

# Nebraska Criminal Justice Review

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## Water Problems at NCCW

by Carla Walker, Formerly Incarcerated Military Veteran and Advocate

My introduction to the Nebraska Correctional Center for Women (NCCW) was as a Safekeeper. My insistence on having my medically prescribed, allergen-friendly diet was too much for my county to handle, because I utilized the grievance process regularly, so they sent me to prison prior to being sentenced.

As a military veteran, I was well versed in military procedures. What I quickly learned was that wearing uniforms and screaming questions was considered giving “orders,” and was the York prison version of a military setting. There was a chain of command and a version of procedures that was inconsistent, complacent, and often skewed the lines of corruption.

The medical department immediately sent me to solitary confinement in an attempt to break my insistence on following my dietary needs. Not only would there be bullying and untruths, but what it boiled down to was their inability to provide community standard care.

HIPAA Laws (Health Insurance Portability & Accountability Act) were openly violated. At the time of my entry, medical records were stored and stacked on an examination table.

In the Diagnostic and Evaluation (D & E) Housing Unit, I witnessed a returnee having to beg through her cell door for a prescribed cream to soothe her rashes. This seemed odd since the medical department was located only a few feet

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## Legislative Bills 16, 20, and 631: A Quick Rundown

By Jasmine L. Harris, MPH, CHES

Nebraska’s 108th Legislature adjourned Sine Die, meaning it finished business for the set timeframe, on April 18. The two years of this legislature saw the introduction of over 1,500 legislative and appropriation bills, where 248 became law. In 2024, Legislative Bills 16, 20, and 631 were three of those bills that passed. They will have a major impact for people with felony convictions and who are incarcerated. None of these bills had an emergency clause, (which would have meant they would become law immediately after being signed by the governor), so they will all take effect on July 18, 2024.

**LB 16** updated the Occupational Board Reform Act and passed 42-1 on its final reading. This bill used Fair Chance Licensing policies to remove barriers for people with convictions on their records. This ensures that people have a path forward to apply for occupational licenses, to have the ability to advance in a career of their choice. This bill had been prioritized over many years by different senators. After former Senator Tom Briese became the State Treasurer, Lincoln Senator Danielle Conrad took the opportunity to prioritize this bill and get it across the finish line.

This bill includes the following changes:

- Bases an Occupational Board determination, if an individual is disqualified from obtaining an occupational license, on:
  - ◆ If the conviction is directly and specifically related to the duties and responsibilities of the occupation,
  - ◆ If the individual poses a direct, substantial risk to public safety because the individual has not been rehabilitated, **or**
  - ◆ Beginning January 1, 2025, if there is a potentially disqualifying conviction.
- Requires creation of an application process for individuals with criminal convictions to submit additional information about their circumstances at the time of their application, mitigating factors, and other evidence of rehabilitation to include their education, experience, and other information to show success with reentry.
- Provides a process by which individuals may appeal the determination of the occupational board in accordance with the Administrative Procedure Act, **and**
- Waives the preliminary application fee if an individual’s income at the time of the preliminary application is at or below 300% of the federal poverty level.

**LB 20** eliminated the current two-year waiting period and restored voting rights to people with felony convictions immediately upon completion of their sentence, including completion of probation and parole. It passed on its final reading with a vote of 38-6. Omaha Senator Justin Wayne had championed this bill since 2017, his freshman year as a senator. Being part of the eight-year journey for this legislation was eye opening. One of the most important things about getting this legislation passed was ensuring that advocacy efforts included connecting senators with people directly impacted by this law to show them how this affects people in real life. This was evident in the vote count and especially with a few senators who were around in 2017 that changed their ‘no’ votes to ‘yes.’

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**Continued from Page 1. ..Water Problems....**

away. This woman had a history of documented adverse reactions to the water, but the nurse yelled at her that she would not receive the cream because she should not have returned to prison.

Each housing unit has a bulletin board with mandated postings. I was surprised that the posted water sample was outdated. Surely, the newest posting of current samples just needed to be hung up. Wrong. Water samples were not being taken according to law or facility protocol. The facility was 94 years old. It is safe to say that regulations back then were different from modern standards. I would learn, after my release from prison, that schools, prison regulations and standards are very different from community standards. My discussions with Civil Engineers taught me that what is reported and what is actually executed varies vastly.

My first attempt at communicating with the Maintenance Supervisor introduced me to a rude dismissal of my concerns, wrapped in a bow of denial. I believe they expected me to drop it and move on. I refused to let it go because this accelerated my interest in why the water felt slimy and burned my skin and throat, so I wrote to the York City Water Supervisor who was responsible for receiving the sample. His reply directed me back to maintenance so I reached out to the facility Safety Officer.

Another issue I was advocating for was the removal of a hornet's nest. It was hanging directly above an area where we were forced to line up to be escorted for our three meals each day. Maintenance was not motivated to have the nest removed and the Safety Officer felt compelled to lecture me that only birds build nests, not wasps or hornets.

This motivated me to contact the Nebraska Department of Health and Human Services (DHHS). Now I was fully immersed in the pattern of passing the buck. I had to learn to accept that no one would be taking responsibility. How could I find out the truth and get the issue resolved? I would not even come close to resolving the contaminated water issues.

In the meantime, my battle on my dietary issues and receiving mental health medications was meeting the same fate. I was hungry and grumpy, but also very determined to see this through. The prison pace, however, is slow and methodical.

Each obstacle that I faced simply sent me in a different direction in the maze of my incarceration experience. The biggest disappointment was the reality that multiple people in various positions were regularly collecting paychecks and benefits but not fulfilling their job duties. No one seemed to care and untruths overflowed.

