



Risk Management Perspectives on CEDs

*Presentation to TASER® Use of Force, Risk
Management and Legal Strategies Conference*

by Bill Everett, Associate Administrator
League of Minnesota Cities Insurance Trust

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Professional Qualifications

- “Recovering” peace officer
- Trial lawyer defending cities/officers (and medical products)
- Consultant/trainer
- Risk Manager
- Force Science Research Center

Goals

1. Share our reasoning, as one govt risk management and insurance provider, for supporting use of the Taser.
2. Share information about officer injuries and officer safety – scope of the problems.

The Interesting World a While Back

A Time of Controversy

No bad experiences in MN, but:

- ACLU “death” claims
- Sensational headlines, use on young/old
- Noise in risk management community
- Scientific resume

Some tough questions

Considerations “back then”

- CEDs seemingly very helpful *and popular*
- Interplay: Fear/analogies/lack of understanding
- Worst case: Baby with the bathwater
 - At the legislature
 - At the city council

Our Stakeholders and Audiences

- Police agencies
- City administrators and managers
- Mayors and council members
- Litigation defense attorneys
- Loss control staff

Our Charge

To meet the risk management needs of Minnesota Cities.

- Examine effectiveness
- Examine safety
- Provide scientifically based and defensible guidelines to minimize risks of use
- Accessible to cops, mayors, council members

Our Strategy

- Research
- Analyze
- Wait

Our Conclusion

“Used properly, CEDs provide police officers with a safe and effective tool for controlling dangerous behavior and overcoming resistance.... CED use has resulted in a considerable reduction in arrest-related injuries to both officers and subjects.”

*Police Use of Conductive Energy Devices,
LMCIT Risk Management Memo (Oct. 2005)*

Basis for Conclusions

- Available pilot studies
 - Consistent declines in injuries to suspects & officers
 - Averting deadly force in some cases
- Available published scientific and medical evidence
 - Debunking myths and urban legends
 - Attesting to safety

Report available at www.lmnc.org

The Sweet Spot

Seeking to find the right balance (the “sweet spot”) where we are:

- Spreading out the reduction in injuries – to both officers and subjects – to as broad a class of events as possible.
 - Anecdotal experience – officers are more willing to use CEDs than OC
 - Our message – use it instead of OC, but explain why
- Not using the devices in cases where we will

Risk Management

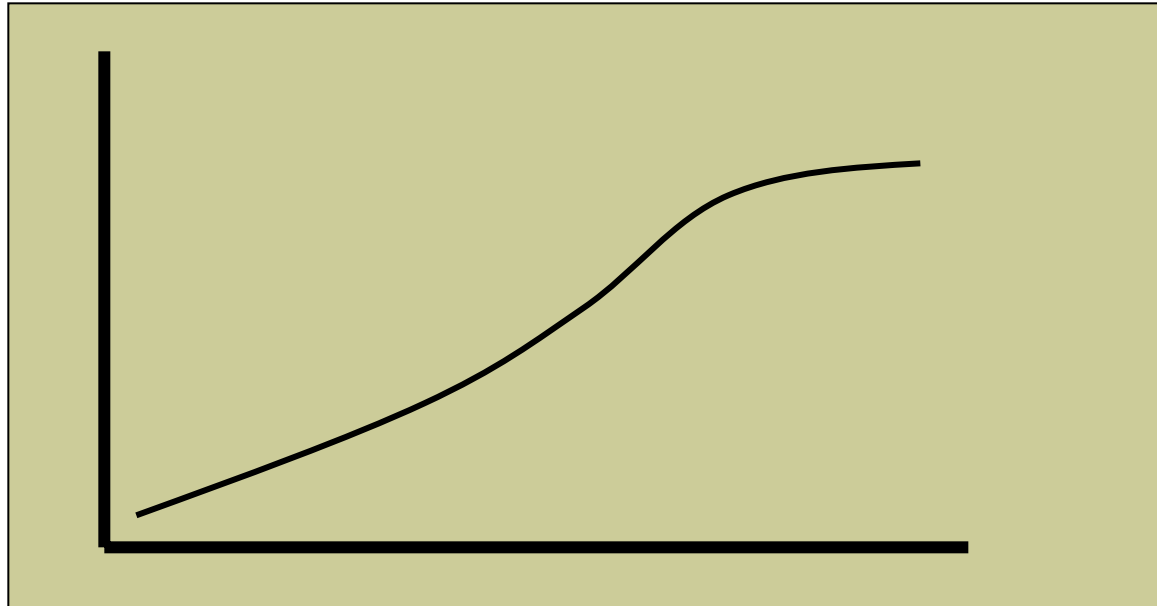
“Used properly,” CEDs provide police officers with a safe and effective tool....

