

**MINNESOTA STATE  
SHERIFFS ASSOCIATION**

**JAIL EMPLOYEE  
TASK FORCE**

**LICENSING JAIL  
EMPLOYEES IN  
MINNESOTA**



**MINNESOTA STATE SHERIFFS ASSOCIATION  
JAIL EMPLOYEE LICENSING' PROPOSAL**

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## Jail Employee Licensing in Minnesota: An MSSA Project

### A. Introduction:

In 1985, the Jail Employee Task Force (JET FORCE) was formed by the Minnesota State Sheriffs Association to study the issue of licensing and training for Jail Employees. The JET Force included 6 Sheriffs, the MSSA President, 2 Jail Administrators, and various resource persons. The JET Force was staffed by Dr. Tom Reid, Director of the Minnesota Jail Resource Center.

The JET Force has been studying three basic issues concerning Jail Employee Licensing:

1. An Organized approach toward systematic cost-effective training.
2. The structure and support for the licensing process.
3. The legislative vehicle for Jail Employee Licensing.

### B. Activity Report:

In 1985, the Jail Employee Task Force was formed by the MN. State Sheriffs' Association to study the issue of licensing and training for jail employees. After meeting for approximately 9 months, a report was submitted to the Board of Directors and the membership. The report was adopted by an overwhelming vote of the members present at the Winter Sheriffs' Conference on December 3, 1985. Prior to this, the report was unanimously adopted by the Board of Directors of the Minnesota State Sheriffs' Association. Since that action, the following activities have been accomplished in support of the Jail Employee Licensing Effort in Minnesota:

1. Holly Laak and Tom Reid made a presentation to the MN. POST Board on January 7, 1986 concerning Task Force recommendations and the feasibility of the POST Board housing a jail employee licensing structure.
2. "Jail As A Part of County Government" Seminar presented with 10 Sheriffs and 13 County Commissioners among those in attendance. The goal was to develop awareness in the County Commissioners concerning jail liability and failure to train issues. This three day session was presented February 12-14, 1986.
3. Holly Laak and Tom Reid made a presentation before the Board of Directors of the Minnesota Association of County Attornies concerning the licensing proposal. They want a specific proposal including legislative changes for further consideration.

4. Sheriff La Roy Wiebold and Tan Reid made a presentation before the Association of Minnesota Counties Human Services Committee on February 26, 1986. The report on jailer licensing was well received but no action was taken by the group.

5. A two day workshop concerning the "Development of Jail Training Plans" in support of the licensing and training proposal was presented by Minnesota Jail Resource Center on March 19-20, 1986 with in excess of 45 persons present.

6. A second presentation of "Jail as a Part of County Government" was presented for three days beginning May 14, 1986. Among those attending were 5 Sheriffs and 13 County Commissioners. The licensing proposal was discussed with this group. One product of the group was a letter of concern drafted by the group to the Director of the Association of Minnesota Counties. Several County Commissioners displayed a sincere concern over jail issues and the necessity to take sane positive action.

7. On June 4, 1986, Tom Reid discussed the feasibility of a joint AMC/MSSA meeting concerning the Licensing issue.

8. On June 20, 1986, the Human Services Committee of AMC met and 5 County Commissioners volunteered to serve as a liaison with the Sheriff's group concerning jail employee training and licensing.

9. On June 29, 1986, Tan Reid and Mark Shields (POST BOARD) made a presentation to the Minnesota State Sheriffs' Association Summer Conference.

10. On July 23-24, 1986, a two day workshop entitled "Development of Jail Field Training Officer Programs" was provided for 37 participants.

11. On August 5, 1986, a meeting was held with Association of Minnesota Counties staff concerning the development of support for the licensing concept with their association. Attending were Bruce McManus, DOC, Tom Reid, MJRC, Holly Laak, MN. State Sheriffs' Assn, and Bev Driscoll, AMC.

12. On August 22, 1986, representatives of the Jail Employee Task Force met with the Human Services Committee of AMC and made a presentation. The AMC Human Services Committee voted to support the concept and has placed the issue on their platform document for 1987.

13. During August, 1986 a draft bill enabling the licensing of jail employees was developed.

14. During September, 1986 the MSSA is awarded a grant from the National Institute of Corrections to support the Job Task Analysis of

three Jail-based Jobs: Jail custody, Jail Program, and Jail Administrator.

15. In November, 1986, the Jail Employee Task Force reviewed, modified, and approved the draft legislation for licensing Jail Employees.

16. On November 30, 1986, the Board of Directors for the Minnesota State Sheriffs' Association reviewed, modified, and approved the draft licensing bill with 3 dissenting votes.

17. On December 2, 1986, the membership of the Minnesota State Sheriffs' Association discussed, debated, and evaluated the Licensing Bill at their general business meeting. The modified version of the bill passed 33 - 19 with substantial and vigorous discussion.

18. After the vote, given the vocal opposition, it was decided to not introduce the legislation into the 1987 legislature, and to spend the next year continuing to develop support for a specific piece of legislation.

19. The Minnesota Job Task Analysis project will continue to identify and define the three jobs involved in jail operations and licensing. A final report is expected in the Fall of 1987.

20. The Board of Directors of the Minnesota State Sheriffs' Association was asked to renew the Jail Employee Task Force for an additional year of operation.

21. During its February meeting, the MSSA Board of directors met and voted to renew the Jail Employee Task Force with new membership. Sheriff Jim Dowson of Cass County, and Sheriff Don Nolander of Freeborn County have replaced Sheriff Mike Carr and Sheriff Dale Grote.

22. The Jet Force met in February and approved a strategy to obtain a more substantially favorable vote on Jail Employee Licensing. It was agreed to present the draft legislation for support at the Sumner MSSA conference on June 2, 1987. It was also agreed that Tom Reid and various members of the JET Force should meet with each of the 6 Sheriff's Districts and carefully explain the licensing proposal and its direct benefits for Sheriffs and staff.

23. Association of Minnesota Counties passes a plank in their platform supporting training and licensing for Jail Employees.

24. Tom Reid and Holly Laak met with the Metro Sheriffs on March 19, 1987.

25. Tom Reid and LaRoy Wiebold met with the District 5 Sheriffs on March 20, 1987.

26. Tan Reid and Holly Laak met with the District 3 Sheriff's on April 2, 1987.

27. Tan Reid and Holly Laak met with District 1 Sheriffs on April 14, 1987.

28. Tom Reid and Bill Sobey met with District 2 Sheriffs on April 24, 1987. A second District was later held to meet with additional District 2 Sheriffs.

29. Tom Reid, Holly Laak, and Don Nolander met with District 6 Sheriffs on April 29, 1987.

During these District meetings, the licensing proposal was discussed with all Sheriffs present. Along with the Licensing discussion, a presentation concerning cost-effective in-service jail employee training was also made. Each Sheriff present received a packet with full explanation of licensing, hours, training requirements, standards, etc.

On May 28, 1987 Tom Reid and Vic Jacobsen conducted a one day workshop entitled "Cost Effective In-Service Training Plans for Jail Employees" with approximately 40 jail employees present. This workshop was designed to teach the designated training officers in each jail how to exceed the proposed 40 hour requirement for annual in-service training which would enable a jail employee to keep his license. The training session was very successful.

