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Elimination of life without parole sentences for juveniles: finally, one last step, maybe?

By Shakur Abdullah

I'm reminded of the proverb that says, a journey of a thousand miles begins with the first step. It seems that more than a thousand miles and certainly at least that many steps have been taken on the yet unended journey to eliminate juvenile life without parole (JLWOP) sentences.

On January 25, 2016 the Supreme Court of the United States (SCOTUS) took another step towards the elimination of JLWOP sentences. In a 6 to 3 decision (Montgomery vs. Louisiana), Chief Justice Roberts, and Justices; Beyers, Ginsburg, Kennedy, Kagan and Sotomayor) ruled that its (SCOTUS) decision in Miller vs. Alabama was a "new substantive rule" and therefore must be applied retroactively. That decision will affect more than 2500 cases across the country.

The SCOTUS ruling in Miller (2012) held that mandatory LWOP sentences for juveniles under 18 years of age was illegal and unconstitutional. That decision affected 28 states, some of which went on to change their laws in accordance with Miller (AL, CO, CT, DE, KS, HI, IA, KY, NV, MA, MT, NE, TX, VT, WV, WY and D.C.).

A number of states, like Louisiana, outright defied Miller making the ineffectual argument that the SCOTUS decision never said it was retroactive. So Louisiana and a handful of other states didn't resentence any juvenile lifers. Florida, Louisiana and Pennsylvania accounted for 40% of JLWOP sentences in those states that chose not to comply with Miller.

In other words, until the decision in Montgomery vs. Louisiana some states never changed their laws and even those that did were slow to act. Some of the JLWOP cases in Nebraska that have been resentenced haven't realistically (given the new sentence, too long) provided an opportunity for parole or release.

Nobody should assume that the Montgomery ruling will enhance the odds or chances of changing some judges' minds upon resentencing these cases. In fact, looking more closely at Montgomery, its ruling could prove problematic.

Justice Anthony Kennedy in delivering the court's

opinion, said, "A state may remedy a Miller violation by permitting juvenile homicide offenders to be considered for parole, rather than by resentencing them," he wrote. "Allowing those offenders to be considered for parole ensures that juveniles whose crimes reflected only transient immaturity – and who have since matured – will not be forced to serve a disproportionate sentence in violation of the Eighth Amendment."

A consideration for parole in lieu of a resentencing that at some future date would expire the sentence ensures nothing but the potential continuation of the status quo (either a life sentence or a life with a sentence so long that it's the equivalent of a life sentence).

Unfortunately, now, even after Montgomery, all remaining JLWOP cases could simply be considered for parole and not actually be resentenced. That would be a disastrous fate for juvenile lifers whose only redress for release would or could potentially lie in the hands of an intransigent board of parole.

Brad Hansen to be new warden for the Tecumseh prison

Editor's Note: The following information is from a news release on www.corrections.nebraska.gov.

The change in leadership at the Tecumseh State Correctional Institution, to begin on March 21st was announced by Director Scott R. Frakes on March 17th. Hansen began his career with the Nebraska Department of Correctional Services in 1977 as a Penitentiary correctional officer. He has served in a policy development role, as a unit administrator, and in special assignments with the Department.

The news release further states that "Hansen's leadership skills and vision uniquely qualify him to create the *healing environment* from which both TSCI staff and inmates will benefit." (emphasis added)

Pope Francis, on the death penalty**

Recently, my brother bishops here in the United States renewed their call for the abolition of the death penalty. Not only do I support them, but I also offer encouragement to all those who are convinced that a just and necessary punishment must never exclude the dimension of hope and the goal of rehabilitation.

** 2015 address to joint session of Congress

Rules and regs for the use of restrictive housing

By John Krejci

On February 24, Director Frakes presented a 10 page draft for restrictive housing (Nebraska does not use “solitary confinement”) to the Working Group on Restrictive housing, mandated by LB 605. The document defined “restrictive housing” and included sections on issuance of operation manuals, mental and behavioral health, risk assessment, discharge planning, staff training, and data collection. It made explicit that protective custody “shall not be a restrictive housing status per policy.”

Restrictive housing was defined as “conditions of confinement that provide limited contact with other inmates, strictly controlled movement while out-of-cell, and out-of-cell time less than 24 hours per week.”

The document generated substantial discussion during the three hour meeting. Mental health staff and mental health professionals from the community addressed the thorny problems of mentally ill inmates, inmates dangerous to themselves and community, and protection of the mentally ill. Substantial contributions were offered by Ombudsman staff, James Davis and Jerall Moreland, who know what goes on in prison and are not Department employees, who might be less inclined to sharply criticize the new policies. The newly appointed Inspector General, Doug Koebernick gave the following comment after the meeting:

“The long term housing group is making some progress... However, until the Department gets further along into the promulgation process, I think it is too early to say whether I agree with them....(A) lot of work on the issue is being done behind the scenes, in the Department, through internal work groups and working with outside consultants. It is important that the Department share its work with the legitimately created Work Group in the months ahead so that it is aware of those efforts and has a better understanding of them.”

My thoughts, expressed at the meeting were that the document was quite long, complex, and may be unwieldy to implement throughout the whole Department. The issue can be quite complex, but the core of the issue is to avoid arbitrarily sending inmates to segregation for an indeterminate time without clear guidelines on why they are being sent, the length of their confinement, and the behavior required to get out. Another concern is that the process for formulating these changes is too long (although the report is due to the Legislature in June of 2016). The document speaks of staff training to be done in 2018! If I am an inmate in solitary or likely to be sent there, I would like the new policies and management practices to be implemented much sooner than that. Perhaps some interim guidelines, modifying present practices, could be put into operation while the overall policies are being formulated.

