

# Nebraska Criminal Justice Review

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## Extensive juvenile justice reform passed by the Nebraska Legislature

By Sarah Forrest, Policy Coordinator—Child Welfare and Juvenile Justice, Voices for Children in Nebraska

In the past, Nebraska's juvenile justice system relied too much on costly, ineffective practices that were harmful to youth and their future. Study after study has shown that most youth who are detained or incarcerated pose little threat to public safety. Once incarcerated, however, they are less likely to finish school and to find gainful employment and more likely to struggle with mental and behavioral health challenges and to commit crimes in the future.

The Nebraska Legislature under the leadership of Senator Brad Ashford successfully passed LB 561, a bill to reform the administration of Juvenile Service in Nebraska. The changes include:

**Preventing children from entering the juvenile justice system unnecessarily:** Pretrial diversion programs hold youth accountable for their actions, provide restitution to victims, and link children and families to needed services without court involvement. LB 561 invests in these approaches and creates new positions that will help counties develop, implement, and sustain these effective, cost-saving programs.

**Expanding access to community-based services by supporting counties:** LB 561 appropriates \$10 million to the Community-based Juvenile Services Aid Program for Counties to promote the development of community-based care across the state. Community-based services are a critical component of allowing Nebraska communities to provide for the unique needs of their youth and families closer to home, a factor proven to increase the success of treatment.

**Creating a statewide system that responds to the need of the child:** Too often children in Nebraska are made wards of the state to access services. LB 561 expands the Juvenile Services Delivery Project which allows children to remain in their communities on Probation, while effectively accessing services.

**Effectively bringing children back to their families and communities:** Many youth who leave correctional placements have difficulty adjusting to life back home and difficulty accessing services. This increases the likelihood that they will re-enter the juvenile justice system. LB 561 creates a Community and Family Reentry Process for

youth leaving a YRTC to more effectively reenter their communities with the involvement of their families.

Children need our care and protection to grow, thrive, and become productive members of our society. When a young person breaks the law, we must respond in a thoughtful way that gives children their best possible chance at success, while still ensuring the safety of our communities. These changes in the Juvenile Justice system hold promise for a brighter future for Nebraska's children.

## Iowa Court rules that Miller v. Alabama decision applies retroactively for 38 juveniles in Iowa

By Mel Beckman, Editor, NCJR

According to an August 19, 2013 article in the Quad-City Times, the Iowa Supreme Court has ruled that the U.S. Supreme Court ruling last year that threw out mandatory life sentences for juveniles may be applied retroactively to Iowa cases of juveniles sentenced to life without parole in the past.

The Iowa High Court's ruling negated an earlier decision by the Governor to commute the sentences of all 38 inmates to 60 years incarceration before they would be eligible for parole. A district court judge, in a resentencing hearing, had already ruled that Branstad overstepped his authority in commuting the sentences. The State appealed but the Iowa Supreme Court concluded that the Governor's automatic commutation to a 60-year sentence is essentially a life sentence and violates the U.S. Court's ruling.

The County Attorney for Scott County in Iowa, Mike Walton, was quoted as saying, "As a result of these rulings, it is my intention to consult with the Iowa Attorney General's Office and other Iowa County Attorneys to develop best practices for responding to these rulings and prepare for the (inmates') hearings that will likely result from them."

## Nebraska's 27 inmates serving juvenile life without parole sentences are awaiting a decision by the Nebraska Supreme court

(See p. 3 for more information)

## Study finds Adam Walsh sex offender registry wanting: Risk assessment system is superior

By John Krejci

This is Part III of NCJR's series on the problems of the War on Sex Offenders. The March article focused on the plight of civilly committed sex offenders, the high incarceration rate of all sex offenders, their low recidivism rate, which is 5% to 15% vs. 25 to 65% for other offenders, and the oppressive climate for sex offenders created by LB 1199.

In June, Part II, I reported on the interim report on the sex offender registry. It criticized LB 285, which "abandoned psychological assessments in favor of rankings based solely on the type and seriousness of the crime..." As a result, "...many low risk sex offenders are lumped with high risk offenders, thus making it more difficult for the public to identify potential offenders ...It also makes housing and job attainment more difficult for sex offenders." The article concluded that the "registries further stigmatize without providing greater safety to the public." And that sex offender legislation is headed in the wrong direction. A re-evaluation of current legislation is in order and is a task for the Legislature.

The Final Report of the Sex Offender Registry Study came out on July 30, 2013. It was 56 pages long, complex, sophisticated, and nuanced. An adequate summary would entail a lengthy article. Please forgive me for this "half-a-loaf" attempt. The bottom line of the Study is: "This analysis suggests that as an overall tool for identifying more nuanced risk to reoffend, the old risk-based system appears more effective." This study suggested that the Adam Walsh Act Tier system might be more effective in distinguishing high risk offenders, but it cautioned that this finding "sharply contrasts to published research on sex offenders in other states."

Other findings of the study were:

1. "A typical registered sex offender in Nebraska is a white male over the age of 26. The typical victim is a female acquaintance age 12 to 17.
2. By far, the most common offense is fondling..."
3. The one and two year recidivism rate with either registry was low, 1.7% to 2.6%.
4. Male offenders were more likely to reoffend, particularly those with a personality disorder.
5. Regarding victim characteristics, rates of recidivism were significantly elevated if the victim was a family member or an acquaintance.

Some of the policy recommendations of the Study: "To have evidence-based knowledge available for predicting recidivism and to not use it seems foolhardy, at best. It appears that the Adam Walsh Act was founded more on public emotion than good science, which is its fundamental shortcoming."

"From a public safety standpoint, (similar) research (i.e., done in four other states) suggests that public safety has not been enhanced by the Adoption of the Adam Walsh Act tiering system."

