

# Nebraska Criminal Justice Review

Vol. 19 No. 3  
December, 2019

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

## Good people are at work, but the justice system is fragmented

*By John Krejci*

Our prisons are in crisis and significant action is a necessity. We must find a way to release more inmates and help them find housing, employment and social support. But the problems of corrections are broader than reentry. Too many are being sent to prison.

There are many good people working in corrections, law enforcement, probation, parole, and our court system. The problem is that the system is fragmented, which causes it to be dysfunctional. Each agency is working in its isolated "silo." Parole isn't sure what corrections is doing. Corrections blames law enforcement and the courts for sending too many people to prison, while probation is supervising hundreds of diverse individuals.

We need a taskforce of stakeholders, all of the above, plus mental health, the Legislature, and the Governor, to engage in a dialogue on the multiple problems—a cross-fertilization of ideas that will let each agency know what the other is doing and become aware of the big picture.

In the past, we had the Community Corrections Council and stakeholders group set up by the Council of State Government. They worked, and they are needed even more today. The Governor could do this. The Legislature could pass legislation mandating this. Short of this, the Legislature could hold a summit or a task force of stakeholders to begin a dialogue.

The problems are broad and multiple. Solutions need to be comprehensive. These would include increased probation, drug and alcohol diversion programs, increased programming in prison, faster paroles, stronger supervision, and support for former inmates. I also suggest this modest proposal—employment of the National Guard to alleviate prison staffing crisis!

Oklahoma's Governor has recently commuted the sentences of 450 non-violent, low-level offenders. Risky? Perhaps. But we may be risking another prison riot.

## The Interstate Corrections Compact explained

*By Scott R. Frakes, Director of the Nebraska Department of Correctional Services*

The Nebraska Department of Correctional Services (NDCS) recently sent letters to 601 inmates whose home state is not Nebraska, availing them of the opportunity to participate in the Interstate Corrections Compact. That compact consists of about 40 states and the District of Columbia. Nebraska joined in 1974. Each state has its own guidelines about who qualifies for the program.

The purpose of the letter was two-fold. It may afford the agency an opportunity to reduce its population; although, by how much is indeterminate at this point. As both states must agree to the conditions under which the participant is transferred, it can be a lengthy process. Some people will not be appropriate candidates for the program due to their institutional history of violence, length of time from parole, medical or mental health needs, and clinical programming recommendations that must be fulfilled.

The second reason for sending the letter was to afford those individuals who qualify, an opportunity to be closer to family and friends as they complete their incarceration. This can have many benefits. Currently, there are individuals incarcerated in Nebraska whose home state is elsewhere, just as there are individuals who have been sent to other states from Nebraska.

Individuals who have indicated they would like to be moved to another state will be evaluated to determine if they meet the qualifications. If they do, it will be up to the receiving state to also decide, based on their own criteria and circumstances, if they have the ability to safely house that person.

While the process to transfer inmates can be complicated and involved, if there is a way to make it happen to the benefit of all parties, states are willing to take part.

***Inside...pages 4 and 5  
Excerpts from the 2019 annual report of the Nebraska  
Inspector General for Corrections***

## Crime victims get a chance to confront perpetrators through special program

**Editor's Note:** *The following was adapted from 60 Minutes, with Scott Pelley interviewing the victim, Jackie Millar, and the convict, Craig Sussek. Adaptation by Anne Carroll. The Restorative Justice Project arranges meetings that can change the lives of both victim and convict. This is the second of a three-part series.*

**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 crime. Our first reaction was 'who would want to do that?' and 'to what end?'. It was only after we met these families and the convicts that we could see what a life-changing experience could come from the most unlikely of meetings. Forgiveness becomes possible if the prisoner is seeking redemption. Craig Sussek was 16, back in 1995, when he shot Jackie Millar as he and another teen were stealing her car.

**Scott Pelley:** You made a decision to shoot her in the head.

**Craig Sussek (convict) :** Yes, unfortunately.

**Scott Pelley:** Why? Why?

**Craig Sussek:** And that's somethin' that to this day I can't answer. There's no answer that's gonna be acceptable or sufficient.

Jackie Millar survived the grievous brain injury.

**Jackie Millar (victim) :** They may have tried to take my life, but-- I am Jackie Millar. I am here to stay.

**Scott Pelley:** What were your injuries?

**Jackie Millar:** I am legally blind. I have short-term and long-term memory problems.

**Scott Pelley:** Tell me why you wanted to meet Craig Sussek.

**Jackie Millar:** The only thing I wanted to find out was why. Why he did it.

Two years after the shooting, Sussek was 19. And faced the woman he shot accompanied by a mediator from The Restorative Justice Project.

**Craig Sussek:** I was in a state of terror.

**Scott Pelley:** What were you afraid of?

**Craig Sussek:** I was ashamed of what I did. And, you know, I'm-- I'm meeting the person that I did-- the act that made me feel shame.

**Jackie Millar in 1997:** Tell me what it is that you did.

**Craig Sussek in 1997:** I just grabbed the gun. I just -- I pulled the trigger.

**Jackie Millar in 1997:** I am very proud that you told me.

**Craig Sussek in 1997:** I'm really sorry for everything I've done.

The meeting went on for two hours as she described her suffering. But the woman who had lost so much had something left to give.

