

December 5, 2014

MEMORANDUM

To: Senator Steve Lathrop - LR 424 Committee

From: Marshall Lux, Ombudsman

Re: Observations and Suggestions

I have watched the LR 424 Committee hearings with great interest, and now that the hearings are concluded, I wanted to offer some observations and suggestions relating to the potential outcome of the process. Clearly, the Committee has been presented with a highly complex web of issues and concerns, with one of the common threads being the influence of the serious overpopulation of Nebraska's prisons over parts of what transpired, and what went wrong. The testimony would seem to be telling us that overpopulation of our prisons is not only exasperating, and potentially cruel, for the prisoners, but can also cause problems in terms of destabilizing the system itself, in some instances creating stresses that the corrections bureaucracy has had difficulty dealing with in a cogent way. The editorialists of our state's two most widely circulated newspapers have told us in no uncertain terms just how they would characterize what they have heard in the testimony before the Committee. On September 8, the *Lincoln Journal Star* wrote an editorial discussing its concerns about "a shocking display of incompetence" within the Department of Correctional Services; and the day before (September 7) the *Omaha World-Herald* cited the Department as a case of "government bureaucracy at its worst."

In general terms, government bureaucracy is both a necessity and a potential evil; both utilitarian and potentially inhumane. It tends to work at its best when it is in the hands of creative people who are committed to high standards of professionalism, and who are unwilling to bend those standards, even when confronted with the forces of expediency, external pressure, or immaterial agendas. In that regard, I would commend to you the examples of Ron Riethmuller, Dr. Stacey Miller, and Board of Parole Chairperson Esther Casmer as the kind of people who can make the Memorandum - page 2

system run as it should. Clearly, that cannot be said about some of the other witnesses that the

Committee has seen.

As one who has studied the operation of bureaucratic entities for more than thirty years, I can see some weaknesses that are common to bureaucratic entities generally reflected in the testimony as it relates to the Department of Correctional Services. In general terms, different bureaucracies will tend to have negative characteristics in common - common weaknesses that can be observed in many such organizations, including in correctional agencies. Like all big bureaucracies, the Nebraska Department of Correctional Services has a certain "corporate culture," and I believe that the LR 424 Committee has been given an excellent opportunity to get a sense of what that culture is from the testimony that the Committee has heard. I have listened to the testimony as well, and I wanted to offer just a few ideas to set a possible "framework" for understanding what might be going on with DCS.

Is DCS an agency under stress? Part of what the Committee has seen may be the product of an agency "under stress," mostly due to the issue of the overcrowding of the system. This would, for example, help to explain some of the events that transpired in connection with the history of the Reentry Furlough Program. There were, as the Committee is aware, some very serious issues about the RFP, particularly after it started to include in the Program some inmates who had been convicted of violent crimes. In that regard, the recent testimony of Ms. Casmer has highlighted how some judges, and some in law enforcement, questioned and/or objected to the Program. At the very least, the Reentry Furlough Program was fraught with political risks for the Department (and, at worst, it created risks to public safety), and I can assure the Committee that taking risks of this kind is certainly not "normal behavior" for the Department at other times in its history. It is reasonable to ask whether the explanation for this abnormal behavior on the Department's part is that it was due to the effects of overcrowding, and the need to reduce the inmate population. A different way of looking at this is to consider how things might have been different if there had been much less pressure on the system due to overcrowding. The building of new prisons can be prohibitively expensive, but it is worth asking how circumstances might have been different if the State of Nebraska had created significantly more in the way of community custody (work release) beds over the last few years. If that had happened, then the 160 or so inmates currently in the Reentry Furlough Program would probably have been on work release instead, which is a much more well-supervised, and less risky, alternative placement, as compared to the inmates having simply been sent home, as has happened with the RFP inmates.