Even after current water samples were finally taken, no one had the courage to address the issue. It would be a financial burden, ....the end.

Within this journey, and in no particular order, there was a riot in the Tecumseh facility, the discovery of miscalculated sentences, and I would stage a solo sit-down protest shutting down NCCW for a few hours. The day-to-day activities of running a punitive system would continue with very little change.

I would learn that long-term solutions were not embraced

within the prison system. Facilities are run motivated by fear. The fear of being harmed. The fear of losing employment. The fear of being labeled weak. The fear of getting sick and dying before being released. Fear can either stop you or motivate you. Instead of learning from mistakes or leading by example, I witnessed that the system's traditional approach was putting out fires, pointing fingers, and denying knowledge. It was the norm in this dysfunctional environment. What was reported and what was carried out were not parallel.

Can one expect to be rehabilitated or treated fairly, and to receive medical/mental health care? Absolutely not.

How do you work with a system that claims to keep people safe when their actions or in-actions show otherwise?

Keeping people safe meant keeping staff safe. Once I realized that the unspoken rule is that inmates are not considered people, I was able to navigate a little differently. I refused to be dehumanized and I certainly would not stand by while my peers were mistreated either.

Ten years later, and after a Legislative win of having \$2.5 million allocated to resolve the contaminated water issue, what has changed?

Communication remains stifled. Collaborative plans are thrown around but not created, and family and friends of the currently incarcerated population still receive regular reports of maintenance and medical issues being met with denials and bullying.

I commend the new prison director's approach and success with necessary programming. My concern is that if detrimental health concerns are not addressed and resolved, will those being released be healthy enough to reintegrate back into the community? Are those with life and long-term sentences expected to volunteer their time to teach and mentor peers, and to do it while balancing cancer diagnoses and continued exposure to the effects of living with contaminated water?

## **Cross Over Prison Ministries**

### **Fundraiser**

**Every month – First Wednesday, 4-8pm**

Grab your family and friends and join us at:  
**Don & Millie's**  
**(Saddle Creek & Farnam)**

**20%** of every dollar spent goes right back to our organization. See you there!

***Please tell the cashier when you order.***

**Continued from Page 1....Legislative Bills 16, 20, and 631**

Until the law takes effect July 18, 2024, individuals who have finished their two-year waiting period can register to vote now. People can visit [www.GetMyVoteBack.org](http://www.GetMyVoteBack.org) for more information and to stay up to date with efforts to restore voting rights for people with felony convictions.

**LB 631** became the Judiciary Committee omnibus bill, also commonly called a Christmas Tree bill. This bill eventually became the vehicle for six bills that were introduced by senators who wanted to make improvements within parole, probation and reentry. Omaha Senator Terrell McKinney championed this bill in an effort to bring accountability to many of the processes and procedures with which people have had major concerns. The bill does the following:

- Creates the Community Work Release and Reentry Centers Act which:
  - ◆ Allows the Department of Corrections and Division of Parole Supervision to contract with providers to create community work release and reentry centers throughout Nebraska. These centers will:
    - \* Increase the number of individuals who are able to go to work release before being discharged from custody.
    - \* Offer therapy, programming, treatment, vocational training and educational classes in these settings.
    - \* Create a program to encourage development of reentry housing, establish and monitor compliance of minimum standards for reentry housing.
- Creates the Reentry Continuity Advisory Board to identify areas for improving continuity and collaboration among the different agencies and offer advice on practices that will enhance reentry services and housing.
  - ◆ The Advisory Board members will include: Inspector General of Corrections, Director of Corrections, Chair of Board of Parole, Probation Administrator, and
  - ◆ Five additional members appointed by the governor that include reentry/restorative justice service provider, victims' rights advocate, formerly incarcerated individual, mental/behavioral health professional, & public policy professional.
- Moves Parole Supervision under the administration of the Director of the Department of Corrections.
- Defines neglect of duty for Parole Board members to include not attending 12 full days of hearings within a calendar year and requires continuous training on cultural competency, ethics and motivational interviewing.
- Prevents the Parole Board from denying parole solely because programming was delayed, or not offered, due to operational issues, such as staff shortages, lack of funding, or maintenance issues.
- Requires the Parole Board to provide Parole School sessions that will prepare individuals for parole hearings and for success when released on parole
- Requires the Department of Corrections to:
  - ◆ Complete a study examining risk assessment tools by all agencies to determine and establish the use of a unified risk assessment framework, and
  - ◆ Establish a program to accept book donations, begin the National Career Readiness Pilot program, and to provide the opportunity for individuals to obtain state identification or renew their drivers' license before they are released.

It seems that there is never enough progress in Nebraska to create change that positively impacts people who have been involved in the legal system. Just as the age old adage goes, ***change takes time***, it is the same for changing attitudes, beliefs and perspectives. This is what needs to happen to even begin the transformation we want to see. But over the past few years, there have been many elected officials and advocates working together to improve this by listening, learning and taking action. In other words, ***we have time today*** to continue to work towards creating system changes that allow people to be seen, heard and recognized.

**Thank You, Supporters of the NCJR!**

The Omaha Society of St. Vincent de Paul for their publicity activities for the NCJR,  
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**(Annual Donation Goal FY 2023 — 2024: \$7500)**

## Changes to Veterans Courts

By Jeanie Mezger

In February this year, Former Senator Chuck Hagel came to Nebraska to promote legislation that would expand the use and availability of specialty courts for veterans. The Judiciary Committee worked quickly to amend LB 253 (as originally introduced by Senator Tom Brewer, the bill was related to the Nebraska Law Enforcement Training Center) by replacing the original contents with the legislation from Hagel.

