

Parole Head Pressured To Parole More

LINCOLN, Neb. (AP) — The chairwoman of Nebraska's parole board says a former prisons director pressured her into paroling more inmates in an effort to reduce crowding. Esther Casmer testified under subpoena Tuesday that some inmates were paroled even though they hadn't completed mandatory programming to treat anger management, addictions and other problems.

Casmer told a legislative committee that the board's role as a public-safety gatekeeper became compromised in 2008, when former corrections director Bob Houston started pushing to release more prisoners.

Casmer also says the governor's chief-of-staff, Larry Bare, told her and another board member that they should "be concerned about losing your jobs for not paroling enough people."

Casmer was appointed by Gov. Dave Heineman in 2005. A spokesman for the governor says he will respond as soon as he can.

Spanish Immersion School In Jeopardy

SIOUX FALLS, S.D. (AP) — Plans for a Spanish immersion school in eastern South Dakota might be in jeopardy due to a proposal by state lawmakers to put new limits on K-12 capital budgets.

The *Argus Leader* reports the Sioux Falls school board has delayed a vote on demolishing an elementary school where a new facility would eventually be built to house the district's Spanish immersion programs.

School officials delayed the vote because they didn't want to risk losing the elementary school without knowing they'll be able to replace it.

Some lawmakers are proposing a cap on public schools' capital outlay funds. Sioux Falls school officials planned on paying for the new \$12 million building with long-term increases to the district's capital outlay levy.

Construction for the school is scheduled to begin in 2015.

Judge To Rule On SD Gay Marriage

PIERRE (AP) — A federal judge presiding over a challenge to South Dakota's gay marriage ban should bypass a trial and rule on the case, the state attorney general's office argued Tuesday.

The office joined six same-sex couples who are suing the state in petitioning for summary judgment in the case. The state also asked in its filing Tuesday that U.S. District Court Judge Karen Schreier reject the challengers' July motion that she rule in their favor.

Minneapolis attorney Josh Newville last May filed the federal lawsuit, which challenges a 1996 state law passed by the Legislature and a voter-approved 2006 constitutional amendment banning gay marriage. The lawsuit argues the state's ban violates equal protection and due process guaranteed in the 14th Amendment to the U.S. Constitution.

South Dakota Attorney General Marty Jackley said lawmakers and the voters of South Dakota should have the authority to define marriage in the state, not the federal courts.

In mid-November, Schreier rejected the state's motion to dismiss the lawsuit entirely, allowing the case to proceed, though she threw out one piece of Newville's claims.

Newville has two weeks to respond to the newest filings, and the case could be ready for consideration near the end of December.

Gov. Daugaard Selects Rapid City Judge For State Supreme Court

BY BOB MERCER
State Capitol Bureau

PIERRE — For the first time in South Dakota's history, the state Supreme Court will have two women among the five justices.

Gov. Dennis Daugaard said Tuesday he has chosen Circuit Judge Janine Kern of Rapid City to be the next member of the state's high court.

Justice John Konenkamp of Rapid City is retiring in late December after 20 years on the Supreme Court.

Kern, 53, said she hopes to meet the high standards of Konenkamp. She described him as a friend and mentor.

She expressed gratitude to her husband, Greg Biegler, for "his support and sacrifices that have allowed me to pursue a demanding but fulfilling career."

The governor chose Kern from four people recommended by the state Judicial Qualifications Commission.

All four are circuit judges, according to Tony Venhuizen, the governor's chief of staff. The names of the recom-

mended candidates aren't publicly released.

Daugaard made the offer Monday to Kern, according to Venhuizen.

Kern will be the 49th justice in state history and the third woman to serve on the state Supreme Court.

The first was Judith Meierhenry, who served 2002 through 2011. Daugaard appointed Lori Wilbur to succeed Meierhenry in 2011.

Wilbur won a full eight-year term this year in the Nov. 4 elections.

Kern grew up at Lake Andes. Her father is retired Circuit Judge Paul J. Kern of Lake Andes. He served from 1975 to 1995.

Kern received a bachelor degree from Arizona State University in 1982 and a law degree from the University of Minnesota in 1984.

She then worked 11 years as an assistant attorney general for South Dakota.

Gov. Bill Janklow appointed Kern as a circuit judge in 1996. Janklow also appointed Meierhenry to the Supreme

Court and worked for creation of an additional circuit judge's seat that Wilbur won in the 1998 election.

Kern has served at various times as a temporary member of the Supreme Court.

Through much of her career, she has been involved in legal issues regarding children. She has served on the state Council of Juvenile Services and the federal advisory committee on juvenile justice.

She also has been part of the state Division of Alcohol and Drugs advisory committee and the state's judicial performance evaluation committee.

In a prepared statement Daugaard said Tuesday: "Judge Kern is known for her rigorous legal mind, her conscientious work ethic and her commitment to fairness and equal justice under the law."

Kern and her husband are active Catholics and members at the Cathedral of Our Lady of Perpetual Help in Rapid City.

Expert: Poor Mental Health Services Affect Prisons

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — Nebraska has dismantled crucial pieces of its mental health services and effectively turned jails and prisons into the state's biggest treatment centers, a longtime psychologist said Tuesday.

University of Nebraska-Lincoln psychologist William Spaulding told a legislative committee that a 2004 law designed to reduce the use of state hospitals in treating the mentally ill wasn't properly implemented.

The law was intended to shift those patients into community settings, but Spaulding said the money to support those programs never materialized. A UNL psychiatric rehabilitation center also closed in 2009, and many highly trained experts who worked at the state-run Lincoln Regional Center left to take jobs with the

U.S. Department of Veterans Affairs.

Lincoln police have reported a 60 percent increase in calls involving mental illness between 2004 and 2008, Spaulding said. He said Nebraska previously had "step down" programs to help state mental-health patients recover and return to society, but many have been cut since 2004.

"That incremental system was gradually dismantled," he said.

The special committee is finishing a wide-ranging investigation into the state's prisons and the case of Nikko Jenkins, a former inmate. Jenkins was held in isolation for up to 23 hours a day and was eventually released without a transition plan in July 2013 despite his pleas for mental treatment.

He killed four people in Omaha the next month. Jenkins pleaded no contest in April and was convicted in the

shooting deaths of Juan Uribe-Pena, Jorge Cajiga-Ruiz, Curtis Bradford and Andrea Kruger over a 10-day period.

Solitary confinement costs roughly three times as much as housing an inmate in the general prison population and fails to rehabilitate inmates, said Rebecca Wallace, a staff attorney for the ACLU of Colorado who has studied the issue.

"If prisons don't work toward rehabilitation, the public is going to pay the price," she said. "Solitary confinement has no rehabilitative purpose or effect. That's why it's bad policy."

Prison officials have said they are reviewing their policies, including the use of segregation.

Wallace said most of Colorado's inmates held in isolation suffer from mental illness or cognitive disabilities, or are habitual violators of minor rules. Many of the habitual vio-

lators also suffer from mental-health and cognitive problems, she said.

Stacey Miller, a former prison psychologist, told lawmakers that 300 to 400 inmates were kept in isolation at any given time at the Tecumseh State Correctional Institution in southeast Nebraska. The prison housed around 1,030 inmates at the time, with four mental-health experts and one supervisor to treat them, Miller said.

Miller, who earned a doctorate in psychology, said she said the left the job after six months because she disagreed with the way prison officials used segregation on inmates. She described a "power struggle" between overworked prison staffers and inmates who felt their voices weren't being heard. In many cases, she said, those conflicts led to mentally ill inmates going into segregation.



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