

SEVEN HOUR EXPANDED COURSE OUTLINE

2022 Critical Legal Issues Update Attorney Mildred O'Linn

- A. Advance Storm Warnings: The Storm is Here
 - 1. The Big Picture
 - a. Make a Good Movie
 - b. Society's Temperament: Epidemic of Police Abuse?
 - 2. Expectations
 - a. Community Expectations and Public Scrutiny
 - b. Bad Cops are Big News
 - c. Professional Expectations and Legal Standards\
- B. Pre-Litigation Measures: Planning for the Law Enforcement Tsunami
 - 1. Remember Your Audience
 - a. Department Reputation: Get the Good News Out Daily
 - b. The CSI Factor
 - c. Law and Order Testimony
 - 2. Storytelling 101
 - a. Battle of Perceptions and Perspectives
 - b. Confidence and Competence
- C. LEO Records and Training Issues
 - 1. Impact of Prime Time Police Academy Expectations
 - a. Re-Setting or Meeting Public Expectations
 - b. Debriefing High Risk Circumstances and Documenting Lessons Learned
 - 2. Recognizing High Profile Circumstances
 - a. Dealing with the Mentally Ill/Under the Influence
 - b. OIS and Unarmed Suspects
 - c. Edged Weapon and Other Life Threatening Incidents
 - d. Dog Encounters
 - 3. Personnel and Training Records
 - a. What is the Story that Your Training Records Tell?
 - b. Show and Tell: Realistic Training Demonstratives and Documentation
 - c. Self-Audits
- D. Fundamentals
 - 1. Legal Standards
 - a. Reasonable Suspicion and Probable Cause
 - b. Terry Frisk
 - c. Penal Codes
 - 2. Common Challenges
 - a. Time, Speed, and Distance
 - b. De-Escalation

- E. The Law: What You Need to Know
 - 1. Qualified Immunity
 - a. Clearly Established Law Rule
 - b. Significant Case Decisions
 - 2. Policy and Practice Considerations: Avoid Shooting Yourself in the Foot
 - a. Civil Rights vs. Bad Tactics and Decision-Making Issues
 - b. Warnings
 - c. Pause Button and Wet Blankets

- F. Avoiding Self-Destruction: Policy and Practice Considerations
 - 1. BWCs and Audio Recordings
 - a. Policy Considerations: To View or Not To View
 - b. Memory Tests and Evidence
 - c. Contradictory Statements

- G. Recent Cases: Legal Update on High Profile Issues
 - 1. Use of Force
 - 2. OISs
 - 3. Dealing with Persons with Disabilities
 - 4. Pursuits
 - a. Governmental Immunity
 - b. Training and Documentation

- H. Use of Force
 - 1. Tactics and Trends in Litigation
 - a. Recent trials and case decisions
 - b. Lessons Learned
 - 2. The Toy Box Concept vs. The Continuum of Injury
 - a. Force Options
 - b. Foreseeable Risk of Injury
 - 3. The Constitutional Law Crate
 - a. The 4th, 14th and 8th Amendments
 - b. The Force Equation
 - c. The Crate Concept: Chunking and Self-Testing
 - 4. OIS Issues: Investigative Process
 - a. Investigative Timeline: Define Imperatives
 - b. Procedural Issues
 - c. Logistics and Technology Concerns
 - 5. PC 835a: Knowing the Law
 - a. Cross Words – Recall, Articulate and Implement the Law
 - b. The Heart of the Statute – The 3 R's
 - c. De-Escalation and Repositioning

I. During the Storm

1. Make a Good Move
 - a. Smile – You are On Candid Camera
 - b. Shut Up! It's the First Amendment
2. Supervisors:
 - a. Executive Producer and Coach
 - b. New Novella: The Sergeant and the Dispatcher
3. Medical Care Issues and CIT
 - a. ICD/ARD
 - b. Field Sedation Plan: Swarm with a Tranq
 - c. Asphyxia Allegations and a Plan
 - d. CRISIS Communications
 - e. Active Listening Skills

J. The Aftermath of the Storm: Preparation to tell Your Side of the Story

1. Death of 1000 Cuts: The Alphabet of Review
 - a. Storm Preparation Pays Off: Your Department Legacy
 - b. Risk Management Concerns

K. Take-Aways: Review