

THE RISK JOURNAL

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Managing Risks in Renovating or Constructing New Jail Facilities

by Tom Cremonte, Senior Risk Control Consultant, and Randy Hazel, Risk Control Consultant

FROM JULY 2019 THROUGH September 2020, MMRMA published a series of articles in our bimonthly *Risk Journal* about the many risks associated with managing jail operations. Each article had a particular focus, such as inmate intake and classification, medical care, behavior, and direct supervision. Registered users of the MMRMA portal can log in and access the series at www.mmrma.org/members/news-room.

Since that series concluded, the risks facing jails have not lessened. If anything, exposure to risks is only increasing. This article focuses on jail renovation or construction and the steps members can take to properly plan for these important components of housing prisoners.

Jail operations are complex

Most of Michigan's 83 counties operate their county jail under the office of the elected

**Jails are challenged to care for inmates with medical needs such as addiction and mental health.**

county sheriff. A few counties have an arrangement with a contiguous county to house incarcerated inmates in their care. Operating and maintaining a jail is a tremendous undertaking in terms of expense, risk exposure, and the potential for claims and litigation.

Operational costs have only continued to increase, especially in the areas of staffing, food, and health care. As a result, facility maintenance and updates in many Michigan jail facilities have lagged behind. Maintaining a 24/7

operation puts a considerable strain on the physical plant and equipment.

Modernizing for safety, care

There are several reasons why sheriffs and counties are exploring whether to renovate or build new jail facilities. Most of the jails currently in operation in Michigan were built between 1950 and 1990, and many were designed for a very different population than today's inmates. Jails built from the 1950s to the 1970s had spartan-like accommodations, with little thought given to medical or other needs.

Current jail populations are generally more ill and more drug addicted than in the past, and many suffer from various mental health issues.

Most Michigan jails were built between 1950 and 1990 and were designed for very different inmate populations than today.

Most jails have inadequate space for those with medical issues or other special needs requiring quarantine or segregation. Case law and standards for care have also evolved, creating greater expectations amid limited budgets, staffing, and resources.

These disparities affect the ability of staff to appropriately house inmates based on their risk levels. Classification of inmates changes daily as new inmates are arrested and released. This ebb and flow requires bed space for all risk levels and special-needs inmates. Classification is a high-exposure consideration when renovating current facilities or planning a new jail.

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Risks in Jail Renovation or Construction, continued from page 1

Is renovation the best option?

While renovating an existing facility is one option, it's important to take into account the fact that many older facilities have features which make it difficult to monitor inmate movement. These may include blind spots, narrow corridors, or mezzanines from which an inmate could jump, all of which create safety and security issues for staff and inmates alike. Jail cells in older facilities often suffer from metal fatigue and outdated locking mechanisms.

An array of considerations

In some jails, heating all areas adequately can be a struggle. Cells on outside walls, particularly north and west, are generally colder than interior cells. In many cases, this is cost-prohibitive to correct, and thus remains a potential risk. Whether building new or remodeling existing facilities, liability concerns include HVAC, electrical and plumbing issues, food services, and sanitation.

Community expectations can also have an impact on a facility update or new build. The care and treatment of the inmate population varies significantly across Michigan. Health care, education, and inmate programming come at considerable cost. Investment in inmate programs is a priority for some communities



What can be learned from another's experience so the next jail project doesn't suffer from the same problems?

that will influence jail design and overall cost.

New construction issues

Prior to moving forward with a new facility construction project, it is important to include the Michigan Department of Corrections (MDOC) in planning. MDOC has regulatory authority over county jails, including basic operations like fire safety, certain medical care standards and reporting, sanitation, security, and many other areas.



New construction may be less costly than renovating an older jail with obsolete features and safety concerns.

MDOC also provides designation for jail types in Michigan. The agency is responsible for reviewing new construction plans, renovations, and ultimately sets occupancy and rated-design inmate capacity.

Fellow counties can provide guidance

In recent years, there have been several new jails, additions, and renovations in Michigan that other communities can learn from. It is worthwhile to look at these projects for insight into the process and potential pitfalls.

Ask about the unforeseen problems that almost always occur during the planning and construction phases. What seems to be a good approach on paper does not always work well upon implementation.

When planning any new construction or renovation, it is essential to recognize the needs of the inmate population being served, standards with which jails must comply, and the importance of providing a safe and secure environment for inmates and corrections personnel.

More technical resources

MMRMA's risk managers are ready to provide technical guidance to members considering modifications to their jails or lockups. We can share experiences and highlight areas of concern.

The Michigan Department of Correction's Jail Services Unit is also a valuable resource, as is the National Institute of Corrections (NIC), which has a library that members may find useful during planning.

What seems to be a good approach on paper does not always work out as planned.

Developing Sound Vetting Procedures for Selecting Vendors

by Cindy King, Director
of Membership Services
and Human Resources

IN 2023, MMRMA SHARED risk guidance related to cybersecurity vendor protocols, offering useful information to help members develop a process for selecting and monitoring vendors that support the organization's cybersecurity efforts.

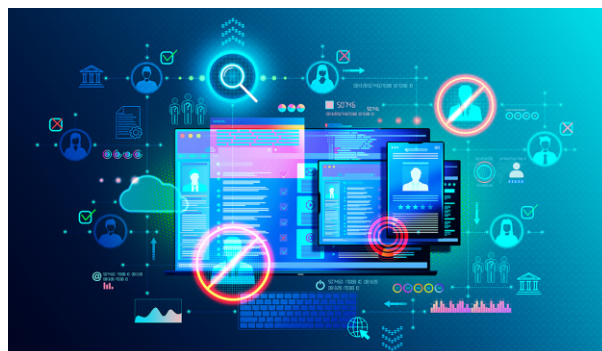
The overarching priority of such procedures is to protect the security of the data and networks being safeguarded.

