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## Sixth Circuit Discusses Handcuffing and Excessive Force

*by Brian Batterton, Attorney, LLRMI*

On August 16, 2016, the Sixth Circuit Court of Appeals decided *Getz v. Swoap et. al.*,<sup>i</sup> in which they examined whether an officer's use of handcuffs on an arrestee constituted a Fourth Amendment violation. At the outset of the opinion, District Judge Cleland made a statement that rings particularly true in today's politically charged atmosphere that surrounds opposition to law enforcement. Judge Celand began the opinion by stating:

This Fourth Amendment excessive force claim, through 42 U.S.C. § 1983, arises from the familiar setting of an interaction between an officer and an angry, uncooperative citizen. *The facts illustrate yet again why it is a bad idea to question and argue, and to physically resist an investigating officer's reasonable commands and directions.*<sup>ii</sup> [emphasis added]

The relevant facts of Getz, taken directly from the case, are as follows:

About 7:20 p.m. on November 27, 2011, Deputy Jody Swoap

was sitting in his police cruiser on Carter Road outside of Bowling Green, Ohio. While observing traffic, he saw an oncoming 2004 Chevrolet Cobalt pass him with only one operational headlight. Robert Getz was driving. Swoap turned and followed, intending to pull the car over and issue a warning about the defective headlight. As Getz turned south on Sugar Ridge Road, Swoap switched on his overhead lights, but Getz did not immediately pull over. Swoap followed until Getz turned into a residential driveway. Unbeknownst to Swoap, it was Getz's home.

Swoap also turned into the driveway and radioed the dispatcher his location. The radio log establishes that Swoap's transmission occurred at 7:22 p.m.

Getz did not stop in the driveway but instead passed the house, continuing down the driveway until he reached a barn. Getz circled around in front of the barn and drove the car back



in Swoap's direction, stopping only once he was, according to Swoap, "bumper to bumper to me close enough to where I could not read his license plate." Swoap radioed in a description of the car and directed his spotlight at the car and driver, recognizing the driver as an older male. At his deposition, Swoap described Getz at this point as appearing "agitated . . . [h]is mouth and his forehead just looked like he was not happy."

As Swoap was radioing the car's description to dispatch, Getz's car lunged forward a short distance, started to back up, and then angled as though to drive around Swoap's cruiser. To prevent Getz from leaving the driveway, Swoap moved the cruiser and positioned it so that Getz could not drive around him. Getz's car continued to approach the cruiser, which was now blocking the driveway. Swoap exited the cruiser, stood in the driveway, and yelled for Getz to stop. Getz, however, continued to drive slowly toward Swoap as Swoap repeatedly told Getz to stop. Eventually, Swoap drew his sidearm and again directed Getz to stop, shut off the car, and exit the vehicle. This time Getz complied. Once Getz was out of the car and it was obvious he was not armed, Swoap holstered his gun.

Getz was angry. Swoap stated that Getz told him to "get the fuck off his property." When Swoap told Getz the reason for the traffic stop and asked Getz for his name, Getz yelled, "Do you know who I am? Everybody knows who I am." Getz continued to yell and argue until Getz said "fuck this" or "screw this, I'm leaving." Swoap informed Getz several times that he was not free to leave, but Getz got back in his car. At this point Swoap called for backup. Then, with Getz seated in his car gripping the steering wheel, Swoap reached into the car and attempted to remove Getz's left hand from the wheel while ordering him out of the car. Getz resisted, pushing Swoap away with his shoulder and generally pulling away from Swoap.

Swoap finally pulled Getz out of the car, informed him that he was under arrest, and ordered him to put his hands behind his back. Swoap again called for backup, this time telling dispatch to "step it up," which Swoap says signaled that "there was a serious potential for somebody to get hurt or there's force being used and I needed somebody there quickly." Getz refused to put his hands behind his back and said he was going inside the house. The radio log

establishes that Swoap asked dispatch to "step it up" at 7:23 p.m.

