Lessons Learned from High-Severity Law Enforcement Claims

Wednesday, October 19th | 1:45 PM

Lessons Learned from High-Severity Law Enforcement Claims

Today's Topics

For high-severity Liability, Workers Comp and Auto claims we will discuss:

➤ How do we identify preceding risk factors?

➤ What can we do to reduce risk?

➤ How can we inspire action?

➤ What role does event response play?

Poll the Audience!

What percentage of your pool's gross incurred claims are law enforcement related?

- ❑ Less than 25%

- ❑ 25% to 50%

- ❑ Greater than 50%

- ❑ I don't know

- ❑ We don't handle police risk

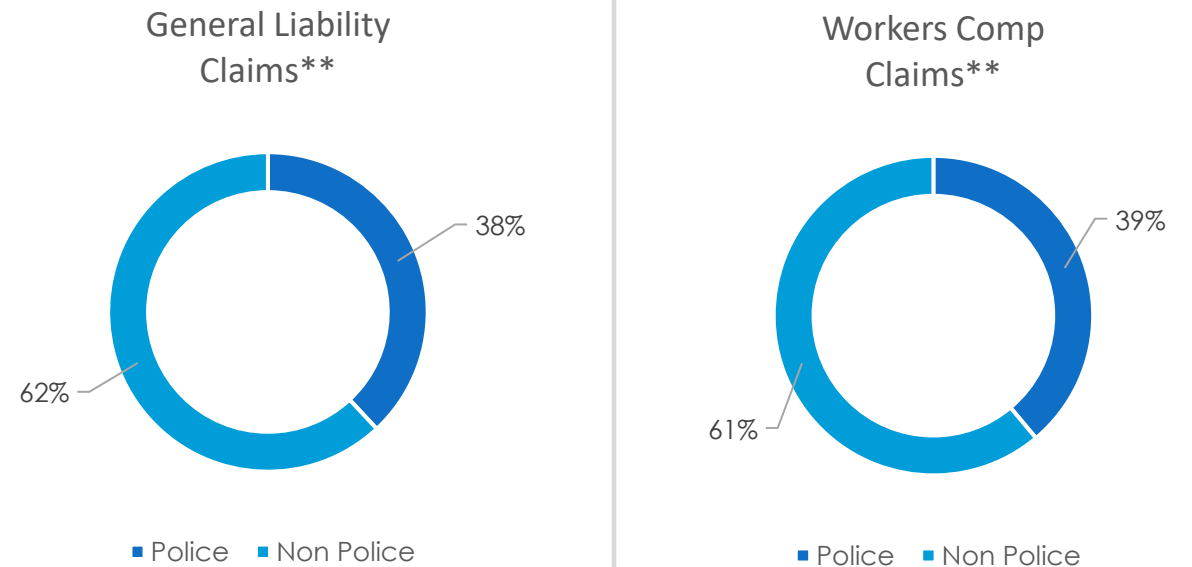# Answer Varies From 35% to Over 50% for Pools Insuring Police Risk

CIS Analysis

- Top 5 Liability Categories*
    - Law Enforcement = 36%
    - Employment = 17%
    - Corrections = 16%
    - Vehicle Operation = 10%
    - Utilities = 6%

Key Factors

- Lines of Coverage
- Type of Member (Municipal / County)
- Attachment point / SIR

