

Nebraska Criminal Justice Review

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A quarterly publication of Holy Family Church, Omaha, Nebraska, since 2000.

The NCJR is back!

We are happy to announce that Mel Beckman is returning as editor of the **Nebraska Criminal Justice Review (NCJR)**. The newsletter returns to publication with this July issue, under the sponsorship of the Holy Family Catholic Church's Education and Advocacy Committee.

The **NCJR** will also work with Creighton faculty and staff to initiate an online version of the newsletter, as well as a social media presence. We look forward to working with many other old and new partners, including incarcerated contributors, criminal justice professionals, University of Nebraska faculty and staff, as well as interested groups and individuals from the community. The mission of the NCJR continues to be:

To improve public understanding of the state's criminal justice system and the needs of offenders and victims.

To facilitate more communication between those who administer and staff the system, those who make plans and laws for it, those who are personally affected by it, and the community which pays for it.

- Linda Ohri, Chair
Education & Advocacy Committee

Corrections reform: LB 686 One small step for prison reform?

By John Krejci

Despite the ongoing crises in our prisons—overcrowding, violence, lack of programming, low morale, understaffing, and lack of services for the mentally ill—Nebraska is nowhere near taking that “one giant leap” to reform our prison system. We have had studies, reports, and stakeholder meetings carried out by the Council of State Government. Many of the shortcomings were laid out and recommendations made. LB 605 was passed attempting to address these problems. This year, LB 686 and several minor reform bills were passed, but little has changed. Our prison population has not decreased, nor has violence lessened or morale improved.

What has happened is that a classy and beautiful community corrections facility has been built for women at the relatively modest cost of \$25 million. One would hope that it will positively impact women and enhance the chance of success after release. On the other hand, \$45 million to build 384 maximum security cells for current

troublemakers has been proposed. Judiciary Chair, Senator Lathrop, seems to approve of this and funding has begun. The downside is that it is a costly, long term solution to a temporary problem that will more than likely increase the violence. We never learn that we cannot “build our way” out of prison overcrowding!

Yes, some progress has been made in expanding diversion programs, an increased number of parolees, mental health care, and slowing the rate of prison intakes—especially low level drug offenders. Despite continued efforts, support for former offenders is still inadequate; supervision, housing, jobs and social support. But the will to take that giant step is lacking. The legislative mandate to reduce the population to 140% in 2020 is not being addressed by the Department of Corrections. The ACLU lawsuit is still hanging over the Department, and Federal intervention is looming on the horizon.

Although there are many sincere and hardworking people in corrections, the Legislature and the community who want to fix corrections, the problems continue to be overwhelming. We know the solutions: more diversion programs and use of probation, services to drug and alcohol offenders before they go to prison, increased programming while in prison, supervision and support such as jobs, housing and guidance after prison. But the will to address and implement them is lacking.

Those of us who have been advocating for prison reform for decades will continue to speak out and act, lobby and criticize—mostly constructively and with hope. But how long will these injustices continue?

This rebirth issue of the **NCJR** is but a small sign that the struggle goes on—a light in the darkness.

Mailing list

The **NCJR** is a no-charge publication, offered by Holy Family Church as a public service and as a ministry to the poor (both those who are incarcerated and those who have been victimized by crime). Donations to Holy Family Church to help support it are encouraged but not required. (See contribution form on page 12)

If you wish to be removed from the mailing list, write to: NCJR, c/o Holy Family Church, 1715 Izard St., Omaha, NE 68102, or send an e-mail to: melbeckman@cox.net.

What's working....What's challenging for juvenile justice advocates?

By Joanna Lindberg

The second annual Kim Culp Juvenile Justice Forum was held on April 24, 2019 at the UNO Barbara Weitz Community Engagement Center, to honor the work of Kim Culp, founding Director of the Douglas County Juvenile Assessment Center (JAC).

After retirement, Kim was active in the League of Women Voters of Greater Omaha, serving as Vice-President at the time of her May, 2017 death. The forum is designed to engage and inform the community on important issues affecting youth in the juvenile justice system.

Nick Juliano, Boys Town, gave a remembrance of Kim from her work at Boys Town. He described her as highly mission-driven, a strong and stubborn advocate who focused on working to improve and increase individualized services for youth and their families in the juvenile justice system.

Mary Lee Brock, Creighton University, served as Moderator. Participants included: Ann Hobbs—UNO Juvenile Justice Institute, Marlon Wofford—Nebraska Family Support Network advocate, Mary Visek—Nebraska Juvenile Probation, Honorable Vern Daniels—Douglas County Juvenile Court, and Senator Tony Vargas—Nebraska Legislature. These individuals shared their insights about:

What's working

- Using best practices
- Decrease in detention use
- Objective screening tool
- Smaller probation caseloads
- Less punitive philosophy
- Passion of staff to make a difference
- Consistency in policy & coordination in the system

What's challenging

- Always providing dignity and respect
- Attitude of 'what if this went wrong'
- Not lumping people together and using a cookie cutter approach
- Considering parents' schedule and time
- The need to help families develop a plan that works for them

What they wish the public knew about their work with youth and families

- Staff are committed and focus on relationships with the youth to help them succeed
- The desire to reduce detention of youth through policy and alternatives to detention
- That youth can have their juvenile court record sealed.

After the panelists shared their perspective, audience members were asked to reflect upon what they heard and break into discussion groups for a few moments. Panelists then addressed questions.

