

# Nebraska Criminal Justice Review

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## One by one, juvenile lifers return to court for new sentences, thanks to a 2012 U.S. Supreme Court decision

By Mel Beckman, Editor, NCJR

Since 1971, Nebraska courts have sentenced 28 juveniles to mandatory life sentences. Recently, however, the U.S. Supreme Court declared mandatory life sentences unconstitutional for youth under age 18 (**Miller v. Alabama, 2012**), and the Nebraska Supreme Court applied that decision retroactively to those already serving life sentences in Nebraska. (One died in prison in 2008) As a result, each is now receiving the opportunity to appear in court, and through his or her attorney, present evidence to support a lesser sentence than life in prison.

I have been able to attend evidentiary hearings for some of the inmates originally sentenced in Douglas County. Most are being represented by Public Defender Tom Riley, assisted by Attorney Ann Hayden. Ms. Hayden, during the past year, has visited the inmates in prison and talked with many family members to prepare for the hearings.

In the hearings which I attended, Dr. Kirk Newring, a psychologist, provided expert testimony about the brain maturation process of adolescents. That process, he holds, is gradual and may not be complete until as late as age 25. The parts of the brain dealing with decision making and evaluation of risk are especially late in development. These scientific facts support the U.S. Supreme Court's belief that youth are more prone to engage in risky behavior, on impulse, and less able to foresee the actual long-term results of their actions. Thus, they should be considered *less culpable* for a heinous act than an adult would be. Moreover with additional brain maturation likely to occur, a youth should be considered *more capable of change for the better* and thus, should not be given a final sentence like life in prison.

In the Douglas County area, evidentiary hearings have already been held for Earnest Jackson, Shakur Abdullah, Kelvin Anderson, Chris Garza, Joe McDonald, Juan Castaneda, Justine Williams and Doug Mantich. Re-sentencing has been completed for Dwayne Tucker (admitted to prison in 1982), Shakur Abdullah (admitted to prison in 1975), Luigi Grayer (prison in 1971), and Joe McDonald (prison in 1975).

Many thanks to Amnesty International and Human Rights Watch for their 2005 report entitled, **The Rest**

**of Their Lives: Life Without Parole for Child Offenders in the United States.** That report revealed the incarceration of over two thousand young people destined to die in prison in the United States, and provided the basis for a reform effort in Nebraska and in many other states. Many thanks also to the Campaign for the Fair Sentencing of Youth, which has led the effort all these years.

An interesting question arises from the testimony of Dr. Newring regarding incomplete brain maturation until about age 25. In light of that, does it really make good criminal justice sense to impose a *final* sentence like life in prison on young *adults* in the immediately post-juvenile age range of 18 to 25, when widely accepted science is saying that their brain maturation, too, may still be in progress? Does mandatory life in prison need to be the minimum sentence for every young adult murderer or should the Legislature give judges a range of sentencing options from which they can choose?

## Implementing LB 605: the lions lie down with the lambs

By John Krejci

### The Importance of broad participation and buy-in

On December 10<sup>th</sup>, the Governor, the Chief Justice of the Supreme Court, the Speaker of the Legislature, the Chair of the Judiciary Committee, the heads of Probation and the Parole Board, representatives from law enforcement, both defense and prosecuting attorneys, judges, and staff of the Department of Corrections, in short, all the major stakeholders in corrections reform were present. This group has the "catchy" title of "Justice Reinvestment Implementation Coordinating Committee." The occasion was the 4<sup>th</sup> in the series of presentations by the staff of the Justice Project of the Council of State Governments on the status of corrections in Nebraska.

The substance of the report continued the research and recommendations made in earlier reports. What is perhaps more important is not just the substance of the meeting and report but the fact that all these blue ribbon stakeholders were present in one room, sharing the findings of the research and working together toward solutions. The "lion and the lamb" reference in the title is purportedly Biblical, but Wikipedia says it is not! I will not comment on which are lions and which are lambs, but the metaphor is apt: diverse interests working together for a common goal.

(Continued on page 2)

## **Implementing LB 605 (Cont. from page one)**

Some years ago Judge Icenogle characterized a group such as the Coordinating Committee as one of individuals having come down from their "silos," where they operated as isolated agencies, oblivious of the bigger picture, but now they are communicating with one another, sharing the broader picture, more insights, having the power and commitment to work together toward common solutions.

All know that the problems of corrections in Nebraska are long term and serious. But this committee composition and structure plus the cooperative model give encouragement. Corrections was adrift, out of control, and the many deficiencies led to abusive practices in an overcrowded environment: segregation, lack of programming for education, preparation for release, supervision after release, inability to cope with bad sentencing laws and overly restrictive parole practices. Add to this staffing problems and safety concerns, not to mention unwillingness of the Department to listen to inmates, and we had the makings of a disaster .

The problems did not arise overnight and they will not be solved soon. Time, hard work, cooperation and compromise will all be needed. The Legislature has already expressed impatience with the slow progress of the Department of Corrections. Inmates have long been impatient – and understandably so – with responses to their grievances. And, though seldom mentioned, the community must become more aware, involved and supportive of the reform. Corrections affects not only the families of staff and inmates, but all of us.

### **The substance of reform recommendations**

LB 605 is more than 100 pages, many reforms are included. In this short article, only a few can be mentioned:

To lower the prison population, fewer should be sentenced to prison. Class 4 felons often serve a year or less. Putting them in prison is a waste of time and resources; they and society would be better served if they are given probation or serve their time in country jails.

The laws regarding mandatory minimum sentences should be revisited and changed. These remnants of the “tough on crime” 90s are dysfunctional. More discretion and flexibility should be given back to judges.

More and better post-release supervision should be implemented, particularly for high-risk individuals. Provisions should be put in place so that fewer “jam” their sentences and, even if they do, supervision should be mandated.

An individual plan for each inmate should be put in place when the person enters prison. It should include a broad range of programming and goals.

At this time corrections, probation and parole reported that they have begun to address some of these issues. Corrections is striving to put in place more training, drug and alcohol programs, education, and other programs. Director Frakes favors an expanded community corrections facility and has a plan to transfer less dangerous inmates to Tecumseh and the higher security ones to NSP. Probation informed the committee that they are setting up more statewide reporting centers for former inmates. The parole board is working overtime to meet with more men eligible for parole – 353 this year.