Benchmark Consortium Analysis

General Liability Claims**

38%

62%

- Police
- Non Police

Workers Comp Claims**

39%

61%

- Police
- Non Police

**FY 2010 - Present

Poll the Audience!
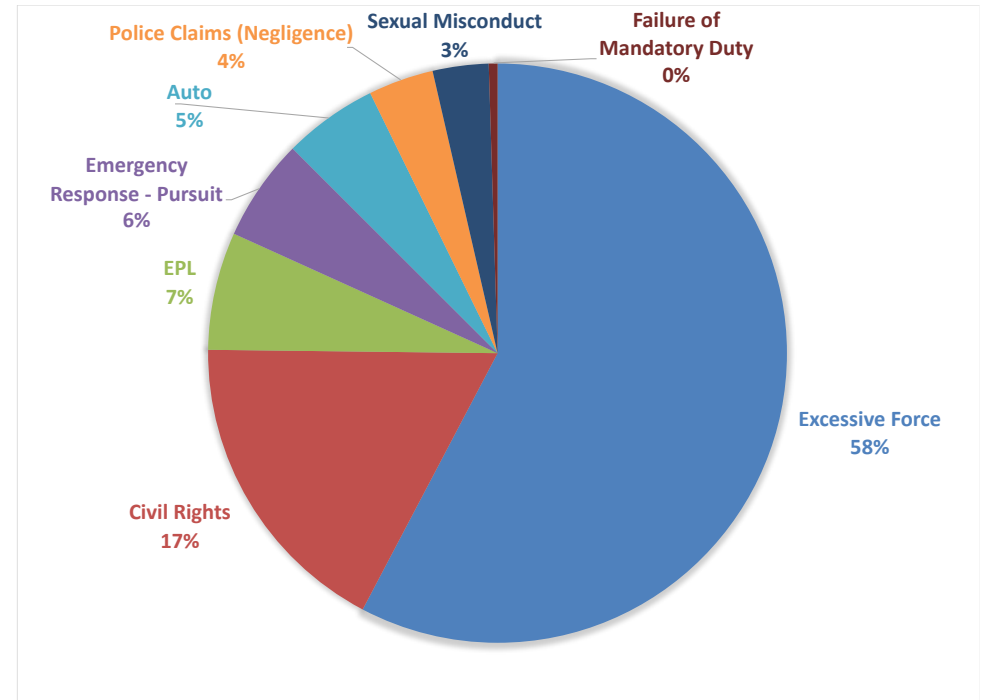
How do you primarily define a high-severity claim?

- By specific amount paid

- Any claim that involves my pool's reinsurer(s)

- By reputational risk to our pool / member

- Other

Law Enforcement Liability Incurred By Cause of Action
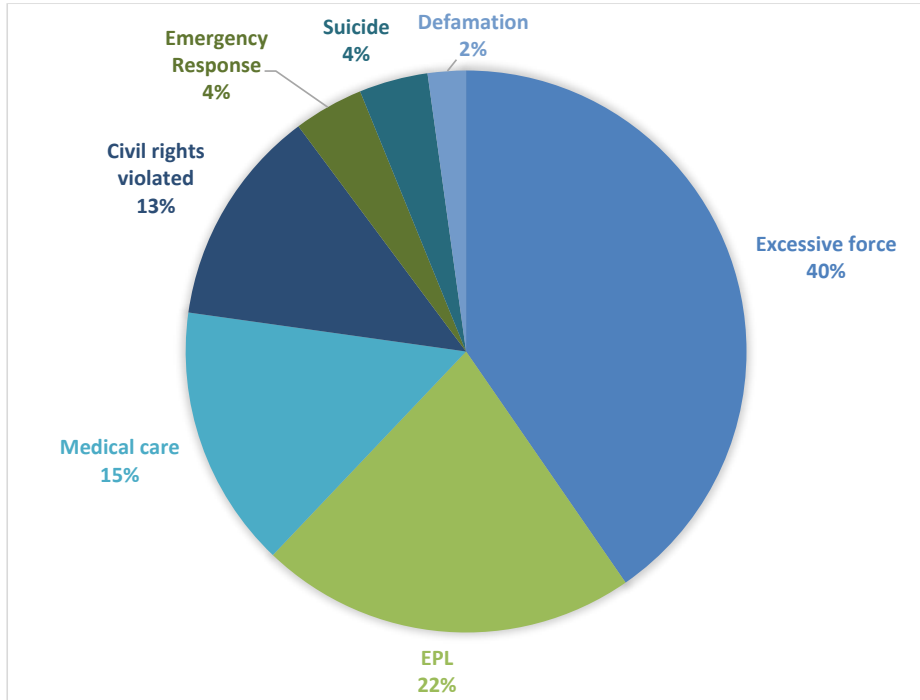
CIS Analysis
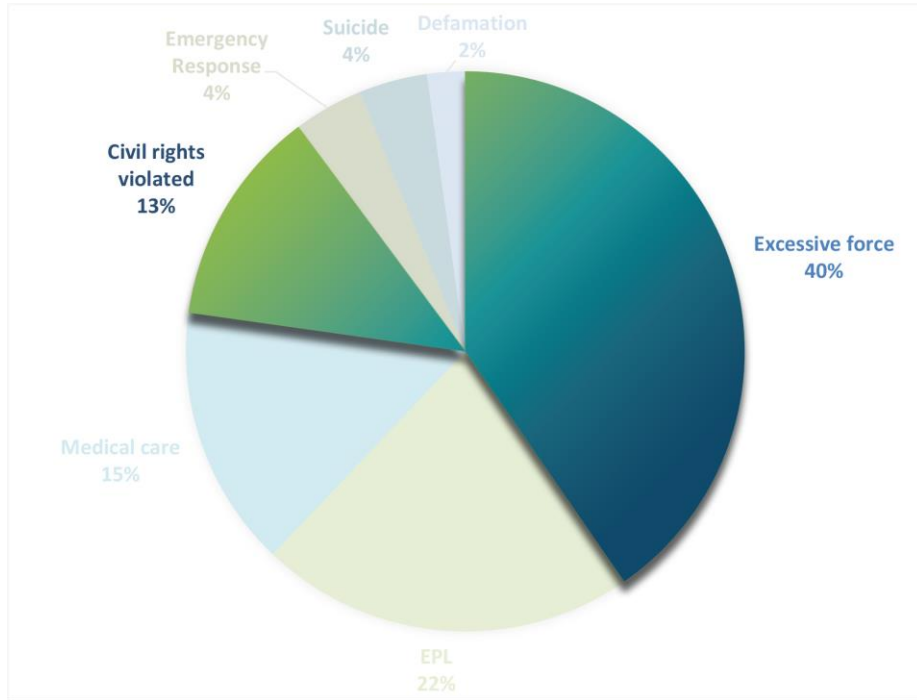- 150 city police departments & county sheriffs

