

Nebraska Criminal Justice Review

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We all have value

By Terry Ricketts
Re-Entry Specialist
Metropolitan Community College

When I was first asked to write this article about my life experiences and views, I was hesitant. I have been through a lot in my life and have some very strong opinions on where we are at in the world, how we got here, and, most importantly, how we move forward.

I served in the Army National Guard and was awarded a Purple Heart and Army Commendation Medal. I worked for the State of Nebraska for close to 20 years in the Department of Corrections and Division of Parole Supervision. I currently work as Re-entry Specialist with Metropolitan Community College's 180 Re-entry Assistance Program. I have been diagnosed with post-traumatic stress disorder (PTSD) due to being shot in an ambush while deployed to Iraq.

I currently work an active recovery program with Alcoholics Anonymous. I have been to the darkest parts of my mind, not caring much if I woke up the next morning, and not seeing a purpose to my life. I have overcome those personal demons through belief in a Higher Power (not in a religious context, but spiritual), my belief that I have a purpose, and through strong support from my family and community. This brings me to the purpose of this article –how do we help people recover and find their purpose, especially after they have been incarcerated?

People just want to feel that they belong and have worth.

We are all human and we all make mistakes. Some mistakes are more severe than others, and some people make mistakes that would send them to prison but they never get caught. To be fair, there are people that I have met through my time working in prisons that were very dangerous and would be a threat to the community when they get released. However, those individuals are few and far between. What I experienced most was that people just want to feel that they belong and have worth. If people grow up getting that feeling through mostly negative behavior, then that is how they live their lives and fulfill those basic human desires.

When I worked with people on an individual basis, I learned that, just like those of us who have never been to prison, they have hopes and dreams for their lives and families, too. The difference is, many of the individuals I worked with feel like society has given up on them. They may have never learned basic social skills or

received the education that others take for granted. Some have substance abuse and mental health problems. None of that makes these individuals' lives worthless or means that they cannot achieve their dreams. It means they may need additional support and more positive reinforcement. Perhaps they need to interact with people who make them feel like they can be successful and people who encourage the best parts of each person to thrive.

Unfortunately, we have failed in this regard more than we have succeeded. Prisons are overcrowded. Programming is offered but there are often waitlists. People are released on parole or discharged with little to no programming completed in hopes that programming will be completed when entering the community. How can you expect to confine someone for years, barely addressing needs that drive unhealthy behaviors, and then release people back into society hoping they can start treatment, find or maintain employment and reunite with their family members (spouse, children, parents)? This is difficult for individuals who have good social adjustment. Ask anyone in the military who was deployed for over a year about how difficult it is to return home and pick up where you left off, like nothing ever happened.

People are often released with \$100 gate pay, no more than 30 days worth of medication, no job, limited transportation, and a lack of social support. We as a society expect these men and women to "figure it out" because we have never been through it. It is very hard to address these barriers alone and, again, we expect

(Continued on page 2)

We all have value (Continued from page one) people to just "figure it out". We need to better prepare people for their release. In our hectic, always busy lives, who has time to invest in others to help make them suc-

cessful? At most, they meet with someone short term and get a rudimentary plan together, yet, too often that is just enough to get them to the gate or out on parole. Then, we don't have to worry about it unless they re-offend, which they do. About 80% of high risk offenders recidivate. So, how do we move forward?

In my opinion, we need to begin by investing in expansion of our work release centers and expanding programming. If people could transfer to work release, complete substance abuse and cognitive restructuring programming, acquire supportive documentation, find employment, and participate in community support groups to build a positive support system before release or parole, I think we would see a drastic reduction in repeat offenders. The community and social support, are key.

I have been blessed to begin working for MCC's 180 RAP (180 Re-entry Assistance Program). Director Diane Good-Collins, who is a felon, and her amazing staff have served over 4,400 clients since the program began in 2015. We invest in people. I have witnessed firsthand how much time is spent with each client to ensure they are successful. We assist with education (GED, CDL and college courses), employment, housing, obtaining identification and many other support programs.

Long Term Relief is a program that serves clients who have been incarcerated 10 or more years or who have had multiple incarcerations (remember what I said about high risk clients). The group offers support while the client is incarcerated and continues while they are in the community. The group covers all sorts of topics that are vital to successful re-entry: employment, car buying, importance of insurance, recovery support, short term trainings and education. We have had 103 clients in Long Term Relief and I have only been able to verify that three have returned on new felony charges. That is an amazing success rate! To be fair, there are other community organizations that also invest in people and re-entry but we need more and we need to grow.

We need to prepare people for release and support them after release. 180 RAP's motto is "a hand up, not a hand out" and the program philosophy is that if you receive help, it is your duty to pass the help you received on to the next person. Then you will effect positive change in someone else's life and they will start viewing their life as worthwhile, too.

When we feel worthwhile, we pass that on to everyone we interact with. It benefits not only the individual but also the community. We start feeling like we belong and have a purpose. God has blessed me with the opportunity to pass on what I have learned and, hopefully, I can do my part to leave the part of the world I interact with better than I found it.

