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LB 682—a proposal to prevent the accumulation of child support arrears by inmates

Editor's note: In Nebraska, a person going to prison while under obligation to pay child support cannot seek a lowering of monthly payments, even though he or she earns almost nothing in prison. This is because the Nebraska Supreme Court has interpreted incarceration to constitute a voluntary reduction of one's income, and thus not a legitimate reason to obtain a lowering of monthly support payments. As a result, inmate arrears, and interest due, have built up to about \$26 million. As of September of last year, according to figures supplied by Nebraska Child Support Enforcement, the average indebtedness of some 1679 inmates with arrears at that time was just over \$16,000. LB 682 would prevent this situation by legislating that, for purposes of child support, incarceration shall be considered an involuntary reduction of income.

The following is testimony given by Amy Miller, Legal Director of ACLU Nebraska at the Judiciary Committee hearing for LB 682 on March 8th

To refuse any change in child support during incarceration is contrary to common sense, since most prisoners either have no income or have extremely limited income (\$25 or less per month) from a prison job. Nor are children's interests served to rack up paper debts that we all know an incarcerated parent is simply unable to pay....If a prisoner is released with thousands or tens of thousands of dollars due in back child support, we've handed them a perfect rationale to either obtain an "under the table" unreported job without stability or to return to criminal acts in order to avoid wage garnishment. Children are best served by having parents who are given the motivation to take care of their financial responsibilities.

The Legislature must act and pass LB 682 because under current case law, a prisoner may not successfully modify his or her child support order on the grounds that he or she is in prison.

Nebraska's current law treats imprisonment as a voluntary act--that is, the prisoner chose to commit a crime and therefore may not have a reduction in child support any more than we would allow a well-paid businessman to take a job at McDonald's in order to claim reduced income resulting in less child support. In *Ohler v. Ohler*, 220 Neb. 272 (1985), the inmate seeking reduction in child support had absolutely no assets, no income, and no prison job to bring in money. The Nebraska Supreme Court did not contest these facts--indeed, the court acknowledged there was absolutely no way the man could pay any amount to his former spouse--yet the Court refused to change his child support because they read the statutes as not allowing any such temporary departure from the child support requirements. This is why the Legislature must act in passing LB 682, because the courts are currently reading our law in a way that does not benefit anyone, least of all children.

See pages 10-11 for more testimony given at the Judiciary Committee hearing for LB 682

Victims' Rights: Every Victim, Every Time

This theme of the 2007 National Crime Victims' Rights Week (April 22-28) recognizes that each and every victim of crime deserves support and services to help cope with the aftermath of criminal victimization.

April 10 The Nebraska Coalition for Victims of Crime is hosting a Recognition and Appreciation Luncheon at 11:30 a.m., at "Winfields at the Thorpe," 465 1/2 "D" Street in David City. The County Attorney's Office, Probation, Law Enforcement and other community agencies will be honored during the luncheon.

April 23 The Omaha/Douglas County Victim Assistance Unit will hold a vigil at 2:00 p.m. in the Farnam level lunchroom of the Civic Center, 18th and Farnam. The vigil is to remember crime victims and is open to the public.

April 25 The Nebraska Coalition for Victims of Crime will host an "Awards Celebration and Luncheon" at the Governor's Mansion at 11:30 a.m. Joe Stecher, U.S. Attorney for the District of Nebraska, will be the keynote speaker. Registration is \$15.00 and must be received by April 6th. Mail registrations to Kathy Stevenson, Lincoln Police Department, 575 South 10th Street, Lincoln NE 68508.

M.A.T. Bus Advertising The Omaha/Douglas County Victim Assistance unit has received funding from the National Association of VOCA Assistance Administrators, through a grant from the Office for Victims of Crime within the Office of Justice Programs, U.S. Dept. of Justice, to promote community awareness and crime victim outreach activities. The funding will be used to advertise National Crime Victims' Rights Week on twenty Metro Area Transit buses during April.

This need to keep children's interests in the forefront was part of a study done by the National Women's Law Center in 2002 called "*Dollars and Sense: Improving the Determination of Child Support Obligations for Low-Income Mothers, Fathers, and Children.*" The report found that failing to adjust awards for incarcerated parents hurts everyone. For example, when the child is receiving welfare benefits while the parent is incarcerated, if the child support award is not adjusted and an arrearage runs up, when the parent leaves prison and begins to make child support payments again, the state also seeks reimbursement from the parent for the welfare benefits that were paid to the child. In other words, the parent has two drains in his income--the back-due child support and the state collection efforts, and the inevitable result is that less money is available to go to the children while the fathers are less motivated to obtain and keep legal employment. The National Women's Law Center report is available online at: www.nwlc.org/pdf/CommonGroundDollarsandSense.pdf (see p. 22).

Monitoring Nebraska's prisons: How much can the Ombudsman's office do?

By Mel Beckman, Editor, Nebraska Criminal Justice Review

Last year, the Commission on Safety and Abuse in America's Prisons urged states "to create a monitoring body independent of the department of corrections." The Commission said "It must be sufficiently empowered and funded to inspect and report on conditions and practices in every jail and prison statewide and be dedicated to timely, accurate, and complete public reporting of the problems it identifies." The Vera Institute of Justice in New York provided assistance to the Commission.

The Office of Public Counsel (Ombudsman)

In Nebraska, the Office of Public Counsel is an entity which resembles the kind of external monitoring body called for by the Commission on Safety and Abuse in America's Prisons. The Office was established by the Legislature in 1969, to resolve problems and complaints that citizens have with agencies of State Government. Mr. Marshal Lux has served as Nebraska's Public Counsel since 1980.

In 1976, a new position, that of Deputy Public Counsel for Corrections, was created within the Office to give more attention to complaints arising in the state's prisons. Mr. Oscar Harriott currently holds that position, one which is clearly needed. According to its 2005 Annual Report, the Ombudsman's Office that year had 2512 contacts with state agencies. By far the largest number (1028) were with the Corrections Department. (Next largest was Health and Human Services with 581. The remaining 903 contacts were divided between 57 other state offices and agencies.)

The Ombudsman's Office did an impressive piece of investigating and reporting in the late nineties when it exposed deficiencies in the delivery of medical services to prisoners. Its work led to the appointment of a Governor's Task Force, the report of which led to corrective legislation (LB 154), including the decision that prisoners are to receive health care at the level of community standards.

Is the Ombudsman's Office currently doing an effective job of monitoring the state's prisons for safety, abuse and violence? The evidence for that would need to be presented by the prisoners themselves and the Department's administrators and staff who are contacted about prisoners' complaints. If they are dissatisfied, this Editor has heard virtually nothing about it.

