

# Updating You on the Rights & Liberties that You Defend DEFENDER'S DEBRIEF



Your ACLU of Nebraska Newsletter | [www.aclunebraska.org](http://www.aclunebraska.org) | 402.476.8091 | November 2013

## THE HIGH COSTS OF NEBRASKA PRISONS

Nebraska's prisons are overcrowded. They are costing us nearly \$180 million a year. **And they aren't keeping us safe.**

In the face of fiscal crises, state governments are making smart investments in alternatives to mass incarceration. ACLU affiliates around the country—Texas, Kansas, Mississippi, South Carolina, Kentucky and Ohio—are reducing the number of people behind bars while protecting public safety, saving taxpayer dollars, and ensuring fairness for all.

### FAST FACTS

Nebraska State Senators have begun to look at the high costs of Nebraska's addiction to incarceration. Be sure to visit [www.aclunebraska.org](http://www.aclunebraska.org) and join our email list so you know how to move prison reform forward in the 2014 legislative session.



**SAVE \$125 MILLION**  
on new prison costs.\*

\*Nebraska lawmakers estimate that by investing \$25 million in alternatives to incarceration, we could avoid spending \$150 million on building a new prison.

Omaha World Herald, 10/04/13

Over \$20 million annually is spent on enforcing Nebraska's marijuana possession laws.

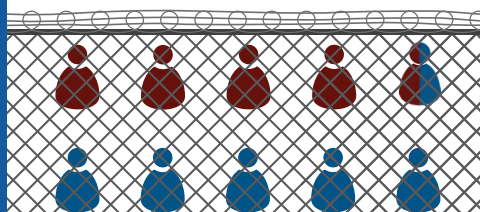
Cost of building a new elementary school: approximately \$20 million.

Photo courtesy of Conspirator Designs

"I'm totally surprised we don't have more suicides in jail. We don't have the treatment." Omaha World Herald, 10/04/13

Capt. Dan Williamson of the Sarpy Co. Sheriff's office estimates one in three inmates have mental health issues.

1 in 10 Nebraskans is a person of color yet...



Over 4 in 10 Nebraskans behind bars are people of color.

## BREAKING THE ADDICTION TO INCARCERATION

Weekly updates from the ACLU's nationwide campaign to end overincarceration are available at [www.aclu.org/blog](http://www.aclu.org/blog).

## JOIN OR RENEW TODAY

Our rights depend on our willingness to defend them. By joining the ACLU today, you'll be doing your part to protect our basic freedoms. [www.aclunebraska.org](http://www.aclunebraska.org)



Many consider fall a time to reflect on our families and express gratitude, but for an increasing number of Nebraskans, it is a time to think about family members locked behind bars.

For nearly two years, those in Nebraska prisons – most of whom are non-violent offenders – have been part of a self-fulfilling prophecy. Once in prison, there is limited access to mental or behavioral health programs. Housing and jobs are frequently cut off to those with a felony conviction. Upon release, the cycle of desperation and hopelessness continues. Nebraskans: We can do better.

Claiming a shortage of staffing, the state started locking down all prison inmates, including non-violent offenders, most severely at the state penitentiary in Tecumseh. For a time, inmates were given just a couple hours of time outside of their cell a day. There have been some improvements but what is now the standard operating procedures do not allow for opportunities such as substance abuse treatment or a GED class.

This means that the ACLU has received several phone calls or letters along these lines:

I want to gain some education and get a better job. But right now I need access to books, a tutor, and a career counselor that I don't have. When I get out I'll just be faced with the same tough circumstances as before.

Thanks to what the ACLU has already accomplished in other states, we know it is possible to convince fiscally conservative lawmakers that our addiction to incarceration just doesn't add up to safety or savings. We must not forget that behind each of these dollar signs is also a person who once dreamt of school, or a career, or a family.

As Sen. Brad Ashford and Sen. Heath Mello have pointed out, we need "justice reinvestment." ACLU is calling on law makers to put our tax-dollars into smart reforms. Reforms that keep our communities safe, reforms that use our tax dollars wisely, and reforms that treat people fairly.

This spring, I hope you will join the ACLU in calling for change to our criminal justice system.