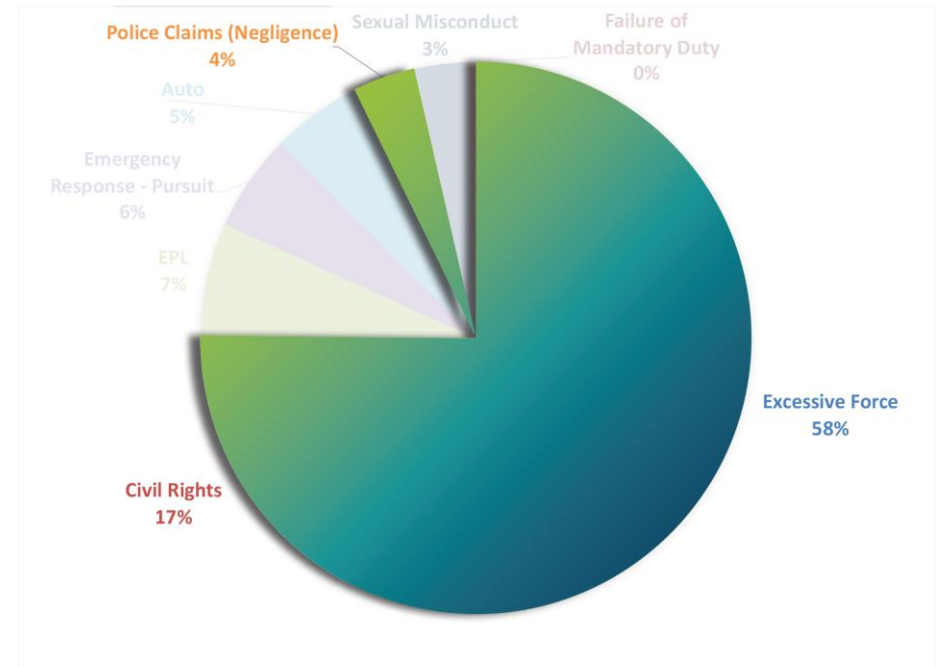**Benchmark Consortium Analysis**
- 104 city police departments

