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PAYING THE PRICE

Omaha shows stiffer sentences aren't only way to tackle gun violence

Henry J. Cordes

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Nebraska gun law helped spark nation-leading prison growth

A recent meeting of the Omaha 360 anti-gun violence coalition began with a grim rundown from Omaha police precinct captains and the gang unit chief on the latest shootings — among them the slaying of a 22-year-old and critical wounding of two others.

But the focus then quickly turned to how to prevent the next shooting.

North Omaha community leader Willie Barney noted that the Metro Conference holiday basketball tournament was coming up and asked for volunteers to work the games to help make sure that they were safe events.

Galat Toang, an Omaha police gang specialist, reported on his recent efforts to reach out to gang members and other youths at risk of falling into gangs. One boy had begun to cry when Toang asked him if there was one thing in his life he wished he could change.

“There are a lot of kids who wish to be something different,” Toang said.

Attend an Omaha 360 meeting and you begin to see how Omaha in the past decade has completely overhauled the way it tackles street gangs and gun violence.

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Omaha police officials have worked hand in hand with affected communities in North and South Omaha to employ all-new tactics, including a beefed-up gang specialty unit, shot detection technology that speeds response to shootings, enhanced rewards for tips that solve shootings and street-level intervention.

And it appears to have made a mark.

Shootings are down significantly in the past decade. Homicides, too. And offenders who commit those violent crimes are far more likely to be caught and face justice — a critical deterrent to shootings.

The broad approach also makes it impossible to determine what role, if any, a 2009 Nebraska law ratcheting up penalties for gun crimes may have played in the reduced violence.



Justin Nix

REBECCA S. GRATZ, THE WORLD-HERALD

“Could it have played a role? Cautiously, I’d say it was a contributing factor,” said Justin Nix, a University of Nebraska at Omaha criminal justice professor. “But it would be hard to say it’s been the driving force.”

But the new law has unquestionably been a driving force behind another trend: Nebraska’s prison system becoming the **most overcrowded and fastest-growing in the nation**.

Under the law, offenders whose prime offense was a gun crime have been stacking up in the state’s prisons, their numbers up more than 800% since 2008. Nebraska’s prison population, relatively flat for years before the Nebraska Legislature passed the gun law, grew 16% between 2010 and 2020, even as prisoner numbers nationally plummeted by almost a fourth.

Nebraska’s prison overcrowding now has the Legislature debating how to ease the overcrowding, including the possibility of **building a new \$230 million prison**. A state working group’s report **came out Friday**.

 A Flourish chart

If nothing else, Omaha's proactive, wide-ranging approach to gun violence in recent years proves that there are other ways to tackle crime problems beyond simply locking up offenders for longer periods of time: Effective policing to arrest the wrongdoers. Gaining community trust and buy-in. And addressing the root issues that steer people into lives of crime in the first place.

Nix, who has served as an outside evaluator of Omaha's anti-gun violence efforts, calls the rapport and close work between the Omaha police and community leaders in Omaha 360 impressive and unique.

"I've lived in a few cities, and I've never seen anything like it," he said.

MATT DIXON, THE WORLD-HERALD

The gunplay appeared to hit its peak in July 2007, a month in which Omaha saw 31 gun assaults in 31 days — most of them in North Omaha, the heart of the city’s Black community.

Of all those assaults, arrests were made in only two. Police said they faced a challenge getting witnesses — even victims — to provide accounts of what happened.

State lawmakers responded to the violence with the 2009 law that stiffened penalties for crimes involving guns, including a number now carrying mandatory minimum sentences. Proponents of the bill said the new penalties sent a message to gang members.

“Nebraskans are tired of the senseless robberies, shootings and killings occurring in our streets, and from this date forward if you choose to continue your gang-banging lifestyle, you will go to prison for a very long time,” testified Corey O’Brien, an assistant in the office of then-Attorney General Jon Bruning, who brought the bill to the Legislature.

But if the new penalties were supposed to send a message, it's not clear that it got through. Homicides and shootings in Omaha showed no signs of abating and even trended up. In 2015, the 50 killings recorded in Omaha represented the city's highest toll since 1967.

The situation was so dire and deadly that in 2011, Nebraska ranked No. 1 in the nation for Black homicide victimization rate, a ranking largely fueled by the gang violence in Omaha.

But around the same time that the 2009 law passed, grassroots violence prevention initiatives were beginning to spring up in North Omaha.

In 2007, Barney and other Black Omaha community activists launched the Empowerment Network, an organization aimed at solving social and economic challenges in North Omaha from within.

