

NEBRASKA'S STATEWIDE LAW ENFORCEMENT DRUG STRATEGY

January 1989

Kay A. Orr Governor

Jim Joneson Executive Director NE Commission on Law Enforcement and Criminal Justice U.S. Department of Justice National Institute of Justice

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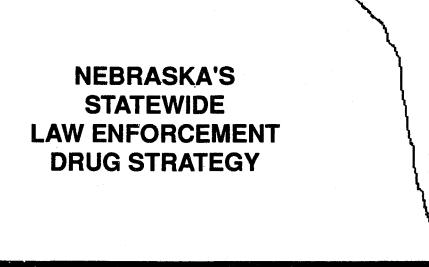
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January 1989

Kay A. Orr Governor

Jim Joneson Executive Director NE Commission on Law Enforcement and Criminal Justice

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a Typed Name of Au Jim Jone	thorized Represent			b Title	e Director	c Telephone number (402) 471-2194
d Signature of Auth		live				Date Signed
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Previous/Editions Not	Usable					Standard Form 124 (REV 4-88) Prescribed by OMB Unit List A-102



STATE OF NEBRASKA

ROBERT KERREY • GOVERNOR • ROD ARMSTRONG • DIRECTOR

MEMO TO:

All Agencies, Boards, and Commissions

FROM:

Rod Armstrong, Director

DATE:

January 10, 1985

RE:

Elimination of the State Clearinghouse Fund Review System

The President issued Executive Order 12372 in 1983 rescinding Office of Management and Budget Circular A-95. This order allows states to designate single point of contact agencies and procedures for reviewing grants and Federal programs.

The Policy Research Office was designated as the state's clearinghouse by Governor Kerrey's Executive Order September 27, 1983. The second special session of the 89th Legislature eliminated funding for this function. To follow through with this reduction it is necessary to "option out" of the Federal review system.

The attached Order from Governor Kerrey rescinds the order of September 27, 1983. Effective January 9, 1986, the Policy Research Office will no longer be reviewing grant applications. However, we do suggest that agencies applying for outside funding continue to coordinate projects by directly notifying affected agencies and groups of your intentions.

Much of the information collected on the 2000-3 form is financial in nature. The budget division of the Department of Administrative Services and the Legislative Fiscal Office use the data in the budget process. Please refer to the attached memo for instructions on fiscal reviews.

Thank you for your past efforts in working with our office to coordinate grant information. If you have any questions about this change please contact Kelly Clark at (402) 471-2414.

RA:ccj



STATE OF NEBRASKA

ROBERT KERREY . GOVERNOR

January 9, 1985

John Merc
Deputy Associate Director
Office of Management and Budget
New Executive Office Building, Room 10208
726 Jackson Place N.W.
Washington, D.C. 20503

RE: E.O. 12372

Dear Mr. Merc:

A recent special session of Nebraska's Legislature eliminated funding for the clearinghouse grant review system developed for the President's Executive Order 12372.

Nebraska will no longer use the State Single Point of Contact for reviewing grants, effective January 8, 1986.

Please notify all Federal granting agencies that Nebraska will not be assigning SAI numbers or requiring State reviews.

Thank you for your assistance.

Robert Kerrey Governor



STATE of NEBRASKA EXECUTIVE OFFICE LINCOLN

Whereas funding for the State Clearinghouse project review system was eliminated in the second special session of the 89th Legislature.

Whereas Presidential Executive Order 12372 July 14, 1983 as amended rescinds Office of Management and Budget Circular A-95, and allows states to either develop their own processes for intergovernmental review of federal programs, or to choose not to have a review system.

IT IS THEREFORE ORDERED:

That Gubernatorial Executive Order signed September 27th, 1983, creating a project review system is now rescinded, and that the State of Nebraska will not participate in the review system under E.O. 12372.

So ordered this 9th day of January, 1986

Robert Kerrey

Governor

Deputy Secretary of State



Audit Requirements

(Suggested Format)

1.	Date of the last audit: June 30, 1988
2.	Dates covered by last audit:July 1, 1986 to June 30, 1987
3.	Date of the next audit: April 1, 1989
4.	Dates to be covered by the next audit:July 1, 1987 to June 30, 1988
5.	Date next audit will be forwarded to cognizant audit agency: August 1, 1989
6.	Designated Federal cognizant agency:Chicago Regional Audit Office

Civil Rights Requirements

(Suggested Format)

1.	Civil Rights Contact Person: Bruce Ayers
2.	Title/Address: Chief Budget & Accounting P.O. Box 94946 Lincoln, NE 68509
3.	Telephone Number: (402) 471-2194
4.	Number of persons employed by the organizational unit responsible for administering this grant

Questions regarding the EEOP compliance requirements in connection with funding under this program should be addressed directly to the Office of Civil Rights Compliance, Office of Justice Programs, 633 Indiana Avenue, N. W., Washington, D. C. 20531. That Office may be reached at 202/724-7681.

Certified Assurances

(Drug Control and System Improvement Formula Grant Program) FY - 1989

- (1) The applicant assures that Federal funds made available under this formula grant will not be used to supplant state or local funds but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
- (2) The applicant assures that matching funds required to pay the non-Federal portion of the cost of each program and project, for which grant funds are made available, shall be in addition to funds that would otherwise be made available for law enforcement by the recipients of grant funds and shall be provided on a project-by-project basis. (However, the state may request BJA to approve exceptions such as match on a program-by-program basis, statewide basis, unit-of-government basis or a combination of the above. The state must include any requests for approval of other than project-by-project match in its application to BJA.)
- (3) The applicant assures that the state application, and any amendment thereto, has been submitted for review to the state legislature or its designated body. (For purposes of this section, such application or amendment shall be deemed to be reviewed if the state legislature, or its designated body, does not review such application or amendment within the 30-day period beginning on the date such application or amendment is submitted thereto.)
- (4) The applicant assures that the state application and any amendment thereto are made public before submission to BJA and, to the extent provided under state law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups.
- (5) The applicant assures that following the first fiscal year covered by an application and each fiscal year thereafter, a performance evaluation and assessment report will be submitted to BJA.

- (6) The applicant assures that fund accounting, auditing, monitoring, evaluation procedures and such records as BJA shall prescribe shall be provided to assure fiscal control, proper management and efficient disbursement of funds received.
- (7) The applicant assures that it shall maintain such data and information and submit such reports in such form at such times and containing such data and information as BJA may reasonably require to administer the program.
- (8) The applicant certifies that the programs contained in this application meet all the requirements of the Act and guidelines, that all information contained in the application is correct, that there has been appropriate coordination with affected agencies and that the applicant will comply with all provisions of the Act and all other applicable Federal laws, regulations and guidelines.
- (9) The applicant assures that the state is undertaking initiatives to reduce, through the enactment of innovative penalties or increasing law enforcement efforts, the demand for controlled substances by holding accountable those who unlawfully possess or use such substances.
- (10) The applicant assures that it will comply with Title V of the Anti-Drug Abuse Act of 1988 and regulations promulgated by the Federal Government to maintain a drug-free workplace.
- (11) The applicant assures that it will comply, and all its subgrantees and contractors will comply, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Department of Justice Nondiscrimination Regulations 28 CFR Part 42, Subparts C, D, E and G; and Executive Order 11246, as amended by Executive Order 11375, and their implementing regulations, 41 CFR Part 60.1 et. seq., as applicable to construction contracts.

- (12) The applicant assures that in the event a Federal or state court or administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, OJP.
- (13) The applicant assures that if required to formulate an Equal Employment Opportunity Program (EEOP), in accordance with 28 CFR 42.301 et. seq.; it will maintain a current one on file. Further, the applicant will require every fund recipient required to formulate an EEOP, in accordance with the previously cited regulation, to submit a certification to the applicant that it has a current EEOP on file which meets the applicable requirements.
- (14) The applicant assures that if required to maintain an EEOP and the applicant agency will directly utilize \$500,000 or more in grant funds, it will submit a copy of the subject EEOP at the same time as application submission, with the understanding that the statewide application for funds may not be awarded prior to approval of the applicant's EEOP by the Office for Civil Rights, OJP. Further, in those instances where a

- subgrantee is required to maintain an EEOP, the applicant will provide BJA a copy of said EEOP if the proposed subgrant is for \$500,000 or more and not award a subgrant until the subgrantee's EEOP has been approved by the Office for Civil Rights, OJP.
- (15) The applicant assures that it will comply with the provisions of OJP's M7100.1 Financial and Administrative Guide for Grants.
- (16) The applicant assures that it will comply with the provisions of 28 CFR applicable to grants and cooperative agreements, including Part II, Applicability of Office of Management and Budget Circulars; Part 18, Administrative Review Procedures; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information Systems; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; and Part 63, Floodplain Management and Wetland Protection Procedures.

Certification

I certify that the programs proposed in this application meet all the requirements of the Anti-Drug Abuse Act of 1988, Subtitle C -State and Local Narcotics Control and Justice Assistance Improvements of 1988, Pub. L. 100-690 (Nov. 18, 1988), that all the information presented is correct, that there has been appropriate coordination with affected agencies and that the application will comply with the provisions of the Act and all other Federal laws, regulations and guidelines. By appropriate language incorporated in each grant, subgrant or other document under which funds are to be disbursed, the undersigned shall assure the applicable conditions above apply to all recipients of assistance.

Authorized Official

Date

ATTACHMENT A PROGRAM LIST WORKPLAN

FISCAL YEAR 1989 FUNDING

STATE:

Nebraska

PAGE NO. $\frac{1}{}$

PURPOSE	PROGRAM/PROJECT TITLE	IMPLEMENTING AGENCY SUBGRANTEE		IMPLEMENTS BJA PROGRAM BRIEF			OUSLY OVED GRAM	DISTRIBUTION OF FUNDS		T	LOCA	OTHER
(1)	. (2)	(3)			(4)		5)	(6)		1 "	-	
			YES	NO		YES	NO .	FEDERAL AMOUNT	MATCH AMOUNT			
	Administration							109,200	36,400			
	Apprehension							855,036	285,012			
	Prosecution							108,108	36,036			
	Detention/Rehab							19,656	6,552			
-	Allocations of fund subgrantees have not	s are approximate at yet been identified	th.	S	time as			·				

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ATTACHMENTS:

- #1 DRUG POLICY BOARD MEMBERS
- #2 LETTER TO SENATOR LABEDZ, CHAIRPERSON, LEGISLATIVE COMMITTEE
- #3 OPERATING INSTRUCTION #40, DRUG FREE WORKPLACE POLICY
- #4 RULES AND REGULATIONS NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE
- #5 PUBLIC HEARING NOTICE

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

APPLICATION FOR FUNDS AND STATEWIDE LAW ENFORCEMENT DRUG STRATEGY:
STATE AND LOCAL ASSISTANCE FOR NARCOTICS CONTROL

PART I: STRATEGY DEVELOPMENT PROCESS

Governor Kay A. Orr designated the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) with the responsibilities of administering and coordinating the distribution of funds under the Drug Control and System Improvement Formula Grant Program of the Anti-Drug Abuse Act of 1988.

In December, 1988, Governor Orr reactivated Nebraska's Drug Policy Board established in April of 1987. The purpose of the Board is the development of a new drug control strategy for Nebraska. In order to develop a comprehensive and coordinated approach to Nebraska's drug problem, members of the Board include Nebraska's U. S. Attorney, representatives from the F.B.I., D.E.A., State Attorney General's Office, State Patrol, Omaha Police Division, other law enforcement agencies, prosecutors, treatment programs, the education department, and the public-at-large. (Attachment #1) The experience possessed by the Board members assisted in the definition and analyzation of Nebraska's drug problem, the assessment of current drug control efforts, the identification of needed resources, and the identification of funding priority areas and priority programs.

The development of Nebraska's strategy for the 1989 Drug Control and System Improvement Formula Grant Program was accomplished through a series of three meetings of the Drug Policy Board. The first meeting of the Board consisted of members evaluating the projects funded with the 1987 Anti-Drug Abuse funds and found there to be an improved cooperative and coordinated effort in the apprehension and prosecution of drug offenders. This effort was demonstrated through the implementation and operation of:

- o Multijurisdictional task forces;
- o The State Patrol's rural drug team;
- o The State Patrol's statewide Crime Index Program;
- o The Attorney General's Drug Prosecution Unit; and
- o The Crime Commission's drug training programs for law enforcement.

