



DCRA

**Death in Custody Reporting Act
State Implementation Plan**

**Death in Custody Reporting Act (Public Law 113-242) Data Collection
Infrastructure, Data Collection Methods, and Data Reporting Methods**

August 31, 2023

Death in Custody Reporting Act (DCRA): State Implementation Plan

Effective Date: August 31, 2023

This is the **Death in Custody Reporting Act (DCRA) State Implementation Plan** for the Commonwealth of Kentucky. This plan was prepared by the Kentucky Justice and Public Safety Cabinet (JPSC), the State Administering Agency (SAA) for Edward Byrne Memorial Justice Assistance Grant (JAG) Program formula grant funds. The mission of JPSC is to ensure the safety and security of Kentucky communities through a fair and impartial administration of taxpayer resources. Our approach centers on protecting citizens, restoring victims, and reforming wrongdoers - all in a focused environment where everything is measured for accountability and performance. The Cabinet seeks the best possible return from our public safety investment, using evidence-informed programs, fiscal discipline, and data-driven strategies. Likewise, we are committed to holding offenders to the highest standards of personal accountability and responsibility.

Kentucky's DCRA State Implementation Plan outlines the steps and procedures the Commonwealth will follow to collect and report data on the death of any person who is detained, under arrest, or is in the process of being arrested, is en route to incarceration, or is incarcerated at a municipal or county jail, State prison, State-run boot camp prison, State-contracted boot camp prison, or any State or local contract facility, or other local or State correctional facility (including any juvenile facility). The implementation plan incorporates preliminary feedback from the Justice Research and Statistics Association (JRSA) in response to a training and technical assistance (TTA) request from JPSC. This plan outlines the roles and responsibilities of various agencies, the sources and methods of data collection, challenges identified, and planned actions to strengthen and standardize DCRA reporting in Kentucky.

Data Collection Infrastructure

Kentucky does not have a singular specific death-in-custody reporting law, but several regulations and statutes address death-in-custody reporting. Kentucky Administrative Regulations [501 KAR 3:020](#)¹ Section 5(3)(a), [501 KAR 7:020](#)² Section 3(2)(a), and [501 KAR 13:010](#)³ Section 3(2)(a) require jailers to make a telephonic report to the Kentucky Department of Corrections (DOC) for all extraordinary or unusual occurrences, including the death of a prisoner, within twenty-four (24) hours of the occurrence, and a final written report within forty-eight (48) hours. Kentucky Revised Statutes [KRS 72.025](#)⁴ Section (5) requires that a post-mortem examination be performed by a coroner when the death of a person occurs while that person is in police custody, a jail, or penal institution. Kentucky's statutes differ from federal law in that they only require reporting of deaths that occur in

¹ 501 KAR 3:020 Justice and Public Safety Cabinet – Department of Corrections, Jail Standards for Full-service Facilities, Administration; management.

² 501 KAR 7:020 Justice and Public Safety Cabinet – Department of Corrections, Jail Standards for Restricted Custody Center Facilities, Administration; management.

³ 501 KAR 13:010 Justice and Public Safety Cabinet – Department of Corrections, Jail Standards for Life Safety Facilities, Life safety issues.

⁴ KRS 72.0125 Circumstances requiring post-mortem examination to be performed by coroner.

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correctional settings, and do not address deaths that occur during detention, arrest, or transportation by police.

Currently the “reporting universe” for DCRA in Kentucky consists of:

- 14 adult institutions operated by DOC,
- 8 detention centers operated by the Kentucky Department of Juvenile Justice (DJJ),
- 6 “youth development centers” operated by DJJ, and
- 119 local jail facilities in 74 counties.

There is no existing statute or regulation designating a central authority to which law enforcement agencies must report DCRA data on deaths that occur outside of correctional settings. According to the Bureau of Justice Statistics (BJS) 2008 Census of State and Local Law Enforcement Agencies, Kentucky has 389 law enforcement agencies. In the coming year, JPSC will accept training and technical assistance (TTA) from the U.S Department of Justice, Bureau of Justice Assistance (BJA), on successfully establishing lines of communication and encouraging non-reporting entities to begin reporting.

