Wanted: a challenge to the felony murder doctrine
By Shaheed K. Biko Hamza, aka Derek Dixon 36413
Tecumseh State Correctional Institution
P.O. Box 900
Tecumseh, NE 68450

I am requesting that everyone in the Nebraska prison system convicted of felony murder write to their senator(s) and request them to research and repeal, and/or amend the felony murder law as unconstitutional. According to Cynthia Grant-Bowman, a Professor of Law at Cornell Law School, the facts are:

- The felony murder law holds anyone involved in a felony responsible for any death that results from it, even though they did not kill anyone, fire any shots, possess a weapon, or have any intention or expectation that anyone would be killed.
- The felony murder doctrine is unique to the United States. It rips apart the traditional connection to responsibility and intent in our theories of criminal punishments. England abolished felony murder in 1957; Ireland and India have abolished it as well; felony murder was declared unconstitutional by the courts in Canada in 1990; and several U.S. states have moved to abolish the doctrine, either by legislation or in judicial holdings. When one tells foreign legal scholars about felony murder they are shocked.

Nebraska has a history of keeping draconian, archaic practices on the books, but it is important that we relentlessly fight for our constitutional rights and physical liberation.

Recall how Johnson and Johnson had to pay billions of dollars for knowingly selling defective products. Why, then, shouldn't the court system be held accountable in the same manner for knowingly "administering justice" with an unconstitutional, draconian, archaic law—already ruled unconstitutional globally and even within parts of America?

I'm refocused and in the embryonic stages of my research. I encourage you to do your own research. If you have any ideas, contact your local senators, lawyers, lifer groups, etc., and shed light on those within the establishment moving overtly and covertly with impunity. Get this felony murder law abolished and/or amended from the currently constructed version in Nebraska.

Years ago (maybe 1990's), Senator Ernie Chambers brilliantly raised this issue in the Legislature and had some support, but ultimately, one warrior can't defeat the many enemies of justice alone. I make a very public plea for Senator Chambers, Senator Wayne and others to re-visit this issue, in the name of restorative justice, prison over-crowdedness and fair play within Nebraska's criminal justice system. Right is right and always worth fighting for!

I believe a total repeal of this law would be justified, but outside of a total repeal (unlikely in Nebraska), the solution is to have varying degrees of felony murder.

- **First degree felony murder** is with intent and malice. (The sentence remains life or death.)
- **Second degree felony murder** is with no intent, no malice to kill. (Sentence to be determined, with 2nd degree being maximum penalty.)
- **Third degree felony murder** is accidental, with no weapon/malice/intent. (1 to 20 years.)

This format gives the judge/jury authority and flexibility in sentencing, so an injustice like State of Nebraska v. Derek W. Dixon, will never happen again. In the spirit of WILL BROWN (1919) RESIST!

**Editor's note:** In 1985, Dixon was sentenced to life in prison for felony murder. Autopsy reports concluded that the victim was not touched by Dixon. It was speculated the victim died of a heart attack due to fright and cold air. Although there was no intent to kill, no weapon, etc., Dixon has remained incarcerated for the past 36 years.

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An open letter to the Legislature’s Appropriation Committee and Judiciary Committee

By Marshall Lux, Nebraska Ombudsman-Retired
Reprinted with permission of the author.

Senators, the Nebraska corrections bureaucracy has finally showed its hand, and the cards that it has put on the table should terrify Nebraska taxpayers. After years of pretense and half-measures in response to our state’s prison overcrowding issues, the Department of Corrections (DCS) has decided (for us) that the only way to resolve our problem of overcrowded prisons is to build a huge new prison that will cost the state’s taxpayers $200 million. I have spent many years observing the operation of the Nebraska corrections system, and I believe that I understand these issues pretty well. When I think about this new DCS proposal, I believe that there are three big problems with the idea: (1) we can’t afford it; (2) if we did build it, we wouldn’t be able to staff it; and (3) we don’t really need it.

First of all, the $200 million figure cited by DCS is probably too low. The idea of a "public-private partnership" with a lease-purchase agreement will, in fact, probably make the project even more expensive because the private “partner” will have to pay interest on borrowed capital, and will surely expect to make a profit. And we also need to remember that we not only have to spend millions of dollars to build the thing, but then we must also spend countless millions more to staff and operate it, in perpetuity. Today, each bed at the Tecumseh...
An open letter (Continued from page one)

prison costs us roughly $35,000 per year to run. Now, the Department wants to build another prison adding 1,600 new beds to the system. Just do the math, and you will get a sense of what this new facility will cost us to operate every year for decades to come - the annual cost alone is scary.

Secondly, we need to understand that our problem with staffing our prisons is not going to go away, even if it improves somewhat because of recent pay increases. The truth is that it takes a special kind of grit and focus to work in a high security prison, and so it is very hard to find people who are willing to work in prisons. There is a myth at large that the only facility where we have problems with staffing is the Tecumseh prison, because it is located in a rural area. The reality is that the state has also had serious problems staffing the Penitentiary, and it is located in Lincoln where there is supposedly a large employee pool to draw from. Why would we want to spend $200 million-plus on building a new prison that we will not be able to staff when it is finished?

Finally, we do not need to build an expensive new prison to address our prison population issues. There is a much better and more cost-effective way to deal with this problem, and it involves two measures: (1) pass new sentencing reforms that will actually reduce the influx of inmates into the system (the previous attempt to enact sentencing reforms did not work because the law that was passed substantially deviated from the original plan developed for Nebraska by the Council of State Governments); and (2) enact Senator Steve Lathrop's LB 916, which proposes to construct a 300-bed community corrections facility in Omaha. New community corrections beds as proposed by Senator Lathrop would allow us to purge our current prison over-population of hundreds of low-risk inmates who are at or near parole eligibility, and place them instead in a positive controlled setting where they would be allowed to hold down real jobs, and be exposed to intense programming in anticipation of their reintroduction into the community. In addition, community corrections facilities have the advantage of being much easier to staff (because they are inherently less dangerous to work in), and are much, much cheaper to operate. These two steps - sentencing reform and new community corrections beds - would represent a significant response to the 'emergency' created by our overcrowded prisons. Other reasonable measures (that don't cost us $200 million) could follow in 2021 and beyond.

Of course, these are not proposals that you will hear from the Department of Corrections. They only do prisons; and all of their ideas will involve bricks and mortar, and cells with thick walls and heavy steel doors. As I understand it, we are already building or planning to build more of those. The State of Nebraska certainly does not need 1,600 more, and we cannot sustain the cost.

The Legislature needs to step forward at once to put a stop to the attempt by the Department of Corrections to slip this $200 million-plus "really bad idea" past the people of Nebraska. If we make this big money commitment, then how are we ever going to be able to give the taxpayers the property tax relief that they desperately need, and do all of the other important things that need to be done in this state? In fact, if this new prison happens, then the only winners will be the Nebraska corrections bureaucracy. Certainly, the taxpayers will be on the losing side of the equation.