Is DCS compartmentalizing itself vertically? When the Committee looks at the Department as it is currently operating, I would suggest that what we might be seeing is an odd situation where DCS is compartmentalizing itself vertically, particularly as relates to the sentence computation issues that were covered in the testimony of Ms. Douglas, Ms. Lindgren, Mr. Riethmuller, Mr. Poppert, and of course, Mr. Green. Many administrative agencies will tend to compartmentalize themselves horizontally (thus creating those infamous "silos" that we hear so much about). But

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in the case of DCS, the Department would also seem to be compartmentalizing itself vertically, blocking out communication from one level to another, particularly where the subject involves something that is very important or sensitive (for example, the Supreme Court's opinion in the *Castillas* decision). Instead of communication flowing freely up and down the Department's

chain-of-command, as it normally should, the people in the upper echelons of the administration seemed to be isolating themselves from all contact with these sensitive issues, as if these issues were poisonous to the touch. And, in doing this, they were depriving their middle managers and technicians of the much needed guidance and advice that they should have been receiving from the Department's upper level professionals. The result is an agency that stumbles and flounders around in the dark, as middle managers, like Mr. Poppert, tried to deal with important issues, like sentence calculation, without having the professional advice and leadership that is supposed to emanate from above. In effect, the middle managers and the technicians are left to guess what it is that they are supposed to do, and they are often guessing wrongly. Meanwhile, when mistakes are made, the response from the upper echelon managers and professionals, those who should be taking responsibility for these mistakes, is to try to insulate themselves from accountability by using "didn't read," "didn't know," "not my job" rationalizations. Clearly, this is a dysfunctional situation, and the consequences are, by now, well known.

Does DCS have a culture of intimidation? Another variety of behavior that is characteristic of many bureaucracies is the so-called "culture of intimidation" - usually a situation where a small clique of powerful managers imposes strict adherence to an established way of doing things (e.g., the "Corrections way"), and weeds out or marginalizes all those in the agency who deviate from the agency's core culture. The implications of such a culture, where it exists, are profound and far reaching. Creativity suffers, because new ideas are viewed as a sign of deviance. Promotions will tend to be meted out to those under-managers who are lacking in imagination, and/or who are careful always to toe-the-party-line. The result of this kind of corporate culture is an agency that tends to become smug, complacent, and ultimately careless, leading to the kind of mistakes that might be avoided in a corporate culture that valued new ideas, and a creative dissonance among its staff. The effect of a culture of intimidation upon an organization's subordinates was described by the early Sixteenth Century author (political thinker and Saint) Thomas More in his *Utopia* in the following way:

To persons who had made up their minds to go headlong by the opposite road, the man who beckons them back and points out dangers ahead can hardly be welcome...One must openly approve the worst counsels and subscribe to the most ruinous decrees. He would be counted a spy and almost a traitor, who gives only faint praise to evil counsels.

Without the benefit of new and different ways of thinking, and without anyone in the agency to "beckon them back and point out dangers ahead," bureaucracies can easily make the kind of big mistakes that the Committee has seen in the case of the Department of Corrections. During his Memorandum - page 4

testimony, Director Mike Kenney got emotional when describing the intense pressures that had been experienced by the DCS staff in the wake of the sentencing fiasco, but the reality is that the true source of this "pressure" were the mistakes and misjudgments of the DCS leadership. And if we are bewildered by the idea that the DCS legal staff did not do its obvious duty in advising the agency's leadership of the full implications of the *Castillas* case, then I would suggest that we consider what happened when the Department's lawyers did advise the Director on the return of inmates who had been mistakenly discharged, and on the implications of the *Anderson* case.

The whole situation almost creates the impression that the Department only received the legal advice that the leadership of the agency wanted to hear, because that was the only kind of advice that the leadership would take. Indeed, for the lawyers in this situation it would be much easier (but clearly unprofessional) to simply give “faint praise to evil counsels.” At the very least the Committee should keep this phenomenon of a culture of intimidation in mind, as it considers the dizzying multiplicity of errors and misjudgments that it has uncovered in the LR 424 hearings.

