

Not On My Watch!

By Michael S. Bartlett, Huntington Beach, CA

During economic downturns, the private sector typically feels the financial effects before the public sector, which lags by about twelve months. But during the 2009 Great Recession, the public sector cuts came earlier and stayed longer. Most businesses and government agencies have had deep cuts during this unusually prolonged recession, although finally, a gradual recovery seems to be taking hold now. But for many lifeguard operations across the country, the cuts have been painful nevertheless. Despite the improving economy, the public will likely feel the effects of the Great Recession on lifeguard agencies for years to come through reduction of services and training, reductions in hours of operation, increased response times, reductions in staffing and back-up, and in some cases, elimination of service entirely. By eliminating or reducing lifeguard services, the sad reality is the number of deaths by accidental drowning across the nation likely will increase.

As administrators evaluate their budgets and prioritize essential services over non-essential services, many questions come to mind. How do we prioritize the services and determine a risk-reward scenario in which the cuts have the least impact on public safety and quality of life? How do we know if the cuts went too far? What are the impacts of cuts to service and can we really expect that the quality of service will remain high by doing more with less? How will lifeguard operations evolve during this new economy and what can professional lifeguards do to make a difference? And, most importantly, how can we continue to prevent drowning without the necessary resources to get the job done?

Headline Risk

“13 Die in San Diego’s Deadliest Mass Drowning”. This sad but true story was recently told again by Randy Dotinga who recounted San Diego’s worst mass drowning tragedy on the voiceofsandiego.org news website. Today, San Diego has more than 270 professional lifeguards on staff, but on May 5th 1918, it had none, and it paid the price. As a springtime crowd of thousands watched in horror, a reported rip tide (known today as a rip current) off Ocean Beach carried 13 men to their deaths.

The shocking death toll from a single afternoon event occurred when a rip current pulled about 75 people out to sea. Sixty people were rescued by volunteer police officers and beach locals who knew how to swim. Thirteen people died in this mass drowning event and within a day the whole nation would soon learn of the rip current dangers off our coast. This panicked beachside merchants who spurred the city to take lifeguarding seriously and spotlighted the dangers that the sea has always posed even to those who only want to take a dip. This national headline news event cast a black eye on San Diego’s tourism for years to come.

The voiceofsandiego.org went on to quote a person familiar to us: "What is important to understand is this: The ocean conditions and hazards in 1918 and today are essentially the same, but beach attendance is certainly exponentially greater," said B. Chris Brewster, the former San Diego Chief Lifeguard and President of United States Lifesaving Association. "While some of today's beach going population may be better swimmers, San Diego lifeguards effect thousands of rescues from drowning every year. The lesson of history is that without lifeguards along our coast, the number of drowning deaths annually could be in the scores, if not the hundreds."

Do budget administrators recognize the "headline risk" event of a mass drowning causality that could occur after cutting lifeguard resources in beach communities that thrive on tourism? San Diego's tourism suffered for years before they could demonstrate a commitment to lifesaving and an improved safety record. Today, San Diego's lifeguard agency is a division of the Fire Rescue Department with an outstanding safety record and serves as an international model for many lifeguard agencies around the globe.

Doing More with Less

Over the past several years, with diminishing revenues, many businesses were forced to cut costs and downsize their operations to balance their budgets, similar to cost-cutting measures taken in prior recessions. However, many corporate balance sheets have improved over the last year, boasting more than 2 trillion dollars in cash. Five of the top S&P 500 corporations hold more money than most countries' total Gross Domestic Product while Apple alone is sitting on almost 100 billion dollars in cash and no debt. Big companies like Cisco, Oracle and Bank of America were able to stabilize their financial losses during the depth of the Great Recession by reducing their workforces. Corporate balance sheets today are now stronger than ever before, but many companies are simply not committed to full time hiring yet.

Due to this trend, recent statistics have shown that worker productivity has been the highest in years because employees are doing more with less. But at what point does doing more with less have an impact on quality of service?

