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### **Task force: Changes are ongoing**

by butch mabin

There's no question the Minority and Justice Task Force has had an impact on Nebraska's justice system in the year since the group released its report on racial and ethnic bias.

Among the changes brought about by the two-year study released in January 2003:

- n Creation of a pre-law institute summer program in the University of Nebraska Law College, aimed at recruiting minority law students.

- n Passage of a bill last year that has helped make jury pools more representative of communities.

- n Five additional court-certified interpreters.

Significant strides, to be sure. But, said Nebraska Supreme Court Judge John M. Gerrard, much more needs to be done.

"This is an ongoing process," he said Friday. "This report is not sitting on someone's desk gathering dust."

Gerrard is co-chair of the Implementation Committee, created by the task force to turn into reality the report's recommendations. This week, the committee released its first-year progress report on some of the issues the task force identified.

Comprising 40 lawyers, judges, agency directors and lay people, the group issued a number of findings and recommendations in the 2003 report. Among them:

- n Minority people have less trust than white people in the justice system.

- n Juries are not representative of the racial and ethnic diversity of their communities.

- n Minorities have arrest rates up to 5.5 times higher than whites.

- n Nebraska's law schools and legal profession should do more to recruit and hire qualified minority applicants.

Gerrard pointed to gains made on some of those goals.

The Legislature in May passed a bill requiring counties to annually update jury pool lists. The task force found some counties had not updated the lists in 15 years, thus excluding residents - many of them Hispanic - who had since moved to the communities, the judge said.

"That's appalling," he said. "Some of these counties had a 30 to 40 percent increase in Hispanic population."

No statistical study has been done on the law's impact, but anecdotal information suggests the requirement has led to greater racial diversity in jury pools, Gerrard said.

In law school recruitment, Gerrard noted the Nebraska Law College's Pre-Law Institute, a summer program geared toward interesting minority college students in law careers. Twenty-nine students attended the four-week program last summer.

In addition to attracting minority law students, the implementation committee also wants Nebraska's law firms to do a better job of keeping them in the state after graduation.

"It's fine that we get them to come here - but let's retain a good number of them in the state," Gerrard said.

Liz Neeley, the implementation committee's project director, said roughly 2.5 percent of the state's lawyers are racial minorities. And only four judges are minorities, she said.

Minority enrollment at the Nebraska Law College rose from 7.8 percent in 2002 to 13 percent in 2003, she said, and Creighton's figures climbed from 6.5 percent in 1994 to 10.5 percent in 2003.

This summer, she said, the implementation committee will host a diversity summit to educate law firms and other legal employers on the value of diversity and how to achieve it.

Despite progress made one year after the report's release, a number of questions remain unanswered, Gerrard said.

The reason behind the disparity in arrest rates is still unclear, he said, and would take cooperation from law enforcement agencies to answer.

Disparities in incarceration rates along racial lines is another area open for more exploration. The question here, he said, is what to focus on.

Gerrard doubted racially biased judges were the problem.

"I'm not sure what kind of study to do," he said. "I truly don't believe we have district judges that would sentence a black man to prison, but not a white man with a similar (criminal) record."

Perhaps, he said, the differing incarceration rates are rooted in defendants' experiences in the criminal justice system.

For instance, he asked, are courts more likely to offer diversion programs to white offenders?

Diversion programs allow defendants to keep a criminal case off their records.

"If you have two 14-year-olds out joy riding, one a poor Hispanic kid, the other a white suburban kid, and the white kid gets diversion - if they reoffend (as adults), which will get probation and which will go to prison?"

Gerrard said a bill pending before the Legislature could help the committee answer those questions.

The bill would make available to the Supreme Court for research the pre-sentence investigation reports judges use in deciding sentences.

"Prior records are so significant to judges," he said. "We as a system have to look at access to the system, if there are any barriers."