South Carolina Police Chiefs Association  
Continued Professional Training

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Creating and Maintaining the High-Reliability Organization

Thanks so much for again inviting me to South Carolina to speak to you regarding your chosen profession, law enforcement. It is an honor to be here with you today, and I hope that my comments over the next six hours or so allow you to go back to your respective organizations and further improve your operations.

I know I have a mixed group of law enforcement personnel here today, including administrative, patrol, investigative, dispatch and all the other jobs you would find in a municipal police operation. My guess is I also have people from line to executive ranks.

With that in mind, I guarantee you that not every word I am going to say today will apply to you. But hopefully by the end of our brief time together you will pick up some information that you can take back to your respective organization and make work for you with the ultimate goal of improving the quality of your operations.

If you have been to any of my programs over the last 40-plus years you know that I spend a lot of my life studying tragedies. These tragedies are sometimes caused by intentional misconduct, but many involve errors or mistakes made by our own personnel.

As I study tragedy (in any occupation or profession) I am looking for the cause of the tragedy. All too often, when people search for cause, they default to the event that immediately preceded the tragedy—and somehow that event is given the title of cause.

Here is a primer on risk management: The event that instantly preceded the tragedy can be identified the proximate cause. Real risk managers like to go back in time and search for root cause, or conditions or cultures within the organization—issues that really caused the tragedy.

When you do this analysis conscientiously, oftentimes you will find problems lying in wait that people knew about—or should have known about—and yet no one did anything about them. And to conclude this thought, when you identify the root cause you can then
put appropriate control measures in place to help prevent a similar tragedy from occurring again.

To be fair, not all tragedies can be prevented. If some idiot is bent on shooting a cop today here in South Carolina (like we have witnessed recently around the United States this year) he/she is going to pull it off. It is very difficult to prevent intentional misconduct.

But too many tragedies (injuries to personnel, death of personnel, lawsuits and organizational embarrassments) are caused by mistakes and thus can be addressed proactively. And you play a key role in going back to your respective law enforcement organizations here in South Carolina and establishing appropriate control measures to address the real risks you face. How can this be done in your high-risk and complex profession?

What can be done to address the voluminous risks and increasing complexity of our jobs? Seven years ago (March 11, 2011), we witnessed a tragedy unfold as the Fukushima Daiichi Nuclear Power plant in Japan failed following a massive earthquake and subsequent tsunami.

That event, the repercussions of which are still playing out today, has caused me to recall a name from graduate school, a man who was attempting a very complex and risky assignment and who faced tremendous obstacles. His name was Admiral Hyman Rickover, known to many of you as the father of the U.S. nuclear navy.

I was fortunate enough to be introduced to his work when I was a young motorcycle cop in graduate school in the mid ’70s, and as I was impressed with what this immigrant to the U.S. in 1906 was able to do for our nation in the ’50s, ’60s and ’70s.

The end of the story is that he directed the building of a nuclear fleet that has not only protected my country and the rest of the free world, but that simultaneously has achieved an outstanding safety record. This impressive safety and reliability record is the result of a lot of hard work by Admiral Rickover and his staff.

He developed some rules to achieve success (read: safe operations and deployment-ready) known colloquially as the Seven Rules of Rickover. One of the goals of the graduate program I was in was to learn how his rules could be made applicable to other branches of the U.S. military.

As I sat there 43 years ago, I was wondering if these rules applied to my complex, high-risk job in CHP operations. And here I am 43 years later, trying to spread the word on how valuable the thoughts of Admiral Rickover were—and are.

As you read these rules, ask how many of them apply to the complex world of police department operations here in South Carolina. Let’s look at each of these rules and explore the possibilities.
Rule 1. You must have a rising standard of quality over time, and well beyond what is required by any minimum standard.

We must get better and better at what we do. Minimum standards are just that—minimum standards. Our profession deserves better than minimum standards. The communities you serve deserve better than minimum standards. Our personnel deserve better than minimum standards. The people you have in custody deserve better than minimum standards.

We must be constantly looking for a better way to do things. Status quo—we have always done it this way—is no longer acceptable. And sadly, I see a lot of status quo in law enforcement agencies around this great nation.

Continuous improvement has got to be part of the way we do business. Anything you can quantify and anything we can measure must be identified and we must be constantly searching for the next best way.

And when we find the next best way, we must commence the search for the next next best way. And I am not talking about change for change’s sake, but a bona fide effort to continually improve the way we do business.