According to a February 23 *Nebraska Examiner* article by Aaron Sanderford:

*The proposal would let every Nebraska state court connect veterans with some of the wraparound services offered today by separate veterans courts in Douglas, Sarpy, Lancaster, Adams, Hall and Buffalo Counties.*

*Unlike the fuller county problem-solving courts, which experts said serve 5% of eligible veterans, this proposal would instead rely on the federal Veterans Administration for services such as mental health counseling and medical help.*

Currently, the determination of which cases move to veterans courts is in the hands of prosecutors; after July 1, 2025, judges will make that decision.

After the Nebraska County Attorneys Association voiced worries that veterans charged with sex offenses might benefit from the expanded services of veterans courts, the bill was changed to exclude those veterans.

Large numbers of veterans end up on the registry. According to a 2020 report from the National Center on Homelessness Among Veterans (NCHAV), [Housing for Veterans with a Sex Offense History: Policy and Programmatic Solutions to Address Barriers for a High Need Population](#), about 35% of incarcerated veterans in the United States have been convicted of a violent sex offense.

The same report notes that each year between 10,000 and 15,000 veterans are released from prison and "...as many as 4,350 may have a sex offense history."

How many of these veterans end up homeless? The NCHAV report says that "roughly one in 10 Veterans on sex offender registries accessed a VHA Homeless Program at some point over a five-year period," though it also says that quantifying homelessness and ascertaining if registry status is to blame for it is difficult.

Reentry after prison for people convicted of crimes of a sexual nature is widely recognized as more difficult because of the stigma imposed by the registry. Residence restrictions also make it more difficult to find housing. Being a veteran does not make housing any easier to find.

In April 2022, a [Project CHALLENGE \(Community Homelessness Assessment, Local Education and Networking Groups\) survey](#) found that housing for veterans on the registry ranks among the top ten unmet needs for veterans as ranked by veterans themselves and by service providers.

When we think about what veterans deal with in active duty—the stress of combat, obviously, but they also may

have experienced loneliness and boredom during active duty. Long separations from family are stressful. Many reasons lead some in the military to choose unhealthy coping mechanisms such as drug and alcohol use. Using pornography as a stress reliever has led some to illegal images and then to registry status.

**Federal Offenders Who Served in the Armed Forces**, a report from the United States Sentencing Commission, says that in federal criminal cases, "Veteran offenders .... committed child pornography offenses more than four times as often as citizen offenders overall, 11.6 percent compared to 2.7 percent, and sex abuse offenses more than twice as often, 6.7 percent compared to 2.4 percent."

Veterans courts in Nebraska were established when LB 919 was passed in 2016. The original intent of these specialty courts seemed to include sex offenses for which probation is a possible penalty, according to LB 919: "Non-probation-based programs or services include, but are not limited to, problem solving courts established pursuant to section 24-1302 and the treatment of problems relating to substance abuse, mental health, sex offenses, or domestic violence..." If veterans courts dealt with "treatment of problems relating to...sex offenses..." it seems that the court **was** allowed to handle sex offense cases.

A court set up to help veterans now **excludes** veterans who are charged with crimes that data indicates are a more common problem among vets than the general population.

The work done by the National Center on Homelessness Among Veterans to learn why so many veterans are homeless is encouraging. Perhaps this effort will increase awareness of the damage done by the registry.

**This article is adapted from an April 2024 Nebraskans Unafraid newsletter article.**



### Meeting Announcements:

- **FFI (Family & Friends of the Incarcerated)** Meetings monthly, 4th Saturday, 9:30am - 11:30.
  - Location: Underwood Hills Presbyterian. 851 N 74th St. Omaha
- **Fearless—Nebraskans Unafraid:**
  - 2nd Thursday evening—Lincoln
  - 2nd Saturday morning—Omaha
  - 2nd Sunday evening—Norfolk \* NEW!
  - 3rd Monday evening—Omaha

\* For details, 402.403.9250;  
[nunafrd@gmail.com](mailto:nunafrd@gmail.com)

# Race and “Reasonableness”: The Crisis of Police Killings

By Terri L. Crawford, JD

I don’t have to tell you about it, we all witnessed it together. On May 25, 2020, I distinctly remember the look in the eyes of Derek Chauvin as he knelt with the full weight of his body on the carotid artery of George Floyd’s neck for over nine minutes. Mr. Floyd was handcuffed, lying face down on the street, was not a threat, and we watched him die in slow motion as he called out, "I can't breathe." This all happened during an arrest made with three other officers. It was painful and familiar.

What has not been widely disseminated is the fact that Chauvin was involved in two shootings in 2006, one of which was fatal. He was involved in two shootings in 2008 and one in 2011. Prior to the George Floyd incident, he had been the subject of at least 17 complaints, but the police accountability system allowed him to remain employed. Since then, we have watched many other officers act with impunity as unarmed Black men and women are killed, not unlike what we saw on the street in Minneapolis.

Police officers in the United States have killed over 1000 civilians each year since 2013\*. The constitutional landscape that regulates these encounters defaults to the judgments of the “reasonable police officer” at the time of a civilian encounter based on the officer’s assessment of whether threats to their safety or the safety of others requires deadly force. As many of these killings have begun to occur under similar circumstances, scholars and others have renewed a contentious debate on whether police disproportionately use deadly force against African Americans and other nonwhite civilians and whether such killings reflect racial bias. How would you answer this inquiry: Is it race or reasonableness under the circumstances? (\*Jeffrey A. Fagan & Alexis D. Campbell, *Race and Reasonableness in Police Killings*, 100 B.U. L. REV. 951, 2020).