Tom Reid developed a 22 page handout explaining how to conduct in-service training at a low cost without taking staff off of their shift. This was provided to every Sheriff in the state and to all participants in the May 28 workshop. This handout has also been edited into an article for the American Jail Association Journal fall issue.

On June 2, 1987, Tom Reid gave a one hour presentation to the Minnesota State Sheriffs' Association membership at their summer conference. The topic was how to develop a legally defensible training system for local jurisdictions.

During the Summer Conference, the Sheriffs Association membership voted in support of the Jail Employee Licensing proposal including 40 hours in-service requirement, placement of the licensing in the POST Board, and develop of cost effective alternative training methods. The final vote was 51 in favor, 5 opposed, and 2 abstentions. This was a Very supportive and strong vote for the proposal.

The next step for the licensing project will to begin state legislative hearings this fall. Additionally, more training sessions for the training officers in each jail are anticipated.



Along with the Licensing project,. the Minnesota Job Task Analysis Project continues to make progress. The Line staff Job task surveys (217) were sent out along with 84 line staff supervisor surveys. Next, the administrators survey and the program staff survey will be distributed. The results will assist Minnesota in developing a comprehensive basic course of study for new jail employees as a companion to the licensing project.

Currently, all the questionnaires have been sent out and most have been return. The return rate has been exceptional with most jurisdictions and most respondents have been accounted for. The data for the Custody worker and Jail Administrator have been analyzed. The Jail Program worker data has been entered and will be analyzed. The results of the Administrator questionnaire have been presented to the participants at the Jail Administration Conference, the results of the program worker will be presented at the Jail Program conference on October 19-20, 1987. The custody worker data will be presented to the State Sheriffs' Association Winter conference on December 1, 1987. A final report on the Job Task analysis will be completed prior to the end of December, 1987.



MINNESOTA STATE SHERIFFS' ASSOCIATION

WHEREAS, the Minnesota State Sheriffs' Association meeting in their Summer Conference on June 2, 1987 at Brainerd, Minnesota seriously considered the future of Jail Employees in Minnesota: and

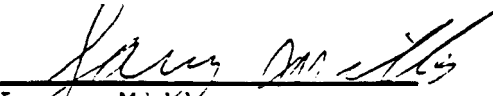
WHEREAS, the Minnesota State Sheriffs' Association has actively been instrumental in the development and delivery of Jail Employee training programs, and is supportive of efforts to professionalize Jail Employees in keeping with a long time priority and goal by the Association to maintain Constitutional jails and to reduce the civil liability of the membership: and

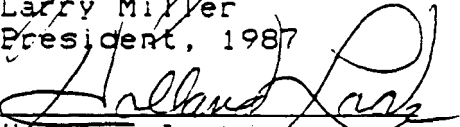
WHEREAS, the Minnesota State Sheriffs' Association recognizes the need for professionalization and has worked for the past two years through its Jail Employee Task Force to develop a strategy and recommendations for implementing the licensing of Jail Employees: and

THEREFORE, BE IT RESOLVED, that the Minnesota State Sheriffs' Association supports the introduction, passage, and implementation of enabling legislation to mandate by law that all jail employees in Minnesota meet requirements to be licensed as jail professionals by the State of Minnesota with the following explicit conditions:

1. In-Service training requirements shall include 40 hours of approved job-related training which can include non-classroom based structured learning methods which educate employees while working on-the-job. These alternative approaches can include the FTO program, Correspondence Courses, Video tapes, experiential drill training, shift scenario training, educational portions of staff meetings, etc.
2. xxxxxxxxxx Rules for licensing Jail Employees shall be drafted by Sheriffs (through the JET Force) and submitted to the Peace Officers Standards and Training Board for promulgation.
3. MSSA will continue to support the development of cost effective training methods which stress skills development as alternatives to classroom-based training, and to keep the necessity of classroom-based training to a minimum.
4. Minnesota Jail Resource Center will continue to develop cost effective alternatives to classroom-based training and will continue to provide training development sessions and resources.

DATED: June 2, 1987. Brainerd. Minnesota

PRESIDENT:   
Larry Miller  
President, 1987

ATTEST:   
Holland Laak  
Executive Director

RESOLUTION #MS-188/87



VERSION PASSED BY MSSA  
MEMBERSHIP 12/2/86

11/26/86

[RESDEPT ] DKM/rc R2109 33-4 472

VERSION PASSED BY MSSA  
MEMBERSHIP 6/2/87  
51-5 VOTE

DRAFT

1 A bill for an act  
2 relating to corrections; requiring the training and  
3 licensure of certain jail employees by the board of  
4 peace officer standards and training; authorizing the  
5 board to adopt rules; prescribing the board's powers  
6 and duties; appropriating money amending Minnesota  
7 Statutes 1986 section 214.10 subdivisions 4, 6, and by  
8 adding a subdivision; proposing coding for new law in  
9 Minnesota Statutes, chapter 626.

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

12  
13 Section 1. Minnesota Statutes 1986, section 214.10,  
14 subdivision 4 is amended to read:

15 Subd. 4. (PEACE OFFICERS STANDARDS AND TRAINING BOARD;  
16 RECEIPT OF COMPLAINT.) Notwithstanding the provisions of  
17 subdivision 1 to the contrary, when the executive director, or  
18 any member of the peace officers standards and training board  
19 produces or receives a written statement or complaint which  
20 arguably alleges a violation of a statute or rule which the  
21 peace officers standards and training board is empowered to  
22 enforce, the executive director shall convene a subcommittee of  
23 the board, consisting of three members; which shall supervise  
24 the processing of the complaint. At least two members of the  
25 subcommittee shall be board members who are peace officers. The  
26 subcommittee shall determine, by majority vote, whether the  
27 complaint constitutes reasonable grounds to believe that a

1 violation within its jurisdiction of enforcement has occurred,  
2 and to this end shall afford the complaining party, the chief  
3 law enforcement officer of the agency employing the peace  
4 officer licensee who is a party to the action, and the subject  
5 of the complaint a reasonable opportunity to be heard.  
6 Complaints determined by the subcommittee to relate to matters  
7 within the jurisdiction of another state or local agency shall  
8 be referred to that agency for disposition. Complaints  
9 determined by the subcommittee to be within the jurisdiction of  
10 the board shall be processed in accordance with subdivisions 5  
11 and 6. Any member of the subcommittee may appeal a subcommittee  
12 determination pursuant to this subdivision at the next regularly  
13 scheduled meeting of the board.

