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Beneficial Training to Reduce Liability in Jails.



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FAILURE TO TRAIN

The U.S. Supreme Court has determined that there is liability for administrators if they **fail to provide training** for the specific topic areas which officers need to know to carry out their assignments while protecting the safety and rights of inmates.



Common Claims in Corrections Litigation

1. Failure to Supervise
2. Deliberate Indifference
3. Excessive Force
4. Failure to Train



Conduct Training and carefully document!

If you fail to document your training, it's as if the training never occurred. In corrections, if it's not written down, it never happened!





If you go with Live Training, pick the right Instructors!

Get experts, people who have your best interest at heart. Do your research and make sure they care about jails, not their bottom line!





WHAT TRAINING DO WE NEED?

How does a corrections agency decide what training is needed?
There are several ways to decide!





Make Sure It's the Right Training!

Make sure all of your training is
based on the law!

Legal-Based training is the only
training that protects your agency
against litigation!



TAKE A LOOK AT YOUR AGENCY **AND WHAT PROBLEMS YOU SEE**

Go over incident reports and discipline for the last year.
Ask your First Line Supervisors.

1. Where do we need more training?
2. Where are we making mistakes?
3. Where are we vulnerable?



WHAT AREAS COULD YOU BE VULNERABLE?

There are always areas where corrections officers may become lax or complacent.

1. Pat Searches
2. IPC Skills
3. Officer Safety Classes
4. Getting Back to Basics!



What areas do we need to have regular training in corrections?

Use of Force Training!





Use of Force

There are fewer topics more important to jail operations than managing Use of Force Incidents. From the policy and training to the application of force and documentation, it's important to allow the law and the courts to guide your actions.





Use of Force

Training on Use of Force:

1. Do your weapons officers know and understand when they are authorized to use deadly force?
2. Tactics and scenarios- When's the last time senior officers have gone through use of force training?
3. Use of Force- Report writing. What should your officers be documenting on a use of force incident? What procedures should be followed. example- photo's taken, evaluated by medical, who writes reports? Who decides if force was justified? Litigation is often won or lost on the quality of officer reports.
4. Use of the Restraint Chair- How to use it, when to use it. what level of force is justified to secure an inmate? What if an inmate is only partially secured?





Restraint Chairs are a necessary tool in corrections.

Mental Health facilities around the country utilize restraint chairs. Jails represent the largest mental health facilities in the average community.

A lack of training and bad incidents involving use of force have started a movement to BAN restraint chairs in corrections facilities.

It's important to teach your officers how to do it the right way!



If we know what the courts use to judge use of force on pretrial detainees, why wouldn't we train our officers and have them write reports based on that criteria?





To decide whether force was reasonable the Supreme Court outlined seven key factors for staff to employ for pre-trial inmates.

Criteria for Justification for Use of Force

Policies and procedures for use of force shall include the following objective criteria for evaluating use of force: (pre-trial inmates)

- A. the rational relation of force used to a legitimate governmental interest;
- B. the facts known to the officer at the time (threats perceived);
- C. the relationship between the need for force and the amount of force used;
- D. what efforts were made by officials to temper the forceful response;
- E. whether the inmate was actively resisting;
- F. the severity of the security problem at issue; and
- G. whether injuries suffered by the prisoner were clearly of greater severity than the circumstances could plausibly justify.



Report Writing in Corrections

1. Basic report writing skills are crucial in effecting liability on critical incidents.
2. Officers need to practice being able to articulate themselves effectively in incident reports.
3. Pair up officers. Have a strong writer paired with a weak writer to help them with their reports. The "Writing Buddy" program.
4. Stress the importance of quality reports! An officer's report is their insurance policy against liability and litigation. A weak report is a weak insurance policy.
5. Utilize tools available! Word perfect, grammar check, spell check. Have someone else read your report. Don't be afraid to kick it back!
6. An officer's report is more important than testimony in a courtroom.



