Law Enforcement Risk Management

A guide for Risk Managers to effectively work with Law Enforcement!

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October 2026

About
David Clovis

35+ years in public sector risk management

- Police Officer, City of Fremont
- GM of the California Joint Powers Risk Management Authority
- Past Chairman, NRPA Pacific Risk Management School
- Past President CAJPA and PARMA

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Today's Session

What are we covering today?

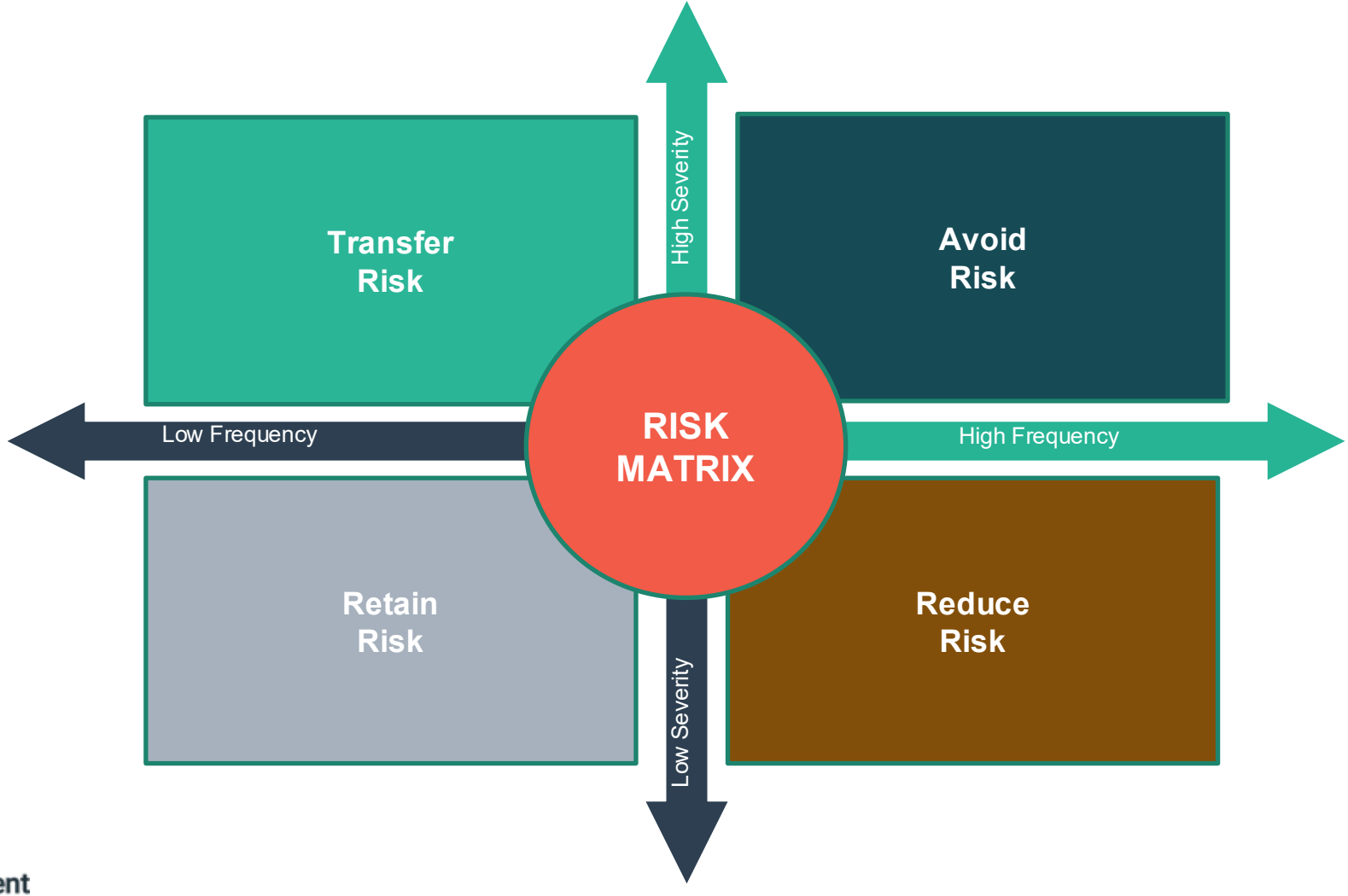
- Law Enforcement Risk Management
- Identifying police risk management exposures
- Police/Public Safety Risk Transfer Opportunities
- Liability Exposures
- Officer Injury Exposures and prevention
- Accident Investigation
- Training Opportunities
- Questions

City of Stockton Bank Robbery/Pursuit


SETTLEMENT IN BANK ROBBERY SHOOTOUT
EXCLUSIVE
3
KCRA

The Risk Management Process

- Identify and analyze exposure to risk
- Analyze risk exposures
- Identify risk Management options
- IMPLEMENT THE APPROPRIATE RISK MANAGEMENT OPTION
- Monitor and review the results


Transfer Risk
High Severity
Avoid Risk
Low Frequency
RISK MATRIX
High Frequency
Retain Risk
Low Severity
Reduce Risk

Law Enforcement Risk Management
The Basics

- Professional approach to Risk Management
- Professional standards and organization culture is critical to be effective
- Creating an effective relationship with Command Staff

Identifying Agency Exposures

- Review current issues and provide input when requested
  - Loss Data
  - Settlement Discussions
  - Operations
  - Agency Limitations

Exposures

- Deadly force
- Less than lethal
- Code 3 operation
- Search & Seizure
- Warrants
- Etc., etc., etc.