This evaluation also revealed the success of the treatment program for identified drug offenders and drug dependent offenders as well as the success of the various specialized trainings for both law enforcement and prosecution. Considering the evaluations of the previously funded projects and utilizing their knowledge and expertise regarding Nebraska's drug problem, Board members provided input for Nebraska's strategy.

Input was also received from individuals who attended the public hearings held in North Platte and Omaha, Nebraska conducted by members of the Drug Policy Board. These hearings were attended by law enforcement, prosecution, treatment and education personnel as well as the general public. Individuals

who provided input identified the drug problem and its relationship to serious crime as their main concern. Law enforcement personnel expressed the need for additional personnel, training, equipment, and "buy money" to continue their efforts in drug control. Prosecution expressed the need for continued training, cooperation among agencies, and assistance in prosecution of drug offenders. Treatment personnel identified the need for more treatment programs for drug dependent individuals, especially juveniles. Additional drug prevention and education programs and reduction of the availability of drugs were major concerns of education personnel and the general public.

The Board met a second time for the purpose of drafting Nebraska's strategy for the 1989 Drug Control and System Improvement Formula Grant Program. After a thorough review and discussion of the input received from Board members and the public hearings, Nebraska's Drug Policy Board determined to utilize the 1989 funds to target drug control programs. Major considerations in this decision were the impact of the previously funded drug control projects, the fact that the other types of programs listed under this act were not implemented to a great degree with previous Justice Assistance funds and the dollar amount available to Nebraska for the 1989 formula grant program. The Board also identified the programs and areas to be considered for funding.

The Board discussed the impact of drugs on productivity and the influence individuals can exercise in the workplace. Focusing on the responsibility in the development of a criminal justice drug strategy, the Board voted to establish a leadership role by taking a firm position on the drug free workplace issue. Realizing that drug testing is an important tool for achieving drug free workplaces, the Drug Policy Board recommended that an

appropriate form of drug testing be required of all criminal justice agencies. The Board also advocates that an appropriate form of drug testing be established in all workplaces in the private and public sector. The Board also recommended that each agency awarded federal funds should implement a drug testing procedure. To demonstrate their commitment to the drug free workplace issue, members of the Board will participate in drug testing.

A third meeting of the Board was held to finalize and approve the strategy. The strategy was then forwarded to the members of the Crime Commission for their review. The Crime Commission approved Nebraska's Statewide Law Enforcement Drug Strategy and 1989 Drug Control and System Improvement Formula Grant Program grant application at its public meeting on January 27, 1989. (Attachment #5) Nebraska's Statewide Drug Strategy was presented to Governor Kay Orr by the Drug Policy Board.

A copy of Nebraska's Statewide Drug Control Strategy was forwarded to the Executive Committee of the Legislature for review and comment. A copy of the letter to the Executive Committee can be found in the attachments.

(Attachment #2)

PART II: CRIME COMMISSION: POLICIES AND PROCEDURES REGARDING THE 1989 DRUG

CONTROL AND SYSTEM IMPROVEMENT FORMULA GRANT PROGRAM

MAINTAINING A DRUG FREE WORKPLACE

The Nebraska Crime Commission will adopt an Operating Instruction (Attachment #3) to establish a drug free workplace. Operating Instructions are approved by the Crime Commission.

Each employee and new employee of the Nebraska Crime Commission and the Law Enforcement Training Center will receive substance abuse awareness training and the polices and procedures of the Crime Commission regarding substance abuse in the workplace. The training will include the definition of substance abuse, the effects of substance abuse, disciplinary and prosecution action which could occur as a result of substance abuse in the workplace, and the availability of the substance abuse assistance and rehabilitation programs.

Once an individual has completed the substance abuse awareness training, he will be required to sign a Substance Abuse Awareness form. This form will state that the individual understands the definition of substance abuse; that the individual will not manufacture, distribute, dispense, possess or use any controlled substance, except as prescribed by a medical practitioner or as required in the performance of the employee's official duty; that the individual understands the disciplinary and prosecutional action that could

occur as a result of substance abuse; and that the individual is aware of the substance abuse assistance and rehabilitation programs available. The signed Substance Abuse Awareness form will be forwarded to the individual's immediate supervisor who will forward it to the individual responsible for the keeping of personnel records. The signed form shall be maintained in the individual's personnel file.

Each subgrantee shall be required to establish a similar Substance Abuse Awareness policy if one does not exist at the time of the awarding of Federal funds. This requirement will be announced in a Crime Commission newsletter prior to announcing the availability of funds and will be included in the announcement of the availability of funds. A statement regarding the drug free workplace will be included in the subgrantee's Certified Assurances and will be part of the Crime Commission's monitoring process.

AWARDING FEDERAL FUNDS

The Crime Commission has established Rules and Regulations governing the awarding of grant funds. (Attachment #4) Once the Crime Commission receives approval of Federal block grant funds, an announcement of the availability of the funds is made within 30 days to all pertinent agencies. Once grant applications are received, they are reviewed and critiqued by the Crime Commission staff. The applications are then forwarded to the Grant Review Committee consisting of six members of the Crime Commission. The Committee reviews the grant applications, staff comments and makes a determination to award, deny or table the grant application. The subgrantee is notified of the decision of the Committee. If the grant is denied by the Committee, the subgrantee has the right to appeal the Committee's decision to the Crime Commission. The Crime Commission considers the decision of the Grant Review Committee, hears any appeals and makes final determination on all grant applications. The subgrantee is notified of the decision of the Crime Commission.

It should be noted that due to the time schedule established by the Rules and Regulations governing the grant award process by the Crime Commission, the Federal requirement as set forth in Section 508(a) of the Act requiring the State to make a final decision on each grant application within 45 days of receipt cannot be met. The time table established by the Rules and Regulations for the due date of the grant application and final determination by the Crime Commission is 60 days.

It should also be noted that due to the established award policies as set forth by these Rules and Regulations, awarded projects cannot be identified at this time. The Crime Commission has established a competitive grant process as opposed to a pro-active process. Therefore, a completed Attachment A will be forwarded after final award determinations are made by the Crime Commission.

MAINTAINING CONFIDENTIALITY OF SENSITIVE PROJECTS

To assist in maintaining confidentiality of sensitive projects, subgrantees do not identify individuals, informants, suspects or any other sensitive information involved in the projects. If a grant is of a sensitive nature, a general summary will be prepared for review by the Crime Commission, thus limiting the number of persons having knowledge of such project.

All drug grants are maintained in a locked file in a locked room with a limited number of staff having access to the grant files.

PART III: NATURE AND EXTENT OF DRUG PROBLEM

Nebraska is an agricultural state with a large portion of its population in the metropolitan areas located in the eastern part of the state. Drug control efforts have been primarily focused in the surrounding areas of the metropolitan cities. However, drug control problems exist throughout the less populated areas of the state. These areas of the state have been greatly affected by a declining agriculture economy and have not had the resources (personnel, equipment) available, except those of the Nebraska State Patrol, with which to effectively deal with the drug problem. Of the 302 law enforcement agencies in the state, three agencies have over 100 sworn officers. These three agencies include the State Patrol and two police departments which are located in cities with populations over 150,000. The size of other county and city law enforcement agencies across the state are representative of their jurisdictional populations with 233 agencies consisting of 1 to 5 persons; 50 agencies consisting of 6 to 15 persons and 16 agencies consisting of 16 to 99 persons.

Various factors contribute to Nebraska's drug problem. One of these factors is the accessibility to populous areas of the state with interstate highway systems running east-west across the state and north-south along the eastern part of the state. It is recognized that a trafficking network exists through Missouri and Kansas from the south and Colorado and Wyoming from the west. This networking is completed with a major airport in Omaha and utilization of the organized motorcycle gangs across the state to distribute drugs.

Another factor is the concentration of the economically deprived and undereducated individuals in the populous areas of the state. In Omaha, Lincoln and surrounding areas, drug abuse among this population is high. There has been a dramatic increase in other crimes in these areas. Many individuals in these areas begin as users and form loosely organized groups for the distribution of drugs. These loosely organized groups develop ties to established gangs in the area. In 1988, Omaha experienced a significant increase in gang related crime. Evidence has established a network between gangs in Nebraska with the gangs in California.

Within the past year, gang related activities have expanded to the rural areas of Nebraska. This increased activity is primarily due to an increase in the unskilled labor population as new industries are established in rural areas. Nebraska has various colleges across the state. The student population of those colleges is a prime target for drug activities and another reason for the increased gang related drug activities. The drug distribution areas have been expanded to include these populations by gang members residing in the more rural cities and towns. A distribution network is established to the surrounding rural communities. Along with the increased drug activities has come an increase in other crimes. This expansion of drug activities to the rural areas has been effective because these communities do not have adequate resources for drug control. Therefore, the increase in gang activity has also become a factor in Nebraska's drug problem.

Another factor regarding Nebraska's drug problem is the growth of marijuana plants in fields, ditches, and backyards in Nebraska. The State Patrol has identified some growing of cultivated plants, but to a much lesser degree than wild plants. An increase in criminal activity is seen in August

and September due to the harvesting of wild marijuana. A large percentage of the harvested wild marijuana is transported out of the state and used primarily as a filler with higher quality marijuana. To control this element of the drug problem, the following components are needed: (1) to be able to determine the location of the marijuana plants, and when located to be able to constantly monitor those plants by use of sophisticated surveillance equipment in order to increase the apprehension of those offenders, (2) to be able to eradicate marijuana plants, and (3) to be able to apprehend the offenders harvesting the plant. The State Patrol receives funds from the Drug Enforcement Administration (DEA) to detect and eradicate marijuana plants but does not have adequate personnel to apprehend the all of the offenders. In 1988, approximately 19,800,000 wild marijuana plants and 5,500 cultivated plants were destroyed. Eight arrests for harvesting of marijuana were made. As a "rule of thumb", the cultivated marijuana has a yield of 1-2 pounds per plant. The actual number of plants growing in the state at this time cannot be known, but the quantity is such that complete eradication is not feasible. The State Patrol, through a troop survey, estimates that in Nebraska approximately 284,218 acres are growing wild marijuana plants.

Although it is recognized that drug producing labs do exist in the state, it is difficult to find and apprehend the offenders because these labs are very mobile and are generally located in sparsely populated areas. Rural law enforcement agencies do not have sufficient resources to investigate and apprehend these offenders. Safety awareness training for officers should be a large part of any training program dealing with interdiction of clandestine labs.

An industry liaison program to determine the purchase and receipt of precursor chemical substances is already in place by the D.E.A. The program needs to be expanded through training to involve regular liaison by agencies at all levels of government.

Drug enforcement in the rural areas is more difficult due to (1) law enforcement personnel being known throughout the community and possibly throughout the surrounding communities, (2) law enforcement agencies lacking the necessary personnel to investigate and apprehend drug offenders, and (3) the local law enforcement agencies usually lacking the necessary training or experience in drug investigation. During 1988, drug enforcement training was increased significantly. Information received from participants revealed that the lack of experience and training was much greater than originally anticipated. While a total of 484 local law enforcement officers received drug enforcement training in 1988, the need to train more officers at both the basic and advanced levels continues.

Due to this lack of training and inexperience of many local law enforcement officers, the nature of the rural regions, and the lack of other resources, the Nebraska State Patrol becomes involved in many rural drug enforcement cases. This increased involvement in the rural areas further strains State Patrol resources. Therefore, there is a need to expand the resources of the State Patrol, particularly for undercover operations in outstate Nebraska.

In surveying individuals in the criminal justice field (law enforcement, prosecution, corrections, probation and courts) it was determined that the greatest effort in the drug control problem in Nebraska should be focused in the areas of apprehension and major drug trafficking with the prosecution of drug offenders being the next priority. As a concentrated effort in apprehension increases the workload in other areas, continued and enhanced cooperation among all areas in the criminal justice system is needed. This cooperation assists in solving the increased workload problems and allows for the development and implementation of a comprehensive approach to Nebraska's drug problem.

The need for adequate and appropriately trained personnel, particularly in law enforcement, is seen as the most efficient method of utilizing resources and funding. In order for drug control efforts to be more effective, existing personnel needs additional training for both their local functions as well as to aid in interagency cooperation. This would enhance any future or existing Task Force or multi-jurisdictional efforts. Training by the Drug Enforcement Administration and Nebraska State Patrol has been useful and will be expanded to provide all law enforcement personnel the opportunity to develop improved skills in drug enforcement. This would enhance training currently available through the Nebraska Law Enforcement Training Center and other academies.

