

Nebraska Criminal Justice Review

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A message from the Inspector General for Corrections

By Doug Koebernick, Inspector General

The Office of Inspector General for the Nebraska Correctional System has been in existence for two years. It is hard to believe that the time has gone by that quickly since I started the position on September 16, 2015. The first year went fast but I think the second year went even faster!

As a reminder, the Office was created in 2015 through the passage of Legislative Bill 598 in the Nebraska Legislature in a combined effort by several senators, including Senator Paul Schumacher and Senator Bob Krist. It was set up as a result of the work of the LR 424 Special Committee in 2014 in order to provide some additional level of oversight of the Nebraska Department of Correctional Services (NDCS) and the Adult Parole Administration (APA) for the Legislature.

The work of the Office is focused at the systemic level and not at the individual casework level. In some cases, the Office will examine individual cases because they show evidence of a systemic issue, but in many cases, when people contact the Office about their specific concern, it is probably better that the Ombudsman's office takes on that case. With that said, I work closely with the Ombudsman's office and communicate with them on a regular basis regarding cases that they are working on or systemic issues that they believe could merit an extra look.

My second annual report is scheduled to be released on September 15, 2017. At the time of writing this column, the report has not been finished but it will build on the work of the 2016 report. The report will examine a number of topics, including overcrowding, staffing, restrictive housing, serious incidents, deaths, uses of force, assaults, parole administration changes, and many other issues. It is my hope that the report will continue to shed light on a number of issues, including those that are progressing in a positive way and on others that demonstrate a need for improvement or change.

Although I am only an office of one person, I sincerely welcome your input and thoughts on issues facing NDCS and APA. I am also looking forward to a third year on the job as everyone involved in the correctional and parole systems seeks to implement positive changes.

Overcrowding in Nebraska's prisons is causing a medical and mental health care crisis

By Danielle Conrad, Exec. Director, ACLU of Nebraska

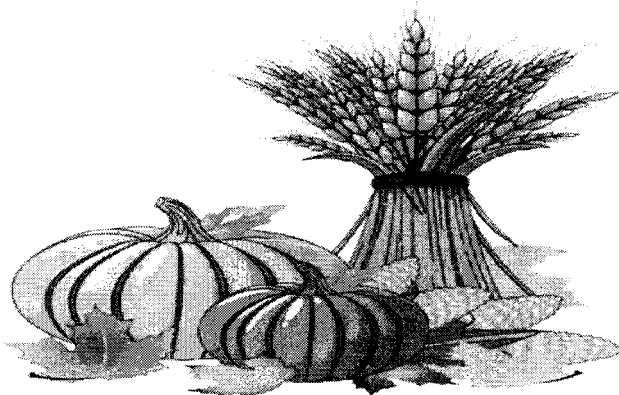
On August 16, 2017, the ACLU of Nebraska, the ACLU National Prison Project, Nebraska Applesseed, the National Association of the Deaf, and the law firms DLA Piper and Rosen Bien Galvan & Grunfeld, LLP filed a class-action lawsuit on behalf of eleven prisoners in Nebraska state prisons. The lawsuit asks that the Nebraska Department of Corrections and the Nebraska Board of Parole immediately address overcrowding, and the lack of adequate health care, including medical, dental, and mental health care, as well as provide accommodations for prisoners who are blind, deaf, hard of hearing, or have other disabilities.

According to the U.S. Department of Justice, Nebraska's prison system is one of the most crowded in the nation with some facilities 200+% and 300+% over capacity. The system is supposed to house approximately 3,275 people and is currently housing 5,278 people. Nebraska has fostered a system of mass incarceration that is so unwieldy that almost one in ten Nebraska kids have had a parent in the criminal justice system.

To those who have been working with prisoners, and for those who have loved ones in the system, the awareness and human impacts of these inhumane conditions are not news. The system has been under-resourced, understaffed, and over capacity for years. This extreme overcrowding hurts families, our economy, and our public safety goals. How did this happen?

For far too long Nebraska policymakers have passed laws focused on failed "tough on crime" and "war on drugs" philosophies. Prosecutors consistently over-charge defendants to leverage plea bargains. In far too many instances Nebraska judges lack discretion. Nebraska prisons are packed with far too

(Continued on page 7)



More programming—key to reducing prison overcrowding

By Robert Heist II 83796, Tecumseh State Correctional Institution. (e-mail contact Robert@Unlock the Mind.com)

Nebraska, with the help of the Council of State Governments, developed the Justice Reinvestment plan to deal with NDCS's overcrowding crisis. The plan identifies 2 main solutions to the overcrowding: 1. Sentencing reform, which the legislature passed in 2015, and 2. Increased use of parole. Increased use of parole not only directly decreases the prison population but it also decreases recidivism by having post-release supervision rather than forcing the person to jam out without any help to transition to the streets.

