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Safety and Liability

How to Reduce Risk With Technology

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SAFETY AND LIABILITY: HOW TO REDUCE RISK WITH TECHNOLOGY

Even in public safety, where first responders see injury and death on a regular basis, it's easy to think, "that will never happen to me." The big one will never come. Equipment won't break down. An accident won't happen.

Unfortunately, the reality is, it's not a question of if, but when.

Not surprisingly, the next question is focused on how to respond. Is your agency prepared? How much will this cost your municipality in tax-payers' dollars? Will this make tomorrow's news headlines? These are complicated questions and ones that often keep public safety leaders up at night.

While tomorrow is never certain, you can take proactive actions today to improve outcomes when the unexpected eventually happens.

What Are The Most Common Liability Cases?

Public safety personnel are no strangers to risk. Every 911 call carries an element of danger and managing risk is second nature for those who respond to that cry to help. In addition to the possibility of physical harm and the mental toll that law enforcement, firefighters, emergency medical technicians, and emergency telecommunicators face daily, there's also the legal liabilities that these agencies must consider.

Around the country, public safety agencies of all sizes face lawsuits filed by citizens, special interest groups, and even personnel from inside the agency. At any point, a single misstep can result in heavy legal and financial losses, not to mention injury and loss of life.

According to an article by Firehouse, the most common call type resulting in a fire department or firefighter being sued in an incident-related lawsuit is a structural fire. The second most likely incident type to result in litigation is an EMS response, and the third involves apparatus accidents.[1]

Emergency communication centers face similar legal risk. According to the Annals of Emergency Dispatch & Response (AEDR), "Dispatch Danger Zones" involve multiple calls to dispatch about the same incident, delayed dispatch or response, and poor customer service or mishandling of the call.[2]

When a lawsuit is filed and the agency is found at fault, or chooses to settle to avoid a court case, the financial impact can be significant. A report from The Washington Post found that from 2010 to 2020, 25 of the largest police and sheriff's departments in the U.S. had collectively spent more than $3.2 billion to settle claims.[3] When an agency pays a large settlement it's often publicized in the local media, resulting in career-ending outcomes, and can have major impacts to municipal budgets and taxes.

