

PEP ON POINT

Building Stronger Communities Together



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2026 NEWSLETTER

SECOND QUARTER

REDUCING CIVIL LIABILITY IN LAW ENFORCEMENT

BY DIANA WOOLF, OFE, FSI, CPSI
PEP Senior Risk Consultant

Law enforcement officers are held to a high standard, reflecting both the authority they're granted and the public trust they carry every day. With that responsibility comes real legal exposure. **Civil liability** refers to a police officer's personal life and decision-making ability. Sometimes decisions must be made in a split-second reality. If a police officer fails to do so, they are liable for whatever occurs due to the Police Liability Law, which governs the legal and financial responsibility of law enforcement officers and agencies for misconduct, constitutional violations or negligence committed while on duty.

Law enforcement officers can protect themselves from civil liabilities by adhering to established policies and procedures, receiving comprehensive training, documenting interactions thoroughly, using appropriate force only when necessary, and relying on the legal doctrine of "qualified immunity," which shields them from lawsuits unless their actions clearly violated established constitutional rights.

Here are some best practices to help reduce law enforcement civil liability. Individual officers should ensure their own civil liability even if their department does not include these standards:

- 1. THOROUGH TRAINING:** Officers should regularly attend training sessions on proper procedures, de-escalation techniques, use of force guidelines, and legal updates to ensure actions are within legal boundaries.
 - Understand how to deal with behavioral health emergencies
 - Increase autism awareness
 - Recognize PTSD and stress-induced anger with coworkers
 - Participate in annual anti-discrimination and sexual harassment trainings
 - Document all training

2. CLEAR POLICIES AND PROCEDURES: Officers should adhere to established departmental policies and guidelines regarding arrests, searches and seizures, interviews and interrogations, and use of force.

- Ensure policies are updated and reviewed, and officers are trained on updates and sign for receipt.
- Strong policies can reduce risk.
- Implement a shift briefing policy-of-the-day review.



3. DOCUMENTATION: Officers should meticulously document all interactions with citizens, including details of observations, actions taken, and reasons for actions. Documentation training is advised.

4. REASONABLE SUSPICION AND PROBABLE CAUSE: Ensure arrests and searches are based on a proper legal standard of reasonable suspicion or probable cause. **"Reasonable" is a grey area, so professional standards should be enforced.**

5. DE-ESCALATION TACTICS: Employ de-escalation techniques to avoid unnecessary confrontations and use of force whenever possible. Training, training, training is critical. Document the training.

6. BODY CAMERAS: Utilize body cameras to provide visual evidence of interactions and support officer accounts. Have a strong policy. **Conduct monthly supervisor reviews of BWC (Body-Worn Camera) records, which have shown to recognize problems before a larger incident occurs.**



7. QUALIFIED IMMUNITY: Officers should understand the legal concept of qualified immunity, which protects officers from lawsuits unless their actions clearly violated well-established legal rights.

8. LEGAL ADVICE: Officers should consult with legal counsel when facing complex situations or potential legal issues. Good open communication and support between officers and legal counsel is critical.

9. SUPERVISORY OVERSIGHT: Provide proper supervision from superiors who actively monitor officer conduct and provide guidance.



- Probationary training is critical, even with a seasoned officer from another department. Differing SOPs (standard operating procedures) can get confusing between multiple departments.
- Probationary training should be organized, consistent, and written out.
- Conduct officer performance evaluations – annually is suggested. There should be organized evaluation metrics and follow up.
- Documentation is critical for reducing risk.

10. PRE-HIRE PROCESS: Implement a thorough pre-hire process, background checks, psychological evaluation, and annual MVR (motor vehicle records) checks for all employees driving entity-owned vehicles.



11. STRESS REDUCTION: Provide avenues to reduce stress for officers, such as peer support, yoga, meditation, massage, counseling, etc. PTSD

For more information on civil liability, contact your PEP Risk Services Specialist at (866) 907-3776.



RISK SERVICES

INFLATABLE AND BOUNCE HOUSE SAFETY: BEST PRACTICES

BY PEP RISK SERVICES TEAM

Inflatables remain a popular feature at community events, fundraisers, and parties, but they continue to pose significant safety risks if not properly managed. Recent studies and U.S. Consumer Product Safety Commission (CPSC) data indicate that over 17,000 inflatable-related injuries occur annually in the United States, with most involving children ages 2 to 17. Pediatric research shows a sharp rise in injuries over the past two decades, with 82,748 injuries recorded between 2015 and 2019, compared to just 5,599 from 2000 to 2004. **Common injuries include fractures, sprains, and contusions, and most incidents result from falls inside or outside the inflatable, collisions between participants, or wind-related mishaps when inflatables are not properly anchored.**

VENDOR AND EQUIPMENT REQUIREMENTS

To reduce these risks, work only with licensed, insured vendors and request documentation of liability coverage and operator training. Equipment should match the age group and comply with manufacturer specifications for inflation pressure, blower requirements, and capacity limits.