Data Collection Methods

JPSC’s Grants Management Division (GMD) is currently responsible for DCRA data collection and reporting. Within GMD, the assigned Grant Award Administrator (GAA) for JPSC’s federal JAG awards is responsible for the coordination of DCRA data collection and reporting. DOC is also part of JPSC and is the designated recipient of data related to deaths in correctional facilities pursuant to existing state regulations. DOC has an ongoing agreement to provide DCRA data to GMD and sends related documentation via email, usually within a week of the incident. DOC emails may include documents in Word, Adobe, or Excel format.

In addition, contract terms and conditions for JAG subawards administered by GMD contain the following award condition: *Pursuant to 34 USC § 60105, the Death in Custody Act (DCRA), any Contractor, state and local law enforcement, or correctional agency shall identify all reportable in-custody deaths that occurred in their jurisdictions by notifying the Kentucky Justice and Public Safety Cabinet’s Grants Management Division at JUS.DicraReporting@ky.gov.* The email address referenced in the award condition is monitored by the JAG GAA within GMD. Kentucky does not have a DCRA website at this time but will accept TTA from BJA to explore the feasibility of establishing a dedicated DCRA website.

GMD retrieves additional data from media reports and open-source internet searches regarding deaths occurring through interaction between members of the public and law enforcement, including but not limited to police shootings, traffic stops and/or pursuits,

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and service of warrants. GMD maintains a spreadsheet of DCRA reporting data and an electronic file for storage of current DCRA information. GMD is in the process of migrating previous DCRA documentation to this file to promote accessibility of historical data.

Data Reporting Methods

GMD manually uploads DCRA data to the Bureau of Justice Assistance (BJA) Performance Measurement Platform (PMP) on a quarterly basis. GMD reports all available data points at the time of PMT submission and responds timely to BJA requests for corrections or additional information. GMD does not currently have a formal process for tracking and updating the status of records that are open or pending investigation. JPSC is in the process of reviewing existing data collection and reporting processes and will accept TTA from BJA to strengthen its capacity in this area.

Challenges

Kentucky has a robust system, governed by state regulations, for collecting DCRA data regarding deaths in jails and correctional facilities, but no existing statutes specifically address reporting requirements for deaths occurring during other interactions with law enforcement. As a result, there is currently no centralized collection point for DCRA data submissions from state and local agencies when reportable deaths occur outside of the correctional setting. JPSC is currently developing plans to ensure law enforcement awareness of, and compliance with, DCRA requirements, and to increase and standardize reporting from law enforcement agencies.

Kentucky has identified the following actions to be taken in 2023 and 2024:

- Kentucky has requested DCRA training and technical assistance (TTA) from the Justice Research and Statistics Association, and the first session is scheduled in September 2023.
- Kentucky is reviewing its current DCRA collection and reporting methods, and will implement written procedures to:
 - Set a standardized format for retaining received data,
 - Review and clean records for submission to BJA, and
 - Track and update status of records that are open or pending investigation.
- Kentucky will explore the feasibility of creating a dedicated DCRA website.
- Kentucky will consult with other agencies such as DOC, KSP, and the Office of the Medical Examiner to identify ways to strengthen DCRA reporting.
- Kentucky will consult with DOC to determine TTA needs for facilities currently reporting deaths in custody to DOC.

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- Beginning with its current law enforcement partners receiving JAG funding, Kentucky will conduct outreach to:
 - Determine current law enforcement awareness of DCRA requirements,
 - Provide informational material on DCRA requirements,
 - Establish a framework for law enforcement agencies to report DCRA data directly to GMD,
 - Determine need for TTA for law enforcement agencies (GMD has not previously provided TTA to DOC or any law enforcement agencies), and
 - Develop and deliver TTA.
- Kentucky will seek to expand this effort by consulting with relevant professional organizations such as the Kentucky Association of Chiefs of Police and the Kentucky Sheriffs Association, with the goal of increasing DCRA reporting from previously non-reporting law enforcement agencies. This effort will include publicizing the GMD DCRA reporting email address.