The study affirms that identifying the most dangerous sex offenders meets a public safety goal, but questions the wisdom of the registry identifying all sex offenders. "To put it simply, if sex offender registration causes labeling and stigmatization that virtually precludes registrants from maintaining employment and pro-social bonds, the overall harm to society and sex offender registration might outweigh the benefit."

Finally, "The Adam Walsh Act tiers result in the community being notified about more sex offenders... (Thus) it becomes more difficult... to discern which offenders on the list are the most dangerous and most likely to recidivate."

One could conclude that it is better to use risk based assessment and that we should put only sex offenders who are most likely to reoffend on the public registry. Despite public pressure to continue the wrongheaded war on sex offenders, the Legislature should revisit LB 1199 and LB 285 and make our public policy better from a public safety standpoint as well as more humane to released sex offenders.

In future articles I hope to address the effectiveness of Nebraska's sex offender treatment programs and whether the \$30 million plus expenditures are cost effective.

## Cory Booker, Senate candidate, unveils plans for criminal justice reform

*Editor's Note: The following information is from a news report on a speech Booker gave at the Metropolitan African Methodist Episcopal Zion Church in Jersey City, where Dr. Martin Luther King, Jr. spoke in 1968, just before his murder in Memphis.*

Cory Booker, Mayor of Newark, announced an ambitious plan to reform the criminal justice system, promising to make it his focus if he wins a U.S. Senate seat in October.

Booker proposed the following:

- Step up the national conversation on decriminalizing marijuana.
- Eliminate mandatory minimum sentences for low-level drug offenders.
- Eliminate the sentencing disparity between crack co-

caine and powder cocaine.

- Increase federal funding for drug and community courts that divert low-level drug offenders from prison.
- Work to end the use of private prisons.
- Help inmates and their families maintain functional relationships by making phone calls financially accessible.
- Providing domestic abuse and counseling classes and working to incarcerate inmates in facilities as close to their families as possible.
- Pass the Voter Empowerment Act of 2013 to restore federal voting rights to the formerly incarcerated.
- Help formerly incarcerated individuals re-enter society and find employment.
- Increase grant funding for the Department of Justice's Community Oriented Policing Services, which is designed to assist law enforcement agencies in implementing community-based policing.

While in Congress, Senator Jim Webb (D-VA.) made criminal justice reform his defining cause. But since his retirement in 2013, no other senator has taken up the mantle, though some occasionally work on the issue. Booker's push comes as a bipartisan consensus appears to be emerging that the criminal justice system is in serious need of reform.

As Mayor, Booker worked with the conservative Manhattan Institute to develop an initiative to help prisoners successfully re-enter society after their terms are up. According to a 2011 report in the *Economist*, since Booker's re-entry program began in 2008, "60% of those who took part in it have managed to find work. Only 10% have reoffended."

## Justice system moving slowly for 27 Nebraska inmates

*Editor's Note:* The following calendar was supplied by Shakur Abdullah, a Nebraska inmate currently serving a life sentence for a crime committed as a juvenile.

**June 25, 2012:** The U.S. Supreme Court rules that mandatory sentences involving homicide for those under eighteen years old is unconstitutional and in violation of the Eighth Amendment's prohibition of cruel and unusual punishment. That decision reversed and remanded two cases, **Miller v. Alabama (10-9646)** and **Jackson v. Hobbs (10-9647)** - 132 S.Ct. 2455.

**November 5, 2012:** The Nebraska Supreme Court hears arguments on JLWOP cases in connection with Miller v. Alabama and Jackson v. Hobbs—**State v. Douglas Mantich, Eric Ramirez** and **Juan Castaneda**.

**May 2, 2013:** The Nebraska Legislature passes LB 44 (40 years to life, for those under eighteen years old convicted of 1st degree murder).

**May 8, 2013:** Governor Heineman signs LB 44 into law. It went into effect September 3, 2013.

To date, it's been over one year since the Miller v. Alabama decision. The State of Nebraska has enacted a new law (LB 44) to comply with the Miller decision. The Nebraska Supreme Court has heard arguments (last year) on the Miller decision without issuing an opinion yet. Not one of the 27 Nebraska JLWOP cases has been heard at the district court level and been resentenced. Apparently the delay now with hearing these cases is a decision in *State v. Mantich, et al.*, (a decision that may or may not occur this year).

Because the Nebraska Legislature was either unable or unwilling to clarify that LB should be applied retroactively (a failure that, at the end of the day, yields the same result) that matter will have to be decided by the Nebraska Supreme Court without any legislative assistance.

## U.S. Marshall, District of Nebraska

*Editor's Note:* The following information was taken from the website of the U.S. Marshall, District of Nebraska, [www.usmarshals.gov/district/ne](http://www.usmarshals.gov/district/ne).

The U.S. Marshall's Service is responsible for the safe and secure confinement, care, and transportation of federal prisoners from the time of court-ordered custody until either their acquittal or their conviction and delivery to the Federal Bureau of Prisons to serve their sentence.

**Mark Martinez** has been the U.S. Marshall for the District of Nebraska, since taking office in January of 2010. Martinez served in the Omaha Police Department, at various levels, including Deputy Chief, until retirement in 2009. He is also an adjunct instructor for U.N.O. He received his M.S. in Criminal Justice from U.N.O. in 1993.

The average number of prisoners in the Marshalls' Service custody, nationally, is 59,800 each day. The service has approximately 1,800 contracts with state and local governments to rent jail space. Approximately 20% of prisoners are housed in Federal Bureau of Prisons facilities and 80% in state, local and private facilities.