What does “used properly” mean?

- Used lawfully (MN=reas necessary)
- Used in accordance with the lessons taught by responsible science.
- If feasible, mitigate scientifically plausible risks until disapproved

Risk Management

“Used properly, CEDs provide police officers with a safe and effective tool....”



Changing Gears

Pilot studies categorically report reductions in officer injuries

- Columbus, down 23.4%
- Cincinnati, down 70%
- Orange County, w/c claims down 50%

How often do we get hurt by the bad guys?

How does it compare with other injury risks?

**Figure 2. Distribution of Incurred Loss
Costs by Job Class, 2003 to 2005**

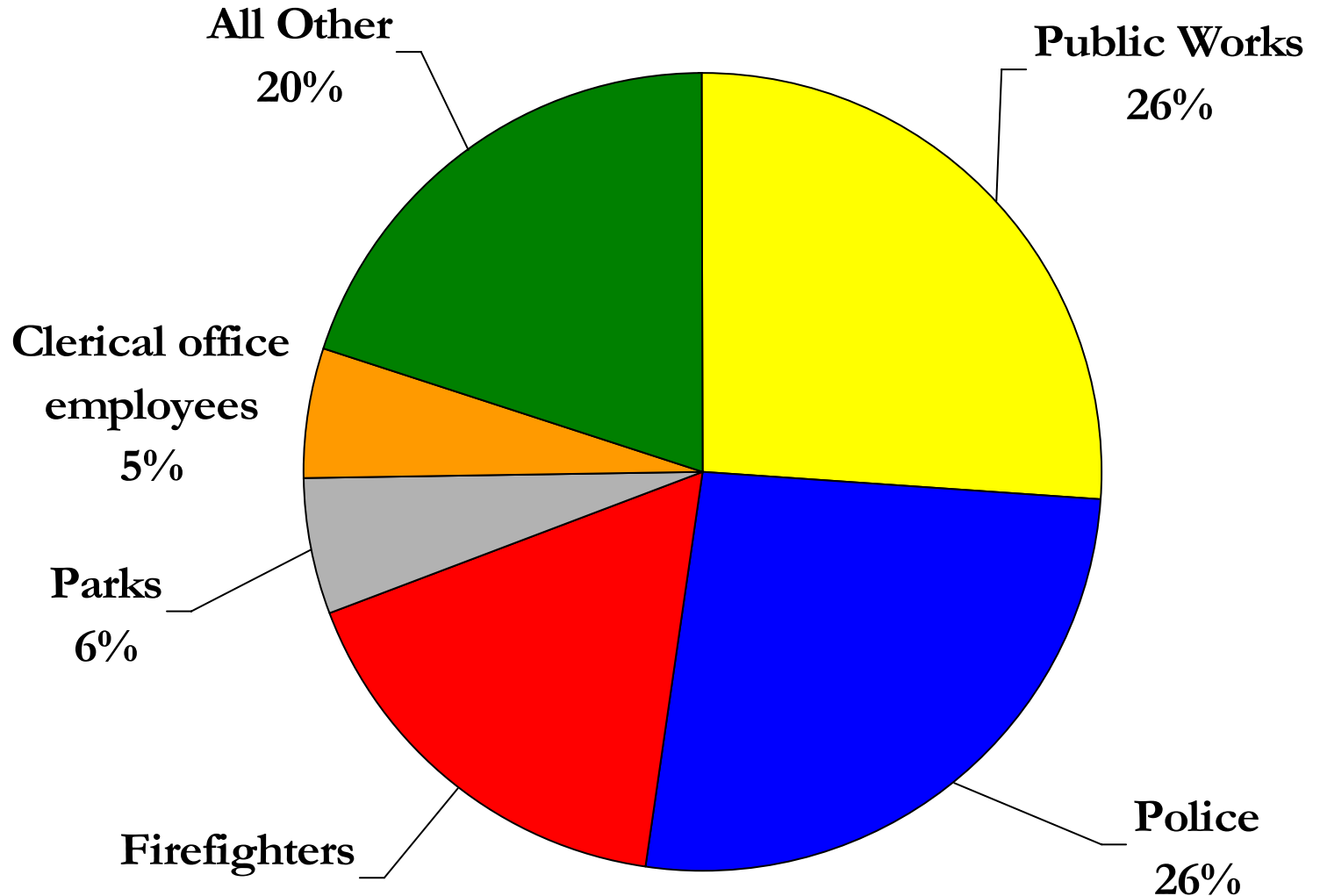
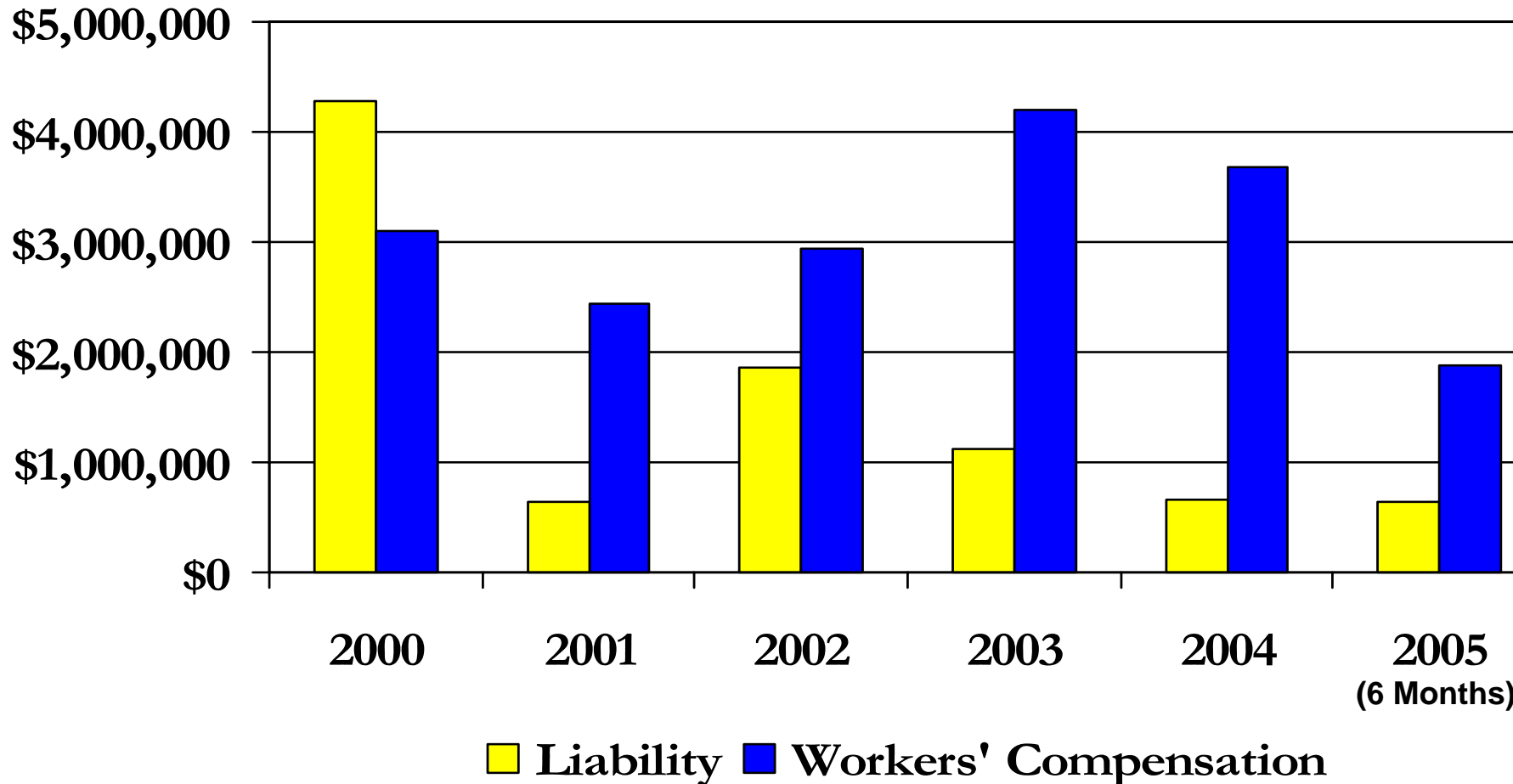


Figure 4. Comparison of Incurred Loss Costs for Police Liability and Workers' Compensation, 2000 to 2005



Injury Analysis:

- ✓ Analysis of claims by:
 - Job Class
 - Body Part
 - Nature of Injury
 - Cause of Injury
 - Type of Injury

