

Police Liability Trends

UTAH RISK MANAGEMENT MUTUAL ASSOCIATION

GENRE (OUR REINSURANCE PROVIDER) TOP 5 LIABILITY CONCERNS FOR THIS NEXT YEAR:



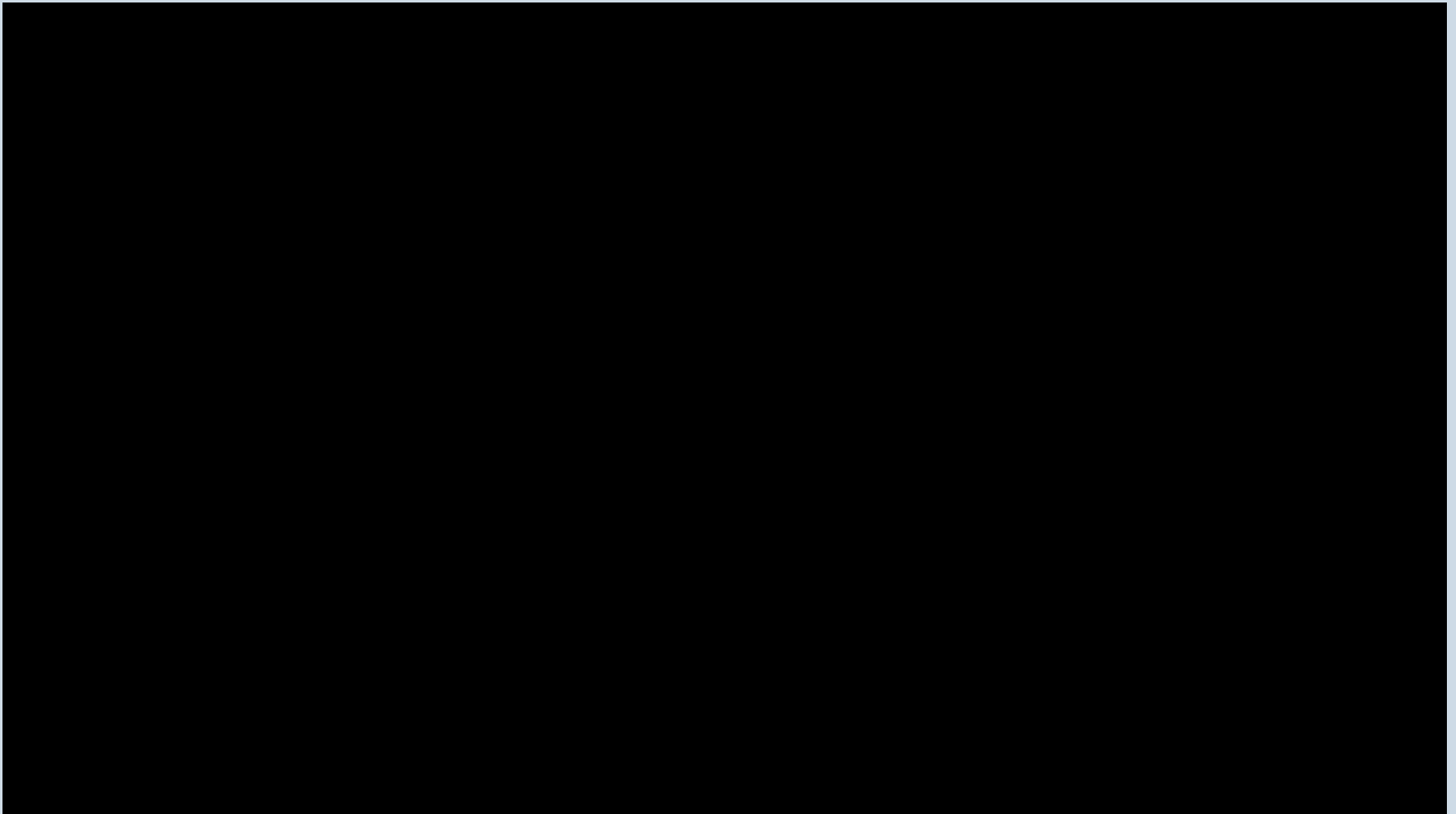
1. *Police*
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SPECIFIC AREAS OF CONCERN:

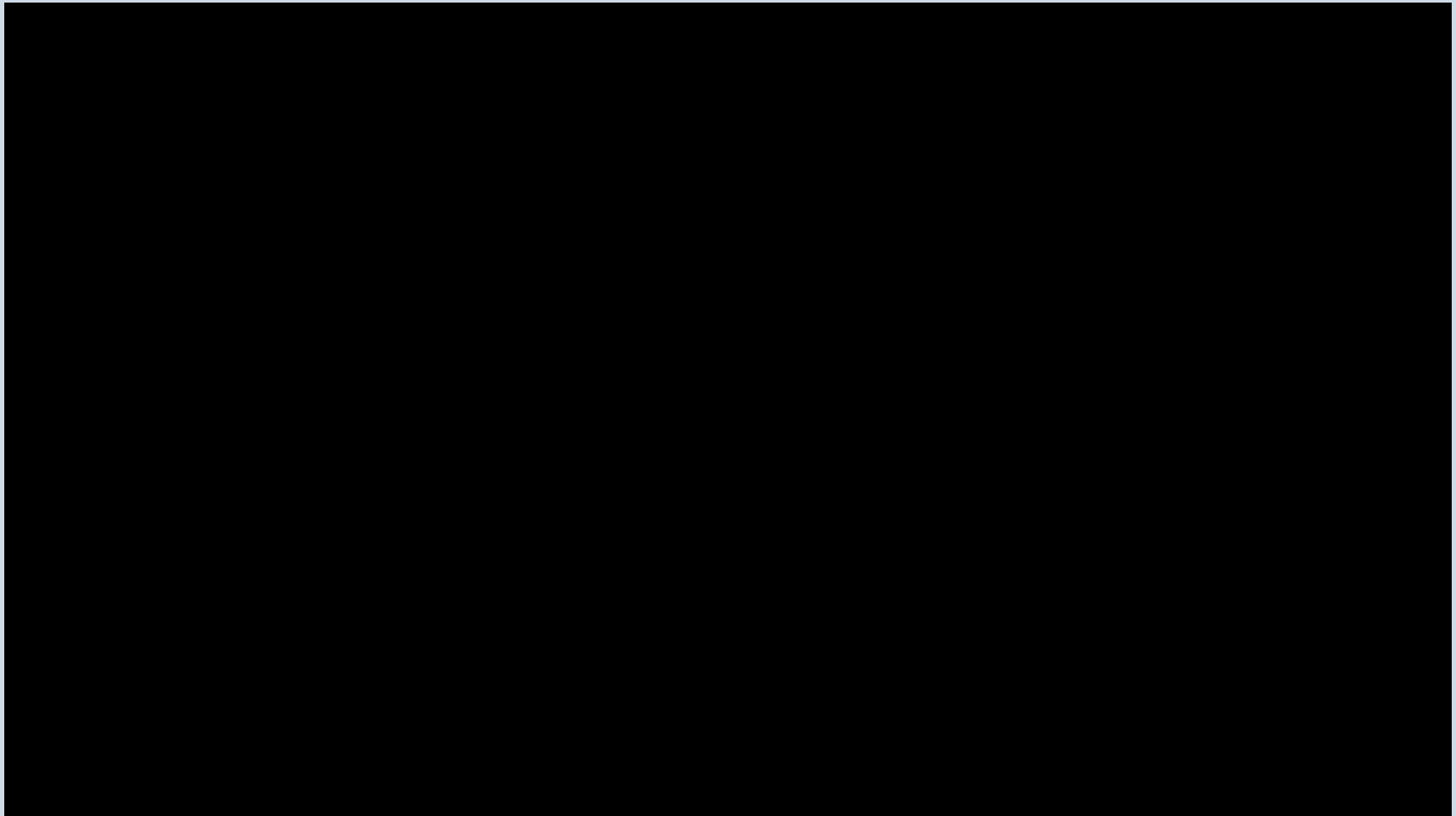


- Dealing with the mentally ill
- Taser
- Shooting people
- Gun points
- Suicide by Cop
- Duty to intervene

BODY CAM: POLICE USE TASER ON MENTALLY ILL PATIENT



NAKED NINJA VS. COPS



MENTALLY ILL

- “ 5% of population.
- “ 7-10% of law enforcement contacts.
- “ Average of 6 encounters/month per officer (based on 3 city study).
- “ 25% of people killed by police are mentally ill.
- “ 16% of people in jail are mentally ill.
- “ Almost $\frac{3}{4}$ of mentally ill prisoners have substance abuse issues.



