



# SHARE

JUNE/JULY 2021  
ISSUE #6

SAFETY HEALTH AND RISK E-CONNECT NEWSLETTER

LOCAL GOVERNMENT RISK MANAGEMENT SERVICES, INC., - A Service Organization of the ASSOCIATION COUNTY COMMISSIONERS OF GEORGIA and the GEORGIA MUNICIPAL ASSOCIATION

*The opinions expressed in this newsletter are those of the author's and do not reflect the views of LGRMS, ACCG, or GMA.*

## Leveling the Playing Field

ACCOUNTABILITY: THE WHY AND THE HOW

*P.4*

ALSO IN THIS ISSUE  
LAWN MOWER SAFETY  
& PREPARING FOR  
ADVENTURE

LGRMS IS SEARCHING FOR A

**SOUTH GEORGIA  
RISK CONSULTANT**

SEE PAGE 28 FOR MORE  
INFORMATION

### SAFETY THEME

DOWNLOAD THIS MONTH'S  
SAFETY POSTER

### HEALTH PROMOTION SERVICES

CHECK OUT THE LIVING WELL  
GEORGIA CORNER

### RISK/LIABILITY

NOTES FROM THE ROAD AND  
OTHER GREAT ARTICLES

# CONTENTS

- 3 A Note from the Editor  
New Publication Format and Name Change
- 4 Director's Corner  
Accountability: The Why and The How
- 9 Liability Beat  
Three Levels of Officer/Citizen Encounters
- 17 Fun With Safety  
Word Search/Cryptoquote/Crossword Puzzle
- 19 HPS - Living Well Georgia  
Prepare for Adventure
- 22 Safety Theme  
Lawn Mower Safety
- 24 Safety Forms  
General Safety Inspection Form/Attendance
- 27 LGRMS Contacts
- 28 Special Announcements  
Job Posting: Risk Control Consultant



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## UPCOMING WEBINARS AND TRAINING EVENTS

For a current list of training events, please visit:

[www.lgrms.com/trainingcalendar](http://www.lgrms.com/trainingcalendar)

### PERSONNEL LIABILITY SERIES:

Political Divisiveness in the Workplace & Employee Social Media Activity

**Thursday, JUL 15, 2021 // 2:00pm - 3:00pm**

<https://attendee.gotowebinar.com/register/1252576156280769551>

**Tuesday, AUG 24, 2021 // 10:30am-11:30pm**

<https://attendee.gotowebinar.com/register/6900203338701606412>

Sexual Harassment & LGBTQ Workplace Rights

**Tuesday, JUL 20, 2021 // 2:00pm - 3:00pm**

<https://attendee.gotowebinar.com/register/4789986537813618700>

**Tuesday, AUG 17, 2021 // 10:30am - 11:30am**

<https://attendee.gotowebinar.com/register/5465072383617075468>

COVID-19 and the Local Government Employer

**Tuesday, JUL 27, 2021 // 2:00pm - 3:00pm**

<https://attendee.gotowebinar.com/register/5822212452016521484>

**Tuesday, AUG 31, 2021 // 10:30am - 11:30am**

<https://attendee.gotowebinar.com/register/2670449176857175564>

Workplace Violent Intruder Response - When Lockdown Fails!

**Tuesday, AUG 24, 2021 // 2:00pm - 3:00pm**

<https://attendee.gotowebinar.com/register/6252202861935125774>

Controlling Sewer Backups: Finding Innovative Solutions to a Demanding Federal Lawsuit

**Tuesday, SEP 28, 2021 // 2:00pm - 3:00pm**

<https://attendee.gotowebinar.com/register/4516396159735431182>



# A NOTE FROM THE EDITOR

By Dennis Watts,  
LGRMS Training, Communication, and Public Safety Risk Manager

## A Combined Effort During the Months of June and July

Welcome to the June/July edition of SHARE, the new combined monthly publication of Local Government Risk Management Services (LGRMS). SHARE is sent to all GIRMA/IRMA, WC, and Life & Health members 10 times per year (June/July and November/December issues will be combined).

SHARE will have two sections: (1) a general safety, risk, and health section, and (2) a worker safety-focused section similar to the old Safety Theme.

We cover those topics and issues most relevant to Local Governments in Georgia, plus some new features. We look forward to your feedback. The LGRMS SHARE is published on or around the 20th of each month. If you are not currently on the distribution list to receive our monthly newsletter, it can be downloaded for free from the LGRMS website ([www.lgrms.com](http://www.lgrms.com)).

### In this issue

In this issue we have a variety of articles focusing on current topics affecting local governments. Workers and worker safety is always our number one focus. Our employees are our greatest asset. Supporting this, we have several articles: for outdoor workers, our safety theme focuses on mowing operations and healthy outdoor

exercise. This issue also covers the three levels of law enforcement officer and citizen encounters.

Should you have any questions or concerns, please contact: Dennis Watts, [dwatts@lgrms.com](mailto:dwatts@lgrms.com), or Tammy Chapman, [tchapman@lgrms.com](mailto:tchapman@lgrms.com).



# DIRECTOR'S CORNER



By Dan Beck, LGRMS Director



## Accountability: The Why and The How

### The Why

I'm sure, or at least I'm hoping you all have policies and procedures that govern the actions of your employees. But, do you establish consequences for failing to follow the expectations or standards within those policies? If the answer is "yes", excellent! If the answer is "no", don't worry, you are not alone.

What does it say to your employees when you don't hold them accountable for failing to comply with

policy standards or expectations? For example, your organization develops a seatbelt policy that requires all employees to wear seatbelts when operating motor vehicles for their job. You roll out the policy and train all employees on these new expectations. The next week a great employee makes sure he is wearing a seatbelt every time he gets behind the wheel. He notices most of his fellow employees are not following these new standards and no action is taken to address their failures in compliance.

What does this employee think? Does he ask, "Why have I changed my behavior when no one else has?". Does he think, "I guess my organization doesn't really care about seatbelt usage. They must have just needed



another policy”.

Good employees appreciate accountability when it is consistently applied across the organization. They value knowing what they need to do to be successful. They want to know and follow the rules, but they won't value a rule that is not enforced.

