

Nebraska Criminal Justice Review

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There are *bright spots* in prison

By Teela A. Mickles, Founder/CEO
Compassion in Action Inc.

There are bright spots in prison and Compassion In Action has discovered the “gold in them there cells”. Those bright spots are the self-betterment groups that have been organized and facilitated by the men confined in the correctional facilities across the state of Nebraska. Those of you who are leaders, facilitators and members of the various self-betterment groups know who you are. Each one of you would be able to quote the mission, purpose and goals of your separate clubs. To avoid mispronouncing any names or leaving any group out, I will not list the ones I am familiar with.

Over the years, I have observed passion, discipline and perseverance in the leadership of these groups as well as the members who commit to them. There have been times when the groups seemed to flourish and times when they were holding on by a single thread of hope, trying to keep a positive line of contact open for those who dare to work their time, rather than allow their time to work them.

Several years ago, Compassion In Action (CIA) conducted a brief survey among some of the residents in correctional facilities to determine how the community could best serve them and be inclusive in our efforts to assist individuals with reentry. The outcome from those surveys was a focus on the self-betterment groups as a catalyst for connecting the community to returning citizens through the mission and purpose of the groups.

The leaders of each group expressed a need for community support to not only give them accurate information and direction to pass on to potential members, but also to aid in recruiting short-term sentence-servers to join their clubs. CIA saw the value of equipping the leaders of the groups, who were, many times, life and long-sentence servers, with information from community agencies which provide support and services for returning citizens. “*Community Corrections Connection*” was designed by CIA to advance community involvement in the activities of the self-betterment groups and give those groups a positive voice in the community they once offended.

Students from Metropolitan Community College, UNO, interested individuals, and community leaders and agencies joined the ranks of those directly interacting with residents behind the wall.

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The prospect for prison reform is good—as far as it goes

By John Krejci

If you have been following the reports from the Council of State Government’s Justice Project (CSGJP) and the Lathrop committee report, -- in addition to the media, you know that there is a great deal of ferment and action toward reforming the troubled Department of Correctional services. The last issue of the *Nebraska Criminal Justice Review* summarized the recommendations of the CSGJP and the Lathrop committee.

Pending reform legislation can be found in at least 7 bills (LB 172, 173, 268, 592, 598, 605, and 606). Testimony submitted by the Reentry Alliance of Nebraska can be found on page 2 of this issue. On the positive side, there is support for all of this legislation from both moderates and conservatives. All were voted out of the Judiciary Committee by near unanimity. The death penalty repeal bill (LB 268) was voted out on a 9-0 vote! The media commented that its prospect looked as good as it has been for years. It is Senator Chambers’ priority bill.

Given the commitment of the Judiciary Committee, all the bills should get substantial discussion. The fear remains that some will be chewed up, amended, or so insufficiently funded as to limit their effectiveness.

(Continued on page 2)

Scott R. Frakes appointed to head the Nebraska Department of Correctional Services

Director Frakes has served with the Washington State Department of Corrections since 1982, starting as a correctional officer. He served as Superintendent of two different correctional facilities in Washington before being appointed to the position of Deputy Director of Prisons in 2012. As Deputy Director, he has been responsible for administrative oversight of six adult facilities housing approximately 8200 offenders.

Bright spots (continued from page 1)

Invitations from self-betterment groups are extended to the community through CIA in an effort to expose more individuals to the 'other side of the story' as told by the members or leaders of the clubs, thus expanding understanding of confined individuals by the community and replacing the "number identity" of persons in prison with 'flesh, heart and spirit'.

Today, through the Omaha 360 "Pledge for Peace Behind the Wall," more than 130 residents from various correctional facilities have pledged to do their part to keep peace within the confines of their environment, to the best of their ability, and to promote it in their areas of influence. Just recently two additional residents signed the pledge and it was reported by one of the leaders of a self-betterment group that outbreaks of violence from gang influence was on the decline, at least in their facility.

That's great news, which we report to the community to let them know it's working! We also let confined residents know they have a voice in the community and people are paying attention. The Omaha 360 is a branch of the Empowerment Network of Omaha and a vital entity that recognizes the value of including returning citizens in the process of city-wide community improvement.

Through self-betterment clubs, CIA has designed a "Big Brother/Little Brother" pen pal initiative for life and long-term sentence servers to write letters anonymously, to youth in our R.A.W. D.A.W.G.S. Youth Corps Gang Prevention Program. The letters are received by the boys with a serious note of respect, from individuals who have learned from mistakes in their own youth and are now reaching out to encourage youth to take a positive route toward success. The boys are listening.

We depend upon the leadership and members of the self-betterment groups to assist with the Pre-Release Education/Reentry Preparation Phase of our program. Compassion In Action applauds and supports the efforts of the men who are in leadership and members of the self-betterment groups. You are truly valuable bright spots and you are making a difference where you are and in the community. Never give up! Peace.

Prison reform (Continued from page 1)

Given that overcrowding is the basic problem in our prison system, one additional factor troubles me. Overcrowding has caused the conditions in the prisons to be quite oppressive to the inmates. They have made this known to prison authorities, by submitting petitions to the Director from the largest institutions, i.e., Tecumseh State Correctional Institution and the Nebraska State Penitentiary (NSP). Both the ACLU and the Federal authorities are aware that Nebraska is vulnerable to the charge of "cruel and unusual punishment."

