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## **Paying the Price: Well-worn path to prison in North Omaha fuels racial incarceration disparities**

**Henry J. Cordes**

Mar 6, 2022

Nebraska gun law helped spark nation-leading prison growth

Lovell Brock would be the first to admit his own bad choices are largely the reason he's been imprisoned three times in Nebraska, the first at age 16 for a pair of drive-by shootings.

But the recently released inmate also believes the path he ultimately took to prison was laid out before him long before he ever ran afoul of the law.

He grew up amid multigenerational poverty and in a single-parent home in North Omaha. Even as a kid, he recognized how segregated Omaha's Black community was from the rest of the city, with few ready jobs, elevated levels of fractured families and school struggles, and a shortage of role models to inspire future success.

"The pillars that are necessary for a community to thrive are missing," Brock said. "I'm a product of the struggle."

And Brock's story is hardly unique.

A number of North Omaha neighborhoods produce some of the highest incarceration rates found anywhere in the country, according to a World-Herald analysis of Harvard University data. In a 2010 national snapshot of people behind bars, more than a half dozen North Omaha census tracts produced higher rates of male incarceration than any in south-central Los Angeles.

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Overall, Nebraska locks up people of color at far higher rates than the nation as a whole. And Nebraska's gaps between its low White incarceration rate and high rates for racial minorities are among the widest in the country.

At a time of a national reckoning over race, such disparities have become hard to ignore. And they raise questions whether Nebraska has done enough to address historical inequities and multigenerational poverty that some say have helped create

a birth-to-prison pipeline in North Omaha.

“If we continue down the same path that we're going down, how's this ever going to change?” said State Sen. Terrell McKinney, who represents the heart of North Omaha in the Legislature.

McKinney said he's not surprised by Nebraska's high rate of Black incarceration.

Each time the lawmaker steps behind the barbed fences and cold steel doors of a state prison, he inevitably runs into inmates he had grown up with in North Omaha: Kids he wrestled with in a youth club. Classmates from grade school, middle and high school. Former neighbors. Cousins and other relatives.

Like poverty, North Omaha incarceration has become intergenerational. It's not uncommon to see two or even three generations of a family imprisoned.

“It's a normal occurrence for our Black males to be incarcerated,” said LaVon Stennis-Williams of ReConnect, a North Omaha organization that helps former inmates reenter society. “There's nothing normal about that.”

The issues created by high levels of incarceration aren't confined within prison walls. The consequences often dog offenders for a lifetime, diminishing prospects for employment, further straining family ties and sustaining a cycle of hopelessness.

“This has been decades in the making,” said Willie Barney of the Empowerment Network, a North Omaha community betterment organization. “But it comes down to lack of opportunity.”

Nebraska now has a historic opportunity to change the trajectory of a prison system that's not only among the nation's most racially unequal, but also America's most overcrowded and fastest growing, too.

Along with Gov. Pete Ricketts' push to build a new \$270 million prison, lawmakers have before them a range of proposals forwarded by a prison working group that seek to overhaul the state's criminal justice system in an effort to reduce recidivism and

incarceration.

Proposals to provide more programming and treatment for offenders and more support for them once they leave prison appear to have wide support. More contentious are provisions seeking to reduce penalties for some drug and non-violent offenses.

None of the policies from the state's prison working group seek to address the economic and social conditions that criminologists have long known to be at the root of crime and incarceration.

But McKinney and fellow North Omaha Sen. Justin Wayne are pushing a plan to put nearly half the state's \$1 billion in federal COVID-19 economic relief funds into a massive effort to economically transform both North Omaha and South Omaha, the center of the city's Hispanic population.

Wayne said those federal dollars — whose spending guidelines place an emphasis on areas with high poverty and low incomes — provide a once-in-a-lifetime opportunity to create jobs, build new affordable housing and invest in Omaha communities that have long been neglected.