14 Sec. 2. Minnesota Statutes 1986, section 214.10,  
15 subdivision 5 is amended to read:

16 Subd. 5. [PEACE OFFICERS STANDARDS AND TRAINING BOARD;  
17 INVESTIGATION.] Notwithstanding the provisions of subdivision 2  
18 to the contrary, upon a finding pursuant to subdivision 4 that  
19 there are reasonable grounds to believe that a violation of a  
20 statute or rule which the peace officers standards and training  
21 board is empowered to enforce has occurred, the executive  
22 director shall determine whether the matter has been  
23 investigated by the appropriate law enforcement agency. If the  
24 matter has been investigated, a summary of the investigation,  
25 any action taken as a result of the investigation, and any other  
26 information requested by the executive director may be supplied  
27 to the subcommittee established pursuant to subdivision 4 by the  
28 investigating agency within one week of the request. If the  
29 matter has not been investigated, or any requested information  
30 has not been supplied, the executive director shall order an  
31 inquiry by the appropriate law enforcement agency into the  
32 allegations of the complaint. A summary of any inquiry so  
33 ordered shall be supplied to the subcommittee by the  
34 investigating agency within 30 days of the order for inquiry.  
35 The subcommittee, by majority vote, may grant an investigating  
36 agency a reasonable extension for production of information and

1 reports. Upon consideration of the information supplied by the  
 2 investigating agency, and any additional information offered by  
 3 the complainant or the subject of the complaint, the  
 4 subcommittee shall determine, by majority vote, whether further  
 5 board action is warranted. The executive director shall  
 6 immediately notify the chief law enforcement officer of the  
 7 agency employing the peace-officer licensee who is a party to  
 8 the action of the results of the subcommittee's vote. Any  
 9 member of the subcommittee may appeal a subcommittee  
 10 determination pursuant to this subdivision at the next regularly  
 11 scheduled meeting of the board.

12 Sec. 3. Minnesota Statutes 1986, section 214.10 is amended  
 13 by adding a subdivision to read:

14 Subd. 8. [JAIL EMPLOYEES.] The provisions of subdivisions  
 15 4 to 7 also apply to jail employees licensed by the board. The  
 16 board shall notify the chief jail employee, as designated by the  
 17 appointing authority, if a jail employee is a party to the  
 18 action.

19 Sec. 4. [626.87] [DEFINITIONS AND SCOPE.]

20 Subdivision 1. [DEFINITIONS.] As used in sections 4 to 9,  
 21 the following terms have the meanings given them:

22 (a) "Board" means the Minnesota board of peace officer  
 23 standards and training;

24 (b) "Director" means the executive director of the board;

25 (c) "Jail" means a secure local adult detention or  
 26 corrections facility that is required to comply with standards  
 27 promulgated by the department of corrections in Minnesota Rules,  
 28 chapter 2910; and

29 (d) "Jail Employee" means a full or part time employee with duties  
and responsibilities imposed by rules adopted by the Board pursuant to  
this section.

Changed  
12/2/86

1        Subd. 2. [SCOPE.] No person licensed by the board under  
 2 sections 4 to 9 shall be authorized to carry a firearm while on  
 3 duty or exercise the powers and duties of a peace officer,  
 4 part-time peace officer, or constable unless the person has been  
 5 licensed pursuant to sections 626.84 to 626.855.

6        Sec. 5. [626.871] [EXECUTIVE DIRECTOR; EMPLOYEES.]

7        The director shall perform on behalf of the board any  
 8 duties required or authorized by sections 1 to 6 that the board  
 9 directs. The board shall appoint employees, agents and  
 10 consultants as necessary, prescribe their duties, and provide  
 11 for reimbursement of their expenses. These employees are in the  
 12 classified service.

13        Sec. 6. [626.872] [ADOPTION OF RULES.]

14        The board shall adopt rules on or before July 1, 1988 with  
 15 respect to the following matters:

16        (1) The certification of jail employee training schools,  
 17 programs, or courses;

18        (2) Minimum courses of study, content of courses,  
 19 attendance requirements, and qualifications for instructors at  
 20 jail employee training schools, programs and courses;

21        (3) Minimum standards of physical, mental and educational  
 22 fitness governing the recruitment and licensing of jail  
 23 employees;

24        (4) Duties, responsibilities, and standards of conduct of a jail employee.

26        (5) The creation of separate categories of licenses based  
 27 on the primary responsibilities of the jail employee.

28        (6) Minimum basic training within each license category  
 29 which jail employees hired on or after January 1, 1989 must  
 30 complete within the first twelve months of employment in order  
 31 to be eligible for licensure and continued employment, and  
 32 standards governing the supervision of these jail employees  
 33 prior to their licensure;

34        (7) Fees for license application, issuance and renewal;

Changed  
12/2/86

JAN 1, 1990



1 January 1, 1989, and as a condition of license renewal by all  
2 jail employees;

3 (9) Grading, reporting, attendance and other records, and  
4 certificates of attendance or accomplishment;

5 (10) The establishment and use by jails of procedures for  
6 investigating and resolving allegations of misconduct by  
7 licensed jail employees; and

8 (11) Such other matters as may be necessary to fulfill the  
9 purposes of sections 4 to 9.

10 Sec. 7. [626.873] [POWERS AND DUTIES.]

11 The board shall have the following powers and duties:

12 (1) To certify jail employee training schools, programs and  
13 courses no later than 90 days after receipt of an application  
14 for certification. The reasons for noncertification shall be  
15 transmitted within 90 days after receipt of the application and  
16 shall contain a detailed explanation of the reasons for the  
17 disapproval and an explanation of what supporting material or  
18 other requirements are necessary for the board to reconsider the  
19 application. Disapproval of a school, program, or course does  
20 not preclude reapplication for certification;

21 (2) To visit and inspect schools that have been certified  
22 or have applied for certification, to issue certificates to  
23 schools, and to revoke certification when necessary to maintain  
24 the objectives and purposes of sections 4 to 9;

25 (3) To certify, as qualified, instructors at jail employee  
26 training schools, programs and courses, and to issue appropriate  
27 certificates to the instructors;

28 (4) To license jail employees hired on or after January 1,  
29 1989, who have satisfactorily completed certified basic training  
30 programs and passed examinations as required by the board;

31 (5) To relicense jail employees who have satisfactorily  
32 completed certified continuing education programs as required by  
33 the board;

34 (6) To cause studies and surveys to be made relating to the  
35 establishment, operation and approval of jail employee training

JAN 1, 1990

1 (7) To consult and cooperate with training schools and  
2 other educational institutions for the development of in-service  
3 training programs for jail employees;

4 (8) To consult and cooperate with other departments and  
5 agencies of the state and federal government concerned with jail  
6 employee standards and training, and to receive financial  
7 assistance from and join in projects or enter into contracts  
8 with the federal government or its agencies for the furtherance  
9 of the objectives of sections 4 to 9;

10 (9) To obtain criminal conviction data on persons seeking  
11 or possessing a license issued by the board. The board shall  
12 have authority to obtain criminal conviction data to the full  
13 extent that any other law enforcement agency, as that term is  
14 defined by state or federal law, has to obtain the data;

15 ~~(10) To prepare and transmit annually to the governor and~~  
16 ~~the legislature a report of its activities with respect to the~~  
17 ~~administration of sections 4 to 9, and to make recommendations~~  
18 ~~regarding the carrying out of the objectives and purposes of~~  
19 ~~sections 4 to 9; and~~

STRIKE

20 ~~(10)~~ To perform such other acts as may be necessary and  
21 appropriate to carry out the powers and duties set forth in  
22 sections 4 to 9.

