

Nebraska Criminal Justice Review

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Our tax dollars at work: new services for parolees, probationers and recently discharged inmates

Editor's Note: *Western Alternative Corrections, in Hastings, Nebraska was one of eight community organizations which recently received grants from the Nebraska Department of Correctional Services. The programming information below was supplied at the request of the NCJR.*

Western Alternative Corrections, Inc. (WAC) was awarded \$1,210,049 in grant funding as a result of LB907 Vocational and Life Skills Program legislation. The NDCS Reentry Initiative focuses on facilitating the successful reentry of an offender by:

- Providing increased public safety by reducing the number of victims
- Providing a plan for assessing and addressing risk and needs
- Providing for a smooth transition of an individual from incarceration or court-ordered supervision into his/ her community
- Providing opportunities for career development and placement as a means of supporting oneself and one's family.

WAC has provided community-based alternatives to incarceration services since 1998. It is the mission of WAC to provide offenders with an opportunity of self-discovery and re-education relating to behavior and thought processes.

The funding allows WAC to provide intensive vocational and life skills programs in a *residential* facility as well as provide vocational rehabilitation services for individuals residing in their respective communities. The service delivery area includes all of Nebraska WEST of Highway 77 (including Lincoln).

Vocational rehabilitation services may include counseling and guidance, job readiness training (seeking, securing and maintaining skills training), job placement and formal education. **Life skills training** is provided to residents at Bristol Station Residential Reentry Center in Hastings. Services and programs available, but not limited to residents, include Transition Skills, Basic Money Management, Cognitive Behavioral Therapy, and Parenting and Family Reunification. Individual services are tailored to each resident based on a risk and needs assessment. WAC implements evidence-based practices in service delivery to further ensure successful reintegration.

Michelle Hultine, President of WAC, stated, "The really exciting aspect of this program is that services are customized to individual needs based on best practices and the specific risk and needs of each participant. Time and financial resources are not wasted on trying to figure out what works; we rely on research to structure programming."

WAC has worked with federal offenders exclusively for the past seven years and is pleased to begin offering services to state offenders. The programs and services are available for State of Nebraska parolees, State of Nebraska probationers and recently-discharged inmates (up to 18 months after discharge).

For more information about WAC's Intensive Vocational and Life Skills Program (IVLSP) and/or an application, please contact your probation officer, parole officer, reentry coordinator at your institution, or Brenda Schmidt, IVLSP Specialist at WAC, 101 S. Hastings Ave., Hastings, NE 68901 or bschmidt@bristolrrc.com

Prison reform begins with passage of LB 598 and 605—first steps on a long journey

By John Krejci

We can rejoice in the unanimous passage of the two prison reform bills. They are the first fruits of a lengthy process – the year-long research and recommendations of the Council of State Government's Justice Project and the work of the Unicameral's own "Lathrop" committee. But this is no time to rest and congratulate ourselves. As I wrote in the March *NCJR*. "The prospect for prison reform is good – as far as it goes." LB 598 and 605 began the process. They address some of the policy issues and the administrative changes that will serve as a basis for addressing the major problems.

There will be no adequate safety of staff and society nor rehabilitation of inmates until the basic problems of the correctional system are addressed. Overcrowding, the 155% occupancy, trumps all. Nothing can work adequately when 100 men are living in a dormitory, dozens of cots are rolled out at night on the floor of the intake facility (D&E), inmates' petitions of grievances are ignored, facilities are understaffed and some guards are inexperienced -- the list could go on. Director Frakes and his staff know that programming is inadequate, mental health needs are monumental, partial lockdown is unsustainable,

and segregation is overused and abused. The recent riot at Tecumseh is a violent consequence of these smoldering issues. (See article on Tecumseh riot.) While review teams search for causes, the headline of Paul Hammel's piece in the *Omaha World Herald*, (5/17) succinctly summarized the situation: "Green staff, idle inmates." Hammel writes, "Managing a violent and unpredictable population becomes more difficult when there's little for inmates to do and when corrections officers who oversee them are inexperienced and overworked."

One hopes that the focus is not just on the specifics of the incident. The key response should be the identification of the root causes and serious investment in alleviating them. As stated above: WE KNOW WHAT THEY ARE! Although it is tragic that two lives were lost and quite violently, the Department should be commended for not killing any inmates and relieved that no guards lost their lives. It could have been much worse. One inmate claimed that the intentions of the inmates were to be non-violent. Another inmate wrote me that he was aware of the disturbance only when he smelled smoke coming through his window. Sometimes things just get out of hand.

The greatest danger to substantive prison reform in Nebraska is for the Legislature, the Department of Corrections, prison reform advocates and organizations, and the public to think that adequate reform has been accomplished. The \$3.5 million recently dispersed to agencies for programs offering vocational and life skills training, plus additional funds for the Department are only a beginning. Continued funding is needed from subsequent legislation. We must not forget that programming, religious activities, and inmate clubs have been cut from 4 hours a month to one hour! This cannot continue. The lockdown at NSP and Tecumseh is unsustainable. "Cruel and unusual punishment" may seem too strong a phrase to use for the situation at these institutions, but the ACLU is considering filing a suit, following the lead in other states. And the accrediting bodies for Nebraska's prisons are also watching. California was mandated to release up to 45,000 inmates to alleviate their overcrowding problem. A Federal mandate could make the recent brouhaha on early releases in Nebraska look like "small potatoes."

The bottom line is that we cannot let up the pressure. Real prison reform is going to take several years. It is gratifying that the legislature authorized an interim study resolution to address both current and additional problems. Mental health treatment is probably the most daunting. The aging of the prison population is another issue. The cost of their medical care could be astronomical. "Compassionate release" should be seriously considered.

And almost nothing has been said about sex offender legislation. Anyone who has studied it knows that sex offender laws are an abomination. They are based on fear, are oppressive, unjust, arbitrary and dysfunctional—particularly those regulating sex offenders after they are released. Most don't know that sex offenders are the

least likely to recidivate -- 5% to 15 percent versus 25 to 30% for other offenders! We are spending over \$100,000 a year for each of the 150 plus sex offenders housed in the Norfolk and Lincoln Regional Centers. There are serious questions whether these tens of millions of dollars are monies well spent.

