THE QUEST FOR EFFICIENCY IN DOUGLAS COUNTY'S CRIMINAL JUSTICE SYSTEM

By Carol McBride Pirsch, Douglas County Commissioner

I am pleased to be asked to report on the status of the recommendations provided to Douglas County by the Institute for Law and Policy Planning (ILPP) as a result of the 1998 Criminal Justice System Assessment.

The Douglas County Board of Commissioners contracted with ILPP in January 1998 to assess the efficiency of the entire Douglas County criminal justice system. The assessment included the City Prosecutor's office, State of Nebraska court and probation system, the County Attorney and Public Defender offices and the Douglas County Corrections Center. City, County and State officials were full participants in the assessment.

The impetus for the study was significant overcrowding of the jail, the need to manage the jail population by increasing efficiencies in the prosecution of crime, to provide for greater efficiency in the management of the jail and the escalating cost of the criminal justice system. In the past ten years, utilization of tax funds for criminal justice programs has increased from 42.9% in FY90/91 to 56.3% in FY00/01.

SYSTEM RECOMMENDATIONS

1. Implement a criminal justice and population management plan consisting of all agencies involved with criminal justice. Status: On-going. Comment: Since March 1998, representatives of all sectors of the criminal justice system meet monthly to share information.

2. Develop and implement a population management program with a system-wide emphasis. Status: On-going. Comment: This recommendation called for a Drug Court, beefing up Pre-Trial Diversion, a Community Corrections Program, Day Reporting Center and Alternative Sentences Division. Drug Court has been established as a restorative justice program, presently grant-funded. A Community Corrections director was hired last fall. Beefing up Pre-Trial Diversion and Alternative Sentences Division has not occurred. Day Reporting will occur, but cost and space considerations have presented obstacles.

3. As one component of a population management program, formalize pretrial services into a pretrial release agency. Status: On hold until DC3 expansion [expansion of the jail] is complete.

4. Establish a prosecution-screening unit. Status: On-going. Comment: City Prosecutor has assigned two employees for custodial case screening.

5. Evaluate pretrial diversion as a disposition option. Status: Not yet.

6. Establish a community corrections program. Status: On-going. Comment: A director has been hired. Currently providing pre-trial release, house arrest and male work release center. Other programs such as day reporting and beefed up pretrial release are being held up because of cost and space considerations.

7. Continue to implement changes in the citation release options. Status: On-going.

AGENCY RECOMMENDATIONS

1. Implement a differential case management plan for district court criminal caseloads. Status: Not at this time. The DCM is a costly program requiring enhanced technology, case information, and case calendaring computer application, and includes increased staffing expense. It is not presently in any jurisdictions in the U.S.

2. Revise procedures for arraignment in both the County Court and the District Court. Status - District Court: Changed to a simpler waiver of right for arraignment and reading of the charges while physically present in court instead of filing a written waiver. Video conferencing system is installed and will be used to the extent permitted by Nebraska statutes and court rules for hearings, including arraignment, bond setting, and sentencing, as well as for civil case matters. Status - County Court: County judges have been reluctant and ambivalent toward adopting video teleconferencing. They say they rather go to corrections but they are not doing that. Their present system is very expensive and it is demeaning for offenders to be transported and crammed into a small space while awaiting court.

3. Establish a traffic division within county court. Status: New suspension law by the Legislature affects huge majority of offenders and decriminalizes traffic laws.

4. Establish a habitual traffic offender program. Status: Added Attitudinal Developmental Dynamics (ADD) creating serious small (continued on p. 2)

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groups for diversion or court referral of habitual offenders. Collecting recidivism rates by staff is paid by a grant. These groups can only be attended once by an individual. LB 83, a new law, has a component to increase a penalty for designated bad drivers. The Safety Council is assisting with counseling in the voluntary diversion for Suspended Drivers Program.

5. Establish a domestic relations division within the District Court and permit assignment of cases involving both family law issues and domestic violence to a special court docket. Status: Implemented changes in its rules of practice which requires that the parties with children in divorce must attend parent education seminar and attempt mediation of custody and visitation issues before scheduled for trial. Established Domestic Violence Study Group, which meets to examine all court's responses to domestic violence and protection order applications. Feasibility of Family Court is being discussed.

