

Avoiding Nuclear Verdicts: Rapid Fire Legal Issues

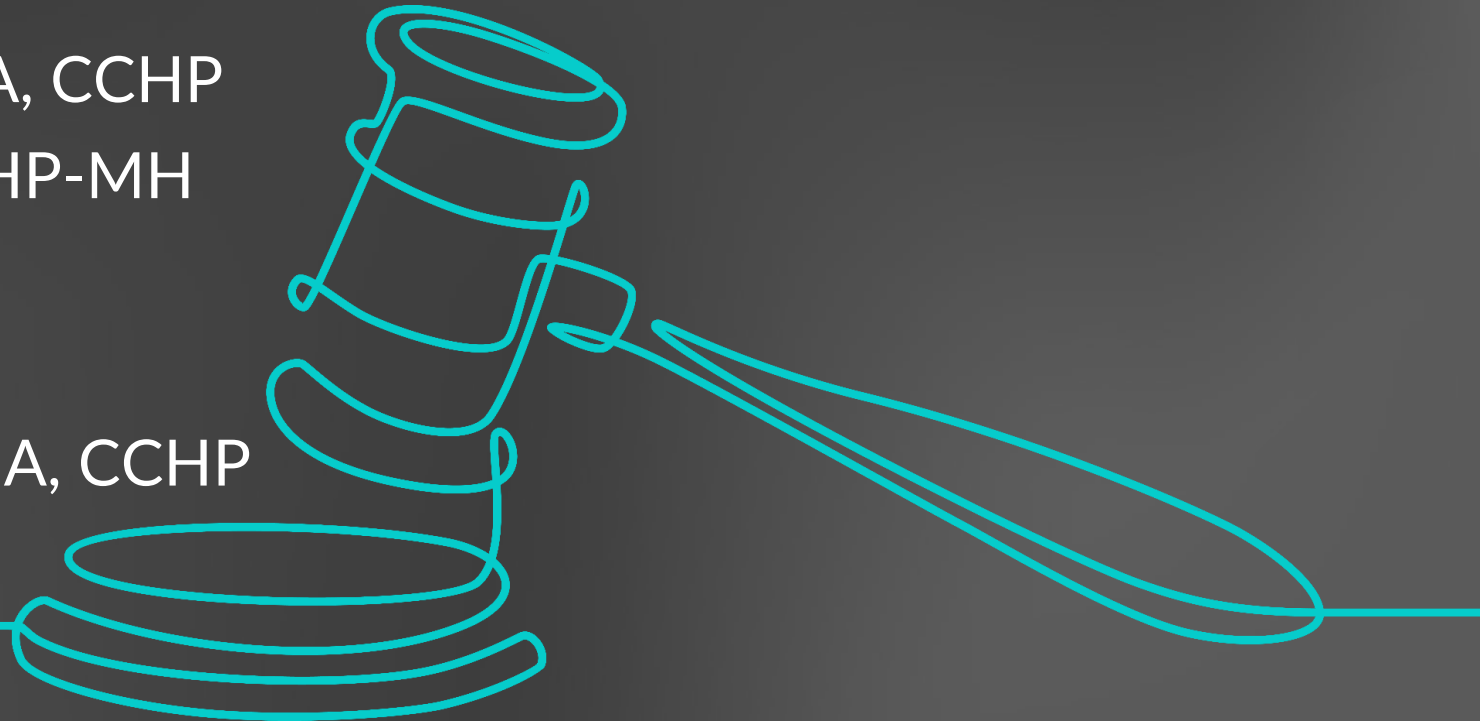
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Objectives

Learning Objective 1

Recognize the importance of infusing empathy into daily practice inside their home agency.

Learning Objective 2

Understand how to avoid deliberate indifference in the corrections environment.

Learning Objective 3

Evaluate opportunities in their home agency to enhance training for staff.