Strategic Hints for Your Consideration

- What is the lost-time injury rate in each unit of your organization, and what control measures can you put in place to reduce this injury rate?

- What are the fleet maintenance costs in your organization and what can be done to reduce these expenditures?

- What is your fleet mileage and what can be done to increase that number?

- When was the last time your people were trained and tested on their core critical tasks? More on this throughout our time together, but in every job in your agency there are a limited number of events that end up in tragedy.

Rule 2. People running complex systems should be highly capable.

Successful police department operations require people who know how to think. Fifty years ago, you did not need to be that sharp to be a cop. Back then you had to be competent and a hard worker.

While those attributes are still important, we must recognize that things have changed. Technology, equipment, strategies and tactics involved in providing services to our
community and protecting our citizenry have all changed. This is an extremely complex job, and if you hire people who can’t think things through, you are en route to disaster.

If you allow the hiring of idiots or thugs, they will not disappoint you—they will always be idiots or thugs. In view of the consequences that can occur when things do not go right in your complex, high-risk job, this may end up being the cause of a future tragedy. We have learned this lesson time and time again, but somehow seem to forget it all too often.

And please don’t tell me that you have nothing to do with the hiring process. Each of you has a role in recruitment and each of you has a role in the probationary process of each employee. More on this throughout our time together, but you have got to take your role in these processes seriously.

I could tell you stories about police departments, including organizations just like yours, from around America who failed to weed out a loser and paid the price. Every nickel you spend in weeding out losers up front has the potential to save you a million dollars. If you get bored tonight, just Google “Annie Dookhan” and see how much grief one bad employee can do.

**Strategic Hints for Your Consideration**

- Does your workforce reflect the community you protect and serve?
- After date of hire, when is the next time you do a background investigation on your personnel?
- Do you have a process to ensure that the probationary period is being taken seriously?
- If I were to audit two years’ worth of performance evaluations, what would I find?

**Rule 3. Supervisors have to face bad news when it comes, and take problems to a level high enough to fix those problems.**

When you take an honest look at tragedies in any aspect of police department operations, from the lawsuits to the injuries, deaths, embarrassments, internal investigations, and even the rare criminal filing against our own personnel, so many of them get down to supervisors not behaving like supervisors.

The primary mission of a supervisor is systems implementation. If you promote people who either can’t or won’t enforce policy, you are en route to tragedy. To be sure, the transition from line employee to supervisor is a difficult one, but the people chosen to be supervisors must understand the importance of their job.
Sadly, we have too many people who call themselves supervisors who have never made a successful transition from buddy to boss. Not to beat this point to death, but you show me a tragedy in a police department—including some in the news today—and I will show you the fingerprints of a supervisor not behaving like a supervisor, or a supervisor who tried to do his/her job and was not supported by management. There will be more on this throughout our time together.

**Strategic Hints for Your Consideration**

- What is the process you have in place to promote people? Is there a better way?
- Do you have a formal training program prior to their being promoted?
- Do you have a formal mentoring program to assist them in this transition?
- Do you analyze events after occurrence to ensure supervisors were doing their job? Just because something ends up without consequence does not mean things were done correctly.
- Have you considered bringing back the “best of the best” to help train and mentor your new supervisors? I really like this idea and I know it can work for you.

**Rule 4. You must have a healthy respect for the dangers and risks of your particular job.**

All your jobs are high risk in nature, and the consequences for not doing things (tasks, incidents, events) right can be dramatic. Remember the basic rules of risk management: RPM - Recognize, Prioritize, Mobilize. Later in the program we will discuss the importance of the risk assessment process. You have a key role in recognizing the real risks you and your personnel face.

You must recognize the risks you face. You must then prioritize them in terms of frequency, severity, potential of occurrence, and time to think. Then you must mobilize—act—to prevent the identified problem from occurring.

Also, you must fully understand the job you have chosen is filled with risk and there is always a potential for the unthinkable event to occur in our workplace (take a look at a great book by Amanda Ripley, *Unthinkable*).

Please recognize the difference between “Black Swans” and “Gray Rhinos.” Sometimes we get immersed in searching for the former when in fact the latter are a greater risk. Allow me to explain this in greater detail.
With this in mind, allow me to introduce you to “The 10 Families of Risk.” As I looked at the thousands of risks that people face in a given law enforcement organization, I saw too many people who were overwhelmed by the “volume” of the issue. So I wanted to make it easier to comprehend. So let’s break up the thousands of risks into 10 families.