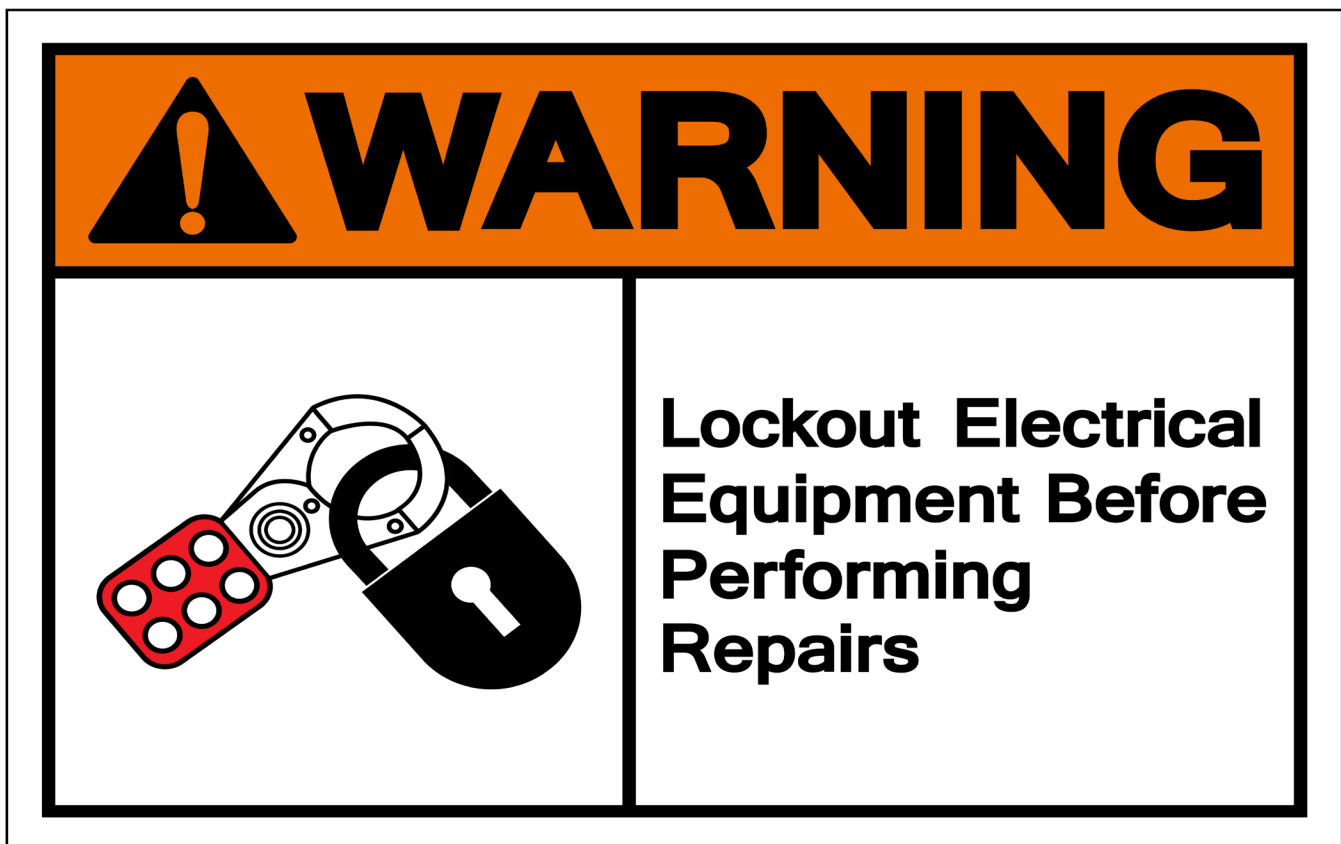
Many leaders shy away from the potential conflict involved in holding employees accountable. Consistent quality across-the-board accountability for employees is an opportunity for us all. Within the rest of this article, I will discuss my thoughts on how to implement an accountability system.

### **The How**

Many years ago I was employed as a safety manager for a food and beverage company. There was a serious

incident within one of the operations. The employee was cleaning out a piece of equipment while it was still in operation and it resulted in the amputation of the first two digits of the employee's index finger.

I started the investigation by talking with the employee's supervisor and department manager. I asked what had happened and did they know the root cause. The supervisor described what had happened and said the root cause was that the employee failed to lockout the piece of equipment that was being cleaned (Lockout is a common safety procedure used to control electrical or mechanical energy of equipment, by placing a lock on the off-power switch or other control devices.). The supervisor then recommended that we terminate the employee for failing to follow this expectation.



I asked “Was the employee trained in this procedure?”, and the supervisor and department manager stated yes. I asked, “When did the employee receive training?”, they responded, “when he first started 7 years ago.”. I stated, “That seems like a long time ago. How do you know he was still aware of the expectation?”. The supervisor stated, “We do this cleaning every week and I see them working on it without it being locked out every week. I’ve told them several times before it needs to be locked out.”.

Based on this discussion, I was able to easily get to the root cause of this incident. Although the failure to lockout contributed the incident, the root cause was the failure of leadership to follow an accountability process prior to a serious incident. If the only time you issue discipline is after a serious incident, then from my perspective you are a lazy manager. Based on our discussions, the supervisor had witnessed the employees cleaning the equipment without a lockout almost on a weekly basis. Although the supervisor did “tell them several times before it needed to be locked out”, he didn’t take any action, stop the process, or retrain the employees. The supervisor’s lack of action was actually telling employees lockout is not really that important to me, and endorsing the employee’s work process.

If you want to dig further to the root of the issue, the organization didn’t have an overall accountability process and hadn’t trained their supervisors on this process. Any organization that wants employees to comply with policy expectations must implement and utilize the accountability performance chain. Below

are the components of an accountability performance chain.

### **Set Clear (and if possible simple) Expectations**

- Expectations like “Employees shall properly wear seatbelts at all time when operating a city or county motor vehicle or any motor vehicle within the scope and/or course of employment”, are pretty clear and fairly simple.
- Expectations like, “Seatbelts are required” are simple, but are less clear and don’t provide needed information like when, who, and where.
- Expectations like, “Employees should use seatbelts when they are driving, except when they are in and out of the vehicle, or in emergency situation.” provoke more questions than answers.



## Remove Barriers

- It is our job as leaders to remove all reasonable barriers that may prevent employees from complying with expectations. For example, If you implement a seatbelt policy and:
- some vehicles don't have working seatbelts, then we should ensure all vehicles have working seatbelts to accommodate all sizes of employees.
- some employees feel their job tasks won't allow them to comply with this new expectation, then these issues should be investigated and addressed.

## Provide Quality Training and Tools

- Quality training will provide employees; details on how to meet the policy expectation, and why this is important to you as an employee and to the organization.

- Quality training occurs on an annual basis. The more important the expectation, the more frequent the training.
- Quality training checks the understanding of employees. Sometimes asking your employees "What is the expectation of this policy?", is the best training.
- Quality training can take many forms; classroom, safety meetings, on the job, knowledge checks, etc...

## Provide Quality Feedback

- Providing quality feedback to employees is an art, and not many of us are artists. We need to balance the need to ensure employees follow the expectation with their long-term moral and motivation. I plan to write an entire article on providing feedback, but in the interim below are a few items to consider.