6. Consolidate felony probation and county probation into one agency. Status: Done.

7. Avoid the use of warrants as a sole basis for requiring the custody of arrested misdemeanants. Status: Sheriff is sending postcard reminders identifying appropriate individuals for simple bond-setting disposition. Avoiding use of warrants as sole basis requiring custody for misdemeanants.

DEPARTMENT OF CORRECTIONS RECOMMENDATIONS

1. Immediately consolidate the Department under a short-term administrator and search for a permanent civilian administrator. Status: The Department was placed under an administrator until Sept., 1997. At that time, the Douglas Co. Board of Commissioners voted to place the Department under the direction of Sheriff Dunning on a short term basis. However, in January of 1999, the Board of Commissioners voted to contract with the Sheriff for his entire term in office. The contract is not due to expire until December 31, 2002.

2. Select a Professional Corrections Administrator. Status: Sheriff Dunning hired Ms. Ann O'Connor as the Chief Deputy in charge of Corrections in March of 1999. Ms. O'Connor has been involved in the Omaha criminal justice field since 1983. She has a Master’s in Public Administration.


5. Develop a clear statement of the problems of the Department. Status: Employee task forces have been formed to deal with specific ongoing issues and concerns. Several officer and staff suggestions have been dealt with and resolved through these various committees.

6. Close the City Jail. Status: Not done. Comment: There have been discussions with City officials. Believe it will happen, but not until expansion of DC3 is complete.

7. Develop a centralized booking facility consolidating the City and County jail operation. Status: Not done. Comment: There have been discussions with City officials. Believe it will happen with the expansion of the County Jail.

8. Study cost of intake. Status: Not done. Comment: Believe it will be done within the next two years.

9. Initiate a booking fee. Such a fee would be charged to all arresting agencies for booking an inmate into the new City-County consolidated booking facility. Status: Not done. Comment: Will happen with the expansion of the County Jail.

10. Charge a daily fee for misdemeanor offenders. Status: Done. City of Omaha pays a per diem.

11. Investigate having work release functions provided through a contract with a private agency, or ceasing the provision of work release and employing various other community corrections alternatives in the program. Status: Not done.


FAIRNESS OF THE DEATH PENALTY IN NEBRASKA: BALDUS’ RESPONSE

By John Krejci, Emeritus Professor of Sociology

Two years ago the Nebraska Legislature called for a moratorium on the death penalty in Nebraska and authorized a study to evaluate its fairness. Governor Johanns vetoed the moratorium, but the Legislature authorized the study over the veto. (There have been no executions in Nebraska in the last two years). In July, the long-awaited study was made public. The study was a carefully planned and executed evaluation of the capital punishment process in Nebraska, complete with graphs, tables and statistical analysis.

As expected, the study found that although Nebraska’s criminal justice processes are less unfair than others, there still are significant inequities in the handling of capital murder. Unfortunately, politicians grabbed “sound bites” from the study and fed them to the media to promote their ideological goals. This clouded the issue and served to trivialize a very serious work. So much so, that the primary researcher, Dr. David Baldus, Professor of Law at the University of Iowa, came to Nebraska to clarify what the study said and what it did not say.

Like all research, the study is open to interpretation. Dr. Baldus responded to the press coverage and popular comment, outlined the methodology, summarized the findings, and, in so doing, attempted to put further deliberation on the right track. (The Legislature will use these findings in its future considerations of the death penalty.)

Since Dr. Baldus’ comments were quite lengthy and at times complex, I have excerpted what I consider to be the basics of his response and present them here for your consideration. I take full responsibility for any distortions or misinterpretations.

"Yesterday...I received a copy of all the newspaper clippings, and I read them and said, 'Have they read the same report that I wrote?... (However,) I would say in general that I think people who have read it have gotten basically the picture that we had in mind to present to you...

"In addressing the question of interpretation, an important feature of this study is the small sample size... The small sample size we are dealing with here is an important notation on the causal inferences we can draw on the basis of our analysis of race and SES (social economic status)... You can see in many of the presentations that the sample size is very, very small... this weakens very much the sort of inferences that you can draw from these kinds of data... The issues that are relevant from a legal, moral and political perspective (are the following)"

1. DISPARATE TREATMENT

"Are people with comparable levels of criminal culpability treated the same or differently on the basis of race or SES [social economic status] or the race or social economic status of their victim? We have a very small number of minority cases in this sample but nevertheless it did come as a sort of surprise to me that there was no race of victim effects whatever at any level (prosecutorial or the judicial sentencing level)..."
decisions to entertain negotiated pleas and to waive the death penalty in a plea or
judges when the defendant was a minority with a white victim, however, the
among all cases and it just so happens that most minorities live in those counties.
the sum and substance of it is that we don't see any disparate treatment on the basis of race of the defendant or victim...

