

STATE OF NEBRASKA

2002 Annual Byrne Report

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Nebraska's State Annual Report

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Executive Summary

In Nebraska, increased arrests and prosecution for the manufacture, use and distribution of illegal drugs and violent crimes associated with drugs; available treatment for offenders with substance abuse problems; increased training for law enforcement, prosecutors and defense

attorneys; increase in the number of prosecutors and defense attorneys handling drug and violent crime cases; enhancements to the State's criminal records system and sex offender registry are all direct results of the Federal Edward Byrne Memorial Formula Block Grant funds. These outcomes were accomplished by expanded and focused law enforcement operations through multi-jurisdictional task forces, enhanced and expanded resources for prosecution and defense at the state and local level, and the development and implementation of a comprehensive treatment plan for offenders. While the Byrne funds have made a tremendous impact on the illegal drug problem in Nebraska, the problem still exists. The Byrne dollars, along with other funding sources, are being used to address the criminal justice piece of a comprehensive approach involving education, medical, prevention and treatment of non-offenders.

Byrne funds are vital to Nebraska and have served as the catalyst to numerous changes in Nebraska's criminal justice efforts in addressing drug and violent crime. Persons using drugs are usually involved in other crimes, such as burglary and theft, to pay for their habit. It is not uncommon for those using and/or dealing in drugs to be involved in more serious crimes, such as assaults and homicides. Many times crimes are part of a larger conspiracy to manufacture and distribute drugs requiring law enforcement at the federal, state and local levels to work together in a coordinated manner. In Nebraska, coordination and cooperation are key factors for the successes of our task forces and other criminal justice efforts.

The impact of coordination and cooperation directly resulting from the Byrne grant funds cannot be stressed enough. For the most part, prior to the Byrne funds, working together and sharing information was an "exception to the rule" and not standard procedure for law enforcement and prosecution. Through continuation of our task forces, training, prosecution and treatment efforts, Byrne continues to be the driving force behind making coordination and cooperation a standard operating procedure for federal, state and local criminal justice agencies in Nebraska.

Illegal drug use, distribution and manufacture remains a major problem for the State of Nebraska, with methamphetamine and marijuana being the drugs of choice. During 2003, law enforcement participating in Nebraska's one state and nine local multi-jurisdictional task forces made 1,499 arrests for marijuana offenses compared to 1,397 arrests in 2002. Task forces made 1,216 arrests for methamphetamine in 2003 compared to 1,431 in 2002. Approximately 85% of the methamphetamine in Nebraska is brought into the state from Arizona, California and Mexico with the remaining 15% being manufactured within the state. Nebraska's highway system continues to serve as a major pipe line for drug trafficking. For example, in one stop of a rental

truck by the Nebraska State Patrol on Interstate 80 they found 1,920 pounds, almost one ton, of pseudoephedrine. Pseudoephedrine is a main ingredient of methamphetamine. This was enough pseudoephedrine to produce 432 pounds of meth.

Methamphetamine is a dangerous drug and the one which has the most impact on the State. Not only does meth produce a dangerous drug, but it also contains highly toxic and flammable substances, such as ether, hydrochloric acids and anhydrous ammonia. Because of the easy access to anhydrous ammonia from farm fields and Co-ops, the theft of this chemical

across the state is a constant problem. The number of meth labs discovered by law enforcement continue to be high. Statistics show that in 2000 there were 38 meth labs discovered. Unfortunately, the number of labs discovered rose to 109 in 2001 and to 372 for 2002, a 241% increase. In addition to the meth labs discovered, law enforcement also continues to find more chemical dump sites where it is evident a lab was fully or partially operational. Dump sites contain very hazardous chemicals and is an environmental problem. During the time period of January 2002 and December 2003, there were 265 dump sites discovered across Nebraska. Law enforcement anticipates these numbers will continue to significantly increase as they have in our bordering states.

The influx of minority populations in the state continue to rise with some minority individuals involved in the transportation and distribution of drugs. Investigators face several problems when dealing with minority drug dealers, such as difficulty in identification of individuals and language. The transportation of illegal immigrants remains a problem Nebraska and surrounding states.

To address the drug problem in Nebraska a comprehensive, focused approach using the Byrne dollars has been implemented and maintained over several years. This approach includes: 1) at the enforcement level, the operation of nine local multi-jurisdictional task forces covering 71 of 93 counties (76%) and one state mid and upper level task force; 2) at the prosecution level, the support and enhancement of the Attorney General's Drug and Violent Crime Prosecution Unit to provide assistance to local prosecutors; 3) at the defense level, the support of Nebraska Commission on Public Advocacy to provide assistance to defense attorneys at the local level; and, 4) to provide treatment of offenders through Drug Courts at the local level and within the state correctional facilities. Additionally, the Department of Corrections implemented a drug interdiction effort within the correctional facilities. A statewide computerized intelligence system was developed and implemented along with a comprehensive criminal records improvement system. Enhancements have also been made to the State's Sex Offender Registry system which have eliminated a significant backlog in assessments.

Nebraska's nine local multi-jurisdictional task forces are regional and are comprised of local law enforcement and the State Patrol. Where possible and when necessary DEA, FBI, ATF, INS, U.S. Postal Service and other federal agencies also are involved in task force operations. In three of the task forces, federal representatives are housed at the off-site. The Nebraska State Patrol's Mid and Upper Level Task Force (MULE) works in coordination with the nine local multi-jurisdictional task force across the state on cases involving high level dealers and large quantities of drugs, which, in most cases, leads to other states and countries. MULE cases are more involved and take considerably longer to investigate. Task forces work together in the investigation of drug and drug related cases through the sharing of information through the statewide computerized NeLEIS – Nebraska Law Enforcement Intelligence System, personal discussions as well as formal meetings.

To enhance the task forces efforts HIDTA (High Intensity Drug Trafficking Area) funds are awarded to several task forces across the state which provide for meth lab take-down training, meth conspiracy training, etc. HIDTA funds were also utilized to initiate a Retailers Watch program in task force areas which informed various businesses, about meth, how it's

cooked and to be alert to anyone buying over the counter ingredients used to make meth, such as Heet, Sudafed, etc. As a result, several stores, such as WalMart, implemented a policy which limits the amount of these ingredients which can be purchased by an individual. HIDTA sponsored the development and training of a state Clan-Lab Team which is called upon to dismantle meth labs across the state.

There have been several explosions and fires across the state as a result of cooking meth. This poses extreme dangers to neighborhoods both from the fires as well as toxic chemicals. To address the problem of theft of anhydrous ammonia, information about meth and how it is manufactured was and continues to be provided to area farmers and Co-ops. As a preventive measure, Farmland Industries developed a tamper-proof locking device for the ammonia tanks during 2001.

One noticeable element of offenses involving drugs and serious crimes is the number of incidents in which guns are found during arrests. This is demonstrated by the increase in the number of firearms seized during arrests in Lincoln and Omaha. In 2001, Omaha seized 969 firearms compared to 1,172 in 2002, an increase of 20.9%. In Lincoln, there were 277 firearms seized during 2001 and 323 during 2002, an increase of 16.6%. Law enforcement estimate that 85% of all drug arrests involve firearms. The number of homicides committed with a firearm have increased over the past two years – In 2001 out of 27 homicides, 14 or 51.8% were committed with firearms. In 2002, out of 28 homicides, 18 or 64.3% were committed with firearms. Crimes involving firearms are, as a rule somewhat fickle, but over time the trend of firearms being involved in serious crimes, including drug offenses, is an upward one.

The prosecution of drug cases may be handled at the local level or the federal level depending on the facts of the case. In Nebraska, 83% of local prosecutors are part-time. To assist in the prosecution of drug and violent crime cases, the Nebraska Attorney General's Drug and Violent Crime Prosecution Unit provides any assistance needed by the local prosecutor from research, to assisting in trial preparation to conducting the prosecution. To ensure there is balance to the system, the Nebraska Commission On Public Advocacy provides similar services to local defense attorneys.

