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EDET 755
Dr. Tang

Risk Management in Police Operations Module Agendas

Course dates 10/17/22 to 11/15/22

Introductory Module

(October 17 to October 23)

Overview

This course will help law enforcement leaders understand duties and obligations of police officers and how failing to carry out those duties can constitute negligence. Gaining an understanding in this topic will give leaders guidance in how to lead a department in a way that will teach learners how to reduce police officers and agency liability potential.

Learning objectives

At the end of this module, learners will be able to:

- Locate the course syllabus and class schedule
- Access the discussion board
- Demonstrate the expectations of the course

Learning Activities

Web tools: Internet browser, Canvas Learning Management System, discussion board, email, videoconferencing for optional office hours, Google docs to sign up for office time.

Instructor to send announcement on 10/17/22.

- Canvas LMS
 - Announcement (October 17)
 - Discussion board – have participants introduce themselves.
 - Calendar/Course schedule

Activity 1: Read syllabus.

Activity 2: Review the entire course in the LMS and make yourself familiar with course modules, assignments, and due dates.

Activity 3: Send an email to the instructor confirming your understanding of the following: (due 10/22/22)

- This course requires a reliable internet connection, with access to an internet browser.
- For general questions, post in the “Ask here first” discussion forum.
- The instructor is available by emailing pendleyb@email.sc.edu or can use Google docs to sign up during office hours or by calling office phone.
- Unless prior arrangements are made with the instructor, late assignments will receive a grade of zero.

Activity 4: Introduce yourself – Using the discussion board, share you name, title, and why you chose the law enforcement profession. Next, share some information about your background or work experience in law enforcement. And finally, share what you hope to gain by taking this course. Read the posts of your peers and respond to at least three. (Initial post due 10/19/22, three responses due 10/23/22)

Evaluation Activities

None for the introductory module.

Module 1: Law Enforcement Liability

(October 24 to October 30)

Overview

This module establishes the foundation for the course by outlining the duties and obligations of a law enforcement officer. In other words, a law enforcement officer's job is to serve and protect the community in a general sense, but when a special relationship is created, then an officer has special duties to keep a person safe and protected. Also, this module outlines the duties of a police agency as it relates to hiring, training and supervising. And finally, the course outlines the four elements of liability.

Learning objectives

At the end of this module, you should be able to:

- Learning Objective 1: Recognize six duties or obligations of a police agency related to civil liability
- Learning Objective 2: Distinguish the difference in a general duty and a special duty
- Learning Objective 3: Recognize the four elements of liability

Learning Activities

Web tools: Canvas, calendar/schedule, email, Google docs, video presentation developed by instructor with lecture on module content, website links, and PDFs or links, survey

Instructor to send announcement on 10/24/22.

Activity 1: Watch video presentation that sets the stage for module 2.

Activity 2: Readings/media:

- Read Chapter 2 – The Fundamentals of State Tort Law in Critical Issues in Police Civil Liability [LINK](#)
- Review website: [Addressing Police Misconduct Laws Enforced By The Department Of Justice](#)
- Review website: [Law Enforcement Liability](#)
- Watch Video: <https://youtu.be/50r2z6NgVd8>
- Watch video: [Civil liability of law enforcement officers](#)

Activity 3: Discussion Board: a scenario involving the actions of a police officer in a particular situation will be given to the learner.

Discussion Instructions: After reading the scenario, share your thoughts about what “duty” the officer had after using force to apprehend the suspect. Consider these questions to begin your

response: Do you think the office breached a duty owed. Should the officer be charged criminally? Was the officer's acts negligent? Is the police department negligent in this situation? Do you think the suspect could file a lawsuit against the police department? (Initial post is due by 10/27/2022 and respond to at least three peers by 10/30/2022.)

Activity 4: Quiz (10/29/2022)

Activity 5: Introduction to course project. Learners should sign up via Google to join a team. There will be 11 teams of 2 in the class.