What I would like you to do after this program is to look at each of these 10 families and ask yourself, “What are the three (or more if you feel energized) greatest risks my organization faces in each of these families, and what control measures do we have in place to address these identified risks?” Also, please remember the “assessment of risk” is an ongoing process—not just something to be done once after today’s program.

Here are the 10 Families of Risk:

1. **External Environment**—risks arising from outside the organization that impact your organization. We know there are a number of these and they are increasing in frequency and severity. Included here are natural disasters, pandemics, terrorist activities and conduct (both intentional and negligent) by members our public that impacts our operations. This is the most complex and difficult family of risk you face, as your control of these risks is very limited. But these risks need to be recognized and addressed if possible.

2. **Legal and Regulatory**—risks arising from the complexity of or non-compliance with the legal framework imposed on organizations like yours in your state. If there is a law or ordinance in state or federal statutes that requires action or prohibits action, this rule must be known and followed. I am always amazed how many organizations, both private- and public-sector, including large ones with huge budgets—are not in compliance with the ADA, FLSA, and even the Public Records Act. And with the demand today for “full transparency,” this could pose a major problem for you and your department. Do you have all the policies in place that are required by federal laws and regulations?

3. **Strategic**—risks arising from the lack of priority setting and business planning, leading to a reactive organization that is not prepared or flexible enough to deal with unforeseen events. This goes on a lot, particularly in smaller organizations that do not have sufficient personnel or time to plan for the future. Where will America be in 30 years? Where will your law enforcement agency be in 30 years? If you think that it will look “pretty much the same,” you may be missing the boat.

4. **Organizational**—risks arising from not clearly defining roles and responsibilities, not demonstrating the values of your organization or not having monitoring processes in place. In a nutshell, we must be concerned with PEOPLE, POLICY, TRAINING, SUPERVISION and DISCIPLINE. Each of these issues is the root cause of so many tragedies.
5. Operational—how do we manage the risk of a specific task, incident or event? How do we manage the risks involved in a particular employee termination or employee threat of suicide? How do you manage the risks associated with a specific chemical spill incident? Again, I must emphasize the importance of Recognition, Prioritization, and Mobilization of the high-risk, low-frequency, non-discretionary-time tasks and the importance of daily training on these “core critical tasks.” More on this when we cover Rule Five later this morning.

6. Information—we make decisions based on information. How do you know the information on which you are basing your decision is accurate and has not been vetted by someone for his or her own advantage? How do you separate the valuable information from all the data? In many organizations I have consulted with, I see that personnel are trained on how to do specific tasks, but very few organizations teach their personnel how to think. I strongly recommend training for all personnel on critical thinking skills, particularly on the specific tasks in a given job that have the highest probability of ending up problematic. Be aware of the dangers of ignorance, complacency and “cognitive bias.” I continue to stress the importance of decision-making training—perhaps even developing a National Decision-Making Model for all law enforcement personnel.

7. Human Resources—risks arising from the myriad issues involving personnel. This may well be the most expensive family of risk you face. Put a checkmark next to this one as it is causing us a ton of grief and needs your attention when you get back to work. If I were running a law enforcement organization I would not allow any supervisor, manager or executive to make an employment law decision without first consulting with competent human resources personnel. All employment law is “discretionary time,” so let’s take the time to transfer the risk to those who do the task at the highest frequency.

8. Technology—this is the fastest growing family of risk we face. I have major concerns about hacking, malware, software, equipment purchases and updating, employee knowledge and training, terrorism, social media, equipment failure and many other issues. Is your CTO really a CTO? Or is your CTO just the smartest person in the room with respect to computers? There is a huge difference! As a chief when you interview a candidate for this position, are you asking the right questions?

9. Financial and Reputational—risks arising from improper budgeting, forecasting and expenditure controls, including contracting, asset management, internal audits, improper salaries, theft of cash, misappropriation of resources, misuse of overtime and poor revenue oversight. We must be very concerned with anything dealing with money. Is your CFO really a CFO? Does she/he actually have any background in finance, or do they just test well on promotional examinations?
10. Political—All your personnel should stay out of the fray of politics. Please be careful in your dealings with other elected officials—there is a lot of risk involved here. Also, your department mission should not be impacted by which political party is in control of the State. This is a tough one, particularly if you are an elected official.

So your “take back to work assignment” is to identify the three greatest risks you face in each of these 10 families and then ask, “What control measures (systems) do we have in place to address these identified risks?” And please remember this is an ongoing process.