**Jackie Millar in 1997:** You're a good kid. I know deep down you are a good kid.

**Craig Sussek:** Jackie forgave me. Without that, you know, I don't know where I'd be.

**Scott Pelley:** Please help me understand how that is possible. How can you forgive this man who did this to you?

**Jackie Millar:** I forgive him. I don't forget it. I know he tried to kill me.

**Craig Sussek** is 40 now and has invited Jackie's visits, once a year, every year for two decades.

**Craig Sussek:** If I can continually give back to her, that's my lifelong mission.

**Scott Pelley:** Because of what you did all these years ago, her health is deteriorating.

**Craig Sussek:** Yeah.

**Scott Pelley:** What do you think of that, as you see her year after year and see that she's not getting any better?

**Craig Sussek:** It's not-- it's not an easy thing. Jackie's been in a prison for as long as I have been, and in a worse prison than what I've got. You know? Because my memory isn't going. My health isn't slipping. And it's terrible, because I know I did that.



**Thank you to NCJR contributors**  
Holy Family appreciates those who gave of their financial resources to support the NCJR in recent months:  
Steven Dilley, Bobbie Stark, Ronald and Deb Whitt, Gary and Cecelia Masi, Rosemary Haas, the Hartley Corporation, Metro Community College, Kathy Miller, and Mary Stepp.

## Is your incarcerated loved one part of the 6-10%?

By ErinA

Is your incarcerated loved one part of the 6-10% of incarcerated individuals who are intellectually/developmentally disabled (I/DD)? My son, who is currently incarcerated within the Nebraska Department of Correctional Services (NDCS), is. Statistics show that 1-3 percent of Americans are intellectually disabled, but experts claim that within our prisons, that number is somewhere between 6-10 percent.

My son spent his childhood education in special ed. Initially, he was in pre-K and kindergarten for children with language disorders. His language disorder was originally thought to be due to a hearing problem, which was improved by placing tubes in his ears. However, when he hit first grade, through testing done by the public school system, we found out that his language and learning problems were much more deeply rooted. We had him re-tested at the Boys Town Institute. Doctors there ran a lot of tests, including an EEG, where they found a lesion located in the part of his brain that controls language. He was placed in a special education class for children who are mildly developmentally disabled. According to the DSM-5, a diagnosis of I/DD requires the satisfaction of three criteria:

1. Deficits in intellectual functioning—"reasoning, problem solving, planning, abstract thinking, judgment, academic learning, and learning from experience" - confirmed by clinical evaluation and individualized standard IQ testing;
2. Deficits in adaptive functioning that significantly hamper conforming to developmental and sociocultural standards for the individual's independence and ability to meet their social responsibility; and
3. The onset of these deficits during childhood.

These areas of deficit, for a number of reasons, make it more likely for those who are mildly developmentally disabled to become involved in the criminal justice system. They have significant limitations not only in intellectual functioning, but also in adaptive behaviors, like effective communication, interacting with others, and taking care of themselves. A person is considered intellectually disabled if their IQ is below 70. My son's IQ is 57.

My son had several encounters, both minor and majorly complicated, with the criminal justice (CJ) system; and during each instance, we (his family) have advised the arresting officers, county jail staff, public defenders, private lawyers, prosecutors, judges, and the state prison system of his I/DD designation. We have found that the reporting of his status is not formally noted or tracked, even when it is provided through formal documentation. From one incarceration to the next, that information is not retained. I believe that, once the numbers of those who are I/DD within our prison system are recognized, others will realize the urgency of addressing issues for this segment of the judicial population.

Some of the issues that need to be addressed for this population are safe housing while incarcerated, appropriate assessments from pre-sentence through reentry, and programming that is meaningful to this population.

I am new to actively advocating, but as the mother of an incarcerated individual who is I/DD, I am personally motivated to make sure these changes happen—for my son— and for others like him. If your incarcerated loved one is one of the 6-10% who are I/DD, I'd be happy to hear from you. Contact me at [ErinA@AAA4IDD.org](mailto:ErinA@AAA4IDD.org).

***Christmas greetings  
and best wishes for  
a happy new year  
to all of our readers!***

**Next planning  
meetings for the  
NCJR  
January 21  
February 18  
March 17**

**3:00 p.m. at Holy Family  
Church, 18th and Izard St. in  
Omaha. All welcome.**

## **Nebraska's Correctional System**

*Excerpts from the fourth annual report of Inspector General for Corrections, Doug Koebernick, September, 2019. Excerpts selected by Mel Beckman*

### **Introduction**

The Office of Inspector General of the Nebraska Correctional System (OIG) was established in 2015 by the Nebraska Legislature, in order to provide for increased accountability and oversight of the Nebraska correctional and parole systems. The OIG identifies and examines systemic issues of the Nebraska Department of Correctional Services (NDCS) and the Division of Parole Supervision (Parole) and also investigates incidents resulting in death or serious injury that occur within the Nebraska correctional system.

The OIG generates an annual report with its findings and recommendations to the members of the Judiciary Committee, the Clerk of the Legislature and the Governor, by September 15th of each year.

### **Staffing**

In 2016, the OIG Annual Report found that NDCS was facing a staffing crisis.

It is not like nothing has been done to attempt to address the staff shortage issue. During the 2016 legislative session, Senator Dan Watermeier introduced Legislative Bill 733 to provide \$2.5 million to NDCS to assist with staffing. It was written broadly in order to provide NDCS with discretion on how to utilize the funds. NDCS testified in a neutral position on the bill because they weren't sure what they would use the funds for and, as a result, the Legislature scaled it back to \$1.5 million. These funds were utilized in a number of ways, including \$500 retention bonuses, commuting bonuses for TSCI staff, developing wellness centers, and various training and development programs. Reports detailing the use of the funds were reported to the Legislature.