Activity 5: Survey (complete by 10/30/22)

Evaluation Activities

Quiz:

1. True or False: public duty doctrine holds that governmental functions, such as police protection, are owed to the general public and not to specific individuals. ANSWER: TRUE
2. True or False: Under the public duty doctrine there is no liability for a police officer's negligent conduct unless it can be shown that there was a duty owed to the injured person as an individual. ANSWER: TRUE
3. A special relationship between a police officer and a person, thus creating special duties. Special relationships can be created by: A. Statute or law B. Being related to the officer C. By agency policy D. Both A and C. ANSWER: D
4. A police agency has many obligations when it comes to selecting and managing law enforcement officers. Choose the item that is not a legal duty of a police department related to civil liability: A. Hire qualified candidates B. Provide insurance benefits to officers C. Property train officers D. Manage the performance of officers. ANSWER: B
5. Choose the items that are duties or obligations of a police department related to civil liability: A. Ensure officers have the proper certification B. Hire candidates that are free from negative work histories C. Train and develop skills of officers D. All the above. ANSWER: D
6. True or False: A police officer was blamed for using excessive force that severely injured a person. During the investigation, the plaintiff attorney discovered that the officer has been fired from 3 previous employers for numerous reports of using excessive force. The officer's current agency did not do a background check before hiring the officer. The current agency could be found negligent for not properly vetting the candidate before hiring him/her. ANSWER: TRUE
7. Which item is not part of the four elements of liability? A. Proximate cause B. Duty owed C. Duty exercised D. Duty breached E. Damages/Injury
8. What is a duty? A. a performance of a task B. a legal obligation C. a chore D. a shift

9. When a police officer arrives at the scene, he/she has likely taken an oath to protect the public; however, an officer typically can't be held legally liable unless a special relationship exists with the injured party. What creates a special relationship? A. a state regulation, B. a state statute, C. a department policy D. Any of the above can create special duty ANSWER: D
10. When determining liability, the four elements are duty owed, duty breached, proximate cause and injury/damage. What question is asked to affirm the proximate cause element? A. Is there a duty owed? B Is there a breach of duty? C. Is there actual harm or property damage? D. If not but for this event, would the injury/damage have happened? ANSWER: D

Discussion question:

Read the following scenario and review the attached department policy and then answer the questions.

Officer Bryan of the XYZ Police Department has been with the agency for seven years. He completed his police certification and has completed all continuing education as required since becoming certified as a Class I officer. He has never had any performance issues. He was patrolling the area when the emergency operator dispatched him to a call with allegations of a woman physically attacking her husband. When Officer Bryan arrived at the scene a woman was standing outside the subject residence with a knife in her hand. As the officer got out of his vehicle the woman yell, "if he hits me again, I'm going to kill him". The officer asked the female to drop the knife and she said "no". The officer drew his taser and deployed a cartridge into the woman, disabling her and causing her to fall to the ground on her right side. The officer walked over, retrieved the knife and handcuffed the suspect, telling her she is simply being detained while he figures out what is going on.

The officer goes into the house and speak with the suspects husband who says that she is intoxicated occasionally, gets angry and abusive. After everything calms down, the woman's husband tells the police officer that he does not want to file charges against his wife.

The woman, still in cuffs, complains to the officer that her right shoulder is hurting very badly from when she hit the ground. The officer called EMS to have them come out and check the woman out. The police officer wrote the report for the incident, made no arrests and the woman was taken to the hospital.

Three months later, the police department received a lawsuit from an attorney representing the woman. The lawsuit made allegations against the police officer for the use of excessive force and unlawful detention.

Review the attached document(s).

Answer the following: List the four elements of liability and give a brief description of each one. Next, was a special duty created between the officer and the plaintiff (suspect) that was injured? If so, what created the special relationship? Was a duty owed by the police officer? If so, what duty or duties were owed? Were duties breached? What was the proximate cause of the shoulder injury to the plaintiff?

