

Nebraska Criminal Justice Review

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Parole “pending:” bottleneck for prison over-crowding

By John Krejci

The basic problem, among many, hindering changes in the Nebraska prison system, is over-crowding. The prison population stands at more than 150% of capacity. This stresses both staff and inmates, limits programming, religious and club activities, and raises the probability of a law suit by ACLU and legal action by Federal authorities. It also increases pressure to build a costly and ill-advised new prison at great cost. The Council of State Governments’ Justice project has thoroughly researched the Nebraska prison system and has both advised against this option and recommended alternatives. One is to decrease the over-crowding by sending fewer non-violent offenders to prison for one year sentences. Another is to change parole “pending” policies, so more inmates could be released earlier.

Parole “pending” means that the Parole Board is granting parole to someone pending some other thing happening. Usually, it would be pending an approved residence, but it could also be pending getting verification of employment (for example, if someone is on work release and states that he or she already has employment lined up in a different location), or pending verification of benefits (for example for someone who claims disability and won’t be working), or pending other situations that the Board wants verified before parole becomes effective.

Having more low-cost or no-cost residences for inmates to live in upon release would help with the parole pending an approved residence issue, since there are few options for inmates who do not have financial resources for where they will live. Employment is as much of an issue. The Parole Board typically does not delay or pend parole for verification of employment unless this has been a particular problem in the past. Parolees can often get jobs, but may need more help with KEEPING jobs.

Several knowledgeable persons have lent their knowledge and expertise toward remediating this issue:

Marshall Lux, Ombudsman, State of Nebraska

The two biggest problems in the system are the high turnover rate of corrections staff and the over-crowding of the system by too many inmates, in facilities designed for a much lower population. The two most effective things that can be done to take pressure off the

system:

1. Increase at once the salaries of corrections officers and their line correctional staff, in order to stop the hemorrhaging of employees leaving the Department, and thus, get a start on fixing the Department’s retention problem.
2. Move, as soon as possible, to create new community corrections beds by opening a series of halfway houses across the state, so that we can place those in the system who would qualify for work release but cannot get it now because there is a serious shortage of community corrections beds.

James Davis, Ombudsman’s Office

In an interview, Mr. Davis reiterated the problem of over-crowding and under-staffing that Marshall Lux put forth. James focused on lack of programming, even though, as the Council of State Governments’ Justice Project concluded, Nebraska has very professional program staff and some state of the art programs. Nebraska does not begin programming soon enough and does not do as intensive programming as is needed, nor are most inmates able to take more than one program at a time. When inmates come to their parole eligibility date (PED), the Parole Board is faced with inmates who have required programs, but the programs have not been available. Thus, a delay. There are many inmates who have to delay parole due to lack of programming.

Nebraska needs more community beds, an increase in programming, and more and better staffing by the Department. The classification system is flawed in that many inmates are delayed getting classified as Community Custody so that they are eligible for programming and a bed in Community Custody. There is a substantial backlog! Consequently, many inmates choose to “jam” their sentences, i.e., wait for their mandatory release date and skip the programming. In the recent past, as many as 40% of Nebraska inmates jammed, as reported by the CSG Justice Project. This means that they leave prison without supervision and often no secure housing or employment.

Conclusion

Parole pending is a complex issue that has numerous causes and will need a multiple-solution approach. But it should be addressed as it will alleviate the over-crowding problem as well as lower recidivism. Parole pending policies need to be changed, at least until other modifications can be made.

Corrections Director shares his view on prison lockdowns

Editor's Note: The following is from an August 7, 2016 e-mail to John Krejci, by Director Scott Frakes, after the August 2nd lockdown at the Penitentiary

Let me share my philosophy on lockdowns. They are done to ensure people are safe—inmates, staff, the public. Though perceived as punishment, I don't authorize lockdowns to punish people. They are done to regain control of a facility, or prevent actions that could lead to people getting hurt. They are an extreme step to take. They completely disrupt the flow of the prison, for everyone involved. They are labor intensive and expensive. Once implemented, they become huge resource drains—and can be difficult to end. I don't like lockdowns, but they have a place in prison management.

The lockdown at the Nebraska State Penitentiary was handled extremely well. No one was hurt, it was short in duration, and it should help Warden Cruickshank move the facility in the right direction. Warden Cruickshank made the immediate decision to not implement a lockdown in the External (Minimum custody) housing units, allowing those 600 inmates to work, program and recreate on normal schedules. The 600 inmates in the Internal housing units (Max/Med custody) were locked down for 36 hours. On Thursday morning, some tightly restricted movement started. On Friday, the inmates were allowed to eat in the dining hall, and return to work—with limited day room access and visits. Yesterday, the facility was operating normally and utilizing a new rotational access schedule for gym and recreation yard that provides greater access than was allowed prior to the lockdown.

If the violence will stop, we will be able to do a lot more in terms of programming and pro-social activities. I'm not really talking about the typical fights that occur when two people are mad at each other (although I don't like fights), I'm talking about predatory violence that is occurring against inmates and staff. Inmates are being targeted for assault because of their crime, affiliations and race. The motivation for refusing to follow lawful direction from staff and attacking staff is less clear—but the comment he/she "disrespected me" is often heard. We will figure it out, and we will stop it.

OPINION

Keep the pot boiling: Correcting corrections

By John Krejci

Recent editorials and regular news articles addressing problems faced by corrections, and steps to solve the dilemmas of our prison system are in some ways encouraging. Although all highlight the ongoing problems, they have the function of "KEEPING THE POT BUBBLING." Unless overcrowding, lockdown and partial

lockdowns (limited movement for inmates), lack of programming, inadequate mental health treatment, and understaffing, continue to be brought before the public – the major cause—OVERCROWDING—will not be addressed. While it is not often mentioned, it is critical for the community – the people of Nebraska, the voters – to begin to realize that a dysfunctional prison system WASTES MONEY, THREATENS SAFETY, AND DOES LITTLE TO REHABILITATE INMATES.

There is a danger that other issues like taxes and budgetary problems will be placed on the front burner and corrections relegated to the warmer. Corrections, with its problems of inmate frustration and assaults, consequent low morale and high turnover of staff, and inadequate programming ISN'T GOING TO GO AWAY. There have been numerous meetings, work groups, serious studies and recommendation, legislation, and even listening session with inmates. Director Frakes does seem to be a good listener. But it appears that little has been done.

