



# Risk Management Solutions

A QUARTERLY NEWSLETTER OF THE ALABAMA MUNICIPAL INSURANCE CORPORATION  
AND THE MUNICIPAL WORKERS COMPENSATION FUND, INC.

SUMMER 2005

## Law Enforcement Pursuits: Managing the Risks

Reprinted from *PoliceOne Daily News*  
With Capt. Travis Yates

*[Editor's Note: Any training techniques contained in the following column are informational only and are not meant to be taken for action.]*

**A** Law Enforcement Pursuit is one of the most dangerous performance skills that a police officer can do. Vehicle related incidents are currently killing police at a higher rate than felonious assaults with weapons.

Pursuit related deaths of law enforcement officers in 2003 are on pace to be the highest in 20 years. Current data suggest that 40 percent of all pursuits in the United States end in a collision; 20 percent result in an injury and approximately one percent ends in death or serious injury. Police agencies must do all they can to manage the contemporary risks associated with a police pursuit.

Most law enforcement agencies have not taken adequate steps to manage these risks. There are four issues that perpetuate the dangers of pursuits within law enforcement agencies:

- There is a lack of training.
- There is a lack of an effective pursuit policy.
- There is a lack in utilizing the proper technology.
- There is an improper mentality by the police officer and administrator.

### Training

Officers with the potential to engage in a pursuit should be required to attend mandatory training on a yearly basis. It would be unheard of to not require officers to qualify each year with their service handgun. The pursuit training that is required in most basic academies is a start but what about the 15-year veteran that has not been given any additional pursuit training? The typical police officer is given a two to five day school in their basic academy on driving. Perhaps four to eight hours of that was spent on pursuit training. With the inundation of modern academy information, does that training block on pursuits come into play five to 10 years later when the officer is involved in the real deal? Driving, just



like firearm proficiency is a diminished skill. Without continued practice and training, you will lose the skills that you were taught in the academy.

The State of California has taken measures to correct the training deficiency currently present in many police departments. The California Commission on Peace Officer Standards and Training requires that an officer take two hours of pursuit training per year. Middle managers and above must take one hour per year. This is a legislative requirement and a very good model for other states and police departments to follow.

There should be an emphasis on pursuit training within all law enforcement agencies. Felonious assaults have been dramatically reduced through the aggressive officer safety programs of the last decade. At what point will the police profession deal with the overall lack in pursuit training?

### Policy

Police departments must have an effective policy on pursuits. The current trend in progressive departments is to have restrictive policies on pursuits. A pursuit policy should be specific, have accountability and place supervisors in independent roles as monitors. In addition, the apprehension of a suspect in a pursuit must outweigh the danger it is creating to the public. A sound pursuit policy must be completely understood and followed to be effective. Mandatory reporting and the evaluation of each pursuit will serve as a check and balance to ensure that the pursuit policy is appropriate and followed by officers and supervisors. A sound pursuit policy closely monitored and subsequently followed by officers will be effective in reducing collisions and deaths associated with pursuits.

In 1999, the state of Minnesota mandated that every police agency adopt a pursuit policy that met the basic requirements as set forth by the Minnesota Statutes. This legislative mandate states that the chief law enforcement officer of every state and local law enforcement agency must not only establish a written policy but it must also be enforced.

*continued next page*

# Law Enforcement Pursuits continued from cover

This ensures that every agency conforms to strict pursuit guidelines. Minnesota's mandated pursuit policy is a great example for other states to follow.

## Technology

Many Police Departments are failing to take advantage of available technology when it comes to pursuits. There are many items that can assist an officer in managing a police pursuit. Tire deflation devices, helicopters and intervention techniques are just some of the technological methods available to assist law enforcement agencies in reducing the risks associated with police pursuits.

Tire Deflation Devices are designed to deflate vehicle tires in a controlled manner. Although they will not cause a suspect to stop, tire deflation devices have proven to reduce the overall speed and length of a department's police pursuits. The management of these two aspects is a must to decrease the overall danger of a police pursuit.

A recent study by the Jacksonville, Florida Police Department revealed that although one-half of their units have tire deflation devices, only 13 percent of pursuits ended with their use. The Oklahoma Highway Patrol and Oklahoma City Police Department have placed Stop Sticks in every vehicle. Both agencies credit this device with slowing and ending many of their police pursuits.

The cost of tire deflation units are under \$400. That is a very small price to pay in an effort to reduce the risks and liability that pursuits pose to citizens and officers.

