Risk Management, Liability and Loss Control

Who Should Attend
- Insurance Pools
- Loss Control Specialist
- Risk Managers
- Jail Administrators and Sheriffs

Jail/Correction Risk Management, Liability and Loss Control Conference

- Reduce Complaints
- Reduce Lawsuits
- Enhance Jail Operations & Officer Performance

John “Jack Ryan, Attorney
Captain (Retired)
Providence Police Department
Providence, Rhode Island

Steve Campbell
Major (Retired)
Providence Police Department
Providence, Rhode Island

Lou Reiter
Deputy Chief (Retired)
Los Angeles Police Department
Los Angeles, California

Jeff Carter
Assistant Director
Lexington-Fayette County Jail
Lexington, Kentucky

Tracey Reed
Kentucky Association of Counties
Kentucky Department of Corrections, Jail Standards (Retired)
Louisville, Kentucky

October 10, 11 & 12, 2017
Cape Coral, Florida
(Ft. Myers, Florida area)

Register Online At: www.llrmi.com
“What are the liabilities?” Why are we losing law suits?
• Snohomish County settles jail death lawsuit for $2.4 million.
• Former Allegheny County jail inmate settles lawsuit over loss of a baby.
• Sandra Bland’s family settle case for $1.9M; agreement includes policy changes for Texas jail.
• County settles jail meth death for $2.3 million.
• Pennsylvania.
A federal jury hit a prison health care provider and associated medical staff with a combined $11.9 million verdict after they were found to not properly addressed the psychiatric needs of an inmate who killed himself. The verdict broke down into roughly $1 million for deliberate indifference and $2.8 million for medical negligence against all defendants. The verdict also issued $8 million in punitive damages directed solely by medical provider.

Overview of Jail Liability
While Jail/Correction officers may believe that they will be exposed to liability for all of their actions, both proper and improper, the fact of the matter is that most courts have avoided second guessing police actions and have only sanctioned the most egregious conduct. There are various levels of liability that may exist when a jailer actions are deemed improper.

Civil Actions
Intentional Torts: The Plaintiff must suffer as a result of the breach of duty.

Federal Lawsuits
When a federal lawsuit is filed under §1983 for violations of federal rights there is no vicarious or respondent superior liability. In such a case, in order to get to liability for a jail/ correction officer on the hook as a defendant, the plaintiff has to prove that the agency did something wrong that led the officer to act in the manner that he or she did. Violations of Civil Rights—42 U.S.C. sec. 1983. This type of lawsuit is the type that most jails often face.

Pattern and Practice Lawsuit
Under USC §14141 it is unlawful for a Jail/Correction agency to allow its members to participate in a pattern and practice of violating civil rights.

Understanding Judgment and Qualified Immunity in the Defense of Jail/Correction Officers
Summary Judgment: Even if the person bringing the lawsuit story is taken as true there was no violation of the Constitution.
Qualified Immunity: Even if the person bringing the lawsuit story is taken as true and there was a violation of the Constitution, the law was not clearly established at the time the jail officer acted.