

2023 ISSDA Winter Conference Continued Professional Training



AMERICAN LAW ENFORCEMENT 2023 & BEYOND

*Some Thoughts Creating and Maintaining a
High-Reliability Organization*

**Presented by Gordon Graham
December 13, 2023**

Thank you so much for inviting me to Iowa to speak to you regarding our chosen profession, American law enforcement. It is quite an honor to be here with you today. I welcome this brief opportunity to give you my take on law enforcement so that all of you can better protect yourself, your women and men, your organization, your community, and *our profession*.

I approach life (and each of these above issues) with a combination of risk management, systems design and legal concepts that will sometime today, particularly early in this session, seem rather incongruent. Further, I recognize that I have a mixed group of law enforcement personnel here today – with a variety of ranks and assignments.

With this in mind, not every single word I am going to say today will apply directly to you. But the principles of risk management are global in nature and apply to everything you do and to *every* job in your organization. I will use examples throughout the day to illustrate problems and solutions in each of these job descriptions.

By the end of our time together today this should all be perfectly clear to you, and the information provided will allow you to get back to work next week and possibly make some instant changes with the goal of better ensuring your personnel are getting things done right.

Finally, I speak to you today in four different capacities. First, I want to consider your current job law enforcement operations. Most of what I say will be directed at what you do today in your current agency and in your current job and give you some things you can enact instantly.

Second, many of you will continue to move up in your organization. Perhaps I will say something today that you think is workable – but it is not something you can implement at your current level in your organization. Perhaps there will be some future applicability for some of the things I say should you promote in your organization.

The third “hat” I see you wearing is your “inquisitive” hat. I get a tremendous number of inquiries about why the governor is demanding an audit on something or why some city council or board of supervisors someplace in Iowa is looking at something they have never looked at before. Maybe I will be able to explain why government leaders are doing some of the things they are doing today.

Finally, most of you belong to police, corrections or sheriff’s associations throughout Iowa, and possibly regionally or nationally. Much of the information today will work for your brothers and sisters in other law enforcement operations you interact with.

Bottom line: There are so many things you can do right now as a leader in Iowa law enforcement operations to make sure things get done right in our profession. This in turn will allow your organization and personnel to maximize customer service, increase the safety of your community and your personnel, and minimize liability exposure. Each of these issues is extremely important to your continued and future success.

First, here are some opening comments. There are a lot of things going on in our job right now. Tragic events in and around 2020 around the nation have resulted in massive efforts to defund law enforcement, remove your personnel from schools and otherwise “reform” our departments. 24/7 news channels are looking for something to talk about – and sadly too much of their coverage is incorrect or otherwise biased. The internet allows immediate exchange and retrieval of information – and sadly uninformed people believe what they read on social media. The expanding FOIA and local public records acts allow access to our internal records.

Couple this with state budget deficits, a very fragile stock market, a nation being torn apart by politics, a changing weather problem, an ongoing reinterpretation of *Brady v. Maryland*, the COVID pandemic still hovering about, a looming water and food shortage (stand by for the problems associated with that), a tremendous increase in commodity prices, terrorism, Mexican cartels and other violent gangs including MS-13 and their now proven link to violent terrorists, major drug issues including the opiate and fentanyl crisis, WMD and NBC preparation issues, recruitment and retention problems and the resultant issues, dealing with Millennial employees and many other issues – and it becomes apparent we need to revisit the way we are doing business.

As I travel around the country I talk to law enforcement people regularly, and they are quick to point out all the above-cited external problems: “The problem is Black Lives Matter! No the problem is George Soros! No the problem is the anti-police media, idiot elected officials, and uninformed voters! No the problem is.....” For the last three years I have heard each and all of these “problems” being identified.

But I remind them (and you) that we have little control over “externally generated” issues. And frankly, too many of our current problems are caused by actions and inactions of our personnel – and we can do something to address these problems. By the way – that is what “leadership” is all about. A big part of leadership is moving law enforcement agencies into “high-reliability organization” levels of performance.

Our job is getting increasingly more and more complex, and the level of risk we face today is much greater than it was when you (well, some of you) and I were street cops. And speaking of which, when I was a street cop in the 70s I was so fortunate to be accepted into a graduate program of studies at USC. I studied under some of the gurus of “safety and systems

management” (among them Harry Hurt, Ted Ferry and Chaytor Mason) at that time (or any time) and their guidance is probably why I am here today.

