

**State of Tennessee**  
**Department of Finance and Administration**  
**Death in Custody Implementation Plan**

**Overview**

The Death in Custody Reporting Act ([DCRA; Public Law 113-242](#)) requires all states to report to the Attorney General information regarding the death of any person who is detained, under arrest, in the process of being arrested, en route to be incarcerated, or incarcerated at a municipal or county jail, state prison, state-run boot camp prison, boot camp prison that is contracted out by the state, any state or local contract facility, or other local or state correctional facility (including any juvenile facility). As part of their state Edward Byrne Memorial Justice Assistance Grant (JAG) reporting, State Administering Agencies (SAAs) are responsible for collecting DCRA data on a quarterly basis from state and local entities including law enforcement agencies, local jails, correctional institutions, medical examiners, and other state agencies. SAAs are responsible for compiling and aggregating the data for submission to the Bureau of Justice Assistance (BJA). Beginning with Fiscal Year 2022, JAG solicitation proposals now require SAAs to submit a plan for DCRA data collection and reporting in accordance with Public Law 113-242 as part of their solicitation response. The SAA plan must demonstrate an understanding of DCRA reporting requirements and explain how the state will collect and report the required data if it receives funding.

Each quarter, states must either (1) report all deaths in custody that occurred in their jurisdictions during the corresponding quarter and provide basic information about the circumstances of those deaths or (2) affirm that no deaths in custody occurred in their jurisdictions during the reporting period. The reporting deadline is the last day of the month following the close of the quarter (January, April, July, October).

For each death in custody, states must enter the following information into the PMT:

- The decedent's name, date of birth, gender, race, and ethnicity
- The date, time, and location of the death
- The law enforcement or correctional agency involved
- Manner of death
- Description of the circumstances leading to the death

States must sufficiently answer all questions related to deaths in custody before they can submit the information in the PMT. If a state does not have sufficient information to complete certain data elements, they may enter "unknown" data values (when allowed in the PMT). For cases that remain under investigation, the "manner of death" should be reported as "unavailable, investigation pending," and the state should specify when it anticipates obtaining the information. Once the information is available, states will need to have the PMT Helpdesk unlock their reports to update them. If the information is not updated, BJA will follow up with states in subsequent reporting periods to update previous entries.

The Tennessee Department of Finance and Administration Office of Criminal Justice Programs (OCJP) hereby submits the following implementation plan for the State of Tennessee as required by the BJA FY23 Edward Byrne Memorial Justice Assistance Grant (JAG) application. This implementation plan includes F&A's plan for collecting and reporting DCRA program data on behalf of the State of Tennessee. Pursuant to Public Law 113-242, OCJP presents the State of Tennessee Implementation Plan demonstrating the required DCRA reporting requirements.

### TN DCRA Reporting Process

#### **DCRA Infrastructure**

- Does your state have a death-in-custody reporting law, requiring state and local agencies to report the related data to a state entity?
  - Yes
  - Tenn. Code [§ 38-10-102](#) requires all state, county, and municipal law enforcement and correctional agencies, and courts, to submit “law enforcement-related deaths” to the Director of the Tennessee Bureau of Investigation (TBI). The statute defines “law enforcement-related deaths” to include (1) The death of an individual in custody, whether in a prison, jail, or otherwise in the custody of law enforcement, pursuant to an arrest or a transfer institutions; or (2) The death of a individual potentially resulting from an interaction with law enforcement, while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of the officer’s law enforcement duties, without regard to:
    - A. Whether the individual was in custody; or
    - B. Whether a weapon was involved.

TBI collects the data about law-enforcemet related deaths through its Criminsights Portal.

  - Additionally, the Rules of TN Department of Children’s Services, Chapter 1250- 04-08 provide the Minimum Standards for Juvenile Detention Centers and Temporary Holding Resources. Rules 0250-04-08-.03(19) and (22) require all sentinel events, including deaths to be reported immediately to the TN Department of Children’s Services (“DCS”) licencing office as well as to the local jurisdiction.
- How many non-federal law enforcement agencies, municipal or county jails or lockup facilities, state or contract prisons, or state-run/contract boot camp facilities are in your state?
  - Types of Facilities in Tennessee<sup>1</sup>
    - State Prison - 12
    - Private Prison - 7
    - Private Facility - 1
    - County Jail - 113
    - County Juvenile Detention Center - 26
    - Youth Correctional Facility – 1

---

<sup>1</sup> <https://www.statecourts.org/inmate-search/tennessee/>

- Are there any agencies that are not actively participating in your state’s DCRA data collection?
  - Tenn. Code [§ 38-10-102](#) requires all state, county, and municipal law enforcement and correctional agencies, and courts, to submit “law enforcement-related deaths” to the Tennessee Bureau of Investigation (TBI). Contributing state agencies include TN Department of Correction (“DOC”), TBI, and DCS. As required by Tenn. Code [§ 38-10-102](#), all correctional facilities report to TBI, the TBI compiles the data and reports quarterly to F&A. To make sure that all deaths in custody, including juvenile facility deaths, DOC and DCS report deaths in custody on a quarterly basis directly to OCJP.
  - All other agencies with arrest authority submit DCRA data to TBI. Per the Rules of TN Department of Children’s Services, Chapter 1250-04-08, DCS receives notification of all child deaths at all county juvenile detention centers, youth detention centers, and holding facilities and is reporting that information to OCJP quarterly. OCJP has held regular meetings with DCS over the last year to ensure the accuracy of this data, and to assist with development of SOPs to reinforce the reporting requirement.
  
- If agencies are not actively participating in your state’s DCRA data collection, establish lines of communication and encourage non-reporting entities to start reporting.
  - OCJP continues to work our already established lines of communication as described herein to make sure that there is no gap in reporting.
  