In the wake of the murders of George Floyd, Breonna Taylor, and Rayshard Brooks, thousands of Americans from across the country have been standing up for racial justice and demanding fundamental reform to the way this country conducts policing. There is also the case of Tamir Rice, a 12-year-old Black child who was throwing snowballs and playing with a toy pellet gun in a Cleveland, Ohio park. Video shows that upon arriving at the park, officer Timothy Loehmann shot the child within two seconds of getting out of his patrol car. (*Brookings Institution, Howard Henderson – July 8, 2020*).

We know too well that law enforcement has victimized communities of color throughout U.S. history. The intersection of police violence, the racially disparate impact of the COVID-19 pandemic, and a rising right-wing white supremacist movement has elevated the devastating effects of racism and police violence for a much broader slice of the American apple pie. A research study conducted by Rutgers University in 2020 shows that over the life course, about one in every 1,000 black men can expect to be killed by police.

\*\* The risk of being killed by police peaks between the ages of 20 and 35 for men and women of all racial and ethnic groups. However, Black women and men are significantly more likely than white women and men to be killed by police, regardless of age category. (\*\* School of Criminal Justice, Rutgers University; Department of Sociology, Washington University, St. Louis, MO; and Institute for Social Research, University of Michigan.)

Many of us were united by our rage and joined together in protests that rivaled the Civil Rights protests of the 1960s. Upwards of twenty-five million Americans gathered in the streets. In all 50 states and across the globe, Gen-Xers and Baby Boomers expressed their discontent with police practices in the weeks following the killing of George Floyd. Video evidence has repeatedly shown that these lethal police tactics could be avoided. Polls are highlighting America’s call for widespread, systemic changes to a criminal justice system that has failed to attain the level of transparency and accountability necessary in a democratic society. Police reform demands an evidence-based approach that must be identified and led by individuals who share lived-experiences with the historically disenfranchised.

According to the Center for Justice Research at Texas Southern, despite the unprecedented support for change in police procedures, there remains a lack of solutions that improve police-community relations. Culturally-responsive reforms must be adopted and must include researchers, decision makers and members of impacted communities.

Until meaningful change happens we are going nowhere. The experts are assembled, data has been compiled, and the research is complete. It is time for law enforcement to utilize the collective resources of culturally sensitive researchers, policy experts, civil rights lawyers, experienced trainers and the voices of justice-impacted individuals (who continue to be sacrificed at the altar of Injustice), to affect change.

## Douglas County Needs Input for Juvenile Justice Plan

Douglas County is asking for your input to develop a Comprehensive Youth Services Plan for 2025-2029.

Send comments to: [strategic.plan@douglascounty-ne.gov](mailto:strategic.plan@douglascounty-ne.gov)

Primary areas include:

\***Diversion**

\***Mental Health services**

\* **Excessive school absences**

\***Other services to divert youth from the Juvenile Justice System**

SAT. June 22 9:30-11:30 AM	SAT. July 20, 9:30-11:30 AM	SAT. August 10 9:30-11:30 AM
St Luke’s Lutheran Church Basement, 2315 I St	Metro Community College, Building 22, 5300 N 30th	Concord Mediation Center, 2910 S 84th St.

## Solitary Confinement: Share Your Story

The ACLU of Nebraska invites you to share your experience with solitary confinement. Our goal is to educate and inspire others to act. We are looking for 1) Letters that detail your unique story and experience with solitary confinement and 2) For artistic works relating to your experience with solitary confinement. We welcome submissions from anyone directly (i.e., currently or formerly incarcerated) or indirectly (i.e., family, volunteers, etc.) impacted by solitary confinement. While we may not fully understand experiences we have not lived, sharing these experiences provides valuable insight.

Thank you for considering this and trusting us with your experience.

### Submission Guidelines:

If you wish to submit your story or a letter detailing your experience, please limit your submission to 600 words maximum (about two pages). If you are comfortable, sharing specific details is extremely helpful in education and advocacy efforts.

Feel free to review and edit your story or letter before sending it. You want others to read it!

If you submit artistic works, you may include up to two drawings, poems, etc.

Please copy the template waiver language below, sign it, and date it if you want your submission(s) to be used.

Mail to: ACLU-NE (SC), 134 S. 13th St. #1010, Lincoln, NE 68508.

You do not have to type anything. Take your time and write legibly.

Submission deadline is August 15th, 2024.

### Waiver Template:

I, [print your full name], grant the ACLU of Nebraska full rights to use my submission (write the type of submission here in parentheses) for any purpose relating to education and advocacy efforts on solitary confinement. I also acknowledge that my submission will not be returned to me and will remain anonymous unless I choose to sign my submission.

Signature: [Your Signature] Date: [Date Signed]

### Example of a completed waiver:

I, John Doe, grant the ACLU of Nebraska full rights to use my submissions (my letter and a poem titled Sorrow's Nights) for any purpose relating to education and advocacy efforts on solitary confinement. I also acknowledge that my submissions will not be returned to me and will remain anonymous unless I choose to sign those submissions.

Signature: John Doe Date: August 1, 2024

## Solitary Confinement: A Harsh Reality in U.S. Prisons

by Jason Witmer, Policy Fellow ACLU-NE

Solitary confinement is a grim reality for many in U.S. prisons and jails. According to the 2023 report, *Calculating Torture*, from Solitary Watch and the Unlock the Box Campaign, over 122,000 people across the country are confined alone in small cells for at least 22 hours a day. This intense isolation affects not only their physical health but also their mental well-being, leading to long-lasting consequences.