When Getz walked toward the front of the police cruiser in the direction of his house, Swoap informed him that he was not allowed to enter the house and that he needed to place his hands behind his back. Swoap grabbed Getz's upper arm as he told him to place his arms behind his back. When Getz failed to comply Swoap performed a hip-check maneuver to unbalance Getz, gain control of him, and handcuff him. In response, Getz turned around and sprawled chest down over the hood of the cruiser gripping opposite ends of the hood, making application of the handcuffs more difficult. Swoap repeatedly ordered Getz to put his hands behind his back but eventually had to grab Getz's right arm and rotate Getz's body around towards his left arm so that he could place the handcuffs on both wrists. When Swoap finally managed to handcuff Getz, he did not check for tightness or double lock the cuffs.<sup>1</sup> After the cuffs were on, he told Getz to walk to the other side of the cruiser, but Getz continued to resist and again pulled away, saying he was going into the house. Swoap maintained control and walked Getz to the other side of the cruiser, though Getz was still noncompliant and "locked up his legs . . . [and] his upper body," refusing to follow Swoap's directions. At 7:24 p.m., Swoap radioed dispatch and reported he had Getz in custody.

At this point Trisha Getz, Robert Getz's daughter, arrived at the scene, and here, Plaintiff's and Defendant's versions of the facts diverge. The firsthand accounts of the events that followed were provided by Robert's wife and daughter, Trisha and Beverly; Sergeant Timothy Spees, an officer who arrived on the scene; and Deputy Swoap.

## **B. Trisha's Testimony**

Trisha recounts seeing Swoap leaning against Getz and pushing Getz's face against the window of the Chevrolet as she pulled up to the house. When Trisha approached, Swoap told her that Getz was under arrest. Trisha informed Swoap that she was Getz's daughter. Around this time Trisha says, "Dad then got to sit down in his car 'cause he said he needed to sit . . . we asked [Swoap] if dad could sit down." While sitting, Getz told Trisha "these handcuffs are killing me. My hands hurt so bad. Can you just ask him—I have asked him several times to get the handcuffs



loosened.” According to Trisha, Getz complained “20 times about his hands” and that she could see his hands bleeding. She retrieved wipes from her car to clean up blood from Getz’s wrists and from a cut on his face. Swoap offered to call emergency medical services, but Getz and Trisha declined, saying he only needed his oxygen inside the house to treat a breathing condition.

At some point after Trisha retrieved the wipes from her car, she says that Swoap asked her if she lived at the house. Though she did not live there she told Swoap she did, and Swoap told her to leave, go into the house, or face possible arrest for “invading my crime scene.” Trisha asked Swoap to loosen the handcuffs and then entered the house to inform her mother, Beverly, of what was happening outside. Trisha asked Beverly to go outside and monitor the situation while she called her brother, Getz’s son, Tim. Beverley, before that point, had been unaware of the goings-on in the driveway.

Trisha estimates that 20 minutes passed between her arrival at the scene and her call to Tim. Trisha did not return outside until after her father was released from his handcuffs, but she did testify that once her father came into the house, he told her that when Sergeant Spees arrived, he “went over and took his handcuffs off immediately” and told Getz to “go inside, get yourself cleaned up and get some oxygen.”

### C. Beverly Getz’s Testimony

Mrs. Getz testified at deposition that she walked outside after Trisha spoke to her and that “Deputy [sic] Spees pulled in shortly after that.” Though not part of Mrs. Getz’s testimony, both parties agree,

based on the police radio log, that Sergeant Spees arrived at 7:29 p.m., approximately four and a half minutes after Getz was arrested. When she and Getz spoke to Spees to ask him to loosen the cuffs, “[Spees] took them right off.” Mrs. Getz could not say how long Spees had been there when the handcuffs came off, though she thought “[h]e had just arrived.”

### D. Deputy Swoap’s Testimony

Deputy Swoap’s version of the story differs. At deposition, he stated that he tried to make Getz sit in the back passenger seat of his cruiser but that Getz refused. Trisha arrived around this time but remained by her car. Less than a minute later, Spees arrived and began communicating with Getz. Spees took over primary communication with Getz because they seemed to have a better rapport, though Swoap approached Getz “numerous” times after Spees’ arrival to ask if Getz needed medical attention. Each time, according to Swoap, Getz refused emergency medical services and continued to either ignore Swoap or become “argumentative” again. Swoap testified that it was Spees who got Getz to sit down and that he sat in the back of Swoap’s cruiser, not his own car. After putting Getz in the cruiser, Spees returned to ask Swoap if he was aware that Getz was bleeding. Swoap said he was not. Shortly thereafter Swoap says he removed the handcuffs from Getz to allow Getz to use his inhaler. Swoap estimates that Getz was handcuffed “[p]robably less than five [minutes].”