**Strategic Hints for Your Consideration**

- Have you done a risk assessment on each job description in your organization? In your job description, how do personnel get killed, hurt, sued, fired, embarrassed, or indicted? You must know this information for each specific job description.

- Do not limit your assessment to the history in your organization. There are thousands of departments around the state and throughout America, and many of them are just like yours.

- Have you developed a protocol for prioritizing these high-risk tasks?

- Do you have a process in place to identify emerging core critical tasks?

**Rule 5. Training must be constant and rigorous.**

Every day must be a training day! We must focus the training on the tasks in every job description that has the highest probability of causing us grief. These are the high-risk, low-frequency, non-discretionary-time events: chemical spills, medical aid, shoot/don’t shoot situations; jail fires; or workplace violence events. These are considered core critical tasks.

It is important to note that most of what cops (and other police department employees do) in South Carolina and around America, they are doing right! The bad news is that when things do not go right, there are significant consequences. These consequences include injury, death, lawsuits, embarrassment, loss of public trust and even the occasional criminal filing against law enforcement personnel. In each of these “tragedies” there is always a proximate cause—the event that instantly preceded the tragedy.

But please remember that “real” risk managers always try to get beyond the proximate cause and look for the real problems lying in wait—the root causes for the given tragedy.

If you want to learn how law enforcement personnel will get in trouble, all you need to do is study how law enforcement personnel have gotten in trouble. This “study” is known as
a “risk assessment”—and we talked about this issue briefly when we were discussing Rule Four earlier this morning. There are many variations of this “assessment,” but regardless of how you approach the risk assessment, you will get the same results.

Law enforcement personnel get in trouble for two things, and only two things: intentional misconduct (where bad people do bad things on purpose knowing what they did was bad when they did it) and negligent conduct (where good people do bad things without meaning to and without knowing what they did was bad when they did it). Here is a chart for your consideration:

<table>
<thead>
<tr>
<th>INTERNAL MISCONDUCT</th>
<th>EXTERNAL</th>
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<tr>
<td>NEGLIGENT CONDUCT</td>
<td>EXTERNAL</td>
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Let’s start with the top right of the above chart. Some of the “intentional” acts may be generated by people “outside” of your operations—murderers, rapists, arsonists or even terrorists who want to further their nefarious schemes in trying to hurt Americans. It is very difficult to stop this external intentional misconduct.

In a free society, if bad people want to behave badly, it is very difficult to stop them from doing so. While this is not my focus today, I would like to remind you of the importance of being vigilant—and also quickly comment on the value of random irregularity.

Vigilance. The vigilance this great nation had on September 12, almost 17 years ago, has decreased tremendously. I dare say there are more “bad” people in our country today than there was on September 10, 2001, but our level of vigilance has deteriorated. Please be vigilant.

With respect to random irregularity, we have got to break up patterns. If you go to the same location at the same time for breakfast every morning, that is an exploitable pattern. If you patrol the same way every day, that is an exploitable pattern. Within your standardized best practices, let’s build in some intentional variance or random irregularity.

Continuing on, let’s move to the top left portion of the chart. Some of these intentional events are generated by our own personnel. Certainly, we have had a number of these in law enforcement—and we have had a number of these types of events right here in South Carolina.
What can we do about this? I think most of this could be prevented if we did a better job of screening out losers up front, prior to hire. Law enforcement agencies are not “evil cauldrons” that hire good people and turn them into bad people.

My belief is that we occasionally hire bad people and put them in a position of public trust and they continue to perpetrate their bad behaviors. I could give you examples of this from around America, but you are acutely aware already.

I am also asking you to think about the importance of ongoing background investigations. Some people go bad over time, and right now the only time we find out they have switched sides is after a consequence occurs. This is not a class on background investigations today, but please take them seriously. We mentioned this briefly earlier this morning when we discussed Rule Two.

Let’s now move to the lower two boxes on this chart. Some of our problems come from negligence, where otherwise good people make a mistake or do something stupid and their behavior negatively impacts law enforcement personnel. And once again, these mistakes can have their genesis from the outside, primarily in the area of vehicle operations.

Please talk to your people about driving defensively, watching out for the other guy, being well rested, staying away from distracting behaviors (like the in-car computer—please check out [www.mobilepcmanager.com](http://www.mobilepcmanager.com)). And when you are outside of your vehicle on or near a roadway, be acutely aware of the dangers of roadway incursions.