- Do you provide training or technical assistance (TTA) to assist state and local agencies with reporting DCRA data?
  - OCJP works closely with its state partners to highlight DCRA reporting requirements and has established lines of communication with these agencies. OCJP leadership has participated in multiple meetings and correspondence with Tennessee Commission on Children and Youth (TCCY), Tennessee Department of Health (DOH), DCS, TBI, DOC, and Administrative Office of the Courts (AOC) to understand and address all data collection challenges. At this time, OCJP is confident that its state partners have sufficient processes in place to collect the DCRA information and that, in turn, those agencies are reporting the data to OCJP.
  - In the past year, OJCP has affirmed the reporting process with TBI leadership, worked to enhance DCS’s rulemaking concerning DCRA, and provided a DCRA overview presentation to juvenile judges at their recent annual meeting.
  - OCJP’s Quality Assurance Unit provides an overview and training for its partnering agencies that report DCRA data. Federal guidelines, TTA, and other supporting materials that OCJP receives in its capacity as the SAA are passed on to its partner agencies.
  - In partnership with the TBI, OCJP issued a memo in Nov. 2022 to the Tennessee Sheriff’s Association and the Tennessee Association of Chiefs of Police, outlining all requirements for the Death in Custody Reporting Act (DCRA; Pub. L. No. 113-242) and its data collection and reporting requirements.
  - Over the past year, OCJP sought to shore up the reporting of juvenile deaths and death reporting and held multiple meetings and conducted outreach to DCS, TCCY, AOC, and DOH to ensure that

Tennessee's reporting is accurate and complete. In the meetings, specific scenarios and reporting workflows were discussed and affirmed.

- Contributing agencies provide TTA to other state and local agencies for reporting DCRA data. DCS provides education during monitoring which ensures awareness of reporting all deaths and identifies who is responsible for reporting. Annually, the TBI CJIS Support Center produces a law enforcement-related deaths report which provides information on the qualifying incidents that are submitted to TBI by state and local law enforcement agencies.
- OCJP also directs local agencies to contributing agencies for data submission. Over the past year, OCJP sought to shore up the reporting of juvenile deaths and held multiple meetings and conducted outreach to DCS, TCCY, and AOC to ensure that Tennessee's reporting is accurate and complete in the juvenile justice area.
- Do you need TTA from BJA as it relates to complying with the requirements of DCRA?
  - At this time, no assistance is needed.

### **Data Collection Methods**

- Who within your agency is responsible for DCRA data collection from state/local agencies?
  - The OCJP Quality Assurance Unit (QA) is responsible for collecting and submitting DCRA Data. This Unit has primary oversight of all federal programmatic reporting for the SAA. QA has well established lines of communication with all contributing agencies.
- Examine your methods for collecting reportable death data from each type of reporting entity (e.g., local law enforcement, local jails/lockup, and state correctional institutions).
  - OCJP does not collect reportable death data directly from local law enforcement agencies, jails, or state correctional institutions. Rather, OCJP collects this data from TBI (all local and state agencies/facilities are required to report it to TBI by statute); DCS (all juvenile justice facilities are required to report it to DCS by Rule and Policy); and from DOC.
  - These three agencies report their collected data to OCJP as a result of efforts that have been established over time and since August of 2019, when OCJP was part of the federal pilot group for data submission. During this time, OCJP began meeting with contributing agencies to ensure all deaths are captured and reported. As federal trainings and resources were disseminated, which includes definition and PMT reporting information from BJA and NCJA, OCJP strengthened the reporting workflow and aligned our state process with the federal requirements.
  - DOC submits its collected data to OCJP on a monthly basis. (DOC also submits the data to TBI as required by state law).
  - TBI submits its collected data to OCJP on a quarterly basis.
  - DCS submits its collected data to OCJP on a quarterly basis. DCS is currently updating its internal policies to require DCRA reporting quarterly to OCJP in an effort to strengthen its reporting procedures.
- What challenges does your state face in collecting and reporting DCRA data?
  - OCJP is not aware of a challenge at this time.
- What can be done to overcome those challenges?

- To avoid challenges, OCJP continues to work with its state partnering agencies as well as the Sheriffs Association and Chiefs of Police Association on compliance with the reporting statutes at their yearly conferences and through printed materials.
- What data collection tools does your state use for DCRA data (e.g., spreadsheets, administrative records, data systems, etc.)?
  - TBI, DOC, and DCS submit data to F&A OCJP via Excel or email.
  - All submitted records are saved to a secured, access-protected drive according to the quarter of the fiscal year. Supplemental information updates to pending investigations and demographics are also saved to the file. OCJP's internal Access database has been built to capture all data points so that aggregated data is easy to manage and upload to PMT.

### **Data Reporting Methods**

- How is DCRA data reported to BJA (e.g., manual data entry in the Performance Measurement Tool [PMT] or the data import feature in the PMT)?
  - Data is manually entered into the PMT system by the OCJP QA unit. The data import feature is not used.
- Does your agency have a process for reviewing and cleaning records prior to submission to BJA?
  - Yes. OCJP staff reviews data as it is received from partner agencies. If data is missing or incomplete, OCJP requests supplementation and/or clarification.
- Does your agency have a process for tracking and updating the status of records that are open or pending investigation?
  - Yes. OCJP internally tracks the file when there is an open or pending investigation. OCJP receives monthly and quarterly updates from contributing state agencies. The open or pending investigation records are indexed and cross-referenced by OCJP when completing the quarterly report. OCJP manually adjusts the record to indicate any change in the record upon receipt of supplemental information. This supplemental information is then reported through the next PMT quarterly report.