Corrections reports demand dramatic action

By John Krejci, Lincoln

What will it take to carry out dramatic action to fix corrections? Another riot? More murders? Suicides? Assault of guards? Inspector General for Corrections, Doug Koebernick, calls the situation at the Nebraska

State Penitentiary "alarming" and "disturbing." (***Omaha World Herald 8/21***) Understaffing, mandatory overtime, low morale, more frequent assaults on guards and inmate unrest have become the new normal. Overpopulation has not been addressed. Recruitment efforts have failed. There were 50,000 overtime hours by staff in June alone.

Despite multiple news articles, disturbing reports, stakeholder meetings, recommendations from the Council of State Governments, letters to the editor, and promises from Director Frakes—little has been accomplished. Solutions must include not only corrections but the courts, probation and parole, law enforcement, and perhaps most importantly, pressure from the community.

I would propose a meeting with the Governor ("the buck stops here!") of stakeholders and the formation of a committee of all agencies and parties involved.

Director Frakes says too many new inmates are being sent to him by judges and courts.

Attention, judges and legislators! More diversion and probation.

Attention, Parole Board! 1000 inmates are eligible for parole.

Attention, Legislature and Parole! Programs for released inmates are inadequate.

Attention, advocates and community educators! Too little concern about the problem by the community.

TIME TO ACT BOLDLY!

Thank you to NCJR contributors!

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Ann Marie Birky, Brian and Colleen Nicol, Donald Dendinger, James Welsh, Alice Powell, John Hartigan, Missionary Benedictine Sisters, Renee O'Brien, Susan Starr, Ruth Kruse, La Verne Belt, Msgr. James Gilg, Robert Scurfield, Ralph Armendariz, Western Alternative Corrections, Gretchen Green, Jerry Moskus, Sherrie Allenback, Rita Rolfsmeyer, Kathleen Grant, Betty Stittle, National C.U.R.E., Cora and James Mosley, Vernon Hartman, John Krejci, Rev. Gerald Leise, Suzanne Kusy, Aframerican Bookstore Suzanne Schied.

Crime victims confront perpetrators through a special program

Editor's Note: *The following was adapted from 60 Minutes, with Scott Pelley interviewing the victim, Angel Wendt, and the convict, Lee Namtvedt. Adaptation by Anne Carroll.*

Scott Pelley, (interviewer): When we heard about the Restorative Justice Project, it was hard to believe, and we certainly didn't understand it. The program, at the University of Wisconsin Law School, introduces victims of violence to the convicts who committed the crimes. Our first reaction was, "who would want to do that?" And to what end? It was only after we met the families and the convicts that we could see what a life-changing experience could come from the most unlikely of meetings.

Angel Wendt (victim): I could not tell you another name of a person I resented so much, and I felt like the only emotion this man deserved was hate.

(Angel Wendt lives in a town of 500. She's a teacher and a mother of four. Nine years ago, her brother, Michael, was killed, and she focused her hate on drunk driver, Lee Namtvedt.)

Scott Pelley: This wasn't the first time you'd been driving drunk.

Lee Namtvedt (convict): Unfortunately, no, it wasn't. I had three prior OWIs (*operating while intoxicated*) on my record.

Scott Pelley: Those were just the times you got caught.

Lee Namtvedt: That's correct.

(Namtvedt pleaded guilty to homicide in 2011. Angel Wendt made it her job to present the judge with witnesses and all the incriminating evidence she could find to encourage the longest sentence. Namtvedt got 10 years, but Wendt had been sentenced to life—a life of vengeance.)

Angel Wendt: I was a monster. It was terrible. I can honestly say that now, looking back at that time in my life. I was a terrible mother. I was a terrible teacher. I was really just an uninspiring person and that's not what I wanted to be.

Scott Pelley: Why were you all of those things?

Angel Wendt: Because I felt I...I had the right to be.

(She decided she could save herself only by meeting the stranger who ruined her life. She reached The Restorative Justice Project at the University of Wisconsin Law School. The project began 30 years ago, to teach students about the needs of victims. The director, Johnathan Scharrer, told us they set up about one meeting a month.)

Johnathan Scharrer (Director) We're really victim-focused. And we say, "How has this person been harmed," And then, "What can be done to repair that harm." The attempt to repair harm begins only with the victim's request. If the law school finds that the prisoner is willing, then the Restorative Justice Project visits both parties, to see what these individuals are interested in talking about?

And so, we'll have enough of those individual meetings as are necessary before both sides are ready to actually sit down. And quite often, that can take several months up

to a year or sometimes longer before we get to that space. Part of that year is spent shuttling written questions and answers between the victim and the criminal. When Lee Namtvedt received the request from the law school, he had a question.

Lee Namtvedt: How can I do this? You know, I just, it'd be just best not to do it, not to, you know. This happened, I'm doing my time, let's not ever talk, let's not ever talk about it, let's not ever meet. I can just move away. I can hide. And through a lot of counseling and help, I was able to go through with it.

(Angel Wendt waited five years after her brother Michael was killed to come to the prison to meet Lee Namtvedt.)

Angel Wendt: We sat and talked for hours, and I found myself crying but it wasn't for me. It was for him, because what I came to know in that meeting is that he and I were both mourning the loss of the same amazing young man. But I have all the beautiful memories to fall back on when I'm feeling sad. He has nothing.