To repeat: THE BOTTOM LINE IS THAT WE MUST KEEP THESE ISSUES BEFORE THE LEGISLATURE, THE GOVERNOR, AND THE CITIZENS. THEY NEED TO BE ADDRESSED AND SOLVED. Like cancers, they are not going to go away but only get worse.

The Tecumseh riot: Predictable! Inevitable! A teaching moment?

By John Krejci

Nebraska's prison population is historically less violent than those in other states. The recidivism rate is relatively low at 25%. Nebraska prisons might even be said to be "mellow" compared to the hell holes existing elsewhere. But there are serious deficiencies: overcrowding, early illegal releases, inadequate treatment of mental illness, underfunded and non-existent programming and rehabilitation, little opportunity for education beyond GED, permanent lockdowns, understaffing, turnover, and inexperience. However, beneath these obvious shortcomings, there are deeper problems.

That is why it should have been no surprise that on Mothers' Day, May 10th, 2015, the inmates of Tecumseh took over two units, burned things, destroyed furniture, endangered guards, injuring two, murdered two inmates, and risked injury and death themselves. Several inmates suffered bullet wounds and other injuries. The simple answers have been reported: inexperienced staff, idle inmates due to lack of programming, and unresponsiveness to inmate complaints and petitions. Formal petitions had been submitted, signed by over 800 inmates and disregarded! But let's look deeper.

I interviewed a former inmate who spent 5 years of his 20 year sentence in segregation – the "hole." I also interviewed a former guard, who worked at Tecumseh for over six years, much of it in segregation. Both are mature African American men. Amazingly when interviewed separately, both told similar stories. Each described almost identical shortcomings and abuses, and although they suffered from the substantial racism that exists at Tecumseh, their focus was not on racism but on a systemic corruption of the administration and abuse of Department policies. As the former inmate phrased it, there were routine "violations of human rights." No one took responsibility and the top managers were both unresponsive and unrepentant.

Serious violations of human rights were ignored and staff who offended were not disciplined even when

written up by other staff. Both the former inmate and the staffer – I'll refer to them as Anwar and Max --spoke of a culture of corruption, a culture of violence against inmates. Good staff did not stay at TSCI. They transferred to other institutions or went to work for higher wages in county jails.

Both Max and Anwar spoke of many new hires as immature, macho, authoritarian types -- touting their badges as license to taunt, harass, dominate and abuse inmates. What is even more troubling is when Max would write them up, the administration would "take their back." The write-up would be ignored or dismissed. And Max would suffer sanctions for his efforts. Complaints from inmates like Anwar would meet with the standard phrase "allegations are unsubstantiated." At grievance hearings inmates were not allowed to have witnesses and the guard would be present for the inmate's testimony. However, the inmate was not permitted to be present when the guard gave his side of the story. Anwar mused, "There must be boxes and boxes of denied grievances at Tecumseh."

Inmates languished in segregation for months and years. Anwar was there for 5 years. Staff routinely took away good time. Anwar recounted repeated harassment from a guard who would not only taunt him but kick and pound on his door to awaken him at all hours, then laugh with his colleagues about it. There were never any consequences.

Max spoke of inmates who spent years in solitary for minor violations. I have visited the segregation units at TSCI and was sickened by sight and sound of men in cages, surrounded by steel bars and loud noises. Over 100 inmates can be in segregation at one time. How they retain their sanity is beyond my comprehension.

Max and Anwar were unambiguous in stating that the corruption, the unresponsiveness and the toleration of repeated human rights violations went to the very top -- senior administrators and the Warden. To retain staff and keep the peace, they refused to face and remediate the abuses. Anwar stated in no unclear terms, "At Tecumseh, the upper administration and most guards are corrupt, rotten, ignorant; some are sadistic. They routinely violate human rights." He was not at all surprised that the riot occurred. Inmates were routinely abused, their grievances dismissed, their petitions ignored. The riot was "chickens coming home to roost." The surprise was that it did not happen sooner and was not more violent.

With regard to understaffing and the practice of mandatory overtime, Max related that he had worked 75 days in a row, double shifts, except for his "days off," when he worked only one shift! Not all of those shifts were mandatory, but he had a family to support. However, the 16 hour days, plus commute time, put great stresses on him and his family. He rarely spent time with his children.

Related to double shifts was napping on the job.

When guards were caught napping, they were written up. The system was highly dysfunctional. As I stated earlier, good guards did not stay at TSCI. As was reported in the media, many left for better paying county jobs.

However, when Max sought to transfer to NSP, he was told he would be demoted to the lowest rank. His attempts to have an interview with the then director were unsuccessful. A second in command denied his request so he resigned. He now works in the non-profit sector serving the poor.

Despite what has been stated above, this is not a justification for violence. But inmates acting out, rioting, destroying property represent a desperate cry to be heard. With this in mind, the riot could become a TEACHABLE MOMENT for the Department. A new warden was appointed last year at Tecumseh. Director Frakes has been on his job for less than a year. He has stated: "Prison IS the punishment. Inmates should not BE punished." However, these words were also spoken by both Harold Clark and Robert Houston—former directors. According to Anwar, violations of human rights abounded. Perhaps departmental policy will change. And prison administrators will listen to inmates and respond to just grievances rather than just "have the back" of staff to keep the peace.

As is standard Department policy, instead of punishing only those responsible, a total lockdown was mandated. This had a devastating impact on the morale of inmates. A longtime inmate wrote the following:

"I really did have hope before this... Hearing what volunteers said about Frakes, I thought he would move us in the right direction. I'm afraid this fiasco has done the opposite of its intention... (I am experiencing) the hopelessness of affecting change from this cell I'm locked in. If hope was waning before, now it is literally snuffed out."

Nonetheless, this inmate suggested that someone "get as many family members of TSCI inmates together as possible...and have them sit in on a Family and Friends of Inmates meeting with Frakes... Then have a meeting about solutions, not causes... Use the causes to come up with solutions... It is all in the delivery and communication though. Without open communication things will go on as I fear." He in fact he has not given up hope.