23 Sec. 8. [626.874] [LICENSURE; WHEN REQUIRED; APPLICATION  
24 AND FEES.]

Jan 1, 1990

25 Subdivision 1. [NEW JAIL EMPLOYEES.] Every jail employee  
26 hired on or after January 1, 1989 must, within 12 months of the  
27 date of initial employment, complete the relevant training and  
28 examination requirements mandated by the board for the position  
29 occupied by the jail employee and be licensed by the board to  
30 occupy that position.

Dec. 31, 1989

31 Subd. 2. [EXISTING JAIL EMPLOYEES.] Every jail employee  
32 who is employed on ~~June 30, 1989~~ and who makes application shall be  
33 licensed by the board as if the jail employee met the licensing  
34 requirements of sections 4 to 9.

35 Subd. 3. [LICENSE RENEWAL.] Every licensed jail employee  
36 must satisfy the license renewal requirements, including

1 continuing education requirements, mandated by the board within  
2 the time period provided by the board.

3 Subd. 4. [APPLICATION AND FEES.] Application for a jail  
4 employee license or license renewal shall be on forms prescribed  
5 by the board and shall contain the information required by the  
6 board under its rules. The board may charge applicants a fee  
7 for license application and examination as provided in section  
8 214.06.

9 Sec. 9. [626.875] [UNAUTHORIZED PRACTICE PROHIBITED.]  
10 No person who is required to be licensed under sections 4  
11 to 9 may occupy the position or exercise the duties of a jail  
12 employee without possessing a license for that position from the  
13 board. Any person who violates this section is guilty of a misdemeanor.

*Added back to  
12/2/87*

15 Sec. 10. [APPROPRIATION.]  
16 \$ \_\_\_\_\_ is appropriated from the general fund to the  
17 board for the purpose of administering sections 4 to 9. This  
18 amount is available until June 30, 1989.

*\$150,000 -  
\$175,000*

19 Sec. 8. [EFFECTIVE DATE.]  
20 Sections 4 to 7, and 10 are effective July 1, ~~1987~~ 1988  
21 Sections 8 and 9 are effective January 1, ~~1989~~ 1990



DATE: Tuesday, June 2, 1987

REF: MINUTES OF THE GENERAL BUSINESS SESSION  
Minnesota State Sheriffs Association  
1987 Summer Conference  
Cragun's Resort  
Rural Route, Brainerd, Minnesota

MEMBERS PRESENT: Fifty-nine of the eighty-seven sheriffs

ALSO PRESENT: Jim Fischer, Executive Director of the SYPOM,  
David Horazdovsky, North State Advisers,  
MSSA Secretaries Shirley Snyder and Shirley  
Zaun, and MSSA Executive Director Holland  
Laak.

ITEM I. CALL TO ORDER

President Sheriff Larry Miller presided over the General Business Session meeting of the Minnesota State Sheriffs Association. President Miller called the meeting to order at 1:05 p.m.

ITEM II. ROLL CALL OF DELEGATES

President Miller called upon the Executive Director, Holland Laak, to record the attendance of those present at this General Business Session meeting; the results are as indicated above. The roll call sheet is incorporated in the original Minutes of the General Business Session to be filed at the MSSA headquarters.

ITEM III. SPECIAL REPORTS

- A. Sheriffs Youth Programs of Minnesota, Jim Fischer,  
Executive Director

For the benefit of the new sheriffs present, Mr. Fisher's report consisted of some history of how the program began, number of years in operation, current status, and future plans.

- B. MSSA Commemorative Buckle, H, Laak, Executive Director

Mr. Laak stated that action on this item will be taken under Old Business.

- C. Testing, H, Laak, Executive Director

Mr. Laak stated that action on this item will be taken under New Business.

- D. Sheriff Licensure Legislation, H. Laak, Executive  
Director

Mr. Laak did not bring this item up for discussion and thereby no action was taken.

E. MSSA Building Site

This item had been acted upon at the Board of Directors meeting on May 31, 1987, and it was felt that the Executive Director need not discuss this issue at the General Business Session.

ITEM IV. SECRETARY'S REPORT

The Secretary/Treasurer, Sheriff David Schweisthal, presented the Minutes of December 2, 1986, for acceptance, indicating that they had been prepared and sent to the membership. Sheriff Schweisthal made a motion, seconded by Sheriff Wiebold, to approve the Minutes as prepared; the motion was carried unanimously.

ITEM V. TREASURER'S REPORT

The Secretary/Treasurer, Sheriff David Schweisthal, was called upon by President Miller to give the Treasurer's Report dated May 31, 1987. The Treasurer's Report was read in its entirety and showed cash assets on hand in the amount of \$244,883.69. Sheriff Schweisthal moved acceptance of the Treasurer's Report, seconded by Sheriff Vanderhyde; the motion was carried unanimously.

ITEM VI. COMMITTEE REPORTS

The committees who had no reports to give are listed below.

By-Laws	Law Enforcement Memorial Assn.
Legislative (Chairman not present)	Auto Theft Liaison
Audit/Budget	Boat, Water and Snowmobile Safety
Nominations (Chairman not present)	Education and Training
POST	Member Services and Operations

The committees who had reports to present to the delegates are listed below along with a synopsis of each chairman's report.

CRIME VICTIMS COUNCIL

Sheriff Carr reported that the emergency corporation fund did not pass in this year's legislative session, but had been referred to the appropriation committee and it is anticipated to pass next session.

CORRECTIONS LIAISON

Sheriff Wiebold reported that the committee is and will continue to work closely with Dennis Falenschek and the Department of Corrections to insure that the training program continues to meet the needs of the sheriffs now and in the future.

#### JUVENILE TASK FORCE

Sheriff Von Wald reported that he was happy the legislation removing children from all county jails did not pass, but it could be brought up again next session.

#### PERA

Sheriff Boyd distributed a handout from PERA on the eight laws which passed and pertained to the members of the Police and Fire Fund. (A copy is included with these Minutes,)

#### SCHOLARSHIP

Sheriff Trudeau reported that eight scholarships were awarded again this year and it is the first year a sheriff's relative, son of Bill DeRosier, received a scholarship, Sheriff Trudeau stated that it is great when one of our own qualifies and is awarded a scholarship.

#### SENTENCING GUIDELINES

Sheriff Trudeau reported that the legislators are still looking at jail guidelines and we must watch this issue closely next session.

#### PUBLICATIONS

Sheriff Twomey made an appeal to the sheriffs to send in articles, pictures, and news items to be included in the Minnesota Sheriff magazine as this is their magazine. Twomey also reported that Mr. Laak has met with representatives of ADV Corporation and has obtained a 45-day out time, from the deadline date to the date when the magazine will be mailed. Twomey also reported that the income received, at this point in time, from the royalties is ahead of the budgeted amount.

#### CONFERENCES

Sheriff Nolander reported that the Conference Committee had received invitations to host the 1988 Summer Conference from Sheriff Ball of Crow Wing County, Sheriff Terry Eilers of Douglas County, and a combined joint invitation from Cass/Crow Wing/Aitkin counties. Sheriff Von Wald made a motion to accept the combined joint invitation from Cass/Crow Wing/Aitkin counties, the motion was seconded by Sheriff Elliott and passed unanimously.

