

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.

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).

- 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 height, weight, arrest record, 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 Ethnic Intimidation Statute (MCL 750.147b).

- a. Defines Ethnic Intimidation as hate/bias crimes with the malicious and specific intent to intimidate or harass another person because of that person's race, color, religion, gender, or national origin and:
 - (1) causes physical contact with another person; or
 - (2) damages, destroys, or defaces any real or personal property; or
 - (3) threatens by word or act, to:
 - (a) do either or both of the above; or
 - (b) there is reasonable cause to believe the act will occur.
- b. Describes ethnic intimidation as a felony punishable by a maximum 2-year imprisonment, and/or a fine of \$5000.
- c. Describes the civil remedies available to victims of intimidation as:
 - (1) civil action which may be brought regardless of the outcome of any criminal action;
 - (2) damages 3 times the actual damages or \$2000 whichever is greater;
 - (3) damages for emotional distress;
 - (4) reasonable attorney fees; and
 - (5) injunctive relief.
- d. Distinguishes between hate crimes and other confrontations by:
 - (1) identifying and documenting all the elements necessary to prove ethnic intimidation;
 - (2) identifying visible symbols of hate (e.g., a Nazi swastika, burning cross, etc.);
 - (3) obtaining accurate quotes of suspect's statements;
 - (4) documenting the suspect's actions;

II.B.2.5. Demonstrate an Understanding of Michigan's Ethnic Intimidation Statute (MCL 750.147b) (continued).

- (5) identifying the absence of other, non-hate motives (e.g., no evidence of a personal conflict); and
 - (6) identifying a group or organization the suspect belongs to (e.g., neo-Nazi Skinheads, KKK, etc.).
- e. Describes the reporting requirements mandated by Public Act 319 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.

Module History:

Revised Jan 2009