

One Hundred Fourth Legislature - First Session - 2015

Introducer's Statement of Intent

LB598

Chairperson: Senator Les Seiler

Committee: Judiciary

Date of Hearing: February 20, 2015

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

During the 2014 legislative session the Legislature passed LR424, which created the Department of Correctional Services Special Investigative Committee, in response to three separate homicides committed by a former state inmate within a month of his release from prison. The inmate had been held in the prison's most restrictive segregated level of confinement in a solitary cell for the majority of his 10 year prison term because he was deemed too dangerous to live in the general population thus posing too great a threat to the safety of corrections staff and other inmates. However, even though he continually threatened to murder people upon his release, he was released from that long-term solitary-type of confinement directly back into society without any transitional effort that could have also determined his threat to public safety in time for officials to pursue remedies available to protect the public.

Ninety percent of inmates are released back to their communities. Based on studies showing that inmates that were held in isolation long term and then released upon completion of their sentences compromised public safety many states are curtailing the use of the most restrictive types of segregation. During the course of its investigation, the Committee found that Nebraska segregates inmates from the general population at a high rate relative to other states and there are grave deficits relative to the Department's monitoring the mental health status of inmates in long term isolation and treating mentally ill segregated inmates.

LB598 would implement the recommendations made by the LR424 Committee in its Final Report relative to the use of segregated confinement. Recognizing that the use of segregation to control inmates in prison is a public safety issue, LB598 would require the Department of Correctional Services to:

1. Promulgate rules and regulations pursuant to the Administrative Procedure Act that establish levels of confinement; behavior, conditions, and mental health status under which an inmate may be placed in each level of confinement; and individualized transition plans for each confinement level back to the general population or society.
2. Create a working group comprised of the Department's leadership and mental health professionals from outside the Department to offer advice on policies and procedures related to the proper treatment and care of offenders in long term segregation.
3. File reports with the Legislature regarding the Departments plans for use of segregation and its actual use of segregation.
4. Develop policies and procedures to ensure complete and up-to-date electronic records are maintained for each inmate including programming recommendations and time spent in segregation.

Senator Paul Schumacher