

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 424

Introduced by Lathrop, 12; Coash, 27; McGill, 26.

WHEREAS, Nikko Jenkins, a former inmate of the Department of Correctional Services, stands charged with three separate homicides, and each homicide is alleged to have occurred after Jenkins was released from the Department of Correctional Services on July 30, 2013; and

WHEREAS, the office of the Public Counsel (Ombudsman) released a report on January 6, 2014, which chronicled Jenkins' involvement with the Department of Correctional Services. The report detailed Jenkins' sentences, good time allowed, and multiple attempts to secure mental health treatment. The report also included various general impressions and observations regarding the segregation of inmates, the transition of inmates from incarceration to the community at large, the allowance of good time, mental health services for inmates, and the civil commitments of inmates; and

WHEREAS, the report was presented by the Ombudsman to Mike Kenney, director of the Department of Correctional Services, and to the deputy director for health services at the Department of Correctional Services to permit them an opportunity to submit comments to the report prior to its release. The response tendered by the Department of Correctional Services simply disputed the factual allegations of the report, and public remarks by Governor Dave Heineman impeached the veracity of the report by suggesting that the Ombudsman's office was "soft on crime"; and

WHEREAS, the circumstances of Jenkins' release has understandably generated intense public interest as evidenced by countless news stories concerning his release and the subsequent homicides, and the Ombudsman's report and the Governor's impeachment of the report have created confusion among the public regarding the circumstances of Jenkins' release and the policies and practices of the Department of Correctional Services that contributed to his early release; and

WHEREAS, the citizens of Nebraska have a right to know the details of Jenkins' incarceration, including his threats to kill upon release and his pleas for a mental health commitment, the details of his release, and the opportunities the Department of Correctional Services had to withhold or revoke good time and diminish, through mental health care, his dangerous propensities prior to his release; and

WHEREAS, the Legislature must fully understand the policies and procedures of the Department of Correctional Services, an agency within the executive branch of state government, in order to determine if those policies and procedures in any manner contributed to Jenkins' release into the community at large.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, SECOND 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 Department of Correctional Services 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. 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 Department of Correctional Services Special Investigative Committee of the Legislature is hereby authorized to study the circumstances of Nikko Jenkins' incarceration and release including, but not limited to, the following:

(a) Jenkins' criminal history and the sentences received for each conviction;

(b) Jenkins' juvenile justice and child welfare involvements;

(c) The history of Nebraska's good time laws and the policies or practices of the Department of Correctional Services administering how the good time laws and policies were applied to Jenkins' multiple sentences;

(d) The occasions when Jenkins, during his incarcerations, threatened to kill upon his release from the Department of Correctional Services and the department's response to each threat;

(e) Each occasion when Jenkins requested mental health treatment or commitment to the Lincoln Regional Center or similar placement and the department's response to each request;

(f) The extent to which Jenkins' release was related to prison overcrowding; and

(g) All communications by any state employee or elected official concerning Jenkins' release or regarding any of the matters listed in (a) through (f) above.

3. That the committee shall also study the following with respect to the Department of Correctional Services:

(a) The adequacy of programs designed to rehabilitate inmates;

(b) The funding history of programs designed to rehabilitate inmates;

(c) The availability of mental health care and the policies and procedures in place to ensure that inmates receive appropriate mental health care or confinement through the civil commitment process;

(d) The policies relating to the segregation of inmates;

(e) The transition of inmates from incarceration to the community at large;

(f) The administration of good time laws; and

(g) Any evaluation or study made of the department's policies and practices, whether or not any recommendations were adopted, and the reasons if any recommendations were not adopted.

4. That the committee shall issue a report with its findings and recommendations to the Legislature no later than December 15, 2014.