Emergency Drills

- How often does your agency conduct practice drills for high liability events?
 - *Hostage Situations*
 - *Inmate Suicide*
 - *Mass Casualty*
 - *Facility Evacuation*
 - *Escape*
 - *Inmate Death*
 - *Riot*





Emergency Drills

- How often do your corrections staff work with or conduct drills in concert with emergency personnel from other agencies?
 - *Hostage Situations- SWAT Team or Special Units*
 - *Inmate Suicide- Ambulance Personnel, Jail Medical*
 - *Mass Casualty- Your medical folks or local hospital staff*
 - *Facility Evacuation- Local police agencies, partners*
 - *Escape- Local police agencies*
 - *Inmate Death- Homicide Detectives, Jail Medical*
 - *Riot- SWAT Team or Special Units*



Emergency Drills

It's important to train in areas that are high liability, but do not happen on a regular basis. It's important for your staff to familiarize themselves with high liability emergency procedures.



The Body will not go where the mind hasn't been.



Emergency Drill Scenarios

Great Emergency Drill Scenarios

- 1. Fire in the Kitchen, partial evacuation. Involve local fire department.*
- 2. Corrections officer taken hostage. Tactical team and local SWAT work in coordination.*
- 3. Inmate suicide- Go through from time of discovery, till transport leaves w/Inmate.*
- 4. Riot- Go through inception, Tactical and local LE as well as medical.*



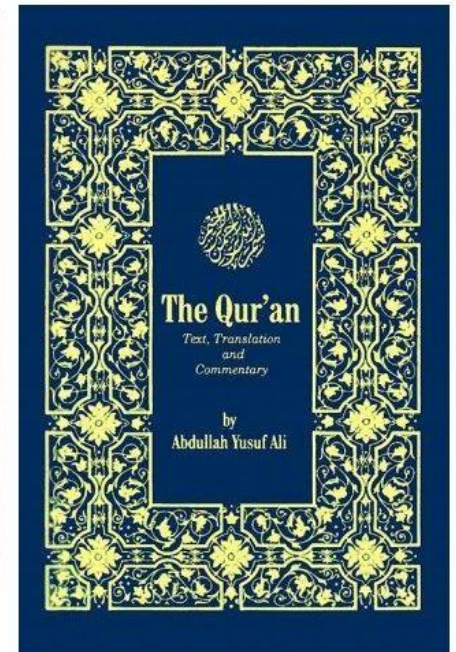
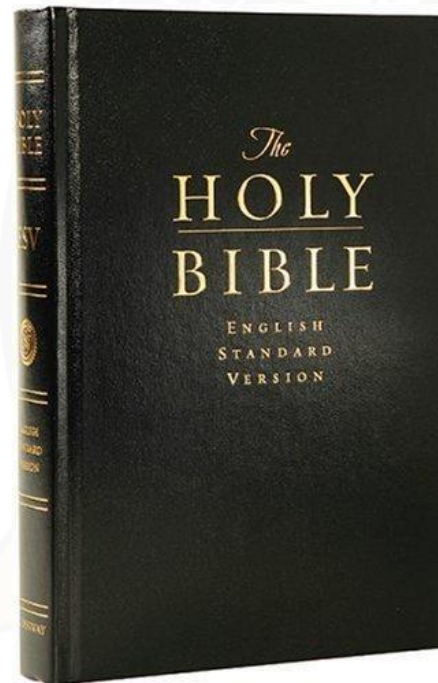
Get your people Specialized Training!

1. Make sure your classification staff get classification training.
2. Those that transport get required certification and training.
3. Officers that specialize in working with mentally ill inmates get mental health first aid and specialized training. Crisis Inter. Training.
4. Does your mailroom worker know the law? What does the law require to reject mail?
5. Does your policy writer get any type of special training?
6. Does your disciplinary officer know the law and get legal based training?
7. Who handles your grievances? Are they trained, do they know the law governing inmate grievances?



