

One Hundred Fourth Legislature - Second Session - 2016

Introducer's Statement of Intent

LB1055

Chairperson: Senator Les Seiler

Committee: Judiciary

Date of Hearing: February 24, 2016

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

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Current law mandates the calling of a grand jury to investigate the death of any person while being apprehended or in custody. The incident is investigated by the agency employing the officer(s) involved, and all grand jury proceedings are secret.

Such a process has generated deep public distrust and fueled the suspicion that secrecy is designed to conceal the formulation of a scheme to exonerate police officers who kill civilians, regardless of how egregious the officers' conduct may have been.

An amendment (AM2257) jointly crafted by Douglas County Attorney Don Kleine and me, replaces the original contents of LB 1055 and is designed to bring needed transparency by removing some of the "mystery" and suspicion spawned by total secrecy.

In a case where no "true bill" (indictment) results LB 1055 mandates:

if the grand jury returns a no true bill:

The grand jury shall create a grand jury report with the assistance of the prosecuting attorney. The grand jury report shall briefly provide an explanation of the grand jury's findings and any recommendations the grand jury determines to be appropriate based upon the grand jury's investigation and deliberations; and

The no true bill and the grand jury report shall be filed with the court, where they shall be available for public review, along with the grand jury transcript.

The second significant modification is designed to alleviate the skepticism generated by "the police investigating themselves." Instead of the agency that employs the officer(s) involved in a death being the sole investigating entity, LB 1055 mandates:

the prosecuting attorney shall, as soon as practicable, select a team of three peace officers trained to investigate homicides. At least two of such investigators shall be from agencies other than the agency under

which the death occurred. The team shall examine all evidence concerning the cause of death and present the findings of its investigation to the prosecuting attorney.

These two provisions are substantive steps toward “opening up” the grand jury process and enhancing public accountability.

Principal Introducer: _____

Senator Ernie Chambers