The report highlights the disproportionate impact of solitary confinement on people of color, raising concerns about systemic racism in the U.S. correctional system. In federal and state **prisons**, nearly 81,000 individuals are subjected to solitary confinement annually, which is about 6.3% of the total prison population. In local and federal **jails**, the numbers are equally troubling, with data suggesting an even higher prevalence of solitary confinement over the course of a year.

The adverse effects of this extreme isolation are profound. Individuals held in solitary confinement often experience anxiety, depression, and hallucinations, leading to harmful behaviors and increased suicide risk. These effects challenge the notion that solitary confinement enhances safety. Instead, it fosters a cycle of trauma and violence, complicating rehabilitation efforts.

The report also sheds light on ongoing policy changes aimed at reducing solitary confinement, such as the Humane Alternatives to Long Term Solitary Confinement (HALT) law in New York. These changes represent a significant shift toward a more humane correctional system.

Despite these efforts, solitary confinement remains a significant issue, underscoring the need for continued advocacy and reform. The report conclusion calls for better data collection and transparency in correctional facilities, along with robust campaigns to end the practice.

The battle against solitary confinement is a fight for human dignity and justice. By recognizing the harmful impacts and working towards alternatives, society can make strides toward a more compassionate and effective correctional system.

## Protecting Vulnerable Nebraska Youth from the Harms of Room Confinement

by Jason Witmer, Policy Fellow ACLU-NE

Nebraska LB 230, a bill that took effect in 2020, significantly restricted the use of room confinement for juveniles by requiring that such isolation be used only in exceptional circumstances so as to “eliminate the substantial and immediate risk of harm.” This bill also placed other limits on the use of room confinement, and mandated continued access to educational programs and family contact during confinement. This legislation aimed to mitigate the profoundly damaging impacts room confinement, another term for solitary confinement, can have on the mental and physical health of Nebraska youth.

Despite the protective intentions of LB 230, the 2023 Juvenile Room Confinement Annual Report from the Office of Inspector General of Nebraska Child Welfare indicates widespread non-compliance among juvenile facilities. Facilities across the state frequently exceed the limits the law places on confinement, thereby risking severe psychological and developmental harm to young people in Nebraska facilities. Prolonged isolation can lead to increased anxiety, depression, and even long-term psychological trauma, which are particularly detrimental during the critical developmental stages of youth and adolescence.

The Nebraska Child Welfare IG report emphasizes the urgency of addressing these compliance failures. Recommendations to ensure compliance with LB 230 include:

- Tightening oversight mechanisms to ensure facilities adhere strictly to the limits on confinement.
- Providing robust training for facility staff on requirements of LB 230 and the severe impacts of non-compliance on juvenile health.
- Conducting comprehensive audits by independent bodies to monitor and ensure compliance with the law.

Ensuring that facilities that house Nebraska youth comply with the law is crucial for the psychological and emotional well-being of juveniles in detention. Not only that, it is the law. By ensuring that facilities use room confinement only within the limits outlined in LB 230, Nebraska can better safeguard the rights and futures of vulnerable youth across the state.

## Not Voting Kills

By Ava Bonner

Voting in American society is seen as a right that you should use if you have it. However, if you are eligible, it is not mandatory. In fact, even if you are eligible, very few states implement automatic voter registration. That poses a frequent question from apathetic citizens: Why should I vote? There are no compulsory laws against not voting, no penalties, or fines. If you don't vote, no one is going to come shoot you. Except, depending on your demographics, perhaps they might. Or, maybe they'll just shoot someone else instead ... like Michael Brown.

Michael Brown was an eighteen year old Black child when he was shot and killed by a White police officer in Ferguson, Missouri in 2014. Due to the unfortunate nature of the racial divide in this country, this tragedy may come across as “just another shooting,” but it was not only Michael Brown that was doomed before the shooting even occurred. It was the entire city. UNO Professor and United States Senate candidate, Preston Love Jr., goes into depth explaining the implications not voting can have on a community in his book *Economic Cataracts*. In 2014, the population/demographic breakdown of Ferguson, MO consisted of 22,000 citizens, with 67% of those being Black. Yet, Ferguson's elected officials showed a different story. With a White mayor, 5/6 White membered city council, 6/7 White membered district school board, and you guessed it - one White police chief overseeing a police force with only three Black officers, it is evident that these positions did not reflect the community they were serving (Love Jr., Preston. *Economic Cataracts. Chronicle of Efforts to Remove the Obstacles of Urban Community Engagement and Economic Inclusion*. Preston Publishing, 2015.)

It is not rare in America to see an overrepresentation of White people in positions of power. Nevertheless, for predominantly minority communities, there is no excuse for this to happen in positions that involve elected officials. It can be avoided, and it should be avoided. Not participating in an election is fully enabling someone else to make decisions for you, your family, home, or community. That is not only ignorant- it is dangerous. Polling statistics show only 8% of Black Ferguson citizens voted in the midterms in the year 2014 (Love 2015). The Implications are clear.

The emphasis on voting in America typically only pushes the general election of presidents, with little light shined on positions within the Legislative and Judicial branches. These seats are all essential to the progress of our country, but local representatives often have a bigger impact on our daily life.

Men of Color knew in the 1870's and Women knew in the 1920's the power of voting, and they weren't just fighting for their country. They were fighting for their county, their city, and their state. They fought for their right to pick presidents, yes, but they also fought for the nonpartisan positions that make direct decisions for their community - ones that construct and fund our children's education, and others that pave and protect our streets.

When you vote, you are choosing officials like the mayor, who appoints people such as police chiefs, who hire for positions of police officers, who deal with everyday people and children like Michael Brown. Not exercising your right to vote gives away power to people that abuse it, or worse, abuse others. Not voting literally kills.

