

May 27, 1981

LB 548, 460, 218, 385

SENATOR CLARK: The next bill is 548.

CLERK: Mr. President, if I may, right before that, the committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 460 and find the same correctly engrossed; 218 correctly engrossed and 385 correctly engrossed, (Signed) Senator Kilgarrin, Chair.

Mr. President, with respect to LB 548 Senator Nichol would move to return the bill for a specific amendment. The amendment would read as follows: (Read amendment found on page 2,35 of the Legislative Journal.)

SENATOR CLARK: Senator Nichol. Senator Nichol, on 548.

SENATOR NICHOL: Mr. Chairman, this is a reconsideration of something we did the other day which has to do with a claim for Mistern Nance and Parratt and I feel that this has far-reaching implications that we may not perceive and contrary to the information given to the Legislature the other day, they committed no intentional acts of wrongdoing and I would just like to tell you what happened. On December 23, 1976, Booker Robinson was placed in the adjustment center at the penitentiary for possession of narcotic paraphernalia and contraband. This placement was on the order of the Deputy Warden David Watson. On December 29, 1976, the penitentiary's principal hearing officer, John Tyrenerry met with Robinson and notified him of the disciplinary charges being brought against him, lodging those charges on the proper forms. However, no formal misconduct report was prepared concerning Robinson's disciplinary violations and no hearing was held. Then, as now, the deputy warden and the principal hearing officer were assigned the responsibilities of enforcing inmate discipline and coordinating procedural due process. Unfortunately, due to the staff changes, Robinson's case did not receive the procedural attention that it warranted. David Watson resigned on January 27, 1977, and John Tyrenerry left the employ of the penitentiary on February 26, 1977. Mr. Vance (sic.) replaced Watson in acting deputy warden until late February 1977. Tyrenerry papers were left in a state of chaos and Robinson's status did not come to the attention of Warden Parratt until shortly after the present Deputy Warden Tom Mason assumed the position at the end of February 1977. Neither Warden Parratt nor A.V. Nance knew that Robinson was in the adjustment center without benefit of the proper procedures. As soon as warden discovered the matter he ordered Robinson's release into general population. That was on March 2, 1977. No evidence of Robinson vs. Parratt case showed any intentional wrongdoing on the part of Parratt or Nance, however,