Basic Training Module Specifications

Functional Area: I.   Investigation

Subject Area: E.   Court Functions and Civil Law

Module Title: 1.   COURT FUNCTIONS AND CIVIL LAW

Hours: 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 purposes;
                (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
(3) 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.　　　<u>Demonstrate a Working Knowledge of Legal Processes of the Court at a Level Necessary for Effective Functioning as a Law Enforcement Officer</u>.

　　　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　11/21