Choose a flat, debris-free site away from power lines and anchor inflatables to fixed points, never to vehicles. Plug blowers into GFCI-protected (Ground Fault Circuit Interrupter) outlets, minimize extension cords, and cover cords and stakes to prevent trip hazards. Larger inflatables often require blowers rated at 1–2 horsepower, drawing 9–14 amps, which may necessitate dedicated circuits or generators.

SUPERVISION & OPERATING RULES

Continuous supervision is essential. Attendants should enforce rules such as:

- No flips or somersaults
- No shoes or jewelry
- No food or drinks
- No overcrowding

Group children by size and age to reduce collision risks. Most manufacturers recommend limiting standard bounce houses to 6 to 8 children at a time, depending on size and age.

AMERICAN SOCIETY FOR TESTING AND MATERIALS STANDARDS

Compliance with ASTM F2374-24, updated in June 2024, is strongly recommended. This standard covers design, installation, operation, and maintenance of commercial inflatable amusement devices.

Key provisions include:

- **Impact mats at entrances and exits**
- **Deflation alert systems for elevated platforms**
- **Permanent labeling with wind speed limits and blower specifications**

For residential inflatables, ASTM F2729 applies.

EMERGENCY PREPAREDNESS

Event organizers should have a documented emergency plan for power loss, sudden deflation, and injury response. Keep first-aid kits accessible and train staff in basic first aid and CPR. Implement cleaning protocols for bodily fluids and maintain compliance with bloodborne pathogen standards.

Inflatables can be safe and enjoyable when safety is the top priority. By selecting qualified vendors, adhering to ASTM and state requirements, supervising continuously, and responding proactively to weather and operational hazards, organizations can reduce injuries and deliver successful events.

QUICK SAFETY CHECKLIST

- ☐ Use licensed vendors and verify insurance
- ☐ Anchor inflatables securely per manufacturer specs
- ☐ Maintain continuous trained supervision
- ☐ Group users by size and age; enforce capacity limits
- ☐ Plug blowers into GFCI circuits; cover cords and stakes
- ☐ Monitor wind and lightning; shut down at 15–20 mph gusts
- ☐ Have an emergency and first-aid plan

REFERENCES

U.S. Consumer Product Safety Commission

ASTM International Standards (F2374-24, F2729)

Ohio Department of Agriculture – Amusement Ride Safety Division



LIABILITY CLAIM AVOIDANCE IN OHIO: LESSONS FROM RECENT POLITICAL SUBDIVISIONS IMMUNITY CASELAW

BY PEP CLAIMS AND LITIGATION MANAGEMENT TEAM

Ohio's political subdivisions continue to face an evolving general liability environment shaped by rising claim severity, increased public scrutiny, and a substantial body of caselaw interpreting Ohio's Political Subdivision Tort Liability Act (R.C. Chapter 2744). **Understanding how courts apply immunity, and where they find exceptions, is essential for local governments seeking to avoid preventable claims.** This article highlights key Ohio decisions impacting general liability exposures and translates those holdings into practical claim-avoidance strategies for members of PEP.

THE THREE-TIER IMMUNITY FRAMEWORK: A BASELINE FOR AVOIDING GL EXPOSURE

Ohio courts apply a clear three-tiered analysis under R.C. 2744 when determining whether a political subdivision is immune from general liability claims:

- Tier 1:** Political subdivisions receive a general grant of immunity for acts connected to governmental or proprietary (something historically performed by private actors) functions.
- Tier 2:** The court determines whether a statutory exception applies, such as those involving negligence related to public property.
- Tier 3:** Even if an exception applies, the entity may still reclaim immunity if a defense under R.C. 2744.03 is available.

CASE EXAMPLE: POLICE PURSUIT AND RECKLESSNESS CLAIMS - ARGABRITE V. NEER

While *Argabrite v. Neer* (Ohio Supreme Court 2016) did not remove immunity, it clarified the culpability threshold necessary to hold public employees liable. The Court rejected the notion that officers must act in an "extreme or outrageous" manner in order to establish liability, instead applying the statutory standard: employees are liable when acting with malicious purpose, in bad faith, or in a wanton or reckless manner.

As a result of this decision, it is clear that political subdivisions must train employees, especially police, public works crews, and safety inspectors, on what constitutes "reckless conduct".

