



TRIDENT

PUBLIC RISK SOLUTIONS
MEMBER OF PARAGON INSURANCE HOLDINGS, LLC

TRIDENT SPECIAL REPORT:

Jails Face Four Key Risks That Can Prove Costly



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EXECUTIVE SUMMARY

The Trident claims team has aggregated all submitted claims over a 7-year span (2010–2016) to determine losses and key trends, and to provide insights into risk control and loss mitigation best practices for jails.

Four Key Issues Lead to the Majority of Claims:

1. Failure to Provide Medical Care

The most common loss involved failing to provide proper medical care for inmates, which accounted for 43 percent of all monetary losses. That is not too surprising considering an estimated 40 percent of state and federal inmates reported having a chronic medical condition, according to the [Bureau of Justice Statistics](#).

Trident recommends:

Provide for basic health care needs.

2. Poor Conditions

Subpar jail conditions were the cause of the second most common loss, which resulted in more than 22 percent of losses. But steps toward mitigating this risk can be as minor as installing a railing to avoid falls, communicating with detainees to build rapport and doing whatever is reasonable to improve jail conditions. Other measures include scrutinizing the jail design plans to avoid pitfalls, such as creating hallways that are too narrow.

Trident recommends:

Regularly inspect and review all facilities.

3. Suicides

Inmates committing suicide ranked third in the list of most common losses, at 16 percent. Aside from keeping items such as belts, shoelaces and scarves out of inmates' reach, it's also critical to make sure detainees are properly evaluated during the intake process to determine any mental-health concerns.

Trident recommends:

Ensure intake evaluation process is in place and enforced.

4. Sexual and Physical Assaults

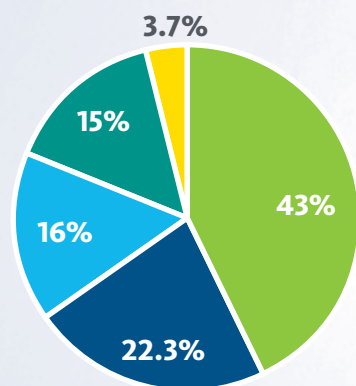
Inmates or staff assaulting inmates was the fourth most common loss, at 15 percent. An estimated 3.2 percent of jail inmates reported experiencing one or more incidents of sexual victimization by another inmate or staff within the past 12 months, according to the [U.S. Department of Justice](#).

Trident recommends:

Take measures to prevent sexual and physical assaults. Maintain adequate security in jails.

KEY FINDINGS: MOST COMMON AND LARGEST MONETARY LOSSES IN JAILS

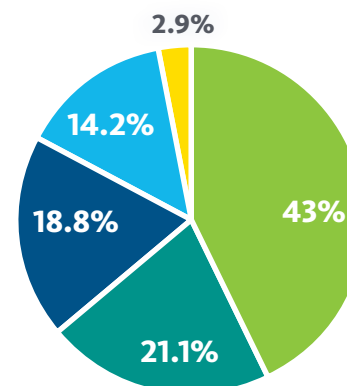
Most Common Losses in Jails



Key takeaway:

An overwhelming percentage of losses (43 percent) results from failure to provide medical care, as shown from aggregated losses over a 7-year span.

Largest Monetary Losses in Jails



Key takeaway:

Although physical and sexual assaults account for a smaller percentage of losses, they incur considerably higher monetary losses than other categories.

● Failure to provide medical care ● Poor conditions ● Suicide ● Sexual and physical assault ● Failure to provide other

The claims examples that follow are not cases involving Trident insureds but are instead drawn from media reports. They are nonetheless illustrative of the types of risk faced by jails.

KEY FINDINGS: MOST COMMON AND LARGEST MONETARY LOSSES IN JAILS

Failure to Provide Medical Care

Failure to provide medical care, the most common loss, is an issue seen in jails across the country. In Nevada, for example, parents of a man who died after a violent struggle with Washoe County deputies agreed to settle their wrongful death lawsuit for \$500,000 in 2017. Part of the lawsuit alleged that deputies denied the man adequate medical care.

“It’s the largest area of exposure that a public entity can have,” said Ashley Bonner, senior risk control consultant at Trident. “When you take custody of an individual – when you seize them – they are no longer free to provide for themselves, so essentially their life is in your hands. If you neglect to take care of their medical needs, their issues could get worse, and they could become seriously ill and/or die. The liability for this increases if these issues were noted at the time of medical evaluation at intake yet were neglected to be addressed, or if the detainee asked for help and never received it.”

Poor Conditions

Poor jail conditions was the second most common reported loss, another that has also made headlines. In 2017, a judge approved a \$1.23 million settlement following a lawsuit alleging Floyd County, Florida, jail inmates were “deprived of clothing, bedding and hygiene products” while some were shot with electronic stun guns and pepper-sprayed.

“As the allegations in this case show, it’s critical that staff is trained and policies are frequently reviewed to assure compliance with best practices and applicable guidelines,” said Thom Rickert, vice president and head of marketing at Trident.



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Suicides

Inmates committing suicide is also one of the most common reported losses in jails. Jails also have a much higher suicide rate (46 per 10,000) than prisons (15 per 100,000), according to the [Bureau of Justice Statistics](#).