- Be Positive
- Focus on the behavior, not the person.
- Be Specific
- Be Timely

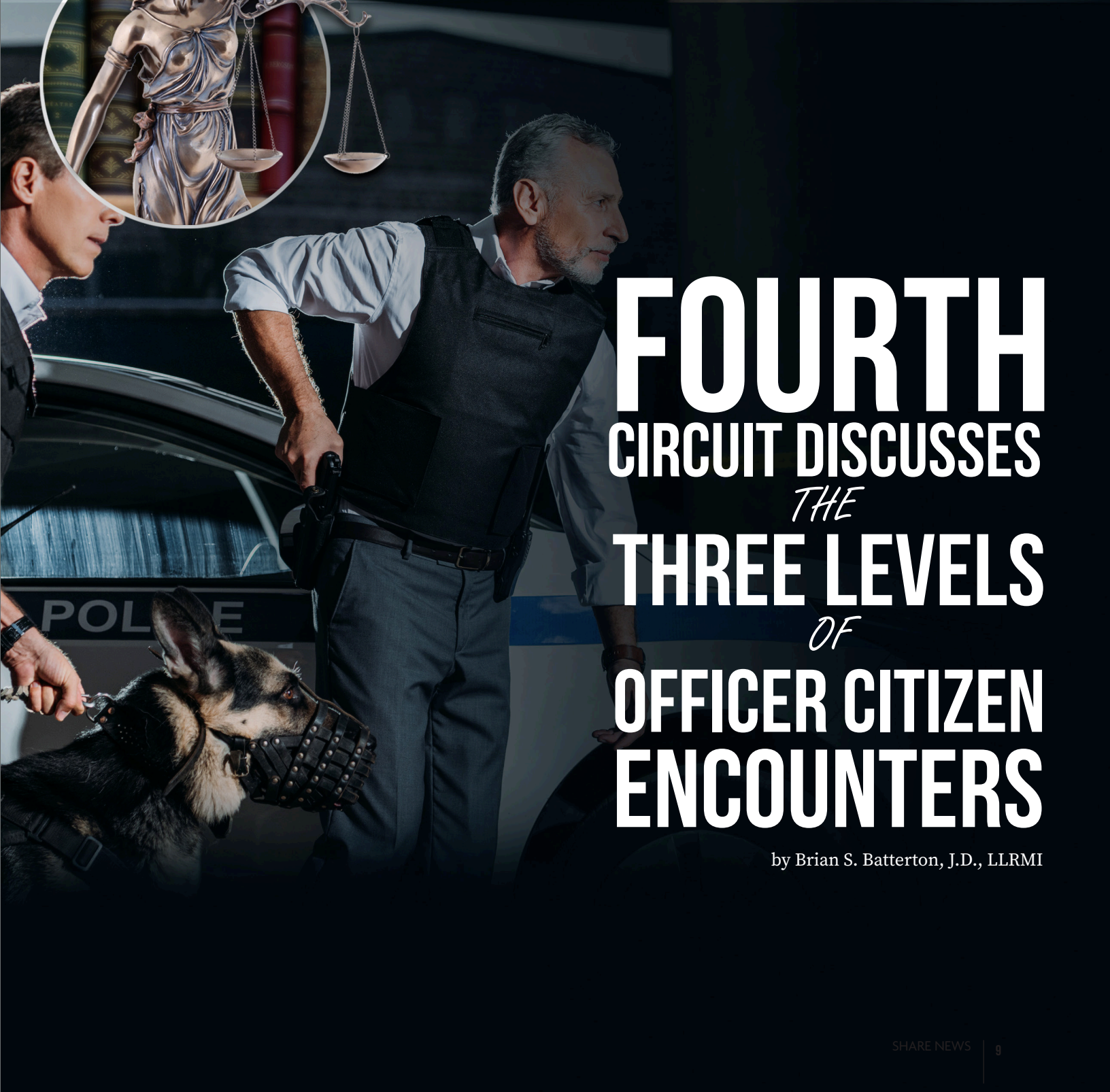
#### And if Necessary, Establish Consistent Consequences

- As we discussed earlier, if you don't have consequences for failing to follow expectations employees will realize you really don't care about those expectations. Below are a few suggestions to ensure your success.
- Not all failures of expectations are equal. Some may require a 4 Step Disciplinary Process (Step 1: Verbal Warning, Step 2: Written Warning, Step 3: Suspension, Step 4: Termination), other requirement failures may require you to skip a step or three. For example, if you have

an employee that violates a policy that puts that employee or others in an IDLH (Immediately Dangerous To Life or Health) situation, you may want to suspend or terminate the employee for this violation. To do this you will need to document these disciplinary expectations with a matrix or within specific policies for them to be consistently applied.

- Ensure all employees, even if they are in different departments, are treated the same for the same policy violation.
- Establish consequences for leadership that fails to follow and enforce the accountability performance chain.
- Lastly, ensure you train all employees on the consequences of failing to follow policy expectations.





## FOURTH CIRCUIT DISCUSSES *THE* THREE LEVELS *OF* OFFICER CITIZEN ENCOUNTERS

by Brian S. Batterton, J.D., LLRMI

On May 28, 2020, the Fourth Circuit Court of Appeals decided *the United States v. Ruffin*<sup>[i]</sup>, which serves as an excellent review of the three levels of officer citizen encounters and how officers progress through each level during an incident. The relevant facts of *Ruffin*, taken directly from the case, are as follows:

Though Ruffin was eventually found guilty of a drug offense, the trail of events leading to his arrest began with a different crime. At approximately one o'clock on the morning of November 24, 2016, Tiffany Farmer, a Wilson, North Carolina resident, discovered that her car had been broken into and that numerous items, including her cell phone, were missing. After finding several of the items discarded in the grass near where her car was parked, Farmer called the police. Officer Brandon Ochoa of the Wilson Police Department ("WPD") responded to the call. He was soon joined by Officer Jesse Emory, who also brought along his police dog named Jaxx. Jaxx is trained in both narcotics detection and human tracking.

After Ochoa took a brief statement from Farmer, the and Emory began searching for the perpetrator. <sup>[\*3]</sup> Based on the trail of abandoned items leading away from Farmer's vehicle, the officers believed that the suspect had fled on foot. Emory hooked Jaxx up to his thirty-foot harness, and the dog immediately began tracking a scent, pulling hard on his leash and leading Emory and Ochoa behind Farmer's apartment, down several streets, and eventually to a path running through a nearby wooded area. Simultaneously, additional WPD

officers arrived on the scene and began setting up a perimeter.

Still following Jaxx, Ochoa and Emory emerged from the woods into the common backyard area of an adjacent residential neighborhood. To this point, the officers had not encountered anyone during their search. Almost immediately upon clearing the wood line, however, they spotted appellant Ruffin near several apartment buildings. According to Ochoa, Ruffin was "bent over" near a wheelchair ramp that was attached to one of the apartments. J.A. 91. As Ruffin stood up and began to move away from the ramp, both officers noticed several objects underneath the ramp "[d]irectly in front" of where Ruffin had been bent down. J.A. 92. They suspected that Ruffin might have been involved in the vehicle breaking and entering <sup>[\*4]</sup> and that the items under the ramp could include property stolen from Farmer's car.

The officers decided to investigate further. While Emory restrained Jaxx, Ochoa approached and spoke to Ruffin. Ochoa later testified that Ruffin appeared distracted and preoccupied from the outset of their conversation, refusing to give his name when asked and continually moving away from both the officers and the items underneath the ramp. Ruffin admitted that he did not live in the area but claimed he was waiting for his child to use the restroom in the nearby woods. Given the lateness of the hour and the fact that neither officer had seen a child while passing through the woods, Ochoa found this explanation suspicious and



believed it to be false. As Ochoa's questioning continued, Ruffin became increasingly agitated, repeatedly "stuttering," glancing towards the woods, and behaving in a generally nervous and evasive manner. J.A. 95. Eventually, Ochoa asked Ruffin if he could pat him down for weapons, to which Ruffin consented. Ochoa did not discover any weapons or contraband during the pat-down.

At this point, both officers "believed that [Ruffin] was looking for an escape route to flee," so they decided [\*5] to temporarily detain him as a suspect in the break-in of Farmer's vehicle. J.A. 95; see also J.A. 156 (Emory testifying that he told "Ochoa to go ahead and grab [Ruffin] before he takes off [be]cause it looks like he's fixin' to run."). Ochoa informed Ruffin that "he wasn't free to leave, he was being detained" and placed his hand on Ruffin's arm. J.A. 96. Ochoa then reached for his handcuffs and attempted to put them on Ruffin, who responded by "straighten[ing] his arm out" and "pulling away." J.A. 96-97. A struggle ensued. Eventually, Ochoa was able to subdue and handcuff Ruffin.

