protect themselves or others, identify the statement(s) below that best convey the facts to justify an officer's actions.

- A. "The subject was acting aggressively and being belligerent."
- B. "The subject caused me to fear for my life."
- C. "The subject balled up his fist and took a boxer's stance." *
- D. All of the above.

The use of physical force by an officer upon another person is justifiable when the officer, acting under official authority, is making, or assisting in making an arrest, and he:

- A. Believes that such force is necessary to effect the arrest.
- B. Makes known the purpose of the arrest he believes that it is otherwise known or cannot reasonably be made known to the person to be arrested.
- C. Believes the arrest to be lawful.
- D. All are justifiable.*

Identify the primary factors listed below, which the court will ultimately use in determining whether an officer's use of force was reasonable.

- A. Seriousness of the crime.
- B. Immediacy of the physical threat to the officers or others.
- C. Was the subject actively resisting or attempting to evade arrest by flight?
- D. All are factors.*

Which of the statements below best describes when a police 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 the officer or others.*
- C. When all other means to effect the arrest have failed.
- D. When the suspect has committed a felony in the officer's presence and is attempting to flee from apprehension.

If any person is injured and requires medical attention, which below response best outlines the officer's immediate responsibility?

- A. Request a supervisor to the scene.
- B. Summons additional help from any bystanders who might have training.
- C. Request medical assistance and render aid after assessing the scene to ensure safety.*
- D. You must render aid regardless of any circumstances.

In the context of an officer's duty to intervene when witnessing another officer violating clearly established law or using excessive force, which of the following statements is correct?

- A. Officers should only intervene if they are absolutely certain that a violation has occurred.
- B. Officers are not obligated to intervene unless the violation is a felony.

TEST QUESTIONS

(*Indicates correct answers.)

- C. Officers have a duty to intervene if they witness another officer using excessive force or violating the law, regardless of rank or seniority. *
- D. Officers should report the incident to their superior officers but are not required to physically intervene.

In response to a mass murder (active shooter) event at an elementary school, you see several individuals who have been shot as you enter the building. In moving toward the sound of the gunfire, you turn a corner and see an individual pointing a handgun at a young child. Under the provisions of *Tennessee v. Garner*, what is the most accurate statement in your decision-making at this point?

- A. You must give a verbal warning to the subject to drop the gun immediately.
- B. When feasible, an officer must give a verbal warning prior to seizing (using deadly force). *
- C. You must seek cover and create distance in order to better assess the situation.
- D. You must always seek to verbally de-escalate prior to using any force.

What are the “Priority of Life” considerations of which officers must be aware in performing their duties?

- A. Victims, bystanders, first responders, suspects*
- B. Victims, bystanders, suspects, first responders
- C. Victims, bystanders, first responders, K-9s, suspects
- D. First responders, victims, bystanders, suspects

Which of the following statements best describes “passive non-compliance”?

- A. When an individual expresses verbal disagreement, refuses to answer questions, challenges an officer’s authority, etc.
- B. When an individual refuses to comply with an officer’s commands or instructions, but does not engage in any physical resistance, e.g., refuses to move, exit a vehicle, or cooperate. *
- C. When an individual does not comply and physically resists an officer’s attempt to control or restrain them, but does not kick, punch, or grapple with the officer.
- D. When an individual expresses disagreement with an officer but complies with all instructions without any hesitation.

Of the other factors the court has considered in determining whether an officer’s use of force was reasonable, which of the factors listed below has not been considered a factor?

- A. The number of suspects and officers involved.
- B. The duration of the action.
- C. Previous violent history of the suspect if known to the officer at the time.
- D. The sex of the officer vs. the sex of the suspect. *

Officer’s Signature _____

Instructor _____

WE'VE GOT YOU COVERED ♦



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LEXINGTON PD (Fmr.)



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KSP (Ret.)



CHARLES COLE
LEGAL COUNSEL
LAW ENFORCEMENT

Critical Incident Representation
24/7 Response
Officer Liability Litigation
Police Disciplinary Matters
Use of Force/Internal Investigations

Sturgill Turner attorneys Scott Miller and Charley Cole bring more than 20 years experience each defending police officers and departments across Kentucky and Tennessee and helping create preventative department policies. Scott and attorney Tyler Chelf both have many years experience as law enforcement officers. Because they know what it's like when the unfortunate happens and a critical incident occurs, they know how to offer the support and legal guidance you need.

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