They have come...so build a prison

The following material is excerpted from an article by John Krejci, Ph.D., Emeritus Professor of Sociology and Social Work, and a prison reform advocate. It appeared originally in the Febr. 27, 2020 issue of the Lincoln "Journal Star."

The Department of Corrections is ignoring the sage maxim: "You can't build your way out of the overcrowding problem." A broad-based dialogue about prisons and prison reform is an excellent suggestion and could have positive results. The discussion should be broader than building a new prison. The Council of State Governments did an in-depth analysis of the entire criminal justice system, produced a detailed report with recommendations. They presented it to a committee of stakeholders, including the Governor. However to my knowledge, few of the recommendations were actually carried out. The Council of State Government's goal was to save Nebraska the expense of building a new prison. Perhaps it is time to dust off that report and convene the stakeholders to address the present crisis.

Director Frakes is proposing a public-private partnership.

Expediency has a price. Private-for-profit corporations have financial incentives to keep prisons full and expanding. Though we are told the Department of Corrections will staff and run the prison, Frakes' plan lets the camel of private prisons get its nose under the tent. What if the Department could not staff it? Given present staffing problems, could we staff it?

The first response from Senator Lathrop called the proposal "an illusion of progress." It might more accurately be called "an admission of failure." Over the past 5 years our prisons have become more overcrowded and more violent, morale has worsened, and programming and inmates' freedom of movement have decreased.

Director Frakes has rightly stated that the courts are sending too many to prison. He is correct that that is out of his control. He does admit that "there's no universal agreement that new construction is needed." He stated that $200 million is a high price, but to do nothing is not acceptable. Not to say the Department has done nothing, but it has failed to lower population, recruit adequate staffing and provide sufficient programming. Nor does it plan to comply with the 2020 mandate to reduce the population to 140% of capacity.

There is plenty of blame to go around. The Nebraska Legislature has passed many bills that enhance sentences, increase penalties, and broaden the net of offenses. The Parole Board bears a large burden of responsibility for overcrowding. There are currently over 1000 who are parole eligible, but the byzantine bureaucracy of rules, hoops and barriers are a bottleneck.

Last, but certainly not least, we, the community, need to assume our responsibility. The budget of Corrections, which exceeds $300 million annually, takes money away from our schools and requires high property, sales, and income taxes. Do we want to add $200 million, plus additional millions in annual operating expenses, for many years into the future? The focus should be, not on the size, type, or location of a prison but on alternatives to prisons that have been successfully implemented in other states. There is a better way than building our way out!
The Nebraska Board of Parole and the Division of Parole Supervision

The Parole Process
By Rosalyn Cotton, Chairperson

The Nebraska Board of Parole and Division of Parole Supervision is one agency, dedicated to serving clients daily.

The Board of Parole continues to work with the Department of Correctional Services in the areas of offender board reviews and parole hearings.

Parole is a transition phase between prison and discharge, a period of time individuals could be conditionally released from confinement and offered assistance needed while being supervised in order to be successful.

The parole process begins with an initial offender board review. During the board review, Board members will have a brief discussion with each individual regarding recommended treatment, institutional behavior and readiness for release to the community. After the board review is finished, the Board will consider scheduling a parole hearing based on the following factors:

- Parole eligibility date
- Nature of offense
- Factors and circumstances of the offense.
- Behavior while in the facilities
- Readiness for release
- Employment history
- Any other factors deemed relevant

Once the minimum sentence has been satisfied, by majority vote the Board may schedule a parole hearing. The Board will notify the individual if a hearing has been scheduled at time of the offender review or no later than 10 days from the date of the review.

Initial offender board reviews are not open to the public, per Chapter 4-202 (1) Nebraska Board of Parole Rules. Only the Department of Correctional Services and or the Division of Parole Supervision Team are allowed to appear.

The purpose of a parole hearing is to determine if an individual should be given the opportunity to complete the remainder of a court-imposed sentence under parole supervision. If granted parole, individuals are subject to conditions and supervision by the Division of Parole Supervision. Conditions of parole are taken seriously. Individuals will receive a parole certificate upon his or her release. The expectations to follow all conditions must be met in order to maintain parole status, in order to be successful.

Parole is a privilege and not a right. The Board of Parole decides whether eligible individuals may be paroled.

Services and resources to benefit parole clients
By Julie Micek, LIMHP, Director

The Nebraska Board of Parole and Division of Parole Supervision recently published its joint FY 2019 Annual Report. As I stated in the report, Our work continues to focus on public safety and assisting people in changing their behaviors to make great communities across Nebraska. In looking back to an article I had written for the NCJR in 2017, I had shared with readers that the agency was in the process of adding additional services statewide and meeting with providers. Since that time, we have increased significantly the number of service providers and resources that are available to our parole clients.

As highlighted in the Annual Report, services and resources provided through a network of providers across the state and through collaboration with partners include:

- Residential treatment
- Pretreatment/Relapse Groups for Substance Use Treatment
- Transitional housing with varied programming and treatment levels
- Domestic Violence Groups
- Continuing Care for Sex Offenders
- Trauma Groups for Men and Women
- Living with Success Classes
- Aftercare for those requiring clinical treatment
- Funding support for those needing transitional living

We are pleased to be working with Bristol Station Residential Re-entry Center in Hastings, Nebraska, for transitional housing. Good Life Counseling & Support, LLC, offers various services and classes in Norfolk and Columbus, including anger management classes, parenting classes and counseling. Valley Hope Residential Treatment Center in O'Nei, Nebraska, provides treatment for addiction. We have also contracted with several transitional housing providers in Lincoln and Omaha.

I am pleased to report that the agency continues to collaborate with the Nebraska Department of Correctional Services and the Office of Probation Administration when opportunities present themselves. As stated in the FY 2019 Annual Report, one of our objectives is to “Promote a More Comprehensive and Thorough Understanding of Parole through Ongoing Education with Other Criminal Justice Stakeholders.” Thus, we have reached out to other—local, state, and national entities and organizations—only to expand our learning, but our partnerships and opportunities as well. To view the full report, go to: http://parole.nebraska.gov.

I wanted to take this opportunity to share that the state of Nebraska is a member of the Interstate Compact for Adult Offender Supervision. Under the Rules of the Compact, Nebraska clients may be considered for transfer to another Compact member state, which includes the 50 states, District of Columbia, Puerto Rico, and the U.S. Virgin Islands. Reasons for transfer may include that the client has resident family in the receiving state who will provide support to the client, a job opportunity, or the desire to start fresh in an area away from negative environments/influences that landed the client in prison. Other reasons a client may desire to transfer includes the following:

- Transfer of military members
- Transfer of offenders who live with family who are members of the military
- Employment transfer of family member to another state
- Employment transfer of the offender to another state
- Transfer of veterans for medical or mental health services

Rule 4.101 of the Compact states, A receiving state shall supervise offenders consistent with the supervision of other similar offenders sentenced in the receiving state, including the use of incentives, corrective actions, graduated responses, and other supervision techniques. Conversely, offenders from other states may request to transfer supervision to Nebraska. Offenders who transfer under the Compact are afforded the same opportunities for services and resources as Nebraska clients. More information about the Compact can be found on the Interstate Commission for Adult Offender Supervision’s website at https://interstatecompact.org.

