

LEO Near Miss Reporting System

Voiceover

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Welcome to *The Beat*—a podcast series from the COPS Office at the Department of Justice. Featuring interviews with experts from a varied field of disciplines. *The Beat* provides law enforcement with the latest developments and trending topics in community policing.

Jennifer Donelan

00:16

I'm your host, Jennifer Donelan, and today we will hear from James Burch. He's Vice President of Strategic Initiatives at the Police Foundation. So, Jim, welcome to *The Beat*. And the topic today that we're talking about is the LEO Near Miss Reporting System project. Why don't you explain to us, one, what LEO means and what this project is about?

Vice President James Burch

00:38

I'd be glad to do that. Thank you for the opportunity. It's important that we share more information about what this initiative is designed to accomplish and how it works because part of our challenge is getting the word out there about its availability and the importance of what it's trying to accomplish. So, let me start at the beginning. The LEO Near Miss Reporting System really stands for the Law Enforcement Officer Near Miss Reporting System. This is a national initiative that was launched in late 2015. It was launched at the annual International Association of Chiefs of Police annual meeting that took place in Orlando, Florida that year. And the idea is to create a national platform where we can collect information about near-miss incidents that occur that involved law enforcement officers. This isn't something that's brand new. It's an initiative that we've actually modeled after other very successful efforts to track near misses, the one that most people think of as the Federal Aviation Administration, the FAA's Near Miss Reporting System for airline pilots. And so today there are hundreds of near-miss incidents that are reported every week. That doesn't make us feel much better when we're traveling on an airplane to know that there are hundreds of near misses that occur every week but the reporting is so good within the aviation industry that they've actually improved safety tremendously as a result of this effort. So, the fact that we have that many near misses doesn't necessarily mean that a lot of bad things are happening, what it means is that the aviation community is dedicated from learning about things that almost happened but were avoided. So, these are actually good news situations in many cases where we're learning from how a problem was avoided due to the efforts of good decision-making or luck in some cases, but we're trying to replicate that process on the law enforcement side.

Donelan

02:29

I'm glad you brought up the FAA aviation aspect, because when I first read about the topic, near miss, what I think about are two planes almost missing each other. So, when it gets to the Law Enforcement

Officer Near Miss Reporting System, can you go into a little bit more into what is a near miss or what it encompasses?

Burch

02:48

Sure. Yeah. And in some cases, it might be what you would expect, right, where there maybe are two police vehicles that are responding to the same emergency incident that narrowly avoid a collision between the two cars. That's a pretty common scenario, believe it or not. But what we also see in law enforcement, it's a high-risk profession, right, and so we see not only the traffic-type incidents, although they are right now the number one type of incident that we see reported as near misses, we know there are a lot of other high-risk types of activities. One of those for example is serving arrest and search warrants. Those are recognized as very high-risk types of activities and we see that come through in the near-miss data. When you're going to serve a warrant, generally the person is probably going to be aware that they have a warrant and they're going to be expecting you to be there and they're not going to be happy about you being there. So, these are pretty high-risk situations if they're not planned for carefully. So, we see that come through but it could be something more simple. It could be that an officer was standing on the side of the road writing a ticket and a vehicle came too close and didn't move over for example, that could potentially be a near miss. So, what we say is a near miss is any type of incident where injury or death to a person including the police officer or a citizen or citizens that were engaged with the officer or nearby but it could also be damage to property. And so, there may be some situations where property damage was avoided because of the actions of an officer or the actions of a citizen. So, we want to learn about that. We want to learn about any type of a scenario where we could potentially save the life of an officer or a citizen or just generally improve safety.

Donelan

04:30

Okay. So, the LEO Near Miss is on a national overall schedule covering all the United States, I would assume, correct?

Burch

04:37

That's right. That's right.

Donelan

04:38

So, how do you get your data from the variety of local, state, and other agencies that have these near-miss incidents?