Assaults on guards have increased; we've just recovered from a riot; lockdowns are too common, as mentioned previously; staffing turnover has increased, which puts inexperienced staff in situations that overwhelm them. A 37-year inmate wrote to me that understaffing was less a problem than inexperience, with new staff monitoring the yard and senior staff doing administration. The \$500 retention bonuses may help and one hopes that negotiations for better pay will be resolved quickly and be successful.

However, there is a danger that emphasis on guard and staff pay will overshadow the needs of inmates. The needs of both groups must be addressed simultaneously. Some "out of the box" dramatic action is needed, and soon, to give inmates the hope that real change is coming. The Governor is not about to declare a state of emergency as permitted by the legislature. Corrections is a large bureaucracy and the culture will change ever so slowly. The expansion of community correction beds and other initiatives to alleviate overcrowding are commendable, but are in the future. The legislature is searching for answers. Maybe an ACLU lawsuit would up the heat under the bubbling pot. Most Nebraskans don't like crises, but that may be what it will take. Or some creative ideas to reduce the population.

What about a system of statewide, publicly funded halfway houses for nonviolent substance abuse felons, recently released inmates, and inmates serving less than one year sentences? And beef up the drug courts and other diversion programs. It costs \$7000 or less a year for diversion and over \$30,000 for prison. DO THE MATH

Help plan the next issue of the NCJR Bring your suggestions for topics to be covered in the December issue. Meeting Nov. 9th, at 11:00 a.m. at Holy Family Church, 1715 Izard Street in Omaha. Entrance and parking on the north side.

NCYF Summer Event

By Shakur Abdullah, Case Manager
ReConnect2Success

On August 27, 2016, the Nebraska Correctional Center for Youth (NCYF) held what was billed as a "Summer Event." I was told the event is the brainchild of NCYF Administrative Assistant II, Ashley Martin. Saturday's event was the second of its kind held at the NCYF. All but about four young men (in segregation or room restriction) were eligible to attend the event.

The NCYF is designed to confine young men (currently as young as 15 years old to 21 years old) with an emphasis on rehabilitative programming. The NCYF staff outnumber the young men confined there. Sixty-eight is the operational capacity of the NCYF. On the date of my visit there were approximately 52 people confined at the NCYF.

The NCYF Summer Event was designed to offer the young men a break from their normal routines, but more importantly to provide them with and expose them to role models they could emulate. It's a difficult task made even more difficult by this particular demographic. Local comedian, Theodrick Nelson was the MC from ding to dong. He attempted to provide moments of levity.

The entire event was held outdoors on the centrally located basketball court. The event began at 8:00 a.m. with a basketball game. The opposing teams were composed of young men at NCYF and outside volunteers. The volunteers, Joshua Horton, Tylon Harbour, Montsho Wilson, Tyrone Marshall, Jay Battle, Jesse Haynes, Nick Gardner, Marcus Perry, Matthew Culliver and Lamar McMorris, were young men with college basketball affiliation. They wore t-shirts with "Role Model" emblazoned on them. Of note, and to name drop, WBC, WBO, World Boxing Champion, Terence "Bud" Crawford played in the game. I don't know which team won – and ideally, that wasn't the point.

Up next was the keynote speaker, Demonie Adams (former Husker defensive end and NFL football player). Through the use of football analogies, he challenged and motivated the young men to have a game plan for life that would lead them from and keep them out of prison. He told the young men to not allow life to tackle them and put them on the bench.

After the keynote speaker came the panelist speakers, Matthew Culliver, Orlando Neal and myself. The three of us have each had one sentence of prison incarceration (Culliver with the Feds and both Neal and I within the Nebraska Department of Correctional Services (NDCS)). We all had similar words of encouragement, challenges and reflections for the young men based on our different but collective experiences. Mathew Culliver stressed the need for the young men to step up and stand up as leaders not followers.

Of particular note is Orlando Neal. He had served time at the NCFY with some of the young men attending the event. Orlando is currently in college and has dreams of pursuing a medical career. When Neal spoke he seemed to not only have the young men's ear but their respect. We told the young men their exit plan (community custody, parole or discharge) needs to be legal, viable and start now.

We had lunch (Chick-fil-A, 2 cookies, fruit, string cheese and lemonade), I gave my lunch to one very appreciative young man. A concert was held next. Amanda Gazaway, a Christian artist, performed several inspirational songs. Jason

Gentry, a former NDCS CO and currently an OFD Officer, performed several gospel rap songs and recited an inspirational poem. Last up was Justin Blackson (Just B) a local R&B/Soul performer.

I went to the NCYF Summer Event with a dual intent. One, to probably do my part and leave. Two, to give the young men something that other men had given me (most of them unknowingly) when I began my sentence at their young age – hope. My first intention quickly dissipated like smoke in a gale force wind. Upon seeing all those young men's faces gather together in one spot, I knew I couldn't leave early.

Those faces reminded me of me some many years ago. In talking with many of the young men individually I let them know their situation is survivable, not to give up hope, develop a viable plan that leads them from and out of a prison. I told them there's absolutely no good time to be in prison but right now is the best time to be in prison. One young man looked at me strange like it was a trick statement.

I expressed to him that as they get transferred to other Nebraska facilities (LCC, NSP, OCC, TSCI, WEC and community custody) their current prison experience would change, change dramatically in some instances. I expressed the need for them to take advantage of available programming (colleges courses, **I tried to pass on the hope I was given** Success Prep classes taught by LaVon Stennis Williams, Executive Director of ReConnect Inc., etc.) now to create a foundation for the future.

There hasn't been a time within the NDCS that reentry services have been as readily available as right now. Of course, time will be the true measure of what it all means.

I enjoyed spending part of my day with those young men and outside volunteers. It was a very small sacrifice. I appreciate and thank the NCYF officials, Ryan Mahr, Ken Schmit, Ashley Martin and others for allowing me share time with those young men. I tried to convey some hope to those who may have felt their situation is hopeless. I tried to pass on the hope I was given by other men when starting my sentence at their age.

I'll conclude with this. Most of the officials I talked with expressed their concern about the lack of outside mentors at the NCYF. They talked about how scarce visitors are at the NCYF. Visiting is a crucial reentry component. It acts as the glue that binds everyone involved to family and community. Visits provides a sense of belonging, attachment and investment.