In a more recent letter he lamented: "***One of the biggest frustrations that I hear being expressed is how everyone is forced to pay for the actions of the few. It has been this way ever since we lost our open yard... Now everyone is on edge. Locked down for real with no rec and no time to yourself. A very stressful situation...***"

If there is any good news it is that the Omaha Family and Friends of Inmates support group (see p. 9) will attempt to convene a meeting of TSCI families to begin discussion that may lead to a dialogue with the Department. Perhaps this can be a teachable moment!

Update on Douglas County juvenile justice system reform

By Joanna Lindberg

Over the past 6 years, the Douglas County Board has supported efforts to improve the Juvenile Justice system and reduce the use of detention in the Douglas County Youth Center. Their efforts have included extensive analysis, consultation and collective impact to improve the system through these various professional organizations:

In 2008 The Institute for Law and Policy Planning (ILPP) was invited to help Douglas County develop a plan for the problem of alarmingly high detention population levels. This report resulted in the development of the **Nebraska Juvenile Justice Coordinating Council** to implement recommendations.

In 2010 Douglas County became an official Annie E Casey Foundation Juvenile Detentions Alternatives (JDAI) site. JDAI is a nationally recognized organization that has helped 40 states reduce their use of detention. The Douglas County Board approved hiring a full time JDAI coordinator to more deeply analyze data and coordinate strategies to reduce over-reliance on detention through increased alternatives to detention (funding- Title II, federal grant from the Nebraska Crime Commission). Under the leadership of County Commissioner Chris Rogers, and with assistance from the Annie Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI), five subcommittees were formed or enhanced to work under the Nebraska Juvenile Justice Coordinating Council/JDAI/CYPM:

- Disproportionate Minority Contact,
- Attendance and School Success,
- Behavioral Health,
- Youth Violence,
- Homelessness.
- Objective Admissions
- Alternatives to Detention
- Cross Over Youth Practice Model
- Data
- Case processing

In 2014 FSG, Inc Collective Impact Facilitation

In 2014, the County Board approved a contract with FSG, Inc to serve as the facilitator for a countywide planning process for juvenile justice reform in Douglas County. The purpose of FSG's work was to support Douglas County and its partners in designing and launching a Collective Impact effort to improve outcomes for juvenile offenders in Douglas County.

FSG facilitators have completed their work in Douglas County as of January 2015 with a final report. Their efforts brought people together to decide what aspects of juvenile justice in Douglas County needed to change and how that change can happen. Vision and goal statements were written. The following are excerpts from their final report:

There has been significant positive momentum from the efforts started in 2006: Juvenile arrest rates decreased 15% between 2006 and 2011, nearly 95% of arrests were for non-violent crimes, alternatives to detention have been developed and diversion has had a 90% success rate,, youth benefit from more than 200 service providers and community-based organizations,. Recent reforms have led to more resources and coalitions increasingly coordinating services for specific youth populations (e.g., Crossover Youth).

Yet, at the same time, there are key challenges that need to be addressed. Our juvenile arrest rate remained ~50% greater than the national rate in 2011:

- Too many arrests disproportionately represent black youth and come from a handful of neighborhoods.
- The leading cause of contact with our system is truancy; and while it is declining, it remains an issue.
- Moreover, cases take too long to move through our system and families and providers face opaque, complex processes. Information is not collected uniformly, meaning agencies and service providers cannot coordinate or learn from each other.
- And finally the adults working in our juvenile justice system need more training on trauma sensitivity, motivational interviewing, and mentoring.

According to FSG, no one "silver bullet" answer exists. Rather, these challenges live at the intersection of systems (e.g., juvenile justice, education, health, welfare), at the intersection of actors (e.g., police officers, judges, lawyers, county attorneys, case managers, probation officers, teachers, service providers, youth, their families and caregivers) and at the intersection of community-wide issues (e.g., poverty, drop- out rates, violence / gangs, language / cultural fluency, transportation barriers).

Future Direction:

This is a long-term effort and will include many people from diverse organizations, including a steering committee of 20 volunteers who represent key decision-makers. The backbone is a neutral organization that will provide on-going support to all partners, involving 3 staff dedicated to maintaining the momentum of this effort with \$300,000 funding from a public private partnership with Douglas County serving as the fiscal agent. FSG recommended 3 additional working groups be added to the 5 existing JDAI/CYPM groups primarily focusing on:

1. Families
2. Prevention
3. Coordination with Schools

Sources:

Douglas County Community Comprehensive Juvenile Justice Plan 2012-15, Ne Crime Commission: www.ncc.nebraska.gov
FSG Juvenile Justice Collective Impact Update Attachment - January 27, 2015, www.jjpf.co.douglas.ne.us

Omaha's policy of "ban the box," approved last year

By Mel Beckman, Editor, NCJR

Across the country, numerous cities, counties and some states have moved to give **a fair chance to be hired** to those who have a criminal offense in their past but are otherwise qualified for employment. Last year, the City of Omaha, too, approved a revision of its human resource policies which could result in the hiring, by the City, of more persons who have had a conviction. The **NCJR** requested information about the revision and City Human Resource Director, Mikki Frost, responded with documentation of Omaha's ban the box policy. The following is the relevant section:

Criminal Background Disclosures

Police Sworn: *As part of the certification requirements for sworn Police positions, certain criminal convictions will disqualify the applicant from the required certification. For these positions, a separate application form will be required whereby the applicant will be asked to self-report any such disqualifying criminal convictions.*

"Ban the Box:" *For all other City positions, the City has implemented the human resource practice known as "Ban the Box," which means that questions as to an applicant's criminal convictions will not be asked in the employment application. An applicant's criminal convictions will not be inquired into throughout the hiring process until after the hiring department has identified the applicant for final consideration to fill the position. Once the applicant is notified that he/she is under final consideration to fill the position, he/she will be subject to the required pre-employment inquiries and evaluations, which include a criminal background check. (See, City Human Resource Policies "Pre and Post Conditional Employment Offer Requirements" and "Privacy")*

Prior to the enactment of the new policy, the City would have reviewed an applicant's criminal history "upfront," as part of a "Tier One" series of evaluations, like employment history, credit check, driving history and educational attainment. Now, it appears that some sort of conditional offer of employment is to be made to the applicant, or a notification is to be sent that he/she is in final consideration for the job in question, prior to the criminal history check being made.