An overview of the document’s core strategies to reduce use and duration of restrictive housing within the department are:

“REDUCTION IN THE USE AND DURATION OF RESTRICTIVE HOUSING shall be accomplished by managing behavior through programming, initiatives, and incentives, rather than relying primarily on sanctions.

Population and problem-specific alternatives shall be enhanced and used instead of restrictive housing whenever possible.

Immediate segregation shall be a short-term (30 days or less) risk assessment housing assignment utilized to maintain safety and security.

Longer-term Restrictive Housing shall be a classification assignment used primarily as a transitional, needs-based intervention with programming targeted to problem specific needs.

Individuals with major mental illness who present a high risk to others or to self and require residential mental health treatment shall be housed in a secure mental health unit.

Inmates who enter high custody settings based on risk to self and others must be transferred to the least restrictive environment that can safely support their needs as soon as possible.

Restrictive housing when used shall include protocols for incentivized individualized transitions back to general population or mission specific housing.

Mission specific housing shall normally be used for majority mentally ill, protective custody status, and other special needs populations, rather than restrictive housing....

Comprehensive reentry and discharge protocols shall be implemented prior to release to the community, with the goal of returning all inmates who were in restrictive housing to general prison population, mission-specific, and/or treatment-based/ behaviorally focused housing prior to that release.”

These strategies are followed by a section titled, “Departmental directives, guidance, operations manuals and administrative regulation.” The following half page outlines the nature of directives, etc. The next section outlines the “Uses of and alternatives to restrictive housing,” followed by two pages of examples and explanation. As I testified to the Working Group, this document is thorough but it is so complex as to be functionally inoperative. Can the Department be expected to implement these policies efficiently in a reasonable time frame? I would suggest the “KISS” philosophy -- “Keep It simple stupid. “

Perhaps the Department is actually too smart—too complex, too deliberative, too glacial. However, it is encouraging that things are moving, that the Legislature has set a deadline for the report, and that serious attention continues to be given to corrections reform. Be assured that **NCJR** will continue to monitor things and keep you informed.

WHAT OF US *

what of these—
 Sioux Arapaho
 Cherokee Seminole
 and these other nations of people
 whose ancestors gave respect
 to the land
 and to the green things upon it
 and to the walking crawling
 slithering and flying
 creatures upon it
 who gave homage to their grandfather
 who smiled upon them with these gifts
 and blessed them with prosperity
 who touched their skin
 with the redness of clay

and what of these
 Mexicanos
 of Olmec Toltec
 Aztec Mayan
 blood
 great ones who drew favor from their Gods
 to know of medicine and numbers
 to fear not abstractions
 and walked with dignity
 their beige faces turned to the sun

and what of these—
 who carry yet the rhythms
 of forgotten songs
 from a Motherland far away
 where Fulani Songo
 Mandingo Hausa
 and other offspring of Africa's fertility
 explored the uncharted mysteries
 of the heavens
 to chart the planetary paths
 and studied earth to learn
 of herbs and roots
 and the healing power they contained
 and danced with feet as brown
 as the bountiful ground

what of these
 of all these now of us—
 prisoners of the new reservations
 barrios
 ghettos of an America
 whose heart does not beat
 whose pace is pale
 and our colors
 do not blush its cheeks

Editor's Note: The above poem, by Mondo we Langa, was published, with permission of the author, in the December, 2001 issue of the *Nebraska Criminal Justice Review*.

Remembering Mondo we Langa

Editor's Note: *Mondo we Langa (formerly David Rice), died this month in prison, still maintaining his innocence. A few people who knew him as a young man share their memories below.*

Mondo was involved in many of the same North Omaha community activities as I was, and we attended Holy Family at the same time from about '68 to '70. During a conversation we had—it must have been very close to the time of his arrest—he was talking about the breakfast program the Panthers had organized and I suggested that he come to talk with public health nurses at the Visiting Nurse Association (VNA) office I was working in on 35th and Cuming, so nurses could refer children in need of breakfast.

He came to our office early one morning to talk about the program, but couldn't resist expounding on some of his political views to the group of all White nurses. In the course of his talk, he pulled out a hand-drawn poster of the American flag, threw it on the floor, and jumped on it to emphasize his dissatisfaction with America's treatment of Black people. I was 21 and learning more about the need for change/revolution every day. I thought his presentation was "right on," as we used to say.

That evening I received a call from the VNA director asking me about the presentation. One of the middle-aged nurses in the office had called her to express concern that Mondo might have been a dangerous character, planning to overthrow the government. The director understood and supported the purpose of Mondo's visit. I didn't lose my job but have always hoped that the complaining nurse had her consciousness raised a little bit that day.

Barbara Head

I met Mondo (known as David Rice at that time) in the late 1960's. He had graduated from Creighton Prep High School and took classes at Creighton University.

A neighborhood between Hamilton and Lake streets and 30th street on the east in Omaha, had a community council for residents of the area. It's goal was neighborhood improvement. A child care program was started and it evolved into a Head Start Child Development Program. David was an active member of the organization and offered good ideas. He had a gift for writing and often wrote articles for the organization newsletter.

David was a member of Holy Family Catholic Church. He played the guitar and sang. One Christmas, David came to Mass to do the music, dressed in Christmas lights. He plugged in the lights as he played and sang. David was a showman.

