

# Core Competencies **AND** Jail Leadership

SUSAN W. McCAMPBELL, CJM



**What skills, knowledge, and abilities do jail leaders need in order to be credible and successful?** Having started with the July / August 2015 issue of *American Jails*, we explored the 22 core competencies as identified by jail administrators across the country. Welcome to the final installment on core competencies and jail leadership.

In this issue of *American Jails*, we take a closer look at the 21st core competency, “Reduce jail-related liability risks” and recommend several valuable resources related to leadership.

## Reduce Jail-Related Liabilities

**Description:** Oversee risk management initiatives to reduce agency vulnerability and assure compliance with State and national standards, laws, and case law.

**Rationale:** Jails are guided by Constitutional mandates and case law, and thus, can be a focus for litigation for liability lawsuits and civil rights claims. Litigation is costly and time-consuming, but can be reduced with well-designed policies, training, accountability, and diligent operational oversight. This includes understanding current case law and industry standards, training staff accordingly, and assuring that operations align with organizational policies and procedures.

### Knowledge of:

- Case law, relevant legislation, court orders, and State and national standards, evidence-based jail practices.
- Strategies to reduce risk and develop techniques to proactively limit liability.

### Skills to:

- Understand how legal and administrative standards apply to jail operations.
- Assess whether jail policies and procedures comply with mandates (if not, taking corrective action).
- Produce clear, concise policies that reflect current legal standards, especially in high-liability areas (e.g., use of force) and the training of staff.
- Know national litigative trends to determine what can be adopted for the jail.
- Identify areas of the jail's legal vulnerabilities.
- Educate employees to identify how liability could be reduced.
- Develop a process for documenting and following up personnel actions related to risk reduction.
- Encourage staff and inmates to communicate openly with administrators.
- Assure a valid inmate-grievance process is in place and the data informs operational decisions.

- Mentor peers and subordinates in their roles in risk assessment and corrections.
- Respond appropriately and in a timely manner to inmate complaints.

### Abilities to:

- Analyze legal documents.
- Assess if employee training improves operations.
- Translate legal concepts into operational practices.
- Conceptualize the options to reduce risk.
- Anticipate the outcome of emerging trends.
- Think creatively.
- Use proactive preparedness to reduce liability.

## Improving Jail Operations and Community Safety

Waiting for a crisis or litigation to occur before addressing the risk is unacceptable. However, this responsibility is challenging when those who provide financial resources to the jail either don't know or

## 22 Core Competencies for Jail Leaders

- Anticipate, analyze, and resolve organizational challenges and conflicts.
- Assure organizational accountability.
- Build and maintain positive relationships with external stakeholders.
- Build and maintain teamwork; mentor and coach others.
- Communicate effectively, internally and externally.
- Comprehend, obtain, and manage fiscal resources.
- Develop and maintain a positive organizational culture that promotes respect for diverse staff.
- Develop and sustain organizational vision/mission.
- Engage in strategic planning.
- Enhance self-awareness; maintain proactive professional commitment.
- Establish organizational authority, roles, and responsibilities.
- Leverage the role of the jail in the criminal justice system.
- Make sound decisions.
- Manage change.
- Manage labor relations.
- Manage power and influence.
- Manage time.
- Obtain and manage human resources.
- Oversee inmate and facility management.
- Oversee physical plant management.
- **Reduce jail-related liability risks.**
- Understand and manage emerging technology.

understand the risks, don't have the funds, or just don't consider it a priority. Jail leaders know that they must "inspect what they expect." Jail staff who continually lament that they "will get sued" if they do this or don't do that are missing the point and need to adjust both their thinking and actions. Litigation will happen, regardless of the quality of the jail operations. Therefore, the questions for jail leaders are how the jail routinely identifies risks and how any deficiencies are addressed.

For the purposes of this article, risk management is defined as *proactively identifying, analyzing, minimizing, and preventing negative outcomes through a comprehensive plan, and effective management of facilities, people and budgets*. In the real world, jails cannot control natural disasters, weather events, or terrorist attacks, but the jail can be prepared for such events (Schwartz & Barry, 2009).

This article is about how to develop a strategy for risk management in a professional jail operation and what the jail leader needs to know about his or her primary role in managing risk. There are many excellent resources for this initiative that are noted in the Leader's Library, and which the reader is urged to review. Risk management is often viewed as focusing on the negative; however, these activities have positive outcomes including improved staff training, a facility-preventive maintenance program, better public and funder understanding of the jail's needs, and upgraded emergency preparedness—just to name a few.