Lee Namtvedt: He was a loving, caring young man who was really...involved in his church, and quite an amazing person.

Scott Pelley: And your response to all of that, to hearing what a terrific person you killed, was what?

Lee Namtvedt: What a loss. What an unnecessary loss.

Angel Wendt: I wanted to, at that point, apologize for all the things that I had done, rounding up of those people and finding every little scrap of evidence that he had this terrible character flaw.

Scott Pelley: Wait. You scheduled this meeting so that you could apologize to him?

Angel Wendt: Yep, I wanted to extend my personal forgiveness to him, and I also felt that if I was going to emotionally rectify the situation that I had built up for myself, that I needed to apologize to him.

Lee Namtvedt: And I was just amazed at her kindness and caring and her compassion, and - it's not easy. I can't imagine that's easy to do, comin' to a prison and forgive the guy who killed your brother.

(Angel Wendt was locked in a prison of her own making until an inmate handed her the keys.)

Scott Pelley: Imagine for me, if this program did not exist and you had never met this man. How would you be different today?

Angel Wendt: I can't imagine what life would even be like, and I look at those who still hold onto the situation and are still very bitter and unforgiving. It breaks my heart to think that they are letting this...this situation define who they are. There's so much more to me, and there's so much more to them. And this program allowed who I am to come back out.

Attending a Pardons Board hearing? Expect to be frustrated

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

We—a staff assistant and I, attended the last Board of Pardons hearing on Tuesday, July 30th, and it was worse than the one we attended several years ago. At that time, one of the members made a move to “table” for two years all people who had requested and applied for a commutation of sentence. No testimonies were heard at that time and therefore, individuals who were present to “testify” were not allowed to do so and had to share their information during “community comments” on the agenda, which meant, absolutely nothing. One individual had traveled 7 hours to testify and did not.

This time, two years later, Governor Ricketts explained that either of the other Board members, Secretary of State or the Attorney General, had the right to “group” individuals and make a motion about the group. On the agenda for the hearing it clearly states that for two categories no testimonies will be heard. That was in bold print. (Difficult to understand when the public believes this is a hearing.) Therefore, a list of numbers and names were read and “moved” that their requests or applications be denied. Once again, anyone who was on the list was denied point blank and any in the room who were there to represent those people were asked to leave.

For the category where people were requesting to have their driver's license reinstated, the same thing happened and it was apparent the majority of individuals who were on the list were Latino, since the Governor had difficulty pronouncing their names. That category was also on the agenda with the statement “no testimonies will be heard.”

We asked men in prison what they believed the Board of Pardons to be? They responded as follows:

- 1) Pure justice in the world today
- 2) Chance for reform/transition
- 3) Help
- 4) Opportunity
- 5) Give second chance to inmates who have long sentences
- 6) To have past felonies taken off your record so you can vote again

We also asked the same men, who are at the Nebraska State Penitentiary where we teach classes, what the process was to “get on the list” for the Board of Pardons? They stated the following:

- 1) Write a letter and wait for a response
- 2) A response comes with an application (17 pages long)
- 3) Complete the application, mail it back and wait
- 4) Receive a letter stating application has been received and wait
- 5) Receive a letter, your name is on the list for a hearing at such and such a date
- 6) The individual contacts loved ones, and sup-

port to represent him at the 'hearing' for that date.

We asked whether criteria was given to determine eligibility before they went through that lengthy process? “No,” was their response. I'm sure you are able to see by now, why we are concerned when individuals in prison believe something to be a certain way, comply with the requirements, hope for their opportunity to be heard, and it doesn't happen! They should at least be informed of denial prior to a non-hearing, rather than having people waiting in prison with a false hope that something is possible when it is not.

‘Just a matter of time’

By Shaheed K. Biko Hamza 36413
s/n Derek Dixon
Lincoln Correctional Center

At the Lincoln Correctional Center, and throughout the Nebraska Department of Correctional Services (NDCS), there is a **serious problem of “forced-celling”**—housing prisoners together without mutual consent, and in some cases, even against mutual disagreement to be cellies.

At the Lincoln Correctional Center this problem is *especially heinous* because you have the Mental Health Unit, and many of these prisoners are *violently mentally ill and even suicidal*. When they “graduate” off the unit, and/or go to segregation and get kicked off the unit they are placed in general population with a cellie, regardless of their state of mind. Usually, placement is racially motivated, but mainly by bed space availability. When a bed becomes available, its “next man up!” and staff do not care if either of you like it or not.

In my case, staff has been using these type of forced cellie moves to retaliate against me for my grievances of their negative opinions of me, based on unsubstantiated, past, false allegations. Staff discretion has evolved into a manipulation tool which staff uses to reward inmates they like/snitches, etc. Staff has intentionally locked some prisoners (whom they dislike or deem beyond redemption) out of the transformation/change vehicles.