Does DCS have a culture of lawlessness? This brings us to the final point that I would like to make about bureaucracy in general, and that is its willingness to skate around the rules when the rules are inconvenient – what we might refer to as a “culture of lawlessness.” A bureaucracy like the Department of Corrections has immense power; not only with respect to the management of its inmates, but also in regard to its influence on the quality of public safety in this state. In order to keep that immense power from being used arbitrarily, we have laws that tell the Department how it is supposed to function...what it is supposed to do, and what it is not supposed to do. To have these legal limits on the powers of the bureaucrats is something that is fundamental to how our system of government works. We have a system based on the “rule of law,” and we expect our government itself to adhere to that rule. Throughout the LR 424 hearings we have repeatedly heard about situations where DCS has, in effect, ignored the law. Consider: (1) the indifference to the decision of the Nebraska Supreme Court in the *Castillas* case; (2) the decision (against legal advice) to ignore the implications of the decision of the Supreme Court in the *Anderson* case; (3) the decision in 2011 to allow those inmates who had their parole revoked to keep their parole good time, notwithstanding the fact that there was a statute that indicated that all parole good time was forfeited after revocation; (4) the Department’s consistent refusal to satisfy the clear mandate of **Neb. Rev. Stat. §83-1,110.01**, which requires DCS to provide inmates with needed “substance abuse therapy,” and “mental health therapy *prior to the first parole eligibility date*,” and (5) the longstanding refusal of the Department to adhere to the requirements of the Nebraska Administrative Procedure Act, in terms of promulgating all of DCS’s regulations that affect “private rights, private interests, or procedures available to the public” [Please see **Neb. Rev. Stat. §84-901(2)**]. All of this seems to suggest that the Department of Corrections has become a “law unto itself,” which, if that were true, would be a very bad state of affairs indeed.

Again, let me stress that I am offering these ideas as a possible “framework” for understanding what might be going on with DCS at this point in its history. Obviously, the Committee will
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have to decide for itself what it is seeing as the result of the unprecedented opportunity that it has been given to look deeply into the soul of an administrative agency through the LR 424 process. As for specific recommendations, I would offer the following:

- The major deficits of the Department as revealed by the LR 424 hearings are almost too numerous to count. There is need for reform in its approach to programming, in its use of administrative segregation, in its delivery of mental health services, in its record-keeping, in its computation of sentences, in its identification of parole prospects, in its relationship with the Board of Parole, and in its practices with respect to the promulgation of its many administrative regulations. In addition, there is the issue of the system’s overcrowding

and the need for the Department to be creative and flexible in the search for solutions to that problem. At the last hearing, Rebecca Wallace from Colorado told the Committee how important it will be that the Department's new Director be "reform-minded," and I would certainly agree with that observation. But I believe that it is equally important that the Legislature also play an active role in bringing the needed reforms to fruition. With this in mind, I would suggest that **the LR 424 Committee's mandate be renewed in the next legislative session**, so that the Committee can provide oversight as the Department's new management team works to reform the agency, and so the Committee can shepherd reform measures through the legislative process, to the extent that this may be needed.

- The testimony of Esther Casmer has demonstrated how easy it can be for the Board of Parole to lose its independence when it is asked to make its decisions, or to modify its practices, in order to further the agenda of the Department. It is shocking to consider how thoroughly the Board is entangled with the Department. The Board occupies office space in the Department's headquarters. It has to rely upon the inmate files maintained by the Department. The Parole Administration, the agency that serves the Board's many administrative needs, including the supervision of Parole Officers, is actually a part of the Department of Corrections. The Board does not have its own attorney – so if the Board needed legal advice it had to rely on George Green. And if the Board wanted an opinion from the Attorney General, then it was expected to first clear the request with the Policy Research Office. The Board of Parole is not a code agency; it is an independent body provided for in the Nebraska Constitution. I would suggest that now, at last, is the time to change the existing arrangements so that the Board can be the fully independent body that it is supposed to be. This would entail **having the Parole Administration placed under the direct and exclusive supervision of the Board of Parole. And the Board of Parole should also be provided with its own attorney**, rather than having to rely on the Department for its legal advice. It might even be desirable to move the Board of Parole to offices in a different location, as a means of reinforcing the essential understanding that the Board of Parole is fully independent from the Department.

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- If there is one point that should be clear from the present state of affairs in DCS, then it is that the Department does *not* prioritize its role as a provider of rehabilitation programs for its inmates. This is a point that is rendered particularly important at this juncture because of the expectation that the Council of State Governments will soon be presenting a series of proposals that will be directed at helping to resolve the pressing problem of Nebraska's overcrowded prison system. And, in light of the expectation that the CSG strategy will be to place greater emphasis on programming – both programming for probationers, and reentry programming aimed at significantly reducing the rate of recidivism in Nebraska, the Committee should consider whether the Department has the ability or the will to carry out its intended role in the new system that CSG outlines in its recommendations. In that regard, I would suggest that the Committee consider **giving the Board of Parole the role of developing the outlines for all reentry programming going forward**. The Board, I believe, would be the agency most likely to take the need for good reentry programming

seriously, since the Board has the most immediate interest in seeing its parolees succeed, and in seeing a reduction in the rate of recidivism in Nebraska. The Department would still have the responsibility to actually deliver the reentry programming in its prisons, but **the Board, through the work of a highly qualified expert in the programming field as selected by the Board, would decide exactly what evidence based programming should be offered in the system, and what the standards of practice ought to be, in terms of the ultimate delivery of that programming.**