The WHY

Mother awarded \$10M for daughter's death in Davis County Jail

By Kaitlyn Bancroft, KSL.com | Jul 28, 2022, 4:08pm CDT

N.J. county settles case for \$750K after woman says she was shackled during labor

A federal lawsuit alleged that county officers and supervisors shackled the woman's wrists, ankles and waist during prenatal visits, and during labor and childbirth

Sep 14, 2022

Spokane County jury awarded nearly \$27 million to Cindy Lou Hill's estate

Spokane County would have to pay 10%, while Spokane County Jail healthcare provider NaphCare would have to pay 90% to Cindy Lou Hill's estate.

Author: Brianda Perez, KREM Staff
Published: 6:53 PM PDT July 20, 2022
Updated: 2:26 PM PDT July 21, 2022

PEARLS OF WISDOM

Don't overlook "sick"

Infuse empathy

Capitalize on teachable moments

Train and re-train staff

Prepare to be deposed

Don't overlook “sick”

Level Set Definition

“Sick”

All things that can cause
health to deteriorate

Seeing and Responding to “Sick”

How would you treat a friend or family member?



Case Study

Remember

Don't overlook "sick"

Infuse empathy

Capitalize on teachable moments

Train and re-train staff

Prepare to be deposed

Infuse empathy

Quality Patient Care = Risk Management

Sympathy

Feeling someone else's
emotions with a pity-based
response

"Sympathy will get you killed."

Empathy

Focuses on understanding
another's feelings from an
outside perspective with a
compassionate response

SYMPATHY

An unwanted
pity-based response

May be felt as shallow
and superficial

Unhelpful and
misguided response to
suffering

COMPASSION

Motivated by **concern**

Action-oriented

Small acts of **respect**

EMPATHY

Understanding and
respect

Acknowledging the
difficulty

Fundamentals of an Empathetic Response

Respect and treat the detainee like a **person**

Give them a sense that they've been **heard**

Consider their **perspective** when responding

Fundamentals of an Empathetic Response

ACTIVE
LISTENING



VALIDATE
CONCERNS



ASK
QUESTIONS



APPRECIATE THE
SITUATION



FOLLOW
THROUGH & UP



Listen to understand, not to respond.

“

“What I’m hearing you say is...”

Fundamentals of an Empathetic Response

ACTIVE
LISTENING



VALIDATE
CONCERNS



ASK
QUESTIONS



APPRECIATE THE
SITUATION



FOLLOW
THROUGH & UP



You don't have to agree to recognize their feelings.

“

“I understand why you might feel that way...”

Fundamentals of an Empathetic Response

ACTIVE
LISTENING



VALIDATE
CONCERNS



ASK
QUESTIONS



APPRECIATE THE
SITUATION



FOLLOW
THROUGH & UP



Gauge their fears, concerns, and thoughts.

“

“Can you help me understand...”

Fundamentals of an Empathetic Response

ACTIVE
LISTENING



VALIDATE
CONCERNS



ASK
QUESTIONS



APPRECIATE THE
SITUATION



FOLLOW
THROUGH & UP



Imagine losing control over everything... your response should not be punishment.

“

“I know this is a tough situation...”

Fundamentals of an Empathetic Response

ACTIVE
LISTENING



VALIDATE
CONCERNS



ASK
QUESTIONS



APPRECIATE THE
SITUATION



FOLLOW
THROUGH & UP



Do what you say you will.

“

“I talked to ____ and I wanted to follow up...”

IMPROVED **OUTCOMES**

A well-run facility keeps
patients alive and stays
out of the headlines.

DECREASED

**VIOLENT
OUTBURSTS**

FEWER

**COMPLAINTS
AND
GRIEVANCES**

IMPROVED

**FACILITY
MORALE**

Remember

Don't overlook "sick"