When we turn to disparate treatment on the basis of the SES of the defendant and the victim, in contrast to the race analysis, we see that those defendants whose victims have high SES are treated more aggressively...When you look at the low SES victims, that is those defendants whose victims have low SES, you will see that the effect is maintained (that is, they are treated less aggressively. ed note)...

2. GEOGRAPHIC DISPARATIES

This has been a concern of the legislature for a very long period of time. The date tended to confirm the conceptions that the legislature had back in 1978: That the rates at which cases advanced to a penalty trial and also the death sentencing rates were much higher in the major urban centers than they were in the rest of the state. This they set out to correct, and I think one of the conclusions of this research is that those corrections have had some effect. Disparities between the two areas in terms of death sentencing of all death penalty cases have been diminished...But you will find that what hasn’t changed is the disparity in the prosecutorial decision making...In the earlier period, the chances of getting a capital case to a penalty trial were much higher in the major urban areas, and the disparity is even greater now than it was then.

3. ADVERSE DISPARATE IMPACT ON MINORITIES

*Here, in my judgment there is no dispute about the facts. It is clear that minorities are more likely to have their cases advance to a penalty trial and they are less likely to have a plea bargain than are whites. And I explained to you that the reason for that is that in the major urban areas the prosecutors are less willing to engage in plea bargaining and to waive the death penalty among all cases and so it just so happens that most minorities live in those counties. So that’s why you see statewide, minorities are at a higher risk of having their case advance to a capital trial with the state seeking the death sentence. Now what is the cause of that? Well, it’s a product of the fact that there are different standard views, different policies apply to these different parts of the state by the prosecutors. And why does this exist? Well it exists because state law permits it to exist. State law and policy grants prosecutors this sort of discretion.

4. INCONSISTENCIES AND COMPARATIVE EXCESSIVENESS

*The issue is whether the death penalty is consistently applied to cases that have similar level of culpability. A couple of (newspaper) articles that I read said that the data show that the state applies the death penalty consistently across the board and only the worst offenders get the death sentence imposed. The data don't support such a conclusion.

*These data show us that the system, in contrast to other jurisdictions, does better than most other jurisdictions. I think that the reason for this is that the sentencing is done by judges who are aware of the concern of legislature for comparative excessiveness, and that they take seriously their responsibilities to try to introduce a level of consistency into the system. But it is not an ideal system in terms of consistency.

"Finally there has been a suggestion made by some people as reported by the media that our study shed light on the necessity of limiting appeals in post conviction cases. We never addressed the issue. The only reference in our study to appeals is the number of cases appealed to the Nebraska Supreme Court. All of the death sentences were appealed. Most of them have been vacated, or a big proportion, about one-third, were vacated on appeal. And none of those cases was ever vacated on the grounds of excessiveness. That's all we say about the appeals process.

To read the study report, The Disposition of Nebraska Capital Homicide Cases (1972-1999): A Legal and Empirical Analysis see the Crime Commission's web-site at www.nol.org/home/crimecom/

EDITOR:

When I was on death row here at the Nebraska State prison, I'll always remember how Mrs. Effie Johnson would come and visit us guys and pray with us. (Ed. Note: Effie Johnson passed away June 7th at the age of 76.)

During the Christmas holidays, Mrs. Johnson would provide us with Christmas cards and gifts. She would earnestly protest the state from executing us, no matter what the weather conditions were, and many times it was freezing cold or raining cats and dogs, so to speak.

Mrs. Johnson would attend our Native American Pow Wow activities and dance and have a good time with us, praying and making us feel that there are people who truly care about us here in prison.

I personally feel that, because of Mrs. Johnson’s prayers and her fighting to end the killing of people sentenced to death, I am off death row today.

I will miss Mrs. Johnson and I know that the good Lord has gained an angel. I'll always continue to keep her in my heart and prayers along with the others who fought to get me off death row.