Since then, other steps have been taken by NDCS. Some of these efforts include twice implementing hiring bonuses, developing a pilot project at TSCI to reward longevity, launching a process improvement process, utilizing employee councils, and increasing salaries for approximately 1200 staff. This past year contract negotiations resulted in increases in pay, including the establishment of some type of longevity/merit pay plan at some facilities. In addition, the Legislature demonstrated a willingness to offer assistance to NDCS during the 2015 to 2019 legislative sessions.

It is also important to note that this issue didn't just start in the past four or five years. In fact, there is a reason to believe that the neglect of the state correctional system for the 10-15 years prior to that time contributed to this problem.

### **Overcrowding**

Today, the population of the state correctional system is over 5550 inmates. It is projected to keep

growing, based on past models. NDCS has contracted with a company to develop new population projections and those should be completed soon, according to the terms of the contract with the company.

There is a perception that Nebraska likely incarcerates individuals at a higher rate than other states, due to the overcrowded conditions in the correctional system. However, the 2018 OIG Annual Report shared that Nebraska actually had the 14th lowest incarceration rate in the nation in 2016 (283 people incarcerated per 100,000 residents) It should be noted that within incarceration rate data there are differences when comparing the incarceration rates of black and white individuals. In Nebraska, a black individual is incarcerated at a rate 8.7 times higher than a white individual. Nebraska has the 28th highest racial disparity when comparing incarceration rates of Hispanic and white individuals. In Nebraska, a Hispanic individual is incarcerated at a rate 1.2 times higher than a white individual.

In the last 40 years, prison and jail incarceration rates have continually grown. According to the Prison Policy Initiative, Nebraska's incarceration rate was under 100 people incarcerated per 100,000 residents in 1978.

### **Solutions**

...these issues were not the result of actions just within the past few years but were part of a longer period of neglect prior to 2015. The LR 424 Report in 2014 began a period of additional attention being paid to the correctional system. There are undoubtedly some in NDCS and in the public who do not appreciate the work of that committee or the light that was shined on the actions of the NDCS. However, it is likely, without that light being shone, the Legislature would have likely continued to be unaware of the decline of the system and the executive branch may have not felt any pressure to take action.

The OIG would strongly recommend that the Governor, the Legislature and NDCS work together and create a comprehensive task force that will conduct a strenuous in-depth examination of the staffing problems facing NDCS. The task force should include individuals that represent a variety of interests, including NDCS security staff, other NDCS shortage areas, community colleges, human resources, former NDCS staffers, formerly incarcerated individuals, the Department of Labor, policy makers, representatives from Gallup and others. The task force should give itself a short deadline so that policy makers can utilize what they learn to move forward as soon as possible. One idea that they could consider would be the development of a long-term plan to professionalize the NDCS workforce. Examples of this can be found in other countries, such as Germany, in which officers are treated as professionals and receive comprehensive training for two years. It is a position that is considered desirable and competition exists in obtaining the position. In the short term, consideration should be given to changing the salary structure for new staff and a related impact on longer-serving staff, especially in shortage areas.

As far as overcrowding, there are options available; build more beds, reduce the influx of new prisoners,

establish innovative alternative programs, reduce or divert the return of formerly incarcerated individuals, commute lengthy or life sentences, and increase reentry success rates. Again, figuring out the short-term and long-term pathways for success in addressing overcrowding will need to be done in a collaborative manner by the legislative and executive branches of government, as well as the judiciary branch.

### **Diversity of work force**

The 2016 OIG report found that NDCS faced challenges regarding the diversity of their workforce and that 231 minority employees were employed by NDCS in 2014. This has increased in the years since and is currently at 315 minority employees, which is equal to 15.2% of its total employees. For some comparison, the percentage of minority employees was only 9.3% in 2011 and 12.8% in 2017. The number of NDCS minority employees has increased by over 36% since 2014 and NDCS should be commended for this improvement.

...it is key that NDCS continue to build upon their efforts to increase the recruitment and retention of minority staff, including staff who speak Spanish and other languages that are spoken by inmates in the NDCS facilities. One reason for the need for NDCS to increase recruitment and retention of minority staff is that this can result in building a pipeline that results in more minorities being promoted into leadership positions in NDCS. There are few minorities in leadership positions in NDCS.

### **Population goal**

Past reports have discussed the need by policy makers to determine the population goal for the state correctional system. Is the goal 150%, 140%, 125% or even 100% of design capacity? The 2017 OIG report stated that, "Even at 140% of design capacity, the system will remain stressed and overcrowded. According to the Bureau of Justice Statistics, even if Nebraska reached a population level of 140% of design capacity, it would still be the fifth most crowded system in the United States."

There would be many benefits related to reducing the population, many of which have been or will be described in this report. Reducing the overcrowding situation would not only make Nebraska's prison system more manageable and likely more safe, but it would also provide more beneficial outcomes for those who are in the correctional system and eventually leave the system and reenter society.

### **Double bunking**

In the past two OIG reports the OIG recommended that NDCS end the practice of double bunking in restrictive housing units, for a number of reasons, including the safety of the two cellmates and the impact on their mental well-being. The previous Warden at TSCI ended the practice of double bunking there but it continues to take place at NSP.

