



## **RHODE ISLAND INTERLOCAL RISK MANAGEMENT TRUST RISK MANAGEMENT COMMITTEE MEETING**

**February 28, 2008**

Held at the offices of the  
Rhode Island Interlocal Risk Management Trust, Inc.  
501 Wampanoag Trail, Suite 301  
East Providence, Rhode Island 02915

### **MINUTES**

#### **1. ROLL CALL**

The meeting convened at 9:12 a.m.

##### Committee members present:

M. Richard Scherza, Cranston Public Schools (Chairperson)  
Colonel Stephen McCartney, City of Warwick  
Edward Mara, Bristol Warren Regional School District  
Richard Brown, City of East Providence  
Lori Miller, Lincoln Public Schools

##### Committee members absent:

Linda Celona, North Providence Schools  
Robert Hicks, South Kingstown School Department  
Diane Mederos, Town of Bristol

##### Trust Management present:

Ian Ridlon, Rhode Island Interlocal Risk Management Trust  
Russell Godin, Rhode Island Interlocal Risk Management Trust  
Brian T. Ahern, Rhode Island Interlocal Risk Management Trust  
Denise C. Lapolla, Rhode Island Interlocal Risk Management Trust

#### **2. APPROVAL OF MINUTES OF SEPTEMBER 27, 2007**

**On a motion made by Mr. Mara, seconded by Colonel McCartney, the Committee voted unanimously to approve the minutes of the September 27, 2007 meeting as presented.**

#### **3. NEW COMMITTEE APPOINTMENTS**

Richard Scherza, newly appointed Chairperson of the Risk Management Committee, welcomed to the Committee two new members: Richard Brown, City Manager, City of East Providence; and Diane Mederos, Town Administrator, Town of Bristol. Due to a previously scheduled commitment, Ms. Mederos was unable to attend the meeting.

All Committee members welcomed Richard and Diane to the Risk Management Committee.

#### **4. DISCUSSION ON DRUG AND ALCOHOL TESTING CONSORTIUM RESULTS FOR 2007**

Prior to the meeting, the Committee was provided with a package of information regarding all Consortium testing results for 2007. Once again, The Trust Consortium met the US Federal Motors Carriers Safety Association testing requirements of 50% of the total of “covered drivers” for random drug testing and 10% for alcohol testing.

Mr. Ahern reported a Consortium total of 559 random drug tests and 127 random alcohol tests in 2007. He reported a slight decrease in the positive drug tests with eleven (11) compared to thirteen (13) in 2006. There were no positive alcohol tests in 2007.

There were seven (7) positive tests that exposed cocaine use and four (4) positive tests that exposed marijuana use, Mr. Ahern said. He provided the Committee with a breakdown of positive tests by Consortium Members. Mr. Ahern pointed out that the Consortium drug positivity ratio for 2007 continues to be below the national Federally Mandated Safety Sensitive Workforce.

He thanked all the Consortium Member Designated Employer Representatives who play a huge part in making sure The Trust’s Consortium follows all DOT regulatory protocols.

Committee discussion ensued on the importance of random drug and alcohol testing and the popularity of the Consortium with the membership.

#### **5. UPDATE ON LAW ENFORCEMENT MODEL POLICIES**

##### **➤ Police SWAT Standards**

Mr. Ahern informed the Committee that The Trust’s latest law enforcement model policy project on SWAT standards was on schedule for completion this spring. The SWAT model policy is being developed by a law enforcement workgroup consisting of representatives from 14 Member Departments, the Rhode Island Municipal Police Academy, the Rhode Island Tactical Officers Association, and the Rhode Island Attorney General’s Office. Trust staff members Paul Brouillette and Paul Dutra are facilitating the project, Mr. Ahern said.

Mr. Ahern stated that the goal is to encourage Member police departments with special tactical teams to submit their teams’ training program to the Police Officers Commission on Standards and Training (POST) for certification. Prior to submitting the training program to POST, staff will be presenting the training package to the Rhode Island Police Chiefs’ Association for review. From The Trust perspective, these operations represent low frequency/high liability exposures, Mr. Ahern said.

