

Ombudsman Staff: Prison Heads Warned About Jenkins

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — Nebraska prison administrators ignored repeated warnings about an inmate who later killed four people in Omaha and at one point refused to even discuss his mental health status, two deputy state ombudsmen said Friday.

Jerral Moreland and James Davis with the state ombudsman's office told a legislative committee that they pushed officials to develop a transition-to-release plan for Nikko Jenkins, who was scheduled for release in July 2013 after spending 3 1/2 years in an isolation unit. Jenkins was released directly from segregation despite his pleas for a mental-health civil commitment, and went on a 10-day rampage a month later.

Davis and Moreland said they requested a meeting with prison administrators to discuss Jenkins' mental health status as his release date neared. But after the meeting began, Davis said, former corrections department lawyer Sharon Lindgren told them that prison staff would not discuss Jenkins' mental health — only a transition plan.

"I was surprised and shocked and very upset," Davis said.

Nebraska's prison system has come under intense scrutiny for its handling

of the Jenkins case and other high-profile missteps, including prematurely releasing hundreds of inmates whose sentences were miscalculated. Moreland and Davis's comments came during the latest in a series of legislative hearings to investigate what caused such problems.

Jenkins had a long history of disciplinary problems while incarcerated, and behaved bizarrely while in segregation. State psychologists have said they believed Jenkins had behavioral and not mental health problems — a conclusion strongly disputed by private psychiatrists who were hired to evaluate Jenkins. The dissenting opinion by a private psychiatrist, Dr. Natalie Baker, was ignored by state psychologists and wasn't shared with a local prosecutor or the state ombudsman's office.

The ombudsman's office became involved with Jenkins in 2008, and worked with state Sen. Ernie Chambers of Omaha to try to ensure that Jenkins would receive adequate care.

Davis said he reached out to state corrections officials, including then-director Bob Houston, to talk about mental health treatment options for Jenkins. Davis said he was unaware of Baker's report when he met with state prison officials in March 2013.

A top prisons deputy, Larry Wayne, later told Davis that he was "tired of us

beating up on him about Nikko Jenkins' mental health," Davis said.

Moreland said he also met to discuss options for Jenkins and see whether prison officials would let Jenkins into the general population to help with his transition. Wayne expressed concern that Jenkins might kill an inmate or prison worker, Moreland said.

Wayne testified Friday that he wasn't told that Jenkins had threatened to kill people until after the murders, for which he was convicted this year. But Wayne acknowledged that he never questioned the opinion of the state's behavioral health administrator, who told him Jenkins was faking mental health problems. Nor did he seek the opinion of Baker, the psychiatrist who disagreed.

Wayne said he knew Jenkins had asked to go to the Lincoln Regional Center, a state psychiatric hospital, but said he believed Jenkins was trying to manipulate officials despite having only six weeks to go.

State Sen. Steve Lathrop, the committee's chairman, chastised Wayne and other prison officials for ignoring multiple red flags in Jenkins' case.

"If there's a failure over there, it's that some people have tuned (the inmates) out and quit caring," Lathrop said.

Company In EB-5 Dispute Might Be Subject To Taxes

ABERDEEN, S.D. (AP) — South Dakota's Division of Banking is considering whether a private company that took over an investment-for-green card program for the state is considered a financial institution.

The American News reports such a determination could result in SDRC Inc.

owing millions.

The embattled EB-5 visa program was designed to lure wealthy immigrants to invest in rural South Dakota projects, in return for green cards. It once was run by an institute at Northern State University but was privatized in 2009 and turned over to SDRC.

The state Revenue Department says if SDRC is deemed a financial institution, it will work to collect bank franchise taxes.

South Dakota was one of the pioneers in EB-5 financing, but in recent years the state's program has been investigated by state and federal authorities.

Feds To Investigate Old Black Hills Uranium Mines

RAPID CITY (AP) — Federal officials say a planned investigation of abandoned uranium mines in southwestern South Dakota is separate from its assessment of a proposed mine near Edgemont.

The mines are located within 15 miles of the proposed Powertech Uranium Corp. mine, which does not

yet have all the necessary permits to proceed.

The abandoned mines consist of waste rock piles, seven open pits, underground workings and two open tunnels. The Environmental Protection Agency hopes to determine by late 2015 if a cleanup is needed. Powertech project man-

ager Mark Hollenbeck tells that *Rapid City Journal* that the EPA investigation on the abandoned mines should not affect the Powertech project.