It appears that all agencies are on board to implement LB 605. LB 605 was passed unanimously in 2015, is long, complex and will take time to implement. For this reason, Senator Seilers noted that there will not be any significant prison reform legislation proposed this year. However, a “clean-up” for 605 will be introduced. He asked stakeholders to contact his office if they have suggestion and needs.

It is my understanding that other issues which LB 605 did not address will be addressed this session, e.g., mental health. Sex offender legislation, which is in dire need of reform, will be on a future agenda.

This article has been by necessity sketchy; however, more information is included in the chart on page 2 of this issue. The full power-point presentation can be accessed at the Justice Center website: [csgjustice-center.org/ir](http://csgjustice-center.org/ir)

The NCJR will continue to keep you informed on the ongoing developments of the “lions lying down with the lambs.”

## The 2016 Legislative Session begins on Jan. 6th

### How it works

A senator brings his or her idea for a new law to a bill drafter, who works with the senator to transform the idea into the proper legal form for a bill. Unlike some states, bills introduced in Nebraska may contain only one subject.

Most bills are introduced during the first 10 days of the legislative session, which begins each January. In order to introduce a bill, a senator files it with the Clerk of the Legislature. The clerk reads the title of the bill into the record, assigns it a number and prints copies of it for public and legislative use.

The Legislative Fiscal Office prepares budget statements that estimate the anticipated change in state, county, or municipal expenses or revenue under the provisions of each bill. This statement is called a fiscal note. The fiscal note contains three estimates. One estimate is calculated by the fiscal office staff, another is prepared by the governor’s budget office; and a third is prepared by the affected state agency. In addition, the fiscal office prepares appropriations bills (“A” bills), which accompany bills that have a fiscal impact.

A nine-member Reference Committee then determines which bills will go to each one of the 14 standing committees. With the exception of a few technical bills, most bills introduced into the Legislature must receive a public hearing by a committee. At hearings, citizens have a chance to express their opinions to committee members. Testimony is recorded and transcribed to become a part of the official committee record.

The above information is from the Legislature website: [www.nebraskalegislature.gov](http://www.nebraskalegislature.gov).

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*The members of Holy Family Church send New Year’s best wishes, and a sincere “thank you” to all who have contributed to the support of this newsletter*

## Regurgitated reform doesn't work

By Shaheed K. Biko Hamza 36413  
Nebraska State Penitentiary

After reading the *NCJR*, Sept. 2015, I was shocked, and the terrible news of your "great Nebraska reforms" just kept coming and left me and "bad seeds" like me out of "progress" and on the wrong side of your "victories."

1.) I've never seen anything like this. The State of Nebraska tax payers lost nearly \$800,000 due to a legal settlement\*\* where "White" prison staff made racist remarks (actions) toward "Black" prison staff. Yet, there is still no "reform" in the direction of hiring people of color who are not "yes" men/women to break up these 100% "White" Prison Administrations, Mental Health Departments, Unit Manager cliques, Guard gangs, etc. Somebody help! I can't breathe.

2.) I'm reading things which seem promising on the surface. "President Obama urges reform"; "Reform of Corrections"; "The Inspector General of Nebraska Corrections appointed." However, In the midst of all this beautiful "reform," a long-term restrictive housing work group has been named. I recognize some of the names appointed as racist, insensitive staff, now being basically "legitimized" and "promoted," when, in reality, they should've been getting "exposed and ousted." Somebody help! I can't breathe.

3) Nebraska should learn from California, where prisoners just won a historic settlement against solitary confinement in *Ashker v. Brown*. But the "Tea Party reformers" in Nebraska prefer turning the hands of justice backwards and disguising their devilish deeds as "reforms." Nebraska prisoners languish in solitary confinement solely on the words of prison snitches, with no substantiating evidence at all. Prisoner records (custody level, disciplinary, mental health, classification, etc.) are being sabotaged. Even the promise of "dismissed misconduct reports being expunged" becomes an illusion because staff are allowed to use "incident reports" from these dismissed m/r's for negative classifications, record keeping, etc. Hell, someone can use third-party language and say "I heard so'n so did this'n that" and this unsubstantiated, third-party hearsay is placed in your prison file and does go before the Parole/Pardon Board(s), and we all know perception is at times stronger than reality. The Ombudsman says "We're aware of this issue, but we're having trouble getting NDCS to follow their own administrative regulations" approved by the Nebraska Legislature." Somebody help! I can't breathe.

4.) Before you prisoners/citizens celebrate these "reform victories" too soon, remember, nothing has changed, and to celebrate victory before the issue is over, is foolish. All this "window dressing" for the public is nice, but inside the prison the oppression, degradation, stereotypes, injustice, and rude, unprofessional staff remain. I don't have faith in Scott Frakes or "prison reform." He was placed in a vehicle with too much rust damage to

repair. These "reforms/changes" need to mean something to each and every prisoner, not just the privileged few. Somebody help! I can't breathe.

5.) George Jackson prophetically taught that "reform is the new name for facism." The reforms in the Nebraska prison system seem to only intensify the original problems, due to the regurgitation and process of promoting and legitimizing racist and crooked staff with political agendas to lead the way of "reform."

6.) My favorite music C.D. of all times is 2 Pac - Me Against the World. And, really, this is the case now. These "reforms" only say to me, we're alone and at the mercy of our enemies, and any and all who choose to stand up for prisoner rights will be crushed down. However, freedom fighters will always rise from oppression, injustice and degradation and we shall prevail. And, by any means necessary, we shall breathe - with or without the help of "reformers."

\*\* A summary of the settlement terms is available from the Center for Constitutional Rights.

## Update on Nebraska Veteran Treatment Courts

by Deborah Whitt, Wayne, Ne

A press conference, called by Senator John McCollister of Omaha, was held on November 10 at the Omaha-Douglas County Civic Center to announce a Veteran Treatment Court Pilot Program proposal for Douglas County Court. Senator McCollister spoke eloquently.