To date, the workgroup has completed final drafts on: (1) a specific SWAT training program, (2) course topics, (3) core competencies, and (4) competencies for specialized functions and supporting resources.

Colonel McCartney, noting that he is the current President of the Rhode Island Police Chiefs’ Association and that he had attended one of the workgroup meetings, complimented The Trust because this is a statewide initiative benefiting all Police Departments in Rhode Island. He reported that the workgroup was moving forward and he looked forward to reviewing the SWAT training protocols at a future Police Chiefs’ Association meeting.

In a another law enforcement matter, Colonial McCartney discussed the need for additional training of all police in Rhode Island to ensure a proper police response to persons with mental illness or developmental disabilities in light of recent highly publicized police incidents involving such persons. He recommended that The Trust take a look at this problem because it affects police response, transportation, and custody of persons with mental illnesses.

Committee discussion focused on the many problems that police officers face in dealing with persons with mental illnesses and ways in which The Trust could assist Member Police Departments prepare officers to correctly deal with these scenarios when they arise.

➤ **Trends in Claim Activity in Strip Search, Vehicle Pursuits and Use of Force**

Using a PowerPoint presentation, Mr. Ahern provided the Committee with performance data for police department claims comparing experience prior to Trust model policy promulgation versus after model policy adoption in the activity areas of strip search, vehicle pursuits, and use-of-force. Mr. Ahern stated that this discussion is a follow-up to the discussion at the Board of Trustees October 2007 meeting about whether further training is warranted regarding the initiation and supervision of pursuits pursuant to the Model Policy.

Mr. Ahern reported that prior to adoption of the strip search policy (July 1996 – March 2002) there were five (5) claims with a Total Experience of \$381,584. The good news, Mr. Ahern said, is that after policy adoption (April 2002 – February 2008) there were no strip search claims reported.

On the vehicle pursuit side, Mr. Ahern noted that prior to policy adoption (July 1996 – March 2002) there were 18 pursuits totaling 48 claims with a Total Experience of \$1,857,542. After policy adoption (April 2002 – February 2008) there were 21 pursuits totaling 40 claims with a Total Experience of \$149,077. The data indicate a remarkable reduction in Total Experience after pursuit policy adoption.

Mr. Ahern reported that use-of-force claims are also down. Prior to policy adoption (July 2002 – November 2005) there were 27 claims with a Total Experience of \$2,042,592. After policy adoption (December 2005 – February 2008) there were 11 claims with a Total Experience of \$86,500.

Mr. Ahern informed the Committee that, though these statistics were taken from data in The Trust claims management information system, they should not be considered fully accurate or comprehensive since the analysis depends on the “thumbnail sketch” that accompanies each claim incident description. Nonetheless, the data is a reliable indicator that clearly demonstrates the model policies are successful in reducing risk exposures, Mr. Ahern said.

Colonial McCartney illustrated the importance of continued police pursuit training by reporting his observation that, since the policy’s adoption by Member departments, many pursuits are being called off by the Officer in Charge (OIC). He also cited the additional credibility of Trust training when Attorney Marc DeSisto participates in the sessions.

Mr. Ahern said that staff will continue to look at ways to reinvigorate and reinforce our pursuit training so that police officers are always reminded of the dangers of pursuits.

**6. DISCUSSION ON LEGISLATIVE ATTACK UPON THE RECREATIONAL USE STATUTE**

Prior to the meeting, the Committee was provided with a memorandum from Mr. Ridlon summarizing The Trust's position on the proposed changes to the so-called Recreational Use Statute.

Mr. Ridlon reviewed the intent of the statute that was designed to encourage landowners to make their land available without charge to the public for recreational use by limiting their liability.

Mr. Ridlon highlighted House Bill 7448 recently introduced to the 2008 General Assembly session that will effectively force upon municipalities a much higher standard of care for their parks and open spaces used for general recreation. If passed, the Bill would make it much easier for individuals injured in public parks and open spaces to claim negligence by the municipality.