The District office for the U.S. Marshall is in Omaha and can be reached at 402-221-4782. Other offices are in Lincoln (402-742-7021) and North Platte (308-532-7558)

The Nebraska District's website also lists the following Nebraska facilities under "Prisoner Detention:"

Cass Co. Jail,	Dawson Co. Jail,
Dodge Co. Jail,	Douglas Co. Corrections,
Douglas Co. Youth Center,	Frontier Co. Jail,
Hall Co. Jail,	Hamilton Co. Jail,
Jefferson Co. Jail,	Lincoln Co. Jail,
Madison Co. Jail,	Otoe Co. Jail,
Phelps Co. Jail,	Saline Co. Jail,
Sarpy Co. Jail,	Scottsbluff Co. Jail,
Seward Co. Jail,	Washington Co. Jail.
Lancaster Co. Corrections	

## Partial lockdown limits access to religious services, clubs, self betterment groups: A challenge to Department of Corrections managers

By John Krejci

In the June issue of the NCJR, I addressed the partial lockdown that “confined inmates to their cells for up to 22 hours a day.” The Department of Corrections should be commended for modifying the policy to a more humane level. And I understand that further modifications are being considered with regard to access to self betterment groups.

Although Director Houston claimed, in the June issue, that “(inmates) feel safer...and staff members are noting greater engagement in education and treatment programs...” the facts do not support this! Consider the following:

1. A petition signed by 831 inmates from the Nebraska State Penitentiary (90% of total population) unequivocally contradicts the Director’s anecdotal statement. And the petition did not mince words. It stated (perhaps overstated), “this lockdown/confinement at NSP is cruel and unusual punishment.” It went on to explain that the policy “(punished) the non-trouble-making inmates.” (See petition on page 5) One would hope that the Department of Corrections administrators would listen more carefully to inmates rather than dismiss their grievances as mere gripes and complaints.
2. Religious services at NSP have been cut back from four hours a month to one hour. Participation has been greatly diminished.
3. Veterans have been similarly limited and constrained. Whereas before the lockdown policy they could meet 6 times a month for almost 2 hours, presently they meet only twice a month for a shorter period.
4. Other self-betterment groups have been similarly cut back to twice a month for about one hour from their former 4 times a month for two hours (That is a 75% cutback!)
5. Presently, inmates are limited to membership in one club. This stems partially from the prohibition against mixing units and other scheduling problems.

For the Director to claim that participation is up seems like a gross and self-serving distortion of the facts. I do not know if inmates feel safer or if violence, like the minor incidents that precipitated the lockdown, is down.

The good news is that the Administration is in contact with a consultant from the Virginia Correctional System to develop a way to subdivide the yard into smaller, more manageable areas. This would allow more time out-of-cell time—a goal upon which all seem to agree. That is also the goal of the 831-person petition by inmates.

Further good news is that NSP and the Tecumseh State Correctional Institution will soon be permitting all general population inmates to attend any club meetings that are held, as long as the club members are in good standing. I do not know whether the former number of meetings will be allowed or if this policy also applies to religious services.

Marshall Lux, the Ombudsman, assured me that he is deeply concerned about and supportive of more yard time. He will continue to dialogue with the Administration, advocating for inmates in the resolution of this problem.

Although there seems to be no hope of having the large open yard, as was the policy for so many years, the Department is considering an inmate’s suggestion that the yard could be subdivided into mini-open yards. Even if the Department does not admit it, the divided yard was one of the suggestions of an inmate.

Access to clubs, religious services and self-betterment groups are management issues. I am confident that the DCS managers will meet this challenge.

It is noteworthy that many of the tensions and some of the incidents in the prisons are brought on by the problem of overcrowding—the prison population now stands at 151% of capacity. All projections predict a further rise in the population. As long as the Governor is unwilling to call a state of emergency and release non-violent inmates nearing the end of their sentences, these predictions will be fulfilled. And as long as the Legislature does not modify the mandatory minimum sentences and change some of the tough-on-crime legislation that puts non-violent persons in prison, the problem will persist.

This is a legislative challenge. “Lock’em up” legislation must be repealed or modified. Alternatives to prison must be expanded. More drug courts, electronic monitoring, house arrest, community service, mental health/drug and alcohol treatment programs should be established. Our prisons should not be the largest mental health institution in the state.

And despite the recent high profile incidents in the community corrections program, it should not be cut back. As Director Houston has stated, it has been in existence for 25 years with excellent results. It provides a necessary transition from prison to the community. It is also a much cheaper alternative to prison and lessens recidivism. I am pleased to report that at this time there are no plans to cut it back. In fact, it may be expanded as a further means of alleviating the overcrowding problem.

To sum up:

1. An increase of out-of-cell time and yard access for inmates is a management challenge for the Department of Corrections.
2. More access and increased meeting hours for clubs, religious services, and self betterment groups is a

further challenge to management.

3. The Department would do well to listen to inmate grievances and suggestions. An 831 signature petition should not be ignored.
4. Get tough on crime legislation should be repealed or amended by the Legislature. Senator Ashford has talked the talk. Now we hope that he and the Judiciary Committee will walk the walk!

We're moving in the right direction. We just need to accelerate the pace.

## CRUEL AND UNUSUAL PUNISHMENT

Editor's note: This is an accompanying document with the petition regarding the partial lockdown that inmates from NSP signed (see page four in this issue). It was composed by Jesse Haley.

This lockdown/confinement at the Nebraska State Penitentiary is CRUEL and UNUSUAL punishment. CRUEL, because we are confined to our cells or dayroom without violating any rules or regulations. CRUEL, because this confinement is physically, mentally, and socially destructive. (Substantiated by 503 petitioners in March 28, 2013, (and again) by 831 petitioners, July 29, 2013 Petition.) UNUSUAL, because the Nebraska State Penitentiary has never been on lockdown like this in seventy plus years. UNUSUAL, because there were no warnings or logical first steps taken. (Such as separate the two yards as they were in the 1980s under Warden Kenny. That cuts the inmate population in half. (See: Neb. Rev. Stat.83-954, Medium-Minimum Correctional Facilities, How Designed.) UNUSUAL, because inmates have to do more lockdown time, if you don't subscribe to a religion, join a club, or a sports team. The peaceful, non-trouble making inmates who only want to do their own time, are being CRUELLY and UNUSUALLY punished...