***"While most veterans return home strengthened by their military service, the combat experience has, unfortunately, left a growing number of veterans suffering from substance abuse, mental health disorders and trauma. Left untreated, mental health disorders common among veterans, such as Traumatic Brain Injury and Post Traumatic Stress Disorder can and have directly led to homelessness and involvement in the criminal justice system. Based on our research, Veteran Treatment Courts are cost effective and are an unusually effective way to deal with veterans coming into the justice system. Veteran Treatment Courts operate in 37 states. They divert offenders into treatment programs instead of sending them to prison. Nebraska already has a system of problem solving courts. A Veteran Treatment Court is a court-supervised alternative to incarceration aimed at increasing offender accountability and decreasing recidivism. When we consider what our veterans have done for us, it becomes imperative that we not just ignore the challenges they may experience from their military service. If we restore these veterans to full health, we all benefit from the effort."***

Mr. Don Kleine, Douglas County Attorney, addressed the audience by introducing the veterans who work in his office. Mr. Kleine wholeheartedly supports this program and "is ready to begin the work." Mr. Eric Dillow, Attorney and Retired Air Force Colonel, and Mr. Mick Wagoner, Retired Lt. Colonel, Judge Advocate and Veteran's Advocate, provided further remarks.

Colonel Dillow poignantly stated, *“The veteran treatment courts are effective because they seek to tap into that part of a veteran that speaks to duty, honor, and discipline. These core beliefs are understood by veterans, even those who might find themselves on the wrong side of the law. As a former military judge, I have presided over many courts-martials, and I can tell you that those who have served recognize and respond to these concepts of military culture. The rigorous treatment and personal accountability found in veteran treatment courts serve as powerful forces, compelling veterans to effectively deal with their problems, complete the treatment they need, and succeed. When a veteran engages in misconduct and is required to face action in the criminal justice system, it is disappointing. But, when we find that veteran’s criminal misconduct is a product of the effects of mental illness or substance abuse incurred as a result of the harsh and brutal realities of military service, that is a tragedy. But for their service to our nation, many of these veterans would not be suffering from these mental and psychological injuries, would not engage in criminal misconduct, and would not find themselves in the criminal justice system in the first place.”*

Colonel Dillow concluded his remarks, *“As we are here on the eve of Veteran’s Day, I am reminded of a portion of the oath I took when I became a veteran court mentor, and that is ‘I will leave no veteran behind.’ With passage of this legislation, our State’s criminal justice system can achieve this same goal of leaving no veteran behind.”*

Subsequent articles about Veteran Treatment Courts appeared in the Omaha World Herald, with an opinion editorial on November 13 supporting VTCs as “a proven idea for helping vets.” Veteran Treatment Courts began in 2008 in Buffalo, N.Y and now 264 VTCs are operating throughout the country. According to the Justice for Vets national organization, an estimated 13, 200 veterans who would otherwise be in prison are involved in the courts’ treatment programs. Mr. Scott Carlson, the state-wide coordinator of courts for the Nebraska Supreme Court stated that “data is lacking on how many veterans are currently in Nebraska prisons. But nationwide estimates have ranged from 12 percent to 25 percent or higher of all prison inmates are veterans.” Finally, significant savings for the Nebraska taxpayer are documented in the newspaper articles. A 2012 report by the University of Nebraska-Lincoln put the cost of a problem-solving court at \$12 to \$46 per day, compared with \$92 per day for a cell in the state prison.

The officials mentioned above and other dedicated citizens cannot be thanked enough for the time and effort they have devoted to the development of a Veterans Treatment Court in Omaha. Through their efforts they are saying to veterans, “we’ve got your back!” Our soldiers stood at the walls of war in every era and said to America, “You can sleep, we will take care of you.” Now it is our time to take care of them!

## An open letter of thanks

By Shakur Abdullah 30012  
Omaha Correctional Center

I’d like to thank all those who have supported the efforts to end juvenile life without parole (JLWOP) sentences in Nebraska. Many of these cases are slowly working their way back to court for resentencing. Cases resentenced so far have had the life sentence exchanged for a term of years. This is the culmination of efforts started in 2005 in Nebraska and across the country after the United States Supreme Court decision in *Roper v. Simmons*.

I’d like to personally thank Mr. Mel Beckman for allowing me to share my ideas, thoughts and insight on the JLWOP issue within the pages of the *Nebraska Criminal Justice Review (NCJR)* over the years.

I’d like to thank those who have aided me in my efforts to be resentenced: my family, Mr. and Mrs. Beckman, Min. Bernard A. Muhammad, Gabriella Culliver, Family and Friends of Inmates (FFI), CrossOver Prison Ministry, Khalid A. Hamid, Wilbur Newell, John O. Nash, Tim Tolliver, Father Val Peter, Marshall Taylor, Jeremy Herman, Thomas Riley, Annie O. Hayden, Dr. Kirk A. B. Newring Ph.d, Ms. D. Morton and Lt. D. Erickson. Any one that I’ve forgotten—it’s purely an oversight.

On November 30, 2015, I was resentenced from life in prison to 65—82 years, by Douglas County District Court Judge Peterr Bataillon. That sentence will legally be discharged (jammed) in January, 2016. Judge Bataillon seemed to wrestle with the complexities of all aspects of my case. At one point, Judge Bataillon stated, which I took as rhetorical, how I would feel if the roles were reversed.

He fashioned an individualized sentence particular to the circumstances of my case, which is outlined by the Miller decision. Each case (JLWOP) is different, and an individualized sentence is required. I don’t believe Judge Bataillon’s sentence in my case was an easy one to reach. I believe it was a correct sentence for my case.

I’m aware that I have both supporters and detractors. I’ll ride with the supporters outside of prison to do what I must to stay there. I recognize the my imminent release is a tremendous opportunity, a second chance, that some are yet to receive and others must still face the difficulty of getting to that point in their sentence. Stay strong, stay consistent and stay struggling—things change.

It appears almost, true to form since my incarceration,, that the Nebraska Department of Correctional Services will make my departure later than it should have been. So, I will contemplate one last hoorah piece of litigation against the Department, to determine which one of us were correct.

## NEWS and MISCELLANEOUS

By Mel Beckman, Editor, NCJR

### New publication by ACLU Nebraska

A number of national publications have focused, in recent years, on the questionable practice of law enforcement seizure of money and other property from individuals when it is suspected, but not proven beyond a reasonable doubt, that the assets were involved in criminal activity. ACLU Nebraska's new 15-page publication, **Guilty Money**, shows how civil asset forfeiture laws on both the state and federal level are being used in Nebraska, too, resulting in seizure of large amounts of money which eventually return to the possession of and use by the law enforcement agencies which seized the money.

ACLU Nebraska tabulates the civil forfeiture revenue received by law enforcement agencies in Nebraska in the last five fiscal years, including by the Nebraska State Patrol and 55 other police and sheriff offices. The five-year total was \$16,142,595. The fiscal year 2014 total was \$2,389,119.