He talked of his mother. She was a good person, whom he loved and had pride of her as a role model.

David had many friends. He has left many friends who will miss him.

Mary Lou Lynch

Revenge triumphs over justice

By John Krejci

In Judge Marlon Polk's courtroom on Friday (2-12-16), revenge and lack of forgiveness triumphed over mercy. Chris Garza, a juvenile at the time of his crime, who was convicted by an all-white jury and has spent 26 years as a model inmate, working to rehabilitate other inmates for their release, was re-sentenced to 90 years plus 6! Recently, the U.S. Supreme Court ruled it unconstitutional to sentence juveniles to life without parole (Chris's original sentence) because immature brains, while often excellent at logical reasoning, are incapable of decision-making with an understanding of long-term consequences. The Supreme Court accepted the extensive research on this issue and required a re-sentencing.

The day before the resentencing, a newspaper front-page story, with multiple pictures of the murder victim, told of the suffering of Beth Ann Tuerff (Bushon), then an 8 year-old, who was in the house at the time her baby sitter was murdered. One can empathize with the ongoing trauma, guilt and suffering that Mrs. Tuerff has suffered. She is an example of how extensive the impact of a crime can be. It is like the widening circle of waves that a rock dropped into a pond can cause. Both the victim and members of the community are traumatized. Our legal system often excludes the victim.

However, what the article did not mention, nor did the follow-up (2-13-16), was any mention of Chris Garza's rehabilitation and work for others while in prison. He has been an exceptional inmate, organizing the Seven Step program to aid other inmates after their release. He is not the juvenile who did a terrible crime 26 years ago. One social service worker remarked to me that Chris would be a CEO of a corporation if he were not in prison. I know Chris; he is not only very intelligent but a caring person and a talented artist as well.

Although I empathize with Mrs. Tuerff's suffering and hope it will soon be alleviated, it is a fact that ongoing anger, revenge and hostility will damage the one who cannot "let go" and move on. Judge Polk said to Chris, "it is not a role of the court to take revenge against you on behalf of the victim." But it appears in this year of mercy, revenge triumphed over mercy.

Continuing on the path to redemption

By Christopher Garza 41853, a juvenile life-without-parole inmate, who was recently resentenced.

First and foremost, I want to thank all of the people that have supported me and who continue to support me in my endeavor to be free of these prison walls. My family has been my foundation and they keep me grounded when I need it. All of the members of FFI have been a huge support group, not only for myself, but for my family when they need it. For that I will always be grateful. I want to thank all of the volunteers, whom I consider friends that abandon social convention and enter into these prison walls to help men and women seeking change. And, of course, I want to thank all of my brothers behind these walls with me. I can only hope that I will be as supportive of my friends when they need it as you all have been of me. This has not been easy for anyone involved but you all have helped me to keep my heart strong when I may otherwise have struggled. Last, but surely not least, I say thank you to Annie Hayden and Tom Reilly who have worked their butts off for all of us juvenile lifers. Thank you all again.

Next, I would like to say what I was too weak to say in the courtroom on February 12, 2016. I am sorry. I am sorry for what I have done. I am sorry for the pain I have caused the family and friends of Christine O'Day. I am sorry for the pain I have caused my own family and friends with my actions. Anyone who knows me knows the sincerity of what I write today. But it is also true when I say that I have been weak. I have allowed guilt and shame to keep me from being the man that I can be. When given a chance to open a door to healing by expressing my remorse, I remained silent in shame-feeling the hatred that I had caused. When faced with the opportunity to express to all of those listening just how much I have changed, guilt silenced my tongue.

I am working on this, and those that I thanked are helping me. Most notably, Mel Beckman, who recommended that I read *A Change of Heart: Justice, Mercy, and Making Peace with My Sister's Killer*,. By Jeanne Bishop. Ms. Bishop is a Public Defender in Illinois whose little sister, her sister's husband and their unborn child were murdered by a 17 year-old kid while robbing their home. The level of forgiveness, compassion, and understanding expressed by this woman blew me away. Don't get me wrong, she did not immediately respond by hugging her family's killer. But her initial response, "I don't want to hate anyone" on page 11, was full of understanding. She knew that hatred would make her more like her sister's killer than her sister, who had been full of love. She understood that hating someone is like drinking poison and expecting it to destroy the person you hate.

I felt that hatred as I sat in the courtroom, waiting to be resentenced. I listened as the pain and suffering I caused was expressed. I heard my mother cry out when my new sentence was imposed by Judge Polk. I know I caused this pain and I am sorry. But I don't want to live my life, in here or out there, thinking of myself as the "monster" (words whispered about me for my family to hear in the courtroom) who could commit these terrible crimes. This is not who I am, and not who I will ever be again. And, thanks to my family, friends and mentors, I know I will continue on this path to redemption no matter where I may lay my head. For those of you who have not read [Change of Heart](#) by Jeanne Bishop, I highly recommend it. Her words have been a huge help to me in this difficult time, and I would like to leave you with one final thought from this book.

Ms. Bishop was contemplating a prayer: "Lamb of God, you take away the sins of the world, have mercy upon us." She writes, "What does that mean? Whatever it meant, I knew that it couldn't mean saying to any human being, 'We are taking the sin you committed and freezing it in time forever. No matter what you do, how much you repent and show remorse, you are forever only one thing—killer—and we will punish you endlessly for it.'"