1800 gather at conference for community and Restorative Justice

By Mary Lee Brock, Assistant Professor at Creighton University

The National Association for Community and Restorative Justice Conference was held in mid-June in Denver, Colorado. Over 1800 people from across the country came to share experiences and learn more about Restorative Justice. Nonprofit agencies, law enforcement, students, educators, elected officials and other stakeholders participated in the conference. Nebraska was well represented by Professors Mary Lee Brock and Kathy Gonzales from the Graduate school at Creighton University, Debora Denny from the Nebraska Office of Dispute Resolution of the State Supreme Court, Kerri Petersen from the Sherwood Foundation and staff members from six mediation centers from across the state. Nebraska is unique, as each of our 93 counties is served by one of the six Office of Dispute Resolution approved nonprofit mediation centers.

Howard Zehr, a leader in the development of Restorative Justice says, "*Restorative Justice is a process to involve, to the extent possible, those who have a stake in a specific offense, and to collectively identify and address harms, needs, and obligation, in order to heal and put things as right as possible. Restorative practices, such as victim-offender dialogue, put decisions into the hands of those most affected by a crime; make justice more healing, and ideally, more transformative; and reduce the likelihood of future offenses.*" Zehr, 2015 Little Book of Restorative Justice.

A highlight of the conference included a talk, "Stemming the Tide of Mass Incarceration," by Adam Foss, a prosecutor from Boston. He described his work to stem the tide of mass incarceration and to redefine the role of prosecutors in the criminal justice system by incorporating restorative justice and relational values. And one of the most moving experiences of the conference was a performance by MOTUS theatre. A group of seven people who experienced the harshness of our criminal justice system paired up with professionals in the justice system, jointly reading the true-life stories written by the seven participants.

Although Restorative Justice has been formally practiced for decades, programs are still often met with skepticism and people worry that offenders will be "let off the hook." The opposite is true, as Restorative Justice affords offenders the opportunity to be accountable for their actions and can be done within the traditional justice system. National Public Radio recently produced a story about the District of Columbia Prosecutor's office that was once skeptical about Restorative Justice and has now created a RJ unit in their office.

Restorative Justice continues to grow across Nebraska, especially in the Juvenile Justice System and in schools.

For more information about Restorative Justice in your community, contact your local Office of Dispute Resolution-approved mediation center: <https://supremecourt.nebraska.gov/programs-services/mediation-restorative-justice/odr-approved-mediation-centers>

Update on the ACLU lawsuit

By Amy Miller

Legal Director | ACLU of Nebraska

134 S. 13th St. #1010, Lincoln, NE 68508

The federal lawsuit challenging conditions of confinement in the Nebraska Department of Correctional Services has reached an important milestone. The case has been brought in a partnership between the ACLU National Prison Project, ACLU of Nebraska, Nebraska Appleseed, DLA Piper LLP, the National Association of the Deaf, and the firm Rosen, Bien, Galvan & Grunfeld LLP. The case is captioned Hannah Sabata et al vs. Nebraska Department of Correctional Services, et al, Case No. 4:17cv03107, and is in the United States District Court for the District of Nebraska.

In February, 2019, we filed a motion to certify the case as a class action. Class action status will officially allow us to represent every man, woman and juvenile in the department's custody. In support of the motion, we filed hundreds of pages of reports by the experts we've retained. Over the last nine months, these experts have toured the prisons, interviewed countless prisoners, and questioned state officials in person about prison conditions here. Our experts include a medical doctor, a psychiatrist, a psychologist specializing in solitary confinement's impacts, a dentist, a former corrections official, and two experts in the Americans with Disabilities Act.

The Attorney General vigorously opposed the motion to certify the class action and hired experts of their own who have opined that the policies of the department are adequate. This month, we submitted our final reply brief rebutting that position. We documented the woefully inadequate services available for prisoners experiencing a medical, dental, or mental health crisis. One stark fact about our state prisons: according to a 2016 U.S. Department of Justice report, the Nebraska Department of Corrections' suicide rate is more than 30% above the national average for state prisons and is more than double the rate in federal prisons. Just in the time since we filed our motion for class certification in February, there have been two more suicides. The overcrowding has only increased since we filed suit in 2017, and there's no sign that the department or Parole Board has made any effort to begin serious remedial steps.

Our case has been tentatively scheduled for trial in March 2020. We await the judge's ruling on whether the case will proceed as a class action, and continue to work daily with prisoners to gather more information about the conditions they're enduring. The case does not seek monetary damages—we are only asking the court to provide injunctive relief to ensure that the basic Eighth Amendment rights of every Nebraska prisoner are protected.

The overcrowded, under-resourced, understaffed status quo has resulted in chaos that endangers the health, safety and lives of prisoners and staff alike on a daily basis. In the courts, in the legislature, and in the community, we will continue to labor on this issue as one of our highest priorities until we have secured concrete reforms to create safe and constitutional facilities.



**Planning
meetings for
the NCJR**

**3rd Tuesday of every month at
Holy Family Church
18th and IZard Street, Omaha
3:00 p.m.**

Help identify the issues and topics that should be included in each issue of the *Nebraska Criminal Justice Review*. If you are an aspiring journalist and might enjoy interviewing and writing, this is for you. If you are employed in some part of the justice system, your professional knowledge can help us. If you are just interested and willing to work, please come.

**August 20
September 17
October 15
November 19
December 17**

RISE

Freedom from cycles of incarceration

By McKenzie Ring
mring@seeurise.org

Confucius once said, “The greatest glory is *not* in never failing, but in **rising every time we fall**”

Transformation and success is fluid and ever-changing; that much we know, after experiencing change ourselves as a non-profit organization. For many inside and out of Nebraska’s facilities, our team and program was previously recognized under the name of “**Defy Nebraska.**” In February, 2019, however, we *excitedly* developed and launched our new organization, **RISE!**

Consistent with the retired programming of Defy Nebraska, RISE serves people with criminal records, both *in* prison and back in the community. We’re proud to be implementing our very own curriculum, including components from Gallup Strengths and Training, the Prison Mindfulness Institute’s Path of Freedom program and the Network for Teaching Entrepreneurship.