Housing, employment and programming opportunities are perpetually denied, based on staff discretion and not on actual behavior, while certain others are given *over-rides* by staff (by-passing established rules) and are shown favoritism. This staff sabotage has created a tension, bound to eventually blow up in un-necessary acts of violence and possibly even murder. This intentional sabotage and favoritism has created a prison caste system, classism, and hatred/mistrust between the chosen and the despised; between those given opportunity and those locked out of opportunity, etc. NDCS being over-crowded does not give staff the right to violate the constitutional rights of prisoners by placing us in known dangerous forced-celling situations, with extreme, deliberate indifference.

Pertaining to housing, employment and program-

ming, I have exhausted my remedies/grievances over and over again. The Ombudsman is missing-in-action at the Lincoln Correctional Center, and we all know the NDCS grievance procedure is broken/flawed/useless. But you must “exhaust” for the courts. Do not worry about negative NDCS response. Stay focused and fight the power! You must exhaust your remedies, no matter what! So when the American Civil Liberties Union (ACLU) gets their lawsuit to become a “class action suit” you will *already be ready* to join the fight for prisoner rights, safety and dignity! *It’s just a matter of time before change is forced upon the NDCS.*

This is the most over-crowded prison system in the U.S. Be the change and represent the change you’d like to see within the NDCS. I encourage you to consider: 1) Over-crowded prison conditions. 2) Forced-celling of prisoners. 3) Inadequate staff training. 4) Lack of programming. 5) Over-use of frivolous misconduct reports. 6) Lack of medical treatment/meds, etc. 7) Inadequate diet/menu. Ask for superiors to be held accountable, for lack of action/lack of staff training and lack of staff accountability.

There is a need for most or all staff discretionary powers *to be eliminated*, for more consistent, fair, *known policies* for both inmates and staff. And, bluntly speaking, the sex offenders should not be treated better than other class(es) of prisoners/lifers, etc. This breeds a hatred of them and it’s dangerous! I have friends who are sex offenders, working hard on their issues, etc. But a sex offender with two years in the system shouldn’t *always* get the job, over other class(es) of prisoners/lifers with 20 plus years in, because of staff discretion/favoritism, etc. Opportunity should be made available to all, especially those who have shown an upward trajectory toward change and transformation.

If a fair system isn’t created, you create a class of prisoners with “nothing to lose,” and when a prisoner doesn’t care about his own life, you know what another’s life is worth. NOTHING! And that’s unfortunate. I understand that most staff come to work to put food on their tables, and I respect that. But I do not understand the vigilante staff and crooked administrative staff who negatively treat “certain prisoners” with perpetual, extreme deliberate indifference. And they’ve been doing it so long, they’ve gotten comfortable and arrogant with it. These are the ones the ACLU should fight to have swept out of the Department like dirt on a dirty cell floor.

But first, it’s the prisoners obligation and duty to call out these negative staff and unconstitutional practices and expose them. If you have an issue—grieve it and exhaust your remedies now! It’s just a matter of time.

“Lawman”: Memoir of a Jailhouse Lawyer, By Shon Hopwood

Review by John Krejci

This is the true story of a young man from David City, Nebraska, who foolishly robbed 5 rural banks, got caught, served 10 years in Federal prison. But, unlike many convicted felons, found redemption as a jailhouse lawyer, and now teaches at prestigious Georgetown Law School. Even he is in wonder of his transformation from

the stupid to the sublime.

The most enlightening insight for me was his vivid description of prison life for a rural, white guy. Spoiler alert: he buffed up and competed with the “guys from the hood.” An unlikely but critical development was his “rise” to the status of jailhouse lawyer. Most incredible was his submitting two successful petitions, on behalf of other inmates, to the Supreme Court. 7000 are submitted every year!

The fairy tale does not end there. On exiting prison, he married the love of his life from high school, who waited for him. He attended law school and, long story short, he is now teaching criminal law at Georgetown.

Hopwood spoke in Lincoln last November, at the Freed For Life banquet, a church-sponsored fundraiser for inmates and former inmates. His passion is now prison reform, rehabilitation of inmates and their successful integration into society. Professor Hopwood speaks, consults and advocates across the country. (Check out prisonprofessor.com) He writes in a clear, engaging style. “Lawman” is readable, inspiring and hopeful.

The take-away for me was his detailed description of prison life and the coping skills needed to navigate prison culture. I have never been in prison but have read numerous accounts of prison life. Professor Hopwood’s account is the best I have ever read.

I have purchased “Lawman” for friends. I can’t imagine a more inspiring account of incarceration, rehabilitation and redemption. Granted, Shon was white, middle class, gifted, and had family support—but he did have daunting obstacles to overcome. Unfortunately, many are defeated by the multiple pathologies rampant in our prison system.

If I were on my soap box, I would encourage all to read this book and get involved with inmates and prison reform. Until our communities move from apathy and condemnation to empathy and active concern, our prison system will remain an expensive blight on our society.

Shon ends his memoir with: “I’ve been reborn, Grace happens. Redemption is possible. Second chances are needed. #Second Chances.