For some odd reason I got hooked on the study of tragedy. I could bore you with all the details, but we spent a lot of time studying maritime tragedies, bridge and building collapses, pipeline tragedies, refinery explosions, aviation tragedies (and that was the big focus of the entire program) – and I was able to extrapolate that information and start my own study of tragedies in our profession.

As I mentioned earlier in the program, too many people want to blame the tragedy on the event in time that instantly preceded the tragedy – and I identified that event as the “proximate cause.” If you don’t get anything else out of my time with you today, please remember that the proximate cause is important to recognize.

But please go back in time and ask yourself this question: Were there problems “lying in wait” that people knew about or should have known about – and no one did a darn thing about it?

Identifying the “root cause” is a much more difficult task – but it can be done. And once that root cause has been identified, you can put together control measures (policies and procedures) to address those problems lying in wait and hopefully prevent similar events from occurring in the future.

At this point in the lecture (and I have been doing this for a while and I have heard this so many times from attendees) many people think that these thoughts might apply to some professions, but certainly not the high-risk world of law enforcement operations: “Our job is so darn complex that bad things are just going to happen and there is nothing we can do about it!”

Well, you are partially right in your observation. Our job is very, very complex – and indeed tragedies are going to occur that we cannot identify – and that we cannot prevent. On the other hand, too many of our tragedies are “predictable and preventable” and we could have done something up front to address the problem prior to it ending up in a tragedy.

Allow me to spend just a few minutes on Black Swans and Gray Rhinos – and where you need to focus your attention. By the end our time together I want you to know there are very few “unknown unknowns” (to quote recently deceased Secretary of Defense Rumsfeld) – and most of our problems have been brewing for quite a while and we failed to address them proactively.

So what can be done to address the voluminous risks and increasing complexity of our jobs? Let me start with something that I used to use to *end* programs. Perhaps there will be some value in getting this out of the way up front and to give you a roadmap of where we will be headed during our time together in improving performance in our complex and high-risk job.

The nuclear tragedy in Japan just over 12 years ago caused me to think about a name from graduate school – a man who was attempting a very complex and risky assignment and who faced tremendous obstacles. His name was Admiral Hyman Rickover – known to many of you as the father of the U.S. nuclear navy.

I am old enough to remember the Nautilus – the nuclear submarine that traveled nearly 1,000 miles under the polar ice cap in the mid-1950s – and how fascinating that all was. But I was just a kid then and had no clue who made that all possible. Fast-forward 20 years, and I am sitting in night school being introduced to the genius of Admiral Rickover.

The end of the story is that he directed the building of a nuclear fleet that has not only protected our country and the rest of the free world, but simultaneously achieved an outstanding safety record. This record is the result of a lot of hard work by Admiral Rickover and his staff.

He developed some rules to achieve success (read: safe operations and deployment-ready) known colloquially as the “Seven Rules of Rickover.” As you read these, ask how many of them apply to the complex world of law enforcement operations. I will give you a hint: all of them. Let’s look at each of these rules and explore the possibilities.

Rule 1. You must have a rising standard of quality over time, and well beyond what is required by any minimum standard.

We have to get better and better at what we do. Our public deserves it. Our personnel deserve it. We must be constantly looking for a better way to do things. Status quo – we have always done it this way – is no longer acceptable.

On an organizational level, there are better ways to get and keep good people. There are better ways to build your policy manual. There are better ways to train your personnel. There are better ways to supervise. There are better ways to discipline errant employees.

On an operational level, we must improve our performance in turn-around times, quality and timeliness of written reports, training, candor in performance evaluations, equipment maintenance, accuracy on translations, and anything else that we can measure.

Continuous improvement has got to be part of the way we do business. We must be constantly searching for the “next best way” and when we find it we must commence the search for the “next best way.” And I am not talking about “change for change sake” – but a bona fide effort to continually improve the way we do business.

Strategic hints for your consideration:

- What is the level of accuracy in translations in your operations?
- What is the lost time injury rate in each unit of your operations, and what control measures can you put in place to reduce this injury rate?
- What are your maintenance costs for your fleet – and how can this number be reduced while simultaneously increasing operational readiness and dependability?
- What is your fleet mileage, and how can this number be increased?
- When was the last time your people were trained and tested on their “core critical tasks”? Every job description in law enforcement has these types of tasks, and they are high risk in nature and are overrepresented in law enforcement tragedies.

Rule 2. People running complex systems should be highly capable.

