



19th Annual Training Conference

Pennsylvania Law Enforcement Accreditation

Continued Professional Training



THE KEY ROLE OF ACCREDITATION IN CREATING & MAINTAINING A HIGH- RELIABILITY ORGANIZATION

Presented by Gordon Graham
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Thanks for inviting me to Pennsylvania to speak to you today. My goal today is to give you some ideas and strategies regarding the discipline of risk management and how it applies to you and your specific operations here in Pennsylvania law enforcement. I am absolutely convinced that if more people understood value of accreditation we would all be a lot better off.

This is my 47th year of standing in front of cops giving lectures. My early work came out of a LAPD fatal shooting in 1977 where the deceased suspect was under the influence of PCP. That was something new way back then and I learned as much as I could about PCP and how to deal with people using it – and shared that with cops in California.

When I was in law school, I learned quite a bit about police civil liability and started some lectures on that topic, with a focus on getting things done right and properly documenting “why you did what you did and when you did it.” While doing these lectures I met another “cop turned lawyer,” Bruce Praet, and 21 years ago we founded Lexipol with the goal of standardizing best practices in law enforcement agencies in California. Over the last two decades our “3X5” card has expanded to products and services in all 50 states – and Lexipol is sponsoring this program today because we recognize the importance of accreditation in law enforcement operations. More on this focus as we go through our day together.

In addition to speaking to cops, I listen – really listen to what they say – and I have learned quite a bit from this listening strategy. Since George Floyd, I have continued to talk with cops from around America, mostly good people who want to do the right thing, but their concerns are misdirected. *“Mr. Graham, you know that the problem is Black Lives Matter.” “No the real problem is the anti-police media.” “No the real problem is George Soros and the left-wing prosecutors he is getting elected.” “No the real problem is an uneducated public that believes what they see on social media sites”* – and variations on the above line of thinking.

Respectfully I tell these good cops, you can point your fingers externally all you want, but the real problem is internal – inside our profession – where we have been locked into a line of thinking that has not worked in decades – and we need to change the way we do business.

Part of my life is reviewing after action reviews of critical incidents in law enforcement operations. When investigators do these deep dives into an event and look for cause, sadly it is the same stuff over and over again. *“How did this person get hired?” “How did he/she ever get off probation with all these red flags popping up?” “When was the last time this cop was trained and tested on the use of force policy or the pursuit policy or the harassment policy?” “Were there any sergeants on duty – and if so why did then not show up on scene and properly direct the operations of the involved cops?”* When accreditation is taken seriously – many of these “problems lying in wait” will be addressed proactively.

With the above in mind, let’s get started. From my introduction you will remember I am a “cop turned lawyer” – and that is true. But prior to law school I did three years of graduate work at the ISSM (Institute of Safety and Systems Management) and in this program I got hooked on the study of tragedies.

Since then, I have spent way too much time studying tragedies in high-risk occupations, including maritime tragedies, mining tragedies, refinery tragedies, train tragedies, plane tragedies, bridge tragedies, building tragedies, power plant tragedies and tragedies in American law enforcement organizations.

When you take a look at any tragedy in any profession and look for the cause, it is easy to spot the “proximate” cause – the event that instantly precedes the tragedy. But real risk managers do not stop their search for cause with identifying the proximate cause. Real risk managers go back in time and look for “problems lying in wait” that people knew about or should have known about – yet were ignored until the tragedy occurred.

Your role (and the role of everyone in every job in your police department operations) is to take a daily look at your sphere of influence – your span of control – and ask these questions: Do we have problems lying in wait in our fleet? Do we have problems lying in wait in our infrastructure? Do we have problems lying in wait amongst our personnel? And if you identify such an issue – that needs to be addressed.

If you fail to identify and address these problems lying in wait, sooner or later all the “holes in the Swiss cheese” (the thoughts of Dr. James Reason) are going to become aligned – and when that happens the tragedy occurs. And then the lawyers take over and the problems lying in wait are then identified and addressed – after the fact.

Allow me to spend some time on the difference between Black Swans and Gray Rhinos. To not understand this can lead you to focus your attention on the wrong issues. By the end of our time together I want to convince you that there are very few (if any) Black Swans in your world. Most of your tragedies involve Gray Rhinos – we can see them coming yet we fail to act. Again – when accreditation is taken seriously – these Gray Rhinos will be addressed proactively.

As I progressed in law school, I learned that my graduate work was very complementary to the work I was doing in preparing to become a lawyer, and my focus shifted to asking what can we do up front to prevent problems from occurring? After passing the bar in 1982 and opening my law practice, my lecture series offering got bigger and bigger – and smart people way, way back then said, “Gordon, I like what you are saying, but where do we get started?”

Back then I did not have the answer to that question – and the question was repeated over and over again. In the mid 90s I finally figured out how to address this. I came up with a new (and much longer) program, “The 10 Families of Risk” that police departments face.

If you are really into this, please take a look at the Master of Public Safety program offered through the University of Virginia. A long-time friend, Dr. Bryon Gustafson, is the brains and push behind this program, and I am honored to teach an elective course, “Practical Applications of Risk Management in Public Safety Operations.” My partner in this class is none other than Michele Wucker, the author of *The Gray Rhino*. If you are looking for a graduate degree that will benefit you and our profession, please take a look at the UVA MPS program.

But for now, what I would like you to do during and after this program is to take a look at each of these 10 families and ask yourself, “What are the three (or more if you feel energized) greatest risks I face in each of these families, and what control measures do we have in place to address these identified risks?”

Here are the 10 Families of Risk:

1. External Environment – risks arising from outside the organization that impact your organization. These are increasing in frequency and severity. Included here are natural disasters, pandemics, terrorist activities and conduct (both intentional and negligent) by members of our public that impacts our operations. This is the most complex and difficult family of risk you face as your control of these risks is very limited. But these risks need to be recognized and addressed if possible.
2. Legal and Regulatory – risks arising from the complexity of or non-compliance with the legal framework imposed on organizations like yours in your state. If there is a