Among those backing the plan are Omaha Police Chief Todd Schmaderer, who says such front-end investments would prevent crime and incarceration.

"I'd rather have 1,000 jobs strategically placed in the right part of our city to affect poverty," Schmaderer told lawmakers last month. "That would reduce violent crime far more than 1,000 more police officers."

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Nebraska grew its prison population more than any other state over the past decade. And that came as nearly all others saw declining inmate numbers — drops generally attributed to falling crime rates nationally and many states' reexamination of the get-

tough-on-crime policies of the 1980s and 1990s, which massively increased incarceration.

Some who defend Nebraska's growing use of imprisonment point out the state still has a below-average incarceration rate.

But that's really only true if you are White.

Nebraska now incarcerates Black, Hispanic and Native American people at rates well above the U.S. rates for those population groups.

A World-Herald analysis of federal data as of Dec. 31, 2019 — just before the start of the pandemic — showed Nebraska's Black prison incarceration rate was nearly 50% higher than the U.S. Black rate. Overall, the rate is 10th highest among the states. Black people make up about 5% of Nebraska's population but about 27% of the state's inmates.

The state's incarceration ranks for Hispanic (11th), Native American (seventh) and Asian people (15th) also fall in the top tier nationally. And all of those stand in sharp contrast to Nebraska's incarceration rank for White people (38th).

The combination of Nebraska's low White incarceration rate and high rates for people of color also create some of the nation's greatest race-based incarceration disparities.

Nebraska's Black incarceration rate is 9.5 times its rate for White people. It's the nation's sixth-widest disparity; only Wisconsin, Minnesota, New Jersey, Iowa and Connecticut have bigger disparities. And with a 10-to-1 disparity between Native American and White incarceration rates, Nebraska ranks second only to Minnesota.

 A Flourish chart

Notably, as the prison population falls nationally, racial disparities are shrinking. Since 2006, the incarceration rates for Black and Hispanic people nationally are down more than 30%, roughly triple the reduction in White incarceration.

Conversely, in Nebraska the incarceration rates for both Black and White people have increased in that time. In fact, Nebraska is the only state to increase its Black incarceration rate since 2006. In that time, Nebraska's Black incarceration rate has gone from slightly below the national average to well above it.

Nebraska's Hispanic incarceration rate has fallen since 2006, though in that time Nebraska has still shifted from having a below-average Hispanic incarceration rate to above the national average.

Perhaps the most striking picture of Nebraska's incarceration disparities can be found in recent work by Harvard University social scientists.

The Harvard researchers wanted to trace the impacts of where a child grows up on economic standing later in life. So using anonymous census and tax records, they created a dataset covering the 20.5 million Americans who were born between 1978 and 1983.

The researchers looked at the census tracts those individuals grew up in and their later life outcomes, such as their own income and educational attainment. All that information was placed in an interactive data tool called the Opportunity Atlas.

One of the metrics the tool measures: At the time of the April 2010 Census, when individuals in the cohort were in their late 20s and early 30s, how many were in jail or prison?

A dig into that data reveals that for four North Omaha census tracts centered on 30th and Ames, 20% or more of the males who grew up in those tracts were incarcerated. And those eye-popping figures represent only those incarcerated on the actual day of the 2010 Census, not whether they were in jail or prison before or since.

Those North Omaha neighborhoods weren't the highest nationally. Eight U.S. census tracts produced rates over 30%.

Still, of the nation's more than 73,000 census tracts, those four North Omaha tracts all ranked in the top 250 in male incarceration rate, putting them in the top four-tenths of 1 percent nationally. Seven North Omaha tracts had incarceration rates of at least 16% — higher than any in Los Angeles.

The data also reveal a stark contrast in incarceration between neighborhoods where people of color live and those which are predominately White.

Most Omaha census tracts north of downtown and east of 48th Street had incarceration rates of 10% or more. A number in South Omaha had rates between 5% and 9%. Meanwhile, the vast majority of tracts west of 72nd Street had rates of 1% or less.