**Guilty Money** is a very readable and useful explanation of civil asset forfeiture *as it happens in our own state*. ACLU Nebraska doesn't say it is "all bad" but does propose some beneficial reforms. "Reasonable civil forfeiture reform," according to ACLU Nebraska, "should allow law enforcement to seize money that is unquestionably a part of illegal activity while also allowing everyone to safely travel with cash without having to fear losing it to law enforcement."

For a pdf copy of **Guilty Money**, contact melbeckman@cox.net. For a hard copy, trichard@aclunebraska.org.

### Nebraska's push to curb sex trafficking

LB 294, passed by the Legislature earlier this year, put new teeth into an old effort—stopping sexual victimization of women. It puts into statute guidelines for civil proceedings by which the profits and property of sex traffickers can be seized. It also creates a Human Trafficking Victim Assistance Fund.

In 2012, prior to the new law, a Governor's Task Force on Human Trafficking was organized, and it published a 56-page report on its investigation in 2013. That report is available on the website of the Nebraska Crime Commission, at [www.ncc.nebraska.gov](http://www.ncc.nebraska.gov), under "documents."

More recently, according to an article in the October 21, 2015 **Omaha World Herald**, Nebraska received a 1.5 million dollar grant from the U.S. Department of Justice to fight trafficking, \$600,000 of which is going to the Nebraska Attorney General's Office and \$900,000 to the Salvation Army. Mr. Stephen O'Meara has been hired to be the human trafficking coordinator for the Attorney General's Office. The Salvation Army will provide services to victims across the state.

### Juvenile justice system for ages 18-20?

According to a Nov. 6, 2015 article in the **Connecticut Mirror**, the state's Governor, Dannel P. Malloy, speaking at the University of Connecticut law school said, "I would like to begin a statewide conversation about raising the age of eligibility for our juvenile justice system and considering how we think about our young offenders." The Governor said he would no longer like it to be the case that a 20 year-old who gets into a fight or is caught stealing faces serious jail time if convicted.

Most states, according to the article, consider age 18 to be the time when one is an adult. However New York and South Carolina have that age at 16 and eight other states consider 17 year-olds as adults: Michigan, Wisconsin, Texas, Missouri, Louisiana, Georgia, South Carolina, and New Hampshire.

### Request for volunteers

There is a need for volunteers to help teach the Dave Ramsey Financial Peace University Class inside the Community Corrections Centers in Lincoln and Omaha. Volunteers are required to go through a Nebraska Department of Correctional Services volunteer orientation session and then will be able to help facilitate and/or lead the nine-session, two-hour class on Thursday nights.

A new session will be starting at each center in January. The class is sponsored by Followers of Christ and Crossroads Prison Ministries. The budgeting skills learned by the inmates are a great help to them in their re-entry.

Interested persons should contact Pastor Robert Bryan, Followers of Christ Prison Ministry, P.O. Box 22014, Lincoln NE 68542. Phone: 402-640-7145.

E-mail: bob.bryan@nebraskasynod.org

### Petitions protest adverse living conditions

In recent months the **NCJR** has received copies of two petitions from inmates in housing unit #2 at the Tecumseh State Correctional Institution.

One petition, circulated by inmate Michael Harris, advocates for reinstatement of the traditional practice of showers after outside recreation, as established by Nebraska Jail Standards and the American Correctional Association.

The second petition, circulated by inmate Floyd Morrison, alleges that inmates are being held in restrictive housing conditions in the unit, without just cause, when they should be treated equally with other comparable general population inmates.

**Editor's note:** *The unit in question is reportedly now on the same schedule as other general population units.*

### Appleseed sheds light on education hurdles in Nebraska prison system

Nebraska Appleseed published a very informational, 20-page report this Fall, entitled, **Education for Adults in Nebraska Corrections: Decreasing Recidivism and Investing in Our Workforce**. It can be found at <http://neappleseed.org>.

The authors begin by noting that completion of education has been shown to reduce recidivism for incarcerated adults. Completion of education is also an investment in Nebraska's workforce, since, by 2020, 65 percent of all available jobs will require post-secondary education or training.

The report leaves no doubt that more must be done to provide educational opportunity in Nebraska prisons. Of the 5,348 individuals in prison at the time of the report, 2097 did not have a verified diploma, and of those lacking a diploma, only 885 were in an adult education program. The Department of Correctional Services has 28 instructors—23 in the adult prisons and 5 in the youth detention facility. Adult education spending totaled \$1.78 million last year, according to the report. Lack of classroom space and lack of computers were cited as difficulties to be overcome, along with the unfortunate absence of opportunity for post-secondary education. Currently, 3251 inmates do have verified diplomas and could enroll in college courses if they had the desire and access to do so.

Appleseed's report acknowledges that Nebraska "has started to invest in education and skill acquisition for individuals exiting corrections with the establishment of the Vocational and Life Skills Program Fund, but there is more that can be done." Those who read the report will gain an appreciation of the hurdles which must be overcome if more individuals are to exit prison with the education and skills needed to enter the workforce.

## The Ombudsman's report on the Mother's Day riot at Tecumseh

By Mel Beckman, Editor, NCJR

The October 20th report on the riot by State Ombudsman Marshall Lux is the second major report on the riot. It was preceded by a June 29th report on an inquiry into the riot ordered by the Department of Correctional Services. That study was led by an outside expert, Mr. Thomas Fithian. Mr. Lux credits the Fithian report as being "thorough and fact-intensive." In addition, he credits Director Frakes' investigation: "The course of action followed by Mr. Frakes in bringing in an outside expert and initiating an honest and open evaluation of the events of May 20 is, in our opinion, a model of how situations like this should be handled."

With credit given as due, Mr. Lux notes that Mr. Fithian's discussion of *causal* factors for the riot "was not particularly detailed." More than that, a document which Mr. Lux considers very significant was missed. He writes,

***"...the documents that the Ombudsman's Office received from DCS did include what should be characterized as a "statement of grievances," and although this document is not a "petition" in the sense of being a formal request or grievance in writing signed by a number of people, it does have the substantive essence of a petition (absent the signatures) and is certainly a comprehensive statement of inmate grievances. We also know for certain that this document was on the yard during the Mother's Day riot, because that fact is clearly demonstrated by video evidence, recorded during the riot."***

Mr. Lux states that, in his opinion, "this document is extremely important to understanding the background of the May 10 riot." In fact, he included on the cover page of his report a recorded video photo of Mr. Lenaris Brown, an inmate holding up the statement of grievances. Mr. Brown, according to his own account, was trying to show it to an Associate Warden who was watching the yard through a window.