There is one key obstacle to increased use of parole and that is inadequate access to programs. If a person receives a programming "recommendation" and does not complete it before their parole eligibility date (PED) they will not be paroled, even if the reason they haven't completed it is lack of access. NDCS is required by statute to "provide the person with adequate access or availability to mental health therapy prior to the first parole eligibility date" (Section 83-1,110.01). Their failure to provide "adequate access or availability" to programs is the major obstacle to increasing the use of parole as was made clear in the Clinical Programs Evaluation - Phase 1 from July 2016 which was attachment #36 of the Inspector General of Corrections' first annual report last fall.

The Clinical Program Evaluation contains a qualitative analysis of the Residential Treat Community (RTC) for those diagnosed with substance abuse issues, the Violence Reduction Program (VRP), and the sex offender programs iHelp and oHelp. Here is a summary of the evaluation's findings by program. On average 1,837 people per year come in with a substance abuse diagnosis. Of those only 73.3% are able to start RTC before their PED and only 52% complete the program before their PED. That is barely half that are able to complete their recommended programming by their PED, the other half stand little to no chance of being paroled at their PED.

On average there are 374 people a year who are recommended to take VRP and it takes on average 715 days to even get that recommendation. That is almost 2 years before a person even knows they must take VPR and then there is an average of a 539 day, another 1.5 year, wait to get into the program. 50% of those with VRP recommendations start the program before their PED but only 9% complete it in time.

There are on average 276 recommendations a year for the sex offender programs iHelp and oHelp. It takes on average 1094 days (3 years) to receive a recommendation. From there it takes an average of 576 days (1.6 year) to start iHelp and 792 days (2.1 years) to start oHelp. That is from 4.6 - 5.1 years just to start programming. 50% of those recommended for iHelp begin before their PED but only 31% of those recommended for oHelp. 0% (yes, ZERO!) complete iHelp before their PED while a comparatively huge 1% complete oHelp in time to be considered for parole. This lack of programming clearly contributed to the parole board between 2004-2013 granting parole hearings to only 12% of sex offenders (Neb. Justice Reinvestment Approach from May 2015 by the Council of State Governments).

If NDCS continues to fail to provide the "adequate access or availability" to programs that the law requires then the Parole Board should start to exempt people from the requirement to complete those programs, as 83-1,110.01 allows, or

parole will not be able to alleviate the overcrowding crisis. We must all keep the pressure on them to do what they are legally obliged to do while monitoring their follow through and implementation. The best solution for community safety and a cost effective rehabilitation system is for NDCS to offer "adequate access or availability" to these rehabilitative programs prior to a person's PED.

Program synopsis

VRP is a 9-12 month inpatient program that meets twice a week for two hours.

RTC is a six-month program with three phases, has group meetings four times a week for an hour and a class that meets four times a week for an hour.

oHelp is a 12-15 month outpatient program that has two phases and meets once a week for about two hours.

iHelp is a 2-3 year inpatient program that has 2 phases. Phase 1 consists of the Healthy Lives group once every three weeks for two hours, peer support twice a week for one hour, once a month community meetings for one hour, and meeting with therapist is once every three weeks at minimum. Phase 2 consists of core groups once a week for two hours, 3RT groups once a week for two hours, once a month community meeting for one hour, and meeting with a therapist once every two weeks minimum.

<u>Clinical programs:</u>	<u>Successful completions</u> <u>FY 16</u>
Violence Reduction Program	16
Anger Management	109
Domestic Violence	16
Aggression Replacement Therapy	19
iHelp	8
oHelp	11
bhelp	20
Residential Substance Abuse	481
Non-Residential Substance Abuse	677
Drug/Alcohol Education	46
<u>Non-Clinical Programs</u>	
Moral Reconciliation Therapy	265
Includes those with clinical review	

A year in review: Parole Administration's transition to Nebraska Board of Parole

By Julie Micek, LIMHP, Director

July 1, 2017, marks the one year anniversary of the Division of Parole Supervision being placed under the Nebraska Board of Parole's authority as a result of the passage of LB 598 in 2015. Parole had historically been a program within the Nebraska Department of Correctional Services. This change is attributed to the work of many—the Council of State Governments, the Legislature, and Criminal Justice stakeholders across the state. LB 605 was also passed in 2015 which paved the way for major changes in Parole. Another bill, LB 1094, was passed in 2016 which clarified some of the language in

LB 605, in particular the provisions relating to custodial sanctions.

To begin, I want to share with you that "It is the mission of the Nebraska Board of Parole and the Division of Parole Supervision to continue its research, understanding and implementation of evidence-based approaches as it pertains to the release of clients who have appropriately been prepared for community supervision. The Board and the Division of Parole Supervision are dedicated to maintaining public safety, reducing recidivism and addressing the need of victims, while integrating clients into society through a balance of best practice supervision and treatment strategies."