Without these qualities being nurtured and grown within these young men it may provide yet another excuse for them to not be motivated, to even attempt to change. If it appears that nobody cares about them – why should they care about anything or anybody? *I'd encourage and challenge the Omaha community to step up and fulfill the need for mentors and increased visiting at the NCYF.*

Reentry is a process that must be constant, and must be initiated upon *entry* (to prison). Reentry must be more than a word uttered into the atmosphere. It must be supported by individuals and entities that have an interest in its final goal.

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Restorative justice: repairing the harm done by crime

By Jennifer Hanisch

Two sisters lost their husbands to vehicle fatalities within 6 months of one another. The offenders were each 22 years old, one on meth and the other on alcohol at the time of the accidents. The one on meth was sentenced to 18-20 years, whereas the other received only 15 months. Perhaps this illustrated a social acceptance of alcohol irresponsibility over meth use but does it not appear that one life was worth more than the other?

We have been socially trained to believe that punishing offenders will somehow help victims recover from their injuries. Reparation to victims has been gradually replaced with punishment of the wrong doer by the state, which is also called retributive justice.

Punitive justice has evolved in such a way that both victim and community have been removed from the justice system. The priority of punishment dictated by an indifferent state often alienates the offender and allows him to make rationalizations which protect him from recognizing the truth about the harm he has inflicted.

The interpersonal dynamics among victim, offender, and facilitators needs more examination. The exploration of shame management relating to meaningful outcomes also needs consideration. The stereotypes and rationalizations that offenders use to distance themselves from the people they have hurt are not challenged in the punitive system. Restorative justice promises to lead toward a set of ideological changes.

Restorative Justice is an encounter in which the victim, offender and community come together with ideas to discuss how to repair the harm done by an offense, following a guilty verdict or admission of responsibility by an offender. "Restorative" contrasts "punitive" justice by allowing the victim to be a part of the process. It is not adversarial and not a formal gathering where justice professionals decide how an offender will be punished or helped. Rather, it is characterized by openness, a diverse set of decision making processes that speak to the aftermath of crime, and a healing response to harm caused by crime to the individual victims, offenders and their relationships.

With restorative justice, the victims and their communities are central to the justice process. The first priority of restorative justice is to help the victim. Cultural concerns must be addressed during the restorative justice process. The offender needs to recognize his responsibility to the victims and the community that have been hurt by the crime. Restorative justice principles place both victim and offender in active and interpersonal problem solving roles.

Restorative justice is harm-focused, promoting the engagement of an enlarged set of stakeholders. When crime is about harm, accountability means the offender is encouraged to understand the harm caused and begin restitution.

Restorative Justice is a way of thinking, acknowledging the need for a three dimensional response involving victims, offenders and the community. Our present justice system with its focus upon rules and laws often loses sight of the harm done to relationships. Sign posts for restorative justice include a focus upon the harm done rather than what law has been broken.

When we begin with the premise that crime is more than law breaking, the primary assumption behind a restorative response is that justice cannot be achieved by simple punishment or treatment of offenders.

Offender participation in community reparation helps the offender understand how their behavior has consequences and encourages the offender to understand their obligation and opportunity to accept responsibility to repair damages to both community and victim.

Ex offender discrimination affects the offender's ability to rejoin their communities successfully and therefore encourages recidivism. If restorative justice creates an agreement of fairness among victim, offender and community, then ex offenders will be less likely to return to the prison system. P.J. Lewis offers a frame work of storytelling for creating meaningful shared experiences which can weave communities together. It is through such ideas that we can create meaning after difficult events happen in our lives. We can then gradually move toward changing the punitive system to a restorative one.

...justice cannot be achieved by simple punishment or treatment of offenders

Giving victims a dialogue and meaningful voice increases satisfaction and the perception of fairness. without which, we are making an alternative sub culture with parallel meaning within our society and this challenges its integrity. We can be author to a circular bias that contributes to the problems we say it is correcting or we can honor our differences and problem solve with critical thinking skills to create better communication and understanding between people.

Update on recent releases

By Mel Beckman, Editor, NCJR

Mr. Luigi Grayer, convicted of murder as a 15 year-old teenager, was admitted to prison in Nebraska on February 2nd, in 1971. Last month he was paroled, after spending 45 years in prison. Luigi was the longest-serving prisoner of the approximately 27 Nebraska teens who were sentenced to life without possibility of parole in past decades. Two other former teens—**Shakur Abdullah** (discharged) and **Dwayne Tucker** (paroled) have also been released in recent months.

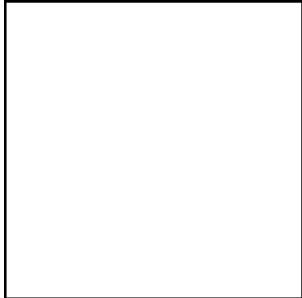
That these men would have a chance to begin a new life outside the walls is due to a decision of the U.S. Supreme Court declaring that it is no longer constitutional to give *mandatory* life sentences to children under age 18 who commit murder. The Court held that youth should be considered less responsible than adults for their offenses and as having greater potential for rehabilitation.

The Nebraska Supreme Court, in turn, decided that this substantive change by the high court entitles those who received life sentences in the past to be re-sentenced, after their youth and other mitigating factors have been considered in new hearings. A substantial number of the 27 have already had hearings for presentation of testimony and have been re-sentenced to various prison terms, but none extending to life in prison.

Experiences with the death penalty, Journey of Hope speaking tour

By Joanna Lindberg

On July 21st of this year, I heard two speakers at an Omaha Lutheran church share their experience with the death penalty. Here are the stories of these holy people.



Derek Jamison
Death row exoneree

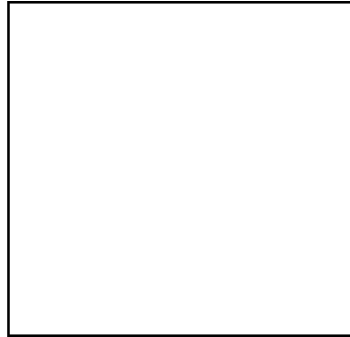
After a 1985 robbery and murder of a Cincinnati bartender, witnesses identified two suspects, but neither was Derrick. Despite this, and

other contradictions between his appearance and descriptions of those actually involved, Derrick was convicted and sentenced to death, largely on the testimony of another defendant whose sentence was reduced in exchange for his testimony against Derrick.

