The Pool's Role in Supporting Excellence in Law Enforcement

"A Preliminary Report for Board of Trustees Consideration"

July 21, 2023

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Executive Summary

This *Preliminary Report* considers how to best allocate the Pool's law enforcement resources. The Pool's role in promoting law enforcement excellence and accountability was part of the 2022 Planning Session, and this report was borne from that discussion. The primary goal is to direct and allocate Pool resources in a way that helps Member law enforcement agencies deal with the challenges of modern policing. The secondary goal is to reduce law enforcement claims.

The Pool provides consultations, services, training, and other interactions to support Member law enforcement agencies. Other than consultations, the primary means of risk management education has been through training (whether by the Pool's Law Enforcement Training Specialist or contract trainers), partnerships with other organizations, and active support of the Texas Police Chief's Association (TPCA) and TPCA's Officer Safety Committee. One partnership example began in 2017, when the Risk Pool entered a partnership with the Institute for Law Enforcement Administration (ILEA) to provide Texas Sergeant Academies for first-line supervisors in police agencies. Nearly 600 supervisors have since completed the two-week program.

It appears the availability of training for Texas law enforcement agencies has never been greater. However, the large number of contract trainers may be addressing agencies' "wants" more than their "needs" when it comes to risk management efforts. For example, tactical training, training related to Texas Commission on Law Enforcement (TCOLE) mandates, or leadership training is plentiful, but one challenge is that risk management training is almost nonexistent. (See *Appendix D* for a general outline of TCOLE training cycles for licensed peace officers, police chiefs, and telecommunicators.)

A second challenge relates to onsite interactions with Member law enforcement agencies. While the Pool's Safety and Loss Control Consultants (and Risk Management Advisors) strive to build relationships with law enforcement personnel, they sometimes struggle to find a connection that leads to meaningful discussions related to risk management and Pool coverage. In other words, the credibility of a "civilian" with no law enforcement background can be a barrier to developing a partnership, which leads to an underutilization of available services and resources.

While the Pool's law enforcement liability claims processes are well-vetted and the underwriting process has historically addressed the law enforcement risk effectively, the Board may wish to examine opportunities to incentivize partnership efforts with law enforcement departments.

Staff expects the following proposed actions (discussed in greater detail below) will have a positive impact and help influence law enforcement decision makers to better manage risk:

1. **Transition the Loss Prevention Department's Law Enforcement Training Specialist to Law Enforcement Outreach Consultant and add a second Consultant position:** Staff anticipates this transition will better develop relationships with law enforcement leaders to influence police culture and better target training efforts using data and direct feedback from law enforcement agencies.

2. **Continue to support the Texas Police Chiefs Association's Officer Safety Committee:** The VINCIBLE initiative was created by the Officer Safety Committee in 2015. VINCIBLE's cornerstones related to "slow down," "buckle up," "stay fit," "wear your armor," and "540 awareness" address many law enforcement exposures. Roll Call PowerPoints and onsite officer training are among the activities offered through VINCIBLE. Continued support of VINCIBLE and expansion of officer safety related activities should remain a priority.

3. **Develop risk management-focused training for law enforcement leaders:** Loss Prevention Staff, in consultation with other Pool departments, TPCA, and others, will continue to seek high-quality risk management trainers for law enforcement leaders.

4. **Encourage law enforcement department accreditation:** Legislation passed in May 2023 (S.B. 267 by Phil King) mandates that law enforcement departments employing at least 20 peace officers must be accredited by September 1, 2029, and provides a grant program to assist with the initial costs of doing so. Surprisingly, the governor vetoed the bill. It was just one casualty in the property tax relief skirmish between the governor and the two chambers of the legislature. The bill will likely be reconsidered, either in a special session or in the 2025 regular session. In any case, the veto doesn't change the accreditation proposal in this report. The Pool covers 797 full authority law enforcement agencies, of which 524 or 66% employ fewer than 20 officers. Obviously, that means the Pool may have a role to play with encouraging accreditation of departments not mandated by the bill to do so. Pool data indicates that accredited departments may have lesser claims per officer/loss ratios than non-accredited agencies. However, some data indicates that accredited departments may have more overall claims – perhaps due to more officers and additional policies on which to base the claim or identify actions counter to written policies.

5. **Develop minimum policy recommendations for all police departments that address claim types most likely to be generated by smaller departments (less than 20 officers):** While smaller departments can seek accreditation, a barrier to doing so comes from lack of manpower and resources. To address this exposure and those barriers, the Risk Pool proposes a minimum expectation that all Member police departments that don't seek accreditation adopt – at a minimum – certain policies related to critical tasks most likely to result in claims.

6. **Modify underwriting procedures to incentivize better risk management efforts:** In conjunction with proposal 4, the Pool could consider changes to rating algorithms, identified exposures, experience modifiers, and limits/deductibles to recognize those departments that have gained accreditation. The mandates in S.B. 267 (or some future version of the bill) should address those departments with at least 20 officers, but an incentive for Member law enforcement departments with fewer than 20 officers to become accredited (or at least adopt certain policies under number 5, above) will assist

with implementing more effective policies and procedures that will impact the risk management related performance of departments.

Why Conduct this Law Enforcement Review

Political and Societal Impacts on Policing

The landscape of policing is rapidly evolving. A wide range of issues, including poverty, homelessness, poor educational opportunities and outcomes, limited job opportunities, and mental health and addiction issues contribute to crime. Law enforcement may not be prepared to directly influence all those factors, but officers responding to calls are expected to deal with them.

Meanwhile, each highly publicized use of force, officer-involved shooting, or officer death brings a wave of calls for reform. Media headlines portray police-community relations as poor across-the-board, but that's not necessarily true throughout Texas. In 2022, the Sunset Advisory Commission considered whether to continue the functions of the Texas Commission on Law Enforcement (TCOLE). That review led to an informal discussion of departmental accreditation at a December 2022 hearing, but the TCOLE sunset bill did not include anything related to it. Instead, the bill (S.B. 1445) enacted several provisions related to departmental and officer accountability. For example, the bill requires TCOLE to:

- with input from an advisory committee, by rule establish minimum standards with respect to the creation or continued operation of a law enforcement agency based on the function, size, and jurisdiction of the agency, including – among several other things: (1) a determination regarding the public benefit of creating the agency in the community; (2) the sustainable funding sources for the agency; (3) the physical resources available to officers, such as a requirement that each officer on duty have at least one less lethal force weapon; and (4) the policies of the agency, including policies on active shooters and barricaded subjects.
- with input from an advisory committee, adopt a model policy (to be adopted by each law enforcement agency) prescribing standards and procedures for the medical and psychological examination of a license holder or person for whom a license is sought by a law enforcement agency to ensure the license holder or person is able to perform the duties for which the license is required. Each agency must adopt the policy or a similar one.
- adopt a model policy (to be adopted by each law enforcement agency) establishing procedures applicable to a law enforcement agency investigating alleged misconduct by a license holder employed by the agency; and hiring a license holder. Each agency shall adopt the policy or a similar one, which must require investigations into misconduct and reporting to TCOLE.

The TCOLE sunset bill shows that state leaders are concerned about law enforcement accountability as well. Of course, those same leaders showed faith in law enforcement with the passage of H.B. 3 (the comprehensive school safety bill), which mandates that a school district provide at least one peace officer on *every school campus*. A separate bill (S.B. 267) would have mandated accreditation for departments with at least 20 officers. The underlying premise of that

bill is more relevant to the Pool's efforts and is discussed in detail below. Prior to that discussion, a review of law enforcement exposures and loss history follows to provide context.

Multiple Coverage Exposures/Loss History and Analysis

Law enforcement represents a significant portion of the Pool's overall risk exposure under several coverages, including Workers' Compensation, Law Enforcement Liability, Auto Liability, Auto Physical Damage, and Errors and Omissions/Public Officials' Liability. The following data provide a long-term review of claims, incurred losses, and other relevant information.

As indicated by the charts below, law enforcement-related losses account for 28% of losses for all Pool lines and 39% of Pool casualty lines. In comparison, law enforcement officers account of about 10% of the employees associated with Risk Pool coverages. In other words, law enforcement operations account for a substantial portion of incurred losses across multiple coverages.

Proportion of Losses attributable to Police Department classifications

All Lines

Casualty Lines Only
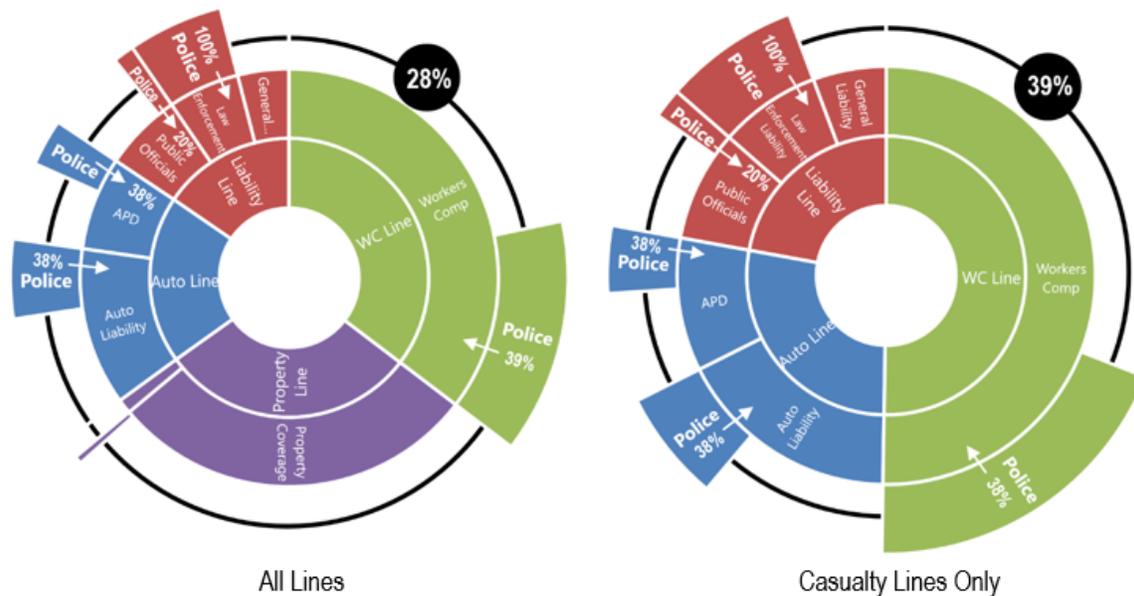
Note: Incurred losses from accident years 12/13 to 21/22.