# LETTERS

## Living in the Unknown of Prison

By *Crescent Willie Tucker 34490 NSP*

Being incarcerated in the state of Nebraska, serving a long prison sentence of any kind, will bring prison trauma, and mental complications to any person that experiences the elements of confinement. What are we going to do?

The realistic expectations of prison and the consequences that are designed by the functional presentation that prison portrays, will develop the seeds that sow the imminent rivalry, and hostile emotions that will move with force throughout the prison population.

These experiences of traumatic patterns develop damage that goes unseen. Eventually they will turn into a form of systemic trauma, which deals with anger, frustration and irritability. If these emotions are not channeled and treated clinically and correctly, they will come to the surface and go straight into action. Also they will transform an individual's personality to show some kind of conflicting dysfunctional reaction from the emotional damage one experiences.

One thing I have learned through this prison experience is that *everyone* here is waiting and looking for their out date to come; or they may be waiting on some assistance to get an out date. Whatever it may be, does that make us mentally unstable? No, it doesn't. It means we are sane, because each one of us wants an out date.

Hmmm . . . The laws, statutes, rules and procedures are constantly revised and changed to fit only a small number of incarcerated individuals, leaving some others out because of their sentence structure. It's not right, when we are *all under* the same umbrella of Corrections.

The leadership is always supposed to show professionalism toward their entire populace. Not just to those that the administration considers as non-violent offenders. How wrong is that? The NDCS administration has a classification system that is designed to strike out more people than it helps. This too, is completely wrong!

As it stands now, we are *all assigned* to specific legislative bills that regulate our stay here and our discharge date. I ask myself, how is this system run efficiently or effectively when only a small number are ever released from prison, and the rest are still restricted to stay in one position? How could this be? We are *all* under the same umbrella of Corrections.

I know *everyone has* the potential to change whatever mental and physical handicaps they have, that caused them to break the law from the beginning. We *all have* the qualifications and potential to make a good change if we are given a chance to prove ourselves.

What I would like to see happen within Nebraska Agencies of Adult Corrections, Parole, Pardons and the Legislature, is to get them to stop moving the goalposts. For a large number of

us, every time we get close to receiving release or community opportunities, they move the goal post back again. . . . The Nebraska Parole Board, Nebraska Pardons Board, the Nebraska Department of Correctional Services and the Nebraska Legislature are over *all of* the incarcerated population in the state of Nebraska. What is the problem? When it's time to make umbrella decisions, the small number being released are greeted and covered with open umbrellas; but for the larger group being restricted to stay, the umbrella is always and forever closed! I would like to see the umbrella open up for *everyone!*

Thank you for listening to my concerns.

## Why Lifers Succeed After Prison

By *Todd L. Cook 047656 NSP*

There is an undeniable statistic that proves people convicted of homicide have the lowest rate of recidivism out of all classes of felons. Usually, these individuals serve a great deal of time in a correctional facility, came to prison at a young age, and have since matured into responsible adults. But those aren't the only reasons why "lifers" have such a high rate of success upon release.

If we take a closer look, we can see that time in prison doesn't necessarily change people. That's demonstrated by the revolving door of the criminal justice system. Equally, coming to prison at a young age doesn't guarantee that you will cease criminal behavior, and maturity will only occur for those who choose to live a responsible lifestyle. So why do "lifers" consistently overcome their character defects and become law abiding citizens where others fail?

My over 30 years of experience in a correctional facility has taught me that the reason "lifers" are more effective at reentry is because their rehabilitation is more genuine, self motivated, and self directed. They are usually excluded from custody advancements. They are not reviewed by the parole board. They are prevented from taking certain programs due to sentence structure, and there are few requirements or programming expectations as a result. Additionally, they serve most of their lives in prison.

However, in the face of all of this opposition, lifers facilitate programs, self regulate, and develop into caring, empathic, and compassionate people. This is primarily accomplished because they choose to change for their own sake. Not because they will be released if they sit through required classes and fake their way through the system. Lifers change because they have failed worse than anyone else possibly can and they want to show that they respect the loss of life. These individuals want to quantify that the mistakes of their youth do not define them. As a human, they strive to make up for the things that cannot

**Continued on Page 9**



## LETTERS continued

Continued from Page 8.... Todd Cook

be made up for. In this way, they actually change the person who committed such a horrible crime into a person who society would normally respect, had it not been for their failures.

That's why a person given a life sentence is safe to release. That is why they have such a solid track record of success. They are the definition of rehabilitation and their lives are a testament to the power of perseverance.

### Unusual, Unnatural, Taboo?

By Christian Henderson 98506 NCCW

When two human beings become incarcerated do they suddenly cease being human? Why is it that when incarcerated people find the connection, explore compatibility through companionship, and fall in love, it is somehow unusual, unnatural, or taboo? Why is it forbidden? The administration says, "We don't want to condone relationships."

So you separate us from society, pack us tightly together and expect us not to develop any meaningful connections. Do you not understand that when it comes to any tangible support for one another as we carry ourselves through our shared experiences together, this develops deep connections. The only relatable support system we have is with each other. As we share our heartbreak, as we share our disappointments, as we lift one another up from failure, as we give counsel to each other, and as we share what is our life together, how can it be so taboo to somehow find love?

The most fulfilling mission as a human being is to love and be loved. We don't look at each other the way NDCS sees us, as just another body in this flesh-for-cash business called Corrections. We see each other as human beings capable of making human mistakes, and learning from these mistakes through each other. We see each other as people, deserving of human dignity before we ever see one another as convict, felon, or prisoner.

