

CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 400

BR #: 991

DOC ID#:

BILL SPONSOR(S): Rep. J. Wayne, D. Owens, K. Flood, C. Harris, J. Jenkins, M. Marzian, R. Meeks, T. Riner, G. Watkins, B. Yonts

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to the establishment of the External Detainee Fatality Review Panel.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 441 to establish the External Detainee Fatality Review Panel to conduct comprehensive reviews of all facilities of individuals detained in county or regional jails or any facility operated by the Department of Corrections, the Department of Juvenile Justice, or an entity under contract with either department.

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|--|--|
| <input type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration | <input type="checkbox"/> Decreases incarceration |
| <input type="checkbox"/> Reduces inmate/offender services | <input type="checkbox"/> Increases inmate/offender services |
| <input checked="" type="checkbox"/> Increases staff time or positions | <input type="checkbox"/> Reduces staff time or positions |
| <input type="checkbox"/> Changes elements of offense for existing crime(s) | |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain) _____ | |

STATE IMPACT: Class A, B & C felonies are based on an average daily prison rate of \$61.09. Most Class D felons are housed in one of 78 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$32.51 per day (includes jail per diem, medical & central office costs), not including substance abuse treatment. Projections are based on the daily rate x 365 x number of years.

Projected Impact: NONE MINIMAL MODERATE SIGNIFICANT

Potential Impact: The proposed legislation has several areas that would impact the Department of Corrections. The Commissioner of the Department of Corrections would serve on the panel.

Upon request the Department of Corrections, DJJ, Office of the Medical Examiner, jails, entity or organization that is involved in providing services or investigating incidents pertaining to deceased detainees have 30 days to turn over their unreacted records. The legislation also states that the records are from the time of booking. For individuals in the custody of the Department of Corrections that could be years' worth of records. This would require the compilation of computer records, medical records and in the case of some of the older offenders serving long sentences, paper records.

In 2015 there were 66 deaths within the Department of Corrections. Due to the length of sentences individuals have, death by natural causes is very common. Compiling complete records for 66 individuals would be very time consuming and staff intensive. If it were an investigation into a death that was not natural causes, the State Police may have the documentation. Some of the required documentation may be used in a criminal investigation.

In talking with the Kentucky State Police, there would be an issue with finding a retired officer to serve as member of the panel due to the specific nature of the requirements for the panel member. It would be a very small pool to pull from to find a retired State Police officer with experience in investigation of detainee deaths.

The impact to the Department of Corrections would come in the form of staffing and time to compile requested documentation.

LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until disposition of the case. While the expense varies by jail, this estimated impact will be based on \$31.92 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Projected Impact: NONE MINIMAL MODERATE SIGNIFICANT

Jails would be directly impacted by the proposed legislation. Jails would be required to turn over any records since the time of booking for an individual who passed away while detained.

The following offices contributed to this Corrections Impact Statement:

Dept. of Corrections Dept. of Kentucky State Police Administrative Office of the Courts Parole Board Other

NOTE: Consideration should be given to the cumulative impact of all bills that increase the felon population or that impose new obligations on state or local governments.

APPROVED BY:

Commissioner, Kentucky Department of Corrections

Date