

# **CIVIL LIABILITY IN LAW ENFORCEMENT**

**CRJU 4203-X40**

**Online Course**

**Summer II, 2023**

**Dr. Laura W. Fidelie**

## **Contact Information**

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## **Course Description**

The purpose of this course is to examine the growing prevalence of civil liability within the U.S. criminal justice system. This course will explore civil liability issues for both U.S. law enforcement and corrections officers. This course will cover the increase in civil litigation in the U.S., the distinctions between civil and criminal law, and the primary foundations for civil liability under both state and federal law, as well as the damages that may be recovered. This course will also cover defenses to civil liability within the criminal justice system. Particular emphasis will be placed on lawsuits based upon 42 U.S.C. § 1983 and the use of force in both law enforcement and corrections. The course will teach students to integrate this knowledge through examination of detailed case studies of the actions of both law enforcement and corrections professionals in the U.S. criminal justice system.

## **Course Objectives**

This course is designed to give you a more extensive awareness of the civil liability that may arise from certain actions by law enforcement and corrections professionals. At the conclusion of this course, you should be able to:

- 1) Differentiate between the civil and criminal laws of the United States, and identify the various legal foundations for civil liability

- 2) Identify civil causes of action under both state and federal law, as well as the damages that may result from liability under each
- 3) Suggest potential defenses to civil liability under various causes of action, as well as preventative measures that can be taken by criminal justice professionals prevent liability
- 4) Be able to apply these concepts and legal standards to real-life fact scenarios and case studies involving the actions of criminal justice professionals
- 5) Effectively research and communicate in writing the application of legal standards and case law to various fact scenarios
- 6) Utilize creative thinking in solving complex fact scenarios
- 7) Develop and utilize critical thinking and problem-solving skills through the completion of various fact scenarios pertaining to civil liability
- 8) Comprehend the long-term effects that the growing area of civil liability may have on the criminal justice system, as well as your own life as a criminal justice professional

### **Required Text**

Darrell L. Ross (2018). Civil Liability in Criminal Justice (7<sup>th</sup> ed.). LexisNexis.

### **Course Requirements**

#### **1) Discussion Questions**

The discussion questions you respond to each week are a critical and integral portion of the course. This is where I can make the determination, or non-determination, that you are (1) reading, (2) comprehending, (3) applying, and (4) correlating the knowledge you learn to other aspects of the course and your degree program in general.

For each discussion question asked, I am looking for a detailed and well thought-out answer that integrates the assigned reading, your knowledge, and your own thoughts and perspective on the question posed. Your answers to discussion questions must utilize correct grammar, capitalization, and punctuation. When referencing outside material, proper APA citations must be given. If you have any questions on what constitutes a quality answer to a discussion question, please do not hesitate to contact me.

Your answers must be posted as text within the D2L text box. Do not post your answers as a document attachment. Each question must be answered separately within the thread started for each question. Do not answer all the questions in one posting. Answers that are posted as document attachments or answered all in one posting **WILL NOT BE GRADED.**

Your own answers to the discussion questions will constitute 75% of your grade for each discussion assignment.

For each discussion assignment, you must submit: 1) your own answer to each discussion question asked; 2) one (1) response to a classmate's posting (see section 2 below). So if there is a discussion assignment with four (4) questions, you will submit five (5) postings for that assignment (4 of your own answers, and 1 response to a classmate's posting).

## 2) Discussion Board Participation

Every week throughout the semester, discussions will be held via D2L. Discussions are a vital part of the class, as they occur in lieu of live class discussions that would normally take place in a traditional class setting. Thoughtful participation in each of these discussions is mandatory and will be calculated as a part of your participation grade. Discussions will take place by each student:

- 1) answering each discussion question given for that week AND
- 2) responding to the answer that another student has given to one of that week's discussion questions.

In addition to responding to that week's assigned discussion questions with your own answers, each student must respond to the answer of any fellow student **at least one time per week**. When responding to the answer of a fellow student, you must comment upon his or her answer to the discussion question, state whether you agree or disagree with the answer and reasoning given, and give support for your response. You must include at least one (1) response that contains a **minimum of 200 words**. Lesser word counts of numerous responses will **NOT** be added together to meet the word requirement. Responses must utilize proper grammar, punctuation, and capitalization. When referencing outside material, proper APA citations must be used. Your response to a classmate will count for 25% of your grade for each discussion assignment.