While the Fithian report declined to draw any conclusion about the cause of the riot, Mr. Lux did so:

***"From what we have learned about the motivation of the event on May 10, the intent (of certainly some and possibly the majority of inmates in the main yard on May 10), was to use the event as a way of raising and dramatizing inmates' collective grievances. (In fact, we have been told—and we believe that it is credible—that it was necessary for some of the gangs at TSCI to negotiate a "truce" so that all of the inmates involved could act in concert in carrying forward the 'peaceful demonstration' on May 10.)"***

## The hand-written document

1. Administration and staff are intentionally and arbitrarily placing us in seg, only to let us out as if nothing happened. But we lose our jobs, cells, units, jerseys, etc.
2. We are refused transfers to other institutions by arbitrarily denying us lower custodies, even though most qualify, while those who cause the most trouble are being catered to.
3. Rewarding inmates who inform on their fellow inmates with jobs and other privileges.
4. Created two classes of inmates: Those on the so-called "Incentive/Wellness League," and those who aren't. Which now is a requirement to work in CSI (Cornhusker State Industries)\*\* Laundry, play group sports, use the Music Room, have access to a microwave and an ice machine, and it' rumored to be expanded to many other things such as more yard access.
5. The so-called creation of an STG (security threat group) unit, which seems to be coming true since a large majority of all alleged STG are being housed in HU2 (housing unit 2).
6. The ongoing and increasing disrespect of TSCI staff, who are becoming younger and more inexperienced as staffing problems and overcrowding become ever more prevalent.
7. TSCI inmates being punished (in the form of library and night rec being taken May 9 and 10) for actions of other inmates not currently housed at TSCI.
8. Arbitrarily celling inmates together who aren't compatible and then denying those inmates to move into cells with an inmate they are compatible with.
9. Being denied access to modern technologies and job skills, vocational/technical training, which would help prepare us for our eventual return to civilian life.
10. Inmates are being placed on DOC (drug offender classification) for "alleged" drug use.
11. TSCI does not support self-betterment clubs or their volunteers.

\*\* Words in parenthesis added by Editor

The above-stated complaints are not the only ones, but are the most important, but they are causing us inmates at TSCI psychological and emotional harm because of the following:

1. We are human beings that are sent to prison as a punishment, not to be punished in the form of disrespect, ridicule, harassment etc. by TSCI staff.
2. Many of TSCI inmates have long sentences and are being denied access to better-paying jobs to pay child support and to purchase items such as TVs, running shoes, etc., and must depend on outside support. These items would help ease the hardships of being in prison, away from our children and other loved ones, and the feeling of shame and inadequacy of knowing we'll always be felons, which prevents us from getting better jobs because most of us don't have any vocational/ technical training (i.e., computers, typing etc.)
3. A lot of TSCI inmates are being warehoused with no end in sight. Those of us who are here only for a short time don't care what's going on here at TSCI.
4. The fact that those of us not on the "Incentive/ Wellness League" are treated differently makes us feel less than those who are on the "Incentive/ Wellness League" who are being treated better.

Most of us are getting out of prison someday, and it's in the best interest of everybody that the reasons stated above be addressed because nobody wants more Nikko Jenkinses.

(Continued on page 12)

# LETTERS

## It starts while in prison

For ten years I was an inmate at Tecumseh State Correctional Institution, Nebraska State Penitentiary, Omaha Correctional Center and Community Corrections Center Omaha. I got the habitual criminal designation. I got out 1-9-15 and have been doing well. I'm here to tell you that anyone can have what I have but it starts while you are in there. You have to make that choice while you are in. I changed the way I lived while in there. I was a lost soul - drugs, drink and cigarettes. I lived on the streets. I wanted to quit but I couldn't. I got involved in church and 12-step programs while inside. Take what you are given and work with that.

This was my third time locked up. In '84 when I first went to prison in North Dakota, we had reform programs. I took advantage of them. I went through a welding program and never welded - until now I'm using that from way back then to help stay out this time. We need more prison programs to help us stay out. If it were not for that, I'd be having a harder time to make ends meet. But with the grace of God, I am doing very well. I have a good church, a Bible study group that I attend, a Cadillac and Harley, nice home to live in, and great family life. Everything good I get is from God.

You too can be free from a life of crime...just start now. Ten years was a long time to be locked up. I'm thankful that I got out and believe it was one person in there who never gave up on me and kept asking me to go to church with him. It saved my life and for that I am grateful.

Kenneth Roemmich  
Jefferson South Dakota

## Contact visiting requested for T.S.C.I.

*(The following is a letter to Corrections Director Scott Frakes by Juan Castaneda 72833, reprinted with permission of the author)*

I am an inmate in restricted housing/segregation at Tecumseh State Correctional Institution (TSCI). With all the changes that are happening here, I wanted to write and ask you to please implement contact visiting as a given regularity for inmates in restricted housing/segregation (hereafter, segregation) at TSCI.

It is going on 15 months that I have been in segregation. For the last 15 months, what visits I have received have been through a grainy TV screen with a phone attached—which, generally, is imposed on all inmates in segregation at TSCI.

The reality is, this visiting practice is counter-productive and has a negative impact not only on the inmates but on friends, families, and our relationships. Due to the quality (and nature) of the visits, relatives, friends, and loved ones are often dissuaded from visiting. In some cases, inmates tell them not to visit because it's not worth it (think, the time it takes for most to drive to and from Tecumseh, and then its quality). For the last 15 months, the visiting practice has only helped strain the relationships my family, friends (presumably, good positive people outside of prison, because they otherwise would have been denied visiting privileges) and I share, and make us feel more distant than ever before. And, certainly, others can relate to this.

Unless there have been more recent changes, Nebraska State Penitentiary, Lincoln Correctional Center, and Nebraska Correctional Youth Facility—all of which are maximum security prisons—have contact visits for segregation, and I ask that a system like theirs be implemented. It would do more good than is being done now.