- Another important issue that has been uncovered by work of the LR 424 Committee is the persistent and pervasive failure of the Department of Corrections to promulgate its regulations, as is required by the Nebraska Administrative Procedure Act. (Please see **Neb. Rev. Stat.** §§84-901 thru 84-912.03) For example, consider the highly important “regulations” developed by the Department in regard to the operation of the Reentry Furlough Program...regulations which were never truly promulgated, as is required by the Administrative Procedure Act. According to §84-901(2), DCS has a responsibility to promulgate all regulations that affect “private rights, private interests, or procedures available to the public,” a standard which would clearly apply to the Reentry Furlough Program regulations, which not only determined which inmates would be considered for release, but also had enormous implications for public safety. If the Reentry Furlough Program regulations had been promulgated, as they should have been, then the public, not to mention the judges and law enforcement agencies, would have known about the basic outlines of the Program, and would also have been notified when the Department was considering amendments to the criteria of the Program to allow violent offenders to be released under the Program. At the very least the promulgation procedure, with its public hearings, would have allowed for a lively, and healthy, discussion of the issues associated with the implementation of the Reentry Furlough Program. With this in mind, I would suggest that the LR 424 Committee consider **proposing legislation that would reinforce the Department’s obligation to immediately promulgate all of its policies, practices,**

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and procedures that in any manner affect “private rights, private interests, or procedures available to the public.” This legislation would probably need to make it clear that the rights and the interests of inmates are, in fact, “private rights,” and “private interests,” under the Administrative Procedure Act.

- In light of the controversy generated around the Reentry Furlough Program, which was, after all, adopted unilaterally by the Department, without promulgation, and without any direct approval from the Legislature in the form of legislation, **it is probably desirable, if not necessary, that the Legislature, as the policy-making body of the State, now address the issue of the continuation of the Reentry Furlough Program through legislative action.** If the Department is, in fact, currently releasing inmates on reentry furloughs who are not yet eligible for parole, then there may also be a need for clear guidance from the Attorney General as to whether this is allowable under the Nebraska Constitution. Also, if the decision is made to continue the Reentry Furlough Program, then the legislation should set the standards and criteria for selecting those inmates who will be released under the Program.

- It should be clear from Dr. Spaulding's testimony that there will be an ongoing, if not increasing, need for the Nebraska correctional system to address the mental health issues of its inmate population. It should also be obvious by now that the Department's mental health operation has many deficits. In regard to the steps that are needed to reform that operation, I would offer two suggestions: (1) If the study called for in LB 999 of 2014 determines that the idea is feasible, **the State should move forward with the proposal to establish a free-standing mental health facility for mentally ill DCS inmates at the Hastings Regional Center.** Although the Master Plan that was recently released by DCS proposes a medical/mental health facility to be built next to the D&E Center in Lincoln, the projected cost of that facility is over \$90 million. It is reasonable to assume that it would be possible for Nebraska to develop a correctional mental health facility at the Hastings Regional Center at a much lower cost. Of course, the proposal in LB 999 has the advantage that it would not only provide the DCS system with many of the additional mental health beds that it needs, but it would also free up existing beds at LCC that could be used for other inmates in Nebraska's overcrowded system. (2) As we suggested in our Report on the Nikko Jenkins case, **the State of Nebraska should at least consider the option of privatizing the mental health component of the Nebraska Department of Corrections.** In my opinion, and particularly in light of what we learned in Mr. Jenkins' case, the leadership that our correctional system has received from the DCS behavioral health supervisors has been far less than adequate. In fact, if we objectively compare the mental health care and attention that Mr. Jenkins received from Correct Care Solutions (that is, Ms. Gaines, Dr. Oliveto, and Dr. Baker) with the care that he received from DCS mental health professionals, it is clear that the far better job was done by CCS.

