

**2009 Recovery Act:  
Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program**

**Oklahoma District Attorneys Council  
Program Narrative**

**ANALYSIS OF NEED  
AND  
PROPOSED PROGRAM ACTIVITIES**

**Overview**

The development of the four-year plan for the expenditure of the Recovery Act: Edward Byrne Memorial Justice Assistance Grant Formula Program is based on the existing needs of the criminal justice system in Oklahoma.

Through the JAG Program Recovery Act funding, it is anticipated that these types of programs may be funded, but not limited to:

1. Multijurisdictional Drug Task Forces
2. Gang Enforcement and Prosecution Projects
3. Violent Crime Initiatives
4. Residential Substance Abuse Treatment for Incarcerated Offenders
5. Local Law Enforcement Equipment
6. Technology Improvement and Criminal History Integration
7. Forensic Science Improvement Programs
8. Prevention and Education Programs

The following summary addresses a brief analysis of the need for the programs and the proposed program activities for the four-year grant period.

**Illegal Drug Activity Oklahoma**

The need for multijurisdictional drug task forces is evidenced by the activities for the period of July 1, 2007, through June 30, 2008. The Drug Task Forces reported **827 active cases** before the beginning of the award period. During the reporting period, the 20 funded Drug Task Forces initiated **2,556 new cases**. As a result of the investigations that were conducted by the Drug Task Forces, **2,855 arrests were made**. There were 1,133 individuals arrested for methamphetamine, or methamphetamine related violations, compared to 1,104 arrested for marijuana violations. Arrests for amphetamine and/or methamphetamine continue to rank highest in the number of arrests, followed by marijuana. These two drugs account for 78% of the total number of drug arrests.

For all drug related activity, 48% of the arrests were for possession, down slightly from 55% last year. Drug Task Forces typically do not focus on simple possession offenses but these types of cases often occur as a result of executing search warrants at dwellings occupied by several individuals. In the course of the investigation, many individuals are found in possession of small amounts of illegal drugs. Possession with intent to distribute made up 14% of the total number of arrests. Distribution accounted for 21% of the arrests, up from 13% last year, and trafficking accounted for 6% of the total number of arrests. Arrests for manufacturing, cultivation, attempting to manufacture, conspiracy, and diversion made up the remaining 11% of the arrests. During this reporting period, Drug Task Forces served **730 search warrants**. Of those, 398 were related to methamphetamine investigations.

The Drug Task Forces seized a significant amount of illegal drugs in their investigations valued at approximately **\$11,321,000** based on street value information from the Drug Enforcement Administration. Along with the seized drugs identified below, the Drug Task Forces destroyed **5,707 marijuana plants**, both cultivated and wild grown. During the process of arrests and search warrants, the Drug Task Forces seized **361 firearms**.

| TYPE OF DRUGS SEIZED        | SEIZURES                   |
|-----------------------------|----------------------------|
| Cocaine                     | 55 pounds                  |
| Crack Cocaine               | 8 pounds                   |
| Marijuana                   | 1734 pounds                |
| Amphetamine/Methamphetamine | 333 pounds                 |
| Diverted Prescription Drugs | 7,327 dosage units (pills) |

Throughout the state, the Drug Task Force investigators provided additional manpower and equipment to local law enforcement agencies within their jurisdictions, assisting local law enforcement in **870 incidents**. Examples of assistance include helping an agency prepare a search warrant, manhunts, photographing a crime scene, lending surveillance equipment, conducting an interview, completing a field test on suspected contraband, providing man- power to assist in the service of a search warrant or arrest warrant, etc. The technical assistance and expertise provided by Drug Task Forces is invaluable to local law enforcement.

Since the passage of Oklahoma’s pseudoephedrine bill in 2004, there has been a significant decline in the number of methamphetamine lab seizures. However, Oklahoma Task Forces have experienced a recent increase in **methamphetamine lab seizures** which has doubled from **107 in 2007 to 214 in 2008**. Oklahoma’s Drug Task Forces are the first responder in most of these labs.

***Proposed Projects - Multijurisdictional Drug Task Forces***

Currently, there are 20 multijurisdictional Drug Task Forces operating in the state. The multi-faceted capabilities of Drug Task Forces create a unique localized drug enforcement response to the trafficking, importation, manufacturing, distribution, and possession of illegal drugs and controlled substances throughout the state. By continually fostering the necessary relationships between federal, state, and local law enforcement agencies and prosecutors, the Drug Task Forces are able to achieve maximum impact on the narcotics problem. Since the inception of the Byrne/JAG funds, the Drug Task Forces

have been and continue to be a funding priority of the Justice Assistance Grant Board, the entity that awards the grant funds.

The Drug Task Forces have been refocusing efforts on the significant influx of Mexican Ice and methamphetamine that is being trafficked into the state. This increase in distribution groups providing methamphetamine to street level dealers has created a new venue for the Drug Task Forces to pursue. The investigations are more complex and require more time and resources than did local meth lab investigations. The required training is also different, as in many cases an officer must participate in an undercover role and make or attempt to make hand to hand purchases from street level dealers, and also from upper level distributors when the occasion arises. All of these scenarios call for the training and expertise that exists within the Drug Task Forces. Unfortunately, a recent increase in local meth labs is being seen in many parts of the state. A significant decline was realized in local methamphetamine labs through the Pseudoephedrine Control legislation; however, the criminal element is now banding together to purchase quantities of pseudoephedrine that are legal on the surface, and then combining their purchases in order to manufacture meth.

With the 67% reduction in federal funding, eight (8) investigators lost their jobs and in addition to another 24 that were **temporarily** funded by other funding sources or agencies and will soon lose their positions. Currently, there are 40 Drug investigators in the field and another five (5) law enforcement officers that are co-opted through interagency agreements on either a part-time or full-time basis. It is anticipated that approximately 40 investigators will be retained and 25 additional investigators will be rehired.