### **Opportunities for Risk Management**

Reduction of jail-related liabilities is about routinely evaluating the jail's areas of potential risk. These evaluations are based on the jail's policies and procedures, standards established in State and Federal law and court decisions, documentation of findings, and the development and implementation of corrective actions. What are the risks in a jail?

The list is long, including but not limited to (Sabbatine, 2003):

- Personnel (adequate staffing, conducting background investigations/screening for new hires, providing adequate training, supervising, correcting staff behavior, avoiding discrimination and harassment, identifying workplace hazards, making worker's compensation available).
- Facility (operational security systems, fire safety and suppression systems, electrical systems, building maintenance and repair, environmental systems, controlled chemicals and related hazardous materials, key control).
- Inmate management (policies regarding intake screening, classification, medical and mental healthcare, staff supervision, disciplinary systems, grievance processes, use of force, inmate violence, housing unit management, assurance of constitutional rights, access to courts/legal services, administrative segregation).
- Fiscal management (inmate fiduciary responsibilities, budget preparation, budget justifications and requests, management of funds).
- Emergency plans (preparation, warnings, response, mutual aid, and aftermath management).
- Inspections (scope, training, documentation, corrective actions).

If the jail does not have a formal review process for inspections or routinely scheduled evaluations of these areas of operations, then your first steps need to be developing a written directive governing risk management and prioritizing the list of inspections. While various voluntary accreditations and State inspections are helpful, assuring that the jail's policies are followed is essential.

### **Strategies to Improve Risk Management**

Here are suggestions for establishing and maintaining a risk manage-

ment program in your jail. As you consider these steps, you will need to instill in all employees that they are part of the process of managing risk through timely reporting of issues and providing suggestions for improvement. This isn't just the "inspector's job"—maintaining a safe environment is everyone's job.

### **Knowing Your Operations: Getting Stakeholders, Insurance Providers, and Funders Involved**

Unless your jail has current inspection processes, you may need to assure that you have the buy-in and fiscal resources required. Even if your jail has a process, the leader still needs to assess the credibility of the results, how the findings are used to make operational and fiscal decisions, and the level of staff buy-in. If your State has mandatory inspections, these results may provide a framework to expand the jail's work. Robust, regular, and credible operational reviews may provide a basis demonstrating that inspections can result in future positive financial trends for the jail—including reduction in litigation management, hard costs of building repair, and anticipated expenditures rather than costly emergencies that may place staff and inmates in danger.

Ask yourself these questions (Martin & Katsampes, 2007):

- Do the conditions and practices in your facility meet current legal requirements?
- Is there a history of litigation in any particular area of the jail (e.g., issues regarding medical care, use of force, or suicide)?
- Have you developed and implemented a comprehensive risk management plan to eliminate or reduce hazards in your jail?
- Do you have a means of keeping up with issues, trends, case law, and "best practices"?
- Is the jail in compliance with applicable jail standards?
- Does the jail have a designated legal counsel?

- Is the jail adequately insured?
- Do you keep comprehensive documentation covering all areas of jail operations?

The importance of keeping current with your scope of professional obligations cannot be understated. For example, staying current on emerging requirements of the Prison Rape Elimination Act is important and related to risk management. It is also important to be included in the National Association of Counties' (NACo) Stepping Up Initiative ([www.naco.org/resources/signature-projects/stepping-initiative](http://www.naco.org/resources/signature-projects/stepping-initiative)), which helps to advance the counties' efforts to reduce the number of adults with mental illnesses and co-occurring substance-use disorders in jails. Hopefully, your jail wasn't left behind.

Administrators also need to be familiar with their jail's insurance coverage—not only the specifics of the coverage, but also whether the carrier can be helpful in assessing risk and advocating for needed fiscal resources (Martin & Reiss, 2008). Some local governments are self-insurers; some have coverage from State-level organizations, such as sheriff's associations; some use commercial carriers; and others rely on a combination of these options. As the liability exposure for jails has grown, some carriers have become more interested in lowering their risks. As a result, they are assisting their clients in a more proactive management of the risk in their jails.

Although this is still an emerging trend, jail leaders can reach out to their providers to see what assistance they may be able to provide. The jail administrator also needs to be familiar with the reporting requirements of their insurance carrier, as well as the process by which required notifications are made.

Circumstances to consider as you begin to evaluate your jail's risk management are:

- Completing a staffing plan.
- Assessing your physical plant.

## A CULTURE CHANGE MAY OCCUR IN YOUR JAIL WHEN YOUR STAFF NOT ONLY BRING FORWARD A "PROBLEM," BUT ALSO PRESENT AN ACTION PLAN!