At NSP many inmates are housed in a huge dormitory. They and their belongings are in the open where both are vulnerable, there is a great deal of noise, and no privacy. The day rooms are small and crowded. Both NSP and the Lincoln Correctional Center have been on partial lockdown since 2011. Time outside of cells, access to the yard, and programming have been severely cut back. One inmate told me it was worth acting out and getting a write-up so he would be put in a cell. In this case segregation or protective custody was preferable to the dormitory.

An additional concern is that bureaucratic and institutional changes will be enacted, e.g., housing inmates elsewhere, laws passed and policies initiated to limit new admissions, judicial practices changed and diversion programs expanded enough so that the overcrowding is gradually alleviated. (And we know that that will take several years.) But the plight of the inmates will remain oppressive, programming will still be inadequate, mental health treatment (an insoluble problem) will continue to be an overwhelming challenge, and the bane of segregation will remain, while new policies are being written and implemented.

As one senator rightly remarked to me, "we're just chipping away at this problem." To inject a little humor into a dire situation...some years ago a Peanuts cartoon featured an exchange between the negative-thinking Lucy and optimistic Charlie Brown. Lucy says "The world is plagued by death, doom and destruction, fire, famine and flood. We should all run in panic." Charlie responds, "At least we would all be running in the same direction." In Nebraska corrections reform, we at least are running in the same direction!

Testimony in support of Legislative Bills 592, 598, 605, 606 – February 20, 2015

By John Krejci, Re-entry Alliance of Nebraska. Excerpts from the text.

Reentry Alliance of Nebraska (RAN) is a coalition of more than a dozen non-profit groups in Lincoln that support ex-offenders and aid them in reentering our communities. RAN supports these bills addressing the reform of corrections. From studying the reports of the Council of State Government Justice Project, the report of the Lathrop committee, and our own experience in working with former inmates, RAN supports the reforms contained in these bills. The basic problem of Nebraska prisons is overcrowding. In addition, there is need for oversight of the Department of Corrections. Specific issues are addressed such as: the use of segregation, mental health treatment, housing alternatives to alleviate crowding – particularly in the Diagnostic and Evaluation center and the Nebraska State Penitentiary. We know that these bills, as good as they are, are only a start in the reform process. RAN commends the members of the Judiciary Committee for all being on the same page in addressing these issues.

Nebraska prisons have serious problems. These bills begin to address them, but more is needed. And it should go without saying that up-front money is absolutely necessary if we are serious about solving them."

Petition 854 inmates at the Penitentiary ask for fresh air and improved living conditions

Editor's Note: The following requests were made in a February 5, 2015 petition to Governor Ricketts, Corrections Director Scott Frakes and ACLU's Joel Donahue

- 1) We NSP inmate petitioners are asking for more yard time, with the goal of returning or re-inventing the opportunity for open yard for every general population inmate.
- 2) We NSP inmate petitioners are asking for more gym time. (We went from 56 hours a week to one hour every 8 days at night, with ten minutes to shower after.) The gym is not being used in the mornings and afternoons.
- 3) We NSP inmate petitioners are asking to utilize the other half of the yard. The handball courts, the west track, and all other concrete sidewalks and paths not being used.
- 4) We NSP inmate petitioners respectfully declare we are being subjected to cruel and unusual punishment by over-crowding, noise, and bad air quality in the housing units. We also declare the dayrooms are too small. We declare the current living conditions are causing physical and mental illness.
- 5) We NSP inmate petitioners feel that we have not been listened to in the past by the administration and that the current administration's lack of regard for both its staff and inmates has created this hostile, negative atmosphere that was not here when we could clear our heads, walk laps, and get fresh air with an open yard.
- 6) We NSP inmate petitioners are asking for more religious, club, and self-betterment program time.

Why the petition was prepared

Editor's note: The following comments are excerpted from a petition cover letter prepared by inmate Jesse Haley #74183.

A brief summary: Before August 2, 2012, NSP operated on an open yard policy in which, after meals and for 8 hours a day, inmates were allowed to participate in an array of activities on the yard, in the gym, library and even a hobby center. Inmates had the liberty to get fresh air, sunlight, and get away from the bad air quality in the housing units. Inmates could get away from the continuous loud noises in the small dayroom. Inmates could get away from negative elements and people enough to stay sane. Inmates could walk the west track and all the other concrete paths throughout NSP. Inmates could play handball, basketball, tennis, volleyball, and softball, just for recreation and exercise, without being discriminated by leagues, age, popularity and athleticism.

Shouldn't inmates be evaluated on a yard inside of prison before being released into society's yard? Safety and security of the public should trump the safety and security of a prison filled with cameras, fences, walls, doors and guards.

We have all seen the scandals and mismanagement over the last few years at the Nebraska Department of Correctional Services. Removing the open yard is one of the biggest examples of mismanagement and malfeasance. Treating everyone as maximum-security, violent inmates is clearly taking steps backward. As we submit this petition, there are over 1300 inmates at NSP. Even with shop jobs, there are over a thousand inmates doing 22 hours and ten minutes a day inside of a building, without violating any rules or regulations.