In 2005, all charges against Derrick were dismissed, and since being exonerated, he remains upset about the inequalities in our criminal justice system and his own unjust imprisonment, but he also expresses daily gratitude for his release and believes he can make a difference as an activist for change from the outside.

In Derrick's words, the electric chair (they referred to it as "sparky") is the first thing you see when you enter the cell area on death row. Derrick, a gentle giant, over six feet tall, cried easily, sharing stories about the death of inmates who became friends, that he lost to the electric chair. He supported and cared deeply for his fellow inmates, one a good friend and neighbor who was electrocuted even though he was totally innocent.

Derrick survived the experience because of the immense support from his parents, family and friends on the outside, who raised over \$100,000 for his defense. Derrick shared how his incarceration killed his parents physically and emotionally. They are both gone now, yet his sister is still struggling from the horror of knowing he was innocent and had to suffer all those years. Derrick said he will go anywhere to share his message that **"killing is wrong it's not right for the government to kill people...only God should have that right."**



Bill Pelke
Grandson of murder victim, co-founder of Journey of Hope, from Violence to Healing

Bill's grandma was murdered in 1985 by a group of four teenage girls. While originally supporting the death penalty sentence given to the ringleader, 15 year-old Paula Cooper, he underwent a spiritual transformation in 1986 and began praying for love and compassion for Paula and her family. He led an international crusade on her behalf that led to her sentence being commuted to sixty years in prison in 1989. A retired steelworker, he has now dedicated his life to fighting for the abolition of the death penalty, having traveled to over forty states and fifteen countries spreading his story. He has also published his story in book form and serves as President of Journey of Hope.

As Bill told it, the girls skipped school that day and were looking for money to spend at the arcade. His grandmother let the girls into her home upon their request to hear bible stories. It was there where they brutally stabbed her.

Bill shared the photo of his grandmother, a loving soul who was deeply religious. He knew she would be crying to hear about a death sentence for one of the girls. Once he saw it from his grandmother's point of view, he realized then and there that he had to work for the release of that girl. She would not want the girl killed in her name. He visited her at the penitentiary and helped bring about a shortened sentence. Because of his grandmother, Bill continues to travel and share his story of redemption. He carries the picture with him to show she would not want anyone killed in her name.

On November 8th
Vote Retain to keep the law that
Eliminates the death penalty

NEWS and MISCELLANEOUS

By Mel Beckman, Editor, NCJR

Accurate assessment of persons in prison

The Nebraska Department of Correctional Services is in a time of transformation—not yet there, but on the journey, according to information provided to the public in the Department's April-June 2016 Data Sheet. An important part of that transformation is *an improved method for assessing inmates—the STRONG-R*. That term stands for a Nebraska-specific testing tool called The Static Risk and Offender Needs Guide-Revised.

The Strong-R, it is hoped, will objectively show each person's risk level and needs so that he or she can receive the right kind of treatment and be in the right program relative to previous criminal behavior.

Strong-R testing will be conducted every six months for persons within three years of release, and annually for those with more than three years remaining on their sentence.

Racial numbers in Nebraska prisons

The April-June, 2016 Data Sheet of the Nebraska Department of Correctional Services provided the following information about the state's prison population:

Race	# of inmates	% of inmates
White	2,828	55.1%
Black	1,364	26.6%
Hispanic/Latino	640	12.5%
American/Alaskan Native	209	4.1%

Women at York hear motivational speaker

Barry Carlson, MidAmerica Speakers Bureau owner, spoke on "Goals are important," to about 100 persons at the Nebraska Correctional Center for Women at York last May. According to a June 29th Department of Correctional Services news release about the event, "many in attendance participated in the discussion, laughed at the humorous examples used to illustrate points, and cheered at the scenarios of people who've accomplished their dreams."

Funerals and bedside visits

The NCJR requested clarification of Department of Corrections policy governing inmate attendance at funerals. A spokesperson for the Department responded,

"A funeral or a bedside visit furlough may be considered on a case by case basis for an inmate having minimum A or lesser custody level. This furlough will allow unsupervised leave into the community to visit a terminally ill immediate family member or to attend the funeral of an immediate family member. Immediate family member shall mean: spouse, parent, step-parent, person acting in the place of a parent (as documented in the institutional file), sibling, step-brother, step-sister, half-brother, half-sister, child, step-child, grandchild and grandparent."

Lincoln—a prison town as well as a government and university town

In a June 19th article in the *Journal Star*, JoAnne Young noted that, because of the presence of four state prisons and a large county jail in the city, you could call Lincoln a prison town. About 3200 inmates are housed in Lincoln's prisons and jail. Large numbers of them are released back into the city and many remain there, even if from other communities. The wages of Corrections personnel provide a boost to the Lincoln economy. Lincoln's Senator Colby Coash was quoted as saying, "Nobody thinks these facilities should be in another community, but it means we have to pay more attention to it because...there are a lot of inmates in this community and a lot of former inmates. We just have to keep that in mind as we make decisions about services, workforce."

Nebraska prison programming receives outside evaluation

From November, 2015 to May, 2016, staff from the Justice Center of the Council of State Governments, conducted an assessment of the programs in Nebraska prisons. They visited 8 facilities, interviewed 50 staff and 25+ residents, and observed 24 sex offender, substance use, cognitive behavioral, and violence prevention programs. The assessment was done at the invitation of the Department of Correctional Services, to identify "how the department can modify its investments (in programming) to maximize recidivism reduction."

The Justice Center delivered its findings in a 29-page report on June 21st this year. John Krejci summarized its recommendations in the June issue of the NCJR:

The assessment recommends that the Department offer more programs, begin them earlier, deliver them more intensely, deliver multiple programs to inmates at a time, focus on criminal thinking programs, single out high risk inmates for programming. Use more trained paraprofessionals rather than relying so heavily on licensed professionals. Deliver more programs in community and in evening hours and on weekends. Improve evaluation and data collection and monitor program facilitators to not deviate from program guidelines.

To read the entire Justice Center Report, visit the Center's website: <https://csgjusticecenter.org>, and search for "Nebraska Assessment."