As we near our 4-year anniversary as an agency, July 1, 2020, we celebrate the strides that have been made for the benefit of the clients we serve, but also the accomplishments of our clients who have availed themselves of the services and resources made available to them.

Editor’s Note: The above articles were invited by the NCJR.
Correcting our unfounded assumptions through service-learning  
By Kathleen Rettig  
Creighton University

My discipline is English Studies. I have used the Douglas Department of Correctional Services (DCDC), CrossOver Prison Ministries (CrossOver) and Family and Friends of the Incarcerated, Omaha (FFI-O) as service-learning sites for well over a decade now.

I volunteered at the jail as a writing teacher for three years before, with the help of Correctional Officers Barb Glaser and Cindy Ramirez, designing the service-learning course, "American Prisons: Punish or Reform." In this class, I offered some of the same literacy assignments to the incarcerated students as I required of my Creighton students, and often chose the same poems, short stories, or plays to discuss in the jail. Many of the incarcerated students admitted they had never read poetry before, and had never tried to write a poem.

Working with the Creighton students as they visited their service sites has always been a rewarding part of the class. They are required to write reflection papers, explaining their perceptions of the incarcerated before they met them and then after they have completed at least 10 hours at their service sites.

The vast majority wrote about how their perception of the incarcerated changed from negative to positive. They heard their stories, witnessed their emotions, read their dreams and aspirations and carried these experiences into their dorms, the restaurant, the classroom. When my students first started volunteering at the jail, all of them met with Barb Glaser to decide on their volunteer work.

Students attending the CrossOver learning site participated in the "check-in" hour at the beginning of the two hour meetings offered by CrossOver to incarcerated persons preparing to re-enter the community. They were surprised the CrossOver volunteers and the incarcerated wanted to hear about their privileged lives as they spent the majority of their days attending classes of their choice, meeting friends, completing internships, etc. Many felt self-conscious about mentioning too many of the more frivolous entertainments: attending Creighton basketball and volleyball games, concerts, dances, etc. As we listened, Creighton students and I revised our definitions and understanding of privilege, poverty, wants/needs.

What follows are some of the Creighton students' comments about their experiences.

Incarcerated students at the jail today talked about their friends and family, how they started using illegal drugs because their friends and family members used them. I wondered if I should talk about how my fears of overdosing or hurting my parents or teachers kept me from experimenting with drugs or participating in risky behavior that could land me in jail.

I listened to students in the jail talk about the plea deals they agreed to in order to serve less time than they would if they tried to convince a judge or jury they were innocent of the charges...Hearing the incarcerated talk about how long they would be away from family, especially their young children, away from the comforts of home, and oftentimes jobs they enjoyed, helped me understand how much people lose when they are locked up for even a year or a few months. I researched the number of jobs and careers denied to felons and I wondered if I could contain my anger and disappointment if I had to give up my career goals and aspirations.

I researched the cost per person to house someone in prison. I researched the cost to house someone in an apartment in Omaha and pay for a community college education. It might cost less to keep people on the outside and educate them, than the money we spend incarcerating them. Prisons are expensive to run. Families and communities deteriorate according to the number of people segregated by the jails and prisons. When people are incarcerated, the whole family and the community are punished.

I wondered if I made a difference to the incarcerated. The staff assured me and my Creighton partner that they and the incarcerated appreciated the time we spent, the lessons we taught, and the enthusiasm we expressed. They thanked us for being on time and following through with our volunteer commitments... I ended the semester with 14 hours of service...I know eventually, after graduate school, I will volunteer again with the incarcerated. In the meantime, I know I will change the way I vote, the way I view businesses who hire felons, and the image I carry of what and who a felon is.

My students in the jail wrote memoirs, in the form of poems, autobiography, and short stories. I was surprised at the quality of the content, especially with those who mentioned they dropped out of school at an early age. My students, like Baca in A Place to Stand, recognize how empowering telling their stories can be for themselves and others. One student said when he writes his papers, explaining his feelings and fears of going to prison, he usually sleeps better, the voices in his head quiet down.

The vast majority of students write how the books make more sense after their volunteer service. After meeting and listening to them Creighton students and I understood a little better how many more obstacles they have as felons. This one semester-long class does make an impact. The incarcerated hear the disappointments, failures and accomplishments of the Creighton students. Creighton students hear the hopes and dreams and possibilities the incarcerated describe. The places felons and non-felons work through their worst choices remain starkly different.

Bail bond money: how is it handled by District Court?  
Editor's note: Following up on current legislative interest in pre-trial detention and bail bonds, the NCJR asked John Friend, Clerk of the Douglas County District Court, to provide information about bond money collected locally.

NCJR: What was the total amount of bond money collected by District Court from the 10% of each bond, in a recent month and/or year?

John Friend: The District Court collected a total of $218,210.00 in 10% bond fees in 2019. This averages $18,184.17 per month, with the highest total collected $29,675.00 in August and the lowest $12,765.00 in September.

NCJR: What was the total amount of forfeited bond money collected because of defendants' failure to appear?

John Friend: This is a very difficult question to answer in a specific time frame without some background on the process. The fact that a defendant does not appear does not necessarily mean the judge will forfeit their bond. Also, just because a judge forfeits a bond does not necessarily mean that the money is gone. Often, once the defendant is located, the judge chooses to reinstate the bond. In addition, the forfeiture process in District court is not as straightforward as sending forfeited money to the Treasurer.

We track forfeited bonds until the County Attorney asks for a list of them to finalize, generally once a year. Just because a particular bond is on the list does not mean the County Attorney will actively attempt to finalize forfeiture on that case. They utilize whatever processes they use to choose which cases to focus on.

They then set a hearing before the current presiding judge and will attempt to locate the defendant at their last known address to notify them of the hearing. If the defendant appears, they then have an opportunity to convince the judge to reinstate the bond. If they do not appear or are unable to convince the judge to reinstate the bond, orders will be signed on each case to finalize the forfeiture, after which our office will send the funds to the Douglas County Treasurer.

In addition to this, our office often identifies cases in which bond is held on matters that have been open for years with an active warrant in which the bond was not forfeited. We will pass that information to the judge assigned to the case, who may choose to forfeit the bond at that time. Then it needs to go through the above process before the funds actually are released from our office.