As mentioned previously, every three years, each correctional facility is audited by the ACA. At the most recent external audit in 2018, the ACA found that NSP did not comply with the following standard: "ACA Standard 4-4141: All cells/rooms in segregation provide a minimum of

80 square feet, of which 35 square feet is unencumbered space for the first occupant and 25 square feet of unencumbered space for each additional occupant."

The following is directly from the 2018 audit: "Findings: The restrictive housing at NSP does not provide the minimum square footage in either total cell space (80 sq. ft.) or unencumbered space (35 sq. ft.)."

The OIG, despite repeated efforts, has never found any research that supports double bunking in restrictive housing settings.

### **Blue rooms**

During the past few years, a "blue room" has been in operation at NCCW (Nebraska Correctional Center for Women). It is a cell that was turned into a room which female inmates can visit during time of stress or agitation. It is based on similar efforts in other states, and is configured so that when the inmates go there they watch videos during which they feel as though they are walking through a nature setting. The room is painted blue and also has a mural. The furniture was bought by the Warden, and is comfortable, and adds to the calming and safe environment. The intent of the room is to calm the person down who is in there. One of the benefits of this is that it could keep the inmate involved from having to enter a restrictive housing setting, by giving them some time to calm down and get their emotions under control. It is a positive attribute of the facility and those who led the way on this effort should be commended.

The OIG recommended that these "blue rooms" could be expanded to other facilities throughout the correctional system. NDCS has begun to implement plans to expand the use of "blue rooms" in other facilities.

### **Editor's comments**

The selected topics above represent only a small portion of the Inspector General's 2019 Report (105 pages, plus attachments). He writes that his report "has been filled with information and data in an attempt to share as much with the readers as is possible, so that they understand the activities of NDCS and Parole." The entire report can be found online at

[https://nebraskalegisature.gov>divisions>oig\\_ndcs](https://nebraskalegisature.gov/divisions/oig_ndcs).

# NEWS and MISCELLANEOUS

By Mel Beckman, Editor, NCJR

## Why do life sentences exist?

A Douglas County District Court Judge recently sentenced a man to life in prison for the brutal murder of a young woman, plus two years extra as an "exclamation point!" The Douglas County Attorney called the man "the ultimate predator," and "*the reason why life sentences exist.*"

Most people might agree. Life sentences do exist because brutal crimes like the one in question make citizens so upset and angry that they demand as much punishment for the murderer as is currently possible under the law—death or life in prison.

But others might say that this is only half right. Life sentences exist and *continue to exist* because the "*rest of the story*" is not sufficiently taken into account. We forget, when we're angry, that hundreds of our fellow citizens are already serving life terms, in over-crowded prisons, at great expense to tax-payers. In many cases, had they been allowed, by sentencing reform, to receive a more reasoned sentence, they could be released at some point in their lives, to everyone's benefit, when it becomes evident that they are no longer a threat.

## Penitentiary club provides support and inspiration to its members

In a recent club publication, C. Michel Anderson, Coordinator of the **Circle of Concerned Lifers**, reported on club activities. Its restorative justice training program, he writes, has trained over 50 men and continues to grow. Members are hoping to increase sessions of the club's healing circle, which is about to finish its first full cycle. Anderson states that the healing circle is "*a place where we can say what we need without the fear of ridicule or suspicion.*" Finally, the members continue to work with certain senators in the Unicameral, "*to return us to where we were fifty years ago when lifers had an opportunity for release.*"

Club member, Antonio Lamont Banks, wrote, "*Men, make a sacrifice and give your time to others. You never know how much giving your time and showing compassion by listening to another can be helpful to someone and make their problems easier to bear.*"

Club member Bernard Long wrote about people's diverse gifts. "*Teaching, leadership, faith, encouragement, mercy, forgiveness are all powerful gifts. Servers in leadership are faithful and loyal. Teachers are clear thinkers. Encouragers know how to motivate others. Givers are generous and trusting. Leaders are organizers and managers. Those who show mercy are caring people who are happy to give their time to others. It would be difficult for one person to embody all these gifts....At the same time, realize that your gifts cannot do the work of the whole world alone. Be grateful for people whose gifts are completely different from yours. Let your strengths balance their weaknesses and be thankful that their abilities make up for your deficiencies. Together we can build a healthy community.*"

## New lifers club started at the Tecumseh State Correctional Institution

The mission of the **2nd Chance Lifers Club**, newly formed in July of this year, is "*to build a framework of support for all lifers and long-term prisoners, in order to ensure that during the entirety of their incarceration they are treated fairly, and all of their health, programming, work and social needs are met within the institutional environment—so that they are prepared for re-integration into society, in the hope that they can one day rejoin it, or at a minimum, live with strength and dignity inside of prison walls...etc.*"

## Dog training by prisoners

According to a Nov. 10, 2019 story in the **Omaha World Herald**, 350 prisoners have participated in a dog training program, "Second Chance Pups," since 2004. More than 450 dogs have been adopted by persons in the community, after their nine week period of training inside the walls. Second Chance Pups picks out dogs taken in by animal shelters and rescue facilities. For more information, see [secondchancepups.com](http://secondchancepups.com).

