

Case studies: false imprisonment and neglect



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Case Study #1

The leader of SFT (Students for Fair Tuition), Steve Steel, led a group of students into Dunfee Hall. Once inside the Hall, Prudence Pimply attempted to call campus police, which resulted in Steel slapping the phone from her hand. After this occurred, Steel presented a realistic looking weapon and threatened Prudence with physical violence should she attempt to make a call or leave. They barricaded the door to Dalton Chandler's office, the president of the school. The students attempted to breach the locked door before deciding to barricade it.

Organizing and participating in a protest is not illegal, in fact, it is protected under the United States Constitution. "The First Amendment guarantees freedoms concerning religion, expression, assembly, and the right to petition" (School). The students were assembled peacefully, and legally, until Steel utilized force against Prudence Pimply. If a person is attempting to make a call to emergency services, it is unlawful in sixteen states to prevent that person from making the call (O'Connell, 2002). If Gigantic State University is located in one of those sixteen states, Steel could be charged.

Steel can also be charged with attempted aggravated assault. "Attempted aggravated assault that involves the display of—or threat to use—a gun, knife, or other weapon is included in this crime category because serious personal injury would likely result if the assault were completed" (FBI, 2017). It does not matter, legally speaking, that the gun was fake. The victim believed it to be real and believed her life was in immediate danger. The

students who stormed the office with Steel could also be charged with accessories to attempted aggravated assault.

Prudence Pimply had her right to the freedom of movement violated when Steel threatened her life. According to tort liability, Steel could be charged with false imprisonment. " A a person commits false imprisonment when he commits an act of restraint on another person which confines that person in a bounded area" (School, Tort). The students who were with Steel could also be charged with false imprisonment because they participated in the crime. One could possibly make an argument for trespass, but, because the events occurred on a college campus and the perpetrators were students of the college, they have a right to be in a hall owned by said college.

The intended target of Steel and the other students was President Dalton Chandler. They attempted to get into his office, which could be viewed as attempted breaking and entering as they used force to attempt to break down the door to enter his office. When force did not work they barricaded the door, which prevented Chandler from leaving his office, which is false imprisonment. Chandler slept through the entire ordeal, but being asleep does not mean the crimes were not committed against him.

Steel and every student who participated in the protest in Dunfee Hall could be sued by Prudence Pimply because false imprisonment is not only a criminal activity it is also a civil one. " The law recognizes torts as civil wrongs and allows injured parties to recover for their losses" (School, Tort). Prudence can sue to recover the financial loss she endured, as well as, the emotional trauma she endured. She experienced extreme emotional distress

during this ordeal, and those who put her through it would be financially responsible for the outcomes of their actions.

References

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Case Study #2

Steve Simple was pledging to a fraternity at Minor State Teachers College (MSTC). In order to pledge, he was tasked with climbing a water tower on school property to spray paint the fraternity's Greek letters on it. The tower <https://assignbuster.com/case-studies-false-imprisonment-and-neglect/>

is covered in graffiti, so he is not the first student to do this. However, Steve is unaware that the water tower has endured some neglect due to finances being funneled away from maintenance to pay increased salaries of professors. Due to the lack of maintenance, Steve is electrocuted while climbing the tower, impaired, and during a thunderstorm. Before Steve was electrocuted, the malfunctioning equipment on the tower had been electrocuting pigeons.

MSTC has a legal obligation to protect their students. MSTC is aware that students climb the water tower to put graffiti on it. Therefore, the school could possibly face negligence charges. "A failure to behave with the level of care that someone of ordinary prudence would have exercised under the same circumstances" is negligence (School, Negligence). MSTC should have taken steps in order to prevent students from being able to access the water tower. Electrocution aside, a water tower poses other legal issues due to safety concerns. For example, electrocution may not have been able to be foreseen but a student falling from the water tower is a reasonable expectation due to the level of danger present for anyone climbing it.

In order to prove fault, Steve would have to prove that his injury was foreseeable. The college was aware that pigeons had been getting electrocuted on the water tower. They were also aware that the water tower had not undergone the maintenance it needed. Finally, the college was aware that students regularly climbed the water tower with the intention of spray painting it. Therefore, an electrocution occurring could have been foreseen.

Causation asks one to examine the acts that led up to Steve being electrocuted. The fraternity told Steve to climb onto the water tower in order to pledge. Had they not told him to do this he would not have been electrocuted. Had the school maintained the water tower's electrical parts, Steve would have not been electrocuted.

According to Cornell Law, contributory negligence has been abolished. However, it was abolished in favor of comparative negligence. Assumption of risk has also been absorbed by comparative negligence. " In a situation where both the plaintiff and the defendant were negligent, the jury allocates fault, usually as a percentage (for example, a jury might find that the plaintiff was 30% at fault and the defendant was 70% at fault)" (School, Comparative Negligence). Steve is not blameless in this situation. He was impaired during the act of climbing the water tower, and that should be taken into consideration, but he had a choice to climb the tower or not, and he chose to. In that case he and the school would both be found to be at fault.

Steve could potentially sue the fraternity he was pledging, as well as, the school. The fraternity told him to climb the tower in order to pledge. The school knew the water tower was a danger but still chose to divert funds from its maintenance to fund an increase in salaries for professors. Steve knew that climbing the tower could be dangerous, chose to drink and climb it during a thunderstorm. Steve was electrocuted but he also holds some blame in his injuries.

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