Opponents of the Powertech mine say the project could be hurt if major cleanup is needed on the abandoned mines.

Atlantic Salmon To Be Stocked In Lake Oahe

PIERRE, S.D. (AP) — South Dakota wildlife officials are moving forward with a plan to stock Atlantic salmon in Lake Oahe, though it likely will be at least five years before any end up on a dinner plate.

Two public surveys over the summer found strong support for introducing the species in the Missouri River reservoir in the Dakotas, Game, Fish and Parks fisheries biologist Bob Hanten told the *Capital Journal*.

The state has bought 40,000 Atlantic salmon eggs from a New Hampshire

hatchery for \$2,500, and in January two fish hatcheries in South Dakota will begin raising them as a trial run.

"We just don't really know how they will perform in our hatcheries," Fisheries Program Administrator Will Saylor said. "Every hatchery is different."

Chinook salmon have been stocked in Lake Oahe each year since the mid-1980s. Wildlife officials want to boost the salmon fishery with the new species, which can switch to other prey if rainbow smelt are low. Chinooks feed almost exclu-

sively on rainbow smelt, a species prone to large population swings.

Chinook salmon also spend most of their time in deep water, making them harder to catch.

Biologists plan to stock the first batch of Atlantic salmon in the spring of 2016. It could take about three years for them to grow big enough for anglers to catch.

No Missouri River reservoirs currently have Atlantic salmon, but the species has had a fairly successful run in the Great Lakes.

FEMA Approves SD Disaster Funding

SIOUX FALLS (AP) — South Dakota Sen. Tim Johnson says the Federal Emergency Management Agency has approved more than \$3.6 million in disaster aid to help communities recover from several June storms, including the tornado in Wessington Spring and flooding in other areas.

Funds will be made available to Butte, Clay, Corson, Dewey, Hanson, Jerauld, Lincoln, Minnehaha, Perkins, Turner, Union and Ziebach counties, as well as the Cheyenne River Sioux and Standing Rock Sioux tribal nations.

The money can be used for a variety of disaster recovery costs such as emergency work, removal of debris, road and bridge repair, and restoration of electrical utilities.

Man Robbed After Being Offered A Ride

SIOUX FALLS (AP) — Police say a Sioux Falls man was robbed with a letter opener after accepting help from a stranger.

Police spokesman Sam Clemens tells the *Argus Leader* the 25-year-old victim was waiting for a cab outside a Sioux Falls bar when 50-year-old David Person told the victim he could save him money by giving him a ride home.

Clemens says the two then walked about a dozen blocks to Person's apartment. Once inside, Person allegedly pulled what the victim thought was a knife from his pocket, held it to the victim's throat and demanded money.

The victim left the apartment and called police, who found Person inside his unit with the money and a letter opener.

Person is charged with first-degree robbery. Court documents do not list a defense attorney.

One Week Left For Voter Registration

PIERRE (AP) — South Dakota voters have one week to register for the upcoming general election.

Secretary of State Jason Gant says nearly 518,000 people have registered to vote on Nov. 4. The deadline for registration is Oct. 20.

Gant says it's a noteworthy election with U.S. Senate and gubernatorial contests, along with many legislative and local races. Nearly 12,000 absentee ballots have been requested so far.

Record Crop Expected For SD Soybeans

SIOUX FALLS (AP) — South Dakota's soybean crop is forecast at a record-high 220 million bushels, up 18 percent from last year.

The Agriculture Department's crop production report shows an estimated 5.11 million acres of soybeans, a 12 percent increase from a year ago. Average yield is forecast at 43 bushels per acre, up 2.5 bushels from 2013.

The report estimates corn to be up less than 1 percent and dry edible beans to be up 9 percent from a year ago.

Sunflower production is forecast at 251,000 hundredweight, up 9 percent from 2013.

Court Reverses Order On Boy's Name

OMAHA, Neb. (AP) — The Nebraska Supreme Court has reversed the decision of a lower court that ordered a boy's last name be changed to that of his biological father.

The high court ruled Friday that the lower court wrongly gave preference to the paternal surname over what was in the best interests of the child.

The case concerns a boy listed in the ruling as "Connor H." whose parents were not married when he was born in 2008. He was given his mother's last name on the birth certificate.