Successful law enforcement operations require people who know how to think. Fifty years ago, you did not need to be all that sharp to be a cop or a deputy. Back then you had to be competent and a hard worker.

While the above attributes are still important, we must recognize things have changed. Technology, equipment, strategies and tactics involved in providing services to our community

and protecting our citizenry have all changed. This is an extremely complex job, and if you hire people who can't think things through, you are in route to disaster.

If you allow the hiring of idiots, they will not disappoint you – they will always be idiots. In view of the consequences that can occur when things do not go right in your complex, high-risk job – this may end up being the cause of a future tragedy. We have learned this lesson time and time again – but somehow seem to forget it all too often.

I could tell you stories from now until tomorrow about law enforcement organizations – including organizations just like yours – from around America who failed to weed out a loser and paid the price. Every dollar you spend in weeding out losers up front has the potential to save you a billion dollars. If you think I am exaggerating – check out “Annie Dookhan” for an interesting story on the importance of comprehensive background investigations.

Strategic hints for your consideration:

- Does your workforce reflect (aka come from) the community you protect and serve?
- Do you have a field training program that is consistent with and complementary to the initial academy training program?
- After date of hire, when is the next time you do a background investigation on your personnel? Some people do go bad over time for a number of reasons and if we ignore them, we have a problem lying in wait that will only be discovered after the involved employee does something wrong – and then we act. We must be more proactive in this area.
- If I were to audit two years of performance evaluations, what would I find?
- Are you in full compliance with *Brady vs. Maryland* and if you do not know, when will you find out? And please consider this issue fully, as I am seeing more and more *Brady* embarrassments (and worse) because this issue is not being taken seriously.

Rule 3. Supervisors have to face bad news when it comes, and take problems to a level high enough to fix those problems.

When you take an honest look at tragedies in any aspect of public safety operations, from the lawsuits to the injuries, deaths, embarrassments, internal investigations and even the rare criminal filing against our own personnel, so many of them get down to supervisors not behaving like supervisors. The primary mission of a supervisor is systems implementation.

If you promote people who either can't or won't enforce policy, you are en route to tragedy. To be sure, the transition from line employee to supervisor is a difficult one, but the people you choose to be supervisors have to like their people so much that they will enforce the policy to protect each of them from harm or loss.

Not to beat this point to death, but you show me a tragedy in law enforcement operations – including some in the news today – and I will show you the fingerprints of a supervisor not behaving like a supervisor – or a supervisor who tries to behave like a supervisor and does not get the needed support from management when he/she takes action against an employee. So for those of you who have promoted, remember that every day families are entrusting you with the safety of their loved ones. This is a huge responsibility.

Strategic hints for your consideration:

- What is the process you have in place to promote people?
- Do you have a recommended reading program for your supervisors?
- What ongoing training do you have in place to enhance their skills?
- Have you considered bringing back “the best of the best” to help mentor your new supervisors?
- Do you analyze events after occurrence to ensure supervisors were doing their job? Just because things end up “without consequence” does not mean all is well in your organization.

Rule 4. You must have a healthy respect for the dangers and risks of your particular job.

All your jobs are high risk in nature, and the consequences for not doing things (tasks, incidents, events) right can be dramatic. Remember the basic rules of Risk Management: **RPM** – Recognize, Prioritize, Mobilize.

Recognize the risks you face. Prioritize them in terms of frequency, severity, potential of occurrence, and time to think. Then, “mobilize” – act – to prevent the problem from occurring.

You must recognize the job you have chosen is filled with risk – and there is always a potential for “the unthinkable” event to occur in our workplace. I have grave concerns that too many of our personnel are not prepared to properly respond to this unthinkable event.

Strategic hints for your consideration

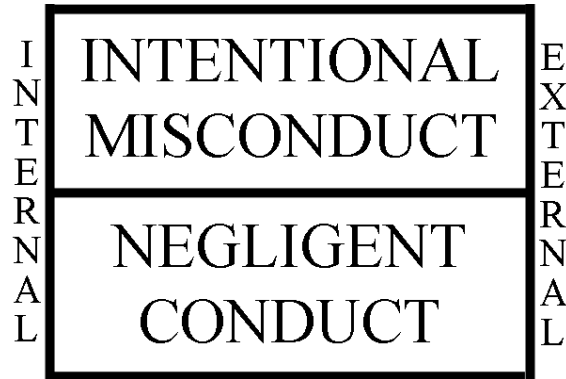
- Have you done a risk assessment on each job description in your organization?
- Do not limit your assessment to the history in your department. There are thousands of departments around the state and throughout America, and many of them are just like yours.
- Have you developed a protocol for prioritizing these high-risk tasks in terms of frequency and potential severity?
- Do you have a process to identify new core critical task events as they develop?