Sufficient powers

What does seem clear is that the Office of Public Counsel *is sufficiently empowered to do the job*. The Legislature gave the Office far-reaching powers to investigate and report. Nebraska Statutes sections 81-8,240 to 81-8,254 govern the Office and outline its powers. For example, the Office can:

- Investigate, on complaint or on his or her own motion, any administrative act of any administrative agency of the state.
- Conduct inspections of premises.

- Request and receive whatever information is deemed necessary to do its job.
- Issue a subpoena to compel a person to appear, give testimony or produce documentary evidence.
- Undertake general studies and inquiries which might lead to improvements in the functioning of administrative agencies.
- Publish its findings and recommendations after an investigation of an issue or complaint.

In the 2005 Annual Report of the Office, Public Counsel Marshall Lux pointed to a fact which is also relevant to whether or not the Office *can* do the job. The rate of staff turnover in the office is very low. The average employee has been with the office for more than 12 years. "This means that the staff are not only experienced in the minutia of state government, but that they are also highly experienced in the fine art of complaint handling. They have refined the needed human skills for dealing with people under stress," according to Mr. Lux.

Legislature, Courts and Governor's Office are off limits

Even though the Office of Public Counsel may be doing good monitoring work in the prisons, it is obvious that the biggest problems there remain unresolved by that Office (and cannot be resolved by it). For examples: the prisons are overcrowded and under-staffed; not enough funding is provided for education and job training; boredom and lack of work opportunities erode morale. These problems are unresolved because the Office of Public Counsel's authority is limited to investigating and reporting on administrative acts of the state's *agencies*. The Governor's Office, the Legislature and the Courts are "off limits" to the Office of Public Counsel by statute. Yet, the big ***Governments don't usually set up and pay commissions to be their accusers.*** root problems in the state's prisons are caused by their actions or inaction, not by corrections administrators and staff. The Ombudsman, as a monitoring entity, cannot point out the real source of the root problems to the public.

So, at one level, Nebraska has an independent, external monitoring body for the prisons. But at another level, we do not. Will State Government correct that deficiency? Not likely, since governments don't generally set up and pay commissions or panels to be their accusers.

Who then will monitor the prison-related actions and inaction of state government? The media could do much more. This small publication tries to make a contribution. Taxpayers need to visit their prisons and see for themselves. Judges and legislators do too.

Nebraska Statute section 83-186 gives state legislators and judges the authority to visit the prisons *at any time*. Very few use that authority. If they did, they could go back to the members of their respective branches of Government and do a little Ombudsman-like work of their own.

See also page seven for information about LB 467, a bill which would authorize the Ombudsman to investigate complaints arising in county jails, as well as those coming from prisons.

Prison personnel issues require legislative attention and an interim study

By Bill Pserros, member of the Protective Services Bargaining Unit at the Omaha Correctional Center.

I am the former prison librarian (member of the NAPE Administrative Professional Bargaining Unit) and now unit caseworker and member of the Protective Services Bargaining Unit at the Omaha Correctional Center, and have been working at OCC since May, 1988. From 1973–1981, I worked in the Omaha work release center. It is time for the State Legislature to do a study of prison personnel issues—separate, or as part of a comprehensive study of corrections.

At his confirmation hearing in May, 2005, members of the Judiciary Committee talked with Director Houston about personnel issues and specifically about prison employee shortages. (Then-Director Harold W. Clarke returned \$13 million to the State Treasury.) The focus of the union has been to try to increase wages and improve working conditions—thus the picketing at Tecumseh State Correctional Institution in 2004.

In September, 2006, I made a formal proposal to Director Houston, under the State of Nebraska Suggestion System Rules (276 N.A.C. Chapters 1-7) reading, in part, “that the Department of Correctional Services should also conduct an inquiry of prison personnel policies that caused staff shortages, as they impact and are impacted by employee disciplinary policies, perceived prison overcrowding, inmate programming and inmate discipline.”

Monitoring of the Department of Correctional Services website from January through September of 2006 showed that correctional officer positions were vacant and listed as “open” in Tecumseh and Omaha, and unit caseworker positions were vacant and listed as “open” in Lincoln, Tecumseh and Omaha. Throughout this period, “correctional officer” vacancies in Lincoln would open up about every other month with closing dates. There were also specialist vacancies, professionals in mental health and nursing. On March 1, the website listed unit caseworker shortages only in Tecumseh and Omaha as “open,” and “open” correctional officer shortages only in Tecumseh.

The Director acknowledged that there are prison employee shortages, but declined to address these shortages in his response to the proposal. (“Because Mr. Pserros does not suggest what steps to take to resolve this shortage, the agency has no response to his discursive narrative.”)

An interim study would allow the Legislature to talk to corrections employees in a public forum, and accept documentation in private for those employees who choose to come forward. Employees could talk about positive and negative parts of their jobs.

Senator Dwite Pedersen said he is willing to support such an interim study and has staff drafting the language. He said he would submit a resolution but the best interim study “would be even better if it would be a resolution introduced by the Judiciary Committee with a commitment” to do the study.

A bill for a comprehensive study, the Corrections Task Force, LB 572 (2005), came out of committee in 2005, but the last session was stress-ridden, and it was not made into law.

If we cannot staff the prisons we have, how can we expect to build others? Corrections employees need to contact their state senators in support of an interim study resolution. It is time to address these issues publicly.

Goal of Committee: Making juries representative of the community

Editor's Note: The following is an excerpt from an article by Carly Duvall, the undergraduate research assistant for Nebraska's Minority and Justice Implementation Committee and by Elizaabeth Neeley, PhD, the Project Director of the Minority and Justice Implementation Committee. The article appeared in the May 2006 issue of "The Nebraska Lawyer." For more information about the Nebraska Minority Justice Committee, visit www.nebar.com/publicinfo/minority_justice.htm or call 402-475-7091.

Nebraska has, until recently, been inhibited from fully examining the extent to which juries are representative of their community because each county utilized their own distinctive juror qualification form, and only a handful of Nebraska's 93 counties collected data on race/ethnicity.

In 2005, LB 105 was passed, authorizing the Nebraska Supreme Court to adopt a uniform juror qualification form and authorizing the Supreme Court or its designee access to juror qualification forms for the purposes of research. Accordingly, the Minority Justice Implementation Committee worked on developing a uniform document that would continue to meet the needs of each county, but also allow for a confidential method of collecting the necessary data. The Committee reviewed dozens of counties' juror qualification forms, consulted Nebraska statutes regarding juror qualifications, and worked with a group of district court clerks in developing the uniform juror qualification form. The form was subsequently approved by the Nebraska Supreme Court and is currently being implemented in each county.

