



Police Liability Demystified

The Massachusetts cop's guide to a satisfying, trouble free career

sponsored by the
Massachusetts Interlocal Insurance Association
and presented by

Attorney John Scheft & Law Enforcement Dimensions, LLC

Wednesday, October 21, 2015

8:30 a.m. - 3:30 p.m.

Holy Cross, Hogan Campus Center
One College St. Worcester, MA

(registration/continental breakfast 8:15 a.m.
Light lunch included)



Attorney John Scheft, Law Enforcement Dimensions, LLC

Purpose



High quality inservice training is essential

- **The most important legal seminar you will take as a law enforcement officer, supervisor or commander in Massachusetts.**
- **Increase your professionalism and decrease the likelihood of a lawsuit.** Don't be scared of liability, but don't be indifferent either.
- **Understand exactly how you may be second-guessed in today's police environment- by suspects, citizens and employees- and how to avoid these pitfalls.**

Our program for 2016

The MIIA and Law Enforcement Dimensions (LED) program features:

1. One day of interactive, practical information for officers.
2. Attorney Scheft's engaging instruction style
3. Practical course reference materials
4. Certificates of attendance.

What's on the agenda? The critical areas we tackle:

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.

Concluding comments and questions.

Attendance at this seminar qualifies the MIIA member for 2% credit under the FY 16 MIIA Law Enforcement or Public Officials categories.

John Sofis Scheft, Esq. -- the founder of Law Enforcement Dimensions - has educated police officers for over 20 years. He is the author of the most widely used manuals on motor vehicle law, criminal law and procedure, and juvenile issues 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, where he specialized in sexual assault cases. A graduate of Northeastern University's School of Law and Harvard University, Scheft lives with his wife and two children in Arlington.

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