The review criteria for criminal background checks is also outlined in the Human Resources Policies:

Any criminal convictions within the last seven (7) years, or longer if deemed appropriate by the Human Resources Director to determine suitability of the candidate, shall be evaluated by the Human Resources Director (who may consult with the hiring department manager and the City attorney or designee)

ee) on a case-by-case basis to determine whether the criminal convictions of the candidate would:

- **Adversely impact upon the candidate's merit and fitness to perform the duties of the position, and/or**
- **Create an unreasonable and foreseeable risk to the City, its employees, or the public.**

This review should consider the level of trust, autonomy and supervision inherent in the position, as well as the disposition, severity, nature, and time elapsed since the conviction; age at the time of the conviction, work history and other circumstances or mitigating factors. The fact that the candidate did or did not honestly self-report his/her criminal convictions should also be considered. The job-related reasons for disqualifying a candidate will be noted by the Human Resources Director.

If it is determined that the candidate should be disqualified from the hiring process because of his/her criminal convictions, the candidate will be so notified in writing. The candidate will have the opportunity to review the records upon which the decision has been made and submit in writing to the Human Resources Director any extenuating circumstances which he/she believes should be considered. The decision of the Human Resources Director (who may consult with the hiring department manager and the City Attorney or designee) shall be final and not subject to any appeal.

The **NCJR** submitted some questions to Ms. Frost about record keeping and evaluation of the policy and whether advertisements of city jobs mention that ex-offenders are welcome to apply. She replied that their job postings set forth the criminal background policy so applicants are advised of it if they review the postings.

As to record keeping, the number of applicants with criminal convictions would not be known unless they became finalists, since the records of those who applied and were not finalists are not checked. Human Resource, she felt, could probably come up with the number of finalists who have some criminal record.

In regard to evaluation of the policy, Frost stated that the success of the policy is that qualified applicants with some record are getting hired, and as an employer, the city is able to fill those positions. Entry level jobs such as grounds maintenance or seasonal work could hardly be filled if they would automatically disqualify applicants with a record without a case-by-case analysis.

The **NCJR** congratulates the City on having a process in place by which ex-offenders have a fair chance to be employed in a City job. We hope some will even qualify for positions beyond grounds work and seasonal jobs. And finally, we hope the City keeps good records which will help demonstrate to private employers the worth of "ban the box" policies.

NEWS and MISCELLANEOUS

Prison club gets a visit from the Governor

Many inmates, in their letters to this publication, have expressed concern that the prison clubs have been devalued. They cite short meeting times and limited resources provided for them. Their hope for more support of the clubs in the future may have received a little boost this month. On June 1st, the Governor, accompanied by the Director of Corrections and a state senator, went to a meeting of the INovator's 4362 Toastmasters Club at the Nebraska State Penitentiary. A picture in the June 5th *Omaha World Herald* article about the visit showed the Governor speaking to Toastmaster Club members and encouraging them to continue to participate in it.

What is proper use of prisoner segregation?

The Vera Institute of Justice has selected Nebraska to be part of a two-year initiative to develop plans for the proper use of prisoner segregation. The Vera Institute will provide technical assistance to the state to develop alternatives to the practice of segregating inmates from the wider prison population. Corrections departments in four other locales will receive similar help and "data analysis of the results will help drive better use of solitary in other states," according to the Vera Institute.

The information above was taken from a March 25, 2015 news item in the *Omaha World Herald*.

Man who got life term as a juvenile is re-sentenced to 50-75 years

As reported in the April 16, 2015 Lincoln *Journal Star*, Jerrold McLeod was 16 when he was involved in a murder in Lincoln. He received a life sentence and has served almost 17 years in prison. His new sentence will allow him, with good time, to be eligible for parole after about 8 years.

McLeod's re-sentencing was made possible by action of the U.S. Supreme Court in 2012, in which *mandatory* sentences of life without parole were declared unconstitutional for youth under the age of 18. About two dozen more former Nebraska juveniles are expected to be re-sentenced in upcoming months.

The effort to completely end life without parole sentences for youth continues around the country. The Washington-based Campaign for the Fair Sentencing of Youth announced in May that Vermont had eliminated life without parole as a sentencing option for children. Vermont is the 12th state to do so.

Jessica's Law relaxed in California

According to a March 26th article in the *Los Angeles Times*, the California Supreme Court ruled on March 2nd that Jessica's Law violated the constitutional rights of parolees living in San Diego County. Jessica's Law had forbidden sex offenders from living within 2000 feet of a school or park, regardless of whether their crimes involved children. With the difficulty of finding housing, advocates said some parolees were living in places like riverbeds and alleys.

The court's ruling was specific to San Diego County but California's Attorney General's Office is apparently advising against applying the *blanket* mandatory residency restrictions of Jessica's Law elsewhere as well.

Ex-inmate needs transportation

If you have an old car with some miles left in it and willing to sell it cheap, the *NCJR* can put you in touch with someone who needs one.

NCJR online

See current and past issues at: www.holyfamilyomaha.org, under "publications."

Southeast Community College prison course exemplifies improvement vital to the future

By Ryan Lykens 76263, Nebraska State Penitentiary

The Nebraska Department of Correctional Services (NDCS) is a pressure cooker, nearing the point of failure. In all the turbulence, I am noticing a lot of focus on what the NDCS and prisons are doing wrong. This focus has apparently become necessary in order to ensure that change is effected immediately. However, in my experience, an atmosphere of negativity is not conducive to positive change. It is imperative that we support the change we all so desperately need by recognizing what is being done right and encouraging more of that.

The great motivator, Dale Carnegie, hit the nail on the head nearly a century ago when he wrote:

Why, I wonder, don't we use the same common sense when trying to change people that we use when trying to change dogs? Why don't we use meat instead of a whip? Why don't we use praise instead of condemnation? Let's praise even the slightest improvement that inspires the other fellow to keep on improving.

(Dale Carnegie's Scrapbook, 1959)

In the spirit of that sentiment, I would like to share with you an example of improvement on the part of the NDCS and a group of inmates, so that you might join me in applauding and supporting this modicum of progress.