In addition to the information required by statute and information added at the request of the district court clerks for practical administrative purposes, the qualification form collects data on the race and ethnicity of the potential juror. This information is collected on a page separate from the body of the juror qualification form. The page containing the “confidential juror information” is removed from the qualification form, stored by the clerks until the end of the jury term, and then mailed to a research entity approved by the Nebraska Supreme Court.

The information gleaned from the uniform juror qualification form will allow researchers to examine each stage of the jury compilation process, from the compilation of the initial pool to the final impaneled jury. Results of this examination will be used to explain why the composition of our jury pools may or may not be reflective of the diversity of our counties. While there may be many legitimate reasons for disparity within a county (e.g., certain groups in the population are less likely to be qualified for jury service due to eligibility criteria), if data indicate that either by specific action or inaction, that certain groups are structurally excluded, prompt action should be taken to correct the compilation process.

Author Update: To date, nearly 25,000 juror qualification forms have been entered for analysis. The Committee expects that a statewide examination will be feasible in 2008.

Thinking outside the box: Do we need expensive new jails? Can we afford them?

By John Krejci, Emeritus Prof. of Sociology & Social Work. 402-466-8460

In the September, 2006 issue of NCJR, I lamented the "jails for profit" syndrome, i.e., small towns overbuilding county jails so they could pay off their bond debt by renting space to other localities. I continue to see this practice as a "moral outrage," but have some additional thoughts and several suggestions for the future.

The Lancaster County Board hired Clark Enerson to carry out a study of the needs of the City of Lincoln and the county for jail space. Their report outlined three options: expand on the present site, maintain the present site and build a second off-site facility, or construct a new facility at a yet undetermined site other than at the present jail at the City-County building. The study recommended the third option, a new facility. The cost was estimated at \$94 million, not including annual operating expenses of over \$20 million.

Not surprisingly, members of the County Board of Supervisors are faced with the dilemma of how to finance such a huge project. Legal restrictions limit the amount of money the County can borrow without a vote of the people. And a five cent property tax increase as a temporary interim measure might not go down well with the taxpayers, who recently approved a \$250,000,000 school bond issue. That's a quarter of a billion dollars if my math is correct!

The Clark Enerson study is parallel to the study recently completed for the State of Nebraska. The Strategic Capital Facilities Master Plan, compiled by Carter, Gobel Lee, predicted further prison overcrowding and recommended \$194 million to \$328 million in new construction, plus \$72 to \$84 million in annual operating expenses. (See article in December, 2006 NCJR, pp. 1-2) Sometimes one wonders whether these studies are purely objective or based partly on self interest. New jail construction is profitable for planners, architects, and developers. Often the predictions of inmate population growth are inaccurate, seemingly less reality based than on a Chicken Little model. "The jails are bursting! The jails are bursting!"

Is it any wonder that the corrections industry is one of the greatest growth sectors of the economy? California now spends more money on its prisons than it does on its schools!

After sitting in a meeting of the Lancaster County Board and reading the recent study, I suggested to the Commissioners that they should "THINK OUTSIDE THE BOX." The old saw, "Build them and they will come," or "The judges will fill them," has done little to better the corrections system or rehabilitate prisoners.

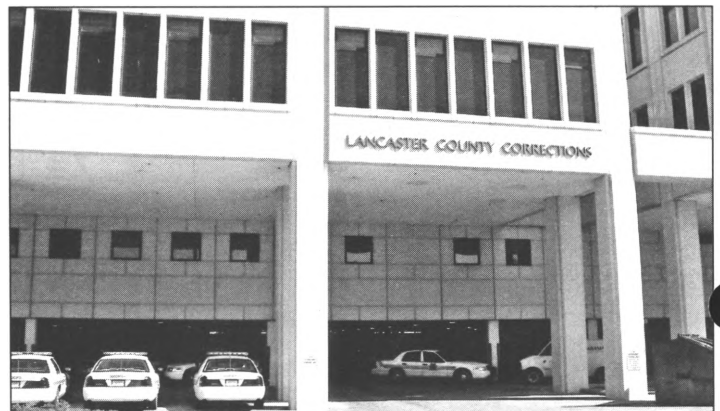
What alternatives are there to increased incarceration? In talking to the County Board, Jail Standards personnel, jailers, law enforcement, community corrections and judges, I have come up with some ideas to consider:

1. A mistake was made when the present maximum security facility was built in 1969. Lancaster County did not need, as one person remarked, "a 17th century prison." Inmates should be reclassified

or housed in a facility like the work release facility at Air Park. Perhaps Air Park could be expanded or a similar facility could be acquired so that the number of minimum security cells are increased.

2. Another desirable alternative could be to release inmates on house arrest using electronic monitoring. Most inmates in the Lancaster County Jail are pre-trial detainees.
3. More of those sentenced could be put in community corrections programs and could live in the community. This might require hiring more probation officers to supervise them, but that cost would be more than compensated by avoiding paying \$94 million for a new jail.
4. I am not fully knowledgeable of the bonding procedures in the county, but efforts could be made for more to bond out. The vast majority of county jail inmates are pre-trial holds.
5. There are also inmates who are serving time instead of paying their fines. A \$500 fine amounts to 8 days in jail at county expense. Perhaps there is an alternative to this.
6. As I stated, pre-trial holds comprise the majority of inmates. Perhaps ways of shortening the time (approximately 14 days per inmate) could alleviate the overcrowding.
7. Electronic monitoring is much less costly than incarceration. It could be utilized more. The cost for a bracelet is \$1.50 a day. With supervision, the total cost amounts to less than \$10 a day.
8. As an interim measure to alleviate overcrowding, which by the way is less severe than that of the State prisons, the County Board instructed the Director of the jail to investigate housing county inmates at the new overbuilt facility in Omaha. The number mentioned was 70 inmates. At \$70 a day, 70 inmates would cost the county about \$1.75 million a year. Fifty would be one and a quarter million. It would take a longtime to expend \$94 million!

We need to start THINKING OUTSIDE THE BOX. I was encouraged to learn that Bob Houston, Director of the Department of Correctional Services of Nebraska, lobbied the Revenue Committee of the Legislature for increased treatment of drug and alcohol addicted inmates within the existing prisons rather than build a new \$16.5 million facility in Norfolk. He estimates that expansion and renovation of in-house programs would cost about \$2 million and could be up and running in a shorter time than if Nebraska were to build the new drug treatment facility. This, to me, is a good example of thinking outside the box and potentially saving taxpayers money while serving the needs of inmates.



The present Lancaster County Corrections Center

What we need in Nebraska is a corrections system based on rationality and fiscal constraint rather than one based on fear and unrestrained expansion at taxpayers' expense. So I urge governmental entities and corrections officials to think outside the box, quit incarcerating non-violent offenders, and in the process, save ourselves a pot full of money.