When determining if an officer is negligent or carries liability in an allegation of excessive use of force or a breach of a duty while enforcing the laws, — often times, there is no right or wrong answer, the ultimate decision sometimes depends on the opinion of juries.

The initial response is due 10/27/22 and three responses or comments on your peers' posts are due 10/30/2022.

Course Project Introduction: This semester, you will be responsible for pairing up with a classmate to complete a project. Learners can sign up via Google docs on the Project Sign Up sheet. In this project, each team will create a fictitious police department. This course covers duties of law enforcement officers and agencies. One way a police agency can be transparent and spell out the procedures and plans for the department is through policies and procedures. For this project, your team will create three documented department policies that outline the requirements and processes of three areas:

- a policy on selection and hiring of police officers,
- a policy on training requirements for the department and
- a policy on performance management and disciplinary actions.

You do not have to have experience in writing policies. Template policy outlines will be provided in the project tab with guidance on what type of information to include. Your main focus is to gather information about these topics as you go through the course modules.

QUESTIONS:

After creating these policies, answer the following questions about the policies created for your police department:

Q1 Do the policies created establish special duties or requirements for the officers? If so, what duties are established by the policies?

Q2 Do the policies establish duties or requirements that the department must carry out so as to not be negligent in their practices? If yes, what duties or practices must the police department do per the established policies?

Q3 If the police department does not follow through on a requirement established in the policy, could that potentially create liability if an injury occurred due to action or nonaction related to that particular topic?

Each team member will turn in an individual copy of the complete project in the assignment area. Your completed project document will be drafted in Microsoft Word and will include the following:

- Cover page with your department name, along with course info (student name, course ID, instructor)
- Next, the policies (hiring, training, and managing/supervising)
- The last page should include the questions outlined above, along with the answers.

This project will be due on 11/15/22.

Module 2: Reducing Liability Through Hiring Practices

(October 31 to November 6)

Overview

A plaintiff who suffers injury during a police interaction can make an allegation against the police department for negligently hiring the involved officer, especially if the plaintiff discovers that the officer has been involved in previous situations of misconduct or has been disciplined for poor work performance at previous employers. An employer can learn a great deal about an applicant that's applied for a law enforcement officer position through investigation and background checks. A police department can reduce potential liability exposure by making sure that the right people get hired for the job. When a police department does not adequately investigate potential candidates – not only do they jeopardize hiring ill equipped individuals, they also open the department to increased liability for negligently hiring an unqualified employee. The goal of this module is for law enforcement leaders to see the value in developing hiring standards.

Learning objectives

At the end of this module, the learner will be able to:

- Learning Objective 1: Articulate the concept of negligent hiring.
- Learning Objective 3: List the activities involved to avoid negligent hiring practices.

Learning Activities

Web tools: Canvas, calendar, announcement, email, video developed by instructor with lecture on module content, readings/media, quiz.

Instructor to send announcement on 10/31/22.

Activity 1: Watch video presentation that sets the stage for module 3.

Activity 2: Quiz (11/2/22)

Activity 3: Readings/media:

- Read Chapter 7 in "Law Enforcement Best Practices" [LINK](#)
- Read article: New Developments Concerning Negligent Hiring [LINK](#)
- Read article: Negligent Hiring of Police Officer [LINK](#)
- Read article: Negligent Hiring Liability for Law Enforcement 2022 [LINK](#)
- Read article: Criminal Background Checks for Prospective and Current Employees [LINK](#)

- Read article: Understanding and Preventing Negligent Hiring [LINK](#)

Additional resource:

- [Police Policies and Procedures Manual Best Practices \(powerdms.com\)](#)

Activity 4: Discussion Board - The learner will be given 3 questions to answers after completing this week's video/lecture and all the reading assignments. They will also be asked to give an opinion on a topic. (Initial post due on 11/3/22 and respond to at least three peers by 11/6/2022.)