Figure 6. Distribution of Incurred Loss Costs by Body Part for Police, 2003 to 2005

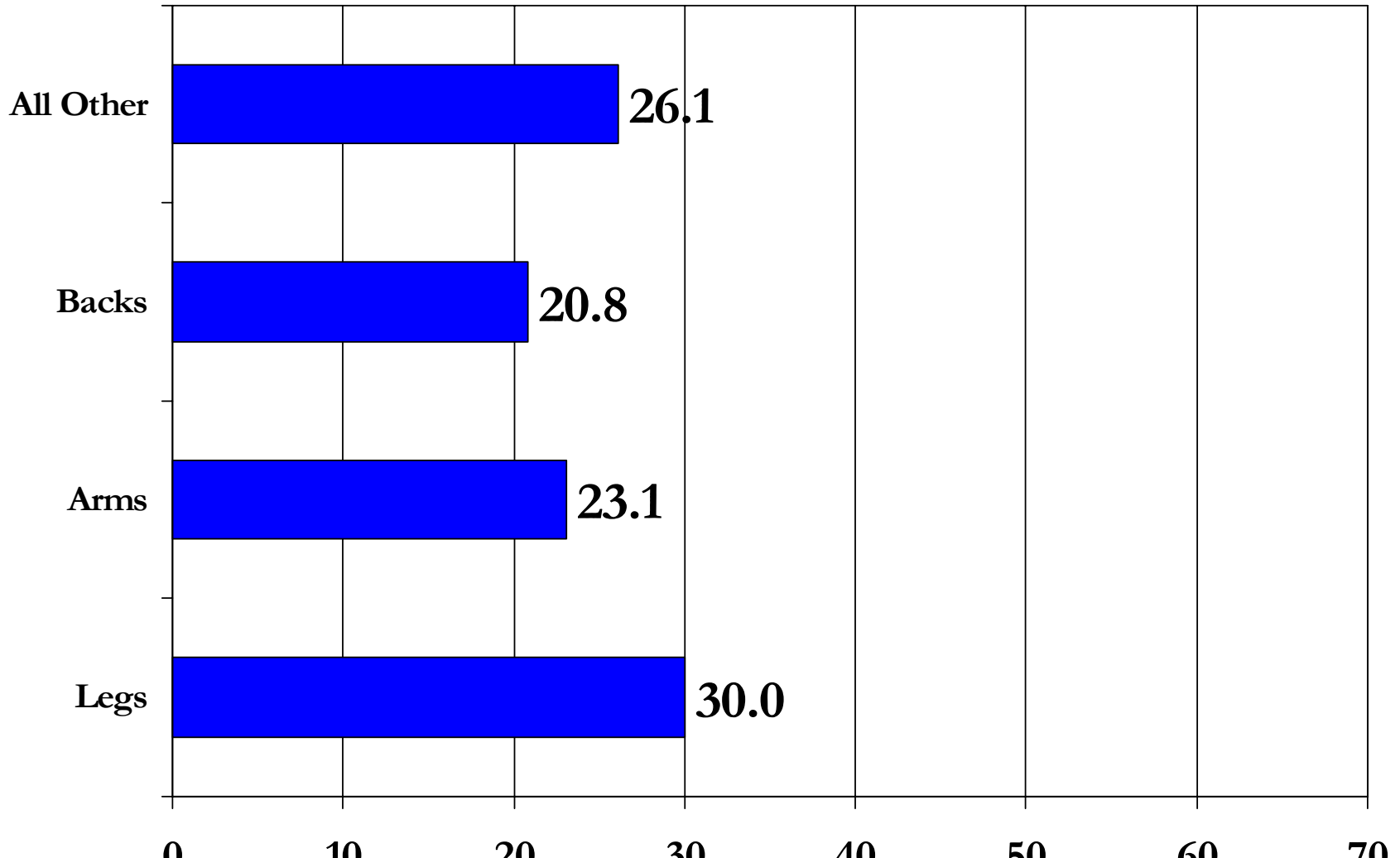


Figure 7. Distribution of Incurred Loss Costs by Nature of Injury for Police, 2003 to 2005