CrossOver Prison Ministry Re-Entry Point Update

By Mike Lindgren, Re-Entry Point Lead

Re-Entry Point is one of the four core spokes of CrossOver Prison Ministry outreach, those being; Inmate Correspondents, Discipleship, Family & Friends of Inmates, and Re-Entry Point. Re-Entry Point was established to support and encourage participants, to provide tangible guidance, and share our combined experiences. As a group we are committed to those in transition. Re-Entry Point focuses on issues of employment, housing, relationships, and basic problem-solving skills. Our participants are men and women from the Community Corrections Center of Omaha and those already in the community on parole, or those who have completed their sentences.

The success we encounter becomes an encouragement to the participants who may be struggling. It is a complete shaping and learning process, both by the participants and the volunteers. We recently had four of our participants secure employment. Through their growth, development, and acceptance of feedback from the group, they were armed with the confidence and determination to achieve the goal of securing jobs. Our transportation sponsors got them to their series of interviews. The smiles on their faces said it all when they reported to the group that they received job offers.

Our group is in constant transition. Occasionally, the Department of Corrections will transfer inmates to another facility. Recently we had two of our participants transfer to facilities in Lincoln. It is our hope they will continue to stay in contact with CrossOver Ministries as they continue their journey. So, in this program we have a revolving door. Our goal is to continue preparing inmates for that successful transition back into society.

We have an awesome team of committed volunteers and group facilitators working within our Re-Entry Point team. They bring their experiences and expertise from their lives to our participants. We are always looking for additional volunteers as our group size continues to

grow. It is our experience and belief that those individuals being released who are successful are the ones who have a plan and built in accountability to follow that plan. That plan has to be their own so they have ownership of it. Re-Entry Point provides the accountability and support.

If you, or someone you know, is interested in volunteering or becoming a participant, contact us at: (402) 556-6793, CrossOverPrisonMinistries@cox.net or visit us at our website: www.CrossOverOmaha.org

A "great stride" at NCCW

By Angela Manns 97542

I want to share with you a great stride that the Nebraska Correctional Center for Women has made, toward providing programming for the ladies of the institution.

Through grants, donations, and back-up funding, NCCW has partnered with York College to provide an Associates Degree in General Studies. There were 12 inmates chosen for the pilot program and I am lucky enough to be one of them.

The criteria for selection was that our TABE scores had to be high enough for admission to York College, each inmate chosen had to be able to be here at the institution for the duration of the degree (graduation will be August, 2019), and each inmate had to be committed to completing this degree.

We have also been told that we will be receiving tablets with our textbooks downloaded on them each semester, that there may be an opportunity for current York College students to attend class with us, and that we will be acting as mentors to the next round of students enrolling. I am extremely excited about this opportunity.

Editor's Note: According to Corrections Department spokesperson Andrew Nystrom, the women accepted into the program were: Britteny Baker-Lonowski, Michale Dixon, Jennifer Gillpatrick, Rose Glaze, Jennifer Kerby, Tamara Kulm, Selletter Livingston, Angela Manns, Bridgette Mann-Welch, LaToya Ross, Elisa Seastrong, and Niccole Wetherell.

NEWS and MISCELLANEOUS

By Mel Beckman, Editor, NCJR

Nebraska had the most increased incarceration in the nation, 2009-2014

That analysis, from a new fact sheet "U.S. Prison Population Trends 1999-2014," was released in February by the Sentencing Project in Washington, D.C. The Sentencing Project lists eleven states which have had rising prison populations since 2009, along with their percentage of increase:

North Carolina	2.6%
Arizona	4.3%
Missouri	4.5%
Minnesota	6.5%
Tennessee	6.7%
North Dakota	7.9%
New Mexico	8.5%
Oklahoma	11.7%
Wyoming	14.8%
Arkansas	17.7%
Nebraska	21.7%

On the positive side, 39 states are listed as having experienced a decline in prison population since reaching their peak prison populations within the past 15 years. The total U.S. prison population declined by 2.9% since its peak in 2009, according to the fact sheet.

The Sentencing Project address is 1705 DeSales Street NW, 8th Floor, Wash. D.C. 20036. www.sentencingproject.org.

Marriage with the help of videoconferencing

Lancaster County District Judge Robert Otte ruled recently that legal standards would be met if videoconferencing were to be used in the wedding of a man and woman currently in different prisons in Nebraska. The Department of Corrections had argued that the marriage would be invalid if both inmates could not be physically present, which would be the case because of agency rules which do not allow for transportation of an inmate to another facility for a marriage.

Danielle Conrad, ACLU Executive Director, said the judge's ruling affirms that prison inmates still have fundamental rights, including marriage.

The information above is from a Febr. 5, 2016 article by Paul Hammel in the *Omaha World Herald*. An appeal of the ruling is anticipated, according to the article.

Bill would remove food stamp restriction

LB 690, introduced by Senator Adam Morfeld, would have Nebraska opt out more completely from the federal restriction that eliminates eligibility for the Supplemental Nutrition Assistance Program for persons convicted of a felony involving the possession, use, or distribution of a controlled substance. Such persons in Nebraska have been able to obtain food stamps if they have completed a substance abuse treatment program, but in cases of three or more felony convictions for possession or use of a controlled substance, food stamps have been denied. Under LB 690, the current restrictions would be removed.

In the public hearing for the bill, a spokesperson for the Nebraska Department of Health and Human Services was the sole opponent, saying it would remove an incentive for the drug

user to obtain treatment. Proponents testified about the importance of food stamps during the time after prison. The Committee advanced the bill to General File.