Clarence Victor
Nebr. State Penitentiary

EDITOR:

History is replete with the special treatment afforded to those who were in power and the people that they favored. During rebellions and uprisings among the general populace those favored few may have felt the full force of the “people’s” justice, but generally they and their minions remained exempt from the normal course of treatment under existing laws of a particular state during a particular period. This still exists today. There is an exempt group of people in our society and they are treated differently than the “regular” people in the communities.

These people, and the people with enough money to buy their way into this exempt group, have received the benefits of a system of justice that is aptly described by the phonetical variation of the word justice - “just-us.” Now the rest of society gets the literal spelling version and treatment of justice - “just-ice.”

“Just-us” people get the consideration of what a worthy life they led before their mishaps, lapses, transgressions, or moments of poor judgement; consideration for having families that rely on them; consideration for their actual or potential rehabilitation; consideration for a human being who made a one-time mistake. “Just-ice” people get the cold, hard, impersonal application of the law with full force of punishments for their criminal acts. They are told “it’s the law,” “you brought this on yourself,” “the law is the law.” They get little or no consideration for their past contributions to society, actual or potential rehabilitation, family ties, and basic worth as a human being.

The suggestion here is not to increase the punishment for those in the exempt group, the “just-us” group. Far from it! What is proposed here is that all people get the same “go the extra mile to save a life” considerations that only the “just-us” group is currently getting. It is a long time overdue to end the two-tiered system of justice that we all know, see, and have seen. Let us make a one level justice system, but let's let the pendulum swing to the side of the humane “just-us” rather than “just-ice” position. It's wonderful that the senators, congressmen, judges, police, and the henchpeople across the nation throughout the years have received the benefit of the doubt, the special handling, the extra consideration, the kid gloves; but wouldn't it be even more wonderful if we all get that?

Michael T. Caddy
Nebr. State Penitentiary
“A LEAP OF FAITH...BUILDING RESTORATIVE PRACTICES”

The information below was excerpted from a summary provided by the planning committee for “A Leap of Faith...Building Restorative Practices,” a conference held in Lincoln.

On August 23, 2001, the Nebraska Department of Correctional Services, Office of Community Justice and United Methodist Ministries, Lincoln co-hosted the “Leap of Faith...Building Restorative Practices” Conference in Lincoln, Nebraska, at the Holiday Inn Downtown. Over one hundred participants from faith-based organizations, the criminal justice system, and interested citizens attended this interactive one-day conference that provided numerous growth opportunities on restorative justice principles by both national and local organizations.

The purpose of this one-day conference was to explore the roles of the faith community with the criminal justice system, to restore harmony in our communities in the aftermath of crime. By both entities coming together to examine the roles each play we hoped to work in concert to assist victims, offenders, and the community in restoring balance to entities affected by crime.

The day began with a warm welcome from the Honorable Don Wesley, Mayor of Lincoln. Mayor Wesley spoke of his personal commitment to this very important issue and applauded the conference participants for taking a leadership role in examining this topic.

Pat Nolan, President of Justice Fellowship, the public policy arm of Chuck Colson’s Prison Fellowship Ministries, was the featured speaker. Mr. Nolan spoke on how to utilize the resources of faith-based organizations to help restore balance to the communities of Nebraska in the aftermath of crime.

Conference participants also heard from local Nebraska programs that are instituting restorative justice practices. Tamara Holtz, Restorative Justice Coordinator for United Methodist Ministries, Lincoln, and Pastor Bud Christenson, Director of Prison Ministry, Nebraska Synod ELCA, spoke about “A Stone Called Ebenezer/ The Bridge.” This is a faith-based transitional program for middle-

(Continued on p. 7)

OFFICE OF COMMUNITY JUSTICE GRANTS AWARDED FOR 2001 - 2002

This information was supplied by Cathy Waller-Borovac, Administrator of the Office of Community Justice, Nebraska Dept. of Correctional Services. (P.O. Box 94661, Lincoln NE 68509. Ph. 402-479-5890.)

Nebraska is one of 25 states that have enacted a Community Corrections Act, designed to specifically address overcrowding in state prisons. Some 5 - 7 other states have enacted some type of legislation that analysts consider to be Community Corrections Acts, and several other states have Community Corrections Acts pending. Nebraska’s Community Correctional Facilities and Programs Act was passed in 1993, with funding provided in 1997.

The Office of Community Justice was established in 1997 within the Nebraska Department of Correctional Services. Its purpose is to build community capacity by promoting the development of local programs, facilities, and services that provide alternatives to incarceration and community based program options for offenders. These programs, which may be sponsored by cities, towns, villages or counties, provide courts with more flexibility in dealing with nonviolent, non-habitual probationers, parolees, and pre-trial offenders (both felony and misdemeanants).