Looking across the entire Omaha metro area, 15.2% of Black males in the cohort were incarcerated compared to just 1.2% of White males.

 A Flourish map

Among the nation's 100 largest metro areas, Omaha's Black male incarceration rate was 11th highest — almost double the rate in Detroit, Los Angeles and Atlanta and higher than in Chicago, St. Louis, Cleveland and New Orleans. Conversely, the metro's White male incarceration rate ranked 67th highest.

Abdul Muhammad, sports and fitness director for the Boys and Girls Club in North Omaha, said it's "crazy" to think there are neighborhoods in North Omaha with higher incarceration rates than in Los Angeles. Before he first came to Nebraska to play college football in the 1990s, he grew up in Compton, California, an L.A. suburb notorious for its gang violence.

"But all over the country there's inner cities that are just tough," he said. "I understand it and am not surprised by any of it."

Count Brock, the recent Nebraska inmate, among those also not surprised by such numbers.

He is just a year older than the oldest of the cohort included in the Harvard data and ran the same North Omaha streets — what he calls a breeding ground for "misguidance and misery."

"Kids have to be well versed in making good choices, and that comes from family, that comes from good community support, that comes from good positive outlets," he said. "If you don't have a system to help you make good choices as a young man or as a youth, then the wrath is soon to come."

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Stennis-Williams, the executive director of ReConnect, said when she sees the generational offending and incarceration in North Omaha, it reminds her of a saying attributed to the late South African theologian Desmond Tutu:

"There comes a point where we need to stop just pulling people out of the river. We need to go upstream and find out why they're falling in."

Indeed, America's high incarceration rate for Black people in particular has long been a focus of criminal justice research, including in Nebraska. While the racial disparities are clear, all the reasons behind them are not.

In 2020, criminologists at the University of Nebraska at Omaha found Black Nebraskans to be over-represented in the state's justice system, more likely to be arrested and incarcerated and less likely to be part of prison diversion programs.

While Black Nebraskans represent 5% of the state's population, they account for 19% of all arrests, said Leah Butler, a co-author of the study.

What researchers couldn't tell was whether the differences in arrests were due to higher levels of offending among the Black population or unequal enforcement. It's possible both were involved to a degree, Butler said.

The UNO study also found that the disparities in incarceration for Black Nebraskans were even wider than the arrest disparities. In effect, Black people who are arrested are more likely to end up imprisoned than White arrestees.

But Butler said it would take a much deeper study to understand whether the disproportionate incarceration for Black people was due to unequal sentencing practices or other reasons. For example, it's possible Black people simply tended to be arrested for more serious offenses.

The seminal national study looking at racial differences in incarceration did take into account differences in the severity of crimes committed. And that research raised troubling questions about potential bias.

The 1982 study by criminologist Alfred Blumstein found that adjusting for types of crimes accounted for only about 80% of the higher incarceration rate for Black people. That left open the possibility that biased decision-making in charging or sentencing could be at work. The most sizable race-based differences in outcomes involved drug offenses.

More recent studies have found similar results. A 2016 Brookings Institution study found that while Black and White Americans use and sell drugs at similar rates, Black people are 2½ times more likely to be arrested for a drug offense, and 6½ times more likely to receive a state prison sentence for drugs.

While there has been no thorough study of sentencing disparities in Nebraska, Black Nebraskans frequently cite the harsh treatment of both users and dealers when crack cocaine ravaged Black communities in the 1980s and 1990s.

Black Nebraskans also frequently say that “over-policing” of Black neighborhoods contributes to higher arrest and incarceration rates.

A 2019 ACLU of Nebraska study found Black drivers in the state were twice as likely to be in a traffic stop as White drivers, and three times more likely to be subsequently searched.

That means if both a Black and a White driver were driving with drugs in their cars, the Black driver would be much more likely to be stopped, searched and charged with a crime.