NEWS and MISCELLANEOUS

By Mel Beckman, Editor, NCJR

Nebraska representatives in Washington, DC

Senator Deb Fischer

454 Russell Senate Office Bldg., Washington D.C. 20510

Senator Ben Sasse

107 Russell Senate Office Bldg., Washington D.C. 20510

Representative Jeff Fortenberry (District 1)

1517 Longworth HOB, Washington D.C. 20515

Representative Don Bacon (District 2)

1024 Longworth HOB, Washington D.C. 20515

Representative Adrian Smith (District 3)

502 Cannon HOB, Washington D.C. 20515

Health care in Nebraska prisons: remembering concerns of 1999

In a letter printed in this issue, inmate James Saylor (see page 11) urges attention to the Nebraska Correctional Health Care Services Act, which was enacted in 2001 by passage of LB 154. That Act, among other provisions, called for prisoners to receive a community standard of health care, something which was not always available in 2001.

LB 154 was preceded by a 1999 report of the Nebraska Ombudsman which was critical of the medical services provided at that time. As a response to that report, then-Governor Johanns appointed a task force to study the issue and make recommendations for remedial steps that might be needed.

The final report of the task force, issued on July 1, 2000, concluded that there were, in fact “serious problems with the health care delivery system of the Department of Correctional Services.” The systemic problems were then listed

In explaining its findings, the task force offered an observation in a letter to Governor Johanns. *“We believe that the best explanation for the current status of health care within the Department of Correctional Services lies in an understanding of the dynamics of complex systems. Simply put, all systems tend toward entropy and decay unless they are continuously infused with creativity and energy from both within and without.”*

It is now 20 years since the task force—an interval long enough for some entropy and decay to have occurred. Mr. Saylor’s request for dialogue is timely.

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

State sex offender registry public hearing is scheduled for Sept. 27th

During the interim between sessions of the Legislature, the Judiciary Committee will have a public hearing on issues relating to the registry. The hearing will be in Room 1507 of the State Capitol, at 9:00 a.m.

According to Nebraskans Unafraid, testimony from family members of people on the registry will be especially valuable. Family members may not have to show up at the Sheriff’s office to register but they live with social stigma, reduced family income, fear of discovery, and the threat of vandalism or worse. The Legislature is the law-making body that passed the laws causing all of that; they need to hear how it is to live under the results of that legislation.

Nebraskans Unafraid publishes *Ninety-Five*, offering information about the 95% of Nebraska registrants who are NOT dangerous, but still are exposed to state-sanctioned hatred. For more information, see NebraskansUnafraid.org.

Planning meetings for the NCJR

Meetings are held at 3:00 p.m. at Holy Family Church, 18th and IZard Street in Omaha. Next meetings:

October 15
November 19
December 17

Judiciary Committee is urged to recommend more alternatives to bail/bond

Editor's Note: *The following testimony was presented to the Judiciary committee, on behalf of the League of Women Voters, by Joanna Lindberg, on 9-11-19. The Judiciary Committee was engaged in an interim study of cash bail and cash bonds.*

I represent the nearly 500 members of the League of Women Voters of Nebraska (LWVNE), a nonpartisan organization that encourages informed and active participation in government. The League works to increase understanding of major policy issues and to influence public policy through education and advocacy.

LR 144 introduces policies important to the League, namely combating poverty and discrimination, preventing cruel and unusual punishment, and exploring alternatives to imprisonment while considering the circumstances and the nature of the crime. Through various reports, outlined below, we have learned the consequences of a system dependent on an accused person's ability to pay cash bonds:

- The 2016 Nebraska ACLU Unequal Justice Report *found that pretrial defendants spend an average of fifty-five days in jail before their trial or the acceptance of a plea deal. The waiting period is shockingly long even for nonviolent offenders, who spend an average of forty-eight days in jail. (ACLU Unequal Justice Report, 12-13-16)*
- Inability to post bond that results in even a few days of jail time jeopardizes a nonviolent offender's wages and employment. Faced with even longer periods in jail, they may lose their jobs, their housing, and their ability to care for their children. Such pretrial incarceration threatens their economic stability and that of their families and *may result in the taxpayer incurring the additional burden of caring for children whose parent is behind bars. (ACLU Unequal Justice Report, 12-13-16)*
- *The extent to which our county jails are overcrowded with low-level arrestees—who are presumed innocent—is demonstrated by the fact that both Sarpy and Douglas Counties are paying other counties to house their overflow inmates (ACLU Unequal Justice Report, 12-13-16). In July alone, Douglas County was over capacity by 55 inmates requiring the County to pay 7,000 hours of mandatory overtime (Omaha World Herald, 8-30-2019)*
- In 2016, the Nebraska ACLU *looked at one day figures for pretrial populations in jail on bonds and found 840 in Douglas (a 1300-bed facility), 141 in Sarpy, 63 in Hall and 110 in Lancaster, for a total of 1,154 pretrial detainees. (ACLU, 2018)*
- A March 2019 report from the Hamilton Project of the Brookings Institute, which promotes economic security and growth in our country, set forth a clear policy to promote our nation's growth, emphasizing *that the imposition of monetary bail tends to increase recidivism and impair subsequent labor market outcomes.* (March 15, 2019, the Hamilton Project)
- According to the Justice Policy Institute, 2012 report, *Bail Fail, people who remain in jail before trial are more likely to get a stiffer sentence than their counterparts who remain free.*

In summary, money bonds contribute to poverty because the prisoners who cannot make bond must remain in jail, taking away an opportunity to continue working and supporting themselves and their families. With Nebraska jails being overcrowded, we must do everything possible to reduce those imprisoned unnecessarily. The League of Women Voters of Nebraska urges the Judiciary committee to recommend more alternatives to bail/bond.

