



Managing Volunteer Liability

OBJECTIVES

The objectives of this large loss claim review are to:

- Examine a CIRMA Liability-Auto-Property (LAP) loss resulting from the use of volunteers
- Discuss CIRMA's and other resources on reducing liability associated with volunteers
- Develop specific risk management best practices to either prevent or mitigate future losses for members based on lessons learned

INCIDENT BACKGROUND

The town was utilizing volunteers to transport the community's mature population to appointments, grocery stores, and other venues. On the date of the incident, the volunteer was transporting a resident to a doctor's appointment in a marked vehicle owned by the town. After dropping off the resident at their appointment, the volunteer proceeded to commit an armed robbery of a nearby convenience store. After committing the robbery, the volunteer returned to the doctor's appointment and waited for the resident to return to the vehicle. On the way back to the resident's home, several police vehicles approached from behind, activated their audible and visual warning devices, and attempted to stop the vehicle. Following a brief pursuit, the volunteer was involved in a motor vehicle accident that caused injuries to the resident (passenger).

INCIDENT INVESTIGATION

- The town frequently would use volunteers to provide transportation for the mature population as a community-oriented service
- The town's process for using volunteers consisted of a simple, half page registration form, which only included items such as name, address, date of birth and volunteer position being requested
- The town would conduct a brief (5-10 minutes) interview with the volunteer applicant
- Following the interview process, the town would place the volunteer applicant on a list for the volunteer position – in this case, the volunteer requested transportation
- The town required participants to be transported in a town vehicle
- Upon further investigation following the incident, it was found that the volunteer:

- Had a lengthy criminal history, with multiple violent crimes listed
- Their driver's license was suspended and no longer valid
- Had a history of assault and substance abuse
- Currently on probation and was required to complete 500 hours of community service
- The date of the incident was in the beginning of the month and the volunteer stated he needed money for rent and food
- After dropping off the resident, the volunteer recalled that there was a convenience store down the road, which he recalled did not have a camera system in place
- The volunteer drove to the convenience store in the town's vehicle marked with a town seal
- Upon arrival, the volunteer put the hood of his sweatshirt up and entered the store
- While in the store, the volunteer pulled a 9-mm handgun from his waist band and demanded that the employee empty the cash register into a bag
- The volunteer exited the convenience store, entered the town vehicle and drove away
- The volunteer returned to the doctor's office parking lot and waited for the resident to exit the office and enter the vehicle
- While driving the resident back to their home, several police vehicles approached the town vehicle from behind
- After a short distance, the police vehicles audible and visual warning devices were activated and attempted to pull over the town vehicle
- The volunteer decided not to stop for the police officers and began driving erratically at a moderate rate of speed
- After a short distance, the volunteer lost control of the vehicle and ended up striking several stationary objects
- The volunteer and passenger sustained several injuries requiring both to be transported by Emergency Medical Services to a local hospital
- At the hospital, the volunteer was arrested and charged with the following:
 - Violation of probation
 - Robbery First Degree
 - **Sec. 53a-134. Robbery in the first degree: Class B felony.** (a) A person is guilty of robbery in the first degree when, in the course of the commission of the crime of robbery as defined in section 53a-133

or of immediate flight therefrom, he or another participant in the crime: (1) Causes serious physical injury to any person who is not a participant in the crime; or (2) is armed with a deadly weapon; or (3) uses or threatens the use of a dangerous instrument

- Driving without a license
- Failure to maintain a proper lane
- Traveling too fast for conditions
- Evading police
- Interfering with a police officer
- Resisting arrest

INJURY AND DAMAGES

As a result of the accident the resident (plaintiff) suffered the following injuries:

- Whiplash
- Bruising on the shoulder, hips and face
- Arm abrasions
- Mild to moderate concussion
- Anxiety
 - Depression, specifically agoraphobia which is an extreme fear of entering open or crowded places, of leaving one's own home, or of being in places from which escape is difficult

The plaintiff's initial demand was for \$10,000,000. However, through extensive and comprehensive negotiations, the claim was ultimately settled for \$1.2 million dollars, inclusive of attorney fees.

CONCLUSION

Approximately one third of Americans volunteer each year. Effective volunteer management is vital to an organization's day-to-day operations. As a result, municipal leaders need to create strong volunteer management practices to reduce administrative overhead, increase volunteer retention, and reduce liability to their towns and cities.

Best practices and guidelines for managing your volunteer workforce successfully include:

- Establishing a volunteer management plan
- Volunteer job descriptions
- Volunteer background and credential checks

Your volunteer management strategy should not be a secondary consideration. Instead, it should be the foundation of your volunteer program. Strong management practices mean that you will be able to recruit the right volunteers and retain them for the long term.¹

KEY RECOMMENDATIONS/ACTION ITEMS

CIRMA Risk Management has developed recommended best practices to help prevent these types of incidents from occurring and advises CIRMA members to review the following:

- Consider the implementation of a formalized volunteer management plan
- Consider completing criminal background checks on proposed volunteers working with at risk populations
- Consider completing DMV records checks on proposed volunteers working with at risk populations
- Consider having volunteers wear uniforms or town branded clothing
- Consider governing the speed of the transportation vehicles

¹ <https://bloomerang.co/blog/volunteer-management/>