Since its inception, the budget for the office has been $500,000 per year, of which $275,000 must be awarded as state aid grants to communities which develop comprehensive plans that enlist community stakeholders for long term commitment and support of restorative justice principles, and a means to evaluate performance measures for program effectiveness and impact on recidivism.
COMMUNITY JUSTICE  (Continued from p. 4)

This program within the Dept of Correctional Services promotes local control of community-based correctional programs through collaborative partnerships with existing agencies and the private sector. There are over 600 participants in these programs.

Grants totalling $275,000 were awarded this year to eight Nebraska communities which have developed or expanded community-based programs as alternatives to incarceration for low-level offenders. Recipients of the grant funds for 2001-2002 are:

**Adams County ($34,000)**
To continue operation of a Day Reporting Center. Program components consist of diversion, drug testing, restitution monitoring, community service, special services for female offenders, and a residential program. In addition, they will assist with the development of the Central Nebraska Drug Treatment Court that services Adams, Buffalo, Hall, and Phelps counties.

**Cheyenne County ($39,000)**
To continue operations of the Cheyenne County Drug Court, a post adjudication treatment-based alternative to incarceration.

**Douglas County ($30,000)**
To continue an array of program services including day reporting, assessment/evaluation, community service, and tracking/monitoring services.

**Dakota County ($30,000)**
To implement a day reporting center for female offenders. Services include education and substance abuse components.

**Hall County ($35,000)**
To develop the Central Nebraska Drug Court which will emphasize treatment and supervision. The Drug Court will service Adams, Buffalo, Hall, and Phelps Counties.

**Lancaster County ($42,000)**
To continue the women's resource center. Components of the center include employment skills training, relapse prevention, community service, day reporting, and basic integration services for female offenders.

**Lincoln County ($31,000)**
To continue a day reporting center with drug testing, restitution monitoring, community services, supervision services, and restorative programs (victim impact panels).

**Sherman County ($35,000)**
To continue diversion services for the Court. Services include evaluation, education, counseling, restitution collection, supervision, and electronic monitoring.

**Clay County ($30,000)**
To continue intake services.

**Shields County ($30,000)**
To provide group counseling services.

**Custer County ($30,000)**
To continue operation of the Custer County Drug Court.

**Seward County ($30,000)**
To continue operation of the Seward County Drug Court.

**Valentine County ($30,000)**
To continue operation of the Valentine County Drug Court.

**Washington County ($30,000)**
To continue operation of the Washington County Drug Court.

**Woodman County ($30,000)**
To continue operation of the Woodman County Drug Court.

**Communication Grant**
To develop and implement a training program.

**Web Page's Youth Services Component**
To develop the Central Nebraska Drug Court (Continued from p. 4)

**DRUGS IN NEBRASKA PRISONS**
According to a memorandum to the inmate population at the Lincoln Correctional Center, the Nebraska Dept. of Correctional Services has initiated a new “Drug Offender” classification status. It will apply to any inmate who has verified drug use on or after July 2, 2001. The penalty for a first verified use of drugs will be a 30 day suspension of visiting and telephone privileges and a recommendation for substance abuse program participation if such recommendation is not already part of the inmate’s Personalized Plan. Longer suspension of privileges will be given for subsequent infractions. The Lincoln Journal Star carried a story by reporter Butch Mabin, on September 6th, about drug use in prison. With random drug testing, usage in Nebraska prisons now fluctuates between 4 percent and 9 percent of the population. Before testing, in 1991, the percentage was about 17 percent. Efforts to curb drug use, according to persons quoted in the article, are compromised by staff shortages and over-crowding. State Senator Dwite Pedersen was quoted as believing that a small percentage of prison staff are also involved in bringing in contraband, for a variety of reasons.

**THE “VINE” SYSTEM**
Victims of crime and others who are concerned about an inmate in a Nebraska jail or prison may register with “VINE” (Victim Information and Notification Everyday) and receive status information about the inmate any time of the day or night, seven days a week. The toll free number to call is 1-877-634-8463. If one should encounter technical problems with VINE, related to an inmate confined by the Nebraska Dept. of Correctional Services, call Ron Riethmuller at 402-471-2654.