*Becki Brenner*

## EVERYDAY VICTORIES

The ACLU gets many requests for help. Law clerks and interns sort through the requests to see where we can help. Here are three victories and those who made them possible!

### Unlawfully Seized

Marco Silva had \$14,000 illegally confiscated by law enforcement. After he called the ACLU, Matthew, a Creighton Law Student, stepped in.

A minister from Peru, who is legally present in the United States, Marco was pulled over by Seward County deputies for "failing to signal a lane change." Deputies found the money in donations in his car and he was taken into custody. Marco was also accused of being involved with drugs or human trafficking. Upon release, Marco's property wasn't returned. Matthew took the complaint and went to the county to retrieve the property.

### Gideon in Nebraska

It's rare that an undergrad helps direct what an ACLU staff attorney focuses on, but that happened with Rosie, a student at Grinnell College, this summer.

Dawson County was not fulfilling its constitutional requirement to provide legal help for people unable to hire a criminal defense attorney. After ACLU contacted officials, the county doubled its resources for its public defender's office. This summer, Rosie surveyed Nebraska counties. We now know which public defender's offices are most in need of an ACLU intervention. Rosie's efforts have helped jumpstart a statewide effort to ensure appropriate legal representation in criminal cases.



Fifty years after Gideon, this promise remains woefully unfulfilled. About 80% of criminal defendants in the states cannot afford to hire a lawyer. The public defender systems on which poor people rely are grossly underfunded and staffed by committed, but overworked, lawyers.

**"You have the right to an attorney...if you cannot afford one, one will be provided for you at no cost to you..."**

### Stopping Wasteful and Unnecessary Persecution

Caitlin, a UNL law student, first learned that the Village of Alexandria was looking at passing unlawful restrictions related to sex offenders. The Village Board passed the ordinance in the first of three required votes. Joel, a former law clerk who has returned as a part time staff attorney, researched what a lawsuit against the county would entail.

As public policy, sex offender restrictions often make communities less safe. They take away funds from encouraging people to report sexual assault and are often unfair. This particular policy was costly to implement and legally defend. Thanks to Caitlin and Joel, Alexandria can put its resources into letting people know how to report sexual assault.

## THANKS FOR YOUR SUPPORT!

Because of supporters like you, recent events have raised thousands of dollars to help with our cases to give DREAMers drivers licenses, ending Nebraska's ban on gay & lesbian foster parents, and other important work.



Gloria Romero-Downing hosted a house party in honor of the brave young DREAMers who are suing the state of Nebraska. Here is Adriana (client), Gloria (host), Octavio (client), Becki Brenner (Executive Director), and Adriana's family.



Rich Juro opened his home for our foster care couples and several new supporters of the ACLU. Our couples, Todd and Joel, Greg and Stillman, Lisa and Janet, shared their stories with generous supporters.



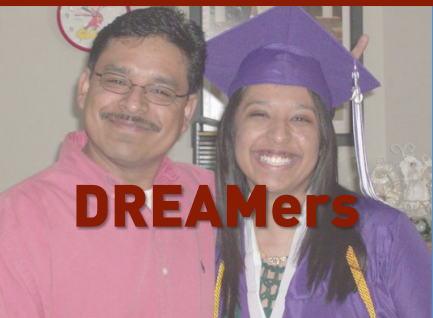
The Fair Housing Center of Nebraska & Iowa's years of partnership with the ACLU was honored at our 2013 annual event in Omaha. Additional award winners included our DREAMers clients and long-time volunteer Cynthia Tiedeman.

## ACLU of Nebraska Board Nominations

Every spring, members of the ACLU elect individuals to serve on our Board of Directors. If you are interested in serving a three-year term on our board, or want to learn more about what being a member of the board involves, send an email to [info@aclunebraska.org](mailto:info@aclunebraska.org).

# Your ACLU Docket

Here's a snapshot of just some of the cases the ACLU has in the courts.



