



## **TML Risk Pool's Support for Excellence in Law Enforcement** *Summary of Actions* *August 13, 2023*

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. Perhaps even more important is the dearth of officers. Departments are understaffed, which leaves precious few resources for training and other improvement efforts. The TML Risk Pool wishes to direct resources to help Member departments better understand risk management, stay safe, and police with professionalism.

This *Summary of Actions*, based on a 2022 planning session initiative, a 2023 *Preliminary Report* and Board of Trustees discussion, and input from Member police chiefs, serves as a high-level directive for how to best allocate the Pool's law enforcement resources. The primary goal is to allocate Pool resources in a way that helps Member law enforcement departments deal with the challenges of modern policing. The secondary goal is to reduce law enforcement claims.

Staff expects the following actions will have a positive impact and help influence law enforcement decision makers to better manage risk:

- 1. Transitioning the Loss Prevention Department's Law Enforcement Training Specialist to Law Enforcement Outreach Consultant and add a second Consultant position.**

The Law Enforcement Training Specialist position is being converted to the Law Enforcement Outreach Consultant and a second consultant position will be hired in 2024. The consulting role should provide a better opportunity to influence law enforcement leaders. While the consultants will continue to provide some training, they will also identify high priority police departments on which to focus improvement efforts 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.

Safety and Loss Control Consultant and/or Law Enforcement Outreach Consultant visits or interactions with all Member police departments, especially those who ask for assistance, will also remain a priority.

***Expected outcomes:*** 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 departments, specifically by:



- **Identifying New Approaches to Create and Leverage Relationships in Law Enforcement:** The importance of solid, long-lasting relationships cannot be overstated. The ability of a 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's resources.
- **Improving 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 better aligns with Member needs. Areas of emphasis will include: (1) risk management; (2) leadership development; (3) influencing departmental culture; and (4) decision making.
- **Identifying Future Opportunities:** The consultants 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.

**Challenges and possible solutions:** One Board Trustee expressed concern with “finding the right person” to fill the newly-created consultant position. The concern is legitimate due to the need for a specialized skill set, which is significantly different from the previous “Law Enforcement Training Specialist” position. Some of those skills (outside of law enforcement experience and knowledge) include:

- Communication skills necessary to interact with law enforcement leaders.
- Presentation skills to provide training for law enforcement departments.
- Existing relationships with law enforcement leaders in Texas, with the ability to interact with Member law enforcement departments, TPCA, the TPCA Officer Safety Committee, Regional TPCA groups, conferences, TCOLE, and other groups and associations.
- Understanding of the importance of maintaining or creating a partnership with the Texas Police Chiefs Association.
- Knowledge of TCOLE rules and regulations and impact on the Risk Pool and its Members.
- Understanding risk management principles - specifically how risk management practices apply to law enforcement operations.

People Operations indicates the position can be posted early in the fiscal year with a hire date of early 2024. People Operations will assist with job posting and distribution, review of applicants, interviewing, and hiring. Interview panels will be used to ensure the right candidate has the wide array of skills, experience, and knowledge needed for the position. At a minimum, the hiring process will consist of an initial interview (most likely virtual), a second in-person interview, and a third in-person interview with Pool executives. Several law enforcement officials have indicated that Pool staff may be pleasantly surprised with the applicant list.

One Board Trustee expressed the possibility of starting with a contract position. Pool staff are considering this option, as well as hiring a full-time employee. The position will require a lengthy and comprehensive onboarding/orientation process to ensure the person understands not only the law enforcement side, but is also prepared to address the risk management, training, and coverage-related issues. The current Law Enforcement Outreach Consultant, Safety & Loss Control Supervisors, Safety & Loss Control Consultants, Loss Prevention



management, representatives of various Pool departments, and Members will be essential to an effective onboarding process that will take a minimum of 12 weeks (and perhaps longer). While the best-case scenario would be for a well-qualified candidate to emerge from the initial job posting and interviewing process, Pool staff intend to take the time needed to “get it right.”

2. **Continuing to support the Texas Police Chiefs Association’s Officer Safety Committee.**

The VINCIBLE initiative was created by the TPCA 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.

*Expected outcome:* Continued financial support of VINCIBLE and expansion of officer safety related activities under the VINCIBLE banner should increase training opportunities for Member departments that is provided by their peers, rather than their coverage provider.

*Challenges and possible solutions:* The Pool’s partnership with TPCA and the Officers Safety Committee has taken years to establish, and the additional Law Enforcement Outreach Consultant will help with continuous improvement of the partnership. Immediate results should come from more capacity to attend TPCA regional meetings, the creation of additional “Role Call” training content, and more. For example, the Pool has previously reached out to the Law Enforcement Management Institute of Texas (LEMIT) and Texas A&M Engineering Extension Service (TEEX) about partnering to provide leadership training, without much success. The new consultant can work to establish those relationships.

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.

*Expected outcome:* The continued development of law enforcement training should help strengthen the partnerships and connections with Member’s law enforcement personnel that will further increase the utilization of the Pool’s available services and resources.