In the meantime, Emory radioed for assistance, and several WPD officers responded, including Officer David Stancil. With their assistance, Ochoa transported Ruffin to a squad car and conducted a search incident to arrest. As relevant here, that search revealed that Ruffin was carrying \$2,082.37 in cash and coins stuffed in various pockets. The cash comprised notes of every denomination: eight \$100 bills, one \$50 bill, forty-six \$20 bills, twelve \$10

bills, thirty-four \$5 bills, and twenty-two \$1 bills.

Meanwhile, Stancil investigated the items that Ochoa and Emory had noticed under the wheelchair ramp. He [\*6] found a white grocery bag sitting next to a black sock. After the objects were photographed, Stancil opened the grocery bag and "immediately saw what appeared to [be] a large quantity of cocaine packaged up." J.A. 462. Upon further inquiry, the white bag was found to contain a vacuum sealed package of cocaine weighing 397.3 grams and a white sock, which in turn contained three individually wrapped packages of cocaine, two weighing 136.5 grams and one weighing 266.2grams. Also inside the grocery bag were a digital scale and various other drug paraphernalia. The black sock also contained illegal drugs, specifically two packages of cocaine base weighing a total of 86 grams and a bag of cocaine weighing 20 grams. Police believed the drugs belonged to Ruffin, and he was subsequently transferred to federal custody.[ii]

Ruffin was charged with drug offenses under federal law and subsequently filed a motion to suppress the evidence. He argued that he was arrested without probable cause, and as such the search incident to arrest was in violation of the Fourth Amendment. The district court denied his motion, and he was convicted by a jury. He then appealed the denial of his motion to suppress to the Fourth Circuit Court of Appeals.

## The Three Levels of Officer / Citizen Encounters

As a short review, there are three levels of officer/citizen encounters. The first level is called a consensual encounter. A consensual encounter does not require any proof of criminal activity. As long as an officer does not say anything or do anything that would cause an ordinary person to believe he not free to go on about his business, the encounter does not implicate the Fourth Amendment. The officer may also ask the person questions during this encounter. Regarding consensual encounters, the court of appeals stated

**[I]n the absence of a seizure, a police-citizen encounter is considered consensual and ‘will not trigger Fourth Amendment scrutiny.’** United States v. Farrior, 535 F.3d 210, 218 (4th Cir. 2008) (quoting Florida v. Bostick, 501 U.S. 429, 434, 111 S. Ct. 2382, 115 L. Ed. 2d 389 (1991)). **And the Supreme Court has made clear that a Fourth Amendment “seizure does not occur simply because a police officer approaches an individual and asks a few questions.”** Bostick, 501 U.S. at 434; accord United States v. Sullivan, 138 F.3d 126, 131 (4th Cir. 1998).[iii]

The second level of officer/citizen encounter is the investigative detention, also known as a *Terry* stop. An investigative detention requires reasonable suspicion of criminal activity in order to comply with the Fourth Amendment. Reasonable suspicion is more than a hunch, but a less stringent standard than probable cause. In order to determine whether reasonable suspicion exists, one must consider the totality of the circumstances, as well as the officer’s knowledge,

training and experience. Regarding reasonable suspicion, the court of appeals stated

**Even in the absence of probable cause, “[t]he Fourth Amendment permits brief investigative stops . . . when a law enforcement officer has ‘a particularized and objective basis for suspecting the particular person stopped of criminal activity.’”** Navarette v. California, 572 U.S. 393, 396-97, 134 S. Ct. 1683, 188 L. Ed. 2d 680 (2014) (quoting United States v. Cortez, 449 U.S. 411, 417-18, 101 S. Ct. 690, 66 L. Ed. 2d 621 (1981)). **Pursuant to *Terry v. Ohio*, 392 U.S. 1, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968), and its progeny, such stops require only that the investigating officer have “reasonable suspicion” that “criminal activity may be afoot.”** United States v. Arvizu, 534 U.S. 266, 273, 122 S. Ct. 744, 151 L. Ed. 2d 740 (2002) (internal quotation marks omitted). **Though a mere “hunch” is insufficient to give rise to reasonable suspicion, the proof required to meet this standard is “obviously less” than necessary to establish probable cause.** Navarette, 572 U.S. at 397 (internal quotation marks omitted). **Like probable cause, the reasonable suspicion analysis is an objective inquiry that looks to the “totality of the circumstances.”** *Ibid.* **And because the existence of reasonable suspicion is a “commonsensical proposition, courts are not remiss in crediting the practical experience of [\*12] officers who observe on a daily basis what transpires on the street.”** United States v. Foreman, 369 F.3d 776, 782 (4th Cir. 2004).[iv]

The third level of officer/citizen encounter is an arrest, which requires probable cause in order to comply with the Fourth Amendment. Regarding arrests, the court of appeals stated

**[U]nder the Fourth Amendment, a warrantless arrest is an unreasonable seizure unless there is probable cause to believe that a criminal offense has been or is being committed.”** United States v. Johnson, 599 F.3d 339, 346 (4th Cir. 2010). **In**



**determining if a law enforcement officer had probable cause to make an arrest, we ask whether “at the time the arrest occur[ed], the facts and circumstances within the officer’s knowledge would warrant the belief of a prudent person that the arrestee had committed or was committing an offense.”** United States v. Manbeck, 744 F.2d 360, 376 (4th Cir. 1984). **While this inquiry is an objective one,** Johnson, 599 F.3d at 346, **it [\*11] “does not involve the application of a precise legal formula or test,”** United States v. Humphries, 372 F.3d 653, 657 (4th Cir. 2004).

**Rather, we must undertake a “commonsense and streetwise assessment” of the totality of the circumstances, giving due deference to the “inferences drawn by law enforcement officers on the scene.”** Humphries, 372 F.3d at 657.[v]

## **The Four Stages of Ruffin’s Encounter with the Police**

The court of appeals divided the officer’s encounter with Ruffin in to four stages to discuss the legality of the officer’s conduct at each stage. The four stages are as follows: (1) the portion of the encounter prior to the officer placing his hand on Ruffin’s arm and told him that he was being detained; (2) the portion of the encounter where Officer Ochoa initially attempted to detain Ruffin; (3) the portion where Officer Ochoa placed Ruffin under arrest; and (4) the portion of the encounter where the officer’s searched Ruffin incident to arrest.

### **Stage One**

This is the portion of the encounter prior to Officer Ochoa putting his hand on Ruffin and telling him he was being detained. The court examined this stage to determine if the encounter was consensual, which would require no reasonable suspicion. At this stage, the officers had observed him bent over at a wheel chair ramp and also observed items under the ramp. Officer asked him a few questions, and asked for and received consent to pat him down for weapons, which Officer Ochoa did after he received Ruffin’s consent. The court stated that at this point, this was merely a consensual encounter that did not require reasonable suspicion.



Therefore, there was no Fourth Amendment violation at this stage.

