

Legal and Liability Management For Tactical, SWAT and Emergency Response Operations

The Failure to Plan: The subject of discussion during this portion of the course involves cases where agencies failed to plan the tactical response, notwithstanding having the time to do so. A second category of legal issues will be reviewed involving cases where a plan was made, but developed in light of poor intelligence and leading to a failure of the mission as well as liability.

Tactical Issues: The session will begin with an examination of recent cases which consider the events leading up to the need to use deadly force as impacting the ultimate use of force. This section will also examine court decisions relating to various tactics utilized during tactical operations i.e. distraction devices; bean-bag rounds; tasers; chemical deployment and other less-lethal options.

Supervisory Liability: A supervisor may have liability where they actively participate in a tactical operation. Supervisors also have liability when, although not participating in the incident giving rise to the lawsuit, they have failed to supervise a subordinate tactical officer over a period of time leading up to the incident. This session focuses on elements or supervisory liability in the tactical function.

Special Considerations: Several of the varying types of tactical circumstances that a team may face have already been the subject of legal scrutiny. This session utilizes the case-study method to examine the developing law in the following areas:

Emotionally Disturbed Persons: The developing law with respect tactics utilized when dealing with emotionally disturbed persons.

Suicide By Cop: Legal issues applicable to tactical operations with known suicidal persons.

Hostages: The legal realities of a duty to protect hostages.

High Risk Warrant Service/No Knock Warrants: The legal implications of utilizing a tactical unit for high risk warrant service.

Regional Tactical Units: Who takes the liability when things go bad?

Policy Development: Developing the most defensible policy and training for tactical teams. Making you and your agency a difficult target for plaintiff's attorney.

Applying the legal principles to an operational model that does not hinder tactical operations or compromise officer safety.



Public Agency Training Council

5101 Decatur Blvd, Ste. L
Indianapolis, Indiana 46241

Phone: 1-800-365-0119

Fax: 317-821-5096

Email: information@patc.com

Visit us on the Web at:

www.patc.com

December 3 & 4, 2009 • Las Vegas, Nevada

Public Agency Training Council

Jim Alsup, Director



National Criminal Justice
Public Safety Continuing Education

Hosted By:
Las Vegas Metro Police Department
Las Vegas, Nevada

Training Seminar Legal and Liability Management For Tactical, SWAT and Emergency Response Operations

Instructor:

James Desmarais, JD

Jim is currently a Captain with 24 years of experience with the Providence Police Department. Jim is currently the Captain of Detectives. He has served as Director of the Bureau of Criminal Identification 2007-2008. Director of the Providence Police Academy 2004-2007 and Commanding Officer of the Providence Police Prosecution Bureau 1998-2004. Jim graduated from the New England School of Law, Boston, Massachusetts with a Juris Doctoral Degree in 1997, Roger Williams University, Bristol Rhode Island, with a Bachelor of Science Criminal Justice. Jim is an Adjunct Professor at Johnson and Wales University and Roger Williams University School of Justice.

December 3 & 4, 2009
Las Vegas, Nevada

Register On-Line At: www.patc.com

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Course Objectives:

One of the most critical tasks in law enforcement involves the use of tactical officers to accomplish high risk operations. While the success of these operations requires extensive training and proper equipment; success also requires sound decision making from the moment the decision is made to utilize a tactical response to a police event. The decision itself may even be scrutinized with twenty-twenty hindsight. Over the last decade, tactical operations have come under the scrutiny of the courts. The scrutiny is largely the results of lawsuits filed against agencies and officers following a tactical operations. Much of the developing law can be found in reported decisions of the federal courts. The course utilizes the case-study approach in order to identify the important policy and practice considerations that will assist tactical commanders; supervisors and officers make legally defensible decisions without compromising operations during tactical events. The program takes a three-tier approach. First, participants will be presented with the legal cases that impact tactical operations and ultimately, liability. Second, participants will be presented with policy issues that may be considered for implementation. Finally, the training turns toward the practical implementation of the legal and policy issues in a manner that does not compromise tactical operations or officer safety. The course is unique in the fact that it takes a practical approach to legal principles impacting tactical operations and provides a road map to an operational implementation of the legal principles without hindering operations or compromising officer safety.

Upon Completion:

Participants will gain knowledge in the following areas:

Liability in Law Enforcement Operations: This session focuses on civil liability for individual officers in the various law enforcement tasks. Using the task oriented approach; the session will be limited to those areas that are also applicable to the tactical officer.

Agency Liability: This session reviews the law with respect to agency liability. Students will be presented with the law relating to civil rights claims brought against an agency as the result of an officer's conduct.