Through entrepreneurship training, employment readiness, and character development, we firmly believe transformation is possible!

For us, RISE means:

- **R**esponsibility to oneself, others, and the community.
- **I**ntegrity to consistently make better, mindful choices—even when others aren’t watching.
- **S**trength in knowing one’s worth and gifts, and applying that to daily life, regardless of what side of the fence we are on.
- **E**mpowerment through employment-focused education, entrepreneurship, and character development.

Freedom from cycles of incarceration

Through continued post-release support via programming, case management, and an entrepreneurship incubator, RISE strives to help *all* people find freedom from cycles of incarceration.

Why?

Because Nebraska is the second most overcrowded prison system in the United States. With Nebraska’s prison system sitting over-capacity at 163% as of April, 2019, change has to be made in *any* and every way possible.

With prison overcrowding federally mandated to decrease by 2020, RISE is working earnestly to make the reentry and transitional process as smooth and successful as possible.

Preparing and *encouraging* the incarcerated population to succeed not only lowers recidivism rates, but also improves safety on *both* sides of the fence.

Maslow’s Hierarchy of Basic Needs tells us that people are motivated to succeed when their basic needs are met. Things like food, water, sleep, personal and financial security, health, employment, relationships, and respect (from others and self) are all *essential* to developing higher levels of stability. *Why not prepare people to obtain these basic needs?*

When *all* people are given the opportunity to understand their strengths and reach their fullest potential, work performance increases, creativity blooms, and talents progress. Housing becomes more easily available, mental health and substance abuse support is more accessible, and higher levels of education can be attained. All *huge* steps in assuring that the cycles of generational incarceration are stopped.

Why should you participate in RISE?

RISE’S extensive 6 month program helps participants (who are titled, “Builders”) find their **strengths** and learn how to apply them to the community in which they live. In addition to strength-finding, RISE’S curriculum focuses on a myriad of topics, including trust and boundaries, effective communication, public speaking, finding employment or starting your own business, negotiating, financial literacy, and reentry planning.

RISE has brought hundreds of unique volunteers into the Nebraska prison system. From small business owners to large industry leaders, advocates and lawmakers—the trajectory is slowly changing even as more and more people experience the environment of incarceration.

It is our mission to transform and connect people to build *thriving* communities. To do so, that means providing people with the tools they need to succeed, both inside and outside of prison. With a little empathy, tough love, and resilience, all of our Builders can find success wherever they land.

RISE currently serves seven prisons in the state of Nebraska—located in Omaha, Lincoln, York and Tecumseh. We’ve graduated over 314 people in these facilities, have an overall employment rate of 84% for our released graduates, and a recidivism rate of less than 5%.

Beyond the statistics, we’re hearing real success stories every single day! RISE graduates are receiving callbacks on strong job interviews after initially being turned away due to their records. Companies in Nebraska are partnering with RISE to hire graduates. Families are being reconnected and repaired. Participants are avoiding violence and graduates are earning incentive pay inside facilities. Transformation *is* happening and this is where we set our bar of success.

What if you’ve already graduated from Defy Ventures or Defy Nebraska

pay inside facilities. Transformation is happening, and this is where we set our bar of success.

What if you've already graduated from Defy Ventures or Defy Nebraska?

You are a part of the RISE family now! Nebraska graduates from Defy Ventures or Defy Nebraska have support and access to reentry services like case management, reentry planning, job readiness training, support in accessing transitional housing, an alumni association, and a business incubator through RISE. We encourage you to utilize these resources as you make your way back into the community!

How to get involved in RISE on the inside

Look for one of our fliers around your facility! RISE kicks off roughly two cohorts per year inside each facility.

One in three Nebraskans return to prison within three years of release. Let's break the cycle of incarceration!

Editor's Note: RISE can be contacted at 3555 Farnam Street, Suite 209, Omaha NE 68131 or 402-999-8063. See also <https://www.seeurise.org>

Nebraskans Unafraid

Nebraskans Unafraid is a grass-roots organization that works to make communities safer. Members believe that the right to safety extends to Registered Citizens and their loved ones. They want to change the "draconian" laws that deprive Registered Citizens of their jobs, homes and family life. They educate the public about the low rate of re-offense among those convicted of sex offenses.

The group sponsors **monthly gatherings called "Fearless"** for Registered Citizens and their loved ones:

Fearless meetings

Third Monday of the month, 7 p.m. to 9 p.m. at St. Michael Lutheran Church, 13232 Blondo Street, Omaha.

First Monday of the month, at Calvary United Methodist Church, 1610 South 11th St., Lincoln.

Second Saturday of the month, 9 a.m. to 11 a.m., at Holy Family Church, 1715 Izard Street, Omaha. Park on the street and enter the church from the side social hall entrance on N. 18th street.

The above information is from the website of Nebraskans Unafraid: <https://nebraskansunafraid.org>

Metro Area Continuum of Care for the Homeless

Editor's Note: To help the homeless in the Omaha metropolitan area, the Continuum of Care For the Homeless is providing a "coordinated entry system" in which a person experiencing homelessness can stop at any one of **six access points** in the area. There, staff will listen to the person's story, give support in finding a safe and appropriate alternative for shelter, work through some housing questions with him or her and provide a connection to resources. This information is from the organization's website: www.endhomelessnesstoday.org

The six access points:

Community Alliance, 4001 Leavenworth Street, Omaha, NE Bus routes #3 and #11
Hours: Monday through Friday, 9 a.m. to 3 p.m.