## Government builds prisons but it takes public support to make them correctional institutions

*By Mel Beckman, Editor, Nebraska Criminal Justice Review*

This summer I requested and received an opportunity to see the special management unit in the Tecumseh State Correctional Institution. My wife, Mary Ann, who is Coordinator of the Family and Friends of Inmates group in Omaha was also welcomed and accompanied me. Our interest was prompted by accounts, in recent years, of alleged human rights violations in special management units around the country. We wanted to see for ourselves Nebraska's version of such a unit.

As it turned out, the two of us were given a very extensive tour of the prison by Director Robert Houston and Warden Gage. It included an informational session in the Warden's office, a visit to the medical unit, some time in the room where the prison's cameras are monitored, a walk through the yard, a visit to the unit housing death row inmates, and eventually, some time in the special management unit. Throughout the tour, other correctional

officials joined us and explained their work.

The Department of Correctional Services has, through the years, been very willing to answer our questions and provide information when asked. This tour was a continuation of that tradition of openness, one which we have appreciated.

The special management unit is an extremely secure unit, separated from the rest of the prison. Prisoners go nowhere all day and are fed in their cells. A small open-air exercise pad behind each cell is opened for an hour per day. Small privileges are granted if earned by good behavior. Prisoners "graduating" from the special management unit go into a less restrictive "step-down" unit before going back to general population. The special management unit is not a dark hole but it appears to be a very grim place in which do time.

In the weeks since our visit, I've had some time to reflect on our visit to Tecumseh. I draw one conclusion without any qualification - Nebraska government has built an extremely good prison. The public need not worry about anyone escaping. With a prison like Tecumseh, certainly no murderer in Nebraska can justifiably be executed on the basis of a need to protect the public.

I came away also in awe of the difficult task it must be to manage a maximum security prison, meet the reasonable expectations of a thousand prisoners and also satisfy judicial officials and the public. People on the outside who have never been inside can have strong, sometimes short-sighted opinions about crime and punishment, and they can block progressive prison policies. One has to give credit to those who willingly work in prisons and manage them as a life-time occupation.

It isn't any secret that many of the Nebraska prisoners have been at odds with the Director of Corrections and his team over the matter of yard and club restrictions in the last year. As Editor of the Nebraska Criminal Justice Review, it isn't my role to judge whether the Administration or the prisoners are more "in the right." I just make available some space on the pages of the newsletter for both to clarify their positions if they wish.

While it's easy to see that the Tecumseh facility is a good secure prison, it's harder to know whether it's a "correctional" facility or not. If it isn't, the public must share the blame. Many are anxious to put away criminals for a long time but care less about whether programming is funded. They should not be quick to blame the prison administration if more crime happens when prisoners are released.

A whole range of people need to visit and pay more attention to prisons, and care about whether prison programs actually result in prisoner reform: doctors, state senators, prisoners' family members, mental health professionals, employers and many others. Government can build secure prisons but public support is needed to have good correctional programs and policies in them.

# NEWS and MISCELLANEOUS

By Mel Beckman, Editor

## “Ban the box” resolution (LR 306)

A resolution offered by Nebraska State Senator Heath Mello in the past session calls on the Legislature to “study the issue of requiring prospective employees to disclose their criminal backgrounds on initial job applications and to evaluate the need for legislation which would ban employers from requesting this information before prospective employees have an interview.”

Among other goals, the study would look at the consequences of the practice of requiring criminal background information before a job interview, and also potential alternatives for employers to use when screening prospective employees that would not require requesting criminal background information on initial job applications.

## A chance to tell it like it is

Here’s an opportunity for you (prisoners, staff and volunteers) to share your observations (the good and the bad) about the prison system in Nebraska. You can remain anonymous if you so choose.

Non-fiction essays (no poems). No more than 5000 words. Art accepted (8.5 X 11) if accompanied by an essay. Write to the address below to receive a questionnaire that needs to be sent with your writing.

**The American Prison Writing Archive**  
c/o 198 College Hill Road  
Clinton, NY 13323

## Clemency training for Governors-elect

According to a June 1, 2013 posting in the American Bar Association Journal, the Catholic University of America’s law school will open a clinic this fall which will offer clemency training sessions to governors-elect or their chiefs of staff. Law students who enroll in the year-long clinical course will help felons apply for pardons or commutations, expanding the work of the University’s Innocence Project.

Last fall, former Maryland Governor Robert Ehrlich, Jr., spoke to Catholic University law students. A news release from C.U.A.’s Columbus School of Law stated that Ehrlich, now Senior Counsel with The Government Advocacy and Public Policy Group at King and Spaulding, used his power as the state’s chief executive liberally, surprising some in the media because he is a Republican.

Discarding his predecessor’s policy of refusing to review cases of anyone who received a life sentence, Ehrlich and advisors met monthly to discuss requested pardons and sentence commutations. “This is part of the job description. This is what governors do,” said Ehrlich.

Still, twice during his term, Ehrlich permitted scheduled executions to proceed.

## Director Houston has retired

*The news of the retirement of Nebraska Corrections Director Bob Houston came just after this issue of the NCJR was prepared for the printer. With this short note we want to say that we’re sad to see him go. He has been a steady support for this publication and is someone who has listened to the concerns of inmates’ family members. We wish him well in his retirement and hope he will occasionally write something for publication in the NCJR.*

## The New Yorker spotlights civil forfeiture of assets and property

The August 12 & 19 issue of *The New Yorker* magazine included a fourteen-page article on civil forfeiture by at large Reporter Sarah Stillman. Entitled simply “Taken,” the article begins with the author describing a particularly offensive example of forfeiture abuse in the small town of Tenaha, Texas. She relates how that case eventually became the subject of a successful class-action lawsuit by the numerous individuals who were unjustly deprived of their money and property through aggressive civil forfeiture.