It is imperative that Trust Members oppose this proposed legislation, Mr. Ridlon stated. The proposed changes in the statute could have a devastating effect because Trust Members have used the protections afforded by this statute numerous times.

Mr. Ridlon informed the Committee that he has emailed the enclosed memorandum and a copy of House Bill 7448 to the President of the Rhode Island Recreation & Parks Association and asked that he forward this information on to all association members so that the association can rally against this proposed amendment. With municipalities across the State facing significant budget cuts, losing this protection would be devastating, Mr. Ridlon said.

Further discussions occurred among Committee Members regarding the importance of contacting legislators and encouraging them to oppose House Bill 7448. The Trust will continue to monitor the situation and report to the Committee any changes.

**7. INFORMATIONAL ITEMS**

**5<sup>th</sup> Annual Loss Prevention Luncheon held on February 13, 2008**

On Wednesday, February 13, 2008, The Trust held its 5<sup>th</sup> Annual Loss Prevention Awards Luncheon. Approximately 76 Trust Member safety committee employees attended the affair at the Crown Plaza Hotel in Warwick.

Mr. Ahern thanked Chairman Scherza for his participation in the luncheon. Mr. Ahern referred the Committee to the Awards Program booklet for information on all 2007 award winners.

**Model Injured-On-Duty Policy and Procedures Completed**

Mr. Ahern reported that staff has completed a set of procedures for reporting injury claims for Police and Fire personnel. Training will focus on injury reporting requirements and the importance of investigating the injury to prevent future occurrences, Mr. Ahern said.

Staff will begin training on the new procedures in March with public safety officials with the Town of Narragansett.

**Training for Rhode Island Recreation & Parks Association held in January**

On Tuesday, January 8, 2008, staff spoke at the Rhode Island Recreation & Parks Association annual conference and awards ceremony in Warwick, RI.

Mr. Ridlon addressed the Recreational Use Statute and its effect on Trust Members. Ms. Bodziony and Mr. Ahern presented a PowerPoint presentation on the Use of Public Buildings by Third Parties: How to Protect Yourself Against Liability!

**8. CONVENING INTO EXECUTIVE SESSION**

**On a motion by Mr. Scherza, seconded by Mr. Mara, the Committee, after a unanimous roll call vote, convened into Executive Session to review recent activity in significant claims and to consider requests for settlement authority pursuant to the Rhode Island Open Meetings Act, Rhode Island General Laws 42-46-5 (a)(2) sessions pertaining to litigation.**

<u>Member</u>	<u>Vote</u>
M. Richard Scherza	Aye
Colonel Stephen McCartney	Aye
Edward Mara	Aye
Richard Brown	Aye
Lori Miller	Aye

**MOTION TO RETURN TO OPEN SESSION**

**On a motion by Colonel McCartney, seconded by Mr. Scherza, the Committee voted as follows to conclude the Executive Session and resume the public meeting:**

<u>Member</u>	<u>Vote</u>
M. Richard Scherza	Aye
Colonel Stephen McCartney	Aye
Edward Mara	Aye
Richard Brown	Aye
Lori Miller	Aye

**9. MOTION TO SEAL MINUTES OF THE EXECUTIVE SESSION**

**Following the close of the Executive Session, on a motion by Mr. Mara, seconded by Colonel McCartney, the Committee voted as follows to seal the Minutes of the Executive Session until such time as the matters taken up had been resolved:**

<u>Member</u>	<u>Vote</u>
M. Richard Scherza	Aye
Colonel Stephen McCartney	Aye
Edward Mara	Aye
Richard Brown	Aye
Lori Miller	Aye

**10. ADJOURNMENT**

**On a motion by Mr. Mara, seconded by Colonel McCartney, the Committee voted unanimously to adjourn the meeting.**

The meeting stood adjourned at 10:45 a.m.

Respectfully submitted,



Brian T. Ahern  
Loss Prevention Manager