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- Although most of the issues covered by the LR 424 Committee involved questions that are within the jurisdiction of the Legislature's Judiciary Committee, there are some issues that may instead need to be addressed by the Legislature's Health and Human Services Committee. For example, much of what came to the surface through the testimony of Dr. Spaulding relating to the condition of our State's mental health system will probably need to be examined by the Health and Human Services Committee. In addition, it is possible that the Health and Human Services Committee may wish to give serious consideration to the whole subject of the Lincoln Regional Center's concerns about allowing Mr. Jenkins to be placed at LRC when it was determined that Mr. Jenkins needed treatment to restore his mental competence. The Legislature's Health and Human Services Committee may also be interested in seeing what it can learn from the treatment that Mr. Jenkins received from the child welfare system. With these points in, I would suggest **that the Committee consider whether there is information that it may wish to share with the Health and Human Services Committee.**
- Governor-elect Pete Ricketts is suggesting that it would be desirable for the State to develop a computer program to handle the calculations of the sentences of DCS inmates. Given the many laws and principles involved in calculating sentences, it would be fair to say that the computation process itself is "complex." Nevertheless, **I would agree that it**

would be feasible for Nebraska to develop a computer program to calculate inmates' sentences, although it could take some time to sort it all out, given the many complexities of the area. Beginning with LB 1307 of 1969, there are (by my count) a total of seven different sentencing/good time laws enacted that are applicable to DCS's inmates. These are - LB 1499 of 1972; LB 567 of 1975; LB 816 of 1992; LB 371 of 1996; LB 364 of 1998; and LB 191 of 2011. Because the Nebraska Supreme Court has ruled that no new sentencing and good time law can apply retroactively, what the correctional system, in effect, has to deal with is six or seven different cohorts of inmates whose sentences must be calculated differently, depending upon which law applies to their case. Each one of these several cohorts could be handled separately for programming purposes. However, it might not be necessary to develop programs for cases controlled by some of the earlier laws, in particular, LB 1307, LB 1499, and LB 567, because there are so few inmates who would be covered by those laws, and it would make much more sense to calculate, or recalculate, all of those sentences "by hand." In addition to developing programs to deal with the nuances of each sentencing/good time law, the program would need to deal with a number of variables, including: the sentence terms, both minimum and maximum; whether the sentence is a mandatory minimum term; the "sentence-begins" date; jail time credit; dead time, if any; any special good time that has been earned during the service of the sentence (e.g., LB 191 good time); and any good time that is lost during the service of the sentence. A program of this sort would also have to be developed to include some of the "quirks" in the system, like the rule that all "months" equal 30 days. In the end, the

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success of an effort to put together a computer program that includes all of these factors would probably come down to the quality of the communication that would need to go on between the programmer and the records experts from DCS who will explain exactly how the system works in practice. To give this communication with the programmer the best opportunity to succeed, it might be desirable for DCS to contract with Mr. Riethmuller, who, while he is retired, is still the individual who knows the most about how the system is supposed to work.

- Obviously, one of the big issues presented to the Committee, particularly by the Nikko Jenkins case, is concerned with how DCS uses administrative segregation - which of the inmates are to be placed in administrative segregation, how long those inmates ought to remain in administrative segregation, how large a proportion of Nebraska's total inmate population should be in administrative segregation, what kind of programming should be available to inmates in administrative segregation, etc. I listened to the testimony of Ms. Wallace, and I would agree with everything that she said on the subject of administrative segregation. (However, I would counsel some caution with regard to her suggestion of asking for a review provided through the National Institute of Corrections, since we had a "bad experience" with a survey conducted by an NIC team several years ago.) Clearly, the Legislature cannot micromanage how the Department selects inmates to be placed in administrative segregation, but **the Legislature can and should set general standards for which inmates can be placed in administrative segregation, and perhaps even the length of time that an inmate can remain in administrative segregation. In addition,**

it would be appropriate for the Legislature to insist that DCS provide meaningful mental health services to inmates in administrative segregation, and concentrate adequate programming resources on inmates who are in administrative segregation.