Law Enforcement Liability Incurred By Cause of Action

CIS Analysis
- 150 city police departments & county sheriffs

Benchmark Consortium Analysis
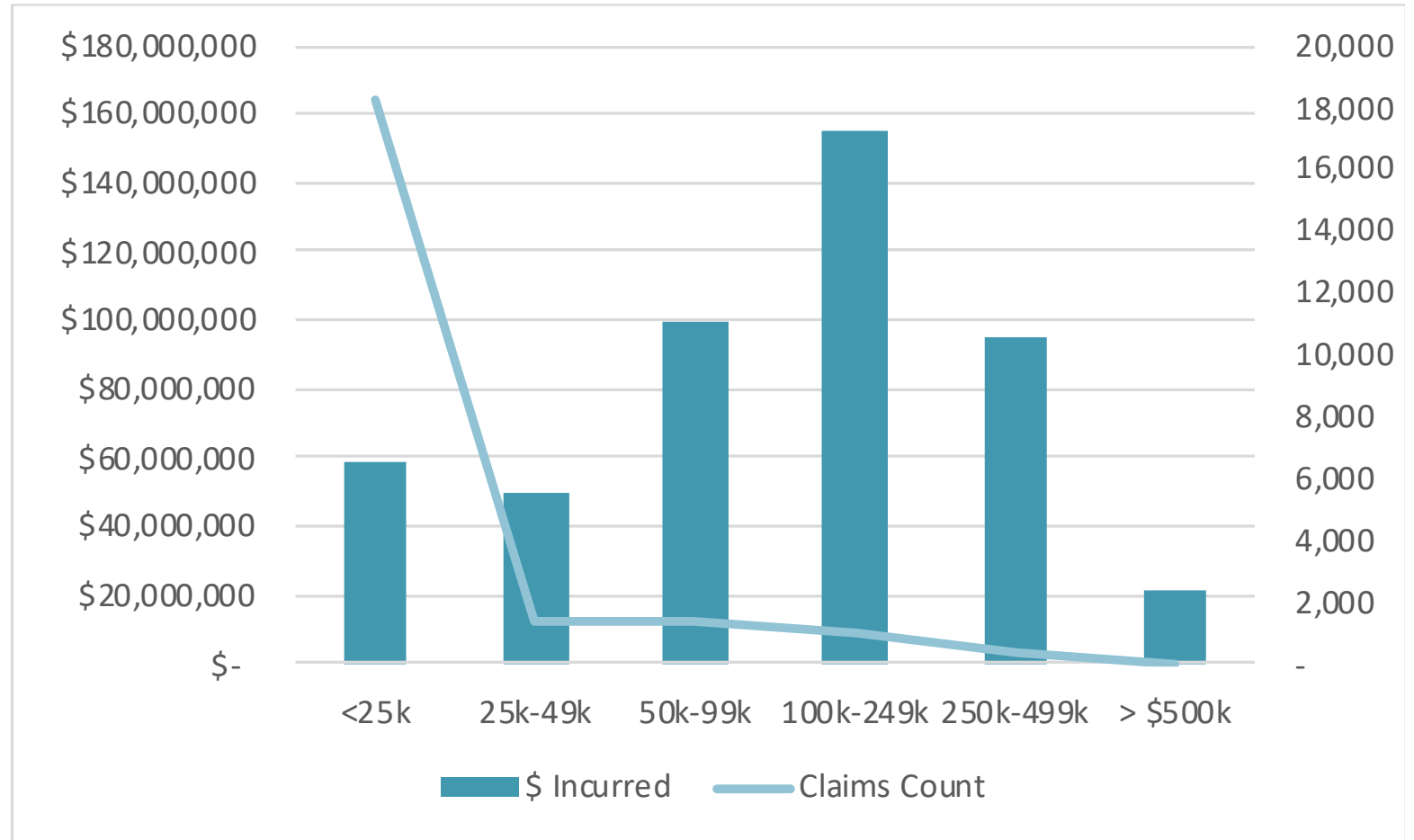- 104 city police departments