Juan Castaneda 72833  
Tecumseh State Correctional Institution

## Tecumseh State Correctional Institution is a "death trap"

A tragedy waiting to happen! Perhaps another Nikko Jenkins? Possibly metastasizing into something far worse than could ever be anticipated! Everyday, the ill treatment of "incarcerated citizens" is becoming increasingly inhumane. We're talking about an institution that is systematically devoid of any structural programs geared toward our successful reintegration back into society, an institution that devalues and degrades the life of their prisoners, that ignores and minimizes the seriousness of their complaints and compromises on a daily basis their constitutional rights!

Political posturing and political machinations! To mislead the public by assuring them that things are completely under control fosters a false sense of security, when, in fact, the only thing that seems to have remained consistent is maintaining the "status quo" - prison overcrowding and a high recidivism rate!

Because of the inability of the Department's head to properly assess and connect with the prison population they are unable to devise a viable solution that could potentially be mutually beneficial for prisoners and society. So what do you get? A whole lot of "rules and regulations." More stringent policies and restrictions.

So, the saga continues. Advocates for inmates clamor for more "change, but how much more "change" can we expect when you have the same ole' people managing the same ole' positions, harboring animosity and rancor towards society's "incarcerated citizens?"

The worst thing a system or government can do is to deny a people's right to be heard. So the caveat of this story is that, "If we fail to learn from the lessons of yesterday, then we are only doomed to repeat them."

Ptah Neferu Ra/ F.K.A. Blueitt 45032  
Tecumseh State Correctional Institution

## TSCI not in lockdown?

Director Frakes claimed (*NCJR, Sept. 2015*) that Tecumseh State Correctional Institution is not in lockdown status. If it isn't in lockdown, why is the general population getting only one hour per day outside for recreation and the other 23 hours are in our cells? He states there is movement at Tecumseh, but the movement is correction officers escorting inmates to the library and to the visiting room.

The Director states that he's working on programming, which will take some time. But he and the administration took the last program out, which is a drug program. So now there are no programs available at Tecumseh. Tecumseh is not providing anything to better ourselves or to complete before we go before the Parole Board.

When the Administration approves visitation with our families or friends, they don't get us out there to receive our time properly. We don't get the full time allowed and the guards take their time to process us in and out of the visiting room.+0

Paul Castonguay 70764  
Tecumseh State Correctional Institution

## Wake up Nebraska!

In light of recent discoveries with the yearly audit and Ombudsman's reports, I hope the taxpayers of Nebraska will finally wake up and acknowledge that the problems we incarcerated face on a daily basis are real.

In no way do I condone riot and murder, and I would hope individuals learn to exercise restraint in the face of injustice. But I do sympathize with how it feels to be ignored by our

Administration, held to a double standard, live trapped in a hopeless catch-22, and then be used as a scapegoat at the convenience of the Department of Correctional Services (DCS). Audit teams are now finally admitting evidence of missing DCS funds, medications and other shady practices by a criminal element within the ranks of DCS and their contractors. I hope people can see how many of us have no respect for a system we know is corrupt. It's gratifying to see the roaches scatter when the lights come on. I just hope there's someone in the legal sector with the backbone to prosecute these crimes.

While our Administration talks endlessly about ways to reduce recidivism and overcrowding, they are quietly adding more bunks in special management unit areas of Tecumseh State Correctional Institution. Meanwhile, they continue to ignore the one real way to reduce overcrowding—parole the eligible!

Unless the whole truth is told and the public gets properly educated as to how the DCS is really run, the criminal element in the DCS will continue to manipulate the public with scare tactics to keep your checkbooks open, no questions asked, as they embezzle your tax dollars. Wake up people!

Aaron Manning 62595  
Tecumseh State Correctional Institution

## The Freedom Run is back

As a member of the Nebraska State Penitentiary's Native American, Spiritual and Cultural Awareness Club (N.A.S.C.A.), we are very pleased to finally have our FREEDOM RUN again. It has been since 2012 that we last had the chance to do this run. We had a lot of paperwork and approvals to do and a lot of hardships to overcome. With the many changes and challenges in the last few years, it has been a great honor to finally have this run once again. The FREEDOM RUN took place on Sunday, October 25th. The event was planned for the whole day.

The FREEDOM RUN is for everyone and affects everyone personally, in many different ways. As for me, this run means the chance to overcome all the hardships in my life. I run for my people, my family, loved ones, the ones I affected in life, whether for good or bad. I run my heart out, running the stress of prison away. There is singing and our Native American staff represent that we are all one and the same out there. Whether or not we come from different backgrounds, we all know that we are not alone. When in doubt, just get out there and run. I've been down for a few minutes, but to finally have this again is a real treat.

Anthony LongSoldier 74541  
Nebraska State Penitentiary

## Privacy matters!

All inmates held in custody or Board-ordered treatment have a right to communicate freely and in private (Rights while in custody or board-ordered treatment #4).

Here at the Norfolk Regional Center, this is not the case. The phones are placed in the dayroom where every inmate can listen to your conversation to your lawyer or family. There are times when another inmate will not only listen to the conversation but will butt into it and yell at family members on the phone. Staff know there are issues in this area but have refused to fix the matter. Instead, it is used by staff to create an issue and then punish when two inmates have a conflict over the issue of eye dropping or yelling at family members. These calls are only 10 minutes, so it really disrupts when these issues arise. In prison, calls are 15 minutes.

Further, visits are only one hour per week. These conversations have no privacy and family members who live long

distances or are older in age cannot even have visits due to time or money. In prison, visits were 8 hours per week and families at a distance could be given extra time with notice. Not here!

Also, "reasonably private living conditions, including private storage space for personal belongings" (Rights #5) is a room where the inmate is viewed by staff whenever they wish, including opening doors and waking a person up. The private storage space is a cardboard box. 12" x 12" x 19" to live in, including any legal papers.

Nebraska statutes regarding treatment require the least restrictive alternative, the least restraint upon the liberty of the subject. In the Regional Center, a subject's liberty is restricted in every way possible; access to family; access to media; access to court; access to reasonable private living. We are not criminal and have a statutory and constitutional right to privacy and liberty—rights violated daily.

Courts have found the commitment laws illegal in Washington, New Jersey, Minnesota, and Missouri. Kansas is now in question.