Our Vision Statement, which was developed, is integral to the work we do in community supervision in Nebraska and reads as follows: "The Nebraska Board of Parole and Division of Parole Supervision are committed to serving and protecting the public. The Board will strive to make informed and appropriate parole decisions by giving due consideration to and utilizing the resources of the Division of Parole Supervision, including innovative case management, for the successful re-entry of clients back into the community to become productive and responsible citizens."

During our first year under the Board, we have made significant strides in implementing provisions contained in the legislation as well as changes required due to the transition to a new agency. These include:

- Implementation of the Strong-R, a risk and needs assessment tool for offenders paroled by the Board, which assesses risk of reoffending and criminogenic needs, as well as a Quality Assurance process to ensure fidelity to the instrument;
- Implementation of Payport, a website feature which allows clients to pay programming fees online. The Division also assumed accountability regarding collection of fees;
- Development of new and existing policies into protocols;
- Implementation of EPICS (Effective Practices in Community Supervision), a case management model that is based on effective intervention and use of core correctional practices;
- New Drug Testing Service/Process;
- Incentive/Sanctions Matrix and purchase of software to track—it is anticipated that custodial sanctions will be implemented in the near future;
- Streamlined processes relating to placement investigations and travel permits, and eliminated certain reports in which information was documented elsewhere;

- Programmer for Parole Information Management System (PIMS), which has allowed us to make needed changes within the system and to focus on data driven case management;
- Reorganization of Parole to meet the needs of the new agency;
- Town Hall meetings across the state to include meetings in May 2017 to address pay issues and Parole Officer structure;
- New office location for the Lincoln Regional Parole Office and Parole Administration staff in Heritage Square, 421 South 9th Street Ste. 220, Box 25, Lincoln, NE 68508; and
- In process of adding additional services state-wide and meeting with providers.

Another provision of the legislation was the development of our own training program which includes pre-service and inservice for our Parole staff. In addition to training that was conducted earlier this year on the EPICS model for case management, ongoing training is being provided on EPICS case management. There has also been training for Parole staff on Evidence-Based Practices in Community Supervision and Motivational Interviewing.

Parole staff successfully completed Certification Lean Six Sigma – White Belt, Governor Rickett's Training Initiative in which all State government employees were required to be White Belt certified by the first of the year. This training introduced State employees to this process improvement methodology. By the work that has been done and continues to be done, we are working toward a more effective, more efficient, more customer-focused way of doing business.

The transition from the Nebraska Department of Correctional Services to the Board could not be accomplished without staff from both agencies working together, and so we want to extend appreciation to everyone who has been and continues to be involved in this process. Although much has been accomplished this past year, there is still much to be done. As I recently shared in a presentation of the 2017 Strategic Plan for the Division of Parole, *with change comes endless possibilities*.

Nebraska's Board of Parole

Rosalyn Cotton (Chair)
Rex Richards (Vic-Chair)
Virgil Patten
Randall Rehmeier
Teresa Bittinger

<p>Web Site: https://parole.nebraska.gov</p> <p>Phone: 402-471-2156</p>

Governor appears reluctant to continue prison reform committee

By John Krejci

Despite requests by Senators Krist and Pansing-Brooks to continue meeting as a committee, Governor Ricketts seems unlikely to reconvene the Justice Reinvestment Implementation Coordinating Committee.

The committee is composed of leaders from Law Enforcement, Corrections, the Judicial system and other stakeholders. It has met periodically to hear, discuss, and respond to the research of the Council of State Governments. The goal of this research is to identify problems in Nebraska's prisons and to make recommendations to address them. The key aim is to reduce overcrowding – the basis and cause of other problems, such as assaults, low morale of staff and inmates, riots and even homicides!

The Department of Correctional Services has used allocations from the legislature to remediate the problems – with very limited success. LB 605 has been partially implemented, again with limited success.

Unfortunately, according to the final report, the prison population has actually increased. It now stands at 161% --2nd highest in the country! And the consequent problems seem to have increased. New programming has begun on a small scale, but parole policies continue to present obstacles to release, e.g., strict programming requirement. Access to religious activity and self-help groups continue to be restricted

On the upside, commitment from all branches of government continues to be strong. Legislative, Executive, and Judicial officials know that corrections must be reformed and the prison population must be controlled. It is a matter of public safety and justice. The ACLU lawsuit highlights this problem (See "Overcrowding" page 1).

One key recommendation of the Council of State Governments was to continue collaborative efforts among agencies, i.e., continuing the meetings of the Justice Reinvestment Committee. The report also stressed the importance of further implementation of LB 605, including funding, sentencing reform and expediting of parole.