Rule 5. Training must be constant and rigorous.

Every day must be a training day! We must focus the training on the tasks in every job description that have the highest probability of causing us grief. These are the high-risk, low-frequency, non-discretionary time events: “shoot don’t shoot” or the jail fire or the workplace violence event. How do you get started on this?

It all starts with a solid risk assessment. Where are the problems going to occur? You can get this information for your department by using your own internal records. You can further your assessment of risk by studying other similarly situated agencies near your department and looking at their nasty consequences.

You can study national and statewide trends. Visit [Police1](#) for a national view of what is going on in our profession. Here is a chart for your consideration:



Regardless of how you approach the risk assessment, you will get the same results. Our people get in trouble for two things and only two things. Some of our problems come from intentional misconduct, where someone does something bad on purpose.

Sometimes this misconduct comes from outside our organization (felonious conduct directed at one of our people) and sometimes it is perpetrated by our own people. Every year we lose 55-60 cops who are murdered.

Terrorism is a form of external intentional misconduct. It is very difficult to prevent this type of behavior, but I am convinced we can help thwart it by being vigilant (the vigilance we had on September 12 almost 22 years ago is gone) and through a practice known as “random irregularity.” Within your standardized best practices you must have some unpredictable randomness.

Another way we get in trouble is “external” negligence. The most common mistake that good citizens make is vehicle operations. Get your people revisiting this issue. We must drive defensively, watch out for the other guy, pay attention, be well rested, stay off the darn cell phones and avoid other distractions, and wear the seatbelts. Please take a look at [Responder Safety](#) and take their strategies seriously regarding the nasty topic of roadway incursions.

While the external issues are difficult, the internal behaviors cause us even more problems. Some of these behaviors are intentional and I am absolutely convinced that we can eliminate the internal intentional misconduct by doing a better job of screening out losers up front. We are not an evil cauldron that takes good people and turns them into bad people. The reality is that we occasionally hire losers (usually at the advice or direction of our lawyers and HR people for whom the future is Friday) who once in our noble profession continue to perpetrate their bad behaviors.

We can and must do something about this now. Please remember the “Fort Dix Six” and what they were trying to do in 2006 – infiltrate local law enforcement in America. And you will hate me for saying this, but our profession has already been compromised and we have problems lying in wait and it will come back to bite us in the future. This issue needs your instant and ongoing attention.

The majority of our nasty consequences, however, do not come from outside your department. Nor do most of your problems come from internal intentional misconduct. A critical study off the data will show you most of our problems today (and this could change rapidly if terrorism

becomes more prevalent) come from internal negligence. Synonyms for negligence include errors, omissions, lapses and mistakes. Call them anything you want, but they are overrepresented in nasty consequences. The good news: It is relatively easy to manage this risk.

Where do the errors occur? Most of the things you and your people do in your organization are high-frequency, and your experience will show you how to do them right. This brings up the topic of **RPDM**, or Recognition-Primed Decision-Making. The principals of **RPDM** are as follows.

Consider your mind as a “hard drive,” or for those of you over 50, a slide tray. Your daily experiences help load this drive and create a ton of “memory markers.” This process started when you were born, and some argue it commenced before you were born. Everything you do and experience is loaded into your hard drive.

When you get involved in any task or incident, your magnificent brain quickly scans your hard drive and looks for a close match – or what Dr. Gonzales calls a “memory marker” or a combination of these markers known as a “behavioral script.” Give me a good person and put them in a high-frequency event, and there is a darn high probability they will do the task right this time. Take away the quality of people or put a good person in a low-frequency event, and *I hear trains coming!*

Let me show you something you may not yet be familiar with. Trust me, by EOW today you will know this inside out. For those of you who have been to my programs before, I promise to go through this quickly.



Regularly I hear from people with 30 years or more in our great and noble profession who have never seen this chart before. Why have they not been exposed to this? Simple! It is not taught in law school, and we are a nation of lawyers. Not once in four years of law school did I see this chart, or was it referenced. Let us start thinking like the risk managers we need to be.

