

# Crime Commission Update

April 2009



<http://www.ncc.ne.gov>

Dave Heineman, Governor

## DIRECTOR'S COMMENTS

The much anticipated American Recovery and Reinvestment Act (ARRA) of 2009 has been signed by President Obama. The purpose of the Recovery Act is to "create and save jobs, jump-start our economy and build the foundation for long-term economic growth." With that purpose noted, various Nebraska agencies, including the Crime Commission, have started the process necessary to apply for grant opportunities. Our goal is to take full advantage of stimulus funds available through the ARRA.

The Crime Commission was notified, through the Bureau of Justice Assistance (BJA), of several grants becoming available for grant applications, these being: VOCA, VAWA, CVR and Byrne/JAG grants.

As with all federal grants, there are application processes, match requirements (for some), specific award amounts and award periods. It is too early in the grant process to list award amounts to organizations throughout Nebraska.

To help with questions, Governor Heineman has established [www.recovery.nebraska.gov](http://www.recovery.nebraska.gov) which offers information on the ARRA law, distributions of federal funds and updates to state government websites regarding AARA. In addition, the Crime Commission's website [www.ncc.state.ne.us](http://www.ncc.state.ne.us) has posted information regarding the stimulus package with frequently asked questions and answers.

The year 2009 will challenge the staff of the Crime Commission to meet our responsibilities with increased workloads. As the Executive Director, I am confident our dedicated staff will rise to the challenge.

~ Michael E. Behm, Executive Director

## 2009 LEGISLATIVE SESSION

Following are some of the legislative bills introduced during the 2009 Legislature which affect the criminal justice system in Nebraska:

*Note: The unicameral website address is [www.nebraskalegislature.gov](http://www.nebraskalegislature.gov) and information on all bills introduced in 2009 can be found on that website.*

**LB 63** (Friend) Increases criminal penalties for possession of a handgun by a juvenile, illegal transfer of a firearm to a juvenile, possession of a firearm on school grounds, first and second degree assault, shooting at an occupied dwelling, first and second degree assault on an officer, felon in possession of a deadly weapon and use of a deadly weapon to commit a felony. The bill also provides stronger and more comprehensive penalties for graffiti and criminal defacement. LB 63 also creates the Office of Violence Prevention, within the Crime Commission. The Office is responsible for developing, fostering, promoting, and assessing violence prevention programs for implementation in Nebraska. The Director of the Office of Violence Prevention and an Advisory Council will be appointed by the Governor. LB 63 is Senator Ashford's priority bill for 2009.

**LB 78** (Gay) Allows the Director of the Department of Corrections to deposit up to 5% of an inmate's wages employed in the work release program into the Victim's Compensation Fund. The estimated fiscal impact is \$125,000 per year in cash funds plus matching federal funds of \$75,000.

**LB 206** (Nantkes) Known as the In the Line of Duty Dependent Education Act. LB 206 provides postsecondary educational benefits for surviving children of Nebraska law enforcement officers and firefighters killed in the line of duty. The bill waives tuition and fees at state universities, colleges, and community colleges in Nebraska for children who have lost a parent in the line of duty. LB 206 is Nantkes' priority bill for 2009.

**LB 260** (Rogert) Known as the Nebraska Claims for

Wrongful Conviction and Imprisonment Act. LB 260 is Senator Rogert's priority bill for 2009. The bill entitles wrongfully convicted persons to a maximum government compensation amount of \$500,000. Inmates wrongfully convicted, incarcerated, and released will be allowed to file a claim in the county district court where the conviction occurred. Claimants must have received a pardon or reversed conviction to file a claim. The claimant also will have to prove their innocence in a civil court. LB 260 passed on April 3.

**LB 430** (Christensen) Nullifies all city and village ordinances, permits, and regulations regarding the ownership, possession, and transportation of concealed handguns. If passed, LB 430 would allow the concealed carry of handguns statewide. In addition, the bill allows a place of worship to authorize its security personnel with concealed handgun permits to carry concealed handguns. LB 430 is Senator Fulton's priority bill.

**LB 510** (Pirsch) Allows the Director of the Department of Corrections to deposit up to 5% of an inmate's wages employed in the work release program into the Victim's Compensation Fund. The estimated fiscal impact is \$150,000 per year in cash funds plus matching federal funds of \$90,000. LB 510 also assesses a \$1 surcharge on criminal and traffic offenses. The revenue from this surcharge is to be distributed to (1) the Victim Information and Notification Everyday (VINE) network for the State of Nebraska and (2) any remaining funds to comprehensive crime victim assistance programs or nonprofit organizations that work for the benefit of such programs. The estimated revenue from the surcharge is \$200,000 to \$250,000 per year.

