

Basic Training Module Specifications

<u>Functional Area:</u>	II. Patrol Procedure
<u>Subject Area:</u>	B. Ethics in Policing and Interpersonal Relations
<u>Module Title:</u>	2. LAWS PERTAINING TO CIVIL RIGHTS AND HUMAN RELATIONS
<u>Hours:</u>	Not less than 2 hours

Notes to Instructor:

Instructors for this module should review and be familiar with the Ethics and Cultural Diversity modules.

Instructors should be familiar with the Elliott-Larsen Civil Rights Act 453 of 1976 (MCL 37.2101) and section 37.2102, as amended in 2023.

Module Objectives:

- II.B.2.1. Demonstrate an Understanding of Title VII of the 1964 Civil Rights Act (42 USC 2000e, et. seq.)
- a. Describes the main provision of the Act as making discrimination on the basis of race, color, religion, sex or national origin a violation of the Act.
 - b. Identifies four ways discrimination may occur:
 - (1) intentional or "evil intent" behavior that targets individuals because they belong to a certain group;
 - (2) disparate treatment (i.e., individuals are treated differently because of race, color, etc.);
 - (3) disparate impact (i.e., an activity or behavior that on its face appears to be non-discriminatory, but the end result is discriminatory) (e.g., A 5'8" height requirement for police officers appears non-discriminatory, but the impact is to eliminate many Asian-Americans from police jobs); or
 - (4) denial of an accommodation which includes a disability and religion as categories entitled to an accommodation.
 - c. Describes the law generally applying to:
 - (1) employers with more than fifteen employees who engage in interstate commerce; and
 - (2) federal, state, and local political subdivisions and educational institutions.
 - d. Identifies the provision for administrative proceedings and adjudication by the Equal Opportunity Employment Commission (EEOC)

II.B.2.2. Identify the Key Elements of Michigan's Elliott-Larsen Civil Rights Act (MCL 37.2101 and MCL 37.2102).

- a. Compares Elliott-Larsen to Title VII and describes it as:
 - (1) broader in scope in that it:
 - (a) covers all employers in the state of Michigan;
 - (b) includes race, religion, color, national origin, age, sex, height, weight, arrest record, familial status, and marital status;
 - (c) provides for a wide range of injunctive relief and monetary damages; and
 - (d) provides for administrative proceedings and adjudication by the Michigan Department of Civil Rights; and
 - (2) specifically defines sexual harassment.
- b. Describes Section 29 of the Michigan Constitution as:
 - (1) creating the Michigan Civil Rights Commission; which
 - (2) gives civil rights and their enforcement constitutional authority.
- c. Identifies the responsibility of the Michigan Civil Rights Department which includes:
 - (1) receive, initiate, and investigate, complaints;
 - (2) conciliate, adjust, dispose of, issue charges, and hold hearings on complaints;
 - (3) approve or disapprove plans to correct past discriminatory practices; and
 - (4) require interrogatories, order submission of books, papers, records and other pertinent materials.
- d. Describes the civil penalties for violation of the Act (Sec 605).
 - (1) injunctive relief,
 - (2) unlimited compensatory damages,
 - (3) attorney fees, and
 - (4) other relief the Commission deems appropriate (e.g., suspension of a liquor license of a bar owner who discriminates).
- e. Identifies retaliation against someone for filing a complaint as unlawful.

II.B.2.3. Demonstrate an Understanding of Title II of the Americans With Disabilities Act (42 USC 12101).

- a. Identifies discrimination based on disability in regard to participation in, and/or benefits from, any program, service or activity as a violation of the Act.
- b. Defines a person with a disability as someone who has:
 - (1) a physical or mental impairment that substantially limits one or more of the major life activities;
 - (2) a record of such an impairment; or
 - (3) is regarded as having such an impairment (i.e., perceived impairment).

II.B.2.3. Demonstrate an Understanding of Title II of the Americans With Disabilities Act (42 USC 12101) (continued).

- c. Interacts with persons with disabilities (e.g., general public, victims, suspects, witnesses or arrestees);
 - (1) using appropriate officer safety procedures;
 - (2) applies appropriate restraints;
 - (3) provides access to police information, programs, and publications; and
 - (4) maintains confidentiality of medical information (e.g., knowledge that a person has AIDS cannot become public information).
- d. Describes guidelines for interacting with persons with disabilities:
 - (1) recognizes symptoms and appropriate medical and emotional support for people experiencing seizures;
 - (2) shows sensitivity to and appropriate support in aiding people who are mobility challenged;
 - (3) arranges for interpreters for the speech and/or hearing impaired; and
 - (4) provides access to professional support systems for the mentally disabled;
- e. Identifies the difference between characteristics common to certain disabilities (e.g., epilepsy, diabetes, deafness, etc.) and those associated with:
 - (1) antisocial behavior,
 - (2) criminal behavior, and
 - (3) reaction to alcohol or drug abuse.

II.B.2.4. Demonstrate an Understanding of the Persons with Disabilities Civil Rights Act (MCL 37.1101, et. seq.).