Sadly, not a day goes by that a cop, firefighter or paramedic is not struck by passing traffic. Take a look at [www.respondersafety.com](http://www.respondersafety.com) for some effective control measures on how to address this issue.

All of this brings us to the bottom left component of the above matrix: internal error. Most of our nasty consequences today have their genesis with internal error, in which our own people make mistakes.

You can call them errors, negligence, stupidity, omissions or anything else, but too many of our problems start with mistakes. On my recommended reading list are all sorts of books about error and I read these books and I get a headache.

Let me make it easier to understand by giving you another chart, the “risk/frequency” matrix. If you have been to my programs before you are familiar with this chart. Too often people give me credit for inventing it!

I did not invent this. I learned about this in graduate school 43 years ago and even then I had a question: “Why did I not learn this in 1973 at the CHP Academy? Why did I have to wait for a specialized program in grad school to learn something that every cop should know from day one on the job?”
Everything you do in every job in your police department operations can be put into one of these four boxes. There are no exceptions to this. If you understand this chart, you can predict where most mistakes will occur. And please remember that mistakes are the cause of too many law enforcement tragedies.

The good news is that most of the things you and your people do in your organization are high-frequency tasks, and your past experience will show you how to do it right the first time. This brings up the topic of RPDM, or Recognition-Primed Decision-Making.

If you want to read all about this, please pick up a book by Dr. Gary Klein, Sources of Power, and read all about it. The principals of RPDM are as follows.

Consider your mind as a hard drive—or for those of you over 50, a slide tray. Your daily experiences help load this drive. Everything you do and experience is loaded into your hard drive.

When you get involved in any task or incident, your magnificent brain quickly scans your hard drive and looks for a close match, or what Dr. Laurence Gonzales calls a “memory marker” or “mental model” or a “behavioral script.”

Bottom line: Give me a good woman or man and put them in a high-frequency event, and there is a darn high probability they will do the task right this time.

There are exceptions to this rule. Occasionally you will find that errors occur on high-frequency events. In these cases, when you look for what caused the tragedy, there are five issues that keep popping up:

1. Complacency
2. Fatigue
3. Distractions

NDT = no discretionary time
DT = discretionary time
HR = high-risk
LR = low-risk
HF = high-frequency
LF = low-frequency
4. Hubris  
5. Risk Homeostasis

Let me explore these with you for just a moment.

**Complacency:** I don’t care how many times you have done any given high-risk task. The next time you do it, it is as risky as the first time. The level of risk does not change, but our acclimation to the risk does change. And when high-risk tasks become “routine,” bad things will happen.

**Hubris:** I want your personnel to be confident, but don’t let this grow into cockiness. Getting cocky in this line of work is a ticket for nothing but problems.

**Fatigue:** If you are not getting seven hours of uninterrupted sleep every night, you are suffering from fatigue. And fatigue impacts decision-making, judgment, critical thinking skills and disposition. Please make sure that you are well rested. I really wonder how many of your tragedies have fatigue as a causational factor?

**Distractions:** The job is complex enough without adding in all the distractions like cell phones, in-car computers, and other things that divide our attention.

**Risk Homeostasis:** Sometimes we do things to make people more safe when in fact we make them less safe. Always remember the concept of unintended consequences.

Bottom line: If you allow anyone of these to be present while doing any event, you have a “problem lying in wait.”

But even when you factor these in, rarely do mistakes occur on the high-frequency events. However, if you put a good person in a low-frequency event—particularly one that is high-risk in nature—I hear trains coming!

When you get back to work later this week, I want you to start the practice of RPM – Recognition, Prioritization, and Mobilization. First, you must recognize the tasks that fall into the top left box in the job description(s) that you manage. This requires the “actuarial risk assessment” I spoke of earlier. Now you must “prioritize” these risks. Here are some thoughts on this process.

Please recognize that this top left box has been divided into two areas. Some tasks need to be done immediately (NDT), and some give us time to think (DT). The top left portion of the top left box scares me a lot, as these tasks truly give you no time to think.

Included here are workplace violence incidents, chemical spills, shoot/don’t shoot situations, bomb threats, tornadoes and other natural disasters, and similar events. These are the tasks that have higher priority in my way of thinking, as they have a higher probability of getting you in trouble.
These are the events (tasks) that need the regular and ongoing training. This is the mobilization component of RPM and it is very important that every day is a training day and you must focus your efforts on the core critical tasks— those tasks in the top left portion of the top left box.

The good news here is that in an average career of 30 years, less than one shift is really spent on this type of task. The bad news here is that in an average career of 30 years, less than one shift is really spent on this type of task.

