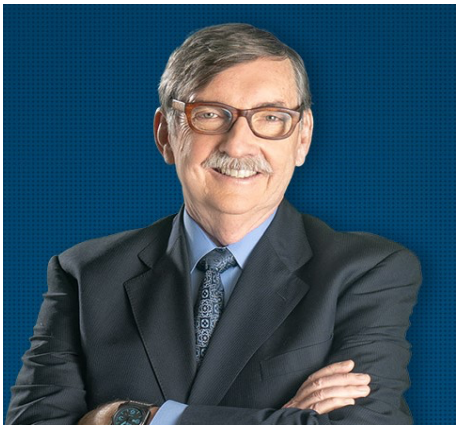
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2026 Arizona Law Enforcement and Prosecutor's Traffic Safety Conference Continued Professional Training



SOME THOUGHTS ON REAL RISK MANAGEMENT

Presented by Gordon Graham
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Thanks so much for inviting me to Arizona to address you – the of the women and men of law enforcement (and related fields) who are trying to improve the safety of our motoring public and of the women and men who work on or near roadways.

The focus of my program today is near and dear to my heart. When you take a look at the data (and I love looking at data) surrounding law enforcement deaths and injuries – traffic related incidents (and call them "crashes" or "wrecks" or "collisions" – but please stop calling them "accidents") are right up at the top.

While there are many causes for law enforcement LODDs, every year the top two ways that cops get killed is murder and traffic related. I can do very little to prevent a bad person from killing a cop – and you know that and have probably heard this from other speakers today and in the past. But traffic-related LODD's are an identifiable risk and as such are a manageable risk. We can do so many things to better protect our citizens and our personnel.

And I must tell you that never in my wildest dreams as a young motorcycle cop (and this is related to today's talk - exactly why do law enforcement agencies still have motorcycles?) in the '70s did I ever think I would be standing in front of you here today.

It is an honor to be here, and I really hope that some of the things I say today will allow you to go back to your respective organizations around this great nation and perhaps do things just a bit differently – with the goal of better protecting yourself, your team, your department, our public and our noble profession.

And if you have been to any of my programs before, you know I am a huge fan of risk management, and how it applies to your life and your job in law enforcement and traffic safety.

The CHP was kind enough to hire me in 1973 when I was fresh out of San Francisco State College. After picking up a teaching credential at Cal State Long Beach, in 1975 I started my Graduate work at USC and got hooked on the study of tragedies – and since then I have spent way too much time studying maritime tragedies, agriculture tragedies, mining tragedies, refinery tragedies, train tragedies, plane tragedies, bridge tragedies, building tragedies, power plant tragedies, fire department tragedies, and of course law enforcement and other public safety tragedies.

When you take a look at any tragedy in any profession and look for "What caused it?" – it is easy to spot the proximate cause. The event that instantly precedes the tragedy is relatively easy to identify.

Real risk managers do not stop their search for cause with identifying the proximate cause. Real risk managers go back in time and look for problems lying in wait – including cultures and conditions – that people knew about or should know about – yet these problems are oftentimes ignored until the tragedy occurs.

Allow me to digress for a moment – and I do that a lot. The Great State of California has a very high compliance rate with respect to usage of seatbelts by motorists on our highways. The last time I checked, it was well over 90%!

So presumably, if we hire 100 cops and put them into the police academy – 90+% of them regularly wear their seatbelt. During the academy months – they wear their seatbelts. And during their FTO period they wear their seatbelts. At some point in time, they cease to wear their seatbelts. If I had to hazard a guess – seven out of ten cops are not wearing their seatbelts regularly.

What kind of powerful culture is there in American law enforcement that reduces seatbelt compliance from 90+% to 30% in a matter of months after hitting the street? This is a big problem – and it needs to be addressed by you!

Your role (and the role of everyone in law enforcement) is to take a daily look at your sphere of influence – your span of control – and ask these questions: Do we have problems lying in wait in our fleet? Do we have problems lying in wait in our infrastructure? Do we have problems lying in wait amongst our personnel? Do we have problems lying in wait on our roadways? And if you identify such an issue – that needs to be addressed.

If you fail to identify and address these problems lying in wait sooner or later all the holes in the Swiss Cheese (the thoughts of Dr. James Reason) are going to align – and when that happens the tragedy occurs – and then the lawyers take over and the problems lying in wait are then identified and addressed – after the fact.