## Stage Two

This is the portion of the encounter where Officer Ochoa touched Ruffin, told him that he was being detained, and attempted to handcuff him. The court noted that this was clearly the point where the encounter became a Fourth Amendment seizure, particularly an investigative detention. For the investigative detention to comply with the Fourth Amendment, it must be supported by reasonable suspicion of criminal activity. The court held that there were ample facts to support reasonable suspicion to detain Ruffin. Specifically, the court stated

[T]he following facts, when taken together and considered in light of the officers' experience and training, could have reasonably led Ochoa and Emory to suspect that Ruffin was involved in the breaking and entering of Farmer's vehicle: (1) the lateness of the hour; (2) that Jaxx had led the officers from the scene of the vehicle break-in to Ruffin's location; (3) that Ruffin was the only person the officers encountered during their search; (4) that Ruffin was bending over near various objects under [\*15] the wheelchair ramp, which the officers' experience suggested may have been property stolen from a series of car break-ins; (5) that, when questioned by Ochoa, Ruffin grew extremely nervous and appeared to be looking for an opportunity to flee; (6) that Ruffin behaved in an evasive manner throughout the encounter, consistently moving away from both Ochoa and the

items under the ramp; and (7) that Ruffin's explanation for his presence behind the apartment at 1:40 in the morning—that his child (who somehow never appeared) was using the restroom in the nearby woods—was wholly implausible.[vi]

The court of appeals held that the above facts, taken together as the totality of the circumstances, provided ample reasonable suspicion to justify the investigative detention, therefore, it complied with the Fourth Amendment.

Additionally, Ruffin argued that the officer's attempt to handcuff him as part of the investigative detention transformed the detention into a de-facto arrest without probable cause. Regarding the legality of handcuffing suspects during investigative detentions, the court of appeals stated

**It is well established in this circuit that “handcuffing a suspect . . . does not necessarily elevate a lawful [Terry] stop into a custodial arrest.”** *United States v. Elston*, 479 F.3d 314, 320 (4th Cir. 2007) (internal quotation marks omitted). **This is because “[b]rief, even if complete, deprivations of a suspect's liberty do not convert a stop and frisk into an arrest so long as the methods of restraint used are reasonable to the circumstances.”** *United States v. Crittendon*, 883 F.2d 326, 329 (4th Cir. 1989). **In particular, the reasonableness of handcuffing a suspect during a Terry stop depends on whether doing so is “necessary to maintain the status quo and protect [officer] safety.”** *Ibid.*[vii]

The court found that the handcuffing was reasonable because there were two officers on the scene; one officer was detaining Jaxx, which only left Officer Ochoa to both detain Ruffin and check under the wheelchair ramp for possible stolen items. The court noted that this would have been “an incredibly dangerous maneuver” that no “officer on earth would do.”[viii] The court then held that handcuffing Ruffin was a “reasonable and minimally intrusive means of preserving the status quo for the duration of the stop.”[ix] Therefore, the decision to handcuff Ruffin was reasonable under the Fourth Amendment.

### Stage Three

This portion of the encounter was where Officer Ochoa placed Ruffin under arrest. The relevant facts of this portion of the encounter are as follows: (1) Officer Ochoa had ample reasonable suspicion to detain Ruffin regarding the thefts from autos; (2) Officer Ochoa told Ruffin that he was being detained; and (3) Ruffin straightened his arm and struggled against Officer Ochoa for about a minute trying to prevent being handcuffed. The court noted that

Ruffin’s resistance gave Ochoa probable cause to arrest him for violation of *N.C. Gen.Stat. § 14-223*, which makes it unlawful to “resist, delay, or obstruct a public officer in discharging or attempting to discharge a duty of his office.” See *Swift*, 414 S.E.2d at 68 (“Flight from a lawful investigatory stop may provide probable cause to arrest an individual for violation of G.S. 14-223.”)[x]

Thus, the court held that Ruffin’s resistance to the lawful investigative detention provided the officers probable

cause to arrest him obstructing or resisting a public officer under North Carolina law, and as such, the arrest complied with the Fourth Amendment.

### Stage Four

The final stage of the encounter analyzed by the court of appeals was the search of Ruffin’s person incident to arrest. The court stated

**Generally, warrantless searches of the type at issue here, that is, “searches conducted outside the judicial process, without prior approval by judge or magistrate, are [\*10] per se unreasonable under the Fourth Amendment—subject only to a few specifically established and well-delineated exceptions.”**

*Katz v. United States*, 389 U.S. 347, 357, 88 S. Ct. 507, 19 L. Ed. 2d 576 (1967) (footnote omitted). **One such exception to the warrant requirement is for searches conducted incident to arrest. See *United States v. Robinson*, 414 U.S. 218, 230-35, 94 S. Ct. 467, 38 L. Ed. 2d 427 (1973). As the Supreme Court has explained, this “exception derives from interests in officer safety and evidence preservation that are typically implicated in arrest situations,” and it permits law enforcement to search “the arrestee’s person and the area within his immediate control.” *Arizona v. Gant*, 556 U.S. 332, 338-39, 129 S. Ct. 1710, 173 L. Ed. 2d 485 (2009). Of course, for a search incident to arrest to be constitutionally valid, the predicate arrest must also have been valid. See *Gant*, 556 U.S. at 338. [xi]**

Here, the court had already determined that the officer had probable cause to arrest Ruffin for obstructing or

resisting a public officer under North Carolina law. As such, the arrest was lawful which means the officers were entitled to search his person incident to arrest.



The court then summed up the incident by stating

The foregoing course of events makes clear that the police acted in accordance with the **Fourth Amendment** throughout their encounter with Ruffin. They did not detain him until they had a basis for reasonable suspicion. They did not arrest him until their suspicion had risen to the level of probable cause. And they did not search him until they had lawfully placed him under arrest. In short, no **Fourth Amendment** violation occurred in this case...[**xii**]

Therefore, the court of appeals affirmed the denial of the motion to suppress.

#### Citations

[i] No. 19-4102 (4 Cir. Decided May 28, 2020)

[ii] Id. at 2-6

[iii] Id. at 13 (emphasis added)

[iv] Id. at 11-12 (emphasis added)

[v] Id. at 10-11 (emphasis added)

[vi] Id. at 14-15

[vii] Id. at 18

[viii] Id. at 19

[ix] Id.

[x] Id. at 21

[xi] Id. at 9-10 (emphasis added)

[xii] Id. at 22





# Fun WITH SAFETY

Who said safety can't be fun? Test your knowledge and see how much you have retained from the articles in this month's SHARE Newsletter. The puzzles below and on the adjoining page can be solved using words and clues scattered throughout the publication.

**Check your answers to the crossword puzzle on p. 21.**

D V D C S G C U H Q R C F D O  
T K Y G U W C O L J E I E A U  
G V U I F O B L S V I T E L T  
R R D E U O E G Q G R I D A D  
D E H R X A R M K M R Z B S O  
S P T Y D E R U L I A E A E O  
N F O E E E R E M E B N C N R  
S I R L C D A C T C M I K I P  
U S F A I M B A I N A I B A W  
K V P F F C S O Z S U L L C M  
P M T J U W E D R V E O L O A  
O K D Y Z R H L D I Q P C C V  
F O U R T H A M E N D M E N T  
E X P E C T A T I O N S Y X E  
E R U Z I E S V I N C I F Z V