The last time forfeitures were finalized was this past August. 10 cases had forfeitures finalized, all of which were matters which had open warrants since 2010 or earlier. The amount was $136,800.00, the majority of
which was $90,000.00 on one case.

**NCJR:** How were the above funds used?
**John Friend:** All 10% bond fees and bond forfeitures are sent to the Douglas County Treasurer.

**NCJR:** In what report(s) are the funds accounted for?
**John Friend:** The JUSTICE court management system tracks all funds held and collected by the District Court. All amounts sent to the Douglas County Treasurer are itemized in specific categories and delivered monthly. 10% bond and bond forfeitures have their own categories on the report we give them, along with a check for the total amount collected.

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

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

**Scott Pelley (interviewer):** When we heard about The Restorative Justice Project, it was hard to believe, and we certainly didn't understand it. The program, at the University of Wisconsin Law School, introduces victims of violence to the convicts who committed the crime. Our first reaction was 'who would want to do that?' and 'to what end?'. It was only after we met these families and the convicts that we could see what a life-changing experience could come from the most unlikely of meetings. For prisoners, it seems the motive is always the same: to be forgiven. But each victim brings unique desires. Mary Rezin’s mother and brother were killed by a pair of gunmen in a robbery.

**Mary Rezin (victim relative):** My brother was in Vietnam, and he made it home. And then he is shot down, you know, trying to get away from somebody. And they broke through three doors to get at my mom. And she’s 85 years old.

**Scott Pelley:** Once these two men were sent to prison, was there a sense of relief in any way?

**Mary Rezin:** No, No, I called it treading water, because if I didn’t keep trying, I was gonna go under.

**Scott Pelley:** Mary Rezin was seeking truth. She found that open questions leave no closure.

### Jonathan Scharrer with the Restorative Justice

**Project:** Many people are hungry for information. So finding out what really happened helps them stop asking the questions that they may have asked themselves, you know, ten, 20, 30,000 time.

**Scott Pelley:** Jonathan Sharrer contacted both killers. Only one, Dan Cerney, was well and willing.

**Daniel Cerney (convict):** I knew this was something that I couldn’t hide from. I’ve been hiding from it for 17 years. The truth was never told on what really happened.

**Scott Pelley:** You lied in court about what happened?

**Daniel Cerney:** Yes, I did.

**Scott Pelley:** Tell me what happened.

**Daniel Cerney:** I had a 22 rifle in my hands, and I shot the man. Numerous times. Until he fell.

**Scott Pelley:** Cerney met Mary Rezin three years ago, 17 years after the murders.

**Mary Rezin:** I did find out some things that I didn’t know before, which to me was helpful.

**Daniel Cerney:** I decided to not be the same person that I was. I decided to tell the truth, because I know I was wrong.

**Scott Pelley:** Do you have a release date?

**Daniel Cerney:** Right now, I'm looking at life in prison for the rest of my life.

**Scott Pelley:** Do you deserve that?

**Daniel Cerney:** Yes, I accepted it, but won't matter where I'm at or what I'm doing. I am gonna change my life for the better.

**Scott Pelley:** He may never leave these walls, but he has been released—released by the only person who ever held that power.

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### LB 968—To change requirements before the Board of Pardons

**By Linda Ohri**

This bill is sponsored by Senator McCollister, joined by Senator Vargas. It would require the Pardons Board to hold hearings every 90 days at minimum, and to consider applications at the next regularly scheduled meeting. It would not allow combination of hearings on unrelated applications. It requires individual consideration of each pardon application, and written decisions on applications detailing the relief requested, the facts considered, and the Board's decision. The bill would require a record of all hearings, and annual reports to the Legislature outlining pardons granted and considered in the preceding year.

A Fiscal Note has been placed on LB968, but does not consider potential cost savings from reductions in prison census associated with successful pardon petitions.

Members of the Judiciary Committee heard testimony on Friday, January 24, 2020. The CEO of Compassion in Action (Teela Mickles), supporting the bill, testified that members of her organization had attended several Board hearings to testify on behalf of pardon applicants, "only to witness mass denials of applications without testimony from hearing attendees." An ACLU Nebraska representative (Spiek Eickholt), in support of the bill, testified that a pardon hearing should have a fair process and should at least be meaningful. He stated "showing up for a hearing when the outcome already has been decided is not meaningful. Filing for a pardon and never hearing back is not meaningful." No one testified in opposition to the bill. The Judiciary committee has not yet taken any action on LB 968. Members of this committee include: Sen. Steve Lathrop, Chairperson; Sen. Tom Brandt; Sen. Ernie Chambers; Sen. Wendy DeBoer; Sen. Adam Morfeld; Sen. Patty Pansing Brooks; Sen. Julie Slama; and Sen. Justin Wayne.

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### The Kim Culp Juvenile Justice Forum

**April 23, 2020, 7:00—9:00 p.m.**
**U.N.O. Juvenile Justice Institute**

The purpose of the forum is to honor the work of Kim Culp, founding Director of the Douglas Co. Juvenile Assessment Center (JAC), by engaging and informing the community on important issues affecting youth in the juvenile justice system.

The new Deputy Douglas County Administrator for Juvenile Justice, Kim Hawekotte, will be welcomed and attendees will have the opportunity to ask her about her experience, thoughts, and aspirations for her new position.

Please bring an electronic device, such as a smart phone or tablet, that can connect to the internet. Local experts will be available to answer your questions at the event.

Nebraskans Unafraid voter registration drive  
*By Jeanie Mezger*

In February, as part of a voter registration drive, Nebraskans Unafraid sent a postcard to people listed on the Nebraska sex offense registry. The postcard reminded recipients that a felony record does not permanently cut off their right to vote.

In Nebraska, when a person convicted of a felony completes their sentence, including any period of supervision, they must wait another two years before they can vote. The two-year wait, which used to be a ten-year wait, is not based on research that shows any benefit to the community.

If the nearly 6000 people on the registry and additional family members and friends who understand how the registry damages families, would grab every chance to vote, they could have a real effect on elections. They could elect people to office who recognize that registrants and their families are harmed by current policies. They could vote against tough-on-crime candidates who want to ride to office on the backs of the registry.

In 2017, Governor Ricketts vetoed a bill that would have returned the vote to people with a felony record immediately upon completion of their sentences. Governor Ricketts said he vetoed that bill because a Constitutional amendment would be the proper way to accomplish this.

State Senator Machaela Cavanaugh of Omaha has proposed an amendment to the Nebraska Constitution that would do just that! Her proposed amendment would remove the word “felony” from Article VI, Section 2: No person shall be qualified to vote who is non copos 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.

Criminal justice reform advocates are excited by the possibility of stopping the practice of disenfranchising people with felony convictions. This amendment would mean that even those who are incarcerated could vote—a practice currently employed by only Maine and Vermont.

Registry reform advocates should join forces with the larger criminal justice reform community and work to pass this amendment.