We ask you to consider the guys who, for ten, twenty, thirty years have walked laps after meals, exercising and preserving their lives, serving their time peacefully. Now, that's been exchanged for pre-diabetic symptoms and gastrointestinal, respiratory, weight-gaining and heart problems.

Governor Pete Ricketts characterized the NDCS as "having a culture of top down oppression." That's exactly what we are saying now and what we have been trying to communicate with petitions, grievances, letters, and even protests for almost three years. Things are not better, which is substantiated by the current NSP petition. Governor Ricketts also said, "I have found those closest to the problems know the answers."

We NSP petitioners are asking for change, to listen to us, to give us more movement. Let units intermingle, like we do anyway during meals. Move this place forward, allow the formation of an inmate council and allow staff and case-workers to have a voice.

Director Scott Frakes gets overload of information from Nebraska's troubled prisons

By John Krejci

On March 16th, at the monthly meeting of Reentry Alliance of Nebraska, Director Frakes shared his vision for the Nebraska Department of Corrections. He was straightforward, open and realistic. He admitted that he was suffering from information overload! He has been meeting with representatives of his 2300 staff, visited prisons, testified before the Legislature, and has shaken hands with a blur of politicians, community advocates, inmates, and agency heads.

Although some legislators are wanting him to move ahead, he made it clear that Nebraska's deep-seated and serious problems will not be solved overnight. He recognizes that the prisons are not only overcrowded, but the Department needs more resources, and has a highly stressed, underpaid staff.

He acknowledged that "people are sent to prison as punishment, not to be punished." His vision includes reforming segregation. He sees segregation as a temporary holding place while risk is assessed, with the goal of getting the inmate back to general population as quickly as possible. He affirms the detrimental effects of segregation.

He sees the need for a review of the classification system, moving toward fewer high custody inmates. He is aware that the large population of mentally ill inmates needs to be classified and treated on a continuum of needs, from anxiety to quietly psychotic to violent and dangerous. He realizes this is a significant issue and

Director Frakes, with members of Re-entry Alliance of Nebraska

is working to align resources and needs.

He was hesitant to give timelines for the reforms already mentioned as well as solving the problem of limited movement at NSP and LCC and increasing hours for inmate programming, clubs and religious services. He strongly supports volunteerism, inmate input, programs for cognitive behavioral skills classes. He even has visions for "sustainable practices" programs that have worked in "blue" Washington and could work in "red" Nebraska. He maintained that connecting inmates with living things and giving them responsibility, e.g., nurturing dogs, cats, growing plants, can be an important factor in rehabilitation.

Director Frakes engaged in a lively discussion with RAN members on programs and services for former inmates to integrate them into society—such as employment, housing, life skills. The mood was upbeat and positive.

LB 907 funds begin to flow for vocational and life skills training

Editor's Note: As a result of legislation approved last year in the Nebraska Legislature, funds have been made available for preparing persons still in prison or on parole with what they will need to survive in the free world and be successful in the communities to which they return. The Department of Correctional Services has begun making grants to community groups to deliver vocational and life skills training. The listing of the grants which appears below is from a March 16, 2015 article in the Lincoln JOURNAL STAR,

Organizations receiving grants:

Goodwill Industries, Inc. ReStart Program, Omaha: \$658,642: projected to serve 125 people.

Western Alternative Corrections, Inc., Hastings: \$1.3 million: projected to serve 145 people.

Center for People in Need, Lincoln: \$1.1 million; projected to serve 200 people.

Metropolitan Community College, Omaha: \$1 million; projected to serve 370 people.

Released and Restored, Inc., Lincoln: \$164,958: projected to serve 324 people.

Mental Health Association of Nebraska, Lincoln: \$753,197: projected to serve 37 people.

Prairie Gold Homes, McCook: \$947,276: projected to serve 70 people.

ResCare Workforce Services, statewide: \$328,884; projected to serve 220 people

NEWS and MISCELLANEOUS

By Mel Beckman, Editor

Lynching in America: confronting the legacy of racial terror

The Equal Justice Initiative (EJI) of Montgomery, Alabama (see www.eji.org) has done a new study of the lynching of black men, women and children in 12 southern states between 1877 and 1950, and has published a thought-provoking, 22 page summary of it's report, under the title above. It is available on the website.

EJI reports that it has documented 3,959 lynchings of black people in the 12 southern states—at least 700 more than had previously been reported. The EJI report sees race as a significant factor in capital punishment, and capital punishment as a direct descendant of lynching.

While the EJI report documents racial terror in the South, the Omaha Black community has also twice experienced the terror of it's members being lynched. Accounts of the lynching of Joe Coe (Oct. 18, 1891) and of William "Will" Brown (Sept. 28, 1919) can be found online in Wikipedia (www.wikipedia.org).

Additionally, if one searches the internet for "Ku Klux Klan in Nebraska," one will find that organization having a membership as high as 45,000 in the state during the decade following Will Brown's lynching. Towns in which it was very active were: Lincoln, Omaha, Fremont, York, Grand Island, Hastings, North Platte, Scottsbluff, McCook, Curtis, David City and Fairfield. (see article [Ku Klux Klan in Nebraska, 1920-1930](#), in *Nebraska History* 66 (1985).