OPERATIONS ISSUES ...

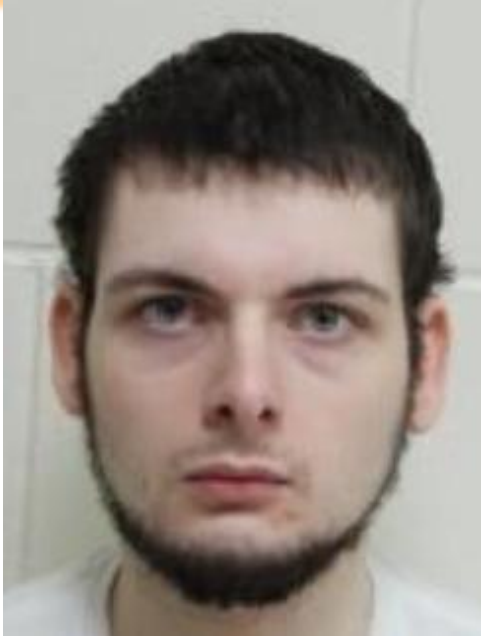
RELIGIOUS RIGHTS





RELIGIOUS RIGHTS:

Flying Spaghetti Monster / Pastafarianism



"It is not always an easy line to draw. But there must be a line beyond which a practice is not "religious" simply because a plaintiff labels it as such. The Court concludes that FSMism is on the far side of that line."

- US District Judge John Gerrard

NE Inmate sought \$5 million because officials would not allow him to order and wear his religious attire and pendants (a pirate costume), the right to meet for weekly worship services and hold communion.

See also: Grief v Quay

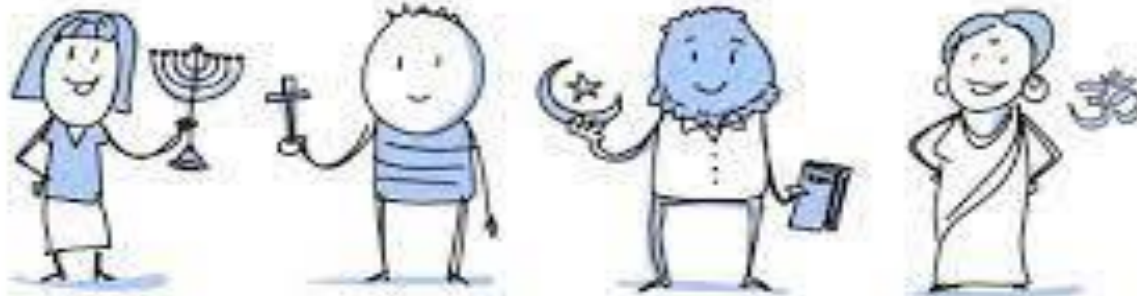


First amendment Rights Freedom of Religion

O'Lone v. Estate of Shabazz (1987)

Inmates in New Jersey sued because the prison required them to work outside the prison which barred some inmates from participating in a Muslim religious service.

FREEDOM OF RELIGION





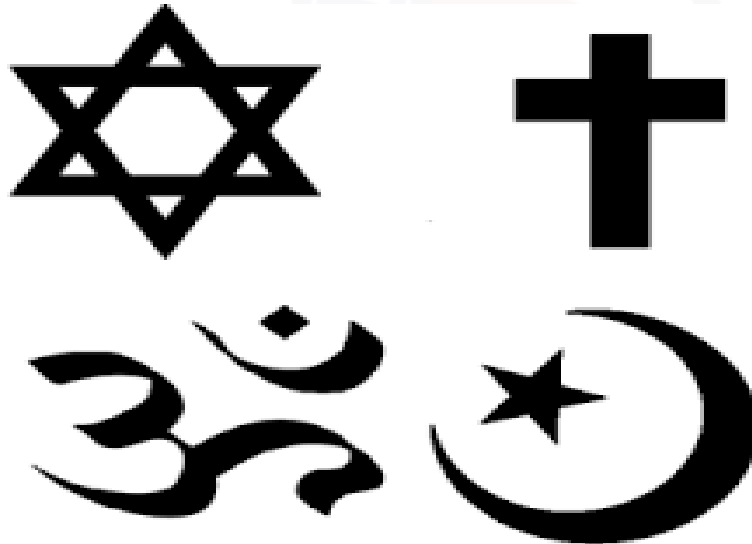
O'Lone v. Estate of Shabazz (1987)