Support For Success: Helping People Transition Back into the Community at Greater Omaha Community Action

By Alex Gray, Behavioral Health Services Director at G.O.C.A.

Greater Omaha Community Action, Inc. (GOCA) is a non-profit community based organization located in the heart of Omaha's inner city. It is dedicated to the mission of eliminating the causes of poverty by strengthening individuals, families, and communities through self-sufficiency initiatives in Douglas and Sarpy Counties.

In 2002, we recognized the need to provide services for men and women transitioning back into their communities after incarceration. Many inmates from the Community Correctional Center of Omaha initially requested help to continue their "programming" along the lines of addressing issues such as anger management. A program titled *Violence Prevention, Anger Management, and Decision Making Techniques for Constructive Living* was developed through our Community Building Project to meet this need and continues to be offered. Participants receive a certificate of completion after attending eight weekly sessions and are welcome to stay in the class free of charge after completion. Total cost to participants is \$8.00 (\$1.00 per class) for Work Detail status and \$40.00 (\$5.00 per class) for Work Release status.

At the request of Douglas County Community Corrections, GOCA's current tenant, at the end of 2005, we expanded our assistance to individuals in transition by offering a free support group called *Support For Success* through our Family Development Services Department. It provides an opportunity for men and women leaving incarceration to develop circles of support with peers experiencing similar circumstances and human service professionals. The group's primary focus is to generate constructive solutions for dealing with the many barriers and difficulties faced by ex-offenders re-entering society. Meetings last one hour and are offered every Monday evening at 7:00 p.m.

In conjunction with Support For Success, a free monthly Ex-Offender Employment Workshop facilitated by a GOCA Family Services Coordinator was begun. The workshop started with six people attending but grew rapidly and has served over 350 participants. Professionals from the local Workforce Development office, probation, parole and state and county work release centers are referring their clients to the workshop which is now offered on the last Friday of each month from 10:00 a.m. to 12:00 p.m. At least one potential employer attends each workshop to inform participants about job opportunities. Since its inception, 35 participants obtained employment directly through the program. Another 53 used the resources offered through the workshop to become employed.

In a recent survey, 119 out of 123 participants found the workshop very beneficial in achieving their employability goals. Examples of workshop topics include résumé development, improving interviewing skills, and dressing for success which involves access to GOCA's clothing pantry stocked with appropriate attire for professional interviews. Weekly support sessions are also offered every Tuesday, from 1:00 p.m. to 2:00 p.m., to help further develop and implement skills learned during the workshop.

GOCA's other services that may be of help to people transitioning out of incarceration and poverty includes the following:

- GED and ESL Classes on site
- Emergency financial services for utilities and rent
- The Emergency Food Assistance Program (TEFAP) Pantry and food referrals
- Continued Parent training
- Annual Health Fair in collaboration with Creighton Medical Center
- Continued Family Budgeting assistance
- Money Smart – FDIC approved program facilitated by FDIC trained bankers
- Linkage to Weatherization Programs
- Commodity Supplemental Food Program Certification
- Income Tax Assistance (includes Earned Income Tax Credit (EITC) and Homestead)
- Low Income Tax Clinic (post-filing problem resolution) in partnership with local accountants
- Holiday Assistance (e.g., Toys for Tots, Goodfellows)
- Youth Program - mentoring and tutoring - outreach to youth at risk for gangs
- Outpatient Mental Health and Substance Abuse Assessment/Treatment (includes psychiatric evaluation/medication management and psychological testing/evaluation); services based on sliding fee scale.
- Alcohol and Drug Education Class
- Domestic Violence Support Group
- Site location for Alcohol Anonymous (AA), Narcotics Anonymous (NA), Cocaine Anonymous (CA) Support Groups and Juvenile Probation.
- Volunteering to Build Communities – community service program

Please contact us at 402-453-5656 if we can be of any assistance to you or your family. Greater Omaha Community Action (GOCA) is located at 2406 Fowler Ave, Omaha, NE 68111.

“Raise the Roof” project The Compassion in Action “All the Way” Transitional Home is scheduled for a new roof this spring. Some of the materials have been donated, but anyone who would like to donate toward this labor of love would certainly be appreciated. We are also looking for skilled laborers who could donate their time and energy towards the effort. We're planning to start the second week in May, and great food and drink will be provided to keep energy levels high. Please contact Teela Mickles, Compassion in Action, 6119 Florence Blvd. Ave., Omaha NE 6810 or call, 402-451-4500.

GRADUATION at the Nebraska Correctional Youth Facility (NCYF)

Ed. Note: NCYF is located at 2610 North 20th Street in Omaha. It came into existence in 1994 with Legislative Bill 988 which created the Office of Juvenile Services and established the requirement to plan for the construction of a secure youth confinement facility. Subsequently the facility was transferred to the Nebraska Dept. of Correctional Services. The NCYF received its first inmates in August, 1998.

Top photo: Those receiving GED certificates were: Alex Floyd, Justin Wallace, Michael Solano, Jemel Strong, Allan Farrand, Benjamin Reddish, Guillermo Rendon, Julian Rivas, Mack Branch, and Davis Drake. At NCYF, unlike the other Nebraska prisons, educational programming is mandatory for inmates.



Five inmates received Tri-County Certificates: Benjamin Clawson, Julian Rivas, Ran'dell Busch, Daniel Beerman, and Mack Branch. In addition three inmates also received recognition for achieving Professional Skills Specialists Diplomas: Ran'dell Busch, Benjamin Clawson, and Julian Rivas.



Bottom photo: Winners in the NCYF Weight Lift Contest were: Joseph Brave, Edward Chaplin, Alex Floyd, Nathaniel Hayes (not pictured), Travis Lepant, Bryan Malone, Jemel Strong and Shannon Witherspoon.

News From The Legislature

(see website: www.nebraskalegislature.gov)

Nebraska's death penalty abolition bill defeated

Editor's Note: What follows is the entire Section 1 of Senator Chambers' bill which proposed to change the penalty from death to life imprisonment without possibility of parole and provide for restitution. Although LB 476 was defeated by a narrow margin of 25 to 24, Senator Chambers has stated he will try again next year.