The relationship between illegal drug use and criminal activity among state prison inmates has shown that a high degree of drug use is common among adult and juvenile offenders. In 1986, 35% of state adult prison inmates reported they were under the influence of drugs at the time they committed their current offense. Almost 80% of state adult prison inmates had used drugs at some time; 52% had used a major drug (cocaine, heroine, PCP, LSD). Among state prison inmates who had used drugs, approximately 50% began their use by age 15.

Juveniles within state facilities reported that 83% had used illegal drugs. One-third of these juveniles began drug use between the ages of 12 and 13. At the time they committed their current offense, 50% were under the influence of drugs or alcohol.

Various studies have shown there exists a relationship between drug abuse and the use of tobacco and alcohol by juveniles. Nearly 5 million adolescents across the nation (3 in 10) have problems with alcohol. There is no reason to believe that Nebraska is an exception to this problem.

As drug enforcement, apprehension, and prosecution efforts increase in Nebraska, the number of adults and juveniles incarcerated for drug offenses has also increased. In 1985, 6.3% of the admittances for adults listed the most serious crime as a drug offense. By 1988, 14.4% of the incarcerated adults were sentenced for a drug offense as their most serious crime.

As drug abuse increases so do the incidents of other types of crimes.

Drug abusers commit burglaries and robberies to support their habit. Gangs commit assaults and murder in drug distribution activities. This relationship between drug use and criminal activity indicates the necessity for providing programs which meet the needs of adult and juvenile drug dependent or abusive inmates. It is hoped the treatment programs will reduce the number of repeat offenders.

Traffic incident statistics are gathered by the Nebraska Department of Roads as part of their Investigator's Accident Report form. While testing for alcohol consumption is performed on drivers and passengers, testing for other drugs is not performed. There currently exists a deficiency in Nebraska's Implied Consent law. Statistical information in this area is important to show the effects of driving under the influence of drugs as well as to show the extent of the drug problem. A change in legislation should be explored in this area.

Type and availability of drugs varies across the state. The metropolitan areas in the eastern part of the state experience more drug traffic and availability.

Marijuana has been and still is perceived as the most prevalent drug used in the state. However, a previous survey conducted by the Crime Commission indicates that cocaine and amphetamine/methamphetamine usage has increased over the past few years. During 1988, distribution and usage of crack became more apparent in Omaha, Lincoln, and surrounding areas. If the manufacturing,

distribution and use of crack continues to increase in the metro areas of the state, crack will soon be available in every area of the state. LSD is available to some extent but remains more regionalized. The survey further indicates that, concurrent with public perception, individuals are becoming drug users at an earlier age.

Due to the fragmented population in the state, a particular drug can dominate local drug activity simply on the basis of a current supply or through the availability of a particular segment of the population. This was seen recently when methamphetamine usage became very prevalent in central Nebraska.

Although much of the data requested for the strategy would be useful to drug control efforts, its collectability largely depends on the response of many dispersed and varied agencies. Even where there is a mechanism to collect concrete data, the data may not mirror reporting requirements. For example, in relation to the method of UCR collection of statistics, the requested statistics for drug arrests are said to parallel the new UCR format. However, Nebraska has not yet implemented this new UCR format. Current gaps in data are to be addressed more completely by the next reporting period. Surveys will be utilized to ascertain statistics of drug related incidents in emergency rooms and schools. More complete data is anticipated by involving the efforts of all levels of the criminal justice system as well as health and education departments.

The Nebraska Department of Health reports there were 11 suicides caused by drugs in 1986 and 13 in 1987. In 1986 there were 11 accidental drug related deaths and 15 in 1987. Currently, hospital emergency rooms do not report drug overdose cases to law enforcement. The Drug Policy Board recommends a change in legislation requiring medical authorities to report all drug overdose cases. However, ambulance crews do report drug overdose incidents to the Department of Health. In 1985, there were 244 overdose incidents which resulted in treatment or hospital care. In 1986 there were 270. The data for 1987 is not yet available.

Drug related disciplinary actions are not uniformly collected or tracked either by individual school boards or the Department of Education. In many instances, drug related problems in the schools may not be reported to law enforcement. The Board urges schools to report any drug related activity to law enforcement. School related statistics are in the process of being collected by the Department of Education and will be included in future reports.

Administrative efforts and funds will target data collection by whatever means necessary. It is anticipated that the statistics collected relating to the nature and extent of the drug problem and the effectiveness of the implemented programs will be more complete.

PART IV: CURRENT DRUG CONTROL EFFORTS

Drug related data was found to be incomplete or unavailable in many requested categories. The arrest data is actual for 1987, as obtained through the Uniform Crime Report. Further data such as convictions, sentences, and dispositions are incomplete. Rather than projecting the given data obtained by surveys to reflect the entire populations, actual data as reported is given.

Continuing and increased efforts to obtain complete data should result in enhanced data for the next reporting period.

Apprehension:

Current law enforcement resources consist of the Nebraska State Patrol, local police departments, county sheriffs, the local office of the Drug Enforcement Administration, the local office of the FBI, the U.S. Attorney's Office, the Attorney General's Drug Prosecution Unit, County Attorney's Office, and the U.S. Marshall's office. The state's efforts in law enforcement can be divided into those of the larger cities (primarily the eastern part of the state) and the outstate communities. With the bulk of the population and, correspondingly, the largest volume of drug activity located in eastern Nebraska, much of the enforcement effort is concentrated in the metropolitan cities. Normally these jurisdictions have had limited full-time

personnel dedicated to drug cases. However, as a result of the drug control projects in eastern and central Nebraska funded with the 1987 Anti-Drug Abuse funds, resources devoted to the drug control efforts have increased. These additional resources have included personnel, equipment, training and "buy-money." The types of projects funded include multijurisdictional task forces, identification and investigation of repeat drug offenders and the enhancement of police departments' drug units. As a result of these funded projects, law enforcement has been able to obtain increased knowledge regarding drug activities in Nebraska, to increase the number of drug offenders identified and enhance cooperation and coordination among criminal justice agencies. This coordinated and cooperative effort is the basis of the multijurisdictional task forces. Due to the sharing of information and resources, the multijurisdictional task forces have been able to target major drug dealers, identify sources of supply, and establish stronger cases for prosecution.

Law enforcement agencies in the rural areas of the state continue to lack proper resources for drug investigation and, therefore, the State Patrol continues to play a more comprehensive role in drug control efforts. To carry out drug control efforts the State Patrol has in the past located undercover officers in various regions in the state. To enhance State Patrol's drug investigation unit, Federal funds were utilized for six additional investigators. Investigative efforts were concentrated in other areas not receiving Federal Anti-Drug Abuse funds, thus providing law enforcement efforts to a larger portion of the State. To assist local law enforcement agencies in their drug investigations, the Nebraska State Patrol implemented

the Statewide Crime Index Program (SCIP). A law enforcement agency may utilize this program with the submission of a SCIP card containing information on a suspect. This information is entered into the computer and a search is conducted. If another agency or agencies have submitted information on the same suspect, the State Patrol notifies the agencies to contact each other regarding the suspect.

Efforts in the last year have also included prescription drug diversion networking programs initiated by the Nebraska State Patrol with the cooperation of the U.S. Attorney's Office, FBI, Nebraska Department of Health, and DEA. The DEA has identified numerous Nebraska firms and individuals who are purchasing and distributing excessive quantities of controlled substances.

During 1988, the DEA conducted a two week drug investigators school for 60 law enforcment officers. Another two-week training program will be held in 1989. The DEA has also assisted in the training of law enforcement personnel by conducting an "Operation Interstate Pipeline" interdiction program.

A similar training program is scheduled for late January, 1989 for approximately 100 law enforcement personnel. As a result of this training, 9 arrests have been made and \$229,000 in cash and numerous vehicles valued at \$72,000 have been seized. Various percentage sharing of these proceeds after forfeiture are scheduled to be returned to the seizing agencies.

The Nebraska State Patrol conducted 17 one-day drug training seminars throughout the state. These trainings represented an introduction to drug enforcement for smaller law enforcement agencies. A total of 263 law enforcement officers attended.

As an expansion of the State Patrol's introduction training, the Nebraska Law Enforcement Training Center developed a two day basic drug training program for law enforcement officers. This training focuses on the identification of drugs, effects of substance abuse, drug investigation procedures and utilization of informants. The Attorney General's Drug Prosecution Unit is assisting by providing training in legal issues.

Approximately 135 law enforcement officers have attended the basic drug training sessions. Specialized training sessions were conducted by the Institute of Police Technology and Management (IPTM) of North Florida. This training included two 40 hour drug training classes entitled "Selective Patrol Drug Enforcement" and "Narcotics Identification" Eighty-six (86) law enforcement officers attended.

Current efforts in drug control also include the canine services program.

The Nebraska State Patrol currently has two dogs assigned to its Carrier

Enforcement Division to assist in random checks of trucks at the weigh

stations. The Omaha Police Division, the Lincoln Police Department, and

Eppley Airport also have canine programs to assist in drug control efforts.

The Omaha Police Division is a testing site for the Drug Use Forecasting (DUF) program. The National Institute of Justice (NIJ) conducted testing of prisoners in July. Seventy percent of the prisoners tested positive for drug usage, with marijuana representing the highest usage. Another testing by NIJ is to be conducted in early 1989.

Prosecution:

Prosecution resources consist of the State Attorney General's Office, county attorneys, deputy county attorneys, county judges, district judges, and the U.S. Attorney's Office. County attorneys and deputy county attorneys are required by state statute to obtain 10 hours of continuing legal education each year which should include training on the drug enforcement problem and prosecution of drug offenders. The Attorney General's Drug Prosecution Unit will continue to receive extensive education and training in drug enforcement. To offset the lack of drug prosecution training and assist in providing resources to local prosecutors, the Attorney General's Drug Prosecution Unit has developed a Drug Trial and Procedures Manual for local prosecutors and law enforcement. The Drug Prosecution Unit has provided training at various law enforcement training seminars and has provided assistance in an advisory capacity to various projects funded with 1987 Anti-Drug Abuse funds as well as other local prosecutors. The U.S. Attorney's office also provides assistance to local agencies.

To expand the training of local prosecutors, the Douglas County
Attorney's office sponsored a drug training seminar conducted by the National
College of District Attorneys Association. A total of 72 prosecutors and 38
law enforcement officers attended this training. Another such drug training
seminar is planned for 1989.

The 1987 Anti-Drug Abuse funds provided a GM Mass Spectrometer for the State Crime Laboratory to assist in the identification of drugs. In 1987, the State Crime Lab analyzed samples for 1,004 drug cases and 520 toxicology cases. As a result of the utilization of the GM Mas Spectrometer, in 1988, the lab analyzed samples for 1,590 drug cases and 414 toxicology cases. This represents a 31% increase in the number of drug cases for which samples were analyzed. The funds were also utilized to provide a chemist to perform the analysis of drug samples and provide expert testimony in court.

Current drug control efforts in the past year also included legislative changes, such as the change to the wiretap legislation to comply with Federal legislation.

Other legislation has been introduced to improve drug control efforts in Nebraska. One legislative bill establishes mandatory sentencing requirements for individuals convicted of possession of illegal drugs. Members of the Drug Policy Board will work with the Senator sponsoring this bill to address the impact it will have on all areas of the criminal justice system. Another bill has been introduced which would place a tax on illegal drugs without legalizing them. The Revenue Department would sell stamps to affix to quantities of illegal drugs indicating the tax was paid. The consensus is that few would purchase the stamps, therefore, most people possessing or selling drugs would be guilty of criminal tax evasion. Tax evasion would be an additional charge to possession and distribution of drugs and would help to ensure drug offenders would receive penalties. Funds raised by this bill would be set aside for drug enforcement programs. A bill that would bring the asset forfeiture laws in line with Federal legislation has also been introduced.

Detention and Treatment:

Individuals incarcerated for drug offenses serve their sentences in a variety of facilities ranging from the state prison, county facilities, probation, or treatment programs. Nebraska's State Prison currently houses 222 inmates who are incarcerated for actual drug convictions.