CHALLENGES FOR OFFICERS:

- “ Sometimes hard to recognize.
- “ Officers have to deal with what is happening in dynamic situations.
- “ De-escalation is not always effective or, in some rapidly evolving situations, appropriate.
- “ Impossible to predict how they will respond to use of force (Taser).
- “ 30 minute cure.
- “ Lack of training.



WHAT ARE THE COURTS SAYING?

"Armstrong v. Village of Pinehurst

"Aldaba v. Marshall County

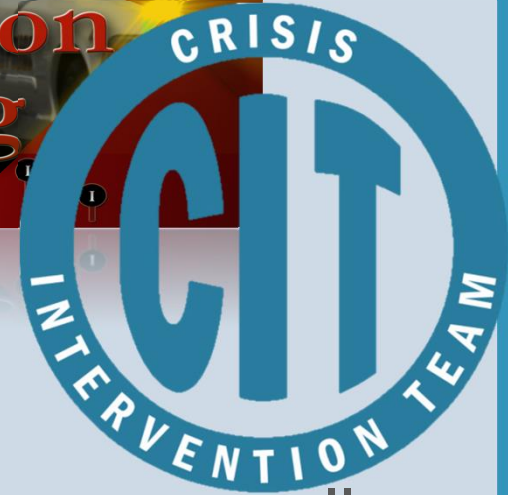




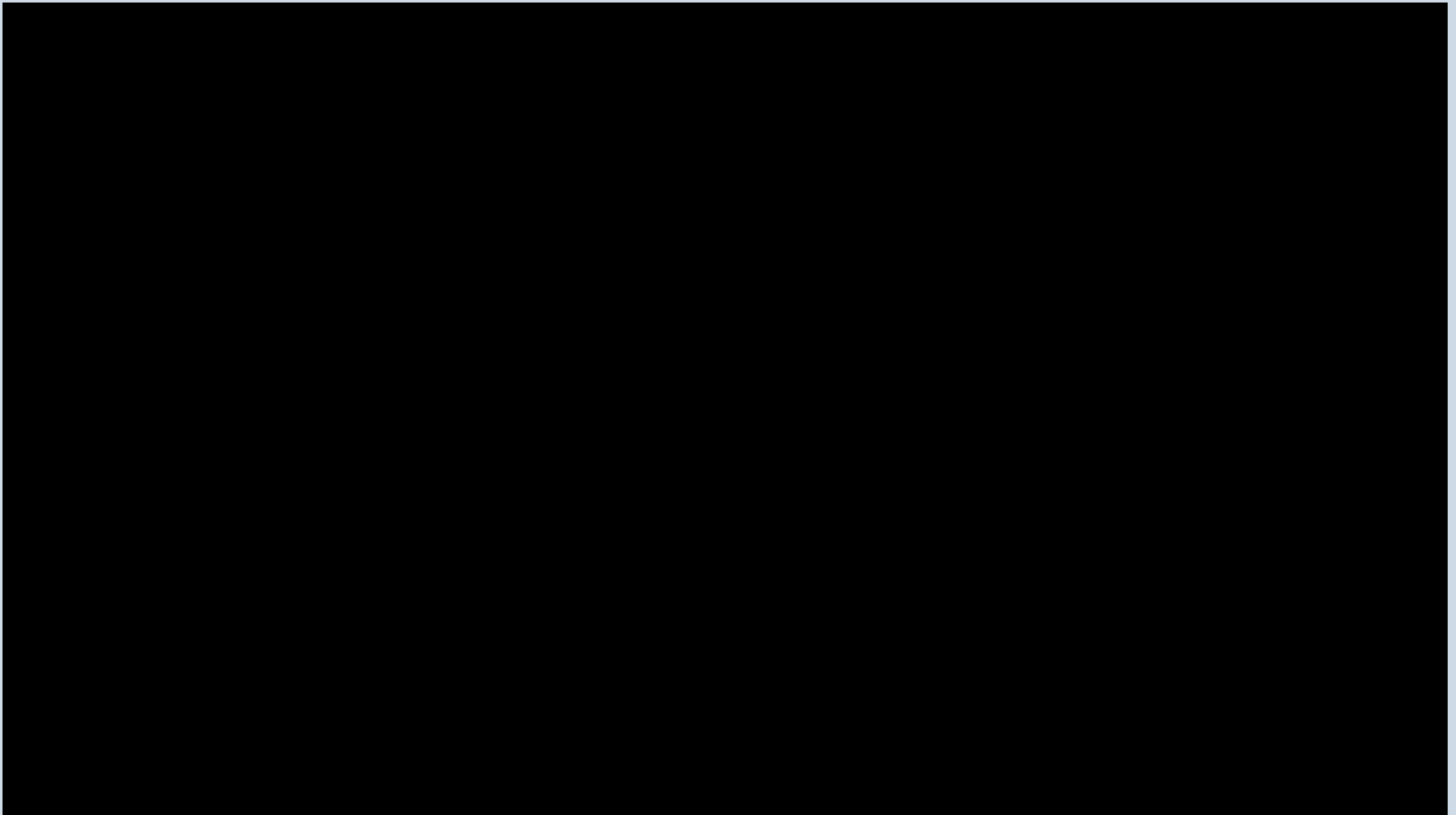
“ When you go to a call to save or help a person, it’s not a good idea to kill them.