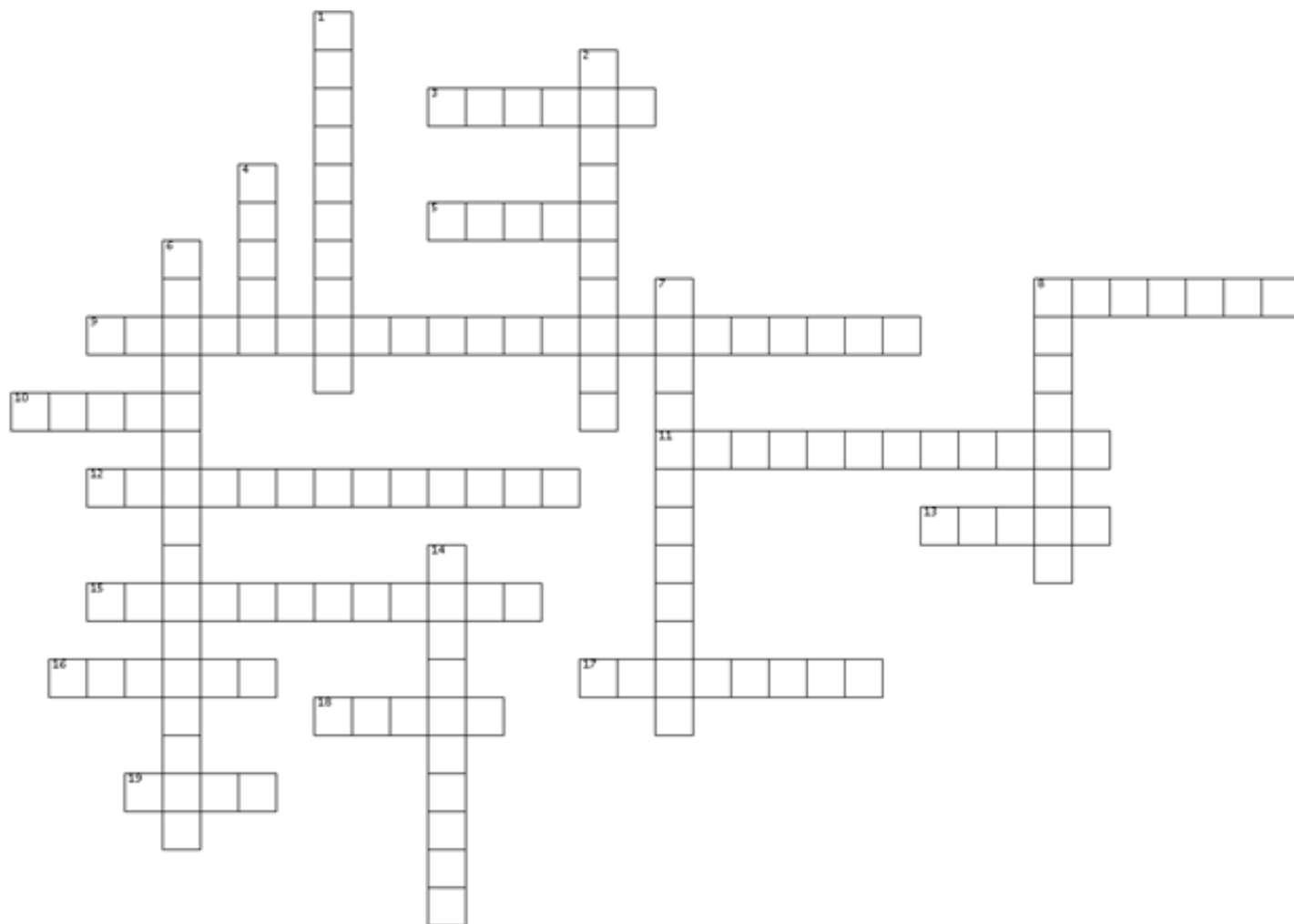
1. Barrier
2. Court
3. Exercise
4. Forumcall
5. IDLH
6. Outdoor
7. Salad
8. Citizen
9. Drugs
10. Expectations
11. Fourthamendment
12. Leaders
13. Police
14. Seizure
15. Cocaine
16. Encounter
17. Feedback
18. Fuides
19. Lime
20. Ruffin

**SAFETY CRYPTOQUOTE.** Enjoy a good mystery? Try your hand at figuring out this quote. Each letter in the phrase has been replaced with a random letter or number. try to decode the message. The first letter has been provided. **Check your answers in the August issue!**

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
								Y																	

I I  
Y F Y S L N Q O L V H S W X H B X Q S F L  
Q X K L G X H W W Q X H S L F H V W X V H Q Q Y X Q S  
F Z H F K H Z U Q X G X F F X K U W L Z X X S  
M Q L K C L K U W Z Y F J D Y F I  
X T U X C F H F Y L F S B H P V X C E

# JUNE/JULY SHARE Crossword PUZZLE



## ACROSS

3. On May 28th of 2020 the Fourth Circuit Court of Appeals decided the US vs this case
5. these protect your feet with cushioned soles
8. anything that prevents and employee from complying with expectations
9. what Ruffin argued was in violation of the Fourth Amendment
10. Ruffin claimed he was waiting for his what when approached by police
11. these should be pretty clear and fairly simple
12. will be placed in the next issue of the SHARE newsletter following the Forum Call
13. substance made by bees
15. these should read and adhered to from the operators manual
16. this is a necessary function of local government activities and facility maintenance
17. providing quality this to employees is an art
18. mowers should not be used on these types of slopes
19. this stands for Immediately dangerous to life or health

## DOWN

1. what kind of ramp was Ruffin bent over when the police reached him
2. this best practice stops the mower when you release the control
4. listening to this can help you get your head in the game
6. should be in place before starting a mower
7. all employees should be trained to understand this if they fail to follow policy
8. avoid eating too much or too little so that you this kind of diet
14. in the absence of a seizure, a police-citizen encounter is considered this

LIVING WELL GEORGIA



## HEALTHY OUTDOOR EXERCISES



by Candace Amos,  
LGRMS Health Promotion Representative



Summer is coming and whether you are an outdoor enthusiast or just looking to burn some calories, physical activity can be exciting, entertaining and stress relieving. Unlike a walk in the park, outdoor adventures like hiking, paddling, climbing or sailing require energy, focus and preparation. The following tips are to help step out of your comfort zone and prepare for epic adventures all summer long.

Improve your physical stamina. Practice exercises with consistent workouts:

- Indoor stair climbers can help build leg muscles.
- Weightlifting can strengthen upper body.
- Repetitions up and down a long flight of stairs can improve stamina.

If exercising outdoors, protect yourself:

- The sun's ultraviolet (UV) rays can damage your skin in as little as 15 minutes.
- Put on broad-spectrum sunscreen with SPF 15 or higher before you go outside, even on slightly cloudy or cool days.
- Click on this video to learn more about UV Safety.

Build confidence with mental preparation:

- Mentally break up your workouts into smaller chunks.
- Write down the things your body does well.
- Listen to music to get your head in the game.
- Tell yourself you'll feel better when you work out.

Eat a balanced diet:

- Watch portion sizes. Eating too much before exercise can leave you feeling sluggish. A light summer recipe, so you won't feel too sluggish, is below: Honey Lime Fruit Salad. Eating too little, might not give you the energy you need to keep feeling strong.
- Eat after exercise. Eat a meal that contains both carbohydrates and proteins to help muscles recover.

Stay hydrated:

- Drink plenty of water before, during and after activity to keep muscles working and avoid fatigue, headache and even confusion.
- A good test of dehydration is the color of your urine. If it's pale and clear it means you're well hydrated. The darker it is, the more fluid you need to drink.

**Gear up:**

- Clothing should allow air to reach your skin so it can dry sweat.
- A hat or cap can provide sun protection in the hotter months and keep you warm in the colder weather.
- Shoes should protect your feet with cushioned soles, arch support and fit properly.

Adopt and maintain a positive attitude to believe in and enjoy yourself.

“Then I realized that to be more alive, I had to be less afraid. So I did it. I lost my fear and gained my whole life.” Anonymous

By preparing for adventure, you’re caring for yourself and thinking about those who care for you. And there are many ways you can protect yourself, as well as your employees’ health. You can start by participating in the LGRMS HPS Forum Call, in which we’ll go over a Health Toolkit that provides “tools” to promote health in your organization.