Editor: *See other testimony on page 8, this issue)*

Time to remove the barriers imposed by the sex offender registry

By Jeanie Mezger

The sex offender registry began with good intentions, it seems, but now it is crystal clear that those good intentions have done great damage, with none of the promised good effects on community safety.

When people return to the community after prison, the best way to help them succeed—and remember that their success means increased community safety—is to increase their chances to find housing, get a job, and make social and family connections.

The registry hampers every effort toward success by giving employers and landlords a tool by which to decide if an applicant is dangerous. Appearing on the registry is understood to mean that the person is a danger to those around him. When a family address appearing on the registry puts family members at risk of being shunned, of losing jobs, of harassment, and of actual assault, it is no wonder that families often break up under that stress and fear.

The registry slaps the label of “sex offender” on those who have been convicted of a broad range of offenses, dropping them into pre-defined levels on the registry. This one will register for 15 years, this one for 25, and this one for lifetime. Legislators from years ago decided which crime goes into which level, pretending that they could predict how dangerous future law-breakers would be.

Before Nebraska passed the Adam Walsh Act in 2009, risk assessments were used but only an initial assessment, with no further assessments to determine if the person had changed. Today, there are no risk assessments at all.

As people find jobs and housing and as they build relationships, their chances of committing crimes drop. People on the registry for 15 years do have a way to get off the registry after ten years but the 25-year and lifetime people have no way to do that.

Those on the registry for longer periods have even more time to change, to become better people, to show that they are law-abiding and contributing to the community. If a 15-year registrant can do that after ten years, imagine what the others could show.

Years and decades of following the law are simply not recognized. We must also remember that people on the registry have *extra* laws to follow: the laws that apply only to those on the registry. This group must report to the sheriff one, two, or four times a year, even when they have no changes to report. No address change, no job change, no vehicle changes? That person must still take time from his day—and from his employer—to travel to the sheriff’s office to report that *nothing changed*.

This group must tell the sheriff when they leave town, when they get a new job, when they purchase or sell a vehicle, when they have new license plates, and that’s only part of the list. Failing to report properly is a felony. A *felony*, even though there is no research showing that registering all that information *on time* has any effect on community safety whatsoever.

The community is safer when people have jobs, housing, and connection to others. It is long past time for Nebraska to eliminate the registry and if the Legislature cannot find the political will to do that—to *do what is right*—then it must reduce the registry requirements that place such a burden on those reentering the community, and it must give law-abiding people a chance to be removed from the registry.

Give them hope.

Cash bail reform and intimate partner violence: testimony by Women’s Fund

Editor’s Note: *The Legislature’s Judiciary Committee held a public hearing on Sept. 11, 2019 to discuss possible reform of the cash bail system. The following quotes are from testimony given by Meghan Malik of the Women’s Fund of Omaha. See other testimony on page 7, this issue.*

“Thank you for the opportunity to testify on cash bail and intersections with intimate partner violence and violence perpetrated by traffickers and sexual abusers. We believe reform is important for many, including trafficking victims who are often arrested and held on prostitution charges without the ability to pay.”

“However, offender risk should be considered. The Women’s Fund recognizes the need for more equitable criminal justice practices, including a pretrial detention system determined by offender risk rather than ability to pay.”

“The time period directly following law enforcement contact in domestic violence instances is often the most dangerous time for victims. A domestic abuser feeling a loss of control is the single greatest risk factor for escalation of violence, and if a victim decides to leave an abuser, the period directly following that decision is the highest-risk time for homicide.”

“Currently, many victims utilize critical time while their offender is held in pretrial detention to create and implement safety plans and ensure future protection from violence...”

“However, our current pretrial release system, as well as potential alternatives, may not always promote victim protection equally. Rather, under our current system, some offenders with greater financial means are released from pretrial detention despite the continued threat they may pose to their victim. Alternatives to cash bail such as pretrial cite and release pose their own potential considerations for victim safety as well.”

“Given the escalating nature of domestic violence and this time period of increased threat, the Women’s Fund finds uniform cite and release practices to be an inappropriate response for instances of intimate partner violence, sexual abuse, and trafficking.”

Volunteering for the incarcerated

By Anne Carroll

John Fuller is an advocate for those less fortunate and also a doer, not just a talker. About 15 years ago he started taking men from the Community Corrections Center Omaha to the Habitat for Humanity work site on Saturdays.

In order to give the men dignity and have them feel part of the community, he gave the group the name of the "Avenue J Brothers" (the address of CCC-O is 2320 Avenue J). It is an opportunity for men, skilled or not, to work on a Habitat house. They are now part of the E.L.F. (Ecumenical Labor Force) coalition during the summer building season but during the winter months they do demolition and prep work.

The men look forward to being part of the Habitat for Humanity work force and the ELF's are thrilled to have eager, hard workers. **A WIN...WIN situation!**

Drivers Volunteer sponsor drivers are needed for Crossroads Connection

"Crossroads Connection is a community of faith in support of prisoners, those released, and their families, because God's grace is extended to all."