Law Enforcement Liability

Police risk management efforts are reflected most by Law Enforcement Liability (LEL) Coverage. The chart below shows total incurred losses and number of claims since 2012. All reported claims are shown, including $0 incurred claims, which in most contribution periods account for about 50% of claims under LEL.

Law Enforcement Liability
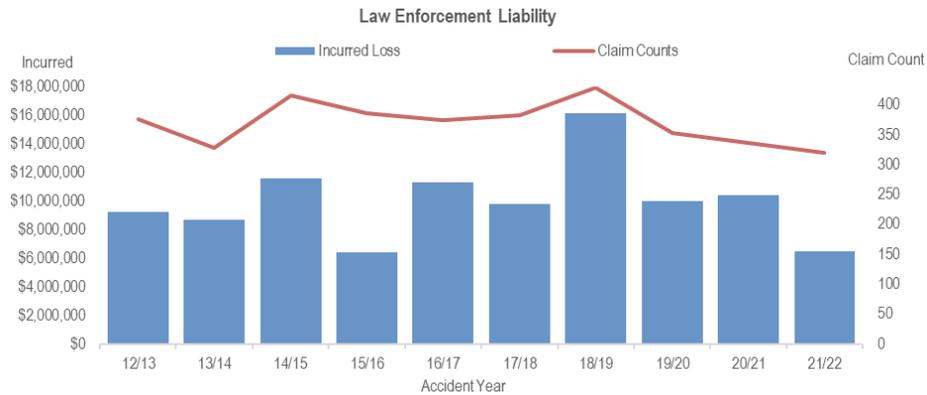
Reported claims under LEL have decreased over the past three completed fund years, and outside of an increase in frequency during the 2018-2019 fund year, the downward trend extends back to the 2014-2015 fund year. Under the liability lines of coverage, however, more claims could be reported until the two-year statute of limitation passes. That's important because lawsuits are sometimes filed on the brink of the statutes' expiration.

LEL claim *costs* have increased, culminating with the 2018-2019 fund year, which currently has the highest incurred losses of any LEL fund year on record with nearly $16 million of incurred losses. Incurred losses in subsequent fund years have been more in line with the recent history outside of the 2018-1019 year. Remember that some LEL claims have a long "tail" that historically leads to increasing reserves as a claim matures and a better understanding of potential resolution comes into focus.

Workers' Compensation

While total reported claims remained relatively steady for several years, the COVID-19 pandemic and related presumption claims significantly impacted claim frequency and incurred losses. The following charts represent workers' compensation claims and losses both inclusive and exclusive of pandemic-related losses.

The first graph depicts workers' compensation claims and incurred losses excluding pandemic-related losses. This gives a more accurate portrayal of losses for the entirety of the comparison. The second graph shows the overwhelming impact of the pandemic in claim frequency and severity.

Workers' Compenation - Police
Excludes Pandemic Cause

Workers' Compenation - Police
All Causes
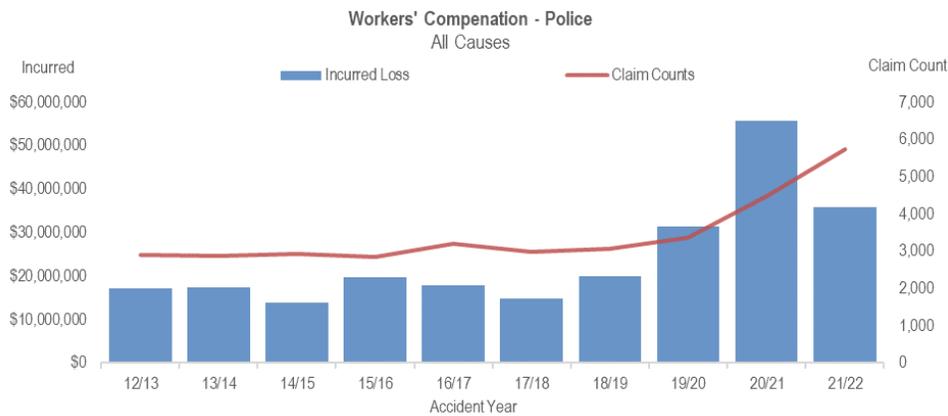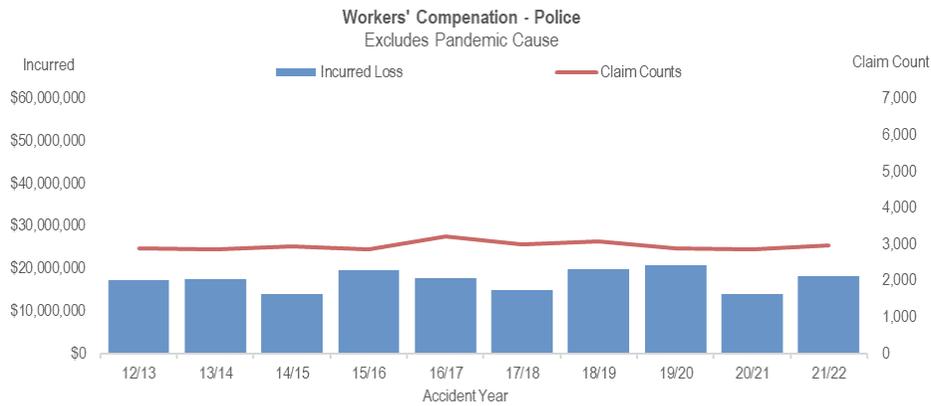
Workers' compensation law enforcement fatalities have also been significant over the past three years. Going back to October 1, 2012, the pandemic has now accounted for 50% of all law enforcement fatalities in the 11.5 fiscal years included in the pie chart below. "Killed by suspect – shooting" is the second highest frequency of law enforcement fatalities with 24% of total fatalities, but that accounts for 47% of fatalities if COVID-19 is excluded. This is indicative of the large number of assaults on law enforcement officers while in the line-of-duty. Nationally, the start of the 2020s is the first decade in nearly 50 years to show an increase in gunfire fatalities for law enforcement.

Auto accidents, motorcycle accidents, and "struck by or near roadways" cumulatively account for 22% of total fatalities, or nearly 44% with COVID-19 claims excluded.

LAW ENFORCEMENT FATALITIES
WORKERS' COMPENSATION
10/1/2012-3/31/2023

Motorcycle Accident, 1, 1%

Heart Attack/Exertion, 2, 3%

Struck by Vehicle (Traffic Stop/Roadside), 8, 12%

Fall, 1, 1%

Killed by Suspect-Shooting, 16, 24%

Motor Vehicle Accident (Car, SUV), 6, 9%

Illness/COVID-19, 34, 50%
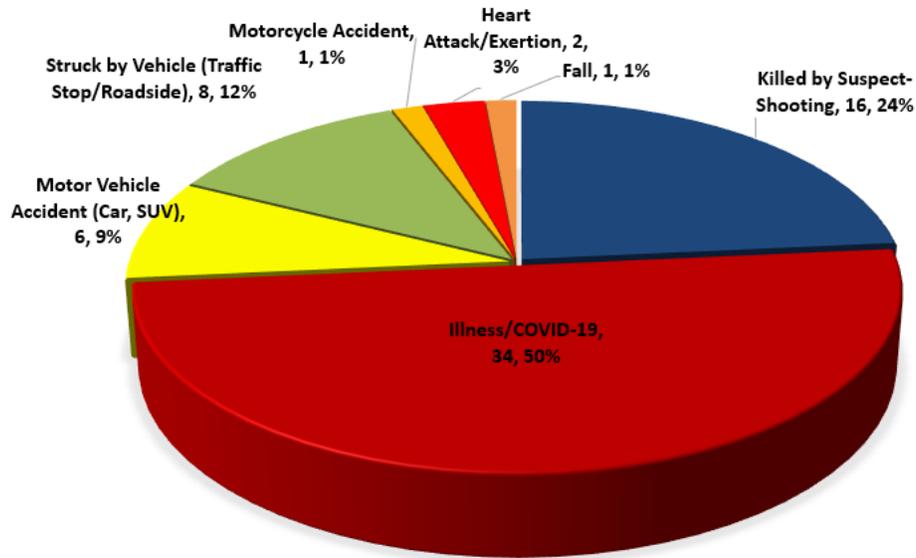
LAW ENFORCEMENT FATALITIES- EXCLUDING COVID-19
WORKERS' COMPENSATON
10/1/2012-3/31/2023

Heart Attack/Exertion, 2, 6%

Fall, 1, 3%

Motorcycle Accident, 1, 3%

Killed by Suspect-Shooting, 16, 47%

Struck by Vehicle (Traffic Stop/Roadside), 8, 23%

Motor Vehicle Accident (Car, SUV), 6, 18%

Auto-Related Coverages

The frequency of reported auto liability claims involving law enforcement vehicles has remained relatively steady over the period reviewed, while incurred losses have shown a consistent increase

since 2015-2016. The 2020-2021 losses are the highest of any single fund year for police auto liability losses.

Reported auto physical damage claims and incurred losses have risen dramatically over the same period, with 2021-2022 representing the highest on record. Also, supply chain issues, increased vehicle costs, and more expensive equipment in vehicles wreaked havoc with auto related claims during the pandemic.