Stillman then goes on to relate many other stories of civil forfeiture that she heard in her travels around the country. She states that in the past year she spoke with more than a hundred police officers, defense attorneys, prosecutors, judges, and forfeiture plaintiffs from across the country. She claims that a system which proved successful at wringing profits from drug cartels and white-collar fraudsters has also given rise to corruption and violations of civil liberties.

## Screening of “The Children Next Door” Oct. 10th

The Domestic Violence Council will host a public screening of the documentary “The Children Next Door” October 10<sup>th</sup> 7pm Mammel Hall in Aksarben Village, Omaha. Doors open at 6:30 pm.

Every year 5 million US children are exposed to domestic violence. These children are facing and overcoming obstacles every day that other children never have to face. The single most important factor leading to their resiliency is having a caring adult in their lives. This is a public event open to all interested and caring individuals. We invite you to come and learn more about the difference you can make in a child’s life. A panel discussion will follow the film with special guests: Brian Martin, CEO and Founder of the organization Children of Domestic Violence; Chelsea Waldrup, child survivor featured in the film; Heather Duhacheck, MS, LIMHP and survivor; as well as a Lutheran Family Services behavioral healthcare provider for children affected by domestic violence.

Tickets will be available by advance purchase only through the Domestic Violence Council’s website, [www.dvcomaha.org](http://www.dvcomaha.org). Questions: please contact the event planner Sue Behr at [dvc@dvcomaha.org](mailto:dvc@dvcomaha.org).

## Fight crime: Mentor a child

One can be a friend and advocate for a child by working in one of numerous mentoring programs that are available in the Midlands. You can find the program for you by contacting the Midlands Mentoring Partnership in Omaha: [info@mmpomaha.org](mailto:info@mmpomaha.org) or phone: 402-715-4175. Ask about a speaker for your church or organization.

## Victim families working for reconciliation

Murder Victims' Families for Reconciliation is a community of persons led by family members of murder victims and the executed. According to informational material they have published, the community:

- Educates the public, the media, and elected officials about the needs of victims' families, the harms of the death penalty and the alternatives that better provide safety, justice, and healing;
- Empowers murder victims' family members to share their stories with the public and policymakers; and
- Connects murder victims' family members with each other for mutual support and encouragement.

The organization's address is 405 Morson St., Raleigh, NC 27601. Phone: 877-896-4702. The website is: [www.mvfr.org](http://www.mvfr.org).

## "Too many Americans go to too many prisons for far too long" - Attny General Holder

America's top criminal justice official delivered these words at the August 12, 2013 annual meeting of the American Bar Association's House of Delegates in San Francisco. He told the delegates that "it is our solemn obligation as stewards of the law, and servants of those whom it protects and empowers, to open a frank and constructive dialogue about the need to reform a broken system."

Holder called for a re-thinking of mandatory minimums for drug-related crimes and stated that low-level drug offenders should not be charged with crimes carrying drastic sentences. He also announced that he has directed every U.S. Attorney in the country to designate a Prevention and Reentry Coordinator in his or her district.

The Attorney General also stated that he had asked state attorneys general to review their agencies' regulations to see if they impose unwise and counterproductive collateral consequences on people who have been convicted of crimes and now want to rejoin their communities.

## A stay in county jail for state prisoners?

According to a story in the Omaha World Herald (County jails could help state buy time for fix), the possible use of county jail space to avoid the need for a new prison was one of the ideas discussed at an August 23rd meeting of leaders involved in corrections, probation and parole. About 10 new county jails have vacant cells and should be explored as a possible solution, said State Senators Brad Ashford and Heath Mello, both of Omaha.

The idea of using the jails to stave off building a new prison, according to the article, was also raised recently by Larry Dix, director of the Nebraska Association of County officials. Dix said the same taxpayers pay for both so it makes sense to use the vacant cells.

Corrections Director Houston was quoted as saying that "there's a real possibility there." He said that for many years, the state has housed some county inmates either for protection or evaluation. This proposal would send prisoners in the opposite direction.

## Correction

In a letter by inmate Victor Carter (NCJR, June 2013), it was stated that only inmates with minimum custody can go to immediate family funerals. A reader sent a correction, stating that the Department of Corrections currently only allows funeral furloughs for those who have community custody classification.

## News Release

Tecumseh—August 30, 2013

### Tecumseh offers 7 Habits on the Inside as a programming opportunity for inmates

In its third round, the Tecumseh State Correctional Institution gets ready to send another group of inmates back to their normal schedules with a new set of life changing tools following their completion of the 7 Habits on the Inside class.

On November 9<sup>th</sup>, 2012 TSCI started the first of what would become a series of 7 Habits classes. The classes, lasting 12 weeks, provide the participating inmates with a challenge to change the way they look at their decisions, feelings, and thought patterns.

With a total of 27 inmate graduates, and 19 preparing to join the ranks, TSCI hopes to continue regular classes. This gives additional inmates the opportunity to acquire some valuable information and gain tools they can use to aid in success while in the community or their life on the inside.

There have been an outpouring of requests from inmates to take part in the 7 Habits on the Inside class. An inmate graduate from a previous class is assigned to each housing unit to assist those currently in the class and cheer those on who are thinking about taking the class. The hope of the Tecumseh State Correctional Institution administration is that there will be a day when all inmates can say they are graduates of this class.

For more information, contact Jessica Houseman at 402-335-5113.