**NEW CATHOLIC CHAPLAIN APPOINTED**
The Diocese of Lincoln has appointed Rev. John Copenhaver to do prison ministry. He can be contacted at P.O. Box 30831, Lincoln NE 68503. Phone: 402-742-4421.

**MONTHLY PRISON DATA SHEET**
Persons who wish to keep informed about Nebraska prisons, populations at each facility, and statistics on gender, race, types of offenses, parole, etc., can request to be on a mailing list for the free Nebraska Dept. of Correctional Services Monthly Data Sheet. Write to: Planning and Research, Nebr. Dept. of Correctional Services, Folsom and W. Prospector Place, Bldg 1, Lincoln NE 68522. Information in the data sheet is also available in a different format on the Department’s web site, www.corrections.state.ne.us.

**SURVEY OF READERS**
A random survey of recipients of the Nebraska Criminal Justice Review will be made in the near future. Please give us your views about the publication and your suggestions for making it as useful as possible. If you are not one who is surveyed you can still give your views by calling 402-558-2085 (Omaha) or 402-466-8460 (Lincoln).

**MICHAEL RADELET TO SPEAK ON THE NEBRASKA “FAIRNESS” STUDY**
Nebraskans Against the Death Penalty will host Michael Radelet at their 2001 Annual Banquet October 13, 2001 at Mahoney State Park. Radelet has published six books and approximately five dozen scholarly articles on various aspects of the death penalty, including the conviction of the innocent, racial bias, public opinion, and the execution of the mentally ill. He has also worked with each of the last 50 men and women executed in the State of Florida, and testified in 60 death penalty cases throughout the United States. He is currently a Professor in the Dept. of Sociology at the University of Colorado-Boulder. Nebraskans Against the Death Penalty can be contacted by mail at: NADP, 941 O Street, Suite 725, Lincoln NE 68508; Ph.: 402-477-7787; E-mail: nadp@inetnebr.com. Their web-page is http://www.nadp.inetnebr.com.
Nebraska, pretty much eternally. So said our voters in 1875. So, too, bright and angry.

Specifically, the constitutional reference here is to Section 2 of Article VI. It deals with suffrage and glides as follows: "No person shall be qualified to vote who is non compos mentis, or who has been convicted of treason or felony under the laws of the state or of the United States, unless restored to civil rights."

At this point, enter a sorrowful confession. Neither I nor the 11 other members of the 1995-97 Constitutional Revision Commission gave a thought to the potential injustice imbedded in Article VI, Section 2. The topic wasn't even considered. To the incoming 1997 Legislature, we recommended no change whatsoever in the 19th Century revenge-based language.

Not until last November's incredibly close presidential election in Florida did scales fall from the eyes. Y'all remember Florida, we recommended no change whatsoever in the 19th Century revenge-based language.

Florida currently is home to more disenfranchised voters than in any other state; 187,455 former felony prisoners. Well, surprise; Nebraska is like Florida in one respect. It and 12 other states impose a lifetime voting disqualification on any person ever convicted of a felony -- barring later state clemency actions. Once there were more states with such harsh restraints, but the unfairness implicit in everlasting "F"s prompted legislative reform.

California, for example, amended its constitution in 1974 to disqualify voters only "while imprisoned or on parole for the conviction of a felony." That is a text, or something very much like it, Nebraska should adopt.

How many men and women in Nebraska are ex-felons, and, by the lights of this writer, are deliberately punished by disenfranishment? No one knows. Allen L. Curtis, Executive Director of the Crime Commission, says once people "are off the paper," no one keeps tabs on numbers.

Those who have studied the national situation believe some 4 million Americans, more than half racial minorities, are denied the right to vote because they were once convicted of a felony. They constitute the largest single group of citizens barred from exercising the franchise.

In 1999, Rep. John Conyers Jr. (D-Mich) , joined by 37 others, sponsored a bill "to secure the federal (election) voting rights of persons who have been released from incarceration." That act would have trumped state hurdles; ex-prisoners could vote for president, and members of Congress, but not state and local officials. The bill never made it out of the Republican-controlled House Judiciary Committee. Partisan considerations join racial considerations still favoring felon disqualification.