With this in mind, and because of the high level of risk involved in the given task that falls into the top left corner of the top left box, these need to be covered regularly to make sure people know what to do if they ever get involved in the HR/LF/NDT family of tasks.

The excellent news is that most of the tasks in the top left box are not NDT, but rather DT, meaning that you have time to think before you act. That may include asking someone who does the task at a higher frequency (and that may mean only once more than you) how to do it so it gets done right.

Law enforcement operations can be very complex. However, most of the incidents you get involved in are ones that you have done a lot (HF) or ones that give us total discretionary time. If you have the time to think, please use it. Failure to use discretionary time when available is over-represented in subsequent problems.

**Blink vs. Think**

Your role in South Carolina police department operations is making sure that you and all of your people in each and every job description are fully and adequately trained for the tasks that give you no time to think (the core critical tasks present in each and every job description in your police department), and that you (and they) understand the value of thinking things through when they are involved in a discretionary time task.

So what do you do with this “discretionary time” to think things through prior to taking action? Simply stated, you use this time to think so that the proper decision is made to ensure that things get done right. Good decisions are an essential component of getting things done right.

And every task, incident or event encountered by your personnel requires the making of a decision. So how many of your people have had a class on how to make a decision? If 5% of the hands go up in any given class I am speaking to, I am surprised. So here we are in the most complex profession in America with no training on how to make decisions. I hear a train coming!
Some people think this is not an issue because most decisions we make are good ones. Very true, primarily because most decisions you make you make on a regular basis, meaning you do the underlying event at “high frequency.” In this situation, your friend and ally **RPDM** kicks in and things get done right.

I am not worried about how you make high-frequency decisions, as you do so all the time and if you were not doing it correctly, you would know about it by now. I am very concerned about how you and your people make “low-frequency” decisions.

How do you make decisions? Do you have a systematic approach to this process, or do you use the “whatever sounds right” at the time approach. Hastily made or poorly thought out decisions can have dramatic and permanent consequences.

I never received a decision-making process until I got to law school, and there I was taught IRAC. What is the ISSUE? What is the RULE of law regarding this issue? How can you APPLY the rule to this issue? Reach a logical CONCLUSION based on the application of the rule to the involved issue.

I am not intimately familiar with all that goes on here in your specific law enforcement operations, but in so many initial training programs, we train our personnel how to do specific tasks, but we do not teach them how to think. So how can IRAC be of assistance to you? I expanded it slightly and made it more specific to what we do, so here is my 10-step decision-making process.

When facing a **low-frequency** task, and the setting of this task does not matter, please analyze as follows:

1. Identify and clarify the issue. If there is a preservation-of-life issue, immediately act and move to step 8 (do something to preserve life) of this process. Otherwise, ask what is going on in this event, and what am I being asked to do? You cannot make the right decision if you are addressing the wrong problem. Listen to what is being communicated to you and ask clarifying questions as necessary. Don’t let RPDM get in the way. RPDM can generate “cognitive lock.”

This is a nasty phenomenon where we make up our mind based on little information. This is a problem area. Study after study has demonstrated that the more time you spend identifying what is really going on, the higher the probability you will make a good decision.
Check out [www.theinvisiblegorilla.com](http://www.theinvisiblegorilla.com) for some interesting thoughts about this issue – and how it applies to your law enforcement operations.

One last thought. I worry that some people in here today will view this request to “think” as an opportunity to excessively delay performance of given tasks, incidents and events. Please do not do this. You have a job where things need to get done—so please do your job.

**#2.** Is there discretionary time or not? This is so, so important. If you have it on a low-frequency event, then use it to think the issue through using the next five steps of this process.

Failure to utilize DT when available is over-represented in subsequent problems. There is no excuse for a poor decision when there is time to think the decision through.

Those tasks that are truly NDT need regular and ongoing training. You are responsible for ensuring you are fully capable of handling these events should they ever occur.

But most things give us time to think, and if you have that time, the next four steps are the core of the decision-making process.

**#3.** Am I able to address this issue? If yes, then handle it now by moving on to step 4. If it is not within your current job description, then get the issue to someone who can handle it now, and follow up to make sure it got handled.

If it is a fire department issue, get it to them. If it is a DPS issue, then get it to them. And whenever possible, follow through to make sure the need was taken care of.