Automobile Liability - Police

Automobile Physcial Damage - Police
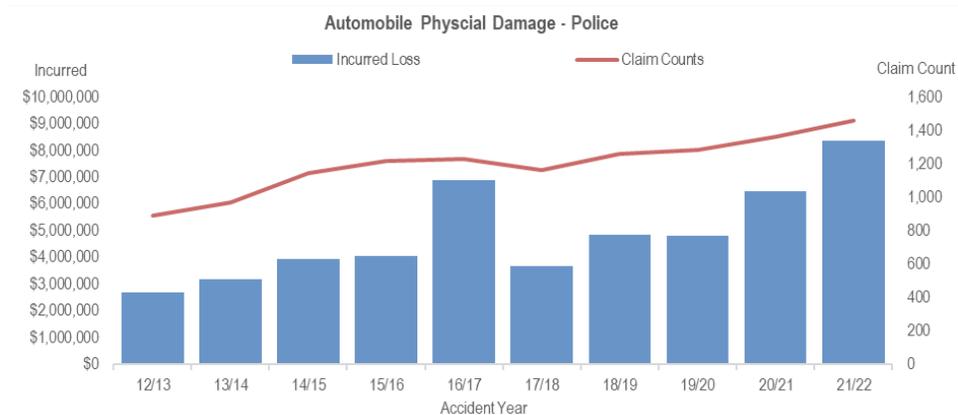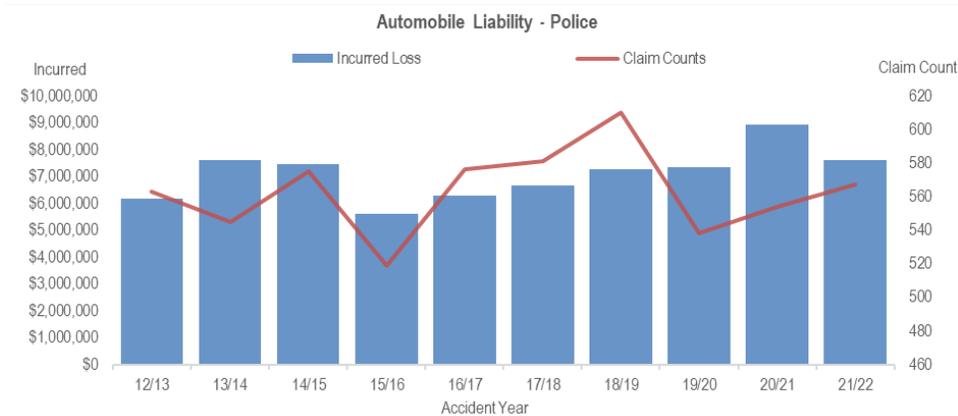
Loss Prevention Efforts

Overview

The Pool's Loss Prevention Department provides a wide array of services and training to support Member law enforcement agencies. Safety and Loss Control Consultants determine Member needs through onsite consultations, feedback during training (provided by staff or contract trainers), Member requests, loss trend analyses, and emerging trends impacting law enforcement. The Pool provides training through onsite training sessions, virtual meeting platforms, e-learning programs, YouTube, and the Pool's Risk Resource Library.

Current Staffing

Currently, the Loss Prevention Department has nine Safety and Loss Control Consultants and three Safety and Loss Control Supervisors. The department also has three Outreach Consultants whose primary focus is to deliver awareness training in a specialized area, including law enforcement, human resources, and field operations (public works/utilities, parks and recreation, and maintenance). Outreach Consultants also serve as internal/external consultants to staff and Members as "subject matter experts."

The number of onsite training programs and the number of attendees decreased during the height of the pandemic, but overall attendance is rebounding. Staff expects to approach pre-pandemic numbers for programs and attendees in 2022-2023. One concern from a training perspective is the declining number of attendees for law enforcement training programs (see charts below, which relate to Pool training focused on law enforcement personnel. Programs such as Workplace Violence Prevention & Awareness and First Amendment Auditors usually presented by the Law Enforcement Training Specialist, but to non-police personnel, are not included).

ATTENDEES AT LAW ENFORCEMENT SESSIONS
10/1/2012-9/30/2022

NUMBER OF LAW ENFORCEMENT SESSIONS
10/1/2012-9/30/2022

11
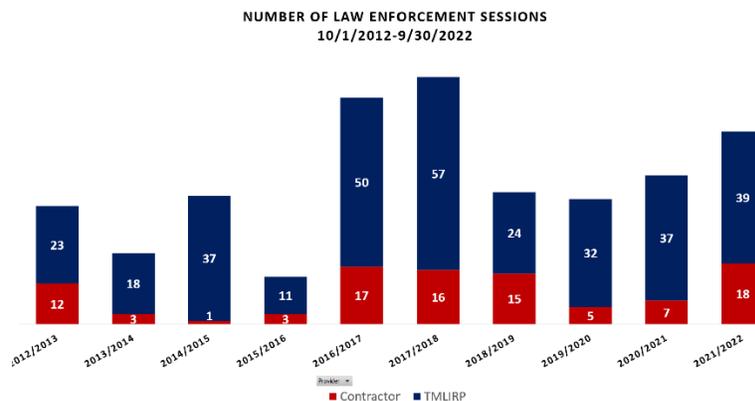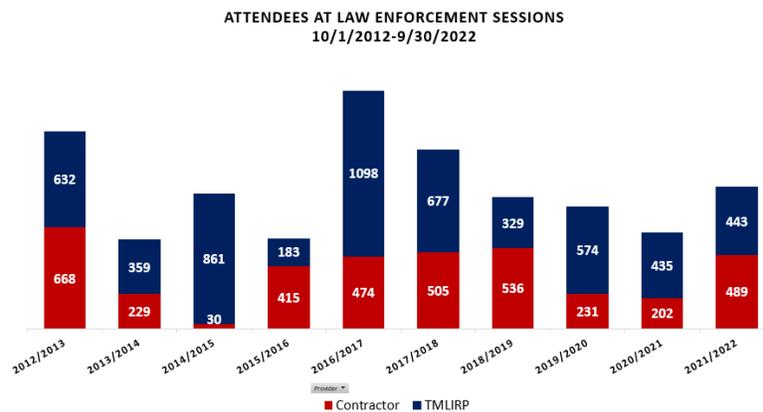
Current Law Enforcement Services and Training

Safety and Loss Control Consultants prioritize Member requests for assistance, and they regularly meet with chiefs, training officers, and other personnel to discuss exposures, claim histories/trends, and to assess general risk management efforts.

The current Law Enforcement Training Specialist primarily conducts law enforcement-specific training for Members and represents the Pool at conferences, outside training, and other events or activities. Most training programs are provided on a regional basis which allows numerous Members to attend individual programs. This position also develops training curriculum and lesson plans in accordance with TCOLE requirements, participates in TCOLE audits of training documentation, and serves as the law enforcement "subject matter expert" for the Pool.

The following is a list of training programs currently being offered by the Loss Prevention Department Law Enforcement Training Specialist. (See *Appendix A* for program descriptions.)

- *First Amendment Auditors/Public Recording of Police*
- *Risk Management Essentials for Law Enforcement*
- *Safe Police Vehicle Operations*
- *Use of Force in Modern Policing*
- *De-escalation for Law Enforcement*
- *Workplace Violence Awareness and Prevention*

The Pool also partners with third-party trainers to provide regionally available training on applicable subject matter. The following is a list of third-party programs offer to Members regularly. (See *Appendix A* for program descriptions.)

- *Resilience Strategies for First Responders* (Rick Randall)
- *Moving Right of Bang* (Rick Randall)
- *Texas Sergeant Academy* (Institute for Law Enforcement Administration – ILEA)
- *Responding to Social Change: City and Law Enforcement Leaders' Opportunity to Adapt and Thrive* (Marcel Brunel and Steve Dye)

Finally, the Pool provides supervisory and leadership training for general audiences that are also available to law enforcement and eligible for TCOLE credit. Primarily, this includes the *Tony Korioth Supervisor Academy*, which is currently being presented by Mike Alexander and Loss Prevention staff. (See *Appendix A* for a program description.) An assortment of programs related to supervisory skills, human resources, workers' compensation claims, *R.O.A.D. Ready*, and more are also available to law enforcement personnel, but TCOLE credit is not usually offered for those programs.

Historic Law Enforcement Programs and Initiatives

The Pool has historically sought to help law enforcement personnel understand principles of risk management and exposures impacting police operations. The following provides a sampling of past efforts. (See *Appendix B* for program descriptions.)

- *Vehicle Operations and Emergency Driver training, provided by in-house and third-party trainers – Partnership with Texas Engineering Extension Service (TEEX)*
- *Law Enforcement Liability training, provided by third-party trainers*
- *Police Chief Breakfasts*
- *Officer Fitness and Wellness training*
- *Other Initiatives – Videos*

The Pool has also sought to schedule training that would place more of an emphasis on trends, emerging trends, or other analytics related to Member losses. These efforts in the past have provided mixed results related to Members willing to host and attend programs. This is the reasoning behind transitioning the current trainer to more of a consulting role and adding a second consultant – fewer Members are attending training classes, and more Members need additional, personalized risk management guidance.

Finally, the Pool provided internally created model policies for law enforcement agencies, but this function was ceded to TPCA, which maintains a regularly updated set of free model policies. The policies are vetted to ensure they meet TPCA's requirements for department accreditation (discussed in more detail below).

Benchmark Analytics

Some departments and one risk pool are experimenting with predictive analytics to tailor their law enforcement programs. The work of Benchmark Analytics is an example. Benchmark is a company that was spun out of research being conducted at the University of Chicago seeking ways to better manage and evaluate the effectiveness of law enforcement services. The Joyce Foundation, a large Chicago-area philanthropic organization, was an early supporter of this initiative. Both the University and Joyce have ownership interests in Benchmark, along with the American Institutes for Research, a nonprofit social science research institution based in Washington, D.C.