Parole officers—in their offices, in their cars

According to Nebraska Parole Administrator, Cathy Gibson-Beltz, parole officers west of Lincoln and in the southern and northern parts of the state spend a large majority of their time in their car, driving to parolee residences and dictating contact notes into their smart phones or typing on their laptops between stops.

Usually, the officers will go to the parolee residences on some contacts and have the parolees report to them in the office at other times. The Parole Administration also has relationships with law enforcement, probation and other types of providers who will make contacts for parole officers in outlying areas if there is an urgent need. Parole officers are required to make field visits. Gibson-Beltz states that she would be surprised if there is a parolee living anywhere in the state who has not been visited in his/her home at least once—more often regularly.

A total of 1595 persons were paroled to Nebraska counties in FY 2013. Twenty-nine of the counties had none. Fifty-one counties each had less than one percent of the total. Douglas, Lancaster and Hall counties had the highest numbers, followed by Scottsbluff, Lincoln, Buffalo, Adams, Madison, Platte, Dodge and Sarpy counties.

ABA resolution calls for end to life without parole sentencing for youth

The American Bar Association, a legal membership organization representing nearly 400,000 prosecutors, judges, defense attorneys and other lawyers, approved the above resolution at its midyear meeting in Houston.

Stephen Saltzburg, a law professor at George Washington University and a former official in the U.S. Department of Justice, said,

"Our sentencing strategies should focus on rehabilitating children and preparing them to re-enter society, rather than condemning them to die in prison. We can never know what a child will be like when he or she is an adult, so we need to check in on them to see if they have changed as they have grown and matured."

The above information is from the Washington D.C.-based Campaign for the Fair sentencing of Youth. (fairsentencingofyouth.org)

Stalking someone is a crime

During January, Omaha's Domestic Violence Council (dvc@dvcomaha.org) focused on the crime of stalking. The Council's newsletter explained what Nebraska law says about stalking:

Nebraska law defines stalking and harassment as engaging in a knowing and willful course of conduct directed at a specific person, which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose.

Stalking is a crime in all 50 states. To learn more, see: www.stalkingawarenessmonth.org.

Note also that LB 307, introduced in the Legislature this session, has a provision for some statute changes regarding stalking.

LB 307 adds "communicating by electronic means," which allows prosecutors to go after the technological aspect of stalking. The bill also has a venue description that would allow prosecution in either the county where the offense occurred or where the victim resides.

Fearless

Citizens required to be on the sex offender registry, their family members, and friends, connect with each other at 7:00 p.m. on the third Monday of the month, at St. Michael Lutheran Church, 13232 Blondo Street in Omaha. For more information see article on page 11 of this issue.

Restriction placed on seizure of assets

As a result of a January, 2015 decision by U.S. Attorney General Eric Holder, local law enforcement agencies may no longer seize cash and property from citizens suspected of having obtained it by criminal means and then have the seizure “adopted” under a federal civil asset forfeiture program. Such local seizures and adoptions have been common in Nebraska, without a crime being charged under Nebraska law. Some of the cash or property seized locally and adopted by a federal agency would eventually be returned to local law enforcement and could be used for their purposes. In Fiscal Year 2013, monies returned to the Douglas County Sheriff’s office and the Omaha Police Department, together amounted to nearly \$1,000,000.

According to a Jan. 28th article on asset forfeiture in the *Omaha World Herald*, forfeitures that went through the federal government returned 80% of the seized money to local law-enforcement agencies. Under Nebraska law, a higher standard of proof of a crime having been committed is required and seized assets are to go to public education or be routed through a county’s anti-drug fund, instead of being given to the local law enforcement agency responsible for the seizure.

NCJR advisory meetings

Prior to publication of each issue of the *Nebraska Criminal Justice Review*, a meeting is held to discuss the current news and issues that should be covered. Meetings are open to anyone interested and last about an hour. Your suggestions for the newsletter are important. If you can’t come to a meeting, e-mail your ideas to melbeckman@cox.net. Meetings are held at Holy Family Church, N. 18th and Icard St. (one block north of Cum- ing). at **11:00 a.m.** (formerly 10:00 a.m.) Please use the north entrance. Upcoming meetings are on the following dates: **May 13** for the June issue; **Aug. 12** for the September issue; **November 11** for the December issue.

Chief Justice praises programs keeping people out of prison

According to a January 30th story in the Lincoln *Journal Star*, Nebraska’s Supreme Court Chief Justice, Michael Heavican, praised problem-solving courts as “one of the most successful and cost-effective responses to the problem of addiction and associated crime, both nationally and in Nebraska.”

Nebraska has sixteen such courts, including drug, young adult, and driving under the influence courts that served more than a thousand people last year. The Chief Justice, in his annual State of the Judiciary address, said that those services save the state money by keeping people out of prison and they are more effective than incarceration in reducing recidivism.

Corrections in Nebraska: Did you know...?

In 1860, Nebraska Territory explored the idea of housing prisoners in other states’ prisons but there is no

record that it was ever accomplished. Convicts were kept in county jails.

In the early 1860’s Nebraska Territory tried to get Federal help to build a penitentiary but the national government was busy with the Civil War.

A temporary prison opened its doors, Febr. 1, 1871.

