

Author Interview

Gregory West

Legal Aspects of Emergency Services
SECOND EDITION



As part of the Jones & Bartlett Learning Public Safety Group Author Interview series, we had the chance to talk with Gregory West about the *Second Edition* of his upcoming book, **Legal Aspects of Emergency Services**, to learn more about his experience, what's new in the book, and why he thinks it's a valuable contribution to the fire service and EMS community.

1 Can you tell us about your background in the fire service?

I began my fire service journey in 1991 with a volunteer fire department while I was attending college (in pursuit of a very different career). Upon graduation, rather than going into my field of study, I was lucky enough to be hired into a full-time position with a local fire department, where I served in a few different capacities over the course of six years. Shortly thereafter, I was hired as the Associate Dean for Fire and EMS Training at a local technical college and returned to volunteering as a firefighter and paramedic. I have since been promoted by my employer to the position of Dean for the School of Protective and Human Services. While I do not respond to emergencies anymore, I have maintained my status as a NREMT paramedic. I am still involved in some administrative functions with my local fire department and serve as a member of the governor-appointed Wisconsin EMS Board.

2 What's new in *Legal Aspects of Emergency Services, Second Edition*?

Since the release of the *First Edition*, several areas of law have evolved considerably over a short period of time, especially those related to technology. As a result, the *Second Edition* delves deeper into the legal aspects of technology as it impacts emergency services to include topics such as video and audio recording, body cameras, social networking platforms, telehealth, FirstNet, and drones. As other laws and regulations have evolved, the book also incorporates new or updated information about presumptive PTSD legislation; COVID implications; the Protecting Patient Access to Emergency Medications Act; the EMS Compact; the Centers for Medicare and Medicaid Services Emergency Triage, Treat, Transport (ET3) model; and the Supreme Court's *Janus* decision. Those are just some of the new and updated topics you will find in this edition of the book.

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3 What are the top 2 or 3 reasons why you feel a fire or EMS professional should use this book over comparable alternatives?

To begin, there are actually very few comprehensive resources available that cover the legalities involved in being an emergency worker in the fire service or EMS disciplines. Chief Varone's book was an awesome resource, but the last edition of that book was published years ago, and there have been so many changes and updates to the various laws since then. Personally, I like to think this book excels at making complex legal topics easy to understand for a non-attorney. The book progresses logically from the basics of our legal and political systems in the United States to more complex topics of law that have a direct impact on firefighters, EMS providers, and those who manage and lead in emergency service organizations. I also tried to incorporate my personal experience and perspective as a firefighter and EMS provider to provide context and help ensure the discussion relates directly to the fire service and EMS professions.

4 Firefighter health and safety is an important topic for you. Tell us when that started to take hold in your career, and what advice do you have for those starting their career in the emergency services?

I have an undergraduate degree in Industrial Engineering, and the topics I found most interesting within that education were industrial hygiene and ergonomics. Essentially, I studied how to make the work environment safer and healthier for those within it. While we know that firefighting and EMS can be dangerous professions, I have always been intrigued with identifying ways to reduce the inherent risk in those professions for my fellow firefighters and EMS providers. As I began my study of the law, I was also able to see how legislative mandates and regulatory requirements play a part in trying to mitigate inherent risk within these professions as well. While some risks to health and safety are easy to see, others (such as psychological trauma and cancer) are much more difficult to identify, recognize, and avoid. This is where presumptive laws related to cancer or PTSD can have a tremendous impact for those who suffer from those ailments. The topic of emergency worker safety, health, and wellness is so important, in my opinion, that there is an entire chapter dedicated to it within the textbook.

Ultimately, in order to help others, emergency workers must first help themselves. That means eating well, exercising, maintaining positive relationships, and utilizing effective and constructive techniques for dealing with stress. At the end of the day, everyone goes home. At the end of a career, everyone should be able to enjoy a long and enjoyable retirement. For those just beginning their careers, I would say it is never too early to begin living a healthy lifestyle by taking care of your body, mind, and spirit. The healthier you are, the more effective you will be at helping others.

5 Your book delves into clarifying tricky legal concepts. Can you give us a few examples?

To begin, this textbook is not designed to make attorneys out of anyone. Rather, it is my hope that the book will expose readers to legal concepts that they never even knew existed or applied to firefighters, fire departments, EMS providers, and EMS agencies. For those who are leaders and managers within an emergency services agency, the topics covered in the textbook should help them recognize legal pitfalls and recognize when it would be in their best interests to contact an attorney for help.

Beyond that, the law can be very nebulous, and there are not always clear answers. As a matter of fact, the answer to many legal questions is "it depends," given that laws can vary considerably based upon jurisdiction, and the facts surrounding a case typically have a significant impact on the final outcome or resolution of that case. As a case in point, we are seeing more agencies talking about body and helmet-mounted video cameras. The nuances surrounding this topic can vary considerably based upon whether we are talking about EMS providers versus firefighters. Each state also has different laws that govern the recording of conversations, and the First Amendment can even play a part in the discussion. The goal of the textbook is to help the reader explore the various facets of the legal landscape related to the topic and to recognize when assistance from an attorney would be helpful. On the other hand, there are also areas of the law where broad doctrines are well established and applied by the courts. An example would be the threshold at which a criminal suspect must be provided Miranda warnings. In those instances, the textbook conveys that information and provides as much clarity as possible.

6 In your opinion, what is the most influential court case(s) in terms of emergency services? Why is that?

This is a difficult question because there is so much case law out there from different courts that applies to different aspects of being an emergency services provider. Anything decided by the United States Supreme Court obviously applies throughout the country, but the impact of other court decisions can be far more limited.

In recent years, the 2018 *Janus* decision by the United States Supreme Court was a big deal for unionized fire departments, as it directly impacted the ability of unions to collect dues from nonunion members, even though the union may still represent those nonmembers at the collective bargaining table.

Given the broad emergence of social networking platforms and the technological aspect of those platforms, some may find it interesting to learn that a few First Amendment cases dating back to 1968 and 1983 (*Pickering v. Board of Education* and *Connick v. Myers*) are still used to determine the limitations of an employee's free speech rights within the workplace and the digital environment.

For those involved in fire investigations, *Michigan v. Tyler* (from 1978) and *Michigan v. Clifford* (from 1984) are both U.S. Supreme Court cases that still define when warrants must be obtained when conducting a fire investigation.

Given the numerous types of laws that apply to the fire and EMS professions, there is no one court case that encompasses all of these varying legal provisions. The good news, though, is that the textbook contains numerous examples of court decisions that apply to different aspects of the legal landscape as it pertains to fire departments, EMS agencies, and those who work in the fire and EMS professions.

**Legal Aspects of Emergency Services
SECOND EDITION**

Gregory West

ISBN: 978-1-284-22797-0 | © 2022 | 396 pages

For more information on Gregory's book, please visit <http://go.psglearning.com/legalaes2e> or contact your [Public Safety Group representative](#).

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7 What are the top takeaways you hope readers come out with after reading your book?

Those in the fire service should be familiar with the differences between awareness, operations, and technician-level training. With that being said, I like to think that this textbook provides awareness-level information regarding the law for fire and EMS professionals. It introduces the reader to various legal topics that impact emergency services without delving too deep. It provides guidance on how to handle common, routine issues through the application of majority rule and widely accepted doctrines of law while also recognizing there are unique instances where things may be more complicated without a clear-cut answer.

I suspect many who read the textbook may never have thought there were so many legalities involved in being a firefighter or EMS provider. I would hope that the textbook exposes readers to new concepts while also helping them recognize situations in which legal complications may require input or guidance from an attorney.