I gave you a number of examples from a variety of professions earlier today, but my focus today is on law enforcement traffic safety operations which today face an unprecedented level of risk including distracted drivers (including our personnel), impaired drivers (including our personnel), clueless drivers (including our personnel), and a bunch of drivers who were trained online via video games – and once again including our own personnel.

Let me tell you about the ongoing beef I have with the good people at the FBI who run the LEOKA program – and the good people at ODMP who collect the data (using that word very loosely) about law enforcement LODDs.

ALL THEY FOCUS ON IS "PROXIMATE" CAUSE. THEY ARE COMPLETELY IGNORING THE REAL PROBLEMS LYING IN WAIT THAT CAUSE OUR WOMEN AND MEN TO DIE IN TRAFFIC RELATED EVENTS. AND IF YOU TRY TO TELL THEM ABOUT THIS, YOU OFTENTIMES GET A HOSTILE RESPONSE AND GET BRANDED A "RABBLEROUSER."

Let me give you an example. Not too far from my home in California is I-5. Let's say a big-rig runs off the road this morning and plows into a vehicle in a rest stop (let's make it a school bus) and kills 15 kids who were coming home from a school outing. The CHP will show up on scene, and in a matter of hours they will identify the proximate cause – the driver of the big-rig ran off the road and hit the school bus.

But does the CHP stop with this analysis? Absolutely not! MAIT will get involved and those good people will take that truck drivers life apart. They will analyze his licensing and his training. They will take the vehicle apart looking for any latent defects. They will get his cell phone records, his in-vehicle transponder, records, and his hotel records. They will talk to the wife, the girlfriend and his co-drivers.

They will interview his supervisor. They will go back up the freeway he was traveling and look for any video surveillance records. They will analyze his toll records to see if there was a speed issue prior to the collision. They will put out a plea to the public to report anything that another driver might have seen that is related to this tragedy. They might even set up a checkpoint after the collision and query other regular users of that stretch or road to see if they saw something relevant to the event.

And they will spend a ton of time trying to figure out exactly how much sleep this driver had in the preceding days – and ultimately the CHP will identify what really caused the collision – the problem lying in wait was gross fatigue – and make that pronouncement to the world.

Then (if necessary) the CHP will make recommendations for legislative changes so that such a terrible tragedy will never occur again. You don't get away with killing 15 kids – we will find out exactly what happened and do all sorts of things to make sure it does not happen again.

With this in mind, pick any of the LODD events involving traffic so far this year – or any year for that matter. Has such an in-depth analysis been done on any of those? Does anyone ask how much overtime has this officer worked in the prior five days? Did anyone ask if the involved officer had a sick child at home?

Does anyone ask questions about secondary employment, 12-hour shifts, family obligations, or commute times? If you are being honest with yourself – you know we do not do that! "Cops are just going to die and there is nothing we can do about it." In fact, if you asked these questions, you might even be viewed in a hostile manner – "how dare you raise questions about the death of a hero!"

I guarantee you that I have already angered some of you with this approach. But I am tired of the deaths, the injuries, the lawsuits, the criminal indictments against our own personnel coming out of traffic collisions. And again - please, stop calling them accidents! How can we manage a risk if we don't even properly identify the cause of the collision?

Allow me to ramble on for a moment about the death two recent shootings in Minnesota involving ICE Agents. When the final report comes out, let's see if anyone talks about the F word – fatigue – and what role this played in this tragic event. Talking to friends in that state – some of the ICE people were working 16 hour shifts! We are not taking the discipline of risk management seriously!

Where is risk management on your law enforcement agency's organizational chart? Is it even on there? If it is, I will be pleasantly surprised. If it is, let's take a look at where it is on the organizational chart. Is it near the top where it has some influence? Or is it on the bottom? Does it have its own box – or does it share a box with human resources or finance?

Let's suppose that it is on the highest levels of the organizational chart. Who is in charge of the risk management unit? Is it actually a real risk manager – someone with the training and experience needed for that unit? Or is it a lawyer who has been given the title or risk manager – someone that has no clue about the discipline.

Enough of that! Here is a definition for our brief time together.

Risk Management is any activity that involves the evaluation of, or comparison of, risks and the development, selection, and implementation of control measures that change outcomes.