Clear pursuit policies, supervision protocols, and documentation help demonstrate adherence to standards that courts recognize as protective.

It is also notable that even though *Argabrite* involved a motor vehicle pursuit, the principles extend broadly to general negligence claims involving municipal employees.

CASE EXAMPLE: RECKLESSNESS AND EMPLOYEE CONDUCT - RANKIN V. CUYAHOGA COUNTY DCFS

In *Rankin v. Cuyahoga County Department of Children and Family Services* (2008), the Supreme Court of Ohio clarified that while agencies retain broad immunity, individual employees may lose immunity when acting recklessly.

Takeaways from this decision include:

- Employees must be trained on mandatory procedures.
- Deviations from policy are frequently used by plaintiffs to allege recklessness.
- Supervisors should ensure compliance and intervene early when procedures are not followed.



CASE EXAMPLE: FAILURE TO MAINTAIN SAFE PROPERTY - *DOE V. GREENVILLE CITY SCHOOLS*

In *Doe v. Greenville City Schools* (Ohio Supreme Court 2022), the Court expanded the “physical defect” exception to immunity, allowing a negligence claim to proceed against a school district where lack of safety equipment in a science classroom allegedly contributed to an injury. The Court held that the absence of safety equipment could qualify as a “physical defect” under R.C. 2744.02(B)(4).

Stemming from this decision, political subdivisions are likely to see increased exposure for:

- Unsafe playground structures
- Missing guardrails
- Poor lighting
- Lack of safety features in public facilities
- Unaddressed defects in sidewalks, steps, or municipal buildings

Good loss mitigation strategies may include the following:

- **Conduct regular, periodic property inspections and document all necessary repairs.**
- **Treat missing or inadequate safety equipment as high-priority hazards.**
- **Ensure facility staff understand what may be considered a “physical defect.”**

CASE EXAMPLE: STUDENT INJURY AND DUTY OF CARE - *A.W. V. BOARD OF EDUCATION OF TWINSBURG*

In *A.W.*, the Ninth District Court of Appeals considered claims involving a student injured in a physical altercation on school property. Although the district sought immunity, the trial court initially found enough allegations to suggest potential recklessness, preventing early dismissal. The appellate decision highlights the importance of:

- Adequate supervision
- Appropriate student-safety protocols
- Timely medical response after an incident

Beyond the school setting, it is clear that all public entities must adhere to minimum safety standards. **Any public entity operating recreational programs, summer camps, community centers, or youth sports should ensure:**

- **Proper supervision staffing levels**
- **Written emergency-response procedures**
- **Clear documentation after incidents**

Failure in these areas often forms the basis of general liability claims.

CASE EXAMPLE: INTENTIONAL TORT CLAIMS BY EMPLOYEES - *VACHA V. NORTH RIDGEVILLE*

In *Vacha v. City of North Ridgeville* (2013), the Ohio Supreme Court recognized that intentional tort claims brought by a public employee may fall under an exception to immunity. The City of North Ridgeville, was therefore, not entitled to summary judgment where an employee alleged intentional harm.

While the case centers on employment conditions, it reinforces the principle that immunity does not cover intentional misconduct. Public entities should maintain:

- Strong HR practices
- Clear anti-harassment policies in a written employee handbook
- Prompt investigations into employee complaints

These steps reduce exposure to intentional tort allegations.

CONCLUSION

Recent Ohio decisions provide clear signals to public entities:

- Courts continue to uphold political subdivision immunity, but exceptions are broadening.
- Claims involving physical defects, reckless employee conduct, or failure to supervise are increasingly viable for plaintiffs.
- Documentation, training, supervision, and facility maintenance are indispensable for preventing general liability claims.

By internalizing lessons from these cases, Ohio’s political subdivisions can better protect themselves, their employees, and their communities - **all while strengthening their position in the event of litigation.**

