

# NIRMA's

Loss Prevention and Safety Department  
Monthly Newsletter

# NIRMA's Safety Shorts

General Safety, Highway & Law Enforcement

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## July Is Social Wellness Month

Social wellness focuses on the giving and receiving of social support, identifying the network of friends and family an individual can turn to in times of crisis as well as times of celebration. The health risks from being alone or isolated in one's life are comparable to the risks associated with cigarette smoking, blood pressure, and obesity.



### GENERAL SAFETY

**By Chad Engle, Loss Prevention and Safety Specialist**

### ***The Dangers of Drowsy Driving***

The U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) determined that during calendar year 2019, 697 people died due to car crashes resulting from drowsy driving. NHTSA further estimates rely on police and hospital reports to determine the incidence of drowsy-driving crashes. NHTSA estimated that in 2017, 91,000 police-reported crashes involved drowsy driving. These crashes led to an estimated 50,000 injuries and nearly 800 deaths. Traffic safety professionals agree that there is an underestimate of the impact of drowsy driving, these numbers are most likely significantly higher.

There are multiple causes for fatigue and drowsiness, tackling these issues is difficult as our society values do not align with avoiding drowsy driving. A driver cannot be ticketed for drowsy driving, there are no field drowsy driving tests. Drivers believe that they can fight their way through driving drowsy and often choose to drive when it is not safe for them to do so.

I understand that there are times when the drive needs to happen, just this weekend I had to drive to Indianapolis and back, roughly 9 hours each way. The drive down was easy, left home in the morning after a good night's sleep. The drive home was the opposite. Left Indianapolis after watching a couple of my son's games, in the heat. When I entered "home" on the GPS, it told me we would reach our destination at approximately 12 am, not a fun 9 hours. We pulled it off with regular stops, some caffeine and taking turns driving. These are all risk management techniques that can be used when driving.

Drowsy-driving crashes occur most frequently between midnight and 6 a.m., or in the late afternoon. During these times, our circadian rhythm dips causing us to feel tired. Drowsy-driving crashes often involve only a single driver running off the road at high speeds with no evidence of braking and frequently occur on rural roads and highways. If your trip involves any of these it is a high-risk trip, and you should be sure to start these trips well rested. The truth is rest is the only sure way to deal with drowsy driving.

Here are some tips to avoid driving drowsy:

- Getting adequate sleep regularly is the only true way to protect yourself against the risk of drowsy driving.
- Start long car trips after getting a good night's sleep.
- Take turns driving.

Loss Prevention  
and Safety

PO Box 85210  
8040 Eiger Drive  
Lincoln, NE  
68501-5210

Please contact  
Tim at  
402-310-4417  
or [tim@nirma.info](mailto:tim@nirma.info)  
if you have any  
questions.

Safety  
is our  
Number 1  
Priority



## ***The Dangers of Drowsy Driving*** *continued*

- Avoid drinking alcohol before driving. Alcohol interacts with sleepiness to increase drowsiness and impairment.
- Check prescription and OTC medication labels to see if drowsiness could result from their use.
- If you drive, avoid driving during the peak sleepiness periods (midnight – 6 a.m. and late afternoon. If you must drive during peak sleepiness periods, stay vigilant for signs of drowsiness, such as crossing over lines or rumble strips, especially if driving alone.

### Short-term interventions:

- Coffee or energy drinks alone may not be enough. Their effects last only a short time and you might not be as alert as you think you are.
- If you start to get sleepy while driving, drink one to two cups of coffee and pull over for a short 20-minute nap in a safe place, such as a lighted, designated rest stop. This has been shown to increase alertness in scientific studies, but only for short time periods.

The dangers of drowsy-driving are very real and very serious, driving drowsy is just as dangerous as driving under the influence of drugs or alcohol. Make the commitment to take the risk seriously and if you are drowsy, delay the trip until you are rested or find someone else to safely drive you to your destination.

For questions relating to drowsy driving and any other safe driving topics I can be reached at [chad@nirma.info](mailto:chad@nirma.info) or 1.800.642.6671.

### **HIGHWAY DEPARTMENT**

**By Tim Baxter, Road Safety and Loss Prevention Specialist**

#### **Positive Safety Culture**

Safety culture is the ways in which safety is managed in the workplace, and often reflects "the attitudes, beliefs, perceptions and values that employees share in relation to safety".

Every organization has a safety culture, whether it be good or bad. Obviously, counties should strive to have a good safety culture. A good, positive safety culture will reduce accidents and injuries, reduce claims and lawsuits, and generally provide a good safe work environment for your employees. Safety culture is all encompassing in county road departments meaning that not only should employee safety be considered but also public safety when it comes to providing safe public roads and bridges as well as good road and bridge signing for the motoring public. A good, positive safety culture is also critical in all other county offices.

We present safety meetings to counties then too often hear afterwards that the highway superintendent, foreman, county board member, etc. is complaining about following the proper safety procedures and instructs the employees to proceed as they always have in the past. This type of attitude from management encourages a very poor safety culture and one that will continue to get employees injured or possibly killed.