### **Gang Activity in Oklahoma**

As with many locations in the United States, Oklahoma is experiencing a significant increase in gang-related criminal activity. As recently as the fall of 2006, many Oklahoma law enforcement officials did not fully comprehend the nature or degree of gang-related criminal activity occurring within Oklahoma borders. Some law enforcement agencies may have been aware of activity within its jurisdiction, while others were not. More importantly, the state had not pooled that knowledge in an effort to determine the true magnitude and nature of gang sets and gang-related criminal activity occurring within Oklahoma borders. In an attempt to obtain this knowledge, the Oklahoma District Attorneys Council in coordination with the three U.S. Attorneys implemented Oklahoma's first statewide gang survey. The 54.3% response rate to the survey revealed many interesting details.

Gangs are dynamic and rapidly change in magnitude and complexion. The 2007 Oklahoma Gang Survey Assessment Report revealed that major metropolitan gangs are migrating to rural communities at an alarming rate, and gang members from other states are relocating to all Oklahoma communities on a daily basis. Any extensive suppression efforts to reduce gang-related criminal activity often results in displacement of gang-related criminal activity to adjacent, rural jurisdictions that are less equipped to handle wide scale gang-related criminal activity.

**The 2007 Oklahoma Gang Survey indicates 1,006 gang sets with an estimated strength of 13,477 gang members operating within Oklahoma borders.** As alarming as 1,006 gang sets and 13,477 Oklahoma gang members might sound, these numbers are *conservative* in that every effort was made to identify and eliminate any duplicate counts created by law enforcement agencies operating within the same county and any duplicate counts created by gang sets operating in multiple counties.

Estimates provided by Oklahoma law enforcement agencies are most likely *underreported* due to the fact that 91% of responding officers had never received any formal or informal training on identification, apprehension, or prosecution of gang members. In rural areas, this number skyrockets to 98% for officers who have never received any training on gang-related activity. Similarly, 94% of responding agencies do not have gang units or designated individuals responsible for tracking gang-related activity within their jurisdiction. In rural areas, this number jumps to 98% of agencies that do not have a gang unit or a designated individual to track gang-related criminal activity.

As a result of an overall lack of training of officers, coupled with a lack of tracking of gang activity by agencies, arrestees who perpetrate crimes might never be identified as actual gang members. Therefore, the numbers of gang sets and gang members are most likely underreported by Oklahoma law enforcement officers.

Of the 1,006 gang sets operating within Oklahoma borders, Oklahoma, Tulsa, Cleveland, and Comanche counties reported the largest number of gang sets. Considering the population distribution of Oklahoma City, Tulsa, Norman, and Lawton, this is not surprising. What is surprising, however, is that each of the four counties reported more than 100 gang sets operating within each of their borders.

Equally surprising is the fact that no county reported to have between 21 and 99 gang sets operating within their jurisdictions. Nine (9) counties reported between 10 and 20 gangs. Forty-five (45) counties reported 10 or less gang sets operating within their jurisdictions.

**Not surprisingly, Oklahoma City accounted for 16.8% and Tulsa accounted for 17% of Oklahoma's total gang sets.** Jointly, these two cities account for 33.8% of Oklahoma's gang sets; however, this is somewhat explained in that the two metropolitan cities also account for 25.7% of Oklahoma's population. The median number of gang sets for Oklahoma and Tulsa counties is 299 gang sets compared to the median number of 13.1 gang sets for the remaining Oklahoma counties.

Oklahoma gangs are responsible for a broad range of criminal activity. Drug possession and trafficking, violent assaults, larceny, weapons offenses, burglaries, and auto thefts were the most frequent crimes reported by law enforcement in the survey. Gangs most assuredly pose a significant threat to the public safety and must be addressed.

### ***Proposed Projects - Gang Related Enforcement and Prosecution Projects***

Prosecution of gang related crimes is complex by nature. Cases have many levels, much history, and rely heavily on circumstantial evidence. Understanding the unique challenges of prosecuting gang crimes in a large locale such as Oklahoma County requires a specialized Gang Prosecution Unit.

Understanding the highly volatile relationships between and among gang members is extremely important because gang related crimes are often committed in retaliation for some real or perceived slight or attack which occurred in the recent or even distant past. Although motive is never an element of the offense charged, it is the key in prosecuting gang cases. The evidence of motive is most often found in police reports from previous incidents. Therefore, an effective gang unit must be willing to work in tandem with detectives in researching and including historical information with charges filed.

The prosecution of gang related crimes is time consuming and complex. Words, phrases, or gestures that seem irrelevant may be the prime motivating factor behind the shooting. Getting victims and witnesses to testify is one of the largest hurdles in gang crimes. Whether afraid or hostile, prosecutors face a dilemma of seeking a material witness warrant in the event the witness chooses not to appear.

In addition to gang enforcement and prosecution programs, educational programs are needed to train rural law enforcement on gang identification and awareness in order to prevent gangs from developing in the more rural jurisdictions in the state as is occurring now. Programs focusing on gang awareness for educators are anticipated as well. Although both large and small communities throughout Oklahoma identify problems with gang activity, the most significant gang activity occurs in Oklahoma City and Tulsa, the largest counties in the state.

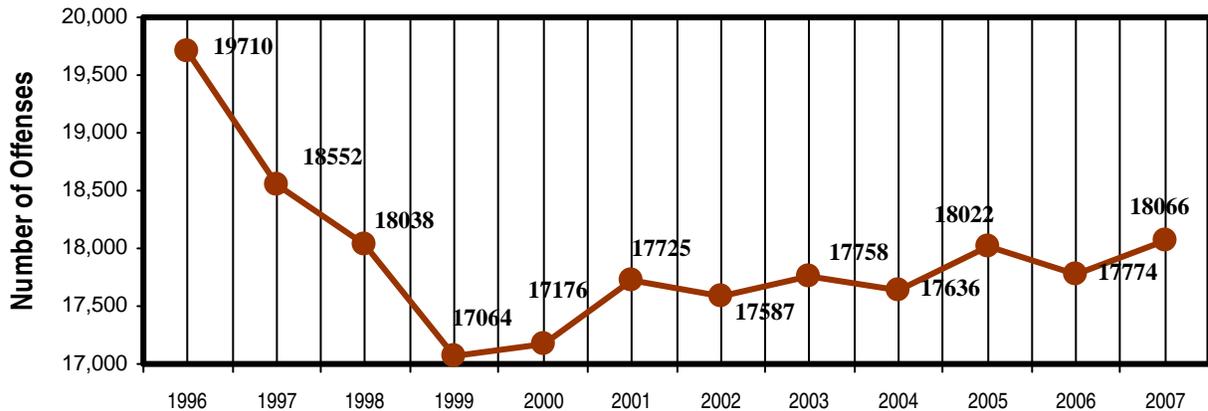
The JAG Program currently supports a gang prosecution unit with Oklahoma County. Like other programs, the Gang Prosecution Unit was forced to take a significant cut. It is anticipated that JAG Recovery Act funding will support the reinstatement of this prosecution program and approximately four (4) personnel, along with other enforcement and prosecution programs in the state.