It is recognized that treatment is a key factor in addressing drug use and incarceration alone will not deter drug use. Therefore, the Department of Corrections developed and implemented a comprehensive treatment program for those inmates incarcerated for drug offenses as well as for those identified as having a drug problem. The Byrne dollars served as the catalyst for the comprehensive treatment program which has been implemented in phases with state general funds picking up the various phases which were funded with the Byrne dollars. Other funding resources, such as the federal Residential Substance Abuse Treatment (RSAT) dollars, are also utilized for the treatment program. Byrne dollars are now being used for random drug testing and targeted intensive testing as well as various interdiction efforts to stop the flow of drugs into the facilities. Interdiction efforts include canine searches of visitors and correctional staff, surveillance of activities and intelligence gathering. All of the efforts appear to be making a difference. Results of the random drug testing effort reflect the percent of inmates testing positive for drugs dropped significantly, from 7.06% in 2000 to 2.54% in 2002. Results from the targeted intensive testing program reflect the percent of inmates testing positive

for drugs dropped from 15.6% in 2000 to 6.07% in 2002.

Another treatment effort being implemented across the state are Drug Courts. Nebraska currently has four adult and three juvenile Drug Courts which are operational. Byrne funds were used for the implementation and operation of two adult rural Drug Courts, one of which is a regional one covering four counties. Various other funding sources are being used for the operation of the Drug Courts. The two Byrne funded Drug Courts became fully operational during 2002. The two rural Drug Courts are 18 month programs. Therefore, given the length of the programs and the fact they didn't become operational until 2002, their program data is limited at this time. As of December 200, the four county regional Drug Court has had 70 participants with 11 successfully completing the program. From September 2002 through September 2003, the Drug Court in western Nebraska, which serves one county with a population base of 9,494, had eleven persons entering the program with 2 successfully completing the program.

Byrne funds also served as the catalyst for the State's criminal justice records improvement project. In 1994, the Nebraska Intergovernmental Data Communications Advisory Council (NIDCAC) was created by the Legislature to examine issues pertaining to information use. The Criminal Justice Information System (CJIS) is a subcommittee of NIDCAC and consists of a broad representation from state and local criminal justice agencies. Following a completed five year plan which identified some 75 projects needed to improve criminal justice records, the CJIS subcommittee has made great strides. CJIS accomplishments include:

- * Nebraska Criminal Justice Information System (NCJIS) provides a method for state and local criminal justice agencies to access information electronically from other agencies in an easy and cost effective manner. Such information includes criminal histories, jail detainees, probation information, correctional information, mug-shots, vehicle information, protection order information, etc.
- * Improvement of individual agency data systems
- * Implementation and operation of the statewide Victim Identification Notification Everyday (VINE) system which is used to notify victims of crime about the change in location and/or release of their offender as well as allows for individuals to check on the status and location of an offender
- * Local software applications which improve and integrate computerized criminal justice systems.
- * Accident Diagramming Software: This software will standardize and improve the quality of accident diagrams. Software and training have been provided to over 125 agencies.
- * Traffic and Criminal Software which will provide for the collection and submission of citation data.
- Development and implementation of a case management system for local prosecutors

Byrne funding was also provide to upgrade Nebraska's Automated Fingerprint

Identification System (AFIS) to allow for the electronic transfer of fingerprint images to the FBI.

Nebraska's Sex Offender Registry (SOR) is administered by the State Patrol. Once a sex offender is registered with the SOR, the State Patrol completes a risk assessment using fourteen different factors to determine the offender's potential to recidivate. Classifications include low risk (Level I) in which law enforcement is notified; moderate risk (Level II) in which law enforcement, schools, daycare centers and religious and youth organizations are notified and high risk (Level III) in which the public is notified through the State Patrol's web site, Cable television, and newspapers and local television stations. As of December 2003, the registry database contained 1,790 registrants compared to 1,515 as of December 2002. Given that over 700 sex offenders registered during the first two years of operation, there was an immediate backlog in assessments. A Byrne grant was awarded in 2001 for additional personnel to help address this backlog. This backlog has been reduced to 58 pending assessments as of December 2003.

Byrne funding remains the catalyst in Nebraska's efforts in addressing drugs and violent crime. While Byrne funding alone is not sufficient to accomplish all which needs to be done, the State leverages other funding sources, such as federal HIDTA, RSAT, Meth Hotspots, NCHIP, etc. dollars as well as state and local dollars, to help in addressing the needs. Unfortunately, Nebraska, like other states, is facing major budget deficits and, therefore, Byrne funding has become even more critical to the state and local criminal justice agencies.

Introduction

Overview of Programs – Linkage to Strategy Priorities

On page 40 of Nebraska's Statewide Criminal Justice Strategy for 2001-2004, three priorities to be addressed are identified and include: 1) the increase in the use, distribution and trafficking of illegal drugs; 2) the increase of juveniles involved in criminal activity; and, 3) the issue of violence. Programs for which Byrne funding is to be used include: Multi-jurisdictional Task Forces; Training; Improving the Court Process; Treatment; New Approaches; Criminal Records Improvement and Sex Offender Registry.

Federal, state and local agencies across Nebraska have developed strong coordinated efforts in addressing these priorities by utilizing the Byrne dollars as well as leveraging other funding streams, such as the High Intensity Drug Trafficking Area (HIDTA) dollars, Community Oriented Policing dollars, Federal Juvenile Justice Delinquency Prevention (JJDP), NCHIP dollars, various discretionary grant dollars, etc. Such coordinated efforts have also brought community leaders at the local level together to address these priorities, including education, prevention, and a variety of human service providers.

Under the **Multi-jurisdictional Task Force Program**, nine local multi-jurisdictional drug and violent crime task forces, which cover 76% of Nebraska's 93 counties, are funded with the Byrne dollars. Each Task Force is constructed somewhat differently. Each has a Board consisting of member agencies which oversees the operations of the task force. A Project Director oversees the daily operation of the investigators. Some task forces have both local investigators as well as State Patrol undercover investigators; some have only local and some have only State Patrol investigators. Byrne funds were used for both local and State Patrol investigators.

Drug and violent crime activities involve both adult and juvenile offenders, including members of gangs which are found both in rural and urban Nebraska. To assist law enforcement in their investigations, a component allowing them to share information about gangs and their members was added to the State's computerized intelligence system, Nebraska Law Enforcement Information System (NeLEIS). NeLEIS, funded with Byrne dollars, was originally created for use by the Byrne funded task forces. However, because of the strong cooperation between federal, state and local law enforcement agencies within Nebraska, the users of NeLEIS have been expanded to include federal and additional local law enforcement agencies.

A state task force, MULE (Mid and Upper Level Enforcement) operated by the Nebraska State Patrol which is also funded with Byrne dollars, conducts the investigation and apprehension of mid and upper level drug and violent crime offenders. Normally, such cases begin at the local level by local task forces and, as the investigation proceeds, linkages to organized criminal activities are developed. These linkages lead to individuals in other states and countries. Once a case reaches this level, the MULE task force continues the investigation because such cases require tremendous time and resources.

Because task force efforts significantly impact other areas of the state's criminal justice system, it was determined Byrne funds would also be utilized to address the needs of the other areas of the criminal justice system to help provide a balance to the system. Under the **Improving the Court Process Program**, Byrne funds are utilized for the prosecution of drug and violent crime offenders and the defense of indigent offenders, both adult and juvenile. Nebraska's Attorney General's Drug and Violent Crime Prosecution Unit was funded to provide assistance to local County Attorneys because of their limited resources. To assist in providing a balance to the criminal justice system, the Commission on Public Advocacy received Byrne funds to assist local defense attorneys representing indigent individuals charged with drug and violent crime offenses.

Under the **Treatment Program** the Department of Corrections received Byrne funds for a multi-phased comprehensive drug treatment program for offenders. It is realized that punishment alone will not stop drug activities and, therefore, treatment is vital. The Nebraska Legislature continues to provide funding for treatment implemented with Byrne funding. Other funding, such as the Residential Substance Abuse Treatment (RSAT) grant program funds and VOTIS grant funds, are used to compliment and expand the treatment program. Byrne funding is no longer used to support treatment programs within the state correctional facilities. However, Byrne funding is being used for drug testing and interdiction efforts. A variety of techniques, including the use of drug dogs, are being utilized.