Both the mother and father later married other people, and in 2012, both petitioned to have the boy's last name changed. The father wanted the boy to have his last name. The mother sought to have the boy's name changed to her new married surname, saying the boy had asked to change his surname to those of his mother, stepfather and younger half-sister.

The boy "would feel more part of the family and feel like he belongs if he could have the same last name as everybody that he lives with," his mother testified.

Johnson County District Judge Daniel Bryan Jr. granted the father's request, saying it made more sense to change the boy's name to that of his biological father than the name of his stepfather.

"I think that's like a de facto adoption," the judge said. "I'm not going to do that; that would just simply be wrong."

But the Nebraska Supreme Court said Friday that while both parents offered testimony giving their respective reasons for wanting to change the boy's name, neither parent presented evidence that changing the boy's last name from his mother's former name was in his best interest.

Gardener's Work Revives Pawnee Crops

LINCOLN, Neb. (AP) — A nearly extinct corn crop of the Pawnee Nation has sprouted once again thanks to a gardener's work in south-central Nebraska.

Before the Pawnee were forced out of Nebraska, they took as much as they could carry to Oklahoma, including the seeds they would need to start over, The Grand Island Independent reported.

But the corn kernels wouldn't take to the soil. So the Pawnee kept the seeds and avoided trading them because they were sacred to their culture.

The corn was nearly extinct until Ronnie O'Brien of Great Platte River Road Archway contacted the Pawnee Nation in Oklahoma and was connected with Deb Echo Hawk, a Pawnee education program director. O'Brien was interested in growing Pawnee crops as part of a Native American education program she wanted to start.

O'Brien spoke about her journey harvesting the ears of Pawnee corn on Thursday at the Grand Island Public Library as part of the Moonshell Arts and Humanities Council's Munch and Learn Series.

O'Brien, who has been gardening since she was a child, said Echo Hawk sent her 25 kernels of eagle corn, because of her experience growing plants. She said a second family also sent 50 yellow corn seeds as well.

But cool temperatures that spring caused the eagle corn seeds to rot. She was still able to grow the yellow corn seeds and harvest 23 ears.

O'Brien was sent 25 more eagle corn kernels by Echo Hawk, but since that left her only with 25, no more would be sent. O'Brien asked a biologist to help and he was able to grow 17 of the eagle corn seeds, she said.

Eagle corn, named for dark spots on its white kernels that look like an eagle in flight, are believed to date back to the 1200s when the Pawnee traveled toward Nebraska from Central America, she said.

During the last several years, O'Brien has received other varieties of Pawnee corn and grown it with varying degrees of success.

KYNT
AM 1450
MORNING COFFEE
WEEKDAYS MONDAY-FRIDAY

Monday, October 13
7:40 am Yankton City Manager (Amy Nelson)
8:20 am Yankton School Board (Kathy Greenaway)

Tuesday, October 14
7:40 am The Center (Christy Hauer)
8:20 am Simply D'Vine (Sheila Kuchta)
8:45 am Dakota Museum (Crystal Nelson)

2014
women's
HEALTH FORUM

Linda Zimmerman
"Some Days are Diamonds, Some Days are Stones:
Dealing with Metastatic Breast Cancer"

Linda was employed by HyVee for 16 years, with 14 of those years at the Customer Service Desk. She is the mother of 7 children. Born and raised in Gayville, SD. She lives with her husband Ron in Yankton.

Also speaking: **Mary Lee Villanueva, MD**
Yankton Medical Clinic, P.C. Board Certified Oncologist/Hematologist

Our Emcee, Mary J. Milroy, M.D., FACS
Yankton Medical Clinic, P.C. Board Certified Surgeon,
Specializing in Breast Surgery

Monday, October 20
Doors open at 11:30am – Lunch will be served at noon – Forum begins at noon

Avera Sacred Heart Hospital
Professional Office Pavilion, Yankton, SD

Tickets \$20.00
(includes lunch and program)

Proceeds benefit:
SD All Women Count

All tickets must be purchased in advance or by mail by October 15th

Make checks payable to:
Women's Health Forum
c/o Avera Sacred Heart Cancer Center
1115 W. 9th St. • Yankton, SD 57078
Phone: (605) 668-8850

TICKETS ALSO AVAILABLE AT:
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