### **Violent Crime in Oklahoma**

The Oklahoma State Bureau of Investigation is responsible for the collection of Uniform Crime Report (UCR) data. Four (4) offenses comprise the Violent Crime Index and serve as indicators of the state and nation's crime trends. These offenses include: murder, rape, robbery, and aggravated assault.

Between 1996 and 1999, there has been a steady decline in the number of violent crimes reported in Oklahoma. However, this trend reversed in 2000. From 2001 through 2007, the number of violent crime remained relatively stable. However, in 2007, there was a 1.6% increase in the number of violent crimes reported, from 17,774 in 2006 to 18,066 in 2007.

## VIOLENT CRIME IN OKLAHOMA 1996-2007



### Homicide

There has been an increase in the number of homicides beginning in 2006. There was a 7.2% increase in the number of homicides from 2006 to 2007 when 222 murders were committed. Homicide accounted for 1.2% of all violent crimes reported. Of the 222 murders that were committed, 180 were cleared by arrest or exceptional means, representing a clearance rate of 81.1%.

Nearly 66.2% of the murder victims were male and 32.9% were female. Approximately 57.7% of the victims were white, 33.8% were black, 5.4% were Native American, .9% were Asian, and in 2.3% of the cases, the race was unknown. The most common age of the victim ranged from 20 to 29.

Firearms were employed in 59% of all reported murders. The use of a knife or other cutting device was involved in 15.8% of the murders. The murder of one family member by another accounted for 36, or 16.2% of all murders.

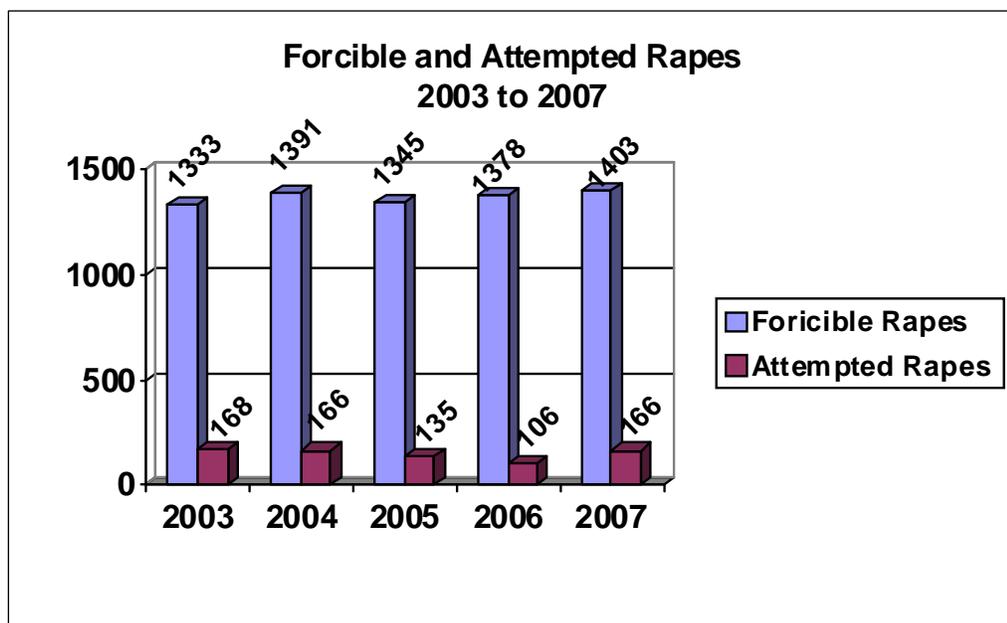
| HOMICIDES<br>IN OKLAHOMA<br>1996 - 2007 |       |
|---|-------|
| YEAR                                    | TOTAL |
| 1996                                    | 223   |
| 1997                                    | 229   |
| 1998                                    | 204   |
| 1999                                    | 231   |
| 2000                                    | 181   |
| 2001                                    | 185   |
| 2002                                    | 163   |
| 2003                                    | 206   |
| 2004                                    | 187   |
| 2005                                    | 187   |
| 2006                                    | 207   |
| 2007                                    | 222   |

### Rape

Rape is defined as “the carnal knowledge of a female forcibly and against her will, regardless of age. Statutory rape statistics are not included in this category.” Forcible rape differs from other violent crime in that the victim, in many cases, is hesitant to report the offense to the police.

For the UCR reporting statistics, rape is divided into (1) rape by force and (2) attempts to rape. In 2007 there were 1,558 reported forcible and attempted rapes, a 5% increase from the number reported in 2006. This accounted for approximately 8.6% of all violent crimes that were reported. A total of 653 rapes were cleared by arrest or exceptional means, resulting in a clearance rate of 41.9%.

Of the persons arrested for rape, 43.4% were under the age of 25. Slightly more than 72.2% were white, 20% were black, 7.2% were Indian, and .6% were Asian.



It should be noted that because the crime of rape is so underreported that this data is under representative of the true picture. There are a significant number of sexual assault victims that do not report to law enforcement.