The 161% overpopulation rate is unacceptable– for both staff and inmates! Admissions must be lowered and parole must increase, with early release of non-violent inmates, those nearing the end of their sentences, and elderly inmates being granted "compassionate release."

None of these would present a danger to the community. Diversion programs for non-violent substance abuse offenders should be increased. Of course,

these actions would require additional resources and adaptations both in prison and after release. But this could be done.

The challenge remains. Continuing commitment of stakeholders is crucial. The status quo is unacceptable and inhumane. Corrections reform must continue to be a high priority item.

Public testimony to attendees at presentation of Council of State Governments

By John Krejci
August 22, 2017

I would first like to commend this group representing Law Enforcement, Corrections and the Court System. The existence of this group and the cross-fertilization of ideas is invaluable. I am aware that this is the last scheduled meeting, but it would be well for this group to continue to meet in some form. Some years ago, the Community Corrections Council was a valuable asset in the beginning of corrections reform.

I don't think it is an exaggeration to say that Nebraska corrections is in crisis. Given the increasing population—it has passed 161 percent—the violence, and the recent ACLU lawsuit, something significant must be done. I don't think anyone wants this suit to go to trial.

Corrections officials have attempted to remediate the problems with policy changes, implementation of some aspects of LB 605, attempts to recruit and train more personnel, proposed new construction, and some creative programming. For this, Director Frakes and his staff should be commended. But the ongoing assaults, violence and discontent seem to indicate that it is too little too late. I work with inmates and many write to me. They are frustrated and some are hopeless.

We all know that overcrowding is the basic issue—the other problems are linked— assaults, inadequate programming, health and mental health treatment, restriction of religious activity, clubs and recreation, to mention a few. There is no one solution, no magic wand.

But there is one bold action that could be a leap forward. I am encouraging the Governor to respond to the legislation passed several years ago that permitted him to call a state of emergency when the prison population reaches 140% and begin letting out those inmates who are non-violent, at the end of their sentences, or aged and posing little danger to the community. I realize that this is not a politically appealing decision for the Governor, but it is simple and would quickly address the basis of our problem.

Yes, changes in Parole Board policies would be needed, a program of supervision would have to be increased, more drug and alcohol treatment in the community would be needed, as well as other resources that do not come to mind at this time.

This may sound dangerous, but what we have today is a continuation of danger and a potentially costly law suit. Perhaps there is a way to change a political liability into a courageous solution.

The Elephant in the Room: Health Care and Mental Health Care in Nebraska Prisons

By John Krejci

It is no secret that health and mental health care in our prisons present a challenge and are a huge problem. Our prisons nationwide are the largest warehouses for the mentally ill – a shameful indictment of our society! A former inmate of the women's prison at York described the mental health program there as inadequate and inconsistent. "They'll give you meds," but little in the way of consistent treatment. And our women's prison is one of our "better." Institutions!

My interview with Dr. Harbans Deol, Deputy Director of Health Services, was cordial and pleasant. He was open and non-defensive. I was impressed with his philosophy of patient care. His perspective was that of holistic medicine—treating the person. He spoke of a cultural change—a lifestyle change, including, in addition to traditional health care, attention to diet, exercise and attitude. His goal is to treat patients – not inmates – and prepare them to be productive citizens in society. Ambitious, yet encouraging!

Dr. Deol was aware of the mandate to provide health care in prison that is equivalent to the level of care in the community. However he noted that corrections has the advantage of multidisciplinary teams and access to several specializations within the institution, thus lessening the need, as in the community, of traveling from one specialist to another for treatment. His commitment is to an integrated approach. Whether this ideal is carried out in practice in our prisons remains an open question. But the integrative perspective is positive.

A major obstacle to quality health care is adequate staffing. Nebraska's medical staff numbers 262, but a significant number of positions are not filled. This issue was highlighted by need for a fulltime recruiter for health care. Recently the providers of health services at Tecumseh terminated their contract – apparently due to the increased violence at that institution. Presently, the DOC staff is providing the care.

A positive development is that, on release, inmates are not only provided a 30 day supply of meds, but are given prescriptions for an additional 60 days. However, Dr Deol did acknowledge that the cost to fill those prescriptions could be a challenge for former inmates. Following the like-to-like treatment model, a number of inmates are training to be health aides, thus increasing level of service and upgrading inmate skills.

Health care remains a complex and multi-layered challenge. This article barely scratches the surface, but can serve as an incentive to dialogue in search for policy solutions to the challenge.

Health care, especially mental health care is the "elephant in the room." Everyone is aware of it, but no one seems to have the courage to address it. Our legislators know it should be dealt with, but they do not know what should be done.

Compounding health care challenges are the many individuals who are sent to prison with drug and alcohol addiction. Community alternatives must be made more available – diversion programs, electronic monitoring, community service, mandated drug and alcohol counseling, and the like. Prison is

no place to be treated for addiction –although in-house programs are unfortunately still needed.