People who are affected by the criminal justice system need to be able to protect themselves from the power of government. Registrants need to be able to protect themselves against legislators who want to make life on the registry even more difficult than it is.

Nebraskans Unafraid works to keep the Legislature from passing laws that are harmful to those who live on the registry with no benefit to community safety.

The response to the voter registration drive postcard was positive. People responded with questions about how to start a Fearless peer support meeting in their community and to ask for more information about what Nebraskans Unafraid advocacy efforts include.

Nebraskans Unafraid  
P.O. Box 6705  
Omaha, NE 68106  
402-403-9250  
nunafrd@gmail.com

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**Movie Review**  
*By Linda Ohri*


This is the story of Alabama death-row inmate, Walter McMillan (played by Jamie Fox), public-interest attorney Bryan Stevenson (Michael B Jordan), and of the Equal Justice Initiative (EJI). One of Stevenson’s first cases, after graduation from Harvard Law, McMillan was sentenced to death in 1986 for the murder of an 18-year-old girl. Despite exculpatory evidence, multiple alibis, clear signs of blatant racism, and witness testimony only from a convict with motive to lie, the 45-year-old black father of nine remained on death-row for 6 years. McMillan’s conviction was not overturned until 1993, resulting in his release from death-row. This movie narrates his case, and the early evolution of the Equal Justice Initiative. One reviewer stated, “Just Mercy was heartbreaking and inspiring at the same time.” I heartily agree!

The Equal Justice Initiative was founded in 1989 by Stevenson, Eva Ansley (played in the movie by Brie Larson) and others. According to their website, the EJI “is committed to ending mass incarceration and excessive punishment in the United States, to challenging racial and economic injustice, and to protecting basic human rights for the most vulnerable people in American society.”

Bryan Stevenson continues as the Executive Director of EJI and has argued cases five times before the U.S. Supreme Court. On their website (https://eji.org/about), the Equal Justice Initiative is described as “a private, 501(c)(3) nonprofit organization that provides legal representation to people who have been illegally convicted, unfairly sentenced, or abused in state jails and prisons. We challenge the death penalty and excessive punishment and we provide re-entry assistance to formerly incarcerated people. ...EJI works with communities that have been marginalized by poverty and discouraged by unequal treatment.” And EJI provides research and recommendations to assist advocates and policy-makers in the critically important work of criminal justice reform.

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**Thank you!**

Holy Family Church appreciates the financial contributions received in support of the Nebraska Criminal Justice Review during the past three months. Thank you to:

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**NCJR content-planning meetings**  
-- All welcome --

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<td>April 21</td>
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Reflections on Roper v. Simmons
By Shakur Abdullah, Community Justice Center (CJC) Trainer

The Supreme Court of the United States (SCOTUS) has made some landmark/watershed decisions since being created as the ultimate arbiter in judicial controversies. March 1, 2020 marks 15 years since the SCOTUS made one of those watershed decisions in Roper v. Simmons, which held: the eighth and fourteenth amendments forbid imposition of the death penalty on offenders who were under the age of 18 when their crimes were committed. A true watershed moment contrasted against U.S. history witnessing the youngest child executed/murdered was 14 years old. My heart and mind will forever be laden with trauma for those children that Roper didn’t save or give an opportunity to enjoy freedom. May you all rest in peace.

My reflection back on Roper was and remains deeply personal. In 2005 I read the decision with a great sense of renewed hope. Twenty-eight years prior to Roper my death sentence (received at 17 years old) had been overturned by the Nebraska Supreme Court, in part due to reasoning expanding upon in Roper. Nebraska went on to lead the nation in the early 80’s to repeal the death penalty for children (those under 18 years old). Roper was a watershed or breakthrough moment for me. The decision made me realize that it might be possible to get released from prison and not die there via a life sentence (still a death sentence via attrition).

I surmised that, as long as the majority of the SCOTUS (the majority in Roper) didn’t change, neither would any subsequent decision involving juvenile homicide cases. I’d have to develop more patience. In 2010, the SCOTUS, citing back to Roper in Graham v. Florida, held: The 8th amendment does not permit a juvenile offender to be sentenced to life in prison without parole for a non-homicide crime. In 2011, the SCOTUS, citing back to Miranda v. Arizona, and definitely influenced by Roper in J.D.B. v. North Carolina, reversed the judgment of the North Carolina Supreme Court and remanded the case to the lower court to determine whether, taking his age into consideration, J.D.B. was in custody when he was interrogated. Not my type of case, but another step closer.

In 2012, the SCOTUS, citing back to Roper in Miller v. Alabama, held: The eighth amendment forbids a sentencing scheme that mandates life in prison without possibility of parole for juvenile homicide offenders. Miller was a case like mine; I thought it would allow me to go back to court and get resentenced—it didn’t. Nebraska and numerous other states refused to apply Miller, stating, it wasn’t retroactive. Eventually Nebraska, possibly reading a crystal ball or tea leaves, relented and changed its statutes to comply with Miller.

My highly anticipated moment for resentencing happened on November 30, 2014. That day I vigorously argued for immediate discharge. Parole was a remote and undesired outcome in my mind. The judge must have been listening while sifting through everything presented. I received a 65-to-82-year sentence. That sentence effectively allowed me to discharge Nebraska custody 55 days later.

In 2016, the SCOTUS, citing back to Roper in Montgomery v. Louisiana, held: that Miller v. Alabama was decidedly retroactive. Montgomery was decided one day (January 25th) after I discharged my sentence, completing a 41 year stay in prison. For me, it all began with Roper. People cite to its progeny, i.e., Graham, Miller and Montgomery, but if not for Roper, none of those decisions would have been possible.

Roper moved the judicial pendulum regarding death sentences for children, de jure and de facto. However, the pendulum remains far from where science and common sense says it should be for children sentenced disproportionately for their age and culpability. I never lost hope...but for me, Roper strengthened, invigorated and hyped-up my sense of hope. Hope remains a seed that gives purpose to life. With it the possibilities are endless and without it life becomes diminished and without value. Roper has made it possible for me and so many other former JLWOPers to live life outside of prison in a much more hopeful way. A very special THANKS OF GRATITUDE to everyone who was instrumental in making Roper possible. Keep hope alive!

Changes at Holy Family Church
Holy Family Parish is being merged next month with St. Frances Cabrini Parish, another Catholic parish in the Archdiocese of Omaha. However, the various ministries which are housed at the Holy Family Church building at North 18th and Iazrd Streets in Omaha, including publication of the Nebraska Criminal Justice Review, will continue without interruption at the same site. The ministries will be supported collectively as “Holy Family Ministries”. Financial contributions for the Nebraska Criminal Justice Review should now be made payable to Holy Family Ministries. To save postage and volunteer time, contributors will continue to be thanked in each issue of the newsletter rather than by mail.