Evaluation Activities

QUIZ:

1. True or False: Negligent hiring means an employer could be liable for harm its employee inflicts on third parties when the employer knew or should have known of the employee's potential risk to cause harm. ANSWER: True
2. Any risk that may exist for an officer candidate that is in the application process can be discovered through a reasonable investigation/background check that includes A. contacting past employers B. contacting the criminal justice academy C. running a criminal background check D. reviewing a motor vehicle report E. all the above ANSWER: D
3. A police department should with prior agencies the officer candidate has worked with because: A. they should find out if the officer is friendly to his co-workers B. they should find out if the officer candidate has previous performance issues or has been disciplined for actions of misconduct C. they should find out what the officer candidate's salary wan D. they should find if the candidate gave an appropriate notice when he/she resigned
4. True or False: An employer must maintain records and documentation of all investigative information that was obtained during the hiring process of an employee. ANSWER: True
5. Which term refers to the hiring of workers who have criminal backgrounds, but not known because the employer did not do a thorough background check? A Employment malpractice B. Negligent Hiring C. Failure to investigate D. Unemployment

Discussion question: In the reading assignments, there was mention of several cases involving the allegation of negligent hiring on the part of the police department. Pick one of the cases included in the reading or if you find another case in your research that involved an allegation of negligent hiring, you may use that to write about. After identifying your case, feel free to do additional research to learn more about the case. In the discussion area, give a synopsis of the case. Why was the employer (police department) accused of negligent hiring? Was the allegation supported with evidence? Was there other allegations in the court case? What was the outcome of the case? Write about anything else you found particularly interesting about

the case. Your initial response is due 11/3/22. Please respond or comment on the posts of three peers by 11/6/22.

Module 3: Minimizing Risk with Training, Coaching and Development of Officers

(November 7 to November 15)

Module three outlines the importance of a police department to provide adequate training, coaching and development to police officers so that the officer possesses the needed skills to carry out law enforcement responsibilities while keeping members of the public safe. This module will underscore the importance of training and skill development for police officers.

Learning objectives

At the end of this module, the learner will be able to:

- Learning Objective 1: Identify the legal responsibilities of the police department as it relates to training and developing the skills and knowledge of officers.
- Learning Objective 2: articulate at least one consequence related to civil liability that can result when a police department does not properly train officers.

Learning Activities

Web tools: Canvas, calendar/schedule, discussion board, video developed by instructor with lecture on module content, reading/media, Google docs.

Instructor to send announcement on 11/7/22.

Activity 1: Watch video presentation that sets the stage for module 3.

Activity 2: Readings/media:

- Review website: [Failure to Train as a Theory of Section 1983 Liability in the 11th Circuit - FindLaw](#)
- Review website: [Legal Corner: Departmental Liability for Failure-to-Train \(police1.com\)](#)
- Review website: [Failure to Train](#)
- Read article: [Failure to Train Ruling/Example](#)
- Read article: [Article](#)
- Review info graphic reference (will be designed by instructor)

Activity 3: Discussion Board: Considering the readings this week, along with additional research or external sources, the learner will be given a scenario to share their insights/thoughts. (Initial post due 11/9/22 and response to three peers due 11/15)

Evaluation Activities

Discussion Board: In part of the reading this week, it states “Adequately trained officers can make mistakes.” Liability can only attach where the city’s (police agency’s) failure to train reflects deliberate indifference to the constitutional rights of citizens and deficiency must be closely related to the ultimate injury. Training then should be designed to directly correspond with recurring tasks of police work. What duty does a city/town/police department have when it comes to training police officers? What can happen if a person an officer comes in contact with suffers injury as a result of an action of a police officer using a piece of equipment, he/she has never been trained on? Could the department be held liable if someone was injured due to the action or inaction of the officer? The initial post is due 11/9/22. Please respond or comment on the posts of three peers by 11/15/22.

Please note: I’ve included links to all the content, but in the event the links don’t work, here is the link to the [shared folder](#)