

Constitutional Rights of Inmates and Supervisor Liability
Lesson Plan

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Revised: November 2018

Course Goal:

Module goal: Provide new and incoming Sergeants with an understanding of inmate's constitutional rights, the importance of ensuring those fundamental rights are protected, and the risks of liability if an inmate's constitutional rights are violated.

Module total time: 4 hours

Learning Objective #1: Although limited, what constitutional rights exist in a jail setting?

Learning Objective #2: What potential risks of liability are present for the department and/or the deputy if there is a violation of an inmate's constitutional rights?

Resources Needed:

Computer
PowerPoint Presentation
Clicker/Laser Pointer
Red and Green Cardstock Cards (one of each color for each student)

Content	Instructor Notes
<p>Constitutional Rights of Inmates and Supervisor Liability (4 hrs.)</p> <p>VIDEO</p> <p>I. General Principles of Compassion and Imprisonment</p> <p>A. Discuss Compassion and Disrespect</p> <p>B. Discussion of ABA Treatment of Prisoners Standards.</p> <p>1. Different Standards for inmate vs. detainee</p> <p>2. Human rights considerations</p>	<p>Clip from Shawshank Redemption. Example of how not to treat subordinates or inmates.</p> <p>Emphasize that as a supervisor you set the tone for the deputies and how inmates should be treated.</p> <p>Explanations regarding Civil Detainee (such as SVP or an immigration detainee) and how different constitutional standards apply to them versus a Criminal Inmate. Further discussion within the Criminal Inmate context, regarding the 8th/14th amendment considerations for those awaiting trial vs. serving a sentence.</p>

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<p>Break (10 min)</p> <p>II. Constitutional Rights of Inmates</p> <ul style="list-style-type: none">A. First AmendmentB. Fourth AmendmentC. Fifth AmendmentD. Sixth Amendment<ul style="list-style-type: none">1. Massiah Violations <p>Learning Activity #1 (Part 1)</p> <p>Break (10 min)</p> <ul style="list-style-type: none">E. Eighth Amendment<ul style="list-style-type: none">1. VideoF. Brady Considerations <p>Learning Activity #1 (Part 2)</p> <p>Break (10 min)</p> <p>III. Supervisory Liability</p> <ul style="list-style-type: none">A. When can a supervisor be liable? B. How to protect inmates' constitutional rights	<p>Explanation of punishment vs securing someone's presence in court.</p> <p>Discussion of each of these constitutional rights. How they apply in a custodial environment. Discussion on how to ensure the sergeants are protecting the inmates' rights.</p> <p>Give factual scenarios related to the constitutional rights above and ask sergeants as a group to raise the RED card if they should STOP because of a potential constitutional violation or hold up a GREEN card to go ahead and act.</p> <p>Video- Escape from Alcatraz, highlighting 8th Amendment violations.</p> <p>Give factual scenarios related to the constitutional rights above and ask sergeants as a group to raise the RED card if they should STOP because of a potential constitutional violation or hold up a GREEN card to go ahead and act.</p> <p>Discuss how a supervisor's own actions and those of whom they supervise could result in liability for them.</p> <p>Failure to act can be deliberate indifference.</p> <p>Be engaged. Know the law. Full and complete documentation. Focus on accountability. Always keep in mind the general principles of compassion and imprisonment.</p>
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Learning Activity #1 – “Constitutional Violation Stop and Go”

Purpose:

Impromptu quiz to see if the sergeant recognizes when a certain factual scenario is or is not a constitutional violation.

Description: Provide each student with a RED CARD and a GREEN CARD. Go through five (5) factual scenarios and ask each student to hold up the RED CARD if they should advise the deputy to STOP their action or hold up the GREEN CARD if the deputy should GO AHEAD and continue their actions.

With each scenario:

- 1) Pick a person who selected the correct response to explain to the group why that was the correct response
- 2) Pick a person who selected the incorrect response to explain why they chose that option and discuss as a group lessons learned from their analysis.
- 3) Determine whether there could be liability under the specific factual scenario, and if so, who?

Key Learning Points:

- **Sergeants will have to think on their feet to make quick decisions.**
- **Decisions made will directly affect someone’s life- the inmate, the deputy, or the supervisor.**
- **Emphasize that the discussion portion of the Learning Activity is important because the principles behind what does or does not constitute a constitutional violation is what the deputy with direct contact with the inmate needs to understand in order to practically apply the knowledge they gained to other factual scenarios they face while on duty.**

Resources Needed:

RED CARDS

GREEN CARDS

Time Required: 60 minutes (30 Minutes each time)

Conduct this learning activity twice. Once after discussing the first set of constitutional rights, and again after discussing the second set of constitutional rights.