LB 476 Section 1. The Legislature finds that:

1. Life is the most valuable possession of a human being. The State should exercise utmost care to protect its residents' lives from homicide, accident, and arbitrary taking by the state;
2. The experience of this state with the death penalty has been fraught with errors, frustration, and delay due to constitutional mistakes in the statutes, defective legal procedures and implementation of the statutes, lack of uniformity in application, and inordinately heavy expenditure of money and time;
3. The financial costs of attempting to implement the death penalty statutes are not justifiable in light of the other needs of this state and particularly because evidence does not establish that the death penalty effectively deters first-degree murder;
4. The Legislature remains troubled by the lack of any meaningful procedure in the courts to ensure uniform application of the death penalty throughout the state despite the Legislature's express finding in 1978 of a radical lack of uniformity;

5. The history of attempts to carry out the death penalty in Nebraska demonstrates an inordinate burden on the justice system and on the lives of the innocent families and associates of both the victims and the convicted parties;
6. A maximum sentence of life imprisonment without possibility of parole and with order of restitution, subject only to the constitutional power of the Board of Pardons, and including a mandatory order of restitution, is preferable to the current capital punishment scheme. Such a maximum sentence reflects this state's desire to ensure the safety of its citizens, assist victims' families when possible, and yet preserve this state's values of human life, uniform fairness, and basic decency;
7. The Legislature acknowledges the necessity of a Board of Pardons as established by the Constitution of Nebraska and that of other states and acknowledges its power to commute sentences. Parole, however, is a function of the Board of Parole upon which the Legislature can set limitations, and the changes made by this legislative bill are intended to prohibit parole for those persons given the maximum sentence for first-degree murder; and
8. The existing capital punishment scheme is a failure and has taken an unacceptable toll on the state's reputation for simple fairness, basic decency, and care for the dignity of human life. The state rejects the concept that by killing it can teach its residents not to kill.

Voting For LB 476: Senators Adams, Aguilar, Ashford, Avery, Carlson, Chambers, Cornett, Dierks, Dubas, Howard, Johnson, Kopplin, Kruse, Lathrop, McDonald, McGill, Nantkes, Pedersen, Preister, Raikes, Rogert, Schimek, Synowiecki, Wallman.

Voting Against LB 476: Senators Burling, Christensen, Engel, Erdman, Fischer, Flood, Friend, Fulton, Gay, Hansen, Harms, Heidemann, Hudkins, Janssen, Karpisek, Laangemeier, Iouden, Mines, Nelson, Pahls, Pankonin, Pirsch, Stuthman, White, Wightman.

Additional role for Nebraska's Work Ethic Camp

Currently, the Work Ethic Camp at McCook is being used only for individuals who are sentenced to intensive supervised probation instead of incarceration. LB 83, introduced by Senator John Synowiecki was passed by the Legislature and signed by the Governor this March. It will allow the Parole Board to utilize the Camp as a transitional program for incarcerated offenders prior to being released on parole. As of February, 2007, the Work Ethic Camp was operating at only 59% of capacity.

Ombudsman may begin to visit county jails

LB 467, introduced by Senator Chambers, proposes that the Office of Public Counsel (Ombudsman) have the authority to conduct investigations of complaints arising in county jails as well as state prisons. Currently, no governmental entity is charged with handling those complaints. Although the Nebraska Jail Standards Board periodically inspects county jails to monitor compliance with physical and operational standards, it is neither equipped nor directed to handle inmates' complaints in the manner of the Ombudsman's Office. The bill was heard by the Judiciary Committee on Febr. 15th and advanced by a unanimous vote. Besides Senator Chambers, the Ombudsman's Office and ACLU—Nebraska were proponents. Opponents were the Nebraska Sheriffs Association and the Nebraska Association of County Officials. Nebraska has over 70 county jail facilities. (Ed. Note: For more on county jails, see also "Barred from Hope: A study of Healthcare in Nebraska's county jails," published by ACLU of Nebraska. Visit www.aclunebraska.org and click on publications)

LB 670 would create a sex offender council

This bill was introduced by Senator Carol Hudkins "to improve public safety and ensure the treatment and management of sex offenders through the creation of a Council on the Management and Treatment of sex offenders." It would "(1) provide oversight and coordination of existing agencies currently managing and treating sex offenders; and (2) develop needs assessment, training, standards, and guidelines for a comprehensive management system for sex offenders."

Nebraska's Community Corrections Council: March meeting highlights

By John Krejci, Emeritus Prof. of Sociology & Social Work. 402-466-8460

The mood at the Community Corrections Council at the March meeting was upbeat. The prison population has remained somewhat stable over the past year and the more than 100 felony drug offenders in community corrections programs can be seen as part of the reason for this.

Former Speaker Brashear was reaffirmed as Chair of the Council by a unanimous vote. Prior to the vote, the Council

went into a brief Executive Session to discuss any conflict of interest problem since Brashear is now a registered lobbyist for the Omaha Public Schools.

Brashear commended the Council for the successes of the past three years and noted that Nebraska is on the national radar screen as a state that is really "doing something" in corrections. At present the community corrections program has enrolled 116 participants and has a capacity for over 300. The Council continues to work with the Vera Institute which is providing ongoing assistance in evaluation and subsequent recommendations. Recently the Pew Charitable Trust awarded Nebraska a grant to participate in its Public Safety Performance Project. Briefly, this project helps states "advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable and control corrections."

The Council listened and responded to three upbeat presentations from Department of Probation staff. Deb Minardi explained the eight principles of intervention being followed. Her presentation made it clear that community corrections is data-based, and employs the best available scientific information. Gene Cotter gave a grass roots description of the successes that have been achieved by "Specialized Substance Abuse Supervision" (SSAS) in community corrections. Dave Wegner quoted Yogi Berra saying: "If one doesn't know where he is going, how will he know when he gets there?" He said that this is no longer the case with probation. Goals are clear, assessment tools are in place, and the new system is functioning.

A sobering note was introduced in the District Court Judges Survey. Judges considered the workload of probation officers to be quite high and this impacted their sentencing decisions. They also were critical of the accessibility and effectiveness of Department of Correction's programs. Although they rated community corrections programs higher than DCS's, they cited a need for increased supervision and more employment opportunities for parolees. The judges' responses belied their lack of knowledge of community corrections. This induced Chairman Brashear to remind the Council that judges need to be given the opportunity to learn more about community corrections. He also stressed the need for the public to buy into the concept and that the Council has a continuing obligation to promote both an awareness and a positive image of community corrections.

And finally, the important sentencing guidelines recommendations will be heard by the Nebraska Supreme Court on April 25th in the Supreme Court Courtroom at 1:30. According to the Pew Public Safety Project, if these new guidelines had been adopted a few years ago, hundreds of non-violent offenders would not be warehoused in our prisons. The Council is hoping for a favorable reception of these voluntary guidelines.

Have you visited the Legislature's website?

The website of the Nebraska Legislature makes it easy to find and read bills currently being considered by the State senators. One can also find a list of the senators, their districts and office phone numbers, the statutes of Nebraska, and much information about current state issues.