SO WHAT DO WE DO?

- “ Training – lots of it.
- “ Ideal – every officer receive CIT training. At a minimum, always have someone on duty who has had the training.
- “ Memphis implemented CIT's – reduced injuries to mentally ill by 40%.
- “ New online training available through URMMA.



REDNECK WEDDING – GROOM GETS TASED TWICE

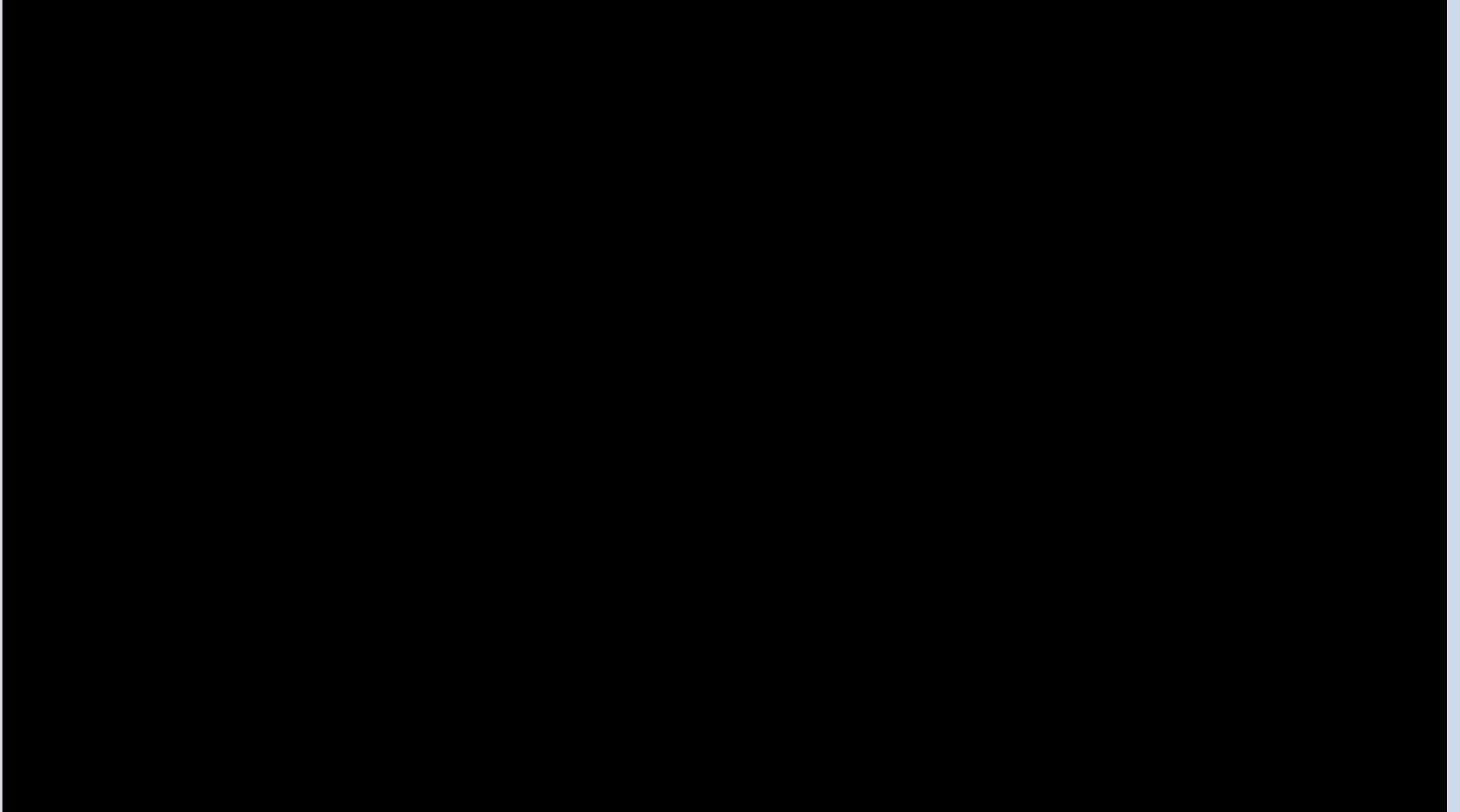


THE TASER



- "No tasing unless there is an immediate threat to the officer???"
- "New evidence that the Taser can cause ventricular fibrillation."
- "Excited delirium – the fight is on then they die."
- "Repeated applications problematic."
- "Can't aim for face, chest or genitals. What's left?"

BODY CAM VIDEO: GLENDALE OFFICER SHOOTS KNIFE-WIELDING MAN ON I-75



ROUTINE TRAFFIC STOP GONE WRONG



SHOOTING PEOPLE

“ Perspective:

– Police kill about 500 people/year in the United States (Washington Post says 990 last year):



“ 25% are suffering from mental illness.

“ 25% are fleeing from the police.

“ 9% unarmed.

“ 6% of shootings caught on body cameras.

BLACK LIVES MATTER

“32.2% of people killed by police between 2009 and 2012 were black males.

“Black males only comprise 6% of the population.

—*BUT...*



“ 41% of officers murdered in the line of duty are killed by black males.



“ Blue lives matter also.

“ 19,000 black males killed in the same time period (2009-2012):

- 2.5% killed by police
- 93% killed by criminals
- 90% killed by other black males.

- " Officers are being prosecuted for manslaughter by overzealous prosecutors.
- " 44,000 to 98,000 killed each year by medical malpractice.