We transport people from the Community Corrections Center Omaha (2320 Avenue J) on Sunday evening to a worship service based at Underwood Hills Presbyterian Church (851 North 74th St.), where there is a service and a fellowship meal provided by partner churches.

We are always in need of volunteer drivers for this ministry. If you are interested in this possibility please contact Anne Carroll, at: 402-553-3251, or adcarroll1968@gmail.com.

One restriction – if you are a visitor to someone in the Nebraska Department of Correctional Services system you cannot be a volunteer driver, unfortunately.

America

A poem by Andrea Fordd,
Inmate Lives Matter

Are we really so full of hate
That the value of any human is up for debate?
I see things that bring me to tears
Yet, we've been doing this for years.
I watched a video the other day
There is no way America is still this way.
This is really a mess we are in
Since we still judge by the color of skin.
We are putting kids in a cage
This really fills my heart with rage.
This is America where we are free
By the looks of incarceration that's not what I see.
You are mad at me because I love people
While you hide under your steeple.
Build the wall is what you yell
And you think all Muslims are going to hell.
The Bible I read says God is love
I guess yours says Trump was sent from above.
You rebuke women for having an abortion
This Pro Life thing has been blown out of proportion.
I bet you wonder how Jesus did look
It's not what you saw in that American book.
You would be scared to sit by him on a plane
Doesn't that seem a little insane?
Today that panhandler got in your way
He just wants alcohol, isn't that what you say?
And the police murdered an unarmed man
Well geez I guess he shouldn't have ran.
So to protest, at the National Anthem, we kneel
That really got you spinning that wheel.
Suddenly, you have so much to say
But you were silent when they put that man to death the other day.
Not so pro life after all?
Look, I'm not trying to make you feel small.
I just want you to look in your mirror
Open your eyes, so you can see the world clearer.

All past issues of the NCJR can be seen in the Creighton Digital Repository

All past issues of the NCJR (since it's origin in 2000) can now be viewed on-line, and/or printed, thanks to the work of friends at Creighton University. Use this link: <https://dspace2.creighton.edu/xmlui/handle/10504/118831>. Select the BROWSE option at the top of the page.

What is the CDR?

"The Creighton Digital Repository (CDR) is a DSpace-based open source resource for storing and preserving digital content with a primary focus on materials related to Creighton University and secondary focuses on materials with a Catholic/Jesuit focus or of local interest. Depending on the collection the CDR is able to provide either full open access to stored materials or limit access to approved registered users.

Other collections that may be of interest include the Mission and Ministry community (<https://dspace2.creighton.edu/xmlui/handle/10504/50010>) which includes collections such as: the Daily Reflections archive of reflections written by Creighton University faculty, staff, and administrators on the daily mass readings; two collections of Online and Audio Spiritual Retreats; and a variety of other resources produced by Creighton University's Division of Ministry and Mission. Another collection of interest would be the Creighton University News, Events and History community (<https://dspace2.creighton.edu/xmlui/handle/10504/72844>) which includes several collections of materials of interest to Creighton or local history as well as several special collections by the Creighton University Archives, including materials related to the Carlson Fables collection which was featured in an exhibit at the Joslyn Art Museum in the spring of 2018."

LETTERS

Overcrowding is not the only problem

By William Morgan 88909

Community Corrections Center, Omaha

The over-crowding in ALL facilities is definitely a problem in Nebraska and clinical “programming” is a catalyst to this over-crowding issue. They, the Department of Correctional Services, are handling mental health and substance abuse treatment according to the Department’s statistical needs, rather than the individual’s psychological or medical needs. Let me explain.

The psychiatrists, case managers, and other drug/alcohol counselors will diagnose and include in an inmate’s case plan programming or classes they must complete in order to be “rehabilitated” and parole eligible. Many times (almost every time) this includes substance abuse treatment. Often the inmate has no documented history of addiction or is incarcerated on charges unrelated to drugs or alcohol, but the inmate is somehow evaluated and diagnosed with substance abuse issues. How I don’t know. Perhaps the Department is more concerned with subsidies and grants based on statistics rather than the actual and factual clinical needs of an inmate.?

Because so many inmates need to complete programming, it can take many months or even years before they get into the residential treatment required, and the treatment centers are only offered at three department facilities; Omaha Correctional Center, Tecumseh State Correctional Institution (protective custody only) and Nebraska State Penitentiary. The wait time is long and sometimes will extend beyond an inmate’s parole eligibility date.

This is unacceptable. No doctor in the “real world” would diagnose a patient with a substance abuse problem and then put them on a long wait list for residential treatment. The patient would be expected to enter a facility within a short period of time—this is unethical, to say the least.

Inmates could move through the prison system more efficiently and return to society more quickly if they were properly evaluated and diagnosed for problems they actually have instead of fulfilling a statistical need of the department. This would lower the population and lighten the burden of the Nebraska taxpayer.