- law or ordinance in state or federal statutes that requires action or prohibits action, you must know and follow them. I am always amazed how many organizations – both private and public sector, including large ones with huge budgets – are not in compliance with the ADA, FLSA and even the Public Records Act. And with the demand today for “full transparency,” this could pose a major problem for you and your department. Do you have all the policies in place that are required by federal laws and regulations?
3. **Strategic** – risks arising from the lack of priority setting and business planning, leading to a reactive organization that is not prepared or flexible enough to deal with unforeseen events. This goes on a lot, particularly in smaller organizations that do not have sufficient personnel or time to plan for the future. Where will America be in 30 years? Where will your organization be in 30 years? If you think that it will look “pretty much the same,” you may be missing the boat.
 4. **Organizational** – risks arising from not clearly defining roles and responsibilities, not demonstrating the values of your organization or not having monitoring processes in place. In a nutshell, we must be concerned with PEOPLE, POLICY, TRAINING, SUPERVISION and DISCIPLINE. Later today I will cover these issues in greater detail, with a focus on the importance of discipline in your law enforcement operations.
 5. **Operational** – how do we manage the risk of a specific task, incident or event? How do we manage the risks involved in this particular employee termination or employee threat of suicide? How do you manage the risks associated with a specific pathogen incident? Again, I must emphasize the importance of Recognition, Prioritization and Mobilization of the high-risk, low-frequency, non-discretionary time tasks and the importance of daily training on these “core critical tasks.” I will close our time together with “The Top 10 Ways Cops Get in Trouble,” with some thoughts on how to avoid these “troubles” from occurring.
 6. **Information** – we make decisions based on information. How do you know the information on which you are basing your decision is accurate and has not been vetted by someone for his or her own advantage? How do you separate the valuable information from all the data? In many organizations I have consulted with, I see that personnel are trained on how to do specific tasks, but very few organizations teach their personnel how to think. I strongly recommend training for all personnel on critical thinking skills, particularly on the specific tasks in a given job that have the highest probability of ending up problematic. Be aware of the dangers of ignorance, complacency and cognitive bias. I will wrap up this portion of the lecture with some in-depth thoughts on ethical decision-making.
 7. **Human Resources** – risks arising from the myriad issues involving personnel. This may well be the most expensive family of risk you face. Put a checkmark next to this one as it is causing us a ton of grief and needs your attention when you get back to

work. If I were running any organization, I would not allow any supervisor, manager or executive to make an employment law decision without first consulting with competent human resources personnel. All employment law is “discretionary time,” so let’s take the time to transfer the risk to those who do the task at the highest frequency.

8. Technology – this is the fastest growing family of risk we face. I have major considerations about hacking, malware, software, equipment purchases and updating, employee knowledge and training, terrorism, social media, equipment failure and many other issues. Is your CTO really a CTO? Or is your CTO just the smartest person in the room with respect to computers? There is a huge difference!
9. Financial and Reputational – risks arising from improper budgeting, forecasting and expenditure controls, including contracting, asset management, internal audits, improper salaries, theft of cash, misappropriation of resources, misuse of overtime and poor revenue oversight. We must be very concerned with anything dealing with money. Is your CFO really a CFO? Does she/he have any background in finance, or do they simply test well on promotional examinations? And what control measures do you have in place to prevent the theft of funds from your organization?
10. Political – All your personnel should stay out of the fray of politics. Please be careful in your dealings with other elected officials – there is a lot of risk involved here. Also, your department’s mission should not be impacted by which political party is in control of the state.

So, your take back to work assignment is to identify the three (or if you are ambitious the five or even 10) greatest risks you face in each of these 10 families and then ask, “What control measures (systems) do we have in place to address these identified risks?” And please make this an ongoing process within your operations.

Let’s now move onto some thoughts on “Family Four” of the 10 Families of Risk – organizational risk management. Here is a graphic for your consideration:



Risk managers study consequences and look for causal factors. It is always easy to find the proximate cause as it usually immediately precedes the tragedy. But real risk managers go beyond proximate cause continually search for the root cause.

Risk managers always look for root causal factors. And when you find them, you will usually find they are "problems lying in wait" that people knew about or should have known about, yet no one acted to address the issues in advance.

Go back in history. What really caused Challenger? What really caused Columbia? What really brought down the Titanic? What caused the Chernobyl disaster? What caused Three-Mile Island? It is not always the obvious. If you take the time to study the consequences that occur in our profession, almost without exception you can link them to the same five root causal factors – problems lying in wait.

With respect to law enforcement operations, the five root causal factors I regularly see when I study nasty consequences are always the same. Show me a law enforcement agency in "consequences" and I will link the problem one of these five issues:

1. People
2. Policy
3. Training
4. Supervision
5. Discipline

I also believe in a theory known as analogues. If the consequences are caused by root causal factors then adjusting and fixing the root causal factors can assist us in eliminating consequences. In essence, you can turn the five root causal factors into the

Five Pillars of Success, the foundation of my Organizational Risk Management approach fire/EMS operations. These five pillars are People, Policy, Training, Supervision and Discipline.

I know that I am with smart people today from around Pennsylvania, and that you probably already have each of these Pillars in place. Organizations that have the sense to come a program like this are probably already headed in the right direction. You do not need ground up restoration.

I am here to validate some of the things you are already doing, and fine tune some of your existing practices on the left side of the chart, preventing problems before they occur.

PEOPLE

Recruitment Efforts

This is an obligation for all of us. Encourage your people to actively recruit everyday. They are the best “tool” in this process. We need an applicant pool that mirrors the relevant workforce in our respective communities. To not have this is a “problem lying in wait.” You do not have to lower standards to increase diversity! You need to revisit the recruitment process. What about “DACA” hires?

Comprehensive Background Investigations

Spending the money up front really works. Dollars today can save millions tomorrow!

Who is doing your background investigations? Are they high priority, or “another assigned duty” of a very busy investigator? Consider the dangers of “farming out” the process and the danger of “summarizing” statements from applicants and other sources. Is the investigator a stakeholder in your organization or treating this as a “gig” job? Who the heck is Annie Dookhan? Who the heck is Sonja Farak? Remember the Fort Dix Six. These examples prove that dollars today can prevent tragedies in the future.

The core ingredient of hiring process is integrity. Not everyone is qualified to be in law enforcement. But you cannot test for integrity. That’s why background investigations are so important.

Understanding the Probationary Process

Probation is part of the hiring process. If you have women or men on probation who can’t or won’t do the job, get rid of them. They will not get better over time. Your trainers need to take this seriously. Your supervisors need to understand this. Management needs to listen to the supervisors. If they have people on probation that either can’t or won’t do the job, you must act now! They will not get better over time.

Meaningful Performance Evaluations

Supervisors have a critical role here and you have to have the guts to be honest with your personnel. Good men and women will meet and exceed your level of expectations. Please, follow your systems. If you are not committed to taking them seriously, you would be better off

without them. Too many cops are overrated every year because supervisors lack the guts to take people on and get them headed in a better direction prior to them getting fired or indicted.

Having said all of this, I am still confident you have good people in your organization. Not to beat a dead horse, but the finest people I have met in America are in law enforcement operations.

But having good people is not enough. Give me your best 10 people in any job description. Give them a low-frequency task, particularly one high risk in nature. Without a policy, you will have 10 good people approaching the task 10 different ways with 10 different results. Some of these results might be very bad. Good people need good policy.

Unfortunately, as I travel around America, I see the same policy issues over and over again. I see missing policies, out-of-date policies, non-existent policies, stupid policies, policies written by people who have never performed the task in their life, policies inconsistent with other policies, policies by crisis, etc. etc.

And please remember my earlier comments this morning regarding hearing impaired policies and harassment policies and limited English proficiency policies – and how many agencies don't have any of these – and each are required by law! Recently I saw an unconstitutional policy in law enforcement. Again, I think risk management is the answer. And one of the basic principles in this discipline is the standardization of best practices.