The key to mitigating liability and keeping your people safe is proactive preparedness and prevention. Let's discuss some tangible steps you and your agency can take.
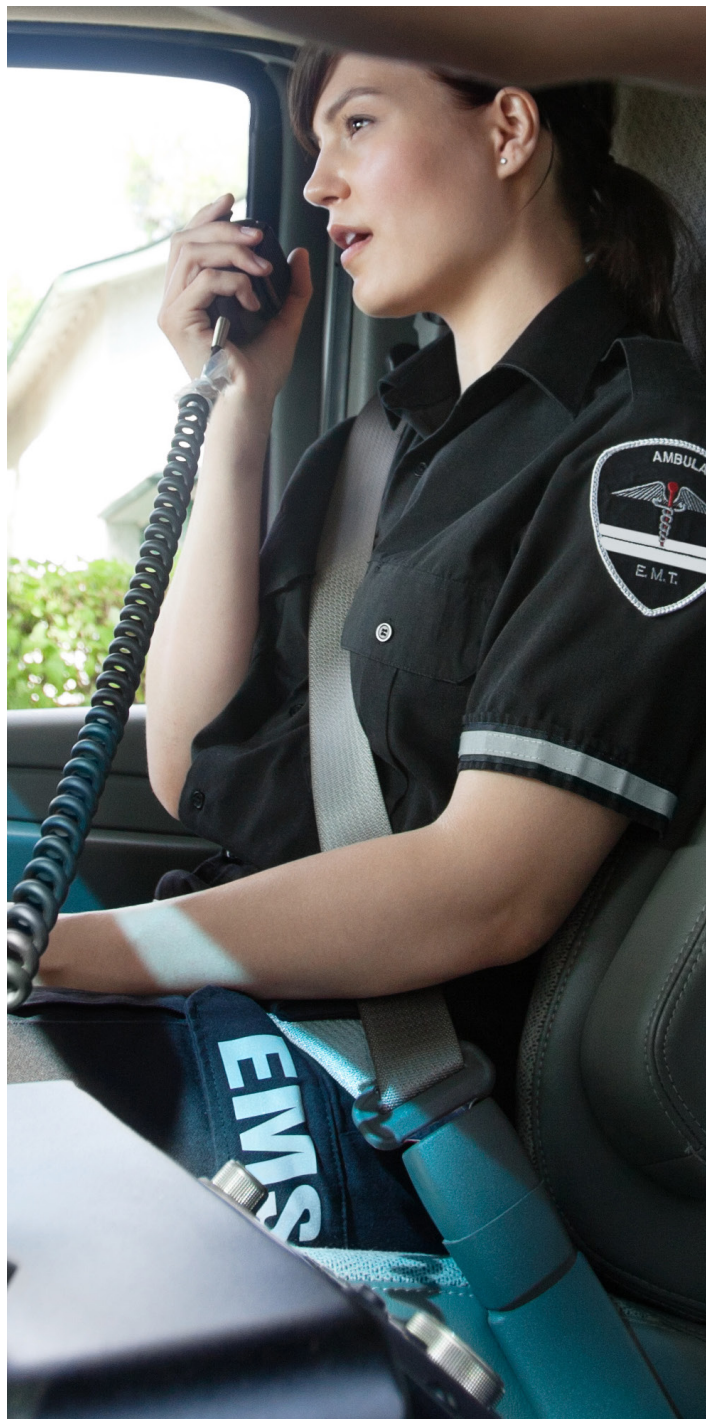
# The Intersection of Safety, Liability, Training, and Prevention

1. Your Equipment

In public safety, physical danger comes with the territory and not all accidents are preventable. However, inspections and equipment checks reduce the likelihood of equipment failures in the field, but are only effective when performed on a regular basis. When an accident caused by equipment failure happens, an investigation will likely follow and can quickly uncover inspection or maintenance negligence.

A study on contributing factors to firefighter line-of-duty deaths (LODD) found that of all LODDs between 2000-2005, 14.13% were the result of an incident involving an emergency vehicle, personal protective equipment (PPE), other emergency equipment failure, or human error.[4]

Risk management tactics recommended by the study to mitigate the impact of these contributing factors included:

- Ensuring all drivers receive driver training at least twice a year.

- Developing comprehensive apparatus maintenance programs that include regularly scheduled inspections and documentation.

- Ensuring periodic training is conducted on the donning of PPE and that manufacturer guidelines are followed in the training and use of such equipment.
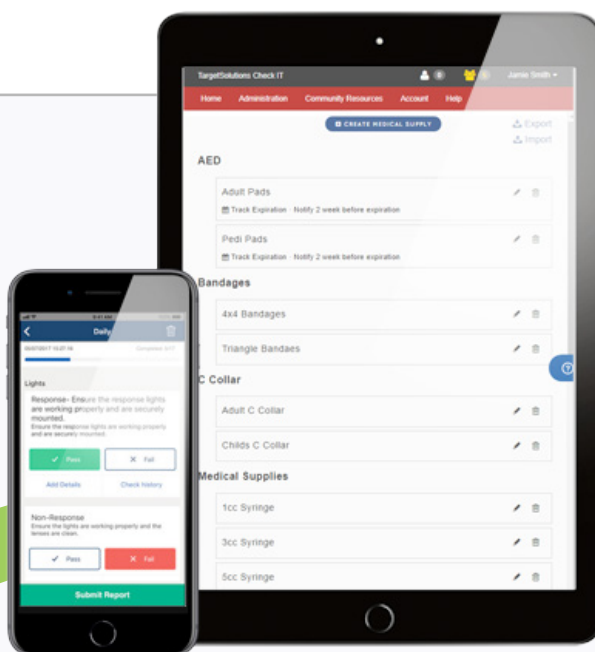
At an incident, preventable equipment failures or delayed response due to missing equipment can cost lives.