In 2013, I applied and was accepted to participate in a program I refer to as the Southeast Community College Pilot Educational Program. This program was designed to provide a "jumpstart" for a group of qualified inmates, whereby they might gain the competence and the confidence to realign their purpose toward their own unique pre-criminal, pro-social aspirations. In other words, the goal was to socialize the students. The means of doing so was competence through instruction and confidence through leadership.

The NDCS collaborated with Southeast Community College (in Lincoln) and others, to provide this veritable god-send. In fact, the instructor of the first in the series of courses was Mr. Mark Wentz, adjunct professor with the College and Adult Education Principal for the NDCS. The succeeding professors included Dr. K.L. Zupancic, Dr. M. Davis, Ms. I. Trentini, and Mr. K. Vollenweider. They are each the quintessence of transformational leadership and professionalism.

In addition to the instructors, this program would have been neither possible nor successful without the industry and dedication to community of the following individuals: John Krejci and Paul Olson of Interchurch Ministries of Nebraska; Jack Huck Ph.D, SCC President; Richard Ross, SCC Dean of Arts and Science; Carolee Ritter, Ph.D. and Rose Suggett, Ph.D., SCC Program Chairs, Kale Riley, Teacher, Nebraska State Penitentiary; and others whose names I, unfortunately, do not know.

Mr. Duane Salonen and Mr. Steve Bergeron provided supplementary leadership materials and administered an unforgettable Dale Carnegie Course®, *Skills for Success*. Likewise, I commend Mr. John Serpa, motivational speaker, life sciences professional, and author of [LINK: The Fascinating Ways Our Minds Connect](#), for his personal contributions to all of the students' success.

Lest we forget, all of these individuals' collaborative and independent efforts were only possible with the permission and support of the Nebraska Department of Correctional Services. The SCC Pilot Educational Program exemplifies the kind of improvement that I believe is vital to the future of the correctional system in Nebraska. It promotes the positive change that will reduce recidivism, alleviate overcrowding, and make it possible for prisons to return to the "open yard" operations that all inmates miss and require.

Yet, for as efficacious as the SCC Pilot Program is and promises to be, it is struggling to progress beyond its first successful run. The pilot was privately funded, and the necessary funding that would allow the program to help a new group of inmates is, to the best of my knowledge, not currently available. However, let us remain hopeful, and let us endorse the improvements made so far.

ALTERNATIVES TO VIOLENCE IN AN AMERICAN PRISON

By Maureen Connolly, Omaha Alternatives to Violence Project Coordinator

I search for alternatives to violence in my own life and I do this with others who have a similar desire. The people who cross my path in this present effort live in a Nebraska prison for men, the Omaha Correctional Center. I was recruited by Marian Klostermann in 2005. I am now local coordinator of the Quaker organization dedicated to creating a peace community among the inmates who live there. We community volunteers are a small group of seven. Together with teams of prisoners we lead monthly three-day workshops called Alternatives to Violence Project or AVP. Topics are structured to meet the needs of the inmates, e.g. anger, forgiveness, conflict resolution, relationships, financial planning, etc. orienting them toward a successful return to their families and society.

Prison in the United States is as harsh and violent an experience as exists anywhere else in the world. We incarcerate more of our citizens than any other nation. We have death rows, capital punishment, law enforcement officers in schools, solitary confinement, life sentences for children and police forces armed with military weapons. The population of incarcerated men, women and youth are more likely to be poor, illiterate, black, Native American and Latino. Their legal representation is at the mercy of an overburdened, underfunded judicial system. When released, inmates can be placed on national and state registries, wear ankle restraints, be deprived of citizenship rights, blocked from seeking employment and ineligible for government benefits.

Into this kind of cruelty Alternatives to Violence was born in New York's Green Haven prison in 1975. Inmates were frightened by the violence that existed in the prison at the time and some struggled to find a cure. Prison administrators were asked by inmates to offer a message to youth that would discourage them from engaging in criminal behavior. The prisoners were unable to do that because their lives were so deeply marked by their own criminal activities and violent life styles they were unaware of positive alternatives.

A local Quaker group meeting at Green Haven offered the men a way out of the violence that was overwhelming them. Bernard Lafayette, a co-worker of Martin Luther King, Jr. provided training in nonviolence that was welcomed by the prisoners and the administration. Within a year, teaching manuals were developed and Alternatives to Violence (AVP) evolved. Today, AVP has programs in 100 US prisons and more than 30 countries. Some figures indicate that recidivism in AVP is less than forty percent, considerably lower than the generally accepted 60/70% national rate.

In the world of the incarcerated, the gentle non-judgmental philosophy of the Quaker religion offers a place where people are approached with love and acceptance. They are invited to view themselves as possessors of the divine spirit and capable of good, even virtuous deeds. They are welcomed into an AVP community that does not measure them by the nature of their failures but sees instead the dignity of their humanity.

I am familiar with other programs in nonviolence, but AVP offers me the most support in living a lifestyle free of violence. The weekly exercises call me to practice behaviors that daily affirm me and challenge me to constant growth. Violence in the US can seem as overwhelming now as it was in Green Haven forty years ago. Through AVP I am the beneficiary of the encouragement and witness of a vibrant community of prisoners and community volunteers.

Many inmate participants in AVP training say their lives have been transformed by the experience. Ray Rios has created a community in rural New York where former AVPs create businesses free from the societal constraints that follow them after their exit from prison. Formerly incarcerated Tony Loverty says, "I am well aware of not being equal in the world, but when I sit in an AVP circle, I am an equal part of that community." Michael Holtry killed two people in 1992 and is now an AVP volunteer in prison in Soledad, California. AVP has given him the opportunity to grow no matter what he has done and allows him to help others grow. Prisoners like Michael tell how AVP gives them a way to atone for the harm they have done because of their crimes.

Joan Wageman joined AVP this past year. She describes her experience this way. "Inmates who come to the workshops are 'cream of the crop' people who decide to change their lives. AVP allows them to experience the way of nonviolence. When we deal with common themes - forgiveness, anger, relationship, cooperation - I forget they are prisoners and realize that we share common struggles. They are grateful to be treated as individuals, not as criminals."