### Robbery

According to the 2007 Uniform Crime Report, robbery is defined as “the felonious and forcible taking of property from the care, custody, or control of a person or persons by violence or putting the person in fear and against his or her will.” In order for the crime of robbery to take place, the victim must be present. Robberies are reported in the following categories: gun, knife or cutting instrument, other dangerous weapon, and strong-arm robbery.

A total of 3,369 robberies were reported by law enforcement agencies in 2007, which accounted for 18.6% of all violent crimes. There were 1,071 robberies cleared resulting in a clearance rate of 31.8%. The highest percentage of persons arrested for robbery (12.6%) was in the 25 to 29 age category. The largest number of actual offenses, 41.3% or 1,391, occurred on the highway (street, alleys, etc), followed by a residence. Armed robbery with any type of weapon occurred in 61.6% of the offenses.

### Aggravated Assault

The Oklahoma State Bureau of Investigation defines aggravated assault as “the unlawful attack or an attempt to attack through force or violence to do physical injury to another.” An aggravated assault may be committed with a gun, knife, or other cutting instrument, other dangerous weapon, or through the aggravated use of hands, fists, or feet. All assaults where no weapon is used and which results in minor injuries are classified as non-aggravated and are not counted in the index crime totals.

A total of 12,917 aggravated assaults were reported by law enforcement agencies in 2007. **Aggravated assaults account for 71.5% of all violent crimes.** A total of 6,582 aggravated

assaults was cleared by arrest or exceptional means, representing a clearance rate of 51%. Again, the 25 year-old to 29 year-old age group accounted for 17.6%, the highest percentage of persons arrested for aggravated assault. Of all persons arrested, 64.8% were white, 25.8% were black, 9% were Indian, and .4% were Asian.

### ***Proposed Projects - Violent Crime Initiatives***

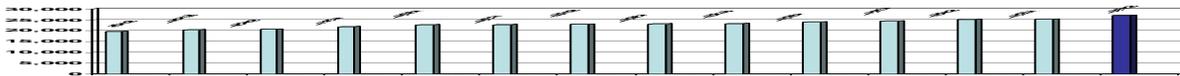
As is the case with all criminal cases, capital murder cases are generally handled by the individual District Attorney's office in which the cases are filed. These cases are complex with the prosecutor, judge, and jury each having a part in determining a human being's life or death. The experience level of the prosecutors that handle these cases varies widely. Moreover, the resources available to assist these prosecutors are extremely limited in many of the district attorney districts. Consequently, there is a great need within Oklahoma's statewide district attorney system to develop specialized resources to aid prosecutors in the handling of capital murder cases from the initial determination to seek the death penalty through trial.

It is anticipated that the Capital Litigation Project would fund three (3) Capital Litigation Resource Prosecutors (CLRP). The three person team would work together to develop various capital litigation resources such as motion and brief banks, present specialized training to fellow prosecutors, provide updates on case law, and thoroughly review capital cases. Other violent crime initiatives may include combating human trafficking, sexual assault, and child abuse cases among others.

### **Prison Population and Drug and Alcohol Treatment for Incarcerated Offenders**

As of January 30, 2009, there were 25,106 inmates who were in the custody of the Department of Corrections. Between 2003 and 2008, Oklahoma experienced about a 1.9% increase in the prison population. The length of the average prison sentence is down 14% since 2001, from 7.3 years to 6.3 years, but the number of inmates required to serve 85% of their sentences has grown from 53 in 2000 to 3,600 in 2007.

#### **DEPARTMENT OF CORRECTIONS Actual and Projected Inmate Population**



One of the core components of the Department of Corrections is providing appropriate services to offenders in custody in order to reduce recidivism. One of those services is drug and alcohol treatment. According to the Oklahoma Department of Corrections (DOC), as of June 30, 2007, there were 13,241 offenders in custody that had been identified as having a need for substance abuse treatment. This represents approximately 53% of the total number of incarcerated offenders.

### ***Proposed Project - Residential Substance Abuse Treatment for Incarcerated Offenders***

With the significant reduction in federal funding of the Residential Substance Abuse Treatment (RSAT) grant, there is a need for continued or increased funding under the Justice Assistance Grant Program.

According to the Bureau of Justice Statistics, at least 95% of all State prisoners will be released from prison at some point and nearly 80% will be released to parole supervision. Untreated substance abuse offenders are more likely to relapse and return to criminal behavior. This often results in re-arrest and re-incarceration, jeopardizing public safety, and taxing the criminal justice system. Treatment while the offender is incarcerated is the best option.

Recidivism information for treated versus untreated offenders conducted by the DOC has provided very clear data which indicates the efficacy of treatment. The DOC has compared offenders with a treatment need that did not receive treatment, with offenders that did receive treatment. ***Across 72 months, RSAT graduates had a survival rate of 71.82% with a recidivism rate of 28.18%. By comparison, those offenders that had a similar need for substance abuse treatment but did not receive treatment had a survival rate of 55.36% with a 44.64% recidivism rate.***

While the success of the drug task forces in the investigation and prosecution of drug related cases is positive for the state in terms of disrupting the market, the success has placed a significant burden on the Department of Corrections. The State of Oklahoma continues to explore alternative sanctions programs to meet the treatment needs of juvenile drug- and alcohol-dependent offenders. By exploring this alternative, it is anticipated that the incarceration rates for low level offenders will be addressed.

However, the reality of the offenders that are currently incarcerated is that at some point they will be returning back to the community from which they came. It is important that treatment of these offenders occurs during their incarceration to prevent recidivism once they are no longer in the custody of the state. One of the most successful endeavors in treating incarcerated offenders has been achieved by the Residential Substance Abuse Treatment Program.

In the past, funds were available for the residential substance abuse treatment through the Residential Substance Abuse Treatment (RSAT) Grant. However, the federal government has significantly reduced the funding for the RSAT Grant. In 2003, the State of

Oklahoma received \$1.08 million in federal funds to treat incarcerated drug and alcohol offenders. No funding was received in 2004 and the State only received \$171,353 in 2006, an 85% reduction in funds from 2003. In 2008, the State of Oklahoma received only \$162,976 to implement the RSAT Grant. The JAG Program has been used to partially fund two RSAT related programs.