Dr. Deol has been Health Services Director for only one year. His philosophy is encouraging, but the challenges are great. There remains hope that the dialogue on health and mental health care in our prisons will increase and lead to new policies and effective programs. We need to address this national scandal of warehousing mentally ill individuals. Let the dialogue continue.

The Role of the Victim Advocate

Contributed by Marla Sohl, Prison Advocacy Coordinator, Nebraska Coalition to End Sexual and Domestic Violence

The Victim Advocate role

To provide confidential emotional support, short-term crisis intervention, advocacy, and referrals; to inform the victim of her/his options; and to assist the victim's voluntary participation in the medical and/or legal system. The advocate does not participate in the gathering of evidence, provide medical examinations, fact-finding or the investigation of the assault. Rather, the advocate's role is to support the victim throughout the process.

Core values All victims of sexual assault deserve to be treated with dignity and respect regardless of level of incarceration. All victims of sexual assault should be free from pressure to report or not report crimes committed against them to law enforcement, prison staff, or other civil or criminal authorities.

Services from all first responders should be offered without suggestions that: -

- Victims are somehow "responsible" for the sexual assault perpetrated against them; -
- Victims assumed the risk of being assaulted through negligent or contributory behavior.

All victims of sexual assault have the right to be informed of investigation, disciplinary proceedings, or other civil or criminal processes and the outcome of such proceedings stemming from the reported sexual assault at least to the extent provided by PREA (Prison Rape Elimination Act of 2003), while upholding victim and institution safety needs. All sexual assault victims have equal access to assistance.

Confidentiality Advocates are bound by both state and federal statute to maintain strict client confidentiality guidelines. No information about services can be shared without the client's authorization.

Limits to confidentiality

Advocates are required by law to report any suspected child or vulnerable adult abuse.

Activities of Victim Advocate

Provide information on victimization
 Provide information on prevention
 Provide information on victim's legal rights and protections
 Provide information on the investigation process
 Provide relevant information on PREA standards
 Provide information on the criminal justice process
 Provide emotional support to victims
 Help victims with safety planning
 Provide referrals for other services for victims

Inappropriate Activities of Victim Advocate

Help collect evidence or interview the victim as part of the investigation
 Try to persuade the victim to choose one option over another
 Make decisions on behalf of the victim
 Give legal advice
 Give medical advice

NEWS and MISCELLANEOUS

By Mel Beckman, Editor, NCJR

Issues surrounding marriage in prison

With the recent change in Nebraska law regarding same gender marriage, new questions of marriage rights come into play. The *NCJR* has received a letter about these rights from a male individual incarcerated in Nebraska who wishes to marry a transgender woman presently housed in a different prison. The issues he raised were;

- a) Can one maximum security inmate marry another maximum security inmate of the same gender while both are incarcerated?
- b) There is the same question when the marriage in prison would involve a male with a transgender woman.
- c) What rights should exist regarding their housing and communication with each other.?

According to the person's letter, these issues are not yet resolved and lawsuits to address them have been filed in federal district court.

More help available for Canadians convicted of sexual offenses

According to an article in the June, 2017 *Menonite World Review*, the Canadian government will provide \$7.5 million, over a five year period, to a Mennonite-supported program that helps sex offenders reintegrate into the community. That program, Circles of Support and Accountability (COSA), allows the community to play a direct role in the restoration, reintegration and risk management of people who are often regarded with fear and anger.

In COSA, there are two circles of support for the offender. The inner circle involves several trained volunteers who work with the individual to address practical needs while also serving as an emotional support system. The outer circle is made up of professionals who can offer training and advice to volunteers.

An all-volunteer attempt was made to establish a COSA program in Omaha and Lincoln several years ago but was unsuccessful.

L.A. Times editorial calls for clearer thinking on sex offenders

A June 23, 2017 *Los Angeles Times* Editorial Board editorial expressed the opinion that cooler heads are beginning to prevail "after years of panicked and excessively punitive lawmaking against sex offenders." As an example, the editorial cited the U.S. Supreme Court's striking down of a North Carolina law that banned registered citizens from using any social media that is also accessible by children.

That law was wrong, the Court said, because it would bar access "to what for many are the principle sources for knowing current events, checking ads for em-

ployment, speaking and listening in the modern public square, and otherwise exploring the vast realms of human thought and knowledge." The court's decision invalidated the state law while keeping room for a law more carefully tailored to protect children.

The Editorial Board also criticized lawmakers and voters who believe that any person who has committed a sex offense is automatically a heightened risk to commit some other sex offense. Lawmakers, the editorial said, not uncommonly conflate "sex offenders" with "child molesters" - or pedophiles, sexually violent predators, mentally disordered sex offenders or any of a variety of other categories of criminal that are not, in fact, interchangeable.