### E. Sergeant Spees’ Testimony

At Sergeant Spees’ deposition, he also said he remembered Swoap removing Getz’s handcuffs, and estimated that happened “less than ten minutes” after his arrival. Sergeant Spees’ testimony differs a bit from Swoap’s, in that he remembers both Trisha and Beverly standing outside on the lawn when he arrived.<sup>iii</sup>

Getz sued Deputy Swoap for false arrest and excessive force and sued the sheriff for failure to train and supervise. Deputy Swoap and the Sheriff Wood filed for summary judgment and the district court granted summary judgment in favor of Swoap and Wood. Getz appealed, but only raised the issue of whether the initial handcuffing and alleged failure to adjust the handcuffs after Getz complained violated the Fourth Amendment.



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The court began its opinion by discussing the law relevant to use of force under the Fourth Amendment. Specifically, the court stated

We apply the Fourth Amendment’s unreasonable seizure jurisprudence when analyzing such claims. *Morrison*, 583 F.3d at 400. Whether an officer has exerted excessive force during the course of a seizure is determined under an “objective reasonableness” standard. *Id.* at 401 (citing *Graham v. Connor*, 490 U.S. 386, 396-97 (1989)).

**In assessing objective reasonableness, “courts must balance the consequences to the individual against the government’s interests in effecting the seizure.”** *Burchett v. Kiefer*, 310 F.3d 937, 944 (6th Cir. 2002) (citing *Graham*, 490 U.S. at 396). **While the analysis is fact specific, three factors are of particular relevance: “the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.”** *Darrah v. City of Oak Park*, 255 F.3d 301, 307 (6th Cir. 2001) (citing *Graham*, 490 U.S. at 396). **We judge the lawfulness of the conduct from the “perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.”** *Morrison*, 583 F.3d at 401 (quoting *Graham*, 490 U.S. at 396).<sup>iv</sup>

The court then set out to examine whether the initial handcuffing was excessive force in violation of the Fourth Amendment. The first factor the court examined was, from *Graham v. Connor* above, was the severity of the crime at issue. The initial crime committed by Getz was a defective headlight which is a minor crime. While this would weight in Getz’s favor, the court then observed that Getz escalated the situation by his attempt to flee and his resistance; the court said that this diluted the benefit he might obtain from the initial minor nature of his offense.

The court then examined the second factor from *Graham*, particularly whether Getz was a threat to the officer or others. The court reasoned that Getz’s attempt to escape by driving around Swoap’s car, and stopping only after Swoap drew his firearm posed both a threat to Swoap and to the public, if a car chase would have become necessary.

The court also examined the third factor from *Graham*, whether the Getz was actively resisting arrest or attempting to flee. The court noted that Getz did both. First, he attempted to flee in his car by trying to drive around Swoap. He also repeatedly told Swoap that he intended to flee. Second, Getz resisted handcuffing by walking away, and then grabbing the hood of the police car to prevent Swoap from applying the handcuffs. After Getz was handcuffed, he still acted belligerently, yelled profanity at Swoap, and locked his legs to resist being placed in a police car.

The court then discussed the fact that Swoap did not double lock the handcuffs or check them for tightness, as is normally required when handcuffing an arrestee. The court discussed the law related to this and stated the following:

Swoap admits that he did not double lock or check the handcuffs for tightness. **But even assuming the handcuffs were tight enough to cause abrasions, or tightened at some point because of the failure to double lock, a failure to take such additional cautions, in the context of a struggling arrestee now only subdued and partially mollified, is understandable and not all conduct that causes an arrestee discomfort or pain violates the Fourth Amendment.** See *Graham*, 490 U.S. at 396 (“Not every push or shove, even if it may later seem unnecessary . . . violates the Fourth Amendment.”). **This is especially true where the subject resists arrest and the use of force is necessary to establish control and restrain the individual.** See *Burchett*, 310 F.3d at 944. **Further, we have never held that an officer’s failure to check for tightness or double lock handcuffs at the moment of arrest is, *per se*, excessive force. The analysis is, as always, fact specific and based on the totality of the circumstances.** *Kostrzewa v. City of Troy*, 247 F.3d 633, 639 (6th Cir. 2001).<sup>v</sup> [emphasis added]

The court then held that due to Getz’s noncompliance and resistance, Swoap did not violate the Fourth Amendment when he handcuffed Getz and did not immediately check the fit and double lock the handcuffs.