## The NCJR is available online

Thanks to the work of friends at Creighton University, past issues of the NCJR can be seen in the Creighton Digital Repository. Use the link below and select BROWSE at the top of the page>

<https://dspace2.creighton.edu/xmlui/handle/10504/118831>

## Christmas party

CrossOver Prison Ministries held its annual pre-Christmas party, with gifts for children of parents who are incarcerated, on December 3rd. First Christian Church, at 6630 Dodge Street in Omaha, provided the space. Cross-Over volunteers decorated it in a "Winter Wonderland" theme and shopped for gifts for each child. Guests were treated to a delicious meal, raffle prizes, and a visit from Santa Claus and Mrs. Claus.

Also attending the party were some men from the Omaha Community Corrections Center (CCCO) who helped with clean-up after the party. CrossOver offers re-entry group discussions to men from the Center.

## Address change?

Letting us know before a new issue is published saves Holy Family Church some postage and ensures that your copy of the **NCJR** will arrive on time.

## Judiciary Committee hears views on pre-trial and bail reform

*Information gained from the initial portion of Sept. 13th interim study hearing transcript,  
By Mel Beckman*

In his opening remarks, Committee Chair Steve Lathrop said that the topic of bail reform “seems to be an issue which has come across the country as a concern.” He explained that, as we take a second look at how we deal with the criminal justice system, the front door is the pretrial detention. He hoped to hear testimony on what the problem is, how the counties deal with it, where is opportunity to make changes, and whether those changes need to be made legislatively or should happen at the county level.

The first testimony was by phone, from Megan Guevara, Vice-Chair of the Pretrial Justice Institute. She stated that the Institute is a “nonpartisan, nonprofit organization committed to ensuring safe, fair, and effective pretrial justice.” She began:

***A provision of safe, fair and effective pretrial justice has three basic obligations. The first is that it must keep the public safe. The second is that it must assure that individuals accused of crime appear in court as needed. And the third, according to the U.S. Constitution, is that it must respect the presumption of innocence and not unfairly interfere with the freedom of people who have not been found guilty.***

Guevara states that, “In many states, the pretrial justice system is not meeting these obligations and change is necessary. There is however, “a significant body of research and legal precedent available to guide policy improvement.” She speaks about four recommendations—the “four R’s” for effective pretrial policy;

***The first R is reducing arrest. We know from research that even three days in jail can have a negative impact on people accused of crime and their families. People incarcerated before trial lose their jobs, their housing, or custody of their children in many cases, even though they have not been convicted of a crime. We recommend that law enforcement have the ability, and in some cases the mandate, for cite and release for a large body of charges, rather than taking custodial arrest of people and bringing them to jail. With this, accused people have the opportunity to maintain professional ties to the community and the likelihood that they’ll be arrested again is reduced. Additionally, many people come in contact with law enforcement as a result of mental health and behavioral health issues. Partnership with law enforcement and community-based treatment providers have been proven effective to reduce future arrest and improve community stability, all while reducing overall justice system costs.***

***Our second R is replacing money bail. Nearly 100 percent of the jail population growth in the United States over the last 30 years is due to the detention of people prior to trial. The use of money bonds as a condition of pretrial release is the primary driver of this. They are ubiquitous in the United States despite the fact that they have not been proven to increase court appearances and are irrelevant for court and public safety. ...Money bonds are also failing to hold up for legal scrutiny. Several recent lawsuits have challenged the constitutionality of monetary bonds, and a detention, as a result of the inability to pay monetary bond.***

***Our third R is restricting detention...the U.S. Supreme Court Justice William Rehnquist wrote, ‘In our society, liberty is the norm, and detention prior to trial or within trial is the carefully limited exception.’...the vast majority of people released are returned to court arrest free and require nothing beyond a reminder to return to court. Restricting detention means not just inside the jail building but also in the community. There is no need to replace money bonds with onerous and expensive supervision and monitoring. And common interventions like electronic monitoring have not been proven effective with pretrial populations.***

***Our fourth R is raising equity. Racial and ethnic disparities are pervasive throughout the criminal justice system, including arrest and bail decisions. Often the impact of these disparities is unknown due to a lack of data. And racial equity should be interrogated as any new policies or practices are being considered. At a minimum, data collection and public reporting should be required to monitor racial impact.***

Guevara offered New Jersey as an example. A few statutes and a constitutional amendment took effect on January 1, 2017. Sixty-nine percent of nearly 150,000 cases statewide were cited by law enforcement rather than jailed. The use of money bonds has been nearly eliminated in the state. The pretrial population in the jail is down 44 percent state-wide and there has been no negative impact on court appearance or public safety.

Guevara concluded, “Achieving pretrial justice is not a small undertaking, but the four R’s offer many policy options for achieving safe, fair, and effective pretrial justice for Nebraska.”

**Note:** The complete transcript is available online under Judiciary Committee, Nebraska Legislature

## Nebraskans Unafraid speaks up

By Jeanie Mezger

In September, the Judiciary Committee of the Nebraska Legislature held a hearing as part of an interim study on sexual offense registry issues. Nearly 30 people from the registry community were there to testify in person.

Many people testified that the registry made it difficult to find housing and jobs but the testimony went further.

They told the Judiciary Committee how the registry has made life more difficult for their families. One man testified: "I lived with my wife in an apartment home until I was incarcerated. Eight months into my sentence, my wife received an eviction notice from our landlord, giving her 30 days to vacate. She was confused and asked why she was being evicted. She was told, because your husband is on the Nebraska public sex offender registry."