- Reviewing contract management, including an assessment of purchasing and contracting.
- Identifying the data the jail now keeps to inform operational decisions.

Each of these building blocks plays a substantial role in how risk management evolves and grows in importance as a core of your jail's operations.

The first step in the change process is creating a sense of urgency (Kotter, 1996). Risk management should be seen as a critical and important duty of the local government and the jail's administration. You may have to paint a picture for your local decision-makers and funders of the level of potential risk in your jail's operations—not as a "scare" tactic, but as the rational basis for development or enhancement of a risk management plan and the needs identified through that process. Engage local and State-level stakeholders and advocates to assist in the educational process.

### Policy and Operational Procedures

A written risk-management plan and the associated operational directives will provide guidance for the staff as they inspect and report on the jail's operations. Not only does the jail leader need to solicit buy-in from local political decision-makers and funders, but he or she also needs it from the jail staff. Involvement in the refinement or development

of inspections should be widely discussed within the organization, as well as inviting critics and supporters to participate in order to assure transparency in the products and outcomes. While identifying dangerous deficiencies is everyone's job, holding trained inspectors accountable is at the heart of the improvements. How inspectors are chosen and trained is important as well.

The operational directives that establish inspections must be very clear about what is acceptable and what is not. Think about your definition of your teenager's "clean" bedroom and their view of "clean." A jail inspector checking a box indicating that something looks good—or doesn't—isn't helpful unless everyone knows the standard by which the observation is made. Some jails use pictures as part of their inspection forms to show what is acceptable.

Setting up the schedule for inspections, as well as incorporating your facility's current requirements for daily or weekly checks, assures that all critical areas are covered. Aligning critical reviews (for example, physical plant assessment and staffing) with the budget process also helps to assure that the jail leader's requests for what is needed are based on objective and verifiable information. Even if the decision is not to fund the request, there is evidence of what was requested and when, including the underlying data and findings.

## Staff Resources and Asking for Help

How to select and train inspectors—whether they will be full-time or not—and how to leverage other resources are the next considerations. One strategy is to work with other local jails in your region. This could be an opportunity to cross-train and use these inspectors to augment your jail's staff. The training resources listed in the Leader's Library provide specific outlines or lesson plans for your jail's training for inspectors.

Being able to articulate the qualifications, training, and supervision of inspectors is essential to the credibility and defensibility of risk management. If outside expertise is needed, devise a way to get it. For example, if you want to assess the quality of the background investigations of new hires, perhaps a human resources professional is locally available to help structure your review. If you want to conduct a physical plant assessment of the jail building and perimeter, asking for help from local building officials may provide a valuable new view of the facility.

If the jail can allocate resources for a risk manager (other than those traditionally associated with worker's compensation and HR functions), this would be ideal. If not feasible, consider options of sharing such a position with other public safety agencies in your jurisdiction.

## Root Cause Analysis and Corrective Actions

The inspection report with its findings is just the beginning of the risk-management process. While

## Leader's Library

### Jail Standards and Inspection Programs: Resource and Implementation Guide

Mark D. Martin

U.S. Department of Justice, National Institute of Corrections (2007, April)

<https://www.prearesourcecenter.org/sites/default/files/library/jailstandardsandinspectionprogramsresourceandimplementationguide.pdf>

### Sheriff's Guide to Effective Jail Operations

Mark D. Martin and Paul Katsampes

U.S. Department of Justice, National Institute of Corrections (2007, January)

<https://s3.amazonaws.com/static.nicic.gov/Library/021925.pdf>

### Managing Risk in Jails

Mark D. Martin and Claire Lee Reiss

U.S. Department of Justice, National Institute of Corrections (2008, April)

<https://www.hsdl.org/?view&did=719589>

### The Security Audit Program: A How-To Guide and Model Instrument for Adaption to Local Standards, Policies, and Procedures

Eva Martony, Larry Reid, Cornell Smith, Cecilia Reynolds, James Upchurch, Carroll Parrish, Ray Hobbs, Joan Palmateer and Annie Harvey

U.S. Department of Justice, National Institute of Corrections

(2013, September)

[http://nicic.gov/downloads/files/16p3203\\_security%20audit%20new%20final%20\(1\).pdf](http://nicic.gov/downloads/files/16p3203_security%20audit%20new%20final%20(1).pdf)

### "Managing Risk in Jails"

Claire Lee Reiss and Mark D. Martin

*Risk Management*, Risk and Insurances Management Society, Inc.

