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Risk Control Best Practices: Police Resiliency and Self-Evaluation

Law enforcement agencies today are under incredible scrutiny and stress, dealing with rapidly evolving volatile situations that at one time were rare occurrences and now officers are even a target at times. It is increasingly important to ensure that best practices are implemented and that your agency is doing everything it can to provide your community with a strong well-trained staff as well as to build and strengthen community relations.

Critical areas to focus include:

Policies and Training

- Ensuring that Standard Operating Procedures (SOPs) are current, reviewed annually or more frequently, being revised as needed, with dates of review/revision, and trained-on. SOPs should be written to allow for officer discretion and should carefully or avoid the use of “all-inclusive” wording such as all, each, every, will, must, shall.
- A strong training program (including training at roll call) should be in place with a focus on key areas based on your SOPs:
 - Rules of Conduct and Accountability
 - Use of Force Policy
- Adopt a “Duty to Intervene” policy which requires officers to stop other officers from engaging in inappropriate Use of Force.
 - Anti-Discrimination, Anti-Harassment, and Diversity – being mindful of differences in treatment when individuals are being apprehended, questioned, detained, and arrested.
 - Racial and Bias Profiling: The interdiction, stopping, detention, or other unequal treatment of any person based on race, ethnicity, gender, sexual orientation, culture, religious affiliation, national origin, or any combination thereof. These are not factors, in determining *reasonable suspicion* for a stop, or for determining probable cause for an arrest. This applies to both traffic and pedestrian stops. The primary factor to consider is whether an observable offense was committed. Ensure that a written policy is in place and that staff is trained on it with documentation.
- Terry Stops / Traffic Stops
- De-Escalation Techniques
- Excited Delirium, Drug-Induced Subject Response
- Mentally Impaired, Physically Impaired, or Ill Persons
- Suicidal Persons
- Body Cameras: Wearing them properly, when to use them, and progressive disciplinary action for failure to use them.

Early Intervention Systems and Employee Screening

A programmed approach to identify an officer or employee who is likely to engage in potentially damaging behavior before the behavior occurs, and the application of intervention actions when an opportunity for improvement is considered reasonable. This includes getting support for the officer, whether it be a work-related or life crisis, getting the officer *mental health resources*, disciplinary action where appropriate, and developing a plan to return the officer to the full level of performance. Documentation and data should be collected and be reviewed for all personnel periodically to identify officers who need an Early Intervention System. Further, the data should be scrutinized to identify officers who have accumulated multiple incidents and may no longer be fit for duty as a result of damaging behavior. Written policies and procedures should be in place as a protocol for handling such situations.

- Consider designating a “Quiet Room” where officers can step away to a pleasant, comfortable room with dimmed lighting to rest and decompress. It may have a few amenities such as a small refrigerator with bottled water. Most of the time, officers don’t use it but they are happy to know that it is there and that their department thinks enough of them to do that. This is a positive element in creating a good workplace culture and structure.



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- Evaluate hiring practices and ensure that background checks are being conducted thoroughly and with thought to liability. For example, if a candidate's background might create a liability problem in the future or give rise to increased challenges in defending a claim due to the officer's background, these are important considerations.
- Consider including a personality test as part of the hiring process.
- Provide mental health support and periodic mental health re-screening for all officers to ensure fitness for duty.
- Re-evaluate standards for internal investigations, the progressive disciplinary action process, and termination protocol, including defining reasons for termination.
- Conduct proper and thorough investigations of incidents and charges.
- Review and evaluate policies and procedures for Internal Affairs and Internal Investigations.

Community Relations Program

To ensure transparency, the agency should have a Community Relations Program. This can be one of the most important things an agency can do. It includes communications with the community's residents, businesses, journalists, and other stakeholders. It involves having a good website, a Public Information Officer (PIO), using social media to update the community with alerts as well as positive activities, special events that the agency is sponsoring, opportunities for community education, and publishing an annual report which includes expenditures and accomplishments along with other information. Any requests for information from the media should be directed to the PIO per departmental policy with no speaking "off the record" or providing any information other than the PIO's contact information.

If the agency has image challenges, then consider hiring a public relations firm. Engaging an outside law enforcement expert consulting firm may also be a positive move to evaluate the agency's strengths and weaknesses, to compile a report with an action plan, then to share it with the public to be transparent and show the community that the agency is committed to improvement. The process of improving an agency's image involves not only Community Relations but also it involves building a relationship with the media, inviting them to attend operational and liability training sessions which may be beneficial by providing an education of what officers' roles are, their responsibilities, and what the agency is working to do to achieve good service to the community along with sensitivities to diversity.

Consider creating a Conviction Integrity Unit (CIU) for the entity's justice system where questionable cases are referred to be examined and ensure that individuals have received a fair trial, conviction, and sentence, particularly about race and bias. Further, the goal of the CIU is also discovering anything that can be used to prevent future errors. ***Please click here for a copy of The Innocence Project Sample Conviction Integrity Unit Best Practices.***

Please also refer to ***Trident University***, in partnership with LocalGovU, a complimentary online training resource for law enforcement support. Contact us at asktheriskmanager@tridentpublicrisk.com for a copy of OSS—Law Enforcement Advisors® (OSS) Model Law Enforcement Policies and Procedures which are available at no additional cost to our insureds. OSS has additional e-learning and other resources available at www.ossrisk.com.

About Trident

Trident's understanding of the unique risks faced by cities, counties, schools, and special districts is one reason so many public entities trust Trident to meet their insurance and risk management needs. Contact us to learn more about our products and services at paragoninsgroup.com/trident-public-risk

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