When every agency has a different way of doing business, this is a ticket for disaster. You who are executives in here today have a key role here. "Best practices" need to be identified and shared. The smallest agency in Pennsylvania should have access to the best policies available. Remember, they can create negative case law that adversely impacts your agency.

POLICY

We must identify the high-risk tasks in every job description. In this job how do we die, get hurt, sued, embarrassed, fired? Again, the value of the "risk assessment" is obvious. Don't focus on low-risk tasks.



Your policies must be properly derived, including review by competent counsel and subject matter experts, not just once but annually. And they must be constitutionally sound. Establish an OPI for every high-risk policy. Make sure you and your people know the HR policies.

Check out www.Lexipol.com for a policy management solution.

TRAINING

Are your people fully and adequately trained to do their job correctly? After getting off probation, when is the next time your personnel are trained and tested on their core critical tasks? There are a very small number of events in every job description that are overrepresented in tragedy—these need to be identified and trained on continuously. Pre-incident verification of knowledge is essential.

The answer is in repetitive training up front: initial and ongoing (SROVT). Repetitive training after the fact is “ludicrous” – this is classic “lawyerthink.” Playing the “what if” game works. Remember, there is always a better way.

You are responsible for training. Every day must be a training day focusing on high-risk, low-frequency tasks and especially those for which there is no discretionary time. Training must also be consistent with your good organizational policy and properly documented. Training records are essential.

Accreditation leaders: Are you continually reviewing standards for training? What process do you have in place to ensure training-related accreditation standards stay up to date with our rapidly evolving profession?

SUPERVISION

What is the primary mission of the supervisor? Supervisors must enforce organizational policy. Someone has to ensure the systems are being implemented. That is the role of supervisor!

Not some of the policies, but all the policies. Enforcing only some rules does not work. When people think that rules do not matter that leads to bigger problems.

Not some of the time, but all the time. Consistency is the key. A lack of consistency in enforcement of rules will lead to bigger problems.

Not with some people, but with all the people. This is the cause of the loss of so many discipline cases and it causes major problems when rules do not apply to everyone equally.

Not one or two supervisors, but all supervisors. “Supervisor shopping” is a problem lying in wait. There has to be a consistent and across the board enforcement of organizational policy.

Do you have a “Bud” working for you? Bud is a huge problem lying in wait. If you ignore “Bud” you are ratifying inappropriate behavior and encouraging future inappropriate behavior—not just by that employee but by others who are similarly situated.

What is the role of management here? Auditing, inspections and complaint investigations are essential. “Management by walking around” leads to “supervision by walking around” leads to proper conduct. Try to catch your people doing something right and then take the time to document it. The number one complaint I get from line personnel around the world is “The only time I ever hear from my supervisor is when something is wrong.” Please work to change that perception. Watch what happens when you pat people on the back and document their good performance. When I talk to cops about stress, a lot of it is generated by lousy supervisors and managers. This is a problem lying in wait.

Here are Graham’s Rules for Appropriate Employee Discipline (GRAED) – a summary of what is presented in my long program on this topic.

GRAED #1 – Understand the importance of organizational discipline. Public safety in every community is a series of interconnected departments and systems. Every job description in your police agency is a series of separate and distinct tasks or incidents – each of them a part of the aforementioned interconnected systems. The ultimate goal is that each of the involved tasks ends up getting done right.

When things are done right, organizations and the individuals that work for the organization avoid injury, liability, embarrassment, criminal inquiries and the other nasty consequences that occur when things are not done correctly. The answer, once again, is risk management.

The principles of organizational risk management are simple. If you want things to go right, you need to be aware of and pay attention to the “Five Pillars of Success” up front. These pillars are; getting and keeping good quality people, developing and maintaining good organizational policies, ensuring personnel are adequately trained, hiring supervisors who will enforce the organizational rules, and enforcing **DISCIPLINE** when rules are not being followed.

Take away one of these pillars, and bad things will happen. They are inextricably intertwined with each other supporting your organization.

The Fifth Pillar of Success, Discipline, is often not taken seriously, resulting in major consequences. What can be done to prevent problems in this regard?

GRAED #2 – Develop good organizational policies and procedures. After hiring good people, you have to provide them with up-to-date policies and procedures specific to their job descriptions. Policy manuals are much like the Golden Gate Bridge. They are both a work in progress.

Well-written policies give guidance to employees on how to achieve the organizational expectation of getting things done right. Separate the chaff from the grain within the policy manuals by “color coding” your policy manual.

Attention needs to be spent on any policy that is high risk in nature. Tasks that have the highest probability of ending up causing problems if not done correctly need to be separated from those with low consequences if not done correctly. Serious attention needs to be focused on the high-risk, low-frequency tasks in every job description.

Remember my thoughts on RPM – Recognition, Prioritization, Mobilization. Things that are not done that often and that are risky in nature have a very high probability of ending up causing big problems, so let’s identify these potential tasks up front.

One final thought on policy. If I was the lawyer defending a cop that you are trying to discipline my first attack will be on the policy my client violated. If there is no policy in place, your case is weakened tremendously.

GRAED #3 – Make sure people know the policies and your expectations regarding their performance. Having good people and good policies are not enough. The third pillar of success is training. Initial training is essential. Before putting a person into any job description, you must train them on the tasks they will encounter and emphasize what your expectations are.

You cannot assume any new employee will know how to do a task. Forget the faulty belief that there is something called “common sense” as there is no such thing. Verify that people know how to do their job through testing. This initial training needs to be followed by ongoing training.

New policies and procedures must be taught to employees regardless of how long they have been in a job. You may find it helpful to introduce new policies and changes in existing policies at the same time, e.g., annually, so that you can set aside a time for necessary training your personnel.

Finally, make every day a training day. Identify the aforementioned high-risk, low-frequency, non-discretionary time events in any job description and give a “booster shot” of training regarding these every day.

One such system is known as **SROVT**: Solid, Realistic, Ongoing, Verifiable, Training. This is a process where a few minutes is spent at the start of the workday with an update concerning an high-risk, low-frequency, non-discretionary time event specific to the employee’s job description. The goal is pre-incident verification of level of knowledge so that things end up going right.

If I was the lawyer defending someone you were trying to discipline, my second attack will be, “Show me that my client was ever trained on this policy.” And if you have no record of initial and ongoing training, your case is weakened. Also as a chief you need to be concerned with this

question from an aggressive plaintiff lawyer: "When was the last time this involved cop was trained and tested on the shooting policy?"

GRAED #4 – Make sure that supervisors are behaving like supervisors. The primary mission of a supervisor is enforcement of organizational policy. Someone has to ensure that rules are being followed. Management develops the rules and keeps them up to date, and then supervisors must enforce the rules.

Getting this done correctly starts with promoting people who have the ability to enforce policy. Promotional processes must weed out those who are unwilling or unable to enforce policy. Supervision is not a popularity contest. If you want to be popular, don't promote. Some personnel will not like you simply because you enforce organizational policy.