Helicopters are being utilized in many jurisdictions as a safe means to pursue suspects. The helicopter can pursue the vehicle safely from the air and the ground units can follow a safe distance behind waiting for the violator to stop. Research has shown that in the vast majority of situations, a suspect eluding law enforcement officers will either drive within the traffic flow or abandon their vehicle once the police are no longer chasing them. In the majority of the pursuits, the violator will slow down and stop their vehicle shortly after they no longer see police vehicles. Once the driver has exited the car, the helicopter can advise the ground units of the suspect's location. The Tulsa Police Department currently uses this method and has confirmed this research.

An officer in a helicopter can also see streets and intersections well ahead of the pursuit. This is important because it can inform the pursuing officer and monitoring supervisor of future hazards that may arise.

Although the use of helicopters in police pursuits has been effective, there are suspects that will continue to drive very fast and recklessly regardless of a police presence. Due to that fact, additional measures are necessary in combating police pursuits.

The Pursuit Intervention Technique (P.I.T.) or Tactical Vehicle Intervention (T.V.I.) is currently the hot topic in pursuit techniques. The cost is minimal and the training is relatively easy to conduct. This is a tactic where the police touch their car to the back quarter panel of the violator. Once that occurs, the officer can turn into the suspect car and accelerate, which causes a loss of tire traction. In 90 percent of the cases, the engine will shut down, stopping the pursuit. Unfortunately, this technique is severely misunderstood by officers and administrators.

Police pursuits depicted on television and the vehicle ramming techniques employed in the past have contributed to a clouded view of this precision-driving maneuver. Many Oklahoma agencies have begun to use this technique with success including the Oklahoma Highway Patrol, Sand Springs Police Department and Midwest City Police.

When conditions are appropriate, the pursuit intervention technique is a very effective method in ending a police pursuit. Despite the proven success of restrictive policies and pursuit technology, the correct mental aspect of a police pursuit is a requirement in managing the risks involved.

## Mental Aspect

Some police administrators do not have the correct mentality about

police pursuits. It often takes media pressure or a negative incident before changes are made in pursuit practices. Administrators must be proactive in implementing sound pursuit policies and training. They should spend money in an effort to obtain the adequate technology to protect the lives of their officers and citizens. Police administrators should make a conscious effort to reduce the risks involved in pursuits before civil litigation or public pressure forces them to do so.

In addition, some police officers do not have the correct mentality when it comes to pursuits. The pursuit of criminal activity is at the very heart of what a police officer wants to do. An officer must be conditioned to keep emotion out of the vehicle pursuit process. The "contempt of cop" mentality is prevalent during pursuits and often times catching the suspect supersedes basic safety premises. Having the proper mindset and making good decisions go hand in hand when engaging in a police pursuit.

Police pursuits will always bring an element of danger to the police and community. That danger can be reduced and the risk managed through the implementation of a proper policy, professional training programs and the effective use of available technology.

## Additional Resources

- ALERT International – [www.alertinternational.com](http://www.alertinternational.com)
- Dr. Geoffrey Alpert – [www.deadlyforce.com](http://www.deadlyforce.com)
- Stop Stick, Ltd. – [www.stopstick.com](http://www.stopstick.com)
- Officer Down Memorial Page – [www.odmp.org](http://www.odmp.org)
- California POST – [www.post.ca.gov](http://www.post.ca.gov)
- Minnesota POST – [www.dps.state.mn.us/newpost/links.asp](http://www.dps.state.mn.us/newpost/links.asp)

Captain Travis Yates is a Team Leader with the Tulsa, Oklahoma Police Law Enforcement Driver Training Unit. He is a nationally recognized driving instructor and a certified instructor in tire deflation devices and the pursuit intervention technique. Capt. Yates has a Master of Science Degree in Criminal Justice from Northeastern State University. He moderates [www.policedriving.com](http://www.policedriving.com), a website dedicated to law enforcement driving issues. In addition to his duties with the Police Driving Site, Yates also owns [www.centexweb.net](http://www.centexweb.net), a web hosting business dedicated to assisting law enforcement officers with hosting their websites. Contact Capt. Yates to hear about special police rates at: [policedriving@cox.net](mailto:policedriving@cox.net). ■

## Defining Moment

### Hard Market or Soft Market?

The insurance market goes through cycles that experts designate as either a "hard" or "soft" market.

A "hard market" is characterized by higher premiums, more restrictive coverage and lower limits for certain risks. Some commercial insurance carriers even withdraw from various segments of the market, meaning some organizations will have difficulty securing any sort of insurance coverage at all. In essence, the market is a hard place to be for the customer.

