



OUR VIEW

Prison

Pressure to release murderers and rapists early puts Nebraskans at risk

We said it years ago, long before murderous madman Nikko Jenkins was released from prison early and went on a killing spree that took the lives of four people: Nebraska's sentencing scheme is a joke.

Say somebody robs and beats you and gets sentenced to 10 to 20 years in prison. Because of Nebraska's ridiculous and misleading "good time" law, which is finally getting the sort of scrutiny it deserves, he's likely to do only half of the minimum — in this case, five years. That's bad enough, but history is rife with examples of murder victims who might still be alive if their killers had been serving the time they earned for doing lesser crimes. It's why even young thugs often have rap sheets that go on for pages, having begun their criminal careers at an early age without ever spending much time behind bars.

What makes it worse is that the state's prison beds are overbooked by about 58 percent, putting pressure on the Legislature and the corrections system to clear space. The result is sanctimonious fretting about prisoners unjustly held for "non-violent" offenses and an emphasis on early release schemes intended more to cut costs than to ensure public safety.

Now comes a report from the state's largest newspaper that hundreds of the state's worst offenders have been released without even doing the mandatory minimum sentence for their crimes. The Omaha World-Herald reported that the Nebraska Department of Correctional Services used a flawed formula to calculate sentences that chopped at least 750 combined years off the sentences of 101 habitual criminals, drug dealers, gun thugs and child rapists — not exactly pot-smoking cherubs caught in the web of overzealous drug enforcement.

The mess has inept politicians calling for a roundup, state Corrections big shots covering their tails and defense attorneys drooling over the prospect of lucrative court challenges.

The snafu began with Nebraska Supreme Court rulings in 2002 and 2013 that spelled out requirements for inmates to serve mandatory terms before receiving any day-off-for-day-served "good time" credit on their sentences. Instead, the Corrections Department did things its own way, granting early release to hundreds of criminals.

Gov. Dave Heineman, the state's chief executive, quickly promised an investigation to determine where the buck stops. He notes that the miscalculation of the sentences began long before he took office and that those responsible for the "mistakes" will be held accountable. Meanwhile, State Correctional Services Director Mike Kenney took "decisive action" on Saturday, Heineman said, by halting the release of any more inmates until jailers improve their sentencing math.

You can almost hear the costs to the taxpayers ringing up. Attorney General Jon Bruning says he wants to corral any prisoners who still should be in prison, but might be inclined to allow those who would have finished their sentences by now to remain free if they haven't caused any more trouble. State Sen. Ernie Chambers, a resolute and longtime defender of the state's law-breakers, complains that inmates shouldn't be held accountable for mistakes by their keepers, labeling any proposed roundup unnecessarily cruel.

Baloney. Those who committed crimes should serve the time they earned.

And if someone gets killed by a prisoner who was out on the streets when he should have been behind bars, somebody ought to pay. A good place to begin, whether that happens or not, is in the ballot box come Election Day. This time, voters should pay

more attention to the real scandals in their own backyard than to the inflated indignation of the cable talking heads and ponder why state government seems plagued by continual mismanagement.

Before that happens, the Legislature should consider calling a special session to get the mess sorted out and Corrections back on the right page regarding mandatory sentencing requirements. Beyond that, lawmakers need to begin a responsible discussion of what to do about prison overcrowding — including the option of building more jails, if that's what it requires.

No Nebraskan likes the prospect of higher state spending. Nobody wants to be raped or killed either.

Releasing prisoners to make room for more isn't a solution, it's mismanagement. It's irresponsible. In this case, it put public safety at risk.