The second issue before the court was whether Swoap violated the Fourth Amendment by failing to

inspect and adjust the handcuffs after Getz allegedly complained that the handcuffs were too tight. Regarding, this type of claim, the court stated:

**In order for a handcuffing claim to survive summary judgment, a plaintiff must offer sufficient evidence to identify a genuine issue of material fact that (1) he complained the handcuffs were too tight; (2) the officer ignored those complaints; and (3) the plaintiff experienced “some physical injury” resulting from the handcuffing.**<sup>vi</sup> [emphasis added]

The court examined precedent applicable to the facts of Getz’s case and noted three applicable principles which were as follows:

- [E]xcessive-force-handcuffing cases almost exclusively involve plaintiffs who were compliant and gave officers no reason to delay responding to their complaints, and we have always noted such compliance. See, e.g., *Baynes v. Cleland*, 799 F.3d 600, 604 (6th Cir. 2015)<sup>vii</sup>
- Even cases in which a noncompliant arrestee resists or flees fail to provide much guidance to officers in defining the contours of the right to be free from excessively tight handcuffing. In many of those cases we found no violation either because officers immediately responded when the arrestee complained, see, e.g., *Burchett*, 310 F.3d at 945, or because the arrestee failed to complain at all, see, e.g., *Lyons v. City of Xenia*, 417 F.3d 565, 576 (6th Cir. 2005).<sup>viii</sup>
- To the extent we have addressed cases in which an arrestee disobeys an officer, we have noted that in excessive force cases the fact of noncompliance amounts to a “critical difference” and accordingly condoned greater use of force than we would have had the arrestee been compliant. See *Marvin v. City of Taylor*, 509 F.3d 234, 248 (6th Cir. 2007) (“[W]e find that the Defendants did not violate [Plaintiff’s] Fourth Amendment rights . . . because the Defendants acted in an objectively reasonable manner in light of [Plaintiff’s] heavily intoxicated state, abusive language, and his resistance to arrest.”)<sup>ix</sup>

The court, based on testimonial evidence and evidence from radio and CAD reports was able to determine that Getz was in handcuffs for a very short

period of time until they were removed to allow him to use an inhaler. Based on this, the court stated:

The district court was correct in stating that “[t]he relatively short time frame in which Mr. Getz was in handcuffs, coupled with the officer’s prompt action in removing them upon a subsequent request after he had subdued Mr. Getz, at worst, falls into a category ‘in which qualified immunity operates to shield officers from discretionary, on-the-spot judgments.’” *Getz*, 2015 WL 1530643, at \*12 (quoting *Fettes*, 375 F. App’x at 534). The parties agree that Getz was in handcuffs for about four-and-a-half minutes before Spees arrived. Trisha and Mrs. Getz, Plaintiff’s primary witnesses, both agree that the handcuffs were removed very shortly after Spees’ arrival. Further, it is undisputed that Getz attempted to flee and resisted arrest. He continued to resist and use abusive language towards Swoap for at least some period of time after he was placed in handcuffs.<sup>x</sup>

As such, the court held that a “reasonably competent officer could conclude that Swoap’s actions were lawful.”<sup>xi</sup> As such, he did not violate the Fourth Amendment.

Therefore, the court of appeals upheld the decision of the district court in favor of Deputy Swoap.

*Note: Court holdings can vary significantly between jurisdictions. As such, it is advisable to seek the advice of a local prosecutor or legal adviser regarding questions on specific cases. This article is not intended to constitute legal advice on a specific case.*

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## Endnotes

- |   |                |
|---|----------------|
| i. No. 15-3514 (6th Cir. Decided August 16, 2016) | vii. Id. at 10 |
| ii. Id. at 1                                      | viii. Id.      |
| iii. Id. at 2-6                                   | ix. Id. at 11  |
| iv. Id. at 7-8                                    | x. Id. at 12   |
| v. Id. at 9                                       | xi. Id. at 11  |
| vi. Id. at 9-10                                   |                |

# Title VII Retaliation, FLSA Lawsuits Continue to Soar

by John Bennett, Attorney, Elarbee, Thompson, Sapp & Wilson LLP

March 17, 2016

According to statistical figures from the federal courts, civil litigants filed approximately 9,000 Fair Labor Standards Act (“FLSA”) cases during calendar year 2015. For comparison purposes, just 4,000 FLSA cases were filed a decade ago in 2005, the first time the FLSA case load ever reached 4,000 cases in a year. The vast majority of FLSA lawsuits focus on alleged uncompensated or miscalculated overtime, uncompensated “off the clock” work, and misclassification of employees. The growth of these lawsuits continues to present challenges, particularly given the FLSA’s 1930s- and 1960s-era statutory and regulatory language that is increasingly ill-suited to 21st century workplaces.

