



Managing Risk in Jails

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April 2008

NIC Accession Number 022666

This document is supported by cooperative agreement number 06J45GJJ4 from the National Institute of Corrections, U.S. Department of Justice. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official opinion or policies of the U.S. Department of Justice.

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Foreword

Risk affects a jail in the same way that it affects other organizations: by diminishing or enhancing the jail's ability to achieve its mission. The mission of our jail system is to protect the public and maintain a safe environment within the institution consistent with legal requirements and to provide work and other self-improvement activities to reduce the likelihood of recidivism.

If jails fail to manage risk, the entire community will potentially be subject to negative consequences, including inmate escape, injury to inmates and jail staff, damage to jail facilities, litigation and liability costs, and an increased likelihood of repeat offenses.

Effective risk management also can lead to positive consequences. Many modern jails offer programs (e.g., educational programs, vocational programs, and substance abuse programs) that help inmates develop skills and overcome challenges. These changes require calculated risk taking. If jails manage that risk effectively, inmates emerge better able to function in society and less likely to become repeat offenders. Other benefits of effective risk management include the preservation and enhancement of key resources, reduced insurance premiums, and a reduction in staff turnover rates and lost worktime.

This manual will help jails both to understand risk and its implication for jails and to develop a formal, effective risk management program that uses all of the jail's basic resources (i.e., human, financial, property, partners, and reputation). A risk management program offers jail administrators a disciplined approach to assessing risks, implementing strategies to manage the risks, and evaluating the effectiveness of these strategies on an ongoing basis. The process outlined in this manual can be adapted to fit the needs of any jail regardless of its size; activities can be scaled back or expanded based on the organization's size and complexity.

It is our hope that this manual will be useful to a broad array of entities that have a stake in effective jail management, including jail administrators and managers, jail supervisors, line staff, risk managers, jail inspectors, funding authorities, and executive authorities. Effective risk management in jails is in our nation's best interest. Nothing less than the safety and well-being of our citizens—inmates and the public at large—is at stake.

Morris L. Thigpen

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Acknowledgments

Managing Risk in Jails was written under the direction of the National Institute of Corrections (NIC). Special thanks go to Virginia Hutchinson and Jim T. Barbee at NIC and Georgette Walsh, former Writer/Editor at NIC, for their leadership and assistance in developing this document. We also thank Shelley Zavlek, who edited the initial draft, and Irene Cooperman and Janet McNaughton at Lockheed Martin Business Process Solutions, who took the document from draft stage to final publication.

We also express our appreciation to the following individuals who contributed to the development of the document by providing information about existing jail risk management resources and programs and/or by reviewing drafts of the guide:

- Rod Miller, Jail Consultant and Director, Community Resource Services, Inc.
- William Page, Senior Risk Consultant, Michigan Municipal Risk Management Authority.

- Harold Pumford, Executive Director, Association of Governmental Risk Pools.
- Alan Richardson, former NIC Program Specialist with the Jails Division.
- Ray Sabbatine, Jail and Risk Consultant, Sabbatine & Associates.
- David Sasser, General Counsel, Idaho Counties Risk Management Program.

This document draws heavily on the excellent expertise and resources of the Public Entity Risk Institute (PERI). PERI is a nonprofit organization that provides relevant and high-quality enterprise risk management information, training, data, and data analysis to public entities, small businesses, and nonprofit organizations. Readers interested in learning more about public risk management are encouraged to visit PERI's website (www.riskinstitute.org) for more information about the organization and for a listing of its publications and technical resources.

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Introduction

It is difficult to find a public endeavor that poses more risk than operating a jail. When we fail to manage risk in jails, the consequences can be severe: injury, illness, property damage, escapes, and more. Unmanaged risks can lead to significant losses—both monetary (costs arising from litigation defense, judgments, loss of income, overtime, personnel replacement, facility repairs or replacement, boarding, etc.) and nonmonetary (loss of staff productivity, increased external oversight, reduced public safety, and loss of public support and good will).

Because risk is inherent in every activity, it cannot be totally eliminated, but it can be managed. One of the jail administrator's primary roles is to manage the effect of risk on jail operations. Almost every decision an administrator makes—from personnel decisions to inmate housing assignments to the provision of medical and mental health care services—is designed to reduce the risks associated with housing a potentially volatile, high-risk population (Sabbatine, 2002).

Well-run jails typically have many elements in place that contribute to effective risk management, including the following:

- Written policies and procedures.
- Personnel policies.
- Staff training programs.
- Inmate classification process.
- Security and communications systems.
- Provisions for fire safety and emergency response.

- Services to meet inmates' basic needs.
- Provisions for facility maintenance and sanitation.

When a formal risk management program is implemented and maintained in the jail, it improves and builds on jail officials' efforts to manage risk. An effective, formal risk management program provides jail officials a disciplined approach to:

- Continuously assess risks associated with jail operation.
- Determine which risks are most important to manage.
- Implement strategies to control those risks.
- Evaluate the effect of their efforts and make adjustments as needed.

Effective risk management also enables jails to accommodate activities that might have been dismissed as "too risky" (e.g., guest lecturers and performers, community work details, specialized vocational programming). These types of activities could result in positive outcomes (e.g., rehabilitating inmates and helping them improve their lives, possibly reducing the crime rate in the community).

Purpose and Scope of the Manual

This manual provides a framework for understanding and communicating more effectively about risk management issues in jails. It provides a basis for strengthening the jail's risk management processes and increasing its capacity to

achieve its mission. As a tool to improve the jail's risk management efforts, this manual does the following:

- Defines risk.
- Explores the implications of risk in jails.
- Identifies the costs (both direct and indirect) and consequences of failing to manage risk.
- Describes the positive consequences of effectively managing risk.
- Provides a framework for identifying, assessing, and managing risk.
- Describes important risk management strategies.
- Presents communication approaches that engage all staff in the process.
- Analyzes sources of risk and factors that contribute to risk events in jails.
- Presents sample worksheets for identifying, analyzing, and prioritizing risks.
- Identifies risk management organizations and resources available to help jail officials establish risk management programs.

Who Should Use This Manual

Many entities have a stake in effective jail risk management. This manual offers them new insights, strategies, and tools. Stakeholders include:

- Funding authorities.
- Executive authorities.
- Jail administrators and managers.
- Jail supervisors.
- Line staff and all other individuals who work in the jail setting.
- Risk managers.
- Jail inspectors.

How To Use This Manual

This manual can be used in various ways, depending on the stakeholder's interest and responsibilities for managing risk in a jail.

Funding authorities such as county boards and city councils can use the manual to gain a better understanding of the unique risks associated with jail operation and the process for managing those risks. With this information, they can learn more about the most significant risks in their own jails and the actions jail officials are taking to manage those risks. They can then make more informed decisions as to the type and level of support required for the jail to manage its risks effectively.

The jail's senior management team, including the sheriff, jail administrator, and other key management staff, should use this manual as a guide to planning and implementing an effective risk management program. The information needed to develop such a program is outlined in considerable detail in chapter 3. Jail supervisors and other personnel should consider how their day-to-day work contributes to risk management in light of the framework outlined in the manual and then share their ideas with senior management.

Finally, this manual considers risk management in jails from the perspective both of jail officials and of those responsible for inspecting the jail and making recommendations. The terminology and concepts presented here will serve risk managers, jail inspectors, and jail officials as a common framework for discussing risk management issues.

Understanding Risk and Its Implications for Jails

What Is Risk?

Organizations often view risk as being associated with negative consequences, such as the chance that an accident, injury, or other loss will occur. This is especially true for jails, and for good reasons:

- A jail is a residential setting that confines some of society's most threatening individuals.
- Jail populations are diverse and turn over frequently.
- Inmates exhibit a wide range of behavior and degrees of cooperation and have significant personal needs.
- Inmates' rights are closely guarded by a comprehensive body of federal, state, and constitutional law.
- A complex system supports the jail and its operation (including the physical plant, security system, lifeline services, staff, policies and procedures, food service, health care, social services, and opportunities for inmates' self-improvement); all components of this system must work together smoothly and consistently to avoid a breakdown.

From intake through release, jail staff are required to assess and respond to a constantly changing mixture of inmate characteristics and needs. The nature of the jail environment inevitably causes staff and administrators to focus on controlling the risk of adverse outcomes. That is the subject of this manual.

Risk can also be a positive force, even in a jail setting, where the primary focus is on controlling negative risk consequences. One way to understand this is to view risk as *uncertainty* of outcome—the possibility that an outcome will differ from the expected—rather than the possibility of a *bad* outcome. Most successful endeavors involve taking risks with the intention of achieving positive outcomes, but often with an element of uncertainty. The uncertainty comes from the fact that the actual outcome (i.e., the risk consequence) may turn out to be good or bad or may even include both good and bad elements.

In a jail, attempting new endeavors can mean assuming the risk of unexpected unfavorable events. Such events can challenge the resources of the organization that has to respond.

Taking risks in jails, therefore, involves examining the interplay between opportunity, progress, and risk. All organizations, including jails, have opportunities within their mission to make progress, to innovate, or to do something better than it has been done in the past. Failure to take advantage of an opportunity is a loss of progress toward a better future. Maintaining the status quo is not always the best option. Properly managed uncertainty—calculated risk taking—is an inevitable part of any effort to make progress. Progress requires change, and the outcome of change is always uncertain: It can be better or

Risk events are specific incidents that produce risk consequences. Risk affects an organization through risk consequences: the effects a risk event has on an organization and its ability to achieve its mission and goals.

worse than expected, and it can be accompanied by unintended side effects, either good or bad.

The essence of risk management is to identify, manage, and control risk to minimize negative risk consequences and maximize positive ones.

The positive and negative aspects of risk are seldom neatly separated. Most activities that involve risk offer the possibility of both positive and negative risk consequences. One example in a jail setting is the evolution of jail programming. Jails have developed beyond their original mission to serve as places of confinement that were designed to punish offenders and isolate them from society. Many modern jails strive to help inmates emerge better able to function in society and less likely to become repeat offenders. To accomplish this goal, jails offer programming that helps inmates develop skills and overcome challenges. These

changes require calculated risk taking, which involves the following:

- Evaluating the opportunity.
- Analyzing the likely range of positive and negative consequences.
- Identifying ways to maximize the likelihood of positive consequences and control negative ones.
- Deciding whether the possible benefits of the opportunity are sufficient to justify taking the carefully controlled risk.

Changes in the design of traditional jail housing units offer a good illustration of the interplay between the positive and negative sides of risk.

The traditional linear housing design used in older jails, with cells located along a security corridor, isolates the jail officer from the incarcerated population. This design physically contains inmates, but the officer has only intermittent contact with them, often seeing them only during rounds.

Many jails have made the management decision to adopt a more contemporary direct supervision housing model, in which the officer is stationed directly in the housing unit and is in a position to constantly monitor behavior and interact with inmates. These jails adopt direct supervision methods to increase jail safety and security by adding behavior management to physical containment, thereby allowing officers to detect trouble sooner and avoid incidents. The inmates' increased interaction with officers also conveys the jails' high expectations for them and encourages them to address their behavior problems and plan for the future. These are all positive outcomes, but the same changes present a risk of negative consequences. The officers' increased direct contact with inmates could increase the likelihood of an inmate attack on the officer stationed in the unit or an excessive-use-of-force claim.

In reality, risk permeates all jail activities; it neither can nor should be eliminated. Progress requires the vision and imagination to identify better ways to operate and the discipline to plan and implement an approach that will maximize positive consequences and minimize negative ones.

What Are the Benefits of Managing Risk Effectively?

The benefits of risk management are substantial and self-reinforcing. They include:

- Enhanced ability to achieve the jail's mission.
- Preservation and enhancement of key resources.

In the private sector, "business risk" is the foundation of investment return. Whether an investor is buying stock or opening a family-owned restaurant, the future returns are unknown when the investment is made. The investor may lose the entire invested amount or realize gains well beyond expectations. Of course, investors take steps to manage this risk. If they are opening a business, they evaluate the market and prepare a detailed business plan, including financial projections. If they are buying stock, they research the company's history and outlook. Informed investors may choose an investment that poses a significant chance of loss if it offers a higher potential return than a safer investment.

Activities That Can Have Both Positive and Negative Consequences for Jails

- Work release programs and community work details.
- Inmate participation in institutional support services.
- Educational (General Equivalency Diploma, or GED) programs.
- Vocational skills training programs.
- Substance abuse programs.
- Day parole and other temporary release programs.

- Avoidance of litigation and liability costs.
- Reduced insurance premiums.
- Reduction in turnover rates and lost work time and increase in staff productivity.
- Decrease in costs to repair or replace facilities, vehicles, and equipment.
- Avoidance of revenue interruption/extra expense.
- Preservation of goodwill and favorable public perception.

Enhanced Ability to Achieve the Jail's Mission

Risk affects a jail in the same way that it affects other organizations: *by affecting its ability to achieve its mission.* An organization's mission is its purpose for existing, often described in a brief, written mission statement. The mission is usually supported by a series of goals that identify the desired objectives the organization must achieve to fulfill its mission.

A business's mission (or "bottom line") is to generate an expected level of return on investment. A business manages risk to maximize the bottom line, either by reducing losses or enhancing gains. Jails also have a bottom line: successful fulfillment of their public mission. Risk management is

important to jail administrators, who realize they must manage the effects of uncertainty to increase their ability to achieve the stated mission.

The ultimate consequence of failing to manage risk is that the jail will not achieve its mission as well as it would have with a strong risk management program. Consider the following example of a jail mission statement (emphasis added):

...to incarcerate offenders in a manner that **protects the public and institutional safety** consistent with **legal requirements**, and to **provide work and other self-improvement opportunities** to reduce the likelihood of reincarceration.

If the jail fails to achieve this mission, the entire community will potentially be subject to the following negative consequences:

- Inmates may be more likely to escape and harm the public.
- Inmates and jail staff may be injured because of unsafe conditions.
- Inmates and jail staff may be victimized by inmates who have been improperly classified or inadequately controlled.

- Facilities may be damaged by violent offenders.
- The jail may fail to provide a level of inmate care that complies with constitutional, statutory, and regulatory requirements.
- More inmates may become repeat offenders when they are released after prolonged contact with other offenders. (Repeat offending is more likely among inmates who have not had access to effective self-improvement opportunities during incarceration.)

A mission statement describes an organization’s overall purpose, but it does not provide direction on how the organization is to achieve that purpose. Goals are important because they identify the critical elements of an organization’s mission and provide a general statement of expectations. Charles Logan (1993) defined the mission of jails in terms of several simply stated goals or outcomes: “To keep prisoners—1) to keep them in, 2) keep them safe, 3) keep them in line, 4) keep them healthy, and 5) keep them busy—and do it 6) with fairness and no undue suffering, and 7) as efficiently as possible.”

This definition has been incorporated into the seven functional areas delineated in *Performance-Based Standards for Adult Local Detention Facilities*, 4th edition (American Correctional Association, 2004). The American Correctional Association (ACA) believes that all jail activities can be organized under these seven areas. The performance-based standards present a goal statement for each functional area, as follows (American Correctional Association, 2004):

1. **Safety.** Provide a safe work environment for jail staff, volunteers, contractors, and inmates.
2. **Security.** Protect the community, staff, contractors, volunteers, and inmates from harm.

3. **Order.** Maintain an orderly environment with clear expectations of behavior and systems of accountability.
4. **Care.** Provide for the basic needs and personal care of inmates.
5. **Program and activity.** Help inmates successfully return to the community and reduce the negative effects of confinement.
6. **Justice.** Treat inmates fairly and respect their legal rights. Provide services that hold inmates accountable for their actions, and encourage them to make restitution to their victims and the community.
7. **Administration and management.** Administer and manage the facility in a professional and responsible manner, consistent with legal requirements.

Effective risk management is essential to achieving each of these goals. Failure to achieve these goals results in failure in one or more aspects of the jail’s mission. Exhibit 1 illustrates the relationship between risk events, functional areas, and mission (as defined in the mission statement quoted above).

Preservation and Enhancement of Key Resources

Key resources are tangible or intangible assets that are important to the jail’s ability to accomplish its mission and goals and that may be affected by a risk event. For example, the facility, jail staff, jail funding sources, grants, records, and the jail’s motor vehicle fleet are all key resources.

Negative risk consequences inevitably drain key resources the jail needs to achieve its mission. Exhibit 2 shows that risk consequences often produce a self-reinforcing ripple effect. The more negative risk consequences the jail experiences, the fewer resources it has to achieve its

Exhibit 1. Relationship Between Risk Events, Goals, and Mission

Risk Event	ACA* Functional Area	Mission
Prisoner escape	#2 Security #3 Order	Protects the public and institutional safety.
Positive staff-inmate interaction	#3 Order #5 Program and activity #6 Justice #7 Administration and management	Protects the public and institutional safety.
Overcrowding	#1 Safety #2 Security #3 Order #4 Care	Protects the public and institutional safety consistent with legal requirements.
Grant to implement new self-improvement programming	#7 Administration and management	Provides work and other self-improvement opportunities.
Decrease in motor vehicle accidents	#1 Safety	Protects the public and institutional safety.
Decrease in inmate lawsuits	#2 Security #4 Care #6 Justice	Protects the public and institutional safety consistent with legal requirements.
Flooding of jail building and successful evacuation	#1 Safety #4 Care #7 Administration and management	Protects the public and institutional safety consistent with legal requirements.

*American Correctional Association.

mission, and the cycle continues. Positive consequences enhance the jail's resources and its ability to achieve its mission. Thus, effective risk management both preserves and enhances the resources necessary for the jail to achieve its mission.

A jail's key resources generally fall into one of the following categories:

- **Human resources.** Staff, volunteers, inmates, and contract service providers.
- **Financial resources.** Funds received from the sponsoring public entity, governing body, other public bodies or agencies that pay fees to the jail for housing their offenders, grant

Exhibit 2. Effect of Risk Consequences on Resources

fundings, and internal revenue-generating services such as inmate telephones and commissary.

- **Property.** Tangible property such as buildings, equipment, security systems, information technology system, and vehicles.
- **Partners.** Agencies, organizations, vendors, and contractors that provide services and supplies to the jail (e.g., other public agencies such as police and mental health providers; nonprofits that address substance abuse issues; school systems that conduct inmate GED classes; vendors that provide lifeline services such as electricity, water, and telecommunications; and food service and health care vendors).

- **Reputation.** The jail's image and standing in the community. The way in which community members perceive the jail will affect the other resources it receives.

A jail's reliance on its funding sources is a special vulnerability. A jail can supplement the allocation it receives from its funding authority with grants, inmate fees and copayments, boarding fees, and sales of goods produced by a jail industry. Jails also use in-kind support services from other public or private organizations to supplement their human resources.

A jail can lose these financial resources and in-kind support services for many reasons. Following are just a few examples:

Examples of How Risk Management Can Preserve and Enhance a Jail's Key Resources

- **Property.** Planning in advance to secure the resources necessary to continue operations in another location will enable the jail to fulfill its mission if flooding makes the facility uninhabitable. Retrofitting the jail building to be more earthquake resistant will help prevent extensive damage during an earthquake. Installing lighting in the jail parking lot helps reduce vandalism to jail vehicles. Maintaining duplicates of vital records reduces the potential for losing critical information.
- **Human resources.** A jail facility safety program helps prevent accidents and injuries that could result in liability lawsuits, workers' compensation claims, and loss of employee work time.
- **Financial resources.** A defensive driver training program for jail staff helps reduce financial losses associated with motor vehicle accidents, including liability to third parties, damage to jail vehicles, and injury to jail staff and inmates; a systematic recordkeeping process for inmate property helps reduce claims for lost property; and sound budget planning and management practices ensure that the jail can make its case for funding, thereby helping it avoid funding cuts that would reduce its resources.
- **Partners.** Identifying and pursuing opportunities to partner with community organizations that have complementary missions enables the jail to increase its self-improvement programming.
- **Reputation.** Designating and training one or more staff members to serve as spokesperson(s) on behalf of the jail and instructing all staff members to refer press inquiries to the designated spokesperson(s) helps the jail avoid damage to its public image.

- In an economic recession, the funding authority and private funders may have to reduce their allocations even if the jail is doing an outstanding job. Partner organizations that provide personnel and materials for mental health, educational, job training, and substance abuse programs at the jail may have fewer resources to contribute as well.
- If the jail cannot demonstrate to the funding authority or private funder that a jail program produces the desired results, it may lose the funds for that program.
- If the inmate population is inadequately controlled or unreceptive, or if the jail's administration does not have a positive public image, partner organizations may withdraw their participation and support.

Any of these situations can leave the jail without the key resources it needs to accomplish its mission and goals. Effective risk management can help avoid this outcome.

Avoidance of Litigation and Liability Costs

Litigation is probably the most familiar consequence of poor risk management. Litigation includes formal lawsuits filed in court and claims that are settled by agreement before a case comes before the court. Various parties (including employees, inmates, inmates' family members, the general public/visitors, volunteers, or victims of released or escaped inmates) can initiate a lawsuit, the legal grounds for which may be constitutional violations, unfair employment practices, premises liability, negligence, and automobile liability, to name just a few. The plaintiff is the person seeking damages (money) from the defendant. The jail is usually the defendant in these types of cases.

