

**NIRMA's**

Loss Prevention and  
Safety Department  
Monthly Newsletter



# NIRMA's Safety Shorts

General Safety, Highway & Law Enforcement

January 2022

Volume 10, Number 1

COPY



January

Is

National Get

Organized

Month

Would you or  
your children be  
able to quickly  
access your  
important papers,  
such as family  
and financial  
documents and  
medical records  
in an emergency?



## GENERAL SAFETY

By Chad Engle, Loss Prevention and Safety Specialist

### Money for Minutes

Here is your friendly annual reminder to submit your quarterly safety committee minutes so that your committee can be entered into the *Money for Minutes* drawing. This year NIRMA will be funding five separate \$500.00 awards that will be drawn from the member safety committees that met the *Money for Minutes* requirements.

To be eligible the committee must have held at least four quarterly safety committee meetings. During these meetings the committee must have discussed each accident, incident, injury or claim that was submitted to NIRMA. The discussion must include recommendations to prevent future reoccurrence. Minutes from these meetings must be submitted to NIRMA for review. If your committee has met these requirements, please be sure to submit copies of each meeting's minutes. Minutes can be sent to me at [chad@nirma.info](mailto:chad@nirma.info) or uploaded to Origami, whichever you prefer.

The deadline to submit minutes for calendar year 2021 is 5:00 pm Central, Monday, January 31<sup>st</sup>, 2022. NIRMA will randomly draw five members from the pool of those that met the submission requirements. I will notify the lucky winners during the first week of February 2022.

### Road Safety Webinar - Save the Date

I am very happy to announce that the Nebraska Safety Council will again be providing our members with a free Road Safety webinar on February 10<sup>th</sup>, 2022, at 10:00 am Central. The webinar will be presented by Joe Gehr, Road Safety Project Coordinator with the Nebraska Safety Council. Joe comes from a 31-year career in law enforcement and has a wealth of experience in this area.

Motor vehicle accidents continue to be one of the top three loss leaders NIRMA-wide and as of this writing, 215 Nebraskans have died this year due to traffic crashes. Kick off your 2022 training plan with Joe's Road Safety Program which provides up-to-date information on the following:

- Seat Belt Safety
- Cell Phone Use
- Distracted Driver
- Winter Driving Tips
- Drowsy Driving
- Impaired Driving

Loss Prevention  
And Safety

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## **Money for Minutes** *continued*

The webinar should last approximately 30 – 60 minutes, depending upon the amount of interaction with the attendees. Please mark February 10<sup>th</sup>, 2022, on your calendar and keep a lookout for the webinar invitation which will be available closer to the presentation date.

Wishing everyone a safe, happy, and healthy 2022! I can always be reached at [chad@nirma.info](mailto:chad@nirma.info) and 1.800.642.6671.

## **HIGHWAY DEPARTMENT**

**By K. C. Pawling, Road Safety and Loss Prevention Specialist**

### **Tree and Brush Removal**

The winter months at Highway Departments are a great time to have department employees focus on areas of responsibility other than the usual driving surface maintenance. One of the areas that gets a little more focus during the winter months (should the weather cooperate) is tree and brush removal. We all understand that this is, by state statute, a landowner responsibility but there are always areas of concern that need to be addressed before Counties can convince a landowner that there is a need to be addressed.

When you are trying to determine where to focus your attention and resources, concentrate on areas that sight distances may need to be improved. These are areas near intersections, railroad crossings and driveways. When evaluating sight distances, it is important to remember that the height used is three and a half (3.5) feet as noted in the MUTCD. This is the standard height that was determined and used for a passenger car. So, if you are using a pickup you may need to get out and do your assessment at the height of 3.5 feet.

Other areas to focus your tree and brush cutting on are areas that cause snow drifting on the roads, and areas where there are tree and brush issues, for example: places where trees are damaging road maintenance equipment and trees growing up under and around bridges.

Contacting landowners is always a "best practice" prior to cutting trees and brush. It improves public relations and hopefully provides the opportunity to develop a positive relationship with landowners. When you are talking with landowners, take the time to explain the reasons you are removing trees and brush. They may not understand the issue of line of sight, but they do generally understand the issue of snow drifting on the roads.

Understanding where property lines are located is extremely important. You do not want to cut trees and brush on private property without written permission. If you are at all doubting where property lines are located, have a survey done to get the exact location. You want to ensure that you are not removing any trees and brush located on private property without written permission.

Other things to think about before tree cutting are: where and how are you going to dispose of cut trees and brush? It is a good idea to have a

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Save the  
Dates



Coming soon!

April 13 – Gering  
Civic Center

April 14 - Ogallala  
Haythorn Ranch

April 15 - Kearney  
Champion's Club

April 20 - Lincoln  
Champions Club

April 22 - Norfolk  
Divots Conference  
Center

## Tree and Brush Removal *continued*

plan prior to starting your removal project. You also need to ensure that you will be using proper signing and barricading techniques. Barricades are always a good idea when doing this type of work. Barricading off the work area helps limit the exposure that the road crews will have to traffic. The barricades and signs need to be placed prior to any work taking place.

Finally, I would be remiss if I did not mention that you also need to remember the safety of the County's greatest asset, the employees. Make sure that all employees are using the proper PPE, which includes chaps, hearing protection, leather gloves, hard hat, safety glasses or goggles, face shield and safety toed footwear. Make sure your chainsaws and other equipment you will be using is in good, properly working condition. Do not let your employees or coworkers cut trees out of any loader buckets or any other equipment not designed and approved for personnel lifting. If you are needing any training on topics related to tree cutting, do not hesitate to contact us here at NIRMA. Let's make sure that all our employees and co-workers make it home every night.