Tom Glennon reflects on his time in AVP. "Someone whom I did not recognize called to me from across the street. Wayne said he never forgets a face. He had met me in the prison. I flushed with gratitude at the experience of being recognized. We chatted over his recent release and his hopes and plans. I do not know what difference it makes to visit the prisoners and lead a workshop. I just have to trust that there are more like Wayne, who value their AVP experience. Research confirms that AVP participants have a lower recidivism rate and this encourages me to continue. Working with prisoners inside and volunteers on the outside levels the playing field. I build skills for teamwork and cooperation. This program which has mutual benefits is a reminder that we are all sisters and brothers."

My most profound awareness of AVP is a sense of gratitude to the Quakers and volunteers who sustain it to this day, forty years since it began. Our hope is that, in a small way, we lift up the downtrodden for a few hours each month and enable them to experience acceptance and friendship in the darkness of their prisons.

For more information

www.avpusa.org
omahaAVP@gmail.com

Nebraska Coalition embraces ending sexual and domestic violence

Editor's Note: The article below was submitted by the Nebraska Coalition to End Sexual Violence, at the request of the NCJR

In October the Nebraska Coalition officially revealed a new name - "Nebraska Coalition to End Sexual and Domestic Violence." Previously the "Nebraska Domestic Violence Sexual Assault Coalition," the agency recently embraced the importance of adding action to their name to recognize the ultimate goal of **ending** violence.

With the new name came a new logo. The colors of the logo were specifically chosen to represent the three primary areas that embody the work of the Coalition. Purple represents domestic violence awareness, teal symbolizes sexual assault awareness, and orange signifies dating violence awareness.

The three circles not only exemplify these primary areas of our work but they also represent the Coalition, the network of programs across Nebraska, and the survivors whose voices are at the core of the advocacy efforts. These three layers of partnership are absolutely vital to the Nebraska Coalition's mission.

The logo is organic, inviting and personal, much like the organization. The rings may also create a sense of motion, symbolizing the constant efforts to move forward. The imperfections and varying sizes of the rings represent that each story is unique, and each individual is accepted exactly as they are, imperfections and all. We are also able to see the beauty that lies within the flaws. Lastly, the rings overlapped closely together conveys a sense of unity, assurance and comfort to survivors in Nebraska.

The logo and name change represent the work that the Nebraska Coalition staff do every day. Staff members provide training and capacity building to those individuals and organizations in our community working directly with victims of abuse. For instance, staff members provide training to victim advocates, law enforcement officers, and others within our community on the impact crimes like domestic violence, sexual assault and stalking have on victims and their involvement with systems like the criminal justice system.

The Nebraska Coalition also operates a 24-hour statewide Spanish Crisis Line to assist survivors who do not speak English. The line is at times used in conjunction with the direct services that the staff provide to immigrant victims of domestic and sexual violence. Federal laws have provided relief to certain undocumented immigrants who have been victimized by domestic violence, sexual assault, human trafficking and other crimes. Immigrants qualifying for federal relief and assistance through the Nebraska Coalition's immigration program not only gain work authorization and potentially status as a lawfully permanent resident, they also gain a renewed hope and

sense of personal integrity that is often lost through the victimization.

Overall, the Nebraska Coalition serves as a statewide coordinating body to enhance safety and justice by changing the beliefs that perpetuate domestic violence and sexual assault. They envision a world where domestic violence and sexual assault are a distant memory and healthy relationships prosper.

The Coalition also implemented a new website, www.nebraskacoalition.org. All items from the original website (www.ndvsac.org) are being transferred to the new site.

Hotel/motel workers being trained to watch for sex trafficking

By Mel Beckman, Editor, NCJR

According to an article in the May 15, 2015 *Omaha World Herald*, a Coalition on Human Trafficking has begun a pilot project to do training of hotel and motel staffs, to look for signs that human trafficking might be happening. Such signs could be a vacant look in a woman's eyes, an inappropriately small amount of luggage, a controlling male, prepaid debit cards and strong requests for housekeeping to stay away. Omaha's Magnolia Hotel recently agreed to host the first training session by the Coalition.

LB 294, passed by the Legislature this year, provides new legal tools to fight human trafficking. In fact, according to a further *Omaha World Herald* article, June 5th, LB 294 provided for a position in the State Attorney General's Office, to fight trafficking. Stephen Patrick O'Meara, a former Assistant U.S. Attorney, will be the first to hold the office. His mission is "to create a statewide plan for nonprofits, law enforcement and the public to use when helping victims and catching criminals."

***Thank you to all who support the
Nebraska Criminal Justice Review.
Your help is appreciated.***

Parolees: doing well in the community

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

Grand Island Regional Office

A parolee moved in with his wife and is now in the process of stabilizing the home so they can start having longer visits with their son and move forward with having him back in the home. He also is now giving back to the VA treatment facility by telling the new clients his story and showing them that they can be successful even though they may have hit bottom. He has been asked to speak at Boys Town in Omaha.

Lincoln Regional Office

A parolee called and inquired about assistance with his utilities and food. He indicated that he was having some difficulty and was stressing. He had not yet started his job in the construction industry due to the weather. His Parole Officer assisted him with applying for programs that could help him with these needs. He has since called to thank his Parole Officer for her help and to report that he has received assistance from the community resources. He also started a new job and within 3 weeks was promoted to a higher paying position.

North Platte Regional Office

While on parole, a parolee purchased a house, held 2 full-time jobs and part-time employment. He obtained his CDL and was allowed to make day hauls out of state for his employer. He gained custody of his son, who will return to live with him full-time at the close of the school year. He continued to volunteer in the community after his community service hours for his treatment ended. He was a positive parolee throughout his parole.

Omaha Regional Office

A parolee discharged after two years on parole. She had a baby, maintained her sobriety, and turned her life around. One of the most difficult situations for her was dealing with her mother's abuse of prescription drugs while she was growing up. The parolee helped her mother get into treatment and was proud of her. However, when her mother relapsed again, the parolee made the decision to not let that type of behavior into her life or her daughter's life. She concentrated on her own situation and let her mother deal with her own addiction.

