



**Annual SPIAA Retraining Conference**  
**Covington, Kentucky—July 2011**  
*Legal Update*

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Terry D. Edwards, J.D.  
Associate Professor  
Southern Police Institute  
University of Louisville  
Louisville, KY 40292  
502.852.0971  
tdedwa01@louisville.edu

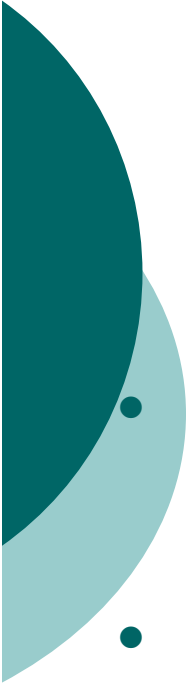


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*Legal Update: Overview*

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***Cops still get sued!***

- ***I can't do much about it!***
- ***Are there any questions?***



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*Legal Update: U. S. Supreme Court Cases*

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- *Bullcoming v. New Mexico*

- Lab Reports: Need the lab tech to testify

- *J.D.B. v. North Carolina*

- “Custodial Interrogation” of Minors: Age counts in determining “free to leave” status

- *Kentucky v. King*

- Warrantless Searches: Don’t create the exigent circumstance



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*Legal Update: Upcoming U.S. Supreme Court Case*

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## *U.S. v. Maynard*

**Issue: Whether “too much” use of a GPS tracking device, even in public places, would violate the 4<sup>th</sup> Amendment?**



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*Legal Update: Basics of Risk Management*

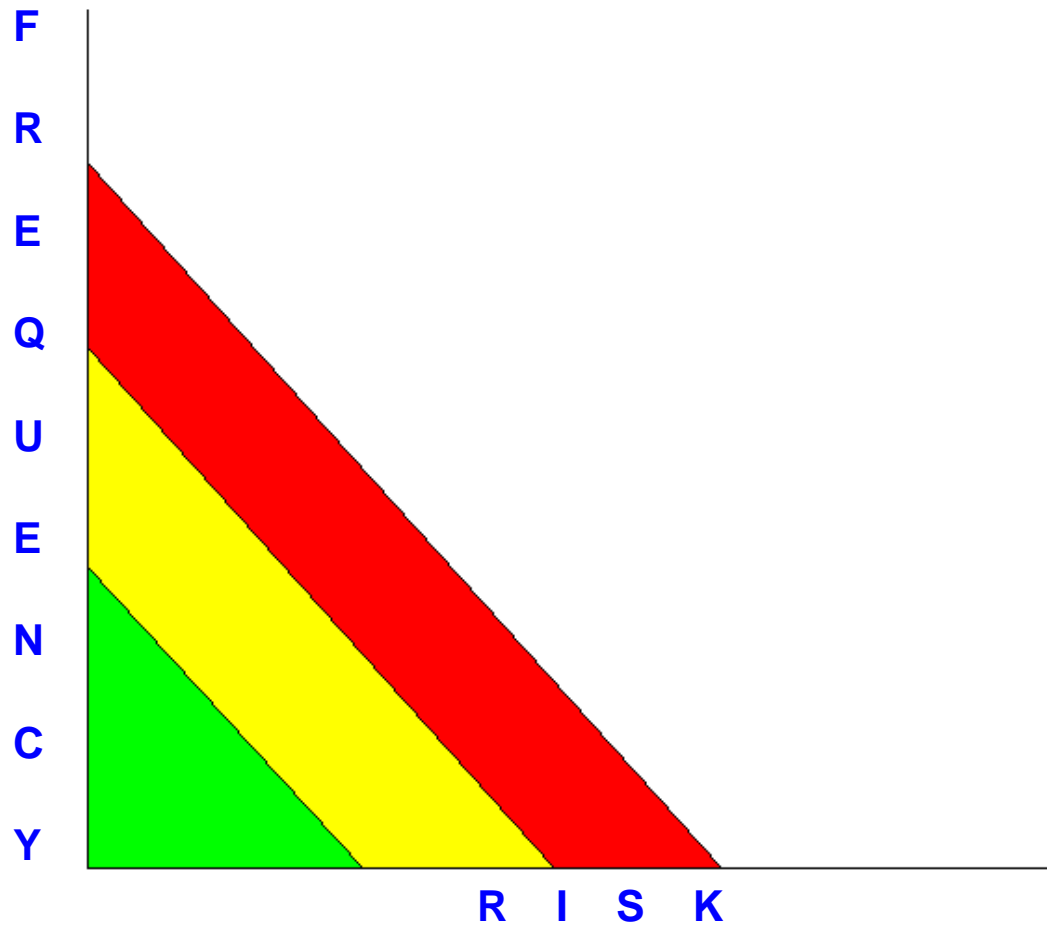
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## Basic Liability “Formula”

**Liability = Frequency x Risk**

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*Legal Update: Basics of Risk Management*

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***Legal Update: Reducing Risk***

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***Training***

- ***Need/Quality/Quantity***
- ***Creating/Preserving Records***
- ***Witness/Custodian***

● ***Supervision***

- ***Selection***
- ***Training***
- ***Empowering***

● ***Policy***

- ***Current***
- ***Compliance***
- ***Concise***



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*Legal Update: “Hot Topics”*

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***Operational Issues***

- **Pursuits: “Shocks the Conscience”**
- **Use of Force: “Objective Reasonableness”**
- **Failure to Train: “Deliberate Indifference”**
- **Failure to Supervise: “Knew or should have known”**
- **Failure to Protect: “Special Relationship”**

• ***HR/Administrative/Employment Issues***

- **Discrimination: Retaliation/USERRA/PDA/Trans-Cross**
- **Records: Policy/Retention/”Electronic”/Brady Issues**
- **Negligent Retention: Find/Fix/Fire**
- **Off-Duty Employment Issues**
- **“Facebook”/Off Duty Behavior Issues**



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*Legal Update: “Cats and Dogs”/Urban Legends*

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- **FLSA: “Donning and Doffing”**
- **FMLA: “Intermittent Leave”**
- **MOUs/MOAs/Response Agreements**



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*Legal Update: Final Thoughts*

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- 1. Worry about what you need to worry about.**
- 2. Know how to ask the right questions.**
- 3. Be proactive.**



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*Legal Update: Final Thoughts II*


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Being right...

and proving you are right...

are two different

concepts altogether!



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**Questions/Comments?**