



**LAW  
ENFORCEMENT  
LIABILITY**

**IACC ANNUAL CONFERENCE  
MOSCOW, IDAHO  
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# Chad Sarmiento



- Law Enforcement Risk Manager
- 23 Years Fulltime *Idaho* Law Enforcement
- Idaho POST Certifications
  - Detention Level III
  - Advanced Patrol
- Police Officers Standards Training (POST) Instructor

# Law Enforcement – A Risky Venture

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



# A Risky Event Realized

COULD YOU BE THE NEXT  
CITY COUNCIL THAT HAS TO  
VOTE ON THIS?

## What are we doing to Help with risk?

Since 2019, ICRMP has had in place a specific 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







# 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



# 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





# Law Enforcement Liability

## PATROL



## DETENTION





# 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

# Patrol Claims

-and-

# Public Perceptions

Use of Force Incidents

Officer De-escalation

Mentally Ill Suspects



# Patrol Risk Management Tool



## Training

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

# Patrol Risk Management Tool

## Agency Meetings/Assessments

- Staffing/Leadership for the Agency
- Equipment Provided
- Training on Provided Equipment
- Cameras for Officers/Vehicles
- First Aid/CPR/AED Availability
- Block Trainings Provided
- Agency Assistance/Availability

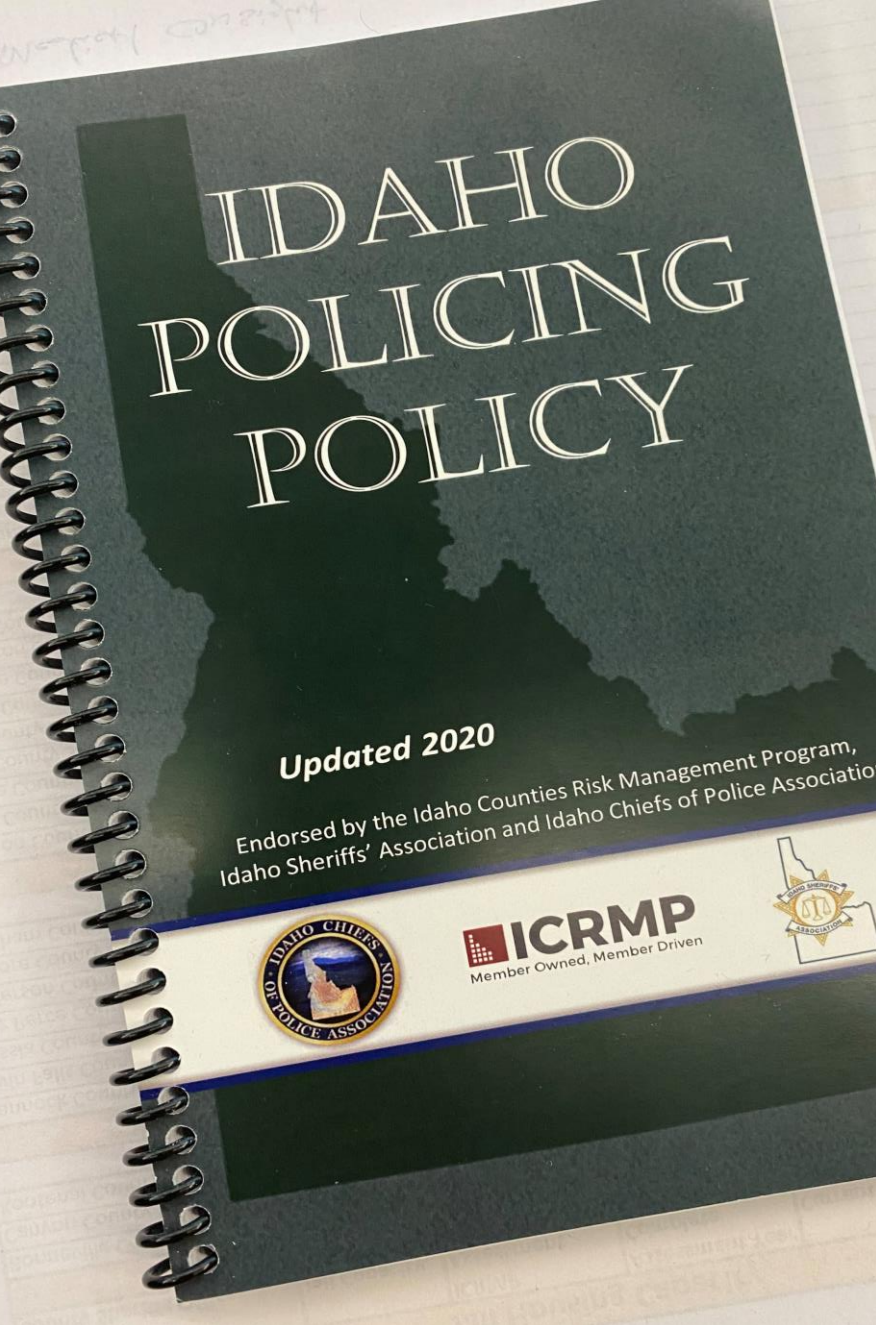




# Patrol Risk Management Tool

## Policy & Procedure Review

- Updated Patrol Policy
- Training on that Policy



# 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



# Detention Risk Management Tools

## Training

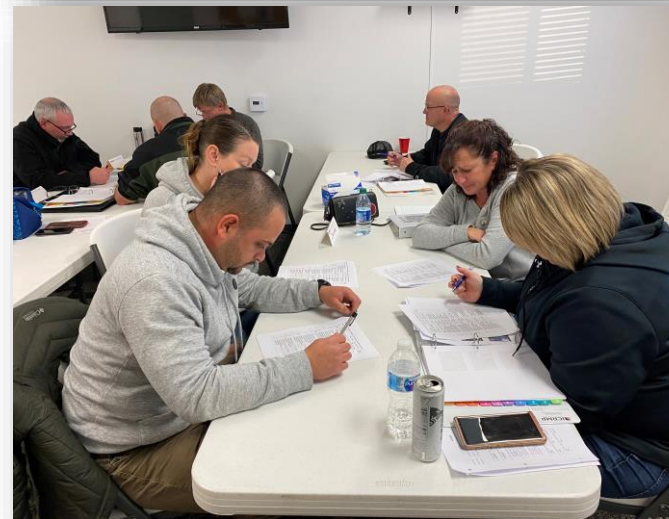
- Use of Force
- Inmate Well Being Checks
- Medical Intervention

## Contract & Insurance Review

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

# 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





**Thank You**

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