When it comes to public safety, administering a lifeguard operation similar to that of running a private business isn't exactly the same. Businesses measure success by increasing share owner value; they are profit driven. In contrast, public sector lifeguard operations measure success by preventing accidents and deaths in the beach environment and by enhancing the quality of life for the beach community and visitors -- they are safety driven.

If an agency, for example, uses 10 lifeguards to safely and effectively guard one mile of beach and budget cuts force them to use half the guards for the same mile of beach, is the agency getting more protection with less money? The reality is that five guards would be responsible for doing more with less, although safety and effectiveness of their work would be compromised. The quality of the individual guard's work ethic might not change, but certainly the overall

quality of their service would. Considering these comparisons, one can conclude that as lifeguard resources are reduced or eliminated, their ability to deliver quality service will be similarly compromised.

Natural Condition Immunity

When people are injured on public or private property, they often look to sue the property owners to cover their medical care even if they were injured through their own actions. But when someone dies prematurely, surviving family members almost always file a lawsuit looking to place blame on the agency -- the deep pockets.

Laws vary from state to state, but let's look at California's "natural condition immunity" protection for public agencies as it relates to beach communities.

In the mid-1970s, a swimmer became paralyzed when he broke his neck while bodysurfing in Newport Beach. He sued the city, claiming that the city was responsible for his injury in that the city failed to adequately warn the public of the dangerous conditions. The city argued that they were not responsible because there was an inherent risk associated with a natural condition – the ocean – and the actions the swimmer took when he chose to enter the water and ride waves.

After much litigation and many appeals, the city lost and paid about \$1.4 million in damages. A key reason for this was a prior appellate court decision involving San Diego that had set a statewide legal precedent. In that case, a court had determined that the California immunity of public entities for injuries related to natural conditions was compromised when San Diego decided to provide lifeguards, post signs, and provide beach maintenance (like trash removal). San Diego elected to pay a rather small judgment in that case to avoid the cost of an appeal. Unfortunately, this caused a very costly precedent for future cases with higher judgments, explained Brewster.

The reaction to the Newport Beach case was substantial. Government leaders theorized that they were at greater risk of litigation by providing lifeguards, signs, and services than if they provided none at all. The California Surf Lifesaving Association, along with Chief Brewster at that time, worried that lifeguards would be eliminated to avoid litigation. In response, government organizations and the CSLSA combined to support legislation, which was enacted into law, that specifically states that the natural condition immunity is not compromised by the provision of lifeguards, signs, and services, he explained.

In California, beach communities are not required by state law to provide lifeguard protection and under the natural condition immunity. Communities are essentially free to decide to provide any level of lifeguard protection they wish, without substantial fear of litigation in the case of drowning deaths. This lack of a mandate has emboldened budget cutters to again propose eliminating lifeguard protection and to simply let the user be responsible.

Last year, the City of Huntington Beach eliminated lifeguard protection at Dog Beach, a one mile stretch of shoreline north of the Huntington Beach pier. The city posted signs in English warning “No Lifeguards” at Dog Beach, but it may not be entirely protected if someone dies in a rip current there. The Dog Beach shoreline, a litigant might argue, was altered when rocks were dumped over the cliff edge to shore it up and prevent erosion. The Dog Beach area is a popular surfing and dog user-friendly beach with dangerous conditions, exposed rocks, sandbars and rip currents altered from its natural condition, yet left unguarded during the peak summer season.

“Although the natural condition immunity was amended to specifically exempt the provision of lifeguards, signs, and services, there are many other steps taken by California communities that could be alleged to change the natural condition,” cited Brewster. “These include sand replenishment, jetties and groins, harbor dredging, and bluff repair. Whether these are used in future civil liability cases remains to be seen.”