You can't remove us from society, remove us from usual human interactions, remove us from developing meaningful connections, remove us from the ability to show emotion, remove us from all the intricacies that make us human, and then release us back into society expecting us to succeed. Please understand that a major part of success is the support that comes with meaningful connections. We leave prison confused from being excluded from all the great attributes that make a functional human, and go at it alone just the way we were expected to do during our incarceration.

Here at NCCW, while they don't want to "condone" relationships, they do use our relationships and our love as a means to punish us. We fall in love and live in fear that at any moment administrative staff will separate us from the one we love.

I write this article from segregation. My significant other and I decided to sacrifice ourselves to advocate for fairness, to be given the same grace we see afforded to other relationships happening in the same unit.

I have seen a common thread in relationships that get separated. We are the ones who stand up and speak when things are not right.

They do this to family relationships, too. They refuse to let mother and child reside together in the same room or even in the same unit. They keep sisters apart even though all they had was each other when growing up. NCCW administration utilizes those we love most to hurt us the most.

How can anyone trust to be rehabilitated by a system that will do whatever possible to create detriment in an incarcerated individual's life?

### New prison and overcrowding

By Max Niemann 27471 RTC

I have to agree with what Ms. Belt said in the last issue of the NCJR. I would like to add that they should have kept the east and west cell housing units and they should not destroy the State Pen (NSP). It could be used for people who are sentenced to less than five years (short-timers). It is also historical.

When they were destroying the east and west cellhouses back in 1979-80, they had a big boom crane and some semis with flatbed trailers. They had the exterior of the east cell house down and were using the boom crane to put the four-man cells on the trailers. Some of the inmates who were watching were told by a guard the cells were going to an outstate prison; he thought either Michigan or Ohio.

Also, what I can't understand is when they still had the east cell house where Housing Unit 1 is, the water pipes never caused any problems.

If you have ever been to the prison, the short wall by the end tower is where the front of the cell houses were. Something you've probably never been told is that LCC (now RTC) was opened in 1979 and Housing Units 1, 2, 3, and 4 were opened Thanksgiving 1980.

They are spending a lot of money to update RTC but won't do that for NSP. Building the new prison by the landfill won't relieve overcrowding since they want to empty NSP out. They really need to build a minimum security facility, either in central or western Nebraska so families won't have to drive across the state for visits.



# LETTERS continued

faith to give them what ultimately is a first chance through love, grace, and mercy.

## What Does a Second Chance Mean?

*By Michael Jackson #49571 with Zachariah Serna #214014 NCYF*

Does it mean for a select few or is it for everyone? One would think it means everyone but sometimes that's not the case. The implication of a second chance means that you already had a first chance.

Generally, second chances refer to those who have made poor choices, the less fortunate, and those who are addicted to drugs. Many of these individuals have made it to the criminal justice system. Often, second chances are given in relationships because of love. There are two commandments that we are fond of. The first, *Love the Lord your God with all your heart and all your soul and all your mind*. This is the first and greatest commandment. The second, *Love your neighbor as you love yourself*. All the law should hold on to these two commandments (Matthew 22:37-40).

A question that has arisen for us is: is it possible to love someone besides my family like I love myself? When we began to dissect this thought, we found ourselves focusing on those two commandments. Then we began to change our mindset and step into our purpose of helping others. Our lives began to fill with joy, patience, and understanding, and fulfilling these commandments of loving God and loving others became a way of life.

Loving God and loving others was easy for us, however. Hoping for a second chance required work to show that we are deserving of a chance. When you think about the Nebraska Department of Corrections, one could infer that it's a place where you can correct what's wrong through rehabilitative programs. Again, most people look at prison as providing a second chance at life when in all actuality it's the individual's first chance. What does it mean to have a state that has a month designated as *Second Chance Month* if it doesn't apply to everyone? Are some individuals not supposed to celebrate this month?

Before a second chance can even be considered one has to take responsibility for their actions, show that they are remorseful for what they've done, and then seek to understand their why and get to the root of the issues that led them to prison. Once they've done all their soul-searching and self-reflecting and become self-aware, now they can begin to heal. We use the acronym "SHIFT" to sum it up the most effective way: S-seeking, H-healing, I-inside, F-for, T- transformation. Once an individual has been able to heal from all the hurt and pain they've been through and caused in their lives. Now they can start the rehabilitation process which hopefully leads to redemption. The Department of Corrections offers many programs.

Second chances should be considered for all individuals if they have sought opportunities for rehabilitation and shown a commitment to self-improvement. Their behavior and conduct should be factored into this.

Second chances don't exist for certain individuals unless someone believes in them and is willing to take a step of

Abbreviations for NDCS Facilities:	
<b>CCC-L-</b>	Community Corrections Center - Lincoln
<b>CCC-O</b>	Community Corrections Center - Omaha
<b>NCCW</b>	Nebraska Correctional Center for Women
<b>NCYF</b>	Nebraska Correctional Youth Facility
<b>NSP</b>	Nebraska State Penitentiary
<b>OCC</b>	Omaha Correctional Center
<b>RTC</b>	Reception & Treatment Center (was LCC)
<b>TSCI</b>	Tecumseh State Correctional Institution
<b>WEC</b>	Work Ethic Camp

## Warden changes, 2024

*By Linda K. Ohri*

Director Rob Jeffreys made some changes to his administration earlier this year. People who have family members in these facilities may already have noticed or heard about the resulting changes.