Finally, enforcement of policy must be consistent. When each supervisor enforces rules differently, you are setting multiple standards. Similarly, when rules are applied differently among employees, you are en route to problems. Rules without enforcement are just nice thoughts.

Again, if I was the lawyer defending the person you are trying to discipline, my third attack will be, "Have other employees violated this policy, and if so, what was the discipline (if any) meted out in that case?" If there is a lack of consistency, I can build a good argument that my client is being singled out for discipline – and again this weakens your case for discipline.

GRAED #5 – When rules are not followed, someone needs to act. Discipline needs to be initiated whenever there is an observed or discovered deviation from organizational policy. Any supervisor or manager who is aware of inappropriate, unsafe, illegal, or otherwise wrong actions by an employee must act on this knowledge.

Generally speaking, managers who become aware of deviations from established policy should inform the employee's immediate supervisor so the involved employee's immediate supervisor can take the necessary action.

However, if the observed deviation from policy is severe, the observing manager or supervisor may need to act immediately to prevent more serious consequences.

Many organizations are big on discipline when the incident ends up in a consequence. But waiting for a consequence such as a complaint, lawsuit, personnel injury, organizational embarrassment, internal investigation or criminal filing is not appropriate. Supervisors and managers who observe a deviation from established policy need to take action, notwithstanding the consequences or lack thereof.

Even if the underlying incident ends up going okay, if there was a deviation from policy it must be addressed. Failure by supervisors and managers to take action when they are aware of wrongful behavior ratifies the wrongful behavior and encourages future wrongful behavior. If

you have sufficient future wrongful behaviors, sooner or later you will have a consequence. Then everyone will sit around and say that this has been going on for years, but no one took action until there was a consequence. Think and act appropriately.

GRAED #6 – Take the time to think it through, and keep it private. Your job as a supervisor or manager is also series of incidents. Some of these incidents require immediate action. Some incidents allow you discretionary time to make a decision. Employee discipline is a discretionary time function. You have considerable time to make the call. Once the call has been made, it is difficult to un-ring the bell without embarrassment or other nasty complications.

In using this discretionary time you should gather and review all the facts involved in the incident. The general rule is to have substantial evidence of misconduct to substantiate discipline. Too many supervisors reach a conclusion based on only some of the facts, sometimes ignoring exculpatory information. Some even take action against an employee based on rumor without any supporting facts. Remember the importance of consistency.

If applicable, it is imperative that you consult the MOU your organization may have with the involved employee's representing unit. In some jobs, there may even be laws that impact the discipline process. You can further use this discretionary time to get in touch with the personnel department of your organization, as they will be more familiar with the idiosyncrasies of discipline than you may be.

If the incident is severe, you may even want to check with the competent counsel who will defend you and your organization's actions downstream in litigation. Getting their input up front can prevent a lot of problems later.

One of the rules that many good supervisors follow and is taught in many supervisor classes is "Praise in public - discipline in private." This is a good rule to follow. This does not mean that you allow unsafe or inappropriate behaviors to continue simply because other employees are present. What it means is that you take the necessary action to stop the inappropriate conduct, and that you take the appropriate action against the employee in private after you have gathered your facts, talked to your managers, personnel section, or your competent counsel.

Disciplining an employee in the presence of other employees may have some short-term benefits, but in the long run it is better to follow the aforementioned rule. Commenting on discipline taken against a specific employee to other employees is inappropriate, even if the involved employee has made comments on the taken discipline.

GRAED #7 - Be specific when talking to the involved employee. During the discipline process, you need to be specific. This specificity is not only to the behaviors that are the subject of the discipline, but also as to the facts surrounding the incident and the actions you are taking. Present the policy, rule or procedure violated, and clearly state the specifics of the violation.

It may be necessary to point out the potential consequences of such behaviors. You should talk to the employee in a professional manner and not allow his or her comments or behavior to change your demeanor. Insubordination can and should be addressed if it is present. Do not use this opportunity to bring up past problems, unless these past problems are directly related to the current problem.

Finally, as discussed in #4 above, this interview should be documented so there is no doubt later on as to what transpired. Having another supervisor as a witness is not a bad idea.

GRAED #8 - Keep it professional, fair and balanced. If organizational discipline is going to have the intended goal of preventing future problems, it is imperative that it be professional, fair and balanced. As many of you were once employees also, did it ever trouble you that certain people tended to avoid discipline more than others? Did some employees get away with a lot, while others were jumped on for the most minor of infractions?

Is the degree of discipline you plan to administer reasonably related to the seriousness of the proven offense? Is it fair considering the record of the employee's service with your organization? Is it consistent with what discipline has been meted out to other employees involved in the same or similar behavior?

Unfair discipline will cause substantive morale issues, which will impact the organization potentially more severely than the underlying employee misconduct. Good employees welcome prompt fair and impartial discipline. What they don't like is non-prompt, unfair, and partial discipline.

GRAED #9 - Documentation is essential. Taking discipline when there is an observed deviation from organizational policy is required of you as a supervisor or manager of your organization. Because it may result in a loss of pay, time off, a negative performance review or other negative impact on the employee, it is a serious matter and as such the entire process needs to be fully documented.

Also, the rules of using "progressive" discipline for subsequent deviations from organizational policy require full documentation. If it is not written down, many believe it did not happen. Again, the value of MBWA and SBWA becomes so important. At a minimum, don't forget the 5 W's and the 2 H's. Remember, your documentation today will establish the record, justify the imposed action, and serve as a defense if any allegations are made against you for taking the action. "If it is not written down, it didn't happen" – so please document the process.

GRAED #10 - Get on with life and your organization's mission. Once the process is over, both the supervisor and involved employee need to get back to their respective jobs. Dwelling on the issue constantly by either party will only cause future problems that may severely impact the workplace. If the inappropriate behavior occurs again, it needs to be addressed again and again as necessary.

However, constantly bringing up past disciplinary problems that have been closed out is unproductive. Remember, your role as a supervisor is to enforce organizational policy and to facilitate the performance of your subordinates. When you perform your role correctly, everybody wins, both inside and outside of your organization.

In order to be successful, you must first get and keep good **PEOPLE**, derive and maintain good **POLICY**, make sure there is adequate **TRAINING** regarding the policies, have appropriate **SUPERVISION** of workers to make sure policies are being followed and take appropriate **DISCIPLINE** when there is deviation from established policy.

Why do things generally go right?

Things usually go right, notwithstanding the complex nature of the job, because our good people think quickly, and rely on their experience to do the job right. This is **RPDM** in action. Give me a good law enforcement employee, put them in a “been there – done that” event – and they will get it done right for you almost all of the time.

Give me a good person with a loaded hard drive, and things will get done right. And most things we do we do right. This is something that our public may be unaware of as all they ever hear are the problems. So where do these problems come from? They do not just pop up out of the blue. At the risk of being overly redundant, there are very few if any black swans in the world of police operations. Our problems are very obvious and coming right at us – yet too many agencies do not hear the train coming!

Why do things go wrong?