Together, 812 South 24th Street, Omaha NE Bus routes #11 #15 #24
Hours: Monday, 1-3 p.m.; Tuesday, 10 a.m. to 3 p.m.; Thursday, 10 a.m. to 3 p.m.

Siena/Francis House, 1702 Nicholas St., Omaha, NE Bus routes #4 and #18
Hours: Monday through Friday, 9 a.m. to 3 p.m.

New Visions, 1435 N. 15th St., Council Bluffs, Iowa Bus route: Yellow-C.B.
Hours: Monday to Thursday, 9 a.m. to 3 p.m.

Veterans Affairs CRRC 825 Dorcas Street, Suite 200, Omaha, NE Bus route: #13
US Military Veterans.
Hours: Monday through Friday, 9 a.m. to 3 p.m.

YES Outreach Center, 2602 Harney Street, Omaha, NE Bus routes: #15 and #24
Youth, age 16—24
Hours: Monday through Friday, 9 a.m. to 3 p.m.

NEWS and MISCELLANEOUS

By Mel Beckman, Editor, NCJR

A tattoo in prison?!

Visiting family members are likely to be puzzled and concerned, when a new tattoo appears on the body of their incarcerated son or daughter. They will wonder why it was wanted, how it was obtained, and whether it will result in disciplinary action or a health problem.

Joseph Jaafari comments on these questions in *The underground art of prison tattoos*, featured in The Marshall Project, June 12, 2019. He writes, "From notorious tattoos, such as a filled-in teardrop that connotes a murderer, to the more heartfelt, including girlfriends' names or wedding bands, prison tattoos are badges of inmates' identities." He quotes a former federal prisoner, "Some people want to look the part, some people actually do get them to illustrate their life story, and some probably get them just because it's against the rules to get them done."

Unlike tattoo enthusiasts on the outside, Jaafari writes, "prisoners must go to great—and often ingenious—lengths to get tattoos, using broken spoons and deodorant labels to create foundation for tattoo machines, and burnt ash for ink." He notes that corrections officials cite health risks. (Nobody in prison has access to a sterilized tattoo parlor.)

The Nebraska Department of Correctional Services' Inmate Rule Book labels "performing tattoo services, possessing tattoo paraphernalia, or receiving a tattoo" as "offenses prohibited and subject to disciplinary sanctions."

Drone drug drop attempt discovered

The *Omaha World Herald* reported on June 7th, in an article by Kevin Cole, that a drone found in February outside the prison at 3216 W. Van Dorn St. in Lincoln was carrying two bags—one with marijuana and the other with tobacco and rolling papers. An investigation determined that the drone had been flown over the prison by a former prisoner, Robert Kinser. He was arrested on June 6th on suspicion of delivering a controlled substance.

Be mindful of victims of crime

Editor's note: *The following text begins on p 31 of "Responsibility, Rehabilitation, and Restoration," a Catholic Perspective on Crime and Criminal Justice, published in the year 2000 by the U.S. Catholic bishops.*

"Victims and their families must have a more central place in a reformed criminal justice system. Besides the physical wounds some victims suffer, all victims experience emotional scars that may never fully heal. And since a majority of offenders are not apprehended for their crimes, these victims do not even have the satisfaction of knowing that the offender has been held accountable. This lack of closure can increase victims' fears and make healing more difficult.

This vital concern for victims can be misused. Some tactics can fuel hatred, not healing: for example,

maximizing punishment for its own sake and advancing punitive policies that contradict the values we hold. But such abuses should not be allowed to turn us away from a genuine response to victims and to their legitimate and necessary participation in the criminal justice system.

Victims of crime have the right to be kept informed throughout the criminal justice process. They should be able to share their pain and the impact of the crime on their lives after conviction has taken place and in appropriate ways during the sentencing process. If they wish, they should be able to confront the offender and ask for reparation for their losses. In this regard, we offer general support for legislation to respond to the needs and the rights of victims, and we urge every state to strengthen victims' advocacy programs."

Houston & Foxall: Where now??

They once served as chief executives of the largest correctional departments in Nebraska. Now they both work in the School of Criminology and Criminal Justice at U.N.O.'s College of Public Affairs and Community Service. The information below is from the College's website.

Robert Houston, after many years of employment in the Nebraska Department of Correctional Services, was appointed to head the Douglas County Department of Correctional Services from 2003 to 2005. Following that, he served as Director of the State Department of Correctional Services, from 2005 to 2013.

Currently, Houston is the Senior Research Associate at the School of Criminology and Criminal Justice and teaches criminal justice and correctional courses at UNO and UNL. He also consults with jails and interacts with correctional directors and public administrators on regional, national and international levels.

Mark Foxall, after years of prior service with the Omaha Police Department and the FBI, joined the staff at the Douglas County Department of Correctional Services. He began serving as Director of the Department in 2011 and retired from that position in 2018.

Currently, Foxall is a Community Service Associate in the School of Criminology and Criminal Justice at UNO.

Prisoners' right to marry affirmed

In a June 8, 2019 *Omaha World Herald* article, Rick Ruggles reported that District Judge Robert Rossiter had ruled in favor of the right of two Nebraska inmates to marry, even if Skype or other videoconference technology is used because the man and woman who petitioned happen to be housed in two different prisons.

Prisoner voting could come to D.C.

According to an article in the June 13, 2019 *"Mother Jones"* magazine, a bill to allow voting by felons while incarcerated has a good chance of passing in Washington, D.C. The bill was co-introduced by every member of the D.C. Council and has the support of the D.C. Attorney General.