Benchmark seeks to develop predictive analytics that would identify law enforcement officers and/or departments whose behavior suggests they are at higher risk of being the source of allegations of misconduct or property or injury claims, with the goal of allowing supervisors to intervene before problems became more serious. Risk Pool staff met with Benchmark several times to learn about their work. While the concept is intriguing, an extremely high cost, coupled with a lack of clear deliverables, led staff to ultimately decide to take a wait-and-see approach to the global predictive analytics concept.

Underwriting Considerations

How does underwriting fit in? The Law Enforcement Liability contribution is calculated based on the number of officers, reserves, clerical staff, and animals involved in the Member's law enforcement operations. A Member's liability experience modifier, which is based on the contribution and losses for the best of three or four years for all four primary liability lines, is applied to the contribution, as are credits and debits based on the elected deductible and limit. (The

Pool's current rating algorithm does not recognize accreditation status.) Historically, a Member's contribution is simply based on exposures and their experience modifier. Any type of restrictions to limits or deductibles have been handled on a case-by-case basis. The Pool could consider additional, uniform underwriting criteria designed to incentivize or penalize certain activities and behavior, particularly for those departments not mandated by state law (i.e., those with fewer than 20 officers) to be accredited (see "Proposals," below).

Claims/Legal Processes

Risk Pool Members and their police officers face the ever-present risk that they will be sued for police conduct a plaintiff alleges was wrongful and injurious. The Pool's Claims and Legal Departments partner with law enforcement by handling these claims and fulfilling the Risk Pool's duty to defend and indemnify against them.

Law Enforcement Liability Claims

Claims falling under LEL coverage arise out of law enforcement activities, and LEL coverage generally also extends to officers for their activities in carrying out their duties. Most LEL claims are allegations of constitutional violations brought under §1983, like excessive force, wrongful arrest, or illegal search and seizure. The Pool's liability staff are currently managing about 44 pre-suit LEL claims and about 265 LEL lawsuits, which represent about 25% of all liability lawsuits being managed by the Risk Pool.

The Pool's Liability Claims Specialists and Supervisors manage LEL claims from beginning to end, starting with the first notice of a potential claim. Staff may receive notice from a news article or directly from the Member about a police incident, a pre-suit claim, or a lawsuit. Initial handling involves conferring with the Member and assessing the severity and public profile of the incident.

More serious claims, like shootings, are assigned to Senior Claims Specialists, and staff immediately hire qualified outside defense counsel in the area. At the time of receipt of the claim, the liability staff, with guidance from the Legal Department, make determinations about coverage and conflicts. Police officers, for example, often require an attorney separate from the attorney assigned to the city and sometimes are excluded from coverage for criminal conduct. The Pool sends a reservation of rights letter to advise covered parties of qualifications on the defense and sends an assignment letter to defense counsel with a copy to the Member.

Assignment of Legal Counsel

The assignment of defense counsel is a key component of the Pool's duty to defend its members against police-related claims. The Legal Department develops and maintains a panel of outside defense counsel that includes attorneys highly qualified to represent Members and police officers in lawsuits arising from law-enforcement activities. Over 20 law firms on the panel routinely handle LEL lawsuits, with over half of those firms regularly handling more than five LEL lawsuits at a time.

With this level of experience, panel attorneys can identify critical evidence in law-enforcement cases assigned to them, assess the likelihood of liability, and prepare defensive strategies. Upon receiving an assignment, defense counsel meets with the Member's police department and gathers documents related to the incident. The legal and liability staff manage and consult with outside counsel as cases progress. This work includes communicating with defense counsel to develop an initial assessment of defensibility and damages, along with a budget and strategy in accordance with the Pool's Litigation Guidelines. Where appropriate, defense counsel file motions to dismiss cities for lack of *Monell* liability (i.e., under the theory that the city isn't responsible for the plaintiff's harm because the officer did not act pursuant to a policy, practice, or decision of the city) and motions to dismiss officers based on qualified immunity, and the Risk Pool usually ensures these defensive routes have been exhausted before considering trial or settlement. If appropriate, the legal and liability staff authorize appeals when such motions are denied, taking into consideration any opportunities to positively shape the law on issues that affect cities across the state. Where immunity defenses are unsuccessful, the Pool follows the cases through to their conclusions, by negotiating settlements, attending trials, and funding any covered settlements and awards.

Pool Members also face liability using police department vehicles, including accidents occurring while police are responding to an emergency or pursuing a fleeing suspect. These claims usually fall under Auto Liability (AL) coverage, and the Pool's liability staff handles them in a similar manner. Currently, staff are handling about 54 AL claims in which police vehicles were responding to an emergency or operating with lights and sirens at the time of the accident.

The Pool assigns these lawsuits to panel defense attorneys who are well-versed in the application of the Texas Tort Claims Act, including the waiver of governmental immunity for the operation of motor vehicles, the exception for emergency responses, official immunity, notice requirements, and statutory caps on damages for local governments. Staff manage the claims from beginning to end, working with the Legal Department and outside defense counsel to monitor the cases through the pressing of discovery, dispositive motions, appeals, settlements, and trials.

Amicus Briefs and Training

In addition to authorizing appeals that can shape the law, in some circumstances the Legal Department supports law enforcement in the form of amicus briefs on important issues in lawsuits against non-member cities. Through these briefs, the Pool takes opportunities to offer courts a viewpoint on the wider impacts of legal holdings on issues like qualified immunity, which affect law enforcement throughout the state. The Legal Department partners on these briefs with organizations like the Texas Municipal League (TML), the Texas City Attorneys' Association (TCAA), and Combined Law Enforcement Associations of Texas (CLEAT). At times, the Pool also seeks amicus support from these entities and non-member cities in cases against Pool Members.

The Legal Department also organizes and hosts an annual seminar for defense counsel that includes speakers on topics related to the handling of law-enforcement lawsuits.

Law Enforcement Resource Allocation Proposals

The Pool recognizes that it must continue to evolve and adapt. Based on the data and analyses above, staff proposes multiple pathways to success, discussed below.

Proposed Staffing Changes

New Law Enforcement Outreach Consultant Position

As previously mentioned, Safety and Loss Control Consultants with limited law enforcement experience sometimes face a credibility issue when meeting with law enforcement personnel. Conversely, the current Law Enforcement Training Specialist has extensive experience in the profession, but interactions are often limited to the classroom. Because law enforcement leaders may not be present for training, influencing the culture using that method alone poses a challenge.

The Law Enforcement Training Specialist position should be converted to Law Enforcement Outreach Consultant and an add a second position to the Loss Prevention department for the 2023-24 fund year. The consulting role should provide a better opportunity to influence law enforcement leaders. Like Safety and Loss Control Consultants, the Law Enforcement Outreach Consultant will identify High Priority Police Departments to focus improvement efforts. This approach prioritizes those departments where attention is most needed. The identification will be based on:

- Analyses of losses and trends related to the department.
- Analyses of Member contributions, loss ratios, experience modifiers, and other data.
- Member requests for service.
- Member functions and operations.
- Other known concerns and considerations.

The Law Enforcement Outreach Consultant will continue to provide training. However, the focus will be on the specific needs of High Priority Police Departments.

Safety and Loss Control Consultant and/or Law Enforcement Outreach Consultant visits or interactions with all Member police departments will also remain a priority. Any request by a police department for a visit will become the main priority for all staff assigned to the Member. Safety and Loss Control Consultants will continue to be the primary contact for most law enforcement agencies not identified as High Priority Police Departments, but the Law Enforcement Outreach Consultant will be there to assist when appropriate.

Other pools, both in Texas and across the country, have used the "Law Enforcement Consultant" model to serve their members. The Texas Association of Counties (TAC), the Kentucky League of Cities, the Maryland Local Government Insurance Trust, and the Georgia Municipal Association are among them. (See *Appendix C* for Proposed Job Summary and Major Duties Associated with new Law Enforcement Outreach Consultant Position.)

Further, the Law Enforcement Outreach Consultant will:

- **Identify New Approaches to Create and Leverage Relationships in Law Enforcement:** The importance of solid, long-lasting relationships cannot be overstated. The ability of the Law Enforcement Outreach Consultant to capitalize on their own credibility and leverage the connection to build confidence and assurance is important. Once that trust is built, Members tend to be much more comfortable utilizing the Pool as advisors and consultants.

- **Improve Focus in Law Enforcement Interactions:** Through the transition from Training Specialist to Consultant, staff anticipates that regular interactions with law enforcement will improve as the focus of the position will realign with Member needs. The knowledge and skill set of the position is parallel those in law enforcement leadership positions. Areas of emphasis will include:

  - Risk management.
  - Leadership development.
  - Influencing departmental culture.
  - Decision making.

- **Enhanced Use of Data:** The consultant will develop and use enhanced data and trend information to educate law enforcement leaders.

- **Identify Future Opportunities:** The consultant will generate ideas, future direction, feedback, and requests for training from Members, perhaps with the assistance of a directional/steering committee of law enforcement leaders.

Continued Support for the TPCA Officer Safety Committee

The Risk Pool has a long-standing relationship with TPCA that began as a cooperative effort to support TPCA's accreditation program. Loss Prevention has participated in TPCA's Officer Safety Committee for many years, but the activities were infrequent and usually reactive in nature. In most instances, the interactions were related to requests for injury or claims data.

The relationship began to evolve in 2015-2016, when Loss Prevention completed a comprehensive report entitled "Issues Facing Law Enforcement Operations" that was provided to members of the Officer Safety Committee. The report identified law enforcement exposures, analyses of losses under all coverages, officer training needs, and recommended areas for improvement. In addition, a newly assigned chairman of the Officer Safety Committee reached out for assistance and support.