Byrne funds continue to be used for the operation of two rural adult Drug Courts, one of which is a regional Drug Court covering a four county area.

The Crime Commission's grant process is a competitive process and no applications were received under the **New Approaches Program**

Byrne funds, while very limited, have served as the catalyst for Nebraska's **Criminal Records Improvement Program**. The Crime Commission has been successful in securing state general appropriations as well as other federal funding to compliment the Byrne funds in this area. Additionally, through the cooperation, coordination and active involvement of other state and local agencies, Nebraska's Criminal Justice Information System (CJIS) has made significant strides in computerizing its criminal records and providing easy access for criminal justice entities. Criminal justice entities now have access to the State Patrol Criminal History database, jail detainee databases across the state, the state's Probation database, the Department of Corrections' database of inmates and parolees and registered sex offenders. Databases have also been made available for driver histories provided by the Department of Motor Vehicles and jail mugshots. Additionally, CJIS provides a web server, a secure mail server and a certificate authority for security.

Nebraska's **Sex Offender Registry Program** is fully operational. The significant backlog of offender assessments has been eliminated, thank in part to a Byrne funded grant to the Nebraska State Patrol. Nebraska's program is designed to evaluate offenders upon release as: Level I (low level of recidivism); Level II (moderate level of recidivism); or, Level III (high level of recidivism). Information regarding Level III offenders is posted on the Nebraska State Patrol's website. Nebraska is currently in compliance with the Pam Lychner Act amendments (U.S.C. section 14701(b)(6)(B)(i),(ii)) regarding lifetime registration for two categories of persons. Legislative Bill 564 was passed during the 2001 Legislative Session addressing this compliance issue as well as the requirements for registration of federal and military offenders (42 U.S.C. 14701 (b)(7)(A) and nonresident workers and students (42 U.S.C. 14701(b)(7)(B). The Legislative Bill also included the requirement to notify Campus Law Enforcement about sex offenders attending their colleges and universities. Draft Rules and Regulations have been completed and are awaiting finalization through the Governor's office, the Secretary of State's Office and the Nebraska Attorney General's Office.

Summary of Program Coordination Efforts and Activities

As a result of the multi-jurisdictional task forces, coordination and cooperation is second nature to federal, state and local law enforcement in Nebraska. Information is shared through the computerized NeLEIS project as well as through daily contact and periodic meetings. HIDTA conducts quarterly intelligence meetings and the Nebraska Crime Commission holds meetings of the task force project directors at least yearly. Three major cities within one task force have expanded their coordination and cooperative efforts and now share their information databases on all crimes, jointly work a variety of cases, jointly purchase and share equipment and meet on a regular basis to discuss cases, issues and solutions. The Nebraska Attorney General's Drug and Violent Crime Prosecution Unit attorneys attend most of the task forces monthly meetings and provide training for law enforcement and local prosecutors on a variety of issues.

Additionally, one of the Unit's attorneys is a cross-designated attorney and able to prosecute cases on the federal level. The U.S. Attorney not only supports and assists the state and local task forces in the investigation and prosecution of drug and violent crime offenders, but works with the Nebraska Law Enforcement Training Center to provide additional training if needed. Crime Commission staff meet regularly with the U.S. Attorney and his staff to insure coordination of various efforts addressing drug and violent crime issues.

To further our coordination efforts, Crime Commission staff attends various training sessions , meetings and conferences relating to drug and violent crime issues. The University of Nebraska's Juvenile Justice Institute (JJI) works with Crime Commission staff in developing and implementing various evaluation efforts as well as assisting in providing various training sessions across the state on grant writing and evaluation.

The Director of the Crime Commission attends regular meetings of the various law enforcement associations and Crime Commission staff serve on a variety of committees at the federal, state and local level addressing juvenile, prevention, and other criminal justice issues. Our involvement with federal, state and local representatives assist us in focusing our funding efforts in true areas of need.

The Nebraska Attorney General serves as the chairman of the Crime Commission whose members include the Colonel of the Nebraska State Patrol, the Director of the Department of Correctional Services, local law enforcement chiefs and sheriffs, educators, the chairperson of the Coalition for Juvenile Justice, local mayors and county officials and public at large. The development of Nebraska's Statewide Criminal Justice Drug and Violent Crime Strategy is conducted by the Crime Commission members and includes various meetings held across the state with law enforcement, criminal justice representatives and the general public to receive input regarding the issues and needs to address drug and violent crime in our state.

Because of the strong coordination that exists among federal, state and local criminal justice entities in Nebraska the ability to accomplish specific, focused goals addressing drug and violent crime is achievable.

Summary of Programs, Performance Measures, Evaluation Methods, and Evaluation Results

(Covers January, 2002 - June 30, 2003)

Program Title: Multijurisdictional Task Forces

Number of Subgrants: 10

Number of Sites: 10

Funding Information: Federal Awarded: \$2,732,622
Match Required: \$ 910,874

Goal: To maintain and expand state and local jurisdiction's capacity to apprehend, prosecute and adjudicate drug and violent crime offenders

Objectives:

1. Maintain and expand the current number of law enforcement officers for drug and violent crime investigations

Performance Measures:

- (a) Number of local funded task forces

Baseline: 7

Total During Reporting Period: 9

- (b) Number of state funded task forces

Baseline: 1 Total During Reporting Period: 1

- (c) Number of local law enforcement officers dedicated to drug and violent crime investigations funded by Byrne

Baseline: 29 Total During Reporting Period: 38

- (d) Number of state law enforcement officers dedicated to drug and violent crime investigations funded by Byrne

Baseline: 21 Total During Reporting Period: 21

2. Maintain and enhance resources for the state laboratory

Performance Measure:

- (a) Number of laboratory personnel funded

Baseline: 3 Total During Reporting Period: 3

Program Activities/Accomplishments

Byrne dollars fund one state and nine local multijurisdictional task forces which cover 74 (79.5%) of Nebraska's 93 counties. Each task force consists of an Executive Board which oversees the administration of the grant and task force operations. The Executive Board is comprised of a Chief or Sheriff of each participating agency and a representative of the Nebraska State Patrol. In each task force, one of the participating agencies agrees to be the subgrantee and is responsible for all grant reports required by the Crime Commission. A command staff officer oversees and coordinates the day to day activities of the task force. The Crime Commission meets with representatives from all task forces each year to discuss various issues, trends and needs. Additionally, Crime Commission staff conducts individual on-site visits of each task force to review task force operations, accomplishments, and address any problem areas.

Drug dealers and users have become very aware of the Byrne funded task forces across the state. As a result it has become more difficult for law enforcement to infiltrate the drug arena. Many drug dealers now refuse to sell to anyone they do not

know and are selling larger quantities of drugs because they believe law enforcement does not have sufficient money available to purchase large quantities of drugs.

Investigators are also facing other barriers which make their jobs more difficult. Our State's population continues to change with significant increases in various minority populations, some of whom are involved in drug activities. A prime example of the change in Nebraska's population is significant increase in the number of Hispanics which grew 263% from 1990 to 2000, from 36,969 to 94,425. Many enter the United States illegally and are often known by only a first name or have used more than one name, date of birth and social security number through the use of illegal documentation. This makes it more difficult for law enforcement to identify people. Many industries, as well as seasonal work, continue to draw people from a variety of cultures. The transportation of illegal immigrants also continues to be a major problem for Nebraska. Language continues to be a major barrier during the investigation and adjudication of non-English speaking drug and violent crime offenders.