According to a March 10th story in the *Omaha World Herald*, LB 690 was amended into LB 910 the previous day, a bill which provides for changes relating to parole administration. The amendment passed with a 35-5 vote in favor. LB 910 has advanced to select file.

Maryland unlocks the vote for 40,000

According to articles in the February 9 *Baltimore Sun* and the *Brennan Center for Justice*, some 40,000

Maryland citizens with felony convictions will regain their right to vote immediately after release from incarceration, and without first completing parole or probation. The legislation—SB340/HB980—was passed over the veto of Governor Larry Hogan. The bill became effective on March 10th.

This new enlargement of the vote in Maryland was preceded in April of 2007 by legislation which ended lifetime disenfranchisement in the state. Then-Governor Martin O'Malley signed that legislation, restoring the right to vote to over 50,000 citizens. That law, in place until now, required citizens to fully complete all aspects of their sentence before regaining their voting rights.

Interestingly, Nebraska, too, in March of 2005, passed progressive legislation which automatically restores to ex-felons the right to register and vote two years after their release from prison, without having to seek approval of the Board of Pardons. However, if on parole or probation they must first complete it. The law was passed over the objection of then-Governor Heineman. Since then, however, Nebraska State senators have done nothing more to remove the blocks which still disenfranchise many citizens who have completed their time in prison.

Vocational & life skills program, 2nd round

The Nebraska Department of Correctional Services has announced the release of its grant application procedure for the Vocational and Life Skills program, as defined and funded through Nebraska legislative bill 907.

During the first round, grants were awarded to fund eight programs. Applicants for grants in the second round must submit their applications, with all the required supporting documentation, to Kevin Hand, at Kevin.hand@nebraska.gov, no later than April 15, 2016. Grantees will be notified on or before May 17th.

According to an "overview" of the program distributed by the Corrections Department, applications are being solicited for vocational and life skills training programs "to provide services to individuals who are currently incarcerated, under parole supervision, or under probation supervision." Eligible program participants may access services for up to 18 months following release or discharge from supervision.

Successful applicants will be capable of training this target population before and/or after release. Individuals receiving vocational and life skills training inside are more prepared to make significant strides toward a more positive reintegration to the community immediately upon release. Programs that deliver services inside and connect individuals to services on the outside further enhance the likelihood of successful reentry.

An annual allocation of \$3.5 million is available each year of the two-year grant period. There is no set limit on the number of organizations that may be awarded.

Past issues of the NCJR

Read them online at: www.holyfamilyomaha.org

under “publications.”

Family and Friends of Inmates (FFI)

Meetings are on the fourth Saturday of each month except December, from 9:30 to 11:30 a.m., at First Christian Church, 6630 Dodge Street in Omaha. Share with others who have loved ones in prison or jail and advocate for changes needed in the correctional system. For more information: 402-558-2085.

A grant for Douglas County Corrections

According to a March 8, 2016 article in the *Omaha World Herald*, the Sherwood Foundation will grant Douglas County Corrections \$1.75 million for a three year program helping persons find the resources they need to successfully re-enter the community after their jail time. Plans for use of the grant reportedly include hiring eight social workers and arranging for researchers at the University of Nebraska to track the effectiveness of the program

Position Open

For the past two years Matt Anselmo has been Crossroads Connections' LIFE Manager, working with men in their transitional housing and work support program (titled Living In Freedom Eternally). In June he is moving to a company doing contract training of law enforcement personnel in tactics which avoid escalation of confrontations, work suited to his background. Matt intends to stay involved with Crossroads, which sponsors nondenominational worship for inmates from Community Correctional Center Omaha each Sunday evening, but as a volunteer.

Crossroads is seeking applications for the full-time, LIFE Manager position. Find information at www.CrossroadsConnectionNE.org under the “Our Needs-People” tab. Candidates can submit a letter of interest and their resume to omahacrossroads@gmail.com or by mail to Crossroads Connection, 851 N. 74th Street, Omaha, NE 68114 by April 24, 2016. Applications will be considered as they are received.

Perceptions of prison reform

By John Krejci

Prison reform is slow and tedious, like changing the course of a battleship. **Director Frakes** wants to expand community corrections with a \$26 million dollar building. This will take three years. His vision is for the long-term; the “bureaucratic” perspective.

The Legislature passed bills in 2015 and wants change, particularly relieving overcrowding—the most critical problem. And the senators want it soon: the “legislative” perspective. They are circling Frakes' battleship in their pontoon boats, shouting at him to speed up.

And in their rubber rafts, **the inmates** are crying out for immediate relief. They have been suffering the 156% overcrowding for years, enduring lack of programming, partial lockdown, and scarcity of health and mental health services. The “inmate” perspective wants change yesterday! This is probably the same for overworked and overtime-weary staff.

The **ACLU** and the **Federal Government** are

New rules planned for civil forfeiture in Nebraska

A number of national publications have focused, in recent years, on the questionable practice of law enforcement seizure of money and other property from individuals when it is suspected, but not proven beyond a reasonable doubt, that the assets were involved in criminal activity. ACLU Nebraska, in its publication, *Guilty Money*, has reported that law enforcement agencies in the state have received a total of \$16,142,595 in forfeited money during a five year period.

Senator Tommy Garrett has introduced two bills in the Legislature to provide new regulations regarding forfeitures in the state. The “statements of intent” attached to the bills explains their purpose. LB 1108 is reportedly being amended into LB 1106.