The *Times* editorial was supporting California SB 421, which would create three tiers and eliminate much needless paperwork currently devoted to keeping tabs on people whose crimes were non-violent and who pose little or no risk.

Write to someone in prison?

CrossOver Prison Ministries is looking for people willing to give a little time and effort each month to write to a person in prison. Some prisoners rarely receive a letter. They would like to be in touch with someone on the outside. CrossOver has an active program to provide names and guidance to those willing to begin corresponding with someone who is incarcerated. For more information, call 402-453-9221.

"For profit" prisons—not in Nebraska

According to information received from The Sentencing Project, twenty-eight states and the federal government use private, for profit, prisons to incarcerate 126,272 people. This figure represents 8% of the total U.S. prison population and is a 45% increase from a population of 87,369 since the year 2000.

Nebraska has no private, "for profit", prisons and this editor is unaware of any discussion of or serious proposal to use them in the state.

Clemency program in New York is pro-active

The state of New York has a state program that helps criminal offenders obtain clemency. It was launched by Governor Cuomo in 2015, according to a *NY Daily News* article (Aug. 21, 2017), after receiving criticism from advocacy groups for granting only a handful of pardons and commutations during his first years in office.

That program, assisted by groups like the N.Y. City Bar Association, the state Bar Association and the Legal Aid Society, has so far identified about 1700 potential applicants for clemency. Last December Cuomo granted conditional pardons to more than 100 New Yorkers.

On August 21st, Governor Cuomo announced that the state program would now be joined by the National Association of Criminal Defense Lawyers and a handful of other national legal advocacy groups, to identify inmates who may qualify for clemency and help them apply for it.

Cuomo said that he is "proud to partner with them to expand the work of this administration and its partners and take one more step toward a more just, more fair and more compassionate New York for all."

Norman Reimer, Executive Director of the National Association of Criminal Defense Lawyers, said that "we salute Governor Cuomo and his administration for recognizing that people are capable of redemption and rehabilitation, and may have earned a fresh start in life."

This editor knows of no comparable proactive program in Nebraska.

The Department of Correctional Services is on Facebook

Tired of seeing just the grim news about prisons in Nebraska? To see some of the positive happenings at the various prisons, check out the Department's Facebook page: <https://www.facebook.com/NECorrections>.

Postings in the month of August include news and pictures about graduations, self-betterment club events, staff projects, and work being done inside prisons by organizations that have received vocational and life skills grants from the Department of Corrections.

Alpha graduations

In late June, the Omaha Correctional Center had 14 graduates and the Tecumseh State Correctional Institution had 13 graduates from Alpha, a 15-week series of sessions designed to explore the Christian faith.

A Department news release about Alpha said that Alpha has a partnership with Prison Fellowship. While Alpha is centered around Christianity, it does not exclude those of other faiths. Director Jody Meyer explained it as "an informal and comfortable environment for people to discuss the big questions of life."

Registered citizens in Wyoming face costly new fees for supervision

Under recently-passed Wyoming legislation, newly registering persons in Wyoming, convicted of a sexual offense, will be required to pay a registration fee of \$150 (according to a July 26, 2017 article in the *Jackson Hole News and Guide*). Moreover, each time the registrant reports a new vehicle, tattoo, new employer or new address, a fee of \$31.25 is to be paid. If one ignores the new law, he/she is subject to criminal charges. If one applies and is qualified for indigent status, he doesn't have to pay.

An article in the August 28, 2017 *Sheridan Press*, reports that there are 1,548 sex offenders out of prison in Wyoming. The program costs Wyoming \$248,958.50 each year, funded by a grant from the U.S. Department of Justice. The Justice Department has denied that funding after 2019. In order to continue the registry, a new source of revenue must be found, and thus, the new law.

The *NCJR* asked the Nebraska State Patrol whether that situation will also exist in Nebraska in 2019. A spokesperson said that it will not. The Nebraska registry is not funded by a federal grant. Staff paid by the Patrol work on

the registry.

Nebraska knows what needs to be done to reduce it's prison population

This was the opinion expressed by California Attorney Michael Bien, in his editorial in the *Omaha World Herald*, September 3, 2017. Bien served as counsel in the case leading to the 2011 U.S. Supreme Court decision which ordered California to reduce its overcrowded prison system, from 165% of capacity (about where Nebraska is now) to 137.5% of capacity.

Bien wrote that there was no order that required California to release any prisoners. The state had the choice of reducing overcrowding by whatever means it chose including building prisons or renting prison beds, and making sentencing and credit-earning reforms. A major part of California's reduction was achieved by a law which required that new parole violation and certain nonviolent felonies be served in county jails and not state prisons. Certain nonviolent felonies were reduced to misdemeanor and credits earned for good behavior were increased. Credit earning was added for evidence-based rehabilitation programs.

