

Police Misconduct & Prisoners' Rights Litigation

TABLE OF CONTENTS

I. Update on Developments in Taser Litigation

John Burton, Law Offices of John Burton, Pasadena, CA

I.1. Representing Clients Injured by TASER International Electrical Control Devices

John Burton and Peter M. Williamson

II. Using P.O.S.T. Modules to Establish Police Officers' Standard of Care

Roger Clark, Police Procedures Consultant, Santee, CA

Burns v. City of Redwood City:

II.1. Rule 26 Report

II.2. Brief in Response to SJ Motion

II.3. Order re Motion for SJ

POST Materials:

II.4. CA POST Basic Course Content

II.5. Peace Officer and Agency Liability

II.6. Ethics, Intervention and Report Writing

II.7. POST PowerPoint

III. Tools for Preventing Future Police Misconduct: Declaratory and Injunctive Relief:

Panel Discussion

John Burris, Law Offices of John L. Burris, Oakland, CA

Michael Haddad, Haddad & Sherwin, Oakland, CA

Jim Harrington, Texas Civil Law Project, Austin, TX

Mary Howell, Attorney at Law, New Orleans, LA

Christy Lopez, Department of Justice, Special Litigation Section, Washington, DC

Riders Cases: Delphine Allen, et al., v. City of Oakland, et al.

III.1. Settlement Agreement re: Pattern and Practice Claim

Sample Injunctive Relief Obtained By Settlement:

III.2. Stipulation and Order Approving Settlement

III.3. Crowd Control Training Bulletin

III.4. Judgment

III.5. Settlement Agreement Injunctive Relief

Motion and Reply for Injunctive Relief:

III.6. Motion for Injunctive Relief

III.7. Reply in Support of Motion for Injunctive Relief

Motion and Order for Summary Judgment (Declaratory Relief):

- III.8. Motion for Partial SJ
- III.9. Order Granting Partial SJ

Technical Assistance DOJ:

- III.10. Press Release TCRP 06/19/2004
- III.11. Press Release NAACP & TCRP 06/16/2005
- III.12. Technical Assistance Letter from DOJ 12-2008
- III.13. APD Response to DOJ TA Letter

IV. Angola and Beyond: Prisoners' Rights in the 21st Century: Panel Discussion

Andrea Armstrong, Loyola College of Law, New Orleans, LA

Norris Henderson, V.O.T.E., New Orleans, LA

Margaret Winter, National Prison Project of the ACLU, Washington, DC

Paul Wright, Prison Legal News, West Brattleboro, VT

Mandatory Labor Programs:

- IV.1. Slavery Revisited in Mandatory Labor on Angola's Penal Plantation
Andrea Armstrong

Jail and Prison Conditions; Quality of Correctional Management and Mental Health Treatment:

Re Unit 32, Parchman Farm Mississippi

- IV.2. Unit 32 GATES v. COOK 323, 376 F.3d 323 (5th Cir. 2004)
- IV.3. Unit 32 Complaint 06/22/05
- IV.4. Unit 32 Consent Decree 2006
- IV.5. Unit 32 Supplemental Consent Decree 2007 (Mental Health-Use of Force-Classification)

Re Los Angeles County Men's Central Jail (MCJ)

- IV.6. Kupers Expert Report 04/14/2009
- IV.7. Ex Parte Application for Status Conference; Memorandum of Points and Authorities; Declarations in Support 12/15/09
- IV.8. Declaration of James Austin 12/15/09
- IV.9. Declaration of Terry Kupers 12/15/09

Restraints on Women in Labor: Brawley v. State of WA

- IV.10. Amended Complaint to Damages and Declaratory Relief 10/03/2009
- IV.11. Order on Cross Motion for Summary Judgment

Prison Rape: Chavez v. Poleate

- IV.12. Second Amended Complaint 02/06/2007
- IV.13. Order and Memorandum Decision 02/23/2010

Denial of Juvenile Education: JW v. Pierce County, WA

IV.14. Class Action Notice 02/10/2010

IV.15. Proposed Settlement Agreement and Consent Decree 02/10/2010

IV.16. Stipulation and Order Re Class Certification and Preliminary Approval of Settlement Agreement and Consent Decree 02/10/2010

Publications: PLN v. Stephens

IV.17. Complaint 12/03.2009

IV.18. Receipt Release 07/14/2010

Additional Reading:

IV.19. Parchman Farm Blues: Pushing for Prison Reform at Mississippi State Penitentiary

Margaret Winter, Stephen F. Hanlon

- Mississippi's Corrections Reform: *How America's reddest state -- and most notorious prison -- became a model of corrections reform.*
John Buntin, Governing Magazine, August 2010
Available at: www.governing.com/topics/public-justice-safety/courts-corrections/mississippi-correction-reform.html
- Beyond Supermax Administrative Segregation: *Mississippi's Experience Rethinking Prison Classification and Creating Alternative Mental Health Programs*
Terry Kupers et al, Criminal Justice and Behavior OnlineFirst, published on July 21, 2009
Available at: www.aclu.org/images/asset_upload_file359_41136.pdf

V. Strategies and Risk Assessment in Documenting Police Abuse: Video- and Audio-Taping Police Misconduct

David Milton, Law Offices of Howard Friedman, Boston, MA

Glen Downey, Healey & Hornack PC, Pittsburgh, PA

Articles:

Law Review:

V.1. Pervasive Image Capture and the First Amendment: Memory, Discourse, and the Right to Record, 159 U. PA. L. REV. __ (forthcoming 2010)

Seth F. Kreimer

Media:

V.2. Washington Post 06/16/2010: Traffic stop video on YouTube sparks debate on police use of Md. wiretap laws

V.3. ABC News 07/19/2010: Growing Number of Prosecutions for Videotaping the Police

V.4. Houston Chronicle 03/04/2008: 1.7 Mio. Settlement

Cases:

Manthey v. County of Allegheny, 2010 WL 1007859 (W.D.Pa.)
V.5. Complaint Final 07/24/2009
V.6. Memorandum of Law in Opposition to Motion to Dismiss 11/16/2009
V.7. Brief in Opposition of Motion to Dismiss 11/16/2009
V.8. Motion for Reconsideration 03/30/2010
V.9. Opinion 04/16/2010

Glick v. Cuniffe

V.10. Plaintiff's Opposition to Motion to Dismiss

Scheier v. City of Sonomish

V.11. Order re Defendant's Summary Judgment Motion

Taurus v. City of Pine Hill, 189 N.J. 497, 916 A.2d 1036

V.12. ACLU Amicus Brief in Support of Plaintiff

V.13. Opinion

Goodman et al v. City of St. Paul

V.14. Complaint

ACLU of IL v. Alvarez

V.15. Complaint

V.16. Memorandum in Support of Plaintiff's Motion for a Preliminary Injunction

Other cases:

V.17. Channel 10, Inc. v. Gunnarson, 337 F.Supp. 634 (D.C.Minn.,1972)

V.18. Williamson v. Mills, 65 F.3d 155 (11th Cir. 1995)

V.19. Fordyce v. City of Seattle, 55 F. 3d 436 (9th Cir. 1995)

V.20. Iacobucci v. Boulter, 193 F.3d 14 (1st Cir. 1999)

V.21. Smith v. City of Cumming, 212 F.3d 1332 (11th Cir. 2000)

V.22. Johnson v. Hawe, 388 F.3d 676 (9th Cir. 2004)

V.23. Gilles v. Davis, 427 F.3d 197 (3rd Cir. 2005)

V.24. McCormick v. City of Lawrence, 130 Fed.Appx. 987 (10th Cir. 2005)

V.25. Robinson v. Fetterman, 378 F.Supp.2d 534 (E.D.Pa.,2005)

V.26. Skoog v. County of Clackamas, 469 F.3d 1221 (9th Cir. 2006)

V.27. Szabla v. City of Brooklyn Park, 486 F. 3d 385 (8th Cir. 2007)

V.28. Davis v. Stratton, 575 F. Supp. 2d 410 (N.D.N.Y 2008)

Memoranda:

V.29. Attorney General of Guam 08/05/2010

V.30. Attorney General of the State of Maryland 07/07/2010

V.31. Rights of Journalists on Public Streets, Covington & Burling
08/15/2005

Miscellaneous:

V.32. NYC Consent Decree

V.33. Policy Manual: Persons Recording Police Employees, Manheim Township Police Department, Lancaster, PA

V.34. Wiretaping Map

V.35. Towns Resolution: US Congress 07/15/2010

V.36. Is there a First Amendment Right to Videotape the Police (Outline)