Indeed, many beach communities throughout Southern California have altered their shorelines by constructing piers, jetties, rock groins, harbor break walls, etc. Many others like Seal Beach and San Clemente have undertaken major projects to import sand to widen their beaches and shore-up coastal protection to nearby homes. Wider beaches, steeper berms, and shallower sandbars, for example, change the natural condition and, it might be argued, increase hazards that would otherwise not exist. Thus, they have altered the natural condition of the shoreline.

Staying on Top of Your Game

During this challenging fiscal period, now is not the time for complacency in letting your guard down. The pressure is on for all public workers to continue doing more with less and no sector has been immune to cuts. Police and fire services have also felt the budget pinch across the nation as lifeguards have. Safety employees affected by reductions in staffing and resources must recognize the increased importance of situational awareness when responding to calls. With less help and less tools to get the job done, there is more pressure for first responders to get in over their head. Keeping up with your training, practicing your skills, staying in top physical shape are just a few of the basics needed in order to successfully answer the call for help.

Training and skill sets aside, staying on top of your game will be a crucial component in doing more with less for lifeguards and other first responders who are at the center of this crisis. Maintaining a regular physical fitness program, first responders, and especially lifeguards, must be in the best shape possible to answer the call for help. Maintaining this commitment to physical fitness and readiness can best be illustrated by the US Marine’s slogan: “The more you sweat in time of peace, the less you bleed in time of war”.

Lifeguards and other first responders will be doing more with less. So if you’re not prepared, you will not be ready, and you may endanger yourself, your teammates and the public you serve.

Under the Gun

Public employees, specifically their pensions, are the target of downsizing and will likely continue to be the target for years to come in this new economy. Everything we do will be scrutinized from the way we look, the things we say, the way we behave, and the way we perform. The public's perception of their servants can't be underestimated. Public servants are constantly in the public eye whether they are teachers or firefighters. Public perception will likely continue to play a crucial role in funding and defunding of services provided.

Lifeguard operations are one public service that is clearly in the public's eye on a daily basis. What the public sees on the beach in one part of the country will likely be the same perception they will have of the entire profession. The lowest common denominator in a lifeguard operation that has low standards and lacks quality could have implications on other lifeguard services. Low standards, poor training, lack of skills, substandard equipment, negative attitudes, inattention to duty, lack of professionalism, or bad management in one area can damage public perception of lifeguards everywhere. We're all in this together as a profession. Lifeguard standardization in training and practices nationally couldn't be more important to ensure that every beach is performing at an acceptable level. It protects us all.

In California, the state budget has been under intense political pressure to cut services and reduce pension obligations. The stakes have never been higher. The disparity between the "haves" and the "have nots" has never been greater. But should the blue-collar unions and employee special interest groups really be taking the blame as a contributing factor in causing the Great Recession? Did the public pensions break the system or was it Wall Street greed with over-leveraged and unregulated financial derivatives that should be held responsible?

In fact, when the private sector was booming, with pay levels soaring, the public sector edged upward, though it always seemed to trail. When the economy crashed this time, private sector pay declined and many were laid off. A similar circumstance occurred in the public sector, but as the economy recovers, private sector pay is slowly recovering, while public sector pay and benefits are not expected to recover anywhere near as quickly; and in the case of pensions, perhaps never.

Regardless of the cause, California Gov. Jerry Brown has called for a mix of cuts and increased taxes to balance the budget including a ballot initiative for increasing the state's sales tax. If it doesn't pass, he says that teachers, nurses, state firefighting services and ocean lifeguards are on the chopping block like never before. Increasing class sizes, eliminating social welfare services to the poor, reducing nursing and elderly care, and eliminating State Parks seasonal lifeguards will likely have dire consequences. Essential public services are under the gun.

Protecting the Crown Jewel

Many beach communities like San Diego have come to rely on tourism, much more so than back in 1918. The service economy has become a much bigger economic sector throughout the US, but particularly in tourist based economies. Smaller cities throughout Southern California are no

different. In Huntington Beach, more than 12 million people visited the cities beaches in 2009, and although it costs nothing to use the beach, they pay for parking, buy beach supplies, visit restaurants and stores, and thereby contribute to the local economy. Although beach attendance numbers may fluctuate slightly from year to year, statistical trends over a period of years is clearly on the rise.