- " Supreme Court says only what is happening at the time of the shooting is relevant.
- " Courts are starting to look at the police conduct leading up to the fatal shooting.
- " A couple of circuits are departing from that stance.
- " Officers' prior history is being examined.



OFFICERS HAVE TO ACT PROFESSIONALLY AFTER SHOOTING

“ No cussing. It appears common to drop an f-bomb or two after shooting someone.



“ Don't text about it. Your text will bite you.

“ Give aid if it's safe to do so.



GUN POINTS

- “ Courts starting to consider it a use of force, even though no physical force is applied.
- “ Absent an articulable threat, it’s a violation of civil rights.
- “ Gun points are a common police tactic.
- “ Police are VERY unhappy about this trend. They don’t want to lose the tactical advantage.
- “ Document gun points as a use of force.
Compile data on how many times you point a gun at someone and don’t shoot them.
- “ Low ready is not a gun point.



SUICIDE BY COP



- “ There is no duty to save someone from themselves.
- “ If you punt the door, you are going to have to shoot someone. Don't force the issue.
- “ It's okay to back away as long as the suspect is isolated, and there is no real threat to the safety of others.
- “ Not good to kill someone when you go to see if they need help.

DUTY TO INTERVENE

- “ Officers cannot stand by and watch a partner beat on somebody.
- “ They have to intervene.
- “ Officers are being sued for failure to intervene.
- “ Once a suspect is cuffed, get off of him. Move him to a position where he can breathe better.