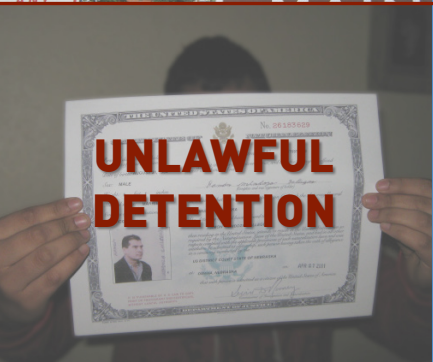
## DREAMers

Four Nebraska youth who just want to go to school or work have sued Gov. Heineman. As participants in the Deferred Action for Childhood Arrivals (DACA) program, Maria, Itzel, Adriana and Octavio are legally present. The state, however, refuses to give DREAMers licenses.



## FREMONT

The ACLU is still fighting for the future of Fremont, which has already spent over \$1 million defending their discriminatory housing ordinance. As of this printing, the City of Fremont is reviewing proposals to either repeal the ordinance or have another public vote. Visit [www.aclunebraska.org](http://www.aclunebraska.org) for the most current information.



## UNLAWFUL DETENTION

Ramon Mendoza, a naturalized U.S. citizen, was pulled over in Papillion for "windshield obstruction" – his son's boxing ribbon, which was the size of a quarter. Ramon was held for four days because of suspicion that he was undocumented. Instead of inspecting the citizenship documents his wife and children provided, Ramon was denied medication and called multiple racial slurs.

While these cases are challenging existing policies, your voice is needed to speak up for immigration reform at the national level that would help curb these policies.



## RACIAL PROFILING

Michael Omair was pulled over by Douglas County Sheriff Deputies and never given a ticket. Instead, his car was torn apart, he was detained for multiple hours and accused of dealing drugs. Most disturbingly, a family heirloom, a Koran, was damaged in the search.



## FOSTER CARE

Three couples, Janet & Lisa, Greg & Stillman and Todd & Joel, made national headlines after suing Gov. Heinemann to end Nebraska's ban on gay & lesbian foster parents.

Almost 30,000 people have petitioned the governor to give every child in Nebraska a loving home by letting ACLU's clients to be foster parents. THANK YOU for your support in ending this ban.

DEFEND YOUR RIGHTS!

Visit [www.aclunebraska.org](http://www.aclunebraska.org) and join our email action network to defend your rights!



# ACLU

AMERICAN CIVIL LIBERTIES UNION  
of NEBRASKA

## In Our Communities

Your support meant that **thousands of Nebraskans** learned more about their rights.

Educated **over three dozen** classrooms and community groups.

### Over 100 news stories

shared the ACLU's perspective on civil liberties.

Distributed **over 4,000 Know Your Rights** cards.

# Your accomplishments

Last year, your donations and activism made a difference in the lives of thousands of Nebraskans.

In the Legislature  
Your support meant that **multiple criminal justice reform measures passed.**

**867 Nebraskans** used ACLU emails to take action on a local issue.

Testified on **thirty two bills** in the Nebraska legislature.

In the Courts  
Your support meant that **hundreds of request for assistance were answered.**