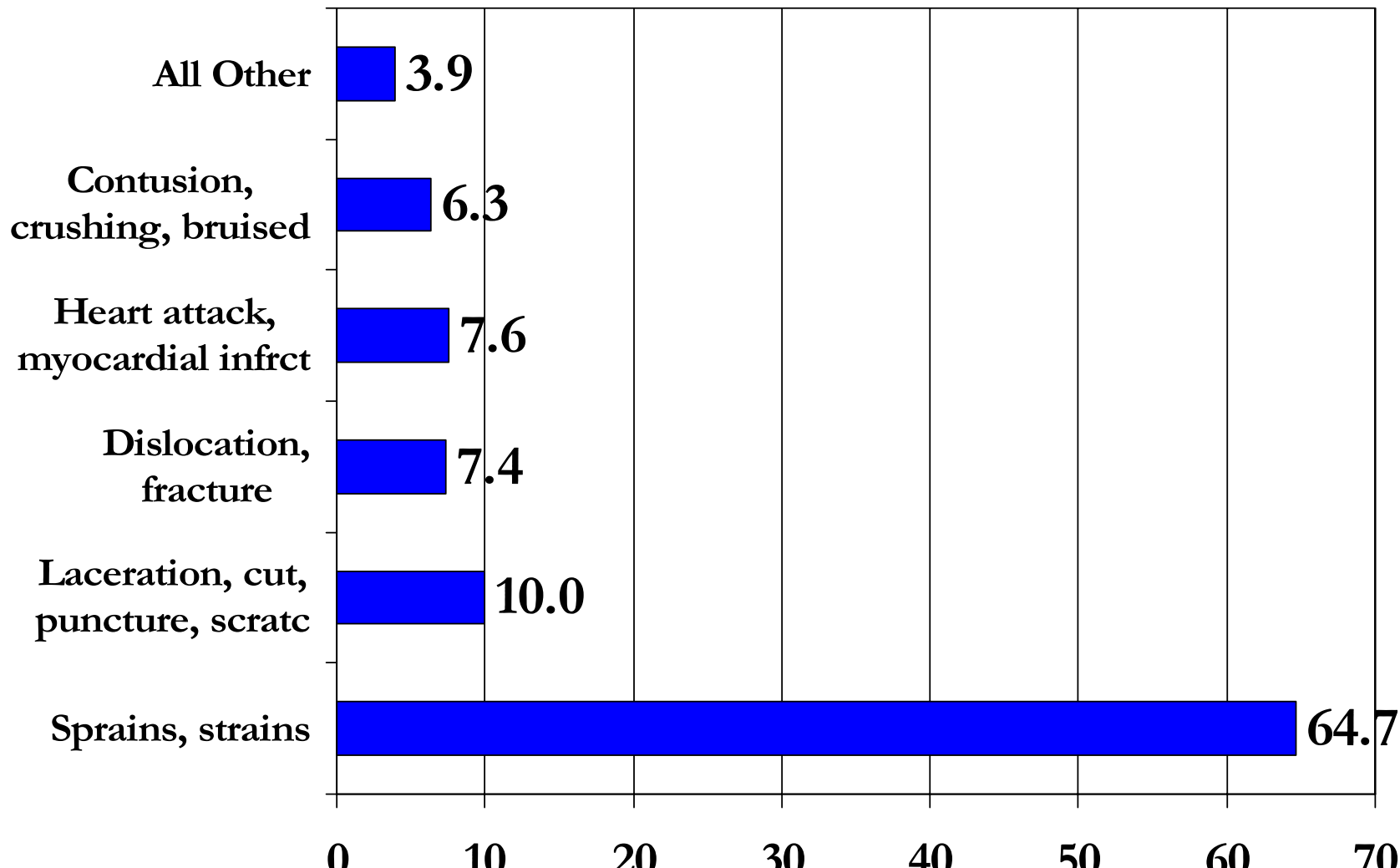
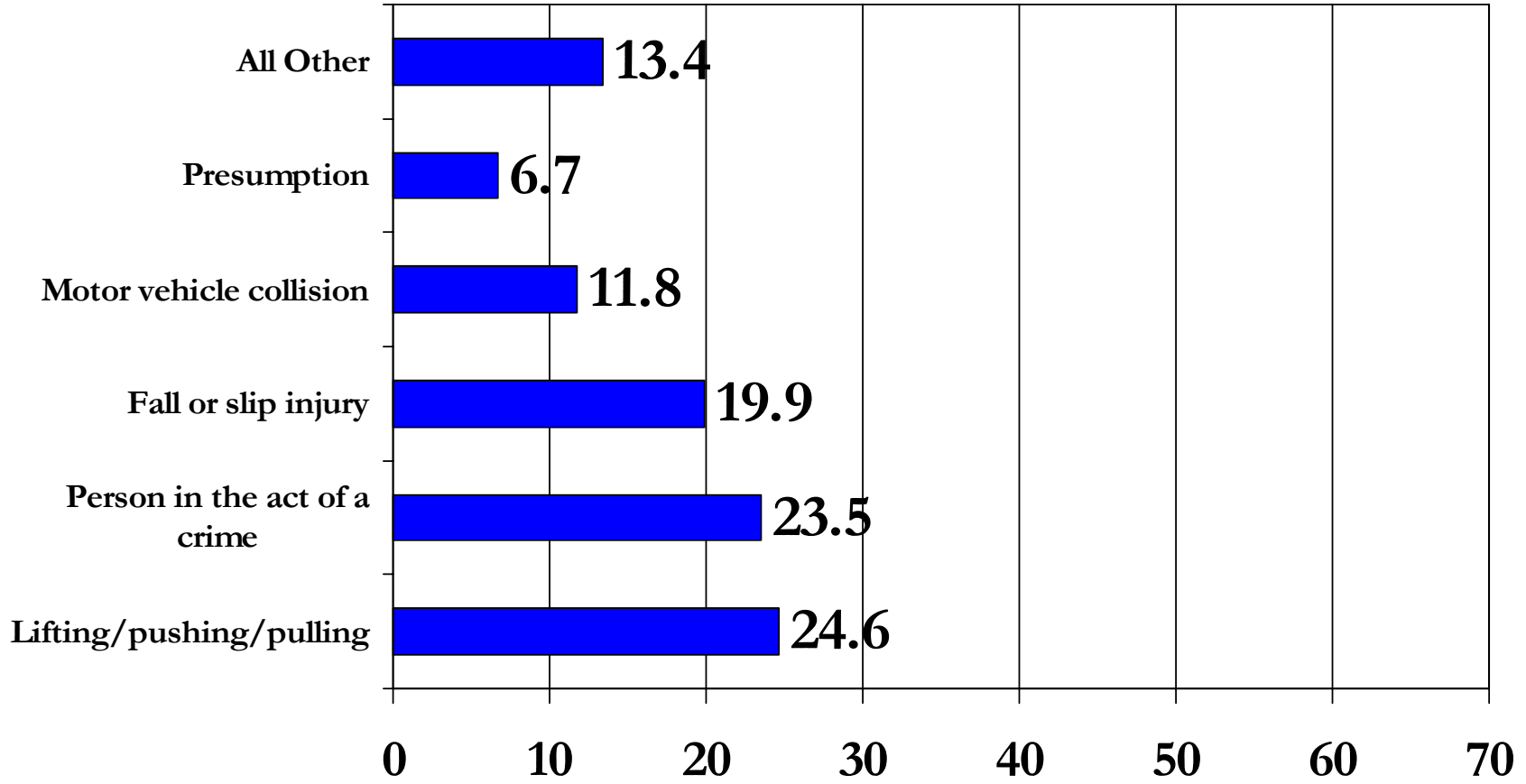