MISCELLANEOUS

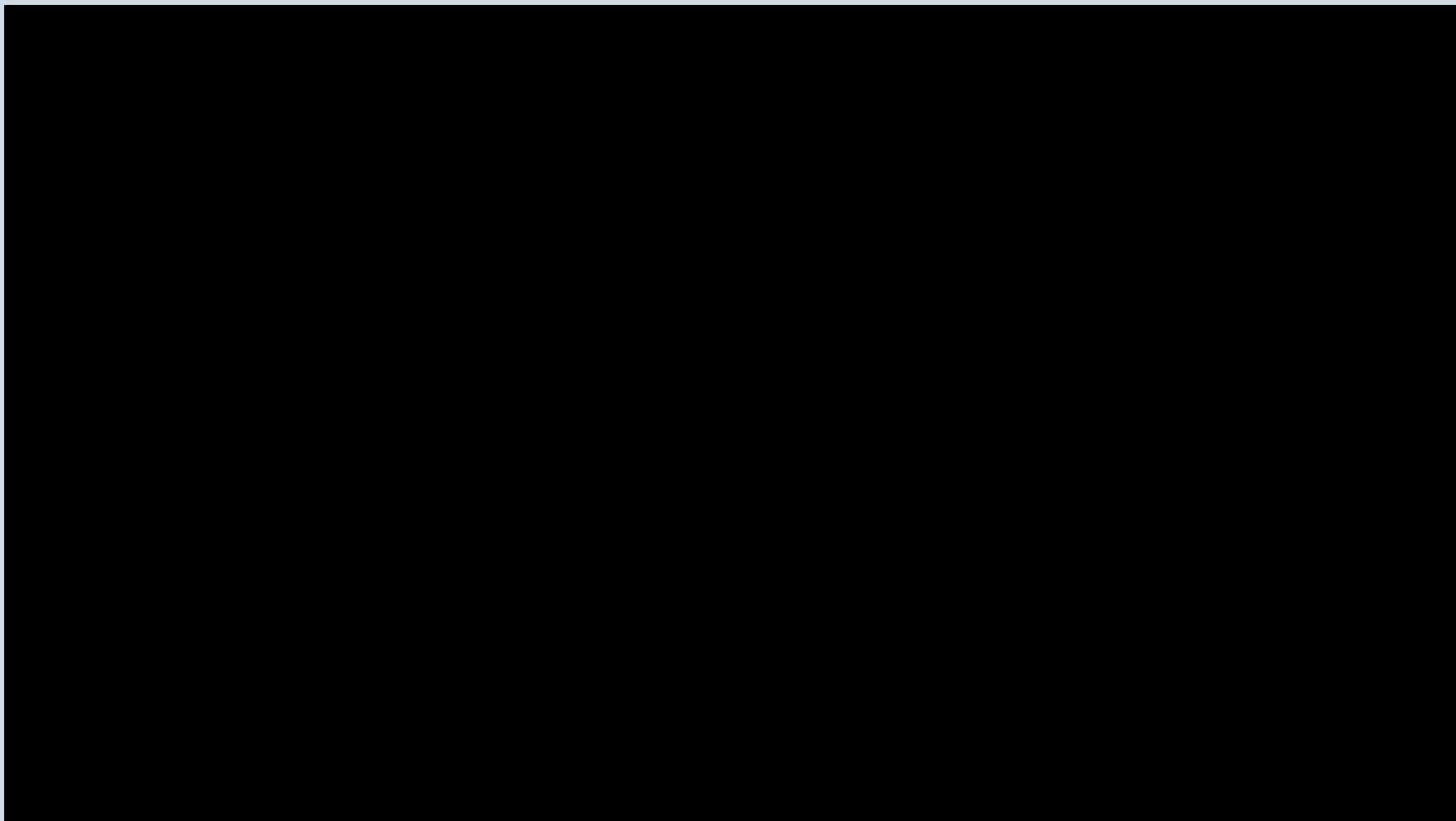


- “ Supervisors must review body cam footage on a consistent basis.
- “ Write use of force reports from a standpoint of response to resistance. Detail in the report the resistance given by the suspect.
- “ Relax a little on the handcuffs. You don’t need to handcuff 90 year old ladies.
- “ Be careful with people who have a previous injury.

CAR CHASE IN HOUSTON ENDS IN HELICOPTER PILOT TACKLING SUSPECT



BODY CAMERA: FOOT CHASE



SEATTLE POLICE FOOT PURSUIT

