

Two prison reports present major challenges to the Legislature

By John Krejci

The well-researched report of the Council of State Governments was presented on December 11th. The bombshell report of the Legislative Committee on Corrections, headed by Senator Lathrop, hit the news on Dec. 14th. Both present a major challenge for the new Legislature. With 18 new faces in the Unicameral, a new Governor, and soon a new Director of Corrections, one hopes for a fresh look at the problems and perhaps some creative solutions. (A recent news article and *Lincoln Journal Star* editorial revealed that "law-and-order" Texas has undertaken a creative, community-based approach to their huge incarceration problems. If Texas, why not Nebraska?

The Council of State Governments' recommendations included the following:

1. More, and more intense SUPERVISION of both parolees and those who exit prison without parole. Also more resources to aid former inmates in employment, housing, job training, drug and alcohol treatment, and support in the community.
2. Implementation of means to lessen SHORT SENTENCES (less than a year) for minor crimes. Short sentences entail warehousing, no programming, and a high rate of recidivism – the revolving door syndrome.
3. Greater use of PROBATION, especially in Omaha, Lincoln and Sarpy County, rather than prison time. Increased use of community corrections, such as drug courts, electronic monitoring, house arrests, and mandatory drug and alcohol treatment.
4. Implementing means to lower the rate of JAMMING OUT (serving entire sentence and avoiding parole supervision). Or providing supervision for those who jam their sentences.
5. Increased resources for COMMUNITY CORRECTIONS. An investment of \$30 million in community corrections could save \$262 million to expand present correction facilities.
6. The parole bottleneck must be opened up. More resources must be given to PROGRAMMING for inmates preparing them for release.
7. And last but certainly not least, greater resources and treatment for the mentally ill -- both in and after prison. MENTAL HEALTH must be a high priority for prison reform.

The recommendations of Senator Lathrop's committee are more direct and less nuanced: Address the key problem of overcrowding by making mandatory the declaration of an emergency by the Governor when pris-

on population reaches 140%; Greater oversight of corrections by the Legislature; Abolish Reentry Furlough Program; Make Parole Board more independent of Corrections; Establish Hastings Regional Center as a free-standing mental health facility; Consider privatizing mental health care; Establish a new standard to control and limit Administrative Segregation, which presently is overused and contributes to mental health problems in prison; Provide more programming, including drug and alcohol treatment, in all facilities; Fire several Department of Corrections employees. The Committee's 63-page report contained much more information on Nikko Jenkins, segregation, good time laws, mental health, miscalculations of sentences and THE root cause of most of the problems: OVERCROWDING.

These reports give the new Legislature much more than it can handle, but certainly put the focus on the most important issues. Public safety always trumps all. What might have been neglected, and that is where the "rubber hits the road," is input from inmates. They know the nitty gritty reality of prison life and shortcomings. (Read long-time inmate Mondo's account of the mismanagement of inmate programming and self-help clubs on page 9) If we want genuine public safety from the 97% of inmates who will be released, we need to meet their needs: physical, mental, educational. Overcrowding does not serve their physical needs. Overcrowding and segregation certainly do not promote mental health. And lack of programming does nothing for their educational needs. (I never heard an inmate criticize Larry Wayne). I think he listened to them. I hope the adage, "no good deed goes unpunished," does not apply to Larry.)

One hopes that out of the reports, the noise of the media, the incompetence of the Department of Corrections, the denial and finger-pointing of public officials, and the past inability of the Legislature to address the problems, some genuine reforms will come and public officials will listen and heed the recommendations of the Council of State Governments and those of the Lathrop Committee. It will take cooperation among legislators and substantial financial commitments up front—but it will save expending considerable resources in the future. We must avoid going down the same misguided road of warehousing, recidivism, and a continued rise in prison population. There is a way out. The Legislature and the Governor will do well to listen and act decisively—and even listen to the inmates!

2nd Chance dollars at work in Douglas County: The Reentry Initiatives Council

By Mel Beckman, Editor, NCJR

In the not too distant past, it wasn't a major concern of the community or government whether or not incarcerated individuals were able to "get on their feet" again when released from prison. Thankfully, that has changed, and the **Douglas County Reentry Initiatives Council** is one example of that change.

Federal dollars deriving from the 2nd Chance Act have allowed concerned county officials and representatives of community groups to organize a Reentry Council and develop a strategic plan for assisting prisoners to come back home and stay out of prison.

The Council's **Five Year Strategic Plan: 2012-2016**, is contained in an 87 page document that defines the target population, specifies who is responsible to work on various objectives, and sets a timeline for accomplishing various actions.

The Strategic Plan, according to the document, is "the culmination of work undertaken by the Douglas County Department of Corrections, the Nebraska Department of Correctional Services, the City of Omaha, Nebraska State Probation, the Problem-Solving Courts, Mental Health Diversion, as well as representatives from over a dozen local community agencies." Eighty-one individuals are given recognition for their support of and contributions to the development of the plan.

Why the focus on prisoner reentry?

Impetus for focusing on prisoner reentry is attributed, in large measure, to discovery of some "unsettling" criminal justice data. Over a three-year period, from January, 2010 through December, 2012, 73% of individuals booked into the County Jail had at least one previous incarceration. It became apparent that the County's criminal justice dollars were not being used in a way which effectively addressed the causes of recidivism.

Jail bookings from 2012 confirmed the necessity of having a reentry plan. In that year, 19,628 individuals were booked into Douglas County Corrections. Of that number, 15,098 were likely to reenter the community directly from the Department. Also, 1,182 were released into Douglas County in 2012 by the Nebraska Department of Correctional Services. Federal probationers, too, contributed to the total of returnees.

