

AELE Civil Liability Workshop
Las Vegas, Nevada
October 2-4, 2006
Agenda

Monday October 2, 2006

- 8:00 AM Registration - Convention Center
- 9:00 AM *Wayne W. Schmidt, AELE Staff Representative*
– Welcome & program introduction, AELE programs & services, AELE resources, Use of AELE web site
- 9:20 AM *Judge Emory A. Plitt, Jr., Course Director*
– Civil liability overview, Recent developments, Burdens of proof, Realities of defense
- 10:15 AM *Emory Plitt continued*
– Litigation management, Litigation coordination and monitoring, Document and records issues

– Ethical issues, Attorney-client privilege, Scope of representation, Representation conflicts, Counter and cross claims, Work product issues, Investigation, Indemnity, Attorney-client relationship issues

– Expert witnesses, Selection and qualifications, When do you need an expert, Use of experts, Trial, Investigation, Litigation preparation
- 11:20 AM *Emory Plitt continued*
– Civil liability aspects of the use of force, Reasons to use force, Civil legal standards - State and Federal, Deadly force, Non-deadly force, Use of force myths, Defense considerations
- 12:15 PM Lunch - Complimentary for All Attendants
- 1:30 PM *Ken Katsaris, Litigation Consultant & Trainer*
– Vehicle pursuits & emergency responses, Policies, Training, Research findings, Tactical considerations, The pursuit decision, Roadblocks, Ramming, Alternatives, High risk situations
- 2:35 PM *Ken Katsaris continued*
– Use of force & tactical considerations, New tactical developments & technology, Training needs & issues, Tactical entries, Weapons & equipment, Tactical scene management, Post-incident investigation & review

- 3:40 PM *Ken Katsaris continued*
- Use of force continued, The use of force continuum, Monitoring & evaluating use of force incidents, Supervisory review, The problem with standards, Use of force policies
- 4:40 PM Conclude for the Day

Tuesday October 3, 2006

- 9:00 AM *Scott MacLatchie, Womble Carlyle, Sandridge & Rice*
- Federal civil rights claims, Elements of a federal claim, Basis for a federal claim, Differences between federal court & state court claims, Individual vs. Official capacity, The good faith (qualified immunity) defense
 - Policy claims & government liability
 - New developments in civil rights litigation
- 10:15 AM *Scott MacLatchie continued*
- Civil liability associated with: search and seizure, false arrest, false imprisonment, privacy/improper disclosures
- 11:20 AM *Scott MacLatchie continued*
- Traffic stops & profiling, Justification, Reasonable suspicion, Probable cause, The role of race/national origin in enforcement, Data collection and use, Recent developments
- 12:15 PM Lunch - Complimentary for All Attendants
- 1:30 PM *Elliot Spector, Defense Attorney & Training Consultant*
- Failure to protect issues, The special relationship doctrine, Domestic violence, Witnesses, Statutory duties, Imminent harm, Court orders, Persons in custody, Constitutional failure to protect claims, Victims, Medical treatment, Known dangers or hazards, Failure to warn
- 2:35 PM *Elliot Spector continued*
- Vicarious (management/supervisory) liability, Failure to train, Failure to supervise, Failure to discipline, Hiring and retention issues, Negligent retention, Off-duty acts, Secondary employment
- 3:40 PM *Elliot Spector continued*
- Litigation considerations regarding department files and records, Internal affairs & investigations, Document & records discovery considerations, Litigation investigation, Managing the lawsuit
- 4:40 PM Conclude for the Day

Wednesday October 4, 2006

(Please note that we will start at 8:00 AM on Wednesday instead of 9:00 AM)

- 8:00 AM *John Peters, PhD, Litigation Consultant and Trainer*
- Management issues in law enforcement litigation, Field performance, Training, Use of force reports, Use of force issues, Early warning and intervention systems, Administrative investigations
- 9:15 AM *John Peters continued*
- In-custody deaths & injuries, Handling prisoners, Transportation, Medical treatment & training, Data collection & analysis, Equipment & tactics
- 10:15 AM *John Peters continued*
- The aftermath of an incident, Employee responses, Sensory deprivation, Normal reactions to abnormal events, Perception and memory distortion, How reactions may affect report writing,
 - Dealing with the involved employee
 - The effect of stress
- 11:00 AM Program Conclusion