By empowering your department with **Vector Check It,** your team can respond to emergencies knowing that every piece of equipment and inventory has been thoroughly inspected and accounted for.

Key features of Check It include:

- 24/7 real-time views of inventory status, quantities, and location

- Quick and easy access through the mobile app

- In-app maintenance ticketing and vendor communication

- Comprehensive documentation to ensure accountability and maintain compliance with state and federal regulations for controlled substances

- Notifications for critical concerns, such inventory expiration dates or low quantities of integral assets

- Extensive reporting functionality to view trends and performance over time, helping adapt to changes like population growth, and justify budget requests for new assets and equipment

2. Your People

Everyone makes mistakes, but in public safety even a "small mistake" can have far-reaching consequences.

Ensuring your staff has the training they need to do their jobs safely, competently, and with confidence does more than just keep them safe physically, it also protects them from legal liability as well.

Countless lawsuits citing a failure to provide adequate training have been filed against public safety agencies across the country. Defending your agency against these suits requires that you have not only provided your people with all the training they need, but that the records of training, as well as a complete and thorough employee file, have been properly stored and are available when requested.

Listen to this on-demand Firehouse webinar in which Dr. David Griffin, first due engineer, talks about how education, training, and experience became important to him after operating on a multiple line of duty death incident.
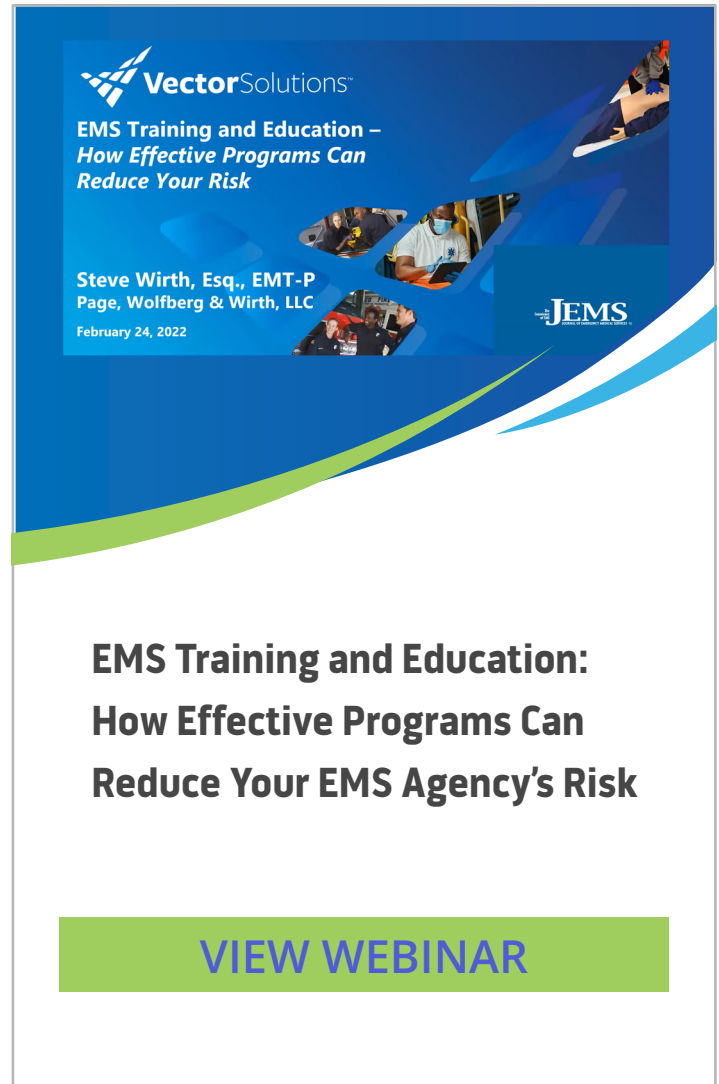
VIEW WEBINAR