Burch

04:44

Because there are in the United States, there's more than 18,000 law enforcement agencies, over 800,000 law enforcement officers. We're not organized in the same way it is in other countries where

it's all one agency or one organization. So, it's many different organizations. So, when we launched LEO Near Miss, we launched it in a way that would make it available to any individual police officer, that they could submit data anonymously. They don't have to tell us who they are. They don't have to tell us what department they work for. They don't even have to tell us what state that the incident occurred in. We just needed to know that it was a legitimate incident and that it was observed by a law enforcement officer and this is what happened and their perspective how was tragedy avoided and what can we learn from that incident. So, we give them that opportunity to tell us that story. But we also recognize that law enforcement officers sometimes don't feel comfortable reporting these kinds of incidents because they could have liability concerns or other risks associated with the agency itself. And so, we began reaching out to individual agencies around the country. Today we have nearly 10 different agencies that have adopted LEO Near Miss at the agency level. So, in other words, this is a different approach where the organization says we want to be a leader in sort of understanding near-miss situations involving law enforcement. We want to make this tool available to everyone in our department and we want to work together in a non-blaming, non-disciplinary kind of way to say, "Let's look at the near-miss incidents that have occurred in our agency. How can we improve our safety based on that data?" So, we're working with, as I mentioned, nearly 10 different departments around the country that have embraced this at the organization level.

Donelan

06:24

Why do you personally and as the Police Foundation have an interest in this topic?

Burch

06:29

Well, the Police Foundation has been in the business since 1970 of advancing policing through innovation and science. And we think this initiative is both innovative in the way that it goes about collecting data in an anonymous but also is scientific because it is about data, it's about learning and studying these incidents, studying the patterns that come about. So, the Police Foundation sees this as a great fit for its work. And for me personally and I think for many others involved in this project at the Police Foundation or at the COPS Office or at Motorola Solutions Foundation, which had been another big funder of this initiative. We're invested in it because we work with law enforcement officers every day, many of us know law enforcement officers, we were one or had one in our family, so we know these people as people, and we want to do our jobs and want to do our part to help protect and make everybody safer. We also recognize that in many cases when something of a tragedy occurs involving a law enforcement officer, there's sometimes citizens involved in that as well. If it's a vehicular accident for example or some other type of violent incident that occurs, sometimes innocent civilians can get caught up in that. So, we see this as a way of providing improved safety not only for law enforcement officers but also for communities.

Donelan

07:45

As far as your professional role at the Police Foundation, how does it relate to the work you're doing for the LEO Near Miss Reporting System?

Burch

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Well, my role at the Police Foundation as vice president for Strategic Initiatives is to really look outside of the realm of policing and see what's happening in other sectors, if you will, other professions, and try to bring lessons learned from that back into the Police Foundation. When I joined the Police Foundation in January 2015, LEO Near Miss was already conceived at that point and it was the idea was moving forward. So, I don't take credit for starting LEO Near Miss. But for me, personally, my role is really to oversee the program, help it grow nationally, observe how it is being adopted or not, and then try to figure out how we can improve the adoption of LEO Near Miss nationwide.

Donelan

08:34

Interesting. Can you give us some examples of what's been reported?

Burch

08:38

Yeah, absolutely. In fact, we've just reached a place where we've begun to do some analysis of some of the early data that's come in. As I alluded to or hinted at earlier, one of the most common situations we see are near misses involving traffic stops or traffic encounters. So, this could be a situation where an officer's vehicle is almost struck by another vehicle in the process of making a traffic stop. Sometimes it's the person that's being stopped that tries to leave the scene and may attempt to injure the officer or almost injure the officer in those cases. But it could also be other more nefarious types of situations where an officer approaches a vehicle and finds out that the person inside is armed, that person tries to assault or kill the officer but misses, we would consider that a near miss as well and we want to learn from those. And we've seen situations where officers have approached a vehicle and observed a firearm that was not disclosed, we consider that a near miss as well because we want to remind officers not to be complacent. And complacency is one of the first things we see. When we ask officers to tell us, "What do you think went wrong in this situation?" right, "What could we do to improve safety?" the number one thing that comes out is complacency. So, there's this tendency, I think, to consider routine events to be routine. Right, and this is what you'll hear people in law enforcement say, "There is no traffic stop that is routine," and the reason why they say that is because they have to remind themselves not to become complacent with an action that they might take 10, 20, 30 times a day every day. Traffic stops are pretty common but in law enforcement we say no traffic stop is routine. And that is to try to fight off the complacency. If you get complacent, you start to not be observant, you start to not be aware, and that's when someone has an opportunity to essentially take advantage of that and assault or kill the officer. So, traffic stops are number one. I mentioned earlier warrant service-type activity.

We've also seen a lot of concealed weapons among suspects that weren't found until far into the encounter. In one case in particular, there was a near miss reported where officers took an individual into custody and then later transferred that individual to another police department that may have had an open warrant or may have been handling the booking for that person, and after that transfer was completed—and this was a person who was in custody, so handcuffed—they found a firearm in the police cruiser that was left by the person who had that on them but it wasn't discovered in the search or a thorough search was not done. And so, we're learning about things like this and the idea is how can we go back and improve training. How can we go back and improve policy and procedure after looking at these events across the country.