To be sure, some things go wrong because of intentional misconduct. We have some bad people in our profession, and sooner or later they get caught, fired and prosecuted. I believe this is an area ripe for risk management. Identifying and evaluating risks, and developing, selecting, and implementing control measures up front to reduce the probability of a harmful consequence.

Systems like good recruitment, comprehensive background investigations, understanding the probationary period, and good supervision and discipline can minimize this.

However, the vast majority of incidents that end up in a law enforcement professional getting in trouble, being injured, or sued, are not generally because the person started off his/her shift with the intent to do something wrong.

Things generally go wrong because well-meaning people get involved in very complex incidents that develop and change very rapidly and the involved person makes a mistake. Again, you can call them errors, omissions, lapses or just plain negligence – but this is an area that needs your constant and ongoing attention.

Things go wrong, not because we have bad people, but because our good people occasionally get involved in low-frequency events where if not done right, there are major consequences. Take away frequency, you have taken away experience. Take away experience, and all you have to rely on is training.

How are police personnel trained currently?

Virtually all law enforcement personnel start and end their career training. We are forever training our personnel on how to do the job right. Your career started in formal training at the academy, and throughout your life in law enforcement operations you receive ongoing training. Your hard drive has been partially loaded through training.

However, after you graduate the initial training, when is the next time you have to take a serious test that you have to study for? For many of you, the only test you ever take is the “incident” itself. That is the first time you are posed with a situation posing a very specific question requiring a very specific answer. Where is the verification of level of knowledge on your department?

How do you know what your people know about the high-risk/low-frequency/no discretionary time tasks prior to their involvement in the incident? When posed with the question, your people only have training and experience on which to rely. If you don’t have the experience, all you have to rely on is your training. And if your training was one time in time some time ago, the likelihood of achieving your goal of proper conduct is substantially diminished.

A final evil in the world of training is that too many of our personnel view the training responsibility as a responsibility of the department head or the training unit or their supervisor. To the contrary, training is the responsibility of everyone. No one loses with highly trained, highly qualified professionals responding to and handling assigned tasks and incidents. By the way, it is the right thing to do. Training has got to have three core ingredients. It must:

1. Be specific to the job description
2. Be focused on the high-risk/low-frequency/no discretionary time events
3. Ensure pre-incident verification of level of knowledge

What is the answer?

You guessed correctly. The answer is risk management. Am I driving you nutty with this yet? Remember the definition from earlier in the program. Identify and evaluate risks, develop and implement control measures up front. Training is ripe for risk management.

The key to achieving your goal of “Getting Things Done Right” is identifying and training for the low-frequency, high-risk tasks. Providing this training as close as possible pre-incident is the key.

Waiting for things to go wrong and then providing training so that it does not happen again soon is not good enough. You must develop a systematic control measure to ensure your people are adequately trained.

One such systematic approach is a risk management tool known as **SROVT**: Solid, Realistic, Ongoing, Verifiable, Training. I put this program together for my department in the 80s and it is now the foundation of the Daily Training Bulletins (DTBs) in Lexipol's policy management platform.

For most of you here today, I have no problem with the initial training you provide your personnel. Where many organizations fail is in providing ongoing and verifiable training. Ongoing means regularly in bite-size portions. Verifiable means making sure you know the law (if any), the department policy and appropriate technique prior to your involvement in the incident.

How is a program of SROVT or DTB implemented?

Hopefully someday you will be a client of Lexipol and you will not have to worry about this because you will have a process in place to provide this daily training approach. But until then here is a four-step approach for you on how to make every day a training day.

1. First, you must identify the **CORE CRITICAL TASKS** in each job description within your organization. What are the specific events that are overrepresented in tragedy? This is done by utilizing the following formula:

TOTAL TASKS
- EXPERIENCE
- DON'T COUNT
- DISCRETIONARY TIME

CORE CRITICAL TASKS = high-risk/low-frequency/no discretionary time tasks

Get out the up-to-date job descriptions and a marking pen. Use the above formula to identify the tasks that fall in the top right box of the matrix that is indelibly imprinted over your left eye.

Remember that every police professional has different critical tasks. The job description of an administrative assistant is completely different than the job description of street cop or an IT specialist or a corrections officer or a detective or a dispatcher. Therefore, each job description will have different critical tasks.

Supervisors (people you promote) are responsible for knowing their critical tasks and those of their subordinates. I have no problem with a regular assessment tool to find out which areas we need to focus on for any individual employee so that we can ascertain what they really know or don't know.

I believe the performance evaluation process could be used more effectively in verifying knowledge, skills and abilities, particularly in the area of critical tasks.

2. Second, after identifying these critical tasks, make sure you have a policy in place that addresses the identified task. Well-written policies and/or procedures fully incorporate any applicable law and speak of technique as necessary. Sometimes, the development of an **SROVT** program will find critical tasks that have no policy.
3. Third, after identifying these tasks and finding the right way to do the task (following Law, Policy and Technique) make sure your people have the **S** and the **R**. (Solid and Realistic). Do they really know how to do this task? In most states, this is usually achieved during initial training.

This is called the **immersion** process, in which we spend a lot of time covering the identified task and making sure that our personnel know how to do this task. Please make sure this is happening at the start of the career. With respect to initial training involving "hands on", here is a quick five-step risk management approach to the **S** and **R** component of the process:

- Identify the hazards and assess the risks involved in this training activity.
 - Analyze available control measures applicable to this training activity.
 - Inform trainees of the involved control measures and why they are important.
 - Implement the control measures throughout the involved training activity.
 - If rules are not followed, address the deviations appropriately.
4. Fourth, after they really know it, follow up with the **O** and the **V**. The high level of knowledge obtained during the immersion process will deteriorate over time unless spiked by frequency or in the absence of frequency, additional ongoing and verifiable training.

An analogy would be booster shots. We vaccinate our kids early on in life, but this is not good enough. We have to occasionally give the booster shot to maximize their protection. With respect to ongoing training, once or twice a month per task is adequate, the more the better. Ideally, each law enforcement professional should receive a training session per day focusing on the high-risk/low-frequency tasks in general and the no discretionary time tasks in particular.

Why six minutes? Do the math. Six minutes times a five-day workweek is one-half-hour per week, two hours per month and 24 hours per year. That is a lot of training hours and how much did it cost you to provide it ... nothing!

Why six minutes a day? Adults learn better by repetition than they do immersion. Have you ever had a training day after working night shift? Did you really leave that training

day with any real learning? Why six minutes a day? Have you ever attended a four-hour class that could have been covered in six minutes, or did you already forget about the blood borne pathogen class?

Six minutes a day works, and it works well, particularly if it focuses on the things that really count, the high-risk/low-frequency tasks in general and the no discretionary time tasks in particular. Pre-incident verification of level of knowledge is the goal. Random audits and inspections will assist you in this regard. The accreditation process is in effect an audit process: making sure that what we say we are doing is in fact being done. By going through it, agencies demonstrate compliance to standards. Accreditation leaders play a key role in ensuring not only that standards are what they should be, but also that the audit and assessment process is thorough, fair and effective.