During an Officer Safety Committee meeting at the TPCA Conference in 2016, the Pool discussed the VINCIBLE training concept with the Officer Safety Committee. According to VINCIBLE leadership "as much as 50% of officer deaths in some years can be attributed to behaviors that are controllable and VINCIBLE was created to invade police culture in a way that changes risk-prone behaviors and ultimately reduces deaths and injuries." The foundation of VINCIBLE lies in its five cornerstones:

- Wear Your Armor (body armor, vest).
- Buckle Up (wear your seatbelt).
- Slow Down (control your speed).
- Stay Fit (physically and mentally).
- 540 (have awareness of your surroundings – 360 degrees around and 180 degrees over).

These cornerstones are communicated through weekly "roll call trainings" that are created by the Officer Safety Committee and provided at no cost to participating law enforcement agencies.

The Risk Pool provides budgeted funding to support the Officer Safety Committee and its efforts to influence police culture and improve officer safety. Initial funding was for "legacy items" used to market and raise awareness of the program, but funding has now been used for much more, including a VINCIBLE specific website, special initiatives, videos, speaking engagements at conferences, and more. After a period of planning and discussion, VINCIBLE recently began providing training programs to police agencies through funding provided by the Risk Pool.

Development of Risk Management-Focused Training for Law Enforcement Leaders

Loss Prevention Staff, in consultation with other Pool departments, TPCA, and others, should continue to seek high-quality risk-management trainers for law enforcement leaders. The continued development of law enforcement training will help strengthen the partnerships and connections with the member's law enforcement personnel that will further increase the utilization of the Pool's available services and resources.

Incentivize Law Enforcement Department Accreditation

Accredited v. Non-Accredited Agencies, including New Legislation

Over 190 Texas Law Enforcement Agencies have been accredited through the TPCA Best Practices Accreditation Program and over 50 are currently in the process. (See Appendix E for an FAQ on the program.) Of those, only 32 have fewer than 20 officers.

Twenty-two Texas municipal law enforcement agencies are currently accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA). Compared to the CALEA accreditation, the TPCA Best Practices Accreditation Program is easier to administer, lower in cost, and is designed specifically for Texas law enforcement agencies. The TPCA Program is a voluntary process whereby police agencies in Texas prove their compliance with 170 Texas law enforcement best practices. These best practices are developed by Texas law enforcement professionals and relate to delivery of service, reduction of risk, and protection of individuals' rights.

Since 2010, the Risk Pool through a partnership with TPCA has made funds available to assist with the initial fees associated with the accreditation process. Thus far, 107 Members have used about $103,000 of this funding. Pool staff meets with TPCA regularly to discuss how the Risk Pool can provide additional assistance to the accreditation process.

During the 2023 legislative session, accreditation legislation captured the attention of legislators. Legislation passed in May of 2023 (S.B. 267 by Phil King) mandates that law enforcement departments employing at least 20 peace officers must be accredited by September 1, 2029, and provides a grant program to assist with the initial costs of doing so. Surprisingly, the governor vetoed the bill. It was just one casualty in the property tax relief skirmish between the governor and the two chambers of the legislature. The bill will likely be reconsidered, either in a special session or in the 2025 regular session. In any case, the veto doesn't change the accreditation proposal in this report. The bill analysis states that:

> Concerns have been raised nationwide regarding the accountability and performance of law enforcement agencies. There have been calls to incentivize more law enforcement agencies in Texas to seek accreditation through entities such as the Texas Police Chiefs Association Law Enforcement Best Practices Recognition Program by establishing a grant program. Investing in law enforcement agencies through a grant program will help to professionalize the industry, create an environment that fosters better communication between local governments and law enforcement agencies, and ensure the highest standard of excellence in law enforcement. S.B. 267 seeks to address the issue by creating a grant program to provide financial assistance to law enforcement agencies in Texas for certain accreditation purposes.

More specifically, and regarding a law enforcement department accreditation program, the bill would have provided that:

1. Its terms apply only to a law enforcement agency employing at least 20 peace officers to answer emergency calls for service or conduct patrol operations, traffic enforcement, or criminal investigations, or to a school district police department.
2. The Texas Commission on Law Enforcement (Commission) shall adopt rules by December 1, 2023, requiring each law enforcement agency subject to the bill to become accredited and maintain accreditation through the Texas Police Chiefs Association Law Enforcement Agency Best Practices Accreditation Program, the Commission on Accreditation for Law Enforcement, two other, similar programs, or by an association or organization designated by the Commission.
3. The Commission rules must require a law enforcement agency that is not already accredited to execute a contract with an approved accrediting entity not later than September 1, 2027, and become accredited not later than September 1, 2029.
4. A law enforcement agency shall annually report its accreditation status, including the applicable accrediting entity, to the Commission
5. The Commission shall post on its website a list of all law enforcement agencies that are currently accredited or under contract with an accrediting entity.

Regarding an accreditation grant program, the bill would have provided that:

1. The comptroller shall establish and administer a grant program by January 1, 2024, to provide financial assistance (not to exceed $30,000) for purposes of becoming accredited

to each law enforcement agency that is required to be accredited by the Commission rules adopted under the bill and that employs fewer than 250 police officers.

2. To be eligible to receive a grant, a law enforcement agency must have executed a contract with an accrediting entity and complete an initial assessment by the accrediting entity.

3. Based on the results of the initial assessment completed under (2), above, a law enforcement agency may request grant funds for reimbursement of an accreditation fee, staff overtime, or temporary staffing necessary to become accredited.

4. A law enforcement agency may not receive more than one accreditation grant, which would typically be for the initial accreditation.

5. The comptroller shall establish: (a) eligibility criteria for grant applicants; (b) grant application procedures; (c) guidelines relating to grant amounts; (d) procedures for evaluating grant applications, including prioritizing applications from law enforcement agencies employing fewer than 100 peace officers; (e) procedures for monitoring the use of a grant awarded under the program and ensuring compliance with any conditions of a grant; and (f) procedures for revoking a grant if the law enforcement agency is not accredited within the period required by the bill.

6. Not later than December 1 of each year, the comptroller shall submit to the Legislative Budget Board a report that provides the name of each law enforcement agency that applied for a grant and the amount of money distributed to each law enforcement agency that received a grant for the preceding state fiscal year.

7. Beginning September 1, 2029, a law enforcement agency that doesn't get accredited as required by the bill is ineligible to receive any grant supporting law enforcement operations or equipment acquisition administered by the comptroller.

Pool staff reviewed 797 law enforcement agencies for the data in earlier portions of this report, of which 524 employ fewer than 20 officers. The fact that the legislation leaves out more than 60 percent of departments means the Pool may still have a role to play by encouraging accreditation for those departments through financial assistance.

Accredited v. Non-Accredited Loss Ratio Analysis

The Pool's loss experience has produced negligible contribution margin over the most recent mature accident years 2015/16 through 2019/20. The table below details an overall loss ratio of 107.4% with a breakout by department size.

Law Enforcement Experience by Department Size

# of Officer	Members	Contibutions	Loss	Margin	Loss Ratio
1 - 19 Officers	524	$10,703,142	$10,641,954	$61,188	99.4%
20 - 50 Officers	182	$13,495,524	$16,495,407	($2,999,883)	122.2%
> 50 Officers	91	$21,556,978	$22,014,485	($457,507)	102.1%
Total	797	$45,755,644	$49,151,846	($3,396,202)	107.4%

The Pool's experience by Member size is aligned with the focus of S.B. 267 on departments with 20 or more officers. The Pool's contribution margins are weakest in the 20 to 50 officers sized

departments; however, all segments lack margins to address operating expenses. Loss analysis by exposure units is often a better metric to target loss control activities. The chart below plots Member experience by the size of the department and loss per officer.
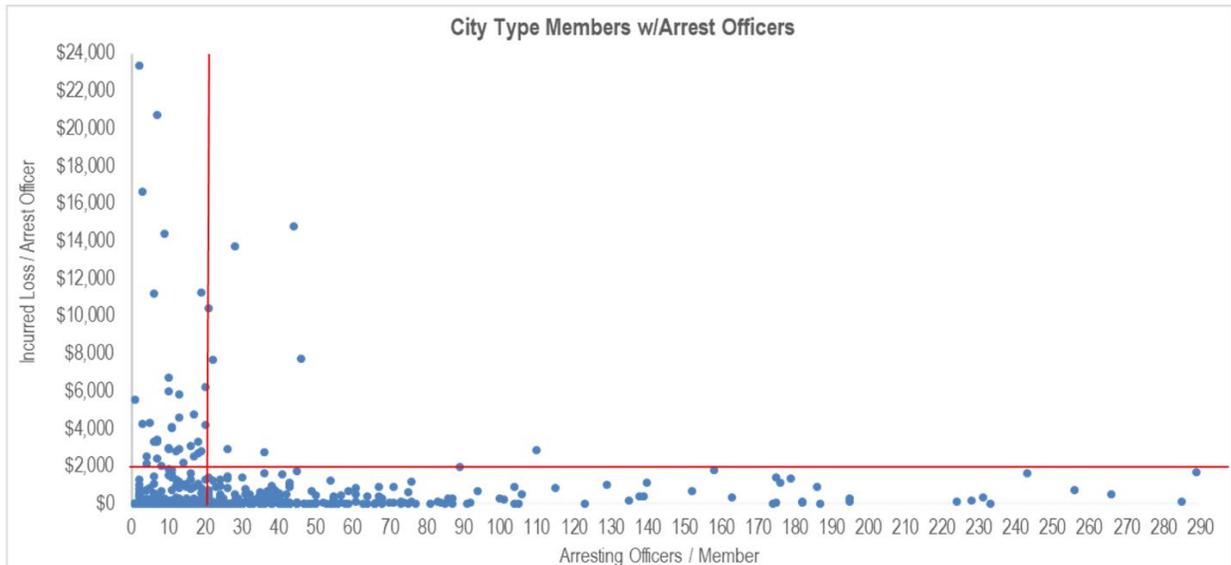
The exposure focused chart above reveals an inflection point at $2,000 per officer. (See red horizontal line in chart above.) Departments of all sizes primarily have per unit loss totals below $2,000, except for departments with less than 20 officers. This additional inflection point is illustrated by the red vertical line in the chart above. The quadrants created by these inflection points unmask the following experience.