If the bill passes, it would receive review by the Democratic-controlled Congress. Prisoners would vote by absentee ballot in the federal prisons where they are spread out in different states. (D.C. does not have any state or federal prisons in its jurisdiction)

The authors suggest that allowing inmates to vote may have public safety advantages, given that it can make people feel more connected to their communities—something that may help reduce recidivism. Moreover, U.S. prisoners are often subject to medical neglect and dangerous conditions. Advocates say prisoners should be allowed to vote for the public officials who will affect their safety.

Rehabilitation through education, thanks to NCCW and York College

After a three-year educational journey, eleven women incarcerated at the Nebraska Correctional Center for Women (NCCW) will be graduating on August 14th, with an Associate's Degree, thanks to York College's Second Chance Education Program.

York College and NCCW have combined their visions of "Rehabilitation Through Education" to offer these women a Liberal Arts General Education Degree, to assist them with better employment, as well as a step up to additional educational advancement after their release.

The formal commencement ceremony will be at NCCW, with family, friends and fellow inmates invited to celebrate with the graduates.

Thanks to Angela Manns, one of the eleven students, for the above information.

Parolees can vote in Colorado: not so in Nebraska

According to a July 1, 2019 article in the *Colorado Sun*, parolees in Colorado can now legally vote. A new law which took effect on that date, has broadened voting rights for people convicted of felony crimes. They had previously been allowed to vote after leaving prison, but not if they were on parole. The new law will now allow 11,467 parolees to go to the polls.

Nebraska has broadened its voting law regarding felons to some extent. However, the state does not restore voting rights at the prison door—not until parole is completed. In addition to that, those released must wait another two years before registering to vote. This latter restriction is considered arbitrary by many who reason that, in a "democracy" worthy of that term, voting by all citizens should be encouraged and certainly not denied.

The origin of the ACLU

The American Civil Liberties Union (ACLU) is well-known to people who are incarcerated. When they feel that their civil liberties are being denied by the administrators of their prison, they often write to the ACLU, an organization which they know has been concerned about such things for a long time—a hundred years, in fact.

In a July 4, 2019 internet communication, Anthony Romero, Executive Director of the American Civil Liberties Union (ACLU), explained how the 100-year-old organization began. He wrote that, in 1917, President Woodrow Wilson announced the entry of the U.S. into World War I, and made the statement, "*If there should be disloyalty, it will be dealt with a firm hand of repression.*" That raised alarm bells for some activists who joined forces to create a civil liberties watch group, which eventually became the ACLU.

NDCS: ten facilities, ten wardens

The Nebraska Department of Correctional Services (NDCS) maintains ten facilities in the state, with different levels of security and different programs. Information about each can be found on the Department's website at: www.corrections.nebraska.gov, under "facilities." These are the wardens.

Michelle Capps
Brad Hansen
Barb Lewien
Ryan Mahr
Charlie West
Taggart Boyd
Angela Folts-Oberle
Taggart Boyd
Pam Morello
Rich Cruickshank

Nebraska State Penitentiary
 Tecumseh State Corr. Institution
 Community Corr. Center, Lincoln
 Community Corr. Center, Omaha
 Nebr. Correctional Youth Center
 Diagnostic and Evaluation Center
 Nebr Corr. Center for Women
 Lincoln Correctional Center
 Work Ethic Center
 Omaha Correctional Center

Most Nebraska juvenile lifers still await their release

Most of the two dozen juveniles sentenced to life in prison for crimes committed before they were 18 years old are still in prison. Their names first appeared in this publication twelve years ago. Since then, the U.S. Supreme Court has declared that *mandatory* sentences of life in prison for juveniles is unconstitutional, and on that basis, Nebraska's juveniles were given hearings and received new sentences. Some of them are short enough to allow for a new life on the outside. Others make the light at the end of the tunnel look very far away.

Five of the juveniles have been released: Luigi Grayer, Joseph McDonald, Shakur Abdullah (see an article by him on page 8), Dwayne Tucker, and Jeremy Herman.

Since 2007, the Nebraska Legislature has also acted to limit children's punishment for serious crime. The maximum sentence is now 40 years to life. Many consider that to be still too long for children and youth.

Access the NCJR through the Creighton Digital Repository

All past issues of the NCJR (since its origin in 2000) can now be viewed on-line, thanks to the work of friends at Creighton University. Use this link: <https://dspace2.creighton.edu/xmlui/handle/10504/118831>.

Viewing Note: To view all issues in chronological order, select the BROWSE BY "By Issue Date" option at the top of this page. Select 2000 from the drop down list, or type in 2000 and click on GO. Issues start with the February, 2000 issue.

Giving back by going back

By *Shakur Abdullah*

Community Justice Center Trainer/ Outreach

**“I give you this to take with you:
Nothing remains as it was, if you know this, you can
begin again, with pure joy in the uprooting.”**

Judith Minty, Letters to My Daughters

Like the mythical Phoenix, the Nebraska Criminal Justice Review (NCJR) has emerged from its ashes to inform, invite and inspire its readers once again. As you may know, Mel Beckman retired as editor of the NCJR about a year ago. It was hoped that the NCJR would continue under different leadership but didn't.

Mel has decided to be editor of the NCJR again. Personally and for thousands of other readers of the NCJR, I want to thank Mel for his tireless effort over the years and willingness to press forward again. Mel started the NCJR in **2000** and published issues for **18** years. During that time, with Mel as its faithful and diligent editor, the NCJR gave voice to the voiceless and allowed incarcerated light(s) to shine beyond the walls, steel and concertina-wire of confinement facilities throughout Nebraska. The NCJR provided a sense of hope that someone would hear them.