The costs of a lawsuit can be substantial:

- **Defense.** Defendants almost always pay their own expenses for defending litigation, even if the claim is without merit. Those expenses can include legal fees, court costs, investigation costs, court reporter fees, and expert witness fees. If the jail is insured, its insurance company or risk pool usually pays the costs of defense for covered claims. For some claims that allege constitutional violations, the plaintiff may be able to recover attorneys' fees from the jail.
- **Employee lost time.** Jail employees must spend non-mission-related work time on investigating claims and lawsuits, giving depositions, and appearing at trial.
- **Settlements.** A settlement is an agreement between the jail and a plaintiff to settle a claim or lawsuit in return for payment of a specified amount.
- **Judgments/awards.** A judgment or award is the final decision in a lawsuit or administrative proceeding. It is entered by a court of law or an administrative body and orders appropriate relief. If the plaintiff has won the case, the judgment will award damages to the plaintiff and will include an order requiring the defendant to pay the award to the plaintiff. A judgment or a settlement may also require the jail to take remedial actions that can be expensive.
- **Consent decrees.** A consent decree is a judicial decree expressing the agreement between the plaintiff(s) and the jail that the jail will take or refrain from taking certain actions in the future. In the case of an action against a jail based on unconstitutional conditions of confinement, the jail may be required to take specific remedial actions over a period of time, submit reports, and be monitored, all at substantial cost.

A risk management program that helps the jail avoid the incidents that lead to these types of claims will help reduce these costs.

Reduced Insurance Premiums

Jails can transfer some of the negative financial consequences of risk to commercial insurers or to risk pools by paying a premium. Workers' compensation, employer's liability, law enforcement liability, property insurance, automobile insurance, volunteer liability, and professional/errors and omissions liability insurance are all available. However, insurers generally will not continue to insure any organization at a financial loss. If a jurisdiction fails to manage its risk in the jail effectively and incurs many insured losses, its insurance company will either increase its premiums or decline to renew its coverage. Either way, the jurisdiction will be required to pay higher insurance premiums for the jail, which will reduce the jail's available funds to serve its mission. A strong risk management program helps a jail avoid these consequences by helping to keep its claims experience low.

Reduction in Lost Work Time and Increase in Staff Productivity

Any organization's most valuable—and costly—resource is its people. Because most jail staff positions require a variety of specific skills and knowledge of procedures, it is not easy to replace jail staff members. Excessive staff turnover, lost work time, and diversion of staff to non-mission-related work all adversely affect the human resources that are available to meet the jail's mission. Effective risk management helps the jail control these losses.

Excessive staff turnover refers to the jail's replacement of staff members at a rate that is higher than normal. For example, a turnover rate of 30 percent means that the jail replaces a third of its staff every year. Excessive staff turnover can occur for many risk-related reasons, including

staff injuries, dangerous working conditions, pervasive dissatisfaction with the conditions of employment, discrimination, harassment on the job, or poor management.

Jails invest heavily in training each employee to comply with jail procedures and legal requirements. Some results of a high employee turnover are as follows:

- The jail receives a lower return on its investment in terms of productive employee work time.
- The jail's total training costs increase, leaving fewer resources available for other purposes.
- The jail has a less experienced and less productive staff, on average, as compared with jails that are able to retain their employees for longer periods.

A jail also loses the benefit of its experienced staff whenever an employee misses work because of injury or illness. The jail may incur additional cost to temporarily replace the employee if his or her job is essential. Some administrative employees may be able to be away from their jobs for a short period of time without replacement, but employees such as jail officers must either be at their post or be temporarily replaced.

Non-mission-related use of staff time is difficult to measure. Activities that do not directly serve the jail's mission and goals are considered to be non-mission related. For example, if the facility has many work-related injuries, supervisors may spend a great deal of time investigating and documenting injuries and managing the injured employees' workers' compensation benefits and work schedules. Similarly, staff may spend a great deal of time investigating and resolving inmate grievances related to conditions of confinement. These staff members are working, but

the work they are doing is loss control. It does not directly advance the jail's mission and goals.

Decrease in Costs to Repair or Replace Facilities, Vehicles, or Equipment

Damage to or destruction of jail property can result in major financial losses. Although many jails have insurance coverage for their facilities, automobiles, and equipment, insurance rarely covers all of the loss. Recovery from a property insurer may be reduced or limited for many reasons, including the following:

- **Policy deductible.** Most property policies include a deductible, which is a portion of the loss that the insured jail must pay before the insurance will cover a loss. The purpose of the deductible amount is to reduce the costs associated with handling many small claims.
- **Coinsurance penalty.** An insurance policy covering real property may impose a coinsurance penalty, which reduces the amount an insurer will pay for a loss if the owner has not insured a certain percentage of the value of the property. The purpose of coinsurance penalties is to discourage owners from reducing their premium by insuring property for less than its full value.
- **Limits of coverage.** A limit of coverage is the maximum amount the insurer will pay for a loss. Even if the loss exceeds the limits, the property owner recovers no more than the stated limits. Without limits, the insurer would be unable to make accurate projections of its future losses.
- **Policy scope of coverage.** Property insurance policies specifically exclude coverage for certain types of property (for example, outdoor radio or television antennas) or certain causes of loss (for example, flood, war, or nuclear events). These exclusions limit the insurer's exposure for more uncommon

or potentially catastrophic events. Owners can often cover excluded items of property or causes of loss by paying extra premium or buying a specialized policy.

The unexpected need to pay for uninsured repairs to or replacement of property that is important to the jail's mission reduces the jail's available financial resources for mission-related activities and programming. A strong risk management program helps prevent these types of losses.

Avoidance of Revenue Interruption/Extra Expense

An organization may suffer revenue interruption and extra expense losses when an adverse event damages its property and prevents it from operating as usual. For example, a fire might render the jail building wholly or partially uninhabitable, forcing the jail to either reduce or discontinue operations or find another location. Revenue interruption and extra expense are often related to damages to real property, but they can also result from damage to or loss of personal property, such as motor vehicles or specialized equipment that is difficult or expensive to replace quickly.

Revenue interruption losses reduce the organization's net revenue stream. For example, if a jail is paid for housing another jurisdiction's inmates, and the jail becomes uninhabitable because of a fire or other disaster, those boarding fees will no longer be paid. The jail may also lose fees it would have received in conjunction with housing prisoners, such as telephone commissions and copayments for health care services. On the other hand, the jail's expenses are also reduced by the loss of the boarding population. The jail's total revenue interruption loss is its reduction in net revenue from housing and providing services for those inmates minus the cost of providing the housing and services. Revenue loss may affect the jail directly (i.e., if the lost

revenue would normally flow back into the jail's budget) or indirectly (i.e., if the loss means the jurisdiction will reduce its funding to the jail).

Extra expenses are the jail's costs, in excess of its usual operating costs, to continue operating after damage to its facility or essential equipment. Extra expense is potentially a significant cost for jails because they cannot suspend operations, even if the facility is severely damaged. They must find a way to continue operations or to transfer inmates to the custody of another appropriate facility. In the example above, if the jail pays a facility in a neighboring jurisdiction to house its inmates after a disaster, the additional cost to operate in the alternative location is an extra expense.

The jail can also lose revenue or incur extra expenses if adverse events affect the operations of the jail's suppliers or contractors rather than the jail itself. For example, a jail's food service contractor may be unable to bring food to the jail because of a strike against its operations or because of damage to the facility where it prepares the meals. In this case, the jail may incur extra expense when it has to pay more per meal to buy the service from another company on short notice. Similarly, if a jail is unable to house inmates from other jurisdictions because the electrical utility that provides power to operate the jail's security and heating systems becomes disabled, then the jail loses the boarding fees it would have received from the other jurisdictions.

Good risk management, especially contingency planning that will help the jail continue to operate after an adverse event, along with backup planning for essential services provided by outside vendors, helps reduce the likelihood that these losses will occur.

Preservation of Goodwill and Favorable Public Perception

The nature of a jail's business makes it difficult for a jail to cultivate a positive reputation in its community. Negative publicity about risk events makes it even harder, for the following reasons:

- A bad reputation for treatment of inmates will make the jail an easy target for litigation.
- Public perception that the facility has inadequate security may lead to citizen efforts to close the jail or vote out of office the responsible elected officials.
- Grantors may avoid jails that have not demonstrated their ability to use funding productively.
- Potential partner organizations may conclude that it would be a waste of time to work with the jail or may decline to provide services to the jail because of safety concerns.

A strong risk management program will reduce the number of events that result in adverse publicity. The risk management plan should include a sound public relations protocol to control publicity about events that occur at the jail. Chapter 3 contains more information about how a jail can organize a risk management program to realize these benefits.

Chapter 2 explores the close relationship between risk management and the seven functional areas identified in *Performance-Based Standards for Adult Local Detention Facilities*, 4th edition (American Correctional Association, 2004).

Jail Risk Management Issues and Strategies

2

This chapter addresses a number of jail risk management issues and highlights key strategies jail officials can employ to more effectively manage risk in these areas. It is organized in seven sections, each addressing one of the functional areas identified in *Performance-Based Standards for Adult Local Detention Facilities*, 4th edition (American Correctional Association, 2004). Each section states the goal for the functional area and then discusses the risk events and consequences associated with that goal. Some major sources of risk that affect each goal are identified, along with common contributing factors that make risk events more likely and increase their consequences. Possible strategies to address the effects of risk are included at the end of each section.

Some risk events are so serious that they will affect all jail operations. For example, a disaster that destroys the jail facility will affect every aspect of jail operations for a long time. As a practical matter, we cannot discuss all these effects here. The information provided is not intended to be a comprehensive list of all jail risk issues, but rather it is designed to illustrate the linkage between the jail's mission and goals and the risk management process.

Functional Area 1: Safety

Goal: Provide a safe work environment for jail staff, volunteers, contractors, and inmates.

A safe jail provides a secure and healthful physical environment for staff, volunteers, contractors, visitors, and inmates. Operating a safe jail is

fundamental to the jail's mission and directly correlates with the jail's legal duty to protect and duty to provide due care to those in custody and with its duty to provide a safe workplace for its staff.

Risk events:

- Accidents that involve staff, inmates, or others present in the facility.
- Accidents that involve the facility or other jail property, including vehicles.
- Illnesses affecting staff, inmates, or others in the facility because of conditions in the facility.
- Violation of the jail's legal duty to protect and provide due care to inmates.

Consequences of risk events:

- Injury, illness, or death of staff, inmates, and others present in the facility.
- Health care expenses for injured or ill inmates and workers' compensation benefits for injured staff.
- Damage to jail property.
- Loss of valuable employee services because of missed work time and time spent dealing with claims.
- Lawsuits against the jail to compensate visitors for injuries and the resulting expenses for legal defense, payment of adverse judgments and settlements, compliance with consent decrees, and increased insurance premiums.

Definitions

Source of risk: An object, force, or condition that creates the potential for a risk event. A source of risk is not the occurrence of a specific risk event. For example, the potential for a fire, flood, or earthquake (and, from a positive perspective, the availability of grants to support jail programs) are all sources of risk. An actual fire, flood, or grant award is not a source of risk—it is a risk event.

Risk event: A specific incident that produces consequences, either positive or negative. For example, a specific flood, fire, earthquake, or grant award is a risk event.

Risk exposure: The possibility that an organization will be affected by a certain type of risk event based on the organization's characteristics, such as location, activities, assets, or other factors that make it subject to a particular source of risk.

Contributing factor: A condition or circumstance that makes it more likely for a risk event to occur.

Risk consequences: The positive or negative effect a risk event has on an organization and its ability to achieve its mission and goals.

- Expenses for repairs to damaged property and extra operating expenses during repair and recovery.
- Loss of use of damaged or destroyed property.
- Loss of revenue that would have been derived from contractual relationships with other jurisdictions and vendors that provide services to inmates.
- Loss of reputation.

Operating a safe jail may reduce the occurrence of adverse risk events and their associated costs. A risk management focus on safety is a wise investment because it can prevent this potential drain on the jail's resources.

Sources of Risk That Can Affect Jail Safety

Like any work or residential environment, a jail is exposed to a wide range of sources of risk that can endanger staff, inmates, property, or other key jail resources. These sources of risk may be

inherent within the jail setting or they may be created by the activities or behaviors of those who occupy the facility. Some common sources of risk are discussed below.

Chemicals

Jails often use chemicals that may be toxic, caustic, or flammable and store them onsite. These chemicals are contained in common cleaning materials, insecticides, pharmaceuticals, paints, or products used in the operation of equipment. Inappropriate use, handling, or storage of chemicals can cause illness, injury, or property damage. Contributing factors include:

- Improper labeling, storage, and inventory control.
- Poor product selection.
- Inadequate training in proper handling and use.
- Lack of supervision and oversight in the use of such materials.

- Careless behavior in the use of products containing harmful chemicals.
- Failure to follow instructions for the use of these chemicals.
- Noncompliance with Occupational Safety and Health Administration (OSHA) and related workplace safety requirements, such as eyewash stations, hazardous materials training, and use of personal protective equipment.

Fires and Explosions

Fire is a source of risk for all jails, and explosions can occur independently or in association with a fire. Fires can result from many sources, including intentional inmate activity, spontaneous or accidental ignition of flammable materials, defective wiring, or equipment that is not maintained properly or is malfunctioning. Possible sources of ignition in jails include open “friendly” flames (kitchen, laundry, boilers, etc.), cigarette smoking materials, electrical wiring and devices, and mechanical equipment. Conditions or behaviors that combine these sources with the other critical ingredients required for fires or explosion, or that hinder appropriate responses, are contributing factors that can cause adverse fire events. Contributing factors include:

- Inmate access to sources of ignition.
- Nonresponsiveness to inmate grievances.
- Insufficient preventive maintenance of jail equipment.
- Poor housekeeping (e.g., lint traps, range hoods, etc.).
- Improper storage of combustible materials.
- Combustible materials allowed or stored in the facility (types and amounts).
- Furnishings and materials in the jail that are not fire resistant.

- Inappropriate use of extension cords.
- Inadequate emergency response plans.
- Insufficient training in fire evacuation and response.
- Antiquated manual locking systems (making evacuation difficult).
- Lack of properly positioned and accessible emergency exits.
- Inadequate fire detection and suppression systems.
- Noncompliance with fire codes.

Biological Hazards

Biological hazards include bloodborne and air-borne viruses, bacteria, and other microorganisms that can be introduced into the jail by an infected person, vermin, or insects or by contamination of the jail’s air, food, or water, either accidentally or through an intentional, malicious act. Although bioterrorism cannot be ignored, a greater source of risk is the natural transmission of a disease. Inmates come to jail with a range of medical conditions that may include communicable diseases that can be passed from one person to another. Facility conditions and close quarters of confinement provide a fertile breeding ground for biological hazards that can spread quickly through the inmate population if proper measures are not in place. A severe pandemic influenza strain, for example, would be a substantial source of risk for jails. Contributing factors include:

- Poor sanitation and hygiene both in the facility and among inmates and staff (e.g., unsanitary conditions, presence of vermin and pests, failure to wash hands).
- Contaminated food or water supply.
- Insufficient protocol for the control of infectious and communicable diseases.
- Lack of facilities for medical segregation.

- Insufficient training in the use of universal precautions.
- Inadequate intake assessment procedures.
- Noncompliance with health and sanitation codes.
- Uncontrolled access to the jail's water, air, or food supply by those who are not employed at the jail.

Natural Hazards

Like the rest of the community, jails can be affected by natural hazards such as hurricanes, tornadoes, blizzards, floods, earthquakes, wildfires, or other types of inclement weather. Much of a jail's exposure to natural hazards is determined by the jail's geographic location and the area's climate. A risk event involving a natural hazard can affect the jail in various ways, including a loss of lifeline support (power, heat, etc.), disruption of supply deliveries, disruption of communications, inability of relief staff to reach the jail, injury to or death of staff and inmates, and partial or total loss of the facility. Contributing factors include:

- Location of the facility (e.g., in a high-risk area such as a floodplain, landslide/mudslide area, along a coastline).
- Facility construction methods that do not take natural hazards into account.
- Inadequate emergency response plans, including evacuation plans.
- Insufficient emergency response training and drills.
- Inadequate emergency power and communications supplies and equipment.
- Poor preventive maintenance of emergency power equipment.
- Lack of planning for post-event continuity of operations, including alternative locations and sources of essential supplies.

General Facility Conditions

This category includes ambient conditions such as temperature, humidity, lighting, noise, ventilation, sanitation practices, living space, and other characteristics, along with the general condition of the building and its furnishings and equipment. These are quality-of-life issues that affect the health and well-being of both inmates and staff. Poor conditions not only increase the potential for staff and inmate illness or injury but may also increase the level of tension and violence in the facility. Facility conditions are often the focus of conditions-of-confinement litigation against jails. Contributing factors include:

- Unsanitary conditions due to inadequate procedures or staff/inmate conduct.
- Poor facility conditions (e.g., wornout or broken furnishings, malfunctioning equipment, holes, cracks, slippery floors, sharp objects, unstable surfaces, clutter).
- Inattention to preventive maintenance and repairs (e.g., neglect of facility equipment and systems).
- Crowding.
- Noncompliance with building codes and related physical plant standards.

Vehicle Use

Facility vehicles are used to transport inmates outside the facility and to support other facility operations. The use, dependence on, and security of these vehicles are all sources of risk for the jail. Vehicles must be maintained and operated in a manner that prevents harm to the community, staff, inmates, and others. Injury, death, property damage, and financial losses can occur from risk events involving the use of vehicles. Contributing factors include:

- Use of vehicles for a purpose for which they are not appropriate or are not properly equipped.

- Poor condition of vehicles.
- Level of use of vehicles (how often they are used and length of trips).
- Driving conditions.
- Driver skill and behaviors.
- Nonexistent or inadequate procedures regarding the use of vehicles.
- Insufficient training in the use of vehicles.
- Inadequate security for vehicles and vehicle keys when not in use.
- Inadequate system for documenting use and drivers of vehicles.

Risk Control Strategies

Some potential strategies for controlling safety risks in the jail are listed below.

- Keep the facility clean, free of vermin, and in good repair.
 - Implement a pest and vermin control plan.
 - Implement a housekeeping and sanitation plan.
 - Make repairs promptly when needed and replace wornout items.
 - Implement a facilitywide preventive maintenance plan.
 - Assess and address issues regarding crowding and conditions of confinement.
- Manage the use of hazardous materials. Develop a plan to inventory and provide for the controlled and safe use of flammable, toxic, and caustic materials.
- Develop emergency response plans.
 - Coordinate plans with emergency service providers.
 - Conduct regular drills.
- Provide training.

- Develop and provide all affected staff members with safety training related to the contributing factors identified above.
- Maintain records to document that training has taken place.
- Provide periodic refresher training.
- Develop policies and procedures governing vehicle use.
 - Train staff in procedures for the use of vehicles.
 - Implement a vehicle maintenance plan.
- Inspect. Conduct comprehensive and thorough fire, safety, and sanitation inspections on a regular basis.
- Comply with safety standards.
 - Comply with applicable building, fire, safety, and sanitation codes and regulations.
 - Understand and comply with OSHA regulations, even if this is not required by law.

Functional Area 2: Security

Goal: Protect the community, staff, contractors, volunteers, and inmates from harm.

Another fundamental goal of the jail's mission is security. In secure jails, risk exposures that compromise security are identified and steps are taken to prevent adverse risk events, where possible, and to minimize the likelihood and consequences of events that cannot be prevented.

Risk events:

- Inmate escapes from the jail or during transport.
- Inmate attacks on one another, staff, or others in the facility.
- Inmate suicide.
- Vandalism.

- Outside attacks on the jail building (e.g., by gangs or inmate accomplices).
- Contraband (e.g., weapons or drugs) introduced into the jail population.

Consequences of risk events:

- Physical injury, death, or emotional trauma to staff, inmates, or others in the facility.
- Health care expenses for injured inmates and workers' compensation benefits for injured staff.
- Damage of, and inability to use, the jail's property.
- Property repair and recovery expenses.
- Lawsuits against the jail and the resulting expenses for legal defense, payment of adverse judgment and settlements, compliance with consent decrees, and increased insurance premiums.
- Loss of revenue and resulting extra expense.
- Loss of partners (service providers) who are willing to work with the jail.
- Damage to the jail's reputation in the community.

Security in jails is established through a combination of appropriate staffing, adequate facilities, and well-defined operational procedures. Jail security is not a "one-size-fits-all" proposition. Effective security requires a good match between the jail's security measures and the custody level and characteristics of the inmate population. The likelihood of security-related risk events increases when a jail's staffing, facility conditions, and operational procedures are inadequate for the characteristics of its particular inmate population.

Sources of Risk That Can Affect Jail Security

Common sources of risk that affect jail security include the physical plant, inmate behaviors and

characteristics, and staffing levels and staff behaviors. These are discussed below.

Physical Plant and Its Security Capabilities

The design, construction, and maintenance of the jail's physical plant are all sources of risk that affect its ability to provide adequate security. A secure facility has an effective security envelope that separates the secure area of the jail from the outside. In a secure facility, all components of the security envelope, including the walls, floors, ceilings, windows, doors, and locks, are constructed of materials that cannot be easily breached. These components are regularly inspected and maintained to prevent escapes, intrusions, or introduction of contraband.