Contribution Margins by Quadrants

	1-19 Officers	20-50 Officers	> 50 Officers	Total
> $2,000 loss per officer	($7,660,347)	($10,022,117)	($1,202,691)	($18,885,155)
< $2,000 loss per officer	$7,721,535	$7,022,234	$745,184	$15,488,953
Total	$61,188	($2,999,883)	($457,507)	($3,396,202)

The Members with the highest incurred loss per exposure unit understandably produce the most unfavorable loss experience. Members with loss totals exceeding $2,000 per officer produced $18.9 million in negative contribution margin, versus a favorable margin of $15.5 million for those Members below $2,000 per arresting officer. This analysis revealed 34 members with less than 20 officers producing a negative margin of $7.7 million on only $1.0 million of contribution or a loss ratio of 899% (loss 9x of contributions).

The chart below distinguishes between accredited (accreditation programs detailed below) and non-accredited departments (Members). All 34 of the Members in the quadrant noted above are not accredited.

City Type Members w/Arrest Officers
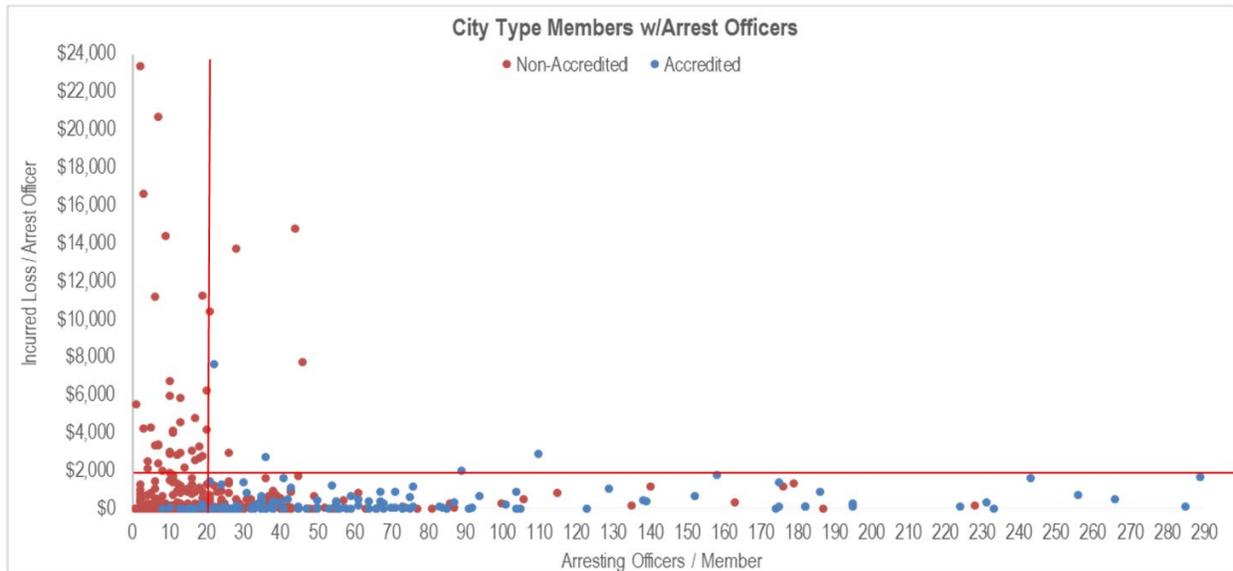
Out of 797 Members, 6.3% of 650 non-accredited members had loss totals above $2,000 per arresting officer, versus 2.0% of 147 accredited members. The propensity of non-accredited Members to have high loss totals leading to unfavorable loss experience was three times that of accredited Members. This data is not conclusive of a correlation, but it may indicate that the symptom of non-accreditation or barriers to accreditation are correlation drivers.

The Pool's funding metric (contribution margin) and loss control metric (loss/officer) both indicate that there is a segment not addressed by legislation like S.B 267 and in need of more focused loss control efforts.

The Pool-wide experience of these 34 members was analyzed and found very contradicting favorable experience in both the other funds and coverages within the Liability Fund, except for Public Officials Liability. Unique contributory factors shared by these coverages could be an entry point to effective funding changes and loss prevention efforts.

Accredited v. Non-Accredited Claims Analysis

The Texas Police Chiefs Association (TPCA) and the Commission on Accreditation for Law Enforcement (CALEA) offer departmental accreditation. Pool data indicates that accredited departments have lower average costs per claim than non-accredited agencies. The following table shows that – for the period between October 2015 and September 2020 – the average total incurred losses for an LEL claim from a non-accredited agency is about $17,000 (or 84%) higher than the average for an accredited agency (see table below).

|	Total Incurred	# of Claims	Avg. claim
Accredited	$22,653,994	1,096	$20,670
Non-Accredited	$31,891,291	846	$37,697

The following table shows a comparison of accredited and non-accredited departments with the number of employees included in the data. Number of officers shown in the table are based on number of officers indicated on liability exposure summary.

While the total incurred losses per officer is less for accredited agencies, the number of claims per officer is actually *greater*. Why is that? It's not entirely clear, but it could be that the formalization of specific policies or procedures and additional oversight of accredited departments create a culture where more incidents are reported. More likely, however, is that accredited agencies tend to be larger, which may lead to more encounters and thus more claims.

	# of Officers *	Total Incurred/Officers	# Claims/Officers
Accredited	9,972	$2,272	0.11
Non-Accredited	10,578	$3,015	0.08

* 2021/22 Fund Year - Law Enforcement Coverage

The next two graphs show the same information separated by losses assigned to accredited (by CALEA, TPCA, or both, as of August 2022) or non-accredited departments. (One instance showed a department with a substantial LEL claim that was not accredited when the claim occurred but later became accredited. That claim is shown under non-accredited.)
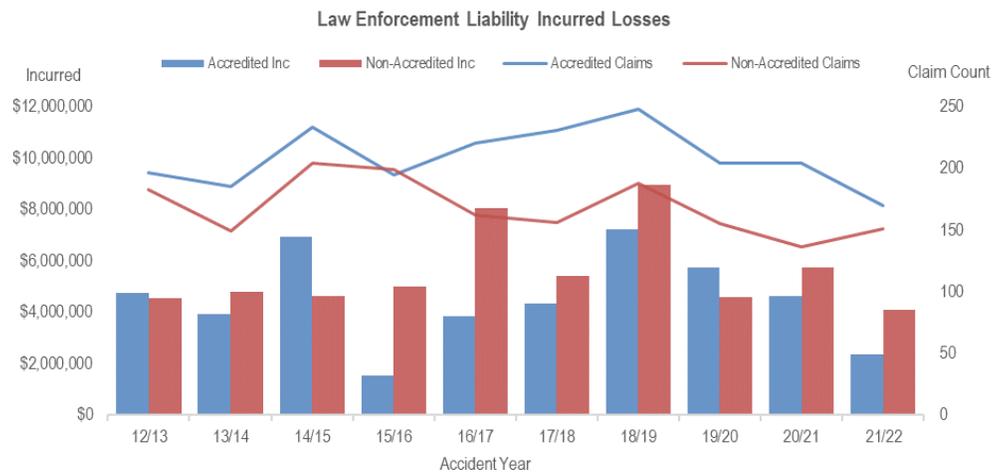
This broad review shows the possibility of correlation with accreditation and lower loss experience in terms of incurred losses. The frequency of reported claims for accredited departments is higher, however.

Development of Minimum Policy Recommendations for Smaller Police Departments

While mandates from Senate Bill 267 or similar, future legislation address accreditation of departments with more than 20 peace officers (see accreditation discussion, above), about 524 or 66% of law enforcement agencies that have coverage through the Risk Pool have fewer than 20 officers. While smaller departments can seek accreditation, a barrier to doing so comes from lack of manpower and resources. To address this exposure and those barriers, the Risk Pool proposes a

minimum expectation that all Member police departments that don't seek accreditation adopt – at a minimum – certain policies related to critical tasks most likely to result in claims.

Most law enforcement agencies, regardless of size, have written policies in place, so this process should help ensure they are reviewing, revising, and training staff on content. Below is a listing of the highest risk exposures related to the Risk Pool's Law Enforcement Liability coverage and associated policies from TPCA's Sample Policy Manual addressing the exposure.

- Use of Force
    - Use of Force
    - Non-Lethal and Less than Lethal Weapons
    - Active Shooter Response
- Illegal Search and Seizure
    - Search Warrant
- False Arrest
    - Arrests with and without a Warrant
- Jail Suicide
    - Holding Facility Operations
- Negligent Treatment
    - Constitutional Safeguards
    - Prisoner Restraints
    - Prisoner Transport
- Vehicle Operations
    - Vehicle Operation
    - Vehicle Pursuits
- Mental Health Consumers
    - Assisting the Mentally Ill
- Domestic Violence and Protective Orders
    - Domestic Violence and Protective Orders

Each year in November a list of law enforcement agencies with loss ratios that exceed 100% for the last 10 years of experience will be identified and scheduled for contact during the following year. Contacts will include a review of loss history, review of assistance available from the Risk Pool, expectations for minimal policies, and review of officer training.

Underwriting Considerations

The underwriting process can either incentivize accreditation and/or risk management efforts or penalize a Member that's not accredited with poor loss experience.

Accreditation Incentives

The current liability rating algorithm does not consider an agency's accreditation status. One way to incentivize accreditation is to add an accreditation credit to the primary Law Enforcement Liability contribution calculation.