Loss Prevention  
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Safety

phone  
402-742-9220

fax  
402-742-9230

toll free  
800-642-6671



**Employment  
practices  
seminars  
August 2021**

The seminar  
locations:

**August 4**  
Norfolk – Divots  
Conference Center

**August 5**  
Lincoln –  
Champions Club

**August 13**  
Kearney – Holiday  
Inn

**August 26**  
Geing – Civic  
Center

**August 27**  
Ogallala –  
Haythorn Ranch

**Positive Safety Culture** *continued*

Since there are a large number of complaints about safety, I have a complaint I would like to share. One of the biggest complaints we always hear is the county does not have the funds to provide for the proper safety procedures, yet many times road departments return thousands of unused funds at the end of the fiscal year. Having served as a highway superintendent for many years, I understand the need for some budget carryover, but there are usually funds available for safety needs. Using the lack of funds excuse will not work on signing lawsuits as plaintiff attorneys will review the past several years' road budgets and see there was funding available for signing improvements. Plus, there are grants available, NIRMA ASSIST grants, to assist in purchasing safety supplies and materials. Employee safety should be one of the first budget concerns instead of the old adage "if we have the funds".

Safety committees are a crucial step in developing a positive safety culture. Establishing a road department safety committee is a great place to start for road departments. Too many times a county wide safety committee is unable to perform the quarterly shop audits that should be required, or the committee members are unaware of what issues road departments deal with. Quarterly road department safety committee meetings reviewing past incidents, future safety training, ideas for safety improvements, etc. would go a long way towards developing the proper safety attitudes.

A positive safety culture includes the following:

- Communication is open at all levels of the organization and feedback is seen as vital to improving safety processes.
- Individuals at all levels focus on what can be done to prevent injuries or illnesses.
- There is a commitment to safety regardless of all other concerns in the business.
- People and their well-being are valued. The focus is on protecting people, not the bottom line.
- All personnel, especially commissioners, supervisors, highway superintendents, foremen, etc., demonstrate their commitment to safety by following all safety processes and procedures, just as they should be instructing their employees to do.

Please contact Tim if you have any questions at 402-310-4417 or [tim@nirma.info](mailto:tim@nirma.info). Be safe.

**ATTENTION NIRMA CONTACT PERSONS**

NIRMA maintains an extensive database containing the names of officeholders, their mailing addresses, email addresses and telephone numbers. This information is used when sending out this monthly Safety Shorts newsletter, our monthly **Interchange** magazine, periodic mailings, or when it is necessary to contact someone directly.

Next time a change occurs in your county or agency, please forward your updated information to Pat Clancy at [pat@nirma.info](mailto:pat@nirma.info).

Loss Prevention  
and  
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[chad@nirma.info](mailto:chad@nirma.info)

[tim@nirma.info](mailto:tim@nirma.info)

[terry@nirma.info](mailto:terry@nirma.info)

[pat@nirma.info](mailto:pat@nirma.info)

We're on the  
Web

<https://nirma.info>

Please contact

Terry at:

[terry@nirma.info](mailto:terry@nirma.info)

or my cell at

402-686-9332

to schedule

training involving

law enforcement

and/or

corrections

operations.



## LAW ENFORCEMENT AND CORRECTIONS

By Terry Baxter, Law Enforcement and Safety Specialist

### Lange v. California

A new U.S. Supreme Court ruling this past month related to a police officer's warrantless entry into a person's garage. The incident giving rise to *Lange v. California* began when a California Highway Patrol Officer observed the occupant of a parked car playing loud music and repeatedly honking his horn with no other traffic around. The officer, finding this behavior unusual, began to follow Lange once the car began moving, and soon after activated his top lights in an attempt to initiate a traffic stop. Rather than pull over and stop, Lange drove a short distance to his driveway and entered his attached garage. The officer followed Lange into the garage, interrupting the closing garage door. During the encounter in the garage, Lange showed signs of impairment. Lange was charged with misdemeanor driving under the influence. Lange moved to suppress evidence obtained after the officer entered his garage, arguing a warrantless arrest entry that violated the Fourth Amendment. The Superior Court of California denied Lange's motion and the appellate division and California Court of Appeal affirmed the Superior Court ruling.

The Fourth Amendment ordinarily requires law enforcement to obtain a warrant to enter a home, but officers may enter a home without a warrant under certain circumstances, including when an exigency exists. The Court has found that exigencies may exist when an officer must act to prevent imminent injury, the destruction of evidence, or a suspect's escape.

The lower courts concluded Lange failed to pull over, creating probable cause to arrest Lange for the misdemeanor of failing to yield to an emergency vehicle. They also determined Lange could not defeat an arrest begun in a public place by retreating into his home. Therefore, they reasoned, pursuit of a suspected misdemeanant was permissible under the exigent-circumstances exception to a warrant requirement.

On appeal, the Supreme Court was not so sure. It recognized that under existing precedent, "hot pursuit" of a felony suspect creates an exigency that always justifies warrantless entry into a home, however, this case involved a misdemeanor suspect. So, may a warrantless entry to a home be made when law enforcement pursues a person suspected of only a misdemeanor? The Supreme Court answered that question with a "maybe." The Court found that unlike for felonies, there could be no such bright-line rule when only a misdemeanor is involved. Instead, the Supreme Court found that each set of circumstances must be judged on a case-by-case assessment of exigency when deciding whether a suspected misdemeanant suspect's flight justifies a warrantless entry to a home. Let us be clear: this ruling falls far short of giving law enforcement complete freedom to conduct warrantless entries when the person being pursued is only suspected of a misdemeanor. Some of the Justices who wrote separate opinions noted that law enforcement officer's job has just become more difficult, because in these split-second pursuit situations, they now must take time to second-guess whether the circumstances aside from the suspect's flight are "urgent enough" to justify a home entry.

Look, most law enforcement officers have been involved in a foot chase, and they know that suspects will do anything they can to elude the pursuing officer, including retreating into a home. But we cannot ignore the heightened constitutional safeguards that are applicable when intruding into the property of others, as the *Lange* case makes clear.