Civil Liability for the Criminal Justice Professional

CRJU 4203-X10

Online/Zoom Course

Fall, 2020

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# Class Information

MWF, 1:00-1:50 (via Zoom)

**Office Hours:**

MWF 10:00 a.m. – 11:30 a.m.

**Course Materials:**

Ross (2018). Civil Liability in Criminal Justice (7th ed.) Routledge, ISBN: 9780323356459

**You are responsible for having a textbook on the first day of class**

Supplemental D2L

# 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 to 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. Complete research and present on a special topic in civil liability
7. Utilize creative thinking in solving complex fact scenarios
8. Develop and utilize critical thinking and problem-solving skills through the completion of various fact scenarios pertaining to civil liability
9. 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

# Course Policies

**A. Attendance Policy:**

Students are expected to attend all meetings for this course, via Zoom, following the university attendance policy. Attendance is taken within the first five (5) minutes of class, and a **late student is an absent student.** Many important announcements are made during class. If you miss a class, you are responsible for contacting one of your classmates to obtain notes, hear announcements, and get class updates. Making up for your absence is not the responsibility of the professor.

Attendance is reflected in your participation grade. More than two (2) absences or late arrivals to class will result in a loss of participation points. The loss of participation points will increase for each additional absence or late arrival. Any student who misses or is late to three (3) or more classes will lose **all** participation points for the semester. I reserve the right to **fail** any student who misses or is late to four (4) or more classes.

## B. D2L

The use of D2L and Zoom meetings is required for this course. Aside from attending Zoom lectures, you will have a weekly critical thinking questions posted online, in which you must answer the question, and respond to at least two (2) of your classmates’ responses. **You are responsible** for checking D2L **daily** for any possible course-related information, critical thinking questions, and/or updates.

**C. Late Assignments**

Students are expected to submit assignments on the due date. Late assignments will not be accepted unless prior arrangements have been made with the professor. Otherwise, students will not receive any credit for an assignment submitted past the due date. Assignments are due on the date stated regardless of whether a student attends the Zoom meeting on that date.

If a student must miss class on the day an assignment is due, it is that student’s responsibility to make arrangements to submit the assignment on or prior to the due date.

## D. Midwestern State University Student Handbook

Issues not specifically addressed by the syllabus are governed by the student handbook and the MSU Catalog. Make sure you read and are familiar with all the procedures therein. Pay close attention to the Code of Student Conduct section in the handbook.

## F. Disabled Student Policy

In accordance with Section 504 of the Federal Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, Midwestern State University endeavors to make reasonable adjustments in its policies, practices, services, and facilities to ensure equal opportunity for qualified persons with disabilities to participate in all educational programs and activities.

The Office of Disability Services provides information and assistance, arranges accommodations, and serves as a liaison for students, instructors, and staff. The Office of Disability Services has assistive devices, such as books on tape, recorders, and adaptive software which can be loaned to qualified individuals. A student who seeks accommodations on the basis of disability must register with the Office of Disability Services. Documentation of disability is required.

## G. 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.

## H. Class Decorum

Each student is expected to behave in a mature and professional manner throughout the duration of the course. You must show respect for the thoughts and opinions of your fellow classmates. I will not tolerate the use of derogatory or inappropriate language, or other forms of disrespectful behavior either online or while attending Zoom meetings.

## I. Syllabus Change Policy

This syllabus is a guide for the course and is subject to reasonable changes.

Students will be notified of any changes to the syllabus in a timely fashion. Notice of any changes will be given during Zoom meetings, via D2L, or both.

**Course Requirements:**

## A. Class Participation

Active class participation is one of the most essential parts of a valuable learning experience. The material covered in this course is particularly enhanced when students share their own thoughts and perspectives on each topic. More importantly, the first half of the semester will include a weekly critical thinking question online. It is imperative that you answer this question, which we will then go over in class. Your ability to show that you have read the material, paid attention in previous Zoom meetings, took notes, answered the critical thinking question, and are actively learning to apply the material will be reflected in your grade.