The new group soon made gun violence a focus. What started off as prayer vigils at the scenes of the latest fatal shooting evolved into efforts to get at the root causes of shootings.



Gun law shifted hundreds of gun cases from federal courts – at state taxpayer expense

Henry J. Cordes

The Empowerment Network launched a summer jobs program for youths in 2008, initially targeting several young men who were “active shooters” in gangs. The Step-Up Omaha program really took off in 2012, when the city threw financial support behind it. Before the pandemic, it was reaching 700 youths annually.

Also, in late 2008, the Empowerment Network organized the first meeting of what has become the Omaha 360 Violence Intervention and Prevention Collaborative.

At each weekly Omaha 360 meeting, representatives of community, youth, faith, neighborhood, education, social service, gang intervention, and mentoring organizations sit down with Omaha police leaders and work on defusing violence.

The staying power of the organization is impressive. Even more than a decade later, the weekly sessions regularly draw 80 to 100 participants, and can exceed 120 after a particularly rough rash of shootings.

Though Omaha 360 has many elements, prevention is at its center: Sharing information with police to learn of neighborhood gang hot spots. Canvassing those neighborhoods to ask about problem houses and make sure that people know about available Crime Stoppers rewards. Seeking to connect families with community aid organizations in an effort to keep at-risk kids out of gangs.



Barney and the Rev. Jeff Booth, pastor of a North Omaha church, talk to a resident after a rash of shootings in a North Omaha neighborhood in 2015. Such canvasses are part of Omaha 360's strategy to stop gun violence.

RYAN SODERLIN, THE WORLD-HERALD

Under then-new Chief Todd Schmaderer, the Omaha Police Department made over its own tactics for suppressing gang violence.

For years, the department had used a “utility crew” of uniformed officers who would be assigned to saturate hot-spot neighborhoods.

The problem with that approach, Schmaderer said, is that those doing the shooting represent a very small part of the community. What police typically got from that tactic was an increase in complaints from residents who were not part of the problem.

So in 2012, Schmaderer eliminated the saturation team and instead doubled the size of the gang unit, seeking to sharply focus on those causing the problems.

Gang officers play one of the most unique roles in the department, and a vital one.

Dressed in jeans and T-shirts and wearing tactical vests in public to identify themselves as police officers, they don’t tend to spend a lot of time at a desk. They get out in the community, both to suppress gang activity and collect intelligence on gangs.

Each officer is assigned to a specific gang and works to understand its leadership, membership and inner workings.



Armed with data, Nebraska lawmakers will grapple with nation's most overcrowded prisons

Sara Gentzler

When there are shootings, the gang officers work directly with the homicide detectives, offering information on the gang ties of the victim, which rival gang was likely behind the shooting, who the active shooters are in that gang, and who in the targeted gang would be likely to seek retaliation.

“They will take it from the ground and run it all the way to a successful prosecution,” Deputy Police Chief Tom Shaffer said.

A big part of the gang officers' job is also intervention and prevention.

They reach out to gang members and offer to help them change their lives, tapping into other community resources. When previously arrested gang members are out on probation or parole, gang officers make home visits to try to keep them from returning to that life.

Gang officers also keep basketballs in their cars. If they see a group of kids out playing, they are likely to pop out and shoot some hoops with them, seeking to build relationships. Many gang officers are active in police-sponsored youth sports leagues.

“Those intervention and prevention pieces are so important, so that we can stop an individual from getting to that threshold of being willing to harm others,” Schmaderer said.



Gang specialist Galat Toang talks with students at Monroe Middle School in 2020. He is one of four civilians in the Omaha Police Department trying to mentor kids and keep them out of gangs.

The department also now has four civilian gang specialists like Galat whose sole job is to mentor kids and keep them out of gangs.

The North Omaha community has largely bought into the department's approach to guns and gangs. That and the weekly communication during Omaha 360 meetings have been credited with helping improve police-community relations.

"The reality is there are some people endangering the community that the Police Department needs to focus on, and we believe they have done that," Barney said.

As an example of the improved police-community relations, Barney said that when gunfire does claim another young life, it's not uncommon to see both gang and uniformed officers standing hand in hand with local residents at neighborhood prayer walks.

Relationships like that have also been credited with helping break down the fear that some law-abiding citizens had about coming forward as witnesses in shootings.

It also hasn't hurt that those who come forward now have much greater financial incentive.

In 2014, an Omaha charitable foundation approached Crime Stoppers and asked if bigger rewards would help stem gun violence. Now Crime Stoppers offers cash rewards of \$10,000 for anonymous tips leading to arrests in felony gun assaults and \$25,000 for homicides — both up from just \$1,000 before.