## **SUCCESS** stories from the Adult Parole Administration

***Editor's Note: The following stories are from a collection of short success stories recorded by various parole officers and submitted for publication by the Adult Parole Administration at the request of the Nebraska Criminal Justice Review. Adult Parole Administrator Cathy Gibson-Beltz told the NCJR that there are so many more success stories than failures. The NCJR finds these stories refreshing in view of the intense media exposure given to the occasional parolee or furloughed inmate who commits a violent crime.***

- Four Omaha parolees attended a symposium entitled, "Every Man Can."
- A Lincoln parolee obtained his Driver's License and purchased a used car. The parolee reported that it felt great to do this as he worked toward and finally achieved his goals.
- A North Platte parolee worked closely with his parole officer over a period of time in April to work on job-seeking skills. Ultimately this parolee was able to secure a job.
- A parolee secured full-time employment at Millard Lumber. He is not fluent in English. Another parolee who works at Millard Lumber and also resides at Summit Care and Wellness worked with him and taught him how to read and utilize a tape measure so he could pass the pre-employment test.
- A parole officer in the Panhandle reports that one of her parolees, who was previously a gang member, has severed those ties, and has been successful in staying uninvolved with gang activity.
- A parolee completed spring quarter at Metro Community College, completed intensive Outpatient Substance Abuse treatment (IOP), and is excelling in the Specialized Substance Abuse Services (SSAS) program.
- A lifetime sex offender walked for Relay for Life in honor of his father who passed away in December.
- A parolee was doing poorly early in his parole. He failed two drug tests and was unemployed for over a month. After several meetings with his parole officer and long discussions about his past and his future, this gentleman decided he couldn't keep living the way he was, or he knew he would go back to his old ways and end up back in prison. He was accepted to the Oxford House and had a full-time job within a week. His drug test for employment was negative and he is doing much better.
- A parolee had been staying at the Econolodge, but has secured employment, reestablished communication with his family, and has moved out of the Econolodge to a permanent residence.
- A parolee reported that, due to his stable employment, he will be able to get a home loan soon. He discharges from parole in July.
- A female parolee stated that she used her sponsor to get her to a support group meeting when the urge to use was so strong that she could taste the drug in her mouth. After attending the meeting she successfully made it through the night without relapsing.
- Two parolees recently found that they would be able to maintain their parental rights and could start some reunification work with their children. This couple has submitted negative urine tests, secured employment and a residence, and attended parenting class and treatment.
- After a struggle, one parolee was able to obtain his G.E.D.
- A parolee has secured a local driving job after graduating from the driving class at Southeast Community College.
- Two parolees received promotions and raises at work. One stated it was the first time in his life that someone told him that he was good at something.
- A parolee who paroled two months ago has secured employment. He has been staying at the Sienna Francis House. His next goal is to secure his own residence and no longer be homeless. This is a success, as many have not secured employment while paroling there. It shows you can work your way out of nothing.

## LETTERS

### **A need to work with what we have**

A real man doesn't think that everything in life is free. He understands that there is always a price to pay for every action. When we break a rule or a law we not only hurt others, we hurt ourselves. Don't blame the system or a relative when we make a mistake. Be a man and learn from our own mistakes.

I know we can say that there needs to be more rehabilitation helps added to the prison system. I think until something changes, we have to use what we have at hand: books, G.E.D., exercise, mentorship, self-betterment clubs, re-entry program, mental health, S.A.U./coping skills. Let's break the cycle by taking our lives seriously.

Michael Ellington 67175  
Omaha Correctional Center

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### **Program delays slow return to family**

There are inmates trying to get into their required treatment programs, but every time they go to their case-workers they are told, "We will talk about it later." Later is never brought back up unless the inmate pushes it. Then he is told that you have to wait until you are closer to your parole date. So, it's the run-around everywhere we go. And the Parole Board wonders why inmates aren't doing what they are told to do for parole.

Inmates have gone to the Ombudsman's office, but are told that, if the Department hasn't put you in your program within the year after your parole eligibility, there isn't any violation. But anytime after that, they are in violation. So that keeps us away from our family that much longer.

Henry Baker 64953  
Lincoln Correctional Center

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### **Sexual discrimination within the Department of Correctional Services?**

I am a non-violent offender with a lengthy sentence structure, currently being "warehoused" at the Nebraska Women's facility in York, Nebraska.

I read the June Nebraska Criminal Justice Review article by Renee Bauer, about Prairie Gold Homes helping the incarcerated learn construction. I do have a question for Executive Director Bauer. How can you praise a program that is only offered to the male offenders?

There were several postings in the past, seeking female offenders to take part in this program, but very few women from this institution have left for this program. The women here are now being informed by Unit Managers that we will no longer be offered this program. It was stated, "Broom closets are an issue and women are a liability."

Both articles written in the Nebraska Criminal

Justice Review were also by male offenders praising the program. Where are the female participants?

The male offenders are given all the opportunities. The men are able to "RFP" (re-entry furlough program) from the prison with 5 or more years left on their sentences. There has never been a female offender to RFP from the women's facility. The men are given all the "PVI" (private venture initiative) jobs, allowing men to make up to \$10—\$15 per hour. The maximum amount women make is \$1.00 per hour. The men are given the opportunity to learn construction and build job skills. We are given no choices and no opportunities. In my opinion, this clearly is gender discrimination.

Given the afore-mentioned points, I feel this institution should be investigated by an outside source.

Michale Dixon 95900  
Nebraska Correctional Center for Women

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### **No safe havens in Nebraska prisons**

Last September, Tecumseh State Correctional Institution changed its inmate management paradigm, eliminating approximately 90% of constructive yard activities and severely reducing other worthwhile activities. In the June issue of the Nebraska Criminal Justice Review, Director Houston stated, "The complaints we have received have been surpassed by inmate comments that they feel safer..."

This perspective is flawed. First, restricting constructive activities due to unproductive behavior is counter-productive. Second, this is a maximum security prison that houses murderers, rapists, robbers, and the likes. We, me included, terrorized society with our violent behaviors, and to come to prison and be assured such a security blanket seems flawed. Maximum security prison is always going to possess a certain potential for violent behavior. Third, reducing conflicts by isolating prisoners is flawed because many conflicts emerge from dysfunctional social skills. Anger management would be a correct approach. Ironically, the prison does not offer anger management, despite the many anger-related crimes. Fourth, creating safe havens in prisons is flawed because fear is the greatest known motivator, and in prison, it motivates the prisoners to never return.

