



# OPINION

Terry Kroeger, Publisher • Larry King, Vice President of News and Content • Michael Holmes, Editorial Page Editor  
 Editorial Staff: Jim Anderson, Roger Buddenberg, Jeff Koterba, Aaron Sanderford, Geitner Simmons

|||| TUESDAY, JUNE 17, 2014 ||| **Omaha World-Herald** ||| PAGE 4B |||

## EARLY RELEASE OF PRISONERS

# Nebraskans want, deserve answers

**C**onvicted of sexually assaulting a child? How does getting out of prison 15 years early sound? Gun crime? How about six years early? Manslaughter? Five years early.

All because the Nebraska Department of Correctional Services miscalculated the release dates for inmates, carving at least 750 years off the sentences of more than 200 criminals.

How could this happen? Nebraskans want answers.

The staggering revelations from World-Herald staff writers Todd Cooper and Matt Wynn's investigation are, in a word, unacceptable.

The idea that hardened criminals could be released before even becoming eligible for parole is unacceptable. That prison officials hadn't sorted out how many criminals already were free and how many were set to be released is unacceptable.

It's unacceptable to their victims, to the cops, prosecutors, judges and others working to maintain public safety, and to all Nebraska citizens.

They want answers.

The World-Herald findings were clear: Inmates got breaks of up to 15 years off their sentences; at least 50 got out of jail early; more than 150 others were awaiting too-early releases; the intentions of judges

**The idea that hardened criminals could be released before even becoming eligible for parole is unacceptable.**

in more than half of the cases.

who sentenced these criminals were undermined; and lawmakers' efforts to have parole supervision of released offenders was derailed

Yet the head of the correctional services department, Michael Kenney, said he was unaware of the problem until the newspaper told him. "Public safety is paramount. Correcting the record is paramount. We have people working very hard toward that effort now," Kenney said.

Good. But not good enough.

State sentencing laws, crafted since the 1990s, twice were clarified by the Nebraska Supreme Court, most recently in February 2013. Yet Kenney said he had not figured out why his department, which has a staff of three lawyers and consults with the Nebraska Attorney General's Office, hadn't acted on that 2013 ruling and acknowledged that he was unaware of it until The World-Herald informed him.

Not good enough.

Not good enough for lawmakers. "It is alarming because it undermines our efforts to address violent crime and reform the prison system," State Sen. Brad Ashford, chairman of the Legislature's Judiciary Committee, said Monday.

Not good enough for Douglas County District Judge Peter Bataillon, who said, "When I decide my sentence, I assume it's going to be carried out correctly by the penitentiary."

Not good enough for Omaha Police Sgt. John Wells, who said, "Violent crimes. Sexual assaults. These are absolutely the people who should be locked up. It's maddening."

Not good enough for relatives of Cheryl Walter, who was strangled to death and left on a Lincoln snowbank. Early release, her cousin asked, for "someone with that type of criminal background, when their crime escalated to manslaughter?"

It follows other prison controversies — the “good time” release of Nikko Jenkins despite his repeated disruptive behavior; an inmate-driver involved in a collision that killed an innocent Lincoln motorist; weekend furloughs for a gang member who was shot by police while he lunged for a gun.

It’s all just not good enough.

The Council of State Governments is working with Nebraska on prison crowding. Lawmakers also need to examine their complicated sentencing laws and consider undertaking aggressive oversight, as when serious problems arose at the Beatrice State Developmental Center and in the child welfare system.

Moreover, Nebraskans are owed a full explanation from those involved and those in charge.

How could this happen? Who is responsible for these dangerous blunders? Will inmates released early be rounded up? Does the Attorney General’s Office have an obligation to make sure state agencies know what the Nebraska Supreme Court says and follow the law? Can the Legislature clarify and simplify sentencing laws? How will Gov. Dave Heineman, the state’s chief executive for a decade, hold his correctional services department accountable?

And most importantly, how can we be assured something like this doesn’t happen again?

Nebraskans want — and deserve — answers.