Class participation accounts for 15% of your final grade. Good class

participation involves 1) attending all Zoom class meetings; 2) logging into Zoom

having read the assigned material; 4) completing the assigned critical thinking

questions (remember, you must respond to at least 2 (two) classmates’

responses in order to receive full credit for the question).

## B. Exams

Two online exams and one final exam will be given. Exams will cover material

from the assigned readings, lectures, and class discussions up to that point in

the course. Any material contained in the assigned readings, whether or not it is

discussed in class, may be tested. Likewise, any material discussed in class,

whether or not contained in the assigned readings, may be tested. The final

exam will cover Ross, Chapter 10, 11, and 12. Make-up exams will only be

offered in **extreme circumstances**, at the professor’s discretion.

## C. Class Presentation

During the second half of the semester, each student will be required to participate in a short Zoom class presentation. Each presentation will cover a special topic in civil liability, as assigned by the professor. You will be given class time to gather information for the presentation, as well as instructor input and guidance. The task for each individual is to research the assigned material and briefly present their findings via a Zoom meeting. In addition, a Prezi or PowerPoint slideshow of the topic will be turned in at the end of the class presentations. The Zoom presentation should **briefly** discuss your findings, while the Prezi or PowerPoint should include *all* major concepts of the material, as well as any relevant case law.

Specific information regarding length, content, format, and additional requirements for the presentations will be given by the professor.

# Grading Policy

Exam I 15%

Exam II 15%

Final Exam 20%

Critical Thinking Questions 15%

Presentation 25%

Class Participation 10%

# 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 except in extreme circumstances discussed *before* the due date**.

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 |

# Contacting Me

I am available to answer any questions you may have about the course. When a question arises, you may contact me at [laura.estrada@mwsu.edu](mailto:laura.estrada@mwsu.edu).