Since the change, the \$25,000 reward has been paid out more than a dozen times. As one Omaha community leader once put it, you can quickly learn who your true friends are when they can get a \$10,000 reward for turning you in.

Police are also using ShotSpotter technology, which detects the sounds of gunfire and pinpoints its location, allowing police to respond much faster to shootings. That increases the chances of finding suspects, witnesses and evidence.

Omaha crime statistics suggest that the new tactics may well have been effective.

Shootings began trending down in 2012. Homicides have dropped off dramatically since 2015, reaching lows of 22 and 23 in 2018 and 2019 that were half previous levels.

During the pandemic, Omaha has experienced the same uptick in homicides seen nationally, which Schmaderer attributes to the virus stalling many community intervention efforts. But homicides started decreasing again in 2021 and remain well below levels from a decade ago.

Back in 2011, Nebraska ranked first in Black homicide victimization. Now, in the latest report from the Violence Policy Center, the state ranks 27th, and its rate has fallen by half from its peak.

Did the 2009 gun law play a role in those numbers?

Based on shootings trends in the wake of the law's passage, it's hard to argue that it provided much general deterrence. But over time, it may have provided what criminologists call specific deterrence. By locking up offenders longer, it may have prevented shootings that otherwise might have occurred.

Douglas County Attorney Don Kleine, who like other Nebraska prosecutors supported the gun law, believes that it did make a difference. He lauded the stepped-up police and community efforts and sees the increased criminal penalties as part of a "holistic approach" to dealing with gangs and violence.

“Part of it is making sure people involved in shooting someone are not going to have the possibility of hurting someone again for a long time,” Kleine said.

At least one person active in the efforts to stop violence in North Omaha rejected the idea that the gun law made a difference.

“I would dispute that bill did anything,” said Ben Gray, a former Omaha city councilman who has been active in efforts to steer kids from gangs. “The programming, beefing up the gang unit, Crime Stoppers — that’s what changed the numbers.”



Omaha Police Chief Todd Schmaderer.

KENT SIEVERS, THE WORLD-HERALD

For his own part, Schmaderer believes that the new tactics and prevention efforts with community partners like Omaha 360 have been the biggest drivers in the reduced violence. And the best evidence for that, he said, can be found in the city’s much-improved homicide clearance rates.

FBI data show that there were 34 homicides in Omaha in 2010 and only 11 killings solved — a clearance rate of just 32%.

But the clearance rate began trending up notably in 2013, around the time the gang unit expanded. In the past four years, Omaha's homicide clearance rate has averaged 82%.

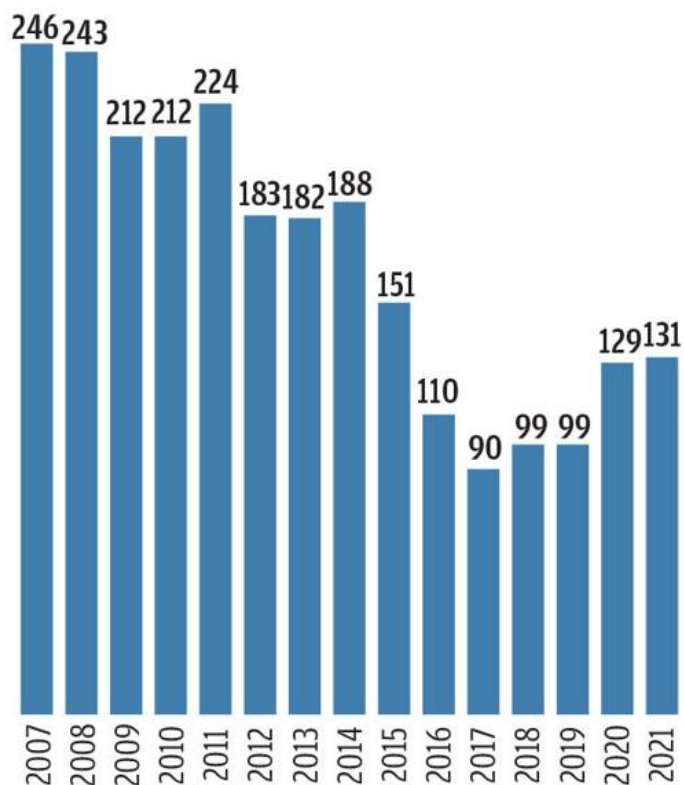
Criminal justice experts say that's important, as arrests are a key to deterring crime. The National Institute of Justice says studies have shown that the perceived certainty of arrest is a vastly **more powerful deterrent to crime than the punishment.**

"The police deter crime when they do things that strengthen a criminal's perception of the certainty of being caught," says an NIJ report on deterrence. "A criminal's behavior is more likely to be influenced by seeing a police officer with handcuffs ... than by a new law increasing penalties."