Infuse empathy

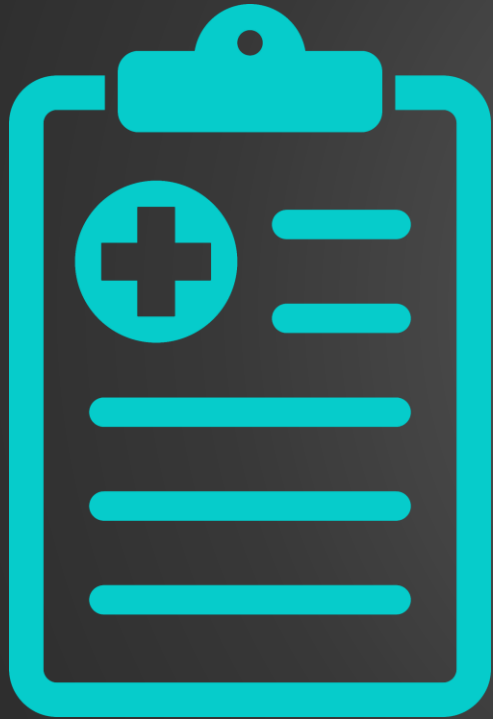
Capitalize on teachable moments

Train and re-train staff

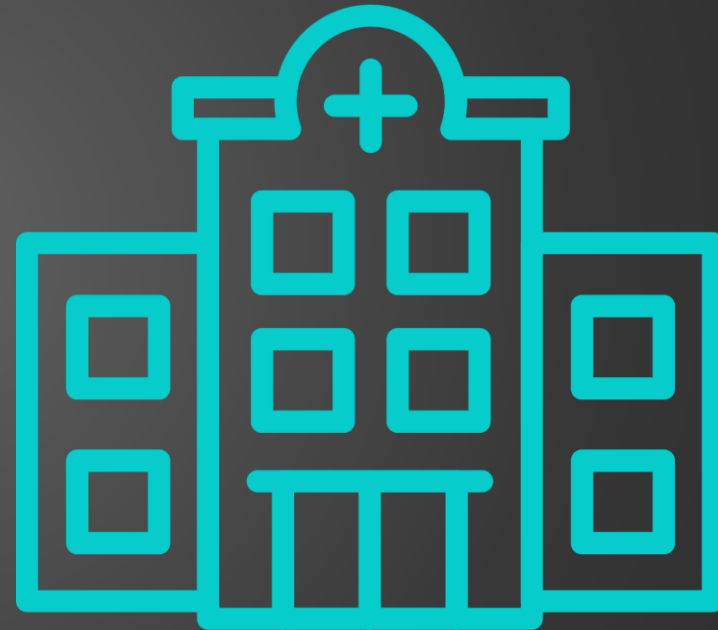
Prepare to be deposed

**Capitalize on
teachable moments**

Continuity of Care



Release of Records



Hospital Partnerships

Internal Case Review



**OFFICERS ARE NOT MEDICAL
PERSONNEL**

Everyone has an important role

Use internal patient situations to
teach officers

Internal Case Review



Media is peppered with examples of “missing sick”

Use headlines and cases to create booster shots

Break down what went wrong

Remember

Don't overlook "sick"

Infuse empathy

Capitalize on teachable moments

Train and re-train staff

Prepare to be deposed

Train and re-train staff

Employees Who Don't Function



**Lack of
training**



**Hired wrong
person**



**Lazy or
criminal**

Learning Pyramid

Skills

- Helps us achieve impact and create value
- “Knowing how”