**Half a dozen** aspiring advocates and law clerks received training on ACLU's legal process.

**439 requests** for assistance received an in-depth review and response.

## Your Impact

### Thanks to you there are:

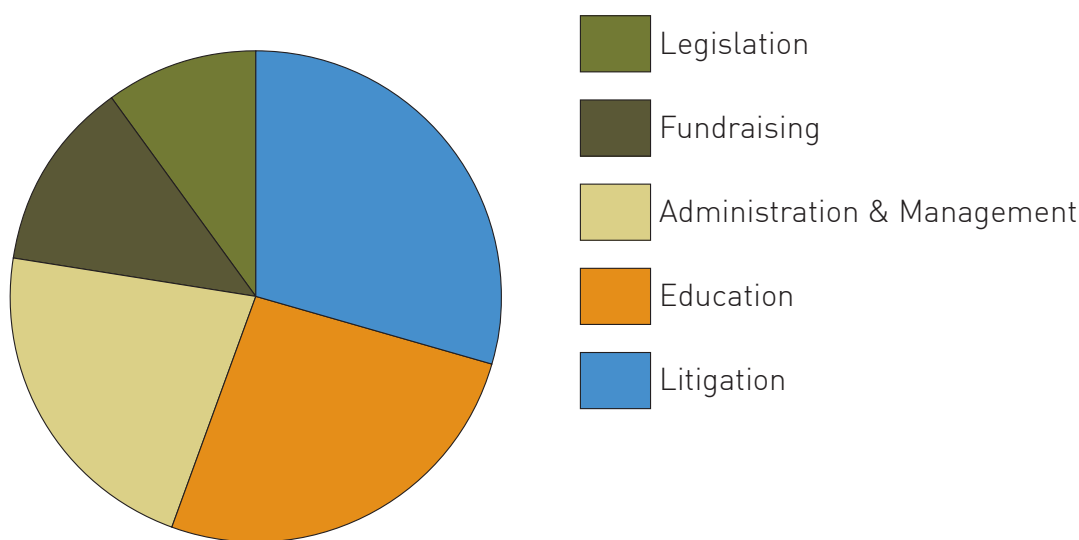
- New laws to combat biased policing.
- No new racially biased laws like Voter ID.
- Policies that put kids behind books instead of bars through juvenile justice reform.
- Updated trainings and policies making it clear that **you** have the right to photograph police.
- Reports indicating that conditions for immigrants in detention have improved.

# Thank you

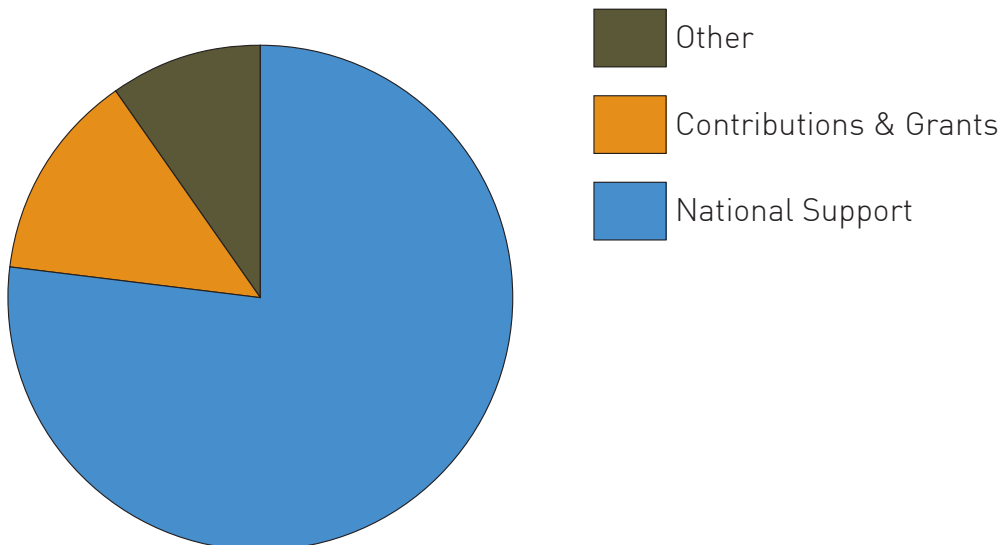
2826 gifts were given  
by Nebraskans  
to defend civil  
liberties  
last year.

*Consolidated audited statement for ACLU of Nebraska Foundation and ACLU of Nebraska, Fiscal Year 2013 (April 1, 2012 - March 31, 2013)*

<b>EXPENSES</b> .....	<b>\$395,261</b>
Litigation .....	\$117,435
Education .....	\$102,819
Administration & Management .....	\$86,409
Fundraising .....	\$49,983
Legislation .....	\$38,615



<b>INCOME</b> .....	<b>\$375,733</b>
National Support .....	\$289,940
Contributions & Grants .....	\$49,325
Other .....	\$36,468



**ACLU of Nebraska Foundation** conducts legal advocacy, litigation and public education programs. Contributions to this 501(c)3 organization are tax-deductible.

Regardless of where it is sent, the majority of your tax-deductible gift will stay right here in Nebraska and a portion enables Nebraskans to benefit from a nationwide group of civil liberties experts.

**ACLU of Nebraska** conducts membership outreach & legislative advocacy. As a 501(c)4 organization, contributions are not tax-deductible.