Mission and structure

The Reentry Initiatives Council has taken as its mission: "***to help reduce the barriers that hinder the opportunity for successful reentry into Douglas County.***" The Council initially was awarded a Second Chance Act Adult Offender Reentry Planning Grant in 2011, and in 2012, an Implementation Grant.

Acting on advice from the National Reentry Resource Center, the Council adopted a three-tier organizational structure. The first tier of members are to provide the vision for the initiative. The second tier is composed of the core planning members and the third tier is made up of people in ten work groups.

The work groups use the objectives and strategies of the Core Planning Team to determine specific actions and steps to realize those objectives and strategies. The names of the groups give some idea of the areas in which efforts must be made to reduce barriers to reentry:

- Criminal Justice Systems
- Data, Evaluation & Technology
- Employment and Education
- Housing
- Youthful Offender Issues
- Mental Health & Substance Abuse
- Public Relations
- Public Resources
- Sex Offender Issues
- Supportive Relationships

Duplication of other groups' efforts?

Other church and community groups throughout Douglas County have also been focusing on prisoners—trying to answer their needs while in prison and after they return to the community. They all, in one way or another, try to provide a service or program which they feel will help the returning citizens be successful as they reenter the community. Whether it be a prayer group, helping to find housing, preparation for employment, or a support group. These church and community groups do good work and are very important.

It appears that the Reentry Council's strategy is not to duplicate their efforts in a bigger way or to compete with them. Instead, the Council planners recognize that the community already has some assets—resources and systems which could help returning citizens be successful. However, the returning citizen is frequently unable to access those resources and helping systems because of **barriers** - institutional or agency policies and practices which inhibit them. And so, the Council strives to remove those barriers.

The Council does recognize that there are **gaps**—obstacles to reentry success because of a lack of particular resources. Filling those gaps, however, usually requires investment of public or private funds. After a gap is bridged, it may reappear because the funds are no longer available. The Council has adopted the analysis, then, that, as much as possible, **barriers** should be minimized **before** seeking funding to address **gaps**. Removing those barriers, according to Mike Meyers, Community Corrections Director, can involve something as simple as getting the right people together around a table. The Council has achieved some good results, he said. Some activities, like most meetings of the work groups, are currently on hold because of a temporary staffing vacancy.

Proposals sought for LB 907 Vocational and Life Skills Programs

By John Krejci

On Friday, November 14th, I interviewed Dawn Renee Smith regarding the process, regulations and timeline for grant applications stemming from LB 907. What follows is a summary of what was discussed. I take responsibility for any omissions and inaccuracies.

1. \$3.5 million is available for grants.
2. Four types of agencies are eligible for funding: community-based organizations (which do not have to be 501c3), community colleges, recognized Indian tribes, and nonprofit organizations.
3. The programs eligible are:
 - A. "Vocational training, with the desired result of participant employment." Definition of vocational training: "an organized training provided with the intended result of learning a job skill and obtaining employment."
 - B. "Life skills training, with the desired result of participant employment." Definition of life skills: "an organized training provided with the intended result of preparing an individual for employment."
4. Eligible participants are: state inmates, parolees, felony probationers, former state inmates or felony probationers up to 18 months after discharge.
5. Only three persons testified at the October 30th hearing. No changes were made. The regulations were then to be sent to Attorney General Bruning's office for review, to the Governor for final approval, and then to the Secretary of State. This has now been done. These preliminary steps are now finished.

Since my interview with Dawn Renee Smith, the Department of Correctional Services has issued a Grant Announcement-Application-For-Funding packet for the use of groups wishing to make an application. Applications must describe the function of the provider, the program for which funds are being requested, a plan for collecting data for evaluation, and a detailed budget. The Department will determine the grant award based on the grant recipient's application and ability to meet the program objectives. The money (\$3.5 million) will be available for the future if it is not distributed at this time.

The funds are not available for mental health, housing, jobs, supervision, or anything else but vocational and life skills training as defined above. LB 907 specified this. Perhaps next year's legislature will fund these types of programs. A review committee will be appointed to evaluate and decide on funding. The committee will consist of individuals from each of the following: Nebraska Department of Correctional Services staff; Stated Probation; Adult Parole Administration; and the Board of Parole.

The grant time frame is from Febr. 1, 2015 through June 30, 2016. For questions, contact Levi E. Bennett, Vocational and Life Skills Administrator at the Corrections Department. His address is P.O. Box 94661, Lincoln, NE 68522-1970. His e-mail is levi.bennett@nebraska.gov.

Parole "model" was changed in 2008

Editor's Note: The following text is taken from the Dec. 15th Report to the Legislature by the Department of Correctional Services Special Investigative Committee (Senator Lathrop, Chair), in the section discussing the origin of the Reentry Furlough Program, on page 38. The Report is online at www.nebraskalegislature.gov.

"Esther Casmer, Chairperson of the Parole Board, testified that historically, candidates were presented to the Parole Board after completing their recommended programming. However, in 2008 the lack of sufficient resources, and the pressure from overcrowding began to change this traditional model of parole. Instead of having inmates complete their programming prior to being presented to the Parole Board, inmates were presented to the Parole Board for their consideration who had completed little or no programming. Casmer attributed this to the lack of available programming which was, obviously a resource issue. In around 2008, the model which required inmates to 'earn' their parole was replaced with a model that called for inmates to secure their programming once they had been released into the community. As Casmer observed, we had people who were sentenced for substance abuse who were discharged without ever having received any substance abuse treatment."