Training: This session examines the law relating to an agency's failure to train officers for recurring (foreseeable) police tasks.

Liability in Tactical Operations: This session utilizes the principles from the previous sessions in reviewing cases with direct application to tactical operations.

Selection and Training: Case review with respect to how selection of candidates for specialized tactical units may impact liability as a result of operations. The session will incorporate the legal implications of entry-level and on-going training for specialized operations.

Seminar Agenda

Legal and Liability Management For Tactical, SWAT and Emergency Response Operations

December 3 & 4, 2009 • Las Vegas, Nevada

Thursday, December 3, 2009

- 8:00 a.m.—8:30 a.m. Registration
- 8:30 a.m.—9:00 a.m. **Opening & Introduction/Course Overview**
- 9:00 a.m.—10:00 a.m. **Overview of Liability in Law Enforcement Operations**
- 10:00 a.m.—11:00 a.m. **When is the Agency Liable for the Actions of Officers?**
- 11:00 a.m.—12:00 p.m. **Documented Training, An Inexpensive Step to Avoiding Liability**
- 12:00 p.m.—1:00 p.m. Lunch (On Your Own)
- 1:00 p.m.—2:00 p.m. **Liability in Tactical Operations**
- 2:00 p.m.—3:00 p.m. **High Risk Warrant Service/No Knock Warrants**
- 3:00 p.m.—4:00 p.m. **Selection of the Team/Training the Team**

Friday, December 4, 2009

- 8:00 a.m.—9:00 a.m. **When you Fail to Prepare you Prepare to Fail—Pre-Operation Intelligence and Planning**
- 9:00 a.m.—10:00 a.m. **Pre-Shooting Events—The Wrong Tactical Approach may Lead to Liability**
- 10:00 a.m.—11:00 a.m. **Confronting the Mentally Ill and the Emotionally Disturbed/Suicide By Cop**
- 11:00 a.m.—12:00 p.m. **Hostages and a Duty to Protect/Enhancing or Creating the Danger**
- 12:00 p.m.—1:00 p.m. Lunch (On Your Own)
- 1:00 p.m.—2:00 p.m. **Regional Tactical Units/Understanding Liability**
- 2:00 p.m.—3:00 p.m. **Supervisory Liability for Special Response**
- 3:00 p.m.—4:00 p.m. **Policy Development for the Special Response/ Emergency Response/SWAT/Tactical Units**
- 4:00 p.m. **Certificate Presentation**

Cut Along Dotted Line

3 Ways to Register for a Seminar!

1. **On-line Registration** at www.patc.com — Yellow/Blue link in corner
2. **Fax Form** to Public Agency Training Council **FAX: 1-317-821-5096**
3. **Mail Form** to

Public Agency Training Council
5101 Decatur Blvd, Ste. L
Indianapolis, Indiana 46241

Federal ID# 35-1907871

*** **Pre-payment is not required to register** ***

Upon receiving your registration we will send an invoice to the department or agency .

Checks, Claim Forms, Purchase Orders should be made payable to:

Public Agency Training Council

If you have any questions please call
317-821-5085 (Indianapolis)

800-365-0119 (Outside Indianapolis)



Seminar Title: Legal & Liability Management for Tactical Response Operations

Instructor: Jim Desmarais

When: December 3 & 4, 2009

Registration Time: 8:00 A.M. (December 3, 2009)

Seminar Location and Hotel Reservations: **Palace Station**
2411 West Sahara Avenue
I-15 & Sahara Avenue Exit
Las Vegas, Nevada 89102
1-800-634-3101

\$79.99 Plus \$5.40 Sun.-Thurs. Tower Rooms
\$89.99 Plus \$5.40 Fri. & Sat. Tower Rooms
\$64.99 Plus \$5.40 Sun.-Thurs. Courtyard Rooms
\$74.99 Plus \$5.40 Fri. & Sat. Courtyard Rooms

Note: **\$5.40 Service Fee Per Night (Includes Transportation To and From Airport, Shuttle to Strip, and workout center.)**

Registration Fee: \$295.00 Includes Hand-outs, Legal & Liability Management for Tactical, SWAT, and Emergency Response Operations Manual, Coffee Breaks, and Certificate of Completion.

Names of Attendees 1. _____

2. _____

3. _____

4. _____

Agency _____

Invoice To Attn: _____
(Must Be Completed)

Address _____

City _____ **State** ____ **Zip** _____

Email _____

Phone _____

Fax _____

Seminar ID
#8322

Note:
To receive special room rates, please identify yourself with **PUBAGENCY09**.