While incarcerated in the Nebraska Department of Correctional Services (NDCS) I was one of many that had articles published in the NCJR, thanks to Mel for allowing me and others to do so. As I go back into the NDCS, Douglas County Department of Corrections (DCC) or encounter returned citizens, I've been frequently asked, "Where's the NCJR?" "What's happening with NCJR?" "When's the 1st issue of the NCJR coming out?" Reading this issue answers these questions.

I've been working as a trainer for the Community Justice Center (CJC) since late January 2019 (actually hired there on the 3rd year anniversary of my discharge from the NDCS). The CJC is a restorative justice and public safety agency that believes in accountability, hope, healing, redemption and forgiveness. My time with the CJC has been a tremendous opportunity, after over 4 decades of incarceration, to learn from and work with **CJC CEO; Jim Jones, CJC Program Manager; Rick Carter, CJC Senior Trainer, Terry Johnson and CJC Trainer; Tim Little**. Their commitment to meeting the needs of victims, justice involved individuals and the community is what has made the CJC the leading practitioner/educator of restorative justice practices in the State of Nebraska. The CJC facilitates Crime Victim Impact/Emotional Hygiene Life Skills classes in NDCS facilities, Nebraska Probation Offices (Reporting and Service Centers) and Douglas County Department of Corrections. More details at: www.commuityjusticecenter.org

I get the opportunity to return to places (jail, prisons, etc...) that I vowed, upon discharge, to never ever voluntarily come back to. I say opportunity, but it may best be described as a privilege. In many ways much like the NCJR's potential for hope, I too get the privilege of possibly passing that onto others. Giving back, paying it

forward...

The seeds of hope were planted in me by a few men at the Nebraska State Penitentiary (NSP) whom I was fortunate to encounter. This was at a time I could have easily abandoned any sense of hope for potential release of any kind (death sentence overturned and beginning a life sentence). The few men (one had been on death row, lifers, and some just serving larger sentences) were attempting to work their way out of prison in a way never to return, via education and vocational programs no longer in existence.

These men showed me options and choices I'd have to make during my sentence that could keep me out or keep me incarcerated. I'm glad those men took an interest in me - I'm glad I listened to them. That was all I needed - my potential way out (reentry) started then. I owe those men a big debt of gratitude. They taught me some of the best life skills/life lessons I ever learned. Many of those lessons they conveyed to me without conscious intent but through their tenacity to succeed. I thank all you brothers.

I've been to Lincoln numerous times since being discharged. Last month I had the opportunity to do something I hadn't done during any previous trip. I went looking for one of those men I met, beginning my sentence, that gave me hope and showed me the potential of possibility. After going to 3 businesses, I found him at the 4th business.

"You're a difficult brother to find," I said jokingly. I immediately asked him, "Do you recognize me?" He paused briefly a little uncertain of what was coming next. "No, you look a little familiar but not really," he said all business like. I told him who I was and his mouth dropped open. He didn't know or believe that I was out. We exchanged a few words and I asked him, "Do you know why I'm here?" "No..." he said looking a bit bewildered.

I gave him the biggest smile ever and stuck my hand out to shake his hand. As we shook hands I told him, "Thank you, broh!" His expression questioned my comment. "Thanks for not coming back," I said. I hadn't seen this brother in 36 or 37 years. I remember him leaving NSP going to get a cosmetology license in Iowa and vowing never to come back to prison.

He never returned to prison, earned a cosmetology license and now owns his own hair salon in Lincoln. I thanked him again. I told him how important it was for me at that time of my sentence to know it was possible not to come back to prison and the potential of hope. As a CJC Trainer I get the privilege of replicating what was given to me over 40 years ago, planting the seeds of hope and the potential of not returning prison.

2019 NEBRASKA UNICAMERAL LEGISLATURE
Alphabetical List

Capitol Mailing Address: Senator _____
 District # State Capitol
 PO Box 94604
 Lincoln NE 68509-4604