"As Casmer noted, this change in the 'parole model' was the direct result of insufficient resources devoted to programming inside the Department of Correctional Services as well as the demand to move prisoners in an effort to alleviate overcrowding."

For more on Reentry Furloughs, see page 6

Juvenile life without parole cases can go back to court now

By Mel Beckman, Editor, NCJR

Last February, the Nebraska Supreme Court ruled that three Omaha men were wrongly sentenced to life without possibility of parole for the murders they committed when they were under 18 years of age. In October, the U.S. Supreme Court declined to review an appeal of that decision by Nebraska's Attorney General. Thus, the February ruling stands and re-sentencing hearings can begin to be scheduled in the courts. The Douglas County Public Defender's Office will be representing 14 of the 27 former juveniles.

At the re-sentencing hearings, it is expected that expert testimony will be given about the extent of brain development in youth, and its implications. The juvenile's family, school and neighborhood involvement, addictions, exposure to violence and many other factors will be considered when the juveniles receive their second day in court.

For more on the hearings, see pp. 10-11.

Prison Rape Elimination ACT (PREA) Are Nebraska prisons complying?

Editor's Note: The PREA legislation was passed by Congress in 2003. Final compliance standards were issued in 2012. In order to determine whether Nebraska authorities are complying with the standards, the NCJR submitted several questions to the Nebraska Department of Correctional Services. Corrections Director, Mike Kenney, and PREA Coordinator, Stephanie Huddle, sent the responses below.

QUESTION To what extent has sexual assault been a problem in Nebraska's prisons in recent years? Are any statistics available?

RESPONSE: Safety is a top priority in all NDCS facilities, and we are committed to inmates' rights to be free from all forms of sexual abuse and retaliation for reporting such incidents. We have a zero tolerance policy with regard to any type of sexual assault, abuse or harassment; therefore, even one instance is one too many.

NDCS promptly investigates any allegation meeting PREA criteria.

In 2013, there were 151 PREA allegations. Of these, 9 were substantiated (an allegation was investigated and determined to have occurred), 59 were unsubstantiated (an allegation was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred), 75 were unfounded (an allegation was investigated and determined not to have occurred) and 8 investigations were on-going at the time this information was submitted.

QUESTION: Has additional staffing been added, or is it envisioned, to meet the Prison Rape Elimination Act standards? Are there other costs as well?

RESPONSE: The agency implemented a full-time Coordinator in December, 2012.

Every facility has a PREA Compliance Manager who is responsible for PREA implementation at his/her respective facility, although this is an additional duty added to existing positions.

NDCS has 10 PREA Auditors certified through the U.S. Department of Justice. While the training itself was free of cost, the DCS was responsible for reimbursement for travel, hotel and meals for nine of these.

Minor costs have accrued in the development of information to be distributed among the facilities.

QUESTION: What policies and/or procedures has the Department instituted in the prisons so far, or what changes have been made to prevent, detect or respond to future incidences of sexual assault?

RESPONSE:

- NDCS is committed to being 100% compliant with the PREA standards.

- AR 203.11 Sexual Assault/Abuse, which details policy and

procedures regarding PREA, was signed into effect on March 31, 2005 and is reviewed and approved every year after. The final PREA standards were incorporated into policy upon their release.

- Inmates who are age 17 and younger have been separated from inmates 18 and over.
- The Nebraska Correctional Center for Women no longer allows male staff to pat search female inmates outside exigent circumstances, a requirement that does not have to be met until August 2015, but we are in compliance now.
- Policy and procedure are in place requiring staff of the opposite gender to announce their presence when entering a housing/living area.
- PREA-specific questions have been added to hiring and promotion application packets, and background checks are conducted every five years on all staff to ensure there are no PREA-related issues.
- General PREA training has been developed and implemented for all staff that covers elements required by the standards.
- Specialized training for staff who investigate PREA allegations has been developed and conducted.
- The Director of Nursing developed and conducted specialized training through the NIC (National Institute of Corrections).
- Comprehensive education material for inmates has been developed and distributed at the three intake facilities, ensuring inmates have information regarding their rights to be free from sexual abuse, harassment and retaliation for reporting such incidents. Those same materials describe reporting methods as well as NDCS policies and procedures for responding to incidents.
- Posters showing PREA information have been placed in all facilities in housing units and common areas to ensure information is always visible and available.
- A reporting hotline was established and implemented in February, 2014. This hotline may be utilized by staff and the public to privately report allegations and provides inmates an anonymous reporting mechanism.
- All allegations meeting PREA criteria are assigned for investigation and reviewed by the PREA Coordinator. Inmates alleging an incident are informed of the outcome of the investigations and incident reviews are conducted by a team in each facility for all substantiated and unsubstantiated investigations.
- In addition to the above, the NDCS PREA Coordinator works in conjunction with the Nebraska Domestic Violence and Sexual Assault Coalition to develop external advocacy sources for incarcerated victims. The PREA Coordinator attends external training and conferences and works with other external agencies and personnel. NDCS is part of an auditing consortium with six other states to conduct and receive official PREA audits. The first NDCS PREA audit was conducted in September 2014 and future audits have been scheduled.

“The enactment of PREA 11 years ago signaled an unequivocal rejection of the outdated and morally unconscionable acceptance of rape as part of the sentence being served by an adult or juvenile in the American correctional system.”

U.S. Deputy Attorney General James Cole at Press Conference, Washington, D.C., May 28, 2014

The Nebraska Board of Parole

Editor's Note: The following information is taken from the Board's website: www.parole.nebraska.gov.