To put 12 million people into perspective, if you combine the annual attendance of the Los Angeles Angels Stadium, Knott's Berry Farm theme park in Buena Park, the Orange County Fair and the Anaheim Ducks, the total attendance is about 12 million people. That is a lot of people! In fact, if Huntington Beach were a theme park, it would rank 4th in the nation behind Disney World at 17.2 million, Disneyland at 15.9 and Epcot Center at 11 million. And Huntington Beach is much smaller than San Diego or Los Angeles. Beach tourism is big business for beach communities and certainly "the beach" is the Crown Jewel that attracts visitors to sustain their economies. Inland cities simply do not have this public draw and can't compete with beach communities unless they have a theme park or other major attraction.

Shouldn't protecting the Crown Jewel be a top priority for beach communities?

If a beach community neglects to protect their most valuable asset, they will likely suffer the dire consequences. Having a reputation for a dangerous beach in which tourists are drowning isn't particularly good for business. Statistics support that year-round lifeguard patrols provide safer beaches for the public in and out of the water.

One misconception is that lifeguards are only there to serve and protect the swimmers in the water. But in fact, many lifeguards are certified Emergency Medical Technicians like firefighters, and most full-time lifeguards are sworn peace officers. More importantly, the public doesn't become the responsibility for lifeguards when they enter the water; they become their responsibility when they enter the beach park areas. Lifeguards are the first responders to handle 911 calls throughout their beach and coastal jurisdictions. Beach communities with year-round patrol presences clearly benefit as a deterrent for crime, prevent drowning by proactive lifesaving actions, and perform emergency medical care throughout their jurisdictions. Furthermore, their multi-role mandate is: to protect the public they serve; protect the Crown Jewel which is the beach asset (facilities, structures, environment and marine life); and protect the Deep Pockets of their employers from liability derived from injuries, accidents and deaths.

Delivering Quality Service

Public servants by nature genuinely share a desire to be of service to help people. Employment polls and newspaper articles profiling professional teachers, nurses, firefighters, and police officers, reveal these professionals share this common characteristic. The competitive service seeks to hire individuals who share this theme. Those who can articulate this desire to be of service and have the skills to execute this desire to serve effectively likely will be selected to serve.

People who seek public service and who are passionate about what they do aren't particularly satisfied with merely achieving the goal; they strive to excel. Teachers are an excellent example of this philosophy. We all have teachers in mind who inspired us at some point in our lives, and those who did inspire us were likely passionate about teaching.

When it comes to public safety, the goal isn't to simply deliver service. Safety service professionals are expected to perform at a higher level. A moment of inattention, a small error can result in death. The public demands that safety is different and there is a higher premium paid for this expectation. Clearly those who are passionate about their profession will likely seek to perform at a higher level and deliver "quality" service. If it is your house on fire, your child's education, or your life on the line, the distinction in the type of service demanded is undeniably for "delivering quality service."

Moving Forward

Despite the challenges we face, public servants must maintain a positive attitude to get the job done together as a team. As lifeguards, we must work together, share ideas, standardize our profession, and commit to a plan of action to prevent drowning. Don't let your guard down. Stay ahead of the curve by thinking ahead, work together, and don't let a human life slip through your grip. You may not be able to do much to save the public from the Great Recession, but you may be able to make a difference one day at a time and one life at a time. Always keep in mind, NOT ON MY WATCH!

Editor's Note: Michael S. Bartlett has been employed as a Marine Safety Officer for the City of Huntington Beach since 1992 and serves as the President of the Marine Safety Management Association. He has a Master's Degree in Business Administration and has been the Managing Editor of the *American Lifeguard Magazine* since 2000.