<http://uniweb.legislature.ne.gov>

LETTERS

Clayton Kern
Nebraska State Penitentiary

Prison overcrowding: a dangerous situation

“Dangerous,” “hazardous,” “perilous,” “able or likely to inflict injury.” How can correctional officials not see the danger in keeping state prisons at one hundred and fifty percent of capacity or more, year after year, as they continue to take positive incentives away and as they continue to cram more and more inmates into spaces that are causing severe medical and mental health problems?

The American Medical Association (Prisoners and the Law, by Ira Robbins, Thompson/West, 2004) came to the conclusion in the eighties that prison long term overcrowding causes and accelerates the spread of communicable diseases and promotes heart attacks and high blood pressure. I have been in the Nebraska prison system since 1984 and was diagnosed with hypertension in 2005. The diagnosis came after having been moved into a double cell in 2002. I had had a single cell since 1986 and a promise was given by correctional staff that I would keep the single cell as long as my behavior stayed good (as it had been). Several lifers like myself had single cell status for many years and caused no trouble to staff or other inmates, only to be moved in 2002/3 to the Tecumseh correctional facility, losing the single cell status. Then we were moved back to the Penitentiary here in Lincoln, only to be put on a single cell list (which is long and cells few). Now we are being told that the few single cells left will be taken by attrition when either inmates die or leave the institution.

The Nebraska Penitentiary is at one hundred and sixty percent of capacity, causing a situation dangerous to both physical and mental health. A 1996 *Lincoln Journal Star* article had this headline, “Officials endangered inmates, judge rules.” Federal District Court Judge Richard Kopf stated his opinion, in a Nebraska Correctional Class Action case that was the subject of the article that the message from the Nebraska State Correctional officials was that packing the system was more important to the system than inmates. That is the exact message that prisoners are getting today, and the danger in which the correctional system is leaving prisoners “able or likely to inflict injury.”

Bob Hunt
Nebraska State Penitentiary

Old and sick in Nebraska prisons

I just finished reading the December issue of the NCJR. I enjoy reading the publication. It’s true that Nebraska has a meth problem and a sex offender problem. There’s another problem in the Nebraska prison system that’s going to cost just as much or more. The old and sick are starting to fill up the bed space in prisons. I don’t think Nebraska’s taxpayers are ready for the expense of licensed nursing facilities or hospice units. Inmates 50 years of age and over already make up better than 10% of Nebraska’s prison population.

A study on prisons said that the average cost to keep a prisoner age 55 or older is \$70,000 per year. This ballooning investment in older inmates is especially misguided because the payoff in terms of public safety is minimal. Few people over 55 commit crimes. A U.S. Dept. of Justice study showed that only 1.4% of inmates 55 and older released from prison ever return there.

The pain of separation

I don’t know if the issue of separation anxiety, which is experienced by inmates and their families, has ever been addressed, studied or dealt with. It seems to me that many of the emotions that inmates and their families and young children experience when separated are somewhat comparable to those of military families who are separated physically for long periods of time—minus the glory and respect they receive for their actions and contributions. I don’t wish to make a comparison of these groups on a moral basis but simply on the similarities, mentally and emotionally. And in doing so, to seek to find a way to bring relief.

Understanding and assistance are freely given to servicemen and women and to their families and children. But inmates themselves, their families and their children, all of whom are indirect victims of crime, are left to try to heal these emotional and psychological wounds on their own. I would urge everyone concerned with families and children and the rate of recidivism to get involved and embrace these indirect victims with the same concern that is given to others.

Terry Olney
Lincoln Correctional Center

Administration change at L.C.C.

We have had a change in administration at the Lincoln Correctional Center. Some things have gotten worse, some have stayed the same.

There have been fights over stolen personal laundry. This was caused by a decision from the Warden to stop selling laundry soap at the canteen. So with no soap you have to send your personal clothes in to be washed. Then you pray someone does not steal them. Also, there was a stabbing around the first of the year. Probably no one heard about it because the staff figures it is an internal matter. But this is something the public should be aware of. The Governor and the Prison Director tell the public that the prison is being run safe for all and that things are under control. It does not look that way to me.

For those of us trying to just do our time, the new, and certain old staff, sure do try to make it harder than it already is. Prison is the punishment for our crimes, not the disrespect and personal attitudes of the staff. What they believe should be done with inmates does not matter one little bit. So they should keep their beliefs to themselves.

Jerrold Hansen
Lincoln Correctional Center

Making a difference

I’ve served 25 years in Nebraska prisons over five separate felony convictions and have been in numerous Department of Correctional Services programs that I never really took seriously. My Christian faith was also not applied in a consistent manner and so recidivism has been the story of my life with blame for everyone but me.

Now I’ve been in the SAU (substance abuse unit) ten month inpatient program at the Omaha Correctional Center for six months and have kept an open mind as I’ve been confronted with uncomfortable but necessary truths to help me be true to

myself. I'm gaining more insight through different viewpoints, and, to my surprise, even finding encouragement to exercise my religious beliefs. The teaching materials are accurate and practical. Problem areas are targeted and simple plans of action encouraged.

I've also never stopped being impressed by the treatment staff who work tirelessly to keep us focused and are always available to help. If an inmate utilizes the tools offered by the substance abuse residential treatment center programs they should not return to prison, and I hope these programs get broader support for the ground-breaking difference they are making.

Johnny Woodruff
Omaha Correctional Center

Rehabilitation programming not available to "long-timers"

I am currently an inmate at the Nebraska Correctional Center for Women in York. I am serving a 20-40 year sentence for manslaughter and use of a weapon. I have served 8 1/2 years and am eligible for parole in nearly 18 months. I would like to be involved in programming which would help me further my rehabilitation so that I may have a fresh start. I have made several attempts and have hit a wall each time.

First, I have asked to be enrolled in drug treatment (SAU). My request was denied because my caseworker stated I need a parole hearing. I asked the Parole Board for this hearing and was denied because my back number is too large.

Second, I have also tried to enroll in GOLF, which is a "criminal thinking" program. I have been on the waiting list for over 2 years. The Parole Board has also stated this is a program they want me to complete.

Third, I was enrolled in college classes to further my education until recently when a new plan was implemented that states you have to be within 5 years of your back number or Tentative Release Date to enroll.

I am totally aware of my sentence structure and the nature of my crime, however, I would like to seek tools to better myself. I have come a long way and have grown a lot. I will be released someday and I would like to leave prison a new person, with the tools I need to be a better person. I am not benefiting from sitting in prison doing nothing. I am not asking for help getting out but I am asking for help to participate in programming not available to "long-timers."