Previously, the Department of Corrections provided in-house substance abuse programs for the inmates. However, due to budgetary cutbacks, these programs were eliminated. The Department of Corrections currently offers a 90 day voluntary substance abuse program that an inmate may attend during incarceration. The Nebraska Legislature, during the 1986 session, enacted legislation (LB 504) that requires all inmates who are eligible for parole and who are recognized as having a substance abuse problem to enroll in a substance abuse program prior to parole consideration. Currently, 93 inmates are identified as persons affected by this legislation. To meet the requirements, the Department of Correctional Services contracted with two agencies to provide two types of treatment groups - a closed-ended eight week group and an open ended outpatient group for those who completed the first treatment group. As of June 30, 1988, seventy-two (72) drug dependent offenders have participated in the program. The project began with the implementation of three treatment programs which has now been expanded to seven programs. Therefore, the number of drug dependent offenders participating in the treatment programs has more than tripled.

Mental Health/Substance Abuse Planning Regions across the state have community based treatment programs. The six Mental Health/Substance Abuse Planning Regions provide treatment services on an inpatient, partial care, short-term residential and out patient basis. These substance abuse services are utilized frequently by the criminal justice system for individual who have comitted crimes. (See Attachment #2).

Eradication:

The Nebraska State Patrol receives \$20,000 from DEA for eradication. These funds are used to detect the location of suspected fields of marijuana and operation of a telephone hotline for citizen reporting of fields or harvesting activity. Public awareness of drug control efforts has led to identification of marijuana growing in fields as well as those persons responsible for the harvesting of those fields. To assist in the identification of marijuana growing in fields, the State Patrol has entered into an agreement with the Civil Air Patrol. Civil Air Patrol personnel will be trained in identification of fields growing marijuana and report this information to the State Patrol for enforcement efforts. A similar project is being developed with the National Guard. Typically, upon receipt of information on the location of marijuana fields the State Patrol, along with local law enforcement agencies, will target the reported areas for surveillance of harvesting activity. With marijuana plants growing wild in Nebraska, it is impossible to estimate the number of plants growing within the state. During 1988, approximately 19,800,000 marijuana plants were destroyed.

User Accountability

The increase in resources, the implementation of new programs, the development and implementation of multijurisdictional task forces, the expansion of drug units, and legislative changes have enhanced the ability of the criminal justice system to hold drug offenders accountable. The initiatives will need to be continued and expanded to insure user accountability.

PART V. RESOURCE NEEDS

Apprehension

The Drug Policy Board found that the majority of Nebraska's law enforcement agencies lacked adequate personnel, equipment, and the necessary "buy money" to provide the necessary continuous and consistent drug control efforts. Due to the lack of personnel and other resources, the majority of law enforcement agencies worked drug investigations as specific information became available. Other agencies, including the State Patrol, worked drug investigations on a continuous effort, but could not expand these efforts because of the additional personnel, equipment and "buy money" that would be required. Coordination of efforts and sharing of information existed among some local law enforcement agencies. However, the majority of the local law enforcement agencies were not able to organize this type of activity with agencies other than State Patrol, mainly due to lack of resources. Therefore, additional personnel, equipment and "buy money" was needed as well as establishment of better working relationships among the local law enforcement agencies. Thus, programs to coordinate efforts and share information, such as multijurisdictional task forces, needed to be developed to control the drug problem.

Another deficiency was in the area of training. Law enforcement officers generally lacked the needed training in the varied methods and techniques needed for drug enforcement.

The funding of the drug control projects with the 1987 Anti-Drug Abuse funds addressed some of these deficiencies. However, the funds did not fully meet the needed resources for the state. There still exists the need for additional personnel, equipment, training and "buy money" for existing and additional projects at both the state and local level. There also continues to be a need to expand and enhance coordinated and cooperative efforts among agencies in the investigation of drug activities in the state, primarily the multijurisdictional task forces.

The State Crime Lab continues to require a chemist to perform drug analysis and provide expert testimony in court. Continued training of lab personnel in the methods and techniques of drug samples analysis is also needed. The Attorney General's Drug Prosecution Unit and the Director and staff of the State Crime Laboratory have established a working relationship and have identified the need to jointly develop predicate questions to be used by prosecutors who rarely become involved in drug cases. Coordination of expert testimony with regard to drug identification between state laboratory personnel and county prosecutors will need to be enhanced with the assistance of the Drug Prosecution Unit. Retaining trained and experienced laboratory personnel and up-to-date drug testing equipment is essential to the state's prosecution efforts.

While data is available on drug offenses and arrests through UCR, data at this time is not available as requested. Implementation of the new UCR system should alleviate most of this problem. However, until the new system is in place current methods of data gathering will be utilized.

Prosecution/Adjudication:

Many prosecutors have not obtained the needed experience or training necessary to prosecute the more involved drug cases. While the 1987 funding provided some training for some prosecutors, the Drug Policy Board sees a continued need for additional training. Continued assistance from the Attorney General's Drug Prosecution Unit is anticipated in the areas of consultation and research, investigations, coordination with State Crime Lab personnel to provide expert testimony in drug cases, and trial assistance in felony drug prosecutions throughout the state.

There exist some weaknesses in the areas of presenting investigations, disparity in sentencing and the state's forfeiture laws. Pending legislative changes in existing state forfeiture laws regarding utilization of seized assets and in making possession of marijuana a criminal activity need to be monitored. A review of statutes and standardization of reporting methods may be necessary along with additional training of the judiciary.

Another deficiency in the area of prosecution is the coordination of efforts and sharing of information at the local level. Many drug cases involve more than one county and the coordination and sharing of information would be extremely beneficial. While the Attorney General's Drug Prosecution Unit has initiated this, continued efforts in this area are needed. The Drug Unit plans to continue its efforts to improve the sharing of information with regard to drug arrests and prosecution throughout the state.

Eradication:

Currently, due to the volume of marijuana growing wild there is not an efficient system to locate and destroy marijuana plants. The current efforts of targeting harvesters and the utilization of resources from D.E.A. and Civil Air Patrol will prove beneficial. Many law enforcement officers need training in the identification of harvesting activities of wild marijuana plants as well as cultivating operations.

Detention/Rehabilitation:

Existing resources continue to be substantially insufficient at both adult and juvenile levels to meet the needs of drug offenders during incarceration, work release, parole and probation. Therefore, to address current problems, existing programs in adult correctional institutions must be expanded; new programs must be developed and implemented at the remaining adult institutions; and, drug treatment programs must be developed and implemented at the juvenile level. Treatment programs need to be expanded to include those individuals in half-way houses and on work release, probation, and parole. The development of a tracking system for the inmate with a drug problem is needed as a means of measuring the effectiveness of any drug abuse program. The tracking system could also be utilized to gather needed data in the detention and rehabilitation area.

Drug usage within correctional facilities continues to be a problem. For the treatment programs to have an impact and to provide a comprehensive approach to the drug problem, a canine drug detection program is needed. This program would assist in reducing the flow of drugs into the facility as well as within the facility. -30-

Summary:

In reviewing and evaluating previously funded drug control projects and the current drug activities in the state, the Drug Policy Board identified the resources that continue to be needed to enhance law enforcement control efforts. Those resources include: continued and additional personnel, equipment, training, treatment programs for adult and juvenile drug offenders as well as drug dependent offenders, and "buy-money". This combination of resources would provide more complete data and enhance drug control efforts. Coordination of efforts among all criminal justice agencies continues to be a necessary component in combating the drug problem. This necessary component is the key to the success of the multijurisdictional task forces which have become the foundation of the drug control effort. It is, therefore, necessary to maintain, enhance, and expand the multijurisdictional task forces by providing needed resources. Considering the relationship of drug use to other serious crimes, the impact of these additional resources on the drug problem will also create a correlating impact on other serious crimes.

The Drug Policy Board, having identified the nature and extent of the drug problem in Nebraska, the current drug control efforts and the resources needed, therefore recommends the following funding actions which will continue to increase the impact of drug control efforts.

1. Apprehension

Continue to enhance existing law enforcement efforts by providing additional personnel, drug enforcement related equipment, and "buy money" at the state and local level. Continue to increase the coordination of drug control efforts among the various criminal

justice agencies and maintain, enhance, and expand the multijurisdictional task forces. This enhancement should also include the development of a statewide project which would assist out-state law enforcement agencies in long term undercover narcotics operations, rural drug control efforts or in any other capacity related to the enforcement of state and local drug laws.

- o Continue to provide training to existing personnel for the purpose of identifying various types of drugs, drug activity and the methods and techniques of investigation. The Nebraska Law Enforcement Training Center, in conjunction with the Drug Enforcement Administration and other agencies, should enhance and expand existing training programs for law enforcement. Some of the training should be provided on a regional basis to assure that all out-state agencies are provided with the opportunity to attend.
- Continue to provide funds for additional personnel in the state crime lab in order to more efficiently analyze drug samples and to provide competent testimony at trials. Provide funds for the development of a system to prioritize evidence needed by the degree of urgency.
- o Enhance existing data to provide current information regarding career criminals who are violating state and local drug laws.

 Develop a standard tracking system of drug offender from the time of arrest to disposition.

2. Prosecution

- O Continue to provide funds for personnel of the Attorney General's

 Drug Prosecution Unit to assist local prosecutors across the state
 in case preparations and prosecution of drug cases.
- o Continue to provide funds to increase prosecution staff to meet current needs resulting from increased arrests from drug control efforts and to enhance coordination efforts.
- o Continue to provide funds to provide training for prosecutors. This effort will include case preparation, evidence handling and consistent case development. Continue to provide joint training programs for prosecutors and investigators in the area of investigation and case development. It is felt that this would increase job effectiveness and create a coordination of efforts among the agencies.

3. Adjudication

- o Provide funds for an individual agency, commission or board to examine current sentencing practices in relation to drug offenders and to examine current state statutes in regards to drug offenses.
- o Standardize data collection and reporting forms to develop a consistency in types of information submitted by courts.

4. Detention and Rehabilitation

- o Continuation of the project to place prisoners eligible for parole in community corrections centers and contract with existing agencies to provide substance abuse treatment. This treatment would be a condition of parole and would continue after an inmate is placed on parole.
- Develop a pilot project to create a drug treatment unit (one staff position counselor) at each work release center. This unit would work with the contracting agent to monitor inmates, provide on-going counseling and assistance, and to conduct urinalysis testing.
- Develop a pilot project to identify and provide substance abuse treatment and education to juveniles committed to the state's youth development centers. This treatment would be a condition of parole and would continue after the juvenile is placed on parole.
- To provide funds, in cooperation with local law enforcement agencies, for the establishment of drug detection canine programs for joint use within the state's correctional facilities and for local law enforcement purposes. These programs would be utilized in assisting law enforcement and correctional officials in identifying and apprehending drug traffickers as well as drug traffic dealers.

5. Eradication

o Continue and enhance existing eradication efforts by discovering marijuana fields and typical harvesting activities. Continue the training of law enforcement officers in the identification of areas suited for marijuana growth and typical harvesting activities.

Although many areas have been identified as resources and areas needing funding, this is the most efficient way to presently address Nebraska's drug efforts. By establishing priorities, future funding will allow for a wider approach to the drug problem.

AREA OF GREATEST NEED

In determining areas of greatest need several factors will be considered in determining the awarding of Federal funds. These factors include:

- o The population of the jurisdictions involved in the proposed project;
- o The type of drug activity identified in the jurisdictions, such as trafficking, illegal drug production, manufacturing, importation or distribution;
- o The extent of the problem as documented by statistics, survey results, and available intelligence information;
- o The extent to which state and local law enforcement agencies have committed resources to the identified problem;
- o The type of operation being proposed to combat the problem;
- o The extent to which drug-related activities in the area are having a harmful impact on other areas of the state;
- The extent to which a significant increase in allocation of Federal funds are necessary to adequately respond to drug-related activities; and
- o Unique problems created for rural law enforcement and prosecution by those involved in criminal drug activity.

The areas of greatest need are eastern Nebraska through south central.

The eastern part of Nebraska represents 57% of the state's population and accounts of 81.1% of 1987 UCR drug and violent crime arrests.

As previously stated, the eastern part of the state has experienced an increase in gang related crimes and drug activity which is now moving into the more rural areas of the state.

IMPACT OF CURRENT STRATEGY

The current strategy for the 1987 Anti-Drug Abuse funds addressed the areas of apprehension, prosecution, adjudication, detention and rehabilitation and eradication. In these areas the needed resources identified were additional personnel, equipment, training, and "buy-money."