**THE HEALTH TOOLKIT** will be placed in the next issue of the SHARE newsletter, following the Forum Call, but it will be for the upcoming month. You’ll receive all the tools you’ll need beforehand to start planning.

**THE FORUM CALL** is for Health Promotion Champions and individuals responsible as health promotion leaders, administrators, HR and personnel directors, clerks, health/safety coordinators, and wellness/health benefit coordinators. All are welcome to participate. You’ll receive an invite each month. Please stay on the lookout!

## Sources

1. Centers for Disease Control and Prevention (CDC). 2020. Sun Safety. From [https://www.cdc.gov/cancer/skin/basic\\_info/sun-safety.htm](https://www.cdc.gov/cancer/skin/basic_info/sun-safety.htm)
2. Inspired Perspectives. (2021). Preparing for Adventure. From <http://www.inspiringperspectives.com>

## Honey Lime Fruit Salad

2 cups of strawberries, sliced

3 kiwi fruits peeled and sliced

2 cups of blueberries

1 cup of grapes, halved

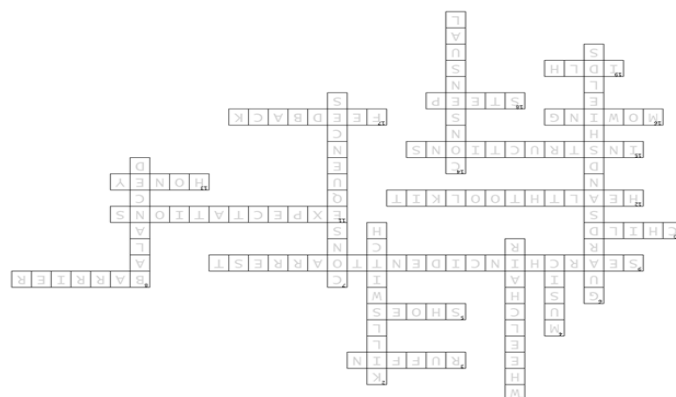
2 cups pineapple chunks

2 apples peeled and diced

2 tablespoons honey

1 tablespoon fresh squeezed lime

Place fruit in a large salad bowl, combine honey and lime juice, pour through the fruit and mix well.



**Across:** 3. Ruffin 5. Shoes 8. Barrier 9. Search Incident To Arrest 10. Child 11. Expectations 13. Honey 15. Instructions 16. Mowing 17. Feedback 19. IDLH **Down:** 1. Wheelchair 2. Killswitch 4. Music 6. Guards and Shields 7. Consequences 8. Balanced 14. Consensual

Crossword Puzzle Answer Key



## WHAT WERE THEY THINKING?

### MOWER SAFETY



## What were they thinking?

Mowing is a necessary function of local government activities and facility maintenance. Mowing can be extremely dangerous if is not performed properly. The U.S. Consumer Product Safety Commission reports that 110,000 people are injured each year seriously enough to require treatment in hospital emergency rooms.

What can you do to prevent lawn mower accidents?

- **Read and follow all instructions in the operators manual.**
- **All operators must be trained.** This is true whether it is the standard push mowers most of us are familiar with or one of the higher-tech zero turn mowers.
- **Make sure all guards and shields are in place before starting.** Not only do they protect the operator, but safety guards and shields provide protection to the public and adjacent property from flying debris.
- **Always wear proper clothing.** Never operate a mower with bare feet or while wearing sandals! Always wear sturdy work boots or safety shoes appropriate for the job. Long pants and long sleeves can protect you from the sun as well as insect pests.
- **Use ear and eye protection while operating all mowing equipment.**
- **Handle fueling operations with care.** Do not refuel while the mower is running. Wait until it has cooled before fueling. Always refuel outdoors,

and clean up any spills promptly.

- Keep all persons and animals away from the mowing area. In public places, you may have to cordon off an area. Mower blades can pick up an object and throw it a good distance with significant force.
- Do not use the mower to transport other employees.
- No horseplay while operating a mower. Mowers are not racing vehicles or bumper cars.
- Do not use mowers on steep slopes. Mower overturns cause serious injury.
- Work carefully on all slopes. Mow up and down the slope when operating a riding mower. To avoid the possibility of a foot slipping under the mower, work across the slope when using a push mower.
- Properly maintain your mower. Best practice is operating mowers with a kill switch, which stops the mower when you release the control. Clean the mower and perform all safety checks after each use. If you are not confident or experienced, let an experienced service provider maintain your mower and sharpen the blades.



# General Self Inspection Program

[Click Here to Print Form](#)

Location, Area, or Department: \_\_\_\_\_ Date: \_\_\_\_\_

Surveyor: \_\_\_\_\_

## General Evaluation

	Needs Action	Needs Improvement	Good	Very Good
A. Property/Liability				
a. Fire protection	_____	_____	_____	_____
b. Housekeeping	_____	_____	_____	_____
c. Slip/trip/fall	_____	_____	_____	_____
d. Public safety	_____	_____	_____	_____
B. Employee Safety				
a. Safety meetings	_____	_____	_____	_____
b. Safety rules	_____	_____	_____	_____
c. Work conditions	_____	_____	_____	_____
d. Auto/equipment	_____	_____	_____	_____

## Property/Liability

	Yes	No
Fire protection	<input type="checkbox"/>	<input type="checkbox"/>
Emergency numbers posted	<input type="checkbox"/>	<input type="checkbox"/>
Fire extinguishers available/serviced	<input type="checkbox"/>	<input type="checkbox"/>
Fire alarm panel showing system is operational; no warning lights.	<input type="checkbox"/>	<input type="checkbox"/>
Automatic sprinkler system control valve locked in open position.	<input type="checkbox"/>	<input type="checkbox"/>
Automatic sprinkler heads clear of storage within three feet.	<input type="checkbox"/>	<input type="checkbox"/>
Flammable, combustible liquids stored in UL-listed containers.	<input type="checkbox"/>	<input type="checkbox"/>
Flammable, combustible liquid containers stored in proper cabinet or container.	<input type="checkbox"/>	<input type="checkbox"/>
Smoking, No Smoking areas designated/marked.	<input type="checkbox"/>	<input type="checkbox"/>
Any cigarette butts noticed in No Smoking areas.	<input type="checkbox"/>	<input type="checkbox"/>

Comments: \_\_\_\_\_

## Housekeeping

Stairwells clear of combustible items.	<input type="checkbox"/>	<input type="checkbox"/>
Furnace, hot water heater, and electrical panel areas clear of combustible items.	<input type="checkbox"/>	<input type="checkbox"/>
Work and public areas are clear of extension cords, boxes, equipment, or other tripping hazards.	<input type="checkbox"/>	<input type="checkbox"/>
Floor surfaces kept clear of oils, other fluids, or water.	<input type="checkbox"/>	<input type="checkbox"/>
Stored items are not leaning or improperly supported; heavy items are not up high.	<input type="checkbox"/>	<input type="checkbox"/>