Membership

The Board consists of five full-time members (there is currently one vacancy), who are appointed by the Governor to six-year terms, with legislative approval. At least one member must be a minority and one must have a professional background in Corrections. The Governor designates the Chairperson.

Esther Casmer, Chair. Term expires 9-9-2019
Rex Richard Term expires 9-9-2018
Miguel Gomez Term expires 9-9-2017
Rosalyn Cotton Term expires 9-9-2020

“The purpose of parole is to protect the rights of society and to provide assistance to the offender, under a period of supervision (ed. In the community), to re-enter the mainstream of society as a productive, law-abiding citizen. Parole does not release the offender from the court sentence.”

“An offender does not apply for parole. After reaching the earliest parole eligibility date, parole is discretionary and based upon the initiative of the Board.”

“Offenders are scheduled for an initial Offender Board Review within the first year of incarceration. At an Offender Board Review, the Board may set a Parole Hearing (ed. open to the public) for possible release OR defer the case for future review purposes.”

“Offender Board Reviews are confidential interviews conducted between the Board and the offender. They are not open to anyone other than the Board, its staff, Department of Correctional Services staff, and the offender.”

“If an offender is granted parole, he or she is referred to the Parole Administration Office within the Department of Correctional Services to obtain approved residence and employment. A Parole Administrator, approved by the Board of Parole, manages the Parole Administration Office..

Parolees doing well in the community:

Editor's Note: These success stories are from various regional offices of the Nebraska State Parole Administration

- A parolee completed the Reentry Furlough Program and is now on parole. While on RFP he maintained a full-time job and saved up enough money to parole to his own place.
- A parolee went to treatment and is beginning to realize that using drugs causes him problems at home and at work.
- A parolee completed parole with Social Security Disability, SNAP, Medicare, and housing assistance—all needed services, all in place.
- A parolee has been on parole at the Stephen Center (HERO Program) since March. She was due to complete the program in October.
- After not driving since 1985, a parolee studied hard, passed the test, and is now a licensed driver who is saving up to buy a car.
- An offender paroled to his mother's house where he discovered his alcoholic uncle and alcohol in the home. He chose to immediately go to a transitional living facility in order to stand firm in his resolve to change his life. He could not feel comfortable with alcohol or his uncle in the home and still maintain his sobriety.
- A parolee successfully completed Anger Management.
- A parolee discharged parole. While on parole, she got her first job ever.
- A parolee was paroled in July. He has maintained stable employment and has completed various home improvements/landscaping projects for his parents. He looks at it as a way to repay them for giving him the chance to be out on parole. His parents are very proud of him.
- A parolee successfully completed parole this month. She has not had the easiest of times; she has had a difficult pregnancy, monetary difficulties, and custody issues with her children. Throughout, she has maintained her sobriety and a positive outlook. Her employer is very happy with her.
- A parolee has struggled with addiction during his parole. He recently completed treatment. When recently he had an appointment with his doctor, he disclosed to his doctor that he is an addict and the doctor should not refill a previous narcotic medication.

NEWS and MISCELLANEOUS

By Mel Beckman, Editor

Accreditation

The Youth Rehabilitation and Treatment Center at Kearney, Nebraska has received American Correctional Association accreditation. The ACA made the announcement at its 144th Congress of Correction at Salt Lake City in August.

Agencies receive civil forfeiture funds

According to a *Washington Post* article, reprinted in the *Omaha World Herald* on October 15th, these Nebraska and Iowa law enforcement agencies received the following amounts of civil forfeiture funds in fiscal year 2013:

Nebraska State Patrol	\$1,124,817
Douglas County Sheriff	648,580
Omaha Police Department	351,491
Pottawattamie Sheriff	121,594
Bellevue Police Department	37,290
Lincoln Police Department	26,490
Sarpy Sheriff's Office	21,368
Council Bluffs Police Dept	17,080
Cass Sheriff's Office	3,193
LaVista Police Dept.	1,052
Ralston Police Dept.	1,723

The article explains that "a local or state police agency can seize cash or property under federal law through the Equitable Sharing Program when a federal agency such as the U.S. Drug Enforcement Administration or Immigration and Customs Enforcement agrees to adopt the seizure under federal law." A share of the seizure comes back to the seizing agency.

Plan to buy cameras with forfeiture funds

According to a December 2, 2014 article in the *Omaha World Herald*, Omaha Police Chief Todd Schmaderer is planning to buy up to 50 body cameras for police officers, using money from the Department's seized assets fund. The cost, reportedly, could be about \$180,000 for the cameras and a three-year contract.

Help for reentry at American Job Center

Persons newly-released from prison can find many different kinds of assistance at the American Job Center, located at 5752 Ames Avenue In Omaha. Numerous helping agencies locate one or more staff at the Center, so that it becomes a kind of "one stop" place to get help with education possibilities, job search and employment, access to computers, vocational rehab, health insurance and much more. No appointment is needed. A person can walk in anytime between 8:00 a.m. and 5:00 p.m., Monday through Friday and receive help. Phone: 402-444-4700.

Request for help

An inmate who has done some writing would like help to have it published, with proceeds to children of incarcerated parents. If you might be able to help, please contact the *NCJR*.

California Proposition 47 applauded

In a November, 2014 announcement, The Washington-based Sentencing Project praised the voters of California for passing Proposition 47, a ballot measure that reclassifies six lower-level property and drug offenses from felonies to misdemeanors. Included were shoplifting, theft, and check fraud under \$950, as well as personal use of most illegal drugs.