The number of charges filed with the U.S. Equal Employment Opportunity Commission (“EEOC”) also rose during the Commission’s last fiscal year. (The fiscal year runs from October 1 to September 30.) According to data released by the EEOC, approximately 90,000 charges of discrimination were received during the government’s 2015 fiscal year, up from the 2014 total, which represented a near-decade low. Notably, 44.5% of all charges filed during FY 2014-15 contained an allegation of retaliation, while allegations of race and disability discrimination (up nearly 6% in 2015) were made 34.7% and 30.2% of the time, respectively.

What do these statistics mean for employers? With regard to the EEOC-related data, while employers should continue their efforts to eliminate the conditions that give rise to EEOC charges overall, it is clear that more must be done to cultivate and maintain an atmosphere and culture of non-retaliation in the workplace. Such steps would include, among other things,

responding promptly to internal discrimination complaints, assuring the complainant that the matter will be taken seriously, implementing interim measures designed to reduce the likelihood of confrontations or other incidents that may be perceived as retaliatory, ensuring that the respondent and others are reminded that retaliation is strictly prohibited, and keeping lines of communication with the complainant open so that instances of perceived retaliation can be addressed promptly. With regard to the FLSA-related data, employers should regularly audit their pay practices and update job descriptions, and consult periodically with experienced employment counsel to ensure that employees are being properly classified and compensated and that accurate records are being maintained. The new DOL rules regarding the “white collar” exemptions that are expected to take effect later this year afford an excellent for such an audit.

Should you have any questions about your employment policies or practices, please contact your city or county attorney.

**Employers Holding Federal Contracts or Subcontracts**  
Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

**Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations**  
Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

**RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**  
Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

**DISABILITY**  
Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

**AGE**  
The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, and other aspects of employment.

**SEX (WAGES)**  
In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

**GENETICS**  
Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

**RETALIATION**  
All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

**WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED**  
There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected.  
The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at [www.eeoc.gov](http://www.eeoc.gov) or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at [www.eeoc.gov](http://www.eeoc.gov).

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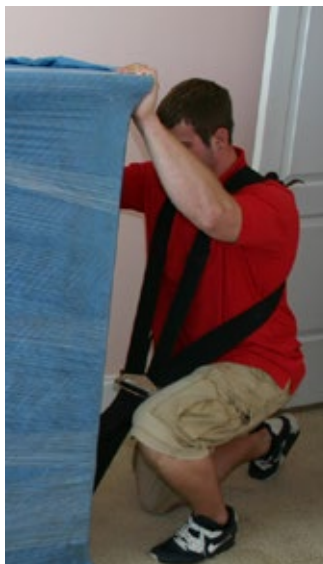
## Don't Blow It When You Lift – Your Disc, That Is

Lifting doesn't have to be a dangerous proposition, even when it's done regularly at work or at home. As long as you know the facts about correct lifting and bending techniques, you can protect your back from unnecessary added stress and possible injury.

Everyone puts a lot of stress on their backs every day from the process of bending and lifting, even those people who don't have a job that requires frequent heavy lifting. Think of how many times a day you bend down to pick something up: laundry, your pet, a piece of paper, etc. Continued bad form when lifting, even something small, can cause unneeded stress on your back and make it more prone to injury.

Most back problems occur over a period of time. Careful attention to lifting on the job and at home and regular exercise to maintain fitness and strength will help you maintain a healthy back. The following principles will assist in lowering your risk of back pain or injury due to lifting.

- Size up the load. Test it to see if you can lift it safely. Can you grasp it securely? Good handholds (like cut-outs or handles) will make the load easier to lift.
- Make sure the load is balanced in your hands.
- Get as close to the load as possible before lifting it. If possible, slide the load towards you before picking it up.
- Make sure your footing is secure. Do not lift objects that obscure vision and footing.
- Do not twist while lifting! Move your feet so that they point in the direction of the lift as you turn.
- Lift smoothly, but not slowly. Do not jerk the load.