Statement of intent: LB 1106

Civil forfeitures provide an important law enforcement tool to interrupt criminal activities, but should therefore be limited to cases where the property owner has been convicted of one of the eligible crimes. The bill will ensure that the mere fact of possession of large amounts of currency or property, no matter how valuable, will no longer be sufficient to prove the property was connected to any criminal activity.

LB 1106 establishes that forfeiture is not a separate criminal proceeding, which will result in defendants being subject to double jeopardy. Instead, the bill provides for a process by which after the property owner is convicted of a crime, the state may seek to forfeit any money or property so long as the state can prove the money or property was involved in the criminal activity by clear and convincing evidence. The bill provides for a means for innocent property owners to intervene to reclaim their property.

Statement of intent: LB 1108

Civil forfeitures provide an important law enforcement tool to interrupt criminal activities, but the current statutory framework has no transparency regarding how forfeitures are being used by state and local entities. A significant amount of funds seized in Nebraska are forfeited through the federal court system, while some are filed in the state court system.

LB 1108 will ensure that, regardless of where the legal action is filed, the circumstances of each forfeiture are reported to permit a greater understanding of this source of revenue and how law enforcement agencies use any proceeds collected through the forfeiture process. The reported information will be collected by the Auditor of Public Accounts for annual reporting to the legislature.

checking out the situation in their submarines, with torpedoes ready to fire lawsuits: the “legal” perspective.

Advocates and groups that work with inmates and former inmates are impatient and underfunded. It is time for dramatic action. Here is my “modest proposal” to address the basic problem: Let the Governor declare an emergency, as the Legislature called for a few years ago. Prepare for release, over the next year, about 500 short-term, non-violent inmates. They will get out soon anyway. Many community corrections inmates could be set free immediately. Society would be in no greater danger, prisons would be safer and happier, and corrections staff would be less stressed.

LETTERS

What inmates need

The Nebraska prisons have nothing to help inmates. There isn't a program that is going to put money in your pocket, a roof over your head. More trade schools are needed. I came from an Alabama prison and that state has no money, but their prison system has very good trade schools. Hell, I learned how to weld in prison.

When Nebraska lets an inmate out without a trade, the inmate will fall back on the only trade he knows, the one that got him locked up to start with. Then Nebraska asks itself, "why do inmates keep coming back?" We inmates need help.

Dennis Lynn 78838
Tecumseh State Correctional Institution

Mandatory parole would relieve overcrowding

How long will Nebraska taxpayers get duped? To say prison fixes won't be quick (*Omaha World Herald* 2-16-16 opinion page) is total disrespect for every taxpayer, district court judge, and inmate.

Upon careful consideration, district court judges fashion sentences. Severity, criminal history, age, I.Q., etc., are all determining factors. But all that gets thrown away once in prison. Parole can happen once the minimum sentence is reached but this is not the situation here in Nebraska. Most factors for parole are beyond inmates' control, costing all Nebraskans millions of unnecessary dollars annually.

With overcrowding now at almost 160%, inmates can't get required programming to satisfy the Parole Board. Even with a good record/behavior, still no guarantee.

Mandatory parole would alleviate overcrowding overnight, prevent riots, and save money to be used for education, roads and lower property taxes. Demand this from your senator.

Jose Rodriguez 57613
Tecumseh State Correctional Institution

Statutes have no force or effect on NDCS

There are lots of conversations concerning prison reform, and the Legislature has enacted specific bills in an effort to effect a measure of prison reform. The Nebraska Department of Correctional Services (NDCS) completely ignores any such law that requires them to provide anything of benefit to both the offenders and the public.

As such, Nebraska Revised Statutes, Section 83-182.01, et seq., was enacted to require the department to provide "structured programming" for "all adult persons committed to the department." In subsection #1 of this statute there were 8 programs outlined to be offered to the inmates. I have made many attempts to gain access to just a single program, to no avail. In fact, not a single program is offered here at Tecumseh State Correctional

Institution, nor are most of them offered in any other facility. Subsection #2 of this statute establishes that "the goal of such structured programming is to provide the skills necessary for the person committed to the department to successfully return to his or her community..."

Additionally, Section 83-183 (1) requires the department to provide vocational training, provide real jobs eight hours per day, "in the production of goods, services, and foodstuffs to maintain the facilities...[and] to accomplish these purposes, the Director may establish and maintain industries and farms in appropriate facilities..."

There are other laws passed to ensure that both the offender needs and institutional needs are addressed in a productive manner—to provide specific programs to address the offenders' dysfunctions that led them to live badly, and to provide work farms that help the offender to foster good work habits and skills, while making the department more self-sufficient, to lessen the tax burden on society. These laws are fluff to the department, and when the Director asks for \$28 million to build a small 200-bed facility, that should raise serious questions in the Legislature and in society. How much farm land and farm equipment could \$28 million buy? How many jobs could be created in this work and how much money would the department's budget be reduced? How many skills could be taught to people returning to the work force? Conversely, the Director feels that isolating the men and women at the Community Corrections Center (for which the millions are requested) is more important, despite the common-sense approach that the statutes provide.

Floyd L. Morrison 74703
Tecumseh State Correctional Institution

Happy to lend their hands

One of our inmates here at the Nebraska Correctional Center for Women, Ms. Carla Walker, has managed to bring the national organization, [Kids Against Hunger](#), to our facility, to "put us to work." This organization provides dehydrated meals to children battling hunger, both foreign and domestic. Our inmates provided the work force in the assembly line of packaging, sealing and boxing the meals in preparation for shipment.