## **Local Law Enforcement**

Local law enforcement has the primary responsibility for protecting citizens in Oklahoma from crime and violence. Oklahoma has approximately 479 local law enforcement agencies and 21 tribal law enforcement agencies. Throughout the state, there are approximately 13,913 full time and reserve law enforcement officers. These law enforcement agencies are responsible for covering more than 68,000 square miles within Oklahoma.

It is critical that local law enforcement and tribal law enforcement agencies have the resources needed to successfully perform their duties. The majority of jurisdictions continue to contend with shrinking budgets and limited financial resources. These hindrances negatively impact their ability to fulfill their responsibilities. In addition, the considerable reduction in federal funding through the Department of Justice and the Department of Homeland Security in the past several years has made the situation increasingly more untenable. These federal funding cuts have negatively impacted local law enforcement's ability to address their core duties and have definitely limited the ability to improve overall effectiveness.

In a time when technology is progressing rapidly and state and federal law enforcement agencies are often able to take advantage of the latest technological advancements, local law enforcement is struggling to maintain the basics. It is not uncommon for rural law enforcement to deal with a significantly aging fleet and equipment that has not been replenished and is past the prime usage.

### ***Proposed Project - Equipment for Local Law Enforcement***

The State of Oklahoma has a history of using the Justice Assistance Grant for the purpose of procuring equipment for local and tribal law enforcement. It is anticipated that approximately 40 law enforcement jurisdictions will receive funding for basic law enforcement equipment, with an emphasis on officer safety equipment. The type of equipment is prioritized and includes in-car mobile data systems, in-car cameras, radios – in car and hand held/portable, vehicles, shotguns, and repeater links and systems.

## **Technology Improvement and Criminal History Integration**

In today's electronic age, the public expects the criminal justice system to be integrated. The public expects law enforcement, prosecution, courts, and corrections agencies to routinely share information regarding criminals. According to the IJIS Institute, criminal history records in the U.S. are accurate and complete only about 60% of the time. Compared to the financial world, billions of transactions occur daily with far more accuracy and efficiency than justice and law enforcement agencies that are unable to track a single criminal from state to state, sometimes even county to county within a state.

Unfortunately, law enforcement and criminal justice agencies are lagging significantly behind the private sector in terms of technology. Many criminal history records processes and

procedures that must be shared between law enforcement and criminal justice agencies remain on paper, rather than as computerized processes. This is an incredibly ineffective and inefficient way to share time-critical information. Because agencies are not integrated, a duplication of efforts is recreated for each agency, and time delays and data entry errors are more common.

Law enforcement and justice agencies at the local, state, and federal levels need to find ways to overcome obstacles to sharing information. It is no longer appropriate for law enforcement, prosecution, courts, and corrections agencies to use systems that operate independently with no exchange of computerized data between them. By integrating, it not only increases the ability to solve crimes but it also keeps communities safer.

### ***Proposed Projects - Technology Improvement and Criminal History Integration***

There are a number of technology improvement and criminal history integration projects that could be funded by the JAG Recovery Act funding, including an upgrade initiative for the Computerized Criminal History (CCH) Program through the Oklahoma State Bureau of Investigation (OSBI). OSBI is the state repository for criminal history record information. The agency provides criminal history information to local, state, and national law enforcement agencies, and to the public for licensing and employment purposes. In fiscal year 2007, the CCH Program was accessed 315,575 times for name based record checks for non-law enforcement purposes such as background screening for employment. It was accessed an additional 707,922 times based on law enforcement requests.

The Computerized Criminal History program was developed in 1994 as a complex system of networks for Oklahoma criminal record management. Oklahoma was one of the first states to totally integrate their computerized criminal records into an Automated Fingerprint Identification System (AFIS), allowing for “real time” criminal history records that are supported by fingerprints, a capability resulting in many states following our lead. Since 1994 there have been several enhancements to AFIS to assist in maintaining quality reporting. However, as of today, the CCH system has far exceeded its lifespan, and is in critical jeopardy of becoming inoperable.

The OSBI CCH program is antiquated at best. Continued attempts to maintain and/or upgrade the existing system to today’s standards is becoming cost prohibitive. Computer companies have progressed to newer programs over the years, and no longer offer repair options for the existing CCH program. Few, if any, computer technologists are familiar with the architectural design of the current OSBI CCH system. Hardware for necessary repairs to the system requires the use of either used or refurbished products.

Approximately four years ago the system went down and remained inaccessible for three days. OSBI Information Technology personnel worked around the clock in order to get the system up and running. If the system was to fail again, it is predicted that it could take as much as 18 months to revitalize the system. Public safety, whether it is the officer on the street or the person awaiting a background check on childcare workers, is placed in jeopardy once the system is disrupted. The OSBI would lose

communications with the Oklahoma Law Enforcement Telecommunications System (OLETS), National Law Enforcement Telecommunications System (NLETS), National Crime Information Center (NCIC), and would no longer be able to service Self Defense Act (SDA) applicants within the statutory time frame.

Unfortunately, there is no “canned” software program that would work as a replacement for a state criminal history repository. The program must be custom built and would take an estimated 12-18 months to complete, at an estimated cost of \$1,943,700. The cost of maintaining and supporting systems that take advantage of ever improving technologies is high; yet, the failure to do so has a cost of its own.

### **Enhancing Forensic Labs to Assist the Criminal Justice System**

Rather than a single agency that conducts all forensic science services in the state, in Oklahoma, numerous law enforcement agencies provide services in one or more of the eight disciplines of forensic sciences. Currently, there are 16 forensic labs operating within the state that are accredited for specific disciplines. The Oklahoma State Bureau of Investigation (OSBI) has five labs involving multiple disciplines operating regionally throughout the state. The labs are located in Edmond, Lawton, Enid, Tahlequah, and McAlester. In addition, the Oklahoma City Police Department and the Tulsa Police Department, the two major metropolitan jurisdictions in the state, have multiple discipline forensic labs. The Office of the Chief Medical Examiner is accredited through the American Board of Forensic Toxicologists. Finally, the Oklahoma County District Attorney’s Office has an accredited Questioned Document Lab and the Broken Arrow Police Department and the Ardmore Police Department are accredited in Latent Prints.