I do not in any way advocate violence. I would love to take anger management and cultivate better emotional skills whereby I could be less angry and more peaceful. And I suppose I am when I'm isolated from the world. But what happens when I get out? Isolation is not the solution. We need reform!

Floyd Morrison 74703  
Tecumseh State Correctional Institution

### **Family and Friends of Inmates**

A support and advocacy group for those who care about someone who is incarcerated. The group is now part of CrossOver Prison Ministries and has regular meetings at First Christian Church in Omaha, on the 4th Saturday of the month at 10:00 a.m. Questions: 402-558-2085.

## LETTERS

### The NDCS victim-offender dialogue process seems flawed

The December, 2011 issue of the **Nebraska Criminal Justice Review** included a piece titled, "Victim/offender dialogue is an option for victims in Nebraska." In regard to the policy of the Nebraska Department of Correctional Services' Victim Services Division, it read: *"The process is victim-centered. The request for a victim/offender dialogue communication must be made by the victim."*

The need for safeguards is perfectly understandable, to protect the victim from the possibility of harassment or intimidation. However, as long as the victim/offender dichotomy exists, the process seems fundamentally flawed.

Some victim rights advocates will undoubtedly not agree with my thinking, and that's perfectly okay. What I'd like to know is, how long are the offenders expected to carry around the guilt and remorse of their crimes without a chance to ask their victims for forgiveness?

I realize that someone who has traumatized another through a physical assault has no right to feel entitled to this. But if there are trained facilitators using their professional judgment to mediate the situation, does it not seem appropriate to allow the offender to offer an "olive branch"? How else can the offender hope to possibly right their wrong?

In the mid-1930's, an alcoholic stockbroker and an alcoholic doctor started a small group in Akron, Ohio. And to this day, millions worldwide have been helped to stay sober.

Twelve step programs are geared toward helping one obtain and maintain sobriety. Steps eight and nine go hand in hand and help to clear the wreckage of the past.

Step eight reads: ***"made a list of all persons we had harmed, and became willing to make amends to them all."***

Step nine reads: ***"made direct amends to such people wherever possible, except when to do so would injure them or others."***

As a person begins to ponder the severity of his crimes and to take an honest inventory of his life, he begins to accept responsibility for failures and begins to do what he can to make amends to those he has harmed. And if he is sincere about staying clean and sober he will need this opportunity.

Current statistics show that 75-80% of newly committed offenders have a dependency on either drugs or alcohol. The principles of a twelve step program must be used, not just evaluated, analyzed or passively accepted. So it seems evident to me that we should consider an alternative to the current policy of the NDCS Victim Services Division.

Kelly J. Hoaglin 43232  
Omaha Correctional Center

### Prisons housing females are in a gender world of the past

I've been reading your magazine for over a year now and never see anything for women unless it's statistics.

Women who are convicted are forced to leave a world where the gender gap is closing to go to one in which stereotypes about women are dominant. They quickly discover that progress made for women in the last few decades has not passed through prison gates. Evidence for this is presented by the fact that female inmates receive fewer educational and vocational programming opportunities than men. I submit that a prevailing reason for this is that prisons housing females are stuck in a stereotyped, gendered world of the past.

The Nebraska Department of Correctional Services discriminates against female prisoners. Most are single parent and are rehabilitated to cooking, sewing and child rearing. That will help them in the home, but what about the means to support their families?

Half of the ladies have signed a petition to get more programming and the same opportunities that men have. Our next step will be litigation.

Lisa K. Sexton 96503

Nebraska Correctional Center for Women

### 30 years of incarceration...now what?

I am a lifer. I can't argue with that. I've been incarcerated for 30 years and I've taken every single self-betterment class ever offered. Now what?

In my opinion, my judge sentenced me to a life in prison term knowing and understanding that at that time the accepted life in prison term was 17 years with good behavior. There has not been an African-American female commutation awarded at this facility since the early 1970's.

It was recently rumored that a 71-year-old male lifer was granted a pardon after a 41 year incarceration. I cringe at the thought because it's the scariest thought in the world. I can't imagine being 71 years old and finally being given a chance at life. Who will hire a 71-year-old convicted felon? I don't want this to be me. I don't want to be past retirement age when finally given a chance, but I don't want to die in here either. Is this my only option?

Did the Pardons Board release this man at age 71 because they didn't want to deal with him dying in the institution? I am 55 years old and pray that I am given a chance while I am still able to rebuild my life.

Loray Smith 92511

Nebraska Correctional Center for Women

#### Annual appeal

During the month of October, Holy Family Church is inviting financial contributions for the NCJR from those who are not in prison. But if you are a prisoner and know of someone on the outside who might be willing to make a contribution, please tell him or her about the newsletter. The newsletter is free to everyone but contributions are needed and appreciated.

## Virtual life sentences are also costly

The article in the June, 2013 issue of the NCJR, Three years of life sentences in Nebraska, should be an eye-opener to all Nebraska taxpayers and voters. But there is more to the story. The list of those who have been given ridiculously long sentences should be added to the 26 inmates. I'm talking about inmates with sentences so long that it's virtually guaranteed they will live the rest of their lives in prison—a "virtual" life sentence.

Prosecutors and judges often measure their "success" in the volume of man-years of incarceration they can tally to their careers. It's not so much about justice as it is about their scorecards, and getting re-elected with "tough-on-crime" platforms. The costs to taxpayers is never mentioned.

The true number of inmates who will live out their natural lives in Nebraska prisons is much higher than only those with "life" sentences. With ever-continuing advancements in medicine and health care, a great many of such inmates will certainly live beyond 75 years of age.