In 1881, a small three-story stone “jail” within the prison was built to hold prisoners sentenced to solitary confinement.

In 1886, the first industries included a tailor shop, furniture factory, shoe shop, laundry, paint shop, tobacco shop, broom factory and a cannery.

To learn more, visit the History section on the website of the Department of Corrections: www.corrections.nebraska.gov/history.html. Miscellaneous events from 1856 to 2008 are included.

Christian Heritage and prison dads

Christian Heritage is a faith-based Nebraska organization. It’s vision, as found on its website, is “Families restored, children filled with hope and prepared for life.” Heritage offices are in Walton, Omaha and Kearney, Nebraska.

In 2008, the Nebraska Department of Correctional Services asked Christian Heritage to work with incarcerated dads to teach them parenting skills and help prepare them to reunite with their children upon release. The Destination...Dad program was created to assist these fathers and to restore families. Over 800 incarcerated dads have successfully completed the InsideOut Dad parenting program.

See also “Parenting class is appreciated” on page 10.

Getting out of jail “on bail”

If a person in jail is fortunate enough to have someone post the bond money for him, he can be released, go back to his home and job and prepare himself for his upcoming court appearance. While some might think that the bail system makes it too easy for criminals to repeat their crimes, the system, in reality, keeps the jails from being over-crowded and helps the defendant and his family carry on with life.

In Omaha, payment of the bail bond is made at the Douglas County Jail and the money is held by the court. If the defendant appears at his court hearing as promised and the case goes on to its finish, the bail money is returned, minus 10% of the total, which is kept by the court. If the defendant does not appear in court, the whole amount of bail is forfeited to the court and a warrant is issued for his arrest.

Sometimes, no one is willing to pay the defendant’s bail amount, perhaps because friends and family have no money and can’t get a loan, or because they think the person in jail might fail to appear in court and their bail money would be lost. In such a case, the person stays in jail and is kept there as a pre-trial detainee—in jail but presumed innocent until convicted.

More News & Miscellaneous

By Mel Beckman

Nebraska's Youth Rehabilitation and Treatment Centers at Geneva and Kearney

For many years, Nebraska has provided separate institutions to help troubled boys and girls become more law-abiding citizens while also addressing the personal or family issues which may have played a part in their involvement with the courts. These youth are committed by the courts to the care and custody of the Nebraska Department of Health and Human Services' Office of Juvenile Services, for placement at Geneva (for girls) or at Kearney (for boys).

The centers' annual reports for FY 2013-2014 provide general statistics:

	<u>Geneva</u>	<u>Kearney</u>
Rated Capacity	82 girls	172 boys
Average length of stay	211 days	204 days
Average daily population	59 girls	111 boys
Admissions	89 girls	203 boys
Average per diem	\$347.55	\$271.90
Average age at admission	15 years	16 years
Total budget (in millions)	\$7.736	\$12.242

FY 2013-2014 Admissions by offense

	<u>Geneva</u>	<u>Kearney</u>
Aiding and abetting		1
Assault	31	59
Auto theft		9
Burglary		20
Concealed weapon		3
Contributing to the del. of minor		2
Criminal impersonation	1	1
Criminal mischief	3	17
Disorderly conduct	2	
Distribution of drugs		1
Disturbing the peace	6	9
Escape		1
Failure to comply		1
False information	2	1
Huffing	1	
Obstructing a police officer	2	1
Possession of drug paraph.	1	
Possession of drugs	7	25
Possession a firearm		2
Probation violation	3	2
Resisting arrest	1	
Robbery		4
Sexual assault		6
Shoplifting	5	1
Terroristic threats		3
Theft	16	28
Trespass	2	5
Unauthorized use of a vehicle	3	1
	89	203

The Marshall Project

A nonprofit, nonpartisan news organization founded on two main ideas: that there is a pressing national need for high-quality journalism about the American criminal justice system, and that, with the growing awareness

of the system's failings, now is an opportune moment to amplify the national conversation about criminal justice. The project is named for former Supreme Court Justice Thurgood Marshall.

News articles by an array of journalists working under the project can be viewed by visiting the Project's website: www.themarshallproject.org. Inquiries can be addressed to: info@themarshallproject.org or mailed to: The Marshall Project, 250 W. 57th St., Suite 2514, New York, N.Y. 10107. Phone: 212-803-5200.

The U.S. Supreme Court shields youth from the harshest of punishments

In the past ten years, the Supreme Court has made three major decisions ruling that youth should not be held to the same degree of responsibility as adults who commit serious crimes and should therefore not receive the harshest of punishments. Those decisions:

2005 In the case of Roper vs Simmons

The Court decided that youth under age 18 cannot be given the death penalty

2010 In the case of Graham vs. Florida

The Court decided that a sentence of life in prison without possibility of parole is unconstitutional if given to a youth under age 18, if his crime was not a homicide.

2012 In the case of Miller vs. Alabama

The Court decided that *mandatory* sentences of life without parole for youth who commit murder are unconstitutional. The sentencing judge must have more options than just life without the possibility of parole. In Nebraska, such sentences were mandatory for youth who committed murder and were charged in adult court. Thus, Nebraska was required to adopt a new sentencing scheme. While such sentences are still possible, the Court expressed the view that they would now be rare.