Another factor in jail security is the ability to separately house and manage the various classifications of inmates. The design and layout of the facility, including the location of staff posts, affect how well various classifications of inmates can be separately housed, monitored, and managed. Security is also affected by design features such as lighting, visibility, and the design and condition of the facility's electronic security systems. In addition, well-planned organization of spaces reduces the need to move inmates outside their living areas to receive services and participate in programs. Contributing factors include:

- Obsolete or poor overall organization and layout of the facility.
- Obsolete or poorly functioning security system.
- Poor condition and inadequate maintenance of the building, security equipment, monitoring systems, locking devices, and communications equipment.
- Weaknesses in the security envelope.
- Limited availability of housing units to separately house various classifications of inmates.

- Jail officer posts that are not in close proximity to areas occupied by inmates.
- Availability and reliability of emergency power to maintain vital systems.

Inmate Behaviors and Characteristics

The behaviors and characteristics of inmates are primary sources of risk for jail security. Inmates are sources of risk both because their potential for disruptive and aggressive behavior poses a danger to other inmates, staff, and others in the facility and because they are vulnerable to victimization by other inmates and staff.

A key to managing this risk is the jail's inmate classification system. A secure jail must have a means to identify and appropriately respond to the risks that each inmate presents. Risk information should be collected and assessed at the following key points when decisions are made regarding the supervision and management of each inmate:

- During acceptance of custody.
- During the booking process.
- Prior to the first housing assignment.
- Prior to a long-term housing decision.
- Prior to program placement.
- Periodically during incarceration.

Information about risk should be collected to evaluate each inmate's mental and emotional stability, history of violence, history of escape, medical status, potential for victimization, and potential to commit suicide. Inmates identified as high risk or as having special needs can then be housed and managed in ways that will reduce the likelihood of an adverse risk event such as an escape attempt, assault, or suicide.

All inmates, regardless of risk and need, should be informed of the jail's rules and behavioral expectations and should have the means and opportunity to comply with them. An orientation

to facility rules, procedures, and routines, coupled with effective use of incentives and sanctions to hold inmates accountable and reward positive behaviors, can reduce the types of inmate behavior that threaten jail security. Contributing factors include:

- Inadequate risk assessment process.
- Use of risk assessment instruments that are incomplete or have not been validated.
- Failure to share information about inmates' classification with custody staff.
- Inappropriate housing assignments (placement of inmates who are potential predators with those likely to be prey).
- Ineffective inmate orientation (failure to clearly convey rules and expectations).
- Ineffective or limited staff interaction with inmates.
- Inadequate access to basic services (e.g., medical or mental health).
- Crowding (e.g., compromises in classification).
- Inadequate supervision of inmates (e.g., intensity of supervision not commensurate with risk).

Staffing Levels and Staff Behaviors

Adequate staffing is essential to jail security. Although the building itself can help contain inmate behavior physically, active staff supervision is needed to manage that behavior effectively. Adequate staffing has been defined as having the "right number of people, in the right place, at the right time, doing the right thing" (Krauth, 1988). A suitable number of staff must be available to provide coverage for essential posts and positions and to perform ancillary functions. Staff must be positioned in the facility in such a way that they can provide active, continuous supervision of inmates and respond promptly to emergency situations. They must be deployed

appropriately to meet the coverage requirements and workload of each shift. Staff themselves must also be given proper direction through comprehensive written policies and procedures and active supervision. Staffing is a source of risk for the jail because a breakdown in any of these areas increases the likelihood of a risk event.

Staff attitudes and behavior also contribute to this source of risk. Staff must receive appropriate direction, training, and supervision regarding critical security issues such as the use of force, use of restraints, searches, control of contraband, and management of inmate behavior. If staff see themselves as “guards” or “enforcers” rather than as supervisors, they are more likely to use physical containment to control inmates than to actively manage inmate behavior. They are also more likely to use physical intervention and to be more reactive in dealing with problems in the jail. These approaches all increase the likelihood of a risk event related to staff conduct. Contributing factors include:

- Staffing levels (deficiencies in number, deployment, and placement).
- Staff attitudes and perceptions.
- Staff work performance (e.g., lack of attention, negligence).
- Inadequate supervision of staff.
- Insufficient training of staff.
- Lack of clear, comprehensive written policies and directives.
- Inadequate security practices and protocols.
- Lack of discipline or inconsistent discipline.

Risk Control Strategies

Some potential strategies for controlling security risks include the following:

- Secure the facility.
 - Establish and maintain a secure perimeter around areas occupied by inmates.
 - Develop a plan for controlling access to and use of keys, tools, and utensils.
 - Provide and maintain appropriate security equipment and resources (e.g., locking systems, monitoring devices, detection equipment).
 - Assess and address deficiencies in facility security.
- Maintain appropriate staffing (levels, deployment, and placement).
 - Conduct a staffing analysis and review it annually.
 - Train staff—particularly in how to supervise inmates effectively and maintain facility security—and manage staff behavior.
 - Establish use-of-force and use-of-restraint policies and procedures.
 - Actively supervise staff and enforce jail policies and procedures.
 - Acknowledge and reinforce positive staff performance.
 - Implement accountability and discipline guidelines for supervisors.
- Provide effective inmate supervision and behavior management.
 - Implement a behavior-based classification system.
 - Provide thorough orientation for inmates when they are admitted to the facility.
 - Develop a housing plan that separates inmates appropriately by classification.
 - Implement a comprehensive plan for inmate behavior management.

- Implement a contraband control plan.
- Align inmate search policies and procedures with current legal requirements.
- Inspect. Conduct regular security audits and inspections.

Functional Area 3: Order

Goal: Maintain an orderly environment with clear expectations of behavior and systems of accountability.

Maintaining an orderly environment is a goal that is closely allied with safety and security. When a facility follows an established inmate behavior management plan, order is maintained and staff retain control of the jail environment. An orderly environment is one in which there are clear expectations for inmate behavior along with systems of accountability to regulate inmate conduct and compliance with rules and regulations. The jail's disciplinary process, as part of the jail's inmate behavior management plan, is the primary means by which rules are enforced and order is maintained.

Risk events:

- Inmate attacks on one another, staff, or others in the facility.
- General inmate misbehavior and violation of rules.
- Inmate intimidation and coercion of one another.

Consequences of risk events:

- Physical injury, death, or emotional trauma to staff, inmates, or others in the facility.
- Health care expenses for injured inmates and workers' compensation benefits for injured staff.
- Damage of and inability to use the jail's property.

- Property repair and recovery expenses.
- Lawsuits against the jail and the resulting expenses for legal defense, payment of adverse judgments and settlements, compliance with consent decrees, and increased insurance premiums.
- Loss of revenue and resulting extra expense.
- Poor staff morale, increased staff absenteeism and turnover, and increased use of force by staff.
- Loss of partners (service providers) who are willing to work with the jail.
- Damage to the jail's reputation in the community.

Maintaining order requires appropriate actions by jail staff as well as inmates. Staff members who do not follow the established disciplinary process for controlling inmate behavior may harm inmates or violate inmates' constitutionally protected rights (e.g., the right to be free from cruel and unusual punishment). In addition to the financial costs of resulting litigation, inappropriate inmate discipline also may increase the negative effects of confinement on future inmate behavior.

Sources of Risk That Can Affect Order in a Jail

Order in jails is established through a well-defined disciplinary process that includes written rules of conduct, penalties, and procedures for administration of discipline. Inmates learn about the jail's expectations during orientation, and the disciplinary process is used to enforce those expectations in a fair and consistent manner. These systems are a source of both negative and positive risk for the jail. The likelihood and severity of adverse risk events increase when an appropriate disciplinary process is not established or when established procedures are not followed and enforced consistently and fairly.

A jail that successfully maintains order within an appropriate disciplinary system not only controls risk more effectively, but can also devote more attention to self-improvement programming for inmates. Contributing factors include:

- An inadequate disciplinary process for inmates (i.e., failure to maintain written rules, sanctions, and procedures that comply with legal requirements).
- Inadequate staff training in the disciplinary process and the legal constraints on staff behavior.
- Failure to adequately convey behavioral expectations to inmates (e.g., failure to provide an inmate handbook or an orientation to the jail).
- Inadequate enforcement of behavior rules for inmates (e.g., failure to enforce, inconsistent enforcement, or arbitrary or excessive enforcement of rules).
- Failure to afford basic due process rights in disciplinary proceedings.

Risk Control Strategies

Some potential strategies for controlling risks related to maintaining order are listed below.

- Develop rules of conduct and behavioral expectations for inmates.
 - Communicate rules, procedures, and expectations to inmates.
 - Develop disciplinary procedures for inmate rule violations.
- Actively manage inmate behavior. Develop and implement a comprehensive inmate behavior management plan.
- Actively manage staff behavior.
 - Train staff members about their role in inmate behavior management and discipline, clearly convey the jail's

expectations for staff conduct, and provide periodic refresher training.

- Develop and enforce performance expectations and a disciplinary process for staff members who do not follow the jail's rules for disciplining inmates.

Functional Area 4: Care

Goal: Provide for the basic needs and personal care of inmates.

Jails must provide for inmates' basic needs and personal care to maintain their health and well-being. This includes providing the essentials of daily living, such as nutritionally balanced meals, clean clothing and linens, and personal hygiene, along with providing access to adequate medical and mental health care. These services help the jail fulfill its legal duty to provide due care to inmates and also reduce the likelihood that inmates will try to meet their needs through inappropriate means.

Risk events:

- Serving meals that do not meet inmates' needs for a nutritious and balanced diet.
- Refusing to provide food that meets an inmate's legitimate health or religious needs.
- Serving contaminated or spoiled food.
- Failure to provide adequate facilities, supplies, or opportunities for hygiene.
- Medical or mental health care that is inadequate or not appropriate to the inmate's needs.

Consequences of risk events:

- Food-related illnesses.
- Hygiene-related health conditions.
- The spread of communicable diseases within the jail.
- Increased costs for inmate health care.

- Death.
- Regulatory intervention and lawsuits against the jail and resulting expenses for legal defense, payment of adverse judgments and settlements, compliance with consent decrees, and increased insurance premiums.
- Loss of partners (service providers) who are willing to work with the jail.
- Damage to the jail's reputation in the community.

Sources of Risk That Can Affect the Jail's Ability To Provide for Inmate Needs

Jail programs for meeting basic inmate needs are sources of risk because failing to provide services, or providing substandard services, increases the likelihood of an adverse risk event. Common sources of risk relating to inmate care are described below.

Food Service

The risk in food service is primarily from food preparation and handling. The likelihood of a food-related illness is significantly greater when food is not prepared properly or is not served under sanitary conditions. To a lesser extent, portion sizes and the nutritional balance of the inmates' diet can pose an adverse risk to inmates' overall health and well-being. Failure to provide prescribed therapeutic diets may have adverse health consequences for specific inmates and may make the jail vulnerable to litigation.

Contributing factors include:

- Poor sanitation in food service facilities.
- Improper food preparation practices.
- Food service staff who are not qualified to perform their job.
- Insufficient training of food service staff in food preparation and sanitation practices.
- Health status of food service staff, including inmate workers.

- Improper storage and cooking of food.
- Contamination or spoilage of food before it reaches the jail.
- Inadequate menu plan and diet, including failure to provide for special needs.
- Noncompliance with food service, health, and safety codes.
- Improper screening of contracted food service suppliers.

Hygiene

Hygiene refers to conditions related to cleanliness and practices that promote good health and help prevent disease. Poor hygiene contributes to illness and other health problems, especially in a closely confined inmate population. Hygienic practices depend on inmates' personal habits (such as hand washing) and the availability of appropriate facilities (showers, toilets, hot and cold running water, laundry, etc.), supplies (soap, toiletries, and cleaning supplies), and clean clothing and linens. Contributing factors include:

- Inadequate planning to provide appropriate types and quantities of personal hygiene and cleaning supplies.
- Inadequate personal hygiene facilities.
- Inadequate laundry facilities.
- Failure of staff to enforce personal hygiene standards because of inattention or lack of knowledge.
- Poor sanitation in hygiene facilities (showers, toilets, lavatories, etc.).
- Noncompliance with building codes and regulatory requirements for jail hygiene facilities.

Health Care

The health care needs of the inmate population are a major source of risk for the jail. Inmates come to the facility with a wide range of medical

and mental health conditions. Some have illnesses or injuries that require immediate attention and some may have chronic conditions that require ongoing care. Others arrive depressed, mentally ill, intoxicated, with disabilities, and/or with serious communicable diseases. Inmates may also fall ill or be injured after they arrive at the jail. These conditions must be identified and treated as soon as possible, both for the well-being of the affected individual and to prevent the spread of communicable disease throughout the facility.

Jails are mandated to provide adequate health care for inmates, whatever the source of their conditions. Jails must have services and protocols in place to identify inmates' health care needs, provide access to necessary health care, and manage the delivery of health care services. Inadequate response to inmates' health care needs increases the likelihood and severity of adverse risk events such as inmate lawsuits and unfavorable publicity. Contributing factors include:

- Inadequate health screening and assessment instruments and procedures.
- Insufficient training of staff who perform health screening and assessment during the intake process.
- Lack of access to qualified professional health care staff to oversee and deliver health care services.
- Inadequate identification of the need for suicide prevention and intervention services.
- Inadequate resources to manage alcohol/drug withdrawal and detoxification.
- Inadequate protocols for the control of communicable and infectious diseases.
- Gaps in the availability of and access to a continuum of health care services (medical, dental, mental health).
- Inadequate emergency services.

- Improper management of pharmaceuticals.
- Inadequate services for inmates who have special needs (e.g., those who are chronically ill, physically or mentally disabled, seriously mentally ill, geriatric, or developmentally disabled).
- Lack of ability to safely isolate inmates who have communicable illnesses.

Risk Control Strategies

Some potential strategies for controlling health care risks are listed below.

- Maintain adequate food service operations.
 - Assess and address deficiencies in facilities used to prepare food.
 - Employ qualified food services staff.
 - Provide training in food preparation and sanitation practices as needed.
 - Implement a comprehensive food services sanitation plan.
 - Provide an adequate nutritional diet.
 - Provide therapeutic diets as needed.
 - Comply with applicable food service and sanitation codes.
- Provide for the basic health care needs of inmates.
 - Conduct comprehensive health screening and assessment of detainees at intake.
 - Develop and implement a health services plan that provides for continuity of care from admission through discharge, including referral to community providers outside the jail as needed.
 - Include provisions for emergency care, chronic care, dental care, mental health care, and management of chemical dependencies in the jail's health care plan.

- Include provisions for health care services for inmates who have special needs (e.g., those who are chronically ill, physically or mentally disabled, seriously mentally ill, geriatric, or developmentally disabled).
- Employ qualified health care staff.
- Designate a health care authority to oversee health services and establish agreements with community health care providers for services as needed.
- Establish a program to control communicable diseases and infections.
- Provide a mechanism for internal review and quality control of health care services.
- Provide the facilities, resources, and supplies inmates need to maintain acceptable levels of personal hygiene.

Functional Area 5: Program and Activity

Goal: Help inmates successfully return to the community and reduce the negative effects of confinement.

Many jurisdictions believe their jail should keep inmates productively occupied while in custody and also assist in their successful return to the community. This goal is accomplished by providing opportunities for self-improvement, helping inmates maintain family and community ties while in custody, and offering a range of programs and activities to reduce the negative effects of confinement. Unlike many jail activities, these programs and activities are designed to produce positive results, not just control negative behavior. If they are implemented, they will be a source of both positive risk consequences (beneficial outcomes) and negative risk consequences (adverse outcomes and accidents). If they are not implemented, the related risk of adverse outcomes and accidents will be avoided, but the jail will miss out on the beneficial outcomes that programming is designed to produce.

Negative risk events:

- Decision not to offer programming.
- Partnerships not established with community organizations.

Positive risk events:

- Decision to offer programming.
- Establishment of partnerships with community organizations.

Negative consequences of risk events:

- Inmate resistance to participation in programming.
- Inmate exploitation of programming as an opportunity for violence, vandalism, and misbehavior.
- No change in levels of violence, vandalism, and recidivism, despite the jail's investment in programming.
- Accidents or incidents during programming that result in injury to inmates, staff, or program providers.
- Expenses for medical care for injured inmates and workers' compensation benefits for injured staff.
- Lawsuits against the jail and the resulting expenses for legal defense, payment of adverse judgments and settlements, compliance with consent decrees, and increased insurance premiums.
- Damage to the jail's reputation in the community.
- Loss of partners (volunteers and program providers) willing to work with the jail.

Positive consequences of risk events:

- Inmate participation in programming.
- Reduced rates of inmate violence, vandalism, and misbehavior.

- Reduction in recidivism because inmates are better prepared to live and work as contributing members of society when they leave the jail.
- Safer community due to reduced recidivism.
- Enhancement of the jail's reputation in the community.
- Increased interest in partnering with the jail among community organizations.
- Increased access to program funding.
- Improvement in staff morale, job satisfaction, and performance.

Sources of Risk That Can Affect Programs and Activities

Some common sources of risk are discussed below.

Self-Improvement Programs

Self-improvement programs include education and personal development programs, counseling, and social services. Sources of negative risk include the inmate participants, service providers, facilities used for programs, program eligibility criteria, level of supervision provided, and other factors. The jail receives significant benefits from providing self-improvement opportunities and may experience negative reactions if these opportunities are not available; however, programs must be properly managed and supervised to control associated negative risk. Contributing factors include:

- Inadequate screening of inmates to assess risk and need.
- Inequitable treatment (e.g., discriminatory practices that exclude certain categories of eligible inmates, such as females or disabled inmates, from participation in the program).
- Insufficient supervision of participating inmates.

- Inadequate screening of volunteers and other outside program providers.
- Inadequate training of volunteers and other outside program providers.
- Lack of qualified program providers for programs that require specific skills or credentials.
- Physical spaces in the jail that are not secure or not suited for hosting program activities.
- Lack of adequate equipment, furnishings, and resource materials for program activities.

Inmate Contact With Family and the Community

Inmates have the right to maintain contact with people outside the jail, and the jail must give them the opportunity to do so. The jail does this by providing for visitation, mail and telephone services, and provisions for release back into the community. These opportunities for outside contact involve some risk. Without proper controls, visitors and other types of contact can give inmates access to material objects or information that could threaten the safety and security of the jail. Adverse events may occur when inmates are inappropriately released into the community or released without adequate preparation.

Maintaining contact with individuals who were involved in the criminal behavior that resulted in incarceration likely increases an inmate's chances for recidivism after release. However, it is important to note that not all risk is negative. Increased opportunities for contact with positive influences keep inmates engaged with families and the community and enhance the potential for successful reentry upon release. Contributing factors include:

- Inadequate facilities for visitation in the jail.
- Insufficient supervision of inmates during visiting hours.

- Inadequate or unclear rules governing visitor conduct and responsibilities.
- Inadequate contraband screening of mail or other items that visitors bring into the facility.
- Failure to sufficiently provide for confidential contact with legal representatives and other specified professionals (e.g. bondsman, probation and parole officers, clergy).
- Failure to provide indigent inmates with the means to maintain communication with individuals outside the jail.
- Inadequate prerelease planning.
- Inadequate pretrial release screening and/or supervision.
- Lack of adequate policies and procedures governing inmate communications and release.

Work, Exercise, and Leisure Time Activities

Jails provide a range of activities to keep inmates productively occupied and to reduce the negative effects of confinement. Providing inmates the opportunity for productive work, exercise, and participation in religious or leisure time activities reduces operational problems such as assaults, property damage, and lawsuits. The primary source of risk in these activities is from inmate behaviors, the types of activities permitted, the facilities and equipment used for these activities, and the level of supervision provided. Contributing factors include:

- Inadequate indoor and outdoor exercise facilities.
- Insufficient supervision of inmates during activities, particularly outside housing units.
- Failure to provide clothing, footwear, or protective gear that is appropriate for the type of activity.
- Inadequate screening and selection procedures for inmates who participate in work programs.

- Inadequate screening and training of volunteers or other nonagency workers involved with inmate programs.
- Lack of adequate policies and procedures governing inmate programs and activities.

Risk Control Strategies

Some potential strategies for controlling risks in inmate programs and activities are listed below.

- Actively supervise inmate programs and activities.
 - Develop policies and procedures governing inmate programs and activities.
 - Provide adequate staffing to supervise programs.
 - Use intake screening information and other validated screening tools to match inmates with appropriate programs and services.
- Enhance program availability to achieve positive outcomes.
 - Use community resources where possible and appropriate.
 - Develop a volunteer program.
 - Develop a jail industries program.
 - Establish facility and community work details.
- Provide appropriate facilities and equipment for programs. Assess and address deficiencies in the physical spaces used for programs and services.

Functional Area 6: Justice

Goal: Treat inmates fairly and respect their legal rights. Provide services that hold inmates accountable for their actions and encourage them to make restitution to their victims and the community.

Fair treatment is afforded in jails through the availability of viable grievance and inmate disciplinary

measures that provide appropriate levels of due process. Inmates' rights are respected through policies and practices that provide them reasonable access to the courts and to internal grievance processes, protection from discrimination and abuse, and opportunities to communicate with officials outside the jail. Providing inmates with opportunities to make restitution and satisfy court obligations are ways in which jails encourage them to make amends for their actions and successfully reintegrate into the community.