It's possible in Nebraska for one-time prisoners to regain

-6-
JUVENILE JUSTICE BILLS WERE MERGED INTO A SINGLE BILL THAT BECAME MY

NEBRASKA, I HAVE CONTACTED SEVERAL STATE SENATORS, ASKING IF ANY WOULD

TACKLING REFORM OF THE JUVENILE JUSTICE SYSTEM. IN MANY CASES, A LACK OF

TIME, A PUBLIC EDUCATIONAL EFFORT ABOUT THIS INJUSTICE MUST BEGIN.

BEGINS OCTOBER 1

SCRENNING/ DETENTION OF JUVENILES - NEW PROCESS

BY STATE SENATOR NANCY THOMPSON, DISTRICT 14.

FOR THE PAST DECADE, THE NEBRASKA LEGISLATURE HAS BEEN TACKLING REFORM OF THE JUVENILE JUSTICE SYSTEM. IN MANY CASES, A LACK OF RESOURCES FOR YOUTH OFFENDERS WAS AND STILL IS A SIGNIFICANT PROBLEM. KIDS COMING INTO THE SYSTEM OFTEN HAVE MULTIPLE PROBLEMS THAT NEED TREATMENT. HOWEVER, THERE ARE ALSO "SYSTEM" PROBLEMS WHICH HAVE BEEN IDENTIFIED THAT WE ARE WORKING ON THROUGH A STATEWIDE LEGISLATIVE COMMISSION.

ONE OF THE PROBLEMS IDENTIFIED IN A 1999 STUDY COMMISIONED BY THE NEBRASKA ASSOCIATION OF COUNTY OFFICIALS (NACO) WAS THE LACK OF CONSISTENCY IN THE WAY JUVENILE OFFENDERS ARE PLACED IN DETENTION CENTERS. IN SOME AREAS OF THE STATE, THERE IS A FACE-TO-FACE SCREENING PROCESS CONDUCTED BY A PROBATION OFFICER TO DETERMINE WHETHER OR NOT A YOUTH SHOULD BE DETAINED (EXAMPLES INCLUDE SARPY COUNTY AND Lancaster COUNTY). IN OTHER AREAS OF THE STATE THE DECISION IS MADE BY LAW ENFORCEMENT, JUDGES, AND/OR PROBATION OFFICERS (SOME USING INSTRUMENTS TO SCREEN).

THE NACO CONSULTANT FOUND THAT MANY YOUTH ARE PLACED IN DETENTION FOR REASONS NOT INCLUDED IN THE NEBRASKA JUVENILE CODE. THIS RESULTED NOT ONLY IN INEQUITIES THROUGHOUT THE STATE FOR KIDS, BUT ALSO IN SIGNIFICANT DETENTION COSTS TO COUNTY TAXPAYERS. THAT WILL ALL CHANGE ON OCTOBER 1, 2001.


FIRST, A STATEWIDE DETENTION SCREENING INSTRUMENT WAS REQUIRED TO BE PUT IN PLACE BY STATE PROBATION OCTOBER 1, 2001. SECOND, THE JUVENILE DIVERSION, DETENTION, AND PROBATION SERVICES IMPLEMENTATION TEAM WAS CREATED. IT HAS REPRESENTATIVES FROM THE THREE CONGRESSIONAL DISTRICTS AS WELL AS THE STATE AGENCIES RESPONSIBLE FOR JUVENILE JUSTICE AT THE STATE LEVEL. IT HAS FOUR WORK PRODUCTS TO COMPLETE, THE FIRST OF WHICH WAS TO RECOMMEND TO STATE PROBATION THE DETENTION SCREENING INSTRUMENT. THEY ALSO AFFIRMED THAT STATE PROBATION SHOULD HAVE THE RESPONSIBILITY FOR DETENTION DECISIONS AND RECOMMENDED THAT A STATEWIDE STAFFING PLAN BE IMPLEMENTED TO ALLOW THEM TO ASSUME THIS ADDITIONAL DUTY.

THE STAFFING PLAN WAS CONTAINED IN LB 451, WHICH WAS PASSED, VETOED BY THE GOVERNOR, AND OVERRIDEN BY THE LEGISLATURE. THE STAFFING PLAN REQUIRED THE EQUIVALENT OF SEVEN NEW PROBATION OFFICERS TO BE DISTRIBUTED ACROSS THE STATE TO ENABLE STATE PROBATION TO IMPLEMENT USE OF THE STATEWIDE SCREENING INSTRUMENT FOR ALL JUVENILES WHO MAY NEED TO BE DETAINED. THE INSTRUMENT, BY THE WAY, ALSO CONTAINS AN OVERRIDE PROVISION FOR SPECIAL CIRCUMSTANCES. THE GOVERNOR, IN HIS VETO MESSAGE, STATED CONCERN ABOUT ADDING STATE EMPLOYEES TO STATE PROBATION FOR THIS PURPOSE.

