



Agenda Item # 22 b

Date 4/19/23

COPY

2023 APR -3 PM 1:38

Safety Shorts

General Safety, Highway, & Law Enforcement

April 2023

Volume 11, Number 4

April Is Celebrate Diversity Month

A time to recognize and celebrate other cultures and populations. This month, take time to recognize the diversity in your workplace, school or home. By celebrating the unique cultures, backgrounds and traditions of others, we can gain a greater appreciation for the diversity that surrounds us.

We hope you use this month as an opportunity to embrace all of the beauty that surrounds and makes each of us so wonderfully special. Always remember, as author and activist Maya Angelou once said, “. . . in diversity there is beauty and there is strength. We all should know that diversity makes for a rich tapestry, and we must understand that all the threads of that tapestry are equal in value no matter their color.” - <https://nationaltoday.com/celebrate-diversity-month/>.

HIGHWAY DEPARTMENT

By K C Pawling, Road Safety and Loss Prevention Specialist

Are You Paying Attention?!

The National Safety Council sent an email notification that April is *Distracted Driving Awareness Month*. I thought, hey, this is a great topic for my safety short article this month! But . . . okay, I'll admit it, I'm distracted! Just doing a little bit of interweb research has led me down a few different rabbit trails. I am discovering that I am fascinated by anything related to driving, articles, statistics, methods of driving, the Smith System, and even G.O.A.L. (I'll say more about those last two in a minute).

The Public Risk Management Association tells us that automobile crashes account for roughly one-third of all public entity liability claims. I cannot confirm or deny that statistic, but what I can attest to is the fact that in the past five years here at NIRMA, vehicle incidents and accidents have consistently remained in the top six leading causes of claims. The term "vehicle" includes automobiles, motor graders, dozers, and other means of motorized transport.

Driving distractions typically fall into one of three categories: visual, manual, or cognitive. Visual distractions include: looking at a phone screen, a radio, or anything else we see inside or outside the vehicle that draws our attention from the task at hand of operating the vehicle we are in. Manual distractions include: dialing or texting on the phone, changing the radio station, interacting with passengers, eating, or picking up objects that have fallen to the floor of the vehicle. The last category, cognitive distractions, is often overlooked because we tend to believe that a distraction has to be a physical object. Some examples of cognitive distractions are "hands free" phone calls, listening to podcasts, or the disagreement that we may have with our spouse before leaving for work. Cognitive distraction would be anything that takes us to a different place in our mind, rather than paying attention to our physical location and the task of operating a vehicle. Some might even call it daydreaming.

I think we can all relate to the distractions that we are typically exposed to while we are operating automobiles, but what about those while we are operating heavy equipment? For me, I found the one piece of equipment that caused me the most cognitive distractions was the motor grader. My mind has a bad habit of moving quickly. Mix that with a slow-moving machine at the speed of 5 or 6 miles per hour, and it is a recipe for serious daydreaming.

Motor graders are very complex machines, and there can be so many adjustments being made while driving that an operator can get caught up in tunnel vision. This happens when intensely focusing on operating the machine correctly and effectively, to the point that all other environmental factors are closed out of your mind or ignored. Generally, this is not intentional. It is something that tends to happen the most while learning to operate the machine.

So, what are some things we can do to combat distracted driving? Well, the easy things would be to put down the phone, stop eating in the car and get the radio adjusted before you start driving. If the children in the backseat become an issue, pull over somewhere and take care of them after you are safely stopped. Do not reach back while driving, causing you to be visually, manually, and cognitively distracted all at once.

When operating heavy equipment, take time occasionally to stop, get out, and walk around the machine. Stretch your legs and get some fresh air. When I was a highway superintendent, I reminded the operators this is also a good way to get a good ground-level visual of the work you are doing. If you stop and walk around the machine, give it a good visual check while you are stopped. Look for low tires or any fluid leaks that may have developed from the time you did your pre-trip inspection back at the yard.

Two techniques I discovered while learning to operate tractor-trailer (semi) trucks are the Smith System and G.O.A.L.

The Smith System has five principles. **1) Aim High in Steering.** This refers to looking further down the road, so you're not just focusing directly in front of your vehicle or machine. This will give you time to react to any situations that you may need to avoid. **2) The Big Picture.** The big picture refers to being aware of your entire surroundings, not just what is in front of you. **3) Keep your eyes moving.** Check your mirrors every three to five seconds. This will keep you from falling into a cognitive distraction, and will also help you with principle number two, being aware of your surroundings. **4) Leave Yourself an Out.** If you are aware of your surroundings, you are able to leave yourself some room to properly react to avoid an obstacle or hazard, should one arise. For example, if you are approaching an intersection at the same time as another vehicle you may need to slow down or even stop if they fail to see you. **5) Make Sure They See You.** Eye contact is a great way to avoid many vehicular incidents. Whether you're out working on a project, or just driving through the yard with co-workers walking around your machine, making eye contact with those around you is a great way of confirming they see you.