Risk events:

- Treating inmates unjustly.
- Blocking or restricting inmates' access to attorneys or courts.
- Failing to provide inmates a fair process for resolving internal grievances.
- Preventing inmates from satisfying court requirements, including restitution.

Consequences of risk events:

- Lawsuits against the jail and the resulting expenses for legal defense, payment of adverse judgments and settlements, compliance with consent decrees, and increased insurance premiums.
- Fires started by inmates seeking attention for unresolved grievances.
- Lawsuits alleging violation of due process and related legal protections and the resulting expenses for legal defense, payment of adverse judgments and settlements, compliance with consent decrees, and increased insurance premiums.
- Increased recidivism by inmates who have become more alienated from societal values.
- Increased vandalism and violence toward staff because of perceived unjust behavior.
- Increased danger to society from inmates who cannot successfully reintegrate into the

community upon release because they have not been able to satisfy court requirements for restitution.

- Diminished reputation that compromises the jail's ability to partner with other organizations.

Sources of Risk That Can Affect the Perception of Fairness and Justice in the Jail

The primary sources of risk related to the goal of justice are the legal system and the jail's policies, procedures, and practices in dealing with inmates. The legal system establishes inmates' rights and responsibilities, and the jail's policies, procedures, and practices must comply with legal mandates. In addition, it is important for jail staff to deal with inmates in a fair and impartial manner. Jails tend to experience more operational problems and litigation if their practices lack fundamental fairness and if they do not strike an appropriate balance between their obligation to maintain safety, security, and order and their obligation to protect the rights of inmates. Contributing factors include:

- Failure to maintain a viable grievance process.
- Failure to afford appropriate levels of due process in disciplinary matters.
- Conditions that subject inmates to personal abuse (e.g., corporal punishment, harassment, personal injury, loss of property).
- Overly restrictive policies that limit inmate communications and access to the courts.
- Discrimination in administrative decisions on the basis of race, religion, national origin, gender, sexual orientation, or disability.
- Lack of parity between male and female inmates in access to services and programs.
- Lack of opportunities for inmates to make restitution or satisfy court obligations.

Risk Control Strategies

Some potential strategies for controlling risk related to justice are listed below.

- Establish a legitimate grievance process (one that inmates will not perceive as a pretense). Work with local bar associations to increase inmates' access to the courts and legal support.
- Establish and strictly follow a written process for handling rule violations and administering discipline. Include information about the process during inmate orientation and in the inmate handbook.
- Assess and address equity and parity issues as they relate to inmates' access to services and programs. Provide inmates with the resources they need to make restitution or satisfy other court requirements.
- Train staff to treat inmates fairly and in a nondiscriminatory manner and to follow the jail's justice-related policies and procedures.

Functional Area 7: Administration and Management

Goal: Administer and manage the facility in a professional and responsible manner consistent with legal requirements.

This goal is inherent in the jail's mission. Fundamental elements of effective jail administration include maintaining a competent, experienced, well-trained, and ethical workforce; having a clearly defined organizational structure and leadership; developing and following comprehensive and current written policies and procedures; implementing sound administrative and fiscal practices; and nurturing positive relationships with the community.

Risk events:

- Violation of legal requirements relating to employment practices (discrimination, wrongful termination, sexual harassment, etc.).
- Hiring or retaining staff members, volunteers, or contractors who are not qualified or not able to perform their essential job functions or who have criminal records that should preclude their employment in a jail.
- Failure to train staff, volunteers, or contractors in jail policies and procedures.
- Inappropriate use of force by staff.
- Inappropriate, illegal, or unethical behavior relating to drugs, contraband, sexual favors, or other issues on the part of staff, volunteers, or contractors.
- Misuse of jail funds or property.
- Wrongful disclosure of confidential information about an inmate or staff member.
- Failure to install and maintain an appropriate backup system for the jail's electronic recordkeeping system.
- Accessing of the jail's electronic recordkeeping system by staff, volunteers, contractors, or others without appropriate authorization.

Consequences of risk events:

- Excessive staff turnover.
- Failure of staff, volunteers, or contractors to comply with jail policies and procedures because they do not understand their responsibilities.
- Loss of electronic records because of a catastrophic failure of the jail's electronic recordkeeping system and the expense of recreating these records.
- Theft of jail funds or property and the expense of replacing them.
- Financial harm to inmates and staff members resulting from the theft of their confidential information.
- Lawsuits against the jail and the resulting expenses for legal defense, payment of adverse judgments and settlements,

compliance with consent decrees, and increased insurance premiums.

- Fines and penalties for noncompliance with employment or workplace regulations.
- Loss of partnerships because of adverse publicity relating to jail administration and management.
- Loss of reputation in the community.

Sources of Risk That Can Affect Administration and Management

The primary sources of risk related to administration and management arise from management of the jail's workforce and day-to-day administrative activities.

Workforce

The primary sources of risk related to the jail's workforce are employment practices; laws and regulations; the jail's employment policies, procedures, and practices; workplace safety and workers' compensation laws; contracts with outside workers; use of volunteers; and staff training and supervision. Employment practices include hiring, promotion, discipline, termination, benefits, and confidentiality. Contributing factors include:

- Lack of up-to-date written job descriptions for all positions.
- Inadequate written policies and procedures governing all aspects of employment.
- Failure to apply workforce policies and procedures consistently.
- Failure to maintain a safe work environment.
- Noncompliance with state and federal employment laws and regulations.
- Noncompliance with state and federal workplace safety laws and regulations.
- Inadequate screening and training of volunteers and contractors.

- Inadequate oversight and supervision of volunteers and contractors.
- Inadequate orientation, preservice training, and inservice training of staff.
- Inadequate supervision of staff.
- Failure to evaluate and address employees' job performance.
- Inadequate documentation of personnel actions.

Other Administrative Activities

Additional sources of risk related to jail administration and management are the agency's policies and procedures, budgeting and financial practices, property and inventory control, record-keeping, and community relations. The likelihood of a risk event is greater in the absence of clear, comprehensive, and current written policies and procedures to guide facility administration and management. Community relations include the jail's relationship with the media. The media may have significant influence over how the jail is perceived by the funding authority, other key stakeholders, and the general public. Contributing factors include:

- Inadequate written policies and procedures governing all aspects of jail administration and management.
- Failure to consistently follow, review, and apply the jail's policies and procedures.
- Inadequate fiscal controls that account for all income and expenditures.
- Inadequate procedures for the handling of inmate funds and personal property.
- Inadequate property and inventory control.
- Inadequate recordkeeping practices.
- Inadequate plans for providing information to the public and the media.
- Isolation of the jail from the community.

Risk Control Strategies

Some potential strategies for controlling administration and management risks are listed below.

- Establish comprehensive written policies and procedures for jail operations.
 - Review and update facility policies and procedures annually and as needed.
 - Train and test staff on their knowledge of facility policies and procedures.
 - Document all staff training.
- Adopt and adhere to well-defined, legally sound personnel policies and practices.
 - Develop written policies and procedures governing all aspects of employment practice and ensure that legal counsel reviews the policies before implementation.
 - Develop job descriptions for all positions in the facility.
 - Develop a staff recruitment and retention plan.
 - Train supervisors and managers in personnel policies.
 - Review violations of work rules and policies and enforce accountability through coaching, counseling, and discipline.
- Enhance workplace safety.
 - Adopt a safety program to reduce injuries and illness caused by facility operations.
 - Comply with applicable laws and regulations relating to employment and workplace safety.
- Supervise and monitor volunteers, contractors, and other non-staff members who work in the facility.
 - Provide written job descriptions and directions for volunteers. Train volunteers in safety and security procedures.
 - Require contractors to comply with applicable laws and regulations and with the terms of their contract.
 - Require contractors to indemnify and hold harmless the jurisdiction for liability arising out of its operations under the contract.
- Maintain adequate records and fiscal control.
 - Assess and address any identified deficiencies in fiscal and property control policies and practices.
 - Provide staff training and oversight to ensure that procedures are being followed.
 - Assess records management policies and practices and address any identified deficiencies.
- Develop a public information and media plan. Provide means to keep the public informed about the jail on a routine basis and in crisis situations.

Developing a Risk Management Program

3

A formal risk management program does the following:

- Demonstrates the jail administrator's support of risk management to jail staff, the funding authority, the community, insurers, and partner organizations.
- Provides a systematic and consistent process for incorporating risk management into the jail's activities and planning process.
- Clearly assigns responsibility and accountability for risk management.
- Promotes a culture of risk management throughout the jail.
- Improves the allocation of resources.
- Establishes goals and performance indicators to measure and demonstrate the success of risk management efforts.
- Provides a risk management reference source for staff.

Characteristics of Organizations That Have Successful Risk Management Programs

Risk management is not complicated. It is simply good management, which involves recognizing and planning for the possibility of a range of outcomes. A jail administrator who recognizes and plans for the effects of unexpected changes and opportunities in the jail is practicing risk management.

A jail is most likely to successfully manage risk if it has the following four characteristics:

- **Senior-level commitment.** The jail administrator is strongly committed to risk management and demonstrates this commitment to all stakeholders in the jail's operation, including its funding authority, jail staff, volunteers, vendors, contractors, partners, and inmates. The other stakeholders will follow the administrator's lead.
- **Stakeholder commitment.** All stakeholders are involved in and committed to risk management. Jail staff, supervisors, volunteers, and the inmates themselves will have valuable perspectives on how risk affects the jail. Their cooperation and commitment are critical to successful risk management.
- **Awareness.** The jail administrator actively monitors changes in the jail's environment, from new types of criminal activity in the community to innovations in jail practice. The administrator must be aware of these events so that he or she can respond to change and take advantage of opportunities.
- **Flexibility.** Within the bounds set by the Constitution, the statutes and regulations controlling jail practices, and the requirements of its funding authority, the jail's operations are flexible enough to respond to change and opportunities in a timely manner.

A jail with these characteristics can make risk management a dynamic, ongoing, self-sustaining process that takes place automatically at all levels of the organization. It will be an integral part of the assessment, planning, and decisionmaking process.

Responsibility for Risk Management

There is no single formula for allocating responsibility for an organization's risk management effort. The jail administrator is ultimately responsible for all facets of risk management, from facility safety to strategic planning, but is likely to delegate specific responsibilities to one or more staff members. In large organizations, risk management is often coordinated by a risk manager or a risk management department that has several employees. In smaller organizations, one or more employees may handle risk management issues part time. Some jails may handle risk issues internally and others may receive assistance from the local government's risk management office.

An effective risk management program cannot be fully implemented by a risk manager alone, or even by a risk management department. Centralized risk management coordination helps ensure that the jail's efforts are consistent and are working for a common goal. It also reduces the likelihood of creating risk "silos," in which various parts of the operation do not talk to each other about risk and take actions that are at cross-purposes. However, no risk management program can succeed unless the accountability for managing risk is decentralized; that is, all staff members must be responsible for managing risk within the scope of their duties.

Ideally, the performance evaluation criteria for each staff position should include risk management performance measures tailored to that position. The risk-related performance measures will differ for jail officers, staff members who manage inmate self-improvement programs, and upper management engaged in strategic planning. However, all staff members should be expected to identify, analyze, and address risk if it is within their authority; alternatively, they should be instructed to bring these matters to the attention of a supervisor.

Centralized coordination and decentralized accountability are long-term requirements for a successful risk management program. A newly implemented risk management program also needs a **champion**: an individual who serves as an advocate for risk management and has the persistence, determination, and tact to be able to succeed when faced with resistance to change. This champion is likely to be the person who works with stakeholders to develop and implement the jail's risk management program.

The Role of Committees

One or more committees may be involved in a jail's risk management efforts. Committees bring together the people within the organization who have information or useful perspectives to share about risk and give them an opportunity to work together to develop and implement solutions. A risk management committee composed of representatives from operational units may oversee the entire risk management process for all aspects of the jail's operations. There may also be committees or subcommittees that are responsible for specific areas such as workplace or motor vehicle safety. To be effective in a broad capacity, committees require a clear mission and strong leadership that will assign responsibilities, establish deadlines and deliverables, and hold committee members accountable.

Steps in the Risk Management Process

Risk management is a three-step process:

- Evaluation of existing risk.
- Assessment of the likely effect of risk on the jail.
- Establishment of risk control measures.

These three steps are examined in detail in the following sections.

Step 1: Evaluate the Existing Risk Environment

The first step in the risk management process is to identify and analyze the jail's existing exposure to risk. It is important to realize that risk management programs are not "one size fits all." To be successful, a risk management program must be grounded in the jail's unique mix of characteristics. In addition, even if this is the jail's first formal risk management effort, it will almost certainly not be the first time the jail has addressed issues related to risk. The champion of a new risk management program can learn a great deal from the success or failure of previous efforts.

Following are some important issues to consider at the beginning of developing a risk management program:

- Did the jail make any previous efforts to manage risk, and did those efforts meet with any challenges? Did the jail make any attempts to address positive risk? Who was responsible for those efforts and what lessons did they learn?
- What are the legal requirements that affect the jail's responsibilities to incarcerated offenders?¹
- What are the jail's legal responsibilities to its employees?²
- How does the jail finance its negative risk consequences (e.g., through insurance, self-insurance plans, membership in a risk pool, state plans)?
- How comfortable are the funding authority and the jail administrator with the risk associated with innovative programming?
- Has the jail established a formal mission statement, supporting goals, and a system for measuring performance? Does the jail administrator believe that the jail is presently achieving its mission?
- Are the jail administrator and the funding authority interested in risk management issues that affect the jail? Do they have specific concerns they would like to address, or are they responding to the concerns of another individual?
- What is the jail staff's attitude toward risk management? Are they likely to be supportive or will they need to be persuaded?
- Do any existing staff committees feel ownership of specific risk issues?
- How active and thorough is the jail's training program for employees?

This information provides the foundation for establishing realistic risk management goals and devising a strategy to meet them. The goals and strategies will be different for each jail.

During the evaluation stage, the champion will work with stakeholders to establish the standards that will guide the jail's identification, analysis, and prioritization of risk. These standards will help the jail decide which sources of risk it will address first and which can be deferred. Although the standards may differ somewhat among jails, it is likely that a high priority will be placed on compliance with constitutional and statutory requirements for care of inmates and for protecting the safety of the public, inmates, and staff. The jail administrator must approve the standards. In a jail where the administrator and the staff firmly support this effort, the champion can progress more rapidly with a broader based effort. In a facility where there is opposition, the

¹ See Collins (1998) for more information about the legal requirements (established by federal and state statutes and court decisions) that determine how jails handle inmates.

² See the sections in appendix A on constitutional and civil rights, safety and health, and workers' compensation for links to information and resources about an employer's legal responsibilities to its employees.

champion may need to begin with a modest effort to address a major problem area and defer broader based action until the benefits of risk management have been demonstrated.

Step 2: Assess the Effects of Risk on the Jail

The second step in the risk management process is risk assessment.³ The purpose of risk assessment is to identify and evaluate the likely effect of risk on the jail. Generally, risk assessment involves the following steps:

- **Risk identification.** Identify the sources of risk to which the jail is exposed and the risk events they can produce.
- **Risk analysis.** Estimate the likely consequences of potential risk events.
- **Risk prioritization.** Determine which risk exposures to address first.

Risk Identification

A systematically performed *risk identification* alerts the jail to its potential sources of risk, the risk events that can result, the contributing factors that could lead to those risk events, and the potential consequences. A jail that identifies how risk can affect its operations (in terms of both frequency and severity) will avoid some negative risk events altogether, respond more effectively to those that occur, and be better able to take advantage of opportunities when they present themselves. A jail that does not manage risk will operate in a reactive mode, constantly “putting out fires” or missing opportunities.

The risk identification process begins with an understanding of the components that interact to produce risk consequences. These include the

sources of risk, risk events, exposure to sources of risk, and contributing factors.

Sources of Risk

A source of risk is the object, force, or condition that creates the potential for a risk event that affects the jail and its ability to achieve its mission and goals. Some sources of risk are more obvious than others. Hurricanes, fires, floods, and violent offenders are obvious sources of risk. Dependence on a *key resource* is a less obvious source of risk. A source of risk is not the occurrence of a specific risk event. For example, the potential for a fire, flood, or earthquake (and, from a positive perspective, the availability of grants that support jail programs) are all sources of risk. An actual fire, flood, or grant award is not a source of risk; it is a *risk event*. A source of negative risk can also be called a hazard.

Risk Events

A risk event realizes the potential of the source of risk and produces consequences that affect the jail. The incarceration of violent offenders in the jail is an example of a source of risk. An attack by an inmate against another inmate or a guard would be considered a risk event.

Exposure to Sources of Risk

An individual jail will not experience a risk event unless it is exposed to the underlying source of risk. Exposure to a source of risk does not mean that a risk event will necessarily occur, but it increases the likelihood for an event to occur. For example:

- Violent behavior by inmates is a source of risk for all jails, but the degree to which a jail is exposed to this source of risk depends on the composition of its inmate population. Jails that house serious and violent offenders are more exposed to this source of risk than other jails.

³ See Standards Australia/Standards New Zealand (2004) for an excellent and thorough discussion of the risk assessment process.

Examples of Exposure to Sources of Risk

- A jail located next to a river is exposed to floods.
- Jails in California are exposed to earthquakes.
- All jails are exposed to the risk of fire, but jails located near wildlands have an additional exposure to wildfires.
- All jails are exposed to the risk of litigation based on violation of inmates' constitutional rights.

- Hurricanes are a source of risk for jails located near the Atlantic Ocean or the Gulf of Mexico in the southeastern United States. A jail in Iowa is not exposed to that source of risk, although it may be exposed to similar risk consequences (floods, wind damage) from severe storms and tornadoes.
- Motor vehicles are a source of risk. A jail that operates a fleet of motor vehicles to transport prisoners to and from court has an exposure to risk events that arise from the ownership and operation of motor vehicles, such as accidents and theft. A jail that does not own or operate vehicles (which is not very likely) does not have that exposure to risk.

Exposure to a source of risk is not the same for all jails, and it is not necessarily the same for a particular jail from year to year. Exposure can be affected by many variables. In the case of motor vehicle risk, these variables may include the number of miles driven per year and the jail's location (urban versus rural setting). As these variables change, the jail's exposure also changes.

Contributing Factors

Even if the jail is exposed to a source of risk, a risk event usually will not occur without one or more contributing factors. The presence of a violent offender in a jail population exposes that jail

to a source of risk, but jails exist to confine these offenders and manage that risk. A violent attack is not likely to occur unless there is a failure in the jail's systems and procedures. Inadequate jail classification and security procedures are contributing factors that could cause this source of risk (the presence of the violent offender) to be realized as an actual risk event (a violent attack). Therefore, the risk identification process requires the jail to identify its exposure to sources of risk and the factors that could contribute to producing risk events.

Interaction of the Components of a Risk Event

A jail may depend on a fleet of vehicles to transport prisoners. If most of its vehicles are housed in the same location at night and a fire destroys the fleet, the jail will be unable to transport prisoners to court appearances. In this example, the jail was exposed to two sources of risk: fire and dependence on a specific asset (the fleet of vehicles). The fire that destroyed the fleet was the risk event. The negative consequences were the financial loss caused by the destruction of the fleet and the extra cost incurred for transporting prisoners pending replacement of the vehicles. There would likely be a number of contributing

Key resource

A tangible or intangible asset that is important to an organization's ability to accomplish its mission and goals and that may be affected by a risk event. For example, the facility, jail staff, jail funding sources, grants, records, and the jail's motor vehicle fleet are key resources.

factors to the fire, including the practice of keeping the vehicles in the same location at night and any careless acts or failure to act that may have caused the fire.

A similar analysis applies to opportunities. Local businesses that donate resources to jail self-improvement programs are an opportunity, that is, a source of positive risk. A jail is exposed to this source of risk if businesses in the community make such donations. An actual donation of resources by a specific business to the jail in its community is a positive risk event. The positive outcome is the jail's ability to provide additional self-improvement programs that serve its mission. A contributing factor could be the jail's active recruitment of local business partners.

State programs that give grants to jails are also a source of opportunity. Kentucky's Office of Drug Control Policy offered up to 10 awards to correctional/detention facilities to start or enhance jail recovery programs (Commonwealth of Kentucky, 2005). Eligible jails in Kentucky were exposed to that source of risk. Receiving one of the awards was a positive risk event. The contributing factors were the jail staff's awareness of the program announcement and timely application for the grant.

Identifying Risk Exposures

A jail can use many tools to help identify its risk exposures, but no one tool is likely to provide all the information needed. Risk identification therefore relies heavily on imagination—What can happen? What would be the consequences?

Some risk identification techniques can require many resources; hiring consultants to develop flowchart analyses to identify potential bottlenecks in the jail's prisoner intake process is one example.