Or, more simply stated, risk management gets down to RPM. Recognition, Prioritization and Mobilization. Real risk management is the process of looking into the future (5 seconds to 5 decades) and looking for things that can go wrong (risk assessment), and then doing something up front (prioritization and mobilization) to prevent it from going wrong.

From the simple stuff like wearing seatbelts (a huge issue in law enforcement LODDs), avoiding trip hazards (let me take a look at the laptop cord today and since we are in a commercial establishment, my guess is it will not be a problem) and fastening your motorcycle or bicycle helmet properly, to the complex stuff like handling a drunk diplomat from Sumwhereistan, or investigating a bribery allegation, it is all about risk management.

I am absolutely convinced that if more people at the federal, state, tribal and local level understood the real breadth and depth of this discipline, we would all be a lot better off. I have bored you with the details of this topic in the past, but for our limited purposes here today I will remind you that all risk management gets down to RPM.

First, you must Recognize the risks you face. How do people in law enforcement operations get hurt, get killed, get sued, get indicted, or get fired? Then you must Prioritize these risks in terms of frequency, severity, impact and available time to think.

Finally, you must Mobilize – act – to do something up front to prevent these problems from occurring. We need things to get things done right on each and every task, incident and event in which we get involved.

So, there you have a brief overview of my thoughts regarding risk management. With all of this in mind, allow me to introduce you to The Five Concurrent Themes for Success.

This is a checklist (and I love checklists and if you have not read Dr. Gawande's work on this topic you need to) that I have been working on for a long time – a checklist designed to assist you in ensuring that the tasks, incidents and events in which we get involved end up going right

You have probably already figured this out – but the first of these Five Concurrent Themes is risk management. In a longer program I would talk extensively about the ten families of risk. Everything we do in law enforcement involves a level of risk – and we tens of thousands of different tasks, incidents, and events.

I have taken all these risks and put them into ten families.

1. External Risks
2. Legal and Regulatory Risks
3. Strategic Risks
4. Organizational Risks
5. **Operational Risks** (my focus today)
6. Information Risks
7. Technology Risks
8. Human Resources Risks
9. Financial and Administrative Risks
10. Political Risks

How do you manage these risks? You manage risks through systems – the second of my Five Concurrent Themes. Please recall that my formal degree at USC – long before law school was in Safety and Systems Management. What the heck is a system?

The word gets thrown around a lot, but what does it mean? According to *Webster* – "an organized or established procedure" or "an accumulation of processes." When you check under "process" and "procedure," you will find "a particular way of accomplishing something" and also "a series of steps followed in a regular definite order." I am a huge fan of systems, so long as they are taken seriously.

Your state has all sorts of systems in place (laws, regulations etc.) that attempt to control the activities of drivers in your state. But these rules are of no value if they are not taken seriously. That is why every state has traffic enforcement operations – activities to make sure that rules are being taken seriously.

The same is true internally. Whenever I see a tragedy in law enforcement (or outside of our profession for that matter) I always do the Systems DUI Analysis. Was there a properly designed system in place? Was it up to date? Was it being implemented? It gets down to design, update and implementation.

Show me an organization – private or public sector – that makes a commitment to systems – and I will show you an organization that avoids tragedy. Conversely, show me an organization that ignores the value of systems, and I will show you an organization either involved in a tragedy or in route to a tragedy.

Similarly, there are plenty of examples of organizations and incidents in our profession where well-designed systems were either not in place, not up to date, or most often not being implemented and severe consequences resulted.

Sadly, we have way too many people in our respective jobs that suffer from:

Arrogance – The rules do not apply to me.

Ignorance – I had no idea we had a rule on this.

Complacency – I haven't had a problem yet.

Please do not subscribe to the thinking that there is nothing that can be done to prevent law enforcement tragedies. I am sick of that attitude! While law enforcement is a very risky profession, we are not in the most risky profession. Timber operations, commercial fishing, aviation, structural metal workers, and long-haul drivers all have higher adjusted loss rates than we do in law enforcement. But take a look at some of the leaders in those occupations and see what they are doing.

Timber operations are risky, but Boise-Cascade is underrepresented in problems. Aviation is dangerous, but Southwest does not kill people on their planes. Trucking is dangerous, but UPS has a great safety record in their long-haul operations. Chemical plant operations are dangerous, but DuPont is a vanguard in their industry. Why? It gets down to managing risk through systems.