Because drug dealers use scanners which are programmed to monitor all local and State Patrol frequencies, drug dealers many times are aware of law enforcement activities. In some cases this also included body wires used by law enforcement. Drug dealers are also using counter surveillance, such as driving around the buy area several times, to detect the presence of law enforcement prior to making buys. Sophisticated surveillance systems have become so common among meth dealers that Omaha police find them once a month while serving search warrants. This includes cameras which are usually hooked up to televisions to monitor entrances to a residence. Such counter-surveillance places law enforcement in dangerous situations because in most instances the dealers have several weapons in the residence. Continued training and the purchase of the latest surveillance equipment with Byrne funds assist law enforcement to avoid detection therefore adding to their safety.

With the coordination and cooperation of Byrne funded task forces, the Nebraska State Patrol continues its interdiction efforts on the State's Interstate and highway systems as well as on commercial transportation systems, such as airports, Am Trak train and bus. In most instances, interdiction cases involve coordination with law enforcement with other states. A Commercial Interdiction Unit (CIU) is in place to investigate drug cases involving Nebraska's commercial transportation systems. One example of how the CIU works occurred in December of 2003. The CIU located a suspicious piece of luggage on an east bound bus. The luggage had a computerized ticket showing the suspect was traveling from El Monte, California to Ames, Iowa. After detaining and interviewing the owner of the luggage, it was searched where law enforcement discovered four (4) pounds of cocaine. Nebraska's CIU law enforcement officers notified law enforcement in Ames, Iowa and requested they monitor the bus station in Ames. As a result, a known narcotics dealer was arrested.

While arrests by the Byrne funded multijurisdictional task forces for drugs during calendar year 2002 and 2003 show the most prevalent drug types in Nebraska continue to be marijuana and methamphetamine, law enforcement continues to see an increase

in the use of Ecstasy and RAVE parties. Between July and November, 2002, the Nebraska State Patrol seized a record load of ecstasy on Interstate 80 – they found 20,000 tablets in the trunk of a car.

Methamphetamine is by far the most dangerous drug being used, distributed and manufactured in Nebraska and the one that has the most impact on the State. Approximately 85% of the methamphetamine in the Nebraska is brought into the state from Arizona, California, and Mexico with the remaining 15% being manufactured within the state. Methamphetamine is easy to make and the number of meth labs and dump sites discovered in Nebraska remain a major issue for our state. One example of the enormity of this issue is demonstrated by a homicide case. Law enforcement was searching a lake and the surrounding wooded area for the body of a four year old boy. During the one mile radius search of the wooded area, law enforcement discovered 15 meth labs. During calendar year 2002, this rural county of 24,334 logged more meth labs meth labs than Lincoln and Omaha. In fact, this county had the highest number, 85, of meth labs than any county in Nebraska during 2002.

Nebraska law enforcement continues to see meth being made in the trunks of cars, in motels, apartments, and houses where, in many cases, young children are present or in close proximity to schools. In February of 2003, a school janitor found meth-making materials (jars, piping, filters, vials and chemicals) in the parking lot of an elementary school just before students arrived. An additional concern is the discovery of the dumping of the lab waste in trash cans at a gas station within a small rural Nebraska community. An “overpowering” smell alert the station manager. The trash contained two punctured cans of ether, a pop-bottle-and-hose gas generator, needles, syringes, foil scrapes and a bottle of starter fluid. Two balls of by-product tested positive for meth.

Meth labs not only produce dangerous drugs, but also contain highly toxic and flammable substances, such as ether, hydrochloric acids and anhydrous ammonia which is a very real danger to people, animals and the environment. Not only are there concerns about explosions and fires, but of severe health risks to innocent people within the surrounding areas of where the meth labs are found. Environmental impact of meth labs is a major concern when one realizes that the manufacture of one (1) pound of meth results in six (6) pounds of waste. Approximately \$600 of chemicals will make enough meth to sell for about \$2,000 on the street. One pound of meth can produce 90,800 doses. Law enforcement and first responders are always at risk when investigating lab. Mobile meth labs are common across the state.

One rural Byrne funded task force provides a one-month snap shot of meth in their three-county area. During April 2003, this task force had 20 meth dealers under investigation who dealt an average of 240 pounds of meth during the month. Using this information, the task force estimated that in a one year period, 2,880 pounds of meth would be available from the 20 dealers for a street value of \$96,768.

Nebraska has a trained and certified Clan Lab team used to clean up labs and dump sites. There are 260 state and local certified lab investigators in Nebraska. Other

funding is being utilized by the State Patrol to help purchase temporary storage containers for the hazardous waste of the meth labs and dump sites. This reduces the number of times a commercial company is called to pick up hazardous waste and is therefore a cost saving measure for the State.

One of the main ingredients needed to make meth is pseudoephedrine. In November of 2002, the Nebraska State Patrol stopped a rental truck on Interstate 80 for a traffic violation and during a search of the truck discovered 1,920 pounds (almost 1 ton) of pseudoephedrine in 48 boxes behind some furniture and mattresses. This amount of pseudoephedrine could produce as much as 432 pounds of meth. Two men, who claimed to be traveling from Chicago to California, were arrested.

To assist in the controlling the manufacture of methamphetamine, the HIDTA task force is working to educate businesses about the role pseudoephedrine and ephedrine products play. As a result, several major chain stores, such as WalMart, have put products containing ephedrine behind the counters to reduce access and they also limit the number of packages sold to one individual. These businesses also report any suspicious activity to law enforcement.

A three-state, Nebraska, Iowa and South Dakota, year-long investigation of methamphetamine in the Sioux City, South Sioux City, Nebraska area resulted in 170 meth convictions. From April 2002 through 2003, 109 defendants were convicted of federal methamphetamine crimes. They received sentences totaling more than 1,000 years with no parole.

Being a rural agricultural state with numerous farms and Farmers' Co-ops dotting the state, the access to anhydrous ammonia is very easy for those cooking meth and the reported theft of anhydrous ammonia is on the rise. One rural Co-op and its eight locations alone have about 250 tanks of anhydrous ammonia. Because of the increase in anhydrous ammonia thefts, Kansas City, Missouri based Farmland Industries designed a locking device for the tanks during 2001. The tamper-proof adapter kits became available during 2002 and sell for \$89.00.

Nebraska's Statewide Drug and Violent Crime Strategy identified the need for the leveraging of a variety of funds to address the drug problem and the Byrne funded multijurisdictional task forces continue to be the catalyst for drug and violent crime efforts. Law enforcement across the state continues to educate the public, particularly farmers, about meth and the need to watch for any theft of anhydrous ammonia. In addition, Midwest HIDTA implemented a Retailers Watch program during 2002 in Omaha, western Nebraska, Grand Island and southeast Nebraska. The program trains retailers to watch, report and/or limit the amount of over the counter materials, such as sudafed, Heet, etc., used to make meth. As a result of these efforts, the chain of Dollar Stores and WalMarts limit the amount of sudafed sold to individuals.

Due to the significant increase in the use and distribution of methamphetamine in Nebraska and surrounding states (South Dakota, North Dakota, Iowa, Missouri,

Kansas), a regional High Intensity Drug Trafficking Area (HIDTA) was established by the region's U.S. Attorneys in 1995. Nebraska's U.S. Attorney and a representative of the State Patrol serve as members of the regional committee as well as the state's HIDTA committee. Additionally, representatives from each Byrne funded multijurisdictional task force and other federal law enforcement agencies located in Nebraska serve on the state HIDTA committee. This greatly enhances the coordination efforts between federal, state and local agencies in addressing our drug and violent crime problems in the state.

Nebraska's HIDTA initiative receives approximately \$1.13 million of the \$11 million dollar regional HIDTA award to enhance efforts in addressing the methamphetamine problem. HIDTA funds provided for additional drug investigators, law enforcement training regarding methamphetamine and meth labs, lab take down training for the Take Down Team, and needed equipment for task forces and HIDTA officers. HIDTA officers work in coordination with existing task forces to avoid duplication of efforts and to enhance investigations. HIDTA sponsors a meeting of drug investigators and task force intelligence analysts every two months to discuss current cases, suspects and issues. Recently, a statewide Precursor Committee, consisting of law enforcement from task forces, County Attorneys and state lab personnel, was formed. The purpose of the Committee is to educate law enforcement and retailers about precursors and improve the collection and dissemination of information relating to labs.