Perhaps there will always be a certain few inmates who can never be safely returned to society, but certainly not all, or even most. And the Parole Board, even if it functioned as it should, will never get to review the ultra-long-term inmates I'm speaking of.

Is it really necessary for all such inmates to have to die in prison? Is there no room at all for end-of-life humanitarianism? Those in responsible State positions should be asking the question, "At what cost?"

Tony Roberts 62410

Tecumseh State Correctional Institution

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## Reduce overcrowding: mandatory parole!

After twelve years, I am tired of hearing about prison over-crowding. There are between 900 and 1200 inmates currently eligible for parole. Some are held up for programming, others have caused problems, but what about those who just sit here because the Parole Board refuses to let them have a chance? The main reason given to them at the parole review is, "We don't believe you have served enough time. If we let you go now it would be disrespectful to the judge's sentence."

But the judge sets the sentence! So if those inmates have fulfilled their programs and served their time, why are they sitting here past their parole dates? It can all be fixed with one simple answer. Get with the times! Mandatory parole.

The over-crowding has caused staff and inmates to worry about safety. Yet the prison administrators and the Governor claim to the public that the facilities are safe. If they are so safe, why are all except the Omaha Correctional Center on a lock-down or modified operations? Because even they know they are not!

A mandatory parole system will ease the over-crowding, reducing the cost to staff, house and maintain the prisons. And the safety of these facilities will bring back a more relaxed environment.

Jerrold Hansen 57940  
Nebraska State Penitentiary

## Want a visit?

If you are currently residing at the Nebraska State Penitentiary and don't have many visitors, we can do something about that. There is a visitation program under the care of Interchurch Ministries of Nebraska. What we offer is a lay visitor who is in the Clergy-Lay Visitation Program at NSP, who would meet with you for about an hour once a month. This person comes with no agenda and will gladly listen to you talk about whatever you would like to share. We are glad to hear about your joys, sorrows, spiritual yearnings, concerns and interests. We visit with people no matter their spiritual or religious practice or affiliation. We are clear that this is all we offer. If this interests you, please contact us by writing:

**Prison Visitation Program**  
**c/o Interchurch Ministries of Nebraska**  
**215 Centennial Mall South, Suite 300**  
**Lincoln, NE 68508**

Jean

## Advocate for a humanistic approach

Finally, a Nebraska lawmaker, Senator Ashford, has asserted a voice of reason regarding crime and punishment. He stated, "We're incarcerating people way beyond what is necessary." (*Omaha World Herald, Midlands section, 07-28-13*)

The article was contemplating Nebraska's prison overcrowding and different ways to alleviate such overcrowding. Lock'em up and lock'em down appears to be the present approach. Senator Ashford recognizes this fallacy and also argued that prison needs to focus on reform, especially for the younger ones.

We are steadily losing rehabilitative programs that foster personal development and growth, so it will be very difficult for him to reverse the current approach that carries a big stick. "If you do not have programs, whether they are schools, jobs, factories...that make up the naturally occurring forces that bring compliance with your rules, you are much more likely to be relying on force and handcuffs." (Walter Dickey, former secretary of the Wisconsin Department of Corrections, Confronting Confinement).

It will also be difficult for him to reverse the excessive sentences currently handed out. In Nebraska, you can get twice as much time for assault as you get for murder in other states. I pray that U.S. Attorney General Eric Holder's recent position on the excessiveness of prison sentences will add some weight to the issue. He masterfully said, "You cannot incarcerate yourself into a great nation."

So keep this discussion alive with your legislators. Advocate for a humanistic approach. The lock'em up and lock'em down strategy does not meet the needs of society. It may be the right approach for dealing with rabid dogs but not for human beings who failed at living a productive life. True justice carries the idea of reform so crime isn't repeated.

Cody Granfield 71300

Tecumseh State Correctional Institution

# NEBRASKA CRIMINAL JUSTICE REVIEW

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## An education and training opportunity for victim service providers

*By Lauren Pilnick, Project Coordinator*

In 2009, Nebraska was one of 12 states that did not have a State Victim Assistance Academy (SVAA). Creighton University committed to be the academic partner and grant writer for the new SVAA grant available through The Office for Victims of Crime (OVC). As the plan for NEVAA began to develop, the University of Nebraska at Kearney (UNK) agreed to also act as an academic partner in order to better serve statewide. In 2011, Creighton University was awarded the OVC Grant to start NEVAA.

The increasingly complex needs of crime victims have resulted in a demand for more coordinated and multidisciplinary approaches to training in the victim services field. As such, NEVAA is a foundation-level training whose curriculum is tailored to the needs of Nebraska victims and those who serve them. We strive to provide comprehensive, academically-based, fundamental education and training for victim service providers and allied professionals. The result is a delivery of the core set of knowledge and skills that is needed for those who work with victims of crime. The vision is that this will lead to statewide, standardized training.

The inaugural Academy was held at Creighton in August of 2013. NEVAA welcomed student representatives from law enforcement agencies, victim advocacy centers, Department of Corrections, mental health workers, probation offices, child advocacy centers, and many others. The student body was also geographically diverse with participants from Omaha to Scottsbluff. NEVAA featured professionals who served as faculty from across the state. They represented agencies spanning from Adult Protection to the Nebraska Law Enforcement Training Academy.

Next summer, NEVAA will travel to Kearney and applications will be made available in the spring. If you'd like more information, please contact the Project Coordinator. The third and final year of the startup grant begins this October and NEVAA program staff are seeking avenues toward sustainability. If you'd like to make a contribution and/or sponsor a future graduate of the Nebraska Victim Assistance Academy, please contact the Project Coordinator, Lauren Pilnick, at [LaurenPilnick@Creighton.edu](mailto:LaurenPilnick@Creighton.edu) or (402) 490-7667.

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