Family and Friends of Inmates

By Mel Beckman, Editor, NCJR

During the days after the disturbances at Tecumseh and the Penitentiary, family members and friends of the inmates met to share the information they were receiving from inside the walls. Concern for the physical safety of their loved ones was uppermost on their minds. Discussion turned quickly to the need to keep the momentum going for prison reform. The group hopes to arrange for a meeting with Corrections Director Frakes in the near future.

Family and Friends of Inmates will meet again on Saturday, June 27th, at First Christian Church, 6630 Dodge St. in Omaha, at 9:30 a.m. More information: 402-558-2085.

Executions: professional policy changes in regard to pharmacists' participation

By Linda K. Ohri, RPh, Pharm.D., MPH

At its annual meeting in March 2015, the American Pharmacists Association (APhA) passed a policy statement that discourages pharmacists from participating in executions. The rationale was to provide clear guidance that such participation is "fundamentally contrary to the role of pharmacists as providers of health care."⁽¹⁾

The organization's CEO, Thomas Menighan, indicated that this policy change is intended to align the pharmacy association with policies of other major health care groups, such as the American Medical Association, the American Nurses Association, and the American Board of Anesthesiology.

The APhA represents approximately 62,000 pharmacy practitioners, pharmaceutical scientists, students and technicians. While this policy is not legally binding on individual practitioners, it does have similar weight to policies set by medical and nursing groups as an ethical standard for the pharmacy profession. This is of particular importance in light of past practice by compounding pharmacies in providing lethal-injection drugs for executions. Some compounding pharmacies had already discontinued providing execution products, as opposition has increased from death penalty opponents.

One professor emeritus of pharmacy law and ethics suggests that a united front by the major health professions might force people to finally face the death penalty's harsh realities.⁽²⁾ He stated his perspective that lethal injections have created a sterile setting for executions, where "It's like we're not really executing."

In March, 2015, the International Academy of Compounding Pharmacists (IACP), also began discouraging its members from compounding or dispensing lethal-injection drugs for use in executions.⁽³⁾ David Miller, the CEO of IACP indicated that compounding lethal-injection drugs is not a service this organization is eager for its members to provide. He stated, "For lethal injection purposes, I don't know what, quote 'safe and effective' means."

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LETTERS

Parole Board...isn't it time?

In most states, parole is mandatory, based on the sentence given by a judge. In Nebraska, we are judged and sentenced not only once, but then again (and in most cases), harshly and subjectively by the Parole Board.

If an inmate has served the time intended by the sentencing judge to be eligible for parole, has completed all required programming, and has behaved appropriately, why is he/she still in prison? Between 1300 and 1400 inmates currently incarcerated are past their parole eligibility dates. Of that population, there are hundreds who have completed all required programming, and yet, the Parole Board does not parole them.

With prison population at 160% of capacity and hundreds more beds being installed at LCC, NSP, and TSCI, isn't it time for Parole to become more objective and less subjective? Isn't it time for the Governor to state an overcrowding emergency and force the paroling of those individuals who have taken the necessary steps for a successful release?

Rodney Schindler 71055
Community Corrections Center, Lincoln

Passive acceptance

Every person is entitled to his own opinion, right or wrong. However, to accept when someone is doing something illegal or immoral, "because it's his prerogative," is wrong. To sit by, keeping to yourself, is enabling.

Listening to someone berate another, call him a bad name because of his race, sexual orientation, his weight or some flaw, and not confronting him "because it's not your problem," is not right. Getting to the point where you say "that's not right, that should not be happening," is the problem. Telling yourself it's not your problem because it's happening to someone else is passive acceptance.

Racism used to be a north/south thing, but now it's everywhere. When I was a child, that problem was worlds away. Today, its next door, in the next room, on TV and everywhere. Believing that one voice is too weak to make a difference is wrong. You are as strong as your voice is loud, It's contagious. Be contagious.

Jeremy Neff
Lincoln Regional Center

Another bill is needed

Prior to LB 907, millions upon millions of taxpayers' dollars were spent to house inmates and rehabilitate them back into society. We know the system isn't working when we study the "Jenkins" and "Lewis" cases and many others with similar backgrounds of dangerous mental illness.

LB 907 will give the State \$10 million toward mental health/alcohol abuse facilities. This bill will never be a success, according to my theory, unless another bill is passed to form a marriage with it, to provide mandatory parole of inmates who are eligible for parole, with intensive supervision. This would help prison reform and reentry.

Why can't Nebraska implement mandatory parole the same as other states? If it does not, I figure that, within a five-year period of the passing of LB 907, the State will have built another prison and the millions of dollars will have been a waste of taxpayers' money.

Khalid Muhammad 67084
Tecumseh State Correctional Institution

Let inmates go when they are eligible

I have said for a long time that the only way to reduce the over-crowding is to start letting inmates go when they are eligible. Corrections has over 1200 inmates that are eligible for parole. Common sense tells you that all 1200 cannot be released, but half of them could be. You take the inmates who did their programming and have not been a big problem in here. Those are the ones who could be paroled instead of sitting around in here.

We have to face the fact that the prison system has a lot of lifers getting their thirty years in. The thirty years means that that lifer is eligible for parole. Society doesn't have to worry too much because the governing body says that a lifer has to be commuted (by the Pardons Board) before he can get paroled. Those are the same people who got corrections all messed up and has the prison over-crowded.

I have one question that I'd like to ask everyone that pays taxes. If you have a person who has done thirty years in prison, has not caused a lot of problems, has done his or her programming and is over sixty years of age, would it bother you to let that person go on parole? Remember, it costs about \$70,000 a year to keep someone sixty years old or older in prison. That's a national average.

Clayton Kern 36658
Nebraska State Penitentiary

The definition of a man

A true man is one who chooses to be himself, thereby resisting the male stereotypes that the majority believe makes one a man. He doesn't allow the bad behaviors of the crowd influence him into going along with their actions to gain their acceptance.

Realistically, he's a unique man in the sense that he strives to be unlike the rest, thereby embracing his individual independence. He'll inevitably treat others as he wishes to be treated, by avoiding negative traits like gossiping or degrading others, as well as being violent, vengeful, egotistical, selfish, and so forth. As a result, he

will acknowledge that his manhood encompasses more than just being there for financial support or emotional support. In fact, it entails being there for those that need you the most and to always do what is expected of you.