When the notice requesting volunteers was put up, the response was overwhelming. So many volunteered that they had to "draw out of a hat" the initial 20 chosen. Two assembly lines of ten inmates each were quickly positioned and the packaging began.

The original schedule was to work for two hours, but each team was such a well-oiled machine that we processed all the ingredients they brought within an hour and ten minutes. One inmate stated, "This is so easy, and for such a worthy cause, I'd volunteer to do this every day."

Each package of sealed dehydrated food feeds 6. For that hour, we managed to prepare meals for 5,808 children!

I know the institution is planning to have return visits from the [Kids Against Hunger](#) organization and I know that the inmates can't wait (all of us). The next time they will be prepared for our eagerness and desire to help. We can easily quadruple the amount processed.

I hope some of the other facilities are able to participate in this program as well.

Angela Manns 97542
Nebraska Correctional Center for Women

Time to address the quality of life issue

Over the last year at the Nebraska State Penitentiary (NSP), two massive petitions have been submitted to Nebraska Department of Correctional Services Director Frakes. In February, 2015, 854 inmates declared that the dayrooms are too small and the current living conditions are causing physical and mental illness. Also declared was that this (NSP) negative atmosphere was not here when we could clear our heads, walk laps and get fresh air. Staff/inmate relations were better with an open yard.

Then, in a September, 2015 petition, 862 inmates asked for a local dwelling outside, in front or around each housing unit, to get fresh air and alleviate ourselves from these small, overcrowded, loud, dysfunctional dayrooms. We also asked for more yard time other than the two hours a day we get in a muddy field/kennel over the top of a once vibrant softball field. Yes, the average general population NSP inmate is still locked inside a building 22 hours a day

It took Director Frakes months for him to only selectively answer portions, with the same recycled departmental ready-made responses. So why doesn't Director Frakes answer our petitions fully and act on them? These are our positive efforts, that get no media attention. We can only do bad in the eyes of the media and the state. It should be no surprise as to why and how these oppressive conditions create a harvest of catastrophies and protests.

Director Frakes, it is important to call things what they are, begin moving these prisons forward, and address the quality of life inside them.

Jesse Haley 74183
Nebraska State Penitentiary

Released and Restored

By Ruth Karlsson, Founder/Exec. Dir.

For the past 11+ years, Released and Restored has provided structured programming specifically geared toward preparing individuals for their productive, moral, ethical and law-abiding return to society. Or put another way, Released and Restored prepares folks to - GET OUT AND STAY OUT!

Our philosophy centers around establishing supportive relationships with individuals inside various correctional facilities through the programs we provide. This relationship often follows an individual throughout the NDCS system. Sometimes this relationship begins in the Lancaster County jail.

This relationship then continues post-release, especially if the individual discharges to Lincoln. Even so, we often hear from individuals who discharge to other communities, including some from outside Nebraska.

In addition to the structured programs we provide inside various NDCS facilities and the Lancaster County Jail, Released and Restored provides re-entry support services through its weekly Safe Haven program, and daily drop-in service available at our office location in Lincoln.

We are able to provide all of these services because we have amazing volunteers and staff. Most of our staff, and many of our volunteers have themselves been incarcerated. They are living testimony to the fact that you can indeed be successful once you're out, and you can definitely GET OUT AND STAY OUT!

Another core philosophy of Released and Restored is our focus on collaborating and working with other re-entry organizations. We love to refer folks to other organizations not only in other Nebraska cities, but to organizations in Lincoln who provide services we don't, but that are vital to success post-release.

It takes a village to prepare and support folks post-release, and we are proud to be one small part of that village.

Here is a list and overview of the programs we provide, and where they are provided:

Life Skills/Re-Entry Prep (LSRP)

This is a NDCS re-entry grant-funded program. It is provided at our office location in Lincoln, at NCCW and at NSP. LSRP is an intensive 40 hour program that prepares individuals to obtain and maintain gainful, long-term employment and teaches participants to manage their money by creating and living within a budget, including monthly deposits into a savings account. In addition, LSRP teaches important coping and life skills, or put a different way – learning how to get rid of “stinkin’ slick thinkin’” and replacing it with constructive and other-centered thinking. Some examples include: empathy, team-building, problem-solving, interpersonal communication, appropriate conflict resolution, and anger management.

Jobs Readiness/Life Skills (JRLS)

This program is provided at the Lancaster County Adult Detention Facility. JRLS is a 16 hour program that is a shorter version of the LSRP program, specifically designed to be provided to individuals serving much shorter sentences in county jail.

Planning With Purpose (PWP)

This program is provided at OCC. This 40 hour program focuses on teaching essential critical thinking skills to assist individuals in replacing “stinkin’ slick thinkin’” with critical thinking. In a nutshell, this program encourages individuals to learn how to respond rather than simply reacting. This program encourages participants to use their various faith practices in this process.

We look forward to working with you. If you're inside, contact Unit staff to sign-up for one of our programs. If you are outside, give us a call or e-mail us to either participate in our programs, or volunteer with us.

Website: www.releasedandrestored.org

E-mail: info@releasedandrestored.org

Phone: 402-806-0565

Snail mail: P O Box 22962, Lincoln NE 68542

Location: 2400 S 11th, Lincoln NE.

All lives have a purpose

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

Compassion In Action (CIA) was invited to attend the newest self-betterment group being developed at the Nebraska State Penitentiary, the **Circle of Concerned Lifers Organization (COCLO)**. CIA has always valued the mission of self-betterment groups in every correctional facility because all lives have purpose. We are in the process of making the public more aware of this very valuable human resource.