Donelan

11:30

So, are there any type of near-miss activities that you can incorporate within officer training activities?

Burch

11:36

Yeah, absolutely. Training for law enforcement, we have to try to replicate those scenarios that they're going to find themselves engaged in, and so training can be high risk as well for law enforcement. They spend a lot of time at firearms ranges, for example. We see accidental discharges taking place, that's somewhat common. Unfortunately, it happens particularly when you're trying to teach people who don't have experience handling firearms previously. So, we have seen accidental discharges. We have seen misplaced firearms, those kinds of things, they occur. We're human, we all make mistakes, and the idea here is how do we not necessarily penalize someone but how do we learn from those mistakes.

Donelan

12:16

And that learning is key. I think you have one example in depth that you can sort of walk us through to help our listeners understand more about how the reporting goes to your agency and the information that you gather.

Burch

12:28

Yeah. I'd love to do that. And I think it's important that we walk through one of these because what we want people to understand again is that this is not about discipline, it's not about catching someone doing something wrong. It's about learning. And part of that learning process is asking the officer that submits this near miss to tell us what you think went wrong and what you would do differently next time. So, what we do is we have a website, we have a mobile app. It's open to any law enforcement officer. They can basically go in and click a button to submit a report. They start out by telling us what happened in the incident. They can tell us as much or as little as they want. If they include identifying information, before that report is published, we will strip that out. So, an officer could include identifying information for us to have a better understanding of context. So, let's say if they say it happened at the McDonald's restaurant on the corner of South and Main, we'll take out the name of

that restaurant and we'll take out those two cross streets, because we don't want anybody to say, "I know where that occurred." So, they don't have to tell us who they are, they don't have to tell us where it occurred or what agency was involved. They submit the incident.

So, in one example that I wanted to share was an officer who was involved in a police pursuit. His role was to go ahead of where the pursuit was looked to be heading and to deploy something called stop strips on the street. So, this is essentially a strip of plastic or a strip of metal that has metal spikes in it that point up to deflate the subject's tires so that the pursuit could be safely ended. And so, you can imagine being on the side of a highway when cars are approaching at very high speeds, and a pursuit generally they're high speed, and deploying these stop strips can be tricky. And so, in this particular case the officer deployed the sticks which you sometimes throw out and they essentially roll out onto the street and they didn't deploy in the right way. And so, they were either laying on their side or were upside down or twisted. And so, this officer, as the vehicles were approaching, the officer went back on to the highway and tried to fix the stop strips to right side them and then to get back off of the highway and he narrowly missed getting hit by the vehicles. And so, in his own report, in his own words what he said was—and this is why this is such a valuable program, I think—he said, "For me, I wasn't prepared mentally for the possibility that they wouldn't deploy." He said, "I had done this many times. I knew what I was doing. I was confident." He said, "I deployed the stop strips, and when I saw them not deploy correctly," he said, "I didn't prepare myself for what I would do so I just acted on instinct." And his instinct was to go back into the highway and fix them without thinking about how much risk he was taking. These are all split-second decisions.

And so, what he says in his report is that the lesson learned for him and the lesson that he wanted us to share with other officers is to have a plan in your mind and be aware and cognizant that if the strips don't deploy that you're not going to try to go out and fix them. You're going to let it go. Don't allow your instinct to take over in that situation and then put you back out on the road where it'll put you in harm's way. In the right situation, know that there may not be an opportunity to fix that and you just let it go. That's the safer way to play that. And so, we think that was a very valuable lesson. Every one of these reports we run it by a group of law enforcement experts, some of them are still in active duty, we like to bring in people that are trainers in defensive tactics and other kinds of things, pursuit driving maybe, and ask them to take a look at this and say, first of all, does this make sense, are the lessons good lessons, are there other lessons to be learned here that we can share with others in law enforcement, and is there anything that we should add or take away from the report. And so, these things are vetted, they're protected very closely in terms of identifying information. We don't even keep the IP address that the reports were submitted from. So, if somebody goes in from their agency computer and submits a report, within 24 hours that IP address is gone from our logs. So, we don't maintain any way of being able to go back and say, "This was Officer Jones that submitted this report so this incident occurred there," and we don't have that ability to go back and do that. And we did that to make people feel safe about submitting this kind of information.