**LB 598** (Ashford) Authorizes the creation of a nonprofit community trust, which may accept tax free contributions from the public and make distributions to help those who have suffered from a tragedy of violence or a natural disaster. The Crime Victims Reparations Committee shall act as the oversight committee for the Community Trust.

**LB 671** (Pirsch) Adds to the membership of the Nebraska County Attorney Standards Advisory Council and makes the council responsible for ensuring statewide uniform death investigation processes. LB 671 also grants the council the authority to establish a region-based state medical examiner system, determine the number of hours required for coroner training, create standardized procedures for death investigations, and distribute funds for coroner training. The

bill creates the County Coroner Death Investigations Fund and places a \$1 fee on criminal proceedings (not including juvenile court proceedings), traffic infractions, and misdemeanors. The revenue from the \$1 fee is deposited to the Death Investigations Fund. LB 671 is Senator Pirsch's priority bill for 2009.

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## PRISON GROWTH SLOWED IN 2007

The growth in the prison population in the United States slowed during 2007, according to data released by the Justice Department's Bureau of Justice Statistics (BJS).

After increasing 2.8 percent during 2006, the growth in the prison population decreased to 1.8 percent during 2007, according to the report. The 1.8 percent increase was slower than the average 2 percent growth seen from 2000 to 2006, BJS said.

Prison populations in 37 jurisdictions increased in 2007, according to the report. The federal prison system had the largest absolute increase of 6,572 prisoners, followed by the states of Florida (up 5,250 prisoners), Kentucky (up 2,457), and Arizona (up 1,945). The largest percentage increases were reported by Kentucky (12.3 percent), Mississippi (6.5 percent), Florida (5.6 percent), West Virginia (5.6 percent), and Arizona (5.4 percent).

The statistics showed that one in every 198 residents of the United States was serving a sentence in a state or federal prison in 2007. Males accounted for 93.1 percent of the 1.5 million sentenced persons under state or federal jurisdiction. African-American males made up the largest percentage of the overall sentenced population (36.3 percent) and of the sentenced male population (39 percent). White males made up 30.8 percent of the sentenced population and 33 percent of the sentenced male population, and Hispanic males made up about a fifth of both populations, the report said.

The imprisonment rate of males was almost 14 times that of females, BJS said. African-American male offenders had the highest imprisonment rate of all racial groups, male or female.

The rates of imprisonment for African-American males and females decreased over the last seven years, while the rate increased for most other groups. The African-American male imprisonment rate was 3,188 prisoners per 100,000 U.S. residents at the end of 2000, and by the end of 2007, that rate had dropped to

3,138 per 100,000 U.S. residents.

White men were imprisoned at the end of 2000 at the rate of 410 prisoners to 100,000 residents. By the end of 2007, the white male imprisonment rate had increased to 481 per 100,000 residents.

The total incarcerated population of the United States reached 2.5 million inmates at the end of 2007. According to the report, 62.7 percent of these inmates were held in federal or state prisons; 32 percent were held in jails; and 5 percent were divided among territorial, U.S. Immigration and Customs Enforcement, military, and juvenile facilities, and jails in Indian country.

According to a separate BJS report, more than eight in 10 offenders supervised in the community at the end of 2007 were on probation (4.3 million), while less than two in 10 offenders were on parole (824,365). About one in every 45 adults in the United States was on probation or parole at the end of the year.

**Reports:** *Prisoners in 2007* can be found on the Internet at [www.ojp.usdoj.gov/bjs/abstract/p07.htm](http://www.ojp.usdoj.gov/bjs/abstract/p07.htm).

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## **CJIS TECHNOLOGY CONFERENCE APRIL 29-30, 2009**

The tenth annual CJIS Technology Conference will be held in North Platte on April 29-30, 2009. The conference will feature a pre-conference session on NCJIS the morning of the 29th followed by a full agenda. This is targeted at agency heads, technical staff and line personnel working with technology but is open to all criminal justice professionals. There is no charge to attend, but you must pre-register to be guaranteed a spot, lunch and materials.

The agenda and online registration is available on the Crime Commission's website <http://portal.ncc.ne.gov/cjis/>. Participants will need to make their own hotel reservations at the Sandhills Convention Center prior to April 14th to get the conference rate. They should say they are with the Crime Commission meeting to get the group rate.

CLEs for sheriffs and county attorneys will be applicable for this conference.

## 2009 Sleuth and CMS User Group Meetings:

User group meetings for Sleuth (law enforcement records management system) and CMS (prosecutor's case management system from Software Unlimited) will be held April 27-28. These meetings will be held in conjunction with the CJIS Technology Conference also held that week in North Platte. If you have not received registration information please contact the company or the Crime Commission.