Usually a combination of approaches is required. Following are some basic tools that jails can use to identify exposure to risk:

- **Review of the jail's loss history.** A history of loss is useful, but it must be combined with other tools. Few jails have experienced events arising from all the sources of risk to which they have exposure, and loss histories do not help the jail identify opportunities.
- **Document review.** Helpful information can be gained by reviewing documents that reflect the jail's activities, resources, and plans, including the jail's policies, procedures, strategic plan, insurance policies and property

Bottlenecks

"Bottleneck" is a term frequently used in traffic control to refer to an area where road traffic merges into fewer lanes, thereby creating the potential for frequent backups, especially if an accident blocks part of the road. This term is also used to refer to industrial processes in which all activity must flow through a single location, piece of equipment, or other resource, creating the risk of backups if the resource becomes disabled.

In the jail setting, a bottleneck could occur during intake if all activity must flow through a single computer. If a jail has only one computer available to use in classifying incoming inmates and the computer has no backup system, the jail is subject to a bottleneck: If the computer malfunctions or breaks down, the jail might not be able to process new inmates quickly and accurately.

schedules, reports to the funding authority, contracts, and employee handbook.

- **Checklists.** Although no standardized checklist will include all of the necessary information for a particular jail, checklists are a good starting point for developing questionnaires, interview questions, and inspection protocols.
- **Brainstorming sessions.** Conduct facilitated workshops with jail supervisors, managers, and line employees, who can identify sources of risk from different perspectives.
- **Interviews.** Conduct individual interviews with supervisors, managers, and line employees.
- **Audits and inspections.** Physically visit each part of the jail and examine all aspects of the jail's operations. The jail's property and casualty insurer or risk pool may be able to provide assistance through its loss control personnel. State jail inspectors may be able to provide similar assistance.
- **Questionnaires.** A written or electronic questionnaire can establish baseline information for subsequent interviews or brainstorming sessions.
- **Discussions with peers in other jails.** Sharing knowledge allows jails to benefit from others' experiences.

It is important to develop a plan before beginning the risk identification process. The goal is to gather useful information as efficiently as possible and with minimal drain on operational resources. For example, detailed questionnaires should not be distributed to every department without first identifying the information that is needed, those who will analyze the responses, how the results will be used, and the most productive sequence for using the information. For example, would better questionnaires be developed after a review of the jail's documents?

The most difficult part of risk identification can be deciding which question to ask first. It might seem logical to first identify the jail's exposure to sources of risk. The tools described above would help gather this information from multiple sources. However, it can be surprisingly difficult to identify sources of risk that have never affected the jail.

One way to begin the risk identification process is to begin with the jail's goals. Ask how risk can affect the jail's ability to achieve its goals, both positively and negatively. How can sources of risk to which the jail is exposed affect the key resources the jail needs to achieve each of its goals?

What factors could contribute to a risk event? Work systematically through each goal, involve a variety of stakeholders in the process to obtain different perspectives, and compare and consolidate the results.

ACA's *Performance-Based Standards for Adult Local Detention Facilities*, 4th edition, is a useful tool in the risk identification process because it is organized according to the seven functional areas/goals that are essential to achieving a jail's mission. For each functional area, the publication includes one or more **performance standards**, which describe "a required or essential *condition* to be achieved and maintained" by jails (American Correctional Association, 2004, page xxx). Each performance standard includes a series of **expected practices**, which are detailed "specific actions and activities that, if implemented properly (according to protocols) will produce the desired outcome—achievement of the condition described in the standard."

Each ACA functional area indicates a relationship to risk. For example, the purpose of ACA

Worksheet 1: Risk Register

Worksheet 1, found in appendix B, shows a sample format for organizing the information gathered in the risk identification phase. It may be helpful to prepare two separate worksheets: one for sources of risk with negative consequences and one for sources of risk with positive consequences.

goal 2, security, is to protect the jail’s community, staff, contractors, volunteers, and inmates from harm. This is a broad goal, and its performance standards and expected practices address many aspects of jail operation in detail. These details provide additional guidance that can help a jail identify its risk exposures and the factors that could contribute to an actual risk event. For example, one expected practice under ACA goal 2 is the following (American Correctional Association, 2004, page 15):

4-ALDF-2A-01. Space is provided for a 24-hour secure control center for monitoring and coordinating the facility’s security, life-safety, and communications systems. Staff assigned to a control center has access to a toilet and wash-basin. There are multiple communication systems between the control center and inmate occupied areas.⁴

This expected practice identifies the following factors that could contribute to the jail’s failure to achieve its security goal:

- Inadequate physical infrastructure to support the jail’s security, life-safety, and communications systems.
- Monitoring of the jail’s security, life-safety, and communications systems less than 24 hours per day, 7 days a week.
- Prolonged absence of staff from the security control center to use remote toilet facilities.
- Loss of communication between the security control center and areas occupied by inmates and loss of video surveillance capabilities due to lack of redundant systems.

⁴ Reprinted with permission from *Performance-Based Standards for Adult Local Detention Facilities*, 4th edition, published by the American Correctional Association, Alexandria, VA.

Performance-Based Standards can also help identify opportunities. For example, ACA goal 5, program and activity, focuses on helping inmates “to successfully return to the community and reduce the negative effects of confinement” (American Correctional Association, 2004, page 83). The focus of this goal is positive: to improve outcomes for inmates and for the community. One expected practice under ACA goal 5 is the following (American Correctional Association, 2004, page 83):

4-ALDF-5A-02. The plan for inmate programs and services provides for the identification and use of available community resources.⁵

This expected practice identifies community organizations as possible partners for achieving the jail’s goal of providing self-improvement opportunities to inmates.

When the jail has identified its risks and opportunities, it moves on to risk analysis.

Risk Analysis

The second step in risk assessment is *risk analysis*, the process of estimating and comparing the **consequences** of risk events. In a perfect world, all risk exposures would be addressed immediately. In the real world of budgetary and time constraints, a jail must prioritize based on estimated consequences. Risk analysis develops the system and criteria required for the jail to perform the third stage of risk assessment, *risk prioritization*.

Analysis of both positive and negative risk is important. A missed opportunity is the same as

⁵ Reprinted with permission from *Performance-Based Standards for Adult Local Detention Facilities*, 4th edition, published by the American Correctional Association, Alexandria, VA.

a loss, so the jail needs to be aware of its opportunities. At the risk identification stage, it is relatively easy to brainstorm about positive and negative consequences at the same time. In the risk analysis stage, it may be easier to address positive and negative risk consequences separately. However, the same approach can be used for both stages.

In risk analysis, the jail must examine two variables: the **likelihood** that a risk event will occur (also called “frequency”) and the **consequences** of the risk event (also called “severity” for negative risk). This task involves two possible approaches. A **quantitative** approach expresses the expected consequences in dollars. A **qualitative** approach expresses relative values verbally, with terms such as “infrequent” and “frequent” for likelihood, and “low,” “medium,” or “high” for consequences.

Quantitative Risk Analysis

This type of risk analysis projects the expected financial consequences of risk. This approach can be expensive and complex; for the most part, it is used by large organizations that have a great deal of data about their risk exposures. Most jails cannot perform complex, quantitative risk

analyses with internal resources only and would hire consultants if this level of analysis were required.⁶ A detailed description of this approach is beyond the scope of this manual.

If a jail has data about the frequency with which it experiences a certain type of risk event (e.g., liability from at-fault motor vehicle accidents) and the resulting losses, it can estimate its future losses by multiplying the average annual frequency of that type of risk event for each of the past few years by the average loss from each event.

The jail’s exposure does not necessarily remain the same from year to year because most organizations do not operate in exactly the same way from year to year. One important exposure factor for an organization’s motor vehicle accident liability losses is the number of miles driven by its fleet of vehicles: the more miles driven, the greater the number of accidents that would be expected. To control for changes in miles driven,

⁶ See chapter 6 in *Risk Management Guidelines Companion to AS/NZS 4360:2004* (Standards Australia/Standards New Zealand, 2004) for more information about quantitative approaches to risk analysis.

Estimating Future Losses Based on Past Data

A jail’s loss history shows that over the past few years it has experienced an average of five at-fault motor vehicle accidents per year and that the average liability loss from each of these accidents is \$30,000. There is no significant trend (increase or decrease) in these numbers, and the jail’s exposure to motor vehicle accidents will remain the same. This jail’s motor vehicle accident liability losses for the next year would be estimated at \$150,000, calculated as follows:

Average number of accidents per year × Average liability loss per accident = Estimated liability loss

$$5 \times \$30,000 = \$150,000$$

This estimate is an approximation only. It is almost certain that the actual loss will be either higher or lower.

the jail can divide its motor vehicle accident liability loss (expressed in dollars) for each of the past few years by the number of miles its fleet drove during each year. The result expresses the loss history as the number of dollars lost to liability for motor vehicle accidents *per mile driven*.

If the average loss per mile driven is consistent from year to year, the jail can estimate its motor vehicle accident losses in dollars for the following year by multiplying the loss per mile driven by the number of miles it expects its fleet to drive during the next year. However, if the jail's ratios change significantly from year to year, it is likely that there are factors at work other than miles driven, making this method a less effective way to predict its future motor vehicle losses.

Exhibit 3 shows liability loss per mile driven for two jails. Even though jail A's total loss per year due to motor vehicle accidents has increased over time, its average loss per mile driven has remained the same. (The increase in total losses due to motor vehicle accidents would be expected because of the increase in the jail's exposure (miles driven) to those losses.) Because jail A's average loss per mile driven has remained consistent, it can use this to estimate future motor vehicle accident liability losses.

On the other hand, a jail might find that its liability losses are increasing even as its total miles driven remain relatively stable, that its losses are increasing at a faster rate than its miles driven, or that there is no consistency in its average loss per mile driven, as is the case for jail B in exhibit 3. In such cases, the jail cannot accurately project its future liability losses for motor vehicle accidents simply by calculating its average loss per mile driven. The jail must look closely at the causes of the accidents to determine the other factors that were involved.

Qualitative Risk Analysis

Qualitative risk analysis uses words rather than numbers to describe both the likelihood and consequences of risk events. The words used to describe the likelihood of a risk event can range from basic two- or three-level scales, such as "probable" and "improbable" or "rare," "possible," and "likely," to more complex scales with finer gradations, which can include five or more specific ranges of expected frequency. A more complex scale is shown in the following example (Standards Australia/Standards New Zealand, 2004, page 59):

- **Rare:** The event will occur only in exceptional circumstances.
- **Unlikely:** The event may occur occasionally.

Exhibit 3. Example of Liability Loss Per Mile Driven

Year	Miles Driven	Total MVA* Loss (\$)	Average Loss Per Mile Driven (\$)†
Jail A			
1	40,000	20,000	0.50
2	50,000	25,000	0.50
3	60,000	30,000	0.50
Jail B			
1	40,000	60,000	1.50
2	50,000	120,000	2.40
3	60,000	40,000	0.67

* Motor vehicle accident.

† Total MVA loss divided by miles driven.

- **Possible:** The event will probably occur occasionally.
- **Likely:** The event will probably occur on a regular basis.
- **Almost certain:** The event is expected to occur on a regular basis.

Another approach is to link the terms to an expected frequency in number of years, as follows (Standards Australia/Standards New Zealand, 2004, page 59):

- **Rare:** Once every 100 years.
- **Unlikely:** Once every 30 years.
- **Possible:** Once every 10 years.
- **Likely:** Once every 3 years.
- **Almost certain:** Once a year or more often.

Categories used to describe the magnitude of consequences arising from a risk event can also be expressed in words. Again, the complexity can vary. The jail decides the level of detail that would be meaningful and how to define each level, as shown in the following example:

- **Insignificant:** The consequences of an event would have no significant effect on the jail's ability to achieve its mission and goals.
- **Minor:** The consequences of an event would have a slight effect (which could be corrected quickly and easily) on the jail's ability to achieve its mission and goals.
- **Moderate:** The consequences of an event would affect some aspects of the jail's ability to achieve some aspects of its mission and goals for a significant period.
- **Major:** The consequences of an event would prevent the jail from achieving some aspects of its mission and goals for an extended period.
- **Catastrophic:** The consequences of an event would prevent the jail from achieving most or all of its mission and goals for an extended period.

When the jail has selected and defined the categories it will use for likelihood and consequences, it assigns a risk category to each combination of likelihood and consequence, as shown in exhibit 4. Each cell of this matrix represents a combination of likelihood and consequences; the entry in the cell represents the significance of that combination to the jail.

In exhibit 4, the low risk rankings cluster in the upper left-hand corner of the matrix, where events are rare and their results are insignificant. The high risk rankings cluster in the lower right-hand side of the matrix, where events are more frequent and more severe. As potential consequences become more severe, their risk category increases, even if the event is quite unlikely, because the consequences are so great. Even a "rare" event (e.g., a major terrorist attack) can have a risk ranking of "significant" if its consequences are "catastrophic." Conversely, events that have insignificant or minor consequences earn a rating of medium or severe risk as they become more frequent because if they occur often enough, their cumulative consequences for the jail will be significant.

Jails will assign rankings based on their individual tolerance for risk. In general, smaller organizations with fewer resources have a lower tolerance for accepting risk than do large organizations that have resources to address unexpected events.

With its risk analysis in place, the jail is ready to move on to risk prioritization.

Risk Prioritization

In a world of limited resources, risk prioritization uses information developed during risk identification and risk analysis to develop an orderly process for addressing an organization's risks. This process directs an organization's resources where they will provide the greatest benefit for achieving its mission.

Exhibit 4. Risk Matrix: Categories Based on Likelihood and Consequences of Risk

Likelihood	Consequences				
	Insignificant	Minor	Moderate	Major	Catastrophic
Rare	L	L	M	S	H
Unlikely	L	L	M	S	H
Possible	L	M	S	H	H
Likely	M	S	S	H	H
Almost certain	M	S	H	H	H

Key:

H = high risk: A critical issue that requires immediate action, detailed research, and a management plan.

S = significant risk: Intervention by senior management is necessary; this type of risk affects resources that are critical to accomplishing the jail's mission.

M = medium risk: The risk must be monitored on a regular basis and corrective measures must be implemented to eliminate or reduce exposure.

L = low risk: Staff use routine procedures to manage risk.

In the risk identification phase, the jail identifies how risk can affect it. In the risk analysis phase, the jail establishes the criteria it will use for prioritizing risk for intervention and then analyzes its risks according to these criteria. In the *risk prioritization* phase, the jail uses the information gathered and developed in the two earlier stages to set its priorities for addressing risk. The third column in the risk assessment section of worksheet 1 is used to record the rankings.

Exhibit 5, “Example of Worksheet 1: Risk Register,” uses the risk of a flood event in the jail building as an example of this process. Assume this jail is the only location in which the jurisdiction can house its prisoners. If the jail is affected by a flood, the building will become uninhabitable and the inmates will have to be evacuated. The building may be unusable for a significant time if the jail requires extensive cleaning to eliminate mold and other contaminants. Consequently, the jail will incur expenses for evacuating inmates, housing inmates in another jurisdiction, and decontaminating the facility.

To rank this source of risk for intervention, the jail would refer back to its risk analysis matrix (see exhibit 4). Following are the five categories of likelihood:

- **Rare:** The event will occur only in exceptional circumstances.
- **Unlikely:** The event may occur occasionally.
- **Possible:** The event will probably occur occasionally.
- **Likely:** The event will probably occur on a regular basis.
- **Almost certain:** The event is expected to occur on a regular basis.

The category chosen will depend on the jail’s unique circumstances; however, for purposes of this example, assume the jail is flooded every 5 to 10 years, putting the likelihood of this risk in either the “likely” or “almost certain” category.

Next, the jail considers the consequences. Assume the jail has adopted the following categories:

- **Insignificant:** The consequences of an event would have no significant effect on the jail’s ability to achieve its mission and goals.

Analyzing the Risk for Positive Outcomes

Qualitative risk analysis can be used to analyze positive outcomes. The categories used to describe likelihood will be the same as those used in analyzing negative outcomes, but the categories used to describe positive consequences will be slightly modified, as follows (Standards Australia/Standards New Zealand, 2004):

- **Insignificant:** The consequences of an event would have no significant effect on the jail's ability to achieve its mission.
- **Minor:** The consequences of an event would slightly benefit the jail's ability to achieve its mission.
- **Moderate:** The consequences of an event would benefit some aspect(s) of the jail's ability to achieve its mission.
- **Major:** The consequences of an event would benefit many aspects of the jail's overall ability to achieve its mission.
- **Outstanding:** The consequences of an event would significantly benefit the jail's overall ability to achieve its objectives for an extended period.

The risk rankings could be modified as follows for positive outcomes:

- **High opportunity (H):** Capable of transforming the jail. Take immediate action and devote significant resources to pursuing the opportunity.
- **Significant opportunity (S):** Capable of significantly benefiting the jail. Take immediate action to pursue the opportunity.
- **Medium opportunity (M):** Capable of benefiting the jail. Take action to pursue within the jail's existing priorities and resources.
- **Low opportunity (L):** Potential benefit to the jail is low.

- **Minor:** The consequences of an event would have a slight effect (which could be corrected quickly and easily) on the jail's ability to achieve its mission and goals.
- **Moderate:** The consequences of an event would affect some aspects of the jail's ability to achieve some aspects of its mission and goals for a significant period.
- **Major:** The consequences of an event would prevent the jail from achieving some aspects of its mission and goals for an extended period.
- **Catastrophic:** The consequences of an event would prevent the jail from achieving most or all of its mission and goals for an extended period.

Exhibit 5. Example of Worksheet 1: Risk Register

Goal Affected	Risk Consequence	Risk Identification			Risk Assessment			Risk Controls		Exposure ID Number
		Source of Risk Event	Risk and Exposure	Contributing Factor(s)	Likelihood	Level of Consequences	Risk Ranking	Existing	Risk Possible	
All goals	Jail building becomes uninhabitable	Flood event	Nearby river	Location of building in flood plain Building not constructed for flood resistance	Almost certain	Major	High	Evacuation plan Contingency operating plan	Move facility Erect flood barriers Retrofit the building for flood resistance	0001
		Fire event	Kitchen operations on premises	Inadequate cleaning of kitchen exhaust hood Inadequate range hood fire suppression system Building construction not fire resistant	Likely	Major	High	Schedule and adopt written procedures for cleaning exhaust hood Train employees in kitchen fire response Evacuation plan Contingency operating plan	Move food preparation offsite Hire professionals to clean exhaust hood Install exhaust hood with state-of-the-art fire suppression system	0002
		Loss of lifeline services: electricity	Dependence on electricity to operate jail systems	No backup generator at the jail Excessive demand during the summer Configuration of the electrical grid Inadequate response by utility to an event on the grid	Likely	Major	High	Contingency operating plan	Backup generator and fuel sufficient for energy independence	0003

If the jail is flooded and facility decontamination requires 1 to 2 months, displacing the inmates for the entire time, the event consequences would probably be categorized as “major.”

Assume the jail has adopted the risk matrix shown in exhibit 4 to guide its risk prioritization efforts. An identified source of risk with a likelihood ranking of likely or almost certain and a consequences ranking of major is firmly in the high risk category. It requires immediate action along with detailed research and a management plan. This ranking is shown in the third column in the risk assessment section of worksheet 1 in exhibit 5.

It is important to note that a rule of reason must be used. To use a popular example, the consequences of a massive meteorite smashing into the jail would be catastrophic and its likelihood would be rare. This would place the event in the high risk category, which requires some form of action. However, because this event is much less likely to occur than many other potentially catastrophic events and there is little the jail can do to address it directly, it should receive no attention.

The jail can follow this process systematically to rank all of the risk exposures it has identified, including its opportunities. When the jail completes this process, its priorities will be established and its current risk assessment will be completed.

Step 3: Implement Risk Control Measures

The third step in the risk management process is *risk control*. Risk control is the “what to do about it” stage of the risk management process. It is sometimes called “risk treatment” (Standards Australia/Standards New Zealand, 2004, page 71) to acknowledge the need to address positive outcomes as well as negative consequences.

At the end of the risk control process, the jail will have:

- Established objectives for the risk control program.
- Identified the options for controlling each risk that it prioritized for intervention in the risk assessment phase.
- Selected the risk control measures it will use.
- Identified resources to implement the measures.
- Allocated to appropriate personnel the responsibilities for implementing the measures.
- Established deadlines and milestones.
- Developed performance measurements.
- Developed a system for monitoring and review.
- Documented the risk management program.

Many of a jail’s risk control activities will focus on **contributing factors** that increase the likelihood or magnitude of a risk event resulting from a source of risk to which the jail is exposed. For example, jails cannot eliminate fire as a source of risk. What they can do is identify and address the **contributing factors** that would increase the likelihood of a fire event or the extent of damage caused by a fire event.

Establishing Risk Control Objectives

At this stage, the jail reviews the risk management priorities established in the risk assessment stage and matches them with risk control measures that will meet its objectives. To do this, the jail must decide on its objectives for risk control in general and for control of each priority that was identified.

Following are some examples of a jail’s general objectives for risk control efforts:

- Enhance the jail’s compliance with laws and regulations.
- Increase staff efficiency and reduce the time spent by staff in responding to negative risk events.

- Risk avoidance.
- Loss reduction.
- Positive outcome enhancement.
- Risk sharing.
- Risk retention.

Risk Avoidance

Risk avoidance is the most complete form of control for negative risk. It completely eliminates exposure to the specific source of negative risk by either discontinuing or avoiding the activity that exposes the jail to the source of risk.

