

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

OPERATING INSTRUCTION
NUMBER 60-15

February 15, 1996

DISTRICT COURT PETITIONS BY THE JAIL STANDARDS BOARD

1. **PURPOSE:** To prescribe procedures for the petitioning of the District Courts by the Jail Standards Board (Board) for the enforcement of Minimum Jail Standards.
2. **REFERENCE:** Section 83-4,132 and 83-4,133 of Nebraska Revised Statutes.
3. **GENERAL:** State law requires that adult and juvenile detention facilities conform to certain minimum standards. When a detention facility fails to comply with Standards or a governing body fails to initiate corrective action, the Board may petition the local District Court to enforce compliance with the Standards.
4. **PROCEDURES:**
 - A. Notice of Non-Compliance
 1. If an inspection discloses that an adult or juvenile detention facility does not meet minimum standards, the Board shall send official notice, along with the inspection report to the governing body responsible for the facility.
 2. A copy of the inspection report shall be sent to the District Court Judge of the judicial district in which the facility is located.
 - B. Corrective Action Meeting
 1. The governing body and the district judge shall promptly meet to consider the inspection report and the inspector shall be present to advise and consult concerning appropriate corrective action.
 2. The governing body shall initiate corrective action within six months of receipt of the inspection report or may voluntarily close the facility or the objectionable portion thereof.

C. District Court Petition

1. The Jail Standards Board may petition the appropriate District Court to close a facility, if the adult or juvenile detention facility's governing body fails to:
 - initiate corrective action within six (6) months;
 - correct the deficient conditions; or
 - close the facility or the objectionable portion thereof.
2. The petition shall include the inspection report regarding the facility.
3. The governing body shall then have thirty days to respond to the petition and shall serve a copy of the response to the Jail Standards Board by certified mail, return receipt requested.
4. A hearing will be held on the petition before the District Court.
5. An appeal from the decision of the District Court may be taken to the Court of Appeals.

Deborah Gilg, Chair
Jail Standards Board

Allen L. Curtis
Executive Director