# 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!**

# COURSE SCHEDULE

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| --- | --- | --- |
| **Date** | **Class Topic** | **Class Discussion/Assignment** |
| Mon 8/24 | Syllabus | Discuss syllabus, introductory material. Introduce yourself assignment given. **Read Ross, Ch. 1, Overview of Civil Liability for discussion 8/26** |
| Wed 8/26 | Ross, Ch. 1 | Discuss Ross, Ch. 1, Overview of Civil Liability |
| Fri  8/28 | Ross Ch.1, cont. | Continue Ross, Ch. 1, Overview of Civil Liability. **Introduce yourself assignment due no later than 11:30 p.m. (Read Ross, Ch 2, Foundations for Liability for discussion 8/31)** |
| Mon  8/31 | Ross, Ch. 2 | Discuss Ross, Ch. 2, Foundations for Liability |
| Wed  9/2 | Ross, Ch. 2, cont. | Continued discussion of Ross, Ch. 2. Discuss topic for first Critical Thinking Question |
| Fri  9/4 | Chapters1/2 Critical  Thinking Question Assignment | **Critical Thinking Question due NO LATER THAN 11:30 P.M.** Read Ross, Chapter 3, Civil Liability Under State and Federal Tort Law for discussion on 9/9 |
| Mon  9/7 | NO CLASSES | **NO CLASSES – LABOR DAY** |
| Wed  9/9 | Ross, Ch. 3 | Ross, Ch. 3, discussion of Civil Liability Under State and Federal Tort Law, and Remedies in Tort Actions |
| Fri  9/11 | Ch.3 Critical  Thinking Question | Ch. 3, Critical Thinking Question **Due NO LATER THAN 11:30 p.m. Read Ch. 4, Civil Liability and Federal Law** for discussion on 9/14 & 9/16 |
| Mon  9/14 | Ross, Ch. 4 discussion | Ross, Ch. 4, Civil Liability and Federal Law |
| Wed  9/16 | Ross, Ch. 4, cont. | Ross, Ch. 4, Continued Discussion |
| Fri  9/18 | Ch. 4 Critical Thinking Question | Critical Thinking Question **Due NO LATER THAN 11:30 p.m.** (Review sheet for test I available online) |
| Mon  9/21 | Review for Test I | Review for Test I, Ch. 1, 2, 3, and 4 |
| Wed  9/23 | **TEST I, Online** | TEST I, covering chapters 1, 2, 3, and 4 **Must complete no later than 11:30 p.m.** |
| Fri  9/25 | Read Ross, Ch. 5 | No CTQ this week. Read Ross, Ch. 5, Defenses to Civil Litigation and Risk Management for discussion on Monday, Liability for Failure to train, for discussion on Monday, 9/28 |
| Mon  9/28 | Discuss Ross, Ch. 5 | Ross, Ch. 5, Defenses to Civil Litigation and Risk Management Discussion |
| Wed  9/30 | Ross, Ch. 5, cont. | Continued Discussion of Ross Ch. 5, Defenses to Civil Litigation and Risk Management |
| Fri  10/2 | Ross, Ch. 5 Critical  Thinking Question | Ross Ch. 5, **Critical Thinking Question Due NO LATER THAN 11:30 p.m.** (Read Ross, Ch. 6, Administrative and Supervisory Liability for Discussion on Monday, 10/5 |
| Mon  10/5 | Ross, Ch. 6, Discussion | Discussion of Ross Ch. 6, Administrative and Supervisory Liability. **Read Ch. 7, Liability for Failure to Train for discussion on Wed, 10.7** |
| Wed  10/7 | Ross, Ch. 7 | Discussion of Ross, Ch. 7, Liability for Failure to Train |
| Fri  10/9 | Ross, Ch. 6 Critical Thinking Question | Ross, Ch. 6 **Critical Thinking question Due NO LATER THAN 11:30 p.m.** (Continue reading Ross, Ch. 7 for discussion on Monday, 10/12 |
| Mon  10/12 | Ross. Ch. 7, cont. | Continued discussion of Ross, Ch. 7, Liability for Failure to Train **(Read Ch. 9, Personnel Issues and Liability for discussion on Wed, 10/14)** |
| Wed  10/14 | Discuss Ross, Ch. 9 | Discussion of Ross Ch. 9, Personnel Issues and Liability |
| Fri  10/16 | Ross Ch. 7/9 Critical Thinking Question | Ross, Ch. 7/9 **Critical Thinking Question Due NO LATER THAN 11:30 p.m.** (Test II review sheet, Ch. 5, 6, 7, 9 available online) |
| Mon  10/19 | REVIEW FOR TEST II | Review for test II, covering chapters 5, 6, 7, and 9 |
| Wed  10/21 | **TEST II** | TEST II, covering chapters 5, 6, 7, and 9 **DUE NO LATER THAN 11:30 P.M.** |
| Fri  10/23 | No Critical Thinking Question, Read Ross, Ch. 10 | Read Ross, Ch. 10, Use of Force in Law Enforcement and Corrections for discussion on Monday, 10/26 |
| Mon  10/26 | Ross, Ch. 10 Discussion | Ross, Ch. 10, Use of Force in Law Enforcement and Corrections |
| Wed  10/28 | Ross, Ch. 10, cont. | Ross, Ch. 10, Use of Force in Law Enforcement and Corrections Continued |
| Fri  10/30 | Ross, Ch. 10, Critical Thinking Question | **Ross, Ch. 10 Critical Thinking Question DUE NO LATER THAN 11:30 P.M.** (Read Ch. 11, Section 1983 and Correctional Liability Issues for Discussion on Mon 11/2) |
| Mon  11/2 | Discuss Ross, Ch. 11 | Ross, Ch. 11, Section 1983 and Correctional Liability Issues, discussion **(Read Ross, Ch. 12, Sections 1983 Actions in Law Enforcement for discussion Wed., 11/4)** |
| Wed  11/4 | Discussion Ross, Ch. 12 | Ross Ch. 12, Section 1983 and Correctional Liability Issues, discussion |
| Fri  11/6 | **Zoom meeting for presentation assignments** | Zoom Meeting for Assignment of Presentation Topics |
| Mon  11/9 | Presentation Topics Discussed | Presentation Topics, Style, Rubric Discussed |
| Wed  11/11 | Presentation Topics Review/Workshop | Presentation Topic Review/Workshop |
| Fri  11/13 | Presentation Workshop | Presentation Workshop |
| Mon  11/16 | **Class Presentations Begin** | **Presentations begin. You must be present on Zoom. Any absences must be accompanied by a doctor’s note or an official MSU note. No exceptions.** |
| Wed  11/18 | Presentations | Continue presentations. Each student must be present on Zoom. Absences must be accompanied by a doctor’s note or an official MSU note. No Exceptions. |
| Fri  11/20 | Presentations | Continue presentations. Each student must be present on Zoom. Absences must be accompanied by a doctor’s note or an official MSU note. No Exceptions. |
| Mon  11/23 | Presentations | Continue presentations. Each student must be present on Zoom. Absences must be accompanied by a doctor’s note or an official MSU note. No Exceptions. |
| Wed  11/25 | **NO CLASS** | **NO CLASS – THANKSGIVING BREAK** |
| Fri  11/27 | **NO CLASS** | **NO CLASS – THANKSGIVING BREAK** |
| Mon  11/30 | Presentations | Continue presentations. Each student must be present on Zoom. Absences must be accompanied by a doctor’s note or an official MSU note. No exceptions. **(Study sheet for final examination available online)** |
| Wed  12/2 | Presentations | Continue Presentations. Each student must be present on Zoom. Absences must be accompanied by a doctor’s note or an official MSU note. No exceptions. **Prezi or PowerPoint Presentation must be submitted no later than 11:30 p.m.** |
| Fri  12/4 | Last day of class | Course Wrap-Up/Review for final Examination, chapters 10, 11, and 12 |
| **12/4-12/7** | **FINAL EXAM** | **Final examination covering chapters 10, 11, and 12, DUE NO LATER THAN 11:30 P.M. ON 12/7** |