George Shepard, Stephen Williamson, Todd Stier  
Norfolk Regional Center

## Is Director Frakes abusing his authority?

Director Frakes has recently publically declared that he is adding 100 beds at Tecumseh State Correctional Institution (TSCI) in an effort to reduce overcrowding (a direct contradiction). Interestingly, TSCI has recently declared officially that the hole (SMU West) is now being double-celled under the guise that it is now deemed a general population housing unit.

The problem with this is that our Legislature enacted law this year that defines "restrictive housing," and SMU is still restrictive housing despite any efforts from the administrators to classify it a general population unit. That is to say, Nebraska Revised Statutes, § 83-170 (13) (Reissue 2015), defines restrictive housing unit under these three conditions: 1) The conditions of confinement that provide limited contact with other offenders; 2) strictly controlled movement while out-of-cell; and 3) out-of-cell time of less than 24 hours per week. SMU West residents only get one hour a day of out-of-cell time, are under strictly controlled movement when out-of-cell, and have limited contact (no contact with the real general population) with other offenders. The statutes fully declare SMU West "restrictive housing."

Furthermore, the Eighth Amendment will also prohibit these type of conditions as being fit for general population for prisoners who have not committed a serious misconduct or demonstrated a serious mental illness. Our federal constitution requires that inmates receive adequate exercise, recreation and socialization. These are considered basic human needs. I personally cannot sue under a civil rights lawsuit [§ 1983] because I am not directly affected until I am placed there (maybe soon after this), but I can, and I will, sue under an injunction if Director Frakes doesn't correct this malfeasance.

In my opinion, it's an abuse of authority to defy regular statutes to further oppress inmates in the hole under the guise that it is reducing overcrowding. Furthermore, how do you reduce overcrowding by double celling the hole? To me, that makes no logical sense...

Floyd Morrison 74703  
Tecumseh State Correctional Institution

**More letters on the next page**

## Giving back to the community

I am an inmate at the Nebraska Correctional Center for Women (NCCW). I am writing about some of the good things we women are attempting to do to give back to our communities.

We have been crocheting baby blankets for York General Hospital to gift to their newborns in the nursery; we have crocheted lap blankets for retirement homes and people in need; and we have crocheted red baby hats for the babies in the nursery for the American Cancer Society.

Currently, we are contacting Mary Lanning Memorial Hospital in Hastings and Grand Island's St. Francis Medical Center to see if they would like to be beneficiaries of our products. If they agree, I will be contacting churches in each city to ask for yarn donations. We arrange for the donations to be left at the front reception area in the hospitals. Our institution sponsor then picks up the donations, brings them to us to work up and then return finished products to the facilities.

I want the readers of your newsletter to know that even though there may not be much programming currently available, we women are actively working at finding ways to stay positive and productive.

If anyone has any questions about making donations of yarn for our endeavors, feel free to contact me at the institution.

Angela Manns 97542  
Nebraska Correctional Center for Women

## Observations

Being a prisoner subjects us to punishment, being taken out of society, away from loved ones, losing freedom. It should not mean being treated like, or worse than, an animal, or being treated differently than another prisoner because he has more or less time, or being segregated from other inmates who are confined in the same facility.

The "open" facility that was regulated in this prison for the last hundred years was the most effective system ever created for the prisoners as well as the staff. It was a system designed to give you what you had coming to you; giving you what you earned and keeping you from getting what you did not earn.

James Jones' Victim Impact program should be in every facility. Trade programs need to be put in place too, along with education programs. Why is there so much violence in the facilities? Simple—these things are lacking, leaving inmates with nothing to do but sit around looking at each other as they sit in the same area of a housing unit day in and day out.

Things have to change by more logical decisions being made by the Administration working with the inmate population to come to the decisions that are being made. The Administration goes home every day. Inmates stay here for years until they go home and back to society. When they do it would be in the best interest of everyone for them to take something productive back into society instead of nothing but a bunch of hate built up over the years from being treated inhumanely.

Jason Richart 72669  
Nebraska State Penitentiary

## The old system worked...the new does not

It has been three years since the state prison was placed on lock down, for no apparent reason, and all privileges taken away from the inmates who earned them after being confined within for so many years. No programs of productive significance have been put in the prison. Most of the programs the inmates had have been taken out by the same people Director Scott Frakes is now promoting to higher positions.

So, things look to get only worse, with these facts and the beginning of incentive programs to replace the previous pro-

grams which were designed to better the inmates by their being responsible for their own actions. The problem is - the old system worked - the new system and the persons who direct it do not work. The old system needs to be reinstated, and all that remains to be done is that the staff do their jobs.

Victor L. Carter 37068  
Nebraska State Penitentiary

### Family and Friends of Inmates (FFI)

Meetings are on the fourth Saturday of each month except December, from 9:30 to 11:30 a.m., at First Christian Church, 6630 Dodge Street in Omaha. Share with others who have loved ones in prison or jail and advocate for changes needed in the correctional system. For more information: 402-558-2085.

### To unsubscribe

If you no longer wish to receive the Nebraska Criminal Justice review, send an e-mail with the name and address as it appears on the mailing label of your copy. Send to: melbeckman@cox.net. Or call 402-558-2085.

### Submissions deadline

Please send all material for the March, 2016 issue by March 1st. We invite submission of letters, opinion articles and announcements from anyone who has an interest in Nebraska's justice system.

### From all the staff at Compassion in Action

We would like to take this opportunity to wish you a very Merry Christmas and a blessed New Year. Yes, we mean you! Because of your current situation, you are positioned to experience the true meaning of this blessed season. Jesus Christ crossed all social status, religious, cultural and political lines to get to the common, forgotten and "kicked to the-curb" people. So consider yourself special because He would have made His appearance in a prison before even considering the White House.

### Ride to Lincoln needed

A mother who has a son at the Lincoln Correctional Center would like to visit him. If you can provide a ride please contact Mel at 402-558-2085 to learn how you can make contact with her.



## Questions about persons with sexual offense convictions

**Editor's Note:** The questions and answers below are some excerpts from a 23-page document entitled *Frequently Asked Questions Regarding Sex Offenders*, the result of a 2011-12 collaboration of professional staff from the Nebraska Department of Correctional Services, Nebraska State Patrol, Nebraska Probation Administration, Nebraska Health and Human Services, Behavioral Health Division, Douglas County Attorney's Office, Lutheran Family Services and the Nebraska Commission on Public Advocacy. The document cautions that legal advice should be sought rather than relying on the information presented. The document can be found on the website of the Nebraska Department of Correctional Services: [www.corrections.nebraska.gov](http://www.corrections.nebraska.gov), under "sex offender information."