#### RESOLUTIONS

Sheriff DeRosier made a motion, seconded by Sheriff Tschida, to pass the standard conference resolutions, without reading them; the motion was carried unanimously. (Copies of the resolutions are included these Minutes.)

HONORARY MEMBERSHIP

Sheriff Hanson read a letter received by Mr. Laak from Grizzard Advertising relative to doing a prospect mailing to businesses for business memberships in the MSSA honorary membership program.

After a lengthy discussion regarding the facts and figures listed in the letter, would all counties participate or would just those counties which now take part in the honorary membership participate, etc., Sheriff Hanson suggested that this issue be placed on the District Discussion Sheet for discussion at the district meetings and their findings be brought back to the Board of Directors.

A question was asked regarding what to tell honorary members who call the sheriff's office asking why they have not received their honorary member packets of information. Mr. Laak answered this question by explaining that we have had computer problems, but we should be up-to-date with entering by June 15th. The sheriffs should notify the MSSA of the names and addresses of those honorary members who call them; we will check to make sure that their material has been mailed, and if it has not we will process it manually and send the material to them in the mail right away.

JAIL EMPLOYEE TASK FORCE

Sheriff Wiebold thanked the membership for appointing him to the JET Force Committee. Sheriff Wiebold believes that the task force has developed a viable and cost effective program. He thanked Tom Reid for doing an excellent job in the morning session on presenting the concept, practicalities, and the efficiencies of the planning of the task force.

ITEM VII. OLD BUSINESS

A. JET Force Resolution

X Sheriff Nolander made a motion, seconded by Sheriff Waller, to waive the reading of the resolution, the motion was unanimously carried. Sheriff Wiebold moved that the body be quorumed for support of the, resolution and a second to the motion was made by Sheriff Von Wald. Sheriff Wiebold asked that the vote be done by a show of hands. The results of the hand vote was 52 ayes, 5nays, and 2 abstentions. Sheriff Wiebold submitted to the chairman that there was an overwhelming vote, and the vote was so moved by the chairman. (A copy of this resolution is included with these Minutes.)



B. MSSA Commemorative Buckle

Sheriff Montonye made a motion not to pursue the development of a MSSA Commemorative Buckle. The motion was seconded by Sheriff Von Wald and passed unanimously.

ITEM VIII. NEW BUSINESS

A. Testing

Sheriff Carr made a motion, seconded by Sheriff Schweisthal, to support the Board to further research the issue of entry-level testing; the motion passed unanimously.

B. Warrants on Holds

Sheriff Wilkinson proposed that a statewide procedure be developed and implimented using a blaze orange or red envelope with the word "Hold" on it which would be sent along with the prisoner to reduce and possibly eliminate the number of losses, A motion was made by Sheriff Tschida, seconded by Sheriff DeRosier, to have the Operations Committee research this issue; the motion passed unanimously,

President Miller called for any other New Business, there being none a motion for adjournment was made, seconded, and passed with adjournment occurring at 2:30 p.m.

Respectfully submitted,

Shirley Snyder  
Secretary  
Minnesota State Sheriffs Association

SS:sz



MINNESOTA ASSOCIATION

# JAIL

PROGRAM SERVICES

October 19, 1987

Tom Reid  
Minnesota Jail Resource Center  
300 Bigelow Bldg  
450 N. Syndicate  
St. Paul, Mn. 55104

Dear Tom,

The Minnesota Association of Jail Programs and Services hereby approves and endorses the concept of licensing as outlined by the Licensing Task Force for licensing jail personnel including any and all jail programmers.

The executive board of the association is available at any time for testimony and/or legislative input on behalf of the membership of the association.

Sincerely,



Kay, Siebrass, Secy.



# Minnesota County PLATIFFORM

## THE POLICY AND POSITIONS OF THE ASSOCIATION OF MINNESOTA COUNTIES

23

### H.S. 5 — TRAINING FOR JAIL EMPLOYEES

MINNESOTA COUNTIES SUPPORT A PRESCRIBED TRAINING PROGRAM FOR JAIL EMPLOYEES WHO ARE IN SUBSTANTIAL CONTACT WITH INMATES. SUCH EMPLOYEES SHOULD MEET LICENSING QUALIFICATIONS WITHIN A REASONABLE TIME FRAME

#### Discussion:

Jail disturbances and incidents resulting in injuries to inmates and staff have been increasing. Such occurrences can be prevented or ameliorated through ongoing training of jail personnel who are in direct contact with prisoners. Additionally the public expects a higher level of performance from jail employees.

Jail training would cover topics such as orientation to the county system, fire drills, suicide drills, and the use of force. Training could occur during shift changes, while on shift, and through formal sessions. Local hiring options are retained. However, employees will be required to pass a licensing examination within a specified time.



**JAIL EMPLOYEE TASK FORCE**  
MINNESOTA STATE SHERIFFS'  
ASSOCIATION

REPORT TO THE THE MEMBERSHIP  
CONCERNING  
JAIL EMPLOYEE LICENSING  
DECEMBER 2, 1983



# Minnesota

## STATE SHERIFFS ASSOCIATION

Box 623, South St. Paul, MN 55075 • Telephone (612) 451-7216


As President of the Minnesota State Sheriffs Association, I wish to recognize the fine efforts and accomplishments this past year by the Jail Employees Task Force (JET Force). The efforts of this group were recently recognized when a full and complete proposal dealing with the licensing of jail employees was presented to the Board of Directors of the Minnesota State Sheriffs Association,

A motion was made, seconded and passed unanimously in support of the concept and proposal received from the JET Force. The Board of Directors, at their regular monthly meeting on November 1, 1985, officially adopted the concept and supported the legislative effort necessary to make this licensing proposal a Minnesota law,

The need to educate and train more highly skilled jail personnel is more necessary now than ever before. We must proceed by developing enabling legislation which will make this concept law in an effort to avert the privatization of jails and to underscore the sheriffs' ability to maintain, manage and operate constitutional jails in Minnesota.