Knowledge

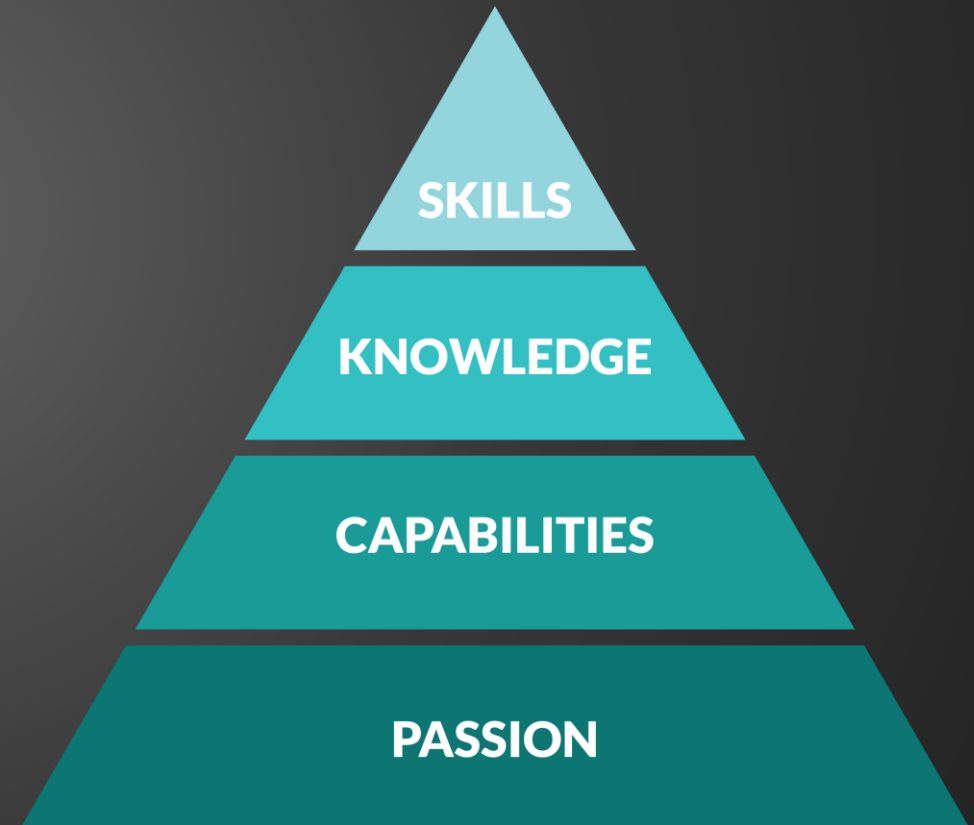
- May be reduced to facts and figures
- “Knowing what”