By contrast a "soft" market – where insurers are competing to underwrite even nonprofit accounts – typically indicates low rates, high limits, contracts that are flexible and a high availability of coverage. In essence, there are many commercial carriers competing for business which, in turn, can produce bargains for the customer.

# AMIC/MWCF Safety Video Library

Niko Corley, Communications Coordinator, Alabama League of Municipalities

Any municipal official who has ever put together a safety meeting knows scheduling one of these can be a daunting task. Regardless of city policy, some employees will not, for various work or non-work related reasons, be able to make these meetings.

To deal with this, supervisors must schedule several meetings or sessions so that all employees requiring the safety training can benefit from it, a process that uses up resources and becomes repetitive for whoever conducts the training. But through a MWCF and AMIC program, getting the right training and information can be much easier than holding long training sessions and demonstrations or having city employees read through safety manuals.

Since 1999, MWCF has maintained a safety video center, an in-house library with nearly 300 titles on municipal issues. Within the library, municipal officials can find information on nearly any local concern that may arise, from animal control to proper lower back care and injury prevention for workers.

Rachel Wagner, League research librarian and the program's coordinator, says having employees view videos in place of having them read through manuals or sit through demonstrations alone can be a great benefit to supervisors.

"It makes the information more accessible," Wagner said, "and meetings are a good place to show the videos and have high viewership."

Studies suggest that video learning helps employees learn as much as 55 percent faster and helps them remember up to 70 percent more information than oral instruction alone allows. Myra Forrest, MWCF/AMIC safety consultant, says member municipalities need to supplement safety training videos with other exercises to reinforce the information, using tactics like group discussions, practice demonstrations or even tests to drive the point home.

"Videos are an excellent means of communicating to employees a message or a skill," Forrest said, "[but] just sitting in front of the VCR for 10 to 15 minutes without reinforcement by management is not an effective learning environment."

Besides keeping city employees up to date on the safest ways of doing their jobs, video learning eliminates some of the repetition that goes along with training sessions. Instead of supervisors having to cover the same information in the same fashion over and over, the video safety library helps break up that monotony. An official may still have to hold more than one meeting, but being able to press a button and sit back and relax is easier than just lecturing for half an hour.

A number of Alabama's municipalities have taken advantage of this valuable and cost-free safety program, and MWCF and AMIC would like more of their members to follow suit. Debra Borders, human resources coordinator for the city of Scottsboro says city employees enjoy viewing the safety videos she orders.

"People like the videos; they're short, to the point, [and]...take a lot of the work out of safety information [training]," Borders said.

MWCF and AMIC members can check out videos from the library in much the same way as they would from a mail order video rental service. Each month, members put in a written request to the League for a maximum of three videos and, depending on availability, have them in hand in about four days. Members may keep videos checked out for two weeks before they have to mail them back.

Borders says in the three years she has worked with the city of Scottsboro, there has never been a month when she didn't request the maximum number of videos from the League. To date, she has requested a total of 108 videos, just under 40 percent of the library's collection, many of which she checked out several times because of their continuing importance to municipal worker safety.

If the League library doesn't have the video a municipality requests on hand, MWCF and AMIC members have another option. As a result of AMIC's sponsoring usage of the National Resource Safety Center's video library a few years ago, member cities can also access the more than 9000 titles the

national center has in stock. Between this and the League's library, municipalities should be able to find safety information on any issue that may arise.

## To order from in house:

1. Call Rachel Wagner at ALM: 334-262-2566
2. Ask for a list of videos to view in-house selection
3. Fill out order form for specific video
4. Receive video after approximately four days
5. Keep video for 14 days
6. Mail back to:  
ALM, 535 Adams Avenue, Montgomery, AL 36102

## To order from NRSC:

1. Go to [www.nrsc.com](http://www.nrsc.com) to view NRSC video selection
2. Call, fax or e-mail your request to Rachel Wagner at: 334-262-2566, [rachelw@alalm.org](mailto:rachelw@alalm.org) or 334-263-0200 (fax)
3. Fill out order form for specific video
4. Receive video after approximately four days
5. Keep video for 14 days
6. Mail back to:  
NRSC, 3621 S. Harbor Blvd., Suite 250, Santa Ana, CA, 92704

## Wellness Programs Have Benefits: Part Two

Mary Ellen Wyatt Harrison, Staff Attorney  
Alabama League of Municipalities

Designing a wellness program for city employees can be challenging. Section 94, Constitution of Alabama 1901 and IRS tax implications to employees must be considered and can dictate a very carefully structured program.