The Committee heard stories about how people actively work to spoil opportunities for someone on the registry: "...I decided to start my own business and I signed a purchase agreement to buy a coffee shop. ...I arranged for financing and it came up at the bank I was a sex offender. The vice president of the bank was so outraged at the thought of a sex offender owning a business on Main Street, he took it upon himself to go over to the sellers' house and confront them face-to-face. The sellers are husband and wife, both ministers, and this man, who doesn't even know me, went over there and told them about me. Then he said, you're selling to a sex offender, the coffee shop will not be supported, and your name and your ministry won't be supported. As a last resort, he commented that he and some other men would come up with the money to keep the property out of my hands. Naturally, the sellers were shaken up, distraught, and concerned for themselves and for me. They felt like they had no choice but to back out of the deal to avoid any future harassment and distress. So I got the call informing me of all this and I made the decision to sign the cancellation paperwork. **The registry doesn't help people see who their neighbor is. It blinds them.**"

**The registry has made life more difficult for families**

People who believe the sexual offense registry and its problems will not touch them should look at other states to see how that could change.

While all states have sexual offense registries, some states are considering additional registries for those convicted of domestic violence or animal abuse. Ohio has a registry that lists people with multiple DUI convictions. Indiana considered—and failed to pass—a bill that would have created a registry for those convicted of **all** felony offenses.

This is why we all have an interest in abolishing all public registries: our address, our family, could easily be included on a registry.

Registries don't list bad people; they list easy targets.

## Help for returning citizens and their families

### CrossOver Prison Ministries

A non-denominational, non-profit Christian organization devoted to men and women in prison, those released and their families. "Reentry Point" is offered each Tuesday, at First Christian Church, 6630 Dodge St. in Omaha, from 7-9 p.m., for those seeking successful reentry to the community after prison. **Family and Friends of the Incarcerated** is another of CrossOver's programs (see below). Finally, "CrossOver Correspondents," is a program to train participants in a safe and effective outreach to those in prison, through writing cards and letters. More information: mbl9029@yahoo.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. 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

### Crossroads Connection

A community of churches in the Omaha Metropolitan area who have joined together to assist prison inmates in their transition back to life outside of prison. The organization works to bridge the gap in the current penal system by helping former inmates find their way back into society through the caring support of Christ's followers. Ministries include worship services within and outside of prison, mentoring, job placement, and assistance with food and clothing. See: [www.crossroadsconnectionne.org](http://www.crossroadsconnectionne.org)

### Nebraskans Unafraid

A grass-roots organization that works to make our communities safer. We believe the right to safety extends to Registered Citizens and their loved ones. We work to change the draconian laws that deprive Registered Citizens of their jobs, homes and family life. We educate the public about the low rate of re-offense among those convicted of sex offenses. *Nebraskans Unafraid's* other initiatives include [FEARLESS](#), monthly gatherings for Registered Citizens and their loved ones, where they can connect with others who are in similar circumstances and learn about how to survive and thrive despite the public-shaming registry. Meeting places: Calvary Meth. Church, 1610 S. 11th St., Lincoln. 2nd Thurs. Holy Family Cath. Church, 1715 Icard, Omaha, 2nd Sat. 9-11 a.m. St. Michael Luth. Church, 13232 Blondo, Omaha, 3rd Mon. 7-9 pm

### North Omaha Re-entry Alliance

NORA, an outreach of Black Men United, is an alliance of leaders dedicated to facilitate the reentry of returning citizens. Our collaboration of organizations provides a holistic bridge from incarceration to community for our returning citizens. Don't take on the challenge of re-entry alone. Let us help equip you or your loved one with the skills and resources to succeed. Contact: [will@blackmenunited.org](mailto:will@blackmenunited.org), or 402-614-6472.

## Volunteering for the incarcerated

By Anne Carroll

*When Carri Prusia became the office manager of Trinity Lutheran Church in Omaha, she learned that Trinity is a partner church with Crossroads Connection Prison Ministry (see the article in the September NCJR). She knew that she had to be involved in some way with Crossroads Connection and decided to arrange a fundraiser in memory of her son, Tom Andersen, about whom you can read more in the article below.*

*Carri almost singlehandedly put together a very successful evening in April this year. There was a smorgasbord snack area, a silent auction, an oral auction which included a ride in a 1966 427 Shelby Cobra! The keynote speaker was Matthew Anselmo, who was the housing manager for Crossroads and had served 2 years of Federal time. He talked about his faith and the effect it had on him being able to do prison time and beyond. There was not a dry eye in the house, including Matt's!*

*The event raised about \$3,500, which Crossroads will use as scholarship money for qualified men from the Community Corrections Center going to Metro Community College in their re-entry program. One scholarship will be known as the "Thomas Andersen Scholarship" in memory of Carri's son.*

*Carri and others are now planning another fundraiser for November, 2020.*

### My son's story

By Carri Prusia

My son's name is Thomas (Tom) Andersen. Tom had struggled with drug addiction from the age of 15. At the time, his choice of drug was Oxycontin. At this same age, he entered the juvenile justice system in Nebraska, and, in order to get him the rehabilitation he needed, he became a ward of the state. Tom was then passed between facilities, as many were over capacity. Communication between courts, healthcare workers, probation officers, and the like continued to wane. While Tom was under strict supervision, he did well to stay away from the drugs. Tom had some clarity over the years, but it would never last long until the mental health issues caused him to delve into the addiction to ease his pain once again. Unfortunately, the addiction would rear its ugly head again and again.