This is called “closing the loop” in the customer service world and is an excellent technique for creating loyal customers.
#4. * What is our current department policy regarding the involved issue? What does our policy manual say about this task? I am presupposing that you have good policies in place. If there is a written rule, it has to be followed!

And when your boy and girl wonders come up to you and inquire as to how to do something, rather than dazzling them with your significantly loaded hard drive of experience, the smartest thing you can do for them is to teach them how to look it up.

And if you do not have a policy specific to the task, incident or event in which you are involved, please remember the mission Statement or the values and vision of your department.

#5. * What is our past practice regarding this issue? You may have never experienced this event before, but someone else in your agency may have some “memory markers” as to how it needs to be handled. Use this discretionary time to ask someone who has done this incident before so that your behavior today is consistent with past practice.

Failure to treat people as others who were similarly situated were treated—or performing a task in a manner inconsistent with past performance—is the easiest way to really make people angry.

If you are going to deviate from the norm, you must have specific, articulable facts to justify this deviation from the way you normally do this type of task.

And for those of you who serve as supervisors and managers in your department, you have a key role in being consistent in the way you do your job.

#6. * Is it the right thing to do under the circumstances? What are the ethical considerations of this event? Every task we get involved in has an ethical concern, so every decision we make has got to include the ethical analysis.
#7. * What are the potential consequences of my decision? This is a generational-specific concept. You have got to make sure that you understand and analyze potential consequences in advance of your decision.

Consequences include intended, unintended, short-term, and long-term issues. You must think about the impact on the customer, your co-workers, your organization and our profession i before you do something.

This is a huge issue with the newer employees, as they have grown up in a world devoid of consequences and thus many not understand the gravity of what they are doing.

And not to beat this to death, but there is not a month that goes by that I don’t have someone in my law office in big trouble for not considering consequences prior to acting.

And with the huge under-employment and economic issues our nation faces today, getting fired would be a life-changing event.

So with this in mind, if you are involved in an ethical dilemma, please, please do not try to make the call by yourself. Ask a co-worker or supervisor for their advice.

And if you don’t feel comfortable talking about your planned behavior with others, then perhaps you are headed in the wrong direction with your thinking.

#8. Act!! And if this is a preservation-of-life issue, act quickly. Make and implement your decision. If not a preservation-of-life issue, recognize that it is not too late to go back to step 1 of this process to ensure that you are still headed in the right direction. It is much easier to start over than it is to attempt to undo something that was done incorrectly.
#9. Document as necessary (this is the lawyer in me). Record-keeping and report writing are essential components in this process and must be done as incidents develop. Don’t think that you will remember why you did what you did when you did it three years from now.

#10. Learn from and share your experiences (this is the risk manager in me). If you learn something, share this new “memory marker” it with your peers so all can benefit from your new knowledge.

I recognize there are many other approaches to making good solid decisions, and I do not care which one you use, but get a structured approach to thinking things through. Also, share this with your people, as it will allow them to make better calls.

With respect to step 6 above—“Is it the right thing to do under the circumstances”—this query raises the ethics issue. More and more people, both inside and outside of law enforcement operations, are looking at your profession and raising the ethics question. What is “ethics” all about?

Webster defines ethics as follows:

1. the discipline of dealing with what is good and bad and with moral duty and obligation.

2. a set of moral principles or values

Further, “ethical” is defined as “conforming to accepted professional standards of conduct”.

America has been sliding down the slippery slope of decreasing ethics and integrity for decades. Not taking this seriously has eroded public confidence. We have got to rethink how ethical behavior is achieved, and sending people to a class (this is lawyer thinking) on ethics is not the total answer.

Many organizations use it as a crutch to show that they care and that they have a piece of paper saying that someone went to a class. Having a piece of paper saying that some cop has been to ethics training does not mean much to me.

What we should do regarding ethics training is to employ the principals of risk management.

First, if we truly want to maximize ethical behavior, we have to start by hiring people who have integrity. This requires comprehensive background investigations. Spending wisely on the background investigation process is absolutely necessary. Past habits will
become future habits. The best predictor of future behavior is past behavior. You cannot train the immoral to be moral, so do not waste your time on them.

**Second**, after hiring, we have to train our good new people regarding ethics. And if you are taking a close look at the next generation of employees coming on board, they have substantially different values than you do, so some re-tuning of the hard drive may be necessary. Classes on ethics during initial training are essential, but again not the total answer.

**Third**, recognize that every incident encountered by law enforcement personnel has ethical considerations. With this in mind, each class we instruct needs to have a discussion regarding the ethical considerations of this particular task or incident. It will cost you nothing to do make ethics a part of every class taught.