Creighton students write for the NCJR
Readers of the NCJR, beginning with this issue, will have the pleasure of reading articles written by students of criminal justice at Creighton University. The NCJR thanks Dawn Irlebeck, M.A., PhD, for facilitating this. Students, too, are stakeholders in the criminal justice system, as soon-to-be tax-payers, and perhaps also because of concern for peers who have unfortunately become entangled in the system. A rational and humane justice system is important for all.

First Step Act releases
According to a Reuters story in the Jan. 15, 2020 New York Times, there have been 2,471 court orders for reduced sentences since the First Step Act took effect. There have also been 3100 inmates released early for good behavior and over 100 compassionate releases for terminally ill patients.

The First Step Act allows for inmates serving time for selling crack cocaine to petition a judge to reduce their sentence. That provision was a response to criticism over racial disparities in sentencing that saw White people convicted of powder cocaine offenses being treated more leniently than African Americans caught with crack.

Correction
A wrong phone number for Black Men United was published in the December issue of the NCJR. The correct number is 402-614-6472.

Twenty years of the NCJR
Thanks to the work of friends at Creighton University, all past issues of the Nebraska Criminal Justice Review, from 2000 to the current year, can be seen in the Creighton Digital Repository. Use the link below and select BROWSE at the top of the page.

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

Family and Friends of the Incarcerated, Omaha
Meetings are held on the fourth Saturday of each month at First Christian Church, 6630 Dodge Street, beginning at 9:30 a.m. Entrance and parking are on the east side. Commonly in attendance are parents, family members and friends of persons in prison, formerly incarcerated individuals, and representatives of helping agencies or organizations. Coffee and refreshments available. Call 402.558.2085. for more information.
Probable Cause in Nebraska
By Katie Chalupa, student in “Law and Society” at Creighton University

Probable cause is a very ambiguous legal term heard in the 4th amendment. When police are attempting to search a person or their property, they are required to have probable cause to do so. The tricky part is there is no definition or explanation of probable cause within the constitution. This means that it is up to the officer to decide if they have a logical reason for a search, arrest, warrant, seizure, or whatever other action will be taken against a person or their possessions.

The conditions and definitions of probable cause actually vary between states. Nebraska is unique compared to most of the other states in that it doesn’t attempt to define what probable cause is. Instead, it gives possible examples of what factors could justify probable cause, either alone or paired with other factors.

One example states that if there is suspicion of drug activity in a vehicle, the officer could pair their own suspicions (that would not typically be valid on their own) with a positive indication by a drug dog in order to meet the probable cause conditions of the constitution. It also clarifies that things like the time of day or the crime history of the surrounding area do NOT justify a search, seizure, etc.

Update on the Douglas County Justice Center Project
By Morgan Crockett, student in “Law and Society” at Creighton University

The current issue in Douglas County is that there is no juvenile justice center. Omaha has various components of the system spread across multiple locations in Douglas County. The Douglas County Justice Center Project is part of an ongoing effort to reform Douglas County’s juvenile justice system.

For the last twenty-five years, Douglas County has been working to develop a plan to address this issue. The goal is to establish Omaha’s community as a leader in justice practices that protect youth and their families, strengthen security, and empower public servants and nonprofit partners.

In 1912, the existing Hall of Justice was built. However, as Omaha judicial functions evolved, they expanded beyond the building’s design. The project team proposed building a new facility to house County Attorney and Public Defender’s offices as well as housing juvenile justice services. In addition, there would be a new youth center designed to minimize trauma and the time juveniles spend in detention centers. The facilities would be connected to each other as well as the City-County Building and County Courthouse by a secure skywalk.

The proposal was approved by Omaha City Council members on June 18, 2019. After approval, the building commission put bonds up for sale, had buyers, and was about to seal the deal. The hope of officials was to begin construction as soon as possible. Unfortunately, the approved plan hit a bumpy road. A lawsuit was filed on July 22, 2019 by David Lanphier, effectually halting the project which led to the deal expiring. Lanphier, who briefly served as a justice on the Nebraska Supreme Court, argued that the building commission could not issue bonds for the project because it did not meet the Nebraska statutory requirements that building commission projects be for the joint use of the county and city. In other words, Lanphier argued that the project would solely be for Douglas County’s use.

The defendants – county, city and building commission – attorneys argued that it is a joint-use project because the majority of juveniles who end up in Douglas County Juvenile Court are arrested by Omaha police. In addition, most youths that are prosecuted in juvenile court are accused of violating Omaha city ordinances.

On January 29, 2020, Douglas County District Judge Michael Coffey ruled that the proposed $120 million facility is a joint-use of the city and county. In addition, Coffey ruled that it was lawful for the building commission to issue bonds for the project. The project is currently working on funding and plans for construction.

Community standard of health care?
By Kimberly Henderson 98506
Nebraska Correctional Center for Women

I have been in the Nebraska Correctional Center for Women since 2013, and in February of 2018 I began to have foot pain. By September 4th it became severe. In the past 16 months I have had heel cups, multiple medications (that didn’t touch the pain), shoe insoles, injections, one visit from the physical therapist, and a visit from Dr. Kasselman. Still, the pain is so bad that I have collapsed several times just standing up to walk seven feet to the toilet! I live my life confined to where my next seat or chair is.

I have grieved and have written/called the Ombudsman. I have begged to see a specialist. This continues to be denied by Dr. Deol. If I were part of the community, I would not still be suffering. My mental health is depleting rapidly. I have never had any tests done to even know what is actually wrong with my feet.

Community standard of health care? What a joke!

Medical care at the Douglas County Department of Corrections
By Logan Harman, student in “Introduction to Criminal Justice” at Creighton University

Medical care at the Douglas County Jail can be split up into 9 subsections. The first thing that inmates do when they get to the Douglas County Jail is go through an intake screening. During this screening, the medical staff determines the health of incoming inmates. Within the first two weeks of arriving, inmates go through various medical examinations: physical, dental, and mental. Physicals (medical examinations) allow the medical staff to examine inmates for possible signs of illness. Dental examinations offer dental care for all incoming inmates. Mental health examinations give mental health assessments of inmates to determine their current mental status. All three examinations (physical, dental, and mental) are given annually after the first examinations given within the first two weeks of arrival.

After the screening examinations, medical care is available nearly 24-hours per day. Infirmaries (locations where ill inmates can go to be cared for) for both male and female inmates are available for those that need ongoing medical care. Along with the infirmaries, inmates have access to specialty consultants (e.g., OB/GYN), emergency care (available seven days a week), and chronic care clinics (chronic health issues such as pregnancy or an ongoing disease).

Inmates also have the ability to receive prescribed medications from medical staff, the only restriction to this privilege is that the medication must be administered by the Douglas County Jail physicians, restricting administration from physicians outside of the jail. Any medicine that is brought into the jail by incoming inmates is processed, stored, replaced for the time the inmate is in the jail, and returned upon the inmate’s release.
Letters and more

Calling all artists!