As of 1/09/2019

Senator	District	Capitol Phone	Room	City
Albrecht, Joni	17	(402) 471-2716	1404	Thurston
Arch, John	14	(402) 471-2730	8 th Floor	La Vista
Blood, Carol	3	(402) 471-2627	1021	Bellevue
Bolz, Kate	29	(402) 471-2734	1015	Lincoln
Bostelman, Bruce	23	(402) 471-2719	8 th Floor	Brainard
Brandt, Tom	32	(402) 471-2711	12 th Floor	Plymouth
Brewer, Tom	43	(402) 471-2628	1423	Gordon
Briese, Tom	41	(402) 471-2631	1019	Albion
Cavanaugh, Machaela	6	(402) 471-2714	11 th Floor	Omaha
Chambers, Ernie	11	(402) 471-2612	1302	Omaha
Clements, Robert	2	(402) 471-2613	8 th Floor	Elmwood
Crawford, Sue	45	(402) 471-2615	1012	Bellevue
DeBoer, Wendy	10	(402) 471-2718	11 th Floor	Bennington
Dorn, Myron	30	(402) 471-2620	1208	Adams
Erdman, Steve	47	(402) 471-2616	12 th Floor	Bayard
Friesen, Curt	34	(402) 471-2630	1308	Henderson
Geist, Suzanne	25	(402) 471-2731	12 th Floor	Lincoln
Gragert, Tim	40	(402) 471-2801	11 th Floor	Creighton
Groene, Mike	42	(402) 471-2729	1306	North Platte
Halloran, Steve	33	(402) 471-2712	1022	Hastings
Hansen, Ben	16	(402) 471-2728	11 th Floor	Blair
Hansen, Matt	26	(402) 471-2610	2011	Lincoln
Hilgers, Mike	21	(402) 471-2673	2000	Lincoln
Hilkemann, Robert	4	(402) 471-2621	13 th Floor	Omaha
Howard, Sara	9	(402) 471-2723	1402	Omaha
Hughes, Dan	44	(402) 471-2805	1210	Venango
Hunt, Megan	8	(402) 471-2722	11 th Floor	Omaha
Kolowski, Rick	31	(402) 471-2327	1018	Omaha
Kolterman, Mark	24	(402) 471-2756	2004	Seward
La Grone, Andrew	49	(402) 471-2725	1206	Gretna
Lathrop, Steve	12	(402) 471-2623	1202	Omaha
Lindstrom, Brett	18	(402) 471-2618	2015	Omaha
Linehan, Lou Ann	39	(402) 471-2885	1305	Elkhorn
Lowe, John S., Sr.	37	(402) 471-2726	12 th Floor	Kearney
McCollister, John S.	20	(402) 471-2622	1017	Omaha
McDonnell, Mike	5	(402) 471-2710	13 th Floor	Omaha
Morfeld, Adam	46	(402) 471-2720	1008	Lincoln
Moser, Mike	22	(402) 471-2715	12 th Floor	Columbus
Murman, Dave	38	(402) 471-2732	12 th Floor	Glensvil
Pansing Brooks, Patty	28	(402) 471-2633	1016	Lincoln
Quick, Dan	35	(402) 471-2617	1406	Grand Island
Scheer, Jim	19	(402) 471-2929	2010	Norfolk
Slama, Julie	1	(402) 471-2733	11 th Floor	Peru
Stinner, John P.	48	(402) 471-2802	1004	Gering
Vargas, Tony	7	(402) 471-2721	1000	Omaha
Walz, Lynne	15	(402) 471-2625	1403	Fremont
Wayne, Justin T.	13	(402) 471-2727	1212	Omaha
Williams, Matt	36	(402) 471-2642	1401	Gothenburg
Wishart, Anna	27	(402) 471-2632	8 th Floor	Lincoln

LETTERS

Still Stagnant

By Jose Rodriguez 57613
Lincoln Correctional Center

A lot has been made of the over-crowding that plagues Nebraska prisons. So far, all the promises have been just words. The American Civil Liberties Union suit has lots of merit.

I've been in all four men's prisons: Nebraska State Penitentiary, Tecumseh State Correctional Institution, Omaha Correctional Center, and now, Lincoln Correctional Center. All have the same problems—not enough staff; high turnover due to mandatory over-time burnout; substandard medical care and treatment due to lack of doctors and support staff; wait list for drug and sex offender treatment taking multiple years.

This said, until the Legislature stops buying into the spin that the Department of Correctional Services provides, no real progress will be made. There's only one more session before the looming overcrowding emergency (January, 2020).

I hope common sense will prevail and inmate rehabilitative programming can be done in the community, as the Nebraska Department of Correctional Services is ill-equipped to serve the needs of its inmates. Until this is accomplished, all inmates, staff, and the public will suffer the consequences..

We are not all the same

By Crescent Willie Tucker 34490
Nebraska State Penitentiary

To the administrative agencies which govern those of us who have lost our way and ended up in the industrial world of incarceration - yes, we broke the law and were put in this situation because we acted inappropriately. Our rehabilitation relies on our personal decision to confront what we go through and prove we are capable of being placed in community opportunities.

The majority of the men and women serving life sentences have good conduct and are waiting patiently for ourselves to be given the same consideration received by each incarcerated person. Over the years, provisions of the law have been changed for second degree lifers (malice issue) and a large number of defendants were released. Juvenile lifers received a reduction of their time. Even death row inmates' sanctions have been challenged, but not first degree lifers.

My question to Nebraska administrators is - what about the 114 men and women serving first degree life sentences who have served more than 20 years? What will it take for the men and women who have worked continuously on their opportunity to be released to be heard and seen as individuals? What will it take for us to have successful Pardons Board hearings instead of blanket "no" decisions? What will it take for the Legislature to make sanctions that will govern us all fairly?

Opportunity to be heard again

By Jerrold McLeod 52320
Tecumseh State Correctional Institution

It's a pleasure to have another opportunity to contribute to the NCJR newsletter.

Today, I'm glad to express my opinion to the public so they might broaden their perspective on how people who are incarcerated view the criminal justice system.

For quite some time, the inmates lost their voice, and the way I see it now, our words will be heard loud and clear. Thank you, Mel Beckman, and I hope you are successful in this endeavor.

Welcome back NCJR

By David Ditter 32547
Omaha Correctional Center

There has been a void during the last one and one half years, without the publication of the **Nebraska Criminal Justice Review**. Prisoners considered the **NCJR** as their "voice" to help bring about positive changes to Nebraska's prison system, while prison officials and others expressed their views too. This informative newsletter is held in high esteem by everyone, and we welcome Mel back as the Editor.

President Donald Trump, in recognizing decades of failed policies that led to mass incarceration in the federal Bureau of Prisons, signed the First Step Act into law in December, 2018. Although being characterized by supporters as a modest first step for criminal justice reform, it has resulted in the early release of those serving time in federal prisons.

It is time to keep the momentum going for changes in "state" prison systems, i.e. Nebraska and the **NCJR** will restore an avenue for those changes.

Unlock the mind.com, a new resource

By Robert J. Heist II 83796
Tecumseh State Correctional Institution

I am excited to inform you of a new resource for friends, family, and formerly incarcerated people, anyone interested in the Nebraska prisons, jails and courts. With the help of some friends we have created a free, public, community forum for anyone seeking information about the Nebraska correctional system.

People can post questions or give answers, and as the number of posts grows it will become a searchable index of data on the system for the public. Hopefully, the community can also use it to organize for change and to promote reform as well.