By the time he was 27 years old, he was facing 6-10 years of prison time in Nebraska and 10 to 20 years of prison time in Iowa for burglary.

In September of 2014, Thomas was housed in a local jail and he began to complain of night sweats, coughing and trouble breathing. The jail, with limited resources, was unable to treat him so he was taken to the Emergency Room and prescribed a strong antibiotic for pneumonia. A county jail failed to fill the prescription and treat him as prescribed by the ER doctor, for 5 days. He became sick once again and went back to a hospital; this time they found that he was in congestive heart failure. The hospital found a large infection on a heart valve, which needed replacement. It would be just 30 days from that infection.

before he died from that infection.

While Tom was in jail, he received his GED, just 7 months before he died. Tom wanted so badly to be free of the addiction and to go to college and take business courses.

Inmates who want to better themselves should not be blocked by their past, or likely they will never see a future and the cycle will continue. That is why I felt compelled to make this small mark on Tom's behalf. I still struggle writing about him. The pain from this loss will never leave me.

**Thomas William Andersen**  
9-15-87 to 11-02-2014.

### 2nd chance grace

**Matthew 25: 35 – 36** Jesus said: *"For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you took me in, I was naked and you clothed me, I was sick and you looked after me, I was in prison and you visited me."*

I started my journey by opening our basement when my counselor asked me to help another man needing a place to stay while under supervision from the Mental Health Board to be able to leave prison. I was also blessed that my wife, Ellen agreed. Arch was a great help to turn our basement into a living space. He painted and helped with all the needed things to make it a warm and comfortable place to stay. He moved on after seven months and is now a leader in Celebrate Recovery and helping many other people in his church.

The second man released into our home, Dean, was closer to my life experiences. We shared many deep conversations on our back porch and read daily devotions and the Bible. He said he would be happy to spend the rest of his life here in our home. God may have been speaking to him because he passed on several months later. He was a great blessing in my life.

Four more men have started a new life after prison by transitioning through our home. One, a stockyard and steel-worker got his GED in prison and today works in his church preparing coffee and snacks each Sunday and then cleaning up afterward. Another, a well-known radio announcer in his state had local family help with a car but parole authorities wouldn't let him stay with them. He got a job immediately as his desire to work hard and succeed was clear. The most recent gentleman we helped was a former south Omaha gangster who found Jesus in prison, which changed his life. He was hired at his first job interview and later told by his boss that she is opening a half-way house for men coming out of prison.

Federal and Nebraska parole policies call for an approved place to stay before release. Our home has been approved by both, and God sends us those men he knows we can help the most. If you feel God gently tugging at your heart and would like to help someone in prison to transition gracefully back into life outside prison, **please contact Ken or Ellen Ackerman at: [metanoiaken@gmail.com](mailto:metanoiaken@gmail.com)**

# LETTERS

## Would you like a raise?

By Robert J. Heist II 83796

Tecumseh State Correctional Institution

NDCS has not increased the daily stipend rates of \$1.21, \$2.25 and \$3.78 per day in over 25 years, since 1993. In that time the Consumer Price Index (CPI) has increased over 75%, according to the Bureau of Labor Statistics. This year NDCS also began requiring that we buy our own over-the-counter meds. Because of these increased expenses over 300 of us in HU1 at TSCI signed a petition asking NDCS to include a 25% increase to our pay rates in their next budget, due in September of 2020. We have also kept up a letter writing campaign to the Director asking for the same increase just to keep it on his mind.

If you think it is about time that our pay rates increase along with the canteen prices and our expenses, please consider doing a petition in your facility and/or a letter writing campaign.

Together, we can make our voices heard.

## NDCS: a system broken for decades

By Bob Hunt 35947

Nebraska State Penitentiary

The Nebraska correctional system has been broken for decades and all sorts of officials have admitted to it, but nothing has been done.

**June 20, 1993 Lincoln Journal Star**

"Inmates feel pinch of close quarters. Crowding leads to prison stress."

**June, 1993 Lincoln Journal Star**

"Officials endangered inmates, judge rules"

**January 3, 2003 Report issued by a task force created by Gov. Mike Johanns**

"State faces crowding in prisons."

"Nebraska faces certain intervention by the courts unless drastic measures are taken to alleviate prison crowding."

Conditions at the Nebraska State Penitentiary (NSP) as well as at other Nebraska facilities continue to deteriorate. Lockdowns at NSP become longer and more frequent due to staff shortages, creating more idle time and restlessness. All evening visits and club activities have been cancelled, leaving very little positive growth, giving a feeling of rotting away with no accomplishments. The overcrowding is leading to dangerous conditions, both of health and legality.

Shutting off inmates from outside volunteers and family members in evening visits can only make matters worse. Ignoring laws and regulations makes matters worse. Corrections is imploding on itself.

## DNA testing denied. Why?

By James Myers 51328

Tecumseh State Correctional Institution

I know the Nebraska Legislature enacted the DNA Testing Act in 2001, to allow wrongfully convicted persons an opportunity to establish their innocence through DNA testing. For some strange reasons, the professionals (Attorney General and Douglas County District Judges) seem to not know the Legislature's intent to afford convicted persons an opportunity for testing. They continue to deny testing for cases with convictions before 2001, for those of us who are "pro se" and have no one to argue our cases for us.