State savings resulting from the measure will be used to support school truancy and dropout prevention, victim services, mental health and drug abuse treatment, and other programs designed to expand alternatives to incarceration.

The Sentencing Project website is:
www.sentencingproject.org.

Reentry Furlough Program defended

Former Department of Correctional Services Director Robert Houston appeared on KETV Channel 7 for a discussion with Rob McCartney on December 17th. Houston was responding to the bad publicity the program has been receiving. He told McCartney that the whole story has not been told. While prisoners with a record of violence were involved in the furlough program, those prisoners were due to "jam out" soon and would leave prison with no supervision at all if not for the program. A prisoner "jams out" when his complete sentence is served and he must be released. Houston said that the program has worked and it will work.

Family and Friends of Inmates

In the Omaha area, some spouses, parents, siblings and friends of people in prison meet monthly to share their stories, discuss concerns and talk about what they can do to promote a rational and restorative correctional system. From time to time, prison administrators are invited to visit with the members and answer their questions.

The meetings are sponsored by **Family and Friends of Inmates**, an organization initiated about ten years ago and now affiliated with CrossOver Prison Ministries. Meetings are held on the fourth Saturday of each month (except in December) at 10:00 a.m., at First Christian Church, 6630 Dodge Street in Omaha.

If you are in prison or jail and would like your family or friend to get involved, invite them to call for more information (402-558-2085), e-mail ma-beck3636@cox.net, or just come to a meeting. Interested persons who live outside the Omaha area are also welcome to attend.

Reflections on current events and taking responsibility

By Bob Hunt 35947, Nebraska State Penitentiary

I read with dismay of yet another Corrections-related official pointing the finger of blame at others, yet, like so many others in official positions today, refusing to take the blame for their own actions or lack thereof. (Esther Casmer, Chairperson of the Nebraska Parole Board. "More bombshells fall on final day of prison hearing." *Omaha World Herald*, November 26, 2014)

As an inmate doing a life sentence (who, by the way, has taken responsibility for an awful act committed thirty years ago), I've purchased and read all of the transcripts from the special legislature hearing on Corrections, its various offices, and the Executive branch involved here. I can only shake my head and ask the question that is asked so often of inmates in the prison system, "Are you taking responsibility for your actions?"

Yes, this is so true. All must take responsibility for their actions, this includes the officials finger pointing at others. Would you please stop this silliness and walk the walk, not just the talk!!

If, as the Chairperson of the Parole Board stated, she felt so much pressure to release inmates, how is it that so many inmates here at the state penitentiary are sitting way past their parole eligibility dates when the Nebraska State Penitentiary is simply bursting at the seams? How is it that Corrections mental health people play a guessing game with Nikko Jenkins, who clearly showed violent tendencies while in prison, while those inmates whose only violent act was the one that got them into prison are still considered violent after decades having shown no violent act? Where is the integrity of the officials? Where are the examples?

Who, in the issues now going around in Corrections, have taken responsibility for their actions? The Corrections lawyers? The records department? The mental health department, ignoring all signs, period, because of some turf war?

The Parole Board needs to stop ignoring the inmates who really do deserve another chance and have shown that they can make a difference in society. Allow these inmates to get what the statutes allow them at the time of their crimes. Take responsibility for the prison crisis, along with the Executive branch.

We wouldn't have most of the Bible if you took out the parts that were written by people who had committed murder (Moses, David, and Paul). Statistic after statistic has shown that those who have taken a life, without having any extensive background in criminal activities, are the least likely to re-offend, and the most likely to take responsibility for their actions. People can overcome their pasts, in spite of those pasts, and in spite of the system. But all should take responsibility for their actions.

REVIEW On the Run: Fugitive Life in an American City By Alice Goffman

Review by Amy Birky

Alice Goffman spent six years living in one neighborhood in Philadelphia. She observes, relates and reflects on the lives of young African American men who are caught up in a drug and vicious cycle of arrests, warrants, and surveillances.

All of the families involved with petty crimes and criminal or alleged criminal activity are negatively affected in such a way that their lives are barely tolerable. She shows how the administration of the law, drugs and the prison industrial complex are all intertwined in creating an intolerable environment for these men and their loved ones. This book is a valuable companion to Michelle Alexander's *The New Jim Crow*.

Prison

You want us to have self-worth,
So you destroy our self-worth!

You want us to be responsible,
So you take away all responsibilities!

You want us to be part of our communities,
So you isolate us away from our communities!

You want us to be positive and constructive,
So you degrade us and make us feel useless!

You want us to be trustworthy,
So you put us where there is NO trust!

You want us to be nonviolent,
So you put us where there is violence all around!

You want us to be kind and loving people,
So we are subjected to hatred and cruelty!

You want us to quit being the tough guy,
So you put us where the tough guy is respected!

You want us to quit hanging around losers,
So you put all us losers in the State under one roof!

You want us to quit exploiting you,
So you put us where we can exploit each other!

You want us to take control of our lives, own up to
problems and quit being parasites,
So you make us totally dependent on you!

Lewis Bade 50738
Tecumseh State Correctional Institution

The Pardons Board could (and should) commute the sentences of more aging prisoners serving life terms

By Mel Beckman, Editor, NCJR

As of September 30th this year, the Department of Correctional Services was housing 256 prisoners who are serving "life-to-life" sentences. Before they could be paroled, they would need to appeal to the Board of Pardons and receive a commutation of their life sentences to lesser terms.

Approximately 115 out of the 256 are 50 years of age or older, and have been incarcerated for 25 years or more, according to information received from the Corrections Department.