Steven Covey Habit 5

Seek first to understand, then to be understood!

Law Enforcement Culture

- Understand department responsibilities
- Be aware of department exposures
- Build relationship with Chief of Police/Sherriff/Upper Management

- Understand even with effective risk mgmt. things can go wrong
- Be part of the solution for the function and work as a partner to identify and reduce risk

In a memo addressed to Berkshire Hathaway managers, Warren Buffet stated, “Culture, more than rule books, determines how an organization behaves.”

Effective Hiring Practices

- Medical Evaluations
- Background Checks
- Reference Checks
- Reviews during Probationary Period

Law Enforcement Litigation

- State Court
  - Local Tort Caps May Apply
  - Less Complicated Process
  - May be subject to Attorney Fees
  - May be difficult to have a un-biased jury

Law Enforcement Litigation

- Federal Court
  - Local Tort Caps Will Not Apply
  - 8 Person Jury/More Diverse
  - Will be subject to Attorney Fees
  - Litigators experience critical

WHAT IS AN IMMUNITY

- Governmental immunity is a legal doctrine that protects government entities and their subdivisions—such as cities, counties, and school districts—from being sued or held liable for tort claims without their consent. Rooted in the historical concept that "the king can do no wrong," it ensures public funds and operations are not compromised by constant litigation.

STATE SPECIFIC IMMUNITIES

- Codified in State Codes
- Will be effective tool in limiting liability
- May be difficult to effectively resolve litigation by pleading immunities.
- Understand local issues

Qualified Immunity

- Qualified immunity is a legal doctrine under federal law that protects government officials from personal liability for monetary damages in civil lawsuits alleging violations of constitutional or statutory rights unless those rights were “clearly established” at the time of their actions. Qualified immunity applies only to civil claims – typically those filed under federal civil rights statutes like 42 U.S.C. § 1983 – and does not provide immunity from criminal charges.

Sovereign immunity protects sovereign entities: the United States as a whole, individual states, tribal nations and some subdivisions. Courts may not hear claims against them unless the sovereign consents.

- Official immunity protects individual state and local officials acting under state tort law. It bars liability for discretionary acts that call for independent judgments unless acts were ministerial (prescribed by law) or malicious and willful. In most states this is a function of common law and only sometimes codified. It’s been articulated by state supreme courts to prevent protracted lawsuits around policy decisions.

State Actions to Expand QI

- Alabama: 2025 Back the Blue Protections Act
- Iowa: Codified Qualified immunity projections for law enforcement
- Louisiana 2024 House Bill 2 expanded qualified immunity for law enforcement officers

State Actions to limit QI at the state level

- California. 2023 California Supreme Court (Leon v County of Riverside)
- Nevada – 2022 case Mack v Wiliams, The Nevada Supreme Ct ruled individuals could sue government officials-including law enforcement officers: Codified Qualified immunity protections for law enforcement

This study estimates the full economic cost of police violence in the United States using comprehensive incident-level data from 2013 to 2025 and an integrated cost model combining mortality, productivity, settlement, and mental health spillover components. The analysis reveals that police violence imposes an overall total cost on the US economy of $232B for the period of study and $22.7B in 2024. States with larger populations and higher baseline fatality rates bear the greatest absolute costs, but the relative burden as a percentage of state GDP shows significant variation. Altogether, the results suggest the need for tailored policy responses because the impacts, although concentrated, have a national impact.

Oscar Grant

Oscar Grant was a 22-year-old Black man who was killed in the early morning hours of New Year's Day 2009 by BART Police Officer Johannes Mehserle in Oakland, California. Responding to reports of a fight on a crowded Bay Area Rapid Transit train returning from San Francisco, BART Police officers detained Grant and several other passengers on the platform at the Fruitvale BART Station. BART officer Anthony Pirone kneed Grant in the head and forced Grant to lie face down on the platform. Officer Johannes Mehserle drew his pistol and shot Grant.