Mark Foxall is nominated for ACA office

The Director of the Douglas County Department of Corrections is one of two nominees for the office of President-Elect of the American Correctional Association. Mark Foxall began his career as a police officer in Omaha and has been with Douglas County Corrections since 2000. Before becoming Director, he served as Community Corrections Manager and Deputy Director. He holds a Ph.D. in Criminal Justice and is an adjunct faculty member at the School of Criminology and Criminal Justice at the University of Nebraska at Omaha.

Editor's Note: *The above information is from Corrections Today (Sept./Oct., 2016), published by the American Correctional Association.*

Pulling back the prison “curtain”

The Idaho Department of Correction (IDOC) was featured in an article published in the July/August issue of **Corrections Today**. In the article, Idaho’s Director of the Department cites three steps the Department has taken to improve transparency and “pull back the curtain” that keeps hidden both the good and the bad in corrections:

1. IDOC invited all 105 members of the Idaho Legislature to pay unannounced visits to any corrections facility, or probation and parole office, any time, 24/7, show a legislative ID, and a staff member will take them anywhere they want to go.
2. IDOC consents to all new media requests. The director will take reporters anywhere they want to go, let them see what ever they want to see and they can talk with staff and inmates.
3. IDOC uses social media. Face-book and Twitter allow the department to communicate directly with inmates’ families, its staff, their families and lawmakers, and for these people to communicate directly with IDOC.

The author is confident that what the public will see behind the “curtain” are good things—good leadership, evidence-based practices, inmates changing their lives, etc. He writes, “if corrections isn’t telling its stories, then it shouldn’t be surprised when others will, and when they do, those stories could be exaggerated, sensational and inaccurate.” Further, “negative stereotypes undermine public support for agencies’ missions and hamper correctional efforts to recruit and retain high-caliber professionals.”

Corrections Today is published by the American Correctional Association, the accrediting agency for Correctional departments in the U.S.

July 1—beginning of a new era for parole in Nebraska

On July 1st this year the Nebraska Office of Parole Administration became an independent agency. No longer the responsibility of the Department of Correctional Services, the agency will now answer to the Nebraska Board of Parole. According to an article on these changes by Paul Hammel, in the June 30, 2016 **Omaha World Herald**, Julie Micek has been hired as director of supervision and services.

Establishing an independent parole agency was among the recommendations of the special legislative committee that investigated the Corrections Department in 2014. The legislators wanted Parole Administration to be protected from outside pressure.

Catholic prison and jail ministries

Deacon Al Aulner, Coordinator of Catholic Jail and Prison Ministry for the Archdiocese of Omaha, points to the example of Pope Francis, who has reached out to many who are marginalized and has visited jails and prisons himself. The Pope has called on all Catholics to join him in spreading the Gospel to the world—especially to those on the fringes of society who most need good news and hope. Catholic Jail and Prison Ministry has about 50 lay people, priests and deacons who go into the facilities or help in other ways, such as corresponding with those who are incarcerated or helping those about to re-enter society after release from jail or prison.

To learn more about Catholic Jail and Prison Ministry, contact Deacon Al Aulner at 402-342-7142.

Report to the Legislature and Governor on reform of restrictive housing

Legislative bill 598, passed in 2015, mandated the Director of Corrections to report to the Legislature and Governor, by July 1st, on efforts being made to reduce the use of segregated housing in the prisons. That report was delivered on June 30th, in a six-page document.

Director Frakes begins by stating that “**there have been efforts in the last several years to reduce the time spent in restrictive housing, but it has not been enough. We have held people in restrictive housing as punishment in response to their behavior, as opposed to utilizing it solely as a risk management tool.**”

The document then goes on to list nine reform initiatives that the Department is in the process of developing. Initiative #2 makes the purpose of restrictive housing to be risk management, not punishment for violation of prison rules. “**Effective July 11, 2016, disciplinary segregation will no longer be authorized as a sanction for rule violations.**” Director Frakes has been heard to describe this change as a huge one for corrections personnel.

Other initiatives include limiting time in restrictive housing at times when it needs to be used for risk management, and development of housing to accommodate persons with specific needs. The Department will also “**continue to research and reform how restrictive housing units operate, in line with evolving research in the field and identified best practices.**”

Virginia Governor follows through

Earlier this year, Virginia Governor Terry McAuliffe signed an executive order granting voting rights to over 200,000 formerly incarcerated persons who had completed their sentences. Opposition to the blanket order developed and the Virginia Supreme Court reversed his order. Some 13,000 who had already registered to vote were returned to the list of banned voters.

According to a story in the August 22nd **Washington Post**, the Governor announced that he has found a way to comply with the Court’s order, in a process of restoring the voting rights on an individual basis to 13,000 and is working on doing the same for a total of about 200,000 others. Republican legislative leaders have said they will examine his latest restoration effort.

The **Post** quotes the Governor, “If Virginia did things the way they had always been done...our children would still attend segregated schools.”

Group will seek legislation to end two year wait to regain voting rights

Currently, persons leaving prison must wait for two years to have their voting rights restored.

Bri McLarity Huffert, Director of Voting Rights for Nebraskans for Civic Reform, commented on the findings of an ACLU survey in an **Omaha World Herald** “Midlands Voices” editorial (June 28, 2016). She wrote, “We encourage the Secretary of State’s Office to provide uniform guidelines to county election commissioners on felony re-enfranchisement and to publish these materials for the general public.”

McLarity Huffert further implied that the two-year restriction on voting is a burden for officials and is also not needed. She wrote, “Finally, Nebraskans for Civic Reform will address the administrative burden this restriction imposes on counties and potential voters by seeking legislation to eliminate the two-year waiting period.”

You are not alone

Editor's note: Nebraskans Unafraid recently celebrated the beginning of its third year of "Fearless" meetings. The following information was shared with NCJR by a spokesperson for the organization.

Fearless meets monthly to support sex offenders and their families. People have come to Fearless at all stages of the sex offender "process" —while waiting for sentencing, while a family member is in prison, while dealing with probation or parole, and while thriving despite being on the registry.

Being listed on the registry can sabotage housing and employment opportunities and it can also affect relationships. Friends and family often do not know what to say so they end up essentially abandoning the offender and his family.

Coming together with others who are familiar with those challenges will empower us to live fearlessly. Sharing problems and solutions can ease the isolation too many registrants endure. Your experiences on the registry may help someone else deal with similar experiences. Your understanding may alleviate the shame felt by others. Family members will find comfort in seeing they are far from the only ones dealing with the effects of the registry.