<http://cf.rims.org/Magazine/PrintTemplate.cfm?AID=3855>

### Jail Inspections Basics: An Introductory Self-Study Course for Jail Inspectors

Thomas A. Rosazza

U.S. Department of Justice, National Institute of Corrections (2007, March)

<https://s3.amazonaws.com/static.nicic.gov/Library/022124.pdf>

### Jail Inspection Basics: Supervisors Guide

Thomas A. Rosazza

U.S. Department of Justice, National Institute of Corrections (2007, March)

<https://info.nicic.gov/nicrp/system/files/022123.pdf>

### Risk Management in Jails: How to Reduce the Potential of Negative Outcomes

Ray Sabbatine

American Correctional Association (2003)

<https://www.thefreelibrary.com/risk+management+in+jails%3a+how+to+reduce+the+potential+of+negative...-a0123670504>

### A Guide to Preparing for and Responding to Jail Emergencies

Jeffrey A. Schwartz and Cynthia Barry

U.S. Dept. of Justice, National Institute of Corrections (2009, October)

<https://s3.amazonaws.com/static.nicic.gov/Library/023494.pdf>

assuring important findings are immediately addressed (i.e., fire, life safety issues), determining the root causes of the findings is just as important. For example, inspection findings of broken security equipment force the question of why it keeps occurring. Determining if the finding is just a one-time aberration or a systemic issue through root cause analysis points the agency toward prevention and risk management.

Sifting through the facts to find the actual core problem—rather than identifying the symptoms—is generally the challenge. How the jail wishes to structure this part of the inspection process (outlined in operational practices) should involve more than just those who are the inspectors, using this as a training/teachable moment for emerging leaders.

Root cause analysis is a transparent, collaborative process that occurs after a sentinel event or as a way to address an emerging operational challenge. It is designed to gather data, thoroughly analyze the event (sometimes labeled as determining the “5 Ws”—who, what, when, where, why), determine causation, articulate recommendations (with the ultimate objectives of reducing risk), and prevent future occurrences of adverse events through implementing measurable and time-driven action plans.

An action plan can be the product of an inspection, and the process and format must include at a minimum:

- A precise statement of the matter to be remediated.
- Clear, measurable, and specific actions that will be taken.
- Identification of the product or outcome that will prove the work is accomplished.
- The name of the person(s) assigned to each work objective.
- The due dates for each element.
- How and when the recommendations/outcome will be imple-

mented along with any needed staff training.

- How the impact (positive or negative) of the work will be assessed.

Action plans can also be used for non-emergent issues to address challenges in the jail, such as employee recruitment or retention, influx of inmates on opioids, or increased numbers of uses of force. As such, the term “preventive action plan” may be used to describe these activities. The plan may also include a discussion of the “lessons learned” from this event which, in turn, can be used to improve operations.

As with inspection report formats, action-planning frameworks are readily available from your jail peers, or through an internet search. Most important is a consistent and timely follow-up to action reports resulting from inspections. This means holding people accountable for the work in the time frame decided. Not all action plans proceed as originally envisioned, so mid-course corrections can be considered, as long as there is documentation and completion of the work. A culture change may occur in your jail when your staff not only bring forward a “problem,” but also present an action plan!

### Did It Work?

Consider setting a few benchmarks to assess if expanding or implementing risk management in your jail has positive outcomes. These measures can potentially reduce physical harm to staff and inmates, avoid repairs because of inspection findings, lower numbers of grievances and inmate disciplinary actions, and improve staff training. Whatever benchmarks you choose to set, assure that they are articulately grounded in the inspections process.

### What’s Next?

A well-managed jail is one that engages in self-directed, self-critical, problem-solving and addresses deficiencies before there is harm to staff,

inmates, the physical plant, or the community. This includes responsible fiscal expenditures.

All jail employees are “inspectors.” Collectively, the goals are to reduce risk and assure the mission of the jail is met. Ponder again this definition of risk management: *proactively identifying, analyzing, minimizing, and preventing negative outcomes through a comprehensive plan, and effective management of facilities, people and budgets.* How does your jail measure up? ■

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**Susan W. McCampbell, CJM**, is President of the Center for Innovative Public Policy, Inc., a Florida-based company specializing in public policy consulting since 1999. She is also President of McCampbell and Associates, Inc. In 2018, she was awarded the Frances R. “Dick” Ford Distinguished Service Award by the American Jail Association for her service to the corrections profession. For more information about the core competencies, contact Ms. McCampbell at [susanmccampbell@cipp.org](mailto:susanmccampbell@cipp.org).