Comments: \_\_\_\_\_

## Slip/Trip/Fall

Stair treads are in good condition; not worn, damaged or loose.	<input type="checkbox"/>	<input type="checkbox"/>
Handrails for all stairs/steps.	<input type="checkbox"/>	<input type="checkbox"/>
Guardrails for all elevated platforms.	<input type="checkbox"/>	<input type="checkbox"/>
Stair handrails are in good condition; not loose or broken.	<input type="checkbox"/>	<input type="checkbox"/>
Floor surfaces are even, with non-slip wax if applicable.	<input type="checkbox"/>	<input type="checkbox"/>
All rugs are held down or have non-slip backing.	<input type="checkbox"/>	<input type="checkbox"/>
Any holes, pits or depressions are marked with tape, barricades, or guardrails.	<input type="checkbox"/>	<input type="checkbox"/>
Wet floor signs are available and used.	<input type="checkbox"/>	<input type="checkbox"/>

Comments: \_\_\_\_\_

## General Self Inspection Program

### Public Safety

	Yes	No
Public areas kept clear of storage and supplies.	<input type="checkbox"/>	<input type="checkbox"/>
Emergency lighting for public assembly areas in buildings.	<input type="checkbox"/>	<input type="checkbox"/>
Evacuation plans posted for public assembly areas in buildings.	<input type="checkbox"/>	<input type="checkbox"/>
Public areas have necessary warning or directional signs.	<input type="checkbox"/>	<input type="checkbox"/>
Construction work has barriers, covers, and markings.	<input type="checkbox"/>	<input type="checkbox"/>
Street and road signs noted in good condition, clear of obstructions.	<input type="checkbox"/>	<input type="checkbox"/>
Sidewalks smooth and even; no holes, no raised or broken areas.	<input type="checkbox"/>	<input type="checkbox"/>

Comments: \_\_\_\_\_

### Employee Safety

#### Safety Meetings

Held in the department.	<input type="checkbox"/>	<input type="checkbox"/>
Meetings held ____ monthly ____ quarterly ____ other _____; documented	<input type="checkbox"/>	<input type="checkbox"/>
Different topic each time.	<input type="checkbox"/>	<input type="checkbox"/>
Covers department safety rules.	<input type="checkbox"/>	<input type="checkbox"/>

#### Safety Rules

Rules specific for this department.	<input type="checkbox"/>	<input type="checkbox"/>
Rules are written, posted in the department.	<input type="checkbox"/>	<input type="checkbox"/>
Reviewed with new employees.	<input type="checkbox"/>	<input type="checkbox"/>

#### Work Conditions

Employees exposed to:	____ Heat	____ Cold	____ Rain/sleet/snow	____ Use of chemicals
	____ Noise	____ Work in confined spaces	____ Work in trenches	
	____ Traffic	____ Blood/body fluids	____ Other _____	

Proper personal protective equipment available

Respirators, goggles, face shields, chemical gloves, traffic vests, appropriate clothing

Trench boxes/shoring for trenching, ear plugs/muffs, body armor (law enforcement)

Confined space equipment, harness, air testing equipment, ventilation equipment, tripod

Fire department turn-out gear, blood-borne pathogens kits

Personal protective equipment required to be worn.	<input type="checkbox"/>	<input type="checkbox"/>
Employees trained on proper use.	<input type="checkbox"/>	<input type="checkbox"/>
Equipment properly maintained.	<input type="checkbox"/>	<input type="checkbox"/>
Shop equipment has proper guards to protect from pinch or caught-between type injuries.	<input type="checkbox"/>	<input type="checkbox"/>
Chemicals used in the department.	<input type="checkbox"/>	<input type="checkbox"/>
MSDS sheets available; employees trained on hazards, proper use, proper PPE to use.	<input type="checkbox"/>	<input type="checkbox"/>

Comments: \_\_\_\_\_

### Auto and Equipment

Seat belts provided.	<input type="checkbox"/>	<input type="checkbox"/>
Seat belts required to be used.	<input type="checkbox"/>	<input type="checkbox"/>
Drivers noted wearing seat belts.	<input type="checkbox"/>	<input type="checkbox"/>
All lights working including strobe lights, turn signals.	<input type="checkbox"/>	<input type="checkbox"/>
Tires in good condition, tread, sidewalls.	<input type="checkbox"/>	<input type="checkbox"/>
Glass in good condition; not cracked, broken.	<input type="checkbox"/>	<input type="checkbox"/>
Reflective tape, signs in good condition.	<input type="checkbox"/>	<input type="checkbox"/>
Any periodic, documented, self-inspection of the vehicles/equipment.	<input type="checkbox"/>	<input type="checkbox"/>
Proper guards on mowers, other equipment.	<input type="checkbox"/>	<input type="checkbox"/>

Comments: \_\_\_\_\_



# Safety Meeting Attendance Sign Up Sheet

[Click Here to Print Form](#)

City/County: \_\_\_\_\_

Date: \_\_\_\_\_

Department: \_\_\_\_\_

Topic: \_\_\_\_\_

Attendees:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Next meeting scheduled for \_\_\_\_\_

Safety Coordinator \_\_\_\_\_



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(continued)

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## JOB POSTING

Do you possess a high level of customer service, team membership, communication and influence skills? Would you like to see your name listed among our team members? If so, this may be the position for you.

LGRMS IS SEARCHING FOR A

**SOUTH GEORGIA  
RISK CONSULTANT**

If Interested, please send your cover letter and resume to:  
[applications@gmanet.com](mailto:applications@gmanet.com)

# SHARE

**JUNE/JULY 2021**  
**ISSUE #6**

## ANNOUNCEMENTS



### INTERESTED IN APPLYING

Send your cover letter and resume to: [applications@gmanet.com](mailto:applications@gmanet.com)

# HELP WANTED!

LGRMS IS SEARCHING FOR A

**SOUTH GEORGIA  
RISK CONSULTANT**

**SEE DESCRIPTION BELOW**

### MINIMUM QUALIFICATIONS

Bachelor's degree in related field required; some experience in program administration or a related field; or an equivalent combination of education, training, and experience which provides the requisite knowledge, skills, and abilities for this job. Must possess and maintain a valid Georgia driver's license.

- Career development strongly encouraged, with a potential for growth/advancement within LGRMS, GMA and ACCG
- Competitive salary and strong benefits package

### Go to:

[www.lgrms.com/resources](http://www.lgrms.com/resources)  
for more information.

### Location:

This position will be responsible for supporting approximately 200 members within Southern Georgia Region. The Southern Georgia Region has not been formally defined, but it is roughly the line from Quitman County/Georgetown to Effingham County/Springfield. It is preferable the person that holds the position live within or near the Southern Georgia Region.

### Salary/Benefits:

- Strong family and team working environment
- Ability to positively impact member employees' and citizens lives
- Based on the candidate's experience, we offer a six-month to two-year onboarding process to ensure their success in this new role

### The Ideal Candidate's Background/Experience:

- Although the Loss Control Consultant position reports to the Loss Control Manager, there is a great deal of independence and autonomy. Candidates should have a proven record of self-management and motivation.
- The position requires a high level of customer service, team membership, communication (written/verbal), and influence skills. Candidates should have a proven record of presenting, influencing or leading people from all levels of an organization.
- This position requires a high level of analytical and problem-solving skills. Candidates should have a proven record of conducting surveys or evaluations, loss & root-cause analysis, and making sound recommendations for long-term sustainable corrective actions.



# SHARE

**JUNE/JULY 2021 - ISSUE 6.0**

LOCAL GOVERNMENT RISK  
MANAGEMENT SERVICES,  
INC., - A Service Organization  
of the ASSOCIATION COUNTY  
COMMISSIONERS OF GEORGIA  
and the GEORGIA MUNICIPAL  
ASSOCIATION

## VISIT THE LGRMS WEBSITE

For more information.

[www.lgrms.com](http://www.lgrms.com)

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