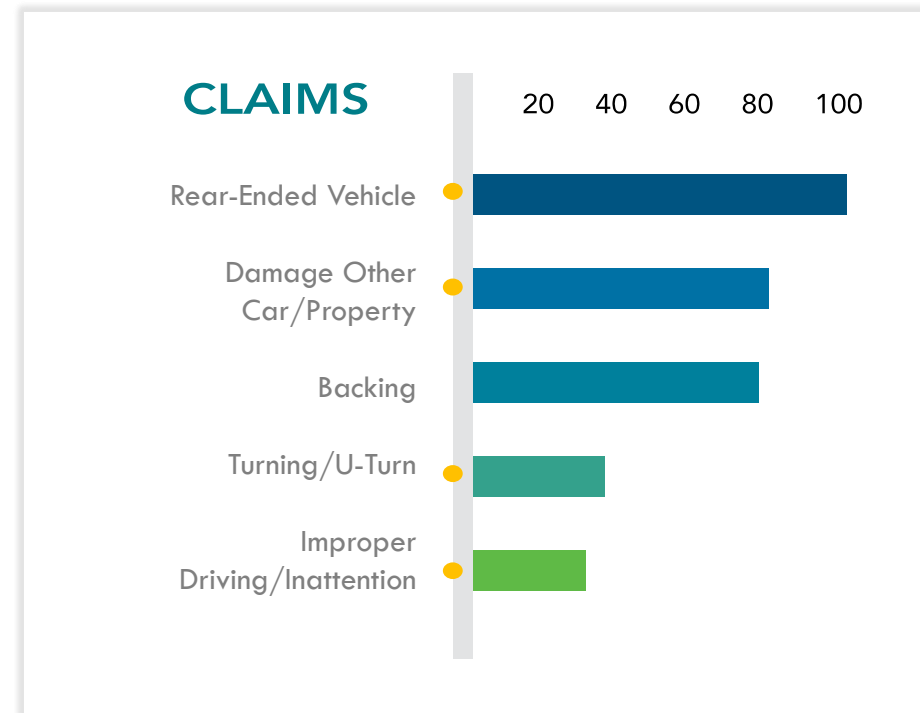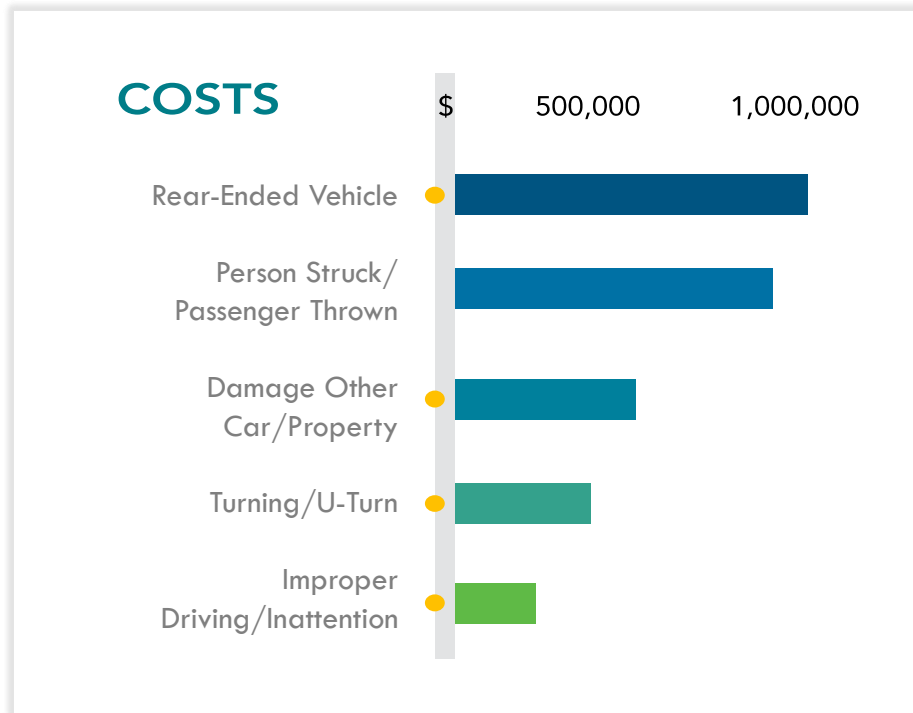Research Insight: 5% of the workforce are responsible for 66% of disproportionate force events.