- a. Identifies discriminatory practices, policies, and customs against individuals with disabilities as unlawful.
- b. Defines a disability as a determinable physical or mental characteristic of an individual or a history of the characteristic that causes substantial limitation to one or more major life activities, which may result from disease, injury, congenital condition of birth, or functional disorder (MCL 37.1103).
- c. Describes the Act as covering anyone who:
 - (1) has a disability,
 - (2) has a history of a disability, or
 - (3) is regarded as having a disability.
- d. Identifies MCL 37.1302 as pertaining to the delivery of public services.

II.B.2.4. Demonstrate an Understanding of the Persons with Disabilities Civil Rights Act (MCL 37.1101, et. seq.) (continued).

- e. Compares MCL 37.1302 to Title II of the ADA and identifies that:
 - (1) the language is more general in nature;
 - (2) the language parallels each other; and
 - (3) the Civil Rights Commission uses the ADA specific language for interpretation.
- f. Describes officer responsibility when interacting with those with a disability to:
 - (1) identify the disability or perceived disability;
 - (2) acknowledge that there is a "duty to accommodate"; and
 - (3) make a reasonable accommodation.

II.B.2.5. Demonstrate an Understanding of Michigan's Hate Crime Statute (MCL 750.147b).

- a. An individual is guilty of a hate crime if that individual, maliciously and intentionally does any of the following to an individual based in whole or in part on an “actual or perceived characteristic” of that individual, regardless of the existence of any other motivating factors:
 - (1) uses force or violence against another individual. MCL 750.147b(1)(a).
 - (2) causes bodily injury to another individual. MCL 750.147b(1)(b).
 - (3) “Stalks” another individual. MCL 750.147b(1)(c).
 - (4) damages, destroys, or defaces any real or personal property of another individual without the consent of the individual. MCL 750.147b(1)(d).
 - (5) makes a “true threat” to engage in prohibited conduct described above. MCL 750.147b(1)(e).
- b. Defines “**Actual or perceived characteristics**” – include all the following of another individual:
 - (1) Race or color. MCL 750.147b(2)(a).
 - (2) Religion. MCL 750.147b(2)(b).
 - (3) Sex. MCL 750.147b(2)(c).
 - (4) Sexual orientation. MCL 750.147b(2)(d).
 - (5) Gender identity or expression. MCL 750.147b(2)(e).
 - (6) Physical or mental disability. MCL 750.147b(2)(f).
 - (7) Age. MCL 750.147b(2)(g).
 - (8) Ethnicity. MCL 750.147b(2)(h).
 - (9) National origin. MCL 750.147b(2)(i).
 - (10) Association or affiliation with an individual or group of individuals in whole or in part based on a characteristic described above. MCL 750.147b(2)(j).

II.B.2.3. Demonstrate an Understanding of Michigan's Hate Crime Statute (MCL 750.147b) (continued).

- c. **“Reckless disregard”** To consciously disregard a substantial and unjustifiable risk that a statement will be viewed as threatening violence. MCL 750.147b(11)(a).
- d. **"Stalk"** Stalking as that term is defined in MCL 750.411h. MCL 750.147b(11)(b).
- e. **"True threat"** A statement in which the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals, including unlawful property damage to the property of a particular individual or group of individuals. A true threat includes such a communication made with “reckless disregard”. A speaker is not liable for communicating a true threat if the speaker was unaware that the individual or the group of individuals could regard the statement as threatening violence. MCL 750.147b(11)(c).
- f. Describes a hate crime as a felony which, depending on the circumstances and whether the individual had a prior hate crime conviction as detailed in MCL 750.147b(3), is punishable by not more than 2-years, 5-years, or 10-years imprisonment.
 - (1) Consecutive sentencing – The court may order a sentence imposed for a hate crime be served consecutively to a sentence imposed for any other crime, including any other violation of law arising out of the same transaction as the hate crime. MCL 750.147b(8).
 - (2) Other crimes – A criminal penalty provided for a hate crime may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct. MCL 750.147b(9).
 - (3) Alternative and reduced sentences – The circumstances where a court can consider alternative or reduced sentences are detailed in MCL 750.147b(6) and MCL 750.147b(7).
- g. Describes the civil remedies available to victims of a hate crime as:
 - (1) civil action which may be brought regardless of the outcome of any criminal action;
 - (2) damages 3 times the actual damages or \$25,000.00 whichever is greater;
 - (3) damages for emotional distress;
 - (4) reasonable attorney fees and costs. MCL 750.147b(4).

II.B.2.3. Demonstrate an Understanding of Michigan's Hate Crime Statute (MCL 750.147b) (continued).

- h. Describes the reporting requirements mandated by Public Act 319 of 1968 (MLC Section 28.257a) as:
 - (1) police agencies and sheriff departments shall report to the Department of State Police hate/bias crimes based upon:
 - (a) race,
 - (b) ethnic origin,
 - (c) religion,
 - (d) gender, or
 - (e) sexual orientation.

Note to Instructor: Exception – First Amendment Protected Activity

The revised hate crime provisions of MCL 750.147b **do not** enjoin any individual's exercise of the constitutional right to free speech.

Module History

Revised	01/2009
Reviewed	12/2022
Revised	05/2023
Reviewed	09/2024
Revised	04/2025