Midwest HIDTA funds are also used to train and outfit law enforcement officers with protective clothing and gloves to investigate meth labs and helps to sponsor Nebraska's Clan Lab Team. HIDTA funds are also used to enhance the efforts of the Byrne funded multijurisdictional task forces through training, purchase of needed equipment and personnel. In August, 2001, Meth Hot-Spots funds were used to build two meth clandestine lab raid vans for the Nebraska Clan Lab Team with a third van donated by the Drug Enforcement Administration (DEA). The vans were built to specific requirements to handle the unique hazards of meth lab investigations. The vans contain their own water supply and a generator for heat and air conditioning.

To help address the issue of methamphetamine in Nebraska, Congressman Tom Osborne sponsored a Methamphetamine Conference in November, 2002. Nebraska Crime Commission staff along with other invited representatives from law enforcement, criminal justice, prevention and treatment attended. Participants discussed trends and provided their views of what is needed in the state to address meth as well as what is in place and working.

Because supplies necessary to make meth are readily available and recipes to make meth are common on the internet, such increases in the number of meth labs is not surprising. The mobility of meth dealers makes it difficult to find the labs. Law enforcement report that many low level dealers use the trunks of their cars to cook meth, which may account for the high number of dump sites discovered. Below is statistical data received from Midwest HIDTA regarding the number of meth labs and dump sites discovered in Nebraska.

<u>Year</u>	<u># of Labs Discovered</u>	<u># of Dump Sites Discovered</u>
1997	2	N/A
1998	10	N/A
1999	38	N/A
2000	38	N/A
2001	109	109
2002	372	155
2003	+255	110

Nebraska's local task forces made 1,499 arrests for manufacture, distribution, and possession of marijuana in 2003 compared to 1,397 in 2002. The task forces made 1,216 arrests for methamphetamine during 2003 compared to 1,431 in 2002. Statistical data for the task forces is attached.

A large percentage of Nebraska's drug networks are controlled by gangs who have connections in other states and countries, such as Mexico, Arizona, Texas, California, Illinois, New York, etc. Each Byrne funded task force includes efforts addressing gangs and gang activities. Several of the task forces have dedicated officers to work gang activity as well as work with the public and provide them information with information about drugs. In one urban task force area the number of identified gangs increase from 21 in 2001 to 28 in the spring of 2003 and increased in membership from approximately 1,834 documented members in 2001 to 2,241 in 2003, a 22% increase. Many of these gangs were established years ago and have a network of drug dealers that work for them. These established gangs are very knowledgeable of police procedures so investigations of the groups are long term and entail high tech equipment to be successful in catching them in a criminal conspiracy. Gang violence is no longer confined to certain areas of the city. An influx of experienced gang members arriving from other states to set up drug distribution networks in the area was one of the key factors to this problem. The new gang members infringe on the territory of existing gangs and their drug markets and the propensity for violence is escalated. To address this situation, the police department formed two Gang Suppression Squads which concentrate on suspected gang members involved in the drug trade and the increasing violence. To insure coordination, the two Gang Suppression Squads and the Gang Intelligence Unit are housed at the drug task force off-site location.

Rural areas of the state are not immune to gangs and gang activity. One rural task force area has 4 confirmed and documented gangs with ties to the Surenos region of

southern California and openly admits being rivals with anyone having ties to the Nortenos region of northern California. All four gangs are traditionally family generation gangs having ties to the original neighborhood street gangs in Los Angeles, California and affiliation with the southern California Hispanic street gangs and the “Mexican Mafia” prison gang.

Violence is tied to drugs as well as gangs. Several homicides have been linked to gangs in Nebraska. During 2002, five people were killed in a bank robbery in rural Nebraska. All four of the suspects have gang ties and have been convicted of homicide. Two of the four suspects have criminal histories involving drugs. One suspect was also charged with the killing of a drug dealer.

The task force statistics for 2002 and 2003 are attached following this section.

MULE (Mid and Upper Level Enforcement) is a statewide drug and violent crime task force operated by the Nebraska State Patrol in cooperation with the nine local task forces. A case is determined as a MULE case when the information indicates a low level suspect is capable of leading investigators to a supplier close to the ultimate source of the drugs and/or the quantity of drugs involved in the case are very large. MULE cases are more complex and time-consuming than a regular drug case and may take as long as one or more years to investigate an illicit drug distribution enterprise. MULE cases often lead to suspects in other states or countries which requires not only travel to such places, but cooperation and coordination of investigative efforts with law enforcement and prosecutors in other states and countries. Activities for MULE is outlined below.

	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>
# of Cases Opened	113	117	139	125	124	123

Enhancement of investigative efforts through the funding of the nine local and one state task force required enhancements to the State Patrol’s crime laboratory. Funding is provided for two chemists and a lab clerk to help handle the increase in drug samples submitted by the task forces. One objective of the grant relating to the crime lab was to reduce the number of days it takes the lab to test submitted drug samples and notify the law enforcement agency of its findings to 10.7 days. As reflected by the data below, this objective was not reached because one of the Chemist left and it took three months to hire and another six months to train the Chemist. Therefore, all lab activities were impacted. Turnover is a constant issue for the lab.

	1999	2000	2001	2002	2003
Average # days to process cases	10.6	13.6	30.5	26.9	18.5
# of analysis performed	36,143	38,591	32,836	48,261	46,458

# of hours to do analysis	7,888	7,866	6,321	6,641	6,835
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Byrne funds were awarded to the Nebraska State Patrol for the continued operation of a computer system (Nebraska Law Enforcement Intelligence System -- NeLEIS) which allows the task forces to electronically share up-to-date intelligence information 24 hours a day, seven days a week. Task force investigators need to have access to intelligence information on the individuals they are working to insure their safety and to be aware if other agencies are working the same individuals. Investigators also need background information to conduct their investigation properly. An Intell Committee with representatives from some of the task forces, the Crime Commission, the U.S. Attorney's office and the State Patrol oversees the operation of the computerized system. A second server is on line and a photo feature and conference videoing is now available. In addition to the Byrne funded task forces, data is submitted by the FBI, DEA, ATF and IRS. Participating agencies include law enforcement agencies who are members for the Drug and Violent crime task forces, Midwest high Intensity Drug Trafficking Area task force, DEA, the Nebraska State Patrol, Nebraska Attorney General's Office, Nebraska Game and Parks, U.S. Attorney's Office, State Ifre Marshall's Office, the Nebraska Law Enforcement Intelligence Network (NeLEIN), the FBI, ATF, Tri-State and Tri-Cities task forces.

NeLEIS provides a 24-hour Help Desk to users which allow for troubleshooting issues with the web site, the NeLEIS equipment and user account and password problems. Approximately, 7 to 8 calls each day are recieved at the Help Desk. Because NeLEIS provides an easy way to communicate and share information, gang investigators across the state wanted to utilize the system for gangs and gang members. The gang component of NeLEIS is completed and allows investigators to have access to information 24-hours a day, seven days a week. The Omaha Police Department's Gang database was added to the NeLEIS database so the information can be accessed statewide. Throughout the state, there are seven agencies that collect gang intelligence data for submission to NeLEIS. The seven agencies serve as collection points for surrounding agencies' intelligence information.

The State Patrol upgraded the system with new hardware and a new mail server while keeping the system available 24/7. Additionally, the Patrol is exploring various options to accommodate the FBI's request to use NeLEIS as a communication medium for the Terrorist Task Force operating in Nebraska and Iowa. And the Patrol is creating a private Instant Messaging Server on the NeLEIS system so users can securely instant message other NeLEIS users. Plans are underway to establish NeLEIS as a statewide node for the Regaional Intelligence Sharing System (RISSNET) administered by the Midwest Organized Crime Information Center (MOCIC). This will give NeLEIS users the ability to conduct nationwide searches for intelligence data.

Terrorist information is currently being disseminated over NeLEIS with the framework being outlined for implementing regional sharing between the Joint Terrorist Task Force sites in Nebraska and Iowa. Addtionally, arrangements have been made to share

phone toll analysis information with DEA, which means if a NeLEIS user wants to “run” a phone number through DEA, they may do so via the NeLEIS website.

