

**LAW  
ENFORCEMENT  
LIABILITY**

IACC CONFERENCE  
COEUR D'ALENE  
JUNE 10, 2021

1



# Chad Sarmento



- Law Enforcement Risk Manager
- 23 Years *Idaho* Law Enforcement
- Patrol Commander
- Jail Commander
- Police Officers Standards Training (POST) Instructor

2



## Law Enforcement – A Risky Venture



- Use of Force
- High Speed Driving
- Civil Rights
- Criminal & Gangs
- Mental Illness
- Drug Abuse
- Medical Conditions
- Innocent Bystander

3



## Law Enforcement Liability Risk (Exposures)

### In Custody Jail Deaths

- Deliberate indifference

### Civil Rights Violations

- Inmate access while in custody
- Medical access for both new & pre-existing problems
- Rights from illegal search & seizures
  - Including stopping & individual by use of firearm

### Lack of Policies/Training for Personnel

- Emergency medical procedures
- Responding to an unconscious suspect/inmate

### Excessive Use of Force

- Lack of policies or properly trained personnel

### Vehicle Accidents

- Pursuits
  - Lack of ongoing driver's training
  - Lack of policy regarding high-risk pursuits
- General driving accidents

### Employment/Promotion Decisions

- To include disciplinary procedures provided by county
- Discrimination/Harassment/Retaliation

4

## But At What Cost?

### ❑ Pursuit & Emergency Vehicle Response:

- \$3.9 Million - Police chase injured 3 pedestrians
- 3 teenagers injured when struck by stolen vehicle eluding police pursuit

### ❑ Jail Death / Lack of Medical Care

- \$8.3 Million - Wrongful death Of inmate in county jail
- After four years of litigation Alameda County & Corizon Health, Inc. ended a **wrongful death civil rights case** by agreeing to pay \$8.3 million.

5

## What are we doing to Help with risk?

In 2019, introduced Law Enforcement Risk Management Program

- Designated person to work on high-risk areas
- Point of contact with your law enforcement leadership
- Developer/organizer for ongoing liability issues



6



## Idaho Laws Requiring You To Have Law Enforcement

### Idaho Code 31-2202 – Sheriff Duties

- Preserve peace
- Take charge
- Keep county jail & prisoners
- Serve processes, notices, & maintain records

7



## Idaho Laws Requiring You To Have Law Enforcement

### Idaho Code 20-601

- ❑ **Jails kept by Sheriff**
  - Must provide medical care, food & shelter
  - Must provide transportation
- ❑ **If no jail, housing arrangements must be made**
  - Boise, Camas, Franklin, Lincoln, Minidoka, Oneida, Teton

8



# Law Enforcement Liability

## PATROL



## DETENTION



9

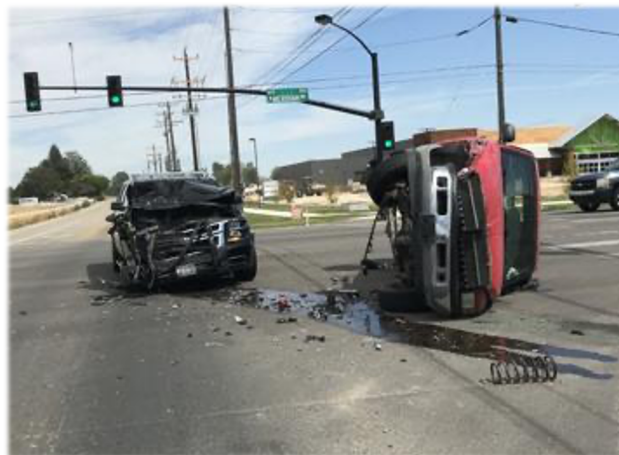
# Patrol Claims

## Use of Emergency Vehicle

- Responding to calls
- High speed pursuit
- Use of lights & siren
- Policy & procedure violation

## Arrest Procedure

- Excessive use of force
- Unreasonable search seizure
- No probable cause



10



# Patrol Risk Management Tool



## Training

- Emergency vehicle use
- Use of Force
  - Physical control techniques
  - Less-lethal options
  - K9 deployment
- Communication
  - De-escalation
  - Cultural awareness

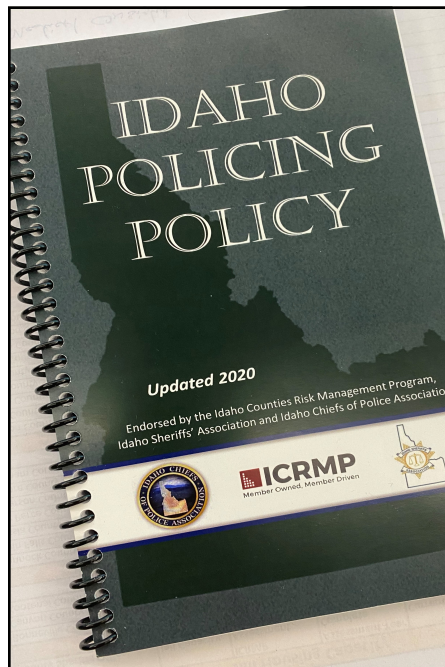
11



# Patrol Risk Management Tool

## Policy & Procedure Review

- Updated Patrol Policy
- Training on that Policy



12

## Detention Claim Areas

- ❑ **Excessive use of Force**
  - Inmate Management
- ❑ **Medical care**
  - Lack of/or inadequate
- ❑ **Wrongful Death**
  - Suicide/mental illness
  - Medical condition
- ❑ **Search**
  - Provisions made
  - Availability to practice



13

## Detention Risk Management Tools

### Training

- Use of Force
- Inmate Well Being Checks
- Medical Intervention

### Contract & Insurance Review

- Medical Provider
- Dental Provider
- Food Services
- Other Law Enforcement Agencies

14

# Detention Risk Management Tools Continued

- | Policies & Procedures  | Medical Care Provider   | Suicide Prevention Measures  | Strip Search Policy & Procedures  |
|--|---|--|---|
| <ul style="list-style-type: none"><li>• Updated?</li><li>• Training?</li></ul> | <ul style="list-style-type: none"><li>• On-site?</li><li>• Available?</li></ul> | <ul style="list-style-type: none"><li>• Are Idaho's legally mandated jail mental health procedures being done?</li></ul> | <ul style="list-style-type: none"><li>• Where do they happen, &amp; are they legal?</li><li>• Cross-Gender Searches</li></ul> |

15

## Continuing Risk Exposures

### Overcrowding

- Increased violence
- Classification & separation



16



## Continuing Risk Exposures



### Lack of Detention Deputies

- Inmate well-being hampered
- Using inappropriate staff for facilities

17

## Continuing Risk Exposures

### Medical Provider

- Access
- Responsive
- Insurance



18



## Continuing Risk Exposures

### Facilities

- Deterioration
- Fire Safety

19



## Getting & Using Information

- Visiting your agency
- Working with law enforcement & their stakeholders
- Seeing first-hand success & struggles
- Forming achievable improvement plans
- Reducing risk through training



20



Thank You

Chad Sarmento  
Law Enforcement Risk  
Manager  
208-246-8203  
csarmento@icrmp.org