Angela Davis urges "decarceration"

When Angela Davis walked on the stage at the Holland Center in Omaha on March 4th, hundreds of people in the audience stood and clapped. To both the "over-age-50" people in the audience and to those who were not even born in the 60's and 70's when she became famous, Ms. Davis was clearly a hero. Davis is a writer, activist, educator and scholar in the areas of race, class and gender. She founded Critical Resistance, an organization that works to dismantle the prison-industrial complex.

Angela Davis used the term "prison nation" to describe the scope of the United States' dependence on incarceration to solve societal problems. "Decarceration" is now needed, she said, so that those problems can be addressed effectively. And on a personal level, she urged the audience to move away from a need to "punish" others and learn to forgive little offences.

Ms. Davis told the audience that she had again visited with Mondo we Langa (David Rice) and Ed Poin-

dexter at the Nebraska State Penitentiary, as she has done in the past. Mondo and Ed were incarcerated 44 years ago, and are considered by many to be political prisoners. Ms. Davis recalled her own being falsely accused and incarcerated at one time, and the international effort by activists which obtained her release. She asked the audience to "rekindle" the effort to free Mondo and Ed.

Family and Friends of Inmates

Meetings are held on the fourth Saturday of each month (except in December) at First Christian Church, 6630 Dodge Street in Omaha, from 9:30—11:30 a.m.. Refreshments served. Mutual support, sharing of information, and advocacy for a restorative correctional system.

The next meetings are on **March 28, April 25, and May 23**. For more information, call 402-558-2085 or e-mail: mabeck3636@cox.net.

The "per diem" cost to incarcerate

When the Department of Correctional Services estimates what expense a particular piece of proposed legislation will involve for the Department, it uses a "per diem" amount for each inmate. The cost is estimated to be **\$7,124** for one year, for one inmate. That figure includes food, medical care, inmate wages, clothing, cleaning supplies, food service supplies, cell and dorm supplies, other supplies, and transportation.

When *all the costs* to incarcerate a person are calculated, including per diem plus the cost of construction, maintenance, staff wages, utilities, etc., the total is much larger, and ranges from \$18,833 per inmate, per year at the Lincoln Community Corrections Center, to \$39,875 at the York Correctional Center for Women and \$92,256 at the Nebraska Correctional Youth Facility in Omaha.

If the Department of Correctional Services is likely to have either a larger or smaller number of inmates per day as a result of a proposed bill, the "fiscal note" attached to the bill will tell the per diem cost or savings.

LB 173, for example, would reduce the number of offenses under which the habitual criminal provision would apply. If passed, the Department estimates it would likely have 15 fewer prisoners per day in fiscal year 2015-2016, for a per diem savings of \$106,860 per year.

(Sources: website of the Nebraska Legislature and a February, 2015 monthly data sheet of the Department of Corrections.

\$261,614,000

The price tag expected if the Legislature were to appropriate funding for three prison expansion projects which were identified as Phase I in a 2014 Nebraska Department of Correctional Services Master Plan. LB 237, introduced by Senator Coash, would appropriate the money, but newly appointed Corrections Director Scott Frakes has said (according to a March 11, *Omaha World Herald* story) that he needs more time to get a handle on prison capacity. The bill will be kept in committee for now.

Nebraska's new Parole Board

With recent vacancies now filled, the new Parole Board has these members, with dates their terms end:

Rosalyn Cotton, Chair, 9/9/2020
Rex Richard, Vice-Chair, 9/9/2018
Randall Rehmeier, Member, 9/9/17
Teresa Bittinger, Member, 9/9/2019
Virgil Patlan, Member, 9/9/2015

Sex trafficking in Nebraska targeted

LB 294, introduced by Senator Scheer, would enhance Nebraska's statutes regarding human trafficking by addressing each facet of its exploitative "business model", according to the introducer's statement of intent. The bill would provide extra tools for prosecute marketing of trafficking victims by expanding law enforcement's ability to issue subpoenas on out-of-state entities.

In addition, the bill attacks the profits of traffickers by allowing for a forfeiture provision. Money, cars, computers, real estate—anything used in the trafficking, would be subject to seizure. The bill outlines a clear and detailed process for seizure of such assets.

LB 294 would create the Human Trafficking Victim Assistance Fund. The fund would contain the amounts remitted to it from money seized and property sold. The Nebraska Commission on Law Enforcement and Criminal Justice would be assigned to administer the fund. All money credited to the fund would be reserved to support care, treatment, and other services for victims of human trafficking and commercial sexual exploitation of a child.

**Read current and past issues of the NCJR
online at www.holyfamilyomaha.org.
under 'Publications'**

Bibles for inmates

Many wonderful volunteers are taking the word of God into the jails and prisons. They often ask the inmates if there is anything they want and one of the most requested items is a Bible of their own. We find that a Bible is one of the items that the vast majority of facilities will allow an inmate to take with them after a ministry session.

In order to meet the demand for Bibles we ask that the good people subscribing to and reading the *Nebraska Criminal Justice Review* consider contributing to our jail and prison ministry Bible fund. A contribution may be sent to; Archdiocese of Omaha, Office of Mission and Justice, Jail and Prison Ministry, 100 N 62nd St. Omaha, NE. 68132.