In determining projects to be funded with the 1987 Anti-Drug Abuse funds, the Crime Commission considered the dollar amount available, the projects that would provide the greatest impact and comprehensive approach to the drug problem, the geographics of the areas and the population of the jurisdictions involved. The funded projects consisted of four multijurisdictional task forces, enhancement of three local jurisdictions' drug units, enhancement of the State Patrol's drug unit, the implementation of a prosecution drug unit at the state level, the development and implementation of a drug training program for law enforcement officers and drug abuse treatment programs for offenders convicted of drug offenses as well as those offenders identified as having a drug problem. The funded projects required a longer start-up time than anticipated due to the backfilling of positions and the development of policies and procedures among agencies. Therefore, the first six months of the projects consisted of establishing the operational groundwork, developing leads, targeting suspects, gathering of intelligence information and contracting with treatment programs. A higher degree of activity has occurred during the latter months of 1988 and it is anticipated this increased activity will continue to increase during 1989.

The impact of these funded projects is demonstrated by the increase in the number of personnel devoted to drug control efforts, the increase in intelligence information being gathered, the increase in the number of inmates receiving treatment, the identification of types of drug activities occurring and types of drugs being distributed and the increase in training of law enforcement and prosecution personnel. A major impact of these funded projects has been the significant increase of coordination and cooperation among agencies in the drug control effort.

PART VI: STRATEGIES FOR ADDRESSING DRUG CONTROL

In developing the strategies for each of the funding areas, the Drug Policy Board reviewed the identified resource needs for each area, considered the input received from the public hearings, and analyzed the impact of the previously funded drug projects. The primary concerns of the Board were to create a strategy which encouraged cooperation and coordination among agencies in drug control efforts and establish an overall approach to the drug problem. As a result of these strategies, the Board selected funding programs which would provide the greatest impact on the drug problem in Nebraska.

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APPREHENSION

Due to the geography of Nebraska and the resource needs, the Drug Policy Board identified two different approaches in apprehension to achieve these goals. The approach to drug control efforts for the urban areas will be addressed primarily through the funding of multi-jurisdictional task forces. In rural areas the approach will be primarily addressed through the funding of expanded efforts of the State Patrol.

I. GOAL: TO INCREASE STATE AND LOCAL JURISDICTIONS' CAPACITY TO APPREHEND DRUG OFFENDERS.

STRATEGY:

o Establish multi-jurisdictional task forces consisting of representatives of local, state, and federal law enforcement and prosecution.

- o Establish specialized task forces such as a "Crack Task Force", etc. to target problems in specific jurisdictions.
- o Enhance state and local law enforcement agencies by providing additional personnel, equipment and "buy-money" and the effective use of existing resources.
- Continue and enhance coordination and cooperation among law enforcement agencies and other criminal justice agencies through regular meetings to allow for the sharing of information, problems and procedures.
- o Enhance and expand drug training for law enforcement officers.
- o Maintain and enhance drug testing analysis capabilities within the State Crime Laboratory through utilization of additional personnel, equipment and training.

OBJECTIVES:

- o Maintain and expand the number of law enforcement officers for drug investigations.
- Maintain and expand the number of drug operations in effect.

- o Maintain and expand the number of training programs available for law enforcement officers.
- o Increase the number of information sharing meeting for law enforcement.
- o Maintain and increase the number of personnel devoted to drug testing analysis.

II. GOAL: REDUCE THE AVAILABILITY OF DRUGS IN THE STREET

STRATEGY:

- O Utilize drug operations to target drug dealers and investigate their supply source.
- o Continue and enhance training in drug trafficking and "Operation Pipeline."
- O Continue and enhance the coordinated and cooperative effort among law enforcement agencies through regular meetings to allow for the sharing of information regarding drug dealers and known trafficking operations.
- o Continue training of rural law enforcement in investigative and apprehension techniques regarding drug activities in the smaller communities.

OBJECTIVES:

- o Maintain and expand the number of drug operations in the State of Nebraska.
- o Maintain and expand the number of training sessions in drug trafficking.
- o Maintain and expand the number of meetings to coordinate drug control efforts.
- o Maintain and expand the number of training sessions in drug activities for rural law enforcement officers.

PROSECUTION

To achieve the prosecutorial goals and to provide the necessary resources for local prosecutors in the state, the Drug Policy Board determined the most appropriate approach would be through the funding of the Attorney General's Drug Prosecution Unit. The personnel of the drug unit will be able to provide a more structured approach in the training and assistance to local prosecutors.

I. GOAL: TO INCREASE STATE AND LOCAL PROSECUTORS' ABILITY TO EFFECTIVELY PROSECUTE DRUG OFFENDERS

STRATEGY:

- o Enhance state and local prosecuting agencies by providing additional personnel and the effective use of existing resources.
- o Continue and enhance coordination and cooperation among prosecuting agencies through participation in multi-jurisdictional task forces or through a working relationship with law enforcement agencies.
- o Enhance and expand drug training for prosecutors, law enforcement and crime lab chemists.
- o Continue to provide additional reference materials for local prosecutors.

o Provide assistance to local prosecutors in case development and prosecution.

OBJECTIVES:

- o Maintain and expand the number of prosecutors devoted to drug cases.
- o Maintain and expand the number of prosecutors involved in multi-jurisdictional task forces or local drug units.
- o Maintain and expand the number of training programs available for prosecutors, law enforcement, and crime lab chemists.
- o Increase the number of reference materials available to local prosecutors.
- o Maintain and expand the amount of assistance available to local prosecutors in case development and prosecution of drug cases.

ADJUDICATION

To effectively adjudicate cases or matters involving drug offenders and provide a comprehensive approach to Nebraska's drug problem, the Drug Policy Board determined changes in legislative procedural and coordination activities are needed.

I. GOAL: TO INCREASE THE COURT'S CAPACITY TO EFFECTIVELY ADJUDICATE DRUG OFFENDERS

STRATEGY:

- o Considering the recently implemented Federal guidelines, establish standardized preliminary hearing and sentencing procedures for drug offenders.
- o Enhance existing state drug laws including seizure and forfeiture laws.
- o Establish specialized training for the judicial and probation system.
- o Enhance existing coordinated and cooperative effort between courts, corrections and probation.

OBJECTIVES:

- o Expand the number of procedures among agencies.
- o Identify the drug laws to be enhanced.
- o Expand the number of specialized judicial and parole training sessions.
- o Expand the number of coordinating meetings between courts, corrections, and probation.

DETENTION AND REHABILITATION

Increased efforts in the areas of apprehension and prosecution are seen as the primary approaches to the drug problem by law enforcement. However, to create the comprehensive approach to the problem and to reduce drug usage among offenders, treatment programs for juvenile and adults are seen as vital.

I. GOAL: TO INCREASE THE DEPARTMENT OF CORRECTION'S CAPACITY TO PROVIDE TREATMENT PROGRAMS FOR ADULT DRUG DEPENDENT OFFENDERS

STRATEGY:

- o Maintain and enhance adequate treatment programs for drug-dependent offenders who are eligible for parole as required by existing legislation (State Statute 28-416).
- o Maintain and enhance adequate treatment programs for inmates convicted of a drug offense.
- o Maintain and enhance adequate treatment programs for inmates identified as having substance abuse problems.

OBJECTIVES:

o Maintain and increase the number of treatment programs for drug-dependent offenders who are eligible for parole as required by existing legislation (State Statute 28-416).

- o Maintain and increase the number of treatment programs for inmates convicted of a drug offense.
- o Maintain and increase treatment programs for inmates identified as having a substance abuse problem.

II. GOAL: TO INCREASE THE DEPARTMENT OF CORRECTION'S CAPACITY TO PROVIDE TREATMENT PROGRAMS FOR JUVENILE DRUG OFFENDERS

STRATEGY:

- o Develop and implement substance abuse treatment programs for juvenile offenders convicted of drug offenses.
- o Develop and implement substance abuse treatment programs for juvenile offenders identified as having a substance abuse problem.

OBJECTIVES:

- o Increase the number of treatment programs for juvenile offenders convicted of drug offenses.
- o Increase the number of treatment programs for juvenile offenders identified as having a substance abuse problem.

III. GOAL: TO INCREASE THE DEPARTMENT OF CORRECTION'S CAPACITY TO PROVIDE TREATMENT PROGRAMS FOR WORK RELEASE UNITS

STRATEGY:

- o Develop and implement substance abuse programs for work release inmates identified a having a substance abuse problem.
- o Develop and implement substance abuse treatment programs for work release inmates that were convicted for drug offenses.
- o Establish a monitoring program for work release inmates participating in treatment program.

OBJECTIVES:

- o Increase the number of treatment programs for work release inmates identified as having a substance abuse problem.
- o Increase the number of treatment programs for work release inmates that were convicted for drug offenses.
- o Increase the number of monitoring programs for work release inmates participating in treatment programs.

IV. GOAL: TO INCREASE THE DEPARTMENT OF CORRECTION'S ABILITY TO REDUCE DRUG TRAFFICKING WITHIN THE FACILITY

STRATEGY:

o Establish a drug detection canine program

OBJECTIVE:

o Reduce the number of inmates distributing drugs within the facility.

ERADICATION

Due to the volume of marijuana that grows wild in Nebraska, the total eradication of marijuana is not possible at this time and therefore is not considered a funding priority. Efforts are being made to involve citizen groups in controlled eradication activities. The necessity of providing drug training to law enforcement is recognized as a priority. This training will be included in seminars given by the Nebraska Law Enforcement Training Center.

GOAL: TO INCREASE STATE AND LOCAL JURISDICTION'S ABILITY TO ERADICATE WILD OR CULTIVATED MARIJUANA PLANTS

STRATEGY:

Enhance and expand training for law enforcement in the identification and harvesting operations of both wild and cultivated marijuana plants.

OBJECTIVE:

o Increase the number of training programs available for law enforcement officers.

PROGRAMS FOR FUNDING CONSIDERATIONS

To achieve the established goals of the Drug Policy Board for the areas of apprehension, prosecution, adjudication, detention and rehabilitation, and eradication, the Nebraska Drug Policy Board targeted the following programs for funding consideration.

- o #2 Multijurisdictional task force programs that integrate Federal, state and local drug law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination and intelligence and facilitating multijurisdictional investigations;
- o #7a. Improving the operational effectiveness of law enforcement through the use of crime analysis techniques, street sales enforcement, schoolyard violator programs, gang-related and low-income housing drug control programs; and
 - #17 Addressing the problems of drug trafficking and the illegal manufacture of controlled substances in public housing.
- o #13 Providing programs which identify and meet the treatment needs of adult and juvenile drug-dependent and alcohol-dependent offenders.

- o #16 Innovative programs which demonstrate new and different approaches to enforcement, prosecution and adjudication of drug offenses and other serious crimes.
- o #19 Drug control evaluation programs which state and local units of government may utilize to evaluate programs and projects directed at state drug control activities.
- o #21 Programs of which the primary goal of is to strengthen urban enforcement and prosecution efforts targeted at street drug sales.

The Nebraska Crime Commission will make final funding determinations for all grant applications.

COORDINATION OF DRUG CONTROL EFFORTS WITHIN THE STATE

Regionally, the implementation of multijurisdictional task forces has led to improved coordination of drug control efforts through the sharing of information and the planning of investigative activities among the agencies involved. On a statewide basis, the Nebraska State Patrol has provided coordinated drug control efforts. This has been achieved through Patrol's active participation in varying degrees in all projects funded with Anti-Drug Abuse funds. In addition to this participation, the Patrol implemented a rural drug project to enhance its existing drug unit.

Another coordination effort implemented through the State Patrol is the Statewide Criminal Indexing Program (SCIP). In utilizing the SCIP program, an agency submits a SCIP card containing information on a suspect to the State Patrol. This information is entered into the computer and a name search is conducted. If another agency has submitted a SCIP card on the same suspect, the computer makes a match. Each agency is contacted and told to contact each other regarding the suspect. Each agency receiving funds from the Anti-Drug Abuse funds is required to participate in SCIP.

The State Attorney General's Office has established a Drug Prosecution Unit. The unit provides assistance to law enforcement agencies at all levels during investigation involving criminal drug activity. This assistance includes consultation, legal research, and trial assistance to any Nebraska

prosecutor upon request. A trial manual dealing with issues such as electronic surveillance, search and seizure, asset forfeiture, etc., has been completed by the unit and will soon be available to all law enforcement and prosecution agencies. This manual will assist law enforcement officers and prosecutors in both investigations and prosecution of drug cases.