All posts are public for everyone to read without signing up, but if you wish to post a question or answer you will have to register, which is free. We hope this resource will help anyone looking for information on the Nebraska system.

Please share with your friends and family.
(<https://www.unlockthemind.com>)

Family and Friends of the Incarcerated—Omaha (FFI-0)

Meetings are held on the 4th Saturday of each month (except in December) at 9:30 a.m. at First Christian Church, 6630 Dodge Street in Omaha. Members give mutual support, share information about the corrections system and advocate for needed changes. Park and enter on the east side of the church. For more information: mabeck3636@cox.net. (Include FFI-O in the subject line).

Friends and Families of Incarcerated Individuals—Lincoln

Meetings are held on the 3rd Saturday of the month, from 9:30 to 11:30 a.m., at Our Savior's Lutheran Church, 1200 South 40th Street in Lincoln. For more information: 402-730-5927

*The NCJR welcomes letters
from
either side of the prison fence*

Meeting a need—wheels provided for work, thanks to Jim Carroll

Jim Carroll has been a volunteer sponsor at the Community Corrections Center in Omaha (CCC-O) for 12+ years, taking people job seeking, to see a relative in the hospital, to “anonymous” meetings, to Crossroads Connection worship services and more.



He became aware that some of the people get a job with no means of transportation to get to the job – buses don't run at the shift times, there is no bus line, and other problems hinder their ability to get a job. He went to the Community Bike Project at 33rd and California, a non-profit helping kids get a bicycle while learning how to do repairs. Adam, the shop manager finds used bicycles for Jim, who has learned a lot about reconditioning and repairing bikes! When a person at CCC-O has a job, and has a need for a bike, Jim provides the bike, the lights and lock and the rider provides his/her own helmet. When the rider leaves CCC-O the bike is returned to Jim to lend it to someone else.

At this time Jim has 15 bikes being used (the usage goes up in summer and slows in winter). The current record for the bike that has been recycled the most is to 8 different people!

Editor's Note: The *NCJR* encouraged Jim's wife, Anne, to contribute the above article. We hope it will inspire others to come up with ways to help those incarcerated

New club at TSCI addresses an “elephant” in the room

Editor's note: *The Administration at the Tecumseh State Correctional Institution recently authorized a “Lifers” Club, similar to one at the Nebraska State Penitentiary. The new club, the “Second Chance Lifers’ Club, met for the first time on July 3, 2019. The club’s membership brochure poses the question, “What is the elephant in the room?” The answer given is:*

The “elephant” in the room is the **FACT** that 1st degree life—sentenced prisoners (and the equivalent) are **NOT**

- being considered for commutations!
- being promoted on a regular basis through the system, commensurate to their EARNED custody level. (Earned through good behavior and program completion!)
- being allowed to go to work detail or work release!!!
- being paroled!!!

The Club brochure also invites consideration of the following facts:

Fact #1

The European Union outlaws both the death penalty and the “alternate death penalty” (first degree life sentence), except in extreme cases. The European Union's highest court ruled life without parole is “neither just nor proportionate, and undermines the concepts of forgiveness and human dignity if you don't allow a **person** a chance to redeem themselves and regain their freedom through good works, good conduct and rehabilitation.

Fact #2

Almost 700 life, or the equivalent, prisoners will die in Nebraska prisons if we don't find a solution! (Plus tens of thousands in the whole United States.)

The Lifer Club member **pledges** to show society and those around him that a second chance is deserved, through

- Completing all of his rehabilitation programs deemed necessary to the best of his ability,.
- Continuing to educate himself, so that he will be a more useful member to the club & society.
- Motivating others through his positive and constructive actions.
- Doing productive versus destructive time and encouraging fellow prisoners to do the same.

“Thank you” to David Ditter 32547, TSCI, for a copy of the Club brochure

NEBRASKA CRIMINAL JUSTICE REVIEW

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E-mail: melbeckman@cox.net

Website: www.holyfamilyomaha.org. See current and past issues of the NCJR, under "Publications".

Past issues may also be viewed at Creighton's CDR: <https://dspace2.creighton.edu/xmlui/handle/10504/118831>.

Mission: To improve public understanding of the criminal justice system in Nebraska and the needs of offenders and victims. To improve communication between those who administer and staff the criminal justice system, those who make plans and laws for it, those who are personally affected by it, and the community which pays for it and should be involved with it.

Deadline for Submission of Material: The first day of publication months: March, June, September, and December. **Copying** of all or part of this publication is permitted, with proper credit given.

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Holy Family Church
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Nebraska Department of Correctional Services

Average Daily Population, by facility
Fiscal Year 2018

Facility	ADP	Operational Capacity	Design Capacity
Community Corr. Center, Lincoln	431.9	300	200
Community Corr. Center, Omaha	167.3	135	90
Diagnostic & Evaluation Center	475.9	275	160
Lincoln Correctional Center	505.7	468	308
Nebraska Corr. Center for Women	331.3	318	275
Nebraska Corr. Youth Facility	51.7	70	68
Nebraska State Penitentiary	1338.4	1139	718
Omaha Correctional Center	775.2	666	396
Tecumseh State Corr. Institution	1014.9	976	960
Work Ethic Camp	<u>179.5</u>	<u>200</u>	<u>100</u>
	5271.9	4547	3275

Editor's Note: The above statistics are taken from a graph which can be found on the website of The Nebraska Department of Correctional Services (<https://corrections.nebraska.gov>). The graph shows that the average daily population of the combined facilities exceeds both their design capacity and their operational capacity. These figures do not include an additional 92 people housed in county jails. The graph indicates an ADP of 161% of design capacity.