One limitation of risk avoidance is that it eliminates an activity’s benefits along with the exposure to negative consequences. Another limitation is that some activities cannot be discontinued because they are legally mandated or are part of an organization’s core functions. For example, risk avoidance will not help a jail manage the risks of housing and caring for legal offenders in most situations. These activities are a source of significant negative risk, but they are also the reason that jails exist, and usually cannot be eliminated.

In a jail setting, risk avoidance is more likely to apply to optional programming the jail provides for inmates’ self-improvement. A thorough risk assessment should be part of any decision to implement a new self-improvement program in a jail. If the assessment shows that the likely negative risk consequences outweigh the benefits to inmates and society, then the jail can “avoid” exposure to anticipated risk by deciding not to implement the program in question.

An example of risk avoidance in a jail setting is the “fitness to confine” procedures for jails. Most jails do not have the equipment or staff to care for seriously and acutely ill inmates. If the jail admits an inmate who has a serious medical condition that is making him or her acutely ill, the jail could be legally liable for failing to

Contributing factors and risk of a kitchen fire

Kitchen operations are a significant source of fire risk, often due to accumulations of grease in a range hood. Contributing factors to a kitchen fire event include failure to clean the range hood as required, failure to train kitchen staff in how to respond to a fire appropriately, or failure to ensure that fire extinguishers in the kitchen are working properly. An inadequate fire suppression system could allow a small fire to burn out of control. All of these contributing factors could be the target of risk control activities.

- Enhance the jail’s reputation in the community.
- Help the jail avoid losses and take advantage of opportunities.
- Avoid changing processes or conditions in ways that create new sources of risk.
- Ensure that the direct and indirect benefits of risk control measures outweigh their direct and indirect costs.
- Ensure that risk control efforts are easily communicated, integrated into the jail’s existing practices and procedures, and practiced at all staff levels.
- Develop measurable results.
- Include a system to verify compliance with the risk control program.

- Provide objectives that are realistic and sustainable.
- Develop objectives with input and agreement from the staff.
- Ensure the funding authority and jail management are comfortable with the program and the level of risk retained.
- Develop objectives in a way that will not provoke an undesirable response from inmates.

Identifying the Options

A variety of measures can be used to address risk. Most of these measures fall into one of the following categories:

provide appropriate medical care. Jails can avoid this potential liability by screening incoming inmates for serious medical conditions before they are admitted and refusing to admit those who have a condition for which the jail cannot provide adequate care.

Loss Reduction

Loss reduction measures reduce either the likelihood that a negative risk event will occur or the level of negative consequences that flow from the event. Many common jail procedures serve loss reduction objectives, even if they are not considered to be “risk management” procedures. Following are some examples of loss reduction measures and related loss reduction objectives:

- **Workplace safety programs and inspections combined with regular inspection, maintenance, and (if necessary) upgrade of equipment and security systems:** Reduce losses resulting from staff injuries that are caused by unsafe conditions and practices.
- **Legal and regulatory compliance programs (e.g., occupational safety and health regulations, jail standards, constitutional requirements):** Reduce losses resulting directly from violations of laws and regulations (e.g., staff and inmate injuries/illnesses and judgments against the jail for constitutional violations) and from the expense associated with legal proceedings and compliance with consent decrees.
- **Safety committees:** Identify unsafe conditions and practices and obtain employee input on better safety and security practices.
- **Return-to-work programs for injured workers:** Reduce prolonged absences of injured employees and improve the likelihood of a full return to work.
- **Procedures for securing and returning inmate possessions:** Reduce inmates’ claims for loss of personal property taken from them at the time of confinement.
- **Driver safety training:** Reduce liability losses resulting from accidents caused by unsafe operation of the jail’s motor vehicle fleet.
- **Post-loss claims management:** Reduce the monetary value of losses arising from negative risk events.
- **Housing plan with appropriate separation by classification of inmates:** Reduce the likelihood of lawsuits arising from inmate-on-inmate violence by housing inmates with others in similar behavioral categories.
- **Contraband policies:** Reduce the chances that inmates will possess materials they can use for inappropriate, forbidden, or violent behavior that may injure jail staff or other inmates.
- **Inmate needs assessment:** Avoid inmate civil rights lawsuits by ensuring that the jail has a plan in place to meet each inmate’s constitutionally protected rights.
- **Personal protective equipment:** Reduce workers’ compensation claims by providing clothing or other items that are worn or used by jail staff for protection against health hazards and physical hazards in the workplace that cannot be eliminated by other means.
- **Use-of-force policies and procedures:** Reduce the likelihood of a claim for excessive use of force.
- **Staff selection and training programs:** Select and develop staff who have the appropriate skills, attitudes, and experience to interact positively with inmates and operate the jail in a safe, secure, and humane manner.
- **Supervisor selection and training programs:** Select and train supervisors who have the appropriate skills, attitudes, and

experience to ensure that staff members follow jail policies and procedures.

- **Emergency procedures drills:** Ensure that staff members are familiar with the jail's emergency procedures so they can respond to an event immediately and effectively.
- **Contingency planning:** Ensure that the jail can continue to operate and fulfill its mission after a negative risk event and can take timely advantage of opportunities.
- **Backup of key resources:** Ensure that the jail can continue to operate even if it loses the use of a key resource by giving the jail immediate access to a replacement for that resource.
- **Segregation of key resources:** Help the jail continue to operate after a negative risk event by storing key resources in different locations or duplicating them with backup resources that are easily available.

Positive Outcome Enhancement

Positive outcome enhancement measures increase the likelihood that a positive risk event will occur or increase the magnitude of the positive consequences that will flow from an event. Following are examples of positive outcome enhancement measures and related positive risks or consequences:

- **Staff training:** Improves jail staff members' positive interaction with inmates with the goal of improving outcomes (reducing recidivism).
- **Partnership development:** Provide inmates with better self-improvement programs by adopting partnership development goals and assigning staff to identify and pursue opportunities to partner with other organizations.
- **Grant development:** Obtain funding to support jail operations and programs by adopting a systematic process and assigning staff to research and apply for grants.

Risk Sharing

Risk sharing measures are designed to share an organization's risk exposure with another organization. Risk sharing can also be called "risk transfer"; however, "transfer" is misleading because the jail seldom eliminates all of its risk through these relationships.

Risk sharing is usually accomplished by contract. Risk sharing measures include the following:

- Contracting with another organization to perform specific activities for the jail and to assume some of the financial risk associated with those activities (contractual risk sharing arrangements).
- Contracting with a commercial insurance company or a public risk pool to assume some of the financial consequences of negative risk events (insurance/risk pool membership).

Contractual risk sharing arrangements.

Organizations often use contracts to transfer the responsibility for certain types of work to another organization, usually one that has specific expertise in the type of work to be performed. For example, jails often hire contractors to provide medical care, food service, and sometimes overall jail management. Risk sharing is not the primary purpose of such contracts; it is a by-product. The primary objective is to transfer responsibility for a set of tasks to an entity that can perform them better and in a more cost-effective manner. The jail remains legally liable for the functions that are contracted out, but the contractor is also legally liable for the way in which it performs the contracted work.

The parties to these contracts can decide how to allocate financial responsibility for negative risk consequences. The parties' agreement does not change the legal rights of third parties who may have a claim against one or both parties; however, it does establish the parties' respective

responsibilities for responding to a claim. Contracts for services often will include the following:

- A provision stating that the contractor (the party in the best position to control risk resulting from the work) will “indemnify and hold harmless” the jail for negative risk consequences resulting from the contractor’s work.
- A requirement for the contractor to obtain adequate liability insurance coverage that is appropriate for its work and to provide evidence that it has added the jail to the insurance policy as an “additional insured.” Contractors should further be required to notify the insured if the policy is subsequently reduced or cancelled.
- A requirement for the contractor to obtain, and provide evidence of, workers’ compensation coverage for its employees.
- A requirement for the contractor to obtain, and provide evidence of, motor vehicle liability insurance coverage if it operates vehicles as part of its work.

Specialized work may expand these insurance requirements. For example, in construction contracts, the contractor is often required to provide property damage insurance to protect the building owner from damage to the property on which the contractor is working. Contractual language and possibly state law can greatly affect the scope of protection provided. Contractors’ standard contract forms are often carefully drafted to minimize the liability the contractor assumes; therefore, the jail’s legal counsel or a risk manager well versed in contract risk management should be part of the contract review process.

Insurance/risk pool membership. Even the best risk control program will not eliminate all risk events and negative risk consequences. Risk financing arrangements provide a jail with

financial resources to pay for some of these losses. Most jails buy insurance from a commercial insurance company, join a public risk pool, or participate in a state-sponsored program to share the negative financial consequences of risk events.⁷ The jail pays a premium and in return receives a contractual promise that the insurer/risk pool will pay for certain types of negative risk consequences up to a specified amount (referred to as “limits”). Because the insurer’s or risk pool’s responsibility is subject to dollar limits and coverage restrictions, some of the exposure to loss remains with the jail.

Many public entities are required by law or administrative procedure to follow specific procurement practices in all of their purchasing activities, including risk financing arrangements. These requirements vary from state to state and may control how a public entity obtains quotes, how many quotes must be obtained, how the quotes are evaluated, which insurance carriers may do business with public entities, and how the public entity may use agents or brokers. Any jail staff members who make risk-financing decisions should be familiar with these laws.

Risk Retention

Risk retention is another form of paying for the negative consequences of risk events. An organization *retains* risk when it pays for some or all of its losses using internal resources, without the help of funds from insurers or risk pools.

Risk can be wholly or partially retained. It is wholly retained if there is no outside financing for a loss. It is partially retained if some (but not all) of the losses are covered by outside financing. The objectives of risk retention include reducing or eliminating insurance premiums,

⁷ Virginia provides a liability self-insurance plan that includes Virginia’s sheriffs and regional jails. See <http://www.trsvirginia.gov/drm/constitution.asp>, accessed April 18, 2007.

gaining greater control over claims handling, and absorbing costs that are affordable.

Risk may be retained intentionally. An organization may intentionally retain a known risk by using insurance that includes deductibles or self-insured retentions⁸ or by establishing its own self-insurance plan to pay losses up to a certain level. For example, if state law permits, a jail might decide that small and routine losses (such as loss of inmate property) will be paid from a special fund rather than by insurance. Potentially large losses, such as those resulting from personal injury, are usually inappropriate for complete retention; however, an organization may decide to partially retain the risk by accepting a large deductible or self-insured retention in exchange for a significantly lower premium.

⁸ Deductibles and self-insured retentions require the insured to pay the first part of a loss, up to a set dollar or percentage amount, before the insurer or pool pays any part of the loss.

Risk may also be retained unintentionally (e.g., if the organization has not identified its risk exposures, if it is unaware that the exposures are excluded from its insurance, or if its exposure significantly exceeds the limits of its coverage). Organizations in this potentially dangerous situation are described as uninsured “by default”—they retain financial responsibility for a loss without considering how it may be avoided, reduced, controlled, or shared, and without analyzing the possible effect of large losses on their financial stability or ability to meet their goals and mission. Risk identification and assessment are important because they help protect organizations from unknowingly retaining financial responsibility for potentially catastrophic losses. Equally important is a careful review of the organization’s insurance policies/pool documents to ensure that the organization’s leaders are aware of the coverage limitations and the types of loss that are excluded from coverage. Programs that cover unknown risks where feasible are highly desirable.

What Are Risk Pools?

Risk pools are associations of public entities with similar functions that have banded together to share risks by creating their own risk-financing organizations. Members pay premiums that fund the administrative costs of operating the pool, including claims management expenses, and compensate members for covered losses.

Pools offer some advantages. They may offer coverage that is more targeted and at premiums that are generally stable and affordable. Many pools offer additional benefits and services at little or no cost, including advice on safety and risk management, seminars on loss control, updates on changes in the insurance industry, and property appraisal and inspection. Some pools offer members the opportunity to receive dividends for maintaining a good loss record. On the other hand, some pools may require members to pay additional funds if the pool’s loss experience is worse than anticipated. As with commercial insurers, the pool’s financial stability is an important consideration. Consequently, a public entity must apply the same diligence to investigating pooling programs that it would apply to the selection of commercial insurance carriers.

Risk may also be retained because it is not insurable. For example, a jail cannot insure against the possibility that its funding authority will reduce its funding. However, this risk can be managed in various ways—for example, by identifying alternative revenue sources or ensuring that the funding authority understands the jail’s funding needs.

Funding retained risk. An organization that retains risk must find a way to pay for losses that it does not share with others. These alternatives may include the following:

- Treating losses as expenses and using the regular operating budget to pay for them.
- Creating and funding a special account to pay for intentionally retained losses.
- Seeking supplemental funding from the funding authority.

State law or requirements of the funding authority may limit a jail’s choice of risk retention mechanisms.

Deciding to retain risk. Before deciding to retain insurable risk, a jail should do the following:

- **Determine whether it is legally required to buy insurance.** Many states require insurance for automobile liability and workers’ compensation risks, although some states allow qualified self-insured plans that meet state-mandated requirements. The jail must also determine whether its funding authority imposes any special requirements for risk financing.
- **Determine whether it is financially able to retain risk.** This necessary but difficult task involves estimating the financial consequences of potential losses before they happen. Very few (if any) organizations can afford to be completely self-insured. The most commonly self-insured risks involve low severity and either low or high levels of

frequency; that is, risks that are predictable and pose little danger of catastrophic loss. Coverage with high deductibles or self-insured retentions may be available for organizations that want to retain some risk but also protect against an unexpected severe loss or series of losses. Organizations rarely self-insure against losses that could significantly affect financial stability or their ability to meet their mission.

- **Compare the costs of insurance with those of retention.** An insurance premium covers more than losses. It also covers loss adjustment expenses—the insurer’s cost of investigating, paying for, and defending claims, if necessary. Retention is less expensive than insurance only if the premium exceeds the cost of losses plus the associated loss adjustment expenses and any other benefits an insurance carrier or risk pool would provide.

Selecting Risk Control Measures

The more risk exposures (both positive and negative) the jail addresses, the more likely the jail will be to experience a desired outcome; however, the jail cannot adopt every risk control measure it identifies. Rather, it should review and compare the various approaches available for addressing each exposure. Some risk control measures will be an obvious match for the jail’s exposures, but often the identification and selection of risk control measures is challenging. It is not as simple as choosing one risk control measure to address each potential risk event. Usually a combination of factors contributes to a risk event, and each factor can be addressed by one or more risk control measures.

When evaluating risk control measures, a jail should ask the following questions:

- **Is the risk control measure mandated by legal and regulatory requirements?** If a risk control measure is mandatory, the jail

Multiple factors contribute to risk events

An inmate's sexual abuse of another inmate may result from a combination of factors, including mistakes in inmate classification and inadequate supervision of inmates by staff. A strong classification system and staff training are both risk control measures for this negative risk.

must comply with it. Examples include the workplace safety requirements of a state's occupational safety and health law and requirements for automobile liability and workers' compensation insurance.

- **Which risk control measure(s) are most compatible with other jail objectives?** Risk control measures that conflict with the jail's mission and goals are unlikely to have long-term positive outcomes.
 - **Which risk control measures does the jail have the resources to implement?** Identify the resources that would be required to implement the risk control measure (e.g., funding, personnel, equipment), determine whether the jail has those resources, and consider how the jail would obtain the resources if they are lacking.
 - **Which risk control measures are most cost effective?** Choose risk control measures that offer the best direct and indirect benefits for the cost of their implementation.
 - **Which risk control measure is the simplest to communicate and implement?** Staff members must be able to understand the risk control measure and easily incorporate it into their routines.
 - **Will staff members be willing and able to implement the selected risk control measures on an ongoing basis?** Staff input is critical to determining which measures will continue to work for an extended period.
 - **Can staff compliance be reliably documented and measured?** Documentation is critical to prove that the jail follows its own
- **How will citizens and the funding body perceive the risk control measure?** Consider public reaction if the measure is publicized. Jail administration must be able to support its decision to use a risk control measure, particularly when communicating with the media.
 - **Does the risk control measure create additional problems?** Some risk control measures that address one problem will create another. Consider all of the possible effects of a risk control measure, including those that are negative.
 - **Can the risk control measure be successfully integrated into the jail's existing practices?** A measure that requires a basic change in the way the jail operates is less likely to be successful over an extended period.
 - **What is the accepted practice in similar jails?** If an effective approach is followed by many jails, using that approach may be beneficial in the face of a legal challenge.
 - **What resources are available to the jail to support a promising risk control measure?** Existing resources may enable the jail to successfully implement a risk control measure.

policies and procedures. Measurement of outcome is important to establish that the risk control measure works.

Appropriate stakeholders should be included in the selection process. It is especially important to seek and consider input from the jail staff members who will implement the risk control measures selected. They can offer valuable perspective on whether the measures under consideration can be implemented and can succeed. These staff members may also be able to suggest practical solutions based on their experience. In addition, they are more likely to successfully implement new approaches they have helped to develop.

Assigning Responsibility and Accountability

Overall, the responsibility and accountability for managing an organization's risk resides with its senior management. In addition, each employee is responsible for managing risk within his or her area of control. If a jail has a risk manager, he or she is likely to oversee, evaluate, and recommend changes to the risk management program.

New risk control measures affect how employees do their jobs. Changes in risk control are more likely to succeed if employees are clearly instructed that they are *responsible* and *accountable* for doing their part in the process. Responsibility and accountability are not the same. Employees are *responsible* for carrying out a task when their job description requires them to do it. Employees are *accountable* when satisfactory performance of their responsibilities is a significant factor in their performance evaluation. Accordingly,

selection of risk control measures is not complete until the organization has determined and documented how and by whom they will be carried out, established a program for training employees about these responsibilities, and incorporated risk responsibility and accountability into its job descriptions and performance evaluation criteria.

Establishing Deadlines and Milestones

A deadline is a specific date or time by which a task must be accomplished. A milestone is a significant point of achievement in the life cycle of a project—the completion of one of the project's important tasks—that may be associated with a deadline or target completion date. “Driver safety classes must be implemented by June 1” is an example of a deadline. Selection of the instructor and the actual delivery of the first driver safety class are milestones.

Responsibility and Accountability in Driver Safety Training

A jail's risk manager is responsible for reporting emerging risk management problems to senior management and for making appropriate recommendations and is accountable for failing to do so. In discharging that responsibility, the risk manager reports that the jail's employees are having an increased number of at-fault auto accidents in the jail's vehicles and recommends a driver safety training program. Senior management approves the recommendation and informs department heads, supervisors, and employees of its support for the program.

The risk manager is responsible for establishing performance indicators for the program, contracting an instructor, working with department managers and supervisors to establish a training schedule and a training recordkeeping system, evaluating the program using the performance indicators, and making changes if necessary. The risk manager is accountable for the overall functioning of the driver training program.

Supervisors and department heads are responsible for ensuring that their drivers attend driver safety training and for enforcing employee compliance with safe driving practices. They are accountable for the poor driving performance of the employees under their supervision.

The jail's drivers are responsible for operating vehicles safely and are accountable if their failure to do so causes an accident.

Deadlines and milestones are useful project management tools for ensuring that the selected risk control measures are implemented according to schedule. They help both supervisors and employees monitor progress. Arriving at deadlines and milestones requires a thorough analysis of each measure chosen: what steps will be required to implement the measure, how long will each step reasonably take, and what important interim events can serve as milestones? The jail can use this information to monitor progress and hold employees accountable for their risk management responsibilities.

Identifying Performance Indicators

Performance indicators are objective tools that can be used to evaluate an activity, including a risk management program. Performance indicators can measure both processes and outcomes; they must be chosen carefully to ensure they reflect what the organization intends to measure.

Process indicators measure the extent to which risk control measures are being implemented properly:

- *Risk control measure:* Self-improvement programming.
Process indicator: Number of self-improvement programs offered to inmates.
- *Risk control measure:* Driver safety training program.
Process indicator: Percentage of eligible drivers trained during the first 6 months of the program.

Outcome indicators measure the extent to which risk control measures have produced desired results:

- *Risk control measure:* Self-improvement programming.
Outcome indicator: Decrease in recidivism rates.

- *Risk control measure:* Driver safety training program.

Outcome indicator: Decrease in the number of at-fault vehicle accidents after training, measured against a goal to reduce the number of at-fault accidents by a specified percentage.

Although both types of performance indicators are useful in risk management programs, outcome indicators directly measure whether the jail is meeting its risk control goals.

Choosing performance indicators can be challenging. Jails can refer to *Performance-Based Standards for Adult Local Detention Facilities*, 4th edition (American Correctional Association, 2004), which describes outcome measures that are directly applicable to jail risk issues for each of ACA's seven functional areas.

Developing a System for Monitoring and Review

A risk management program is never completed. The jail and its risk environment are constantly evolving and facing new risk exposures, including opportunities that must be identified, analyzed, and addressed. In addition, the risk control measures that are selected may perform differently than expected or become less productive or cost effective over time. Therefore, a risk management plan must be evaluated and adapted to changing needs so that it does not lose its value.

