

**STATE UNIVERSITY OF NEW YORK
COLLEGE OF TECHNOLOGY
CANTON, NEW YORK**



COURSE OUTLINE

**JUST344 CIVIL LIABILITY ISSUES FOR THE CRIMINAL JUSTICE
ADMINISTRATOR**

Prepared By: Susan E. Buckley

**SCHOOL OF SCIENCE, HEALTH AND CRIMINAL JUSTICE
CRIMINAL JUSTICE DEPARTMENT
MAY 2015**

- A. **TITLE**: Civil Liability Issues for the Criminal Justice Administrator
- B. **COURSE NUMBER**: JUST 344
- C. **CREDIT HOURS**: 3
- D. **WRITING INTENSIVE COURSE** : No
- E. **COURSE LENGTH**: 15 WEEKS
- F. **SEMESTER(S) OFFERED**: Fall and Spring
- G. **HOURS OF LECTURE, LABORATORY, RECITATION, TUTORIAL, ACTIVITY**: 3 lecture hours per week
- H. **CATALOG DESCRIPTION**: In this course students examine civil liability issues at the local, state, and federal law levels. Students develop better awareness of the liability risks relative to criminal justice service by learning proactive protocols that may minimize personal and organizational liability risks.
- I. **PRE-REQUISITES/CO-COURSES**: JUST 101 Introduction to Criminal Justice and 45 credit hours in Criminal Investigation, Criminal Justice: Law Enforcement Leadership or Homeland Security or permission of the instructor.
- J. **STUDENT LEARNING OUTCOMES**: Students will be able to:

<i>Course Objective</i>	<i>Institutional SLO</i>
a. Compare crimes and torts.	2. Critical Thinking
b. Analyze potential liability issues for administrators in criminal justice agencies.	2. Critical Thinking
c. Explain the resuscitation of Title 42 USC Section 1983.	1. Communication
d. Contrast defenses used to combat litigation for intentional torts commonly filed against criminal justice agencies.	2. Critical Thinking
e. Apply risk management as a defense against civil liability.	1. Communication 2. Critical Thinking 3. Professional Competence
f. Contrast defenses used to combat litigation for negligent torts commonly filed against criminal justice agencies.	2. Critical Thinking
g. Analyze current case law and its applicability to trends in civil litigation as related to criminal justice services.	2. Critical Thinking 3. Professional Competence

- K. **TEXT(S)**: Ross, D.L. (2013). *Civil liability in criminal justice* (6th ed.). Waltham, MA: Anderson Publishing.
- L. **REFERENCE(S)**: None

M. **EQUIPMENT**: None

N. **GRADING METHOD**: A-F

O. **MEASUREMENT CRITERIA**:

- Attendance/participation
- Assignments/presentations
- Term Paper
- Quizzes

P. **DETAILED TOPICAL OUTLINE**:

I. Overview of Civil Liability

- A. Trends in police civil lawsuits
- B. Trends in correctional litigation

II. Foundations for Liability

- A. Definition of tort law
- B. Criminal Law
- C. Intentional torts
- D. Negligent torts
- E. Other types of liability

III. Civil Liability Under State and Federal Tort Law

- A. Elements of negligence
 - a. Duty of reasonable care
 - b. Breach of duty
 - c. Proximate cause
 - d. Damages
- B. Special duty
- C. Areas of negligence
- D. Federal tort claims
- E. Defenses to negligent tort claims
- F. Remedies to negligent tort claims

IV. Civil Liability and Federal Law: Section 1983 Litigation

- A. History
- B. Resurrection of Section 1983
- C. Elements of Section 1983 lawsuits
- D. Mechanics of Section 1983 lawsuits

V. Defenses to Civil Litigation and Risk Management

- A. Official immunity
- B. Sovereign immunity
- C. Types of immunity

- D. Strategies for reducing risk
 - E. Definition of risk management
 - F. Risk control strategies
 - G. Best practices
- VI. Administrative and Supervisory Liability
- A. Supervisory liability issues
 - B. Theories of supervisory liability
 - C. Liability risk reduction
- VII. Liability for Failure to Train
- A. *City of Canton v Harris*
 - B. Status of failure to train liability
 - C. Implications of failure to train litigation
 - D. Failure to train in corrections
- VIII. Operating Criminal Justice Agencies Under a Consent Decree
- A. Section 14141
 - B. Background of Section 14141
 - C. Investigation trends of Section 14141
 - D. Principal components of Section 14141 Consent Decrees
- IX. Personnel Issues and Liability
- A. Sexual harassment
 - B. Americans with Disabilities Act
 - C. Wrongful termination
 - D. Fair labor standards act
 - E. Employee drug testing
- X. Use of Force in Law Enforcement and Corrections
- A. Use of force standards
 - B. Objective reasonableness standard
 - C. Application of *Graham*
 - D. Post arrest use of force
 - E. Post conviction use of force
- XI. Section 1983 and Correctional Liability Issues
- A. Deliberate indifference
 - B. Prisoner Litigation Reform Act
 - C. Searches
 - D. Parole decisions
- XII. Section 1983 Actions in Law Enforcement

- A. False arrest
- B. False imprisonment
- C. Police pursuits
- D. Failure to protect
- E. Domestic violence
- F. Searches
- G. Special response teams
- H. Racial profiling

XIII. Liability and Wrongful Custodial Death

- A. Wrongful Custodial Death claims under section 1983
- B. Claims against detention personnel
- C. Suicides in detention

XIV. Conclusions: Shifting Directions in Civil Litigation

- A. Case law
- B. Administrative issues
- C. Issues in corrections
- D. Officer performance