Please let me know of any questions by contacting me at [kcpawling@nirma.info](mailto:kcpawling@nirma.info) or 402-310-4417. Be Safe.

## LAW ENFORCEMENT AND CORRECTIONS

By Terry Baxter, Law Enforcement and Safety Specialist

### Weapon Confusion

On April 11, 2021, Daunte Wright was fatally shot by Officer Kimberly Potter, Brooklyn City Police Department during a traffic stop and attempted arrest on an outstanding warrant in Minnesota. While Wright struggled with officers, Officer Potter verbally indicated she would tase Wright if he did not comply. Wright continued to struggle and in the process, Potter believed she had pulled her TASER, but she mistakenly had pulled her duty weapon instead and fired the weapon resulting in Wright's fatal injury.

The Minnesota Bureau of Criminal Apprehension launched an investigation and based on the results and review of that investigation, a criminal complaint filed against Officer Potter stated Wright's death was caused by "her culpable negligence" whereby she "created an unreasonable risk and consciously took a chance of causing death or great bodily harm," to Wright.

December 23, 2021, Potter was convicted of first-degree manslaughter and second-degree manslaughter. Officer Potter was a 26-year law enforcement veteran at the time the shooting occurred.

At least 18 officers have made the same mistake in the past two decades, sometimes with deadly outcomes according to data collected by John Peters, a former police officer who served as an expert witness in a prominent weapon confusion case in 2009.

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## Law Enforcement Seminars

These seminars will  
focus on law  
enforcement liability  
trends and features  
Stephen Campbell,  
a nationally known  
instructor from the  
Legal and Liability  
Risk Management  
Institute (LLRMI)

February 8 – Scottsbluff  
Western NE Community  
College

February 9 – Ogallala  
Mid-Plains Community  
College

February 10 – Grand Island  
Central Community  
College

February 11 – Norfolk  
Northeast Community  
College

Registration Opens  
January 3, 2022



## Weapon Confusion *continued*

There is a lot of speculation by many experts as to why these events occur, some will say it is due to the design of the TASER and others will say it relates to training and "motor memory" or some may say it is a direct result of both.

TASER manufactures recommend officers carry a TASER in a separate holster from their gun and on the officer's non-dominant side, with the duty weapon positioned on the dominant side. Most policies I have reviewed including NIRMA's model policy outlines this as well and the common practice I see among most of our sheriff offices is the gun and TASER are completely separated, very similar to the way Officer Potter carried her TASER and her duty weapon.

So how does this confusion even happen? During training exercise, do we practice drawing the TASER from the holster? Or it is in ready position during the deployment exercise. Maybe we should be looking at performing reaction hand draws or cross draws with the TASER to reduce the possibility of reaching for the wrong weapon. Think about it, during actual shooting exercise and weapon training officer's draw their duty weapon from their holster so why isn't the same components of training being added to TASER trainings? Trainings need to be as realistic as possible.

Extensive research has gone into understanding why human error occurs, and no matter what expert opinion is, it will never be enough to prevent mistakes from occurring entirely. So, the need is to try and mitigate human error the best way we can. Look we are all human, we have, and we will continue to make mistakes, it is unfortunately a part of life.

Training officer's mental and physical thought process and reaction involved in a high stress task may help reduce the frequency of an error as well as the impact of the mistake, especially during critical events.

Though noted in various studies on TASER and weapon confusion, events like these may not occur every day, but how do you truly know. The only events usually reported are the ones where a duty weapon was discharged. I don't know many officers that put in a police report "*I mistakenly pulled my duty weapon when I intended to pull out the TASER*". So how about the times a duty weapon mistakenly cleared leather and not fired, when actually, the officer thought they were reaching for the TASER?

Understanding human performance under stress is extremely critical and there is a need to ensure that training exercises are effective and not simply considered "routine". Police1 posted an article from David Blake, titled three recommendations to mitigate TASER/firearm capture errors, recommendations from the article indicated the following categories for consideration:

- Re-design of the TASER
- Design and placement of the holster
- Training

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## Law Enforcement

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.



## Weapon Confusion *continued*

TASER has already tried to correct the confusion, by offering the TASER in a different color, looking at changing the design and operational mechanics as well as recommending the TASER and duty weapon be separated during carry. But even with all these standards, the human factor still remains.

Enhanced training is a critical component at least in my opinion, you respond how your trained, if training is inadequate, it will show, especially during your response during a high-risk critical task which also adds stress in the mix, eventually mistakes being made will eventually catch up with you and/or your agency.

Look, throughout my career I have made mistakes, fortunately for me those mistakes were not a life changing event, hopefully any mistakes or errors made moving forward will be minor and not carry severe consequences such as it did with Officer Potter's experience.

The one constant foundation to reducing risk in your agency is training. Enhanced training will not only ensure your officers are up to date **on** state statues and case laws, but you need to also ensure **they are** ready to successful respond to any thing that comes their way. **More importantly...** Officer's also need to want to learn and attend trainings **when offered**.

This is not just another job, it is a profession, a profession that requires a lot attention to detail and a commitment, be proactive, limit agency exposures by ensuring you and your agency are competent and continually trained.

## ATTENTION NIRMA CONTACT PERSONS

Have you ever felt it can sometimes be a challenge to keep up with changes in personnel or contact information that occur your county or agency?

Now, imagine keeping track of that information for the 83 counties and 22 county-associated agencies that are NIRMA members. Yes, it is challenging, but that is why we are relying on you.

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.

We certainly know you already have a lot to do with your job, but we would appreciate you letting us know in a timely manner when changes occur in our county or agency. That way we can keep our database up-to-date and ensure we can make contact when necessary.

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)