One of the main reasons is that people who are jailed for the first time face a “[shock of confinement](#)” for reasons including losing their job, housing and a basic sense of normalcy.

Regardless of the reasons behind them, suicides committed in jails can prove costly for local governments.

In 2017, for example, Los Angeles County approved a [\\$1.7 million settlement](#) concerning a mentally ill inmate who jumped to his death in 2014.

“With suicides, it’s important during the intake process to identify and evaluate inmates who may pose a threat to themselves to make sure the appropriate checks and procedures are in place,” Rickert said. “If they’re in a holding cell, stick to a protocol such as checking on them on a regularly scheduled basis.”

Bonner added that if a detainee is on suicide watch, they should be visually observed in their cell about every 15 minutes in addition to any video surveillance. But the guard should also periodically alter the routine, occasionally returning in just two minutes, for example, so that the detainee isn’t exactly sure when he/she will be checked on again. These visits should also be documented.

“Detainees have been known to count the seconds between observations so that they can plan enough time to make a suicide attempt,” Bonner said. “It should also be noted that a ‘successful’ suicide can occur from a height as low as 4 to 6 inches.”

“A suicidal detainee should be medically evaluated from the time they present as suicidal with continued evaluations until they are medically determined that they can be released back into the jail population or that they should be transferred to a medical facility,” Bonner said.

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Sexual and Physical Assaults

Just behind suicides are sexual and physical assaults, which accounted for 15 percent of losses. Keep in mind it's not just inmates who are committing these crimes. A sizable number are committed by staff. In 2017, Montgomery, Ohio, reached a \$375,000 settlement after a woman was pepper-sprayed by a corrections officer while strapped to a restraint chair.

"Some of the biggest lessons from the Trident claims study are ensuring adequate staffing, protocols and security are in place," Rickert said.

Bonner said one of the worst cases of physical assaults by staff was the brutalization of Hope Steffey when she was seized at her cousin's home, then forcibly strip-searched at the Stark County, Ohio, jail in 2006. Various segments of the incident were also posted on YouTube.

"Eventually her lawyers posted ads on billboards in search of other past or present detainees who had endured similar experiences and they received many responses," Bonner said.

Several lawsuits followed, including a federal lawsuit filed by Steffey in 2007. The suit alleged Stark County deputies violated her civil rights by assaulting, strip-searching, and then leaving her injured and naked for six hours in a Stark County jail cell, with only toilet paper to use to cover herself. The suit went to trial but was eventually settled in July 2009.

LESSONS FROM LOSSES

Based on these findings, here are five lessons that jails across the country should adopt to help minimize losses. Listed are critical best practices in order of importance, based on what the data shows from Trident's jails study.

1 Provide for basic health care needs.



- Conduct comprehensive health screening and assessments of new inmates.
- Establish agreements and contracted services with community health care providers for services as needed.
- Include “hold harmless” language on behalf of the detention facility (defense and indemnification) when contracting with a vendor.
- Provide resources and supplies so that inmates can maintain acceptable levels of hygiene.

2 Ensure intake evaluation process is in place and enforced.



- Conduct a staffing analysis and review it every year with documentation.
- ...Actively supervise staff and enforce jail policies and procedures.
 - [This guide](#) outlines the basic elements that should be included in a jail suicide prevention policy manual.
 - [This guide](#) is about the role of corrections professionals in preventing suicide.
- Conduct annual training for staff, which should include supervising inmates and maintaining staff security.
- Provide annual reviews, progressive disciplinary action procedures and staff responsibilities with accountability measures that should be in place.

3 Maintain adequate staffing levels.



- Conduct a staffing analysis and review it every year.
- Actively supervise staff and enforce jail policies and procedures.
- Annual training for staff should include supervising inmates and maintaining staff security.

LESSONS FROM LOSSES

4 Take measures to prevent sexual and physical assaults.



- Talk to inmates and staff about sexual assault prevention and reporting, and distribute written information.
- Report known or suspected inmates displaying predatory behavior or those perceived as being a potential victim to the jail administrator.
- Actively manage inmate behavior.
- Ensure best practices are implemented for contraband sweeps and control. Staff should be vigilant that contraband is not entering the jail, and strongly prohibited from bringing in contraband themselves to prevent a “quid pro quo” situation.

5 Regularly inspect and review all facilities.



- Conduct unannounced inspections to see how the jail is functioning absent of having time to prepare.
- Conduct announced inspections to ensure the availability of key jail officials so they can perform a more thorough and comprehensive inspection.
- Document key findings using a standardized inspections checklist including a series of yes/no questions and space for additional comments.
- Conduct inspections of all facilities at least once or twice a year.
- Confirm the inspection agenda, such as oral interviews and an audit of records, policies and procedures.

ADDITIONAL RESOURCES

For technical advice and assistance, contact:

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ABOUT THIS REPORT

After reviewing hundreds of claims over a 7-year span (2010–2016), the Trident claims team determined losses, analyzed key trends, and provided insights into risk control and loss mitigation best practices for jails going forward.

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Claims examples are drawn from media reports and are not cases involving Trident insureds.

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