Monitoring is the process of examining the jail's risk profile and the performance of its risk management program on an ongoing basis. Monitoring activities include regular gathering and analysis of data for the risk management performance indicators selected by the jail. Jail staff perform monitoring functions, which ideally should be part of their day-to-day responsibilities so that the process becomes self-perpetuating. For example, a jail monitors its

Establishing Deadlines and Milestones for Driver Safety Training

The jail adopting the driver safety training program would probably want to move quickly. The major steps (some of which could be selected as milestones with deadlines) would include the following:

- Assess the major problem areas that contribute to accidents.
- Decide to recommend implementation of a driver safety training program.
- Recommend the driver safety program to senior management and obtain approval.
- Inform department heads and discuss scheduling issues.
- Select performance indicators.
- Evaluate training options and select an instructor (internal or external).
- Determine a location for the training program.
- Establish a training schedule and inform trainees.
- Develop an attendance recordkeeping system.
- Present classes to trainees.
- Obtain attendee evaluations and make adjustments as required.
- Determine whether performance measures were met.
- Review training objectives and revise the training program as needed.
- Report to senior management.
- Decide whether to continue offering the classes.
- Monitor results on an ongoing basis.
- Make changes as needed.

facility safety program by documenting regular safety inspections. In this case, monitoring also includes regular activities that help the jail administrator identify and address changes in the jail's risk profile (i.e., its new exposures and opportunities). This could include regular review of all new

jail contracts and purchases of new equipment for the risk exposures they may present.

A review is an indepth periodic evaluation of the risk management program or of a specific aspect of the program. A review is not a substitute for

Measuring the Performance of Driver Safety Training Over Time

If a performance indicator compares statistics from different time periods, changes in exposure must be considered. A reduction in the number of at-fault vehicle accidents after driver safety training may not demonstrate that the training was successful if:

- It fails to consider seasonal variations in accidents (for example, if accidents occur more frequently in winter because of weather conditions, a reduction in accidents the following summer may be unrelated to the training).
- The number of miles driven has changed.
- The jail has replaced the vehicles in the fleet with newer vehicles that have better safety features (for example, antilock brakes).

monitoring because reviews occur less frequently and are likely to be narrower in scope. However, they are useful because they provide an opportunity to study an aspect of the risk management program comprehensively. An example of a review is a detailed audit of the jail's return-to-work program for injured staff members.

Documenting the Risk Management Program

A risk management program is more likely to succeed if it is documented in writing. Documentation provides the structure for directing implementation, establishing accountability, monitoring progress, making required changes, and reporting to the jail administrator and the funding authority. The written documentation of a risk management program will likely consist of multiple living documents (preferably electronic documents) that are easily accessible to the staff members who use them. A document that sits on a shelf will not be useful and can actually be detrimental if it is out of date.

Information about a jail's risk management program will likely be contained in more than one

document. Individuals who are responsible for addressing a specific area of risk will probably record detailed information in a personal working file. Minutes from a risk management committee's meetings may be maintained by the committee chair. General information about the risk management program as a whole (for example, the schedule for reporting to the funding authority, forms that are used throughout the organization, and insurance information) may be maintained in a risk management manual that is available to all staff members. Each jail will tailor its documentation to serve its own needs and capacity. The following sections describe some tools that jails can consider using to document their risk management program.

Risk Register

A risk register is a living planning and communication document that summarizes key information from the risk assessment phase, including the specific ways in which risk affects a jail and the prioritization of risk exposures. The best format is a matrix or spreadsheet that is easy to understand and update and uses a template that includes elements of critical information. Worksheet 1 (see exhibit 5, page 43) is an example of a risk register.

Developing the risk register is an ongoing process that begins with the jail's first risk assessment efforts. The information included in the register depends on the jail's specific needs. Following are some important elements to consider including in the risk register:

- A unique identifier for prioritized risk exposures so that each one can be tracked along with plans to address it, actions taken, and outcome. For example, a unique number could be assigned to each risk exposure identified as a high priority on worksheet 1.
- The potential consequences of each prioritized risk exposure.
- The factors that may contribute to the occurrence of a risk event, along with resulting consequences.
- The likelihood and magnitude of each described risk consequence.
- Existing and potential controls for each risk exposure.
- The priority assigned to each risk exposure.

Risk Control Schedule and Action Plans

A risk control schedule is a single document that summarizes the jail's decisionmaking process for selecting measures to control each risk area included on the risk register. It can be used as both a planning tool and to provide an overview of deadlines for purposes of monitoring. Worksheet 2, shown in exhibit 6, is a sample template for a risk control schedule. A blank copy of the worksheet in exhibit 6 is provided in appendix B.

Action plans are individual documents that discuss in detail, and assign responsibility for, the implementation and monitoring of the control measures selected for each prioritized risk area. They are actually detailed plans for how each risk will be controlled. Exhibit 7 shows a sample template for an action plan.

Risk control schedules and actions plans can be organized depending on the jail's needs. Following are some elements to consider including in the schedule and action plan:

- **A unique identifier assigned to each risk exposure on worksheet 1.** This enables the jail to track the risk exposure through the various documents that may address it.
- **The risk control options considered for each risk exposure.** Including the options considered as well as the options selected demonstrates that the jail conducted a thorough analysis before it selected its risk control options.
- **The risk control options selected for each risk exposure.** Documenting the options selected identifies the group of risk management activities that must be monitored.
- **Deadline(s) for intermediate milestones and final implementation of the selected options.** Identifying milestones and assigning deadlines provides an objective basis for measuring progress.
- **The people who are responsible and accountable for implementing the selected risk control options.** Risk control measures are more likely to be implemented if specific people are accountable. Monitoring and reviewing the risk management program will be expedited if responsible parties are clearly identified.
- **Performance indicators that establish objective criteria for measuring progress.** Establishing performance indicators in advance of implementation gives the jail an objective basis for measuring its progress.
- **Review dates for program implementation and maintenance.** Setting review dates ensures that monitoring and evaluation take place on a regular basis.

- **A schedule for submitting regular risk reports (including outcomes demonstrated by any performance indicators) to the jail administrator, the funding authority, and others.** A reporting schedule ensures that the parties whose support is critical to effective risk management are informed about program performance.

Summary

The process outlined in this chapter can be adapted to fit the needs of any jail regardless of its size; activities may be scaled back or expanded based on the organization's size and complexity. Furthermore, the risk management process can be implemented in stages, beginning with areas of operation that historically produce the greatest risks or with activities that can be implemented throughout the organization. It is important for a jail to start the process and then, on an ongoing basis, continue to integrate risk management processes into the jail's organizational structure and daily operations.

Exhibit 6. Example of Worksheet 2: Risk Control Implementation Schedule

Risk Exposure ID No.	Risk Exposure	Risk Control Measure	Chosen?	Lead Person and Department	Target Completion Date	Date Completed	Monitoring Reports Schedule
0001	Flood of building due to spring flood of river	Move facility	No	N/A	N/A		
		Erect flood barriers	No	N/A	N/A		
		Retrofit the building for flood resistance	Yes	Name/department	XX/XX/XXXX		
		Evacuation plan	Existing	Name/department	XX/XX/XXXX		
		Contingency operating plan	Existing	Name/department	XX/XX/XXXX		

Exhibit 7. Worksheet 3: Example of Risk Control Action Plan

Risk ID No.	Risk exposure
Risk control measure chosen <i>(Identify the risk control measure.)</i>	
Detailed action plan <i>(Describe in detail how the jail plans to implement the risk control measure.)</i>	
Target implementation completion date <i>(Date by which full implementation of the risk control measure is expected)</i>	
Schedule of interim milestones <i>(Interim milestones and target dates)</i>	
Milestone	Target date
Team leader <i>(Identify the team leader—the person who has primary responsibility for implementation.)</i>	
Other personnel assigned <i>(Identify the names and functions of other personnel assigned to perform activities.)</i>	
Name	Function
Other resources allocated <i>(Identify any other resources allocated.)</i>	
Resource	Function
Performance indicators <i>(Describe the process indicators and outcome measures selected and the schedule for evaluating and reporting.)</i>	
Performance indicator	Schedule
Monitoring and review <i>(Describe the ongoing monitoring and periodic reviews to be performed.)</i>	
Monitoring/review activities	Schedule

Good risk management requires investment in all of the jail's basic resources: human, financial, property, partners, and reputation. Therefore, an investment in risk management is an investment in the jail's ability to achieve its mission. Efforts to secure funding for a risk management program may be more successful if this fundamental connection is stressed.

Human Resources

A well-qualified, well-trained staff that reliably and safely performs its duties in accordance with the jail's procedures is critical if the jail is to achieve all aspects of its mission. A jail can also use well-qualified volunteers or contractors to perform mission-related activities. To better enable staff to carry out their responsibilities safely and in a manner consistent with legal requirements, the jail may choose to invest in staff recruiting, screening, and selection; supervision; risk management staff and committees; policies and procedures; training; and workplace safety. Each of these topics is discussed in the following sections.

Staff Recruiting, Screening, and Selection

Jail staff, volunteers, and contractors work in an environment that presents significant risk. One source of this risk is the inmate population. Some inmates are predators and some have physical or mental vulnerabilities. All are confined involuntarily because they have been charged with or convicted of illegal actions.

Although inmates are confined, they have rights that are strictly protected by the law. Jail staff, volunteers, and contractors who work with inmates must be carefully recruited, screened, and selected to avoid adding to the risk of managing this volatile population and to maximize their own safety and that of the public. The jail's investment in this process includes the following:

- Planning for adequate numbers of qualified staff.
- Current and detailed job descriptions.
- A candidate screening process that includes criminal history, work history, job references, education, and evaluation of the candidate's physical ability to safely perform essential job functions.
- A system that facilitates staff efforts to continue meeting the jail's standards.

The process of recruiting, screening, and selecting jail staff is both a risk control measure and a risk exposure. Federal, state, and some local governments impose legal requirements that are designed to provide equal employment opportunity. States establish minimum qualification standards for correctional officers. These requirements guide the administrator in developing a well-qualified and diverse staff but also create legal pitfalls for those who are unaware of the requirements.

Supervision

Good risk management requires an investment in experienced and well-trained supervisory

personnel. Supervisors are the front line in the effort to ensure that the jail staff operates in accordance with jail policies and procedures. Supervisors' proximity to jail activity on a daily basis allows them to identify problems and opportunities as they develop and to devise solutions that may not be apparent to upper management (who may not be aware of issues that occur on a regular basis).

Risk Management Staff

Most jails cannot afford to have a professional risk manager on staff, but specific staff members can be responsible and accountable for important risk-related activities. The cost is diversion of some staff time to risk issues; the benefit is the jail's overall improved ability to meet its mission. The responsibility for having a full understanding of the jail's risk ultimately falls to the jail administrator, who must also invest time in establishing risk management as a jail priority.

Policies and procedures

"A policy is a simple statement of the administration's position on an issue concerning the jail's operation. It defines what action is to be taken and why. A well written policy contains both the action and the rationale. . . . Procedures are step-by-step instructions of the activities necessary to fulfill the policy. Procedures describe how, when and where the organization will implement the policy and who will implement it" (Martin and Rosazza, 2004, page 31).

Risk Management Committees

Risk management committees foster staff communication and collaboration about risk. Collaborative efforts produce broader and more effective solutions than do individuals working alone. The cost of diverted employee work time is reduced if the committee has a clear mission and the members have assigned responsibilities.

Policies and Procedures

Jail administrators develop and update written policies and procedures that help staff do the following:

- Operate in compliance with federal, state, and local legal and regulatory requirements governing care of the inmate population.
- Create a safe workplace.
- Maintain the security required to protect the community from the potentially dangerous inmate population.

Development and consistent application of carefully drafted policies and procedures are essential to meeting these diverse expectations. Written policies and procedures that are in an accessible, user-friendly format give jail staff the information they need to be consistent in performing their tasks. Policies and procedures also establish a documented foundation for training purposes.

Training

Training is an indispensable part of implementing the jail's policies and procedures and is a significant, ongoing risk management investment. Some training topics (e.g., safety training mandated by the Occupational Safety and Health Administration) must be delivered in settings where employees can ask questions of a live trainer. Many jails meet this requirement by employing full-time training staff or by having staff perform training as a part of their job functions. Others hire outside contractors. Additional expenses for training can include the following:

- Development and reproduction of materials.
- Purchase of equipment and software for videos or slideshows.
- Classroom space.
- Overtime pay for staff who attend training sessions.
- Tuition and travel expenses for courses that are conducted offsite.

Recordkeeping is a critical component of a training program, and one that imposes additional

expenses. Keeping records is mandatory in many states for training that is required by an occupational safety and health agency. Even if the training is not mandated by a regulatory authority, and records are not mandatory, they are an important risk management tool because records document the jail's efforts to provide a safe facility that meets the legal and regulatory requirements that govern its operations.

Recordkeeping systems range from files for saving paper documents to computer databases. Staff time is required to complete and maintain the records, to oversee a calendar system to ensure that employees receive initial and refresher training as required, and to maintain the training records in accordance with legal requirements and the jail's record retention policy.

Workplace Safety

Jail staff members face some workplace safety hazards that are common to most workplaces (e.g., lifting injuries) and others that are specific to a jail environment (e.g., violent attack by inmates). Following are the basic categories of investment that help correct, control, or eliminate workplace safety hazards (Martin and Rosazza, 2004):

- Eliminating the hazard or condition.
- Diminishing the hazard by limiting or controlling exposure to it.
- Training staff (and inmates) to be aware of hazards and to follow procedures to avoid these hazards.
- Providing protection against the hazard.

Most workplace safety controls impose costs such as the following:

- Use of employee work time for development and enforcement of safety rules, training, drills, and simulations.

- Purchase of personal protective (safety) equipment.
- Capital expenditures for upgrade of the facility and its security systems.

Financial Resources

Jails need adequate financial resources to achieve their mission. To obtain and preserve financial resources, jails must do the following:

- Maintain a good relationship with the funding authority.
- Educate the funding authority about the jail's needs.
- Develop additional funding sources (e.g., grants) for special programs.
- Implement a detailed budgetary process that accurately anticipates operational expenses and long-term investments in infrastructure to provide adequate capacity.
- Protect the jail from losses (e.g., uninsured liability claims, damage to jail property, injury to jail employees) that drain its resources.

Much of the investment in this area will be in employing a sufficient number of jail staff with the expertise necessary to maintain and increase the jail's funding base. However, protecting the jail's financial resources also requires the jail to share its risk of loss by purchasing commercial insurance, joining a risk pool, or establishing a self-insured program. All of these risk-sharing approaches involve costs for the jail. Commercial insurance and risk pool membership both require a premium payment that covers a bundle of services provided by the insurer or pool. A self-insured program requires the jail to make its own arrangements for the bundle of services that would be provided by an insurer or pool, including a fund for loss payment, loss prevention services, and claims processing.

Property

A jail's physical infrastructure—buildings, equipment, vehicles, computer systems, security systems, and other tangible property—is essential to its mission. The jail's records, which are increasingly maintained in electronic format in a computer system, are also essential. To fulfill its mission, the jail must protect its property, know what increased capacity it will require to meet the community's future needs, and develop and implement a strategy for ensuring that it has the necessary resources in case of an emergency.

Partners

Jails have a complex mission that involves serving the community. This mission cannot be accomplished without partner organizations, including vendors of services and supplies, providers of lifeline services, other public agencies, and nonprofit organizations whose missions overlap with the jail's. Jails can best develop these partnerships by investing in jail staff and administrators who understand the importance of developing and maintaining good partner relationships.

Reputation

The jail's reputation (i.e., how the community feels about the jail) affects its financial support and the interest of partner organizations that may collaborate with the jail to achieve shared objectives. To cultivate a good reputation, the jail must devote resources to a community relations program, including outreach to the media, which may report on positive or negative events involving the jail.

The Challenge

Jails have a vital mission within the local justice system and the community: to safely incarcerate offenders in a manner that protects the public, meets legal requirements, and provides

opportunities for self-improvement that will reduce recidivism.

Very few of the jail's activities and operations are discretionary, and most are fraught with risks in which adverse events can have serious consequences. Ignoring these risks is simply not an option. If the jail is to fulfill its mission successfully, these risks must be identified and managed to the greatest extent possible.

Properly managing risk achieves two critical objectives that enable the jail to achieve its mission. First, it reduces the potential for risk events that produce negative consequences for the jail. Second, and equally significant, it increases the potential for risk events that produce positive consequences. Negative consequences, which can be monetary (e.g., judgments, loss of income, overtime) and/or nonmonetary (e.g., loss of staff productivity, loss of public support and good will), diminish the jail's capacity to achieve its mission by depleting valuable jail resources—both financial and human. On the other hand, properly managing risk allows the jail to accommodate programs and activities that might otherwise have been dismissed as too risky and that might result in positive consequences. The essence of risk management, therefore, is to identify, manage, and control risk to minimize negative risk consequences and maximize positive consequences. The freedom to take calculated risks, which is a by-product of a good risk management program, gives the jail the capacity to be innovative and to take advantage of opportunities to make progress toward a better future.

Success in managing risk requires an investment in the jail's resources. Clearly, most jails operate with limited resources, and inevitably there is a wide range of competing demands on those resources. Making the commitment to invest in the jail's resources—human, financial, property, partners, and reputation—should be viewed as an investment in the jail's ability to achieve its mission.

There is good news in this regard: a sound risk management program does not have to be implemented overnight. It can be implemented in stages, beginning with areas of operation that historically produce the greatest risks. It is important for a jail to start the process and then, on an ongoing basis, continue to integrate risk management processes into the jail's organizational structure and daily operations.

In initiating this process, begin with the understanding that risk management is not a one-size-fits-all proposition. Effective risk management

must be tailored to the jail and must consider the facility's size and other unique characteristics. This document presents a framework and a process to guide jail officials in the establishment of a risk management program. The challenge for jail administrators and policymakers is to use this information to integrate as many risk management tools and strategies as possible in the jail's organizational structure and operations. After all, good risk management and good jail management are really one and the same.

Definitions

Contributing factor: A condition or circumstance that makes it more likely for a risk event to occur.

Key resource: A tangible or intangible asset that is important to an organization's ability to accomplish its mission and goals and that may be affected by a risk event. For example, the facility, jail staff, jail funding sources, grants, records, and the jail's motor vehicle fleet are key resources.

Risk consequences: The positive or negative effect a risk event has on an organization and its ability to achieve its mission and goals.

Risk event: A specific incident that produces consequences, either positive or negative. For example, a specific flood, fire, earthquake, or grant award is a risk event.

Risk exposure: The possibility that an organization will be affected by a certain type of risk event based on the organization's characteristics, such as location, activities, assets, or other factors that make it subject to a particular source of risk.

Source of risk: An object, force, or condition that creates the potential for a risk event. A source of risk is not the occurrence of a specific risk event. For example, the potential for a fire, flood, or earthquake (and, from a positive perspective, the availability of grants to support jail programs) are all sources of risk. An actual fire, flood, or grant award is not a source of risk—it is a *risk event*.

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- Standards Australia/Standards New Zealand. 2004. *Risk Management Guidelines Companion to AS/NZS 4360:2004*. Sydney, Australia, and Wellington, New Zealand: Standards Australia International, Ltd., and Standards New Zealand.



Appendix A

Recommended Resources

Constitutional and Civil Rights

Organizations

Civic Research Institute

www.civicresearchinstitute.com

Civic Research Institute (CVI) is an independent publisher of reference and practice materials for professionals in the social sciences and the law. CVI publishes *Correctional Law Reporter*, a publication for jail managers and their legal counsels that focuses on legal issues and trends.

CRS Incorporated

www.shopcrs.org

CRS is a nonprofit criminal justice organization that publishes the *Detention and Corrections Caselaw Quarterly*, a publication that presents concise summaries of recent jail- and prison-related court decisions. CRS also publishes the *Detention Reporter* and the *Detention and Corrections Caselaw Catalog*.

International Public Management Association for Human Resources

www.ipma-hr.org

Job Accommodation Network

www.jan.wvu.edu

Consultants from the Job Accommodation Network have compiled several ideas for accommodating individuals with disabilities. Publications are available at www.jan.wvu.edu/media/ideas.html.

Legal Liability & Risk Management Institute

www.llrmi.com

Poverty & Race Research Action Council

www.prrac.org

Public Agency Training Council

www.patc.com

U.S. Equal Employment Opportunity Commission

www.eeoc.gov

The U.S. Equal Employment Opportunity Commission (EEOC) is the federal agency that enforces federal employment discrimination laws. The EEOC website includes a page with information for small businesses from state and local agencies (www.eeoc.gov/employers/stateandlocal.html).

Publications

Confronting Confinement: A Report of the Commission on Safety and Abuse in America's Prisons, Commission on Safety and Abuse in America's Prisons, 2006, www.prisoncommission.org/pdfs/Confronting_Confinement.pdf, accessed November 17, 2006.

Jail and Prison Legal Issues: An Administrator's Guide, American Jail Association, 2004, www.aja.org/aja/publications/legal.shtml, accessed November 21, 2007.

Protecting Civil Rights: A Leadership Guide for State, Local, and Tribal Law Enforcement, International Association of Chiefs of Police, 2006, www.theiacp.org/documents/index.cfm?fuseaction=document&document_type_id=10&document_id=862&subtype_id=7, accessed November 16, 2006.

Websites

DisabilityInfo.gov

www.disabilityinfo.gov

This website includes resources for emergency preparedness, workplace accommodations, occupational safety, etc. Additional information is available at www.disabilityinfo.gov/digov-public/public/DisplayPage.do?parentFolderId=9.