Figure 8. Distribution of Incurred Loss Costs by Cause of Injury for Police, 2003 to 2005



All of that is great, BUT...

- It's not very useful for loss control purposes in it's current form.
- Response to problem → more research!
 - In-depth analysis of injuries by **ACTIVITY** police officer was engaged in at the time of injury.

On-going research at LMCIT...

- In-depth analysis of 330 lost-time claims (census) and 291 medical-only claims (sample).
- **Research question:** “What activity was the police officer engaged in at the time of injury?”
 - Grouped claims according to a pre-determined list of 15 activities which police officers typically engage in.

Figure 11. Distribution of Incurred Loss Costs by Claim Classification, 2002 to 2004 (N=1,548)

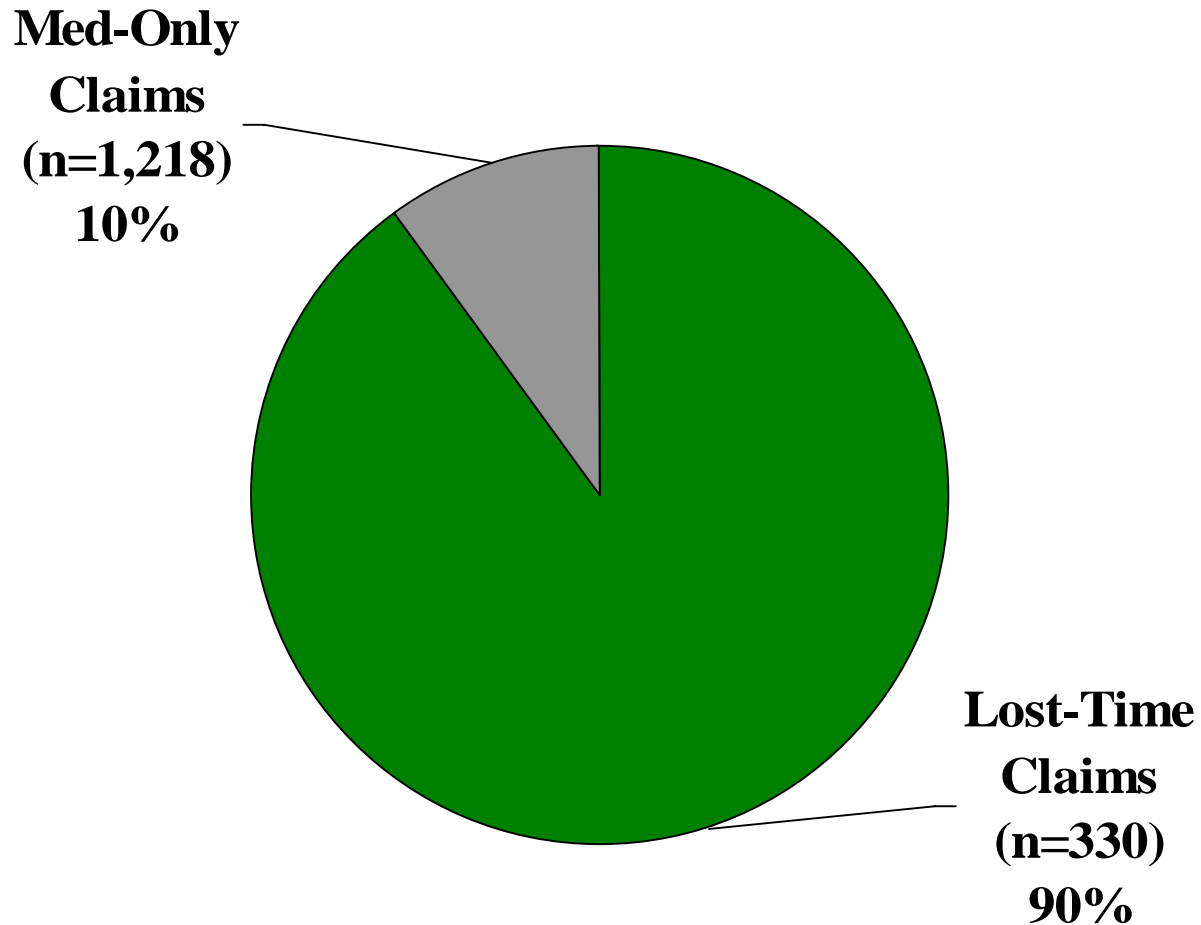
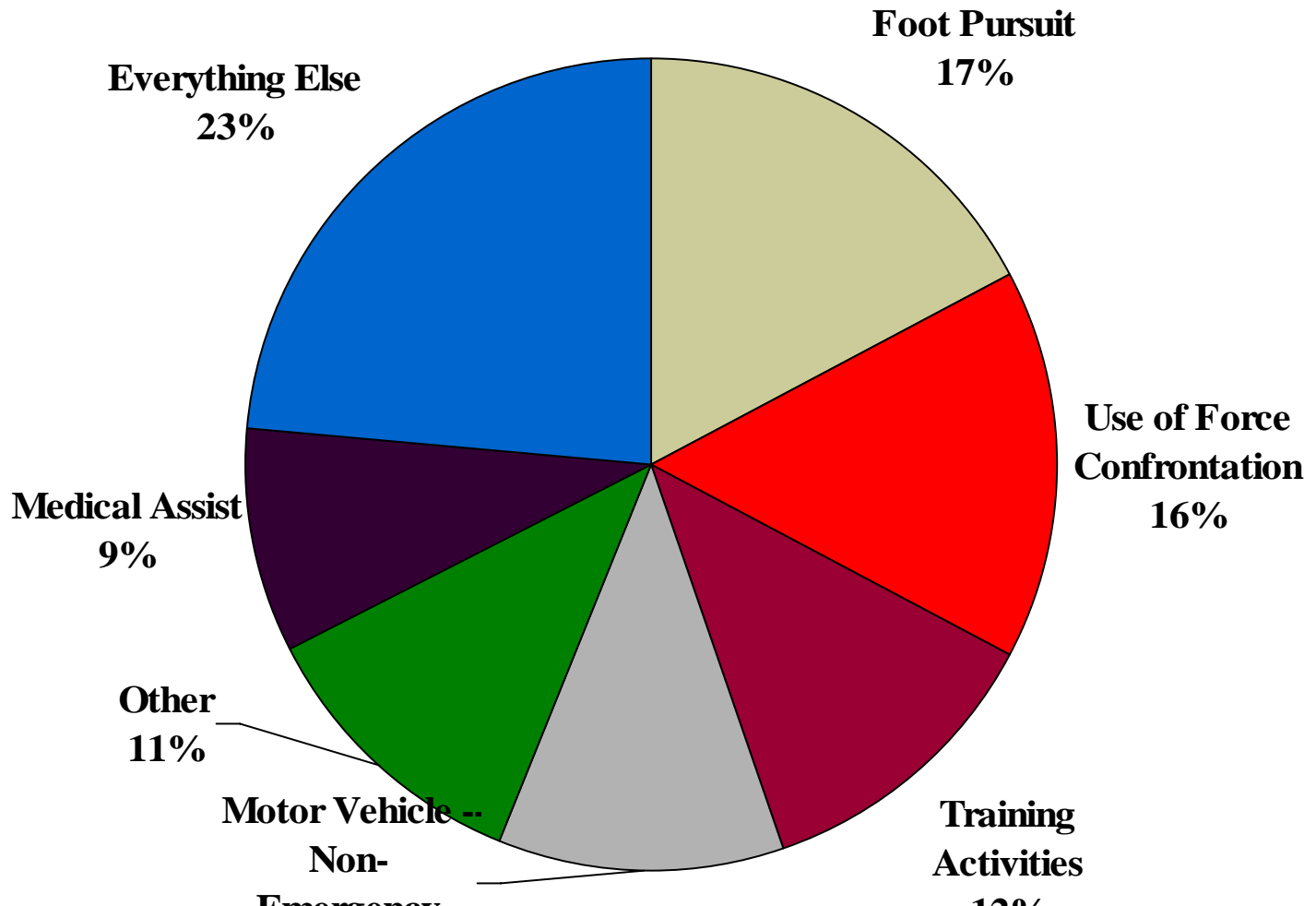