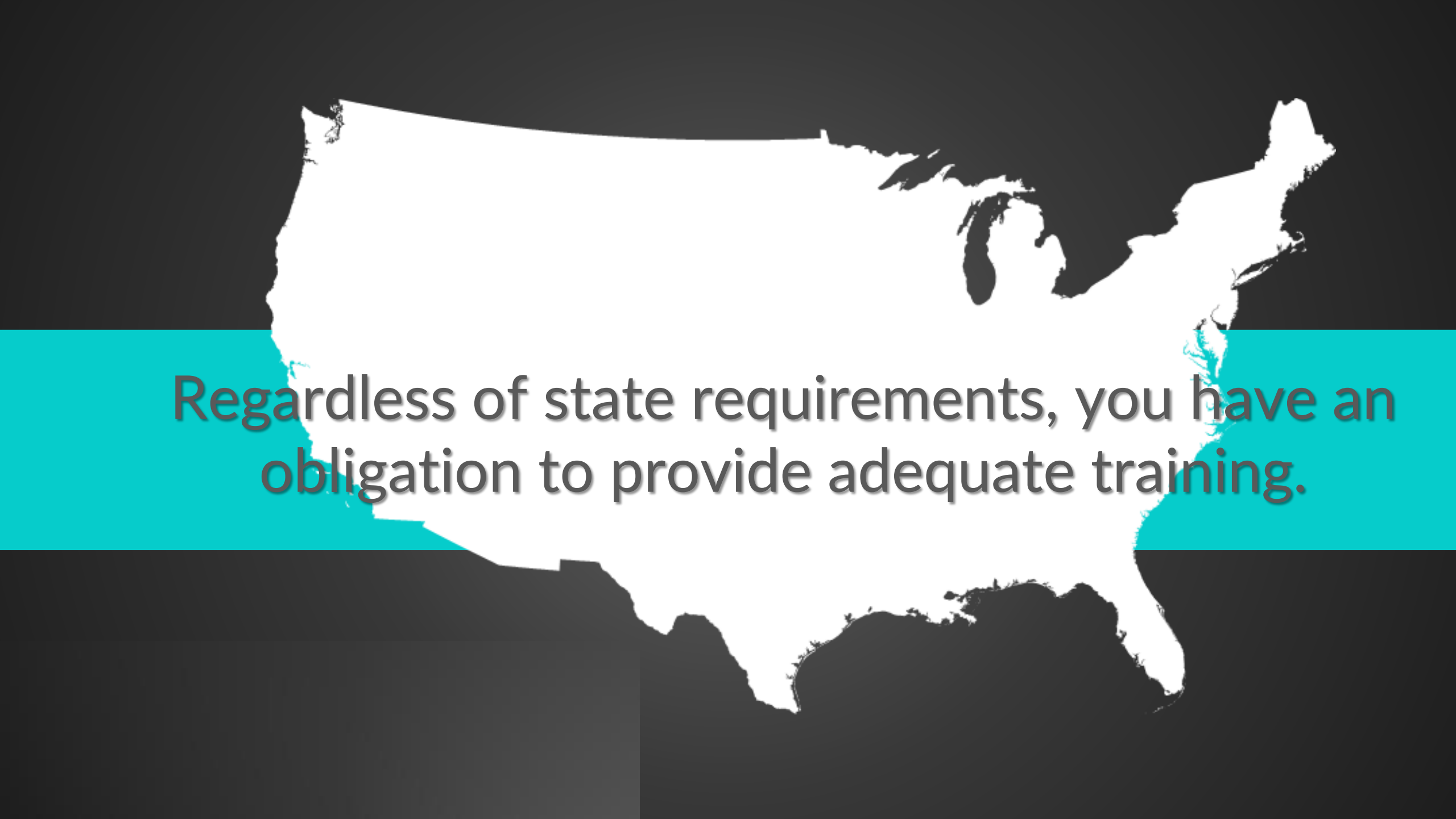
Capabilities

- Curiosity, imagination, creativity, critical thinking, and social/emotional intelligence

Passion

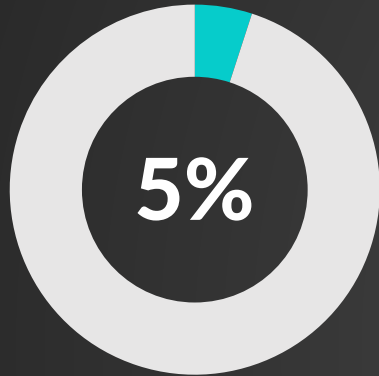
- Drives learning
- Achieving and increasing impact
- Curious questioning
- Networking and creating connections



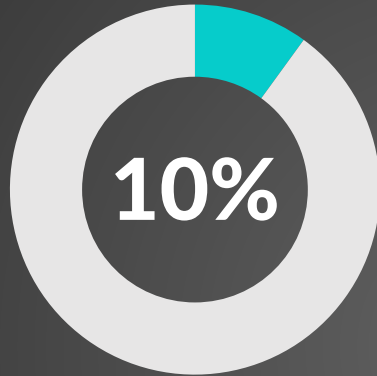


Regardless of state requirements, you have an obligation to provide adequate training.