- Organize the work so as to avoid lifting from the floor or above shoulder level. Items to be handled should be between knee and shoulder height.
- Keep the load as close to your body as possible. If the load is large and cannot be placed between your knees as they are bent, bend at the hips and waist with your knees relaxed. It is more important to keep the load close than it is to bend your knees.
- Take extra care with large loads. One solution to lifting a larger load is to get another person to help you. A better solution is to use mechanical assistance (such as hand trucks or carts) to avoid lifting altogether.
- Get help with large loads.
- Try not to do it all at once. If you have a lot of lifting to do during the day, alternate lifting tasks with lighter work to give your body a chance to recover. Remember, mechanical assistance is just as important for repetitive lifting as it is for heavy lifting.
- Use the same principles when lowering or placing the load after lifting. Place carefully.
- Try to avoid carrying the load more than ten feet without getting mechanical assistance. Use a dolly or cart.

Save your discs; lift properly!



# SAFE LIFTING PROCEDURES

## 1 SIZE UP THE LOAD

Size up the load. Never attempt to lift a load that is heavier than your comfort level. Do not lift alone if you estimate that the load is too heavy, awkward, bulky or will obscure your vision. Determine required PPE.



## 2 SECURE YOUR FOOTING

Make sure you are wearing appropriate rubber soled footwear. Align your body with the load. Face the load straight on. Assure your footing and balance by placing one foot forward of the other.



## 3 BEND YOUR KNEES

Bend your knees and squat. Keep your head up back straight. Spread your knees or lower one knee to get closer to the object.



## 4 LIFT THE LOAD

Push up with your legs to utilize your strongest set of muscles. Tighten your abdominal muscles as you rise. Remember to breath steadily when lifting. Keep the load close to your body as you come up.



## 5 CARRY THE LOAD

Lift the object to the carrying position. If it is necessary to change your direction when in the upright position be careful not to twist the body. Turn your body by changing the position of your feet. Always maintain steady breathing while handling the load.



## 6 LOWER THE LOAD

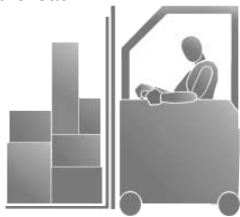
Bend your knees while lowering the load to the floor from a waist-high carrying position. Keep your back natural with the load close to the body, lowering the load with the arm and leg muscles.



## SPECIAL SAFETY TIPS

### MECHANICAL ASSISTED LIFTING

If the load is too heavy or awkward to lift alone, and no one is available to assist you, use a mechanical device such as a hand truck, manual lift truck or forklift to lift the load.



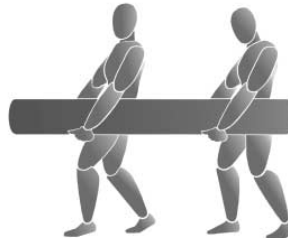
### PUSH DON'T PULL

You can move twice as much when you PUSH. So remember, when you are moving a load on a cart or handtruck, PUSH DON'T PULL!



### BUDDY LIFTING SAVES BACKS

Impatience will injure you. Get help with awkward or bulky items. Lifting together is easier and safer than lifting alone.



### AVOID UNSTABLE LOADS

Unstable loads will injure your back and damage the load. Only carry as much as you can handle. Make sure you can see the ground in front of you when carrying a load.



### STACK YOUR LOAD CAREFULLY

Stack heavy or large boxes on the bottom of the load to avoid tipping during transport.



### STANDING ON STABLE SURFACES

Don't stand on unstable chairs, stools or ladders when lifting or moving objects.



### LIFTING ABOVE YOUR HEAD

Never lift an object past shoulder height. Use a sturdy stool, ladder, or seek mechanical assistance.



### PERSONAL PROTECTION EQUIPMENT (PPE)

- BACK BRACE
- GLOVES
- HARD HATS
- RUBBER SOLED FOOTWEAR
- STEEL TOED BOOTS
- OTHER: \_\_\_\_\_

All equipment should be periodically checked for reliability. If equipment shows any sign of wear and/or defects, immediately report this to your supervisor.