The Douglas County District Court judges continue to deny testing motions under Neb. Rev. Statute 29-4120 (5)©. The Attorney General and District Court judges use every weapon in their arsenal to identify a suspect through DNA but fight against allowing wrongfully convicted persons an opportunity to establish their innocence through DNA testing. The judges aren't going to abide by the DNA Testing Act unless 29-4120 (5)© is repealed and taken out of the statute. This is the sole part of the statute that has been used to deny testing. Will someone explain why?

## It's time for more barriers

By Dennis Lynn 78838

Tecumseh State Correctional Institution

Alabama Governor Kay Ivey signed into law, on May 30, 2019, a new law that requires certain categories of sex offenders to undergo chemical castration before they can be released from prison. The method uses medroxyprogesterone—more commonly known as Depo-Provera, a popular birth control drug that blocks the body's production of testosterone. The idea is that with less testosterone, a sex offender won't have the "urge" to reoffend.

Under the new law, those convicted of sex offenses against minors younger than 13 would be required to agree to "the receiving of medication, including but not limited to medroxyprogesterone acetate treatment or its chemical equivalent" before being paroled from prison. At least six other states, including California, Florida, Louisiana, Montana, Texas and Wisconsin have some sort of castration law for sex offenders. Some states use castration as an alternative to a life sentence. So what's taking Nebraska so long to fall in line?

The American Civil Liberties Union (ACLU) position is that requiring a sex offender to be castrated, either chemically or surgically, violates several constitutional amendments, including the eighth amendment's ban on cruel and unusual punishment. I would like to ask, when cruel and unusual punishment was being done to our kids, where was the ACLU?

## Medical care in prison

By Harold Wilson 37418  
Nebraska State Penitentiary

It is true that the upper brass do not spend as much money on health care as should be to meet community standards, but those who work directly with inmates do put in the extra effort to help us. I've been in the Nebraska State Penitentiary (NSP) hospital for 14 months now, due to dialysis and complications from being injured in an accident when staff failed to connect my shoulder belt in the wheel chair van.

I must say that Teena Lenge, the Administrative head of medical at NSP, does her level best to see to inmates' care and comfort. When the Administration closed the hospital here for three months and I was sent to the Diagnostic and Evaluation Hospital and had to be transported to NSP six days each week for dialysis, Ms. Lenge worked hard to get it re-opened as soon as possible.

Yes, many things could be better, but if not for the hard, caring work of the medical staff and aides, it could be a lot worse. Even Diana Tomack, the head nurse of the entire Department, works shifts at NSP

## Job search when exiting prison

By John Helms 82750  
Community Corrections Center, Lincoln

The way the Community Corrections Center in Lincoln is set up to help inmates find jobs is a joke. When an inmate arrives at the center, he is put on a 30-day job detail, earning \$1.21 per day! After the 30 days, one can apply to be promoted to work release/job-seek status if you are within one year of your PED or jam date.

After the 8th day on job-seek, you start paying a maintenance fee (rent) of \$12.00 per day, even though you haven't found a job. The center allows you only two to three weeks to

secure employment. After that, you are demoted back to "4A" (job detail status) for approximately 30 to 45 days while waiting until your case manager feels you should be allowed to job seek again.

The system may work great for inmates who are incarcerated for any crime other than murder or crimes tied to sex. Nobody at the center has any suggestions of places to apply, nor do they offer any ways to look, apply, or check the status of applications one may have submitted once they are demoted back to 4A. Doing this eliminates all the hard work one has accomplished.

If the limit to job search is going to be a maximum of 2 to 3 weeks at a time, computers/phones should be made available to all inmates to begin searching on day one when they first arrive and have the ability to check and respond to any e-mail or phone calls that come in after being demoted.

If the true intention of the center is that the inmates secure employment and adjust back into society, then stop putting up barriers that do the complete opposite and help the ones who need help finding work. Stop worrying if inmates are going to be able to pay the maintenance fee (rent) and help them find a way to survive outside the walls of the prison system.

## Season's greetings! Joy to the world!

God has created each one of you with  
Amazing gifts and talents unique to you alone.  
The circumstances may look grim and your  
Surroundings may not always be 'friendly.' However,  
None of that defines you, nor can it take away  
From the man you are inside unless you allow it.  
Don't let it. Instead, use all that is difficult and  
Seems contrary to your life's purpose, to shape  
Your character, strengthen your resolve and  
Propel your desire to succeed! You are amazing  
And the best is yet to come! God bless you one and all  
Teela Mickles, Mary Barker, Colette Keugah  
Compassion in Action, Inc.

## Keeping vigil at the Governor's house...no matter sunshine or snow, since September!

Paul Feilman is "out there" most days, letting Nebraskans know that all is not well in the places where our fellow citizens are placed in detention. The spot he chose months ago for his vigil signals the need for action by the Governor. Paul wants the guys inside prison to know that folks care about conditions inside the walls.

Paul's willingness to put himself "out there" makes him a lightning rod for both sympathizers and opponents. He's happy to talk to either!



**Nebraska Criminal Justice Review**  
**Holy Family Church**  
**1715 IZARD STREET**  
**OMAHA, NE 68102**

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**NEBRASKA  
CRIMINAL JUSTICE  
REVIEW**

Published by the Education and Advocacy Committee, Holy Family Catholic Church 1715 IZARD STREET, OMAHA NE 68102. Views expressed in the *Nebraska Criminal Justice Review* do not necessarily represent the views of Holy Family Church, the members of our Advisory Committee, or anyone who contributes financially to the newsletter.

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**Website:** www.holyfamilyomaha.org. See 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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