THE LEGISLATURE'S PRIMARY GOAL IN PASSING THESE TWO BILLS WAS TO IMPROVE DECISION-MAKING AT THE FIRST "GATE" OF THE JUVENILE JUSTICE SYSTEM. THERE IS MUCH WORK AHEAD, BUT THIS IS A VERY SIGNIFICANT STEP. IT REPRESENTS HOURS OF WORK BY DEDICATED PEOPLE FROM ACROSS THE STATE WHO ARE SEEKING TO MAKE OUR SYSTEM OF JUVENILE JUSTICE WORK BETTER FOR NEBRASKA YOUTH, THEIR FAMILIES AND COMMUNITIES.

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Thanks to United Methodist Ministries Restorative Justice Program in Lincoln, Lutheran Metropolitan Ministries in Omaha, Mel & Mary Ann Beckman, David and Mary Jellen, and an anonymous AA donor who are our first "co-publishers."

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A MESSAGE OF HOPE

By Sr. Cecily Bourdillon MMM

Sr. Cecily Bourdillon of the Congregation of the Medical Missionaries of Mary, has lived and worked in Africa and is on a visit to the USA. She was invited by Anne Marie Holler AMMM, music director of the Siena-Francis House Singers, to attend the high school graduation ceremony of inmates of the Nebraska Correctional Youth Facility, July 11, 2001.

It was like leaping into another world as we approached the Nebraska Correctional Youth Facility with its layers of fencing and barbed wire. We gathered with others, were searched and displayed our identity papers. We were then led through heavy doors and took our seats amidst people of varying age, colour, race — the families of inmates.

The members of the Siena/Francis House Singers settled themselves in readiness for the start of this special occasion — the graduation of 13 inmates of the NCYF. The special guests and invited keynote speakers took their places before us — including the warden and his assistant, the president of the Metro Community College, and teachers of the inmates.

As the SFH Singers sang "One moment in time, when I'm more than I thought I could be...", the 13 inmates walked in, one at a time, dressed in dark blue caps and gowns, and took their places before the gathering of staff, family and friends, among whom were fellow inmates, supporting the graduates. There were delighted cheers from the gathering.

Words of praise and encouragement were spoken. These young men had taken on the challenge to further their education, to overcome those behaviours and attitudes that before betrayed them. Straight, hard words were spoken and the cold, stark truth that these young men had committed crimes for which they were now serving prison sentences struck us like a thunderbolt. The words seemed insensitive, harsh — but here there was no room for cliche or euphemism. All knew the reality. Those who spoke were caring people, deeply concerned for the good of these young men.

This occasion was described by the keynote speaker as an "AHA" moment; "A" for Accountability, for the students had now taken on responsibility for their lives; "H" for Hope, for in furthering their education they were preparing for a better life, and a future with greater opportunities; and "A" for Attitude, for all this involved a change of attitude. She exhorted them to forgive themselves; not to let themselves be trapped by their situation; to be open to learning throughout their lives.

Amid much applause, the happy cheers of family and friends, each received his graduation certificate. With pride and delight they showed them — one young man remarking that this was the first time his name had ever been on a certificate.

The SFH Singers sang again — and again. Some of the graduates and some of the gathering joined in with delight. These were gifted musicians, sharing their gifts to bring joy and celebration into the lives of others. Some of them themselves have known the misery and degradation of prison life; some even now lead lives of hardship, for the Siena/Francis House is a homeless shelter and an alcohol treatment center. In their freedom from prison walls and addiction, they carry a message of hope, that all may have life.

With the song "United We Stand", the ceremony was brought to a close and then we were all invited to a reception with refreshments. As we witnessed families embracing brother and son, one of the graduates lifting up a young child in his arms, the excited little sister hugging her big brother, as we greeted proud grandparents congratulating their grandson, we could not but acknowledge that we are all one big human family. We all need support and encouragement on life's journey. We all have fallen and have had help in getting up.

We have seen how teachers, musicians, families and friends have entered this other world — and in lifting up these imprisoned graduates, have themselves been strengthened for life's