

HB 400 provides that the members receive no compensation but may be reimbursed for expenses.

HB 400 provides requirements regarding records and information each member of the panel is entitled to regarding the death of a detainee.

HB 400 provides that the Panel may seek expert advice.

HB 400 requires the Panel to post updates after each meeting to the web site of the Justice and Public Safety Cabinet regarding case reviews, findings, and recommendations.

HB 400 Panel shall provide a summary report of the Panel's discussions and recommendations to the Interim Joint Committee on Judiciary and the Interim Joint Committee on State Government on a monthly basis or at the request of the committee co-chair.

HB 400 requires the Panel to publish an annual report inclusive of case reviews, findings, and recommendations by December 1 of each year.

HB 400 provides that information and record copies that are confidential under state or federal law shall remain so and shall NOT lose their confidentiality due to the Panel's review of the information and records.

HB 400 provides that all information and records used to generate information and record copies provided to the Panel shall be maintained by the appropriate agency and be subject to the Kentucky Open Records Act. Information and record copies provided to the Panel are NOT subject to the Kentucky Open Records Act. Furthermore all information and record copies provided to the Panel shall be destroyed at the conclusion of the Panel's examination.

HB 400 provides the Panel may go into closed session to review or discuss an individual detainee fatality case. At the conclusion of the closed session, the Panel shall return to open session and provide a summary of what occurred during the closed session.

HB 400 prohibits members or any person attending a closed session from releasing information or records not available under the Kentucky Open Records Act to the public. If a voting member violates this, the member shall be removed from the Panel.

HB 400 provides that a member may make a good-faith report to a state or federal agency of any information or issue that the member believes should be reported in an effort to facilitate effectiveness and transparency in Kentucky's detainee protective services.

HB 400 provides that a member shall not be held liable for any civil damages or criminal penalties as a result of the member's duties related to the Panel except for infractions related to confidentiality or the Kentucky Open Records Act.

HB 400 requires an annual review be conducted by the Legislative Program Review and Investigations Committee of the Kentucky General Assembly beginning in 2017. The findings shall be reported to the General Assembly.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of HB 400 on local governments is expected to be nil to moderate, and dependent on whether or not a detainee death occurred in the local jail.

The Bureau of Justice Statistics, a federal agency, provided the following data regarding the number of local jail deaths for Kentucky.

Number of Local Jail Deaths							
Year	Deaths	Year	Deaths	Year	Deaths	Year	Deaths
2000	16	2004	16	2007	25	2010	21
2001	13	2005	22	2008	22	2011	16
2002	12	2006	21	2009	18	2012	21
2003	14						

Creation of this Panel would be a state-level expense. However, local governments could incur cost related to the submission of the information required by HB 400 to the Panel. This would include:

- All records or documentation regarding the deceased detainee at the time of booking, during detention, at the time of the incident leading to the fatality and subsequent to the incident;
- All records of services provided the detainee by the county jail or regional detention center;
- All documentation relating to any investigation of the fatality;
- All documentation of actions taken as a result of the fatality;
- All information related to first responders including emergency medical service, fire department, law enforcement, and coroner;
- All medical and behavioral services provided to the deceased detainee including hospitalization and emergency treatment, dental records, specialist records, and autopsy reports;
- All photographs of injuries sustained by the deceased detainee during detention in the county jail or regional detention center;

- All notes and records of all local law enforcement officers who detained or had physical contact with the deceased detainee.

Expenses related to the collecting, organizing, copying, and submitting of the required information and record copies may be a cost hardship depending on the size of the local agency, number of employees, and operating budget. Additionally, the local government may incur cost associated with a local employee who might be called before the Panel as part of the review process including cost related to covering those job responsibilities during the employee's absence.

Data Source(s): LRC Staff, Bureau of Justice Statistics / U.S. Department of Justice.

Preparer: Wendell F. Butler **Reviewer:** JWN **Date:** 2/15/16