Training of law enforcement and prosecutors has been a combined, coordinated effort by the Law Enforcement Training Center, State Patrol, the State Attorney General's Drug Prosecution Unit, the Drug Enforcement Administration, FBI, and other academies. Specialized training was provided by the National College of District Attorneys and the Institute of Police Technology Management.

As part of Governor Kay A. Orr's "Toward a Drug Free Nebraska" policy, the Interagency Drug Coordinating Team was implemented. This group meets monthly to report on and plan coordinated activities. This group consists of representatives from the Departments of Education, Health, Public Institutions and the criminal justice system. Representatives from the Department of Education and the Nebraska Drug Policy Board will be meeting to discuss common goals and implement an enhanced working relationship in schools and communities throughout Nebraska.

COORDINATION OF STATE AND LOCAL DRUG CONTROL EFFORTS WITH FEDERAL EFFORTS

The coordination of state and local drug control efforts with federal efforts is demonstrated through the participation of the FBI and DEA in the multijurisdictional task forces. Local, Federal and state resources are shared and this has greatly enhanced the investigation and prosecution of drug offenders.

DEA has provided training in coordination with the State Attorney

General's Office and the Law Enforcement Training Center. This training has
included "Operation Pipeline."

The Drug Prosecution Unit attorneys are cross designated as special Assistant United States Attorneys for the District of Nebraska. This cross designation assists in the coordination of state and federal investigations involving illegal drug activities within Nebraska.

The Nebraska State Patrol and the Civil Air Patrol have established a program which utilizes Civil Air Patrol personnel in the identification of fields of marijuana plants. Once fields are identified, State Patrol is notified and conducts investigations. A similar program is being developed with the National Guard.

The State Patrol, DEA, FBI, U.S. Attorney's Office, and the Nebraska

Department of Health are coordinating a Pharmaceutical Diversion Program.

This program is directed at education of various health care professionals as well as law enforcement efforts against subjects involved in drug diversion.

According to DEA statistics, Nebraska ranks in the top twenty of consuming states for five of the 14 pharmaceutical controlled substances. This program has additional potential for interdicting and reducing one portion of the drug trafficking problem at its source than most programs available in the state.

Cross-designation of assistant state attorneys general as assistant U.S.

Attorneys facilitates federal and state drug task force operations. This allows the Nebraska Attorney General's Office to be directly involved in any federal investigation.

EVALUATION OF THE STRATEGY

In order to evaluate the impact of the drug control strategy, the Crime Commission will monitor each funded project. The monitoring will consist of comparing the drug control activities prior to the project to the results of the activities initiated by the project, including problems encountered, and a review of recordkeeping systems. Each subgrantee will submit the BJA/CJSA Drug Consortium report forms on a semi-annual basis. The Consortium reports will play a key role in our monitoring program. The Statistical Analysis Center will use the information to gauge the impact of the funding in the awarded jurisdictions as well as aggregating the statewide impact of the strategy. UCR continues to be the foundation of long-term data collection.

In addition to the monitoring process, the Crime Commission, State Attorney General's Drug Prosecution Unit, and State Patrol are currently developing a tracking system which will allow the Crime Commission access to statistical information from the time of arrest through disposition. It is not the intent to duplicate any existing system but to enhance and expand the system. Once the tracking system is established, the Statistical Analysis Center of the Crime Commission will analyze drug activities across the state as well as those activities of the funded programs. With the tracking system in place and the programmatic monitoring of awarded projects, the Crime Commission will be able to analyze the impact of the strategy, identify problems, and determine solutions to those problems.

PART VII: DATA SUMMARY

Data representing the drug situation in Nebraska, as with other states, is neither consolidated nor complete. The most consistent long term gauge is Uniform Crime Reporting (UCR) data. This is available for many years and describes those arrests for which drug related offenses (either possession or distribution) are the primary offense. Although this gives some barometer to the level of activity in the state it does not reflect the entire picture of the actual number of arrests that in some way involved drugs nor does it provide information about criminal activity within the other components of the criminal justice system. Nonetheless, the data gives a consistent indication of the drug situation and is reflective of virtually the entire state.

In Nebraska's initial strategy development and data collection related to the Anti-Drug Abuse Act the UCR data was supplemented with data from other agencies and by surveying various participants in the process, such as law enforcement and the courts. This demonstrated and emphasized the variability of data and its availability. We have standardized collection of data and focused on those agencies and task forces funded with previous drug grant monies. Those jurisdictions comprise approximately 57% of the states population and accounted for 81.1% of the 1987 UCR drug arrests.

The following data represents the first six months of 1988. Data for the last part of the year is incomplete. In addition to the data provided by the subgrantees, law enforcement agencies outside of the funded jurisdictions were asked to submit related data with a supplement to their UCR monthly reports. These provided additional information primarily in the areas of arrests and seizures and added the more rural areas. Many of the task

forces were being set up in early 1988 and we anticipate data from late 1988 and early 1989 to reflect their activities, particularly those resulting from undercover operations initiated due to grant funds.

Nebraska has adopted the BJA/CJSA (Criminal Justice Statistics

Association) Drug Consortium data collection format. Although Nebraska is not now a funded member of the Consortium we chose to initiate the use of these forms and methods and hope to maintain or enhance our ties to the Consortium through CJSA. The Consortium forms are distributed to subgrantees to be used as a required supplement to their grant reports. The involvement of the various components of the criminal justice system required by the interagency cooperative agreements allowed the collection and reporting of data including arrests and prosecution.

Although the summary data collected and reported allows for a snapshot analysis of the drug problem for a given time, it can at the same time be restrictive. By looking at things such as numbers of arrests, convictions, or seizures, one can see the general effect on the system and make inferences relative to resources. The Attorney General in particular has expressed a desire to be able to examine each aspect of a drug related case from reason for arrest, through charges filed, to disposition, to possible appeal. By doing so we can not only have reliable summary data but also be able to assess any weak links or possible problems in the process and work to correct those. To this end the Crime Commission will work with the Attorney General's Drug Prosecution Unit and related agencies to collect this level of detailed information on a county basis. It is anticipated that a form to be distributed will follow an arrestee through prosecution and detention for each drug related offense. This would then provide a complete picture of the flow of activity through the criminal justice system.

UNIFORM CRIME REPORT ARREST STATISTICS

	JAN-JUN 1988	JAN-JUN 1987	JAN-DEC 1987	
87-DA-305	101	129	220	
87-DA-306	2	0	1	
87-DA-308 TRI-CEP	97	114	185	
87-DA-309 SCAT	3	6	8	
87-DA-310	1	0	5	
87-DA-312	527	471	1131	
87-DA-316 CANDO	28	21	42	
87-DA-317	242	226	446	
ABOVE AGENCIES	926	855	1830 (81.1% of Nebraska)	
STATE OF NEBRASKA	1080		2256	

*N/A - 1987

STATE:	NEBRASKA	

*May be reported separately as a subcategory of cocaine.

ARRESTS: # PERSONS

subcategory of coca	Buying	Cuitivating/	Distributing/	Possessing/	Transport./	Using/	Other	Total
	baying	Manufact.		Concealing		Consuming		***************************************
Cocaine (total)-			41	53			1	95
(Crack)*-	د	د	C_3_)	د_2_)	د	()	ر	الاستقالية)
Hashish-								
Heroin-								
Marijuana-		12	60	459			260	791
Morphine-								
Oplum-								
Other Narcotics-			1					
LSD-			5	2				
PCP-								
Other Hallucinogens-			11					
Amphetamines/ Methamphet		11	40	30				
Other Stimulants-			44	3				7
Barbiturates-				2				:=.= w==.=
Other Depressants-			4				19	
Other Drugs-			1	2			14	
Unkown Drug-			11	44			<u> </u>	
Total			154	55			\$49/4	GRAND TO .1025

STATE:	NEBRASKA	
~ . ~		

*May be reported separately as a subcategory of cocaine.

CONVICTIONS: # PERSONS

subcategory of coca	aine.							
	Buying	Cultivating/	Distributing/	Possessing/	Transport./	Using/	Other	Total
		Manufact.	Selling	Concealing	Importing	Consuming		
Cocaine (total)-			5	4				9
(Crack)*-	دى	د	د	()	د	()	()	وحدحا
Hashish-					·			
Heroin-								
Marijuana-		2	11	221				974
Morphine-				1				
Opium-					,			
Other Narcotics-			1					· · · · · · · · · · · · · · · · · · ·
LSD-			1	1				
PCP-								
Other Hallucinogens-								
Amphetamines/ Methamphet			66	10				16
Other Stimulants-	,					,		
Barbiturates-				1				1
Other Depressants-								
Other Drugs-								
Unkown Drug-							5	5
Total -			24	258				GRAND TOTAL 269

STATE:	NEBRASKA	

**May be reported as a subcategory of				ER OF SENT		•	*In months.	
		Median Pris. Sent.*	# Jail Sentences	Median Jail Sentence*	# Probation Sentences	Median Prob. Sent.*	# Jail + Prob. Sents.	Row Totals
Cocaine (total)-	8	24		3	3	12	1	13
(Crack)**-	دــــ	د	()	دى	دــــــــــــــــــــــــــــــــــــــ	د٦	رححت	ز
Hashish-		: : ======					;:	
Heroin-								
Marijuana-	6	18	4	6	16	12		26
Morphine-								
Opium-					//	» • • • • • • • • • • • • • • • • • • •		
Other Narcotics-			'			24		1
LSD-		18						1
PCP-								
Other Hallucinogens-			· · · · · · · · · · · · · · · · · · ·					
Amphetamines/ Methamphet	6	12		3	2	22		9
Other Stimulants-		· ·						
Barbiturates-				X 				1
Other Depressants-								
Other Drugs-						24		4
Unkown Drug-								
****Please see instruction sheet.	Category Total	Category Median****	Category Total 7	Category Median****	Category Total:	Category Median***	Category Total	GRAND TOTAL 55

Number of Life Sentences for all Categories Combined:

(do not include these sentences in above table)

STATE: NEBRASKA

a subcategory of	cocame.		SENT	ENCE LENG	1113		
	# Suspend. Sentences	# "Other" Sentences	# Commun. Service Sentences	Com. Ser.	# Fines Assessed	Average Fine***	Row Totals
ocaine (total)-		10					10
(Crack)**-	(3	()	()	ر	۷	C	C
ashish-							
eroin-					:		
arijuana-		4			193	100	198
orphine-							
pium-							
ther Narcotics-							
SD-							
CP-							
ther allucinogens-							1
mphetamines/ ethamphet		1	1	75			2
ther Limulants-							
arbiturates-		"State temp" temp , temp "least about."			::		
ther epressants-							
ther Drugs-		2			2		4
nkown Drug-				100	7	<u> </u>	8
	Category Total	Category Total	Category Total	Category Average	Category Total 202	Category Average	GRAND TOTAL

••••In dollars.

Number of Life Sentences for all Categories Combined: _______(do not include these sentences in above table)

STATE:	NEBRASKA	

DRUG REMOVALS BY AMOUNT

	By Seizure	By Purchase	Total	measures*
Cocaine (total)-	5586.3	2756	8342.3	GM
(crack)**-	د	(_11.88)	C_111288	C GM
Hashish-	6.3	4.5_	10.8	GM
Heroin-		~ ~ ~ ~ ~ ~		
Marijuana***	·			
pounds-	<u> 188.7</u> 15	14.48	205.1	LB NP
plants-	100		100	LB
Morphine-	20		20	ML
Opium-				
Other Narcotics-			**************************************	
LSD-	217	21	238	DU
PCP-			**** (Sang. San), San, San, San, San.	
Other Hallucinogens-	73.8	7.6	81.4	GM_
Amphetamines/ Methamphet	909.4	734.8	1644.2	GM _.
Other Stimulants-	1593		1597	DU
Barbiturates-	16	45		DU
Other Depressants-	5	3.5	3.5	GM
Other Drugs-	89	132		DU
Unkown Drug-	302			DU

Only the following measures are to be used:
WEIGHT-
GM = Gram
KG = Kilogram
OZ=Ounce
LB = Pound
CAPACITY-
ML = Milliliter
LT = Liter
FO = Fluid Ounce
GL=Gallon
UNITS-
DU = Dosage Unit (pills, etc.)
NP = Number of Plants

- ••Crack may be reported separately as a subcategory of cocaine.
- number of plants or by pounds (and both categories may be used), but the categories are to be mutually exclusive—i.e., if 100 plants are reported as having been seized or purchased, their weight is not to be added to the "pounds" category.