There are approximately 3,500 searches conducted each month by NeLEIS users. The table below reflects NeLEIS activity for 2000.

	1999	2000	2001	2003
# of participating agencies	65	84	108	128
# address records	36,977	54,861	73,310	
# of records in system	236,513	366,000	339,527	386,150
# of records re: gangs				15,824

Evaluation Methods:

Quarterly Grant Activity Summary reports and statistical reports are used as a method of evaluation of the multijurisdictional task forces. Statistical information is compared with area served by each task force, the number of personnel dedicated to drug and violent crime investigations, and the amount of funds, both federal and local, dedicated to the investigative efforts.

Program Title: Improving The Court Process

Number of Subgrants: 2

Number of Sites: Statewide

Funding Information: Federal Award: \$402,740
Match Required: \$134,247

Goal: To maintain and expand state and local jurisdiction's capacity to apprehend, prosecute and adjudicate drug and violent crime offenders

Objectives:

1. Maintain, as possible, attorneys who provide assistance to locals in the prosecution and defense of drug and violent crime offenders

Performance Measures:

- (a) Number of prosecutors at the state level available to assist local county attorneys

Baseline: 4 Total During Reporting Period: 4

- (b) Number of defense attorneys at the state level available to assist local public defenders or assigned counsel for indigent clients

Baseline: 2 Total During Reporting Period: 2

Program Activities And Performance Measures:

A Drug and Violent Crime Prosecution Unit under the office of the Nebraska Attorney General was established to assist local prosecutors with drug and violent crime cases. Such assistance is needed because 83% of Nebraska's County Attorney's are part time and lack the sufficient resources needed to prosecute drug and violent crime cases. This assistance may include research for the county attorney; assistance in developing a drug and violent crime case and/or the direct prosecution of a case. Additionally, the Unit is involved in the review of all wiretap applications submitted by the courts, which requires prompt responses and coordination with the applicant agencies. Another function of the unit is the handling of drug and violent crime cases which are appealed to the Supreme Court. During the reporting period the following accomplishments occurred.

	<u>2000</u>	<u>2001</u>	<u>2002</u>
# violent crime cases prosecuted	18	14	10
# of drug cases prosecuted	33	53	45
# of training sessions held by the Unit	5	7	4
# of officers trained by the Unit	160	137	420
# of appeals handled	39	31	53

In Nebraska 71% of the state's 93 counties (66 counties), indigent defendants are represented by private attorneys who are appointed by the court on a case-by-case basis. Elected public defenders provide indigent defense representation in 24% of the counties (22 counties). However, in 14 of these 22 counties the elected public defenders are part time. Five counties employ public defenders on a contract basis. To assist in creating a more balanced criminal justice system in the state, the Public Advocacy Commission was created in 1995. During 2000, the Public Advocacy Commission expanded their focus by providing assistance to counties in juvenile violent crime and drug cases.

Two attorneys and a paralegal are funded through Byrne grant dollars. During the reporting period the following accomplishments occurred.

	<u>2000</u>	<u>2001</u>	<u>2002</u>
# of violent crime trials	41	31	38
# of drug cases	26	12	57
# of requests for assistance with trials	42	35	Not Avail
# of juvenile violent crime cases	4	0	0
# of juvenile drug cases	0	0	1
# of training sessions held	2	2	N/A
# of attendees	153	165	N/A

Evaluation Methods:

Quarterly Grant Activity Summary reports and statistical reports are used as a method of evaluation. No formal evaluation of this program area was conducted during the reporting period.

Program Title: Treatment

Number of Subgrants: 3

Number of Sites: 7

Funding Information: Federal Award: \$171,242
Match Required: \$ 57,081

Goal: To maintain correctional facilities' capacity to provide drug treatment and testing for adult offenders

To maintain and expand correctional facilities capacity to provide treatment, assessment and aftercare programs for juvenile drug and violent crime offenders

To prevent the flow of illegal drugs into the correctional facilities

Objectives:

- 1) Maintain treatment programs for drug-dependent adult offenders as identified in the Department of Corrections comprehensive treatment plan

The comprehensive treatment program operated by the Department of Corrections is continuing and is now fully funded with sources other than the Byrne funds, including state general funds and other federal funds, such as the Residential Substance Abuse Treatment (RSAT) grant program.

- 2) Maintain drug interdiction programs within the Department of Corrections facilities

Number of drug interdiction programs

Baseline: 3 Total During Reporting Period: 4

- 3) Increase the number of adult and juvenile Drug Courts implemented across the State

Number of adult and juvenile Drug Courts implemented

Baseline: 2 Adult Drug Courts Total During Reporting Period: 4

Baseline: 3 Juvenile Drug Courts Total During Reporting Period: 3

Program Activities And Performance Measures:

Adult Offenders

As of June 30, 2003, there were a total of 3,841 male inmates housed in eight of the nine state correctional facilities compared to 3,736 as of June 30, 2002. There were 288 female inmates incarcerated at the Nebraska Center for Women as of June 30, 2003 compared to 286 as of June 30, 2002. Of the total number of inmates incarcerated as of June 30, 2003 (4,129), 26.8% or 1,107 were incarcerated specifically on drug offenses compared to 26.8% or 1,073 of the total population of 4,002 as of June 30, 2002. While the number of inmates incarcerated is highest for drug charges, this does not reflect the number of inmates incarcerated for other offenses which also have substance abuse problems. According to Nebraska's Substance Abuse Treatment Task Force Report, 75-85% of the offenders admitted to prison have significant substance abuse treatment needs compared to the only 7% of the general adult population.

Byrne funds were used to originally develop and implement a comprehensive treatment plan for adult offenders housed at the state correctional facilities. Prior to the existence of Byrne funds, no treatment was available within the corrections system. Data acquired through phase I (Assessment of Offenders), which was funded with Byrne dollars and was subsequently funded through state general appropriations, found that the substance abuse problem in the prison is at approximately the 75% - 85% level.

The Department of Correctional Services (DCS) is extensively involved in the provision of Substance Abuse treatment services for offenders. The Nebraska Correctional Residential Treatment Center (RTC) for males and the Nebraska Correctional Center for Women (NCCW) provide intensive residential correctional substance abuse treatment programs for adult inmates. All treatment programming is coordinated by the RTC. Outpatient substance abuse treatment services are also provided within other adult correctional institutions within the state. The programs are similar in content to the intensive residential substance abuse treatment program at the RTC in that each program provides recovery/relapse education with a cognitive/behavioral aspect.

DCS leverages various funding sources, including state appropriations and federal grant funds, to support their comprehensive treatment program. Byrne funds were used to implement treatment programs within the facility and state general appropriations now fund those programs. DCS receives funding from the Residential Substance Abuse Treatment (RSAT) grant which provides the staffing for the men's and women's Residential Treatment Program. The RTC is located in a ninety-bed treatment facility/minimum security prison and the NCCW Residential substance Abuse Treatment Program is located in a separate designated unit at the NCCW and can house up to 19 female inmates.

Byrne funds awarded previously to enhance the outpatient treatment program were also picked up with state general appropriations.

During Fiscal Year 2002/2003, Byrne funds were used to continue interdiction efforts at the Department of Corrections' facilities. Drugs are entering the DCS facilities for use

by the inmates. Documented proof of inmate access to and use of drugs is evident in urine samples provided by inmates. Drugs are entering correctional facilities in a variety of ways, such as visitors, mail, employees, etc. To combat the flow of drugs into the correctional facilities, several interdiction efforts have been implemented utilizing Byrne funding.

Some of the methods used in the interdiction efforts include: background checks of employees and visitors; searches of persons, vehicles, property and mail in all areas within the institutions using staff and an ION Mobility Spectrometer; telephone monitoring; investigations; intelligence gathering; surveillance of activities of inmates and staff and referring criminal matters to law enforcement and county attorneys. The types of drugs found during searches includes meth, marijuana, cocaine, heroin, TCH, PCP, and ecstasy. Of the 15,594 searches conducted of visitors, there were only 139 alerts to the presence of drugs or .009%.