All funds received in this manner will be used to purchase the Bibles that our volunteers distribute to the inmates when requested. Additional information can be obtained by contacting Deacon Al Aulner, Coordinator for jail and Prison Ministry. awaulner@archomaha.org

LETTERS

Parenting class is appreciated

I am thankful for being able to participate in the "Inside Out Dads" parenting class, which is provided by Christian Heritage. I have a son and I am trying to break the generational curse that led my father and me to prison. I do not want my son to want to be like me or to end up where my choices led me.

I grew up without a caring father in my life. It was hard to know what I wanted to be when I got older. I strived to be loved. I needed a father. I wanted to be a reflection of him. What son doesn't? If he were a fire-fighter, I would have been a fire-fighter. But he wasn't. He was big and bad. I thought he was cool, and I wanted to be just like him.

I take responsibility for my own actions, but I also see how the cycle repeats itself. Thanks to the Inside Out Dads program, I get to teach my son how not to be a convict. I now understand how emotional neglect has a huge impact on our young children. Every month I get an extra visit with my 2 1/2 year-old son. It's just him and me in the visiting room, where we throw paper airplanes and we play tag. He'll say, "you can't catch me," as he is chasing me, until I am filled with tears of joy, then tears of guilt.

I often think, "what if this program had been implemented when I was that young; would I still have wanted to be like my Dad?" I doubt it. And that is why I am thankful that Christian Heritage has made me a better communicator and a better father for my son.

I strongly encourage every father and those who want to be one some day, to join the Destination Dad program that is offered at every institution.

Joseph Fleming 78887
Nebraska State Penitentiary

Adhere to the discipline

During the summer of 2013, a state-wide prison gang truce was declared in California, in peaceful unity, to protest the inhumanity of long-term segregation. Nebraska's unofficial policy is to continue to prolong modified lock-down control. This is in response to conditions we've created ourselves and the overcrowding.

This isn't a hard code system, thank God. Here we have an environment to constructively reform ourselves and create positive change. Let's not ruin it for ourselves and lifers. We get one shot to shorten our time. If a lifer, that may take 30-40 years. It isn't fair for a short-timer to make conditions worse than they were. The long-timers have to stay behind.

Remember, we have to live in a disciplined environment, with consequences. It doesn't make you less of a man to adhere to that discipline. Not when you have kids and family you left out there.

Elroy Wabashaw 64019
Tecumseh State Correctional Institution

Educate for the business world

Is it possible for the State of Nebraska to be realistic in regard to the revolving door of corrections? The Department of Correctional Services will not allow inmates to be able to compete in the business world. If one does not know how to operate a computer one is ill-equipped to compete. As cars have become computerized, inmates are denied property that even a seven-year-old child is allowed to own.

The problem is the Department has a mental health problem, believing all inmates are out to screw the system and society. This is the problem of placing everyone in the same boat. Everyone is not the same and thus the problem lies with the system, to know how to separate the real interest from the frauds.

Georgios Diamantopoulos 35084
Tecumseh State Correctional Institution

Justice without mercy

I was impressed by the article, "The Pardons Board could (and should) commute the sentences of more aging prisoners serving life terms" in the December, 2014 issue of the *Nebraska Criminal Justice Review*.

Languishing in our prisons are lifers who have served twenty, thirty, forty, fifty years. Most of us are far from being the same people we were at the time of our arrests and convictions. Some of us deserve another chance.

The great Christian theologian, Thomas Aquinas once said, "Justice without mercy is cruelty." It's time to recognize the tremendous waste in warehousing all of our reformed lifers and to rethink our commutation policy

Simon Tunstall 0803380
Iowa Medical and Classification Center

The NCJR invited some family members and friends of inmates to tell what they would like the new Director of Corrections to do or not do during his first year in office, what changes they would like to see, etc. The following letters are from them.

Suggestions for Director Frakes

Standardize visiting procedures and rules across the various institutions. Inmates often get transferred, and their families have to jump through a different set of hoops when they first visit at the new institution.

As part of the changes for Administrative Confinement (solitary), standardize the list of actions that will send an inmate to AC and also the amount of AC time that action requires. For example, fighting at NSP currently gets you 7 days, while at Tecumseh it can get you weeks. AC now is arbitrary and used as a control measure according to the attitudes and whims of staff and guards.

Good time is fine the way it is—as long as the list

of infractions that cost an inmate good time days are clear, consistent, standardized and published. Every inmate should get a copy when he/she is first processed in. And then those losses of good time should be enforced consistently and automatically—no gray areas, no staff discretion. If good time is changed to something an inmate has to “earn” by participating in programs, the institutions will become even more crowded—because there are so very few programs and such long waiting lists for the ones that do exist.

Remember, too, judges more or less understand the current law and sentence lawbreakers to twice as much time as they want the convicted person to actually serve. No sentenced prisoner is given some kind of “automatic gift.” The media and some politicians do not seem to understand this. Judges assume and expect inmates’ time will be reduced by good time. Any change in current law would require a dramatic change in judges’ sentencing practices or, once again, overcrowding will get even worse.

Keyboarding and computer classes for inmates. This is the 21st century yet so many prisoners have no skills to deal with the realities of technology. How about email capability linking families and inmates? It’s been promised for years.