Well-designed systems, kept up to date and fully implemented will never let you down. This is also true in our profession. You who serve as law enforcement managers and executives (today or in the future) have a critical role here.

First, you have to build the good systems (policies) and keep them up to date. Then you have to ensure that your people are doing what they are getting paid to do (i.e., follow the policies of your law enforcement organization).

Also, when your people suffer from arrogance, ignorance and complacency, you must have a discipline system in place to address these issues, hopefully in a proactive manner.

More on this later, and this is a major concern of mine for our respective professions and organizations. Hey, let me ask you a question. Does Bud work here in your organization? Bud is the employee who is convinced that rules do not apply to him. Please allow me to introduce you to Bud – and yes there are Buddettes in our world also. For those of you not familiar with Bud – check out "CZAR 52" on any search engine – or pick up Dr. Tony Kern's great book – *Darker Shades of Blue*.

The third of these Five Concurrent Themes is Customer Service. This is so crucial for our continued success in law enforcement operations. Organizations, be they private or public sector, that take this topic seriously will prevail in the future and those that don't - won't. This is not my focus today, but every chance we get we need to let our public know how good we are at what we do.

Here is a question for you: How much negative baggage is created when citizens see our personnel driving recklessly or otherwise not following the law? Daily I see cops driving around not wearing their seatbelts – or did I already mention that today?

Daily I see cops texting while they are driving. And regularly as I drive from Orange County to LAX I have LAPD and CHP motorcops blowing by me at 0500 at 100+mph going to work. And

when I land at 2200 – I see the motorcops blowing by me at 100+ going home. Please do not tell me they are rolling on a call! LAPD motorcops do not respond to calls in Orange County!

Our Fourth Theme for is Accountability and the increasing lack of it in society and our profession. This is a dying concept in so many organizations, with craziness abounding. Statements like "… that is not my job…" and "she doesn't work for me…" and "…we have never done it that way before…" are getting a bit tired and quite frankly our citizens are getting fed up with employees who are unable or unwilling to accept the fact that they need to be accountable. We are no longer looked at the way we used to be looked at.

Everyone in the organization, up, down and around the chain of command, has accountability. There are different levels of accountability, but each of us is accountable to do our jobs correctly. When accountability is not present, you have mediocrity. Mediocrity is at the top of a slippery slope that ends up in a loss of integrity. No integrity and you get no manifestation of integrity through ethical behavior. Lose your ethical behavior, and you have lost the public trust. Without the public trust, we have nothing.

Where did this slippery slope start? Mediocrity is a cancer that can spread quickly in an organization and, if not eliminated, it will destroy your operations.

These next comments have nothing to do with traffic safety – yet simultaneously they have everything to do with traffic safety. If you had the opportunity to read the Executive Summary of the LAPD Rampart Incident (this should be mandatory reading for all supervisors and up in law enforcement), there was a great statement from a former Commander, D.C. Metro Police, Ross Swope.

The major cause in the lack of integrity in American police officers is mediocrity.

The following passage is taken verbatim from the LAPD report, published March, 2000.

> "Captain Swope went on to explain that mediocrity stems from the failure to hold officers responsible and accountable. It comes from a lack of commitment, laziness, excessive tolerance and the use of kid gloves. He felt that dealing with mediocrity is perhaps the greatest contemporary challenge to American law enforcement. When asked to explain how mediocrity is dangerous, Captain Swope drew an analogy of the bell curve. At the high end of the bell curve are those officers who practice all the core values: prudence, truth, courage, justice, honesty and responsibility. At the other end, are the officers with few of those values. In the large middle are those officers who have some or most of the core values. The extent of moral influence in a police department depends on the extent to which the upper and lower portions influence those in the middle. The men and women who control that influence are sergeants, lieutenants and captains. The irony is that everyone within a work place knows full well which of the three categories their co-workers fall into. When officers in the middle see that officers at the bottom end are not dealt with, they sometimes begin to imitate their behavior. Similarly, when those at the top end are recognized and rewarded, they become the workplace standard. *The principal, though not exclusive, agents in encouraging top end or bottom end behaviors are supervisors and middle managers. It is our sergeants, lieutenants and captains who have the daily and ongoing responsibility to ensure that appropriate workplace standards are maintained. However, that observation in no way relieves upper managers from their responsibility to ensure that proper standards are being maintained in their subordinate commands by providing appropriate guidance, exerting their oversight responsibility and*

honestly evaluating the effectiveness of the commands for which they are ultimately responsible.

