



## Civil Liability for Law Enforcement Officers



**Thursday, February 15, 2018**  
**Marlborough High School**  
**431 Bolton St, Marlborough, MA 01752**  
**8:00 a.m.- 3:00 p.m.**  
*(Registration and light continental breakfast 7:45 a.m.)*  
*lunch provided*

Attorney John Scheft, Law Enforcement Dimensions, LLC

- The myths & reality of police liability.
- Causes of action & Qualified Immunity.
- The link between ethics and liability.
- Supervisor mindset.
- Non-negotiable standards.
  - Field ID

- Complaint intake.
  - Early warning intervention.
  - Potential victims: Suspects & 3rd parties.
- Suspects.
- Excessive force.
  - Really understand Graham v. Connor.
  - Unacceptable: End of chase, restrained, insults.
  - Accomplice liability.
  - Proper investigation and documentation.
- Improper detention.
  - Traffic stops.
    - Jurisdiction made simple.
    - Rudeness.
    - Bias policing.
    - Searches made simple.
    - False arrest.
      - Disorderly conduct.
      - Videotaping.
- Improper investigation (causes wrongful conviction).
  - Faulty ID.
  - Improper interrogation.
- Post-arrest misconduct.
  - Failure to provide medical care.
  - Suicide.
  - Strip searches.
  - Juveniles (CRA and delinquents).
  - Duty to release.
- 3rd parties in the community - "outside world".
- Vehicle pursuit.
  - Mindset - appreciate danger, consider options.
  - Execution - policy, factors, supervisors
- Mental health episodes.
  - Mindset, allies and entry.
  - De-Escalation (e.g., "factual why").
  - Options under G.L. Chapter 123.
- Alcohol & marijuana.
  - OUI Irwin v. Ware.
  - Incapacitation and protective custody.
  - Youth parties -entry, ID, safe place always.
  - Marijuana - medical and decriminalization.
- Domestic violence.
  - Problem areas - Dual arrest, investigation.
  - Duties & judgment - service, contact vs. stay away, guns, confidentiality/records.
- Sexual assault.
  - Don't discourage.
  - Proper investigation - 1st complaint, DA.
- Officer intervention.
  - Potential perpetrator: Domestic violence, sexual assault -simple rules.
  - Conflict of interest:
    - Witness intimidation issues.
    - Malicious prosecution.
    - Lying and Giglio

- 3rd parties in the department - "inside world".
- Sexual harassment.
  - Quid pro quo vs. hostile environment.
    - "Hair on your neck" test.
    - Workplace romance.
    - Process - reports, informal, findings.
    - Prevention - mindset, document.
  - Discrimination.
    - Categories.
    - The two secrets:
      - Informal vigilance and intervention.
      - Don't hurry decisions.

### **John Scheft, Law Enforcement Dimensions, LLC-**

The founder of Law Enforcement Dimensions, LLC, John has educated police officers for over 25 years. He is the author of the most widely used manuals on criminal law, procedure, motor vehicle, and juvenile law in Massachusetts.

He has taught throughout the Commonwealth on a variety of legal and human relations topics of concern to law enforcement. Notable clients include the Massachusetts Interlocal Insurance Association (MIIA); Drug Enforcement Administration (DEA); State Police; Boston Police; Massachusetts Association of Campus Law Enforcement Administrators (MACLEA); and Executive Officer of Public Safety & Security (EOPSS). From 2003 - 2012, Scheft designed the Municipal Police Training Committee's (MPTC) inservice program and served as its Principal Legal Instructor. Before that, he worked as a police trainer for the Attorney General and as an Assistant District Attorney in Middlesex County. A graduate of Northeastern University Law School and Harvard University, Scheft lives with his wife and two children in Arlington.