Since all people serving time in correctional facilities came from a home, in a neighborhood in a community before their sentence, it's obvious one day, they will be returning to that same environment. Ready or not, here they come. We believe the manner in which they come and the appropriate preparation that is necessary for them to succeed once they are released, depends heavily upon community involvement throughout the entire process.

We continue to make the community aware of the mission, activities and symposiums provided by self-betterment groups and feel some progress has been made. Therefore, we are delighted to be a Grand Sponsor of the latest self-betterment group and believe this group will be a great asset and beneficial landmark for the efforts of all groups that are facilitated behind the wall.

The Circle of Concerned Lifers Organization (COCLO) is comprised of individuals in leadership who, obviously are serving life sentences. It is my understanding this organization was inspired by the current President, Crescent Tucker, and initially supported by Director Scott Frakes. Most of the groups within the correctional system are normally run by long-term and life-sentence servers but this one is specific for those serving life sentences to be in leadership. It appears the new director is aware of the benefits of self-betterment groups due to successes he has experienced from working with them in the past.

The COCLO is still in the process of development and reaching out to the community for more Grand Sponsors to assist in their endeavors as well as take their message beyond the walls. CIA has been bringing community groups, students and some faith groups to symposiums over the years to make that connection and will continue to pursue community awareness and involvement for all clubs. However, since COCLO is a relatively new organization with a mission and goals that line up with CIA's "Forgotten Population" Project, we will be working very closely with them.

We believe that COCLO and other self-betterment groups, under the supervision of NDSC in partnership with the community, can have a positive impact on recidivism and even reduce crime as returning citizens are better prepared to reenter society.

How to succeed or fail at reentry

Excerpts from a Febr., 2016 "Ask Bob" column by
Robert Pelshaw, author of *Illegal to Legal: Business Success for ex-criminals*

I was talking recently with my friend I served time with that I helped start a business for, and I asked him what his thoughts were on why people failed in reentry. His answer is something I hadn't considered, that I felt bordered on being profound. Here is what "G" told me.

The reason why many guys fail outside of prison is they are not used to responsibility. Everything is done for them inside prison, and everything is on autopilot and a set schedule. The most important thing for a successful reentry is to create a productive set schedule for your life wherever you are.

The first year after "G" was released he took a job in construction. We don't work winters where we live, so he had a lot of free time in the off-season. Even though he was in fantastic shape in prison, he hadn't worked out since being released. He read many books while inside, but used his free time that first winter to drink, watch movies, and waste a lot of time. He could have used the winter to rekindle those healthy habits, but he didn't.

He made the mistake of complaining to me that his life wasn't going anywhere. Over the years, I've had people tell me that they wish they had achieved what I had in life. I always tell them, "you may want what I have, but you don't want to pay the price I did so I could get what I have." I told "G" if he wanted to waste his life on a couch he might as well be back in prison. At least there, he worked out and read while someone else fed and housed him. That made him think about where his life was.

I asked him about his dreams, knowing he always wanted his own business. Since he read my book, he knew most of the steps needed to get something started. I encouraged him to take his free time over the winter preparing to launch his subcontracting business in the spring.

When spring arrived, he went back to his old job and worked his business on the side. By fall, his business was so busy he quit his job and is now doing that full time, earning three times more than when he was punching the clock. It was a hard year, but he made it happen because he didn't just waste time on the couch watching TV or drinking. He got up and made something happen. Every day he worked at his job, and at his business. Before he had customers he spent time prospecting for customers, then submitting bids. He did this every day, except Sunday when he tried to rest (but wasn't always able to)...

I'm sorry, but there is no secret to reentry success. You may want to succeed but unless you are willing to make great effort, sacrifice, and discipline yourself you won't.

NEBRASKA CRIMINAL JUSTICE REVIEW

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Editor: Mel Beckman, 402-558-2085.

E-mail: melbeckman@cox.net

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6195 inmates voted in a Republican primary this month

It happened in Puerto Rico...on March 8th of this year. Vann R. Newkirk II, writing in the 3-9-16 *The Atlantic* this month, asks the question, "Why can't inmates vote anywhere else if they can vote in Vermont, Puerto Rico, and Maine?"

The Republican Party of Puerto Rico confirmed that, of the just over 40,000 persons who voted in their March 6th primary, 6,195 were inmates in the island's 24 correctional facilities. The inmates who voted represented over half of all of Puerto Rico's incarcerated people. Their example, he writes, "challenges many of the premises of felon disenfranchisement, and suggests that fears of what would happen if it were repealed are overblown."

Newkirk discusses the racial roots of criminal disenfranchisement and suggests that "it might not be coincidence that Vermont and Maine are the two whitest states in the country and are comparatively immune to the racialization of crime policy and rhetoric that dominates conversations elsewhere." For those who might have fears about allowing prisoners to vote, he points out that in dozens of countries, including Canada, Germany, South Africa, and Israel, prisoners are allowed to vote in all elections, without significant problems

Register to vote

If you were released from prison two or more years ago, you are most probably eligible to vote in Nebraska. Be a voter in the Fall elections.

Volunteers needed

We need committed **volunteers** to make a difference. There are 30 people in prison on our waiting list who wish to receive letters that could make a big difference in their lives. **You** could make that difference!

CrossOver Correspondents

CrossOver Prison Ministries
Family & Friends of Inmates
P.O. Box 3791, Omaha,
NE 68103-0791

402-453-9221 La Verne Belt

CrossOverPrisonMinistries@cox.net