This is the classic “risk/frequency” analysis developed decades ago by people focusing on risk management. By EOW today, I want to convince you to have this chart indelibly imprinted over your left eye, and have you go through life, both your personal and professional life, looking at things through these four boxes.

Indeed, everything that gets done in any of the scores of job descriptions you have within your operations can be put into one of these four boxes. Some things you do are high risk (meaning if they go bad, the consequences are big), and some are low risk (meaning if they go bad, the consequences are relatively low). Some things you do a lot, and some things you do rarely.

So, how can this information help you?

We know where the mistakes will occur. When anyone gets involved in a high-frequency event there is a very high probability the involved event will go right. There are exceptions to this including high-frequency events involving complacency, distractions, hubris, fatigue and “risk homeostasis.” These can cause you a ton of grief, but again there are things we can do to obviate these issues.

When people get involved in a low-risk event, I do not get overly concerned because even if it goes bad, the consequences are relatively small. However, when you or your people get involved in a low-frequency event (particularly one high-risk in nature) I get very worried. This is where good people most often make mistakes.

Please recognize that this top left box has been divided into two areas. Some tasks need to be done immediately (no discretionary time), and some give us time to think (discretionary time). No-discretionary time tasks scare me a lot, as these tasks truly give you no time to think. Included here are shoot/don't shoot, pursue/don't pursue, fighting, CPR, jail fires, tail rotor failure, workplace violence, bomb threat calls and the like. These are the “core critical tasks” I referenced earlier – and they need your attention.

The good news here is that in an average career of 30 years, *less than one shift* is really spent on this type of task. The bad news here is that in an average career of 30 years, *less than one shift* is really spent on this type of task. However, because of the high level of risk involved in the task, these need to be covered regularly to make sure people know what to do if they ever get involved in the high-risk/low-frequency/no discretionary time family of tasks.

The excellent news is that most of the tasks in the top left box are discretionary time tasks, meaning you have time to think before you act. That may include asking someone who does the task at a higher frequency (and that may mean only once more than you) how to do it so it gets done right.

Law enforcement operations can be very complex. However, *most* of the incidents we get involved in are ones we have done a lot (high-risk) or ones that give us *total discretionary time*.

These discretionary time tasks include employment law, report writing, domestic violence incidents, affidavit preparation, SIDS and other child-related matters, traffic stops where we have information up front that there may be a larger problem than traffic, SWAT ops and other similar situations.

Each of these events gives us discretionary time. We have time to think and perhaps even transfer this risk to someone who knows more about it than we do. This is not a sign of being stupid – this is a sign of being smart.

You have to remember the thoughts of Dr. Zeller: “There are no new ways to get in trouble.” There are plenty of people in our profession who have done the involved task before, and they

know how to do it correctly. Individually, you know a lot about your job. Collectively, this group present today knows a lot more than any one individual. Slow down and think before you act.

Anyone can do the high-frequency tasks. Low-risk tasks do not cause us problems. Dr. Zeller told us, “The kinds of errors man will make can be predicted from the kinds of errors already made.” Watch out for the high-risk/low-frequency tasks – particularly those that require instant action. These hold the highest potential for ending up in grief and that is why they are so important to recognize.

Your role as a leader in Iowa law enforcement operations is making sure that you and all your people in each and every job description are adequately trained for their Core Critical Tasks (no discretionary time events) and that you (and they) understand the value of thinking things through when they are involved in a discretionary time task. Never make a split-second decision if you do not have to.

Strategic hints for your consideration:

- When was the last time your personnel were trained and tested on their core critical tasks?
- Do you have a process in place to identify emerging core critical tasks?
- Do you have a process in place to assure your personnel know the importance of “Intervention” when they observe inappropriate behavior.
- Does this process include the importance of reporting inappropriate behavior.
- Do you have a process to ensure training is being taken seriously?
- Have you considered allowing line personnel to develop training bulletins?
- Remember that absent frequency, all you have to rely on is training, and if the training you provided your people was one time some time ago, you have a problem lying in wait.

Rule 6. You must have a robust audit process in place to ensure that what you say you are doing is in fact being done.

Audits and inspections are an important part of the job for all leaders in law enforcement operations. We cannot assume all is going well. We must have control measures in place to ensure things are being done right. This is not micro-management – it is called doing your job. We need a feedback loop in every organization.