Start with the **CRITICAL TASKS** that apply to all your organizational personnel. These include the Mission Statement of your department, the Ethics Statement, the building evacuation policy, the workplace violence policy, the harassment policy and similar issues that apply to everyone in the organization.

Then add in the “Core Critical Tasks” specific to any and every given job description. At this point, you have a training calendar and you are en route to your goal of proper conduct, which is the goal for each of us on every incident we encounter.

What are the benefits of having a program of SROVT of DTB?

There are three potential benefits to having this type of program in place. When things get done right we better protect our personnel and public, reduce liability exposure, and start creating the loyal customers we need throughout our various jurisdictions.

Law enforcement operations can be very complex. However, **most** of the incidents you get involved in are ones that you have done a lot (high frequency) or ones that give us **total discretionary time**. If you have the time to think, please use it. Failure to use discretionary time when available is overrepresented in subsequent problems.

Blink vs. Think

Your role as a leader in an accredited law enforcement agency is making sure that you and all of your people in each and every job description in your department are fully and adequately trained for the tasks that give you no time to think (the Core Critical Tasks that are present in every job), and that you (and they) understand the value of thinking things through when they are involved in a discretionary time task.

What do you do with this discretionary time? You use it to make a good decision! How many of your people have had a class on how to make a decision? If 5% of the hands go up in any given

class I am speaking to, I am surprised. Here we are in the most complex profession in America with no training on how to make decisions. *I hear a train coming!*

What do you do with this “discretionary time” – you use it to make a good decision! How many of your people have had a class on how to make a decision? If 5% of the hands go up in any given class I am speaking to, I am surprised. So here we are in the most complex profession in America with no training on how to make decisions. I hear a train coming!

Some people think this is not an issue because most decisions we make are good ones. Very true, primarily because most decisions you make you make on a regular basis, meaning you do the underlying event at high frequency. In this situation, your friend and ally **RPDM** kicks in and things get done right.

I am not worried about how you make high -frequency decisions, as you do so all the time and if you were not doing it correctly, you would know about it by now. I am very concerned about how you and your people make low-frequency decisions.

How do you make decisions? Do you have a systematic approach to this process or do you use the whatever-sounds-right-at-the-time approach. Hastily made or poorly thought-out decisions can have dramatic and permanent consequences.

I never received a decision-making process until I got to law school and there I was taught IRAC. What is the ISSUE? What is the RULE of law regarding this issue? How can you APPLY the rule to this issue? How can you reach a logical CONCLUSION based on the application of the rule to the involved issue?

I am not intimately familiar with all that goes on in your specific law enforcement agency, but in so many initial training programs, we train our personnel how to do specific tasks, but we do not teach them how to think. So how can IRAC be of assistance to you? I expanded it slightly and made it more specific to what you do. Here is my ten-step decision making process.

When facing a *low frequency* task (the setting of this task does not matter), please analyze as follows:

1. Identify and clarify the issue. If there is a preservation of life issue, immediately act and move to step eight (do something to preserve life) of this process. Otherwise, ask, “What is going on in this event and what am I being asked to do?” You cannot make the right decision if you are addressing the wrong problem. Listen to what is being communicated to you and ask clarifying questions as necessary. Don’t let RPDM get in the way. RPDM can generate “cognitive lock.”

This is a nasty phenomenon where we make up our mind based on little information. This is a problem area. Study after study has demonstrated that the more time you spend identifying what is really going on, the higher the probability you will make a good decision.

Check out www.theinvisiblegorilla.com for some interesting thoughts about this issue and how it applies to your Fire/EMS operations.

One last thought: I worry that some people in here today will view this request to think as an opportunity to excessively delay performance of given tasks, incidents, and events. Please do not do this. You have a job where things need to get done, so please do your job.

2. Is there discretionary time or not? This is so, so important. If you have it on a low-frequency event, then use it to think through the issue using the next five steps of this process.

Failure to utilize DT when available is overrepresented in subsequent problems. There is no excuse for a poor decision when there is time to think the decision through.

Those tasks that are truly NDT need regular and ongoing training. You are responsible for making sure you are fully capable of handling these events should they ever occur.

But most things give us time to think, and if you have that time, the next four steps are the core of the decision-making process.

3. Am I able to address this issue? If yes, then handle it now by moving on to #4. If it is not within your current job description, then get the issue to someone who can handle it now and follow up to make sure it got handled.

If it is a police department issue, get it to them. If it is a state trooper issue, then get it to them. If it is a public works issue, get it to them. And whenever possible, follow through to make sure the need was taken care of.

This is called “closing the loop” in the customer service world and is an excellent technique for creating loyal customers.

4. What is our current department policy regarding the involved issue? What does our policy manual say about this task? I am presupposing that you have good policies in place. If there is a written rule, it has to be followed!

And when your boy and girl wonders come up to you and inquire as to how to do something, rather than dazzling them with your significantly loaded hard drive of past experience, the smartest thing you can do for them is to teach them how to look it up.

And if you do not have a policy specific to the task, incident, or event in which you are involved – please remember the mission statement or the values and vision of your department.

5. What is our past practice regarding this issue? You may have never experienced this event before, but someone else in your agency may have some memory markers as to how it needs to be handled. Use this discretionary time to ask someone who has done this incident before so that your behavior today is consistent with past practice.

Failure to treat people as others have who were similarly situated were treated or performing a task in a manner inconsistent with past performance is the easiest way to really make people angry.

If you are going to deviate from the norm, you must have specific, articulable facts to justify this deviation from the way you normally do this type of task.

And for those of you who serve as supervisors and managers in your department, you have a key role in being consistent in the way you do your job.

6. Is it the right thing to do under the circumstances? What are the ethical considerations of this event? Every task we get involved in has an ethical concern, so every decision we make has got to include the ethical analysis.
7. What are the potential consequences of my decision? This is a generational-specific concept. You have got to make sure that you understand and analyze potential consequences in advance of our decision.

Consequences include intended, unintended, short term, and long-term issues. "What is the impact on the customer, your co-workers, your organization, and our profession?" is something we need to ask before we do something.

This is a huge issue with the newer employees, as they have grown up in a world devoid of consequences and thus many do not understand the gravity of what they are doing.

And not to beat this to death, but there is not a month that goes by that I don't have someone in my law office in big trouble for not considering consequences prior to acting.

And with all the economic issues our nation faces today, getting fired would be a life-changing event.

So, with this in mind, if you are involved in an ethical dilemma, please, please do not try to make the call by yourself. Ask a co-worker or supervisor for their advice.

And if you don't feel comfortable talking about your planned behavior with others then perhaps you are headed in the wrong direction with your thinking.

8. Act! And if this is a preservation of life issue, act quickly. Make and implement your decision. If not a preservation of life issue, recognize that it is not too late to go back to

number one of this process to ensure that you are still headed in the right direction. It is much easier to start over than it is to attempt to undo something that was done incorrectly.