Warden	Current Facility	Former Facility
Shaun Settles	TSCI	CCC-O
Craig Gable	CCC-O	TSCI
Barb Lewien	NSP	OCC
James Jansen	OCC	CCC-L
Michelle Wilhelm	CCC-L	NSP

From a January 16, 2024 NDCS press release:

*Robert Madsen, the deputy director for prison operations, has assumed oversight of all nine state correctional facilities. He will also lead the newly-developed multi-disciplinary prison operations team, focused on the safety and security of NDCS facilities.*

*Dawn-Renee Smith, the deputy director for rehabilitative services, will continue to oversee programs, reentry and classification. Additional responsibilities include oversight of research and the correctional industries program. She will also serve as chair of the multi-disciplinary rehabilitative services team, focused on programming, reentry and community engagement.*

*Dir. Jeffreys announced additional changes within his executive team, to foster closer collaboration among the legislative, communications, and intelligence and investigations divisions. Leaders of these divisions, reporting to the director, include: Legislative Coordinator Alex Timperley; Director of Strategic Communications, Dayne Urbanovsky; and Assistant Deputy Director- Intelligence and Investigations, Rich Cruickshank.*

## Time for Policy to Match the Science

By Todd L. Cook 37656 NSP

To address the overuse of life sentences, some states have introduced Second Look legislation (for example: LB 432 in Nebraska). In others, courts have used their own state constitution to ban mandatory life without parole sentences for people over the age of 18. See *People v. Parks*, IL, 2022 (age 18); *Matter of Monschke*, Wash, 2021 (18-20 year olds); *Commonwealth v. Robinson*, and *Commonwealth v. Mattis*, Mass, 2024 (18-20 year olds).

According to current research, brain development continues until a person is in their mid-twenties. Late adolescence and young adults are more like juveniles in their decision making than older adults. As a result, a person's "mental age" is more important than their chronological age when deciding punishment for crime. This is due to the fact that late adolescence and young adults are stages of neurological growth where a person's brain is still developing, which should be considered when deciding punishment for crime.

Definitions:

Late adolescent - Ages 18-21

Young adults - Ages 22-25

Source: Center for Law, Brain & Behavior at Massachusetts General Hospital (2022). White Paper on the Science of Late Adolescence: A guide for Judges, Attorneys, & Policy Makers.

With this as the backdrop, what are the appropriate punishments for young people who commit homicide?

Should we cast them out and ban them from society for the rest of their natural lives, or should we allow brain science to dictate policy?

When the whole world was gripped by the fear of COVID-19, we heard the mantras to "follow the science" and "listen to the experts." It was said that they know how to keep society safe because they understood the situation better than we did. Best practices of social distancing were used. Masks were mandatory and quarantine became more than a buzzword. We made it through as a result.

So why is it that our criminal policies regarding brain science, in relation to late adolescence and young adults, are failing to reflect what the experts are saying about these critical stages? The very nature of human development, specifically how the different regions of the brain form as we get older, isn't recognized or acknowledged by current youthful offender policy. As a person matures, the area of the brain that responds to rewards develops before the area that regulates behavior. This causes the impulsivity, risk-taking, and recklessness so commonly found in young people. It isn't until after it is too late, in a lot of cases, that the youthful offenders' brains fully develop and offer cognitive awareness.

So what are the appropriate punishments for this group of people? In many states it is still allowed by law to give a person between the ages of 18 to 25 a mandatory life without parole sentence. That creates a huge concern that people are being given disproportionate sentences as a result of circumstances outside of their control, specifically, underdeveloped executive functioning. Adding in the new research of brain

development, current scientific knowledge of the effects of Adverse Childhood Experiences (ACE) into adulthood, and legal precedent that indicates youth matters, we must conclude that any "mandatory" sentence is disproportionate and therefore unconstitutional.

In general terms, a disproportionate sentence is one that does not fit the crime, the offender, or the interests of justice. That makes it cruel and unusual punishment, which is unconstitutional. It is possible that a sentence may become disproportionate as a result of rehabilitation while incarcerated, growth, and maturity. In this way, any sentence given to a demographic which is still developing executive functioning, even if viewed as appropriate at the time, has the potential to become unconstitutional. That is not fair and equal protection under the law and it is time that our policies reflect the science.

As a result, a sentence which allows for release from incarceration, while a person is still able to work and build a life outside of prison, seems to be more appropriate. That is supported by the recidivism statistics showing young people who commit homicide are least likely to reoffend out of all classes of felons. This is usually accomplished after serving between 20 to 30 years, which is a significant length of time to live in a correctional facility. Through rehabilitation programs, normal growth and maturity, as well as an extended period of incarceration, youthful offenders have consistently been able to reenter society (in states with appropriate policies) with very little risk (2 percent recidivism), and a high rate of success (98 percent). As such, we, as a civilized society, must impress upon lawmakers to follow the science. It worked during covid, and it can work to fix our criminal justice system.

### SURVEY

**Which of the following sentences would you think is appropriate for a youthful offender convicted of first degree murder?**

(Send answers to [toddcook2.0@gmail.com](mailto:toddcook2.0@gmail.com) )

**(On the subject line of the email, please enter SURVEY.)**

1. Mandatory life without parole in an adult facility.
2. Life sentence with the possibility of parole after 20 years in an adult facility.
3. Sentence between 40 - 80 years in an adult facility.
4. Youth facility until age 21, then an adult facility with a sentence between 10 to 60 years.
5. Youth facility until age 21, then life in an adult facility with possibility of parole after 10 years.

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**Mission:** To improve public understanding of the criminal justice system in Nebraska and the needs of offenders and victims. To improve communication between those who administer and staff the criminal justice system, those who make plans and laws for it, those who are personally affected by it, and the community which pays for it and should be involved with it.

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