Fearless gives us hope. We can defeat the registry. Nebraskans Unafraid also advocates for sex offenders at the Nebraska Legislature. Our website, www.nebraskansunafraid.org, provides tools to help you approach your own state senator. We encourage you to talk to your legislators and let them know how the registry has affected your family.

Fearless meetings:

7 p.m., the third Monday of every month.
St. Michael Lutheran Church,
13232 Blondo Street, Omaha NE

Park and enter on the east side of the church. If you have questions, call Nebraskans Unafraid at 402-403-9250.

Review

Bernard B. Kerik. From Jailer to Jailed: My Journey from Corrections and Police Commissioner to Inmate #84888-054. New York: Threshold Editions, 2015. By Kathleen Rettig, Creighton University

Life for Bernard B. Kerik changed forever when he became #84888-054, serving a five-year prison sentence for non-violent crimes: tax fraud, false statements, lying to the White House. He was at the height of a stellar career, having risen from corrections officer to police officer to Commissioner of the New York City Department of Corrections to the 40th Commissioner of the New York City Police Department to President George W. Bush's nominee for the secretary of the U.S. Department of Homeland Security.

Kerik frequently compares/contrasts his experience in a medium security federal prison with the inmates he helped at Riker's Island as head of New York City Department of Corrections. He was the officer put in charge of Riker's when violence and overcrowding were at its crisis point, when the consequences of mistreating and neglecting convicted human beings resulted in riots, murders, frequent lockdowns and general chaos. He supervised how staff were retrained to treat all inmates with respect and consideration. Failure to do so resulted in immediate action. Staff had to realize their actions/words affected the actions/words the inmates gave back to them. He would walk the prison, every mile of it, unannounced. He would listen to the inmates' complaints, respond to their complaints to make clear to them he heard and understood them; then immediately follow up with the staff to see how that complaint could be addressed.

Cells in Riker's Island were cleaned—toilets fixed, walls scrubbed and painted. Inmates were given what they

needed to keep their own cells in order and clean. Graffiti was scrubbed clean or painted over, as quickly after it was discovered as possible. Any gang activity—including painting graffiti on the walls—was addressed before it escalated to crisis point. Kerik kept asking himself, if he were incarcerated, what would he want done to his surroundings. He checked out who was celling next to each other, how the staff was helping the inmates stay safe, how the staff could help the inmates ready themselves to stay on the outside once they were released, and how a cell could be made "liveable" until those incarcerated could rejoin their community.

Even with Kerik's concern and empathy for staff and inmates, organizational skills, ability to get things done, success in record time with making changes best for everyone working, living, visiting in Riker's Island, Kerik is quick to remind his readers, until he served time, he had no idea of the mental strain, the damage done to one's physical body, and the irreparable damage done to one's family, friends, community, and one's reputation, how quickly one loses the God-given freedoms enjoyed before incarceration, and the state and federally mandated freedoms awarded to all citizens living in the US.

Kerik lists a few freedoms incarceration has taken away from him forever. Some would not apply if he were living in a different state in the United State. He mentions he loses forever the right to vote. Some states allow inmates the right to vote immediately after release, others after staying out of prison for so many years; a couple states never take away a citizen's right to vote. He is not allowed to work as a barber. Given his past experience, losing the right to work as a barber does not seem to be high on his list of priorities for his future career. But, he has met people who formerly made their living as barbers, now unable to continue using their talents and expertise to earn their living and regain their self-respect when they are released. Even though he has been out of prison but a short time, Kerik thinks about how his work in the future will concentrate on making changes to the criminal justice system that could benefit not only him but others as well, especially others who do not have

the many privileges he still possesses. Helping others, serving the community was his focus in all his varied positions before he was incarcerated. Despite the many setbacks, he is determined to continue serving the public in whatever capacity this country will allow someone with a felony record.

One especially painful realization, again something he simply did not give great thought to before he was incarcerated (and something he believes no one except the incarcerated can understand) is how incarceration affects one's family, friends, and larger community. He details how lucky he was. People saw to it his family could keep their house and stay together without him, even after his legal fees nearly bankrupted them. His agreeing to a plea deal incriminated people he was told would not be adversely affected. Even those people understood his dilemma, did not blame him for taking the plea, and stood by him. Some of his "most dependable" friends abandoned him. He had worked closely with Rudy Giuliani during the 9-11 crisis. Giuliani was godfather to both his young daughters. Every year, Giuliani had made time to visit both his daughters to deliver in person their birthday and Christmas presents. The year Kerik realizes he will serve time, after the FBI investigation into his life's work, financial records, and personal affairs (as "standard" procedure after he accepted George W. Bush's request that he apply for the Homeland Security cabinet position), Rudy Giuliani announces his run for president. Giuliani disappears from his family's life. His daughters are old enough to understand their godfather may be president. This is the birthday visit they especially look forward to. Someone who could be president of the United States may give them a present and answer their many questions. He does not make that appointment to see them, for the first time ever. Bernard Kerik and his wife have to think of a way to tell their children, without telling a lie, how their godfather must simply be too busy. They do not want to close the door to Giuliani's changing his mind and visiting in the later months/years. But neither do they want their children to keep up false hope. This example is just one of many Kerik and his wife have to navigate before, during, and after his incarceration. When anyone is incarcerated in the United States, the whole family suffers with the one behind bars. The family needs to protect themselves and their loved ones from the malicious gossip churning about them, at the same time they know the loved one in prison has not been reduced to their crime or their prison number. Kerik is reminded of how often prison takes away his very humanity during his entire five-year ordeal.

Challenges during these five years abound: Kerik has excessive idle time, no meaningful work, precious little contact with friends and family on the outside, and an excessive amount of guilt, regrets, memories to relive and put into perspective. The guilt alone, sometimes exaggerated beyond logical thought, nearly drives him mad. He often works, through mental exercises alone in his cell, or talking to fellow inmates, talking to staff, reading and re-reading letters from family and friends, remembering the good times, finding hope and comfort in minor successes to calm his body, soul, and mind, to keep a tenuous hold on his sanity. His family and friends write him positive letters encouraging him to keep up hope, to stay strong, when his letters make clear this downward spiral.