Some of these aging lifers are undoubtedly no longer a threat to public safety and could be moved toward eventual release, through commutation of their sentences by the Pardons Board. But recent Pardons Board members have simply been unwilling to commute the sentences of prisoners with life sentences, even though they have the authority to do so under the Nebraska Constitution.

Some aging lifers are no longer a threat to public safety

Pardons Boards have granted commutations to older lifers quite often in the past. In the period from 1970 to 1990, 32 commutations were granted, according to Department of Correctional Services records.

At a meeting of the Pardons Board on October 30th of this year, the agenda included the appeals of five lifers for a commutation hearing. All were denied. To the Board members it mattered not whether a prisoner had served 30 years or more, whether his prison record was sterling, whether a crime was done in a moment of tem-

porary passion, or whether the prisoner had promise of community support. The fact of their murder convictions trumped everything else and all were denied.

Recent concern about overcrowding in Nebraska's prisons has led many to ask whether all the current prisoners really need to be incarcerated. They want to know how many could be paroled and receive supervision in the community, with no lessening of public safety and with savings for taxpayers. *The same question should be asked with regard to prisoners serving life sentences.*

While 256 lifers might seem like a small number in comparison to the over 5000 total prisoners in the custody of the Department of Corrections, their cost to taxpayers in the future is likely to be anything but small. Medical expenses for them are likely to be much higher than for younger and middle-aged prisoners.

If a lifer is still a threat to public safety after 20, 30 or 40 years of confinement, then incarceration must continue, and be permanent if necessary. But when public safety is no longer an issue and when it makes good sense financially and with respect to the humanity of the individual prisoner, commutation can and *should* be considered.

If the Pardons Board fails to exercise its commutation power on behalf of aging lifers, Nebraska is left with *no other means to modify a lengthy sentence which once made sense but now has become incongruous because of the lifer's advanced age and obvious rehabilitation.*

Hopefully the new Pardons Board composed of Governor Ricketts, Attorney General Peterson, and Secretary of State Gale will be willing to save taxpayer money and begin to grant more commutations to lifers who have grown old, have demonstrated remorse, and no longer need to be in prison to protect the public.

Commutations granted since 1970: All were serving life sentences for 1st degree murder **

<u>Name</u>	<u>Committed</u>	<u>Years served</u>
Stanley Nowicki	1970	14
Darrel Parker	1970	14
Jerry Lee Vernon	1970	14
George Lee	1971	24
Harry Tatreau	1971	8
Caril Ann Fugate	1973	15
Benito Garcia	1973	19
James LaRosee	1973	17
James LeRoy Fish	1974	21
James Edward Harding	1975	15
Ewther Hall	1976	13
Milton Howard	1976	16
Clarence Trvz	1976	26
Curtis Rowland	1979	16
Leon Harris	1980	6
Jerry Erving, Sr.	1981	11
Robert Sargent	1981	12

Wardell Smith	1981	16
Nathaniel Hall	1983	18
Danny Hatten	1983	18
William Kauffman	1983	19
Richard Lampkin	1983	18
William Bland	1986	13
Carl Williams	1986	19
Hugh Griffith	1988	36
Edward Jenkins	1988	15
Keith Russ	1988	15
Leroy Montgomery	1989	16
James Brown	1990	16
Charles Casper	1990	17
Joseph Harris	1990	16
Abe Lytle	1990	16
No Commutations granted, 1991-2009 -		
Jerry Erving, Jr.	2009	44
Reginald Bennett	2010	32
Laddie Dittrich	2014	40

** The above information was received from the Board of Pardons at the request of the **NCJR**. Format is by the **NCJR**.

Prisoner organization efforts impeded by N.S.P. Administration

By Wopashitwe Mondo Eyen we Langa 27768

There are seven prisoner organizations at the Nebraska State Penitentiary in Lincoln. They include the Harambee Afrikan Cultural Organization; Native American Spiritual and Cultural Awareness (N.A.S.C.A.); Mexican Awareness Through Association (M.A.T.A.); Toastmasters; Seventh Step; Iron Bar Vets Group, and A.A. I am a member of the three specifically cultural organizations and have been a member of each for at least 30 years.

Each of these groups has its own focus and its own constitution and by-laws. I am very familiar with that of the Harambee Afrikan Cultural Organization because I have served on its Central Committee during most of the organization's existence and have been involved in the various changes we've made in this document over the years. As to our primary focus, it can be summed up in the pledge we recite at the beginning of each meeting:

"As African men, we commit ourselves to respecting ourselves and each other; to respecting African women; and to respecting our children and youth, and giving them proper guidance."

Prior to the August, 2012 institutional lock-down (which we're still under, though in modified form), the Harambee Afrikan Cultural Organization, like most or all of the other prisoner organizations, met four times per month. We produced a monthly newsletter, the HARAMBEE FLAME. We used the Activities Center telephone to contact our outside volunteers, speak with prospective educational presenters, set up special programs, etc. Designated members had access to the Center (where organization meetings are held and where organization files, typewriters, books, etc. are kept) to work on newsletters, handle correspondence, check out books from organization collections, etc.

After imposition of the August, 2012 lock-down, the prisoner organizations weren't allowed to start meeting again until about the end of October of that year. When meetings did resume, they were cut from four times a month to two, and meeting times were cut by at least a half-hour. The groups ceased to have access to the Activities Center except during meeting times, which has significantly curtailed our ability to plan programs, correspond with volunteers and other people on the outside, and so forth. In addition, we no longer may use the phone and, despite the fact that the institution's Rules and Regulations Manual states that mail to prisoners is to be delivered within 24 hours, we are now having to wait for as long as two weeks to receive mail sent to our respective organizations. Even though a prisoner may be a dues-paying, active member of one of the groups, and may have been so for many years, he is required to submit a written request to attend each individual meeting of that group he already belongs to.