**Finally**, when rules are not being followed, there needs to be action. When supervisors or managers ignore wrongful behavior, they have encouraged future wrongful behavior. You who serve as the supervisors or managers must be “out and about” and taking a look at what is going on in your workplace—and if you see something that is not right, you must act.

It is not the intent of this class to give the right thing to do in any given situation, for your job is complex, and the number of permutations of possible incidents is innumerable. It is the intent of this class to maximize the level of interest in the concept of ethics and to instill in each attendee that ethics plays a role in each decision you make.

It is also my intent to again stress the value of systems and to give you a structured approach to determining if what you are doing is the right thing to do. Here are some considerations that I apply to you as a chief and also to your supervision and management team.

1. **Always obey the law and follow the policy.** If you have the law and policy on your side, you are probably in good shape.

2. **If it smells bad, it probably is bad.** Even if your planned behavior is consistent with law and policy, it might not be the right thing to do. It is essential that we give it the smell test, both personally and externally. How will it read in the paper tomorrow?

However, this only applies if you have discretion in what you are doing. In the world of law enforcement operations, some of your functions are mandatory, meaning “shall”—and further meaning you have to do the task a certain way. If you are involved in such a matter, follow the letter of the law or policy regardless of the smell.
3. When questioned after the fact, always be up front and honest. America and Americans are very forgiving, but only if you are up front and honest about what really happened. This is the most complex job in the world, and mistakes are going to happen. Don’t compound the mistake with a cover-up.

4. Ethical actions speak louder than ethical words. You are the leaders in your department and our profession and you must set the proper example. Law enforcement is a noble endeavor. Please take it seriously. We all need to act like the professionals we are even when no one is looking and there is no chance our behavior will be noticed.

Strategic Hints for Your Consideration

- Do you have a daily training program that focuses on core critical tasks?
- Do you have a process to ensure that the training is being taken seriously?
- Have you provided your personnel with a decision-making process to utilize when they get involved in a discretionary time task?

Rule 6. You must have a robust audit process in place to make sure what you say you are doing is in fact being done.

Audits and inspections are an important part of any successful law enforcement organization. We cannot assume that all is going well. We must have control measures in place to ensure things are being done right. This is not micro-management—it is called doing your job. We need a feedback loop in every organization.

And while I am ignorant regarding the internal workings of your specific operations, I’ve looked at too many law enforcement organizations in detail. Audits are either non-existent or a joke. I call these the “lip service” audits where we are very concerned about having a piece of paper in place saying we are all squared away, when in reality that is not true.

Please remember that when the lawyers get involved after the tragedy they will be peeling back the layers of the onion very deliberately to identify what was really going on in your department. Then it is too late for action, as all you can do at that point is address the consequences.

And if you take the time to study the career of Admiral Rickover, you will quickly learn that he was widely despised in the Navy because of his insistence on using the audit process as a tool to hold people accountable. With the recent scams going on regarding
COMPSTAT and NCLB—if we have time I will get into this—we need to take a close look at these issues.

**Strategic Hints for Your Consideration**

1. Do you have a serious audit process in place to ensure what you say you are doing is in fact being done?

2. Do you have audits of the audits to make sure this is being taken seriously?

**Rule 7. The organization and members thereof must have the ability and willingness to learn from mistakes of the past.**

Analysis of past data is the foundation for almost all risk management. All of us in law enforcement are making the same mistakes over and over again! We must continue to learn and share information we learn from tragedies in our profession.

Well, my internal clock tells me we are closing in on 1530 hours and it is time for our brief time together to end. Thanks so much for coming to the program today—to be invited to speak to you is a great honor.

I came here with one goal: to introduce you to “The Seven Rules of Rickover” and give you some thoughts on how to use these rules in your specific police department so that your agency can become a “high-reliability organization.”

My program over our time together was a broad discussion of risk management concepts. I do not undertake to provide specific recommendations as to best practices in a particular scenario, and nothing in this presentation should be construed as legal advice or a recommendation by me to follow a specific course of conduct when presented with a particular risk or situation.

Please recognize that any hypotheticals or examples provided in the program are to encourage understanding of broad risk topics, and are not to be interpreted as any recommendation to modify the existing practice you have in your operations.

Before you make any changes to the way you currently do your job, please contact your competent police department attorney.
I do look forward to seeing you again soon. In the interim, if you need anything, please do not hesitate to contact me anytime.

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