In an effort to improve the quality of forensic science services provided to the criminal justice system throughout the state, Governor Brad Henry signed legislation on May 9, 2003, which required all labs operating and established to be accredited by the American Society of Crime Laboratory Directors – Lab Accreditation Board (ASCLD LAB) or the American Board of Forensic Toxicologists (ABFT) by July 1, 2005. *Oklahoma is only one of four states in the nation, along with Texas, Maryland, and New York, to require forensic labs to be accredited.*

#### ***Proposed Projects: Enhancing Forensic Labs***

There are a number of forensic science initiatives that could be funded by the JAG Recovery Act funding, including providing overtime for laboratory personnel, purchasing equipment and instrumentation, and providing a much needed statewide educational and training program for latent print examiners.

### **PROGRAM GOALS, OBJECTIVES, AND PERFORMANCE MEASURES**

In the 2008 – 2012 JAG Oklahoma State Strategy, the following goals were established. Depending on the type and number of projects that are funded with Recovery Act funding, the specific goals and objectives could increase. The following objectives and performance measures are estimates only based on current funding.

1. Reduce the trafficking, importation, manufacturing, distribution, and possession of illegal drugs and controlled substances throughout the state through the funding of multi-jurisdictional drug task forces.
  - a. Fund 20 Drug Task Forces that will retain and expand approximately 65 personnel throughout the state, and that will investigate approximately 2,500 illegal drug cases per year for two years.
2. Reduce violence related to gangs and enhance public safety through prevention, enforcement, and prosecution of gang-related crime.
  - a. Fund at least one gang prosecution program that will retain approximately four (4) personnel and will prosecute approximately 360 gang-related cases per year for two years.
3. Assist local law enforcement through the procurement of equipment.
  - a. Fund approximately 40 law enforcement jurisdictions per year for two years that will purchase basic law enforcement equipment with an emphasis on officer safety equipment.
4. Promote technology improvement and/or projects that improve the integration of criminal history records between criminal justice agencies that improve the functioning of the criminal justice system.
  - a. Fund the upgrade of the Computerized Criminal History (CCH) Program through the Oklahoma State Bureau of Investigation to ensure ongoing and consistent usage of the Automated Fingerprint Identification System (AFIS) and ongoing communication access with the Oklahoma Law Enforcement Telecommunications System (OLETS), National Law Enforcement Telecommunications System (NLETS), National Crime Information Center (NCIC), and to continue to service Self Defense Act (SDA) applicants, and expected to be completed in 18 months.
5. Reduce prison recidivism by providing effective drug and alcohol treatment for incarcerated juvenile and/or adult offenders.
  - a. Fund between two and nine residential substance abuse treatment programs that will serve approximately between 425 to 800 incarcerated offenders with substance abuse treatment services and retain and/or expand 17 personnel per year for two years.
6. Ensure the quality and timeliness of the prosecution of capital crime cases within Oklahoma by establishing a Capital Litigation Resource Prosecution Team.
  - a. Fund three (3) new prosecutors to provide resource and support to fellow prosecutors throughout the state on the prosecution of capital crimes, to include the development of a brief bank, updates on new case law, standardizing consistent form related to death penalty cases, and a in-depth thorough review of approximately 100 homicide death penalty cases per year for two years.

In addition to these goals and objectives, it is anticipated that additional jobs will be created through innovative law enforcement, prosecution, and prevention/education projects that will improve the functioning of the criminal justice system.

## **ORGANIZATIONAL CAPABILITIES AND COMPETENCIES**

Since 1986, the Oklahoma District Attorneys Council (DAC) has served as the state-administrating agency for the Edward Byrne Memorial Formula Grant Program (Byrne Grant) and now the Justice Assistance Grant (JAG). In addition, the DAC is responsible for managing the National Criminal History Improvement Program, Coverdell Forensic Science Improvement Act Grant, Project Safe Neighborhoods, Residential Substance Abuse Treatment Program, S.T.O.P. Violence Against Women Grant, and the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program.

In overseeing the grant programs, the responsibilities of the Federal Grants Division include:

- Preparing the applications for the federal grant funds;
- Providing staff support to four oversight Boards and two subcommittees;
- Developing and distributing the application notice and application forms;
- Receiving and coordinating the distribution of the submitted subgrantee applications to the various Boards for review;
- Reviewing and making recommendations to the Boards regarding funding for submitted applications;
- Receiving funds from the federal granting agency and disbursing the funds to the subgrantees, throughout the grant cycles;
- Maintaining accurate ledgers and other fiscal records for seven grant programs with more than 300 subgrantees;
- Evaluating and monitoring compliance of subgrantees in meeting state and federal requirements;
- Providing guidance and technical assistance to subgrantees;
- Collecting statistical data from the subgrantees to assess program effectiveness in order to provide information to the federal granting agency; and,
- Preparing and submitting the required progress, financial, and evaluation reports to the federal granting agency by the assigned deadlines.

Each grant program has a corresponding Board that provides direction and oversight. These Boards generally meet on a quarterly basis and are responsible for setting priorities for funding, reviewing grant proposals, and determining awards for the grant. Depending on the federal requirements, some Boards may be responsible for developing a statewide plan in order to achieve the overall purpose of the grant program.

The Federal Grants Division of the District Attorneys Council is responsible for the accounting and reporting of all federal funds administered by the Division. The DAC has the capability as well as the processes and procedures in place to ensure the accounting and the transparency of

these funds in accordance with the American Recovery and Reinvestment Act of 2009; however it is anticipated that additional personnel will be needed to address the increase in workload. The Recovery Act Edward Byrne Memorial Justice Assistance Grant Formula funds will be accounted for separately and in the same manner as all of the federal grants that are awarded.