### ACCIDENT REPORT

If you have had an accident on the job, report it immediately to your supervisor at:



1-800-817-7678

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# WORKSITE STRETCHING



## Warm-up Trunk

- Stand relaxed, feet slightly apart
- Maintain tight abdominals
- Reach overhead with fingers reaching up
- Can interlock thumbs – pulling thumbs “apart”



## Lateral Neck Stretch

- Bring right ear toward right shoulder
- Repeat to other side
- Can stretch chin forward to chest
- Do not extend head backwards



## Lateral Trunk

- Place right hand on right hip
- Reach left arm up overhead
- Bend upper body to right
- Keep palm turned up, stretching left arm overhead
- Repeat other side



## Back Extension

- Place hands on back of hips
- Gently arch upper body back
- Do not overstretch the neck in a backwards direction
- Knees can be slightly bent
- Push back up with hands



## Upper Back-Shoulder Stretch

- Grasp hands behind back
- Knees remain slightly bent
- Bend forward at the waist (keeping head in neutral position)
- Bring arms back away from the body
- Use abdominal and leg muscles to push back up to an upright position

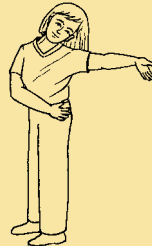
**GUIDELINES**

Keep an open mind  
Stand relaxed • Feet slight apart  
Knees slightly bent  
Maintain tight abdominals  
Stretch within YOUR comfort zone  
NEVER cause pain • Breathe slowly & evenly  
Hold each stretch for 20 seconds (count slowly)  
Always stretch both sides • Stretch daily  
Find ways to do “mini” stretches during the workday  
Never bounce with stretching  
Remember: Body flexibility increases with repeated practice  
If you have concerns about your personal ability, consult your personal physician



## Chest-Arm Stretch

- Place right hand on left hip
- Turn head to left side
- Extend left arm horizontally to side
- Keep left elbow straight and palm turned up
- Drop left fingers downward
- Hold
- Repeat to other side



## Spine Rotation Stretch

- Place right hand on back of right hip, left hand to front of right hip
- Rotate upper body bringing left shoulder toward right hip
- Head follows trunk to direction of right hip
- Use arms to push self back in center position
- Switch hands to left hip, repeat to left side bringing right shoulder and head toward left hip



## Shoulder-Triceps Stretch

- Bring right arm up overhead with elbow pointing up
- Bend right elbow so that hand approaches the upper back
- Reach across with left hand, and gently push right upper arm up and back
- Repeat to other side

**HEALTH & SAFETY BENEFITS**

Feel better  
Prevent injuries  
Train the body's response system  
Increase joint flexibility  
Stress management  
Be able to tie your shoes

**HEALTHY HINTS**

Laugh often  
3 veggies; 3 fruits a day  
Drink lots of water  
Take deep breaths  
Plan ahead for safety  
Physical activity most days of the week

## Upper Back-Neck Stretch

- Bring right arm across chest
- Using the left hand, pull right arm across the body
- Turn head to the right side
- Repeat on opposite side, head turns to left



## Forearm-Wrist Extension Stretch

- Press palms together in front of chest
- Lift elbows slightly up
- Keep shoulders relaxed and down while holding stretch
- Hold abdominals tight



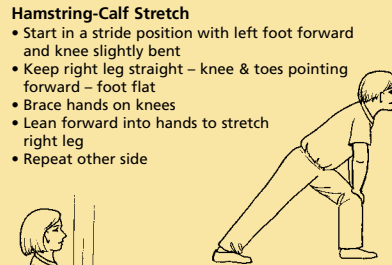
## Forearm-Wrist Flexion Stretch

- Bring arms straight in front of body, keeping elbows as straight as possible
- Bring backs of hands together
- Pull fingers up toward elbows
- Keep shoulders down and relaxed



## Thumb Stretch

- Arms in comfortable position
- Gently pull thumb back away from the hand
- Can brace thumb being stretched at thumb joints
- Repeat other side



## Hamstring-Calf Stretch

- Start in a stride position with left foot forward and knee slightly bent
- Keep right leg straight – knee & toes pointing forward – foot flat
- Brace hands on knees
- Lean forward into hands to stretch right leg
- Repeat other side



## Anterior Thigh-Hip Stretch

- Place one hand on object for balance
- Bend right knee and pull back
- Use the right hand to grasp the right lower leg (above ankle)
- Pull the right knee backwards
- Maintain trunk in upright position
- Repeat to other side





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