*Challenges and possible solutions:* Pool staff plans to create an advisory committee made up of leaders from Member departments with the goal of providing ideas and feedback related to Pool activities, needs of Members, available and effective training providers, and areas of improvement. The new Law Enforcement Outreach Consultant position will be vitally important to this initiative, especially if the person has existing relationships with LEMIT, TEEX, ILEA and others. This type of initiative has been discussed with several other risk pools during SELC and NLC-RISC gatherings – the relationships are important and will take time to foster.

4. **Encourage and financially support law enforcement department accreditation.**

Twenty-two Texas municipal law enforcement departments are currently accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA). The TPCA Best Practices Program is a similar process whereby police departments 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. 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 departments.



Over 190 Texas Law Enforcement Departments have been accredited through the TPCA Program and over 50 are currently in the process. Of those, only 32 have fewer than 20 officers.

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.

**Expected outcomes:** Pool staff anticipates that accredited departments will raise standards of professionalism and reduce claims. While it can't be said that accreditation *causes* claims costs to be lower, Pool claims data does seem to show that *correlation*. Pool staff reviewed 797 law enforcement departments, of which 524 employ fewer than 20 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. Again, 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.

Pool data also indicates that accredited departments have lower average costs per claim than non-accredited departments. The following table shows that – for the period between October 2015 and September 2020 – the average total incurred losses for a law enforcement liability claim for a non-accredited department is about \$17,000 (or 84%) higher than the average for an accredited department.

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

While the total incurred losses per officer is less for accredited departments, the number of claims per officer is actually *greater*. Why is that? It's not entirely clear, but it could be that accredited departments tend to be larger, which may lead to more encounters and thus more claims.

**Challenges and possible solutions:** The accreditation process is time and labor intensive. Input from several Board Trustees showed concern for departments – especially smaller ones – that simply don't have the manpower to invest. In addition, city councils dealing with strong anti-police sentiment may be reticent to budget funds beyond those needed to simply “get more cops on the street.” Another Trustee suggested an approach more like that of cyber assessments, with benchmarks for moving in the right direction.

Also, legislation passed in May 2023 (S.B. 267 by Phil King) would have mandated that law enforcement departments employing at least 20 peace officers be accredited by September 1, 2029, and provided a grant program to assist with the initial costs of doing so. The bill analysis is in line with the Pool's proposal to do so:

*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.*

Despite the legislature's clear belief that accreditation matters, the governor later vetoed the bill. In any case, the Pool covers 797 full authority law enforcement departments, of which 524 or 66% employ *fewer* than 20 officers. That means the Pool has a role to play with financially assisting at least those smaller departments. Board Trustee input indicates that underwriting incentives typically get "swallowed up" by a city's larger budgeting process, which means direct financial support is better.

To that end, the Risk Pool will continue to support Member accreditation through the TPCA's Law Enforcement Best Practices Accreditation Program by funding first year fees for Member departments that enter the process. Pool staff meets periodically with TPCA about how to best use funding to entice and support Member departments that are pursuing initial or renewal accreditation. Pool staff will coordinate with TPCA to discuss legislative strategies relating to legislation similar to S.B. 267 that may be filed in the future.

TPCA's capacity to handle more departments seeking accreditation is a challenge. TPCA has considered additional staff to augment what is now primarily addressed through volunteers or contract specialists. If legislation mandating accreditation passed in the future, TPCA will need the Pool's support.

**5. Support the Texas Commission on Law Enforcement's sunset legislative mandate that each law enforcement department establish and submit to TCOLE certain minimum policy standards.**

In 2022, the Sunset Advisory Commission considered whether to continue the functions of the Texas Commission on Law Enforcement. 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 sunset 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 as well. The Pool's Law Enforcement Outreach Consultant is applying for a position on the TCOLE advisory committee.

***Expected outcomes:*** These remain to be seen, but uniformity of policies would seem to make sense.

***Challenges and possible solutions:*** Because this is a state-administered program, the Pool isn't directly involved. However, the Pool's consultants can advise and assist TCOLE and Member departments with the process. The Risk Pool will continue to monitor developments related to minimum standards because they will impact a large percentage of Member departments.

The Risk Pool's Law Enforcement Outreach Consultant submitted an application to participate on the TCOLE advisory committee that will address minimum standards for creation or continued operation of a law enforcement department based on the function, size, and jurisdiction of the department.

More importantly, the Pool should be able to assist Member departments with updating policies and ensuring training for officers on how to implement the model policies. The Pool will develop a list of Member departments (perhaps those with a loss ratio that exceeds 100 percent for any 10-year period) that we will contact for verification. While this seems like an extended period of time, it allows time for the development of claims and also ensures that loss ratio is not driven only by "administrative expenses or legal expenses" not necessarily associated with payments related to the claim.

A final question remains: How to measure the impact of the actions above? In theory, the frequency of claims and incurred losses should go down over time. However, many variables unrelated to the above and outside of the Pool's control can affect those metrics. Pool staff plan to develop quantitative measurements to record interactions with law enforcement agencies. Those measurements may include onsite consultations, law enforcement training programs provided by internal and contract trainers, law enforcement interactions during conferences or association meetings, completion of action plans or service plans, and law enforcement attendance at Pool-provided or Pool-sponsored training programs. As for qualitative measurements, the Pool's primary goal is to foster better relationships with the Pool's law enforcement Members and external law enforcement partners. In any case, continued review of the Pool's law enforcement resource allocation is "the right thing to do" as Pool staff seeks continuing improvement over time.