

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	E. Court Functions and Civil Law
<u>Module Title:</u>	1. COURT FUNCTIONS AND CIVIL LAW
<u>Hours:</u>	Not less than 4 hours

Note to Instructor:

Must be taught by an attorney admitted to the Michigan Bar.

Module Objectives:

- I.E.1.1. Demonstrate a Working Knowledge of Civil Law Necessary for Effective Functioning as a Law Enforcement Officer.
- a. Distinguishes between civil law and criminal law including among other differences that:
 - (1) criminal law is controlled by fundamental interests derived from the Constitution and Bill of Rights;
 - (2) civil law is the adjudication of disputes among private parties; and
 - (3) civil law is more of a truth-seeking process.
 - b. Describes the following civil law terms and processes:
 - (1) discovery;
 - (2) interrogatories and their purpose;
 - (3) depositions and their purpose;
 - (4) summons (MCR 102); and
 - (5) service of process (MCR 105).
 - c. Describes the concept of civil liability and how it affects an officer's ability to function in law enforcement including:
 - (1) an officer's potential for civil liability (MCL 691.1407);
 - (2) the consequences of a wrongdoing on the part of an officer;
 - (3) the basic theories used to sue a police officer;
 - (4) the concept of intentional tort;
 - (5) the elements of negligence;
 - (6) the civil rights actions possible under (42 USC 1983);
 - (7) the concept of vicarious liability;
 - (8) the primary source of Section 1983 actions; and
 - (9) the relationship between management functions and the police officer for purposes of civil liability.

I.E.1.2. Demonstrate a Working Knowledge of the Court System at a Level Necessary for Effective Functioning as a Law Enforcement Officer.

- a. Describes the organizational structure of both the federal and Michigan court systems and their relationships.
- b. Identifies the jurisdiction of courts within Michigan, including:
 - (1) the Circuit Court,
 - (2) the District Court, and
 - (4) the Family Division of the Circuit Court.
- c. Describes the role of the judge in:
 - (1) issuing warrants,
 - (2) legal rulings,
 - (3) fact finding, and
 - (4) presiding at trial.
- d. Describes the role of the jury as a finder of fact.
- e. Describes the role of the defense attorney as a defender of the accused.
- f. Describes the role of the District Court magistrate as defined by the revised Judicature Act.

I.E.1.3. Demonstrate a Working Knowledge of Legal Terms and Issues Related to the Court System at a Level Necessary for Effective Functioning as a Law Enforcement Officer.

- a. Defines the following terms:
 - (1) jurisdiction;
 - (2) venue;
 - (3) information and belief;
 - (4) complaint and warrant;
 - (5) indictment;
 - (6) arraignment and its purpose;
 - (7) preliminary hearing, its purpose and the elements to be shown at the hearing;
 - (8) pretrial motions;
 - (9) motion in limine;
 - (10) voir dire examination;
 - (11) challenges for cause; and
 - (12) double jeopardy.

I.E.1.4. Demonstrate a Working Knowledge of Legal Processes of the Court at a Level Necessary for Effective Functioning as a Law Enforcement Officer.

- a. Identifies and describes legal processes including:
- (1) when jeopardy attaches at a jury trial;
 - (2) when jeopardy attaches at a non-jury trial;
 - (3) the burden of proof in a criminal proceeding;
 - (4) the burden of proof in pre-trial motions;
 - (5) who has the burden of going forward with the proofs;
 - (6) the appeal process in the federal courts;
 - (7) the appeal process in the state court system;
 - (8) the pretrial sentence investigation;
 - (9) sentencing requirements of the court;
 - (10) the necessity for bond and the court rules regarding bonds;
 - (11) pleas and the process of plea bargaining;
 - (12) a show up and how it relates to in-court identification procedures;
 - (13) a lineup and how it relates to in court identification procedures; and
 - (14) the inherent dangers of courtroom identification.

Module History

Revised	04/07
Reviewed	09/21
Reviewed	11/23