Education is one of the strongest wellness programs a city can provide. An educative wellness program might include information on preventing the spread of influenza, safe facilities in the workplace, workplace violence, safety programs and interpersonal skills. The Municipal Workers Compensation Fund and the Alabama Municipal Insurance Corporation maintain a video library on these topics and others to assist in educating city employees.

Municipalities in Alabama may adopt personnel policies as long as they are consistent with applicable state statutes and constitutional provisions. With this in mind, a city can structure a personnel policy that promotes wellness. Around the nation, preventive wellness programs have been adopted to promote employee health, safety and general wellness.

The City of Houston, Texas, for example, has developed a policy that provides eight hours of preventive wellness leave each year. Preventive wellness leave is generally defined as leave used to maintain healthy living. This includes yearly visits to medical doctors, dentists, optometrists, etc. In order to encourage employees to use the preventive wellness hours, Houston requires the preventive wellness hours be used in the year accrued. Houston does not allow them to carry over from one benefit year to the next.

It is important to remember that one program alone cannot achieve the optimum health and safety results for a city. A comprehensive ongoing wellness program should be adopted to achieve the best results possible for the city and its employees. Whatever the program, it is important to remember employee wellness programs can improve productivity and morale, which can lead to lives saved and costs cut, making cities safer and more enjoyable places to work. ■

# Claims Made vs. Occurrence Policies

Jason Humphries, Safety Consultant

Interpreting insurance policies is often a challenge. Perhaps the greatest challenge is determining coverage for particular claims. With a plethora of available commercial liability policies, an understanding of the different types is necessary to determine which is best for your entity. This brief article will compare and contrast two different types of liability policies: claims made policies and occurrence policies.

The Alabama Municipal Insurance Corporation (AMIC) writes only occurrence policies, which are defined by the *Glossary of Insurance and Risk Management Terms* as “a policy covering claims that arise out of damage or injury that took place during the policy period, regardless of when claims are made.” Plainly speaking, this means the trigger for coverage is the *date of occurrence* regardless of how long after the occurrence the claim is filed with the insurer. (Note: for explanation purposes statute of limitations will not be considered.) For example, a police officer executes an arrest during the insurance policy period of 01-01-05 through 12-31-05. A claim is filed by the arrestee alleging abuse of force on 01-01-06. The insurer is obligated to defend this claim since the occurrence date falls within the policy period.

In contrast to an occurrence policy, a claims made policy – as defined by the *Glossary of Insurance and Risk Management Terms* – is “a term describing an insurance policy that covers claims first made (reported or filed) during the year the policy is in force for any incidents that occur during that year or any previous period during which the insured was covered under a ‘claims-made’ contract.” In other words, the trigger for coverage is the date the claim is reported (or filed) with the insurer. Considering the aforementioned scenario, if the claimant filed the abuse of force claim a day after coverage expired, even though the occurrence was during the coverage period, the insurer would **not** be obligated to defend the claim. Generally speaking, coverage normally ends when the policy expires. This is one of the negative aspects of this type of policy. However, it can be remedied in a number of ways – such as purchasing an Extended Reporting Period (ERP).

Always make it a goal to understand both your personal and business insurance policies. It could save a few headaches down the road. If you are not comfortable interpreting them yourself, ask your agent or marketing representative to explain it to you in detail. As always, be safe and thank you for your effort! ■

## New Seminar This Fall

The ALM Loss Control division will be mailing registration forms later this summer to all our AMIC/MWCF members for the upcoming fall seminar on Managing the Liability and Workers Compensation Risks of Wastewater Operations. This seminar will feature an overview of the liability and workers compensation exposures of wastewater operations and will include a panel discussion led by insurance and wastewater experts. Participants are encouraged to be prepared to share their thoughts and questions on how to better manage the risks of wastewater backups along with loss control methods for responding and reducing dollars paid out for losses.

## EMPLOYMENT PRACTICES LAW HOTLINE

**1-800-864-5324**

Through a toll-free Employment Practices Law Hotline, members can be in direct contact with an attorney specializing in employment-related issues. When faced with a potential employment situation, the hotline provides a no-cost, 30 minute consultation.



*For more information, call:  
334-262-2566.*



Please share this  
publication with  
your staff and  
coworkers!

Presorted Std.  
U.S. POSTAGE  
PAID  
Montgomery, AL  
PERMIT NO. 340

ALABAMA LEAGUE OF MUNICIPALITIES  
P.O. Box 1270 • 535 ADAMS AVE.  
MONTGOMERY, AL 36102  
CHANGE SERVICE REQUESTED