G.O.A.L. is a very simple concept that takes just a little physical effort, but it's very effective. **Get Out And Look.** The concept is generally applied while doing backing maneuvers. These might be done in courthouse parking lots, road department yards, and project job sites. As simple as it is, not many people practice it, even though it would avoid so many claims.

The last thing I want to mention to combat distracted driving situations would be to take the free defensive driving course that is offered by NIRMA. This is a course that could protect us from drivers other than ourselves that may be distracted. NIRMA has three very qualified instructors in the Loss Prevention Department. This course is designed to help you with defensive driving techniques to keep employees safe, decrease the risk of collisions and traffic violations, and minimize exposure to liability risks. Defensive driving can also lower the cost of accident claims

by minimizing the severity of accidents, which decreases vehicle repair bills and the need for replacement vehicles.

If you are interested in the defensive driving course, or you have any other subject that we can help you with, do not hesitate to contact us. I can be reached at kcpawling@nirma.info or 402-310-4417. Let's make sure we all make it home every night>

GENERAL SAFETY

By Chad Engle, Loss Prevention and Safety Manager

Severe Weather Awareness and Emergency Action Plans (EAP)

The last week of March was National Severe Weather Awareness Week. Many of you may have participated in the annual statewide tornado drill that was held at 10:00 a.m. Central on Wednesday, March 29th. Those of us who work at the NIRMA office use this as a reminder to perform our annual fire drill as well. When the tornado alarm is sounded, we carry out our tornado drill and proceed to the severe weather shelter. From there, we perform our annual fire drill simulating an evacuation due to a fire and gather at our designated assembly point next door. This way, we kill two birds with one stone, and meet our annual requirement for both drills.

The first two months of 2023 represent one of the most active starts to "tornado season" in the last 10 years. You may have seen the devastation caused by a recent tornado in Mississippi that killed at least 25 people. According to an article by Brian Lada, a meteorologist, and staff writer for AccuWeather, 2023 is forecasted to be right around the historical average for tornadoes. I was quite surprised by the fact that each year the United States experiences about 1,225 tornadoes. They can occur during every month of the year. Unfortunately, tornadoes are common in Nebraska, especially during the spring and summer seasons, so knowing what to do in the event of a tornado can possibly save your life.

If your county has experienced any turnover with the recent elections, it is even more important to be sure everyone knows where to go when they hear the tornado siren sound. Now is a great time to review and update your EAPs and make sure everyone has been trained on what to do in the event of severe weather.

FEMA recommends the following protective actions:

- If you are under a tornado warning, find *safe shelter* right away.
- Go to a safe room, basement, or storm cellar.
- If there is no basement, get to a small, interior room on the lowest level.
- Stay away from windows, doors, and outside walls.
- If you can safely get to a sturdy building, do so immediately.
- Do not get under an overpass or bridge. You're safe in a low, flat location.
- Watch out for flying debris that can cause injury or death.
- Use your arms to protect your head and neck.

Knowing where the *safe shelter* is in the workplace is vital. Please take the time to hold a tornado drill so that your employees are able to find it quickly. Your drill should also cover how to deal with customers in your offices when the tornado sirens sound. You have a duty to help them to the safe shelter as well.

Accountability is a consideration as well. Are you able to account for all your employees once the dust has settled? Some may be working in the field while others headed home when they were told of the impending severe weather. It is important to establish some way of determining that all employees are safe and accounted for.

For additional information on severe weather safety, you can visit:

<https://www.ready.gov/severe-weather>

LAW ENFORCEMENT AND CORRECTIONS

By Todd Duncan, Law Enforcement and Safety Specialist

Response To Non-Criminal Barricades

Law enforcement officers are increasingly encountering difficult and often complex situations involving subjects in the community experiencing mental health crisis. Despite intentions to help the subject in crisis, we sometimes see law enforcement officers employing tactics in these situations that result in tragic and often avoidable outcomes. In this month's Safety Short we will review the concept of tactical disengagement involving barricaded subject calls where there is no underlying crime and explore ways to safely resolve these incidents as effectively as possible. It is important to recognize the distinction between an armed barricaded suspect wanted for a crime and a barricaded subject who has not committed a crime but has expressed the desire to harm him/herself. Threatening or attempting suicide is not a crime, and suicidal or mentally ill subjects do not forfeit any constitutional protections.