Finally, a real man will ultimately recognize and humbly accept that he will never be able to say he's a true man, for we are all fallibly imperfect. Thus, we can only choose to take the initiative to use our will in an attempt to fulfill our desire to become more manly.

Tyler Keup
Federal Correctional Complex, Arkansas

A sad situation

The events of the Tecumseh revolt were sad. I know that some "associates" probably got caught up in making bad decisions, trying to reverse bad policies and mistreatment. It's really sad that such sacrifices were made to shine light on deplorable conditions. Nice guys finish last.

For years, staff and politicians ignored petitions, grievances and sincere convict letters of concern. Now, I'm sure they hear the sounds of violence. But, even now, I fear this is "damage control/window dressing" by staff to cover up how staff daily mistreat prisoners; how the Nebraska Department of Correctional Services hires and retains known racist and insensitive staff; how our comrades are dying in prison from medical negligence, how staff retaliation with misconduct reports is the norm; how the Director's Office and wardens collectively offer no staff accountability.

I fear staff and politicians are now trying to appear "competent" in their "leadership positions," not sharing in any of the blame to go around in the subsequent criminal investigations. You need not be a prisoner in that Tecumseh prison to understand fully that sometimes one must throw a rock and break a window when you are trapped inside of a glass house.

Shaheed K. Biko Hamza 36413
Nebraska State Penitentiary

Prison administrators create volatile environments

In the past three years, Tecumseh's prison has seen an increase in suicides, violent conflicts, hostile emotions and psychological ills like depression, defiance and hopelessness. Ironically, modified operations were implemented on August 14, 2012, under the premise that "it would keep us safer." Since it was implemented, the environment shifted to anything but safe.

Modified operations was done by sacrificing 90% of all positive activities. The yard time was reduced from being available 12 hours per day to 1 1/2 hours per day. We were not allowed to shower after morning access to yard, and we were on a rotating schedule (morning and afternoon). These activities, in and of themselves, were critical in offsetting anger, frustrations, depression, and other stressful ills typical to human beings.

Additionally, religious services were reduced from

daily activities to twice weekly. Self-help clubs like 7th Step, AA, Toastmaster and cultural clubs, were reduced from meeting 2 hours per week to two hours monthly (practically). In April, the self-help clubs took two major hits. The privilege of using the educational computers to promote self-help clubs was stopped, arbitrarily! Also, the practice of allowing outside club volunteers to attend events by different clubs was stopped, arbitrarily! No instance of abuse or change in policy.

Unquestionably, the conditions of confinement in Nebraska's maximum security prisons create a hostile and volatile environment.

Floyd Morrison 74703
Tecumseh State Correctional Institution

Vengeful language is troubling

This letter is written to you and to four state senators. In recent weeks I've read comments from senators that I assume to be Christian. The vengeful, angry words that have come out when discussing the issue of the death penalty troubles me. Not only the troubling words, but worse, the misuse of scripture.

Scripture taken from the old testament, for example, such as "an eye for an eye," (Exodus 21:24), when clearly in Matthew, 5:38,44, Jesus stated, "You have heard it said,, an eye for an eye, but I say to you, "Love your enemies."

Jesus spoke often about the self-righteous: the Pharisee and the tax collector in Luke 18; the offended older brother in the prodigal son story of Luke 15; the unforgiving servant in Matthew 18. Jesus also said, "If you have been forgiven much you will love much," Luke 7.

One of you also made this comment, "Those who live in their perfect middle-class lives say we can't pull the lever. God made people who can." In the death penalty case brought before Jesus, in John 8, Jesus said, "Let him who is without sin cast the first stone." (Or pull the lever)

Jesus never called those killing Him, "murderous savages."

It's no surprise to hear non-Christians speak with rabid blood lust. It's another matter coming from those who go to a Christian church each week.

Senators, I write this letter from a prison cell, my name mentioned a few times in the debate of the death penalty, as I once faced that myself. God changed that. He intervened, and I praise Him for that.

I write to you because I felt impressed by God to do so, to remind you that the one most explicit part of following Christ is redemption.

Bob Hunt 35947
Nebraska State Penitentiary

Letters

The *NCJR* invites thoughtful opinion letters from anyone who has a serious interest in Nebraska's criminal justice system: those who administer and staff it; those who make plans and laws for it; those who are personally affected by it; and citizens who pay the bills for it.

NEBRASKA CRIMINAL JUSTICE REVIEW

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Kim Culp – given the Douglas County Restorative Justice Award, by the Victim Empathy Advisory Board March 26, 2015

The Douglas County Restorative Justice award was presented to Kim Culp upon her retirement, March 2015. Kim was the Director of the Douglas County Juvenile Assessment Center and one of the original founders of the Restorative Justice (RJ) movement in Douglas County. She participated in the Archdiocesan Restorative Justice committee and helped plan the first Restorative Justice conference sponsored by Nebraska Corrections. Kim supported the principles of RJ in the philosophy and work of the Assessment center and supported the development of Victim Empathy classes and Victim Offender meetings for youth referred to Diversion.

Kim was like the gardener of Restorative Justice in Douglas County. She **planted** the seed for RJ programming; **watered** it by writing grant letters of support; **weeded** it when program improvements were needed; and **looked after** it by attending eight years of quarterly Victim Empathy Advisory Board meetings.

Thanks to Kim's commitment to Restorative Justice, its principles were exemplified in the every day work of the staff at the Douglas County Juvenile Assessment Center and in programming in Douglas County.

Incarceration leads to poverty and hunger, according to Bread For The World

Bread for the World (BFW), a national organization which advocates for public policies which reduce hunger world-wide, sees mass incarceration as a hunger issue and it's aftermath, "a second prison." According to BFW's March/April, 2015 newsletter, incarceration in general puts individuals and their families at serious risk of hunger and poverty. After their release, people who have been incarcerated are often denied services, government benefits and employment opportunities that are all necessary to successfully re-enter communities, reunite with families, and ensure economic stability.

Bread for the World is also concerned that the make-up of the prison population is disproportionately people of color and people who are poor— those at highest risk of hunger in general.

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