Nebraska knows what needs to be done, Bien wrote. More delay is simply no longer an option.

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, 1200 S. 40th St. in Lincoln. Email: familyandfriendslincoln@gmail.com. Phone: 402-730-6295

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. For more information, please call 402-558-2085. Next meeting dates are: Sept. 23rd, Oct. 28th, and Nov. 25th.

Overcrowding (Continued from page 1)

many non-violent offenders. For example, there are 14 percent of prisoners serving time for drug related offenses. Another 16 percent are serving time for nonviolent property offenses. According to recent studies Nebraska has the second highest rate of drug arrests even though it has among the lowest rates of drug overdose deaths or illicit drug use. State lawmakers have approved some reforms that were meant to curb growth in the prison population. However, recent statistics from the Department of Corrections show these efforts are not working and in fact the prison population continues to climb not decline.

Smart criminal justice reform cannot be a conversation that happens only in the courts. This is an all hands-on deck moment for those incarcerated, formerly incarcerated, and their friends and family to speak out and share their stories. We encourage all advocates to contact their state senators and write letters to the editor about the dire need for sentencing reform, diversion for those with mental health and substance abuse issues, improved access to basic programming and services for those incarcerated, and increased reentry support. These types of smart justice reforms have a proven track record in other states to ensure public safety goals and foster better outcomes for more Nebraskans.

For more information on the lawsuit, *Sabata v. Department of Corrections*, and the ACLU's related work, visit aclunebraska.org.

Incarcerated veterans continue their service at NSP

By members of the Veterans Service Group

Incarcerated veterans have their own housing gallery at the Nebraska State Penitentiary (NSP), which not only gives them a second chance for success, but also gives them a second chance to reestablish their honor, courage, and core values. The Veteran's Service Group (VSG) is an active participation unit of 40 men from all branches of the military. The camaraderie and team work has boosted morale as well as re-instilled positive self-image, goal commitment, leadership training, and support programs.

Veterans on the unit have put together their own handbook, formed exercise and training programs, and put in place a structure of teams to meet everyday criteria, such as communication, education, entertainment, sanitation, and community outreach. They have established a code of conduct and a veteran's oath to promote positive change and recovery of their fundamental self-worth and purpose.

The VSG is a collaborative effort between the Department of Corrections, the Nebraska Veterans Center, and community-based veterans' services to support incarcerated men who have taken the oath to serve and protect this country. This joint endeavor seeks to provide concentrated services specifically designed for veterans, to address barriers to successful reentry back into society. Some of these include: Life skills training, Peer support and mentoring, mental health treatment, educational and vocational programs, employment readiness training.

Participating in programs and dedicating themselves to reclaiming their pride of service is a formula for maintaining the lowest recidivism rate in Nebraska, as well as nation-wide.

Any extra privilege has been earned through hard work and diligence, having the fewest grievances filed, and no misconduct reports. Veterans on the unit see this as an investment in their future, producing an improved lifestyle, better relations with Nebraska Department of Correctional Services staff, and an easing of tensions with fellow inmates. It is not just about serving time. It's about continuing to be of service, both inside and outside of prison.

Circle of Concerned Lifers puts emphasis on restorative justice

By C. Michael Anderson, Coordinator

When I was first asked to help found the Circle of Concerned Lifers at the Nebraska State Penitentiary, the limitless potential of this organization was apparent, and to ensure a solid foundation, we have established ourselves on the principles of restorative justice. Our foremost mission is to help serve the needs of long-term inmates, all of whom have pretty much been left to their own devices, as the Department of Corrections has focused its programs on inmates of shorter terms. We also intend to help improve the culture of this facility and to reach out to the public, to let it see that we are more than just some 5-digit number or a terrifying two minute clip on TV.

We are currently preparing a mentoring program, in conjunction with the Nebraska Mental Health Association, wherein long-term inmates will be there to guide and counsel other inmates as they progress through the system, to help them eventually become productive members of society. Our primary purpose, though, is to spread the principles of restorative justice, to first teach our members, then gradually, to bring these solid principles to inmates and staff alike.

Restorative justice recognizes that all things are connected, that what we do to each other affects many more than simply ourselves. It recognizes that the reason for any conflict may have a cause totally unrelated to the situation at hand, and it's this holistic perspective that allows us to better appreciate that connection. It teaches us to think before we act, to appreciate the consequences and effects of our actions and to first consider the others' perspective.

Restorative justice requires, at least, that we address the harms and needs of those harmed and hold those who caused that harm accountable to right the harms, to restore the web of community that binds us, to make us better versions of ourselves. Restorative justice focuses more on restoration than retribution, on determining what caused a situation and how it can best be resolved, on what brings us together rather than tears us apart.