These and other changes imposed upon the pris-

oner organizations have served to discourage or/and dissuade prospective members from becoming members and have resulted in some members dropping out. Men who have held leadership positions have been frustrated in their attempts to serve their members by the prison administration's frequent disregarding of organizations' constitutions and by its making unilateral and unexplained amendments. Moreover, this situation suggests that the current administration does not see what it refers to as "self-betterment clubs" as being important, or even relevant. In this same vein, one is moved to wonder why groups that are designated "self-betterment clubs" are, and have been for about the past three years or so, existing under the prison's Athletic & Recreation Department. Not one of these organizations is either athletic or recreational. We are essentially self-and mutual-help programs led by prisoners.

The obstacles that have been thrown at the prisoner organizations are more numerous than space will allow, as are examinations of the impacts these obstacles are having on us. Because I am an African and most intimately involved in the Harambee Afrikan Cultural Organization, I will close this report/commentary by sharing a thought or two about what I see as the importance of this organization to African prisoners here and to the African community on the outside.

In the Harambee Afrikan Cultural Organization, we study past and present history, especially African history and the history of African people outside of that continent. We learn traditional African values and try to apply them to our every-day lives. We discuss current events and developments—political, social, economic, etc. We solicit the participation of people from the African community on the outside to deliver educational presentations to us and/or to interact in our presentations. At a typical meeting, there are members who represent an age range of three generations. There are men who are from neighborhoods, gangs, etc. that were/are in life-and-death conflict on the outside but who gather together in the same space in peace because we operate in a space where peace is promoted—as well as healthy pride, self-and mutual-respect, and unity of purpose. We try to instill these qualities in our members, not only to help them avoid trouble and stagnation in here, but so that they can go out to their respective communities on the outside and spread the pride, respect, and unity of purpose.

Each of the prisoner organizations attempts, in its own ways and through its own program, to cultivate positivity in its members and to cultivate attitudes that will benefit the communities to which they return. While none of this may be important or relevant to the prison administration, it is to us.

Editor's Note: The author states that he uses "African" to refer to any people of African ancestry, regardless of place of birth or residence. In 2006, the author's book of poetry, **The Black Panther Is An African Cat**, was published by House of August Press. A second edition was published in 2012, with four new works and an introduction by Attorney Lennox Hinds. It is available from aframericanbookstore.com. The Aframerican Book Store is at 3226 Lake Street, Omaha NE 68111.

A CHANCE for FREEDOM

By Teela Mickles, Founder/CEO Compassion In Action, Inc.

Most readers of this publication are all too familiar with the law that allowed children to be tried as adults to maximize their sentence to life with no chance of parole. I have my own personal opinion on this ridiculous ruling, since I have not discovered any mechanism that automatically changes a child into an adult. So the irony of punishing them for acts committed with the mind of a child for the rest of their natural lives negates any biological or scientific fact of “human growth and development.” But that’s just me. Now, there is a light at the end of this tunnel as a result of the persistent hard work of dedicated individuals who are passionate about the people caught in this trap and who recognized the injustice behind this ruling.

There is a chance for freedom through the process of a resentencing for those individuals who committed serious crimes in their youth and were tried as adults and given a life sentence with no chance of parole. For those individuals, one can only imagine the new-found hope they are experiencing in their day-to-day lives behind the wall. As a child, whose mind was not yet fully developed, they made bad choices and did serious harm to someone, which affected those families, friends and loved ones in a very negative way. The seriousness of those acts is not to be demeaned in any way, nor the pain and tragedy that resulted in the lives of their victims. However, just as time can heal even the deepest wound, time is also a necessary element to produce change in an individual. The degree of that progressive change can be extremely good, just okay, bad, indifferent, or even ugly. It all depends on the individual.

The system that holds confined individuals in the correctional facilities, is virtually the same for most, so one might wonder, how do some do well, others barely make it and some fail miserably? It depends totally upon the individual. As an advocate, support and resource for persons confined in the correctional facilities for more than 30 years, I have observed the process from many different views. We provide the important service of Pre-Release Education/Reentry Preparation and then network with other entities and partners to provide the other pieces of the reentry puzzle. Those who take full responsibilities for their actions, with no excuses and seek forgiveness for their acts are the ones who rise to the top of their circumstances. They utilize their

time to ‘grow’ and learn from their mistakes after going through a period of self-loathing and personal regrets for their actions. You can live in “woulda, shoulda, coulda” land for a very long time and find that it only causes deeper regrets, unbearable grief and no hope - which leads to deep depression. Unfortunately, this can become a way of life behind the wall and persons might find themselves in the mindset of the “walking dead.”

The individuals who are now preparing their cases, gathering support for their resentencing and hoping for a brighter future, have a serious opportunity to show the community they can be an asset once given the chance to prove it. Those observing them, who are also currently confined behind the wall, should take note and be thankful they have an “out date” within reach and prepare for it accordingly. But what about the community these individuals once offended? What part should the community play in this scenario of events? Or what about the families, friends and loved ones of the victims? What should they expect from this “chance for freedom” of the criminal who interrupted their lives many years ago?