When responding to the answers and thoughts of another student, it is perfectly acceptable to agree or disagree with their answer. However, all responses must be constructive, must not be derogatory in any way, must not use inappropriate language, and must show respect for the thoughts and opinions of your fellow students. If you would not make the comment in the classroom, do not make it on D2L. **Violating these rules of etiquette will result in a loss of all points associated with that**

**response.** If there are any questions about what constitutes an appropriate response, please contact the professor.

### 3) Examinations

Two essay exams will be given during the semester. The purpose of these exams is to assess your knowledge and application of the information presented throughout the readings, class discussions, and assignments. Because of the nature of an online course, these exams are inevitably open book. As such, I am looking for exam answers that show me that you have taken the materials presented in the course, comprehended them, and applied them to real-life scenarios and to your own thought processes, rather than merely reciting facts from a textbook.

Exams are to be completed individually by each student. Collaboration with other students is not allowed on exams. Collaboration will be considered an act of academic dishonesty.

### Grading Policy

| Assignments  | Percentage |
|--------------|------------|
| Midterm Exam | 20%        |
| Final Exam   | 25%        |
| Discussions  | 55%        |
| Total        | 100%       |

**Failure to complete any of these assignments will result in a grade of F for the course**

All assignments will be graded on a 100-point scale. Late assignments **will not be accepted.**

Your final grade will be determined on the following scale:

- A= 90-100
- B= 80-89
- C= 70-79
- D= 60-69
- F= 60-below

**Please do not inquire as to what scores you would need to receive on assignments throughout the course in order to achieve a certain final grade. The weight of each**

**assignment is listed above so that you may perform your own calculations of any potential grades. The professor will not perform these calculations for you.**

**Final grades will not be released by the professor until they are posted by the Registrar's Office.**

### **Contacting Me**

I am available to answer any questions you may have about the course. When a question arises, you may contact me through the email feature on the D2L site or at [laura.fidelie@msutexas.edu](mailto:laura.fidelie@msutexas.edu).

**ALL COMMUNICATIONS WITH ME MUST COME FROM YOUR OFFICIAL MSU EMAIL ADDRESS OR THROUGH D2L EMAIL. ANY EMAILS FROM EXTERNAL EMAIL ADDRESSES WILL NOT BE READ OR RESPONDED TO.**

### **Academic Integrity**

Academic integrity is something that I take very seriously. As future professionals, it is something that you should take seriously as well. Establishing ethical work habits and maintaining both your own integrity and that of your profession begins during your education and training.

Each student is expected to abide by the rules of ethical and academic honesty as defined by the student handbook. All cases of academic dishonesty will result in a **failing grade for the course** and a letter to the Dean of Students requesting that you be **withdrawn from the University**. If there are any questions as to whether an action is academically dishonest, please consult with the professor.

### **Extenuating Circumstances**

In the event of an extenuating circumstance such as illness, death in the family, etc, please get in touch with me as soon as possible. Assignments and deadlines may be modified on a case-by-case basis. Verifiable documentation of the circumstance may be required. The more quickly you let me know what is going on, the more options I will have for allowing you to complete the course.

I look forward to working with each of you this semester!

### **OUT OF CLASS ASSIGNMENTS**

Week 1 (due by 11:59 PM CST, Sunday, July 16):

Read Ross, Chapters 1 & 2

D2L Discussion Questions and Response

Submit Biographical Information and Syllabus Agreement

(For the Syllabus Agreement, just send me an email stating that you have read the course syllabus and agree to abide by its terms throughout the semester)

Week 2 (due by 11:59 PM CST, Sunday, July 23):

Read Ross, Chapters 3 & 4

D2L Discussion Questions and Response

Midterm Exam

Week 3 (due by 11:59 PM CST, Sunday, July 30):

Read Ross, Chapters 10 & 11

D2L Discussion Questions and Response

Week 4 (due by 11:59 PM CST, Sunday, August 6):

Read Ross, Chapter 5

D2L Discussion Questions and Response

Final Exam