Figure 12. Distribution of Incurred Loss Costs by Activity for Lost-Time Injuries, 2002 to 2004 (N=330)



1. Profile of Foot Pursuit Claims: 2002 to 2004

Number of Claims: 41

Percent of Total Claims: 12.4%

Incurred Loss Costs: \$1,366,810

Percent of Incurred Loss Costs: 17.2%

Median: \$6,609

2. Profile of Use of Force Confrontation Claims: 2002 to 2004

Number of Claims: 67

Percent of Total Claims: 20.3%

Incurred Loss Costs: \$1,241,000

Percent of Incurred Loss Costs: 15.6%

Median: \$6,373

3. Profile of Training Activities

Claims: 2002 to 2004

Number of Claims: 43

Percent of Total Claims: 13.0%

Incurred Loss Costs: \$943,314

Percent of Incurred Loss Costs: 11.8%

Median: \$12,981

4. Profile of Motor Vehicle Accidents (Non-Emergency) Claims: 2002 to 2004

Number of Claims: 23

Percent of Total Claims: 7.0%

Incurred Loss Costs: \$917,507

Percent of Incurred Loss Costs: 11.5%

Median: \$18,688

5. Profile of Medical Assist Claims: 2002 to 2004

Number of Claims: 22

Percent of Total Claims: 6.7%

Incurred Loss Costs: \$723,999

Percent of Incurred Loss Costs: 9.1%

Median: \$25,855

What does all of this mean?

- Top 5 activities: Foot pursuit, Use of force confrontation, Training activities, Motor vehicle accidents (non-emergency), and Medical assist
 - These injuries will cost LMCIT \$5.2 million in incurred loss costs
 - This figure does not include SCF at 26%
- Focusing on these 5 activities → 65% of incurred loss costs.



Bill Everett, Associate Administrator
League of Minnesota Cities Insurance Trust

www.lmnc.org

Contact Information:

beverett@lmnc.org

651-281-1216