And while I am ignorant regarding the internal workings of your specific operations, in too many public organizations I have looked at in detail, audits are either non-existent or a joke. I call these the “lip service” audits, where we are very concerned about having a piece of paper in place saying we are all squared away, when in reality that is not true. Of particular interest to me are agencies that “do their own audits” – and the perceptions that people may have regarding the “independence” of that audit and/or assessment.

If you do not have the audits (formal and informal) in place, you will not know about problems until they become consequences, and then you are in the domain of lawyers. That is too late for action, as all you can do then is address the consequences.

And if you take the time to study the life of Admiral Rickover, you will quickly learn that he was widely despised in the Navy because of his insistence on using the audit process as a tool to hold people accountable.

And with the recent scams going on regarding COMPSTAT and NCLB – (if we have time I will get into this) – we need to take a close look at these issues.

Strategic hints for your consideration:

- Policy/procedure manual
- Evidence/property room
- Training records and compliance
- Performance evaluations
- Financial
- Iowa state/NCIC/email/MDT
- Case clearance and informant issues
- Background investigations
- Crime laboratory
- Crime analysis

Rule 7. The organization and members thereof must have the ability and willingness to learn from mistakes of the past.

Analysis of past data is the foundation for risk management. In our time together, I will call this the “actuarial” component of risk management. We can learn a lot by studying the past. Allow me to expand on this thinking.

Walk up to any law enforcement executive and ask, “What were the lessons learned out of Ferguson, Missouri in 2014?” and you will get a blank stare. Walk up to any law enforcement executive and ask, “What were the lessons learned out of Ruzsycyk Damond in 2017?” and you will get a blank stare. Walk up to any pilot and mention the name Sullenberger – and that pilot will tell you how to land a plane on the Hudson River. The learning management system (LMS) in the aviation community is much more robust than we have in our law enforcement community.

And the anchor for my focus for today on the wonderful discipline of risk management, here are three statements that have guided me through most of my risk management life. First is a quote, albeit paraphrased, from the great risk management guru of the ‘40s, Archand Zeller.

“The human does not change. During the period of recorded history, there is little evidence to indicate that man has changed in any major respect. Because the man does not change, the kinds of errors he commits remain constant. The errors that he will make can be predicted from the errors he has made.”

What does this mean? We have not figured out any new ways to screw things up. We are making the same mistakes over and over again. Mines have figured out no new ways to collapse. Ships have figured out no new ways to sink. Refineries have not figured out any new ways to blow up. Restaurants have not figured out any new ways to kill people. Planes have not figured out any new ways to crash. Fire departments and firefighters have not figured out any new ways to get in trouble.

Law enforcement agencies and their personnel have not figured out any new ways to get in trouble. To be fair, there are always “variations on a theme” but it is the same stuff over and over again. Remember, there are very few “black swans” in our world – most of our problems are “gray rhinos” – we can see them coming and we fail to act proactively.

Please do not give me that nonsense that “bad things just happen and there is nothing you can do about it.” I am sick of hearing that faulty “poor me” refrain. I can show you organizations in every high-risk profession that are underrepresented in problems because they understand the principles of risk management, starting with the reality that there are no new ways to get in trouble.

IDENTIFIABLE RISKS ARE MANAGEABLE RISKS

The second statement important in my life thus far came from my mentor, professor and friend Chaytor Mason. He was a risk management guru in the 60s. Here is a capsulized version of his response when I accused him of being the smartest person who ever lived.

“The smartest person in the world is the woman or man who finds the fifteenth way to hold two pieces of paper together.”

My instant response when I first heard this was confusion, but then I figured it out. While there are no new ways to screw things up (Zeller) there are always new ways to fine tune and revisit our existing systems to prevent bad things from happening and simultaneously make us more efficient.

We too must be looking for new and improved ways of doing this most complex job, and you are the ones who can do that. There are better ways to hire personnel, and there are better ways to train them. There are better ways of doing performance evaluations, and there are better ways to track personnel to identify future problems.

Status quo (we have always done it that way – we have never done it that way) does not work. There is a better way of doing business, the 15th way, and we must constantly be looking for it.

My third belief in life is a summary of the above two thoughts.

“Things that go wrong in life are predictable — and predictable is preventable.”

Thanks for your patience. I have been using this line since 1980 and I appreciate your indulgence. Want proof? Take a look at your newspaper today.

Well, that wraps it up for our brief time together. Hopefully you have a better understanding of the discipline of risk management and its relation to creating and maintaining the “high reliability organization.”

Thanks for your attention today and for all you do to make things better in our world.

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