



NATIONAL SHERIFFS' ASSOCIATION *Training Seminar*

# DUTY TO PROTECT

May 3 – 5, 2010 ★ Charleston, SC

This NSA Jail Training Initiative Offered in Partnership with the Charleston County Sheriff's Office

It is commonly accepted knowledge that jail officials have an affirmative duty under the 8<sup>th</sup> Amendment to protect those persons who are confined in their facilities. This duty, as defined by the courts, extends not only to protection from other prisoners but also protection from self and from staff. As interpreted by the United States Supreme Court, the cruel and unusual clause of the 8<sup>th</sup> Amendment requires that jail officials take reasonable measures to guarantee the safety of prisoners.

This mandate from the court covers a broad range of jail issues including suicide, use of force, medical, classification, fire/life safety and overall conditions of confinement. This training seminar will delve into various aspects of the duty to protect from both legal and operational perspectives. A comprehensive update on 8<sup>th</sup> Amendment requirements will focus on practical procedural applications in the jail setting. Instruction will focus on why the affirmative duty to protect exists and how jail officials can satisfy that affirmative duty in the jail setting.

**Participants will come away with a better understanding of:**

- ★ How both the 8<sup>th</sup> and 14<sup>th</sup> Amendments apply to the duty to protect
- ★ How every failure to prevent harm is not a constitutional violation
- ★ How the courts define reasonableness
- ★ How failure to acknowledge a substantial risk might lead to deliberate indifference
- ★ How to create and maintain a defensible posture in the face of potential litigation
- ★ How to implement procedures that will help to satisfy the court's definition of reasonableness
- ★ How to protect not only yourself but also your agency while meeting the duty to protect standard

## HOTEL ACCOMMODATIONS

**NSA has arranged a special rate with:**

Charleston Marriott

170 Lockwood Blvd., Charleston, SC 29403

**To make room reservations at the NSA rate, call  
800-968-3569**

Room Rates: \$99.00 single/double  
(plus 12.5% tax and \$1.00 destination fee)

*To be guaranteed a room, make hotel reservations  
no later than April 19, 2010.*

## INSTRUCTORS:

**Gary DeLand** is the Executive Director of the Utah Sheriffs' Assn. and President of DeLand and Associates, Inc. He has traveled to more than 45 U.S. states to provide legal issues and other criminal justice training. Formerly, Gary served as Commander of the Jail Division for the Salt Lake County Sheriff's Office. In 1985, he was appointed to the position of Executive Director for the Utah State Department of Corrections. Gary also served as Sr. Advisor to the Iraqi Ministry of Justice, Correctional Services Division in 2003. He has served as an officer for NSA's Presidents and Executive Directors Committee and as Chair of the ACA Legal Issues Committee. Gary is the past Editor-in-Chief and current Executive Editor of the Corrections Managers' Report.

**Mike Haley, Ph.D.**, has been a corrections practitioner at both the local and state levels for more than 35 years. He has served in various capacities, including Commissioner of Corrections for the State of Alabama, Director of Jail Services for the Alabama Sheriffs' Assn., and Warden of the Mobile County, AL, Metro Jail. A P.O.S.T. certified instructor, he serves as a trainer for various agencies such as the Utah Sheriffs' Assn., Alabama Jail Assn. and Southwest Alabama Police Academy. He provides expert witness services in defense of jails across the nation, with many of those cases involving duty to protect issues. Mike is a lifetime member of NSA and a member of the work group for the creation of the NSA Jail Guidelines and Certification program. He currently works as Vice President for Planning and Development for Quality Correctional Health Care (QCHC), an inmate healthcare provider located in Birmingham, AL.

## Seminar Registration Fees

**\$425 for NSA members ★ \$475 for non-members**

**To register or inquire, contact Mark Logan at NSA at  
800-424-7827 ext. 332. PRIOR to making travel  
arrangements, be sure to contact NSA to ensure  
program availability.**