



# TECHNICAL UPDATE

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## GUARDING AGAINST JAIL LIABILITY

[HB24-1054](#), aimed at strengthening oversight and enforcement of jail standards across Colorado, will significantly impact counties' liability. This legislation mandates stricter compliance with state-approved jail standards, increasing the accountability of county-operated facilities. For counties, failing to meet these enhanced standards could result in greater legal exposure, including more severe penalties and an increased likelihood of lawsuits if an incident occurs. The bill also introduces more rigorous inspection and reporting requirements, making it harder for counties to overlook or delay necessary improvements. As a result, counties must invest in better risk management practices, regular staff training, and infrastructure upgrades to avoid potential liability.

Starting July 1, 2026, all county jails must comply with the standards set by the oversight committee, which has been extended to September 1, 2033. If standards are revised, jails must comply within one year. The ["Report to the Legislative Oversight Committee Concerning Colorado Jail Standards"](#) highlights critical issues that could expose Colorado jails to significant liability if not addressed. The recommended standards within the report serve as a guide to mitigate potential risks, ensuring that facilities operate within a framework that prioritizes safety, security, and legal compliance.

### LIABILITY RISKS OF NON-COMPLIANCE

The report emphasizes the significant liability risks of non-compliance with recommended jail standards. Failure to adhere to these guidelines can lead to costly lawsuits for negligence, inadequate medical care, or unsafe conditions, especially if incidents occur that could have been prevented. Regular assessments are crucial to ensure compliance, as neglecting these evaluations not only heightens the risk of incidents but also weakens the jail's defense against potential claims.

### THE ROLE OF GOOD RISK MANAGEMENT

Risk management is crucial in minimizing liability and protecting the facility from potential claims. This involves identifying potential risks, implementing strategies to mitigate them, and continuously monitoring the effectiveness of these measures. The report emphasizes that jails with robust risk management practices are better equipped to handle unexpected events and are less likely to face legal challenges.

Key aspects of sound risk management in the context of jail operations include:

- **Regular Training:** Ensuring that all staff are trained in emergency procedures, de-escalation techniques, and the handling of inmates. This reduces incidents that could lead to liability.
- **Medical Care Compliance:** Providing inmates with appropriate medical care is a significant concern. Jails must adhere to established healthcare standards to avoid claims of medical negligence.
- **Facility Maintenance:** Regular inspections and maintenance of the physical facility are essential to prevent accidents and ensure the safety of both inmates and staff.

### IMPORTANCE OF POLICIES AND PROCEDURES

Comprehensive policies and procedures are another critical component of reducing liability. The report highlights the need for jails to develop, implement, and enforce policies that align with the recommended standards. These policies should cover all aspects of jail operations, including inmate rights, use of force, and incident reporting.

Policies and procedures provide a framework for staff to follow and serve as evidence that the jail is committed to operating within the bounds of the law. Having documented policies that are regularly reviewed and updated can be a strong defense against allegations of negligence or misconduct in the event of a claim.



### WHAT THIS MEANS FOR COUNTIES

Good risk management, clear policies, and regular compliance checks are essential in protecting counties from these risks. By ensuring jails meet established standards, counties can minimize the likelihood of legal claims, maintain public trust, and ensure inmates' and staff's safety and well-being. Compliance is not just about following rules—it's about safeguarding the county's financial health and public reputation. For more information, contact CSTI at (303) 861-0507.