Perpetrator Johannes Mehserle

Charges
Second-degree murder, voluntary manslaughter,

Sentence
Guilty of involuntary manslaughter and gun enhancement

Gun enhancement conviction overturned by trial judge

IACP- International Assoc. of Chiefs of Police

- Community-Police Engagement
- Crime and Violence
- Criminal Justice Reform
- Cybercrime
- Officer Safety & Wellness
- Data & Transparency
- Drugs & Alcohol
- Education & Training
- Ethics
- Leadership

Mutual Indemnity/Mutual Aid

State Mandated Requirements

Local Agreements

- Rarely documented
- Practice may be long term and accepted by Police Mgmt.
- Encourage written agreements that are explicit in responsibilities and identify Indemnity/Risk Transfer

Officer Safety Concerns

- New Vehicle Handling
- Seat Belting Suspects
- Multi-Tasking – MDT
- Roadway Scene Safety



Liability Concerns

- Ride Along Procedures
- Vehicle Operations
- Pursuits
- “Code 2.5” Driving
- Pursuit & Tactical Procedures



Risk Team Model

Members

Department Executives
Division Managers

Risk Administration
Workers' Compensation
Loss Prevention

Goals

Improve Officer Safety
Monitor Losses
Minimize Liability
Effective Communication and Customer Service

Data Driven Input

- Vehicle Incidents
  - Causes
  - Mitigation
  - Practice

Data Driven Input

- Worker's Compensation Trends
  - Types of Injuries
  - Identify Cause and Implement Best Practice
  - Historical perspective the "Sam Brown Belt Issue"

Worker's Compensation Continued

- Worker's Compensation Effects
  - 4850 or equivalent
  - PTSD
  - Presumptions for injuries
  - Disability Retirements
  - Light duty restrictions
  - Issues regarding permanent light duty assignments

Risk Management Meetings with Police

- Meet no less than quarterly with command staff
- Be prepared to respond to incidents as required
- Understand the “Mission” of the police department
- Be open to learn the specifics of law enforcement specific issues
- Find a collaborative position with police management
- Build a banking relationship/so when a deposit is required the relationship is not destroyed

Frequency	Purpose
ANNUAL	Review Loss Trends and Risk Initiatives
BIANNUAL	Review Specific Losses
QUARTERLY	Vehicle Accident Review Board
MONTHLY	Labor / Management Safety & Accident Review
ONGOING	Risk Initiative Projects

Police Incident Investigation

- Accident Reporting/Investigation
- Near Miss Reporting
- Accident Investigation tips
- Accident Investigation tools


SPD -
PARADISE
SHOOTING

Officer Feamster

- Received an award for MADD officer of the year
- Waited 11 minutes post shooting before he radioed of shooting
- Visibly looking for spent shell
- Fired one shot – either a very lucky shot or a very unfortunate discharge of a firearm
- Sentenced to six months for involuntary manslaughter

Training

- De-escalation of Force
- Search and Seizure
- Arrest Procedures
- Firearms
- Vehicle Operations
- Officer Safety
- Firearms

Training Continued

- State POST Requirements
- People Skills
- Accident Investigation
- Agency Policies and Procedures
- Public Liability Investigations
- Arrest Procedures/Use of Force
- Lexipol

Police Incident Investigation

- Accident Reporting/Investigation
- Near Miss Reporting
- Accident Investigation tips
- Accident Investigation tools
- Evaluating losses by type and location

Risk Management Survival Tips

- Build effective relationships with Command Staff
- Identify opportunities to contribute to the mission of public safety, financial
- Involve appropriate commanders in settlement discussions
- Provide rational for settlements and risk decisions
- Listen to their needs provide support as needed
- Make yourself available and supportive
- Understand you may not have lived int their shoes, but are willing to help!

Resources

- Clovis Consultants and Associates
- International Association of Chiefs of Police
- AGRIP – Association of Government Risk Pools
- County Groups
- State Risk Management Associations- PARMA, CAJPA etc.
- Florida Association of Counties
- Public Risk Insurance Management Association (PRIMA)

The greater danger for most of us lies not in setting our aim too high and falling short; but in setting our aim too low, and achieving our mark.

\- Michelangelo

Questions



For additional questions, please contact:

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Upcoming Sessions

- **Compliance Coffee Talk**: Practical Tips + Expert Q&A, new theme each month (3rd Tuesdays)
- **Contractual Risk Transfer 101 & 201**: Workshops to build solid foundations (quarterly)

… and lots more. For invites, follow Evident on LinkedIn, or shoot us an email.

About Evident

Evident's platform gives risk leaders the flexible, AI-powered automation and insight they need to find blind spots, fix bottlenecks, and close the compliance gaps that leave them exposed to third-party risk.

Why Cities & Towns Trust Evident

Cities everywhere depend on a complex network of vendors that are critical to their success, but also a growing source of risk. When managing these risks is high-stakes, Risk & Compliance teams need more than manual reviews, spreadsheets, and narrow point solutions. They need robust systems that they can easily adapt to *their unique risk environment*, with automation to verify *actual evidence*, not just checklists.

That's where cities and counties turn to Evident to verify COIs and contracts, streamline diligence, and reduce 3rd-party risk, all with a consumer-grade experience that makes compliance easier for everyone.

Our **Impact**



Avoid Losses



Reduce Admin Overhead



Fast Results, Full Verification

Trusted by:

PRISM

CJPRMA

CIRA
California Intergovernmental Risk Authority

City of Fresno Incorporated 1885

CSUN
California State University Northridge

NTTA
North Texas Tollway Authority

County of San Diego