Taking things away

By Paul Castonguay 70764

Tecumseh State Correctional Institution

I am writing to show how conditions are here at Tecumseh State Correctional Institution. The staff tries to take things away from the inmates. For example, the day room should open at 6:15 every morning, but now the administration doesn’t open it until about 7:00 a.m. There’s no reason why we can’t be in our dayroom

because they have staff in the housing unit. Then they also take away our rec time and cancel our law library passes because they claim they don’t have enough staff.

On January 8, 2018, a memo was posted stopping the inmates’ right to receive or send out mail on Saturdays, and Director Frakes agreed to it. This nonsense causes delay for inmates receiving their legal mail and meeting their deadlines with the courts. Some classes we take before going to the Parole Board are also cancelled and nothing is being done about it.

They just take and take from us. This prison system is screwed up! If it were like a prison in California, Texas, or on the east coast, none of this would continue.

Restore Pell grant funding to Prisoners

By David Ditter 32547

Tecumseh State Correctional Institution

In 1994, then-President Bill Clinton signed the “Crime Control and Law Enforcement Act”, which, at that time, was the biggest foray by the federal government into so-called anti-crime legislation. The government massively expanded the federal death penalty, lengthened prison terms and gave prison building grants to the states, thus encouraging states to imprison even more people. The bill was so wildly successful that today, even while its critics are largely mute about its impact on mass incarceration, there is no movement towards repealing it.

One of the most overlooked, but harmful aspects of the law was the ban on federal Pell grants for prisoners. With the Pell grants no longer available, virtually all states, including Nebraska, followed suit and eliminated their college classes and vocational training programs. The irony is that so long as prison education has been studied, it has been shown to be the most effective and reliable rehabilitation program in terms of reducing recidivism.

A 2018 poll taken by Justice Action Network, an Ohio-based prison reform organization, found 92 percent of Democrats and 79 percent of Republicans agree that education is the most effective form of rehabilitation.

A bill, S.1074, the Restoring Education and Learning (REAL) Act, that restores Pell Grant eligibility for the incarcerated, has been introduced in the 116th Congress. An identical bill, HR2168, has been introduced in the House.

(Editor’s Note: Names and addresses of Nebraska’s Representatives in Washington can be found on Page 6 of this newsletter)

A message to SMU

By Arlyn Idefonso 54292

Tecumseh State Correctional Institution

For all of my brothers who are being held “hostage” down in the Special Management Unit (SMU), you are not forgotten. I do not currently understand what

is going on down there, but know that I am doing what I can in order to make a pathway out of SMU for others to use responsibly. I tried to get on the "Mentor Program" but did not get out of Housing Unit 2-B in time. So, if anyone would like me as Mentor, then please put in a kite and specifically ask for me. If enough guys need me down there, then maybe they will let it happen.

In the mean time, stay positive and focused. If they offer a Community Justice Center Restorative Justice/Victim Impact class down there, then please take it. Stay active in mind, body and soul, and know that I need you out here with me. So until I see you all again, much love and respect.

The *community* standard of health care

By James M. Saylor 36500
Tecumseh State Correctional Institution

I firmly believe that all Nebraska inmates should be familiar with the Nebraska Correctional Health Care Services Act. **Neb. Rev. Stats. §§ 83-4, 153 to 83-4, 165.** While inmates don't have a lot of rights, they are entitled to the community standard of care as a result of the Nebraska Correctional Health Care Services Act. Care that is commonly available in the community is supposed to be available to Nebraska inmates, too, even though they are in prison.

I'm wondering what my fellow inmates in the Nebraska Department of Correctional Services (NDCS) have to say about their right to the community standard of care, and what they think about the quality and quantity of health care they are receiving. Perhaps we could get a conversation about such started in the **NCJR** "Letters" section.

My view is that the health care provided to NDCS inmates is unacceptable and well below the community standard. It is also my view that the sorry state of inmates' health care in NDCS is no mistake; rather, such is the direct result of the policies of NDCS Director Scott Frakes and his medical chief, Dr. Harbans Deol, Deputy Director for Health Services.

It's obvious that Frakes, Deol, and their staffs are denying necessary health care that is commonly available in the community, just to keep costs down. It's an ongoing conspiracy

Every inmate should have his or her own personal copy of the Nebraska Correctional Health Care Services Act. The first step to improving NDCS's broken health care system is for inmates to realize that they are being cheated out of something very valuable to which they are entitled.

I would respectfully request that the **NCJR** make covering inmates' health care a priority.

Meanwhile, perhaps my fellow NDCS inmates

have views of their own on this issue. Please send a letter to the **NCJR**. Let's get the dialogue started.

(Editor's Note: See additional information about the Health Care Services Act on page 6 of this issue.)

The Judicial system must allow for correction and return to society

By Paul Valverde 75628
Tecumseh State Correctional Institution

Nebraska prison over-crowding has not been properly dealt with. All sentences should be flat sentences that do not exceed 25 years of prison time. Parole should be mandatory at half the flat sentence, but not to exceed 10 years. These sentence structures should affect all crimes retroactively.

The judicial system must allow a person to be corrected and be brought back into society. If this is not the goal, the judicial system will always be broken.

Thank you for continued publication of the **NCJR**.

**Fill this space in the December issue
with your drawing illustrating some
facet of life in prison in Nebraska..
Mail your submission to NCJR
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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.

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