Risk Management Incentives – Experience Modifier

The Pool calculates a liability experience modifier for each Member, based on the losses and contributions for all four primary liability lines. The experience for all lines allows better performing lines to offset negative experience in other lines, which leads to stability for the entire fund. The modifier is also capped to a 1.50 maximum. The modifier could be increased to account for Members with multiple and/or consecutive annual losses. The modifier is currently calculated using the best of three or four years of data. That process may be insufficient, however, because losses for longer tailed lines (e.g., Law Enforcement Liability and Errors and Omissions) take longer to report and develop. Adjustments to reinforce better risk management efforts could include:

1. Applying a higher individual modifier to lines with negative experience;
2. Removing the capping mechanism; or
3. Use a longer experience period to calculate the experience modifier, which would recognize lags in loss reporting and development for longer tailed lines.

Dual Incentives – Limits and Deductibles

Members have the option of selecting any available limit up to $10 million per occurrence/annual aggregate, and they can also select any available deductible (subject to the established minimum deductible by line). General and Automobile Liability have a $0 minimum deductible, while Law Enforcement Liability and Errors and Omissions have a $1,000 minimum deductible. Limits and deductible amounts could be tied to:

1. Accreditation status of the Member;
2. Compliance with loss control recommendations;
3. Size of Member (number of officers or population); or
4. Loss experience (loss ratio, frequency of losses, or severity).

Combining these three areas would allow the Underwriting Department to address individual Member experience in liability lines within guidelines that would apply equally across the Membership. Through collaborative measures with Member Services and Loss Prevention, a "path back" to desired limit and deductible levels can also be established to reinforce a Member's corrective measures.

With regard to workers' compensation rates, individual loss experience directly impacts Members through the experience modifier calculation. Overall experience for the Police classifications is managed effectively through the annual actuarial review and revision of rates for these classifications. These current mechanisms recognize both individual experience and the impact of legislative actions that are beyond the control of individual members.

Outside of these guidelines, exceptions can be made (including probationary measures) in accordance with the Pool's termination provisions.

Claims and Legal

The Claims and Legal Departments look forward to continually honing procedures to prevent liability incidents and responsibly manage liability claims when they do arise. There may be opportunities to collaborate further with management, the Board, the Loss Prevention Department, the Member Services Department, and the Underwriting Department to provide analyses of LEL outcomes to enhance loss-prevention training and underwriting reviews. The Legal Department also may be able to contribute legal updates that could be incorporated into police training.

APPENDIX A

Loss Prevention Law Enforcement Training Program Descriptions

Programs Currently Delivered by the Law Enforcement Training Specialist

First Amendment Auditors/Public Recording of Police
In today's age of social media and smartphone cameras, individuals record encounters with law enforcement officers and other local government employees. The videographers often state that they are conducting a "First Amendment audit." If employees aren't prepared and/or don't know how to respond, an encounter can result in a viral video and lawsuit. This course prepares employees to communicate, de-escalate, and properly interact with activists wishing to get an extreme response to their presence and video recording of public entity personnel and assets.

Risk Management Essentials for Law Enforcement
Do you want to keep your job? Do you want to stay off the front page? How about not getting in trouble for what your peers or subordinates do? Departments and communities experience impacts of poor decisions and failure to address risks appropriately. *Risk Management for Law Enforcement* shines a light on risks that peace officers face that get them fired, suspended, demoted, sued, or incarcerated and discusses proactive and practical approaches to police risk and conducting "damage control".

Safe Police Vehicle Operations
Vehicle accident exposures are increasing each year with traffic and road conditions constantly changing. Law enforcement departments are exposed to these hazards continuously. Vehicle-related accidents are the leading cause of officer injuries. Emergency vehicle operation places stress on both the operator and the vehicle. TMLIRP Member law enforcement agencies report an average of 1,300 vehicle related claims per year, accounting for over $7 million in losses. Beyond the damage to the police vehicle, a single auto-related incident has the potential to produce employee injuries and liability exposures due to injuries to others and/or damage to vehicles and property. *Safe Police Vehicle Operations* provides officers with information on various driving situations and how to safely respond.

Use of Force in Modern Policing
This program prepares officers to communicate, de-escalate, and use proper use of force techniques when interacting with non-compliant individuals. Officers are engaged with a combination of classroom discussion, lecture, videos, and case law study. Participants will utilize

realistic, simulator-based training that will include courtroom style role-playing. This will enable officers make reasonably appropriate, practical, and defendable decisions when faced with resistance. Officers will learn how to better maintain their safety and prevent possible exposure to liability that may impact their personal well-being and professional careers.

De-escalation for Law Enforcement
Officers must prepare for critical incidents and evaluate critical thinking, crisis intervention, communications, and tactics. *De-escalation for Law Enforcement* provides first responding police officers with the tools, skills, and options they need to defuse a range of critical incidents successfully and safely. It designed for situations involving persons who are unarmed or are armed with weapons other than firearms, and who may be experiencing a mental health or other crisis. This program is based on the Police Executive Research Foundation's ICAT training.

Workplace Violence Awareness and Prevention
This program helps prepare Member employees for instances of workplace violence by identifying behavior and personality traits of potentially violent individuals. This program identifies proper actions and discusses a brief history of mass violence incidents, along with tactics utilized by offenders, victims, and responders. Participants review examples of proper and improper responses to persons committing violence in the workplace. Additionally, employees will be made familiar with the Avoid/Deny/Defend and Run/Hide/Fight reactions to violent incidents.

Programs Currently Delivered by Third-Party (Contract) Trainers

Resilience Strategies for First Responders (Rick Randall)
Resilience Strategies for First Responders is designed for police officers, firefighters, and emergency medical personnel operating in today's difficult environment. This course provides a comprehensive examination of the types of stress that first responders face, including intrinsic dangers such as depression, PTSD, and relationship issues, as well as the predictable changes and challenges in a typical public safety environment. Animal control and code enforcement officers would also benefit from this course. Since these issues impact the individual on a professional, personal, emotional, and physical level, this course focuses on developing a better understanding and learning strategies to regulate them for optimum performance. Particular emphasis is placed on developing survival strategies that allow for a healthy career in public safety and a long and enjoyable retirement.

Moving Right of Bang: Critical Incident Early Intervention Strategies (Rick Randall)
This program educates leaders in public safety departments to create and conduct an early and effective intervention after a critical incident. The goal is to address potential risks to employees before they become issues for the individual, their personal lives, and the department. This interactive program includes scenarios and role-playing to strengthen department responses to a critical incident.

Texas Sergeant Academy (Institute for Law Enforcement Administration (ILEA)
This two-week interactive and experiential program is designed to equip and inspire new supervisors, and reinvigorate senior supervisors, for the challenges of the fast paced and fluid

world of law enforcement leadership. This course will meet the basic requirements established by TCOLE for the preparation of new supervisors for their supervisory role. TMLIRP supports agencies by paying for one-half of the tuition upon successful course completion. TMLIRP attends and presents a section of the *Academy*.

Responding to Social Change: City and Law Enforcement Leaders' Opportunity to Adapt and Thrive (Marcel Brunel and Steve Dye)
High profile incidents have led to calls for police reform. While most law enforcement agencies had no direct involvement in those incidents, events affect city leaders in that they must build trust and credibility. They must understand community needs, while accomplishing public safety responsibilities. The challenges are there...how do you respond? This event will provide realistic discussions about where we are with leadership of cities and police departments, and how leaders can work with staff and citizens so that their communities can adapt and thrive. Participants will explore how city leaders can better understand each other and improve communication with many audiences and constituents.

Tony Korioth Supervisor Academy (Mike Alexander and Loss Prevention staff)
Whether you feel you were born for a leadership role or you've been thrust into a supervisory position and you're learning on the fly, one concept lies at the heart of successful leadership — serving others. But sometimes that's easier said than done, and everyone seems to have an opinion on the best way to motivate employees while managing risk for their organizations. Participants in the *Tony Korioth Supervisor Academy* will have the opportunity to explore proven concepts of leadership and practical approaches to common challenges. The *Academy* is also appropriate for those awaiting appointment to a leadership role and is appropriate for all departments and functions.

APPENDIX B

Historic Law Enforcement Programs & Initiatives

Vehicle Operations & Emergency Driving
Vehicle operation has been and continues to be a critical function and loss driver for Member law enforcement agencies. Throughout the years, various ideations and methods have been utilized to address this ongoing exposure, including:

- Partnering with the Texas Engineering Extension Service (TEEX) to provide opportunities for Member agencies to certify and qualify instructors to teach emergency driving through the Police Emergency Driving Instructor (PEDI) academy. This 40-hour course enabled participating entities to learn the curriculum and teach to their respective departments on their own schedules. The Risk Pool provided tuition, room, and board for participants and strategically placed traffic cones and trailers around the state for use by Members wishing to conduct hands-on driving programs.

- In-house/Pool staff-led PEDI updates, which included new curriculum and focus (low speed/high stress), to those previously trained through the TEEX PEDI program, again, with the idea of taking programs to their respective agencies.

- Ongoing variations of emergency driving provided by Pool law enforcement specialists.

As departments and agency management continued to evolve, several issues arose related to the PEDI courses. Most notable was the promotion or transfer of previously certified instructors to other positions or ranks within Member police departments. These changes led to agencies having to utilize higher ranking officers outside of the current training cadre to conduct training or previously certified instructors moving on from training altogether, leaving a void in available instructors throughout the state.

Attendance at Risk Pool staff-provided driver training has been a challenge over the past several years.