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## **CRIMINAL JUSTICE VIDEO LIBRARY**

The following videos have been added to the library and are available for loan:

### **IT'S THE LAW (DVD)**

30 Minutes Cambridge Educational: 2001 AD

This program provides an excellent overview of the criminal justice system, and can be used for basic or refresher training. Lawyers, prosecutors, and judges explain the differences between misdemeanors, felonies, the various degrees of crimes, and the elements of a crime. Investigation procedures that involve gathering evidence are discussed. Legal experts and police officers illustrate such concepts as 5<sup>th</sup> amendment rights, Miranda warnings, the stop and frisk rule, search warrants, and the knock and announce rule. Probable cause and arrest procedures are also demonstrated.

### **SEXUAL HARASSMENT AWARENESS: WHAT YOU NEED TO KNOW (VHS)**

28 Minutes Business Advantage: 2002 AD

This is an excellent program for supervisors and employees. Segments include: the two types of sexual harassment, how to recognize sexual harassment and what to do if you encounter it in the workplace, supervisor responsibilities, and options for the victim of sexual harassment. This video applies to law enforcement or any other types of work environments.

### **COPTALK: THE DO'S AND DON'TS OF A CAR STOP (DVD)**

23 Minutes Meridian Education: 2005 SH, COL, AD

A routine traffic stop can have a number of outcomes – from a polite warning to the use of lethal force. This video shows drivers the safest, smartest ways to interact with a police officer during a car stop. Hosted by a veteran patrol officer, the program explains how to behave and speak when pulled over by a cop, i.e. stay inside the vehicle, refrain from sudden movements,

keep a respectful tone, and be aware of the officer's perspective. Other segments include tips on court procedures, night driving, and teen drivers. This is an excellent program to show to community groups or young drivers.

### **RECOGNIZING CHILD ABUSE (DVD)**

26 Minutes Meridian Education: 2007 AD

Child abuse often goes unnoticed, and a first-responder such as a teacher or day care provider may not detect it. This program spells out the four Rs of child abuse: (1) the Reality of its presence in our society, (2) the Results of child abuse, (3) the many ways to Recognize it, and (4) the proper channels for Reporting it. Each of these concepts is explained in this program and supported by interviews with education and child welfare experts.

### **INSIDE A GUNSHOT VICTIM (DVD)**

43 Minutes Films for the Humanities and Sciences  
SH, COL,AD

This program begins by re-creating a crime where a gunman shot an innocent man seven times at point-blank range with a Makarov semiautomatic handgun. The victim was incredibly lucky and managed to survive. The video tracks the victim from the scene of the shooting, to surgery, to intensive care, to recovery, and ongoing therapy for post-traumatic stress disorder. The program uses actual wound photos, computer graphics, ballistics data, and high-speed photography to illustrate the effects of a variety of firearms --- and to underscore the senselessness of carrying a gun just to be "cool." This video has definite value as an aid in deterring youth violence. Viewer discretion is advised.

- The Nebraska Coalition for Victims of Crime, at its Victims' Rights Awards Ceremony on April 1, 2009, presented the following awards:

*Victim Advocate Award*

*Kerry Garza*

*Grand Island Police Department Victim/Witness Unit*

*Allied Professional Award*

*Cindy Koenig-Warnke*

*Lincoln Police Department*

*Program of Distinction Award*

*Dodge County Victim Services*

*Public Policy Award*

*Hastings Police Department*

*Lifetime Achievement Award*

*John Lehotyak*

*Certificate of Appreciation*

*State Troopers Association of Nebraska*

*Police Officers Association of Nebraska*

In addition, JoAnna Svoboda-Briggs, who is the administrator of the Lincoln Police Department's Victim/Witness Unit received a special award for her years of dedicated service to the victims movement in Nebraska.

Governor Heineman attended the ceremonies and delivered the keynote address.

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## **THOUGHT(S) FOR THE DAY**

"Finish each day and be done with it. You have done what you could"

~ Ralph Waldo Emerson

"Whoever is careless with the truth in small matters cannot be trusted with important matters."

~Albert Einstein

"If everybody is thinking alike, then somebody isn't thinking."

~General George S. Patton

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## **NOTES**

- The 2009 Criminal Justice Directory has been printed and will be distributed in April. If you would like to order a directory, please contact Sarah Schoen at (402) 471-2195. The cost is \$7.00 per directory, plus tax when applicable.
- Two new staff members have joined the Crime Commission. Tiffany Mullison is the new grant administrator for federal and state juvenile funds, and Lisa Stamm is the new grant administrator for Victims of Crime Act and Violence Against Women Act federal funds.