STATE:	NEBRASKA	
JIMIE.	NEBRASKA	

Optional reporting table.	ASSET S	EIZURES	ASSET FORFEITURES			
table.	Quantity	Dollar Value	Quantity	Dollar Value		
Vehicles-	14	14,900	3	4,500		
Vessels-						
Aircraft-						
Currency-	4	5,260				
Other Financial						
Instruments-						
Real Property-			·			
Weapons-	6	800				
Other-	1	9,296	3	4,500		
	***************************************		***************************************	-		
		30,256		9,,000		
		344-270		3.00.00		

TOTALS

68-

BJA/CJSA DRUG CONSORTIUM

STATE: NEBRASKA

ARREST PROFILE

		iex	Ag	e	Criminal History			
	Male	, Female	< 18	18 +	1st Time Offender	Repeat Offender	Unknown	
Caucasian-	434	86	109	411	72	24	40	
Black-	4	9	1	55	3	. 3	1	
Hispanic-	5	. 3	1	5	,	1	1	
Native American-	. 7	. 5	. 1.	11				
Other-	·		:	<u>2</u>				
Unknown		<u> </u>				·		
Total-	1 449	105	112	484	75	28	42	

ARRESTS IN WHICH WEAPONS ARE SEIZED (BY WEAPON TYPE)

•		•	· ·	(31 11211	O				
Handguns :	Semi- automatic Handguns	Alfles	Seml- automatic Rifles	Shotguns	Semi- automatic Shotguna	Machine guns	Knives/ cutting instruments	Explosive devices	Total
. •5							4	3	12

ATTACHMENTS

DRUG POLICY BOARD

CHAIRMAN: JIM JONESON

Ronald Bartee Parole Board P. O. Box 94754 Lincoln, Nebraska 68509 (402) 471-2156

The Honorable Inez Boyd City Hall 210 West Mission Bellevue, Nebraska 68005 (402) 293-3020

The Honorable Robert Burkhard Courtroom 9 Hall of Justice Omaha, Nebraska 68183 (402) 444-7009

Charles Circo Omaha Police Department 505 South 15th Street Omaha, Nebraska 68102 (402) 444-5611

Allen Curtis Chief of Police Lincoln Police Department 233 South 10th Lincoln, Nebraska 68508 (402) 471-7237

Patrick Doman
Drug Enforcement Administration
P. O. Box 661
Downtown Station
Omaha, Nebraska 68101
(402) 221-4222

The Honorable Tom Dorwart Cheyenne County Judge Courthouse Sidney, Nebraska 69162 (308) 254-4147

Bruce Gillan U. S. Attorney's Office 100 Centennial Mall North Federal Building Lincoln, Nebraska 68508 (402) 437-5241

DRUG POLICY BOARD MEMBERS - Continued

Frank Gunter
Director
Nebraska Department of Corrections
P. O. Box 94661
Lincoln, Nebraska 68509-4661
(402) 471-2654

Martin Gutschenritter Chief of Police North Platte Police Department North Platte, Nebraska 69101 (308) 532-3210

Gretchen Hirschbach
Dakota County Commissioner
P. O. Box 217A
South Sioux City, Nebraska 68776
(402) 494-4439

Roger Hudson
Department of Education
P. O. Box 94987
Lincoln, Nebraska 68509-4987
(402) 471-2446

G. L. Kuchel, Professor Criminal Justice Department University of Nebraska-Omaha Omaha, Nebraska 68182 (402) 554-2610

Ron Lahners U. S. Attorney's Office 100 Centennial Mall North Federal Building Lincoln, Nebraska 68508 (402) 437-5241

Colonel Harold LeGrande Superintendent Nebraska State Patrol P. O. Box 94907 Lincoln, Nebraska 68509-4907 (402) 471-4545

James Livingston Chief of Police Scottsbluff Police Department 1818 Avenue "A" Scottsbluff, Nebraska 69361 (308) 632-4136

DRUG POLICY BOARD MEMBERS - Continued

Tom Miller, Director Law Enforcement Training Center Route 3, Box 50 Grand Island, Nebraska 68801-9403 (308) 381-5700

Nicholas O'Hara FBI Special Agent in Charge P. O. Box 548 Omaha, Nebraska 68102 (402) 348-1210

Al Pattavina Public Safety Director 1819 Farnam Street Omaha, Nebraska 68183 (402) 444-5043

The Honorable Robert Spire (Designee - Bill Howland) Nebraska Attorney General State Capitol Lincoln, Nebraska 68509-4906 (402) 471-2682

Ronald Staskiewicz 428 Hall of Justice 17th & Farnam Omaha, Nebraska 68183 (402) 444-7040

Roger D. Sterkel Morrill County Sheriff Courthouse Bridgeport, Nebraska 69336 (308) 262-0408

Patrick Thomas
Sarpy County Sheriff
Courthouse
Papillion, Nebraska 68046
(402) 593-2288

Robert Wadman, Chief Omaha Police Department 505 South 15th Street Omaha, Nebraska 68102 (402) 444-5600

Jim Wiley
Department of Public Institutions
P. O. Box 94728
Lincoln, Nebraska 68509-4728
(402) 471-2851



STATE OF NEBRASKA

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

KAY A. ORR GOVERNOR JIM JONESON DIRECTOR

February 3, 1989

The Honorable Senator Labedz Chairperson, Legislative Committee District #3 State Capitol Building Lincoln, Nebraska 68509

Dear Senator Labedz:

On December 16, 1988, President Reagan signed into law the Drug Control and System Improvement Formula Grant Program established by the Anti-Drug Abuse Act of 1988. This program provides assistance to states and units of local government for the purpose of enforcing state and local drug laws and to improve the functioning of the criminal justice system. The Drug Control and System Improvement Formula Grant Program provides Federal funds for the purpose of increasing the apprehension, prosecution, adjudication, treatment and detention of persons who violate state and local drug laws.

The Crime Commission is designated as the state agency responsible for administration of the Drug Control and System Improvement Formula Grant Program. Nebraska received \$1,497,000 in 1987 and \$680,000 in 1988 in Anti-Drug Abuse funds. For fiscal year 1989, Nebraska is eligible to receive \$1,092,000.

Federal regulations require the Crime Commission to submit a copy of the state's block grant application to the Legislature for review and comment. Accordingly, a copy of the application and a copy of Nebraska's Statewide Law Enforcement Drug Strategy is enclosed.

If you have any questions, please contact me.

Sincerely,

JIM JONESON Executive Director

JJ:mcc

Enclosure

Nebraska Commission on Law Enforcement and Criminal Justice

OPERATING INSTRUCTION NUMBER 40

January 27, 1989

DRUG FREE WORKPLACE POLICY

PURPOSE: To prescribe policies pertaining to the establishment of a drug free workplace.

- 1. SCOPE: Applicable to all Crime Commission staff.
- 2. GENERAL: The Nebraska Crime Commission is in receipt of various Federal Block Grant funds. Title V, Section 5153 of the Anti-Drug Abuse Act of 1988 requires that all grantees of Federal funds shall provide a drug free workplace. It is unlawful to manufacture, distribute, dispense, possess or use a controlled substance in the workplace. The Commission therefore establishes a drug free workplace policy for its employees in Lincoln and Grand Island.

3. POLICIES:

- A. All Crime Commission employees and each new hire will receive drug abuse awareness training. This training shall include:
 - 1. A definition of drug abuse;
 - 2. The effects of drug abuse;
 - 3. Dangers of drug abuse in the workplace;
 - 4. Availability of counseling and treatment programs available to Crime Commission employees; and
 - 5. Disciplinary actions which may be imposed on employees for drug abuse violations.
- B. Each Crime Commission employee will receive a drug abuse awareness form which will state it is unlawful to manufacture, distribute, dispense, possess or use a controlled substance in the workplace. Each employee will sign and date this statement certifying that he:
 - 1. Has received drug abuse awareness training;
 - 2. Understands and will abide by the drug free workplace policy;
 - 3. Is aware of counseling and treatment programs available for drug abuse: and

4. Has knowledge of disciplinary actions which may be imposed for violations of the drug free workplace policy.

The signed and dated statement will be forwarded to the employee's immediate supervisor who will forward it to the individual in charge of personnel records. The signed and dated statement will be permanently maintained in the employee's personnel file.

- C. If an employee violates the drug free workplace policy, disciplinary action will be imposed according to established rules and regulations of the Department of Personnel or contracts of labor organizations. If necessary, law enforcement officials shall be notified.
- D. An employee is required to immediately report any criminal drug statute conviction to his immediate supervisor. The supervisor will immediately report such conviction to the Director of the agency.
- E. The Crime Commission shall notify the Federal granting agency within 10 days after receiving notice of an employee's drug statute conviction.

JIM JONESON Executive Director

OPR: Executive Director

Distribution: Commission members

and Commission staff.

CHAPTER 1 - ADMINISTRATION OF FEDERAL GRANTS - PURPOSE AND AUTHORITY

- O01 Purpose The Nebraska Commission on Law Enforcement and Criminal Justice, hereinafter referred to as the "Crime Commission", establishes these rules and regulations to guide the agency in the administration of federal funds received by the State pursuant to the federal Justice Assistance Act and Victims of Crime Act of 1984, the Juvenile Justice and Delinquency Prevention Act, the Anti-Drug Abuse Act of 1986, and similar federal legislation.
- <u>002</u> Authority The Crime Commission shall be the designated state agency responsible for application, administration and disbursement of federal funds made available to Nebraska pursuant to the Acts specified in Chapter 1-001 above.
 - <u>002.01</u> In accordance with federal regulations, the Governor must designate a state office responsible for the administration of Justice Assistance Act and Victims of Crime Act funds. Governor Robert Kerrey assigned this responsibility to the Crime Commission on November 28, 1984.
 - <u>002.02</u> L.R. 11, passed by the Legislature in 1981, authorizes Nebraska's participation in the federal Juvenile Justice Delinquency and Prevention Act and designated the Crime Commission as the agency responsible for administering federal funds received pursuant to the Act.
 - 002.03 In accordance with federal regulations, the Governor must designate a state office responsible for the administration of Anti-Drug Abuse Act funds. Governor Robert Kerrey assigned this responsibility to the Crime Commission on October 27, 1986.
- $\underline{003}$ Operating Instructions The Crime Commission shall establish such operating instructions as necessary to properly implement these rules and regulations.

CHAPTER 2 - ADMINISTRATION OF FEDERAL GRANTS - DEFINITIONS

- <u>001</u> General The following terms and definitions will be utilized to clearly define the intent and meaning of these rules and regulations in which they are used.
 - <u>001.1</u> Application The term "application" means the document submitted by an agency or organization to apply for federal funds to carry out specific programs, services, or activities.
 - $\underline{001.2}$ Crime Commission The term "Crime Commission" refers to the Nebraska Commission on Law Enforcement and Criminal Justice.
 - <u>001.3</u> Grant Review Committee The term "Grant Review Committee" shall mean that committee designated by the Crime Commission to review subgrant applications and make recommendations to the Commission on which applications to fund.
 - <u>001.4</u> Executive Director The term "Executive Director" refers to the Executive Director of the Crime Commission.
 - <u>001.5</u> Subgrant The term "subgrant" means an agreement between the Crime Commission and a unit of state or local government or a not-for-profit organization whereby the Crime Commission provides funds to carry out specified programs, services, or activities.
 - <u>001.6</u> Special Conditions The term "special conditions" means any subgrant requirements specified by the Commission and included as part of the agreement defined in 001.5.
 - 001.7 Non-certified Programs The term "non-certified programs" means those programs for which Justice Assistance Act funding is requested which the Bureau of Justice Assistance has not certified as having been proven successful. "Non-certified programs" require approval of the Bureau of Justice Assistance before the Crime Commission can award funds to such programs.