Law Enforcement Liability
Along with vehicle operations, law enforcement liability is another of larger exposures facing Members. Various initiatives, programs, and training have been utilized throughout the years, including:

- Sample law enforcement policies written by attorney Joe Tooley

- Law Enforcement Liability training, provided by attorney Joe Tooley

- Assistance with audits and operational policies/procedures for jails and holding facilities, provided by the Gallagher-Westfall Group

- Electronic Control Device (Taser) training, provided by Jerry Staton

- Legal & Liability Update training, provided by Jack Ryan

After several years of use and multiple updates to the policies, the Risk Pool ceased its role in providing sample law enforcement policies to its members in 2013. Instead, the Risk Pool utilized its ongoing partnership with the Texas Police Chiefs Association and its Best Practices Recognition/Accreditation Program, to provide access to the Sample Policy Manual recommended for agencies in the Recognition/Accreditation program.

The Risk Pool has utilized and continues to use various third-party/contract training providers. Each of these training providers has been very knowledgeable, but availability, costs, Member attendance, and other factors have affected the sustainability of those programs.

Police Chief Breakfasts
Before regional police chief associations were heavily utilized, the Risk Pool attempted to gather chiefs locally to discuss hot topics, needs, and trends in law enforcement, typically over breakfast. While these efforts seemed useful, coordination and attendance was limited in many cases.

Officer Fitness & Wellness

Recognizing officer fitness and wellness as a potential cause of on-the-job injuries and fitness for duty, the Risk Pool worked with FitForce to provide fitness and wellness program instructor certification to Member departments. While many departments seemed to be onboard with the concepts, the time required to develop programs, policies/procedures, and testing validation requirements became cumbersome for many.

The Risk Pool continued to offer programs related to general fitness and physical wellness, including other departments as well, going so far as to send staff to The Cooper Institute in Dallas for training and certification. These programs regularly struggled with participation and attendance was usually by those already familiar with the concepts being discussed and not necessarily the intended or targeted audience.

Recognizing and addressing the need to address officer mental wellness, the Risk Pool partnered with Dr. Kevin Gilmartin to deliver training related to *Emotional Survival for Law Enforcement*. While this program was well-received by Members, scheduling and costs associated with providing this training became difficult. While not a nationally-known name, Rick Randall has proven to be a much better fit and asset for the Risk Pool moving forward.

Other Initiatives

Utilizing internal resources, the Risk Pool developed a video and training program related to highway traffic control for first responders. While the program addressed multiple facets of emergency response (Police, Fire, EMS, others), the program was delivered by in-house staff to Member police departments across the state as part of ongoing training efforts. Requests for these programs waned once the training was available through other avenues, such as Councils of Governments, and in timelines that better met the needs of the entities.

APPENDIX C

Proposed Job Summary and Major Duties Associated with new Law Enforcement Outreach Consultant Position (Replace Current Law Enforcement Training Specialist Position)

<u>Job Summary</u>

Law enforcement is a significant operation for most municipalities. It is also one of the primary areas of risk for municipalities with unique exposures that are ever-changing.

This position performs specialized duties in the provision of wide-ranging loss prevention services for Members with law enforcement operations. The position also develops and provides training programs, along with other services and resources to Members, Loss Prevention Department staff, other Risk Pool staff, and other entities as part of assigned duties.

<u>Major Duties</u>

- Provides consultative and technical assistance to Members and Risk Pool staff focusing on law enforcement exposures.

- Analyzes claims related to workers' compensation, liability, property, and automobile related coverages to identify potential loss trends; monitors incidents or current events that might impact law enforcement operations; and develops Service Plans and/or Action Plans to address the frequency and severity of losses impacting individual Members.

- Conducts on-site member consultations, presentations, and discussions with law enforcement leaders.

- Provides and coordinates law enforcement related education and training for Members addressing risks and exposures through presentations, hands-on instruction, exercises, activities, and group discussions.

- Assists with the Risk Pool's contract training provider program with the Texas Commission on Law Enforcement (TCOLE).

- Develops and maintains relationships with Risk Pool members, professional organizations, and relevant agencies.

- Reviews legislation and court cases pertinent to law enforcement and provides communication to Members and staff.

APPENDIX D

Texas Commission on Law Enforcement (TCOLE) Training Mandates

TCOLE Training Mandates due by 08/31/2025 (Those applicable to Risk Pool Members)

TCOLE's basic peace officer training licensing course (BPOC) requires the program to be a minimum of 720 hours.

Licensed Peace Officers:
Current 2-year Training Unit: (09/01/21 - 08/31/23):

- A minimum of 40 hours of training to include the current Legislative Update course #3187.

Current 4-year Training Cycle: (09/01/21 - 08/31/25):

- Licensed Peace Officers without Intermediate (or higher) Proficiency Certification must complete:
    - Cultural Diversity (#3939)
    - Crisis Intervention (#3843 or #1850)
    - Special Investigative Topics (#3232)

- De-escalation (#1849).

- Additional mandated courses:
  - Peace Officers first licensed on or after 01/01/2011: Human Trafficking (#3270) within 2 years of initial licensing date – unless the course was included in (BPOC).
  - Peace Officers first licensed on or after 01/01/2016: Canine Encounters (#4065) within 2 years of initial licensing date – unless the course was included in BPOC.
  - Peace Officers first licensed on or after 03/01/2016: Interacting with Deaf and Hard of Hearing Drivers (#7887) within 2 years of licensing date – unless the course was included in BPOC.
  - Peace Officers first licensed on or after 04/01/2018: 40-hr Crisis Intervention Training (CIT) (#1850) within 2 years of licensing date – unless course was included in BPOC.
  - Peace Officers licensed PRIOR to 01/01/2018: Civilian Interaction Training Program (#30418) by 01/01/2020. All others within 2 years of initial licensing date – unless course was included in BPOC.

Police Chiefs:
- Must take New Chief's Training (#3780) within 2 years of appointment.
- Topics Covered / Course Objectives
  - Explore race-related issues affecting law enforcement agencies
  - Manage property and evidence rooms
  - Reduce liability and create credibility through good employee relations
  - Survive politics on the job and build teams for success
  - Develop and manage budget
  - Review the roles and responsibilities of TCOLE
  - Develop effective policies and procedures

- Must take Chief's Continuing Education (#3740) each Unit, thereafter.
- Topics Covered / Course Objectives
  - Police Reform: Defining a Path Forward for the Profession
  - Fitness, Use of Force, and Keeping Officers Healthy & Safe
  - One Degree of Difference: Training for Life
  - Building Financial Strength in First Responder Families
  - Legislative Update
  - Employment Law: Resources for Law Enforcement Executives
  - Conflict Matters: Power Tools for Effective Conflict in Management in the Workplace
  - Emergent Issues in Law Enforcement
  - Decision Point Dynamics: Strategic Decision Making in Uncertain & Ambiguous Environments
  - *The Texas Police Chief Leadership Series is 5 Days in Length and only provided through Law Enforcement Management Institute of Texas (LEMIT)*

Telecommunicators:

- 20 hours of continuing education every 2-yr training unit

APPENDIX E

TPCA Best Practices Program FAQ

What is the Law Enforcement Agency Best Practices Accreditation Program?

The Law Enforcement Accreditation Program is a voluntary process where police agencies in Texas prove their compliance with 170 Texas Law Enforcement Best Practices. These Best Practices were carefully developed by Texas Law Enforcement professionals to assist agencies in the efficient and effective delivery of service, the reduction of risk and the protection of individual's rights.

While similar in nature to the national accreditation program, the Best Practices Accreditation Program is easier to administer, lower in cost and is designed specifically for Texas Law Enforcement. The Texas Legislature demands a great deal of professional law enforcement in Texas and the Best Practices were specifically designed to aid Texas agencies in meeting those demands and providing the best quality of service to the people of our State.

Since its inception in 2006, over 180 Texas Law Enforcement Agencies have been Accredited and many more are currently in the process to become Accredited Agencies. While members of the Texas Police Chiefs Association recognize and support the national accreditation program, The Texas Best Practices Accreditation Program has clearly become the new Gold Standard for Texas Law Enforcement!

How were these Best Practices developed?

A Committee of Chiefs of Police and Command level officers from across Texas assisted in the development of standards that were believed to be necessary for proper functioning of Texas law enforcement agencies. They reviewed Texas law and other State Accreditation Program standards to determine which were most appropriate.

An appointed Committee of professional Police Chiefs from across the state then reviewed these standards and approved them for testing. The standards were then tested by several Texas agencies and adjusted to be both appropriate and achievable. That same Committee of nine Police Chiefs now conducts the final review of an agency's efforts and awards "Accredited" status in addition to conducting an annual review of the Best Practices for additions and modifications.

How do you become "Accredited?"

An agency that has been awarded "Accredited" status has undertaken a careful internal review of its policies, procedures, equipment, facilities, and operations. Most agencies find that some adjustment and revisions of their policies and procedures may be necessary. The agency then submits proof of their compliance with the standards (usually electronically) to independent

assessors. After an independent review of their written documents and proofs, a team of assessors is sent to the agency to review their operations and facilities, and to interview the Department's staff. A Final Report outlining the findings is sent to the Accreditation Committee. The Committee reviews the findings and votes whether or not to award "Accredited" status.

How long are you "Accredited?"

The "Accredited" status is awarded for a four-year period. During the four-year period, the agency must submit an annual report and show continuing compliance with several performance-related standards. These are reviewed as they are received and compliance verified. During the last year of the period, the agency must prepare updated documentation on all Best Practices and another on-site review is conducted. The Accreditation Committee must then vote again to approve "Accredited" status for the next four years. If the agency does not submit the required annual proofs, or if there is an indication received by the Committee that the agency is not in compliance during the period, the Committee may vote to remove "Accredited" status. The Texas Police Chiefs Association Foundation has contracted with an outside group to manage the accreditation process and ensure integrity and accountability.

All Best practices are provided to any agency Free of Charge. They are available for download at the Program Website: http://rp.tpcaf.org You do not "Register" to obtain any downloads.

Unlike other programs, The Texas Police Chiefs Association does not charge for copies of any program materials. If your agency is unable to participate due to funding, you are encouraged to use the standards without joining the program in order to make your department better.