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Study: Nebraska's criminal justice system biased against minorities

BY KEVIN O'HANLON / The Associated Press

Nebraska's criminal justice system is rife with bias against minorities, which leads to mistrust and possible injustices, according to a report released today.

The report, done by a task force headed by state Supreme Court Judge John Gerrard, said that minorities are more likely than whites to be prosecuted and convicted of crimes in Nebraska.

It also said minorities are underrepresented in Nebraska's legal profession and on juries.

The report said that whites, who make up 87 percent of Nebraska's population, are jailed at rate of 23 per 10,000.

Blacks, who make up 4 percent of the population, are jailed at a rate of 197 per 10,000. Hispanics, who make up nearly 6 percent of the state's population, are jailed at a rate of 80 per 10,000.

The report said that Nebraska juries are not reflective of the racial and ethnic diversity found in the state.

Now, jurors are drawn from voter registration and driver's license lists.

The report advocates expanding the pool to public utility records and tax roles, among other things.

The report also noted that there is a lack of interpreters to help those members of Nebraska's growing Hispanic population who do not speak English deal with the court system.

"Consider a Hispanic individual walking into the clerk's office in ... counties that have had an influx of the immigrant population, and you see no one in the office that speaks your language or looks something like you," Gerrard said.

Among the report's other findings:

- Minorities have substantially less trust in the Nebraska court system than do whites.
- Minority and white court personnel and lawyers have markedly different perceptions regarding the treatment of racial and ethnic minorities by prosecutors and judges and in the "overall court environment."
- Both minority and white court personnel and lawyers report having witnessed or that they were aware of inappropriate comments or jokes of a racial or ethnic nature, racial or ethnic slurs, and disrespectful and discourteous treatment of minorities.

Chief Justice John Hendry said the study was a call for change.

"The judges, lawyers and court employees of the state should accept this report as a call to action," Hendry said. "If there is one institution in this society that should be completely free of bias, it is the courts.

"If there is one institution where minorities can enter and know they will be treated the same as anyone else — not different, not better, but the same — that place must be the courts," he said.

The report recommends that a standing committee be formed to further study and improve the climate for minorities in the justice system and recruit and retain minority students at the state's law schools.

The task force was made up of 33 judges, lawyers and members of the Nebraska's minority communities. It was created by the Supreme Court and the State Bar Association in 1999.

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