9. Document as necessary (this is the lawyer in me). Record keeping and report writing are essential components in this process and must be done as incidents develop. Don't think that you will remember why you did, what you did, when you did it, three years from now.
10. Learn from and share your experiences (this is the risk manager in me). If you learn something, share this new memory marker with your peers so all can benefit from your new knowledge.

And I recognize that there are many other approaches to making good solid decisions, and I do not care which one you use, but get a structured approach to thinking things through. Also, share this with your people, as it will allow them to make better calls.

With respect to #6 above, "Is it the right thing to do under the circumstances," this query raises the ethics issue. More and more people, both inside and outside of fire/EMS operations are looking at your profession and raising the ethics question. What is ethics all about?

Webster defines ethics as follows:

1. The discipline of dealing with what is good and bad and with moral duty and obligation.
2. A set of moral principles or values.

Further, "ethical" is defined as "conforming to accepted professional standards of conduct."

America has been sliding down the slippery slope of decreasing ethics and integrity for decades. Not taking this seriously has eroded public confidence. We have got to rethink how ethical behavior is achieved and sending people to a class (this is lawyer-thinking) on ethics is not the total answer.

Many organizations use it as a crutch to show that they care and that they have a piece of paper saying that someone went to a class. Having a piece of paper saying that some cop has been to ethics training does not mean much to me.

What we should do regarding ethics training is to employ the principles of risk management.

First, if we truly want to maximize ethical behavior, we have to start by hiring people who have integrity. This requires comprehensive background investigations. Spending wisely on the background investigation process is absolutely necessary. Past habits will become future habits. The best predictor of future behavior is past behavior. You cannot train the immoral to be moral, so do not waste your time on them.

Second, after hiring, we have to train our good new people regarding ethics. And if you are taking a close look at the next generation of employees coming on board, they have substantially different values than you do, so some re-tuning of the hard drive may be necessary. Classes on ethics during initial training are essential, but again not the total answer.

Third, recognize that every incident encountered by fire/EMS personnel has ethical considerations. With this in mind, each class we instruct needs to have a discussion regarding the ethical considerations of this particular task or incident. It will cost you nothing to do make ethics a part of every class taught.

Finally, when rules are not being followed, there needs to be action. When supervisors or managers ignore wrongful behavior, they have encouraged future wrongful behavior. You who serve as the supervisors or managers must be out and about and taking a look at what is going on in your workplace – and if you see something that is not right, you must act.

It is not the intent of this class to give the “right thing to do” in any given situation, for your job is complex, and the number of permutations of possible incidents is innumerable. It is the intent of this class to maximize the level of interest in the concept of “ethics” and to instill in each attendee that ethics plays a role in each decision you make.

It is also my intent to again stress the value of systems thinking and to give you a structured approach to determining if what you are doing is the right thing to do. Here are some ideas for you to consider:

1. Always obey the law and follow the policy. If you have the law and policy on your side, you are probably in good shape.
2. If it smells bad, it probably is bad. Even if your planned behavior is consistent with law and policy, it might not be the right thing to do. It is essential that we give it the smell test, both personally and externally. “How will it read in the paper tomorrow?” is a necessary consideration.

However, this only applies if you have discretion in what you are doing. In the world of law enforcement, some of your functions are mandatory, meaning shall, and further meaning you have to do the task a certain way. If you are involved in such a matter, follow the letter of the law or policy regardless of the smell.

3. When questioned after the fact, always be up front and honest. America and Americans are very forgiving, but only if you are up front and honest about what really happened. This is the most complex job in the world, and mistakes are going to happen. Don’t compound the mistake with a cover up.
4. Ethical actions speak louder than ethical words. You are the leaders in your department and your profession, and you must set the proper example. Law enforcement work is a noble

endeavor. Please take it seriously. We all need to act like the professionals we are even when no one is looking and there is no chance our behavior will be noticed.

We will spend our remaining time looking at the top 10 ways cops get in trouble. Please remember my earlier comments about there being very few black swans in your world. When cops get in trouble, it is usually a gray rhino – you should have seen it coming!

I have spent a lot of time looking at how cops get in trouble. I was hired into the CHP in 1973 and as a young cop I made some mistakes and I got in trouble and I learned a bit about the discipline process in the CHP, which varied from sergeant to sergeant. Essentially, there were no rules on how a given sergeant could discipline cops – and frankly it was seriously flawed in process and procedure.

I got pretty good at finding loopholes and not getting in too much trouble for my behavior. If time allows, I must remind you about the sergeant who was upset that I did not wear a watch on duty. He was deadly serious about my failure to wear a watch – and this had an interesting ending. Yes, I was “difficult” way back then.

In 1975 I became a union rep and as such had to defend cops in internal administrative hearings. I learned that Governor Jerry Brown (yep, the same guy and while we went to the same high school in San Francisco, he was 15 years ahead of me) was going to create a law to address the police discipline process in California. In 1976 the California Peace Officer Bill of Rights was created – and as a union representative I read it and reread it and reread it. I guess you could say I memorized it.

Take a wild guess who did not read it? Yep – the supervision and management team at Central Los Angeles did not read it – or they quickly perused it – but I knew more about it than they did!

By then I was in law school (and what a pain I must have been) and while I was the youngest union rep in the state, I had a pretty good reputation of getting CHP cops out of trouble – not because they did not do anything wrong but because the sergeants and lieutenants did not abide by the rules established in the POBR.

I got very good at defending cops and started helping out cops from other law enforcement agencies, thinking this could be my future as an attorney. In 1982 I promoted to sergeant and had to get involved in the CHP discipline process as an investigator when there were allegations or evidence of misconduct. I had an advantage though – I knew the POBR inside and out and did not make the mistakes that my supervisors made in the 70s.

In that same year I became a lawyer and as such I had all sorts of cops from all sorts of different agencies coming to my law office with their various problems – many of them job related – and I was successful in getting them out of trouble.

Later I promoted to captain, and as such got an statewide overview of the problems that CHP officers faced. And since 1980, I have been on the lecture circuit – and receive a lot of information through that conduit.

Today, I am still busy studying police department tragedies, focusing on what you can do up front to prevent problems. As I mentioned, I have been actively involved with the good people at Below 100 since its inception. Through the company I founded 20 years ago – Lexipol – I am constantly fielding inquiries about why things go right and wrong in law enforcement operations. Additionally, I still serve as an informal advisor to the CHP and regularly address law enforcement personnel from around America and other nations.

So, based on what I have seen and experienced over the last 50 years, here is my “top 10” list of things that get cops in trouble. How do law enforcement personnel die? How do you get hurt? How do you get sued, fired, indicted or embarrassed? This is my list – and you can disagree with the contents. And if you do, add in what you think I missed and take out what you think should not be included. But at least get a list and think about this regularly.