Initial Response

The priority when responding to non-criminal barricade situations is the preservation of life and protection of bystanders, law enforcement personnel, and the subject from the risk of injury whenever possible. During the initial response, the ICEN method—*isolate, contain, evacuate, and negotiate*—can help deputies gather the following key information while buying time to formulate their approach and develop emergency response plans:

- Does the subject have access to a weapon?
- Is the subject in a position to harm anyone else, or have they expressed an intent to do so?
- Has the subject committed a crime, and if so, what is the seriousness of the offense?
- Are more resources needed/available, i.e. additional deputies, EMS on standby, Crisis Negotiation Team, less lethal options, shield, canine, etc.

Be Cautious of the Urge To "Do Something"

Law enforcement officers are protectors by nature, so it is only natural that we feel compelled to "do something" in crisis situations. But when responding to a barricaded or suicidal subject who has not committed a serious crime and is not an immediate threat to anyone other than themselves, the best response may be to withdraw from the situation if reasonable attempts to negotiate are unsuccessful. This may seem ill advised or counterintuitive, but in reality, it may be the safest response for all involved, including the subject. It may also be the most legally defensible option as law enforcement officers generally do not have a constitutional duty to keep a person from harming himself/herself. A detention under NRS 71-919 is *permissive* but not mandatory and must be based upon probable cause to believe the person mentally ill and dangerous and presents a substantial risk of serious harm to himself/herself or others.

Avoid Creating the Danger

Three critical questions during the initial assessment of a barricaded subject call are:

1. Who is at risk?
2. Who is causing that risk?
3. What is necessary to eliminate or reduce that risk?

It is important to avoid increasing the danger to the person in crisis, unless the subject poses an immediate risk to others. Given the nature and emotion involved in these types of calls, it can be easy to accelerate the operational tempo and bring the situation to a flashpoint unnecessarily. An example of this is making a warrantless entry into the subject's home when there is no underlying crime or immediate threat to anyone other than the subject themselves. It is equally important that deputies balance their capability and training with the needs of the situation. In these situations, tactical disengagement, i.e. the decision to leave, delay contact, delay custody, or plan to make contact at a different time and under different circumstances, may be the safest, most prudent option for all involved.

Avoid Creating Special Relationships

While law enforcement officers typically do not have a constitutional duty to protect members of the public from harm, special relationships can create a duty of care. Common examples include when a person is taken into custody, during transport in a law enforcement vehicle, and while in jail. A special relationship can also occur when a deputy or agency makes specific promises of protection that are relied on and result in liability if harm occurs when they are not fulfilled. In the context of a suicidal person call, deputies must avoid making any promises or assurances that they or the agency will prevent the subject from harming themselves.

Gather All the Facts

Similar to SWAT operations, intelligence is critical in minimizing threats and responding effectively to barricaded or suicidal subjects. In addition to the tactical considerations listed above, the following are just a few of the things that need to be determined quickly: What is the subject's purpose and intent? Does the subject have a history of mental illness that might add another level of concern? *Is this really a law enforcement matter, or more a mental health matter?* Do you have legal justification and is there an immediate need for what you are considering such as making entry into a home? Taking the time to gather important information like this will help you make sound, legally defensible decisions. Focusing on practical, lawful objectives and being aware of the urgency emotions can create in these situations will reduce the likelihood of taking action that puts you or the subject at more risk.

The Decision to Disengage

If the decision is made to tactically disengage, it should be made based on the totality of the circumstances and in consideration of the following:

- The safety of the subject, others at the scene, and those who may arrive later.
- Appropriate options to ensure the safety of the community, such as having deputies in unmarked vehicles remain in the area to conduct surveillance of the subject in question. *Overtime is expensive, but it is a lot less expensive than a wrongful death lawsuit.*
- Consider providing a disengagement advisement to those who have been contacted during the incident, advising them the sheriff's office is leaving the area and they should call 911 if they perceive a safety risk.
- Prior to leaving the scene, deputies should gather all relevant information about the subject, family members, doctors, location intelligence, floorplan, neighbor contacts, etc.
- Write a detailed report, including negotiation efforts, if and why negotiations failed, whether the subject committed a crime, the risk of making entry to take the subject into custody, reasons for disengagement, disengagement advisements issued, law enforcement involved, witnesses/third parties, and, if appropriate, the plan to re-engage.

It is important to remember that despite the best efforts of law enforcement officers responding to individuals experiencing mental health crisis, there is always the possibility the subject will take their own lives prior to or after a tactical disengagement. The goal of law enforcement in these situations is to do everything reasonably possible to resolve the incident safely and lawfully while avoiding creating unnecessary danger to anyone involved.

Additional Resources:

[Article: When Should Law Enforcement Leave from an Armed Suicidal Barricade?](#)

[Police 1 podcast: Response To Non-Criminal Barricade Calls](#)

[LAPD Tactical Disengagement Training Bulletin](#)

[Savage Training Group](#)