Brenda Novak
Nebraska Correctional Center for Women

Attention: Individuals at TSCI

Advocates for Justice wants to hear your stories about your experiences at the Tecumseh State Correctional Institution. The good and the bad, the beautiful and the ugly, compliments and concerns, anything and everything. Please send your story to Advocates for Justice, Inc., P.O. Box 511, Beatrice, NE 68310.

- Cindy Riekenberg
Coordinator

Letters to the Editor NCJR welcomes letters for publication as a way of increasing communication between all who have a stake in the state's criminal justice system. Letters for the June issue should be received by June 1st.

The Day Visit program at the Lincoln Correctional Center

By Karisa Bryan, Recreation Manager at the Lincoln Correctional Center

If being a good father is a challenge in the best of circumstances, imagine how tough it would be for an incarcerated father. The Lincoln Correctional Center has a program aimed at bridging the gap between incarcerated fathers and their children.

The Day-Visit Program at The Lincoln Correctional Center started in October of 2004 and now has 21 fathers who are eligible for visits. The eligibility guidelines and the prerequisite class were modeled after the program at the Nebraska Correctional Center for Women. The inmate must complete the required Parenting Now course that is offered through Metro Community College, have a good institutional record, a cooperating family, obtain approval from the Department of Health and Human Services, and have no crimes against a child, or of a sexual nature. After an inmate is approved it is his responsibility to plan the visit. The Parenting Coordinator/Recreation Manager must get the permission waiver, transportation form, and medical release form back from the guardian prior to the scheduled visit.

The visits are structured and supervised. They take place on Mondays in a designated room within the visiting area. The room is equipped with books, games, art supplies, and toys. The children do a variety of activities during these 4 hours and have a hot lunch served to them during the noon meal.

The visits give the father a chance to practice effective parenting skills and allow for one-on-one interaction. These day visits provide the opportunity for the father to maintain a parental relationship with his child and provide a basic foundation that may enhance the success of that relationship when the parent is released from incarceration.

Prison population and percent of capacity

The following information is from the Febr. 14th monthly data sheet of the Department of Correctional Services.

	Number of <u>Inmates</u>	% of <u>Capacity</u>
Community Corrections Center, Lincoln	386	193%
Diagnostic and Evaluation Center	363	226.88%
Lincoln Correctional Center	489	158.77%
Nebraska Correctional Center for Women	322	117.09%
Nebraska State Penitentiary	1,133	157.80%
Omaha Correctional Center	590	148.99%
Community Corrections Center, Omaha	165	183.33%
Nebraska Correctional Youth Facility	92	135.29%
Tecumseh State Correctional Institution General population	607	90.32%
Tecumseh State Correctional Institution Minimum Custody	32	100.00%*
Tecumseh State Correctional Institution Protective Custody	58	90.63%
Tecumseh State Correctional Institution Special Management Unit	169	88.02%
Total, Febr. 14, 2007	4,406	138.77%
Total, Febr. 14, 2006	4,375	137.80%

BITS & PIECES

“The Exonerated” performed at the Blue Barn Theater

The Iowa/Nebraska Innocence Project was instrumental in bringing “The Exonerated” to the Blue Barn Theater in Omaha’s Old Market, February 1-25, 2007. Directed by Susann Supranant, the play tells the stories of six people who were convicted of crimes they did not commit and were subsequently exonerated. After each of the sixteen performances the director held a “talk-back,” an opportunity for audience members to ask questions of cast members and others, including members of the Iowa/Nebraska Innocence Project. The theater’s art gallery showed portraits (with bios) of 45 wrongly convicted people who were exonerated by DNA testing in 32 states. (Nebraska is so far not among the states that have had exonerations of innocent people.) Activities in conjunction with the play were part of the Innocence Project’s efforts to educate the public about the problem of wrongful convictions. They also offer presentations on the topic to civic, church, school, and other groups. Contact Iowa/Nebraska Innocence Project by phone at 402-341-7954 or by mail at P.O. Box 24183, Omaha NE 68124.

Support for family members of the incarcerated Lincoln and Omaha have groups which provide emotional and informational support when a loved one goes to prison. The **Lincoln Family & Friends of Inmates** group meets on every fourth Monday evening at the East Ridge Presbyterian Church, 1135 East Ridge Drive in Lincoln. For information, call Rett at 402-477-8568 or Pam at 402-601-0895. The Lincoln group will also hold a “Justice Fair” May 12th, from 10 a.m. to 4 p.m. at the northern Light House on North 14th street. Family & Friends of Inmates, **Omaha**, meets on the fourth Saturday of each month (except December) at 2417 Burdette Street in Omaha. For information, call Mel at 402-558-2085 or contact by e-mail at mgbeckman@hotmail.com.

Fundraiser dinner for Ed and Mondo April 14th The University of Nebraska’s Nebraskans for Peace organization is sponsoring a dinner on behalf of Mondo we Langa and Ed Poindexter. Regency Suites Room of the University of Nebraska City Campus Union in Lincoln at 7 p.m. Their attorneys will be there to give an update and to discuss the upcoming evidentiary hearing May 8—11. Tickets and additional information can be obtained from Mary Dickinson (402-435-3073) (mdickin@lps.org) and Nan Graf (402-435-7883).

LB 682 E-mail communication list Individuals who would like to support LB 682 (see cover article in this issue) are invited to send their e-mail address to mgbeckman@hotmail.com. They will then receive news and information about developments relating to the bill from time to time. The e-mail communication list is a project of Family & Friends of Inmates, Omaha.

NCJR Advisory Committee meeting Advisory Committee meetings are held to plan the upcoming issue of the Nebraska Criminal Justice Review. The next meeting will be on May 21 at Holy Family Church, 18th and Izard St. in Omaha at 11 a.m.

LB 682: Additional testimony from the Judiciary Committee hearing on March 8th.

Editor’s Note: The following are excerpts of testimony from the verbal and written presentations submitted to the Judiciary Committee of the Nebraska Legislature on March 8, 2007.

YWCA Omaha (letter to the Judiciary Committee)

“YWCA Omaha strongly opposes LB 682, a bill that would require county attorneys or authorized attorneys to deem a child support payer’s incarceration as an involuntary reduction of income. Our organization provides recovery support services to domestic violence survivors, and many of our clients are recipients of child support owed by parents who may be subject to incarceration. Based on this experience, we can assure the Committee that LB 682, if passed, will unfairly burden custodial parents and their children.

When a person commits a crime and is then jailed for that crime, the effects will usually go beyond just the criminal. Family members, friends, and employers will all experience some level of disruption. But we must never forget that this burden is the result of the criminal’s decisions, and to the extent that is possible, the effects of the incarceration should be borne by the criminal.