The DAC utilizes a Grants Management System (GMS) ACCESS database that has been developed and is used in conjunction with Excel spreadsheets to account for each individual federal award. Each federal award is entered into the system and is given an identifying number. For example, 2008 JAG funds are identifiable because the alpha/numeric code of J08 indicates that the subaward or administrative funds are 2008 JAG funds. Each subaward application is entered into GMS under the federal award number and assigned an individual numeric identifier. Separate fields are maintained to track balances remaining to draw and expenditures by Personnel, Benefits, Travel, Equipment, Supplies and Operating, Contractual, Facilities and Equipment Rental, Confidential Funds, and Other.

After a purchase order has been issued through the Oklahoma Central Purchasing system, the purchase order number is entered into GMS. Each individual subaward has a separate Purchase Order number. This is an additional control to ensure that subrecipients do not receive more funds than awarded. Subrecipients must request funds monthly. The fiscal analyst reviews and enters each request into GMS to verify that subrecipients are not requesting funds beyond their award amount or have excess funds on hand. After review, entry, and approval, a Draw Summary Report, which is broken down by subaward and subtotaled by federal award, is generated from GMS.

The fiscal analyst calculates the total draw for that day and then draws that amount utilizing the PAPRS system. After the federal funds are received, the fiscal analyst prepares the vouchers for payment through the State accounting system. The vouchers are verified using the Draw Summary Report. The warrants, once received from the Oklahoma Office of State Finance, are then mailed to the subgrantees. The voucher number, warrant number, and warrant date are then entered into GMS.

Subgrantees are currently required to send quarterly expenditure reports to the District Attorneys Council within 15 days following the end of each quarter. The DAC will adjust and add any new fiscal procedures to adhere to the quarterly reporting requirements as identified in the federal solicitation.

The fiscal analyst requests and receives from the Office of the Chief Financial Officer of the United States Department of Justice, the Detailed Payment Reports. The quarterly SF269's are then prepared from the fiscal analyst's work papers. The line item expenditures of each subgrant are then entered into the federal GMS system. Each month, cash on hand is reconciled to the Office of State Finance Summary of Cash Receipts and Disbursements.

The final quarterly expenditures reports are received from the subgrantees upon closeout of the grant. A closeout letter is sent reflecting either the amount due the subgrantee, who is then instructed to draw the difference, or a closeout letter is sent reflecting the amount of federal funds to be returned by the subgrantee.

If the funds are not received or drawn within the time reflected on the closeout letter, all of the awards the subgrantee has through the Federal Grants Division of the District Attorneys Council are put on draw hold and they are not allowed to draw any funds until the matter is cleared. If a subgrantee has excessive Draw Holds and is non-compliant with other reporting requirements, it is reported to the Board for analysis in determining future awards.

Programmatic monitoring of subrecipients is addressed in the Timeline/Project Plan Section.

## COORDINATION

The effort to coordinate the JAG Program with other federal programs continues to occur. This is accomplished within the various Boards that provide oversight as well as increased collaboration with other state agencies that implement and/or receive federal funding in an effort to reduce duplication and maximize resources.

### **Coverdell Forensic Sciences Improvement Act Grant**

The purpose of the Forensic Sciences Improvement Task Force is to improve the quality and timeliness of forensic science services to the criminal justice system in Oklahoma and to reduce the backlog of forensic science cases. Since the goal of the JAG Program is to improve the functioning of the criminal justice system, with special emphasis on drug-related crimes, violent crimes and serious offenders and forensic labs are indelibly intertwined in these types of crimes, it is a coordinating effort that functions well and maximizes the funding efforts for both grant programs.

### **North Texas High Intensity Drug Trafficking Area**

In late 2002, six counties were incorporated into the area of coverage of the North Texas High Intensity Drug Trafficking Area (HIDTA). The area covered by the North Texas HIDTA is a national transshipment and distribution region for drugs arriving from Mexico and destined for northern Texas, Oklahoma, and other areas in the country. In an effort to collaborate with the efforts of the North Texas HIDTA, at least one DTF subrecipient, the state narcotics agency, consistently collaborates with the North Texas HIDTA. Working with this program assists in disrupting the market for illegal drugs by dismantling drug trafficking and/or money laundering organizations thereby improving the efficiency and effectiveness of the operations of all Oklahoma Drug Task Forces. The state narcotics agency, along with the DTFs, is required through a special condition of the grant to participate in quarterly meetings in order to facilitate communication and collaboration. A special emphasis is placed upon DTFs that coordination must occur with all levels of government including, local, state, and federal partners. As such, the DTFs work collaboratively with DEA on drug enforcement issues in their local jurisdictions.

One of HIDTA's goals was to create a deconfliction program. A deconfliction program monitors search warrants, controlled buys, and "reverse buys" to prevent local law enforcement agencies, drug task forces, and federal agencies from unknowingly encountering each other during planned activities. The deconfliction program has a 24 hour, 7-day monitoring service where

drug task forces can access this information for a specific locality. In order to ensure usage of the deconfliction program, the DAC added this as a Special Condition for JAG awards.

### **Organized Crime Drug Enforcement Task Force**

The Organized Crime Drug Enforcement Task Force (OCDETF) is a federal drug enforcement program that focuses attention and resources on the disruption and dismantling of major drug trafficking organizations. OCDETF provides a framework for federal, state, and local law enforcement agencies to work together to target well-established and complex organizations that direct, finance, or engage in illegal narcotics trafficking and related crimes, such as money laundering, tax violations, public corruption, illegal immigrations, weapons violations, and violent crimes. The Drug Task Forces are attentive to cases that may integrate into the OCDETF Program. Once Drug Task Forces identify offenders in their community that fit the criteria for OCDETF, an Assistant United States Attorney is contacted. Drug Task Forces throughout the state are filing cases under the OCDETF Project.

### **Residential Substance Abuse Treatment Program**

A representative from the Department of Corrections serves on both the JAG Board as well as the RSAT Board and as such coordinates federal funding in providing residential substance abuse treatment for incarcerated offenders. In addition, the Department of Corrections (DOC) received \$1,090,305 in funding through the BJA's Serious Violent Offender Reentry Initiative (SVORI) Grant Program targeting high risk offenders that are being released. The DOC program focused on coordination among several state and local agencies, including the Department of Mental Health and Substance Abuse Services, the Department of Career and Technology Education, the Workforce Oklahoma Career Connection Center, the City of Oklahoma City Office of Workforce Development, Oklahoma City Office of Weed and Seed, the Oklahoma Department of Human Services, the Oklahoma Department of Education, and the Interfaith Council Prison Ministry. High-risk RSAT program graduates returning to Oklahoma County were among the program participants.