“People of color have been shouting about these disparities from the rooftops for years now, and we are not being heard,” said Rose Godinez, legal director for ACLU of Nebraska.

Douglas County Public Defender Tom Riley said after a half century in courtrooms, he doesn’t see overt racism in Nebraska’s criminal justice system. But he does believe it exists in more subtle forms.

He knows of a Black man who on several occasions has been stopped by police while walking in his own, mostly White, suburban neighborhood, and was asked what he was doing there. And Riley has perceived latent bias when questioning potential jurors, including the belief that a Black person is more likely to have committed a crime.

"We have to acknowledge these things and recognize them if we are going to get anywhere," he said.

But issues of the justice system aside, most sociologists and criminologists agree much of the disparities in incarceration for people of color — both here and nationally — are grounded in the same thing: Grinding poverty, and all the ills associated with that.

“High rates of incarceration are one outcome of poor social outcomes,” said Nicole Porter of the Sentencing Project, which has worked to reduce incarceration nationally.

Sociologists have long known parents’ socioeconomic status casts a long shadow over their children’s prospects in life. And that helps create a cycle of intergenerational poverty.

In Black communities, historical segregation and racial discrimination have contributed to that cycle, including segregated schools and the federal redlining policies from the 1930s to 1960s that denied home loans within Black neighborhoods. And despite the promise of the 1960s civil rights movement, the Black-White income gaps have persisted.

One reason Nebraska's racial incarceration disparities may be larger than the nation's is because its racial economic disparities are also often larger.

A 2020 analysis from UNO's Center for Public Affairs Research found the Omaha metro area's 35% poverty rate for Black children was nearly five times the White rate — the 15th highest Black-White disparity among the nation's 100 largest metros.

Historically, Omaha's Black unemployment rate also exceeded the Black rate nationally, though that has reversed in the past decade.

Barney, the founder of the Empowerment Network, said the lack of ready jobs and opportunity in North Omaha help fuel the drug trade and gang violence that have put so many on a path to prison. He said kids who come home to find a lack of food or the lights turned off can look down the street and see "who has the money and cars and clothes."

"If you don't see the opportunity, it's very difficult to picture yourself in it," he said. "What you see is what you will be."

Omaha also has historically ranked in the bottom tier among the nation's 100 largest metros in the percentage of Black families headed by two parents. Family structure has been proven to make a huge difference in poverty rates.

A recent UNO analysis showed while the poverty rate for single-parent Black families in metro Omaha was 45%, the poverty rate for Black families with two parents was just 9% — less than half the poverty rate for White single-parent families.

The lack of guidance from two parents also makes it more likely children will lose their way. “We have to take responsibility and help to dismantle some of the conditions in our community that make us more vulnerable to system involvement,” Stennis-Williams said.

Aubrey Mancuso, executive director of the Nebraska child advocacy group Voices for Children, cites the state’s troubling education gaps for children of color as also contributing to creating a pipeline to prison.

In the latest data, Nebraska’s gap in fourth grade reading proficiency between students of color and White students was the nation’s eighth widest. The gap in eighth grade math proficiency was the sixth widest, and Nebraska children of color are also far less likely to complete high school on time.

“These problems establish themselves at a very young age,” agreed Douglas County Attorney Don Kleine. “We need to make sure kids stay in school so we haven’t lost them by the time they’re in junior high.”

McKinney, the North Omaha state senator, said it frustrates him that when children in his community fall through the cracks and commit a serious crime, he almost inevitably finds that they had been failing in school — and in life — for years.

“Nobody cares about them, they’re just going to school, and everybody knows they’re gonna fail,” he said. “They were born into this mess where their basic necessities are not being met. But instead of trying to meet those, it’s ‘he’s a bad kid, suspend him, lock them up.’ We have to invest in these kids.”

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As state lawmakers grapple over what to do about Nebraska’s chronically overcrowded prisons, the chairman of the Legislature’s Judiciary Committee said the state can’t overlook the high racial disparities.