By Robert J. Heist II 83796
Omaha Correctional Center

Would you like to get your artwork seen by a lot of people? We are planning a second annual “Art from inside” this coming September 4th. Last September we put on an “Art From Inside” show at the G. Dobos studio in Lincoln. The show was to increase awareness of life in Nebraska prisons and it was covered in the September 6th Lincoln Journal Star. A few guidelines for submitting art:

1. The show is themed around the experience of being incarcerated. Artwork should have a message. For example, conditions in Nebraska prisons, your experiences, things you miss, or hopes for the future. Please include a short description of the piece and the message you want it to convey. You can include your name to be anonymous.

2. To include your art, have your people on the outside contact the studio at (artfromtheinsideneb@gmail.com) to make arrangement to deliver your work in August. As we can only release art to those on our visiting list, you have to send it out through them and have them arrange to deliver it to the studio. The drop-off date for artwork is tentatively August 29th (Sat.) from 10:00 a.m. to 5:00 p.m. and the show will open first Friday, September 4, 2020. Please e-mail if you have questions or need an alternate drop-off arrangement.

3. If your friends or family deliver the work for the show they can pick it up if it doesn’t sell. If the work sells, they can receive the proceeds. Otherwise, all proceeds will be donated to the Lincoln City Mission. If you want to name your sale price, include it with the description or the studio will assign a reasonable market price.

My experience attending the Nebraska Victim Assistance Academy

By Olivia Kahler, student in “Law and Society” at Creighton University

The Nebraska Victim Assistance Academy is an annual five-day, forty-hour extensive training session that covers a wide range of topics. The course is designed to equip attendees with the knowledge and information needed to work with a variety of victims. The academy consists of a series of lectures and workshops on many topics, including empathy, trauma, communication, mental health, and much more. Various lectures in the course are also designated to explaining various crime types, such as stalking, domestic violence, sexual violence, and child abuse, in which attendees are also taught how to interact and help in aiding victims of various crimes. (Nebraska Victim Assistance Academy)

Although many of the people that attend the academy are aspiring victim advocates, such as myself, there are people that attend with a multitude of careers; the course is useful to anybody that interacts with victims of crime. Law enforcement officers, lawyers, psychologists and many others attend the academy every year.

I was very grateful to be able to attend the academy myself in the summer of 2019. The course taught me so much about how to be a successful victim advocate. One of the most valuable things I learned at the academy was how to be an empathetic advocate. This particular lecture was led by Lauren Ward, the director of the Omaha/Douglas County Victim Assistance Unit. She explained that an advocate is like the GPS system in a car and the victim is the driver. Like a GPS system lays out various roads, shortcuts, and pathways that the car can take, it is not in charge of the car; a victim advocate has similar relationships with the people they help. A good advocate shows victims how to survive and prosper after a trauma so they can be empowered for themselves; an advocate never takes the lead in the dynamic.

In this lecture, Ward also explained that it is important for an advocate to build a trusting relationship with the victim; an advocate must be approachable and personable but still maintain a professional relationship so that the focus is still on the victim and their trauma. Although many victims that an advocate comes into contact with will have likely faced similar situations, an advocate must personalize their advice and work to every victim/survivor they interact with because no person’s experience is exactly the same.

The next academy will be held July 20-24, 2020 from 8 a.m.-5 p.m. each day at Creighton University. Interested parties can visit Creighton University’s page on NEVAA for more information regarding the academy and registration for Summer 2020.

The 85 percent prerequisite

By David Ditter 32547
Tecumseh State Correctional Institution

I’ve written, previously, about the 1994 “Violent Crime Control and Law Enforcement Act” passed by Congress and signed by then-President Bill Clinton. This crime bill did more to create mass incarceration than any legislation preceding or following it. The government massively expanded the federal death penalty, lengthened prison sentences, gave prison building grants to the states and gave money to the states to encourage them to imprison more people.

Joe Biden was the main drafter and supporter of the 1994 crime bill and he has supported every federal “anti-crime” bill that was enacted over the past 50 years of his political career. Senator Bernie Sanders, also a career politician, voted for the 1994 crime bill.

The 1994 federal legislation also established a “Violent Offender Incarceration and Truth-in-Sentencing Incentive Grant Program.” Under that program, any state that agree to build or expand existing prisons and require prisoners to serve at least 85 percent of their sentences was eligible for a portion of $3 billion in federal funding.

Every state received federal truth-in-sentencing funding between 1996 and 2001, with some abolishing parole and adopting truth-in-sentencing laws requiring prisoners to serve 85 to 100 percent of their sentences.

It needs to be determined if the prerequisite that 85 percent of sentences be served is still influencing Nebraska’s Board of Parole members when granting parole? If this is still the case, the delay in granting parole beyond first eligibility is clearly adding to the current over-crowding crisis in Nebraska’s prisons.

State of emergency? Not really!

By Paul Castonguay 70764
Tecumseh State Correctional Institution

I’m writing about the modification operation placed upon us by the Tecumseh State Correctional Institution (TSCI) when there is no state of emergency.

How can this facility claim they do not have enough staff to run the operation? It has always had a shortage of staff since I’ve been here. I came into TSCI in 2010 and they had a shortage of staff. They still ran the operation from 6:15 a.m. until 8:15 p.m. But ever since the May 10th riot the facility has taken a lot of things from the inmates.

The warden keeps claiming it’s for the safety and security of the institution and the safety of staff and inmates, but this is just an excuse to justify their locking down the inmates earlier than we should be locked down. Before the change, TSCI already had inmates locked in the day room a percentage of the day. Now we lose additional time in the morning hours and even more time at night because they have the prison locked down by 5:45 p.m. They have the staff available to allow the general population out of their cells until 5:15 p.m.

The warden took away inmate breakfast in the dining hall. They even claim that they don’t have the staff to serve our breakfast in the morning so they deliver a breakfast cart at night.
The workings of the Nebraska Legislature
By Philip Turner and Jacob Walker, students in “Law and Society” at Creighton University

The Nebraska legislature is a very unique state body unlike any other in the country. Nebraska uses a unicameral system which combines the House and Senate workings into one. This means that each person in the unicameral is both a representative and a senator for their district and takes the general title senator. The Nebraska legislature is comprised of 49 senators from the 49 districts within the state. Senators are voted on every four years with half of the seats open for re-election every two years. Each senator must be at least 21 years old and a qualifier to vote in the state of Nebraska. Because of a bill passed in 2000 after a senator completes two consecutive terms, they must wait a full term of four years before running for re-election and each senator earns $12,000 per year. The unicameral meets for 60 days on the first Wednesday following the first Monday in January in even numbered years and 90 days on the first Wednesday following the first Monday in January on the odd numbered years. Each meeting of the senators is termed a legislative session.