No. Chief Justice William H. Rehnquist delivered the opinion for the 5–4 majority. The Court held that, while prisoners do not forfeit their constitutional rights after being convicted of a crime, being incarcerated does place necessary limitations on those rights. Because of the particular interests and dangers involved in prisons and the prison administration's everyday experience with the operation of a prison, courts should largely defer to prison administrators on questions of policy or regulation.



O'Lone v. Estate of Shabazz (1987)

Therefore, even when an inmate alleges that a prison policy infringes on his or her constitutional rights, the policy is valid as long as it is reasonably related to a legitimate penological objective, as the policy in this case was. The Court also held that a prison is not required to adopt any alternative policy that may have “undesirable results,” as determined by the prison.





TRAINING TOPICS ON RELIGIOUS RIGHTS

Do your corrections officers know what to do if.....

1. A Muslim female arrestee comes in wearing a Hijab and refuses to take it off in front of a male officer.
2. While conducting a search an officer discovers a religious object in the cell they don't believe the inmate should have.
3. An inmate requests a religious diet for a religion they've never heard of.

MEDICAL CARE

What is a corrections officer's role in providing medical care?

Officers are on the front lines of every corrections facility. How they react to and respond to medical issues can be a huge liability for an agency.

MEDICAL CARE

Do officers understand how to respond to any of the following medical situations?

- 1. An inmate is having yet another “fake” seizure**
- 2. There’s a fight, but there appear to be no injuries.**
- 3. An inmate refuses to take a shower, it’s been months.**

LEGAL MAIL

How are officers trained to handle an inmate's legal mail?

- 1. The inmate should always be present while searching legal mail**
- 2. How do officers search a cell when there is legal mail present?**
- 3. An inmate tells an officer that they are not allowed to touch his legal mail**

BACK TO BASICS

Officers tend to become complacent in some areas. It's important to reinforce the critical nature of routine security protocol



BACK TO BASICS

What areas are important to reinforce?

Pat Searches



BACK TO BASICS

What areas are important to reinforce?

Pill Pass (security vs medical)



BACK TO BASICS

What areas are important to reinforce?

Strip Searches- When? How? Who?



BACK TO BASICS

What areas are important to reinforce?

Transports-



BACK TO BASICS

What areas are important to reinforce?

Escorting Inmates



BACK TO BASICS

What areas are important to reinforce?

Perimeter Checks



OPERATIONAL ISSUES FOR TRAINING

Legal Mail

Special Diets

Medical Care

Conditions of Confinement

Rejecting mail- what is sexually explicit?

Special Management Inmates

Qualified immunity, good-faith defense depends on **knowing and **complying** with clearly established law.**