Kerik keeps comparing his living conditions, his family situation, his loyal friends to what he did notice with the inmates at Riker's Island and to those living in the cells next to him. He knows he is one of the lucky ones among the millions held hostage in the US mass incarceration debacle. His family believes in him, occasionally visits him, writes to him, and are waiting for him when he is released. While family and friends continued with lives mostly apart from him, they kept him in their thoughts

and prayers when he was unable to attend the funerals, parties, graduations, anniversaries. But with life on the outside moving forward without him physically present, he will never be as much a part of their lives as he could have been without his five-year absence. He now understands the phrase an incarcerated man used to describe his life in prison: "It's like dying with your eyes open." Now he both understands and lives that life.

As is apparent in the title of Kerik's book and in the content of every page, Kerik's new identity is now his five-year sentence (the jailed) and his number #84888-054. Given our criminal justice system, which does not stop punishing "criminals" after they return to their families and communities, he will always be that number. The problems implicit in mass incarceration are apparent in the number. So many people are incarcerated that we now need to add hyphen 054 to the five-digit number. How many inmates could be incarcerated in that one prison, under a five-digit number before we need to add a hyphen plus three more numbers? And, how many re-entering citizens end up back in prison (now with a new number, now with a longer list of crimes), despite their good intentions and the resolve of themselves, their family, and friends.

I am finishing this book review on September 10, one day before the whole world acknowledges the attack on the United States, killing thousands of people working in the tower and first responders. Kerik was in the middle of the chaos that day. He was Commissioner of Police on the day in New York City, when dozens of police officers in his district lost their lives trying to save as many innocent victims working in that building. He attended every funeral of the police officers who died that day. He met their families, comforted friends, and worked nationally and internationally after that 9-11 to do whatever he could do to insure such a catastrophe would never happen again.

During this 15-year anniversary of 9-11, I will spend a major portion of my Sunday mourning those who died at the World Trade Center. But, I will reserve a special time on 9-11 to thank Bernard B. Kerik whose former life and many accomplishments are not erased from my memory, simply because he was unlucky enough to have been demonized for non-violent crimes, for a few mistakes. I will not join in the blame because too many people (including the acting judge and Rudy Giuliani), wanted to further their political careers and were able to do so, in part, by exaggerating the severity of his non-violent white-collar crimes or ignoring him and all his past work. I will not allow our flawed criminal justice system to diminish my admiration for someone who has contributed so much good to so many people around the world, as well as in New York City. Five years of doing time does not erase a lifetime of honorable work.

**Please complete the
enclosed Readers' Survey
and tell us how we can
improve the
Nebraska Criminal
Justice Review**

LETTERS

Punish all for the actions of a few?

(Excerpted from a letter to Director Frakes about the July 15th lock down)

I want to bring an issue to your attention concerning the way inmates are treated at the Tecumseh State Correctional Institution (TSCI). It appears to be a common practice to punish all inmates for the actions of a few inmates. This not only affects the innocent inmates but also their friends, family members and loved ones.

TSCI has made progress in the right direction of forming inmate council and family council meetings. This offers everyone hope. However, when it is followed by punishing inmates who follow the rules and don't get involved in fights, it chips away at hope for the inmates and their families.

Several inmates were said to have been in their cells when the fight broke out and they should not be placed on lockdown, losing their phone, e-mail, and visitation privileges. Not only is the prison administration choosing to punish them, but also their loved ones.

With current technology we have today there is no reason why video surveillance from cameras on the units could not show who was involved and who was not when a problem of violence occurred.

Kerry Alfrey, friend of inmate
Grand Island, NE

Hours for sweat lodge are shortened

I am an inmate at the Omaha Correctional Center. I and my Native brothers are at a loss. We have been cut back on the hours for our sweat lodge and now, they cut us back on our days to only twice a month.

I am just trying to reach out to our other Native brothers and sisters. We need your support. This is our way of life that has been passed down from our ancestors for generations. The ones before us fought to get this and now they cut us from 3 hours every Saturday to 2 hours, and now only twice a month. This is taking religious rights from us.

As fellow Native brothers and sisters, you know our sweats take awhile. They are trying to say that this came from a Federal judge in South Dakota, but we have many doubts about this. We believe they would try to help us. So please, brothers and sisters, write your grievances and kites. This is our sacred right, passed on for many generations.

Rex Yates (Sun Bird) 72256
Omaha Correctional Center

Resources for learning the law

Thank you for providing the **NCJR** to me. It's helpful in that it allows us to voice the issues within the system. Those in the office can take notice and make changes for the better. One of the big issues at Tecumseh is staff being disrespectful to inmates and not being held accountable. When grievances are filed, it's the

same reply every time: "No evidence to support your allegations of staff misconduct."

Another big issue within the Nebraska prison system is that the State doesn't provide attorneys for post-conviction appeals, so the inmates have to try to learn the law fast to file them. And the prison will not allow inmates to help one another with their cases. A legal aide can only tell an inmate what book to look at and cannot tell the inmate what he should file or how to file it. I believe if more inmates learned about the law or had more help, things would get a little better.

I would like to give you two addresses for the **NCJR**, that provide good legal help to inmates:

The Georgetown Law Journal is a criminal legal journal, over 1000 pages, with case laws on everything you need to know about your case. Free to indigent inmates. \$25.00 to non-indigent inmates. Write to Georgetown Law Journal, 600 New Jersey Ave. N.W., Washington, DC 20001.

Prison Book Program, c/o Lucy Parsons Bookstore, 1306 Hancock Street, Suite 100, Quincy, MA 02169. Request a resource list and "We the People Legal Primer." They are free to any inmate.

Lloyd Allen 71197
Tecumseh State Correctional Institution

Emergency lockdown, but no misconduct

On Friday afternoon, September 2nd, at 4:00 p.m. the whole general population at Tecumseh State Correctional Institution was locked down for count. About 4:45 p.m., staff stated it was an emergency count and then a corrections officer came in the mod ten minutes later passing around a memo telling us we were under lockdown.

Warden Brad Hansen and the staff here are abusing their authority by lying to the general population that it was an emergency count just to put us under lockdown again when there was absolutely nothing happening and no type of misconduct by any inmates. Just because the Lincoln Correctional Center has been dealing with staff assaults, the staff here are assuming things and then punishing every inmate throughout the general population, while giving special treatment to the protective custody inmates (by giving them modified operations status).

