

ONE HUNDRED FIFTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 127

Introduced by Krist, 10.

Read first time May 04, 2017

Committee: Executive Board

WHEREAS, the Legislature established a Department of Correctional Services Special Investigative Committee in 2014 and 2015; and

WHEREAS, each of those committees issued reports with their findings of issues facing the department, Board of Parole, and Office of Parole Administration; and

WHEREAS, the department, Board of Parole, and Office of Parole Administration have begun to implement changes to resolve issues identified by the two previous special committees and through external and internal reviews; and

WHEREAS, even though some gains have been made within the department, a number of recent issues are cause for ongoing concern by the Legislature, including the loss of control of two housing units, the deaths of several inmates allegedly at the hands of other inmates, the placing of a low-level offender with significant personal issues in a restrictive housing cell with an inmate convicted of first degree murder, the failure to collect DNA samples from all inmates, the use of double celling in restrictive housing settings, the growth of protective management units and the use of protective custody, continued high rates of staff assaults, significant understaffing in several facilities, and the continued overcrowding of the correctional system; and

WHEREAS, the Legislature believes that oversight and engagement of the department is necessary in order for the Legislature to remain a partner in reform; and

WHEREAS, it is important that the Legislature develop partnerships in

oversight of the adult justice system and undertake a review of the role of state agencies and their involvement in the justice system since many issues facing the department are impacted by other parts of the justice system; and

WHEREAS, the agencies that should be reviewed include the department, Office of Parole Administration, Board of Parole, Nebraska Commission on Law Enforcement and Criminal Justice, and Office of Probation Administration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee of the Legislature to be known as the Nebraska Justice System Special Investigative Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff, including the office of Public Counsel and the office of Inspector General of the Nebraska Correctional System. The Executive Board is also authorized to hire outside legal counsel, consultants, and investigators as required by the committee. The committee shall be an investigative committee and is hereby authorized to hold hearings and issue subpoenas as deemed necessary by the committee.

2. That the Nebraska Justice System Special Investigative Committee of the Legislature is hereby authorized to study programs and policies relating to the adult justice system implemented and followed by the Department of Correctional Services, Office of Parole Administration, Board of Parole, Nebraska Commission on Law Enforcement and Criminal Justice, and Office of Probation Administration.

3. That the Nebraska Justice System Special Investigative Committee of the Legislature shall brief the Judiciary and Appropriations Committees of the Legislature by December 15, 2017, and December 15, 2018, and issue a report

with its findings and recommendations to the Legislature as circumstances warrant.

4. That the Nebraska Justice System Special Investigative Committee of the Legislature is hereby authorized to continue its work until the beginning of the One Hundred Sixth Legislature, First Session.