LB 682 seeks to shift that burden away from the criminal and on to the criminal’s children and fellow parent. The fact that incarceration limits a criminal’s ability to earn wages sufficient to pay child support is unavoidable, as is the fact that the children will lose support during the period of incarceration. But the parenting expenses do not go away, and the other parent will usually be required to make up the difference. Even if the criminal’s obligation is accumulated as an arrearage, the ultimate responsibility remains where it should.

For the reasons stated herein, YWCA Omaha asks that the Committee acknowledge the potential consequences of LB 682, and decline to advance this bill.”

Compassion in Action (Teela Mickles)

“...how would the average man or woman strategize a successful plan of recovery and transition back into the community with the overwhelming burden of back child support blocking the way? It is imperative that we exhaust all avenues to provide support and transitional services for men and women who are returning to the community and have a desire to become productive members of society, paying taxes rather than being a perpetual tax burden to the State of Nebraska.”

Patrick Ford

“I’m an attorney with the Legal Aid Society of Nebraska, and I’m the project manager for the homeless project of the Legal Aid Society. As such, I’m a frequent denizen of the shelters and the streets where my clients reside, and a significant number of those are gentlemen, and some ladies, who have been in prison, who have been incarcerated. And they come

out, and they have this huge debt. They have to fight through all the stigma of being an ex-con to get a job. When they do get a job, they wind up having sometimes half their salary, sometimes more, being taken from them. They lose any kind of will to work, any point to work. They slip back into homelessness. They wind up in the underground economy. And some of them even wind up going back into drugs or crime. I've seen this happen over and over again among my clients."

Nebraska County Attorneys Assoc. (William MacKenzie)

"We oppose LB 682...the law in Nebraska has been cited by the Supreme Court in the Ohler case, back in 1985: Incarceration is certainly a foreseeable result of criminal activity. We find no sound reason to relieve one of a child support obligation by virtue of the fact that he or she engaged in criminal conduct. As we see it, the only ones that would benefit would be the felons. And I'm not unsympathetic to their position. They've had some very eloquent speakers this afternoon. But this law would work to their benefit at the expense of the children of those families, and we do not feel that that is a just decision. We don't think that this law is just, for that reason."

Family & Friends of Inmates, Omaha (Mel Beckman)

"We support LB 682 because we think it represents a first step toward correction of a bad situation. Nebraska prisoners who have court orders to pay child support are daily sinking deeper and deeper into debt. They're not allowed to request a modification to correspond to their reduced income while in prison. The arrears, and the interest they are charged, become a mountain of debt which plagues them when they are released from prison and trying to reconnect with family and friends. According to figures supplied by Nebraska Child Support Enforcement last fall, there were 1,659 inmates who had child support arrearages, and they owed an average of \$16,000, with interest.

Nebraska has done little or nothing to prevent the accumulation of this kind of debt by prisoners. But unlike Nebraska, many other states have taken action —Oregon, for example, Iowa, and Minnesota, and there are many others, which allow downward modification of an inmate's order if it is needed.

If Nebraska were to adopt this bill, we would be in close agreement with the 2005 to 2009 Strategic Plan published by the National Child Support Enforcement Office. That plan, in a break with their strict enforcement strategies of the past, now recommends early intervention to ensure that a person's child support obligations are consistent with his or her ability to pay. The following is a quote from the 2005 to 2009 Strategic Plan: *'Early intervention to prevent the unnecessary buildup of arrears benefits families in numerous ways, from improving collection rates, to keeping non-custodial parents from running underground to avoid overwhelming and largely uncollectible arrears.'*"

...we believe that most Nebraska prisoners want to support their children. We think they will respond positively, and more of them will meet their monthly child support obligation, if the State stops making them long term debtors."

John Soby

"I'm in favor of this bill. I can relate to this bill on a personal level. I was incarcerated for four years. I went into prison, I had a zero balance; came out of prison, I owe \$28,000 to this day. It ruins your credit report. I took a job. I was well-educated. I went to college before I was incarcerated....Sixty days after I was at that job, I was laid off.

I've been out a year. I started my own business...I make 10 grand a month on sales, and I still cannot pay this \$28,000. The only thing I have to show for it is a truck that someone gave me, a friend of mine gave me, on a loan. I can't get any type of credit for a house. I can't get any type of business credit."

Joy Soby

"I also have been on the other side as an inmate, did four years in prison, came out owing \$28,000 child support. I'm out three months from being in prison, I get this letter in the mail saying I need to come to court to show cause why I haven't paid child support for four years. Child Support Enforcement has been aware of my presence the whole time. I go to court, show cause. They tell me I'm capable of making the wage that I made when I had my modification in 2000. At that point in time, I was working for Qwest Wireless as a contract position, building their wireless technology at \$20 an hour. I had that job for a year and a half, until the contract ran out. I spent four years in prison and you're telling me that I can't make that amount of money again? I can't."

Senator Wightman (Introducer of LB 682)

"I think that in many instances a spouse will actually get as much, and perhaps more, if this bill becomes law, than they will otherwise, because you've heard the story of hopelessness that comes about as a result of this accruing child support while these people are incarcerated. Hopelessness is not a friend, I suggest, of child support collectors.

Its not a question of putting...as one of the testifiers said, putting it on mom's shoulder. Usually...and I think Senator Chambers is absolutely right in that, that if there's been any lengthy period of time of incarceration, that's almost always an obligation owing to the state of Nebraska and not the mom. So I think that's an argument that doesn't hold a lot of water. And the state has an interest in seeing these people rehabilitated, and the chances of rehabilitation are much, much less if they're faced with this child support."

Senator Ashford (addressing Senator Wightman)

"I appreciate this bill, and I'm proud to be a cosponsor of it. I mean, in the ten years I've spent working with...at the Omaha Housing Authority with people in poverty, there is no greater problem than men and women, mostly men, who come out of prison and don't have any hope for a job, and don't have any ability, certainly, to pay child support. But I absolutely, totally agree with you that if you give these people an opportunity to move forward, and don't saddle them with something they've already paid a price for, that you're going to find a way out for those people. I absolutely am convinced of this. I think its one of the most important bills that I've seen come through this committee, and I applaud you for bringing it to us."

The *NEBRASKA* *CRIMINAL JUSTICE* *REVIEW*

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Third Semi-Annual Dialogue with the Department of Correctional Services

Guest: Robert Houston,
Director, Nebraska
Department of Correctional Services

April 28, 2007 10 a.m. to Noon
First Christian Church
6630 Dodge Street in Omaha

Topic:
Rehabilitative programming in prison: How important is it?
How does Nebraska measure up to other states?

For whom?

Relatives and friends of Nebraska's inmates,
and all who support a rational and restorative
correctional system.

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