Another topic that is important to know about the Nebraska legislature is viewing etiquette. There are viewing areas located above the chamber on the third-floor balcony on either side of the Norris chamber, the stairways are located to either side of the chamber doors. Lobbyists and reporters are allowed in the bottom chamber but have to remain in the wings during session but are free to walk around during non-debate. Formal attire is not required for viewing. Groups can also inform the speaker of the chamber that they are going to attend a session and the group can be formally recognized by the senators and usually applause or some form of acknowledgment is given by the senators to the viewing group.

A bill is a written proposal that outlines a law that a senator wants to put before the unicameral. When a bill is written it usually takes a few different senators to read and discuss even before it is submitted to the unicameral for a vote. A vote is when a senator says “yes or no” to the bill that is being proposed for that discussion. Before any bill is passed the bill must be read aloud in its entirety by the clerk of legislature, although a three-fifths vote (30 members) by the members can bypass the requirement. A bill can also not be changed at this point, if it is modified or debated it must restart the process. A bill must also have been introduced at least six days in total before it is voted on. In order for the senators to pass a bill they need a simple majority in order to pass which is at least 25 votes. If the governor does not approve of the bill that is passed, he or she can veto said bill. However, the senators can override the veto from the governor if they are able to get a two-thirds vote (33 senators). A constitutional amendment requires a three-fifths vote (30 senators) to get it placed on a general election ballot and four-fifths vote (40 senators) to get it on a primary or special ballot. A bill with an emergency clause requires a two-thirds vote (33 senators).

Food Waste and Composting in Correctional Facilities
By Gabby Laberty, student in “Law and Society” at Creighton University

Food waste accounts for approximately 31% of waste generated by correctional facilities (CalRecycle). According to estimations by the Environmental Protection Agency, institutions including correctional facilities account for 8% of food waste annually across the country (EPA 4). While much of the extra plastic and metal used can be recycled, the same is not true for food; all extra food typically ends up in landfills. Despite the incredible amounts of food wasted, there are no statistics for information available from the Nebraska Department of Corrections about this topic, so there is no way to know how much food is wasted.

Despite these limitations, there are solutions to the food waste problem. Many correctional facilities across the country—such as in California, Washington state, and Pennsylvania—have begun composting (CalRecycle). While this ensures the food would not end up in landfills, composting also allows the uneaten food to later be used as fertilizer. Such a program has been created and expanded in Philadelphia, where the facilities, “boast a state-of-the-art composting system, a farm, and an organic agriculture vocational program through which inmates earn certificates from Temple University” (McKee 4 para 4). Incredibly, the facility in question did not even recycle ten years ago. This example shows solutions to food waste can not only be applied to correctional facilities, but that they can be applied quickly.

Prison Politics

Editor’s Note: The following lines are excerpted from a speech written for Toastmasters by Thomas Henderson 72699 at the Tecumseh State Correctional Institution.

Where a murderer is respected and accepted...but some one who has raped is not.

Where thieves are okay...unless you are the one stolen from.

Where burglars brag about all the things they had...but never bought.

Where dope dealers tell stories about all the drugs and money they had...as they try to bum some coffee from you.

Where all punishment...seems an injustice.

Where crime is accepted...but law is forbidden.

Where we have all been judged...yet no one is guilty...but innocence is a lie...yet we continue to judge others.

Where rehabilitation is preached...but never taught.

Where exercise is your release...food is your treasure...coffee is your addiction.

Where silence is sought out...but is never found or heard.

Where you are always lonely...but never alone.

Where we are all counted so often...but never count.

Where running out of time is a good thing...having a life is not.

These are the prison politics...and the irony that goes with them.
"Tha Game"

I never knew how much I never knew
Until I found out what I didn’t know...and what I didn’t know was HEAVY too
See...I was CONDITIONED not to listen, my disposition came from players
‘Cause on the Northside, of Omaha, NE—GHETTO—we perceived knowledge as being for squares
GANGSTA aspirations, proclamations never modest
So I said f— my education...I would rather sell narcotics
When it coulda been a different product, perhaps one that wasn’t illegal
But instead of a mansion and a Bentley...I just wanted shiny rims on a Regal
Hood certified??..Naw, hood CONFINED!
‘Cause see, I couldn’t escape tha perimeters of my subdivision, nor expand the perimeters of my MIND
I thought it was adapt or COLLAPSE...so I chose to conform
Not knowing that, in order to TRANSCEND...tha first thing you gotta do is TRANSFORM
A ghetto lesson, retrogression, tha essence of success
But when you metro-dwellin, and all yo’ kinfolics is felons...it seem like aint many options left
Tell me...how can one begin a quest, wit’out proper NAVIGATION?
Or tha RE-LI-ZATION that thought CREATION is just as real as tha law of gravitation
Better watch what you CONCEIVE...even more, what you BELIEVE
‘Cause once you pull sum’n into yo’ world...it may be difficult to make it leave
I know it seems that we’re subdued by thee oppressors, and stretchers usually find us
But OUR kind, we thrive off pressure...tha same thing that creates DIAMONDS
It’s tha encounters of our lows that guides us to a higher stale
Besides...even METAL must go through FIRE before it’s cast into its desired shape
But they don’t feel me, they’d rather kill me, my own people see me and frown
I’m like, “Damm, dawg...how we supposed to ever see tha UP side, when we strive so hard to be down?”
Peep...a tool that holds us DOWN, maybe that’s why we call it a “strap”
A trick to send us to prison or under tha ground, have kids growing up WIT’OUT THEY DADDY AROUND...maybe that’s why we call dope houses “tha trap”
Signs and symbols is for tha conscious mind, it’d be wise to pay attention
If you got ears, then homie HEAR...but sometimes you gotta use yo’ eyes to listen
Listen...tha overall mission is a composition of cooperation instead of competition
How about BIRTHDAYS instead of funerals, or COLLEGE instead of prison?
‘Cause separation breeds desperation, then premeditation of MURDER
But elevations create CELEBRATIONS...and mutual love for one another
Doing the same thing and expecting new results only makes us insane
See, our problem is, we think we win when we don’t get caught, but really...only LOSERS play tha game

#R.I.P. DB/Free Sauce

By RayShawn Abram 78145
Omaha Correctional Center

Widopina
Like a widow
In the night
She was like
A train in sight
Spinning her web
Her web of lies
Wishing to love
Just one more time
But again the breeze
Blew just right
As her wickedness
Came to light
So I suddenly
 Took flight
Hurt but avoiding
The bite
That surely would
Have taken my life.

By Tyler Keup 47129
San Luis Obispo, CA
Mission: To improve public understanding of the criminal justice system in Nebraska and the needs of offenders and victims. To improve communication between those who administer and staff the criminal justice system, those who make plans and laws for it, those who are personally affected by it, and the community which pays for it and should be involved with it.

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

MY CONTRIBUTION to support the NCJR $_____

Name _____________________________
Address ___________________________
City ___________________ State _____ Zip Code __________________

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