Similarly, it is important that members have processes in place to vet other vendors with which the entity does business. Examples of such vendors include those that provide services to the member's residents, such as trash haulers, utility meter readers, jail medical personnel, road construction workers, fire-works technicians, and any number of other outside companies and workers.

Vendors also provide services internal to a member entity's operation, including professional services such as consulting, auto or equipment repairs, building contractors, training vendors, and more.

Selecting the right training providers

Because MMRMA members deliver a complex array of



Seek references from multiple sources to ensure that a prospective vendor is a good fit for your organization.

Vetting helps determine whether a vendor has the necessary credentials and experience to provide the contracted services.

services to residents across Michigan, having a well-trained staff is critical for minimizing risk. It is essential that employees understand their job requirements and have the tools needed to meet their responsibilities.

Routine and ongoing employee education may include training by their supervisors or others in the organization. This is often coupled with online, classroom, or in-person training to help improve employees' skills and experience. However, organizations often find it difficult to find training vendors that best meet their needs.

According to ttcinnovations' website article, *How to Evaluate and Influence Training & Staffing Vendor*

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Avoiding Common Vetting Mistakes

An article titled **How to Manage the 7 Most Common Procurement Risks**¹ lists several reasons an organization might select the wrong vendor, including:

1. Inaccurate internal needs analysis

- Overstating or understating the need
- Unrealistic timelines and schedules
- Inadequate budget
- Poorly designed requirements

2. Poor vendor selection

- Low-quality products
- The vendor might not deliver when they say they can.
- The vendor might not uphold ethical standards.
- The supplier could be non-compliant.

3. Disorganized vendor management

- Poor communications and relationship management
- Faulty account/order management processes

4. Non-compliance or crude contract management processes

- You may need to consider procurement legislation.
- Certain legal requirements may need to be met for public procurement.

Once you have thoughtfully and completely identified the organization's needs, determined a schedule and budget, and prepared thorough, detailed requirements, you're ready to select the vendor(s) that can provide the required services. To help minimize risk, many members have purchasing policies that require seeking quotes or informal or formal bids. In some cases, members must follow a complex sealed bid process to award contracts.

¹ <https://www.frevvo.com/blog/procurement-risks/>



During fat-tire biking season at Silver Lake State Park near Hart, cyclists now have the run of more than 450 acres of open sand dunes from December 15 through March 15. Until 2022, bicycles were not allowed in the park, a top dune buggy destination for decades.

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Beware of Requests to Update Vendor ACH Information

by Jacob Perry, Monroe County IT Director

THERE HAS BEEN A RECENT UPTICK IN spear phishing attempts against local government financial and management teams by hackers attempting to update Automated Clearing House (ACH) records with false banking info. Through illicit means and vendor data leaks, scammers pose as a trusted vendor representative, provide a legitimate recent invoice, give false ACH information, and ask that payment be sent to the new account.

Incidents have been reported across Michigan with minor differences—the one constant being the sender's email address being just different enough to fool the user into thinking the email is legitimate. Take these steps to mitigate the risk of being scammed:

1. Have a documented ACH update

procedure that involves verifying new information via phone call, certified letter, etc.

2. Implement user training for recognizing email phishing and other cyberattacks through a service like KnowBe4.

3. Flag all email coming from outside your domain as an external sender to alert the user to focus on the details.

As long as we use email, there will be scammers and phishers; no amount of technology will stop the type social engineering being utilized by cyber-criminals. A well-trained workforce is the key to preventing phishing-related risks!

MMRMA offers several Risk Avoidance Program (RAP) grants to members to help mitigate cyber risk. Successful applicants can receive funds for training, software, penetration testing, and professional designations. Contact Membership Services to apply.

Selecting Vendors, continued from page 3

*Selection,*² "Selecting the right vendor can directly impact employee performance."

Seek reliable references

The *ttcinnovations* article also recommends seeking references from multiple sources when vetting a vendor. Members may want to check Google Reviews, LinkedIn, and testimonials on the vendor's website.

Ask for references from the vendor's previous clients, such as a neighboring local government or an affiliated organization. Develop a formal list of questions and ask references to answer them.

Perhaps the best way to vet training providers is to attend some of their training sessions before hiring them.

Personalized training is key

Corporate training firm Ceelso points to several considerations "to ensure the chosen provider aligns with [an organization's] specific needs and objectives."

In an article on its website,³ Ceelso identifies various training methodologies such as interactive learning, hands-on training (such as MMRMA's reality-based training),

experiential education, practical application, and blended learning.

According to Ceelso, "When it comes to selecting training vendors, it's crucial to consider their ability to tailor learning solutions to specific needs. Flexibility in adapting to the unique requirements of an organization is paramount. Personalized training options can significantly enhance the effectiveness of the learning experience."

For further guidance on selecting and working with vendors, download MMRMA's *Risk Transfer Manual* under the Risk Control Manuals tab: <https://mmrma.org/members/my-documents/>.

² <https://ttcinnovations.com/how-to-evaluate-and-influence-training-staffing-vendor-selection>

³ <https://ceelso.com/selecting-the-right-training-vendors-key-considerations>