Disasters and Emergencies

Organizations

American Red Cross

www.redcross.org

First Aid Fast and *HIV/AIDS Fact Book* are available for purchase at <http://www.redcross.org/pubs>.

Centers for Disease Control and Prevention

www.cdc.gov

Citizen Corps

www.citizencorps.gov

Citizen Corps partners with Volunteers in Police Service to enhance the capacity of state and local law enforcement to use volunteers effectively.

Federal Emergency Management Agency

www.fema.gov

Firewise Communities

www.firewise.org

The Firewise Communities program is a resource for agencies, organizations, fire departments, and communities that seek to reduce losses suffered as a result of wildland fires.

Institute for Business and Home Safety

www.disastersafety.org

National Fire Protection Association

www.nfpa.org

National Institute of Corrections

www.nicic.org

National Oceanic and Atmospheric Administration

www.noaa.gov

The National Oceanic and Atmospheric Administration provides information to federal, state, local, tribal, and international authorities regarding the condition of the oceans and the atmosphere.

Public Entity Risk Institute

www.riskinstitute.org

U.S. Fire Administration

www.usfa.dhs.gov

Publications

Corrections Agency and IT Preparations for Pandemic Influenza, National Institute of Corrections, 2006, <http://nicic.org/Library/021463>, accessed October 20, 2006.

Crisis, Disaster, and Emergency Management: Websites for Researchers, National Institute of Corrections, 2002, <http://nicic.org/Library/018191>, accessed October 20, 2006.

A Guide to Preparing for and Responding to Prison Emergencies: Self-Audit Checklists, National Survey Results, Resource Materials, Case Studies, National Institute of Corrections, 2005, <http://nicic.org/Library/020293>, accessed October 20, 2006.

Mass Medical Care with Scarce Resources: A Community Planning Guide, Health Systems Research, Inc., 2007, www.ahrq.gov/research/mce, accessed November 16, 2006.

Orientation Manual for First Responders on the Evacuation of People with Disabilities, Federal Emergency Management Agency, 2002, www.usfa.dhs.gov/downloads/pdf/publications/fa-235-508.pdf, accessed October 20, 2006.

Pandemic Influenza Planning, Minnesota Department of Corrections, 2006, www.corr.state.mn.us/publications/documents/Flupandemic4-06.pdf, accessed October 20, 2006.

U.S. Fires in Selected Occupancies, National Fire Protection Association, 2006, www.nfpa.org/assets/files/MbrSecurePDF/OSover.PDF, accessed November 21, 2007.

Viral Hepatitis and HIV/AIDS Integration: A Resource Guide for HIV/AIDS Programs, National Alliance of State & Territorial AIDS Directors, www.cdc.gov/ncidod/diseases/hepatitis/resource/training/nastad.pdf, accessed November 16, 2006.

Websites

All About Presidential Disaster Declarations

www.peripresdecusa.org/mainframe.htm
The Public Entity Risk Institute maintains this searchable website on Presidential Disaster Declarations.

Disaster! Finder

<http://disasterfinder.gsfc.nasa.gov>
Disaster! Finder is a service developed and maintained by the National Aeronautics and Space Administration (NASA) Solid Earth and Natural Hazards Program. It was created for the disaster-response community at large and provides quick and easy access to the most helpful links for information about disasters.

DisasterHelp

www.disasterhelp.gov
This website of the Federal Emergency Management Agency provides information and services for individuals, families, and businesses needing disaster recovery assistance.

Mitigation Planning Guidance

www.fema.gov/plan/mitplanning/planning_resources.shtm#1
This website includes “How-To” guides for mitigation planning.

Open for Business: A Disaster Planning Toolkit for the Small to Mid-Sized Business

www.disastersafety.org/business_protection
This online toolkit from the Institute for Business and Home Safety provides small business owners information that will help them reduce their potential for loss should disaster strike and help them reopen quickly should they be forced to close.

PandemicFlu.gov/AvianFlu.gov

www.pandemicflu.gov or www.avianflu.gov

Ready.gov

www.ready.gov
The *Ready* Campaign educates Americans on how to prepare for and respond to emergencies, including natural disasters and potential terrorist attacks.

USA.gov

www.usa.gov
USA.gov is the federal government’s official web portal.

Enterprise Risk Management

Organizations

SAI Global

www.saiglobal.com
SAI Global is an applied information services company that helps organizations manage risk, achieve compliance, and drive business improvement. It offers a variety of publications on risk management through the SAI Global Webshop, www.saiglobal.com/shop/Script/portal.asp?portal=RiskManagement, accessed November 20, 2007.

Treasury Board of Canada Secretariat

www.tbs-sct.gc.ca/index_e.asp

The Risk Management Directorate helps public service departments and agencies implement risk management practices.

Publications

Integrated Risk Management Framework, Treasury Board of Canada Secretariat, 2001, www.tbs-sct.gc.ca/pubs_pol/dcgpubs/riskmanagement/rmf-cgr_e.asp, accessed November 21, 2007.

Jail Administration

Organizations

Americans for Effective Law Enforcement

www.aele.org

American Correctional Association

www.aca.org

American Jail Association

www.aja.org

Law Enforcement Information Technology Standards Council

www.leitsc.org

National Criminal Justice Reference Service

www.ncjrs.gov

The National Criminal Justice Reference Service is a federally funded resource offering justice and substance abuse information to researchers, policymakers, and others worldwide. It provides access to reference and referral services and to one of the largest justice-focused libraries and abstract databases.

National Institute of Corrections

www.nicic.org

The National Institute of Corrections Information Center maintains a collection of the most current materials available in corrections and related fields, including unpublished materials developed by federal, state, and local agencies.

National Institute of Justice

www.ojp.usdoj.gov/nij

The National Institute of Justice (NIJ) is the research, development, and evaluation agency of the U.S. Department of Justice and is dedicated to researching crime control and justice issues. NIJ provides objective, independent, evidence-based knowledge and tools to meet the challenges of crime and justice, particularly at the state and local levels.

National Sheriffs' Association

www.sheriffs.org

The National Sheriffs' Association offers a Jail Officers' Correspondence Training Program and a First/Second Line Supervisor's Correspondence Training Program.

Public Executive Research Forum

www.policeforum.org

Law enforcement personnel from small jurisdictions may become members and receive access to current research and publications.

Urban Institute

www.urban.org

The Urban Institute (UI) conducts nonpartisan economic and social policy research. Crime/justice, including corrections, is one of the UI's areas of focus.

Publications

Accreditation for Adult Local Detention Facilities: Moving from Process Measures to Outcome Measures, American Correctional Association, 2004, <http://nicic.org/pubs/2004/period256.pdf>, accessed October 20, 2006.

Addressing Sexual Violence in Prisons: A National Snapshot of Approaches and Highlights of Innovative Strategies, The Urban Institute, 2006, www.urban.org/UploadedPDF/411367_psv_programs.pdf, accessed November 28, 2006.

Alternatives to the Secure Detention and Confinement of Juvenile Offenders, Office of Juvenile Justice and Delinquency Prevention, 2005, www.ncjrs.gov/pdffiles1/ojjdp/208804.pdf, accessed November 28, 2006.

Jail and Prison Legal Issues: An Administrator's Guide, American Jail Association, 2004, www.aja.org/aja/publications/legal.shtml, accessed December 3, 2007.

Jail Resource Issues: What Every Funding Authority Needs To Know, National Institute of Corrections, 2002, <http://nicic.org/pubs/2002/017372.pdf>, accessed October 20, 2006.

Jailers Risk Management Best Practices Manual, Kentucky Association of Counties, www.kaco.org/media/715/jail_risk_management_manual.pdf, accessed November 17, 2006.

“LAPD Gender Balance and Reform” (recommendations and motions approved by the Los Angeles City Council), National Center for Women & Policing, www.womenandpolicing.org/genderbalance.asp, accessed November 28, 2006.

Performance-Based Standards for Adult Local Detention Facilities, 4th ed., American Correctional Association, 2004, www.aca.org/store/bookstore/view.asp?Product_ID=541.

Preparing for the Future: Criminal Justice in 2040, National Institute of Justice, 2006, www.ojp.usdoj.gov/nij/journals/255/2040.html, accessed June 19, 2007.

Recruiting & Retaining Women: A Self-Assessment Guide for Law Enforcement, Bureau of Justice Assistance, 2001, www.ncjrs.gov/pdffiles1/bja/188157.pdf, accessed November 28, 2006.

Resource Guide for Jail Administrators, National Institute of Corrections, 2004, <http://nicic.org/Library/020030>, accessed November 21, 2007.

Standard Functional Specifications for Law Enforcement Records Management Systems (RMS), Law Enforcement Information Technology Standards Council, http://it.ojp.gov/documents/LEITSC_Law_Enforcement_RMS_Systems.pdf, accessed November 28, 2006.

Websites

Jail & Prisoner Law Resources and Publications

www.aele.org/law/jb-resources.html#Inmate%20Property

This page on the AELE website provides links to legal information on a variety of corrections topics.

Justice Standards Clearinghouse for Information Sharing

http://it.ojp.gov/topic.jsp?topic_id=133

Through this clearinghouse, agencies involved in the corrections field can share ideas about standards and performance measurements.

National Center for Women & Policing

www.womenandpolicing.org

The National Center for Women & Policing promotes increasing the number of women in law enforcement as a means to improve police response to violence against women, reduce incidents of police brutality and excessive force, and strengthen community policing reforms. The Center publishes and distributes information on a variety of topics central to its mission, including information on recruitment and retention of women in law enforcement.

Risk Financing and Insurance

Organizations

Association of Governmental Risk Pools

www.agrip.org

Nonprofit Risk Management Center

www.nonprofitrisk.org

Publications

Coverage, Claims & Consequences: An Insurance Handbook for Nonprofits, 2nd ed. Nonprofit Risk Management Center, 2007, <http://nonprofitrisk.org/store/coverage-claims.shtml>, accessed November 21, 2007.

Safety and Health

Organizations

American Psychiatric Association

www.appi.org

Centers for Disease Control and Prevention

www.cdc.gov

Commission on Safety and Abuse in America's Prisons

www.prisoncommission.org

National Association of County & City Health Officials

www.naccho.org

The National Association of County & City Health Officials provides access to publications on bioterrorism and emergency, communicable disease, health equity and social justice, and other subjects.

National Commission on Correctional Health Care

www.ncchc.org/resources/standards.html

The National Commission on Correctional Health Care develops correctional health care standards.

The National Institute for Occupational Safety and Health

www.cdc.gov/niosh/homepage.html

National Institute of Corrections

www.nicic.org

National Lightning Safety Institute

www.lightningsafety.com

The National Lightning Safety Institute offers consulting services, classes, seminars, workshops, videos, standards, and books on lightning safety.

National Safety Council

www.nsc.org

The National Safety Council provides resources on emergency preparedness, with an emphasis on natural disasters, workplace safety, and pandemics.

Occupational Safety & Health Administration

www.osha.gov

Publications

Annals of Internal Medicine, a publication of the American College of Physicians, is available both in print and online at www.annals.org/.

Confronting Confinement: A Report of the Commission on Safety and Abuse in America's Prisons, Commission on Safety and Abuse in America's Prisons, 2006, www.prisoncommission.org/pdfs/Confronting_Confinement.pdf, accessed November 17, 2006.

"Correctional Health Care: A Public Health Opportunity," *Annals of Internal Medicine* 118(2): 139–145, 1993, www.annals.org/cgi/content/full/118/2/139, accessed November 28, 2006.

Jail Inspection Basics: An Introductory Self-Study Course for Jail Inspectors, 2d ed., National Institute of Corrections, 2007, <http://nicic.org/Library/022124>, accessed November 21, 2007.

Jail Inspection Basics: Supervisors Guide, National Institute of Corrections, 2007, <http://nicic.org/Library/022123>, accessed November 21, 2007.

The Meth Epidemic in America: Two New Surveys of U.S. Counties, National Association of Counties, 2006, www.naco.org/Template.cfm?Section=Meth_Action_Clearinghouse&template=/ContentManagement/ContentDisplay.cfm&ContentID=18837, accessed November 17, 2006.

New Approaches to Staff Safety, 2d ed. National Institute of Corrections, 2003, <http://nicic.org/pubs/2003/011356.pdf>, accessed October 20, 2006.

NIOSH Pocket Guide to Hazardous Chemicals, National Institute for Occupational Safety and Health, 2005, www.cdc.gov/niosh/npg, accessed October 20, 2006.

OSHA Technical Manual (OTM), Occupational Safety & Health Administration, 1999, www.osha.gov/dts/osta/otm/otm_toc.html, accessed November 21, 2007.

Psychiatric Services in Jails and Prisons, 2d ed. American Psychiatric Association, 2000, www.appi.org/book.cfm?id=2287, accessed November 28, 2006.

Public Health Emergency Response Guide for State, Local, and Tribal Public Health Directors, Centers for Disease Control and Prevention, www.bt.cdc.gov/planning/pdf/cdcreponseguide.pdf, accessed November 14, 2006.

Public Health Reports, the official journal of the U.S. Public Health Service, is available in print or online at www.publichealthreports.org.

The Status of TB Prevention and Control Measures in Large City and County Jails in the U.S., Centers for Disease Control and Prevention, www.cdc.gov/tb/pubs/StatusTB_jails/Introduction.htm, accessed November 16, 2006.

“Trauma Exposure, Mental Health Functioning, and Program Needs of Women in Jail,” *Crime & Delinquency* 51(1): 133–151, 2005, <http://cad.sagepub.com/cgi/reprint/51/1/133>, accessed November 28, 2006.

“Women Behind Bars: Health Needs of Inmates in a County Jail,” *Public Health Reports* 116: 191–196, 2001, www.publichealthreports.org/userfiles/116_3/116191.pdf, accessed November 28, 2006.

Websites

OSHA eTools and Electronic Products for Compliance Assistance

Occupational Safety & Health Administration
www.osha.gov/dts/osta/oshasoft/index.html

State Occupational Safety and Health Plans

Occupational Safety & Health Administration
www.osha.gov/dcsp/osp/index.html

Volunteers

Organizations

Law Enforcement Volunteers of California

www.levoc.org

The Law Enforcement Volunteers of California is a consortium of law enforcement agencies committed to the education and training of law enforcement volunteers and coordinators throughout California.

Nonprofit Risk Management Center

www.nonprofitrisk.org

USA Freedom Corps

www.usafreedomcorps.gov/for_orgs/state_local/index.asp

The site offers guidance to state and local governments about using volunteers effectively.

Volunteers in Police Service

www.policevolunteers.org

The program's ultimate goal is to enhance the capacity of state and local law enforcement to use volunteers effectively.

Publications

State Liability Laws for Charitable Organizations and Volunteers, 4th ed., Nonprofit Risk Management Center, 2005, <http://nonprofitrisk.org/downloads/state-liability.pdf>, accessed October 20, 2006.

Workers' Compensation

Consult state statutes on workers' compensation and industrial injury for workers' compensation treatment of both jail employees and offenders working in jails or in work release programs.

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Appendix B

Worksheets

Worksheet 1. Risk Register

Goal Affected	Risk Consequence	Risk Identification			Risk Assessment			Risk Controls		Risk Exposure ID Number
		Risk Event	Source of Risk and Exposure	Contributing Factor(s)	Likelihood	Level of Consequences	Risk Ranking	Existing	Possible	

Worksheet 3. Risk Control Action Plan

Risk ID No.	Risk exposure
Risk control measure chosen <i>(Identify the risk control measure.)</i>	
Detailed action plan <i>(Describe in detail how the jail plans to implement the risk control measure.)</i>	
Target implementation completion date <i>(Date by which full implementation of the risk control measure is expected)</i>	
Schedule of interim milestones <i>(Interim milestones and target dates)</i>	
Milestone	Target date
Team leader <i>(Identify the team leader—the person who has primary responsibility for implementation.)</i>	
Other personnel assigned <i>(Identify the names and functions of other personnel assigned to perform activities.)</i>	
Name	Function
Other resources allocated <i>(Identify any other resources allocated.)</i>	
Resource	Function
Performance indicators <i>(Describe the process indicators and outcome measures selected and the schedule for evaluating and reporting.)</i>	
Performance indicator	Schedule
Monitoring and review <i>(Describe the ongoing monitoring and periodic reviews to be performed.)</i>	
Monitoring/review activities	Schedule

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Appendix C

Evaluating Risk Financing Options

To make informed decisions about insurance and risk pooling, jail staff must understand precisely the coverage that will be provided for the premium the jail pays. Because policy terms, conditions, and exclusions for some types of coverage can differ significantly among insurers, the policy with the lowest premium may not be the best value. The less expensive coverage may be much narrower in scope than more expensive coverage, or the provider of the less expensive coverage may be less financially stable. To ensure that the jail is receiving a good value, the responsible staff should (1) obtain proposals and a sample policy (or other description of policy provisions) from more than one insurer; (2) carefully examine the terms, conditions, coverages, and exclusions contained in each policy; (3) research the financial stability of each provider; and (4) review the additional benefits and services that each provider offers.

Preferably, a staff member who is familiar with insurance issues and who represents only the jail's interests will provide expertise. A jail that does not have this resource on staff can gather information from the following sources:

- The jail's insurance representatives (agents and brokers). These individuals usually receive a commission that is a percentage of the insurance premium. However, some believe this compromises the objectivity of these individuals.
- Independent or local government legal counsel. Independent counsel will require a fee; either independent or government counsel may lack expertise in insurance matters.
- An independent risk management consulting firm. Services are provided on a fee-for-service basis.
- Jails in nearby jurisdictions that agree to share information. This resource is free and often is very useful.
- Internet sites that offer information on risk management for public entities. Some of these services are free and some require a fee. It is important to keep in mind that these sites might have an advertising motive.
- Nonprofit organizations that address public risk management issues (e.g., the Public Risk Management Association or Association of Governmental Risk Pools). Some of these organizations offer free information and some require membership or charge a fee.

If the jail is relying on the expertise of insurance agents, brokers, or independent consultants (third parties with no direct financial interest in the jail's program), it must have a good relationship and an effective channel of communication to ensure that information is shared accurately. More important, the jail must trust the representative's loyalty to its interests and must have confidence in his or her professional judgment.

Insurance Policy Terminology

It is important to be familiar with the scope and limitations of coverage, whether it is provided by a commercial insurance carrier or a risk pool. As with any contract, insurance policies carefully describe the obligations of each party and the limits of those obligations. These obligations and limits are described throughout the policy. Following are common terms included in an insurance policy:

- **Declarations.** The policy declarations include a description of who is insured, effective dates of coverage, limits of coverage, the endorsements that are attached to the policy, and whether the type of coverage is “occurrence” or “claims made.”
- **Limits.** The limits of coverage establish the maximum dollar amount the insurer/risk pool is obligated to pay for a covered loss.
- **Self-insured retention/deductible.** The portion of an insured loss that the insured is required to pay.
- **Occurrence coverage forms.** Insurance that covers a loss that occurs while the policy is in effect, even if the claim is made after the policy is no longer in effect.
- **Claims made coverage forms.** Insurance that covers losses for which claims are made during the time the policy is in effect and possibly during a very brief time after the policy ends.
- **Defense costs.** The costs (including attorney’s fees) of defending an insured against a covered claim. Policies that pay defense costs in addition to the limits of coverage are preferred.
- **Terms and conditions.** The requirements the insured must fulfill for the insurer to cover a loss. For example, an insured must pay the premium and report a potentially covered risk event to the insurer in a timely manner.
- **Exclusions.** The losses that the policy does not cover. Losses arising from war are frequently excluded.
- **Insured.** The persons or entity insured by the policy.
- **Endorsements.** Additions to the policy language that become part of the policy and that change its provisions. Endorsements are commonly attached at the end of a policy and can expand or reduce coverage.

When obtaining proposals from more than one potential insurer, a useful analytical tool (and demonstration tool, if the results will be presented to a decisionmaker) is a table that compares, point for point, the following important aspects of each insurer’s proposal:

- Insurance company rating (provided by insurance agent).
- The line of coverage provided (general liability, public officials’ liability, workers’

- compensation, auto liability, law enforcement liability, etc.).
- Limits of coverage (included in the policy declarations; a policy can include more than one set of limits).
 - Self-insured retention/deductible (included in the policy declarations; the part of the claim the insured must pay).
 - Occurrence/claims made (there may be a retroactive date that limits coverage for losses that occurred before the policy was issued).
 - Defense costs (these expenses may be in addition to the limits of coverage or they may reduce the limits available to pay an adverse judgment).
 - Exclusions (some may be important to jail operations).
 - Individuals covered (e.g., employees, agents, volunteers).
 - Endorsements (those that change the coverage significantly).
 - Terms and conditions (e.g., those that place responsibility on the insured, such as reporting losses or claims).
 - Loss control services (services that are included in the policy).

A sample format for this table is given below.

Aspect of Policy	Insurance Company A	Insurance Company B
Insurance company rating		
Coverage provided		
Limits of coverage		
Self-insured retention/deductible		
Occurrence/claims made		
Defense costs		
Exclusions		
Individuals covered		
Endorsements		
Terms and conditions		
Loss control services		

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