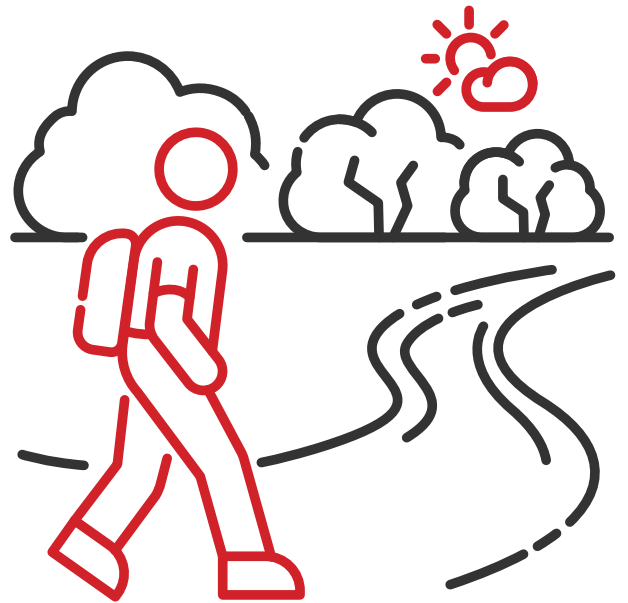


PREPPING PARKS FOR SUMMER ACTIVITIES

BEST PRACTICES

BY PEP RISK SERVICES TEAM

As spring days start to give way to warmer summer weather, it's time to start thinking about preparing parks and park amenities for outdoor summer activities. Winter weather can take its toll on park facilities, so as it begins to warm up it is important to evaluate these facilities to make sure they are in good operating condition for the upcoming season. Melting snow and ice can reveal some areas that need to be addressed, such as fallen branches, trash, poor drainage, vandalism, outdoor building maintenance, etc. **Parks and facilities should be seasonally prepared, safe, and well maintained for the citizens who use them.**



The following are some areas to inspect to help identify and eliminate potential hazards:

- All security and exterior lighting is functional
- Signage is secured and properly installed in a noticeable location
- Walkways are free of debris, level with the ground, free of trip hazards, and free from low and protruding limbs
- Gates and fences are operational, and nails, bolts, or screws flush to the surface with no exposed sharp points
- Walking/biking trail surfaces are in good condition with hazards removed
- Walking bridges are structurally sound with handrails intact
- Athletic fields bleachers are secured, smooth, and free of sharp edges
- Backstops, dugouts, goals, and other field accessories are secured and in good condition
- Tennis courts and volleyball courts are in appropriate condition for use
- **Basketball courts are smooth and backboards intact and secure**
- Infields are smooth and free of holes and trip hazards
- Park shelter lighting, electrical, tables, walking surfaces, grills, etc. are in good condition
- Electrical outlets are ground-fault circuit interrupters that are protected and covered with weather shields where applicable
- Shelters are treated for wasps and other stinging insects
- Fire extinguishers are present where applicable
- Electrical junction boxes are secured to prevent access
- Parking lots are in good condition, markings easily visible, parking stops in good condition, appropriate lighting, walkways free of weeds and grass in cracks, etc.
- Park benches are smooth and structurally sound with no sharp edges or protrusions
- **Restrooms are accessible, and lights, doors, and locks are operational**
- Playgrounds are in good condition and compliant with the U.S. Consumer Product Safety Commission, Public Playground Safety Handbook



Preparing and maintaining parks in a good, safe condition can help make everyone's experience in the park pleasant and refreshing while minimizing the potential for injury. **Use a checklist to conduct frequent inspections and document the outcome of each inspection. The best checklist is one that has been developed for the specific park and its amenities.**

PEP is proudly affiliated with OPRA, Ohio Parks and Recreation Association



GETTING STARTED: CYBERSECURITY STRATEGIES

FOR PUBLIC ENTITIES

BY PEP CYBER RISK SERVICES TEAM

Public entities face unique challenges in cybersecurity. **Limited budgets, lean IT staff or no IT staff, and growing threats from ransomware and phishing attacks make it difficult to maintain robust defenses.** However, effective cybersecurity does not always require large investments. By prioritizing risk-based strategies and leveraging cost-efficient tools, IT teams can significantly improve security posture without breaking the bank.

1. FOCUS ON THE BASICS

Start with foundational practices that cost little but deliver high impact:

- **Strong Password Policies and MFA:** Enforce complex passwords and enable multi-factor authentication (MFA) for email, remote access, and critical systems.
- **Regular Patching:** Keep operating systems, applications, and firmware updated to close known vulnerabilities.
- **Least Privilege Access:** Limit administrative rights to essential personnel only.

2. EMPLOYEE AWARENESS TRAINING

Human error remains the leading cause of breaches. **Free resources available on The Guide can help staff recognize phishing attempts and practice safe online behavior.**

3. LEVERAGE BUDGET-FRIENDLY BUSINESS TOOLS

Consider reputable business solutions for antivirus, endpoint protection, and vulnerability scanning.

Budget-friendly brands like ESET, Norton, Total AV, etc. provide solid coverage without large fees.

PEP GRANT+ CYBERSECURITY

PEP offers **\$1,000** in grant money to help fund safety items that aid public entity risk control or risk management efforts, **including cybersecurity.**

Qualified expenses may include:

- **Surveillance Systems**
- **VPN and Wi-Fi Security**
- **Cloud Applications**



4. USE CLOUD SERVICES WISELY

Cloud-based email filtering and backup solutions often cost less than on-premises infrastructure. Many vendors offer affordable plans tailored for small public entities, reducing hardware and maintenance costs.