In a presentation on EMS training and education, Steve Wirth, an EMS attorney and consultant, shared the following as important employee "documentation touchpoints":[5]

- Recruitment

- Employment applications

- Reference checks

- Criminal and driving history

- Onboarding and orientation program

- Employee handbooks and policy acknowledgements

- Recurring and remedial training

- Performance review and critical incident documentation

- Documentation of investigations

Documentation of all types, he stressed, is incredibly important. Without it, there is no way to prove that training did occur, how often it occurred, what standards it met, or how employees performed during training. This evidence is critical to mitigating agency liability when an incident happens.

EMS Training and Education: How Effective Programs Can Reduce Your EMS Agency's Risk

VIEW WEBINAR

Providing adequate training for your team is a foundational element of preventing injury, loss of life, and other negative outcomes. To help streamline and simplify training programs, Vector Solutions offers Vector LMS (formerly TargetSolutions), a complete training management system to deliver, track, and manage online training, in-person training, deliver policies, and much more. Vector Solutions also offers a robust training catalog of more than 693 hours of training courses created specifically for public safety agencies.

Key features of Vector LMS include:

- An easy-to-use interface and extensive customization options allow agencies to import their own training content to best suit the needs of their personnel and keep all training records in one place

- Tracking features that allow agencies to identify personnel that require additional hours in specific areas or who have credentials that will be expiring soon

- Comprehensive reporting features that simplify gathering and sharing records when requested by other agencies, lawyers, the public, overseeing entities, etc.

- Integration with Vector Evaluations+, a live skills evaluation extension which offers:

  - Electronic signatures for both the evaluator and the personnel being evaluated, plus additional layers as needed

  - An easy way to record hours spent on live skills training, simplifying the experience and providing an additional layer of training-related liability protection

  - Photo and video capturing in-app to share with trainees, supervisors, and other relevant stakeholders. Add annotations to videos detailing areas of improvement or other specific notes

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3. Your Team

The same study of firefighter LODDs found that staffing and crew size also played a contributing role in LODDs.

In the wake of the COVID-19 pandemic and increased public scrutiny, staffing for public safety agencies has become an increasingly discussed issue. Ensuring that proper hiring practices and standards are still met, even as hiring and recruitment efforts have expanded to keep up with minimum staffing levels, can be a challenge for agencies across the country.
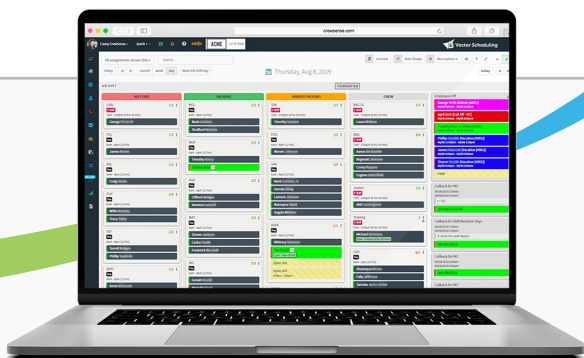
In addition to utilizing digital tools for training management, training records, and to streamline the hiring process, public safety agencies can also benefit from a workforce management solution built specifically for mission-critical industries.