Law Enforcement Workers Comp Claims Severity Analysis

Benchmark Consortium
Analysis

- 407 city police
  departments

- Non-Covid,
  Non-PTSD claims

- 2010 to 2021

Law Enforcement Top 5 Auto Accident Types

COSTS

$	500,000 1,000,000

- Rear-Ended Vehicle
- Person Struck/ Passenger Thrown
- Damage Other Car/Property
- Turning/U-Turn
- Improper Driving/Inattention

CLAIMS

20 40 60 80 100

- Rear-Ended Vehicle
- Damage Other Car/Property
- Backing
- Turning/U-Turn
- Improper Driving/Inattention

CIS Analysis of Last 5 FY as of 6.30.22   ● *On both lists*

Root Causes (Not Mutually Exclusive)

- High-Risk Operations (Pursuits, Non-Pursuit Emergency Response)
- Distracted Driving
- Driver Skill / Proficiency / Type of Vehicle
- Backing Up

NCLM Case Study: Improving Quality of FTO for Auto Risk

DAILY OBSERVATION REPORT

Date_____   Department_____   DOR#_____

P.O._____   Registry No._____FTO_____   Registry No._____

Shift Worked_____-_____   Area:_____Phase_____Limited/No Evaluation:_____

RATING SCALE

Unacceptable 1-2-3,   Acceptable 4,   Exceed Standards 5

CATEGORY		N.O.	N.R.T.	RATING SCALE					R.S.	R.T.
1.	Appearance			1	2	3	4	5		
2.	Vehicle/Equipment Care and Maintenance			1	2	3	4	5		
3.	Acceptance of Feedback (A)____ Attitude_____(B) Dependability (C)_____			1	2	3	4	5		
4.	Written Testing: Policy and Procedure A)___ Criminal Law(B)___Traffic Law(C)_____			1	2	3	4	5		
5.	Knowledge of Department Policy and Procedure Reflected by field performance			1	2	3	4	5		
6.	Knowledge of Criminal Law Reflected by Performance			1	2	3	4	5		
7.	Knowledge of Traffic Law Reflected by Performance			1	2	3	4	5		
8.	Driving Skills: Normal Conditions			1	2	3	4	5		
9.	Driving Skills: Stress Conditions			1	2	3	4	5		
10.	Orientation / Response Time			1	2	3	4	5		
11.	Routine Forms: Accuracy			1	2	3	4	5		
12.	Self Initiated Field Activity			1	2	3	4	5		
13.	Collision Investigation Skills			1	2	3	4	5		
14.	Court Performance (Case Preparation)			1	2	3	4	5		
15.	Officer Safety: Physical			1	2	3	4	5		

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NCLM Program: Improving Quality of FTO for Auto Risk

VEHICLE OPERATIONS EVALUATION FOR LAW ENFORCEMENT

Trainee's name_____ ID#_____

Training officer _____ ID#_____

Date_____ Observation week # _____

Trainer should provide a written statement for EACH of the following observation categories.
Use as many observation reports as needed. Make as many observations for each category as possible.   Revised – 1/26/2021

11. Maintains control of vehicle and proper alertness while talking on radio or using MDT.
   Typing on the MDT should be avoided whenever possible. Trainee should reduce speed and increase following distance before picking up and talking on the radio or typing on the MDT. Trainer should also watch to ensure that the trainee remains alert with proper eye movement to avoid tunnel vision.

___Consistent   ___Inconsistent   ___Never
Describe observations:_____
_____
_____
_____
_____
_____
_____

12. Avoids backing situations.
   Trainee should try to select a spot that makes backing unnecessary. If backing is necessary attempt to do it upon arrival. If trainee must back from a parked position, make sure that he/she walks around the patrol vehicle to look for any obstacles before backing.

___Consistent   ___Inconsistent   ___Never
Describe observations:_____
_____
_____
_____
_____
_____
_____

Closing Thoughts

High-severity Law Enforcement claims are addressable! Keys to Success:

- Conduct root cause analysis across lines of coverage

- Apply data science to surface actionable trends & leading risk indicators

- Utilize public safety credibility, relationships & trust as currency for change

- Engage members doing things right as peers to inspire action

- Leadership, culture and change management are as important as policies, training and equipment.

Lessons Learned from High Severity Law Enforcement Claims

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