A significant focus of the RSAT Program is on effective reintegration into the community following release from prison. The DOC was an integral component with both RSAT and SVORI in coordinating the programs as appropriate. Although SVORI funding is now ended, Department of Corrections continued to pursue a new Prisoner Reentry Initiative (PRI) which was recently funded. The PRI Grant focuses on implementing wraparound reentry services in Tulsa County and will be coordinated with future RSAT funding through a provision of aftercare and other reentry services for RSAT program graduates returning to Tulsa County through the PRI grant program.

The DOC utilizes several other funding sources to support the treatment programs. Funding has been received for qualified youth offenders under the "Workplace and Community Transition Training for Incarcerated Youth Offenders" Program from the Office of Vocational and Adult Education, U.S. Department of Education. These funds have been used in conjunction with RSAT funds to establish apprenticeship program components at the Elk City Work Center and Lawton RSAT programs. Some Violent Offender Incarceration and Truth-in-Sentencing Incentive Program (VOI/TIS) funds were dedicated to drug testing supplies for RSAT programs.

It is anticipated that the drug testing of treatment program participants will remain unchanged. VOITIS grant funding has ended so no further VOITIS funds will be used for that purpose.

Oklahoma Department of Mental Health and Substance Abuse Services has recently received a grant from SAMHSA under the Access to Recovery Program. Part of that funding is dedicated to coordination of services for those incarcerated in the Department of Corrections with a history of methamphetamine use, and places emphasis on services that address methamphetamine use and aid reintegration into communities. These services will also be linked with RSAT programs in the Department of Corrections.

Additionally, Oklahoma Department of Corrections continues to receive reimbursements under the State Criminal Alien Assistance Program (SCAAP). Some of those funds will continue to be used for SCAAP authorized correctional purposes to include supplemental RSAT funding as a means of continuing existing programs and potential expansion of programs.

### **Project Safe Neighborhoods**

Led by the 94 U.S. Attorneys throughout the country, Project Safe Neighborhoods funds programs to reduce gun and gang crime in America by bringing together resources from the local, state and federal levels. The goal is to create safer neighborhoods by reducing gun and gang violence and then sustaining the reduction. The Project Safe Neighborhoods Grant coordinates with several projects funded through the JAG Program such as the drug task forces as well as the gang prosecution program.

## **TIMELINE/PROJECT PLAN**

It is anticipated that the 2009 JAG Recovery Act funding will be utilized over a two to three-year period in order to stabilize the funding and ensure the retention of the jobs that are created. The Notice of Availability of Funding will be distributed in March 2009 and by June 2009, the JAG Recovery Act Awards will be made to subrecipients.

The award period for the JAG Recovery Act subrecipients will be July 1, 2009, through June, 30, 2010. While an effort will be made to continue funding projects with proven effectiveness, a project must stand on its own merit each year. No project will be guaranteed continued funding. However, the JAG Board has approved to renew the award for up to 12 months contingent upon the subrecipients fiscal and programmatic performance and with the submission of appropriate paperwork.

In administering this grant, one of the primary duties of the state administering agency is the monitoring of subrecipients in meeting state and federal requirements. It is anticipated that additional staff will be hired to increase the monitoring visits of subrecipients for these funds to ensure compliance, accountability, and transparency.

The purpose of monitoring is to assist the subrecipients in implementing the approved projects within a framework of relevant state and federal statutes, regulations, policies, procedures, and

guidelines so as to achieve maximum success. In order to be effective, it is imperative that the monitoring process occurs throughout the course of the award period. For the JAG Program Recovery Act, no less than 50% of the subrecipients will receive an on-site monitoring visit during the award period. Site visit selection is based on a risk criteria system. The purpose of conducting a risk assessment is to create a proactive system to ensure the programmatic and fiscal success of all subrecipients during the monitoring process. At the beginning of each grant cycle, a risk assessment is conducted on each subrecipient based on circumstances of the grant, past performance, individual situations, information gathered during the application or monitoring process, and other criteria deemed relevant.

A value is assigned based on the number of criteria that apply. A high risk designation has four or more criteria identified. A moderate risk designation has between two and three criteria and low risk designation has two or less. A subrecipient that has never received funds from the District Attorneys Council is automatically rated as a moderate risk since there is no demonstrated history.

Based on the assigned value, a high risk subrecipient may receive two site visits. For a moderate risk subrecipient, the subrecipient will receive a minimum of one site visit and for a low risk subrecipient, a site visit may or may not be conducted depending on when the last site visit occurred. The criteria are as follows:

1. There is a change in the Chief Executive, Project Director, and/or Fiscal Officer from the previous grant award.
2. The subrecipient had a previous grant which was not successfully closed out within 90 days of the end of the grant period or had significant difficulties closing out.
3. The subrecipient does not draw down funds for more than two consecutive months without notifying the Grant Programs Specialist of the circumstances.
4. The subrecipient does not draw down funds by the end of the first quarter of the award period without notifying the Grant Programs Specialist of the circumstances.
5. The subrecipient has been placed on Draw Hold on more than one occasion in a previous or current grant.
6. The subrecipient had, or has, significant monitoring exceptions in a previous or current grant.
7. The subrecipient had significant challenges in executing the Goals and Objectives in a previous grant.
8. The subrecipient had difficulty revising the Initial Budget after the award was made.
9. The subrecipient had difficulty revising the Goals and Objectives after the award was made.
10. The subrecipient was delinquent on two or more quarterly reports during the award period.

In addition to the quarterly progress report that is required by the Bureau of Justice Assistance, subrecipients are required to submit annual performance report based on the approved goals and objectives of the project to ensure that goals and objectives are being met.