1. Vehicle and Roadway Operations

- Care and maintenance issues—transmission, brakes, overall care
- Pre-shift inspection checklists
- Perceptions of the public including jurors and voters.
- Drive it like you own it.
- Logbook considerations.
- High-risk transport activities.
- MDT/Cell Phone usage while driving.
- Seatbelts and how they work and indeed they do.
- Speed issues. “Why do cops drive fast?”
- Pursuit considerations – exactly why are we chasing this vehicle?
- Use of emergency equipment – legal requirements.
- Security of weapons. Concealment vs. security.
- Home storage considerations.
- Right-side vs. left-side activities.
- Roadway incursions. Sadly, a daily event in our profession. Check out [Responder Safety](#).
- The danger of U-turns.
- Standing between vehicles – Never, ever do that!
- Situational awareness – There is more to life than the MDT.

2. Harassment Issues

This is a huge issue today in both private and public sector operations today.

- Policy considerations
 - Is your policy up to date and inclusive of all protected classes?

- Does it allow for multiple avenues to make a complaint?
- How often is it covered with your people?
- Types of harassment
 - Quid Pro Quo – what is going on that allows this to occur?
 - Retaliation – what can you do to prevent this from occurring?
 - Hostile work environment – the key role of the supervisor.
 - APE Considerations – mandatory review of the harassment policy.
- Diversity considerations – why is this so important?
- The importance of basic decency in the workplace.

3. Integrity Issues

- Hiring Standards – Edwin DeLattre – “Character and Cops”
- Integrity (along with transparency) is the hottest topic in police operations today.
- Without the public trust, we have nothing.
- You lie, you die. This is the “new” rule.
- Recent cases from around our profession

4. Use of Force Issues

- Personal physical fitness issues
- Policy considerations
- Training – initial vs. ongoing
- Injuries during training
- Intervention considerations
- Mandatory reporting considerations
- Escalation and defusing scenarios

5. Custody/Detention Issues

- Deprivation of liberty considerations
- Be a “fact” gatherer – and not just facts for prosecution
- Be aware of the dangers of “cognitive bias”
- Think before you start depriving people of their liberty
- It is as important that we prove someone did not do the crime as it is to prove they did the crime. If you are not certain, gather your facts and get them to the prosecutor. Most of the time you do not have to make that arrest today.

6. Report Writing/Documentation

- Discretionary time task
- The dangers of using artificial intelligence in writing reports
- Note-taking and fact-gathering revisited
- Prosecution vs. city/county/state attorney needs
- Native format law of 2007 – do you understand “metadata?”
- Unintended consequences of the word processor

7. Off-Duty Behaviors

- Social websites. Please think this one through. What is the benefit? What is the risk?
- Terrorists, criminal street gangs, organized crime: Trust me, the risks outweigh any benefit. This is a very hot topic.
- Use of cannabis
- Alcohol/sex – If you drink, please drink responsibly. If you are sexually active, please be sexually responsible.
- Weapons. Please think this one through. I like the concept of cops being armed off duty – but please recognize the risks involved in off-duty carry. The only person who needs to know you are armed is you.
- Alcohol/sex – Don't have sexual relationships with co-workers, informants, patients, dead people, kids in your DARE program, Explorers, victims of crimes, applicants, trainees, arrestees, elected officials, animals, pumpkins or anyone/anything else for that matter. If you think I am joking – think again – I have had involvement with cops in all of the above!
- Identification issues – if you are taking action off duty, ID yourself quickly and often. No one knows who you are and this could be a problem for you and them.
- Alcohol/sex – don't date co-workers of people you work for or people who work for you – particularly married ones.
- Action vs. witness considerations – be a good witness and only take action when absolutely necessary. And if you or your people take action – make sure you can later establish you were “course and scope” if necessary.
- Alcohol/sex – Think before you do anything online and don't misuse department (or anyone else's) electronics – especially if you have been drinking.
- Domestic violence – If there is any indicia of violence in your personal relationships – get out now before you lose your job.
- Alcohol/sex – Think, think, think
- Gambling – Please be aware of all the risks here. My friends in organized crime operations tell me that cops are regularly being exploited to erase gambling debt.
- And in case I have not mentioned this, alcohol/sex. If you think I am trying to make a point about alcohol and sex – you are correct!

8. Decision-Making Issues

- We teach our people how to do things. But too often we don't teach them how to think things through.
- The value of systems and checklists.
- The value of discretionary time. Blink vs. Think.
- The primary mission of everyone in police work is preservation of life – and that should be your first concern on everything you do.
- If you have time to think – please use it. Not everything needs to be done NOW.

9. Mental and Physical Health Issues

- Regular MD visits are essential.
- Know your “numbers”!

- Breast cancer and prostate cancer concerns
- Check out [Lexipol's Cordico wellness app](#).
- We have to address the mental health issues in our profession.

10. End of Career – End of Life Planning

- Get started on retirement planning now.
- Financial planning is an ongoing process throughout your career.
- Beneficiaries – are they up to date in your file?
- When you retire, please retire.

Here are three statements that have guided me through most of my RM life. First is a quote, albeit paraphrased, from the great risk management guru of the 40's, Archand Zeller.

The Human does not change. During the period of recorded history, there is little evidence to indicate that man has changed in any major respect. Because the man does not change, the kinds of errors he commits remain constant. The errors that he will make can be predicted from the errors he has made."

What does this mean? We have not figured out any new ways to screw things up. We are making the same mistakes over and over again. Mines have figured out no new ways to collapse. Ships have figured out no new ways to sink. Refineries have not figured out any new ways to blow up. Restaurants have not figured out any new ways to kill people. Planes have not figured out any new ways to crash. Firefighters have not figured out any new ways to die.

Police personnel (here in Indiana and around the world) have not figured out any new ways to get in trouble. To be fair, there are variations on a theme, but there are no new ways to get in trouble.

IDENTIFIABLE RISKS ARE MANAGEABLE RISKS

The second statement important in my life thus far came from my mentor, professor and friend Chaytor Mason. He was a risk management guru in the 60s. Here is a capsulized version of his response when I accused him of being the smartest person who ever lived.

"The smartest person in the world is the woman or man who finds the fifteenth way to hold two pieces of paper together."

My instant response when I first heard this was confusion, but then I figured it out. While there are no new ways to screw things up (Zeller) there are always new ways to fine tune and revisit our existing systems to prevent bad things from happening and simultaneously making us more efficient.

We too must be looking for new and improved ways of doing this most complex job, and you are the ones who can do that. There are better ways to hire personnel, and there are better ways to

train them. There are better ways of doing performance evaluations, and there are better ways to track personnel to identify future problems.

Status quo (we have always done it that way – we have never done it that way) does not work. There is a better way of doing business, the 15th way, and we must constantly be looking for it. Accreditation is key here, because it helps you assess your agency's performance against high standards, and then set a plan to improve in those areas where you need a little more work. The process of achieving and maintaining accreditation requires regular assessments and audits that over time will show you whether your agency is improving.

My third belief in life is a summary of the above two thoughts.

PREDICTABLE IS PREVENTABLE!

Thanks for coming to this program today and I wish you continued success in all you are doing.

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ABOUT LEXIPOL

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