“This should tell us we have to have an honest conversation about why,” Sen. Steve Lathrop of Omaha said.

Lathrop was part of the working group of state officials who examined possible criminal justice reforms. He introduced Legislative Bill 920, which includes many of the working group’s recommendations.

He believes the state needs to reexamine some criminal penalties, among them drug crime sentences and the use of mandatory minimums for non-violent offenders.

Kleine said he’s concerned not only about racial disparities in prison but also racial disparities in crime victimization, noting that 60% of homicide victims in Omaha last year were Black.

“These are important issues,” he said. “They need to be confronted.”

Kleine supports enhanced prison diversion programs focused on helping offenders solve their anger and drug problems, as well as improved programming for inmates to help them succeed upon release.

He also said he believes the poverty, unemployment and other problems in North Omaha have roots in past racism and should be addressed. He and Lathrop said the state should consider investments in education and opportunity that would help break the cycle of poverty and incarceration.

On that count, Lathrop said he believes the North Omaha development plan put forward by McKinney and Wayne is on the right track.

Over a dozen senators last month attended a briefing the two North Omaha senators gave on the \$450 million plan. Provisions include hundreds of new affordable houses, stepped-up job training, a new airport business park and a North Omaha mental health treatment facility.

"We are making a business case on why we should invest in North and South Omaha," Wayne said. "We are not going to social program our way out of this."

While it seems unlikely the Legislature would fund the plan's full price tag, some senators say a scaled-down version of \$200 million or more could gain traction.

Barney said the Empowerment Network for years has partnered with other nonprofits and the public and private sector in an effort to replace North Omaha's prison pipeline with a “cradle to career pipeline.” He said the state redevelopment plan would support those efforts.

Barney said the plan reminds him of the landmark 1968 U.S. Kerner Commission report, which in the wake of rioting in America's inner cities called for investment in jobs, education and housing to address historic inequities.

“It said the scale of the intervention has to be with the scale of the issue, and we have never done that,” Barney said. “We are now in the best position to solve this. We can be an example.”

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Looking back on his life, Brock can see now where things got off track. Not listening to his mother became truancy and then living on the streets, leaving his life “spiraling out of control into other things.”

But he's confident his latest trip to prison — a three-year sentence for drug and weapon possession — will be his last.

In November, he began serving the last part of his sentence in the Community Corrections Center-Omaha, a work release center he was able to leave daily for a job as a forklift operator.

Brock has also spent months attending weekly meetings of an inmate support group, part of a comprehensive re-entry program developed by Metro Community College. Brock so impressed the program's director with his determination and communications skills that he's now up for a part-time job as a mentor for others coming out of prison.

Then last weekend, Brock was released. He said he has high hopes not only for himself, but for future generations of youth in North Omaha who are “riding that line.”

“The playing field will never be all the way equal, but you can damn sure get it to 49-51,” he said. “The next generation can benefit from what this generation does.”

**Paying the Price is part of the Omaha World-Herald's collaboration with the Flatwater Free Press examining Nebraska's prison crisis.**

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**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

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## **9. Nebraska Correctional Center for Women**

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98% of design capacity

THE WORLD-HERALD

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## 8. Tecumseh State Correctional Institution



107.3% of design capacity

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## 7. Community Corrections Center-Lincoln



132.4% of design capacity

REBECCA S. GRATZ, THE WORLD-HERALD

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## 6. Nebraska State Penitentiary

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157.5% of design capacity

NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES

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## 5. Lincoln Correctional Center



168.2% of design capacity

## 4. Work Ethic Camp



186.1% of design capacity

JAMES R. BURNETT, THE WORLD-HERALD

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## 3. Community Corrections Center-Omaha

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191.7% of design capacity

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## 2. Omaha Correctional Center

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193.6% of design capacity

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## 1. Diagnostic and Evaluation Center



261.4% of design capacity

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