Donelan

16:59

For our officers that might be listening out there, they have a near-miss incident and they want to go report it but either they're too close to it to know the lessons learned or they don't know what the lessons learned is, is it okay for them to still submit it, all the information, so that, as you said, you all might be able to vet it and come up with some solutions?

Burch

17:17

Yeah, absolutely. If they're not sure that they have enough information to submit or if they're not sure what to put down, to have them go in and submit the information as much as they do have and we'll work with that report to reformat it into the way that it needs to be for the site and for others to learn from. Now there are some officers that will include contact information. In those cases, we will quickly review that report. If we need to reach them, we'll do so very, very quickly and then delete that information because we just don't want to have that contact information on hand. But when in doubt, submit the report. Even basic information will help others. Even if we just know that it was a near miss that related to a pursuit, that's enough for us to say this happens often, this is an area we need to pay more attention to.

Donelan

18:04

Okay, so, you've been doing this for a couple of years now. What are you all doing with the information you compile? What are your goals for all this wonderful information that you're gathering.

Burch

18:12

That's a great question and I'm glad you asked it. Part of our goal here is to not keep this information sort of locked away. We want to share this. So, part of our success is the extent to which we can get these reports back out to the field. So, we've got a partnership with many different policing organizations—the International Association of Chiefs of Police, the Major Cities Police Chief Association, the National Law Enforcement Officers Memorial, the National Tactical Officers Association, the training entities around the country. We've got a partnership with all of these groups and the idea of that was to give us the ability to share the data back with them and have them share it with their members around the country. So, again for us this is not about some secret research project. This is about getting the data back into the hands of law enforcements as quickly as possible.

Donelan

19:02

Time is of the essence. So, can you tell us a little bit about the Police Foundation for some of our listeners that might not be fully aware of your role and what it is that you do.

Burch

19:12

Yeah, absolutely. The Police Foundation was created in 1970. We are a national nonprofit organization. We were created, as I mentioned previously, to advance policing through innovation and science. We do that by being an independent organization, so we don't have members per se. We're nonpartisan, so to us it doesn't matter whether it's right or left, conservative or liberal. What matters is that it's the truth and that it's facts and that we can try to push that out to law enforcement. So, we provide research. We provide data and analytics. We provide training, technical assistance. We work with agencies to do assessments. We do, for example, critical incident reviews. So, one example of that is the terrorist attacks that occurred in San Bernardino, California in 2016. We go back in and do a review of those incidents to understand what occurred, what went right, and where we could improve our response to these kinds of things in the future.

Donelan

20:09

You mentioned the website for your program. What is that website?

Burch

20:12

The website for LEO Near Miss is leonearmiss.org—L-E-O Near Miss.org.

Donelan

20:19

And the app, how do you get the app?

Burch

20:21

Great question. The app is available for free from many of the regular app stores. So, it's on the iOS and Android app stores and I believe it's also on the Windows platform.

Donelan

20:31

Okay. But, you have to be vetted through the app is it primarily just for police officers?

Burch

20:35

No. That's one of the interesting things about this is we left access to that open because we wanted others to be able to submit reports if they observed, firsthand observed a near miss, they can submit that. We'll ask you whether or not you're a police officer or whether or not you were involved in that incident. What we don't want is we don't want hearsay. We don't want people that weren't actually here and don't know what occurred, and so we'll vet this closely to make sure we don't have that happening. But actually anyone can download the app and anyone can submit a report, but some of the

more sensitive information, we're putting that behind a secured partition so that only law enforcement agencies can read the intricacies of what happened in these incidents.

Donelan

21:14

If we have listeners that want to contact the Police Foundation about more information, how should they do that?

Burch

21:20

To contact the Police Foundation about the LEO Near Miss program, you can just send an e-mail to leonearmiss@policefoundation.org.

Donelan

21:30

Fantastic. And any closing thoughts for our listeners about the LEO Near Miss program and what you've been doing?

Burch

21:36

I think the one thing we tell folks is just a reminder that this is not about blaming, this is not about making someone look bad in the public eye. This is really about us learning from common mistakes that are going to occur with anyone, any profession. It's been done in aviation, it's been done in transportation sectors and other industrial sectors, it can also be done in policing. And the last thing we would say is that we encourage officers to share your story to prevent or to save the life of other law enforcement officers and innocent civilians.

Donelan

22:12

That sharing is so key. Thank you so much for joining us today on *The Beat*.

Burch

22:18

Thank you.

Voiceover: *The Beat* Exit

22:20

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Voiceover: Disclaimer

23:18

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