



Attorney General Doug Peterson

News Release

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Lincoln—Today, Attorney General Doug Peterson hosted a press conference to set the record straight on the dismissal of the lawsuit *Sabata v. Nebraska Department of Correctional Services*. He was joined by Assistant Attorney General Ryan Post who led the litigation team as Chief of the Civil Litigation Bureau in the Attorney General's Office. Together, they outlined the ramifications of the recent Court announcement.

After years of threatening state officials and policymakers, the ACLU sued the State. This suit was unsuccessful. The case was dismissed without stipulations and without a settlement or payment. The Court did not make any determinations finding serious defects with Nebraska's prison system.

Since filing the lawsuit in 2017, the ACLU had the opportunity to take its own medical, dental, and mental health experts to 28 prison site inspections to evaluate the care being provided to inmates. They also had the opportunity to question dozens of administrative staff and professional care providers and review over 385,000 pages of prison records. After such an extensive review of the Nebraska Department of Correction Services, the ACLU was unable to prove their system wide allegations. That is why the case was dismissed. There was no settlement. The ACLU did not prove their case and the Court would not use its authority to promote their public-policy preferences.

The Attorney General made it clear it is his duty to defend claims against the State, not stand by and allow a national campaign to control state prisons.

The process of improving the delivery of services at the Department of Correctional Services is a constant mission at NDCS; it is not the product of this litigation, or a settlement, or a pre-condition to the ACLU's dismissal of their case.

"The dedicated public servants at the Department of Corrections are to credit for these ongoing improvements, not the ACLU," stated Attorney General Peterson.

Other states have been subject to control and payment to outside sources as a result of not challenging similar lawsuits.

California has spent more than \$200 million on attorney, special master and expert fees in their cases. In just one of the California cases, that is still going today, the State of California pays Plaintiffs' attorneys \$1 million each quarter to "monitor" the case.

The State of Arizona has paid out over \$11 million dollars and is still paying attorney fees over the litigation filed in 2012.

These are the same lawyers, with the same efforts who were defeated here in Nebraska.

Just as Judge Buescher's order stated: "The Nebraska prison system is operated by the State of Nebraska, not the federal government, and certainly not by the federal courts."

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COMPARISON OF SIMILAR LITIGATION COSTS TO TAXPAYERS IN NEBRASKA AND ARIZONA

Arizona Nebraska