Schmaderer said Omaha's high homicide arrest rates and successful prosecutions have been critical to reducing shootings.

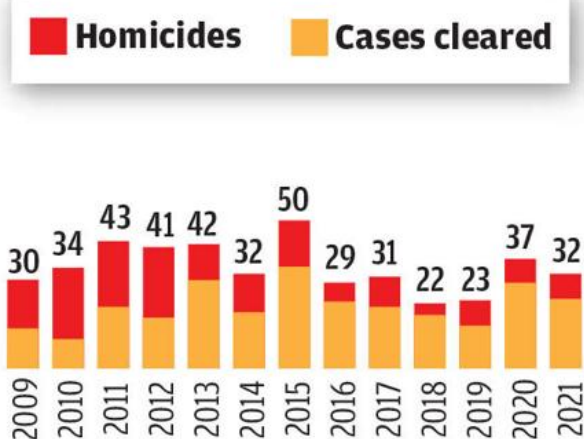
Stemming the tide of violence

Omaha gun assault victims



Gun assaults in Omaha have trended down. Homicides are down significantly, too. But the best indicator of the effectiveness of anti-violence efforts may be the sharply higher rates for solving killings.

Omaha homicide cases



Note: The FBI changed the definition for gun assaults, so trends before 2016 and after should be viewed separately.

Sources: FBI Uniform Crime Reports, Omaha Police Department

Lee Enterprises graphic

There's another way the new gun law may have provided a direct boost to anti-violence efforts. It also created the State Office of Violence Prevention, which provides grants for anti-gun violence programs.

The agency's almost \$800,000 in grants last year included almost \$170,000 for the Empowerment Network's summer jobs program — representing about 10% of the program's funding. The office also provided almost \$180,000 for inner-city sports programs in Omaha and funding for other job and truancy prevention programs.

But Barney said the office hasn't lived up to its initial promise. When the office was first created, he and other supporters had hopes that state funding could one day reach \$5 million or more.

Gray, Barney and others say the state would make a far bigger impact if it took the tens of millions of dollars now spent on longer prison sentences and invested in needy communities.

 A Flourish chart

State Sens. Terrell McKinney and Justin Wayne recently unveiled a proposal to use hundreds of millions in federal COVID-19 relief money for revitalization efforts in North Omaha, including a state-of-the-art mental health treatment center that would support gang and violence intervention programs and other efforts to reduce crime.

Job training and accessible after-school activities for youths remain a need, Barney said. Whenever new youth sports opportunities do open up, he said, they are flooded with kids.

“We know when we have youth and young adults involved in employment programs and other opportunities, not only is there a reduction in gang violence; we see an increase in graduation rates and an increase in kids going to college and getting living-wage jobs,” Barney said. “Imagine what we could do with a higher level of investment to keep more of them from going down a negative pathway.”

Nebraska's 10 state prisons from least to most crowded

10. Nebraska Correctional Youth Facility



82.6% of design capacity

KILEY CRUSE, THE WORLD-HERALD

9. Nebraska Correctional Center for Women



98% of design capacity

THE WORLD-HERALD

8. Tecumseh State Correctional Institution



107.3% of design capacity

7. Community Corrections Center-Lincoln



132.4% of design capacity

REBECCA S. GRATZ, THE WORLD-HERALD

6. Nebraska State Penitentiary



157.5% of design capacity

NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

5. Lincoln Correctional Center



168.2% of design capacity

4. Work Ethic Camp



186.1% of design capacity

JAMES R. BURNETT, THE WORLD-HERALD

3. Community Corrections Center-Omaha



191.7% of design capacity

2. Omaha Correctional Center



193.6% of design capacity

1. Diagnostic and Evaluation Center



261.4% of design capacity

BRENDAN SULLIVAN, THE WORLD-HERALD

This story by The Omaha World-Herald is part of a collaboration with Flatwater Free Press examining Nebraska's prison crisis.

PAYING THE PRICE, AN OCCASIONAL SERIES

The World-Herald is examining the causes and impact of Nebraska's prison overcrowding, which is the worst in the nation.

Previously: **<https://bit.ly/Nebraskaprisons>**

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