I am hopeful that the entire membership of the Minnesota State Sheriffs Association will view the success of this project as did the Board of Directors. Your concurrence and quick passage of a motion in support of this program is necessary in reaching our ultimate goal of state-wide implementation,

Sincerely,

  
ROD BOYD  
President 1985



NOTE: THE MSSA BOARD OF DIRECTORS PASSED THE FOLLOWING AS A UNANIMOUS RESOLUTION ON NOVEMBER 1, 1985 IN SUPPORT OF THE JAIL EMPLOYEE TASK FORCE REPORT AND RECOMMENDATION ITS ACCEPTANCE BY THE FULL MSSA MEMBERSHIP:

JAIL EMPLOYEES TASK FORCE MINUTES  
OCTOBER 31, 1985

The JET FORCE met on October 31, 1985 at the Minnesota State Sheriffs' Association offices with the following participants in attendance:

Sheriff Rod Boyd, MSSA President  
Sheriff Roy Wiebold, Vice Chair  
Sheriff Dale Grote  
Sheriff Don Skogrand  
MSSA Director Holly Laak  
Dave Hile, Hennepin County  
Mark Shields, POST Board  
Dan Glass, POST Board  
Tom Reid, Minnesota Jail Resource Center  
David Horazdovsky

EXECUTIVE SUMMARY:

The Jail Employee Task Force passed the following motions as unanimous recommendations to the MSSA Board and Membership:

- I. The JET FORCE adopts the concept of LICENSING Jail Employees.
- II. The JET FORCE recommends the Jail Employee Licensing function be located as an entity within the POST Board and governed by a 13 member committee appointed by the Minnesota State Sheriffs' Association Board of Directors for prescribed staggered terms and consisting of 7 Sheriffs representing each of the 6 MSSA Districts plus one Sheriff-at-Large and 6 other members.
- III. The JET FORCE recommends that enabling Jail Employee Licensing Legislation be introduced in the upcoming 1986 Minnesota State Legislature.
- IV. The JET FORCE recommends that the MSSA Board of Directors and Membership adopt the attached plan as general guidelines, strategy, and goals of the Jail Employee Licensing process. (See attached explanations)

The following is a formal report of the October 31, 1985 meeting:

This meeting was very productive and the result of seven months of Task Force activity and meetings including presentations at the Summer MSSA Conference in Alexandria and the Fall Jail Management Conference in Brainerd. Regular monthly meetings were primarily devoted toward exploring alternative training concepts and cost effective training methods as well as developing additional information concerning training issues and requirements.

Following its mandate from the Board of Directors of the Minnesota State Sheriffs' Association, the Jail Employee Task Force passed the following motions as unanimous resolutions at the October 3 and October 31, 1985 meetings:

I. The JET FORCE adopts the concept of LICENSING Jail employees.

COMMENT: Licensing would provide the MSSA Membership with a more powerful tool than simple employee certification. Licensing includes not only initial approval to practice a trade but also the requirement of a periodic renewal. The concept of licensing would include Jail Custody Workers, Jail Program Staff, and Jail Administrative/Supervisory Staff. Included in the proposal would be employees of local correctional facilities such as the Hennepin County Adult Corrections Facility, Ramsey County Work House, and the Northeast Regional Corrections Center. Minnesota Statute Chapter 214 would enable the development of Jail Employee licensing.

II. The JET FORCE recommends the Jail Employee Licensing function be located as an entity within the POST Board and governed by a 13 member committee appointed by the Minnesota State Sheriff's Association Board of Directors for prescribed staggered terms and consisting of 7 Sheriffs representing each of the 6 MSSA Districts plus one Sheriff-at-Large and 6 other members.

- 7 Sheriffs
- 2 Custody Staff Representatives
- 1 County Commissioner Representative
- 1 Department of Corrections Representative
- 2 Public Representatives
- 13 Members

COMMENT: Housing Jail Employee Licensing with an existing agency will increase the chances of a successful legislative effort. Options discussed were: (1) a new free-standing organization, (2) a division in the Department of Corrections, (3) A sub-division in the existing POST Board with its own governing committee. The POST Board was selected due to its unique position in state government and as having a licensing and examining process already in place that could easily be adapted for jail employees. Legislatively, it will be much easier to amend existing POST Board legislation and budget rather than initiate entirely new legislation. The Executive Director of the POST Board will discuss the issue of Jail Employee Licensing with his Governing Board and report back to the JET FORCE at a later meeting. His primary concern is for a lack of current staffing to carry out jail-related functions.

III. The JET FORCE recommends that enabling Jail Employee Licensing legislation be introduced in the upcoming 1986 Minnesota State Legislature.

COMMENT: The goal will be to complete enabling legislation during this session with formation of the Committee and a Committee operating budget by July 1 or August 1, 1986. There will then be a period of development and initiation of procedures, structures, training curriculum, testing methods, accreditation of trainers, etc. which would place actual licensing of employees at least one year from the start up of the Committee. It may be reasonable to expect actual licensing to begin around July 1, 1987. The goal for 1986 will be to pass relevant legislation, and to take the first year to develop agency administrative rules, licensing standards, and regulations.

IV. The JET FORCE recommends that the MSSA Board of Directors and the Membership adopt the following plan as general guidelines, strategy, and goals of the Jail Employee Licensing process:

A. Since the formal licensing organization will take at least 1 1/2 years to develop to the stage of actual issuance of new licenses, and since the problem of civil liability for Sheriffs and Jail Administrators is current and extremely serious, the JET FORCE recommends that the MSSA Board and Membership take IMMEDIATE ACTION to reduce liability and upgrade employee training by adopting MSSA training policy statements and goals as follows:

1. Each Sheriff should designate IN WRITING a training coordinator for the jail. This will give the JET FORCE a single point of contact in each jail concerning training issues. The training coordinator in each jail can then be provided information and materials concerning cost-effective training, and alternative training methods that do not require time away from regular shifts. The JET FORCE will be developing a wide variety of alternative training methods and materials during the up-coming year.

2. Each Sheriff should require his Jail Training Coordinator to develop an annual jail employee training plan. The JET FORCE recommends adoption of the American Corrections Association Adult Local Detention Training Standards. The following are recommend as policy concerning Jail Employee Training Plans:

- \* Training topics must be job-task related.
- \* Basic training goals as follows:
  - Jail Custody - 160 Hours in first year from a variety of cost-effective sources.
  - Jail Program - 80 Hours in first year.
  - Jail Administrator - 40 Hours administrative training in first year.
- \* In-Service training goals as follows:
  - Jail Custody - 40 hours each year from a variety of sources.
  - Jail Program - 40 hours each year.
  - Jail Administrator - 24 hours each year of administrative training topics.

3. MSSA endorses a basic course Of study that utilizes cost effective and alternative training methods that will minimize time away from working in the jail The MSSA through its JET FORCE and other training resources will develop "model" training checklists, identify self-administered training courses (such as correspondence courses from NSA, ACA, and NIC), and will develop a Jail Field Training Officer Program in the state. The goal is to provide valid basic training hours to new employees with out the extra expense of over time pay or time away from the job. The following is a example of a very cost-effective approach that a typical jail could use to EXCEED the recommended 160 hours of basic employee training:

EXAMPLE ONLY

- 24 Hours \* 3 day orientation to County Government and the Criminal Justice System (Experiential Training).
- 40 Hours \* Successful completion of the NSA Correspondence Course for Jailers (Cost \$50).
- 40 Hours \* Successful completion of ACA Correctional Officer Course (Cost \$30).
- 200 Hours \* New Employee placed in Field Training Officer phase for 5 weeks while working various shifts, is evaluated at the end of each shift using a numerical form. During each shift, the trainee is evaluated concerning job-related tasks, etc. Experienced jailers, who can be easily trained as FTOs provide the OJT training and evaluation.