## Key features of Vector Scheduling include:

- At-a-glance dashboards to quickly identify gaps, and rules-based logic that only schedules those qualified for the shift and skill set, ensuring you have the right mix of talent for every shift

- Oversee shifts from the mobile application or any web-enabled device. Easily make schedule adjustments using the intuitive dashboard and view changes in real time

- Intelligent rules automate callbacks and filter responses based on qualifiers. Public safety agencies can customize how employees are notified of callback opportunities with flexible tools and can base request approvals or denials on automated qualifiers

- Track data and export reports for payroll, overtime hours, callbacks, and more. Get notified when individual employees may be exceeding overtime policies and mitigate fatigue-related incidents. Maintain historical records of current and past employees to meet union and labor regulations and support staffing or budget requests

In his presentation, Steve Wirth discussed situations that may result in an agency being found at fault for negligent hiring. These situations, when an employer knew or should have known of the employee's unfitness at the time of hiring and the unfitness was the cause of the harm to an individual suing an agency, would result in the agency being found at fault for the actions of the personnel. Similarly, agencies can be found at fault for negligent supervision and negligent retention if a supervisor is aware of incidents of adverse behavior and fails to report them.

Agencies can avoid these situations by performing thorough background checks, reference checks, ensuring hiring processes are consistent and well documented, and keeping thorough employment records.
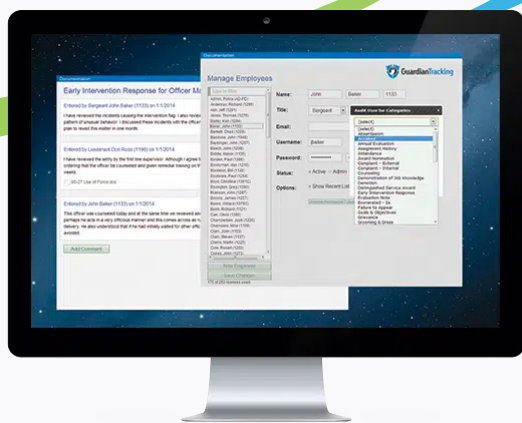
Amid staffing shortages and increased public scrutiny, fostering a positive work environment and ensuring the mental wellbeing of your team can feel like an uphill battle. An early intervention system, which catches trending behaviors and allows supervisors to track critical incident exposures, can make it easy to provide feedback and recognition throughout the agency.

Improve Outcomes With Guardian Tracking:

- Save time and retain employees by boosting morale and improving workplace culture. Simplify tracking of specific behaviors as required by overseeing entities

- Reward and grow your personnel with consistent positive feedback and recognition

- Utilize transparent, factual information to coach, encourage, and reinforce personnel best practices and quickly address adverse behaviors

- Customize the platform to suit the goals of your agency. Flags and notifications can be set up to notify supervisors of specific situations as needed

Overcoming Risk With Technology

As the public safety industry continues to face new challenges, safety and liability concerns will also evolve. Staying ahead of these risk factors through proper training, workforce management, and incident prevention best practices is the most effective method public safety leaders have to ensure everyone gets home safely at the end of the day.

To learn more about Vector Solutions' suite of operational readiness solutions for public safety agencies, please request a demo or contact us for more information.

References

Alexander, K. S. L. R. (2022, March 9). Repeated police misconduct cost taxpayers $1.5 billion in settlements. Washington Post. https://www.washingtonpost.com/investigations/interactive/2022/police-misconduct-repeated-settlements/

Contributing Factors to Firefighter Line-Of-Duty Death in the United States. (2006, September 30). IAFF. https://www.everyonegoeshome.com/wp-content/uploads/sites/2/2015/02/contributingfactors.pdf

Is There a Standard of Care and Practice for Emergency Dispatch? (2018, October 18). AEDR Journal. https://www.aedrjournal.org/is-there-a-standard-of-care-and-practice-for-emergency-dispatch

Varone. (2020, March 1). Fire Law: Incident-Related Liability. Firehouse. https://www.firehouse.com/careers-education/article/21121815/fire-law-incidentrelated-liability

Wirth, S. (2022, February 24). EMS Training and Education: How Effective Programs Can Reduce Your EMS Agency's Risk. JEMS. https://www.jems.com/webcasts/ems-training-and-education-how-effective-programs-can-reduce-your-ems-agencys-risk/