



# Arizona Peace Officer Standards and Training Board

## LESSON PLAN COVER SHEET

COURSE TITLE: <b>Legal Issues</b>		HOURS: <b>2</b>	
DATE FIRST PREPARED: <b>12/15/1995</b>		PREPARED BY: <b>Karl Bentz, Mesa PD</b>	
DATE REVISED/REVIEWED: <b>12/10/1997</b>		BY: <b>Mike Johnson, Mesa PD</b>	
DATE REVISED/REVIEWED: <b>11/1/2002</b>		BY: <b>Bill Everson, Mesa PD</b>	
DATE REVISED/REVIEWED:		BY:	
DATE REVISED/REVIEWED:		BY:	
DATE REVISED/REVIEWED:		BY:	
DATE REVISED/REVIEWED:		BY:	
LIST ANY PREREQUISITIES:			
LEAD INSTRUCTOR: <b>Richard Encinas, Mesa PD</b>		BACK-UP INSTRUCTOR: <b>Bill Everson, Mesa PD</b>	
APPROVAL NUMBER:			
COURSE DESCRIPTION: <b>Legal issues pertinent to field training programs including liability and termination.</b>			
INSTRUCTOR REFERENCES:		TRAINING AIDES, EQUIPMENT, MATERIALS:	
		PRE-TEST: <b>Yes</b> <b>No</b>	POST-TEST: <b>No</b>
METHOD OF INSTRUCTION:			
SUCCESS CRITERIA:			
PERFORMANCE OBJECTIVES:			
<b>AGENCY APPROVAL</b>	Name (Type or Print)	Signature	Date
<b>AZPOST APPROVAL</b>	Name (Type or Print) <b>LYNDON A. "LYNN" LARSON</b> <b>Basic Training Administrator</b>	Signature 	Date <b>August 2, 2000</b>

AZ POST Form LP (Revised 8/00)

## OUTLINE

## NOTES

- A. Civil Liability
  - 1. Two types
    - a. Direct liability
      - 1) Employee's direct involvement in the behavior or action.
    - b. Indirect liability – vicarious liability
      - 2) Based on the behavior of another
  
- B. Areas of Concern in FTO Programs
  - 1. Negligent hiring
    - a. Agency/Dept. Head liable for hiring unqualified people.
  - 2. Negligent retention
    - a. Agency retains unqualified person.
  - 3. Negligent assignment
    - a. Assignment of unqualified or ineligible person.
  - 4. Negligent entrustment
    - a. Improper entrustment of equipment or vehicle to unqualified person.
  - 5. Negligent training
    - a. Agency's duty to provide adequate and sufficient training for completion of job tasks and assignments.
    - b. Additional responsibilities of "Duty to Train".
      - 1) Hire qualified personnel.
      - 2) Proper supervision.
      - 3) Timely termination.
  - 6. Negligent supervision
    - a. Requires proper supervision.
  - 7. Failure to direct
    - a. Duties of supervision or administrator
      - 1) Anticipate problems during operations.
      - 2) Minimize employee discretion at operational level.
      - 3) Write and distribute directives guiding behavior.
  - 8. Due process issues
    - a. Property and liberty rights of employees
      - 1) Come into play when claim of termination for failure to meet standards is made.
  
- C. Termination Process
  - 1. Definition
    - a. Cessation of employment.
  - 2. Analysis of termination factors
    - a. Areas to question:
      - 1) Identification of problem.
      - 2) Identification of cause.
      - 3) Review of remedial efforts.
      - 4) Identification of improvement.
      - 5) Estimate on likelihood of success.
      - 6) Behavior fully documented.
      - 7) Remedial efforts fully documented.
  - 3. Termination Package

OUTLINE	NOTES
<ul style="list-style-type: none"><li>a. FTO memorandums:<ul style="list-style-type: none"><li>1) Should reflect strengths, weaknesses, improvements, or lack thereof, and remedial efforts.</li><li>2) Chronological or categorical.</li><li>3) FTO recommendations.</li></ul></li><li>b. FTO supervisor memo:<ul style="list-style-type: none"><li>1) Observations, agreement and recommendations.</li></ul></li><li>c. Program Commander:<ul style="list-style-type: none"><li>1) Cover letter with reasons, identifications of contents of package.</li><li>2) Packet should contain all DORs, SWRs, record of any discipline, FTO Worksheets, and samples of reports (if writing is problem).</li></ul></li><li>4. Termination Hearing<ul style="list-style-type: none"><li>a. Often given regardless of circumstances.<ul style="list-style-type: none"><li>1) “Be on the safe side.”</li><li>2) Assess the health of the FTO Program.</li></ul></li><li>b. Large majority of terminations are resignations rather than firing; no requirement in these cases.</li></ul></li><li>5. Termination vs. Resignations<ul style="list-style-type: none"><li>a. Program Commander to inform employee.<ul style="list-style-type: none"><li>1) Recommendation being prepared.</li></ul></li><li>b. Employee allowed to resign before termination action.</li><li>c. No coercion allowed – “If you don’t resign, I will fire you.”</li><li>d. Outline choice of Resignation vs. Termination.</li></ul></li></ul>	