Paul Castonguay 70764
Tecumseh State Correctional Institution

Editor's Note: *Mr. Castonguay sent along the Sept. 2nd memo from Warden Hansen, cited above. It read,*

"Yesterday, Director Frakes made it clear we would not tolerate violence against staff. Today, I've received information indicating serious violent attacks are planned. The risk to staff at this point is high and one I will not take. Therefore, as of 4 p.m. today, TSCI housing units 2 and 3 are in a lockdown status and housing unit 1 is on modified operations status through Tuesday. We will review information gathered over the weekend on Tuesday morning and determine next steps. Your cooperation and behavior will directly impact these decisions."

An oppressive environment stimulates violent behavior

I served four years at Tecumseh State Correctional Institution (2012-2016) and I can attest with absolute certainty that the 23 hour-per-day confinement to the housing unit caused me significant emotional and psychological harm. More clearly, I was a human time bomb throughout my stay at TSCI, and I was only one push from exploding.

When I was transferred to Omaha Correctional Center and began living out of oppressive conditions, my anger, bitterness and depression dissipated. In other words, when I began to live in humane living conditions, my humanity returned. Treat a man like a human being and he acts like a human being. Treat a man like an animal and he thinks and acts like an animal.

It is no surprise to me about the spike in violence. I've been writing articles for four years to the **NCJR**, detailing the harms of the overly restrictive environment, but prison administrators defy all the evidence that show how harmful their modified operational paradigm really is.

It really boils down to one fundamental principle—remove 90% of constructive activities (like exercise, recreation, religion, self-help clubs, etc.) and you create an environment that has too much space for destruction. Hence, we are human beings that are disposed to live either constructively or destructively. That is to say, if prison administrators aren't going to provide sufficient opportunities for positive change and growth, then they will keep getting back what they are putting out. Oppression provides destruction.

Floyd Morrison 74703
Omaha Correctional Center

Good things happening at NCCW in York

It's time to take notice of what's happening with the women at the Nebraska Correctional Center for Women (NCCW). We've made noise in three different newspapers, all in the past six months, and here is why: there is a very special group of ladies who gather simply to brainstorm ideas, with the sole intent of creating ways to "give back" to both our "hidden city" as well as give to the outside community called York. (See **York News Times**, "Bewildered Boomer" by Steve Moseley, March 26th.)

Inmate Ms Carla Walker kicked it all off when she ingeniously thought of getting the "Kids Against Hunger" organization to host an event this past February at NCCW. The event was so successful that there are plans for another drive this November.

Since my arrival almost two years ago, I've diligently worked towards generating an inmate newspaper, written by the inmates, for the inmates. Our Warden approved my proposal tentatively, however, Mr. Rothwell, Deputy Director of Programming and Community Services, told our recreational coordinator that we could not proceed with our club for a newspaper. With disappointment, we continue to approach our progressive Warden, who sometimes has to deal with unavoidable set-backs right along with us. She teaches us, by example, to per-

severe and deal with rejections by trying harder.

Thankfully, we are also guided by the poetic hands of Professor Fran Kaye, from University of Nebraska Lincoln, and by Mr. Nicholas Bell and other volunteers who educate us monthly through "writer" group. Mr. Bell inspires us by his sheer will to live through his medical difficulties.

The nonprofit group, Dance 2B Free, gave us a four day seminar, teaching us to create our own dancing moves through the art of dance, choreography and teamwork. The certification allows inmates to reach out to our local community centers upon release and teach a free class, leaving us yet another way of "giving back" to our communities. Articles on our activities appeared in the **York News Times** ("Dance 2B Free", July 21st) and the **Lincoln Journal Star** ("A chance to be free", July 26th).

I cannot express enough about the mountains of outside support we have received from the York newspaper's Associate editor, Mr. Steve Moseley, who has graciously given us his time and expertise on writing. He will also play a pivotal role when (not if) we succeed in starting our own inmates' newspaper, along with our writer group volunteer, Mr. Nicholas Bell.

These groups are vital to our desire to "thrive" within our York community. We will continue to peacefully peck at the shoulders of those who tell us we "can't" - because we are proving we can, and we will grow right where we are planted, on top of the hill in York.

Jill Curran 98736

Nebraska Correctional Center for Women

Family and Friends of Inmates—Omaha

FFI meets are on the **fourth Saturday** of each month except December, 9:30 to 11:30 a.m., at First Christian Church, 6630 Dodge Street. 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.

Family and Friends of Inmates—Lincoln

Meetings are held on the **3rd Saturday**, from 9:30 to 11:30 a.m., at Our Saviour's Lutheran Church, 120 S. 40th St. in Lincoln. Email: infob2h@windstream.net. Phone: 402-420-5696

NDCS statistics are easily available

Monthly and quarterly data sheets from the Nebraska Department of Correctional Services are available regularly on the Department's website, <http://www.corrections.nebraska.gov/news.html>, or they can be obtained by e-mail by sending an e-mail to Rita.Augustyn@nebraska.gov and requesting to be put on the e-mail distribution list.

Also on the website are current and past Department news releases.

NEBRASKA CRIMINAL JUSTICE REVIEW

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Conference on Mass Incarceration, Criminal Justice Reform and Best Practices for a New Millennium

Friday, September 23, 2016

8:00 a.m. to 4:00 p.m.

DC Centre

11830 Stonegate Drive in Omaha

With the high rates of incarceration and recidivism in the United States, and its ongoing position as world leader in imprisonment, there is a need for more state, regional and national dialogue surrounding mass incarceration. This is a conference for legal and prison system professionals, men and women formerly incarcerated, policy makers, judges, educators, advocates, family members of prisoners, and interested citizens.

Keynote: Michael Rothwell

Deputy Director, Nebraska Department of Correctional Services

Keynote: Nicole Porter

Director of Advocacy, The Sentencing Project, Washington, D.C.

Also participating: Senator Heath Mello, A'Jamal-Rashad Byndon, Kim Culp, Danielle Conrad, Kainette Jones, Chrissy Tonkinson, Juliet Summers, Larry Duncan, Omaha Mayor Jean Stothert, Diane Goode-Collins, Gary Kern, Emily Wright, Dell Gines, Jasmine Harris, R Justice Briamah.

Free conference/ Eventbrite registration
Sponsored by Black Men United, The University of Nebraska,
ICare Youth Services and Family and Friends of Inmates
More Information: Black Men United, 402-614-6472