- On the subject of programming, it should be clear by now that it is in the best interests of the people of this State that the Department be given a significant boost in programming resources. And, of course, there are also very pressing concerns about how the resources that DCS already has are distributed within the system. The Department's out-patient sex offender programming (OHelp) is only offered at the Omaha Correctional Center and the Penitentiary. The Department's in-patient sex offender programming, which consists of a programming regimen of anywhere from 24 to 36 months in length, is only offered at the Lincoln Correctional Center. With the single exception of the Youth Facility in Omaha, the Department's Anger Management Program - which involves participation in what amounts to a regimen that consists of twelve sessions of group therapy - is not offered to any inmates who are institutionalized, but is only available in community settings. The Department's Violence Reduction Program, which involves intensive programming over a period of nine months, is open to twenty-four inmates per year, and is only offered at the Penitentiary. Considering that there are long waiting lists for programming, and that many inmates are arriving at their parole eligibility dates without having received their

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needed programming, I would strongly suggest **that the Department be provided with more in the way of programming resources, and that DCS be required to offer all programming at all of its institutions, so that its inmates can receive their needed programming no matter which facility they are assigned to by the Department.**

- Although the Ombudsman's Office spends most of its time problem-solving and trying to resolve the issues brought to us by our complainants, we also have a significant role in holding the agencies within our jurisdiction accountable for their actions. Also, as the Nikko Jenkins case demonstrates, the Ombudsman's Office can make real contributions to legislative oversight by bringing important situations, cases, and issues to the attention of the Legislature. In order to improve our ability in all of these areas, **I would suggest that it is desirable for legislation to be passed that would give the Ombudsman's Office direct access to the NI-CAM system (the DCS computerized records system), and all similar computerized records systems now, or hereafter, maintained by the Department.** Having this access would significantly enhance our ability to effectively investigate and respond to cases involving DCS. As matters now stand, when we are investigating a case involving DCS we must secure records by visiting the facility, or by calling officials on the telephone, or by sending emails asking for the documents that we need to see. This process not only uses our time, but it also consumes some of the time of the DCS employees who need to respond. It would be much better for our office, and the Department, if we were able to find the answers that we are looking for by visiting the DCS computer files from our own desktops. I would simply add that such access would be consistent with the access that we have to Department of Health and Human Services computer records under **Neb. Rev. Stat. §43-4326.**

- Finally, I would recommend **that the Legislature establish a permanent committee to serve as the oversight body for the Department of Corrections, and for correctional issues.** DCS leadership teams will change, new Directors of Corrections will come and go, but there will always be correctional issues that will require legislative attention and, in some cases, legislative action. The Department will never be perfect, and to expect otherwise is folly. But I believe that the correctional system in Nebraska will always be better off, so long as there is ongoing oversight from legislators who care about, and are informed in, correctional issues. I would emphasize that I am not suggesting a committee of “stakeholders,” since in my experience those will often become more of a debating society than something that has real substance. Instead, what I am suggesting here is a legislative committee, to provide direct and ongoing legislative oversight... permanently. The oversight committee that I am suggesting here would consist of only members of the Legislature, and could, for example, be as simple as a three-Senator sub-committee of the Judiciary Committee, and, as such, an entity that could be established by Rule, rather than through legislation.

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In my opinion, the most important of these recommendations is the last. It is very difficult to overemphasize the value of legislative oversight when it comes to holding the agencies of state government accountable, and discovering where there are issues that need to be addressed by policy-makers. In fact, I would suggest that the ultimate lesson from the whole LR 424 effort is how essential it is that the Legislature carry its oversight duties through to the finish and perform those duties with the high level of dedication and serious effort that this Committee has exhibited over the last several months. There have been many editorials published in the *Journal Star* and the *World-Herald* about the Department of Corrections, and the many issues and shortcomings that have been uncovered in the Department over the last several months. One of the frequent themes in these editorials was a sense of satisfaction that the Legislature was looking into these issues. In its editorial of August 2, the *Journal Star* remarked on the fact that it was “reassuring that the Legislature continues to probe the matter” of the sentence calculation mistakes. And in its editorial of September 7, the *World-Herald* expressed satisfaction that the “Legislature has stepped up its involvement, creating the special prison investigative committee,” joined with the observation that the Committee’s “intensive oversight needs to continue, the type of monitoring that helped resolve problems in the Department of Health and Human Services.”

The efforts of the LR 424 Committee, together with the efforts of other Legislative committees looking at the operation of Nebraska’s administrative agencies (including the Health and Human Services Committee’s work on issues relating to the recent attempt to privatize the State’s child welfare system, and the committee that addressed the situation at BSDC, among others), show how important it is that the Legislature continue to emphasize its oversight role going forward. Good government requires watchful government, and the work of the Legislature in exercising oversight with respect to the operations of state agencies is not only a legitimate role for the legislative body, but is highly important to the quality of governance in this state. Hopefully, we will see these kind of oversight efforts become a regular part of the Legislature’s business.