

# Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

## Testimony on LB 484

Before the Judiciary Committee

Nebraska Legislature

March 15, 2019

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Good afternoon Senator Lathrop and members of the Judiciary Committee. For the record my name is Brad B-R-A-D Meurrens M-E-U-R-R-E-N-S and I am the Public Policy Director for Disability Rights Nebraska, the designated Protection and Advocacy organization for persons with disabilities in Nebraska. I am here today in opposition to LB 484.

First let me be clear: we do not deny or intend to trivialize the injuries that do happen to staff in the YRTC's or the regional centers. Our concern is that LB 484 masks the underlying problems giving rise to assaults and presents an ineffective and unworkable solution. While extending the definition of public safety officer to HHS employees working at a YRTC or the regional center might boost staff morale and provide a sense of increased control over their environments, these assaults should also be considered as not just simply the act of malicious people, but also indicators of other systemic or facility issues.

We are not convinced that the central assumption of the bill—that HHS employees working at a YRTC or the regional center will not be assaulted if they are deemed to be public safety officers. Nebraska already criminalizes assault; then why have not the current assault statutes prevented these assaults from occurring? We are not convinced that the re-definition in LB 484 will enhance prevention. If the deterrent effect worked, no one would be assaulted. For some, assaultive behavior is a manifestation of the very mental illness or disorder for which the individual is being treated if not a response to external conditions. To punish individuals for behavior arising out of their psychiatric condition contradicts the premise of treatment, and is especially harsh for those

individuals who, by the nature of their condition, have diminished control over their actions.

The legislature needs to address the root causes of the assaults and not just outright blame the youth or regional center residents. Every situation is different and the solution to simply expand who is defined as a public safety officer is a reactive, band-aid solution.

HHS employees at YRTC's or the regional centers are not officers working to ensure public safety; they are not operating clearly out in the open like police officers or firefighters. They have differing responsibilities, duties, and expectations and face wildly different situations when and where they do their work. In order for the term "public safety officer" to retain any meaning, a clear distinction must be maintained. Blurring the definition of public safety officer by including the additional employees proposed in LB 484, and determining who should be included as a public safety officer based on the potential risk of injury is a problematic precedent. For cab drivers, convenience store clerks, teachers, and *many* other professions that interact with the public are at risk of assault; under the rationale for LB 484, should not these individuals be included as a public safety officer as well?

We recommend the committee not advance LB 484.