We are starting with a small but dedicated group of men and we will then gradually expand, teaching others as we go. We have already completed three weekend training workshops in restorative justice, with the help of two UNL professors, Fran Kaye and Julia Schleck, and are arranging to begin training others in these principles.

We have taken but the first eager steps on what is a crucial and continuous journey that will include not only ourselves and this facility, but reach beyond these walls into the local community at large. To that end, I invite all of you to join us, to improve not only those of us here, where we live, but to do so equally for yourselves and your community, to work together toward a future where facilities like this one are few and far between. Please join us.

Nebraska declines federal funding for Title II Juvenile Justice grants

By Joanna Lindberg

Governor Ricketts and the Crime Commission have decided to no longer accept Title II federal Juvenile Justice Grants effective May 2017. The amount available for 2017 was \$333,667 and will be returned to the federal government. \$40,000 of that funding would have been used for monitoring the core requirements and \$293,000 for innovative juvenile programs across the state such as detention alternatives, substance abuse and mental health, gangs, rural issues and needs identified in Nebraska counties' three year plans. (2016 funding will be returned as well).

This federal grant funding is used to comply with the core requirements of the Juvenile Justice and Delinquency Prevention Act (JJDP Act):

Reduction of disproportionate minority contact (DMC)
Deinstitutionalization of status offenders (DSO)
Separation of juvenile from adults in secure facilities
Removal of juveniles from adult jails and lockups

Lisa Stamm, Director of Grants for the Crime Commission, reports that, over time, Title II funding has decreased and administrative costs have increased, yet federal requirements have not changed for proper administration of the grant funds. Lisa reported that "9 individual employees work in some capacity on the administration of this grant program, and a percentage of their salary is paid from the administrative funds from Title II. The Commission incurred approximately \$86,000 annually in administrative expenses, and the current amount of administrative money the federal government has given us to spend for the administration of Title II is \$40,000."

Further, she reported, the new OJJDP Rules and Regulations which will go into effect this year will create a modified policy. Lisa believes that "Nebraska, along with many states will more than likely be **out of compliance** and take an additional 40% cut." She reports that the **cut** will "bring down our aid and administration funds substantially. With the new rules and regulations, we are not able to award out those funds due to the potential decrease. Due to the amended portions of the OJJDP Act, Nebraska law enforcement will inherit the new burden of proving that certain juveniles held by law enforcement were held in such a manner that reasonable juveniles would have believed they were free to leave."

Nebraska has benefitted from Title II federal funding for decades. The only state that has declined funding from the federal government is Wyoming. OJJDP reports that Wyoming still complies with the four core requirements of the Act by utilizing a nonprofit agency to apply for federal funds and serve as the monitoring agency for their state. 100% of the funding must go to monitoring core requirements and cannot go to innovative juvenile

programming. Nebraska could follow in the footsteps of Wyoming if a nonprofit agency would apply directly to the federal government to monitor the core requirements statewide.

Next steps for Nebraska:

Douglas County has applied to monitor one of the four core requirements—Disproportionate Contact of Minorities.

Identify a nonprofit agency to apply for federal funding during the next fiscal year to monitor the other three core requirements statewide. At this writing no non profit has applied.

In conclusion, Nebraska will be the only state in the nation not monitoring three of the protections defined in the federal Juvenile Justice & Prevention Act of 1974:

- Deinstitutionalization of status offenders (DSO)
- Separation of juvenile from adults in secure facilities
- Removal of juveniles from adult jails and lockups

That change, along with turning back \$293,000 federal dollars, means less services and protections for vulnerable youth statewide.

NDCS legal and general circulation libraries

By Cara Wilwerding, Communications Mgr.

The Nebraska Department of Correctional Services (NDCS) has seven libraries throughout its 10 facilities – six of which are staffed by librarians and one of which is staffed by a caseworker.

Law libraries contain a variety of resources including typewriters, legal guides, Nebraska statutes, legal journal articles, copiers and NDCS Administrative Regulations and Operational Memorandums. Incarcerated individuals have access to a searchable legal database service provided by West Law – a company which provides access to a variety of legal resources like past cases, session laws and legal decisions. Incarcerated individuals may apply to be legal aids, and thus receive training to provide legal research assistance. Most librarians can also provide notary services.

In addition to legal library services, facilities also offer general circulation libraries with books of various genres. Community members are welcome to donate new and used books to NDCS libraries so long as they fill out a donation authorization form and drop donations off at NDCS' Central Office – located at 801 Prospector Pl. In Lincoln.

Library Coordinator, Tom Pfeifer, said that newer books in the genres of adventure, sci-fi, fantasy, mystery, thriller, comic and history are preferred. Because NDCS already provides a legal database, the department does not accept law books. NDCS also does not accept books that defy institutional policies and procedures.