### **Question:** Where are sex offenders allowed to live in Nebraska?

Sex offender residency restrictions vary from community to community; however, state law prohibits local ordinances from being more restrictive than 500 feet from a school or childcare facility and applies to those offenders deemed to be sexual predators. Not all communities have laws restricting the residence of sex offenders. Please check with your locale of interest to find the most current information regarding residency restrictions in that area. Registered sex offenders are **not** allowed to live in Section 8 housing and are not allowed to live in VA funded housing.

### **Question:** Do residency restrictions affect all sex offenders?

No, only those sex offenders deemed to be sexual predators are subject to residency restrictions. See: <http://www.nebraskalegislature.gov/laws/statutes.php?statute=29-4016> for more information on residency restrictions of sex offenders.

### **Question:** What are the residency restrictions in Lincoln?

In Lincoln, city ordinances state that a sexual predator must live at least 500 feet from the property of any approved or accredited school. There are some limited exceptions. See the following link for more details: <http://www.lincoln.ne.gov/CITY/attorn/lmc/ti09/ch916.pdf>.

### **Question:** What are the residency restrictions in Omaha?

In Omaha, the city municipal code states that a registered sex offender must live at least 500 feet from the property of any approved or accredited school. There are some limited exceptions. See the following link for more details: <http://library.municode.com/index.aspx?clientId=10945>.

### **Question:** How do I find out if an address is in compliance with residency restriction?

There are no definitive answers. The following resources may help you find out the residency restrictions in your area, but it is ultimately up to the offender to make sure their residence meets local restrictions.

- Nebraska State Patrol: 402-471-4545
- County Sheriff
- City or township administrator
- Local Police Department

### **Question:** Do all sexual offenders need treatment?

This is still a matter of opinion. However, research has indicated that re-offense rates among sex offenders are considered low. Further, we know that not all sexual offenders are the same. Risk for re-offense can be predicted with a moderate level of accuracy using validated risk assessment instruments. Some offenders fall into groups with very low rates of re-offense. For these groups, it is possible that treatment can increase the risk of re-offense versus not treating them.

### **Question:** Does treatment cure sexual offenders?

Treatment helps offenders learn to identify risk factors for offending and become aware of warning signs of potentially dangerous thoughts and behaviors. Offenders can then learn how to manage these risk factors so that they can take positive, healthy steps toward keeping the community safe.

### **Question:** What is a dangerous sex offender?

With regard to the Sex Offender Commitment Act, the Nebraska Legislature has defined a dangerous sex offender to mean:

1. A person who suffers from a *mental illness*, to include but not limited to pedophilia or paraphilia, which makes him/her likely to engage in repeat acts of sexual violence.
2. Who has been convicted of *one* or more registrable sex offenses, and
3. Who is substantially unable to control his/her criminal behavior.

Or

1. a person who suffers from a *personality disorder*, to include but not limited to Anti-Social Personality Disorder, which makes him/her likely to engage in repeat acts of sexual violence.
2. Who has been convicted of *two* or more registerable sex offenses, and
3. Who is substantially unable to control his/her criminal behavior.

For more information, see Nebr. Revised Statute 83-174.01.

### **Question:** How long is a sex offender's specific treatment while under (civil) commitment?

Treatment under a Board of Mental Health Commitment will last until the individual has reached the maximum therapeutic value which the treatment can provide and the individual is no longer a risk to himself/herself or others. Typical sex offender commitments under the Sex Offender Commitment Act can last years, transitioning from inpatient, to outpatient in the community, to release from commitment. The Board of Mental Health determines when an individual will be released from commitment.

For more information, please contact Lincoln Regional Center Psychologist Shannon Black at 402-479-5107 or Norfolk Regional Center Facility Operations Officer TyLynne Bauer at 402-370-3328.

### **Question:** Will a child with sexual behavior problems become an adult sex offender?

Despite considerable concern about progression on to later adolescent and adult sexual offending, the available evidence suggests that children with sexual behavior problems are at very low risk to commit future sex offenses, especially if provided with appropriate treatment. After receiving appropriate short-term outpatient treatment, children with sexual behavior problems have been found to be at no greater long-term risk for future sex offenses than other clinic children (2% - 3%).

# NEBRASKA CRIMINAL JUSTICE REVIEW

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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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## Mother's Day Riot (Continued from Page 7)

The Ombudsman's report considers the document that was held up in the yard to have been "the 'makings' of an inmate petition, a list of grievances that was supposed to eventually have the endorsement of a significant number of the TSCI inmate population." The report considers it important, "for historical accuracy if nothing else, to record that part of the motivation behind the May 10 event was to spur what the inmates considered to be needed 'reforms' in how the facility was operated."

But the report is also critical: "Unfortunately, in this case, the petition was stillborn, largely because the way that the inmates involved chose to handle it was ill-conceived, and highly dangerous." The report goes on to say,

*"While the idea of a 'peaceful protest' may seem relatively benign, if what we are talking about means that the complaining inmates are going to be doing something that is outside of normal prison channels, then that is not a good idea, to say the least. In a prison setting, the rule must always be that if a staff person gives an inmate, or a group of inmates, a lawful order, then the inmates must obey that order, and this is a necessity that does not leave very much room for inmate 'protests,' peaceful or otherwise."*

In his report, Mr. Lux gives special attention to two inmate grievances—the managed yards policy and the Wellness League. He seems to say that, during the transition from an open yard policy to a managed yard, his office was not willing to take the "dubious" position of challenging the prison administration's contention that the change was needed because of security threats in the yard. Instead, his office concentrated on trying to ensure that inmates received more "out of cell time." Still the loss to inmates was great. He wrote:

*"...we do believe that, for the vast majority of inmates at TSCI and the other facilities (particularly those inmates who had been in the system for many years), the 'loss' of the open yards represented a significant erosion of what had long been the very core of prison -society. The idea, and essence, of imprisonment, and what truly makes it punishment, is that it shrinks the inmate's world down to very narrow precincts. And this is true not only in the physical sense, but also in the social sense—prison narrows the inmate's ability to socialize with other people, which is a powerful need for most of the human species."*

The entire text of the Ombudsman's Report on the Mother's Day Riot can be found on the Legislature's website: [www.nebraskalegislature.gov](http://www.nebraskalegislature.gov).