Consumer economics courses covering banking, taxes, credit, mortgages, budgeting, etc. Skills they lack but need when they return to the streets.

Classes in job-seeking skills—interviews, resumes, appearance, follow-up, etc. The department should consider a long-range plan to partner with local industries and community colleges to transform the institutions into job-training centers for inmates. Those industries would have a pipeline of trained workers and would enjoy state tax breaks as well. The inmates, of course, would have employment when released.

Brian and Colleen Nicol

Is it an environment conducive to change?

What I would like to see changed immediately is the closed yards. Closing the yards has not only cut into recreation time but it has taken time from religious services, self-help clubs and the ability for inmates to meet freely. The policy assumes that ALL of the inmates need to be segregated from each other when it was a small percentage of the population that caused the lockdown. Inmates who are trying to be positive influences are hindered by these policies.

Also, anyone who works all day has very few chances to get outside, aside from walking to and from work. In regard to the woodshop, they even eat their lunch at work! With the new policy, clubs operate on one fourth of the time they had before the lockdown.

Next, mental health and education opportunities for “ordinary” inmates are severely limited. Omaha Police Chief Todd Schmaderer was quoted as saying “Nebraska has the highest rate of inmates in the country who are without preparatory programming” (Page 10, Unicameral Update, Vol. 38, Issue 7). The Legislature is currently focusing on mentally ill and segregated inmates. What

about the rest of them? What about inmates who are being deferred for parole because they are not getting the recommended mental health treatment? Do you plan to bring some of the innovative ideas used in Washington to Nebraska?

I realize that these problems have built up over many years of the past administrations and that they won’t be solved overnight. I’m just asking that you seriously look at the problems and the environment created in your facilities by current policy. Is it an environment conducive to change or does it reinforce negative behavior? Thank you for your time.

Bobbi Stark

Inmate Chris Garza’s (41853) mother

FEARLESS: a safe place

Editor’s Note: The following information was supplied by Nebraskans Unafraid

Nebraskans Unafraid, an advocacy organization, sponsors FEARLESS, a monthly meeting where sex offenders—registered citizens—and their family members can discuss how to handle the challenges of life on the sex offender registry.

The power of community gives registered citizens courage to face the world without shame. Knowing others with the same troubles, fears, and frustrations, helps reduce the feeling of isolation.

FEARLESS gives those who return home from incarceration a place to speak freely. FEARLESS gives those who wait for a loved one a place to meet others who know what it is to wait. FEARLESS is a place to connect with someone who understands what it is to live with the registry hanging overhead.

Registered citizens who have lived with the registry for years share their experiences, their tactics for dealing with the public shame, and their stories of success. Those who are new to the registry find encouragement and fellowship. Wives of registrants meet each other and find they have much in common. Living with the registry can be about shame and about hiding from the world because of that shame. Finding others who also deal with the registry can help families step out from under that burden of shame.

Occasionally, a guest speaker will address topics of interest to registered citizens and their families. Information about upcoming meetings is found at : www.nebraskansunafraid.org

To ensure a sense of safety and freedom, the gathering is reserved for registrants and their adult family members. Representatives of the press, law enforcement, and the counseling community are welcome if they have been screened and invited by the N U Leadership team.

To expand the reach of FEARLESS, Nebraskans Unafraid is planning a retreat for women who love a registrant, though no date is set. Wives and mothers who would be interested in spending a day together can email Nebraskans Unafraid at nunafrd@gmail.com to express their interest.

FEARLESS meets every third Monday, 7:00 p.m. at St. Michael Lutheran Church, 13232 Blondo Street, Omaha. Park on the east side of the church and use the east entrance. Email questions to nunafrd@gmail.com or call 402-403-9250.

NEBRASKA CRIMINAL JUSTICE REVIEW

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Restorative Justice award presented to Fred Ross

By Joanna Lindberg

This fall, the Douglas County Victim Empathy Committee presented their Restorative Justice Award to Fred Ross. Fred, an employee of Heartland Family Service, has taught Victim Empathy classes for youth and adults in the justice system for nine years. His long-term commitment to Restorative Justice affects his message and outlook on life. As a youth Fred spent time in the juvenile system. His personal story of coping and rising above that experience inspires others to believe that one can change; and redeem one self.

In class, Fred tells his students, when you commit a crime, the crime does not define who you are for life. Your job is to accept responsibility for the crime, repair the harm and then work towards becoming a tax paying productive citizen. You can fulfill the dreams you have for your life.

I asked Fred, how can the concepts of Restorative Justice be spread wider in the community? He said that change will come gradually as students who attend the classes help make the change happen. An example of that comes from a former student in his class whose innocent son was killed by gun violence. Later, the father shared with Fred that what he learned in the class really helped him through the sorrow and grief. He does not want anyone to avenge his son's life, because that is not what his son was about. Rather, he would bring people together to promote peace and restore the community, because that is what his son would want.

Fred Ross, receiving the award from Nicole Clark

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From time to time we send the Nebraska Criminal Justice Review to persons who, we think, might be interested in its content. It is our way of introducing the publication to a wider readership. If you don't want to receive it, please call 402-558-2085, or e-mail me at melbeckman@cox.net
Mel Beckman, Editor