5. JOIN CYBERSECURITY COMMUNITIES

Memberships in state, local, or regional cybersecurity collaboratives, provide free threat intelligence, incident response support, and best practices guides.

6. PRIORITIZE RISK

Conduct a comprehensive risk assessment to identify critical systems and data. Allocate resources to protect what matters most, such as financial systems and personally identifiable information, rather than spreading efforts too thin.

Reach out to Eric Adonteng, PEP's Cyber IT Risk Consultant, at eric.adonteng@persopool.com or (240) 808-9278 to schedule a visit.

BOTTOM LINE

Cybersecurity is achievable even on a limited budget. By focusing on essential controls, leveraging budget-friendly resources, and fostering a security-aware culture, public entities can still defend against common threats without significant financial strain.



For more information on cybersecurity, contact your PEP Cyber Risk Services Advisor, Eric Adonteng at 240-808-9278 or email eric.adonteng@persopool.com.



'MEMBER-FOCUSED' PEP BENEFITS



SUBMIT YOUR PHOTOS!

Take advantage of the opportunity to showcase your public entity and highlight the best your entity has to offer by submitting photos to be considered for the **2027 PEP Calendar**. We are seeking photo submissions for each month that feature unique images highlighting a variety of PEP Member locations, people, and fun activities - all marked by **Ohio's seasonal weather, landscapes, and physical surroundings**.

For more details and guidelines on submission, please see our **PEP Calendar Submission Form** available on PEPOhio.org



PEP GRANT+ RECIPIENTS

Hubbard Township Free Park District in Trumbull County received the \$1000 PEP+ grant, using it towards new playground surfacing material.

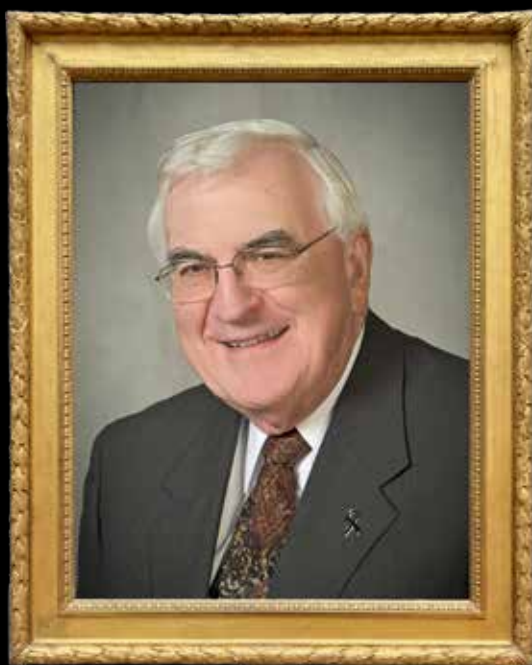


Another recipient was **Little Muskingum Volunteer Fire Department** in Washington County, which received \$1000 funding for exterior lighting.



Tribute to

JAMES L. CAPLINGER



May 6, 1938 - March 15, 2026

For more than two decades, James Caplinger provided dedicated service and thoughtful leadership as a member of the Public Entities Pool of Ohio (PEP) Board. Since joining the Board in 2003, his steady guidance, legal insight, and commitment to public service made a lasting impact on PEP and its members.

A graduate of The Ohio State University, James held a Juris Doctorate along with a Bachelor of Arts in Political Science and Speech. His professional career reflected a strong foundation in both law and communication, skills that proved invaluable throughout his tenure with PEP. While practicing law and serving as a management consultant, James brought a well-rounded and strategic perspective to Board discussions, helping to navigate complex issues with clarity and confidence.

James' interests outside of work further reflected his thoughtful and multifaceted character. Whether traveling, investing, researching family history, or writing, he demonstrated a lifelong commitment to learning and exploration.

Throughout his years on the PEP Board, James Caplinger exemplified professionalism, integrity, and service. His contributions helped shape PEP's direction and strengthened its mission to support its members effectively. His legacy was one of dedicated leadership, thoughtful counsel, and unwavering commitment to excellence.

PEP thanks James Caplinger for his years of dedicated service. His contributions helped shape PEP and will continue to have a lasting impact.

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GREENE COUNTY PARKS AND TRAILS

Every effort has been made to ensure the accuracy of the information in this newsletter. Professional counsel should be sought before any action is taken or decision is made based on this material.