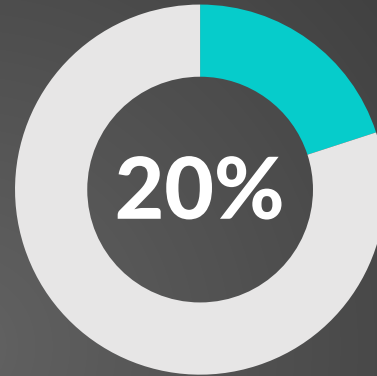
Learning Retention



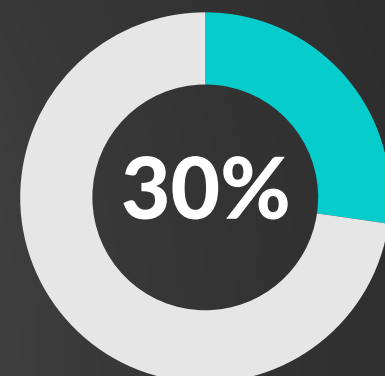
LECTURE



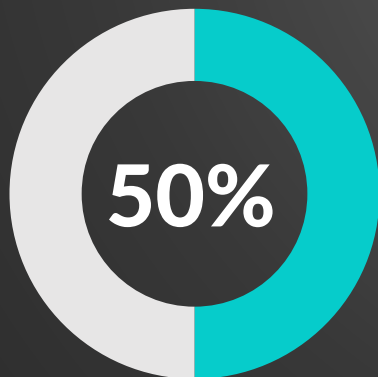
READING



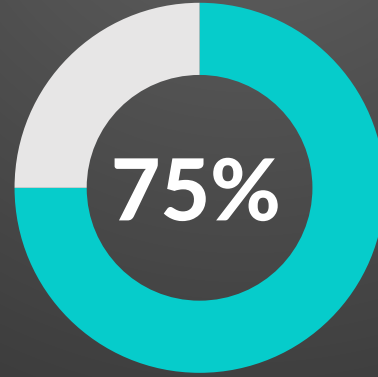
AUDIOVISUAL



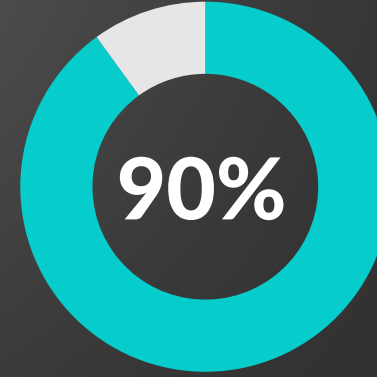
DEMONSTRATION



DISCUSSION



PRACTICE DOING



TEACH OTHERS

The Learning Tool Belt

Time

- Provide time for training

Equipment

- Online vs. in-seat

Forms/Documents

- Keep on-site paperwork updated

Gain Insight

- Audit application of learned information



Booster Shots

Shift Huddles

- Revisit recent training highlights

Scenario-based Snippets

- Real/fictional examples

Email Blasts

- Mix it up – make applying knowledge fun



Remember

Don't overlook "sick"

Infuse empathy

Capitalize on teachable moments

Train and re-train staff

Prepare to be deposed

Prepare to be deposed

Prepare Daily

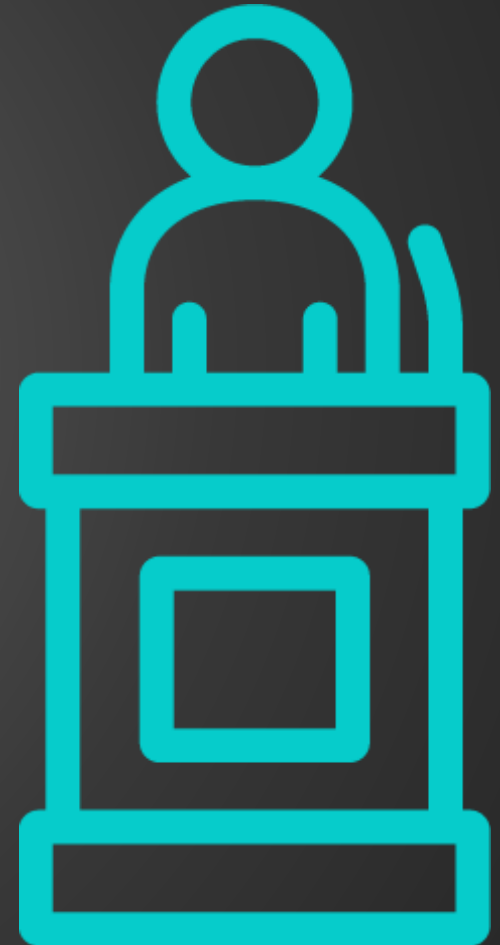
Document thoroughly and completely

Individualize patient care

Do the right thing

The Deposition

- Only review the requested material
- Dress professionally
- Request breaks
- Stay calm
- Tell the truth about what you know



A Plaintiff's Attorney is NOT Your Friend



**It's not your responsibility to
teach them anything**



**KEEP
CALM
AND
SAY IT
DEPENDS**



**KEEP
CALM
BECAUSE
I DON'T
KNOW**

Remember

Don't overlook "sick"

Infuse empathy

Capitalize on teachable moments

Train and re-train staff

Prepare to be deposed



Questions

References

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