Urine analysis is another method used to address the drug problem as well as monitor the success of the interdiction efforts. The Department 's comprehensive drug testing program conducts urine analysis of inmates and parolees under the following programs: 1) Targeted Testing; 2) Random Testing; 3) Treatment Testing; and, 4) Special Program Testing. New laboratory testing equipment was purchased which allowed the Department of Corrections to increase testing rates.

Byrne funds are used in the Random and Targeted Intensive Testing program for both incarcerated and paroled individuals. Results from this testing are reflected below.

Results of Random Testing Sample for Inmates

	<u>2000</u>	<u>2001</u>	<u>2002</u>
# of inmates tested	5,197	5,967	6,005
# of inmates testing positive	367	302	153
% of inmates testing positive	7.06%	5.07%	2.54%

Results of Targeted Intensive Testing Program for Inmates

# of inmates tested	2,898	6,672	7,310
# of inmates testing positive	452	761	444
% of inmates testing positive	15.6%	11.56%	6.07%

It appears the interdiction efforts are working given the low percentage of alerts to the presence of drugs during searches and the reduced number of positive urine analysis of both the targeted intensive testing program and the random testing program. In 1991, the positive rate for drug use among inmates within the Department of Corrections was 17.35%. The reduction of drug use while incarcerated as reflected above (2.54%) is a

direct reflection of DCS testing, interdiction and sanctioning activities funded through Byrne.

Drug Courts

Currently, there are four (4) adult and three (3) juvenile Drug Courts operational in Nebraska. Byrne grant funds were awarded to assist in the implementation of two rural drug courts, a regional Drug Court in central Nebraska consisting of four counties and one in western Nebraska. Both areas found that untreated drug problems are consuming the time of both the judicial and law enforcement branches of local governments. The average offender cycles through the criminal justice system 5 to 6 times in a 12 to 18 month period with some offenders committing crimes of increasing severity as their addiction progresses.

In 1998, a Central Nebraska Drug Committee was established to respond to the high number of drug related offenses occurring in the four county area. The table below reflects a 36.3% increase in the number of arrests for drug violations in the four county area from 1996 to 2000.

Year	# of Arrests for Drug Violations
1996	545
1998	587
2000	743

Members of the Committee determined that drug offenders were not given an opportunity for rehabilitation via the court system resulting in repeat drug offenses. To address this need, the Committee worked to develop and implement a multi-phased, judicially supervised program with comprehensive treatment services for those drug offenders who are non-violent, chemically dependent, and willing to enter the drug court voluntarily. The court is post-adjudicatory and upon successful completion of the Drug Court program, the defendant may withdraw his/her pleas and no sentencing or conviction will be imposed.

Byrne grant funds were used to pay the Drug Court Coordinator who was hired and trained during 2001. Implementation of the Drug Court began in March 2002 with 26 individuals referred and deemed eligible for the eighteen month program. From March 2002 to December 2003, the number referred to the drug court program were 78, with 70 deemed appropriate for the program. As of December 2003, eleven of the 70 participants had successfully completed the program.

One component of the Drug Court which is vital is urine analysis of the participants. From July 2002 through June 2003, the program conducted 3,496 urine analysis with only 95 testing positive.

The Western Nebraska Drug Court was implemented in during 2002, serves one county with a population base of 9,494. This Drug Court offers a strictly monitored treatment alternative through probation. Offenders who qualify to participate in the Drug Court program enter guilty pleas to charges agreed upon with the County Attorney with the understanding they will be placed on probation and be required to immediately enter the four-phased Drug Court program. As individuals comply with each phase of the program, they move to the next phase. If they do not comply with a phase, they are subject to sanctions by the Drug Court judge. Repeated noncompliance will result in termination from the program and the offender will return to court for violation of probation with a sentence equal to the sentence for the original charge. Community supervision is provided 24/7 by local law enforcement with other services needed, such as counseling, education, job training, etc. taking place during the normal work week. From September 2002 through September 2003, a total of 40 offenders were referred to Drug Court with 11 entering the program and 2 completing the program.

Evaluation Methods:

Quarterly Grant Activity Summary reports and statistical reports are used as a method of evaluation. No formal evaluation of this program areas was conducted during the reporting period.

Program Title: Demand Reduction Programs

Number of Subgrants: 0

Number of Sites: 0

Funding Information: Federal Award: 0
Match Required: 0

Goal: Increase the capacity of the criminal and juvenile justice system's response to family violence

Objectives:

- 1) Increase the number of comprehensive, early intervention pilot projects involving the criminal justice system, schools, and other human service agencies

Performance Measure:

Number of comprehensive, early intervention pilot projects funded:

Program Activities And Performance Measures:

The Crime Commission did not receive any application under Demand Reduction

Program Title: Criminal Records Improvement
(Criminal Justice Information Systems – CJIS)

Number of Subgrants: 2
Number of Sites: various

Funding Information: Federal Award: \$203,223
Match Required: \$ 67,741

Goal: Create and maintain a Nebraska criminal justice information system for

authorized state and local criminal justice and non-criminal justice users which support operations, policy analysis, and public safety and which is accurate, timely, complete, appropriately secured to protect privacy rights, cost-effective, and accessible.

Objectives:

- 1) To maintain the operations of Nebraska's Automated Fingerprint Identification System (AFIS)
- 2) To identify system gaps and programs/methods needed to develop an accurate, timely, complete, secured, cost-effective, and accessible criminal justice information system

Program Activities:

Byrne dollars, while a very small portion of the funding provided for improvement of Nebraska's criminal justice information system, have been the catalyst for major change in the way Nebraska's criminal justice system does business. Today, all of the criminal justice agencies are working together to make this change happen and agreeing to share information. It certainly has been, at times, a most trying experience and yet one of the most rewarding for criminal justice. Our accomplishments have been many and are the result of agency coordination and the leveraging of a variety of funding sources. And there is still much to do.

In 1994, the Nebraska Intergovernmental Data Communications Advisory Council (NIDCAC), a body created by the Legislature to examine issues pertaining to information use, created a criminal justice information system (CJIS) subcommittee. CJIS consists of a broad representation from state and local agencies. The subcommittee recommended to NIDCAC that the Crime Commission create a standing committee to provide advice and direction on issues relating to data sharing and the use of information technology among criminal justice agencies. The committee has been active since February, 1995. It is the goal of the CJIS Advisory Committee to provide a forum to exchange information about data activities as well as provide an ongoing structure to address issues such as standards, interagency cooperation and funding and assist in the effort to make computerized systems work together. As agencies continue to develop and work on their own systems, the CJIS Advisory Committee will serve as the catalyst to build links between systems.

A Criminal Justice Information System Five Year Strategic Plan, which was completed in March of 1997, identified some seventy plus projects in eleven categories. Funding for the identified projects come from various sources, including the Byrne program, the Violence Against Women Act (VAWA), Victims of Crime Act (VOCA), discretionary federal dollars, etc. as well as significant funding from the Nebraska Legislature.

Originally, to manage the implementation of the CJIS Strategic Plan, a half-time position was funded with Byrne dollars. However, as CJIS projects were put into place, the Crime Commission took on the majority of the project management and implementation tasks which required an additional full time position. The full-time position was funded with Byrne dollars and the part-time position was funded with state general appropriations.

CJIS project activities during 2002/2003 include the following:

* Nebraska Criminal Justice Information System (NCJIS)

NCJIS, the Criminal Justice Information Server (CJIS), which provides a method for state and local agencies to access information from other state and local agencies in an easy and cost effective manner, went live April, 2000. Most of the data currently available on the CJIS server was not previously available within an agency or outside the agency. Now, approximately 300 state and local agencies currently have access to NCJIS data.

Features of the NCJIS project include the following.

