

# Emerging Legal Trends and Liability Management for Tactical, SWAT, & Emergency Response Operations

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February 11-12, 2020  
ILEAS Training Center  
8:00 am - 4:00 pm

## **Course objectives:**

One of the most critical tasks in law enforcement involves the use of tactical officers during high risk operations. While the success of these operations requires extensive training and proper equipment, success also requires sound judgement from the moment the decision is made to utilize a tactical response to the event. Over the last decade, tactical operations have come under the scrutiny of the courts. This is largely the result of lawsuits filed against agencies and officers following a tactical operation.

This course utilizes a case-study approach in order to identify the important policy and practice considerations that will assist tactical commanders, supervisors and officers in making legally defensible decisions without compromising operations during an event. Class participants will be presented with legal cases and policy issues that impact tactical operations and ultimately, liability. The training is unique in its approach and will provide a road map to practical implementation 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 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.
- **Failure to Plan:** The subject of discussion during this portion 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 such as 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.
- **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:** The final session will focus on developing the most defensible policy and training for tactical teams, and how to make administrators and their agencies a difficult target for a plaintiff's attorney.

### **About the instructor:**

Jack Ryan is an attorney in Rhode Island, receiving his Juris Doctorate, Cum Laude, from Suffolk University Law School. He has 20 years of police experience, retiring at the rank of Captain. Jack is a former adjunct faculty member at Salve Regina University and lectures frequently throughout the United States. He is the Co-Director of the Legal and Liability Risk Management Institute (LLRMI) and has conducted agency audits for that entity, several involving issues of administrative investigations. Jack regularly conducts training seminars on a variety of subjects including Use of Force, Internal Affairs and Legal Issues. Jack also writes a field guide for law enforcement officers nationally titled, "Case Law for Critical Tasks in Law Enforcement, A Legal Guide for Officers and Supervisors", which is updated annually at the end of each United States Supreme Court term. He also authors and edits the LLRMI's bi-monthly publications providing legal and liability updates to law enforcement agencies throughout the United States.

**CONTACT ILEAS FOR REGISTRATION INFORMATION:  
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## **COURSE AGENDA**

### **DAY ONE**

- 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 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

### **DAY TWO**

- 8:00 a.m.-9:00 a.m.    When You Fail to Prepare You Prepare to Fail - Pre-Operation Intelligence/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 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 - Special Response/Emergency Response/SWAT/Tactical Units