There are several ways this can be reviewed. First and foremost is the reality that we as human beings, must face on a regular basis. No amount of time, punishment, hate or hurt could ever bring our loved ones back from the dead if that is the case. Next, when all is said and done, and a person is removed from the environment which had many different circumstances that brought them to that place in life, they have an opportunity to think, and think, and think. For the most part, they probably relive the scene over and over and over again, trying to make some sense of it, and consider different choices for a different outcome. This tormenting mindset only brings them to the same conclusion again and again, with nothing resolved and the damage is still done. So here we have the victim and the offender stuck in the same cycle of regret with no positive outcome or resolution in the process yet, those same people still have a life to live.

On the spiritual side, forgiveness is crucial on both parts. It has been my experience that even when the victim’s family is able to forgive the offender, it takes many more years and much time before offenders are able to forgive themselves. These

individuals are least likely to become ‘repeat’ offenders and therefore, would more than likely become an asset to the community rather than a continuous tax burden. However, their crime, many times, is used to define them, and not their genuine regrets, integrity, maturity from life’s lessons or their potential to become law abiding citizens. If the community is not able to see the bigger picture and the assets these individuals can become to the outside world, then just consider the financial burden they represent while kept in correctional confinement.

They were not born and raised in prison, nor did they pick up their charge in the mayor’s office, city hall, the state capitol or Washington D.C. Each one came from a family, in a neighborhood, in the community in the city, and 99% of those incarcerated are coming back one day. And they are coming back to a home, neighborhood, community and a city. So who should be major in the process of “redemption” and re-entry? If they left us and they are coming back to us, then we had better do the best we can to assist with the preparation of their successful reentry back into our communities. This is not only for those who currently need our assistance in preparation for resentencing but every individual who is confined in our area of residence. It’s a prison, not a morgue, and one day they are coming home.

We don’t know what it’s like to be locked up for life and for the most part those individuals have lost the concept of what it’s like to be free and legal. So, we come together and help one another bridge the gap in whatever way is our area of expertise. To ignore the process as if it is someone else’s responsibility will only result in the continued high rate of recidivism. Whenever there is a united effort to improve a neighborhood or create safer communities, how to deal with the element of crime is always on the menu. However, the people who commit those crimes and are possibly confined in correctional facilities, need to be included in the process of renewal. They can either be an asset toward those efforts of improvement or sabotage them and create all manner of havoc upon their release from prison. They can be prepared to help, or left alone to find their own way and hurt the progress.

A chance for freedom for those who were tried as adults and given a life sentence with no chance of parole is a chance for freedom for us all. If you’re worried about the economy, consider how these individuals can contribute to the financial structure of our community rather than continue to drain the economy to warehouse them in prison. If

you are a family member or acquaintance of those who were victimized by their criminal acts many years ago, open your heart and consider how time has changed you and it has also changed them. If you are a community agent or family advocate, consider how these individuals can positively impact your productivity by utilizing your services and support toward their successful reentry back into the community. No, we all can’t just “get along” but we can all be open-minded and consider the power of God, our Creator, and His love for ALL the people to make it work.

To contribute our support to this chance for freedom to those individuals who qualify, contact Annie Hayden, in the office of the Public Defender, who is presenting these cases to be determined before a judge. It’s important for her to know the community’s response and reception of these individuals, substantiated by the services and support available to them upon their release. This means a collaborative effort to provide the necessities of housing, transportation, education, job training and employment. Just as children “age out” of the system and are subject to independence, it is possible for an individual to “age out” of a criminal mindset and become a productive member of society. We can all work together in this chance for freedom and benefit the entire community in ways beyond our imagination. Why not? Let’s do it!

**Inmates serving life without parole,
awaiting resentencing and
a chance for freedom**

Luigi Grayer	Patrick Russell
Joseph McDonald	Rodney Stewart
Bernard Schaeffer	Kelvin Anderson
Juan Bradley	Dwayne Tucker
Dale Nollen	Sydney Thieszen
Eric Ray McCain	Christopher Garza
Johnny Ray	Ahmad Jackson
Justeen Williams	Darren McCracken
Douglas Mantich	Jerrold McLeod
Daniel Jones	Jeremy Garner
Earnest Jackson	Jason Golka
Trevelle Taylor	Juan Castaneda
Eric Ramirez	

NEBRASKA CRIMINAL JUSTICE REVIEW

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Website: www.holyfamilyomaha.org. See current and past issues of the NCJR, under "Publications".

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Restorative Justice Award given to Stu Dornan

By Joanna Lindberg

Congratulations to Stu Dornan for receiving the Restorative Justice Award from the Douglas County Victim Empathy Advisory Committee for his commitment to the principles of Restorative Justice. Restorative Justice principles require the offender to acknowledge the harm done and become engaged in repairing the harm, and whenever possible to involve the community and those impacted by the crime.

Stu was a leader in supporting and educating the community on restorative justice principles during his tenure as Douglas County Attorney from 2003-2007. During that time he served on the Archdiocesan Restorative Justice Steering Committee, made up of justice and community stakeholders, educating and sharing the philosophy of restorative justice. His efforts resulted in the development of the Victim Empathy Program, an ongoing collaboration with the Concord Center and Heartland Family Service providing Victim Empathy classes for youth offenders and Victim/Offender meetings. The program has served over 2000 juvenile offenders since 2005.

Stu, is a partner in the Dornan, Lustgarten and Troia Law Firm. The Trial Lawyers Association has selected Stu as one of the Top 100 Trial Lawyers. Stu and his wife Dari have nine children and were recently featured in the Omaha World Herald for mentoring a refugee family from Burma. Stu and his family have shared countless hours volunteering in our community.

Congratulation, Stu!

Stu Dornan, on the left

Receiving this newsletter For the first time?

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

Mel Beckman, Editor