- established a CJIS web server, a secure mail server and a certificate authority for security
- established a public web site with current CJIS information
- an Agency Information System (AIS) which allows local agencies to maintain their own user profiles and request user access
- Web-based access to centrally indexed databases, such as State Patrol's Criminal History, jail detainees, probationers, Dept. of Corrections inmates, parolees, and registered sex offenders. During 2001 other functions were added which include protection orders, mug-shots, driver histories and vehicle information provided by the Dept. of Motor Vehicles and transportation support. The transportation support will allow agencies to post travel they have scheduled so that other agencies can contact them if they have similar or the same transportation destinations and thus share the trips. This is intended to reduce the number of trips involving near empty vehicles.
- databases were tested and are in various stages of implementation for select Health and Human Services/Office of Juvenile Services offender data, warrants and JUSTICE (court records) data

* Individual agency data systems have been improved since data can now

be compared across agencies

* Victim Identification Notification Everyday (VINE)

The purpose of the VINE project was to implement a statewide computerized system which automatically notified a victim when an inmate was moved or released as well as allowed individuals to check on incarcerated inmates at any time of the day or night. Services through VINE are provided in both English and Spanish at no cost to the public. This project assisted in the automation of 64 jails in the state with a standardized software package called JAMIN, including digital cameras and mug-shot capability. VINE also interfaces with the four largest jails and the Department of Correctional Services. As a result, all 92 of 93 Nebraska counties are online with VINE. Additionally, VINE provides the automated collection of admission and release data used by the Nebraska Jail Standards Division of the Nebraska Crime Commission.

Since the first counties went live with VINE in May, 1999 through August, 2002 there have been 4,361 victims who have registered to be notified when an offender is released. Over 41,245 phone calls have been made to VINE to check the status of incarcerated offenders. These were calls which previously were answered by jail staff or corrections officers.

* Local Applications

The purpose of the local applications project is to implement and integrate computerized systems for local criminal justice agencies, focusing on law enforcement, county attorneys and probation. The CJIS Advisory Committee targeted various areas along the criminal justice cycle which need to be improved to better the overall use and availability of data. Funding from the NCHIP grant to the Nebraska State Patrol was utilized for implementation of the Sleuth program for the law enforcement local application. During 2000, the State contracted with Access Data for 100 licenses of Sleuth, which is a commercial law enforcement records management system. The system is being provided to local law enforcement with the initial costs paid through the State contract. Approximately 80 agencies have implemented Sleuth as of September, 2002.

* County Attorneys, Defense Attorneys and the Attorney General Application

A common software package for case management for County Attorneys, defense attorneys and the Nebraska Attorney General is needed. In late

2001 the Prosecution Subcommittee released and RFP for a statewide case management system and received 14 proposals. One proposal was selected and includes criminal case management, traffic, civil case management and juvenile processing. This package is being used in four counties at this time. Budget restraints are the current problem in implementation.

* Probation

Given the lack of commercially viable packages, the Probation Department decided to enhance its existing system. The Probation Office has completed updating its system and is currently deploying it to all of its district offices.

* Mugshots

Mugshots are needed as a way to easily identify individuals. Mugshots are currently being sent to NCJIS from the Department of Correctional Services and the jails using JAMIN.

* Accident Diagraming Software

Accident Diagraming Software will standardize and improve the quality of accident diagrams. It was recommended that Easy Street Draw from Pathfinder be implemented through CJIS Software and training have been provided to over 125 agencies at no cost to the agencies.

* TraCS – Traffic and Criminal Software

Traffic and Criminal Software will provide standard software for the collection and submission of citation data and potentially other form data. This is a new initiative which began in mid 2002. Iowa, in conjunction with the federal Department of Transportation, has developed software which allows for easy, in-car, automated generation of citations and the collection and reporting of a variety of data using TraCS. Nebraska is one of 16 states which have licensed the software from Iowa. The Nebraska State Patrol is leading the development effort for a citation form.

* Statewide Protection Order System

This project was developed to implement a central file of issued and served protection orders in Nebraska, accessible by law enforcement in

any jurisdiction. Typically, information about a valid protection order is not available outside of the jurisdiction in which it was issued. Implementation of the Statewide Protection Order System was completed during 2001 and protection orders are now entered into JUSTICE and the data is transmitted to a central database. The data then populates NCJIS and CIS within minutes of the data being entered into JUSTICE. Douglas county, Nebraska's most populous county, is working toward submission of their protection order data. Since they do not use JUSTICE, another data path is needed. Additionally, the Nebraska State Patrol is working to transmit the protection order data to the FBI for national access through NCIC.

- * The fifth annual Criminal Justice Information System (CJIS) Conference will be held February, 2004. Approximately 190 people representing the criminal justice and technical arena attended the conference.

Automated Fingerprint Identification System (AFIS) Upgrade

Byrne funding was provided to upgrade the States AFIS through the acquisition of a National Institute of Technology Standards (NIST) compliant AFIS store and forward system. This system facilitates the electronic transfer of fingerprint images to the FBI, increase the number of fingerprint identifications made due to enhanced images to the FBI, increase the number of fingerprint identifications made due to enhanced technology, and will allow for near real time updating of an arrestees's criminal history record because the arrest event will be electronically added, via AFIS, to the appropriate criminal history record at the time of booking.

Evaluation Methods:

No formal evaluation of this Program Area was conducted. This Program Area is comprehensive in nature and encompasses the criminal justice system as a whole. While the Byrne dollars represent only a small portion of projects, they certainly served as the catalyst for Nebraska's statewide comprehensive approach to the improvement of criminal records.

Program Title: Sex Offender Registry (SOR)

Number of Subgrants: 1

Number of Sites: Statewide

Funding Information: Federal Award: \$134,646
Match Required: \$ 44,882

Goal: Required information about sex offenders residing, working and/or attending school in Nebraska will be provide to appropriate agencies and citizens in a timely manner

Objectives:

1. To maintain the State's Sex Offender Registry

The Nebraska State Patrol began administering the Sex Offender Registry in January of 1997. County sheriff's offices register the offenders and forwards the information to the Nebraska State Patrol. Once a sex offender is registered, investigators within the State Patrol Sex Offender Registry Division gather information to complete a risk assessment on each individual offender. The risk assessment categorizes an offender into one of three tier levels based on their potential to recidivate sexually. Fourteen (14) different factors are used to associate a sexual re-offense. An offender may contest the assessment level by requesting an administrative hearing. Classifications include low (Level I), moderate (Level II) or high (Level III) risk to recidivate. Law enforcement is notified of sex offenders classified as low risk. Moderate risk notification includes law enforcement, schools, daycare centers and religious and youth organizations. The community, along with law enforcement, schools, daycare centers and religious and youth organizations are notified of those classified as high risk. Information about the high risk offenders is put on the State Patrol web site, on Cable television network, in the newspapers and local television news programs.

The State Patrol began community notification on Level III (high risk) in March of 2000 and on Level 1 (low risk) in May 2000. Originally, the notification was made through use of fax to appropriate entities. This proved cumbersome so a contractor was hired to make notifications through a computerized calling system on all levels. In April, 2001 email notifications became an option. Approximately 7,000 entities are subject to receipt of notification.

The existing registry database contains information on approximately 1,790 registrants as of the December 2003 compared to 1,515 as of December 2002. Given that over 700 sex offenders registered in the Registry's first two years, an immediate backlog of the offender's classification assignments (risk levels) was created. A grant to address the backlog of offenders not yet assessed was approved in July, 2001 and continuation funding was approved in July 2002. These grants have been successful in addressing the backlog as demonstrated by the fact there were only 58 pending assessments as of June 2004.

	2001	2002	2003
# of completed assessments	286	447	714
# of hearing completed	13	58	299
# of hearing appeals	0	6	19
# of arrests for SOR violations by SOR staff	5	26	14

Along with the new registrations, the Division processes all address changes from registered sex offenders as well as notifies other states when an offender moves from Nebraska. Investigators must also attempt to locate non-compliant sex offenders. Monthly, there are approximately 78 known non-compliant offenders due to their failure to update information and approximately 90 a month are given notice of the need to register but have not completed the initial registration.