What does this have to do with you? Everything! It is easy to say that accountability starts at the top. But in reality, your line personnel do not know where the sheriff or chief (or other executive) is right now, but they do know which supervisor is on duty, and what that person is doing right now. They will also modify their behavior depending on which supervisor is on duty.

Executives in police work (some of you may be in here in this program today, and some of you will have this role in the future) have a huge role in selecting women and men to be supervisors and mid-managers that have the guts to make sure that people are doing what they get paid to do. Those you choose to fill those critical positions have the "*daily and ongoing responsibility to ensure that appropriate workplace standards are maintained."*

Again, this is not my focus today, but when you study disasters and tragedies in law enforcement operations (including the injuries, deaths, injuries, lawsuits, indictments and embarrassments), so many of them get right down to supervisors who were not behaving like supervisors. To be sure there was a proximate cause for the tragedy – but the real problem lying in wait was a lack of supervision.

I go back to systems and the failure to stop the arrogance, ignorance, and complacency that hinder their proper implementation and regularly lead to nasty consequences. I will beat this to death throughout our time together today.

The final theme for the day is integrity, and the manifestation of integrity, ethical behavior. Again, without the public trust, we have nothing, and without ethical behavior on each and every incident (including the way we operate our vehicles), we will never get the trust of our great public. This issue is causing us a ton of grief nationally, and it needs your constant and ongoing attention.

So, why have I wasted your time with this stuff? Our chosen profession is extremely complex. I am not kissing up to you, and I do not say this when I talk to a group of real estate people or bankers. Law enforcement and traffic safety work is complex stuff, and it is getting more complex.

What I am trying to do here today is to give you a checklist approach (and I do love checklists and I encourage you to pick up *Checklist Manifesto* by Dr. Atul Gawande) to getting things done right. Whatever the task is, please start to analyze (if you have time) the task along these lines.

1. What is the risk involved in this task, and how can I best manage that risk?
2. What is our department's system (policy) and how can I best ensure its implementation?
3. Is there a customer service opportunity present here, and if so, how can I maximize customer service on this task?
4. Who is accountable for what on this specific task?
5. What are the issues of integrity involved in this specific task?

If you try this for just a week, you will get it down to a couple of seconds per task. And if you use it regularly, you will have a higher probability of getting things done right and staying out of trouble. And the anchor for these Five Concurrent Themes and my focus for our time together is the wonderful discipline of risk management.

Here are three statements that have guided me through most of my adult life. First is a quotation from the great risk management guru of the '40s, Dr. Archand Zeller:

The human does not change. During the period of recorded history, there is little evidence to indicate that man has changed in any major respect. Because the man does not change, the kinds of errors he commits remain constant. *The errors that he will make can be predicted from the errors he has made.*

What does this mean? We have not figured out any new ways to screw things up. We are making the same mistakes over and over again. Ships have figured out no new ways to sink. Mines have figured out no new ways to collapse. Refineries have not figured out any new ways to blow up. Restaurants have not figured out any new ways to poison people. Firefighters have figured out no new ways to get in trouble.

Airplanes have not figured out any new ways to be in accidents. This was demonstrated by Cal Rodgers in 1911 (if you want to learn about it, check out "flight of the Vin Fiz").

Law enforcement personnel have not figured out any new ways to screw things up. To be sure, there are variations on a theme, but in reality, it is the same stuff over and over again. Want proof?

The second statement important in my life thus far came from my mentor, professor and friend Chaytor Mason. He was a risk management guru in the '70s. Here is a capsulized version of his response when I accused him of being the smartest person who ever lived:

The smartest person in the world is the woman or man who finds the fifteenth way to hold two pieces of paper together.

My instant response when I first heard this was confusion, but then I figured it out. While there are no new ways to screw things up (Zeller) there are always new ways to fine tune and revisit our existing systems to prevent bad things from happening. We must be looking for new and improved ways of doing this most complex job, and you (as the executives) are the ones who can do that.

Status quo (we have always done it that way – we have never done it that way) does not work. Unfortunately, I see a lot of it in law enforcement operations. There is always a better way of doing business, the 15th way, and we must constantly be looking for it. And, the third thought…

Things that go wrong in life are predictable and predictable is preventable.