Effective Date: January 5, 1987

CHAPTER 6 - ADMINISTRATION OF FEDERAL GRANTS - SUBGRANT REVIEW AND APPROVAL PROCESS

- <u>001 Annumcement</u>. At the beginning of each funding cycle, the Crime Commission shall announce the availability of federal funds to potential state and local applicants who are eligible to receive such funds. The announcement shall include information on the type and source of funds available, funding priorities, eligibility requirements, submission deadlines, contact persons, and other pertinent information.
- <u>002</u> <u>Subgrant Preparation Seminar</u>. Early in each funding cycle, prior to the deadline for submission of applications, the Crime Commission may present a grant preparation seminar for interested potential applicants. The seminar shall be designed to present specific information on program requirements and how to prepare a grant application for funding.
- 003 Receipt of Subgrant Applications. A deadline for receiving subgrant applications shall be established for each funding cycle. Subgrant applications received after the deadline shall be ineligible for funding during the current funding cycle. Applicants will be notified when their application is considered late.
- <u>004</u> <u>Staff Review</u>. Each grant application received by the Crime Commission shall be reviewed by a staff person designated by the Executive Director.
 - <u>004.01</u> <u>Ineligible Applications</u>. Applications which do not meet the eligibility requirements for those federal funds being requested shall be returned to the applicant with an explanation as to why the application is ineligible.

004.02 Incomplete Applications. Incomplete applications shall be returned to the applicant with an explanation of the additional information required. The corrected application must be returned to the Crime Commission within five working days of receipt. Applications shall be considered incomplete if:

<u>004.02A</u> The application is unsigned or has incorrect signatures;

<u>004.02B</u> Any required certified assurances or compliances are missing or do not have an authorized signature;

<u>004.02C</u> Budget breakdown is missing, incomplete, or inaccurate; or

004.02D Budget or program narratives are missing.

004.03 <u>Initial Screening</u>. Each application shall be objectively screened and reviewed to determine accuracy, completeness and clarity of the information presented.

004.03A A point system, as per operating instruction, shall be developed based on the eligibility and application requirements set forth by the appropriate federal guidelines and these rules and regulations. Each application shall be awarded points for accuracy, completeness and clarity. Specific instructions as to what is required shall be included with the grant application.

 $\underline{004.03B}$ The staff persons reviewing the application shall provide appropriate written explanation in the reviewers' comments section of the screening form where points are disallowed.

O04.03C Technical Review Sheet. The staff person conducting the initial screening shall prepare a Technical Review Sheet for each application. The Technical Review Sheet shall include the total points awarded upon initial screening, pertinent facts regarding the application and proposed project, and staff recommendations. If the staff recommends denial, justification for such a recommendation shall be included on the Technical Review Sheet.

- O05 Grant Review Committee. The Crime Commission shall designate grant review committees to review all applications forwarded by staff. The Juvenile Justice Advisory Group shall act as the grant review committee for Juvenile Justice funds. The Grant Review Committee designated to review Justice Assistance Act, Victims of Crime Act, or Anti-Drug Abuse Act funds shall consist of at least six (6) Crime Commission members appointed by the Chairman.
 - <u>005.01</u> The Grant Review Committee shall examine those applications forwarded by staff to determine their impact on priorities established by the Crime Commission.
 - 005.02 The Grant Review Committee shall select the applications to be recommended for funding based on its review findings, staff's technical review, and the availability of funds.
 - <u>005.03</u> The Grant Review Committee shall submit those applications recommended for funding to the Crime Commission for final approval. The Executive Director shall notify each applicant whose request for funds is recommended for funding within ten (10) working days of the Grant Review Committee's decision.
 - 005.04 Applications not recommended by the Grant Review Committee to the Crime Commission for funding shall be considered denied. The Executive Director shall notify each applicant whose request for funds is denied within ten (10) working days of the Grant Review Committee's decision. Such notification shall include a written explanation of the reasons for denial.
- 006 Crime Commission. The Crime Commission shall approve or deny applications recommended for funding by the Grant Review Committee.
 - 006.01 Approved Subgrant Applications. The Executive Director shall provide each applicant whose request for funds is approved by the Crime Commission a subgrant award kit which includes:
 - 006.01A Grant award;
 - 006.01B List of special conditions;
 - 006.01C Reporting forms; and
 - <u>006.01D</u> Financial management and grant administration guidelines.

006.02 Denied Subgrant Applications. The Executive Director shall notify each applicant whose request for funds is denied by the Crime Commission within ten (10) working days of such decisions.

O07 Grants Management Seminar. The Crime Commission shall present a Grants Management Seminar for subgrantees. The seminar shall include specific training on financial guidelines, reporting requirements, audit requirements, and performance reports. Staff shall be available to answer questions and provide assistance to applicants in the management of their subgrant funds. Attendance at such seminar by the subgrantee's project director and/or fiscal officer will be a special condition of any or all awards.

Effective Date: January 5, 1987

- CHAPTER 7 ADMINISTRATION OF FEDERAL GRANTS SUBGRANT ADMINISTRATION PROCESS
 - $\underline{001}$ All approved grant awards must be signed by the Executive Director and authorized representatives of the subgrantees.
 - <u>002</u> All subgrants shall operate in compliance with the following state and federal laws and guidelines, when applicable:
 - 002.01 Justice Assistance Act of 1984;
 - 002.02 Victims of Crime Act of 1984;
 - 002.03 Juvenile Justice and Delinquency Prevention Act of 1984 as amended;
 - 002.04 Anti-Drug Abuse Act of 1986;
 - 002.05 Bureau of Justice Assistance Guidelines;
 - 002.06 OMB Circular A-28, "Audits of State and Local Government";
 - 002.07 Office of Justice programs, "Financial and Administrative Guide for Grants", M7100.1
 - $\underline{002.08}$ These rules and regulations and applicable Crime Commission Operating Instructions;
 - 002.09 Laws and guidelines set forth in certified assurances signed by the applicant; and
 - 002.10 Any special conditions set forth in the subgrant award.
 - 003 Suspension or Termination of Subgrants. The Executive Director may suspend or terminate any subgrant for noncompliance with any state or federal law, any guidelines as specified in Chapter 7.002 above, or the terms and conditions of the subgrant.

<u>003.01</u> The Executive Director may reinstate a suspended grant if the noncompliance is corrected within twenty (20) working days of the suspension. If the noncompliance is not corrected within that time frame, the Executive Director may terminate the subgrant.

 $\underline{003.02}$ The subgrantee shall be notified at least five working days in advance of any action to suspend or terminate a subgrant.

 $\underline{003.03}$ The Executive Director shall advise members of the Crime Commission of the suspension or termination of any subgrant.

<u>004 Grant Revisions</u>. The Executive Director may approve revisions or adjustments to subgrants where such action is necessary for the success of the grant.

CHAPTER 8 - ADMINISTRATION OF FEDERAL GRANTS - APPEALS

- $\underline{001}$ Applicants and subgrantees may appeal the decisions of the staff and/or Grant Review Committee to the Crime Commission. The following shall be considered a legitimate basis for appeal:
 - <u>001.01</u> A decision by the Grant Review Committee to deny or substantially reduce funding which the appellant alleges to have been biased, arbitrary or prejudiced;
 - <u>001.02</u> A failure to properly follow procedures in the review of a subgrant application which was subsequently denied;
 - <u>001.03</u> An improper interpretation or application of subgrant guidelines to an application which was subsequently denied;
 - 001.04 The suspension or termination of a subgrant; and/or
 - 001.05 Denial of a request for revision of a subgrant.
- $\underline{002}$ Any applicant or subgrantee wishing to appeal shall submit an appeal, in writing, within ten (10) working days from the day the notice of the action is mailed to the applicant or subgrantee. The written appeal shall include the basis of the appeal, supporting justification, and the signature of the subgrantee's or applicant's authorized official.
- <u>003</u> The Crime Commission shall hear the appeal at its next regularly scheduled meeting. The appellant shall be notified of the hearing date at least five (5) working days prior to the hearing and shall have the right to appear before the Commission.

<u>004</u> At the hearing, the Crime Commission shall review the action that is being appealed, the written basis and justification for the appeal, and any testimony presented by the appellant, staff, or Grant Review Committee members.

<u>004.01</u> The Crime Commission shall render a decision on the appeal before adjourning the hearing.

 $\underline{004.02}$ The appellant shall be notified, in writing, of the Commission's decision within ten (10) working days of the hearing.

Effective Date: January 5, 1987

Revised Date: August 10, 1987

- CHAPTER 9 ADMINISTRATION OF FEDERAL GRANTS APPLICATION AND RECEIPT OF ANTI-DRUG ABUSE ACT FUNDS
- <u>001</u> The Crime Commission shall annually review the Anti-Drug Abuse Act of 1986 and select funding purposes each fiscal year to enforce state and local drug control laws as well as those identified by the Bureau of Justice Assistance. The selection of funding purposes shall be based on:
 - $\underline{001.01}$ The state strategy formulated to carry out the purposes of the Anti-Drug Abuse Act.
 - $\underline{001.02}$ An analysis of the progress being made in the implementation of the strategy.
 - $\underline{001.03}$ The needs and requests of state agencies and local units of government.
- <u>OO2</u> The Executive Director shall submit an application to the Bureau of Justice Assistance annually with a copy of the state strategy as required by Section 1303(5) of the Act. Such application shall include Standard Form 424 "Federal Assistance," a list of certified assurances, audit information required pursuant to OMB Circular A-128 titled "Audits of State and Local Governments," the name of the Civil Rights contact person for the Crime Commission, and any other information as may be required.
- $\frac{003}{application}$ Upon notification by the Bureau of Justice Assistance that an application has been approved, the Executive Director shall award funds to subgrantees whose projects are approved for funding by the Crime Commission pursuant to Chapter 6 of these rules and regulations.
 - <u>003.01</u> The approved block grant may include special conditions which must be met before funds to awarded subgrants may be disbursed. Funds shall not be disbursed to awarded subgrants until notification of the removal of any such special conditions has been received from the Bureau of Justice Assistance.

TITLE 82 CHAPTER 9

003.02 "Non-certified" programs require approval of the Bureau of Justice Assistance before funds may be awarded. Funds shall not be awarded to subgrantees for "non-certified" programs until notification for approval of such programs has been received from the Bureau of Justice Assistance.

The Crime Commission shall annually submit a performance report to the Bureau of Justice Assistance describing the activities undertaken by the grant and the results achieved on each project funded. The report shall include data gathered on approved performance indicators for each subgrant and such other information as may be required by the Bureau of Justice Assistance.

Effective Date: January 31, 1988

AFFIDAVIT OF PUBLICATION

State of Mebraska. } ss.

THE LEASE THE AND MEADING	
PUBLIC MEETING AND HEARING	<u></u>
The Nebraska Commission on Law Enforce	HINGITS.
and Criminal Justice will meet at 10:00 a.n	1., ON
Erbine January 77, 1989, In Lower Level Confe	renèlli
Room A of the Nebraska State Office Buildin	o. 3011
Cantennia Mail South, Lincoln, Nebraska.	-77.
Companied and a scott Circuit later date.	
The agenda for this meeting is as follows:	
1. Executive Director's Report	
5 2. Review of Rules and Regulations	****
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2. Review of Rules and Regulations A. Title 77. Nebraska Law Enforcement Training	
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E. Title 80, Crime Victim's Reporations	
Committee,	
Chapter 4. "Compensation"	1
F. Title 80. Crime Victim's Reparations	
Committee,	
Chapter 5. "Hearings" '	
G. Title 80, Crime Victim's Reparations	-
Committee,	_
Chapter 7, ""Miscellaneous"	_
3. Review 1989 Drug Control and System Imi	N 044
ment Grant Fund Strategy	
4. Review Applications and Award Funds	
A. Justice Assistance Grant Funds	-
B. Anti-Drug Abuse Grant Funds	**
5. Consider Request for Reimbursement for	r Con-
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The undersigned, being first duly sworn, deposes and says that she/he is a Clerk of The
Lincoln Star and Lincoln Journal, legal newspapers printed, published and having a
general circulation in the County of Lancaster and State of Nebraska, and that the at-
tached printed notice was published in said newspapers .one
successivetimethe first insertion having been on the23rd . day of
December
and that said newspapers are legal news-
papers under the statutes of the State of Nebraska. The above facts are within my per-
sonal knowledge and are further verified by my personal inspection of each notice in
each of said issues.
each of said issues.
Subscribed in my presence and sworn to before me this
day of . N. CCLM 26. CM, 19. 88.
Printer's Fee, \$ 24.33 Notary Public
Printer's Fee, \$. A.4.35
A GENERAL NOTARY-State of Nebraska
My Comm. Exp. Febr. 2, 1989

Form C-15

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