**304 Hours of valid basic training at a very low cost !**

4. MSSA endorses a continuing education program for Jail Employees that must be job-relevant and stresses cost-effective training alternatives that will yield 40 hours/year for existing custody and program staff and 24 hours/year for administrators. It is expected that only a few of these hours will need to come from formal classroom sessions. It is recommended that each Jail conduct one combination staff meeting/training session for 3-4 hours each month. Staff meetings, if conducted and documented properly, do constitute training. The following are some examples of cost effective non-traditional in-service training:

- \* Roll Call/Shift Change sessions (15 minute shift overlap sessions used to discuss policy, etc.)
- \* Critical Incident Review while on shift
- \* Individual staff "Research and Reading" assignments
- \* Fire Drills, Suicide Drills, Medical Drills while on shift.

- \* "Ride Alongs" with local Fire Inspector, Health Inspector, (even Jail Inspector!).
- \* Self-Programmed Instruction courses such as the NIC Fire Safety Course as well as a variety of other low cost correspondence courses.
- \* "In-Service" FTO evaluation phase for existing once a year or every two years (2-3 days).
- \* Classroom sessions as needed and afforded through a variety of state and local sources.

5. The MSSA recommends the following be developed as documentation for valid jailer training:

- \* List of topics discussed, Training agenda, or Information Exchanged.
- \* Name and qualifications of instructor.
- \* Names of trainees.
- \* Hours.
- \* Statement of relevance to the job.
- \* Some form of trainee evaluation or measurement of increase of knowledge is strongly recommended.

NOTE: The JET Force recommends that the MSSA Board and membership adopt the above as official MSSA training policy and goals as an interim measure to address the issue of training liability and as a strategy for a smooth transition toward Jail Employee Licensing.

B. The JET FORCE recommends to the MSSA Board and Membership the following as concepts and guidelines for the Jail Employee Licensing Program in Minnesota:

1. Legislation developed for the 1986 session to define the mandate, powers, membership and funding for the Licensing Board.

2. The licensing Board shall consist of 4 functional areas:

- a. Development of required core curriculum for basic and in-service training. Included will be the development of cost-effective delivery systems.
- b. Employee Licensing - both initial licensing and license renewals including issue of minimum qualifications, standards, and discipline.

c. Trainer and Training accreditation - This will identify and certify which trainers and training methods or sessions can be counted toward requirements.

d. Training Assistance - This function will help jails develop the means to meet the training requirement hours through very cost effective means.

3. The following is a discussion of each proposed functional area of the Jail Employee Licensing Board:

\* Core Curriculum: This area will identify for both Basic and Continuing Education the common topics that must be addressed through training. As long as the topics are validly addressed, the method of training may be recommended but not necessarily tied to a classroom or academy approach. This division of the Licensing Board will:

Conduct a Job Task Analysis  
Identify Common Core Topics (Job-Related).  
Identify relevant "elective" Topics.  
Set Hourly Goals (Reflecting ACA Training Standards).  
Produce a Common Core Curriculum of Topics that must be addressed through training for new employees:

BASIC CUSTODY:	160 Hours in First Year.
BASIC PROGRAM:	80 Hours in First Year.
BASIC ADMINISTRATOR:	40 Hours in First Year.

Develop a system of Continuing Education including recommended schedule of refresher topics for existing staff stressing cost-effective alternatives to classroom education:

CUSTODY OFFICER:	40 Hours each year.
PROGRAM STAFF:	40 HOURS each year.
ADMINISTRATOR/SUPERVISOR:	24 Hours each year.

NOTE: Through a series of identified electives, this division of the Jail Employee Licensing Board will address the training of Jailer/Dispatchers.

\* Employee Licensing: This division will deal with the actual mechanics of licensing for initial and renewal licensing including the following:

Applicant must have completed core curriculum.  
Applicant must have completed sufficient number of hours.  
Training topics and hours must come from approved sources and methods.  
Applicant must successfully pass a comprehensive examination.  
Applicant must meet approved selection standards.  
Applicant can apply for the following Licenses:

CUSTODY OFFICER	160 Hours
PROGRAM STAFF	80 Hours
ADMINISTRATOR/SUPERVISOR	40 Hours

License Renewals based upon completion of annual hourly requirements and conduct of behavior standards:

CUSTODY OFFICER	40 Hours
PROGRAM STAFF	40 Hours
ADMINISTRATOR/SUPERVISOR	24 Hours

\* Trainer and Training Accreditation: This division of the Licensing Board will identify and approve trainers and training delivery systems as appropriate for license-relevant training. This would include approval of the non-traditional alternatives to classroom training.

\* Training Assistance: This division of the Licensing Board will assist jails in meeting the hourly requirements by maintaining the following:

- Resource Directory of Approved Trainers
- Resource Library of approved training materials
- Video Tape Library
- "Training Media Center" (audio/visual aids)
- FTO Assistance Program.
- Assistance in development and review of jail facility training plans.
- Identification of new non-traditional training methods (low-cost).
- Monthly Training Newsletter.





MINNESOTA STATE SHERIFFS' ASSOCIATION

JAIL EMPLOYEE TASK FORCE

WHY LICENSE AND TRAIN JAIL EMPLOYEES?

1. TRAINING OF JAIL EMPLOYEES has been found by the Federal Courts to be a MINISTERIAL DUTY of a local jurisdiction, not a discretionary act. It has been defined by the Courts to be an AFFIRMATIVE DUTY of the Administration. In other words, something that must be done!

2. Training of Jail Employees is currently A clear responsibility and liability of the local jurisdiction that operates a jail. It is not an obligation of the State of Minnesota or any other organization.

3. Most local jails in this state would not do very well in a "Failure To Train" lawsuit. Basic Training is mostly informal or non-existent, and in-service training is spotty at best. There is no overall organization or system to the training that **does** occur, and no real definition as to what is legitimate training versus what would not stand up in Court! Currently it is very difficult to defend jail employee training as JOB-RELATED.

4. What licensing and formal training of Jail Employees will do for you:

- o Shift the "Burden of Proof" for failure to train away from you to the inmate bringing suit.
- o Outside agency will certify your employees as trained and qualified.
- o Create the demand for systematic training.
- o Force the development of cost-effective training for your jail staff.
- o Provide you with more skilled and qualified staff.
- o Protect County "Deer Pocket" by removing typical attorney strategy.
- o Reduce your vicarious liability for "Failure to Train".

- o Reduce your liability in Secondary 1983 Litigation.
- o Reduce your risk of personal liability concerning training.
- o Reduces Direct Liability of your line staff.
- o Increase level of professionalism in your Jail staff.
- o Increase knowledge, skills, and abilities in your Jail staff.
- o Reduce the chances of Jail employees making mistakes.
- o Increase morale levels in your Jail staff.
- o Give staff incentive to seek out training.
- o Shift burden of obtaining and maintaining license to the individual and not the Jurisdiction/Sheriff.
- o Enhance the image and status of Jail Employees.
- o Confirm the leadership role of Sheriffs in this state.
- o Take the initiative away from those who may want to define jail employee issues for you.
- o Association of Minnesota Counties supports the training and licensing of Jail Employees.
- o The time has come; its the right thing to do!
- o Allow the Sheriff a better nights sleep! (This is a top priority).

Remember, the Courts have held that if you do not adequately train your Jail staff, you will "Proceed At Your Own Peril"!

