COURSE TITLE: Legal Considerations for Fire and Emergency Services

COURSE NUMBER: FRSC0107

CREDIT HOURS: Three (3)

REQUISITES: NONE

REQUIRED TEXT: Please check with the KCKCC bookstore, http://www.kckccbookstore.com/, for the required texts for your particular class.

COURSE DESCRIPTION: This course will provide students with an understanding of legal issues that are intertwined with the fire service. Topics covered will include pivotal questions confronting today’s fire service including legal liability, sovereign immunity, overtime laws, collective bargaining, OHSA compliance, worker’s compensation, physical abilities testing, medical examinations, drug testing, discrimination, and sexual harassment.

METHOD OF INSTRUCTION: A variety of instructional methods may be used depending on content area. These include but are not limited to: lecture, multimedia, cooperative/collaborative learning, labs and demonstrations, projects and presentations, speeches, debates, and panels, conferencing, performances, and learning experiences outside the classroom. Methodology will be selected to best meet student needs.

COURSE OUTLINE:
The course outline is indicated below and is subject to change as course development dictates.

I. Types and Sources of Law
   A. What is Law?
   B. Origin of Laws
   C. Standards and Codes
   D. Civil versus Criminal

II. Courts and Court Systems
   A. Courts in General
B. Jurisdiction
C. Trial Courts and Appellate Courts
D. Stare Decisis and Precedence
E. How Decisis is Decisis?
F. Lawsuits and the Media
G. Legal Research
H. Legal Arguments

III. Types of Fire Departments
A. What is a Fire Department?
B. The Role of a Fire Department
C. Public Sector versus Private Sector
D. Types of Entities
E. Public Sector Fire Organizations
F. Private Sector Fire Organizations
G. Conclusions on Fire Department Authority
H. Volunteer Fire Company Authority

IV. Administrative Agencies
A. Administrative Agencies
B. Occupational Safety and Health Administration
C. Getting the Job Done
D. OSHA Inspections
E. Occupational Safety and Health Review Commission
F. OSHRC and OHSA
G. OSHA Violations and Sanctions
H. Administrative Agencies and Separation of Powers
I. Exhaustion of Remedies
J. Jurisdiction and the Term “OSHA State”
K. State and Local Agencies
L. Administrative Law Making
M. OSHA and the NFPA Standards
N. Application of OSHA to Volunteers and Part-Time Personnel

V. Criminal Law
A. Statutory and Common-Law Crimes
B. Federal versus State Jurisdiction
C. Crimes Must be Specifically Declared to be Criminal
D. Felonies and Misdemeanors
E. Elements
F. Criminal Offenses

VI. Criminal Procedure
A. What is Arrest?
B. Authority to Make and Arrest
C. Asserting the Authority
D. False Arrest
E. Asserting the Authority
F. Firefighters and Arrest Powers
G. Arrest Warrants
H. Criminal Procedure
I. Search and Seizure
J. Chain of Custody
K. Custodial Interrogations and Miranda Warnings
L. Accomplice Liabilities: Parties to a Crime
M. Conspiracy
N. Attempts
O. Criminal Defenses

VII. Civil Liability Issues
A. Intentional Torts
B. Battery
C. Assault
D. False Imprisonment
E. Intentional Infliction of severe Emotional Distress
F. Trespass to Land
G. Trespass to Chattels
H. Conversions
I. Misrepresentation
J. Bad Faith
K. Defamation
L. Invasion of Privacy

VIII. Negligence
A. Elements of Negligence
B. Fire Service Negligence Cases
C. Emergency Medical Care and Negligence

EXPECTED LEARNER OUTCOMES:

A. The student will be able to identify the types and origins of laws in the United States.
B. The student will be able to define courts and court systems in the United States.
C. The student will be able to identify various types of fire departments.
D. The student will be able to identify administrative agencies and their authority.
E. The student will be able to define criminal law and its elements.
F. The student will be able to define and identify criminal law procedures.
G. The student will be able to identify and define civil liability issues.
H. The student will be able to identify and define negligence.

COURSE COMPETENCIES:

The student will be able to identify the types and origins of laws in the United States.
1. The student will be able to describe what laws are and how they are developed.
2. The student will be able to identify life safety standards and fire codes.
3. The student will be able to distinguish between civil violations and criminal violations.

The student will be able to define courts and court systems in the United States.
4. The student will be able to define the function of the court system.
5. The student will be able to distinguish between the judicial court and the appellate court.
6. The student will be able to define legal research and legal arguments.

The student will be able to identify and define various types of fire departments.
7. The student will be able to define various types of fire departments and their duties.
8. The student will be able to distinguish between the public sector and the private sector.
9. The student will be able to discuss the difference between the authority and responsibility of volunteer fire department and paid fire departments.

The student will be able to identify administrative agencies and their authority.
10. The student will be able to define administrative agencies in the fire service.
11. The student will be able to describe OSHA and OSHA inspection procedures.
12. The student will be able to describe OSHA violations and sanctions.
13. The student will be able to distinguish between OSHRC and OSHA and discuss the difference in administrative authority.
14. The student will be able to identify the administrative agencies and their jurisdiction over various states.
15. The student will be able to define OSHA’s administrative authority over volunteer fire departments and their personnel.

The student will be able to define criminal law and its elements.
16. The student will be able to describe statutory and common law crimes.
17. The student will be able to distinguish between federal and state jurisdiction in regard to criminal laws.
18. The student will be able to distinguish between felonies and misdemeanors.
19. The student will be able to identify the elements of the crime of arson.

The student will be able to define and identify criminal law procedures.
20. The student will be able to define arrest and the authority for arrest.
21. The student will be able to discuss false arrest and arrest power.
22. The student will be able to describe criminal procedures such as search and seizure.
23. The student will be able to explain chain of custody of evidence on a fire scene.
24. The student will be able to identify a custodial interrogation and the requirements of the Miranda Warning.

The student will be able to identify and define civil liability issues.
25. The student will be able to identify battery, assault, and false imprisonment situations.
26. The student will be able to identify trespass to land, chattel, and property situations.
27. The student will be able to identify invasion of privacy situations.

The student will be able to identify and define negligence.
28. The student will be able to define the elements of negligence.
29. The student will be able to identify emergency services negligence cases.

ASSESSMENT OF LEARNER OUTCOMES:
Student progress is evaluated by means of examinations, written assignments, and class participation.

SPECIAL NOTES:
This syllabus is subject to change at the discretion of the instructor. Material included is intended to provide an outline of the course and rules that the instructor will adhere to in evaluating the student’s progress. However, this syllabus is not intended to be a legal contract. Questions regarding the syllabus are welcome any time.

Kansas City Kansas Community College is committed to an appreciation of diversity with respect for the differences among the diverse groups comprising our students, faculty, and staff that is free of bigotry and discrimination. Kansas City Kansas Community College is committed to providing a multicultural education and environment that reflects and respects diversity and that seeks to increase understanding.

Kansas City Kansas Community College offers equal educational opportunity to all students as well as serving as an equal opportunity employer for all personnel. Various laws, including Title IX of the Educational Amendments of 1972, require the college’s policy on non-discrimination be administered without regard to race, color, age, sex, religion, national origin, physical handicap, or veteran status and that such policy be made known.

Kansas City Kansas Community College complies with the Americans with Disabilities Act. If you need accommodations due to a documented disability, please contact the Academic Resource Center in Room 3354 or call 288-7670.