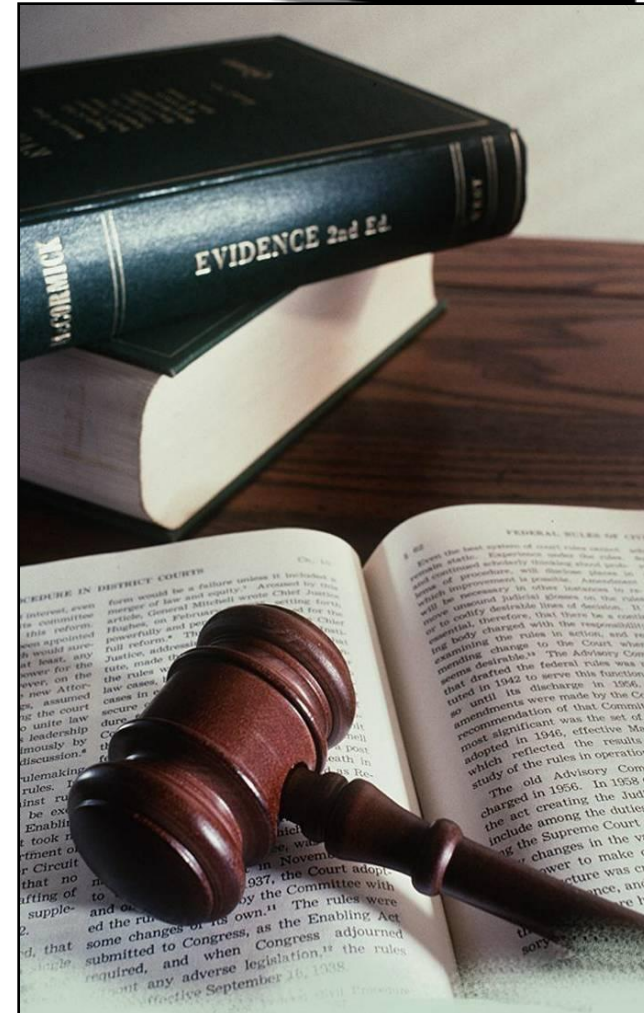


The Question of Liability

The Question of Liability

*"We therefore hold that government officials performing discretionary functions generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a **reasonable** person would have known."*

Harlow v. Fitzgerald, 457 U.S. 800 (1982).



The Question of Liability

"If the law was clearly established, the immunity defense ordinarily should fail, since a reasonably competent public official should know the law governing his conduct."

Harlow v. Fitzgerald, 457 U.S. 800 (1982).

Where do you start?



Legal-Based Approach to Running a Constitutionally Safe Jail



Policy & Procedure Development

Where do they come from?

Are they legal-based?

What about memos?

When was the last update?

What happens when case law changes?

How do you keep them continually current?

**Have your officers been trained on important aspects
Of your policy?**





Policy & Procedure Development



How confident are you
with your current
policies and procedures?



Jails are statistically the largest county liability – 70.3% of all the reported losses from counties nationally come from JAILS!





It's crucial to get your staff the training they need!

Protect your Qualified Immunity!

Address deficiencies.

Complete Mandatory Training.

**Address areas officers may become complacent.
Talk to first line supervisors, get input and buy-in.**

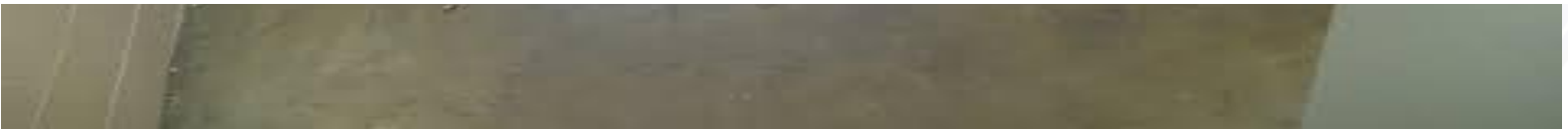
**Train your officers on important aspects
of your policy?**



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QUESTIONS??





Future Webinars!

- **Session 7: Inmate Death – How to Reduce Liability, Suicide Prevention Policy** November 4, 2026 from 11:00 AM to 12:00 PM -
- **Session 8: Procedures for Suicide Prevention – Proactive Steps Your Agency can take to help Prevent Suicide in your Facility**

December 2, 2026 from 11:00 AM to 12:00 PM -



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HAVE QUESTIONS OR NEED MORE RESOURCES?



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