## **WHY ADOPT THE ACA STANDARDS FOR JAIL EMPLOYEE LICENSING?**

1. These standards will represent a DEFENDABLE LEVEL of training for jail employees.
2. They are based upon
  - o Caselaw and Litigation.
  - o What the profession says training should be.
  - o What practice has shown works.
  - o What major disasters have shown doesn't work!
3. The ACA Standards are routinely referenced in Consent Agreements and Court Orders.
4. They are achievable. Very small counties meet these standards because they want to!

## **WHY 40 HOURS IN-SERVICE TRAINING?**

1. Don't equate the job of law enforcement and its training needs with the job of jail employee. It is two totally different worlds; two totally different jobs: two totally different training requirements.
2. Law Enforcement officers now present themselves for service with 2 years of college and 10 weeks of skills training. Given that level of preparation, 16 hours per year of in-service training may be defensible.
3. Think of the level of preparation of entry level Jail Employees. One day's worth of training every two months does not seem unreasonable.
4. DON'T EQUATE TRAINING HOURS WITH CLASSROOM TRAINING. Most training will be accomplished on-the-job. Classroom training is very often not the best delivery system; you need cells, locks, and inmates to train staff not blackboards and lectures! WE ARE GOING TO EMPHASIZE NON-CLASSROOM BASED EDUCATION.
5. Minnesota Job Task Analysis Project of the MSSA is beginning to define the training needs of jail staff. Given the over 700 individual tasks that a custody worker must accomplish, setting 16 hours/year looks a little weak!
6. Ask your attorney: would he rather go into court with 16 hours or 40 hours?

7. *Goldsby v. Carnes* (8th circuit) Kansas City MO.,  
Jackson County Jail = 40 hours of in-service training per  
year per employee.

8. Jails in Florida (where they learn things the HARD WAY:  
through litigation) are now going to be required to provide  
80 hours of in-service training Per employee.

# More Than Jailer Training

By DR. TOM REID

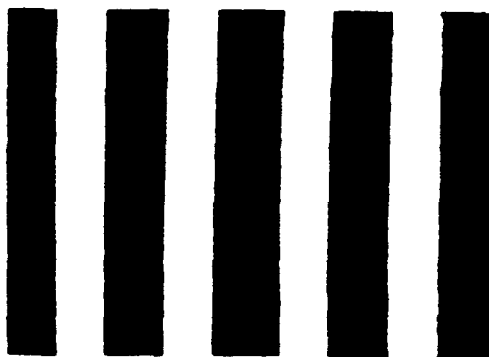
Director, Minnesota Jail Resource Center.

**E**veryone generally acknowledges the value of training as a means of upgrading jail staff performance and professionalizing jail operations. A thorough pre-service and in-service training program also provides jail staff and the sheriff/jail administrator with reduced potential for civil litigation. At minimum, it provides a sheriff with the capability to contain liability in its proper place.

Lack of comprehensive training makes every part of a jail operation legally vulnerable, and that vulnerability can extend to the sheriff and county board. Training, the courts have declared, is not a discretionary but a ministerial act which the sheriff/administrator is expected to perform. Inadequate training provided by a jurisdiction amounts to a breach of executive duty, and makes sheriffs and administrators personally liable for failure to train jail staffs. *Good training is one of the best methods of reducing legal liability.*

Most jurisdictions lack the internal resources to develop and produce a comprehensive jail employee training program although there are many instances when the courts have ordered it. During recent budget reductions, training was usually the first item reduced or eliminated. Even when training has been provided at the local level, most jurisdictions have difficulty in adequately documenting, validating, and certifying training and thus may have a problem defending the training as effective in court. Moreover, in many small counties, it is simply not cost effective to develop a formal training and certifying program for jail employees even though the vicarious liability situation virtually requires a responsible sheriff to do it.

Minnesota has made remarkable progress in the past ten years concerning jails. Most aging structures have been replaced and operations have improved statewide through a state-county cooperative effort and the active role of the Minnesota State Sheriffs Association. The lingering deficiency is training for jail administrators, program staff, and custody staff. While some training is being provided, it is basically concerned with "spot topics" or a one shot, week-long basic course for a new jail opening. While the major counties in the state do have the resources to provide training for their new employees, most out-state counties are simply too informal in training their new and existing employees, and most training would not meet legal



requirements. The lack of effective training stands out when compared with progress made in other jail areas.

Minnesota has provided an excellent training and certifying program for law enforcement officers through the Minnesota Peace Officers Standards and Training Board (P.O.S.T. Board). What jail employees need is the equivalent service that will provide and validate training and certify them as trained. This can certainly be accomplished through a variety of structures or methods including an independent jail employee training board governed by local officials, but housed at the state level. Training and the validation of training can be cost-effectively provided on a statewide basis, and having an outside agency certify jail staff as trained is the best method for reducing a local jurisdiction's vulnerability for failure to train.

In the next few months, there will be increasing discussion concerning the concept of a training and certifying organization for jail employees. The liability factor makes it an idea whose time has come. Now is an excellent time to think about the problem and to become part of the solution. Poor training makes every part of the jail operation more legally vulnerable. Take the time to play an active role in developing a solution to this problem so that training becomes implemented in a proper and effective form.

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*(Editor's Note: The Minnesota Jail Resource Center is a project funded by the National Institute of Corrections to provide training, technical assistance, and information to jails and to reduce the liability of jurisdictions operating jails. For more information call Tom Reid at (612)*

642-0249

WINTER, 1985/21

<u>Occupations</u>	<u>Control</u>	<u>Legislation</u>	<u>Level of Crime</u>
Accountants	Board	Yes	Gross Misdemeanor
Architecture/Engineer/Land Surveyor/Landscape Arch.	Board	Yes	*Not Stated
Attorneys:	Board	Yes	Misdemeanor
Barbers	Board	Yes	Misdemeanor
Chiropractors	Board	Yes	Misdemeanor (prosecuted by County Attorney)
Cosmetologists	Dept./Commerce	Yes	Misdemeanor
Dentist/Dental Hygienists	Board	Yes	Gross Misdemeanor
Electricians	Board	Yes	Misdemeanor
Embalmer/Funeral Directors	Board	Yes	Misdemeanor
Nurses (RN/LPN)	Board	Yes	Misdemeanor
Nursing Home Administrators	Board	No	--
Optometrists	Board	Yes	*Not Stated
Physicians & Osteopaths	Board	Yes	Gross Misdemeanor
Peace Officers	Board	YES	--
Pharmacists	Board	Yes	Gross Misdemeanor
Physical Therapists	Board	Yes	Gross Misdemeanor
Plumbers	Dept./Health	Yes	Misdemeanor
Private Detective & Protective Agents	Board	Yes	Gross Misdemeanor
Pediatricists	Board	Yes	Misdemeanor
Psychologists	Board	Yes	Misdemeanor
Teachers	Board	No	--
Veterinarians	Board	Yes	Gross Misdemeanor (county attorney has original jurisdiction. If he/she refuses, the board has the authority to employ another attorney.)
Watchmakers	Board	Yes	Gross Misdemeanor

\*Because the level of crime is not stated, this is considered a misdemeanor.