Thanks for your patience. I have been using this line since 1980 and I appreciate your indulgence. Want proof? Take a look at your newspaper today. I have no clue what the bad news will be when I present to you in November, but all too often it is…

PREDICTABLE AND PREVENTABLE!

These Five Concurrent Themes serve as a platform for success and, if taken seriously, will lead us to our goal of getting things done right the first time. When this happens, we are in route to our goal of reducing deaths injuries and lawsuits.

I recognize that the vast majority of things that you do in law enforcement operations end up going right. We have one million cops in this country who make a million contacts a day, and most of what gets done is done right. My concern is that when things don't go right, there are nasty consequences.

Some of these consequences come from intentional misconduct, where bad people with bad hearts do bad things on purpose. But too many of our problems come from internal negligence – where a good cop or deputy makes an honest mistake that ends up causing major grief.

To close our day out, let me give you some things to ponder when you get back to work. These are the things that I worry about when it comes to success in traffic safety operations – and yes there are ten of these – so let's call this "The Top Ten Ways Cops Get Killed in Traffic Related Operations."

Fatigue – If you are not getting seven hours of sleep every night, you are suffering from fatigue. Fatigue impacts decision-making. Fatigue impacts critical thinking skills. Fatigue impacts judgment. Fatigue impacts disposition. I worry about 12-hour shifts. I worry about long commute times. I worry about number of consecutive days worked. I worry about tired cops. So here is a control measure for you to consider: Exactly what is wrong with work/rest periods – paying our people to take a nap during the workday? Here are some thoughts for you in this regard.

Distractions – When law enforcement started putting computers in our cars – I went way, way out on a limb and got very vocal and predicted that police cars would be involved in more traffic collisions if we were going to encourage our people to type and drive at the same time. And the collision numbers have gone up and people look at me as if I were a genius. It was an obvious distraction and it was very apparent what was going to happen. We need to put some control measures into place regarding computer usage. And we need to seriously address the cell-phone and texting issue – internally and externally.

Complacency – I don't care how many times you do a high-risk task – the next time you do it, the task is as risky as the first time you did it. The level of risk does not change – but your acclimation to the risk does change. Regularly talk to your people about the dangers of being complacent while driving and on traffic stops and related activities.

Hubris – I love confident cops – and I worry about cocky cops. Cocky cops are in route to nothing but trouble. Get cocky while driving and sooner or later something bad is going to happen. Get cocky in court and sooner or later you will be getting in trouble. Get cocky in an airplane or motorcycle and you are going to die. Be confident – but don't get cocky.

Risk Homeostasis – A pet peeve of mine. Sometimes we do things to make people more safe – and if fact our efforts make them less save. ABS is a classic example. I recently was asked by a major city what I would do to reduce pedestrian fatalities. When I told them do away with crosswalks – they looked at me like I was on drugs. I think they are still trying to figure that out!

Spike Strips aka TDD's – How many cops have been killed in the last decade while deploying TDDs? The last time I checked that number was closing in on 50! I don't like using the words "shall" or "never" – BUT we must reevaluate the risk/benefit analysis in this arena.

Speeding – What is the oldest joke in America? Why do cops drive fast? Because they can. Please address this issue – and get your people slowing down. You have the ability to do something about this – so do it!

Right side approaches – If you do not get anything else out of our time together – do something about this. And lets make an effort to get the VIN on the right side of the vehicle – or both sides of the vehicle. What the heck are we thinking about requiring our cops to stand adjacent to traffic to read a seventeen-digit VIN?

Roadway Incursions – Increase your visual conspicuity! Why do local cops wear dark blue uniforms and state police where a lighter color? What about that yellow stripe down the leg of the CHP pants? Why do LAPD cops not have patches on their uniform – except for the traffic cops who have got the white patch on their shirts? Wear your bright color vests when tactically proper. And check out www.respondersafety.com

Seatbelts – Don't even get me started on this issue – and if I was in charge (and I am not – yet) there would be dramatic consequences for cops who don't wear their seatbelts. And when I see these foolish cops on TV reality shows not belted in – they get a letter from me and you should be doing the same.

I thank you for your attention today and I wish you continued success in protecting the cops, citizens and visitors in your state. Take care and stay safe.

Thanks for coming to this program today and I wish you continued success in all you are doing.

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