Important Dates to Remember

Friday, 8/28 – Introduce yourself paper due via discussion board on D2L

Friday, 9/4 – Ch. 2 Critical Thinking Question Due no later than 11:30 p.m. via discussion board on D2L

Monday, 9/7 – No Classes, Labor Day

Friday, 9/11 – Ch. 3 Critical Thinking Question Due no later than 11:30 p.m. via discussion board on D2L

Friday, 9/18 – Ch. 4 Critical Thinking Question Due no later than 11:30 p.m. via discussion board on D2L

Wednesday, 9/23 – Test I online

Friday, 10/2 – Ch. 5 Critical Thinking Question Due no later than 11:30 p.m. via discussion board on D2L

Friday, 10/9 – Ch. 6 Critical Thinking Question Due no later than 11:30 p.m. via discussion board on D2L

Friday, 10/16 – Ch. 7/9 Critical Thinking Question Due no Later than 11:30 p.m. via discussion board on D2L

Wednesday, 10/21 – Test II online

Friday, 10/30 – Ch. 10 Critical Thinking Question Due no later than 11:30 p.m. via discussion board on D2L

Friday, 11/6 – Zoom meeting for presentation assignments

Monday, 11/16 – Class presentations begin

Wednesday, 11/25 – NO CLASS – Thanksgiving Break

Friday, 11/27 – NO CLASS – Thanksgiving Break

Monday, 11/30 – Presentations continue

Friday, 12/4 – Monday, 12/7 – Final Examination available online – closes at 11:30 p.m. on Monday, 12/7